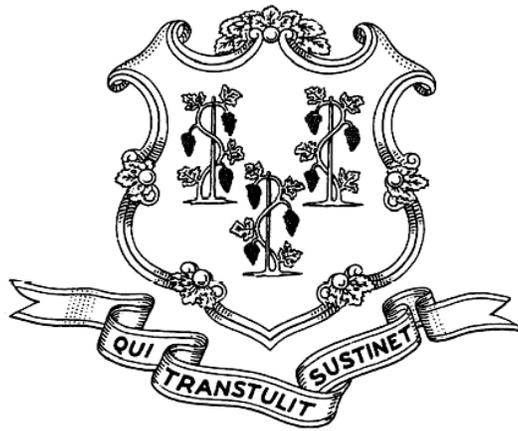


**STATE OF CONNECTICUT**

**JUDICIAL REVIEW COUNCIL**

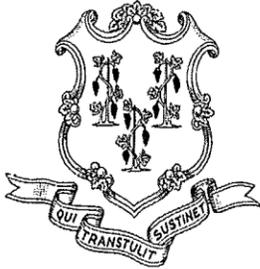


**ANNUAL REPORT**

**2015**

**JUDICIAL REVIEW COUNCIL  
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# STATE OF CONNECTICUT

## JUDICIAL REVIEW COUNCIL

September 1, 2015

THE HONORABLE DANIEL P. MALLOY, Governor of Connecticut  
THE HONORABLE CHASE T. ROGERS, Chief Justice  
THE HONORABLE ERIC D. COLEMAN, Co-Chair, Judiciary Committee  
THE HONORABLE WILLIAM TONG, Co-Chair, Judiciary Committee

THE HONORABLE JUSTICES OF THE SUPREME COURT AND JUDGES OF THE APPELLATE AND SUPERIOR COURTS OF CONNECTICUT

THE HONORABLE COMMISSIONERS OF THE WORKERS' COMPENSATION COMMISSION

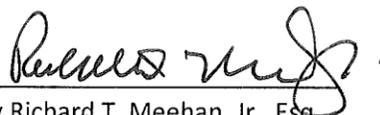
FAMILY SUPPORT MAGISTRATES

CITIZENS OF CONNECTICUT

The Judicial Review Council respectfully submits its 2015 Annual Report. This report reflects the character of the Council's activities for the Fiscal Year July 1, 2014 to June 30, 2015.

As you are aware, the individual proceedings of the Judicial Review Council carry a statutory requirement of confidentiality. It is hoped, nevertheless, that the information included in this report, which is available to the public, will assist both the public in understanding the operation of the Judicial Review Council and judges, family support magistrates, and workers' compensation commissioners in understanding the nature of issues which come before the Judicial Review Council.

JUDICIAL REVIEW COUNCIL

  
By Richard T. Meehan, Jr., Esq.  
Chairman



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## I.

### **INTRODUCTION**

The Connecticut Judicial Review Council receives and investigates complaints about alleged misconduct, disability, or substance abuse of state judges, family support magistrates, and workers' compensation commissioners.

Every state has a body similar to the Council with the same goals. The purpose of the Council is to help enforce high standards of judicial conduct on and off the bench in order to preserve the integrity of the court system and promote public confidence in the courts, workers' compensation and the family magistrate system in the State of Connecticut. It is recognized that judges, family support magistrates, and workers' compensation commissioners must be free to exercise their discretion without fear of disciplinary proceedings. However, they also must be held accountable for misconduct.

## II.

### **BRIEF HISTORY OF THE COUNCIL**

Prior to 1969, the only remedies for misconduct were impeachment or removal by the Governor with the approval of two-thirds of both the House of Representatives and Senate of the General Assembly. Consequently, there was no remedy for misconduct that did not rise to the level of impeachment or removal.

In 1969, the Legislature established a review council made up of judges and members of the public. Its jurisdiction extended only to judges. Its authority was limited to making recommendations as to reappointments and impeachment of judges. It could not sanction judges for misconduct.

A constitutional amendment was initiated by citizens in 1976, and the establishment of the Judicial Review Council was authorized by Article XI of Amendments to the Constitution of the State of Connecticut, adopted on November 24, 1976. The amendment extended the power of removal or suspension to the Supreme Court and empowered the legislature to establish a Judicial Review Council. The Legislature acted in 1977 to carry out the Constitutional Amendment, and judges of all courts, except elected judges (probate judges), were subject to new procedures. The Council, in its present form, commenced its activities effective January 1, 1978.

The Judicial Review Council has undergone several changes mandated by statute during the many years since its formation in 1977. The most significant of these changes occurring in various years were:

1. Inclusion of judges of the Appellate Court subject to the Council's authority (1985)
2. Inclusion of senior judges and state referees subject to the Council's authority (1986)
3. Inclusion of family support magistrates subject to the Council's authority (1989)

4. Inclusion of workers' compensation commissioners subject to the Council's authority (1992)
5. Establishment of a permanent office (1992)
6. Inclusion of a family support magistrate alternate member and a workers' compensation commissioner alternate member to the Council (1993)
7. Adoption of state regulations and rules of procedure (1994)
8. Addition of seven alternate members (two judges, two attorneys, three public) (1994)
9. Publication of an information handbook (1995)
10. Requirement that twelve members (three judge members, three attorney members, and six public members) constitute a quorum at any public hearing (1996)
11. Addition of four more alternate members (two family support magistrates and two workers' compensation commissioners) (1997)
12. Transfer of the requirement of judges and family support magistrates to file financial disclosure reports from the Judicial Review Council to the Office of the Chief Court Administrator (1997)
13. Development of a new, more comprehensive complaint form (see Appendix F) and accompanying brochure containing guidelines to assist in completing the form (1999)
14. Development of a website (2007)

### **III.**

### **JURISDICTION**

The Council has jurisdiction over justices of the Supreme Court, judges of the Appellate Court and Superior Court, senior judges, judge referees, workers' compensation commissioners, and family support magistrates. The Council has no jurisdiction over probate judges, small claims magistrates, motor vehicle magistrates, attorneys, prosecutors, or court clerks.

The conduct of judges and family support magistrates is governed by the Code of Judicial Conduct. (See Appendix C)

The conduct of workers' compensation commissioners is governed by the Code of Ethics for Workers' Compensation Commissioners. (See Appendix D)

The Council's jurisdiction over subject matter is limited, amongst other things, to the following areas:

- Conduct prejudicial to the impartial and effective administration of justice which brings the judicial office into disrepute

- Willful violation of the Canons of the Code of Judicial Conduct
- Willful and persistent failure to perform his or her duty
- Neglectful or incompetent performance of his or her duty
- Temperament that adversely affects the orderly carriage of justice
- Use of his or her office for financial gain
- Final conviction of a felony or of a misdemeanor involving moral turpitude
- Willful failure to file a financial statement or the filing of a fraudulent financial statement required under Section 51-46a of the Connecticut General Statutes
- Inability to fully perform his or her duties due to impairment by mental infirmity or mental illness, drug dependency, and/or alcohol addiction
- Disbarment or suspension of an attorney-at-law (C.G.S. 51-51i(a)(6))
- A pattern of behavior which would lead a reasonable person to believe that misconduct has occurred based on previous complaints (C.G.S. 51-51l(a)(2))

In other words, a judge, worker's compensation commissioner or family support magistrate within the jurisdiction of the Council who willfully or persistently does not perform his or her statutory or professional duties, or performs them neglectfully or incompetently, or otherwise conducts his or her personal life in such a way as to bring discredit to his or her office, may become the subject of a complaint. Unless a complaint contains facts of misconduct in one of these areas, the Council must dismiss it as being outside the scope of its subject matter jurisdiction. The Judicial Review Council has no jurisdiction over judicial error or a judicial decision with which one of the litigants disagrees, which can be the subject of an appeal to a higher court or appellate review board if the litigant elects to appeal the decision. The Judicial Review Council's jurisdiction is limited to matters concerning misconduct of a judge or magistrate or workers' compensation commissioner.

#### IV.

#### **NON-JURISDICTION**

The overwhelming majority of all complaints filed this past year do not deal with allegations of judicial misconduct. Many complaints attack decisions on trial proceedings, substantive legal positions, or final judgments. Often the complainant turns to the Council to have a decision reversed, something that only an Appellate Court can do. We have also seen a significant increase in the number of multiple complaints from single filers. In each instance, those complaints have been diligently reviewed and investigated. The statistical section (Section VII) of this Report reflects the number of multiple filers. In every instance, the individual was dissatisfied with a ruling and turns to the Council, rather than to avail himself or herself of the appellate process. The Council is investigating changes to its website to better educate proposed complainants on the limitations of the Council's jurisdiction. In the main, this issue deals with the inability of self-represented parties to appreciate the distinction between judicial error and judicial misconduct. The Council takes very seriously the

responsibility to provide transparency in the administration of justice. The burgeoning numbers of frivolous complaints impose greater burdens on the JRC staff. Because of the growing number of multiple complaints, we have added an additional meeting this year to move expeditiously through our docket. In one instance, the Council dealt with an FOIA complaint and was required to engage the Attorney General to investigate and respond, requiring multiple meetings to address the issues in the complaint. Several past and current members are named defendants in federal lawsuits against the judiciary. Some examples of conduct complained of which are not within the Council's jurisdiction involve:

- Discretionary rulings on custody, parental access and financial matters in family cases
- Suggestions by a judge of a specific basis of settlement in civil or family pre-trial proceedings
- Decisions determining what evidence is admissible
- Setting of bail bonds
- Determination, according to particular standards, of custody and support in divorce proceedings
- Exercise of judicial discretion
- Sentencing
- Rulings on motions

## V.

### **PROCEDURE**

Any person can present a complaint to the Council by obtaining a complaint form from any Superior Court clerk's office, by writing or calling the Judicial Review Council office, or by downloading the complaint form from the Council's website at [www.ct.gov/jrc](http://www.ct.gov/jrc). The complaint, which must be in writing, sworn to and signed, must state facts that substantiate the alleged misconduct.

The complaint must be against a person who is a judge, family support magistrate, or workers' compensation commissioner within the jurisdiction of the Council.

Each complaint is screened by the Executive Director to determine that the above requirements are met. If the complaint is against a person not under the jurisdiction of the Council, the complaint is directed to the proper agency.

Every complaint is thoroughly investigated by the Executive Director who then reports in detail to the Council, including those complaints that may ultimately be barred by the applicable statute of limitation. The Council members receive all of the supporting documentation before every meeting. The Executive Director and Chairperson discuss and agree on the Agenda before each monthly meeting. All supporting materials are provided to each Council member, in advance of the monthly meeting at which they will be considered, in sufficient time to be thoroughly reviewed. If any Council member seeks more information or additional time to conduct the review, the matter is passed to the next meeting.

If the Council determines that a complaint cannot be decided on the information supplied by the complainant, it may request further information, court transcripts and/or audio tapes, or interview witnesses. In addition to materials submitted by the complainant, the Council may request additional information and will review the same prior to rendering its decision. Our review is exhaustive, and in a number of instances the Council has accessed the judicial department file information available online. No time limits are placed on the review or discussions involving any single complaint, even those from the growing number of multiple filers. Each complaint is given full consideration and subjected to appropriate discussion by the members present.

The judge, family support magistrate, or workers' compensation commissioner complained against may file a reply to the complaint together with any evidence or documentation he or she wishes to include.

If, after investigation, the Council determines that no misconduct has occurred, it dismisses the complaint.

If the Council determines that misconduct may have occurred, it schedules a probable cause hearing which is confidential unless the respondent requests that the hearing be open. At such a hearing, the Executive Director produces, through witnesses and documents, evidence relevant to the alleged misconduct. The judge, family support magistrate, or workers' compensation commissioner has the right to be present, to be represented by counsel, to examine and cross-examine witnesses and submit any evidence in defense of the complaint.

If the Council finds probable cause, the Council is required under Connecticut General Statutes Section 51-51(c) to hold a hearing concerning the conduct or complaint. All such hearings are required to be open to the public. Again, the respondent may appear and is entitled to counsel, to present evidence and to cross-examine witnesses.

In a contested matter, whether it be a confidential probable cause hearing or a full public hearing, the Executive Director represents the Council. In all its determinations, however, the Council acts alone, without the presence of the Executive Director or any other non-member.

After the conclusion of the testimony, arguments and briefs, if any, the Council may take any of seven actions allowed by law:

1. Publicly censure the judge, family support magistrate, or workers' compensation commissioner.
2. Suspend the judge, family support magistrate, or workers' compensation commissioner 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 judicial office.
5. Refer the matter to the Governor with a recommendation that the workers' compensation commissioner be removed from office.
6. Exonerate the judge, family support magistrate, or workers' compensation commissioner from all charges.

7. Admonish the judge, family support magistrate, or workers' compensation commissioner and recommend a change in judicial conduct or practice, if necessary, if the Council finds that judicial conduct under Connecticut General Statutes Section 51-51i has not occurred, but he or she has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice.

