



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2016-06 (Emergency Staff Opinion Issued April 13, 2016) **Extrajudicial Activities; Rules 1.2, 1.3, 2.11 & 3.1**

Issue: May a Judicial Official participate in the Energize Connecticut program whereby the Judicial Official applies for and receives a rebate for making energy efficiency improvements to the Judicial Official's home?

Additional Facts: According to its website, Energize Connecticut "helps you save money and use clean energy. It is an initiative of the Energy Efficiency Fund, the Connecticut Green Bank, the State and your local electric and gas utilities with funding from a charge on customer energy bills." The Judicial Official had a home energy audit, which cost \$99. (According to the application for the home energy audit, based upon funding, due to potential high customer participation and program over subscription, they reserve the right to restrict services to homes that can benefit the most from the program.) Based upon the recommendations in the resulting report, the Judicial Official is planning to make some energy efficiency improvements for which home owners are eligible to receive a rebate through the supplier and installer of the improvements. The State is listed as one of the parties to the initiative.

Relevant Code Provisions: 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 1.3 of the Code 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."

Rule 2.11 states that a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned.

Rule 3.1 states that a judge may engage in extrajudicial activities, except as prohibited by law, however, when engaging in such activities, the judge shall not engage in activities that will lead to frequent disqualifications or appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

Response: This inquiry was circulated to the Committee members and their input was solicited and received. Given that the program is open to all Connecticut businesses and homeowners and the original application for the energy audit did not solicit the Judicial Official's occupation (and hence there has been no use of office to gain participation in the program), it was determined that the Judicial Official was permitted to participate in the rebate program provided that (1) the Judicial Official does not use his or her position in order to be selected for inclusion in the program, and (2) the supplier or contractor who will provide the services and the entities that provide the funding for the rebate are not regularly before the Judicial Official, such that he or she will have to frequently disqualify himself or herself.

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