

IN THE SUPREME COURT OF THE
STATE OF NEVADA

FILED

AUG 29 2017

**ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK**

In the Matter of)
)
THE HONORABLE DAWN HAVILAND,)
Goodsprings Township Justice Court,)
County of Clark, State of Nevada,)
)
Respondent.)

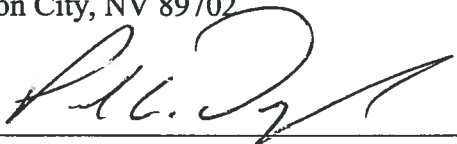
CASE NO.

**CERTIFIED COPY OF FINDINGS OF FACT, CONCLUSIONS OF LAW
AND IMPOSITION OF DISCIPLINE**

Pursuant to Commission Procedural Rule 28(2), I hereby certify that the document attached hereto is a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE filed with the Nevada Commission on Judicial Discipline on August 29, 2017.

DATED this 29th day of August, 2017.

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702

By: 

PAUL C. DEYHLE
General Counsel and Executive Director
Nevada Bar No. 6954

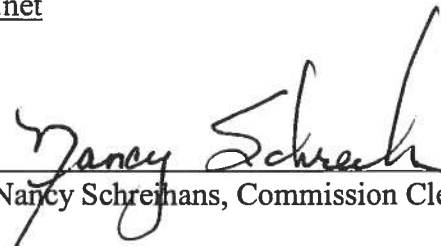
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AUG 29 2017
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 29th day of August, 2017, I served a copy of the **CERTIFIED COPY OF FINDINGS OF**
4 **FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE** by email and U.S Mail,
5 postage paid, addressed to the following:

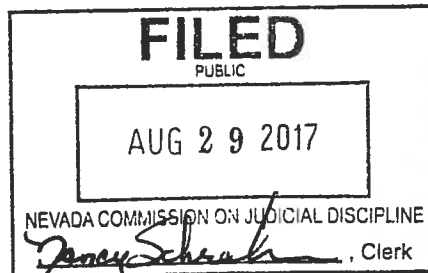
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Nancy Schreihans, Commission Clerk

1 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

2 **STATE OF NEVADA**



3
4 In the Matter of)
5 THE HONORABLE DAWN HAVILAND,)
6 Goodsprings Township Justice Court,)
7 County of Clark, State of Nevada,)
8 Respondent.)

CASE NO. 2016-078-P

9 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE**

10 Pursuant to prior written notice, the above-entitled matter came on for a formal, one-week public
11 hearing in Las Vegas, Nevada, pursuant to NRS 1.467 and Commission Rule 18, commencing on
12 August 7, 2017, before the Nevada Commission on Judicial Discipline (hereinafter, the "Commission"),
13 regarding the allegations against the Honorable Dawn Haviland (hereinafter "Respondent") for
14 violations of the Revised Nevada Code of Judicial Conduct (hereinafter, the "Code").

15 Kathleen M. Paustian, Esq. served as the Prosecuting Officer to the Commission (hereinafter,
16 the "Prosecuting Officer") and was present. Respondent was represented by Albert G. Marquis, Esq.
17 and both were present. During the hearing, the Commission considered all evidence and testimony
18 presented.

19 This document contains the findings of fact and conclusions of law contemplated by
20 Commission Procedural Rule 28. The findings set forth below establish that Respondent violated
21 multiple sections of the Code.

22 **A. FINDINGS OF FACT**

23 The Commission finds that the legal evidence presented by the Prosecuting Officer at the
24 hearing clearly and convincingly established each of the following facts set forth in Paragraphs 1
25 through 7 below:

26 1. Respondent was, at all times applicable to the allegations contained in the Formal
27 Statement of Charges, a Justice of the Peace for the Goodsprings Township Justice Court located in
28 Clark County, Nevada, and whose conduct was subject to the Code.