The public censure is filed with the Chief Justice, the Chief Court Administrator, and the Joint Standing Committee on Judiciary and, after time to appeal has expired, published in the Connecticut Law Journal.

If an admonishment is issued, the complainant is notified, but the substance of the admonishment is not disclosed. If an admonishment is issued, Connecticut General Statutes Section 51-51l(b) requires the Council to also notify the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary that an admonishment was issued and provide said committee with the substance of the admonishment, including copies of the complaint file.

## VI.

### **MEMBERSHIP AND STAFF**

The Council consists of the following:

- Three Superior or Appellate Court judge members
- Three attorney members
- Six public members
- Two alternate judge members
- Two alternate attorney members
- Three alternate public members
- Three alternate family support magistrate members
- Three alternate workers' compensation commissioner members

Whenever the Council considers a complaint against a workers' compensation commissioner member, an alternate workers' compensation commissioner member replaces a judge member. Likewise, when the Council considers a complaint against a family support magistrate, an alternate family support magistrate member replaces a judge member.

Terms of appointment of regular members are pursuant to statute. A regular member may not serve consecutive terms.

Alternate members serve terms of three years and cannot serve consecutive terms as an alternate member. An alternate member may, at the termination of his or her term, be appointed a regular member.

Council members and alternates are appointed for a specific term, but in some instances serve beyond that term awaiting the appointment and confirmation of a successor.

The Chairperson and members are appointed by the Governor, with the approval of the Legislature.

The names of the present regular and alternate members of the Council (as of 6/30/15) and the dates their terms expire are listed on the following page.

**REGULAR MEMBERS**

**(4 year terms)**

**DATE TERM EXPIRES**

Judge Members:

Honorable Joan K. Alexander	11/30/15
Honorable Barbara Bellis	11/30/18
Honorable Frank A. Iannotti	11/30/16

Attorney Members:

Barbara D. Aaron, Esq.	11/30/16
Martin D. Burke, Esq.	11/30/14
Richard Meehan, Esq., Chairman	11/30/18

Public Members:

Jay A. Dirnberger	11/30/16
Lawrence Goldman	11/30/16
Patricia LeBel-Lasse	11/30/16

**ALTERNATE MEMBERS**

**(3 year terms)**

**DATE TERM EXPIRES**

Judge Members:

Honorable Kevin Dubay	11/30/15
Honorable John J. Nazzaro	11/30/15

Attorney Members:

Carl M. Porto, Esq.	11/30/15
Russell L. London, Esq.	11/30/15

Public Members:

Motkue Bowles	11/30/15
Ervin Gerveni	11/30/15
David A. Roche	11/30/15

Family Support Magistrate Members:

Honorable Frederic Gilman	11/30/15
Honorable Jane K. Grossman	11/30/15
Honorable Norma I. Sanchez-Figueroa	11/30/15

Workers' Compensation Commissioner Members:

Commissioner Scott A. Barton	11/30/15
Commissioner Randy L. Cohen	11/30/15
Commissioner Jodi M. Gregg	11/30/15

The staff of the Council consists of Sharon Dexler, full-time Administrative Assistant, and Dennis J. O'Connor, part-time Executive Director.

When the services of an investigator are required, they are contracted out.

The Council regularly meets at its office on the third Wednesday of each month (subject to change due to conflicts). During this reporting period, the Council held eleven regular meetings, no probable cause hearings and no public hearings.

**VII.**  
**STATISTICAL REPORT OF ACTIVITIES**  
**July 1, 2014 to June 30, 2015**

A.	<u>Conduct Complaints</u>	
1.	Number of conduct complaints pending at beginning of period .....	7
2.	Number of conduct complaints received during period .....	120
3.	Number of conduct complaints considered during period.....	127
4.	Number of conduct complaints disposed of during period.....	93
5.	Number of conduct complaints pending at end of period .....	34
6.	Number of complainants.....	74
a.	Number who filed a single complaint .....	52
b.	Number who filed multiple complaints.....	22
1)	Number who filed 2 complaints.....	14
2)	Number who filed 3 complaints.....	4
3)	Number who filed 5 complaints.....	1
4)	Number who filed 7 complaints.....	2
5)	Number who filed 9 complaints.....	1
	Percentage of total complainants who filed multiple complaints .....	29%
	Percentage of total complaints filed by multiple complainants (68 complaints from multiple filers divided into 120 complaints filed in 2014-2015) .....	56%
7.	Disposition of conduct complaints:	
a.	Dismissed after investigation .....	71
b.	Dismissed as being barred by statute of limitations.....	22
c.	Dismissed due to death of respondent.....	0
d.	Withdrawal of complaint by complainant.....	0
e.	Number of Probable Cause Hearings.....	0
f.	Private admonishment after investigation .....	0
g.	Number of Public Hearings.....	0

h.	Exonerated after public hearing .....	0
i.	Public censure ordered after public hearing .....	0
j.	Suspension less than 1 year ordered after public hearing .....	0
k.	Recommendation of suspension of more than 1 year after public hearing.....	0
l.	Recommendation of removal after public hearing.....	0
m.	Dismissed due to resignation of respondent.....	0
8.	Total conduct dispositions .....	93
B.	<u>Disability Retirement</u>	
1.	Number of cases pending at beginning of period .....	0
2.	Number of cases received during period .....	0
3.	Number of cases considered during period.....	0
4.	Number of cases disposed of during period.....	0
5.	Disposition of Disability Retirement cases:	
	a. Retirement granted .....	0
	b. Retirement refused .....	0
	c. Disposed of by resignation of applicant.....	0
6.	Number of Disability Retirement cases pending at end of period.....	0
C.	<u>Mental Illness, Mental Infirmity, Drug Dependency or Alcohol Addiction</u>	
1.	Number of cases pending at beginning of period .....	0
2.	Number of cases received during period .....	0
3.	Number of cases considered during period.....	0
4.	Number of cases disposed of during period.....	0
5.	Number of cases pending at end of period .....	0
D.	<u>Miscellaneous</u>	
1.	Number of Judges represented in conduct complaints disposed of.....	74*
2.	Number of Family Support Magistrates represented in conduct complaints disposed of.....	1

5.	Number of Workers' Compensation Commissioners represented in conduct complaints disposed of.....	0
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\*Note: Some judges have more than one complaint filed against them, resulting in the number of judges being less than the number of conduct complaints received—See Page 8, Item 6.

E. Appeals

1.	Number of Connecticut Supreme Court decisions during period .....	0
2.	Number of Appeals to the Connecticut Supreme Court withdrawn .....	0

F. Complainant Source - Disposed Complaints

1.	Represented Litigants in underlying action .....	42
2.	Self-Represented Litigants.....	47
3.	Relative .....	1
4.	Attorney.....	1
5.	Citizen .....	1
6.	Judicial Review Council .....	0
7.	Other (Mental Health Professional, Victim).....	1

Note: Inmates of Correctional Institutions accounted for 54 of the disposed complaints.

G. Court Source - Disposed Complaints

1.	Civil .....	25
2.	Criminal.....	37
3.	Family .....	21
4.	Juvenile .....	1
5.	Workers' Compensation Commissioner.....	0
6.	Housing .....	1
7.	Supreme Court .....	8

H. Nature of Allegations Contained in Complaints Disposed of

1.	Bias/discrimination/prejudice/partiality ( <i>gender, racial, general</i> ).....	37
2.	Denial/Violation of Rights ( <i>presumption of innocence, due process, civil rights, transcript request, motions, discovery, First Amendment, waiver of fees, reasonable bond, counsel</i> ) .....	36
3.	Practice Book Violations .....	25
4.	Failure to take a specific action.....	11
5.	Lack of Fairness .....	9
6.	Refusal of Supreme Court to grant Certification .....	7
7.	Aggressive/Threatening Behavior .....	6
8.	Incompetence .....	5
9.	Harassment.....	4
10.	Lying/perjury/dishonesty .....	4
11.	Conspiracy .....	3
12.	Retaliation.....	3
13.	Collusion.....	3
14.	Unethical Behavior .....	65
15.	Allowed perjury .....	2
16.	Ex parte communication.....	2
17.	Coercion .....	1
18.	Complicity .....	1
19.	Condone crimes.....	1
20.	Malicious Interference .....	1
21.	Conflict of Interest .....	1
22.	Contempt.....	1
23.	Corruption.....	1
24.	Abuse of Discretion .....	1

25. Failure to protect public from malfeasance and corruption..... 1

Total number of allegations ..... 231

**Note:** *Total exceeds number of complaints disposed of because many complaints contain more than one type of allegation.*

I. Reasons for Dismissal

1. No factual basis ..... 71

2. Barred by the statute of limitations ..... 22

J. Number of Judges, Workers' Compensation Commissioners, and Family Support Magistrates who were within the jurisdiction of the Judicial Review Council as of June 30, 2014

1. Supreme Court Justices ..... 7

2. Supreme Court Senior Justices ..... 1

3. Appellate Court Judges ..... 9

4. Superior Court Judges ..... 170

5. Senior Judges ..... 20

6. Judge Trial Referees..... 83

7. Workers' Compensation Commissioners..... 16

8. Family Support Magistrates..... 9

9. Family Support Magistrate Referees ..... 5

Total ..... 320

### III.

## APPENDICES

### APPENDIX A

#### **BIOGRAPHIES OF COUNCIL MEMBERS AND EXECUTIVE DIRECTOR**

##### EXECUTIVE DIRECTOR

**ATTORNEY DENNIS J. O’CONNOR** was appointed Executive Director of the Judicial Review Council by Governor Dannel P. Malloy, effective August 29, 2014.

During the course of his legal career, Mr. O’Connor has engaged in the private practice of law; served for three years as an Assistant Public Defender in Hartford Superior Court, Geographical Area 14; and culminated his full-time career with over three decades of service as an Assistant State’s Attorney, first, in Superior Court, G.A. 14 (for nearly four years), and, ultimately, twenty-eight years in the Hartford Superior Court, Part A.

During the latter assignment, Mr. O’Connor’s trial experience was extensive and varied; his assignments included prosecutions for, and trials to verdict for, virtually every type of serious crime one would expect to encounter in a busy docket for the State’s Capitol City. Some of Mr. O’Connor’s more “unusual” prosecutions included those involving a “sting” operation upon those individuals who sought to “sell” stolen goods to “friendly purchasers” (undercover officers), as well as some police officers who had been arrested as a result of a “Grand Jury” investigating allegations of police corruption.

Mr. O’Connor’s trial experience in prosecutions of, and convictions for, murder include capital felonies (murders for hire, “multiple” murders, and murders of kidnapped victims). One such trial was televised, virtually in its entirety, on Connecticut Television Network (CT-N).

Mr. O’Connor spent time as a lecturer and panelist in “in-house” training sessions for prosecutors in the Division of Criminal Justice.

At the time of his retirement in 2011, Mr. O’Connor was the Supervisory Assistant State’s Attorney for the Hartford Superior Court, Part A. In 1999, he was the recipient of an award from the Manchester Police Department for successful prosecution of two individuals who committed murders in 1996. In 2008, he was given the Lifetime Achievement Award by the Connecticut Criminal Justice Educational and Charitable Association.

A member of the bars of the United States District Court, District of Connecticut, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court, Mr. O’Connor received his Bachelor of Arts from the University of Connecticut (1971) and his Juris Doctor from the University of Connecticut School of Law (1974).

## JUDGE MEMBERS

**HONORABLE JOAN K. ALEXANDER** graduated from Yale University in 1984 with a Bachelor of Science degree in Mechanical Engineering. In 1987, she received her Juris Doctor degree from the University of Connecticut School of Law. She served as an Assistant State's Attorney for the State of Connecticut from 1988 to 2000. In 2000, she was appointed a Superior Court Judge. Judge Alexander is currently the presiding judge in the Hartford Judicial District criminal court. She has also served as a criminal judge in New Haven, Waterbury, New Britain, and Litchfield Judicial Districts. She has been a member of the Judicial Review Council since March of 2012.

**HONORABLE BARBARA BELLIS** is a 1983 graduate of Boston College with a B.A. in Economics and Classics, and a 1986 graduate of the Catholic University of America Columbus School of Law. She was appointed to the Superior Court in 2003. She is currently assigned to the Fairfield Judicial District in Bridgeport, Connecticut where she serves as the Administrative Judge, the Presiding Judge of Civil Matters, and the e-filing judge. She serves on various committees including the Civil Commission and the Judges Advisory Committee on Electronic Filing.

**HONORABLE FRANK A. IANNOTTI**, a Judge of the Connecticut Superior Court for the past 19 years, currently serves as the Presiding Criminal Judge for both Pats A and B in the Judicial District of Ansonia/Milford. Judge Iannotti was appointed to the bench in 1996, and since that time, has served terms as the Presiding Criminal Judge in the Judicial Districts of New Britain, Waterbury, New Haven, Middletown, Danbury, and Fairfield.

