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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE HONORABLE
JENNIFER HENRY, HEARING MASTER,
EIGHTH JUDICIAL DISTRICT COURT,
COUNTY OF CLARK, STATE OF NEVADA.

Case No. 80212

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Appeal from the Nevada Commission on Judicial Discipline

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1 line 9 and with the noted -- noting that it wasn't a
2 contested hearing, and there was no plea of guilty. But
3 those are inconsequential to our determination here.

4 Beginning at 9: After the plea was entered,
5 Respondent began to ask the juvenile.

6 Second sentence: Counsel Grigsby advises the
7 Respondent he did not wish to have his client admit to
8 something that could get her into more trouble.

9 Third sentence: Respondent ignored the
10 objection, which was based on juvenile's Fifth
11 Amendment rights against self-incrimination, and
12 repeatedly asked the juvenile to answer questions about
13 the juvenile's use of a cell phone.

14 All right. Now, we have two cases that are
15 seemingly at odds. So in my mind -- and I use the
16 talismanic phrase before counsel mentioned it. I wrote
17 it down here, and, perhaps, that's the case that I was
18 thinking of, but then the -- what was that other case?
19 Minnie, Monie, or whatever.

20 MR. TERRY: Monia (phonetic). We cited that
21 in the Pretrial Brief.

22 PRESIDING OFFICER JUDGE POLAHA: Yes. Is
23 contrary to that. So to my mind, that's an unresolved
24 issue at this point.

25 But, nonetheless, going on, Respondent lost

1 her temper, shouted: Enough.

2 Respondent called a recess. Began asking
3 juvenile to answer questions again.

4 Counsel again continues to object noting that
5 he does not want his client to admit to anything that
6 could result in additional charges.

7 Juvenile followed the advice and refused to
8 answer Respondent's questions regarding the cell phone.

9 Respondent then stated she was sentencing
10 juvenile to nine months of probation instead of six
11 months because the juvenile declined to answer
12 questions regarding the use of the cell phone.

13 And the during the hearing, Respondent
14 advised counsel he was obstructing hearing, making
15 prejudicial comments.

16 And the closing paragraph of the factual
17 allegations are taking those facts and those sentences
18 that I mentioned and applying the Judicial Code to
19 them.

20 Rule 1 and 1.1, failing to comply with the
21 law.

22 Now, the law in regards to what? Retaliatory
23 sentencing? The intent to retaliate in the sentencing?
24 Ignoring the Fifth Amendment that was not patently put
25 on the table?

1 1.2, failing to promote confidence in the
2 judiciary.

3 Canon 2, failing to uphold and apply the law.
4 Again, in what respect?

5 2.3, failing to be free from bias.

6 Rule 2.5(A), failing to perform judicial and
7 administrative duties competently and diligently.

8 Rule 2.6(A), failing to accord a party's
9 right to be heard.

10 And Rule 2.8(B), failing to be patient,
11 dignified, and courteous to litigants, et cetera.

12 In concluding that the Respondent abused her
13 judicial authority by engaging in any or all or any
14 combination of the acts listed above.

15 Okay. Then we go into Count I, and taking
16 these and applying it to the specifications set out in
17 Count I.

18 Now, the prosecutor is arguing to change the
19 charge of sentencing the juvenile to a harsher sentence
20 because of the exercise of the Fifth Amendment to --
21 well, she intended to recommend that the sentence be
22 increased.

23 So we're taking a completed act, sentenced,
24 and substituting or wanting to substitute a
25 contemplated course of action.

1 And, to me, that's an inconsequential
2 amendment, and I don't think it justifies -- you're
3 charging someone with something with specific acts, and
4 that is your burden of proof.

5 And by saying that, well, she thought about
6 it and announced it, and, therefore, she was going to
7 do had she had the power to do it. That's not what the
8 law is about.

9 So I am denying the motion to amend, and,
10 because of the denial of the motion to amend, based on
11 the evidence as we have so far, I am dismissing part of
12 Count I -- let me see -- Respondent violated code
13 including Judicial Canon 1, Rule 1. I am dismissing
14 that.

15 Code 1.2, failing to promote confidence in
16 the judiciary, I'm not dismissing that.

17 Canon 2, Rule 2.2, failure to uphold and
18 apply the law, I am dismissing that.

19 Failure to be free from bias, I am not
20 dismissing that.

21 Rule 2.5(A), failing to perform judicial
22 administrative duties competently, I am dismissing
23 that.

24 MR. BRADLEY: Could you just list the ones
25 you are not dismissing?

1 PRESIDING OFFICER JUDGE POLAHA: Rule 1.2 and
2 2.3. And then Count II remains.

3 MR. TERRY: I'm sorry, Judge Polaha, I didn't
4 hear the last thing you said.

5 PRESIDING OFFICER JUDGE POLAHA: Count II
6 remains. Yes.

7 COMMISSION MEMBER ARMSTRONG: As I understand
8 the Commission's procedures, your rulings on the
9 amendment are the -- this Commission accepts, you know,
10 it can be subject to appeal by people, but we accept
11 that.

12 But as to the dismissals, I think we all
13 vote; is that correct?

14 PRESIDING OFFICER JUDGE POLAHA: Well, I'll
15 defer to the attorney.

16 MR. DEYHLE: Well, if the case is going to be
17 dismissed, the Commission has to vote, yes. It can't
18 just be decided on by the judge.

19 COMMISSION MEMBER ARMSTRONG: What I would
20 say -- just reading this -- is taking the -- Judge
21 Polaha's ruling that he's is not going to allow an
22 amendment.

23 I think the factual predicate for Count I
24 requires us to find -- if it's based on the failure to
25 sentence --

1 Let me read if that's conjunctive or
2 disjunctive.

3 Okay. No. I just -- the first sentence.
4 Okay. I understand. Okay.

5 COMMISSION CHAIR VAUSE: On the Respondent's
6 amended exhibits -- and we come to that page R0250, and
7 we come down to 11:12:57. Now, is that verbatim word
8 for word what the video --

9 MR. BRADLEY: I think Mr. Terry prepared
10 this, and I think that it's accurate as you can make
11 it. I can't -- we can't for sure it's perfectly
12 accurate. We would -- that's the reason the
13 transcripts are not in evidence.

14 But I certainly can fast forward to that, if
15 the Chair would like that, and you could just hear --
16 because there's a little counter. I think I can figure
17 that out -- just hear that one minute of the hearing.

18 COMMISSION CHAIR VAUSE: Well, if that is the
19 word "court" -- this is what the Court's going to do --
20 what does that refer to? Her hearing that day? Is
21 that what she's referring to?

22 PRESIDING OFFICER JUDGE POLAHA: Where are
23 you?

24 COMMISSION CHAIR VAUSE: 11:12:57.

25 PRESIDING OFFICER JUDGE POLAHA: This is what

1 the Court's going to do. Okay. All right.

2 MR. BRADLEY: I believe it's accurate that
3 she did say: This court.

4 MR. TERRY: So I would suggest that it's
5 accurate. We went through the transcript that dealt
6 with the videos quite extensively. But I fully
7 recognize the video was the primary evidence.

8 COMMISSION CHAIR VAUSE: So what is one --
9 the phrase "this Court," does that refer to that
10 proceeding at that moment?

11 MR. TERRY: I don't think it's proper for me
12 to answer that -- not to be rude to you-- because I
13 think that's a question that should have been more
14 directed to the Judge.

15 Judge Henry states: You are also doing --
16 making prejudicial -- prejudice -- prejudicial comments
17 toward this court.

18 Am I referring to the right thing?

19 COMMISSION CHAIR VAUSE: I'm up on 11:12:57.

20 MR. TERRY: Okay.

21 COMMISSION CHAIR VAUSE: And it's like the
22 second sentence -- 1, 2, 3 -- I guess it's the fourth
23 sentence. And it says: This is what the Court's going
24 to do. The Court is going to put -- and so on a so
25 forth.

1 I just want -- I'm just asking what does
2 that --

3 MR. TERRY: "This court" refer to?

4 COMMISSION CHAIR VAUSE: The instant
5 proceedings that they were in or does it mean a
6 subsequent?

7 MR. TERRY: It would have to be a subsequent
8 because this Judge cannot sentence.

9 MR. BRADLEY: I would disagree. It's clear
10 in the context she talking about --

11 PRESIDING OFFICER JUDGE POLAHA: Herself.

12 MR. BRADLEY: -- herself as the Court.

13 PRESIDING OFFICER JUDGE POLAHA: I agree with
14 that.

15 COMMISSION MEMBER JUDGE STOCKARD: I would
16 respectfully say that, ultimately, we'll have to decide
17 that.

18 PRESIDING OFFICER JUDGE POLAHA: Well, we
19 have the Judge here. We can call her to the stand.
20 Are you going to examine her?

21 MR. TERRY: Once our motion is denied, which
22 apparently it is, yes.

23 PRESIDING OFFICER JUDGE POLAHA: I think we
24 have to vote on it. But we can ask the judge to look
25 at that portion and that -- tell us what she meant by

1 that.

2 MR. TERRY: All right. Thank you.

3 May I have a moment to speak with my client?

4 Whatever the Chairman directs.

5 PRESIDING OFFICER JUDGE POLAHA: Okay. Do
6 you want to ask the question of the Judge?

7 COMMISSION CHAIR VAUSE: Yes.

8 THE WITNESS: Do you want me to go back up
9 there?

10 PRESIDING OFFICER JUDGE POLAHA: You can do
11 it from there.

12 MR. TERRY: Just -- the basis for the
13 question, it deals with -- correct me if I'm wrong --
14 11:13:56; correct?

15 COMMISSION MEMBER JUDGE STOCKARD: I think
16 it's 11:12:57.

17 PRESIDING OFFICER JUDGE POLAHA: 11:12:57.

18 MR. TERRY: Okay. Can she have a moment to
19 review that?

20 PRESIDING OFFICER JUDGE POLAHA: Sure.

21 MR. TERRY: And then the question is: Which
22 court were you referring to?

23 COMMISSION CHAIR VAUSE: I want to know when
24 the statement is made "this Court."

25 THE WITNESS: That would be me.

1 COMMISSION CHAIR VAUSE: Okay.

2 THE WITNESS: So this hearing --

3 COMMISSION CHAIR VAUSE: That's all I wanted
4 to know.

5 THE WITNESS: And, once again, I think it was
6 discussed that I have a habit of saying "put," but all
7 I can do is recommend. I can't make any orders. I
8 can't actually make that happen.

9 COMMISSION CHAIR VAUSE: I understand. I was
10 just -- "this Court," I didn't know if you refer to
11 your proceedings as the court or if that is how it's
12 commonly -- because I am not familiar with referees and
13 Juvenile Court hearing masters.

14 MS. COURT REPORTER: I am so sorry for the
15 interruption. Who was the lady that was just speaking?

16 PRESIDING OFFICER JUDGE POLAHA: Judge Henry.

17 MS. COURT REPORTER: Thank you very much.

18 PRESIDING OFFICER JUDGE POLAHA: Any other
19 questions?

20 Why don't we clear the room, and then we
21 could deliberate as to Count II.

22 MR. TERRY: Just so I'm clear, we haven't
23 rested.

24 PRESIDING OFFICER JUDGE POLAHA: Oh, I know.

25 MR. TERRY: Okay.

1 PRESIDING OFFICER JUDGE POLAHA: I'm still
2 working on his motion to amend.

3 MR. TERRY: All right. Thank you very much.

4 (Deliberation 1:24 p.m. to 4:19 p.m.)

5 PRESIDING OFFICER JUDGE POLAHA: Counsel, to
6 let you know there's been a lengthy delay since we left
7 the room for the purposes of deliberation.

8 And during the course of the deliberation, it
9 was discovered that somebody had an iPad that was
10 recording deliberation.

11 And that caused a couple of problems. The
12 legal problem is that these are confidential
13 deliberation. We are a constitutional commission and
14 we were in a deliberative state, and somebody was
15 recording the deliberation.

16 Now, weather it was intentional or
17 unintentional, that's another matter. That's not for
18 this Commission to determine.

19 However, we did call the police authorities,
20 the Metro. They confiscated the device, and they're
21 seeking a warrant to see what, if anything, was
22 recorded on it.

23 And as far as this proceeding goes, what we
24 intend to do is continue this. Stop it now and
25 continue it, so that it's done without prejudice.

1 Because if that turns out to be nothing, we
2 can pick up where we left off.

3 If it turns out to be something, then this
4 may be moot. So anyway, that's what we're doing.

5 Now, my question to you is do you have an
6 objection to that proceeding?

7 We can't -- let me say this, we cannot, as we
8 are posed right now, entertain any more evidence on
9 this particular case because I think the Panel has been
10 tainted by the events that occurred.

11 MR. BRADLEY: I have no objection, Your
12 Honor.

13 MR. TERRY: I have more of an inquiry, Your
14 Honor, than an objection.

15 PRESIDING OFFICER JUDGE POLAHA: Sure.

16 MR. TERRY: Obviously, we've been siting
17 outside the proceedings. We saw the police officers
18 come in.

19 I believe that on a prior to occasion, you
20 summonsed a young lady in, that is present, in
21 reference to either a tape deck or a recorder or an
22 iPad or something. Made certain inquiries of her, and
23 then she left the room. And Mr. Dial invited the
24 Commission to go over to look at it.

25 As a result, I asked the young lady what was

1 going on. And, had the Commission sent a
2 representative out, there could have been a consent
3 issue that would have clarified all this, as opposed to
4 calling the police.

5 I don't know if they executed a search
6 warrant or what have you, but whatever is on there, we
7 would have no objections to it being reviewed.

8 Number two, my ascertainment of the facts was
9 that it was accidentally left on. Judge Henry did not
10 have possession or custody of it. I certainly did not.
11 And I know that the Special Prosecutor did not.

12 So we're as much in the dark as you are.
13 There was never intent on our part to record anything
14 that was going on in the deliberative processes.

15 Plus we never had a chance -- and I think
16 that this is important -- the recorder never -- and I'm
17 calling it a recorder because I'm not sure what it
18 was -- the recorder never left the room so that anyone
19 would have had an opportunity to have listened to it.

20 Our concern is we don't want to prejudice
21 this Panel against us. And if it necessitates your
22 reviewing what's on there, we don't have a problem with
23 that.

24 But I think what you're going to hear is that
25 those deliberative processes were, in fact, recorded.

1 But it was not done intentionally or with knowledge of
2 any of the three of us.

3 And I should leave Mr. Bradley out of this
4 because I know the focus is certainly more on Judge
5 Henry and myself, and certainly not on my associate.
6 She would never do that.

7 So we're willing to do whatever the Panel
8 wants. I'm not happy that the matter will be
9 continued. It would always be our hope that we could
10 have finished this matter -- we were hopeful that we
11 could have finished it today for not just our
12 convenience, but for the Commission's convenience.

13 I realize this a matter was originally set in
14 Reno, and you allowed it to be held down here.

15 So we'll do whatever the Commission says is
16 acceptable. Okay? But I wanted to establish those
17 facts.

18 The young lady is present that I made
19 representations in reference to. If you want to make
20 inquiry of her, that is fine. Because I think
21 ultimately, you're going to have to make a
22 determination whether or not anybody made a --
23 purposefully did this.

24 Two, weather or not there was anybody that
25 listened to it. And we're certainly willing to do

1 anything the Commission asks. And we certainly don't
2 want it to prejudice Judge Henry. And I doubt that it
3 does prejudice the Special Prosecutor.

4 So we'll yield to whatever you want.

5 PRESIDING OFFICER JUDGE POLAHA: Who's iPad
6 was it?

7 MR. TERRY: It was Judge Henry's.

8 PRESIDING OFFICER JUDGE POLAHA: Okay. Now,
9 there is a timing device on the face of the iPad. We
10 have a timing device on the recorder.

11 So we can find out -- and we haven't had an
12 opportunity to do that -- when the device was turned
13 on. Okay? And that's undetermined at this time.

14 MR. TERRY: And that's fine. If you need any
15 type of code, or if there's anything special that we
16 have to provide to you in order to get into the
17 recorder -- and, again, I'm calling it a recorder
18 because I'm not sure what it is -- we will accommodate
19 that.

20 PRESIDING OFFICER JUDGE POLAHA: Okay. Well,
21 we didn't know what it was. We didn't want to touch it
22 or be accused of, well, you guys tampered with it
23 because we weren't there when that happened.

24 So we were hands-off, and we choose to go
25 this route.

1 MR. TERRY: And I understand. Which, if we
2 had been called in, we would have tried to clarify it
3 for you quickly.

4 PRESIDING OFFICER JUDGE POLAHA: Okay. And
5 we don't indicate that somebody listened to it because
6 there's no opportunity to listen to it.

7 MR. TERRY: Right.

8 PRESIDING OFFICER JUDGE POLAHA: But, anyway,
9 we will conclude at this time, out of a matter of
10 necessity, because of the situation that occurred this
11 afternoon.

12 And we are doing that without prejudice. And
13 in the event we have to reassemble, we will notify you
14 and we will set a time that is mutually convenient and
15 get back on.

16 COMMISSION MEMBER JUDGE STOCKARD: And, Judge
17 Polaha?

18 PRESIDING OFFICER JUDGE POLAHA: Yes.

19 COMMISSION MEMBER JUDGE STOCKARD: Just from
20 my perspective, I think you said at one point that
21 we're -- the Panel as a whole is tainted.

22 I would say, at least from my perspective, I
23 make no judgment. There very well may be a lot of
24 answers are just -- that we could go on or we may not,
25 you know, it's -- some of it just depends on how the

1 facts are.

2 MR. TERRY: And we hope that you can. We --
3 it is not our intent to prejudice the Panel.

4 COMMISSION MEMBER JUDGE STOCKARD: And,
5 personally, I'm open to whatever the facts turn out to
6 be. Where they lead, you know, and very easily --
7 potentially go on and hear this case.

8 I don't know whether there's going to be any
9 taint or not.

10 MR. TERRY: Well, I leave that to the
11 Commission. You make that determination.

12 PRESIDING OFFICER JUDGE POLAHA: Yes. One of
13 the concerns that was raised, in reviewing the
14 situation by the Supreme Court, if this were to pop up
15 and it was adverse to you, yes, that wouldn't -- we'd
16 be doing it again anyway.

17 MR. TERRY: Well, I can assure you, we intend
18 to raise no issue in that regard. Okay? But, again,
19 we yield to whatever the Commission directs us to do.

20 PRESIDING OFFICER JUDGE POLAHA: All right.

21 MR. TERRY: My concern is the potential
22 prejudice on Judge Henry, if you have thoughts that
23 this was one purposely by her, myself, or my associate.

24 PRESIDING OFFICER JUDGE POLAHA: Okay. Right
25 now, we don't have those kinds of thoughts because we

1 don't know the facts. And we're a fact-finding panel.

2 Be that as it may, it did cause concern, and
3 so much so that the police were called. So we're in a
4 position to say, hey, let's stop it now, and find out
5 what's on the thing; when did it start?

6 Because if it started after we said we're
7 leaving the room, then we've got another problem.

8 Okay?

9 MR. TERRY: I can see, I think, where the
10 Commission is going. And don't think that's what
11 you're going to find. That would be neither to our
12 benefit.

13 May I inquire one thing through you, Judge
14 Polaha? Assuming the we reconvene at a later point in
15 time, I represented to my colleague that we eliminated
16 one of the witnesses. So we would have only one other
17 witness and Judge Henry to call. And I still have the
18 ability to cross-examine.

19 I assume we're limited to that?

20 PRESIDING OFFICER JUDGE POLAHA: Yes. Yes.

21 MR. TERRY: In other words, what we've
22 already --

23 PRESIDING OFFICER JUDGE POLAHA: Right.

24 MR. TERRY: -- proffered to you that we're
25 going to be doing --

1 PRESIDING OFFICER JUDGE POLAHA: We'll just
2 pick it all up and stick over it there.

3 MR. TERRY: Okay.

4 PRESIDING OFFICER JUDGE POLAHA: Then we were
5 still in the process of working out Count I when this
6 was discovered.

7 MR. TERRY: Understood.

8 PRESIDING OFFICER JUDGE POLAHA: Okay.

9 COMMISSION CHAIR VAUSE: Could we, Judge, ask
10 the circumstances under which that iPad was left on
11 that table and who had possession of it and why would
12 anybody --

13 MR. TERRY: We can probably answer some of
14 those inquiries, but if you want to direct them to
15 us --

16 COMMISSION CHAIR VAUSE: I'd like you to, if
17 that's okay.

18 PRESIDING OFFICER JUDGE POLAHA: If you want
19 to entertain an answer.

20 MR. TERRY: Sure. May I ask what the
21 question is, and we'll respond.

22 COMMISSION CHAIR VAUSE: Well, why was the
23 laptop in the room?

24 COMMISSION MEMBER JUDGE STOCKARD: I think it
25 was an iPad.

1 COMMISSION CHAIR VAUSE: Why was it in the
2 room, who had possession of it and why was, if you
3 know, turned on to record?

4 MR. TERRY: I cannot answer question number
5 one.

6 Number two, I believe it was left in here
7 accidentally during -- when we all left the room.

8 Number three, my understanding from the
9 witness is -- may I look to her?

10 You didn't even know it was on at the point
11 in time?

12 THE WITNESS: No. I turned it -- do you want
13 me to -- I turned it on --

14 MR. TERRY: May she be heard?

15 PRESIDING OFFICER JUDGE POLAHA: Yes, if she
16 identifies herself for the record.

17 MR. TERRY: Can you identify yourself by
18 name.

19 THE WITNESS: Certainly.

20 COMMISSION MEMBER JUDGE STOCKARD: The only
21 thing I would say -- because it's sort of relevant here
22 -- is we want to make sure -- there's an open criminal
23 investigation.

24 And before she makes any comments, I just
25 want to make sure that somebody advises her --

1 PRESIDING OFFICER JUDGE POLAHA: Of her Fifth
2 Amendment rights.

3 MR. TERRY: I do predominantly criminal work.
4 For the life of me, I can't think of what the crime is.

5 PRESIDING OFFICER JUDGE POLAHA: It's a Class
6 D felony, surreptitiously recording a confidential --

7 MR. TERRY: Oh, okay. Surreptitiously. All
8 right.

9 COMMISSION MEMBER JUDGE STOCKARD: So I don't
10 doubt -- I'm just saying -- and I know you don't
11 represent her, but before -- I just want to make sure
12 that everyone's treated fairly.

13 MR. TERRY: And I understand and I appreciate
14 your hesitancy, if I can use that term.

15 So we are prepared to put her on at a later
16 point in time, unless there is some type of major
17 change, and to make the record complete.

18 COMMISSION MEMBER JUDGE STOCKARD: I don't
19 know -- I mean, it's up to -- I just wanted to raise
20 that one issue.

21 COMMISSION CHAIR VAUSE: Well, can she still
22 answer or is she being advised not to?

23 MR. TERRY: I am not in a position -- I
24 cannot give her legal advice.

25 COMMISSION CHAIR VAUSE: Okay.

1 MR. TERRY: Nor can I suggest that she invoke
2 the Fifth. I don't think that there's a basis for it.

3 However, because -- and I appreciate your
4 advising me of what your thought processes were -- I'm
5 not in a position to advise her of anything because I
6 don't represent her. And, clearly, I would be in a
7 conflict position if I tried to give her any form of
8 advice.

9 COMMISSION MEMBER ARMSTRONG: I would, out of
10 an abundance of caution, not want her to say anything
11 at this particular time until this matter goes a little
12 bit further as to what exactly happened. Because it
13 may be an innocent act, we don't know.

14 And I would rather not put her at risk at
15 this particular point by her making statements that
16 could possibly come back to cause her problems.

17 MR. TERRY: And I agree with Mr. Armstrong
18 completely.

19 PRESIDING OFFICER JUDGE POLAHA: All right.
20 So then we will terminate the hearing at this time with
21 the understanding that we may be picking it up at a
22 later date.

23 MR. TERRY: Very well. Thank you.

24 PRESIDING OFFICER JUDGE POLAHA: And we'll
25 pick it up just as we ended with the determination of

1 the motion.

2 (Proceeding concluded at 4:31.)

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1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)

3 I, BRANDI ANN VIANNEY SMITH, do solemnly
4 swear and affirm I was present by video conference from
5 Washoe County, Nevada to Clark County, Nevada that on
6 Thursday, September 19, 2019, at the hour of 8:00 a.m
7 of said day, at Sunshine Litigation Services, 151
8 Country Estates Circle, Reno, Nevada, by video
9 conference, I reported the Nevada Commission on
10 Judicial Discipline hearing on the matter entitled
11 herein;

12 That the hearing was taken in verbatim
13 stenotype notes by me, and thereafter transcribed into
14 typewriting as herein appears;

15 That the foregoing transcript, consisting of
16 pages 1 through 160, is a full, true, and correct
17 transcription of my stenotype notes of said deposition,
18 to the best of my knowledge, skill and ability.

19 Dated at Gardnerville, Nevada, this 30th day
20 of September, 2019.

21
22 _____
BRANDI ANN VIANNEY SMITH

23
24
25

1 WILLIAM B. TERRY, ESQ.
Nevada State Bar No. 001028
2 ALEXANDRA ATHMANN-MARCOUX, ESQ.
Nevada State Bar No. 014474
3 WILLIAM B. TERRY CHARTERED
530 South Seventh Street
4 Las Vegas, Nevada 89101
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5 (702) 385-9788 (Fax)
Info@WilliamTerryLaw.com
6 Attorney for Defendant

7 NEVADA COMMISSION ON JUDICIAL DISCIPLINE
8 STATE OF NEVADA
9

10 In the Matter of

CASE NO. 2016-142-P

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

13 Respondent.
14

15
16 **RESPONDENT'S AMENDED EXHIBITS**

17	A. Transcript of October 10, 2016	R0001 - R0005
18	B. Complaint for Divorce in Clark v. DeCaprio filed by Aaron Grigsby in his representation of Deputy District Attorney Clark and TRO	R0006 - R0025
19	Application wherein Clark identifies herself as Deputy District Attorney at 601 N. Pecos Road (Juvenile Court);	
20	C. Rule 11 of Federal Rules of Criminal Procedure	R0026 - R0027
21	D. Pages 1 and 2 of a sample Plea Agreement in Federal Court	R0028 - R0029
22	E. Pages 1, 3 and 4 of a sample Plea Agreement in District Court	R0030 - R0032
23	F. Violence Intervention Report 2018	R0033 - R0034
24	G. Guardianship Compliance Case Reports 2018 with Calendar	R0035 - R0047
25	H. Character letters	R0048 - R0056
26	I. Performance Evaluations	R0057 - R0154
27	J. Performance Evaluations for years: 2008, 2013; 2014; 2015 & 2016	R0155 - R0188
28	K. Additional Character Letters (8 in total)	R0189 - R0202
	L. Tueton Notice of Entry of Order & Order.	R0203 - R0208

1	M.	Transcript of 09/19/2016 A.B. Hearing	R0209 - R0210
2	N.	Transcript of 10/10/2016 A.B. Hearing - Video 1	R0211 - R0214
3	O.	Transcript of 10/10/2016 A.B. Hearing - Video 2	R0215
4	P.	Transcript of 10/10/2016 A.B. Hearing - Video 3	R0216 - R0219
5	Q.	Transcript of 11/30/2016 A.B. Hearing - Video 1	R0220 - R0221
6	R.	Transcript of 11/30/2016 A.B. Hearing - Video 2	R0222 - R0225
7	S.	Transcript of 11/30/2016 A.B. Hearing - Video 3	R0226
8	T.	Transcript of 12/5/2016 A.B. Hearing	R0227 - R0228
9	U.	Transcript of 02/23/2017 A.B. Hearing - Video 2	R0229 - R0231
10	V.	Transcript of 05/01/2017 A.B. Hearing	R0232
11	W.	Transcript of 05/03/2017 A.B. Hearing	R0233 - R0236
12	X.	Transcript of 05/10/2017 A.B. Hearing	R0237 - R0238
13	Y.	09/19/2016 A.B. Hearing	(To be produced at the hearing)
14		10/10/2016 A.B. Hearing - Video 1	(To be produced at the hearing)
15		10/10/2016 A.B. Hearing - Video 2	(To be produced at the hearing)
16		10/10/2016 A.B. Hearing - Video 3	(To be produced at the hearing)
17		11/30/2016 A.B. Hearing - Video 1	(To be produced at the hearing)
18		11/30/2016 A.B. Hearing - Video 2	(To be produced at the hearing)
19		11/30/2016 A.B. Hearing - Video 3	(To be produced at the hearing)
20		12/5/2016 A.B. Hearing	(To be produced at the hearing)
21		02/23/2017 A.B. Hearing - Video 2	(To be produced at the hearing)
22		05/01/2017 A.B. Hearing	(To be produced at the hearing)
23		05/03/2017 A.B. Hearing	(To be produced at the hearing)
24		05/10/2017 A.B. Hearing	(To be produced at the hearing)

EXHIBIT A

Video "10h50m44s" – A [REDACTED] B [REDACTED] Hearing

Time	Speaker	Content
11:00:07	Jennifer Henry	"... B [REDACTED] J340578, and this is on for entry of plea on Petitions 1 and 2. I'll take appearances please."
11:00:16	Karen James	"Karen James on behalf of the District Attorney's Office."
11:00:18	Michelle [?]	"Michelle [unintelligible]. [Unintelligible] and Probation."
11:00:20	Aaron Grigsby	"Aaron Grigsby, Bar # 9043 here on behalf of the Subject Minor who is at liberty and present. She also has her parents [unintelligible]."
11:00:26	JH	"Okay and so you are..." <ul style="list-style-type: none"> • R [REDACTED] B [REDACTED] – Mom • J [REDACTED] B [REDACTED] – Father • J [REDACTED] B [REDACTED] – Grandfather "Okay, thank you. Do we have a resolution?"
11:00:36	AG	"Yes, Your Honor. With the Court's permission that matter has been resolved, the Subject Minor is going to admit to Count #1 of Petition #1 with Petition #2 being dismissed. The restitution [unintelligible]. The State will retain the right to argue all facts and circumstances including dismissed counts. If there's restitution recovered, dismissed counts with no conversion community service."
11:00:54	JH	"Okay."
11:00:55	KJ	"That's correct, Your Honor."
11:00:56	JH	"And it's A [REDACTED]?"
11:00:56	A [REDACTED] B [REDACTED]	"Yes."
11:00:57	JH	"Okay, so A [REDACTED], I'm hearing that the attorneys have worked out something we call a deal. The deal is if you want to take it you're going to be admitting to Petition 1, Count 1, the Obstructing an Officer. That is a misdemeanor level offense. In exchange for telling me what it is that you did, I would dismiss the other Petition. Did you and your attorney discuss this deal?"
11:01:12	AB	"Yes."
11:01:13	JH	"And did you understand the deal?" – "Yes." (AB). "And did you and your attorney agree you should take the deal?" – "Yes." (AB). "And do you want to?" – "Yes." (AB).
11:01:20	JH	"Okay. So when you take this deal, you're going to be admitting. When you admit, you give up the right to go to what's called a 'contested hearing,' also known as a 'trial.' Trial happens when you tell me that you've done nothing wrong. Then the District Attorney would have to prove with evidence that you did in fact commit one or all of the offenses that are listed in these Petitions. The way that the District Attorney proves that is she brings witnesses in in her case and she questions them, and a witness is a person who has information about what happened. Anybody that is questioned by the District Attorney in her case, you and your attorney would get to question that person, too. We call that cross-examination of a witness. Then with the help of your attorney you could put on a defense, and a defense is when you call your own set of witnesses to testify for you, and you can also choose to speak in your own case, but the law says that you're not required to say anything. So this is the process that you agree to give up today when you take this deal and admit. Do you understand that?"
11:02:03	AB	"Yes."
11:02:04	JH	"Alright. Do you have any questions about the petition or what you're going to be admitting to?" – "No." (AB). "What about the trial process you're giving up today, any questions?" – "No." (AB). "Is anybody forcing you to admit?" – "No." (AB). "And you do understand that there will be some orders and consequences?" – "Yes." (AB). "And do you understand that no one can promise you what those orders and consequences are going to be because that's what a judge decides?" – "Yes." (AB).