1 2. The factual allegations in Count One of the Formal Statement of Charges regarding
2 Respondent's signing of the order sealing her former son-in-law's criminal battery records pertaining to
3 her daughter, have been proven by clear and convincing evidence.¹

4 The credible evidence established that on or about April 22, 2014, Respondent sealed criminal
5 records of her now former son-in-law pertaining to domestic battery arrests involving Respondent's
6 daughter in Goodsprings Justice Court, Case Nos. 13CRG000132 and 13CRG000020. Respondent
7 testified that she knew she was signing her now former son-in-law's order to seal criminal records, she
8 considered the order and thought that since it was approved by the District Attorney's Office it was
9 acceptable to sign. Recusal in this situation was mandatory under the Code, and compounds the fact
10 that Respondent initially attempted to preside over the trial and only recused herself after defense
11 counsel noted the conflict on the record.²

12 Respondent's actions in sealing her then son-in-law's criminal records clearly and convincingly
13 established violations of Canon 1 of the Code, Rule 1.1, requiring Respondent to comply with the law,
14 including the Code; Rule 1.2, for failure to promote confidence in the independence, integrity and
15 impartiality of the judiciary, avoiding impropriety and the appearance of impropriety; Canon 2, Rule
16 2.2, requiring judges to uphold the law and perform all duties of the judicial office fairly and
17 impartially; Rule 2.3, requiring a judge to perform her duties without bias; Rule 2.5(A), requiring judges
18 to perform judicial and administrative duties competently and diligently; Rules 2.11(A), requiring a
19 judge to disqualify herself in any proceeding in which her impartiality might reasonably be questioned,
20 and 2.11(A)(2)(a), requiring disqualification when her child is a party and/or (d) is likely to be a material
21 witness in a case.

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24 ¹ The Commission did not find sufficient evidence that the sealed cases were twice removed from the court's sealed records
storage.

25 ² After a judge has been disqualified from a case, the judge is prohibited from taking further action in the case, with the
26 exception for ministerial actions required for the case to be re-assigned to another judge. That bar applies even to
27 uncontested motions or stipulated actions. *See Maryland Advisory Opinion 2009-18* (a judge who has recused herself from
cases involving certain attorneys due to personal relationships with them and their families should abstain even from
28 uncontested aspects of the cases, absent waiver or necessity); *New York Advisory Opinion 12-25* (a judge who is disqualified
from matters in which a particular attorney appears may not enter "so-ordered" discovery stipulations by that attorney).

1 3. The factual allegations contained in Count Two of the Formal Statement of Charges
2 regarding Respondent ordering staff to conduct an illegal criminal records search for the benefit of
3 Respondent's friend have been proven by clear and convincing evidence.

4 On or about May 4, 2015, Respondent gave Goodsprings Bailiff Kenneth Smith a driver's
5 license photograph and asked him to run a criminal history on the man in the picture, Bruce Nelson. As
6 the Goodsprings Terminal Agency Coordinator, Bailiff Smith was responsible for such inquiries and
7 knew the National Crime Information Center ("NCIC") rules for criminal checks require that there be a
8 case number associated with such a records request. Because Respondent's request included no case
9 number, Bailiff Smith did not run the NCIC search. It came to Bailiff Smith's attention through a
10 subsequent audit that a criminal history had later been run approximately eight (8) times on Bruce
11 Nelson by the other Goodsprings Bailiff, William Carter. Respondent testified that she had directed
12 Bailiff Carter to run the criminal check as a pre-employment screening. In order to run a pre-
13 employment screening through NCIC, an employment application and a waiver of applicant is required
14 prior to the screening, and none was provided in this instance by Respondent.³ Respondent admitted
15 that Bruce Nelson was the boyfriend of Respondent's friend, Tracy Coy, who wanted to know his
16 background.

17 Respondent, in ordering staff to conduct an illegal criminal records NCIC search for the benefit
18 of her friend, clearly and convincingly established violations of Canon 1, Rule 1.1, for failure to comply
19 with the law, including the Code; Rule 1.2, requiring her to promote confidence in the independence of
20 the judiciary; Canon 2, Rule 2.2, requiring her to act with impartiality and fairness; Rule 2.3, mandating
21 that she act without bias; Rule 2.5(A), requiring her to carry out her duties competently and diligently;
22 Rules 2.9(C), precluding her from conducting her own independent investigations into matters before
23 her, and (D), requiring her to ensure that her staff complies with Rule 2.9; and Canon 3, Rules 3.1(E),
24 prohibiting improper use of court resources, and 3.5, prohibiting her from using nonpublic information
25 for any purpose unrelated to her official duties.

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27
28 ³ Respondent was the NCIC System Administrator for the Goodsprings Court. As such, Respondent was trained on the NCIC system and all applicable laws, and signed an Acknowledgment regarding the same.

1 4. The factual allegations contained in Count Three regarding Respondent's sentencing of
2 an unrepresented individual without any criminal charges filed against him to eight (8) months in jail
3 have been proven by clear and convincing evidence.

