

Committee on Judicial Ethics  
Teleconference  
Wednesday July 1, 2009

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Robert J. Devlin, Jr. and Judge Socrates Mihalakos. Staff present: Martin R. Libbin, Esq., Secretary, Viviana L. Livesay, Esq., Assistant Secretary (after start of meeting).

**MINUTES**

- I. With the above noted members present, Justice Schaller called the meeting to order at 9:17 a.m. Though publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the draft Minutes of the June 9, 2009 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2009-21 regarding whether a Judicial Official who received an ex parte letter that was highly critical of the Judicial Official from an attorney whose client the Judicial Official had ruled against on a motion, may continue to preside over another case in which the attorney is representing a different client and, if so, if the Judicial Official has a duty to inform the client in the second case of the attorney's conduct in the first case. The Judicial Official stated that he or she did not harbor any hard feelings toward the attorney. The Committee unanimously agreed that the Judicial Official may continue to preside over the second case. Following extended discussion, the Committee unanimously agreed that there is no ethical requirement to notify the client in the second case of the attorney's conduct in the first case; however, as a matter of prudence, the Judicial Official should consider disclosing the attorney's conduct, particularly if the attorney continues to represent the client in the second matter. The Judicial Official did not inquire, and therefore the Committee did not address, whether the Judicial Official should report the conduct of the attorney to the client or opposing counsel in the first case or whether the Judicial Official had a duty to take or initiate appropriate disciplinary measures against the attorney for the ex parte communication.
- IV. The Committee considered Judicial Ethics Informal Opinion 2009-22 regarding whether a Judicial Official may provide a letter of recommendation to the director of a law school admission's office on behalf of an employee of a former business client. The law school requires a letter of reference that discusses the applicant's academic and intellectual abilities. The Judicial Official had worked with the applicant, who is not a relative within the meaning of the Code of Judicial Conduct or Conn. Gen. Stat. § 51-39a, on various cases that the Judicial Official had handled for the client. The client is not an entity that is likely to appear before the judicial

official. Based upon the foregoing, the Committee unanimously agreed that the Judicial Official could provide a letter of recommendation. The Judicial Official also was advised that he or she could identify the office that he or she holds and that while the Judicial Official could use Judicial Branch letterhead, if he or she did so, the letter needed to indicate that the opinions expressed were the personal opinions of the Judicial Official.

V. The meeting adjourned at 9:35 a.m.