STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

DATE ISSUED: September 1, 2011

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.

ISSUE

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

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.

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 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.

DISCUSSION

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.

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.

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
opined that act as references and provide recommendation letters provided the jurist cares in providing assessments 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).

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


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

Dan R. Reaser, Chairman