

Committee on Judicial Ethics Advisory Opinions
New Haven Judicial District Courthouse
235 Church Street, New Haven
Tuesday January 22, 2008, 3 p.m.

Members present: Justice Barry R. Schaller, chair; Judge Robert J. Devlin, Jr.; Judge Linda K. Lager and Judge Socrates H. Mihalakos (via telephone). Staff present: Martin R. Libbin, Esq.

MINUTES

- I. Justice Schaller called the meeting to order at 3:07 p.m.
- II. The minutes of the November 9, 2007 meeting were unanimously approved as submitted.
- III. The Committee reviewed the Recommendations to the Chief Justice and the January 16, 2008 draft policy and rules (copy attached as Appendix A) and unanimously approved the following changes:
 - A. The wording of Recommendation 1 is to be amended to read as follows: “Upon adoption by the Chief Justice, this Policy should be presented to the judges of the Superior Court.”
 - B. The word “if” is to be inserted in the last sentence of paragraph 7 after “in paragraph 9, below, or” and prior to “ordered to do so by a court”.
 - C. The word “formal” is to be inserted in paragraph 8 after “The Committee may publish its” and prior to “opinions or summaries of its opinions.” The intent of this paragraph, as amended, is to permit but not require the publication of (1) formal opinions and (2) summaries of formal and informal opinions.
- IV. The Committee reviewed the alternative drafts of legislation seeking to protect the confidentiality of ethics inquiries and opinions (copies attached as Appendix B and Appendix C) and unanimously approved their submission to the Chief Justice.
- V. The Committee discussed and agreed that the establishment of a committee was within the power of the Chief Justice and did not require approval by the Judges or the Legislature. The Judges of the Superior Court will, however, have to approve the proposed amendments to the Code of Judicial Conduct and to the Rules of Professional Responsibility. Those items normally would be referred to the Rules Committee for consideration prior to any vote of the Judges. It was the Committee’s opinion that those amendments should be effective prior to the creation of a Committee on Judicial Ethics Opinions.
- VI. The meeting adjourned at 3:35 p.m.