



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-12

Application of the Code of Ethics to Judges

The Legislative Counsel for the Connecticut Bar Association, a registered lobbyist, has asked whether a judge who is employed by the State in another capacity violates the Code of Ethics for Public Officials if he accepts a gift valued in excess of fifty dollars from a registered lobbyist.

The Code prohibits a registered lobbyist from giving and a state employee from accepting a gift or gifts that amount to fifty dollars or more in value in the aggregate in any calendar year. Conn. Gen. Stat. §§1-97(a), 1-84(j). The Code of Ethics for Lobbyist defines state employee as "any employee in the executive, judicial or legislative branch of state government, whether in the classified or unclassified service and whether full or part-time." Conn. Gen. Stat. §1-91(s). The Code of Ethics for Public Officials also defines a state employee to include any employee of the executive, judicial or legislative branches of state government. There is an exception, however, which provides it "shall not include a judge of any court, either elected or appointed." Conn. Gen. Stat. §1-79(n).

In a prior Advisory Opinion, the Ethics Commission held that judges appointed to the Public Defender Services Commission were not covered by the Code. Advisory Opinion No. 79-28, 41 Conn. L.J. No. 26, p.15 (2/25/79). A determination was made based on the two positions held by the judges. As judges, they were excepted from the definition of public official and state employee. In their capacity as commissioners, they were excluded based on how they were appointed to the commission. It was indicated that if they had been appointed pursuant to Conn. Gen. Stat. §1-79(k), then the Code would apply when they acted pursuant to their role as commissioners.

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Therefore, the lobbyist would be in violation of the Code for giving a gift valued in excess of fifty dollars. The judge, however, would not be in violation of the Code if he accepts the gift in his capacity as judge. Instead, the applicable Code of Judicial Conduct would apply. He would, however, be in violation of the Code of Ethics for Public Officials if he accepts the gift pursuant to his other state employment.

By order of the Commission,



William A. Elrick
Chairperson

Dated 4-24-89