

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

DEC 13 2019

2
3 In the Matter of)

4 THE HONORABLE JENNIFER HENRY,)
5 Hearing Master for the Eighth Judicial District)
6 Court, Family Division, County of Clark, State)
7 of Nevada,)

8 Respondent.)

CASE NO. 80212

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

9 CERTIFIED COPY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND
10 IMPOSITION OF DISCIPLINE

11 Pursuant to Commission Procedural Rule 28(2), I hereby certify that the document attached
12 hereto is a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW AND
13 IMPOSITION OF DISCIPLINE filed with the Nevada Commission on Judicial Discipline on
14 December 12, 2019.

15 DATED this 12th day of December, 2019.

16
17 STATE OF NEVADA
18 COMMISSION ON JUDICIAL DISCIPLINE
19 P.O. Box 48
20 Carson City, NV 89702
21 (775) 687-4017

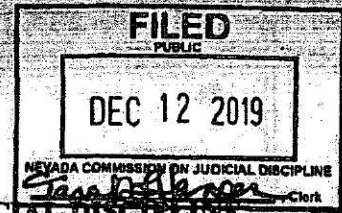
22 By: *[Signature]*

23 PAUL C. DEYHLE
24 General Counsel and Executive Director
25 Nevada Bar No. 6954

26 RECEIVED

DEC 12 2019

27 ELIZABETH A. BROWN
28 CLERK OF SUPREME COURT
DEPUTY CLERK



BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

In the Matter of

THE HONORABLE JENNIFER HENRY,
Hearing Master for the Eighth Judicial District
Court, Family Division, County of Clark, State
of Nevada,

CASE NO. 2016-142-P

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE

Pursuant to prior written notice, the above-entitled matter came on for a formal, two-day public hearing in Las Vegas, Nevada, pursuant to NRS 1.467 and Commission Procedural Rule 18, commencing on September 19, 2019, before the Nevada Commission on Judicial Discipline (hereinafter, the "Commission"), regarding the allegations against the Honorable Jennifer Henry (hereinafter "Respondent") for violations of the Revised Nevada Code of Judicial Conduct (hereinafter, the "Code").

The public hearing was abruptly halted in the early afternoon of September 19, 2019, upon discovering Respondent's computer tablet recording confidential Commission deliberations during a recess to consider oral motions submitted to the Commission by the Prosecuting Officer and Respondent's counsel. The public hearing was continued until a later date as set forth in the Commission's Order Continuing Public Hearing issued on September 23, 2019. The public hearing recommenced on November 15, 2019, in Las Vegas, Nevada.

Thomas C. Bradley, Esq. served as the Prosecuting Officer to the Commission (hereinafter, the "Prosecuting Officer") and was present. Respondent was represented by William B. Terry, Esq. and both were present. During the hearing, the Commission considered all evidence and testimony presented.

This document contains the findings of fact and conclusions of law contemplated by Commission Procedural Rule 28. The findings set forth below establish that Respondent violated the Code.

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A. FINDINGS OF FACT

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The Commission finds that the legal evidence presented by the Prosecuting Officer at the hearing clearly and convincingly established each of the following facts set forth in Paragraphs 1 through 3 below:

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1. At all times applicable to the allegations contained in the Formal Statement of Charges, Respondent was a Hearing Master for the Eighth Judicial District Court located in Clark County, Nevada, and whose conduct was subject to the Code.

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2. The factual allegations in Count One of the Formal Statement of Charges have not been proven by clear and convincing evidence.

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3. The factual allegations in Count Two of the Formal Statement of Charges regarding Respondent failing to be patient, dignified and courteous to Counsel Grigsby and the juvenile have been proven by clear and convincing evidence.

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The credible evidence established that on or about October 10, 2016, Respondent served as the assigned hearing master in a contested juvenile hearing in which a juvenile was accused of running away from police officers after the police officers had approached a group of teenagers smoking marijuana. As part of a plea agreement, the juvenile, through her court-appointed counsel, Aaron Grigsby, Esq., agreed to plead guilty to obstructing an officer, a misdemeanor offense, with all other charges dismissed in exchange for the prosecutor's sentencing recommendation that the juvenile be given six months of probation.

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After the plea was entered, Respondent began to ask the juvenile questions regarding her use of a cell phone. Counsel Grigsby advised the Respondent that he did not wish to have his client admit to something that could get her into more trouble. Respondent ignored Counsel Grigsby's objection, which Counsel Grigsby testified at the hearing as being based on the juvenile's Fifth Amendment right against self-incrimination, and repeatedly asked the juvenile to answer her questions about the juvenile's use of a cell phone.

