

MAR 28 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURTBY CHRIS DEPUTY CLERK

## STATE OF NEVADA

## STANDING COMMITTEE ON JUDICIAL ETHICS

DATE ISSUED: March 28, 2012

ADVISORY OPINION: JE12-004

PROPRIETY OF A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SERVING AS A DELEGATE TO A COUNTY, STATE, OR NATIONAL POLITICAL CONVENTION

ISSUE

May a judge or candidate for election to judicial office serve as a delegate to a county, state, or national political convention?

ANSWER

No. Service as a delegate to a county, state, or national political convention would violate Rule 4.1(A)(3) of the Nevada Code of Judicial Conduct ("NCJC").

FACTS

A judicial officer presents the hypothetical question whether serving as a delegate to a county, state, or national political convention would violate the NCJC.

DISCUSSION

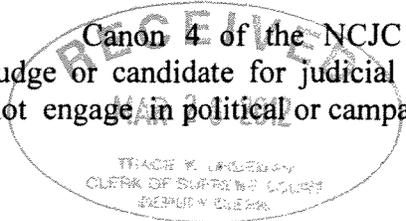
The Committee is authorized to render advisory opinions evaluating the scope and applicability of the NCJC. *Rule 5 of the Rules Governing the Standing Committee on Judicial Ethics.*

Canon 4 of the NCJC states "[a] judge or candidate for judicial office shall not engage in political or campaign activity

that is inconsistent with the independence, integrity, or impartiality of the judiciary." Nev. Code Jud. Conduct, Canon 4. Rule 4.1(A)(3) further provides that "[e]xcept as permitted by law, or by Rules 4.2 and 4.4, a judge or judicial candidate shall not...publicly endorse or oppose a candidate for any public office. Nev. Code Jud. Conduct, Canon 4, Rule 4.1(A)(3). In addition to this restriction, Rule 4.1(A)(1) prohibits judges and judicial candidates from "act[ing] as a leader in, or hold[ing] an office in, a political organization."

The comments to the rule are also instructive. Comment [4] to Rule 4.1 explains that this limitation is intended to "prevent [judges and candidates for judicial office] from abusing the prestige of judicial office to advance the interests of others." Comment [3] to the Rule further provides that while "a judge or candidate for judicial office retains the right to participate as a voter, be a member of a political organization and contribute personal funds to a candidate or political organization...they are prohibited...from assuming leadership roles."

The primary purpose of a delegate to a political convention is to select their respective party's candidate for office. Consequently, acceptance of a position as a delegate at a county, state, or national convention necessarily requires public endorsement of, and opposition to, political candidates for that office. Further, as delegates are selected by voters to represent them at their respective party's convention,



acting as a delegate also constitutes acceptance of a leadership position in a political party.

Thus, the Committee concludes that while judges and judicial candidates may participate in the political process, including participation in a "caucus-type election procedure," acceptance of a position as a delegate at a county, state, or national political convention runs afoul of both Rule 4.1(A)(1) and Rule 4.1(A)(3).

### CONCLUSION

Judges and candidates for judicial election may not serve as delegates to county, state, or national political conventions because such activity would violate Rules 4.1(A)(1) and Rule 4.1(A)(3) of the NCJC.

### REFERENCES

Rule 5 Governing the Standing Committee on Judicial Ethics; Nev. Code Jud. Conduct, Canon 4, Rules 4.1 and Commentary to Rule 4.1.

---

*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.*



---

**Patrick G. Byrne, Esq.**  
Vice-Chairman