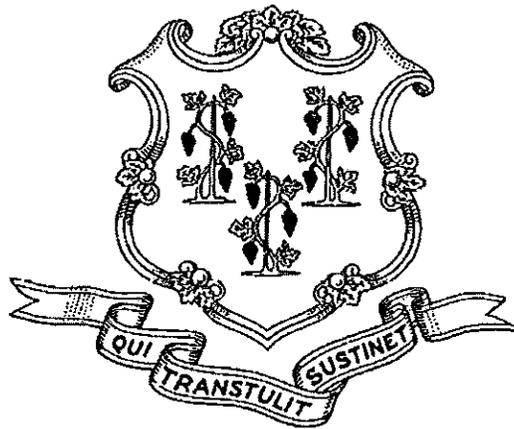


STATE OF CONNECTICUT

JUDICIAL REVIEW COUNCIL



ANNUAL REPORT

2013

**JUDICIAL REVIEW COUNCIL
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STATE OF CONNECTICUT

JUDICIAL REVIEW COUNCIL

September 1, 2013

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 GERALD D. FOX, 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 2013 Annual Report. This report reflects the character of the Council's activities for the Fiscal Year July 1, 2012, to June 30, 2013.

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

A handwritten signature in black ink, appearing to read "W. R. Keeney".

Wayne R. Keeney, Chairman

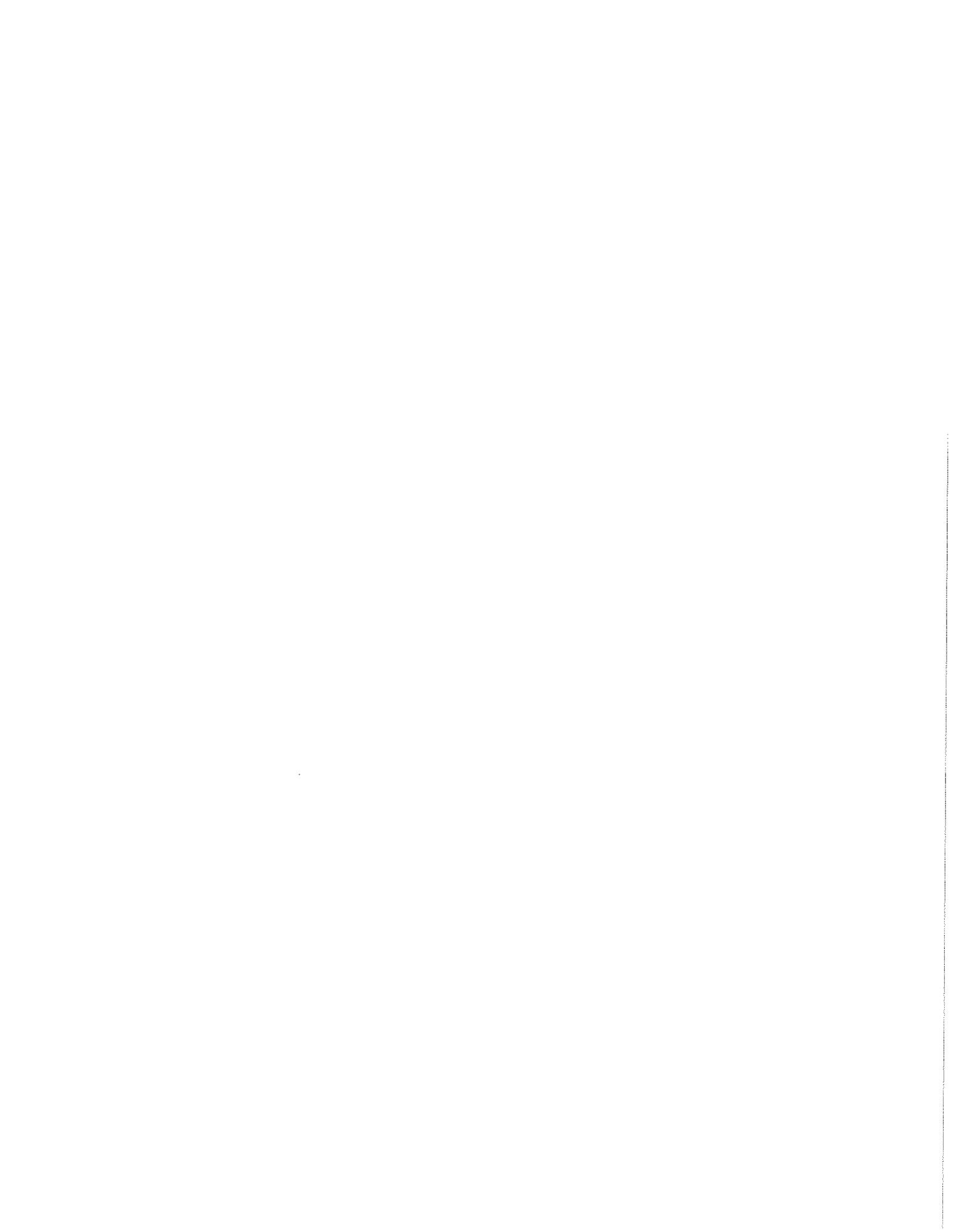


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I.

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. 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, 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 to the following areas:

- Conduct prejudicial to the impartial and effective administration of justice which brings the judicial office in disrepute
- Wilful violation of the Canons of the Code of Judicial Conduct
- Wilful 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
- Wilful 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

In other words, a person within the jurisdiction of the Council who wilfully and persistently does not perform his or her judicial or magisterial duties, or performs them neglectfully or incompetently, or otherwise conducts his personal life in such a way as to give the office an undesirable image, 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.

IV.

NON-JURISDICTION

More than one-half of all complaints do not deal with 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. Some examples of conduct complained of which are not within the Council's jurisdiction involve:

- Protection of defendants' rights in criminal matters
- Suggestions by a judge of a specific basis of settlement in pre-trial procedures
- Decisions determining what evidence is admissible
- Setting of bail bonds
- Determination, according to particular standards, of custody and support in divorce proceedings
- Exercise of discretion
- Sentencing

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 on the Council's website at 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 staff 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 investigated by the Council, except any barred by the one-year statute of limitation.

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 obtain interviews with witnesses.

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 judge may appear and is entitled to counsel, to present evidence and to cross-examine witnesses.

In a litigated 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.

