



Model Code of Conduct for Michigan Trial Court Employees

All employees in Michigan's courts hold highly visible positions of public trust. We must conduct our business in an environment and in a manner that favorably reflects the ideals consistent with the fundamental values of the Michigan judicial system, as identified by the Michigan Supreme Court. These values include: fairness, accessibility, accountability, effectiveness, responsiveness, and independence. Our actions at all times should uphold and increase the public trust and confidence in the judicial branch, reflect the highest degree of integrity, and demonstrate commitment to each principle embodied in this model code.

Canon One IMPROPRIETY OR THE APPEARANCE OF IMPROPRIETY

I will avoid activities that could cause an adverse reflection on my position or the court. I will maintain dignity in every comment, photograph, or video shared in person or via electronic means including social networking sites.

Canon Two ABUSE OF POSITION

I will not use or attempt to use my position to secure unwarranted privileges for others or myself.

Canon Three IMPARTIALITY

I will provide impartial treatment to all persons interacting with the court. I will not make comments in person or via electronic means including social networking sites regarding pending matters, including comments regarding parties, or attorneys who appear before the court.

**Canon Four
PROPER USE OF
PUBLIC RESOURCES**

I will use the resources, property, and funds of the court judiciously and solely in accordance with prescribed procedures.

**Canon Five
DUTY TO DISCLOSE**

I will respectfully disclose information required by the court.

**Canon Six
CONFIDENTIALITY &
DISCRETION**

I will not disclose confidential or discretionary information gained through my court employment to any unauthorized person. Information on blogs or other social media should comply with the court's confidentiality and any other relevant court policies. I will not post internal reports, policies, procedures, or other internal business-related confidential communications on social media. I will not use my court e-mail address to register on or engage in social media or professional social networking utilized for personal use.

**Canon Seven
DISCRIMINATION**

I will not discriminate on the basis of race, color, religion, national origin, gender, or other protected group.

**Canon Eight
POLITICAL ACTIVITY**

I am free to participate in political activities during nonworking hours as long as such activity does not use or appear to use my position or court in connection with such activities.

**Canon Nine
DUTY TO SERVE**

I will carry out my responsibilities to the court, litigants, coworkers, and all others interacting with the court in a timely, diligent, and courteous manner. I will not harass, threaten, retaliate, or disparage court employees, or anyone associated with, or doing business with the court, whether in person or through other means, including the use of social media.

**Canon Ten
COMPETENCY**

I will actively pursue educational opportunities to improve my professional knowledge, skills, and abilities in order to provide quality service to the court and the public.

Guidelines

The following guidelines clarify the aforementioned canons:

Canon One

IMPROPRIETY OR THE APPEARANCE OF IMPROPRIETY

Court employees are highly visible and should conduct themselves in a way that instills public trust and confidence. Their actions reflect not only on themselves, but on the court as well. Improper behavior or the appearance of improper behavior may compromise the integrity of the court. Activities an employee engages in that are improper or may be perceived as improper include:

- Violating federal, state, or local laws and regulations.
- Entering into a contract directly or indirectly for services, supplies, equipment, or realty with the court system.
- Outside employment that may conflict or appear to conflict with the employee's job duties. Seek approval from the appropriate authority before accepting outside employment. **NOTE:** No form of outside employment shall be performed utilizing the resources of the court and shall not require or induce the employee to disclose information acquired during his or her official duties.
- Employees shall abide by the Michigan Supreme Court anti-nepotism policy found in AO 2016-5.
- Employees shall not engage in the use of social media while also listing his or her affiliation with the court. If an employee identifies himself or herself as a court employee, they must state that the views they express on social media are their own and not those of the court.
- If employees choose to identify themselves as judiciary employees on personal social media, some readers may view them as spokespersons for the court and/or for a particular court. Even if you do not identify yourself as a judiciary employee, you should assume that the viewer of any social media is aware that you are a judiciary employee and that you are held to a high standard of personal and professional conduct.

Canon Two

ABUSE OF POSITION

The use of the real or apparent power of a position as a court employee to personally benefit the employee or someone else is prohibited. Court employees should never use their position to secure privileges, gifts, special favors, or exemptions. Generally, these would be special considerations given by others to the employee specifically because of his or her position as a court employee. The solicitation or acceptance of a gift, favor, or additional compensation can give the impression that something will be done in return for the donor. This contravenes the core ideals of the judiciary.

