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BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

IN THE MATTER OF THE)
HONORABLE CATHERINE RAMSEY,) CASE NO.: 2014-093-P
Municipal Court Judge,)
City of North Las Vegas, State of Nevada,)
Respondent.)

FORMAL STATEMENT OF CHARGES

COMES NOW Kathleen M. Paustian, Prosecuting Officer for the Nevada Commission on Judicial Discipline (“Commission” or “NCJD”), established under Article 6 § 21 of the Nevada Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 - 1.4695, files this Formal Statement of Charges and informs the Respondent, Catherine Ramsey, Municipal Court Judge, City of North Las Vegas, State of Nevada, that the following acts were committed by Respondent and warrant disciplinary action by the Commission under the Revised Nevada Code of Judicial Conduct (“the Code”).

FACTUAL ALLEGATIONS

From in or about July, 2011 to in or about December, 2014, and continuing while Respondent Ramsey was acting in the official capacity of her office as a Municipal Court Judge of the North Las Vegas Municipal Court, she knowingly engaged in the following acts, or a combination of these acts (“the acts”):

A. On or about December 3 and 4, 2013 and January 9, 2014, Respondent charged twelve thousand dollars (\$12,000) on her City of North Las Vegas purchase card to pay for legal services from the Lyons Law Firm to defend her in a personal law suit brought against her. The City had

1 denied her request for a defense and her fellow municipal judge and the court administrator advised
2 her not to use her card for this purpose. During the first half of 2014, Respondent failed to
3 cooperate with court administration, as requested by the City, to reconcile the purchases made with
4 the card. These actions by Respondent constitute a failure to cooperate with other judges and
5 administrative officials of the court in violation of the Code, Canon 2, Rule 2.5(B), and were a
6 failure to promote confidence in the integrity of the judiciary in violation of Canon 1, Rule 1.2.

7 B. From on or about June 12, 2013 until on or about March 12, 2014, Respondent presided
8 over the case of *City of North Las Vegas v. Hernandez*, case no. CR011724-12, in which the
9 defendant was charged with hitting a child with a vehicle and fleeing the scene. Respondent, *sue*
10 *sponte*, amended the charges, accepted a guilty plea and sentenced the defendant outside the
11 presence of the City Attorney's Office, despite her knowledge the Office wanted to be heard.
12 Respondent was also aware the parties had been in negotiation regarding the case. These actions
13 violated Canon 2, Rules 2.6(A), requiring all parties be given the opportunity to be heard and
14 2.9(A), prohibiting *ex parte* communications. Respondent's amendment of the charge was a
15 violation of the separation of powers, as well as a failure to comply with the law and a failure to
16 promote confidence in the independence of the judiciary in violation of Canon 1, Rules 1.1 and 1.2.

17 C. On or about October 22, 2012, in the case of *City of North Las Vegas v. Olton Guynes*, case
18 no. CR009460-112, and on or about March 4, 2013, in the case of *City of North Las Vegas v. Sheila*
19 *Banks*, case no. CR000330-13, and continuing with numerous other cases until in or about
20 September of 2014, Respondent presided over misdemeanor cases being resolved by agreement
21 between the defendants and the North Las Vegas City Attorney's Office. Respondent either
22 expressly or impliedly agreed in open court with the resolution suggested by one or more parties to
23 the cases and did not accurately enter the agreed resolution in the records of the cases. These
24 actions by Respondent violated the Preamble to the Revised Nevada Code of Judicial Conduct
25 ("Preamble") requiring that she maintain the dignity of her office, avoiding impropriety and the
26 appearance of impropriety; as well as Canon 1, Rule 1.1, requiring Respondent to comply with the
27 law by rejecting such plea bargains. With these actions, Respondent also violated the separation of
28 powers, as well as Canon 2, Rule 2.2, requiring her to perform her duties fairly and impartially,
because she favored, or appeared to favor one side in these cases; Rule 2.5, requiring Respondent to

1 perform her duties competently, because she failed to ensure the case records were accurate and
2 Rule 2.6(A), by denying the parties a right to be heard as caused by her actions of changing the
3 records so that they did not accurately reflect what happened in court and her failure to notify all
4 parties of the changes.