		"Okay, so with regards to Obstructing an Officer, a misdemeanor, are you admitting or denying that?"
11:02:26	AB	"Admitting."
11:02:27	JH	"Okay and what did you do?"
11:02:28	AB	"I ran from the police officer."
11:02:31	JH	"Okay, why did a police officer approach you? Where were you? What were you doing?"
11:02:35	AB	"Umm, I was outside with some friends, and they were smoking, and the police came into the neighborhood and I ran."
11:02:46	JH	"Okay so you were just with a bunch of kids on the sidewalk or something, and they were smoking?"
11:02:50	AB	"Yeah."
11:02:52	JH	<i>Looking around to the DA and Grigsby</i> - "Was somebody in that group wanted? That seems sort of odd. Do we know why the group was approached?"
11:02:59	AG	"They were around a car."
11:03:02	KJ	"It was 3:40 in the morning, too, Your Honor."
11:03:03	JH	"That's a problem. Okay, alright. So I'm going to accept the admission to Petition 1, Count 1 the Obstructing an Officer, the misdemeanor. Count 2, or Petition Number 2 will be dismissed pursuant to negotiations. Is there a recommendation today?"
11:03:17	Michelle	"Yes. The recommendations are: continue on formal probation with GPS, level of supervision to be determined by Probation. 48 hours of community service. A letter of apology to the officer, CAP, random UAs, Reset Your Life, must attend school, curfew, and any other conditions deemed necessary."
11:03:55	JH	"You said continue on probation, you mean six months of probation?..."
11:03:59	Michelle	"Yeah six months of probation. I believe she's already been compliant on GPS."
11:04:02	JH	"Okay but you want to continue the GPS?"
11:04:04	Michelle	"Just until..."
11:04:05	JH	"A level can be determined, okay."
11:04:06	Michelle	"Correct."
11:04:09	KJ	"Your Honor, you were here in court on the 19 th when the Father made some concerning statements regarding the subject minor, and that was why you placed her on home management with an upgrade to GPS when available, so I'm concerned about her access to social media based on what the Father had previously said, Your Honor. And with that, I'd submit it."
11:04:38	AG	"And Your Honor, I guess I... first I, I'd ask the Court that um... What she's admitting to really is a Obstructing/Running from an Officer, 48 hours of community service seems quite excessive for a first time... What's alleged in the petition, Petition 1 and Petition 2, what she's admitting to, 48 hours of community service seems to be excessive. I would ask this Court to lower it to 40. Apparently she's been on a GPS since the... since this came into the system, so what is that? The 19 th of last month. I'd ask the court to uhh... I mean, there hasn't... I'm not hearing that there's been any issue with the GPS or compliance. I'd ask the court to remove the GPS today. It seems like we're asking for lots of classes. Once again, this is an Obstructing, so I'd ask the Court to you know, either Impulse, or Reset Your Life, or even a Critical Thinking.. Impulse, uh critical thinking class, but once again for this offense one class seems to be appropriate and seems to be following the norm. And last, the random UAs and the request for social media don't seem to be related to... rationally related to the allegations in the petition, unless there's some more information that I don't have, which we know there could be because I was never given the SAS, but from what I see those two don't seem to be rationally related to what she was either charged with or is admitting to, so I'd ask the court not to impose those recommendations."
11:06:16	KJ	"Well, Your Honor, based on what the Subject Minor even admitted - she said they were smoking. What she failed to mention is that they were smoking marijuana. And that's one of the other reasons - the police smelled marijuana. They did recover marijuana, there were numerous juveniles. Umm, and he said that he was going to charge all of them because of the marijuana that was found and drug paraphernalia. Umm, those charges weren't filed because it was a constructive possession case with three, four, five, six, seven, eight, nine juveniles involved. However, I don't think that does away with the need for having her submit to UAs and go to a

		chemical awareness program while she's on probation in light of the facts of the instructing charge what she's admitted.
11:07:08	AG	"The facts she's admitting is she was there and that she ran. She even in the allocution, she didn't say she was smoking, she said her friends were smoking. Umm, and unless there's some more information that I'm not aware of, the request for the random UAs and of the no social media don't seem to be rationally related to what she's admitting to and what, at least I'm aware, what the situation is so, I'd ask the Court not to impose those requirements."
11:07:34	KJ	"Well, Your Honor, I would just say that the Father certainly can keep her from all social media, as part of being the Father, and I would just remind him that he has that option as a parent since he is present. And he was present and informed the Court and the State of his concerns about what his daughter might be on the verge of getting into."
11:07:55	JH	Begins to respond to KJ, but Grigsby starts talking at the same time. I believe she says "And I remember our conversation..."
11:07:56	AG	"Actually I would concede that as a parent you always have the right to establish what the child can and can't do, I just don't think it would be appropriate to be a condition of..."
11:08:03	JH	"Well, and Counsel I appreciate your advocacy for your client, but there was a conversation at the first court appearance that was somewhat troubling. But let me find out from the family, what do you guys want to add today? What are your concerns, and what do you think needs to happen?"
11:08:18	Father	"I'm fine with the State's presentation. I believe she should be banned from social media for a period of time. I'm starting to think she should remain on her GPS for a period of time. I think that's the one, one of the reasons that she's not been able to leave is because she's monitored and I think that that's a good thing. Counsel – just he's not really aware of all of the things that she's been under. I can certainly appreciate him standing up for her but I think as a family we [unintelligible]."
11:08:47	JH	"Okay. Mom did you want to say anything?"
11:08:50	Mother	"Just the social media is a big deal to us. Umm, she has stolen phones to get on social media and that's how the people come and pick her up and that's when she runs. So that's why we're depending on an order from you."
11:09:07	JH	"Okay. Umm, since she's been under this Court's eye, any additional issues? Or it's gotten better?"
11:09:15	Mother?	"Umm, she... well, I mean she hasn't ran. But her grades are bad, and her teachers have emailed us saying she's on her phone at school. But she doesn't have a phone, so we don't know where she got that. But just basically her grades at school... She's been at home with the GPS, but that's the only reason why she's there."
11:09:38	JH	"Okay. Grandpa, anything?"
11:09:40	Grandpa	"No. I'd rather not."
11:09:41	JH	Addressing AB: "Okay. What's going on with the phone at school?"
11:09:45	AG	"Just – the Court's indulgence for a second." He consults with AB. "Yeah, like I said, my client unfortunately... disagrees with her parents, the statements that her family is making in regards to the phone and the rest of the st... and she opposes, and like I said we ask you to make the changes that we, the recommendations as we requested."
11:10:21	JH	"Well, this won't be a violation of probation, and this Court has the ability to inquire it, so I can make appropriate recommendations and orders, so I'm just asking what was going on with you at school with the cell phone?"
11:10:32	AG	Starts before JH finishes her question: "Well, but she.. She just.. She disagrees that that's happened."
11:10:36	JH	"Okay."
11:10:36	AG	"She's disagreeing with that."
11:10:36	JH	"Well, I would like to hear it from her."
11:10:37	AG	"And, Your Honor, I would like to..."
11:10:39	JH	"Counsel, I would like to hear it from her please."
11:10:41	AG	"Yes, respectfully Your Honor, I don't want her admitting something that may get her into any other trouble, and so –"
11:10:47	JH	"Counsel, this is –"

11:10:47	AG	"I believe I have..."
11:10:48	JH	"This is a first appearance. She's not on probation, so it's an innocent question so this court can make appropriate decisions."
11:10:54	AG	"And I also believe as her attorney I can answer the question for you, especially since I have spoken with my client and directed --"
11:10:59	JH	"Counsel, I'm asking that your client answer the question. Enough."
11:11:03	AG	"And..."
11:11:03	JH	"Enough."
11:11:04	AG	"Your Honor..."
11:11:04	JH	"Enough."
11:11:05	AG	"I'm asking for a review in front of Judge Voy on this."
11:11:06	JH	"Enough."
11:11:08	AG	"I'm asking that this case be passed so that Judge Voy can review."
11:11:09	JH	"Let me make my recommendations first, Counsel."
11:11:11	AG	"Make your recommendations, but I'm at this point..."
11:11:13	JH	"Counsel, enough."
11:11:13	AG	"I'm instructing my client not to answer." Fine, I'm instructing my client not to answer at this point.
11:11:17	JH	"Okay. Aaliyah, what was going on with you and the phone? Did you have a phone at school?"
11:11:22	AG	To AB: "You don't have to answer the question if you don't want to."
11:11:24	JH	"Counsel, enough!"
11:11:25	AG	"I'm advising my client, and I have the right to do that."
11:11:27	JH	"We'll take a recess until you can follow the directives of the Court. We're in recess."
11:11:31	AG	"Recess all day, I have advise - I have a right to advise my client."

Video "11h02m52s" - A [REDACTED] B [REDACTED] Hearing

Time	Speaker	Content
11:12:16	JH	"Alright, we're back on the record. So Counsel, I've asked your client a question. You have made your position, I still asked her a question. I have had enough."
11:12:24	AG	"Your Honor, and I have..."
11:12:25	JH	"No response is necessary."
11:12:27	AG	"And Your Honor, I have to advocate for my client. I believe that... I've directed her not to answer the question. And she doesn't want to answer the question."
11:12:32	JH	"Okay, let me ask your client. A [REDACTED], will you answer my question?" AB does not say anything.
11:12:40	AG	"Now, Your Honor, I'm advising my client..."
11:12:41	JH	"Mr. Grigsby."
11:12:42	AG	"I'm doing... I'm doing my... I'm, I'm doing my legal duty. This is why I'm here, is to advise my client, and that's what I'm doing. I understand that Court doesn't agree with it but that's what I'm doing, and like I said if we want to go over to Judge Voy and he orders me not to do this, great."
11:12:57	JH	"Okay, then I'm asking that Judge Voy review this video tape. I'm going to also have Mr. Christianson review this video tape for your presentation today. This is what the Court's going to do. The Court is going to put Aaliyah on 9 months of probation. Umm, if she would've answered my question it would've been six months, but you're obstructing this Court's ability to follow through on its duties. I have taken an oath to make these recommendations. I have trying to make my findings; I am trying to make my recommendations, and I find that you are obstructing this court in doing so. So at this point, if you'd like to answer my question Aaliyah, I'm happy to put you on six months of probation. If I can't get any answers, then I'm going to have to assume that your family is right in what you are attempting to do, and that you're on the verge of getting yourself into some big ugly trouble in this community. So I'm asking you why did you have a cell phone at school... Mr. Grigsby. Mr. Grigsby."

11:13:50	AG	"I'm going to request a review. I'm going to request a review. You're basically telling my client you're going to give her more probation time if she doesn't..."
11:13:56	JH	"Because I as a... I as a judicial officer have the ability to do what I need to do to make my recommendations and when you're obstructing my ability to get any answers I can't make an informed decision. I get that you are trying to advocate for your client, but when you do this over and over again, you are obstructing this court process and flowing appropriately. You are also doing... making prejudice, prejudicial comments towards this Court and you're also delaying the administration of justice appropriately. This is not an isolated incident, and you know that."
11:14:30	AG	"Your Honor... I ask..."
11:14:32	JH	<p>"Alright, this Court is done, you can send this over to Judge Voy now. Please send this case over to Judge Voy now."</p> <p>To the family in the audience: "I apologize to you. I do really recommend based on the discussion that Dad and I have had that social media is an issue because she is a flight risk and she's also, also at risk for being what we call an SEY, a sexually exploited youth. I'm truly concerned for her welfare, and I know you are, and I'm trying to do the best I can. But when I cannot get the cooperation I need because in my opinion Counsel's interfering at this particular point ummm... I'm sorry. So I'm going to send this over to the Juvenile Judge to deal with this, the rest of the situation. So I'm sorry for any inconvenience you're having right now."</p> <p>To AG: "Alright, enough. You can go now."</p>

EXHIBIT H

Rose M. Heal
3143 White Rose Way
Henderson, NV 89014
(702) 277-8180

Re: Jennifer Henry

To whom it may concern:

I had the pleasure of working with Jennifer Henry in the Juvenile Department for a number of years until she moved to the RJC in October 2016. My personal experience with Jennifer is that she is honest, dedicated, fair, incredibly hard-working and just a delightful person. I believe Jennifer is a credit to her profession and the Clark County District Court. Jennifer possesses a rare blend of professionalism, objectivity, insight and sensitivity in her work with delinquent youth, their families and caregivers. Jennifer works well with colleagues both in and out of the judiciary and enjoys a good relationship with staff members from the court and the probation department.

I know Jennifer enjoyed working with the children who appeared before her in Court. Jennifer emphasized customer service in her job, explaining the legal process to litigants, parents and victims and helping people navigate the court process. Her judicial demeanor was exceptional, maintaining a calm, professional courtroom environment.

Sincerely,



Rose M. Heal

RMH/s

STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702

RE: HEARING MASTER JENNIFER HENRY

Dear Commission Members,

I am pleased to submit this letter in support of Hearing Master Jennifer Henry with respect to her pending disciplinary matter. For the past 3 years, I have been sitting as a part-time Senior Judge in Clark County Family Court. Prior to that, I served for 22 years as a full-time Family Court Judge. During those 22 years, I also served twice as the Presiding Judge of Family Court, initially from 1997 – 1999, and then again from 2008 – 2013. During both stints as Presiding Judge, I had the pleasure of supervising Hearing Master Henry in her duties as a Domestic Violence Commissioner, Discovery/Guardianship Commissioner, and Interim Probate Commissioner. Eventually, Judge Bill Voy specifically requested her assistance in Juvenile Court, at which time she was assigned to work as a Juvenile Delinquency Hearing Master and he became her immediate supervisor.

Prior to writing this letter, I went to Family Court to review the Presiding Judge personnel file I had maintained on Hearing Master Henry throughout the years, which was then passed on to my successor Presiding Judge. Her file is approximately 4" thick and "chock full" of emails, letters and personnel reviews commending her judicial skills and abilities; her hard work on evenings and weekends; and her initiative in creating and seeing to fruition new programs and methodologies designed to assist Family Court litigants. Of special note is that I have never had any disciplinary issues with her whatsoever.

With respect to her judicial duties, Hearing Master Henry has always been punctual; thoroughly prepared for her hearings; knowledgeable in the law; and willing to give each case the precise amount of hearing time it required, even when doing so resulted in working late into the evenings and preparing her calendars on weekends. She also managed to maintain a neutral demeanor on the bench, despite presiding over highly emotionally charged cases pertaining to victims of domestic violence, exploitation of the elderly and/or disabled citizens

in guardianship court, and grieving families in probate court. In addition, despite a heavy caseload, she would frequently offer to cover other Hearing Masters calendars when they were ill or unavailable. She also volunteered to be a Truancy Diversion Judge which entails an ongoing commitment of time; taught numerous CLE's for the Nevada Bar; and conducted settlement conferences upon request.

With respect to her work in the domestic violence arena, you are no doubt aware that Family Court Judges and Hearing Masters are responsible to provide 24/7 "on-call" duty throughout the year with respect to emergency applications for TPO's (domestic violence temporary protective orders). In that regard, Hearing Master Henry frequently volunteered to cover extra weeks of TPO duty in addition to her own scheduled weeks, when another judicial officer suddenly became unavailable. She also was appointed to the Statewide Protection Order Forms Committee which diligently worked to develop more uniformity and effectiveness with respect to existing forms.

Hearing Master Henry also recognized that faxing TPO applications to the judicial officer on call, who then had to locate a fax machine (if not at home) to fax the Order back, significantly slowed the process down, to the potential detriment of domestic violence victims. Consequently, she created an expedited email format instead, and working with Wendy Wilkinson, the head of the Violence Intervention Program, together they obtained a 10 year grant and designed a new program from the ground up. She also had concerns with respect to perpetrators having access to weapons, and drafted a proposed "gun bill" which gave judges discretion to order guns removed from a perpetrator's household. She then worked with Assemblyman Horne who sponsored the Bill, which passed and was successfully implemented.

She has served on numerous committees, including the Committee to implement the "New Logical Model" case management system. She was also asked by Justice Rose to serve on the Statewide Guardianship Form Committee, and in 2003, worked with Attorney Dara Goldsmith to rewrite the guardianship statutes for the first time in 20 years. Hearing Master Henry also helped author new EDCR's (local rules) in that regard. She developed new forms and revised outdated ones to assist pro se litigants in the Self-Help Center; and she aided Family Court compliance with the Uniform System for Judicial Records. In

addition, in 2012, she single-handedly created and implemented "Restitution Court," when she became concerned that juveniles who had completed all requirements except for payment of restitution were left on a prolonged probation until they "aged out," with restitution never being paid. During her first year hearing these cases, she collected approximately \$81,000 for the County and set up payment plans on more than 150 cases!

In summary, it is abundantly clear that Hearing Master Henry is a "team player" who has made invaluable contributions to the improvement of Family Court, in virtually every area she has touched. Every volunteer project she undertook was in addition to hearing her own court calendars and performing all ancillary job duties. I have read the Complaint filed against her and recognize that the Commission has an unenviable task at hand. So I would simply and respectfully request that you give due consideration to Hearing Master Henry's 22 year unblemished career with Family Court, as well as her hard work and significant efforts to improve our system on behalf of the public we serve.

Thank you for your consideration of my letter of support, and please do not hesitate to contact me should you have any questions in this regard or require any additional information.

Sincerely,



Gloria O'Malley, Senior Judge

Family Court Complex
c/o Court Administration
601 N. Pecos Road, 3rd Floor
Las Vegas, NV 89101
(702) 455-4622

April 26, 2018

To Whom It May Concern,

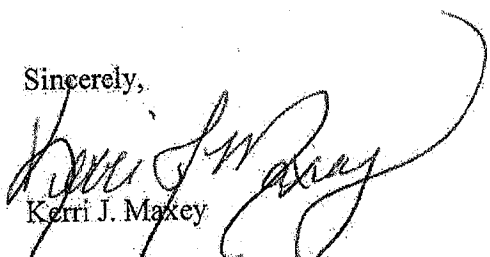
My name is Kerri Maxey. For the past thirteen years, I have been employed as an attorney for the Clark County Public Defender's Office, Juvenile Division. About nine years ago, I began practicing law in front of Jennifer Henry. At that time Ms. Henry was the Hearing Master assigned to Juvenile Sex Offense court. I am writing to you about my experience in Hearing Master Henry's courtroom.

Juvenile sex offense law is a complicated and specialized area. Hearing Master Henry's knowledge of juvenile sex offense law was vast and at times surpassed both mine and the District Attorney's knowledge. Hearing Master Henry also ran an efficient and respectful courtroom. She always remained impartial as she listened to both sides. Her recommendations were based on the facts presented in evidence and the law applied to such evidence. To my knowledge, her recommendations were never remanded back.

Hearing Master Henry fought tirelessly for the equal treatment of juvenile girls facing sex offense charges. When the only group home for girls was closed, Hearing Master Henry fought to get funding for new placements. She agonized over the fact that these girls were being kept detained due to lack of funding. Furthermore, Hearing Master Henry tried to break up the monopoly that the current placement provider possesses. She sought out other providers in hopes that they would be willing to open up juvenile sex offense group homes and residential treatment centers in Las Vegas.

I respect Hearing Master Henry's professionalism, enthusiasm, and passion for juvenile sex offense law. She was a champion in making sure that juveniles facing sex offense charges received treatment.

Sincerely,



Kerri J. Maxey

Chief Deputy Public Defender, Juvenile Division

January 22, 2008

Brad K. Simpson
295 Royal Legacy Lane
Las Vegas, NV 89110
702-453-4856
b1717s@live.com

The Honorable Kathy Hardcastle
Chief Judge, Eighth Judicial District Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Your Honor,

I am writing this as I end my career with the Las Vegas Metropolitan Police Department. One of the last acts I feel is necessary is to express to others the great qualities of those I have worked closely with in the last years of my career.

I have participated with Jennifer Henry on numerous projects and committees. As such I have seen the dedication and efforts she has put forth to help the people of this community. Her time as a Domestic Violence Commissioner has been a tremendous benefit to the Family Court system in Southern Nevada, as well as assisting in protecting victims of family violence.

Her performance has gone beyond just sitting on the bench. She is an avid participant in the Southern Nevada Domestic Violence Task Force and has been instrumental in the writing, promoting and implementation of new legislation that will provide for more safety in our communities.

I believe my career as a Lieutenant on the Las Vegas Metropolitan Police Department was only made easier and more interesting by working with Jennifer Henry.

You have a good person working for the people of Las Vegas. and thank you for letting me share my thoughts about her performance.

Respectfully Submitted,



Lt. Brad K. Simpson (Ret.) 1-10-08

Wendy Wilkinson
P. O. Box 81768
Las Vegas, NV 89180

(702) 755-7607

May 12, 2018

Nevada Judicial Discipline Commission

Re: Jennifer Henry, Eighth Judicial District Court Hearing Master

To Whom It May Concern:

I have worked at the Eighth Judicial District Court as the Court Program Supervisor of the Family Violence Intervention Program (FVIP) for nearly twenty-four years. I recently retired in January of 2018.

I have known and worked with Jennifer Henry for many years. While I knew her and her stellar reputation as a hearing master, I got to see it first hand when she was transferred to the Domestic Violence Department in 2005. From my perspective, Jennifer has been and continues to be one of the hardest working and intelligent court employees ever hired. In fact, she wears the label of "workaholic." When Jennifer said she would take care of something, she always did effectively and efficiently. Her work quality is excellent.

Jennifer is a thinker and innovator. She sought a grant and got the Court's emergency temporary protection order (ETPO) issuance computerized. Because of Jennifer's determination, the Court was awarded a ten (10) year grant. Jennifer and I worked with the chosen ETPO vendor to write the script and get the program operational. This is the same program that is still being used to issue the Court's ETPOs today.

In 2007, Jennifer suggested legislation be introduced so that Judges would have law allowing them to order the surrender of firearms in conjunction with an extended TPO. She rallied supporters, including the DV community, and found Assemblyman Horne to sponsor the bill. NRS 33.031 was the result of her efforts.

After the passage of NRS 33.031, Jennifer and other DV community leaders worked closely with the Las Vegas Metropolitan Police Department to establish firearm surrender protocol. She also developed the Court forms needed to accommodate this process.

I also had the pleasure to be on a Statewide Standardization of Protection Order Forms Committee with Jennifer. She dug into this process and gave it her all.

When I learned that Jennifer was tapped to leave the Domestic Violence bench, I was very disappointed to be losing such a dedicated and trustworthy hearing master, as was

the Domestic Violence Committee. When I learned that she was being transferred back to the Domestic Violence bench after many years, I was elated.

Jennifer should be commended for the work that she has done that has been so beneficial to so many people. It would be shameful to see her forced out of the court system where she has occupied a position that enables her to assist so many people on a personal, community-wide, and State-wide level.

Thank you for your consideration of my comments.

Sincerely,


Wendy Wilkinson



EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION
FAMILY COURTS & SERVICES CENTER
601 NORTH PECOS ROAD
LAS VEGAS, NEVADA 89101-2408

REBECCA L. BURTON
DISTRICT JUDGE

DEPARTMENT C
(702) 455-5992
FAX: (702) 380-2839

May 14, 2018

To the Judicial Discipline Committee:

Re: Hearing Master Jennifer Henry

I have been asked to write this letter by Hearing Master Jennifer Henry to describe my experience with her.

I practiced exclusively in the field of family law for 22 years prior to taking the bench myself in January 2015. Accordingly, I have long been familiar with Ms. Henry, both as a lawyer and later as a hearing master. I have had occasion to socialize with Ms. Henry outside of the courthouse as well.

Ms. Henry's interactions with me have at all times been cordial, pleasant and professional. She has been a valuable resource to me as a new judge, particularly in the area of guardianships. When I worked as an attorney, I appeared before Ms. Henry when she was Guardianship Commissioner as well as TPO Hearing Master and she was excellent in both areas with a pleasant demeanor and knowledgeable rulings. When guardianships were assigned to my department, I sought out her experience and expertise which Ms. Henry was pleased to share. Ms. Henry has been enormously helpful and has promptly answered my inquiries with helpful information. I know that Ms. Henry is diligent and puts in long days at the Courthouse as do I.

Sincerely,

A handwritten signature in cursive script, reading "Rebecca L. Burton", is written over a horizontal line.

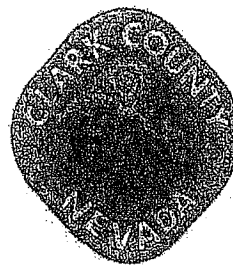
Rebecca L. Burton
District Court Judge
Family Division, Dept. C

RLB/pt

EXHIBIT J



MEMORANDUM
LAS VEGAS JUSTICE COURT
EIGHTH JUDICIAL DISTRICT COURT



Eighth Judicial District Court
(702) 671-4528

Las Vegas Justice Court
(702) 671-3100

TO: JENNIFER HENRY, GUARDIANSHIP COMMISSIONER
FROM: KATHLEEN LAMBERMONT, HUMAN RESOURCES MANAGER
SUBJECT: CLARK COUNTY COURTS- 2007 M-PLAN EVALUATIONS
DATE: NOVEMBER 3, 2008

On January 25, 2008, the M-Plan Personnel Committee met and made recommendations for merit and bonus awards for all Justice Court and District Court employees holding M-Plan classifications. Although the decision of your 2007 award was confirmed in late January, the distribution of the funding was held up due the Interlocal negotiations between Clark County and the Eighth Judicial District Court and the Las Vegas Justice Court.

As you are aware, you are eligible for merit salary adjustments and/or bonuses at the discretion of the County Manager based on demonstrated meritorious performance. For 2007, the total budget allocation to each department limited the awards to 7/9th of the budgeted allowance for base salary increases, with the balance being available for bonus awards.

With input from your immediate supervisor, the M-Plan Awards Allocation Committee determined a merit salary recommendation for you. Based on the aforementioned review, it was recommended that you receive a merit increase of 4.50%, which will result in an approximate annual salary increase of \$6063.00. Your merit increase is retroactive to January 1, 2008. In addition to your merit, you were approved to receive a bonus in the amount of \$999.79.

Due to the payroll system conversion from HRMS to SAP, you will be receiving your retroactive awards in two payments. The majority of your award will be calculated from the SAP system (March 22, 2008 to current) and will be paid on your upcoming check on November 7, 2008. The remaining balance of your award (January 1, 2008-March 21, 2008) will be calculated from the HRMS system and should be paid on your following check on November 21, 2008.

I have attached is a copy of your written evaluation for your records. If you have a questions or need additional information, please feel free to call me at 671-4559.

Attachment

cc: Chief Judge Douglas Smith, Justice Court
Chief Judge Kathy Hardcastle, District Court
Chief Judge-Elect T. Arthur Ritchie, District Court
Court Executive Officer, Ed Friedland
Personnel File

EIGHTH JUDICIAL DISTRICT COURT

EMPLOYEE PERFORMANCE REPORT HEARING MASTERS/COMMISSIONERS

Name: Jennifer Henry Department: District Court
 Period Covered: 01/01/13 to 12/31/13 Title: Court Hearing Master
 Current Schedule: A37

☐ Probationary/Qualifying Period Completed

☒ Salary Adjustment Awarded 3 %

☐ Salary Adjustment Not Awarded

☐ Salary Adjustment Review Date Extended to: _____

☐ Other (Explain): _____

The purpose of this evaluation is to provide Hearing Masters/Commissioners in District Court with feedback on their performance and outline a specific plan to improve their performance if applicable. This evaluation sets out general performance standards in the areas of Legal Knowledge, Legal Skills, Preparation, Communication Skills, Caseload Management, Observation of Rules of Judicial Conduct, Maintenance of Successful Sessions, Initiative, Dependability and Contribution to the Mission of the Court.

System

The evaluator will assign a rating in each category of the evaluation and provide constructive comments using the following instances when applicable to support the rating. The evaluator will then meet with the Hearing Master/Commissioner, present the evaluation form, and discuss the Hearing Master-s/Commissioner-s performance. The Hearing Master/Commissioner may also be asked to complete a self-appraisal prior to the evaluation. The completed self-appraisal will be provided to the evaluator prior to the performance evaluation. This evaluation will help guide future supervision, expectations, and professional development.

Forming the Evaluation

The Chief/Presiding Judge and/or the Supervising Judge of the Hearing Master/Commissioner will perform the evaluation. An informal interim review will be conducted prior to the annual performance evaluation to provide the employee with timely feedback.

CHECKED JAN 17 2014

APP295

LMJ Entered 12/31/2013

R0156

PERFORMANCE CHARACTERISTICS DEMONSTRATED ON THE JOB

For each of the following areas, determine the level of performance that best describes the employee:

Performance greatly exceeded standards and was clearly exceptional. Performance exceeded all position requirements.
 Performance exceeded standards; met the position requirements and exceeded some of the requirements; overall performance is above satisfactory level.
 Performance met standards; work was completely done, performance was satisfactory.
 Performance was minimally acceptable but did not always meet position requirements; needs improvement in certain areas.
 Performance did not meet standards; overall performance is clearly below acceptable level; significant improvement is necessary to achieve acceptable performance.
 Does not apply to this Hearing Master/Commissioner

LEGAL KNOWLEDGE/APPLICATION

to be considered:
 edge of the law in assigned areas; remaining current on new developments; using legal knowledge.
 gnize and analyze the precise legal and factual issues affecting cases assigned; attendance and
 ration in applicable training events; identifying non-legal issues and taking them into consideration
 making decisions.

LEGAL SKILLS

to be considered:
 Skills
 ting quality written legal decisions, as applicable. Rendering written decisions in a timely manner.

oom Skills
 tional and consistent demeanor in court with the demonstration of effective courtroom skills,
 ng, but not limited to: demonstrating an understanding and use of the rules of evidence, policy and
 ure, as applicable; applying the appropriate law to the case in rendering decisions in a prompt,
 xt, and fair manner; maintaining order and proper decorum of all the parties in the court; showing
 re and comporting himself/herself in a dignified and courteous manner; performing court duties
 t bias or prejudice; according litigants and their lawyers the right to be heard according to law.

Skills
 demonstrates good working knowledge of the computer software used by the office.

PREPARATION

s to be considered:
 nstrated organization and preparation of cases in anticipation of court review in a thorough and
 fashion; preparation which includes: the devotion of sufficient time to each case on the docket;
 of work to ensure accuracy; recognition of important details.

ADJUDICATION SKILLS

s to be considered:
 court findings clearly; utilizes the appropriate standard of proof; states the reasoning on the record
 ough written findings of fact and conclusions of law, as applicable; makes the appropriate
 nition as allowed by law with due consideration of relevant factors.

CASE LOAD MANAGEMENT

y to Self-Regulate Caseload
 ly to set appropriate priorities, organizes complex problems and cases, and handles the volume
 es on the docket/calendar. Manages cases to avoid unnecessary continuances; manages the
 court calendar efficiently to avoid unnecessary delays to the parties coming before the court;
 is court calendars in a timely manner.

OBSERVATION OF RULES OF JUDICIAL CONDUCT

rs to be considered:
 vs and observes the code of judicial conduct and the ethical obligations of a Hearing
 er/Commissioner.



Performance greatly exceeded standards and was clearly exceptional. Performance exceeded all position requirements.
 Performance exceeded standards; met the position requirements and exceeded some of the requirements; overall performance is above satisfactory level.
 Performance met standards; work was completely done, performance was satisfactory.
 Performance was minimally acceptable but did not always meet position requirements; needs improvement in certain areas.
 Performance did not meet standards; overall performance is clearly below acceptable level; significant improvement is necessary to achieve acceptable performance.
 Does not apply to this Hearing Master/Commissioner

MAINTENANCE OF SUCCESSFUL RELATIONS

to be considered:

Maintenance of Successful Relations with Parties Appearing before Court
 Understanding, when necessary, the judicial process and the roles of the various parties; sensitivity to queries and concerns regarding the case; sensitivity to the economic, racial, gender, sexual orientation, religious, and cultural diversity of individuals appearing before the court; meeting the challenge of providing a fair and equitable hearing to those individuals with special needs.

