



Committee on Judicial Ethics

State of Connecticut Judicial Branch
Superior Court Operations
100 Washington Street, 3rd Floor
Hartford, CT 06106

MEMBERS:

Hon. Barry R. Schaller, Chair
Hon. Edward R. Karazin, Jr., Vice Chair
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Prof. Jeffrey A. Meyer
Hon. Thomas J. Corradino, Alternate

June 27, 2013

Hon. Carmen E. Espinosa
Connecticut Supreme Court
231 Capitol Avenue
Hartford, CT 06106

Re: Formal Advisory Opinion JE 2013-28

Dear Justice Espinosa:

You have requested a formal opinion from the Committee on Judicial Ethics (hereinafter "Committee") concerning whether it would be consistent with the Code of Judicial Conduct for you to accept an invitation to participate as a panelist on the "Courageous Leadership" panel discussion at the *Vanidades 8th Annual Hispana Leadership Summit* ("HLS") that will take place from September 12-14, 2013, at the Disney Grand Floridian Resort in Orlando, Florida.

HLS describes itself as a for-profit business summit put on by *Televisa*, a Mexican multimedia mass media company, and funded by sponsorships. HLS supports Latina entrepreneurs and corporate executives as they lead and influence the overall U.S. business landscape. The focus of the leadership summit is to encourage and help the Hispanic women's business community by providing beginners with ideas and inspiration, established businesswomen with tools for managing and growing their companies, and veteran business leaders with lessons and advice from their peers at the top of their fields.

The invitation letter indicates that *Televisa* plans to highlight your participation both pre- and post- event in *Poder Hispanic* and *Vanidades* magazines, on the summit's website, and in other marketing materials. The invitation asks those who are familiar with social media to help promote the event via Facebook, Twitter or email blasts. You have indicated, however, that you do not participate in any social media, such as

Facebook or Twitter. The invitation also indicates that your travel and accommodations will be included and that all HLS attendees are offered reduced rates at Disney World for the entire weekend of the summit to encourage participants to bring their families.

The Committee concludes that Rules 1.2, 1.3, and 3.7 of the Code of Judicial Conduct apply to this matter. Rule 1.2 provides 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 1.3, concerning the use of the prestige of judicial office, states that a “judge shall not use or attempt to use the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.” The final applicable Code provision, Rule 3.7, concerns participation in educational, religious, charitable, fraternal, or civic organization and activities:

Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations ... concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal or civic organizations not conducted for profit including, but not limited to, the following activities:...(a)(4) appearing or speaking at, receiving an award or other recognition, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice.

The HLS organizers have clearly indicated that the event is conducted for profit and is funded by multiple sponsors. Therefore, whether you may participate as a panelist at the event depends on whether it qualifies under Rule 3.7 as one that is “concerned with the law, the legal system, or the administration of justice.” In [JE 2011-05](#), the Committee adopted the position articulated in ethics opinions from other jurisdictions that in order for an activity to qualify as one that concerns “the law, the legal system, or the administration of justice,” it must be shown that there is “a direct nexus between [the activity] and how the court system meets its statutory and constitutional responsibilities – in other words, how the courts go about their business.” Applying the “direct nexus” standard to the facts presented, the Committee concludes that the leadership summit does not qualify as a law-related activity because its focus is to assist entrepreneurs in their private business activities and not to assist the courts.

In addition, the event serves private business promotion purposes, and the organizers have indicated that they intend to engage in a fair amount of pre- and post-event advertising concerning your participation. A judge’s involvement with an event serving private business promotion purposes and including substantial publicity concerning a judge’s participation would raise significant concerns of an appearance of

impropriety under Rule 1.2 and of lending the prestige of the judicial office to advance private interests of others under Rule 1.3.

Based on the facts presented, including that the widely advertised summit is a for-profit event to assist business entrepreneurs, the Committee unanimously concludes that your participation as a panelist would not be consistent with the activities permitted under Rules 1.2, 1.3 and 3.7 of the Code of Judicial Conduct.

The opinions of the Committee on Judicial Ethics are advisory. Although judicial conduct that is consistent with an advisory opinion issued by the Committee may be evidence of good faith on a judge's behalf, our opinions are not binding on the Judicial Review Council, the Superior Court, the Appellate Court or the Supreme Court in the exercise of their judicial discipline responsibilities. You may submit a written request for reconsideration, explaining the basis for the request, to the Secretary to the Committee within thirty days after distribution of this opinion. Policy & Rules of the Committee, §10.

Sincerely,

Barry R. Schaller, Chair
Committee on Judicial Ethics