

STATE OF NEVADA

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

**DATE ISSUED: September 15, 2006**

**OPINION: JE06-014**

PROPRIETY OF AN ELECTED, CONTINUING PART-TIME JUDGE (1) APPEARING IN CAMPAIGN ADVERTISING IN A JUDICIAL ROBE; AND (2) USING THE WORDS "JUDGE" OR "RE-ELECT JUDGE" IN CAMPAIGN ADVERTISING.

ISSUE

May an elected, "continuing part-time judge": (1) wear a judicial robe in campaign advertising, and (2) use the words "judge" or "re-elect judge" in campaign advertising?

ANSWER

Yes.

FACTS

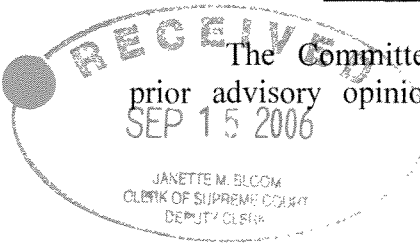
A candidate in a judicial election asks whether an elected "continuing part-time judge" may wear a judicial robe in campaign advertising, and use the words "judge" or "re-elect judge" in campaign advertising. A "continuing part-time judge" is a "judge who serves repeatedly on a part-time basis by election or under continuing appointment, including a retired judge subject to recall who is permitted to practice law." See, Nevada Code of Judicial Conduct, Terminology.

DISCUSSION

The Committee has issued two prior advisory opinions concerning the

propriety of candidates for judicial office wearing a judicial robe in campaign advertising. In the first opinion, JE02-004 (May 6, 2002), an attorney who served as an unpaid part-time judge, and who was seeking election to judicial office, asked whether the attorney could wear a judicial robe in campaign advertising. Relying on what is now Canon 5A(3)(d)(ii), which prohibits a candidate from knowingly misrepresenting his or her "qualifications" or "present position," the Committee concluded that such a candidate could not appear in a judicial robe. That candidate was not a "continuing part-time judge." Relying on the same Canon, the Committee in JE03-004 (December 12, 2003) concluded that a full-time court master could not campaign in a judicial robe. The full-time judicial master was not a "continuing part-time judge." In that opinion, the Committee made it clear that the key fact common to both the opinions in JE03-004 and in JE02-004 was that in neither case was the person seeking to wear a judicial robe, in fact, a judge. Here, the person is a "judge," albeit a "continuing part-time judge" and, therefore, may wear a judicial robe in campaign advertising without violating the provisions of Canon 5A(3)(d)(ii).

For the same reasons, because the person here is an elected judge, albeit a "continuing part-time judge," Canon 5A(3)(d)(ii) is not violated by that person's use of the words "judge" or "re-elect judge" in campaign advertising.



## CONCLUSION

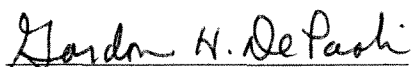
An elected, continuing part-time judge may wear a judicial robe in campaign advertising, and may use the words "judge" or "re-elect judge" in campaign advertising.

## REFERENCES

Nevada Code of Judicial Conduct, Terminology; Canon 5A(3)(d)(ii); Ethics Advisory Opinion No. JE02-004 (May 6, 2002); Ethics Advisory Opinion No. JE03-004 (December 12, 2003).

---

*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.*



**Gordon H. DePaoli, Esq.**

*Committee Chairman*