

Supreme Court of Kentucky

ORDER OF PUBLIC REPRIMAND

The Circuit Court Clerk Conduct Commission¹ was created by the Supreme Court to ensure that circuit court clerks uphold high standards of integrity, impartiality, and independence to promote public confidence. The Supreme Court also established the Code of Conduct for Circuit Court Clerks² to establish norms of conduct and practice for circuit court clerks.

In September 2021, the Circuit Court Clerk Conduct Commission (CCCCC) received a complaint against Roger Schott, Laurel County Circuit Court Clerk, alleging that he improperly terminated a deputy clerk without following the policies established by the Supreme Court under AP Part III, Personnel Policies.³

The information received by the CCCCC arose from a complaint filed with the Department of Human Resources at the Administrative Office of the Courts (“AOC”) by a former deputy clerk in Mr. Schott’s office (“the employee”). The complaint alleged that on June 14, 2021, the employee’s access to the Laurel County Judicial Center was deactivated without notice after Mr. Schott and his

¹ Administrative Procedures of the Court of Justice, AP Part XVI, Circuit Court Clerks Conduct Commission.

² Supreme Court Administrative Order 2014-12, In re: Code of Conduct for Circuit Court Clerks.

³ Supreme Court Administrative Order 2021-05, Amendments to the Rules of Administrative Procedure of the Kentucky Court of Justice, AP Part III, Personnel Policies.

wife, who serves as his chief deputy, learned the employee was in a romantic relationship with their daughter, who also works as a deputy clerk in the Office of the Laurel County Circuit Court Clerk.⁴

Upon entering the building at the beginning of the workday, the employee was confronted by the chief deputy, who told the employee that he had “resigned.” The employee responded that he had not resigned and proceeded to his desk, where the chief deputy yelled at the employee and hit his computer monitor before picking-up his phone receiver and slamming it down. The chief deputy left and returned with Mr. Schott, who again told the employee that he had resigned. Mr. Schott subsequently escorted the employee

⁴ Although Mr. Schott’s employment of his wife and daughter was not mentioned in the Commission’s findings and is not the subject of this public reprimand, it is important to note the role that nepotism played in this matter. As previously mentioned, Mr. Schott’s wife serves as his chief deputy and their daughter works as a deputy clerk in the office.

The HR investigation found, and Mr. Schott did not dispute, that this matter initially arose after he and his wife discovered that the employee was in a romantic relationship with their daughter. Although Mr. Schott noted in his response submitted to the Commission that the employee had been admonished that “no more dating within [the] office would be tolerated or accepted and termination would be the outcome of any further instance,” it does not appear that same rule applied to his daughter, who was not similarly disciplined.

The relationship between family members is necessarily fraught with history and emotions that would not otherwise exist between coworkers. That is one of the reasons the Supreme Court adopted an anti-nepotism policy for the KCOJ in December 2019. *See supra* note 3, at § 2.08. The policy prohibits nepotism in order “to avoid conflicts of interest and the appearance of favoritism.”

The policy only applies to employment actions occurring on or after January 1, 2020. So Mr. Schott’s employment of his wife and daughter, both of whom have worked in the office for nearly two decades, does not violate the policy. But it does provide a cautionary tale regarding the conflicts that may occur when family members are involved in disputes within the office. And it further justifies the Supreme Court’s decision to adopt a policy prohibiting nepotism within the Kentucky Court of Justice.

out of the building.

Following a thorough investigation that included interviews with the employee, the chief deputy, and several other employees of the Laurel County Circuit Court Clerk's office, the HR Department determined there had been violations of several provisions of the Personnel Policies. The AOC ultimately reinstated the employee with back pay and assigned him to work in a neighboring county.

