



BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

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

CASE NO. 2017-119-P

ORDER TO SHOW CAUSE WHY ADDITIONAL DISCIPLINE SHOULD NOT BE IMPOSED AGAINST RESPONDENT

TO: THE HONORABLE MARTIN HASTINGS, Respondent
WILLIAM B. TERRY, ESQ., Counsel for Respondent
BRIAN HUTCHINS, ESQ., Prosecuting Officer

RESPONDENT IS HEREBY ORDERED to show cause, if any, why additional discipline should not be imposed for your failure to comply with the Commission's Findings of Fact, Conclusions of Law and Imposition of Discipline issued on March 6, 2019 ("Commission's Order"), NRS 5.023(2) and the Revised Nevada Code of Judicial Conduct ("Code"). Your alleged failure to comply with the Commission's Order, law and Code are more fully described in the Chief Judge Report to the Commission dated September 10, 2019, Commission Letter to Chief Judge dated October 30, 2019, and Chief Judge Response Letter to Commission dated December 16, 2019, copies of which are attached hereto.

You are hereby given the opportunity to respond to this Order within thirty (30) days of the date of this Order. You may submit documents and arguments in opposition which shall be considered by the Commission. The Commission shall hold a public hearing of limited duration to determine whether or not the imposition of additional discipline is warranted, unless Respondent waives the right to the hearing.

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

DATED this 31<sup>st</sup> day of March, 2020.

STATE OF NEVADA  
COMMISSION ON JUDICIAL DISCIPLINE  
P.O. Box 48  
Carson City, NV 89702

By:   
GARY AULSE  
COMMISSION CHAIRMAN

1 CERTIFICATE OF SERVICE

2 I hereby certify on this 31<sup>st</sup> day of March, 2020, I transmitted a copy of the foregoing ORDER  
3 TO SHOW CAUSE WHY ADDITIONAL DISCIPLINE SHOULD NOT BE IMPOSED AGAINST  
4 RESPONDENT, via email and by placing said document in the U.S. Mail, postage prepaid, addressed  
5 to:

6 William B. Terry, Esq.  
7 William B. Terry, Chartered Attorney at Law  
8 530 South Seventh Street  
9 Las Vegas, NV 89101-6011  
10 [info@williamterrylaw.com](mailto:info@williamterrylaw.com)

11 Brian Hutchins, Esq.  
12 BH Consulting, LLC  
13 P. O. Box 2366  
14 Carson City, NV 89701  
15 [bhconsultingllc@sbcglobal.net](mailto:bhconsultingllc@sbcglobal.net)

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18 Tarah L. Hansen, Commission Clerk  
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# Las Vegas Municipal Court

*at the Regional Justice Center*

P.O. Box 3920 • Las Vegas, Nevada 89127-3920 • Main 702-229-2059 • Fax 702-464-7641 • TTY 7-1-1

September 10, 2019

**Judiciary**

**Judge Cynthia S. Leung**  
Chief Judge  
Department 1

**Judge Susan Roger**  
Department 2

**Judge Cara L. Campbell**  
Department 3

**Judge Bert M. Brown**  
Department 4

**Judge Cedric A. Kerns**  
Department 5

**Judge Martin D. Hastings**  
Department 6

**Court Administration**

**Dana P. Hlavac, ICMA-CM**  
Court Administrator

Paul C. Deyhle  
General Counsel/Executive Director  
Nevada Judicial Discipline Commission  
P. O. Box 48  
Carson City, Nevada 89702

Re: The Matter of the Honorable Martin Hastings  
Supreme Case No. 7827  
NCJD Case No. 2017-119-P

Dear Mr. Deyhle:

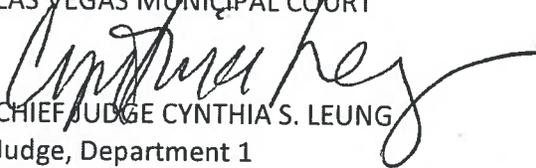
As ordered, Judge Martin Hastings was to serve a 6-month probationary period commencing March 6, 2019, concluding September 6, 2019. At the conclusion of Judge Hastings probationary period, a final report is to be filed.

Enclosed please find the Chief Judge Report pursuant to the Findings of Fact, Conclusions of Law and Imposition of Discipline issued in the above referenced matter.

