

In the Supreme Court of the 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

Supreme Court Case No. 80212
NCJD Case No. 2016-142-P

Electronically Filed
Jan 13 2020 02:51 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
DOCKETING
CIVIL APPEAL

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.

1. **Judicial District:** Nevada Commission on Judicial Discipline (hereinafter "NCJD")
Commission Chairman: Gary Vause
NCJD Case No.: 2016-142-P
2. **Attorney filing this docket statement:**
Attorney: Daniel Marks, Esq. Telephone: (702) 386-0536
Firm: Law Office of Daniel Marks
Address: 610 South Ninth Street, Las Vegas, Nevada 89101
Client: Appellant
3. **Attorney representing Respondent:**
Attorney: Thomas C. Bradley, Esq. Telephone: (775) 323-5178
Firm: Law Office of Thomas C. Bradley
Address: 435 Marsh Ave., Reno, Nevada 89509
Client: Nevada Commission on Judicial Discipline

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRC 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/denial of injunction | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Grant/denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Order for Judicial Discipline</u> |

5. Does this appeal raise issues concerning any of the following? No

- ☐ Child custody
☐ Venue
☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is an appeal from an order imposing judicial discipline.

9. Issues on appeal. State specifically all issues in this appeal:

1. Whether the record below supports the NCJD's findings and imposition of discipline by clear and convincing evidence that Hearing Master Henry violated Judicial Canon 1, Rule 1.1, which requires her to comply with the law, when it made no specific findings or conclusions regarding a specific law she did not comply with.
2. Whether the record below supports the NCJD's findings and imposition of discipline by clear and convincing evidence that Hearing Master Henry violated Judicial Canon 1, Rule 1.2, which requires her to promote public confidence in the integrity of the judiciary, when it made no specific findings or conclusions regarding how the public's confidence in the integrity of the judiciary was actually affected.

3. Whether the record below supports the NCJD's findings and imposition of discipline by clear and convincing evidence that Hearing Master Henry violated Judicial Canon 2, Rule 2.5(A), which requires her to perform her judicial and administrative duties competently and diligently, without evidence that she did not perform these duties competently and diligently.
 4. Whether the record below supports the NCJD's findings and imposition of discipline by clear and convincing evidence that Hearing Master Henry violated Judicial Canon 2, Rule 2.6(A), which requires her to accord a lawyer's right to be heard, when the lawyer in question testified he was heard.
 5. Whether the record below supports the NCJD's findings and imposition of discipline by clear and convincing evidence that Hearing Master Henry violated Judicial Canon 2, Rule 2.8(B), which requires her to be patient, dignified, and courteous to litigants and lawyers, when that rule is vague and does not adequately advise a hearing master of what conduct is prohibited.
 6. Whether the NCJD violated Hearing Master Henry's due process rights by limiting her ability to present witnesses and evidence.
10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

N/A

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. **Other issues.** Does this appeal involve any of the following issues?
- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
 - ☐ An issue arising under the United States and/or Nevada Constitutions
 - ☐ A substantial issue of first-impression
 - ☒ An issue of public policy
 - ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
 - ☐ A ballot question

If so, explain: N/A

13. **Trial.** If this action proceeded to trial, how many days did the trial last?

Two (2) day public hearing

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice? No.

TIMELINESS OF NOTICE OF APPEAL

15. **Date of entry of written judgment or order appealed:** December 13, 2019
16. **Date written notice entry of judgment or order was served:** December 13, 2019

Was service by:

- ☐ Delivery
☒ Mail/electronic/fax

17. **If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

N/A

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

- ☐ NRCP 50(b) Date of filing _____
☐ NRCP 52(b) Date of filing _____
☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev. Adv. Rep. 53, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving motion served _____

Was service by:

- ☐ Delivery
☐ Mail/electronic/fax

18. **Date notice of appeal was filed:** Filed with NCJD on December 19, 2019
Filed/Received by Supreme Court on December 23, 2019

19. **Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a):**
NRAP 3D(d)

SUBSTANTIVE APPEALABILITY

20. **Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

- (a) ☐ NRAP 3A(b)(1) ☐ NRS 38.205
☐ NRAP 3A(b)(2) ☐ NRS 233B.150

- ☐ NRAP 3A(b)(3) ☐ NRS 703.376
☒ Other (specify) NRAP 3D(c)(2)

- (b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3D(c)(2) provides a basis for this appeal because the Nevada Commission on Judicial Discipline issued an order imposing discipline against Appellant.

21. List all parties involved in the action or consolidated actions in the district court:

- (a) Respondent: Jennifer Henry
Complainant: Nevada Commission on Judicial Discipline
- (b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims and the date of disposition of each claim.

NCJD charged Hearing Master Henry with two counts of judicial discipline. The first count claimed she abused her judicial authority relating to a juvenile-defendant's Fifth Amendment constitutional rights. NCJD ultimately found it was without sufficient evidence to sustain that charge.

