

Committee on Judicial Ethics
Teleconference
Tuesday, May 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 Viviana L. Livesay, Assistant Secretary.

MINUTES

- I. With four of the Committee members present (Schaller, Karazin, Meyer, Corradino), 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 Minutes of the March 20, 2012 meeting.
- III. Judge Maureen D. Dennis joined the teleconference at 9:38 a.m.
- IV. The Committee discussed Judicial Ethics Informal 2012-10 concerning whether a Judicial Official may join a Connecticut chapter of a national ethnic bar association. The Committee tabled this inquiry until the next meeting and asked staff to conduct additional research into specialty bar associations.
- V. The Committee discussed Judicial Ethics Informal 2012-11. A Judicial Official was asked by the Judicial Branch's External Affairs Speakers Bureau to speak to a group of executive branch agency employees and their children as part of a "Take Our Sons and Daughters to Work Day" program. The Judicial Official spoke during the Judicial Official's lunch period to the group on the topic of school bullying. At the conclusion of the program, the Judicial Official was handed a card. Inside the card was a \$50 gift certificate to an area restaurant. May the Judicial Official keep the gift certificate?

The Judicial Official reported that it is the practice of the employees at the executive branch agency to provide a comparable gift to other speakers. The executive branch agency has been a party to approximately two dozen lawsuits in the past ten years, some of which are still pending. The inquiring Judicial Official does not preside and has not presided over any of the cases involving the executive branch agency.

Rule 3.12 of the Code of Judicial Conduct provides that a judge "may accept reasonable compensation for extrajudicial activities permitted by law unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality." The comment to Rule 3.12 provides that judges are permitted to accept "honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is

reasonable and commensurate with the task performed.” Compensation derived from extrajudicial activities shall be publicly reported pursuant to Rule 3.15 (a)(1).

Based upon the information provided, including that the executive branch agency at issue does not presently have a case pending before the Judicial Official, that the program was not a fund-raising event, that the gift card was of modest value, and that similar gifts are customarily provided to other speakers who are not judges, the Committee concluded that the Judicial Official may keep the gift certificate pursuant to Rule 3.12 as an honorarium for speaking at the event, provided that the Judicial Official publicly reports the receipt of and value of the certificate pursuant to Rule 3.15.

- VI. The Committee discussed JE 2011-17 and its implications in light of continuing “peer review” requests from Martindale-Hubbell. The Committee recommended giving Martindale-Hubbell notice of its prior informal advisory decision and instructed the Secretary of the Committee to provide Martindale-Hubbell’s legal department with a copy of JE 2011-17. The Committee unanimously determined in JE 2011-17 that providing a peer review to Martindale-Hubbell was not permissible under the Connecticut Code of Judicial Conduct.
- VII. The Committee discussed the possibility of adding an “Ethics Alert” section to the Committee’s webpage to highlight important past or current opinions that might have special importance to judges. The Chair and the Assistant Secretary will work with the IT department on this modification once it is approved by the Chief Justice.
- VIII. The meeting adjourned at 10:01 a.m.