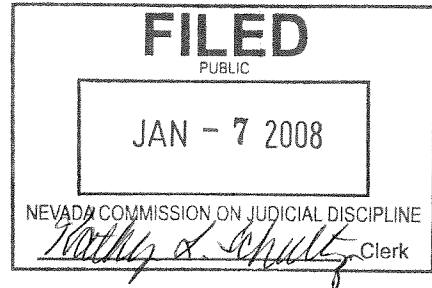


1 Dorothy Nash Holmes, Esq.
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7 Special Prosecutor
8 for the Commission



6 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
7 STATE OF NEVADA

9 In the Matter of the)
10 HONORABLE ELIZABETH HALVERSON,)
11 District Judge, Eighth Judicial District Court)
12 County of Clark, State of Nevada,)
13 Respondent.)

CASE NO.: 0801-1066

FORMAL STATEMENT

OF CHARGES

14
15 **COMES NOW**, Dorothy Nash Holmes, Esq., Special Prosecutor for the Nevada
16 Commission on Judicial Discipline, established under Article 6, Section 21 of the Nevada
17 Constitution, who, in the name of and by the authority of the Commission, as found in NRS
18 1.425 through 1.4695, hereby files this Formal Statement of Charges against The Honorable
19 Elizabeth Halverson, and informs you that the following events occurred and the following acts
20 were committed by you, and they warrant disciplinary action by the Commission under the
21 Nevada Code of Judicial Conduct:
22

23 At all times relevant to these charges, and each of the counts that follow, you were a
24 District Court Judge for the Eighth Judicial District Court in Clark County, Nevada, and the
25 following acts took place in Clark County.

COUNT ONE

1
2 1. You violated Canons 3B(5), 3B(7)(a) and 3B(8), or any combination of those
3 canons, by engaging in one or more of the following acts:

- 4 (a) by contacting Family Court Hearing Master Cynthia Beller in February 2007 in an
5 *ex parte* fashion, in order to gather information or to transmit information about
6 attorney Jeanne Winkler, who had appeared as counsel for Defendant Thomas
7 Cecerle in a case (C-226959, *State v. Cecerle*) still pending before you, when a
8 separate case (R-113139, *Mathison v. Cecerle*), was still pending before Hearing
9 Master Beller;
10 (b) by failing, prior to conducting further proceedings related Thomas Cecerle in
11 Case No. C-226959, to disclose to Thomas Cecerle or his attorney, or the
12 prosecutor in the criminal case pending before you, that in February 2007 you had
13 contacted Hearing Master Sylvia Beller, who was presiding over Case No.R-
14 113139 involving Mr. Cecerle, to gather information or to transmit information
15 about Mr. Cecerle's attorney, Jeanne Winkler.

COUNT TWO

15 2. You fell asleep on the bench in violation of Canons 1, 2, 3A, and 3B(1) and
16 3B(8), or any combination of those canons, during one or more of the following specified times,
17 or at any other time to be proved by the evidence presented at the hearing:

- 18 (a) In January, 2007, during the course of your first civil trial, involving attorneys
19 John Lukens and Robert E. Marshall, in Case No. A-505776, *Mentis v. Republic*
20 *Services, Mitchell, et al.*
21 (b) In February, 2007, during the course of a criminal trial involving Deputy District
22 Attorney Tina Sedlock and Deputy Public Defender Violet Radosta, in Case No.
23 C-228204, *State v. Sotomayor.*
24 (c) In March, 2007, during the course of a criminal trial involving Deputy District
25 Attorney Elissa Luzaich and Deputy Public Defender Jeffrey Maningo, in Case

1 No. C-212375, *State v. McDaniel*, as established at the hearing on your
2 suspension.

3 **COUNT THREE**

4 3. You violated Canons 1, 2A, 2B, 3B(7), 3B(8) and 3B(9), or any combination of
5 those canons, by one or more of the following acts:

- 6 (a) by engaging in, outside the presence of the parties and without the knowledge or
7 approval of the attorneys for the respective parties, an improper and unauthorized
8 *ex parte* conversation with deliberating jurors in the case of *State v. McDaniel*,
9 Case No. C-212375;
- 10 (b) by making a public comment to the media while the aforementioned *McDaniel*
11 case was pending, which statements might reasonably have been expected to
12 affect the outcome of a case or impair its fairness;
- 13 (c) by falsely stating in a post-trial media interview that at least one attorney or
14 perhaps attorneys for both of the respective parties either “conned” you into
15 engaging or “encouraged” you to engage in an impermissible *ex parte* contact
16 with the jurors in the aforementioned *McDaniel* case;
- 17 (d) by engaging in, outside the presence of the parties, an unauthorized and improper
18 *ex parte* conversation with deliberating jurors in the case of *State v. Sotomayor*,
19 Case No. C-228204.