4 The credible evidence established that on or about July 7, 2015, Respondent conducted a civil
5 hearing which led to her sentencing Richard Klosinski, appearing without counsel and in shackles, to
6 eight (8) months in jail without any criminal charges being filed. The civil hearing was for the violation
7 of a protective order which entailed the slashing of truck tires, and was recorded by the court's JAVS
8 system. Despite the civil nature of the case, a Deputy District Attorney ("DDA") was present during the
9 hearing, and interjected herself into the case when she presented documents to the court and had a
10 sidebar discussion with Respondent. Respondent testified that the DDA produced the police report
11 regarding the slashed truck tires.

12 Respondent testified that she made a mistake in issuing the eight (8) month sentence. The
13 testimony and documentary evidence revealed that Mr. Klosinski's due process rights were blatantly
14 violated and the resulting sentencing failed to comply with the law. Respondent admitted it was a "bad"
15 sentence. The docketing of the case memorialized the inappropriate actions of Respondent in that Mr.
16 Klosinski was sentenced to eight (8) months in jail, with six (6) months suspended under the criminal
17 case number 15FG0021X, despite the fact that the proceeding was for a civil violation of a protective
18 order. Furthermore, all such proceedings should be noticed publicly. While the first Klosinski hearing
19 was docketed, the second hearing was not. Moreover, after Mr. Klosinski was sentenced, the attending
20 DDA stated on the record that she would not be filing a criminal complaint for the slashing of the tires
21 based upon the civil proceeding's sentence.⁴ On July 27, 2017, following discussions with the DDA
22 and the Public Defender's Office, Respondent amended the charge to contempt of court with no bail,
23 and amended the case number to 15TPG0010 pertaining to the civil protective order.

24 However, there was never any mention of contempt of court in the prior proceedings, no prior
25 notice and no hearing on contempt. Respondent's actions revealed incompetence in handling the
26 hearing and sentencing, as well as a lack of knowledge and understanding of the basic tenets of the law
27

28 ⁴ Although the DDA was present in the courtroom, the DDA was not an active participant. Respondent conducted almost all of the questioning during the hearing.

1 and due process protections. The Commission found it very troubling that Mr. Klosinski appeared at the
2 hearings shackled and with no attorney representation, which led to his imprisonment and loss of
3 freedom for twenty (20) days without any formal criminal charges being filed. Even more troubling
4 was Respondent's actions afterwards where, in an apparent attempt to cover her tracks, improperly
5 changed the sentence to a contempt of court charge without any justification under the law.

6 Respondent's sentencing of Mr. Klosinski to eight (8) months in jail for violation of a civil
7 protective order clearly and convincingly established violations of Canon 1, Rule 1.1, for failure to
8 comply with the law, including the Code; Rule 1.2, for failure to promote confidence in the
9 independence of the judiciary; Canon 2, Rule 2.2, requiring her to act impartially and with fairness; and
10 Rule 2.5(A), requiring her to conduct her official duties competently and diligently.

11 5. The factual allegations contained in Count Six regarding Respondent's verbal abuse of
12 Bailiff Smith by using the term "sperm donor" to describe men, and more specifically, calling Bailiff
13 Smith a "sperm donor" in the presence of other court staff, have been proven by clear and convincing
14 evidence; however, the other factual allegations contained in Count Six were not sustained.

15 The credible evidence established that Respondent generalized men as "sperm donors" and
16 specifically called Bailiff Smith a "sperm donor" in the presence of other court staff. The testimony of
17 Respondent and court staff established that this term was used by Respondent in the courthouse in front
18 of staff. The Commission found Respondent's conduct in this regard to be highly inappropriate for a
19 judicial officer and not in keeping with maintaining the dignity of her office.

20 Respondent's verbal abuse and discriminatory actions clearly and convincingly established
21 violations of Canon 1, Rule 1.1, requiring Respondent to comply with the law, including the Code; Rule
22 1.2, requiring her to promote confidence in the judiciary; Canon 2, Rule 2.2, requiring her to act with
23 impartiality and fairness; Rule 2.3, requiring her to avoid bias in the performance of her duties; and
24 Rule 2.8(B), mandating that she exercise patience, dignity and courtesy to court staff, officials and
25 others she deals with in her official capacity.

