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STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

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OPINION NO.: JE11-010

PROPRIETY OF A DISTRICT COURT JUDGE PROVIDING A REFERENCE LETTER SUPPORTING AN APPLICANT FOR APPOINTMENT AS A COURT APPOINTED SPECIAL ADVOCATE.

to make certain disclosures in matters in which that individual appears. The judge notes that this disclosure would in his view be required even if a recommendation letter was not furnished given the facts of the relationship.

ISSUE

DISCUSSION

May a Nevada District Court Judge furnish a letter of recommendation for an individual who has applied to become a Court Appointed Special Advocate?

The Committee's opinion evaluates the question presented only as it relates to compliance with the requirements of the Nevada Code of Judicial Conduct. *Rule 5 Governing Standing Comm. On Judicial Ethics*. Accordingly, this opinion is limited by the authority granted by Rule 5.

ANSWER

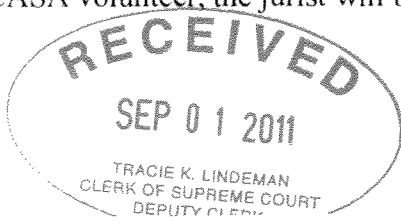
Yes. The Nevada Code of Judicial Conduct (the "NCJC") allows judges to act as references and provide recommendations for individuals based on the personal knowledge of the jurist.

The Committee views the issue presented here as arising under Canon 1, which states, "[a] judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety." Nevada Code of Judicial Conduct, Canon 1. NCJC Rule 1.3 admonishes against the abuse of judicial office by using its prestige "to advance the personal or economic interests of the judge or others, or allow others to do so." Nevada Code of Judicial Conduct, Canon 1, Rule 1.3.

FACTS

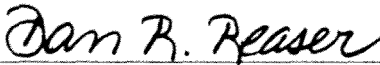
A district court judge has been asked by a personal friend to write a letter recommending favorable action on that friend's application for appointment as a volunteer Court Appointed Special Advocate ("CASA"). CASA appointees represent the interests of, and act as advocates for, abused and neglected children in proceedings before Nevada courts. CASA volunteers appear in child custody and visitation matters before the district court in which the inquiring jurist serves. In this regard, the inquiring judge acknowledges that if his friend is appointed a CASA volunteer, the jurist will be required

As the Committee recently observed, however, the Comments to NCJC Rule 1.3 specifically recognize that a judge may provide recommendations or references of individuals based on the jurist's personal knowledge of the person. *See Nevada Code*



of Judicial Conduct, Canon 1, Rule 1.3, *Comment [2]* to Rule 1.3. Thus, we concluded that a judge could provide a reference letter for an applicant in a foster care program. *See* Nev. Advisory Opinion, No. JE10-014 at 2 (December 20, 2010). The Committee has consistently opined that judge's may act as references and provide recommendation letters provided the jurist exercises care in providing assessments based on the extent of the judge's personal knowledge and observations, and provided the judge is neither acting as a character witness in an adjudicatory proceeding or endorsing a candidate for public office. *See, e.g.,* Nev. Advisory Opinion, No. JE11-002 (February 22, 2011)(employment reference); Nev. Advisory Opinion, No. JE04-004 (May 7, 2004)(law school admission).

responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.



Dan R. Reaser, Chairman

CONCLUSION

A Nevada District Court Judge may provide a letter of recommendation for an individual who has applied to become a Court Appointed Special Advocate.

REFERENCES

Rule 5 Governing Standing Comm. On Judicial Ethics; Nevada Code of Judicial Conduct, Canon 1, NCJC Rule 1.3; NCJC Rule 1.3, Comment [2]; Nev. Advisory Opinion, No. JE11-002 (February 22, 2011); Nev. Advisory Opinion, No. JE10-014 at 2 (December 20, 2010); Nev. Advisory Opinion, No. JE04-004 (May 7, 2004).

This opinion is issued by the Standing Committee on Judicial Ethics. 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