

**A. GENERAL:**

1. A Judiciary which upholds high standards of integrity, impartiality and independence is indispensable to justice in our society. The Superior Court recognizes the importance of ethical conduct by its employees in the administration of justice. Superior Court employees occupy positions which elicit public confidence and duties must be performed in consideration of the public trust. Employees are a reflection of the dignity, integrity, impartiality and respect of the Superior Court. Accordingly, employees will be held to the highest standard of conduct.
2. On August 20, 1997, Chief Justice Thomas A. Zlaket signed Arizona Supreme Court Administrative Order 97-41 which adopted the Code of Conduct for Judicial Employees. This Code of Conduct was prepared to provide guidance to court employees throughout the state. It is recognized that moral principles are as much a personal impression as an organizational consideration. Employees are expected to conduct themselves in accordance with this Code and should strive to maintain the highest ethical standards in the performance of their job duties. Employees may request copies of the Code of Conduct from their supervisor.
3. Division Heads or their designees may initiate disciplinary action including written reprimands, suspensions or terminations upon the determination that an employee has failed to comply with the Code of Conduct. Disciplinary measures will be instituted in conjunction with the Court Administrator.
4. This Code of Conduct does not expressly or implicitly preclude the Superior Court in Mohave County or any Division Head from developing and employing policies or procedures beyond those contained in the Code, provided such additions are consistent with the scope of the Code of Conduct and are approved by the Presiding Judge. Final determination and resolution of all ethics violations pursuant to the Code of Conduct reside in the authority of the Presiding Judge or designee.

**B. SPECIFIC CONDUCT AND RESPONSIBILITIES UNDER THE CODE OF CONDUCT FOR JUDICIAL EMPLOYEES:**

In addition to such general or specific standards of conduct imposed elsewhere, Judicial employees shall:

1. Maintain high standards of personal and professional conduct so as to preserve the independence of the Judiciary.
2. Maintain and observe the highest standards of integrity, honesty and truthfulness in their personal and professional dealings.

3.      Respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.
4.      Not solicit or accept gifts or favors or promises of gifts or favors from attorneys, litigants or other persons or organizations known to do business with the Court.<sup>1</sup>
5.      Not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties.
6.      Not use or attempt to use their positions to secure special privileges or exemptions for themselves or any other person, including but not limited to traffic citations, parking violations, or special treatment before any Court or administrative body.
7.      Not be or become inappropriately friendly with litigants, counsel or other persons or organizations with business before the Court.
8.      Not in any way behave or act to give or create the appearance that any party receives or will receive preferential treatment by the Court.
9.      Not be employed, appointed, assigned or supervised by a supervisor or a supervisor reporting to a relative, nor shall any Judicial employee attempt to influence the employment or advancement of a relative by any Court, except by letters of reference or in response to a person verifying references, and then only after disclosing the existence and nature of the family relationship.
10.     Not use public funds, property or resources wastefully or for any private purpose not authorized by Judicial or other authorities, including but not limited to, knowingly making false entries on timesheets; backdating Court documents; making false claim(s) for mileage, meal, travel or other expense; misuse or abuse of telephone, facsimile or copy machine; taking, conversion or use of Court materials or supplies for personal or other unauthorized use.
11.     Not do business with a former Judicial employee:
  - a.      who held a position involving substantial discretion over that aspect of the Court's activities; and

---

<sup>1</sup>  
This section does not prohibit acceptance of food or refreshments of insignificant value when attending a conference, seminar, business lunch/dinner, or meeting. This section also does not prohibit acceptance or exchange of gifts and other social hospitality on customary occasions (e.g. birthdays or weddings) with friends outside the workplace. This section also does not prohibit acceptance of awards recognizing public service.