26 6. The factual allegations contained in Count Nine regarding Respondent ordering staff to
27 conduct an independent investigation of the Department of Motor Vehicles ("DMV") auto registration

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1 database and using the information to issue orders regarding vehicle titles to individuals appearing
2 before her in Small Claims Court, have been proven by clear and convincing evidence.

3 The credible evidence established that Respondent issued judgments in Small Claims Court that
4 awarded titles to plaintiffs regarding motor vehicles. In conducting those hearings, Respondent ordered
5 staff to conduct searches of the DMV license plate database to obtain the names of the owners and/or of
6 interested parties for the titles to the vehicles in question. Respondent's court would then send out
7 letters entitled "Notice of Hearing In Lieu of Summons" to any party that had an interest in the vehicle.⁵
8 Respondent would enter a judgment regarding title to the vehicle in question, and in the judgment, order
9 the DMV to issue title to the plaintiff. Small Claims Courts specifically allow for only monetary
10 damages, and as such, titles cannot be awarded within such Courts. NRS 73.010.

11 Respondent, in ordering staff to conduct independent searches of the DMV auto registration
12 database and using the information to identify parties with interest in the vehicle titles, sending letters to
13 those parties and then issuing orders regarding vehicle titles to individuals appearing before her in
14 Small Claims Court, clearly and convincingly established violations of Canon 1, Rule 1.1, mandating
15 that she comply with the law, including the Code; Rule 1.2, which requires that she promote confidence
16 in the judiciary; Canon 2, Rule 2.2, requiring her to act with impartiality and fairness; Rule 2.3,
17 requiring her to act without bias; Rule 2.5(A), requiring her to carry out her duties competently and
18 diligently; Rule 2.6(A), giving every person who has a legal interest in a proceeding the right to be
19 heard; Rules 2.9(C), precluding her from conducting her own independent investigations into matters
20 before her, and (D), requiring her to ensure that her staff complies with Rule 2.9; and Canon 3, Rules
21 3.1(E), prohibiting improper use of court resources; and 3.5, prohibiting her from using nonpublic
22 information for any purpose unrelated to her official duties.

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25 ⁵ Prior to awarding the right to title of a vehicle in Small Claims Court proceedings, Respondent conducted "summary
26 proceedings" wherein a party interested in obtaining title rights to a vehicle would fill out a form, court staff would conduct a
27 DMV search, send out letters to interested parties, and Respondent would hold a hearing to award title. Respondent
28 discontinued the "summary proceedings" process upon notification by the Nevada Attorney General's Office that this was
not proper. However, instead of discontinuing this process, Respondent simply re-labeled the process as a Small Claims
Court matter and continued to conduct similar proceedings as she did before. Respondent did not have jurisdiction to award
titles to motor vehicles in Small Claims Court either.

1 7. The factual allegations contained in Count Ten regarding Respondent improperly
2 running a juvenile diversion program in Sandy Valley/ Goodsprings Justice Court have been proven by
3 clear and convincing evidence.⁶

4 The credible evidence established that Respondent was improperly running a juvenile diversion
5 program through Goodsprings Justice Court. The testimony, law and Department of Juvenile Justice
6 Services' instructional sheet (Respondent's Trial Exhibit H) set out how a juvenile diversion program
7 works in Clark County, Nevada. A basic overview of the juvenile diversion program, referred to as
8 informal supervision, is helpful. A diversion program must go through the Department of Juvenile
9 Justice Services ("DJJS") Probation Division. A probation officer determines whether the misdemeanor
10 offense should go to an informal diversion program or juvenile court. NRS 62C.100. The juvenile must
11 voluntarily admit to the allegations in the charging citation in order to be eligible to go to a juvenile
12 diversion program. NRS 62C.200(1)(a). A juvenile cannot plead guilty or not guilty but rather just
13 admit or deny the allegations in the charging citation. Upon meeting with the probation officer, if the
14 juvenile admits to the charges, and with parental consent, voluntarily enters the diversion program,
15 DJJS will issue a letter to the parent/guardian notifying them of a date to appear in Goodsprings Justice
16 Court. Citations will be entered into Family TRACS. A written agreement is entered into, and the
17 informal supervision of the diversion program must not exceed 180 days. If the juvenile does not
18 comply, the court may remand the charges back to Family Court. If the juvenile complies with the
19 diversion program, then the case is closed.

