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STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

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ADVISORY OPINION: JE16-002

PROPRIETY OF A JUDGE  
PARTICIPATING IN AN "ATTORNEYS  
OSCARS" AWARDS PROGRAM AND  
VOTING ON BEST ATTORNEY  
PERFORMANCES

ISSUE

May a judge participate in an awards  
program in which judges would nominate or  
vote for "best attorney" awards in a variety  
of categories?

ANSWER

No. The Committee believes judicial  
participation in a program in which judges  
will vote for "best attorney" performances  
would appear to a reasonable person to  
undermine the independence and  
impartiality of the judiciary.

FACTS

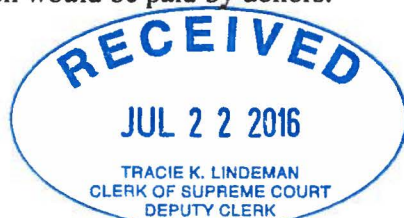
A judge has presented the  
Committee with a hypothetical question  
inquiring whether it is a violation of the  
Nevada Code of Judicial Conduct ("NCJC")  
for a judge to participate in an attorney  
awards program called the Las Vegas  
Oscars, in which judges would nominate or  
participate in voting for the "best" attorney  
in a variety of categories such as best lead  
counsel, best criminal trial, or best closing  
argument. A public awards ceremony would  
be held to issue the awards, the cost of  
which would be paid by donors.

DISCUSSION

The Committee is authorized to  
render advisory opinions evaluating the  
scope of the NCJC. *Rule 5 Governing the  
Standing Committee On Judicial Ethics.*  
Accordingly, this opinion is limited by the  
authority granted in Rule 5.

An independent, fair and impartial  
judiciary is indispensable to our system of  
justice. *Preamble [1], Nev. Code Jud.  
Conduct.* Canon 2 of the NCJC states "[a]  
judge shall uphold and promote the  
independence, integrity, and impartiality of  
the judiciary and shall avoid impropriety and  
the appearance of impropriety." Rule 1.2  
imposes upon judges the obligation to act at  
all times in such a manner. *See Nev. Code  
Jud. Conduct Rule 1.2.* As recognized by  
the Comments to Rule 1.2, "public  
confidence in the judiciary is eroded by  
...conduct that creates the appearance of  
impropriety" and "conduct that  
compromises or appears to compromise the  
independence, integrity, and impartiality of  
a judge undermines public confidence in the  
judiciary." *Nev. Code Jud. Conduct Rule  
1.2, Comments [1] and [3].*

The Committee is concerned that  
nominating or voting on "best" attorneys in  
various categories would undermine the  
integrity or independence of the judiciary in  
violation of Rule 1.2. The Committee is  
concerned that such a nomination or vote  
would appear to a reasonable person to  
indicate favoritism by the judge, and would  
undermine the appearance that persons  
represented by counsel who were not the  
"best" would not be treated equally. The  
Committee believes that this type of



program also creates the perception that counsel are not on equal footing in the eyes of the judiciary and, thus, could cause a litigant to lose confidence in counsel that may appear against an attorney who has been nominated for or received recognition by a judge.

The Committee expressed concern that participating in the nomination and voting on "best" attorneys could interfere with the proper performance of the judge's judicial duties by leading to frequent disqualification of the judge. The Committee believes it likely that counsel will frequently seek to disqualify a judge in cases where the judge nominated or voted opposing counsel as the "best" attorney in some category.

The Committee also expressed concern with how counsel may use such awards in marketing materials. A judge should avoid abusing the prestige of judicial office to advance the personal or economic interests of others and should avoid allowing others to do so. *Nev. Code Jud. Conduct Rule 1.3*. The Committee is concerned that counsel that receive "best attorney" awards may abuse the prestige of judicial office in marketing materials by suggesting the award is some type of official judicial recognition that they are the "best attorney" in some category. The Committee expressed strong concern that participation in this type of award program creates a significant risk of violating Rule 1.3 and undermining public confidence in the prestige and impartiality of the judiciary.

#### CONCLUSION

The Committee concludes that the Code of Judicial Conduct does not allow a judge to participate in an "Oscars" type award program where the judge will nominate or vote on the "Best Attorney" in

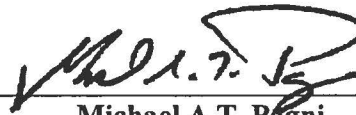
various categories. The Committee believes such a program would appear to a reasonable person to undermine the independence and impartiality of the judiciary, would lead to frequent disqualification or challenge, and creates a significant risk that attorney marketing of such awards will abuse of the prestige of judicial office.

#### REFERENCES

Nev. Code Jud. Conduct, Canon 1 and Canon 2; Rule 1.2; Rule 1.3; Rule 3.1.

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*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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Michael A.T. Pagni  
Chairman