STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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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.
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.

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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