

**From:** Laura Rush <RushL@flcourts.org>  
**To:** SusanW@leoncountyfl.gov  
**Date:** 6/24/2010 11:06 AM  
**Subject:** FW: RE: Legal Question - Court Employees Volunteering for PetTherapy in the Courts

Susan -

Thank you for your June 23 e-mail. I asked Cal Goodlett to take a look at your question since he had looked at the earlier issue. Please see his response below. Let us know if we can assist further.

Sincerely,  
Laura Rush  
General Counsel  
Office of the State Courts Administrator  
500 South Duval Street  
Tallahassee, FL 32399-1900  
(850) 488-1824

-----Original Message-----

From: Cal Goodlett  
Sent: Thursday, June 24, 2010 10:47 AM  
To: Laura Rush  
Subject: RE: RE: Legal Question - Court Employees Volunteering for PetTherapy in the Courts

Laura,  
While it is easy enough to understand why court employees may be interested in volunteering in such a program, I believe the previous response still holds whether in relation to criminal or dependency matters. To be sure, the cautionary approach initially recommended is not premised upon whether a case involves criminal, civil, dependency, probate, or other matters, but upon provisions of the Code of Judicial Conduct requiring judges to hold court staff to the same standards of fidelity and diligence expected of members of the judiciary. Those provisions have not changed.

Here's hoping this is helpful.  
Cal

-----Original Message-----

From: Laura Rush  
Sent: Thursday, June 24, 2010 9:26 AM  
To: Cal Goodlett  
Subject: FW: RE: Legal Question - Court Employees Volunteering for PetTherapy in the Courts

Cal - Would you mind taking a look at this question?  
TX - Laura

-----Original Message-----

From: Susan Wilson [mailto:SusanW@leoncountyfl.gov]  
Sent: Wednesday, June 23, 2010 6:06 PM  
To: Laura Rush  
Subject: Fwd: RE: Legal Question - Court Employees Volunteering for PetTherapy in the Courts

Laura,

A couple of years ago you provided me with the following information regarding whether it is acceptable for a court employee to participate in a pet therapy program on their own time.

We've now expanded our program beyond the criminal courts to the dependency courts, and I now have the same question as it relates to dependency court. The pet therapy visits take place in a room set aside for children to play with books and toys with the pet teams present. The room is usually crowded with adults as well and a GAL volunteer serves as moderator.

I'm assuming that given item 3 (and possibly others) in Cal's response that it is not appropriate for a court employee to participate, however, I was just double checking since we do not have a team to participate on Monday, June 28, and I would be willing to take leave and help out if it is okay.

I know that this is very short notice, but the scheduled volunteer just canceled and I was hoping that the prior research would help you provide a quick response.

Thank you for your assistance,  
Susan

>>> "Laura Rush" <RushL@flcourts.org> 12/11/2007 2:31 PM >>>  
Susan, I had thought I forwarded you the e-mail below from Cal Goodlett, an attorney in our office who is former staff to the JEAC and expertise in judicial ethics matters. If I did not, my apologies.

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From: Cal Goodlett  
Sent: Friday, October 05, 2007 2:26 PM  
To: Laura Rush  
Subject: RE: Legal Question - Court Employees Volunteering for Pet Therapy in the Courts

Laura--

Voluntary participation by court employees in a "pet therapy in the courts" program is probably not appropriate. See the following provisions of Florida's Code of Judicial Conduct:

1. While not applying directly to court employees, Canon 3C(2) of Florida's Code of Judicial Conduct does require judges, in relation to administrative matters, to hold staff to the same standards of fidelity and diligence expected of members of the judiciary. If a judge cannot participate, then a court employee observing the same standards of fidelity and diligence cannot participate.

2. Canon 3B(5) of the Code provides a "[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias . . . and shall not permit staff, court officials, and others subject to the judge's direction and control to do so." The program is a support mechanism for victims/witnesses, so, by its very nature, is expressive of a predisposition in favor of, or bias, towards victims/witnesses.

3. Canon 3B(7) provides a judge shall not, except as specifically permitted, "initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding." Because a judge may not ordinarily converse with victims/witnesses in pending matters, court employees subject to the judge's direction and control should similarly avoid this sort of contact.

4. Canon 3B(9) provides "[a] judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or may any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control."

5. Members of the judiciary are otherwise encouraged in the conduct of quasi-judicial activities to act in a manner which will neither "cast reasonable doubt on the judge's capacity to act impartially as a judge . . . [nor] interfere with the proper performance of judicial duties." Canon 4A(1) and 4A3). Participation by court personnel in court-approved programs presumably falls under this umbrella.

While none of the Code provisions directly precludes staff participation in a "pet therapy in the courts" program, all suggest a cautionary approach. This would seem particularly true as further questions may be raised regarding employee participation in the courthouse during work hours, even if on personal time. Though the Supreme Court has okayed court staff's participation in partisan political activity during personal time, approval is limited to activities "conducted entirely independent of the judge and without reference to the judge [or] judge's office." JEAC Opinion 93-45. It is difficult to imagine a program operating in the courthouse and in specific relation to a victim/witness' participation in trial which meets these conditions.

Here's hoping this is helpful.

Cal

-----Original Message-----

From: Laura Rush

Sent: Monday, August 13, 2007 4:44 PM

To: Cal Goodlett

Subject: FW: Legal Question - Court Employees Volunteering for Pet Therapy in the Courts

Cal - this inquiry from the 2nd circuit appears to raise a court

employee ethics issue. The e-mail does not indicate any need for urgency in preparing a response.

Thanks,  
Laura

-----Original Message-----

From: Susan Wilson [mailto:SusanW@leoncountyfl.gov]  
Sent: Monday, August 13, 2007 4:17 PM  
To: Laura Rush  
Subject: Legal Question - Court Employees Volunteering for Pet Therapy in the Courts

Laura,

The court and state attorney recently approved a program in partnership with ComForT (a pet therapy group with certified pet therapy teams) and Leon County for a pet therapy in the courts program. Pet teams will be used while the victim/witness (usually a child) is waiting to testify, and to the extent possible, be available for the victim/witness at the conclusion of the testimony.

The public defender asked if we could provide a similar service for her witness and all parties agreed, however, the public defender has not pursued her request.

We have a couple of court employees who have expressed an interest in volunteering for the program. Chief Judge Francis asked me to write you to see if it is appropriate for court employees to participate in the program.

Thank you for your assistance and please let me know if you need additional information.

Thank you,  
Susan

Laura Rush  
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500 South Duval Street  
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850.488.1824

-----Original Message-----

From: Susan Wilson [mailto:SusanW@leoncountyfl.gov]

Sent: Monday, December 10, 2007 5:05 PM

To: Laura Rush

Subject: Fwd: Legal Question - Court Employees Volunteering for  
PetTherapy in the Courts

Laura, have you had a chance to research this issue? Thanks, Susan