20 **COUNT FOUR**

21 4. You violated Canons 1, 2A, 3C(1), 3C(2) and 3C(8), or any combination of those
22 canons, by one or more of the following acts taken between the time you assumed your judicial
23 office and the end of May, 2007:

- 24 (a) by returning, without signing them, one or more draft judgments of conviction in
25 criminal cases to your then-Court Clerk II Katherine Streuber and then failing to
explain to Ms. Streuber why, in your opinion, the documents were incorrectly
prepared or otherwise erroneous;

1 (b) by returning, without signing them, one or more draft orders to your then-Law
2 Clerk Lisa Carroll and then failing to explain to Ms. Carroll why, in your opinion,
3 the documents were incorrectly prepared or otherwise erroneous.

4 **COUNT FIVE**

5 5. You sexually harassed, harassed on a religious or ethnic basis, discriminated
6 against, retaliated against, or created a hostile work environment for your then-bailiff, Johnnie
7 Jordan, Jr., or otherwise mistreated him or required him to perform tasks in violation of Canons
8 1, 2A, 2B, 3B(5), 3C(1), 3C(2), and 4A, or any combination of those canons, by one or more of
9 the following acts:

- 9 (a) by yelling at him;
- 10 (b) by calling him names;
- 11 (c) by referring to other employees in his presence as “bitches,” “dumb fucks,”
12 “fucks,” or “dumb asses” [sic];
- 13 (d) by touching him;
- 14 (e) by regularly requiring him, or causing him, to arrive at work before 7:00 a.m., and
15 work excessive hours without overtime pay;
- 16 (f) by regularly requiring him, or causing him, to stay at work after 5:00 p.m. and
17 work excessive hours without overtime pay;
- 18 (g) by requiring him, or causing him, to perform duties during the regular lunch hour
19 period so that he would be forced to forego consuming his own lunch;
- 20 (h) by requiring him to “spy” on other employees, judges, or anyone else;
- 21 (i) by chiding him for not socializing with other bailiffs so he could find out what
22 they were saying about you;
- 23 (j) by giving him \$20 at a luncheon and telling him to “go play with the other
24 bailiffs”;
- 25 (k) by refusing to allow him to augment building security when other judicial bailiffs
were allowed to do so;
- (l) by requiring him to heat and serve you meals;

- 1 (m) by requiring him to keep your water glass and/or pitcher filled with ice at a
2 precise level suitable to you;
- 3 (n) by requiring him to assist you in de-linting and/or donning your judicial robe
4 and/or straightening your robe, while it was hanging in your chambers, to a
5 position deemed suitable by you;
- 6 (o) by requiring him to assist you in donning or removing your shoes;
- 7 (p) by regularly requiring him to escort you from and to your car at the courthouse;
- 8 (q) by requiring him to pick up papers or other objects you had deliberately thrown
9 on the floor;
- 10 (r) by stating to him words to the effect of "Are you going to worship me from near
11 or far?";
- 12 (s) by requiring him to massage your feet and/or your neck and/or your shoulders;
- 13 (t) by requiring him to cover you with a blanket in chambers so you could nap;
- 14 (u) by trying to give him money (\$20), via delivery by your husband, after Mr. Jordan
15 was removed from his assignment to your department;
- 16 (v) by unnecessarily inhibiting his enrollment in a mandatory POST course so that he
17 had to enroll in the course on his personal time, on a part-time basis;
- 18 (w) by requiring him to sit in your presence as punishment for appearing to write a
19 personal letter or appearing otherwise unoccupied with court business.

18 **COUNT SIX**

19 6. You created a hostile work environment, harassed on a religious or ethnic basis,
20 or otherwise violated Canons 1, 2A, 2B, 3B(5), 3C(1), 3C(2), and 4A, or any combination of
21 those canons, by one or more of the following acts:

- 22 (a) by yelling at other employees in the presence of Ilene Spoor, your then-Judicial
23 Executive Assistant (JEA);
- 24 (b) by utilizing foul language in the presence of JEA Ilene Spoor;
- 25 (c) by stating to JEA Ilene Spoor, and/or others, that Lisa Carroll was a terrible law
clerk and would never make a good attorney;

1 (d) by referring to your then-Law Clerk Lisa Carroll as a “faux Jew” in the presence
2 of JEA Ilene Spoor;

3 (e) by referring to attorney Kenneth Pollack as a “faux Jew” in the presence of JEA
4 Ilene Spoor.

