

COLORADO SUPREME COURT
Judicial Ethics Advisory Board
Minutes of the December 15, 2011 Meeting

The meeting was convened at 2:00 p.m. in the Broadway conference room at the Supreme Court, 101 West Colfax Avenue, Suite 800, by Chair Hon. Pattie P. Swift.

In addition to the Chair, the following members of the Board were present in person or by conference telephone for all or part of the meeting: Hon. Charles Greenacre, Hon. Christina Habas, Melissa Hart, Peggy Kerns, and Alec Rothrock. Hon. Dennis Graham was unable to attend. Christine Markman, Supreme Court Staff Attorney, was also present.

I. Pending Requests for Advisory Opinions

The Board discussed and reached a conclusion regarding the pending request for an advisory opinion. The Board will issue an opinion before January 23, 2012, the deadline set by the requesting judge.

II. Discussion: Confidentiality of Board Deliberations on Requests for Advisory Opinions

The Board discussed whether its discussions regarding requests for advisory opinions should be confidential both during the pendency of the request and after issuance of the opinion. The Board agreed that the identity of the requesting judge should remain confidential until the opinion is announced, and may be made public after issuance of the opinion only if the requesting judge consented on the request form to disclosure of his or her identity. The Board further agreed that the substance of a pending request should remain confidential until the Board issues its opinion, and that, like discussions of the Colorado Bar Association Ethics Committee regarding ethics opinions, the content of the Board's discussions and its deliberative process regarding requests for advisory opinions should remain confidential, even after the opinion is issued. This policy will promote full and open discussions by Board members.

III. Meeting Dates for 2012

The Board agreed to the following schedule of meetings for 2012:

February 24, 2012
April 20, 2012
June 22, 2012
August 24, 2012
October 19, 2012
December 14, 2012

Meetings will be held only if necessary to discuss a pending request or other matters, and will be held at 1:00 p.m. in the Broadway conference room at the Colorado Supreme Court.

IV. Other Business

1. Meeting Minutes

The Board agreed that the Supreme Court Staff Attorney will prepare minutes of the meetings for the Board's approval, and that the finalized minutes will be posted on the Board's website. With respect to pending requests for advisory opinions, consistent with the confidentiality policy set forth above, the Board agreed that the minutes will reflect whether the Board reached a conclusion about the request, but not the substance of the request or the content of the Board's deliberations.

2. Term of Board Chair

The Chair indicated that she will serve in that capacity through 2012, and requested that the Board select a new Chair whose term will begin in January 2013.

V. Adjournment; Next Scheduled Meeting

The meeting was adjourned at approximately 3:00 p.m. The next meeting will be held on Friday, February 24, 2012, if necessary, at 1:00 p.m. in the Broadway conference room at the Supreme Court.