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Respondent lost her temper as Counsel Grigsby continually objected to Respondent's repeated attempts to question the juvenile regarding the cell phone, and shouted, "ENOUGH", numerous times to Counsel Grigsby. Respondent then called a recess, and upon resumption of the hearing, Respondent

1 again started to ask the juvenile questions about the juvenile's cell phone. Counsel Grigsby continued
2 to object noting that he did not want his client to admit to anything that could get her in other trouble.

3 The juvenile followed the advice of her counsel and refused to answer Respondent's questions
4 regarding her cell phone. Respondent then stated that the court will be putting the juvenile on nine
5 months of probation instead of six months because the juvenile declined to answer her questions
6 regarding the use of a cell phone. Respondent also advised Counsel Grigsby that he was obstructing
7 the hearing, making prejudicial comments, and that she would be contacting his boss regarding his
8 presentation at the hearing.

9 The Commission recognizes that Respondent, as a juvenile hearing master, plays a central role
10 in the juvenile justice system and has an important job to do. However, Respondent must also
11 understand that Counsel Grigsby, as an attorney appointed by the court to represent juveniles, has an
12 important job to do as well. Juveniles have constitutional rights and Counsel Grigsby's job is to protect
13 those rights. A juvenile's rights should be respected. As a judicial officer in Nevada, Respondent is
14 held to a higher standard of conduct than those appearing before her, whether they be attorneys or
15 litigants, and is expected to carry out her judicial responsibilities in accordance with that standard as set
16 forth under the Code.

17 Respondent interfered with the attorney-client privilege and relationship between Counsel
18 Grigsby and the juvenile, yelled at Counsel Grigsby, ignored his objection and attempted to pressure
19 the juvenile into answering her questions by stating to the juvenile that her probation would be
20 increased if she refused, prevented Counsel Grigsby from developing a record of his objection, and
21 even threatened to contact Counsel Grigsby's boss, Mr. Christensen, which impacts and has a
22 significant chilling effect on his ability to carry out his assigned legal duties in representing juvenile
23 clients. Although the Commission viewed favorably Respondent's decision to call a recess to regroup
24 and presumably regain her composure and judicial demeanor, Respondent instead returned to the
25 courtroom just as agitated and combative as before.¹

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28 ¹ During the hearing, Respondent testified and agreed that a judge should not interfere in the attorney-client relationship, and that it would be inappropriate for a judge to tell a defendant to not follow the advice of her counsel.

1 If Respondent had maintained judicial decorum and given Counsel Grigsby the opportunity to
2 develop a record of his objection, inquired as to whether there was a reasonable basis for such an
3 objection, informed Counsel Grigsby of the previous proceeding involving his client at which he was
4 not present, and then proceeded from there, Respondent very likely would not have been suspended
5 without pay for a week by Presiding Judge Charles Hoskin, Chief Judge David Barker and District
6 Court Judge William Voy, and the judicial complaint to the Commission against Respondent in this
7 case would not have been filed, thus avoiding altogether the Writ Petition filed by Respondent with the
8 Nevada Supreme Court² and, ultimately, this hearing and the discipline imposed hereunder.

9 **B. CONCLUSIONS OF LAW**

10 1. As to Count One of the Formal Statement of Charges, the Commission finds that the
11 factual proof was insufficient to sustain the charges at the requisite clear and convincing evidentiary
12 standard.

13 2. As to Count Two of the Formal Statement of Charges, the Commission finds that the
14 Prosecuting Officer has proven by clear and convincing evidence that Respondent's actions constitute
15 violations of Canon 1, Rules 1.1 and 1.2; and Canon 2, Rules 2.5(A), 2.6(A) and 2.8(B).

16 **C. IMPOSITION OF DISCIPLINE**

17 In consideration of the totality of Respondent's actions and violations of the Code, the
18 Commission concludes that the appropriate discipline under Commission Procedural Rule 28 shall be
19 as follows:

20 By unanimous vote of the Commission, after due deliberation and consideration of the evidence
21 presented; Respondent's lack of prior discipline by the Commission; Respondent's character letters;
22 and her many years of service on the bench, but nevertheless, in light of Respondent failing to be
23 patient, dignified and courteous to Counsel Grigsby and the juvenile, it is decided that pursuant to
24 subsections 5(a) and (b) of Article 6, Section 21 of the Constitution of the State of Nevada, NRS
25 1.4653(1) and (2), NRS 1.4677(1)(a) and (d)(2), and Commission Procedural Rule 28, Respondent shall
26 be publicly admonished for having committed the acts as fully set forth above, and required to attend

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28 ² See *Henry v. Nevada Commission on Judicial Discipline*, 135 Nev., Advance Opinion 5 (2019), wherein the Nevada Supreme Court denied Respondent's Writ Petition challenging the jurisdiction of the Commission following the imposition of a stay of over 9 months.

