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BY _____
DEPUTY CLERK

STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL
ETHICS AND ELECTION PRACTICES

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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

and will not be engaged frequently, if ever, in
adversarial proceedings in the court of which
the judge is a member.

Discussion

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?

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

Answer: Yes.

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.

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.

Canon 4C(4)(a) 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.

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 in proceedings
that would ordinarily come before the judge

(a) a judge shall not

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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.

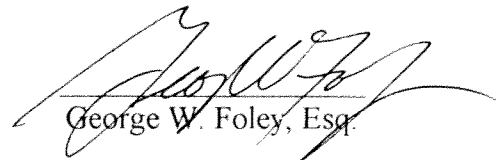
CONCLUSION

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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