



Connecticut Committee on Judicial Ethics

Informal Opinion Summaries

2025-03 (August 28, 2025)

Subject Index Categories: Educational and Academic Extrajudicial Activities; University Studies; Law-Related Interview; and Animal Law.

Rules: 1-2, 1-3, 2-10, 2-11, 3-1, and 4-1.

Issue: May a Judicial Official (JO) give recorded answers to questions for an academic study that analyzes and evaluates animal cruelty legislation and prosecution of cases, including cases in which the JO has presided over involving animal-related charges?

Facts

Judicial Official is invited to take part in an academic study entitled " Strengths, Shortcomings, and Reforms in Companion Animal Cruelty Prosecution in California, Connecticut, and Iowa". The purpose of the study is to "conduct a comparative analysis and evaluation of animal cruelty legislation and prosecution in California, Connecticut, and Iowa". The focus of the study is to understand "the challenges faced by law enforcement, prosecutors, defense attorneys, bench officers [including JO], and veterinarians." The central component of the study will have the JO take part in an interview in which the JO "will be asked to offer your experience and opinions in response to job specific questions. [The JO is encouraged to] [d]iscuss their personal experiences and any challenges they face handling animal cruelty cases; Shared views on the status of animal cruelty and neglect victims; Considered reforms such as courtroom animal advocate programs."

The interview will last for about one hour. The JO is not obligated to answer any or all questions. The researcher "ensure[s] confidentiality" of the JO. The description of the study goes on:

All responses given by the JO will be analyzed by the researcher for the purpose of this study and any other future work which may or may not be published. Any interview content, including direct quotations from the interview, which will be used in the thesis, an academic publication or other academic outlet will be presented in a confidential format and anonymized to

cover only the participant's profession and state but not the participant's name, gender, age, location, or reference to an identifiable case. The JO will sign a consent form containing nine individual sections that the JO must read and print their initials to signify their agreement. One section states: "I understand that the sampling method employed by the researcher means that my anonymity cannot be completely guaranteed".

There is also a list of nine "Participant terms". The relevant terms are numbered three through five and state:

1. ☐
2. ☐
3. The transcript [of the JO's] responses will be analyzed by the researcher and access to the transcript will be strictly limited to the researcher.
4. All responses to questions offered by [the JO] may be incorporated into the researcher's doctoral thesis and other future projects.
5. Any interview content, including direct quotations from the interview which may be used in the researcher's doctoral thesis or any academic publication, will be done based on confidentiality; at no time will your identity or identifying factors be revealed.

Finally, the JO will be given a questionnaire containing 15 paragraphs. Questions range from asking for the JO's background information, to budgetary information as it relates to certain types of cases, to what influences the JO's decision making, to the appropriateness of prosecutorial charges, to defense attorney demeanor, to changes in the law the JO would like to see enacted.

Relevant Code Provisions

Rule 1.2 (Promoting Confidence in the Judiciary): "A JO 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 JO violated this Code or engaged in other conduct that reflects adversely on the JO's honesty, impartiality, temperament, or fitness to serve as a JO."

Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office): "A JO shall not use or attempt to use the prestige of judicial office to advance the personal or economic interests of the JO or others or allow others to do so."

Rule 2.10 (Judicial Statements on Pending and Impending Cases): (a) "A JO shall not make any public statement that might reasonably be expected to affect the outcome or

to impair the fairness of a matter pending or impending in any court or make any nonpublic statement that might substantially interfere with a fair trial or hearing.”

Rule 2.11 (Disqualification): “(a) A JO shall disqualify himself or herself in any proceeding in which the JO's impartiality might reasonably be questioned including, but not limited to, the following circumstances:

(1) The JO has a personal bias or prejudice [. . .]
[. . .]

(4) The JO has made a public statement, other than in a court proceeding, judicial decision, or opinion that commits or appears to commit the JO to reach a particular result or rule in a particular way in the proceeding or controversy.”

Rule 3.1 (Extrajudicial Activities in General) states, in relevant part:

“A JO may engage in extrajudicial activities, except as prohibited by law. However, when engaging in extrajudicial activities, a JO shall not:

(1) participate in activities that will interfere with the proper performance of the JO's judicial duties;

(2) participate in activities that will lead to frequent disqualification of the JO;

(3) participate in activities that would appear to a reasonable person to undermine the JO's independence, integrity, or impartiality; [or]

(4) engage in conduct that would appear to a reasonable person to be coercive[.]”

Rule 4.1. Political Activities of JOs in General states, in relevant part:

(a) A JO shall not:

“(8) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; or

(9) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(b) A JO shall take reasonable measures to ensure that other persons do not undertake, on behalf of the JO, any activities prohibited under subsection (a).

(c) A JO should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.”

