



BEFORE THE 2021 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 21-013

**RELATIVE TO APPROVAL OF THE JUDICIARY OF GUAM
CODE OF CONDUCT FOR JUDICIAL EMPLOYEES**

WHEREAS, the Code of Conduct for Non-Judicial Court Employees was adopted by the Judicial Council in 1996 in Judicial Council Resolution No. JC05-096 and amended in 2007 in Judicial Council Resolution No. JC07-011; and

WHEREAS, since the promulgation of the original Code of Conduct in 1996, the Judiciary of Guam has seen much growth in its core mandates and in the duties and responsibilities of its employees, especially in the area of technology; and

WHEREAS, since 1996, Guam law on the standards of conduct for employees of the government of Guam, to include Judiciary employees has also changed; and

WHEREAS, in March of 2020, the Human Resources Division (“HR”) was tasked with revising the Code of Conduct to update and modernize its provisions to better suit the duties, responsibilities, and expectations of Judicial employees and to be consistent with applicable Guam law; and

WHEREAS, HR reviewed the existing Code of Conduct for revision based upon its extensive experience with Judiciary of Guam employees’ conduct and has incorporated provisions from the codes of conduct from other court jurisdictions that directly support and align with the core values of professionalism, integrity, and excellence of Judiciary of Guam employees along with the Judiciary’s Mission and Vision Statement; and

WHEREAS, at the March 18, 2021 Judicial Council meeting, HR presented the proposed Revised Code of Conduct to the Judicial Council along with its plan to submit the Revised Code of Conduct to Judiciary employees for their notice and comment; and

WHEREAS, HR distributed the Revised Code of Conduct court-wide on March 25, 2021 and held a total of 32 Question & Answer (Q&A) sessions from April 7, 2021 through April 22, 2021; and


WHEREAS, HR thoroughly reviewed and carefully considered each employee comment and made several changes to the Revised Code of Conduct; and

WHEREAS, at the May 20, 2021 Judicial Council meeting, HR submitted a summary of all comments received from employees and the responses of HR to all employee comments along with a marked-up Revised Code of Conduct showing the changes made by HR as a result of employee input.

NOW, THEREFORE, BE IT RESOLVED, that the Revised Code of Conduct for Judicial Employees attached hereto as Exhibit A is APPROVED.

BE IT FURTHER RESOLVED, that the Revised Code of Conduct for Judicial shall be effective on September 1, 2021.

DULY ADOPTED this 17th day of June 2021, at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 6/24/2021

ATTEST:



Petrina M. Ula, Executive Secretary

Dated: 6/24/21

JUDICIARY OF GUAM CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

Approved in Judicial Council Resolution No. JC21-013 (June 17, 2021)
Effective Date September 1, 2021

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STATEMENT OF PURPOSE

A fair and independent judicial system is essential to the administration of justice. Proper conduct by Judicial Employees inspires public confidence and trust in the Judiciary of Guam (“Judiciary”) as a co-equal branch of government. Certain principles should govern the conduct of all Judicial Employees and should be consistent with the Judiciary’s core values of professionalism, integrity and excellence. This Code of Conduct (“Code”) provides uniform standards for the conduct of all Judicial Employees other than Judicial Officers.

The minimum standards in this Code are in addition to 4 GCA Chapter 15, Standard of Conduct for Elected Officers and Public Employees of the Government of Guam that are applicable to Judicial Employees and do not preclude the adoption of, nor do they usurp more rigorous conduct standards set by law, Supreme Court Administrative Orders, or other Judiciary policies. Violations of this Code shall be enforced in the same manner as violations of the Judiciary of Guam Personnel Rules and Regulations. Questions regarding this Code may be directed to the Human Resources Administrator or the Administrator of the Courts.

