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THOMAS R. LINDEMAN
CLERK OF SUPREME COURT

BY CHIEF DEPUTY CLERK

STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: June 17, 2008

ADVISORY OPINION: JE08-006

DISCUSSION

PROPRIETY OF A NON-INCUMBENT JUDICIAL CANDIDATE USING THE TITLE OF ALTERNATE MUNICIPAL JUDGE AND WEARING A JUDICIAL ROBE IN CAMPAIGN ADVERTISING.

Bearing in mind any judicial candidate's obligation under Nevada Code of Judicial Conduct, Canon 5A(3)(d)(ii) to avoid misleading the public, the Committee found a candidate may reference service as a municipal alternate judge in campaign advertising, so long as there is no reference to "retain" or "retention" or to "re-elect" or "re-election".

As to the second question, in September, 2006, Opinion JE06-014, this Committee found a continuing part time judge could wear a judicial robe in campaign advertising. The Committee found that situation distinguishable from the current question in that the earlier issue involved a continuing part time position, while the current inquiry comes from a periodic part-time jurist who is appointed for a one year term limit pursuant to Las Vegas Municipal Code § 2.26.040. Given the facts of the current request, the Committee found the use of a judicial robe may be misleading to the voting public.

ISSUE

1. May a candidate for a district court seat refer to service as an alternate municipal judge in campaign materials?
2. May a candidate who has served as an alternate municipal court judge wear a judicial robe in campaign materials?

ANSWERS

Yes to the first question, no to the second question.

FACTS

This written request came from a practicing attorney who is running for district court and has served as a periodic part-time Las Vegas Alternate Municipal Court Judge. The candidate asks whether he can use the title of "Judge" or "Alternate Judge" in campaign materials and whether he can wear a judicial robe for campaign advertising purposes.

CONCLUSION

The Committee found the district court candidate may reference his service as an alternate municipal judge in campaign materials, but may not be pictured wearing a judicial robe in such materials.

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REFERENCES

Nevada Code of Judicial Conduct, Canon 5 and Standing Committee Opinion JE06-014.

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding on 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 requesting the opinion.



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