

**STATE OF MARYLAND
JUDICIARY**

**Policy on Reporting Employee Court Appearances,
Arrests, and Requests for Judicial Relief**

I. PURPOSE

The purpose of this policy is to establish required procedures for reporting the arrest of a Judiciary employee, the appearance of an employee before a Judicial Official, requests for judicial relief filed by an employee, and to ensure that employees are not, during the performance of their job duties, involved in judicial matters pertaining to family members as defined by this policy.

These reporting requirements are to assist Judiciary administrators in determining whether the case, if it is to be heard in a Maryland court, can be processed in routine fashion or if special arrangements must be made. The requirements also are to assist Judiciary administrators in determining what personnel action, if any, should be taken to protect the interests of the Judiciary.

The intent of the policy is to assure that the integrity of the Judiciary is not compromised. In that light, it is strongly encouraged that employees also report the court appearances, arrests, and requests for judicial relief of family members. Some employees, as determined by the Administrative Judge or designee, and/or the Administrative Official, may be required to report such activities of family members.

II. DEFINITIONS

A. Administrative Official

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District Court for the district in which an employee works; or
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court headquarters, or the Court-Related Agency in which the employee

works.

B. Family Member (for purposes of this policy only)

1. Spouse of the employee;
2. Children, foster children, or step children of the employee;
3. Siblings of the employee;
4. Parents or step parents of the employee or spouse, or others who took the place of parents;
5. Sons-in-law or daughters-in-law of the employee.

C. Judicial Official – A Judge, Master, or District Court Commissioner.

D. Judicial Relief – Any assistance, redress, or benefit which an employee or family member seeks at the hands of a court. This does not include seeking the ministerial assistance of a court in matters where no judgment or discretion is involved, such as marriages, recording of documents, and the like.

III. SCOPE

This policy applies to all employees of the Maryland Judiciary. The administration of this policy is the responsibility of the Administrative Officials.

IV. POLICY STATEMENT

It is important that we exercise the greatest of care to avoid either a conflict of interest or the appearance of impropriety in any Maryland court proceeding, and to promote the public's trust and confidence in Judiciary employees and the dispensation of justice in Maryland. It is, therefore, required that employees report all arrests or scheduled court appearances for themselves, and any requests for judicial relief sought by the employee. Employees also must report instances in which they, in the performance of their job duties, are, or may become, directly involved in judicial matters involving family members.

Judiciary employees have the right to avail themselves of the protections of the law. This policy is not meant to encourage or discourage Judiciary employees in exercising that right.

All efforts will be made to protect the privacy of the employee when reporting activity that is required by this policy. This information only will be shared with those who have a need to know. These individuals will be required to maintain the confidentiality of the information.

V. REPORTING REQUIREMENT

A. Employee

Whenever an employee of the Judiciary has been arrested, the employee must notify his/her Administrative Official in writing, if able to do so, or verbally of the arrest on the next business day following the arrest.

A Judiciary employee must notify his/her Administrative Official in writing, if able to do so, or verbally if the employee is scheduled to appear as a party or as a witness in any Maryland court as soon as notice of the trial date is received.

Whenever an employee files a request for judicial relief or intervention in a Maryland court, the employee must notify his/her Administrative Official in writing, if able to do so, or verbally the next business day the employee works after the filing of the request.

If it appears that a family member has or will have business before a Maryland court, and the employee is or may become involved in the matter, the employee shall notify his/her Administrative Official in writing, if able to do so, or verbally the next business day after gaining knowledge of the matter.

B. District Court Commissioners

A Commissioner is encouraged to inform his/her Administrative Commissioner of any individual who is a Judiciary employee and who has appeared before him/her, provided the Commissioner is aware that the individual is a Judiciary employee. The Administrative Commissioner then will inform the appropriate District Court or Circuit Court Administrative Judge or Judiciary department head who then will take whatever action he or she deems necessary, within the law and/or appropriate Judiciary policies, to protect the interests of the Judiciary.

C. Family Members

As stated in Section I, although not a general requirement, it is strongly encouraged that all employees also report court appearances, arrests, and requests for judicial relief for family members, so to help ensure the integrity of the Judiciary. Employees who hold certain classifications or job responsibilities as determined by the Administrative Judge or designee, and/or the Administrative Official, may be required to report the

arrests, court appearances, and requests for judicial relief of family members.

VI. REQUEST FOR JUDICIAL RELIEF OR INTERVENTION – DISTRICT COURT COMMISSIONERS

District Court Commissioners who believe they are the victims of a crime, have the right to seek redress. They should, however, contact their Administrative Commissioners to seek judicial relief or intervention so as not to appear to compromise another commissioner or the Maryland Judiciary.

VII. FAILURE TO NOTIFY ADMINISTRATIVE OFFICIAL

Willful failure of an employee to notify his/her Administrative Official of an arrest or a scheduled court appearance for themselves, or that the employee has filed a request for judicial relief or intervention in a Maryland court, or that the employee is or may become involved in a matter before the court involving a family member, may result in disciplinary action, up to and including termination of employment.

VIII. RESPONSIBILITIES

A. Employee

It is the responsibility of all employees to abide by this policy.

B. Management

It is the responsibility of all supervisors, managers and Administrative Officials to ensure that all employees under his/her supervision are aware of this policy and that such employees are expected to abide by the policy.

All supervisors and managers shall notify the appropriate Administrative Officials of employee activities covered by this policy. Accordingly, the Administrative Officials should take whatever actions deemed necessary, within the law and/or appropriate Judiciary policies, to protect the interests of the Judiciary.

Supervisors, managers and Administrative Officials are encouraged to notify the Human Resources Department whenever a disciplinary action may be warranted under this policy.

IX. INTERPRETATIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.