On 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 51-51i(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.

At the present time, terms of regular members are four years. 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.

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 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 Julia D. Dewey	11/30/15
Honorable Elliot N. Solomon	11/30/16

Attorney Members:

Barbara D. Aaron, Esq.	11/30/16
Martin B. Burke, Esq.	11/30/15
Wayne R. Keeney, Esq., Chairman	11/30/14

Public Members:

Jay A. Dimberger	11/30/16
Courtney Gooden	11/30/16
Clarence R. Grebey, III	11/30/14
Patricia LeBel-Lasse	11/30/16
Kenneth H. Neal, Jr.	11/30/14
John Soto	11/30/16

ALTERNATE MEMBERS**(3 year terms)****DATE TERM EXPIRES****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

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

The staff of the Council consists of Remy N. Edwards, full-time Executive Assistant, and Scott J. Murphy, 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, two probable cause hearings and two public hearings.

VII.
STATISTICAL REPORT OF ACTIVITIES
July 1, 2012, to June 30, 2013

A. Conduct Complaints

1.	Number of conduct complaints pending at beginning of period	17
2.	Number of conduct complaints received during period	143
3.	Number of conduct complaints considered during period	160
4.	Number of conduct complaints disposed of during period	132
5.	Number of conduct complaints pending at end of period	28
6.	Disposition of conduct complaints:	
a.	Dismissed after investigation.....	110
b.	Dismissed as being barred by statute of limitation	22
c.	Dismissed due to death of respondent.....	0
d.	Withdrawal of complaint by complainant.....	0
e.	Private admonishment after investigation.....	0
f.	Exonerated after public hearing.....	0
g.	Public censure ordered after public hearing.....	0
h.	Suspension less than 1 year ordered after public hearing.....	2
i.	Recommendation of suspension of more than 1 year after public hearing.....	0
j.	Recommendation of removal after public hearing.....	0
k.	Dismissed due to resignation of respondent.....	0
7.	Total conduct dispositions.....	134

B. Disability Retirement

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. Mental Illness, Mental Infirmity, Drug Dependency or Alcohol Addiction

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. Miscellaneous

1.	Number of Probable Cause Hearings.....	3
2.	Number of Public Hearings.....	2
3.	Number of Judges represented in conduct complaints disposed of.....	79*
4.	Number of Family Support Magistrates represented in conduct complaints disposed of.....	3
5.	Number of Workers' Compensation Commissioners represented in conduct complaints disposed of.....	0

*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.

