

1 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

2 STATE OF NEVADA



3
4 In The Matter of the)
5)
6 HONORABLE VALORIE VEGA,)
7 DISTRICT COURT JUDGE,)
8 County of Clark,)
9 State of Nevada,)
10)
11 Respondent.)
12)

13 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
14 IMPOSING DISCIPLINE

15 Pursuant to prior written notice, the above-entitled
16 matter came on for public (formal) hearing (hereinafter "the
17 hearing") in Las Vegas Nevada, pursuant to NRS 1.467(3)(C) and
18 Commission Rule 18 on February 11, 2013, before the Nevada
19 Commission on Judicial Discipline (hereinafter "the
20 Commission"). Mary E. Boetsch, Esq., served as Special Counsel
21 to the Commission and was present. The Respondent, the
22 Honorable Valorie Vega (hereinafter "the Respondent") appeared
23 and was represented by James J. Jimmerson, Esq., and James M.
24 Jimmerson, Esq., who were present.

25 At the hearing the Special Counsel and Respondent's
26 Counsel presented a Stipulation regarding disposition of a
27 Complaint against the Respondent, as well as an Amended
28 Statement of Formal Charges, both of which had previously been
filed with the Commission. The Stipulation eliminated the need
for a contested hearing.

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A. Preface

I. On February 5, 2013 Special Counsel, Mary E. Boetsch, Esq., and the Respondent, personally and through her Counsel, James J. Jimmerson, Esq., and James M. Jimmerson, Esq., entered into a written Stipulation which was filed with the Commission. In that Stipulation, the Respondent admitted to the factual allegations contained in Counts One and Two of the Amended Statement of Formal Charges which had been filed with the Commission. The Amended Statement of Formal Charges alleges:

COUNT ONE

1. That at all times relevant hereto, you were the District Court Judge assigned to Department Two of the Eighth Judicial District Court of Clark County, Nevada.

2. That in that capacity you presided over the trial of Victor O. Fakoya, Case Number 08-C-249790, an individual charged with First Degree Murder in the death of a child; that this trial ended on or about March 10, 2010, with a mistrial due to a hung jury.

3. That you thereafter presided over the retrial of Mr. Fakoya, who remained in custody during the pendency of these charges; that the retrial began on or about November 8, 2010; and ended with a jury acquittal on or about December 17, 2010.

4. That in the course of the retrial, you required the jury, the attorneys and staff to conduct proceedings for a continuous period of time from approximately 1:12 p.m. on

1 December 16, 2010 until the jury returned with its verdict at
2 approximately 6:57 a.m. December 17, 2010; that you did so for
3 various reasons, including but not limited to, your personal
4 schedule, and thus, you were not courteous to the individuals
5 involved at trial.

6 5. That your conduct as described herein constitutes a
7 violation of Rule 2.8, of the Nevada Code of Judicial Conduct.

8 COUNT TWO

9 6. That the allegations in paragraphs 1 through 5 are
10 incorporated herein by reference as though fully set forth
11 herein.

12 7. That during the course of the retrial of Case Number
13 08-C-249790 described herein, you recessed court in the early
14 afternoon on approximately six (6) occasions; specifically, on
15 or about November 29, December 1, December 6, December 8,
16 December 13 and December 15, 2010; that you did so to enable
17 you to attend your daughter's high school soccer games.

18 8. That your conduct as described herein constitutes a
19 violation of Rule 2.8 of the Nevada Code of Judicial Conduct.

20 II. In the Stipulation the Respondent specifically
21 acknowledged and agreed that her conduct as set forth in the
22 Amended Statement of Formal Charges, and stated above,
23 constituted clear and convincing evidence that she violated the
24 named provision of the Nevada Code of Judicial Conduct and that
25 the evidence supported the imposition of discipline by the
26 Commission.
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1 III. In the Stipulation the Respondent agreed to the
2 imposition of a public reprimand, a form of discipline
3 authorized by Article 6, Section 21(5) of the Nevada
4 Constitution and NRS 1.4294.

