

Waiver of Ex Parte Communication

An **ex parte communication** occurs when a party to a case (or someone involved with a party) talks to, or writes to, or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge. "Ex parte" is a Latin phrase meaning "on one side only; by or for one part". Under the Judicial Code of Conduct, Judges may not permit or consider ex parte communications in deciding a case unless expressly allowed by law. This ban helps judges decide cases fairly since their decisions are based only on the evidence and arguments presented to the court and the applicable law. It also preserves public trust in the legal and court system.

SAFE Court is different than other court proceedings. SAFE Court is a "treatment court" created to help participants stop their drug and/or alcohol abuse and learn how to live their life free from drugs or alcohol. It is important that the Judge have ex parte contact with you and the treatment team so that he or she may receive information on your progress in SAFE Court and make appropriate decisions.

Ex parte contact is not allowed unless the rule is waived by all parties (you, your attorney, and the District Attorney) to the case. The waiver must be voluntary. If you have any questions about ex parte contact, talk with your attorney.

"I understand what is meant by Ex Parte Contact and I voluntarily waive the rule against ex parte contact for purposes of my participation in the Malheur County SAFE Court. This waiver is limited for the duration of my participation in the Malheur County SAFE Court and will terminate upon my termination or graduation from the program."

SAFE Court Participant

date

Attorney for SAFE Court Participants

date

District Attorney

date