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IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

FEB 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY _____
CHIEF DEPUTY CLERK

In the Matter of the)
HONORABLE MICHAEL FLETCHER,)
Walker River Township Justice of the Peace,)
County of Lyon, State of Nevada,)
Respondent.)


Case No. 69762

**CERTIFIED COPY OF STIPULATION AND ORDER OF CONSENT
TO PUBLIC REPRIMAND**

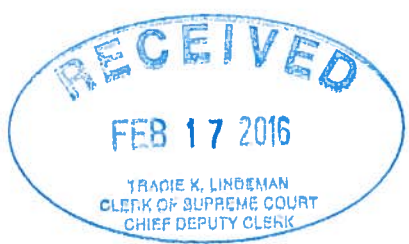
Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND filed with the Nevada Commission on Judicial Discipline on February 12, 2016.

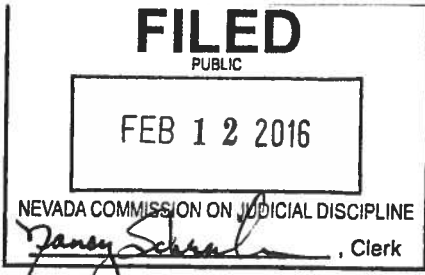
DATED this 16th day of February, 2016.

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE
P. O. Box 48
Carson City, NV 89702
(775) 687-4017



PAUL C. DEYHLE
General Counsel and Executive Director
Nevada Bar No. 6954





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13 Counsel for Respondent

11 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
12 STATE OF NEVADA

14 IN THE MATTER OF THE HONORABLE) CASE NO.: 1504-092
15 MICHAEL FLETCHER, Walker River)
16 Township Justice of the Peace, County of Lyon,)
17 State of)
18 Nevada,)
19 Respondent)

20 **STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND**

21 In order to resolve the Formal Statement of Charges pending against him before the
22 Nevada Commission on Judicial Discipline (the "Commission" or "NCJD"), the Respondent
23 stipulates to the following pursuant to Commission Procedural Rule 29:

- 24 1. Respondent admits he committed violations of the Revised Nevada Code of Judicial
25 Conduct ("Code"), including Canon 1, Rule 1.1 requiring jurists to comply with the
26 law, including the Code, and Rule 1.2 requiring a jurist to promote public confidence
27 in the independence, integrity and impartiality of the judiciary; Canon 2, Rule 2.5(A)
28 which mandates jurists perform judicial and administrative duties competently and

1 diligently, Rule 2.7 requiring jurists to hear and decide matters assigned to them,
2 except when disqualification is required, Rule 2.9 prohibiting ex parte
3 communications, to the extent the communications are not protected by NRS 178.486
4 (requiring courts to give notice to district attorneys of discretionary bail), and Rule
5 2.11 requiring disqualification when the jurist's impartiality might be reasonably
6 questioned. The Respondent further admits these violations occurred from in or about
7 March 22, 2013 to March 25, 2013, by his performing a singular act, a combination
8 of acts, or all of the following acts (collectively, the "acts"):

- 9
- 10 A. Initiating or participating in a telephone conversation on or about March 25,
11 2013, with the deputy district attorney assigned to criminal case number
12 13CR1203H (the "case"), regarding the contested issue of the release of the
13 defendant in the case from jail on his own recognizance ("O.R."), as well as
14 regarding Respondent disqualifying himself and reasons for disqualification.
15 During this conversation, the deputy district attorney told the Respondent he
16 was opposed to such a release and wanted to prepare a motion in opposition.
 - 17 B. Making a ruling on the contested matter the same day by releasing the
18 defendant in the case on O.R., before receiving the deputy district attorney's
19 motion contesting such a release, and then making a decision to disqualify
20 himself from the case without sufficient reason;
 - 21 C. Failing to recuse himself from the case pursuant to Nevada law and thereafter
22 making a ruling on the contested issue of the defendant being released from
23 jail on O.R.

- 24
- 25 2. Respondent admits to all the allegations brought against him in Counts One (1)
26 through Six (6) of the Formal Statement of Charges, filed August 14, 2015, and
27 paragraphs (1) and (1) (A) through (C) as set forth above.
 - 28 3. Respondent agrees to waive his right to present his case contesting the allegations in
the information set forth above in a formal hearing pursuant to Commission
Procedural Rule 18. Respondent further agrees that this Order takes effect
immediately pursuant to Commission Procedural Rule 29. The Commission accepts

1 Respondent's waiver of said right and acknowledges and agrees to the immediate
2 effect of this Order.

3 4. Respondent agrees and acknowledges that this Stipulation and Order will be
4 published on the Commission's website and filed with the Clerk of the Nevada
5 Supreme Court.