5 IV. The Respondent further agreed in the Stipulation
6 that by accepting the terms of the Stipulation, she waived her
7 right to appeal to the Nevada Supreme Court pursuant to Rule 3D
8 of the Nevada Rules of Appellate Procedure all issues, save and
9 except that she was permitted to appeal the propriety of any
10 discipline imposed which was more severe than the form of
11 discipline proposed by the Special Counsel and accepted by the
12 Respondent, as stated herein, after a mitigation and traverse
13 hearing before the Commission.
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15 V. The Commission has considered the Stipulation
16 and respective statements proffered by the Special Counsel and
17 Counsel for the Respondent at the public hearing. After being
18 fully advised of its obligations and duties, the Commission
19 finds that the hearing was conducted according to the statutes,
20 rules and procedures required by law. Following private
21 deliberations, the Commission announced its unanimous decision
22 as to the appropriate sanction to be imposed which is
23 consistent with the terms of the Stipulation. The Commission
24 hereby issues the following Findings of Fact, Conclusions of
25 Law and Order Imposing Discipline pursuant to Commission Rules
26 27 and 28, and NRS 1.4673 and 1.4677.
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B. FINDINGS OF FACT

The Commission finds that the Stipulation establishes by clear and convincing evidence each of the following facts:

1. The Respondent was, at all times applicable to the events in this case, a District Court Judge of the Eighth Judicial District Court, Clark County, Nevada. Therefore, the Respondent was a judicial officer whose conduct was subject to the provisions of the Nevada Code of Judicial Conduct; and

2. The Respondent violated the provision of the Code of Judicial Conduct as stipulated in the Stipulation and as specified in paragraph A (I), above.

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C. CONCLUSIONS OF LAW

1. The Commission has both personal jurisdiction over the Respondent and subject matter jurisdiction over the violations of the Nevada Code of Judicial Conduct at issue in the case.

2. The Commission unanimously concludes that the Stipulation suffices as proof of violations of the Nevada Code of Judicial Conduct in effect as of March 2010, as stated herein.

3. The Respondent has waived her right to appeal to the Nevada Supreme Court, as the form of discipline imposed is not more severe than the form of discipline stipulated to by the Respondent.

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D. IMPOSITION OF DISCIPLINE

The Commission concludes that the appropriate discipline under Commission Rule 28 as to said violations shall be as follows:

By unanimous vote of the Commission, pursuant to subsections 5(a) and (b) of Article 6, Section 21 of the Constitution of the State of Nevada, the version of NRS 1.4653 (2) in effect on the dates in question, and Commission Rule 28, the Respondent be, and she hereby is, publically reprimanded for having committed the acts as specified in the Stipulation and fully set forth above.

E. ORDER

IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Doug Jones, Judge Jerome Polaha, Judge Richard Wagner, Karl Armstrong, Wayne Chimarusti, May Lau and Gary Vause that the Respondent should be and hereby is publically reprimanded for violations of Current Rule 2.8 of the Nevada Code of Judicial Conduct.

IT IS FURTEHR ORDERED by unanimous vote that the Chairman is authorized to sign this document on behalf of all voting Commissioners.

IT IS FURTHER ORDERED pursuant to the consent of the Respondent, that the Executive Director of the Judicial Discipline Commission take the necessary steps to file this

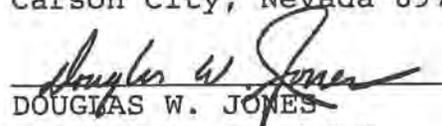
1 document in the appropriate records of the Commission and with
2 the Clerk of the Nevada Supreme Court.

3 IT IS FURTHER ORDERED that the Clerk's Certificate of
4 Mailing, found below, shall constitute the notice of the Entry
5 of this document pursuant to Commission Rule 34; and the
6 Clerk shall promptly serve it on the Respondent's Counsel and
7 the Special Counsel.

8 IT IS SO ORDERED.

9 DATED this 29th day of August 2013.

10 NEVADA COMMISSION ON
11 JUDICIAL DISCIPLINE
12 P. O. Box 48
13 Carson City, Nevada 89702

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15 DOUGLAS W. JONES
16 COMMISSION CHAIRMAN
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