


IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 02-_____

**ORDER ADOPTING CODE OF CONDUCT FOR LAW CLERKS AND STAFF
ATTORNEYS OF THE SUPREME COURT OF TEXAS**

The Court adopts the following changes to the Court's Code of Conduct for Law Clerks and Staff Attorneys of the Supreme Court.

SIGNED AND ENTERED this 5th day of February, 2002.


Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice


Craig T. Enoch, Justice

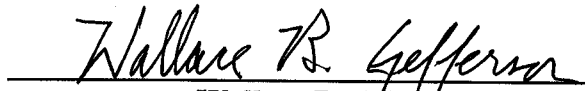

Priscilla R. Owen, Justice


James A. Baker, Justice


Deborah G. Hankinson, Justice



Harriet O'Neill, Justice



Wallace B. Jefferson, Justice



Xavier Rodriguez, Justice

**CODE OF CONDUCT
FOR LAW CLERKS AND STAFF ATTORNEYS
OF THE SUPREME COURT OF TEXAS**

PREAMBLE

Throughout history, a cornerstone of our system of government has been the principle that freedom is best preserved by an independent, fair, and competent judiciary providing equal justice for all. Since 1918, law clerks and staff attorneys have helped this Court fulfill its duties. Like the justices whom they serve, law clerks and staff attorneys have respected and honored the judicial office as a public trust and have aspired to enhance and maintain confidence in the legal system of this state. Law clerks and staff attorneys are expected to uphold the integrity and independence of the judiciary, avoid impropriety and the appearance of impropriety in all Court activities, adhere to appropriate standards in performing their Court duties and avoid, when engaging in outside activities, the risk of conflict with those duties. This Code is promulgated to further these objectives.

CANON 1: Law clerks and staff attorneys must uphold the integrity and independence of the judiciary.

CANON 2: Law clerks and staff attorneys must avoid impropriety and the appearance of impropriety in all activities.

Law clerks and staff attorneys must not engage in any activities which would put into question the propriety of carrying out their duties. Law clerks and staff attorneys must not allow family, social, or other relationships to influence their Court conduct or judgment. They must not lend the prestige of their position to advance the private interests of others, or convey or permit others to convey the impression that any person is in a position to influence them.

CANON 3: Law clerks and staff attorneys must perform their Court duties impartially and diligently. In performing these duties:

- a. Law clerks and staff attorneys must respect and comply with the law and must conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. In the courtroom, law clerks and staff attorneys should be courteous and must maintain an impartial demeanor and refrain from engaging in conversation with attorneys or parties.
- b. Law clerks and staff attorneys must maintain competence in their profession. They must be dignified, courteous, and fair to all persons with whom they deal in their Court capacity. They must diligently discharge their responsibilities.

- c. The relationship between the Court and the law clerks and staff attorneys is a confidential one. Law clerks and staff attorneys must abstain from public comment about proceedings filed in the Court. They must never disclose to any person any confidential information received in the course of their duties, nor may they employ such information for their personal gain.
- d. All discussions, comments, and deliberations of the Court must be kept in strict confidence. This duty of confidentiality continues beyond the law clerks' and staff attorneys' employment with the Court.

CANON 4: Law clerks and staff attorneys may engage in activities as follows:

- a. Law clerks and staff attorneys may speak, write, lecture, teach, and participate in activities or organizations concerning the law, the legal system, and the administration of justice.
- b. Law clerks and staff attorneys may participate in other, non-legal activities, but:
 - 1. Law clerks and staff attorneys must refrain from financial, personal, and business dealings that tend to detract from the dignity of the office, interfere with the proper performance of their Court duties, or exploit their positions.
 - 2. Law clerks, staff attorneys, and members of their families residing in their households may not accept a gift, bequest, or favor from any person whose interests are or are likely to come before the Court. This limitation does not apply to incidental benefits such as engagement, anniversary, or birthday gifts that are fairly commensurate with the occasion or invitations to events such as holiday parties, dinner engagements, or other social functions, provided that the incidental benefit could not reasonably be perceived as intended to influence the law clerk or staff attorney in the performance of their duties for the Court.

