

# AB 1058 Clerk Ethics

23rd Annual AB 1058 Child Support  
Training Conference  
August 29, 2019

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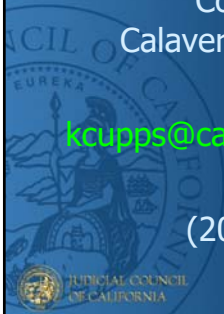
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## KATHRYN CUPPS

Court Clerk III  
Calaveras Superior Court

[kcupps@calaveras.courts.ca.gov](mailto:kcupps@calaveras.courts.ca.gov)

(209) 754-5967



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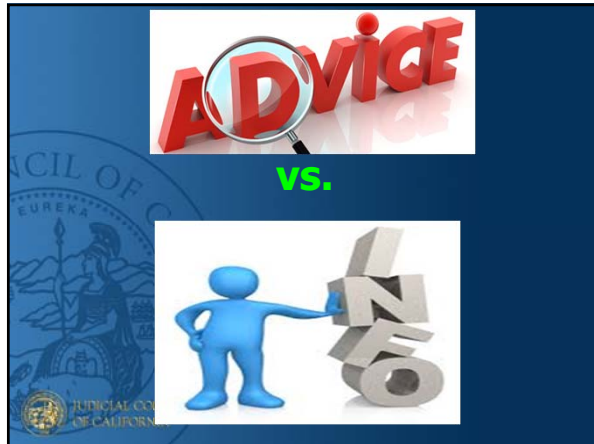
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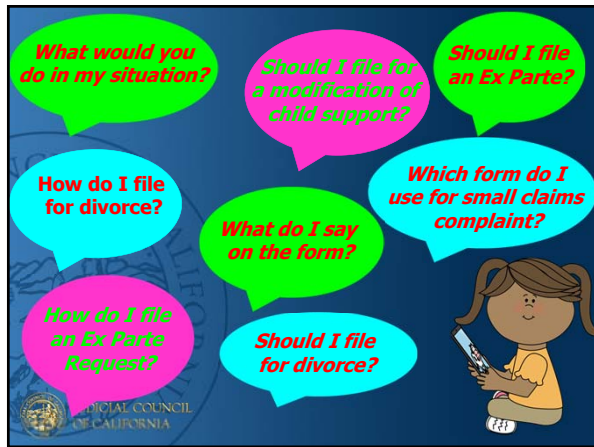
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**Litigant**

**Court Clerk**

**Judge**

**REMINDER:**  
*court employees may not act as messengers between attorneys/litigants and the Judge.*

JUDICIAL COUNCIL OF CALIFORNIA

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**ETHICS**

- ❖ Cannot possibly address all situations...
- ❖ What can be done in your courts to ensure clerks and courts are being ethical??
- ❖ How can you let the public know?

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**WELCOME TO THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF [ ]**

**WE ARE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.**

This is a list of some things the court staff can and cannot do for you.

|   |  |
|---|--|
| <b>We can</b> explain and answer questions about how the court works.   | <b>We cannot</b> tell you whether or not you should bring your case to court.  |
| <b>We can</b> provide you with the number of the local lawyer referral service, legal services program, family law facilitator program, and other services where you can get legal information. | <b>We cannot</b> tell you what words to use in your court papers. (However, we can check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number, and presence of attachments.) |
| <b>We can</b> give you general information about court rules, procedures, and practices.  | <b>We cannot</b> tell you what to say in court.  |
| <b>We can</b> provide court schedules and information on how to get a case scheduled.   | <b>We cannot</b> give you an opinion about what will happen if you bring your case to court.   |
| <b>We can</b> provide you information from your case file.  | <b>We cannot</b> talk to the judge for you.  |
| <b>We can</b> provide you with court forms and instructions that are available.   | <b>We cannot</b> let you talk to the judge outside of court.   |
| <b>We can</b> usually answer questions about court deadlines and how to compute them.   | <b>We cannot</b> change an order signed by a judge.  |

Since court staff may not know the answers to all questions about court rules, procedures, and practices, and because we don't want to give you wrong information, we have been instructed not to answer questions if we do not know the correct answers. For additional information, please contact a lawyer or your local law library, or check the California Courts Self-Help Center Web site at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp).

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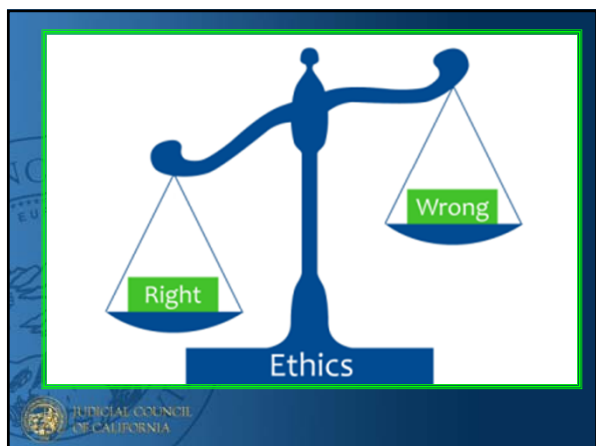
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### Scenario #1 – Jane

Jane is courtroom clerk, but she is not clerking on a particular day. As the court is extremely short-staffed that day, she has been assigned to answer phones, allowing her time to complete her unfinished courtroom work.

