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JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY \_\_\_\_\_  
DEPUTY CLERK

STATE OF NEVADA

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

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OPINION: JE07-006

PROPRIETY OF A FULL-TIME COURT  
MASTER APPOINTED UNDER N.R.S.  
3.405 ALSO SERVING AS A  
CONTINUING PART-TIME JUSTICE  
OF THE PEACE.

may not have taken and completed courses  
under N.R.S. 4.035 and N.R.S. 4.036.

DISCUSSION

ISSUE

May a full-time district court  
master appointed pursuant to N.R.S. 3.045  
also serve as a continuing part-time justice  
of the peace?

The Nevada Code of Judicial  
Conduct applies to any officer of a judicial  
system who performs judicial functions,  
including an officer such as special master.  
*See*, Application of Code of Judicial  
Conduct, A. The Code also applies, with  
certain exceptions, to a continuing part-  
time judge. *See*, Application of Code of  
Judicial Conduct, C.

ANSWER

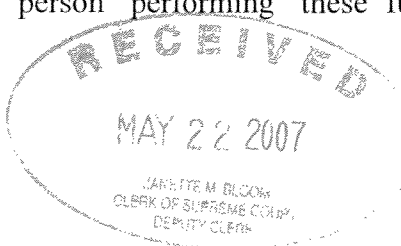
Yes.

The Committee finds nothing in the  
Code that makes it impermissible for a  
full-time master to also act as a continuing  
part-time judge. The Committee notes,  
however, that in so functioning, the master  
should be cognizant of Canon 3A, which  
provides that the master's judicial duties  
take precedence over all of his or her other  
activities. In addition, the master should  
also be cognizant of the possibility that he  
or she may acquire information in the  
master's role which may relate to a  
proceeding which may arise in justice  
court. *See, e.g.*, Advisory Opinion JE06-  
009, August 17, 2006; and Canon 3E(1)(a).

FACTS

A judge inquires whether a full-  
time district court master appointed  
pursuant to N.R.S. 3.405 may also act as a  
continuing part-time justice of the peace.  
The full-time master is described as a  
family law and juvenile court master who  
makes findings and recommendations,  
primarily on child support, juvenile  
delinquency cases, in matters brought  
under N.R.S. 432B, and on applications  
for temporary orders for protection against  
domestic violence. The full-time district  
court master serves in the same judicial  
district in which the master would serve as  
a continuing part-time justice of the peace.  
The person performing these functions

The circumstances here are  
distinguishable from those which gave rise  
to Advisory Opinion JE06-018. In



Advisory Opinion JE 06-018, the Committee determined that a district court staff attorney who functioned on a multi-year basis as a law clerk for a judge, could not also act as a temporary family court master where his or her findings and recommendations would be reviewed by the judge who directed and supervised the staff attorney in the law clerk role. In that opinion, the Committee was concerned with the provisions of Canon 2 and Canon 3B(7), and the perceptions created by the judge and staff attorney relationship, on the one hand, and the master and reviewing judge function, on the other hand. The situation here is different because the relationship between the district judge or judges and the person performing the full-time court master and the continuing part-time justice of the peace functions, are the same in both situations. The district court judge or judges review the determinations by the master and the continuing part-time judge in both situations. There is no consulting relationship as existed in the previous opinion with the judge and staff attorney relationship.

#### CONCLUSION

It is, therefore, the opinion of the Committee that under the facts presented, a full-time district court master appointed under N.R.S. 3.405 may serve as a continuing part-time justice of the peace. The Committee also notes that the full-time district court master and the continuing part-time judge must comply with the law. To the extent that N.R.S. 4.035 and N.R.S. 4.036 require a continuing part-time judge to take and complete such courses prior to acting in that role, the continuing part-time judge must comply. However, it is not the function of this Committee to determine

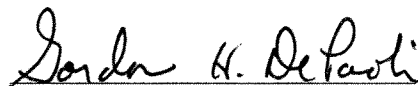
whether those provisions actually require the taking of such courses in order to perform the activities of a continuing part-time judge.

#### REFERENCES

Nevada Code of Judicial Conduct, Application of Code of Judicial Conduct, A, C; Canon 2; Canon 3B(7); Canon 3E.(1)(a); N.R.S. 3.405; N.R.S. 4.035; N.R.S. 4.036; N.R.S. 432B; Advisory Opinion JE06-009, August 17, 2006; Advisory Opinion JE06-018.

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