

# Judicial Staff



The Judicial Qualifications  
Commission of Georgia

PRESENTED BY  
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# The CJC and Judicial Staff

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## CJC Rule 2.12 (A)

- Judges shall require their staffs...and others subject to their direction and control to observe the standards of fidelity and diligence that apply to the judges, to refrain from manifesting bias or prejudice in the performance of their official duties, and to act in a manner consistent with the judge's obligations under the Code
- Comment [1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge



# Staff: Demeanor

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## **CJC Rule 2.8:**

Judges shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity, and shall require similar conduct of all persons subject to their direction and control



# Staff: Assuring Fair Hearings and Averting Ex Parte Communications

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## CJC Rule 2.9 (D)

Judges shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by staff, court officials, and others subject to the judge's direction and control



# Staff: Ex Parte Communications

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## CJC Rule 2.9 (A)

- Judges shall not initiate, permit, or consider ex parte communications concerning a pending or impending matter, subject to a few exceptions:
  - Scheduling, administrative purposes, emergencies (only where circumstances require)
  - Consultation with parties or their lawyers in an effort to mediate/settle matters (only with consent of both parties)
  - When the law permits ex parte communications, such as:
    - Issuing temporary protective orders, arrest warrants, search warrants
    - Serving on accountability courts



## Staff: Ex Parte Communications

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*What should I do if I inadvertently receive an unauthorized ex parte communication?*

**CJC Rule 2.9 (B)** The judge shall promptly notify the other party (or parties) of the substance of the communication and provide the party (or parties) a reasonable opportunity to respond



# Staff: Independent Investigation

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## CJC Rule 2.9 (C)

Judges shall not investigate facts in a pending or impending matter independently

- Facts a judge shall not investigate:
  - Those derived from personal observations
  - Those derived from printed publications
  - Those derived from the internet
  - Those derived from social media/networking



# Staff: Demeanor

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## CJC Rule 2.8:

Judges shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity, and shall require similar conduct of all persons subject to their direction and control



# REVIEW QUESTIONS

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There are limited circumstances where a judge may engage in Ex Parte communications?

Judges are responsible for their staff's behavior?

Judges should not conduct independent investigations?

# ANSWER FOR ALL REVIEW QUESTIONS

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