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. Litigant	40
2. Pro Se Litigant	75
3. Relative	5
4. Attorney	3
5. Citizen	8
6. Judicial Review Council.....	1

Note: Inmates of Correctional Institutions accounted for 33 of the disposed complaints.

G. Court Source - Disposed Complaints

1. Civil	64
2. Criminal	29
3. Family	34
4. Juvenile.....	2
5. Workers' Compensation Commissioner.....	0
6. Housing.....	3

H. Nature of Allegations Contained in Complaints Disposed of

1. Violation of the Code of Judicial Conduct/Connecticut General Statutes	31
2. Bias/discrimination/prejudice/partiality (<i>gender, racial, general</i>)	29
3. Wrong decisions/rulings/order	19
4. Violation of Constitutional rights	34
5. Abuse of Authority	22
6. Conflict of Interest.....	10
7. Denied fair hearing	7
8. Denied request for waiver of filing fees	1
9. Dismissal of habeas case.....	1
10. Failure to act on delayed case	1

11.	Failure to hear proceedings with patience.....	1
12.	Failure to perform duties impartially & diligently	6
13.	Failure to recuse	6
14.	Imposing unreasonable fees (child support)	1
15.	Judge had no jurisdiction over defendant or subject matter	1
16.	Judge refused to stay the execution order	1
17.	Permitted impermissible delay in habeas case.....	2

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

I. Reasons for Dismissal

1.	No factual basis	110
2.	Appealable issues	0
3.	Barred by the statute of limitation.....	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, 2013

1.	Supreme Court Justices	7
2.	Supreme Court Senior Justices.....	1
3.	Appellate Court Judges	9
4.	Superior Court Judges	170
5.	Senior Judges	19
6.	Judge Trial Referees	82
7.	Workers' Compensation Commissioners	15
8.	Family Support Magistrates	9
9.	Family Support Magistrate Referees.....	5
	Total	317

III.

APPENDICES

APPENDIX A

BIOGRAPHIES OF COUNCIL MEMBERS AND EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR

SCOTT J. MURPHY was appointed the Executive Director of the Judicial Review Council by Governor Dannel Malloy in December 2011. Mr. Murphy was a prosecutor in the Connecticut Division of Criminal Justice for 34 years. During this time he worked as a Deputy Assistant State's Attorney in the Office of the Chief State's Attorney, and later as a Supervisory Assistant State's Attorney at G.A. #15, New Britain. In 1998, he was appointed the State's Attorney for the Judicial District of New Britain and served in that capacity until his retirement in October of 2011.

Mr. Murphy is a graduate of Alfred University, with a Bachelor of Arts degree in Political Science. He received his Juris Doctor from the University of Buffalo Law School.

JUDGE MEMBERS

HONORABLE JOAN K. ALEXANDER, Superior Court Judge, was appointed to the bench in March of 2000. She received her undergraduate degree in Mechanical Engineering from Yale University in 1984 and her Juris Doctor degree from the University of Connecticut School of Law in 1987. She served as a prosecutor for the State of Connecticut from 1988 until 2000. Currently, she is assigned as the Presiding Judge of criminal matters in the Hartford Judicial District.

HONORABLE JULIA DICOCCO DEWEY graduated in 1976 from Catholic University, the Columbus School of Law with a Juris Doctor. She served in the United States Navy as a Judge Advocate General for five years before returning to Connecticut. From 1982 - 1998 she was a state prosecutor whose primary emphasis was appellate practice. Judge Dewey was appointed a Superior Court Judge in 1998. Since then, she has served as Chief Administrative Judge for Family Matters, Presiding Judge for New Haven and Waterbury Juvenile Court, Bridgeport Criminal Court and Bridgeport and New Haven Family Court. Since September 2008, Judge Dewey has been assigned to Criminal Jury Court in Hartford. Judge Dewey has been a member of the Judicial Review Council since January 2011.

