REPORT ON AN INVESTIGATION INTO THE MANAGEMENT, PERFORMANCE AND CONDUCT OF SUFFOLK COUNTY REGISTER PATRICIA CAMPATELLI

Ronald P. Corbett, Jr., Ed.D.
March 3, 2014
BACKGROUND

On January 17, 2014, Chief Justice Paula Carey and Court Administrator Harry Spence requested by letter (attached as Appendix A) that this investigator conduct an inquiry into matters concerning the office management and conduct of Suffolk County Register of Probate Patricia Campatelli. The letter set forth specific areas of inquiry, each of which will be addressed in this report separately and in the order set forth in the letter.

METHODOLOGY

In order to comply with the charge given me, I undertook steps that included the following:

1.) Interviews with a large number of Registry staff, Judicial staff and with various Court Administrators with oversight and management responsibility for the Registry. These interviews were conducted with a total of (39) individuals, over the course of the period from January 28, 2014 through February 26, 2014. Also interviewed was an attorney who has worked within the Registry and is familiar with its personnel;

2.) I reviewed documents related to an investigation conducted by the Human Resources Dept. on an incident involving Register Campatelli that occurred on December 18, 2013; related evidence will be discussed in the latter part of this report.

3.) I reviewed transcripts of voice mail recordings left by one of the staff involved in the December 18, 2013 incident.

4.) I met with the Register and her attorney twice and also communicated with her and her counsel by phone. In those interviews, I provided the Register with an opportunity to respond to the material allegations made against her.

Before each interview, excepting those with Trial Court administrators, I informed the interviewees that the interview was “confidential” - that is, as I explained, any statements offered would not be used for attribution in my report. I further explained that a list of those interviewed would be included in the report and that confidentiality could not be guaranteed if either administrative or legal proceedings were to arise later as a result of my report.

ACKNOWLEDGEMENTS

This investigation greatly benefited from the legal expertise of the Honorable Margaret Hinkle (formerly of the Massachusetts Superior Court), who assisted in the assessment of the events of December 18, 2013, and General Counsel Daniel Sullivan, who provided procedural, legal advice.

I was also assisted on some technical points regarding Trial Court personnel policy and practice by Human Resources Director Mark Conlon, Esq. and Trial Court Senior Labor Counsel Jean Driscoll.

Finally, Human Resources Legal Assistant Cathlin Corbitt and Attorney Natalie Lorenti of the
Human Resources Department were kind enough to serve as note takers during the interviews. This was extensive and, at times, tedious work and I am grateful to them.

FINDINGS

I. Adherence to Work Hours and Duties

The first area set forth for investigation in the letter of January 17th related to whether the Register was in “substantial compliance” with the Code of Professional Responsibility for Clerks of the Courts of the Commonwealth of Massachusetts (attached as Appendix B), which obligates the Register to “devote the entire time during normal court hours to the duties...of her office”, excepting “activities reasonably related to.....her duties as an elected (Register)”.

Several staff reported that the Register was not adhering to the normal schedule requiring 37.5 hours of work per week, normally occurring between 8:30 AM – 4:30 PM. Staff reported that the Register would be in the office three days each week, typically, with estimates varying for the Register's arrival time from 10 AM to 11:30 AM and reports of “abbreviated days”, ending, according to one staff member, at 3 P.M.

A number of staff indicated that, while at work, the Register's time was largely not devoted to Registry work but was spent taking numerous smoking breaks, scratching lottery tickets, looking at East Boston real estate on the internet and filling out puzzles. The number of smoking breaks taken was described by staff as “multiple” or “numerous” and estimated by one staff member to range between 5-6 per day. Estimates of the lengths of those breaks were 20 minutes in one case and 30 minutes in another. One staff member reported having timed a break at 25 minutes.

One staff member reported that she felt the Register did try to be helpful with the work, for example, by getting on the computer to check a matter. However, in the words of another staff member, the Register “does positively nothing”. Another staff member stated that “Campatelli’s report she worked the front counter is malarkey.”

