

ADMINISTRATIVE DIRECTIVE NO. 115

This 5th day of January, 1998,

IT APPEARS THAT, in order to maintain the integrity, independence and impartiality of the Judicial Branch of government, it is desirable to adopt a uniform Code of Conduct for Court Employees ("Code of Conduct") in the form attached hereto.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const. art. IV, § 13(1), that:

(1) The Code of Conduct for Court Employees shall become effective February 1, 1998, and shall apply to all full-time, part-time, casual, seasonal and contractual nonjudicial personnel.

(2) For purposes of this Code of Conduct, the term "court employees" includes all nonjudicial personnel employed in the Supreme Court, the Court of Chancery, the Superior Court, the Court of Common Pleas, the Family Court, the Justice of the Peace Courts, the Administrative Office of the Courts (including the Judicial Information Center and Office of State Court Collections Enforcement), all Law Libraries, the Office of the Public Guardian, the Educational Surrogate Parent Program, the Foster Care Review Board, and the Violent Crimes Compensation Board. All full-time, part-time, paid and unpaid law clerks and judicial interns are to abide by the Code of Conduct for Law Clerks adopted on June 1, 1995, by Administrative Directive Number 102.

(3) All court employees shall familiarize themselves with this Code of Conduct promptly upon the assumption of their duties. All new employees shall be supplied with a copy of this Code by the appointing authority.

(4) Employees (full-time part-time. casual, seasonal, and contractual) of the Municipal Court for the City of Wilmington, Offices of the Register in Chancery and Register of Wills for each county, and all Aldermen's Courts in the State of Delaware are requested to use these standards as a guide in the performance of their official duties.

(5) No court employee hired before the effective date of the Code of Conduct shall lose his or her employment status or position as a result of the promulgation of the Code of Conduct unless the court employee voluntarily resigns or is terminated from employment for acts or omissions occurring after the effective date of the Code of Conduct.

(6) For purposes of the application of this Code of Conduct to an employee holding elective office under Section V.B of the Code of Conduct upon the effective date hereof, the provisions of V.B requiring resignation or leave of absence without pay shall not apply to an employee who seeks to run for reelection for consecutive terms of the same office.

(7) The Court Administrator of each of the above-mentioned courts and the Administrator of each of the above-mentioned judicial agencies shall distribute a copy of this Code of Conduct to every court employee.

DELAWARE SUPREME COURT

E. Norman Veasey
CHIEF JUSTICE

cc: The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Maurice A. Hartnett, III
The Honorable Carolyn Berger
Members of the Judicial Conference
Mr. Lowell L. Groundland
Court Administrators
Clerk of the Supreme Court

**CODE OF CONDUCT
FOR COURT EMPLOYEES**
(Effective February 1, 1998)

I. INTRODUCTION

Employment in the Delaware Court System requires adherence to the highest standards of moral and ethical conduct. All court employees are expected to act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary, and to perform their duties in accordance with statutory requirements, court rules and other applicable policies.

II. COMPLIANCE

A. Applicability

All nonjudicial personnel (including full-time, part-time, contractual and seasonal employees) employed in the Delaware Court System (hereinafter referred to as "court employees"), are required to comply with the provisions of this Code of Conduct, as well as the statutory requirements under Chapter 58 of Title 29 of the Delaware Code, "Laws Regulating the Conduct of Officers and Employees of the State" and other applicable State and Federal laws and policies.

B. Reporting Requirements

Every court employee who has witnessed conduct by any court employee that is in violation of this Code shall report such conduct to his or her supervisor or appointing authority.

C. Disciplinary Actions

Any violation of this Code by a court employee may be cause for disciplinary action, up to and including dismissal.

D. Definitions

For purposes of this Code, the term "close relatives" includes those defined as "immediate family" in Chapter Two of the Judicial Branch Personnel Rules.

III. ABUSE OF POSITION AND CONFLICT OF INTEREST

A. Personal Privileges

No court employee may use, or attempt to use, his or her official position to obtain personal privileges for any person.

B. Gifts

Court employees may not solicit or accept any gift, loan, favor or other compensation under circumstances from which it could reasonably be inferred that a significant purpose of the donor was to influence the employee in the performance of his or her official duties. This provision does not prohibit:

1. Acceptance by a court employee of food and refreshments of insignificant value on infrequent occasions.
2. Solicitation or acceptance by a court employee of loans from banks or other financial institutions on customary commercial terms.
3. Acceptance of unsolicited advertising or promotional material such as mugs, pens, pencils, calendars, and other items of insignificant value.
4. Acceptance of benefits as a member of a profession, business, or group when that benefit is extended to all members of the profession, business, or group regardless of employment affiliation.
5. Acceptance of a public award related to public service or of a gift on behalf of the court system. The receipt of such a gift shall promptly be reported to the appointing authority.
6. Acceptance of scholarships for work-related seminars and conferences when such scholarships have the approval of the appointing authority.

C. Influence of Family or Other Relationships

1. In the performance of official duties, no court employee may act in a manner that is affected, or reasonably appears to be affected, by family, social, political, or other relationships.
2. Court employees may not participate in decisions regarding conduct of court business with any person with whom the employee, or the employee's close relatives, is negotiating for future employment or other significant transaction.
3. Court employees may not be involved in the decision to hire any close relative of the employee.
4. Court employees may not be the immediate supervisor of any close relative of the employee.

