

Committee on Judicial Ethics
Teleconference
Wednesday, February 18, 2009

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Robert J. Devlin, Jr., Judge Socrates H. Mihalakos and Associate Professor Jeffrey A. Meyer. Staff present: Martin R. Libbin, Esq., Secretary, and Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With a quorum present, Justice Schaller called the meeting to order at 9:32 a.m. Though publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the draft Minutes of the February 13, 2009 meeting.
- III. The Committee considered Judicial Ethics Opinion 2009-09 concerning whether a judicial official may be a guest speaker at a breakfast hosted and paid for by a legal aid organization where the specific purpose of the event is to thank lawyers for their past financial contributions. Based upon the facts presented, including that the participants are limited to lawyer donors and that, although no additional requests for contributions will be made at the event, the sole purpose of the event is to thank the donors for their past support, a majority of the Committee's members (three) determined that the breakfast served a fundraising purpose and therefore was a fundraising event within the meaning of Canon 5(b)(2). (Two of the members did not believe that, on the facts presented, the breakfast constituted a fundraising event.) The majority concluded that because the event is a fundraiser within the meaning of the Code, serving as a speaker at the event would violate Canon 5(b)(2) and also may violate Canon 2's prohibition against "lend[ing] the prestige of office to advance the interests of others." As a result, the majority concluded that while the judicial official could attend the breakfast, the judicial official should decline to speak at the event.
- IV. The meeting adjourned at 10:14 a.m.