

Committee on Judicial Ethics
Teleconference
Wednesday September 17, 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 9:00 a.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 September 10, 2008 meeting.
- III. The Committee considered Judicial Ethics Opinion 2008-04. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official could accept the baseball ticket from his/her lawyer friend provided the Judicial Official paid the higher of the face-value or what the law firm paid for the ticket. The lawyer friend does not appear before the Judicial Official, other members of the firm will not be present and there are not frequent transactions between the firm and the Judicial Official.
- IV. The Committee considered Judicial Ethics Opinion 2008-05. Based upon the facts presented, the Committee unanimously agreed that the Code did not prohibit a Judicial Official and his/her spouse to be guests of the spouse's client at a \$1,000 a person charity event where the client does not have matters before the court. The Committee noted that if there is a political candidate that is a speaker at this nonpolitical event, it would raise questions under Canon 2(a). The Committee believed that this was a close issue and that a complaint might be filed but that ultimately attendance by the Judicial Official, even if a political candidate was speaking at the event, would not violate the Code. It was noted that even if it was a political event, the Judicial Official's spouse could accept the gift.
- V. The Committee approved the language proposed by Judge Lager (copy attached) with respect to procedures to address emergency requests for opinions when there is not sufficient time to hold a meeting before a response is needed.
- VI. The meeting adjourned at 9:38 a.m.