Note on Rule 2.11 (Disqualification): The relevant part of the Rule states, “A [JO] shall disqualify himself or herself in any proceeding in which the [JO's] impartiality might reasonably be questioned,” and list one of the following possible reasons – “[t]he [JO] has a personal bias or prejudice [. . . .]” The words “personal” and “prejudice” are the crux of this passage.

“Personal” bias means two things: (1) The JO has a personal bias against the party or the party’s lawyer. (2) The JO has personal knowledge of facts that are in dispute. Either of these biases usually trigger mandatory disqualification.

“Prejudice”, on the other hand, speaks to, *inter alia*, subject matter prejudice; here, the subject is animal abuse or neglect. The Rule states “prejudice concerning a party”, i.e., will the [JO] “prejudge” a defendant facing animal cruelty charges and determine him guilty prematurely or without all the information, simply because of the charges.

The Code apparently does not consider subject-matter prejudice to rise to the level of party-specific or case-specific bias (both are specifically mentioned, but subject-specific prejudice is not). Still, the prejudice could meet the “[JO’s] impartiality might reasonably be questioned” threshold. The JO’s task is to determine if that threshold is met. If it is, the JO must not hear the case.

Discussion

Connecticut Committee on Judicial Ethics Informal Opinions

When the opinions cited below are taken as a whole, certain factors and considerations are highlighted. This opinion will refer to these as the “allowability factors”. These factors are not dispositive; they are a roadmap to keep the analysis focused on what other opinions have found, or implied, to be important. They may also be helpful in defining conditions that a committee may use to qualify an opinion.

Allowability Factors

1. Is the interview conducted live or in front of an audience, or is it conducted in a non-public or controlled environment?
2. Is there a risk that the JO could be caught off guard by unexpected questions that might prompt an inadvertent or imprecise response?
3. Is the subject matter controversial and/or political?
4. Is the subject matter likely to come before the JO?
5. Is the study run by credible researchers with oversight from a reputable university, so the JO is not tied to any institutional controversies?¹
6. Is the study educational and instructive?
7. Does the study seek to reveal any of the JO’s, or other JOs’, deliberative processes and mental impressions in conducting any judicial proceeding(s)?²
8. Does the study seek the JO’s comments about pending or impending cases?
9. Does the study advance and/or refute any political views, beliefs, and/or ideologies, or give the appearance of doing so?

¹ Rule 1.2 of the Code of Judicial Conduct states, in relevant part: “A [JO] shall [always] act in a manner that promotes public confidence in the [. . .] integrity [. . .] of the judiciary and shall avoid [. . .] the appearance of impropriety. The test [. . .] is whether the conduct would create in reasonable minds a perception that the [JO] violated this Code or engaged in other conduct that reflects adversely on the [JO’s] fitness to serve as a [JO].” Arguably, the “appearance of impropriety” standard is met if the JO associated with and/or furthered the interests of individuals and/or institutions that espouse or have espoused hateful, criminal, and/or immoral views. The “appearance of impropriety” standard may be met even if the JO did not know this information but could have discovered it through reasonable means.

² See *Statewide Grievance Committee v. Burton*, 299 Conn. 405, 415 (2011) (any inquiry into a [JO’s] “deliberative processes and mental impressions in conducting any judicial proceeding[]” is prohibited).

10. Will the study present the JO's participation in any special light, receive any special treatment, or stand apart from other participants?

[Connecticut Committee on Judicial Ethics](#)
[Informal Opinion 2008-25 \(December 18, 2008\)](#)

Facts: The JO will make a single appearance on an educational radio program related to the law; the program is hosted by a private attorney. The JO will be accompanied by a foreclosure mediator who is employed by the Judicial Branch. Members of the public will be able to call in to the show and ask questions.

Finding: The Committee unanimously approved the Judicial Official's participation but issued several restrictions.

Connecticut Committee on Judicial Ethics Informal
Opinions [2009-01 \(January 21, 2009\)](#) and [2013-43 \(October 29, 2013\)](#)

Facts:

1. (JE 2009-01) JO was interviewed by a public television network as part of its anniversary of the network's founding. The interview discussed television coverage of courts. The video was not used in advocacy, fundraising or any other activity from which the network derived benefits.
2. (JE 2013-43) JO spoke on a panel at a non-profit trade media organization's annual meeting and share comments relating to the topic of "Media & the Law" The JO received neither a fee for participation nor any reimbursement of expenses.

Finding: In both cases, the Committee unanimously approved the JO's participation but issued several restrictions.

[Connecticut Committee on Judicial Ethics](#)
[Emergency Staff Opinion 2012-23 \(July 19, 2012\)](#)

Facts: The JO sought to participate in a "live call-in" radio show sponsored by a hospital. The topic was the United States Supreme Court's decision concerning the Affordable Care Act. The radio show describes itself as a forum for healthy debate. Other speakers, including an individual from an issue advocacy organization, may be invited to appear on the program.

