

Dorothy Nash Holmes, Esq.
Nevada Bar No. 2057
Fahrendorf, Vilorina, Oliphant & Oster, LLP
P.O. Box 3677
Reno, NV 89505
(775) 348-9999
(775) 348-0540 Fax
Appellate Counsel for Respondent

FILED

MAY 11 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE HONORABLE
ELIZABETH HALVERSON, DISTRICT
COURT JUDGE, EIGHTH JUDICIAL
DISTRICT, COUNTY OF CLARK,
STATE OF NEVADA.

Case No. 52760

THE HONORABLE ELIZABETH
HALVERSON, DISTRICT COURT
JUDGE, EIGHTH JUDICIAL
DISTRICT, COUNTY OF CLARK,
STATE OF NEVADA,

**RESPONSE IN OPPOSITION TO
MOTION TO PROCEED "IN FORMA
PAUPERIS"**

Appellant,

vs.

NEVADA COMMISSION ON JUDICIAL
DISCIPLINE,

Respondent.

Respondent Nevada Commission on Judicial Discipline, by and through its appellate
counsel, Dorothy Nash Holmes, Esq. of Fahrendorf, Vilorina, Oliphant & Oster, LLP., hereby
responds in opposition to the motion of Appellant Elizabeth Halverson seeking to proceed *in*
forma pauperis in her appeal to the Nevada Supreme Court. This response is timely filed and is

1 based on the following Memorandum of Points and Authorities and all documents, pleadings and
2 evidence on file in this case.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **Statement of Facts:**

5 Judge Elizabeth Halverson's misconduct hearing was concluded August 15, 2008. On
6 September 4, 2008, she was assaulted by her husband and hospitalized. She was removed by the
7 Judicial Discipline Commission (hereafter "the Commission") from her judicial office due to
8 various acts of misconduct and improper behavior, in a decision filed on November 17, 2008.
9 She filed a Notice of Appeal with the Commission on or about December 1, 2008¹, notifying the
10 Commission that she would appeal to the Nevada Supreme Court. The notice was apparently
11 filed with the Nevada Supreme Court clerk the next day. By January 14, 2009, she still had not
12 filed a Docketing Statement so this Court entered an Order directing that Judge Halverson file
13 her Docketing Statement and all necessary transcripts within 14 days of the date of said Order.
14 Appellant filed her Docketing Statement on or about January 23, 2009. No record from the
15 Commission's proceedings was ever requested by Appellant, ordered from the court reporter or
16 Commission, or filed with this Court. *See* NRAP 9-11 and *also* CJD Rule 34(3).
17

18 On March 16, 2009, Respondent Commission filed a motion asking this Court to
19 determine if, as a result of her injuries, Judge Halverson currently lacks the capacity to represent
20 herself and serve as the Nevada associate of her *pro hac vice* counsel from Michigan. On or
21 about March 18, 2009, Judge Halverson responded in opposition, denied being "incompetent"²
22 and essentially denied there were any problems preventing her from handling this appeal.
23 Respondent's motion was submitted but no decision has been rendered by this Court on it yet.
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28 ¹ The undersigned counsel does not ordinarily receive file-stamped copies of court documents from Judge Halverson so cannot be sure of the exact filing date of a document.

² Respondent's motion discussed her physical incapacity, not her mental competence.

1 Judge Halverson's Opening Brief and Appendix were received by this Court on or about
2 March 17, 2009, but have not yet been filed because there is the pending motion before this
3 Court. Judge Halverson did not include in her appendix all transcripts or documents necessary to
4 the court's review. NRAP 10(d) and NRAP 30(b)(91). Once Judge Halverson had presented her
5 Opening Brief for filing without a proper appendix, on March 24, 2009, Respondent
6 Commission, through its appellate counsel, then moved to dismiss the Halverson appeal and
7 impose sanctions for violation of appellate rules. Judge Halverson responded in opposition on or
8 about April 6, 2009. That motion is also pending.

10 Two days before her Opening Brief was due to be filed in this Court, Judge Halverson
11 attempted to fax file with the Commission, at 7:23 p.m. on a Sunday night (March 15, 2009), an
12 "emergency motion" seeking pauper status in her appellate case.³ As Special Prosecutor in the
13 Commission proceedings,⁴ the undersigned counsel opposed Judge Halverson's "emergency
14 motion." On April 17, 2008, the Commission denied her motion without prejudice. Respondent's
15 counsel then notified this Court of that ruling on April 25, 2009.

