# Code of Ethics for California Court Employees

## Tenet One - Impartiality

Provide impartial and evenhanded treatment of all persons

## Tenet One - Impartiality

Court employees must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, and sometimes deceitful court users the same level of competent and impartial help that they provide to those who are pleasant and appreciative.

## Tenet Three - Professionalism

Behave toward all persons with respect, courtesy, patience, and responsiveness, acting always to promote public esteem in the court system.

### Tenet Three - Professionalism

A professional knows every aspect of his or her job and can provide complete, understandable answers to the public's questions. A professional never criticizes a co-worker in public nor denigrates a court user at any time.

Tenet Seven – Prohibition Against Giving Legal Advice

Serve the public by providing accurate information about court processes that is as helpful a possible without taking one side over the other, or appearing to favor one side of a case.

### Tenet Seven – Prohibition Against Giving Legal Advice

♦ Court employees can and should provide information that is within their own level of professional training and experience, so long as the information does not compromise the neutrality of the court or the court's appearance of neutrality. For example, court employees can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court's policies attendant to procedural due process and assist self-represented litigants in court self-help centers. They should provide litigants with information about non-profit legal services agencies, certified lawyer referral service programs and courtbased self-help assistance... Court employees must not give any legal or procedural information that tends to favor one side of a case.

## Tenet Nine – Service and Competency

Provide accurate information as requested in a competent, courteous, and timely manner. Improve personal work skills and performance through continuing professional education and development.

## Tenet Nine – Service and Competency

A major responsibility of all court employees is to provide accurate and timely information. When providing information, whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoid legal jargon whenever possible.

## Tenet Ten - Discrimination

Guard against and, when necessary, repudiate any act of discrimination or bias based on race, religion, color, national origin, ancestry, physical or mental disability, mental condition, marital status, sex, age, sexual orientation, or other personal choices and characteristics

## Tenet Ten - Discrimination

Each day court employees assist users of court services of many races, religions, national origins, languages, sexual orientations, and varieties of personal abilities and appearance. They may deal with accused felons, child abusers, participants in painful dissolutions, those grieving from an injury or loss of a loved one, or people experiencing any one of numerous kinds of human pain or dysfunction. Court employees are expected to treat each other and each user of court services equally and with compassion. Equal access to the court system and equal treatment for all are the cornerstones of the administration of justice.

## People visit or contact the court

- \* May be having one of the worst days of their lives
- Probably don't understand the procedures they need
- Stand to lose a lot if things don't go well
- \* Are experiencing stress
- \* Feel like the situation is out of their control

## Empathy and Understanding

- \* "I can tell that you really care about your children."
- \* "I can tell that this is really hard for you."
- \* "That sounds incredibly frustrating. I'm so sorry."
- \* "I know, these forms are hard for everyone."
- ♦ "Sounds like you've been trying really hard."

♦ Use the name of the child - we're here to talk about \_\_\_\_\_ (post-it note, form, cheat sheet for judicial officer)

# How to handle "legal advice" questions

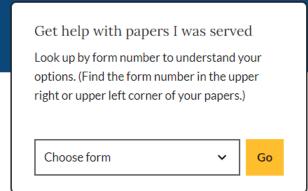
Rather than starting your response with "I can't do that but..." you can start with "Let me tell you what I can do..."

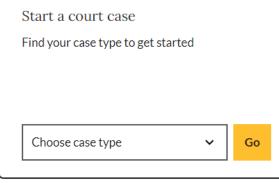
\*Refer to the self-help website .scourts.ca.gov

# Self-Help Guide to the California Courts

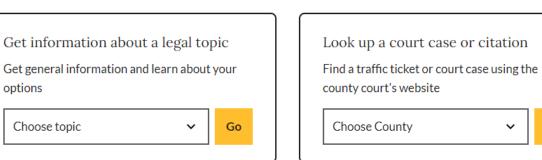
Resources and information to help you navigate your court case, including step-by-step guides for following procedures and help with understanding your options.

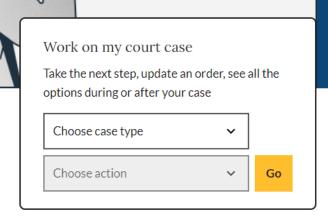
#### What would you like to do?





Go





Get help from the court			
Find self-help centers, forms, i disability access, and more	nterpreter	rs,	
Choose resource	~	Go	

## Onramps (I was served...)

#### For someone served, explains:

- What the papers mean
- Important deadlines
- If they have a court date
- Options to respond
- What happens if they ignore papers
- Where to get help

WHAT DO THESE PAPERS MEAN?