5 **COUNT SEVEN**

6 7. You created a hostile work environment, or otherwise violated Canons 1, 2A, 2B,
7 3B(1), 3B(2), and 4A, or any combination of those canons, by one or more of the following acts:

8 (a) by requiring Katherine Streuber, a Court Clerk II, to administer a sworn oath to
9 Ilene Spoor, your Judicial Executive Assistant, so that you could question Ms.
10 Spoor about her communications with Nevada Supreme Court Justice Cherry or
11 Nevada Supreme Court Justice Gibbons, or about other issues related to what you
12 perceived as Ms. Spoor’s alleged disloyalty to you;

13 (b) by requiring Katherine Streuber, a Court Clerk II, to administer a sworn oath to
14 Ed Halverson, your husband, so that you could question Mr. Halverson about
15 whether or not he had completed certain tasks at your home, which questions
16 were wholly unrelated to court business.

17 **COUNT EIGHT**

18 8. You created a hostile work environment, harassed on a religious basis, or
19 otherwise violated Canons 1, 2A, 2B, 3B(5), 3C(1), 3C(2), and 4A, or any combination of those
20 canons, by one or more of the following actions:

21 (a) by yelling at other employees in the presence of Katherine Streuber;

22 (b) by referring to Katherine Streuber as “the evil one;”

23 (c) by calling Ilene Spoor “an idiot” in the presence of Katherine Streuber;

24 (d) by calling Ed Halverson “a stupid son of a bitch” in the presence of Katherine
25 Streuber.

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/

1 **COUNT NINE**

2 9. You created a hostile work environment or otherwise violated Canons 1, 2A, 2B,
3 3C(1), 3C(2), and 4A, or any combination of those canons, by one or more of the following acts:

- 4 (a) by stating to your then-Court Recorder Richard Kangas that he was assisting
5 Chief Judge Kathy Hardcastle in spying on you through use of the Jefferson
6 Audio Video System (JAVS);
7 (b) by yelling at or belittling Richard Kangas;
8 (c) by instructing Richard Kangas, on one or more occasions, to remove from the
9 official record in JAVS a statement you had made in court during the course of
10 proceedings;
11 (d) by yelling at other employees in the presence of Richard Kangas;
12 (e) by using foul or profane language in the presence of Richard Kangas.

13 **COUNT TEN**

14 10. You created a hostile work environment, harassed on a religious basis, or other
15 wise violated Canons 1, 2A, 2B, 3B(5), 3C(1), 3C(2), and 4A, or any combination of those
16 canons, by one or more of the following acts:

- 17 (a) by yelling at other employees in the presence of your then-Law Clerk Lisa
18 Carroll;
19 (b) by utilizing foul language in the presence of Lisa Carroll;
20 (c) by referring to Lisa Carroll as a “faux Jew.”

21 **COUNT ELEVEN**

22 11. You violated Canons 1, 2A, 3C(1), 3C(2), and 4A, or any combination of those
23 canons, by one or more of the following acts:

- 24 (a) by improperly or without authorization or surreptitiously allowing Nickolas
25 Starling (aka Nicholas Starling), or Stephen Fortune, or either of them, to gain
access to the Regional Justice Center in May 2007;
(b) by allowing Nickolas Starling, or Stephen Fortune, or either of them, to serve as
your so-called “security officers” or “bodyguards” at the Regional Justice Center,

1 without informing or coordinating with the Chief Judge or the Chief Judge's duly
2 appointed Administrative Officer;

- 3 (c) by purporting to "hire" Nickolas Starling, or Stephen Fortune, or either of them,
4 to perform duties on the premises of the Regional Justice Center as your personal
5 bodyguards or security officers, when neither had obtained a proper license as a
6 private patrolman from the State of Nevada Private Investigator's Licensing
7 Board, and while neither was employed as a registered employee by an entity
8 with a proper license issued by said board.

8 **COUNT TWELVE**

9 12. You violated Canons 1, 2A, 3C(1), 3C(2), and 4A, or any combination of those
10 canons, by one or more of the following acts:

- 11 (a) by privately utilizing the services of either Supertech Computers, or Gregory
12 Klassoff, in May 2007, in an attempt to breach the computer system installed in
13 the Regional Justice Center, in order to further your private purposes of accessing
14 the email or reading the input of other employees;
- 15 (b) by privately utilizing the services of either Supertech Computers, or Gregory
16 Klassoff, in May 2007, in an attempt to breach the computer system installed in
17 the Regional Justice Center, without authorization from the Chief Judge or her
18 duly appointed Administrative Officer.

