



## *Supreme Court of Pennsylvania*

# **Code of Conduct For Employees of the Unified Judicial System**

## **I. INTRODUCTION**

A fair and independent court system is essential to the administration of justice. Proper conduct by employees of the Unified Judicial System of Pennsylvania (UJS) inspires public confidence and trust in the courts, and conveys the values of impartiality and fairness that promote the integrity of the work of the Unified Judicial System.

An employee of the Unified Judicial System shall observe high standards of conduct so that the integrity and independence of the judiciary are preserved and the employee's conduct reflects a commitment to serving the public. The provisions of this Code shall be applied to further these objectives.

Employees of the Unified Judicial System shall observe the following standards of conduct. However, the standards of this Code shall not affect or preclude other more stringent standards required by law, by court order or rule, or other workplace policies.

## **II. SCOPE**

For the purposes of this Code, the term "Employees of the Unified Judicial System" includes 1) all state-level court employees, 2) all county-level court employees who are under the supervision and authority of the President Judge of a Judicial District of Pennsylvania, unless otherwise indicated by Supreme Court order or rule and, 3) all employees of boards established by Order of the Supreme Court of Pennsylvania, including, but not limited to, the following - Continuing Legal Education Board, Disciplinary Board of the Supreme Court of Pennsylvania, Interest on Lawyers Trust Account Board, Pennsylvania Lawyers Fund for Client Security Board and Pennsylvania Board of Law Examiners.

*Note: Judges and magisterial district judges are covered by the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges, respectively, and therefore are not included in the scope of this Code.*

## **III. CONFIDENTIALITY**

**A.** Employees of the Unified Judicial System shall safeguard confidential information acquired in the course of their employment. Employees shall not disclose or use confidential information for any purpose not connected with the performance of their official duties.

For the purpose of this section, "confidential information" is that required to be kept confidential pursuant to federal law, state law, court rule, court order, administrative regulation, policy or directive. Confidential information includes, but is not limited to: data, source code, notes, papers, memoranda, discussions, deliberations, proprietary information and electronic communications, such as e-mail or facsimile.

- B.** The work product of former employees of the Unified Judicial System shall remain confidential. Upon termination from employment, employees may, with the permission of their supervisor, take with them copies of written material in which they participated as a part of a personal file, but shall not release such writings to any other party without the written consent of the court or other court-related entity that the employee served. "Work product" does not include documents that are published or filed of public record.

#### **IV. CONFLICTS OF INTEREST AND RELATED PROHIBITIONS**

- A. Acceptance of Gifts and/or Use of Position for Personal Gain.** Employees of the Unified Judicial System shall not solicit, accept or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter before, the court or court-related entity by which they are employed, subject to the following exceptions:

- i. acceptance of a gift from a family member when the circumstances make it clear that the purpose is personal;  
*Note: "Family member" is defined as spouse, child, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, uncle, aunt, niece, nephew and first cousin.*
- ii. acceptance of meals or refreshments of nominal value in the ordinary course of a meeting, conference or other official business;
- iii. acceptance of loans from banks or other financial institutions on similar terms offered to the public for purposes such as a home mortgage;
- iv. acceptance of gifts of nominal value for special occasions such as marriage, illness or retirement;
- v. acceptance of a plaque or other item offered as a token of appreciation for a public appearance;
- vi. acceptance of educational materials directly related to the employee's duties; and
- vii. acceptance of unsolicited advertising or promotional material of nominal value, such as pens, pencils, note pads, calendars and items of apparel with vendor logo.

*Note: Employees must exercise diligence in observing high standards of conduct that promote the integrity and impartiality of the Unified Judicial System. If it might reasonably be inferred that the donor's primary purpose in providing the unsolicited advertising or promotional material is to influence an employee in the performance of official duties, acceptance of the unsolicited material should be declined.*

Employees shall report any prohibited offer or gift from any person or entity doing or seeking to do business with, or having an interest in a matter before, the court or court-related entity by which they are employed to their designated supervisor.

- B. Acceptance of Additional Compensation.** Employees of the Unified Judicial System are appropriately compensated for the performance of their duties and shall not solicit or accept any additional compensation or anything of value from any other source for performing the duties and responsibilities of their position.

Employees shall not accept honoraria or fees given for speaking in their official capacity, but may be reimbursed for related travel expenses. Employees may accept such fees for speaking engagements for appearances unrelated to their employment and made on their own time.

