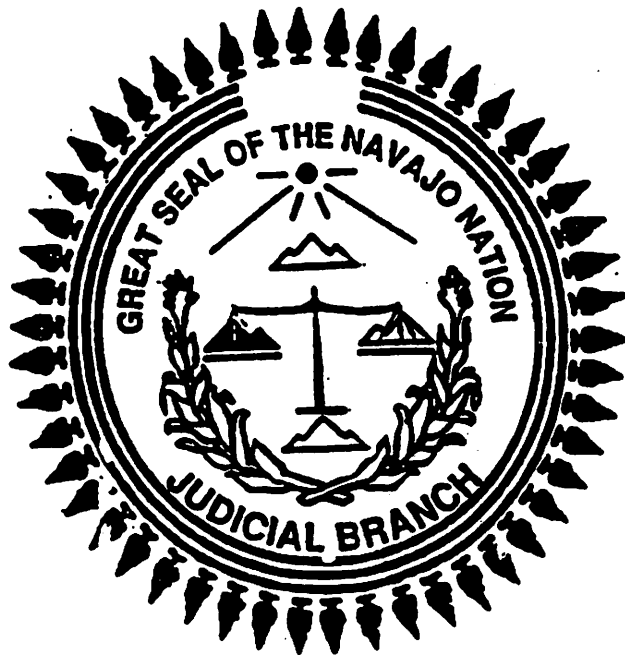


**JUDICIAL BRANCH
OF THE NAVAJO NATION**



EMPLOYEE CODE OF CONDUCT

Effective May 6, 1991

CHIEF JUSTICE OF THE NAVAJO NATION

JUDICIAL BRANCH CODE : ADMINISTRATIVE ORDER 38-91
OF EMPLOYEE CONDUCT :

The Chief Justice has reviewed the special and unique situation in the judicial system of Judicial Branch employees who are neither justices and judges and finds that:

1. Employees are required to adhere to the same standards of diligence and fidelity as judges;
2. Employees in fulfilling their duties and responsibilities are engaged in the business of dispensing justice;
3. Employees of the Judicial Branch need guidelines for their conduct and demeanor.

The Chief Justice further finds that:

1. A committee representing all categories of positions in the Judicial Branch has drafted a Judicial Branch Code of Employee conduct (Code);
2. The Code provides guidelines for employee conduct and demeanor;

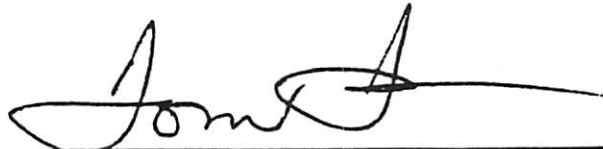
3. The Code has been reviewed by the employees and comments and recommendations were given to the Committee who have considered them in the drafting of the Code.

The Chief Justice further finds that:

1. Pursuant to 7 N.T.C. § 371, the Chief Justice is the ultimate administrator of the Judicial Branch;
2. That the Code is in the best interest of the Judicial Branch employees, the Judicial Branch and the Navajo Nation;
3. The Code should be adopted and implemented as soon as possible.

Therefore, it is ORDERED that the Judicial Branch Employee Code of Conduct is adopted as an ethical code for Judicial Branch employees and that the Code shall be effective and implemented on May 6, 1991.

DATED this 29th day of April, 1991.



CHIEF JUSTICE OF THE NAVAJO NATION

JUDICIAL BRANCH
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JUDICIAL BRANCH
EMPLOYEE CODE OF CONDUCT

PART I: Scope and Definitions

A. Scope

This Judicial Branch Employee Code of Conduct is intended as guidance for conduct of all Judicial Branch employees who are neither judges nor justices. It is designed to assist justices, judges and nonjudicial staff in complying with the requirements of the Code of Judicial Conduct that a judge's staff observe the same standards of fidelity and diligence that apply to the judge and refrain from manifesting bias or prejudice in the performance of official duties. Nothing in this Code shall be interpreted or construed to supercede the law nor abrogate or abridge the employee's duty to obey applicable laws.