He has served as the President of the Judge's Association (2009-2010), on the Judicial Evaluations Committee (2010), and as the Co-Chair of the Victim Advisory Council (2000-2004). He has also participated on the Sentence Review Division (1999-2010) and the Judicial Review Council (2005-2006) and (2015). In 2010, Judge Iannotti was honored by the Bridgeport Bar Association as "Judge of the Year."

Before the Judiciary, Judge Iannotti was a Prosecutor with the Office of the Chief State's Attorney (1982-1985) and the New Haven State's Attorney Office (1985-1987). From 1987 to 1996, he was in private practice with the firm of O'Donnell & Iannotti, and then later with the Law Offices of Frank A. Iannotti.

Judge Iannotti received a Bachelor of Arts degree in Political Science and Philosophy from Boston College in 1976. He received his Juris Doctor degree from the University of Baltimore Law School in 1980.

## PUBLIC MEMBERS

**JAY A. DIRNBERGER** has been a resident of Westport, CT since November 2008, where he lives with his wife Molly. Their son Jason is an independent filmmaker and lives in Brooklyn, NY. Jay retired from business at the end of 2011. Jay is active in several community organizations. He is in his fourth year as a mentor to a freshman boy at Staples High School. He is the treasurer of the Westport Historical Society and is an active member of the Y's Men of Westport/Weston. He serves as the treasurer of one of the oldest commemorative military units in the United States called Gold's Dragoons, which dates back to 1660. He has been an alternate and full public member on the State's Judicial Review Council since 2009. In that capacity he has participated in every meeting since early 2012.

Jay has over 35 years of experience in the field of institutional and private investment management. He has worked with some of the largest institutional funds in the United States and many prominent families and their financial advisors. Notably he was Vice-Chairman of Julius Baer's US based investment advisor,

where he worked for 16 years. Prior to his retirement in 2011, he was a managing director at Lyster Watson & Company, a New York investment advisor.

Jay received his B.A. in History from the University of Buffalo in 1966 and an MBA from New York University in 1977. He served in the US Army from 1965 through 1970, where he was an Infantry Captain. He flew helicopters in Vietnam with the 1<sup>st</sup> Calvary Division and was the Aide-de Camp to the Commanding General of the 18<sup>th</sup> Airborne Corp at Ft. Bragg. He is the former Treasurer and Chairman of the Finance Committee of the United Nations International School. He served as the president and treasurer for this New York City apartment cooperative for over 20 years.

**PATRICIA LEBEL-LASSE** is a litigation paralegal at the Law Firm of Pullman & Comley, LLC. She supports the firm's Chairman and litigation department with complex commercial and business disputes in a variety of areas in both state and federal courts. Since joining the firm in 2001, Patricia has implemented new business processes in the areas of electronic data discovery, litigation support and trial technology. She is a Certified E-Discovery Specialist (CEDS), a Certified Trial Specialist, and a member of her firm's technology committee.

Patricia was appointed as a public member of the Judicial Review Council by Governor Dannel Malloy in 2013 for a term of four years. She received her A.S. Degree, Cum Laude, in Paralegal Studies from Sacred Heart University in Fairfield, CT. She resides in Milford, CT with her husband Peter and their dog, Mr. Biscotti.

**LAWRENCE GOLDMAN** has lived and worked in Norwich, CT since 1989 with his wife Susan. His son lives in New Haven and works on the Hartford staff for Senator Murphy. He and his wife have been involved in local and state politics and worked on many boards and commissions. Currently, Mr. Goldman is the Secretary of the Norwich Public Utilities Commission and Chair of the Norwich Democratic Town Committee.

Professionally, Mr. Goldman has worked in the printing industry for over 40 years, and since moving to Connecticut from Massachusetts, has worked for a few regional commercial printers in the area and most recently ran a successful print broker business.

Mr. Goldman was recommended to the Judicial Review Committee in July of 2014 by Governor Malloy and started membership in October of 2014 to replace another public member with his term ending in November of 2016.

#### ATTORNEY MEMBERS

**ATTORNEY RICHARD MEEHAN, CHAIRMAN**, is a graduate of Notre Dame University (B.S. 1970) and the University of Connecticut School of Law (J.D. with honors, 1974). Admitted to practice in State and Federal Courts in Connecticut, United States Court of Appeals for the Second Circuit and the United States Supreme Court, he is currently the managing partner in Meehan, Meehan & Gavin, in Bridgeport. The firm and Attorney Meehan, individually, have received an AV rating (Pre-Eminent--Highest Rating) by *Martindale-Hubbell Law Directory* for the past 28 years. He is certified by the National Board of Trial Advocacy as both a Criminal Trial Specialist and Civil Trial Specialist. Mr. Meehan was inducted as a Fellow of the International Academy of Trial Lawyers (2011) and the American College of Trial Lawyers (2013). He is a Charter Fellow of Litigation Counsel of America Trial Lawyer Honorary Society (2007) and the American College of Board Certified Attorneys (2013). He is a member of the American Board of Trial Advocates; the Connecticut Bar Association (Lawyer to Lawyer Dispute Resolution Committee and Media and the Law Committee, Federal Judiciary Committee, and serves as co-chair of the Committee on

Human Trafficking); Connecticut Trial Lawyers Association; Greater Bridgeport Bar Association (Executive Committee 1982, 1987-90, Chairman - Criminal Law Section 1981-82, 84-85, President 1986-87); the Connecticut Academy of Certified Trial Lawyers (1994-Present); and the Advisory Board of the National Board of Trial Advocacy.

Attorney Meehan is a Fact Finder and Arbitrator for the Connecticut Superior Court and a columnist for ConnPost.com - "*Due Process*". He has been honored by the National Trial Lawyers as a Top 100 Trial Lawyers in Connecticut, by the American Society of Legal Advocates as a Top 100 Litigation Lawyers in Connecticut (2015), by *Connecticut Magazine Super Lawyers* (2006-Present) and *New England Super Lawyers* (2007-2015, selected three times as Top Fifty). Mr. Meehan was selected as one of the Ten Best Criminal Law Attorneys for Connecticut by the American Law Institute of Criminal Law Attorneys in 2014.

**ATTORNEY BARBARA D. AARON** is a principal in the law firm of Berman, Bourns, Aaron & Dembo. Attorney Aaron received her Bachelor's Degree from American University and her J.D. from Brooklyn Law School. Attorney Aaron began her career as a criminal defense attorney with the Legal Aid Society in Manhattan, New York. She returned to her home state of Connecticut in 1986 and has been in private practice ever since. Currently, Attorney Aaron's practice is exclusively in the field of Matrimonial Law, with an emphasis on Mediation and Collaborative Law.

Attorney Aaron is Co-Chair of the Hartford County Bar Association's Family Law Section and is on the executive committee of the Connecticut Bar Association's Family Law Section. She serves as the current President of the Children's Law Center of Connecticut. Attorney Aaron is one of the co-founders and past president of the Connecticut Counsel for Non-Adversarial Divorce. Attorney Aaron is a lifetime fellow of the James W. Cooper Fellow of the Connecticut Bar Foundation and has consistently been named a "Super Lawyer" in New England and Connecticut Magazine. She was appointed to the Connecticut Commission on Child Protection in 2009, and in 2013 to the Judicial Review Council by Governor Dannel P. Malloy.

**ATTORNEY MARTIN D. BURKE**, member of the Bar in Connecticut, New York and Maine, has been in general practice in Vernon since 1968, concentrating in Elder Law, Veterans' Benefits, Estate Planning, Probate and Real Estate. He has served as Town Attorney in Vernon and Ellington and is now Assistant Town Attorney in Vernon. A former member of the General Assembly representing Vernon, he also served as a member and chairman of Connecticut Law Revision Commission. He has served as a member of the Statewide Grievance Committee, as well as local grievance committees, and is presently a member of the Judicial Review Council.

## **APPENDIX B**

### **RELEVANT CONNECTICUT GENERAL STATUTES GOVERNING THE JUDICIAL REVIEW COUNCIL AND ITS JURISDICTION**

#### **CHAPTER 872 JUDGES**

##### **Section**

- 51-45b Medical examination of judge or family support magistrate ordered by Chief Court Administrator, when referred to Judicial Review Council
- 51-45c Investigation by Judicial Review Council regarding mental infirmity or illness, drug dependency or alcohol addiction of judge or family support magistrate. Findings. Authority.
- 51-46a Statement of financial interests to be reported
- 51-49 Disability retirement of judges, state's attorneys, public defenders, family support magistrates and compensation commissioners

#### **CHAPTER 872a REMOVAL, SUSPENSION AND CENSURE OF JUDGES**

##### **Section**

- 51-51g Declaration of intent
- 51-51h Application of chapter
- 51-51i Grounds for removal, suspension and censure
- 51-51j Removal or suspension by Supreme Court
- 51-51k Judicial Review Council established
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## Chapter 872

**Sec. 51-45b. Medical examination of judge or family support magistrate ordered by Chief Court Administrator. Matter referred to Judicial Review Council.** Whenever the Chief Court Administrator has reason to believe that a judge or family support magistrate cannot fully perform his or her judicial or magisterial duties by reason of mental infirmity or illness or because of drug dependency or addiction to alcohol, the Chief Court Administrator shall direct such judge or family support magistrate to be examined by such qualified medical expert or experts as the Chief Court Administrator shall designate, at the expense of the judicial department. If the judge or family support magistrate fails to undergo any such examination or if, upon due consideration of the report of the expert or experts, the Chief Court Administrator is satisfied and concludes that the judge or family support magistrate cannot fully perform his or her judicial or magisterial duties, the Chief Court Administrator shall modify the assignment of the judge or family support magistrate, or shall remove said judge or family support magistrate from any assignment, and shall refer the matter together with the report, if any, of the expert or experts to the Judicial Review Council.

**Sec. 51-45c. Investigation by Judicial Review Council re mental infirmity or illness, drug dependency or alcohol addiction of judge or family support magistrate. Findings. Authority.** (a) The Judicial Review Council shall investigate every matter referred to it under section 51-45b. Not later than five days after receipt of such matter, the council, by registered or certified mail, shall notify the judge or family support magistrate under investigation of such referral. Any investigation and proceeding held to determine whether or not a judge or family support magistrate can fully perform his or her judicial or magisterial duties because of mental infirmity or illness or drug dependency or addiction to alcohol shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his knowledge of such investigation and proceeding to a third party unless the judge or family support magistrate requests that such investigation and proceeding be open. The council may request the judge or family support magistrate to submit all medical and other records pertaining to said physical and mental condition of such judge or family support magistrate. If a judge or family support magistrate declines to submit such record, or if further information is needed, the Judicial Review Council may request the judge or family support magistrate to submit to independent medical or other examinations at the expense of the judicial department. A copy of the results of any independent examination shall be provided to the judge or family support magistrate. If a judge or family support magistrate fails or refuses to submit to an independent examination requested by the council, unless such failure or refusal is due to circumstances beyond the judge's or family support magistrate's control, the judge or family support magistrate shall be precluded from submitting reports of medical examinations done on the judge's or family support magistrate's behalf. The council may consider such judge's or family support magistrate's refusal or failure as evidence that the judge or family support magistrate has a mental infirmity or illness or drug dependency or addiction to alcohol. The judge or family support magistrate shall have the right to appear and be heard and to offer any information which may prove that he has no mental infirmity or illness or drug dependency or addiction to alcohol which prevents him or her from performing judicial or magisterial duties. The judge or family support magistrate shall also have the right to be represented by legal counsel and examine and cross-examine witnesses.

(b) The council shall not later than three business days after the termination of such proceeding notify the Chief Court Administrator and the judge or family support magistrate of the findings thereof.

(c) (1) If the council finds that the judge or family support magistrate is not suffering from any mental infirmity or illness or drug dependency or addiction to alcohol and can fully perform his or her judicial or magisterial duties, the Chief Court Administrator shall reassign such judge or family support magistrate or modify such judge's or family support magistrate's assignment. (2) If the council finds that a judge or family support magistrate is suffering from a temporary mental infirmity, mental illness, drug dependency or addiction to alcohol which prevents the judge or family support magistrate from performing his or her judicial or magisterial duties, either on a full-time or part-time basis, the council shall request the judge or family support

magistrate to seek appropriate treatment. A judge or family support magistrate who can perform his or her duties on a part-time basis while undergoing treatment shall be assigned by the Chief Court Administrator to duties as he or she deems fit. A judge or family support magistrate who cannot perform any duties while undergoing treatment shall seek a paid voluntary leave of absence. Upon completion of a treatment program as determined by the Judicial Review Council and a finding by the Judicial Review Council that said judge or family support magistrate can fully perform his or her judicial or magisterial duties, a judge or family support magistrate who was on leave of absence shall be reassigned by the Chief Court Administrator, or a judge or family support magistrate who was performing judicial or magisterial duties on a part-time basis shall resume full-time duties. The Judicial Review Council shall monitor compliance by the judge or family support magistrate in the treatment program which has been established and shall periodically report to the Chief Court Administrator as to the status of such judge or family support magistrate. If the judge or family support magistrate refuses to seek treatment, or does not fully cooperate in the treatment program, the council may (A) publicly censor the judge or family support magistrate; (B) suspend the judge or family support magistrate for a definite term not to exceed one year; (C) 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; or (D) refer the matter to the Supreme Court with a recommendation that the judge or family support magistrate be removed from office. (3) If the Judicial Review Council finds that a judge is permanently incapable of adequately fulfilling his or her duties because of mental infirmity or illness or drug dependency or addiction to alcohol, the judge shall thereupon be retired with retirement pay to be determined as provided in section 51-50. (4) If the Judicial Review Council finds that a family support magistrate is permanently incapable of adequately fulfilling his or her duties because of mental infirmity or illness or drug dependency or addiction to alcohol, the family support magistrate shall be removed from office. Such removal shall not preclude the family support magistrate from applying for benefits, which may be available, pursuant to chapters 65 and 66.