DEFINITIONS

The following terms have specific meanings within the context of this Code:

- A. Domestic Partner. A person in a mutually exclusive committed relationship with a Judicial Employee and who both share a primary residence for twelve (12) or more consecutive months and who are jointly responsible for the common welfare of each other and who share financial obligations.
- B. Family Member. A relation by blood or marriage within the third degree, who is a spouse, parent, mother-in-law, father-in-law, stepparent, child to include adopted and reared children (in loco parentis), son-in-law, daughter-in-law, stepchild, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great grandchild and great grandparent.
- C. Household Members. Persons living together at the same residence.
- D. Judicial Officer. Any person who performs judicial functions within the judicial system who is a Supreme Court Justice, Superior Court Judge, Magistrate Judge, Court Referee, Administrative Hearings Officer, ~~or~~ *pro tempore* justice, or *pro tempore* judge.
- E. Judicial Officer’s Personal Staff. Staff dedicated specifically to a judge to include a courtroom chamber clerk, bailiff, law clerk, intern, extern, volunteer, secretary, or other staff as assigned.
- F. Judiciary. The Supreme Court of Guam and the Superior Court of Guam.

- G. Judicial Employee. Any employee of the Judiciary, whether at-will, exempt, non-exempt, permanent, part-time, full-time, probationary or temporary, including voluntary deputy marshals reserves, but does not include Judicial Officers. Contractors and other nonemployees not covered above who serve the Judiciary are not covered by this Code, but the Judiciary may impose these or similar ethical standards on such nonemployees, as appropriate.

**SECTION I.
JUDICIAL EMPLOYEES SHALL UPHOLD THE INTEGRITY
AND INDEPENDENCE OF THE JUDICIARY**

Independence and Integrity. An independent and honorable judicial branch is indispensable to justice in our society. Therefore, Judicial Employees shall maintain high standards of conduct, integrity, honesty, and truthfulness so that the independence of the judicial branch is preserved. This Code shall be construed and applied to further these objectives. The standards of this Code do not affect or preclude other more rigorous conduct standards set by law, Supreme Court Administrative Orders, or other Judiciary policies.

Commentary:

The fundamental attitudes and habits of individual Judicial Employees reflect on the integrity and independence of the Judiciary and are of vital importance in maintaining the confidence of the public in the Judiciary. Honesty and truthfulness are paramount.

**SECTION II.
JUDICIAL EMPLOYEES SHALL AVOID IMPROPRIETY AND THE APPEARANCE
OF IMPROPRIETY IN ALL THEIR ACTIVITIES FOR THE JUDICIARY**

- A. Compliance with Law and Public Confidence. Judicial Employees shall respect and comply with the law regarding their employment by the Judiciary and in the performance of their duties for the Judiciary, shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

Commentary:

As public servants, Judicial Employees shall respect and comply with the law, personnel rules, policies, and this Code. Public confidence in the Judiciary is maintained by the willingness of each employee to live up to this standard. When faced with conflicting loyalties, Judicial Employees shall seek first to maintain public trust.

- B. Statements on Pending Cases. Judicial Employee shall not express to any person not an employee of the court a personal opinion about a pending or impending court case or disclose the extent of his or her involvement in the decision-making process. This

prohibition does not extend to public statements made during one's official duties or to an explanation of court procedures.

- C. Gifts and Extra Compensation. Judicial Employees shall not solicit, accept, agree to accept or dispense any gift, favor or loan either for themselves or on behalf of another based on the understanding either explicit or implicit that such would influence an official action of the court. Unsolicited gifts of *de minimis* or insignificant value may be allowed if authorized by the Administrator of the Courts.

Judicial Employees shall not request or accept any fee or compensation beyond their regular compensation for assistance given as part of their official duties for the Judiciary.

