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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 Michael Kalleres,) CASE NO.: 2014-110-P
Municipal Court Judge,)
City of Ely, White Pine 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, Michael Kalleres, Municipal Court Judge, City of Ely, White Pine 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 June, 4, 2014, while acting in the official capacity of his office as a Municipal Court Judge of the Ely Municipal Court, Respondent Kalleres knowingly engaged in the following acts, or a combination of these acts (“acts” or “actions”):

A. On or about June 4, 2014, Respondent left a message on the phone of Ely Township Justice of the Peace Stephen Bishop inquiring about procedures which would be followed in the case of his son, Michael Todd Kalleres, who was incarcerated in the White Pine County Jail on a criminal complaint for alleged domestic battery charges. Michael Todd Kalleres’ case was assigned to

1 Judge Bishop as the only Justice of the Peace in Ely Township. The actions by the Respondent
2 violated the Preamble to the Code (“Preamble”) which requires him to maintain the dignity of the
3 office, to avoid impropriety and the appearance of impropriety and to act at all times to ensure
4 public confidence in his independence and integrity. His actions also violated Canon 1 of the
5 Code, Rule 1.2, requiring him to promote public confidence in the independence, integrity and
6 impartiality of the judiciary and avoid impropriety or the appearance of impropriety; Rule 1.3,
7 mandating that he not abuse the prestige of judicial office to advance his personal interests and
8 Canon 2, Rule 2.9(A), precluding Respondent from initiating, permitting or considering ex parte
9 communications concerning a pending matter.

10 B. Later in the day on or about June 4, 2014, the Respondent went to Judge Bishop’s home and
11 met with him, asking Judge Bishop about bail or a release for his son on his own recognizance (on
12 “O.R.”). The Respondent also asked Judge Bishop if his son needed an attorney. Judge Bishop
13 advised the Respondent there was a hearing scheduled in the case for the following morning. The
14 first appearance and arraignment for Michael Todd Kalleres was scheduled for June 5, 2014.
15 During this appearance, Judge Bishop disclosed on the record that the Respondent had appeared at
16 his home the previous day to discuss bail or an O.R. release for his son. Judge Bishop recused
17 himself from the case and appointed an alternate jurist later that day. The actions by the
18 Respondent violated the Preamble to the Code, which requires him to maintain the dignity of the
19 office, to avoid impropriety and the appearance of impropriety and to act at all times to ensure
20 public confidence in his independence and integrity. His actions also violated Canon 1 of the
21 Code, Rule 1.2, requiring him to promote public confidence in the independence, integrity and
22 impartiality of the judiciary and avoid impropriety or the appearance of impropriety; Rule 1.3,
23 mandating that he not abuse the prestige of judicial office to advance his personal interests and
24 Canon 2, Rule 2.9(A), precluding Respondent from initiating, permitting or considering ex parte
25 communications concerning a pending matter.

26 **COUNT ONE**

27 By engaging in the acts, or a combination of the acts, listed above, in considering and
28 initiating an ex parte communication with the Judge assigned to his son’s case, Respondent violated
the Preamble to the Code, which requires him to maintain the dignity of the office, to avoid

1 the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant to
2 NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

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5 DATED this 7 day of June, 2016

6 Submitted by: 
7 Kathleen M. Paustian
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9 Prosecuting Officer for the NCJD
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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 Prosecuting Officer in
8 the matter of the Honorable Michael Kalleres, Case No. 2014-110-P.

9 2. I have prepared and reviewed this Formal Statement of Charges against the
10 Honorable Michael Kalleres, and, pursuant to the investigation conducted in this matter, and based
11 on the contents of that investigation and following reasonable inquiry, I am informed and believe
12 that the contents of this Formal Statement of Charges are true and accurate.
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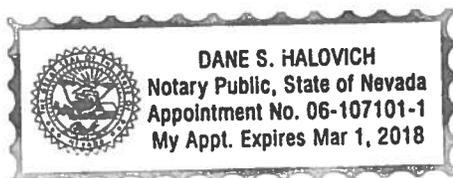
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15 Dated this 7 day of June, 2016
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17 *Kathleen M. Paustian*
18 KATHLEEN M. PAUSTIAN, ESQ.
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20 Subscribed and sworn to before me, a Notary Public
21 this 07 day of June, 2016.
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24 By: _____
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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:

Richard W. Sears, Esq.
Jane Eberhardy, Esq.
457 Fifth Street
Ely, NV 89301
Counsel for the Respondent

By: 
Kathleen M. Paustian
Prosecuting Officer for the NCJD