17 Judge Halverson has now filed a bare-bones version of the same "pauper motion" in this
18 Court, and has merely attached copies of what she filed with the Judicial Discipline Commission,
19 saying "read it" to this Court. Respondent Commission herein opposes that motion.

20 **Legal Standards:**

21
22 The procedures to be followed for appeals to the Nevada Supreme Court are found in the
23 Nevada Rules of Appellate Procedure (NRAP). Those rules apply to appeals from Judicial
24 Discipline Proceedings. *See* NRAP 3D(f). NRAP 30(h) clearly provides that "Each party,
25 initially, shall bear the cost of preparing its separate appendices. Appellant shall, initially, bear

26
27 ³ Because Judge Halverson had attached as an exhibit to her appeal the "emergency motion" she had just filed with
the Commission, Respondent also argued in its Motion to Dismiss Appeal that said motion was a "fugitive
document" that should be struck from the record in this Court and disregarded.

28 ⁴ Dorothy Nash Holmes served as the Special Prosecutor in the removal proceedings and is also retained as the
Commission's appellate counsel for this appeal.

1 the cost of preparing a joint appendix..." Any variances therefrom Nevada's appellate rules are
2 granted at the discretion of this Court, and only for good cause shown. *See* NRAP 2. The Nevada
3 Supreme Court construes its own Rules of Appellate Procedure and Supreme Court Rules. *See*
4 NRAP 1 (c) and SCR 5.

5 The only section of the Nevada Rules of Appellate Procedure dealing with *in forma*
6 *pauperis* status, NRAP 24, is found in Part IV, Habeas Corpus Proceedings. Clearly this is not a
7 *habeas corpus* proceeding. There is no statutory authority in Nevada for the Judicial Discipline
8 Commission to declare Appellant a pauper after her Commission proceedings are completed and
9 the case is already up on appeal. Nor is there statutory authority or an appellate rule for this
10 Court to declare Appellant a pauper based on an untimely motion made only after she has
11 presented her Opening Brief for filing in this Court.

12 **Argument:**

13 **1. The "pauper motion" is untimely.**

14 Appellant's motion is untimely filed. Judge Halverson's "emergency motion" before the
15 Commission, and now this instant identical motion filed in the Nevada Supreme Court seem to
16 have been filed to cover up her own dilatory conduct. Surely, if Judge Halverson thought she
17 had a basis to seek financial assistance to obtain her record in this matter, she would have filed
18 her motion sooner. This is obviously an after-the fact ploy to get someone else to do, and pay for,
19 the work Appellant and her co-counsel should have done long ago.

20 Judge Halverson was attacked on September 4, 2008 so presumably, she would have
21 known at that time, or shortly thereafter, if her documents or files were damaged or unusable.
22 *See* Exhibit 1, attached hereto and incorporated by reference herein. Her Notice of Appeal was
23 filed three months later, on December 2, 2008. She had more than six months to file a motion
24 explaining the situation and seeking reproduction of the record for her appendix. The fact that
25 she waited until two days before her Opening Brief was due to file it with the Commission, after
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1 it was already divested of jurisdiction, then attached it as a "fugitive document" in this Court and
2 only now files it as an actual motion nearly eight months after her documents were allegedly
3 destroyed makes her claims less credible and makes her motives suspect. It appears that this
4 "pauper motion" is now being offered to divert attention from, and to excuse, Appellant's lack of
5 timely preparation of her appellate documents and her failure to attempt to remedy the situation
6 (if it existed) sooner.

7
8 Judge Halverson and her co-counsel did not start work on their appellate brief in a timely
9 fashion. Mr. Schwartz telephoned Respondent's appellate counsel on March 11, 2009 inquiring
10 for the first time about a Joint Appendix, incredulous that Nevada could actually require re-
11 copying and re-submitting of some documents that might already be in the possession of the
12 Nevada Supreme Court from other proceedings involving Elizabeth Halverson. See Exhibit 1
13 hereto. This counsel told him it was necessary to provide new copies in his appendix, so
14 everything was in one place and easily accessible to the reviewing court. This counsel also told
15 him that he also had to attach documents related to rulings, if a court order was being challenged
16 in the appeal, and he scoffed at that statement, as well. Given the late timing of Mr. Schwartz'
17 first telephone call to this counsel it is obvious that Judge Halverson and her co-counsel only
18 started to think about their appendix the week before their Opening Brief was due. They should
19 be held accountable for their delay.

