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**STANDING COMMITTEE ON JUDICIAL ETHICS
AND ELECTION PRACTICES**

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OPINION NO.: JE11-006

PROPRIETY OF A FULL-TIME DISTRICT COURT HEARING MASTER BECOMING A CANDIDATE FOR ELECTION OR RE-ELECTION TO THE BOARD OF GOVERNORS OF THE STATE BAR OF NEVADA AND SERVING IN SUCH POSITION IF ELECTED.

ISSUE

Is the Committee's Advisory Opinion No. JE11-005 applicable to a full-time district court hearing master?

ANSWER

The full-time district court master is not within any of the three categories of part-time judicial officers exempt from the application of certain provisions of the Nevada Code of Judicial Conduct (the "NCJC"). For that reason, the master would be subject to the same application of the NCJC as a district court judge evaluated in the Committee's Advisory Opinion No. JE11-005.

FACTS

A full-time district court master is a duly elected (and re-elected) member of the Board of Governors of the State Bar of Nevada (the "Board"). The master has inquired whether the Committee's Advisory Opinion No. JE11-005 applies to both appointed or elected district court judges and to the full-time district court masters appointed by the district court.

DISCUSSION

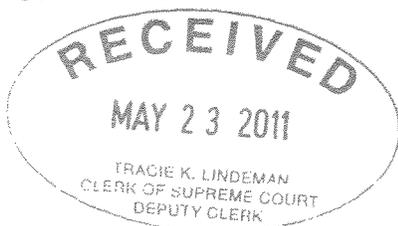
On April 20, 2011, the Committee issued Advisory Opinion No. JE11-005 which opinion concluded:

A district judge who is a duly elected and serving attorney member of the Board of Governors of the State Bar of Nevada may complete his or her term of office consistent with the jurist's obligation to avoid situations that would reasonably create doubt as to the judge's capacity to act impartially or that interfere with the proper performance of judicial duties. A district judge may not be a candidate for election or re-election to the Board of Governors of the State Bar of Nevada.

See Nev. Advisory Opinion, No. JE11-005 at 5 (April 20, 2011).

That opinion was based on the Committee's interpretation of Canon 3, Rule 3.1 and Rule 3.7 of the NCJC. A full-time district court master is not within any of the three categories of part-time judges to whom certain provisions of the NCJC are inapplicable. *See Nevada Code of Judicial Conduct, Application, §§ I(A), II-IV.* Accordingly, the full-time district court master is subject to these provisions of the NCJC. *See id. Application, § I(B).*

Our conclusion in Advisory Opinion No. JE11-005 was reached after reviewing the applicable provisions of the NCJC and the evaluations of these rules (or their



predecessor provisions) by other state judicial ethics advisory panels in similar contexts. We opined that judges subject to Rules 3.1 and 3.7 should not be candidates for election to the Board for two central reasons.

First, the appearance of impropriety which arises when a judge seeks the support of attorneys for election to office in the bar association. In that context, the judge reasonably may be perceived as exerting pressure on the members of the bar or as using judicial office to pursue and achieve some other benefit, office or emolument.

Second, although bar associations are organizations devoted to improvement of the law within the intendment of Rule 3.7(A), state and local bar organizations modernly take positions on controversial issues and administer programs and services with broad legal, political and social implications. A judge who takes a leadership role in the association, therefore, places himself or herself in a position more frequently at odds with the restrictions on jurist's conduct under the Canon and Rule 3.1.

The rationale for the Committee's assessment applies with equal logic to any full-time judicial officer and despite the fact that Nevada judges may have historically served on the Board. The Supreme Court of Nevada may disagree with our interpretation of the NCJC. If so, the Court may instruct the Committee as such or amend the rules to allow judges to seek election or reelection to the Board.

CONCLUSION

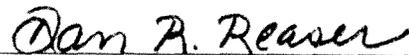
A full-time district court master is a "judge" subject to the mandates of NCJC Canon 3, Rule 3.1 and Rule 3.7. If the

master is a duly elected (or re-elected) member of the Board of Governors of the State Bar of Nevada, he or she may complete his or her term of office consistent with the jurist's obligation to avoid situations that would reasonably create doubt as to the judge's capacity to act impartially or that interfere with the proper performance of judicial duties. Thereafter, the master may not be a candidate for re-election to the Board of Governors of the State Bar of Nevada.

REFERENCES

Nevada Code of Judicial Conduct, Canon 3, NCJC Rule 3.1; NCJC Rule 3.7; Nevada Code of Judicial Conduct, Application, §§ I-IV; Nev. Advisory Opinion No. JE11-005 (April 20, 2011).

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon 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 which requested the opinion.


Dan R. Reaser, Chairman