

# **Procedural Rules of the Nevada Commission on Judicial Discipline**

## **I. GENERAL PROVISIONS**

**Rule 1. Scope and Citation of Procedural Rules.** The Nevada Commission on Judicial Discipline adopts these rules for conducting its proceedings and hearings and carrying out its duties pursuant to Section 21(7) of Article 6 of the Constitution of the State of Nevada. These rules may be referred to as the Procedural Rules of the Nevada Commission on Judicial Discipline and cited as “PRJDC”.

**Rule 2. Definitions.** In these rules, unless the context requires otherwise:

2.1 “Alternate” means any judge designated by the Nevada Supreme Court to act in place of a specific judicial Commission member, any lawyer designated by the Board of Governors of the State Bar of Nevada to act in place of a specific lawyer Commission member and any lay person designated by the Governor to act in place of a specific lay Commission member.

2.2 “Commission” means the Nevada Commission on Judicial Discipline.

2.3 “Executive director” means any person who serves as the Commission’s executive director.

2.4 “Commission counsel” means any person who serves as the Commission’s legal advisor.

2.5 “Formal statement of charges” means a document filed by the designated special counsel setting forth the specific acts of judicial misconduct or incapacity pursuant to NRS 1.4267.

2.6 "Judicial misconduct" means commission of any act which is grounds for discipline pursuant to NRS 1.4653.

2.7 "Member" includes all judicial, lawyer and lay Commission members, including alternates, who have been seated in any specific meeting, case, or proceeding.

2.8 "Special counsel" means an attorney designated by the Commission to file and prosecute a formal statement of charges, or perform other tasks as directed by the Commission pursuant to NRS 1.4663.

2.9 "Judge" shall have the meaning set forth in NRS 1.428. The Commission will refer to a judge who is the subject of disciplinary or removal proceedings as the respondent, or other appropriate designation, in public filings, decisions, and orders.

2.10 "Reasonable probability" means the Commission's finding that there is a reasonable probability the evidence available for introduction at a formal hearing could clearly and convincingly establish grounds for disciplinary action against the judge named in the complaint.

2.11 "Service" and "notice" mean service and notice as provided in these rules or, if silent, the Nevada Rules of Civil Procedure ("NRCP") unless the application of a particular rule is clearly impracticable, inappropriate, or inconsistent with the functions of the Commission. "Serve" and "notify" have corresponding meanings.

2.12 "Shall" is mandatory and "may" is permissive.

### **Rule 3. Structure; Meetings; Formal Hearings.**

3.1 A judge shall not participate as a Commission member in any proceeding involving a charge against the judge.

3.2 An alternate will replace a Commission member who cannot serve by reason

of disqualification, resignation, inability to attend or any other reason and will act and vote in the place of the absent member.

3.3 The Commission chairperson or three or more members may convene the Commission and hold meetings with at least three days' notice unless all members agree to less notice.

3.4 Quorum

A. Normal Commission Business. A quorum for conducting normal Commission business other than public hearings and decisions of formal disciplinary proceedings is four members. The action of a majority of Commission members present shall be the action of the Commission.

B. Public Hearings and Decisions of Formal Disciplinary Proceedings. Public hearings and decisions of formal disciplinary proceedings shall proceed with a quorum of seven Commission members unless a Commission member and its alternate have been disqualified pursuant to PRJDC 38.4, or are unavailable to participate, and there are no other available alternate Commission members. The minimum quorum permitted shall be no less than five Commission members. The action of four or more members present is the action of the Commission, except that no judge shall be censured, temporarily suspended under PRJDC 9, removed or retired from office or punished for contempt, unless five or more Commission members concur.

5. The Commission may transact business either at in-person meetings or by telephone, videoconference, or email of all members appointed, the majority concurring, but if any member objects to transacting business by email, the matter must be deferred until the next in-person, telephonic or videoconference meeting.

6. No member may vote by substitution or proxy.

## **II. PRIVILEGED COMMUNICATIONS**

**Rule 4. Privileged Communications.** The following are privileged communications pursuant to NRS 1.4695 and shall not be divulged to any person or court.

4.1 All oral and written communications between Commission counsel, the executive director, Commission staff and Commission members.

4.2 The Commission's deliberations, including all meeting minutes.

4.3 All oral and written communications between Commission counsel and Commission investigators.

4.4 All oral and written communications between Commission investigators and special counsel made prior to the filing of formal (or amended) statement of charges.

