

COLORADO SUPREME COURT
Judicial Ethics Advisory Board
Minutes of the February 22, 2013 Meeting

The meeting was convened at 1:00 p.m. in room C4242 of the Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue, by Chair Hon. Dennis Graham.

In addition to the Chair, the following members of the Board were present in person or by conference telephone: Hon. Charles Greenacre, Mr. Alec Rothrock, and Hon. Dinsmore Tuttle. Christine Markman, Supreme Court Staff Attorney, was also present. Prof. Melissa Hart, Ms. Peggy Kerns, and Hon. Michael Vallejos were unable to participate.

I. Minutes of Previous Meeting

The Board approved the minutes of the October 19, 2012 meeting, which have been posted on the Board's website.

II. Pending Requests for Advisory Opinions

The Board discussed and reached conclusions regarding the two pending requests for an advisory opinion. After consulting with the Board members who were unable to participate in the meeting, the Board will issue an opinion or otherwise respond to the requests in due course.

III. Responding to Questions from Reporters About Judicial Ethics Issues

The Board agreed that Board members should not respond to inquiries from reporters or others regarding specific matters of judicial conduct. This policy does not restrict a Board member's ability to speak publicly about the provisions of the Code of Judicial Conduct in the context of teaching judicial or professional conduct courses, or, to the extent permitted under the Rules of Professional Conduct, about matters in which the Board member is an attorney representing a judge facing disciplinary proceedings.

IV. Other Business

Mr. Alec Rothrock reported that, effective July 11, 2012, the Supreme Court amended Rule 3.5(b) and comment [2] of the Rules of Professional Conduct to make the ethical obligations of an attorney with respect to ex parte communications with judicial officers consistent with the corresponding obligations of judicial officers as set forth in Rule 2.9 of the Code of Judicial Conduct. The amended rule is posted on the Judicial Department website at [http://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2012/2012\(12\)%20Redlined.pdf](http://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2012/2012(12)%20Redlined.pdf).

V. Adjournment; Next Scheduled Meeting

The meeting was adjourned at approximately 2:30 p.m. The next meeting was to be held on Friday, April 19, 2013, but because there were no pending requests or other matters to discuss, the meeting was cancelled. Accordingly, the next scheduled meeting is on Friday, June

21, 2013 at 1:00 p.m. in the second floor library conference room of the Ralph L. Carr Colorado Judicial Center.

These minutes were approved at the June 21, 2013 meeting.