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10 Commission on Judicial Discipline



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**BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

IN THE MATTER OF THE HONORABLE  
WILLIAM S. POTTER, Eighth Judicial District,  
Court, Department M - Family Court,  
County of Clark, State of Nevada

CASE NO. 2015-013-P

Respondent.

**FORMAL STATEMENT OF CHARGES**

COMES NOW Thomas C. Bradley, Prosecuting Officer for the Nevada Commission on  
Judicial Discipline ("Commission" or "NCJD"), established under Article 6, Section 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, the  
Honorable William S. Potter, Eighth Judicial District Court, County of Clark, State of Nevada  
("Respondent"), 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").

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## FACTUAL ALLEGATIONS

Beginning in or about October 2014 and continuing to in or about the year of 2015, Respondent knowingly, and in capacity of his office as District Court Judge, Eighth Judicial District Court, County of Clark, State of Nevada, engaged in the following acts, or a combination of these acts ("acts" or "actions"):

A. Attorney David Mann represented Michelle Angeles, formerly known as Michelle Bagalawis, who is the biological mother of a son born in 2007. Johnny W. Cardona is the biological father of the son and former husband of Ms. Angeles. After Ms. Angeles divorced Mr. Cardona in 2012, she married a woman named Suzanne Angeles-Bagalawis in 2013. Ms. Angeles was a lieutenant in the United States Air Force.

After Ms. Angeles learned that she was about to be deployed to Guantanamo Bay, Cuba, for a period of four months, Mr. Mann filed a Motion requesting that Ms. Angeles' son be allowed to remain with her wife Suzanne during the pendency of her deployment.

On or about October 15, 2014, the Respondent conducted a temporary custody hearing in *Angeles v. Cardona*, Case No. D-12-468167-F, Eighth Judicial District Court, County of Clark, State of Nevada. During the hearing, the Respondent failed to accord Mr. Mann the right to be heard. The Respondent ruled that the son should reside with his father during the period-of-time that Ms. Angeles was deployed in Cuba.

The Las Vegas Review Journal published an article on October 22, 2014, that focused on the hearing, the ruling, and alleged discrimination by Respondent against Ms. Angeles based upon her sexual orientation.

Respondent then contacted the Las Vegas Review Journal reporter responsible for the article and gave comments to the reporter because he was concerned that the article portrayed him as anti-homosexual during the final few months before election-day, when he was running for re-election.

On October 23, 2014, Respondent's follow-up article was published in the Las Vegas Review Journal. The article was entitled "Judge Defends Custody Decision in Lesbian Mom Case". In the article, Respondent discussed Lt. Angeles' case. Respondent stated that he granted Lt. Angeles

1 physical custody "knowing full well she was gay" and that "there's no way" he could find it to be  
2 in the child's best interests to stay with his stepmother while Lt. Angeles was deployed to Cuba.  
3 The article states that Respondent "provided the Review-Journal with profane text messages the  
4 stepmother had sent the father" in the case. Furthermore, Respondent told the reporter that Mr.  
5 Mann "might have an ax to grind," as Respondent had "handled Mann's personal divorce this year,  
6 and Mann did not show up for the trial." Mr. Mann's divorce case was sealed pending appeal. The  
7 Respondent resided over Mr. Mann's divorce case and signed the order sealing the case.

8 Following the October 23, 2014 article, Mr. Mann filed three Motions for Recusal, in separate  
9 matters, including Lt. Angeles and Case No. D-14-493172-D. An evidentiary hearing was set for  
10 November 24, 2014 in Case No. D-14-493172-D while the Motion for Recusal was still pending;  
11 however, Respondent refused to take the matter off calendar. The evidentiary hearing did not  
12 occur; however, at the hearing Respondent advised the opposing party to file a complaint against  
13 Mr. Mann with the State Bar of Nevada for causing unnecessary and needless delay in the  
14 prosecution of the divorce. On or about January 21, 2015, the three Motions for Recusal in Case  
15 Nos. D-14-493172-D, D367335, and D-12-468167-F were granted on the basis that "The  
16 comments, made publically to the media, create an inference of bias or prejudice on the part of the  
17 judge, and support disqualification."

18 The Respondent's actions described above in Paragraph A violated the Code, including  
19 paragraphs [1] and [2] of the Preamble to the Code ("Preamble") requiring judges to maintain the  
20 dignity of office and avoid impropriety; Judicial Canon 1, Rule 1.1, requiring the Respondent  
21 comply with the law, including the Code; Rule 1.2, for failure to promote confidence in the  
22 judiciary; Canon 2, Rule 2.1, requiring Respondent give precedence to the duties of judicial office;  
23 Rule 2.2, requiring impartiality and fairness; Rule 2.4, requiring Respondent to avoid external  
24 influences; Rule 2.6(A), requiring the right to be heard; Rule 2.8, requiring Respondent to  
25 maintain decorum and demeanor; Rule 2.9, requiring Respondent to not engage in ex-parte  
26 communication; Rule 2.10, requiring Respondent not make statements on pending and impending  
27 cases; Canon 3, Rule 3.5, for the use of non-public information; Rule 3.10, requiring Respondent

1 to not engage in the practice of law; and Canon 4, Rule 4.2(A)(1), requiring that an  
2 election/campaign must conform with the independence, integrity and impartiality of the judiciary.

