

ETHICS FOR COURT ADMINISTRATORS



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FACT OR FICTION?

The Judicial Conduct Commission may discipline a judge if it is found that a member of the judge's staff was manifesting bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.





FACT OR FICTION?

You are subject to the same rules prohibiting *ex parte* communication as your judge.





Fact or Fiction

You are in charge of the toy drive at your church. You've made up flyers for your city. They read: "Help us help little ones have a good Christmas. We will be having a toy drive at Judge Kringle's office. Any help would be greatly appreciated.

This is permissible because it's for a church's charity

Fact or Fiction

As a member of the DWI Court team, you may send letters to Judges in other jurisdictions asking that Judge to dispose of cases in a certain way for a participant in your court.



Fact or Fiction

You got a speeding ticket and have requested a trial in municipal court. The trial is set when your court has a heavy jury docket. You may ask your judge to write a letter to the municipal court and ask that your case be continued.



Fact or Fiction



- You have a Facebook page. On that page you identify yourself as the Court Coordinator for Court #5. While a jury is out deliberating you post the following: “We have a jury deliberating on punishment for two counts of possession of child pornography. It is probably one of the most difficult types of cases for jurors (and the judge and anyone else) to sit through because of the evidence they have to see. Bless the jury for their service and especially bless the poor child victims.”
- That’s ok because the jury is already out deliberating



Fact or Fiction

A very aggressive and obnoxious self-represented litigant appears in your office to request information about his pending case and to ask for copies of documents filed in the case. You are very busy but you know you need to give him the information he is requesting.



Fact or Fiction

An attorney that you have always disliked has had knee replacement surgery. He calls and asks if he may appear in shorts since his brace would prevent him from wearing slacks. It's ok for you to tell him no, after all no one else gets to wear shorts.

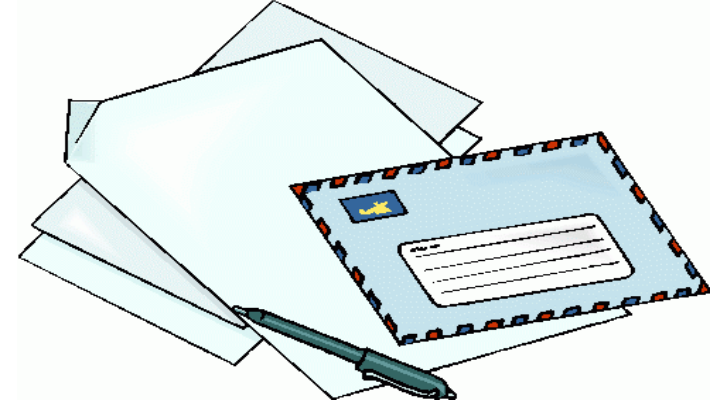




FACT OR FICTION?

A self represented litigant filed a petition and asks you to look at it and tell her whether she has included all the statutory requirements. You look at the petition and recognize that it does not include a request for damages. It is an ethical violation for you to review the petition and point out that she has not included any damages.

FACT OR FICTION?



While processing today's mail, you open a letter addressed to the Judge. It is from a self-represented litigant and gives the judge several reasons why the judge should rule in that litigant's favor. You should make sure that the judge reads that letter as soon as possible because it pertains to a case coming up on the next docket.



Fact or Fiction



- You are good friends with the prosecutor in your court. She often emails you to ask your advice on trial strategy, jury selection, etc. You give her your thoughts.
- Your email exchanges could result in your **judge** being disciplined by the State Commission on Judicial Conduct.

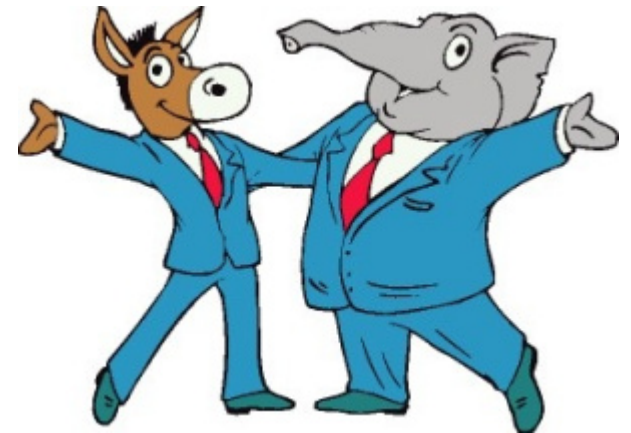


FACT OR FICTION?

A litigant calls you to inquire when her case is set for a hearing. This is an ex parte communication and you should immediately inform her that you cannot discuss her case without both parties present.

FACT OR FICTION?

As a member of the judge's staff you may NOT attend political events and express your views on political matters.





FACT OR FICTION?

A summer intern from a law school working in your office would be court personnel who would be subject to the Code of Judicial Conduct?



FACT OR FICTION?

Your judge can appoint your attorney spouse as an ad litem for guardianship or family law cases in your court?



Fact or Fiction

You have taken mediation training and volunteer to conduct free mediations at the courthouse during regular courthouse hours. Since you are not charging a fee, it is proper for your judge to refer cases to you for mediation.



FACT OR FICTION?

You or your judge can refer criminal defendants to private defense attorneys who have agreed to accept criminal cases pro bono? These attorneys would be qualified and meet the requirements of the Fair Defense Act.



You may, however, refer persons in need of legal assistance to departments, agencies, organizations or law school clinics which provide pro bono legal services, lawyer referral services, or lists of attorneys willing to assist the public in various areas of legal expertise.

FACT OR FICTION?

It is a violation of Canon 4(d)(4) of the Texas Code of Judicial Conduct for a judge, court coordinator, court reporter (and clerks and bailiffs) to accept holiday or seasonal gifts (assuming such to be commensurate with the occasion) from lawyers practicing in their court.



FACT OR FICTION?

A court coordinator who has qualified as a notary public at her own expense, not reimbursable, may notarize papers for the public for a fee as long as the instrument notarized does not pertain to any case in her court.



FACT OR FICTION?

You may not participate in a group weekend trip that is sponsored, organized, and paid for by an attorney who practices before your judge.





FACT OR FICTION?

Your judge who serves as chairman of a State Bar committee may not use court staff, equipment, postage, and long distance telephone service to conduct the business of the committee without violating the code of judicial conduct.

