

**COURTHOUSE ETHICS:
EFFECTIVE COURT ADMINISTRATION CODES OF ETHICS
EXECUTIVE SUMMARY**

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EXECUTIVE SUMMARY**

As the profession of court administration has continued to mature, increased efforts have been made toward achieving greater levels of transparency, public trust and confidence, and accountability in the courts. One of the most common approaches utilized to achieve these goals is through the use of court employee codes of ethics. Ethics codes and resources are abundant for judges and attorneys, but less so for individuals who serve the public within the courts through other professional capacities. While employee codes of ethics are not a new concept in the profession of court administration, few resources exist to assist court employees with interpreting ethical codes and resolving ethical dilemmas.

Yet, most court contact with members of the public is made by employees of the court – not by a judge, not by the court administrator, but by other professionals who work in the courts and are responsible for ensuring that the day-to-day activities are carried out. For many members of the public, contact with this individual may be the only experience that they will ever have with the court. For others, contact with this individual sets the tone for future interactions with other representatives of the courts.¹ For these reasons, how court professionals interact with members of the public, and with each other, is of the utmost importance. Failure to provide these professionals with sufficient guidance and resources to assist them with appropriate resolution of ethical dilemmas within the workplace is simply unacceptable.

This project seeks to begin filling this void by exploring the use of codes of ethics for these essential court professionals. The primary question posed by this research is how are employee codes of ethics used by the courts? In particular, how are these codes

¹ How the Public Views the State Courts: A 1999 National Survey. Williamsburg, VA: National Center for State Courts (1999): 43. Findings from this study support the conclusion that those individuals who have contact with court employees tend to have greater confidence in the courts; “The American public . . . approved of the courtesy and respect with which court staff treat those with business before the courts.”

implemented, and how are they enforced? The ultimate question considered is whether these codes of conduct achieve their purpose(s) - are they effective?

Data was gathered to answer these questions by surveying recognized court ethics experts. An exploratory survey was provided to each of the experts to gauge their opinions and experiences with regard to codes of ethics for court employees. This exploratory survey posed questions that addressed the usage of court employee codes of ethics within the state courts, and sought to gather baseline information regarding the use of these codes from which some basic conclusions may be drawn, and upon which future studies may build.

The findings of the research are straightforward. While court employee codes of ethics have proliferated, additional study and improvement with regard to implementation and enforcement mechanisms is necessary. Unlike judges and attorneys, court employees do not enjoy the benefit of a breadth and depth of readily available ethics materials and resources that provide interpretative guidance, such as advisory opinions. Additionally, the primary methods of code implementation and enforcement mechanisms remain fairly rudimentary.

From these findings, the author draws several conclusions:

- 1) Courts are increasingly adopting court administration codes of ethics.
- 2) However, despite the increase in adoption of court administration codes of ethics, it is unclear how courts are using these codes.
- 3) Lastly, as the profession of court administration continues to develop, courts will continue to face challenges with regard to court administration codes of ethics.

Based upon these conclusions, the author makes a series of recommendations to elevate the role that employee codes of ethics may accomplish within the judicial branch.

- 1) Courts should be encouraged, through education initiatives, to draft and adopt court administration codes of ethics in the court workplace.

- 2) Courts that have adopted court administration codes of ethics should regularly update and revise these codes.
- 3) Courts should be encouraged, through implementation assistance and best practices, to systematically implement and enforce court administration codes of ethics in the court workplace.
- 4) The court community should engage in dialogue to identify the appropriate role for court administration codes of ethics within the courts.
- 5) Courts should create and utilize court administration codes of ethics advisory committees.
- 6) The court community should develop a method to quantify the effectiveness of court administration codes of ethics.

Although initiatives to create separate codes of ethics for court professionals have grown in popularity, there is still much to be accomplished. As representatives of the third branch of government, court professionals deserve the full support of the court community. Further study and expansion of existing court ethics initiatives is imperative if these professionals are required to continue to achieve enhanced levels of transparency, public trust and confidence, and accountability. To achieve these goals, it is incumbent upon the court community to supply the necessary tools - the tools of integrity.

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