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Commission on Judicial Discipline

**BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

In the Matter of )  
THE HONORABLE KERRY EARLEY, )  
Eighth Judicial District Court, )  
County of Clark, State of Nevada, ) CASE NO. 2019-040-P  
Respondent. )

**FORMAL STATEMENT OF CHARGES**

Brian Hutchins appears now as Prosecuting Officer for the Nevada Commission on Judicial Discipline ("Commission" or "NCJD"), which is established under Article 6, section 21 of the Nevada Constitution, and files this Formal Statement of Charges in the name of and by the authority of the Commission as found in sections 1.425 through 1.4695 of the Nevada Revised Statutes. Respondent, the Honorable Kerry Earley, Judge of the Eighth Judicial District Court, County of Clark, State of Nevada ("Respondent"), is informed 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").

**FACTUAL ALLEGATIONS**

Respondent knowingly and in her capacity as a district court judge in and for the Eighth Judicial District Court, in Clark County, State of Nevada, engaged in the following acts, or the following acts occurred relevant to these charges, or both:

- 1 A. In or about February or March of 2018, Respondent's judicial executive assistant (JEA)  
2 posted flyers in the elevators of the Las Vegas Regional Justice Center announcing the  
3 retirement party for Respondent's husband. The flyers were taken down by or at the  
4 direction of the then-chief judge but were re-posted by Respondent's JEA. The JEA then  
5 failed to read Respondent's electronic mails timely, as she had been assigned, which  
6 included messages from the then-chief judge that the flyers were inappropriate or violated a  
7 judicial ethics canon. After the JEA showed Respondent the electronic mail messages,  
8 Respondent went to the chief judge's chambers and screamed or yelled at the chief judge.  
9 Respondent then had a discussion with the JEA during which Respondent blamed the JEA  
10 and alluded to firing the JEA, all while speaking in a loud, offensive, abusive or demeaning  
11 manner and using profanity.
- 12
- 13 B. In or about May or June of 2018, Respondent was informed that she would be moved to a  
14 different courtroom and assigned to all civil cases by the new chief judge. Respondent was  
15 on vacation when she left a message on the new chief judge's mobile telephone.  
16 Respondent stated that she would not take all civil cases or move to a new courtroom. Upon  
17 return from vacation, Respondent spoke with the new chief judge and was very upset and  
18 yelling.
- 19
- 20 C. In or about June of 2018, Respondent's JEA opened a confidential letter from the Nevada  
21 Commission on Judicial Discipline addressed to Respondent. Upon receiving the letter from  
22 the JEA, Respondent was upset that the JEA had opened the letter and addressed the JEA in  
23 a loud, offensive, profane manner in the presence of others. Later, Respondent also was  
24 upset at the JEA for not keeping magazines for Respondent's husband and condescendingly  
25 told the JEA, and again in front of others, that Respondent also could not trust the JEA to  
26 keep the magazines or choose the correct paint color and carpet samples for Respondent's  
27 chambers. Respondent also told the JEA that Respondent did not want to see the JEA's face  
28

and wanted her to leave.

D. Over a period of a few years from about late 2015 until the middle of 2019, there have been several incidents where Respondent has inappropriately screamed, yelled or otherwise unnecessarily raised her voice at staff or other judges and has been demeaning or condescending. These included the following: 1) Respondent screamed at her JEA during a meeting Respondent had regarding case management issues with then-Chief Judge Barker and presiding civil Judge Gonzalez and blamed the JEA for issues raised; 2) Respondent became angry, yelled, and swore at her male law clerk in front of Respondent's JEA during a conversation Respondent had in chambers with the law clerk, following a hearing on a DUI conviction wherein Respondent had followed a PSI recommendation of a minimum sentence; 3) On numerous days at work from about June of 2015 until September of 2018, Respondent would unnecessarily raise her voice, scream at and verbally abuse her male law clerk and get upset, and would make negative comments about prior staff; 4) Respondent was often heard by staff of neighboring chambers on the 16<sup>th</sup> floor and then on the 12<sup>th</sup> floor screaming, yelling and being verbally abusive toward Respondent's staff; 5) Respondent on numerous occasions verbally berated and yelled or screamed at her female law clerk from about early 2018 to March of 2019.

