

Committee on Judicial Ethics
Teleconference
Friday, February 13, 2009

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

MINUTES

- I. With a quorum present, Justice Schaller called the meeting to order at 9:30 a.m. Though publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the draft Minutes of the February 5, 2009 meeting.
- III. The Committee considered Judicial Ethics Opinion 2009-08 concerning whether a judicial official could serve as a reference for a person applying for a position as a police officer with one or more municipal police departments. Based upon the facts presented, the Committee unanimously approved the request subject to the following conditions: (1) the judicial official has personal knowledge of the candidate that is relevant to the position for which the candidate is applying; (2) the candidate is not a relative within the meaning of the Code or C.G.S. § 51-39a; (3) the judicial official indicates that the opinions expressed represent the personal opinions of the judicial official; (4) neither the police department nor the decision makers (the hiring authority) have cases pending as a named party before the judicial official nor are they likely to have any cases pending for a reasonable period of time after the submission of the letter of recommendation; (5) if the judicial official believes that recusal would be required in order to comply with condition (4) because his or her fairness would be impaired, and that recusal is likely to be frequent, the judicial official should not provide the letter of recommendation; and (6) if the candidate is successful in securing employment with the police department, the judicial official should be alert to considering the possibility of recusal in accordance with Canon 3(c)(1) in future cases in which the judicial official knows the candidate is involved.
- IV. The meeting adjourned at 9:38 a.m.