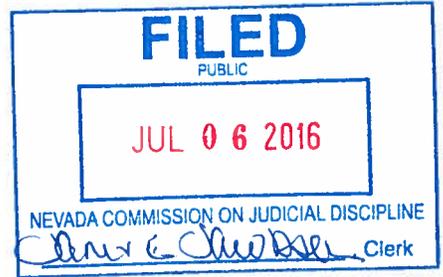


WILLIAM B. TERRY, CHARTERED
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(702) 385-0799

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Info@WilliamTerryLaw.com
Attorney for Respondent



ORIGINAL

BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

IN THE MATTER OF THE
HONORABLE Melanie Andress-Tobiasson,)
Las Vegas Township Justice Court,)
Clark County, State of Nevada,)

Respondent.)

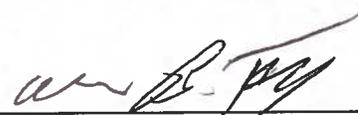
CASE NO. 2014-094-P

VERIFIED RESPONSE AND ANSWER

COMES NOW, the Respondent, MELANIE ANDRESS-TOBIASSON, by and through her counsel, WILLIAM B. TERRY, ESQ., of the law offices WILLIAM B. TERRY, CHARTERED and files the instant Verified Response and/or Answer to the above-indicated Complaint.

DATED this 1st day of July, 2016.

WILLIAM B. TERRY, CHARTERED



WILLIAM B. TERRY, ESQ.
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530 South Seventh Street
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1 **FACTUAL ALLEGATIONS**

2 In answering the factual allegations, specifically, those allegations set forth within paragraph
3 A of the Formal Statement of Charges, the Respondent denies she violated Canon 2 of the Revised
4 Nevada Code of Judicial Conduct (“The Code”). Further, Respondent denies she violated Canon
5 2, Rule 2.2 and 2.4(B) and 2.5(A) and Rule 2.11(A)(1).

6 In answering the factual allegations, specifically, those allegations set forth within paragraph
7 B of the Formal Statement of Charges, the Respondent denies she violated Canon 2 of the Code,
8 Rule 2.5(A).

9 In answering the factual allegations, specifically, those allegations set forth within paragraph
10 C of the Formal Statement of Charges, the Respondent denies she violated Canon 2 of the Code,
11 Rule 2.2 and 2.4(B) as well as Rule 2.5(A) and Rule 2.9 and Rule 2.11(A)(1).

12 In answering the factual allegations, specifically, those allegations set forth within paragraph
13 D of the Formal Statement of Charges, the Respondent denies she violated Canon 2 of the Code,
14 Rule 2.2 and Rule 2.4(B) and 2.5(A) and 2.6(A) and Rule 2.11(A)(1).

15 In answering the factual allegations, specifically, those allegations set forth within paragraph
16 E of the Formal Statement of Charges, the Respondent denies she violated Canon 2 of the Code,
17 Rule 2.2 and 2.4(B) and 2.5(A) and Rule 2.11(A)(1).

18 **COUNT ONE**

19 In answering the allegations set forth in Count One, the Respondent does deny that she
20 violated Canon 2 of the Code, Rule 2.2, Rule 2.4(B), Rule 2.5(A), Rule 2.9 and Rule 2.11(A)(1).

21 **COUNT TWO**

22 In answering the allegations set forth in Count Two, the Respondent does deny that she
23 violated Canon 2 of the Code, Rule 2.5(A).

24 **COUNT THREE**

25 In answering the allegations set forth in Count Three, the Respondent does deny that she
26 violated Canon 2 of the Code, Rule 2.2, Rule 2.4(B), Rule 2.5(A), Rule 2.9 and Rule 2.11(A)(1).

27 **COUNT FOUR**

28 In answering the allegations set forth in Count Four, the Respondent does deny that she

1 violated Canon 2 of the Code, Rule 2.2, Rule 2.4(B), Rule 2.5(A), Rule 2.6(A), Rule 2.9 and Rule
2 2.11(A)(1).

3 **COUNT FIVE**

4 In answering the allegations set forth in Count Five, the Respondent does deny that she
5 violated Canon 2 of the Code, Rule 2.2, Rule 2.4(B), Rule 2.5(A) and Rule 2.11(A)(1).

6 Further, Respondent denies that she violated Canon 2 and each other Canon and/or Rules.

7 **AFFIRMATIVE DEFENSES**

8 In Paragraph A and Count One, Complainant fails to specifically allege how Respondent's
9 course of conduct violated each Canon alleged.

