

judge: . . . or (3) interfere with the proper performance of judicial duties."

In the view of the Committee, there are facts present in this request which raise issues under each of those Canons. The training is for reserve police officers who may at some point appear before the judge, who typically will be on the prosecution side of a proceeding, and who are part of a different branch of government. Those facts, at a minimum, create appearances concerning judicial independence under Canon 1, concerning impartiality under Canons 2A and 4A(1), and concerning interference with the proper performance of judicial duties under Canon 4A(3). See, e.g., Arizona Advisory Opinion 03-08 (2003) (judges participating in training of police officers on how to perform their duties may be in violation of Canon 2A and raise separation of powers issues). In general, it is the Committee's view that courtroom training for police officers is primarily, if not totally, the responsibility of the police and prosecutors.

In addition, "courtroom demeanor" encompasses a wide range of activities which go well beyond proper attire, decorum and the process and procedures followed in the courtroom. For example, Black's Law Dictionary notes that:

Demeanor embraces such facts as the tone of voice in which a witness's statement is made, the hesitation or

readiness with which answers are given, the look of the witness, his carriage, his evidence of surprise, his gestures, his zeal, his bearing, his expression, his yawns, the use of his eyes, his furtive or meaning glances, or his shrugs, the pitch of his voice, his self possession or embarrassment, his air of candor or seeming levity.

In the judgment of the Committee, it would be inappropriate for a judge to provide training for reserve police officers which addresses any of those aspects of "demeanor." In the judgment of the Committee, such training by a judge is not allowed under Canon 1, Canon 2A and Canon 4A.

On the other hand, Canon 3A(3) provides that "a judge shall require order and decorum in proceedings before the judge." It is the opinion of the Committee that a judge may provide training on matters which touch and concern those issues, like appropriate attire for the courtroom and the process and procedures followed in the courtroom.

Finally, it is the opinion of the Committee that the Nevada Code of Judicial Conduct is not implicated by the use of a courtroom for such training, whether the judge does or does not participate.

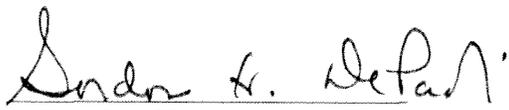
CONCLUSION

Therefore, it is the opinion of the Committee that a judge may participate in training for reserve police officers if the participation is limited to appropriate attire for and the process and procedures followed in the courtroom.

REFERENCES

Nevada Code of Judicial Conduct, Canon 1, Canon 2A, Canon 3A, Canon 4A, Canon 4B; Arizona Advisory Opinion 03-08 (2003).

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not 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.



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