18 **COUNT THIRTEEN**

19 13. You violated Canons 1, 2A, 2B, 3B(1), 3B(2) and 4A, or any combination of
20 those canons, by one or more of the following acts:

- 21 (a) by making the false statement that, during a meeting you attended on April 6,
22 2007 with Judge Stewart Bell, Judge Sally Loehrer, and Judge Arthur Ritchie,
23 Judge Stewart Bell yelled at you and said "We're going to get rid of you right
24 away," as was reported by K.C. Howard in the Las Vegas Review Journal on
25 Tuesday, September 18, 2007;

- 1 (b) by making the false statement that, during a meeting you attended on April 6,
2 2007 with Judge Stewart Bell, Judge Sally Loehrer, and Judge Arthur Ritchie,
3 Judge Arthur Ritchie kept throwing his “hands in the air,” as was reported by
4 K.C. Howard in the Las Vegas Review Journal on September 18, 2007;
5 (c) by making the false statement that, during a meeting you attended on April 6,
6 2007 with Judge Stewart Bell, Judge Sally Loehrer, and Judge Art Ritchie, Judge
7 Sally Loehrer was screaming, as was reported by Jane Ann Morrison in the Las
8 Vegas Review Journal on September 20, 2007.

8 **COUNT FOURTEEN**

9 14. You violated Canons 1, 2A, 2B, 3B(1), 3B(2), and 4A, or any combination of
10 those canons, by impeding the administrative functions of Chief Judge Kathy Hardcastle, of the
11 Eighth Judicial District Court, by one or more of the following acts:

- 12 (a) by refusing to communicate about court administrative functions and/or by
13 purporting to require Chief Judge Hardcastle, or her authorized representatives, to
14 communicate about administrative subjects with you, only through your attorney,
15 Robert Spretnak;
16 (b) by refusing to cooperate during the investigation by the Clark County Office of
17 Diversity, when personnel from that office were investigating a complaint made
18 against you by Johnny Jordan;
19 (c) by refusing to communicate or cooperate with Court Administrator Chuck Short
20 when he attempted to retrieve the Rolodex claimed by JEA Ilene Spoor as her
21 personal property;
22 (d) by reporting to the Las Vegas Metropolitan Police Department the erroneous
23 statement that unauthorized personnel were attempting to access your chambers
24 on May 8, 2007, when in fact, you knew that said personnel, including Chuck
25 Short, were employed by the court and as such, were authorized to be on the
premises, including in your chambers, for court-related business.

1 Based upon the foregoing, the Nevada Commission on Judicial Discipline shall hold a
2 public hearing on the merits of these charges, pursuant to NRS 1.467(3)(c), and, if violations as
3 alleged are found to be true, the Commission shall impose whatever sanctions and/or discipline it
4 deems appropriate, pursuant to NRS 1.4673.

5 Respectfully submitted this 7th day of January, 2008.

6 

7 Dorothy Nash Holmes, Esq.
8 Nevada Bar. No. 2057,
9 Special Prosecutor for the Nevada Commission
10 on Judicial Discipline
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1 STATE OF NEVADA)
2) ss
3 COUNTY OF CARSON)

4 DOROTHY NASH HOLMES, Esq., being first duly sworn under oath, according to
5 Nevada law, and under penalty of perjury, hereby states:

6 1. I am an attorney duly licensed to practice law in the State of Nevada, and I have
7 been retained by the Nevada Commission on Judicial Discipline to serve in the capacity of
8 Special Prosecutor in The Matter of the Honorable Elizabeth Halverson, Case No. 0801-1066

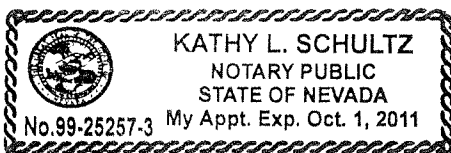
9 2. I have prepared and reviewed the foregoing Formal Statement of Charges against
10 the Honorable Elizabeth Halverson, and pursuant to the investigation conducted in this matter,
11 and based on the contents of that investigation, and following reasonable inquiry, I am informed
12 and believe that the contents of the foregoing Formal Statement of Charges are true and accurate.

13 Dated this 7th day of January, 2008.

14 
15 DOROTHY NASH HOLMES

16
17
18
19 Subscribed and sworn to before me, a Notary Public,
20 this 7th day of January, 2008.

21
22 
23 NOTARY PUBLIC



1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify and affirm that on the 7th day of January 2008, I served a copy of the
4 foregoing FORMAL STATEMENT OF CHARGES in Case No. 0801-1066, by placing copies
5 of the same in the United States Mail, First Class pre-paid postage attached, for delivery to:
6

7 John L. Arrascada, Esq.
8 145 Ryland Street
9 Reno, NV 89501.

10 Dominic P. Gentile, Esq.
11 Law Offices of Gordon and Silver, Ltd.
12 3960 Howard Hughes Parkway, 9th Floor
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26 Dorothy Nash Holmes
27 Dorothy Nash Holmes