20 The Honorable William O. Voy, a District Court Judge who oversees juvenile delinquency
21 matters for Clark County, testified that referrals to a diversion program must first come from a
22 probation officer and any diversion program must be voluntary. Similarly, Chief Deputy District
23 Attorney ("DDA") Brigid Duffy, Director of the Juvenile Division for Clark County, also testified that a
24

25
26 ⁶ Prior to the submission of closing arguments, the Prosecuting Officer made an oral motion to amend the Formal Statement
27 of Charges, Count Ten, pursuant to Nevada Rules of Civil Procedure ("NRCP") 15(b) and NRS 1.467(8) to conform to the
28 evidence presented at the hearing, that a probation officer must be involved in any juvenile diversionary program. The
Commission found that Respondent had ample notice that she was being accused of improperly running a juvenile diversion
program through Goodsprings Justice Court despite Respondent's argument of lack of notice. The Commission concluded
that the motion was consistent with NRCP 15(b) and NRS 1.467(8), therefore the motion was granted and Count 10 was
amended pertaining to the need for a probation officer to be involved in any juvenile diversion program.

1 juvenile's referral into a diversion program for informal supervision must first be made by a probation
2 officer and be voluntary. NRS 62C.100; NRS 62C.200.

3 Chief DDA Duffy further testified that she was not aware that juveniles were being sent directly
4 to Respondent's court and bypassing the probation office process altogether. Even Judge Voy, when
5 asked during the hearing what he would of done if he had directly received a certain citation admitted
6 into evidence, he responded that he would have forwarded the citation to the probation office. No
7 probation officers were ever involved in Respondent's juvenile cases even though probation officers
8 were assigned to the rural courts. Additionally, both Judge Voy and Chief DDA Duffy testified that
9 juveniles cannot be found guilty in juvenile matters, but may only admit or deny the allegations in the
10 citation. Moreover, the Honorable Tim Atkins, Justice of the Peace for Laughlin, Nevada, further
11 testified as to the requirement and importance of the involvement of probation officers in a diversion
12 program.⁷

13 Respondent failed to run the diversion program through the probation office in violation of the
14 law; the diversion program lacks a "voluntary" aspect as Respondent "orders" juveniles and parents to
15 appear in court; and Respondent accepts guilty pleas and creates a court record. Consequently, the
16 juvenile cases taking place in Respondent's court mirror juvenile court proceedings wherein hearings
17 are held in court attended by court staff, a case number is generated as are court minutes.

18 Respondent's running of a juvenile diversion program in Sandy Valley through the Goodsprings
19 Justice Court failed to comply with the law, and clearly and convincingly established violations of
20 Canon 1, Rule 1.1, for her failure to comply with the law, including the Code; Rule 1.2, for failure to
21 promote confidence in the independence of the judiciary; Canon 2, Rule 2.2, requiring her to exercise
22 impartiality and fairness in her official capacity; and Rule 2.5(A), requiring her to competently and
23 diligently discharge her official duties.

24 8. The Commission finds that the factual allegations contained in Counts Four, Five,
25 Seven, Eight and Eleven have not been proven by clear and convincing evidence.

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⁷ Judge Atkins and Respondent are not a licensed attorneys, therefore by law, they cannot be juvenile hearing masters.

1 **B. CONCLUSIONS OF LAW**

2 1. As to Count One of the Formal Statement of Charges, the Commission finds that the
3 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
4 violations of Canon 1 of the Code, Rules 1.1 and 1.2; and Canon 2, Rules 2.2, 2.3, 2.5(A), 2.11(A), and
5 2.11(A)(2)(a) and/or (d).

6 2. As to Count Two of the Formal Statement of Charges, the Commission finds that the
7 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
8 violations of Canon 1, Rules 1.1 and 1.2; Canon 2, Rules 2.2, 2.3, 2.5(A), 2.9(C) and (D); and Canon 3,
9 Rules 3.1(E) and 3.5.

10 3. As to Count Three of the Formal Statement of Charges, the Commission finds that the
11 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
12 violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rules 2.2 and 2.5(A).

13 4. As to Count Six of the Formal Statement of Charges, the Commission finds that the
14 Prosecuting Officer has proven by clear and convincing evidence that Respondent's use of the term
15 "sperm donor" constitutes violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rules 2.2, 2.3, and
16 2.8(B).

17 5. As to Count Nine of the Formal Statement of Charges, the Commission finds that the
18 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
19 violations of Canon 1, Rules 1.1 and 1.2; Canon 2, Rules 2.2, 2.3, 2.5(A), 2.6(A), 2.9(C) and (D); and
20 Canon 3, Rules 3.1(E) and 3.5.

