



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2023-02 (May 25, 2023)

Extrajudicial Activities; Disclosure/Disqualification; Financial Activities; Canons 1, 2, and 3. Rules 1.2, 1.3, 2.1, 2.9, 2.11, 3.1, 3.10, 3.11, 3.12, and 3.15.

Issues: (1) May a Judicial Official (JO) remain a member of a limited liability company (LLC) that owns real property containing tenants? (2) May a JO remain the sole member of a LLC that owns a commercial building, the two tenants in the building are a law firm and a bail bond company, and the tenant/law firm has a future right to purchase the building?

Facts: The Judicial Official (JO) is a member of four limited liability companies (LLCs). Three of these LLCs – hereinafter, A, B, and C – include the JO's spouse as the managing member. The JO is the sole member of the one remaining LLC – hereinafter, D.

LLCs A, B, and C own real property, on which there are several tenants. Aside from being the managing member of these LLCs, the JO's spouse is also the property manager. Tenants contact the JO's spouse in the spouse's capacity as property manager for any issues concerning the premises. Currently, LLCs A, B, and/or C are involved in one summary process/eviction action and one collection action for unpaid rent in the superior court.

LLC D, in which the JO is the sole member, owns a commercial building that the JO purchased before becoming a JO. This commercial building has two tenants: (1) a bail bond company and (2) a law firm. The tenant/law firm has a contractual agreement with LLC D granting it the option to purchase the commercial building; this option expires in about three years. These tenants are responsible for utilities and rent. As with LLCs A, B, and C, the JO's spouse is the property manager handling any issues concerning the premises. While the JO is the only signatory for the bank account associated with the LLC, the JO's responsibilities are to pay the mortgage and maintenance fees/expenses for the building. This tenant/law firm is also the firm that purchased the JO's law practice and book of clients. The JO maintains a list of all former clients.

All rents are mailed to a Post Office Box and then deposited in the LLCs' bank account.

Relevant Code Provisions: Canons 1, 2, and 3. Rules 1.2, 1.3, 2.1, 2.9, 2.11, 3.1, 3.10, 3.11, 3.12, and 3.15.

Canon 1: “A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety”.

Canon 2: “A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently”.

Canon 3: “A Judge Shall Conduct the Judge's Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office”.

Rule 1.2 of the Code of Judicial Conduct (Promoting Confidence in the Judiciary): “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.”

Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office): “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.”

Comment (1) to Rule 1.3 states, in relevant part, “It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example [. . .], a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.”

Rule 2.1 (Giving Precedence to the Duties of Judicial Office): “The duties of judicial office [. . .] shall take precedence over all of a judge's personal and extrajudicial activities.”

Comment (1) to Rule 2.1 states, in relevant part, “[. . .] judges must conduct their personal and extrajudicial activities in such a way as to minimize the risk of conflicts that would result in disqualification. A judge's personal extrajudicial activities shall not be conducted in such a way as to interfere unduly with the duties of judicial office.”

Rule 2.9 (Ex Parte Communications) states, in relevant part, “A judge shall not initiate, permit, or consider ex parte communications or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter [. . .]”

Comment (3) to Rule 2.9: “The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding [. . .]”

Comment (5) to Rule 2.9 states, “A judge may consult with other judges on pending matters but must avoid ex parte discussion of a case with judges who are disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter.”

Rule 2.11 (Disqualification) states, in relevant part, “A judge shall disqualify themselves in any proceeding in which the judge's impartiality might reasonably be questioned including,

but not limited to, the following circumstances: [. . .] (2) The judge knows that the judge, the judge's spouse or domestic partner [. . .] is: (A) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party; (B) acting as a lawyer in the proceeding; (C) a person who has more than a de minimis interest that could be substantially affected by the proceeding; or (D) likely to be a material witness in the proceeding. (3) The judge knows that he or she, individually [. . .], or the judge's spouse [. . .] has an economic interest in the subject matter in controversy or in a party to the proceeding."

Rule 3.1 (Extrajudicial Activities in General) states, in relevant part, "A judge may engage in extrajudicial activities [. . .] However, 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 [. . .]"

Rule 3.10 (Practice of Law) states, in relevant part, "[. . .] a judge shall not practice law."

