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STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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OPINION: JE07-010

PROPRIETY OF A JUVENILE
PROBATION OFFICER SERVING AS A
JUSTICE OF THE PEACE PRO-TEM.

ISSUE

Does a juvenile probation officer
serving as a justice of the peace pro-tem
violate judicial canons?

ANSWER

No.

FACTS

This written request came from the
office of the justice of the peace in a rural
county. It asked whether a non-lawyer
officer of the county juvenile probation
division could serve temporarily as a
justice of the peace.

The official in question had been a
sheriff's deputy for 12 years before
transferring in 2005 to the juvenile
probation division. The chief district court
judge in the county is in charge of the
juvenile probation division.

DISCUSSION

The Nevada Canon of Judicial
Conduct 2A provides:

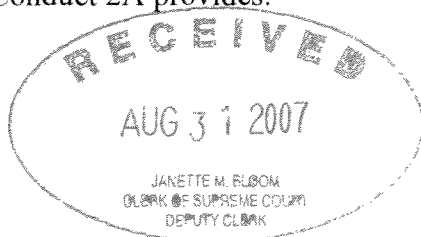
A judge shall respect and
comply with the law and
shall act at all times in a
manner that promotes
public confidence in the
integrity and impartiality
of the judiciary.

Canon 3 E(1)(a) provides:

A judge shall disqualify
himself or herself in a
proceeding in which the
judge's impartiality might
reasonably be questioned,

Applying these 2 (two)
Canons, the Committee was concerned
there might be the appearance of
impropriety or partiality if this officer
heard criminal cases involving either
individuals he had dealt with as a
deputy or people he had supervised as
juveniles who had now aged out into
the adult criminal system.

To avoid such appearances, the
Committee instructs the official in
question to disqualify himself in any
case involving a defendant he had
come into contact with either as a
deputy or a juvenile probation officer.
If disqualification is not possible, the
officer has, at minimum, an obligation
to fully disclose any past dealings with



the defendant.

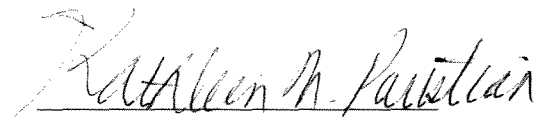
CONCLUSION

The Committee found the juvenile probation officer could serve as a justice of the peace pro-tem, but only if he complied with Canons 2A and 3 E(1)(a) and disqualified himself when necessary or fully disclosed if he could not recuse.

REFERENCES

Nevada Code of Judicial Conduct, Canons 2A and 3 E(1)(a).

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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