

FILED

JAN 21 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
CHIEF DEPUTY CLERK

**IN THE SUPREME COURT OF THE
STATE OF NEVADA**

In the Matter of)
)
THE HONORABLE KERRY EARLEY,)
Eighth Judicial District Court,)
Clark County, State of Nevada,)
)
Respondent.)

CASE NO. 82361

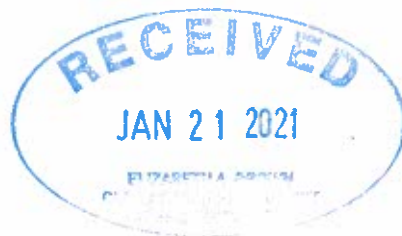
**CERTIFIED COPY OF STIPULATION AND ORDER OF
CONSENT TO PUBLIC ADMONISHMENT**

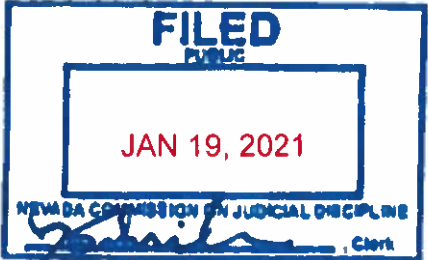
Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO PUBLIC ADMONISHMENT filed with the Nevada Commission on Judicial Discipline on January 19, 2021.

DATED this 19th day of January, 2021.

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

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





1 Brian Hutchins, Esq.
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3 BH Consulting, LLC
4 P.O. Box 2366
5 Carson City, NV 89702
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8 Prosecuting Officer for the Nevada
9 Commission on Judicial Discipline

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

9 In the Matter of)
10)
11 THE HONORABLE KERRY EARLEY,)
12 Eighth Judicial District Court,)
13 County of Clark, State of Nevada)
14 Respondent.)

CASE NO. 2019-040-P

14 **STIPULATION AND ORDER OF CONSENT TO PUBLIC ADMONISHMENT**

15 In order to resolve the judicial conduct complaint pending before the Nevada Commission on
16 Judicial Discipline (the "Commission"), the Respondent and the Commission stipulate to the following
17 pursuant to Commission Procedural Rule 29:

18 1. Respondent admits that she committed violations of the Revised Nevada Code of Judicial
19 Conduct (the "Code"), Judicial Canon 1, Rule 1.2 (failure to act at all times in a manner that avoids
20 impropriety and the appearance of impropriety) and Rule 2.8(B) (failure to be patient, dignified, and
21 courteous to court staff and court officials with whom the judge deals in an official capacity), or either
22 of these rules, in her capacity as a district court judge in and for the Eighth Judicial District Court, in
23 Clark County, State of Nevada, by knowingly or unknowingly engaging in an act, a combination of
24 acts, or all of the following acts, which occurred during the circumstances stated below:

26 A. In or about February or March of 2018, Respondent's judicial executive assistant (JEA)
27 posted flyers in the elevators of the Las Vegas Regional Justice Center announcing the
28

1 retirement party for Respondent's husband. The flyers were taken down by or at the
2 direction of the then-chief judge but were re-posted by Respondent's JEA. The JEA then
3 failed to read Respondent's electronic mail timely, as she had been assigned, which included
4 messages from the then-chief judge that the flyers were inappropriate or violated a judicial
5 ethics canon. After the JEA showed Respondent the electronic mail message five days later,
6 Respondent went to the chief judge's chambers and rudely raised her voice at the chief
7 judge. Respondent then had a discussion with the JEA during which Respondent blamed the
8 JEA and alluded to firing the JEA, all while acting in a manner unbecoming of a judicial
9 officer towards court staff and a court official with whom she deals in an official capacity.
10

11 B. In or about May or June of 2018, Respondent was informed that Respondent would be
12 moved to a different courtroom and assigned to all civil cases by the new chief judge.
13 Respondent was out of town when she left a message on the new chief judge's mobile
14 telephone. Respondent stated that she would not take all civil cases or move to a new
15 courtroom. Upon return, Respondent spoke with the new chief judge and was very upset
16 and rudely raised her voice at the chief judge and acted in a manner unbecoming of a
17 judicial officer towards a court official with whom she deals in an official capacity.
18

19 C. In or about June of 2018, Respondent's JEA opened a confidential letter from the Nevada
20 Commission on Judicial Discipline addressed to Respondent. Upon receiving the letter from
21 the JEA, Respondent was upset that the JEA had opened the letter and addressed the JEA in
22 a manner unbecoming of a judicial officer towards court staff with whom she deals in an
23 official capacity.
24

