

A wooden gavel with a handle and a head with three rings, resting on a stack of three wooden blocks. To the right, a stack of several books with worn spines is visible. In the background, a pair of brass scales of justice is suspended. The entire scene is set against a dark, blurred background.

Ethics for Judicial Magistrates

Oh, fun



Answers

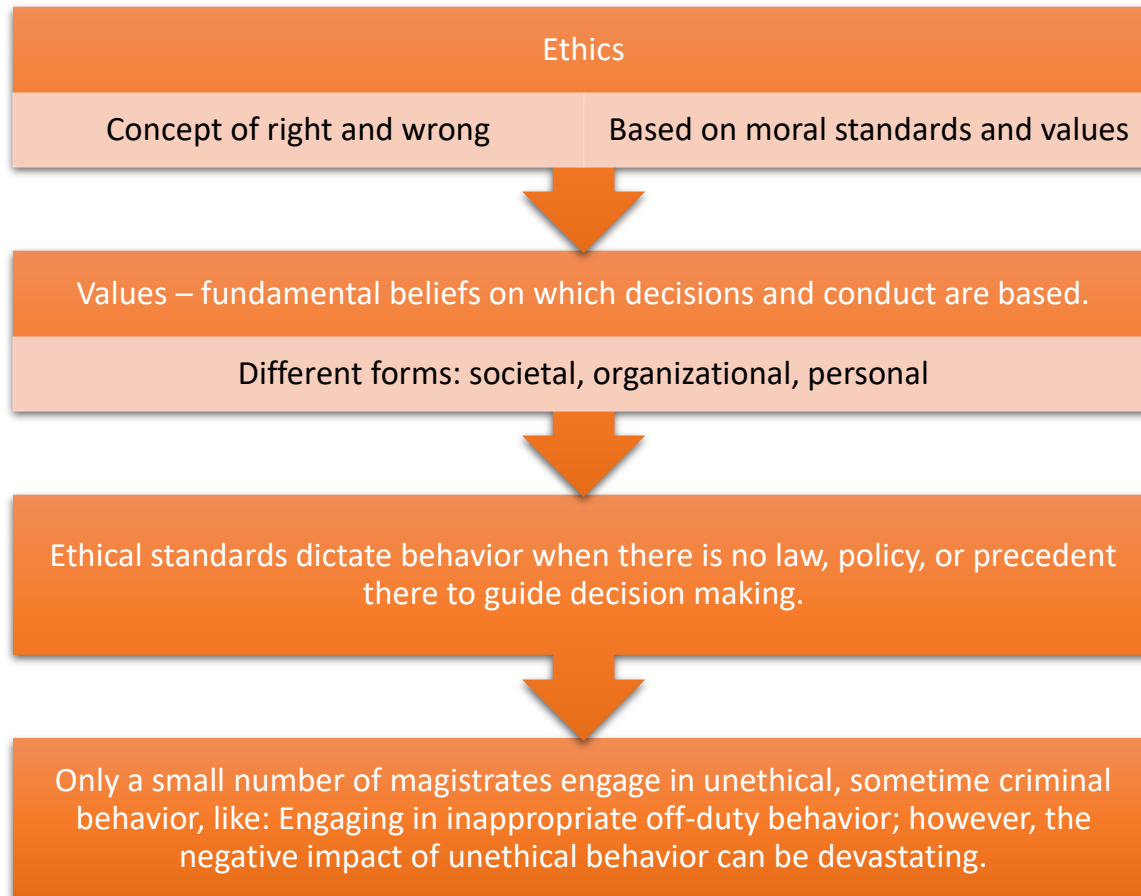
1. B
2. D
3. C
4. C
5. A
6. C
7. D
8. T
9. F
10. T

What is Ethics?

- No policy manual or code of ethics can determine what action to take in every situation.
- A morally and ethically informed person can use moral reasoning to identify plausible ethical responses.
- Ethics is the study of the principles of good conduct and systems of moral values.
- Ethical behavior relates to conduct that conforms to accepted principles of morality.



Ethics and Professional Conduct



Morality

Morality demands maintaining integrity in both personal and professional realms. Yet morality is not simply about having the capacity for integrity; it is about exercising that capacity. An important question is:

“What motivates us to exercise (or fail to exercise) that capacity?”

What is integrity?

- Decerning between what is right and wrong, and acting on what you have discerned to be right, even at personal cost.