Finding: The JO was advised not to participate in the "live call-in" radio talk show because of the prospect that the JO could be asked about or enmeshed in a discussion about the merits of the decision or about political consequences related to the [United States Supreme Court decision].

Foreign Opinions

[New York Advisory Committee on Judicial Ethics – Opinion 25-51 \(March 27, 2025\)](#)

Facts: A JO was invited by the League of Women Voters, an “apparently” non-partisan and not-for-profit civic organization, to participate in its federal judiciary study group. The group’s goal is to assist the League of Women Voters in developing a position on the federal judiciary (the U.S. Supreme Court “and other Article III federal courts”), addressing concerns regarding “judicial accountability, transparency, independence, and ethics.”

Finding: The Committee found that, provided the study group remains apolitical, the inquiring JO may participate subject to generally applicable limitations on speech and conduct. The Commission stressed that if the JO finds that the study group is or becomes embroiled in partisan political activity or discussions, the JO must resign.

[New York Advisory Committee on Judicial Ethics – Opinion 19-115 \(October 24, 2019\)](#)

Facts: A JO asked if he/she may participate in a college professor’s study on judicial diversity in state courts by completing “a short survey.” The JO would remain anonymous. The study was funded by a grant from the National Science Foundation “to advance scholarly understanding of who sits in judgment on our state courts – as well as to underscore the importance of a diverse judiciary.”

Finding: The JO may participate in the academic study on judicial diversity in state courts, subject to various limitations. The JO must not comment on pending/impending matters, must not disclose non-public information acquired as a JO, and must not express a predisposition to decide matters in a certain way.

Analysis

First, the present matter is analyzed through the allowable factors criteria suggested by the CJE opinions:

1. The survey is conducted remotely via Zoom, which is a non-public, controlled environment. The JO can be anywhere the internet is available.
2. All the questions are given to the JO in advance of the interview. The information provided states that the interview will last approximately 60 minutes; the JO is free to take as much time as the JO needs to respond to the questions; if the JO is uncomfortable answering any question(s), the JO does not need to respond; and the interview can be stopped at any time so the JO can take a break, have water, take a rest, and/or ask questions. Therefore, it is unlikely the JO will be surprised.

3. The subject of the study is neither controversial nor political. No mainstream political platform is pro-animal cruelty and/or pro-animal neglect. The information provided states that the focus is on “companion animal cruelty” and not, for instance, the more controversial subjects of circuses and medical testing.
4. Animal abuse and/or neglect cases may come before the JO. But they should not be a large part of the JO’s workload. An average of 300 animal cruelty/neglect cases are brought per year in Connecticut, with over 33% ending in dismissal.
5. The JO should ensure that any information found in this regard is thorough and accurate. If information is found that may violate Rule 1.2 of the Code of Judicial Ethics, the JO should seek an advisory opinion from this Committee.
6. The study is educational and instructive.
7. The study seeks to reveal the JO’s deliberative process and mental impressions in conducting judicial proceedings.
8. The study seeks the JO’s comments about pending or impending cases.
9. Generally, the study does not take, advance, and/or refute any political views, beliefs, and/or ideologies, or give the appearance of doing so.
10. Based on the information provided, the study will not present the JO’s participation in any special light. The JO will neither receive special treatment, nor stand apart from other participants.

Recommendation

Based on the information provided and the opinions from both the Connecticut Committee on Judicial Ethics and the New York Advisory Committee on Judicial Ethics, this Committee finds that the JO may participate in the study, subject to the following conditions:

1. The JO’s participation in the study will not interfere with the proper performance of the JO’s judicial duties and will not lead to frequent disqualification of the JO.
2. The JO does not give opinions that would cast doubt on the JO’s impartiality or indicate that the JO has a predisposition to a particular case or a particular type(s) of case(s).
3. The JO is careful not to express any predisposition with respect to any case or type of case and should refrain from any inappropriate comment about pending or impending matters.
4. The JO should not offer legal advice as to how specific matters should be handled and should exercise caution in answering questions that seek to elicit such advice.
5. The JO may not respond to any question whose answer would divulge the deliberative processes or mental impressions of the JO or of other JOs in judicial proceedings.
6. To avoid any issues regarding problematic associations or getting tied to institutional controversies that risk running afoul of the Code’s requirement that a JO act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, the JO should make reasonable efforts to ensure that the study in which

the JO is participating is run by credible researchers with oversight from a reputable university.

7. With all animal abuse or neglect actions, the JO should determine if the JO has subject matter prejudice. If there is subject matter prejudice, the JO should consider recusal.

[Connecticut Committee on Judicial Ethics](#)