

## Ethics for Clerks

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## Sources of Regulations

- Removal statute
- State Ethics Act
- Informal Codes of Ethics



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## Removal Statute

- Standards
  - Willful misconduct
  - Mental or physical incapacity
- Procedure
  - Same as for DA removal



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## State Ethics Law

- Clerk is “Judicial Officer” and “Covered Person”
  - Not “public servant” or “constitutional officer”
- Covered person rules apply to clerks
- Judicial officer typically is used for exceptions to rules



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## Statement of Economic Interests

- Due by April 15
- Purpose is to reveal possible conflict of interest
  - Statements of clerks not reviewed by Ethics Commission for conflicts
- Commission can provide advisory help upon request



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## Covered Person Ethical Standards

- Use of public position for private gain
- Use of position for nongovernmental advertising
- Seeking or receiving gifts in return for being influenced in the discharge of duty
- Solicit for charity from subordinates
- Accepting honoraria in some cases
- Hiring or promoting extended family in office supervised by clerk



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## Things Judicial Officers Aren't Subject To

- Mandatory ethics education
- Review of economic statements by Commission
- Outright gift ban
- Enforcement of violations by Commission

## Enforcement

- Complaints may be filed with Commission and referred to chief district judge
- Violations may be grounds for disciplinary action
  - Relation to clerk's removal statute
- Disqualification and recusal under GS 7A-104

