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STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

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ADVISORY OPINION: JE12-010

PROPRIETY OF A JUDGE PROVIDING
A GENERAL LETTER OF
RECOMMENDATION FOR A PROJECT
MANAGER BASED ON PERSONAL
KNOWLEDGE OF HIS PERFORMANCE

ISSUE

1. May a judge provide a generalized letter of recommendation for a project manager based on the judge's personal knowledge of the project manager's work performance?
2. If so, may such a letter be issued on official court letterhead?

ANSWER

Yes to both questions. The Nevada Code of Judicial Conduct ("NCJC") allows judges to provide recommendations or references for an individual based upon the judge's personal knowledge. Such recommendations may be provided on official court letterhead so long as the judge indicates that the reference is personal and there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure through the judicial office.

FACTS

A justice of the peace has been asked by a former project manager on a court construction project to provide a general "To

Whom it May Concern" letter of recommendation for the project manager. The judge states that he/she had direct interaction with the project manager during the construction project. The letter, therefore, would be based on the judge's personal knowledge of the project manager's performance.

DISCUSSION

The Committee is authorized to render advisory opinions evaluating the scope and applicability of the NCJC. *Rule 5 of the Rules Governing the Standing Committee on Judicial Ethics.*

Canon 1 of the NCJC states that a "judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety." NCJC, Canon 1. With respect to the issue before the Committee, Rule 1.3 provides that a "judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." NCJC, Rule 1.3.

As the Committee has observed in the past, however, Comment 2 to Rule 1.3 recognizes that a judge may provide recommendations or references of individuals based on the judge's personal knowledge of the person. NCJC Rule 1.3, Comment [2]; *see also* JE10-014; JE11-002; JE11-010. The comment further provides that such a recommendation may be given



on official letterhead subject to two conditions: (1) the judge must make note that the reference is personal; and (2) there must not be any likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.

Based on the facts before it, the Committee believes the judge can provide the recommendation and do so on official letterhead. Specifically, the judge worked with the contractor and has personal experience on which to base the recommendation. In addition, the letter requested will not be addressed to a specific person but will be addressed generally "To Whom it May Concern." Thus, the reader should not perceive the letter as an attempt to exert pressure by reason of the judicial office. Therefore, consistent with the commentary to Rule 1.3 and the Committee's past opinions, the Committee concludes that the justice may provide a general "To Whom it May Concern" recommendation letter to the project manager, and may use official letterhead to do so as long as the letter indicates that the reference is personal.

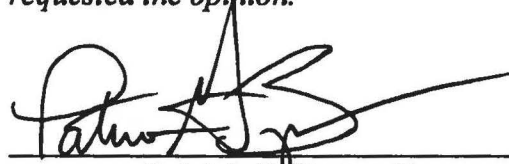
CONCLUSION

The commentary to Rule 1.3 expressly authorizes judges to provide letters of recommendation based on personal knowledge, and to issue such recommendations on official letterhead subject to the limitations noted in this opinion. Accordingly, it is the opinion of the Committee that (1) the judge may provide a general letter of recommendation to the former project manager based on the his/her personal knowledge and (2) such a recommendation may be issued on official letterhead so long as it indicates that the reference is personal.

REFERENCES

Rule 5 Governing the Standing Committee on Judicial Ethics; Nev. Code Jud. Conduct, Canon 1, Rule 1.3; Comment [2] to Rule 1.3; JE10-014; JE11-002; JE11-010.

This opinion is issued by the Standing Committee on Judicial Ethics. 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.



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