

# Center for Judicial Ethics

## Ethics Awareness Month Weekly Tip



Doing online research is indispensable to the work of judges and their law clerks. Conducting legal research is certainly routine and doing factual research of a very general nature can help judges to become better prepared.

However, take care to avoid doing online research into facts of any matter before the court. That is a form of *ex parte* communication that is prohibited. It impairs the functioning of the adversarial system by allowing decisions to be made based on facts not on the record and may be unknown to one or more parties. They therefore have no opportunity to dispute them or comment on their accuracy or relevance.

If, in researching, you should accidentally discover information about facts in a matter before you, you should disclose it to the parties and their counsel right away, so they have an opportunity to respond.

### Sample Resources:

- [CA Judges Association, Formal Ethics Opinion No. 68 \(2013\)](#)
- [In re Albee](#) (N.H. 2016)
- [Rowe v. Gibson](#) (7<sup>th</sup> Cir. 2015)



Review our [brochure](#) to learn more about trainings we offer in this and other topical areas.

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