**ARTICLE 5.      CONDITIONS OF EMPLOYMENT**  
**RULE 501.      CONDUCT**

**EFFECTIVE DATE: 05/04/98**  
**REVISED DATE:**

---

- b.      who left the Court's employment during the preceding twelve (12) months;  
and
  - c.      whose participation could harm the interests of the Judiciary or cause a  
perception of favoritism.
12.     Be patient, prompt and courteous to litigants, jurors, witnesses and attorneys who  
come in contact with the Court.
  13.     Perform their duties impartially and not be influenced by kinship, social or economic  
status, political interest, public opinion or fear of reprisal and, where the employee  
may be inappropriately influenced in any situation, fully discuss and disclose such  
concerns with a supervisor, Division Head or the Presiding Judge.
  14.     Perform their work without bias or prejudice, and shall not manifest by words or  
conduct, bias or prejudice based upon race, sex, religion, color, national origin,  
disability, age, veteran's status, sexual orientation or socio-economic status.
  15.     When authorized, furnish accurate, timely and complete information and provide  
access to public Court proceedings and records according to established procedures.
  16.     Not disclose any confidential information received in the course of official duties,  
except as required in the performance of such duties, or use such information for  
personal gain or advantage.
  17.     Assist citizens in identifying available procedural options and in understanding and  
complying with Court procedures, including but not limited to, providing non-  
confidential information contained in Court records; furnishing examples of forms or  
pleadings; explaining Court rules, procedures, practices or due dates; and helping  
complete forms with factual information provided by citizens.
  18.     The provisions of Rule 501(B)(17) notwithstanding, Court employees shall not  
advise a particular course of action; answer questions outside their knowledge or  
expertise; recommend the names of private attorneys or law firms (unless the  
employee works in a Court-approved lawyer-referral program), but may refer  
members of the public to Bar associations or legal aid organizations.
  19.     Comply with Judicial education requirements and maintain any certification and/or  
licensing required for their positions.
  20.     Not communicate personal knowledge about the facts of a pending case to the Judge  
assigned to the case or make or repeat remarks about a case pending before an  
Arizona Court which might affect the fairness or outcome of the proceeding.

21. Report to a supervisor, Division Head or the Presiding Judge any violation of the law or code of conduct by another Judicial employee, without fear of retaliation where such report is made in good faith.<sup>2</sup>
22. Perform their outside activities so as to avoid negative effect on the Court or their ability to perform their duties.
23. Not engage in any business activity or secondary employment that:<sup>3,4,5</sup>
  - a. involves an organization or private employer that regularly conducts business with the Court;
  - b. is conducted during the employee's normal working hours;
  - c. places the employee in a position of conflict in his or her role in the Judicial service;
  - d. requires the employee to appear regularly in Judicial or administrative agency proceedings;

---

2

This Rule does not prohibit reporting of illegal conduct to a law enforcement agency or other appropriate authority. In addition, employees shall cooperate with the Commission on Judicial Conduct and may communicate with the Commission at any time, without fear of reprisal, for purposes of discussing potential or actual Judicial misconduct.

3

This Section does not apply to Court reporters appointed pursuant to A.R.S. 12-221 when preparing transcripts pursuant to A.R.S. 12-223 and 12-224.

4

Examples of conduct which would lead to a conflict contemplated under this Section include, but are not limited to, Judicial employees working for a police department, sheriff's office or other law enforcement agency, a prosecutor's or public defender's office.

5

This Section does not prohibit Judicial employees from becoming foster parents; teaching, lecturing or writing on any subject (provided that payment is at the prevailing rate) and as long as the employee includes express disclaimers that the instruction, lecture or writing is not representative of the Court or division and does not include or disclose any confidential information.