**Sec. 51-46a. Statement of financial interests to be reported.** (a) Each judge of the Superior Court, each judge of the Appellate Court, each judge of the Supreme Court and each family support magistrate shall file under penalty of false statement, a statement of financial interests for the preceding calendar year with the office of the Chief Court Administrator on or before April fifteenth next for any year in which the judge or family support magistrate holds such position.

(b) The statement, on a form provided by the office of the Chief Court Administrator, shall include the following information for the preceding calendar year in regard to the judge or family support magistrate, his or her spouse and the dependent children living in his or her household: (1) With respect to the judge or family support magistrate, the statement shall include: (A) The date, place and nature of any activity for which the judge or family support magistrate received compensation other than judicial or magisterial compensation for services rendered and the name of the payer and the amount of the compensation received provided, if the compensation received was a fee for an appearance or the delivery of an address to any meeting of any organization, the report of the fee so received shall be filed within thirty days after receipt of the fee; (B) the name of each security in excess of five thousand dollars at fair market value owned by the judge or family support magistrate or held in the name of a corporation, partnership or trust for the benefit of the judge or family support magistrate, except in the case of a trust established by a judge or family support magistrate for the purpose of divesting himself or herself of all control and knowledge of his or her assets in order to avoid a conflict of interest during his or her term of office, only the existence of the trust and the name of the trustee shall be included, but the value need not be specified; (C) all real property and its location, whether owned by the judge or family support magistrate or held in the name of a corporation, partnership or trust for the benefit of the judge or family support magistrate; (2) with respect to his or her spouse and dependent children living in his or her household, the statement shall include: (A) The name of all businesses with which the spouse or child is associated; (B) the category or type of all sources of income of his or her spouse or each child in excess of one thousand dollars, but amounts of income need not be specified, and the names and addresses of specific clients and customers who provide more than five thousand dollars of income, and amounts of income need not be specified; (C) the name of each security in excess of five thousand dollars at fair market value owned by

the spouse or each child or held in the name of a corporation, partnership or trust for the benefit of the spouse or child, except in the case of a trust established by the spouse or child for the purpose of divesting the spouse or child of all control and knowledge of his or her assets in order to avoid a conflict of interest during the judge's or family support magistrate's term of office, only the existence of the trust and the name of the trustee shall be included, but the value need not be specified; (D) all real property and its location, whether owned by the spouse or child or held in the name of a corporation, partnership or trust for the benefit of the spouse or child; (E) any fees or honorariums received for any appearance or the delivery of an address to any meeting of any organization by the spouse or child shall be disclosed within thirty days after receipt of the fee or honorarium.

(c) The statement filed pursuant to this section shall be a matter of public information, except the list of names filed in accordance with subdivision (2) of subsection (b) of this section shall be sealed and confidential and for the use of the Judicial Review Council and the Supreme Court only if an investigation has been initiated under section 51-51j and the Judicial Review Council or the Supreme Court is of the opinion that disclosure of the list is germane to investigation. The list may be subject to a subpoena in any criminal prosecution, impeachment proceedings or a hearing before the Supreme Court under section 51-51j.

(d) The financial statement, except as provided in subdivision (2) of subsection (b) of this section shall be open to inspection at the office of the Chief Court Administrator of the Judicial Department or at a place designated by the Chief Court Administrator.

(e) The Chief Court Administrator shall report to the Judicial Review Council any judge or family support magistrate who fails to file any statement required by this section.

**Sec. 51-49. Disability retirement of judges, state's attorneys, public defenders, family support magistrates, and compensation commissioners.** (a) When the Chief Justice or any judge of the Supreme Court, or the Appellate Court, or the Superior Court, or the Chief State's Attorney, a Deputy Chief State's Attorney, or any state's attorney who had elected under the provisions of section 51-278 to be included within the provisions of this section, or any public defender, Chief Public Defender or Deputy Chief Public Defender who had elected under the provisions of section 51-295a to be included within the provisions of this section, or any family support magistrate who had elected under the provisions of subdivision (2) of subsection (i) of section 46b-231, or any compensation commissioner, has become so permanently incapacitated as to be unable to fulfill adequately the duties of his or her office, he or she may be retired by the Judicial Review Council as hereinafter provided, upon application by him or her or upon its own motion.

(b) If the Judicial Review Council finds that the justice, judge, Chief State's Attorney, Deputy Chief State's Attorney, state's attorney, Chief Public Defender, Deputy Chief Public Defender, public defender, family support magistrate or compensation commissioner is permanently incapacitated from adequately fulfilling his or her duties, (1) the justice, judge, family support magistrate or compensation commissioner shall thereupon be retired with retirement pay to be determined as provided by section 51-50, or (2) the Chief State's Attorney, Deputy Chief State's Attorney, state's attorney, Chief Public Defender, Deputy Chief Public Defender or public defender shall thereupon be retired and shall receive as retirement pay, annually, two-thirds the salary of the office which he or she held at the time of his or her retirement, as such salary may be changed from time to time. No judge shall be denied benefits under section 51-50 as a result of the expiration of his or her judicial term of office during the pendency of a disability matter before the Judicial Review Council. Any council proceedings pursuant to this section shall be confidential.

## Chapter 872a

**Sec. 51-51g. Declaration of intent.** The General Assembly finds that for the impartial and effective administration of justice in this state (1) the continued independence of the judiciary is indispensable, (2) it is in the public interest to foster the dignity and integrity of the judiciary, (3) to the foregoing ends it is desirable to establish appropriate mechanisms and procedures for the maintenance of judicial discipline, and (4) the mere making of unpopular or erroneous decisions is not a ground for judicial discipline or for a finding of want of judicial integrity.

**Sec. 51-51h. Application of chapter.** This chapter shall apply to judges of the Superior Court, judges of the Appellate Court, judges of the Supreme Court and family support magistrates, and the term "judges" as used in this chapter refers to such judges and also to senior judges and state referees.

**Sec. 51-51i. Grounds for removal, suspension and censure.** (a) In addition to removal by impeachment and removal by the Governor on the address of two-thirds of each house of the General Assembly as provided in the Connecticut Constitution, a judge shall be subject, in the manner and under the procedures provided in this chapter to censure, suspension or removal from office for (1) conduct prejudicial to the impartial and effective administration of justice which brings the judicial office in disrepute, (2) wilful violation of section 51-39a or any canon of judicial ethics, (3) wilful and persistent failure to perform the duty of a judge, (4) neglectful or incompetent performance of the duties of a judge, (5) final conviction of a felony or of a misdemeanor involving moral turpitude, (6) disbarment or suspension as an attorney-at-law, (7) wilful failure to file a financial statement or the filing of a fraudulent financial statement required under section 51-46a, or (8) temperament which adversely affects the orderly carriage of justice.

(b) In addition to removal by the Governor for cause pursuant to subsection (f) of section 46b-231, a family support magistrate shall be subject, in the manner and under the procedures provided in this chapter to censure, suspension or removal from office for (1) conduct prejudicial to the impartial and effective administration of justice which brings the magisterial office in disrepute, (2) wilful violation of section 51-39a or any canon of judicial ethics, (3) wilful and persistent failure to perform the duty of a magistrate, (4) neglectful or incompetent performance of the duties of a magistrate, (5) final conviction of a felony or of a misdemeanor involving moral turpitude, (6) disbarment or suspension as an attorney-at-law, (7) wilful failure to file a financial statement or the filing of a fraudulent financial statement required under section 51-46a, or (8) temperament which adversely affects the orderly carriage of justice.

(c) In addition to removal by the Governor for cause pursuant to subsection (e) of section 31-276, a compensation commissioner shall be subject, in the manner and under procedures provided in this chapter to censure, suspension or removal from office for (1) conduct prejudicial to the impartial and effective administration of his duties which brings the office of compensation commissioner in disrepute, (2) wilful violation of any provision of the code of ethics for workers' compensation commissioners, (3) wilful and persistent failure to perform the duty of a compensation commissioner, (4) neglectful or incompetent performance of the duties of a compensation commissioner, (5) final conviction of a felony or a misdemeanor involving moral turpitude, (6) disbarment or suspension as an attorney-at-law, or (7) temperament which adversely affects the orderly carriage of the duties of a compensation commissioner.

**Sec. 51-51j. Removal or suspension by Supreme Court.** (a) The Supreme Court may remove or suspend any judge or family support magistrate for any period upon recommendation of the Judicial Review Council, established under section 51-51k, or on its own motion. Upon receipt of such recommendation or on its own motion, the Supreme Court shall make an investigation of the conduct complained of and hold a hearing thereon, unless such an investigation and hearing has been held by the Judicial Review Council.

(b) If the recommendation or motion involves the conduct of a member of the Supreme Court, such member shall be disqualified with regard to the investigation, hearing and decision on the recommendation or motion.

(c) Hearings under this section shall not be public unless requested by the judge or family support magistrate under investigation.

(d) In determining whether to remove or suspend a judge or family support magistrate from office, the determination shall be made by a full court, as provided in section 51-207. A judge or family support magistrate shall not be removed except on the concurrent opinion of the members of the full court as provided in section 51-207, and a judge or family support magistrate shall not be suspended for any period of time, except upon a majority vote of the court.

**Sec. 51-51k. Judicial Review Council.** (a) There is hereby established a Judicial Review Council to be composed of the following members: (1) Three judges of the Superior Court, who are not also judges of the Supreme Court, who shall be appointed by the Governor, from a list of six judges selected by the members of the Superior Court, with the approval of the General Assembly, (2) three attorneys-at-law, who shall be appointed by the Governor with the approval of the General Assembly, (3) six persons who are not judges or attorneys-at-law, who shall be appointed by the Governor with the approval of the General Assembly, and (4) thirteen alternate members who shall be appointed by the Governor with the approval of the General Assembly, as follows: (A) Two judges of the Superior Court who are not also judges of the Supreme Court, from a list of four judges selected by the members of the Superior Court, (B) two attorneys-at-law admitted to practice in this state, (C) three persons who are not judges or attorneys-at-law, (D) three compensation commissioners, and (E) three family support magistrates.

(b) An alternate member who is a judge, attorney-at-law or person who is not a judge or attorney-at-law shall serve at probable cause hearings and public hearings in lieu of a member who is a judge, attorney-at-law or person who is not a judge or attorney-at-law, respectively, when such member is absent or disqualified, as designated by the executive director of the council. An alternate member who is a compensation commissioner shall serve as a member of the council in lieu of one of the members who is a judge of the Superior Court, as designated by the executive director, when the subject of a complaint or investigation is a compensation commissioner. An alternate member who is a family support magistrate shall serve as a member of the council in lieu of one of the members who is a judge of the Superior Court, as designated by the executive director, when the subject of a complaint or investigation is a family support magistrate. An alternate member shall have the same power as the member he or she is temporarily replacing during the absence or disqualification of the member.

(c) **Appointment and terms of members on and after December 1, 1992.** On and after December 1, 1992, members shall be appointed in accordance with subsection (a) as follows: One judge shall be appointed for a term of two years, one judge shall be appointed for a term of three years and one judge shall be appointed for a term of four years; one attorney shall be appointed for a term of two years, one attorney shall be appointed for a term of three years and one attorney shall be appointed for a term of four years; two lay members shall be appointed for terms of two years, two lay members shall be appointed for terms of three years, and two lay members shall be appointed for terms of four years. Thereafter members shall serve for terms of four years. Members may continue in office until a successor is appointed and qualified. No member appointed on or after December 1, 1992, may serve consecutive terms, and if the member is an attorney, no member of his firm may serve a term consecutive to such member, provided no member may serve for more than two terms. Vacancies on the council shall be filled for the unexpired portion of any term in the same manner as the original appointment. Any member who is a judge, family support magistrate or compensation commissioner and retires from full-time active service as a judge, family support magistrate or compensation commissioner shall

automatically cease to be a member of the council, and a vacancy shall be deemed to occur. Alternate members shall be appointed for terms of three years and shall not serve consecutive terms as alternate members.