HONORABLE ELLIOT N. SOLOMON *Judge Solomon's Biography is presently unavailable.*

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 third year as a mentor to a freshman boy at Staples High School. He is on the Advisory Council to 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 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 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 1st Calvary Division and was the Aide-de Camp to the Commanding General of the 18th 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.

COURTNEY GOODEN *Mr. Gooden's Biography is presently unavailable*

CLARENCE R. GREBEY, III was appointed to the Judicial Review Council in May 2011 by Governor Dannel P. Malloy. He currently works for a public relations agency in New York City where he specializes in strategic corporate communications, issues management, public affairs and consumer marketing. Over the course of his professional career, Mr. Grebey has directed communications across the lifespan of a company - from IPOs, mergers and acquisitions, and international brand development and marketing, to litigation, labor relations, downsizing and bankruptcies.

He began his career in Washington, D.C., serving as a press secretary and chief of staff in the U.S. House of Representatives. He also served as a political consultant to the Foreign Ministry of Japan. In 1990, he was the program director for the 20th annual Earth Day celebration in Washington, DC.

Mr. Grebey holds a bachelor's degree in political science from Kenyon College in Gambier, Ohio. He lives in Stamford, Connecticut with his wife and two children.

PATRICIA LABEL LASSE *Ms. LeBel-Lasse's Biography is presently unavailable*

KENNETH H. NEAL, JR was appointed to serve on the Judicial Review Council in May 2011 by Governor Dannel P. Malloy. Previous to his service on the Council Mr. Neal ran for elected office to represent the 108th District in the Connecticut House of Representatives. Mr. Neal graduated from the University of Western Connecticut with a Bachelor of Science in Justice and Law Administration.

JOHN SOTO Born in Puerto Rico, Mr. Soto moved to Manhattan's Lower East Side as a young man. After holding various odd jobs, he became an entry-level machinist. He worked his way up through the ranks and became a manager of an aircraft parts plant, absorbing vast amounts of knowledge, know-how, and managerial skills while earning a reputation for personal integrity and professional excellence.

In 1970, he founded Space-Craft Manufacturing, Inc. with four employees in Milford, CT. Now located in New Haven, Space-Craft has become an industry leader in the machining of aircraft engine and airframe components, supplying parts to the United States military as well as to the General Electric and Pratt and Whitney Corporations. His company has received numerous honors and quality performance awards; including the National Supplier of the Year Award from the U.S. Air Force and the 2001 Connecticut Inner-City 10 Entrepreneurship Award. Among the many individual honors bestowed upon Mr. Soto are Arthur Young & Company's Entrepreneur of the Year Award for manufacturing and the Small Business Administration's New England Businessman of the Year Award. The Federal Reserve Bank of New York appointed John Soto as a council member to Small Business and Agriculture Advisory Council in April, 2007.

Mr. Soto is a founding member of the Progreso Latino Fund who has devoted countless hours to a variety of causes; especially those whose mission is helping Connecticut's youth. During the past twenty years, he has led a personal crusade to raise the self-esteem and goals of underprivileged young people, donating time and funds to Youth at Risk, Junior Achievement, and New Haven's Latino Youth Development Program, among others. He established several scholarships for Latino students and has been a tireless speaker at many Connecticut inner-city schools. In 1999, he was recognized for philanthropy at a White House Conference event. He is also a member of the Southern Connecticut State University Foundation Board of Directors. In May 2003, John received the Degree of Doctor of Humane Letters, Honoris Causa.

ATTORNEY MEMBERS

WAYNE R. KEENEY, CHAIRMAN- *Chairman Keeney's Biography is presently unavailable.*

MARTIN B. 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 the Connecticut Law Revision Commission. He has served as a member of the Statewide Grievance Committee, as well as local grievance committees.

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 a co-founder, past President and current board member of The Connecticut Counsel for Non-Adversarial Divorce. She is the former Chair of the CBA Alternative Dispute Resolution Committee and is on the executive committee of the CBA Family Law Section. Attorney Aaron is Vice President and a member of the Board of the Children's Law Center and she is the Chair of the Families in Transition ("FIT") program. She is the former Co-Chair of the Hartford Bar Association's Family Law Section and a former board member of the YWCA in Hartford, CT. Attorney Aaron was selected as a James W. Cooper Fellow by the Connecticut Bar Foundation and has 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 Aaron serves as a special master in Hartford and the Middletown custody docket as well as the Early Intervention Program ("EIP").

