

Committee on Judicial Ethics  
Teleconference  
Thursday, November 19, 2015

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

**MINUTES**

- I. With the above noted Committee members in attendance, Judge Keller called the meeting to order at 9:32 a.m. Although publicly noticed, no members of the public were present.
- II. Judges Keller, Dennis, Robinson and Prof. Russell approved the minutes of the October 15, 2015 meeting, as amended. The minutes shall reflect that consideration of Informal JE 2015-15B was part of a continuing discussion from prior meetings.
- III. Judge Quinn joined the teleconference at 9:36 a.m.
- IV. The Committee discussed **Informal JE 2015-19** concerning whether Judicial Officials may accept the gift of a dinner from their commercial publisher. The facts are as follows. The Judicial Officials who requested opinions in JE 2014-11 and JE 2014-15 (which involved editing and authoring a legal treatise) have jointly inquired whether they may accept a dinner invitation from the commercial publisher. The legal publication is complete and the publisher is holding a private dinner to thank the editor and the authors for their work. No other individuals have been invited to attend. As noted in the two prior 2014 opinions, the Judicial Official who served as the editor received compensation, but the authors (whether or not they were Judicial Officials) did not.

The Judicial Officials ask whether they may accept the gift of the dinner from the publisher under the following circumstances:

1. The Judicial Official would automatically recuse himself or herself if the publisher were to appear before the Judicial Official.
2. The Judicial Official would not automatically recuse himself or herself if the publisher were to appear before the Judicial Official.

It should be noted that the publisher has appeared in cases on an extremely infrequent basis.

Rule 1.2 of the Code of Judicial Conduct states that a judge “should act at all times in a manner that promotes public confidence in the ... 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 2.4 states, in relevant part, that “(b) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment. (c) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge’s judicial conduct or judgment.”

Rule 2.11(a) states that a judge “shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ....”

Rule 3.13 (a) states that a judge “shall not accept any gifts, loans, bequests, benefits, or other things of value, if the acceptance is prohibited by law or would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.”

Rule 3.13 (b) states that “[u]nless otherwise prohibited by law, or by subsection (a), a judge may accept the following without publicly reporting such acceptance: ... (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge under Rule 2.11....”

Rule 3.13 (c) states that “[u]nless otherwise prohibited by law, or by subsection (a), a judge may accept the following items and must report such acceptance to the extent required by Rule 3.15: ... (2) invitations to the judges and the judge’s spouse, domestic partner, or guest to attend without charge: (A) an event associated with a bar related function or other activity relating to the law, the legal system, or the administration of justice; or (B) an event associated with any of the judge’s educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.”

Rule 3.15 (a) states that a judge “shall publicly report the amount or value of: (1) compensation received for extrajudicial activities permitted by Rule 3.12; (2) gifts and other things of value as permitted by Rule 3.13(c), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$250;....”

In interpreting the gift rule, this Committee considered several of its prior opinions. The Committee previously advised that a judge may attend an expensive charity event ([JE 2008-05](#)), may accept two tickets to a charity award program ([JE 2008-09](#)), may attend a charity fundraising dinner honoring a relative ([JE 2009-02](#)), may accept a ticket from a doctor to attend a hospital fundraising event ([JE 2009-31](#)), may attend an event hosted by a law-related organization that provides legal services because the event was one that “concerns the law, the legal system, or the administration of justice” ([JE 2010-30](#)), may attend a gubernatorial inaugural ball at no cost ([JE 2010-36](#)), may attend a bar association annual dinner at no cost ([JE 2011-13](#)), may attend luncheon and accept meal paid for by Judicial Branch non-profit contractor, which qualifies as an invitation to attend without charge an event associated with an “activity relating to the law, the legal system or the administration of justice” ([JE 2012-18](#)), and may accept an invitation from the Connecticut Trial Lawyers Association to attend a dinner at its annual meeting ([JE 2013-25](#)).

Based upon the facts presented, including that the event appears to be designed to thank all those who contributed to the creation of the legal treatise, a law-related educational activity, the Committee conclude that the dinner may be viewed as an event that “concerns the law, the legal system, or the administration of justice” and that it was unlikely that a reasonable person would view the judge’s acceptance of a “thank you” dinner as something that would undermine the judges’ independence, integrity or impartiality or create an appearance of impropriety.

The Judicial Officials may attend the publisher’s dinner as set forth below:

- 1) The Judicial Officials who intend to automatically recuse themselves when the publisher appears before them may accept the dinner invitation pursuant to Rule 3.13(b)(2) without reporting publicly such acceptance; and
- 2) The Judicial Officials who do not intend to automatically recuse themselves shall disclose on the record their prior relationship with the publisher whenever the publisher appears as a party. Such disclosure shall be for a reasonable period of time, which is not less than two years from the date of the Judicial Officials’ last professional contact with the publisher. Thereafter, if a motion to disqualify is filed, the

Judicial Officials should exercise their discretion in deciding the motion based upon the information provided in the motion and the accompanying affidavit, as provided for in Connecticut Practice Book §1-23, as well as the particular circumstances of the case. The Judicial Officials may accept the invitation to attend the dinner (an event associated with an “activity relating to the law, the legal system or the administration of justice”) pursuant to Rule 3.13(c) and if required to do so pursuant to Rule 3.15, shall publicly report the amount or value of the dinner.

- V. New Business – NCSC Judicial Ethics membership update  
Attorney Libbin gave an update regarding the Judicial Branch’s new “judiciary” membership with National Center for State Courts Center for Judicial Ethics (“CJE”). This institutional membership will allow the Branch to forward the CJE material that is currently sent to the Committee to all judges and will also allow the Branch to determine who should have direct access to the CJE member website. The Committee recommended that all interested judges should be permitted to “opt in” if they want to receive the CJE materials and access the CJE member website.
- VI. The next meeting of the Committee is scheduled for December 17, 2015.
- VII. The meeting adjourned at 9:49 a.m.