



## Connecticut Committee on Judicial Ethics

### Informal Opinion Summaries

**2017-13 (September 19, 2017)**

**Extrajudicial Activities; Promoting Public Confidence; Soliciting Contributions  
Rules 1.2, 3.1 & 3.7 of the Code of Judicial Conduct**

**Issue:** May a Judicial Official, who serves on the board of a nonprofit civic organization that does not concern the law, the legal system, or the administration of justice, invite family, friends, and acquaintances to a free event that is designed to introduce them to the organization's goals?

**Facts:** According to the nonprofit's website, the purpose of the organization is to recruit, carefully screen, and train caring adults to act as mentors to children. The nonprofit is comprised of volunteer mentors, board members, financial supporters, and partner agencies. There are no organizational "members". Public outreach is primarily for additional mentor volunteers and mentors are never charged to participate in their programs. Around the holidays, the nonprofit sends out an email asking individuals to consider donating to the agency as part of their end-of-year giving and meets with certain organizations/individuals regarding their potential gifts.

No fundraising will occur at the free event, but the goal is to solicit contributions from the attendees at a later time. The Judicial Official would not participate in the subsequent solicitation of funds. At the end of the free event, the organization distributes copies of its annual report, which summarizes its work, and may provide information on how to become a mentor. No donation forms are distributed at any of the organization's free events.

According to the Judicial Branch's online "Case Look-Up," the organization has been a party to less than five cases in the past several years, only one of which is currently pending, and the Judicial Official is not assigned to the judicial district when the case is pending.

**Relevant Code Provisions:** 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 3.1 of the Code concerns extrajudicial activities and sets forth general limitations on such activities, such as not using court premises, staff or resources, except for incidental use or for activities that concern the law, the legal system, or the administration of justice unless otherwise permitted by law, and not participating in activities that (1) interfere with the proper performance of judicial duties, (2) lead to frequent disqualification, (3) appear to a reasonable person to undermine the judge's independence, integrity or impartiality, (4) appear to a reasonable person to be coercive or (5) make use of court premises, staff, stationery, or other resources, except for incidental use.

Rule 3.7 (a) of the Code deals specifically with participation with educational, religious, charitable, fraternal and civic organizations and activities. It provides that, subject to the general requirements in Rule 3.1, a judge may participate in activities sponsored by or on behalf of educational organizations not conducted for profit including, but not limited to the following:

- (1) assisting such an organization or entity in planning related to fund-raising and participating in the management and investment of the organization's or entity's funds;
- (2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;
- (3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
- (4) appearing or speaking at, receiving an award or other recognition at, 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;
- (5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and
- (6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
  - (A) will be engaged in proceedings that would ordinarily come before the judge; or

(B) will frequently be engaged in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

**Response:** Based on the facts presented, including that the civic organization is not concerned with the law, the legal system, or the administration of justice and that no fund-raising will occur at the event, the Committee determined that inviting family, friends, and acquaintances to a free program, with the intent to solicit contributions at a later time, is the functional equivalent to assisting an organization in planning related to fund-raising pursuant to Rule 3.7(a)(1). Therefore, the Committee concluded that the Judicial Official may invite individuals to the free program pursuant to Rule 3.7(a)(1) but may solicit contributions pursuant to Rule 3.7(a)(2) only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority.

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