Commentary:

Examples of improper conduct include seeking a favor or receiving a gift at any time, or the promise of one at any time, whether it is money, services, travel, food, entertainment, or hospitality that could be reasonably viewed as a reward for past or future services. Employees may accept awards in recognition of public service. If authorized by the Administrator of the Courts, Judicial Employees may receive unsolicited refreshments and items of *de minimis* or insignificant value (*e.g.* a cake, snacks, flowers and other items with a low fair market value but never cash or cash equivalents like gift cards) during the holidays or when attending a conference, seminar, or meeting. Receiving fees or compensation not provided by law in return for public service is not permissible. Accepting, agreeing to accept, giving, or requesting a gift with an understanding that any judicial business or proceeding would be influenced may violate Guam law.

- D. Reporting of Gifts. Judicial Employees shall report gifts in accordance with 4 GCA § 15202.
- E. Abuse of Position. Judicial Employees shall not use or attempt to use their positions as employees of the Judiciary to influence or secure special privileges or exemptions to personally benefit themselves or any other person.
- F. Employment of Family, Domestic Partner, Household Members. No Judicial Employee shall knowingly employ, advocate, or recommend for employment any Family Member, Domestic Partner, or Household Member.
- G. Nepotism.
1. Spouses and persons within the first degree of relation such as brother/sister or parent/child may not be employed in the same division in a direct supervisor-subordinate relationship. Exception to this rule may be made when it is for the good of the service and upon the approval of the Chief Justice and Judicial Council.

2. No spouse of any division manager or chief may be employed within the division so headed by such division manager or chief.
3. Whenever there are already two or more members of an immediate family in the public service under the same division, no other members of such family shall be eligible for appointment to any such division. (“Immediate Family” means a collective body of persons living together in one house under one head).

H. Use of Public Resources. Judiciary resources must be used to benefit the citizens of Guam. These resources include staff time, equipment, facilities, information systems, and the money allocated to the Judiciary. Judicial Employees must ensure proper accountability of the Judiciary’s resources. Use of these resources must be transparent to the public and beyond reproach. Resources must not be expended simply for the direct benefit of individual employees. Physical resources must be safeguarded to avoid unnecessary damage or wear. Equipment must be properly maintained and replaced when appropriate. All Judicial Employees should constantly look for improved efficiency in job processes. Deficiencies and safety hazards must be reported and addressed in a timely manner. Sound business practices must be employed in managing contracts to avoid waste of court resources.

Commentary:

Judicial Employees shall not, for example, knowingly falsify, backdate, destroy, alter, mutilate, or deliberately fail to make required entries on any court record or document to include electronic documents. Employees shall not falsely claim reimbursement for mileage or expenses; misuse the telephone, computer, internet, instant messaging, facsimile machine, or copying machine; or take supplies for private use.

Judicial Employees may not install personal software or equipment without prior approval, nor may they take copyrighted software outside the court for personal use.

SECTION III. JUDICIAL EMPLOYEES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY

- A. Professionalism. Judicial Employees shall be respectful, dignified, patient, prompt, and courteous to everyone, including jurors, witnesses, co-workers, supervisors and others who come in contact with the Judiciary. Judicial Employees shall never criticize a Judicial Officer, manager, supervisor or co-worker in public nor denigrate a court user.
- B. Impartiality. Judicial Employees shall perform their duties impartially, and shall not be influenced by kinship, domestic partnership, a household member, social or economic status, political interests, public opinion or fear of criticism or reprisal.

Commentary:

Judicial Employees who think they may be unduly influenced in a particular matter shall discuss the situation immediately with a supervisor, administrator, or human resources.

- C. Bias and Prejudice. Judicial Employees shall perform their duties without bias or prejudice and shall not manifest bias or prejudice by words or conduct.

Commentary:

Judicial Employees encounter a variety of people from many walks of life. They may be of a different race, color, national origin, age, religion, genetic information, sex, sexual orientation, ancestry, military or socioeconomic status. They may have a physical or mental disability, or medical condition, or they may have an actual or perceived health condition. Regardless, Judicial Employees shall perform their duties with no bias or prejudice toward those with whom they come in contact including fellow employees and members of the public.

