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IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

MAR 06 2019

In the Matter of)
)
THE HONORABLE MARTIN HASTINGS,)
Las Vegas Municipal Court, Dept. 6,)
Clark County, State of Nevada,)
)
Respondent.)

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


CASE NO. 78271

**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 March 6, 2019.

DATED this 6th day of March, 2019.

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702
(775) 687-4017

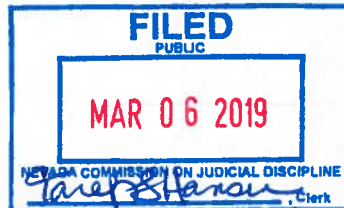
By: 

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



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

2 **STATE OF NEVADA**



3 In the Matter of)
4 THE HONORABLE MARTIN HASTINGS,)
5 Las Vegas Municipal Court, Dept. 6,)
6 Clark County, State of Nevada,)
7 Respondent.)

CASE NO. 2017-119-P

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

9 Pursuant to prior written notice, the above-entitled matter came on for a formal, one-day public
10 hearing in Las Vegas, Nevada, pursuant to NRS 1.467 and Commission Procedural Rule 18,
11 commencing on February 15, 2019, before the Nevada Commission on Judicial Discipline (hereinafter,
12 the "Commission"), regarding the allegations against the Honorable Martin Hastings, Las Vegas
13 Municipal Court Judge (hereinafter "Respondent"),¹ for violations of the Revised Nevada Code of
14 Judicial Conduct (hereinafter, the "Code").

15 Brian Hutchins, Esq. served as the Prosecuting Officer to the Commission (hereinafter, the
16 "Prosecuting Officer") and was present. Respondent was represented by William B. Terry, Esq. and
17 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 3 below:

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28 ¹ Respondent was appointed on July 25, 2017 to serve as an Alternate Commissioner on the Commission and currently serves in that capacity.

1 1. Respondent was, at all times applicable to the allegations contained in the Formal
2 Statement of Charges, a Judge for the Las Vegas Municipal Court located in Clark County, Nevada,
3 and whose conduct was subject to the Code.

4 2. The factual allegations in Count One of the Formal Statement of Charges regarding
5 Respondent’s failure to perform his duty to act as an on-call search warrant judge on a regular rotation,
6 has been proven by clear and convincing evidence.

7 The credible evidence established that Respondent has a judicial duty to perform telephonic
8 search warrants (“TSW”) as were assigned to him and directed by three (3) Chief Judges of the Las
9 Vegas Municipal Court (“LVMC”) over a period of approximately four (4) years. This duty arose from
10 the decision of the U.S. Supreme Court in *Missouri v. McNeely*, 569 U.S. 141 (2013). In *McNeely*, the
11 U.S. Supreme Court held that the Fourth Amendment to the U.S. Constitution, which protects against
12 unlawful search and seizure, requires police officers to obtain a warrant for nonconsensual blood testing
13 in drunk-driving situations before a blood sample can be drawn. *Id.* at 152. Relying on *McNeely*, all six
14 (6) LVMC judges, including Respondent, determined as a Court that TSWs must be performed in such
15 cases. *See* Transcript of Proceedings, dated February 15, 2019 (“Transcript”), p. 35, ln. 11 – p. 36, ln. 7
16 (Judge Kerns); p. 160, ln. 17 – p. 161, ln. 4 (Judge Brown); and p. 211, lns. 2-14 (Judge Leung).

17 However, the LVMC did not have any policies and procedures in place or a mechanism by
18 which to handle TSW calls from police officers. Transcript, p. 38, ln. 5 – p. 40, ln. 8 (Judge Kerns); p.
19 160, lns. 17-23 (Judge Brown); and p. 210, ln. 17 – p. 211, ln. 14 (Judge Leung). To address this new
20 judicial duty, the LVMC implemented a “Business Process” for TSWs on September 29, 2014, which
21 was later modified on December 24, 2014 and March 17, 2015. Transcript, p. 248, lns. 3-11
22 (Administrator Hlavac); *see also* Trial Exhibit D (“Hlavac Affidavit”), bates stamped R0027, para.3. At
23 the time, the process was agreed to by all six LVMC judges, including Respondent, wherein one judge
24 would be the twenty four (24)-hour on-call TSW judge for an entire week, with each judge rotating
25 once every six (6) weeks. The TSW schedule for each calendar year is drafted by the LVMC Chief
26 Judge one (1) year in advance. Transcript, p. 88, ln. 13 – p. 89, ln. 15 (Judge Kerns); p. 213, lns. 8-13
27 (Judge Leung).

