

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA

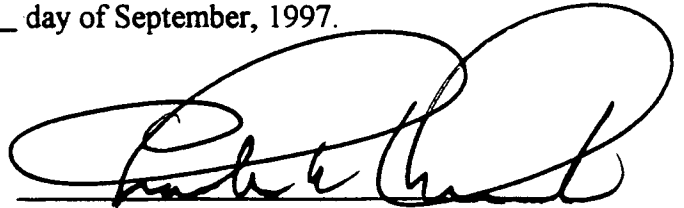
**ADMINISTRATIVE ORDER NO. 1-28.0**

**IN RE: CODE OF CONDUCT FOR STAFF ATTORNEYS AND  
POLICIES CONCERNING STAFF ATTORNEYS**

WHEREAS Staff Attorneys, also referred to as Trial Court Law Clerks, have special obligations as a result of their employment with the court,

IT IS HEREBY ORDERED that the attached "Code of Conduct for Staff Attorneys" is adopted to govern the activities of the law clerks on the court staff of this circuit. It is further ORDERED that the attached "Policies Concerning Staff Attorneys" is also adopted.

DONE AND ORDERED on this 4<sup>th</sup> day of September, 1997.



CHARLES A. DAVIS, JR.  
Chief Judge

Distribution:

All Circuit and County Court Judges  
Court Administration  
Tenth Circuit Bar Members

**CODE OF CONDUCT**  
**FOR STAFF ATTORNEYS**

**CANON 1**

**STAFF ATTORNEYS 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 staff attorney's judge.

**CANON 2**

**STAFF ATTORNEYS SHOULD AVOID  
IMPROPRIETY AND THE APPEARANCE  
OF IMPROPRIETY IN ALL ACTIVITIES**

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

**CANON 3**

**STAFF ATTORNEYS SHOULD  
PERFORM THE DUTIES OF THEIR  
OFFICES IMPARTIALLY AND DILIGENTLY**

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

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

#### CANON 4

#### STAFF ATTORNEYS MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM AND THE ADMINISTRATION OF JUSTICE

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

- A. Staff Attorneys may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
- B. Staff Attorneys 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. Staff Attorneys should avoid participating in fund-raising activities.

- C. Staff Attorneys may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession. Staff Attorneys 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

### STAFF ATTORNEYS SHOULD REGULATE THEIR EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES

- A. Avocational Activities. Staff Attorneys 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. Staff Attorneys 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. Staff Attorneys 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) Staff Attorneys should not use or permit the use of the prestige of the office in the solicitation of funds.
  - (2) Staff Attorneys 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) Staff Attorneys should not solicit funds from lawyers or persons likely to come before the court in which the Staff Attorneys serve.
- C. Financial Activities
  - (1) Staff Attorneys 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 Staff Attorneys' positions, or involve the Staff Attorneys in frequent transactions with individuals likely to come in contact with the Staff Attorneys or the court in which the Staff Attorneys serve. During their clerkships, Staff Attorneys may seek and obtain employment to commence after the completions of the clerkship; if any law firm, lawyer, or entity with whom a Staff Attorney has been employed or is seeking or has obtained future employment appears in any matter pending before the Staff Attorney's judge, the Staff Attorney should promptly bring this fact to the attention of his or her judge, and the extent of the Staff Attorney's performance of duties in connection with such matter should be determined by the Staff Attorney's judge.

- (2) Neither a Staff Attorney nor a member of the Staff Attorney's household should solicit a gift, bequest, favor or loan from anyone except for:
- (a) books, tapes, and other resource materials supplied by published on a complimentary basis for official use, or an invitation to the Staff Attorney 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 Staff Attorney residing in the Staff Attorney's household, including gifts, awards, and benefits for the use of both the spouse or other family member and the Staff Attorney (as spouse of family member), provided the gift, award, or benefit could not reasonably be perceived as intended to influence the Staff Attorney 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 Staff Attorney take no official actions 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 Staff

Attorneys;

- (g) a scholarship of 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 Staff Attorney; 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) Staff Attorneys should report the value of any gift, bequest, favor, or loan as required by law.

D. Practice of Law. Staff Attorneys 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 Staff Attorney or a member of the Staff Attorney'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 court, that would suggest that the position of Staff Attorney 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 Staff Attorney's primary responsibility to the court for which the Staff Attorney 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.

