

Committee on Judicial Ethics
Teleconference
Thursday, June 30, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Robert J. Devlin, Jr., Judge Francis X. Hennessy and Associate Professor Jeffrey A. Meyer. Staff present: Martin R. Libbin, Esq., Secretary, Viviana L. Livesay, Esq., Assistant Secretary

MINUTES

- I. With the above noted members present, Justice Schaller called the meeting to order at 9:30 a.m. Although publicly noticed, no members of the public attended.
- II. The four Committee members present unanimously approved the draft Minutes of the June 23, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-20 concerning whether a Judicial Official may accept a one-year subscription to the Connecticut Law Tribune (CLT) at a "special discounted government rate". For the past four years, the Judicial Branch has purchased copies of the CLT at a special discounted group rate (\$60/year) for judges, JTRs, state law libraries and other judicial branch officials. Judicial Officials have received a letter from CLT advising that, due to financial cutbacks, the Judicial Branch will no longer be purchasing individual CLT subscriptions for judges, JTRs and other judicial branch officials. The CLT is offering judges, JTRs, and other judicial branch officials a one year subscription at the same group rate (\$60/year) previously made to the Branch. According to the CLT, a basic annual subscription is \$425 per year, although group rates may apply. Based on the information provided, the four Committee members present unanimously determined that a Judicial Official may ethically accept the discounted rate as long as the publication is for official use. The Committee construed the CLT's discounted rate offer as falling within Canon 5 (c)(4)(A). Accordingly, Judicial Officials may take advantage of the discounted rate and do not have to report it as a gift under Canon 5 (c)(4)(C), provided the intent is to receive the publication for official use.
- IV. The participating members of the Committee received a request to reconsider its opinion in Informal JE 2010-11. The reconsideration request was denied because it was submitted more than 30 days after the distribution of the opinion and because the request was not formally submitted by the person who requested the opinion. The Committee declined to reconsider JE 2010-11 *sua sponte* because the request sets forth different facts from those initially presented. The Committee emphasized that the opinion in JE 2010-11 was in response to the facts of the inquiry of the Judicial Official, namely, that the Judicial Official had been asked to discuss

his or her personal views of scientific evidence in a particular case beyond what the Judicial Official had stated on the record orally or in writing.

V. The meeting adjourned at 9:53 a.m.