Should you have any questions, or require any additional information, please do not hesitate to contact me. Thank you.

Sincerely,

LAS VEGAS MUNICIPAL COURT

  
CHIEF JUDGE CYNTHIA S. LEUNG  
Judge, Department 1  
Women in Need of Change (WIN) Court

Enclosure: Chief Judge Report

**In Memoriam**

*The Honorable Seymore H. Brown*  
September 2, 1929 - June 16, 2000

*The Honorable Toy R. Gregory*  
October 29, 1933 - January 3, 2008

## CHIEF JUDGE REPORT

In the matter of THE HONORABLE MARTIN D. HASTINGS,  
Las Vegas Municipal Court, Dept. 6, Clark County, State of Nevada  
Supreme Court of Nevada Case No. 78271  
Nevada Commission on Judicial Discipline Case No. 2017-119-P

Probationary Period: March 6, 2019 – September 6, 2019

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The Findings of Fact, Conclusions of Law and Imposition of Discipline, §D. Order states in pertinent part:

1. . . . is, publicly censured for violations of Judicial Canon 1, Rules 1.1, requiring Respondent to comply with the law, including the Code; and 1.2, requiring Respondent to promote public confidence in the integrity of the judiciary; and Canon 2, Rules 2.5(B), requiring Respondent to cooperate with other judges and court officials in the administration of court business; and 2.7, requiring Respondent to hear and decide matters assigned to him.
2. . . . shall complete a six (6)-month probationary period wherein Respondent shall perform all assigned duties, cooperate with his fellow judges and court officials in the administration of court business, and submit to the administrative authority of the LVMC Chief Judge.
3. . . . during Respondent's six (6)-month probationary period, the full Commission shall review and consider any written reports received from the LVMC Chief Judge detailing any violations by Respondent of his assigned duties, or any incidences of non-cooperation with the administrative directives of the LVMC Chief Judge.
4. . . . at the end of Respondent's six (6)-month probationary period, the LVMC Chief Judge shall submit a written report to the Commission's Executive Director for review and consideration by the full Commission detailing Respondent's compliance with this Order or lack thereof.
5. . . . Respondent shall within one (1) year of the date of entry of this Order, attend and complete, at his own expense, the National Judicial College course entitled "Leadership for Judges" in Reno, Nevada from August 12, 2019 to August 15, 2019; or such other similar course as may be available with the approval of the Commission's Executive Director.

During the 6-month probation period, Judge Hastings has performed his assigned duties for the Telephonic Search Warrant rotation, including the weekend Probable Cause review calendar. This requires the judge to report to our Pretrial Services Unit on the weekend of the Telephonic Search Warrant to review files for probable cause and bail.

He has attended the National Judicial College course, "Leadership for Judges," and received a certificate of completion dated August 15, 2019. (See attached Certificate of Completion).

Judge Hastings has attended Las Vegas Municipal Court Judges' Meetings, provided input when asked, and voted on issues presented for his consideration during these meetings. Such issues have included a wide array of administrative, budgetary, and policy concerns relevant to the operations of our court system. Judge Hastings cooperates with his fellow judges in coordinating court coverage or scheduling needs as they arise.

There has not been an occasion in which Judge Hastings has directly disregarded the administrative authority of the Chief Judge. However, I will direct your attention to Judge Hastings' Alternate Judge use as outlined in the attached report. (See attached Judge Hastings 6-month Alternate Judge Usage Summary table). While performing the 24-hour on-call Telephonic Search Warrant duty, Judge Hastings elected to use an Alternate Judge for the morning court sessions (only), in order to mitigate any fatigue, tiredness, and/or inability to focus due to a lack of sleep from the night before.

To clarify, Las Vegas Municipal Court defines a session to mean one (1) 4-hour block of time for the Morning Court or Afternoon Court Session. The Telephonic Search Warrant session is defined as one (1) 24-hour block of time for one session; the entire Telephonic Search Warrant duty would constitute 7-sessions of 24-hours each.

As established in the Disciplinary Hearing, Alternate Judge use is classified as Personal, Medical, or Administrative. We designate required court business such as attending continuing legal education seminars, the State of the City, or any other educational or administrative duties judges are required to attend in their official capacity as "Administrative." Judge Hastings' use of an Alternate Judge to cover the morning Court session during the on-call Telephonic Search Warrant duty is designated as "Personal," since that use does not readily lend itself in this situation to "Medical," or "Administrative."