20
21 In addition, during the March 11th phone call, Mr. Schwartz asked Respondent
22 Commission's appellate counsel if the Judicial Discipline Commission had already filed the
23 transcript of the hearing in this Court. This counsel informed Mr. Schwartz that it was Judge
24 Halverson's responsibility to make arrangements for the transcript of the hearing to be deposited
25 with the Court under NRAP 9. See also CJD Rule 34(3). Respondent's appellate counsel
26 confirmed that with a telephone call to the Clerk of the Commission and the Clerk of the
27 Supreme Court, and reported those conversations to Mr. Schwartz in a subsequent phone call.
28

1 This counsel also confirmed with the court reporter than no one from the Halverson team had
2 requested that they send the transcript to the Nevada Supreme Court. *See* Exhibit 1 hereto.

3 Appellant's motion should be rejected as untimely filed and nothing more than an excuse
4 for dilatory conduct in preparing for the appeal.

5 **2. Appellant's motion does not set forth a basis for the relief she requests.**

6 Judge Halverson's "pauper motion" should be rejected outright because it fails to provide
7 a proper legal argument and establish a factual basis for the relief it seeks. Instead, it is laid out
8 in skeletal fashion and simply attaches as exhibits what she submitted to the Commission. The
9 exhibits attached to the "pauper motion" do not support the request Judge Halverson makes.

10 Judge Halverson asserts: "In connection with the apprehension of her husband...the
11 documents which the Appellant [Respondent Halverson] had in her possession... have been lost,
12 destroyed or [are] otherwise not susceptible of retrieval." That conclusory statement does
13 nothing to establish which documents she cannot get, why she now has no documents, how they
14 were lost or destroyed or where they now are. It is intentionally vague and appears to
15 deliberately avoid discussion, under a sworn oath, of what happened to the documents.

16 At the disciplinary hearing, Judge Halverson had no less than a Costco-sized flatbed cart,
17 stacked about 4' tall with plastic bins full of boxes of documents from this case beside her at
18 counsel table each day. She trucked them in and out of the hearing for two weeks, often delaying
19 the start of proceedings until they could be hauled in from her car and towed into the hearing
20 room. She had received the files of her three fired attorneys and she had other documents she
21 generated in representing herself for three months before the hearing. She had copies of
22 thousands of pages of Discovery provided by the Commission and she had all the documents
23 from more than a dozen motions litigated in the month immediately preceding the disciplinary
24 hearing. *See* Exhibit 1 hereto.
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1 There was no reason for police to get search warrants and ransack the Halverson
2 residence because Judge Halverson called and asked them to come get her husband, and they
3 immediately did that. Nothing in the various news reports indicate that Ed Halverson resisted
4 being taken into custody. See Exhibit 2 attached hereto and incorporated by reference herein.
5 Judge Halverson does not state that blood was spattered allover her documents during the
6 battery, rendering them unusable, and she provides no other claim or proof that each and every
7 single piece of paper in the morass of plastic boxes was destroyed. Judge Halverson has not
8 identified the various documents she needs for her appeal. She has not said what is "lost" or how
9 it could have become lost as a result of the apprehension of Ed Halverson.
10

11 In telephone conversations with Respondent's appellate counsel the week before Judge
12 Halverson's Opening Brief was due, Mr. Schwartz never once mentioned that any of the judge's
13 records were destroyed or "lost" or otherwise unusable. Mr. Schwartz did state, however, that he
14 had no records of the pretrial pleadings or rulings, some of which they are now challenging on
15 appeal, because Judge Halverson kept everything in Las Vegas. This counsel told him pleadings
16 could be emailed to him but he was not interested. See Exhibit 1 hereto.
17

18 Furthermore, evidence of the short shrift Appellant and her co-counsel gave to writing
19 their Opening Brief is found in the fact that, upon examining it, a majority of it appears to be a
20 direct reproduction of Judge Halverson's Closing Argument filed with the Commission. That
21 being the case, the statements that Appellant needs pleadings for an appendix, and is unable to
22 get them, appear even less credible.
23

24 Finally, Elizabeth Halverson includes as part of her "pauper motion," her affidavit⁵
25 stating that she has no money to reproduce any documents for her appeal. That is questionable
26

27 ⁵ It is interesting to note that the signatures on the final page of her "emergency motion," which she signed for
28 herself and her co-counsel, bear no resemblance to the one in her affidavit in support of her motion, dated March
15th; it appears that a stamp of the judge's signature was used on her affidavit, perhaps to cover up the fact that she
cannot yet write.

