

THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER)
)
Trial and Appellate Divisions)

GCO No. 2017-003

**CODE OF ETHICS FOR EMPLOYEES OF THE
SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA**

Pursuant to the authority granted to the Chief Justice of the FSM Supreme Court in art. XI, sec. 9 of the Constitution and section 117 of title 4 of the Judiciary Act of the Code of the Federated States of Micronesia (4 F.S.M.C. sec. 117), and in conformity with

Action Item 4.4 (A) of the Strategic Plan (2012 to 2017) of the FSM Supreme Court, which empowers the FSM Supreme Court to develop a Code of Ethics with the goal of standardizing the demeanor and conduct of court employees to uphold and maintain the public trust in the judiciary of the FSM.

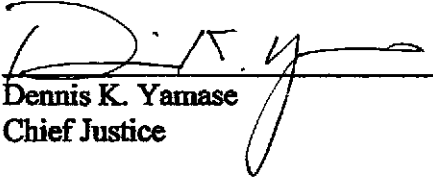
The FSM Supreme Court Code of Ethics for Employees was approved and implemented on September 26, 2013, however, no version was ever enacted as a General Court Order.

NOW THEREFORE IT IS HEREBY ORDERED, that the following Code of Ethics for Employees are HEREBY ADOPTED as attached:


**CODE OF ETHICS FOR EMPLOYEES OF THE
FSM SUPREME COURT as attached**

(Implemented on September 26, 2013 and Promulgated as General Court Order on April, 2017)

SO ORDERED this 21st day of April, 2017.


Dennis K. Yamase
Chief Justice

ENTERED this 21st day of April, 2017.


Sandy A. Albert
Clerk of the FSM Supreme Court



CODE OF ETHICS FOR EMPLOYEES

The following guidelines are proposed for ADOPTION to provide guidance to FSM Supreme Court Employees and to afford a framework for regulating employees' professional demeanor and conduct and to enable clients, parties and members of the general public to better understand, support and trust the judiciary.

THE GUIDELINES PRESUPPOSE that Court Employees are accountable for their conduct in the discharge of their professional duties, responsibilities and functions, AND ARE INTENDED to supplement and not to replace existing government rules of law and policies on conduct which bind employees of the FSM Supreme Court.

Principle

INDEPENDENCE is a pre-requisite to the rule of law and a fundamental guarantee of a fair and trusted judicial system. A Court Employee shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

Application

CANON 1 **INDEPENDENCE**

1.1 A court employee should perform all official functions independently in accordance with a conscientious understanding of the policies, general court orders, acceptable practices of the court, and the laws, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any party, or for any reason.

1.2 A court employee should be independent in relation to parties in a dispute before the court.

1.3 A court employee should encourage and uphold safeguards to maintain and enhance the institutional and operational independence of the judiciary.

1.4 A court employee should be free from improper political influences and demand that the other branches of government respect that boundary for the judiciary as a whole.

Principle

IMPARTIALITY is essential to the proper discharge of justice administration. It applies not only to the judicial decision itself but also to the support processes by which the decision is arrived at by clerical and administrative services that support the operation of the judiciary.

Application

2.1 A court employee must be impartial in order to maintain and enhance the confidence of the public, practitioners and litigants in the judiciary.

2.2 A court employee should not make any comment that might reasonably be expected to affect the outcome of any proceedings pending before the court or impair the manifest fairness of the judicial process or trial of any person or party.

2.3 Conflicts of interest may arise that require a court employee, especially a law clerk or staff attorney, to disclose the conflicts to judges in the relevant. A conflict of interest exists if the law clerk or staff attorney is unable to impartially assist due to a close familial or personal relationship such that it would appear to a reasonable informed observer that impartiality will be compromised. Such instances specifically include, but are not limited to, when:

2.3.1 the court employee has actual bias for or against a party or any personal knowledge of disputed evidentiary facts in the proceedings;

2.3.2 the court employee, previously served as a lawyer or was a material witness in the matter in controversy;

2.3.3 the court employee, or a member of his or her family, has a financial or other close personal interest in the outcome of the proceedings.

Principle

PROPRIETY and the appearance of propriety enhance public esteem for the judicial system. A court employee should conduct himself or herself in a manner consistent with the highest court of the nation.

Application

3.1 A court employee's standard of conduct should at all times be beyond reproach of a reasonably informed observer.

**CANON 2
IMPARTIALITY**

**CANON 3
PROPRIETY**

3.2 A court employee should avoid situations that might give rise to a reasonable suspicion of favoritism or partiality towards certain individuals or groups.