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1 Despite agreeing to the TSW Business Process in 2014, Respondent stopped handling his TSW
2 duties in March of 2015, and began using an alternate to perform all such duties. *See* Trial Exhibit 1
3 (“Stipulation of Facts and Exhibits by the Parties”), bates stamped 0001-0004. Upon learning of
4 Respondent’s use of an alternate for his TSW duties, then Chief Judge Brown sent Respondent an email
5 on Monday, April 20, 2015. Transcript, p. 167, ln. 6 – p. 168, ln. 20 (Judge Brown); *see also* Trial
6 Exhibit 4 (“Judge Brown Email”), bates stamped 0008-0009. The Judge Brown Email requested that
7 Respondent refrain from using an alternate for his TSW duties until such use was approved since there
8 was no business process in place to permit an alternate to handle such duties. *Id.* Respondent blatantly
9 ignored Chief Judge Brown’s request and continued to use an alternate to perform his TSW duties. *See*
10 Trial Exhibit 1, Stipulation of Facts and Exhibits by the Parties, bates stamped 0001-0004.

11 The City of Las Vegas passed a City Ordinance on August 19, 2015, permitting the use of
12 alternates for LVMC TSW duties. Transcript, p. 249, ln. 18 – p. 250, ln. 3 (Administrator Hlavac); *see*
13 *also* Trial Exhibit 7 (“City Ordinance”), bates stamped 0027. Following the passage of the City
14 Ordinance, the LVMC Chief Judge issued an order allowing for the use of an alternate to perform TSW
15 duties. Transcript, p. 250, lns. 4-17; *see also* Trial Exhibit D, Hlavac Affidavit, bates stamped R0027,
16 and Trial Exhibit 6 (“LVMC Order”), bates stamped 0021.

17 Dana Hlavac, Court Administrator for the LVMC, testified that the City Ordinance allowed the
18 LVMC to issue the LVMC Order permitting alternate judges to perform TSW duties. *Id.* Mr. Hlavac
19 further testified that the LVMC authorized a LVMC judge to use an alternate in only three (3)
20 situations: (1) LVMC business (e.g., CLEs and meetings); (2) medical reasons (e.g., sickness, doctor
21 appointments); and (3) personal reasons (e.g., vacation). Transcript, p. 251, lns. 2-19.

22 The Commission also notes that NRS 5.023(2) only permits a municipal court judge to appoint
23 alternates if he or she is “disqualified from acting in a case pending in municipal court or is unable to
24 perform his or her duties because of his or her temporary sickness or absence,” (Emphasis added).
25 Accordingly, the Commission finds that Respondent’s repeated and excessive use of an alternate for his

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1 TSW duties for approximately four (4) years was not temporary and, therefore, was in violation of NRS
2 5.023(2), as well as numerous administrative directives of the LVMC.²

3 Furthermore, chief municipal judges are empowered under the law to (a) assign cases to each
4 judge in municipal court; (b) prescribe the hours of court; (c) adopt such other rules and regulations as
5 are necessary for the orderly conduct of court business; and (d) perform all other duties of the chief
6 municipal judge or of the presiding judge of a municipal court that are set forth in NRS Chapter 5 and
7 any other provision of the Nevada Revised Statutes. NRS 5.021(2).

8 Accordingly, based upon the foregoing facts and law, the Commission finds that Respondent
9 has a judicial duty to perform TSWs in accordance with the law, the Code, and the administrative
10 directives of his Chief Judge. The Commission further finds that the passage of the City Ordinance by
11 the City of Las Vegas and the issuance of the LVMC Order, respectively, to pay alternates to handle
12 TSW duties does not eliminate a judge's obligation to perform his or her assigned duties.

13 The Commission took notice of the fact and found it significant that all three (3) LVMC judges
14 who testified at the hearing believed that while it is helpful to have the option of using an alternate
15 when the assigned TSW judge is ill or has a conflicting appointment, all emphasized that to do so
16 repeatedly and excessively, as did Respondent for approximately four (4) years, is tantamount to failing
17 to perform a judge's duty to sit under the Code and related case law, as well as implicates financial
18 issues, public perception, trust and confidence, and prosecutorial concerns. Transcript, p. 86, lns. 5-20
19 (Judge Kerns); p. 173, ln. 17 – p. 174, ln. 1 (Judge Brown); and p. 223, ln. 10 – p. 224, ln. 5 (Judge
20 Leung). The Commission agrees. In fact, Respondent has failed to perform any of his TSW duties, not
21 even one time, for approximately four (4) years and, based on the testimony at the hearing, continues
22 not to do so to this day. Transcript, p. 43, lns. 11-15 (Judge Kerns); *see also* Trial Exhibit 1, Stipulation
23 of Facts and Exhibits by the Parties, bates stamped 0001-0004.³

