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STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: June 14, 2007

OPINION: JE07-007

PROPRIETY OF A JUSTICE OF THE PEACE ALSO SERVING AS A RESERVIST IN THE AIR FORCE JUDGE ADVOCATE GENERAL CORPS.

ISSUE

Does a justice of the peace serving in the Air Force Reserve as a judge advocate general (JAG) violate judicial canons and the Nevada statute prohibiting the practice of law and may the judge be compensated as a reservist?

ANSWER

No and yes, respectively

FACTS

This written request from a sitting judge asks if serving as a reserve member of the JAG corps in another state violates Canon 4G or NRS 4.215, which preclude a justice of the peace from the practice of law.

DISCUSSION

The Canon of Judicial Conduct 4G provides:

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.

Canon 2A provides:

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

NRS 4.215 provides:

A justice of the peace in a township whose population is more than 75,000 may not act as attorney or counsel in any court except in an action or proceeding to which he is a party on the record.

The justice of the peace who requested this opinion serves in a township with a population exceeding 75,000.

While counseling the jurist, the Committee does not find that the jurist's service in the reserves violates Judicial Canon 4G. If the justice of the peace can



serve in the reserves, then compensation is also appropriate for the time served.

In reaching these conclusions, the Committee reviewed decisions on similar queries from judicial ethics groups in Alabama, Alaska, Illinois, Kentucky, Virginia, and Washington.¹ These opinions all allowed sitting jurists to serve in a legal capacity in the military reserves or national guard. The Committee declines to opine on the application of the Nevada Revised Statute cited by the jurist who requested the opinion, because that question is outside its purview. Standing Committee Rule 5(3)(d).

CONCLUSION

The Committee concludes that the justice of the peace requesting the opinion would not violate Canon 4G, which otherwise prohibits the practice of law, while serving in a military reserve component as a lawyer performing duties as a Judge Advocate General. The Committee, however, advises the jurist to adhere to Canon 2A and, specifically, to avoid any reserve assignments which may give the impression the justice of the peace is appearing before courts in the state of Nevada.

REFERENCES

Nevada Code of Judicial Conduct, Canons 2A and 4G; Alabama Judicial Advisory Opinion 03-820; Alaska Advisory Opinion

¹ Alabama Judicial Advisory Opinion 03-820; Alaska Advisory Opinion 2007-01; Illinois Advisory Opinion 97-8; Kentucky Judicial Ethics Opinion JE-16; Virginia Judicial Ethics Advisory Committee Opinion 03-4; and, Washington Ethics Advisory Opinion 04-8.

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