

## **Committee on Judicial Ethics Annual Report for August 1 – December 31, 2008**

**Membership.** The Committee on Judicial Ethics began operation on August 1, 2008, after Hon. Chase T. Rogers, Chief Justice, adopted the Policy and Rules of the Committee and appointed the following members to the Committee: Hon. Barry R. Schaller, Chair; Hon. Linda K. Lager, Vice Chair; Hon. Robert J. Devlin, Hon. Socrates H. Mihalakos, and Professor Jeffrey A. Meyer, members. The Chief Justice also designated Attorney Martin R. Libbin as Secretary to the Committee, and Attorney Viviana L. Livesay as Assistant Secretary.

**Policy and Rules.** Although Committee members have, from time to time, received individual requests for “informal opinions” about ethics matters, the Committee decided that members would not offer ethics advice on an individual basis but, rather, would refer judicial officials to the Committee through the standard procedure, which involves a telephone request to the Secretary. The rationale was that individual responses, which would occur without the benefit of full research and collaborative decision making, might be misinterpreted to be Committee responses.

On September 17, 2008, pursuant to sections 2b and 3c of the Policy and Rules, the Committee approved procedures that enable the Committee to respond to a request when the inquiring judicial official needs an answer in a shorter time period than would allow for the required notice of a public meeting. Any opinions rendered pursuant to these Emergency Opinion Procedures, which are posted on the Committee webpage, will be included in the log of requests and responses maintained by the Secretary and posted on the webpage. On September 10, 2008, the Committee had approved the framework of the expedited procedure subject to review and approval of the final language with the understanding that if needed, the framework could be followed until the actual language was approved. In early September of 2008, the Committee notified all Judicial Officials of the new procedure as well as instructions for submitting requests.

**Webpage and Other Means of Publicizing the Committee.** The Committee’s webpage became fully accessible on October 20, 2008, at the following address: <http://jud.ct.gov/Committees/ethics/>. The webpage, which appears on the Judicial Internet website and which can be accessed by means of a link on the Judicial Intranet, contains all vital information about the Committee including the Policy and Rules, instructions for submitting a request for an opinion, Code of Judicial Conduct, all agendas and minutes for Committee meetings plus a log of all opinions. On October 22, 2008, the Chair made a presentation to a meeting of the Connecticut Judges Association, in which he explained the basic procedure of the Committee. The presentation was followed by a question and answer session.

Although all opinions are explained and captioned by subject matter in the log of Informal Opinion Summaries, which is posted on the Committee Webpage, (a copy of which is attached) the Committee intends to prepare a subject matter index for easy

access to opinions, with search functionality. In addition, the Committee intends to prepare and post a section entitled Frequently Asked Questions as a guide to Judicial Officials. The Education Committee asked the Committee to present a plenary program on judicial ethics at the 2009 Connecticut Judges Institute. The Chair and Vice Chair are currently working with the CJI on this program.

**Activity.** The first request for an informal opinion was received in early August and the Committee issued its first opinion on August 5, 2008. From August 1, 2008 through the end of 2008, the Committee received twenty-seven requests for informal opinions. (Two successive opinions were rendered with regard to one inquiry, which was later modified.) During that period, twenty-five opinions were issued, and one was declined as not within the jurisdiction of the Committee. One request, which was submitted on December 30, 2008, was responded to on January 2, 2009. In addition to the foregoing, one inquiry was not pursued by the judicial official after being advised that the inquiry concerned a policy decision rather than an ethical decision. No requests for formal opinions were submitted during 2008.

Most requests for opinions have involved off-the-bench activities. Although many requests involve multiple subjects, the principal issue in twenty of the requests pertained to activities or conduct off the bench. Of these, six involved recommendations or letters of reference, four involved charitable activities or contributions, three involved social activities, and three involved employment before and after judicial service. The remaining request concerned educational activities, government service and media comments. The majority of requests involving on-the-bench conduct pertained to disqualification. Many of the off-the-bench activity requests also raised disqualification issues.

**Recommendations.** The Committee has no recommendations to present at this time.

**Conclusion.** The Committee is dedicated to providing accurate, timely, and effective ethics opinions for the guidance of Judicial Officials. Because the full meeting procedure, involving notice of telephone conference meetings, has worked effectively to address all inquiries in a timely fashion, the Committee has not yet had to rely on its Emergency Opinion Procedure. The Committee is prepared to do so when the occasion arises.

January 16, 2009

Respectfully submitted,

Barry R. Schaller  
Chair  
Committee on Judicial Ethics

Attachment