

FILED

FEB 22 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY CHIEF DEPUTY CLERK

STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: February 22, 2011

ADVISORY OPINION: JE11-002

PROPRIETY OF A JUDGE PROVIDING A
REFERENCE LETTER WHERE JUDGE
HAS NO DIRECT KNOWLEDGE OF
PERSON'S JOB PERFORMANCE

DISCUSSION

ISSUE

May a judge provide a reference letter
for a person whom the judge has known
personally for years but with whom the judge
has never worked?

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 2 to Rule 1.3 recognizes that the
limitations in Rule 1.3 do not apply to
reference letters, stating a "judge may
provide a reference or recommendation for
an individual based upon the judge's
personal knowledge."

ANSWER

Yes. The Nevada Code of Judicial
Conduct permits judges to provide
recommendations or references for an
individual based upon the judge's personal
knowledge.

Thus, the Commentary specifically
allows letters of recommendation based upon
the judge's personal knowledge and
observation of the candidate. The
Committee believes a judge may provide a
reference letter for a court staff member from
a different department, even where a judge
has no direct knowledge of that person's job
performance abilities, so long as the judge
has personal knowledge of the subject of the
reference and the judge does not offer
opinions on issues of which the judge has no
personal knowledge. The Committee
advises that a judge should be cautious to
avoid providing references or
recommendations when a judge possesses no
unique knowledge of the candidate, as such

FACTS

A judge asks whether it would be a
violation of the Code if the judge provided a
letter of reference for a court staff member
from a different department. The judge
states that he has personal knowledge of the
applicant and has known the applicant for
many years, but has no direct knowledge of
the person's specific job performance
abilities.



circumstances present greater danger that the judge is lending the prestige of judicial office to “advance the personal or economic interests of others.”

CONCLUSION

It is the opinion of the Committee that a judge may complete a reference letter where the judge has personal knowledge of the candidate, even where the judge has no direct knowledge of a person’s job performance abilities, so long as the judge does not offer opinions on issues of which the judge has no personal knowledge.

REFERENCES

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

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.


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