One problem that is seen as impeding the Register's ability to contribute to the work of the Registry is her perceived lack of knowledge of the basic operations of the office. A number of staff observed that she seemed not to understand the job or take interest in the responsibilities of the Register. Staff commented on the Register's not sitting with staff to learn the job, making “no effort to learn the basics” and being viewed by staff working outside the Registry, but within the Probate and Family Court, as not being invested in the job. One example of what appears to be a basic misunderstanding of good practice is the Register's habit of not signing letters, the examples being letters of warning to staff regarding attendance problems, which she reported as following an established practice.

Another area that could account for the Register's perceived lack of working knowledge is her spotty record at attending training. It was reported that there were two trainings concerning the Uniform Probate Code (UPC) and that the Register arrived late and left early at the first one and did not attend the second. The Register is reported as missing important meetings. The Probate and Family Court undertook a project with Boston College for court improvements at their Division of the Court. Of a
total of seven meetings, the Register is reported to have missed the last three, including a culminating, summary meeting which was the most crucial meeting. Dominic Dicenso, who at that time was the First Assistant Register, did attend the meetings. Register Campatelli stated that she believed Mr. Dicenso's attending these meetings in her place was sufficient.

The Register is reported as attending Family Court Workshops for litigants held monthly and did attend a recent meeting called by the First Justice, which the First Justice now plans to hold on a regular basis.

One staff member, referring to the Register's work performance stated that “she does good”. A second staff member observed that things have changed for the better under Register Campatelli and that the Register would answer her questions. One staff member described the office as “well managed”.

INTERVIEW WITH REGISTER

With respect to the deficiencies reported above, the Register's account was as follows:

Her normal working hours are 8:30/8:45 – 4:30/4:45 and she does put in the required 37.5 hours of work weekly. When she is not in the office, it is because she is attending wakes and funerals or seeing constituents. The Register reports that she often meets with constituents during her smoke breaks. The Register contends that she has not abused her time for smoking breaks, which she states do not exceed the time she has available for a lunch break.

The Register's account of her schedule was undermined by her other statements that she considered it acceptable, at least at times, to be out but available to the office if needed. For example, she indicated that “Sandy (Giovannucci) let me know when I needed to be there”. In the same interview she said, “I called every day. If Dom was not in, I was”.

With respect to time spent on “scratch tickets”, she affirmed that that was so, indicating the whole office did that, but did say the time she spent on tickets was during break times only.

With respect to knowledge of the job and involvement in the work, the Register indicated that she had gone to trainings, shadowed all but one employee (to understand their work), and reads about new laws that affect the office. With regard to work efforts, the Register reports that she answers the phone, pulls files, and sits at the front desk.

With regard to time out of the office, the Register stated that she did go to funerals and hospital visits. When asked if those hospital visits were to sick staff, she indicated they were not and she made these visits during her lunch hour.
II. Office Decorum and Gender/Sexual Harassment

The second area set forth for investigation related to whether Register Campatelli was in “substantial compliance with the Code of Professional Conduct for Clerks” regarding: A.) being “patient, dignified, and courteous” to employees in her office; and B.) regarding whether she is in “substantial compliance” with the policies of the Trial Court regarding “gender and sexual harassment”.

Office Decorum

Several employees reported having no problem with how they are treated in the office, reporting variously being “treated with respect”, observing the Register acting in a “professional” manner and stating that she is not “rude”. Another interviewee reported not hearing any bad language in the office.

A number of other employees provided a very different account. Some employees report that the Register uses the term “bitches” regularly, directed at her friends in the office when inviting them to go on a smoking break, etc. Other staff report the use of “f-bombs” in the office and state that the Register is “vulgar” and “swears all the time, which makes staff feel uneasy because it is so often”.

One staff member reported that, in conversation, while referring to an alleged sexual relationship between two staff, the Register stated that the “pussy party is over” for those two staff.

One way to reconcile conflicting accounts as to whether the Register uses inappropriate language in the office is to conclude, as I do, that the use of improper language by the Register may not be in an across-the-office manner or said in a way that the public would overhear but is done more selectively and directed at, or in hearing distance of, some staff.

