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IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

APR 25 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

In the Matter of the)
)
HONORABLE DAWN HAVILAND,)
Goodsprings Township Justice of the Peace,)
County of Clark, State of Nevada,)
)
Respondent.)

Case No.

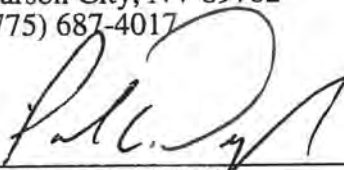
70239

**CERTIFIED COPY OF STIPULATION AND ORDER OF CONSENT
TO PUBLIC REPRIMAND**

Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND filed with the Nevada Commission on Judicial Discipline on April 22, 2016.

DATED this 25th day of April, 2016.

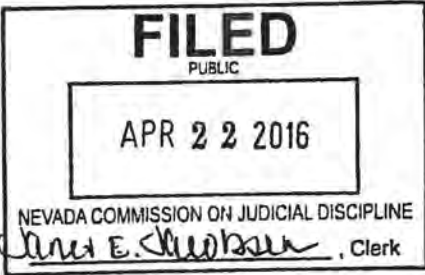
NEVADA COMMISSION ON
JUDICIAL DISCIPLINE
P. O. Box 48
Carson City, NV 89702
(775) 687-4017



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



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3 3205 Skipworth Drive
4 Las Vegas, NV 89107
5 Telephone: (702) 321-2222
6 Facsimile: (702) 369-5727
7 kathleenpaustian@cox.net
8 Special Counsel for the Nevada
9 Commission on Judicial Discipline



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

11 IN THE MATTER OF THE HONORABLE) CASE NO.: 1502-137
12 DAWN HAVILAND, Goodsprings Justice)
13 of the Peace, County of Clark, State of)
14 Nevada,)
15 Respondent)

16
17 **STIPULATION AND ORDER OF CONSENT TO 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 pursuant to Commission Procedural Rule 29:

- 21 1. Respondent admits she committed violations of the Revised Nevada Code of Judicial
22 Conduct ("Code"), including paragraph [1] of the Preamble which mandates an
23 independent, fair, impartial and competent judiciary; Judicial Canon 1, Rule 1.1
24 (failure to comply with the law, including the Code) and Rule 1.2 (failure to promote
25 public confidence in the judiciary); and Canon 2, Rule 2.2 (failure to uphold and
26 apply the law), Rule 2.5(A) (failure to perform judicial and administrative duties
27 competently and diligently), and Rule 2.9 (prohibiting ex parte communications by
28

1 the Judge personally, or through her staff or the staff of the court clerk), by doing a
2 singular act, a combination of acts, or all of the following acts:
3

- 4 A. Issued, or caused to be issued, a complaint or bench warrant, or both, without
5 factual or legal basis, against Strickly Truckin' Inc., a Utah Corporation, or
6 Complainant Tracy Strickland, or both of them, for a motor carrier license
7 violation pursuant to CFR 49 § 393.45 of the Federal Motor Carrier Safety
8 Regulations for brake tubing and hose;
- 9 B. Without authority to investigate or prosecute misdemeanors, directed staff, on or
10 about January 7, 2010, to incorrectly include Bill Strickland as the vehicle owner
11 in Part B of the complaint;
- 12 C. After the statute of limitations for such misdemeanors had run, issued, or caused
13 to be issued, a complaint or bench warrant, or both, against Complainant Tracy
14 Strickland for a motor carrier license violation pursuant to CFR 49 § 393.45 of
15 the Federal Motor Carrier Safety Regulations for brake tubing and hose;
- 16 D. Without authority to investigate or prosecute misdemeanors, personally
17 investigated, or ordered her staff or the staff of the court clerk to investigate, the
18 name of the registered owner for Strickly Truckin' Inc., and then issued, or
19 caused to be issued, a complaint or bench warrant, or both, against Strickly
20 Truckin' Inc. or Complainant Tracy Strickland, or both of them, for a motor
21 carrier license violation pursuant to CFR 49 § 393.45 of the Federal Motor
22 Carrier Safety Regulations for brake tubing and hose;
- 23 E. Engaged in prohibited ex parte communications by personally, or through her
24 staff or the staff of the court clerk, communicating, or considering
25 communications, with Strickly Truckin' Inc., or Complainant Tracy Strickland, or
26 both of them, outside the presence of the parties or their lawyers, concerning a
27 pending matter, without consent of the parties or authorization of the law;
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F. Engaged in plea negotiations contrary to law by personally, or through her staff or the staff of the court clerk, communicating with Strickly Truckin' Inc., or Complainant Tracy Strickland, or both of them, regarding possible resolution of the case;

G. Abused her judicial authority by engaging in any or all, or any combination of, the acts listed above in paragraphs A through F (collectively referred to as "the acts").

