

Code of Conduct for Court Reporting Services Employees

Preface

The Chief Judges, as employers of court reporting services employees, adopt this Code of Conduct to provide guidance regarding the ethical conduct of court reporting services employees. The Code of Conduct is effective January 16, 2014.

The seven sections of this Code establish broad standards of ethical conduct and provide general guidelines for meeting the public's expectations of court reporting services employees. As such, the Code is not exhaustive and is not intended to cover every aspect of an employee's behavior. Nor does the Code supplant or infringe upon existing or future policies of Court Reporting Services; rather, it should be read in conjunction with the relevant policies and regulations governing court reporting services employees¹ and the laws of the State of Illinois to the extent applicable to each employee. Moreover, the standards set forth shall not affect or preclude more stringent standards imposed by law or by court order.

Preamble

Employment in the court system is a public trust justified by the confidence that Illinois citizens hold in those individuals employed by judicial branch. To remain faithful to that trust, court reporting services employees must observe high standards of conduct in order to ensure that the integrity and independence of the courts is preserved. A court reporting services employee must engender public confidence that those matters involving life, liberty and property are decided by a fair and impartial judicial system; that court decisions, rules and policies are made through established procedures; and that a court reporting services employee will not use his or her position to obtain personal benefits. A court reporting services employee must avoid not only impropriety but the appearance of impropriety.

It is the Chief Judges' expectations that court reporting services employees will carry out all assigned duties with loyalty to the principles embodied in this Code. A court reporting services employee must uphold the Constitution, laws and legal regulations of the United States, the State of Illinois and all governments therein, and never be a party to their evasion. A court reporting services employee shall abide by the standards set out in this Code and shall endeavor to expose violations of this Code wherever they may appear to exist.

Applicability

The term, "court reporting services employee," includes within its scope all state-paid employees employed under the Court Reporting Services division including court reporters, court specialists, administrative staff, office assistants and supervisors.

¹ For more detailed guidance on issues such as confidentiality, conflicts of interest or political activities by court reporting services employees, please consult the appropriate Court Reporting Services regulation.

Section I - Performance of Duties

- A) Every court reporting services employee shall endeavor at all times to perform official duties properly and with diligence. Every court reporting services employee shall devote his or her attention to the business and responsibilities of the employee's office during working hours.
- B) Every court reporting services employee shall carry out responsibilities as a servant of the public in a respectful, courteous, patient and responsive manner.
- C) A court reporting services employee shall respect and comply with the law and conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- D) Every court reporting services employee shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule and otherwise work to improve professional knowledge, skills and abilities in order to provide quality service to the court and the public.
- E) No court reporting services employee shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.
- F) No court reporting services employee shall discriminate on the basis of, nor manifest by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual orientation or political affiliation in the conduct of service to the court.
- G) No court reporting services employee shall give legal advice or recommend the names of private attorneys.
- H) No court reporting services employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall court reporting services employees exceed that authority.
- I) Every court reporting services employee shall immediately report violations of this Code to the appropriate authority.
- J) A court reporting services employee who knowingly violates the Code of Conduct shall be subject to discipline as determined by the employee's Chief Judge.
- K) Court reporting services employees who are licensed in the State of Illinois as shorthand reporters are also bound by the appropriate professional duties of those licenses.

Section II - Confidentiality

- A) No court reporting services employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.
- B) Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any

judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda.

- C) Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized to do so.
- D) A court reporting services employee who is privy to confidential information that the employee reasonably believes may be evidence of a violation of law or of unethical conduct shall report such information to the appropriate authority. No court reporting services employee shall be disciplined for disclosing such confidential information to an appropriate authority.
- E) Court administrators and/or supervisors shall educate court reporting services employees about what information is confidential and, where appropriate, should designate materials as confidential.
- F) Court reporting services employees are not precluded from responding to inquiries concerning court procedures, but a court reporting services employee shall not give legal advice.
- G) A court reporting services employee shall not comment publicly or express a personal opinion on a case or matter that has been before the court. Public opinions include, but are not limited to: social media posts, agreeing/disagreeing with or “liking” another person’s online comments, or comments/entries on web pages or blogs. All media requests for information should be referred to the Chief Judge’s office. This provision does not prohibit court reporting services employees from having employment-related discussions with parties to a case or with other employees of the court.
- H) No court reporting services employee shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members, or any other person.
- I) A former court reporting services employee should not disclose confidential information when disclosure by a current court reporting services employee would be a breach of confidentiality.

Section III - Improper Use of Position and Related Prohibitions

- A) No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- B) No employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Section IV, Subsection (B)(5) of the Code.
- C) No employee shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any employee so act that the employee is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.

