STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL ETHICS
AND ELECTION PRACTICES

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PROPRIETY OF A JUDGE USING JUDICIAL LETTERHEAD AND COURT RESOURCES TO SEND LETTER TO JURORS FOLLOWING COMPLETION OF TRIAL THANKING THEM FOR SERVICE

ISSUE

May a judge use court resources to prepare and send a letter to jurors following their release from jury duty thanking them for their service and asking for input on improving the experience of jury service?

ANSWER

Yes.

FACTS

A judge asks whether it would be a violation of the Code if the judge used court resources, including court staff, equipment and letterhead, to prepare and send a letter to jurors following their release from jury duty thanking the jurors for their service and asking for input on how to improve the jury service experience.

DISCUSSION

Canon 1 states that “A judge shall uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.” Specific to this issue, Rule 1.3 provides that a “judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.” Comment 1 to Rule 1.3 prohibits judges from using “judicial letterhead to gain an advantage in conducting his or her personal business.” Similarly, Rule 3.1(E) prohibits a judge from making “use of court premises, staff, stationery, equipment, or other resources” for extrajudicial purposes, except where incidental and related to the legal system or administration of justice.

The Committee believes using court resources to prepare and send a letter thanking jurors for their service after their release from jury duty and seeking input to improve the administration of justice is a communication in furtherance of a judge’s official duties and does not implicate the type of communications prohibited by Rule 1.3 or 3.1. The Committee also notes that such communications promote public understanding and confidence in the administration of justice and are encouraged by the comments to Rule 1.2. See Rule 1.2, Comment 6. The Committee reminds judges to be cognizant of the limitations in Rule 2.8 when engaging in any communications with jurors, and to avoid commending or criticizing jurors for their verdict.
CONCLUSION

It is the opinion of the Committee that a judge may use court resources to prepare and send a letter to jurors after their release from jury service for the purpose of thanking the jurors for their service and soliciting input on ways to improve the juror experience.

REFERENCES

Revised Nevada Code of Judicial Conduct, Canon 1; Rule 1.2; Rule 1.3; Rule 2.8; Rule 3.1; Commentary to Rule 1.2; Commentary to Rule 1.3.

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Michael A.T. Pagni, Esq.
Committee Vice-Chairman