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8 Special Counsel for the Nevada
9 Commission on Judicial Discipline

10 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
11 STATE OF NEVADA

12 IN THE MATTER OF THE) CASE NO.: 2012-112
13 HONORABLE MICHELLE LEAVITT,)
14 Eighth Judicial District Court, Dept. 12,)
15 County of Clark, State of Nevada,)
16 Respondent.)

17 **STIPULATION AND ORDER FOR PUBLIC REPRIMAND**

18 In order to resolve the Formal Statement of Charges pending against her before the
19 Nevada Commission on Judicial Discipline (the "Commission"), the Respondent stipulates to the
20 following:

- 21 1. Respondent admits she committed violations of the Revised Nevada Code of Judicial
22 Conduct ("Code"), Judicial Canon 1, Rule 1.1(failure to comply with the law,
23 including the Code), Canon 2, Rule 2.2 (failure to uphold and apply the law), Rule
24 2.5(A) (failure to perform judicial duties competently and diligently), Rule 2.12(A)
25 (failure to require judicial staff to act in a manner consistent with the judge's
26 obligation under the Code) and 2.16(A) (failure to be candid and honest with
27 disciplinary agencies) by doing a singular act, a combination of acts, or all of the
28 following acts:

- A. While conducting judicial duties as a district court judge in Clark County,
Nevada, presiding over criminal case #06-C221000, State v. Eugene Ross et

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al., Respondent ordered the incarceration of Complainant Gina M. Dotson on a charge of contempt and the Complainant was jailed during this time while the Respondent failed to ensure Complainant had a timely opportunity to understand the contempt charge against her;

B. While conducting judicial duties as a district court judge in Clark County, Nevada, presiding over criminal case # 06-C221000, State v. Eugene Ross et al., Respondent ordered the incarceration of Complainant Gina M. Dotson on a charge of contempt and the Complainant was jailed during this time while the Respondent failed to ensure Complainant had a timely opportunity to seek a release from jail or to seek bail;

C. While conducting judicial duties as a district court judge in Clark County, Nevada, presiding over criminal case # 06-C221000, State v. Eugene Ross et al., Respondent ordered the incarceration of Complainant Gina M. Dotson on a charge of contempt and the Complainant was jailed during this time while the Respondent failed to ensure the Complainant was timely tried on the contempt charge;

D. While conducting judicial duties as a district court judge in Clark County, Nevada, presiding over criminal case # 06-C221000, State v. Eugene Ross et al., Respondent ordered the incarceration of Complainant Gina M. Dotson on a charge of contempt and the Complainant was jailed during this time while the Respondent failed to timely determine whether the alleged contempt by Complainant was direct or indirect, and, if direct, failed to act pursuant to NRS 22.030(1) and enter order or judgment accordingly; if indirect, Respondent failed to ensure that an affidavit in support of the allegations constituting contempt was timely filed against the Complainant by the Respondent's bailiff, court officer or marshal in accordance with NRS

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22.030(2) and failed to issue a warrant of attachment or warrant of commitment pursuant to NRS 22.040;

E. While conducting judicial duties as a district court judge in Clark County, Nevada, presiding over criminal case # 06-C221000, State v. Eugene Ross et al., Respondent ordered the incarceration of Complainant Gina M. Dotson on a charge of contempt and the Complainant was jailed during this time while the Respondent failed to ensure Complainant was brought before a magistrate on the contempt charges, or any other charges, within 72 hours as required by NRS 171.178 or within a timely manner in accordance with constitutional requirements;

F. While providing answers or responses to the Commission as a Respondent in these proceedings: (a) failing to be honest with the Commission by stating words to the effect, or which led the Commission to believe, that on January 24, 2012 in case # 06-C221000, State v. Eugene Ross et al., over which the Respondent was presiding, there was sworn testimony to the facts of Complainant Gina M. Dotson's interaction with jurors outside the courtroom; (b) failing to be honest with the Commission by stating words to the effect, or which led the Commission to believe, the Respondent fully advised Complainant Dotson of the underlying factual basis leading to her incarceration on a contempt charge; (c) failing to be honest with the Commission by stating words to the effect, or which led the Commission to believe, that counsel from the Public Defender's Office was immediately appointed and advised of Complainant Dotson's status as an incarcerated person and the reasons for the incarceration and (d) failing to be honest with the Commission by stating words to the effect, or which led the Commission to believe, a complaint was filed forthwith against Complainant Dotson pursuant to NRS 22.030.