Gender/Sexual Harassment

I neither found nor received evidence of gender harassment.

Regarding sexual harassment, I cannot report any instances of unwelcome sexual advances, request for sexual favors, or improper physical contact.

With respect to “verbal ...communications of a sexual nature” (Massachusetts Trial Court Policy and Procedure for the Elimination of Sexual and Gender Harassment in the Workplace, January 7, 2013, one staff member reported that, in conversation, while referring to an alleged sexual relationship between two staff, the Register stated that the “pussy party is over” for those two staff. This comment violates the Trial Court policy.

A different staff member reported that the Register said to him at an office Christmas Party, referring to the woman who accompanied him to the party, “I knew you were fucking her.”

In another instance, the Register told a staff member that staff were talking about her alleged relationship with another employee. The Register is reported to have said: “They said you’re fucking (another employee)”.

4
Massachusetts Trial Court's records reflect that Register Campatelli attended training on the Trial Court's policy regarding gender and sexual harassment.

Interview with Register Campatelli

Register Campatelli's claim is that she never used profanity or inappropriate language in the office. She stated that she never used “f-bombs” or the word “bitches”, adding “I do not use that language at work”. She denies using the phrase “pussy party” and the other sexual statements described above.

III. Favoritism/Intimidation and Fear of Retaliation

The third area set forth for investigation related to whether the Register conducted herself in the office in a way that demonstrated favoritism or could lead to intimidation and fear of retaliation.

Favoritism

The Register is perceived as having favorites, including, among others, the employees who belong to the “smoking club” (i.e., those she invites on smoking breaks and those she sits with while in the office). Given the evidence on the number and length of the smoking breaks taken in the course of a day, the employees in the “smoking club” are not carrying the same workload that the employees with whom the Register does not fraternize are carrying. This is particularly irksome to staff in a very busy office where all hands are needed to handle the volume of work.

Intimidation/Fear of Retaliation

There is a fear among many of the staff that the Register is looking to push or force people out of their positions so that she might fill those vacated positions with people of her own choice. One staff member reported that the Register has asked older employees when they are retiring and another reported being asked that question directly, as one way of conveying that Register Campatelli wants certain staff to move on.

The Register has mentioned to a staff member that she planned to get rid of employees with stipends (enhanced pay). To another staff member, she spoke of the need to “paper” some staff “in order to get them out”. This term appeared to refer to creating an adverse documentary record on an employee. When told by a staff member that she (Register) should not take smoke breaks, she stated to the staff member that she could take her stipend away. Another member who addressed excessive smoke breaks with the Register got what he called an “icy stare” and was later written up for sick leave violations.

In three separate instances, the Register asked staff members to write up other staff members for infractions of the rules of one kind or another. In the first case, the staff member was asked to write up
two members of staff. He felt that there were not “substantive grounds” and asked the Register if she was sure she wanted to do that. He complied but thought it was not the right thing to do and concluded “She was trying to send a message”.

In the second case, she told the staff member who she wanted to write someone up, “I need your help to get rid of him”.

In the third case, the staff member she asked to write up another staff member refused to do so because he did not have personal knowledge of infractions. He felt that he did not suffer any repercussions from this refusal.

The Register is reported by one staff member as saying “If you are not with me, I'll bury you”. A staff member reported that “Everyone is fearful [of the Register]”. Another staff member reported that her colleagues fear Register Campatelli: “People are scared, even of bodily harm, such as those who live in East Boston”. The same staff member stated: “She is volatile. She comes across as someone who portrays herself as a good person but the venom that comes out of her mouth shows she is a vindictive, irrational, mean person”.

It is also the case that one staff member maintained that “everyone is treated the same and that the Register has made the office “more serene” and others reported no particular difficulties and a staff member stated she was treated with “respect”.

Interview with Register

The Register denied inviting staff to take smoke breaks with her and, when asked whether she took staff with her on smoking breaks, the Register responded “No, I don't remember anything like that”.

The Register denied that she had stated that she needed to remove certain staff in order to hire her own people.

