

DRAFT

Committee on Judicial Ethics
Teleconference
Tuesday September 2, 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

MINUTES

- I. Justice Schaller called the meeting to order at 3:02 p.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 July 21 and August 5, 2008 meetings.
- III. The Committee considered Judicial Ethics Opinion 2008-02. In the absence of more specific facts, the Committee unanimously agreed that whether a Judicial Official is disqualified from presiding over a criminal case in which a defendant was previously before the judge in a juvenile matter either as delinquent or parent in a child protection matter is governed by the following general rules: (1) a mere change of assignment or court location does not require recusal, (2) judges are routinely required to screen-out information that is inadmissible, (3) if, however, the judge believes his or her fairness is impaired by the prior knowledge, recusal is required, (4) the test for disqualification is an objective one, whether a reasonable person knowing all of the circumstances might reasonably question the judge's impartiality (see *Papa v. New Haven Federation of Teachers*, 186 Conn. 725 (1982)), and (5) Canon 3 (c) (1)(A) should be reviewed. If facts arise for which further guidance is sought, the judicial official should feel free to come back to the Committee for an opinion based on case-specific facts.
- IV. The Committee briefly discussed the necessity for a procedure to provide advice when an opinion is needed prior to when a Committee meeting can be convened due to the requirements of public notice. The Secretary will draft a proposal for an emergency staff opinion or, if staff is not available, a personal opinion by the Chair or Vice-Chair, to be used only when a Committee meeting cannot be convened prior to the date an opinion is needed.
- V. The meeting adjourned at 3:25 p.m.