Rule 3.11 (Financial, Business, or Remunerative Activities) states, in relevant part, "(a) A judge may hold and manage investments of the judge and members of the judge's family. (b) A judge shall not serve as an officer, director, manager, general partner or advisor of any business entity except for: (1) a business closely held by the judge or members of the judge's family; or (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family. (c) A judge shall not engage in financial activities [. . .] if they will: (1) interfere with the proper performance of judicial duties; [. . .] (3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves [. . .]"

Comment (1) to Rule 3.11 states, in relevant part, "Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families. Participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of this Code."

Comment (2) to Rule 3.11 states: "As soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule."

Rule 3.12 (Compensation for Extrajudicial Activities): "A judge may accept reasonable compensation for extrajudicial activities [. . .] unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality."

Comment (1) to Rule 3.12 states, in relevant part, "A judge is permitted to accept [. . .] compensation for [. . .] extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities."

Comment (2) to Rule 3.12 states, "Compensation derived from extrajudicial activities may be subject to public reporting. See Rule 3.15."

Rule 3.15 (Reporting Requirements) 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 [. . .] (b) When public reporting is required by subsection (a), a judge shall report the date, place, and nature of the activity for which the judge received any compensation; the description of any [. . .] thing of value accepted [. . .] (c) The public report required by subsection (a) shall be made at least annually [. . .] (d) Reports made in compliance with this Rule shall be filed as public documents in the Office of the Chief Court Administrator or other office designated by law.”

Discussion: Some of the issues here are like the issues that came before this Committee in 2020. [Informal Opinion 2020-01](#) involved a JO who inquired if the JO may form an LLC with a long-time friend who owns some building lots. The desire was to develop one or more of those lots with a spec house (i.e., the property would be sold “as is”). The JO stated that they would not be involved in the development of custom properties since the potential for dispute was high. The JO noted that if this venture was successful, the JO and the JO’s friend may “flip” other properties. The JO was partially responsible for financing the construction of the house(s), and occasionally would provide input on the construction. The JO would not be an officer, director, manager, general partner, or advisor, but rather an investor.

This Committee relied largely on Rules 1.2, 1.3, 3.1, and 3.11 (cited above). This Committee also relied on a historical analysis of the ABA Model Code, finding that “the Code appears to strike a balance between passive and active involvement, with the difficult issue being when does the permitted management of investments cross the line and become the forbidden involvement in a business.”

This Committee determined that since the JO will limit the JO’s role to an investor and will not serve as an officer, director, manager, general partner, or advisor to the business, the JO may invest in the business “since that is comparable to the Judicial Official purchasing shares of stock in any other business”.

The present situation is distinguished from Informal Opinion 2020-01 in an important way: it involves the JO and the JO’s *spouse* (as opposed to a *friend*) as members of LLCs A, B, and C, and the JO as the sole member of LLC D.

Analyzing this arrangement under the “hold and manage investments” language in Rule 3.11(a), the JO’s arrangement is permissible. Rule 3.11(a) states: “[a] judge may hold and manage investments of the judge and members of the judge’s family.” Here, the JO’s spouse is the managing member of LLCs A, B, and C, making the JO a “holder” of these family investments.

Likewise with LLC D, as the sole member, the JO is within the bounds of Rule 3.11(a). The JO is permitted to “hold and manage” the family investments, which they do as the sole signatory for the associated bank account, paying the mortgage and maintenance fees for the building.

The analysis must now shift from holding and managing family *investments* in Rule 3.11(a), to the general prohibition in Rule 3.11(b) on judges managing a *business entity*. Again, unlike Informal Opinion 2020-01, the family component in the present situation triggers the

exception, viz., “A judge shall not serve as an officer, director, manager, general partner or advisor of any business entity except for: (1) a business closely held by the judge or members of the judge's family.” Though this exception generally alleviates ethical concerns about the JO’s situation, it is worth noting that the JO’s situation likely passes ethical muster without it. Informal Opinion 2020-01 stated that “the [ABA Model] Code appears to strike a balance between passive and active involvement, with the difficult issue being when does the permitted management of investments cross the line and become the forbidden involvement in a business.” Given the facts, the JO appears to be merely a passive investor in LLC D (e.g., paying fees and expenses), while the JO’s spouse actively manages the business of maintaining the commercial property.