5 D. From in or about February of 2014 and continuing for several months, Respondent
6 dismissed *sua sponte* complaints or warrants in misdemeanor cases brought by the North Las
7 Vegas City Attorney's Office in which the complaint contained the electronic signature of a
8 former city attorney or the warrant contained the electronic signature of Respondent's fellow
9 municipal court judge. Respondent dismissed these complaints or warrants without prior
10 notice to the City Attorney's Office, thus depriving the Office of the opportunity to remedy any
11 issues. Respondent also dismissed these complaints or warrants without the cooperation of
12 her fellow municipal court judge or court administrator, thus denying to them the
13 opportunity to remedy any issues. Respondent's actions constitute a violation of the
14 Preamble based on her failure to maintain the dignity of the office, to avoid impropriety and
15 the appearance of impropriety, and to act at all times to ensure public confidence in her
16 independence and integrity on the bench. Said actions also violate Canon 1, Rule 1.1,
17 requiring Respondent to comply with the law; Rule 1.2, requiring her to promote confidence
18 in the integrity of the judiciary and Canon 2, Rule 2.5(B), requiring Respondent to cooperate
19 with other judges and court officials in the administration of court business. If said actions
20 were carried out with an improper motive to retaliate against the City or the City Attorney's
21 Office, Respondent was not acting competently in violation of Canon 2, Rule 2.5(A) and was
22 acting with bias and failed to disqualify herself in violation of Rules 2.3(A) and 2.11(A)(1).

23 E. In or about February and March of 2014, Respondent presided over a trial in the
24 criminal case of *North Las Vegas v. Calone*, no. CR007121-13, during which Respondent
25 advised the defendant to file a motion for summary judgment, refused to take a plea by the
26 defendant, threatened the City Attorney's Office with a dismissal if another videotape of the
27 incident was not located and generally acted in a combative manner to the deputy City
28 Attorney in the case. These actions by the Respondent violated the Preamble based on the

1 Respondent's failure to maintain the dignity of her office, failure to avoid impropriety and the
2 appearance of impropriety and failing to act at all times to ensure public confidence in her
3 independence and integrity. These acts also violated Canon 1, Rule 1.1, requiring
4 compliance with the law and 1.2, requiring judges to promote confidence in the judiciary and
5 Canon 2, Rule 2.2, mandating that judges uphold and apply the law with impartiality and
6 fairness; Rule 2.3(A), requiring jurists to avoid bias or the appearance of bias; Rule 2.5(A),
7 requiring competency while discharging judicial and administrative duties and 2.8(B),
8 instructing jurists to show patience, dignity and courtesy toward lawyers, court staff and
9 others.

10 F. On or about April 24, 2014, Respondent presided over a trial in the criminal case of
11 *North Las Vegas v. Gallardo*, no. CR000127-14. Without the consent of, or a motion from, the
12 North Las Vegas City Attorney's Office, and contrary to the agreement of the parties,
13 Respondent amended the charged misdemeanor of battery domestic violence, second offense,
14 to a first offense. This action violated the separation of powers and was a failure to comply
15 with the law as required by Canon 1, Rule 1.1. By her action, Respondent also failed to
16 promote confidence in the independence of the judiciary pursuant to Rule 1.2.

17 G. From in or about late 2011 to the present, Respondent acted improperly in her
18 interactions with court staff, including, but not limited to, clerks and marshals:

19 1. From in or about November of 2012 to in or about May of 2014, Respondent required
20 that her Judicial Executive Assistant (JEA), Kathryn Avena, perform duties of a personal nature for
21 Respondent during and after business hours. Respondent also became improperly involved in Ms.
22 Avena's medical situation by accompanying Ms. Avena to a doctor's appointment, without Ms.
23 Avena's consent, and by improperly communicating Ms. Avena's medical condition to others.

24 2. At various times from in or about late 2011 to in or about 2014, Respondent
25 communicated to clerks, marshals and her JEA that Respondent or the Court would invoke their
26 authority to lay off or terminate them and would require them to re-apply, hiring them back at lower
27 pay.

28 3. Respondent generally created or fostered an atmosphere of fear and apprehension for

1 the clerks, marshals and her JEA.

2 4. In or about 2013 to in or about 2014, Respondent failed to work with her fellow
3 municipal court judge and the court administrator, as agreed, in dealing with staff.

4 These actions by Respondent violated the Preamble with her failure to maintain the dignity
5 of her office and failure to avoid impropriety or the appearance of the same, as well as Canons 1-3,
6 Rules 1.2, requiring promoting confidence in the judiciary; 2.3(A) and (B), precluding bias,
7 prejudice or harassment; 2.5(B), requiring cooperation with other judges and court officials in the
8 administration of court business; 2.8(B), requiring patience, dignity and courtesy toward staff and
9 3.1(E), prohibiting improper use of court resources.