#### **CHARGES OF MISCONDUCT**

By engaging in the acts, or by engaging in a combination of acts, as alleged above, Respondent violated the Revised Nevada Code of Judicial Conduct, including Judicial Canon 1, Rule 1.1 (failing to comply with the law, including the Code of Judicial Conduct, in not being patient, dignified and courteous and by harassing others); Rule 1.2 (failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety in not being patient, dignified and courteous and by harassing others); Judicial Canon 2, Rule 2.3 (harassment), and Rule 2.8(B) (failure to be patient, dignified, and courteous to staff, court officials, and others with whom the judge deals in an official capacity), or any



1 single rule or any combination of those rules, while Respondent was a District Court Judge for the  
2 Eighth Judicial District Court, Clark County, Nevada. Specifically, Respondent violated the Revised  
3 Nevada Code of Judicial Conduct as follows:

4 **COUNT ONE**

5 Respondent, by screaming or yelling at the chief judge in or about February or March of 2018,  
6 engaged in abusive, harassing, demeaning, condescending, offensive or unprofessional behavior  
7 towards a judicial colleague and thus failed to act in a patient, dignified and courteous manner and in a  
8 manner that promotes public confidence in the integrity of the judiciary.

9 **COUNT TWO**

10 Respondent, by blaming her JEA and alluding to firing the JEA in or about February or March  
11 of 2018, all while speaking in a loud, offensive, abusive or demeaning manner and using profanity,  
12 engaged in abusive, harassing, demeaning, condescending, offensive or unprofessional behavior  
13 towards a judicial employee and failed to act in a patient, dignified and courteous manner and in a  
14 manner that promotes public confidence in the integrity of the judiciary.

15 **COUNT THREE**

16 Respondent, by stating to the new chief judge in or about May or June of 2018 that Respondent  
17 would not take all civil cases or move to a new courtroom and by becoming very upset and yelling  
18 while speaking with the new chief judge, engaged in abusive, harassing, demeaning, condescending,  
19 offensive or unprofessional behavior towards a judicial colleague and thus failed to act in a patient,  
20 dignified and courteous manner and in a manner that promotes public confidence in the integrity of the  
21 judiciary.

22 **COUNT FOUR**

23 Respondent, by addressing her JEA in or about June of 2018 in a loud, offensive, profane  
24 manner and by condescendingly telling her JEA that Respondent also could not trust the JEA to keep  
25 magazines or choose the correct paint and color samples for Respondent's chambers, engaged in  
26 abusive, harassing, demeaning, condescending, offensive or unprofessional behavior towards a judicial  
27 employee and thus failed to act in a patient, dignified and courteous manner and in a manner that  
28 promotes public confidence in the integrity of the judiciary.

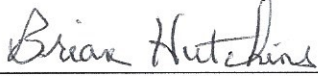
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**COUNT FIVE**

Respondent, by committing any acts or combination of acts alleged in paragraph D above, engaged in abusive, harassing, demeaning, condescending, offensive or unprofessional behavior towards judicial employees and thus failed to act in a patient, dignified and courteous manner and in a manner that promotes public confidence in the integrity of the judiciary.

Based on the information above, the Commission shall hold a public hearing on the merits of these allegations 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 27<sup>th</sup> day of August, 2020.

  
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Brian Hutchins, Esq.  
Prosecuting Officer for the Commission

STATE OF NEVADA           )  
  ) ss.  
CARSON CITY                )

BRIAN HUTCHINS, 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 Kerry Earley, Case No. 2019-040-P.

2. I have prepared and reviewed this Formal Statement of Charges against the Honorable Kerry Earley 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

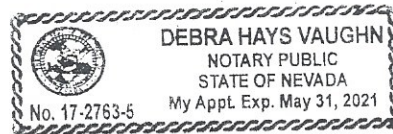
1 Formal Statement of Charges are true and accurate.

2 Brian Hutchins  
3 Brian Hutchins, Esq.

4 Subscribed and sworn to before me, a Notary Public

5 this 27 day of August, 2020.

6 By: Debra Hays Vaughn  
7 NOTARY PUBLIC



8  
9 **CERTIFICATE OF SERVICE**

10 I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES  
11 was placed in the U.S. mail, postage pre-paid, on this 27<sup>th</sup> day of August, 2020, addressed to:

12 William B. Terry, Esq.  
13 Law Offices of William B. Terry, Chartered  
14 530 South Seventh Street  
Las Vegas, NV 89101

15 By: Brian Hutchins  
16 Brian Hutchins, Esq.  
17 Prosecuting Officer for the Commission  
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