1 because, when the Special Prosecutor was preparing for the hearing in the misconduct case, she
2 reviewed and obtained copies of Elizabeth Halverson's personnel file from the Clark County
3 District Court system. Among the documents contained in that file were two indicating she has
4 the Elizabeth A. LaMacchia Trust Fund, and naming her trust as her beneficiary. *See* Exhibit 3
5 attached hereto and incorporated by reference herein. This counsel does not know if said trust
6 still exists, or if it has been depleted, but ordinarily a person only forms a trust when there are
7 substantial assets to protect. Given Judge Halverson's many previous claims that were so
8 incredible they could not be believed,⁶ her conduct in filing this "pauper motion" and her
9 statements in it, and her affidavit certainly warrant a skeptical attitude toward this "pauper
10 motion."

11
12 **3. Transcripts and records are available to Appellant but she rejected them.**

13
14 Mr. Schwartz himself could have easily provided the transcript of the misconduct hearing
15 to the Nevada Supreme Court in the Halverson Appendix because he received his own copy of it
16 to prepare the Halverson Closing Argument, which he filed September 30, 2008 with the
17 Commission. There is simply no excuse for Judge Halverson's failure to include hearing
18 transcripts in her appendix or to now claim an inability to obtain them for her appeal.

19 Respondent's appellate counsel told Mr. Schwartz that the Commission had the entire
20 case file and still had electronic records of pre-trial hearing transcripts, orders and any
21 documents the Commission had provided to both sides during the case, and suggested he contact
22 the Commission Clerk for copies to be emailed to him so he could include them in Judge
23 Halverson's Appendix. Mr. Schwartz declined, saying the reproduction costs were what Judge
24 Halverson was seeking. *See* Exhibit 1 hereto.
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28 ⁶ that she got no Discovery documents in this case; that her previous attorneys did no work on her case; that Judge Hardcastle and others were "out to get her;" that 3 fellow judges verbally attacked her, among others.

1 Whether it is a Joint Appendix or a separate Appellant's Appendix, Elizabeth Halverson
2 has the responsibility to provide the documents necessary for her appeal. NRAP 30. Her filing of
3 that "emergency motion" to the Judicial Discipline Commission on March 15, 2009 did not
4 relieve her of the responsibility to provide documents in support of her appeal, especially when
5 there were means and methods to do so, like contacting the Clerk of the Commission. Nor should
6 it excuse her dilatory conduct in just filing it now in this Court, almost six months after she filed
7 her Notice of Appeal, and after she has presented her Opening Brief for filing.

8
9 Regardless of whether Judge Halverson lacks funds, she has paid her co-counsel to
10 represent her and he has a responsibility to supply the appellate court with the documents needed
11 to support her appeal. In conversations about the appeal that the undersigned counsel had with
12 Michael Schwartz, between March 11 and 16, 2009, Mr. Schwartz said that he "had been paid to
13 stay on the case through the appeal." See Exhibit 1. Presumably, an attorney who has been paid
14 for an appeal is required to provide the documents necessary to that appeal. When an attorney is
15 paid to represent a client and prepare court documents on her behalf to file in court, he is
16 responsible for the cost of reproducing them. And even if some of the documents were damaged
17 or rendered unusable in the fracas, which has not yet been proved, that does not explain the
18 failure of her co-counsel to provide an appendix containing copies of the documents he possesses
19 from this case, nor does it excuse his refusal to contact the Commission Clerk to obtain
20 documents he does not personally possess. Even if Judge Halverson is now penniless, her co-
21 counsel has been paid to represent her and he should be held responsible for reproduction costs
22 in the case on which he is working.

23
24
25 **Conclusion:**

26 Based on the foregoing and for the reasons stated above, this Commission should reject
27 Appellant's "pauper motion" as untimely filed, lacking credibility, devoid of acceptable
28

1 evidentiary substance and made to excuse her dilatory conduct in preparing for her appeal. The
2 relief Appellant seeks should be denied.

3 Dated this 11th day May, 2009.

4 FAHRENDORF, VILORIA, OLIPHANT & OSTER, L.L.P.

5
6 By *Dorothy Nash Holmes*
7 DOROTHY NASH HOLMES, ESQ.
8 Nevada Bar No. 2057
9 Appellate Counsel for Respondent
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ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P. O. Box 3677 ~ RENO, NEVADA 89505
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89519
FAHRENDORF,
VILORIA,
OLIPHANT
& OSTER, L.L.P.

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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, _____

Response in Opposition to Motion to Proceed "In Forma Pauperis"

(Title of Document)

filed in case number: 0801-1066



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration for a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

DATED this 11th day of May, 2009.

