



CHIEF JUDGE MELISSA A. SARAGOSA

Justice Court, Las Vegas Township

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

November 23, 2021

Chief Justice James Hardesty
Supreme Court of Nevada
201 S. Carson Street
Carson City NV 89701

Justice Hardesty,

Thank you for allowing time to review the proposed amendment to the Code of Judicial Conduct presented in ADKT 0588. As you are aware, nine Las Vegas Justice Court departments will be on the ballot in 2022 and are affected by the recent legislative amendment to NRS 293.177 and not all are situated similarly; some departments will be running for re-election, one for retention following appointment, and one is a newly created department that is an open seat.

We appreciate the unique situation that has been presented by the change in dates for the filing period, the restrictions on soliciting funds found in Rule 4.2 of the Nevada Code of Judicial Conduct (NCJC) and the limited time to raise campaign contributions before the June primary date which is inconsistent with the intent of the previous revisions to the NCJC.¹ However, given this unique situation, we wanted to raise some concerns for the Supreme Court to consider when voting on ADKT 0588.

First, the proposed amendment to Rule 4.2(C)(3) authorizes the solicitation or acceptance of campaign contributions for "a judge or candidate for judicial office who has announced their intention to file for a judicial office" beginning January 15, 2022. It is unclear what "announced their intention to file" means and it is unclear whether the judge or candidate must announce the intention to file for a specific judicial department. To ensure consistency among judges and candidates and transparency for potential campaign donors, we recommend the "announcement" anticipated be more formal. Proposed language could be added in a separate subsection that reads:

¹ See Comment [3] to Rule 4.2, NCJC.

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A judge or candidate intending to file for a judicial office must announce such intent by sending a written letter to the Administrative Office of the Court identifying the specific court and department for which they intend to file. If there is a change in the intent to file for a judicial office, the judge or candidate must send a written letter to the Administrative Office of the Court announcing such change.

Second, the proposed amendment to Rule 4.2 does not cover the variety of situations that may arise from the amendment to Rule 4.2(C)(3). For example, if a candidate for judicial office announces intention to file in ABC Justice Court, Department X, and solicits funds from campaign donors under that representation, what happens if the candidate later changes their mind and files in Department Y or decides not to file at all? Additionally, can a sitting judge who has announced their intention to run for re-election solicit funds beginning January 15, 2022 even if no candidate has announced their intention to file for that particular department? It is important to maintain transparency for potential campaign donors in order to preserve the integrity of the entire judicial campaign process.

Third, existing Rule 4.2(A)(6) dictates the authorized disposition of unspent or uncommitted campaign contributions. However, the provision begins with the modifying language, "if elected to judicial office...." As such, this provision does not appear to apply to a judge or judicial candidate who is *not* elected to judicial office or to a judge or judicial candidate who changes their mind and decides not to file at all. Likewise, it does not appear to apply to a judge who has unspent campaign contributions received between January 15, 2022 and March 17, 2022, but ultimately is unopposed.

We appreciate your consideration of our concerns.

Sincerely,



Melissa A. Saragosa
Chief Judge