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10 Commission on Judicial Discipline
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7 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

9 In the Matter of

10 THE HONORABLE JAY T. GUNTER
11 Hawthorne Township Justice Court,
12 County of Mineral, State of Nevada,

CASE NO. 2017-053-P

13 Respondent.

14 **FORMAL STATEMENT OF CHARGES**

15 Thomas C. Bradley appears now as Prosecuting Officer for the Nevada Commission on
16 Judicial Discipline ("Commission" or "NCJD"), which is established under Article 6, Section 21
17 of the Nevada Constitution, and files this Formal Statement of Charges in the name of and by the
18 authority of the Commission, as found in sections 1.425 - 1.4695 of the Nevada Revised Statutes.
19 Respondent, the Honorable Jay T. Gunter, Justice of the Peace for the Hawthorne Township Justice
20 Court, County of Mineral, State of Nevada ("Respondent"), is informed that the following acts
21 were committed by Respondent and warrant disciplinary action by the Commission under the
22 Revised Nevada Code of Judicial Conduct ("the Code").

23 **FACTUAL ALLEGATIONS**

24 Respondent knowingly and in his capacity as a justice court judge in and for the Hawthorne
25 Township Justice Court, in Mineral County, State of Nevada, engaged in the following acts, or the
26 following acts occurred relevant to these charges, or both ("acts" or "actions"):

1 Respondent was elected to the position of Justice of the Peace of Hawthorne Township in
2 2006. The Hawthorne Justice Court is the sole justice court in Mineral County after the closing of
3 the justice courts in Schurz and Mina. Additionally, Mineral County has a contract to handle all
4 citations from Walker River Tribal Police through the Hawthorne Justice Court. The Hawthorne
5 Justice Court receives its funding primarily from Mineral County. The Mineral County
6 Commission determines the amount of money granted to the Hawthorne Justice Court to enable
7 the Justice Court to carry out its powers and duties in the administration of justice.

8 In 2006, the Hawthorne Justice Court handled 547 cases. From 2006 to 2016, the
9 Hawthorne Justice Court caseload grew exponentially. In 2016, the Hawthorne Justice Court
10 caseload totaled 7,159 cases.

11 While the caseload handled by the Hawthorne Justice Court increased substantially, the
12 budget to carry out its powers and duties in the administration of justice did not substantially
13 increase. Respondent, who is responsible for the administration of the Hawthorne Justice Court,
14 maintained the same staffing level from 2006 until the present. As a result of the increasing
15 caseload with no increase in staffing, a systemic backlog ensued. In fact, in 2017, there was a
16 \$447,779.34 backlog in uncollected traffic citations. This backlog is due in part to the caseload,
17 *but also due to a lack of efficiency, proper management, and supervision of staff as well as the*
18 *failure to act proactively to avoid the inevitable backlog.*

19 Respondent's inattention to his duties as the administrator of the Court, his failure to
20 properly manage and supervise his staff, and his failure to oversee the daily operations of the Court
21 resulted in inordinate delays and confusion in the processing of Hawthorne Justice Court cases.
22 Respondent failed to address administrative issues including ensuring that the Court's telephone
23 and facsimile machine were operational and that telephone calls were timely answered and/or
24 returned. In short, Respondent failed to carry out his administrative duties as the Hawthorne Justice
25 of Peace.

26 Respondent failed to timely seek the assistance of the Nevada Administrative Office of the
27 Courts ("AOC") when the systemic backlog began to accumulate and failed to take action despite
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1 being previously made aware of these issues. Respondent only accepted the support of the AOC
2 in April 2017, after the AOC and the Commission received numerous complaints about the
3 Hawthorne Justice Court and the AOC reached out to Respondent to offer its support. The AOC
4 was able to suggest numerous ways to improve efficiency at no additional expense to the
5 Hawthorne Justice Court.

6 Respondent failed to utilize the inherent powers of the Court over its budget to seek
7 sufficient funds to reasonably and necessarily carry out the Hawthorne Justice Court's powers and
8 duties in the administration of justice to obtain adequate staffing levels. Respondent was not
9 proactive in addressing the administrative and budget issues and has only taken action upon the
10 commencement of the investigation of the matter by the AOC and the Commission. Respondent's
11 failure to timely address the administrative problems and manage Court staff has led to the public
12 not having adequate access to the Court.

13 By engaging in the acts, or by failing to act, or by engaging in a combination of acts or failures
14 to act, as alleged above, Respondent violated the Revised Nevada Code of Judicial Conduct,
15 including Judicial Canon 1, Rule 1.1 (compliance with the law, including the Code); Rule 2.5(A)
16 (perform administrative duties competently and diligently); and Rule 2.12(A) (properly discharge
17 supervisory duties), or any single rule or any combination of those rules. Specifically, Respondent
18 violated the Revised Nevada Code of Judicial Conduct as follows:

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20 **COUNT ONE**

21 By engaging in the acts, or a combination of the acts listed above, Respondent failed to
22 carry out his administrative duties as the Hawthorne Justice of the Peace. Respondent failed to
23 properly manage and supervise his staff and seek assistance from the AOC and/or other resources
24 to improve the efficiency of the Court's administrative duties. Accordingly, Respondent violated
25 Canon 1, Rule 1.1, Canon 2, and Rules 2.5(A), 2.12(A).

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COUNT TWO

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By engaging in the acts, or a combination of the acts listed above, Respondent failed to utilize the inherent powers of the Court over the Hawthorne Justice Court budget to seek sufficient funds to reasonably and necessarily carry out the powers and duties required in the administration of justice. Accordingly, Respondent violated Canon 1, Rule 1.1, and Canon 2, Rule 2.5(A).

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

Dated this 24 day of January, 2018.

Submitted
by: TC Bradley
Thomas C. Bradley, Esq., SBN 1621
Prosecuting Officer for the NCJD

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STATE OF NEVADA)
) ss
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 Jay T. Gunter, Case No. 2017-053-P.

2. I have prepared and reviewed this Formal Statement of Charges against the Honorable Jay T. Gunter 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 24 day of January, 2018.

T C Bradley
THOMAS C. BRADLEY, ESQ.

Subscribed and sworn to before me, a Notary Public

on this 24th day of January, 2018.

By: Kimberly E. Wood
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 24 day of January, 2018.

Lyn E. Beggs, Esq.
Law Offices Lyn E. Beggs, PLLC
328 California Ave., Suite 3
Reno, Nevada 89509



Thomas C. Bradley, Esq.
Prosecuting Officer for NCJD