



BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
STATE OF NEVADA

In the Matter of)
THE HONORABLE MICHELE FIORE,)
Justice of the Peace, Pahrump Township Justice) CASE NO. 2025-108-P
Court, Nye County, State of Nevada,)
Respondent.)

**ORDER GRANTING SPECIAL COUNSEL’S MOTION IN LIMINE TO EXCLUDE
TESTIMONY AND STATEMENT OF EXPERT WITNESS (KEITH R. FISHER) AND
DENYING RESPONDENT’S MOTION FOR EXPERT WITNESS (KEITH R.
FISHER) TO TESTIFY REMOTELY.**

Currently before the Commission on Judicial Discipline (“Commission”) are multiple motions regarding expert testimony. On September 16, 2026, the Honorable Michele Fiore, Justice of the Peace for Nye County, Nevada (“Respondent”) filed *The Honorable Judge Michele Fiore’s Motion for Expert Keith Fisher to Testify Remotely* (“Motion to Testify Remotely”). On September 28, 2026, Special Counsel filed an *Opposition to Respondent’s Motion for Expert Keith Fisher to Testify Remotely* (“Opposition”). On September 29, 2026, Respondent filed *The Honorable Judge Michele Fiore’s Reply in Support of Motion for Expert Keith Fisher to Testify Remotely* (“Reply”).

On September 23, 2026, Special Counsel filed a *Motion in Limine to Exclude Testimony of Keith R. Fisher and Expert Statement of Keith R. Fisher* (“Motion in Limine”). On September 28, 2026, Respondent filed *The Honorable Judge Michele Fiore’s Opposition to the Commission’s Motion in Limine to Exclude Testimony of Keith R. Fisher and Expert Statement of Keith R. Fisher*¹ (“Opposition

¹ It should be noted for clarification, the Motion in Limine was filed by Special Counsel, not the Commission. The Commission is not a party to this proceeding.

1 to Motion in Limine”). On October 5, 2026, Special Counsel filed a *Reply to Respondent’s Opposition*
2 *to Motion in Limine to Exclude Testimony of Keith R. Fisher and Expert Statement of Keith R. Fisher*
3 (“Reply to Opposition to Motion in Limine”).

4 DISCUSSION

5 Special Counsel’s Motion in Limine argues Mr. Fisher’s proposed testimony is not relevant to
6 the matters before the Commission. Specifically, Special Counsel states Mr. Fisher’s proposed
7 testimony relates to “jurisdictional defects in the charges, the legal insufficiency of the charges and the
8 potential procedural defaults by the Commission”. See Motion in Limine, pg. 2.

10 NRS 48.025(2) provides, “[e]vidence which is not relevant is not admissible.” NRS 48.035(1)
11 provides, “[a]lthough relevant, evidence is not admissible if its probative value is substantially
12 outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury.”
13 NRS 50.275 provides, “[i]f scientific, technical or other specialized knowledge will assist the trier of
14 fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by
15 special knowledge, skill, experience, training or education may testify to matters within the scope of
16 such knowledge.” Moreover, to be admissible, evidence must be relevant, that is, it must have some
17 “tendency to make the existence of any fact that is of consequence to the determination of the action
18 more or less probable than it would be without the evidence.” NRS 48.015. The determination of
19 whether to admit expert testimony is within the Commission’s discretion. *In re Assad*, 124 Nev. 391
20 (2008).

22 “To testify as an expert witness under NRS 50.275, the witness must satisfy the following three
23 requirements: (1) he or she must be qualified in an area of ‘scientific, technical or other specialized
24 knowledge’ (the qualification requirement); (2) his or her specialized knowledge must ‘assist the trier
25 of fact to understand the evidence or to determine a fact in issue’ (the assistance requirement); and (3)
26 his or her testimony must be limited ‘to matters within the scope of [his or her specialized] knowledge’
27 (the limited scope requirement).” *Hallmark v. Eldridge*, 124 Nev. 492, 498 (2008).

1 In this matter, the second *Hallmark* requirement fails. “An expert's testimony will assist the
2 trier of fact only when it is relevant and the product of reliable methodology.” *Id.* “The goal of expert
3 testimony is to provide the trier of fact a resource for ascertaining truth in relevant areas outside the ken
4 of ordinary laity.” *In re Mosely*, 120 Nev. 908, 921 (2004). The Commission has the discretion to
5 determine whether its members require the assistance of an expert to determine whether a judge has
6 violated the canons.

