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CLERK OF SUPREME COURT
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STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

DATE ISSUED: May 31, 2012

ADVISORY OPINION: JE12-006

PROPRIETY OF A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SERVING AS A MEMBER OF THE BOARD OF A NON-PROFIT ORGANIZATION AND VOLUNTEER AS A SECURITY DIRECTOR FOR A SPECIAL EVENT ON BEHALF OF A NON-PROFIT

DISCUSSION

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

ISSUE

1. May a judge or candidate for election to judicial office serve on the board of a non-profit organization?
2. May a judge or candidate for election to judicial office volunteer as a security director for a charitable organization's annual golf tournament in conjunction with the judge's work with a non-profit organization?

ANSWER

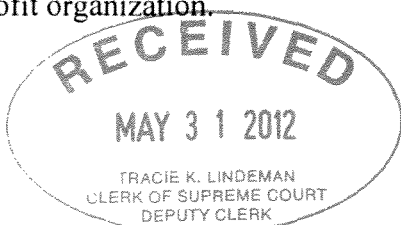
Yes, to both questions.

FACTS

A district court judge asks whether a Nevada judicial officer may serve on the Board of Directors of a non-profit organization that provides services and assistance related to children's issues including, literacy, parenting skills, and foster care, and whether a district court judge may volunteer as a volunteer security director at an annual golf tournament in connection with his/her work for that non-profit organization.

Canon 3 of the NCJC states "[a] judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office." Subject to certain restrictions, set forth in Rule 3.1, a judge may participate in activities sponsored by or on behalf of charitable or civic organizations that are not conducted for profit. Such participation includes, but is not limited to, serving as a director of such an organization unless it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge, or frequently be engaged in adversary proceedings in the court of which the judge is a member.

In JE11-009, the Committee opined that a Nevada judicial officer could not accept an appointment as a volunteer court appointed special advocate or serve on the Board of Directors of the CASA Foundation. The Committee's decision in that opinion relied on an earlier Committee opinion that a district judge should "decline appointment to serve on the board of directors of a non-profit organization that provides support services to victims of domestic violence, including a court advocacy program" in Nevada's courts.



Such an organization would engage in proceedings ordinarily coming before the courts or would frequently engage in adversary proceedings in the district in which the judge sits, and because such participation would cast reasonable doubt on the judge's capacity to act impartially. This position was buttressed by opinions from other state judicial ethics advisory panels that concluded that service as a board member for a CASA program or similar legal aid organization is not allowed.

The factors that led the Committee to its opinion in JE11-009 are not present here. The non-profit organization at issue in this request is not a legal aid type organization, but is instead focused on "filling the gaps" related to children's issues including literacy, parenting skills and foster care. As such, participation does not present the same potential for creating a reasonable doubt about the judge's impartiality that are present when a primary focus of the non-profit is to provide advocates for children in court proceedings. Accordingly, the district court judge's participation as a member of the board of a non-profit organization that provides programs to address issues related to children is allowable. *See* JE00-007 (concluding that a family court judge may serve on the board of directors of a non-profit whose purpose is to assist at-risk youth by providing programs related to independent living skills, mentoring, education, and job placement).

The second question presented in this request asks the committee to opine as to whether a district court judge may continue serving as a volunteer security director for a charitable organization at an annual golf tournament in conjunction with the judge's work on behalf of a non-profit organization.

Participation in extrajudicial activities helps integrate judges into their communities, thus fostering greater respect for the courts and the judicial system. Comment [2] to Rule 3.1. Based on the facts presented, the committee is unable to identify any Canon or Rule of Judicial Ethics that would prohibit such participation consistent with Rules 3.1 and 3.7.

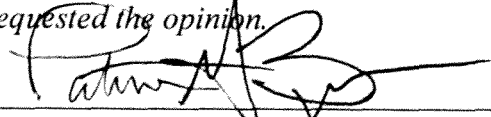
CONCLUSION

A Nevada judicial officer may serve as a member of a board of directors of a non-profit subject to the limitations set forth in JE11-009 with respect to serving as a member of a board of directors for a CASA program or other legal aid organization. Further, based on the facts presented to the committee, the judge requesting this advisory opinion may continue to serve as a volunteer security director for the charitable organization's annual golf tournament consistent with Rules 3.1 and 3.7.

REFERENCES

Rule 5 Governing the Standing Committee on Judicial Ethics; Nev. Code Jud. Conduct, Canon 3, Rules 3.1 and 3.7; Commentary to Rule 3.1; JE00-007; and JE11-009.

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.



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