- D. Further Requirements. Judicial Employees who are also part of a Judicial Officer's Personal Staff may be subject to Certain Canons of the Model Code of Judicial Conduct. Judicial Employees who are law students, attorneys, or members of other professional groups are also bound by the appropriate professional duties of these roles. Judicial Employees who are law students or attorneys are bound by the Guam Rules of Professional Conduct for their term of employment with the Judiciary.

Notwithstanding this Code of Conduct, other professionals employed by the Judiciary are bound by the standard model codes of conduct or ethics as established within their respective professions and/or governed by rules and regulations set forth by the Judicial Council. These employees include, but are not limited to psychologists, psychiatrists, counselors, social workers, probation officers, marshals, court reporters, etc.

- E. Harassment. Judicial Employees must always conduct themselves in a professional and respectful manner. Judicial Employees must not engage in inappropriate, offensive, or unwelcome conduct of a sexual nature, or inappropriate or offensive conduct based upon a person's race, color, national origin, age, religion, genetic information, sex, sexual orientation, ancestry, military status, socioeconomic status, physical or mental disability, or other personal characteristics, whether or not it rises to the level of harassment. Judicial Employees are expected to treat all persons with dignity, fairness, and respect and, by doing so, will foster a work environment free from harassment. Judicial Employees should follow the appropriate procedures in reporting inappropriate behavior.
- F. Information and Records. Judicial Employees, when authorized, shall furnish timely, accurate, information and shall provide the public access to public judicial proceedings and records according to established procedures and subject to applicable law. Falsification of any court record or document is strictly prohibited.

G. Confidentiality. Judicial Employees shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.

1. No Judicial 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. A Judicial Employee should abstain from public comment about pending or impending proceedings in the Court, other employees, their superiors, or Judicial Officers.
2. 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, as prescribed under the Freedom of Information – Sunshine Act, Title 5 GCA, Chapter 10. Confidential information also includes information involving juvenile matters.
3. 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.
4. Every Judicial Employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No Judicial Employee shall be disciplined for disclosing such confidential information to the appropriate authority.
5. Court managers should educate Judicial Employees about what information is confidential and, where appropriate, should designate materials as confidential.
6. A former Judicial Employee should not disclose confidential information when disclosure by a current Judicial Employee would be a breach of confidentiality.

H. Media Requests. All media requests should be forwarded to the Judiciary’s Director of Policy Planning & Community Relations, Public Information Officer, or Administrator of the Courts.

I. Electronic Information. Information retained in electronic files must be safeguarded like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, Judicial Employees must monitor court electronic information and take appropriate steps to ensure that the information is accurate. Falsification of any electronic court record is strictly prohibited. Great care should be taken in the transmission of electronic data and communications so as not to embarrass the court or the sender if read by an unintended recipient.

- J. Legal Advice. Judicial Employees shall respond to inquiries regarding standard court procedures but shall not give legal advice unless it is required as part of one's official position.

Commentary:

Judicial Employees may assist the public, consistent with the Judiciary's resources, with matters within the scope of their responsibilities and knowledge. In performing their official duties, Judicial Employees shall not recommend the names of private attorneys to the public unless the Judicial Employee works in a court-approved lawyer-referral program but may refer members of the public to bar associations or legal aid organizations.

- K. Education, Licensing, and Certification. Judicial Employees shall comply with judicial education requirements and maintain any licensing or certification required for their positions.
- L. Communication with Judicial Officers. Unless as required as part of a Judicial Employee's official duties, he or she shall not communicate personal knowledge about the facts of a pending case to the assigned Judicial Officer of the case and shall not make or repeat remarks about a pending case before the Judiciary that might affect the outcome of the proceeding.
- M. Permitted Communications. Based upon general direction by a Judicial Officer, a Judicial Employee may communicate information from a party to the Judicial Officer for scheduling, administrative, or emergency purposes, which does not address substantive matters.

