



**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@judicial.ethics.opinions.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

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## Supreme Court Committee Provides Guidance on Emergency Orders in Family Law Cases

SAN FRANCISCO—The California Supreme Court Committee on Judicial Ethics Opinions (CJEO) has issued an advisory opinion, [CJEO Formal Opinion 2014-004](#), that provides guidance to family law judges on reviewing applications for non-domestic-violence emergency orders.

The committee concludes in that a local rule permitting family law judges to screen applications for emergency orders that may not include notice to the other side or a request for waiver of notice allows judges to consider ex parte communications that are not authorized under the family law rules of court, which violates the Code of Judicial Ethics.

The family law rules of court require that applications for emergency orders include notification to the other side of the request for an emergency hearing. Those rules also allow judges to review requests that notice not be given when a party files a signed explanation of why there would be a risk to children or property involved if the other side is notified. The committee was asked to examine a local rule that allows family law judges to screen all applications for emergency orders in order to determine whether an emergency hearing should be held, without regard to notice or a request for waiver of notice. The committee concludes that the screening process under the local rule is too broad because it permits judges to consider unauthorized ex parte communications.

The opinion also discusses how requests for waiver of notice can be efficiently identified by court staff so that judges may review those applications to ensure the parties are provided with the protections and procedural fairness available under the rules of court.

CJEO is an independent committee appointed by the Supreme Court to help inform the judiciary and the public concerning judicial ethics topics. CJEO was established as part of the court's constitutional responsibility to guide the conduct of judges and judicial candidates (Cal. Const., art. VI, § 18, subd. (m)). In making appointments to serve on CJEO, the court selects members of the bench with a strong background in judicial ethics and diverse courtroom experience. The current twelve CJEO members are justices, judges, a commissioner, and a retired bench officer who have served in courts of various sizes throughout the state.

CJEO publishes formal opinions, issues confidential informal opinions, and provides oral advice on proper judicial conduct pursuant to the California Code of Judicial Ethics and other authorities (rule 9.80(e)(1)). CJEO acts independently of the Supreme Court, the Commission on Judicial Performance, the Judicial Council, the Administrative Office of the Courts, and all other entities (rule 9.80(b)).

For more information about CJEO, visit the [CJEO website](#) and [view the members' page](#), call toll-free at 1-855-854-5366, or email [Judicial.Ethics@jud.ca.gov](mailto:Judicial.Ethics@jud.ca.gov).

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*The Supreme Court established the Committee on Judicial Ethics Opinions (CJEO) to help inform the judiciary and the public concerning judicial ethics topics. (Cal. Rules of Court, [rule 9.80](#).) CJEO publishes formal advisory opinions, issues confidential written opinions, and provides oral advice on proper judicial conduct pursuant to the [California Code of Judicial Ethics](#) and other authorities. In providing its advisory opinions, the committee acts independently of the Supreme Court, the Commission on Judicial Performance, the Judicial Council, the Administrative Office of the Courts, and all other entities. (Cal. Rules of Court, rule 9.80(b).) The Supreme Court is responsible for adopting the Code of Judicial Ethics, which guides the conduct of judges on and off the bench (Cal. Const., Art. VI, § 18, subd. (m).)*