2. Respondent admits to all the allegations brought against her in Counts One (1) through six (6) of the Formal Statement of Charges, filed June 10, 2015, and paragraph (1) (A) through (G) as set forth above.

3. Respondent agrees to waive her right to present her case contesting the allegations in the information set forth above in a formal hearing pursuant to Commission Procedural Rule 18. Respondent further agrees that this Order takes effect immediately pursuant to Commission Procedural Rule 29. The Commission accepts Respondent's waiver of said right and acknowledges and agrees to the immediate effect of this Order.

4. Respondent agrees and acknowledges that this Stipulation and 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 reprimand pursuant to Commission Procedural Rule 29. 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 paragraph (1) (A) through (G).

(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.

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(c) She agrees that the evidence available to the Commission would establish by clear and convincing proof that she violated the Revised Nevada Code of Judicial Conduct, including paragraph [1] of the Preamble and an individual canon or combination of canons, including Judicial Canon 1, Rule 1.1 and 1.2 and Canon 2, Rules 2.2, 2.5(A) and 2.9.

(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. She further agrees the courses shall focus on ethics and fairness in the courtroom and knowledge and application of the law. The Respondent shall take these courses at her own expense and provide the office of the Commission with proof of her attendance.

(e) The Respondent shall study and familiarize herself with all Nevada statutes, rules of civil procedure and local rules dealing with: the issuance of warrants, jurisdiction over individuals and corporations, naming of parties in court actions, limitations on investigation of cases by judges and court personnel, prohibitions on ex parte communication by judges and court personnel and prohibitions on judges and court staff actively engaging in plea negotiations.

6. 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 that Respondent be and hereby is publicly reprimanded for violating paragraph [1] of the Preamble to the Revised Nevada Code of Judicial Conduct Judicial along with Canon 1, Rules 1.1 and 1.2 and Canon 2, Rules 2.2, 2.5(A) and 2.9.

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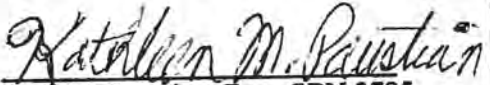
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IT IS FURTHER HEREBY ORDERED that the Executive Director of the Judicial Discipline Commission take the necessary steps to file this document in the appropriate records and on the website of the Commission and with the Clerk of the Nevada Supreme Court.


Dawn Haviland
Respondent

Dated this 6th day of November 2015

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

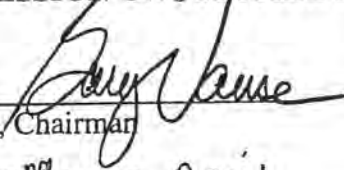
By: 
Kathleen M. Paustian, Esq., SBN 3785
Special Counsel

Dated this 19 day of November 2015

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1 The Commissioners listed below accept the terms of this Stipulation and Order of
2 Consent to Public Reprimand between the Respondent and the Commission. They further
3 authorize the Chairman, if requested, to sign on behalf of the Commission, as a whole, this
4 document containing the Stipulation and Order of Consent to Public Reprimand of the
5 Respondent.
6

7 **NEVADA COMMISSION ON JUDICIAL DISCIPLINE:**

8
9 By: 
Gary Vause, Chairman

10 Dated this 22nd day of April, 2016

11
12 Hon. Leon Aberasturi

13 Karl Armstrong

14 Bruce Hahn

15 John Krmpotic

16 Mary Lau

17 Hon. Lidia Stiglich

18
19 Gary Vause

1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 25th day of April, 2016, I served a copy of the CERTIFIED
3 COPY OF STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND, filed
4 with the Nevada Supreme Court, by United States Mail, postage pre-paid, addressed to the
5 undersigned:
6

7
8 Kathleen M. Paustian, Esq.
9 Law Offices of Kathleen M. Paustian, Chartered
10 3205 Skipworth Drive
11 Las Vegas, NV 89107
12 Special Counsel

13 Hon. Dawn Haviland
14 Goodsprings Justice Court
15 P. O. Box 19155
16 Jean, NV 89019-9155
17 Respondent

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JANET E. JACOBSEN
Commission Clerk