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
- 51-51l Investigation of judicial conduct
- 51-51m Vote of council
- 51-51n Authority of council
- 51-51o Witnesses to testify
- 51-51p Suspension of salary during suspension
- 51-51q Recommendation of council regarding appointment or reappointment of sitting judge
- 51-51r Appeals, rules
- 51-51s Disqualification of judge from sitting
- 51-51t Compensation of members

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.

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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. 51-51i. 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. 51-51 u. 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 Should Uphold the Integrity and Independence of the Judiciary
2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities
3. A Judge Should Perform the Duties of Judicial Office Impartially and Diligently
4. A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

Canon

5. A Judge Should Regulate the Judge's Extrajudicial Activities to Minimize the Risk of Conflict with His or Her Judicial Duties
6. A Judge Should Regularly File Reports of Compensation Received for Quasi-Judicial and Extrajudicial Activities
7. A Judge Should Refrain from Political Activity Inappropriate to the Judicial Office

NOTE: This code of judicial conduct was adopted by the judges of the superior court effective Oct. 1, 1974. The Canons and accompanying commentaries are those adopted by the House of Delegates of the American Bar Association on August 16, 1972, as adapted to conform with Connecticut judicial procedures.

Canon 1. A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

(P.B. 1978-1997, Canon 1.)

Canon 2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities

(a) A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(b) A judge should not allow the judge's family, social, or other relationships to influence his or her judicial conduct or judgment. The judge should not lend the prestige of judicial office to advance the private interests of others; nor should the judge convey or permit others to convey the impression that they are in a special position to influence him or her. The judge should not testify voluntarily as a character witness.

(P.B. 1978-1997, Canon 2.)

COMMENTARY: Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. The judge must expect to be the subject of constant public scrutiny. The judge must therefore accept restrictions on his or her conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The testimony of a judge as a character witness injects the prestige of judicial office into the proceeding in which the judge testifies and may be misunderstood to be an official

testimonial. This Canon, however, does not afford the judge a privilege against testifying in response to an official summons.

Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. However, a judge must not initiate the communication of information to a sentencing judge or a probation or corrections officer but may provide to such persons information for the record in response to a formal request.

Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees seeking names for consideration, and by responding to official inquiries concerning a person being considered for a judgeship.

Canon 3. A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

The judicial duties of a judge take precedence over all the judge's other activities. Judicial duties include all the duties of that office prescribed by law. In the performance of these duties, the following standards apply:

(a) Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of the judge's staff, court officials, and others subject to the judge's direction and control.

COMMENTARY: The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Courts can be efficient and businesslike while being patient and deliberate.

(4) A judge should accord to every person who is legally interested in a proceeding, or that person's lawyer, full right to be heard according to

law. 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 concerning a pending or impending proceeding except that:

(A) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

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

(B) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

(C) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(D) A judge may, with the consent of the parties, confer separately with the parties and or their lawyers in an effort to mediate or settle matters pending before the judge.

(E) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

COMMENTARY: The proscription against communications concerning a proceeding includes communications from lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted.

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

Whenever presence of a party or notice to a party is required by Canon 3(a)(4), it is the party's lawyer, or, if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

An appropriate and often desirable procedure for a court to obtain the advice of a disinterested expert on legal issues is to invite the expert to file a brief *amicus curiae*.

Certain ex parte communication is approved by Canon 3(a)(4) to facilitate scheduling and other administrative purposes and to accommodate emergencies. In general, however, a judge must discourage ex parte communication and allow it only if all the criteria stated in Canon 3(a)(4) are clearly met. A judge must disclose to all parties all ex parte communications described in Canons 3(a)(4)(A) and 3(a)(4)(B) regarding a proceeding pending or impending before the judge.

A judge must not independently investigate facts in a case and must consider only the evidence presented.

A judge may request a party to submit proposed findings of fact and conclusions of law, so long as the other parties are apprised of the request and are given an opportunity to respond to the proposed findings and conclusions.