(d) **Holding elected or appointed positions restricted.** No member of the council, except a judge, family support magistrate or compensation commissioner, may hold any elected or appointed position with compensation within the state or United States, or be a selectman or chief executive officer of any municipality, or a full or part-time employee of the judicial department or workers' compensation commission, or a member of a national or state central committee, or a chairperson of any political party.

(e) **Executive director.** (1) The Judicial Review Council shall employ an executive director and such other staff as is necessary for the performance of its functions and duties. (2) The Executive director may investigate any complaint filed pursuant to section 51-511 and present evidence obtained pursuant to any such investigation to the council.

(f) **Brochure.** The Judicial Review Council shall develop a concise brochure written in plain language to provide the public with information concerning the purpose, authority, jurisdiction and process of the Judicial Review Council. The council shall distribute the brochure to all court administrative offices and to any person who files a complaint pursuant to section 51-511.

(g) **Annual Report.** The Judicial Review Council shall submit to the Governor, the Judicial Department, the joint standing committee of the General Assembly having cognizance of matters relating to the Judicial Review Council, and the judges of the Superior Court annually on or before September first, a report of its activities for the previous fiscal year including the number of complaints received and the number of each type of complaint disposition, including the number of dismissals, the number of admonishments and the number of cases in which probable cause was found.

(h) **Office space.** The Commissioner of Public Works shall provide the Judicial Review Council office space for the conduct of duties of the council.

(i) **Regulations.** The Judicial Review Council shall adopt regulations in accordance with the provisions of chapter 54 to establish rules and procedures for the council in the discharge of its duties under this chapter and to provide standards for the identification of and procedures for the treatment of conflicts of interest for council members, which standards shall require that any professional or ethical codes of conduct shall apply to any professional member of the council subject to such codes of conduct.

**Sec. 51-511. Investigation of conduct of judge, compensation commissioner or family support magistrate.** (a) Except as provided in subsection (d), the Judicial Review Council shall investigate every written complaint brought before it alleging conduct under section 51-51i, and may initiate an investigation of any judge, compensation commissioner or family support magistrate if (1) the council has reason to believe conduct under section 51-51i has occurred or (2) previous complaints indicate a pattern of behavior which would lead to a reasonable belief that conduct under section 51-51i has occurred. The council shall, not later than five days after such initiation of an investigation or receipt of such complaint, notify by registered or certified mail any judge, compensation commissioner or family support magistrate under investigation or against whom such complaint is filed. A copy of any such complaint shall accompany such notice. The council shall also notify the complainant of its receipt of such complaint not later than five days thereafter. Any investigation to determine whether or not there is probable cause that conduct under section 51-51i has occurred shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his knowledge of such investigation to a third party prior to the decision of the council on whether probable cause exists, unless the respondent requests that such investigation and disclosure be open, provided information known or obtained independently of any such investigation shall not be confidential. The judge,

compensation commissioner, or family support magistrate shall have the right to appear and be heard and to offer any information which may tend to clear him of probable cause to believe he is guilty of conduct under section 51-51i. The judge, compensation commissioner or family support magistrate shall also have the right to be represented by legal counsel and examine and cross-examine witnesses. In conducting its investigation under this subsection, the council may request that a court furnish to the council a record or transcript of court proceedings made or prepared by a court reporter, assistant court reporter or monitor and the court shall, upon such request, furnish such record or transcript.

(b) The Judicial Review Council shall, not later than three business days after the termination of such investigation, notify the complainant, if any, and the judge, compensation commissioner, or family support magistrate that the investigation has been terminated and the results thereof. If the council finds that conduct under section 51-51i has not occurred, but the judge, compensation commissioner, or family support magistrate has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial or magisterial practice, the council may issue an admonishment to the judge, compensation commissioner, or family support magistrate recommending a change in judicial or magisterial conduct or practice. If an admonishment is issued, the council shall (1) notify the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary that an admonishment was issued and provide said committee with the substance of the admonishment, including copies of the complaint file, and (2) inform the complainant, if any, that an admonishment was issued if the admonishment is the result of misconduct alleged in the complaint. Except as provided in subdivision (1) of this subsection, the substance of the admonishment shall not be disclosed to any person or organization.

(c) If a preliminary investigation indicates that probable cause exists that the judge, compensation commissioner, or family support magistrate is guilty of conduct under section 51-51i, the council shall hold a hearing concerning the conduct or complaint. All hearings held pursuant to this subsection shall be open. A judge, compensation commissioner, or family support magistrate appearing before such a hearing shall be entitled to counsel, to present evidence and to cross-examine witnesses. The council shall make a record of all proceedings pursuant to this subsection. The council shall not later than thirty days after the close of such hearing publish its findings together with a memorandum of its reasons therefor.

(d) No complaint against a judge, compensation commissioner, or family support magistrate alleging conduct under section 51-51i shall be brought under this section but within one year from the date the alleged conduct occurred or was discovered or in the exercise of reasonable care should have been discovered, except that no such complaint may be brought more than three years from the date the alleged conduct occurred.

(e) Notwithstanding the provisions of subsections (a) and (b) of this section, the council shall disclose any information concerning complaints received by the council on and after January 1, 1978, investigations, and disposition of such complaints to the legislative program review and investigations committee when requested by the committee in the course of its functions, in writing and upon a majority vote of the committee, provided no names or other identifying information shall be disclosed.

(f) On and after December 19, 1991, any judge, compensation commissioner, or family support magistrate who has been the subject of an investigation by the Judicial Review Council as a result of a complaint brought before such council may request that such complaint, investigation and the disposition of such complaint be open to public inspection.

(g) Whenever a complaint against a judge, compensation commissioner, or family support magistrate is pending before the Judicial Review Council within the final year of the term of office of such judge, compensation commissioner, or family support magistrate, the Judicial Review Council shall designate such complaint as privileged and shall conduct an expedited investigation and hearing so that its duties with respect to such complaint are completed in sufficient time to enable the Judicial Review Council to make its

recommendation concerning any such judge to the judicial selection commission and the Governor under section 51-51q in a timely manner.

**Sec. 51-51m. Vote of council. Findings to be indexed.** (a) The Judicial Review Council may take any action upon a majority vote of its members present and voting, except that twelve members of the Judicial Review Council shall constitute a quorum for any action to publicly censure a judge, compensation commissioner, or family support magistrate, suspend a judge, compensation commissioner, or family support magistrate for any period, refer the matter to the Supreme Court with a recommendation that a judge or family support magistrate be suspended for a period longer than one year or refer the matter to the Supreme Court with a recommendation that a judge or family support magistrate be removed from office or to the Governor with a recommendation that a compensation commissioner be removed from office, and the concurring vote of seven of such members shall be required.

(b) The council shall make its findings in writing and all such findings shall be compiled and indexed.

**Sec. 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, compensation commissioner, or family support magistrate, (2) suspend the judge, compensation commissioner, 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 compensation commissioner be removed from office or (5) exonerate the judge, compensation commissioner, or family support magistrate of all charges.

(b) If public censure is recommended, the chairman shall prepare and forward the censure in writing to the judge, compensation commissioner, or family support magistrate being censured, the chief justice, the Chief Court Administrator, and the joint standing committee on judiciary, at least ten days prior to the publication of the censure. The censure shall be a public record as defined in section 1-19. An appeal from the decision of the council for public censure shall automatically stay the publication of the censure.

(c) If the council exonerates a judge, compensation commissioner, or family support magistrate, a copy of the proceedings and report of the council shall be furnished to the judge, compensation commissioner, or family support magistrate.

**Sec. 51-51o. Witnesses to testify.** (a) Any person may be compelled, by subpoena signed by competent authority, to appear before the Supreme Court or Judicial Review Council to testify in relation to any complaint brought to or by the court or council against a judge, compensation commissioner, or family support magistrate for conduct alleged in section 51-51i, or in relation to any matter referred to the council by the Chief Court Administrator pursuant to section 51-45b, and may be compelled, by subpoena signed by competent authority, to produce before the court or council, for examination, any books or papers which in the judgment of the court or council or any judges, compensation commissioners, or family support magistrates under investigation are relevant to the inquiry or investigation. The court or council, while engaged in the discharge of its duties, shall have the same authority over witnesses as is provided in section 51-35 and may commit for contempt for a period no longer than thirty days.

(b) In making any investigation, the court or council may use the services of the Division of State Police with the Department of Public Safety, the Department of Mental Health and Addiction Services or any other state agency, provided only the court may use the services of the Division of Criminal Justice.

**Sec. 51-51p. Suspension of salary during suspension.** During the period of suspension from office for conduct described in section 51-51i, all judicial salary provided for in section 51-47 or salary provided for in section 31-277 or 46b-231, as the case may be, including any benefits relating thereto, shall be suspended and time shall not be accrued for any rights in any pension plan. If the suspension from office is overruled by the Supreme Court or the Governor, as the case may be, all salary and benefits and time for vesting of pension rights, which may have been suspended, shall be paid or credited to the judge, compensation commissioner, or family support magistrate who was suspended.

**Sec. 51-51q. Recommendation of council regarding appointment or reappointment of judge and reappointment of family support magistrate and compensation commissioner.** (a) (1) The Judicial Review Council shall submit its recommendations concerning the nomination for appointment to a different court of any judge or nomination for reappointment of any judge whose term of office is about to expire, including a report of any complaint filed against any such judge and the disposition of any such complaint, and including any investigation of any such judge by the council to the Governor, to the Judicial Selection Commission and to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, provided the Judicial Selection Commission shall not consider any investigation of the Judicial Review Council which resulted in the exoneration of a judge. (2) In addition to the information required to be submitted under subdivision (1) of this subsection, the Judicial Review Council shall make all complaint files concerning any such judge available to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Notwithstanding any provision of the general statutes, if the disposition of a complaint filed against any such judge involved the issuance of an admonishment to or the public censure or suspension of such judge, (A) no information pertaining to the complaint and the investigation and disposition of such complaint may be removed, redacted or otherwise withheld by the Judicial Review Council prior to making such complaint files available to said committee as required by this subdivision, and (B) the Judicial Review Council shall provide to said committee any information, including, but not limited to, any confidential information in its possession concerning such judge that may be requested in writing by the co-chairpersons of said committee. Such information shall be provided to said committee not later than three business days following the date the request is received by the Judicial Review Council. Any confidential information provided to said committee as required by this subdivision shall not be further disclosed to any person or organization. (3) If the Judicial Review Council has reason to believe any such judge is guilty of conduct under section 51-51i, material neglect of duty or incompetence in the conduct of his office, it may refuse to recommend such judge for nomination for appointment to a different court or for reappointment. The Judicial Review Council shall not recommend a judge for nomination for appointment to a different court or for reappointment if the council finds such judge has wilfully violated section 51-39a or has been convicted of a felony or of a misdemeanor involving moral turpitude.

(b) The Judicial Review Council shall submit its recommendations concerning the reappointment of any family support magistrate whose term of office is about to expire, including a report of any investigation of any such magistrate by the council, to the Governor.

(c) The Judicial Review Council shall submit its recommendations concerning the nomination for reappointment of any compensation commissioner whose term of office is about to expire, including a report of any investigation of such compensation commissioner by the council, to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. The Judicial Review Council shall provide information to said committee concerning any complaint filed against such compensation commissioner and the investigation and disposition of such complaint, including, but not limited to, confidential information, in the same manner and subject to the same requirements as information provided under subdivisions (1) and (2) of subsection (a) of this section.

(d) If a complaint against any such judge, compensation commissioner, or family support magistrate is received by the Judicial Review Council and the Judicial Review Council is unable to make its findings and

complete its duties with respect to such judge, compensation commissioner, or family support magistrate prior to the expiration of the term of office of such judge, compensation commissioner, or family support magistrate, the Judicial Review Council shall not refuse to recommend such judge, compensation commissioner, or family support magistrate for reappointment based on such complaint, but shall report the fact of such complaint to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

**Sec. 51-51r. Appeals, rules.** Any judge or family support magistrate aggrieved by any decision of the Judicial Review Council may appeal the decision to the Supreme Court in accordance with such procedure for the appeal as the Supreme Court shall adopt by rule.

**Sec. 51-51s. Disqualification of judge, compensation commissioner or family support magistrate.** A judge, compensation commissioner, or family support magistrate is disqualified from acting as a judge, compensation commissioner, or a family support magistrate, as the case may be, while there is pending (1) a charge against him for a crime punishable as a felony under the laws of this state or federal law, or a charge against him in another jurisdiction which would be punishable as a felony under Connecticut or federal law, or (2) a charge against him for a crime under the law of any jurisdiction which involves moral turpitude under Connecticut law, or (3) a recommendation to the Supreme Court or the Governor, as the case may be, by the Judicial Review Council for his suspension or removal.

**Sec. 51-51t. Compensation of members.** (a) Members of the Judicial Review Council shall not receive compensation for their services but shall be reimbursed for reasonable expenses actually incurred in the performance of their duties as members.

(b) The council may apply for and receive grants from private sources and the federal government.