Maintenance of Successful Relations with Others
 Understanding of interactions with Judges, Hearing Masters/Commissioners, court administration, attorneys, law enforcement officers, courtroom personnel, staff and the public in general; cooperation and teamwork with support staff and supervisors; appropriateness of demands made on support staff and providing adequate working time for staff to complete assignments.

Maintenance of Successful Relations with Agencies
 Understanding of interactions with agencies that provide service or support components to the court process. Understanding of forming and maintaining a working protocol with these agencies and recognizing and supporting the development, refinement, and/or education of support agency services when applicable or appropriate.

INITIATIVE

to be considered:
 Demonstrated pursuit of needed investigation and research, as applicable; ingeniousness of decisions; effectiveness when administrative problems occur; improvement of the court process through the development and presentation of training seminars and/or by participation on process improvement committees; betterment of community relations by providing information and education to the general public and/or by participation on community task force committees.

DEPENDABILITY

to be considered:
 Dependence for court and other appointments; avoidance of scheduling conflicts. Timely response to requests for submission sometimes with personal sacrifice; communication with supervisors and staff to be reached in case of emergencies, his/her location, and the time of the expected return to the office; response to voice mail and e-mail messages in a timely manner.

CONTRIBUTION TO THE MISSION/GOALS OF THE COURT

to be considered:
 Contribution of the employee to the division through assistance to administration and fellow Judicial Officers; recognition by peers for knowledge and competence; commitment to the mission of the court, honorably and effectively; personal matters not impeding work in office.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jennifer continues to be a reliable, imaginative, thorough Hearing Master. She continues to be involved in projects to improve the court processes and to build relationships with court related agencies, community agencies, and parents and children in our community. During this review period, she has accomplished many things; a list of the more important endeavors follows.

The effort to computerize the Restitution Court process commenced. It was imperative that the Court IT Department and Clerk's Office understood the procedures and rational behind the operation of Restitution Court. Numerous meetings were conducted during the year to work towards the computerization process. Work processes were implemented. Roles and responsibilities of VAP, DJJS Finance, Clerk's Office, and DA's Office were developed and defined. The computerization process is currently in a test environment to be live for January 2, 2014. Jennifer devised and developed this specialty court, and it is her responsibility to lead these meetings, and make the final determinations. She is currently reviewing the computerized working documents against Odyssey to see if there are potential programming errors. This process will take place through out the month of December.

Jennifer has assembled a committee of departments to implement the mandates of SB106 regarding the reducing of outstanding restitution, fines, fees and costs to judgment. The committee has devised and uses the process today, and the committee is working on finalizing the forms and process for notification to victims of the existence of the judgment.

Jennifer is the Truancy Diversion Judge for K.O. Knudson Middle School. This is the first year of the program at Knudson. She is working with staff to implement a progressive reward system for the children that are improving their performance. She has identified domestic violence issues in one home, and I have arranged for a child's mother to meet with a SafeNest Advocate to counsel and assist her to improve her child's life. She is supporting the program participants by attending their activities - concerts and recitals.

Jennifer has been working with a CCSD Committee to implement legislation passed in 2013. As part of this Committee, she interacts with CCSD legal counsel, and they have been sharing ideas regarding improving policies and procedures at CCSD. For instance, she has discussed with counsel the need to review the conditional enrollment agreement signed by parents and youth when child has completed behavioral school.

Clinical Services and Jennifer have devised a methodology to get real time help for juveniles brought into detention, if urgent issues are identified during initial detention hearings. This system is now available in all juvenile court rooms.

Jennifer is a POST presenter for Clark County peace officers. She researched and re-worked the presentation, outline and materials.

Jennifer participated in the 2013 Legislative Session, with permission from Judge Voy. The result was a passage of AB386: a pilot mental health evaluation program for secondary school children. Jennifer identified the stakeholders for the legislative presentation, and provided the written materials for submission to the Legislators.

Jennifer attended a presentation/program proposed to be added to the list of court ordered programs. She did this on her personal time (Saturday). She was asked to provide her feedback to DJJS.

Jennifer wrote several Findings of Fact, Conclusions of Law and Recommendations. At least two of the decisions, which were upheld by Judge Voy, are on appeal to the Supreme Court. It is hopeful that these issues of law will generate new case law.

During the next review process, Jennifer will be asked to continue to work on these process and committees.

Henry, Jennifer

From: Patrick Schreiber [SchreiPW@ClarkCountyNV.gov]

Sent: Friday, August 23, 2013 9:24 AM

To: Henry, Jennifer

Cc: Voy, William; John "Jack" Martin

Subject: With Great Thanks

In our management team meeting yesterday, the subject of restitution came up. The discussion centered around the very positive effects you have had on the process, assisting the probation staff in ensuring restitution is recovered and the great efforts you have made to make this effort a success. Thank you very much for your solid efforts and work you have done and continue to do for the youth, families and victims we work with.

Ain't no man can avoid being born average, but there ain't no man got to be common.

Satchel Paige

Patrick Schreiber
DJJS Assistant Director
455-2424

12/04/2013

APP300

R0161

SUMMARY AND COMMENTS

A review of the employee's overall performance during the appraisal period, (strengths, weaknesses, and areas for improvement) to determine performance and potential for future merit increase consideration.

See attached 3 sheets.

Attendance and/or punctuality will be unacceptable if an employee has received a written disciplinary action regarding attendance and/or punctuality during the evaluation period.

During the appraisal period the employee's attendance and punctuality were: ☒ Acceptable ☐ Unacceptable

Based on the established meritorious level of performance and an acceptable attendance and punctuality record,

☒ I recommend a merit increase

☐ I do not recommend a merit increase

Lucy May
Supervising Judge's Signature

District Court Judge
Title

12/5/13
Date

Chief/Presiding Judge's Signature

Title

Date

A copy of this report has been given to me and discussed with me.

Janet Lee
Employee's Signature

Court Hearing Master
Title

12-4-13
Date

Employee comments are attached ☐ Yes ☐ No

Management Compensation Plan

Performance Appraisal



Employee Name: Jennifer Henry

PRNR#: 601504

Title: Juvenile Hearing Master

Schedule: A37

Department: District Court, Family Division

Review Period: January 1 through December 31, 2014

Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry
Title: Juvenile Hearing Master
Department: District Court, Family Division
Review Period: January 1 through December 31, 2014

PRNR #: 001504
Schedule: A37

GOALS - List goals accomplished over the review period. Explain how each goal was achieved.

1. I have effectively and efficiently handled each assigned court docket including trials. Research was conducted as needed, cases briefed, reports and recommendations written, and settlement discussions held if warranted.
2. I continued to streamline the restitution court process. I held meetings with the "learn" partners to develop new policies and procedures.
3. I discovered many issues with SB106, and notified the appropriate Judges of the issues. As a result of the contradictions, a "clean up" bill was authored for introduction this legislative session.
4. I continue to work with CCSD on two projects. The first is SARB (School Attendance Review Board), which is an effort to bolster attendance and graduation rates of at risk population pupils. I held weekly meetings with students and parents. The second project was implementation of SB 386, which is a mental health screening pilot program. I attended at least monthly meetings with community stakeholders and CCSD administration members. I assisted in the research and writing of instructions and consent forms. I attended parent open house meetings regarding the pilot program.

GOALS - List goals that were not accomplished over the review period. Explain why goal(s) were not achieved.

1. Certain documents are still not part of the Court's official record. Until such time as the Court's case management system is changed, such documents will continue to be missing. The Clerk's Office is attempting to get the needed changes implemented in 2015.

SERVICE DELIVERY - What efforts have been made to improve the delivery of service with external and/or internal customers? How did you participate?

1. I continue to work with the DAs, PDs, POs and DJJS staff regarding case management or process improvements. In most cases, I was a leader or the Court's representative in these discussions.
2. I continue to work with DJJS and the DA and Clerk's offices regarding restitution court issues. We simplified certain process with new procedures, and certain IT improvements.
3. I continue to instruct marshals on how to stage restitution court, as I have a rotating marshal.
4. I have trained several pro tem hearing masters during the review period.
5. I have had several conversations with County Management executives regarding credit card capabilities and collection agencies to assist in restitution collection and implementation of 58106.
6. I have authored several informational hand-outs to be distributed after a court appearance.
7. I teach Constitutional Law to POST participants.

STAFF DEVELOPMENT - What efforts have been made in the development of your staff? How did you participate?

1. This review period has seen many changes in secretarial assignments. Multiple individuals have rotated in and out of the juvenile department. During the majority of the year, the department has been short one secretary. Training of each individual was necessary as to what my support needs and expectations are. Explanation of court processes and deadlines in which certain tasks must be performed was discussed. In some circumstances, I was teaching civil procedure.

There were also multiple personality issues which were addressed.

Policies and procedures regarding holiday and vacation scheduling were implemented.

2. With the exception of my assigned secretary, I do not supervise any other employee directly. However, there are other individuals which I must work with as a team in order to keep the court process working effectively. These individuals include the marshals and court clerks. These support positions are rotated amongst many people, and it is important to effectively communicate my needs as a hearing master. If this cannot be accomplished directly, then appropriate supervisor is consulted for assistance.

EMPLOYEE ENGAGEMENT - How do you communicate with your employees, what type of information is communicated and how often? This doesn't need to be a formal communication process; it could include just walking the floor, checking in with people. Include anything specific you do for new hires.

I communicate in person, by e-mail and telephone. I am often not in the same location as my secretary, so I use whichever method is most logical for the issue presented.

The same is true of communication with partner agencies, clerks and attorneys.

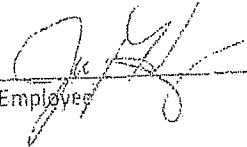
NEXT REVIEW PERIOD GOALS - List goals that will be accomplished over the next review period.

1. Continue to work with Clerk's Office and IT to get all court related documents to be filed and/or scanned into the official court record. It is important that the record is preserved appropriately.
2. Continue to work with the restitution court partners to improve the collection process. Restitution court is still a work in progress.
3. Continue to work with CCSD to improve the education of the youth in Clark County. I plan to explore a team to assist in speedy re-enrollment of minors that are not in school, and who are new to the court process (youth without an assigned probation officer). These youth would be those making first appearances in court.
4. Assist in the legislative process by monitoring bills that may affect the juvenile court operation and youth in Nevada.

Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry
Title: Juvenile Hearing Master
Department: District Court, Family Division
Review Period: January 1 through December 20, 2014

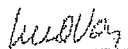
PRNR #: 661504
Schedule: A37



Employer

12-8-14

Date



Department Head

12-8-14

Date

County Manager

Date

Henry, Jennifer

Subject:

FW: Restitution Court

From: Patrick Schreiber

Sent: Friday, December 05, 2014 12:46 PM

To: Jennifer Henry

Subject: Restitution Court

HM Henry, I wanted to comment on the changes you have made to the restitution court processes. I definitely see improved processes and service to the family and youths that have to make restitution payments and also to the victims that are receiving restitution. The teamwork between the Court and DJJS has improved the process and delivered much better customer service. The improved documentation between the Court, DAs and DJJS has ensured fewer cases sitting idle, more cases being brought to closure and in cases where the matter has to go to a civil judgment, better communication with the customers on that process. I understand the process is a work in progress, but many very positive changes have occurred in the past year, those changes are due to your calling the plays and making the ball more down field. Thanks.

Patrick Schreiber
Assistant Director
Clark County Department of Juvenile Justice
702 455-5210

BONUS REQUEST

Employee Name: Jennifer Henry

PRNR #:

Title: Juvenile Hearing Master

Schedule:

Department: District Court

Review Period: January 1 through December 31, 2014

BONUS JUSTIFICATION:

I have highlighted three projects in which I was involved or spearheaded. These projects reflect my commitment to improving the court process and the welfare of the youth in Clark County.

Restitution Court

Juvenile Restitution Court was born out of sheer frustration from witnessing victims of delinquent acts not being compensated for their losses, and realizing that in some circumstances, delinquency can be profitable. While the Court did attempt to set restitution amounts for victims, there was no organized system to coordinate, set, track or collect restitution, and the enforcement efforts were minimal. Likewise, the efforts to collect statutory fines and fees which are payable to the State or County was lacking.

The Department of Juvenile Justice (DJJS) is the agency tasked with keeping track of restitution amounts ordered, but without any power to collect, the monthly billing statements were being largely disregarded. It was common to see large numbers of accounts being written off when an offender aged out of the juvenile system. Due to the large number of open cases with restitution, fine and fees being due, it was unrealistic to think that every probation officer could continue to file violation of probation/parole petitions in order to collect the money. It was also unrealistic to think that families have the resources to pay lump sum restitution, but there was no mechanism in place to offer a payment plan. With the blessing of Judge Voy and DJJS administration, I was provided the access and resources to create a new Court docket.

If there is the possibility of restitution, it is ordered at the report and disposition stage of the case. However, restitution amounts are usually not known until later in time. The Victim's Assistance Program (VAP) reaches out to victims of delinquent acts requesting information as to whether the Court's assistance is requested in setting and collecting damages. Once VAP does its independent analysis of the requested restitution, a report and recommendation is generated. If the amount of restitution requested is under \$500.00, VAP was making an administrative decision to set it, open a juvenile financial account, and DJJS would commence the billing process. If the dollar amount of restitution exceeded \$500.00, a hearing would be requested and the amount of restitution ordered. Nowhere in the Court record were these reports and recommendations maintained. It was also determined that case law did not support an administrative agency, such as VAP, having the power to set and order restitution. There needed to be judicial involvement. Hence, a new set of processes and documents were devised to fix this problem. Regardless of the dollar amount, all restitution is set by a court order, and the supporting recommendation report is filed in the Court's record. Other newly created documents needed to support a complete record included: payment plan orders; notice of intent to seek civil judgment; and required supporting mailings.

Providing VAP with the ability to interface with the Court's case management program (Odyssey) also posed months' worth of challenges. Ultimately, this process was established, and VAP may auto-generate orders from Odyssey, transmit the orders for judicial signature, and file the complete packet of supporting documents upon which the restitution dollar amount was set.

Procedural processes were needed in order to treat all cases similarly. The District Attorney's Office, Public Defender's Office, VAP, DJJS and the Court met regularly to come up with a process that would be uniform every month to deal with restitution issues. One judicial officer would handle all initial restitution request hearings and create payment plans. Each support agency would develop its own internal processes for fulfilling its function, but designate one contact person.

New administrative decisions were necessary regarding the treatment of offenders when there were also adult offenders. Currently, there is no coordination between Justice Court and/or District Court VAP collection processes. While restitution may be ordered joint and several amongst and between offenders, each juvenile offender is responsible for his or her portion, and then, the offender is eligible to terminate from probation.

The team members then tackled other procedural issues. As an example, if an offender was permitted to move out of State or was committed to a correctional placement, restitution was often not ordered because of notice (due process) issues. New rules were implemented to fix this issue. When SB 106 was passed, it provided the Court with the ability to have greater collection strength through the issuance of civil judgments when restitution remained unpaid. However, the legislative process left many implementation and enforceability problems. These problems were compiled and presented in a "clean up" BDR request. In the meantime, the Court is reducing unpaid restitution, fines and fees to civil judgment, but the final written judgments cannot be lodged until the legal issues are resolved.

Many IT changes were needed. Up until early 2014, the collection process was not automated. It was necessary for every case on a payment plan to be examined each month to ensure that the ordered monthly payment had been made. During this labor intensive preparation, multiple financial accounts were found on offenders, and there was no cross referencing of the financial information to each offender's juvenile case number. Although DJJS controls the accounting file, IT was able to import the information for a monthly calendar to run with current payment information included. A linking procedure was started, which has eliminated the duplicate financial account problem.

As a result of the IT advancements rolled out in early 2014, cases can be monitored monthly, instead of quarterly. Additionally, the Court was able to get a real time application applied to the court room computers so that up to the minute payment information can be accessed without having to toggle back and forth between the separate programs. So, while in the middle of the restitution calendar, accurate information can be discussed with an offender's family.

In order to assist the public in understanding what is expected when an offender's family has been ordered to appear in restitution court, a lengthy frequently asked question (FAQ) sheet was authored. One of the overriding goals of monthly court sessions and the FAQ handout is to educate parents/guardians of the law.

DJJS has reported that nearly \$2 million dollars has been collected in restitution, fines and fees since it began its current record keeping process in July of 2008. From its inception in June of 2012, the restitution court process has collected over \$ 630,000.00 of this total \$2 million dollar figure. As of today, 334 families are on current payment plans.

The restitution court process has permitted offenders to terminate probation in a more timely fashion and allows probation officers to spend more time assisting children as opposed to trying to collect money. During the 2014 calendar year, 945 restitution cases were heard on the 12 restitution dockets.

At this time, the writ issuing process is still time intensive. It is the goal of the team to get this matter streamlined and computerized with the assistance of Metro in the next calendar year. Civil judgments will also be on the agenda for 2015, once the statutory conflicts are fixed.

SARB

In September of 2013, stakeholders in the Clark County School District, Juvenile Court and various community welfare and counseling agencies developed the School Attendance Review Board (SARB). The goal of SARB was to intervene in schools with high absence and drop-out populations. I was placed at a high risk school to monitor and suggest children to be escalated to a panel review. If I was not able to convince the student (and parent(s)) to attend school, then a multi-person panel would work with the student or family to add additional services. The final step was an Order to Show Cause (OSC) hearing against the parent for failure to supervise his or her child.

During this weekly school session, I learned that many children needed an adult to take an interest in them as a person. To that end, I attended several students' dance recital, read music with another student, got students into tutoring, and arranged for a Spanish speaking domestic violence advocate to attend a school session with me to assist a student's mother. A reward program for meeting attendance goals was also initiated for which I bought some of the prizes.

This school year marks the second year I will be working as the first line of defense in bolstering attendance at a SARB designated school.

Mental Health Screenings at CCSD/AB 386

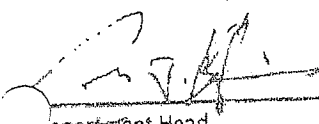
Working with the juvenile population, I was able to see how ill-equipped parents were to obtain mental health assistance for their children. When queried about such care, parents reported they encountered too many barriers to getting needed services. This was found to be true in many cases. Other times, parents reported they were afraid of their child having a "label."

Therefore, during the 2013 legislative session, I was the catalyst for a mental health screening pilot program which was implemented in Clark and Washoe counties. In Clark County, this entailed collaboration with CCSD employees, a professor at UNLV, and the court's clinical personnel. Meetings were held at least monthly until

the screening tools were chosen and program framework completed. The screenings occurred, and the results were compiled. CCSD was pleased with the process, and it was determined that the program will be maintained and expanded into other schools as the budget allows.

This process opened up multiple new lines of communication between CCSD and the Juvenile Court. More importantly, it provided CCSD and the Court with the knowledge and skills of Dr. Tara Raines, Ph.D., N.C.S.P (Department of Educational Psychology and Higher Education). She has been an asset to our juvenile population.

The pilot program preliminary report was presented to Governor Sandoval's Behavioral Health and Wellness Council. The Council recommended, among other things, that appropriate mental health professionals and programs were needed in the public schools. Specifically, the report reads that every school must have accessible mental health professionals for the student population. Additionally, the Council recommended that anti-stigma campaigns be implemented, so children and their families are not afraid to request mental health services. The final reports of both Clark and Washoe County's pilot program will be submitted to the Legislative Counsel Bureau for consideration at the 2015 legislative session. The screening program may become a statewide effort; however even if it is not, I was assured that CCSD believes the effort was fruitful and will be continued locally.


Department Head

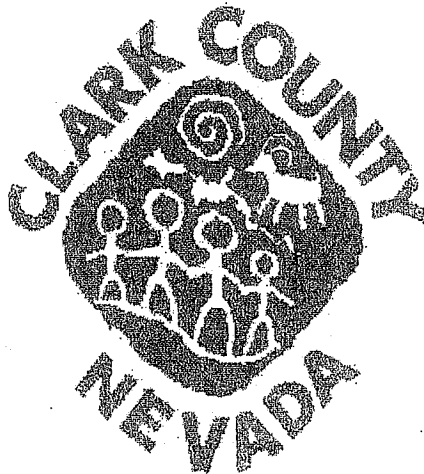
12/15/14
Date

County Manager

Date

Management Compensation Plan

Performance Appraisal



Employee Name: Jennifer Henry

PRNR#:

Title: Juvenile Hearing Master

Schedule:

Department: District Court, Family

Review Period: January 1 through December 31, 2015

APP312

R0173

Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry
Title: Juvenile Hearing Master
Department: District Court, Family
Review Period: January 1 through December 31, 2015

PRNR #:
Schedule:

GOALS - List goals accomplished over the review period. Explain how each goal was achieved.

PLEASE SEE THE ATTACHED 3 PAGES ENTITLED "GOALS - ACCOMPLISHED"

GOALS - List goals that were not accomplished over the review period. Explain why goal(s) were not achieved.

1. It was my hope that physical copies of the civil judgments could be mailed starting the first week in October. However, there were issues identified with the stakeholders as to who would be responsible for the accompanying letter; particularly, whose letterhead would be used. When many agencies or departments are involved, the decision making process takes time. While physical copies of civil judgments are ready to be mailed to the judgment debtors and creditors, until such time as a memorandum of understanding is approved by the departments, the civil judgments will not be mailed.
2. Return agreements were to be accepted and filed by the Clerk's Office in a juvenile delinquency case as proof of service. However, an acceptable format has not been reached in order to have these forms filed over the counter.

SERVICE DELIVERY - What efforts have been made to improve the delivery of service with external and/or internal customers? How did you participate?

1. The restitution court participants held multiple meeting to continue to work on the civil judgment process. The law changed as of October 1, 2015, rectifying the confidentiality issue which served as a hurdle to civil judgments being filed and mailed to judgment creditors. I was the leader of discussion in these meetings.
2. Advisory letters and memos were written to assist service providers in understanding statutory changes. I wrote and distributed these documents or "ghost" wrote them for Judge Voy.
3. At the request of Judge Voy, I had several meetings with other court departments to address issues, including: legislative changes, court operations, and training needs.
4. I organized an informational presentation with CCSD to clarify information regarding school policies, graduation requirements and behavioral school changes.
5. I suggested logical organizational changes to DASH (juvenile court computer program). Court IT programmed these changes.
6. Multiple new orders were authored by me, and these orders were programmed into the Odyssey forms generator for use from the bench.
7. I attended multiple meetings with current service providers and with those agencies or companies hoping to become service providers.
8. I reviewed and critiqued Evergreen Counseling's non-offending parenting materials, including psycho-sexual education materials. I completed Evergreen's on-line interactive test and provided feedback.

STAFF DEVELOPMENT - What efforts have been made in the development of your staff? How did you participate?

I have one secretary that reports to me. However, due to a staff shortage, both juvenile department secretaries often are required to assist in departmental needs. As a result of issuing the restitution writs, a duty that once belonged to the DA's office, I have assisted my secretary in getting access to the JFO accounts. I have trained her in using the JFO program in order to find the information needed to carry out our departmental functions.

I have explained the specialized needs pertaining to JSO Reports and Recommendations to both secretaries, and we have devised a template to use.

I believe that I have a good rapport with both secretaries, and they feel comfortable in asking for guidance when needed.

There are other departments with which I must work as a team to accomplish the duties of the Court. These departments include the marshals and clerks. These support positions are rotated amongst many people, and it is important to effectively communicate my needs as hearing master. If this cannot be accomplished directly, then an appropriate supervisor is consulted.

EMPLOYEE ENGAGEMENT - How do you communicate with your employees, what type of information is communicated and how often? This doesn't need to be a formal communication process; it could include just walking the floor, checking in with people. Include anything specific you do for new hires.

Due to the fact that I am frequently out of the building or in court, my secretary and I communicate by text message, e-mail and telephone calls. However, when I am in my office we speak in person. I will either deliver documents or information to her, or she will come to me. I have an open door policy.

I frequently communicate with court administration personnel, Judge Voy and Judge Hoskin regarding pressing issues. Communication may be in writing, but usually it is in person.

The juvenile department hired two new hearing masters in 2015. Soonhee Bailey has joined the juvenile delinquency department. I have provided her with training and insight as she has learned her job. I have been her mentor. Holly Roys joined the juvenile dependency department this month. While we do not share the same job functions, I openly share my experiences with her and lend assistance and encouragement. My interactions with Soonhee and Holly are in person due to the proximity of our offices.

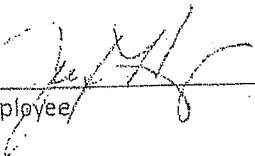
NEXT REVIEW PERIOD GOALS - List goals that will be accomplished over the next review period.

1. Get the memorandum of understanding regarding civil judgments signed, so that the judgments can be mailed to debtors and creditors.
2. Meet with the Self-Help Center managers to work on packets to assist pro per litigants in understanding what to do with the civil judgments once they are received. A preliminary meeting was held last year, but the process needs to move forward.
3. Schedules contested hearings in a timely manner, and encourage the attorneys to be prepared or reach an appropriate resolution.
4. Participate in the Juvenile Justice meetings to identify needed statutory changes for the 2017 session.
5. Continue to work with CCSJ to broaden our communication, share ideas and combat truancy.
6. Continue to make well-reasoned decisions to support Department A in processing cases.
7. I will continue to identify work processes that could be improved. Also, I will continue to work and collaborate with the agencies and departments that make the juvenile court process operate.

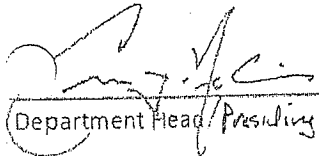
Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry
Title: Juvenile Hearing Master
Department: District Court, Family
Review Period: January 1 through December 31, 2015

PRNR #:
Schedule:


Employee

12-8-15
Date


Department Head/Presiding Judge

12/8/15
Date

County Manager

Date

GOALS -- ACCOMPLISHED

1. I was appointed as a Special Hearing Master (SHM) in a child support, custody and medical bill case. The litigants had a tortured history in the court system, filing the issues in both an "R" case and a "D" case, but with no resolution on the issues for nearly 2 years. After an evidentiary hearing, a production request and research, I authored a very lengthy Report and Recommendation that addressed all outstanding issues. The Report and Recommendation became an Order of the Court. Over 80 hours was spent on this SHM assignment.

2. I was sought out by Judge Steel to assist in her new assignment as Guardianship Judge. She requested that I thoroughly examine her proposed pleadings and documents. She also requested I assemble a history of the guardianship court and processes employed during my tenure in the guardianship department. Judge Steel and I had some animated discussions on the law, which were fruitful. I spent many extra hours, including nights and weekend, reviewing her forms and assisting her. I provided constructive suggestions, many of which were adopted. Thereafter, I was asked to join her "committee" or "think tank" regarding how the guardianship court should operate and continued to work on forms as part of the committee.

In an effort to ensure that Clark County was heard by the AOC committee on guardianship reform, I was asked by several guardianship attorneys to assist them in setting up a meeting with Judge Voy who serves on the AOC committee. A meeting was fostered with my assistance.

3. I organized a CLE presentation during the 2015 calendar year. As a result of confusing information that was coming from CCSD, I asked Dr. Robert Henry to speak with all interested judges, hearing masters and juvenile PDs and DAs to clear up matters. His services were free. I applied for CLE credit for this luncheon presentation, and 1 hour was granted. This is a cost savings to the Court/County of \$40 per attendee. That is the cost to an attendee for one hour of CLE credit if it is taken from either the State Bar or Clark County Bar Association.

At the end of 2014, I also organized the mandatory mental health and substance abuse ethics CLE. I located a speaker, and he provided his time for free. I applied for the CLE credit, which was granted. Once again, this was a cost savings to the Court/County of \$40 per attendee.

I coordinated with DJJS Clinical Services to get CLE credit for a presentation on childhood brain development and trauma. CLE credit was obtained, and once again, this was a cost savings to the Court/County of \$40 per attendee.

4. During the legislative session, I was asked to monitor several pieces of legislation by Judge Voy. This included attending telecast sessions to the Grant Sawyer Building, and standing ready to speak if needed in order to adequately protect the Court's position.

Prior to and during the legislative session, I attended Juvenile Justice meetings in preparation for proposed statutory changes. I often collaborated with Susan Roske of the Public Defender's Office and Brigid Duffy of the District Attorney's Office. Many times, Cheri Wright of DJJS Clinical Services was consulted.

5. Restitution Court continues to expand and grow. After the conflicting statutory provisions were rectified during the 2015 legislative session, the civil judgments that were contemplated in 2013 could actually be ordered by the court. As of October 1, 2015, the civil judgment template has been finalized and programmed into Odyssey forms generator. I authored a cover letter to accompany the civil judgments, and it was finally approved by all stakeholders involved the civil judgment process. Getting this accomplished has been a difficult process. Many meetings were required amongst the stakeholders, who include: the Court, DJJS, VAP and the DA's office.

The JFO account reports were programmed to run by victim as well as offender. Previously, the outstanding balance of restitution due to a victim had to be hand calculated.

As of the mid-November 2015, nearly \$250,000.00 in restitution has been collected. This figure does not include fines, fees and costs which are also collected as part of the restitution court process.

Due to the lag in time between the ordering of a restitution court writ, and the actual authoring of the writ, I took this responsibility from the DA's office. Therefore, all writs are prepared and checked by me.

As an on-going process, due to computer issues with the monthly writ list, I must manually check that the cases listed are accurate. This is a time intensive process.

An information sheet with frequently asked questions regarding restitution court was authored last year; however, changes were made as the process developed. This sheet is provided in both Spanish and English.

In preparation for filing civil judgments, I uncovered that the County may not be distributing the collected fines and fees to the statutorily intended recipient. As a result of this discovery, an investigation has commenced in other County departments.

6. In September of 2015, the Court started adhering to 62D.310. The statute contemplates an order must be entered if the court finds good cause to allow the final disposition of a case beyond 60 days. I authored two versions a Recommendation/Order Extending Time for Disposition of Case. One version of the Order is suitable for the JSO docket and the other version for the regular delinquency dockets. These forms were approved by Judge Voy and are now available for use from the Odyssey forms generator.

In an effort to keep contested hearings moving in a timely fashion, I implemented calendar calls in November.

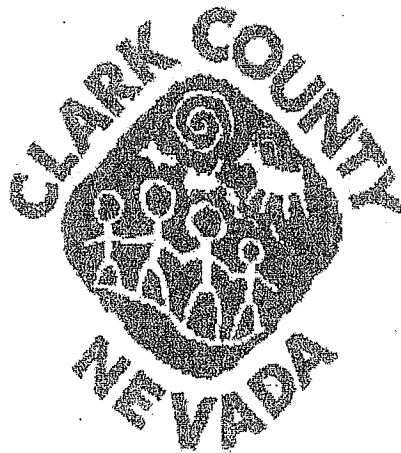
7. The *Two Minor's Case* rule was codified by AB 138. As a result, several changes to the current court procedures needed to be implemented. I created a "cheat sheet" for the court and court attorneys to use in delineating the new responsibilities. I "ghost" authored a letter to all professional providers who assist in the competency determination process and services delivery to advise them of the statutory changes and resulting needs.

I authored a new order for the AB 138 cases -- *Monitoring Order*, and it has been programmed into the Odyssey forms generator.

8. Throughout the year, I "ghost" wrote several letters and memos for distribution by Judge Voy.
9. I am a Truancy Diversion Court Judge at one of the five SARB schools in Clark County. My duties require in classroom/courtroom time as well as follow-up work at my desk. This year, as I have in the past, I have used my contacts in the community to assist families in crisis. When I learned that there were domestic violence issues going on in one home, I requested the assistance of a domestic violence advocate to meet with the parent. The parent gladly accepted the consultation.
10. I was the judicial representative to the JDAI conference in Phoenix. I participate in the JDAI on-site meetings.
11. I have gladly assisted in filling in for the other hearing masters as needed. On several occasions, I also presided over the SEY docket in courtroom 18 in Judge Voy's absence.
12. I attended the Fatherhood Initiative/SAFY coalition meeting as the judicial representative.
13. I suggested organizational changes to DASH. DASH is the real-time chronological case viewer that is used on the bench. Also, it should be noted that the idea for DASH was mine!
14. I have happily trained and mentored Soonhee Bailey, the newest juvenile delinquency hearing master.
15. I present Constitutional Law to the DJJS/County POST cadets. During 2015, POST was conducted twice. As a result of a curriculum change and new U.S. Supreme Court cases, my entire presentation was rewritten and is now a Power Point presentation. The research and preparation in getting the presentation updated was time consuming and required working at night and several weekends.
16. Although the pilot mental health evaluation program created by AB386 in 2013 was deemed fruitful by CCSD and various stakeholders, it was not funded in 2015 so that it could be expanded to other schools. However, the program is being continued in the two pilot schools.