6 5. Respondent and the Commission hereby stipulate to Respondent's consent to public
7 reprimand pursuant to Commission Procedural Rule 29. Respondent stipulates to the
8 following substantive provisions:

9 (a) He stipulates to a public reprimand by the Commission for violations of the
10 Judicial Canons and Rules as set forth above in paragraphs (1) and (1) (A)
11 through (C).

12 (b) He agrees the discipline of public reprimand is authorized by Article 6,
13 Section 21(1) of the Nevada Constitution and Rule 29 of the Procedural Rules
14 of the Commission.

15 (c) He agrees that the evidence available to the Commission would establish by
16 clear and convincing proof that he violated the Revised Nevada Code of
17 Judicial Conduct, including individual canon or combination of canons,
18 Canon 1, Rules 1.1 and 1.2; Canon 2, Rules 2.5(A), 2.7, 2.9, to the extent the
19 communications are not protected by NRS 178.486, and 2.11.

20 (d) The Respondent agrees to successfully complete a minimum of one (1) course
21 at the National Judicial College in Reno within one (1) year of the
22 Commission signing this Stipulation. He further agrees the course shall focus
23 on fairness and ethics in the courtroom and knowledge and application of the
24 law. The Respondent shall take this course at his own expense and provide
25 the office of the Commission with proof of his attendance.

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1 (e) The Respondent further agrees he shall study and familiarize himself with all
2 Nevada statutes, rules of criminal procedure and local rules dealing with: ex
3 parte communications, bail and O.R. releases and disqualification.

4 6. The Respondent understands and agrees that by accepting the terms of this
5 Stipulation, he waives his right to appeal to the Nevada Supreme Court pursuant to
6 Rule 3D of the Nevada Rules of Appellate Procedure.

7 **ORDER**

8 IT IS HEREBY ORDERED that Respondent should be and hereby is publicly
9 reprimanded for violating Canon 1, Rules 1.1 and 1.2; Canon 2, Rules 2.5(A), 2.7, 2.9, to the
10 extent the communications are not protected by NRS 178.486, and 2.11 of the Revised Nevada
11 Code of Judicial Conduct.

12 IT IS FURTHER HEREBY ORDERED that the Executive Director of the Judicial
13 Discipline Commission take the necessary steps to file this document in the appropriate records
14 and on the website of the Commission and with the Clerk of the Nevada Supreme Court.

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17 Michael Fletcher
18 Respondent

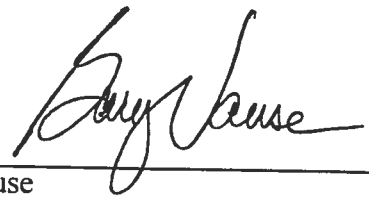
19 Dated this 2 day of November, 2015

20
21 NEVADA COMMISSION ON
22 JUDICIAL DISCIPLINE
23 P.O. Box 48,
24 Carson City, Nevada 89702

25 By: 
26 Kathleen M. Paustian
27 Special Counsel

28 Dated this 13 day of November, 2015

1 The Commissioners listed below accept the terms of this Stipulation and Order of
2 Consent to Public Reprimand between the Respondent and the Commission. They further
3 authorize the Chairman, if requested, to sign on behalf of the Commission, as a whole, this
4 document containing the Stipulation and Order of Consent to Public Reprimand of the
5 Respondent.
6

7
8 By: 
9 Gary Vause
Chairman

10 Dated this 12th day of February, 2016.

11 Karl Armstrong
12 Hon. Mark Denton
13 Bruce Hahn
14 Mary Lau
15 Mike McGinness
16 Hon. Jerome Polaha
17 Gary Vause
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1 CERTIFICATE OF MAILING

2 I hereby certify that on the 16th day of February, 2016, I served a copy of the
3 CERTIFIED COPY OF STIPULATION AND ORDER OF CONSENT TO PUBLIC
4 REPRIMAND, filed with the Nevada Supreme Court, by United States Mail, postage pre-paid,
5 addressed to the undersigned:
6

7
8 Kathleen M. Paustian, Esq.
9 Law Offices of Kathleen M. Paustian, Chartered
10 3205 Skipworth Drive
11 Las Vegas, NV 89107
12 Special Counsel

13 John L. Arrascada, Esq., SBN 4517
14 Arrascada & Arrascada, Ltd
15 145 Ryland Street
16 Reno, Nevada 89501
17 Counsel for Respondent

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NANCY L. SCHREIHANS
Commission Clerk