The Register denied asking people when they were retiring or stating that she had to write people up to get them out.

The Register denied making the statement about burying people.

IV. The Events of December 18, 2013

The fourth area of investigation surrounds the Register's alleged assault of a staff member following an office Christmas party on December 18, 2013. Specifically, the night of the party and the following day, Timothy Perry, a Case Coordinator, stated via phone and email to Registry employees and others that the Register had punched him in the face after the party. The assaultive conduct allegedly occurred while both the Register and Mr. Perry were passengers in a car driven by an acquaintance of the Register's who is not a court employee.
Before the January 17, 2014 letter authorizing my investigation, Mr. Perry's accusation was investigated by the Human Resources Department of the Office of Court Management and found not to have been proven. I was, however, authorized to inquire into any additional relevant information regarding Mr. Perry's allegations. I did not consider my authorization to be a request for a "de novo" investigation, but rather a direction to be alert to the possibility of discovering additional relevant information.

During my investigation, I did obtain new information. Specifically, I interviewed an attorney who is not a Court employee who was at both restaurants where the party took place, Hennesseys and Prezza. I also interviewed Mr. Perry's roommate, who picked him up at Wonderland Station after the alleged incident, and I reviewed transcripts of two voice mail messages Mr. Perry left for other Court employees, one on the night of the events in question, and the other the next morning. Also, during my interviews of the Register and Mr. Perry, I asked whether there was any information they had previously not reported to the Human Resources Department investigators about the incident. It should be noted that I attempted to speak with the driver of the car in which the assault allegedly occurred, but she did not wish to be interviewed by me.

In her interviews with me, the Register denied the assault occurred, as she had previously done. In his interview, Mr. Perry described the assault much as he had originally done. However, in one of the voice mails I recovered, Mr. Perry stated in the voice mail: "Patty and that girl. They beat me up". Nowhere in his previous statements about the alleged assault was a second party's having assaulted him mentioned.

When asked to describe his injuries, Mr. Perry pointed to the right side of his face, although the initial report and the photos seem to show an abrasion on the left side. It is also relevant that several of those I interviewed commented about the amount of alcohol consumed by both the Register and Mr. Perry at Hennesseys and Prezza. In particular, Mr. Perry was described by one person I interviewed as "definitely intoxicated". One witness described Mr. Perry and Register Campatelli as having been "definitely drunker than anyone else" and reported having seen them "consume many drinks," including "black Sambuca shots".

As a result of my investigation, I am of the opinion that there is insufficient reliable evidence to determine whether the alleged assault occurred. While it is obvious from the picture of Mr. Perry's face taken on the night in question that he sustained injuries, his description of the Register being the source of his injuries is undercut by the fact that he has provided somewhat varying reports of the events in question and by the degree of alcohol that he had apparently consumed.

Truthfulness/Credibility

It is every Investigator's responsibility, in the conduct and assessment of investigatory interviews, to attend to and reach judgments about the credibility of each interviewee. This is assessed through observations regarding manner of speech, body language, and internal contradictions, as well as an analysis of the extent to which the subject's comments on a given subject align with those of other interviewees.
In almost all 39 interviews, I found the subjects to be credible. I had some doubts as to one or two of the staff witnesses but these doubts did not rise to the level where I had solid grounds to question their truthfulness.

With respect to my interviews with the Register, I could not conclude that she was being honest and forthright in her responses. Her hesitations in responding to some questions, her non-responsive responses and the contradictions within her answers (alluded to above) raised serious questions in my mind about her credibility.

The most compelling evidence of her lack of truthfulness came in her response to statements made by staff concerning work hours, how time was spent while at work, her use of vulgar and sexualized language, and her statements regarding her interest in removing employees from their position. In all instances, I believe her responses could be characterized as flat denials (e.g., "I have never used inappropriate language in that office"; "I have not abused the time to smoke.").

It simply is not credible that so many employees would falsely report so many specific and similar details in the areas mentioned in the previous paragraph. It is not reasonable to believe that they are all engaged in a mass effort to lie about or fabricate falsehoods with respect to the areas of inquiry.

