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Special Counsel before the Nevada
Commission on Judicial Discipline

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

IN THE MATTER OF THE HONORABLE,
ERIKA BALLOU, District Court Judge,
Eighth Judicial District Court, Clark County,
State of Nevada,

Respondent.

Case No.: 2022-173-P

FORMAL STATEMENT OF CHARGES

FRANCIS C. FLAHERTY, Special Counsel before the Nevada Commission on Judicial
Discipline (“Commission”), hereby files this Formal Statement of Charges and informs the
Honorable ERIKA BALLOU, District Court Judge, Eighth Judicial District Court, Clark County,
State of Nevada (“Respondent” or “Judge Ballou”), that she violated the Revised Nevada Code
of Judicial Conduct (“the Code”) as alleged herein.

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JURISDICTION

The Commission has jurisdiction to discipline a justice of the supreme court, a judge of the court of appeals, a district judge, a justice of the peace or a municipal judge for violations of the Revised Nevada Code of Judicial Conduct. *See* Nev. Const. Art 6, § 21; NRS 1.425 *et seq.*; Canon 1, Rule 1.1 of the Revised Nevada Code of Judicial Conduct.

Respondent was sworn in as a district court judge on or about January 4, 2021, and continues to serve as a judicial officer in that capacity as of the date of this filing. Respondent committed all actions described herein while she was a sitting district court judge.

FACTUAL ALLEGATIONS

A. While attending a music festival on Sunday, September 19, 2021, Judge Ballou published an inappropriate statement about her judicial duties on social media. At 10:46 p.m., Judge Ballou posted on Instagram, “Life is STILL beautiful, despite the fact that Billie Eilish doesn’t START for 30 minutes and I have an 8:30 calendar tomorrow,” and included hashtags, “VacateTheShitOuttaOutofCustodyCases” and “WhereInTheWorldIsCarmenSanDiego.” *See* Exhibit “A” attached hereto.

B. In April of 2022, Judge Ballou published an inappropriate statement on social media. Judge Ballou posted a photograph on her Facebook page of herself in a hot tub with two public defenders, Shana Brouwers and Robson Hauser, with the caption, “Robson is surrounded by great tits.” *See* Exhibit “B” attached hereto.

COUNT ONE

By engaging in the conduct described in Paragraph A above, including voluntarily making a posting on Instagram of herself at a concert with the hashtag “#VacateTheShitOuttaOutOfCustodyCases,” Judge Ballou violated Canon 1, Rule 1.1 of the Code, requiring Respondent to comply with the law, including the Code, and the following Canons:

1 Canon 1, Rule 1.2 of the Code, which mandates that “[a] judge shall act at all times in a
2 manner that promotes public confidence in the independence, integrity, and impartiality of the
3 judiciary and shall avoid impropriety and the appearance of impropriety”; and/or

4 Canon 2, Rule 2.1 of the Code, which requires that “[t]he duties of judicial office, as
5 prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial
6 activities”; and/or

7 Canon 3, Rule 3.1(C) of the Code, which provides that “when engaging in extrajudicial
8 activities, a judge shall not: (C) participate in activities that would appear to a reasonable person
9 to undermine the judge’s independence, integrity, or impartiality.”

10
11 **COUNT TWO**

12 By engaging in the conduct described in Paragraph B above, including voluntarily
13 posting the photograph of herself in a hot tub with two members of the public defender’s office
14 and making the comment, “Robson is surrounded by great tits,” Judge Ballou violated Canon 1,
15 Rule 1.1 of the Code, requiring Respondent to comply with the law, including the Code, and the
16 following Canons:

17 Canon 1, Rule 1.2 of the Code, which mandates that “[a] judge shall act at all times in a
18 manner that promotes public confidence in the independence, integrity, and impartiality of the
19 judiciary and shall avoid impropriety and the appearance of impropriety”; and/or

20 Canon 2, Rule 2.4(C) of the Code, which requires that “[a] judge shall not convey or
21 permit others to convey the impression that any person or organization is in a position to
22 influence the judge”; and/or

23 Canon 3, Rule 3.1(C) of the Code, which provides that “when engaging in extrajudicial
24 activities, a judge shall not: (C) participate in activities that would appear to a reasonable person
25 to undermine the judge’s independence, integrity, or impartiality.”

1 Respondent's actions constitute either a violation of the Code that was knowing and
2 deliberate or a violation that was not knowing or deliberate. Both types of violations are contrary
3 to the form, force and effect of the Revised Nevada Code of Judicial Conduct.

4
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6 RESPECTFULLY SUBMITTED this 24th day of January, 2024.