CULTURE: WHAT IS IT?

Culture

- A set of values, norms, and behaviors that form a particular way of life

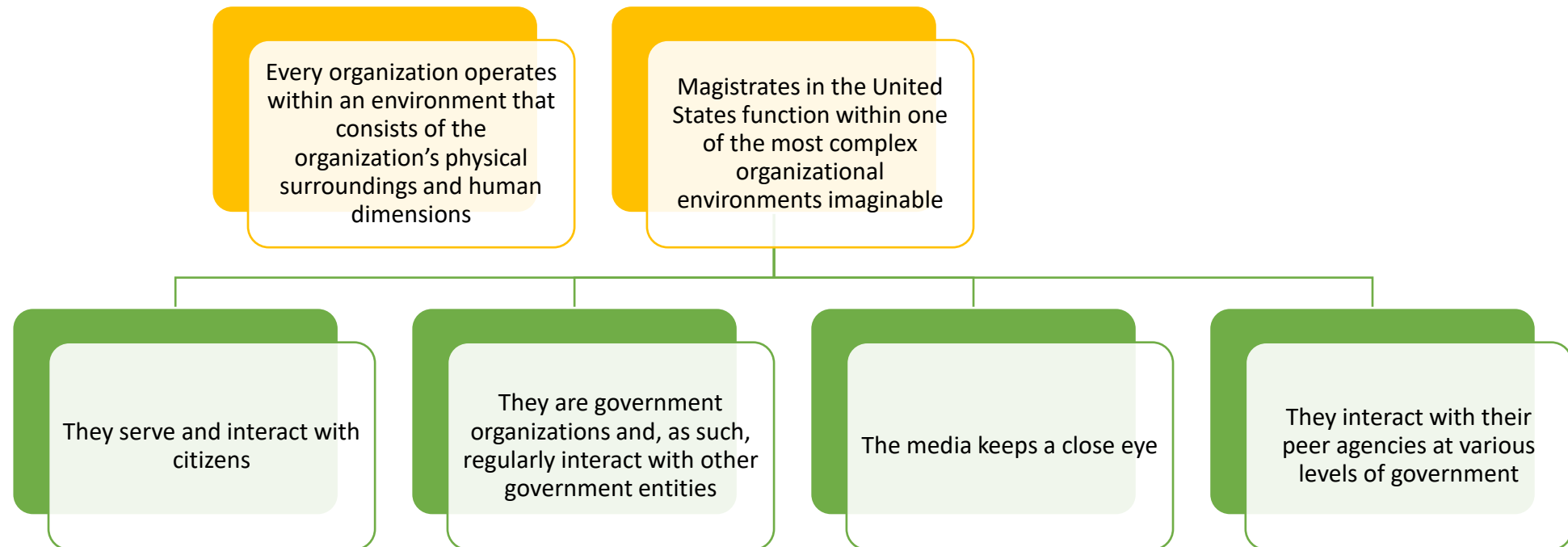
Values

- Standards of goodness, or those things that are perceived to be important

Norms

- Rules and expectations about which forms of behavior are acceptable and which are not

THE ORGANIZATIONAL ENVIRONMENT



Interesting cultures facts...