**Canon Three
IMPARTIALITY**

The official actions of a probation officer should not be affected or appear to be affected by kinship, rank, position, or influence of any party or person involved in the court system. Many times, relationships place temptation upon the probation officer to provide special treatment. Differential treatment in any of these situations undermines the integrity of the probation officer and the judicial system.

**Canon Four
PROPER USE OF
PUBLIC RESOURCES**

Court employees are stewards of public resources. A court employee shall use the resources, property, and funds judiciously and solely in accordance with prescribed procedure. Pitfalls include temptations such as personal phone calls at the court's expense, personal use of government property (such as office supplies, printers, computers, vehicles, etc.), or the use of court property to assist nonemployees as a favor.

**Canon Five
DUTY TO DISCLOSE**

A court employee should expect coworkers to abide by the canons set out in this code. A court employee shall report violations of this code or attempts to compel one to violate this code.

Court employees must inform the appropriate authority if he or she is arrested in any jurisdiction or involved in any pending legal action at the court of employment. This will allow the court to take the appropriate actions related to the employee's status. When required by law, rule, or regulation, court employees will dutifully disclose all financial interests and dealings.

**Canon Six
CONFIDENTIALITY &
DISCRETION**

Although most court records are public, some are nonpublic, and cannot be released. Court employees need to understand the types of cases, and documents that are considered confidential. Confidential information should never be disclosed to any unauthorized person for any purpose to the media, general public, in person, or over the phone, or on social media. Employees shall never disclose confidential information including, but not limited to, the possible outcome of a pending case, case processing procedures, and other nonpublic information in person or via electronic means including social media platforms.

A court employee shall not attempt to take advantage of his or her access to judges and court files to further any personal interest or engage in ex parte discussions.

Sensitive information acquired by court employees while performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, court employees should exercise a great deal of discretion.

Sometimes breaches of confidentiality do not involve intentional disclosures of official court records. Some are the result of innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries, which could give attorneys, litigants, reporters, and the public confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate reasons. Court employees shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

Examples of confidentiality issues are not limited to cases. Personnel, probation, health records, and information accessed through the Law Enforcement Information Network (LEIN), or the Judicial Data Warehouse (JDW) have confidential limitations. Counter clerks should guard against being overheard when discussing legitimate confidential information.

**Canon Seven
DISCRIMINATION**

Essential to the administration of justice is allowing equal access and treatment for all. Every day, court employees are called upon to assist people, and it is their responsibility to provide customers and coworkers with courteous service, regardless of the individual's race, religion, gender, national origin, political activities, etc. Discrimination can come in varying forms (words and actions), yet court employees should be aware that no form of discrimination is acceptable and when discovered should be exposed and discouraged.

Additionally, the evaluation of prospective employees should be based on their employable qualities such as job skills, knowledge, and attitude. Likewise, the evaluation of existing employees should be based upon criteria such as job skills, knowledge, and attitude in the performance of their duties. Therefore, no employee will discriminate in favor of or against any employee or applicant for employment based on the individual's race, religion, gender, national origin, political activities, etc.

**Canon Eight
POLITICAL ACTIVITY**

A court employee's ability to participate in the democratic process by working for a political cause, party, or candidate should not be hampered by his or her employment if done outside of working hours. This participation includes, but is not limited to, holding party membership, holding public office, making speeches, and making contributions of time and/or money to candidates, political parties, or other groups engaged in political activity. This participation in political activity should not transcend into the workplace by the displaying of political material (i.e., literature, badges, signs, or other material advertising a political cause, party, or candidate), soliciting signatures for political candidacy, or soliciting, or receiving funds for political purposes. In addition, no government equipment, or resources of any kind are to be used for promoting political activity in the workplace before, during, or after work hours.

**Canon Nine
DUTY TO SERVE**

For the court to be an effective institution, court employees must reflect a high level of professionalism as they faithfully carry out all assigned duties and enforce the rules/orders provided by the court. It is never acceptable to undermine the judge or speak negatively of the court, especially in a public arena. A court employee's primary obligation is to the court. Court employees are not to inappropriately destroy, alter, falsify, mutilate, backdate, or fail to make required entries on any court records.

Court employees must recognize that colleagues are also customers, and they should be given the same level of professional consideration as public clients.

**Canon Ten
COMPETENCY**

Employees shall refrain from posts on social media that can contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law. Some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, or libelous.

When working within the court system, laws and rules of operation are continually changing due to legislation, court rules, administrative orders, caselaw, technology, etc. Therefore, court employees are encouraged to take advantage of educational opportunities that will enhance their skills, advance their understanding, and allow for better service.

