



Minnesota Judicial Branch Policy

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Court Employee Code of Ethics

I. POLICY STATEMENT

Ethical, courteous, and respectful conduct by court employees is critical to the administration of justice and the public perception of the integrity of the Judicial Branch. A Code of Ethics for court employees in addition to law and other court policies and guidelines will assist court employees in understanding judicial branch ethical expectations. The conduct of judicial officers is governed by the Code of Judicial Conduct.

II. ABUSE OF POSITION AND CONFLICT OF INTEREST

A. Employees shall not use or attempt to use their official positions to secure unwarranted privileges or exemptions for that employee or any other person.

See link to [State Court Administrator Policy and Procedure 202\(a\); Procurement \(Section IV.B.\)](#)

B. Employees shall not accept, agree to accept, dispense, or solicit any gift or favor based upon an understanding that the official actions of the employee would be influenced thereby.

See link to [Judicial Council Policy 305; Gift Acceptance Policy](#)

C. Employees shall act so that they are not unduly affected or appear to be affected by kinship, position, or influence of any party or person.

See links to [Judicial Council Policy 313; Employment of Relatives](#) and [State Court Administrator Policy and Procedure 202\(a\); Procurement \(Section IV.B.\)](#)

- D. Employees shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, employees may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code and as long as they have received approval of their supervisor for outside employment.

See links to [Judicial Council Policy 306; Outside Employment](#), [Judicial Council Policy 314; Referral Fees Prohibited](#) and [State Court Administrator Policy and Procedure 202\(a\); Procurement \(Section IV.B.\)](#)

- E. Employees shall use the resources, property, and funds under their control judiciously and solely in accordance with prescribed legal procedures.

See links to [State Court Administrator Policy and Procedure 202\(a\); Procurement \(Section IV.B.\)](#), [Judicial Council Policy 317; Use of the Internet and Other Electronic Communications Tools](#) and [State Court Administrator Policy and Procedure 300\(a\); Human Resources Rules, 8.1 2\) Misconduct](#)

- F. Employees shall avoid conflicts of interest, or the appearance of conflicts, in the performance of their official duties. Examples include but are not limited to: processing cases involving family, friends, and self; using one's position with the courts to manipulate case processing; or influencing the outcome of a case whether positively or negatively for any persons, including yourself.

See links to [State Court Administrator Policy and Procedure 300\(a\); Human Resources Rules, 8.1 2\) Misconduct](#) and [State Court Administrator Policy and Procedure 202\(a\); Procurement \(Section IV.B.\)](#)

- G. With the exception of uncontested petty misdemeanor traffic citations, all court employees shall notify their supervisor or appointing authority once they become aware they are a party, victim, or a witness in any case before the court within their regularly assigned court office. District administration employees must notify their supervisor or appointing authority once they become aware they are a party, victim, or witness in any case before the court within their judicial district. State Court Administration employees must notify their supervisor or appointing authority once they become aware they

are a party, victim, or witness in any case before the court within the state court system. For trial court and district administration employees, the supervisor or appointing authority shall refer the matter to the District Administrator, who will, in consultation with the Chief Judge or designee, determine whether a conflict exists or whether the handling of the case within the employee's regularly assigned court office creates an appearance of impropriety and may take the necessary steps to refer the case. For employees of the Court of Appeals, the Supreme Court, and the State Court Administrator's Office, the supervisor or appointing authority should refer the matter to the Chief Judge of the Court of Appeals or the State Court Administrator, who will consult with the appropriate District Administrator and Chief Judge or designee regarding the potential conflict.

- H. Employees shall report to their supervisor any offer of a bribe or gratuity.
- I. Employees shall avoid initiating or repeating ex-parte communications from litigants, witnesses, attorneys or any other source to Judges or jury members unless necessary for legitimate procedural reasons associated with discharging official duties. Employees shall not engage in communication regarding cases before the court unless necessary to discharge their official duties. This section does not preclude an employee of the court from reporting a violation of law or order to law enforcement or other appropriate authority.
- J. Employees shall comply with the Minnesota Judicial Branch Personnel Policy on Acceptance of Gifts or Favors.

See link to [Judicial Council Policy 305; Acceptance of Gifts and Favors](#)

III. CONFIDENTIALITY

Definition: For the purpose of this rule, confidential information includes, but is not limited to, information that must be kept confidential pursuant to the Minnesota Statutes, federal law, court rule or court order, unless otherwise ordered by a court, or by a person authorized to release such information and any information that is the work product of any Judge, Judicial Law Clerk, attorney employed by the Judicial Branch including, but not limited to notes, papers, memoranda and case file information.

See link to [Rules of Public Access to Records of the Judicial Branch: 4\(c\) Judicial Work Products and Drafts](#)

- A. Employees shall not disclose to any unauthorized person confidential information.

- B. Employees shall also comply with the Minnesota Judicial Branch Personnel Policy on Employee Confidentiality.

See link to [Judicial Council Policy 303; Employee Confidentiality](#)

IV. POLITICAL ACTIVITY

Employees shall comply with the Judicial Council Personnel Policy on Political Activity.