As indicated in the Judge Hastings 6-month Alternate Judge Usage Summary table, Judge Hastings has utilized an Alternate Judge for every morning Court session during his Telephonic Search Warrant Duty. On or about March 12, 2019, I had a discussion with Judge Hastings regarding the Disciplinary Order and compliance with its directives. He told me he would comply with the conditions, that he would be answering the Search Warrant phone, and was planning to take the *Leadership for Judges* course in August; all of which he has done. Judge Hastings asked if it would be acceptable to use an Alternate Judge for the morning Court sessions only on those days that he was on-call for Search Warrant duty. I indicated that I thought this was within his purview to address his sleep issues, and also, to comply with the Telephonic Search Warrant duties under the Order.

He advised me that he was concerned about not being able to get an Alternate Judge on short notice the night before, should there be many phone calls, and so, planning ahead by simply scheduling an Alternate Judge for the morning Court sessions only, would allow him the ability to answer the phone during the night. He also said he would see how this worked out.

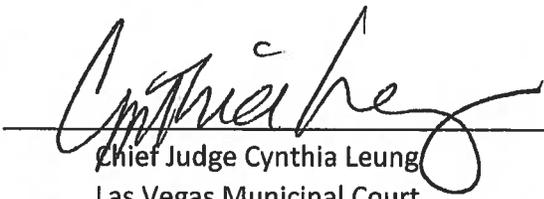
In discussions during the Disciplinary Hearing and in conversations prior to the hearing involving myself, Judge Kerns, and Judge Hastings counsel, William Terry, there was some consideration given to using an Alternate Judge and or having other judges cover the morning Court sessions as needed, so Judge Hastings request did not seem extraordinary.

During the March 12, 2019, conversation with Judge Hastings I advised him that if he was going to utilize an Alternate Judge for the morning Court sessions, he needed to be cognizant of his overall vacation (Personal) time usage. He indicated that he understood my concern.

As can be seen from the Judge Hastings 6-Month Alternate Judge Usage Summary table and the Comparative 6-month Alternate Judge Usage Summary table, Judge Hastings has utilized 43-Court sessions of the combined total 89-Court sessions designated as Personal usage. Comparatively, the other five Judges have a combined total of 46-Court sessions designated as Personal usage. The disproportionate use of Personal Court sessions continues to be an on-going discussion between all the Judges and Court administration.

Dated: September 11, 2019

Prepared by:

  
Chief Judge Cynthia Leung  
Las Vegas Municipal Court

Attachments:

- The National Judicial College Certificate of Completion: *Leadership for Judges* (8/15/2019)
- Judge Hastings 6-month Alternate Judge Usage Summary table
- Comparative 6-month Alternate Judge Usage Summary table
- Judge Martin Hastings, Department 6, Alternate Judge Usage Report for the Period ending June 2019
- Judge Martin Hastings, Department 6, Alternate Judge Usage Report for the Period ending August 2019
- Judge Martin Hastings, Department 6 – 24 HR TSW, Alternate Judge Usage Report for the Period ending June 2019
- Judge Martin Hastings, Department 6 – 24 HR TSW, Alternate Judge Usage Report for the Period ending August 2019

THE NATIONAL



JUDICIAL COLLEGE

Est. 1963

Making the world a more just place by educating and inspiring its judiciary

**This certificate is awarded to**

**Martin D. Hastings**

**Participant**

**In recognition of faithful completion of  
Leadership for Judges**



In witness whereof this certificate has been signed by the Chair of the Board of Trustees and the President of The National Judicial College at the University of Nevada, Reno.