4.5 All oral and written communications between Commission counsel and special counsel made prior to the filing of formal (or amended) statement of charges, or communications involving settlement discussions either prior to or after the filing of formal statement of charges.

4.6 Nothing in these rules shall authorize the discovery or disclosure of any writing or thing that is privileged or confidential nor shall these rules be construed to otherwise limit the attorney-client or work product privileges of the Commission or its counsel.

**Rule 5. Violations of the Revised Nevada Code of Judicial Conduct.** The Commission's judicial members are subject to disciplinary proceedings before the Commission for violations of the Revised Nevada Code of Judicial Conduct and are subject to removal from the Commission upon order of the Nevada Supreme Court.

**Rule 6. Formal Charges.** Upon the special counsel's filing of the formal statement of charges against a judge, the Commission will make the formal statement of charges, and other documents later formally filed with the Commission, accessible to the public upon request and will hold public hearings. Subject to the Commission website's technical, functional and storage capabilities as administered by the Department of Administration, the Commission shall post the formal statement of charges and other documents later formally filed with the Commission, including any Nevada Supreme Court pleadings and decisions in connection with the proceeding, within forty-eight hours of filing or publication. The Commission's deliberative sessions and meeting minutes must remain confidential and will not be disclosed. Formal charges against a judge do not justify the Commission, its counsel or staff to make public any correspondence, notes, work papers, interview reports, or other evidentiary matter, except at a public hearing or with the judge's express consent.

**Rule 7.** [Reserved]

### **III. JURISDICTION AND GROUNDS FOR SUSPENSION**

**Rule 8. Jurisdiction.**

8.1 The Commission's personal jurisdiction extends to all judges pursuant to NRS 1.428, including senior or part-time judges, and anyone who is a judicial officer and performs or formerly performed judicial functions, including, but not limited to, magistrates, court commissioners, special masters or referees.

8.2 The Commission's subject matter jurisdiction extends to the fullest amount authorized by the constitution and statutes of the State of Nevada.

## **Rule 9. Suspension.**

9.1 The Commission may suspend a judge from judicial office in accordance with NRS 1.4675 and NRS 1.4677(1).

9.2 The Commission shall provide the judge seven days' notice of its intention to suspend following a public hearing. The judge may respond in writing to the Commission prior to the public hearing or at the public hearing either personally or through counsel.

9.3 The Commission shall hold a public hearing before ordering such a suspension unless the judge waives the hearing.

9.4 A judge suspended under these rules may appeal to the Nevada Supreme Court.

9.5 If the Commission decides to suspend a judge, the Commission shall promptly file a certified copy of an order of suspension with the Nevada Supreme Court.

9.6 Within sixty days after the Commission's decision to suspend a judge pursuant to NRS 1.4675 and these rules, the Commission shall:

- A. Have a formal statement of charges filed against the judge;
- B. Enter into a deferred discipline agreement with the judge pursuant to NRS 1.468; or
- C. Rescind the suspension. If the suspension was mandatory pursuant to NRS 1.4675(1)(a), and the circumstances mandating suspension still exist after sixty days, the Commission must reinstate the suspension immediately without a public hearing.

#### **IV. PROCEDURE IN CASES OF JUDICIAL MISCONDUCT PRIOR TO FINDING OF REASONABLE PROBABILITY**

##### **Rule 10. Initiation of Procedure.**

10.1 Complaints by Public. Complaints may be made by anyone and in accordance with these rules.

10.2 Complaints by Executive Director. The executive director may initiate a complaint when directed by the Commission if:

A. The Commission receives information in any form or from any source that alleges objectively verifiable evidence from which a reasonable inference can be drawn that a judge committed judicial misconduct or is incapacitated; or

B. The Commission has reason to believe a complainant may suffer untoward risk of embarrassment, harassment, or other detrimental consequences.

10.3 Form of Complaint. Except as provided by PRJDC 10.2, complaints must be in writing, sworn to under oath or affirmation under penalty of perjury, filed on the Commission's form located on its website, bear the complainant's original signature and sent via U.S. mail. Complaints filed by the executive director at the Commission's direction must be made in writing and sworn to under information and belief.

10.4 Contents of Complaint. Complaints must allege specific facts which, if true, establish grounds for discipline or incapacitation as set forth in NRS 1.4653.

