


Ethics for Clerks


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Sources of Regulations


- Due Process Concerns
- 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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Relation to Code of Judicial Conduct


- No formal coverage for clerks
 - Relation to removal statute
- Clerks Manual Suggested Code of Behavior



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For Attorneys, Relation to Rules of Professional Responsibility


- Preamble: It is the basic responsibility of each lawyer to provide community service, community leadership. . .
- Rule 6.6—Action as a Public Official
 - Acceptance of thing of value
 - Campaign conduct



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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



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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



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Professionalism, too

- Discussion of Ethical and Professionalism Scenarios



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Questions?

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