In light of the weight of the credible evidence, I conclude that the Register did not respond truthfully to material questions I asked her.

CONCLUSIONS

At this point, I would like to refer back to the initial "charge letter" of 1/17/2014 and address each of the matters set forth for investigation.

With respect to area "1", concerning the requirement, contained in the "Code Of Professional Responsibility for Clerks of Court", that time be devoted during normal court hours to the duties of the Register's office, I conclude that the weight of the evidence indicates that the Register has serious deficiencies in this area. I conclude that both the Register's time of arrival and departure were often less than what is required and less than what the Register claimed in her interview. Furthermore, while in the office, the weight of the evidence is that much time was devoted to activities having nothing to do with the responsibilities of her office. While the Register pointed to her responsibility to attend funerals and wakes and meet with constituents, that activity should not be routine but should be moderated in light of the needs of the office.

With respect to area "2", concerning the requirement contained in the "Code Of Professional Responsibility for Clerks of Court", that the Register comport herself in a professional manner, I conclude that the weight of the evidence is that the language used by the Register with at least some of the staff is inappropriate and undignified and diminishes the standing of the position of Register in the eyes of those who hear this language. I also find that engaging in the Christmas Party of December 18, 2013 to the extent that she was observed to be drinking heavily and to be in the company of a staff member who was "definitely intoxicated" is irresponsible, given her office and position as a leader and presumptive role model for the Registry.
With respect to area “3”, the issue of gender and sexual harassment, the weight of the evidence is that the Register's verbal conduct violates sections of the "Massachusetts Trial Court Policy and Procedure for the Elimination of Sexual and Gender Harassment in the Workplace", particularly those prohibitions against "commenting on another's sexual activity" or "innuendo's of a sexual nature".

With respect to matters regarding favoritism, intimidation and retaliation, I find that the weight of the evidence supports the conclusion that the Register's actions, as described in the interviews, created a fearful atmosphere for many in the office, who feared for their tenure in their positions, as the Register made it known that she was looking to move people out so that she could make new appointments.

With respect to any additional material regarding allegations of a December 18, 2013 assault of a staff member by the Register, which an initial investigation could not substantiate, nothing in the new findings reported above leads me to question the original conclusion.

That being said, I am also of the opinion that the Register exercised poor judgment on the evening of the party. She showed a lack of restraint and common sense by going on to Prezza after Hennesseys and continuing to drink with her staff and members of the public. This conduct suggests, in my view, a fundamental inability to understand that, as the Suffolk County Register of Probate, she should be a dignified figure at a public party involving her staff rather than a drinking companion.

In sum, my investigation led to conclusions that there are serious deficiencies in the conduct of the Register both as to her responsibilities and duties as Register, in the way she interacts with a number of staff, and in the general climate she has created in the office with respect to staff that fall into her disfavor. I believe this Report calls for close and expeditious scrutiny by Chief Justice Carey and Court Administrator Spence so that a determination can be made to address the situation quickly and appropriately. Timeliness is crucial, given that the Register is currently on paid Administrative Leave.
January 17, 2014

Ronald P. Corbett, Jr., Ed.D.
12 Woodland Avenue
Melrose, MA 02176

Dear Dr. Corbett:

Pursuant to our authority under M.G.L.c.211B, Sections 9 and 9A, you are appointed to conduct a thorough inquiry and to report your findings, conclusions and recommendations, concerning the following matters in the management and administration of the Registrar's Office at the Suffolk Probate and Family Court:

1. Whether Register Patricia Campatelli is in substantial compliance with the Code of Professional Responsibility for Clerks of Courts to "devote the entire time during normal court hours to the duties of ... her office," excepting "activities reasonably related to ... her duties as an elected [Register];"

2. Whether Register Patricia Campatelli is in substantial compliance with the Code of Professional Responsibility for Clerks of Court to be "patient, dignified, and courteous" to employees in her office and whether she is in substantial compliance with the policies of the Trial Court regarding gender and sexual harassment;

3. Whether Register Patricia Campatelli is exercising her managerial authority over employees in her office in a manner based upon favoritism or in a manner that would lead a reasonable employee to be intimidated or fearful of retaliation.