The second count claimed she "failed to be patient, dignified, and courteous" to an attorney and a juvenile-defendant. NCJD sustained this count and, as a result, imposed discipline.

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:

- ☒ Yes
☐ No

24. If you answered "No" to question 23, complete the following: N/A

- (a) Specify the claims remaining pending below:
- (b) Specify the parties remaining below:
- (c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):
- ☐ Yes
☐ No

- (d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

- ☐ Yes
☐ No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

N/A

26. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Jennifer Henry

Name of appellant

1/13/20
Date

Clark County, Nevada

State and county where signed

Daniel Marks, Esq.

Name of counsel of record

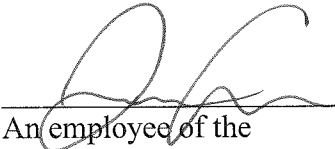

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 13 day of January, 2020, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid and by E-Mail to the following address(es):

Thomas C. Bradley, Esq.
LAW OFFICE OF THOMAS C. BRADLEY
435 Marsh Avenue
Reno, Nevada 89509
E-Mail: Tom@TomBradleyLaw.com
Prosecuting Officer



An employee of the
LAW OFFICE OF DANIEL MARKS

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

DEC 13 2019

In the Matter of)

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

Respondent.)

CASE NO. 80212

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

**CERTIFIED COPY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND
IMPOSITION OF DISCIPLINE**

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

DATED this 12th day of December, 2019.

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702
(775) 687-4017

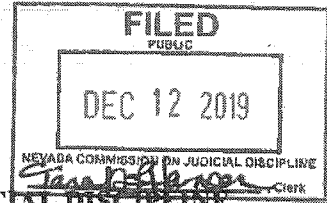
By: *[Signature]*

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

RECEIVED

DEC 12 2019

ELIZABETH A. BROWN
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.

1 **A. FINDINGS OF FACT**

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

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

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

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

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

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

26 Respondent lost her temper as Counsel Grigsby continually objected to Respondent's repeated
27 attempts to question the juvenile regarding the cell phone, and shouted, "ENOUGH", numerous times
28 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

26 ///

27
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

27
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

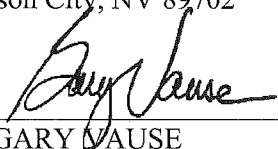
1 Commission's Executive Director. Respondent shall timely notify the Commission upon completion of
2 all requirements of this Order, including providing a certificate of course completion for the course
3 identified above, or a similar course as approved by the Commission's Executive Director.

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 VAUSE
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

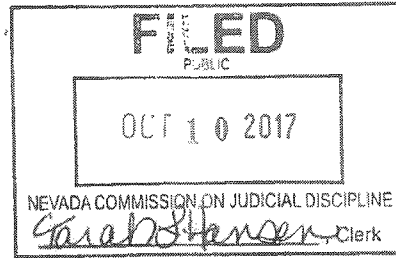
12 Thomas C. Bradley, Esq.
13 Law Office of Thomas C. Bradley
14 435 Marsh Avenue
15 Reno, NV 89509
16 tom@tombradleylaw.com
17 Prosecuting Officer

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Tarah L. Hansen, Commission Clerk

EXHIBIT 2

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**

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 **FORMAL STATEMENT OF CHARGES**

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

24 **FACTUAL ALLEGATIONS**

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

On 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 who were on the street smoking marijuana at 3:00 a.m. in the morning. As part of a plea agreement, the juvenile, through her counsel, 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. The juvenile was represented by Aaron Grigsby, a court appointed attorney. Notably, Respondent and Mr. Grigsby had a strained professional relationship going back several years.

After the plea was entered, Respondent began to ask the juvenile questions regarding her use of a cell phone which was unrelated to the underlying criminal matter. 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's objection which was 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.

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, and again began asking the juvenile to answer her questions regarding the juvenile's cell phone. Counsel Grigsby continued to object noting that he did not want his client to admit to anything that could result in additional charges.

The juvenile followed the advice of her counsel and refused to answer Respondent's questions regarding the cell phone. Respondent then stated that she was sentencing the juvenile to nine (9) months of probation instead of six (6) months because the juvenile declined to answer her questions regarding the use of a cell phone. During the hearing, Respondent also advised Counsel Grigsby he was obstructing the hearing, making prejudicial comments, and that his misconduct 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
28

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.

7
8 Dated this 9 day of October, 2017.

9
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.
13

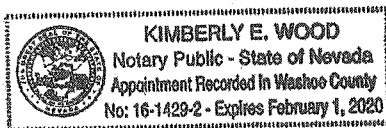
14 Dated this 9 day of October, 2017.

15 
16 THOMAS C. BRADLEY, ESQ.
17

18 Subscribed and sworn to before me, a Notary Public

19 This 9th day of October, 2017.

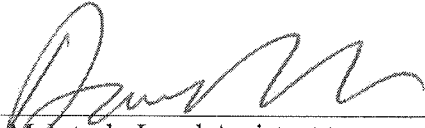
20 
21 NOTARY PUBLIC
22



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