Guidelines for Juvenile Probation Officers

The following guidelines clarify the canons in the Model Code of Conduct for Juvenile Probation Officers:

Canon One

IMPROPRIETY OR THE APPEARANCE OF IMPROPRIETY

Probation officers are highly visible and should conduct themselves in a way that instills public trust and confidence. Their actions reflect not only on themselves, but on the court as well. Improper behavior or the appearance of improper behavior may compromise the integrity of the court. Activities a probation officer engages in that are improper, or may be perceived as improper, include:

Probation officers shall not violate federal, state, or local laws and regulations.

Probation officers shall recognize that probationers have legal rights regarding new substantive offenses, apart from the issue of a probation violation. Probation officers should not use their position to elicit information that may be used against the juvenile without first warning the juvenile.

Probation officers shall not accept outside employment that may conflict or appear to conflict with the probation officer's job duties. Seek approval from the appropriate authority before accepting outside employment.

NOTE: No form of outside employment shall be performed utilizing the resources of the court and shall not require or induce the probation officer to disclose information acquired during his or her official duties.

Probation officers shall avoid entering into a contract or conducting financial or business dealings with probationers and their families, or with service providers. In the event such dealings are unavoidable, the probation officer shall not receive any special personal or financial benefits and shall disclose the business dealing to the probation officer's employer.

Probation officers shall not receive any personal benefit from probationers ordered to perform work to pay off fines and costs or as a consequence for failure to follow rules established by the court.

Canon Two ABUSE OF POSITION

The use of the real or apparent power of a position as a probation officer to personally benefit the probation officer or someone else is prohibited. Probation officers should never use their position to secure privileges, gifts, special favors, or exemptions. Generally, these would be special considerations given by others to the probation officer specifically because of his or her position as a probation officer.

The solicitation or acceptance of a gift, favor, or additional compensation can give the impression that something will be done for the donor in return. This contravenes the core ideals of the judiciary.

A probation officer shall not attempt to take advantage of his or her access to court records to further any personal interest.

A probation officer shall not attempt to take advantage of his or her access to judges and/or referees to engage in ex parte discussion in order to influence the court or outcome of the proceedings.

Canon Three IMPARTIALITY

The official actions of a probation officer should not be affected or appear to be affected by kinship, rank, position, or influence of any party or person involved in the court system. Many times, relationships place temptation upon the probation officer to provide special treatment. Differential treatment in any of these situations undermines the integrity of the probation officer and the judicial system.

Probation officers should strive for bias-free behavior. They should be aware of different cultures and personal bias. A probation officer should understand and be mindful of both positive and negative bias.

Probation officers should not knowingly become personally involved socially or intimately either with probationers or with their families. Any such preexisting relationship should immediately be reported to a supervisor.

Probation officers need to be able to provide impartial and understandable answers to the public's questions in an efficient manner, without providing legal advice.

Implicit Bias

Implicit Biases, also called unconscious biases, are social stereotypes about groups of people that individuals form outside of their conscious awareness. They are based on an individual's background and experiences and lead to quick judgments about people and situations. Fortunately, there is increased awareness and tools available to help.

Five steps to help mitigate implicit bias:

1. **Admit this to yourself**

No human being is unbiased. You must acknowledge that you are not the exception to this rule. You also must be highly motivated to overcome your biases. Without strong internal motivation, research tells us that you will not be successful in conquering your biases.

2. **Identify your biases**

Implicit biases are, by definition, unknown. You can't hope to dismantle your implicit biases until you discover what they are. Start by taking the [Implicit Association Test offered free online by Harvard University](#).

Have a supervisor or trusted colleague observe your interactions with court users and feedback on how you treated people of different backgrounds, race, gender, sexual orientation, and ethnicities.

3. **Decide which of your implicit biases to address first**

Don't try to tackle your implicit biases all at one time. Focus on the most pressing ones that impact your caseload and community.

4. **Identify and acknowledge individual differences**

Lady Justice wears a blindfold. You can't. You must learn how differences in people may affect your thinking. You can do this by:

- Putting extra effort into identifying the unique aspects of stigmatized individuals.
- Being aware of what you are thinking when confronted by initial identifying factors that can lead to stereotyping (differences in race/ethnicity, gender, language, etc.).
- Appreciating the individual differences in people.

5. **Slow down**

Your biases are more likely to affect you and court users in times of stress. Do everything *on purpose* by being deliberate. Consider rules carefully. Don't run your caseload and court activities on autopilot.