**Sec. 51-51u. Jurisdiction over complaints filed with council previously established.** The council established under section 51-51k shall have the power to hear and decide complaints filed with, but not finally determined by, the Judicial Review Council established under sections 51-51a to 51-51f, inclusive, of the general statutes, revision of 1958, revised to 1977, and may hear and decide complaints received on or after January 1, 1978, notwithstanding that the act complained of occurred prior to that date.

(P.A. 77-494, S. 16, 18; P.A. 78-377, S. 2; 78-379, S. 25, 27; P.A. 82-248, S. 47.)

## APPENDIX C

### CODE OF JUDICIAL CONDUCT

#### 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.

#### Rule

- 1.1 Compliance with the Law
- 1.2 Promoting Confidence in the Judiciary
- 1.3 Avoiding Abuse of the Prestige of Judicial Office

#### Canon

2. A judge shall perform the duties of judicial office impartially, competently, and diligently.

#### Rule

- 2.1 Giving Precedence to the Duties of Judicial Office
- 2.2 Impartiality and Fairness
- 2.3 Bias, Prejudice, and Harassment
- 2.4 External Influences on Judicial Conduct or Judgment
- 2.5 Competence, Diligence, and Cooperation
- 2.6 Ensuring the Right to Be Heard
- 2.7 Responsibility to Decide
- 2.8 Decorum, Demeanor, and Communication with Jurors
- 2.9 Ex Parte Communications
- 2.10 Judicial Statements on Pending and Impending Cases
- 2.11 Disqualification
- 2.12 Supervisory Duties
- 2.13 Administrative Appointments
- 2.14 Disability and Impairment
- 2.15 Responding to Judicial and Lawyer Misconduct
- 2.16 Cooperation with Disciplinary Authorities

**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.**

#### **Rule 1.1. Compliance with the Law**

A judge shall comply with the law

(Effective Jan. 1, 2011.)

COMMENT: This rule deals with the judge's personal conduct.

A judge's professional conduct in enforcing the law is covered by Rule 2.2. When applying and interpreting the law, a judge sometimes may make good faith errors of fact or law. Errors of this kind do not violate this Rule.

#### 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

- 3.1 Extrajudicial Activities in General
- 3.2 Appearances before Governmental Bodies and Consultation with Government Officials
- 3.3 Testifying as a Character Witness
- 3.4 Appointments to Governmental Positions
- 3.5 Use of Confidential Information
- 3.6 Affiliation with Discriminatory Organizations
- 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities
- 3.8 Appointments to Fiduciary Positions
- 3.9 Service as Arbitrator or Mediator
- 3.10 Practice of Law
- 3.11 Financial, Business, or Remunerative Activities
- 3.12 Compensation for Extrajudicial Activities
- 3.13 Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value
- 3.14 Reimbursement of Expenses and Waivers of Fees or Charges
- 3.15 Reporting Requirements

#### Canon

4. A judge shall not engage in political or campaign activity that is inconsistent with the independence, integrity or impartiality of the judiciary.

#### Rule

- 4.1 Political Activities of Judges in General
- 4.2 Activities of Judges as Candidates for Reappointment or Elevation to Higher Judicial Office
- 4.3 Activities of Judges Who Become Candidates for Public Office

#### **Rule 1.2. 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.

(Effective Jan. 1, 2011.)

COMMENT: (1) Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety as defined in this Rule. This principle applies to both the professional and personal conduct of a judge.

(2) A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code.

(3) Conduct that compromises the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms.

(4) Judges may initiate or participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.

(5) A judge may initiate or participate in community activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

### **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.

(Effective Jan. 1, 2011.)

COMMENT: (1) 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, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.

(2) A judge may provide a reference or recommendation for an individual based on the judge's personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if the use of the letterhead would not reasonably be perceived as an attempt to exert pressure by reason of the judicial office.

(3) Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.

(4) Special considerations arise when judges write or contribute to publications of for-profit entities, whether related or unrelated to the law. A judge should not permit anyone associated with the publication of such materials to exploit the judge's office in a manner that violates this Code or other applicable law. In contracts for publication of a judge's writing, the judge should retain sufficient control over the advertising to avoid such exploitation.

## **Canon 2. A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently.**

### **Rule 2.1. Giving Precedence to the Duties of Judicial Office**

The duties of judicial office, as prescribed by law, shall take precedence over all of a judge's personal and extrajudicial activities.

(Effective Jan. 1, 2011.)

COMMENT: (1) To ensure that judges are available to fulfill their judicial duties, 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. See Canon 3.

(2) Although it is not a duty of judicial office, judges are encouraged to initiate or participate in activities that promote public understanding of and confidence in the justice system.

### **Rule 2.2. Impartiality and Fairness**

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

(Effective Jan. 1, 2011.)

COMMENT: (1) To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

(2) Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

(3) When applying and interpreting the law, a judge sometimes may make good faith errors of fact or law. Errors of this kind do not violate this Rule.

(4) It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.

### **Rule 2.3. Bias, Prejudice, and Harassment**

- a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- b) A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice or engage in harassment including, but not limited to, bias, prejudice, or harassment based on race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation and shall not condone such conduct by court staff, court officials, or others subject to the judge's direction and control.
- c) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice or

engaging in harassment, based on attributes including, but not limited to, race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation against parties, witnesses, lawyers, or others.

- d) The restrictions of subsections b) and c) do not preclude judges or lawyers from making legitimate reference to the listed factors or similar factors when they are relevant to an issue in a proceeding.

(Effective Jan. 1, 2011.)

COMMENT: (1) A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

(2) Examples of manifestations of bias or prejudice include, but are not limited to, epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based on stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and criminality; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

(3) Harassment, as referred to in subsections b) and c), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

(4) Sexual harassment includes, but is not limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.

#### **Rule 2.4. External Influences on Judicial Conduct or Judgment**

- a) A judge shall not be swayed in the performance of the judge's judicial duties by public clamor or fear of criticism.
- b) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- c) 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.

(Effective Jan. 1, 2011.)

COMMENT: An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. The integrity of judicial decision making is undermined if it is based in whole or in part on inappropriate outside influences.

#### **Rule 2.5. Competence, Diligence, and Cooperation**

- a) A judge shall perform judicial and administrative duties competently and diligently.
- b) A judge shall cooperate with other judges and court officials in the administration of court business.

(Effective Jan. 1, 2011.)

COMMENT: (1) Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

(2) A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.

(3) Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.

(4) In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

#### **Rule 2.6. Ensuring the Right to Be Heard**

- a) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- b) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

(Effective Jan. 1, 2011.)

COMMENT: (1) The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

(2) The judge plays an important role in overseeing the settlement of disputes but should be careful that efforts to further settlements do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding on

appropriate settlement practices for a case are: (a) whether the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (b) whether the parties and their counsel are relatively sophisticated in legal matters, (c) whether the case will be tried by the judge or a jury, (d) whether the parties participate with their counsel in settlement discussions, (e) whether any parties are unrepresented by counsel, and (f) whether the matter is civil or criminal.

(3) Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether disqualification may be appropriate. See Rule 2.11 (a) (1).

### **Rule 2.7. Responsibility to Decide**

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.

(Effective Jan. 1, 2011.)

COMMENT: Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties and a proper concern for the burdens that may be imposed on the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

### **Rule 2.8. Decorum, Demeanor, and Communication with Jurors**

- a) A judge shall require order and decorum in proceedings before the court.
- b) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- c) Although a judge may thank jurors for their willingness to serve, a judge shall not commend or criticize jurors with respect to their verdict in a case other than in an instruction, order or opinion in a proceeding, if appropriate.

(Effective Jan. 1, 2011.)

COMMENT: (1) The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

(2) Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.

(3) A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial but shall be careful to avoid discussion of the merits of the case.

(4) This rule does not purport to prevent a judge from returning a jury for further deliberations if its verdict is insufficient in amount, inaccurate, inconsistent with the court's instructions or otherwise improper in form or substance.

### **Rule 2.9. Ex Parte Communications**

- a) 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, except as follows:

- (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

A.) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

B.) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond.

- (2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and to respond to the notice and to the written advice received.

- (3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the records and does not abrogate the responsibility personally to decide the matter.
- (4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.
- (5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law to do so.
- b) If a judge inadvertently receives an unauthorized ex parte communication bearing on the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- c) A judge serving as a fact finder shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may properly be judicially noticed.
- d) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

(Effective Jan. 1, 2011.)

COMMENT: (1) To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

(2) Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be presented or to whom notice is to be given.

(3) The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

(4) A judge may initiate, permit, or consider ex parte communications expressly authorized by law.

(5) A judge may consult with other judges on pending matters but must avoid ex parte discussions of a case with judges who are disqualified from hearing the matter and the judges who have appellate jurisdiction over the matter.

(6) The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic. Nothing in this Rule is intended to relieve a judge of the independent duty to investigate allegations of juror misconduct. See *State v. Santiago*, 245 Conn. 301, 715 A.2d 1 (1998).

(7) A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of subsection (a) (2).

### **Rule 2.10. Judicial Statements on Pending and Impending Cases**

- a) A judge 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.
- b) A judge shall not, 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.
- c) A judge may consult with other judges or court staff, court officials, and others subject to the judge's direction and control whose function is to aid the judge in carrying out the judge's adjudicative responsibilities. However, a judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by subsection a) and b).
- d) Notwithstanding the restrictions in subsection a), a judge may make public statements in the course of official

duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal capacity.

(Effective Jan. 1, 2011.)

COMMENT: (1) This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.

(2) This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of mandamus, the judge must not comment publicly.

### **Rule 2.11. Disqualification**

a) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be 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, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person 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 as a fiduciary, or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding.

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

(5) The judge:

(A) served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(B) served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

(C) was a material witness concerning the matter.

b) A judge shall keep informed about the judge's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

c) A judge subject to disqualification under this Rule, other than for bias or prejudice under subsection a) (1), may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification, provided that the judge shall disclose on the record the basis for such disqualification. If, following the disclosure, the parties and lawyers agree, either in writing or on the record before another judge, that the

- judge should not be disqualified, the judge may participate in the proceeding.
- d) Notwithstanding the foregoing, a judge may contribute to a client security fund maintained under the auspices of the court, and such contribution will not require that the judge disqualify himself or herself from service on such a client security fund committee or from participation in a lawyer disciplinary proceeding or in any matter concerning restitution or subrogation relating to such a client security fund.
- e) A judge is not automatically disqualified from sitting on a proceeding merely because a lawyer or party to the proceeding has filed a lawsuit against the judge or filed a complaint against the judge with the judicial review council. When the judge becomes aware that such a lawsuit or complaint has been filed against him or her, the judge shall, on the record, disclose that fact to the lawyers and parties to the proceeding before such judge and shall thereafter proceed in accordance with Practice Book Section 1-22(b).
- f) The fact that the judge was represented or defended by the attorney general in a lawsuit that arises out of the judge's judicial duties shall not be the sole basis for recusal by the judge in lawsuits where the attorney general appears.

(Effective Jan. 1, 2011.)

COMMENT: (1) Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of subsections a) (1) through (5) apply. In many jurisdictions, the term "recusal" is used interchangeably with the term "disqualification."

(2) A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

(3) The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute. In matters that require

immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

(4) The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under subsection a) or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under subsection a) (2) (C), the judge's disqualification is required.

(5) The Rule does not prevent a judge from relying on personal knowledge of historical or procedural facts acquired as a result of presiding over the proceeding itself

(6) Subsection d) is intended to make clear that the restrictions imposed by *Dacey v. Connecticut Bar Assn.*, 184 Conn. 21, 441 A.2d 49 (1981), or any implications therefrom should not be considered to apply to judges contributing to a client security fund under the auspices of the court.

**AMENDMENT NOTE:** Comment (7) to Rule 2.11 was adopted by the judges of the appellate court on July 15, 2010, and the justices of the supreme court on July 1, 2010. It was not, however, adopted by the judges of the superior court.

(7) A justice of the supreme court or a judge of the appellate court is not disqualified from sitting on a proceeding merely because he or she previously practiced law with the law firm or attorney who filed an amicus brief in the matter, or the justices or judge's spouse, domestic partner, parent, or child, or any other member of the justice's or judge's family residing in his or her household is practicing or has practiced law with such law firm or attorney.

## Rule 2.12. Supervisory Duties

a) A judge shall take reasonable measures to ensure that court staff, court officials, and others subject to the judge's direction and control act in a manner consistent with the judge's obligations under this Code.

b) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

(Effective Jan. 1, 2011.)

COMMENT: (1) A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge. (2) Public confidence in the judicial system depends on timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly.

## Rule 2.13. Administrative Appointments

a) In making or facilitating administrative appointments, a judge:

- (1) shall act impartially and on the basis of merit; and
- (2) shall avoid nepotism, favoritism, and unnecessary appointments.
- b). A judge shall not approve compensation of appointees beyond the fair value of services rendered.

(Effective Jan. 1, 2011.)

