

Family Court Chronicles.com

Las Vegas, Nevada

Opinion #6

What the newspapers won't tell you!

July 17, 2006

Memo from Ethics Department

EARTH TO JUDGES

DO YOU READ?

***Family Court can be
a happy place if we
all just follow
a few simple rules.***

MEMO

TO: ALL FAMILY COURT JUDGES

FROM: G. CAMPBELL, ETHICS DEPT.

RE: A FRIENDLY REMINDER

Dear Judges:

Congratulations on your recent election/re-election. Your colorful campaign signs in vacant lots around town certainly did the trick! We are pleased to have you with us here at Family Court. We know you will make fair and balanced decisions in the divorces and other cases coming before you.

We in the Ethics Department want to be the first to thank you for the often difficult and underappreciated service you provide to the community. We also want to take this opportunity to remind you of a few simple rules that will help make our courthouse a

happy place for everyone (except the clientele, of course).

The recent embarrassing publicity for Chief Judge Steven Jones may help illustrate the importance of *ethics*, which are rules of personal behavior that we ought to follow even when no one is looking.

Due to an unfortunate series of events, Jones has found himself simmering in a fine cannibal stew of his own creation. He never planned on things turning out this way, but that's the trouble with ethical slippage: You never know when it might come back to bite you.

We know how irritating ethical rules can be and how easy it is to overlook them, but doing so can be dangerous. It is like driving a car without wearing your seat belt: If you do it once, you probably won't get hurt, but if you do it every day for six years, sooner or later you are going to rear-end a semi and bash your face in.

To make ethics easy for those who went to LAW school but not DIVINITY school, we want to offer some concrete advice so there are no misunderstandings. (Please note: Not all of the examples here concern Judge Jones.)

Item #1: The uniformed officer who controls access to your courtroom is called a



bailiff. Their primary job is to manage the flow of cases on your docket and to assure the decorum of the proceedings.

Bailiffs are not “gofers” or “fixers” for your personal affairs. They should not be used to pick up your dry cleaning, walk your dogs, pay your parking tickets or help you arrange dates with waitresses at Hooters (an issue in the Jones case).

A bailiff is not your butler, babysitter, or entertainment director. If you choose to socialize with your bailiff outside of court, please leave your work roles behind. There is no reason for your bailiff to introduce you as “Chief Judge So-and-So” wherever you go and ask special favors on your behalf.

We understand that the role of judge

may sometimes restrict your appearances in public, and for this reason we don't object to your bailiff occasionally delivering your lunch. However, you should use this service sparingly, and—this is important—please reimburse your bailiff for the purchase.

In general, bailiffs should only be used for the legitimate business of the court, which rarely includes any interaction with the Hooters Corporation or its employees.

Item #2: Do not use the adult lock-up at Family Court to give your teenage daughter a “serious Time Out” (as Jones has also done). Other parents do not have this discipline option at their disposal yet seem to get by. If you choose to use such extreme measures, it suggests to others that you have already lost judicial control of your own family. It also shows that you are willing to use public facilities for personal purposes.

Item #3: Do not use your position in the court to try to get jobs in the courthouse for your friends, family members, girlfriends, concubines, etc. If these people want jobs in the court, they should go through the same application and hiring process as everyone else. If someone you already have a personal relationship with applies for a court job, you should recuse yourself from their evaluation and hiring.

The risk here is that you will alienate all the hundreds of other court employees who got their jobs the hard way. If somebody's “bitch” got a job upstairs without even applying, you know how the talk downstairs is going to go. There is also a high probability, if you dispense with the usual evaluation, that you will end up with an inferior employee. Not only are they untested, but they may be too well connected with the judge to be effectively supervised.

Item #4: Do not use your judicial chambers to conduct any personal business or the business of friends. If, for example, your brother-in-law wants to sign a real estate settlement in your office—perhaps to give it credibility it doesn't deserve—you should politely ask that he use another venue.

