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STANDING COMMITTEE ON JUDICIAL
ETHICS AND ELECTION PRACTICES

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OPINION: JE98-001

PROPRIETY OF JUDGE SERVING IN
ANOTHER ELECTED OFFICEIssue

May an elected, non-partisan municipal judge run for and serve, if elected, as a non-partisan, non-paid Regent of the University of Nevada system? Answer: No.

Facts

A municipal court judge proposes to seek election to a position as a Regent of the University of Nevada. Both positions are elected, non-partisan offices.

Discussion

In order to engage in a successful campaign for Regent, the candidate would be required to solicit funds, advertise his candidacy and make public appearances to advocate his election. If elected, in order to faithfully discharge his duties, a Regent is required to engage in substantial preparation by reading lengthy materials and then to attend Regent's meetings, some over multiple day periods requiring travel throughout Nevada. The position of Regent is a high public office involving ultimate responsibility for the operation of the several campuses of the system, thousands of employees and a multi-million dollar budget.

The position of judge is a high public office to be occupied only by those personally committed to "establishing, maintaining and enforcing high standards of conduct" to maintain "the integrity and independence of the judiciary." [Canon 1.] It is a judge's obligation to avoid the appearance of impropriety by performing judicial duties in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not allow other relationships to influence the judge's conduct or judgment or lend the prestige of the judicial office to advance the interests of others. [Canons 2, 2A

and 2B.] A judge is required to give his judicial duties precedence over all the judge's other activities in order to promptly and efficiently dispose of the business of the court. [Canon 3A.] A judge must conduct extrajudicial activities so that they do not interfere with the proper performance of judicial duties. A judge is prohibited from accepting any governmental position except when related to the law, legal system or administration of justice. [Canons 4, 4A(3) and 4C(2).] A judge shall resign from judicial office upon becoming a candidate for a non-judicial office. [Canon 5A(2).]

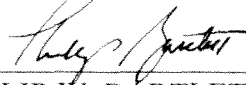
Conclusion

A judge cannot effectively serve the public in two capacities. Each of these positions require substantial devotion of time and attention, and by rule the judge must give preference to his judicial activities. We believe that the diligent performance of the job of judge does not allow for the performance of any other public position. A judge must resign his judicial office if he intends to become a candidate for regent.

References

Nevada Code of Judicial Conduct: Canons 1, 2, 2A, 2B, 3A, 4, 4A(3), 4C(2) and 5A(2).

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