

**Committee on Judicial Ethics
Regular Meeting
Thursday, December 19, 2019**

Committee members present via teleconference: Judge James T. Graham (Chair), Judge Robert B. Shapiro, Judge Vernon D. Oliver, Judge Karen A. Goodrow (Alternate) and Professor Carolyn W. Kaas. Staff present: Attorney Joseph J. Del Ciampo (Secretary) and Attorney Viviana L. Livesay (Assistant Secretary).

MINUTES

- I. Judge Graham called the meeting to order at 9:35 a.m. Although publicly noticed, no members of the public were present.
- II. The Committee approved the minutes of the September 19, 2019 regular meeting and the minutes of the October 2, 2019 special meeting.
- III. The Committee approved the Regular Meeting Schedule for 2020.
- IV. The Committee discussed **Informal JE 2019-04** concerning whether a Judicial Official (“JO”) may become a dues paying member of a local bar association in the locality in which the JO works or lives. (Judge Oliver joined the teleconference).

Rule 1.2 of the Code of Judicial Conduct provides that a judge “shall 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.” The rule’s commentary states that “[j]udges may initiate or participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the Judiciary and legal profession, and promote access to justice for all.” Rule 1.2, cmt (4).

Rule 2.11 of the Rules of Judicial Conduct provides that a “judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned....”

Rule 2.7 of the Code of Judicial Conduct provides that “[a] judge shall hear and decide matters assigned to the judge except when disqualification is required by Rule 2.11 or other law.” The rule’s commentary states that “[a]lthough there are many times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts.”

Rule 3.1 of the Code of Judicial Conduct provides that “[a] judge may engage in extrajudicial activities, except as prohibited by law.” When engaging in extrajudicial activities, a judge shall not:

1. Participate in activities that will interfere with the proper performance of the judge’s judicial duties;
2. participate in activities that will lead to frequent disqualification of the judge;
3. participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity and impartiality....

The commentary to Rule 3.1 states that “[t]o the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. ... Participation in both law related and other extrajudicial activities helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system.” Rule 3.1, cmts (1) and (2).

Consistent with the provisions of Rule 3.1, Rule 3.7 of the Code of Judicial Conduct provides that “a judge may participate in activities sponsored by organizations . . . concerned with the law, the legal system, or the administration of justice” The rule’s commentary states that “[e]ven for law related organizations, a judge should consider whether the membership and purpose of the organization, would conflict with the judge’s obligation to refrain from activities that reflect adversely on a judge’s independence, integrity, and impartiality.” Rule 3.7, cmt (2).

In [JE 2012-10](#), the Committee determined that a Judicial Official may join as a member of the local Connecticut chapter of a national ethnic bar association, but should regularly reexamine the activities and rules of the association to determine whether it is proper for a Judicial Official to continue his or her relationship with it and should carefully consider whether the Judicial Officials identification with or involvement in specific programs or activities of the association may undermine confidence in the Judicial Official’s independence, integrity and impartiality.

In, [JE 2013-16](#) the Committee determined that a Judicial Official could become a member of the Connecticut Bar Association but concluded that serving as an officer of the association would violate Rules 1.2, 1.3, 3.1 and 3.7 because the association “comments and takes public positions on legislation, engages in issue advocacy, including issues that directly impact the judiciary, sometimes files amicus briefs and further that people in leadership positions customarily solicit opinions from and/or attempt to persuade . . . [its] members concerning various matters”

In [JE 2016-16](#), on the basis of [JE 2012-10](#), the Committee determined that the Judicial Official may donate to and join a national ethnic bar association as a member, subject to

the conditions set forth in [JE 2012-10](#), that the Judicial Official regularly reexamine the activities and rules of the association to determine whether it is proper for the Judicial Official to continue his or her relationship with it and should carefully consider whether the Judicial Official's identification with or involvement in specific programs or activities of the association may undermine confidence in the Judicial Official's independence, integrity and impartiality.

Finally, in [JE 2017-07](#), the Committee determined that the Judicial Official should not belong to the Connecticut Criminal Defense Lawyers Association (CCDLA) as a member, having determined that although the CCDLA appears to be an entity concerned with the 'law, the legal system, or the administration of justice under Rule 3.7, the association was "a one-sided organization dedicated to advancing the interests of a particular category of parties and attorneys" and, as such, membership in such an organization could reflect negatively on the Judicial Official's impartiality and independence and create the appearance of impropriety in violation of Rule 1.2 and Comment 2 to rule 3.7.

Based on the information and authorities set forth above, the Committee determined that a Judicial Official may join a local bar association as a dues paying member in the locality in which the Judicial Official works or lives, but should regularly reexamine the activities and rules of the association to determine whether it is proper for the Judicial Official to continue his or her relationship with it and should carefully consider whether the Judicial Official's identification with or involvement in specific programs or activities of the association may undermine confidence in the Judicial Official's independence, integrity and impartiality or may result in frequent disqualification of the Judicial Official.

- V. New business – The annual report to the Chief Justice is due by the end of January 2020. Attorney Livesay will prepare the report and will add it to the January 16, 2020 meeting agenda for consideration and approval.
- VI. The meeting adjourned at 9:45 a.m.