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Prosecuting Officer for the Nevada  
Commission on Judicial Discipline

**BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

IN THE MATTER OF THE )  
HONORABLE Melanie Andress-Tobiasson, ) CASE NO.: 2014-094-P  
Las Vegas Township Justice Court, )  
Clark County, 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, Melanie  
Andress-Tobiasson, Las Vegas Township Justice Court, Clark County, 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**

On or about February 12, 2014, while acting in the official capacity of her office as a Justice  
of the Peace for Las Vegas Township, Respondent knowingly engaged in the following acts, or a  
combination of these acts (“acts” or “actions”):

- A. Signed an ex parte Order as part of a Canadian divorce for an attorney she knew and who  
appeared before her, Jennifer Suzanne Bolton (“Jennifer”). Jennifer was attempting to divorce  
Vivian Bolton (“Vivian”) whom she had married in Canada. These actions by the Respondent  
violated Canon 2 of the Code, Rule 2.2, requiring her to uphold and apply the law and perform all  
duties of judicial office fairly and impartially, Rule 2.4(B) prohibiting her allowing outside interests

1 or relationships to influence her judicial conduct or judgment, Rule 2.5(A) requiring her to perform  
2 her judicial and administrative duties competently and diligently, Rule 2.9 prohibiting ex parte  
3 communications and Rule 2.11(A)(1) requiring her to disqualify herself when she has personal bias  
4 or prejudice concerning a party's lawyer or personal knowledge of facts in dispute.

5 B. The matter for which the Respondent signed the Order was neither pending in Las Vegas  
6 Justice Court nor was it attached to any case in the Las Vegas Justice Court and the Respondent had  
7 no jurisdiction over it. These actions by the Respondent violated Canon 2 of the Code, Rule  
8 2.5(A), requiring her to perform her judicial and administrative duties competently and diligently.

9 C. Respondent knew both Jennifer and Vivian and was familiar with their domestic issues.  
10 These actions by the Respondent violated Canon 2 of the Code, Rule 2.2, requiring her to uphold  
11 and apply the law and perform all duties of judicial office fairly and impartially, Rule 2.4(B)  
12 prohibiting her allowing outside interests or relationships to influence her judicial conduct or  
13 judgment, Rule 2.5(A) requiring her to perform her judicial and administrative duties competently  
14 and diligently, Rule 2.9 prohibiting ex parte communications and Rule 2.11(A)(1) requiring her to  
15 disqualify herself when she has personal bias or prejudice concerning a party's lawyer or personal  
16 knowledge of facts in dispute.

17 D. By failing to contact Vivian regarding the Order and its contents before Respondent  
18 signed it, thus denying Vivian a chance to be heard, Respondent violated Canon 2 of the Code,  
19 Rule 2.2, requiring her to uphold and apply the law and perform all duties of judicial office fairly  
20 and impartially, Rule 2.4(B) prohibiting her allowing outside interests or relationships to influence  
21 her judicial conduct or judgment, Rule 2.5(A) requiring her to perform her judicial and  
22 administrative duties competently and diligently, Rule 2.6(A) requiring her to provide the right to  
23 be heard to every person who has a legal interest in a proceeding, Rule 2.9 prohibiting ex parte  
24 communications and Rule 2.11(A)(1) requiring her to disqualify herself when she has personal bias  
25 or prejudice concerning a party's lawyer or personal knowledge of facts in dispute.

26 E. Respondent permitted Jennifer's terminal illness to influence her decision to sign the Order  
27 ex parte in violation of Canon 2 of the Code, Rule 2.2, requiring her to uphold and apply the law,  
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1 Rule 2.4(B) prohibiting her allowing outside interests or relationships to influence her judicial  
2 conduct or judgment, Rule 2.5(A) requiring her to perform her judicial and administrative duties  
3 competently and diligently and Rule 2.11(A)(1) requiring her to disqualify herself when she has  
4 personal bias or prejudice concerning a party's lawyer or personal knowledge of facts in dispute.

