

Rule 136. *Ex Parte* Communication

- A. Unless otherwise authorized by law, no person shall communicate with the court in any way regarding matters pending before the court unless all parties:
- 1) are present or have been copied if the communication is written or in electronic form; or
 - 2) have waived their presence or right to receive the communication.
- B. If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

COMMENT

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. See Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. See Code of Judicial Conduct [~~Canon 3(A)(4)~~]Rule 2.9.

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants, such as probation officers and service providers, are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

Official Note: Rule 136 adopted April 29, 2011, effective July 1, 2011. Amended April 29, 2016, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 136 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendment of Rule 136 published with the Court's Order at Pa.B. (, 2016).

Rule 1136. *Ex Parte* Communication

- A. Unless otherwise authorized by law, no person shall communicate with the court in any way regarding matters pending before the court unless all parties:
- 1) are present or have been copied if the communication is written or in electronic form; or
 - 2) have waived their presence or right to receive the communication.
- B. If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

COMMENT

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. See Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. See Code of Judicial Conduct [**Canon 3(A)(4)]Rule 2.9**.

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

Official Note: Rule 1136 adopted April 29, 2011, effective July 1, 2011. **Amended April 29, 2016, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1136 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). **Final Report explaining the amendment of Rule 1136 published with the Court's Order at Pa.B. (, 2016).**