



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2025-01 (August 4, 2025)

Reporting Misconduct; Promoting Public Confidence; Rules 1.2 & 2.15

Issue: What qualifies as the “appropriate authority” under Rule 2.15 (a)?

- a. Does Rule 2.15 (a) obligate the JO to report the conduct directly to the Chief Court Administrator (“CCA”) or is it sufficient that the AJ reported the conduct to the CCA?
- b. Does Rule 2.15 (a) obligate the JO to report the conduct to the Judicial Review Council?

Facts: A Judicial Official (JO) is seeking an informal opinion regarding their obligation under Rule 2.15 (a) of the Code of Judicial Conduct to report another judge’s alleged violation of Rule 1.2 to the Chief Court Administrator and/or the Judicial Review Council. The JO has actual knowledge of the conduct, which involves leaving bags of phallic-shaped candies with obscene labeling on the desks of several court employees. The JO believes this behavior raises a substantial question regarding the judge’s professional fitness. The matter was reported by the JO to their Administrative Judge (“AJ”), who subsequently reported it to the Chief Court Administrator.

Relevant Code Provisions:

Rule 1.2 (Promoting Confidence in the Judiciary) states that: “[a] judge shall act at all times in a manner that promotes 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 2.15 (Responding to Judicial and Lawyer Misconduct) states, in relevant part:

(a) A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge’s honesty, trustworthiness, or fitness as a judge in other respects shall take appropriate action including informing the appropriate authority. . . .

(c) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action. . . .

(e) A judge is not required to disclose information gained by the judge while serving as a member of a committee that renders assistance to ill or impaired judges or lawyers or while serving as a member of a bar association professional ethics committee or the Judicial Branch Committee on Judicial Ethics.

COMMENT (1) and (2) to Rule 2.15:

(1) Taking appropriate action under the circumstances to address known misconduct is a judge's obligation. Except as otherwise provided in subsection (e), subsections (a) and (b) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

(2) A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under subsections (c) and (d), except as otherwise provided in subsection (e). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. (Emphasis added.)

Terminology section of the Code defines "appropriate authority" as "the authority having responsibility for taking corrective action in connection with the conduct or violation to be reported under Rules 2.14 and 2.15."

Conn. Gen. Stat. §51-5a. Duties and powers of the Chief Court Administrator.

(a) The Chief Court Administrator: (1) Shall be the administrative director of the Judicial Department and shall be responsible for the efficient operation of the department, the prompt disposition of cases and the prompt and proper administration of judicial business; (2) shall meet periodically at such places and times as the Chief Court Administrator may designate with any judge, judges or committee of judges, and with the Probate Court Administrator to transact such business as is necessary to ensure the efficient administration of the Judicial Department;

(3) may issue such orders, require such reports and appoint other judges to such positions to perform such duties, as the Chief Court Administrator deems necessary to carry out his or her responsibilities; (4) may assign, reassign and modify assignments of the judges of the Superior Court to any division or part of the Superior Court and may order the transfer of actions under sections 51-347a and 51-347b; (5) may provide for the convening of conferences of the judges of the several courts, or any of them, and of

such members of the bar as the Chief Court Administrator may determine, for the consideration of matters relating to judicial business, the improvement of the judicial system and the effective administration of justice in this state; and

(6) may take any action necessary in the event of a major disaster, emergency, civil preparedness emergency or disaster emergency, as those terms are defined in section 28-1, or a public health emergency, as defined in section 19a-131, to ensure the continued efficient operation of the Supreme, Appellate and Superior Courts, the prompt disposition of cases and the proper administration of judicial business, which necessary action may include: (A) Establishing alternative locations to conduct judicial business in the event that one or more court locations cannot be used, (B) suspending any judicial business that is deemed not essential by the Chief Court Administrator, and (C) taking any other appropriate action necessary to ensure that essential judicial business is effectively handled by the courts.

(b) The Chief Court Administrator may establish reasonable fees for conducting searches of court records. No federal, state or municipal agency shall be required to pay any such fee.

Conn. Gen. Stat. § 51-51n. Authority of council. (a) The Judicial Review Council may, after a hearing pursuant to subsection (c) of section 51-51l, (1) publicly censure the judge, administrative law judge or family support magistrate, (2) suspend the judge, administrative law judge or family support magistrate for a definite term not to exceed one year, (3) refer the matter to the Supreme Court with a recommendation that the judge or family support magistrate be suspended for a period longer than one year, (4) refer the matter to the Supreme Court with a recommendation that the judge or family support magistrate be removed from office or to the Governor with a recommendation that the administrative law judge be removed from office or (5) exonerate the judge, administrative law judge or family support magistrate of all charges.

Discussion:

a. Prior CJE Informal Opinion

This Committee previously considered whether judges have a duty to report alleged misconduct of another judge in [JE 2010-10](#). Although this opinion predates the 2011 revisions to the Code of Judicial Conduct¹, it still offers useful guidance, particularly in describing what qualifies as “appropriate disciplinary measures.”

