

What are *Ex Parte* Communications?

“*Ex parte*” is a Latin phrase meaning “done with respect to or in the interests of one side only.” *Ex parte* communications are those made to a judge, involving information about a pending case, outside of the presence of all parties involved in the case. These include communications in person, over the phone, by mail, or by email. Judges in the Domestic Relations Division are prohibited from engaging in *ex parte* communications by Illinois Supreme Court Rule 63 and Circuit Court of Cook County Rule 17. This ensures that all parties in a case have access to the information being expressed to the judge and that they have the ability to contest it.

What are my options for communicating with the judge?

- If you want to communicate with a judge and ensure it is not an *ex parte* communication, you must file a detailed motion asking that the court take action in your case and give notice to the other party (for general instructions on how to do this, visit [ILAO's help page for presenting a motion in court](#))
- All parties' lawyers (or the parties themselves if they are self-represented) must be included in communications with a judge, except as provided below.

What are NOT considered prohibited *ex parte* communications?

- Communications between the judge and select parties that involve scheduling matters or administrative matters that are not related to topics of major importance in the case. These communications are allowed if:
 1. Either party will not gain a procedural or tactical advantage through the one-sided communication, AND;
 2. The judge notifies the other party/parties of the communication and allows an opportunity for the newly notified party/parties to respond.
- Communications where the judge gets specific pre-approval from both parties to communicate separately with either party in an attempt to promote settlement.
- Communications where the judge is expressly authorized by law to communicate with just one party (i.e. a Petition for Emergency Order of Protection filed as an *ex parte* emergency).
- Communications between the judge and court staff regarding a pending matter.

What are the penalties for sending *ex parte* communications?

- If a party sends an *ex parte* communication to the judge that does not fall within the exceptions listed above, the judge will not review or respond to the communication.
- The judge will disclose the circumstances and contents of the communication to all parties at the next hearing in open court.

DISCLAIMER: This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ *et seq.* for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County's Law Libraries (e.g. 29th floor of the Daley Center).