

Committee on Judicial Ethics  
Teleconference  
Friday, December 17, 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 four members present, Justice Schaller called the meeting to order at 11:30 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the revised draft Minutes of the December 14, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-36 concerning whether a Judicial Official may attend, along with a guest, a gubernatorial inaugural ball and dinner at no cost.

Several Judicial Officials on the same court have been invited by the Board of Trustees of the First Company Governor's Foot Guard ("Board of Trustees") to attend the Governor's Inaugural Ball including a sit-down dinner scheduled for January 5, 2011. The invitation indicates the judicial official may bring a guest. Like invitations have been extended to all judicial officials on the same court and to certain non-judicial state elected and appointed public officials without regard to political affiliation. The admission for the sit-down dinner costs \$225 per person. No judicial official will be seated on the dais with the governor-elect, but at least one judicial official will be sitting at a table near the dais. The stated purpose of the inaugural ball is two-fold: "to honor the Inauguration of our elected State Officers and in particular the Governor, and to raise funds to support and maintain [the] armory located at 159 High Street in Hartford."

In planning for this event, the Board of Trustees sought and obtained an advisory opinion from the Connecticut Office of State Ethics regarding whether the Board of Trustees could offer complimentary tickets to the inaugural ball to state elected and appointed officials. The Office of State Ethics concluded that "public officials invited by the Board of Trustees to attend the Inaugural Ball by virtue of their state positions may accept admission to the event, including any food or beverage provided there, under the charitable/civic-event gift exception in General Statutes § 1-79 (e)(14)." State of Connecticut Office of State Ethics Advisory Opinion 2010-3.

Because this event is planned for 2011, the proposed conduct is governed by the new Code of Judicial Conduct (effective 1-1-11). Rule 3.13 permits a judicial official to accept an invitation extended to the official and a guest to

attend events associated with civic activities subject to the reporting requirements of Rule 3.15. Based upon the facts presented, including that the inaugural ball is not a fundraising event for a political organization, but rather a civic event that marks the orderly transition of an elected official, the Committee concluded that the Judicial Officials may attend this civic event and accept the two complimentary tickets, provided the value is reported pursuant to Rule 3.15.

- IV. The Committee discussed Emergency Staff Opinion 2010-37 concerning whether a Judicial Official administer the oath of office during 2011 to an elected legislative official with respect to a leadership position to which the official was elected by the members of the legislative body of which the official is a member.

Based upon the facts presented, including that the position involves leadership of the entire legislative body and the legislative official was elected to the position by a vote of the entire body, and considering this Committee's conclusion in JE 2010-36 that a gubernatorial inaugural ball that is not a fundraising event for a political organization is a civic event, administration of the oath of office constitutes a civic, rather than a political, act. Pursuant to the Committee's rule on emergency opinions and following receipt of input from the members, the Judicial Official was advised that he/she may administer the oath of office.

- V. The meeting adjourned at 11:44 a.m.