

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

MAY 18 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY _____
DEPUTY CLERK

2
3 In the Matter of)
4 THE HONORABLE JAY T. GUNTER,)
Justice of the Peace, Hawthorne Township)
5 Justice Court, County of Mineral,)
State of Nevada,)
6 Respondent.)

CASE NO. 75868

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9 **CERTIFIED COPY OF STIPULATION AND ORDER**
10 **OF CONSENT TO A PUBLIC CENSURE AND AGREEMENT TO**
11 **COMPLETE A NATIONAL JUDICIAL COLLEGE COURSE**

12 Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto
13 is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO A PUBLIC
14 CENSURE AND AGREEMENT TO COMPLETE A NATIONAL JUDICIAL COLLEGE COURSE
15 filed with the Nevada Commission on Judicial Discipline on May 18, 2018.

16 DATED this 18th day of May, 2018.

17
18 NEVADA COMMISSION ON
19 JUDICIAL DISCIPLINE
20 P.O. Box 48
21 Carson City, NV 89702
22 (775) 687-4017

23 By: 
24 PAUL C. DEYHLE
25 General Counsel and Executive Director
26 Nevada Bar No. 6954

27 **RECEIVED**
28 **MAY 18 2018**
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 THOMAS C. BRADLEY, ESQ.
2 Bar No. 1621
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8 Tom@TomBradleyLaw.com
9 Prosecuting Officer for the Nevada
10 Commission on Judicial Discipline



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

8 IN THE MATTER OF THE HONORABLE
9 JAY T. GUNTER, Justice of the Peace,
10 Hawthorne Township Justice Court, County of
11 Mineral, State of Nevada,

CASE NO. 2017-053-P

11 Respondent.

12
13 **STIPULATION AND ORDER OF CONSENT TO A PUBLIC CENSURE AND**
14 **AGREEMENT TO COMPLETE A NATIONAL JUDICIAL COLLEGE COURSE**

15 In order to resolve the Formal Statement of Charges filed January 24, 2018, pending before
16 the Nevada Commission on Judicial Discipline (the "Commission"), the Respondent and
17 Commission stipulate to the following pursuant to Commission Procedural Rule ("Rule") 29:

- 18
19 1. Respondent admits that he committed violations of the Revised Nevada Code of Judicial
20 Conduct (the "Code"), including Judicial Canon 1, Rule 1.1 (compliance with the law,
21 including the Code); Canon 2, Rule 2.5(A) (perform administrative duties competently and
22 diligently); and Rule 2.12(A) (properly discharge supervisory duties), or any single rule or
23 combination of those rules, and in his official capacity as a Justice of the Peace, in and for
24 the Hawthorne Justice Court in Mineral County, State of Nevada, by knowingly engaging
25 in an act, a combination of acts, or all of the following acts that occurred relevant to these
26 charges:

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A. Respondent was elected to the position of Justice of the Peace of Hawthorne Township in 2006. The Hawthorne Justice Court is the sole justice court in Mineral County after the closing of the justice courts in Schurz and Mina. Additionally, Mineral County has a contract to handle all citations from Walker River Tribal Police through the Hawthorne Justice Court. The Hawthorne Justice Court receives its funding primarily from Mineral County. The Mineral County Commission determines the amount of money granted to the Hawthorne Justice Court to enable the Justice Court to carry out its powers and duties in the administration of justice.

In 2006, the Hawthorne Justice Court handled 547 cases. From 2006 to 2016, the Hawthorne Justice Court caseload grew exponentially. In 2016, the Hawthorne Justice Court caseload totaled 7,159 cases.

While the caseload handled by the Hawthorne Justice Court increased substantially, the budget to carry out its powers and duties in the administration of justice did not substantially increase. Respondent, who is responsible for the administration of the Hawthorne Justice Court, maintained the same staffing level from 2006 until the present. As a result of the increasing caseload with no increase in staffing, a systemic backlog ensued. In fact, in 2017, there was a \$447,779.34 backlog in uncollected traffic citations. This backlog is due in part to the caseload, but also due to a lack of efficiency, proper management, and supervision of staff as well as the failure to act proactively to avoid the inevitable backlog.

Respondent's inattention to his duties as the administrator of the Court, his failure to properly manage and supervise his staff, and his failure to oversee the daily operations of the Court resulted in inordinate delays and confusion in the processing of Hawthorne Justice Court cases. Respondent failed to address administrative issues including ensuring that the Court's telephone and facsimile machine were operational and that telephone calls were timely answered and/or returned. In short, Respondent failed to carry out his administrative duties as the Hawthorne Justice of Peace.

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Respondent failed to timely seek the assistance of the Nevada Administrative Office of the Courts ("AOC") when the systemic backlog began to accumulate and failed to take action despite being previously made aware of these issues. Respondent only accepted the support of the AOC in April 2017, after the AOC and the Commission received numerous complaints about the Hawthorne Justice Court and the AOC reached out to Respondent to offer its support. The AOC was able to suggest numerous ways to improve efficiency at no additional expense to the Hawthorne Justice Court.

B. Respondent failed to utilize the inherent powers of the Court over its budget to seek sufficient funds to reasonably and necessarily carry out the Hawthorne Justice Court's powers and duties in the administration of justice to obtain adequate staffing levels. Respondent was not proactive in addressing the administrative and budget issues and has only taken action upon the commencement of the investigation of the matter by the AOC and the Commission. Respondent's failure to timely address the administrative problems and manage Court staff has led to the public not having adequate access to the Court.

