

Committee on Judicial Ethics  
Teleconference  
Monday, May 3, 2010

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

**MINUTES**

- I. With the above noted members present, Justice Schaller called the meeting to order at 1:03 p.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the draft Minutes of the April 12, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-09 concerning whether a Judicial Official must recuse him/herself from presiding in a family case on the basis that a party has testified before the legislature in opposition to the Judicial Official's reappointment. Based upon the information provided, the Committee unanimously determined that a Judicial Official is not automatically disqualified from sitting on a proceeding merely because a party to the proceeding has testified against a Judicial Official at his/her legislative reappointment hearing. The Judicial Official should consider, in light of all the circumstances, whether he/she harbors an actual bias against the party. If so, the Judicial Official must disqualify him/herself from the case. If the Judicial Official determines that he/she is not actually biased, the Judicial Official should consider whether to recuse, sua sponte, if under the circumstances the Judicial Official concludes that his/her impartiality could reasonably be questioned. Finally, if the Judicial Official continues on the case and a motion to disqualify is filed, the Judicial Official will, of course, have to undertake the appropriate steps to determine the disqualification issue as presented.
- IV. The Committee tabled consideration of Judicial Ethics Informal Opinion 2010-10 until the next meeting.
- V. The Committee scheduled the next teleconference meeting for Thursday, May 6, 2010 at 9:30 a.m.
- VI. The meeting adjourned at 1:15 p.m.