Signature: Dorothy Nash Holmes

Print Name: Dorothy Nash Holmes, Esq.

Attorney for: Respondent

FAHRENDORF, VILORIA, OLIPHANT & OSTER L.L.P.
ATTORNEYS AND COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P.O. Box 3677 ~ RENO, NEVADA 89505
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89519

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of
FAHRENDORF, VILORIA, OLIPHANT & OSTER L.L.P., and that on the date shown below,

I caused service to be completed by:

- ☐ personally delivering
- ☐ delivery via Messenger Service
- ☐ sending via Federal Express or other overnight delivery service
- ☒ e-mailing as a pdf file to Michael Alan Schwartz, Esq.
(phrog@schwartzlawyer.com)
- ☒ depositing for mailing in the U.S. mail with sufficient postage affixed thereto
- ☒ delivery via facsimile machine to Elizabeth Halverson fax no. (702) 450-9227

a true and correct copy of the attached document addressed to:

Elizabeth Halverson, Esq.
4173 Oxnard
Las Vegas, NV 89121
(702) 436-4521
(702) 450-9227 Fax

Michael Alan Schwartz, Esq.
Schwartz, Kelly & Oltarz-Schwartz PC
30300 Northwestern Highway, Ste. 260
Farmington Hills, MI 48334
(248) 785-0200 ext. 273
(248) 932-2801 Fax

DATED this 11th day of May, 2009.

Y. alvarez

FAHRENDORF,
VILORIA,
OLIPHANT
& OSTER L.L.P.

ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P. O. BOX 3677 ~ RENO, NEVADA 89505
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89519

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EXHIBIT 1

**AFFIDAVIT OF DOROTHY NASH HOLMES, ESQ.
IN SUPPORT OF OPPOSITION TO MOTION
TO PROCEED IN FORMA PAUPERIS**

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

Dorothy Nash Holmes, being first duly sworn under oath, according to law, deposes and says:

1. I am an attorney who has been licensed to practice law in Nevada since 1977.

2. I am the Judicial Discipline Commission's (hereafter "the Commission") appellate counsel in Nevada Supreme Court Case No. 52760 and I have also served as the Special Prosecutor for the Judicial Discipline Commission in the case of The Honorable Elizabeth Halverson of the Eighth Judicial District Court, Case No. 0801-1066.

3. I have personal knowledge of the matters stated herein, and those stated in the motion which this affidavit supports; I am competent to testify to the same, and, if called, would so testify.

4. I have provided the exhibits attached to said opposition and they are accurate copies of the documents they purport to represent.

5. Between March 11th and 16th, 2009, I spoke by telephone with Michael Alan Schwartz, Elizabeth Halverson's *pro hac vice* associated co-counsel several times; Mr. Schwartz initially contacted me to discuss a Joint Appendix to the instant appeal and we had several conversations regarding the documents required. I told him it was his job to get the hearing transcript to the Supreme Court and that he had to include any Orders and relevant documents if he would be challenging them. I telephoned the Clerk of the Supreme Court to confirm for him what had to be provided in his appendix.

6. Prior to her faxing her "emergency motion" to the Commission on March 15, 2009, Mr. Schwartz said nothing about Judge Halverson having no case files or documents, and to the contrary, he said Judge Halverson had most of the case files in Las Vegas. He said he had no pretrial records but she had them all. It was only after she filed her "emergency motion" that he

1 said she did not have documents or could not access them but he did not know why or what
2 happened to them.

3 7. During our conversation on March 16th, Mr. Schwartz said Nevada appellate rules
4 required that Judge Halverson first file a motion seeking pauper status in the district court before
5 she could seek the same in the appellate court and he presumed that was what she was doing when
6 Ms. Halverson prepared and filed her "emergency motion" with the Judicial Discipline
7 Commission.

8 8. During our conversation on March 16th, I told Mr. Schwartz that the
9 Commission still had electronic records of pre-trial hearing transcripts, orders and any
10 documents the Commission had provided to both sides during the case, and suggested he could
11 contact said Clerk for copies; Mr. Schwartz declined, saying the problem was not getting
12 access to the records but rather the cost of copying them.

13 9. During my conversations with Mr. Schwartz between March 11 – 13th, he told me
14 he "had been paid to stay on the case through the appeal."

