

COMMUNICATING WITH JUDGE ROBY'S OFFICE ABOUT PENDING CASES

Judge Roby is restricted by principles of judicial ethics from communicating about pending cases outside of hearings or documents filed in the court file and served on all parties. This restriction also applies to Judge Roby's judicial assistant, Ms. Hamilton.

Impartiality is the most basic principle of judicial ethics. It means that all parties to a pending case are included in all communications with the court regarding that matter – no party has special or secret access to the judge. Communication to the judge without prior notice to the opponent is "ex parte" and improper except in extreme circumstances and as specifically provided by applicable law. Canon 3B(7) of the Code of Judicial Conduct prohibits a judge from reading or considering any ex parte communications. This rule applies to all ex parte/pro se letters, motions and pleadings mailed or delivered to the judge. See, JEAC Opinion 99-19 (August 25, 1999).

IF ANY PERSON SUBMITS AN EX PARTE COMMUNICATION, IT WILL BE RETURNED, AS IT CANNOT BE READ, CONSIDERED OR ACTED ON BY THE JUDGE.

Judge Roby will not discuss his cases with any party outside of a hearing. Ms. Hamilton cannot take a message from a litigant or other person to Judge Roby.

Communication with Judge Roby regarding cases assigned to him can take two forms:

1. Written documents filed in the court file and served on all parties; and
2. Hearings (including final hearings and trials).

Ms. Hamilton's responsibility is to schedule hearings and maintain Judge Roby's calendar. Once a motion is filed or the matter is ready to be set for a final hearing or trial, the lawyer or litigant may call Ms. Hamilton to schedule a hearing. ***Ms. Hamilton may only discuss potential dates and times for hearings. Ms. Hamilton is not permitted to discuss anything regarding disputes pending before Judge Roby with anyone for any purpose. Ms. Hamilton will not discuss pending cases with represented parties or friends/family members of parties.***

Since Ms. Hamilton cannot make decisions on disputed matters and cannot communicate to Judge Roby regarding things litigants say about disputed matters, no purpose is served by telling her about disputes.

Neither Judge Roby nor Ms. Hamilton are permitted to give legal advice. "Legal advice" means suggesting things that might be filed, evaluating the sufficiency of information on a form, interpretation of any document, evaluating the conduct of an opposing party or lawyer, and giving an opinion about the likelihood of success of an action in litigation. Judge Roby decides cases and motions. Judge Roby does not give legal advice. Ms. Hamilton does not decide cases or motions and does not give legal advice.