- e. identifies the employee with the Judicial service or gives an impression that the employment or activity is on behalf of the Court or one of its divisions; or
  - f. requires use of Court equipment, materials, supplies, telephone services, office space, computer time or facilities.
24. Manage their business and personal affairs so as to avoid situations that may lead to conflict of interest, or the appearance of conflict of interest in the performance of their employment.
25. Withdraw from participating in any Court proceeding or business in which they have a personal, family or business interest which may actually or appear to influence the outcome of the Court proceeding or business.<sup>6</sup>
26. Not use their positions or offices to solicit funds, but Judicial employees, other than members of a Judge's personal staff, Courtroom Clerks, or Court managers, may solicit funds in connection with outside activities. Judicial employees should not personally request subordinates to contribute funds to any organization or activity but may provide information to them about a general fundraising campaign. Employees who work closely with Judges, Division Heads or other senior management should not request any Judicial employee to contribute funds under circumstances where their relationship to the Judge, Division Head or other senior manager could reasonably be viewed as giving weight to the request.

**C. GENERAL STANDARDS OF CONDUCT:** In addition to any other requirements imposed by these Rules or Division Heads, all Court employees must observe the following basic work standards:

---

6

Every Judicial employee has a legal obligation under A.R.S. 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a Judicial employee participates may specially benefit or harm a personal, business or employment interest of the Judicial employee, the Judicial employee's relative or close friend(s). In a Judicial proceeding, a potential conflict of interest arises if a Judicial employee's business associate, relative or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the Court system. If withdrawal from a matter would cause unnecessary hardship, the Presiding Judge may authorize the employee to participate in the matter if permitted by the Judicial Code of Conduct, no reasonable alternative exists, and safeguards, including full disclosure to the parties involved, ensure official duties are properly performed.

1. Observe Merit System Rules, policies and procedures.
2. Report to and be prepared to work on scheduled working days at the proper starting time and remain at assigned work stations for the scheduled periods unless permission to leave has been granted by the supervisor.
3. Notify their immediate supervisor if absence from assigned duties is necessary.
4. Not abuse Court leave rules and policies, departmental break, rest or lunch periods.
5. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
6. Perform work in an efficient and professional manner in accordance with the methods and standards required by the Court.
7. Follow established safety and security practices and report any accident/incidents and/or unsafe or unhealthy working conditions to the supervisor according to established timeframes.
8. Be careful and considerate in the use of Court property and equipment. Keep tools, machines, vehicles, and other Court property clean, orderly and in proper condition as defined by the Division Head or designate.
9. Maintain personal attire, hygiene and grooming in a professional manner and which is appropriate for the work to be performed so as to reflect positively on the Court. Employees whose attire, hygiene and grooming are not acceptable, in the opinion of their Division Head or supervisor, may be sent home with or without pay in order to correct the deficiencies noted.
10. Establish and maintain effective working relationships with others.
11. Report all mistakes, policy violation, infractions of the rules of conduct, to the immediate supervisor, Division Head or Presiding Judge.
12. Report to the immediate supervisor, Division Head or Presiding Judge, any willful damage, thievery or unauthorized removal of Court property.
13. Avoid all physical violence and threats of physical violence toward fellow employees and the public.

14. Avoid the use of abusive, profane or obscene language.
15. Not use Superior Court equipment or supplies for personal, personal business or second employment purposes.
16. Obtain the Presiding Judge's or designee's permission before soliciting, selling, passing petitions or distributing or circulating written or printed matter of any description on Court property. Employees may post written or printed material on Employee Breakroom Bulletin Boards (not those available to the public) without permission, provided such material is not detrimental to the Court. No item may be hung or displayed in public areas (i.e., hallways, lobbies, foyers, etc.) without the prior approval of the Presiding Judge or designee.
17. Exercise reasonable care to safeguard personal items of value brought to work. Such items should never be left unattended or in plain view. Court Divisions do not assume responsibility for the loss or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

**D. SPECIAL PROVISIONS RELATED TO COMPUTER SYSTEMS AND SOFTWARE:**

1. Computers; software; computer files and records; E-mail, and/or Internet access, as well as all similar and related items, are and will remain property of the Superior Court either through ownership or licensing agreement. Computers, and all related software, hardware and related items, are tools of work and are to be used solely for this purpose. The Court reserves the right to regulate employee access to and use of such items, to monitor employee use thereof, to access and review the contents of employee files, accounts, records, uses and transactions (with or without the employee's permission and/or presence) and to otherwise endeavor to assure appropriate use of all such systems of the Court.
2. Employees are not to use passwords, access files or retrieve any stored communications, apart from their own, without the prior approval of their Division Head.
3. Employees may only use software according to the existing software licensing agreement. Copying of such software by employees, except as provided in the licensing agreement, is prohibited.
4. Materials produced by Court employees on equipment supplied by the Court, or on personal equipment for Court use, are considered the property of the Court.

5. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business ventures.
6. Access, retrieval, downloading and/or sharing of pornographic, illegal, discriminatory or offensive materials which is not reasonably related to employee's work assignment is prohibited.
7. Employees are to notify their supervisor upon learning of violations of this Rule. Employees found to have violated this Rule are subject to discipline up to and including dismissal for cause.

**E. SPECIAL PROVISIONS RELATED TO COURT TELEPHONE, POSTAGE, AND DELIVERY SYSTEMS:**

1. Systems and tools falling under the heading of this Rule include, but are not limited to, telephones, facsimile machines, modems, special long distance services, pagers, priority mail, United States Postal Services and delivery services.
2. All systems and tools, including access to and use thereof, are the property of the Superior Court and their use is restricted to activities directly related to Court activities and business. The Court reserves the right to access and monitor use of all systems and tools to ensure proper use thereof, for training or other reasons related to Court business.
3. Employees should not use Court systems and tools included under this Rule for personal purposes, except in emergency situations or when extenuating circumstances exist. When personal usage is unavoidable, employees must properly log any user charges and reimburse the Court for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or other account.
4. Monthly telephone usage reports are to be sent to Division Heads. Division Heads are responsible for ensuring that employees in their divisions do not abuse telephone privileges, and that they properly reimburse the Court for personal long distance or other charges.
5. All mail received by the Court is deemed the property of the Court. Division Heads are responsible for establishing any procedures by which mail is received, opened and distributed in their divisions. Employees will not receive personal mail at workplaces.

**F. SPECIAL PROVISIONS RELATED TO WORK AREAS:**

1. The Superior Court is dedicated to maintaining an attractive, dignified, uncluttered

and safe work environment. Therefore, the Court reserves the right to regulate displays of personal items in and around work areas and Court facilities.

2. Workspaces of Judicial employees are considered an integral part of Court property. Work areas including, but not limited to, offices, desks, lockers, files, Court vehicles and other storage areas are not to be considered private areas of individual employees with an expectation of privacy. The Court reserves the right to inspect the contents of lockers, desks, files, Court vehicles or other storage areas at any time and remove all Court property.
3. An employee may display items of a personal nature in and around their work area provided they do not detract from the decorum of the Superior Court or interfere with employee performance in the work environment. Division Heads may restrict or prohibit the use of items which detract from the decorum of the Superior Court, interfere with work performance or are offensive to other employees or the public (i.e., radios, plants, pictures, etc.).
4. If applicable, employees shall provide their Division Head with either a key or the combination to the lock securing their locker, desk, file, Court vehicle or other storage area. Searches of work areas including, but not limited to, offices, desks, lockers, files, Court vehicles and other storage areas are to be conducted with the employee present except as noted below, but searches may be conducted without notice. Searches without the presence of the employee may be conducted only upon the specific authorization, either written or verbal, of the Presiding Judge or assigned designates in their absences, and only for reasonable cause. Any such search must be conducted by at least two persons, one of whom must be at the level of immediate supervisor or above and a law enforcement officer.

**G. SUPERVISORY PERSONNEL'S RESPONSIBILITIES:** Supervisors are responsible for employee's conduct and work activities. Supervisory responsibilities include:

1. Assuring that employees are informed regarding changes in Judicial or Division Rules and working conditions.
2. Knowing the Judicial Employee Merit System Rules, and any related policies and administrative directives and administering them in a fair and equitable manner.
3. Assuring that the work of subordinates is performed in an efficient manner and is of high quality.