

LAW OFFICE OF DANIEL MARKS
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Nevada State Bar No. 002003
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Attorneys for Petitioner

Electronically Filed
Apr 27 2018 09:10 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER HENRY,

Case No.

Petitioner,

vs.

NEVADA STATE COMMISSION
ON JUDICIAL DISCIPLINE,

Respondent.

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APPENDIX TO PETITION FOR WRIT OF PROHIBITION

DOCUMENT

PAGE NO.

Formal Statement of Charges, filed before the Nevada Commission
On Judicial Discipline on October 10, 2017 APP 1-6

First Amended Order Setting Public Hearing and Notice of Panel
Members, Order Regarding Media Access, filed before the Nevada
Commission on Judicial Discipline on October 10, 2017 APP 7-9

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 26 day of April, 2018, I did serve by way of electronic filing, a true and correct copy of the above and foregoing **APPENDIX TO PETITION FOR WRIT OF PROHIBITION** on the following:

Thomas C. Bradley, Esq.
Sinai, Schroeder, Mooney, Boetsch, Bradley & Pace
448 Hill Street
Reno, Nevada 89501
E-Mail: Tom@stockmarketattorney.com
Tom@TomBradleyLaw.com
Prosecuting Officer

Paul C. Deyhle
State of Nevada Commission on Judicial Discipline
P.O. Box 48
Carson City, Nevada 89702
E-Mail: ncjdinfo@judicial.nv.gov

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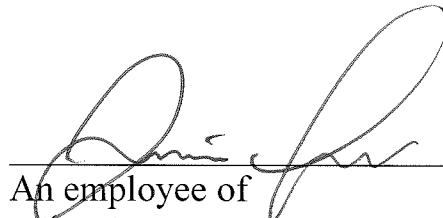
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I further certify that on the 26 day of April, 2018, I did deposit in the U.S. Mail at Las Vegas, Nevada, with first class postage fully prepaid thereon a true and correct copy of the **APPENDIX TO PETITION FOR WRIT OF PROHIBITION** to the address and e-mails as follows:

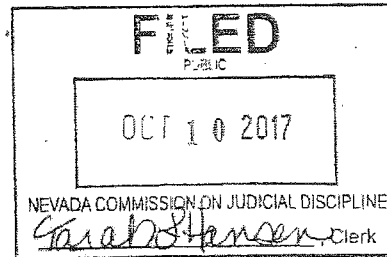
Thomas C. Bradley, Esq.
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E-Mail: Tom@stockmarketattorney.com
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Prosecuting Officer

Paul C. Deyhle
State of Nevada Commission on Judicial Discipline
P.O. Box 48
Carson City, Nevada 89702
E-Mail: ncjdinfo@judicial.nv.gov



An employee of
LAW OFFICE OF DANIEL MARKS

1 THOMAS C. BRADLEY, ESQ.
2 Bar No. 1621
3 *Sinai, Schroeder, Mooney,*
4 *Boetsch, Bradley and Pace*
5 448 Hill Street
6 Reno, Nevada 89501
7 Telephone (775) 323-5178
8 Tom@TomBradleyLaw.com
9 Prosecuting Officer for the Nevada
10 Commission on Judicial Discipline
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8 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE
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10 IN THE MATTER OF THE HONORABLE
11 JENNIFER HENRY, Hearing Master for the Eighth
12 Judicial District Court, Family Division, County of
13 Clark, State of Nevada,

CASE NO. 2016-142-P

14 Respondent.
15

16 FORMAL STATEMENT OF CHARGES

17 COMES NOW Thomas C. Bradley, Prosecuting Officer for the Nevada Commission on
18 Judicial Discipline ("Commission" or "NCJD"), established under Article 6, Section 21 of the
19 Nevada Constitution, who, in the name of and by the authority of the Commission, as found in
20 NRS 1.425 - 1.4695, files this Formal Statement of Charges and informs the Respondent, the
21 Honorable Jennifer Henry, Hearing Master for the Eighth Judicial District Court, Family Division,
22 County of Clark, State of Nevada ("Respondent"), that the following acts were committed by
23 Respondent and warrant disciplinary action by the Commission under the Revised Nevada Code
24 of Judicial Conduct ("the Code").

