

## **SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to Rule 3.8 of the Code of Judicial Conduct in the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: July 19, 2022

### RULE 3.8 *Ex Parte* Communications

Except as authorized by law or court rule, a judge shall not initiate or consider *ex parte* or other communications concerning a pending or impending proceeding.

#### OFFICIAL COMMENT:

[1] This rule does not prohibit a judge from appointing an independent expert in accordance with the rules of court.

[2] The proscription against communications concerning a proceeding generally includes communications with or from lawyers and other persons who are participants in the proceeding. It does not preclude a judge from consulting with other judges on pending matters, provided that the judge avoids *ex parte* discussions of a case with judges who have previously been disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter, or from consulting with court personnel whose function is to aid the judge in carrying out adjudicative responsibilities.

[3] A judge may initiate, permit or consider *ex parte* communications appropriate to service in the [drug court] recovery court (formerly drug court) or other similar programs.

[4] In general, settlement discussions, discussions regarding scheduling and a judge's handling of emergent issues are not considered to constitute *ex parte* communications. in violation of this rule.

Note: Adopted August 2, 2016 to be effective September 1, 2016; Official Comment paragraph 3 amended July 19, 2022 to be effective immediately.