Committee on Judicial Ethics
Teleconference
Wednesday October 1, 2008

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

MINUTES

I. With a quorum present, Justice Schaller called the meeting to order at 9:30 a.m.

II. The Committee unanimously approved the draft Minutes of the September 17, 2008 and September 26, 2008 meetings, as amended.

III. The Committee considered Judicial Ethics Opinion 2008-08. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official should not make it generally known that he/she is seeking a position, so as to avoid being solicited by a number of law firms or other entities that may appear before the Judicial Official prior to his/her leaving the Judicial Branch. With respect to initiating contact with law firms, the Judicial Official may do so; however, the Judicial Official should not contact any law firm currently before the Judicial Official or that was recently before the Judicial Official. Furthermore, because of the requirement in Canon 3 that judicial duties take precedence over all other matters, he/she must be selective in the firms that he/she contacts, so that the Judicial Official does not have to recuse him/herself from so many cases as to interfere with the proper performance of his or her judicial duties.

IV. The Committee considered Judicial Ethics Opinion 2008-09. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official may accept two tickets to a charity reception and dinner provided that the value ($325) is reported pursuant to Canon 5 (c) (4) (C) and that neither the donor lawyer nor the donor lawyer’s law firm has interests that have come or are likely to come before the judge.

V. The Committee considered Judicial Ethics Opinion 2008-10. Based upon the facts presented, the Committee unanimously agreed that the Judicial Official, in response to a request from the Judicial Selection Commission, should decline to write a letter of recommendation for a relative who is being considered for a judgeship, because to do so would be to “knowingly advocate or knowingly participate in the appointment, . . . of a relative in or to a position in the judicial branch” as prohibited by Canon 3 (b) (5).

VI. The meeting adjourned at 9:47 a.m.