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10 Commission on Judicial Discipline



8 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

10 IN THE MATTER OF THE HONORABLE  
11 RENA G. HUGHES, Eighth Judicial District Court,  
12 Department J - Family Court,  
13 County of Clark, State of Nevada,

CASE NO. 2016-113-P

14 Respondent.

15  
16 **FORMAL STATEMENT OF CHARGES**

17 COMES NOW Thomas C. Bradley, Prosecuting Officer for the Nevada Commission on  
18 Judicial Discipline ("Commission" or "NCJD"), established under Article 6, Section 21 of the  
19 Nevada Constitution, who, in the name of and by the authority of the Commission, as found in  
20 NRS 1.425 - 1.4695, files this Formal Statement of Charges and informs the Respondent, the  
21 Honorable Rena G. Hughes, Eighth Judicial District Court, County of Clark, State of Nevada  
22 ("Respondent"), that the following acts were committed by Respondent and warrant disciplinary  
23 action by the Commission under the Revised Nevada Code of Judicial Conduct ("the Code").

24 **FACTUAL ALLEGATIONS**

25 Respondent knowingly, and in her capacity as a district court judge in and for the Eighth  
26 Judicial District Court, in Clark County, State of Nevada, engaged in the following acts or a  
27 combination of these acts ("acts or actions"):

1 Welthy Silva (“Mother” or “Complainant”) and Rogerio Silva (“Father”) were divorced in  
2 2013 in Clark County. See Case No. D-12-467820-D. The parties had one minor child. In the  
3 original Decree of Divorce, the Court granted the Mother primary physical custody and the Father  
4 weekend visitation of the child. The parties were granted joint legal custody.

5 Beginning in May 2015, the parties began litigating a number of issues concerning the  
6 well-being of their child and whether the Mother was interfering with the Father’s visitation rights.  
7 During the next twelve months, Respondent held a number of hearings on these issues.

8 On May 12, 2016, an in-person hearing was held. During the hearing, the parties argued  
9 the issue whether the Mother was interfering with the Father’s rights of visitation. Respondent then  
10 advised Mother that she was close to being held in contempt and being incarcerated. At the  
11 conclusion of the hearing, the Respondent ordered that Father shall have visitation with the child  
12 on the upcoming weekend and that the parties shall exchange the child under the supervision of  
13 Donna’s House Central, a program used by the Clark County Family Court to facilitate custody  
14 exchanges.

15 On May 14, 2016, the Mother allegedly failed to comply with the recently ordered  
16 visitation and on May 17, 2016, the Father’s counsel filed a Motion to place the matter back on  
17 calendar regarding the visitation. On June 8, 2016, Respondent issued a Minute Order detailing  
18 the visitation issues. The Respondent concluded that, “[t]his Court finds that Plaintiff [Mother] is  
19 in contempt of the Court’s order to facilitate visitation on weekends with the Father, AN ORDER  
20 TO SHOW CAUSE SHALL ISSUE.”

21 The Minute Order further stated, “[m]other shall bring the minor child to Dept. J, Court  
22 room [*sic*] #4, on June 15, 2016 at 1:30 p.m. If the Mother fails to deliver the minor child to the  
23 courtroom on June 15, 2016, she shall be deemed in further contempt of Court, and sentenced to  
24 twenty-five (25) days incarceration. If the Mother fails to appear, a bench warrant shall issue.”  
25 The Minute Order also addressed other Order to Show Cause issues that were not related to  
26 visitation, and stated in closing, “[t]he Order to Show Cause Hearing shall be scheduled for July  
27 28, 2016 at 1:30 p.m.”

1 Mother arrived with her minor child at the scheduled hearing on June 15, 2016.  
2 Respondent ordered all parties, except the minor child, to leave the courtroom, and Respondent  
3 addressed the child for nine (9) minutes off the record. Complainant was not allowed to return to  
4 the courtroom. In Complainant's absence, Respondent awarded the Father temporary sole legal  
5 and physical custody, terminated the Father's child support obligation, ordered the Mother to pay  
6 the statutory minimum child support to the Father, and the Mother was to have no contact with the  
7 minor child.

8 The minor child screamed and cried during the entire process while the Father remained  
9 impassive at his counsel table. Respondent addressed the crying minor child by stating that the  
10 change in custody occurred because the Mother and minor child were not cooperative with the  
11 Court ordered visitations. Respondent further stated that if the minor child refused to go with the  
12 Father she would end up in Child Haven, which Respondent referred to as a jail for kids.