A. For the purposes of this rule, "specific facts" mean, but are not limited to, the date, time and location of the alleged judicial misconduct or incapacity and a clear and concise statement of the facts or circumstances surrounding the alleged judicial

misconduct or incapacitation.

B. For the purposes of this rule, “specific facts” do not mean bare allegations or conclusions that a judge committed judicial misconduct or is incapacitated.

10.5 Administrative Dismissal of Complaints. Commission staff may dismiss a complaint administratively if:

A. The Commission does not have jurisdiction over the individual named in the complaint;

B. The Commission does not have jurisdiction over the alleged act(s) of judicial misconduct or incapacitation; or

C. The complaint does not comply with the law or conform to PRJDC 10.3 and 10.4, including the Commission’s complaint form located on its website.

The Commission must review and decide whether to ratify all administratively dismissed complaints at a meeting.

10.6 Initial Review of Complaint by Commission. The Commission must review all complaints to determine whether they allege objectively verifiable evidence from which a reasonable inference could be drawn that a judge committed judicial misconduct or is incapacitated.

A. If the Commission determines a complaint does contain such allegations, the Commission shall authorize further investigation.

B. If the Commission determines a complaint does not contain such allegations, the Commission shall dismiss the complaint with or without a letter of caution.

**Rule 11. Investigation.**

11.1 Commission staff may perform preliminary investigation to aid the



Commission in reviewing a complaint.

11.2 A full investigation shall not commence without Commission authorization.

11.3 After the Commission authorizes an investigation, the executive director shall hire an investigator or investigators as necessary and direct the investigation to carry out the Commission's duties.

11.4 Investigations may encompass any matters either raised in the complaint or disclosed during the investigative process; however, when matters wholly unrelated to the complaint are uncovered, they shall not be investigated without Commission approval.

11.5 Prior to scheduling an investigative interview with a judge, the Commission investigator shall provide a judge a brief description of the issues being investigated and relevant case numbers.

11.6 The Commission investigator may compel by subpoena the attendance of witnesses and the production of documents, books, accounts and other records for purposes of investigation. The Commission clerk shall prepare subpoenas based on the Commission investigator's written request and information. All subpoenas must be issued by the Commission's executive director. The Commission investigator shall file proofs of service with the Commission with a statement certified by the server showing the date and manner of service and the names of the persons served.

## **Rule 12. Determination to Require Judge to Respond to Complaint.**

12.1 The Commission shall review all investigation reports to determine whether there is sufficient reason to require the judge to respond to a complaint. If there is insufficient reason to proceed, the Commission may dismiss a complaint with or without a letter of caution.

12.2 If the Commission determines there is a reasonable probability the evidence available for introduction at a formal hearing could clearly and convincingly establish grounds for disciplinary action, it shall require the judge named in the complaint to respond.

12.3 The Commission shall serve the complaint on the judge via certified mail, overnight third-party commercial carrier or any other method authorized by PRJDC 38.1(B), with thirty days to respond. The judge's failure to respond shall constitute an admission that the facts alleged in the complaint are true and establish grounds for discipline pursuant to NRS 1.4653.

12.4 In responding to a determination of reasonable probability, the judge has the right to inspect the Commission's records relating to the disciplinary action against the judge and to be fully notified as to the contents of such records. Privileged communications and work product of the Commission's executive director and Commission counsel are not subject to inspection. To the extent practicable, the judge shall be supplied with all records of the Commission subject to inspection along with service of the complaint.

12.5 The Commission may allow amendments to the allegations in the complaint prior to a finding of reasonable probability and shall give the judge notice of any amendments and additional time to respond to the complaint.

### **Rule 13. Finding of Reasonable Probability Following Judge's Response**

13.1 Based on the complaint, the investigation reports and the judge's documents and memoranda in response, the Commission shall make a finding of whether there is reasonable probability for disciplinary action against the judge named in the complaint.

13.2 If the Commission makes a finding that such a reasonable probability does not exist, the Commission shall dismiss the complaint with or without a letter of caution.

13.3 Pursuant to NRS 1.467(5), a finding of reasonable probability authorizes the Commission to designate a special counsel to file a formal statement of charges against the judge.

## **V. PROCEDURE AFTER FINDING OF REASONABLE PROBABILITY**

**Rule 14. Filing of Formal Statement of Charges.** The formal statement of charges and subsequent pleadings, motions, challenges, and supporting affidavits are public documents. The special counsel must file the formal statement of charges under oath with the Commission clerk.