25 D. Over a period of a few years from about late 2015 until the middle of 2019, there have been
26 several incidents where Respondent inappropriately became upset at staff or other judges.
27 These included one or more of the following: 1) Respondent became upset and raised her
28 voice at her JEA during a meeting Respondent had regarding case management issues with

1 then Chief Judge Barker, Judge Gonzalez, and Respondent's JEA; 2) Respondent became
2 upset and raised her voice at her law clerk in front of her JEA during a conversation
3 Respondent had in chambers with her male law clerk following a hearing on a DUI
4 conviction; 3) Respondent would raise her voice at her male law clerk and get upset and
5 would make negative comments about prior staff on numerous days at work from about June
6 of 2015 until September of 2018; 4) Respondent was periodically heard by staff and other
7 judicial colleagues of neighboring chambers raising her voice and getting upset toward her
8 staff; 5) Respondent on numerous occasions became upset and rudely raised her voice at her
9 female law clerk from about December, 2017 to March of 2019, all while acting in a manner
10 unbecoming of a judicial officer toward court staff and court officials with whom she deals
11 in an official capacity.
12

13 2. Respondent admits to all the allegations brought against her in paragraphs (1)(A) through (D)
14 as set forth above.

15 3. Respondent agrees to waive her right to present her case and contest the allegations in the
16 information set forth above in a formal hearing pursuant to Commission Procedural Rule 18.
17 Respondent also agrees that this Stipulation and Order of Consent to Public Admonishment ("Order")
18 takes effect immediately pursuant to Commission Procedural Rule 29. The Commission accepts
19 Respondent's waiver of said right and acknowledges and agrees to the immediate effect of this Order.
20

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

23 5. Respondent and the Commission hereby stipulate to Respondent's consent to public
24 admonishment pursuant to Rule 29. Respondent stipulates to the following substantive provisions:

25 A. She agrees the evidence available to the Commission would establish by clear and
26 convincing proof that she violated the Code, including Canon 1, Rule 1.2, and Canon 2, Rule
27 2.8(B).
28

1 B. She agrees the discipline of public admonishment is authorized by Article 6, Section 21(1)
2 of the Nevada Constitution; NRS 1.4653; NRS 1.4677(1)(a); NRS 1.4694; and Commission
3 Procedural Rule 29.

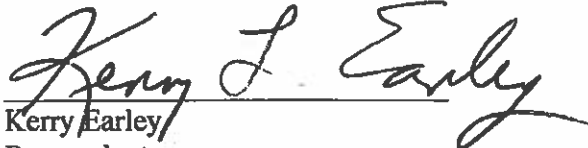
4 C. She stipulates to a public admonishment for violations of the Judicial Canons and Rules as
5 set forth above in paragraphs (1) (A) through (D).

6 6. The Respondent understands and agrees that, by accepting the terms of this Order, she
7 waives her right to appeal to the Nevada Supreme Court, pursuant to Rule 3D of the Nevada Rules of
8 Appellate Procedure.
9


10 **ORDER**

11 IT IS HEREBY ORDERED that Respondent is hereby publicly admonished for violating the
12 Code, Canon 1, Rule 1.2; and Canon 2, Rule 2.8(B).

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

16 
17 Kerry Earley
18 Respondent

19 Dated this 5th day of January, 2020.
20

21 
22 Brian Hutchins, Esq.
23 Prosecuting Officer for the Commission

24 Dated this 5th day of January, 2020.
25
26
27
28

1 NEVADA COMMISSION ON JUDICIAL DISCIPLINE:

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

7 **Signed by:**

Dated:

8 *Stefanie Humphrey*

January 19, 2021

9 STEFANIE, HUMPHREY, VICE-CHAIR

10 KARL ARMSTRONG

11 DONALD CHRISTENSEN

12 HON. THOMAS GREGORY

13 JOSEPH SANFORD

14 HON. THOMAS STOCKARD

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 21st day of January, 2021, I served a copy of the **STIPULATION AND ORDER OF**
4 **CONSENT TO PUBLIC ADMONISHMENT** by email and U.S Mail, postage paid, addressed to the
5 following:

6 Mr. Brian Hutchins
7 BH Consulting, LLC
8 P. O. Box 2366
9 Carson City, NV 89702
10 bhconsultingllc@sbcglobal.net

11 Mr. William B. Terry
12 William B. Terry, Chartered
13 Attorney at Law
14 530 South Seventh Street
15 Las Vegas, NV 89101-6011
16 Info@williamterrylaw.com

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Nancy Schreihans, Commission Clerk