

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 16-9034

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## ADOPTION OF CODES OF ETHICS FOR CERTIFIED PROCESS SERVERS AND LICENSED COURT INTERPRETERS

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**ORDERED** that:

Under Section 152.205 of the Government Code, the Supreme Court of Texas approves the following Codes of Ethics for Certified Process Servers and Licensed Court Interpreters. The Codes are effective immediately.

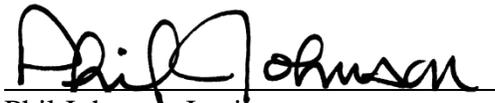
Dated: March 22, 2016



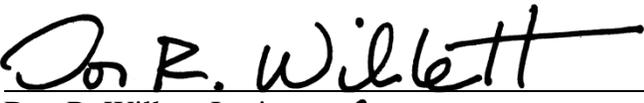
Nathan L. Hecht, Chief Justice



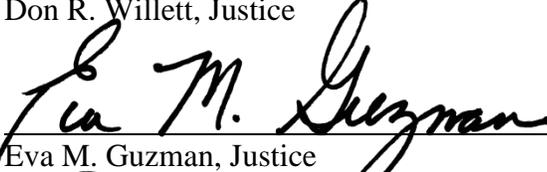
Paul W. Green, Justice



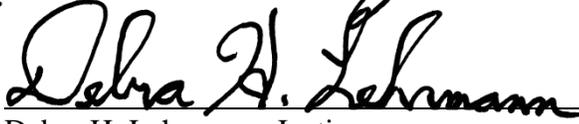
Phil Johnson, Justice



Don R. Willett, Justice



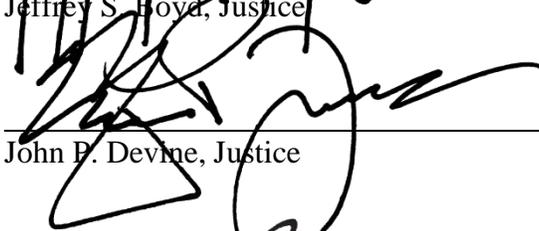
Eva M. Guzman, Justice



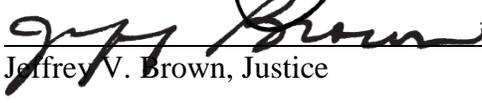
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John E. Devine, Justice



Jeffrey V. Brown, Justice

## Certified Process Servers

### Code of Ethics

*Preamble.* This Code of Conduct applies to all Process Servers certified by the Judicial Branch Certification Commission pursuant to order of the Supreme Court of Texas. A violation of this Code of Conduct may subject a Process Server to discipline by the Judicial Branch Certification Commission, but a violation does not give rise to a claim that service of process was defective. In this Code, certified process servers are referred to as “Process Server,” and the Judicial Branch Certification Commission is referred to as “JBCC.”

A Process Server is a key part of the Texas Judicial System. Serving as a Process Server is a privilege, and professionalism is required.

1. *Respect.* A Process Server must treat everyone with respect.
2. *Accurate Returns; Honesty.*
  - (a) A Process Server must provide an accurate return of service or report of service as to all documents served.
  - (b) A Process Server must not sign, submit, or file any document that is false or misleading.
  - (c) A Process Server must be candid and truthful concerning all process service matters.
  - (d) A Process Server must not falsely swear or commit perjury in any communication to the JBCC or any federal or state regulatory or licensing authority or court.
3. *Service by Law Firm Employees.* A Process Server must not serve any document, other than a subpoena, for a lawyer or law firm with whom the Process Server is otherwise employed.
4. *Process Server’s Objectivity.* A Process Server must not serve process in a suit in which the Process Server:
  - (a) has an interest in the outcome of the suit; or
  - (b) is a party or is employed by a party or a party’s attorney.
5. *Appearance of Impropriety.* A Process Server must not serve process in a suit in which the process server’s participation would cause a distinct appearance of impropriety.
6. *Exaggerating Authority.* A Process Server must not exaggerate his authority or his position or affiliation with a court, agency, or office.
7. *Wearing of Uniform or Displaying of Badge.* A Process Server in law enforcement, while serving process in a private capacity, must not attempt to serve a document while wearing a law enforcement officer’s uniform or a uniform that resembles a law enforcement uniform. A Process Server must not display a law enforcement badge or a badge that resembles a law enforcement badge. A Process Server may display certification issued by

the JBCC.