See link to [Judicial Council Policy 320; Employee Political Activity](#)

V. RELEASE OF NEWS INFORMATION

No personnel rule is intended to restrict the rights of an individual employee to comment as a private citizen on a public matter. However, all media requests for information on Judicial Branch business should be referred to a supervisor or an employee designated to respond to such requests.

VI. PERFORMANCE OF DUTIES

- A. Employees shall carry out their responsibilities to the public in a timely, impartial, diligent, and courteous manner, strictly adhering to the principles embodied in this code.
- B. Employees shall create and maintain a respectful workplace. Intimidating, hostile, or offensive conduct will not be tolerated and will be subject to disciplinary action.
- C. Employees shall not discriminate on the basis of, nor manifest by words or conduct, a bias or prejudice based upon race, color, religion, national origin, sex, or other groups protected by law, in the conduct of service to the court and public.

See links to [Judicial Council Policy 304; Discrimination and Harassment](#)

- D. Employees shall enforce or otherwise carry out any properly issued rule or order of court and shall not exceed that authority except to perform other duties of their positions.

See link to [State Court Administrator Policy and Procedure 300\(a\); Human Resources Rules, 8.1. 2\) Misconduct.](#)

- E. Employees shall promote ethical conduct as prescribed by this code and report any improper conduct by any persons to appropriate authorities.
- F. Employees shall not intentionally alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control, or give false information. This provision does not prohibit alteration or expungement of records or documents pursuant to law, court rule or court order.
- G. Employees shall support and protect the independence of the judicial branch of government. Employees shall also protect the public's interest and justice for all persons.
- H. Employees shall promote the growth and development of professional court management by improving their work skills and supporting research and development in the field.
- I. Employees shall avoid any activity that would reflect adversely on their position or court.

See link to [State Court Administrator Policy and Procedure 300\(a\); Human Resources Rules, 8.1. 2\) Misconduct](#)

- J. Employees shall immediately report to appropriate authorities any attempt to induce them to violate these standards.
- K. Employees shall not give legal advice.

See link to [General Rules of Practice, Rule 110](#)

- L. Employees have a duty to report suspicions, knowledge or evidence of theft, embezzlement, damage, misuse, or unlawful use of state property or public funds to their manager, supervisor or the Judicial Branch Internal Audit Unit. Employees may report orally, in writing, in person or anonymously. Management personnel that receive a complaint and/or allegation shall report to the Judicial Branch Internal Audit Unit. Internal Audit will conduct a review of the complaint and/or allegation and report the necessary information to the Office of the Legislative Auditor (obligated under Minn. Stat. §609.456, subd. 2). Employees are obligated to cooperate during this review. All information received by the auditor will be classified as non-public information, pursuant to the Rules to Public Access to Judicial Records Rule 5, Subd. 13, (b). Any employee who intentionally fails to comply with the provision listed shall be subject to disciplinary action.

VII. DUTY TO REPORT

- A. Employees shall disclose to Minnesota Judicial Center or District Administration Human Resources and the Appointing Authority any arrests¹, criminal charges², or criminal convictions³ on the next business day following the arrest, criminal charge, or conviction; or as soon as practicable. Arrests, criminal charges, and convictions shall be evaluated to determine whether a violation of any Minnesota Judicial Branch policies has occurred. Convictions shall be evaluated to determine if they relate to the position held in accordance with [State Court Administrator Policy and Procedure 300\(h\); Criminal Background Check and Disqualification Procedures and Guidelines](#) and [Minnesota Statutes Ch. 364](#).
- B. Human Resources, in consultation with the Appointing Authority, will determine the appropriate response to arrests and convictions based on the following factors:
1. The nature and seriousness of the crime for which the employee was convicted.
 2. The relationship of the crime to the purpose of regulating the position of public employment held.
 3. The relationship of the crime to the ability, capacity, and fitness required to perform the duties of the position.

Employees shall comply with the Minnesota Judicial Branch Human Resources Rules and Personnel Policies and appropriate collective bargaining agreements.

The appointing authority reserves the right to take timely and appropriate disciplinary action for any violations of this Code. The appointing authority may discipline or remove an employee for conduct that violates the Court Employee Code of Ethics.

¹ “Arrest” means that the employee has been taken into custody for the purpose of holding or detaining him or her to answer a criminal charge or complaint.

² A criminal charge is an accusation made by a governmental authority, in a charging document (complaint, indictment, citation, tab charge, or other lawful charging document), alleging a person has violated a law (statute, ordinance, rules or regulations) and committed an offense punishable by imprisonment, with or without a fine.

³ “Conviction” means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere* (“no contest”), but does not include a final judgment that has been expunged by pardon, reversed, or set aside, or otherwise rendered nugatory. “Conviction” includes conviction of felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed.

VIII. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the chief judges of the ten judicial districts and the Court of Appeals, the Chief Justice of the Supreme Court, and the State Court Administrator.

IX. EXECUTIVE LIMITATIONS

None.