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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: October 6, 2006

OPINION: JE06-016

PROPRIETY OF A JUDGE OR JUDICIAL CANDIDATE PARTICIPATING IN A PARADE AS PART OF AN ENTRY SPONSORED BY A POLITICAL PARTY, WHICH ENTRY IS INTENDED TO REPRESENT THAT PARTY'S CANDIDATES FOR STATE AND LOCAL OFFICE.

judicial candidate "shall refrain from inappropriate political activities." More specifically, in relevant part, Canon 5C(1)(a)(ii) provides:

A judge or a candidate subject to public election may, except as prohibited by law:

ISSUE

(a) at any time:

May a judge or judicial candidate participate in a parade as part of an entry sponsored by a political party, which entry is intended to represent that party's candidates for state and local office?

(ii) upon request, identify himself or herself as a member of a political party....

ANSWER

No.

In applicable part, the Commentary to that Canon provides:

FACTS

A judge asks whether a judge or judicial candidate may participate in a parade as part of an entry sponsored by a political party intended to represent that party's candidates for state and local office. The entry is organized by the party's central committee chair, and is arranged so as to represent that party's candidates for state and local office in the same order as those persons will appear on the general election ballot.

Even though judges in Nevada are chosen by means of non-partisan elections, judges and candidates for judicial office are occasionally asked at candidates' forums to identify their political affiliations. An interpretation of the rule in effect prior to the 2000 amendment prohibits a public response to such inquiries. Adherence to that interpretation creates the appearance that judges and candidates are being evasive

DISCUSSION

Canon 5 of the Nevada Code of Judicial Conduct provides that a judge or

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or secretive. The 2000 amendment to Section 5C(1)(a)(ii) permits a judge or candidate to identify his or her political party membership upon request. While judges and candidates may now properly respond to questions regarding their party affiliation, it is impermissible for them to align themselves with a political party in campaign literature, mailings, billboards, yard signs, radio and telephone advertising, and the like. Nonetheless, judges and candidates may place their campaign materials on a table designated for the distribution of literature at any gathering, regardless of whether the table is sponsored by a political party.

It is the opinion of the Committee that under the facts, as stated, Canon 5C(1)(a)(ii) would be violated because the candidate would be participating in the parade in a manner which directly identifies the candidate as a member of the particular party, and, in addition, the participation in the parade under the facts, as stated, results in the candidate aligning with the particular political party. There is nothing improper about participating in the parade as long as the candidate's participation takes place in a manner which does not explicitly or implicitly identify and align the candidate with a particular political party.

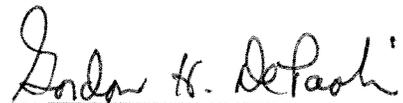
CONCLUSION

It is, therefore, the opinion of the Committee that under the facts, as presented, a judge or judicial candidate may not participate in a parade as part of an entry sponsored by a political party, which entry is intended to represent that party's candidates for state and local office. One member of the Panel does not agree with this conclusion.

REFERENCES

Nevada Code of Judicial Conduct, Canon 5; Canon 5C(1)(a)(ii); Commentary to Canon 5C(1)(a)(ii).

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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