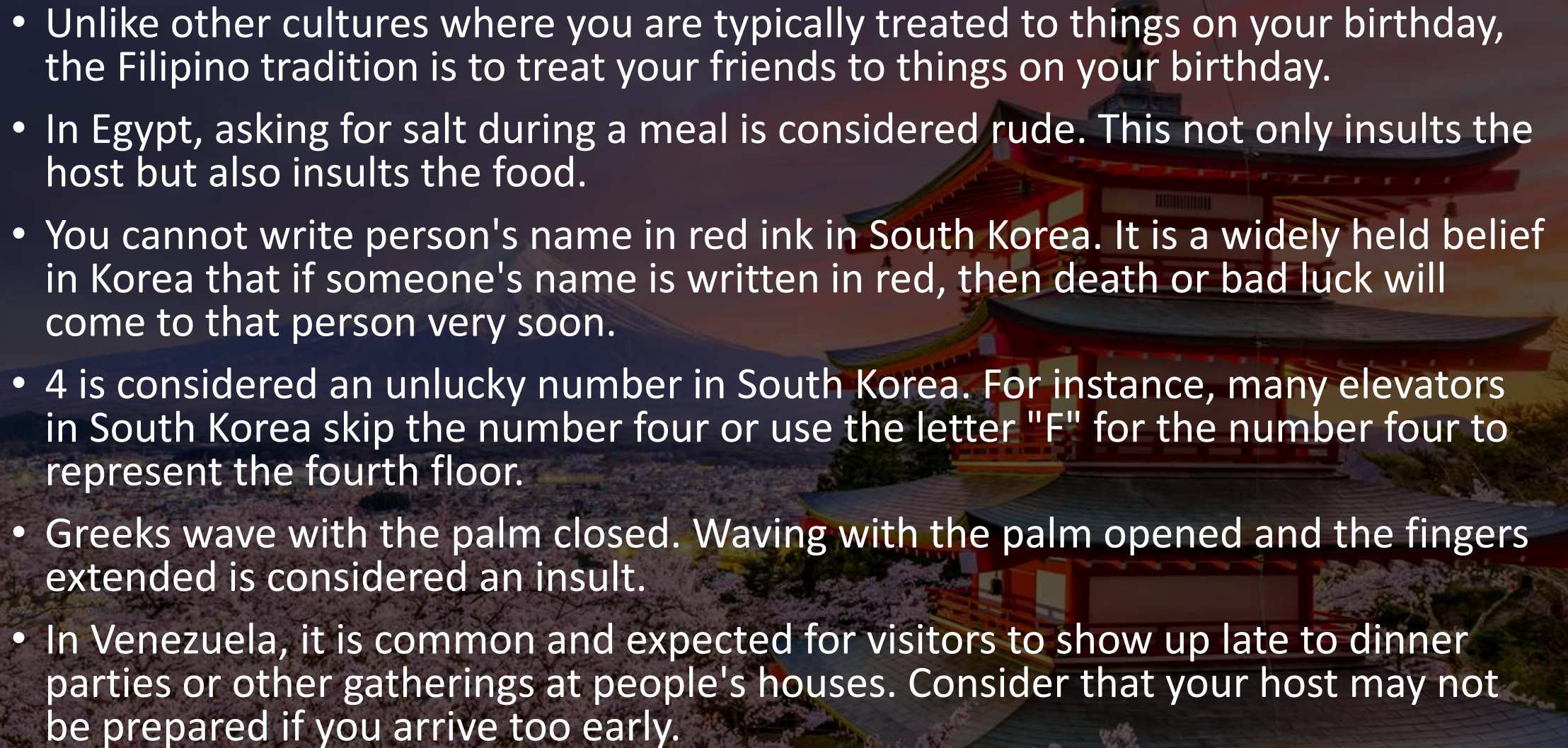
Kissing both cheeks is a common way of greeting someone in Spain.

Russians normally open their umbrellas indoors to dry

Mexicans normally celebrate New Year's Eve by eating 12 grapes at midnight.

It is illegal to throw out food in France. As of 2016, any unsold but edible food must be donated rather than thrown away, or you could come up against the long arm of the law.

Tipping for services (for e.g. waiters/waitresses, taxi drivers), might be viewed as rude and disrespectful in Japan.

- 
- Unlike other cultures where you are typically treated to things on your birthday, the Filipino tradition is to treat your friends to things on your birthday.
 - In Egypt, asking for salt during a meal is considered rude. This not only insults the host but also insults the food.
 - You cannot write person's name in red ink in South Korea. It is a widely held belief in Korea that if someone's name is written in red, then death or bad luck will come to that person very soon.
 - 4 is considered an unlucky number in South Korea. For instance, many elevators in South Korea skip the number four or use the letter "F" for the number four to represent the fourth floor.
 - Greeks wave with the palm closed. Waving with the palm opened and the fingers extended is considered an insult.
 - In Venezuela, it is common and expected for visitors to show up late to dinner parties or other gatherings at people's houses. Consider that your host may not be prepared if you arrive too early.

DEVIANCE



WITH ENORMOUS POWER AFFORDED
TO MAGISTRATES COMES THE
POTENTIAL FOR ABUSE OF THAT
POWER



TRAINING, SUPERVISION, PROFESSIONALISM,
ETHICAL STANDARDS, AND LEGAL CONSTRAINTS
MAY DETER SOME INAPPROPRIATE BEHAVIOR,
BUT EVEN THE MOST EFFECTIVE CONTROLS DO
NOT WORK ALL THE TIME.



