



BEFORE THE COMMISSION ON JUDICIAL DISCIPLINE
STATE OF NEVADA

In the Matter of the)	
)	
HONORABLE PETER LAPORTA,)	
Judge Pro Tempore, Henderson)	
Municipal)	
Court and Henderson Justice)	
Court,)	
County of Clark, State of Nevada,)	Case Nos. 0401-1016 / 0402-1016
)	
Respondent.		

FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE

Pursuant to prior written notice, the above-entitled matter came on for public (formal) hearing in Las Vegas pursuant to NRS §1.467(3)(c) and Interim Commission Rule 18 (hereinafter referred to as the “hearing”) on June 24, 2004, before the Nevada Commission on Judicial Discipline (hereinafter referred to as the “Commission”). Mary E. Boetsch, Esq. appeared as Special Prosecutor for the Commission. Despite being given written notice of the hearing and despite service of a subpoena to appear at the hearing, the respondent, the Honorable Peter Laporta (hereinafter referred to as the “Respondent”), did not appear nor was he represented by counsel.

After hearing the proof proffered by the Special Prosecutor, and having carefully considered the evidence, including substantial witness testimony, and after being fully advised of its obligations and duties, the Commission specifically finds that the hearing was conducted according to the statutes, rules and procedures required by law and hereby issues the following Findings of Fact, Conclusions of Law and Imposition of Discipline pursuant to Commission Interim Rules 27 and 28; and, NRS §1.4673 and §1.4677.

A. Findings Of Fact

The Commission finds that the legal evidence presented by the Special

Prosecutor at the hearing clearly and convincingly established each of the following facts.

1. That Respondent was, at all times applicable to the allegations contained in the Formal Statement of Charges, a pro tempore Justice of the Peace for the Henderson Township, located in the County of Clark, State of Nevada; and also a pro tempore Municipal Court Judge for the City of Henderson Municipal Court. Therefore, the Respondent was a judicial officer whose conduct was subject to the provisions of the Nevada Code of Judicial Conduct (hereinafter the "Code").

2. The factual allegations contained in Case Number 0401-1016, Counts 1 through 5, regarding the Respondent's conduct pertaining to the taking of money from Lydia Harrison and her son, Mark Harrison, to effectuate an extralegal extraction of a minor, Jessica Harrison, from Mexico, have been established by the required standard of proof, to wit, clear and convincing evidence. The Commission expressly finds that the Respondent accepted money while cloaked in judicial robes and while on judicial premises; and that he took money and kept it without providing the "service" of effectuating the aforesaid extralegal extraction of Jessica Harrison in order to return her to her rightful and legal custodian, her father Mark Harrison. The Commission expressly finds that the Respondent's conduct in doing so was both willful and fraudulent.

3. The factual allegations contained in Case Number 0401-1016, Counts 6 through 22, regarding the Respondent's sitting and being paid as a Henderson Municipal Court judge while his license to practice law was suspended due to non-payment of bar dues, have been established by the required standard of proof, to wit, clear and convincing evidence. The Commission expressly finds that the Respondent's conduct in doing so was willful.

4. The factual allegations contained in Case Number 0401-1016, Count 23, regarding the Respondent's sitting and being paid as a Henderson Justice Court judge while his license to practice law was suspended due to the non-payment of bar dues, have been established by the required standard of proof, to wit, clear and convincing evidence. The Commission expressly finds that the Respondent's conduct in doing so was willful.

5. The factual allegations contained in Case Number 0401-1016, Counts 24 through 56, regarding the Respondent's sitting and being paid as a Henderson Municipal Court judge while his license to practice law was in inactive status, have been established by the required standard of proof, to wit, clear and convincing evidence. The Commission expressly finds that the Respondent's conduct in doing so was willful.

6. The factual allegations contained in Case Number 0402-1016, regarding the Respondent's accrual of more than \$8000.00 in parking tickets issued by the City

of Las Vegas, and his non-payment of most of the amount due despite earnings as a pro tempore justice court and municipal court judge, and his ongoing failure to satisfy a default judgment entered against him for said parking tickets, have been established by the required standard of proof, to wit, clear and convincing evidence. The Commission expressly finds that the Respondent's conduct in doing so was willful.

B. Conclusions of Law

The Commission unanimously concludes that the evidence suffices to prove the Formal Statement of Charges, as follows:

As to Case

0401-1016: A violation of Canons 1, 1A, 2, 2A, 2B and 4A(2) of the Code occurred regarding Charge 1 contained in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2, 2A, 2B and 4A(2) of the Code occurred regarding Count 2 contained in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2, 2A and 2B of the Code occurred regarding Count 3 contained in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2, 2A, 2B and 4A(2) of the Code occurred regarding Count 4 contained in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2, 2A, 2B and 4A(2) of the Code occurred regarding Count 5 in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2 and 2A of the Code occurred regarding Counts 6 through 22 in the Formal Statement of Charges.

regarding A violation of Canons 1, 1A, 2 and 2A of the Code occurred

Count 23 in the Formal Statement of Charges.