Being a judge does not necessarily preclude you from advising family members on their personal business or using your legal skills for other projects, but these functions should not be conducted on county property. Nor should you be using your position and prestige as a judge to endorse any business product, such as used cars, psychic hotlines or miracle weight loss pills.

Item #5: Do not do favors for other judges in trouble. For example, if another judge or his family member gets arrested, he should go through the same legal process as everyone else. Any deviation from the norm

is bound to be seen as unsavory by the press.

Sometimes, the end effect of judges protecting other judges is that none are protected, as all may become implicated in a mushrooming scandal and go down together.

Item #6: Do not expect your bailiff, clerks or other staff members to help you with your reelection campaign. They may *choose* to help, but they should not feel pressured into it. They should not be required to use their weekends and evenings to attend your campaign functions or put up your colorful signs in vacant lots.

“We're all in this together,” some judges may say—to which we reply, on behalf of the staff, “Stuff it, Big Boy!”

Item #7: Do not accept campaign contributions from lawyers who regularly practice before you. We know this is a tough one. What other source of campaign financing is there?

Fortunately, we have a solution. Instead of living high off the hog on your \$100k+ salary, why not live lower off the hog? If you adopt a modest lifestyle, akin to that of the average citizen, and save the rest, you can easily have enough in the bank at the end of six years to fund your own reelection campaign. Then maybe you could HIRE somebody to put up your colorful signs.

If you must accept donations from lawyers and potential litigants (which you may have already done to get here), it is important to keep a list of them. The purpose of the list is not to reward your supporters, but to be aware of when they come before you in court. Then you should INFORM THE OPPOSING PARTY of the campaign contribution, just so they know.

Item #8: Avoid living in your judicial chambers. Actually, this is more of a “decorum” thing than ethics per se. There is nothing wrong with a judge being frugal and wanting to make use of a perfectly good space that is otherwise unemployed at night. It's more money for the campaign, right? However, it tends to creep out the staff when they come in in the morning to see the judge walking around in his boxer shorts.

Item #9: A judge should not yell at, belittle, humiliate or otherwise be rude to the litigants and attorneys who appear before him. This includes juvenile delinquents, abusive spouses and sleazy divorce lawyers, all of whom probably *should be* yelled at, but not by you. Again, this is more of a decorum issue than ethics, as the weight of justice is best conveyed in a subdued voice.

A judge already has plenty of available remedies for the unruly and the guilty, all of which are most effective when spoken softly. Whenever you feel like yelling or lecturing,

try “explaining” instead. It will do wonders if you give it a try.

Item #10: Don't act like you're something special just because you were elected judge. It was mainly the luck of the draw that got you here, and everyone knows it.

Item #11: Even if your religion tells you that you will become a god after death, please don't behave that way on earth.

Here at the Ethics Department, we believe that all gods, angels and chosen people, while in human form, should show saintly humility and obey the same rules and courtesies as anyone else. It's a no-brainer, no matter what your faith may be. The Supreme Being, if there is one and He/She is just, will probably count it in your favor at the Great Accounting if you weren't a jerk on earth.

Item #12: Don't be an asshole!

(This last item should take care of any special circumstances that weren't covered in items #1 through #11.)

These may seem like too many rules to remember, but fortunately you don't have to. There is a single “Golden Rule” that summarizes them all:

DO NOT DO ANYTHING IN PRIVATE THAT YOU WOULD NOT WANT REPORTED ON THE EVENING NEWS.

The reason is simple: It very well might be.

You never know when an unfortunate confluence of events, such as experienced by Mr. Jones, might happen to you. If you have accumulated too many secrets, twisted too many arms, bullied too many colleagues and cut too many shady deals, it doesn't take much to bring them all out at once. A disgruntled girlfriend, a bitter litigant, a chance encounter with the police – almost anything can trigger a chain reaction that brings down the house.

We know you have a passion for the job, right? We know you are here because you truly care about families and children and want to help them through their tough times, right?

RIGHT???

Since the welfare of your clientele is YOUR NUMBER ONE CONCERN, a little personal discretion doesn't seem too much to ask.

—GC

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