5 **COUNT ONE**

6 By engaging in the acts, or a combination of the acts, listed above, in signing an ex parte  
7 Order as part of a Canadian divorce for an attorney she knew and who appeared before her, the  
8 Respondent violated Canon 2 of the Code, Rule 2.2, requiring her to uphold and apply the law and  
9 perform all duties of judicial office fairly and impartially, Rule 2.4(B) prohibiting her allowing  
10 outside interests or relationships to influence her judicial conduct or judgment, Rule 2.5(A)  
11 requiring her to perform her judicial and administrative duties competently and diligently, Rule 2.9  
12 prohibiting ex parte communications and Rule 2.11(A)(1) requiring her to disqualify herself when  
13 she has personal bias or prejudice concerning a party's lawyer or personal knowledge of facts in  
14 dispute.

15 **COUNT TWO**

16 The matter for which the Respondent signed the Order was neither pending in Las Vegas  
17 Justice Court nor was it attached to any case in the Las Vegas Justice Court and the Respondent had  
18 no jurisdiction over it. These actions by the Respondent violated Canon 2 of the Code, Rule 2.5(A),  
19 requiring her to perform her judicial and administrative duties competently and diligently.

20 **COUNT THREE**

21 By signing the Order knowing both Jennifer and Vivian and being familiar with their  
22 domestic issues, Respondent violated Canon 2 of the Code, Rule 2.2, requiring her to uphold and  
23 apply the law and perform all duties of judicial office fairly and impartially, Rule 2.4(B) prohibiting  
24 her allowing outside interests or relationships to influence her judicial conduct or judgment, Rule  
25 2.5(A) requiring her to perform her judicial and administrative duties competently and diligently,  
26 Rule 2.9 prohibiting ex parte communications and Rule 2.11(A)(1) requiring her to disqualify  
27 herself when she has personal bias or prejudice concerning a party's lawyer or knowledge of facts  
28 in dispute.

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**COUNT FOUR**

By failing to contact Vivian regarding the Order and its contents before Respondent signed it, thus denying Vivian a chance to be heard, Respondent violated Canon 2 of the Code, Rule 2.2, requiring her to uphold and apply the law and perform all duties of judicial office fairly and impartially, Rule 2.4(B) prohibiting her allowing outside interests or relationships to influence her judicial conduct or judgment, Rule 2.5(A) requiring her to perform her judicial and administrative duties competently and diligently, Rule 2.6(A) requiring her to provide the right to be heard to every person who has a legal interest in a proceeding, Rule 2.9 prohibiting ex parte communications and Rule 2.11(A)(1) requiring her to disqualify herself when she has personal bias or prejudice concerning a party's lawyer or knowledge of facts in dispute.

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**COUNT FIVE**

Respondent permitted Jennifer's terminal illness to influence her decision to sign the Order ex parte in violation of Canon 2 of the Code, Rule 2.2, requiring her to uphold and apply the law, Rule 2.4(B) prohibiting her allowing outside interests or relationships to influence her judicial conduct or judgment, Rule 2.5(A) requiring her to perform her judicial and administrative duties competently and diligently and Rule 2.11(A)(1) requiring her to disqualify herself when she has personal bias or prejudice concerning a party's lawyer or knowledge of facts in dispute.

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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.

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DATED this 7 day of June, 2016

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Submitted by: Kathleen Paustian  
Kathleen M. Paustian  
Prosecuting Officer for 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:  
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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 Prosecuting Officer in  
8 the matter of the Honorable Melanie Andress-Tobiasson, Case No. 2014-094-P.

9 2. I have prepared and reviewed this Formal Statement of Charges against the  
10 Honorable Melanie Andress-Tobiasson, and, pursuant to the investigation conducted in this matter,  
11 and based on the contents of that investigation and following reasonable inquiry, I am informed and  
12 believe that the contents of this Formal Statement of Charges are true and accurate.  
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14 Dated this 7 day of June, 2016

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17 KATHLEEN M. PAUSTIAN, ESQ.

18 Subscribed and sworn to before me, a Notary Public  
19 this 07 day of June, 2016.  
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22 By: \_\_\_\_\_  
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 7 day of June, 2016, addressed to:

William B. Terry, Esq.  
Law Offices of 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