

Committee on Judicial Ethics
Teleconference
Tuesday, November 9, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Francis X. Hennessy, Judge Edward R. Karazin, Jr., and Professor Jeffrey A. Meyer. Staff present: Martin R. Libbin, Secretary, and Viviana L. Livesay, Assistant Secretary.

MINUTES

- I. With all members present, Justice Schaller called the meeting to order at 9:31 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the draft Minutes of the October 7, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-31 concerning whether a Judicial Official may lend his or her name to a campaign whose purpose is to solicit existing members of a law related organization to provide additional funds to become sustaining members of the organization. Based upon the facts presented, including that the solicitation is directed to existing members of the organization to request they provide additional funds to the organization, the solicitation was deemed to be a request to make a contribution of funds and not a membership solicitation. Under the existing Code, such requests are proscribed. Effective January 1, 2011, Rule 3.7(A)(2) of the new Code will permit a Judicial Official to solicit contributions for such an organization, but only from members of the Judicial Official's family, as defined in the new Code,¹ or from Judicial Officials over whom the soliciting Judicial Official exercises no supervisory or appellate authority. As a result, under the new Code the Judicial Official may not engage in a general solicitation of funds on behalf of the organization.
- IV. The meeting adjourned at 9:38 a.m.

¹ "Member of the judge's family" is defined in the new Code as meaning "any relative of a judge related by consanguinity within the third degree as determined by the common law, a spouse or domestic partner or an individual related to a spouse or domestic partner within the third degree as so determined, including an individual in an adoptive relationship within the third degree."