SECTION IV.

JUDICIAL EMPLOYEES SHALL CONDUCT THEIR OUTSIDE ACTIVITIES AS TO MINIMIZE CONFLICTS WITH THEIR EMPLOYMENT RESPONSIBILITIES

- A. General. Judicial Employees shall avoid all outside activities that reflect negatively upon the Judiciary or that might detrimentally affect their ability to perform their duties for the Judiciary.
- B. Outside Activities. A Judicial Employee's activities outside of official duties may not detract from the dignity of the court, interfere with the performance of official duties, or adversely reflect on the operation of the court or office the Judicial Employee serves. A Judicial Employee may engage in activities such as, but not limited to, civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities. Such activities may include speaking, writing, lecturing and teaching. If such outside activities concern the law, the legal system, or the administration of justice, the Judicial Employee should first consult with the Administrator of the Courts to determine whether the proposed activities are consistent with the foregoing standards

and the other provisions of this code. A Judicial Employee may not accept a governmental appointment that has the potential for dual service to and/or supervision by independent branches of government (including other courts) or different governments during judicial employment, except as allowed by law or approved by the Administrator of the Courts. In addition, outside activities may include but are not limited to outside employment (including self-employment), business activities and non-compensated activities. Before Judicial Employees engage in outside employment, notice must be given and approval granted as per rules and policies of the Judicial Branch.

Except as provided by law or authorized by the Judicial Branch, Judicial Employees shall not engage in any outside activity that:

1. Is with an entity that regularly appears in court or conducts business with the court system, and requires the Judicial Employee to have frequent contact with attorneys who regularly appear in the court system, unless approved by the Administrator of the Courts;
2. Requires or induces the Judicial Employee to disclose confidential information acquired in the course of and by reason of official duties;
3. Is within the judicial, executive or legislative branch of the government unless allowed by public law or authorized by the Judiciary;
4. Performs any non-court ordered transcribing either during or after working hours;
5. Is conducted during the Judicial Employee's normal working hours, regardless of leave status;
6. Places the Judicial Employee in a position of conflict with the Judicial Branch, with his or her official role at the Judicial Entity or otherwise creates a conflict of interest;
7. Requires the Judicial Employee to appear regularly in judicial or administrative agency proceedings;
8. Identifies the Judicial Employee with the Judicial Branch or gives an impression that the employment or activity is on behalf of the Judicial Branch;
9. Is detrimental to the interests of the Judicial Branch;
10. Is directly related to the practice of law, unless it is approved pro bono work or pro se; or
11. Requires use of judicial equipment, materials, supplies, telephone or Internet services, office space, computer time, or facilities.

Commentary:

These provisions should be read to not inhibit the exercise of constitutional rights such as freedom of speech, association or religion.

Judicial Employees may become foster parents, and may teach, lecture, speak, or write on any subject, so long as any payment does not create the appearance of impropriety, any presentation or document clarifies that the Judicial Employee is not representing the Judicial Branch, and any confidential documents and information are not disclosed.

C. Solicitation of Funds. A Judicial Employee may solicit funds in connection with outside activities, subject, but not limited, to the following:

1. A Judicial Employee should not use or permit the use of the prestige of the office in the solicitation of funds.
2. A Judicial Employee should not solicit subordinates to contribute funds to any such activity but may inform them about a general fund-raising campaign. A member of a Judicial Officer's personal staff should not solicit any Judiciary personnel to contribute funds to any such activity if the staff member's close relationship to the Judicial Officer could reasonably be construed to give undue weight to the solicitation.
3. A Judicial Employee should not solicit or accept funds from lawyers or other persons likely to come before the Judicial Employee or the court or office the Judicial Employee serves, except as an incident to a general fund-raising activity.

D. Conflict of Interest. Judicial Employees shall manage personal and business matters to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of their employment for the Judiciary.

