

Committee on Judicial Ethics  
Teleconference  
Friday, August 31, 2012

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Edward R. Karazin, Vice Chair, Professor Jeffrey A. Meyer, Judge Maureen D. Dennis and Judge Christine E. Keller. Staff present: Attorney Martin R. Libbin, Secretary and Attorney Viviana L. Livesay, Assistant Secretary.

**MINUTES**

- I. With the above noted Committee members present, Justice Schaller called the meeting to order at 9:31 a.m. Although publicly noticed, no members of the public were in attendance.
- II. The Committee members present unanimously approved the Minutes of the July 26, 2012 meeting.
- III. The Committee discussed Informal JE 2012-25. The facts are as follows: A Judicial Official received a letter from Mothers Against Drunk Driving ("MADD") in which the organization informed the Judicial Official that he/she has been selected to receive an award at its annual community dinner. In the correspondence, MADD offered to pay for the Judicial Official's dinner, as well as the dinner of a guest, and requested biographical information and a photo. The Judicial Official inquired whether he/she may: (1) accept the award, 2) speak at the dinner (presumably to accept the award), and (3) if it is permissible to attend as an award recipient, make a charitable contribution to MADD in the amount of the dinner cost?

Information obtained from the MADD website describes the organization as a 501(c)(3) public charity and "one of the largest victim services organization in the U.S." which provides services to "drunk and drugged driving victims and survivors one person every 8 minutes free of charge." MADD's mission statement is "to stop drunk driving, support the victims of this violent crime and prevent underage drinking."

MADD has represented that the dinner is not a fund-raising event because it will make no profit after paying for the costs of the dinner and the awards. While MADD plans to have a program of the event with biographies and photos of the award recipients, no advertisements or sponsors will be included.

According to MADD, the Judicial Official was selected to receive the award because the Judicial Official endorses and supports the MADD victim impact panel program. MADD's website describes the program as follows:

It is] an awareness program for offenders convicted of misdemeanor driving under the influence of alcohol or other drugs. The panels consist of a non-confrontational presentation consisting of crime victims telling their own personal stories of how impaired drivers forever changed their lives. The panel presents a unique perspective to the offender that is often overlooked or simply cannot be taught by the courts and the DUI offender schools.

The program was created with one purpose in mind: to show offenders first-hand about the trauma, physical pain, emotional suffering and devastation, financial loss, anger and frustration that is commonly experienced by innocent victims and their family members resulting from a DUI-related crash.

Participation in victim impact panels is permissible, but not mandatory, under C.G.S. § 54-56g(g), the pretrial alcohol education program statute. Persons referred by the court to MADD for participation in the program are ordinarily required to pay MADD a \$75 fee.

Rule 1.2 of the Code of Judicial Conduct provides 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 1.3 provides 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.”

Based upon the information provided, including that the organization is a victim support and advocacy group that takes strong positions on DUI cases and lobbies actively on behalf of its interests, and that it receives a fee from participants for every court referral to the DUI victim impact panel program, the Committee unanimously determined that acceptance of the award would violate Rules 1.2 and 1.3. In rendering this opinion, the Committee also considered [New York Advisory Opinion 11-85](#) (judge should not participate in private meetings with MADD where goal seems to involve attempt to promote a particular agenda) and [Florida Judicial Ethics Advisory Committee Opinion 2000-18](#) (judge may not nominate fellow judge for MADD award and nominated judges are precluded from accepting MADD award). As the New York advisory committee stated: “Although MADD’s goals may be laudable, the organization appears to be heavily one-sided in nature as it identifies itself as a victim support as a victim support and advocacy group.” In addition, as the Florida advisory

committee pointed out, the acceptance of an award under these circumstances would cast doubt on the accepting judge's impartiality in future DUI cases.

- IV. Professor Meyer exited the teleconference at 9:48 a.m. Justice Schaller exited at 9:56 a.m.
- V. The remaining Committee members ratified Emergency Staff Opinion JE 2012-23.
- VI. Judge Karazin adjourned the meeting at 9:58 a.m.