



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

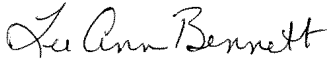
LEE ANN BENNETT
Acting Director

WASHINGTON, D.C. 20544

February 26, 2024

MEMORANDUM

To: All Administrative Office Employees

From: Lee Ann Bennett 
Acting Director

RE: ADMINISTRATIVE OFFICE CODE OF CONDUCT
(IMPORTANT INFORMATION)

After a careful and thorough review, I am pleased to announce two updates to the AO Code of Conduct (AO Code) regarding permissible political activity for AO employees and a new provision that permits the practice of law by military reservists.

The updates to the AO Code permit most employees to engage in a wide range of political activity at the federal, state, and local levels, so long as they are not on duty for the AO and are not affiliating themselves with the judiciary. Like the law applicable to employees of the Executive Branch, a small number of AO employees in certain sensitive positions are subject to further restrictions and are not permitted to take an active part in partisan political management or partisan political campaigns. These further restrictions are necessary to prevent the appearance that the AO's policy recommendations are improperly influenced by the political views of its employees. Under the updated AO Code, members of the AO Executive Management Group continue to be prohibited from engaging in any partisan or nonpartisan political activity.

The AO Code was last revised in March 2018. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit held that nine of the AO Code's restrictions on political activities were unconstitutional as applied to certain employees. *See Guffey v. Mauskopf*, 45 F.4th 442 (D.C. Cir. 2022). The updated AO Code reflects this court ruling.

Separately, the updates to the AO Code also include a new exception to the restriction on practicing law for AO employees who serve in the military reserves. The Judicial Conference approved a similar exception for courthouse employees in 2022.

If you have questions about the updates to the AO Code, please contact [Michael Delman](#) in the Office of the General Counsel via email or at (202) 502-1653.

§ 260 Canon 5: An Employee Should Refrain from Inappropriate Political Activity

As part of the judiciary, an AO employee should refrain from inappropriate political activity that detracts from the dignity of the office or interferes with the proper performance of official duties. To preserve the integrity of the judiciary, the work of AO employees should be free from political influence or the appearance of political influence.

(a) All AO Employees

(1) An employee may not:

(A) engage in political activity while on duty, at work, using any judiciary resource, or wearing any insignia identifying the individual as an employee of the judiciary or the AO;

(B) use his or her official authority or influence for the purpose of interfering with or affecting the result of an election, including using the employee's official title while participating in political activity or using the employee's official authority to coerce any person to participate in political activity;

(C) solicit, accept, or receive partisan political contributions; or

(D) become a candidate for or hold partisan elective office.

(2) Political activity includes, but is not limited to:

(A) displaying campaign literature, badges, stickers, signs or other items of political advertising on behalf of any party, political committee, or candidate for political office; and

(B) soliciting signatures for political candidacy or membership in a political party.

(3) Partisan political activity is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

(4) An employee may engage in partisan or nonpartisan political activity not otherwise prohibited by this section, provided that such activity does not detract from the dignity of the office or interfere with the proper performance of official duties.

(b) Further Restricted Employees

(1) In addition to the restrictions applicable to all employees, the following AO personnel may not take an active part in partisan political management or partisan political campaigns:

(A) Chief of Staff to the Director;

(B) Chief of Staff to the Deputy Director;

(C) Deputy General Counsel;

(D) Judicial Conference Secretariat Officer;

(E) Public Affairs Officer;

(F) Legislative Affairs Officer;

(G) Deputy Legislative Affairs Officer;

(H) the staff in the:

(i) Financial Analysis and Liaison Office, and

(ii) Office of Legislative Affairs (other than paralegals or administrative staff); and

(I) the staff counsel to the:

(i) Committee on Codes of Conduct,

(ii) Committee on Financial Disclosure, and

(iii) Committee on Judicial Conduct and Disability.

(2) These further restricted employees may not campaign for or against candidates or otherwise engage in political activity in concert with a political party, a candidate for partisan political office, or a partisan political group. Further restricted employees may not:

- (A) hold office in partisan political clubs or parties;
- (B) organize or manage partisan political rallies, meetings, or groups
- (C) assist in partisan voter registration drives;
- (D) serve as a delegate or alternate at a political party convention;
- (E) address a convention, caucus, rally or other gathering of a political party or partisan political group to support or oppose a candidate for partisan political office or political party office in concert with such a candidate, political party, or partisan political group;
- (F) initiate or circulate a partisan nominating petition;
- (G) canvass for votes in support of or opposition to a candidate for partisan political office or a candidate for political party office in concert with such a candidate, or political party, or partisan political group;
- (H) endorse or oppose a candidate for partisan political office or a candidate for political party office in concert with such a candidate, or political party, or partisan political group;
- (I) drive voters to polling places in concert with a political party, partisan political group, or a candidate for partisan political office; or
- (J) serve in any position at polling places in concert with a political party, partisan political, or a candidate for partisan political office.

(c) AO Executive Management Group Restrictions

(1) Partisan Political Activity

In addition to the restrictions applicable to all employees and further restricted employees, the Director, Deputy Director, and members of the AO Executive Management Group may not:

- (A) contribute to a partisan political organization, candidate, or event;
- (B) make speeches for or publicly endorse or oppose a partisan political organization or candidate; or

(C) otherwise actively engage in partisan political activities.

(2) Nonpartisan Political Activity

The Director, Deputy Director, and members of the AO Executive Management Group may not engage in nonpartisan political activity. For example, they may not:

(A) campaign for or publicly endorse or oppose a nonpartisan political candidate;

(B) solicit funds or contribute to a nonpartisan political candidate or event; or

(C) become a candidate for nonpartisan political office.