**Rule 15. Content of Formal Statement of Charges.** The formal statement of charges must reference the relevant provisions of the Nevada Revised Statutes, the Revised Nevada Code of Judicial Conduct and the Nevada Constitution and provide a clear statement of all acts and omissions which are alleged to warrant action by the Commission.

**Rule 16. Service of Formal Statement of Charges.** The judge shall be served with a copy of the formal statement of charges.

**Rule 17. Answer.** Within twenty days after service of the formal statement of charges, the judge shall file an answer with the Commission setting forth in clear and concise language all denials, affirmative defenses and mitigating factors upon which the judge intends to rely at the public hearing. The executive director may for good cause extend the time for the judge's answer up to thirty additional days. The judge's failure to answer the formal statement of charges shall constitute an admission that the facts alleged in the formal statement of charges are true and establish grounds for discipline pursuant to NRS 1.4653.

### **Rule 18. Formal Hearing.**

18.1 If practicable, a public hearing must be held within sixty days after (a) the

judge files an answer, or (b) the date on which the time period for filing an answer expires if the judge did not file an answer or request an extension of time. The Commission must notify the judge and counsel of the time and place of the hearing and consult with the parties to accommodate, where possible, their schedules and those of potential witnesses. The proper location for judicial hearings and proceedings shall be in Reno or Las Vegas, whichever is closest for the judge.

18.2 The judge's failure to appear at the hearing shall constitute an admission that the facts alleged in the formal statement of charges are true and establish grounds for discipline pursuant to NRS 1.4653. Absent good cause, the Commission shall not continue or delay proceedings because of the judge's or counsel's failure to appear.

**Rule 19. Discovery.**

19.1 A. Within ten days after service of the Commission's prehearing order, the special counsel and the judge shall exchange the following material and information within their possession or control to the extent not previously provided:

(i) The names and addresses of persons who have knowledge of facts relating to the complaint against the judge;

(ii) Any written or recorded statements made by these persons and the substance of any oral statements claimed to have been made by the judge;

(iii) Any reports or statements of experts, made in connection with the case, including results of physical or mental examinations; and

(iv) Any books, papers, documents, photographs or tangible objects pertaining to the case.

B. Additional discovery requests shall only be permitted with leave of the

Commission.

19.2 The special counsel's and the judge's obligations under this rule extend to material and information in the possession or control of any persons who, on behalf of the Commission or the judge, have participated in any investigation of the charges.

19.3 If the special counsel or judge discovers additional material or information which is subject to disclosure after the close of discovery, the additional material or information must be promptly disclosed.

19.4 Work product of counsel is not subject to discovery.

**Rule 20. Subpoenas.** Both the judge and special counsel may compel by subpoena the hearing attendance of witnesses, including the judge, and the production of documents, books, accounts and other records. The Commission clerk shall prepare subpoenas based on the judge's and the special counsel's written requests and information. All subpoenas must be issued by the Commission's executive director. The judge and special counsel shall file proofs of service with the Commission with a statement certified by the server showing the date and manner of service and the names of the persons served.

**Rule 21. Witnesses.** Witnesses are entitled to appear with counsel, who may represent and advise them on matters affecting their rights. Upon a showing of good cause, the Commission may allow witnesses to testify remotely.

**Rule 22. Public Hearing.** The Commission shall hold all formal hearings in public and report the hearings verbatim. All testimony must be under oath.

**Rule 23. Presiding Officer.** The Commission chairperson shall designate a Commission member who is either a judge or a lawyer to preside at the hearing.

**Rule 24. Rules of Evidence and Due Process.** The rules of evidence applicable to civil

proceedings apply at the hearing, and the judge shall be accorded due process of law.

**Rule 25. Burden of Proof.** Special counsel has the burden of proving by clear and convincing evidence the facts justifying discipline in conformity with the formal statement of charges.

**Rule 26. Cross-Examination, Evidence, and Time Restrictions.** The special counsel and the judge shall request an amount of time to present their respective cases. Subject to the rules of evidence applicable to civil proceedings, the special counsel and the judge: (i) are each entitled to present evidence and produce and cross-examine witnesses, and (ii) shall be allotted a reasonable amount of time.

**Rule 27. Order of Dismissal.** If the Commission determines that the charges against the judge have not been proven by clear and convincing evidence, or that discipline is not warranted in light of mitigating facts, it shall file an order publicly dismissing the charges against the judge with the Nevada Supreme Court and publish the order on the Commission's website within forty-eight hours of filing. Any sitting Commission member who does not agree with the dismissal order must be allowed ten days to prepare and sign a concurring or dissenting opinion. All orders and opinions shall be concurrently filed.

