

APPENDIX D
CODE OF ETHICS
FOR
WORKERS' COMPENSATION COMMISSIONERS

The Judicial Review Council agrees that the following **Code of Ethics** will assist the council in conducting its legal duties and, as such, all Workers' Compensation Commissioners shall comply with the following Code:

1. Workers' Compensation Commissioner. The assumption of the duties of Workers' Compensation Commissioners vest the individual with certain duties and responsibilities with respect to both private and public conduct.
2. The Public Interest. A Workers' Compensation Commissioner, as a member of the executive branch of government, is charged under the Workers' Compensation Act with supervision and expediting the speedy resolution of issues without the formalities attendant to the judiciary and without the necessity of employing an attorney.
3. Constitutional Obligations. A Workers' Compensation Commissioner is obligated to support the federal and state constitutions and the laws and regulations under which the Commissioner functions.
4. Avoidance of Impropriety. A Workers' Compensation Commissioner's conduct should be free from even the appearance of impropriety. The Commissioners should avoid violations of the law.
5. Essential Conduct. A Workers' Compensation Commissioner should conduct hearings and conferences expeditiously and maintain order and decorum. The Commissioner should be faithful to the law and maintain a professional competency in it.
6. Promptness. A Workers' Compensation Commissioner should be punctual in the performance of official duties.
7. Courtesy and Civility. A Workers' Compensation Commissioner's conduct should be patient, dignified and courteous. The Commissioner should require similar conduct of all participants and others who are subject to the Commissioner's direction and control.
8. Unprofessional Conduct of Attorneys and Representatives. A Workers' Compensation Commissioner should not countenance unprofessional conduct of attorneys and other representatives during the course of proceedings. If unprofessional conduct occurs, the Commissioner should take such action as may be necessary and appropriate.
9. Influence. A Workers' Compensation Commissioner should not allow his or her family, social or other relationships to influence his or her conduct or judgment as a Commissioner. The Commissioner should not lend the prestige of his or her office to advance the private interests of others; nor shall the Commissioner convey or permit others to convey the impression that they are in a position to influence the Commissioner.
10. Independence. A Workers' Compensation Commissioner should not be influenced by partisan demands, public clamor or considerations or personal popularity or notoriety nor by apprehension of criticism.

11. Conducting Proceedings. A Workers' Compensation Commissioner should accord to every person who is legally interested in a proceeding a full right to be heard according to the law. During a hearing or conference, a Workers' Compensation Commissioner may act to prevent unnecessary waste of time, or to clarify the record. However, undue interference, impatience, or any unprofessional attitude toward witnesses may prevent the proper presentation of a party's case, or the ascertainment of the truth. In addressing counsel, litigants or witnesses, a Workers' Compensation Commissioner should avoid any controversial manner or tone.
12. Ex Parte Communications. A Workers' Compensation Commissioner should not permit improper ex parte communications. However, ex parte communications may be appropriate in relation to purely procedural matters or in relation to settlement negotiations. A Workers' Compensation Commissioner should ensure that the contents of briefs or other communications are not concealed from opposing counsel or other parties. All communications by parties to a Workers' Compensation Commissioner intended or calculated to influence his or her decision should be made known to all parties.
13. Public Comment. A Workers' Compensation Commissioner and agency employees should abstain from making any public comment regarding any matter pending before the Workers' Compensation Commissioner.
14. Decisions. A Workers' Compensation Commissioner should set forth the reasons supporting his or her decisions, and analyze the relevant facts and applicable law.
15. Inconsistent Obligations. A Workers' Compensation Commissioner should not accept duties, nor incur obligations, pecuniary or otherwise, which are inconsistent with or will in any way interfere or appear to interfere with the expeditious and proper administration of his or her official functions.
16. Civic and Charitable Activities. A Workers' Compensation Commissioner may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of his or her duties.
17. Personal Investments and Relations. A Workers' Compensation Commissioner should refrain from financial and business dealings which tend to reflect adversely on his or her impartiality or interfere with the performance of his or her duties.
18. Disqualification. A Workers' Compensation Commissioner should disqualify himself or herself from presiding over a matter in which the Commissioner's impartiality might reasonably be questioned, including situations in which:
 - A. The Commissioner has a personal bias or prejudice against a party, or personal knowledge concerning disputed evidence.
 - B. The Commissioner has represented a party or a lawyer with whom the Commissioner practiced, has participated in the matter to be determined, or in which he or she has been a material witness. Lawyers in a government agency do not necessarily have an association with other lawyers employed by that agency within the meaning of this subsection.
 - C. The Commissioner or the Commissioner's close relative has a financial or other interest in the subject matter which could be substantially affected by the decision.

- D. The Commissioner or the Commissioner's close relative is a party to the proceedings or an officer, director or trustee or a party, or such relative is acting as a lawyer in the proceedings.
 - E. For the purposes of this section, "close relative" shall include, but not be limited to: spouse, domestic partner, grandparent, parent, child, grandchild, sibling, parent's sibling, or sibling's child.
19. Remittal of Disqualification. A Commissioner disqualified by the terms of Section 18 may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, based on such disclosure, the parties and lawyers, independent of the Commissioner's participation, all agree in writing or on the record that the Commissioner's relationship is immaterial, the Commissioner may participate in the proceedings. The agreement, signed by all parties and the lawyer, shall be incorporated in the record of the proceeding.
20. Gifts and Favors. A Workers' Compensation Commissioner should not accept or solicit anything of value from anyone under circumstances which create the impression of impropriety. A Commissioner should not accept a gift, bequest, favor, or loan from anyone except as follows:
- A. A Commissioner may accept a gift incidental to a public testimonial as allowed by law.
 - B. A Commissioner may accept ordinary social hospitality, a wedding or engagement gift, or a loan, scholarship or fellowship awarded on the same terms applied to other applicants.