In addition, you are further authorized to inquire into any additional relevant information concerning an allegation by Timothy Perry that on the night of December 18, 2013, Register Campatelli punched him in the face during a ride from an after-party following the office holiday celebration. You will be provided with the materials from the investigation of that incident as well as other necessary documents.

Should additional issues arise that raise other possible violations of the Code of Professional Responsibilities for Clerks during the course of your investigation you are directed to seek further direction from us.

You shall be authorized reimbursement for necessary expenses incurred as a result of this inquiry. We understand, and greatly appreciate, that you have offered to provide your professional expertise pro bono.

Sincerely,

Paula M. Carey
Chief Justice of the Trial Court

Harry Spence
Court Administrator
RULE 3:12. CODE OF PROFESSIONAL RESPONSIBILITY FOR CLERKS OF THE COURTS.

CANON 1. Purpose and Applicability. This Code shall be known as the "Code of Professional Responsibility for Clerks of the Courts of the Commonwealth of Massachusetts." Its purpose is to define norms of conduct and practice appropriate to persons serving in the positions covered by the Code and thereby to contribute to the preservation of public confidence in the integrity, impartiality, and independence of the courts.

The word "Clerk Magistrate" in this Code, unless otherwise expressly provided, shall mean anyone serving in the position of Clerk Magistrate, Clerk, Register, Recorder, Assistant Clerk Magistrate, Assistant Clerk, Assistant Register, or Deputy Recorder, Judicial Case Manager or Assistant Judicial Case Manager in the Supreme Judicial Court, the Appeals Court, or a Department of the Trial Court of the Commonwealth, whether elected or appointed, and whether serving in a permanent or temporary capacity. The words "elected Clerk Magistrate" shall also include a person who is appointed to complete the term of an elected Clerk Magistrate. The word "court" in this Code shall mean the Supreme Judicial Court, the Appeals Court, a particular division of a Department of the Trial Court, or a particular Department of the Trial Court if the Department does not have divisions.

CANON 2. Compliance with Statutes and Rules of Court. A Clerk Magistrate shall comply with the laws of the Commonwealth, rules of court, and lawful directives of the several judicial authorities of the Commonwealth. The words "judicial authorities" in this Code, unless otherwise expressly provided, shall mean the Justices of the Supreme Judicial Court and Appeals Court, the Chief Administrative Justice of the Trial Court, the Administrative Justices of the several Departments of the Trial Court, or Associate Justices of the Trial Court, as is appropriate under the circumstances. A Clerk Magistrate shall also comply with the lawful directives of the Court Administrator.

CANON 3. Performance of Duties. A Clerk Magistrate shall devote the entire time during normal court hours to the duties of his or her office, but may, according to established procedures, participate during that time in law related educational and public service activities. An elected Clerk Magistrate may participate during ordinary court hours in activities reasonably related to his or her duties as an elected Clerk Magistrate. A Clerk Magistrate shall not engage in the practice of law.

(A) Adjudicative and Administrative Responsibilities. In the performance of adjudicative and administrative responsibilities, the following additional standards shall apply:

(1) A Clerk Magistrate shall be faithful to the law and maintain professional competence in it as it relates to the performance of his or her duties. A Clerk Magistrate shall not be swayed by partisan interests, public clamor, or fear of criticism.

(2) A Clerk Magistrate should seek to maintain order and decorum in proceedings.
(3) A Clerk Magistrate should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others in official dealings, and should require similar conduct of those subject to his or her direction and control.

(4) A Clerk Magistrate shall accord to every person who is legally so entitled the right to be heard in a proceeding in person or through his or her lawyer.

(5) A Clerk Magistrate should diligently carry out his or her responsibilities and should dispose of them promptly.

(6) A Clerk Magistrate shall facilitate public access to court records that, by law or court rule, are available to the public and shall take appropriate steps to safeguard the security and confidentiality of court records that are not open to the public.

