

From: Techo Kim <techokim1@gmail.com>
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To: Rules Committee
Subject: Code of Conduct for Judicial Employees

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To whom it may concern,
I hope this finds you well. I humbly request the Rules Committee of the Superior Court urgently consider the following requests.

First, I request the Rules Committee of the Superior Court please consider incorporating the language of the federal Code of Conduct for Judicial Employees(https://www.uscourts.gov/sites/default/files/vol02a-ch03_0.pdf) or the equivalent in whole or in part to govern the conduct of judicial employees that are not covered by the CT Code of Judicial Conduct(governing judges), CT Code of Probate Judicial Conduct(governing probate judges), and Rules of Professional Conduct(governing lawyers). Other states have adopted the equivalent Code of Conduct for Judicial Employees, but it appears(at least in my due diligence as a layperson) that in CT there exists a large gap where court clerks fall outside of the existing CT codes of conduct.

Second, I request the Rules Committee of the Superior Court please consider the formation of an independent body to formally investigate complaints of court clerk misconduct. Here too it appears court clerks fall outside the purviews of the existing Connecticut Judicial Review Council, Statewide Grievance Committee, and Office of Chief Disciplinary Counsel.

Third, I request the Rules Committee of the Superior Court please create rules clarifying which clerk responsibilities are "judicial" requiring discretionary action vs. purely "ministerial" performed in the manner prescribed by the statutes/PB rules. It appears that in Connecticut court clerks have been unduly afforded "absolute judicial immunity" even in instances where the duty is purely ministerial. As I understand, the major purposes of judicial immunity are to ensure judicial independence and the need for finality in judicial proceedings. Although executive, administrative, legislative, or ministerial acts may be official functions of a judge, they should not be considered "judicial acts" for the purpose of judicial immunity.

As stated in the CT Practice Book, "an independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based on the principle that an independent, impartial and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society." However, due to the three gaps addressed above, at present there is at least the perception if not reality that court clerks can violate the integrity of their office with relative impunity, greatly undermining confidence in the courts. Please kindly consider addressing these gaps. Thank you for your time and consideration.

Best,
Techo