

A judge must disclose information the judge believes the parties or their counsel might reasonably consider relevant to the question of disqualification even if the judge believes there is no basis for disqualification. The Committee considered this disclosure question in relationship to the duty to disqualify and found the judge had no obligation under these facts to inform opposing counsel of the relationship between his former staff lawyer and his two (2) current employees. Based on the principles espoused in *Hecht*, the Committee has taken a narrow view of those circumstances in which the connection or relationships of an attorney to a judge require disqualification under Canon 3E. See, *Las Vegas Downtown Redevelopment Agency v. Hecht*, 113 Nev. 632, 940 P.2d 127 (1997); see also, JE07-001. The facts as presented in this matter do not suggest the intermittent relationship between the former staff attorney and current employees rises to a level which would give opposing counsel reason to question the impartiality of the judge. However, the Committee instructs judges to consider such issues on a case by case basis, bearing in mind their obligations under 2B and 3E(1)(a).

Because the panel did not see a need to disclose here, it did not take up the inquiring judge's three (3) follow-up questions. The Committee did wish to remind Nevada jurists of their obligation to require staff to comply with Canon 3C(2), "Administrative responsibilities", which provides:

A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity

and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

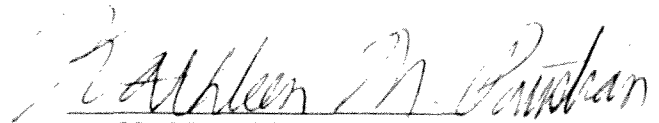
CONCLUSION

The Committee found the judge does not have an obligation to disclose the relationship between his former staff attorney and his current staff.

REFERENCES

Nevada Code of Judicial Conduct, Canons 2B and 3E(1)(a); *Las Vegas Downtown Redevelopment Agency v. Hecht*, 113 Nev. 632, 940 P.2d 127 (1997); and, Canon 3C(2).

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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