

Committee on Judicial Ethics
Teleconference
Wednesday October 1, 2008

Members present via teleconference: Justice Barry R. Schaller, Chair; Judge Robert J. Devlin, Jr., and Associate Professor Jeffrey A. Meyer. Staff present: Viviana L. Livesay, Assistant Secretary

MINUTES

- I. With a quorum present, Justice Schaller called the meeting to order at 9:30 a.m.
- II. The Committee unanimously approved the draft Minutes of the September 17, 2008 and September 26, 2008 meetings, as amended.
- III. The Committee considered Judicial Ethics Opinion 2008-08. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official should not make it generally known that he/she is seeking a position, so as to avoid being solicited by a number of law firms or other entities that may appear before the Judicial Official prior to his/her leaving the Judicial Branch. With respect to initiating contact with law firms, the Judicial Official may do so; however, the Judicial Official should not contact any law firm currently before the Judicial Official or that was recently before the Judicial Official. Furthermore, because of the requirement in Canon 3 that judicial duties take precedence over all other matters, he/she must be selective in the firms that he/she contacts, so that the Judicial Official does not have to recuse him/herself from so many cases as to interfere with the proper performance of his or her judicial duties.
- IV. The Committee considered Judicial Ethics Opinion 2008-09. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official may accept two tickets to a charity reception and dinner provided that the value (\$325) is reported pursuant to Canon 5 (c) (4) (C) and that neither the donor lawyer nor the donor lawyer's law firm has interests that have come or are likely to come before the judge.
- V. The Committee considered Judicial Ethics Opinion 2008-10. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official, in response to a request from the Judicial Selection Commission, should decline to write a letter of recommendation for a relative who is being considered for a judgeship, because to do so would be to "knowingly advocate or knowingly participate in the appointment, . . . of a relative in or to a position in the judicial branch" as prohibited by Canon 3 (b) (5).
- VI. The meeting adjourned at 9:47 a.m.