

## Committee on Judicial Ethics

### Annual Report for January 1 - December 31, 2014

**Membership.** The Committee on Judicial Ethics, which began operating on August 1, 2008, continued its work throughout 2014. The membership remained constant during the first seven months of the year, consisting of the following members: Honorable Barry R. Schaller, Chair; Honorable Christine E. Keller, Vice Chair; Honorable Maureen D. Dennis; Honorable Barbara M. Quinn; Professor Sarah F. Russell; and Honorable Thomas J. Corradino, alternate member. Attorney Martin R. Libbin continued to serve as Secretary to the Committee, and Attorney Viviana L. Livesay, as Assistant Secretary. Upon the expiration of Justice Schaller's term, the Chief Justice appointed Honorable Angela C. Robinson to a full three-year term, on August 1, 2014. The Chief Justice also designated Judge Keller as Chair and Judge Dennis as Vice Chair.

The members and staff of the Committee wish to thank Justice Schaller for his dedicated contributions to the work of the Committee during his tenure. He served on the Committee from its inception. His knowledge, wisdom, dedication and appreciation of the ethical responsibilities of judges, together with his seasoned practical understanding of the role of judges, enabled him to serve with distinction on the Committee. The members and staff wish to express their great appreciation for his six years of service.

**Policy and Rules.** No policy or rule changes took place during 2014.

**Committee Webpage.** No substantial changes were made to the webpage during 2014.

**Email Updates to Bench.** Beginning in October 2014, the Committee began sending email updates of recently released advisory opinions to members of the bench. The goal is to send email updates to judges every two months.

**Activity.** During 2014, the Committee received twenty-four requests for opinions, many of which consisted of multiple subjects. For summary purposes, inquiries will be listed under only one category rather than multiple categories. Five of the twenty-four opinions were issued on an emergency basis after the Secretary or Assistant Secretary consulted with the Chair, and Committee members circulated comments on the requests. In each instance, the Committee discussed and approved the opinions at subsequent meetings.

Only three of the requests involved on-the-bench conduct. All three of those matters related to recusal or disclosure of prior relationships with attorneys or others who had some involvement in proceedings before the Judicial Official (2014-03, 2014-12 & 2014-13).

The inquiries that concerned off-the-bench activities concerned the permissibility of participating in various types of activities, including serving as a Boy Scout adult volunteer (2014-01), signing a petition requesting the continued operation of a non-law educational program (2014-02), participating in an adult summer soccer league (2014-07), serving as the editor of a legal treatise (2014-11) and writing a chapter in a legal treatise (2014-15).

Another category that produced numerous requests pertained to serving on boards of extra-judicial organizations (2014-05, 2014-17, 2014-18, 2014-22 & 2014-24). Four involved the use of a judge's name or judicial office to advance private interests (2014-08, 2014-10, 2014-14 & 2014-23). Two matters consisted of issues arising upon transition from law practice to the bench (2014-04 & 2014-21) and one matter pertained to post-retirement employment (2014-16). Two requests concerned character references/recommendations (2014-09 & 2014-20). The remaining requests concerned accepting a gift (2014-06 & 2014-19).

The Committee observed that the subjects of inquiries during 2014, as in the previous years, revealed that Judicial Officials continue to pay close attention to the growing body of formal and informal opinions. Although some seek clarification or expansion of matters covered in past opinions, Judicial Officials, for the most part, do not ask about matters that were prevalent in prior years. Rather, they appear to rely on past opinions to guide their conduct. The requests during 2014 continue to consist of increasingly nuanced and current subjects, reflecting heightened sensitivity toward maintaining ethical conduct. Our staff counsel will continue speaking to groups of new judges to make them aware of the Committee's work and to encourage them to submit inquiries pertaining to the transitional stage as well as throughout their careers.

The Committee, which has now completed six and a half years of service, is encouraged that Judicial Officials appear to be actively using our services and benefitting from access to the summaries of Informal and Formal opinions and the cross-referenced Subject Matter Index, as well as the minutes of Committee meetings. While encouraging Judicial Officials to consult the webpage regularly and to review the bi-monthly email updates, the Committee continues to urge that Judicial Officials should not hesitate to present inquiries whenever they have concerns, regardless of the subject matter or the complexity of the issue or whether the particular subject may have been addressed in some respects previously. Ethics inquiries are highly fact-specific and even issues that have been addressed before may present new concerns.

Since several requests involved matters that could affect more than one Judicial Official, the Committee created the bi-monthly email update to inform the bench of current ethics issues on an ongoing basis. In addition, the Committee is prepared to use the “Ethics Alert” feature of the webpage whenever necessary to increase the likelihood that advisory opinions on crucial matters of broad interest will come to the attention of Judicial Officials. All Committee members continue to receive monthly updates from the ethics director of the American Judicature Society.

The members of the Committee join in thanking and commending the Secretary and the Assistant Secretary for their excellent and prompt professional assistance in the work of the Committee.

**Recommendations.** The Committee again recommends that ethics components be included on a regular basis in the CJI program. The Committee also welcomes suggestions as to how it can further improve its website to insure effective access to the growing body of ethical opinions.

**Conclusion.** The Committee is dedicated to providing accurate, timely, and effective ethics opinions for the guidance of Judicial Officials while also maximizing the privacy of Judicial Officials who submit requests.

Respectfully submitted,

Christine E. Keller, Chair

January 26, 2015