

FILED

AUG 22 2008

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

STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: August 22, 2008

ADVISORY OPINION: JE08-010

PROPRIETY OF OFFICIAL COURT WEBSITE INCLUDING NAMES OF ATTORNEYS AND LINKS TO HIS OR HER WEBSITE WHERE THE ATTORNEY HAS DONATED TIME TO A PROGRAM DESIGNED TO OFFER SELF-REPRESENTED INDIVIDUALS A FREE CONSULTATION WITH A LAWYER REGARDING FAMILY LAW MATTERS.

family law matters. The court-sponsored website expressly disclaims any endorsement of any specific attorney, or skill of any specific attorney. The inclusion of the names of the attorneys and a link to their websites is intended to thank the attorneys for their participation and to provide incentive for continued participation. The judges of the district have control over the content of the court website.

ISSUE

DISCUSSION

May the official website of a court, which provides information to self-represented individuals in family law matters, also list the names of attorneys with links to the attorneys' websites where the attorneys have volunteered in a program which offers self-represented individuals a free consultation with a lawyer regarding family law matters?

Through former Supreme Court Rule 191, now Rule 6.1 of the Nevada Rules of Professional Conduct, the Nevada Supreme Court has involved judges in the effort to address the unmet legal needs of the poor in their respective judicial districts. This Committee has issued several advisory opinions concerning how judges may be involved in that process. See, e.g., Advisory Opinion JE99-001, February 9, 1999, Advisory Opinion JE99-002, April 5, 1999, Advisory Opinion JE00-004, August 10, 2000. Those Opinions, for the most part, have addressed the extent to which judges may be involved in fundraising activities for such efforts, and in encouraging attorneys to participate in such activities.

ANSWER

Yes.

Advisory Opinion JE00-004 includes some important history on how the Code and Commentary on these issues have evolved in Nevada. Although those Opinions, Code changes and the

FACTS

A judge asks whether it is permissible under the Nevada Code of Judicial Conduct for a court-sponsored website to list the names of attorneys with a link to the attorneys' websites where the attorneys have volunteered and participated in a program which offers self-represented individuals a free consultation with a lawyer regarding



Commentary do not apply directly here, they provide guidance to the Committee in responding to this request. The Commentary to Canon 4C(3)(b), which was amended in January of 2000, makes it clear that judges may assist in recruiting attorneys to provide pro bono legal services so long as the recruitment cannot reasonably be perceived as coercive. To the extent that placing attorneys' names on the website with a link to their websites can be considered recruitment to provide pro bono legal services, it is the Committee's opinion that it is not prohibited by the Code. It cannot be perceived as coercive under the circumstances.

The Committee is also of the view that including the attorneys' names and links to their websites with the specific disclaimer that the attorneys are not endorsed, or their experience or skills guaranteed in any way, does not in any way constitute a violation of Canon 2B concerning the prohibition against lending the prestige of judicial office to advance the private interests of others.

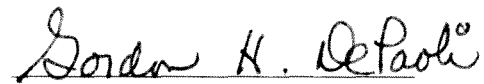
CONCLUSION

On an official court website which provides information to self-represented individuals in family law matters, judges may list the names of, and provide a link to, the websites of attorneys who have volunteered in a program which offers a free consultation with a lawyer regarding those matters.

REFERENCES

Code of Judicial Conduct, Canon 2B, Canon 4C(3)(b), Advisory Opinion JE99-001, Advisory Opinion JE99-002, Advisory Opinion JE00-004.

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 Chairmann