7 Judicial conduct organizations often have the difficult job of determining ethical issues
8 of first impression in their states, or perhaps, nationally. That important job should not
9 be delegated to an expert witness in a proceeding. No legal scholar or judge familiar
10 with the customs of a judicial community possesses unique knowledge of ethical
11 standards that is more reliable than the independent decision-making of the members of
12 the judicial conduct organization. By relying on their own expertise as representatives of
the public and legal community, rather than the opinions of experts, a judicial conduct
commission fulfills its official public responsibility to formulate the appropriate ethical
standards for their states.

13 *Id.* at pg. 921-922 (*quoting* Marla N. Greenstein & Steven Scheckman, *The Judicial Ethics Expert*
14 *Witness*, Jud. Conduct Rep., Winter 2001, p.1).

15 According to Keith Fisher’s statement, attached as Exhibit 1 to Respondent’s Motion to Testify
16 Remotely, Mr. Fisher indicates, “I have been engaged by counsel for Respondent, Hon. Michele Fiore
17 ... to provide expert testimony relating to *judicial ethics* and *related legal issues* in connection with the
18 Formal Statement of Charges filed by the Nevada Commission on Judicial Discipline.” *See* Exhibit 1,
19 pg. 1 (Emphasis added). Mr. Fisher further states, “I have no personal knowledge with respect to any
20 of the factual issues in this case.” *Id.* at pg. 4. In his statement, Mr. Fisher offers his opinion regarding
21 alleged jurisdictional defects in the Formal Statement of Charges (“FSOC”), alleged insufficiency of
22 the FSOC and alleged potential procedural defaults by the Commission. In his conclusion, Mr. Fisher
23 opines the FSOC should be dismissed. *Id.* at pg. 31.

24 As noted above, if specialized knowledge will assist the trier of fact *to understand the evidence*
25 *or to determine a fact in issue*, a qualified witness may testify to matters within the scope of such
26 knowledge. In Counts I and II, the Amended FSOC alleges Respondent violated Canon 1, Rule 1.1 and
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1 Canon 1, Rule 1.2 by failing to notify the donors that the specific purpose of their donations was
2 abrogated, by failing to request instructions regarding alternative use of the donations and/or by failing
3 to return the donations. In Count III, the Amended FSOC alleges Respondent violated Canon 1, Rule
4 1.2 by being found guilty by a jury after she was sworn in as a judicial officer. Mr. Fisher's proposed
5 testimony relates to alleged jurisdictional defects, legal sufficiency of the charges and "potential
6 procedural defects." Simply put, an opinion on these legal matters does not assist the Commission in
7 determining whether, factually, the Respondent committed the acts as alleged in the Amended FSOC.

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9 Furthermore, to be relevant, the evidence or opinion of an expert must have some tendency to
10 make the existence of any fact that is of consequence more or less probable than it would be without the
11 evidence. *Supra*. Again, an opinion on alleged jurisdictional defects, legal sufficiency of the charges
12 and "potential procedural defects" does not have a tendency to prove or disprove whether the
13 Respondent committed the acts alleged in the Amended FSOC.

14 As Mr. Fisher's statement states he has no personal knowledge with respect to any of the factual
15 issues in this case, the Commission finds his proposed expert testimony is not relevant to the factual
16 issues before the Commission. Based on what has been provided, the Commission is unable to
17 determine that any testimony from Mr. Fisher is relevant to the proceeding.

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19 Accordingly, Special Counsel's Motion in Limine to exclude the testimony of Keith R. Fisher is
20 GRANTED, Special Counsel's Motion in Limine to exclude the expert statement of Keith R. Fisher is
21 GRANTED, and Respondent's Motion to Testify Remotely is DENIED as MOOT.

22 IT IS SO ORDERED.²

23 DATED this 9th day of October, 2026.

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25 STATE OF NEVADA
26 COMMISSION ON JUDICIAL DISCIPLINE

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28 Kendra Bertschy, Presiding Judge

² The Honorable Kendra Bertschy is authorized to sign this Order on behalf of the full Commission.

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CERTIFICATE OF SERVICE

I hereby certify on this 9th day of October, 2026, I transmitted a copy of the foregoing ORDER GRANTING SPECIAL COUNSEL’S MOTION IN LIMINE TO EXCLUDE TESTIMONY AND STATEMENT OF EXPERT WITNESS (KEITH R. FISHER) AND DENYING RESPONDENT’S MOTION FOR EXPERT WITNESS (KEITH R. FISHER) TO TESTIFY REMOTELY via email addressed to:

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