

Committee on Judicial Ethics  
Teleconference  
Thursday, March 15, 2012

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Edward R. Karazin, Jr., Vice Chair, Professor Jeffrey A. Meyer, Judge Maureen D. Dennis and Judge Thomas J. Corradino, Alternate. Staff present: Attorney Martin R. Libbin, Secretary and Attorney Viviana L. Livesay, Assistant Secretary.

**MINUTES**

- I. With the above noted members present, Justice Schaller called the meeting to order at 11:31 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the Minutes of the March 1, 2012 meeting.
- III. The Committee discussed Judicial Ethics Informal 2012-06 concerning whether a Judicial Official may accept an appointment to serve on a nonprofit, non-law-related education-related accreditation board.

A Judicial Official has been asked to serve on an education-related accreditation board that is not involved with lawyers, law schools or any Connecticut educational institution. Service on the Board would require some time out of state for which the Judicial Official would use vacation or other approved leave time. The Judicial Official would not be paid for his or her service, but would receive reimbursement for expenses. The organization is not a governmental entity, but rather an "independent nonprofit organization" whose mission includes ensuring and promoting high quality education and developing and applying standards to assess effectiveness. The Board is comprised of 16 professionals in the area of education and one public member elected by the professionals (four members are currently from Connecticut). The Judicial Official would be the public member.

The Board, which is one of seven boards governed by an umbrella organization, meets four times a year to review reports for continued and initial accreditation. All decisions made by the Board regarding accreditation are referred to the umbrella organization's board of trustees for action. The Board is not regularly involved in litigation in the Connecticut courts.

Rule 3.1 of the Code of Judicial Conduct provides that subject to certain conditions a judge "may engage in extrajudicial activities except as prohibited by law. The rule's commentary observes that "judges are permitted and encouraged to engage in educational ... or civil extrajudicial activities not conducted for profit, even when the activities do not involve the law." Rule 3.1, cmt. (1). Similarly, Rule 3.7(a)(6) provides that a judge may

serve as a director of a non-profit educational or civic organization, unless it is likely that the organization “will be engaged in proceedings that would ordinarily come before the judge” or “will frequently be engaged in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.”

Based upon the information provided, including that the accreditation Board is part of an independent nonprofit organization, that the Board is not frequently involved in litigation in Connecticut courts, and that service on the Board would not interfere with the performance of judicial duties, the Committee members present unanimously concluded that the Judicial Official may serve on the Board subject to the following conditions:

1. The Judicial Official should regularly reexamine the activities of the Board to determine if it is proper to continue his or her relationship with the Board. Rule 1.2.
2. The Judicial Official should not make use of court premises, staff, stationery, equipment, or other Judicial Branch resources for activities that concern the Board, except for incidental use or consistent with any other additional use permitted under Rule 3.1(5).
3. 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. Rules 3.1 & 3.7(a)(6).
4. The Judicial Official may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, but should publicly report if the amount of the reimbursement, alone or in the aggregate with other reimbursements received from the same source in the same calendar year exceeds \$250. Rules 3.14 & 3.15(a)(3).

IV. The meeting adjourned at 11:39 a.m.