



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2018-12 (July 19, 2018)

Extrajudicial Activities; Event, attendance/appearance

Rules 1.2, 1.3, 3.1, 3.7 & 4.1

Issue: May a Judicial Official, who is a former municipal official, march in a municipal parade with other former municipal officials?

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 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 that a judge may engage in extrajudicial activities, except as prohibited by law; however, a judge shall not participate in activities that will interfere with the proper performance of judicial duties, lead to frequent disqualification or appear to a reasonable person to undermine the judge’s independence, integrity or impartiality.

Rule 3.7 concerns participation in educational, religious, charitable, fraternal, or civic organization and activities. Subject to the requirements in Rule 3.1, a judge is permitted to participate in various activities sponsored by or on behalf of such entities. Subject to the requirements in Rule 3.1, subsection (a)(4) specifically authorizes judges “appearing or speaking at, receiving an award or other recognition at, 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.”

Rule 4.1 of the Code of Judicial Conduct prescribes general guidelines limiting the involvement by judges with political activities. Rule 4.1(c) states that “a judge should

not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.”

Response: The issue of whether a judge may participate in a community parade has been considered in CT, as well as in several other jurisdictions. In [JE 2015-18](#), this Committee concluded that a judge may serve as a Grand Marshal in a municipality’s ethnic day parade because (1) the event was a community event and not a fundraiser, (2) the judge’s name would not be used in connection with soliciting sponsors, and (3) the judge would retain the right to review any material used to solicit contributions to fund the parade. In reaching its decision, this Committee considered [New York Advisory Opinion 04-144](#) (a judge may serve as the Grand Marshal of a St. Patrick’s Day Parade, provided the judge’s name is not used in connection with any fund-raising activities or materials.)

The Ohio Board of Professional Conduct concluded, in [Ohio Opinion 2017-8](#), that a judge may participate in a community parade, but that he or she should consider whether the participation will adversely reflect on his or her independence, integrity, or impartiality based on the sponsor and purpose of the parade, should not appear with non-judicial candidates or elected officials in the parade or on their floats/vehicles (to avoid the appearance of an endorsement), and should not permit any banner or signage displaying his or her name and office to appear on floats or vehicles of political parties, candidates, or officeholders. The Ohio Board advised that before participating in any parade, a judge should consider the type of organization that is organizing or sponsoring the parade and the purpose of reason the parade is being held. “For example, participation in a parade primarily organized by an entity to promote a particular position on a controversial political or social issue may later call into question the judge’s impartiality in cases involving the same or related issues. The same conclusion is reached if a judge participates in a parade sponsored by an organization that practices invidious discrimination.”

The New York Advisory Committee on Judicial Ethics determined that it was permissible for a judge to serve as master of ceremonies for a community parade sponsored by a non-profit organization. [New York Opinion 12-59](#).

While a judge may attend a local parade or community fair, the judge should not march beside the judge’s spouse under a campaign banner or work the crowd with the spouse, [Maine Advisory Opinion 94-3](#). See also [New York Advisory Opinion 06-147](#) (judge may march in a parade with other dignitaries and judges but not with his campaigning spouse).

Based on the facts presented, including that the municipal parade is not a fundraiser or a political event, but rather a ceremonial community event, the Committee

determined that the Judicial Official may march in a municipal parade with other former municipal officials, subject to the following conditions:

- (1) The Judicial Official's name shall not be used in connection with soliciting sponsors and the Judicial Official shall not permit any banner or signage displaying his or her name and office to appear on floats or vehicles promoting political parties or candidates.
- (2) The Judicial Official retains the right to review any material used to solicit contributions to fund the parade.
- (3) Before participating in any parade, the Judicial Official should consider whether the participation will adversely reflect on his or her independence, integrity, or impartiality based on the sponsor and purpose of the parade.
- (4) To avoid the appearance of an endorsement, the Judicial Official should not appear with political candidates in the parade or on their floats/vehicles.

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