

Committee on Judicial Ethics

Annual Report for January 1 - December 31, 2015

Membership. The Committee on Judicial Ethics, which began operating on August 1, 2008, continued its work throughout the 2015 calendar year. The membership remained constant during the year, consisting of the following members: Honorable Christine E. Keller, Chair; Honorable Maureen D. Dennis, Vice Chair; Honorable Barbara M. Quinn; Honorable Angela C. Robinson; 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.

Policy and Rules. No policy or rule changes took place during 2015.

Committee Webpage. No substantial changes were made to the webpage during 2015.

Email Updates to Bench. The Committee continued to send email updates of recently released advisory opinions to members of the bench. Email updates were sent to judges every two to four months. The frequency of the email updates was dependent upon the level of activity of the Committee in a particular month.

Activity. During 2015, the Committee met on the third Thursday of the month to discuss pending inquiries and ratify emergency staff opinions. The Committee received twenty-four requests for opinions, many of which consisted of multiple subjects. One inquiry (2015-08) was withdrawn prior to consideration. For summary purposes, inquiries will be listed under only one category rather than multiple categories.

Eight 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 (2015-02, 2015-06, 2015-07, 2015-09, 2015-12, 2015-18, 2015-20 & 2015-23). 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 concerned recusal or disclosure of a familial relationship or a prior relationship with an attorney (2015-17, 2015-20 & 2015-21). The inquiries that concerned off-the-bench activities concerned the permissibility of speaking at a dinner co-sponsored by a political party (2015-02), speaking at a town meeting to discuss future uses of an old school (2015-05), attending an event as a guest of a municipal official and an advocacy group (2015-06), participating as a contestant on a TV reality show "The Amazing Race"

(2015-07), serving as a Boy Scout regional or high level volunteer (2015-15A), participating in the Boy Scouts as a member of a regional council or a Catholic committee (2015-15B), serving as the Grand Marshal of a municipality's ethnic day parade (2015-18), serving on the board of a non-law-related educational nonprofit organization (2015-22), and attending a large annual holiday party hosted by a law firm (2015-23).

Another category that produced numerous requests concerned references/recommendations for attorneys or signing letters in support of a particular program or organization (2015-10, 2015-11, 2015-12, 2015-14 & 2015-16). Two matters involved reporting attorney misconduct (2015-01 & 2015-03). One matter consisted of issues arising upon transition from law practice to the bench (2015-13) and one matter pertained to serving as a legal advisor for a family member (2015-09). The remaining requests concerned accepting a gift from a commercial publisher (2015-19) and accepting an award at a non-law related event (2015-04).

The Committee observed that the subjects of inquiries during 2015, 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 2015 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 seven 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 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.

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 Cynthia Gray, the ethics director of the National Center for State Courts, Center for Judicial Ethics.

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 21, 2016