



## Judicial Family Support Program in Puerto Rico

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### THE FAMILY OF THE JUDGE AND THE JUDICIAL ETHICS

One of the fundamental pillars of our democratic system is the Judicial Branch. Therefore, its members (besides their duty to ensure that justice is efficiently, objectively and justly delivered) must make sure their behavior, in the courtroom as well as outside the courtroom, always enforce the governing ethical principles of the judicial function and promote the trust of our citizens in the judicial system. However, judges are not isolated individuals because they belong to a family (whether they are related by blood ties or any other bonds of love).

Thus, mainly, the behavior of the parents, the children and the spouse of a judge can affect the perception people may have from him or her. Furthermore, the family members of a judge could feel under the pressure of the fact that they are scrutinized by society in a very particular manner. Therefore, it is required of the family of a judge the same adherence to the strict ethical norms applicable to the Judicial Power.

Actually, adopting ethical codes for a profession is strictly related to what society expects (regarding behavior) from the people who belong to a

certain professional field. For the judicature, the Supreme Court recognized the Judicial Ethical Codes which are a minimal number of norms that govern the behavior of its members in the exercise of their judicial function and in their private life. It also emphasizes that its applicability (regarding their public behavior as well as their personal and family matters) is self-imposed because its acceptance as a normative standard depends on the nature of the agreement between judges who accept such position.

There is no doubt that the family of the judge is related to the judicial ethics to a certain extent; to the extent in which the personal behavior of judges as well as their family matters are included in the regulatory aspects of the Judicial Ethical Codes.

As an example, we could look into the Judicial Ethical Code No. 35, which deals with matters directly related to the family. This code prohibits judges, among other things, to accept gifts, legacies, favors or loans from any individual and **the judge will encourage the members of his or her household to not accept any of those either**, except for the exceptions stated in the code. It intends to avoid that such gift, distinction or benefit might be reasonably misconstrued as intended to influence in some manner the performance of the judicial proceeding. However, the code does not prohibit the judge from showing the expected hospitality according to the

social codes or from receiving some gifts, legacies or loans, under certain circumstances that will not affect what the judicial ethical code intends to avoid. This ethical disposition forces the members of the judicature and their relatives to be very attentive and extremely cautious when considering whether to accept gifts, favors, legacies or loans.

As another example, the Judicial Code No. 36 prohibits judges, among other things, to use the power and the privilege of their position to promote the success of their businesses, of their commercial or personal activities or those of their **relatives**.

In addition, such code prohibits judges from participating in any litigation whose result could strongly affect the personal or family economic or financial interests. The code imposes the duty to avoid even the seemingly improper behavior. Hence, extreme caution is required to strictly comply with its dispositions.

Some of the financial activities prohibited by the code are the collection of funding (regardless of the purpose they may be intended for) and the request of charities or contributions intended for any kind of organization. There are other codes containing prohibitions that include family members (whether directly or indirectly).



In order to prevent violations to the Judicial Ethical Codes, a strong bond, family union and education is required to achieve the understanding of the principles and rules that govern the judicature and their family. In order to guarantee, not only the judicial correctness but also the impression of behaving honestly, the cooperation of the family of the judge with him or her is indispensable. That is the only way the citizens will keep their faith and their trust in our Court System.

The Judicial Branch, aware of the great importance of providing support to the family of the judges, has created the *Support to the Family Members of the Judicial Branch Program*. The program has organized a series of highly important activities to benefit their families. Therefore, it is necessary that all family members collaborate with us while sharing their experiences and worries. Thus, based on their feedback, it will be easier for the program to organize additional innovative activities to support them in order to deepen their understanding of the fundamental role of the family in the judicial system and their vital contribution to our society.

