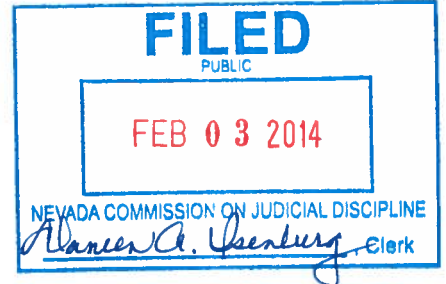


1 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**
2 **STATE OF NEVADA**



3
4 In The Matter of the)
5 HONORABLE STEVEN JONES,)
6 DISTRICT COURT JUDGE,)
7 County of Clark,)
8 State of Nevada,)
9 Respondent.)

Case No. 1206-218

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE**

11 Pursuant to prior written notice, the above-entitled matter came on for a formal, public hearing
12 in Las Vegas, Nevada, pursuant to NRS 1.467 and Commission Rule 18, for five days commencing on
13 December 2, 2013, before the Nevada Commission on Judicial Discipline (hereinafter, the
14 "Commission"), regarding the allegations against Respondent Jones for violations of the Nevada Code
15 of Judicial Conduct (hereinafter, the "NCJC").

16
17 Kathleen M. Paustian, Esq. and William E. Cooper, Esq. served as Special Counsel to the
18 Commission (hereinafter, the "Special Counsel") and were present. The Respondent, the Honorable
19 Steven Jones (hereinafter the "Respondent"), appeared and was represented by James J. Jimmerson,
20 Esq. and James M. Jimmerson, Esq. who were present. The liability phase of the hearing concluded on
21 December 6, 2013.
22

23 In order to have the necessary time to properly deliberate on the Formal Statement of Charges
24 and consider all evidence presented at the hearing, as well as notify Respondent of its findings, the
25 Presiding Officer of the Commission vacated the December 16th, 17th and 18th dates, which were
26 previously set aside to consider the matter of discipline as set forth in the Commission's Order filed on
27

1 September 17, 2013. On December 24, 2013, the Commission entered its Findings on Formal
2 Statement of Charges and Order (the “December 24th Order”) and rescheduled the disciplinary phase
3 of the hearing to January 27, 2014.

4 The Commission met for a one-day video-conference hearing on January 27, 2014, to consider
5 the matter of discipline in accordance with its December 24th Order. Kathleen M. Paustian, Esq., as
6 Special Counsel, appeared in Las Vegas, Nevada, and William E. Cooper, Esq., as Special Counsel,
7 appeared in Reno, Nevada. Respondent appeared and was represented by James J. Jimmerson, Esq. in
8 Reno, Nevada, and James M. Jimmerson, Esq. in Las Vegas, Nevada. During the disciplinary
9 proceeding, the Commission considered all evidence and testimony previously produced during the
10 liability phase of the hearing.
11

12 This document contains the findings of fact and conclusions of law contemplated by
13 Commission Procedural Rule 28. The findings set forth below establish that Respondent violated
14 multiple sections of the NCJC.
15

16 **A. Findings of Fact**
17

18 The Commission finds that the legal evidence presented by Special Counsel at the hearing
19 clearly and convincingly established each of the following facts set forth in Paragraphs 1 through 5
20 below:

21 1. Respondent was, at all times applicable to the allegations contained in the Formal
22 Statement of Charges, a District Court Judge for the Eighth Judicial District Court located in the
23 County of Clark, State of Nevada, and whose conduct was subject to the NCJC.

24 2. The factual allegations contained in Counts One and Two of the Formal Statement of
25 Charges regarding Respondent maintaining a close social and personal relationship with then Deputy
26

1 District Attorney Lisa Willardson, while Ms. Willardson actively litigated cases in the Respondent's
2 Court, and while failing to disqualify himself from deciding any issue, procedural or substantive, either
3 *sua sponte* and/or at the request of parties opposing Ms. Willardson's client, have been proven by clear
4 and convincing evidence.

5
6 The credible evidence established that beginning around mid-October, 2011, Respondent and
7 Ms. Willardson began exchanging texts and electronic messages, had a lunch and dinner engagement
8 and it showed he had been invited by Ms. Willardson to an office party she had put together for a
9 co-worker's send-off on October 28, 2011, whereat a photograph was surreptitiously taken of him and
10 Ms. Willardson. That photo precipitated the subsequent events and actions by Respondent which led
11 to the charges against him. The photo was taken to show the close personal relationship between the
12 two of them as seen by one of Ms. Willardson's co-workers.

13
14 The above-mentioned party consisted of Deputy District Attorneys who practiced in the Family
15 Court in Clark County. The close relationship of Ms. Willardson, a prosecutor, and Respondent, the
16 judge who presides over their cases, caused concern. At least one case had been prosecuted by Ms.
17 Willardson and was still pending through the period when the Respondent's relationship with Ms.
18 Willardson further developed. Respondent filed his decision in that case in early December
19 terminating the parental rights of the litigant. Subsequent to the exposure of Respondent's
20 relationship with Ms. Willardson, that decision was vacated and set aside upon motion for a new trial
21 filed by the mother of the child and stipulation by the parties. The foregoing termination of parental
22 rights case had to be re-tried before another judge as a result of Respondent's relationship with Ms.
23 Willardson.

