

1 shall be limited to: fifteen (15) pages in length for the opening motion; fifteen (15) pages for the
2 opposition; and seven (7) pages for the reply. These limitations are exclusive of exhibits.

3 Pursuant to Commission Public Case Filing Procedures set forth in Exhibit "A" to the
4 Commission's Procedural Rules, any motion which by its nature could result in continuing or delaying
5 any scheduled hearing must be filed at least ten (10) days prior to the date set for the hearing.
6 Procedure 2(2). Any opposition must be filed within three (3) days of service. The motion will stand
7 submitted upon expiration of the time periods.

8 Not less than twenty-one (21) days before the hearing, the Parties are directed to confer in order
9 to reach any possible stipulations narrowing the issues of law and fact, and exchange documents that
10 will be offered into evidence at the hearing, and/or stipulate to any or all exhibits to be introduced at the
11 hearing.

12 Not less than fifteen (15) days before the hearing, the Parties shall prepare and serve
13 contemporaneously by email written prehearing briefs upon the Commission and the opposing Party.

14 The prehearing briefs shall include:

- 15 a. A brief statement of relevant facts, including any admitted or undisputed facts, not to exceed
16 one page.
- 17 b. A concise statement, not to exceed 2 pages, of the party's allegations or defenses and the
18 facts supporting the same. Such allegations, defenses and facts shall be organized by listing
19 each essential element of the allegation or defense and stating the facts in support of each
20 such element as they relate to the Formal Statement of Charges.
- 21 c. A statement of any issues of law, not to exceed 2 pages, supported by authorities with a brief
22 summary of the relevant rule and without additional argument. The parties should
23 emphasize any Commission opinions deemed relevant and applicable.
- 24 d. The names of each witness, except impeaching witnesses, the party expects to call, a clear
25 statement of the expected testimony of each witness and its relevance, and an estimate of the
26 time the party will require for the testimony of each witness. To the extent possible, provide
27 an estimate of time for cross-examination of the opposing party's witnesses.
- 28 e. A list of the exhibits expected to be identified and introduced at the hearing for the purpose
of developing the evidentiary record and a concise statement of the relevancy to the
allegations, defenses and facts as stated in the statement required under paragraph (b) above
for each exhibit.
- f. A concise statement of any stipulations regarding the admissibility of an exhibit or expected
testimony of any witness offered by the opposing party.

1 g. A brief summary of any pre-hearing procedural or substantive motions, not to exceed one
2 paragraph. Except for any procedural or substantive motions that arise during the hearing,
all pre-hearing procedural and substantive motions must be submitted in accordance with
this Prehearing Order.

3 h. Any other appropriate comments, suggestions or information which may assist the
4 Commission in the disposition of the case, not to exceed one page.

5 Not less than fifteen (15) days before the hearing, the Parties shall electronically submit to the
6 Commission their exhibit book(s), consisting of the exhibits, if any, expected to be identified and
7 introduced as evidence at the hearing. The exhibit book(s) must include an index of the exhibits and
8 be Bates numbered. Additionally, eleven (11) bound hardcopies of the exhibit books must be hand-
9 delivered and/or overnighted to the Commission on Judicial Discipline, P.O Box 48, Carson City, NV
10 89702. The Parties shall exchange exhibit books in both electronic and hardcopy format, unless
11 otherwise agreed upon.

12 a) The Prosecuting Officer's exhibit book(s) must be tabbed and identified by numbers.

13 b) The Respondent's exhibit book(s) must be tabbed and identified by letters.

14 Within five (5) days of service of the prehearing brief and exhibit book(s), the Parties shall
15 submit a concise statement of any objections to the admissibility of any exhibit identified by the other
16 party and, to the extent possible, the expected testimony of any witnesses. Such statement shall not
17 exceed 2 pages. If no objection is stated as to any exhibit or expected testimony, the Commission will
18 presume that there is no objection to the admission of the listed exhibit or expected testimony into
19 evidence.

20 The Parties shall electronically file and serve all documents not later than 5:00 p.m. on the
21 respective dates outlined herein to the Office of the Commission on Judicial Discipline at
22 ncjdinfo@judicial.state.nv.us, and upon the opposing Party.

23 The hearing is scheduled for three (3) calendar days. The Prosecuting Officer will present
24 evidence regarding the basis for a finding of violations for twelve (12) hours. The Prosecuting Officer
25 shall include an opening statement in his presentation.

26 Respondent's counsel shall have twelve (12) hours to present evidence to rebut the charges, as
27 well as evidence in mitigation and extenuation of discipline. Respondent's counsel shall include an
28 opening statement in his presentation. It may be reserved until the close of his case, but it may not be

1 waived. The taking of evidence will begin at 8:00 a.m. and conclude at 5:00 p.m. each day, including
2 an hour for lunch. At the conclusion of the evidentiary phase, the Commission will entertain final
3 arguments not to exceed thirty minutes by each party. The scheduling of hours on each day is at the
4 discretion of the Commission.

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

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


14 If, after the presentation of evidence and final arguments, the Commission anticipates that it will
15 not have sufficient time to deliberate on site, the Commission may deliberate at a later time. The
16 Commission may allow post-hearing briefs, if necessary and requested, to be filed in this matter within
17 five (5) days of the conclusion of the hearing. A final decision will be announced thereafter in a
18 manner and format consistent with appropriate practice and the law.

19 The Honorable Jerome Polaha is authorized to sign this order on behalf of the full Commission.

20 IT IS SO ORDERED.

21 DATED this 8th day of May, 2017.

22 STATE OF NEVADA
23 COMMISSION ON JUDICIAL DISCIPLINE

24 
25 Honorable Jerome Polaha, Commissioner
26 Presiding Officer

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CERTIFICATE OF SERVICE

I hereby certify on this 9th day of May, 2017, I transmitted a copy of the foregoing PREHEARING ORDER, via email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

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Janet Jacobsen, Commission Clerk