

Committee on Judicial Ethics  
Teleconference  
Thursday October 30, 2008

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.

**MINUTES**

- I. Justice Schaller called the meeting to order at 9:21 a.m., once all members had entered the conference call. Though publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the draft Minutes of the October 10, 2008 meeting.
- III. The Committee considered Judicial Ethics Opinion 2008-13 and unanimously agreed that a Family Support Referee should comply with the Code of Judicial Conduct to the same extent that the Code applies to a Senior Judge or Judge Trial Referee.
- IV. The Committee considered Judicial Ethics Opinion 2008-14. Based upon the facts presented, the Committee unanimously approved, subject to final language regarding limitations, a judicial official's participation in an educational program where questions may be asked by the audience. Restrictions will include, inter alia, that the judicial official not comment on a pending or impending matter, not cast doubt on the judicial official's capacity to decide impartially any issue that may come before him or her, not offer advice as to how lawyers should handle specific matters, and to exercise caution as to questions that may seek to elicit such specific advice. With respect to compensation for participating in the seminar, it was unanimously agreed that a judicial official should either decline any honorarium or accept the minimum honorarium; however, a judicial official should not accept an honorarium based upon the number of persons attending the program or tickets for staff to attend the program. Whether or not an honorarium is accepted, a judicial official may accept reimbursement of expenses to get to the program. Finally, with respect to advertising the judicial official's participation in the educational program, it was unanimously agreed, subject to review and approval of final language, that the judicial official should retain the right to review and pre-approve the use of any biographical information or photograph. It was noted that control over the use of such information by the judicial official is needed to ensure that Canon 2 (b)'s prohibition against lending the prestige of judicial office to advance the interests of others is not violated.
- V. The meeting adjourned at 9:54 a.m.