Management Compensation Plan

Performance Appraisal



Employee Name: Jennifer Henry

PRNR#:

Title: Court Hearing Master

Schedule:

Department: Juvenile Delinquency /Criminal

Review Period: January 1 through December 31, 2016

Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry

PRNR #:

Title: Court Hearing Master

Schedule:

Department: Juvenile Delinquency/Criminal

Review Period: January 1 through December 31, 2016

GOALS - List goals accomplished over the review period. Explain how each goal was achieved.

Please see attached Exhibit 1.

GOALS - List goals that were not accomplished over the review period. Explain why goal(s) were not achieved.

1. I was unable to get the backlog of civil judgments authored, filed and sent to victim/creditors because I was waiting on a memorandum of understanding (MOU) that was to be between the Court and DJJS. While the approved forms were input into Odyssey, I did not have the authority to proceed.
2. The completion of the overhaul of juvenile traffic court was approximately ¾ completed when I was reassigned to the RJC. I provided the work product for HM De La Garza and DA Adams to complete.
3. I started working on a Bench Book for restitution and JSO courts. Both were in progress when I was reassigned.

SERVICE DELIVERY - What efforts have been made to improve the delivery of service with external and/or internal customers? How did you participate?

1. Met with Dr. Julie Beasley of the UNLV Ackerman Autism Center, to get a status on when the Center would be operational and how the court could best work with the Center.
2. Met with Cheri Wright, Director of DJJS Clinical Services, on a regular basis to trouble shoot issues, or brainstorm about improvements to work processes.
3. Met with VAP, DA, PD and a conflict counsel representatives regularly regarding changes, issues and solutions to restitution court related issues.
4. Met with Ray Tram and Pat Schreiber of DJJS regarding JFO account information maintenance as it is the only place victim information is maintained.
5. Met with Principal Cortez of KO Knudson regarding TDC and SARB programs several times. Met with CCSD, Court, DJJS and Diversion Court representatives about the current status of TDC and SARB.
6. Participated in JDAI sessions regarding the betterment of service delivery to delinquent youth.
7. Consulted with attorney McLetchie regarding Adam Walsh issues, specifically how it effect JSO youth.
8. Suggested that DJJS refer the youth and parents be referred to PDs office at the intake meeting rather than waiting until a first court appearance when nothing can be accomplished. A revision of this process should, in most cases, result in one less missed day of school and work for a family. Met with DJJS regarding this proposal which was met with interest in exploring.
9. Presented at a teen conference regarding violence. I covered the topics of sex offenses and sexting.
10. Assisted HM Bailey regarding guardianship law and procedure when she was assigned to the minor guardianship cases. Provided her historical material on the Immigrant juvenile petitions.
11. Provided research and authored a memo for Voy regarding the DJJS community service issue.
12. Provided guidance and insight for HM Pickard and De La Garza upon their respective job assignment changes.

STAFF DEVELOPMENT - What efforts have been made in the development of your staff? How did you participate?

I had one secretary that reports to me. However, due to a staff shortage, all secretaries often are required to assist in departmental needs. I have trained my secretary in using the JFO program in order to find the information needed to carry out our departmental functions. She started issuing the writs using the form generator.

I processed and kept my secretary's leave requests and slips and coordinated with the other hearing master regarding her absences.

I have explained the specialized needs to the JSO Reports and Recommendations to the secretaries, and we have devised a template to use.

I have assisted HM Pickard with legal and procedural questions, and advised her of common "pitfalls" as to not be caught off guard in court.

HM Bailey, Pickard and I often had impromptu discussions to get the departments on the same page regarding procedural matters.

In arraignment court, the Marshal experienced some issues with an attorney and his client. We came up with an appropriate protocol to follow if the issue were to arise again.

EMPLOYEE ENGAGEMENT - How do you communicate with your employees, what type of information is communicated and how often? This doesn't need to be a formal communication process; it could include just walking the floor, checking in with people. Include anything specific you do for new hires.

While working in Family Court, I was frequently out of the building or in court, my secretary and I communicated by text message, e-mail and telephone. However, when I was in my office we would speak in person. I would either deliver documents or information to her, or she will come to me. I always had an open door policy, and still do in my current criminal court assignment.

I frequently communicated with Court Administration personnel, Judge Voy and Judge Hoskin regarding pressing issues. Communication can be in writing, but usually it is in person. In my current position, communication has been in person and through e-mail.

The juvenile department had a new hire in 2016. I made sure HM Pickard had access to all the necessary court programs, including DASH and JAVS. I provided her with training and insight as she has learned her job. I have been her mentor. Even after my reassignment, I have assisted HM Pickard by answering her questions.

Since joining the criminal division, the department staff and I have gotten to know each other, and we communicate via text message, e-mails, and phone calls and in person.

I have made several trips to Family Court to assist HM De La Garza understand the court processes that she has inherited.

NEXT REVIEW PERIOD GOALS - List goals that will be accomplished over the next review period.

1. Continue to assist in the civil judgment process if requested. Since I devised the court, process and procedure, I would like to get the first batch of civil judgments processed.
2. Improve the process and efficiency of the arraignment procedure by offering more than one court session a day.
3. Assist the Chief Judge in projects or programs as needed.

Clark County, NV
Management Compensation Plan
Performance Appraisal

Employee Name: Jennifer Henry

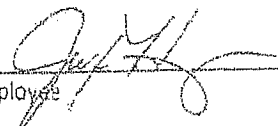
PRNR #:

Title: Court Hearing Master

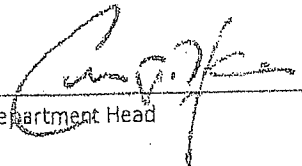
Schedule:

Department: Juvenile Delinquency/Criminal

Review Period: January 1 through December 31, 2016


Employee

12-2-16
Date


Department Head

12/13/16
Date

County Manager

Date

Exhibit 1 to 2016 Review -- Goals

1. Judge Steel continued to ask me for assistance with guardianship matter.
2. I continued to be a Truancy Diversion Court Judge at K.O. Knudson Middle School every Monday morning through the end of the 2015-2016 school year. Judge Voy assigned me to be the Judge at a SARB school, so that I could monitor the process. I attended at least three SARB sessions in order to provide background information to the SARB panel members. At the last meeting, the SARB panel was short members, so I became an impromptu panelist. At the conclusion of the school year, I authored a report on my observations of SARB for Judge Voy. As a result of frustration expressed by DJJS over the SARB process changes or lack of follow through, I suggested that SARB participants might benefit from the assistance of Diversion Court services; as a result, the probation officer assigned to Diversion Court became a member of the SARB panel.

I also identified that DJJS, TDC and SARB were not working in concert to obtain the best results for chronically absent students. When the school police cite a student for truancy, the citation goes to DJJS records and a letter is sent from the DJJS records department to the youth's parents/guardians. A probation officer does not see the student or family. In cases where a student is already a member of TDC and/or SARB, it was identified that those truancy citations must be pulled and handled at level to complement the work that was being done by TDC and/or SARB rather than a lower level of service such as a letter which prompts a case closure at the DJJS level.

3. At the mandatory TDC Judges training when Judge Elliot called in ill, I shared a list of free or low cost services available either through CCSD or public agencies to assist in the presentation. At a meeting held later in time with Judge Elliot, I provided several of my observations and suggestions to assist the judges and students, including the addition of letterhead for the judges and advocates to use when communicating with the parents.
4. I continued as a POST Instructor for DJJS. I taught constitutional law twice during the calendar year and courtroom decorum once. To keep the constitutional law materials timely and relevant, I updated the presentation each and every time to discuss recently decided noteworthy and relevant cases.
5. I presented on Saturday, September 17, 2016, at the Metro Headquarters to the youth attendees of a local non-profit agency which promotes teen awareness. I prepared a Power Point presentation on sexting and juvenile sex offenses. Voy stated that the presentation materials were "excellent."
6. When HM Leeds retired, I gladly took each and every court session in department 16 if I was not already in court. I did this from the beginning of May through mid-July. In mid-July, I became the mentor to the new HM, Margaret Pickard. I took the initiative to get her computer set up with the appropriate software and programs that needed to be loaded in her office and courtroom computers. I provided her with sample copies of reports and

- recommendations. I gave her the names of common oral motions she might encounter on the bench, so as not to be surprised. I assisted her in making her first contested hearing findings.
7. I prepared, organized and presented the new calendar/schedule for all juvenile delinquency courtrooms when HM Pickard was hired for approval and implementation in Odyssey.
 8. I met with DJJS on the financial forms in order to work out a new system of collecting the \$20.00 assessment fee. Several memos and discussions with DJJS resulted in a work flow process change proposal. If the process is followed, most out of custody juveniles and parents will be required to attend one less court session. DJJS was willing to look at its current intake process to see if cutting one court appearance would be possible.
 9. I reorganized juvenile traffic court. When I took the court process over after HM Leeds retired, the citations were approximately 9 months old. I doubled the court sessions in size and times per month with the blessing from DJJS, so that citations would be processed in a more timely fashion.
 10. When I inherited traffic court, I learned that the court was not in compliance with JEO15-003, from October 2, 2015, regarding "ex-parte" ticket fixing. Also, in an effort to treat all juvenile traffic offenders similarly, whether appearing in Justice Court, Municipal Court or meeting informally with a probation officer, I started updating the citation fee and demerit point schedule with the assistance of the District Attorney's Office. The agreed upon schedule was the "pre-offers" made by the DA to be provided to the youth. I was about ¾ done with the updates and final process when I was transferred to the RJC. I provided my work product to Bailey, De La Garza and Judge Hoskin upon my departure.
 11. When HM Leeds retired, I took over the emancipation cases. I created a manual and checklist for the bench.
 12. I continued to be a liaison between clinical services and the court. Cheri Wright, the Director of Clinical Services, and I often discuss issues in order to find the appropriate resolution. One such example was the TB testing that was holding JSO youth in detention longer than necessary.
 13. I kept abreast of Nevada's Adam Walsh Act implementation, and disseminated the information and any changes to the JSO stakeholders. I was in contact with attorney Maggie McLetchie regarding the refiling of a lawsuit challenging component of Adam Walsh and her request of a TRO/stay of implementation. The JSO stakeholders worked through the process of poor legislation changes that adversely impacted the JSO court process when offenses which were previously gross misdemeanors became felonies.
 14. I continued to work on issues presented in the restitution court process. These issues included DJJS's intent to purge all JFO accounts of juvenile who reached the age of 21. However, since the JFO account is the only place where victim information is obtainable and current balances for the civil judgments are kept, it was agreed the accounts cannot be purged. I continued to wait on the MOU so that civil judgments could be authored, filed and mailed, and reminded Judge Voy and the staff attorney periodically that the civil judgment process was in a holding pattern until the MOU was finalized. In the meantime, I had the actual civil judgment form programmed into Odyssey Forms along with the proposed letter to be sent to the victim/creditor.

15. Prior to leaving Family Court, I commenced assembling a Bench book for JSO (including sexting CHINS) and Restitution Courts, which included scripts, case law and issues associated with MRS 51.385.

AFTER REASSIGNMENT TO RJC:

1. I have been on the family Court campus several times to assist with Restitution Court briefing and use of the JFO program.
2. I provided the revised traffic schedules, information and explanation to HM De La Garza and DA Adams regarding fines, community service, and demerit points regarding traffic court for them to finish.
3. I provided Court Administration (Grierson) with an outline/explanation of where the restitution civil judgment process was on the date of my departure. At the request of Grierson and Doan, I went through 289 juvenile cases which were flagged as potentially having been reduced to civil judgment. A cross check of the cases was done, along with noting those that were not reduced to a civil judgment.
4. I learned a new court department in two days. I also changed the plea canvass to include several questions which should make a challenge to a guilty plea agreement more difficult.
5. I gladly answered questions/trained HM De La Garza on on-going programs and projects.
6. I have continued to mentor/answer questions for HM Pickard, and provided her assisted with her first Report and Recommendation.

EXHIBIT K



EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

FAMILY COURTS & SERVICES CENTER

601 NORTH PECOS ROAD

LAS VEGAS, NEVADA 89101-2408

CYNTHIA DIANNE STEEL

DISTRICT JUDGE

DEPARTMENT G

(702) 455-6940

FAX: (702) 455-5989

On Behalf of Hearing Master Jennifer Henry,

I am of the firm belief that the Court system must be represented by only the most upstanding and qualified individuals, especially on matters as sensitive as dealing with domestic violence and adjudicating the same. Fortunately, I am able and will state unequivocally that Hearing Master Jennifer Henry meets and surpasses what I and this County should expect from our judicial officers. As Presiding Judge from 2000 through 2002, I had the pleasure of supervising then Guardianship Commissioner Jennifer Henry. I witnessed firsthand her dedication to the courts and her expert management of her calendar responsibilities.

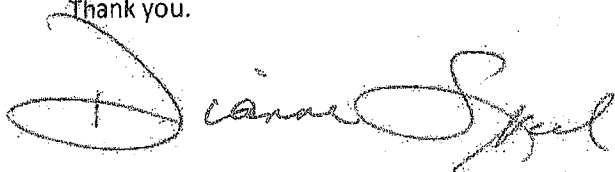
A review of my file reveals several letters of appreciation submitted by community members whose lives were touched by her outreach and professionalism. This appreciation stemmed from legal professionals admiring Ms. Henry's professionalism and breadth of knowledge, colleagues appreciating her tireless work, and superiors praising her dedication to her craft. The wide ranging praise she received from those who know her work best demonstrates her absolute qualifications for her current position.

During my tenure as Presiding Judge, she received full merit increases from all relevant supervisors. Full merit increases are granted to individuals who are model employees, individuals without deficiencies in any area of employment. Commissioner Henry displays excellent work ethic, going above and beyond to improve services that affect her work as a Hearing Master. As a Hearing Master, she takes any and all facets of the case before her into consideration when rendering a decision in an effort to avoid unintended consequences. She is consistently described as a "team player", driving herself to achieve the goals of the Courts, expanding her thinking to beyond what is only benefit to her.

Commissioner Henry has served in all capacities as a hearing master. She not only devotes herself to resolving matters quickly, efficiently, and fairly, but she also dedicates herself to developing programs, serving on judicial committees, and promoting new process and procedure advancements. She worked on statewide committees and wrote proposed language for legislature in an effort to further improve our judicial system.

Ms. Henry has been an asset to the 8th Judicial District Court. I would be remiss if I did not implore any interested parties to closely examine Commissioner Henry's accomplished history and stellar evaluations before forming any opinion. Upon review, I am confident that any inquiry into Commissioner Henry would result in nothing less than full satisfaction.

Thank you.

A handwritten signature in cursive script, appearing to read "Diana Steel". The signature is written in dark ink and is positioned below the "Thank you." text.

Bowen Law Offices

9960 W. Cheyenne Avenue, Suite 250

Las Vegas, Nevada 89129

Telephone: (702) 240-5191

Facsimile: (702) 240-5797

smrcer@lvlawfirm.com

May 20, 2018

State of Nevada Commission on Judicial Discipline
P.O. Box 48
Carson City, Nevada 89702

RE: Judicial Officer, Jenny Henry

To Whom It May Concern:

I was first introduced to Jenny Henry in 1993 by a mutual friend. One of the first qualities I noticed about Jenny is her unyielding honesty – even when the message she is communicating is not likely to be well-received by her audience. I was a paralegal at the time, contemplating going to law school.

During a rare conversation with Jenny (we were not well-acquainted), I mentioned that I was thinking about attending law school. I admitted that I was nervous about the rumors I had heard about law school. Seeking encouragement, I anticipated that she would recommend that I go ahead and take the leap of faith, quit the job that I loved, pack up and relocate out of state (Boyd Law School was merely a whisper at that time) to become a One-L student. I was disappointed and dismayed by her response. She did not encourage me. She told me the truth. Law school would be incredibly difficult. It would be quite different than undergraduate school. The obligation to study would be monumental. The pressure to distinguish myself from my peers would be overwhelming. Despite Jenny's "truth" about law school, I went anyway. But I remember the fingerprint my brief encounter with her had left on me. I had learned that Jenny Henry is brutally honest.

The next time that I recall having a meaningful conversation with Jenny was many years later, approximately 2014, long after I had graduated from law school and returned to Las Vegas to practice law. Our paths crossed again after I was chosen to serve as a Pro Tem Hearing Master in the area of Juvenile Delinquency of the Family Division of the Eighth Judicial District Court, in Clark County, Nevada. I approached Jenny and invited her to lunch, to ask her to teach and mentor me about serving on the bench in Juvenile Delinquency Court. Thankfully, she accepted. Thereafter, I spent countless hours with Jenny in which she selflessly taught me about this fascinating area of the law and told me about her experiences as a hearing master. It is an understatement to say that I am passionate about this area of the law and I am always anxious to learn much more.

During 2014 and 2015, I presided over approximately 937 hearings in Juvenile Delinquency Court. Thus, I spent more time with Jenny during that period of time. Whenever I had questions, Jenny was always gracious with her time; she was approachable and accommodating in helping me.

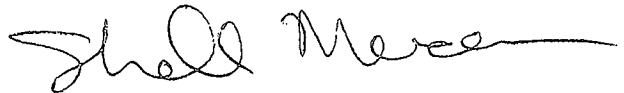
Jenny has definitely impressed me with how inherently ethical she is. She simply does the right thing – a quality I deeply respect and value. A small illustration occurred during one of our approximately dozen lunches we have shared. A food server forgot to charge us for our beverages. Without hesitation, Jenny pointed out the fact to make sure the restaurant and waitress were properly compensated. More significantly, Jenny has always been very cautious to avoid conversations with me regarding confidential court administration matters. For example, if I unwittingly asked a question inquiring “why,” i.e. something that Jenny felt uncomfortable answering, she changed the subject or simply didn’t answer. She has a keen sense of loyalty to the Court. In other words, Jenny has never crossed the line in conveying information that I didn’t need to know, or that may have exceeded my role as a Pro Tem Hearing Master. Thus, I know Jenny to be unwaveringly ethical.

Finally, I believe I would be remiss if I were to fail to mention how strong Jenny’s work ethic is. She is amazingly diligent about preparing for each and every hearing, which, as a practitioner, I greatly appreciate and respect. Additionally, over the years, the Court and the public have benefited by Jenny’s diligence in handling many special projects in multiple disciplines, including guardianship, domestic violence, discovery, juvenile delinquency, criminal arraignments and others.

In short, some of the positive qualities that I have known Jenny Henry to possess include her uncompromising honesty, unwavering ethics, deep sense of loyalty to the Court and by extension, the public, and her incredibly strong work ethic.

If you have any questions or if I may be of further assistance to you, do not hesitate to contact me. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shell Mercer". The signature is fluid and cursive, with a long horizontal line extending to the right.

Shell Mercer, Esq.

cc: Bill Terry, Esq.

May 21, 2018

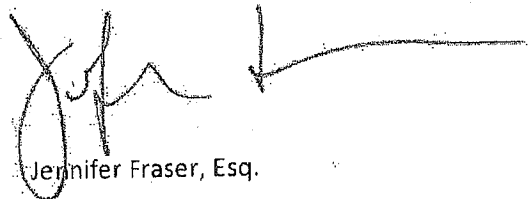
To Whom It May Concern:

I had the pleasure to appear in front of Hearing Master Jennifer Henry for several years as a deputy public defender. I first appeared in front of her when she handled the Juvenile Sex Offense (JSO) calendar in delinquency court. The JSO calendar is a specialized calendar and I do not think all judges are cut out to handle such cases. Hearing Master Henry handled the calendar with knowledge, respect, and patience. Hearing Master Henry was always respectful to attorneys, clients, courtroom staff, kids, and their parents. Due to the adversarial nature of the work we do there were often arguments and/or disagreements in the courtroom; however, I thought she always handled the arguments between parties well and always tried to quell tensions rather than escalate.

In addition to practicing in juvenile court, I also practiced downtown in adult criminal court. While there I also appeared in front of Hearing Master Henry when she presided over the "lower level arraignment" calendar. Once again, I always witnessed proper courtroom decorum. Hearing Master Henry was always respectful to all parties involved including clients who may not have been as respectful as they should have been.

Thank you for your time in reviewing this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Fraser", followed by a long horizontal line extending to the right.

Jennifer Fraser, Esq.

MARIA CLEVELAND

92 Shepherd Mesa Court, Henderson, NV 89074 | (702) 281-1863 | mclevella@me.com

May 14, 2018

To whom it may concern:

I have known Jennifer Henry for several years in both a personal and professional capacity. My most recent regular contact with her was as the Deputy District Attorney assigned to the delinquency cases involving juvenile sex offenses ("JSO") with Ms. Henry as the presiding Hearing Master.

Ms. Henry is a gifted jurist and as the JSO Hearing Master she was enthusiastic, organized and knowledgeable. She ran her courtroom in a professional and friendly way. It felt like we were all a team; the State, defense, and probation; despite the fact that we were sometimes on different sides of the same issue.

Ms. Henry continuously demonstrated an ability to balance and address the concerns and hostilities of the various players in the cases beyond the State, defense and probation: the parents of victims who take issue with a therapeutic approach and want adult sanctions for the subject minors; the subject minors and their parents who become frustrated and angry with the seemingly unyielding rules and the constant presence of probation in their lives for years and years on end; and the parents who don't understand why their child has to be sent out of state; sometimes across the country; for treatment due to a lack of resources in Nevada.

Ms. Henry always provided an opportunity for an unhappy party to express the cause of their dissatisfaction. She both allowed them to vent and to feel as if their concerns were being heard and considered. She always took the time to explain, in layman's terms, why it was that certain steps or actions were being taken. While she couldn't convert everyone, I know her intervention helped smooth the way for me and for many defense counsels.

Finally, Ms. Henry demonstrated a commitment to the subject minors and did a fantastic job of treating them as kids. Not as bad kids, or dangerous kids, or kids who should be consumed by shame. Ms. Henry was often their biggest cheerleader; celebrating their successes and giving them hope when they stumbled. A big deal overall and particularly in those cases when their families had rejected and/or abandoned them as a result of the JSO case.

I know that my JSO experience, and my ability to do my job, was made better by having Ms. Henry as the hearing master. Overall, she is a tremendous asset to the bench and to the legal profession.

Sincerely,



Maria Cleveland

LESLEY M. PEÑA

Address: 3748 Ruskin Street, Las Vegas, Nevada 89147

E-mail: penal@ClarkCountyNV.gov

Phone: (702) 455-4831

May 14, 2018

Re: The Honorable Jennifer Henry,
Juvenile Hearing Master

To Whom It May Concern:

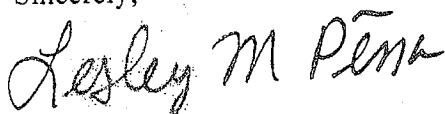
I am a Chief Deputy Public Defender in Clark County, Nevada, assigned to the Juvenile Division. My current assignment is with the juvenile sex offense unit. I appeared in front of Hearing Master Jennifer Henry for several years prior to her transfer from the delinquency courts.

My experience appearing in her courtroom was an extremely positive one. She was very respectful to myself, my clients, and their families. I felt that she ruled objectively. I didn't feel that she had any biases towards or against any of the different parties in the courtroom. We each had the opportunity to be heard. The population we deal with in the juvenile sex offense court is an often misunderstood and marginalized one. However, Hearing Master Henry took the time to understand the nuances and the specialized issues and treated the children and their families with compassion.

I also appreciated that she took the extra time to read and understand the law. She was always knowledgeable, prepared and punctual. She was always going above and beyond by taking on extra projects. She was certainly the hardest working person on campus!

Overall, I thought she did a wonderful job as a Juvenile Hearing Master when I appeared in front of her for my juvenile sex offense cases.

Sincerely,



Lesley M. Peña, Esq.

Victoria L. Pott
4440 N. Chieftain St.
Las Vegas, NV 89129

May 17, 2018

To Whom It May Concern,

I have had the pleasure of knowing and working with Jennifer Henry for over ten years in my current position as Court Clerk and former position of Administrative Secretary to the Family Court Administrator.


In my capacity as Administrative Secretary, I observed Jennifer take the lead as she worked with community partners on a grant to computerize the emergency Temporary Protection Order process. I saw firsthand the time commitment that was required of Jennifer Henry to secure the grant, and the attention to detail that it took to work with the software company to build the process from the ground up.

As the Administrative Secretary, I was well aware of the staff members the Family Court Administrator relied upon for their opinions and assistance, and Jennifer Henry was always at the top of the list. Her dedication to her job was always evident, and she never hesitated when the Family Court Administrator called upon her to share her expertise or work on a special project.

In my special assignment working alongside Chief Judge Gonzalez on minor guardianship cases, I had firsthand knowledge that Judge Gonzalez placed her trust in Jennifer Henry when she selected her to review and categorize old guardianship cases for closure. Jennifer even created template forms to aid in that process. Jennifer currently continues to work in this capacity, in addition to her regular assignment, which has required additional dedication and longer work hours. I have personally seen Jennifer staying late to stay on top of the demands required of her.

I had the pleasure of working with Jennifer Henry briefly in Domestic Violence Court where I always observed her treating litigants fairly. I know her to be conscientious and dedicated to her job, always working to the best of her ability. Our working relationship has always been one of mutual respect; and in our social and work interactions, I know her to be friendly, confident, patient, customer service oriented, helpful, honest and a team player.

Respectfully,

A handwritten signature in cursive script that reads "Victoria Pott".

Victoria Pott

Aldric Jordan
6858 Stone Meadows Avenue
Las Vegas, Nevada 89142

To Nevada Judicial Discipline Commission,

Re: Hearing Master Jennifer Henry

I was a probation officer with the Department of Juvenile Justice from 1995 through mid-2019 when I retired. I met Hearing Master Henry in 2010, when she joined the juvenile delinquency department. I enjoyed working with her as did my colleagues in the probation department. Hearing Master Henry was always consistent with how she handled cases, so there were never any major surprises that would catch the probation department off guard. We were always able to provide what was needed and expected in her court room.

I observed her for many years, and she was not only consistent in her handling of cases, but fair to all involved across the board. She would go out of her ways to provide programming that was as specific as possible to the juvenile appearing in her courtroom.

She handled one the most difficult and emotional calendars in the juvenile court, and I know she liked that calendar and excelled in handling those cases. She would be the first person to admit if she was unsure about an issue, and take the time and put the effort in to make an informed decision. Hearing Master had good instincts regarding what was occurring in a juvenile's life.

Hearing Master Henry was known to call me or others if she had questions about the probation department operations or about a specific probation program. She was very involved in expanding services to meet the needs of female juveniles, and all juveniles who had potential mental health issues.

I was extremely impressed when Hearing Master Henry decided to address the outstanding restitution issue regarding the Department of Juvenile Justice Services. She worked long and hard to develop the court's restitution program. As a result, the probation officers had more time to address the needs of the juveniles on probation rather than collecting money for fees and restitution. She made the program very user friendly, and she was always available to answer questions and open to suggestions for improvement of the program.

It was a surprise to all who worked in the juvenile probation department when Hearing Master Henry was transferred to another department of the court. Her departure was such a loss, that there was going to be a petition started to have her returned. When she learned of this, she requested that her transfer be respected, although she was saddened to have left.

I, as well as other probation officers, came to like Hearing Master Henry so much that we invited her to department events. Since her transfer to another department and courthouse location, several current and former probation officer still speak with Hearing Master Henry, and see her socially on a fairly regular basis.

Having worked for Clark County and in the family courthouse building, I know how difficult it can be to navigate the political environment. Hearing Master Henry was a hard worker and consistent positive force in the juvenile court. She should be applauded for her efforts to make positive impact on the youth and assist families during their troubled times.

Sincerely,

A handwritten signature in cursive script that reads "Aldrich Jordan". The signature is fluid and stylized, with the first and last names being more prominent.

Aldrich Jordan

Bryan K. Scott, Esq.
3438 Midnight Moon Street
Las Vegas, Nevada 89135

September 6, 2019

Re: Jennifer Henry

Members of the Judicial Ethics Commission:

By way of introduction, my name is Bryan K. Scott and I have practiced Law in Nevada since 1991. Currently, I am the Senior Assistant City Attorney for the City of Las Vegas (Civil Division). In that capacity, among my other duties, I am the primary advisor to the Las Vegas City Council, the City of Las Vegas Planning Commission, the City Manager and various city departments on zoning and planning, land use and ethics. Proudly, during my twenty-three (23) years with the City of Las Vegas and twenty-eight (28) years of practicing Law, I have been the 88th and first African-American President of the State Bar of Nevada (2016-2017), the first African-American President of the Clark County Law Foundation (2006), the 50th and first African-American President of the Clark County Bar Association (2005) and the President of the Las Vegas Chapter of the National Bar Association (1996-1999). In addition to those positions, I have been honored to be appointed, elected and serve on numerous bar-related boards - the State Bar of Nevada Board of Governors (13 years), the Nevada Supreme Court bench/bar committee, the Nevada Continuing Legal Education Board and other commissions and task forces. I have received a number of accolades, honors and awards for my community service work and volunteerism, including most recently, "Attorney of the Year" by the Las Vegas Chapter of the National Bar Association (2018) and the State Bar of Nevada Public Lawyers Section's James M. Bartley "Distinguished Public Lawyer Award" (2019).


I write this letter in support of my Friend and Colleague of more than 26 years Jennifer Henry (Jenny). For as long as I have known her, Jenny has been an unbiased, hard-working, fair-minded, dedicated and intelligent Attorney and Hearing Master. She is a thoughtful, resourceful and giving person who has dedicated herself to the betterment of the justice system for everyone by advocating for, and implementing statutory and local court rule changes when she observed areas where proper processes and access to justice were lacking. Since we met, we have talked and socialized on a regular basis. I know Jenny and I have never known her to be anything but forthcoming and fair-minded. She always overly-prepares and she goes the extra mile on any and all tasks placed before her. I know personally that she has sacrificed her personal time to render proper decisions in a timely manner and have seen her agonize over complex matters in order to render a decision that is fair and well-reasoned. Her knowledge of court procedures, rules and processes is second to none. From my observations, she works well with her colleagues and genuinely cares about people. I don't know of anyone who believes that her character is anything but excellent. I was on the State Bar of Nevada Board of Governors for thirteen (13) years. I know first-hand that our profession is rife with Attorneys and Judges who take short cuts, skirt the code of ethics and bully and demean those who appear before them. Jenny has never been and will never be one of them. While I've never appeared before her, throughout all of my time serving our legal community, I have never heard anyone speak ill of her or challenge her legal skills or ethics. Jenny exemplifies all of the attributes of a true community leader and Jurist. She has volunteered tirelessly with the Clark County Bar Association's Trial by Peers Program and has spent countless hours mentoring students. She has served on a number of bar-related committees and boards in various capacities in our community. She leads by example through her selflessness dedication, and service. In my

humble opinion, her character is above reproach. She makes our legal community better and protects the public by her actions.

Being a public servant can be challenging. Jenny has shown throughout her career that a commitment to public service is part of her foundation. That is rare these days. I know without a doubt that she wouldn't do anything to damage the stellar reputation she has spent a lifetime building. I am proud to call her my colleague, but even more proud to call her one of my best friends. She has, and will always have, my full and unwavering endorsement and support.

If you require additional information, please do not hesitate to contact me at (702) 229-6621 (office), (702) 592-8500 (cell), BScott@LasvegasNevada.gov or BKScott@MSN.com.

