

Committee on Judicial Ethics
Teleconference
Friday, May 27, 2011

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Edward R. Karazin, Jr., Professor Jeffrey A. Meyer, and Judge Thomas Corradino, alternate. Staff present: Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With four members and an alternate present, Justice Schaller called the meeting to order at 9:19 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the Minutes of the April 27, 2011 with one amendment.
- III. The Committee considered Judicial Ethics Informal Opinion 2011-11 concerning whether a Judicial Official has a duty to disqualify or disclose to counsel his or her relationship with a nonprofit agency and their attorneys in any proceeding in which a nonprofit attorney has filed an appearance.

As part of an ongoing program launched by a nonprofit entity in partnership with educational institutions, the Judicial Branch and community-based social service agencies, the Judicial Official periodically meets with particular students (one at a time), together with the student's case manager, an attorney provided by the nonprofit entity and sometimes other social service personnel, in an informal setting (typically the student's school) to discuss school related matters and suggest revisions to the individualized plan of services, if necessary. The goal of the program is to address issues early on so that the student is not referred to the court.

The Judicial Official recuses himself or herself if a student with whom the Judicial Official has worked appears before him/her in a court case. The Judicial Official asks whether he/she has a duty to disqualify or disclose to counsel his/her relationship with a nonprofit agency and their attorneys in any proceeding in which a nonprofit attorney has filed an appearance.

Based upon the information provided and consistent with JE 2011-06, JE 2010-28, Rule 1.2, Rule 2.11(a), and Comment (1) to Rule 2.11, the Committee agreed that the Judicial Official does not have a duty to automatically disqualify himself or herself when an attorney affiliated with the nonprofit appears. However, the Judicial Official has a duty to disclose the nature of his or her relationship with the nonprofit agency and the nonprofit attorney to the parties and their counsel. Thereafter, if a motion to disqualify is filed, the Judicial Official must exercise his or her discretion in deciding the motion based upon the information provided in the motion and the

accompanying affidavit, as provided for in Connecticut Practice Book § 1-23, as well as the particular circumstances of the case. In rendering its decision, the Committee also considered its opinions in JE 2009-40 and JE 2010-35.

- IV. The Committee discussed the recent enhancements IT made to the Judicial Ethics website and suggested adding a preamble to the homepage.
- V. The meeting adjourned at 9:37 a.m.