



BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

In the Matter of)	
)	
THE HONORABLE ERIKA BALLOU,)	CASE NO. 2022-173-P
District Court Judge, Eighth Judicial District)	
Court, County of Clark, State of Nevada,)	
)	
Respondent.)	
)	

ORDER SETTING PUBLIC HEARING AND NOTICE OF PANEL MEMBERS
ORDER REGARDING MEDIA ACCESS

TO: THE HONORABLE ERIKA BALLOU, Respondent
TOM PITARO, ESQ., Counsel for Respondent
FRANCIS C. FLAHERTY, ESQ., Special Counsel

Pursuant to order of the Nevada Commission on Judicial Discipline (“Commission”), a public hearing in the above-captioned matter has been scheduled to commence on July 11, 2024, at the hour of 8:00 a.m., or as soon thereafter as the matter may be heard and will conclude on July 12, 2024, at or before 5:00 p.m. The public hearing will be conducted at the office of the State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100, Las Vegas, Nevada 89102. The Respondent, Respondent’s counsel and the Special Counsel will appear in person.

The following panelists are scheduled to participate as members of the Commission: Gary Vause (Chair), Hon. David Hardy (Presiding Officer), Karl Armstrong, Esq., Hon. Thomas Gregory, Patricia Halstead, Esq., John Krmpotic and Joseph Sanford.

The Special Counsel will present evidence regarding the basis for a finding of violations for eight (8) hours. Special Counsel shall include an opening statement in his presentation.

Respondent’s counsel shall have eight (8) hours to present evidence to rebut the charges as well as evidence in mitigation and extenuation of discipline. Respondent’s counsel shall include an opening statement in his presentation. It may be reserved until the close of his case, but it may not be waived.

The taking of evidence will begin at 8:00 a.m. and conclude at 5:00 p.m. each day, including an hour for lunch. At the conclusion of the evidentiary phase, the Commission will entertain final

1 arguments not to exceed thirty (30) minutes by each Party. The scheduling of hours on each day is at
2 the discretion of the Commission.

3 Each Party should note that the clerk of the Commission will keep track of the time consumed
4 by each side. The time consumed in cross-examination and any re-cross examination of the other
5 Party's witness(es) will be deducted from the total time available to each Party. The Presiding Officer
6 will make adjustments to the basic time allocation as necessary. In other words, one Party will not be
7 permitted to consume the other Party's time without consequence.

8 The rule of exclusion of witnesses will be in effect. Each Party will be responsible for ensuring
9 that any intended witness (with the exception of the Respondent) is not present for testimony during
10 any portion of the hearing. The requirement not to discuss testimony with other witnesses will be a
11 continuing duty of each witness through the conclusion of the case.

12 If, after the presentation of evidence and final arguments, the Commission anticipates that it will
13 not have sufficient time to deliberate on site, the Commission may deliberate at a later time. The
14 Commission may allow post-hearing briefs, if necessary and requested, to be filed in this matter within
15 five (5) days of the conclusion of the hearing. A final decision will be announced thereafter in a manner
16 and format consistent with appropriate practice and the law.

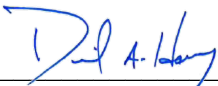
17 Members of the media intending to record this public hearing must obtain consent to do so from
18 the Commission. Media entry requests should be directed to the Honorable David Hardy, Presiding
19 Officer and may be mailed to the Commission at PO Box 18123, Reno, NV, 89511, sent via facsimile
20 to (775) 687-3607 or sent by electronic mail to ncjdinfo@judicial.nv.gov. The request should contain
21 the name and type of media outlet, including street address, email address, telephone and facsimile
22 number(s). Requests must be received by the Commission no later than 3:00 p.m., July 1, 2024.

23 The Honorable David Hardy is authorized to sign this Order on behalf of the full Commission.

24 IT IS SO ORDERED.

25 DATED this 4th day of April, 2024.

26 STATE OF NEVADA
27 COMMISSION ON JUDICIAL DISCIPLINE

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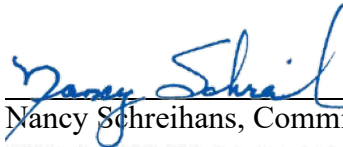
Honorable David Hardy, Commissioner
Presiding Officer

CERTIFICATE OF SERVICE

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2 I hereby certify on this 4th day of April, 2024, I transmitted a copy of the foregoing ORDER
3 SETTING PUBLIC HEARING AND NOTICE OF PANEL MEMBERS, ORDER REGARDING
4 MEDIA ACCESS, via email and by placing said document in the U.S. Mail, postage prepaid, addressed
5 to:

6 Tom Pitaro, Esq.
7 Attorney at Law
8 601 Las Vegas Blvd. South
9 Las Vegas, NV 89101
pitaro@gmail.com
Respondent Counsel

10 Francis "Frank" C. Flaherty, Esq.
11 Dyer Lawrence
12 2805 Mountain Street
13 Carson City, NV 89703
FFlaherty@dyerlawrence.com
Special Counsel

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16 _____
17 Nancy Schreihans, Commission Clerk
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