



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2017-09 (July 20, 2017)

Appearance of Impropriety; Impartiality; Rule 1.2

Issue: May a Judicial Official keep a license plate that identifies the Judicial Official as a retired police commissioner?

Relevant Code Provisions: Rule 1.2 of Code states that a judge shall 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.

Response: The propriety of using vanity plates has been considered in at least one jurisdiction. The New York ethics advisory commission reviewed the propriety of using judicial vanity plates on personal vehicles. The Committee noted that the concerns raised with respect to judicial vanity plates apply equally to judges who wish to use other types of specialty status license plates.

A dozen states and the District of Columbia authorize judicial license plates on the personal vehicles of judges. In New York, its advisory committee on judicial ethics concluded that there is no ethical prohibition against a judge displaying a license plate on a judge's car that identifies the judge as a member of a judge's association or indicating that the vehicle registrant is a judge. (See New York Opinions [07-213](#) and [12-141](#)).

Concerns over this practice were evaluated in greater detail in 2012 when the New York State Commission on Judicial Conduct ("NY Commission") began looking into the propriety of judicial vanity plates after an incident involving a justice from a town court who had a vanity plate denoting her as a member of the State Magistrates Association ([Matter of Schilling](#), 2013 Annual Report 286). The justice was issued a ticket by a state trooper which later vanished and the NY Commission subsequently removed the justice from office. In the Commission's written opinion, it identified systemic problems and promised to issue a public report to address these concerns.¹

¹ The footnote in the *Schilling* determination states: "The Commission has repeatedly evaluated cases of judges attempting to use their judicial office to influence the disposition of traffic violations. This case represents a stark example of this problem and raises a systemic issue of how judicial license plates distort the normal process of enforcing traffic laws and the delicate position faced by law enforcement officers when they stop a vehicle with judicial plates. The Commission has decided that a public report is required to address the issue of whether or not the Rules Governing Judicial Conduct may be violated by the use of judicial license plates in the context of judges, in effect, using their judicial office to avoid the consequences."

On May 7, 2013, the NY Commission issued its [report](#) and concluded that “[d]isplaying a judicial license plate on a personal vehicle does not *per se* create an appearance of impropriety.” The report generated much criticism and one of the panel’s own members issued a scathing dissent and slammed the report as “an exercise in evasion.” The dissent criticized the issuance of special license plates to “public officers” and others that publicly announce their status. The dissenting member opined that “driving or parking a car with judicial plates violates the rule governing judicial conduct because either the purpose or the effect of displaying judicial plates appears to ‘lend the prestige of judicial office’ for the personal benefit of the judge.” The NY Commission report also received much negative press. The main concern expressed by critics is that these specialty plates appear to invite special treatment by publicly announcing the holder’s special status.

The Committee also noted that by operating a vehicle with a retired police commissioner vanity license plate, the Judicial Official is publicly displaying his or her past affiliation with law enforcement. In [JE 2010-16](#), this Committee determined that a Judicial Official should decline to accept an honorary lifetime membership in a law enforcement alumni association, in view of the high likelihood that members in the association will appear before the Judicial Official and, in general, the impression of partiality to law enforcement that may be unintentionally created.

Based on the facts presented, the Committee determined that the inquiring Judicial Official should not display the retired police commissioner license plate on his or her personal vehicle because it violates Rule 1.2’s requirement that a judge shall avoid impropriety or the appearance of impropriety and because it may unintentionally create the impression of partiality to law enforcement.