25 FACTUAL ALLEGATIONS

26 In or about October 10, 2016, Respondent knowingly, and in her capacity as a Hearing
27 Master for the Eighth Judicial District Court, Family Division, County of Clark, State of Nevada,
28 engaged in the following acts or a combination of these acts ("acts or actions"):

1 On October 10, 2016, Respondent served as the assigned hearing master in a contested
2 juvenile hearing in which a juvenile was accused of running away from police officers after the
3 police officers had approached a group of teenagers who were on the street smoking marijuana at
4 3:00 a.m. in the morning. As part of a plea agreement, the juvenile, through her counsel, agreed to
5 plead guilty to obstructing an officer, a misdemeanor offense, with all other charges dismissed in
6 exchange for the prosecutor's sentencing recommendation that the juvenile be given six-months
7 of probation. The juvenile was represented by Aaron Grigsby, a court appointed attorney. Notably,
8 Respondent and Mr. Grigsby had a strained professional relationship going back several years.

9 After the plea was entered, Respondent began to ask the juvenile questions regarding her
10 use of a cell phone which was unrelated to the underlying criminal matter. Counsel Grigsby
11 advised the Respondent that he did not wish to have his client admit to something that could get
12 her into more trouble. Respondent ignored counsel's objection which was based on the juvenile's
13 Fifth Amendment right against self-incrimination and repeatedly asked the juvenile to answer her
14 questions about the juvenile's use of a cell phone.

15 Respondent lost her temper as Counsel Grigsby continually objected to Respondent's
16 repeated attempts to question the juvenile regarding the cell phone, and shouted, "ENOUGH",
17 numerous times to Counsel Grigsby. Respondent then called a recess, and upon resumption of the
18 hearing, and again began asking the juvenile to answer her questions regarding the juvenile's cell
19 phone. Counsel Grigsby continued to object noting that he did not want his client to admit to
20 anything that could result in additional charges.

21 The juvenile followed the advice of her counsel and refused to answer Respondent's
22 questions regarding the cell phone. Respondent then stated that she was sentencing the juvenile to
23 nine (9) months of probation instead of six (6) months because the juvenile declined to answer her
24 questions regarding the use of a cell phone. During the hearing, Respondent also advised Counsel
25 Grigsby he was obstructing the hearing, making prejudicial comments, and that his misconduct
26 was not an isolated incident.

1 The Respondent's actions described above violated the Code, including Judicial Canon 1,
2 Rule 1.1, failing to comply with the law, including the Code; Rule 1.2, failing to promote
3 confidence in the judiciary; Canon 2, Rule 2.2, failing to uphold and apply the law and failing to
4 perform all duties of her judicial office fairly and impartially; Rule 2.3 failing to be free from bias;
5 Rule 2.5(A) failing to perform judicial and administrative duties competently and diligently; Rule
6 2.6(A), failing to accord a party's right to be heard; and Rule 2.8 (B), failing to be patient, dignified,
7 and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with
8 whom the judge deals in an official capacity. The Respondent abused her judicial authority by
9 engaging in any or all, or any combination of, the acts listed above.

10 COUNT ONE

11 By engaging in the acts, or combination of the acts, listed above, by sentencing the juvenile
12 to a harsher sentence because the juvenile elected to exercise her Fifth Amendment right against
13 self-incrimination, Respondent violated the Code, including Judicial Canon 1, Rule 1.1, failing to
14 comply with the law, including the Code; Rule 1.2, failing to promote confidence in the judiciary;
15 Canon 2, Rule 2.2, failing to uphold and apply the law and failing to perform all duties of her
16 judicial office fairly and impartially; Rule 2.3, failing to be free from bias; and Rule 2.5(A) failing
17 to perform judicial and administrative duties competently and diligently. The Respondent abused
18 her judicial authority by engaging in any or all, or any combination of, the acts listed above.


19 COUNT TWO

20 By engaging in the acts, or combination of the acts, listed above, in failing to be patient,
21 dignified and courteous to the juvenile and Counsel Grigsby, Respondent violated the Code,
22 including Judicial Canon 1, Rule 1.1, failing to comply with the law, including the Code; Rule 1.2,
23 failing to promote confidence in the judiciary; Canon 2, Rule 2.2, failing to uphold and apply the
24 law and failing to perform all duties of her judicial office fairly and impartially; Rule 2.5(A) failing
25 to perform judicial and administrative duties competently and diligently; Rule 2.6(A), failing to
26 accord a lawyer's right to be heard; and Rule 2.8 (B), failing to be patient, dignified, and courteous
27 to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge
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1 deals in an official capacity. The Respondent abused her judicial authority by engaging in any or
2 all, or any combination of, the acts listed above.

3 Based on the information above, the Commission shall hold a public hearing on the merits
4 of these facts and Counts pursuant to NRS 1.4673 and, if violations as alleged are found to be true,
5 the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant
6 to NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

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8 Dated this 9 day of October, 2017.

