

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT

ADMINISTRATIVE ORDER

NO.:

94-27

SUPERSEDES 93-122

*Sole change: Canon 6,
Para 5

IN RE: CODE OF CONDUCT FOR LAW CLERKS

WHEREAS, law clerks have special ethical obligations as a result of their employment with the court;

NOW, THEREFORE, it is ORDERED that the attached Code of Conduct for Law Clerks is adopted to govern the activities of the law clerks on the court's staff in the Eighteenth Judicial Circuit.

DONE and SIGNED in the Eighteenth Judicial Circuit of the State of Florida, Brevard County, this 15 day of August, 1994.

JERE E. LOBER
JERE E. LOBER,
Chief Judge
Eighteenth Judicial
Circuit

Distribution:

All Circuit and County Court Judges (Brevard and Seminole Counties)

Court Administration (Brevard and Seminole Counties)

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EIGHTEENTH JUDICIAL CIRCUIT BREVARD COUNTY, FLORIDA

ACKNOWLEDGMENT

The undersigned, _____, hereby acknowledges that I have received a copy of the Code of Conduct for Law Clerks upon commencement of my employment with the Eighteenth Judicial Circuit, this ___ day of _____, 19____.

_____ Init. by Court Administration

_____ Date

PROPOSED FLORIDA CODE OF CONDUCT
FOR JUDICIAL LAW CLERKS¹

CANON 1

LAW CLERKS SHOULD UPHOLD
THE INTEGRITY AND INDEPENDENCE
OF THE JUDICIARY AND THEIR OFFICES

An independent and honorable judiciary is indispensable to justice in our society. Law clerks should observe high standards of conduct so that the integrity and independence of the judiciary is preserved. The provisions of this Code should be construed and applied to further that objective. The standards of this Code shall not affect or preclude other more stringent standards required by law, by court order, or by direction of a law clerk's judge.

CANON 2

LAW CLERKS SHOULD AVOID
IMPROPRIETY AND THE APPEARANCE
OF IMPROPRIETY IN ALL ACTIVITIES

- A. Law clerks should not engage in any activities that would put into question the propriety of the conduct in carrying out their official duties.
- B. Law clerks should not allow family, social, or other relationships to influence the law clerks' official conduct or judgment.
- C. Law clerks should not lend the prestige of their office to advance the private interests of others; nor should law clerks convey or permit others to convey the impression that they are in a special position to influence the law clerks.

¹Based, in part, on a model code developed by the Judicial Conference of the United States, and contained in the Conference's Guide to Judiciary Policies and Procedures (1981). Various parts of the model code have been revised to include

standards of conduct (such as law clerks' political activities)
on which the Florida Supreme Court has opined.

CANON 3

LAW CLERKS SHOULD PERFORM THE DUTIES OF THEIR OFFICES IMPARTIALLY AND DILIGENTLY

The official duties of law clerks take precedence over all other activities. Official duties include all the duties of the office prescribed by law, the court in which the law clerks serve, and a law clerk's judge. In the performance of these duties, the following standards apply:

- A. Law clerks should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary and of the office.
- B. Law clerks should maintain professional competence in the profession. Law clerks should be dignified, courteous, and fair to all persons with whom they deal in their official capacities. Law clerks should diligently discharge the responsibilities of the office. Law clerks are obligated to treat fairly and courteously the general public as well as members of the legal profession.
- C. The relationships between judges and their law clerks are confidential ones. Law clerks should abstain from public comment about past, pending or impending proceeding in the court in which the law clerks serve or have served. Law clerks should never disclose to any person other than the judge requesting the law clerk's assistance or a staff member of the judge information received in the course of the law clerks' duties, nor should law clerks employ such information for personal gain. This subsection does not prohibit a law clerk from making public statements in the course of official duties to the extent authorized by the law clerk's judge.
- D. Law clerks should inform their judges of any circumstance or activity of the law clerks that might serve as a basis for disqualification of the judge, e.g., a prospective employment relation with a law firm, association of a law clerk's spouse with a law firm or litigant, etc. Law clerks should advise judges of ex parte communication made to them.
- E. Law clerks should assist their judges in the prompt disposition of the business of the court.

CANON 4

LAW CLERKS MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

Law clerks, subject to the proper performance of official duties, may engage in the following law-related activities.

- A. Law clerks may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
- B. Law clerks may serve as members, officers, or directors of organizations or governmental agencies devoted to the improvement of the law, the legal system, or the administration of justice. Law clerks should avoid participating in fund-raising activities.
- C. Law clerks may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession. Law clerks may make themselves available to the public at large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of the court system.

