

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS  
Director and State Court  
Administrator



JOHN MCCORMICK  
Assistant Court Administrator

**MEETING SUMMARY**

**Commission to Study the Rules Governing Judicial Discipline and Update, as  
Necessary, the Nevada Code of Judicial Conduct**

November 1, 2022

3:00 PM

*Summary prepared by: Jamie Gradick*

**Members Present**

Chief Justice Ron Parraguirre, Chair  
Justice James Hardesty, Vice-chair  
Ms. Lyn Beggs  
Judge Bert Brown  
Judge Mark Denton  
Judge Richard Glasson  
Judge Kevin Higgins  
Mr. Dennis Kennedy  
Judge Tammy Riggs  
Judge T. Arthur Ritchie, Jr.

**AOC Staff Present**

Jamie Gradick  
Almeda Harper  
John McCormick

**Guests Present**

Ms. Dominika Batten  
Mr. Kevin Benson  
Ms. Valerie Carter  
Mr. Don Christensen  
Ms. Kim Farmer  
Professor Keith Fisher  
Mr. Daniel Hooge  
Ms. Stefanie Humphrey  
Mr. Joseph Sanford  
Ms. Nancy Schreihans  
Judge Diana Sullivan  
Mr. Thomas Wilson

- I. Call to Order
  - Chief Justice Parraguirre called the meeting to order at 3:05 pm.
  - Ms. Gradick called roll; a quorum was present.
  - Opening Comments
    - Chief Justice Parraguirre welcomed attendees.
- II. Public Comment
  - No public comment was offered.
- III. Review and Approval of Previous Meeting Summary
  - The summary of the September 23, 2022 meeting was approved.
- IV. Items for Commission Review and Discussion

- Consolidated List of Proposed Rule Changes
  - Chief Justice Parraguirre commented on the various rule proposals and responses submitted for the meeting.
    - Judge Higgins commented that he had not realized that Director Deyhle had submitted an additional response to the materials submitted for the meeting, but he would be happy to go through Director Deyhle's most recent document and offer his own response.
    - Ms. Gradick provided a brief overview of each document that was submitted.
      - ♦ After discussion, it was discovered that many Commission members hadn't had a chance to fully review all materials as the latest submission had just, recently, posted to the Commission's web page.
      - ♦ Judge Riggs requested that the discussion be tabled until all members had a chance to fully review Director Deyhle's latest submission.
  - Chief Justice Parraguirre commented that this Commission's task was to meet, review the issues, and submit a report with recommendations; disappointment was expressed with the lack of progress towards completing that goal.
    - Judge Higgins commented that he doesn't believe any of the proposed rule changes (with the exception of the bifurcation issue, which would, likely, require a constitutional change) require Legislative action. It was his belief that the judges and Director Deyhle had made more progress towards reaching an agreement on some of these issues.
    - Justice Hardesty commented that the NCJD is in control of its rules, this ADKT Commission would be making rule change recommendations to the NCJD; it would be up to the NCJD to decide whether to act on the recommendation or not.
    - Justice Hardesty commented that there are a few issues, more systemic in nature, that this Commission, if it chose to do so, could continue to vet into the next year.
      - ♦ Justice Hardesty informed attendees that he had hoped the Commission would amend its BDR to include the things that would require legislative change; if there isn't a need for Legislative action, then, perhaps, the Commission needs to make its recommendations to the NCJD, make recommendations to the appointing bodies, and continue studying those issues that may require Constitutional amendment.
    - Chief Justice Parraguirre commented that the Commission may be "as far as it can go" with the Rule revisions and asked that all members fully review the latest meeting materials submissions.
      - ♦ The next meeting will focus on "hashing out" what has been agreed upon and what issues still need to be aligned, if they can be. From this, the group will create a list of recommended rule revisions to take action on.
- Chief Justice Parraguirre introduced Mr. Daniel Hooge with the State Bar of Nevada and informed attendees that he had invited Mr. Hooge to participate in a discussion regarding election and campaign practices and where discipline jurisdiction over non-judge candidates for judicial office lies.
  - Mr. Hooge commented that Rule 8.2(b) allows his office to "broaden its scope" to pull in certain candidates; however, his office wouldn't have jurisdiction over the non-lawyer, non-judge candidates running in the rural counties.