Sincerely,



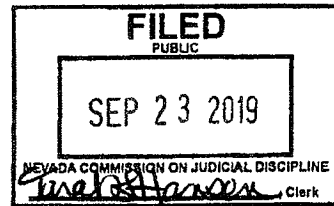
Bryan K. Scott, Esq.

EXHIBIT M

09/19/16 A [REDACTED] B [REDACTED] Hearing
 "J340578-D1 9.19.2016"

Time	Speaker	Content
10:39:09	Judge Henry	Okay, the is the matter of B [REDACTED] J340578, and this is on for entry of plea on Petitions 1 and 2. This would be a first appearance. Are you A [REDACTED]?
10:39:17	A [REDACTED] B [REDACTED]	Yes.
10:39:18	JH	Yes? And who did you bring to court with you to court today?
10:39:20	AB	My dad and my step-mom.
10:39:21	JH	Okay, so what's your dad's name?
10:39:23	AB	J [REDACTED] B [REDACTED]
10:39:24	JH	Okay, what's your step-mom's name?
10:39:25	AB	R [REDACTED] E [REDACTED]
10:39:26	JH	What's her name?
10:39:27	AB	R [REDACTED] E [REDACTED]
10:39:28	JH	R [REDACTED]? Okay. So, A [REDACTED] You've gotten yourself into some trouble, so this is what is going to happen. I am going to send you and your mom, I'm sorry, your dad and your step-mom over to the Public Defender's office to get you an attorney appointed for you. I am going to give you another court date. I expect to see you back here at the next court date. If you choose not to show up, I will have officers out looking to bring you into court so, that is how important it is that you come to court. I need you to be attending school. Are you?
10:39:52	AB	Yes.
10:39:53	JH	Where do you go?
10:39:53	AB	SECTA
10:39:54	JH	Where?
10:39:55	AB	SECTA.
10:39:55	JH	SECTA? I'm not familiar with that.
10:39:57	AB	It is a magnet school.
10:39:59	JH	Oh, is that, is that the South East, oh, oh, I do know what that is. Okay. I also am going to have you be on home management which is basically house arrest with some extra, with some extra officers which are checking up on you. So, I'm going to have you and your family go over to meet with the officers. Do they also need to see intake?
10:40:17	Probation	No, your honor. She signed a contract for home management. The reason why probation asks for that is because she was on run status for over a month.
10:40:25	JH	Okay, but she's back now and okay so far? Yes, No? So tell me what's going on.
10:40:31	JB	She is still engaging in some of the same things she was doing when she was out on the run and previous to her going out on the run. Inappropriate posts on Facebook, so forth and so on.
10:40:45	JH	Define inappropriate.
10:40:47	JB ABA *	Sending certain pics, very provocative pics, talking a certain way on Facebook. Saying that it was... she was going to make dick appointments.
10:40:58	JH	Wow, okay. I think I'm going to have her on a GPS. I'm not sure that I have one, but as soon as I do, I want home management to be upgraded to a GPS.
10:41:08	JH	You're going to go over and meet with some officers that are going to explain to you what house arrest — home management means and what it's like to be on a GPS unit. I am truly concerned with your behavior. Let me make this perfectly clear right now, and if you want to talk more about it later, I am happy to talk to you later. Whether it's because you want to voluntarily talk about it or because you get arrested. I am the judge that deals with all sexting issues and all juvenile sex offender issues, okay? So, what you are doing out on the Internet — social media is extremely problematic. Unbeknownst to you, when you put things up on Facebook, Twitter, Dropbox, Flickr, most of the photos that go on there either have GPS coordinates or what's called geo-tagging imbedded in them. And if the camera on your phone

		doesn't have GPS then like Flickr, Twitter and Dropbox have geo- tagging which means people can find where you are. So while you might be out there not realizing what message you are sending and you might think that you are sending to you friends, you might be sending it to the world depending on what you doing which means you are leading potentially unsavory individuals straight to your house which may have some ulterior motives at showing up at your house. It's no, it's no surprise to you that we live in a community where the sex trade is huge. Pimps, prostitution, we call them SEY girls, vice girls, umm... you know a type of slavery goes on very readily here. We are trying to get it under control, but when young individuals like yourself do this it just continues to happen. I am doing this to scare you but to also tell you that this is the truth, and this is the world that I work in and this court is no stranger to what happens when people like you are doing this. Do you have her in counseling?
10:43:01	JB	We do.
10:43:02	JH	Where is she going?
10:43:03	JB	Umm... she actually, I can't think of the name. But her first session was last — two Thursdays ago. Her second will be today. Something like that. It's a psychiatrist
10:43:13	RB	A child psychologist.
10:43:14	JH	Good, okay. You know I don't know why you are engaging in this behavior whether you are looking for attention or whether something has happened to you and this is your way of dealing with it. I think it is wonderful that your parents have reached out and to get you into counseling. It is extremely important that you get ahold of whatever it is that is driving this, and try to get it under control. Do you have any questions on that?
10:43:35	AB	No.
10:43:36	JH	Okay. Let me just also tell you that whatever pictures you put out there on the internet, you can never ever get rid of them. Even if you are just sending them to a friend that person may be storing them or have uploaded them somewhere else. The internet has basically 4% of - all content that it viewable when you search Bing, Google or Yahoo, but there is like 500 times that amount of information on something they call the dark web or the deep web. I don't know if you are familiar with that, but basically that stuff is stored forever and years later it may surface. Okay? So, you are talking about potentially putting any college, career in jeopardy, putting jobs in jeopardy, having people that have blackmail material out there on you. Don't do it. It's just isn't worth it. Okay, but my more immediate concern it that the information you have out on the internet has geo-tagging in it and somebody may end up at your door looking for you. Somebody that you don't want any contact with. Okay? Alright. GPS, if available, home management until GPS is available, going to school, following the rules. Questions?
10:44:42	JB	No.
10:44:43	JH	Questions? Okay. Next court date is what?
10:44:46	Clerk	October 10 th .
10:44:47	JH	October 10 th at 10 o'clock.
		(Talk between the Clerk and the Judge).
10:44:56		A [REDACTED] what's your correct birthday? I have 8/28 of 2000. Is that not it? What is it?
10:45:02	AB	2001. 8/28/2001.
10:45:05	JH	Okay, so you are fifteen? Okay.



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 for the Eighth Judicial District) CASE NO. 2016-142-P
7 Court, Family Division, County of Clark, State)
8 of Nevada,)
9 Respondent.)

10 **ORDER CONTINUING PUBLIC HEARING**

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

17 In the early afternoon of September 19, 2019 (day one of the public hearing), and upon
18 submission by the Prosecuting Officer of an oral motion to amend the Formal Statement of Charges
19 ("FSOC") following the presentation of his case, and an oral motion to dismiss the FSOC by
20 Respondent's counsel, the Commission called a recess and directed that the hearing room be cleared so
21 that the Commission could commence confidential deliberations with respect to the foregoing matters.

22 While considering the above-mentioned motions, it was discovered that Respondent's computer
23 tablet was recording the Commission's confidential deliberations which, if substantiated, constitutes a
24 criminal act and is punishable as a Category D felony. The Commission's deliberations were
25 immediately halted and the Las Vegas Metropolitan Police Department ("LVMPD") was called. The
26 LVMPD confiscated Respondent's computer tablet for forensic investigation.

27 ///

28 ///

1 Accordingly, the public hearing in this matter shall resume at a future date and time upon
2 further order of the Commission.

3 The Honorable Jerome Polaha is authorized to sign this Order on behalf of the full Commission.

4 IT IS SO ORDERED.

5 DATED this 23rd day of September, 2019.

6
7 STATE OF NEVADA
8 COMMISSION ON JUDICIAL DISCIPLINE

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10 _____
11 Jerome Polaha, Presiding Officer
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CERTIFICATE OF SERVICE

I hereby certify on this 23rd day of September, 2019, I transmitted a copy of the foregoing ORDER CONTINUING PUBLIC HEARING, via email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

William B. Terry, Esq.
William B. Terry, Chartered Attorney at Law
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Prosecuting Officer


Tarah L. Hansen, Commission Clerk

BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

CERTIFIED
COPY

STATE OF NEVADA

* * * * *

In the Matter of

)

)

) CASE NO. 2016-142-P

)

THE HONORABLE JENNIFER HENRY,)

Hearing Master, Eighth Judicial)

District Court, County of Clark,)

State of Nevada,)

)

Respondent.)

)

Taken on Friday, November 15, 2019

At 1:15 p.m.

At 3100 West Charleston Boulevard

Suite 100

Las Vegas, Nevada

Reported by: Janice David, CCR No. 405

1 APPEARANCES:

2 Members of the
Commission:KARL ARMSTRONG
BRUCE HAHN
STEPHANIE HUMPHREY
JOSEPH SANFORD
THOMAS STOCKARD
(Via Videoconference) JEROME POLAHA
GARY VAUSE

6 PAUL DEYHLE, GENERAL COUNSEL

7 The Prosecuting
Officer:THOMAS C. BRADLEY
ATTORNEY AT LAW
LAW OFFICE OF THOMAS C.
BRADLEY
435 Marsh Avenue
Reno, Nevada 89509

10 For the Respondent:

WILLIAM B. TERRY
ALEXANDRA ATHMANN-MARCOUX
ATTORNEYS AT LAW
WILLIAM B. TERRY CHARTERED
530 South Seventh Street
Las Vegas, Nevada 89101

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W I T N E S S E S

Dr. Cr. Redr. Recr. VD.

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By Mr. Terry 11

By Mr. Bradley 71

KAREN JAMES

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1 CHAIRMAN VAUSE: Well, this being the time and
2 the place for the continuation of the hearing in the
3 matter of the Honorable Jennifer Henry, hearing master
4 for the Eighth Judicial District Court, family
5 division, this is the Nevada Commission on Judicial
6 Discipline. We'll introduce the members, and then it
7 will be presided over by Judge Jerry Polaha, who is in
8 Reno and here on our screen. I'll start with myself.

9 My name is Gary Vause. I'm the chairman. I'm
10 a lay member from Clark County, Las Vegas, Nevada.

11 COMMISSIONER STOCKARD: Tom Stockard, district
12 judge, Churchill County.

13 COMMISSIONER HUMPHREY: Stephanie Humphrey.
14 I'm a commissioner from Carson City, vice chairman.

15 COMMISSIONER SANFORD: Joe Sanford,
16 commissioner of Carson City.

17 COMMISSIONER ARMSTRONG: Karl Armstrong,
18 attorney member for Clark County.

19 COMMISSIONER HAHN: Bruce Hahn, attorney
20 member, Washoe County.

21 MR. DEYHLE: Paul Deyhle, general counsel.

22 PRESIDING OFFICER POLAHA: Judge Polaha,
23 presiding up here, Washoe County, district judge.

24 CHAIRMAN VAUSE: Okay, Judge Polaha. It's --
25 it's yours to conduct.

1 PRESIDING OFFICER POLAHA: Thank you,
2 Mr. Chairman.

3 Good afternoon. And I want to thank you for
4 accommodating me the way that has been done. And, for
5 the record, when we left last time, since then a
6 motion was submitted by the prosecutor on
7 October 28th, a motion for leave to amend formal
8 statement of charges pursuant to NRS 1467, subsection
9 8. That motion was opposed by the respondent on
10 November 4, 2019. And a reply brief was filed
11 November 7, 2019. After that we met as a commission
12 and unanimously granted the opposition to that motion
13 and denied the motion to amend.

14 All right? So, that is where the matter
15 stands at this time.

16 So, I believe, Mr. Bradley, you were finished
17 with your examination of the judge.

18 MR. BRADLEY: That is correct, your Honor.
19 And as I indicated in my motion to amend, I would like
20 the opportunity to supplement my exhibits with the
21 respondent's responses to determinations. I don't
22 believe that the respondent is prejudiced by the delay
23 in the request for admission of these documents.
24 These are the documents that she and her attorney
25 created. These are her own statements.

1 The reason they became necessary at this point
2 was that the testimony of the judge indicating that
3 she was -- it was incorrect to refer to the
4 disposition of juvenile A.B. as a sentencing. And in
5 my papers I pointed out, in the motion to amend, that
6 although you denied it, I believe it's relevant to the
7 question of whether or not the judge really thinks
8 there is a difference between the word "sentencing"
9 and the word "disposition" since she used them
10 interchangeably both throughout her interview, oral
11 interview that is a record or is part of the record
12 here, and the responses to the determination.

13 I have copies of the additional exhibits if
14 the -- if they are admissible. Or if the court
15 would -- or if the judge would prefer, I can wait and
16 ask to have them entered as rebuttal evidence. It
17 just seems more efficient if they would be admitted at
18 this point in time.

19 PRESIDING OFFICER POLAHA: Mr. Terry?

20 MR. TERRY: Judge Polaha and members of the
21 commission, I think that's more of a question for
22 cross-examination. We would object to the totality of
23 these documents being introduced. There is
24 information in them other than what my colleague is
25 indicating. I'm sure he recognizes that. And I

1 recognize it.

2 So, I think it's an issue that may be right
3 for cross-examination when Judge Henry testifies but
4 not to be admitted for truth of the matter asserted
5 within the exhibits.

6 PRESIDING OFFICER POLAHA: You're breaking up.
7 Can -- can you hear me, everybody down there?

8 (Response in the affirmative.)

9 PRESIDING OFFICER POLAHA: Mr. Terry, you --
10 you...

11 MR. TERRY: I broke up?

12 PRESIDING OFFICER POLAHA: You broke -- broke
13 up. Yes.

14 MR. TERRY: Okay. I'll -- I'll repeat myself.

15 We object. This is more of a matter for
16 purposes of cross-examination. There was other
17 material that is set forth within those documents that
18 is not relevant to the proceedings, that haven't been
19 adduced so far. And again, rather than having the
20 totality of the documents admitted, certainly she is
21 available for purposes of examination by Mr. Bradley.

22 PRESIDING OFFICER POLAHA: All right. I'm
23 going to defer admitting at this time, Mr. Bradley.
24 And if you want to bring it in as rebuttal, then we'll
25 take it up at that time.

1 MR. BRADLEY: Thank you, your Honor. Your
2 Honor, at this point I do formally rest the
3 prosecuting officer's case.

4 PRESIDING OFFICER POLAHA: All right.
5 Mr. Terry?

6 MR. TERRY: May I address you and the members
7 of the commission?

8 PRESIDING OFFICER POLAHA: Yes.

9 MR. TERRY: Okay. And please tell me if I'm
10 breaking up.

11 At the time that we adjourned last time there
12 was a motion to dismiss count 1 and alternatively a
13 motion to dismiss certain of the rule violations that
14 were alleged within count 1.

15 The commission has now denied the motion to
16 amend. So, I would renew my motion to dismiss those
17 rule violations. They are specifically 1.2, 2.3, 1.1,
18 and 2.5.

19 I believe when I addressed the commission the
20 last time, I specifically addressed you on 1.2 and
21 2.3. In light of the ruling, however, I would like
22 the commission to consider the dismissal of the
23 totality of the rule violation allegations that are
24 set forth in count 1.

25 That was all I have, Mr. Chairman -- or

1 Judge Polaha.

2 PRESIDING OFFICER POLAHA: All right.

3 MR. TERRY: And I might tell you, as an
4 example, rule 2.3, failing to be free from bias, I
5 don't believe -- believe there has been any evidence
6 adduced at these proceedings showing any type of bias
7 on behalf of Judge Henry. And that's just an example.

8 PRESIDING OFFICER POLAHA: You are asking to
9 dismiss count 1.

10 Is that -- am I hearing that correctly?

11 MR. TERRY: I'm asking for two considerations:
12 the totality of the dismissal of count 1, and if the
13 commission denies that, then the dismissal of certain
14 of the rule violations that are alleged within
15 count 1, specifically rule 1.1, 1.2, 2.3.

16 And I think in good faith those are the only
17 ones that I can move to dismiss at this point in time.

18 PRESIDING OFFICER POLAHA: All right. But
19 again, that would call for the vote of the commission.

20 MR. TERRY: I understand.

21 PRESIDING OFFICER POLAHA: And at -- at this
22 time I will again defer that ruling until later.

23 MR. TERRY: Very well. Then, like
24 Mr. Bradley, we're prepared to proceed, Judge.

25 PRESIDING OFFICER POLAHA: Go ahead.

1 MR. TERRY: Okay. I will not give an opening
2 statement. I will reserve for purposes of the closing
3 if that's permissible.

4 We will call Judge Henry as a witness.

5 And just so we're clear: As you might have
6 noticed, I did not cross-examine Judge Henry. So,
7 kind of what I'm going to do is a combination of --
8 like on direct of -- examination of Judge Henry but
9 also responding to several of my colleague's
10 inquiries.

11 MR. STOCKARD: And, Judge Polaha, who do you
12 want to -- was she under oath? Is she --

13 MR. TERRY: She has not been placed under
14 oath.

15 MR. STOCKARD: So, who do you want to
16 administer the oath of a witness?

17 PRESIDING OFFICER POLAHA: Is the court
18 reporter -- the court reporter, she can swear them in.

19 MR. STOCKARD: Very well.
20 Whereupon --

21 JENNIFER HENRY, having been first duly sworn
22 to tell the truth, the whole truth, and nothing but
23 the truth, was examined and testified as follows:

24 * * * * *

25

1 DIRECT EXAMINATION

2 BY MR. TERRY:

3 Q. Would you state your full name for the record,
4 please?

5 A. Jennifer Henry.

6 Q. And what is your current position?

7 A. I am a hearing master for the Eighth Judicial
8 District Court, family division.9 Q. For the benefit of the panel members and in
10 support of our mitigation issues, would you please
11 relay to them your experience within the juvenile
12 court system and family court?13 A. I was appointed as the guardianship and
14 domestic discovery commissioner in September of 1996.
15 I served in that position until about mid 2005 when I
16 elected to take a transfer out of that department,
17 into the domestic violence department. I was in that
18 department for about four years, and then mid to late
19 2008 our then probate commissioner was retiring. And
20 so the court did a scramble and decided that I was the
21 most logical individual to go down and fill that gap
22 while they were figuring out how to get the retirement
23 bought out and to find a new individual. So, I served
24 in that position until about March or April of 2009.

25 And then when I went back to family court, I

1 was put back part time into the domestic violence
2 department but also into the juvenile sex offense
3 docket, which is a specialty docket of the juvenile
4 delinquency branch of family court. Then at some
5 point between two thousand and -- like maybe early
6 2010 I became a full-time delinquency hearing master
7 doing specialty docket of juvenile sex offense and
8 then just regular docket of ordinary delinquency acts
9 two days a week.

10 I ran some other specialty dockets that I
11 developed throughout the years. Then October of 2016,
12 this incident, I was moved down to the criminal
13 arraignments hearing master position, and I served in
14 that position from October 2016 until about July of
15 2017 when it was decided that I needed to go back to
16 family court, to go back into the domestic violence
17 department, but also to pick up a brand-new project or
18 docket called the guardianship compliance docket
19 because of the issues that happened mostly in Clark
20 County but statewide with guardianship issues that
21 made national news. And then I ultimately earlier
22 this year went to child support enforcement.

23 Q. All right. So, you have been with the family
24 court -- and correct me if I'm wrong.

25 Is there a distinction between family court

1 and juvenile court?

2 A. Juvenile court is a division of family court.
3 Family court is a specialized court. It's not regular
4 civil/criminal. To be a member of family court, you
5 have to have specific training.

6 So, for instance, if one of the judges was a
7 regular civil/criminal judge, they can't serve as a
8 family court judge, but family court judges can serve
9 as civil/criminal judges. So, you have to have some
10 specialty training.

11 Then within family court, to be on the
12 juvenile delinquency bench, you have to have even more
13 specialty training.

14 Q. What type of specialty training did you have?

15 A. It was courses through the National Judicial
16 College. Basically you have to understand the
17 juvenile mind and it's not developed. And you have to
18 be able to deal with not only parents but have to know
19 some of the resources that are available not only
20 locally but also on a national level with how to deal
21 with children. It's just a whole different mind-set.

22 Q. You indicated that from approximately 2009 to
23 2010 you -- you were involved in sex offense cases.

24 Could you elaborate on that?

25 A. Well, actually I was involved in sex offense

1 cases from when I took part -- when I went back part
2 time into the family court domestic violence and into
3 the sex offense. And I served clear up until October
4 2016. So, I did that for about seven years.

5 A juvenile sex offender is an individual that
6 breaks -- well, it sort of speaks for themselves.
7 They commit sexually oriented offenses. They have to
8 be 18 years or younger unless the court already has
9 jurisdiction over them, in which case you can go up to
10 the age of 21 to have jurisdiction. But if somebody
11 commits a sexually oriented offense, then I was the
12 hearing master that dealt with all those cases from
13 beginning to end unless there was an objection and the
14 case went in front of Judge Voy.

15 So, for instance, if an individual committed a
16 sexual assault, then I took all the testimony, I got
17 the disposition done, I put them into
18 sex-offense-specific counseling as the representative
19 for the court. And when I say "put," I -- I want you
20 all to understand that when I'm sitting there, I am
21 the judicial officer, but my -- my role is to
22 recommend. The law and the local court rules are very
23 clear as to my jurisdiction. I can only recommend.

24 But when I'm sitting in that position, I am
25 the one that's doing the -- the talking. So, I'm the

1 one that's saying I put them on probation or I put
2 them into sex-offense-specific education classes.

3 Q. What types of programs were and are available
4 for sex offender victims, typically juveniles?

5 A. I'm sorry. Can you repeat that?

6 Q. What type of programs are available through
7 the juvenile court system for victims of sex-related
8 offenses that are juveniles?

9 A. Well, it's a little different if they are an
10 SEY, sexually exploited youth, versus a sex offender.
11 But we have psychosexual evaluations. Then we put
12 them into counseling. There is -- depending on
13 their -- their age, there is different counseling.
14 One is called Pathway. One is called Footprints. It
15 depends on their age.

16 But they have to go through a series of
17 counseling. Then they have to take some tests before
18 they can progress. And then there has to be a --
19 what's called an ATSA. It's a specialty certified
20 counselor that agrees that they have sufficiently been
21 reformed so that they can be taken off of probation
22 and off of oversight.

23 With regards to a sexually exploited youth, we
24 have Embracing Project, which is a specialty
25 counseling project. A woman, very dynamic woman that

1 works with one of our UNLV professors, Alexis Kennedy,
2 there were renowned across the nation with regards to
3 their understanding of sexually exploited youth. So,
4 they go into counseling. They're given wraparound
5 services. They're given protection.

6 Basically when you're a sexually exploited
7 youth, there has been something that's happened to
8 you, or you've been groomed and indoctrinated into
9 this whole philosophy. And so it's basically -- it's
10 basically trying to break that philosophy so they're
11 not being coerced or intimidated and that they're free
12 to make their own decisions and understand that they
13 don't have to live that life.

14 Q. Are there oftentimes juvenile individuals that
15 come in with some form of a charge against them that
16 you make a determination are actually sexually
17 exploited youths?

18 A. Yes, quite frequently. And, in fact, right
19 after this case there was a case that came out in the
20 Supreme Court. It's called A.J. Very similar facts:
21 The girl came in as obstructing an officer. She was
22 put on twelve months of probation, and then she was
23 given some programming. But ultimately the -- it came
24 down to the fact that the district attorney was
25 charging on these misdemeanors, which are basically

1 lead-in kind of charges that are precursors to
2 sexually exploited youth type behavior and charges.

3 So, the Supreme Court said, "Well, no. If
4 they're coming in as sexually exploited youth and you
5 know that's what they are, then they need to get the
6 benefit of the NRS Chapter 62 provision that says
7 they're victims and they're not -- they're not
8 delinquents."

9 Q. Would you agree that the juvenile court system
10 has its own terminology, as an example, subject minor
11 does not necessarily plead guilty; they admit the
12 charges?

13 A. Correct. It does have its own terminology.

14 Q. All right. And what types of programs are
15 available for sexually exploited youths?

16 A. Well, we have The Embracing Project, which is
17 basically counseling with some individuals that
18 understand the indoctrination or the grooming and
19 trying to break the grooming and trying to get them
20 into households.

21 A lot of times sexually exploited youth are
22 runaway. So, we have to get them fixed to the point
23 that they're able to go back to their original
24 jurisdiction.

25 Q. So, the juvenile court system isn't here to

1 punish those individuals.

2 What are they there for?

3 A. To educate, reform, rehabilitate, protect.

4 Q. Family involvement with that?

5 A. In the perfect world, yes, but not always. I
6 mean, a lot of these children are runaways, and so,
7 you know, they come from foster homes; they come from
8 abusive homes. They may not even tell us who they are
9 for a while. So, they go by pseudonyms until, you
10 know, we can find out where they belong and get them
11 back home, if there is a suitable home to go to.
12 Otherwise, they get put into placement.

13 Q. In the case of A.B. there was a family
14 involvement. Correct?

15 A. Her family was extremely involved.

16 Q. Okay. We'll get into that in more detail.

17 You also were responsible for developing
18 certain programs down through the juvenile court
19 system. Correct?

20 A. Correct.

21 Q. All right. Briefly just tell the commission
22 what types of programs you established that were still
23 being utilized.

24 A. Okay. Well, when I was specifically on the
25 juvenile bench, I put into place juvenile restitution

1 court. So, it was something that was very novel. We
2 had -- lots of children are juveniles that were on
3 probation, and they were indefinitely on probation but
4 without supervision, because they still have
5 outstanding restitution.

6 And so in order to not only compensate victims
7 but also to get the children off of probation and to
8 free up our probation officers for more important
9 cases, I came up with a program where we started
10 putting these cases where there was probation onto a
11 mass docket. When I say a mass docket, all the cases
12 were scheduled for one period of time. They came in.
13 I put them on a payment plan. And then for like the
14 first year and a half I was a human calculator,
15 because the court didn't have a system for me to use.
16 So, I would put them like out every three months, and
17 then I would come back, and I would go into the
18 juvenile financial system that we have for our court,
19 and I would actually do the addition to make sure that
20 they made every monthly payment. And if they did,
21 then they didn't have to come to court. If they
22 didn't, they needed to come to court and speak to me
23 to tell me why they were unable to make the payment.
24 When I say "they," obviously it would be their
25 parents most of the time, because they were -- they

1 were minors, and so they wouldn't have jobs. But
2 their parents were responsible for the restitution, or
3 their guardians.

4 So, if they would show up and have a plausible
5 reason why they couldn't make a full payment, then
6 they were excused. If they didn't show up or they
7 didn't have a plausible reason why they hadn't made
8 their mandatory payment, then there would either be a
9 violation of probation requested, or if they failed to
10 show, then there would be a writ out for the child so
11 that the payment would be made and the writ could be
12 quashed.

13 Q. Are you familiar with the statutes that deal
14 with the juvenile court system?

15 A. Yes.

16 Q. Under NRS 62A.180 juvenile court is defined as
17 each district court judge who is assigned to serve as
18 a judge of the juvenile court pursuant to a different
19 statute or court rule.

20 Is that correct?

21 A. Could you repeat that?

22 Q. Sure. Under NRS 62.180 -- and I can show it
23 to you if you need to. -- juvenile court is defined
24 as -- means each district judge who is assigned to
25 serve as a judge of the juvenile court pursuant to

1 NRS 62B.010 or court rule.

2 Is that correct?

3 A. Yes.

4 Q. Okay. That same section, Section 2 indicates
5 the term includes a master who is performing an act on
6 behalf of the juvenile court.

7 Do you agree with that?

8 A. Correct.

9 Q. Okay. You clearly is hearing a show, and you
10 are not a district court judge. Correct?

11 A. No, I am not.

12 Q. You are a hearing master.

13 A. Yes, I am.

14 Q. Correct? Okay. As a hearing master, do you
15 have limited capabilities as far as what you can and
16 cannot do?

17 A. Yes, I do. They are defined either by statute
18 or local court rule or by the judge whom I serve
19 under.

20 Q. Do you have the power to find someone in
21 contempt?

22 A. I do not.

23 Q. Okay. Do you have a -- do you have the power
24 to sentence?

25 A. No, I don't.

1 Q. Okay. This commission has heard the term
2 "recommend."

3 A. Uh-huh.

4 Q. Okay. Correct me if I'm wrong, but what you
5 do is, you recommend to the family court judge, being
6 Judge Voy in this case scenario --

7 A. Yes.

8 Q. -- what you think the appropriate --

9 A. Decision.

10 Q. -- ramification should be.

11 A. Yes.

12 Q. Correct?

13 A. Yes.

14 Q. All right. And Judge Voy is free to follow
15 that, or he doesn't have to follow that. Correct?

16 A. That is correct.

17 Q. Now --

18 A. Mr. Terry, can I go back and tell the -- the
19 panel also I -- one of the other programs I did which
20 I think is very important is, I actually got the
21 legislature involved, while I was on the juvenile
22 bench, to put into place a -- a mental health pilot
23 screening program. Unfortunately, the -- the state
24 didn't pick it up statewide, but Clark County School
25 District and a couple of the schools where we ruled it

1 out was actually still using it.

2 Because, in my opinion, mental health issues
3 are a huge problem in the juvenile court. And it was
4 a travesty, as far as I can see, that it was taking
5 these parents having their kids get into the juvenile
6 system, into the delinquent system before they could
7 get any help.

8 So, I, along with our court psychologist, with
9 the blessing of Judge Voy, got some local people
10 involved and got a couple of assembly people to
11 sponsor a bill, and it became a pilot program for
12 screening. And we had this very dynamic UNLV
13 professor that I had met who was very involved in this
14 in the LA County school district. And so she started
15 helping us. But, unfortunately, since the state
16 didn't pick it up, we lost her as a resource, because
17 she went to a state where they were able to get the
18 funding to do that.

19 But I was very big on mental health issues
20 with regard to minors. And so I put that program in
21 place. And I'm proud of that.

22 Q. Is the juvenile court system designed purely
23 to punish?

24 A. It was not meant to be punished at all. In
25 fact, if you look at -- I think it's the case of --

1 I'm going to say D.T. It says a certification is not
2 punishment.

3 So, no, that is not the purpose. It is to
4 help, rehabilitate, reform, educate, and protect so
5 that they can be good, productive members of our
6 community.

7 Q. And when you talk about certification, that is
8 when a juvenile appears in the juvenile court system
9 but is eventually ordered by a district court judge,
10 in this case the family court judge, not you, to
11 appear as an adult.

12 A. Correct. I had nothing to do with
13 certifications.

14 Q. There is, in fact, a statute that deals with
15 legislative declaration in reference to the juvenile
16 court, NRS 62A.360.

17 Are you familiar with that?

18 A. No.

19 Q. Let me see if I can refresh your memory. It
20 says, "Each child who is subject to the jurisdiction
21 of the juvenile court must receive such care,
22 guidance, and control, preferably in the child's own
23 home, as will be conducive to the child's welfare and
24 the best interest of the state."

25 A. Yes.

1 Q. Does that refresh your memory?

2 A. Yes.

3 Q. It further provides, "One of the purposes of
4 this title is to promote the establishment,
5 supervision, and implementation of preventative
6 programs that are designed to prevent a child from
7 becoming subject to the jurisdiction of the juvenile
8 court."

9 A. Correct.

10 Q. Is that correct?

11 A. Yes.

12 Q. Is that what your role is?

13 A. Yes.

14 Q. Okay. So, the role of the juvenile court and
15 the role of the hearing master is not necessarily to
16 punish.

17 Isn't punishment the last resort?

18 A. Well, and once again, if you want to call it
19 punishment. But the Supreme Court doesn't call it
20 punishment.

21 Punishment, in my mind, you know, is something
22 that the court is not set up to do. And that's
23 what -- that's what the legislature says. But if you
24 want to equate certification to punishment, then
25 that's fine. But, once again, the Supreme Court

1 doesn't say that.

2 Our whole purpose is to take the child, the
3 juvenile, figure out what -- what's going on in their
4 lives that brought them to the attention of the court,
5 and see if we can fix that problem, get them the help
6 they need and keep them in their environment with
7 their family. So, a lot of times the programming and
8 the help that we're giving is not only for the
9 juvenile, but it's also for the family.