15 10. At Judge Halverson's disciplinary hearing, held between August 4 – 15, 2008,
16 she had no less than a Costco-sized flatbed cart, stacked about 4' tall with plastic bins full of
17 boxes of documents from this case beside her at counsel table each day; she trucked them in
18 and out of the hearing for two weeks, often delaying the start of proceedings until they could
19 be hauled in from her car and towed into the hearing room. She had received the files of her
20 three fired attorneys and she had other documents she generated in representing herself for
21 three months before the hearing. She had copies of thousands of pages of Discovery provided
22 by the Commission and she had all the documents from more than a dozen motions litigated in
23 the month immediately preceding the disciplinary hearing.

24 11. On March 23, 2009, the affiant spoke by telephone with Terri MacTaggart, the
25 owner of Western Reporting Services, the court reporting company that reported and transcribed
26 the Halverson misconduct proceedings; Ms. MacTaggart told me that her company had not been
27 contacted by Judge Halverson or Mr. Schwartz to file the transcript of the case with the Supreme
28 Court.

ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P.O. Box 3677 ~ RENO, NEVADA 89505
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FAHRENDORF,
VILORIA,
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1 12. Ms. MacTaggart said that both Judge Halverson and Mr. Schwartz separately
2 received transcripts of the 2-week misconduct hearing back at the time the parties were preparing
3 their Closing Arguments, which were filed with the Nevada Judicial Discipline Commission on
4 September 30, 2008; Ms. MacTaggart said her office provided copies to Ed Halverson who
5 picked them up on behalf of his wife and they shipped a copy to Michael Schwartz in Michigan.

6 13. In preparing for the misconduct hearing of Judge Halverson, I had occasion to
7 review and obtain copies of the Personnel File of Elizabeth Halverson from the Clark County
8 District Court; included in that file were retirement and beneficiary designation forms filled out by
9 Elizabeth Halverson, naming the Elizabeth A. LaMacchia Revocable Trust as her beneficiary. I
10 have attached as exhibits to this motion, true and accurate copies of two of such documents.

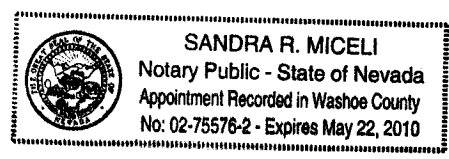
11 14. I have read the attached Opposition to Motion to Proceed in Forma Pauperis and
12 know the contents thereof; that the same is true of my own knowledge, except for those matters
13 therein contained stated upon information and belief and, as to those matters, I believe them to be
14 true.

15 **DATED** this 11th day of May, 2009.

16 
17 DOROTHY NASH HOLMES, ESQ.

18 **SUBSCRIBED AND SWORN** to before me
19 this 11th day of May, 2009.

20 
21 NOTARY PUBLIC



FAHRENDORF,
VILORIA,
OLIPHANT
& OSTER LLP.

ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P. O. BOX 3677 ~ RENO, NEVADA 89505
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89519

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EXHIBIT 2

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Sep. 05, 2008

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Judge Halverson hospitalized, husband jailed after attack

Embattled District Judge Elizabeth Halverson is in the hospital after she was assaulted by her husband, Las Vegas police said this morning. Her injuries are not life threatening.

Police were called to her house late last night to respond to a domestic violence call. Police said her husband, Edward Halverson, 49, hit her with a frying pan.

Edward Halverson was booked into the county jail on one attempted murder, one count battery with substantial bodily harm and one count battery with a deadly weapon.

Elizabeth Halverson was suspended in July 2007 and recently lost a primary bid for re-election.

She's been awaiting a decision from the Nevada Commission on Judicial Discipline about whether she'll be permanently barred from the bench.

The disciplinary panel wrapped up two weeks of hearings last month on allegations that Halverson slept on the bench and belittled her bailiff.

Find this article at:

http://www.lvrj.com/breaking_news/27905854.html

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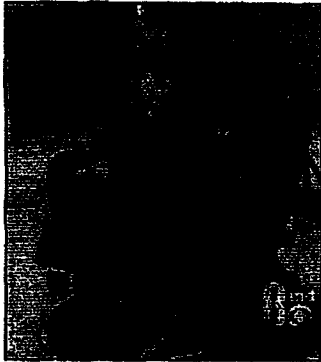
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Judge Halverson's Husband Jailed on Attempted Murder Charges

Updated: Sep 5, 2008 09:31 AM PDT



Suspended Judge Elizabeth Halverson is reported to be in the hospital.

The husband of suspended Nevada state Judge Elizabeth Halverson has been jailed on attempted murder and domestic violence charges after police say he attacked his wife with a frying pan.

