

By Michael K. Jeanes, Clerk of the Superior Court

This is why we don't wear purple

Maricopa County has the power to reach more than 13,000 people who use its email system—including employees and others. In the past, the county has used the email system to encourage wearing purple on a designated day in October for domestic violence awareness. The county has also suggested similar events to recognize heart disease prevention, charitable campaigns, and other worthy causes.

In response to the county's email, Clerk's office employees were told they could not participate in the wear purple day. Imagine their confusion. Some were shocked, some angry, others forwarded the email to other departments in disbelief. Soon the office's senior managers were getting calls of outrage and disappointment—surely this was a misunderstanding. Only it wasn't a misunderstanding. This was a thoughtful and calculated decision that would be made again and again.

We can all agree that life would be better if heart disease were prevented. And we can all agree that people should not resort to domestic violence. Or can we agree on that? Heart disease and domestic violence have very different relationships to individuals and their interactions with the court system. Judicial branch employees have to publicly respond to societal issues differently from nearly everyone else. To be clear, domestic violence and its victims have a substantial role in courts and there are statewide committees, services, and workgroups making valuable, tireless efforts to make sure those issues are considered at all levels of courts, law enforcement, housing, and beyond. This article is about appearances specific to individuals whose daily work supports the superior court.

Judicial branch employees have sincere, strongly held beliefs in many things. One thing that leads people to this field of work in particular is their strong belief in justice. Sometimes a judicial employee personally disagrees with an outcome but has a professional obligation to appear unphased and to diligently perform their duties—whatever they may be. The judicial branch stresses the importance of both being fair and neutral and having the appearance of being fair and neutral to anyone who may be watching.

For example, courtroom clerks get familiar with attorneys who regularly appear in their courtrooms. Clerks make an effort to be friendly but are mindful of appearing too friendly. While a clerk's work and professionalism are not influenced by familiarity (the judicial code of employee conduct specifically prohibits this) they know it could *appear* unfair to others if they are outgoing with one attorney in the courtroom and completely ignore another. Outside observers wouldn't know that the clerk knows one attorney well and does not know the other at all, so we all fall back on the appearance of our actions and what they look like to others. It can be difficult for outsiders to know or learn the

facts about everything. As a result, court employees are mindful of what the public attributes to appearances.

Bringing this back to wearing purple, the reasoning for the office's policy should start taking shape. Parties who come to court should expect that the Clerk's employees will be fair and neutral, not taking sides or prejudging arguments or the merits of cases. Statistically speaking, some of our customers will be in our buildings and courtrooms on domestic violence issues on a wear purple day. It should not appear that Clerk's office employees are for or against anyone. The message to parties, witnesses, and all onlookers is that, regardless of strongly held personal beliefs, Clerk's office staff can be patient and empathetic as well as counted on to both be—and demonstrate the appearance of being—professional, fair, and respectful to all.