STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: July 18, 2008

PROPRIETY OF A SENIOR JUDGE
ATTENDING A FUND RAISING LUNCHEON HELD FOR AN INCUMBENT JUDGE SEEKING REELECTION.

ISSUE

May a senior judge attend a $500 per plate fund raising luncheon being held to support the reelection campaign of a judge?

ANSWERS

Yes.

FACTS

A senior judge has inquired as to whether the judge may attend a fund raising luncheon being held to support the reelection of an incumbent judge. The requested contribution for the luncheon is $500.

DISCUSSION

In this case, the senior judge is a "retired judge subject to recall." A retired judge subject to recall is required to comply with all of the requirements of Canon 5, which is applicable here. See, Application, Paragraph B. In applicable part, Canon 5C(1)(a)(i) expressly provides that a judge may "at any time purchase tickets for and attend political gatherings." However, Canon 5A(1)(b) provides that a judge shall not "publicly endorse ... another candidate for public office." The commentary to that Canon expressly states that "a judge or judicial candidate's donation to a candidate or political organization that is otherwise permitted by state or federal law is not considered a public endorsement of a candidate for political office."

Therefore, it is the opinion of the Committee that the relevant Canons and commentary permit a senior judge to attend a fund raising luncheon in support of an incumbent judge. Conduct which the Code permits, i.e., a donation permitted by state law and attendance at a gathering, will not be construed as an implied violation of another portion of the Code, i.e., the prohibition of public endorsement.

CONCLUSION

A senior judge may attend a fund raising luncheon held in support of the reelection of an incumbent judge.

REFERENCES


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.

Gordon H. DePaoli, Esq.
Committee Chairman