

Nebraska Judicial Ethics Opinion 06-6

Questions Presented--

Can a judge serve individually or on a panel with other persons as a judge who selects winners in speech contests, pageants, talent shows or other similar events sponsored by various non-profit groups or service clubs?

Conclusion

The Nebraska Code of Judicial Conduct does not bar judges from participating, individually or on a panel with other persons, as a judge in contests or competitions such as speech contests, scholarship selections, pageants, talent shows, or other similar events.

Statement of Facts

A county judge has been asked to serve as a “judge” on various events sponsored by nonprofit groups or service clubs, including speech contests, scholarship selections, pageants, and talent shows.

Applicable Code Sections

Neb. Code of Jud. Cond., Canons 4C(3) and 4C(3)(b)

References in Addition to Nebraska Code of Judicial Conduct

Nebraska Judicial Ethics Opinion 97-1

Nebraska Judicial Ethics Opinion 97-3

Nebraska Judicial Ethics Opinion 97-4

Nebraska Judicial Ethics Opinion 00-1

Discussion

The Nebraska Code of Judicial Conduct, specifically Canon 4, addresses various extrajudicial activities of judges. Judges are to conduct themselves in their involvement in extrajudicial activities in such a manner as to minimize the risk of conflict with judicial obligations. For example, a judge should not actively be involved in fundraising for any charitable organization or lend his name to any fundraising event. On the other hand, the Code permits judges to participate in the activities of charitable and social groups and, in fact, encourages judges to do so subject to the caveats in Canon 4. Prohibition of participation in such organizations or acting at their behest occurs when the activity may adversely affect the judge’s impartiality. A judge should not belong to an organization or participate in its activities if the judge believes that his or her personal involvement might be seen as impairing the judge’s capacity to decide, impartially, any issue which may come before the judge or if the affiliation may reasonably be seen as an indirect advocacy for such organization or activity. Further, the listing of the judge’s name in the biographical section of the program or news release would not be objectionable so long as there is no fundraising associated with the publication.

The question, as submitted, does not suggest that the proposed activity would reflect adversely on the judge’s impartiality or detract from the dignity of the judicial office. The activities described do not indicate any controversy would be involved nor is there any indication that such activities are political in nature. The described activity does not suggest that the prestige of the

judicial office would promote the private interests of others nor is there any indication that the activity or involvement interferes with the proper performance of judicial duties.

The Code and commentary, together with various opinions rendered by this jurisdiction and others, do not prohibit a judge from serving in the capacities described in this inquiry.

Disclaimer

This opinion is advisory only and is based on the specific facts and questions submitted by the person or organization requesting the opinion pursuant to appendix A of the Nebraska Code of Judicial Conduct. Questions concerning ethical matters for judges should be directed to the Judicial Ethics Committee.

APPROVED AND ADOPTED
BY THE COMMITTEE ON JULY 27, 2006

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