CANON 5: Law clerks and staff attorneys may seek and accept other employment to commence after the completion of their employment here. But:

- a. Law clerks and staff attorneys may participate only in such recruiting activity as would not detract from the dignity of their position or lend itself to an appearance of impropriety. Law clerks and staff attorneys must restrict their recruiting travel to the home office or office of potential

employment and limit reimbursement to those expenses reasonably related to the recruiting process.

- b. In negotiating for other employment, the law clerk or staff attorney may not ask for or accept compensation or other employment benefit or the promise of compensation or other employment benefit that is not made equally available by the prospective employer to other prospective employees based on similar academic achievement and work experience whether obtained through government or private sector employment.
 - 1. If a law clerk or staff attorney, after beginning employment with the Court, interviews with or accepts an offer of employment, he or she must promptly report the name and address of the interviewing firm or prospective employer, in writing, to the Chief Justice, the Justice to whom they are assigned, and to the Clerk.
 - 2. With respect to employment benefits equally offered by the prospective employer to prospective employees, the law clerk or staff attorney may not accept those benefits after they report for work with the Court and until their employment with the Court is ended.
- c. The Clerk of the Court will maintain a list of current law clerks and staff attorneys who have accepted an offer of future employment. The Clerk will make this list available to the public on request for one year after the law clerk or staff attorney leaves the Court's employment.

CANON 6: Law clerks' and staff attorneys' political activities must conform to such limitations as provided by statute.

CANON 7: A law clerk or staff attorney may not assist the Court, in any manner, in the following cases:

- a. a case in which the law clerk or staff attorney has worked, in any capacity, before working for the Court; or by virtue of former employment has gained knowledge of the facts of the case;
- b. a case in which the law clerk's or staff attorney's former employer, if any, was involved as a party or legal counsel and that was pending in any court at the time the law clerk or staff attorney was employed by that employer;
- c. a case in which the law clerk's or staff attorney's prospective employer or his or her spouse's employer, if any, is involved either as a party or as

legal counsel (prospective employer means that with whom the law clerk or staff attorney has interviewed and from whom the law clerk or staff attorney seeks an offer of employment or from whom the law clerk or staff attorney has accepted or is considering an offer of employment);

- d. a case in which the law clerk's or staff attorney's family members are involved, or he or she knows that his or her spouse or minor child residing in the household has a financial interest (as explained in Canon 8(B)(5) of the Texas Code of Judicial Conduct) in the subject matter in controversy, or has any other interest that could be substantially affected by the outcome of the proceeding; and
- e. a case in which, if the law clerk or staff attorney were a judge, there would be grounds for disqualification or recusal under Rule 16.2, Texas Rules of Appellate Procedure.

CANON 8: Upon accepting an offer of employment from the Court, law clerks and staff attorneys are subject and shall comply with all provisions of the Texas Penal Code, including Chapter 36.

CANON 9: After separating from the Court, a former law clerk or staff attorney may not:

- a. participate in any matter that was pending before the Court while the law clerk or staff attorney was employed by the Court. The Clerk of the Court will prepare and deliver to each departing law clerk and staff attorney a list of the matters pending before the Court during the law clerk's or staff attorney's employment.
- b. use as writing samples study memoranda or other writings concerning Court matters that were prepared by the law clerk or staff attorney during employment at the Court; or show any of the memoranda or other writings to anyone other than other employees of the Court.

This Code supercedes previously adopted codes and policies of the Court governing the conduct of Law Clerks and Staff Attorneys and is a supplement to and not in lieu of other Texas statutorily required conduct or direction of the Court. Any violation of this Code of Conduct is ground for termination of employment. A copy of the Code of Conduct for Law Clerks and Staff Attorneys of the Supreme Court of Texas is posted on the Court's webpage and made available upon request without charge.