

EMERGENCY OPINION PROCEDURES

In accordance with section 3c of the Policy and Rules of the Committee on Judicial Ethics promulgated by Chief Justice Chase Rogers¹, the Committee hereby approves the following procedures:

When a Judicial Officer requests an informal opinion and there is insufficient time for the Committee to hold a public meeting, an emergency opinion may be provided to the Judicial Officer as follows:

1. The Secretary, or a designee if the Secretary is unavailable, shall forward the request to the Chairperson, or Vice-Chairperson if the Chair is unavailable, to confirm eligibility of the inquiry for an opinion and the need for any additional factual information. If additional facts are needed, the Secretary or designee shall obtain those facts forthwith.
2. The Chair or Vice-Chair shall contact all Committee members and present the available information. Committee members shall be asked to provide input to the Secretary or designee forthwith.
3. After consultation with the Chair or Vice-Chair and after having received input from the Committee members, the Secretary or designee may provide an emergency opinion to the Judicial Officer. The Judicial Officer shall be advised that the opinion is an emergency staff opinion and not an opinion of the Committee.
4. In the event a Judicial Officer needs an immediate response and the Secretary or designee is unable to reach the Chairperson, Vice Chairperson or any Committee member prior to the time when a response is needed, the Secretary or designee is authorized to provide an emergency staff opinion if the inquiry otherwise meets the requirements for an informal opinion. The Judicial Officer shall be advised that the opinion is an emergency staff opinion and not an opinion of the Committee.
5. If the Secretary or his designee is not available, a request for an emergency opinion shall be made directly to the Chairperson, or Vice-Chairperson if the Chair is unavailable. The Chair or Vice-Chair shall follow paragraphs 1, 2 and 3 above and then render an emergency personal opinion to the Judicial Officer. The Judicial Officer shall be advised that the opinion is an emergency personal opinion and not an opinion of the Committee.
6. Anytime an emergency opinion is rendered pursuant to paragraphs 3, 4, or 5, all members of the Committee shall be notified about the inquiry and the response. If a majority of the Committee disagrees with the advice provided in the emergency

¹ "By rule the Committee may delegate particular types of matters, including the issuance of informal oral opinions, to a lesser number of members or to the Secretary to the Committee."

opinion, the Secretary or designee shall advise the requesting Judicial Officer, who may seek a further informal or formal opinion pursuant to the Committee's rules.

7. Emergency opinions shall be included in the log of requests and responses maintained by the Secretary, and shall include the name of the person that provided the emergency opinion.