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10 Submitted by: 
11 Thomas C. Bradley, Esq., SBN 1621
12 Prosecuting Officer for the NCJD
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1 STATE OF NEVADA)
2) ss
3 COUNTY OF WASHOE)

4 THOMAS C. BRADLEY, ESQ. being first duly sworn under oath, according to Nevada
5 law, and under penalty of perjury, hereby states:

6 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained
7 by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer
8 in the matter of the Honorable Jennifer Henry, Case No. 2016-142-P.

9 2. I have prepared and reviewed this Formal Statement of Charges against the Honorable
10 Jennifer Henry, pursuant to the investigation conducted in this matter, and based on the contents
11 of that investigation and following reasonable inquiry, I am informed and believe that the contents
12 of this Formal Statement of Charges are true and accurate.
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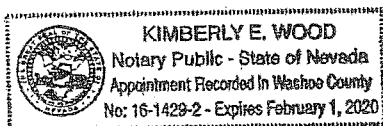
14 Dated this 9 day of October, 2017.

15
16 THOMAS C. BRADLEY, ESQ.
17

18 Subscribed and sworn to before me, a Notary Public

19 This 9 day of October, 2017.

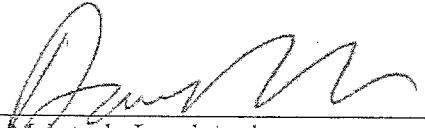
20
21 By: KIMBERLY E. WOOD
22 NOTARY PUBLIC



CERTIFICATE OF SERVICE

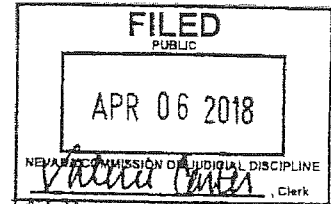
I hereby certify that a true and correct copy of this Formal Statement of Charges was placed in the U.S. mail, postage pre-paid, on this 10 day of October, 2017.

William B. Terry, Esq.
Law Offices William B. Terry, Chartered
530 South Seventh Street
Las Vegas, NV 89101

By: 
David McIntosh, Legal Assistant to
Thomas C. Bradley, Esq., Prosecuting Officer for NCJD

1 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

2 **STATE OF NEVADA**



3
4 In the Matter of)
5 THE HONORABLE JENNIFER HENRY,)
6 Hearing Master, Eighth Judicial District Court,)
7 County of Clark, State of Nevada,)
8 Respondent.)
9

CASE NO. 2016-142-P

10 **FIRST AMENDED ORDER SETTING PUBLIC HEARING**
11 **AND NOTICE OF PANEL MEMBERS, ORDER REGARDING MEDIA ACCESS**

12 TO: THE HONORABLE JENNIFER HENRY, Respondent
13 WILLIAM B. TERRY, ESQ., Counsel for Respondent
14 THOMAS C. BRADLEY, ESQ., Prosecuting Officer

15 Pursuant to order of the Nevada Commission on Judicial Discipline ("Commission"), a public
16 hearing in the above-captioned matter has been rescheduled to commence on May 29, 2018, at the hour
17 of 8:00 a.m., or as soon thereafter as the matter may be heard and will conclude at or before 5:00 p.m.
18 The public hearing will be conducted at the office of the State Bar of Nevada, 9456 Double R
19 Boulevard, Suite B, Reno, Nevada 89521. The Respondent, Respondent's counsel and the Prosecuting
20 Officer will appear in person.

21 The following panelists are scheduled to participate as members of the Commission: Gary
22 Vause (Chair), Hon. Leon Aberasturi, Bruce C. Hahn, Esq., Stefanie Humphrey, Laurence Irwin, Esq.,
23 John Krmpotic and Hon. Jerome Polaha.

24 Members of the media intending to record this public hearing must obtain consent to do so from
25 the Commission. Media entry requests should be directed to Gary Vause, Chair and may be mailed to
26 the Commission at Post Office Box 48, Carson City, NV, 89702, sent via facsimile to (775) 687-3607
27 or sent by electronic mail to ncjdinfo@judicial.nv.gov. The request should contain the name and

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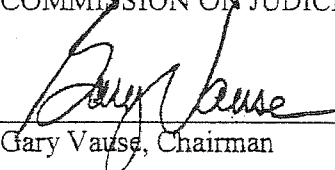
1 type of media outlet, including address, telephone and facsimile number(s). Requests must be received
2 by the Commission no later than 3:00 p.m., May 18, 2018.

3 Chairman Gary Vause is authorized to sign this order on behalf of the full Commission.

4 IT IS SO ORDERED.

5 DATED this 6th day of April , 2018.

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7 STATE OF NEVADA
8 COMMISSION ON JUDICIAL DISCIPLINE

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11 Gary Vause, Chairman
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