August 15, 2019

Peter Bennett, Esq., NJC Board of Trustees Chair

Benes Z. Aldana, NJC President

JUDGE HASTINGS 6-MONTH ALTERNATE JUDGE USAGE SUMMARY				MORNING SESSIONS UTILIZING ALTERNATE JUDGE WHILE ON SEARCH WARRANT DUTY	
CY2019	ADMINISTRATIVE	MEDICAL	PERSONAL*	TOTALS	MORNING SESSIONS*
	SESSIONS	SESSIONS	SESSIONS*	SESSIONS	SESSIONS
March			10.0	10.0	3/21-3/28 4.0
April			9.0	9.0	
May			4.0	4.0	5/2-5/9 4.0
June	1.0	2.0	4.0	7.0	6/13-6/20 4.0
July	1.0		12.0	13.0	7/25-7/31 3.0
August	5.0		4.0	9.0	8/1 1.0
	<b>7.0</b>	<b>2.0</b>	<b>43.0</b>	<b>52.0</b>	<b>16.0</b>

**NOTE: (\*)** Designated Personal use during search warrant duty for morning sessions analytic purposes  
Sessions are defined as (1) 4-hour block for Morning or Afternoon; Telephonic Search Warrant Session is (1) 24-hour period

COMPARATIVE 6-MONTH ALTERNATE JUDGE USAGE SUMMARY 6-MONTH PERIOD OF MARCH - AUGUST 2019				
CY2019 DEPT	ADMINISTRATIVE	MEDICAL	PERSONAL	TOTALS
	SESSIONS	SESSIONS	SESSIONS	SESSIONS
DEPT 1	12.0	5.0	7.0	24.0
DEPT 2			12.0	12.0
DEPT 3	11.0		15.0	26.0
DEPT 4	9.0		6.0	15.0
DEPT 5	12.0	12.0	6.0	30.0
DEPT 6	7.0	2.0	43.0	52.0
<b>TOTALS</b>	<b>51.0</b>	<b>19.0</b>	<b>89.0</b>	<b>159.0</b>

**JUDGE MARTIN HASTINGS  
DEPARTMENT 6  
ALTERNATE JUDGE USAGE REPORT**

For the Period Ending June 2019

Month/Year	COURT BUSINESS		MEDICAL		PERSONAL		TOTAL SESSIONS	Total DAYS
	SESSIONS	DAYS	SESSIONS	DAYS	SESSIONS	DAYS		
July 2018	0	0.0	0	0.0	5	2.5	5	2.5
August 2018	0	0.0	2	1.0	1	0.5	3	1.5
September 2018	0	0.0	0	0.0	0	0.0	0	0.0
October 2018	0	0.0	1	0.5	0	0.0	1	0.5
November 2018	0	0.0	1	0.5	5	2.5	6	3.0
December 2018	1	0.5	0	0.0	6	3.0	7	3.5
January 2019	5	2.5	0	0.0	0	0.0	5	2.5
February 2019	0	0.0	0	0.0	0	0.0	0	0.0
March 2019	0	0.0	0	0.0	10	5.0	10	5.0
April 2019	0	0.0	0	0.0	9	4.5	9	4.5
May 2019	0	0.0	0	0.0	4	2.0	4	2.0
June 2019	1	0.5	2	1.0	4	2.0	7	3.5
<b>FY 2019 TOTALS</b>	<b>7</b>	<b>3.5</b>	<b>6</b>	<b>3.0</b>	<b>44</b>	<b>22.0</b>	<b>57</b>	<b>28.5</b>

**JUDGE MARTIN HASTINGS  
DEPARTMENT 6  
ALTERNATE JUDGE USAGE REPORT**

**For the Period Ending August 22, 2019**

	COURT BUSINESS		MEDICAL		PERSONAL		Total SESSIONS	Total DAYS
	SESSIONS	DAYS	SESSIONS	DAYS	SESSIONS	DAYS		
Month/Year								
July 2019	1	0.5	0	0.0	12	6.0	13	6.5
August 2019	5	2.5	0	0.0	4	2.0	9	4.5
<b>FY 2020 TOTALS</b>	<b>6</b>	<b>3.0</b>	<b>0</b>	<b>0.0</b>	<b>16</b>	<b>8.0</b>	<b>22</b>	<b>11.0</b>