21 6. As to Count Ten of the Formal Statement of Charges, the Commission finds that the
22 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
23 violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rules 2.2 and 2.5(A).

24 7. As to Counts Four, Five, Seven, Eight and Eleven of the Formal Statement of Charges,
25 the Commission found that the factual proof was insufficient to sustain the charges at the clear and
26 convincing threshold.

27 8. The Commission has both personal jurisdiction over Respondent and subject matter
28 jurisdiction over the violations of the Code at issue in this case.

1 **C. IMPOSITION OF DISCIPLINE**

2 In consideration of the totality of Respondent's actions and her multiple violations of the Code,
3 the Commission concludes that the appropriate discipline under Commission Rule 28 shall be as
4 follows:

5 By unanimous vote of the Commission, after due deliberation and consideration of the evidence
6 presented; Respondent's prior disciplinary record of a public reprimand regarding a traffic citation;
7 Respondent's work in the community of Sandy Valley; and Respondent's letters of commendation and
8 character witnesses; but nevertheless, in light of the seriousness of Respondent's failure to follow the
9 law and the Code on multiple occasions spanning over several years, it is decided that pursuant to
10 subsections 5(a) and (b) of Article 6, Section 21 of the Constitution of the State of Nevada, NRS
11 1.4653(1) and (2), NRS 1.4677(1)(c), (d), and (f), and Commission Rule 28, Respondent shall be hereby
12 suspended without pay for a period of one (1) year, required to complete judicial education classes at
13 her own expense during the one (1)-year suspension period, and be mentored for one (1) year by a
14 judicial officer (licensed to practice law) upon her return to the bench for having committed the acts as
15 fully set forth above. If Respondent fails to comply with the educational and mentoring requirements of
16 this Order, such actions will result in her permanent removal from the bench. NRS 1.4677(1)(e).

17 The primary purpose of the Revised Nevada Code of Judicial Conduct is the protection of the
18 public, not the punishment of judges. The Commission protects the public by instilling confidence in
19 the integrity of the judicial system in Nevada, as public trust is essential to the administration of justice.
20 In carrying out this duty, the law provides the Commission a broad range of disciplinary measures to be
21 imposed which include, but are not limited to, removal from office, suspensions, fines, educational
22 requirements, public reprimands, etc. The imposition of discipline further serves the function of
23 discouraging future misconduct by the disciplined judge as well as the judiciary as a whole.
24 Accordingly, the purpose of the Commission's decision in this case is to protect the public by
25 suspending, educating, mentoring, and thus, rehabilitating Respondent.

26 The imposition of a one (1)-year suspension without pay is based upon Respondent's repeated
27 failure over several years to follow the law, her proclivity towards following her own moral compass in
28 administering her version of justice irrespective of the law, and her lack of remorse and admission of

1 wrongdoing for the same. The Commission found it very troubling that Respondent did not realize there
2 were any disqualification issues pertaining to the signing of her now former son-in-law's petition to seal
3 his domestic violence criminal proceedings that involved Respondent's daughter; issuing vehicle title
4 determinations because she personally felt there was a need to issue the titles; running her juvenile
5 diversion program without the probation office's involvement or any semblance of voluntariness as
6 required by law; and sentencing Mr. Klosinski to jail for eight (8) months without counsel or any
7 criminal charges filed, and then changing the sentence afterwards to a contempt charge in an apparent
8 attempt to cover up for depriving Mr. Klosinski of his liberty for approximately twenty (20) days. The
9 new contempt charge did not comply with the law or afford Mr. Klosinski any of his due process rights.

10 Furthermore, while the evidence in some of the Counts in the Formal Statement of Charges
11 regarding poor treatment of staff did not meet the clear and convincing threshold (which resulted in
12 those Counts being dismissed), the testimony did support discriminatory language being used by all
13 court staff, and non-charged but admitted evidence of highly inappropriate emails sent by Respondent to
14 court personnel via the Clark County email system depicting sexual themes, vulgarity, and negative
15 stereotypes of various nationalities and religions. Every staff member who received these emails
16 testified that they were inappropriate.