10 Q. As a result of your experience, when you get a
11 juvenile that's in front of you, are you able
12 oftentimes to see an underlying issue?

13 A. All the time.

14 Q. All the time. Is A.B. an example of that?

15 A. Prime example of that.

16 Q. Okay. Now, the commission has had the
17 opportunity to view the -- both the transcript of and
18 the actual video of the appearance between yourself,
19 Mr. Grigsby, and the deputy district attorney by the
20 name of Karen James. Correct?

21 A. Yes.

22 Q. There was, however, a prior proceeding --

23 A. Yes, there was.

24 Q. -- involving the subject minor A.B. Correct?

25 A. Yes.

1 Q. And Ms. James was present.

2 A. Yes, she was.

3 Q. And you were obviously the judge.

4 A. Yes.

5 Q. Okay. And when I refer to you as judge,
6 please understand I understand you are a hearing
7 master, but habits are habits, and I'm going to call
8 you a judge. All right?

9 A. That's fine.

10 Q. So, at the very first proceeding Mr. Grigsby
11 was not present. Correct?

12 A. He was not present.

13 Q. What was the first proceeding?

14 A. The first proceeding was the initial
15 appearance.

16 Q. Define initial appearance.

17 A. Initial appearance is where -- well, it --
18 well, it -- initial appearance is where the family has
19 agreed to bring the minor child back; the petition has
20 been filed by the district attorney's office; you make
21 sure that the family and the juvenile have the
22 petition, understand the charges that are being
23 alleged to have occurred, and then you will appoint
24 the juvenile an attorney. And in Clark County every
25 juvenile gets an attorney, everyone.

1 Q. Now, A.B. in this case, had she been arrested,
2 or had she received a citation or both?

3 A. She had -- well, she had two charges. One
4 was, I believe, a citation. The second one, she had
5 been on the run for over a month, and she was brought
6 into detention.

7 When she came to see me for the first
8 appearance, she was out of custody. She had been
9 determined by our probation department to have not
10 made what we call points to stay in there. So, when a
11 juvenile gets picked up, there is a risk assessment
12 that's done by our probation department. And if it
13 looks like they have got a family that can control
14 them and they don't make points with regards to the
15 severity of the charges that are facing them, the
16 delinquent acts that are facing them, then they
17 usually get released.

18 And that is what happened. She was released,
19 but then she came to see me out of custody, because
20 her parents signed what we call a return agreement,
21 which is a contract that you agree to bring your child
22 back to court.

23 Q. In the juvenile court system who makes the
24 initial determination as to release or not release?

25 A. Well, in this case it was -- it was probation.

1 But if the individual doesn't have family that can
2 come pick them up or they are considered a higher risk
3 and they make what we call points and they get
4 detained, then it is a juvenile hearing master that
5 has the detention hearing that makes the determination
6 whether there is a release or whether they stay,
7 pending those charges.

8 Q. So, the action by the probation officer in
9 releasing, if I can use that term, A.B. after
10 appearance is consistent with the legislative
11 declaration that I read to you a few minutes ago about
12 the preferential treatment as to replace the subject
13 minor back into the home.

14 A. Yes.

15 Q. Okay.

16 MR. TERRY: I'm going to address the
17 commission at this point in time.

18 At this point in time we would like to play
19 the video that was involved with the first appearance
20 pertaining to the subject minor A.B.

21 I'm going to make a second request we -- we
22 have moved to exclude witnesses. Karen James, the
23 deputy district attorney that was likewise involved in
24 this case, is likewise present outside of these
25 proceedings.

1 I think it would save us some time if she were
2 allowed to come in and view that first video for the
3 limited purpose of just sitting here and viewing the
4 video. If we don't do it that way, I'll have to show
5 the video twice. I will not ask her any questions. I
6 will direct her not to speak. I will walk her out
7 after the video is over.

8 Would that be acceptable to the commission and
9 to the chair?

10 PRESIDING OFFICER POLAHA: Is that for the
11 purpose of refreshing her recollection or what?

12 MR. TERRY: Actually not. It's so I don't
13 have to show the video twice.

14 She will testify in reference to the actions
15 which occurred and what her interpretations were on
16 video 1, but it is not for purposes of refreshing her
17 memory.

18 PRESIDING OFFICER POLAHA: All right. I don't
19 have a problem with that.

20 But I have a question of the judge. Maybe you
21 can clarify this, Mr. Terry.

22 MR. TERRY: Yes, sir.

23 PRESIDING OFFICER POLAHA: It is my
24 understanding that A.B. was not on probation. And,
25 yet, I heard the explanation that the probation

1 department was involved in picking her up.

2 Now, was she on probation, or was she not on
3 probation?

4 MR. TERRY: She was not. And I don't want to
5 answer your Honor's question. I think it's better
6 that the judge do it. But I will suggest to you,
7 probation handles the release issue initially.

8 And I'm going to ask you a question, Judge
9 Henry, consistent with his Honor's directive.

10 THE WITNESS: Uh-huh.

11 MR. TERRY: She was not on probation. A.B.
12 was not on probation. And I believe that the
13 transcript and the recording of the second video that
14 you've already seen, Judge Henry makes it clear she is
15 not on -- she, being the subject minor, is not already
16 on probation.

17 PRESIDING OFFICER POLAHA: Okay. Then how did
18 she talk about the probation department bringing her
19 in? That's what I heard.

20 MR. TERRY: Okay. I thought I explained that,
21 but I'll ask Judge Henry to explain.

22 BY MR. TERRY:

23 Q. You heard his Honor's inquiry.

24 A. Okay. So, she -- she got arrested by Metro.
25 She was brought into our detention facility, which is

1 in the back part of our family court campus. She was
2 put into booking, our detention booking, which is run
3 by probation. She was given the risk assessment by
4 our probation department. And she was determined by
5 our probation department not to make points. And she
6 had her family come pick her up, and they believed --
7 they, being probation, believed that the release to
8 her family pending the return was appropriate.

9 PRESIDING OFFICER POLAHA: All right. And
10 this is done in every case.

11 THE WITNESS: Yes, it is. Yes.

12 PRESIDING OFFICER POLAHA: Okay. Thank you.

13 BY MR. TERRY:

14 Q. And part is just so you don't keep the
15 juvenile in custody until the court date. Correct?

16 A. Correct. Well -- okay. So, yes. And we also
17 have what's called a JDAI model community, juvenile
18 detention alternative initiative community, which
19 means that we're trying not to keep our kids in
20 detention if there is an alternative that is
21 available. We're keeping statistics for -- oh, I
22 can't remember the -- I think it's called the Casey
23 Foundation. It's a foundation that's running --
24 that's sort of running these programs.

25 And so we are one of the JDAI sites, and so we

1 are doing everything we possibly can to get our kids
2 home, pending -- pending everything. We -- we don't
3 want them in detention if there is -- if there is an
4 alternative, because of some empirical data that's
5 come out about how many days children spend in
6 detention facilities.

7 Does that -- does that help?

8 PRESIDING OFFICER POLAHA: All right.

9 MR. TERRY: Your Honor, does that answer your
10 inquiry?

11 PRESIDING OFFICER POLAHA: Yes.

12 MR. TERRY: Very well.

13 PRESIDING OFFICER POLAHA: Thank you.

14 MR. TERRY: Then may I take a moment and get
15 Ms. James, consistent with your directive, while my
16 colleague sets up the video?

17 PRESIDING OFFICER POLAHA: Go ahead.

18 MR. TERRY: Thank you.

19 COMMISSIONER STOCKARD: Judge Polaha?

20 PRESIDING OFFICER POLAHA: Yes.

21 MR. STOCKARD: This is a juvenile proceeding
22 that I think we'll have to, once again, clear the
23 hearing room.

24 MR. TERRY: Because the name is mentioned.

25 MR. STOCKARD: Yes. And they're probably

1 there, too.

2 THE WITNESS: And the face, yeah.

3 PRESIDING OFFICER POLAHA: All right.

4 MR. TERRY: We can clear it.

5 MR. STOCKARD: Our habit has been for them not
6 to transcribe the video.

7 Will that be okay with you, Judge?

8 PRESIDING OFFICER POLAHA: I didn't hear that,
9 Tom.

10 MR. STOCKARD: Not to -- to have the court
11 reporter transcribe the actual video as it's played.

12 PRESIDING OFFICER POLAHA: Well, yeah.
13 She's...

14 COMMISSIONER STOCKARD: Okay. Okay.

15 MR. TERRY: If I can assist in that, there is
16 a transcript that's likewise attached to the exhibits.

17 COMMISSIONER STOCKARD: I just didn't want her
18 to try to...

19 MR. TERRY: And I didn't mean to interrupt.

20 MR. STOCKARD: No. That's fine.

21 PRESIDING OFFICER POLAHA: Yeah. That's okay.

22 MR. STOCKARD: Okay.

23 (Off the record.)

24 (Whereupon, this portion of the hearing was closed
25 to the public.)

1 (Whereupon, Ms. James entered the hearing.)

2 COMMISSIONER STOCKARD: Judge Polaha, we're
3 ready.

4 MR. TERRY: For the record, Karen James is
5 seated directly behind me. She was the deputy
6 district attorney involved in this case who is here on
7 the video. You've allowed me to bring her in for
8 strictly the purpose of watching the video. I will
9 not ask her any questions at this point in time.

10 When the video is done playing, I will ask
11 Ms. James to leave the room. And then I will commence
12 the examination with Judge Henry.

13 Please play the video.

14 (Video playing.)

15 (Whereupon, Ms. James exited the hearing.)

16 MR. TERRY: The record should reflect that
17 Ms. James has left the room.

18 Are we ready to proceed with my examination of
19 Judge Henry?

20 COMMISSIONER STOCKARD: Would you just check
21 and see if Judge --

22 Judge Polaha, can you hear us? Judge, can you
23 hear us now? Judge Polaha?

24 PRESIDING OFFICER POLAHA: Yes.

25 MR. STOCKARD: Okay.

1 CHAIRMAN VAUSE: Go ahead.

2 MR. TERRY: Judge, for the record, I indicated
3 that the witness just left the room. She is no longer
4 present. And the video, we will not show it again.

5 I don't know what the panel wants to do as far
6 as people that were sitting in the room. That's not
7 my concern. But we're prepared to proceed with
8 Judge Henry.

9 May I proceed?

10 PRESIDING OFFICER POLAHA: Go ahead.

11 MR. TERRY: All right. Thank you very much.

12 MR. STOCKARD: Should we probably open the --
13 Judge Polaha, we probably ought to open the hearing
14 back up to the public.

15 PRESIDING OFFICER POLAHA: All right. Bring
16 them in.

17 (Whereupon, the hearing was opened to the public.)

18 MR. TERRY: May I proceed?

19 PRESIDING OFFICER POLAHA: Yes.

20 MR. TERRY: Thank you.

21 BY MR. TERRY:

22 Q. Your Honor, you've just seen the video from
23 9/19 of '16 regarding the subject minor A.B.

24 A. Yes.

25 Q. Well, I hate to ask this question: What is a

1 dick pic?

2 A. That was a dick appointment.

3 Q. Well, there were both, dick pic and dick
4 appointment. I'll get to dick appointment.

5 A. All right. Dick pic is a picture of
6 genitalia. It's sent readily over usually text
7 messaging, sometimes Snapchat.

8 Q. Is that why you described to the subject minor
9 about the repercussions of putting these types of
10 pictures on the different social medias?

11 A. Correct, because that's considered sexting.

12 Q. And this was information derived from the
13 father?

14 A. Yes, it was.

15 Q. Now, the second term that was used was "dick
16 appointment."

17 A. Correct.

18 Q. What is a dick appointment?

19 A. A dick appointment is basically what it sounds
20 like. It's -- it's an appointment to have sex with
21 somebody that's usually not your boyfriend or
22 girlfriend. It's -- it's a sexual act.

23 Q. So, you had a 15-year-old that was in court on
24 some minor offenses. Correct?

25 A. On the surface, yes.

1 Q. Okay. Now, in different jurisdictions this
2 could have been handled in a whole different way.
3 Correct?

4 A. Yes.

5 Q. Okay. Would you give the commission an
6 example?

7 A. Well, if I -- if this information would have
8 been readily available, as this case maybe went along,
9 it might have been what we would consider a consent
10 decree, because, once again, it -- it becomes obvious
11 that she's a sexually exploited youth. And there is a
12 specific statute in 62 -- I think it's C. -- that says
13 that we are not to treat sexually exploited youths as
14 delinquents; we're to treat them as victims and get
15 them on a consent decree, which is basically a hold
16 open so you're not adjudicating on the offense but
17 you're holding open a case, you're monitoring -- it's
18 called a monitoring order, which is one of the things
19 actually that I -- I devised for our court, was the
20 actual language of the monitoring order so that we had
21 jurisdiction over the child but we weren't putting
22 them into the delinquency program, per se.

23 Does that answer your question?

24 Q. Yes.

25 A. Okay.

1 Q. Now, you also have a conversation with her in
2 more of an informational situation by you to her in
3 reference to the phone, social media, computers,
4 et cetera.

5 A. Yes.

6 Q. What was your intent there?

7 A. Well, it was to scare her but to also make her
8 understand that what it looked like she was doing was
9 extremely dangerous, extremely dangerous.

10 Q. All right. Now I'm going to go into the
11 hearing that involved Mr. Grigsby.

12 A. Uh-huh.

13 Q. The panel has had an opportunity to see that
14 video. We will not replay that at this point in time.
15 What was the purpose of that hearing?

16 A. That --

17 Q. -- remind you that the commission has a copy
18 of the transcript which has been admitted, and they
19 have seen the video.

20 But what was the purpose of that hearing?

21 A. Well, the first hearing was to -- to figure
22 out what I needed to do to get her from point A to
23 point B. So, point A was the first appearance. The
24 appointing the attorney, point B, would be the second
25 hearing where Mr. Grigsby was appointed as her

1 attorney. And that was the actual entry of plea.

2 Q. Okay. So, when Mr. Grigsby is appointed, do
3 you appoint him?

4 A. Well, she was originally appointed the public
5 defender's office. So, it's just a blanket, "Go to
6 the public defender's office," and they're on a
7 rotation. Somewhere underneath the scene -- and I
8 don't know where that happened, because it wasn't me
9 who I -- don't think I did it. -- it was determined by
10 the public defender's office that there was a conflict
11 of interest, and so Mr. Grigsby is one of the contract
12 attorneys that takes on the -- the conflict cases when
13 the public defender can't be appointed.

14 Q. The potential conflict of interest was due to
15 the fact that there were multiple juveniles that were
16 either arrested or cited originally with the subject
17 minor A.B. Correct?

18 A. Correct. And one or more of them would have
19 had a public defender as their attorney already.

20 Q. All right. So, when you went into that
21 hearing, what was your intention?

22 A. Which hearing?

23 Q. The second hearing.

24 A. Well, to take the entry of plea.

25 Q. All right. And did you do that?

1 A. Yes, I did.

2 Q. As you did that, did you question what the
3 facts were that supported the underlying plea?

4 A. Yes, because you have to have the sufficient
5 factual basis to determine that somebody has committed
6 a delinquent act and determine that they're a
7 delinquent.

8 Q. Now, Ms. James, who just left the room, was
9 present during what I'll call the first video. She
10 was likewise the deputy DA at the second proceeding
11 where Mr. Grigsby was the attorney. Correct?

12 A. Yes.

13 Q. So, she had been there for the whole case.
14 Correct?

15 A. Yes.

16 Q. There hadn't been any court proceedings
17 between the first and the second video. Correct?

18 A. No.

19 Q. So, did it appear to you that the case was
20 resolved, negotiated?

21 A. It was negotiated.

22 Q. All right. And what did that mean to you?

23 A. Well, negotiation is as to what charge is
24 going to -- or delinquent act is going to be admitted.

25 So, she had two petitions, one that had come

1 in on the citation, I believe, and the second one was
2 due to the arrest. And the two attorneys had decided
3 that they were going to dismiss one count and have her
4 plead to the other.

5 Q. Now, there were certain procedures that had
6 occurred in the interim, were there not? A report had
7 been generated, for example.

8 A. I'm not sure I understand what you're asking.

9 Q. Any type of a report generated regarding the
10 risk management situation?

11 A. Right. There is something called an SAS.
12 It's a summary assessment, and it's basically done
13 before the first appearance.

14 So, what will happen is, when the parents come
15 in and they get the child back, which was the release
16 to the parents because she didn't make points when she
17 was in detention, they get a lot of background
18 information on her. And at that time probation sort
19 of lays out what terms and conditions they think is
20 appropriate for that child to have. But that happened
21 prior to September of -- September of that what --
22 September 19th date. My hearing with Mr. Grigsby was
23 on October the 10th.

24 And so she had been released home. So, there
25 was a period of time that I needed information as to

1 how she was doing.

2 Q. Now, that SAS report, as described, is
3 available to the district attorney.

4 A. Yes.

5 Q. You.

6 A. Yes.

7 Q. And Mr. Grigsby.

8 A. Yes. However, it's always -- it's not always
9 just given to me, but most of the time I have been
10 able to see it. It's not part of our case management
11 system. It's -- actually it's a -- it's a work
12 product that belongs to probation. But the judge has
13 the right to see it, as does anybody that asks, as far
14 as I'm -- as far as I know.

15 Q. You understand that Mr. Grigsby has already
16 testified. And if my recollection is correct, he
17 testified that he hadn't seen the SAS report.

18 MR. BRADLEY: Objection. That's not accurate.

19 MR. TERRY: If it isn't, I apologize. I'm
20 basing that on recollection.

21 THE WITNESS: Well, I believe he --

22 MR. TERRY: I'll withdraw the question.

23 THE WITNESS: Okay.

24 BY MR. TERRY:

25 Q. To your knowledge, had Mr. Grigsby seen the

1 SAS report?

2 A. I -- I don't know other than what he said.

3 Q. All right. Would the SAS report have also
4 indicated the sexual exploitation that you testified
5 to that you believe you observed from video 1?

6 A. Potentially.

7 Q. Okay. Now, what was your function at that
8 second hearing? What was your role?

9 A. My role was to take the plea and then decide
10 the appropriate disposition, meaning whether I
11 accepted the plea because there was sufficient factual
12 basis to do so, and then to determine what the
13 appropriate disposition would be, which are terms and
14 conditions of probation. But, once again, I
15 recommend.

16 Q. And just so we're clear: The young lady was
17 not on probation when she appeared in front of you on
18 the second --

19 A. She was not on probation, no.

20 Q. Okay. So, there was no potentiality of a
21 probation revocation procedure or anything like that,
22 because she wasn't on probation.

23 A. Correct. But we don't revoke probation in
24 juvenile. It would be a brand-new petition.

25 Q. Now, when you make a recommendation, do you

1 state that recommendation on the record?

2 A. Yes. I state it very succinctly on the record
3 with all the terms and conditions that I believe are
4 appropriate for that particular juvenile.

5 Q. But you were not able to make a recommendation
6 in this case.

7 A. That's correct.

8 MR. BRADLEY: Objection, your Honor. The --
9 the JAVS video speaks for itself about what she was
10 able to do and not able to do.

11 MR. TERRY: And we agree with that. And I
12 believe the JAVS video shows she was not able to make
13 a recommendation.

14 THE WITNESS: And Mr. Grigsby --

15 PRESIDING OFFICER POLAHA: Yeah. That --

16 THE WITNESS: -- that I didn't make one.

17 PRESIDING OFFICER POLAHA: I agree to that.
18 The video speaks for itself, and that's already seen.

19 MR. TERRY: Very well.

20 BY MR. TERRY:

21 Q. Okay. Did there come a point in time when you
22 were questioning the subject minor?

23 A. Yes.

24 Q. Did you understand Mr. Grigsby to invoke her
25 Fifth Amendment rights?

1 A. No, not at all.

2 Q. Did Mr. Grigsby ever use the term, "Your
3 Honor, we invoke my client's Fifth Amendment rights."

4 A. No.

5 MR. BRADLEY: Objection, same, your Honor.
6 He's asking what was said and what wasn't said on the
7 video.

8 MR. TERRY: I'm going to go into judge -- the
9 judge's state of mind at that point in time. That's
10 why these preliminary questions are being asked.

11 PRESIDING OFFICER POLAHA: Yeah. Go ahead and
12 answer that.

13 THE WITNESS: What was the question?

14 BY MR. TERRY:

15 Q. The question dealt with --

16 A. Oh, whether he had said the Fifth Amendment?

17 Q. Correct.

18 A. No. He had never said the word "Fifth
19 Amendment." And, in fact, he never objected. There
20 was never the word "object," which I noticed the
21 formal statement of charges uses the word "object" and
22 "objection" over and over again.

23 In my opinion, objection is a term of art.
24 It's a legal term of art. An objection is "I object,"
25 foundation for the objection. And he never objected.

1 Q. When a lawyer appears in front of you, do you
2 expect him to follow the basic rules, for example,
3 when you make an objection, you say objection and then
4 you articulate what the basis of your objection is?

5 A. Yes. And Mr. --

6 Q. Did that occur in this case?

7 A. No, not at all.

8 Q. Okay. What information were you trying to
9 elicit from the subject minor?

10 A. I was trying to find out, after her parents
11 told me that between the time that they had seen me at
12 the first hearing in September where I had her on GPS
13 and home management with DRRP officers -- the DRRP is
14 detention release and review program.

15 We have -- when we have a child --

16 Q. Judge, you're going a little fast.

17 A. Okay.

18 Q. Slow it down.

19 A. Sorry. I'm a fast talker and...

20 Q. Don't be.

21 A. Okay. Well, I'm a -- well -- I'm -- I'm a
22 trained auctioneer. So, I'm used to speaking very
23 quickly. Anyway --

24 Q. Are you done now?

25 A. No.

1 Q. Answer.

2 A. Okay. So, DRRP is detention review release
3 program. So, not only do we have a child on a GPS.
4 We also have a set of officers that do random
5 check-ins on the minor: Are they at school? Are
6 they, you know, at home? You know, if -- if their GPS
7 goes off, they're the first ones that go out and find
8 where the child is and round them up and bring them
9 into detention.

10 Q. Okay. So, the purpose of your asking the
11 question of the subject minor, was it criminal in
12 nature?

13 A. No. I was trying to figure out what she was
14 doing. So, my question to the family was, After she's
15 been on -- under the watchful eye of the court, have
16 there been any problems? And I learned, yes, there
17 have been problems. And the problem was -- is that
18 she had a cell phone at work, which from -- or at
19 school, which from the first hearing, the parents told
20 me that that's how she was getting somebody to come
21 pick her up and run away and stay away for a month at
22 a time.

23 So, as soon as the word "cell phone" came out,
24 I was like, oh, my gosh, I have a huge problem here.

25 Q. Well, why were you so concerned about whether

1 she did or didn't have a cell phone or was using the
2 cell phone?

3 A. Because that's how she was communicating with
4 whomever was coming to pick her up, and that's how she
5 was making dick appointments. That's how she was
6 involved in the sexually exploited youth arena.

7 Q. The commission has watched you on that video.
8 And at points in time you tell Mr. Grigsby "enough."

9 A. Uh-huh.

10 Q. What manner of control do you have in that
11 courtroom, recognizing you've already indicated you do
12 not have the contempt power and you're really making
13 recommendations to Judge Voy?

14 A. Basically I have the ability to get the floor
15 back by raising my voice, or I have the ability to cut
16 the momentum of what's happening off by taking a
17 break. I don't have contempt powers. I can't make an
18 order.

19 Q. Was it your intent to cut Mr. Grigsby off so
20 he could not address the court?

21 A. No.

22 Q. Did you give him an opportunity to address the
23 court?

24 A. He continually addressed the court.

25 Q. Did he, in fact, interrupt you?

1 A. Yeah, he did.

2 Q. Did you at times speak over him?

3 A. Yes. That's what a judge does.

4 Q. But you were the hearing master.

5 A. I was the hearing master, but it's my --
6 it's -- the floor should be mine to direct the hearing
7 how I need it to be directed.

8 Q. Very well. Now, you also took a break.

9 A. Yes, I did.

10 Q. What was your purpose in taking a break or a
11 recess?

12 A. It was to stop the momentum of us not getting
13 anywhere and so we could all like regroup and come
14 back. But it was a control mechanism.

15 Q. From viewing the video, it was less than a
16 minute that you took that break.

17 A. Uh-huh.

18 Q. Correct?

19 A. Yes.

20 Q. All right. When you came back on the bench,
21 did you -- did you make that same inquiry of the
22 subject minor?

23 A. I did. I wanted to know what was going on
24 with the cell phone at school.

25 Q. And she did not answer.

1 A. Actually she did. She tried to.

2 Q. What was the answer?

3 A. She started to say "um," and Mr. Grigsby
4 talked right over her.

5 Q. But she did not answer other than "um."

6 A. No. She was not able to answer. Her attorney
7 wouldn't let her. And -- and --

8 MR. BRADLEY: The same objection, your Honor.
9 We're talking about what happened on the video again
10 and -- and I think that counsel and the witness should
11 be instructed not to describe what happened on the
12 video, because the best evidence of what happened on
13 the video is the video, and it's already been admitted
14 into evidence.

15 MR. TERRY: I'm trying to ask her to explain
16 her actions and why she did certain things, like take
17 the recess. But I will try to refrain from repeating
18 what is already depicted on the video, other than by
19 way of an introduction to the format that I'm asking.

20 PRESIDING OFFICER POLAHA: All right. Go
21 ahead.

22 THE WITNESS: But I actually heard her say
23 "um." She tried to speak to me. So, I'm not talking
24 about what the video shows. I'm talking about what I
25 heard.

1 BY MR. TERRY:

2 Q. You also had a concern that there was a
3 factual basis for the entry of the plea. Correct?

4 A. Yes, I did.

5 Q. And did you inquire -- why did you inquire of
6 the DA what -- what the factual basis was?

7 A. Because I wasn't sure -- I mean, police
8 officers walking up to a juvenile is not a delinquent
9 act. So, I wanted to know what the surrounding
10 circumstances were that brought her into the view of
11 the police in the first place.

12 Q. Do you consistently advise a juvenile who is
13 represented by counsel of the rights that they are
14 waiving?

15 A. Yes. That's the standard -- standard script.

16 Q. The only right that a juvenile doesn't have
17 that an adult has is a jury trial. Correct?

18 A. Well, actually there are some more, but
19 generally.

20 Q. Okay. Part of what you advise them of is the
21 Fifth Amendment right. Correct?

22 A. Correct.

23 Q. And you indicate that they're waiving that.
24 Correct?

25 A. Yes.

1 Q. Why do you do that?

2 A. Because they have -- well, first of all, this
3 was -- this was an entry of plea that was negotiated.
4 But they do have the right to take it to a contested
5 hearing, which in the adult arena would be called a
6 trial. The DA has to prove the facts against them,
7 and they need to understand that they're not required,
8 when the DA is trying to bring the proof to show
9 the -- the -- the delinquent acts -- that they don't
10 have to incriminate themselves by giving that
11 information to the district attorney.

12 But in this case it was a negotiated plea, and
13 so we went straight into disposition after I took
14 the -- took the plea.

15 Q. There came a point in time when you were moved
16 from the juvenile court to what is referred to as the
17 lower level. Correct?

18 A. Yes.

19 Q. And that was due to Judge Voy.

20 A. Yes.

21 Q. And was there a meeting where you were
22 directed to go down to the lower level?

23 A. Yes.

24 Q. When I say "go down," it just means go to a
25 different court other than through the juvenile court.

1 A. Yes.

2 Q. Okay. Did you have an opportunity to view
3 that video, either video 1 or 2 that we've seen?

4 A. I -- I asked to have a copy of the video so I
5 could respond, and I was told no.

6 Q. Okay. Did you have an opportunity to explain
7 what had happened on -- in reference to video 1 and 2?

8 A. Absolutely not.

9 Q. So, it was a "Come on in" and "We're sending
10 you to the lower level."

11 A. Yeah. It was basically "Come in. Sit down.
12 This is what's happening. Take it or leave it."

13 Q. Okay. What other punishment did you receive?

14 A. One week unpaid suspension.

15 Q. All right. Now, how long were you down in the
16 lower level?

17 A. October 2016 until July 2017.

18 Q. And what did you do on July 2017?

19 A. I was asked to go -- well, I was told I was
20 going back to the family court to serve in the
21 domestic violence department.

22 Q. And just so we're clear: You just created a
23 distinction between told and asked.

24 Are you an at-will employee?

25 A. Yes, I am.

1 Q. Are you subject to being terminated at any
2 point in time?

3 A. Yes, I am.

4 Q. Without recourse.

5 A. Yes.

6 Q. And without reason.

7 A. Yes.

8 Q. Okay. So, now you're back down to the
9 juvenile court system. Correct?

10 A. Correct.

11 Q. And you have remained down there since this --
12 since that point in time.

13 A. Yeah, the larger family juvenile division.
14 Yes.

15 Q. And as of today -- obviously not today, but as
16 of this week what are you doing?

17 A. Child support enforcement.

18 Q. Okay. That is different than the type of
19 action that we've seen on video 1 and 2. Correct?

20 A. Correct.

21 Q. Okay. Was that a punishment?

22 A. No.

23 Q. Okay. So, you're simply assisting the court
24 system with where you're needed.

25 A. Correct.

1 Q. Okay. Now, you also had a chance to look at
2 the -- the original complaint in this -- in this case.
3 And I'm going to ask you some questions in reference
4 to the rules.

5 A. Okay.

6 Q. Okay? In count 1 the allegation that you
7 engaged in acts or a combination of acts by sentencing
8 the juvenile to a harsher sentence -- I'm going to
9 stop there.

10 Number one, did you sentence the juvenile?

11 A. No.

12 Q. Number two, did you give her a harsher
13 sentence?

14 A. No.

15 Q. My colleague is going to say to you the
16 recommendation was for six months probation and you
17 made it nine.

18 What was your reasoning for that?

19 A. Because in disposition a judge -- or the
20 hearing master is allowed to take everything that is
21 particular and important to that particular
22 individual.

23 Juvenile court is very different than adult
24 court. We don't have grids that we go off on. We are
25 supposed to make this juvenile-specific with regards

1 to the things that are going on in that family's life
2 and that juvenile's life, and it is supposed to be a
3 wholistic-person approach to dealing with a delinquent
4 act.

5 So, I heard everything her family had to say,
6 and I still had a very large problem. In the first
7 hearing -- and I don't know if you all heard it, but
8 when her dad was telling me what she did, I said wow
9 under my breath, which would be basically like, oh, my
10 gosh, I have a huge problem here with this girl. It's
11 an excited utterance.

12 So, I heard what her parents had to say. I
13 really wanted the juvenile to be able to talk to me,
14 because I had promised her in the first hearing that
15 she had the ability to talk to me. But Mr. Grigsby
16 wouldn't let me find out what was going on. So, based
17 upon that, taking reliable, not highly suspect, not
18 impalpable information from her parents, very reliable
19 parents who were very informed, I knew I had a
20 problem.

21 And in juvenile court I can give anywhere
22 between six to one year of probation period as needed.
23 And because I had her already under my watchful eye,
24 the court's watchful eye, and she still was drawn to
25 that cell phone, she still was drawn to the activity,

1 I had to do something. So, when I have somebody --
2 when the court has a child on a longer period of
3 probation, you have more opportunities to get them
4 into help and to have that reinforcement that "If you
5 mess up, you're going to continue to be under the
6 court, the court's eye."

7 So, in Clark County -- and I don't know how it
8 is in any other jurisdiction. -- there is quite a lag
9 between the time that the juvenile sees me in court
10 and probation is able to get them into services. So,
11 if it takes three months in Clark County for all those
12 services to be put in place, then really she's only
13 under probation's eye for three months with any help.
14 So -- so, you have -- you have to -- to gauge what
15 you're dealing with and give the appropriate outcome,
16 which is what I was attempting to do.

17 Q. Now, in looking at the rules, the first rule
18 that you're alleged to have violated was failure to
19 comply with the law.