8. *Maintaining Contact Information With the JBCC.* A Process Server must, at all times, provide the JBCC with the Process Server's current name, business name, business address, home address, business and home telephone numbers, email address, and fax number, and must notify the JBCC of any change in contact information within 30 days of the change.
9. *Prompt Response.* A Process Server must promptly respond to all inquiries from the JBCC and all inquiries from parties and clients within the time prescribed in the request.
10. *Cooperation With Complaint Investigation.* A Process Server must cooperate fully with the investigation of a complaint filed with the JBCC and provide information as requested. A Process Server must, upon request, provide contact information on how to file Process Server complaints with the JBCC. The information provided must include the address, telephone number, and website address of the JBCC.
11. *Reporting Violations.* A Process Server must report to the JBCC in writing any violation of this Code by another Process Server. A Process Server must not file a false or baseless complaint with the JBCC.
12. *Continuing Education.* A Process Server must comply with the continuing education requirements adopted by the JBCC and approved by the Supreme Court of Texas.
13. *Reportable Events.*
  - (a) A regulated person who, after being certified, registered, or licensed, is convicted of any felony or misdemeanor offense must immediately notify the Commission of the conviction.
  - (b) A Process Server must immediately make a written report to the JBCC if any of the following occur:
    - (1) any disciplinary action against the Process Server, including, but not limited to, revocation or suspension of a license or registration;
    - (2) refusal by another authority to grant or renew a license, registration, or other authorization to deliver process or provide process service in another jurisdiction; or
    - (3) being held in contempt by a state or federal court.
  - (c) As used in this Code, a conviction includes the initial plea, verdict, or finding of guilt, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted.
14. *Misconduct.*
  - (a) A Process Server must not violate this Code or knowingly assist or induce another to do so.
  - (b) A Process Server must not falsely represent that he or she possesses any certificate, degree, or title.

- (c) A Process Server must not commit any criminal act.
- (d) A Process Server must not violate any law of the State of Texas, another state, or of the United States relating to the conduct of a Process Server.
- (e) A Process Server must not engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or obstruction of justice.
- (f) In connection with any felony or any crime involving fraud or dishonesty or other conduct involving moral turpitude, a Process Server may be considered to have engaged in misconduct upon a final conviction, the imposition of community supervision, or the imposition of deferred adjudication.
- (g) A Process Server is considered to have engaged in misconduct if the judge of any court makes a finding in connection with a case in that judge's court that the Process Server knowingly filed a false return.
- (h) A Process Server must not violate any rule promulgated by the Supreme Court of Texas relating to the conduct of a Process Server.
- (i) A Process Server must not violate a final order of any state or federal court unless the order has been lawfully stayed.
- (j) A Process Server who has been held in contempt by a state or federal court is subject to review and disciplinary action by the JBCC.
- (k) A Process Server must not cause or be party to, directly or indirectly, a breach in the security of the private process server examination in any private process server course.
- (l) A Process Server must not serve process when the Process Server's certification has expired or when the Process Server's authorization to serve process has been suspended or revoked.
- (m) A Process Server must not employ or engage to serve process a Process Server whose certification has expired or when the Process Server's authorization to serve process has been suspended or revoked.

## Licensed Court Interpreters

### Code of Ethics

*Preamble.* Many persons who come before the courts are non- or limited-English speakers. The function of court interpreters is to remove the language barrier to the extent possible, so that a non- or limited-English speaker's access to justice is the same as that of a similarly situated English speaker for whom no barrier exists. The degree of trust that is placed in court interpreters and the magnitude of their responsibility necessitate high, uniform ethical standards that will both guide and protect court interpreters in the course of their duties as well as uphold the standards of the profession as a whole. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

*Applicability.* This Code shall guide and be binding on all Licensed Court Interpreters licensed by the Judicial Branch Certification Commission (JBCC). Violation of this Code may subject a Licensed Court Interpreter to discipline by the JBCC. In this Code, "interpreters" refers to Licensed Court Interpreters. All other persons, agencies, and organizations who administer, supervise, use, or deliver interpreting services are encouraged to adopt this Code as a recommendation on best practices in Texas courts and legal settings.

1. *Accuracy and Completeness.* Interpreters must render a complete and accurate interpretation or sight translation, without omissions or embellishments. The register, style, and tone of the source language must be conserved. While interpreting, court interpreters are to use the same grammatical person as the speaker. Interpreter errors must be corrected for the record as soon as possible.
2. *Representation of Qualifications.* Interpreters must accurately and completely represent their certifications, accreditations, training, education, and pertinent experience.
3. *Impartiality and Avoidance of Conflicts of Interest.* Interpreters must be impartial and unbiased and must refrain from conduct that may give an appearance of bias. Interpreters must immediately disclose to the Court and all parties any real, potential, or perceived conflicts of interest. An interpreter who is also an attorney must not serve in both capacities in the same matter.
4. *Professional Demeanor.* Interpreters must conduct themselves in a manner consistent with the dignity of the Court and must be as unobtrusive as possible.
5. *Confidentiality.* Interpreters must not disclose privileged or confidential communications or information acquired in the course of interpreting or preparing for interpretation, unless authorized by the Court or by law.
6. *Scope of Practice.* Interpreters must limit themselves to interpreting and must not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting while serving as an interpreter.

7. *Assessing and Reporting Impediments to Performance.* Interpreters must assess at all times their ability to deliver their services. Court interpreters must bring to the Court's attention any circumstances or conditions that impede full compliance with any canon of this Code, including, but not limited to: interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance unattainable. When interpreters have any reservation about their ability to satisfy an assignment competently, they must immediately convey that reservation to the Court.
8. *Duty to Report Ethical Violations.* Interpreters must report to the Court any effort to influence or impede the performance of their duty; their compliance with any legal requirement, including any provision of this Code; or any other official policy governing court interpreting. An interpreter having knowledge that another interpreter has committed a violation of any provision of this Code must inform the Court and the JBCC.
9. *Professional Development.* Interpreters must continually improve their skills and knowledge and advance the profession through activities such as professional training, education, and interaction with colleagues and specialists in related fields. Interpreters must keep informed of all statutes, rules of courts, and policies of the judicial system that relate to the performance of their professional duties.