

Committee on Judicial Ethics  
Teleconference  
Tuesday, November 30, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Edward R. Karazin, Jr., and Professor Jeffrey A. Meyer. Staff present: Martin R. Libbin, Secretary, and Viviana L. Livesay, Assistant Secretary.

**MINUTES**

- I. With all members present, Justice Schaller called the meeting to order at 9:30 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the draft Minutes of the November 15, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-33 concerning whether a Judicial Official may purchase tickets and attend a dinner sponsored solely by the University of Hartford to raise funds for the Governor M. Jodi Rell Center for Public Service. While it is anticipated that politically active individuals will be at the dinner, no political parties are involved in co-sponsoring the event. Tickets to attend the fundraiser cost \$150. Information was obtained suggesting that "sponsorship opportunities" may be available.

Based upon the facts presented, including that the University of Hartford is the sole sponsor of the event, the Committee unanimously determined that the Judicial Official may purchase tickets and attend the fundraising dinner. The Committee cautioned that to the extent there may be "sponsorship opportunities" or a program journal or something similar for this event in which a judicial title may be published, the Judicial Official should consider the propriety of participating in those opportunities and consider whether the use of the judicial title might implicitly lend the prestige of judicial office to advance the private interests of the university in violation of Canon 2. In rendering its decision, the Committee considered its opinion in JE 2009-38.

- IV. The Committee considered Judicial Ethics Informal Opinion 2010-34 concerning whether a Judicial Official may participate in organizing and soliciting people to participate in a blood drive, to be conducted by a blood collection agency, in honor of an attorney who was an accident victim and required multiple surgeries.

Based upon the facts presented, including that (1) the solicitation is for blood donations and not for funds, (2) the injured attorney had appeared before the

inquiring Judicial Official on multiple occasions in the past and may appear before the Judicial Official when the attorney is able to return to work, and (3) the attorney supervises other attorneys that regularly appear before the Judicial Official, it was unanimously determined that under the existing Code organizing and soliciting people to participate in a blood drive in honor of the injured attorney would violate Canons 2 (avoiding the appearance of impropriety and lending the prestige of office to advance the private interests of others) and 5 (solicitation of in-kind donations; see JE 2009-27) and may lead to the need for frequent recusal or, at a minimum, disclosure of the judge's role in organizing and soliciting blood donations in honor of the injured attorney, as well as appear to a reasonable person to be coercive. The new Code, effective January 1, 2011, likewise prohibits the Judicial Official from organizing and soliciting people to participate in a blood drive in honor of the injured attorney. See Rule 1.2 (appearance of impartiality), Rule 1.3 (use of office for the benefit of others), Rule 2.1 (extrajudicial activities shall not be conducted in such a way as to interfere unduly with the duties of judicial office), Rule 2.11 (disqualification), and Rule 3.1 (a judge shall not engage in extrajudicial activities that (1) interfere with the proper performance of judicial duties, (2) lead to frequent disqualification, (3) appear to a reasonable person to undermine the judge's independence, integrity or impartiality, or (4) appear to a reasonable person to be coercive). Notwithstanding the foregoing, effective January 1, 2011 and in accordance with Rule 3.7(A)(2) of the new Code, the inquiring Judicial Official may solicit members of the judge's family (as that term is defined in the Code) and judges over whom the inquiring Judicial Official does not exercise supervisory authority or appellate jurisdiction if the Judicial Official determines that organizing and soliciting the donations from such individuals does not necessitate the Judicial Official to recuse himself or herself when the attorney (or members of the attorney's office) appear.

V. The meeting adjourned at 9:50 a.m.