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AUG 30 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY \_\_\_\_\_  
DEPUTY CLERK

STATE OF NEVADA  
STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

**DATE ISSUED:** August 30, 2007

**OPINION:** JE07-009

PROPRIETY OF A SITTING  
JUDGE SERVING AS A REFERENCE  
FOR A CANDIDATE FOR JUDICIAL  
APPOINTMENT.

**ISSUE**

Does a Nevada jurist violate  
judicial canons if he or she serves as a  
reference for a candidate for appointment  
to another judicial office?

**ANSWER**

Not necessarily.

**FACTS**

This written request from a  
recently appointed justice of the peace  
asks if a sitting jurist may complete a  
reference form or provide a letter of  
recommendation on behalf of an  
individual seeking a judicial appointment.  
For instance, the Application used by the  
Nevada Commission on Judicial Selection  
specifically asks for six letters of  
reference, "...three from lawyers or judges  
familiar with your professional  
competence and activities... ."

**DISCUSSION**

The Nevada Canon of Judicial  
Conduct 2B provides:

...A judge shall not lend  
the prestige of judicial  
office to advance the  
private interests of the  
judge or others;

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.

The Committee does not intend to  
suggest a sitting jurist may lend the weight  
of his or her office to judicial races or  
candidates in such races. Judicial  
appointments can be distinguished from  
such contested races. In the case of a  
judicial appointment, for a justice court or  
the district bench, the commission or group  
making the selection could benefit from  
input from judges who have presided over  
cases for the lawyer/applicant. This  
coupled with the fact the request generally  
comes at the behest of a governmental  
agency or group distinguishes the  
appointive process from the elective  
selection of judges.

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In reaching these conclusions, the Committee reviewed decisions on similar queries from judicial ethics groups in a number of other states, the majority of which allowed for such input from judges.

#### CONCLUSION

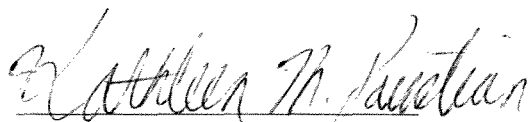
The Committee found judges with knowledge of an applicant's professional abilities could respond to requests for recommendations for judicial appointments, so long as such requests come from or at the direction of agencies or groups officially tasked with selecting candidates for appointment. Such references would not violate Canon 2A or B.

#### REFERENCES

Nevada Code of Judicial Conduct, Canons 2A and B and advisory opinions from other state ethics committees.

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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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