

Committee on Judicial Ethics
Teleconference
Friday, June 10, 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, Esq., Secretary and Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With four members present, Justice Schaller called the meeting to order at 10:31 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the Minutes of the May 27, 2011 with one amendment.
- III. The Committee considered Judicial Ethics Informal Opinion 2011-13 concerning whether a Judicial Official may attend a bar association's annual meeting and dinner, as a guest of the bar association, if part of the cost of the event is paid for by sponsors one or more of whom regularly appear before the Judicial Official.

Additional facts include that the event is not a fundraiser, that attorneys pay a fee to attend, that attendance of more than one hundred people (including several Judicial Officials) is expected, and that business conducted at the annual meeting includes, at a minimum, the election of officers and board members. Notice of the meeting indicates that a former court employee will be recognized for his service to the bench and bar. The Committee unanimously determined that attendance at the meeting and dinner as a guest of the bar association would not violate Rule 1.2 because it would not create in reasonable minds a perception that the Judicial Official had violated the Code of Judicial Conduct or engaged in other conduct that reflected adversely on the Judicial Official's honesty, impartiality, temperament or fitness to serve as a Judicial Official. The Committee further concluded that attendance at the event was consistent with Rules 3.1 (extrajudicial activities), 3.7 (participation in education, religious, charitable, fraternal or civic organizations and activities), and 3.13(c)(2)(A), which specifically permits a Judicial Official to "attend without charge ... an event associated with a bar related function or other activity relating to the law, the legal system, or the administration of justice," provided that acceptance of the gift is not otherwise prohibited by law and would not appear to a reasonable person to undermine the Judicial Official's independence, integrity or impartiality. Based upon the foregoing, the Committee concluded that the Judicial Official may attend the annual meeting and dinner as a guest of the bar association subject to the following conditions: (1) the Judicial Official does not discuss any pending or impending cases in any court, (2) the Judicial Official does not personally believe that attendance as a guest of the

bar association would create an appearance of impropriety, and (3) if required to do so pursuant to Rule 3.15, the Judicial Official reports the gift.

IV. The meeting adjourned at 10:40 a.m.