A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Canon 3(a)(4)

is not violated through law clerks or other personnel on the judge's staff.

If communication between the trial judge and an appellate court with respect to a proceeding is permitted, a copy of any written communication or the substance of any oral communication should be provided to all parties.

(5) A judge should dispose promptly of the business of the court.

COMMENTARY: 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 insist that court officials, litigants and their lawyers cooperate with the judge to that end.

(6) A judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge's direction and control. This subdivision does not prohibit judges from making public statements in the course of their official duties, from explaining for public information the procedures of the court, or from correcting factual misrepresentation in the reporting of a case.

(Amended June 29, 1998, to take effect Jan. 1, 1999; amended June 28, 1999, on an interim basis pursuant to the provisions of Sec. 1-9 (c) to take effect Jan. 1, 2000, and amendment adopted June 26, 2000, to take effect Jan. 1, 2001.)

COMMENTARY: "Court personnel" does not include the lawyers in a proceeding before a judge. The conduct of lawyers is governed by the Rules of Professional Conduct.

(b) Administrative Responsibilities.

(1) A judge should diligently discharge his or her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require the judge's staff and court officials subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. A judge is not required to disclose information gained by the judge while serving as a member of a committee that renders assistance to ill or impaired judges or lawyers or while serving as a member of a bar association professional ethics committee.

COMMENTARY: Disciplinary measures may include reporting a lawyer's misconduct to an appropriate disciplinary body. The judge who receives this information still has discretion to report it to the appropriate authority, depending on the seriousness of the conduct and the circumstances involved.

(4) A judge, in the exercise of the judge's power of appointment, should appoint on the basis of merit, should avoid favoritism, and should make only those appointments which are necessary. A judge should not approve compensation of

appointees beyond the fair value of services rendered.

COMMENTARY: Appointees of the judge include officials such as referees, commissioners, special masters, receivers, guardians and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by this subdivision.

(5) A judge shall not knowingly advocate or knowingly participate in the appointment, employment, promotion or advancement of a relative in or to a position in the judicial branch. For purposes of this subdivision, relative means grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) Disqualification.

(1) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(A) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(B) the judge served as lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

COMMENTARY: A lawyer in a governmental agency does not necessarily have an association with other lawyers employed by that agency within the meaning of this subparagraph; a judge formerly employed by a governmental agency, however, should disqualify himself or herself in a proceeding if his or her impartiality might reasonably be questioned because of such association.

(C) the judge knows that he or she, individually or as a fiduciary, or his or her spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(D) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

COMMENTARY: The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge. Under appropriate circumstances, the fact that "the judge's impartiality might reasonably be questioned" under Canon 3(c)(1), or

that the lawyer-relative is known by the judge to have an interest in the law firm that could be "substantially affected by the outcome of the proceeding" under Canon 3(c)(1)(D)(iii) may require the judge's disqualification.

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

(2) 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;

(Amended June 29, 1998, to take effect Jan. 1, 1999.)

COMMENTARY: This is intended to make clear that the restrictions imposed by *Dacey v. Connecticut Bar Assn.*, 184 Conn. 21 (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.

(3) 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 should, on the record, disclose that fact to the lawyers and parties to the proceeding before such judge.

(Amended June 25, 2001, to take effect Jan. 1, 2002.)

(4) A judge should be informed about the judge's personal and fiduciary financial interests, and make a reasonable effort to be informed about the personal financial interests of his or her spouse and minor children residing in the judge's household.

(5) For the purposes of this section:

(A) the degree of relationship is calculated according to the civil law system;

(Amended June 29, 1998, to take effect Jan. 1, 1999.)

COMMENTARY: According to the civil law system, the third degree of relationship test would, for example, disqualify the judge if the judge's or the judge's spouse's parent, grandparent, uncle or aunt, sibling, or niece's or nephew's spouse were a party or lawyer in the proceeding, but would not disqualify the judge if a cousin were a party or lawyer in the proceeding.

(B) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(C) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) the proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(d) Remittal of Disqualification.

A judge disqualified by the terms of Canon 3(c)(1)(C) or Canon 3(c)(1)(D) 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, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that the judge's financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

(P.B. 1978-1997, Canon 3.)