Jane happens to know a person who is involved in a case on calendar. The calendar is fairly large that day and the courtroom is filled with people. Jane enters the courtroom from the court staff entrance, prior to the judge's arrival. She walks past the courtroom clerk and the bailiff and proceeds to go into the audience, hug a few people, and sit with her friend.

She observes the entire calendar, even helping her friend when her case was called, and escorting her out of the courtroom after the case was finished.



The illustration shows two women in a warm embrace. One woman is wearing a pink dress and a red headscarf, while the other is wearing a yellow dress and a red headscarf. They are both smiling and looking towards the viewer.

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### Discussions – Scenario #1

- ❖ What ethical issues does this raise?
- ❖ Should Jane have handled the situation differently? If so, how?
- ❖ What tenets does it implicate?

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## Jane

- ❖ Tenet #1 – Impartiality
- ❖ Tenet #2 – Personal Integrity
- ❖ Tenet #3 – Professionalism
- ❖ Tenet #6 – Avoid Appearance of Impropriety



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## Scenario #2 – Gabrielle



Gabrielle is a processing clerk and her desk is near the clerk's filing window. Gabrielle's divorce was recently finalized she is wanting to date. Gabrielle checks her match.com account periodically throughout the day, She even shows another clerks, Liz, all the men that have messaged her while they are the only two clerks in the room.

Liz tells Gabrielle she shouldn't be doing that at work. Gabrielle tells Liz to lighten up because no one else is around to see it. A customer comes up to the counter and sees Gabrielle looking at match.com while he is waiting to be helped.



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## Discussions – Scenario #2

- ❖ What ethical issues does this raise?
- ❖ Should Gabrielle have handled the situation differently?
- ❖ Should Liz have handled the situation differently?
- ❖ What tenets does it implicate?



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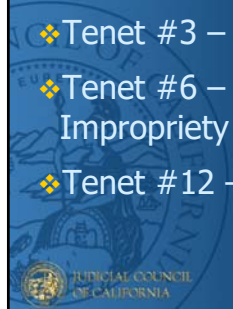
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## Gabrielle

- ❖ Tenet #2 – Personal Integrity
- ❖ Tenet #3 – Professionalism
- ❖ Tenet #6 – Avoid Appearance of Impropriety
- ❖ Tenet #12 – Technology



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## Scenario #3 - Kaitlynn

Kaitlynn is a IV-D courtroom clerk. There was a particularly interesting character in the courtroom that morning. After the calendar is concluded, Kaitlynn is completing her minutes. The only people left in the courtroom are the commissioner, the bailiff, and the LCSA attorney. The bailiff starts talking about the litigant who had some odd outbursts during the hearing. The commissioner and LCSA attorney even engage in the conversation.

I have to pay what???



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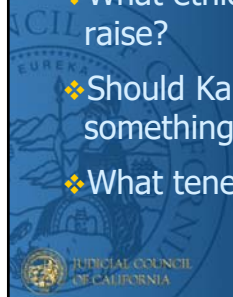
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## Discussion – Scenario #3

- ❖ What ethical issues does this raise?
- ❖ Should Kaitlynn have said something?
- ❖ What tenets does it implicate?



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## Kaitlynn

- ❖ Tenet #1 – Impartiality
- ❖ Tenet #2 – Personal Integrity
- ❖ Tenet #3 – Professionalism
- ❖ Tenet #6 – Avoid Appearance of Impropriety



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## Scenario #4 - Charles

I AM  
HUNGRY



Charles is a clerk who handles payments at the court. Charles is hungry but does not have change for the vending machine. He takes a \$20 bill out of his wallet and changes it out for smaller bills from his till.

At the end of the day, Charles turns in his money. Upon processing the daily monies for all the clerks, the finance department discovers the one and only \$20 bill in Charles's till is counterfeit.

The matter is discussed with Charles and it is documented in his file. Charles is no longer allowed to process payments or monies in the court.

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## Discussion – Scenario #4

- ❖ What ethical issues does this raise?
- ❖ Should Charles have handled the situation differently? If so, how?
- ❖ What tenets does it implicate?



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## Charles

- ❖ Tenet #2 – Personal Integrity
- ❖ Tenet #3 – Professionalism
- ❖ Tenet #5 – Impropriety



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## Scenario #5 - Dilbert

Dilbert, a court employee is eating lunch with a group of other court employees in the public cafeteria. He sees a defendant whose case just finished in her courtroom and begins to discuss the case with the other employees. Dilbert whispers some negative comments to her coworkers about the defendant and what was said in court and other people hear the conversation.



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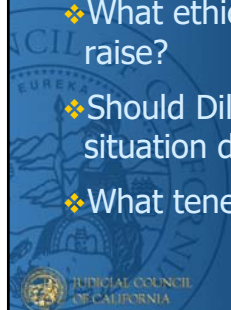
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## Discussion – Scenario #5

- ❖ What ethical issues does this raise?
- ❖ Should Dilbert have handled the situation differently? If so, how?
- ❖ What tenets does it implicate?



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## Dilbert

- ❖ Tenet #1 – Impartiality
- ❖ Tenet #2 – Personal Integrity
- ❖ Tenet #3 – Professionalism
- ❖ Tenet #4 – Confidentiality
- ❖ Tenet #5 – Impropriety
- ❖ Tenet #6 – Avoid Appearance of Impropriety
- ❖ Tenet #10 – Discrimination



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