

office to “advance the personal or economic interests of others.” Judges should also be cognizant of the limitations imposed by Rule 3.2, and avoid reference activities that involve voluntary appearances before executive or legislative bodies, except as otherwise permitted by that Rule.

The Committee notes that Rule 3.3 imposes limitations on acting as a character witness, stating “a judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.” However, the Committee did not believe the limitations in Rule 3.3 applied to the facts and circumstances presented in this opinion request, as completing a reference questionnaire in a Foster Care licensing application was more akin to providing a reference letter than testifying under oath in an administrative, civil or criminal proceeding where a person’s legal rights, duties, privileges or immunities are ultimately determined. *Cf.* Advisory Opinion 04-004.

CONCLUSION

It is the opinion of the Committee that a judge may complete a reference questionnaire for a Foster Care licensing candidate where the judge has personal knowledge of the candidate.

REFERENCES

Revised Nevada Code of Judicial Conduct, Canon 1; Rule 1.3; Rule 3.2; Rule 3.3; Commentary to Rule 1.3.

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.



Michael A.T. Pagni, Esq.
Committee Vice-Chairman