

Committee on Judicial Ethics
Teleconference
Tuesday, March 20, 2012

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

MINUTES

- I. With the above noted members present, Justice Schaller called the meeting to order at 1:32 p.m. Although publicly noticed, no members of the public attended.
- II. The Committee unanimously approved the Minutes of the March 15, 2012 meeting.
- III. The Committee discussed Judicial Ethics Informal 2012-07 concerning whether a Judicial Official may continue to serve on the board of a nonprofit law-related organization if the organization begins to engage in fund-raising activities.

The organization is a nonprofit entity that develops and administers programs to enhance understanding and improvement of the law, legal institutions, and the legal profession, provides grants to nonprofit corporations whose principal purpose is providing legal services to the poor in Connecticut, administers grants for the benefit of low income residents, supports activities and programs that further the rule of law, and sponsors symposia to explore issues in alternative dispute resolution. The organization is not regularly involved in litigation in the Connecticut courts.

At the last Board of Directors' meeting, the members discussed plans for a future fund-raising activity, possibly a dinner. The Judicial Official inquires about the propriety of his or her continued service on the Board in light of the possible fund-raising activity.

Rule 3.1 of the Code of Judicial Conduct provides that subject to certain conditions a judge "may engage in extrajudicial activities except as prohibited by law." The rule's commentary encourages judges to participate in appropriate extrajudicial activities and observes that "[j]udges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice." Rule 3.1, cmt. (1). Similarly, Rule 3.7(a) provides that a judge may participate in activities sponsored by organizations concerned with the law, the legal system, or the administration of justice and enumerates several permitted activities.

Based upon the information provided, including that the organization is a nonprofit entity concerned with the law, the legal system, and the administration of justice, the Judicial Official may continue to serve on the Board and, in that capacity, may participate in certain respects with such fund-raising activity:

- 1) The Judicial Official may assist the organization in planning related to fund-raising and may participate in the management and investment of its funds. Rule 3.7(a)(1).
- 2) The Judicial Official may solicit contributions for the organization, but only from members of the Judicial Official's family (as that term is defined in the Code¹) or from Judicial Officials over whom the soliciting Judicial Official does not exercise supervisory or appellate authority. The Judicial Official may not engage in a general solicitation of funds on behalf of the organization. Rule 3.7(a)(2).
- 3) The Judicial Official may solicit membership, even though the membership dues or fees generated may be used to support the objectives of the organization. Rule 3.7(a)(3).
- 4) The Judicial Official may appear or speak at, be featured on the program of, and permit his/her title to be used in connection with an organization event, even if it serves a fund-raising purpose. Rule 3.7(a)(4).
- 5) The Judicial Official may make recommendations to the organization in connection with its programs and activities. Rule 3.7(a)(5).

The Committee also noted that the Judicial Official should (1) regularly reexamine the activities of the Board to determine if it is proper to continue his or her relationship with the Board (Rule 1.2) and (2) resign from the Board if such service would require him or her to be involved in frequent transactions with lawyers or persons likely to come before the court on which he or she serves (Rules 3.1 & 3.7 (a)(6)).

IV. The meeting adjourned at 1:39 p.m.

¹ "Member of the judge's family" is defined in the Code to mean "any relative of a judge related by consanguinity within the third degree as determined by the common law, a spouse or domestic partner or an individual related to a spouse or domestic partner within the third degree as so determined, including an individual in an adoptive relationship within the third degree."