A violation of Canons 1, 1A, 2 and 2A of the Code occurred regarding Counts 24 through 56 in the Formal Statement of Charges.

As To Case

0402-1016 : A violation of Canons 1, 1A, 1B and 4A of the Code occurred

regarding the assertions in Paragraphs 1 through 20 in the Formal Statement of Charges.

C. **Imposition of Discipline**

With regard to Cases 0401-1016 and 0402-1016, for which the Commission found multiple violations of the Code, the Commission concludes that the appropriate discipline imposed under Commission Interim Rule 28 as to said charges shall be as follows:

By unanimous vote of the Commission, pursuant to Subsections 5(a) and (b) of Article 6, Section 21 of the Constitution of the State of Nevada, NRS 1.4653 (2), and Commission Interim Rule 28, the Respondent shall: (1) Be removed from judicial office and permanently barred from serving as an elected or appointed judicial officer in Nevada; (2) Pay within six months of entry of this order a fine of \$5000.00 in each case, for a total of \$10,000.00, to the Clark County Law Library; and (3) Be publicly censured.

Additionally, the Commission hereby directs the Executive Director of the Commission to forthwith provide a copy of the transcript of these proceedings to the District Attorney of Clark County and to the State Bar of Nevada, for consideration of possible criminal charges and/or regulatory action, as each agency deems appropriate.

Critically, as demonstrated by the testimony of Lydia Harrison, Jessica Harrison's grandmother, the Respondent hatched a scheme whereby he proposed to accept and did accept money from Lydia and her son to pay to a third party in Mexico to retrieve Jessica Harrison from her mother's physical custody by extralegal means. That is to say, the Respondent, while practicing as a licensed attorney and sitting as a pro tem judge in two courts, agreed to retrieve Jessica without resort to the legal process and through the process of bribing officials or others to effectuate Jessica's return to the United States from Mexico, where she had been inappropriately held by her mother. It is bad enough that the Respondent initially proposed that the Harrisons pay him money that he, in turn, would supposedly forward to his so-called contacts in Mexico. This situation was made all the worse when the Respondent initiated the contacts with the Harrisons by proposing that they deliver the money to him at court. He then accepted at least some of the money while attending to official court duties, on court premises, and while robed in a majestic purple robe he had procured for himself. Moreover, the plan yielded no result except to divest the Harrisons of their money, a fact which at least suggests the Respondent may have personally benefitted in a monetary sense, much to the substantial financial and emotional detriment of the Harrisons, since there is no proof in the record that the Respondent tendered the money to his contacts.

Suffice it to say that the Respondent's conduct with regard to the Harrisons,

without regard to anything else, warrants the imposition of the most severe disciplinary measure available to the Commission. Since he did what he did while he was serving as a judicial officer, the Respondent's conduct would expose the judicial branch to being held in disrepute if his behavior were to go unchecked. In the exercise of its discretion, at an earlier point in this case, the Commission issued a temporary order of removal. Now, having heard the evidence against the Respondent, the Commission would be remiss if it did anything less than permanently remove him from judicial office and bar him from ever holding judicial office in Nevada because his conduct involved fraudulent behavior.

Additionally, it is clear to the Commission that the Respondent disrespected the dictates of Nevada law when he failed to maintain proper status with the State Bar of Nevada by paying his bar dues in a timely fashion. His conduct lasted for a prolonged period of time and was accompanied by a series of compensated appearances as a pro tem judge during the period of lapse. Then, the inappropriate conduct repeated itself in a slightly different form when the Respondent chose to allow his license to be placed in inactive status again, and then proceeded to sit as a pro tem judge, an act that statutorily requires a current, active law license for an attorney to sit in one of the courts.

It is equally clear that the Respondent's failure to make even a good faith effort to resolve the parking ticket dispute in a timely fashion also demonstrated his disrespect for the law. While the sheer number of tickets and the fines assessed for them were truly remarkable, the Respondent's behavior was particularly egregious in that he demonstrated that he is a scofflaw. He had more than ample opportunity to resolve the dispute before he became a judge. Then, he accepted the opportunity and accompanying financial benefit of sitting as a judge in another jurisdiction after he accrued the tickets, and yet he failed to pay anything but a small portion of what he owed and ultimately forced the City of Las Vegas to sue him and to obtain a judgment he has wholly ignored.

D. Order.

IT IS HEREBY ORDERED that the Clerk's Certificate of Mailing, found below, shall constitute notice of entry of this document pursuant to Commission Interim Rule 34, and the clerk shall promptly serve it on the Respondent and the Special Prosecutor.

NOTICE is hereby tendered to the Special Prosecutor and the Respondent that pursuant to NRAP 3D, an appeal may be taken by filing a notice of appeal with the clerk of the Commission and serving such notice on the prosecuting counsel within fifteen (15) days of service of this document by the clerk of the Commission.

