

Committee on Judicial Ethics
Teleconference
Thursday, September 23, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, and Judge Francis X. Hennessy. Staff present: Martin R. Libbin, Esq., Secretary, Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With the above noted members present, Justice Schaller called the meeting to order at 9:35 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the draft Minutes of the September 8, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-29 concerning service on the Board of Directors of a private 501(c)(3) charitable foundation that provides financial grants to various entities, generally nonprofit organizations such as schools, libraries, etc. May the Judicial Official be paid for his or her service on the Board of the foundation?

Based upon the facts presented, including that the charitable foundation is not involved in litigation, the Judicial Branch is not a grant applicant or recipient, the Judicial Official's compensation is both reasonable and the same as that paid to non-Judicial Official Board members, and service on the Board does not interfere with the performance of Judicial duties, the Committee members in attendance unanimously agreed that the Judicial Official could accept payment for service on the Board of the charitable foundation subject to the following conditions:

1. The Judicial Official should regularly reexamine the activities of the foundation to determine if it is proper to continue his or her relationship with the charitable foundation. See Commentary to Canon 5(b)(1).
2. The Judicial Official may not engage in fundraising or use or permit the use of his or her name for that purpose. See Canon 5(b)(2). Effective January 1, 2011, a judge may solicit contributions for a charitable organization "but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority." See Rule 3.7(A)(2),

3. The Judicial Official may not give investment advice. See Canon 5(b)(3). Effective January 1, 2011, a judge may participate in the management and investment of an organization's funds. See Rule 3.7(A)(1),

4. The Judicial Official may not use Judicial Branch resources in connection with the charity, other than incidental use. See Canon 2 and Rule 3.1(E),

5. The Judicial Official should resign from the Board if such service would require the Judicial Official to be involved in frequent transactions with lawyers or persons likely to come before the court on which he or she serves. See Canons 5(b)(1), 5(c) and Rules 3.1, 3.7(A)(6), and

6. The Judicial Official reports the compensation paid for service on the board of the charity as income on his or her financial disclosure form. See C.G.S. § 51-46a and Rule 3.15.

IV. The meeting adjourned at 9:40 a.m.