Clark County jail records show 49-year-old Edward Halverson was being held Friday pending a court appearance on felony attempted murder, battery with a deadly weapon and battery with substantial bodily harm charges.

The arrest happened just before 11 p.m. Thursday. Halverson reportedly underwent surgery for her injuries. Police say she suffered severe injuries to her face, chest and upper arm area and told officers that he husband had tried to kill her.

"He took care of her, cooked for her, did everything for her," said Richard Isitt, who has known the couple for three years. He speculates that Edward Halverson just "snapped."



Edward Halverson is facing battery with a deadly weapon and attempted murder charges.

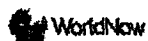
Elizabeth Halverson was suspended in July 2007 and recently lost a primary bid for re-election. She's been awaiting a decision from the Nevada Commission on Judicial Discipline about whether she'll be permanently barred from the bench.

The disciplinary panel wrapped up two weeks of hearings last month on allegations that Halverson slept on the bench and belittled her bailiff.

(The Associated Press contributed to this report.)



Edward Halverson's mug shot.



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DOMESTIC VIOLENCE ALLEGED: Halverson husband arrested

Suspended judge undergoes surgery for beating injuries

By DAVID KIHARA
REVIEW-JOURNAL

The husband of suspended District Judge Elizabeth Halverson is known as a devoted, patient spouse who would cook, shop and dote on his wife.

But on Thursday night, Edward Halverson, 49, was arrested and accused of beating the judge with a frying pan.

Nicknamed "Evil Ed" by his wife, Edward Halverson was booked into the county jail on charges of attempted murder and battery with a deadly weapon and battery with substantial bodily harm.

Elizabeth Halverson, who suffered severe injuries to her face, chest and upper arms, was taken to Sunrise Hospital and Medical Center, authorities said.

A hospital spokeswoman declined to comment on her condition, but Las Vegas police said her injuries were not life threatening. News reports stated that she underwent surgery and was in the intensive care unit at the hospital.

"It looks like she had been beat pretty bad," one police officer said.

Elizabeth Halverson, 50, called 911 at 10:50 p.m. to report that her husband was beating her and threatened to kill her, according to the Metropolitan Police Department.

Police went to her house, in the 4100 block of Oxnard Circle near Tropicana Avenue and U.S. Highway 95, and forced their way inside. Edward Halverson was in the living room, and Elizabeth Halverson was found in a rear bedroom with severe injuries.

The judge told officers that Edward Halverson beat and tried to kill her, police said.

Police took a shirtless Edward Halverson into custody and transported the judge to the hospital. Edward Halverson is scheduled to appear in Las Vegas Justice Court on Tuesday morning.

Elizabeth Halverson's motorized scooter, which she uses to get around, sat in the driveway of the house early Friday morning. A bloody towel was in the scooter's seat.

Richard Isitt, a neighbor and family friend of the couple, said he was shocked to learn that Edward Halverson was accused of beating his wife. He and others who know the Halversons described Edward Halverson, an electrician with an extensive arrest history, as a dedicated husband. Isitt said Edward Halverson drove his wife everywhere because she can't drive and even served subpoenas on people in her behalf.

"We thought he was going for sainthood," he said.

Isitt, who has known the Halversons for three years and worked on Elizabeth Halverson's 2006 campaign, said the couple didn't fight and he never heard yelling or screaming from their house.

"They were as normal as everybody else, to tell you the truth," he said.

The Halversons have been married since 1998.

Edward Halverson has been arrested at least 10 times in three states on various charges, including cocaine possession and breaking into a house and stealing property. He was convicted of three felonies and served almost four years in prison.

Elizabeth Halverson has been suspended from the bench since July 2007 but continues to draw her \$130,000 yearly salary.

She recently lost her primary bid for re-election and is facing a Nevada Judicial Discipline Commission complaint that she mistreated staff, slept on the bench and improperly communicated with jurors.

She is awaiting a commission decision on whether she will be permanently barred from the bench.

People who worked with the judge testified at her August disciplinary hearing that Halverson screamed and berated her husband on the telephone in front of staff and said she wanted to kill him.

Her former balliff, Johnnie Jordan, testified at the hearing that she said to her husband, "I am sick of your ass. Why don't you do what the (expletive) I tell you."

Elizabeth Halverson has said she suffers from diabetes, Crohn's disease, congestive heart failure and the after-effects of cancer. She has difficulty walking and uses oxygen to assist her breathing.

Michael Schwartz, a Michigan-based attorney who represents her in the disciplinary complaint, said he was stunned to hear that Edward Halverson was being charged with attempted murder.

