



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2018-16 (November 15, 2018)

Awards & Honors; Event, attendance/appearance; Civic Activities; Fundraiser Rules 1.2, 1.3, 3.1, & 3.7

Issue: May a Judicial Official receive an award at a National Conference for Community and Justice fund-raising dinner?

Facts: The National Conference for Community and Justice (NCCJ) is a human relations organization that promotes inclusion and acceptance by providing education and advocacy while building communities that are respectful and just for all. The [organization's mission](#) includes celebrating the diversity of races, religions, cultures, genders, abilities & sexual orientations.

The NCCJ is recognized as a section 501(c)(3) non-profit organization under the Internal Revenue Code. The NCCJ advocates for those who experience bigotry, racism or injustice. They accomplish this through youth and adult programs in schools and in the workplace. The NCCJ does not engage in advocacy in court proceedings. According to the Vice Chair of the NCCJ Board, the educational and advocacy activities of the NCCJ cannot be characterized as being concerned with the law, the legal system or the administration of justice. As an organization, the NCCJ does not have a division that does legal work, work to change the law or work involving the administration of justice. Rather, it is a human relations organization that concentrates on the interactions between people and educates on social justice topics. The NCCJ's goal is to advocate through education on social justice issues and help empower people to fight against injustice to work toward more equity.

The award is given to multiple individuals each year and is presented at the fund-raiser. The awarding entity plans to use the name of all event honorees in the invitation.

Relevant Code Provision: 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 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 of the Code states that a judicial official 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 of the Code states that a judge may engage in extrajudicial activities except as prohibited by law and subject to various restrictions including that the judge not participate in activities that (1) interfere with the performance of judicial duties, (2) lead to frequent disqualification, (3) appear to a reasonable person to undermine the judge's independence, integrity or impartiality, or (4) appear to a reasonable person to be coercive.

Rule 3.7 states that subject to Rule 3.1, a judge may participate in activities 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: Participation as a speaker or guest of honor is generally permitted as long as the event is not a fundraiser. C. Gray, "[Key Issues in Judicial Ethics: A Judge's Attendance at Social Events, Bar Association Functions, Civic and Charitable Functions and Political Gatherings](#)," (2000) p. 9.

The propriety of speaking at, or receiving an award or other recognition at, a non-law related fund-raising event has been the subject of at least three prior Committee opinions. See, for example, [JE 2010-38](#) (judge may not serve as the keynote speaker for a non-law related civic organization's fund-raising program); [JE 2013-29](#) (judge may not serve as the master of ceremonies for a nonprofit organization's charitable fund-raising event because neither the organization nor the event concerns the law, the legal system or the administration of justice); and [JE 2017-14](#) (the Judicial Official was advised that he/she may not permit the inclusion of certain language in the program book giving special thanks to the Judicial Official because the fund-raising event did not concern the law, the legal system, or the administration of justice. The Committee determined that receiving an additional special recognition in a fund-raising event's program book qualified as "receiving an award or other recognition" under Rule 3.7 (a)(4)).

Based on the facts presented, including that the activities of the NCCJ cannot be characterized as being concerned with the law, the legal system, or the administration of justice, the Committee determined that receiving an award at this annual fund-raising event would violate Rule 3.7 (a)(4).