D. Outside Employment

1. Except as authorized by the appointing authority, court employees may not request

or receive any compensation, gratuity, or services in addition to their regular State salary, for any work performed during their regular workday.

2. Each full-time court employee's position with the court system must be the employee's primary employment. Court employees may engage in outside employment or volunteer services as long as such employment or services are completed outside of the employee's normal working hours, do not conflict with the performance of the employee's official responsibilities, and do not involve potential conflicts of interests or the appearance of a conflict of interest.
3. Prior to accepting outside employment, court employees will inform the appointing authority of the nature of the outside employment. The appointing authority shall make a determination whether or not the outside employment is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or to give the appearance of a conflict of interest.
4. Every court employee shall, not later than 10 days after the effective date of this Code, inform his or her appointing authority of any existing outside employment. The appointing authority shall make a determination whether or not the outside employment is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or to give the appearance of a conflict of interest.

E. Subsequent Employment

A former court employee may not engage in legal proceedings, represent or assist others in legal proceedings regarding any matter in which the employee had substantial involvement during employment.

F. Use of Public Resources

Court employees may use public resources, property and funds under the employee's control only for the public purpose intended by law and may not use the same for any private purpose.

IV. CONFIDENTIALITY

A. Confidential Information

1. Court employees may not disclose to any unauthorized person, for any reason, any confidential information acquired in the course of employment.
2. Confidential information includes, but is not limited to, information that is not a matter of public record.
3. Confidential information that is available to specific individuals because of

statutory provisions, court rules or administrative policies shall be provided only by persons authorized by the Court to do so.

B. Ex Parte Communications

Except as authorized pursuant to their work-related duties, court employees may not initiate ex parte communications with litigants, witnesses, or attorneys or repeat ex parte communications to judges, other judicial personnel, jury members or any other person. Matters that are purely procedural (such as those pertaining to scheduling, and which in no way bear on the merits of the proceedings) may be discussed with judges and other judicial personnel, as necessary to conduct court-related work.

C. Personal Opinions

Court employees may not express to any person personal opinions about a case or issue pending before the Court.

D. Court Managers' Responsibilities

Because of the sensitive nature of confidential disclosures, court administrators are responsible for the education of court employees on issues related to confidentiality. This responsibility includes, but is not limited to, education on what information is considered confidential, who are considered unauthorized persons, and what information is considered a matter of public record.

V. POLITICAL ACTIVITY

A. Participation in Political Activities

Court employees may participate actively in political activities during off-duty hours so long as the employee does not use the employee's position or title within the court system in connection with the political activity. Court employees may not engage in political activities (partisan or nonpartisan) during scheduled work hours. At no time may a court employee use government vehicles or court property in connection with political activity.

B. Partisan Elective Office

With the exception of officers of the Court system who obtain their position by means of election, an employee will not hold partisan elective office if the appointing authority has determined such office is likely to interfere with the primary work of the employee or is likely to result in a conflict of interest or to reflect adversely on the Court. An employee intending to seek partisan elective office shall advise the appointing authority of his or her intentions prior to the public declaration of an intention to run for such elective office. The appointing authority, in consultation with the Chief Justice, shall determine whether such partisan elective office is likely to

interfere with the primary work of the employee or is likely to result in a conflict of interest or reflect adversely on the Court and if the person seeking such office must resign or take a leave of absence from the court system without pay upon the declaration of intention to run for such elective office or upon election.

C. Nonpartisan Office

Court employees may be candidates for or hold nonpartisan elective or appointed offices without separating from employment, provided that the employees comply with all other requirements in this Code. Notice of such candidacy should be provided to the appointing authority.

VI. PERFORMANCE OF DUTIES

A. Standard of Performance

Court employees shall endeavor at all times to perform their duties in a timely, impartial, diligent and courteous manner, and shall apply their full time and energy to the business and responsibilities of their office during working hours.

B. Compliance with Administrative Rules and Policies of the Delaware Judiciary

Court employees shall comply with all promulgated administrative rules and policies of the Delaware Judiciary.

C. Professional Development

Court employees shall seek to maintain and improve their professional development through participation in education programs related to their duties and should maintain or obtain current licenses or certificates required as a condition of employment by law or court rule.

D. Records

Court employees shall not alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order or as required and duly authorized in the proper conduct of business.

E. Public Service

Court employees shall perform their duties as public servants with courtesy and respect for the public.

F. Discrimination

Court employees shall not, in the performance of their duties, discriminate on the basis of sex, race, religion, national origin, age, physical or mental disability, sexual orientation, political affiliation or socioeconomic status.

G. Court Orders

Court employees shall enforce and carry out all properly issued rules or orders of the Court.

H. Criminal Charges

Court employees shall report to the appointing authority any action by which the employee is charged with a criminal offense under Title 11 of the Delaware Code or a violation of 21 Del. C. §§ 2701, 2756, 4103, 4175, 4177, 4201 or 4202. The court employee shall keep the appointing authority informed as to the disposition of the action.

VII. GRIEVANCE/APPEAL PROCEDURE

Disciplinary actions that may be imposed as a result of violations of this Code, may be appealed in accordance with the procedures set forth for grievances and/or direct appeals as contained in Chapters 20 and 21 of the Judicial Branch Personnel Rules or in the Merit Rules of the State of Delaware.