¹ Canon 3(b)(3) of the 2010 Code states: “A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. A judge is not required to disclose information gained by the judge while serving as a member of a committee that renders assistance to ill or impaired judges or lawyers or while serving as a member of a bar association professional ethics committee or the Judicial Branch Committee on Judicial Ethics.”

The Committee concluded in [JE 2010-10](#) that judges have a duty to take or initiate appropriate disciplinary measures against a judge who is believed to have acted unprofessionally and in violation of the Code of Judicial Conduct. Appropriate disciplinary measures may include, but not be limited to, communicating directly with the judicial official who may have violated the Code, communicating with a supervising judge, or reporting the suspected violation to the Judicial Review Council. Based upon the facts presented, the Committee agreed that the Judicial Official took appropriate measures by reporting the alleged misconduct to his/her supervisor and, as a result, has no further duty to report. If the Judicial Official's supervisor is satisfied that there is a sufficient, credible factual basis to conclude that a judge's conduct constitutes a substantial violation of the Code, the supervising judge has a duty to take or initiate disciplinary measures. If, however, the supervisor decides otherwise, no such duty exists.

Under the current post-2011 Code, judges are required to take "appropriate action," including informing the appropriate authority of judicial misconduct when a judge has knowledge (defined in the Code's terminology section as actual knowledge, which may be inferred from the circumstances) that another judge has committed a violation of the Code of Judicial Conduct and the violation raises a substantial question regarding the judge's or lawyer's honesty, trustworthiness or fitness to serve as a judge.

In addition, the current rule requires a judge who does not have actual knowledge that another judge violated the Code of Judicial Conduct or the Rules of Professional Responsibility to take appropriate action, which does not necessarily have to be disciplinary action, if the judge receives information indicating a substantial likelihood that the judge committed a violation of the applicable rules.

The post-2011 rule limits the reporting obligation to only those offenses involving honesty, trustworthiness or fitness. This is different from the old rule, which required judges to take or initiate disciplinary measures when the judge became aware of unprofessional conduct but left to the judge discretion whether to report a violation based upon the seriousness of the conduct and the circumstances involved.

The old rule required judges to take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which a judge becomes aware. It did not define "unprofessional conduct."

b. "Appropriate Authority"

The main question posed by the JO in this inquiry is what constitutes "appropriate authority" under Rule 2.15 (a). The Code defines "appropriate authority" as the entity responsible "for taking corrective action in connection with the conduct or violation to be reported under Rules 2.14 and 2.15." The JO seeks clarification on whether reporting the matter to the CCA, either directly or indirectly, as it was reported directly to the AJ who reported it to the CCA, fulfills this obligation, or if Rule 2.15(a) requires the JO to report the issue to the Judicial Review Council.

Because the CCA has limited disciplinary authority under C.G.S. § 51-5a and the admonishment provision at C.G.S. § 51-45a², the JO reporting misconduct to the CCA, whether directly or indirectly through the Administrative Judge, does not meet the Rule's requirements. Under C.G.S. § 51-51n, the Judicial Review Council is the entity that has statutory authority to discipline judges, including censure, suspension, and recommendations for removal. Therefore, the Rule obligates the JO to report the potential misconduct directly to the Judicial Review Council.

This is consistent with advisory opinions from at least one jurisdiction, New York. In [New York Opinion 15-124](#), the NY committee concluded that a judge who has information, including direct observations, indicating a substantial likelihood that another judge has tried to use the prestige of judicial office to advance his/her child's interests and improperly influence a criminal proceeding on his/her child's behalf, must report the other judge's conduct to the Commission on Judicial Conduct. (See also [Opinion 21-19](#) & [Joint Opinion 15-138/15-144/15-166](#)). In contrast, Rule 2.15(A) of the Massachusetts Code of Judicial Conduct addresses circumstances in which a judge has "knowledge that another judge has committed a violation of [the] Code that raised a substantial question regarding the judge's honesty, integrity, trustworthiness, or fitness as a judge in other respects" In such circumstances, the observing judge shall "inform the Chief Justice of the Supreme Judicial Court, the Chief Justice of the court on which the judge sits, and if the judge is a Trial Court judge, the Chief Justice of the Trial Court." See [Massachusetts CJE Opinion No. 2021-01](#).

Recommendation:

Based upon the facts presented, including that the JO has actual knowledge of the alleged misconduct and that it raises a substantial question regarding the judge's fitness to serve as a judge, the JO should be advised that, under Rule 2.15 (a) and Comment (1), the JO is obligated to report the matter directly to the Judicial Review Council, which is the appropriate disciplinary authority.

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² **Sec. 51-45a. Admonishment of judge or family support magistrate by Chief Court Administrator.** Whenever the Chief Court Administrator has reason to believe that a judge or family support magistrate has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial or magisterial practice, the Chief Court Administrator may issue an admonishment to the judge or family support magistrate recommending a change in such conduct or practice. Such admonishment shall become a part of any performance evaluation record of such judge or family support magistrate.