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STATE OF NEVADA

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

**DATE ISSUED: September 22, 2009**

**ADVISORY OPINION: JE09-005**

PROPRIETY OF A NEVADA JUDGE  
SERVING AS HONORARY MEMBER  
OF BOARD OF DIRECTORS OF A  
NON-PROFIT ORGANIZATION  
PROMOTING EVENTS TO RAISE  
PUBLIC AWARENESS OF HUMAN  
TRAFFICKING.

The district judge will not be involved in any fund-raising or membership recruiting activities for the organization. The organization does intend to publicize the district judge's membership as an honorary board member and the jurist will be asked to make published statements promoting the event which will focus on the problem of exploitation of juveniles for prostitution.

**ISSUE**

May a Nevada district judge accept an appointment to serve as an honorary member of the board of directors of a non-profit organization in connection with events to focus public attention on the issue of modern slavery and human trafficking?

**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 the Standing Committee On Judicial Ethics & Election Practices.* Accordingly, this opinion is limited by the authority granted by Rule 5.

**ANSWER**

Yes.

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

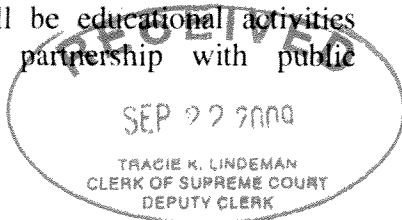
**FACTS**

A Nevada district court judge that serves in the family court division has been asked to join as an honorary member the board of directors of a non-profit organization that is promoting events intended to focus public attention and raise awareness about modern slavery, human trafficking and sexual exploitation of adults and children consistent with settled international legal conventions. Among the events will be educational activities conducted in partnership with public schools.

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. JE08-015*; *Nevada Advisory Opinion No. JE07-012*; *Nevada Advisory Opinion No. JE00-007*.

Our opinions examine the mission and activities of the civic organizations with which a member of the judiciary intends to affiliate. See *Nevada Advisory Opinion No. JE09-002*. 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 4A. 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.

Accordingly, we have opined that 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. See *Nevada Advisory Opinion No. JE09-002*. Conversely, we have concluded that board membership in a non-profit organization promoting public dialog on foreign relations through educational events was permitted. See *Nevada Advisory Opinion No. JE07-012*.

In this instance, the judge's proposed service as an honorary member of a non-profit organization's board of directors is analogous to the situation we examined in Opinion No. JE07-012. The non-profit organization will not be engaged in proceedings ordinarily coming before the judge or 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. The jurist's activities involve promoting educational events associated with raising public awareness of issues about human slavery and trafficking consistent with settled international legal conventions. The district judge will not be involved in fundraising or membership solicitation activities. Given these facts, serving as an honorary member of the organization's board of directors should 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.

#### CONCLUSION

A judge may serve as an honorary member of the board of directors of a non-profit organization where the jurist is promoting educational events associated

with raising public awareness of issues about human slavery and trafficking consistent with settled international legal conventions. The Committee notes that pursuant to the Commentary to Canon 4C(4)(a), judges must regularly reexamine the activities of each organization with which the jurist is affiliated to determine if continued affiliation is appropriate. In this regard, diligence should be exercised to ensure that such organizations are not utilizing the judge's image, name or office as part of materials or publications soliciting contributions or membership.

#### **REFERENCES**

Rule 5 Governing the Standing Committee On Judicial Ethics & Election Practices; Canon 4A; Canon 4C(4); Nevada Advisory Opinion No. JE09-002; 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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*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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