(7) A Clerk Magistrate may explain his or her own decisions made in the course of his or her official duties and may explain for public information the procedures of the court and the applicability of those procedures in particular circumstances. A Clerk Magistrate should otherwise abstain from public comment about any pending or impending proceeding in any court, and should require similar abstention by subordinate court personnel.

(B) Administrative Responsibilities. A Clerk Magistrate should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other court officials. In so doing, a Clerk Magistrate should be cognizant of the need to employ efficient, businesslike methods and sound practices. A Clerk Magistrate should organize and manage the business of the Clerk Magistrate's office with a view to the prompt and convenient dispatch of the business of the court. A Clerk Magistrate should supervise subordinate personnel and arrange for their training. A Clerk Magistrate shall make personnel appointments on the basis of merit, and in compliance with applicable personnel standards.

CANON 4. Impartiality and Disqualification. A Clerk Magistrate shall perform the duties of Clerk Magistrate impartially and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial branch of government.

(A) Appearance of Impartiality. A Clerk Magistrate shall not convey the impression that any person is in a special position to influence the Clerk Magistrate, and the Clerk Magistrate should discourage others from suggesting that they are in a position to exert such influence.

(B) Personal Affairs. A Clerk Magistrate shall conduct personal affairs in such a way as not to cause public disrespect for the court and the judicial system. A Clerk Magistrate shall not engage in activities nor incur obligations which would tend to detract from the dignity of the Clerk Magistrate's office or interfere or appear to interfere with official duty. A Clerk Magistrate shall not engage in outside activities which would cast doubt on his or her capacity to decide impartially any issue that may come before the Clerk Magistrate in any official capacity.
(C) Business Activities. A Clerk Magistrate shall not enter into any business relationship which reasonably might create a conflict with the proper performance of his or her official duty or detract from the dignity of the office. A Clerk Magistrate shall not use the influence of the office to promote his or her business interests or those of others.

(D) Activities to Improve the Law. A Clerk Magistrate may use his or her title to engage in activity to improve the law, the legal system, or the administration of justice. A Clerk Magistrate may appear at public hearings and may otherwise consult with governmental bodies or officials on such matters.

(E) Disqualification. A Clerk Magistrate should disqualify himself or herself from serving in an adjudicative capacity in a proceeding in which the Clerk Magistrate's impartiality might reasonably be questioned. A Clerk Magistrate who would be so disqualified may, instead of withdrawing from the proceeding, disclose on the record the basis of disqualification. If, based on such disclosure, the parties, individually or through counsel, after consultation independent of the Clerk Magistrate, agree in writing that the Clerk Magistrate need not be disqualified, the Clerk Magistrate may participate in the proceeding. The agreement, signed by all parties, shall be incorporated in the record of the proceeding.

CANON 5. Outside Activities. A Clerk Magistrate shall regulate outside and personal activities to minimize the risk of conflict with official duties:

(A) Personal Conduct. A Clerk Magistrate should not engage in activities which might detract from the dignity of the office of Clerk Magistrate or interfere with the performance of the duties of the office.

(B) Civic and Charitable Activities. A Clerk Magistrate may participate in civic and charitable activities that do not reflect adversely on the Clerk Magistrate's impartiality or interfere with the performance of his or her official duties. A Clerk Magistrate may serve as an officer, director, trustee, or non legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A Clerk Magistrate shall not participate if there is a substantial likelihood that the organization, or a significant number of members of the organization, will be engaged in proceedings that would ordinarily come before the Clerk Magistrate or the court in which the Clerk Magistrate serves.

(2) A Clerk Magistrate may solicit funds for any educational, religious, charitable, fraternal, or civic organization, but shall not use or permit the use of the prestige of the office for that purpose or solicit his or her staff for that purpose. A Clerk Magistrate, however, may call his or her employees' attention to a general fund raising campaign such as the Commonwealth of Massachusetts Employees Campaign. A Clerk Magistrate may attend but, except for an elected Clerk Magistrate, shall not be a speaker or the guest of honor at an organization's fund raising event. A Clerk Magistrate may be listed as an officer, director, or trustee of such an organization.
(C) Financial Activities. (1) A Clerk Magistrate shall not conduct outside business activities in the courthouse at any time nor shall a Clerk Magistrate conduct any outside business activities anywhere during normal court hours. A Clerk Magistrate shall refrain from financial and business dealings that tend to reflect adversely on the Clerk Magistrate's impartiality, interfere with the proper performance of the position of Clerk Magistrate, or involve the Clerk Magistrate in transactions with lawyers or other persons likely to come before the court in which the Clerk Magistrate is serving.

