

WILLIAM B. TERRY, CHARTERED
530 South Seventh Street
Las Vegas, Nevada 89101
(702) 385-0799



1 WILLIAM B. TERRY, ESQ.
Nevada Bar No. 001028
2 ALEXANDRA ATHMANN-MARCOUX, ESQ.
Nevada Bar No. 014474
3 WILLIAM B. TERRY CHARTERED
530 South Seventh Street
4 Las Vegas, Nevada 89101
(702) 385-0799
5 (702) 385-9788 (Fax)
Info@WilliamTerryLaw.com
6 Attorney for Respondent

8 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

11 In the Matter of
12 THE HONORABLE MARTIN HASTINGS,
Las Vegas Municipal Court,
County of Clark, State of Nevada

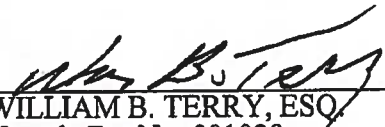
Case No. 2017-119-P

14 Respondent.

15 **VERIFIED RESPONSE AND ANSWER**

16 COMES NOW, the Respondent, MARTIN HASTINGS, Judge for the Las Vegas Municipal
17 Court, by and through his counsel, WILLIAM B. TERRY, ESQ. and ALEXANDRA ATHMANN-
18 MARCOUX, ESQ., of the law offices of WILLIAM B. TERRY, CHARTERED and files the instant
19 answer, defenses and mitigating circumstances in reference to the Formal Statement of Charges filed
20 against him on or about July 24, 2018.

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1 **FACTUAL ALLEGATIONS**

2 In reference to the "Factual Allegations" set forth in the Formal Statement of Charges, the
3 Respondent states as follows:

4 In reference to paragraph "A" of the Factual Allegations, Respondent admits to the truthfulness
5 of the allegations set forth within that paragraph.

6 In reference to paragraph "B" of the Factual Allegations, Respondent denies that he "refused to
7 perform" his duty as a search warrant judge on his rotations. Respondent in fact offered an alternative
8 to allow an alternative municipal court judge to perform his "search warrant duties" during times other
9 than 8:00 a.m. through 6:00 p.m. and, further, contended that the alternative municipal court judges
10 were authorized to do search warrant duty and, further, Respondent offered to pay out of his own salary
11 for the authorized alternate municipal court judge to perform the search warrant duties. This offer,
12 however, was not accepted.

13 In reference to paragraph "C" of the Factual Allegations, Respondent denies the allegations set
14 forth therein.

15 In reference to paragraph "D" of the Factual Allegations, Respondent denies that he did not
16 cooperate with the Chief Judge or other judges.

17 In reference to paragraph "E" of the Factual Allegations, it is accurate that the Respondent
18 during the interview with the Commission's Investigator indicated he would continue to use an alternate
19 judge for search warrant duties and it is further admitted that the Respondent indicated that he was
20 willing in his Answer to Interrogatories to perform his search warrant duties if ordered by the
21 Commission and, further, that Respondent would follow any Commission order.

22 In reference to paragraph "F" of the Factual Allegations, Respondent admits the allegations set
23 forth in this paragraph with the exception being that he was "starting to have some concerns I might be
24 missing calls as well."

25 In reference to paragraph "G" of the Factual Allegations, Respondent denies the allegations set
26 forth in this paragraph and in fact submits to the Commission that there were medical reasons including
27 his inability to "go back to sleep" after his sleep was interrupted by search warrant duties.
28

1 **CHARGES OF MISCONDUCT**

2 In reference to the "Charges of Misconduct" of the Formal Statement of Charges, Respondent
3 states as follows:

4 In answering those allegations set forth in Count One, the Respondent does deny that he violated
5 Rule 1.1, Rule 1.2, Rule 2.1, Rule 2.5(B), and Rule 2.7.

6 In answering those allegations set forth in Count Two, the Respondent does deny that he
7 violated Rule 1.1, Rule 1.2 and Rule 2.5(B).

8 **AFFIRMATIVE DEFENSES**

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

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

13 **MITIGATING CIRCUMSTANCES**


14 In answering the Formal Statement of Charges, the Respondent does assert that there are
15 mitigating circumstances that are applicable to him including, but not limited to, the following:

- 16 (1) an absence of a prior disciplinary record;
17 (2) an absence of a dishonest or selfish motive;
18 (3) full and free disclosure to the Judicial Ethics Panel and a cooperative attitude toward the
19 proceedings;
20 (4) the character and reputation of the Respondent;
21 (5) physical inability of the Respondent;
22 (6) remoteness of offense; and

1 (7) the Respondent reserves the right to argue further mitigating circumstances as developed in the
2 instant case.

3 DATED this 18th day of September, 2018.

4 WILLIAM B. TERRY, CHARTERED

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VERIFICATION

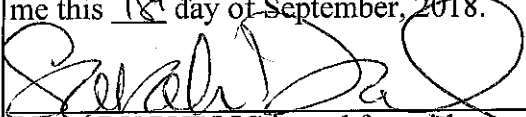
STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

MARTIN HASTINGS, being first duly sworn, deposes and says:

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


MARTIN HASTINGS

SUBSCRIBED and SWORN to before me this 18 day of September, 2018.


NOTARY PUBLIC in and for said County and State




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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2018, I, as an employee of WILLIAM B. TERRY, CHARTERED, caused to be served via email and by first class mail, a copy of the foregoing **VERIFIED RESPONSE AND ANSWER** with postage fully prepaid thereon, by depositing the same with the U.S. Postal Service, addressed as follows:

Brian Hutchins, Esq.
BH Consulting, LLC
P.O. Box 2366
Carson City, Nevada 89702
bhconsultingllc@sbcglobal.net
Prosecuting Officer


As an employee of William B. Terry, Chartered