

1400.7700 ADMINISTRATIVE LAW JUDGE'S CONDUCT.

Subpart 1. **Communication with parties.** The judge shall not communicate, directly or indirectly, in connection with any issue of fact or law with any person or party including the agency concerning any pending case, except upon notice and opportunity for all parties to participate. When these rules authorize communications contrary to this part, the communications shall be limited to only those matters permitted by these rules. The judge may respond to questions relating solely to procedures for the hearing without violating this part.

Subp. 2. **Ex parte communication.** Where circumstances require, ex parte communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized, provided;

A. the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and

B. the judge makes provisions promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

Subp. 3. **Other communication.** The administrative law judge may:

A. obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives prior notice to the parties of the person to be consulted and an opportunity to object. If the advice is obtained, the judge shall notify the parties of the substance of the advice and afford the parties a reasonable opportunity to respond;

B. consult with other judges and with office personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities;

C. if the parties consent, confer separately with the parties and/or their representatives in an effort to mediate or settle matters pending before the judge, subject to part 1400.5950, subpart 7; and

D. initiate or consider any ex parte communication when expressly authorized by law to do so.

Subp. 4. **Code of conduct.** Administrative law judges are subject to the provisions of the Code of Judicial Conduct.

Statutory Authority: *MS s 14.06; 14.131; 14.51; 15.474; 363.06; 363A.28*

History: *9 SR 2276; 26 SR 391*

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