

Committee on Judicial Ethics
Teleconference
Tuesday, December 14, 2010

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, Secretary, and Viviana L. Livesay, Assistant Secretary.

MINUTES

- I. With four 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 Committee members present unanimously approved the draft Minutes of the November 30, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-35 concerning whether a Judicial Official may write a testimonial/endorsement for a Connecticut legal practice guide that is being published in 2011 by a non-profit, bar-related legal organization.

Based upon application of the new Code of Judicial Conduct and the facts presented, including that the Judicial Official was asked to provide a testimonial/endorsement for a Connecticut legal practice guide, that the Judicial Official was asked to review only the table of contents, indices and select chapters (but not the entire publication) in preparation for writing the testimonial/endorsement, and that the Judicial Official's name and judicial position would be identified in connection with the testimonial/endorsement, the Committee (with one member absent) unanimously concluded that the requested testimonial/endorsement would violate Rule 1.3 of the Code (use of office to advance the private interests of others). The Committee further determined that the requested testimonial/endorsement may violate Rule 1.2 (appearance of impartiality) and Rule 2.1 (extrajudicial activities shall not be conducted in such a way as to interfere unduly with the duties of judicial office), because the testimonial/endorsement may create an appearance that the Judicial Official was not impartial or had prejudged an issue in the case before the Judicial Official and because the testimonial/endorsement may result in the Judicial Official having to recuse in cases where the practice guide's authors appeared before the Judicial Official. See Informal Opinions 2009-40, 2010-15.

- IV. The Committee scheduled the next meeting for Friday, December 17, 2010 at 11:30 a.m.
- V. The meeting adjourned at 9:42 a.m.