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STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL
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CLERK OF SUPREME COURT
BY _____
CHIEF DEPUTY CLERK

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OPINION: JE98-002

PROPRIETY OF JUDGE LENDING NAME
TO A PARTICULAR CHARITABLE
FUND-RAISING EVENT

Issue

May a sitting judge permit his name to be listed as a member of a "Honorary Host Committee" for a charitable event, said Judge's name to appear on the invitation to said event and on the event's promotional material? Answer: No.

Facts

A judge received in the mail a request for permission to list his name as a member of a charitable event's "Honorary Host Committee." The event was a celebrity golf tournament for a national charity and the judge's name would appear on the invitation to the tournament, as well as in the event's promotional materials.

Discussion

The Nevada Code of Judicial Conduct sets forth the applicable standards from which our judges are provided guidance for ethical conduct. Regarding the instant hypothetical issue, Canon 4C(3)(b)(iv) provides:

b) A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:

- (iv) shall not use or permit the use of the prestige of judicial office for fund-raising or membership solicitation.

The commentary to 4C(3)(b)(iv) supplies an appropriate discussion relative to the general rule. In particular, it states that a judge "may solicit membership or endorse or encourage membership efforts" for a charitable organization provided it is not

essentially a fund-raising mechanism and "must not engage in direct individual solicitation of funds," with limited exceptions. A judge who is an officer of an organization may allow his name and office to appear on the organization letterhead, so long as other persons listed have comparable designations.

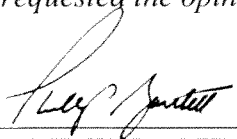
Conclusion

Although a judge may solicit membership to certain organizations, he may not use his position as a fund-raising mechanism. A judge cannot permit his name to appear on promotional material of a charitable organization when the purpose is to raise funds for a particular charitable event.

References

Nevada Code of Judicial Conduct: Canon 4.
In the Matter of Joseph HARRIS, 529 N.E.2d
416 (Ct. of Appeals, New York) 1988.

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