**Rule 28. Decision to Discipline.**

28.1 Within sixty days after the hearing on the formal statement of charges, the Commission shall prepare a written findings of fact, and conclusions of law. Before filing the decision, any sitting Commission member who wishes to prepare and sign a concurring or dissenting opinion must be allowed ten days for that purpose. The Commission's orders and opinions shall be concurrently filed and served on the judge.

28.2 Upon filing a decision ordering a judge's censure, removal, retirement or other

discipline, the Commission must file a certified copy of the decision with the Nevada Supreme Court clerk.

**Rule 28A. Revocation of Probation.** If a judge is on probation and is accused of violating the terms and condition of probation, the following rules apply:

28A.1 Initial Procedure. The Commission shall review all complaints alleging violations of the terms of a previously imposed probation to determine if there is a reasonable probability the evidence could prove the judge violated the terms and conditions of the probation. The Commission may, in its discretion and prior to making a determination of reasonable probability, authorize an investigation pursuant to PRJDC 11.

28A.2 Finding of Reasonable Probability. If the Commission makes a finding of reasonable probability, the Commission shall designate a special counsel who must sign under oath and file with the Commission a motion to revoke probation.

28A.3 Form and Content of Motion. The form and content of the motion shall be the same as prescribed in PRJDC 15 and must be served on the judge in the manner prescribed in PRJDC 38.1(B).

28A.4 Opposition. Respondent may file an opposition to the motion. The judge's opposition is due no later than ten days after receipt of service of the motion.

28A.5 Hearing. Upon receipt of the motion and proof of service, the Commission shall schedule a fast-track evidentiary hearing, if practicable, within thirty days unless waived by both the Commission and the judge. The Commission must notify the judge and counsel of the time and place of the hearing and consult the parties to accommodate, where possible, their schedules and those of potential witnesses. The

proper location for the hearing shall be the location closest for the judge in Reno or Las Vegas, Nevada.

28A.6 Failure to Appear. If the judge or counsel should fail to appear at the hearing, the judge shall be deemed to have admitted the factual allegations contained in the motion and shall be deemed to have conceded the merits of the motion. Absent good cause, the Commission shall not continue or delay proceedings due to the judge's or counsel's failure to appear.

28A.7 Burden of Proof and Due Process. Special counsel has the burden of proving, by a preponderance of the evidence, the facts justifying revoking the judge's probation. The judge shall otherwise have all rights and due process protections as set forth in these rules.

28A.8 Decision. Following a public hearing, the Commission may revoke the judge's probation and impose the discipline previously ordered, revoke and reinstate the judge's probation, or deny the motion.

A. Within thirty days after reaching a decision, the Commission shall prepare and adopt a written statement of the nature of the proceedings, findings of fact, and conclusions of law on the issues presented by the motion. The Commission may include in its decision a summary of evidence admitted. Any sitting Commission member who wishes to prepare and sign a concurring or dissenting opinion shall be allowed ten days for that purpose. The Commission's decisions and opinions shall be concurrently filed and served on the judge.

B. Upon adoption and filing of a Commission decision, the Commission must file a certified copy of the decision with the clerk of the Nevada Supreme



Court.

**Rule 29. Consent Orders.**

29.1 Upon the judge's written consent, the Commission may order the judge's censure, removal, retirement, or impose other discipline at any stage of the proceedings, either prior to or following a reasonable probability determination and the filing of a formal statement of charges, to take effect immediately.

29.2 Any sitting Commission member who does not agree with the consent order must be allowed ten days to prepare and sign a concurring or dissenting opinion. All orders and opinions shall be concurrently filed.

29.3 A certified copy of the consent order must be filed with the Nevada Supreme Court clerk and a copy served on the judge and published on the Commission's website within forty-eight hours of filing.

**VI. MENTAL OR PHYSICAL DISABILITY**

**Rule 30. Disability.** Complaints of incapacity due to mental or physical disability must be made pursuant to PRJDC 10.1-10.5. Such a complaint must contain facts, which, if true, justify retirement of a judge who is incapacitated pursuant to the Nevada Revised Statutes.

