INFORMATION SHEET

TOPIC: CONVERSATION WITH THE JUDGE

Many times, parties to a lawsuit request that they be allowed to speak to the Judge with regard to things that may come up as a part of a pending or anticipated lawsuit. They then are told that they cannot do so.

Why can't I talk to the Judge?

Our Court system is set up to be an adversary system. That type of system allows each side to present their best case, and the Judge then decides which side has been most convincing. This system also provides an opportunity to cross-examine the other side, to point out weaknesses in their case. At the heart of the system is the idea that neither side should have any better opportunity to present its views than the other has.

Rules set forth by the Supreme Court tell a Judge that he is not to receive evidence or argument about a case unless each side has received notice, and has opportunity to be heard. A Judge is not allowed to listen to something attempted to be presented by only one party. Such a sitution would be unfair to the other side.

The Judge and his staff are also <u>not allowed</u> to give advice about how to proceed with regard to any matter. By giving such advice, the Judge would have already made a <u>judgment</u> as to how one party should proceed, and would have partially decided the outcome.

Suppose the Situation were reversed

Imagine how you would feel if you knew that the opposing side had been in to talk to the Judge without you being present. You would have no idea what was said. You would have no chance to present your side. You would have no chance to show why they were wrong.

Check with an expert <u>who is allowed</u> to answer questions

Since the Court cannot advise you, check with an attorney of your choice. If funds are a problem, check with the President of the local Bar Association who can tell you where free services might be received. Call attorneys to check on the price for a short session for advice. You will find many who would be willing to talk with you for a very small fee.

The Court is sorry that it cannot speak with everyone who comes before it. However, it is hoped that you now understand the reasons for that, and you are wished success as you seek answers for your questions.