



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2018-02 (Emergency Staff Opinion Issued January 25, 2018)

**Post-Retirement Employment; Name, Use of
“Application” section of the Code of Judicial Conduct; Practice Book § 2-28B**

Issue: May a retiring Judicial Official, who plans to return to the private practice of law, use his/her former judicial title in any law firm material? The Judicial Official stated that the dissemination of law firm material will not occur until after retirement.

Relevant Code of Judicial Conduct Provisions: The “Application” section of the Code of Judicial Conduct, which sets forth the applicability of this code in Section I, states that “the provisions of the Code apply to all judges of the superior court, senior judges, judge trial referees, state referees, family support magistrates appointed pursuant to General Statutes § 46b-231 (f), and family support magistrate referees.”

Response: This inquiry was circulated to the members of the Committee and their input was solicited and received. Based on the facts provided, including that no law firm material will be disseminated until after the Judicial Official retires from the bench, the Committee agreed that the Code of Judicial Conduct does not apply because the proposed activity is contemplated to take place after the Judicial Official leaves the bench. The Committee recommended that the Judicial Official be provided with a copy of ABA Formal Opinion 95-391 (April 24, 1995) and that he/she be referred to the Rules of Professional Conduct and Practice Book § 2-28B. Subsection (a) of Practice Book § 2-28B states, in relevant part, that “[a]n attorney who desires to secure an advance advisory opinion concerning compliance with the Rules of Professional Conduct of a contemplated advertisement or communication may submit to the statewide grievance committee, not less than 30 days prior to the date of first dissemination, the material specified in Section 2-28A (a) accompanied by a fee established by the chief court administrator.” Although the Judicial Official’s inquiry was broader than advertisements and communications, the Committee was of the opinion that this rule was worth highlighting. One member noted that while the Code does not apply in this instance, it does apply to Senior Judges and Judge Trial Referees.