

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 11.604-5/22*

IN RE: CODE OF CONDUCT FOR
TRIAL COURT LAW CLERKS

_____:

Trial Court Law Clerks have special ethical obligations as a result of their employment with the court.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

The attached Code of Conduct for Law Clerks is adopted to govern the activities of the trial court law clerks on the court's staff in the Fifteenth Judicial Circuit.

DONE and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 31st day of May, 2022



Glenn D. Kelley
Chief Judge

supersedes admin. order 11.604 - 9/08

CODE OF CONDUCT FOR LAW CLERKS

CANON 1

A LAW CLERK SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY AND THE OFFICE

An independent and honorable judiciary is indispensable to justice in our society. A law clerk should observe high standards of conduct so that the integrity and independence of the judiciary may be 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 supervising judge.

CANON 2

A LAW CLERK SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

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

A law clerk should not hold membership in an organization that practices invidious discrimination on the basis of race, sex, religion, or national origin. Membership in a fraternal, sororal, religious, or ethnic heritage organization shall not be deemed to be a violation of this provision.

CANON 3

A LAW CLERK SHOULD PERFORM THE DUTIES OF THE OFFICE IMPARTIALLY AND DILIGENTLY

The official duties of a law clerk take precedence over all other activities. Official duties include all the duties of the court in which the law clerk serves, in addition to duties assigned to the law clerk by the General Counsel, Court Administration, or supervising judge. In the performance of these duties, the following standards apply:

- A. A law clerk 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. A law clerk should maintain professional competence in the profession. A law clerk should be dignified, courteous, and fair to all persons with whom the law clerk deals in the law

clerk's official capacity. A law clerk should diligently discharge the responsibilities of their position. A law clerk should bear in mind the obligation to treat fairly and courteously the general public as well as the legal profession.

- C. The relationship between judge and law clerk is essentially a confidential one. A law clerk should abstain from public comment about a pending or impending proceeding in the court in which the law clerk serves. A law clerk should never disclose to any person any confidential information received in the course of the law clerk's duties, nor should the law clerk 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 appointing judge.
- D. A law clerk shall not initiate, permit, or consider ex parte communications, or consider other communications made to the law clerk or judge outside the presence of the parties concerning a pending or impending proceeding except as permitted by the presiding judge and in accordance with Code of Judicial Conduct, Canon 3.B.7.
- E. A law clerk should inform the appointing judge of any circumstance or activity of the law clerk that might serve as a basis for disqualification of the judge, e.g., a prospective employment relation with a law firm, association of the law clerk's spouse with a law firm or litigant, etc.

CANON 4

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

A law clerk, subject to the proper performance of official duties, may engage in the following law related activities:

- A. A law clerk may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.
- B. A law clerk may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice, subject to the limitations set forth in Code of Judicial Conduct, Canon 4.D.
- C. A law clerk may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession. A law clerk may make himself or herself 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

A LAW CLERK SHOULD REGULATE EXTRA-OFFICIAL ACTIVITIES TO

MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES

A. Extrajudicial Activities in General. A law clerk shall conduct all extra-judicial activities so that they do not:

- 1) cast reasonable doubt on capacity of either a law clerk or a judge to act impartially;
- 2) undermine a judge's independence, integrity, or impartiality;
- 3) demean the judicial office;
- 4) interfere with the proper performance of judicial duties;
- 5) lead to frequent disqualification of a judge; or
- 6) appear to a reasonable person to be coercive.

B. Vocational Activities.

A law clerk may write, lecture, teach and speak on non-legal subjects and engage in the arts, sports, and other social and recreational activities, if such vocational activities do not detract from the dignity of the office or interfere with the performance of official duties.

C. Civic and Charitable Activities.

A law clerk 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. A law clerk may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization and solicit funds for any such organization subject to the following limitations:

- 1) A law clerk should not use or permit the use of the prestige of the office in the solicitation of funds.
- 2) A law clerk 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) A law clerk should not solicit funds from lawyers or persons likely to come before the court in which the law clerk serves.

D. Financial Activities.

- 1) A law clerk should refrain from financial and business dealings that tend to detract from the dignity of the judicial office, interfere with the proper performance of official duties, exploit the law clerk's position, or involve the law clerk in frequent transactions with individuals likely to come in contact with the law clerk or the court in which the law clerk serves.

- 2) Neither a law clerk nor a member of the law clerk's household should solicit or accept gift, bequest, favor or loan from anyone except for:
 - a. a gift incident to a public testimonial, 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 or 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 awarded 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 the donor has not sought and is not seeking to do business with the court or other entity served by the law clerk; or 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) A law clerk should report the nature and value of any gift, bequest, favor, or loan not falling within these exceptions to the General Counsel and/or Trial Court Administrator.

E. Employment Activities

- 1) During the clerkship, a law clerk may seek and obtain employment to commence after the completion of the clerkship.
- 2) If the law clerk is seeking employment with a party, attorney, or law firm involved in a matter in which the law clerk has participated personally and substantially, the law clerk will immediately notify the judge presiding over that matter. *See Florida Bar Rule of*

Professional Conduct 4-1.12(b).

- 3) At all times during and after the employment seeking process, the law clerk will maintain confidentiality of all information obtained while employed as a law clerk in accordance with Florida Bar Rules of Professional Conduct 4-1.11(c) and 4-1.9(b)-(c).
- 4) Following their employment with the Circuit, law clerks will not represent anyone in connection with a matter in which they participated personally and substantially as a law clerk, unless all parties to the proceeding give informed consent, confirmed in writing. *See* Florida Bar Rule of Professional Conduct 4-1.12(a).

F. Practice of Law.

A law clerk shall not practice law in any federal, state, or local court, or undertake to perform legal services for any client while employed as a law clerk.

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, so long as:

- 1) Such work is done without compensation or for nominal compensation;
- 2) It does not require any act, including the entry of an appearance in the Fifteenth Judicial Circuit of Florida, 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; 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

A LAW CLERK SHOULD REGULARLY FILE ANY REQUIRED REPORTS OF COMPENSATION RECEIVED FOR ALL EXTRA-OFFICIAL ACTIVITIES

A law clerk may receive compensation and reimbursement of expenses for all extra-judicial activities permitted by this Code, if the source of such payments does not influence or give the appearance of influencing the law clerk 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. Notwithstanding the above, a law clerk shall not receive any salary, or any supplementation of salary, as compensation for official services from any source other than the State of Florida.

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.

CANON 7

A LAW CLERK SHOULD REFRAIN FROM POLITICAL ACTIVITY

A law clerk should refrain from public political activity, meaning:

- 1) A law clerk should not act as a leader or hold office in a political organization;
- 2) A law clerk should not make speeches for or publicly endorse a political organization or candidate;
- 3) a law clerk should not solicit funds for or contribute to a political organization, candidate for political or public office;
- 4) a law clerk should not otherwise engage in political activities that would impugn the dignity of judicial officers of the Circuit or be inconsistent with the impartiality, integrity, and independence of the judiciary.

This Canon does not prevent a law clerk from participating in the political process as a voter.

This Canon does not prevent a law clerk from privately expressing their views on politics or candidates for public office. However, for the purposes of this provision, expression of political views on social media is not considered private. Regardless of whether it is public or private, a law clerk will not make any statements regarding cases, controversies, or issues likely to come before the court.

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 of hiring.