



## Connecticut Committee on Judicial Ethics

### Informal Opinion Summaries

**2018-09 (July 19, 2018)**

**Promoting Public Confidence; Avoiding Abuse of Office;  
Disclosure/Disqualification; Extrajudicial Activities  
Rules 1.2, 1.3, 2.1, 2.11, 3.1, 3.12 & 3.15**

**Issue:** May a Judicial Official resell tickets to a sporting event to friends or a ticket reseller for more than the Judicial Official paid for the tickets?

**Facts:** For many years a Judicial Official has purchased a partial season ticket for a sports team. The Judicial Official only attends a portion of the games for which tickets are purchased and sells the remaining tickets to friends, including attorneys, and other tickets are sold through a ticket reseller. The friends to whom the Judicial Official sells tickets are ones for whom the Judicial Official would disqualify himself or herself if they were to appear before the Judicial Official.

**Relevant Code Provisions:** Rules 1.2 (Promoting Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.1 (Giving Precedence to the Duties of Judicial Office), Rule 2.11 (Disqualification), Rule 3.1 (Extrajudicial Activities in General), 3.12 (Compensation for Extrajudicial Activities) and 3.15 (Reporting Requirements).

**Response:** Rule 1.2 of the Code of Judicial Conduct (hereinafter, Code) states 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 of the Code 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 2.1 of the Code states that “The duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities.”

Rule 2.11 of the Code states, in relevant part, “(a) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might be reasonably questioned including, but not limited to, the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer ....”

Rule 3.1 of the Code concerns extrajudicial activities and sets forth general limitations on such activities, such as not using court premises, staff or resources, except for incidental use or for activities that concern the law, the legal system, or the administration of justice unless otherwise permitted by law, and not participating in activities that (1) interfere with the proper performance of judicial duties, (2) lead to frequent disqualification, (3) appear to a reasonable person to undermine the judge's independence, integrity or impartiality, (4) appear to a reasonable person to be coercive or (5) make use of court premises, staff, stationery, or other resources, except for incidental use.

Rule 3.12 of the Code states "A judge may accept reasonable compensation for extrajudicial activities permitted by law unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality."

Rule 3.15 of the Code states, in relevant part, "(a) A judge shall publicly report the amount or value of: (1) compensation received for extrajudicial activities as permitted by Rule 3.12."

While this Committee has not opined on this issue in the past, in [JE 2008-04](#), this Committee considered the propriety of a Judicial Official attending a sold-out baseball game with an attorney friend using a ticket obtained by the attorney's firm in circumstances where the Judicial Official would pay for the ticket. In that opinion, the Committee noted that the Judicial Official should pay the higher of the face-value of the ticket or what the firm paid for the ticket.

If the tickets are sold to a commercial ticket reseller and the Judicial Official does not identify himself or herself in any way as a Judicial Official, then there should not be any appearance of impropriety or use of office for private financial gain, or need to recuse himself or herself unless, perhaps, the ticket reseller appears before the Judicial Official. To the extent that reselling tickets is deemed an extrajudicial activity, the Judicial Official can accept reasonable compensation in accordance with Rule 3.12 but must report that pursuant to Rule 3.15.

With respect to selling tickets to friends, including attorneys, in whose cases the Judicial Official would nevertheless disqualify himself or herself if they appeared or had an interest in a matter before the Judicial Official, permitting the sale of such tickets appears to be consistent with Rule 3.13(b)(2). That Rule states that a Judicial Official may accept gifts, loans, bequests, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification pursuant to Rule 2.11.

Based on the facts presented, including that the Judicial Official will either be selling tickets to a commercial ticket reseller or to friends, including attorneys whom the Judicial Official would disqualify himself or herself if they appeared before the Judicial Official, the Committee concluded that the inquiring Judicial Official may sell the tickets to a commercial reseller or friend whose appearance or interest would require disqualification of the Judicial Official, subject to the following conditions:

1. The Judicial Official does not use his or her title or in any way identify his or her position when selling the tickets. See Rules 1.2 and 1.3.
2. The price of the tickets is reasonable. See Rule 3.12.
3. The Judicial Official reports the sales in accordance with Rule 3.15.
4. The Judicial Official does not use court premises, staff or resources in connection with the sale of the tickets. See Rule 3.1.
5. If the Judicial Official has any case before him or her involving the ticket reseller and the Judicial Official is not disqualified from hearing the matter, the Judicial Official should disclose that he or she has used the ticket reseller's services. If disqualification is frequent, the Judicial Official may not sell the tickets through the ticket reseller. See Rule 2.11.
6. The Judicial Official should be mindful of the restrictions in Conn. Gen. Stat. §§ 53-289b and 53-289c regarding ticket resales.

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