25 ² The Commission questions the propriety of the City of Las Vegas expending taxpayer funds for Respondent's repeated
26 and excessive use of alternates in contravention of the law and the administrative directives of the LVMC. Interestingly,
27 Suzan Baucum, Chief Judge of the Las Vegas Justice Court, testified that the justices of the peace of the Justice Court
determined that pro-tem and alternates were not authorized to sit on TSWs pursuant to Justice Court Administrative Order
16-04, dated December 16, 2016. Transcript, p. 294, lns. 11-19; *see also* Trial Exhibit 13 ("Justice Court Administrative
Order").

28 ³ As LVMC Judge Leung observed during the hearing, judges are public servants who are elected to do all duties assigned
to them, not just some of them. Transcript, p. 223, ln. 14 – p. 224, ln. 5. The evidence also revealed that Respondent was the

1 The credible evidence demonstrates that Respondent disregarded the directives of three (3)
2 LVMC Chief Judges for approximately four (4) years by failing to perform his assigned TSW duties.
3 Over a four (4) year period, the Chief Judges sent correspondence to and had numerous meetings and
4 discussions with Respondent regarding his failure to perform his TSW duties. Transcript, p. 59, ln. 11 –
5 p. 61, ln. 21 (Judge Kerns); *see also* Trial Exhibit 2 (“Chief Judge Kerns’ Complaint Letter to
6 Commission”), bates stamped 0005; Trial Exhibit 3 (“Chief Judge Kerns’ Letter to Respondent”), bates
7 stamped 0006-0007; and Trial Exhibit 4 (“Chief Judge Brown’s Email to Respondent”), bates stamped
8 0008-0009. In fact, Chief Judge Kerns even pleaded with Respondent to “please, just do it once.”
9 Transcript, p. 59, ln. 24. Respondent simply ignored them all and failed to respond to his Chief Judges.⁴

10 The credible evidence further demonstrates that during the past four (4) years, Respondent
11 never once mentioned, discussed or brought to the attention of the Chief Judges or the Court
12 Administrator that he had any sleep or medical issues which made it impossible for him to perform his
13 assigned TSW duties. Transcript, p. 64, ln. 18 – p. 65, ln. 21 (Judge Kerns); and p. 183, lns. 1-11 (Judge
14 Brown). In fact, Chief Judge Kerns testified that he first learned of Respondent’s alleged sleep issues a
15 few months prior to the hearing in this case.⁵ Clearly, Respondent can perform his TSW duties, but has
16 chosen not to as evidenced by his willingness to “follow any order of the Commission.”⁶

17 The credible evidence further demonstrates that each LVMC judge who testified at the hearing,
18 including Respondent’s own witness, Chief Judge Baucum of the Las Vegas Justice Court, all were
19 significantly affected by TSW duties. With respect to such duties, Chief Judge Kerns testified that (i) he
20 hates TSW duties; (ii) he may not get back to sleep after receiving a TSW call; (iii) it affects all of the
21 judges mentally and physically the next day; (iv) all the judges have problems not sleeping; and (v) all
22 the judges have different ways of coping with a lack of sleep, such as drinking Red Bull or having other
23 judges cover their court calendars. Transcript, p. 86, ln. 23 – p. 88, ln. 12 (Judge Kerns).

24 only LVMC Judge who utilized alternates for his TSW duties. Transcript, p. 58, lns. 18-21 (Judge Kerns); *see also* Trial
25 Exhibit 1, Stipulation of Facts and Exhibits by the Parties, bates stamped 0001-0004.

26 ⁴ Chief Judge Kerns testified that he never received any written or oral responses from Respondent. Transcript, p. 59, ln. 11
– p. 61, ln. 21.

27 ⁵ Remarkably, Judge Kerns learned of Respondent’s alleged sleep issues not from Respondent, but rather from Mr. Terry,
Respondent’s counsel, only after the filing of the Commission’s Formal Statement of Charges. Transcript, p. 65, lns. 14-23.