1 and complete, at her own expense, the course entitled "Managing Challenging Family Law Cases: A
2 Practical Approach" at the National Judicial College in Reno, Nevada from October 19 to October 22,
3 2020; or such similar course as may be available with the approval of the Commission's Executive
4 Director, within one (1) year of the date of this Order.

5 The primary purpose of the Revised Nevada Code of Judicial Conduct is the protection of the
6 public, not the punishment of judges. The Commission protects the public by instilling confidence in
7 the integrity of the judicial system in Nevada, as public trust is essential to the administration of justice.
8 In carrying out this duty, the law provides the Commission a broad range of disciplinary measures to be
9 imposed which include, but are not limited to, removal from office, suspensions, fines, educational
10 requirements, public admonishments, etc. The imposition of discipline further serves the function of
11 discouraging future misconduct by the disciplined judge as well as the judiciary as a whole.
12 Accordingly, the purpose of the Commission's decision in this case is to protect the public by publicly
13 admonishing and educating, and thus, rehabilitating Respondent.

14 The discipline imposed against Respondent is based upon the facts of the case, the offenses
15 involved, and consideration of mitigating circumstances.

16 **D. ORDER**

17 IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Gary Vause,
18 Vice-Chair Stefanie Humphrey, Honorable Jerome Polaha, Karl Armstrong, Esq., Bruce C. Hahn, Esq.,
19 Joseph Sanford, and the Honorable Thomas L. Stockard that Respondent be, and hereby is, publicly
20 admonished for violations of Judicial Canon 1, Rules 1.1, requiring Respondent to comply with the law,
21 including the Code, and 1.2, requiring Respondent to promote public confidence in the integrity of the
22 judiciary; and Canon 2, Rules 2.5(A), requiring Respondent to perform judicial and administrative
23 duties competently and diligently, 2.6(A), requiring Respondent to accord a lawyer's right to be heard,
24 and 2.8(B), requiring Respondent to be patient, dignified and courteous to litigants and lawyers.

25 IT IS FURTHER ORDERED that Respondent shall within one (1) year of the date of entry of
26 this Order, attend and complete, at her own expense, the National Judicial College course entitled
27 "Managing Challenging Family Law Cases: A Practical Approach" in Reno, Nevada from October 19
28 to October 22, 2020; or such other similar course as may be available with the approval of the

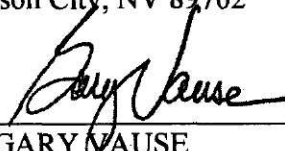
1 Commission's Executive Director. Respondent shall timely notify the Commission upon completion of
2 all requirements of this Order, including providing a certificate of course completion for the course
3 identified above, or a similar course as approved by the Commission's Executive Director.

4 IT IS FURTHER ORDERED that Respondent's failure to comply with the requirements of this
5 Order may result in the imposition of additional discipline against Respondent, including permanent
6 removal from the bench and bar from serving as a judicial officer in the future. NRS 1.4677(1)(e).
7 Accordingly, the Commission retains jurisdiction over this matter for the required period of time for
8 Respondent to comply with this Order.

9 IT IS FURTHER ORDERED by unanimous vote that the Chairman is authorized to sign this
10 document on behalf of all voting Commissioners.

11 DATED this 12th day of December, 2019.

12
13 STATE OF NEVADA
14 COMMISSION ON JUDICIAL DISCIPLINE
15 P.O. Box 48
16 Carson City, NV 89702

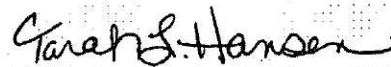
17 By: 
18 GARY CAUSE
19 COMMISSION CHAIRMAN
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 12th day of December, 2019, I served a copy of the **FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE** by email and U.S Mail, postage
5 paid, addressed to the following:

6 William B. Terry, Esq.
7 William B. Terry, Chartered Attorney at Law
8 530 South Seventh Street
9 Las Vegas, NV 89101-6011
10 Info@WilliamTerryLaw.com
11 Counsel for Respondent

12 Thomas C. Bradley, Esq.
13 Law Office of Thomas C. Bradley
14 435 Marsh Avenue
15 Reno, NV 89509
16 tom@tombradleylaw.com
17 Prosecuting Officer

18 

19 Tarah L. Hansen, Commission Clerk
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