**JUDGE MARTIN HASTINGS  
DEPARTMENT 6 - 24 Hr TSW  
ALTERNATE JUDGE USAGE REPORT**

**For the Period Ending June 2019**

Month/Year	COURT BUSINESS		MEDICAL		PERSONAL		Total SESSIONS	Total DAYS
	SESSIONS	DAYS	SESSIONS	DAYS	SESSIONS	DAYS		
July 2018	0	0.0	7	7.0	0	0.0	7	7.0
August 2018	0	0.0	7	7.0	0	0.0	7	7.0
September 2018	0	0.0	0	0.0	0	0.0	0	0.0
October 2018	0	0.0	7	7.0	0	0.0	7	7.0
November 2018	0	0.0	7	7.0	0	0.0	7	7.0
December 2018	0	0.0	5	5.0	1	1.0	6	6.0
January 2019	0	0.0	2	2.0	0	0.0	2	2.0
February 2019	0	0.0	7	7.0	0	0.0	7	7.0
March 2019	0	0.0	0	0.0	0	0.0	0	0.0
April 2019	0	0.0	0	0.0	0	0.0	0	0.0
May 2019	0	0.0	0	0.0	0	0.0	0	0.0
June 2019	0	0.0	0	0.0	0	0.0	0	0.0
<b>FY 2019 TOTALS</b>	<b>0</b>	<b>0.0</b>	<b>42</b>	<b>42.0</b>	<b>1</b>	<b>1.0</b>	<b>43</b>	<b>43.0</b>

**JUDGE MARTIN HASTINGS  
DEPARTMENT 6 - 24 Hr TSW  
ALTERNATE JUDGE USAGE REPORT**

**For the Period Ending August 22, 2019**

Month/Year	COURT BUSINESS		MEDICAL		PERSONAL		Total SESSIONS	Total DAYS
	SESSIONS	DAYS	SESSIONS	DAYS	SESSIONS	DAYS		
July 2019	0	0.0	0	0.0	0	0.0	0	0.0
August 2019	0	0.0	0	0.0	0	0.0	0	0.0
<b>FY 2020 TOTALS</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>



GARY VAUSE  
*Chairman*

STEFANIE HUMPHREY  
*Vice-Chair*

State of Nevada  
**COMMISSION ON JUDICIAL DISCIPLINE**  
P.O. Box 48  
Carson City, Nevada 89702  
Telephone (775) 687-4017 • Fax (775) 687-3607  
Website: <http://judicial.nv.gov>

PAUL C. DEYHLE  
*General Counsel and  
Executive Director*

October 30, 2019

**Via Email & U.S. Mail**

Chief Judge Cynthia S. Leung  
Las Vegas Municipal Court, Dept. 1  
P.O. Box 3920  
Las Vegas, NV 89127-3920  
[cleung@lasvegasnevada.gov](mailto:cleung@lasvegasnevada.gov)

Re: The Matter of the Honorable Martin Hastings  
Supreme Court Case No. 7827  
NCJD Case No. 2017-119-P

Dear Chief Judge Leung:

Thank you again for submitting your Chief Judge Report dated September 10, 2019 ("Report") regarding the above-referenced matter. The Commission has reviewed the Report and, at its meeting on October 18, 2019, authorized me to follow up with you to request additional information.

As the current Chief Judge of the Las Vegas Municipal Court, is it your opinion that Judge Hastings has fully complied and continues to be in full compliance with the Commission's Order filed on March 6, 2019 ("Commission's Order") and all Las Vegas Municipal Court Orders and related Court Administration directives and policies with respect to the use of alternate judges? Please explain.

In your Report, you directed the Commission's attention to Judge Hastings' Alternate Judge use as set forth in an attached Alternate Judge Usage Report. You noted that Judge Hastings' "disproportionate use of Personal Court sessions continues to be an on-going discussion between all the Judges and Court administration."

Accordingly, please indicate whether there presently exists a difference of opinion among your fellow judicial colleagues as well as Court Administration as to the propriety of such disproportionate use by Judge Hastings in light of NRS 5.023(2),<sup>1</sup> the LVMC Order and related Court Administration directives and policies with respect to the use of alternates and paid time

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<sup>1</sup> NRS 5.023(2) only permits a municipal court judge to appoint alternates if he or she is "disqualified from acting in a case pending in municipal court or is unable to perform his or her duties because of his or her temporary sickness or absence, ...." (Emphasis added).

Chief Judge Cynthia S. Leung  
October 30, 2019  
Page 2

off/Personal time usage, as well as the numerous findings set forth in the Commission's Order.<sup>2</sup>  
Please describe the underlying reason(s) for such differing opinions.

Please submit your written response to my attention for review and consideration by the full Commission within forty-five (45) days of receipt of this letter.