"I am absolutely bewildered," he said. "I have no reason to believe anything like this would occur."

Isitt said he too was surprised by the arrest because Edward Halverson was so attentive to the judge's needs. Edward Halverson took time off from work to care for her and even cut back socializing with others because of her, he said.

"There's no doubt in my mind that he loves her to death," Isitt said. "I wouldn't have been able to put up with it."

Contact reporter David Kihara at dkihara@reviewjournal.com or 702-380-1039.

Find this article at:

<http://www.lvrj.com/news/27948369.html>

☐ Check the box to include the list of links referenced in the article.

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FAHRENDORF,
VILORIA,
OLIPHANT
& OSTER L.L.P.

ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 348-9999 Fax: (775) 348-0540
P. O. Box 3677 ~ RENO, NEVADA 89505
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89519

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EXHIBIT 3

**BENEFICIARY DESIGNATION
UNDER NRS 281.155**

Nevada State Law makes it possible for you to designate a beneficiary so that if you should die while employed by Clark County, the final payment of any and all compensation due you can be given directly to that beneficiary rather than to your estate.

This law was intended to make money immediately available to your beneficiary to meet ongoing expenses pending the receipt of insurance benefits, retirement, etc.

To designate a beneficiary for this purpose, complete this form and forward it to your payroll representative to process for retention in your permanent personnel file in Human Resources.

Employee's Name: Elizabeth La Macchia Department: District Court
(Print) (Print)

I hereby designate: The Elizabeth A. La Macchia Contingent: _____
(Name) (Name—in the event of Beneficiary's death)
Revocable Trust

C/O Elizabeth La Macchia Trust _____
(Address)
4173 Oxford Circle _____
(City, State, Zip) (202) (City, State, Zip)
Las Vegas, NV 436-4521 _____
(Relationship) (Phone) (Relationship) (Phone)

Employee's Signature: Elizabeth La Macchia 9-28-98
(Date)
Witness Signature: Richard W. 9/28/98
(Date)



ENROLL

PUBLIC EMPLOYEES RETIREMENT SYSTEM OF NEVADA
893 W. Nye Lane, Carson City, NV 89703-1527
(702) 687-4200

MEMBERSHIP REGISTRATION FORM - REGULAR MEMBERS

MEMBER INFORMATION:

Type or Print (If you print, please press hard using a ball point pen)

Name
Address

Elizabeth La Macchia
4173 Oxnard Circle
Las Vegas, NV 89121

SS #

DOB

mo day year

Married yes ☒ noMale Female ☒Spouse Name Edward L. Halverson

DOB

M

F

List all unmarried children under age 18 who are issue of member or legally adopted. (Use additional sheet if necessary.)

Name

DOB

M

F

Name

DOB

M

F

Name

DOB

M

F

BENEFICIARY designation establishes person to receive refund of employee contributions upon death of member in the event no survivors are eligible for monthly benefits.

Beneficiary The Elizabeth A. La Macchia Revocable Trust

M

F

Address

4173 Oxnard Circle

City

Las VegasState NV

Zip

89121

List any previous names under which employed by a public employer in Nevada

List other Nevada public employers for whom you have worked (city, county, state, school, hospital, etc.).

ELECTION OF RETIREMENT CONTRIBUTION PLAN (for members of applicable agencies only)

I have read the explanation of the contribution plans on the reverse side of this form and hereby elect by initialing my plan choice that my contributions to PERS be made under the:

employee/employer contribution plan

☒ employer-pay contribution plan

X MEMBER SIGNATURE

Elizabeth La Macchia

Date

10-7-98

PUBLIC EMPLOYER CERTIFICATION

FOR PERS USE ONLY:

1. ☒ New enrollment, effective date 09/28/98

Elected Official

AUG MSA

2. ☐ Return from ineligible status, effective date

OCC CODE

3. ☐ Transfer from (agency) effective date4. ☐ Change from police/fire member, effective date5. ☐ Change to employer pay, effective dateMember position title Law clerk

Full-time

☒ Part-timeIf school district, is position paid: ☐ 9 mo. ☐ 10 mo. ☐ 11 mo. ☐ 12 mo. If part-time, number of hours worked per day

I certify that this individual is employed in a position requiring half-time or more service according to employer's full-time work schedule.

X LIAISON OFFICER SIGNATURE

Monica Schmidt

Date

10-8-98

Agency Name

Clark County

Budget Account #

Employer # 303

FORM MF308 (Revised 1/94)

AGENCY