



Committee on Judicial Ethics

Annual Report for January 1 - December 31, 2018

Membership. The Committee on Judicial Ethics, which began operating on August 1, 2008, continued its work throughout the 2018 calendar year. The membership remained constant during the first seven months of the year, consisting of the following members: Honorable Maureen D. Dennis (Chair); Honorable Christine E. Keller; Professor Sarah F. Russell; Hon. Robert B. Shapiro; Honorable Angela C. Robinson; and Honorable James T. Graham (Alternate). Attorney Martin R. Libbin, Attorney Viviana L. Livesay and Attorney Adam P. Mauriello continued to serve as staff to the Committee. Upon the expiration of Judge Dennis' and Judge Keller's terms and the resignation of Judge Robinson, the Chief Justice appointed Judges James T. Graham, Michael P. Kamp, Vernon D. Oliver and Karen A. Goodrow to two year terms and Judge Shapiro to a full three year term, effective on August 1, 2018. The Chief Justice also designated Judge Graham as Chair for a term beginning August 1, 2018 and ending July 31, 2019, Judge Goodrow as Alternate and Attorney Joseph Del Ciampo as Secretary. No Vice Chair was appointed.

Policy and Rules. No policy or rule changes took place during 2018.

Committee Webpage. No substantial changes were made to the webpage during 2018. Notice of all meetings, agendas and minutes continued to be made available on the Committee's website, as well as on the "State Agency Public Meeting Calendar" website portal found at: <https://egov.ct.gov/pmc>.

Email Updates to Bench. The Committee will continue to send periodic email updates of recently released advisory opinions to members of the bench. The frequency of the email updates is dependent upon the Committee's level of activity in a particular month.

Activity. During 2018, the Committee met via teleconference six (6) times to discuss pending inquiries and ratify emergency staff opinions. The Committee received seventeen (17) requests for advisory opinions, many of which consisted of multiple subjects. One (1) of the seventeen (17) requests was withdrawn prior to consideration. For summary purposes, inquiries will be listed under only one category rather than multiple categories.

Four (4) of the sixteen (16) advisory opinions considered by the Committee were issued on an emergency basis after staff 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: [2018-01](#), [2018-02](#), [2018-03](#) & [2018-05](#)).

Two (2) inquiries involved judges transitioning to and from the bench: one request came from a new judge prior to his/her appointment to the bench ([2018-14](#)) and another request came from a retiring Judicial Official who planned to return to the private practice of law ([2018-02](#)).

Two (2) of the requests involved on-the-bench conduct. One of the inquiries concerned how to respond to ex-parte communications from an out-of-state attorney regarding a criminal defendant's application to the Accelerated Rehabilitation Program ([2018-03](#)). The other inquiry concerned whether ABA Formal Opinion 478, which prohibits independent factual research via the internet, is a proper interpretation of the comparable provision in the Connecticut Code of Judicial Conduct ([2018-04](#));

Two (2) inquiries involved the activities of others: a family member engaging in political activities ([2018-06](#)) and a law clerk serving as a board member and/or treasurer of the board of a non-profit organization ([2018-07](#))

The remaining ten (10) inquiries involved off-the-bench activities concerning the following issues: commenting on the character of a recently appointed municipal chief of police for a local newspaper ([2018-01](#)); serving on the board of the Girl Scouts of Connecticut ([2018-05](#)); serving on the board of trustees of a local university ([2018-08](#)); reselling tickets to a sporting event to friends or a ticket reseller ([2018-09](#)); providing collaborative divorce training through the Connecticut Council for Non-Adversarial Divorce ([2018-11](#)); marching in a municipal parade with other former municipal officials ([2018-12](#)); engaging in business as a real estate broker ([2018-13](#)); serving as the President of a local chapter of a Connecticut college's alumni association ([2018-15](#)); receiving an award at a National Conference for Community and Justice fund-raising dinner ([2018-16](#)) and being listed as a reference or providing a reference for a Support Enforcement Officer who is looking for a promotion within that unit ([2018-17](#))

The Committee observed that the subjects of inquiries during 2018, 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 2018 continue to consist of increasingly nuanced and current subjects, reflecting heightened sensitivity toward maintaining ethical conduct. Groups of new judges will continue to receive training in order 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 ten 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 and that a Vice Chair be appointed to help facilitate the work of the Committee. 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,

James T. Graham, Chair
January 30, 2019