

FILED

STATE OF NEVADA

MAR 13 2009

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
CHIEF DEPUTY CLERK

DATE ISSUED: March 13, 2009

ADVISORY OPINION: JE09-002

PROPRIETY OF A NEVADA JUDGE SERVING ON THE BOARD OF DIRECTORS OF A NON-PROFIT ORGANIZATION THAT PROVIDES SERVICES TO VICTIMS OF DOMESTIC VIOLENCE.

FACTS

A Nevada district court judge has been asked to serve as a member of the board of directors of a non-profit organization that provides support services to victims of domestic violence within the judicial district where the judge presides. The board of directors of this organization represents the community and provides direction and oversight of the finances and operational policies and procedures for the organization. Members of the board of directors are neither responsible for day-to-day operations of the organization nor do they have access to the case files of individuals served by the organization.

ISSUE

May a Nevada district judge accept an appointment to serve on the board of directors of a non-profit organization that provides support services to victims of domestic violence, including a court advocacy program assisting victims with applications for temporary protection orders and stalking orders before the justice courts?

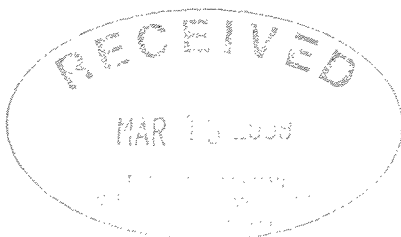
The specific services provided by the organization include the operation of a residential emergency shelter, a transitional housing facility, a crisis intervention hotline, sexual assault program, and various training and counseling services. The organization also supports a court advocacy program assisting victims with applications for temporary protection orders and stalking orders before the justice courts within the same judicial district.

ANSWER

No; unless the judge determines that the organization will not be engaged in proceedings ordinarily coming before the judge or will not engage frequently in adversary proceedings in the judicial district in which the judge sits or in the justice court subject to the appellate jurisdiction of the court of which the judge is a member and provided further the judge determines that serving on the organization's board of directors will not cast reasonable doubt on the judge's capacity to act impartially as a judge or would not interfere with the proper performance of judicial duties.

DISCUSSION

The Committee is authorized only to render an opinion that evaluates compliance with the requirements of the Nevada Code of Judicial Conduct. *Rule 5 Governing Standing Committee On Judicial Ethics & Election Practices.*



Accordingly, this opinion is limited by the authority granted by Rule 5.

Canon 4C(4) of the Nevada Code of Judicial Conduct states in pertinent part:

A judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization:

(i) will be engaged in proceedings that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

The commentary to Canon 4 notes that the complete separation of the judiciary from the community is neither possible nor wise. For that reason, we have frequently opined that a judge may be a member of non-profit civic organizations and in appropriate instances even serve on the board of directors or other governing body of these organizations. See, e.g., Nevada Advisory Opinion No. JE07-012; Nevada Advisory Opinion No. JE00-007. Recently, we also issued an opinion that indicated that subject to appropriate disclosures, a Nevada justice of the peace could serve as a member of the State Domestic Violence Council. See Nevada Advisory Opinion No. JE08-015.

Our opinions, however, also have carefully examined the mission and activities of the civic organizations with which a member of the judiciary intends to affiliate. See Nevada Advisory Opinion No. JE07-002. This evaluation is necessary to make certain that a judge's membership in or leadership positions with such organizations do not conflict with tenets of Canon 4. The Canon mandates that a judge's extra-judicial activities must not:

(1) cast reasonable doubt on the judge's capacity to act impartially as a judge;

(2) demean the judicial office; or

(3) interfere with the proper performance of judicial duties.

In this instance, the judge's proposed service on the board of directors of a non-profit organization that provides support services to victims of domestic violence appears to differ significantly from that of service on the State Domestic Violence Council, which we found permissible in Opinion No. JE08-015. Here, the organization directly supports a court advocacy program assisting victims with applications for temporary protection orders and stalking orders before the justice courts. As a member of the organization's board of directors, the judge would be responsible for direction and oversight of the finances and operational policies and procedures of this advocacy program. The judge likewise may have occasion to preside in cases where temporary protection orders or stalking orders issued by the justice court at the request of persons supported by the organization's advocacy program are at issue.

Given these facts, the Committee believes that the district judge must carefully evaluate whether serving on the

board of directors of the organization is a form of civic involvement that would be considered impermissible under Canon 4C(4). The judge should not serve if the organization will be engaged in proceedings ordinarily coming before the judge or will engage frequently in adversary proceedings in the judicial district in which the judge sits or in the justice court subject to the appellate jurisdiction of the court of which the judge is a member.

Moreover, under Canon 4A the judge should not serve on the organization's board of directors if doing so casts reasonable doubt on the judge's capacity to act impartially as a judge or would interfere with the proper performance of judicial duties.

CONCLUSION

Under Canon 4C(4), a Nevada district judge should decline appointment to serve on the board of directors of a non-profit organization that provides support services to victims of domestic violence, including a court advocacy program assisting victims with applications for temporary protection orders and stalking orders before the justice courts if the organization will be engaged in proceedings ordinarily coming before the judge or will engage frequently in adversary proceedings in the judicial district in which the judge sits or in the justice court subject to the appellate jurisdiction of the court of which the judge is a member. Similarly, pursuant to canon 4A the judge should not serve on the organization's board of directors if doing so cast reasonable doubt on the judge's capacity to act impartially as a judge or

would interfere with the proper performance of judicial duties.

REFERENCES

Rule 5 Governing Standing Committee On Judicial Ethics & Election Practices; Canon 4A; Canon 4C(4); *Nevada Advisory Opinion No. JE08-015*; *Nevada Advisory Opinion No. JE07-012*; *Nevada Advisory Opinion No. JE07-002*; *Nevada Advisory Opinion No. JE00-007*.

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Dan R. Reaser, Esq.

Committee Vice-Chairman