

MAR 06 2024

TRIBAL CLERK OF THE COURT

IN THE TRIBAL COURT OF THE KLAMATH TRIBES

EX PARTE CONTACT

STANDING ORDER 2024-002

KTC 12.04, states that the Rules of Civil Procedures shall be liberally construed to secure a just, speedy, and inexpensive determination of every action. KTC 11.24(e)(4) provides that as to fairness and diligence, a Judge shall not initiate nor consider ex parte or other communications about a case or proceeding which is or may be before the Court; provided that a *Judge may obtain the advice of a disinterested expert on the law applicable to a proceeding and consult with other Judges, the Tribal Court Administrator and Clerks of the Court* (emphasis added).

To secure a just determination of every action while preserving the public trust in the legal and court system, the Court has determined that there is a need to issue a Standing Order governing ex parte contact. "Ex parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party to a case or someone involved with a party, or a department interested in the case talks, or writes to or otherwise communicates directly with the judge about the issues in the case without the other party's knowledge.

An ex parte motion may only be made for the following reasons:

- (a) An "ex parte motion" is a motion that is not served on non-moving parties because great or irreparable injury will result to the moving party if an order is not entered immediately. In other words, an ex parte motion is used when a party needs the court to consider the motion sooner than the hearing and/or less than ten (10) days before the hearing.
- (b) In addition to the requirements of subsection (a) above, all ex parte motions shall be in writing and include a written statement, signed by the moving party, that declares the following: (1) the moving party has, within a reasonable time prior to the filing of the motion, informed the opposing party, the opposing party's attorney or the opposing party's spokesperson of when and where the motion would be made; or (2) the moving party has made a good faith attempt to inform the opposing party, the opposing party's attorney, or the opposing party's spokesperson but was unsuccessful, specifying the efforts made to contact them; or (3) for some other specified reason, the moving party should not be required to inform the opposing party, the opposing party's attorney, or the opposing party's spokesperson.
- (c) An ex parte motion shall not be granted unless it appears from the facts as shown by affidavit or verified complaint that great or irreparable injury will result to the moving party before the matter can be heard on a noticed motion.

IT IS SO ORDERED this 7th day of March 2024.

/s/ Patricia Davis, Chief Judge