13 At the court proceeding on June 15, 2016, no evidence or testimony was entered into the  
14 record regarding the change of custody, change in child support or the finding of contempt. No  
15 Order to Show Cause issued regarding the failure to facilitate visitation or notice regarding the  
16 change of custody and/or child support, and no hearing was held.

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

- 19 (1) Respondent held Welthy Silva in contempt without due process and an opportunity to  
20 be heard; and
- 21 (2) Respondent's penalty for contempt violated Nevada law in that the Respondent sanctioned  
22 Welthy Silva by changing custody and awarding sole physical and legal custody to the  
23 Father.

24 The Respondent's actions described above violated the Code, including Judicial Canon 1,  
25 Rule 1.1, failing to comply with the law, including the Code; Rule 1.2, failing to promote  
26 confidence in the judiciary; Canon 2, Rule 2.2, failing to uphold and apply the law and failing to  
27 perform all duties of her judicial office fairly and impartially; Rule 2.5(A) failing to perform

1 judicial and administrative duties competently and diligently; Rule 2.6(A), failing to accord a  
2 party's right to be heard; and Rule 2.8 (B), failing to be patient, dignified, and courteous to litigants  
3 and witnesses. The Respondent abused her judicial authority by engaging in any or all, or any  
4 combination of, the acts listed above.

5 **COUNT ONE**

6 By engaging in the acts, or combination of the acts, listed above, by holding Complainant  
7 Welthy Silva in contempt of court on June 8, 2017, (1) without due process and a right to be heard  
8 and (2) sanctioning Welthy Silva for contempt by changing custody and awarding the Father sole  
9 physical and legal custody, Respondent violated the Code, including Judicial Canon 1, Rule 1.1,  
10 failing to comply with the law, including the Code; Rule 1.2, failing to promote confidence in the  
11 judiciary; Canon 2, Rule 2.2, failing to uphold and apply the law and failing to perform all duties  
12 of her judicial office fairly and impartially; Rule 2.5(A) failing to perform judicial and  
13 administrative duties competently and diligently; and Rule 2.6(A), failing to accord a party's right  
14 to be heard. The Respondent abused her judicial authority by engaging in any or all, or any  
15 combination of, the acts listed above.


16 **COUNT TWO**

17 By engaging in the acts, or combination of the acts, listed above, in failing to be patient,  
18 dignified and courteous to Welthy Silva and her minor child and provide them with due process  
19 and an opportunity to be heard, Respondent violated the Code, including Judicial Canon 1, Rule  
20 1.1, failing to comply with the law, including the Code; Rule 1.2, failing to promote confidence in  
21 the judiciary; Canon 2, Rule 2.2, failing to uphold and apply the law and failing to perform all  
22 duties of her judicial office fairly and impartially; Rule 2.5(A) failing to perform judicial and  
23 administrative duties competently and diligently; Rule 2.6(A), failing to accord a party's right to  
24 be heard; and Rule 2.8 (B), failing to be patient, dignified, and courteous to litigants and witnesses.  
25 The Respondent abused her judicial authority by engaging in any or all, or any combination of, the  
26 acts listed above.

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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 and/or discipline it deems appropriate pursuant to NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

Dated this 9 day of October, 2017.

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

1 STATE OF NEVADA )  
2 COUNTY OF WASHOE ) ss  
3 )

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

6 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained  
7 by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer  
8 in the matter of the Honorable Rena G. Hughes, Case Nos. 2016-113-P.

9 2. I have prepared and reviewed this Formal Statement of Charges against the Honorable  
10 Rena G. Hughes and, pursuant to the investigation conducted in this matter, and based on the  
11 contents of that investigation and following reasonable inquiry, I am informed and believe that the  
12 contents of this Formal Statement of Charges are true and accurate.  
13

14  
15 Dated this 9 day of October, 2017.

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18 \_\_\_\_\_  
19 THOMAS C. BRADLEY, ESQ.

20 Subscribed and sworn to before me, a Notary Public

21 this 9<sup>th</sup> day of October, 2017.

22   
23 By: \_\_\_\_\_  
24 NOTARY PUBLIC

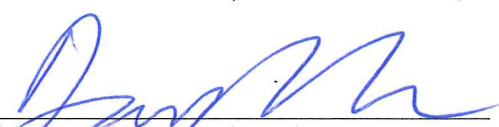


**CERTIFICATE OF SERVICE**

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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 10 day of October, 2017.

Hon. Rena Hughes  
Family Court House, Dept. J  
601 North Pecos Road  
Las Vegas, NV 89155

By:   
David McIntosh, Legal Assistant to  
Thomas C. Bradley, Esq., Prosecuting Officer for NCJD