#### Request for Order (form FL-300)

If you received a Request for Order (form FL-300), it means the other person in your family law case is asking the judge to make a decision. The court sets a date to hear from both sides (a hearing) before it makes a decision.

HAT THIS FORM TELLS YOU	
aring date and time	
nat the other person is asking the judge to decide	
ders made before the hearing	
STREET ALONEUS:  CHY.  CHY.  TRESPONDENCE:  FAX:NO:  E-MNC.ACORCUS:  ATTORNEY FOR primary  TO THE TRESPONDENCE  TO	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ACORDS AND ADDRESS OF THE ADDRESS OF ADDR	
PETITIONER: RESERVED TO THE PARENT/PARTY:	
REQUEST FOR ORDER CHANGE TEMPORARY EMERGENCY ORDERS Child Custody Visitation (Parenting Time) Spousal or Partner Support Child Support Domestic Violence Order Attorney's Fees and Costs Property Control Other (specify):	CASE NUMBER:
NOTICE OF HEARING	
TO (name(s)):     Petitioner    Respondent    Other Parent/Party    Other	r (specify):
2. A COURT HEARING WILL BE HELD AS FOLLOWS:  a. Date: Time: Dept.:	
a. Date: Time: Dept.: b. Address of court same as noted above other (specify):	- Room.i
<ol> <li>WARNING to the person served with the Request for Order: The court may make the request for Order (form FL-320), serve a copy on the other before the hearing (unless the court has ordered a shorter period of time), and appear at the file.</li> </ol>	er parties at least nine court days
re information.)	Nis form.):

## Step-by-step

#### How to ask for a Fee Waiver



#### Gather the information you need



You may need information about your income and expenses to fill out the fee waiver form.

If you receive public benefits, you only need to check which benefit you receive on the form. You don't need to fill out the part about your income or expenses.

If your household income is below a set amount, you will need to fill out information about your household income. You might need to look at copies of paystubs or other documents with your income, to fill out the forms.

If you can't afford the fee and your household's basic needs, you will need to fill out information about your income and expenses. You might need to look at things like paystubs, bills, and bank statements, to fill out the forms.

1

#### Fill out Request for Order form

Request for Order (form FL-300)

Use this form to tell the court:

- What you want it to order
- Why it should order what you're asking for

For child support, use item 3 on page 3, and "Facts to Support" (item 10 on page 4).

What are examples of Facts to Support my Request (item 10)? •

The form says Petitioner and Respondent. Which am I?

2

#### Fill out the Income and Expense Declaration

Income and Expense Declaration (form FL-150)

This form asks how much money you earn and how you spend your money.

- o Attach proof of your income (like paystubs) from the past two months to the form.
- Do not attach a copy of your last year's taxes. Bring a copy (if you have one) to the hearing.

# When people don't understand or are frustrated by the procedure

- 1) If they are upset, show empathy and understanding
- 2) Explain the procedure and make it clear that it is based on the law
- 3) Explain the reason for the procedure
- 4) Provide an example that demonstrates why the law is fair
- 5) Define any legalese

# Information can be incomplete

SRL cases

Information may be disorganized

Information rarely all relevant

Information can be pretty "raw"

### LITIGANT DEMEANOR

Nervousness

Pace and manner of language

Body language

Common knowledge may not equal correct knowledge We are not as good at interpreting nonverbal cues as we think we are

Culture

# OPEN ENDED QUESTIONS

"Could you give me a little more information about \_\_\_\_"

"Help me understand \_\_\_\_\_"

"Can you give me some specific details about that?"

"Why is this important?"

"What else do you want me to know?"



### DISRUPTIVE LITIGANT

How disruptive are they?

How might their behavior affect others?

If they aren't abusive, is it an option to allow them to vent? (If so, how long?)

What should you do to determine if there are cognitive issues?

### DISRUPTIVE LITIGANT

Demeanor (calm, confident, respectful)

Acknowledge their emotions (keeping professional distance)

Provide structure and direction (ground rules, process overview, small steps)

Give them something constructive to do (paraphrase, take notes, etc.)

#### OVERALL

- ♦Explain the process
- Minimize barriers to appropriate interaction
- ♦ Model the behaviors you want to see
- Understand your decision fatigue point



"Decide you must, how to serve them best"