



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2017-14 (Emergency Staff Opinion Issued September 26, 2017)

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

Facts: This request for an emergency staff opinion is from the same Judicial Official who submitted the inquiry in advisory opinion [JE 2016-13](#). This Committee determined, in [JE 2016-13](#), that the inclusion of a Judicial Official's name in a fund-raising book under a heading of volunteers was permissible, provided that the Judicial Official's title is not listed unless the titles of other volunteers were also listed. The Committee concluded that the listing of volunteers was comparable to having the Judicial Official's name on fund-raising letterhead.

The Judicial Official now indicates that for this year's fund-raising book, in addition to containing a list of all volunteers, the program book is going to contain a letter that recognizes certain special volunteers. The organization would like to include a sentence in that letter giving special thanks to the Judicial Official as the founder and former chair of the charity and for the Judicial Official's commitment to the purpose of the charity throughout the years. According to the Judicial Official, the fund-raising program book will be left on the registration table for attendees to take on the day of the event.

Issue: May the Judicial Official permit the inclusion of the above sentence in the thank you letter that appears in the fund-raising program book?

Relevant Code Provisions: Rule 1.2 states that a judge "should 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 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 in part that a judge "may engage in extrajudicial activities, except as

prohibited by law.” The Rule goes on to note that when engaging in extrajudicial activities, the judge shall not participate, inter alia, in activities that will interfere with the proper performance of the judge’s judicial duties, lead to frequent disqualification, or appear to a reasonable person to undermine the judge’s independence, integrity or impartiality. Rule 3.1(1)-(3).

Rule 3.7 of the Code concerns a judge’s participation in educational, religious, charitable, fraternal, or civic organization and activities. Rule 3.7 states, in relevant part:

(a) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities 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: ... (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;....

Response: This inquiry was circulated to the members of the Committee and their input was solicited and received. The Committee agreed that receiving an additional special recognition in a fund-raising event’s program book qualifies as “... receiving an award or other recognition at . . . an event of such an organization or entity...” under Rule 3.7 (a)(4). The rule further provides that “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 Judicial Official was advised that he/she may not permit the inclusion of the sentence in the thank you letter that appears in the program book because the fund-raising event does not concern the law, the legal system, or the administration of justice.