B. Definitions

The following words and terms shall have the indicated meanings for purposes of this Code:

1. Code: Judicial Branch Employee Code of Conduct.
2. Confidential information: Includes, but is not limited to, information on cases, pending or closed, that is not already a matter of public record and information concerning the work product of any judge, law clerk,

attorney, Solicitor or other employee including but not limited to, notes, papers, discussions, verbal comments and memoranda.

3. Conflict of Interest: The reasonable foreseeability that any personal or economic interest or relationship of an employee will be affected through the performance of the employee's duties or by reason of employment with the Judicial Branch.
4. Discrimination: Favorable or unfavorable treatment or the appearance of such treatment, by words or conduct, based upon race, religion, national origin, gender, sexual orientation, disability, age, profession, socio-economic status, political affiliation or clan relationship.
5. Employee: A person who works for the Judicial Branch with permanent, temporary, or probationary status on full-time or part-time basis.
6. Ex parte communication: A communication, written or oral, regarding a legal matter, pending, impending or closed, between less than all interested parties or their counsel and a judge or justice and/or the judicial staff. The above shall not apply to communication between the judge or justice and such law clerks,

attorneys or other employees whose responsibility is to advise the judge or justice. It also shall not apply to routine communication between judicial staff and counsel regarding scheduling, filing requirements, and similar matters.

7. Immediate family: Includes the following, whether related by marriage, blood or adoption:

- | | |
|--------------------|------------------|
| a. Spouse | b. Child |
| c. Brother | d. Sister |
| e. Parent | f. Grandparent |
| g. Grandchild | h. Father-in-Law |
| i. Mother-in-Law | j. Sister-in-Law |
| k. Brother-in-Law | l. Son-in-Law |
| m. Daughter-in-Law | n. Stepfather |
| o. Stepmother | p. Stepson |
| q. Stepdaughter | r. Stepsister |
| s. Stepbrother | t. Half-sister |
| u. Half-brother | |

PART II: Confidentiality

- A. No 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 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.
- C. Every employee shall report to the administrative authority confidential information when the employee reasonably believes the information constitutes evidence of a violation of law or of unethical conduct. No employee shall be disciplined for disclosing such confidential information to an appropriate Judicial Branch authority.
- D. Employees are not precluded from responding to inquiries concerning court procedures, but an employee shall not give legal advice. All media requests for information shall be referred to the Judicial Branch employee designated by the Chief Justice as the media liaison officer.
- E. Except as provided in Part II(C), no employee shall initiate nor repeat ex parte communications from litigants, witnesses

or attorneys to judges, jury members or any other person.

PART III: Conflict of Interest

A. Every employee shall avoid conflicts of interest in the performance of professional duties.

1. A conflict of interest exists when the employee's objective ability in the performance of his/her job is, or reasonably appears to be, impaired, or when the employee or the employee's immediate family or business would derive financial gain or other benefit as a result of the employee's position within the Judicial Branch.
2. A conflict of interest also exists when a benefit or detriment accrues to the personal or economic interest of an employee by virtue of employment within the Judicial Branch.

B. Prohibited Activities:

1. No employee shall contract with the Judicial Branch.
2. No employee shall receive gratuities or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court.
3. No employee shall participate in any business decision

involving a party with whom either the employee or any member of the employee's immediate family is negotiating for future employment.

4. No former employee shall engage in transactions or represent others in transactions or proceedings with the Judicial Branch for one (1) year after termination of employment.
5. No employee shall knowingly employ, advocate or recommend for employment any member of his/her immediate family or immediate Navajo clan relatives.
6. No employee shall solicit nor accept any gifts, loan, 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 employee in the performance of official duties.
 - a. Nothing in this section shall prohibit an employee from accepting a public award for public service.
 - b. Employees shall not receive gifts or donations on behalf of the Judicial Branch and/or the Navajo Nation.

c. Nothing in this section shall prohibit an employee from accepting unsolicited personal gifts of food or drink which have a nominal value.

