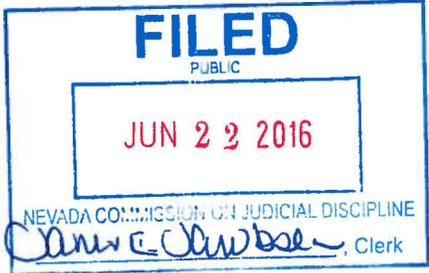


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Richard W. Sears, 5489  
457 Fifth Street,  
Ely, Nevada 89301  
775.289.3366  
775.289.1555 Facsimile  
Appearing for Respondent



**BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

IN THE MATTER OF THE HONORABLE  
Michael Kalleres,  
Municipal Court Judge,  
City of Ely, White Pine County,  
State of Nevada  
Respondent

Case No. 2014-110-P

**ANSWER**

COMES NOW the Honorable Michael Kalleres, through his counsel, Richard W. Sears, 5489, who admits, denies and Answers the Judicial Discipline Formal Statement of Charges (Complaint) filed against him in this matter.

To the initial allegation which was unnumbered in the complaint, Respondent denies acting in his official capacity as a judicial officer of the City of Ely.

A. Respondent denies the factual allegation contained in Paragraph A where he is accused of leaving a message on Justice of the Peace Bishop's telephone inquiring about procedures about his son's case. Respondent denies violating the Preamble to the Code. The balance of the sentences in the Complaint are not allegations of fact, they are allegations of legal conclusions and recitations of the judicial cannons, accordingly Respondent cannot admit or deny the legal

1 conclusion other than to deny wrongdoing.

2 B. Respondent admits that on the day alleged in Paragraph B, Respondent  
3 met with Justice of the Peace Bishop at his home and inquired about the  
4 procedures to be followed with respect to bail issues. Respondent admits he  
5 asked Justice Bishop whether his son needed legal counsel. Respondent admits  
6 Justice of the Peace Bishop advised of a hearing scheduled for the following  
7 morning. Respondent has no direct knowledge of Judge Bishop's actions or his  
8 reasons for the actions taken by Justice Bishop, accordingly Respondent can  
9 neither admit nor deny the sentences concerning Justice Bishop's actions. At the  
10 hearing the following morning Judge Bishop did not recuse himself and no  
11 counsel asked Judge Bishop to recuse himself. The balance of the sentences in  
12 Paragraph B are allegations of law and legal conclusions, respondent cannot admit  
13 or deny the legal conclusions other than to deny wrongdoing in this case.

14 Count One. Respondent denies that the facts set forth in this charge set  
15 forth an act that permits punishment for a violation of the Preamble to the Canons  
16 or the Canons themselves.

17 Count Two. Respondent denies that the facts set forth in this charge set  
18 forth an act that permits punishment for a violation of the Preamble to the Canons  
19 or the Canons themselves.

20 Count Three. Respondent denies that the facts set forth in this charge set  
21 forth an act that permits punishment for a violation of the Preamble to the Canons  
22 or the Canons themselves.

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1 AFFIRMATIVE DEFENSES

2 I.

3 The Complaint fails to set forth sufficient facts to warrant discipline of  
4 Respondent. Respondent is allowed to make inquiries as a citizen into the  
5 procedures that will be followed in a strange court.

6 II.

7 Nevada law provides for alternative procedures upon the arrest of a person  
8 for a misdemeanor or felony charge, there is no improper behavior in a father  
9 inquiring about which of three or four alternative procedures may be followed in  
10 a particular case.

11 III.

12 Count I is a catchall accusation that combines the facts contained in Counts  
13 II and III and attempts to create a third punishment for the actions plead in detail  
14 in counts II and III; accordingly, Count I alleges facts that are redundant to Counts  
15 II and III.

16 IV.

17 The Preamble to the Code of Judicial Conduct is not a part of the Code of  
18 Judicial Conduct and should not be capable of being violated. The "Scope"  
19 defines the contents of the Code as follows: "The Code of Judicial Conduct  
20 consists of four Canons, numbered Rules under each Canon, and Comments that  
21 generally follow and explain each Rule." The preamble precedes the Canon and  
22 Comments, is not a rule, and is not listed as a part of the Code and therefore a  
23 judicial officer could act contrary to the Preamble, and not be in violation of a  
24 Canon unless the same act is prohibited in a Canon.

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V.

Respondent has performed his judicial duties without bias or prejudice and with competence and integrity.

VI.

Respondent did not act in any official capacity when attempting to determine the procedure to be followed in his son's case.

VII.

Respondent inquired of the Justice of the Peace who is a licensed Nevada Attorney whether his son needed a lawyer because he was unsure of the Justice Court procedures at arraignment.

VIII.

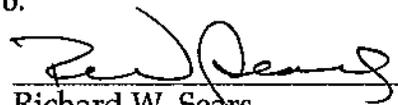
Respondent never attempted to influence Justice Bishop in how the case was handled, or sought any special treatment for his son.

**PRAYER FOR RELIEF**

A. Based upon the foregoing Answers to the Complaint, Respondent seeks an independent hearing by an impartial Board who will determine the facts and apply the law to the facts as they are determined by the Board.

B. Respondent prays for relief from the charges in the Complaint in this matter or for a just and fair result from the findings and decisions of the Board.

DATED this 21st day of June, 2016.

  
Richard W. Sears  
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I deposited in the United State Post Office, as Ely, Nevada, in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Answer to Formal Charges, dated and addressed as follows:

By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or

Via Facsimile; and/or

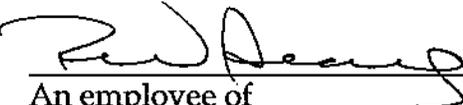
To be hand-delivered to the attorney listed below at the address

indicated below:

Nevada Commission on Judicial Discipline  
P.O. Box 48  
Carson City, Nevada 89702

Kathleen M. Paustin, Esq.  
Law Office of Kathleen M. Paustin  
3205 Skipworth Drive  
Las Vegas, Nevada 89107

Date: June 22, 2016.

  
An employee of  
Richard W. Sears Law Firm