COMMENT: (1) Appointees of a judge include, but are not limited to, assigned counsel, officials such as referees, commissioners, special masters, receivers, and guardians, and personnel such as clerks, secretaries, and judicial marshals. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by subsection (a).

(2) Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

### **Rule 2.14. Disability and Impairment**

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol or by a mental, emotional, or physical condition, shall take appropriate action, which may include notifying appropriate judicial authorities or a confidential referral to a lawyer or judicial assistance program.

(Effective Jan. 1, 2011.)

COMMENT: (1) "Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem. Depending on the circumstances, appropriate action may include, but is not limited to, speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.

(2) Taking or initiating corrective action by way of notifying judicial administrators or referral to an assistance program may satisfy a judge's responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending on the gravity of the conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule 2.15.

(3) A client security fund has been established to promote public confidence in the judicial system and the integrity of the legal profession by, among other things, a lawyers assistance program providing crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems or who have behavioral health problems. See Practice Book Section 2-68.

### **Rule 2.15. Responding to Judicial and Lawyer Misconduct**

- 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.

- b) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer 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.
- d) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct 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.

(Effective Jan. 1, 2011.)

COMMENT: (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.

(3) Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include, but are not limited to, communicating directly with the lawyer who may have committed the violation or reporting the suspected violation to the appropriate authority or other agency or body.

### **Rule 2.16. Cooperating with Disciplinary Authorities**

- a) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.
- b) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

(Effective Jan. 1, 2011.)

COMMENT: Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in subsection (a), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.

### **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 3.1. Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by law. 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;
- (3) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (4) Engage in conduct that would appear to a reasonable person to be coercive; or
- (5) Make use of court premises, staff, stationery, equipment, or other resources, except for incidental use or for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

(Effective Jan. 1, 2011.)

COMMENT: (1) To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

(2) Participation in both law related and other extrajudicial activities helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system.

(3) Discriminatory actions and expression of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based on their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices unlawful discrimination. See Rule 3.6.

(4) While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending on the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7 (a), might create the risk that the person solicited would feel obligated to respond favorably or would do so to curry favor with the judge.

#### **Rule 3.2. Appearances before Governmental Bodies and Consultation with Government Officials**

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except:

- (1) in connection with matters concerning the law, the legal system, or the administration of justice;
- (2) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or
- (3) when the judge is acting in a matter involving the judge's legal or economic interests or when the judge is acting in a fiduciary capacity.

(Effective Jan., 1, 2011.)

COMMENT: (1) Judges possess special expertise in matters of law, the legal system, and the administration of justice and may properly share that expertise with governmental bodies and executive or legislative branch officials.

(2) In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of this Code, such as Rule 1.3, prohibiting judges from using the prestige of office to advance their own or others' interests; Rule 2.10, governing public comment on pending and impending matters; and Rule 3.1 (3), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

(3) In general, it would be an unnecessary and unfair burden to prohibit judges from appearing before governmental bodies or consulting with government officials on matters that are likely to affect them as private citizens, such as zoning proposals affecting their real property. In engaging in such activities, however, a judge should state affirmatively that the judge is not acting in his or her official capacity and must otherwise exercise caution to avoid using the prestige of judicial office.

### **Rule 3.3. Testifying as a Character Witness**

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

(Effective Jan. 1, 2011.)

COMMENT: A judge who, without being duly summoned, testifies as a character witness abuses the prestige of judicial office to advance the interests of another. See Rule 1.3. Except in unusual circumstances where the demands of justice require, a judge should discourage a party from requiring the judge to testify as a character witness.

### **Rule 3.4. Appointments to Governmental Positions**

A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system or the administration of justice.

(Effective Jan. 1, 2011.)

COMMENT: (1) Rule 3.4 implicitly acknowledges the value of judges accepting appointments to entities that concern the law, the legal system, or the administration of justice. Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge's time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.

(2) A judge may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities. Such representation does not constitute acceptance of a government position.

(3) This rule is intended to prohibit a judge from participation in governmental committees, boards, commissions or other governmental positions that make or implement public policy unless they concern the law, the legal system or the administration of justice.

### **Rule 3.5. Use of Confidential Information**

A judge shall not intentionally disclose or use confidential information acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties unless the judge is acting on information necessary to protect the health or safety of the judge, a member of the judge's family, court personnel, a judicial officer or any other person if consistent with other provisions of this Code.

(Effective Jan. 1, 2011.)

COMMENT: In the course of performing judicial duties, a judge may acquire information of commercial or other value that is unavailable to the public. The judge must not reveal or use such information for personal gain or for any purpose unrelated to his or her judicial duties.

### **Rule 3.6. Affiliation with Discriminatory Organizations:**

- a) A judge shall not hold membership in any organization that practices unlawful discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, physical or mental disability, or sexual orientation. When a judge learns that an organization to which the judge belongs engages in unlawful discrimination, the judge must resign immediately from the organization.

- b) A judge shall not use the benefits or facilities of an organization if the judge knows or should know that the organization practices unlawful discrimination on one or more of the bases identified in subsection (a). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

(Effective Jan. 1, 2011.)

**Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

- a) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit including, but not limited to, the following activities.
1. assisting such an organization or entity in planning related to fund-raising and participating in the management and investment of the organization's or entity's funds;
  2. soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

3. soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
4. appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;
5. making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and
6. serving as an officer, director, trustee, or nonlegal advisory of such an organization or entity, unless it is likely that the organization or entity:
  - A. will be engaged in proceedings that would ordinarily come before the judge; or

B. will frequently be engaged in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

b) A judge may encourage lawyers to provide pro bono public legal services.

(Effective Jan. 1, 2011.)

COMMENT: (1) The activities permitted by subsection(a) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions and other not-for-profit organizations, including law related, charitable, and other organizations.

(2) Even for law related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely on a judge's independence, integrity, and impartiality.

(3) Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of subsection a) (4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse of the prestige of judicial office.

4. Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

5. In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono publico legal services if, in doing so, the judge does not employ coercion or abuse of the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono publico legal work, and participating in events recognizing lawyers who have done pro bono publico work.

### **Rule 3.8. Appointments to Fiduciary Positions**

a) A judge shall not accept appointment to serve in a fiduciary position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

b) A judge shall not serve in a fiduciary position if the judge as a fiduciary will likely be engaged in proceedings that would ordinarily come before the judge or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves or one under its appellate jurisdiction.

c) A judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to a judge personally.

d) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable but in no event later than one year after becoming judge.

(Effective Jan. 1, 2011.)

COMMENT: A judge should recognize that other restrictions imposed by this Code may conflict with a judge's obligations as a fiduciary; in such circumstances, a judge should resign as fiduciary. For example, serving as a fiduciary might require frequent disqualification of a judge under Rule 2.11 because a judge is deemed to have an economic interest in shares of stock held by a trust if the amount of stock held is more than de minimis.

### **Rule 3.9. Service as Arbitrator or Mediator**

A judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties unless expressly authorized by law.

(Effective Jan. 1, 2011.)

COMMENT: This Rule does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of official judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is expressly authorized by law.

### **Rule 3.10. Practice of Law**

Except as provided herein, a judge shall not practice law. A judge may act as a self-represented party and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family but is prohibited from

serving as the family member's lawyer in any forum.

(Effective Jan. 1, 2011.)

COMMENT: A judge may act as a self-represented party in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with governmental bodies. A judge must not use the prestige of office to advance the judge's personal or family interests. See Rule 1.3.

### **Rule 3.11. Financial, Business, or Remunerative Activities**

- 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 permitted under subsections a) and b) if they will:
  - (1) Interfere with the proper performance of judicial duties;
  - (2) Lead to frequent disqualification of the judge;
  - (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; or
  - (4) Result in violation of other provisions of this Code.

(Effective Jan. 1, 2011.)

COMMENT: (1) 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 participating in other extrajudicial activities, is subject to

the requirements of this Code. For example, it would be improper for a judge to spend so much time on business activities that it interferes with the performance of judicial duties. See Rule 2.1. Similarly, it would be improper for a judge to use his or her official title or to appear in judicial robes in business advertising, or to conduct his or her business or financial affairs in such a way that disqualification is frequently required. See Rules 1.3 and 2.11.

2. 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 permitted by law unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

(Effective Jan. 1, 2011.)

COMMENT: (1) A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other 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. See Rule 2.1.

(2) Compensation derived from extrajudicial activities may be subject to public reporting. See Rule 3.15.

### **Rule 3.13. Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value**

- a) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- b) Unless otherwise prohibited by law, or by subsection a), a judge may accept the following without publicly reporting such acceptance:
  - (1) items with little intrinsic value, such as plaques,

- certificates, trophies, and greeting cards;
- (2) gifts, loans, bequests, benefits, 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 of the judge under Rule 2.11;
  - (3) ordinary social hospitality;
  - (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;
  - (5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
  - (6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based on the same terms and criteria;
  - (7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or
  - (8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of a judge residing in the judge's household but that incidentally benefit the judge.
- c) Unless otherwise prohibited by law or by subsection a), a judge may accept the following items and must report such acceptance to the extent required by Rule 3.15:
- (1) gifts incident to a public testimonial;
  - (2) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge;
    - (A) an event associated with a bar related function or other activity relating to the law, the legal system, or the administration of justice; or
    - (B) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.

(Effective Jan. 1, 2011.)

COMMENT: (1) Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 3.13 imposes restrictions on the acceptance of such benefits, according to the magnitude of the risk. Subsection (b) identifies circumstances in which the risk that the acceptance would appear to undermine the judge's independence, integrity, or impartiality is low and explicitly provides that such items need not be publicly reported. As the value of the benefit or the likelihood that the source of the benefit will appear before the judge increases, the judge is either prohibited under subsection a) from accepting the gift, or required under subsection c) to publicly report it.

(2) Gift giving between friends and relatives is a common occurrence and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case require the judge's disqualification under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Subsection b) (2) places no restrictions on the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances and does not require public reporting.

(3) Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based on longevity of the relationship, volume of business transacted, or other factors. A judge may freely accept such benefits if they are available to the general public or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.

(4) Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed on judges and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.

### **Rule 3.14. Reimbursement of Expenses and Waivers of Fees or Charges**

a) Unless otherwise prohibited by Rules 3.1 and 3.13 a) or other law, a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

b) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge or a reasonable allowance therefor and, when appropriate to the occasion, by the judge's spouse, domestic partner, or guest.

c) A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

(Effective Jan. 1, 2011.)

COMMENT: (1) Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational

programs, as both teachers and participants, in law related and academic disciplines, in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.

(2) Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based on an assessment of all the circumstances. Per diem allowances shall be reasonably related to the actual costs incurred. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.

(3) A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

(a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity.

(b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;

(c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge;

(d) whether the activity is primarily educational rather than recreational and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) whether information concerning the activity and its funding sources is available upon inquiry;

(f) whether the sponsor or source of funding is generally associated with particular parties or interest currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge under Rule 2.11;

(g) whether differing viewpoints are presented; and

(h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges.

### **Rule 3.15. Reporting Requirements**

a) A judge shall publicly report the amount or value of:

1. compensation received for extrajudicial activities as permitted by Rule 3.12;

2. gifts and other things of value as permitted by Rule 3.13 c), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$250; and

3. reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14 a), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$250.

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 gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

c) The public report required by subsection a) shall be made at least annually, except that for reimbursement of expenses and waiver or partial waiver of fees or charges, the report shall be made within thirty days following the conclusion of the event or program.

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.

(Effective Jan. 1, 2011.)

**Canon 4. A Judge Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.**

**Rule 4.1. Political Activities of Judges in General**

a) Except as permitted by law, or by Rules 4.2 and 4.3, a judge shall not:

1. act as a leader in, or hold an office in, a political organization;
2. make speeches on behalf of a political organization;
3. publicly endorse or oppose a candidate for any public office;
4. solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office;
5. attend or purchase tickets for dinners or other events sponsored by a political organization, etc.
6. seek, accept, or use endorsements from a political organization;
7. knowingly, or with reckless disregard for the truth, make any false or misleading statement in connection with the

appointment or reappointment process;

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

c) A judge 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.

(Effective Jan. 1, 2015)

COMMENT

**General Considerations**

(1) Even when subject to reappointment or when seeking elevation to a higher office, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based on the expressed views or preferences of the public, a judge makes decisions based on the law and the facts of every case. Therefore, in furtherance of this interest, judges must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions on the political activities of all judges and sitting judges seeking reappointment or appointment to a high judicial office.

**Participation in Political Activities**

(2) Public confidence in the independence and impartiality of the judiciary is eroded if judges are perceived to be subject to political influence.

Although judges may register to vote as members of a political party, they are prohibited by subsection a) (1) from assuming leadership roles in political organizations.

(3) Subsections a) (2) and a) (3) prohibit judges from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3.

(4) Although members of the families of judges are free to engage in their own political activity, including running for public office, there is no “family exception” to the prohibition in subsection a) (3) against a judge publicly endorsing candidates for public office. A just must not become involved in, or publicly associated with, a family member’s political activity or campaign for public office. To avoid public misunderstanding, judges should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member’s candidacy or other political activity.