24
25
26 ///

27
28

1 Respondent neglected to recuse himself from further participation in any of Ms. Willardson's
2 cases and confronted the District Attorney's staff when they attempted to transfer Ms. Willardson out
3 of his courtroom. The Respondent's personal relationship with Ms. Willardson during the time
4 involved and his response to the District Attorney's office supervisors demonstrated clear violations of
5 Canons 1.2, 2.4(C), and 2.11 of the NCJC.
6

7 3. The factual allegations contained in Count Three of the Formal Statement of Charges
8 regarding Respondent maintaining a close social and personal relationship with then Deputy District
9 Attorney Lisa Willardson, and by simultaneously attempting to interfere or alternatively, by actually
10 interfering with District Attorney David Roger and his staff, when they attempted to reassign and then
11 actually did reassign Ms. Willardson to litigation tasks other than termination of parental rights cases
12 in Respondent's courtroom, have been proven by clear and convincing evidence.
13

14 The credible evidence established that Respondent willfully attempted obstructive acts with
15 regards to the District Attorney's staffing decisions, resulting in turmoil and unnecessary, costly delays
16 and time consuming meetings in both the Family Court and the District Attorney's office in connection
17 with their respective attempts to resolve their pending case loads and the situation caused by
18 Respondent's relationship with Ms. Willardson and his failure to recuse himself from the cases being
19 prosecuted by the deputies who were responsible for taking and publishing the photograph of him at
20 the October party. The credible evidence further demonstrates that Respondent was the only person
21 who could have obviated the crisis at any time had he chosen to do so. These facts clearly established
22 willful violations of Canons 1.1, 1.2, and 2.4(B) of the NCJC.
23
24

25 4. The factual allegations contained in Counts Eight and Nine of the Formal Statement of
26 Charges regarding Respondent directing Hearing Master Brigid Duffy to disqualify herself from
27

1 hearing cases to which Deputy District Attorneys Michelle Edwards and Janne Hanrahan were
2 assigned, have been proven by clear and convincing evidence.

3 The credible evidence demonstrated that Respondent caused Master Duffy to recuse herself
4 from hearing cases on December 15, 2011, because of the Respondent's disqualification order and the
5 vertical prosecution system that Respondent knew was employed at the Family Court at the time.
6 Respondent's reaction against Deputy District Attorneys Hanrahan and Edwards necessarily spilled
7 over to that portion of the Family Court dealing with parental rights terminations and affected all the
8 participants involved from parents and children to Family Court judges, attorneys, the court
9 administrator and the District Attorney's staff.
10

11
12 Respondent's insistence that Master Duffy, by implication, had to recuse herself since her cases
13 fed into Respondent's courtroom and were prosecuted by Deputy District Attorneys Edwards and
14 Hanrahan imprudently affected the operations of that Family Court department to the detriment of the
15 families and other involved professionals appearing before it at that particular time. These facts
16 established willful violations of Canons 1.1, 1.2, 2.2, 2.4(B) and 2.12 of the NCJC.
17

18 5. The factual allegations contained in Counts Ten, Eleven and Twelve of the Formal
19 Statement of Charges regarding Respondent (i) directing Law Clerk Himanshu Kumar Rattan and
20 Judicial Executive Assistant Connie Avila to work on government time and/or with government assets
21 to assist the Respondent in preparing a legal document intended for submission to the State Bar of
22 Nevada on behalf of Ms. Willardson; and (ii) preparing a legal document intended for submission to
23 the State Bar of Nevada on behalf of Ms. Willardson during hours that Respondent was being
24 compensated by the government to perform judicial duties, and/or by using government assets to
25 accomplish said task, have been proven by clear and convincing evidence. The credible evidence
26
27

1 proved that Respondent had his employees assist him in his defense of Ms. Willardson's State Bar of
2 Nevada action.

3 6. The Commission finds that the factual allegations contained in Counts Four, Five, Six
4 and Seven of the Formal Statement of Charges have not been proven by clear and convincing evidence.

5
6 **B. Conclusions of Law**

7 1. As to Counts One and Two of the Formal Statement of Charges, the Commission finds that
8 Special Counsel has proven by clear and convincing evidence that Respondent's actions constitute
9 violations of Rule 1.2 of Canon 1 and Rule 2.4(C) and Rule 2.11 of Canon 2 of the NCJC. The
10 Commission has found that the factual proof was insufficient to sustain a violation of Rule 2.4(B) of
11 Canon 2 as set forth in Counts One and Two of the Formal Statement of Charges.
12

13 2. As to Count 3 of the Formal Statement of Charges, the Commission finds that Special
14 Counsel has proven by clear and convincing evidence that Respondent's actions constitute violations
15 of Rule 1.1 and Rule 1.2 of Canon 1, and Rule 2.4(B) of Canon 2 of the NCJC.
16

17 3. As to Counts Four, Five, Six, and Seven, the Commission has found that the factual proof
18 was insufficient to sustain the charges.

