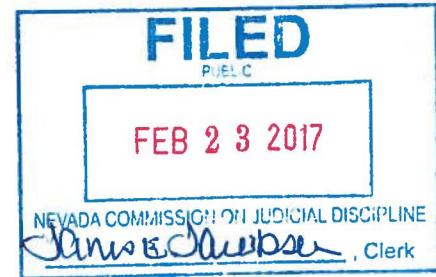




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9 Commission on Judicial Discipline



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BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE  
STATE OF NEVADA

IN THE MATTER OF CONRAD HAFEN, ) CASE NOS.: 2016-070, 071, 072 and 076  
Former Justice of the Peace, City of Las Vegas, )  
County of Clark, State of Nevada, )  
Respondent. )

**STIPULATION AND ORDER OF CONSENT TO PUBLIC CENSURE AND  
AGREEMENT NOT TO SERVE IN A JUDICIAL POSITION**

In order to resolve the three (3) Verified Complaints dated June 1, 2016 and one (1) Verified Complaint dated June 9, 2016 pending against him before the Nevada Commission on Judicial Discipline (the "Commission"), and the results of the Commission's investigation, the Respondent stipulates to the following pursuant to Commission Procedural Rule ("Rule") 29:

1. Respondent admits he committed violations of the Revised Nevada Code of Judicial Conduct ("Code"), including Judicial Canon 1, Rule 1.1, requiring him to comply with the law; Rule 1.2, mandating that he act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, avoiding impropriety and the appearance of impropriety; Canon 2, Rule 2.2, for failing to uphold the law and to perform all duties of his judicial office fairly and impartially; Rule 2.6(A), for failing to allow every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, and Rule 2.8(B) for failing to be patient, dignified and courteous to litigants, jurors, witnesses,

1 lawyers, court staff, court officials and others he dealt with in his official capacity;  
2 by doing a singular act, a combination of acts, or all of the following acts:

- 3 A. In a preliminary hearing before the Respondent on or about December 4,  
4 2014, Clark County Deputy Public Defender Zohra Bakhtary requested a  
5 second competency evaluation of the defendant after he had passed an earlier  
6 evaluation. The defendant repeatedly interrupted Respondent and both Ms.  
7 Bakhtary and the state's counsel. Respondent gave the defendant 25 days in  
8 jail for disruption. When the defendant continued to argue, Respondent gave  
9 him another 25 days for contempt. During the Commission's investigative  
10 interview regarding this Complaint, the Respondent admitted he failed to  
11 enter the necessary written Order of Contempt against the criminal  
12 defendant.
- 13 B. In a case which came to trial on or about December 21, 2015, a defendant still  
14 insisted on representing himself after the Respondent had given him over four  
15 (4) months to obtain counsel. The criminal defendant also argued with  
16 Respondent that he wanted a jury trial. A jury is not granted in such a  
17 misdemeanor case. The Respondent explained in the investigative interview  
18 that he guided the defendant as much as possible during the trial, without  
19 advocating on his behalf. When the defendant asked for another continuance  
20 and again began arguing, the Respondent told his bailiff to handcuff the  
21 defendant and sentenced him to ten (10) days in jail on contempt. Respondent  
22 released the defendant from jail the following day. The Respondent admitted  
23 to the Commission's investigator that he also failed to enter a written Order of  
24 Contempt in this case.
- 25 C. On or about April 15, 2016, a woman was brought before the Respondent on a  
26 material witness warrant. She did not want to testify in a criminal case.  
27 Public Defender Bakhtary did not represent the witness, but was in court at the  
28 time and requested to speak as a "friend of the court", stating the witness had  
representations to make. When Respondent asked the witness if there was  
anything she would like to say, she started screaming and yelling at the  
Respondent and continued to do so until he sentenced her to 25 days in jail for

1 contempt. She was later released and the balance of her time on contempt was  
2 vacated. During the investigation of this Complaint, the Respondent again  
3 admitted he failed to enter a written Order of Contempt based on this incident.

4 D. On or about May 23, 2016, Public Defender Bakhtary appeared before the  
5 Respondent on behalf of another client who was present and out of custody.  
6 Ms. Bakhtary, according to investigative interviews with eye witnesses who  
7 were in court on May 23rd, repeatedly interrupted Respondent. The  
8 Respondent told her to "be quiet" and asked her if she wanted to be found in  
9 contempt.

10 She continued to argue for leniency for her client as Respondent issued his  
11 ruling. The Respondent ordered his bailiff to handcuff Ms. Bakhtary and seat  
12 her in a chair located next to the jury box. Respondent then proceeded with  
13 his ruling, sentencing the defendant to six (6) months in jail, without the  
14 defendant having the assistance of counsel. At the conclusion of this hearing,  
15 the transcript shows the Respondent told his bailiff to "un-cuff Zohra", stating  
16 "I think she's learned a lesson." During her investigative interview, Ms.  
17 Bakhtary stated the Respondent precluded her from advocating for her client,  
18 who she knew was facing jail time. She also said she was trying to calm the  
19 situation and was not arguing with the Respondent. In this case, the  
20 Respondent did enter a written Order of Contempt of Court, which was  
21 vacated on August 2, 2016 by Eighth Judicial District Court Judge Gloria  
22 Sturman. Although Judge Sturman granted Ms. Bakhtary's Petition for Writ  
23 of Mandamus in a subsequent Order, Judge Sturman did conclude that Ms.  
24 Bakhtary's conduct, as described in Respondent's Order, may have qualified  
25 as less than professional or even inappropriate behavior on her part.

26 E. Respondent abused his judicial authority by engaging in any or all of, or any  
27 combination of, the acts listed above in paragraphs A through D (collectively  
28 referred to as the "acts").