- C. Special Treatment and/or Special Favors.** Employees of the Unified Judicial System shall not permit family, social, or other relationships to influence their official conduct or judgment, or to create the appearance of influencing their official conduct. Employees shall inform their supervisor of any situation creating undue influence or the appearance of undue influence.
- D. Employment Practices.** Employees of the Unified Judicial System shall make all hiring, employment, and supervisory decisions in compliance with the Unified Judicial System of Pennsylvania Policy on Non-Discrimination and Equal Employment Opportunity, the Rules of Judicial Administration, and all applicable state and federal laws. Employees of the Unified Judicial System shall avoid favoritism, or the appearance of favoritism, when making hiring, employment, and supervisory decisions and shall make such decisions impartially and on the basis of merit.

*Note: Reflecting the values of impartiality and fairness that promote the integrity of Pennsylvania's courts, it is the policy of the Unified Judicial System to recruit and employ the most qualified job applicants through an open and competitive hiring process which allows for a full, complete, and unbiased assessment of each applicant's relative knowledge, experience, skills, and abilities.*

- E. Misuse of Employment Position, Equipment, or Supplies.** Employees of the Unified Judicial System shall not use the resources, employees, property, facilities, equipment, time, or funds under their control to improperly benefit themselves or any other person.
- F. Personal and Financial Interests.** Employees of the Unified Judicial System shall not participate in any court- or work-related matter wherein they have more than a minimal personal or financial interest.
- G. Duty to Disclose.** If a conflict of interest should arise, the employee shall immediately advise his or her supervisor. If the supervisor determines that a conflict of interest exists, then the employee shall abide by any employment restrictions that are deemed to be necessary.

## V. POLITICAL ACTIVITY

Employees of the Unified Judicial System shall not engage in political activity that is inconsistent with the independence, integrity, or impartiality of the Judiciary. The Supreme Court of Pennsylvania has defined prohibited and permitted activities as follows:

- A. Running for or Being Appointed to Publicly Elected Office.** Employees of the Unified Judicial System shall not become candidates, or campaign for, any publicly elected office. In the event an employee chooses to become a candidate for, or is appointed to, a publicly elected office, he or she must resign from his or her position at the close of business on the earliest date on which the employee:
- i. Publicly announces his or her candidacy;
  - ii. Forms or authorizes the formation of a campaign committee;

- iii. Solicits funds for a campaign;
- iv. Begins to circulate nomination petitions or nominating papers;
- v. Takes an oath of office; or
- vi. Takes any other public actions that could be construed as an effort to run for publicly elected office.

Job applicants who hold elected public or party office at the time they are seeking to become employees of the Unified Judicial System must resign from such office effective as of the day before their first day of judiciary employment.

*Note: In accordance with Sections VI.A. and VI.E., job applicants also may be required to resign from certain non-elected positions effective as of the day before their first day of judiciary employment if continuing in the position would detract from the impartiality of the judiciary or interfere with the performance of their official duties.*

**B. Supporting a Political Organization or Candidate Running for Publicly Elected Office.** Employees of the Unified Judicial System shall not engage in the following activities in support of, or in opposition to, a political organization or candidate running for publicly elected office. For purposes of this section, “political organization” is defined as a political party or group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for publicly elected office.

- i. Serving, or agreeing to be considered to serve, as a committee person or officer of a political organization;
- ii. Working at a polling place in support of, or in opposition to, a candidate for publicly elected office on Election Day;
- iii. Working in a non-partisan role as an officer of a local election board (*see Pa. Const. art. VII, § 12*) or in any capacity to assist local elections officers (*see 25 P.S. § 2674*) at a polling place or any other location;
- iv. Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for contributions or other funds for a political organization or candidate running for publicly elected office;
- v. Contributing anything of value to a political organization or candidate running for publicly elected office;
- vi. Organizing, selling tickets to, promoting or actively participating in any fundraising activities for a political organization or candidate running for publicly elected office;
- vii. Managing a political campaign of a candidate running for publicly elected office;
- viii. Performing volunteer work in a political campaign for a candidate running for publicly elected office;
- ix. Soliciting votes in support of, or in opposition to, a candidate running for publicly elected office;
- x. Publicly endorsing or opposing a candidate running for publicly elected office or showing demonstrable support for, or opposition to, a candidate (examples include, but are not limited to, wearing buttons or hats, carrying signs or banners, or utilizing social media in a manner that clearly and distinctly indicates the employee’s intention to publicly endorse or oppose a candidate);

- xi. Placing signs on his or her property or displaying bumper stickers on his or her vehicle endorsing or opposing a candidate running for publicly elected office, except that a joint homeowner or member of the employee's household may do so;
- xii. Initiating or circulating nomination petitions or nominating papers; or
- xiii. Attending paid political events where the event's nature is inherently political and proceeds would fund political activities.