Next are the consequences of the JO’s involvement with the four LLCs, namely the bail bond company and law firm renting property owned by LLC D. The question is: is the JO interacting with tenants who are coming before the court on which the JO serves? Based on the information available, it is difficult to answer this question. The JO’s court assignment and location now and in the future are unknown. Also unknown are the volume of cases the bail bond company and law firm handle and the location where their court interactions occur. If the JO is assigned to a criminal court where the bail bond company does business, then Rule 2.11 disqualification issues may abound. Rule 2.11 states, “A judge shall disqualify themselves in any proceeding in which the judge's impartiality might reasonably be questioned including [. . .] the following circumstance[]: [. . .] [T]he judge [or] the judge's spouse [. . .] is: [. . .] a person who has more than a de minimis interest that could be substantially affected by the proceeding”. If the bail bond company is paying the JO rent – the JO’s “more than a de minimis interest” – this interest “could be substantially affected” in the event there is a failure to appear and a forfeiture of bond. This may lead to frequent disqualifications.

The Illinois Judicial Ethics Committee was faced with similar circumstances (see below). There, a juvenile court judge was involved in a familial business venture that “flipped” recently foreclosed properties within the judge’s district and surrounding districts. The Committee determined that the arrangement was permissible because the judge presently did not preside over foreclosure cases. The Committee warned, however, that if the judge had even “occasional or infrequent” involvement in foreclosure cases, ethical issues may arise.

Similarly, if the JO is assigned to criminal court where the tenant bail bond company has “occasional or infrequent” business, ethical issues may arise. Importantly, Rule 2.11 contemplates the JO’s “interest that *could* be substantially affected” (emphasis added). It is not necessary that the JO’s interest *actually* be affected; even the possibility of its being affected triggers the need for the JO to disqualify themselves. This is also true of the tenant law firm. For instance, if the law firm handles personal injury cases on a contingency basis and the JO is assigned to civil matters. One may “reasonably question” the JO’s decisions in any cases in which the law firm is involved.

If the JO is given an assignment that is at odds with Rules 2.11 and 3.11(c) (3), then Comment (2) to Rule 3.11 states that “the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification”. This is echoed in Rule 2.1, which states, in part, “[t]he duties of judicial office [. . .] shall take precedence over all of a judge's personal and extrajudicial activities.” Elaborating on this,

Comment (1) to Rule 2.1 states, in relevant part, “[. . .] judges must conduct their personal and extrajudicial activities in such a way as to minimize the risk of conflicts that would result in disqualification. A judge's personal extrajudicial activities shall not be conducted in such a way as to interfere unduly with the duties of judicial office.”

Comment (1) to Rule 3.11 introduces other considerations. The Comment states, “Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families. *Participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of this Code.*” (Emphasis added.) By equating “financial activities” with “extrajudicial activities”, the JO therefore must consider Rule 3.12, which concerns compensation for extrajudicial activities.

Rule 3.12 states, “A judge may accept *reasonable compensation* for extrajudicial activities” (emphasis added). Said differently, the JO may accept reasonable compensation for the JO’s investment in profit-producing residential and commercial tenements (i.e., “financial activities”). Since the “compensation” derived from renting property is the rental income, less fees and expenses, Rule 3.12 appears to require the JO to ensure that rental amounts charged to tenants are “reasonable”.

Furthermore, as Comment (2) to Rule 3.12 suggests, and as Rule 3.15 mandates, the JO would be subject to reporting requirements. Rule 3.15(a) states: “A judge shall publicly report the amount or value of: (1) compensation received for extrajudicial activities as permitted by Rule 3.12 [. . . .]”

Finally, Rule 2.9 introduces concerns about ex parte communication. Being the sole member of LLC D – and notwithstanding JO’s spouse being the property manager of the commercial building – the JO may have occasion to personally interact with individuals from the bail bond company and law firm. In these instances, the JO must be mindful of the Rule’s mandate that “[a] judge shall not initiate, permit, or consider ex parte communications or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter [. . . .]” Of note is that Rule 2.9 does not limit communications concerning a “pending or impending matter” in which the JO is involved. Rather, in this Committee’s opinion, Rule 2.9 contemplates communication about *any* matter that is or may be before the court, regardless of whether the JO is or may be involved. Compounding this is Comment (3) to Rule 2.9: “The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding [. . . .]” This casts even a wider net of individuals with whom the JO must avoid discussing certain matters.

