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STATE OF NEVADA

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

**DATE ISSUED: December 18, 2008**

**ADVISORY OPINION: JE08-017**

PROPRIETY OF A RETIRED JUDGE  
SUBJECT TO RECALL BEING  
EMPLOYED AS AN INTERPRETER  
FOR THE COURTS AND FOR  
PRIVATE ATTORNEYS.

individual who does not speak English to participate meaningfully in those proceedings. In general, an interpreter has two related responsibilities. First, the interpreter must ensure that the proceedings in English reflect what was said to and by a non-English speaking person. Second, the interpreter must place the non-English speaking person on an equal footing with those who do understand English.

ISSUE

May a Retired Judge Subject to Recall be employed as an interpreter for courts and private attorneys?

In a sense, an interpreter is a witness. Nevada law gives an interpreter the "same rights and privileges as the witness, including the right to examine all relevant material." *See*, N.R.S. 50.054(3). Issues can, and often do, arise concerning the interpretations made by the interpreter. Interpreters must be impartial, and in the view of the Committee, should not have unnecessary connections or discussions with attorneys, parties or witnesses.

ANSWER

No.

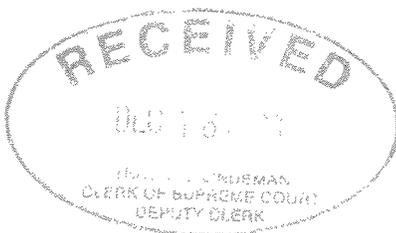
FACTS

A Retired Judge Subject to Recall asks whether such a judge may be employed as an interpreter for the courts and for private attorneys. For purposes of this Advisory Opinion, the Committee has assumed that the interpreter here is one who would be interpreting for persons who do not speak English, as distinguished from one who interprets for persons with a communications disability, although that distinction may not make a difference with respect to the conclusion reached here. *Compare*, N.R.S. 50.054 with N.R.S. 50.053

Retired Judges Subject to Recall are subject to the entire Code of Judicial Conduct, with the exception of Section 4E, Section 4F and Section 4H. Application, B. It is the opinion of the Committee that a Retired Judge Subject to Recall may not act as an interpreter for private attorneys. To do so would be inconsistent with the provisions of Section 4D(1)(b), which provides that "a judge shall not engage in financial and business dealings that . . . involve the judge in frequent transactions or continuing business relationships with those lawyers or other persons likely to come before the court on which the judge

DISCUSSION

Interpreters fulfill a significant role in legal proceedings. They allow an



serves." Moreover, such relationships could interfere with the person's role as an interpreter in a court proceeding, if that was a permissible role, which it is not.

Although the Committee cannot refer to a Canon or Code Section directly applicable here, it is the opinion of the Committee that it is inappropriate for a person to, on any given day, preside over a courtroom, and on another, act as an interpreter in it. Because an interpreter is in the nature of a surrogate witness, it is the Committee's opinion that there is at least an appearance of impropriety if a Retired Judge Subject to Recall acts as an interpreter in court. Canon 2 requires a judge to avoid the appearance of impropriety in all of the judge's activities. Section 2B of Canon 2 provides that a judge shall not lend the prestige of the judicial office to advance the private interests of others, or testify voluntarily as a character witness. A judge acting as an interpreter in court has the potential to give an appearance that the judge is doing either or both of those things. That appearance is absent in a situation where the interpreter is someone other than a judge. Moreover, it is also the opinion of the Committee that a judge acting as an interpreter will present an appearance problem for the other judge in the courtroom, the one presiding over the proceeding and who must rule on objections related to the interpretation.

#### CONCLUSION

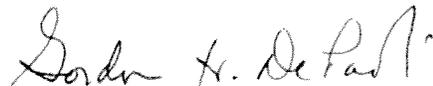
It is therefore the opinion of the Committee that a Retired Judge Subject to Recall may not act as an interpreter for attorneys or for a court.

#### REFERENCES

Nevada Code of Judicial Conduct, Canon 2, Section 2B; Canon 4, Section 4D(1)(b), Section 4E, Section 4F, Section 4H; N.R.S. 50.053; N.R.S. 50.054, N.R.S. 50.054(3).

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*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.*



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