Because the AOC does not have authority to discipline elected circuit court clerks, the Deputy Director submitted a complaint against Mr. Schott to the Circuit Court Clerk Conduct Commission. The complaint alleged that Mr. Schott violated Section 8 of the Personnel Policies by improperly terminating the employee. The complaint further alleged that Mr. Schott's actions with respect to the employee violated the following sections of the Code of Conduct for Circuit Court Clerks⁵:

- Section 2: "All clerks shall comply with ... applicable portions of the Administrative Procedures of the Court of Justice ... and orders of the Supreme Court of Kentucky."
- Section 4(1): "Circuit court clerks shall fully and adequately perform all duties and obligations of their office as set forth in ... applicable portions of the Administrative Procedures of the Court of Justice, Part III."
- Section 4(2): "Circuit court clerks shall perform their duties impartially: (a) With courtesy and respect for the public, litigants, lawyers, subordinate employees, and all others with whom the clerk interacts as a part of his or her official duties; and (b) Without bias or prejudice, shown by words or conduct, based upon race, national origin, color, religion, sex, sexual orientation, age, disability, genetic information, smoker or nonsmoker status, veteran's status, or political affiliation."

⁵ Supreme Court Administrative Order 2014-12, In re: Code of Conduct for Circuit Court Clerks.

- Section 8(2)(e) and (g): “Violations of this Code of Conduct include but are not limited to ... [a]ny willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court or issued by the Chief Justice in his constitutional capacity as Chief Executive Officer of the Court of Justice... or [n]oncompliance with this Code of Conduct.”

Upon review of the complaint, the Commission requested that Mr. Schott file a written response under Section 8(3)(c) of AP Part XVI. In his response, Mr. Schott highlighted previous grievances with the employee while he was employed as a deputy clerk in the Laurel County Circuit Court’s office, including allegations of romantic relationships with other coworkers. Mr. Schott further emphasized his own employment history and community involvement. But he did not deny the allegations regarding the incidents of June 14, 2021, nor did he deny terminating the employee without following the processes outlined in Section 8 of the KCOJ Personnel Policies.

Upon consideration of the record before it, the Commission submitted its findings and recommendations to the Chief Justice under Section 6 of AP Part XVI. The Commission’s findings included the following violations of the Code of Conduct for Circuit Court Clerks:

- Section 2: “Roger Schott violated this section by failing to follow the procedures outlined in the KCOJ Personnel Policies for disciplining and dismissing a tenured employee.”
- Section 4(1): “Roger Schott violated this section by failing to follow the procedures outlined in the KCOJ Personnel Policies for disciplining and dismissing a tenured employee.”
- Section 4(2)(a): “Roger Schott violated this section in that he did not treat his subordinate employee with courtesy and respect nor did he ensure his chief deputy did as well.”

- Section 8(2)(e): “Roger Schott violated this section in that he did not comply with the procedures outlined in the KCOJ Personnel Policies for disciplining and dismissing a tenured employee, nor did he ensure his chief deputy did as well.”
- Section 8(2)(g): “Roger Schott violated this section in that [it] is clear from a review of the record that the foregoing sections of the Code of Conduct were violated. In his response, Mr. Schott admitted his non-compliance of policies and he asked for forgiveness of any ‘technical mishap of the steps of this necessary removal.’”

Based on these findings, the Commission recommended to the Chief Justice that Mr. Schott be publicly reprimanded to ensure compliance with his statutory duties and with the Code of Conduct.

KRS 30A.010(2) provides that clerks “are subject to the administrative control of the Chief Justice.” Section 6 of the Administrative Procedures of the Court of Justice, Part XVI, further gives the Commission authority to recommend a variety of disciplinary matters and remedial measures to the Chief Justice, including sanctions, reprimands, and suspensions.

The Chief Justice has considered the allegations against Roger Schott and agrees that his termination of the employee violated Section 8 of the KCOJ Personnel Policies and Sections 2, 4(1), 4(2)(a), 8(2)(e), and 8(2)(g) of the Code of Conduct for Circuit Court Clerks. Accordingly, the Chief Justice adopts the recommendation of the Circuit Court Clerk Conduct Commission and hereby publicly reprimands Roger Schott.

Entered this 4th day of May 2022.


CHIEF JUSTICE