STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED:  August 29, 2006

PROPRIETY OF A BRANCH OF A
DISTRICT COURT PROMOTING AND
SPONSORING A SPORTS EVENT TO
RAISE MONEY FOR A LOCAL
CHARITY.

ISSUE

Can a judge ethically allow the
juvenile probation department in his/her
district court to hold a basketball
tournament to raise money for the
county’s juvenile alcohol and drug
treatment programs? The judge is not
actively involved in the event.

ANSWER

Yes.

FACTS

In this inquiry, the judge states
he/she is the only juvenile judge in his/her
district, so he/she works closely with the
juvenile probation department. The
department is co-sponsoring a basketball
tournament which is open to members of
the public. Each team which wishes to
compete will pay a registration fee, with
the money going to county juvenile
alcohol and drug treatment programs. The
judge is not helping to raise funds or
solicit players and is not involved with the
local non-profit group which originated
the idea and is co-sponsoring the event.
He/she wants to know if it is “ethical” for
the probation department, which is a
branch of the court, to sponsor and promote
this event.

DISCUSSION

Canon 4C(4)(b)(i) provides:

(i) may assist such an [charitable] organization in planning fund-
raising..., but shall not personally participate in the solicitation of funds, or other fund-raising
activities,...

The Committee discussed other
parts of the Canons which require a judge
to hold his/her staff and court officials to
high standards of “fidelity and diligence”
when conducting their duties. Canon
3C(2). However, given the scenario before
it, the Committee did not feel this judge
would run afoul of the personal restrictions
under 4C(4)(b)(i) or his/her obligations to
oversee his court.

However, such situations must be
analyzed on a case by case basis. The
Committee may have decided differently if
the judge was directly involved with raising
funds or parts of his/her court were in a
more direct relationship with the
solicitation of money for this charitable
event.
CONCLUSION

The judge's inquiry focused on the propriety of a branch of his/her district court participating in fund-raising and solicitation of registrations for a sporting event to raise money for the county's juvenile alcohol and drug treatment programs. Because the judge is not directly involved, he/she does not appear to be in violation of any judicial canon. The activity is remote enough from the judge's purview that he/she does not have a responsibility to hold the juvenile probation department to the same standards as apply to the judge personally. However, a judge does have an obligation to insure that members of his/her department meet certain standards of behavior. Given this consideration, had the facts been different, the Committee may have found the activity to be unacceptable.

REFERENCES

Nevada Supreme Court Rules, Code of Judicial Conduct, Canon 4C(4)(b)(1) and 3C(2).