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JANETIE M. BLOOM  
CLERK OF SUPREME COURT  
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DEPUTY CLERK

**STATE OF NEVADA**

**STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES**

**DATE ISSUED: November 16, 2006**

**OPINION: JE06-019**

PROPRIETY OF A JUDGE USING HIS/HER LEGAL SKILLS TO AMEND THE BY-LAWS AND ARTICLES OF INCORPORATION FOR HIS/HER HOMEOWNERS ASSOCIATION.

**ISSUE**

May a judge who assisted in the preparation of the by-laws and articles of incorporation for his/her homeowners association prior to his/her taking the bench now assist in amending the by-laws and covenants, conditions and restrictions?

**ANSWER**

No.

**FACTS**

This inquiry comes from a municipal court judge who several years ago helped prepare the by-laws and articles of incorporation for his/her homeowners association. This was before he/she was appointed to the bench. Now, the board would like the judge to assist in amending the by-laws and the CC&Rs for the subdivision. Based on comments from other homeowners, there is a possibility of legal action against the board. The judge wants to know if it is advisable for him/her to be involved in the revision process.

**DISCUSSION**

Canon 4G of the Nevada Code of Judicial Conduct provides:

G. Practice of Law. Unless otherwise permitted by law, a judge shall not practice law. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.\*

While the inquiry does not state whether the judge would be paid, his/her legal advice would not directly benefit him/her or his/her family. Granted, revision of the corporate documents for the subdivision in which the judge and his/her family live may indirectly help his/her family. However, the Committee did not see this as a direct benefit allowable under the Canon

Also, the judge anticipates the possibility of legal action from neighboring homeowners over the contents of the association rules and regulations. Given this possibility, the Committee was concerned the judge could ultimately be drawn into litigation if he/she helped with the revisions. The Committee did not find it relevant that the judge had assisted in drafting the original association documents before he/she took the bench.



### CONCLUSION

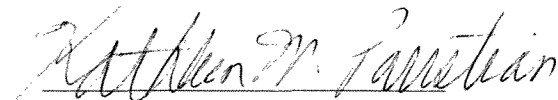
The inquiry focused on the propriety of a sitting judge assisting in the revision of controlling documents for his/her homeowners association. Canon 4G specifically prohibits the practice of law by judges, although they may provide legal services for themselves and family members at no charge. However, this situation does not fall under that provision of the Canon. This judge must leave this legal work to others who do not currently serve in the judiciary.

### REFERENCES

Nevada Supreme Court Rules, Code of Judicial Conduct, Canon 4G.

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*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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