10 H. From in or about late 2011 to the present, Respondent acted improperly in her interactions
11 with deputies from the North Las Vegas City Attorney's Office, including, but not limited to, Deep
12 Goswami, Steve Webster and Kim Phillips, by:

- 13 1. Commenting to numerous individuals that deputies are lazy or unintelligent.
- 14 2. Exhibiting hostile, combative, arbitrary, unreasonable and demeaning behavior to
15 deputies, by:
 - 16 a. treating them in a hostile and unreasonable manner in the *Gallardo* case, case
17 no. CR127-14, and in *North Las Vegas v. Banuelos*, cases nos. CR000500-14, CR000483-14 and
18 CR001392-14; and
 - 19 b. treating deputies differently than other attorneys by imposing unreasonable
20 requirements on deputies in cases or in regards to pleading forms, or both; and
 - 21 c. changing requirements in courtroom procedure without notice.

22 These actions by Respondent violated Canon 1, Rules 1.2, requiring a judge to act at all
23 times to promote public confidence in the integrity and impartiality of the office; 2.2, requiring
24 impartiality and fairness; 2.3(A), prohibiting bias and 2.8(B), requiring judges to exhibit patience,
25 dignity and courtesy while carrying out their duties. If Respondent was acting based on bias
26 toward the deputies, the North Las Vegas City Attorney's Office, or the City of North Las Vegas,
27 this is a violation of Canon 2, Rule 2.11, requiring disqualification for personal bias.

28 **COUNT ONE**

By engaging in the acts, or a combination of the acts, listed above, Respondent violated

1 Canon 1, Rule 1.2, requiring her to promote public confidence in the judiciary, by using her City of
2 North Las Vegas purchase card to obtain legal services for herself in a lawsuit in which she was a
3 defendant. Respondent also violated Canon 2, Rule 2.5(B), requiring cooperation with other
4 judges and court officials in the administration of court business when she failed to follow advice
5 from her fellow judge and court administrator against such use of her city purchase card. She further
6 violated Rule 2.5(B) when she later failed to cooperate with court administration in reconciling the
7 purchases she made with the card.

8 **COUNT TWO**

9 By engaging in the acts, or a combination of the acts, listed above, Respondent violated
10 Canon 1, Rules 1.1 and 1.2 requiring her to comply with the law, including the Code, and promote
11 public confidence in her independence, integrity and impartiality, when she amended criminal
12 charges in *North Las Vegas v. Hernandez*, accepted the defendant's plea and sentenced the
13 defendant, without the knowledge or presence of the prosecutor from the City Attorney's office.
14 Her actions also violated Canon 2, Rule 2.6(A), all parties have a right to be heard, and Rule 2.9(A),
15 prohibiting ex parte communications.

16 **COUNT THREE**

17 By engaging in the acts, or a combination of the acts, listed above, Respondent violated the
18 Preamble requiring her to maintain the dignity of her office and avoid impropriety and the
19 appearance of impropriety by accepting the resolution of misdemeanor cases suggested by the
20 parties, in contradiction of the agreements reached earlier in these cases by the City Attorney's
21 Office. Respondent further violated the Preamble by failing to accurately enter these resolutions in
22 the case records. When the Respondent failed to include the City Attorney's office in the formation
23 of these revised resolutions she also violated Canon 1, Rule 1.1 requiring her to reject such plea
24 bargains, as well as the separation of powers and Canon 2, Rule 2.2 requiring her to perform her
25 duties impartially and fairly. Respondent violated Canon 2, Rule 2.5(A) requiring her to perform
26 her duties competently when she failed to accurately record these revised case resolutions in the case
27 records and Rule 2.6(A) by failing to afford the City Attorney's office the right to be heard regarding
28 these misdemeanor cases.

COUNT FOUR

By engaging in the acts, or a combination of the acts, listed above, Respondent violated the

1 Preamble requiring her to maintain the dignity of her office and avoid impropriety and the
2 appearance of such and to act at all times to ensure public confidence in her independence and
3 integrity on the bench when she dismissed complaints or warrants in misdemeanor cases which were
4 electronically signed by a former city attorney or her fellow Municipal court judge, without their
5 knowledge or input. These actions also violated Canon 1, Rule 1.1, requiring the Respondent to
6 comply with the law, Rule 1.2, requiring her to promote confidence in the integrity of the judiciary
7 and Canon 2, Rule 2.5(B), requiring her to cooperate with other judges and court officials in the
8 administration of court business. Respondent also was not acting competently in accordance with
9 Rule 2.5(A) and was acting with bias in violation of Rule 2.3(A), while failing to disqualify herself,
10 in violation of Rule 2.11(A)(1).

