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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

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PROPRIETY OF SITTING JUDGE
HAVING JUDICIAL BUSINESS CARD
PRINTED IN MAGAZINES AND
OTHER PUBLICATIONS.

ISSUE

May a sitting judge have a
"judicial business card" printed in a
magazine or other publication?

ANSWER

Yes.

FACTS

A judge asks whether sitting
judges may have a "judicial business card"
published in magazines or other
publications. For purposes of this
advisory opinion, the Committee has
assumed that a "judicial business card" is a
card which includes the name of the judge,
and the court on which the judge sits. It
may also include an address, telephone
number, and an email address.

DISCUSSION

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

Several Canons of the Nevada
Code of Judicial Conduct are relevant to
this opinion. In relevant part, Canon
5C(1)(b)(iii) provides:

(1) A judge or a candidate
subject to public election
may, except as prohibited by
law:

(b) when a candidate for
election and only when a
candidate for election:

(iii) distribute pamphlets
and other promotional
campaign literature
supporting his or her
candidacy;

To the extent that a judicial
business card is published at a time when a
judge is not a candidate for election, the
Committee finds that Canon 5C(1)(b)(iii) is
not violated because the mere publication
of a business card does not constitute the
distribution of promotional campaign
literature.

Canon 4A provides:

A judge shall conduct all of
the judge's extra-judicial
activities so that they do not:

(1) cast reasonable doubt on
the judge's capacity to act
impartially as a judge;

(2) demean the judicial
office; or

(3) interfere with the proper
performance of judicial

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duties.

The Commentary to Canon 4A states that it is neither possible nor wise for a judge to be completely separated from extra-judicial activities and that a judge "should not become isolated from the community in which the judge lives." The simple publication of a business card does not, by itself, cast reasonable doubt on the judge's capacity to act impartially, demean the judicial office, or interfere with the proper performance of judicial duties. However, in having a business card placed in a particular publication, the judge should consider and assess whether placement of a business card in a particular publication has the potential to raise issues under Canon 4A.

Canon 2 provides:

A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

In applicable part, Canon 2A provides:

A. A judge . . . shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The Commentary to Canon 2A notes that it is not practical to list all prohibited acts and that "the proscription is necessarily cast in general terms." The Commentary states that the "test for the appearance of impropriety is whether the

conduct would create in reasonable minds the perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired." It also makes reference to the Commentary to Canon 2C. That Commentary suggests that a judge should not give the appearance of approval to organizations that practice invidious discrimination.

Again, the mere publication of a judicial business card does not by itself give the appearance of impropriety or diminish public confidence in the integrity and impartiality of the judiciary. However, in having a judicial business card placed in a particular publication, a judge should consider, examine and evaluate the provisions of Canon 2, Canon 2A and the relevant Commentary.

Finally, Canon 1 provides that "a judge shall uphold the integrity and independence of the judiciary." Although the mere publication of a judicial business card cannot be said to undermine the integrity and independence of the judiciary, Canon 1 should also be considered by a judge when making the decision to have a business card published.

CONCLUSION


It is, therefore, the opinion of the Committee that although a judge is not expressly prohibited from having a judicial business card published in a magazine or other publication, judges should consider the specific requirements of the Canons referenced above and any other potentially relevant Canons to ensure that the publication, because of specific

circumstances, will not result in a violation of specific Canons. In addition, the judge should regularly examine the activities of a specific organization responsible for the publication to determine if it continues to be proper for the judge to have a business card published in that organization's publication.

REFERENCES

Nevada Code of Judicial Conduct, Canon 5C(1)(b)(iii); Canon 4A; Canon 2; Canon 2A; Canon 1.

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