

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 1-308:)	No. 2021 - <u>165</u>
CODE OF CONDUCT FOR CLERKS)	
OF SUPERIOR COURT)	
_____)	

Proposed amendments to the above-captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on October 21, 2021 and were approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the amendments to ACJA § 1-308 as indicated on the attached document are adopted. All other provisions of ACJA § 1-308 remain unchanged and in effect.

Dated this 10th day of November, 2021.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-308: Code of Conduct for Clerks of Superior Court

A. through C. [No changes]

D. Conduct Rules and Comments.

CANON 1

A CLERK OF SUPERIOR COURT SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE OFFICE AND THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 [No changes]

RULE 1.2
Promoting Confidence in the Judiciary

A clerk of superior court shall act in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Comment

1. The fundamental attitudes and work habits of clerks of superior court 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.

2. Public confidence in the judiciary and office of clerk of superior court is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both professional conduct and personal conduct that affects the public perception of the judiciary and the office of clerk of superior court.

3. A clerk of superior court should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the code.

4. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary or of a clerk of superior court undermines public confidence in the judiciary and the office of clerk of superior court. Because it is not practicable to list all such conduct, this rule is necessarily cast in general terms.

5. Clerks should participate in activities that promote ethical conduct among clerks, judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.

6. Actual improprieties include violations of law, court rules or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the clerk of superior court violated this code or engaged in other conduct that reflects adversely on the clerk's honesty, impartiality, temperament, or fitness. A clerk of superior court's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

7. A clerk may respond to or issue statements in connection with allegations concerning the clerk's conduct in a matter or to false, misleading, or unfair allegations or attacks upon the clerk's reputation. Consistent with other requirements, a clerk's response or statement at any time that addresses attacks on the clerk's actions, character, or reputation may serve to restore or maintain public confidence in the judiciary. When designated to do so, clerks may respond to or issue statements on behalf of a court or judicial officer as a third party, subject to Rule 81, Rules of the Supreme Court, Arizona Code of Judicial Conduct, Canon 2, Rule 2.10(E).

RULE 1.3 – End [No changes]