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DEC 12 2003

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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

Date Issued: December 12, 2003

OPINION: JE03-004

PROPRIETY OF A FAMILY COURT
MASTER CAMPAIGNING IN A
JUDICIAL ROBE

DISCUSSION

ISSUE

May a full time court master campaign for the position of state district judge while wearing a judicial robe.

Answer: No.

FACTS

A full time court master has declared his/her candidacy for district judge in an upcoming election. The master is not elected, but rather appointed pursuant to NRCP 53 and serves at the pleasure of the district judges. The master on occasion will serve in the place of an absent district judge. However, normally the master sitting as a master does not sign orders; the master makes recommendations for approval by the district judge.

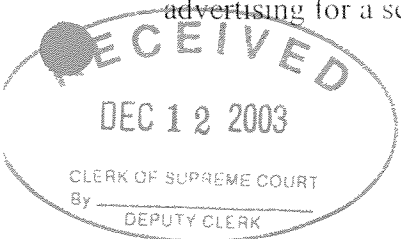
The master wears a robe on the bench and is depicted wearing this robe in a photograph of all the members of the family court judiciary displayed in the courthouse.

This judicial candidate seeks guidance from the committee as to whether the robe worn as part of his or her daily activities may be worn in campaign advertising for a seat as a district judge.

The Nevada Code of Judicial Conduct sets the applicable standards from which our judges are provided guidance for ethical conduct. A full time master is subject to all of the Canons of the Code of Judicial Conduct. See Application of the Code of Judicial Conduct, paragraph A.

Canon 5A(3)(d)(iii) states that a candidate for judicial office shall not "knowingly misrepresent the identity, qualifications, present position or other facts concerning a candidate or an opponent."

This committee has previously ruled in Opinion JE02-004 that it is not appropriate for a lawyer serving as a part time judge in the short trial program to wear a judicial robe in campaign advertising. The master seeking this advisory decision believes the present situation is distinct as the master works as a full time court master who wears a judicial robe as part of his or her daily job duties. Court masters serve an invaluable function in the support of the district courts in Nevada. However, they are not judges. For that reason, the committee believes that it would be potentially misleading to the public for the master to campaign in a judicial robe. Even if the court master was to clearly point out his or her judicial experience, a judicial robe depicted in an advertisement has the potential to communicate a powerful message to the electorate.



CONCLUSION

It is therefore the opinion of the committee that a candidate for judicial office who serves as a full time family court master may not appear in a judicial robe in campaign advertising.

REFERENCES

NRCP 53; Nevada Code of Judicial Conduct, Application and Canon 5A(3)(d)(iii); NRS 294A.340; Opinion JE02-004.

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.



Philip W. Bartlett
Committee Chairman