

Communicating With Judge Nelson's Office About Pending Cases

Judge Nelson 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 Nelson's judicial assistant, Ms. Luna.

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 Nelson will not discuss her cases with any party outside of a hearing. Ms. Luna cannot take a message from a litigant or other person to Judge Nelson.

Communication with Judge Nelson regarding cases assigned to her 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. Luna's responsibility is to schedule hearings and maintain Judge Nelson'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 e-mail or call Ms. Luna to schedule a hearing. ***Ms. Luna may only discuss potential dates and times for hearings. Ms. Luna is not permitted to discuss anything regarding disputes pending before Judge Nelson with anyone for any purpose. Ms. Luna will not discuss pending cases with represented parties or friends/family members of parties.***

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

Neither Judge Nelson nor Ms. Luna 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 Nelson decides cases and motions. Judge Nelson does not give legal advice. Ms. Luna does not decide cases or motions and does not give legal advice.