Canon Four

PROPER USE OF PUBLIC RESOURCES

Probation officers, like all court employees are stewards of public resources. A probation officer shall use public resources, property, and funds judiciously and solely in accordance with prescribed procedures. Pitfalls include temptations such as personal phone calls at the court's expense and personal use of government property (such as office supplies, printers, computers, vehicles). The time a probation officer is paid to work is also a public resource. Probation officers should refrain from conducting personal business on work time, including the time spent traveling to or from home visits in a county vehicle, or when being reimbursed by the county for mileage.

Canon Five

DUTY TO DISCLOSE

A probation officer should expect coworkers to abide by the canons set forth in this code. A probation officer shall report violations of this code or attempts to compel another to violate this code. A probation officer must inform his or her employer if he or she is arrested in any jurisdiction or is involved in any pending legal action at the court of employment. When required by law, rule, or regulation, probation officers will dutifully disclose all financial interests and dealings.

Canon Six

CONFIDENTIALITY & DISCRETION

Although most court records are public, some are nonpublic and cannot be released, including Personal Identifying Information (PII/P-PII). Probation officers need to understand the types of cases and documents that are considered confidential. Confidential information should never be disclosed to any unauthorized person for any purpose. Sensitive information acquired by probation officers while performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, probation officers should exercise a great deal of discretion.

Probation officers shall maintain the integrity of private information and use reasonable efforts to seek only that personal information that is necessary to perform their responsibilities. Sometimes breaches of confidentiality do not involve intentional disclosures of official court records. Some are the result of innocent and casual remarks about pending or closed cases, about probationers, or about juries, which could give attorneys, litigants, reporters, and the public confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Probation officers should discuss cases only for legitimate reasons. Probation officers shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case. Examples of confidentiality issues are not limited to cases. Personnel, probation, health records, and information accessed through the LEIN or the JDW have confidentiality restrictions. Probation officers should guard against being overheard when discussing legitimate confidential information. Probation officers should consult the nonpublic and limited access chart.

Canon Seven

DISCRIMINATION

A probation officer shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin. Essential to the administration of justice is allowing equal access and treatment for all. Every day, probation officers are called upon to assist people, and it is their responsibility to provide customers and coworkers with courteous service, regardless of the individual's race, religion, gender, national origin, political activities, etc. Discrimination can come in varying forms (words and actions), yet probation officers should be aware that no form of discrimination is acceptable and when discovered should be exposed and discouraged. Preferential treatment to a certain class is also discrimination.

Canon Eight

POLITICAL ACTIVITY

A probation officer's ability to participate in the democratic process by working for a political cause, party, or candidate should not be hampered by his or her employment, if done outside of working hours. This participation includes, but is not limited to, holding party membership, holding public office¹, making speeches, and making contributions of time and/or money to candidates, political parties or other groups engaged in political activity. Participation in political activity should not enter the workplace by, for example, the display of political material (i.e., literature, badges, signs, or other material advertising a political cause, party, or candidate), soliciting signatures for political candidates or issues, or soliciting or receiving funds for political purposes. In addition, no government equipment or resources of any kind are to be used for promoting political activity in the workplace before, during, or after work hours.

Canon Nine

DUTY TO SERVE

For the court to be an effective institution, probation officers must reflect a high level of professionalism as they faithfully carry out all assigned duties and enforce the rules and orders provided by the court. When factually appropriate, probation officers shall make reports to other agencies (protective services and/or law enforcement). Probation officers shall maintain relationships with colleagues in such a manner as to promote mutual respect and improve the quality of services provided.

Probation officers shall respect the authority and follow the directives of the court.

Recognize that you are an extension of the court. Probation officers shall not impugn the decisions and directives of the court. This should not be construed to limit a probation officer from maintaining his/her independence in making recommendations to the court but means that once the court has made a decision the probation officer shall follow the decision.

Probation officers should respect the importance of all entities involved with the juvenile justice system and cultivate professional cooperation with each. For juvenile probation officers this includes, but is not limited to, state and local agencies, law enforcement, schools, etc.

Probation officers are not to alter, falsify, mutilate, backdate, or inappropriately destroy any court records.

Canon Ten

COMPETENCY

Laws and rules of operation are continually changing due to legislation, court rules, administrative orders, caselaw, technology, etc. Therefore, probation officers are encouraged to take advantage of educational opportunities that will enhance their skills, advance their understanding, and allow for better service. This includes understanding the community, being culturally proficient, and networking with other professionals.

¹ Holding public office is acceptable unless a conflict of interest exists with employment at the court, or it is prohibited by law. An example of a conflict includes serving on the county board of commissioners whose oversight of budget and other policy issues impact the court.