

# **NORTH DAKOTA COMMISSION ON LEGAL COUNSEL FOR INDIGENTS BUSINESS CODE OF ETHICS**

## **GENERAL OVERVIEW**

The North Dakota Commission on Legal Counsel is an Executive Branch agency in the State of North Dakota and was created by Chapter 54-61 of the North Dakota Century Code. The agency is primarily responsible for the delivery of indigent legal services for qualified applicants in criminal and juvenile district court matters. The agency employs attorneys and administrative support staff, as well as administrative supervisory staff. The agency also contracts with independent attorneys and professionals throughout the state for services. This code generically refers to "he" when referencing any and all employees.

## **PURPOSE OF CODE**

This code is to set forth minimum, uniform standards of conduct expected of the employees of the agency. This Code of Ethics is intended to complement existing codes, rules, and statutes governing attorney conduct in the State of North Dakota and attorney performance standards adopted by the agency. Violations of this code shall be enforced in the same manner as violations of personnel policies. (Note, however, violations of the North Dakota Rules of Professional Conduct may be dealt with in a separate forum).

## **ADHERENCE TO PROFESSIONAL RULES**

The attorneys who are employed full time and who work as independent contractors must be licensed in the State of North Dakota to practice law. In that regard they must adhere to the rules and tenets of the North Dakota Rules of Professional Conduct and any and all rules or ethical opinions promulgated the State Bar Association or the North Dakota Supreme Court.

## **CONFIDENTIALITY**

All employees of the agency are expected to adhere to strict rules regarding the confidentiality of information obtained while working for the agency. Information cannot be disseminated except when allowed by rule or law, and each office supervisor and administrative staff shall deal with any breaches of confidentiality in a swift and appropriate disciplinary fashion.

## **APPEARANCE OF IMPROPRIETY**

An agency employee shall avoid impropriety and the appearance of impropriety in all of the employee's activities. The employee shall comply with the law and shall act, at all times, in a manner that promotes public confidence in the agency.

The employee shall not accept, solicit, or agree to accept any gift, favor, or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions, or judgment of an employee would be influenced and that he would act one way or the other based upon that gift, favor, or item of value.

Without the express permission of the Executive Director of this agency, an employee shall not engage in any transaction as an employee or agent of this agency, with that employee's immediate family member; or with a business or organization owned, operated by, or significantly controlled by the employee or the employee's immediate family member.

An attorney working for the agency as an employee shall not, in any manner, act as an attorney for another person outside the cases he takes at work. Any advice that attorney employee would give another that would be deemed "legal advice" outside the employment of the agency is not construed as work related matters.

An employee shall not request or accept any fee or compensation, beyond that received by the employee in the employee's official capacity, for advice or assistance given in the course of the employee's public employment.

An employee shall not use or attempt to use the employee's position to secure special privileges or exemptions for himself or any other person.

An employee shall not use public funds, property, or resources wastefully or for private purpose not allowed by administrative authorities.

## **PROFESSIONALISM, DILIGENCE, PREJUDICE**

An employee shall be professional in his employment with the agency. He shall be patient, prompt, and courteous to litigants, jurors, witnesses, lawyers and others with whom he comes into contact with in the judicial system. It is understood that an attorney needs to zealously represent his client in implementing the intent of this paragraph.

An employee shall make every reasonable effort to be on time for work, court appearances, appointments, and scheduled events. Likewise, the employee shall make every reasonable efforts

to have projects, motions, and court paperwork done in a timely fashion and not miss deadlines.

An employee shall perform duties without bias or prejudice, and shall not manifest, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status. In this regard, all clients are to be treated with respect and dignity, as are all other employees.

### **ADHERENCE TO AGENCY RULES, REPORTING**

Employees are expected to adhere to this Code of Ethics, as well as other standards and rules adopted by the agency. If an employee believes another employee is violating the same, he shall report it to his supervisor first, or, if the person he suspects of the violation is the supervisor, to the administrative supervising staff or one of the commission members. An employee shall not be subject to retaliation for reporting or failing to report violations if such report or failure to report is made in good faith.

### **THEFT AND MISAPPROPRIATION**

An employee shall not take, borrow, or divert agency funds or personal property. He shall follow adopted rules on the use of the computer and electronic devices, and shall refrain from using agency property for personal use whenever possible. An employee shall not remove agency property from the premises without the permission of his supervisor. An example of this use would be the use of a laptop computer for work in another jurisdiction.

If it appears theft of goods or money has occurred, the Executive Director shall be notified who shall also notify the governing commission.

### **PROHIBITED ACTIVITIES**

An employee shall conduct personal activities so as to avoid a negative effect on the agency or his ability to perform his duties. An employee shall not perform work for another employer or as an independent contractor without prior notification and approval of the Executive Director.

### **CONFLICT OF INTEREST**

An employee shall manage personal and business matters so as to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of his employment. He shall

inform his supervisor of any potential conflict of interest involving his employment duties. The employee shall not participate in a court proceeding in which he has a personal, business, or family interest that may actually or appear to influence the outcome of the court proceeding or business. If one of the agency attorneys has a family member or close relative that needs legal representation and is indigent, another attorney besides the related employee shall be assigned to the case.

Unless specifically authorized by the Executive Director, an employee shall not use his or her position or office to solicit funds.

### **POLITICAL ACTIVITY**

An employee may not engage in inappropriate political activity during work hours or use agency facilities or property for inappropriate political activity. Inappropriate activity means:

(1) Campaigning, arranging for campaign meeting or events, transporting candidates or workers engaged in campaigning, displaying campaign literature, badges, stickers, sign or other items of advertising on behalf of any party, committee, agency, candidate of political office, or imitated measure;

(2) Actively soliciting signatures for political candidacy;

(3) Actively soliciting or receiving funds for political purposes, and

(4) Using agency equipment for political chatrooms, blogs and the like.

An employee retains the right to vote as the employee chooses and is free to participate in political activity during non-working hours and outside agency property. He may not use the employee's position or title from work in connection with such political activities and the activity must not be incompatible with the employees duties.

An employee who runs for elective office shall notify the supervisor upon the filing of nomination papers or election, whichever is earlier. An employee may hold an elected office provided the requirements of that elected office can be fulfilled outside of normal working hours and are not a conflict with the employment.

No employee shall use his official authority or position, directly or indirectly, to influence or attempt to influence any other employee of the agency to become a member of any political organization, support an initiated measure, or take part in any political activity.

An employee may not discriminate in favor or against any other employee for employment based on political contributions or other permitted political activities.