2. Respondent admits to all the allegations brought against him in the Formal Statement of Charges, and, more specifically, in paragraphs (1) (A) and (B) as set forth above.
3. Respondent agrees to waive his right to present his case and contest the allegations set forth above in a formal hearing pursuant to Rule 18. Respondent also agrees that this Stipulation and Order of Consent to Public Censure and Agreement to Complete a National Judicial College Course ("Order") takes effect immediately pursuant to Rule 29. The Commission accepts Respondent's waiver of said rights and acknowledges and agrees to the immediate effect of this Order. Respondent further agrees to appear before the Commission in a public proceeding, if required by the Commission, to discuss this Order in more detail and answer any questions from the Commissioners related to this case.

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4. Respondent agrees and acknowledges that this Order will be published on the Commission's website and filed with the Clerk of the Nevada Supreme Court.
5. Respondent and the Commission hereby stipulate to Respondent's consent to public censure pursuant to Rule 29 and Respondent's agreement to complete, at Respondent's expense, a National Judicial College course entitled Effective Caseflow Management in June 2018, or such similar class as may be available with approval by the Commission's Executive Director, pursuant to the Nevada Constitution, Article 6, Section 21, 1 and 5(a) and (b) ("Section 21"); NRS 1.4653(1) and (2); NRS 1.4677(1)(a) and (d)(2); and Rule 28. Respondent stipulates to the following substantive provisions:
 - (a) Respondent agrees the evidence available to the Commission would establish by clear and convincing proof that he violated the Code, including Judicial Canon 1, Rule 1.1; Canon 2, Rule 2.5(A); and Rule 2.12(A).
 - (b) Respondent agrees the discipline of public censure and his agreement to complete, at Respondent's expense, a National Judicial College course entitled Effective Caseflow Management in June 2018; or such similar class as may be available with approval by the Commission's Executive Director, is authorized by Rule 29; Section 21; NRS 1.4653(1) and (2); NRS 1.4677(1)(a) and (d)(2); and Rule 28.
 - (c) Respondent unilaterally decided not to seek re-election and to leave office after his current term is completed.
 - (d) Respondent stipulates to a public censure and agrees to complete a National Judicial College course for violations of the Rules as set forth in paragraph 1(A) through (B).
 - (e) Respondent stipulates and agrees that failure to comply with the educational requirement before the expiration of his term shall result in Respondent being forever barred from serving as a judicial officer in the future pursuant to NRS 1.4677(1)(e).
6. The Respondent understands and agrees that by accepting the terms of this Order, he waives his right to appeal to the Nevada Supreme Court, pursuant to Rule 3D of the Nevada Rules of Appellate Procedure.

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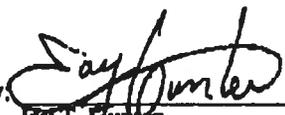
ORDER

IT IS HEREBY ORDERED that the Respondent is hereby publicly censured pursuant to Rule 29 for violating the Code, including Judicial Canon 1, Rule 1.1; Canon 2, Rule 2.5(A); and Rule 2.12(A).

IT IS FURTHER ORDERED that the Respondent shall complete, at Respondent's expense, a National Judicial College course entitled Effective Caseflow Management in June 2018; or such similar class as may be available with approval by the Commission's Executive Director.

IT IS FURTHER ORDERED that failure to comply with the educational requirement before the expiration of his term shall result in Respondent being forever barred from serving as a judicial officer in the future pursuant to NRS 1.4677(1)(e). Accordingly, the Commission retains jurisdiction over this matter for the required period of time for Respondent to comply with this Order.

IT IS FURTHER ORDERED that the Executive Director of the 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.

By: 
Jay T. Gunter
Respondent

Dated this 16 day of April, 2018.

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

By: 
Thomas C. Bradley, Esq., SBN 1621
Prosecuting Officer for the NCJD

Dated this 17 day of April, 2018.

1 NEVADA COMMISSION ON JUDICIAL DISCIPLINE:

2 The Commissioners listed below accept the terms of this Stipulation and Order of Consent to a
3 Public Censure and Agreement to Complete a National Judicial College Course between the
4 Respondent and the Commission. They further authorize the Chairman, if requested, to sign on behalf
5 of the Commission, as a whole, this document containing the Stipulation and Order of Consent to
6 Public Censure and Agreement to Complete a National Judicial College Course.
7

8 **Signed by:**  **Dated:** 5/18/18
9

10 GARY VAUSE, CHAIRMAN

11 KARL ARMSTRONG

12 HON. MARK DENTON

13 BRUCE HAHN

14 STEFANIE HUMPHREY

15 JOHN KRMPOTIC

16 HON. JEROME POLAHA
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1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 18th day of May, 2018, I served a copy of the **CERTIFIED COPY OF STIPULATION**
4 **AND ORDER OF CONSENT TO A PUBLIC CENSURE AND AGREEMENT TO COMPLETE**
5 **A NATIONAL JUDICIAL COLLEGE COURSE**, filed with the Nevada Supreme Court, by United
6 States Mail, postage paid, addressed to the following:

7 Lyn E. Beggs, Esq.
8 Law Offices of Lyn E. Beggs, PLLC
9 328 California Ave. Suite 3
10 Reno, NV 89503
11 lyn@lbeggslaw.com
12 Counsel for Respondent

11 Thomas C. Bradley, Esq.
12 Sinai, Schroder, Mooney, Boetsch, Bradley & Pace
13 448 Hill Street
14 Reno, NV 89501
15 Tom@TomBradleyLaw.com
16 Prosecuting Officer

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18 _____
19 Valerie Carter, Commission Clerk
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