DISCOVERING DEVIANCE

Corruption

- Dishonest or fraudulent conduct by public officials in a position of power
 - Magistrates act corruptly when, in exercising or failing to exercise their authority, they act with the primary intention of furthering private or departmental/divisional advantage

Deviance

- Broad term that applies to any behavior that is at odds with socially expected or accepted behavior

7 Deadly Sins

1. Lust (power,
sex, money)

2. Sloth (lazy)

3. Envy
(promotions,
assignments)

4. Gluttony
(never
satisfied)

5. Anger

6. Greed
(money,
power)

7. Pride (too
good for
something)

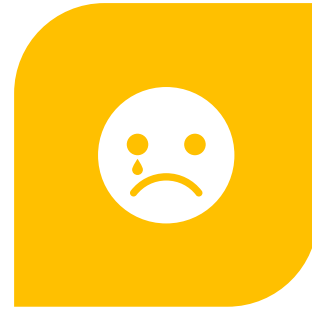
Reasons why magistrates do unethical things....



ANGER



LUST



GREED



PEER PRESSURE

CAN ETHICS BE TAUGHT?

THERE IS NO EVIDENCE THAT ANY COURSE
ALONE MADE ANYONE MORE ETHICAL.

PEOPLE ARE MORE INFLUENCED BY THE
BEHAVIOR OF THE PEOPLE WHO SURROUND
THEM ESPECIALLY AGENCY HEADS



Break...




What is, basically, judicial conduct?

- Judicial misconduct generally is conduct that is in violation of the Code of Judicial Conduct, which is Tennessee Supreme Court Rule 10. The Code of Judicial Conduct lists various rules about how a judge should conduct himself or herself in court and out of court.
- In addition to judicial misconduct, the Board of Judicial Conduct may also consider a disability, either physical or mental, of a judge that substantially interferes with his or her judicial duties.

There are Four Cannons

- A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.
- A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY
- A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRA JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE
- A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

A woman with dark hair, wearing a patterned, sleeveless dress, is seated on a chair in a dimly lit room. She is looking down and to her right. The room has a dark, moody atmosphere with some light reflecting off surfaces. The background is out of focus, showing what appears to be a doorway or a window with some light coming through.

Judge arrested at Atlanta nightclub removed from office for 'judicial misconduct'

June 25, 2024, Douglas County Probate Judge Christina Peterson, 38,
removed from office.

2024 Disciplinary Actions

A public disciplinary action, such as a public reprimand is a finding by the Board of Judicial Conduct that a judge or justice violates a rule of judicial conduct.

A public reprimand is a letter that details the finding of judicial misconduct and lists reasons why such conduct is improper and a discredit to the judiciary.

So far in 2024....