7. No employee shall use nor permit the use of Judicial Branch facilities for activities unrelated to the business of the courts.

a. No part of the Judicial Branch premises nor any portion of working hours shall be used for the purposes of raising or soliciting funds.

(1) The above shall not include:

(a) Fund raising for an employee group activity in which the sole source of funds or those solicited are Judicial Branch employees;

(b) Vending machines when the proceeds, profits or commissions are paid to the Navajo Nation;

(c) Individual vendors selling their hand-made products.

b. No part of the Judicial Branch premises nor any

portion of working hours shall be used for social activities.

(1) The above shall not include:

- (a) Justice Day or other informational activities of the courts;
- (b) Mock court proceedings;
- (c) Reception of visitors;
- (d) Pot luck or sharing of food solely among employees so long as it is conducted in areas to which the public does not have access.

8. Outside employment is permissible only:

- a. If it is not with an entity that regularly appears in court or conducts business with the Judicial Branch, and it does not require the employee to have frequent contact with counsel who regularly appear in the court system;
- b. If it is capable of being fulfilled outside normal working hours and is not incompatible with the

performance of the employee's duties and responsibilities;

- c. If it does not require or induce the employee to disclose confidential information acquired in the course of and by reason of official duties;
- d. If it does not compromise the integrity of the Judicial Branch in any fashion;
- e. If it is approved in writing by the proper designated authority within the Judicial Branch;
and
- f. No employee shall serve as a poll watcher, poll clerk, precinct judge, or other election worker.

PART IV: Political Activity

- A. Each employee retains the right to vote as the employee chooses and is free to make financial contributions as a private individual.
- B. No employee shall be a candidate for or hold an elective or public office.
- C. No employee shall participate in any political activity.
 - 1. Political activity includes:
 - a. Displaying in any fashion at the work site, campaign literature, badges, stickers, signs or items of political advertising on behalf of any party, committee, agency or candidate for elective office;
 - b. Using official authority or position directly or indirectly, to influence or attempt to influence any other employee in the Judicial Branch to become a member of any political organization, support a specific candidate, or to take part in a political activity;
 - c. Soliciting signatures for political candidates;

d. Soliciting or receiving funds for political purposes.

2. Political activity does not include:

a. Attending debates, rallies, forums, etc. for informational purposes so long as the employee does not publicly identify nor permit himself/herself to be publicly identified as a Judicial Branch employee;

b. Voting on local chapter matters;

c. Signing nomination or recall petitions or legislative initiatives so long as the employee does not publicly identify nor permit himself/herself to be publicly identified as a Judicial Branch employee.

PART V: Performance of Duties

- A. Every employee shall perform official duties in a proper and diligent manner. Every employee shall apply full-time energy to the duties and responsibilities of the employee's job during working hours.
- B. Every employee shall serve the public in a courteous and professional manner.
- C. Every employee shall obtain and maintain current licenses or certificates which are required as a condition of employment.
- D. No employee shall alter, backdate, falsify, destroy, mutilate, or fail to make required entries on any records within the employee's control except pursuant to a lawful order.
- E. No employee shall give legal advice unless authorized by their job description.
- F. No employee shall selectively recommend legal counsel, but may make available the Navajo Nation Bar Association membership listings.
- G. No employee shall refuse to enforce or otherwise carry out any properly issued directive or court order. No employee

shall be required to perform any unreasonable duties.

H. Every employee shall immediately report violations of this Code to the appropriate designated authority within the Judicial Branch.

I. Employees who are lawyers, advocates or members of other professional groups are also bound by their respective professional duties and codes of conduct.

PART VI: Application

This Code is intended as a guide for employee conduct. The Judicial Branch Personnel Policies and Procedures shall be interpreted consistent with this Code. When a question of interpretation of this Code arises pursuant to or during the course of a grievance, the question shall be resolved by the Judicial Branch Grievance Board.