

BEFORE THE COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

FILED

OCT 21 1998

NEVADA COMMISSION ON JUDICIAL DISCIPLINE

Michelle Wright CLERK

Case No. 9802-222

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4 In the Matter of the)
5 HONORABLE FRANCES-ANN FINE,)
6 District Judge, Family Court Division,)
7 City of Las Vegas, County of Clark,)
8 State of Nevada,)
9 Respondent.)

DECISION TO IMPOSE DISCIPLINE

10 The above-entitled matter came on for hearing on October 15, 1998, for Imposition of
11 Discipline. Frank J. Cremen, Esq. appeared as Special Prosecutor for the STATE OF NEVADA
12 COMMISSION ON JUDICIAL DISCIPLINE, (hereinafter referred to as the COMMISSION), the
13 RESPONDENT was present and William B. Terry, Esq. appeared as attorney for the
14 RESPONDENT.

15 The Commissioners having had the opportunity to question the RESPONDENT, the
16 RESPONDENT having had the opportunity to respond to the COMMISSION's questions and her
17 counsel having addressed the COMMISSION in argument, and having considered the evidence
18 introduced by both parties and having heretofore entered its Findings of Fact, Conclusions of Law
19 and Decision on October 6, 1998, states that this proceeding was a formal hearing pursuant to its
20 Administrative and Procedural Rules conducted for the purpose of determining the appropriate
21 discipline to be imposed upon the RESPONDENT. The COMMISSION makes the following
22 decision to impose discipline in this matter.

IMPOSITION OF DISCIPLINE

23
24 The COMMISSION having carefully considered all of the evidence introduced in this matter,
25 the arguments of counsel and the statements of the RESPONDENT at the hearing on September 2-3,
26 1998 and October 15, 1998 and having made and adopted Findings of Fact and Conclusions of Law
27 on October 6, 1998 hereby orders that the RESPONDENT, FRANCES-ANN FINE, a District Judge,
28 Family Division for the County of Clark, State of Nevada, be and hereby is removed from office.

1 The COMMISSION, in imposing the most severe penalty available to it upon the
2 RESPONDENT, has determined that RESPONDENT's conduct was willful in nature which is the
3 burden imposed upon it by Article 6, Section 21(6)(a) of the Constitution of the State of Nevada.
4 The COMMISSION has taken into consideration its decision in case number 9501-222 filed on
5 November 14, 1995 in which it previously disciplined JUDGE FINE for engaging in ex parte
6 contacts therein described. In that case, the COMMISSION found that JUDGE FINE had numerous
7 ex parte contacts with two fellow Family Court Judges in an attempt to influence their decision
8 regarding a case in which she had served as counsel for one of the parties. In this case, JUDGE
9 FINE has evidenced a continuing pattern of ex parte contacts albeit with therapists, psychologists,
10 and court personnel regarding the ultimate issues presented to her for decision in the three cases set
11 forth in the formal complaint. JUDGE FINE in this case before the COMMISSION, violated the
12 same provision of the Nevada Code of Judicial Conduct for which she was previously disciplined.
13 The COMMISSION has concluded that it had no alternative other than to remove JUDGE FINE
14 from office.

15 DATED this 21 day of October, 1998.

17 NEVADA COMMISSION ON
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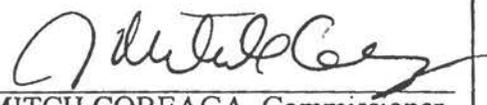
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20 FRANK BRUSA, Chairman

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22 STEVE CHAPPELL, Commissioner

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24 VALERIE COOKE, Commissioner

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26 BRENT ADAMS, Commissioner

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28 MITCH COBEAGA, Commissioner

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DISSENT TO IMPOSITION OF DISCIPLINE

I respectfully dissent from the discipline of removal imposed by the majority of the COMMISSION. It is my opinion that "willful misconduct" as required by the Constitution involves a knowing and deliberate violation of law or dishonesty. Although I am dissenting from the majority opinion, I believe the conduct of JUDGE FINE was well outside the conduct expected from a judge and warrants severe discipline.

DATED this 20 day of October, 1998.

NEVADA COMMISSION ON
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MICHAEL R. GRIFFIN, Commissioner