(5) Judges retain the right to participate in the political process as voters in both primary and general elections.

#### **Statements and Comments Made By a Sitting Judge When Seeking Reappointment for Judicial Office or Elevation to Higher Judicial Office**

(6) Judges must be scrupulously fair and accurate in all statements made by them. Subsection a) (7) obligates judges to refrain from making statements that are false or misleading or that omit facts necessary to make the communication considered as a whole not materially misleading.

(7) Judges are sometimes the subject of false, misleading, or unfair allegations made by third parties or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a judge. In other situations, false or misleading allegations may be made that bear on a judge’s integrity or fitness for judicial office. As long as the judge does not violate subsections a) (7), a) (8), or a) (9), the judge may make a factually accurate public response. See Rule 2.10.

(8) Subject to subsection a) (8), a judge is permitted to respond directly to false, misleading, or unfair allegations made against him or her, although it is preferable for someone else to respond if the allegations relate to a pending case.

(9) Subsection a) (8) prohibits judges from making commitments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

#### **Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office**

(10) The role of a judge is different from that of a legislator or executive branch official. Sitting judges seeking reappointment or elevation must conduct themselves differently from persons seeking other offices. Narrowly drafted restrictions on the activities of judges provided in Canon 4 allow judges to provide the appointing authority with sufficient information to permit it to make an informed decision.

(11) Subsection a) (9) makes applicable to judges the prohibition that applies to judges in Rule 2.10 b), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(12) The making of a pledge, promise, or commitment is not dependent on, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the judge has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

(13) A judge may make promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A judge may also pledge to take action outside the courtroom, such as working toward an improved jury selection system or advocating for more funds to improve the physical plant and amenities of the courthouse.

(14) Judges may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Subsection a) (13) does not specifically address judicial responses to such inquiries. Depending on the working and format of such questionnaires, judges’ responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating subsection a) (13), therefore, judges who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially. Judges who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a judge’s independence or impartiality or that it might lead to frequent disqualification. See Rule 2.11.

**Rule 4.2. Activities of Judges as Candidates for Reappointment or Elevation to Higher Judicial Office**

A judge who is a candidate for reappointment or elevation to high judicial office may:

- a) communicate with the appointment or confirming authority, including any selection, screening, or nominating commission or similar agency; and
- b) seek endorsements for the appointment from any person or organization other than a partisan political organization, provided that such endorsement or request therefor would not appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

(Effective Jan. 1, 2011.)

COMMENT: (1) When seeking support or when communicating directly with an appointing or confirming authority, a judge must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1 a) (9).

(2) It is never acceptable to seek an endorsement of an advocacy group or a group whose interests have or are likely to come before the judge.

**Rule 4.3. Activities of Judges Who Become Candidates for Public Office**

- a) Upon becoming a candidate for an elective public office either in a party primary or a general election, a judge shall resign from judicial office, unless permitted by law to continue to hold judicial office. A judge may continue to hold judicial office while being a

candidate for election to or serving as a delegate in a state constitutional convention.

- b) Upon becoming a candidate for an appointive public office, a judge is not required to resign from municipal office, provided that the judge complies with the other provisions of this Code.

(Effective Jan. 1, 2011.)

COMMENT: (1) In campaigns for elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in public campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office and the political promises that the judge would be compelled to make in the course of campaigning for elective public office together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

(2) The "resign to run" rule set forth in subsection a) ensures that a judge cannot use the judicial office to promote his or her candidacy and prevents postcampaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive public office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule. However, the judge should be careful to avoid presiding over matters affecting the entity to which the judge is seeking public office.

## APPENDIX D

### **CODE OF ETHICS FOR WORKERS' COMPENSATION COMMISSIONERS**

The Judicial Review Council agrees that the following **Code of Ethics** will assist the council in conducting its legal duties and, as such, all Workers' Compensation Commissioners shall comply with the following Code:

1. Workers' Compensation Commissioner. The assumption of the duties of Workers' Compensation Commissioners vest the individual with certain duties and responsibilities with respect to both private and public conduct.
2. The Public Interest. A Workers' Compensation Commissioner, as a member of the executive branch of government, is charged under the Workers' Compensation Act with supervision and expediting the speedy resolution of issues without the formalities attendant to the judiciary and without the necessity of employing an attorney.
3. Constitutional Obligations. A Workers' Compensation Commissioner is obligated to support the federal and state constitutions and the laws and regulations under which the Commissioner functions.
4. Avoidance of Impropriety. A Workers' Compensation Commissioner's conduct should be free from even the appearance of impropriety. The Commissioners should avoid violations of the law.
5. Essential Conduct. A Workers' Compensation Commissioner should conduct hearings and conferences expeditiously and maintain order and decorum. The Commissioner should be faithful to the law and maintain a professional competency in it.
6. Promptness. A Workers' Compensation Commissioner should be punctual in the performance of official duties.
7. Courtesy and Civility. A Workers' Compensation Commissioner's conduct should be patient, dignified and courteous. The Commissioner should require similar conduct of all participants and others who are subject to the Commissioner's direction and control.
8. Unprofessional Conduct of Attorneys and Representatives. A Workers' Compensation Commissioner should not countenance unprofessional conduct of attorneys and other representatives during the course of proceedings. If unprofessional conduct occurs, the Commissioner should take such action as may be necessary and appropriate.
9. Influence. A Workers' Compensation Commissioner should not allow his or her family, social or other relationships to influence his or her conduct or judgment as a Commissioner. The Commissioner should not lend the prestige of his or her office to advance the private interests of others; nor shall the Commissioner convey or permit others to convey the impression that they are in a position to influence the Commissioner.

10. Independence. A Workers' Compensation Commissioner should not be influenced by partisan demands, public clamor or considerations or personal popularity or notoriety nor by apprehension of criticism.
11. Conducting Proceedings. A Workers' Compensation Commissioner should accord to every person who is legally interested in a proceeding a full right to be heard according to the law. During a hearing or conference, a Workers' Compensation Commissioner may act to prevent unnecessary waste of time, or to clarify the record. However, undue interference, impatience, or any unprofessional attitude toward witnesses may prevent the proper presentation of a party's case, or the ascertainment of the truth. In addressing counsel, litigants or witnesses, a Workers' Compensation Commissioner should avoid any controversial manner or tone.
12. Ex Parte Communications. A Workers' Compensation Commissioner should not permit improper ex parte communications. However, ex parte communications may be appropriate in relation to purely procedural matters or in relation to settlement negotiations. A Workers' Compensation Commissioner should ensure that the contents of briefs or other communications are not concealed from opposing counsel or other parties. All communications by parties to a Workers' Compensation Commissioner intended or calculated to influence his or her decision should be made known to all parties.
13. Public Comment. A Workers' Compensation Commissioner and agency employees should abstain from making any public comment regarding any matter pending before the Workers' Compensation Commissioner.
14. Decisions. A Workers' Compensation Commissioner should set forth the reasons supporting his or her decisions, and analyze the relevant facts and applicable law.
15. Inconsistent Obligations. A Workers' Compensation Commissioner should not accept duties, nor incur obligations, pecuniary or otherwise, which are inconsistent with or will in any way interfere or appear to interfere with the expeditious and proper administration of his or her official functions.
16. Civic and Charitable Activities. A Workers' Compensation Commissioner may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of his or her duties.
17. Personal Investments and Relations. A Workers' Compensation Commissioner should refrain from financial and business dealings which tend to reflect adversely on his or her impartiality or interfere with the performance of his or her duties.
18. Disqualification. A Workers' Compensation Commissioner should disqualify himself or herself from presiding over a matter in which the Commissioner's impartiality might reasonably be questioned, including situations in which:
  - A. The Commissioner has a personal bias or prejudice against a party, or personal knowledge concerning disputed evidence.
  - B. The Commissioner has represented a party or a lawyer with whom the Commissioner practiced, has participated in the matter to be determined, or in which he or she has been a material witness. Lawyers in a government agency do not necessarily have an association with other lawyers employed by that agency within the meaning of this subsection.

- C. The Commissioner or the Commissioner's close relative has a financial or other interest in the subject matter which could be substantially affected by the decision.
  - D. The Commissioner or the Commissioner's close relative is a party to the proceedings or an officer, director or trustee or a party, or such relative is acting as a lawyer in the proceedings.
  - E. For the purposes of this section, "close relative" shall include, but not be limited to: spouse, domestic partner, grandparent, parent, child, grandchild, sibling, parent's sibling, or sibling's child.
19. Remittal of Disqualification. A Commissioner disqualified by the terms of Section 18 may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, based on such disclosure, the parties and lawyers, independent of the Commissioner's participation, all agree in writing or on the record that the Commissioner's relationship is immaterial, the Commissioner may participate in the proceedings. The agreement, signed by all parties and the lawyer, shall be incorporated in the record of the proceeding.
20. Gifts and Favors. A Workers' Compensation Commissioner should not accept or solicit anything of value from anyone under circumstances which create the impression of impropriety. A Commissioner should not accept a gift, bequest, favor, or loan from anyone except as follows:
- A. A Commissioner may accept a gift incidental to a public testimonial as allowed by law.
  - B. A Commissioner may accept ordinary social hospitality, a wedding or engagement gift, or a loan, scholarship or fellowship awarded on the same terms applied to other applicants.

## **APPENDIX E**

### STATE OF CONNECTICUT JUDICIAL REVIEW COUNCIL

#### **RULES**

(Adopted on November 3, 1999)

- PURPOSE:** These rules shall govern meetings of the State of Connecticut Judicial Review Council.
- PROCEDURES:** Matters of procedure not specifically provided for by these Rules or by state law shall be governed by Roberts' Rules of Order Newly Revised.
- MEETINGS:** The Chair shall conduct all meetings of the Council. The Chair will appoint a Secretary who will be responsible for minutes of the Council. In the absence of the Chair, the members present will elect a temporary Chair to conduct the meeting.
- Regular monthly meetings of the Judicial Review Council will be held on the third Wednesday of each month at the offices of the Council at a time specified by the Chair.
- SPECIAL:  
MEETINGS:** Special meetings may be called by the Chair or upon written request to the Chair by four (4) members of the Council. Seven calendar days' notice must be given for a special meeting. The Chair, with the approval of seven members, may Waive the seven days' notice.
- VOTING:** The majority of those present at a Council meeting shall decide the question.
- AMENDMENTS:** These rules may be amended only by an affirmative vote of seven (7) members of the Council; provided, however, that present and voting on any proposed amendment shall be at least one member judge of the Superior Court, one member attorney-at law, and three members who are not judges or attorneys-at law.
- AGENDA:** The Chair will prepare an agenda for each meeting of the Council. The agenda will be sent to each Council member at least five (5) days prior to the meeting.
- Items may be added to the agenda by a vote of those present at the meeting. Matters affecting discipline or recommendation of a judge, if raised, shall be continued until the next meeting of the Council.



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**PROVIDE COPIES OF TRANSCRIPTS AND/OR ANY DOCUMENTS YOU BELIEVE SUPPORT YOUR CLAIM THAT THE JUDGE, FAMILY SUPPORT MAGISTRATE, OR WORKERS' COMPENSATION COMMISSIONER HAS ENGAGED IN JUDICIAL MISCONDUCT.**

**4. Additional Information**

(a) When and where did the alleged judicial misconduct occur?

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

(b) If your complaint arises out of a court case, please answer the following questions:

(1) What is the name and docket number of the case?

Case Name: \_\_\_\_\_ Case No. \_\_\_\_\_

(2) What kind of case is it?

Civil \_\_\_\_\_ Criminal \_\_\_\_\_ Family \_\_\_\_\_ Juvenile \_\_\_\_\_ Other \_\_\_\_\_

(List) \_\_\_\_\_

(3) What is your relationship to the case?

\_\_\_\_\_ plaintiff/petitioner \_\_\_\_\_ defendant/respondent

\_\_\_\_\_ attorney for \_\_\_\_\_; \_\_\_\_\_

\_\_\_\_\_ witness for \_\_\_\_\_; \_\_\_\_\_

\_\_\_\_\_ other (specify, i.e. observer, relative) \_\_\_\_\_

(c) If you were represented by an attorney in this matter at the time of the claimed misconduct, please identify the attorney:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

(d) If the opposing party was represented by an attorney, please identify the attorney:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

(e) Identify any other witnesses to the conduct about which you complain:

Name(s): \_\_\_\_\_

Addresses: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

I declare, under the penalties of perjury, that, to the best of my knowledge and belief, the statements made above and on any attached pages are true and correct.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
(month) (year)

\_\_\_\_\_  
Notary Public  
Commissioner of the Superior Court or  
Justice of the Peace

**Send your signed and notarized complaint to:**

**Judicial Review Council  
505 Hudson Street  
P. O. Box 260099  
Hartford, CT 06126-0099**

*Revised November 1, 2004*