



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2023-05 (Emergency Staff Opinion Issued August 31, 2023)

Appearance of Impropriety; Social Activities; Rules 1.2, 2.4 & 3.13

Issue: Is it ethically permissible for judges to attend a local bar association's annual "Judges' Reception" hosted and paid for by a law firm?¹

Facts: A local bar association, on behalf of a law firm, has invited local area judges to a "Judges' Reception." The law firm pays for all food and alcohol and the reception takes place in the law firm's offices. The purpose of the reception is to welcome the newly assigned judges to the local Judicial Districts. The reception is by invitation only. The hosting law firm has cases pending before several of the invited judges and its attorneys practice regularly in these Judicial Districts.

Relevant Code Provisions: Rules 1.2, 2.4 & 3.13

Rule 1.2 of Code states that a judge shall 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 2.4 of the Code addresses the importance of an independent judiciary and states, in subsection (b), that "[a] judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment." Subsection (c) of Rule 2.4 states that "[a] judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge's judicial conduct or judgment."

¹ This opinion is response to a request is from a Judicial Official about persons over whom the Judicial Official exercises supervisory responsibilities. It is submitted to the Committee pursuant to Section 4.b. of the [Policy and Rules of the Committee](#).

Rule 3.13 (a) states that a judge “shall not accept any gifts, loans, bequests, benefits, or other things of value, if the acceptance is prohibited by law or would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.”

Discussion:

This Committee previously determined that judges may not engage in social activities that may detract from the dignity of the office or interfere with the performance of judicial duties.

In [JE 2008-16](#), the Committee considered whether a Judicial Official may attend a small family law firm’s five-hour holiday party on board a river boat cruise ship. The Committee unanimously determined that attendance was not permitted based upon the following factors: (1) holiday party was by invitation only, (2) invitations were issued only to small family law firms, their guests and select Judicial Officials, (3) the party was sponsored/coordinated by family law attorneys with active court appearances, (4) it was likely that those attending the party would have cases pending before the invited Judicial Officials, and (5) the party was aboard a cruise ship and, therefore, if a Judicial Official believed that the nature of the event became compromising (i.e., created an appearance of impropriety), it would not be possible to leave.

Similarly, the Committee concluded in [JE 2012-01](#) that a Judicial Official should not attend a retirement dinner hosted and paid for by the former partners of the retiring lawyer, who regularly appear before the Judicial Official. In reaching its decision, the Committee majority took into account its prior opinion in [JE 2008-16](#), and the proscription in Rule 2.4 against permitting external influences on judicial conduct or judgment, as well as the following factors: (1) the event is by invitation only and not open to members of the legal community at large, (2) the dinner will be paid for and hosted by the former partners of the retiring lawyer, who regularly appear before the Judicial Official, (3) guests include family and friends of the retiring lawyer, lawyers who practice in various areas of the law, and a limited number of judges, (4) the Judicial Official does not have a close personal relationship with the retiring lawyer, and (5) it is likely that guests attending the dinner may have cases pending before the invited judicial officials, thus raising the likelihood of future disclosure and disqualification issues.

At issue in [JE 2013-07 \(Emergency Staff Opinion\)](#) was whether it was permissible for a Judicial Official to attend a small social outing organized by the Judicial Official’s spouse and the spouse of a foreclosure firm attorney whose cases make up a large portion of the Judicial Official’s docket. Based on the information provided, including that the Judicial Official sits on the foreclosure docket and that approximately 20% of the judge’s docket comes from the

attorney's foreclosure firm, the Committee concluded that the Judicial Official should not participate in the social outing.

Recommendation:

This emergency staff opinion was circulated to all members of the Committee for their input. The Committee unanimously agreed with the following recommendation:

Based on the information provided, including that the reception is by invitation only and is being hosted and paid for by a law firm whose members practice regularly in the judges' Judicial Districts and have cases pending before some of the invited judges, and consistent with the Committee's prior opinions in [JE 2008-16](#), [JE 2012-01](#) and [JE 2013-07](#), the Judicial Official should be advised that judges should not attend this law firm-sponsored event.