**C. Permitted Political Activities.** Employees of the Unified Judicial System may take part in the following activities related to political campaigns and processes, provided they do not identify themselves as employees of the Unified Judicial System.

- i. Signing a nominating petition or nominating paper outside of the workplace;
- ii. Appearing in campaign materials with a member of the employee's family (defined as the spouse, child, grandchild, parent, grandparent, or other relative or person with whom the employee maintains a close familial relationship) who is running for publicly elected office;
- iii. Attending a free, campaign-sponsored event or a free victory celebration that is open to the public, but employees may not demonstrate support for, or opposition to, a candidate running for publicly elected office (such as wearing buttons or hats) while attending the event;
- iv. Supporting or opposing a ballot question not specifically identified with a particular political organization or candidate running for publicly elected office, such as a referendum or constitutional amendment;

*Note: Employees are cautioned against publicly supporting or opposing a ballot question that directly impacts the judiciary so that their personal opinion is not construed as representing the official position of the employee or the UJS (see Section VI.C.);*

- v. Registering to vote and voting in any election.

**D. Responsibility for Addressing Political Activity Issues:** The Chief Justice of the Supreme Court or his/her designee, the President Judge of each appellate court and judicial district, and the Court Administrator of Pennsylvania are responsible for interpretation and enforcement of these political activity policies for the UJS employees falling under their supervision and authority. To maintain consistency of application, the AOPC is responsible for providing guidance to these individuals, or their designees, regarding the political activity policies in this section.

## **VI. PERSONAL RELATIONSHIPS AND ACTIVITIES**

**A.** Employees of the Unified Judicial System may participate in civic and charitable activities that do not detract from the impartiality of the judiciary or interfere with the performance of their official duties or the functioning of the workplace. Employees may serve as officers, directors, trustees, or non-legal advisors of educational, religious, charitable, fraternal, social or civic organizations, and may solicit funds for any such organization, subject to the limitation that the name and prestige of the court shall not be used in the solicitation of funds and funds are not knowingly solicited from parties or attorneys who are likely to come before the court by which they are employed.

- B. Employees of the Unified Judicial System may write, lecture, teach, and speak on legal or non-legal subjects provided that such activities do not detract from the impartiality of the judiciary and/or interfere with the performance of their official duties.
- C. Employees of the Unified Judicial System shall not state personal opinions, except to other UJS employees, regarding any legal or administrative matter that is pending before any UJS court or entity when the personal opinion of the employee may reasonably be construed as representing the official position of the employee or the official position of a UJS court, jurist, entity or another employee.

*Note: Rule 2.10 of the Code of Judicial Conduct provides in part, as follows: Rule 2.10. Judicial Statements on Pending and Impending Cases. (A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing. (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office. (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B). See also Rule 2.10 of the Rules Governing Standards of Conduct of Magisterial District Judges.*

- D. Employees of the Unified Judicial System shall not require, request or accept the offer of any subordinate to perform tasks of a personal nature.
- E. Employees of the Unified Judicial System shall not engage in financial or business dealings or in any other personal activities that may detract from the impartiality of the judiciary, may otherwise interfere with the performance of their official duties, or may exploit the employee's official position.
- F. Employees of the Unified Judicial System may engage in outside employment or commercial activity that does not interfere or conflict with their official duties. Outside employment or commercial activities must be reported in writing in advance to the employee's supervisor. Business transactions that are strictly personal, minor or incidental need not be reported.

Before engaging in any outside employment that involves the practice of law, the legal system or the administration of justice, the employee shall first consult with his or her supervisor to determine whether the proposed position is consistent with the standards in this Code.

This requirement does not extend to official representation of the UJS and its constituent parts, judicial officers and employees in any state or federal court or tribunal. Nor does this requirement extend to the limited representation of the employee's relatives or self, but such limited representation is subject to prior approval by the employee's supervisor and to the disclosure of UJS employment to the parties and the court in which the employee enters an appearance or represents him/herself in a matter.