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2. Respondent admits to all the allegations brought against her in Count One, paragraph (1) and paragraphs (1) (A) through (F) as set forth above.
3. Respondent agrees to waive her right to present her case contesting the allegations in the Counts set forth above in a formal hearing pursuant to Commission Rule 18. The Commission accepts the Respondent's waiver of said right.
4. Respondent agrees and acknowledges that this Stipulation will be published on the Commission's website.
5. Respondent further agrees formal discipline is being waived pursuant to NRS 1.468(4)(a) and (b), as specified above, and pursuant to (4)(c) which provides this Stipulation will not be protected by confidentiality for the purpose of any subsequent disciplinary proceedings against her and provides the Commission is authorized to revoke this Stipulation and proceed with any other disposition of the Complaint, including formal statement of charges, as authorized by NRS 1.467 if the Commission finds that she has failed to comply with a condition of this Stipulation.
6. Respondent and the Commission hereby stipulate to public reprimand. Respondent stipulates to the following substantive provisions:
 - (a) She stipulates to a public reprimand by the Commission for violations of the Judicial Canons and Rules as set forth above in Count One, paragraph (1) and paragraphs (1) (A) through (F).
 - (b) She agrees the discipline of public reprimand is authorized by Article 6, Section 21(1) of the Nevada Constitution and Rule 29 of the Procedural Rules of the Nevada Commission on Judicial Discipline.
 - (c) She agrees that the evidence available to the Commission would establish by clear and convincing proof that she violated an individual canon or combination of canons, including Judicial Canon 1, Rule 1.1 and Canon 2, Rules 2.2, 2.5(A), 2.12(A) and 2.16(A).

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(d) The Respondent agrees to successfully complete a minimum of two (2) courses at the National Judicial College in Reno within one (1) year of the Commission signing this Stipulation. The Respondent completed "Ethics, Fairness and Security in Your Courtroom and Community" in October, 2014 and will register for and complete at least one (1) additional relevant course in 2015. The Respondent will take these courses at her own expense.¹

(e) The Respondent will study and familiarize herself with all Nevada statutes and rules of civil procedure dealing with disciplinary actions in the courtroom, specifically, but not limited to, statutes and rules governing the use of the contempt power in the courtroom.

7. The Respondent understands and agrees that by accepting the terms of this Stipulation, she waives her right to appeal to the Nevada Supreme Court, pursuant to Rule 3D of the Nevada Rules of Appellate Procedure.

ORDER

IT IS HEREBY ORDERED by the unanimous vote of Commissioners Gary Vause, Mary Lau, Mike McGinness, Honorable Lidia Stiglich, Honorable Leon Aberasturi, Karl Armstrong, and Don Christensen that Respondent should be and hereby is publicly reprimanded for violating Judicial Canon 1, Rule 1.1 and Canon 2, Rules 2.2, 2.5(A), 2.12(A) and 2.16(A).

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

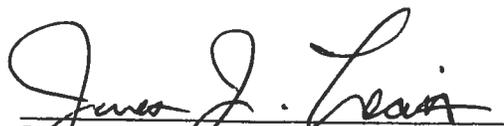


Michelle Leavitt
Respondent

Dated this 12th day of February, 2015

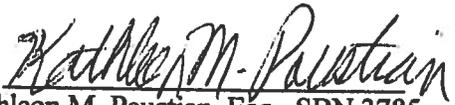
¹ At the time counsel prepared this Stipulation, the 2015 catalogue for the National Judicial College was not yet available.

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James J. Leavitt, Esq., SBN 6032
Attorney for Respondent

Dated this 12th day of February, 2015

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE
P.O. Box 48,
Carson City, Nevada 89702

By: 
Kathleen M. Paustian, Esq., SBN 3785
Special Counsel

Dated this 13th day of February, 2015

The Commissioners listed above accept the terms of the Stipulation and Order for Public Reprimand between the Respondent and the Commission. They further authorize the Chairman to sign on behalf of the Commission, as a whole, this document containing the Stipulation and Order for Public Reprimand of the Respondent.

NEVADA COMMISSION ON JUDICIAL DISCIPLINE:

Signed by: 
GARY VAUSE, CHAIRMAN

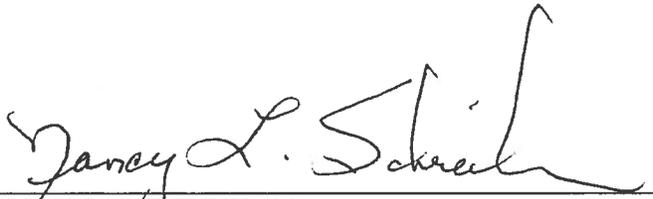
Dated: 5/8/15

1 CERTIFICATE OF MAILING

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3 I hereby certify that on the 13th day of May, 2015, I served a copy of the CERTIFIED
4 COPY OF STIPULATION AND ORDER FOR PUBLIC REPRIMAND, filed with the Nevada
5 Supreme Court, by United States Mail, postage pre-paid, addressed to the undersigned:
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9 3205 Skipworth Drive
10 Las Vegas, NV 89107
11 Special Counsel

12 James L. Leavitt, Esq.
13 Law Offices of Kermitt L. Waters, Esq.
14 704 South Ninth Street
15 Las Vegas, NV 89101
16 Counsel for Respondent

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19 NANCY L. SCHREIHANS
20 Commission Clerk
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