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STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

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ADVISORY OPINION: JE12-002

PROPRIETY OF JUDICIAL CANDIDATES RIDING TOGETHER ON THE SAME CAMPAIGN FLOAT IN A PUBLIC PARADE

inconsistent with the independence, integrity, or impartiality of the judiciary.” See Nev. Code Jud. Conduct, Canon 4. Rule 4.1(A)(3) states in pertinent part “[e]xcept as permitted by law, or by Rules 4.2 and 4.4, a judge or a judicial candidate shall not . . . publicly endorse or oppose a candidate for any public office.” See Nev. Code Jud. Conduct, Canon 4, Rule 4.1(A)(3)(emphasis added). Comment [4] explains that this rule is intended to:

ISSUE

May two candidates for different judicial offices participate in a public parade by riding together on the same float?

“[p]rohibit judges and judicial candidates from . . . publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3. These Rules do not prohibit candidates from campaigning on their own behalf, or from endorsing or opposing candidates for the same judicial office for which they are running. See Rule 4.2(B)(2) and 4.2(B)(3).

ANSWER

A candidate for a Nevada judicial office may participate with other judicial candidates by riding together on the same float in a public parade provided such candidates do not otherwise expressly endorse the other for judicial office.

FACTS

A Justice of the Peace has presented a hypothetical question inquiring whether it is a violation of the Nevada Code of Judicial Conduct (“NCJC”) for two judicial candidates seeking different judicial offices to ride together on the same float in a public parade. Specifically, the judge asks whether such an activity would constitute an impermissible endorsement in violation of the NCJC.

Rule 4.2 states in relevant part that a judicial candidate shall act at all times in a manner consistent with the independence, integrity and impartiality of the judiciary. Relevant to this inquiry, Comment [7] to Rule 4.2(A) recognizes that while judicial candidates may not run “on a ticket or slate associated with a political organization, they may group themselves into slates or other alliances to conduct their campaigns more effectively.” See Comment [7] to Nev. Code Jud. Conduct, Canon 4, Rule 4.2(A).

DISCUSSION

The Committee is authorized to render advisory opinions evaluating the scope of the NCJC. Rule 5 Governing the Standing Committee On Judicial Ethics.

Canon 4 states “[a] judge or candidate for judicial office shall not engage in political or campaign activity that is

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Based on these Rules and Comments, the Standing Committee has previously opined that a group of judges may issue joint invitations to a public event promoting the re-election of the jurists to their different judicial offices, *see Advisory Opinion JE07-013 (2007)*, and that candidates for election to different judicial office may jointly participate in an invitation announcing a group campaign event sponsored by a law firm. *See Advisory Opinion JE10-12 (2010)*.

*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.*

  
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**Michael T. Pagni**  
Chairman

The Standing Committee concludes that the judicial ethics standards are not undermined or violated by allowing candidates for judicial office to ride together on a campaign float at a public parade provided the participating candidates do not explicitly endorse one another.

#### **CONCLUSION**

Candidates for election or retention to Nevada judicial offices may participate in a public parade by riding together on the same campaign float without offending the provisions of Rule 4.1(A)(3) provided the candidates do not explicitly endorse one another.

#### **REFERENCES**

Rule 5 Governing the Standing Committee on Judicial Ethics; Nev. Code Jud. Conduct, Canon 4, Rule 4.2 & Rule 4.2; *Commentary [4]* to Rule 4.1; *Commentary [7]* to Rule 4.2; *Advisory Opinion JE07-013*; *Advisory Opinion JE10-12*.

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