

Committee on Judicial Ethics
Teleconference
Thursday, November 21, 2013

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Christine E. Keller, Vice Chair, Judge Maureen D. Dennis, Judge Barbara M. Quinn and Professor Sarah F. Russell. Staff present: Attorney Martin R. Libbin, Secretary and Attorney Viviana L. Livesay, Assistant Secretary.

MINUTES

- I. With the above noted Committee members present, Justice Schaller called the meeting to order at 9:35 a.m. Although publicly noticed, no members of the public were in attendance.
- II. The Committee members present approved the minutes of the October 29, 2013 meeting.
- III. The Committee ratified **Emergency Staff Opinion JE 2013-45**.
- IV. The Committee ratified **Emergency Staff Opinion JE 2013-46**.
- V. The Committee discussed **Informal JE 2013-47** concerning whether a Judicial Official (“JO”) may attend a holiday party hosted by a municipality’s governing body. The Judicial Official would be paying the full cost to attend and the holiday party is not a fund-raiser.

The Judicial Official was invited to attend a holiday party at a restaurant hosted by a municipality’s governing body (the equivalent of a town council) which consists of members of both major political parties. Although hosted by the entire governing body, approximately one half of the members of the governing body typically attend. According to the Judicial Official, the event is an annual holiday party and guests include local officials, both elected and appointed, state legislators who represent the municipality, former members of the governing body (the category in which the Judicial Official falls), the leadership of the local chamber of commerce, some business leaders, attorneys and other professionals, along with spouses. Party guests include people of all political affiliations and those with no political affiliation at all. The Judicial Official stated that the party is a social event and not an official governmental function. The Judicial Official has been invited to the party for many years prior to being appointed a judge.

Rule 1.2 of the Code of Judicial Conduct states that a judge “shall act at all times in a manner that promotes public confidence in the

independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge."

Rule 3.1 (3) of the Code prohibits participation in extrajudicial activities "that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality." Comment (2) of Rule 3.1 encourages judges' participation in both law related and other extrajudicial activities because it "helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system."

Rule 4.1(a)(5) of the Code states that a judge shall not "attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office."

The Code defines "political organization" as "a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office."

Based upon the information provided, including that the holiday party is being hosted by a municipality's governing body and is not being sponsored by a political organization, the Committee unanimously determined that the Judicial Official's attendance at the holiday party would not violate the Code provided that the hosts and the municipality do not have any matter pending or regularly appear before the Judicial Official. The Judicial Official's prior association with the municipality's governing body, the fact that the Judicial Official is paying the full cost to attend, and that the dinner is neither a fundraiser nor a lavish event, are factors that, in combination, make the governing body's invitation an exercise in purely social hospitality.

In reaching its decision, the Committee took into account its prior opinions in: [JE 2010-08](#) (Judicial Official may attend retirement party for prosecutor whom Judicial Official knew prior to appointment to the bench); [JE 2008-16](#) (Judicial Official should not attend small family law firm's five hour holiday party on board a river boat cruise ship where only select Judicial Officials were invited, it was likely that those attending the party would have cases pending before the invited Judicial Officials, and the venue made it impossible to leave if the Judicial Official believed that the nature of the event became compromising); [JE 2009-04](#) (Judicial Official may spend several days with close personal friends, who are lawyers, at the

friends' vacation home provided that the Judicial Official continues to recuse himself in cases involving the friends, these recusals are infrequent, and the Judicial Official has extended similar hospitality to the friends); [JE 2012-01](#) (Judicial Official should not attend retirement dinner hosted and paid for by the former partners of the retiring lawyer, who regularly appear before the Judicial Official); [JE 2013-07](#) (Judicial Official should not participate in small social outing organized by the spouse of a foreclosure firm attorney whose cases make up a large portion of the Judicial Official's docket); [JE 2010-33](#), (Judicial Official could purchase tickets and attend a dinner sponsored by the University of Hartford to raise funds for the Governor M. Jodi Rell Center for Public Service, where politically active individuals will be present, because no political parties were involved in co-sponsoring the event); and [JE 2012-21](#) (Judicial Official may attend a small gathering at the home of a relative so that a retiring political official can thank the hosts and guests for their prior support because the event was not a fundraiser, was not sponsored by a political organization or a candidate for public office, and did not involve a public official who had any matter before or likely to come before the Judicial Official).

VI. The meeting adjourned at 9:47 a.m.