20 Do you feel you failed to comply with the law?

21 A. No, not at all.

22 Q. Explain to the commission.

23 A. Well, in fact, we had a very long discussion
24 the first hearing about the Fifth Amendment. I
25 understand the Fifth Amendment. I taught our peace

1 officer state training to probation for Clark County
2 court, and my subject matter was constitutional law.

3 And in this case we were in disposition. And
4 juvenile delinquency law is very, very different than
5 adult law. And, quite frankly, she -- I was not
6 asking a Fifth Amendment invoking or running -- I was
7 not running amuck of a Fifth Amendment, because there
8 are cases out there that say what happens in juvenile
9 court with regards to disposition, and there is even
10 an adult case that -- that I did not run amuck of. My
11 full focus was on this girl and keeping her out of the
12 sex trade. She was already in it, which became known
13 later on.

14 But, no, I knew the law. I was doing what I
15 needed to do to protect, educate, rehabilitate this
16 child. And, quite frankly, if I would have known more
17 and had been given more information, that whole case
18 might have gone differently. She might have been on a
19 consent decree. We might have had a discussion about
20 putting her outside of her home because of the people
21 she was actually involved with at that time. I mean,
22 her -- her parents -- she might have been in
23 The Embracing Project with regard to sexually
24 exploited youth. There were a whole myriad of things
25 that might have gone differently if I would have known

1 the answer to that question.

2 Q. You're also alleged to have violated rule 1.2,
3 failure to promote -- promote confidence in the
4 judiciary.

5 Do you agree you have a duty to the public to
6 promote confidence in the judiciary?

7 A. Yes.

8 Q. At any time do the parents say to you, "We
9 disagree with what you're saying."

10 A. No. In fact, they said, "Judge, we need an
11 order from you to help us."

12 Q. So, do you feel that you violated rule 1.2?

13 A. No. I know my job. I was applying it as this
14 girl needed it and her family needed reinforcement,
15 because they were having a hard time keeping her safe.

16 Q. It also alleged you have violated rule 2.2,
17 failure to uphold and apply the law and failing to
18 perform all duties of your judicial office fairly and
19 impartially.

20 Do you feel you violated that rule?

21 A. No, not at all.

22 Q. You're also charged in count 1 with violating
23 rule 2.3, failing to be free from bias. I will skip
24 over that rule.

25 But briefly, did you have any bias against the

1 subject minor?

2 A. No, not at all. In fact, I was trying to help
3 her. I was very afraid for her well-being, and
4 rightfully so.

5 Q. Did you have any articulable bias against
6 Mr. Grigsby?

7 A. No.

8 Q. Rule 2.5, failing to perform judicial and
9 administrative duties competently and diligently, I
10 don't think we're dealing with a lack of diligence in
11 this case, but that's what the allegation is.

12 Do you feel that you violated this rule in
13 that you did not act competently or diligently?

14 A. No, because I go to court on time. I brief my
15 files ahead of time. If there is anything that sticks
16 out with the subject matter that I think needs to be
17 addressed from the first hearing, I make notes on it.

18 In fact, in this case she's -- the first
19 hearing I was asking, sending a note to my clerk,
20 because I wanted some information that I knew she
21 would know regarding this minor child from the first
22 hearing that was not in the court minutes.

23 So, no, I was definitely, you know, on the
24 bench doing what I needed to do. And I understand the
25 law, and I was trying to assist this family and this

1 girl.

2 Q. In reference to count 2 you are charged with
3 those same -- some of those same rule violations, but
4 you're additionally charged with a violation of order
5 2.6, capital A, failure to accord others' right to be
6 heard.

7 Do you feel you violated Mr. Grigsby's rights
8 to be heard?

9 A. No, not at all. In fact, he had quite a bit
10 of things to say even to my back after we had taken a
11 recess. He had plenty of time to make his record.

12 Q. Did you hear him say take as many -- in
13 essence, take as many recesses as you want?

14 A. Well, I believe, yes, he sassed back to me
15 after I had called a recess and I was on my way out.
16 And then later he also made an interesting comment
17 about, "Well, you -- you know, if I go over to see
18 Judge Voy and he says do this, then I will, but I'm
19 not going to do it for you."

20 Q. Now, he also did not wait for you to make the
21 recommendation before he articulated on the record
22 that he was going to Judge Voy.

23 MR. BRADLEY: Objection. Same objection:
24 Media speaks for itself.

25 MR. TERRY: Well, does the video say that?

1 PRESIDING OFFICER POLAHA: Sustained.

2 MR. TERRY: Very well.

3 BY MR. TERRY:

4 Q. You're also alleged to have violated rule 2.8,
5 capital B, failing to be patient, dignified, and
6 courteous.

7 Before I ask you if you violated that rule, do
8 you feel that a lawyer has a duty to you to be
9 courteous?

10 A. Yes. And, in fact, I think the way that rule
11 is written, if you take the whole thing, is that it's
12 a dual thing, that one and the other have to be equal.
13 It's not one, period, the other, period, and "or."
14 It's an "and."

15 So, I think that it calls for a complimentary
16 action. So, if one person is doing one thing, the
17 other person has the same ability to do that, if that
18 makes sense.

19 Q. Now, you -- do you feel you violated that rule
20 in reference to Mr. Grigsby?

21 A. No. I was trying to make a record. My job is
22 to sit and to hear a case from beginning to end and to
23 make recommendations. And I was not able to get to
24 the end to make my recommendations.

25 Q. All right. Now I'm going to turn to your

1 verified answer, which set forth the mitigating
2 circumstances. Okay? And the commission has them.

3 You have no prior disciplinary record either
4 as a lawyer or as a hearing master.

5 Is that correct?

6 A. That is correct.

7 Q. Okay. There was no dishonest or selfish
8 motive in this case. Correct?

9 A. Correct.

10 Q. You didn't financially gain from what you did.

11 A. No.

12 Q. Correct?

13 A. No.

14 Q. Had you financially lost from what you did?

15 A. Yeah, I absolutely did.

16 Q. And you cooperated fully with the judicial
17 ethics panel.

18 A. And then some, yes.

19 Q. Including interrogatories, including an
20 interview, answering questions, et cetera.

21 A. Yes.

22 Q. And the -- the commission has certain
23 character letters dealing with you.

24 A. Yes.

25 Q. Which I know that they will take into

1 consideration.

2 Now, we've listed number 5 as interim
3 rehabilitation. Perhaps the terminology is incorrect.

4 Have you taken additional CLEs regarding court
5 management, et cetera?

6 A. I -- I fulfilled the CLEs. And, in fact, I
7 fulfilled all of my next-year CLEs and part of them
8 into two -- '21. So, yeah, I have taken many, many
9 CLEs.

10 I've also had a big opportunity to reflect on
11 what's happened, too.

12 Q. Now, oftentimes judges are invited or required
13 to -- to attend certain types of seminars.

14 A. Uh-huh.

15 Q. Can you attend those?

16 A. No.

17 Q. Why?

18 A. Because I'm not a judge. And, in fact, prime
19 example, today there is a big meeting of all the
20 district court judges in Clark County at UNLV. And
21 yesterday our chief executive officer secretary sent
22 an e-mail to all the hearing masters saying "This is
23 for judges only. You, as a whole group, are not
24 invited."

25 Q. And you acknowledge that there were, as you

1 testified to, the imposition of other penalties and
2 sanctions.

3 A. Yes.

4 Q. We've alleged that you are remorseful. But
5 you indicated that you do not feel that you violated
6 any of the rules.

7 A. Correct.

8 Q. Correct? Is there a -- is that consistent, to
9 be remorseful but, yet, to suggest to this commission
10 that you didn't violate any of the rules?

11 A. I -- I guess so. I mean, I -- it's very
12 regrettable that we're all here. My sole purpose was
13 to assist that girl and that family. I was trying to
14 do my job. I told the girl she had the right to talk
15 to me. I was actually in -- in the disposition phase,
16 which if you analogize that to the adult court, the
17 child has the right to speak.

18 The -- it's very clear. 176.015 is, the
19 attorney can speak, and not an "or," and the minor can
20 speak if -- well, the defendant can speak. Everybody
21 is allowed to mitigate their circumstances. And I was
22 taking into consideration what her parents had told
23 me.

24 Her parents told me that she was still on the
25 cell phone, that she was -- you know, they were afraid

1 she was going to run. And so I didn't think that I
2 had any other thing to do other than to give her nine
3 months. But she had the right to talk to me before I
4 did that.

5 You -- in adult court you get something called
6 a PSI, a presentence investigation report. Every
7 adult has the right to refute, discuss, or disagree
8 with what's in that presentence investigation report.
9 In juvenile court there is no such thing. I am the
10 presentence investigation report. My questions are
11 the presentence investigation report.

12 So, if I'm asking the parents and the parents
13 say X, Y, and Z, then the minor child, before I pass
14 judgment, should be able to respond to those points.
15 And that's where I was in this case. This has nothing
16 to do with the Fifth Amendment. We were beyond that.

17 Q. In the respondent's amended exhibits that we
18 provided to the commission there are three separate
19 sets of documents. They are the violence intervention
20 report from 2018, the guardianship compliance case
21 report from 2018, and your own performance
22 evaluations.

23 A. Correct.

24 Q. Have you ever been evaluated, received an
25 evaluation as an under performer?

1 A. No.

2 Q. Have you always gotten the raises that were
3 applicable for the next step for your duration of
4 employment?

5 A. There -- there is a range, but in some --
6 sometimes I've gotten way above the range. I've
7 gotten a couple of bonuses for improvement to the
8 court system for a couple of things that I have done.

9 The -- the year that this happened I didn't
10 get a full raise. So, I was punished another way
11 there. I got basically the cost-of-living equivalent.

12 Q. For the record, those are Exhibits I and J,
13 all of the performance evaluations that we were able
14 to obtain. Correct?

15 A. Correct.

16 Q. Okay. Now, what is significant about the
17 violence intervention report and the guardianship
18 compliance report?

19 A. Well, those just show the magnitude of cases
20 that go through my department. Those numbers are very
21 high.

22 I'm a hearing master. We do not have a law
23 clerk. We don't have our own marshal. I share a
24 secretary. So, basically I'm a high-volume court, but
25 I have to do all my own research. I have to get all

1 my own cases ready. I pretty much am self-sufficient.

2 But what that also shows is, once that I went
3 back down to family court, that I was doing one half
4 of the domestic violence caseload, exactly one half.
5 Plus I was given, because of my past knowledge and,
6 I'm going to say, expertise in the guardianship arena,
7 a whole new project to figure out what to do with.
8 And so I was not only doing one half the caseload, but
9 I was pumping out in my, quote, spare time, which
10 wasn't spare time, all these synopsis and
11 recommendations for the judges to get our
12 guardianships under control, which is extremely
13 time-intensive process.

14 So -- just -- just so everybody is --
15 understands, I mean, I worked a lot of hours. And the
16 only day that I had out of court to ever work on that
17 guardianship was Fridays. And I spent most of my
18 Friday evenings at the courthouse by myself up to
19 nine o'clock at night so that I could stay on top of
20 my -- on top of what I was told my job was.

21 Q. One more time: How long have you been in the
22 juvenile court system?

23 A. I have been a hearing master now for over
24 twenty-three years.

25 MR. TERRY: Mr. Chairman and members of the

1 commission, I am about done with my questioning of
2 Judge Henry, but I wonder if I might take a
3 five-to-ten-minute recess.

4 PRESIDING OFFICER POLAHA: I'm sorry. Was
5 that to me?

6 MR. TERRY: It was actually -- I said
7 Mr. Chairman. So, it was Mr. Vause, but I -- I
8 recognize that you are the presiding officer, Judge.

9 PRESIDING OFFICER POLAHA: And what's the
10 request?

11 MR. TERRY: Five-to-ten-minute recess.

12 PRESIDING OFFICER POLAHA: All right. Go
13 ahead.

14 MR. TERRY: Thank you.

15 (Recess taken.)

16 PRESIDING OFFICER POLAHA: Is everyone ready?

17 MR. BRADLEY: Yes, your Honor.

18 MR. TERRY: Yes, your Honor.

19 PRESIDING OFFICER POLAHA: All right. Then
20 let's get back into session. And let me remind
21 counsel that our deadline is 4:15. That's based on
22 stipulation that we only needed so many hours. All
23 right?

24 So, you may continue.

25 MR. TERRY: I have no further questions of

1 Hearing Master Henry.

2 PRESIDING OFFICER POLAHA: Mr. Bradley?

3 MR. BRADLEY: Thank you.

4

5 CROSS-EXAMINATION

6 BY MR. BRADLEY:

7 Q. Master Henry, you're aware that you have a
8 duty to cooperate and be candid with the commission.
9 Correct?

10 A. Yeah. Absolutely.

11 Q. And the commission asked you to answer
12 interrogatories in this case.

13 Is that correct?

14 A. Those interrogatories were stricken, Counsel,
15 by stipulation between you and Mr. Terry.

16 Q. I didn't ask if they were admitted. I asked
17 if you answered them.

18 A. Yes, I did.

19 Q. Okay. And one of the requirements, when you
20 were asked to answer the interrogatories, was that you
21 answer them under -- under oath. Correct?

22 A. That was what the letter I received from
23 Mr. Deyhle was, yes.

24 Q. Do you -- do you have any objection to the
25 fact that you were asked to do so today?

1 Do you object to the fact that you were --

2 MR. TERRY: I object to the form of the
3 question.

4 PRESIDING OFFICER POLAHA: To do what today?

5 MR. BRADLEY: I'm sorry. I'll start again.

6 BY MR. BRADLEY:

7 Q. Do you object to the fact that you were asked
8 to answer interrogatories under oath?

9 A. Well...

10 MR. TERRY: Objection: irrelevant.

11 PRESIDING OFFICER POLAHA: Yeah. Relevance,
12 Counsel.

13 MR. BRADLEY: I just wanted to know if she had
14 an objection to that. If you don't think it's
15 relevant, I'll move on.

16 PRESIDING OFFICER POLAHA: Move on.

17 MR. BRADLEY: Thank you.

18 BY MR. BRADLEY:

19 Q. On January 7, 2017 you were interviewed by the
20 commission's investigator. Correct?

21 A. I'm not sure of the date, but I was
22 interviewed. Correct.

23 Q. And you were asked a number of questions.
24 Correct?

25 A. Yes.

1 Q. And you understand the importance of providing
2 honest, correct answers. Correct?

3 A. Yes.

4 Q. You knew the commission was going to review
5 those transcripts. Correct?

6 A. Yes.

7 Q. You were asked the following question and gave
8 the following answer:

9 "QUESTION: Knowing what you know now, would
10 you have handled this any differently?

11 "ANSWER: I probably should have said 'You're
12 right, Mr. Grigsby. Just go see Judge Voy. Because I
13 know you think I'm a piece of shit.' That's probably
14 what I should have done."

15 That's the answer you gave. Correct?

16 A. Yes. That was the answer I gave, but you need
17 to understand that I was not provided a copy of the
18 video from Judge Voy. I was not provided a copy of
19 the video from the interviewer nor the commission
20 until I was asked to answer interrogatories.

21 I got to see the video in the presence of the
22 investigator on a laptop that's maybe 12 inches large.
23 The microphone was the size of a shot glass, and it
24 sounded like I was listening to the recording through
25 wax paper. Remember when you were a kid and you'd

1 take a comb and the wax paper? That's what it sounded
2 like. And I was not told whom had filed the
3 complaint, nor was I provided with a copy of the
4 complaint.

5 So, I went into that interview, no basis, no
6 nothing, and I -- I cooperated. And at that point I
7 figured it was just -- it was Mr. Grigsby who had
8 filed the complaint, because Judge Voy had assured me
9 in the meeting, where I was told to take the transfer,
10 be happy, that there was no other repercussions coming
11 from that and that that was -- that was the totality
12 of what was going to happen to me. So, I happily took
13 the transfer versus resigning.

14 So, when you're blindsided and you have no
15 idea what you're talking about and you have to make
16 assumptions -- I was very upset. And when I found out
17 later it was Judge Voy that did this, can you imagine?
18 Talk about detrimental reliance.

19 So, I was very frustrated, because I didn't
20 know what was going on. I wasn't allowed to have any
21 information. I was answering completely off of
22 memory. And this was one of the most -- there has
23 been two horrible times in my life. This was one of
24 them. And when my mom died this February, that was
25 the second one. Horrible.

1 I spent my entire life for the court. I have
2 sacrificed so much for twenty-three years. And I have
3 done so much for the court and for the community for
4 twenty-tree years. I got a domestic violence bill
5 going, AB 194, so anytime that -- in an extended
6 protection order hearing, that a judge wants to take a
7 firearm --

8 MR. BRADLEY: Excuse me, your Honor --

9 THE WITNESS: That's me and all me.

10 MR. BRADLEY: -- the question --

11 PRESIDING OFFICER POLAHA: Okay. Next
12 question.

13 THE WITNESS: Thank you.

14 BY MR. BRADLEY:

15 Q. Master Henry, can we agree this answer where
16 you swear to the investigator demonstrates your lack
17 of respect for this commission's proceedings?

18 A. No, not at all.

19 MR. BRADLEY: Those are all the questions I
20 have, your Honor.

21 MR. TERRY: No follow-up, Mr. Chairman.
22 Sorry. Judge Polaha and members of the commission.

23 PRESIDING OFFICER POLAHA: You're finished?

24 MR. BRADLEY: Yes.

25 PRESIDING OFFICER POLAHA: All right. She may

1 step down.

2 THE WITNESS: Thank you.

3 MR. TERRY: We're prepared to call our next
4 witness, Judge Polaha.

5 PRESIDING OFFICER POLAHA: Go ahead.

6 MR. TERRY: Karen James.

7 Can I step out and get her?

8 MR. STOCKARD: Yes.

9 MR. BRADLEY: Excuse me, your Honor, but
10 before Mr. Terry does so, I would like to remind the
11 commission and Judge Polaha and Mr. Terry that
12 Ms. James' testimony has been the subject of a motion
13 in limine where Judge Polaha ruled on February 28,
14 2019 that her testimony is limited to how the juvenile
15 system works and SEY youth.

16 So, I am requesting an advanced limiting
17 instruction be given to the witness that her answers
18 should not, one, express an opinion regarding what
19 happened at the October 10, 2016 hearing involving
20 A.B.; two, she not express an opinion as to whether it
21 was likely or unlikely that A.B. could face additional
22 charges had she answered Master Henry's questions and
23 incriminated herself; and, three, express any legal
24 opinion regarding the Fifth Amendment, including when
25 a juvenile may properly invoke the privilege and how

1 an objection should be phrased.

2 Those are things outside of what this
3 commission has already said must be limited to how the
4 juvenile system works and SEY youth.

5 MR. TERRY: And in response I think I should
6 be able -- be allowed to -- and I'm familiar with
7 your -- with Judge Polaha's ruling and the
8 commission's ruling.

9 I should be allowed to ask Ms. James certain
10 particulars in reference to this case, as to the
11 preparedness of Mr. Grigsby, which she has personal
12 knowledge of, and, quite frankly, what her view was of
13 his appearance before judge -- judge hearing -- the
14 judge and the hearing officer and whether or not she
15 believed that the Fifth Amendment was being invoked.

16 I will yield to the prior ruling. I will ask
17 that area of questions. If I deviate, I'm sure my
18 colleague will object.

19 MR. BRADLEY: Your Honor, she was not offered
20 to testify regarding Mr. Grigsby's lack or level of
21 preparedness. And had I been notified, I would have
22 had him available for rebuttal. And because I was not
23 informed, he's not available for rebuttal. So, I
24 would request that that area not be allowed.

25 And with regard to certainly whether she

1 thought the Fifth Amendment was being invoked, her
2 opinion is irrelevant. It's up to this commission to
3 decide whether or not it was properly invoked. And
4 she's not --

5 PRESIDING OFFICER POLAHA: Yeah. I agree with
6 that. Yeah. It was my understanding that she was
7 going to come in as sort of an expert witness to
8 explain the juvenile system and how it differs from
9 the adult system, because the commission is mainly
10 used to having the adult system involved in our
11 proceedings.

12 You listed one, two, three items, I believe,
13 Mr. Bradley. That second item that you mentioned,
14 whether or not somebody can be held accountable by --
15 for what they say in a dispositional hearing, I am not
16 too clear on that.

17 If there is a pattern set and established in
18 the juvenile division where nothing happens in the
19 exercise of the allocution of the juvenile at the --
20 prior to the disposition, yeah, then I think that's a
21 fair question. If it's not, then I agree with you
22 that we shouldn't inquire into that.

23 But, otherwise, the other points I sustain.

24 MR. BRADLEY: Your Honor, with regard to the
25 pattern, I don't object to it in general. I just

1 don't want express opinion by Ms. James as to what
2 would have happened in this case.

3 PRESIDING OFFICER POLAHA: Well, this case is
4 part of the general if they establish the general.

5 MR. BRADLEY: I think her opinion about what
6 could be faced in this particular case is separate
7 from what she was offered up as and limited to, which
8 is how the system works and SEY youth. She was not
9 offered to render an opinion about what would happen
10 in this case if she had incriminated herself.

11 So, that's separate from the offer and
12 separate from what you ruled upon.

13 MR. TERRY: Well, I think Judge Polaha is
14 right. I certainly have the right to ask her, in the
15 juvenile court system, even in an -- in a response to
16 a judge's question, whether or not there was -- there
17 is a criminal charge that will be lodged against them.

18 MR. BRADLEY: And I think that calls for
19 speculation, and I think it's an improper question for
20 her to speculate as to what would happen in this -- in
21 this case had she answered the question. We don't
22 even know what the answers to those questions would
23 be, and it would be improper to allow her to speculate
24 on what would have happened in this case.

25 MR. TERRY: She was a deputy DA for in excess

1 of -- deputy district attorney for in excess --

2 PRESIDING OFFICER POLAHA: Hold on. Hold on.

3 It's my understanding that you're going to bring her
4 in as an expert in juvenile proceedings. And if in
5 juvenile proceedings, as a prosecutor, the situation
6 arises in other cases as we are dealing with and
7 nothing happens, yes, I think that's relevant. If
8 there -- it's a case-by-case basis, yeah, then it's
9 not relevant.

10 I don't know what the answer is. But we'll
11 find out as we question. But, otherwise, your motion
12 in limine is reaffirmed.

13 MR. TERRY: I just wanted to bring to the
14 commission's attention that we were not notified that
15 Mr. Grigsby was going to actually be a witness until
16 right before the start of the -- what I'll call the
17 first part of the hearing.

18 PRESIDING OFFICER POLAHA: I can't hear you,
19 Mr. Terry.

20 MR. TERRY: I said, we were not notified that
21 Mr. Grigsby was going to be an actual witness until
22 shortly before the first hearing.

23 So, when we made our proffer that your Honor
24 ruled upon, that was at the time that Mr. Grigsby was
25 not going to be a witness. We got the notice of him

1 being a witness at a later point in time. So, I think
2 the facts have changed.

3 MR. BRADLEY: In any event, your Honor, it's
4 not relevant to the level of preparedness by
5 Mr. Grigsby. The question is whether or not this
6 judge violated the judicial code and --

7 PRESIDING OFFICER POLAHA: Yeah. I agree. Go
8 ahead.

9 MR. TERRY: All right. I'll bring Ms. James
10 in.
11 Whereupon --

12 KAREN JAMES, having been first duly sworn to
13 tell the truth, the whole truth, and nothing but the
14 truth, was examined and testified as follows:

15 * * * * *

16 DIRECT EXAMINATION

17 BY MR. TERRY:

18 Q. Would you state your full name, spelling both
19 names?

20 A. Karen James, K-a-r-e-n J-a-m-e-s.

21 Q. And, Ms. James, are you an attorney?

22 A. Yes, I am.

23 Q. And were you employed? Were you employed?

24 A. Yes.

25 Q. You are now retired?

1 A. Yes.

2 Q. Did you retire from the district attorney's
3 office?

4 A. Yes.

5 Q. How many years did you serve with the district
6 attorney's office?

7 A. Twenty-seven years.

8 Q. How many of those years did you spend in
9 juvenile court?

10 A. Twenty-four.

11 Q. Almost the full amount.

12 A. Yes.

13 Q. So, we will assume that you are extremely
14 knowledgeable in reference to juvenile court
15 proceedings.

16 A. Yes.

17 Q. Are you familiar with Hearing Master Henry?

18 A. Yes.

19 Q. Are you familiar with Mr. Grigsby?

20 A. Yes.

21 Q. You had the opportunity earlier today to watch
22 a certain video where it was an appearance by a
23 subject minor by the name of A.B.?

24 A. Yes.

25 Q. And Judge Henry presided over those

1 proceedings. Correct?

2 A. Correct.

3 Q. And you were the chief deputy district
4 attorney in that -- in that courtroom.

5 A. Yes.

6 Q. What is the difference between a deputy
7 district attorney and a chief deputy district
8 attorney?

9 A. It's -- has -- there are certain
10 qualifications. It has to do with the length of your
11 service. But there is also certain hurdles that have
12 changed over the years that the district attorney
13 makes that you have to qualify in order to reach that
14 level.

15 Q. And, in your experience, did you become
16 familiar -- because of your experience, with subject
17 minors that are oftentimes put into a position of
18 being involved in prostitution-related activities?

19 A. Yes. We call them SEY.

20 Q. You beat me to that one.

21 A. Okay.

22 Q. Okay. I was just going to ask you.

23 What is an SEY?

24 A. It's -- it's an abbreviation that -- it stands
25 for sexually exploited youth.

1 Q. And what is a sexually exploited youth?

2 A. They're primarily females, young girls -- I've
3 seen some as young as 11. -- who are normally
4 recruited to sell their bodies for money.

5 Q. In the proceedings, the video of which you've
6 had an opportunity to watch today, was your attention
7 directed to both the comments of the father and mother
8 of the subject minor as well as the minor?

9 A. I was primarily -- I believe it was the father
10 and the stepmother, by what the father had said about
11 what the behaviors his daughter was engaging in, as
12 well as I believe it was the probation officer who
13 spoke about her runaway behaviors.

14 MR. BRADLEY: Your Honor, I have to object at
15 this point. He's violating the instruction which is
16 to talk about the -- how the juvenile system works and
17 SEY youth. And now we're getting into a description
18 of the hearing for which she was not offered.

19 MR. TERRY: It's a prelude to why she believed
20 that the subject minor was an SEY youth.

21 MR. BRADLEY: Again, she wasn't offered to
22 render an opinion as to whether or not she was a SEY
23 youth. Testimony is limited to how the jury system --
24 juvenile system works and SEY youth, not its
25 application to this case. And that is completely

1 separate.

2 MR. TERRY: Judge Polaha --

3 PRESIDING OFFICER POLAHA: It said SEY, didn't
4 it?

5 MR. BRADLEY: Yes. It said how the system
6 works and SEY youth but not its application to this
7 case about whether A.B. qualifies as a SEY youth.

8 MR. TERRY: And our position is, she should be
9 allowed to testify as to why she believes that A.B.
10 should have been classified and was classified as an
11 SEY youth.

12 PRESIDING OFFICER POLAHA: Yes. I think
13 that's consistent with the order. Overruled.

14 BY MR. TERRY:

15 Q. What occurred in that court that led you to
16 believe that she was an SEY youth?

17 A. Well, generally girls that are engaging in
18 this behavior do not do it in their homes. They're
19 often on runaway status, which was true of this youth.
20 She also -- when her father talked about provocative
21 pictures, that is pretty much the way that they --
22 that these pimps make contact with them, is via social
23 media.

24 Q. When he -- when the discussion was in
25 reference to provocative pictures, it was provocative

1 pictures of her. Correct?

2 A. Yes.

3 Q. And that was what the father articulated.

4 A. Yes, that she was posting provocative pictures
5 of herself on social media sites.

6 Q. Now, you've worked with Judge Henry, Hearing
7 Master Henry, long enough. Correct?

8 A. Yes.

9 Q. Okay. And if you perceived that this was an
10 SEY youth, was it logical that Judge Henry perceived
11 she was an SEY youth?

12 MR. BRADLEY: Objection: calls for speculation
13 about what she thinks the judge might have thought.

14 MR. TERRY: I'll withdraw the question.

15 PRESIDING OFFICER POLAHA: Sustained.

16 Rephrase.

17 BY MR. TERRY:

18 Q. The questions and, more specifically, the
19 directives that Hearing Master Henry gave the subject
20 minor in that first hearing, were they directed to the
21 dangers of becoming an SEY youth?

22 A. Yes. The fact that she was making dick
23 appointments, to be blunt, that means she's making
24 appointments for men to put their private part,
25 slang -- slang referred to as a dick but a --

1 commonly, you know, in medical terms a penis -- she
2 was making appointments to have men put their penis
3 into her orifices. That's what a dick appointment is.

4 Q. And that's the way your training and
5 experience --

6 A. Yes.

7 Q. -- showed you.

8 A. And when her father said that about his
9 daughter, yes, absolutely, that -- between the
10 provocative pictures and making appointments, dick
11 appointments, that's what that means. She was making
12 appointments to have sex.

13 Q. Ms. James, I've been limited to certain areas
14 that I can ask you about, just so you understand that.
15 So, when I ask you about an area, it's something that
16 Judge Polaha and the commission has directed that I'm
17 permitted to ask you about.

18 A. Okay.

19 Q. So, if, for example -- and we acknowledge you
20 were courteous enough to pretrial with me. Correct?

21 A. Yes.

22 Q. If I don't go into certain areas, it's because
23 I've been precluded.

24 Do you understand that?

25 A. Yes.

1 Q. And don't -- you don't have to volunteer any
2 information. I don't want the rule violated. All
3 right?

4 A. Okay.

5 Q. Okay. Now, I'm going to shift over to the
6 second hearing where Mr. Grigsby was present. You
7 were -- likewise was the chief deputy district
8 attorney in that court proceeding. Correct?

9 A. Yes.

10 Q. Okay. And have you had a chance to view the
11 video from that matter?

12 A. Yes.

13 Q. Okay. And we're not going to play that video
14 again. But if there is something that you don't
15 remember, I may ask the chair to at least allow you to
16 look at the transcript of the proceedings.

17 Is that fair?

18 A. Yes.

19 Q. Okay. It became very apparent that Hearing
20 Master Henry was making inquiries of the subject
21 minor.

22 Do you recall that?

23 A. Yes.

24 Q. What was the inquiry in reference to, as you
25 sat there? And how did it relate to SEY? Maybe I'll

1 ask you that question.

2 A. Well, as I previously stated, SEY youth make
3 their contacts not only with their pimps but with
4 potential dates or clients via -- often through their
5 phones or social media on their phones. And so
6 that -- that wasn't unique to this subject minor, that
7 that's how -- so, having the phone restricted actually
8 is part of the GPS contract that she was on. The
9 probation officers also would have been aware of this
10 from reviewing her files and her paperwork that
11 accompanied her to their office.

12 So, when she was placed on the GPS, having no
13 phone is a -- is a -- is -- is what they have. The
14 GPS units that our court uses now actually have a
15 phone attached to them. So, their probation officer
16 can actually contact them via the phone. But it
17 clearly has no social media and -- and the youth
18 cannot use it to make contact with other individuals.
19 So, they're not allowed to have a phone while they're
20 on the GPS contract.

21 Q. Understood. At the first hearing the matter
22 was assigned to the subject minor to be represented by
23 the public defender. Correct?

24 A. Correct.

25 Q. But Mr. Grigsby ended up representing her in

1 an appointed capacity. Correct?

2 A. Yes.

3 Q. Did you deal with Mr. Grigsby in reference to
4 this case?

5 A. I sent him an e-mail on the Friday before the
6 hearing.

7 Q. Okay. To your knowledge, did he ever pick up
8 the police reports, the discovery?

9 A. I -- he -- it was his practice not to.

10 Q. Did you --

11 MR. BRADLEY: Objection, your Honor.

12 Mr. Grigsby's practice is not relevant to these
13 proceedings. So, that question and answer should be
14 stricken.

15 MR. TERRY: It's relevant as to his lack of
16 preparedness. And it's just so easy to say don't
17 answer that question as opposed to is there a real
18 basis of an unarticulated Fifth Amendment.