*Note: The Supreme Court has adopted several specific policies respecting the practice of law, other than on behalf of the UJS: (1) Pennsylvania Rule of Appellate Procedure 3121 prohibits the practice of law by appellate court staff except in limited circumstances. (2) Pursuant to the Supreme Court's Per Curiam Order dated December 11, 2014 (effective September 11, 2015), law clerks employed in the Unified Judicial System are prohibited from appearing as counsel in the division/section of the court in which they are employed or in which the judge by whom they are employed serves. Further, in courts which have no formally established divisions or*

*sections, law clerks are prohibited from appearing as counsel in the court itself. (3) Pursuant to the Supreme Court's Per Curiam Order dated December 29, 2015 (effective January 1, 2017), an attorney employed in the Unified Judicial System is prohibited from appearing as counsel (except in a pro se capacity) in the division/section of the court in which the attorney is employed. Further, in courts that have no formally established divisions or sections, or for an attorney who is not employed within a division or section, the attorney is prohibited (except as to pro se matters) from appearing as counsel in the court itself.*

## **VII. GENERAL STANDARDS OF CONDUCT**

- A.** Employees of the Unified Judicial System shall conduct themselves in an appropriate and lawful manner at all times and shall adhere to all UJS policies including, but not limited to, the standards of conduct outlined in Section VII.B below.
- B.** Employees of the Unified Judicial System:
- i. shall treat all persons respectfully and impartially;
  - ii. shall work diligently at all times;
  - iii. shall comply with all lawful directives unless such compliance would be injurious to the health or safety of themselves or others;
  - iv. shall avoid impropriety and the appearance of impropriety in all activities;
  - v. shall cooperate fully with any internal investigation conducted by their employer;
  - vi. shall not engage in any form of discrimination, harassment, or retaliation against any person as prohibited by law or court policy;
  - vii. shall not engage in any form of violence, threat of violence, or disruptive conduct;
  - viii. shall not make intentionally false or misleading statements when performing their duties;
  - ix. shall not falsify, or improperly alter or destroy work-related documents or records;
  - x. shall not improperly use or destroy court property;
  - xi. shall not be impaired by alcohol, drugs, medications or other intoxicating substances while on duty;
  - xii. shall not give legal advice except as specifically authorized by their employer;
  - xiii. shall refer all requests for information from other government entities, the media, and/or the public to those individuals who have been formally designated to respond to such inquiries; and
  - xiv. shall not illegally possess weapons or controlled substances in the workplace.

## **VIII. DUTY TO REPORT**

- A.** Employees of the Unified Judicial System shall report to their immediate supervisor any attempt by anyone to induce them to violate any provision of this Code of Conduct or any policy of the Unified Judicial System. Discrimination or retaliation against an employee based on a good faith report of wrongdoing or participation in an investigation, hearing or inquiry held by an appropriate authority is strictly prohibited.

- B. Employees who are arrested, charged with, or convicted of a crime (other than summary traffic offenses that do not hinder or prevent the performance of their official duties) in any jurisdiction shall report this fact to their immediate supervisor at the earliest reasonable opportunity.
- C. Employees of the Unified Judicial System shall, upon request, be required to complete and file a personal statement of financial disclosure on a form to be provided by the AOPC for this purpose for any period during which they were employed by the Unified Judicial System.

## IX. DESIGNATED SANCTIONS

Employees of the Unified Judicial System who fail to properly follow these standards of conduct will be subject to disciplinary action including the termination of their employment. The applicable disciplinary policies for state-level court employees are outlined in the Personnel Policies of the Unified Judicial System. The President Judge of each Judicial District is responsible for designating the applicable disciplinary policies for county-level court employees. Counsel to the Supreme Court, acting on behalf of the Supreme Court is responsible for designating the applicable disciplinary policies for employees of boards established by Order of the Supreme Court of Pennsylvania.

## X. DISSEMINATION AND IMPLEMENTATION

The Court Administrator of Pennsylvania, acting on behalf of the Supreme Court of Pennsylvania, shall be responsible for the dissemination and implementation of these guidelines for all state-level court employees.

The President Judge of each judicial district shall be responsible for the dissemination and implementation of these guidelines for all county-level court employees covered by this Code of Conduct.

Counsel to the Supreme Court, acting on behalf of the Supreme Court, shall be responsible for the dissemination and implementation of these guidelines for all employees of boards established by Order of the Supreme Court of Pennsylvania.

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***State-level court employees having questions regarding this Code of Conduct should contact 1) their employing Justice or Judge, 2) their employing court's Executive Administrator, or 3) AOPC Human Resources at 717-231-3309 or [Human.Resources@pacourts.us](mailto:Human.Resources@pacourts.us).***

***County-level court employees having questions regarding this Code of Conduct should contact their President Judge or District Court Administrator.***

***Employees of boards established by Order of the Supreme Court of Pennsylvania having questions regarding this Code of Conduct should contact Counsel to the Supreme Court.***

***An electronic version of the Code of Conduct is available on the Unified Judicial System's website at [www.pacourts.us](http://www.pacourts.us).***