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STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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OPINION: JE07-012

PROPRIETY OF A JUDGE BECOMING MEMBER OF A NON-PROFIT ORGANIZATION DEDICATED TO ADVANCING PUBLIC DIALOGUE ON FOREIGN RELATIONS THROUGH EDUCATIONAL EVENTS.

ISSUE

May a judge become a member of a non-profit organization dedicated to advancing public dialogue on foreign relations through educational events?

ANSWER

Yes.

FACTS

A judge asks whether it is appropriate for the judge to become a member of a non-profit organization dedicated to advancing public dialogue on foreign relations through educational events which often involve distinguished speakers. The organization is a non-profit organization and, at the present time, is involved in an effort to inspire presidential candidates to incorporate greater use of development and diplomacy as a keystone of America's engagement with the world. The organization is also a non-partisan organization.

DISCUSSION

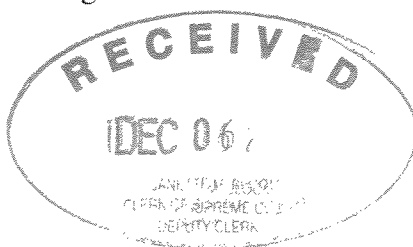
Canon 4 of the Nevada Code of Judicial Conduct requires a judge to conduct extrajudicial activities so "as to minimize the risk of conflict with judicial obligations." Canon 4A provides:

A judge shall conduct all of the judge's extrajudicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

The Commentary to Canon 4A cautions that it is "neither possible nor wise" to expect a judge to be completely isolated "from the community in which the judge lives."

Canon 4C(4) authorizes a judge to serve as "an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and to the requirements of this Code." Canon 4C(4)(a)(i) and (ii) prohibit a judge from being involved with such an organization if



it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge, or will be engaged frequently in adversary proceedings in the court of which the judge is a member. Other portions of Canon 4C(4) provide additional guidance on how a judge may participate in such organizations.

The organization here is a non-profit organization which is educational in nature. Its primary interest in advancing public dialogue on foreign relations does not involve it in matters which would ordinarily come before the judge. Provided that the judge at all times complies with the requirements of Canon 4C(4), it is the opinion of the Committee that the judge may be a member of such an organization. The Committee notes that the Commentary to Canon 4C(4) refers to the Commentary to Canon 4B regarding use of the phrase "subject to the following limitations and the other requirements of this Code." The Commentary to Canon 4B says:

In this and in other sections of Canon 4, the phrase "subject to the requirements of this Code" is used, notably in connection with a judge's governmental, civic or charitable activities. This phrase is included to remind the judges that the use of permissive language in various sections of the Code does not relieve a judge from the other requirements of the Code that apply to the specific conduct.

The Committee also notes that the Commentary to Canon 4C(4)(a) reminds judges to regularly reexamine the activities of each organization with which the judge is affiliated to determine if it is proper for the judge to continue the affiliation. In this connection, and with respect to this organization and its current activities, the Committee encourages judges to remain aware of the provisions of Canon 5D of the Code, which prohibit judges from engaging in any political activity, except as authorized by that section.

CONCLUSION

It is the opinion of the Committee that under the facts as presented, a judge may become a member of a non-profit organization dedicated to advancing public dialogue on foreign relations through educational events.

REFERENCES

Nevada Code of Judicial Conduct, Canon 4; Canon 4A; Canon 4C(4); Canon 4C(4)(a)(i); Canon 4C(a)&(ii); Canon 5D.

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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