

## Committee on Judicial Ethics

### Annual Report for January 1 - December 31, 2016

**Membership.** The Committee on Judicial Ethics, which began operating on August 1, 2008, continued its work throughout the 2016 calendar year. The membership remained constant during first seven months of the year, consisting of the following members: Honorable Christine E. Keller (Chair); Honorable Maureen D. Dennis (Vice Chair); Honorable Barbara M. Quinn; Honorable Angela C. Robinson; Professor Sarah F. Russell; and Honorable Thomas J. Corradino (Alternate).

Upon the expiration of Judge Barbara Quinn's term in July, the Chief Justice appointed Honorable Robert B. Shapiro to a two year term beginning on August 1, 2016. Upon the expiration of Judge Thomas Corradino's term, the Chief Justice appointed Honorable James T. Graham as an alternate member to a one year term beginning on August 1, 2016. Attorney Martin R. Libbin continued to serve as Secretary to the Committee and Attorney Viviana L. Livesay as Assistant Secretary. In October 2016, Attorney Adam P. Mauriello was appointed to serve as an additional Assistant Secretary.

**Policy and Rules.** No policy or rule changes took place during 2016.

**Committee Webpage.** No substantial changes were made to the webpage during 2016. Notice of all meetings continued to be made available on the Committee's website. In addition, the Committee began posting notice of all its meetings, agendas and minutes on the new "State Agency Public Meeting Calendar" website portal found at: <https://egov.ct.gov/pmc>

**Email Updates to Bench.** The Committee continued to send email updates of recently released advisory opinions to members of the bench. Email updates were sent to judges every two to four months. The frequency of the email updates was dependent upon the level of activity of the Committee in a particular month.

**Activity.** During 2016, the Committee met via teleconference nine times to discuss pending inquiries and ratify emergency staff opinions. The Committee received sixteen requests for advisory opinions, many of which consisted of multiple subjects. For summary purposes, inquiries will be listed under only one category rather than multiple categories.

Seven of the sixteen advisory opinions were issued on an emergency basis after the Secretary or Assistant Secretary consulted with the Chair, and Committee members circulated comments on the requests. In each instance, the Committee discussed and

approved the opinions at subsequent meetings. (Emergency staff opinions: 2016-01, 2016-03, 2016-06, 2016-07, 2016-08, 2016-13 & 2016-15).

Six of the requests involved on-the-bench conduct. Five of those matters concerned recusal or disclosure of a familial relationship or a prior relationship with an attorney or a former court employee (2016-02, 2016-04, 2016-05, 2016-12 & 2015-14) and one (2016-08) involved ex parte communications/commenting on a pending case. The inquiries that involved off-the-bench activities concerned issuing recommendations for attorneys (2016-03 & 2016-11), taking an acknowledgment or providing an affidavit for a family member (2016-01 & 2016-07), consenting to the use of the judicial official's name for an ethnic awards dinner and in a fundraising program journal (2016-10 & 2016-13), participating in a rebate program (2016-06), participating in the CT Bar Foundation's Oral History project (2016-09), participating in a municipality's historical society dinner (2016-15) and supporting the American Civil Liberties Union, the Southern Poverty Law Center, the National Organization for Women and a national ethnic bar association by donating money, joining as a member and/or serving as an officer or board member (2016-16).

The Committee observed that the subjects of inquiries during 2016, as in the previous years, revealed that Judicial Officials continue to pay close attention to the growing body of formal and informal opinions. Although some seek clarification or expansion of matters covered in past opinions, Judicial Officials, for the most part, do not ask about matters that were prevalent in prior years. Rather, they appear to rely on past opinions to guide their conduct. The requests during 2016 continue to consist of increasingly nuanced and current subjects, reflecting heightened sensitivity toward maintaining ethical conduct. Our staff counsel will continue speaking to groups of new judges to make them aware of the Committee's work and to encourage them to submit inquiries pertaining to the transitional stage as well as throughout their careers.

The Committee, which has now completed eight and a half years of service, is encouraged that Judicial Officials appear to be actively using our services and benefitting from access to the summaries of Informal and Formal opinions and the cross-referenced Subject Matter Index, as well as the minutes of Committee meetings. While encouraging Judicial Officials to consult the webpage regularly and to review the email updates, the Committee continues to urge that Judicial Officials should not hesitate to present inquiries whenever they have concerns, regardless of the subject matter or the complexity of the issue or whether the particular subject may have been addressed in some respects previously. Ethics inquiries are highly fact-specific and even issues that have been addressed before may present new concerns.

The Committee is prepared to use the "Ethics Alert" feature of the webpage whenever necessary to increase the likelihood that advisory opinions on crucial matters

of broad interest will come to the attention of Judicial Officials. All Committee members continue to receive monthly updates from Cynthia Gray, the ethics director of the National Center for State Courts, Center for Judicial Ethics.

The members of the Committee join in thanking and commending staff for their excellent and prompt professional assistance in the work of the Committee.

**Recommendations.** The Committee again recommends that ethics components be included on a regular basis in the CJI program. The Committee also welcomes suggestions as to how it can further improve its website to insure effective access to the growing body of ethical opinions.

**Conclusion.** The Committee is dedicated to providing accurate, timely, and effective ethics opinions for the guidance of Judicial Officials while also maximizing the privacy of Judicial Officials who submit requests.

Respectfully submitted,

Christine E. Keller, Chair

January 25, 2017