

Committee on Judicial Ethics
Teleconference
Friday, June 24, 2011

Members present via teleconference: Judge Linda K. Lager, Vice Chair, Judge Edward R. Karazin, Jr., Professor Jeffrey A. Meyer, and Judge Thomas J. Corradino, Alternate. Staff present: Martin R. Libbin, Esq., Secretary.

MINUTES

- I. With the above noted members present, Judge Lager called the meeting to order at 9:00 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the Minutes of the June 10, 2011 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2011-14 concerning whether a Judicial Official may serve and be listed as a subject matter expert for an electronic “answer board” operated by a nonprofit and non-partisan organization and, if so, whether a Judicial Official may (1) provide quotes and (2) include his or her judicial position as part of the personal description of the expert that is posted on the answer board.

Additional facts include that the answer board was established to provide general information on various legal and constitutional subjects to journalists and to explain procedural issues to help journalists understand the law and report more accurately. The answer board experts may be asked to provide quotes on subjects such as particular aspects of the Constitution and constitutional law.

The Committee members in attendance, having considered this Committee’s opinion in JE 2008-25, unanimously determined that the Judicial Official may serve as a subject matter expert for the electronic “answer board” and may include his or her judicial position in his or her personal description on the answer board, subject to the following conditions:

- the participation does not interfere with the Judicial Official’s judicial duties (see Rule 3.1(1));
- the Judicial Official does not give opinions which would cast doubt on the Judicial Official’s impartiality (see Rule 3.1(3));
- the Judicial Official is careful not to express opinions or answer questions in a way that would indicate that the Judicial Official has a predisposition with respect to particular cases (see Rule 2.11(a));
- the Judicial Official’s responses are factual and instructive about the

subject matter but do not include comments about any pending or impending matters (see Rule 2.10);

- the Judicial Official does not provide legal advice (see Rule 3.10);
- the Judicial Official monitors the website to ensure that it does not link to commercial (or advocacy group) websites (see Rule 1.3);
- the Judicial Official stays abreast of the features of the answer board website for new developments that may impact his or her duties under the Code of Judicial Conduct; and
- the Judicial Official retains the right to review and pre-approve the use of any biographical information about the Judicial Official listed on the answer board or used to promote it (see Rule 1.3).

Finally, with respect to the Judicial Official's inquiry about the propriety of providing quotes that are attributed to the Judicial Official, the Committee determined that the Judicial Official may do so provided that he or she complies with the above noted conditions.

IV. The meeting adjourned at 9:20 a.m.