

Committee on Judicial Ethics
Teleconference
Friday October 10, 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; Viviana L. Livesay, Assistant Secretary (after start of meeting)

MINUTES

- I. Justice Schaller called the meeting to order at 9:15 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 1, 2008 meeting.
- III. The Committee determined, in accordance with paragraph 6 of its rules, that it lacked authority to issue an opinion, at this time, with respect to an inquiry that is “pending before a court, agency, or commission”.
- IV. The Committee considered Judicial Ethics Opinion 2008-12. Based upon the facts presented, the Committee unanimously agreed that a judge’s ownership of a small amount of stock in a bank that frequently appeared before the judicial official, unless held in a non-judge managed mutual fund, required the judge to disqualify himself or herself, subject to possible remittal in accordance with Canon 3(d). The judge was advised to consider whether divestment was feasible in the near future prior to considering a judicial re-assignment.
- V. The meeting adjourned at 10:00 a.m.