1. Judicial Employees shall inform the appropriate supervisor of any potential conflict of interest involving their duties.
2. Judicial Employees shall withdraw from participation in a court proceeding or judicial business in which they have a personal, financial, business, or family interest or in which a Family Member, Domestic Partner or Household Member is involved or that may actually or appear to influence the outcome of the judicial proceeding or business.
3. Every Judicial Employee who has a direct or indirect interest in any firm, partnership, business or corporation which contracts with the Judiciary, at the time of submission of bids or commencement of negotiations as the case may be, shall file a statement under oath with the Administrator of the Courts describing such interest. Any such statement shall also be given to the division manager of such employee and shall also be a public record for all purposes.

Commentary:

Every Judicial Employee has a legal and moral obligation to identify, disclose, and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a Judicial Employee participates may specially benefit or harm a personal, financial, business, or employment interest of the Judicial Employee, the Judicial Employee's Family Member, Household Member or Domestic Partner, or the Judicial Employee's close friends. In a judicial proceeding, a potential conflict of interest arises if a Judicial Employee's business associate, Family Member, Household Member, Domestic Partner, or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the judicial system. If withdrawal from a matter would cause unnecessary hardship, the Judicial Officer or Administrator of the Courts may authorize the Judicial Employee to participate in the matter if:

- Permitted by this Code,
- No reasonable alternative exists, and
- Safeguards, including full disclosure to the parties involved, ensure official duties are properly performed.

Judicial Employees shall not process any paperwork filed by themselves, a Family Member, Domestic Partner, Household Member or close friend. For example, if the son of a Judicial Employee who is a clerk in Superior Court or Supreme Court files a case in that court, the related Judicial Employee should not process the paperwork.

- E. Restrictions on Post Employment. Under 4 GCA § 15210, no former Judicial Employee shall disclose any information which by law is not available to the public and which the employee acquired in the course of official duties or use the information for personal gain or the benefit of anyone.

No former Judicial Employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the Judiciary.

**SECTION V.
JUDICIAL EMPLOYEES SHALL REFRAIN FROM
INAPPROPRIATE POLITICAL ACTIVITIES**

- A. Employee's Rights. Every employee has the right to freely express his/her views as a citizen and to cast his/her vote. Political activities of employees shall be in accordance with prevailing provisions in the Guam Code Annotated and this section.

B. Definitions. As used in this Section, the following terms have the meanings specified below:

1. Employee: A person employed in the Judicial Branch with the following exceptions:
 - i. Judges and chamber staff, including chamber clerks, law clerks and bailiffs, including magistrates, full time hearing officers and full time *pro tem* judges;
 - ii. Justices and staff of the Supreme Court;
 - iii. The Administrator of the Courts, the Clerk of Court for the Superior Court, the Clerk of Court for the Supreme Court, the Director of Policy Planning and Community Relations, the Marshal of the Court, the Chief Probation Officer, the Compiler of Laws, the Staff Attorney for Superior Court, the Staff Attorney for Supreme Court, the Public Guardian, and the following Division Managers: Procurement and Facilities Management Administrator, Human Resources Administrator, Client Services and Family Counseling Administrator, Court Programs Administrator, Finance Administrator, and Management Information Systems Administrator;
 - iv. A person retained from time to time to perform professional or special services for a specific fee;
 - v. A person working on a casual basis on the days he/she performs no services; and
 - vi. Employee includes a person on administrative, annual, or sick leave, unless such person has resigned or has received a lump sum payment for such leave.
2. Election: Means any local, primary, general or special election.
3. Activity: Means the independent action of an employee, the action of an employee in open or secret cooperation with others, and the indirect action of an employee through an agent. Activity does not mean the independent action of the husband or wife of an employee, upon his or her own initiative and his or her own behalf;
4. Political Party: Means a national political party, a state or territorial political party and an affiliated organization;
5. Partisan and Non-Partisan: When used as an adjective refers to political parties; and

6. Candidate: As used herein, candidate means:

- i. An individual as defined in 3 GCA § 1115; and
- ii. A candidate for an office in a political party.