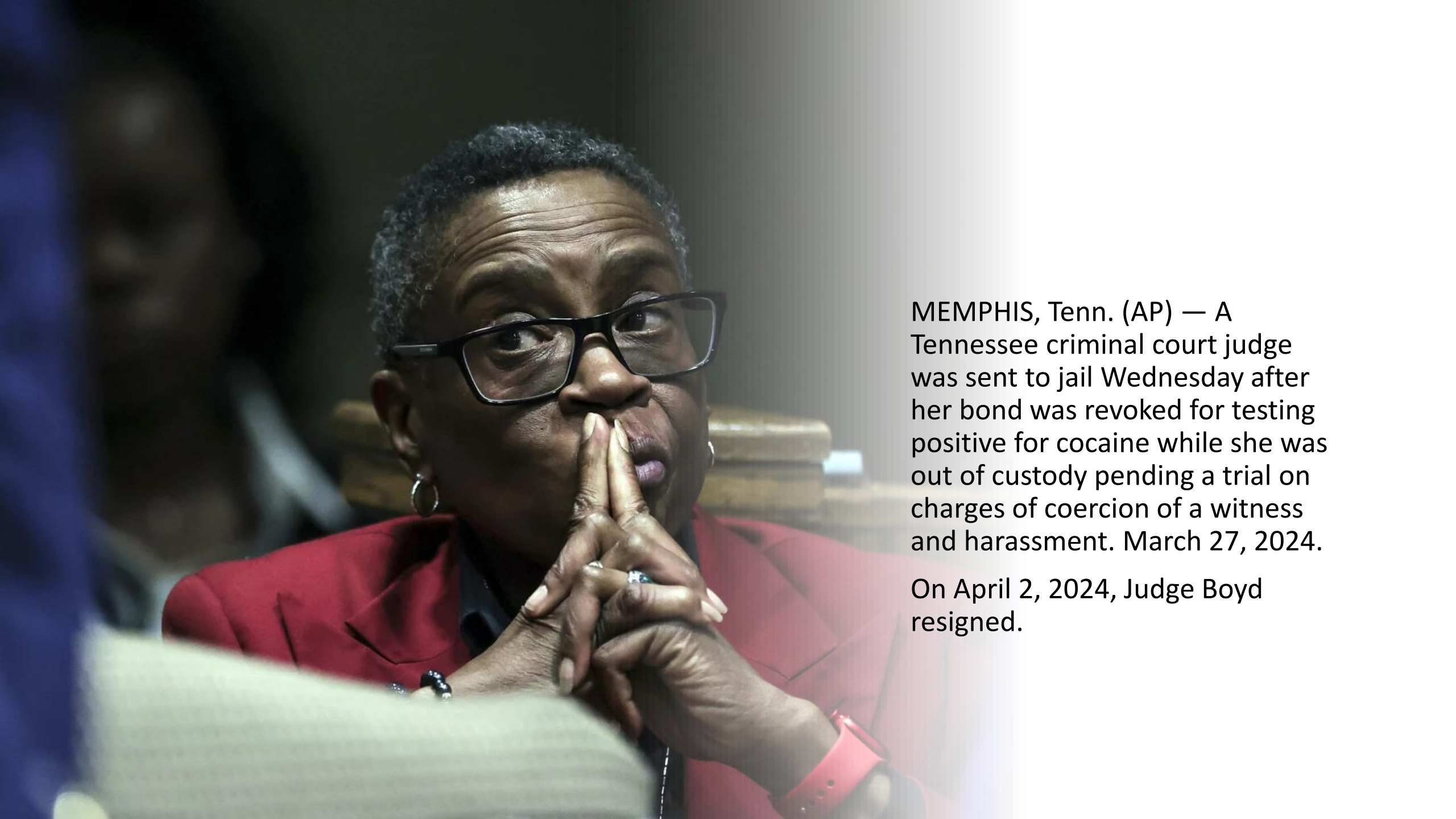
Rogers,
William -
March 6, 2024

Skahan, Paula
- February 14,
2024

Anderson, Bill
- February 6,
2024

Boyd, Melissa
- January 25,
2024,

Gilley, Toby -
January 4,
2024



MEMPHIS, Tenn. (AP) — A Tennessee criminal court judge was sent to jail Wednesday after her bond was revoked for testing positive for cocaine while she was out of custody pending a trial on charges of coercion of a witness and harassment. March 27, 2024.

On April 2, 2024, Judge Boyd resigned.

BOARD OF
JUDICIAL
CONDUCT
2023 REPORT

For Magistrates/Referee:

16 complaints for failure to comply with law

3 complaints for bias, prejudice and unfairness

2 complaints for delay

Let's see how
ethical you
are....

If something at a yard sale is far more valuable than the posted price, would you let the seller know?

Is it unfair to move into better (open) seats at a sporting event or a concert after it starts?

