

MAY 06 2002

WALTER H. BLOOM
CLERK OF SUPREME COURT
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STATE OF NEVADA
STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: May 6, 2002

OPINION: JE02-004

PROPRIETY OF A CANDIDATE FOR
JUDICIAL OFFICE, WHO SERVES AS A
PART-TIME JUDGE, WEARING A
JUDICIAL ROBE IN CAMPAIGN
ADVERTISING

present position or other facts concerning the
candidate or an opponent."

The section of the Nevada Code of
Judicial Conduct regarding "Application of
the Code of Judicial Conduct" states:

Issue

May a candidate for election to judicial
office, who serves as an unpaid part-time
judge, appear in a judicial robe in campaign
advertising?

"A. Anyone, whether or not a
lawyer, who is an officer of a
judicial system and who
performs judicial functions,
including an officer such as a
magistrate, court
commissioner, special master
or referee, is a judge within the
meaning of this Code. All
judges shall comply with this
Code except as provided
below."

Answer: No.

Facts

A practicing attorney is seeking election to
judicial office. The attorney has been
appointed as a part-time judge to preside over
matters in the short-trial program. Attorneys
serving as part-time judges in the program are
not required to give up the practice of law
while serving in such appointed positions.
The candidate has requested an opinion
whether the candidate may appear in a judicial
robe in campaign advertising.

This section, however, exempts periodic
part-time judges and pro tempore part-time
judges from many of the provision of the
Code, including the prohibition against judges
engaging in the practice of law. Attorneys
appointed to serve as part-time judges in the
short-trial program serve in a judicial capacity
while participating as judges in the program.
However, attorneys serving in the program are
not required to give up the practice of law.

Discussion

The Nevada Code of Judicial Conduct sets
forth the applicable standards from which
judges and candidates for judicial office are
provided guidance for ethical conduct.

By appearing in a judicial robe in
campaign advertising, a candidate would
likely create the appearance and impression in
the minds of the public that the candidate is a
full-time judge, rather than a practicing
attorney and would be contrary to the
requirements of Canon 3A(3)(d)(iii).

Canon 3A(3)(d)(iii) states that a candidate
for judicial office shall not "knowingly
misrepresent the identity, qualifications,

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Conclusion

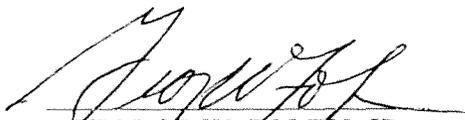
It is, therefore, the opinion of the Committee that a candidate for judicial office who serves as a part-time judge, may not appear in a judicial robe in campaign advertising.

Nothing stated in this opinion is intended to prohibit the candidate from stating to the public and in campaign advertising that he or she has been appointed as a part-time judge as evidence of the candidate's qualifications for election to judicial office.

References

Nevada Code of Judicial Conduct Canon 3A(3)(d)(iii); "Application of the Code of Judicial Conduct".

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. 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.



GEORGE W. FOLEY, JR.
Committee Vice-Chairman