In addition, the JO’s LLCs are currently involved in at least two lawsuits in the superior court. In addition, to state the obvious, judges can and do talk to one another. There is a concern, though admittedly minor, that the JO may inadvertently discuss a “pending or impending” matter involving properties or tenants related to the JO’s LLCs.

Comment (5) to Rule 2.9 states, “A judge may consult with other judges on pending matters but must avoid ex parte discussion of a case with judges who are disqualified from hearing the matter and with judges who have appellate jurisdiction over the matter.” This would

prohibit the JO (the “disqualified” judge) from talking to a judge who may in the future hear (an “impending” matter), or may already be hearing, a matter involving the JO’s LLCs and/or spouse. The JO would be inadvertently prompting the judge hearing the matter to discuss the matter with the JO, who is “disqualified from hearing the matter”.

Opinions from Other Jurisdictions

The New York Committee on Judicial Ethics, with some limitations, allow judges to be members of an LLC owning income-producing real estate:

[New York 21-22\(B\)](#): Where a judge solely owns certain rental properties through a solely owned LLC, the judge may advertise those properties, and may agree to provide current tenants with rent credit for referring new tenants. However, the judge is disqualified from presiding over matters involving current tenants. Furthermore, the judge cannot appoint current tenants to judicial-adjacent positions, e.g., assigned counsel, attorney for the minor child, or guardian ad litem.

[New York 21-154](#): A judge may hold shares in a family-held LLC that owns real estate and participate in management of the company’s real estate investment, but must not manage, operate, or otherwise actively participate in a family-held bar business that operates on the company’s real estate.

[New York 18-169](#): A judge may be a minority shareholder in a LLC along with non-family members, provided they is a purely passive investor with no other role, namely, the judge may not be a founder of, or serve as an officer in, a business entity that will be owned by the LLC.

[New York 16-80](#): A judge may hold ownership interests in a limited liability company that owns income-producing property, along with the judge’s spouse.

The Judicial Ethics Committee of the Pennsylvania Conference of State Trial Judges likewise generally allows a judge to be a member of an LLC owning income-producing real estate:

[Pennsylvania Informal Opinion 3/5/2012](#): When a judge sought to become a 50/50 owner with the judge’s parent of a LLC owning real estate where most of the tenants were law firms, the Committee acknowledged that in Pennsylvania, judges are allowed hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a family business. The Committee’s concern, however, was manifold: the judge should consider the likelihood that they will have to recuse themselves, how these recusals will impact other judges in the judicial district, and how income from this investment may impact the judge’s ability to be fair and partial. The “overall concern” of the Committee, however, was “whether the judge’s involvement could create the appearance that the judge’s impartiality might be reasonably questioned by a significant minority of the public.” The Committee suggested a two-step approach: “The first step is for the judge to determine subjectively whether the judge can handle the case in a fair and impartial manner. The second step is for the judge to determine objectively whether the

judge's impartiality might reasonably be questioned by a significant minority of the lay community under the facts.”

[Pennsylvania Informal Opinion 12/12/2000](#): The judge was a co-owner of real estate and, along with the other familial and non-familial co-owners, sought to rent that real estate to a local governmental office tasked with collecting child support payments. Citing the fact that the judge held no authority over the office and heard no cases concerning child support, the Committee found no issues with the arrangement, provided the judge not engage in any negotiations other than to approve or disapprove the rental amount negotiated by the other owners, and be a signatory to the lease.

The Massachusetts Committee on Judicial Ethics, found it ethically permissible for a judge to own an office building with tenants-attorneys, so long as certain precautions were taken:

[CJE Opinion No. 93-3](#): The Judge was the owner of an office/retail building in the town where the District Court to which they was appointed sits. The judge’s sole ownership of the property was acquired before their judicial appointment. Of the nine offices in the building, six were rented to attorneys. The judge took preliminary steps to transfer the property into an irrevocable trust of which they was the sole beneficiary. The judge retained substantial control of the building by virtue of their exclusive right to determine the trustee.

