

Committee on Judicial Ethics
Teleconference
Wednesday, September 7, 2011

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Edward R. Karazin, Jr., Vice Chair, Judge Maureen D. Dennis, Professor Jeffrey A. Meyer, and Judge Thomas J. Corradino, Alternate. Staff present: Martin R. Libbin, Esq., Secretary and Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With the above noted members present, Justice Schaller called the meeting to order at 9:36 a.m. Although publicly noticed, no members of the public attended.
- II. The Chair welcomed the Committee's newest member, Judge Maureen D. Dennis.
- III. Justice Schaller, Professor Meyer and Judge Corradino approved the Minutes of the August 9, 2011 meeting.
- IV. The Committee considered Judicial Ethics Informal Opinion 2011-19 concerning whether a Judicial Official may contact the Governor's Legal Counsel to suggest the name of a second Judicial Official whom the inquiring Judicial Official knows and believes would be a good candidate for higher judicial office? The inquiring Judicial Official (JO#1) and the Governor's Legal Counsel know each other. The communication would take place when there is no pending vacancy in any higher judicial office and would be limited to JO#1 recommending to the Governor's Legal Counsel that JO#2 is worthy of consideration for nomination to higher judicial office.

Based upon the information provided and consistent with the Committee's prior opinions in [JE 2008-01](#), [JE 2008-10](#), [JE 2008-26](#), [JE 2009-13](#), and [JE 2011-01](#) and New York Advisory Opinion 02-26, the participating Committee members unanimously concluded that JO #1 should not voluntarily recommend or suggest the name of a judge for higher judicial office to the Governor's Legal Counsel but may serve as a reference for JO#2 and, if requested by the Legal Counsel, may provide a recommendation, by letter or otherwise, subject to the following conditions:

1. The Judicial Official's recommendation should be based on the Judicial Official's personal knowledge of the candidate's qualifications. If the Judicial Official's recommendation is furnished in writing on official letterhead, the Judicial Official should indicate that the recommendation constitutes the Judicial Official's personal opinion of the candidate's qualifications. See Rule 1.3 comment 2.

2. The Judicial Official should disclose to the Governor's Legal Counsel or appointing authority any familial or material personal relationship that the Judicial Official has to the candidate. See Rule 1.2 (judge must act at all times in a manner that promotes public confidence in the integrity of the judiciary); Conn. Gen. Stat. § 51-39a (familial conflict-of-interest prohibition).

V. The meeting adjourned at 9:48 a.m.