

Committee on Judicial Ethics
Teleconference
Thursday, October 7, 2010

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Linda K. Lager, Vice Chair, Judge Francis X. Hennessy, Judge Edward R. Karazin, Jr., and Professor Jeffrey A. Meyer. Staff present: Viviana L. Livesay, Esq., Assistant Secretary.

MINUTES

- I. With all members present, Justice Schaller called the meeting to order at 9:30 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the draft Minutes of the September 23, 2010 meeting.
- III. The Committee considered Judicial Ethics Informal Opinion 2010-30 concerning whether a Judicial Official may be honored at an event hosted by a law related organization that provides legal services to people qualifying under its standards of indigency and be featured in its advance publicity if the organization intends to solicit law firm sponsors to underwrite some or all of the cost of the event?

The organization would like to honor approximately 15 judges who began their careers with the organization at an event scheduled for the fall of 2011. The cost of the event will be between \$75-100 per person with the ticket fee waived for each honoree and one guest of his/her choice. Written invitations will be sent to all members of the Connecticut judiciary and their staff, the Connecticut Bar Association, a local bar association, and persons listed as supporters in the organization's database, but the event will be open to anyone who wishes to purchase a ticket. In order to help defray the cost of the event, the organization plans to offer sponsorship opportunities ranging from \$250-\$2,500. Sponsors will be recognized (1) in a program book, (2) orally at the event, (3) on the organization's website and/or Facebook page, and (4) at the event itself via a banner or welcome board. If permitted, the program book would include "well wishes" separate from the sponsorships. Because this event is planned for 2011, the proposed conduct is governed by the new Code of Judicial Conduct (effective 1-1-11).

Based upon the facts presented, including that the event appears to be designed to honor Judicial Officials for their service in the administration of justice and to enhance the reputation of the legal aid organization in a general way, the Committee unanimously determined that the event was one that "concerns the law, the legal system, or the administration of justice" under new Code of Judicial Conduct Rule 3.7 (A) (4). The Committee

agreed that the Judicial Officials may be honored and also featured in advance publicity under Rule 3.7 (A) (4), but that special care must be taken to ensure that the Judicial Officials' names are not being used to encourage law firm participation and that no appearance is created that any of the donors or the legal aid organization is in a special position to influence the Judicial Officials. The Judicial Officials may accept the award and the free tickets, provided the value is reported pursuant to Rule 3.15.

Notwithstanding the foregoing, the Committee expressed prudential concerns that if attorneys for the legal aid organization or the major sponsoring law firms regularly appear in the court in which the Judicial Official sits, the Judicial Official, in making a determination as to whether to accept the honor, should consider whether receipt of the award/tickets would create an appearance of impropriety which would require the Judicial Official to recuse him/herself from matters involving the organization or the sponsoring firms. See New Code Rule 1.2 and Commentary (2) to Rule 3.7.

- IV. The Committee did not consider Judicial Ethics Informal Opinion 2010-31 because the request for an opinion was withdrawn by the inquiring Judicial Official.
- V. The meeting adjourned at 9:44 a.m.