The Committee determined that “[i]t is not unreasonable to expect legitimate questions [to] arise regarding a judge's impartiality in rendering decisions favorable or unfavorable to an [attorney or litigant appearing before the judge] from which he is receiving financial benefits, albeit indirectly through trust income distribution” (internal quotation marks omitted). Furthermore, the Committee stated that “[i]t [is] reasonable to doubt the impartiality of a judge who receives income from an attorney who is representing a party in a contested matter before the judge.”

Ultimately, the Committee found the arrangement was ethically permissible, provided that the judge “recuse him/herself from all contested matters in which one of [their] tenants represents a party[,] and from any ex parte matter.” The Committee continued, instructing the judge to “be mindful [of the] substantial number of situations [that may] arise wherein recusal is required as a result of your trust income from attorney/tenants”, and that if the judge frequently must recuse themselves for this reason, the judge “should not renew the leases of the attorney/tenants in question.”

The Texas State Bar Committee on Judicial Ethics took a similar approach as the other states:

[Opinion No. 239 \(1999\) – “May a Judge Lease to Attorneys?”](#): At the time a judicial candidate was elected to office, they owned an office building with their sibling. The sibling was an attorney and the office building space was leased to attorneys. The question for the Committee was: may the judge-elect, once they take office, continue their ownership in the building?

The Committee found that two rules controlled: (1) “[a] judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of the judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which the judge serves.” (2) “[A] judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.”

The Committee found that “the Judge would not violate the Code of Judicial Conduct if she recused herself from cases in her court in which the attorneys who lease space in her building appear.” However, like the Massachusetts Committee, the Texas Committee warned that if this situation occurred in a small county where the judge in question was the only judge, recusals may be impractical. In this instance, “the judge would be required to either divest herself of the property interest or lease the property only to persons who are not likely to come before the court.”

The Illinois Judicial Ethics Committee opined on an inquiry analogous to the present one. The Illinois Committee had occasion to discuss the judge's individual duties and activities within a closely held corporation owning real estate, in addition to issues related to recusal:

[Opinion No. 06-04 – “Judge as Shareholder of a Corporation Which Purchases Real Estate at Foreclosure Sales”](#): A judge assigned to juvenile court incorporated a business for the purpose of purchasing, rehabilitating, and reselling (“flipping”) mortgage foreclosure properties. The judge, judge's spouse, and a niece of the judge, who is a lawyer, were the shareholders of the corporation. The judge does not serve as an officer, director, or employee of the corporation and played no role in the management of the business. The judge's niece managed the day-to-day affairs of the business and handled all corporate legal matters. The corporation purchases property in the circuit in which the judge sits and in neighboring counties.

The question presented to the Committee was: may the judge own stock in a corporation organized for the purpose of “flipping” mortgage foreclosure properties located in and around the judge's circuit?

The Committee began by making clear that Illinois rules on judicial ethics “severely limit[] a judge's financial endeavors.” A judge “must avoid financial and business dealings that (1) tend to reflect adversely on judicial impartiality; (2) interfere with the proper performance of judicial duties; (3) exploit the judicial position; or (4) involve the judge in frequent transactions with lawyers and others likely to come before the court on which the judge serves. Specifically addressing investment opportunities, [the Illinois rules] permit[] a judge to hold and manage real estate [. . .] but prohibit[] a judge from assuming an active role in the management of a business, or serving as an officer, director, or employee of a business.”

Concerning the judge's duties and activities within the corporation, the Committee found that the judge did not serve as an officer, director, or employee, or otherwise actively engage in the management of the business. Also, the Committee found no indication that the judge's “passive investment” interfered with the judge's daily judicial duties in juvenile court or adversely reflected upon the judge's impartiality.

