

COMMUNICATION BETWEEN JUDGES

Background & Analysis

It is apparent that in facilitating the case management and coordination process in a family court system, inter-court and intra-court communications are necessary. These communications will naturally deal with the administrative aspects of the cases and, in part, with substantive aspects of the cases - as often occurs when the duty judge briefs the assigned family court judge about a new case. Judges must be able to communicate with each other in order to maximize court resources, avoid conflicting decisions, prevent duplicative hearings, and minimize inconvenience to the parties.

Canon 3 B(7)(c) of the Code of Judicial Conduct makes it clear that judges have the freedom to consult with other judges. As long as these communications do not violate other ethical responsibilities espoused in the judicial canons, judges may consult with one another regarding issues of case management and coordination. A judge may also consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities.

In order to fulfill the purposes of the family court, judges must be allowed to confer regarding case management and coordination. These communications are ethical and are anticipated by the Judicial Canons. In fact, Canon 3C(1) indicates that a judge "should cooperate with other judges and court officials in the administration of court business."

Fla. Fam. L.R.P. 12.003(a)(2) also allows judges to confer for the purpose of case management and case coordination.