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APR 21 2005

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CLERK OF SUPREME COURT
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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: April 19, 2005

OPINION: JE05-003

WHETHER A JUDGE OR A JUDGE REPRESENTING A GROUP OF JUDGES MAY OFFER HIS/HER OPINION ON A COURT-RELATED MATTER TO ANOTHER BRANCH OF STATE GOVERNMENT

The Nevada Code of Judicial Conduct sets forth the applicable standards from which judges shall take direction for their public conduct when addressing issues of interest to the judiciary.

ISSUES

1. Is a sitting judge precluded from offering the legislative or executive branch of state government his/her observations or advice on a topic dealing with legal matters or the court?

2. If such an observation or representation is made on behalf of a group or organization made up of judges and one or more judges disagrees with the majority, may the judge, or judges, in the minority convey this dissenting information to the legislative or administrative branch?

Nevada Judicial Canon 4C(1) provides: "*Public hearings.* A judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system, or the administration of justice..."

The Commentary to Judicial Canon 4A, "*Extra-judicial activities in general.*" provides: "Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives."

Answer to the first issue: **No**
Answer to the second issue: **Yes**

The Committee discussed the need for judges to offer assistance to the legislature and its committees when the issues to be addressed fall within the purview of Canon 4C(1). It also discussed the necessity for the other two (2) branches of government to seek out and rely on the advice and input of the judiciary on legal and judicial matters. Finally, the Committee was concerned that it take no position which may run afoul of the concerns raised in the Commentary to Canon 4A.

FACTS

A Judge addressed the Standing Committee on Judicial Ethics and Election Practices ("Committee") with four (4) questions pertaining to the issues listed above. The judge was particularly concerned with the issue of judges addressing the Nevada Legislature.

CONCLUSION

In order to insure that it has input into matters covered in Canon 4C(1), the

DISCUSSION

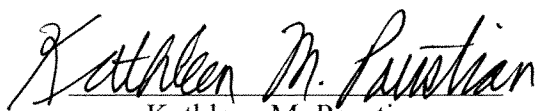
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judiciary should not hesitate to testify before legislative committees or take advantage of other such venues offered by the legislative and executive branch. In the event a group or organization made up of judges reaches a decision as to what information or testimony to present and one or more judges disagrees with this decision, there is nothing in the Canons of Judicial Conduct which precludes the dissenting judge/s from bringing forward the differing viewpoint.

REFERENCES

Nevada Code of Judicial Conduct, Canon 4A and C(1).

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.



Kathleen M. Paustian
Committee Vice-Chairperson