- Attendees discussed the procedures for processing complaints; Mr. Hooge commented that an investigation can take 90 days to 6 months. In an election, the timeliness of the process would pose a challenge.
  - Chief Justice Parraguirre commented that the deterrent of there being a consequence even after the election is over (if the candidate wins) could still be beneficial.
  - Attendees discussed circumstances under which the NCJD would “take over” jurisdiction of these cases.
    - ♦ Mr. Hooge commented that the NRS 1.440 states “exclusive jurisdiction” over discipline complaints lies with NCJD; this raises jurisdictional questions when lawyer candidates are being investigated for ethical violations and win the election – does jurisdiction of the complaint investigation transfer to NCJD?
    - ♦ Justice Hardesty asked whether the jurisdictional issue could be cured by Supreme Court Rule; Mr. Hooge agreed that could be helpful. Attendees confirmed that the “exclusive jurisdiction” language is not contained in the Constitution, only in the NRS.
    - ♦ Mr. Kennedy commented that there have been instances where the process has been abused and used as a campaign tactic.
- Term Limits and Appointment Issues – Continued Discussion
  - Chief Justice Parraguirre introduced Kevin Benson, with the Governor’s Office, and Kim Farmer with the State Bar of Nevada.
    - During previous meetings, Commission members requested that appointing authorities be included in discussions regarding diversity and equity issues as well as in conversations regarding the possibility of imposing term limits on NCJD membership.
  - Chief Justice Parraguirre asked Judge Riggs to provide a brief overview of her proposed recommendations as presented in the meeting materials. (*Please see meeting materials for additional information*)
    - Judge Riggs commented that a woman district judge or attorney has never been appointed to the standing Commission. As more and more women come before the NCJD, it’s important that diversity and gender equity is represented.
    - Judge Riggs provided a brief overview of her 4 recommendations.
      - ♦ In regards to the fourth recommendation, Judge Riggs clarified that Nevada lawyers and judges have ethics training requirements and already meet this proposed qualification. Additionally, as far as lay commissioners, anyone with any sort of fiduciary duty or professional responsibility should have no issue meeting this requirement.
    - Chief Justice Parraguirre clarified that the goal is to “bring these issues to the attention” of the appointing authorities, not to mandate any change. A “mandate” would likely require constitutional change.
    - Chief Justice Parraguirre asked Judge Riggs whether it is her understanding that the members of the NCJD have no “fundamental disagreement” with trying to improve diversity on the NCJD.
      - ♦ Judge Riggs commented that, while she cannot speak for Director Deyhle or the NCJD membership, she did receive correspondence from Director Deyhle addressing these topics.

- Judge Riggs commented that Director Deyhle does not appear to agree with all of her recommendations; however, Director Deyhle is not an appointed member of this ADKT Commission.
  - ♦ Judge Denton commented that Director Deyhle has considered these issues extensively and has consulted with the NCJD membership on them.
  - ♦ Judge Denton expressed agreement with Director Deyhle’s observations as presented in his correspondence.
- Chief Justice Parraguirre asked Mr. Benson and Ms. Farmer if they had any comments or questions.
  - Mr. Benson commented that the Governor is committed to diversity in the many appointments he makes.
  - Ms. Farmer asked for clarification regarding whether ethnicity and race are also part of the component that the Commission would like the Board to consider.
    - ♦ Judge Riggs commented that that her recommendations are “looking for complete diversity” as judiciary diversity continues to increase.
    - ♦ Ms. Farmer explained that the process being described is the process the Board of Governors currently uses; this feedback will be useful as the Board is preparing to make an appointment.
- Professor Fisher cautioned against being unduly prescriptive. Several states experience difficulty in filling these positions.
  - Implementing term limits and credentialing requirements could be counterproductive if too prescriptive.
  - Justice Hardesty commented that, in his opinion, Judge Riggs’s recommendations are, mostly, expansive. With the exception of part of number 4, the recommendations seek to expand the group of potential appointees.
    - ♦ Requiring specific ethical credentialing or backgrounds could be too prescriptive.
    - ♦ The appointment issue is completely within the purview of the appointing bodies; the NCJD doesn’t play a role in the appointment of its members other than notifying the appointing bodies that an appointment needs to be made.
  - Attendees briefly discussed the role of the NCJD in offering recommendations regarding potential appointments.
    - ♦ Judge Denton commented that an appointment recommendation made by the NCJD is not binding.

V. 2023 Legislative Session – Proposed BDR

- Chief Justice Parraguirre asked Mr. John McCormick to provide an overview of the BDR amendment process.
  - Mr. McCormick informed attendees that, because of the LCB’s deadlines and the the timing of the submission, the deadline to amend the BDR “placeholder” language has passed. However, the BDR can be amended using the formal bill amendment process once the Legislative session begins.
    - If the only change we want to make is to add in the amending of NRS 1.440 language from “exclusive” to “concurrent”, we may be able to work with LCB to get that done ahead of session.
    - Justice Hardesty made a motion that the ADKT Commission’s BDR be revised to include an amendment of NRS 1.440 language from “exclusive jurisdiction” to “concurrent jurisdiction”.

- ♦ Mr. Dennis Kennedy seconded the motion.
- ♦ A general consensus vote of all present members was taken, the motion passed. No opposition or abstentions were recorded.

VI. Other Items/Discussion

- Chief Justice Parraguirre commented that Commission membership will take action on recommendations at the next meeting.
  - Judge Higgins was asked to create a list of “resolved” matters and those issues still needing “alignment” and to provide a list of proposed motions on the rule revisions for the Commission to consider at the next meeting.
  - Mr. McCormick was asked to redraft the BDR to include the “concurrent jurisdiction” language.

VII. Next Meeting Date

- Chief Justice Parraguirre commented that he would like to hold the next meeting as soon as practicable.

VIII. Public Comment

- No public comment was offered.

IX. Adjournment

- The meeting was adjourned at 4:35 pm.