19 4. As to Counts Eight and Nine, the Commission finds that Special Counsel has proven by
20 clear and convincing evidence that Respondent's actions constitute violations of Rule 1.1 and Rule 1.2
21 of Canon 1, and Rule 2.2, Rule 2.4(B) and Rule 2.12 of Canon 2 of the NCJC.
22

23 5. As to Counts Ten, Eleven and Twelve, the Commission finds that Special Counsel has
24 proven by clear and convincing evidence that Respondent's actions constitute violations of Rule 1.1
25 and Rule 1.2 of Canon 1, Rule 2.2, Rule 2.4(B) and Rule 2.12 of Canon 2, and Rule 3.10 of Canon 3 of
26 the NCJC.
27

1 6. The Commission has both personal jurisdiction over the Respondent and subject matter
2 jurisdiction over the violations of the NCJC at issue in this case.

3 **C. Imposition of Discipline**

4 In consideration of the totality of Respondent's actions and his multiple violations of the
5 NCJC, the Commission concludes that the appropriate discipline under Commission Rule 28 as to said
6 violations shall be as follows:
7

8 By unanimous vote of the Commission, after due deliberation and consideration of Judge
9 Jones' lack of prior disciplinary record; his otherwise exemplary work as a judge for over 20 years; the
10 relative minimal violations of the last three Counts of the Formal Statement of Charges; the realization
11 of the aberrant nature of these charges in light of Respondent's judicial record; but nevertheless, in
12 light of the seriousness of the manner in which Respondent conducted himself in these activities and
13 their consequences, which involved two separate branches of the Clark County government, and
14 caused the disruption of the entire judicial system, the unnecessary waste of taxpayers' money and
15 judicial resources, as well as the cancellation of court calendars which profoundly affected numerous
16 Nevada families during the holidays, it is decided that pursuant to subsections 5(a) and (b) of Article 6,
17 Section 21 of the Constitution of the State of Nevada, NRS 1.4653(2) and Commission Rule 28, the
18 Respondent shall be, and he is hereby publically censured for having committed the acts as fully set
19 forth above, and he shall be suspended from the Office of District Court Judge without pay for three
20 months effective immediately.
21
22
23

24 ///

25

26 _____
27 1 The Commission is aware that Respondent is presently on suspension with pay for another matter not relevant to this case
and it is the intent of the Commission that for the next three months he be suspended without such payment.

28

1 **D. Order**

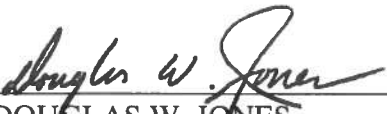
2 IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Doug Jones,
3 Judge Jerome Polaha, Judge Richard Wagner, Karl Armstrong, Mary Lau, Donald Christensen and
4 Clifford Cichowlaz that the Respondent be and hereby is publically censured for multiple violations of
5 Rules 1.1 and 1.2 of Canon 1, Rules 2.4(B), 2.4(C), 2.2, 2.11 and 2.12 of Canon 2, and Rule 3.10 of
6 Canon 3 of the NCJC as fully set forth above.
7

8 IT IS FURTHER ORDERED that Respondent be and hereby is suspended from the Office of
9 District Court Judge without pay for three months effective immediately.
10

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

13 Dated this 3rd day of February, 2014.

14 NEVADA COMMISSION ON
15 JUDICIAL DISCIPLINE
16 P.O. Box 48
17 Carson City, NV 89702

18 By: 
19 DOUGLAS W. JONES
20 COMMISSION CHAIRMAN
21
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

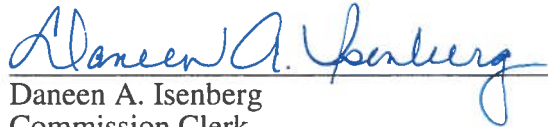
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and that on the 3rd day of February, 2014, I served a copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE by e-mail and United States Mail, postage prepaid, addressed to the undersigned:

Kathleen M. Paustian, Esq.
Law Offices of Kathleen Paustian
3205 Skipworth Drive
Las Vegas, NV 89107
kathleenpaustian@cox.net
Special Counsel

William E. Cooper, Esq.
Cooper Law Office
703 E. Eighth Street
Las Vegas, NV 89169
wecooper@williamcooperlaw.com
Special Counsel

James J. Jimmerson, Esq.
James M. Jimmerson, Esq.
Jimmerson Hansen PC
415 South Sixth Street, Suite 100
Las Vegas, NV 89101
jjj@jimmersonhansen.com
jmj@jimmersonhansen.com
Counsel for Respondent



Daneen A. Isenberg
Commission Clerk