2. Respondent admits to all the allegations brought against him in paragraphs (1) (A)  
through (E) as set forth above.

3. Respondent agrees to waive the filing of the Formal Statement of Charges and the  
determination of Reasonable Probability, as provided for in Rule 29. Respondent

1 further agrees to waive his right to present his case, contesting the allegations brought  
2 forward in the results of the Commission's investigation, in a formal hearing pursuant  
3 to Rule 18. Respondent also agrees that this Stipulation and Order of Consent to  
4 Public Censure and Agreement Not to Serve in a Judicial Position ("Order") takes  
5 effect immediately pursuant to Rule 29. The Commission accepts Respondent's  
6 waiver of said rights and acknowledges and agrees to the immediate effect of this  
7 Order. Respondent further agrees to appear before the Commission in a public  
8 proceeding to discuss this Order in more detail and answer any questions from the  
9 Commissioners related to these cases.

10 4. Respondent agrees and acknowledges that this Order will be published on the  
11 Commission's website and filed with the Clerk of the Nevada Supreme Court.

12 5. Respondent and the Commission hereby stipulate to Respondent's consent to public  
13 censure pursuant to Rule 29 and Respondent's agreement to not serve in the future in  
14 any judicial position in the State of Nevada, pursuant to the Nevada Constitution,  
15 Article 6, "Judicial Department", Section 21, 1 and 5(a) and (b) ("Section 21"); NRS  
16 1.4653(2); NRS 1.4677(1)(e) and Rule 28. Respondent stipulates to the following  
17 substantive provisions:

18 (a) He agrees the evidence available to the Commission would establish by clear  
19 and convincing proof that he violated the Code, including Canon 1, Rules 1.1  
20 and 1.2, and Canon 2, Rules 2.2, 2.6 (A) and 2.8(B).

21 (b) He agrees the discipline of public censure and his agreement to not serve in  
22 the future in any judicial position in the State of Nevada is authorized by Rule  
23 29, Section 21, NRS 1.4653(2) and 1.4677(1)(e) and Rule 28.

24 (c) He stipulates to a public censure for violations of the Rules as set forth above  
25 in paragraph (1) (A) through (E).

26 (d) Respondent had decided not to run again for judicial office in the State of  
27 Nevada if he lost his bid for re-election. He was not re-elected to his judicial  
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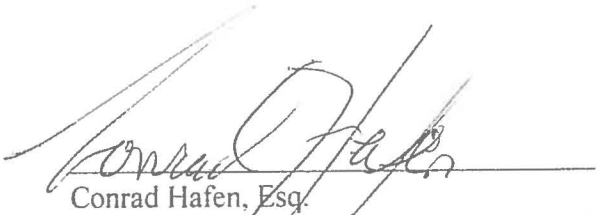


1 **ORDER**

2 IT IS HEREBY ORDERED that Respondent is hereby publicly censured pursuant to  
3 Rule 29 for violating the Code, Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules 2.2, 2.6 (A) and  
4 2.8(B).

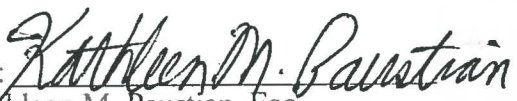
5 IT IS FURTHER ORDERED, pursuant to Section 21 and NRS 1.4677(1)(e), that the  
6 Respondent shall not seek, accept or serve in any judicial or adjudicative position or capacity in  
7 the future in any jurisdiction in the State of Nevada.

8 IT IS FURTHER ORDERED that the Executive Director of the Commission take the  
9 necessary steps to file this document in the appropriate records and on the website of the  
10 Commission and with the Clerk of the Nevada Supreme Court.

11  
12  
13   
14 Conrad Hafen, Esq.  
15 Respondent

16 Dated this 4 day of February, 2017

17  
18 NEVADA COMMISSION ON  
19 JUDICIAL DISCIPLINE  
20 P.O. Box 48,  
21 Carson City, Nevada 89702

22  
23 By:   
24 Kathleen M. Paustian, Esq.  
25 Prosecuting Officer

26 Dated this 8<sup>th</sup> day of February, 2017

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The Commissioners listed below accept the terms of this Stipulation and Order of Consent to Public Censure and Agreement Not to Serve in a Judicial Position between the Respondent and the Commission. They further authorize the Chairman, if requested, to sign on behalf of the Commission, as a whole, this document containing the Stipulation and Order of Consent to Public Censure and Agreement Not to Serve in a Judicial Position.

**NEVADA COMMISSION ON JUDICIAL DISCIPLINE:**

**Signed by:**

**Dated:**



02/23/2017

GARY VAUSE, CHAIRMAN

- Gary Vause
- Leon Aberasturi
- Karl Armstrong
- Bruce Hahn
- Stefanie Humphrey
- John Krmpotic
- Jerome Polaha



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**CERTIFICATE OF MAILING**

I hereby certify that on the 27th day of February, 2017, I served a copy of the CERTIFIED COPY OF STIPULATION AND ORDER OF CONSENT TO PUBLIC CENSURE AND AGREEMENT NOT TO SERVE IN A JUDICIAL POSITION, filed with the Nevada Supreme Court, by United States Mail, postage pre-paid, certified, return receipt requested addressed to the undersigned:

Conrad Hafen, Esq.  
11335 North 5500 West  
Highland, UT 84003  
Respondent

Kathleen M. Paustian, Esq.  
Law Offices of Kathleen M. Paustian, Chartered  
3205 Skipworth Drive  
Las Vegas, NV 89107  
[kathleenpaustian@cox.net](mailto:kathleenpaustian@cox.net)  
Special Counsel



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JANET E. JACOBSEN  
Commission Clerk