10 In Paragraph B and Count Two, Complainant fails to specifically allege how Respondent's
11 course of conduct violated each Canon alleged.

12 In Paragraph C and Count Three, Complainant fails to specifically allege how Respondent's
13 course of conduct violated each Canon alleged.

14 In Paragraph D and Count Four, Complainant fails to specifically allege how Respondent's
15 course of conduct violated each Canon alleged.

16 In Paragraph E and Count Five, Complainant fails to specifically allege how Respondent's
17 course of conduct violated each Canon alleged.

18 Further, the charging does not sufficiently put the Respondent on notice of that which she
19 should be prepared to defend against and, also, the complaint is barred by the limitation of actions
20 under Rule 106. Respectfully submitted that the Judicial Ethics Panel lacks jurisdiction in the instant
21 case.

22 Respondent further asserts that there are mitigating circumstances which should be
23 considered including but not limited to the following:

- 24 (1) Respondent has no prior disciplinary offense;
25 (2) Respondent had no dishonest or selfish motive;
26 (3) Respondent's actions did not demonstrate a pattern of misconduct;
27 (4) Respondent did not have multiple offenses;
28 (5) Respondent cooperated with Disciplinary proceedings;

- 1 (6) Respondent did not submit false evidence, false statements or use other deceptive practices
- 2 either prior to the disciplinary proceedings or during the disciplinary hearing;
- 3 (7) There was no vulnerable individual affected by the actions of the Respondent;
- 4 (8) There was no illegal conduct;
- 5 (9) Respondent has both good character and a good reputation;
- 6 (10) Respondent is remorseful for her actions;
- 7 (11) Respondent asserts that no similar actions on her behalf will occur;
- 8 (12) The allegations are remote in time;
- 9 (13) Respondent has attended training and educational courses since the factual allegations set
- 10 forth in the complaint occurred;
- 11 (14) Respondent has followed a remedial course of action since the factual allegations set forth
- 12 in the complaint occurred;
- 13 (15) Initiated Veteran's Court in the Las Vegas Justice Court;
- 14 (16) TIP Volunteer usually for a minimum of 36 hours per month involving Trauma Intervention
- 15 Program where her Honor responds to death scenes to offer assistance to people;
- 16 (17) Licensed as a lawyer in 1993 with no Bar complaints;
- 17 (18) On judicial evaluations consistently rated as one of the higher rated judges; and
- 18 (19) Have handled the Domestic Violence Court for four years considering in excess of 500 cases
- 19 per week.

20 DATED this 1st day of July, 2016.

21 WILLIAM B. TERRY, CHARTERED

22 
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VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

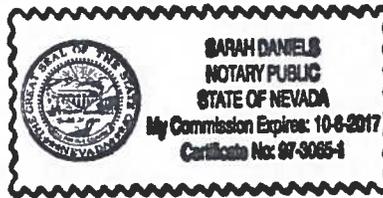
MELANIE ANDRESS-TOBIASSON, being first duly sworn, deposes and say:

That he is the Respondent in the above-entitled action; that she has read the foregoing Verified Response and Answer and knows the contents thereof; that the same is true of her own knowledge except for those matter therein contained stated upon information and belief, and as to those matter, she believes it to be true.

Melanie Andress-Tobiasson
MELANIE ANDRESS-TOBIASSON

SUBSCRIBED and SWORN to before me this 30th day of June, 2016.

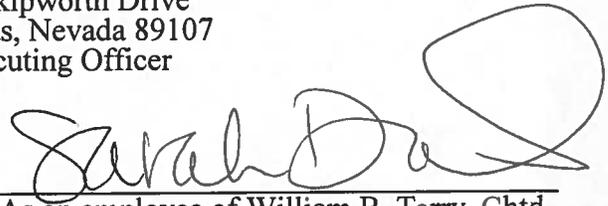
Sarah Daniels
NOTARY PUBLIC in and for said County and State



CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 2016, I, as an employee of WILLIAM B. TERRY, CHARTERED, caused to be served by first class mail, a copy of the foregoing **VERIFIED ANSWER & RESPONSE** with postage fully prepaid thereon, by depositing the same with the U.S. Postal Service or official depository for use thereof, addressed as follows:

Kathleen Paustian, Esq.
3205 Skipworth Drive
Las Vegas, Nevada 89107
Prosecuting Officer



Sarah D. [unclear]

As an employee of William B. Terry, Chtd.

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