STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL
ETHICS AND ELECTION PRACTICES

DATE ISSUED: October 25, 2000

OPINION: JE00-007

PROPRIETY OF A FAMILY COURT
JUDGE SERVING ON A BOARD OF
DIRECTORS OF A NON-PROFIT
CORPORATION WHOSE PURPOSE IS TO
ASSIST AT RISK YOUTH

Issue

May a family court judge serve on the board of directors of a non-profit corporation whose purpose is to assist "at risk youth" by providing programs for independent living skills, mentoring, education and job placement?

Answer: Yes.

Facts

A family court judge has been invited to become a member of the board of directors of a non-profit corporation whose principal purpose is to address the needs of "at risk youth" by providing programs that include education and job skills, providing shelter care for teen prostitutes and addressing the needs of runaways and homeless youth and their families outside of law enforcement, child welfare, mental health and the juvenile justice system.

The judge does not intend to serve as a legal advisor to the non-profit corporation and, based on the written information provided by the corporation and by the judge, the corporation will not be engaged frequently, if ever, in adversarial proceedings in the court of which the judge is a member.

Discussion

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

Canon 4C of the Nevada Code of Judicial Conduct, as amended on January 27, 2000, distinguishes between judicial participation in law related organizations and other civic and charitable organizations. Canon 4C(3) governs a judge's participation in a law related organization, which it defines as an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice.

Canon 4C(4) governs a judge's participation in other types of civic or charitable organizations and states as follows:

(4) Other Civic and Charitable Organizations. A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and other requirements of this Code.

(a) a judge shall not
serve as an officer, director, trustee or non-legal advisor if it is likely that the organization:

(i) will be engaged in proceedings that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversarial proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

The non-profit corporation at issue is not a law related organization within the meaning of Canon 4C(3). The judge’s participation in this organization is therefore governed by Canon 4(C)(4).

The Committee does not find any valid objection under 4(C)(4)(a) to the judge’s participation as a member of the board of directors of the non-profit corporation at issue based on the information provided about the organization and its relationship to the judicial system. Commentary to Canon 4C(3)(a), which is also applicable to Canon 4C(4)(a), states, however, that the judge should regularly reexamine the activities of each organization with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation.

As a member of the board of directors, it is also possible that the judge’s name will appear on the organization’s letterhead which may be used for fund raising purposes. If so, Commentary to Canon 4C(4)(b) states that such correspondence does not violate Canon 4C(4)(b) provided the letterhead lists only the judge’s name and office or other position in the organization, and if comparable designations are listed for other persons, the judge’s judicial designation.

The judge should ensure that his participation as a member of the board of directors complies with the Canons.

**CONCLUSION**

Based on the foregoing, the Committee concludes that the judge may serve on the board of directors of the civic or charitable organization at issue, subject to the judge’s compliance with the applicable provisions of the Nevada Code of Judicial Conduct.

**REFERENCES**

Nevada Code of Judicial Conduct, Canon 4(C).

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.

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