17 Equally troubling was the uncharged evidence demonstrating that Respondent engaged in ex-
18 parte communications with her friend, Tracy Coy, prior to three separate civil matters being filed in her
19 court involving Ms. Coy, including a protective order application accepted by Respondent without any
20 facts which would support the granting of such an application (the explanation section of the application
21 was left entirely blank). In addition, Respondent ordered illegal NCIC searches for Ms. Coy, who
22 wanted the information concerning someone Ms. Coy was dating. Respondent's court should not be
23 used as an investigative dating service for her personal friends. This is neither the proper use of the
24 NCIC system nor of the court's judicial resources and staff. Respondent's actions were illegal and
25 constituted a misdemeanor crime. Moreover, when notified by the Attorney General's Office that her
26 practice of awarding vehicle titles in her "summary proceedings" in Justice Court was inappropriate,
27 Respondent completely ignored such notice and then proceeded to handle the very same cases in her
28 Small Claims Court in violation of the law.

1 For these reasons, the Commission finds that Respondent's misconduct justifies a one (1)-year
2 suspension from the bench without pay.

3 Respondent is a layperson untrained in the law; however, that does not relieve her of the
4 responsibility to follow the law. The Commission's educational requirements of this Order address
5 Respondent's repeated failure to follow the law, and her proclivity to render her own justice in
6 Goodsprings. Respondent's actions in the Klosinski matter indicate a lack of understanding of the law
7 which resulted in Mr. Klosinski's loss of liberty for approximately twenty (20) days. The Klosinski
8 matter is even more troubling when viewed in the light that Respondent is not new to the bench, as she
9 has been elected as the Justice of the Peace since August of 1999. Additionally, Respondent's lack of
10 ability to recognize any ethical issues regarding her signing of a petition to seal two criminal cases
11 involving her now former son-in-law, and referring to men as "sperm donors", suggests a lack of
12 understanding of basic ethical standards and, thus, a need for additional ethical education.
13 Furthermore, while Respondent attempted to run a juvenile diversion program to assist the citizens of
14 her rural community, Respondent failed to comport with the due process mechanisms put in place to
15 ensure that the diversion program is voluntary and run with the oversight of a probation officer.
16 Therefore, the Commission believes that education is an essential component of the discipline imposed
17 upon Respondent.

18 Furthermore, as a non-lawyer justice of the peace, she has disregarded legal advice on two prior
19 occasions regarding (1) not charging the owners of commercial vehicles when the driver received the
20 citation,⁸ and (2) awarding the right to title in vehicle cases despite the Attorney General's legal advice
21 to cease the practice. While the Commission recognizes the issue of separation of powers, Respondent's
22 disregard of the District Attorney's advice concerning Respondent improperly finding truck owners in
23 violation based upon citations to the driver, and subsequently issuing warrants in the owners' names,⁹

24 ⁸ The charge in the Formal Statement of Charges pertained to Respondent changing warrants improperly issued to vehicle
25 owners back into the drivers' names. The evidence at the trial supported a long practice by Respondent of improperly
26 altering citation responsibility.

27 ⁹ Case No. 1502-137 pertained to a stipulation regarding Strickly Truckin' Inc. In that matter, Respondent ordered her staff
28 to investigate who was the registered owner of a commercial truck after the driver of said truck received a traffic citation.
Respondent then issued a bench warrant against the owner of the commercial truck and engaged in ex parte communications
with said owner. The current case revealed the extent of the prior trucking citation issues, and as such is referenced therein;
however, the underlying violations previously addressed in Case No. 1502-137 were not part of the Formal Statement of

1 and Respondent's attempt to circumvent the Attorney General's direction to cease awarding title to
2 vehicles through summary proceedings without a named defendant, and subsequently doing the same
3 through her Small Claims Court, was viewed by the Commission as very problematic. Equally
4 troublesome is Respondent's use of discriminatory language when interacting and communicating with
5 her court staff. For these reasons, the Commission believes that in addition to further education, a one
6 (1)-year mentorship following Respondent's suspension is critical to ensure that the law is followed,
7 staff is treated properly, and the constitutional rights of the citizens of Sandy Valley and elsewhere are
8 protected no less than any other citizen of Nevada.

9 The discipline imposed against Respondent is based upon the facts of the case, the seriousness
10 of the offenses involved, and consideration of mitigating circumstances. The Commission also found it
11 very concerning that the Respondent had no remorse and did not admit any wrongdoing at any time
12 from the filing of the Formal Statement of Charges through the conclusion of the hearing. The only
13 semblance of an admission of wrongdoing was regarding Mr. Klosinki's original sentence which she
14 referred to as a "bad" sentence, but then proceeded to cover it up by changing the sentence to a
15 contempt charge that was neither previously mentioned or noticed during the proceedings in question,
16 nor was a hearing on the contempt charge ever held. A man lost his liberty and freedom for twenty days
17 as a result.

