

Committee on Judicial Ethics
Teleconference
Friday January 2, 2009

Members present via teleconference: Justice Barry R. Schaller, 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 9:22 a.m. with Justice Schaller, Judge Mihalakos, Associate Professor Meyer and Attorney Libbin present. Though publicly noticed, no members of the public attended.
- II. The draft Minutes of the December 18, 2008 meeting were unanimously approved by the members then present.
- III. Justice Schaller asked that Committee members submit any comments regarding the revised Opinion Summary Log by the middle of next week so that it can be finalized and posted.
- IV. Justice Schaller stated that he would start drafting the Annual Report for consideration by the Committee. The report is due during January, so we have a few weeks. He stated that he would talk about the policy that was adopted, the emergency procedure, the opinion summary log, and perhaps the types of questions we have received. He is particularly interested in any suggestions regarding recommendations to make to the Chief Justice. For example, how should we handle inquiries that are substantially the same as a prior inquiry? Judge Devlin joined the meeting and following a review of what had been stated to that point, he concurred in the approval of the Minutes. The consensus was that once the Opinion Summary Log is posted, if an inquiry is factually the same or substantially the same as an earlier inquiry, the Secretary should refer the inquiring judicial official to the prior opinion in the Opinion Summary Log. If, after reviewing that opinion summary, the judicial official still felt that he or she needed to seek an opinion, the Committee should meet to act upon the request.
- V. The Committee considered Judicial Ethics Opinion 2008-26 concerning the propriety of a judicial official providing a recommendation to a court employee that the judicial official knows and who is seeking a position with the Judicial Branch in the judicial district where the judicial official is currently assigned. The employee does not currently work in that judicial district and the court employee is not a relative of the judicial official within the meaning of Canon 3B or C.G.S. § 51-39a. The judicial official is not an administrative judge, assistant administrative judge or presiding judge. On the facts presented and for the reasons cited in Opinion 2008-01, the Committee unanimously agreed that the judicial official may provide a letter of recommendation specific to the position being applied for. The letter may be on

Judicial Branch stationery or personal stationery with the judicial official identifying his or her title. The letter should indicate that the recommendation represents the personal opinion of the judicial official.

VI. The meeting adjourned at 9:37 a.m.