

STATE OF NEVADA

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STANDING COMMITTEE ON CHEP DEPUTY CLEAK JUDICIAL ETHICS AND ELECTION PRACTICES

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PROPRIETY OF А JUDGE AS AN **UNPAID** PARTICIPATING **VOLUNTEER** IN А CIVIC OR **CHARITABLE** EVENT WHILE А CANDIDATE FOR JUDICIAL OFFICE

ISSUE

May a judge participate as a unpaid volunteer in a community charitable or civic event where the judge does not engage in fundraising activities and while the judge is a candidate for judicial office?

ANSWER

Yes. The Code permits judges to engage in civic extrajudicial activities not conducted for profit where such activities do not interfere with the proper performance of judicial duties or appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

FACTS

A Justice of the Peace asks whether it would be a violation of the Code if the judge participates in Dayton Valley Days. Dayton Valley Days is a community event that began as a fundraiser for local school children. This year's event is hosted by non-profit



ADVISORY OPINION: JE10-010

organizations and the proceeds will be used to support Dayton Food Bank and non-profit entities supporting Central Lyon Youth. The judge indicates she would like to volunteer as a judge of a contest and to perform a renewal of wedding vows on the steps of the courthouse. The judge is currently a candidate for re-election.

DISCUSSION

Canon 3 states that "A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office." Specific to this issue, Rule 3.1 provides that a "judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not . . . (A) participate in activities that will interfere with the proper performance of the judge's judicial duties; . . . [or] (C) participate in activities that would appear to a reasonable person to undermine the judge's independence. integrity, or impartiality. . . ." Comment 1 to Rule 3.1 states that "judges are permitted and encouraged to engage in educational, religious, charitable, fraternal, or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law." Similarly, Rule 3.7 states that a judge may

judge may participate in activities sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit.

In this case, the Dayton Valley Days program appears to be the type of civic or charitable activity in which the Code encourages judges to participate. Based on the description provided by the judge, the activities the judge will be involved in do not appear to the Committee to be of the nature would undermine that the indge's independence, integrity or impartiality, nor would they appear to interfere with the performance of judicial duties. As the judge will not be directly engaging in any fundraising activity or soliciting contributions on behalf of Dayton Valley Days or the nonprofit sponsor organizations, the Committee does not believe the civic activities described would implicate any violation of the Code.

Finally, the Committee is not aware of any limitation under Rule 3.1 or 3.7 which precludes a judge from engaging in otherwise permissible civic or charitable activities merely because the judge happens to be a candidate for judicial office at the time. Regardless of the venue, a judicial candidate is always subject to and must independently comply with applicable provisions of Canon 4.

CONCLUSION

It is the opinion of the Committee that a judge may participate in non-fundraising civic or charitable activities as part of Dayton Valley Days, provided such activities are consistent with Rule 3.1 and do not interfere with the proper performance of judicial duties and do not otherwise appear to a reasonable person to undermine the judge's independence, integrity or impartiality.

References

Revised Nevada Code of Judicial Conduct, Canon 3; Canon 4; Rule 3.1; Rule 3.7; Commentary to Rule 3.1.

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