#### CANON 6

**STAFF ATTORNEYS SHOULD CONDUCT THEIR FISCAL  
AFFAIRS IN A MANNER THAT DOES NOT GIVE  
THE APPEARANCE OF INFLUENCE OR IMPROPRIETY**

Staff Attorneys 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 Staff Attorneys 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 reasonable incurred by a Staff Attorney and, where appropriate to the occasion, by the Staff Attorney's spouse. Any payment in excess of such an amount is compensation.
- C. Public Reports. Staff Attorneys should make and file such reports as prescribed by law.

Notwithstanding the above, Staff Attorneys 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 Staff Attorney (i.e., State of Florida or Board of County Commission).

## CANON 7

### A STAFF ATTORNEY SHOULD REFRAIN FROM POLITICAL ACTIVITY

Political Activity. Staff Attorneys 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 Staff Attorney should otherwise refrain from political activity while conducting official duties. Staff Attorneys 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 clerkship.

## POLICIES CONCERNING STAFF ATTORNEYS

### I. HIRING PROCEDURES

- A. Job listing will be completed as required by OSCA
- B. Deputy Court Administrator will assist administratively (distributing resumes, coordinating interviews, facilitating interviews, checking references, offer of employment, notice of non-hiring, etc.)
- C. Interviews will be conducted by Staff Attorney Oversight Committee with involvement of judges assigned to division with vacancy
- D. Employment will be conditional on one-year commitment for a two-year term which may be extended at judges' request and staff attorney's acquiescence

### II. TRAINING

- A. Introduction to being a Staff Attorney will involve several persons: judges in specific division of assignment, other staff attorneys, Deputy Court Administrator
- B. Initial feedback on earliest work will come from judges assigning that work; Deputy Court Administrator will be available to review work if requested by judges or staff attorney
- C. Continuing education would be available in the form of CLE tapes from the lending library and seminars in limited circumstances
  - 1. Request to attend seminars would be made to Deputy Court Administrator who would review and make recommendation for approval to court administrator/chief judge or judge could initiate attendance
  - 2. A list of available CLE tapes would be available in office of Deputy Court Administrator

### III. SUPERVISION

- A. Supervision over assignments would lie with assigning judge; Deputy Court Administrator would be available to assist with overload or with prioritizing
- B. Administrative supervision would lie with Deputy Court Administrator for such things as leave requests (after preliminary approval by division administrative judge), work habits, requests for equipment and materials, employment issues, internal conflicts/disputes, signing of time sheets and monitoring of work loads
- C. Leave
  - 1. When a Staff Attorney plans on taking leave, they shall first clear the dates



with their judge(s) and the follow-up with a memo to the Deputy Court Administrator with copies to their division judge(s)

2. When a Staff Attorney takes unplanned leave, e.g. sick leave, they should call the Court Administrator's Office as soon as is practicable which will then notify the appropriate judges
- D. Staff Attorneys will complete a time sheet monthly to be turned in to the Deputy Court Administrator who will sign the time sheet and forward appropriately
- E. Staff Attorneys will keep an "Assignment Log" on the form provided by the Deputy Court Administrator and submit it monthly with their time sheets to the Deputy Court Administrator

#### IV. PERFORMANCE APPRAISALS

- A. Form developed by Office of the State Courts Administrator to be used
- B. Completed by division judges or administrative division judge six months after employment and then on annual basis along with other state employees

#### V. GENERAL POLICIES

##### A. ASSIGNING OF OTHER THAN NORMAL ASSIGNMENTS

###### 1. Highlands & Hardee Counties:

- a. Post-conviction relief matters will be sent to the Senior Felony Staff Attorney who will keep a record of those receipts and assign them on a rotating basis between the two felony staff attorneys
- b. Appeals from county court to circuit court and extraordinary writ petitions will be sent directly to the staff attorney for the Chief Judge
- c. All other assignments will be sent to Deputy Court Administrator who will assign them to the appropriate staff attorney

###### 2. Juvenile Division:

- a. Juvenile delinquency matters will be directed to the Senior Felony Staff Attorney who shall divide them between the two felony staff attorneys on a rotating basis
  - b. Juvenile dependency matters will be directed to the Family Division Staff Attorney
- B. Staff Attorneys shall abide by the "Code of Conduct for Staff Attorneys" as adopted by this Circuit in Administrative Order No. 1-28.0