

JUDICIAL REVIEW COUNCIL

In Re: The Honorable Joseph W. Doherty

July 19, 2006

MEMORANDUM OF DECISION

On or about March 15, 2006, the Judicial Review Council (the Council), acting on its own complaint, initiated an investigation of Honorable Joseph W. Doherty who was publicly reported to have failed timely to file a State of Connecticut income tax return for tax year 2000 and failed timely to file State of Connecticut and federal income tax returns for tax year 2001.

Following investigation and a confidential probable cause hearing held on June 9, 2006, the Council found probable cause to believe that Honorable Joseph W. Doherty had, commencing on or about April 15, 2001, failed timely to file State of Connecticut and federal income tax returns for tax year 2000, and had, commencing on or about April 15, 2002, failed timely to file State of Connecticut and federal

income tax returns for tax year 2001, and that said conduct violated sections 51-51i(a)(1) and 51-51i(a)(2) of the Connecticut General Statutes and Canons 1, 2(a), and 3(c)(4) of the Code of Judicial Conduct.

The Council filed the following charges against him:

CHARGES

1. The Honorable Joseph W. Doherty failed to file timely federal and state income tax returns for tax year 2000, which conduct is prejudicial to the impartial and effective administration of justice and brings the judicial office in disrepute, in violation of Conn. Gen. Stat. 51-51i(a)(1).
2. The Honorable Joseph W. Doherty failed to file timely federal and state income tax returns for tax year 2001, which conduct is prejudicial to the impartial and effective administration of justice and brings the judicial office in disrepute, in violation of Conn. Gen. Stat. 51-51i(a)(1).
3. The Honorable Joseph W. Doherty failed to file timely federal and state income tax returns for tax year 2000, thereby failing to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, in violation of Canon 1 of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).
4. The Honorable Joseph W. Doherty failed to file timely federal and state income tax returns for tax year 2001, thereby failing to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, in violation of Canon 1 of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).
5. The Honorable Joseph W. Doherty willfully failed to file timely federal and state income tax returns for tax year 2000, thereby failing to respect and comply with the law or act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Canon 2(a) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).
6. The Honorable Joseph W. Doherty willfully failed to file timely federal and state income tax returns for tax year 2001, thereby failing to respect and comply with the law or act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Canon 2(a) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).
7. By his failure to file timely federal and state income tax returns for tax year 2000, the Honorable Joseph W. Doherty willfully failed to be informed about his personal interests in violation of Canon 3(c)(4) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).
8. By his failure to file timely federal and state income tax returns for tax year 2001, the Honorable Joseph W. Doherty willfully failed to be informed about his personal interests in violation of Canon 3(c)(4) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2).

The Council, pursuant to its statutory mandate, conducted a public hearing on July 14, 2006, wherein Judge Doherty appeared with counsel, an oral amendment to the Charges was made without objection whereby the allegation of failure to file a federal tax return for tax year 2000 was deleted from Charges 1, 3, 5, and 7, and

evidence consisting of a Stipulation of Facts and supporting documents was presented by the Executive Director of the Judicial Review Council.

After presentation of evidence by the Council, Judge Doherty submitted a document entitled Respondent's Position Statement, in which he acknowledged that the stipulated facts established violations of sections 51-51i(a)(1) and 51-51i(a)(2) of the Connecticut General Statutes and Canon 3(c)(4) of the Code of Judicial Conduct. He requested that the Council impose a sanction of a suspension of not more than five days. At the hearing, Judge Doherty waived and withdrew previously asserted defenses based on lack of probable cause and the statute of limitations.