COMMENTARY: This procedure is designed to minimize the chance that a party or lawyer will feel coerced into an agreement. When a party is not immediately available, the judge without violating this section may proceed on the written assurance of the lawyer that the party's consent will be subsequently filed.

Canon 4. A Judge May Engage In Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his or her judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not cast doubt on the judge's capacity to decide impartially any issue that may come before him or her:

(1) A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

(2) A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

(3) A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. The judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. The judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

(P.B. 1978-1997, Canon 4.) (Amended June 29, 1998, to take effect Jan. 1, 1999.)

COMMENTARY: As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, the judge is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.

Extrajudicial activities are governed by Canon 5.

Canon 5. A Judge Should Regulate the Judge's Extrajudicial Activities to Minimize the Risk of Conflict with His or Her Judicial Duties

(a) **Avocational Activities.** A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his or her office or interfere with the performance of his or her judicial duties.

COMMENTARY: Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from society.

(b) **Civic and Charitable Activities.** A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of his or her judicial duties. A judge may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

COMMENTARY: The changing nature of some organizations and of their relationship to the law makes it necessary for a judge regularly to reexamine the activities of each organization with which he or she is affiliated to determine if it is proper to continue his or her relationship with it. For example,

In many jurisdictions charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his or her office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. The judge should not be a speaker or the guest of honor at an organization's fund raising events, but may attend such events.

(3) A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

COMMENTARY: A judge's participation in an organization devoted to quasi-judicial activities is governed by Canon 4.

(c) Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of his or her judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subdivision (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity including the operation of a business.

(3) A judge should manage his or her investments and other financial interests to minimize the number of cases in which the judge is disqualified. As soon as the judge can do so without serious financial detriment, he or she should divest himself or herself of investments and other financial interests that might require frequent disqualification.

(4) Neither a judge nor a member of the judge's family residing in the judge's household should accept a gift, bequest, favor, or loan from anyone except as follows:

(A) a judge may accept a gift incident to a public testimonial to the judge; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and the judge's spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

(B) a judge or a member of the judge's family residing in the judge's household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement

gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

(C) a judge or a member of the judge's family residing in the judge's household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interests have come or are likely to come before the judge, and, if its value exceeds \$100, the judge reports it in the same manner as he or she reports compensation pursuant to statute.

(5) For the purposes of this section "member of the judge's family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household.

(6) A judge is not required by this Code to disclose his or her income, debts, or investments, except as provided in this Canon and Canon 3 and as provided by statute.

COMMENTARY: Canon 3 requires a judge to disqualify himself or herself in any proceeding in which the judge has a financial interest, however small; Canon 5 requires a judge to refrain from engaging in business and from financial activities that might interfere with the impartial performance of his or her judicial duties; Canon 6 requires the judge to report all compensation the judge receives for activities outside his or her judicial office. A judge has the rights of an ordinary citizen, including the right to privacy of his or her financial affairs, except to the extent that limitations thereon are required to safeguard the proper performance of the judge's duties. Owning and receiving income from investments do not as such affect the performance of a judge's duties.

(7) Information acquired by a judge in his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to his or her judicial duties.

(d) Fiduciary Activities. A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, 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 his or her judicial duties. "Member of the judge's family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. As a family fiduciary a judge is subject to the following restrictions:

(1) A judge should not serve if it is likely that as a fiduciary the judge will be engaged in proceedings that would ordinarily come before him or her, 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.

COMMENTARY: The Effective Date of Compliance provision of this Code qualifies this subsection with regard to a judge who is an executor, administrator, trustee, or other fiduciary at the time this Code becomes effective.

(2) While acting as a fiduciary a judge is subject to the same restrictions on financial activities that apply to the judge in his or her personal capacity.

COMMENTARY: A judge's obligation under this Canon and obligation as a fiduciary may come into conflict. For example, a judge should resign as trustee if it would result in detriment to the trust to divest it of holdings whose retention would place the judge in violation of Canon 5(c)(3).

(e) Arbitration. A judge should not act as an arbitrator or mediator, except with respect to court annexed alternate dispute resolution programs.

(Amended June 29, 1998, to take effect Jan. 1, 1999.)