The Committee opined that, “subject to the judge’s continuing obligation to evaluate the applicability of the business restrictions found in [the Illinois rules] to the developing nature of the corporation’s activities [. . .] a judge may be a shareholder of a corporation organized for the purpose of [“flipping” foreclosed properties] so long as (1) the judge does not assume an active role in management or serve as an officer, director, or employee of the corporation; (2) the judge’s business involvement does not adversely reflect upon the judge’s impartiality, interfere with the performance of judicial duties, or exploit the judicial office; and (3) corporate activities do not involve the judge in frequent transactions with individuals likely to come before the judge.”

Recommendation: Based on the foregoing facts and discussion, and considering the decisions reached by other states, it is this Committee’s opinion that:

(1) The JO may remain a member of LLCs A, B, and C, which own real property being rented to several tenants.

(2) The JO may remain the sole member of LLC D, which owns a commercial building with two tenants: a law firm and a bail bond company, with the tenant/law firm having a future right to purchase the building.

These recommendations are premised on the following conditions:

- A. The JO must not use judicial letterhead, include any judicial insignia, or in any way identify themselves as a JO in any correspondence related to the JO’s personal business(es). See Rule 1.3 and Comment (1) to Rule 1.3.
- B. The JO’s duties must take precedence over the JO’s personal business. See Rule 2.1 and Comment (1) to Rule 2.1.
- C. If the JO’s business unduly interferes with the JO’s judicial duties, including, but not limited to, frequent recusals and/or extended periods of time being devoted to the JO’s personal business and not the JO’s judicial duties, the JO should divest themselves of the financial interests, not renew the leases of the attorneys/tenants in question, and/or lease the property only to persons who are not likely to come before the court. See Rule 3.1; Rule 3.11 and Comment (2) to Rule 3.11.
- D. If the JO is given an assignment that involves the JO in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the JO serves, then the JO must divest themselves of investments and other financial interests that might require frequent disqualification. See Rule 3.11 and Comments (1) and (2) to Rule 3.11.
- E. The JO must make efforts not to discuss the JO’s extrajudicial business with other judges who are or could be presiding over litigation related to that business. See Rule 2.9 and Comment (5) to Rule 2.9.
- F. The JO must disqualify themselves from any proceeding in which the JO knows that the JO, or the JO’s spouse, have an economic interest that could be affected by the proceeding. This is especially relevant to the bail bond company and law firm tenants who may be appearing before the JO. See Rule 1.3; 2.11; Recommendation C and D.
- G. The JO shall not practice law by, among other things, representing the interests of the LLCs in a forum in which the LLCs may only take part by way of an attorney. See Rule 3.10.

- H. The JO should ensure that the rents charged to the LLCs' tenants are reasonable. This is especially important with any residential/non-commercial tenants.¹ See Rule 1.1; Comment (1) to Rule 3.11; Rule 3.12 and Comment (1) to Rule 3.12.
- I. The JO should report any compensation from their personal business in accordance with Rule 3.15. See Comment (2) to Rule 3.12.
- J. The JO should continue to evaluate the applicability of the restrictions found in the Connecticut Code of Judicial Conduct to the developing nature of the JO's business activities. See Rule 1.2.
- K. The JO should be mindful of how their current and future judicial assignments may invite ethical concerns and disqualification, and the impact frequent disqualification has on the JO's official duties. The JO must act in such a way as to minimize conflicts that would result in disqualification.

[Connecticut Committee on Judicial Ethics](#)

¹Rule 1.1 (Compliance with the Law): "A judge shall comply with the law."

Connecticut General Statutes § 7-148b (b), concerning the powers of a fair rent commission, states, in part:

[A fair rent commission] shall make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations [. . .] in order to control and eliminate excessive rental charges on such accommodations [. . .] The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions.

Connecticut General Statutes § 7-148c, concerning how fair rent commissions determine rental charges to be excessive, states:

In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, a fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation: (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality; (2) the sanitary conditions existing in the housing accommodations in question; (3) the number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof; (4) services, furniture, furnishings and equipment supplied therein; (5) the size and number of bedrooms contained therein; (6) repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein; (7) the amount of taxes and overhead expenses, including debt service, thereof; (8) whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety; (9) the income of the petitioner and the availability of accommodations; (10) the availability of utilities; (11) damages done to the premises by the tenant, caused by other than ordinary wear and tear; (12) the amount and frequency of increases in rental charges; (13) whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.