Sincerely,



Paul C. Deyhle  
General Counsel and Executive Director

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<sup>2</sup> The Commission noted in its Order that "all three (3) LVMC judges who testified at the hearing believed that while it is helpful to have the option of using an alternate when the assigned TSW judge is ill or has a conflicting appointment, all emphasized that to do so repeatedly and excessively, . . . , is tantamount to failing to perform a judge's duty to sit under the Code and related case law, as well as implicates financial issues, public perception, trust and confidence, and prosecutorial concerns." (Emphasis in original) (Citations omitted). Commission's Order, p.4.



# Las Vegas Municipal Court

## *at the Regional Justice Center*

P.O. Box 3920 • Las Vegas, Nevada 89127-3920 • Main 702-229-2059 • Fax 702-464-7641 • TTY 7-1-1

December 16, 2019

### Judiciary

*Judge Cynthia S. Leung*  
Chief Judge  
Department 1

*Judge Susan Roger*  
Department 2

*Judge Cara L. Campbell*  
Department 3

*Judge Bert M. Brown*  
Department 4

*Judge Cedric A. Kerns*  
Department 5

*Judge Martin D. Hastings*  
Department 6

### Court Administration

*Dana P. Hlavac, ICMA-CM*  
Court Administrator

Paul C. Deyhle  
General Counsel/Executive Director  
Nevada Judicial Discipline Commission  
P. O. Box 48  
Carson City, Nevada 89702  
e-mail: [pdeyhle@judicial.nv.gov](mailto:pdeyhle@judicial.nv.gov)

Re: The Matter of the Honorable Martin D. Hastings  
Supreme Case No. 7827  
NCJD Case No. 2017-119-P

Dear Mr. Deyhle:

In response to your request for additional information, as the current Chief Judge of the Las Vegas Municipal Court, it is my opinion that Judge Hastings has complied with the Commission's Order to perform the telephonic search warrant duties, as assigned to all Las Vegas Municipal Court Judges. He has not disregarded a directive issued by myself as Chief Judge. However, in fulfilling this *one* duty, he has created additional issues of concern to myself, and all of my fellow judicial colleagues.

Namely, it was an unexpected development that Judge Hastings has elected to establish a pre-planned, pre-scheduled alternate judge for every morning court session that he has the twenty-four hour telephonic search warrant rotation. The initial conversation he and I had, regarding the use of an alternate for morning court sessions during the telephonic search warrant rotation, led me to believe that he would use an alternate to be determined on an as-needed basis. *In principle*, none of my colleagues had a strong opposition to this practice. More than one judge questioned the propriety of Judge Hastings scheduling an alternate without first experiencing the rigors of the twenty-four hour rotation. Nevertheless, because it is a reasonable accommodation on its face, there did not seem to me, to be an issue in principle. Certainly, we are all in agreement that using an alternate on occasion during our telephonic search warrant rotation should be available within reason and on an as needed basis. However, Judge Hastings' determination to use an alternate without regard to the actual number of phone calls or interruptions that may have occurred the night before becomes problematic in light of the total number of overall personal sessions he utilizes irrespective of the search warrant rotation.

### In Memoriam

*The Honorable Seymore H. Brown*  
September 2, 1929 - June 16, 2000

*The Honorable Toy R. Gregory*  
October 29, 1933 - January 3, 2008

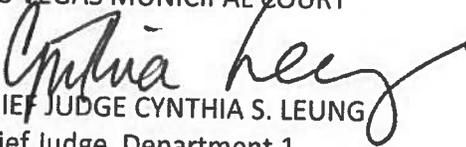
There exists a consensus that the permanent use of an alternate judge for every morning session during telephonic search warrant duty does not fully comply with the Commission's Order, as Judge Hastings' use is not a temporary or occasional solution based upon the actual impact from the number of calls received. It would appear that one duty has simply been substituted for another.

Judge Hastings is aware that the propriety of his overall alternate judge usage is the topic of on-going discussions. Based upon the guidance that already exists in NRS 5.023(2), the LVMC Order and related administrative policies based upon our common practice, there exists a strong reluctance, philosophically, to create additional regulations based upon the exception rather than the rule. There is a consensus that the ability to use alternates by Judicial Order and statute does not eliminate a judge's obligation to perform his or her assigned duties.

Should you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

LAS VEGAS MUNICIPAL COURT

  
CHIEF JUDGE CYNTHIA S. LEUNG

Chief Judge, Department 1