

FILED

STATE OF NEVADA

APR 26 2007

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

**DATE ISSUED:** April 26, 2007

**OPINION:** JE07-003

PROPRIETY OF SURVEYING  
CRIMINAL DEFENDANTS ON THE  
QUALITY OF SERVICE PROVIDED  
BY CONTRACT ATTORNEYS.

of the representation, it would not interfere  
with the attorney/client relationship.

**ISSUE**

May a court solicit survey  
responses from criminal defendants as to  
the performance of contract attorneys  
assigned by the court to represent them?

The judge making the inquiry  
attached a sample survey which primarily  
focused on the quality of the process, for  
example, whether the attorney promptly  
returned calls and gave the defendant  
sufficient opportunity to discuss the case.  
While the Committee questioned any  
potential jurisdiction over the contents of  
such a survey, it did express concern that it  
not delve into privileged issues, such as  
effective assistance of counsel.

**Answer:** Yes.

**FACTS**

This written request from a  
municipal court judge inquires about the  
propriety of conducting a survey of  
defendants on the quality of service  
provided by private attorneys from the  
bench criminal contract list. The survey,  
which would be conducted after the  
termination of representation, would  
provide judges with an evaluation, aside  
from personal observation, to help decide  
whether to renew the one year contracts  
with the attorneys.

**CONCLUSION**

There is nothing in the Code of  
Judicial Conduct which prohibits asking a  
defendant, at the conclusion of the  
representation, to assess the quality of  
service provided by an attorney from the  
court's contract list. However, this opinion  
is not intended to address the question of  
whether it is prudent policy for judges to be  
involved in the survey process.

**DISCUSSION**

The Committee could find nothing  
in the Canons of Judicial Conduct  
prohibiting the use of such a survey. If the  
survey was conducted after the conclusion

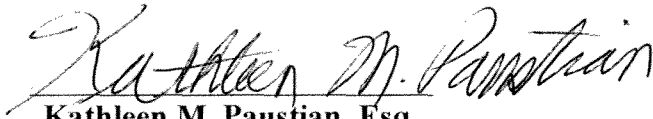
**REFERENCES**

None available.

\_\_\_\_\_  
*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, Esq.**  
*Vice-Committee Chairperson*