C. Permitted Activity.

1. An employee may engage in political activity to the fullest extent consistent with restrictions set forth in this section, so long as such activity does not materially compromise the efficiency or integrity of the employee or the neutrality, efficiency or integrity of the employee's division. Each employee specifically retains the right to register and vote in an election and, while not on duty and a while not in a uniform identifying the person as an employee to:
 - i. Express his/her opinion as an individual citizen privately and publicly on political issues and candidates;
 - ii. Take an active part in an organized solicitation of votes in support of or in opposition to a candidate, including distributing and displaying campaign literature, advertisement, stickers, pictures or buttons, and endorsing or opposing a candidate in a political advertisement, a broadcast, campaign literature, a letter or article in the newspaper (signed or unsigned), or similar material;
 - iii. Participate in the non-partisan political activities of a civic, community, social, labor, professional or similar organization;
 - iv. Be a member, officer or delegate, of a political party or other political organization and participate in its activities to the fullest extent consistent with this section, and organize or reorganize a political party, partisan political organization, or committee thereof, or serve as delegate, alternate or proxy to a political party convention;
 - v. Attend and address a political convention, rally, fundraising function or other gathering of a political party in support of or in opposition to a candidate or on a partisan political question;
 - vi. Initiate, circulate or sign a nominating petition for a candidate;
 - vii. Make, as an individual citizen, a contribution to or expenditure on behalf of a political party or organization or candidate;
 - viii. Be free from any obligation to contribute to any political fund or to render any political service;

- ix. Participate in political activity in connection with a question not specifically identified with a political party; for example, soliciting signatures for a petition relative to changing working conditions or campaigning for an issue in a referendum;
 - x. Serve as a member of a precinct board or other election official who performs duties under this Title 3 GCA, including acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, partisan political organization or candidate;
 - xi. Drive voters to the polls on behalf of a political party, partisan political organization, or candidate;
2. The division manager may prohibit or limit participation of an employee in an activity otherwise permitted under this section if such participation would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest.

D. Prohibited Activity.

1. An employee shall not use his or her official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Specific activities in which employees are prohibited from participating include but are not limited to:
 - i. Soliciting, collecting, handling, disbursing, or accounting for assessments, contributions or other funds for a political party, partisan political organization or candidate;
 - ii. Organizing, selling tickets to, seeking support for, or actively participating in a fund-raising activity or a political party, partisan political organization or candidate;
 - iii. Taking an active part in managing the political campaign of a candidate;
 - iv. Being a candidate;
 - v. Discharging, promoting, demoting, or changing the compensation of any other employee, or promising or threatening to do so, because said other employee advocates or fails to advocate through contribution, voting or otherwise for a candidate; and
 - vi. Using government travel allowances, transportation, equipment, supplies, facilities or resources for the benefit of any political party, partisan

political organization or candidate.

- vii. Displaying political materials such as signs, brochures, badges and/or buttons in the workplace.
- viii. Soliciting signatures for a candidate in the workplace.

3. Special Restrictions

- i. The following positions are prohibited from taking part in any activity delineated in this section, or from taking an active part in political management or political campaigns:
 - a. Judges and chamber staff, including chamber clerks, law clerks and bailiffs, including magistrates, full time hearing officers and full time *pro tem* judges;
 - b. Justices and staff of the Supreme Court;
 - c. The Administrator of the Courts, the Clerk of Court for the Superior Court, the Clerk of Court for the Supreme Court; the Director of Policy Planning and Community Relations , the Marshal of the Court, the Chief Probation Officer, the Compiler of Laws, the Staff Attorney for Superior Court, the Public Guardian, and the following Division Managers: Procurement and Facilities Management Administrator, Human Resources Administrator, Client Services and Family Counseling Administrator, Court Programs Administrator, Finance Administrator and Management Information Systems Administrator.
- ii. For the purposes of this Section, the term “active part in political management or in a political campaign” means a campaign for or against candidates, or political activity in concert with a political party, or a candidate for partisan political office, or a partisan political group, or campaigns involving initiatives, referenda, plebiscites, or removal. “Political organization” means a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.

