



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2016-13 (Emergency Staff Opinion Issued September 16, 2016)

Use of Office; Promoting Public Confidence; Fundraising; Name, Use of Rules 1.2, 1.3, 3.1 & 3.7

Issue & Facts: A Judicial Official and the Judicial Official's spouse volunteered to assist a non-profit organization that is not related to the law, the legal system or the administration of justice. The Judicial Official did not engage in fund-raising, but rather provided assistance consistent with Rule 3.7 (i.e. planning related to the fund-raiser, serve as an usher, food preparer, etc.). The Judicial Official inquired whether their names could be listed in a fund-raising program journal, in which there are paid listings, if they are listed with others under a heading that recognizes those who volunteered.

Response: 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 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 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 3.1 states that a judge may engage in extrajudicial activities, except as prohibited by law; however, a judge shall not participate in activities that will interfere with the proper performance of judicial duties, lead to frequent disqualification or appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

Rule 3.7 concerns participation in educational, religious, charitable, fraternal, or civic organizations and activities. Subject to the requirements in Rule 3.1, a judge is permitted to participate in various activities sponsored by or on behalf of such entities. Subject to the requirements in Rule 3.1, subsection (a) (4) specifically authorizes judges "appearing or speaking at, receiving an award or other recognition at, 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". Note (4) to Rule 3.7 states "Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons."

This inquiry was circulated to the Committee members and their input was solicited and received. Based upon the facts provided, it was determined that the inclusion of the Judicial Official's and his or her spouse's names in the fund-raising book under a heading of volunteers was comparable to having the Judicial Official's name on fund-raising letterhead, and therefore the Judicial Official's and his or her spouse's names could be included, provided that the Judicial Official's title should not be listed unless the titles of other volunteers were also listed. The Judicial Official also was advised that his or her name should not be part of a paid listing.

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