28 ⁶ Respondent has stated that “I will follow any order of the Commission.” *See* Trial Exhibit D (“Respondent’s Answers to
Commission Questions”), bates stamped R0020 (Answer 11). The Commission finds it troubling that Respondent will only
follow an order of the Commission, but not the Code, the law, or the administrative directives of his Chief Judges.

1 Judge Brown testified that (i) nobody likes TSW duties; (ii) it's difficult getting back to sleep
2 and, at times, he may not be able to get back to sleep; and (iii) he may be groggy in Court the next day.
3 Transcript, p. 164, lns. 7-11; p. 179, ln. 4 – p. 180, ln. 10 (Judge Brown). Judge Brown even testified
4 that he has insomnia and has had sleeping issues for the past 10 to 20 years. *Id.*

5 Likewise, current Chief Judge Leung testified that (i) she has trouble getting back to sleep; (ii)
6 she's tired the next day; and (iii) there are options available to all judges, such as taking a nap in
7 chambers or leaving early if one's calendar is clear, drinking more coffee, or asking another judge to
8 cover certain matters on their court calendars. Transcript, p. 218, ln. 10 – p. 222, ln. 1 (Judge Leung).

9 Even Judge Baucum, Respondent's own witness, testified that (i) she does not sleep well and is
10 up all night long; (ii) she is exhausted and tired the next day; and (iii) such TSW duties equate to the
11 rigors of having a newborn child. Transcript, p. 279, ln. 1 – p. 280, ln. 11; p. 298, ln. 1 – p. 299, ln. 20.
12 (Judge Baucum). When asked what remedies she employs to cope with her lack of sleep the next day,
13 Judge Baucum responded that she sleeps when she can. Transcript, p. 299, lns. 16-20.

14 Although Respondent chose not to testify at the hearing, his wife testified that Respondent has
15 sleep issues, whereby Respondent wakes up cranky and cannot get back to sleep. Transcript, p. 308, ln.
16 6 – p. 309, ln. 7. Given the significant difficulties expressed by each judicial witness during the hearing,
17 the Commission finds that excuse to be arguably shared by all judges that are required to participate in
18 TSW duty.⁷

19 Not one judge testified that they enjoyed being the on-call search warrant judge, but all testified
20 that it was part of their judicial duties. Despite significant sleep deprivation issues and a distaste for the
21 TSW duty, each of the judges, except Respondent, performed TSW duty, handled other judicial duties,
22 and did not use an alternate. The Commission found the testimony of the judges to exemplify the very
23 important principle that a judge cannot shirk his or her assigned duties based simply upon a dislike for
24 such duties.

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27 ⁷ The Commission also found it very troubling that Respondent not only failed to perform his TSW duties during the regular
28 LVMC work week, but also failed to perform his judicial duties on most weekends as well, where such sleep issues would
not be as prevalent given that Respondent did not have to be present at the Courthouse or preside over his Court calendar
the next day. Transcript, p. 44, lns. 5-9 (Judge Kerns).

1 The Commission also noted Respondent’s willingness to pay the cost of an alternate himself.
2 Trial Exhibit D, Respondent’s Answers to Commission Questions, bates stamped R0019 (Answer 9).
3 However, the Commission finds that a judge cannot simply pay someone else to consistently perform
4 assigned judicial duties which are not desirable. Respondent was elected to perform all duties of a
5 LVMC judge, which necessarily include those duties expanded by law and administrative directives.
6 The Commission recognizes that being an on-call search warrant judge is not a pleasant duty, but that it
7 is an important and mandatory duty for LVMC judges. The importance of this duty was emphasized by
8 each of the LVMC judges who testified at the hearing.

9 Accordingly, based on the testimony and admitted evidence, the Commission finds that
10 Respondent’s failure to perform his TSW duties is a willful violation of Canon 1, Rules 1.1, requiring
11 Respondent to comply with the law, including the Code; 1.2, requiring Respondent to promote public
12 confidence in the integrity of the judiciary; Canon 2, Rules 2.5(B), requiring Respondent to cooperate
13 with other judges and court officials in the administration of court business; and 2.7, requiring
14 Respondent to hear and decide matters assigned to the judge.

15 3. The factual allegations in Count Two of the Formal Statement of Charges regarding
16 Respondent’s failure to cooperate with the LVMC Chief Judge, or the other judges, or both, by not
17 performing his duty to act as a search warrant judge, and relying on an alternate judge for that purpose,
18 after being counseled not to do so, have been proven by clear and convincing evidence.