11 **COUNT FIVE**

12 By engaging in the acts, or a combination of the acts, listed above, Respondent violated the
13 Preamble requiring her to maintain the dignity of her office and avoid impropriety and the
14 appearance of such and to act at all times to ensure public confidence in her independence and
15 integrity when she advised the defendant in *North Las Vegas v. Calone* to file for summary
16 judgment, refused to take a plea from the defendant, threatened the City Attorney's Office with
17 dismissal if another videotape of the incident was not found and was combative with the deputy City
18 Attorney on the case. These acts also violated Canon 1, Rules 1.1 and 1.2, requiring Respondent to
19 comply with the law and promote confidence in the judiciary, as well as Canon 2, Rule 2.2,
20 mandating that she apply the law impartially and fairly; Rule 2.3(A), stating she shall act without
21 bias or the appearance of bias; Rule 2.5(A), requiring her to discharge her duties competently and
22 Rule 2.8(B), instructing her to discharge her duties with patience, dignity and courtesy.

23 **COUNT SIX**

24 By engaging in the acts, or a combination of the acts, listed above, Respondent violated the
25 separation of powers and Canon 1, Rule 1.1, requiring her to comply with the law when, without
26 the consent of, or a motion from, the City Attorney's Office, and contrary to the agreement of the
27 parties, she amended the charged misdemeanor of battery domestic violence, second offense, in
28 *North Las Vegas v. Gallardo*, to a first offense. Her action also failed to promote confidence in the
independence of the judiciary pursuant to Rule 1.2.

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COUNT SEVEN

By engaging in the acts, or a combination of the acts, listed above, Respondent violated the Preamble's admonishment to maintain the dignity of her office and avoid impropriety and the appearance of such when she consistently, from late 2011, acted improperly toward court staff. The Respondent required her JEA Kathryn Avena to perform personal duties for the Respondent and become involved in Ms. Avena's medical issues to the extent she improperly shared details with others. Respondent generally created or fostered an atmosphere of fear and apprehension among court clerks and marshals and for her JEA, by, among other actions, telling them she or the court would lay them off or terminate them, requiring them to re-apply for their jobs at lower pay. She also failed to work cooperatively with the other North Las Vegas municipal judge and the staff. These actions also violated Canons 1 through 3, specifically, Rule 1.2, requiring Respondent to promote confidence in the judiciary; Rule 2.3(A), prohibiting her from acting with bias or prejudice; Rule 2.5(B), requiring her to cooperate with other judges and court officials; Rule 2.8(B), which requires her to act with patience, dignity and courtesy toward staff and others and Rule 3.1(E), prohibiting her from using court resources for her personal use.

COUNT EIGHT

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By engaging in the acts, or a combination of the acts, listed above, Respondent consistently, from 2011, acted improperly in her interactions with the North Las Vegas City Attorney's Office. Specifically, she made comments to others that City Attorney deputies were lazy or lacking in intelligence. She was also hostile, combative, arbitrary, unreasonable and demeaning to deputies, including, but not limited to, Deputies Deep Goswami, Steve Webster and Kim Phillips. The Respondent treated deputies in a hostile and unreasonably manner in the *Gallardo* and *Banuelos* cases, among others. She also changed courtroom procedure without notice and imposed unreasonable requirements on deputies, which she did not impose on other lawyers. These actions violated Canon 1, Rule 1.2, requiring the Respondent to act at all times to promote public confidence in her integrity and impartiality; Canon 2, Rule 2.2, requiring her to be impartial and fair; Rule 2.3(A), prohibiting bias and 2.8(B), instructing her to be patient, dignified and courteous to lawyers and others. Furthermore, if the Respondent was biased toward the City Attorney's Office or its deputies or the City of North Las Vegas, she was required to disqualify herself pursuant to Canon 2, Rule 2.11(A)(1).

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STATE OF NEVADA)
) ss
COUNTY OF CLARK)

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

1. I am an attorney licensed to practice law in the State of Nevada. I have been retained by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer in the matter of the Honorable Catherine Ramsey, Case No. 2014-093-P.

2. I have prepared and reviewed this Formal Statement of Charges against the Honorable Catherine Ramsey and, pursuant to the investigation conducted in this matter, and based on the contents of that investigation and following reasonable inquiry, I am informed and believe that the contents of this Formal Statement of Charges are true and accurate.

Dated this 19 day of February, 2016

Kathleen M. Paustian
KATHLEEN M. PAUSTIAN, ESQ.

Subscribed and sworn to before me, a Notary Public
this 19th day of February, 2016.



By: [Signature]
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 22nd day of February, 2016, addressed to:

William B. Terry, Esq.
William B. Terry, Chartered
530 South Seventh Street
Las Vegas, NV 89101
Counsel for the Respondent

By: 
Kathleen M. Paustian
Prosecuting Officer for the NCJD