

Committee on Judicial Ethics  
Teleconference  
Thursday, June 10, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Robert J. Devlin, Jr., Judge Francis X. Hennessy and Associate Professor Jeffrey A. Meyer. Staff present: Martin R. Libbin, Esq., Secretary, Viviana L. Livesay, Esq., Assistant Secretary (after start of meeting).

**MINUTES**

- I. With all members present, Justice Schaller called the meeting to order at 9:15 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the draft Minutes of the June 3, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-16 concerning whether a Judicial Official may accept an honorary lifetime membership in a law enforcement alumni association. The Committee determined that the Judicial Official should decline to accept an honorary lifetime membership in the alumni association, in view of the high likelihood of members of the association appearing before the Judicial Official and, in general, the impression of partiality to law enforcement that may be unintentionally created.
- IV. The Committee considered Judicial Ethics Informal Opinion 2010-17 concerning whether a Judicial Official may be a speaker at a private reception celebrating the anniversary of a for-profit, law-related business.

The Committee considered the following information that was provided: (1) the Judicial Official has been asked to speak on a topic of the Judicial Official's choice at a private reception presented by and honoring the anniversary of a publisher of law-related materials; (2) attendance at the reception will be by invitation only and free of charge to those invited; (3) it is anticipated that the guests will consist of "select" judges and attorneys; (4) the business intends to solicit a few donors to sponsor the event, one of which is likely to be a law firm; (5) there will be a program book in which people can purchase ads of a congratulatory nature; (6) the business plans to break even or make a slight profit from the sponsors and program book; (7) in addition to the host company briefly discussing the business and having the Judicial Official speak for a few minutes, the business plans to issue an award to someone in the legal community and have the award recipient make some remarks; and (8) while the Judicial Official's name and position would not appear on the invitation, that information would be included in the program book. Based upon the foregoing, the Committee

unanimously determined that the Judicial Official should decline the invitation to speak at the for-profit company's private anniversary celebration since to do so would lend the prestige of office to advance the private interests of the business in violation of Canon 2(b). The Committee concluded however, that the Judicial Official may attend the reception as a guest of the business provided that, if the value of the gift exceeds one hundred dollars, in accordance with Canon 5(c)(4)(C), it must be reported in the same manner as compensation. In light of the foregoing conclusion, the Committee did not determine whether the Judicial Official's appearance as a speaker would implicate the prohibition of Canon 5(b)(2) relating to a judge's appearance as a speaker at a fund raising event.

- V. The Committee considered Judicial Ethics Informal Opinion 2010-18 concerning whether a Judicial Official who officiates at the wedding of a former co-worker may attend the reception as a guest of the wedding party.

Based upon the information provided, including the fact that the Judicial Official has not worked with the person for many years and is not a close personal friend, and that the Judicial Official will decline any compensation for officiating the ceremony, the Committee unanimously determined that, as long as (1) officiating at the wedding does not create an appearance of impropriety (e.g., neither the bride nor groom are currently appearing before the Judicial Official), and (2) the wedding is not during normal work hours or, if so, the Judicial Official uses authorized leave time to be away from his or her judicial duties, Canon 5(c)(4)(B)'s definition of "ordinary social hospitality" applies to the Judicial Official's attendance at the reception as a guest of the wedding party and it is permissible. Because the Judicial Official has declined any compensation, the Committee did not consider whether the acceptance of a payment would raise any ethical issues.

- VI. The Committee discussed whether to establish a pre-designated time to hold conference calls and decided that due to the sporadic nature of the inquiries it was best to maintain the existing scheduling process.

- III. The meeting adjourned at 9:42 a.m.