3 The Respondent abused his judicial authority by engaging in any or all, or any combination of,  
4 the acts listed above in paragraph A.

5 **B.** On or about January 13, 2015, in Case No. D-14-490728-D, Respondent asked Plaintiff's  
6 counsel, Ms. Cramer, a number of questions regarding outstanding discovery issues. Respondent  
7 and Plaintiff's counsel went back and forth regarding the outstanding discovery issues. The hearing  
8 became heated and Respondent raised his voice while addressing Plaintiff's counsel. Respondent  
9 cut off Plaintiff's counsel's argument and demanded a "yes or no" answer from counsel. Counsel  
10 did not provide a yes or no answer and was handcuffed in court. Plaintiff's counsel remained  
11 handcuffed for the rest of the hearing. As the hearing proceeded, Respondent threatened to  
12 handcuff Defendant's counsel as well. At the conclusion of the hearing, Respondent went off the  
13 record to admonish the still handcuffed counsel. Respondent then went back on the record to make  
14 a minute order finding Plaintiff's counsel in contempt for refusing to answer a question, refusing  
15 to confer with her client and continued arguing with the court. Respondent sentenced counsel to  
16 seventy-two (72) hours in the Clark County Detention Center, which was suspended pending  
17 counsel's "improved behavior, her drafting a letter of apology to Defendant for her refusal to  
18 comply with basic discovery requests and a letter of apology to the Court. The Court shall require  
19 that Ms. Cramer conduct herself in a respectful and courteous manner when she practices in front  
20 of this Court and all other courts in this jurisdiction/County. If this Court hears from its colleagues  
21 that she is not complying with procedural rules and is discourteous, the Court will impose the  
22 sanctions." Respondent then released Ms. Cramer.

23 The finding of contempt was not in accordance with Nevada law in one or more of the  
24 following respects:

25 (1) Respondent held Ms. Cramer in contempt for statements or actions that do not constitute  
26 contempt under Nevada law;

1 (2) Respondent's penalty for contempt violated Nevada law in that the Respondent handcuffed  
2 and threatened that if he heard from his colleagues "that she was not complying with procedural  
3 rules and is discourteous, the Court will impose sanctions"; and

4 (3) Respondent failed to timely enter the requisite order following Respondent's finding of  
5 contempt which included a recitation of the facts constituting the contempt, the finding that  
6 Ms. Cramer is guilty of contempt, and the prescribed punishment for the contempt.

7 The Respondent's actions described above in Paragraph B violated the Code, including  
8 paragraphs [1] and [2] of the Preamble requiring judges to maintain the dignity of office and avoid  
9 impropriety; Judicial Canon 1, Rule 1.1, requiring the Respondent comply with the law, including  
10 the Code; Rule 1.2, for failure to promote confidence in the judiciary; Canon 2, Rule 2.2, requiring  
11 impartiality and fairness; Rule 2.6, requiring the right to be heard; and Rule 2.8, requiring  
12 Respondent to maintain decorum and demeanor. The Respondent abused his judicial authority by  
13 engaging in any or all, or any combination of, the acts listed above in paragraph B.

#### 14 **COUNT ONE**

15 By engaging in the acts, or combination of the acts, listed above, in contacting the reporter  
16 and commenting upon two pending and impending cases in an attempt to protect his re-election  
17 bid, Respondent violated the Code, including paragraphs [1] and [2] of the Preamble requiring  
18 judges to maintain the dignity of office and avoid impropriety; Judicial Canon 1, Rule 1.1,  
19 requiring the Respondent comply with the law, including the Code; Rule 1.2, for failure to promote  
20 confidence in the judiciary; Canon 2, Rule 2.1, requiring Respondent give precedence to the duties  
21 of judicial office; Rule 2.2, requiring impartiality and fairness; Rule 2.9, requiring Respondent to  
22 not engage in ex-parte communication; Rule 2.10, requiring Respondent not make statements on  
23 pending and impending cases; Canon 3, Rule 3.5, for the use of non-public information; and Canon  
24 4, Rule 4.2(A)(1), requiring that an election/campaign must conform with the independence,  
25 integrity and impartiality of the judiciary.

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1 **COUNT TWO**

2 By engaging in the acts, or combination of the acts, listed above, in refusing to vacate a  
3 scheduled hearing in Case No. D-14-493172-D where a Motion for Recusal was pending and by  
4 advising the opposing party to file a State Bar Complaint against Mr. Mann, Respondent violated  
5 the Code, including paragraphs [1] and [2] of the Preamble requiring judges to maintain the dignity  
6 of office and avoid impropriety; Judicial Canon 1, Rule 1.1, requiring the Respondent comply with  
7 the law, including the Code; Rule 1.2, for failure to promote confidence in the judiciary; Canon 2,  
8 Rule 2.2, requiring impartiality and fairness; Rule 2.4, requiring Respondent to avoid external  
9 influences; Rule 2.8, requiring Respondent to maintain decorum and demeanor; Rule 2.9, requiring  
10 Respondent to not engage in ex-parte communication; and Canon 3, Rule 3.10, requiring  
11 Respondent to not engage in the practice of law.