Based upon a clear and convincing standard of proof, the Council reached the following Findings of Fact and Conclusions:

FINDINGS OF FACT

The Council finds that the following facts, which have been stipulated by the parties, are established by clear and convincing evidence:

1. The Honorable Joseph W. Doherty has been a Judge of the Superior Court of the State of Connecticut from May 7, 1990, continuously to present.
2. During that period of time the Honorable Joseph W. Doherty has been and continues to be a resident of the State of Connecticut.
3. During calendar year 2000 the Honorable Joseph W. Doherty had and received taxable income in an amount that required him to file a State of Connecticut income tax return for calendar year 2000 with the Department of Revenue Services on or before April 15, 2001, and a federal income tax return with the Internal Revenue Service on or before April 15, 2001.
4. The Honorable Joseph W. Doherty failed to file said state tax return by April 15, 2001, but did timely file his federal tax return for calendar year 2000.
5. During calendar year 2001 the Honorable Joseph W. Doherty had and received income in an amount that required him to file a State of Connecticut income tax return for calendar year 2001 with the Department of Revenue Services on or before April 15, 2002, and a federal income tax return for calendar year 2001 with the Internal Revenue Service on or before April 15, 2002.
6. The Honorable Joseph W. Doherty failed to file either of said income tax returns by April 15, 2002.
7. At no time did the Honorable Joseph W. Doherty apply for or obtain an extension of time for the filing of his calendar year 2000 and 2001 State of Connecticut income tax returns or his calendar year 2001 federal income tax return.
8. During November 2005 the office of M. Jodi Rell, the Governor of the State of Connecticut, initiated a background check of the Honorable Joseph W. Doherty in preparation for legislative hearings on his nomination for reappointment as a judge of the Superior Court in May 2006. The Honorable Joseph W. Doherty was requested to provide copies of past income tax returns as part of that background check, and he responded that he had not filed State of Connecticut income tax returns for calendar years 2000 and 2001, and had not filed a federal income tax return for calendar year 2001.

9. On February 8, 2006, the Honorable Joseph W. Doherty filed his federal income tax return for calendar year 2001 with the Internal Revenue Service.
10. On February 10, 2006, the Honorable Joseph W. Doherty filed State of Connecticut income tax returns for calendar years 2000 and 2001 with the Department of Revenue Services.
11. The Honorable Joseph W. Doherty acknowledges and agrees that the above facts, in conjunction with Council Exhibits one through five submitted herewith this date, constitute evidence that establishes violations of sections 51-51i(a)(1) and 51-51i(a)(2) of the Connecticut General Statutes and Canon 3(c)(4) of the Code of Judicial Conduct.

CONCLUSIONS:

Based on the foregoing findings of fact, the Council, upon unanimous vote, finds by clear and convincing evidence that:

1. The Honorable Joseph W. Doherty's failure to file a timely state income tax return for tax year 2000 constitutes conduct prejudicial to the impartial and effective administration of justice and brings the judicial office in disrepute, in violation of Conn. Gen. Stat. 51-51i(a)(1) as charged in Charge 1.

2. The Honorable Joseph W. Doherty's failure to file timely federal and state income tax returns for tax year 2001 constitutes conduct prejudicial to the impartial and effective administration of justice and brings the judicial office in disrepute, in violation of Conn. Gen. Stat. 51-51i(a)(1) as charged in Charge 2.

3. By his failure to file a timely state income tax return for tax year 2000, the Honorable Joseph W. Doherty willfully failed to be informed about his personal interests in violation of Canon 3(c)(4) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2), as charged in Charge 7.

4. By his failure to file timely federal and state income tax returns for tax year 2001, the Honorable Joseph W. Doherty willfully failed to be informed about his personal interests in violation of Canon 3(c)(4) of the Code of Judicial Conduct and Conn. Gen. Stat. 51-51i(a)(2), as charged in Charge 8.

5. Charges 3, 4, 5, and 6 should be and are dismissed.

ORDER

Based on the foregoing and pursuant to its authority set in Conn. Gen. Stat. Sec. 51-51n(a)(2), the Council hereby suspends the Honorable Joseph W. Doherty for a period of five consecutive (5) business days, during which time he may not exercise any of the duties, powers or privileges of a judge. During the period of suspension, the Honorable Joseph W. Doherty's judicial salary, including any benefits relating thereto shall also be suspended and time shall not be accrued for any rights in any pension plan. See Conn. Gen. Stat. Sec. 51-51p. This suspension shall occur on dates to be determined by the Judicial Branch of the State of Connecticut, at the earliest occasion consistent with the orderly administration of court business but not before the expiration of the appeal period set forth in Practice Book Sec. 74-1. The Council's vote with regard to this sanction was unanimous.

Judicial Review Council

Raymond M. Hassett
Chairperson