19 The credible evidence established that from on or about March of 2015 to the date of the
20 hearing, Respondent failed to cooperate with three (3) Chief Judges of the LVMC regarding his use of
21 an alternate judge to perform his TSW duties. The testimonial and documentary evidence clearly
22 indicate that there was not a process in place to use an alternate judge to cover TSW duties from March
23 of 2015 to August of 2015. Transcript, p. 49, lns. 7-14 (Judge Kerns); p. 165, lns. 18 -19 (Judge
24 Brown); and p. 247, ln. 6 – p. 248, ln. 2 (Administrator Hlavac).

25 Despite this, however, Respondent unilaterally decided in March of 2015 that he would utilize
26 an alternate judge to perform TSW duties for his entire weekly rotation. Furthermore, Respondent did
27 not discuss his use of an alternate judge with anyone prior to doing so or subsequently. Transcript, p.
28 59, ln. 11 – p. 61, ln. 21 (Judge Kerns); and p. 165, lns. 5-9 (Judge Brown). The Commission finds

1 Respondent's continued and excessive use of an alternate judge to perform his assigned TSW duties,
2 after being repeatedly counseled not do so, to be a willful violation of his duty to cooperate under the
3 Code.⁸

4 Accordingly, based on the totality of all admitted evidence during the hearing, the Commission
5 finds that Respondent's failure to cooperate with three (3) LVMC Chief Judges over approximately
6 four (4) years is a willful violation of Canon 1, Rules 1.1, requiring Respondent to comply with the law,
7 including the Code; and 1.2, requiring Respondent to promote public confidence in the integrity of the
8 judiciary; and Canon 2, Rule 2.5(B), requiring Respondent to cooperate with other judges and court
9 officials in the administration of court business.

10 **B. CONCLUSIONS OF LAW**

11 1. As to Count One of the Formal Statement of Charges, the Commission finds that the
12 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
13 violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rules 2.5(B) and 2.7.

14 2. As to Count Two of the Formal Statement of Charges, the Commission finds that the
15 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
16 violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rule 2.5(B).

17 3. The Commission has both personal jurisdiction over Respondent and subject matter
18 jurisdiction over the violations of the Code at issue in this case.

19 **C. IMPOSITION OF DISCIPLINE**

20 In consideration of the totality of Respondent's actions and violations of the Code, the
21 Commission concludes that the appropriate discipline under Commission Procedural Rule 28 shall be
22 as follows:

23 By unanimous vote of the Commission, after due deliberation and consideration of the evidence
24 presented, and Respondent's lack of prior discipline by the Commission; but nevertheless, in light of
25 the seriousness of Respondent's failure to perform his assigned duties and cooperate with the LVMC, it
26 is decided that pursuant to subsections 5(a) and (b) of Article 6, Section 21 of the Constitution of the
27

28 ⁸ Respondent even utilized an alternate judge to cover his Saturday morning probable cause hearings. Transcript, p. 44, lns. 5-9.

1 State of Nevada, NRS 1.4653(1) and (2), NRS 1.4677(1)(a), (d)(1), (2), (5) and (f); and Commission
2 Procedural Rule 28, Respondent shall hereby be publicly censured for having committed the acts as
3 fully set forth above; be required to attend and complete, at his own expense, the National Judicial
4 College course entitled “Leadership for Judges” in Reno, Nevada from August 12, 2019 to August 15,
5 2019; or such other similar course as may be available with the approval of the Commission’s
6 Executive Director, within one (1) year of the date of this Order; and complete a six (6)-month
7 probationary period wherein Respondent shall perform all of his assigned duties, and cooperate with the
8 Chief Judge and other judges and court officials of the LVMC in the administration of court business.

9 “As part of its disciplinary powers, the judicial discipline commission may discipline [judges]
10 for failing to follow administrative procedures” *Halverson v. Hardcastle*, 123 Nev. 245, 264, 163
11 P.3d 428, 442 (2007) (internal citations omitted). When imposing judicial discipline, sanctions must be
12 designed to discourage others from engaging in similar misconduct and to assure the public that judicial
13 misconduct will not be condoned.

14 The Commission reminds Respondent, and other judges who may be inclined to ignore the
15 administrative directives of their Chief Judges or Presiding Judges, that they have a duty to perform all
16 judicial duties assigned to them, and to cooperate with other judges and court officials in the
17 administration of court business. The Nevada Supreme Court noted in *Halverson* that such cooperation
18 is important under the Code. *Id.* at 277. Respondent’s actions were a willful and persistent failure to
19 perform the duties of his office pursuant to NRS 1.4653(1). Such a willful disregard of the law and the
20 Code subjects a judge to possible removal from office. NRS 1.4653(1); NRS 1.4677(1)(e).