18 In consideration of the foregoing, the Commission finds that Respondent's misconduct justifies
19 a one (1)-year suspension without pay, the completion of additional educational requirements and the
20 assignment of a mentor. The Commission also commends the complainants for having the courage to
21 come forward and file their respective complaints. If they had not done so, these disturbing matters
22 would not have come to light and, quite probably, would have continued far into the future.¹⁰

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26 Charges in this matter. In this case, Clark County District Attorney Chief for Outlying Courts, Christopher Laurent, testified
27 that in 2008 he informed Respondent to cease finding the owners liable in commercial trucking citation cases wherein the
driver was cited for the violations.

28 ¹⁰ In Respondent's counsel's closing argument, he attacked the complainants and claimed that there will be a mark against
them for the rest of their lives just for filing the complaints against Respondent.

1 **D. ORDER**

2 IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Gary Vause, Karl
3 Armstrong, Esq., Honorable Thomas Armstrong, Bruce C. Hahn, Esq., John Krmptic, Stephanie
4 Humphrey, and Honorable Mason Simons that Respondent be and hereby is suspended for one (1)-year
5 without pay, effective as of the filing date of this Order, for multiple violations of Canon 1, Rules 1.1
6 and 1.2; Canon 2, Rules 2.2, 2.3, 2.5(A), 2.6(A), 2.8(B), 2.9(C) and (D); and Canon 3, Rules 3.1(E) and
7 3.5.

8 IT IS FURTHER ORDERED that Respondent attend and complete during her one (1)-year
9 suspension period, at her own expense, the following educational courses and conferences: Nevada
10 Judges of Limited Jurisdiction Conference held in either 2017 or 2018; Special Considerations for the
11 Rural Court Judges; Best Practices in Handling Cases with Self- Represented Litigants; and Sexual
12 Harassment and Discrimination in the Workplace; or such similar classes as may be available with
13 approval by the Commission’s Executive Director.

14 IT IS FURTHER ORDERED that upon Respondent’s resumption of her judicial duties
15 following her one (1)-year suspension without pay, that Respondent be appointed a judicial mentor
16 (licensed to practice law) by the Administrative Office of the Courts or the Nevada Supreme Court,
17 upon approval, for a one (1)-year period with the requirement that quarterly reports be filed by the
18 appointed mentor with the Commission noting Respondent’s progress or lack thereof, her treatment of
19 staff, and her knowledge and understanding of the law in carrying out her judicial duties.

20 IT IS FURTHER ORDERED that failure to comply with the educational and mentoring
21 requirements shall result in Respondent being permanently removed from the bench and forever barred
22 from serving as a judicial officer in the future. Accordingly, the Commission retains jurisdiction over
23 this matter for the required period of time for Respondent to comply with this Order.

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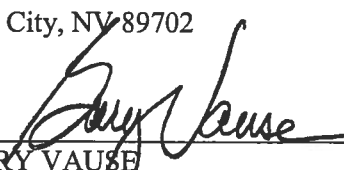
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1 IT IS FURTHER ORDERED by unanimous vote that the Chairman is authorized to sign this
2 document on behalf of all voting Commissioners.

3 DATED this 29th day of August, 2017.

4
5 STATE OF NEVADA
6 COMMISSION ON JUDICIAL DISCIPLINE
7 P.O. Box 48
8 Carson City, NV 89702

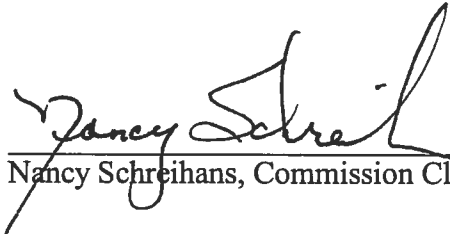
9 By: 
10 GARY VAUSE
11 COMMISSION CHAIRMAN
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 29th day of August, 2017, I served a copy of the **FINDINGS OF FACT, CONCLUSIONS**
4 **OF LAW AND IMPOSITION OF DISCIPLINE** by email and U.S Mail, postage paid, addressed to
5 the following:

6 Albert G. Marquis, Esq.
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Nancy Schreihans, Commission Clerk