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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY CHIEF DEPUTY CLERK

STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: July 18, 2008

ADVISORY OPINION: JE08-007

PROPRIETY OF A SENIOR JUDGE
ATTENDING A FUND RAISING
LUNCHEON HELD FOR AN
INCUMBENT JUDGE SEEKING
REELECTION.

judge shall not "publicly endorse ... another
candidate for public office." The
commentary to that Canon expressly states
that "a judge or judicial candidate's
donation to a candidate or political
organization that is otherwise permitted by
state or federal law is not considered a
public endorsement of a candidate for
political office."

ISSUE

May a senior judge attend a \$500
per plate fund raising luncheon being held
to support the reelection campaign of a
judge?

Therefore, it is the opinion of the
Committee that the relevant Canons and
commentary permit a senior judge to attend
a fund raising luncheon in support of an
incumbent judge. Conduct which the Code
permits, i.e., a donation permitted by state
law and attendance at a gathering, will not
be construed as an implied violation of
another portion of the Code, i.e., the
prohibition of public endorsement.

ANSWERS

Yes.

CONCLUSION

A senior judge may attend a fund
raising luncheon held in support of the
reelection of an incumbent judge.

FACTS

A senior judge has inquired as to
whether the judge may attend a fund
raising luncheon being held to support the
reelection of an incumbent judge. The
requested contribution for the luncheon is
\$500.

REFERENCES

Application of the Code of Judicial
Conduct, Paragraph B; Nevada Code of
Judicial Conduct, Canon 5A(1)(b), Canon
5C(1)(a)(i).

DISCUSSION

In this case, the senior judge is a
"retired judge subject to recall." A retired
judge subject to recall is required to
comply with all of the requirements of
Canon 5, which is applicable here. See,
Application, Paragraph B. In applicable
part, Canon 5C(1)(a)(i) expressly provides
that a judge may "at any time purchase
tickets for and attend political gatherings."
However, Canon 5A(1)(b) provides that a

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binding on 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 requesting the opinion.

A handwritten signature in cursive script, reading "Gordon H. DePaoli".

Gordon H. DePaoli, Esq.
Committee Chairman