E. Activities Not Affected. Nothing in this Code shall preclude the use under a rental agreement of government of Guam facilities by a political party, partisan political organization or candidate.

F. Review by Administrator of the Courts.

1. When any person has reason to believe that an employee has violated the provisions of the section, he/she may report the matter to the Administrator of the Courts. On receipt of a written report, or on receipt of such other information which seems to the Administrator to warrant a review, the Administrator of the Courts shall review the matter in accordance with the provisions of these sections to determine whether disciplinary action is appropriate.
2. If the Administrator of the Courts has determined that disciplinary action is appropriate, the procedures outlined in the Adverse Action and Judicial Council Hearing Officer Procedures shall govern.

G. Other Restrictions. No person, whether or not an employee, shall solicit or receive a contribution or distribute literature for any political purpose in any room or building occupied in the discharge of official duties by a person employed by the Executive, Legislative, or Judicial Branch of the Government of Guam. For purposes of this section, soliciting a contribution includes a solicitation by letter or circular addressed to and delivered to an employee in said room or building.

**SECTION VI.
DUTY TO REPORT AND VIOLATIONS**

- A. Duty to Report. Judicial Employees shall immediately report any violation or perceived violation of the law by a Judicial Employee or Judicial Officer. Judicial Employees shall also immediately report any violation of this Code by any Judicial Employee. Reports shall be made to the applicable division manager, to the Administrator of the Courts in the case of a division manager or Judicial Officer, or to the Chief Justice in the case of the Administrator of the Courts or as otherwise provided by rule, order, or policy as applicable within the Judiciary. Division managers shall forward any reports to the Administrator of the Courts. Minor infractions need not be reported. Judicial Employees shall not be subject to retaliation for reporting violations if such report is made in good faith. Judicial Employees shall report to their supervisor any personal violation of the law or charge immediately. Failure to report may be a violation of this Code.
- B. Violations. When any person has reason to believe that a Judicial Employee has violated the provisions of this Code, he or she may report the matter to the Administrator of the Courts. Upon receipt of information which seems to warrant a review, the Administrator of the Courts shall review the matter to determine whether disciplinary action is appropriate. If the Administrator of the Courts has determined that disciplinary action is appropriate, the Judiciary of Guam Personnel Rules and Regulations shall govern.

SECTION VII. COURT MANAGERS

Court Managers include the Administrator of the Courts, Deputy Administrative Director, Director of Policy Planning & Community Relations, Supreme Court Staff Attorney, Superior Court Staff Attorney, Supreme Court Clerk of Court, Superior Court Clerk of Court, Finance Administrator, Human Resources Administrator, Procurement & Facilities Management Administrator, Court Programs Administrator, Management Information Systems Administrator, Marshal of the Court, Chief Probation Officer, Client Services & Family Counseling Administrator, Compiler of Laws, Public Guardian, and any other position designated by the Administrator of the Courts.

- A. Court Managers shall require Judicial Employees subject to their direction and control to observe the ethical standards set out in this Code.
- B. As leaders, Court Managers must set the example for employees to follow in terms of their ethical behavior and the Judiciary's expectations regarding standards of conduct, integrity, honesty and truthfulness.
- C. Court Managers shall diligently discharge their administrative responsibilities, maintain professional competency in judicial administration and facilitate the performance of other Judicial Employees.
- D. Court Managers shall take action regarding any unethical conduct of any Judicial Employee by filing a complaint with the Administrator of the Courts for administrative review and appropriate disciplinary measures.