- D) No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- E) Each employee shall use the resources, property, personnel facilities, equipment, time or funds under the employee's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- F) Court reporting services employees shall not
 - (1) authorize or use the authority or influence of his or her office to secure authorization of any contract in which the employee, a member of the employee's family, or a business, organization or person with which the employee is associated has an interest; or
 - (2) have an interest in the profits or benefits of a contract entered into by or for the use of the court.
- G) A court reporting services employee shall not participate in, vote on, influence, or attempt to influence an official decision if the employee, a family member, or a business or organization with which the employee is associated has a primary interest in or may derive a reasonably foreseeable benefit from the decision, unless the pecuniary interest or potential benefit is incidental to the employee's position or accrues to the employee as a member of a profession, occupation, or large class to no greater extent than could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.
- H) Each employee shall immediately report to the appropriate authority any attempt to induce him or her to violate any of the standards set out above.

Section IV - Conflict of Interest

- A) Every court reporting services employee shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving a court reporting services employee can seriously undermine the community's confidence and trust in the court system. Therefore, every court reporting services employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.
 - 1) A conflict of interest exists when the court employee's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the court reporting services employee, or the employee's immediate family, as defined below, or business would derive financial gain as a result of the employee's position within the court system.
 - 2) No conflict of interest exists if any benefit or detriment accrues to the employee as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.

- 3) For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse, child, parent, brother, sister, grandparent, grandchildren, first cousin, uncle, aunt, niece, nephew, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, and father-in-law.
- B) Prohibited Activities:
- 1) No court reporting services employee shall enter into any contract with the court system for services, supplies, equipment, leases or realty, apart from the employment contract relating to the employee's position, nor use that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.
 - 2) No court reporting services employee shall receive tips or other compensation other than approved page rates for transcripts in any interaction with parties engaged in transactions or involved in proceedings with the court system.
 - 3) No court reporting services employee shall participate in any business decision involving a party with whom either the court reporting services employee or any member of the employee's immediate family is negotiating for future employment.
 - 4) Relatives of court reporting services employees shall not be employed, whether by hire, appointment, transfer, or promotion (i) where one person has any degree of supervisory authority over the other, whether direct or indirect, (ii) where one person has any degree of audit authority over the other, whether direct or indirect, (iii) where the employment would create favoritism or a conflict of interest, or the appearance of favoritism or a conflict of interest; or (iv) for reasons of confidentiality.
 - 5) No court reporting services employee shall solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court reporting services employee in the performance of official duties.
 - a) Nothing in this section shall prohibit an employee from accepting a public award presented in recognition of public service.
 - b) Nothing in this section shall prohibit an employee from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.
 - c) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.
- C) To secure conformity to the above standards, every court reporting services employee who has authority to enter into or to approve contracts in the name of the court system shall file a financial disclosure statement with the appropriate designated authority annually while so employed.

- D) Every full-time court reporting services employee's position with the court system must be the employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:
- 1) The outside employment is not with an entity that regularly appears in court or conducts business with the court system, and it does not require the court reporting services employee to have frequent contact with attorneys who regularly appear in the court system;
 - 2) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the court employee's duties and responsibilities;
 - 3) The outside employment does not require the practice of law;
 - 4) The outside employment does not require or induce the court reporting services employee to disclose confidential information acquired in the course of and by reason of official duties;
 - 5) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and
 - 6) Where a conflict of interest exists or may reasonably appear to exist or where the outside employment reflects adversely on the integrity of the court, the employee shall inform the appropriate designated authority prior to accepting the other employment.

Section V - Political Activity

- A) Each employee retains the right to vote as the employee chooses.
- B) Court reporting services employees shall not: (1) become a candidate for nomination, or election to, or accept appointment to any public office elected by the public electorate; (2) hold any office in, or solicit funds for any political organization; or (3) publicly endorse, publicly oppose, or solicit funds for candidates for public office.
- C) An employee who intends to run for public office must resign his or her position or request an unpaid leave of absence from Court reporting services employment.
- D) No employee shall use his or her official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity;
- E) No employee shall discriminate in favor of or against any employee or applicant for employment on account of political party affiliation, political contributions or permitted political activities.

Section VI - Personal Activities

- A) A court reporting services employee may write, lecture, teach and speak on legal or nonlegal subjects and engage in the arts, sports and other social and recreational activities, as long as the activities do not detract from the dignity of the office or the court, or interfere with the performance of the employee's official duties.
- B) A court reporting services employee may participate in civic and charitable activities that do not detract from the dignity of the court or interfere with the performance of his or her official duties. A court employee may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal or civic organization and solicit funds for any such organization, subject to the following limitations:
 - 1) The name and prestige of the court shall not be used in the solicitation of funds; and
 - 2) Funds shall not be solicited, individually or on behalf of an organization, from persons likely to come before or do business with the court.
- C) A court reporting services employee shall not engage in financial and business dealings that detract from the dignity of office or the court, interfere with the performance of official duties, or exploit the employee's official position.

Section VII - Court Administrators and Supervisors

- A) Court reporting administrators and supervisors shall require employees subject to their direction and control to observe the ethical standards set out in this Code.
- B) Court reporting administrators and supervisors shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other court employees.
- C) Court reporting administrators and supervisors shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities any evidence of unethical conduct by judges or lawyers.
- D) Court reporting administrators and supervisors shall not act as leaders in or hold office in any political organization, make speeches for any political organization or publicly endorse a candidate for political office.