21 The primary purpose of the Revised Nevada Code of Judicial Conduct is the protection of the
22 public, not the punishment of judges. The Commission protects the public by instilling confidence in
23 the integrity of the judicial system in Nevada, as public trust is essential to the administration of justice.
24 In carrying out this duty, the law provides the Commission a broad range of disciplinary measures to be
25 imposed which include, but are not limited to, public censure, suspensions, fines, educational
26 requirements, removal from office, etc. The imposition of discipline further serves the function of
27 discouraging future misconduct by the disciplined judge as well as the judiciary as a whole.

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1 Accordingly, the purpose of the Commission’s decision in this case is to protect the public by
2 publicly censuring, educating, monitoring through probation, and thus, rehabilitating Respondent.

3 The Commission strongly advises Respondent to fully cooperate with his fellow judges and
4 submit to the administrative authority and directives of the LVMC Chief Judge. Respondent’s failure to
5 do so shall constitute continued misconduct, thereby subjecting Respondent to further discipline,
6 including, without limitation, removal from judicial office. The Commission also reminds Respondent
7 that such cooperation is an ongoing responsibility even after the six (6)-month probationary period
8 ends.

9 Accordingly, based on the foregoing, the discipline imposed against Respondent is justified
10 based upon the facts of the case, the seriousness of the offenses involved, and consideration of
11 mitigating circumstances.

12 **D. ORDER**

13 IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Gary Vause, Vice-
14 Chair Stefanie Humphrey, Karl Armstrong, Esq., Donald L. Christensen, Esq., Joseph Sanford, the
15 Honorable Thomas Armstrong, and the Honorable Mason Simons that Respondent be, and hereby is,
16 publicly censured for violations of Judicial Canon 1, Rules 1.1, requiring Respondent to comply with
17 the law, including the Code; and 1.2, requiring Respondent to promote public confidence in the
18 integrity of the judiciary; and Canon 2, Rules 2.5(B), requiring Respondent to cooperate with other
19 judges and court officials in the administration of court business; and 2.7, requiring Respondent to hear
20 and decide matters assigned to him.

21 IT IS FURTHER ORDERED that Respondent shall complete a six (6)-month probationary
22 period wherein Respondent shall perform all assigned duties, cooperate with his fellow judges and
23 court officials in the administration of court business, and submit to the administrative authority of the
24 LVMC Chief Judge.

25 IT IS FURTHER ORDERED that during Respondent’s six (6)-month probationary period, the
26 full Commission shall review and consider any written reports received from the LVMC Chief Judge
27 detailing any violations by Respondent of his assigned duties, or any incidences of non-cooperation
28 with the administrative directives of the LVMC Chief Judge. Respondent’s continued failure to fully

1 cooperate with his fellow judges and submit to the administrative authority of the LVMC Chief Judge
2 shall result in additional discipline.

3 IT IS FURTHER ORDERED that at the end of Respondent's six (6)-month probationary period,
4 the LVMC Chief Judge shall submit a written report to the Commission's Executive Director for
5 review and consideration by the full Commission detailing Respondent's compliance with this Order or
6 lack thereof.

7 IT IS FURTHER ORDERED that Respondent shall within one (1) year of the date of entry of
8 this Order, attend and complete, at his own expense, the National Judicial College course entitled
9 "Leadership for Judges" in Reno, Nevada from August 12, 2019 to August 15, 2019; or such other
10 similar course as may be available with the approval of the Commission's Executive Director.
11 Respondent shall timely notify the Commission upon completion of all requirements of this Order,
12 including providing a certificate of course completion for the course identified above, or a similar
13 course as approved by the Commission's Executive Director.

14 IT IS FURTHER ORDERED that Respondent's continued failure to comply with the
15 requirements of this Order may result in Respondent being permanently removed from the bench and
16 forever barred from serving as a judicial officer in the future. NRS 1.4677(1)(e). Accordingly, the
17 Commission retains jurisdiction over this matter for the required period of time for Respondent to
18 comply with this Order.

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

21 DATED this 6th day of March, 2019.

22
23 STATE OF NEVADA
24 COMMISSION ON JUDICIAL DISCIPLINE
25 P.O. Box 48
26 Carson City, NV 89702

27 By: 
28 GARY VAUSE
COMMISSION CHAIRMAN

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 6th day of March, 2019, 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:

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Tarah L. Hansen, Commission Clerk