

Committee on Judicial Ethics
Teleconference
Friday, February 25, 2011

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

MINUTES

- I. With four members present, Justice Schaller called the meeting to order at 2:05 p.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the revised draft Minutes of the February 3, 2011 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2011-06. The issue presented is as follows: A Judicial Official has known Attorney General George Jepsen for more than twenty years. They speak on the telephone periodically, and they have socialized at each other's home, most recently approximately one and one-half to two years ago. If Attorney General Jepsen personally appeared in a case before the Judicial Official, the Judicial Official would recuse himself or herself. Does the Judicial Official have a duty to disqualify himself/herself or disclose his/her personal relationship with the Attorney General in any proceeding in which a member of the Office of the Attorney General has filed an appearance?

The facts presented included the fact that when an attorney in the Office of the Attorney General files an appearance in a case, the appearance form customarily is prepared using the following format:

Defendant/Plaintiff
Represented Party's Name
George Jepsen
Attorney General
By: /s/ signature of Assistant Attorney General
Name of Assistant Attorney General
Office Address of Assistant Attorney General
Telephone Number of Assistant Attorney General
E-mail Address of Assistant Attorney General
Juris # of Individual Assistant Attorney General

Based upon the information provided, the Committee members in attendance unanimously determined as follows: consistent with Rule 1.2 of the Code of Judicial Conduct, which requires Judicial Officials to act at all times in a manner that promotes public confidence in the impartiality of the judiciary and sets forth the test for "appearance of impropriety", Rule 2.11(a), which requires a judge to disqualify himself or herself "in any proceeding in

which the judge's impartiality might reasonably be questioned", and Comment (1) to Rule 2.11, which notes that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of subsection (a)(1) through (5) apply", the Judicial Official does not have a duty to automatically disqualify himself or herself when a member of the Attorney General's Office appears; however, the Judicial Official has a duty to disclose his or her personal relationship with the Attorney General to the parties and their counsel. Thereafter, if a motion to disqualify is filed, the Judicial Official must exercise his or her discretion in deciding the motion based upon the information provided in the motion and the accompanying affidavit, as provided for in Connecticut Practice Book § 1-23, as well as the particular circumstances of the case.

- IV. The Committee voted to go into Executive Session to receive an attorney-client communication at 2:12 p.m. Professor Meyer terminated his participation in the meeting at 2:28 p.m. The Executive Session ended at 2:36 p.m.
- V. The next meeting was tentatively scheduled for Friday, March 4, 2011 at 1:00 p.m.
- VI. The meeting adjourned at 2:37 p.m.