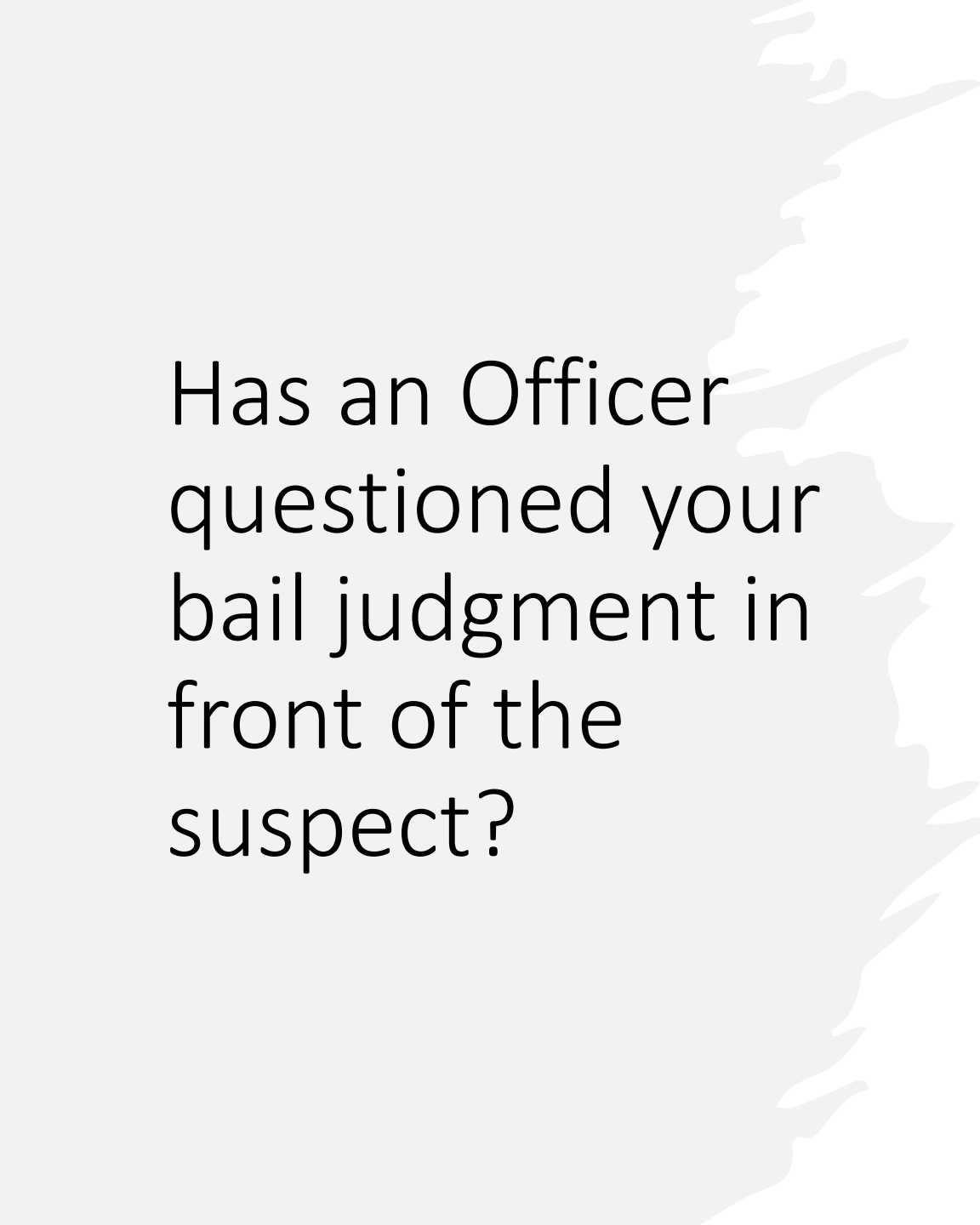
Do you consider it stealing taking pens from a bank? What about extra napkins from a fast-food restaurant?

If a charity sends you free address labels and you don't contribute, is it OK to use them?

Has this happened to you?

- Officer comes into your office to obtain an arrest warrant for an individual who is in custody and the officer states:
- Yea, I don't think I have enough to make the arrest, but my Sergeant told me to make the arrest, so here I am.....
- Can I ask you something before we start... I think he is on the board line of being drunk, but should I put that in my affidavit for the search warrant for his blood.....
- I was going to issue a citation until she asked me how many donuts I ate tonight...
- Officer comes in, sits down at your desk, and states "I don't know if I have enough for an arrest, explain to me what the whole citation in lieu of arrest means?"





Has an Officer
questioned your
bail judgment in
front of the
suspect?

- What was your response?



Questions in the news.....

- April 16, 2024, Pittsburgh-Allegheny County DA's office asks for review after magistrate lets man charged in police chase walk without posting any bail. The Allegheny County District Attorney's Office is calling into question a recent ruling by a magistrate. The DA's office asked for a bail review after Magistrate Xander Orenstein let a Sharpsburg man walk out without posting any bail. Some are now questioning if that decision was in the best interest of community safety.
- "Magistrates can use their discretion to make their own decisions about bond but the only option moving forward now is for a judge to immediately overrule."
- "You hope for magistrates who will take all of this into account and who will be properly informed of the necessary background information. If, for some reason, a magistrate does not know that a defendant now before them is already out on bond on another case, that's a very bad problem with the system that needs to be corrected."



Questions???