7 DYER LAWRENCE, LLP

8
9 By: 

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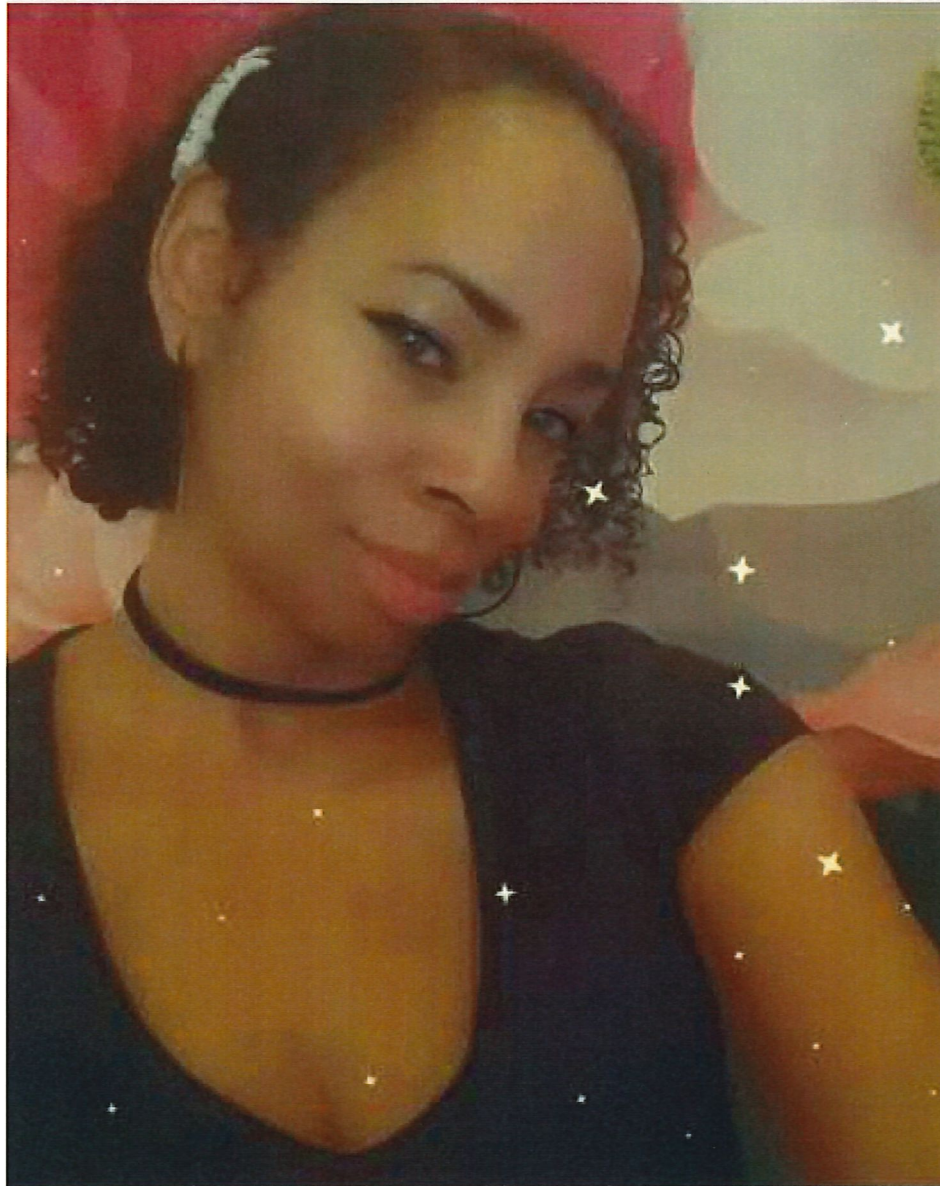
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Special Counsel before the Nevada
Commission on Judicial Discipline

EXHIBIT A



edb817

Life is Beautiful Festival



edb817 Life is STILL beautiful, despite the fact that Billie Eilish doesn't START for 30 minutes and I have an 8:30 calendar tomorrow. #LifelsBeautiful #VacateTheShitOuttaOutOfCustodyCases #WhereInTheWorldIsCarmenSanDiego

EXHIBIT B



Erika Badu is with Shana Selene and Robson Hauser. ... X

8h · 👥

Robson is surrounded by great tits



👍😂❤️ Stephanie Filotimo and 9 others

1 Comment

👍 Like

💬 Comment

📧 Send

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STATE OF NEVADA)
) ss
CARSON CITY)

FRANCIS C. FLAHERTY, being first duly sworn under oath, according to Nevada law, and under penalty of perjury, hereby states:

1. I am an attorney licensed to practice law in the State of Nevada. I have been retained by the Nevada Commission on Judicial Discipline to serve in the capacity of Special Counsel in the matter of the Honorable Erika Ballou, Case No. 2022-173-P.

2. I have prepared and reviewed this Formal Statement of Charges against the Honorable Erika Ballou, and, pursuant to the investigation conducted in this matter, and based on the contents of that investigation and following reasonable inquiry, I am informed and believe that the contents of this Formal Statement of Charges are true and accurate.

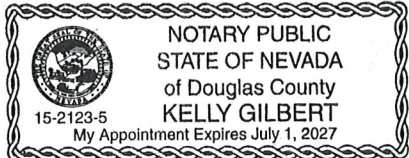
DATED: *January 24, 2024.*

By: *[Signature]*
Francis C. Flaherty, Esq.

State of Nevada
Carson City

Subscribed and sworn before me, a Notary Public
this *24th* day of *January*, 20*24*

By: *Kerry Gilbert*
NOTARY PUBLIC



CERTIFICATE OF SERVICE

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, and sent via email on this 27th day of January, 2021 addressed to:

Thomas Pitaro, Esq.
601 S. Las Vegas Blvd.
Las Vegas, NV 89101

pitaro@gmail.com

By: Kerry Gilbert
Employee of Dyer Lawrence, LLP

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