

STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

Date Issued: October 18, 2000

JE00-006

PROPRIETY OF JUDICIAL DISTRICT
APPOINTING JUDGES TO SERVE AS
MEDIA LIAISON IN HIGH PROFILE
CASES

provided the Committee with a publication
entitled Managing Notorious Trials by the
National Center for State Courts which provides
guidelines for these cases.

ISSUE

DISCUSSION

May the judges of a judicial district
appoint one of the district judges not hearing the
case to serve as a media liaison officer to answer
media questions in high profile cases?

The Nevada Code of Judicial Conduct
sets forth the applicable standards from which
our judges are provided guidance for ethical
conduct.

Answer: Yes.

A judge is encouraged by the canons to
comment publicly on matters concerning the law,
the legal system, the provision of legal services
and the administration of justice. Canon 2D.

FACTS

Canon 3B(9) directly addresses this
issue:

The judges of the judicial district inquire
whether they may appoint one of their colleagues
not hearing the case to respond to media inquiries
concerning legal procedures and/or processes in
cases attracting significant media attention.

“A judge shall not, while a proceeding is
pending or impending in any court, make any
public comment that might reasonably be
expected to affect its outcome or impair its
fairness or make any non-public comment
that might substantially interfere with a fair
trial or hearing. The judge shall require
similar abstention on the part of court
personnel subject to the judge’s direction and
control. This Section does not prohibit
judges from making public statements in the
course of their official duties or from
explaining for public information the
procedures of the court. This section does
not apply to proceedings in which the judge
is a litigant in a personal capacity.”

The judges believe that having a judicial
media liaison would provide valuable training and
experience for the judges in how to deal with the
media in such cases and would build public trust
in the court system by providing education as to
the operation of that system. The judges propose
that the judicial media liaison not critique any
aspect of the case but address only legal
processes and procedures in response to media
inquiries.

The district has experimented with the
use of a judicial media liaison in a murder trial
which has just concluded. The district provides
for consideration by the Committee a media
videotape which quotes members of the press as
being very satisfied with their access to the
designated judicial officer. The district has also

RECEIVED
OCT 19 2000
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

Members of the Committee were very
positive as to their own observation of the
district’s judicial media officer in a recently

concluded murder trial. The “speaking judge” was able to provide understanding of the judicial process in a manner keeping with the dignity required of the judiciary and without compromising the fairness of the trial.

The Committee believes the judges of the district are to be commended for appointing a judge who is not trying the case in question, as comments made by the trial judge are much more likely to impact the outcome of the case in violation of Canon 3B(9).

However, the Committee believes that the assignment of a judge to handle media relations is an area requiring great caution. Any judge being interviewed before a battery of television cameras, some beaming their signals on national television and around the world, cannot avoid the temptation to say something newsworthy and/or entertaining in answer to reporters’ questions. Because of the judge’s position his or her comments to the media must at all times promote public confidence in the integrity and impartiality of the judiciary. Canon 2A.

A judge speaking to the media must also be aware that because of the judge’s position of power and prestige, any comments made to the media will have a greater tendency to influence the public than if the comments were made by other nonjudicial members of the court’s staff. Thus, while the use of a judge for media relations does not violate the Code of Judicial Conduct, there is such potential to affect the outcome or impair the fairness of a trial that the Committee encourages any judicial district to use nonjudicial administrative staff for such media relations.

If the judges of the district believe that one of their judicial colleagues is best suited for this role, the Committee believes that any such judge should be chosen with care based upon his or her familiarity and experience with the media and

with the nature of the case being tried. The Committee also believes that any judicial media officer should have limited contact with the trial judge in order to avoid the temptation of the trial judge communicating with the media in a potentially improper manner through the judicial media representative.

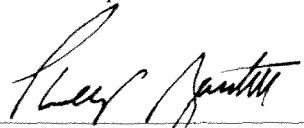
CONCLUSION

Based upon the foregoing Canons, the judges of the district may appoint a judicial media representative as media liaison to serve in high profile trials if the requirements of Canon 3B(9) are scrupulously followed. However any comments to the media must be general in nature and provide for education and background so that the public might better understand the judicial process and avoid misconceptions of the judiciary and the legal system that have been so prevalent in other highly publicized trials.

REFERENCES

Nevada Code of Judicial Conduct, Canons 2A, 2D and 3B(9); Managing Notorious Trials, National Center for State Courts, Copyright 1992.

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.


Phillip W. Bartlett
Committee Chairman