**Rule 31. Procedure for Carrying Out Responsibilities Regarding Physical or Mental Disability.**

31.1 The Commission will follow the same procedures for incapacity allegations as it employs for judicial misconduct. All conduct or omissions relied upon must be alleged with particularity, and must show a substantial disability which is likely to be permanent.

31.2 If a complaint alleges that a judge is incapacitated and the Commission

conducts an investigation and determines there is reasonable probability to file a formal statement of charges, the Commission shall first attempt to resolve the matter informally.

31.3 The Commission may request the judge to submit to medical, psychiatric, or psychological testing by a physician selected by the Commission who is licensed to practice medicine in the State of Nevada.

31.4 If the Commission is unable to resolve the matter informally, and the judge does not retain counsel at the judge's own expense, the Commission shall appoint an attorney to represent the judge at public expense.

31.5 A judge's denial of all or part of the complaint alleging incapacity shall constitute the judge's consent to submit to medical, psychiatric, or psychological testing by a physician selected by the Commission who is licensed to practice medicine in the State of Nevada.

31.6 The doctor-patient relationship shall not apply with regards to the findings of a physician designated by the Commission. The physician must provide a report to the Commission and the judge. The findings of a physician appointed by the Commission are not privileged communications.

31.7 The judge is entitled to have counsel and a medical expert of the judge's choice present during all phases of any examination ordered by the Commission unless the Commission excludes them after holding a hearing and finding they interfered with the orderly conduct of the examination.

31.8 A judge who retires during the pendency of an involuntary retirement proceeding shall be deemed to have retired voluntarily.

**Rule 32. Effect of Denial.** A judge's denial of all or part of the formal statement of charges alleging incapacity due to the judge's physical or mental condition shall constitute the judge's consent to submit to medical, psychiatric or psychological examination by a physician selected by the judge who is licensed to practice medicine in the State of Nevada.

## **VII. REFERRAL; APPEAL**

**Rule 33. Referral.** The Commission shall refer relevant information and evidence to the State Bar of Nevada when it removes or retires a judge on grounds reflecting unfavorably on the judge's fitness to practice law in Nevada.

### **Rule 34. Appeal.**

34.1 A judge may appeal an order of censure, removal, retirement, or other discipline to the Nevada Supreme Court in accordance with rules adopted by the Nevada Supreme Court.

34.2 A judge must file a notice of appeal with the Commission clerk within thirty days after service of the Commission's formal order of censure, removal, retirement, public reprimand or other discipline and findings of fact and conclusions of law. Upon the filing of the notice of appeal, the Commission clerk shall immediately transmit to the Nevada Supreme Court clerk two file-stamped copies of the notice of appeal.

34.3 The judge shall file an original transcript request form with the Commission clerk and one file-stamped copy of the transcript request form with the Nevada Supreme Court clerk no later than fourteen days after filing the notice of appeal.

34.4 Filing, service, deposit and costs of the transcript, as it relates to the judge, shall follow the procedures set forth in the Nevada Rules of Appellate Procedure Rule 9.

## **VIII. ADMINISTRATIVE PROVISIONS**

### **Rule 35. Expenses, Costs and Fees.**

35.1 Witnesses may be entitled to fees and mileage allowances in accordance with the Nevada Rules of Civil Procedure and NRS 50.

A. If the Commission disciplines a judge, the Commission may recover from the judge any incurred fees and mileage allowances of, and costs of services upon, witnesses ordered by the judge.

B. No judge or attorney employed by the State of Nevada or its subdivisions may be allowed any fees for attending as a witness.

### **Rule 36. Amendments and Supplemental Rules.**

36.1 The Commission may amend and supplement these rules as it deems necessary. The Commission may seek comment from the public prior to amending or supplementing these rules at its discretion.

36.2 The Commission may adopt procedures and policies for its internal operations consistent with these rules.

**Rule 37. Computation of Time.** Time limitations shall be computed pursuant to the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure.

**Rule 38. Public Case Filing Procedures.** All documents required or permitted to be filed with the Commission in formal public cases and proceedings must strictly comply with these rules.

38.1 Filings and Service. The documents required or permitted to be filed with the Commission shall be filed with the Commission clerk as provided below.

A. Filings in General. Filings must be made by email to the Commission at

ncjdinfo@judicial.nv.gov. Filings shall not be timely unless the Commission receives the documents within the time fixed for filing.

