

The Committee notes that here the broadcast will take place on a public access channel. Although the question of hosting such a program on a commercial television channel is not before the Committee, the Committee notes that regular appearances by judges under arrangements with commercial television and radio stations have been found to violate Section 2B of Canon 2. Such appearances have been found to lend the prestige of judicial office to advance the private interests of the station. *See*, Florida Advisory Opinion, 96-25 (1996); South Carolina Advisory Opinion 14-1991.

While the Committee is of the opinion that it is appropriate for a judge to host such a television program on a public access channel pursuant to the provisions of Section 4B of Canon 4, in hosting such a program, the judge must exercise extreme caution and care with respect to the other requirements of the Code. For example, Sections 4A(1) and 4A(3) provide that a judge must conduct all of the judge's extra-judicial activities so that they do not "(1) cast reasonable doubt on the judge's capacity to act impartially as a judge; . . . or (3) interfere with the proper performance of judicial duties." There are many other Sections of the Code which the judge must keep firmly in mind when hosting such a program. For example, Section 3B(9) prohibits a judge, "while a proceeding is pending or impending in any court" to make any public comment that "might reasonably be expected to affect its

outcome or impair its fairness." A judge hosting a program of this nature must understand that it may not be possible to anticipate and avoid issues which may arise during a program implicating a Code requirement. It is the opinion of the Committee that the broader the jurisdiction of the court on which the judge sits, the more problematic hosting such a program may become.

CONCLUSION

A judge may host a television program on a public access channel featuring discussions by expert proponents on issues of state and local concern. However, the judge must exercise extreme caution to ensure that the judge does not run afoul of any other requirements of the Code that apply to the judge's conduct.

REFERENCES

Nevada Code of Judicial Conduct, Section 2B; Section 3B(9), Section 3B(10); Canon 4, Section 4A(1), Section 4A(3), Section 4B; Florida Advisory Opinion, 96-25 (1996); South Carolina Advisory Opinion 14-1991.

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*any member of the Nevada judiciary, or
any person or entity requesting the
opinion.*

A handwritten signature in black ink, reading "Gordon H. DePaoli". The signature is written in a cursive style with a horizontal line underneath the name.

Gordon H. DePaoli, Esq.
Committee Chairman