3.3 A court employee, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but should exercise these rights in ways that maintain and preserve the dignity, impartiality and independence of the judiciary.

3.4 A court employee must not practice law while working for the court, unless express written permission is granted by the court. Such permission may be granted only in exceptional circumstances.

3.5 Neither a court employee nor members of his or her immediate family, should ask for, or accept, any gift, bequest, loan or favor in connection with the performance of his or her official duties.

Principle

EQUALITY towards all people is a cornerstone of the judicial due process. Equal treatment honors the diverse members of our society, on which the strength of this nation is built. A court employee must treat all persons with equal respect as required by the equal protection clause of the constitution.

Application

4.1 A court employee shall perform all duties with without bias or prejudice, and not refuse to help anyone in need of services.

4.2 A court employee shall not, in the performance of official duties, by words or conduct, manifest bias or prejudice towards any person or group as required by the equal protection clause of the constitution.

4.3 A court employee should be considerate of all persons in the courthouse facilities regardless of whether they are parties, witnesses, lawyers, judges, court staff, library patrons, or merely visitors.

4.4 A court employee should repudiate any act or form of discrimination or bias that is in violation of the equal protection clause of the constitution.

Principle

COMPETENCE and professional standards for all work are crucial to the effectiveness and efficiency of due performance of the judiciary.

Application

5.1 A court employee should devote his or her professional activity to official duties, which include tasks that support judicial functions and court operations.

**CANON 4
EQUALITY**

**CANON 5
COMPETENCE**

5.2 A court employee should take reasonable steps to maintain and enhance his or her legal knowledge, judicial skills and personal qualities necessary for the proper performance of official duties. For this purpose training and other facilities should be made available to court employees.

5.3 A court employee should diligently complete and discharge all official duties.

Principle

CONFIDENTIALITY is essential to the integrity of certain judicial processes and in some instances may be necessary to protect the dignity of persons who stand before the court.

Application

CANON 6 CONFIDENTIALITY

6.1 Court employees routinely handle sensitive information. Even after a case is closed, information contained in the record may still be considered confidential. A court employee must be diligent never to reveal anything until it is made a matter of public record.

6.2 A Court Employee must not discuss cases outside of work. Unintentional disclosures are sometimes made as a result of innocent or casual remarks about pending cases to associates, family, or friends.

6.3 A court employee's comments on social networking sites, websites, or email can reveal staff attitudes towards attorneys, parties, or witnesses involved in cases. These comments may not even include the specific name of persons or parties, but by the nature and size of the court proceedings, nevertheless reveal with reasonable certainty to whom they refer. A court employee must exercise a heightened level of sensitivity and caution to avoid releasing confidential information.

6.4 A court employee is prohibited from speaking to the press, or in any public forum, about an ongoing case. Only employees authorized by the Court Director may do so and only to the extent authorized. If questioned by the press, an employee is expected to refer to this prohibition and cite the importance of confidentiality in the courts.

6.5 Court records must be treated securely. Court employees should not allow their files, computer records, or email to be easily compromised by third parties and must take appropriate steps to protect them.

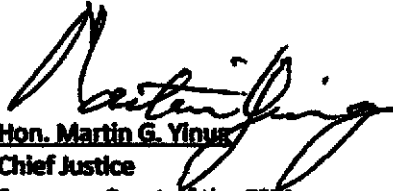
6.6 Employees are prohibited from using confidential information gained through their employment for personal benefit.

All employees of the national judicial branch **MUST COMPLY** with this code of ethics. An employee who violates any canons of the code of ethics will be subject to discipline under Title 52 of the FSM Code, Title 4 § 114 of the FSM Code, and any other applicable rules and regulations of the FSM. The FSM Supreme Court management shall apply progressive discipline to violations of these guidelines: 1) first

offense – verbal warning, 2) second offense – written warning, 3) third offense - suspension and/or demotion, 4) fourth offense termination. The FSM Supreme Court management may, however, circumvent the steps of progressive discipline depending on the seriousness of the offense. All violations shall be recorded and kept in the employees file.

Any decision to remove the clerk, officer, or employee for good cause is reviewable by the Appellate Division of the Supreme Court according to Title 4 § 114 of the FSM Code.

Approval:


Hon. Martin G. Yimug
Chief Justice
Supreme Court of the FSM

9/26/13
Date