(f) Practice of Law. A judge should not practice law.

(Amended June 29, 1998, to take effect Jan. 1, 1999.)

(g) Extrajudicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

(P.B. 1978-1997, Canon 5.) (Amended June 29, 1998, to take effect Jan. 1, 1999.)

COMMENTARY: Valuable services have been rendered in the past to the states and the nation by judges appointed by the executive to undertake important extrajudicial assignments. The appropriateness of conferring these assignments on judges must be reassessed, however, in light of the demands on judicial resources created by today's crowded dockets and the need to protect the courts from involvement in extrajudicial matters that may prove to be controversial. Judges should not be expected or permitted to accept governmental appointments that could interfere with the effectiveness and independence of the judiciary.

Canon 6. A Judge Should Regularly File Reports of Compensation Received for Quasi-Judicial and Extrajudicial Activities

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

(1) Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

(2) Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion,

by the judge's spouse. Any payment in excess of such an amount is compensation.

(P.B. 1978-1997, Canon 6.)

Canon 7. A Judge Should Refrain from Political Activity Inappropriate to the Judicial Office

Political Conduct in General.

(a) A judge should not:

(1) act as a leader or hold any office in a political organization;

(2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(3) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.

(b) A judge should resign from office when the judge becomes a candidate either in a party primary or in a general election for a nonjudicial office, except that such 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, if the judge is otherwise permitted by law to do so.

(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.

Compliance with the Code of Judicial Conduct

(a) All full-time judges and family support magistrates appointed pursuant to General Statutes § 46b-231 (f) shall comply with this Code.

(b) Trial Referees and Senior Judges. The term "judge" includes senior judge and trial referee, except where the context clearly denotes a different meaning. Trial referees and senior judges are not required to comply with Canon 5 (d) and (g).

(Amended June 25, 2001, to take effect Jan. 1, 2002.)

Effective Date of Compliance

(a) This Code shall become effective on October 1, 1974.

(b) Persons to whom this Code becomes applicable should arrange their affairs as soon as reasonably possible to comply with it. If, however, the demands on an individual's time and the possibility of conflicts of interest are not substantial, a person who holds judicial office on the date this Code becomes effective may:

(1) continue to act as an officer, director, or nonlegal advisor of a family business;

(2) continue to act as an executor, administrator, trustee, or other fiduciary for the estate or person of one who is not a family member.

(P.B. 1978-1997, Canon 7.)

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 of 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.

APPENDIX F

STATE OF CONNECTICUT
JUDICIAL REVIEW COUNCIL

COMPLAINT FORM

**COMPLAINT AGAINST A JUDGE, FAMILY SUPPORT MAGISTRATE, OR
WORKERS' COMPENSATION COMMISSIONER**

This form is designed to provide the Council with information necessary to review your complaint. PLEASE READ THE "GUIDELINES FOR COMPLETING THIS FORM" REFERENCED IN THE ACCOMPANYING BROCHURE, AND REFER TO THE ACCOMPANYING INFORMATION HANDBOOK EXPLAINING THE COUNCIL'S FUNCTION, JURISDICTION, AND PROCEDURES BEFORE ATTEMPTING TO COMPLETE THIS FORM.

PLEASE NOTE: COMPLAINT MUST BE TYPED OR LEGIBLY HAND PRINTED, DATED, SIGNED, AND NOTARIZED BEFORE IT WILL BE CONSIDERED. RETAIN A COPY FOR YOUR RECORDS AS COMPLAINTS AND DOCUMENTATION SHALL BECOME THE PROPERTY OF THE COUNCIL AND CANNOT BE RETURNED.

1. Person making complaint

Name _____
(Last) (Middle) (First) (Date of Birth)

Address _____
(Street) (City) (State) (Zip)

Telephone (____) _____ (____) _____
(Day) (Evening)

2. Person against whom complaint is made

Name _____
(Last) (First) (Middle)

Judge _____ Family Support Magistrate _____ Workers' Compensation Commissioner _____

3. Statement of facts

Please describe, in detail, the conduct which you believe constitutes judicial misconduct, including names, dates, places, addresses, and telephone numbers that may assist the Council in processing your complaint.

If additional space is required, attach and number additional one-sided 8 1/2" x 11" pages.

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