12 **COUNT THREE**

13 By engaging in the acts, or combination of the acts, listed above, in failing to accord Mr.  
14 Mann the right to be heard during the *Angeles v. Cardona* hearing on October 15, 2014,  
15 Respondent violated the Code, including paragraphs [1] and [2] of the Preamble requiring judges  
16 to maintain the dignity of office and avoid impropriety; Judicial Canon 1, Rule 1.1, requiring the  
17 Respondent comply with the law, including the Code; Rule 1.2, for failure to promote confidence  
18 in the judiciary; Canon 2, Rule 2.6(A), requiring the right to be heard; and Rule 2.8, requiring  
19 Respondent to maintain decorum and demeanor.

20 **COUNT FOUR**

21 By engaging in the acts, or combination of the acts, listed above, in failing to accord Ms.  
22 Cramer the right to be heard, by repeatedly using intemperate language and virtually yelling at Ms.  
23 Cramer, and by directing that Ms. Cramer be handcuffed during the *Scorelle v. Scorelle* hearing,  
24 Respondent violated the Code, including paragraphs [1] and [2] of the Preamble requiring judges  
25 to maintain the dignity of office and avoid impropriety; Judicial Canon 1, Rule 1.1, requiring the  
26 Respondent comply with the law, including the Code; Rule 1.2, for failure to promote confidence  
27 in the judiciary; Canon 2, Rule 2.2, requiring impartiality and fairness; Rule 2.4, requiring

1 Respondent to avoid external influences; Rule 2.6(A), requiring the right to be heard; and Rule  
2 2.8, requiring Respondent to maintain decorum and demeanor.

3 **COUNT FIVE**

4 By engaging in the acts, or combination of the acts, listed above, by holding Complainant  
5 Ms. Cramer in contempt of court on January 13, 2015 and sentencing her to seventy-two (72)  
6 hours in the Clark County Detention Center, suspended pending counsel's "improved behavior,  
7 her drafting a letter of apology to Defendant for her refusal to comply with basic discovery requests  
8 and a letter of apology to the Court", Respondent violated the Code, including paragraphs [1] and  
9 [2] of the Preamble requiring judges to maintain the dignity of office and avoid impropriety;  
10 Judicial Canon 1, Rule 1.1, requiring the Respondent comply with the law, including the Code;  
11 Rule 1.2, for failure to promote confidence in the judiciary; Canon 2, Rule 2.2, requiring  
12 impartiality and fairness; Rule 2.4, requiring Respondent to avoid external influences; Rule  
13 2.6(A), requiring the right to be heard; and Rule 2.8, requiring Respondent to maintain decorum  
14 and demeanor.

15 Based on the information above, the Commission shall hold a public hearing on the merits  
16 of these facts and Counts pursuant to NRS 1.4673 and, if violations as alleged are found to be true,  
17 the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant  
18 to NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

19  
20 Dated this 29 day of March, 2017.

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22 Submitted by:   
23 Thomas C. Bradley, Esq., SBN 1621  
24 Prosecuting Officer for the NCJD  
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STATE OF NEVADA )  
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COUNTY OF WASHOE )

THOMAS C. BRADLEY, ESQ. being first duly sworn under oath, according to Nevada law, and under penalty of perjury, hereby states:

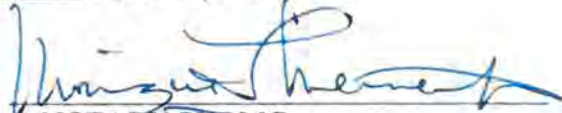
1. I am an attorney licensed to practice law in the State of Nevada. I have been retained by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer in the matter of the Honorable William S. Potter, Case No. 2015-013-P.

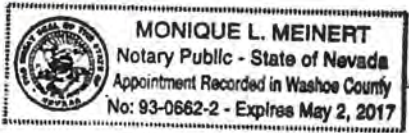
2. I have prepared and reviewed this Formal Statement of Charges against the Honorable William S. Potter and, pursuant to the investigation conducted in this matter, and based on the contents of that investigation and following reasonable inquiry, I am informed and believe that the contents of this Formal Statement of Charges are true and accurate.

Dated this 29 day of March, 2017.

  
THOMAS C. BRADLEY, ESQ.

Subscribed and sworn to before me, a Notary Public  
this 29th day of March, 2017.

By:   
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 the U.S. mail, postage pre-paid, on this 29 day of March, 2017.

William B. Terry, Esq.  
Law Offices William B. Terry, Chartered  
530 South Seventh Street  
Las Vegas, NV 89101

By:   
Thomas C. Bradley, Esq.  
Prosecuting Officer for NCJD