B. Service of Initial Filings. Service of the formal statement of charges and any other initial filings by the Commission or special counsel shall be served on the judge as follows:

(i) by delivering a copy of the formal statement of charges or other initial filing to the judge personally;

(ii) by leaving a copy of the formal statement of charges or other initial filing at the judge's office, chambers or dwelling or usual place of abode with a person of suitable age and discretion who is not an adverse party to the judge being served;

(iii) by delivering a copy of the formal statement of charges or other initial filing to the judge's counsel of record; or

(iv) if necessary, by publication.

C. Proof of Service. Documents presented for filing shall contain an acknowledgement of service by the persons served or proof of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service. Proof of service shall appear on or be affixed to the documents filed.

D. Signature and Bar Number Required. All documents submitted to the Commission for filing by a represented party shall include the electronic signature of at least one attorney of record who is an active member of the State Bar of Nevada and the attorney's address, telephone number, and State Bar of Nevada identification number. All documents submitted to the Commission for filing by unrepresented parties shall include

the party's electronic signature, address and telephone number.

E. Caption. The caption of all documents filed with the Commission shall be styled as follows:

Attorney's Name *[Top Left Margin]*  
Attorney's Firm Name  
Bar Number  
Street Address  
City, State, Zip Code  
Telephone Number  
*[2 line spaces]*  
Attorney for *[Respondent or Commission]*  
*[4 line spaces]*  
BEFORE THE NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE  
*[2 line spaces]*  
STATE OF NEVADA  
*[2 line spaces]*

In the Matter of the )  
)  
Honorable *[Respondent Name]*, )  
*[Judge type, township, city and state]*, ) Case No.  
)  
Respondent. )  
\_\_\_\_\_ )

38.2 Motions.

A. Content of Motions; Response; Reply. Unless these rules require another form, an application for an order or other relief shall be made by filing a motion for such order or relief with proof of service on all other parties. The motion shall state with particularity the grounds on which it is based, and shall set forth the order or relief sought. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. Any party may file a response in opposition to a motion within ten days after service of the motion. A reply to the opposition to a motion shall be filed within seven

days. The Commission may shorten or extend the time for responding to any motion. Upon the expiration of the time as specified in this PRJDC 38.2 or such other time periods as the Commission may order, motions shall be deemed submitted to the Commission. Decisions on motions shall be made without oral argument unless otherwise requested by a party and ordered by the Commission. The Commission shall rule on all pre-hearing motions filed sixty days before the hearing at least fourteen days prior to a hearing. If the Commission orders oral argument, the parties and Commission members shall be permitted to appear remotely for any pre-hearing motions.

B. Motions that May Cause a Delay in the Hearing. Any motion which by its nature could result in continuing or delaying any scheduled hearing must be filed and served via email at least thirty days prior to the date set for the hearing. Opposition to the motion must be filed and served via email within seven days after service of the motion. The motion shall stand submitted upon expiration of the time periods specified herein.

C. Service of Motions. Service of motions and other documents filed by a party to a proceeding before the Commission shall be served on all other parties by delivering a copy of the filed motion or document to the party via email and copying the Commission. A complainant is not a party to any proceeding.

38.3 Extensions of Time. The Commission's executive director may extend for good cause the time limits set forth in these rules.

38.4 Challenges for Cause.

A. Any party to a Commission hearing or proceeding who seeks to disqualify a Commission member or sitting alternate member for actual or implied bias or prejudice or other cause must file an affidavit specifying the facts upon which the

disqualification is sought. A challenge for cause may be taken on any of the grounds relating to jurors enumerated in NRS 16.050, as applicable. The affidavit of a party represented by an attorney must be accompanied by a certificate of the attorney of record that the affidavit is filed in good faith and not interposed for delay. The affidavit must be filed not more than thirty days after service of the order setting hearing.

The Commission will forward the filed affidavit to the Commission member sought to be disqualified.

B. The Commission member against whom an affidavit alleging bias or prejudice or other cause is filed shall proceed no further with the matter and file a written answer with the Commission clerk within five days after receiving the affidavit admitting or denying the allegations and setting forth any additional facts on the question of disqualification.

C. The Commission must hear and determine the Commission member's disqualification pursuant to PRJDC 3. The Commission may disqualify any member who by reason of actual or implied bias would either be prevented from adjudicating the matter in a fair and impartial manner or, due to an appearance of impropriety, be prevented from adjudicating the matter in a manner consistent with the public's confidence in the Commission. The Commission shall replace any disqualified Commission member with an alternate Commission member, if available.

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