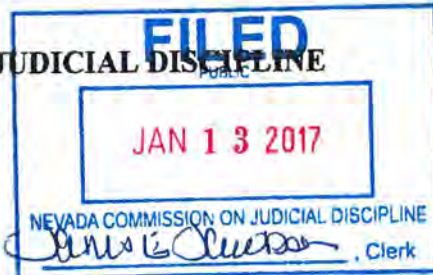


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BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
STATE OF NEVADA



In the Matter of)
THE HONORABLE MELANIE ANDRESS-)
TOBIASSON,)
Las Vegas Township Justice Court,)
City of Las Vegas, State of Nevada,)
Respondent.)

CASE NO. 2014-094-P

SCHEDULING ORDER FOR FORMAL PUBLIC HEARING

TO: THE HONORABLE MELANIE ANDRESS-TOBIASSON, Respondent
WILLIAM B. TERRY, ESQ., Counsel for Respondent
KATHLEEN M. PAUSTIAN, ESQ., Prosecuting Officer

The purpose of the hearing will be to determine whether, pursuant to NRS 1.4673, there is clear and convincing evidence to show that Respondent violated the Revised Nevada Code of Judicial Conduct, as is alleged in the Formal Statement of Charges filed by Prosecuting Officer Kathleen Paustian on or about June 9, 2016, and whether discipline is appropriate. Pursuant to Commission Procedural Rule 3(4), five or more members must concur in a vote to discipline Respondent.

Pursuant to Commission Procedural Rule 19, discovery exchanges should have occurred within ten (10) days after service of the Order Setting Public Hearing and Notice of Panel Members, Order Regarding Media Access filed November 4, 2016.

On or before January 23, 2017, the Parties may submit a written request for the Commission to issue subpoenas for the production of documents or to compel attendance or testimony of the witnesses, if any, pursuant to NRS 1.466, Commission Procedural Rule 20, and NRCP 45.

Pursuant to Commission Public Case Filing Procedures set forth in Exhibit "A" to the Commission's Procedural Rules, any motion which by its nature could result in continuing or delaying any scheduled hearing must be filed at least ten (10) days prior to the date set for the hearing, and shall thus be served no later than January 31, 2017. Procedure 2(2). Any opposition must be filed within

1 three (3) days of service. The motion will stand submitted upon expiration of the time periods.

2 On or before January 31, 2017, the Parties shall submit written prehearing briefs to the
3 Commission. The prehearing briefs shall include:

- 4
- 5 a. A brief statement of relevant facts, including any admitted or undisputed facts, not to exceed one page.
 - 6 b. A concise statement, not to exceed 2 pages, of the party's allegations or defenses and the
7 facts supporting the same. Such allegations, defenses and facts shall be organized by listing
8 each essential element of the allegation or defense and stating the facts in support of each
9 such element as they relate to the Formal Statement of Charges.
 - 10 c. A statement of any issues of law, not to exceed 2 pages, supported by authorities with a brief
11 summary of the relevant rule and without additional argument. The parties should
12 emphasize any Commission opinions deemed relevant and applicable.
 - 13 d. The names of each witness, except impeaching witnesses, the party expects to call, a clear
14 statement of the expected testimony of each witness and its relevance, and an estimate of the
15 time the party will require for the testimony of each witness. To the extent possible, provide
16 an estimate of time for cross-examination of the opposing party's witnesses.
 - 17 e. A list of the exhibits expected to be identified and introduced at the hearing for the purpose
18 of developing the evidentiary record and a concise statement of the relevancy to the
19 allegations, defenses and facts as stated in the statement required under paragraph (b) above
20 for each exhibit.
 - 21 f. A concise statement of any stipulations regarding the admissibility of an exhibit or expected
22 testimony of any witness offered by the opposing party.
 - 23 g. A brief summary of any pre-hearing procedural or substantive motions, not to exceed one
24 paragraph. Except for any procedural or substantive motions that arise during the hearing,
25 all pre-hearing procedural and substantive motions must be submitted in accordance with
26 this Scheduling Order.
 - 27 h. Any other appropriate comments, suggestions or information which may assist the
28 Commission in the disposition of the case, not to exceed one page.

On or before January 31, 2017, the Parties shall submit to the Commission nine (9) copies of an
exhibit book(s) consisting of the exhibits, if any, expected to be identified and introduced as evidence at
the hearing. The exhibit book(s) must include an index of the exhibits and be bound and Bates
numbered.

- a) The Prosecuting Officer's exhibit book(s) must be tabbed and identified by numbers.
- b) The Respondent's exhibit book(s) must be tabbed and identified by letters.

On or before February 3, 2017, the Parties shall submit a concise statement of any objections to

1 the admissibility of any exhibit identified by the other party and, to the extent possible, the expected
2 testimony of any witnesses. Such statement shall not exceed 2 pages. If no objection is stated as to any
3 exhibit or expected testimony, the Commission will presume that there is no objection to the admission
4 of the listed exhibit or expected testimony into evidence.

5 The Parties shall submit all documents not later than 5:00 p.m. on the respective dates outlined
6 herein to the Commission on Judicial Discipline, P.O Box 48, Carson City, NV 89702 or electronically
7 to nejdinfo@judicial.state.nv.us.

8 The Prosecuting Officer will present evidence regarding the basis for a finding of violations for
9 two hours. Special Counsel shall include an opening statement in her presentation.

10 Respondent's counsel shall have two hours to present evidence to rebut the charges, as well as
11 evidence in mitigation and extenuation of discipline. Respondent's counsel shall include an opening
12 statement in his presentation. It may be reserved until the close of his case, but it may not be waived.
13 The taking of evidence will begin at 9:00 a.m. and conclude at 3:00 p.m., including an hour for lunch.
14 At the conclusion of the evidentiary phase, the Commission will entertain final arguments not to exceed
15 thirty minutes by each party. The scheduling of hours on each day is at the discretion of the
16 Commission.

17 Each party should note that the clerk of the Commission will keep track of the time consumed
18 by each side. The time consumed in cross-examination and any re-cross examination of the other
19 party's witness(es) will be deducted from the total time available to each party. The Presiding Officer
20 will make adjustments to the basic time allocation as necessary. In other words, one party will not be
21 permitted to consume the other party's time without consequence.

22 The rule of exclusion of witnesses will be in effect. Each party will be responsible for ensuring
23 that any intended witness (with the exception of the Respondent) is not present for testimony during any
24 portion of the hearing. The requirement not to discuss testimony with other witnesses will be a
25 continuing duty of each witness through the conclusion of the case.

26 If, after the presentation of evidence and final arguments, the Commission anticipates that it will
27 not have sufficient time to deliberate on site, the Commission may deliberate at a later time. A final
28 decision will be announced thereafter in a manner and format consistent with appropriate practice and

1 the law.

2 The Honorable Thomas Armstrong is authorized to sign this order on behalf of the full
3 Commission.

4 IT IS SO ORDERED.

5 DATED this 12 day of January 2017.

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STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE

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Honorable Thomas Armstrong Commissioner
Presiding Officer

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CERTIFICATE OF SERVICE

I hereby certify on this 13th day of January 2017, I transmitted a copy of the foregoing SCHEDULING ORDER, via email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

William B. Terry,, Esq.
William B. Terry, Chartered
530 South Seventh
Las Vegas, NV 89101
Info@williamterrylaw.com

Kathleen M. Paustian, Esq.
Law Office of Kathleen M. Paustian
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Las Vegas, NV 89107
kathleenpaustian@cox.net



Janet Jacobsen, Commission Clerk