

AMENDMENTS TO THE OHIO CODE OF JUDICIAL CONDUCT

The following amendments to the Ohio Code of Judicial Conduct (Jud.Cond.R. 2.9) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

June 26, 2025	Final adoption by conference
July 10, 2025	Effective date of amendments

Key to Proposed Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

OHIO CODE OF JUDICIAL CONDUCT

RULE 2.9 *Ex Parte* Contacts and Communications with Others

(A) A judge shall not initiate, receive, permit, or consider *ex parte* communications, except as follows:

- (1) When circumstances require it, an *ex parte* communication for scheduling, administrative, or emergency purposes, that does not address substantive matters or issues on the merits, is permitted, provided the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication;
- (2) A judge may obtain the advice of a disinterested expert on the *law* applicable to a proceeding before the judge, if the judge gives notice to the parties of the person consulted and the subject-matter of the advice solicited, and affords the parties a reasonable opportunity to object or respond to the advice received;
- (3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record and does not abrogate the responsibility personally to decide the matter;
- (4) A judge, with the consent of the parties, may confer separately with the parties and their lawyers in an effort to settle matters pending before the judge;
- (5) A judge may initiate, receive, permit, or consider an *ex parte* communication when expressly authorized by *law* to do so;
- (6) A judge may initiate, receive, permit, or consider an *ex parte* communication when administering a *specialized docket* or an assisted outpatient treatment program, provided the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage while in the specialized docket program as a result of the *ex parte* communication.

[Existing language unaffected by the amendments is omitted to conserve space]

Comment

[Existing language unaffected by the amendments is omitted to conserve space]

[4A] A judge may initiate, receive, permit, or consider *ex parte* communications when administering a specialized docket or an assisted outpatient treatment program established under the authority of the Rules of Superintendence or other law. In this capacity, judges may assume a more interactive role with parties, hospitals, treatment providers, local alcohol addiction and

mental health services boards, probation or law enforcement officers, social workers, and others involved in monitoring treatment.

[Existing language unaffected by the amendments is omitted to conserve space]

(T) The amendments to Jud.Cond.R. 2.9, adopted by the Supreme Court of Ohio on June 26, 2025, shall take effect on July 10, 2025.