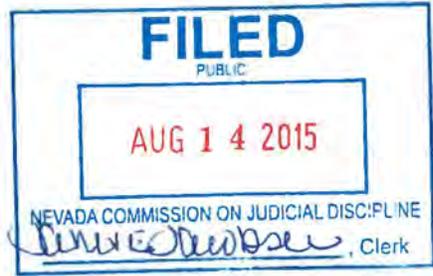


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8 Special Counsel for the Nevada  
9 Commission on Judicial Discipline



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

8 IN THE MATTER OF THE )  
9 HONORABLE MICHAEL FLETCHER, )  
10 Walker River Township Justice of the Peace, )  
11 County of Lyon, State of Nevada, )  
12 Respondent. )

CASE NO.: 2013-092/1504-092

13 **FORMAL STATEMENT OF CHARGES**

14 COMES NOW Kathleen M. Paustian, Special Counsel for the Nevada Commission on  
15 Judicial Discipline ("Commission" or "NCJD"), established under Article 6 § 21 of the Nevada  
16 Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 -  
17 1.4695, files this Formal Statement of Charges and informs the Respondent, Michael Fletcher,  
18 Justice of the Peace, Walker River Township Justice Court, County of Lyon, State of Nevada, that  
19 the following acts were committed by Respondent and warrant disciplinary action by the  
20 Commission under the Nevada Code of Judicial Conduct ("the Code").

21 **FACTUAL ALLEGATIONS**

22 From in or about March 22, 2013 to March 25, 2013, Respondent Fletcher knowingly and in  
23 the capacity of his office as Justice of the Peace in Walker River Township, primarily in case number  
24 13CR1203H, engaged in the following acts, or a combination of these acts ("the acts"):

25 A. Initiated or participated in a telephone conversation with the deputy district attorney assigned  
26 to the case regarding the contested issue of the release of the defendant from jail as well as regarding  
27 Respondent disqualifying himself from the case.  
28

1 B. Made a ruling on the contested matter of the defendant being released from jail and then  
2 made a decision to disqualify himself from the case without sufficient reason.

3 C. Failed to excuse himself from the case pursuant to Nevada law and thereafter made a ruling  
4 on the contested issue of the defendant being released from jail.

5  
6 **COUNT ONE**

7 By engaging in the acts, or a combination of the acts, listed above, Respondent violated  
8 Canon 1, Rule 1.1, requiring him to comply with the law, including the Code, by acting without  
9 authority in the means he used to release the defendant from jail and to disqualify himself from the  
10 case.

11 **COUNT TWO**

12 By engaging in the acts, or a combination of the acts, listed above, Respondent violated  
13 Canon 1, Rule 1.2, requiring him to promote public confidence in the independence, integrity and  
14 impartiality of the judiciary by the means he used to release the defendant from jail and to disqualify  
15 himself from the case.

16 **COUNT THREE**

17 By engaging in the acts, or a combination of the acts, listed above, Respondent violated  
18 Canon 2, Rule 2.5(A), requiring him to perform judicial and administrative duties competently and  
19 diligently, by the means he used to release the defendant from jail and to excuse himself from the  
20 case.

21 **COUNT FOUR**

22 By engaging in the acts, or a combination of the acts, listed above, Respondent violated  
23 Canon 2, Rule 2.7, requiring a judge to hear and decide matters assigned to him except when  
24 disqualification is required by his disqualifying himself from the case without adequate reason.

25 **COUNT FIVE**

26 By engaging in the acts, or a combination of the acts, listed above, Respondent violated  
27 Canon 2, Rule 2.9, prohibiting ex parte communications, by discussing the contested issue of  
28 the release of the defendant from jail with the deputy district attorney.

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**COUNT SIX**

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 2, Rule 2.11 requiring a judge to disqualify him or herself when the Judge's impartiality might be reasonably questioned by failing to disqualify himself prior to making a ruling on the contested matter of the request of the defendant from jail.

Based on this information, the Commission shall hold a public hearing on the merits of these facts and Counts pursuant to NRS 1.4673 and, if violations as alleged are found to be true, the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant to NRS 1.4677 and other Nevada Revised Statutes governing the Commission

DATED this 12 day of August, 2015.

Submitted by: Kathleen Paustian  
Kathleen M. Paustian  
Special Counsel to the NCJD

1 STATE OF NEVADA )  
2 COUNTY OF CLARK ) ss

3 KATHLEEN M. PAUSTIAN, ESQ. being first duly sworn under oath, according to Nevada  
4 law, and under penalty of perjury, hereby states:  
5

6 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained  
7 by the Nevada Commission on Judicial Discipline to serve in the capacity of Special Counsel in the  
8 matter of the Honorable Michael Fletcher, Case No. 2013-092.

9 2. I have prepared and reviewed this Formal Statement of Charges against the  
10 Honorable Michael Fletcher and, pursuant to the investigation conducted in this matter, and based on  
11 the contents of that investigation and following reasonable inquiry, I am informed and believe that  
12 the contents of that investigation and following reasonable inquiry, I am informed and believe that  
13 the contents of this Formal Statement of Charges are true and accurate.

14 Dated this 12 day of August, 2015

15  
16   
17 KATHLEEN M. PAUSTIAN, ESQ.

18 Subscribed and sworn to before me, a Notary Public  
19 this 12th day of August, 2015.  
20

21 By: \_\_\_\_\_

22   
23 NOTARY PUBLIC

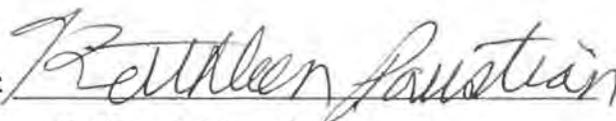


**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was placed in U.S. mail, postage pre-paid, on this 12 day of August, 2015, addressed to:

The Honorable Michael Fletcher  
Justice of the Peace  
Walker River Township Justice Court  
911 Harvey Way  
Yerington, NV 89447

By: 

Kathleen M. Paustian

Special Counsel to the NCJD