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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY CHIEF DEPUTY CLERK

STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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ADVISORY OPINION: JE08-007

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

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."

ISSUE

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

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.

ANSWERS

Yes.

CONCLUSION

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

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.

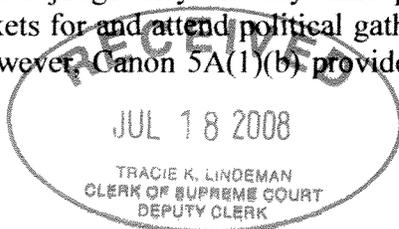
REFERENCES

Application of the Code of Judicial Conduct, Paragraph B; Nevada Code of Judicial Conduct, Canon 5A(1)(b), Canon 5C(1)(a)(i).

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

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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.

A handwritten signature in cursive script, reading "Gordon H. DePaoli".

Gordon H. DePaoli, Esq.
Committee Chairman