(2) Subject to the limitations of subsection 5(C)(1) and subsection 4(C) of this Code, a Clerk Magistrate may hold and manage investments, including real estate, and engage in other remunerative activity.

(D) Fiduciary Activities. (1) A Clerk Magistrate shall not serve as an executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of his or her family, and then only if such service will not interfere with the proper performance of the Clerk Magistrate's duties. "Member of his or her family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the Clerk Magistrate maintains or maintained a close familial relationship. As a family fiduciary, a Clerk Magistrate is subject to the following restrictions:

(a) A Clerk Magistrate shall not serve in any fiduciary capacity if it is likely that as a fiduciary the Clerk Magistrate will be engaged in proceedings that would ordinarily come before the Clerk Magistrate in a decision making capacity and shall resign as a fiduciary if the estate, trust, or ward becomes involved in adversary proceedings in the court in which he or she is serving.

(b) While acting as a fiduciary, a Clerk Magistrate is subject to the same restrictions on financial activities that apply to the Clerk Magistrate in his or her personal capacity.

(2) A Clerk Magistrate may serve as an executor, administrator, trustee, guardian, or other fiduciary for the estate, trust, or person of one who is not a member of his or her family provided that the Clerk Magistrate was acting in the fiduciary position prior to April 1, 1990, or that, in the case of a will designating the Clerk Magistrate as a fiduciary, the testator or testatrix died prior to April 1, 1990. Such fiduciary activity shall not be permitted if it interferes with the proper performance of the Clerk Magistrate's duties and shall be subject to the provisions of subsections 5(D)(1)(a) and (b) of this Code.

(E) Appointments. Except for activities to improve the law, the legal system, or the administration of justice, as permitted by Canon 4(D), a Clerk Magistrate shall not accept appointment within the geographical jurisdiction of the court in which he or she serves to a governmental committee, commission or other governmental position if there is a substantial likelihood that matters involving that committee, commission or other governmental position will come before the Clerk Magistrate or the court in which the Clerk Magistrate serves. A Clerk Magistrate may, however, represent the United States, the Commonwealth of Massachusetts, or a locality on ceremonial occasions or in connection with historical, educational, armed services and cultural activities.
CANON 6. Political Activity and Elective Office. A Clerk Magistrate, other than an elected Clerk Magistrate, shall refrain from political activity and, in particular, shall not:

(1) act as a leader or hold any office in a political organization;

(2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(3) solicit funds for a political organization or candidate; or

(4) hold or seek an elective public office if there is a substantial likelihood that matters involving that office will come before the Clerk Magistrate or the court in which the Clerk Magistrate serves. An appointed Clerk Magistrate may become a candidate for an elected Clerk Magistrate position. An appointed Clerk Magistrate who holds elective office at the time of the adoption of this Code may continue to serve consecutive terms in that office.

CANON 7. Education. A Clerk Magistrate should seek to improve his or her own magisterial and administrative capabilities. The Clerk Magistrate should also seek to maintain and improve the knowledge, abilities, and skills of all personnel in his or her office.

CANON 8. Non-Discrimination. A Clerk Magistrate shall not discriminate based on sex, race, color, creed, national origin, political affiliation, sexual orientation, age or handicap.

CANON 9. COMPLIANCE WITH THE CODE OF PROFESSIONAL RESPONSIBILITY FOR CLERKS OF THE COURTS. A Clerk Magistrate who has retired or resigned from the judicial branch shall not perform court connected dispute resolution services except on a pro bono publico basis in any court of the Commonwealth for a period of six months following the date of retirement or resignation.