CANON 5

LAW CLERKS SHOULD REGULATE THEIR EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES

- A. Avocational Activities. Law clerks may write, lecture, teach, and speak on nonlegal subjects and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office or interfere with the performance of official duties.
- B. Civic and Charitable Activities. Law clerks may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties. Law clerks may serve as officers, directors, trustees or nonlegal advisors of educational, religious, charitable, fraternal, or civic organizations and solicit funds for any such organization subject to the following limitations:

- (1) Law clerks should not use or permit the use of the prestige of the office in the solicitation of funds.
- (2) Law clerks should not solicit court personnel to contribute to or participate in any civic or charitable activity, but may call their attention to a general fund-raising campaign such as the Combined Federal Campaign and the United Way.
- (3) Law clerks should not solicit funds from lawyers or persons likely to come before the court in which the law clerks serve.

C. Financial Activities

- (1) Law clerks should refrain from financial and business dealings that tend to detract from the dignity of the office, interfere with the proper performance of official duties, exploit the law clerks' positions, or involve the law clerks in frequent transactions with individuals likely to come in contact with the law clerks or the court in which the law clerks serve. During their clerkships, law clerks may seek and obtain employment to commence after the completion of the clerkship; if any law firm, lawyer, or entity with whom a law clerk has been employed or is seeking or has obtained future employment appears in any matter pending before the law clerk's judge, the law clerk should promptly bring this fact to the attention of his or her judge, and the extent of the law clerk's performance of duties in connection with such matter should be determined by the law clerk's judge.
- (2) Neither a law clerk nor a member of the law clerk's household should solicit or accept a gift, bequest, favor or loan from anyone except for--
 - (a) books, tapes and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the law clerk and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;
 - (b) a gift, award or benefit incident to the business, profession or other separate activity of a spouse or other family member of a law clerk residing in the law clerk's

household, including gifts, awards and benefits for the use of both the spouse or other family member and the law clerk (as spouse of family member), provided the gift, award or benefit could not reasonably be perceived as intended to influence the law clerk in the performance of official duties;

- (c) ordinary social hospitality;
- (d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;
- (e) a gift, bequest, favor or loan from a relative or close personal friend whose appearance or interest in a case would in any event require that the law clerk take no official action with respect to the case;
- (f) a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not law clerks;
- (g) a scholarship or fellowship award on the same terms and based on the same criteria applied to other applicants; or
- (h) any other gift, bequest, favor or loan, only if:
 - (i) the donor has not sought and is not seeking to do business with the court or other entity served by the law clerk; or
 - (ii) the donor is not a party or other person who has had or is likely to have any interest in the performance of the law clerk's official duties.

(3) Law clerks should report the value of any gift, bequest, favor, or loan as required by law.

- D. Practice of Law. Law clerks shall not practice law in any federal, state, or local court, or undertake to perform legal services for any private client in return for remuneration. This prohibition, however, shall not be construed to preclude the performance of routine legal work necessary to the management of the personal affairs of the law clerk or a member of the law clerk's family (spouse, mother, father, children, grandparents, great-grandparents, aunts, uncles, nieces, nephews and first cousins), so long as:

- (1) Such work is done without compensation;
- (2) It does not require any act, including the entry of an appearance in a court, that would suggest that the position of law clerk is being misused, that preferential treatment is being sought by virtue of the holding of that position, or that would otherwise be inconsistent with the law clerk's primary responsibility to the court for which the law clerk is employed; and
- (3) So long as such activity does not have actual conflict or appear in conflict with court duties or will not reflect adversely on the court or create the appearance of impropriety.

Law clerks should ascertain and observe any limitations imposed by their judges, by the court on which their judges serve, and the Florida Rules of Judicial Administration, concerning the practice of law by a former law clerk.

CANON 6

LAW CLERKS SHOULD CONDUCT THEIR FISCAL AFFAIRS IN A MANNER THAT DOES NOT GIVE THE APPEARANCE OF INFLUENCE OR IMPROPRIETY

Law clerks may receive compensation and reimbursement of expenses for all extra-official activities permitted by this Code, if the source of such payments does not influence or give the appearance of influencing the law clerks in the performance of official duties or otherwise give the appearance of impropriety, subject to the following restrictions:

- A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed that normally received by others for the same activity.
- B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a law clerk and, where appropriate to the occasion, by the law clerk's spouse. Any payment in excess of such an amount is compensation.
- C. Public Reports. Law clerks should make and file such reports as may be prescribed by law.

Notwithstanding the above, law clerks shall not receive any salary, or any supplementation of salary, as compensation for official services from any source other than the entity that funds their salary as a law clerk (i.e., State of Florida or Board of County Commission).

CANON 7

A LAW CLERK SHOULD REFRAIN FROM POLITICAL ACTIVITY

Political Activity. Law clerks may not be prohibited from engaging in partisan political activity during personal time, provided such activity is conducted entirely independent of their judges and without reference to their judges or their judges' offices. A law clerk should otherwise refrain from political activity while conducting official duties. Law clerks should not act as their judges' official representative in any partisan political activity.

EFFECTIVE DATE OF COMPLIANCE

Persons to whom this Code becomes applicable should arrange their affairs as soon as reasonably possible to comply with it and should do so in any event within thirty days prior to the beginning of their clerkships.

Rev. 08-11-94
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