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STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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ADVISORY OPINION: JE08-014

PROPRIETY OF A SITTING JUDGE
HEARING CASES FOR ATTORNEYS
WHO ARE HIS TENANTS.

DISCUSSION

The Nevada Code of Judicial
Conduct Canon 3E provides:

ISSUE

May a judge preside over cases in
adult guardianship court for attorneys who
are tenants in a commercial building
owned by the judge?

(1) A judge shall disqualify himself
or herself in a proceeding in which
the judge's impartiality might
reasonably be questioned, including
but not limited to instances where:

ANSWER

No.

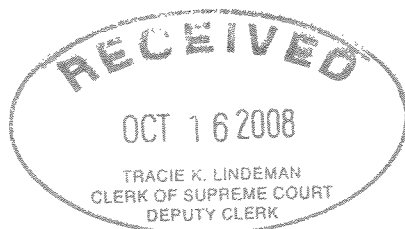
(c) the judge knows that he
or she, individually or as a
fiduciary, ... has an economic
interest ... in a party to the
proceeding or has any other more
than de minimis interest and could
be substantially affected by the
proceeding;

FACTS

This written request came from a
sitting judge who owns a commercial
building occupied by lawyers and his
former law partner. All open and closed
adult guardianships in the judge's
jurisdiction have been transferred to his
department. His former partner and
another tenant periodically appear before
him on guardianship matters. The judge
indicates the guardianship bar is quite
small in his jurisdiction and several
attorneys who appear opposite his former
partner and tenant have asked to waive
disqualification in order to remain in the
judge's department.

(2) A judge shall keep informed
about the judge's personal ...
economic interests,

In applying Canon 3(E), the panel
saw no need to consider the waiver issue,
given that the Canon precludes this jurist
from even hearing matters which are
brought before him by his tenants. While
the judge does not specify the type of lease
he has with his tenants, it is reasonable to
believe he has lease contracts. At least two
(2) of these tenants have or will eventually
be in the judge's court on adult
guardianship matters from which they
partially derive the professional income
used to pay these leases. This jurist has a
"personal economic interest" in the



financial stability of attorneys who rent from him. The conflict or potential conflict is obvious and this judge must disqualify himself from hearing such matters being brought into his court by his tenants.

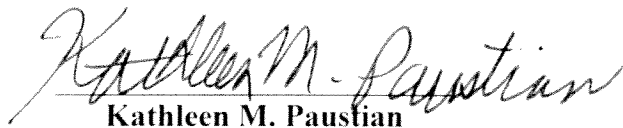
CONCLUSION

The Committee found the judge must disqualify himself from hearing adult guardianship matters for tenants of his commercial office building.

REFERENCES

Nevada Code of Judicial Conduct, Canon 3E.

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.



Kathleen M. Paustian

Committee Vice-Chairperson