19 MR. BRADLEY: Attorney Grigsby testified that
20 the good-faith basis for his objection and his
21 instruction not to answer the question was that he had
22 interviewed A.B. prior to the hearing and she had told
23 him some things about activities that she had done and
24 how it related to her cell phone and that's why he
25 instructed her not to answer, because it may tend to

1 incriminate her in future proceedings.

2 MR. TERRY: We questioned the good-faith
3 interpretation that Mr. Grigsby articulated, but I'll
4 get right to the heart of the key question, and then
5 perhaps the chair -- or I'm sorry -- Judge Polaha will
6 let me go back to this question.

7 PRESIDING OFFICER POLAHA: Go ahead.

8 BY MR. TERRY:

9 Q. You've been a deputy DA for -- you had been a
10 deputy DA in the juvenile court system well in advance
11 of twenty years.

12 A. That's correct.

13 Q. Do you remember any case, very broad term, any
14 case where a subject minor has acknowledged another
15 crime that the district attorney's office prosecuted?

16 A. No.

17 Q. Why is that?

18 A. Well, area of the law, corpus delicti. We
19 have youth often admit crimes in the course of their
20 going through court proceedings, and we have a corpus
21 delicti problem. I mean, we have a proof problem.

22 Q. And corpus delicti means you can't convict
23 yourself out of your own mouth.

24 Is that correct?

25 A. Yes, because that would be all we would have.

1 Q. That would be all.

2 A. Yes.

3 Q. So, in reference to this case with the
4 subject -- recognizing the subject minor was not on
5 probation, if the subject minor was using a phone,
6 that would have not been a criminal offense. Correct?

7 A. We call them delinquent offenses, but, no, it
8 would not have been a delinquent offense.

9 Q. So, there would have been absolutely no
10 ramification toward that delinquent.

11 A. No.

12 Q. And I use your term, "delinquent."

13 A. Yeah.

14 Q. And the question I asked you was, Has it ever
15 happened? And your response was no.

16 A. Not to my knowledge.

17 Q. Okay. And you would know, because you were a
18 chief deputy DA in the juvenile court system for that
19 many years. Correct?

20 A. That's correct.

21 Q. I believe that order to comply with the
22 chair's directive --

23 MR. TERRY: Court's indulgence.

24 BY MR. TERRY:

25 Q. Did you ever hear Mr. Grigsby use the term

1 "I'm afraid it would incriminate her."

2 MR. BRADLEY: Objection: relevance. This
3 hearing is the only one that's at issue. Whether or
4 not he spoke it in other proceedings is completely
5 irrelevant.

6 MR. TERRY: Okay.

7 BY MR. TERRY:

8 Q. In this proceeding with A.B., same question.

9 MR. BRADLEY: Then the video speaks for
10 itself.

11 PRESIDING OFFICER POLAHA: Yes. The video
12 does speak for itself. I believe we went over this
13 ground before.

14 MR. TERRY: No further questions.

15 MR. BRADLEY: I have no questions.

16 PRESIDING OFFICER POLAHA: All right. Well,
17 then, thank you. You are excused.

18 THE WITNESS: Thank you.

19 MR. TERRY: Judge Polaha, we have one other
20 witness available for us, and she was approved by you
21 and the commission to testify, but I told the
22 commission that I'm going to tell her she will not be
23 needed to testify, consistent with your Honor's prior
24 ruling in reference to the motion in limine.

25 Would that be acceptable?

1 PRESIDING OFFICER POLAHA: Go ahead.

2 MR. TERRY: Okay.

3 Mr. Polaha -- Judge Polaha, members of the
4 commission, I've advised Ms. Roske she will not be
5 needed. And as a result, we rest.

6 PRESIDING OFFICER POLAHA: All right.

7 Mr. Bradley, any rebuttal?

8 MR. BRADLEY: No, your Honor. And I had
9 indicated that in rebuttal I was going to ask to
10 introduce the responses to the determination, but I
11 withdraw that request, and I do not have any rebuttal,
12 and I'm prepared to do closing when the commission is
13 ready.

14 PRESIDING OFFICER POLAHA: All right. Go
15 ahead.

16 MR. BRADLEY: In 1964 the United States
17 Supreme Court stated that "Privilege against
18 self-incrimination registers an important advance in
19 the development of our liberty, one of the great
20 hallmarks in man's struggle to make himself civilized.
21 It reflects many of our fundamental values and most
22 noble aspirations, our unwillingness to subject those
23 suspected of crime to the cruel trilemma of
24 self-accusation, perjury or contempt. Our sense of
25 play dictates a fair state-versus-individual balance

1 by requiring the government to leave the individual
2 alone, though good cause is shown for disturbing him,
3 and by requiring the government in its contest with
4 the individual to shoulder the entire load. Most, if
5 not all, these policies and purposes are defeated when
6 a witness can be whipsawed into incriminating
7 himself."

8 Let's turn to the facts of this case. First,
9 there is no question that an attorney can invoke
10 the -- an individual's right against
11 self-incrimination. And that was cited to you in
12 prior pleadings of Palmer versus State, which is a
13 2017 Nevada case.

14 So, the other point I would like to point out
15 is that in the United States Supreme Court decisions,
16 no ritualistic formula or talismanic phrase is
17 essential. So, the fact that Mr. Grigsby didn't use
18 the words "Fifth Amendment," that was not a
19 requirement. He said, "I don't want her admitting
20 something that may get her into other trouble."
21 That's a succinct explanation of the fact that
22 Mr. Grigsby did not want A.B. to admit something that
23 would self-incriminate her. I mean, that's exactly
24 what "making other statements would get her into
25 trouble" means. And if she didn't want to incriminate

1 herself -- and clearly we're talking about the Fifth
2 Amendment. And the judge -- Judge Henry's statements
3 that she had no clue, that's what he was talking about
4 is concerning.

5 So, the question is, Did she have reasonable
6 cause to apprehend some sort of fear of answering the
7 question? The courts say the inquiry should be --
8 should focus on what a truthful answer might disclose
9 rather than what information is expected by the
10 questioner.

11 So, the question is, you know, Are you using
12 your phone at school -- based on the outside appear
13 innocuous. But if, in fact, in answering the question
14 she explains that she is engaging in prostitution with
15 the use of her phone at school and that she's doing
16 other illegal activities, such as distributing drugs
17 through the course of her prostitution, then although
18 those statements may not be sufficient by themselves
19 to subject her to criminal prosecution as our last
20 witness just talked about, certainly there can be an
21 investigation, and additional evidence can be
22 acquired. And I would certainly expect that the --
23 the -- Metro would want to investigate statements like
24 that, not necessarily to prosecute A.B. -- but
25 certainly that could be a byproduct. -- but to

1 prosecute the adults that are involved in criminal
2 activity, especially prostitution with a 15-year-old
3 girl.

4 So, all that is required under the law is --
5 is that the witness have reasonable cause to apprehend
6 danger from a direct answer. The witness may refuse
7 to answer questions calling for a potential link in a
8 chain of evidence of guilt. So, it doesn't require
9 her to directly -- the question can just be a link in
10 the evidence. And certainly questioning her about her
11 use of a phone and who she's speaking with and what
12 crimes she may be committing with it is sufficient.

13 And as I cited in the recent motion to amend,
14 even questions that appear to be innocuous may
15 nonetheless harbor hidden dangers for the unwearied
16 witness. So, even innocuous questions in one case
17 about possession of documents harbor risks. So, I
18 think the analogy of the possession of the phone is
19 very similar.

20 So, we heard from the last witness that, to
21 her knowledge, she doesn't recall any prosecutions of
22 cases following incriminating statements at a
23 dispositional hearing. But the standard is not
24 whether or not it's happened. It's whether or not
25 it's possible. And I cited the -- the commission to

1 many, many cases that talk about the standard is, is
2 it possible. And those cases don't talk about whether
3 or not there is a history of it occurring or a pattern
4 of it occurring, just whether or not it was possible.
5 Those cases would include the Hoffman case, that it
6 doesn't depend on the likelihood but upon the
7 possibility of prosecution.

8 There is the very old Burr case where Chief
9 Justice Marshall said there is a privilege when there
10 is a mere possibility. The witness's last testimony
11 does not make it impossible, just that it hadn't
12 happened, to her knowledge. But that doesn't make it
13 impossible.

14 So, once Attorney Grigsby says that,
15 "Respectfully, your Honor, I don't want her admitting
16 something that may get her into trouble," again, no
17 magic words were required. The words "Fifth
18 Amendment" are not required by any case law. The
19 Fifth Amendment is clearly available in juvenile
20 cases. The Fifth Amendment is available during
21 sentencing. In fact, throughout Judge Henry's
22 interview, which has been admitted in this case, she
23 makes repeated references to the fact that she was
24 engaging in the sentencing of the juvenile. And so I
25 think that these cases that say that the Fifth

1 Amendment apply during sentencing are equally
2 applicable.

3 One thing that was confusing to me and I would
4 ask the commission to look into is that she kept
5 referring to the fact that she was complying with
6 NRS 175.015. But in my legal research I can't find a
7 statute in Nevada that is 175.015. But again, she
8 said she's the expert.

9 So, what should have happened at the point
10 that Mr. Grigsby invokes her right against
11 self-incrimination? Well, that's -- that's when
12 Master Henry should have made a reasonable inquiry
13 into whether or not the claim was well-founded.
14 Instead, she keeps shouting or yelling or raising her
15 voice, or however you want to describe it, "Enough.
16 Enough. Enough." Her testimony today that she gave
17 him plenty of opportunities is -- is not supported by
18 the evidence. And the evidence shows just the
19 opposite. So, she failed to conduct the inquiry each
20 time he tried to explain. And she violated the -- the
21 law by doing so and did not do her job competently.

22 And without making a recent inquiry, she
23 should have at least respected Attorney Grigsby's
24 right to invoke the right against self-incrimination.
25 Instead, she kept pressuring the witness -- or the

1 juvenile, A.B., into answering questions. She
2 continued to refuse to allow Attorney Grigsby to be
3 heard. She took a break. Then she continued to try
4 and violate Attorney Grigsby and indirectly the
5 juvenile's right to be heard by interrupting him
6 repeatedly.

7 At one point Attorney Grigsby says, you know,
8 "Let's send this to Judge Voy. Let him decide. And
9 I'll do what he says." Again, that's the proper
10 inquiry, is allowing the district court judge, not the
11 master, to decide whether or not the invocation of the
12 Fifth Amendment right was reasonable. And he
13 indicated that he would abide by Judge Voy's decision.

14 Now, it's important to realize that when he
15 asked for a review, this was before there were any
16 comments about a harsher sentence being recommended by
17 Master Henry. So, I would ask you to go through the
18 hearing, the -- listen to the tape. And Mr. Terry did
19 provide a fairly accurate transcript, and the
20 transcript will bear that out.

21 So, what happens after this break is that
22 Master Henry attempts to coerce A.B. first not to
23 follow her attorney's advice and also not to invoke
24 her right against self-incrimination. Again, I won't
25 reread the transcript, but the transcript clearly

1 shows how she's trying to speak over the attorney and
2 directly to the client and interfere with the
3 attorney-client privilege.

4 In short, I believe that the commission can
5 rely on the undisputable evidence that's contained in
6 the JAVS reporting. And the commission will find
7 multiple rule violations in count 1 and count 2.

8 I think that the respondent's position in this
9 case is just that juveniles don't have the same rights
10 as adults. I disagree. I think, as juveniles, their
11 rights should be respected at least as much as adults.

12 And I think you should find that the
13 respondent is -- there are -- there is clear and
14 convincing evidence to support both count 1 and
15 count 2. And I'm reserving brief time for rebuttal.

16 PRESIDING OFFICER POLAHA: All right. Thank
17 you, Counsel.

18 Mr. Terry?

19 MR. TERRY: Was that me, your Honor?

20 PRESIDING OFFICER POLAHA: Yes.

21 MR. TERRY: The juvenile court system is not
22 set up to punish. That is the legislative intent.
23 It's even echoed in a specific statute. It's to help.
24 And that's what Judge Henry was trying to do
25 independent of Mr. Grigsby's actions. Ms. James

1 understood that. Mr. Grigsby was simply being
2 volatile, disruptive, et cetera.

3 One of the rule violations here is that the
4 judge has to be courteous. That is a two-way street,
5 particularly when you recognize that this is a hearing
6 master, not a judge. And as a result, she doesn't
7 have the rights of a judge. She cannot find one in
8 contempt. She can do nothing of that magnitude. All
9 she can do is raise her voice in an effort to try to
10 control the court, take a recess on occasion, or use
11 the words "enough." That is her only power. She
12 doesn't sentence. I think that that's been made
13 abundantly clear. All she does is recommend. The
14 special prosecutor has used the term intermittently
15 until we get to this hearing when he finally realizes
16 that she doesn't have that ability and that power.

17 So, what -- what is the judge trying to do?
18 What is Hearing Master Henry trying to do? She's
19 trying to help A.B. That's what she's trying to do.
20 It was telegraphed from the first hearing when Dad
21 used the terms that he used, terms I won't repeat.
22 Ms. James was even hesitant to repeat them. But
23 that's what Dad used. Those didn't come from the
24 subject minor. Those came from the dad.

25 In the juvenile court system the parents have

1 input. They had it in this case. The subject minor
2 was allowed to be released to go back with her parents
3 under certain conditions not imposed by Judge Henry
4 but just because of the way that the system was. The
5 testimony was "risk management."

6 Now, in all the briefs that were filed prior
7 to these proceedings, up to and including the motion
8 to amend the complaint, we have attempted to educate
9 you. And I say that in the nicest term that I can,
10 because it's become such an issue in this case of what
11 the validity is of an invocation of the Fifth
12 Amendment.

13 You would expect a lawyer to act like a
14 lawyer, not necessarily like a thug. A lawyer would
15 get up in court and go, "Excuse me, your Honor. I'm
16 going to direct my client not to answer that question,
17 because we have a Fifth Amendment right not to say
18 that." No matter how much the special prosecutor
19 tries, there is nothing like that in this record,
20 nothing like that. This is not a guessing game.

21 Now, my colleague chose to read a case to you.
22 And I will do the same thing, because it really sets
23 forth the position that a district court judge or
24 somebody in Judge Henry's position has to weigh and
25 balance at that exact moment. And it's set forth at

1 page 7 of our opposition to amend the charging
2 document. I would hope that when you do your
3 deliberations, you have a copy of this.

4 I am not familiar with your procedures. I do
5 not know that when I file an opposition to the special
6 prosecutor's attempt to amend, whether that goes
7 directly to Judge Polaha or the whole commission rules
8 on it and sees our points and authorities. That's why
9 I encourage you to read it.

10 Case that's cited at page 7 articulates both
11 the United States Supreme Court's rationale and the
12 Ninth Circuit Court of Appeals' rationale, and
13 provides as follows: "The privilege normally is not
14 asserted properly by merely declaring that an answer
15 will incriminate."

16 My recollection of the video was that
17 Mr. Grigsby didn't even say -- use the word
18 "incriminate." But again, "The privilege normally is
19 not asserted properly by merely declaring that an
20 answer will incriminate."

21 Mr. Grigsby, I would suggest to you, was not
22 concerned with the correctness or the incorrectness of
23 any of his actions when he appeared in front of Judge
24 Henry, because he knew all she could do was make a
25 recommendation. Whatever she did was totally

1 irrelevant, because he would do exactly what he did in
2 this case before Judge Henry had a chance to
3 articulate any recommendations. You look at that
4 transcript or you look at the video. Judge Henry
5 never has a chance to make recommendations.
6 Mr. Grigsby cuts her off and says, "This case is going
7 to Judge Voy." It's like, "I really don't care what
8 you're about to do. This case is going to Judge Voy
9 anyway."

10 Now, we don't have that benefit, as lawyers,
11 when we appear except under the appellate process.
12 But this system in the juvenile court system favorably
13 works fairly quickly. And even though Judge Voy said,
14 okay, six months, that does not mean that he reviewed
15 the transcript. In fact, he says it: "I didn't
16 review the transcript." That's part of our exhibits.

17 I want to continue reading that case. It
18 says, It is not necessary that the person to whom the
19 question has been put establish the precise manner in
20 which he will incriminate himself. This would make
21 the privilege useless. However, as the Supreme Court
22 stated in Hoffman, which I would remind you is a case
23 that my colleague just cited, to sustain the
24 privilege, it need only be evident from the
25 implications of the question, in the setting in which

1 it is asked, that a responsive answer to the question
2 or an explanation of why it cannot be answered might
3 be dangerous because injurious disclosure could
4 result. And that means could result in a criminal
5 action.

6 Judge, judges, the -- the witness from the
7 district attorney's office testified to two things:
8 One, she's never seen it happen where there is some
9 form of an admission in a juvenile court procedure and
10 there was a prosecution as a result, never. And then
11 she said, "never to my knowledge." So, you've got
12 both of those.

13 But she also gave you a real good reason,
14 okay, not just the fact that the juvenile court system
15 isn't there to punish, it's there to help, but because
16 any lawyer knows -- any lawyer that practices criminal
17 law knows that the corpus delicti has to be
18 established independent of the statement of the
19 stater.

20 So, even if the subject minor said -- and this
21 was not the question to the subject minor. The only
22 inquiry to the subject minor was in reference to the
23 use of the phone. The special prosecutor cannot
24 speculate on what was going to be the next question,
25 because it didn't happen. You don't see it in that

1 transcript where she goes -- where Judge Henry goes,
2 "Are you involved in prostitution-related activities?"

3 Now, getting back to the citation that I was
4 reading to you, The trial court must make this
5 determination from the facts as well as from his
6 personal perception of the peculiarities of the case,
7 again citing Hoffman. If he decides that no threat of
8 incrimination is evident, the defendant then bears the
9 burden of showing the danger of incrimination.

10 What did Mr. Grigsby say to demonstrate a
11 danger of incrimination? What he said was, "This case
12 is going to Judge Voy." So, in other words, he said
13 nothing.

14 Continuing the quote, It is evident that the
15 determination of whether the privilege has been
16 properly invoked is for the district court to decide.
17 The claimant is not the final arbiter of the validity
18 of his assertion. That's why we make a record.

19 "Judge, I respectfully object, on Fifth
20 Amendment grounds, that there is a further inquiry by
21 the district court judge or, in this case,
22 Judge Henry." It would be expected that he will at
23 least say something as to what the basis of that
24 incriminatory statement is. That is not on the
25 record. He did not properly object.

1 Now, we're not here to judge him. And I
2 understand that. But you have to take the fact
3 situation as it exists. We're all guessing, at least
4 at the first proceeding, whether or not there was or
5 was not a proper invocation of the Fifth Amendment
6 right. If scholars like you and learned individuals
7 like you and the special prosecutor have to sit here
8 and try to figure out whether or not there was an
9 invocation and whether or not it was proper, then at
10 best it's a mistake on Judge Henry's part but not one
11 that should be punishable by this commission.

12 She's testified before you. She does not feel
13 she violated those rules. She gave Mr. Grigsby the
14 opportunity to be heard. She did at times say
15 "enough," because that was one of the only methods,
16 that and taking a break and raising her voice, that
17 would have allowed her to maintain some form of
18 control in this type of an environment.

19 She has a duty to sit. She has a duty to
20 maintain control. If lawyers run over judges, it is
21 setting an exceedingly bad precedent. The judge has
22 to control the courtroom.

23 Now, I could go on and on, but what I've done
24 is, I have likewise -- you have my pre-hearing brief
25 that was prepared for you prior to the first -- even

1 the first proceedings. And I've taken the liberty of
2 providing you with -- at this point in time I would
3 ask permission to give it to you. -- a closing
4 argument memorandum. So, now you have three sets of
5 documents to look at for purposes of establishing what
6 your interpretation is of the law, what your
7 interpretation is of what a hearing master like Judge
8 Henry's role is in the court system. It is not to
9 punish.

10 Even taking into consideration -- if you
11 assume the worst, that she imposed some form of a
12 penalty on the subject minor A.B., it was a
13 three-month extension of probation. It wasn't "And
14 I'm putting you in custody as a result of this. How
15 dare you not respond to my question." All she was
16 trying to do was assist the subject minor. The
17 parents knew it. The deputy DA knew it. The judge
18 knew it. Everybody seems to know it and care about it
19 except Mr. Grigsby.

20 And no offense. You can't blame the subject
21 minor. She's doing what she is either told to do, or
22 she simply is not familiar with the legal system. She
23 doesn't know what an articulable proper objection is.
24 You don't have an objection in this record.

25 So, I would ask permission to provide you with

1 this. Typically I would ask, after we made our
2 closing arguments, can we file a brief. Oftentimes
3 I'm told yes. Oftentimes I'm told no. What I did is,
4 I tried to beat it to the punch. It has additional
5 case law. My colleague will certainly have a -- an
6 opportunity to review it.

7 And with that, I have nothing further to add
8 other than to remind you that Judge Henry's indicated
9 that she does not feel she violated any of those
10 rules. Court's indulgence.

11 Oh, and my colleague, I think, misquoted the
12 rule. He cited the rule as 176.015. And that's the
13 rule that deals with what -- what you have to advise
14 an individual of when they're entering a plea, the
15 right to the -- they're waiving their right to
16 self-incrimination being one of those things.

17 Judge Polaha, may I have your permission?

18 MR. BRADLEY: Your Honor, if you're going to
19 take the submission of Mr. Terry's brief, then
20 obviously I'd request an opportunity to file my own
21 brief and respond to that one.

22 MR. TERRY: We have no objection to that,
23 Judge.

24 PRESIDING OFFICER POLAHA: Yeah. That's how
25 it works. And this was a brief in another case?

1 MR. TERRY: No. This is a closing mem --
2 closing argument memorandum. I thought it would be
3 better to put it in writing and summarize all of the
4 cases that we've attempted to talk about. The written
5 document is your -- usually better than listening to
6 oral representations.

7 PRESIDING OFFICER POLAHA: All right. But
8 then Mr. Bradley will have an opportunity to respond
9 to it.

10 MR. TERRY: That's fine.

11 MR. BRADLEY: Judge Polaha, what's the date in
12 which to respond?

13 PRESIDING OFFICER POLAHA: What do the rules
14 call for? Fifteen days? Twenty-five days?

15 MR. BRADLEY: I'm cutting my own throat here,
16 Judge. I think it's less than that.

17 PRESIDING OFFICER POLAHA: Ten days?

18 MR. BRADLEY: Yeah. Yeah. May I have ten
19 days, your Honor?

20 PRESIDING OFFICER POLAHA: Sure.

21 MR. TERRY: Do we have a right to respond or
22 no?

23 PRESIDING OFFICER POLAHA: Well, we're doing
24 closing arguments, and you want to submit a brief. I
25 would say no. The prosecutor gets the last word.

1 MR. TERRY: Very well.

2 MR. BRADLEY: And, your Honor, at this point I
3 can save the commission some time and include the
4 points I was going to make in the rebuttal in my
5 closing argument memorandum if the commission would
6 allow that.

7 PRESIDING OFFICER POLAHA: All right.

8 MR. BRADLEY: I have nothing further, then.
9 Thank you, your Honor.

10 PRESIDING OFFICER POLAHA: Thank you, Counsel.

11 I turn the case back over and the floor back
12 over to the chairman of the commission, Mr. Vause.

13 CHAIRMAN VAUSE: Thank you. Thank you, Judge,
14 for presiding today.

15 Well, that concludes the public part of this
16 proceeding. So, after we've cleared the room, then
17 the commission will begin deliberating and considering
18 this matter. So, thank you all.

19 And what is the time line, Paul? We still
20 have those two respective -- I'm trying to think of
21 when would -- will this be determined.

22 MR. DEYHLE: What two briefs are you -- oh,
23 the closing memorandum?

24 CHAIRMAN VAUSE: Yeah, and the response, the
25 briefing.

1 MR. DEYHLE: Well...

2 PRESIDING OFFICER POLAHA: Mr. Bradley will
3 get ten days to respond. There won't be any reply by
4 the respondent. So, after the ten days, then we
5 should meet to deliberate.

6 COMMISSIONER VAUSE: So, do we want to, while
7 we're all here, deliberate about anything at all or --
8 I guess that's up to us.

9 So, we'll -- we'll close the hearing and thank
10 everybody.

11 * * * * *

12 (Whereupon, the proceedings were concluded at
13 3:46 p.m.)

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CERTIFICATE OF REPORTER

I, Janice David, a Certified Court Reporter licensed by the State of Nevada, do hereby certify:

That I reported the proceedings commencing on November 15, 2019, at the hour of 1:15 p.m.;

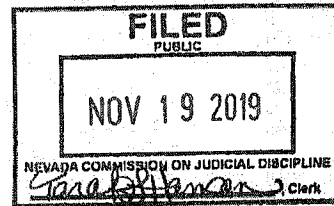
That I thereafter transcribed my related shorthand notes into typewriting and that the typewritten transcript of said proceedings is a complete, true, and accurate record of testimony provided by the witness at said time.

I further certify (1) that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 6th day of December, 2019.



Janice David, CCR No. 405



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8 Prosecuting Officer for the Nevada
9 Commission on Judicial Discipline

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

11 IN THE MATTER OF THE HONORABLE
12 JENNIFER HENRY, Hearing Master for the Eighth
13 Judicial District Court, Family Division, County of
14 Clark, State of Nevada,

CASE NO. 2016-142-P

15 Respondent.

16 **PROSECUTING OFFICER'S POST-HEARING BRIEF**

17 Prosecuting Officer, Thomas C. Bradley, hereby submits his Post-Hearing Brief.

18 **POINTS AND AUTHORITIES**

19 **I. FACTS**

20 Although Master Henry takes the position that she did nothing wrong, the JAV's recording
21 tells a different story. Notably, after Master Henry's three supervising district court judges
22 reviewed the JAV's recording, they determined that Master Henry's conduct was so improper
23 that they suspended her for one-week without pay.

24 **A. JAV's Recording Demonstrates Master Henry's Misconduct**

25 After Master Henry asked:

26 11:09:41	JH	Addressing AB: "Okay. What's going with the phone at school?"
27 11:09:45	AG	"Just – the court's indulgence for a second." He consults with AB. 28 "Yeah, like I said, my client unfortunately ... disagrees with her parents, the statements that her family is making in regards to the phone and the rest of the st... and she opposes and like I said we ask

1			you to make the changes that we, the recommendations as we requested."
2	11:10:21	JH	"Well, this won't be a violation of probation, and this Court has the ability to inquire it, so I can make appropriate recommendations and orders, so I'm just asking what was going on with you at school with the cell phone?"
3			
4	11:10:32	AG	Starts before JH finishes her question: "Well, but she ... She just.. She disagrees that that's happened."
5	11:10:36	JH	"Okay."
6	11:10:36	AG	"She's disagreeing with that."
7	11:10:36	JH	"Well, I would like to hear it from her."
8	11:10:37	AG	"And, Your Honor, I would like to ..."
9	11:10:39	JH	"Counsel, I would like to hear it from her please."
10	11:10:41	AG	"Yes, respectfully Your Honor, I don't want her admitting something that may get her into any other trouble, and so - "
11	11:10:47	JH	"Counsel, this is - "
12	11:10:47	AG	"I believe I have ..."
13	11:10:48	JH	"This is a first appearance. She's not on probation, so it's an innocent question so this court can make appropriate decisions."
14	11:10:54	AG	"And I also believe as her attorney I can answer the question for you, especially since I have spoken with my client and directed - "
15	11:10:59	JH	"Counsel, I'm asking that your client answer the question. Enough."
16	11:11:03	AG	"And ..."
17	11:11:03	JH	"Enough."
18	11:11:04	AG	"Your Honor."
19	11:11:04	JH	"Enough."
20	11:11:05	AG	"I'm asking for a review in front of Judge Voy on this."
21	11:11:06	JH	"Enough."
22	11:11:08	AG	"I'm, asking that this case be passed so that Judge Voy can review."
23	11:11:09	JH	"Let me make my recommendations first, Counsel."
24	11:11:11	AG	"Make your recommendations, but I'm at this point ..."
25	11:11:13	JH	"Counsel, enough."
26	11:11:13	AG	"I'm instructing my client not to answer." Fine, I'm instructing my client not to answer at this point.
27	11:11:17	JH	'Okay, [REDACTED], what was going on with you and the phone? Did you have a phone at school?"
28	11:11:22	AG	To AB: "You don't have to answer the question if you don't want to."
	11:11:24	JH	"Counsel, enough!"
	11:11:25	AG	"I'm advising my client --, and I have a right to do that."

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1 **B. Attorney Grigsby**

2 The reason underlying a lawyer's assertion of the 5th Amendment right against self-
3 incrimination is that the lawyer does not want his client "admitting something that may get her
4 into any other trouble." Those are the exact words Attorney Grigsby used to advise Master
5 Henry that he was asserting AB's right against self-incrimination.

6 Attorney Grigsby explained in his testimony a number of important points.

7 **Q. Prior to October of 2016, how many juvenile cases had you been**
8 **involved in as an attorney?**

9 **A. Thousands. I'm not sure of the exact number.**

10 Hearing Transcript at p.23, lines 5-7.

11 **Q. In general, it's bested suit to – who has the responsibility to ensure**
12 **that a juvenile client's constitutional rights are protected, a court-appointed**
13 **attorney or the court master?**

14 **A, I believe the attorney. That's the reason the juveniles are appointed**
15 **an attorney. It's because they're – it's to help to protect their rights because**
16 **they're immature.**

17 So we help to check the rights, we give them advice, but, ultimately,
18 it's our duty to do what the clients want us to do.

19 **Q. In this case you had attorney-client privilege information that Master**
20 **Henry did not possess?**

21 **A. Correct.**

22 **Q. And so do you believe you were in a better position to evaluate**
23 **whether or not answering questions about cell phones may lead to**
24 **incriminating evidence?**

25 **A. Yes.**

26 Hearing Transcript at p.51, lines 2-20.

27 **Q. Do your juvenile clients occasionally make incriminating statements**
28 **when answering even a simple question?**

1 A. Yes.

2 Q. And do you have juvenile clients that at times that will answer
3 questions in a less than truthful manner?

4 A. Yes.

5 Q. And to avoid those problems, do you at times recommend that your
6 clients invoke the Fifth Amendment right against self-incrimination?

7 A. Yes.

8 Hearing Transcript at p. 48, lines 1-12.

9 When asked why he advised AB not to answer Master Henry's questions, he explained:

10 THE WITNESS: Without getting into specific content of it, based on my
11 conversations with my client prior to the hearing, was the reason I advised
12 her not to answer the questions was to continue to invoke her right against
13 self-incrimination.

14 PRESIDING OFFICER JUDGE POLAHA: You told her that?

15 THE WITNESS: If you see, we have – if you – in the video at one point, I
16 bent down and we have a conversation before the issue comes up. That
17 conversation we had was based on information she had given me prior to the
18 hearing when I spoke to her. And I was putting it into context for her what
19 was going on.

20 Hearing Transcript at p. 46, line 24 to p.47, line 19.

21 Q. What was the information then that you didn't testify to on direct?

22 A. Well, was that the – there was information on that phone that would
23 cause new charges to be filed and possibly subject my client to very serious
24 charges that would – may lead to certification given her age and what the
25 nature of the charges would be.

26 Hearing Transcript at p.56, lines 1-7.

27 Q. Did AB want to make a statement?

28

1 A. No.

2 Q. At any time on October 10th, did you intend to be disrespectful or
3 disrupt the proceedings?

4 A. No.

5 Q. Do you feel as though Judge Henry treated you and your client in a
6 fair, dignified, and courteous manner?

7 A. No.

8 Hearing Transcript at p.52, lines 13-19.

9 C. Master Henry Violated Counts One and Two

10 Although the Commission declined to grant the Motion to Amend, the existing FSOC
11 supports a finding that Master Henry violated both Counts One and Two.¹ The factual predicate,
12 upon which both counts are based, is factually accurate. As this Commission is aware, a single
13 violation of even one rule under the code is sufficient to support a violation of a count because
14 the rule violations were plead in the alternative. Specifically, the FSOC alleges that "The
15 Respondent abused her judicial authority by engaging in any or all, or any combination of, the
16 acts listed above."

17 The evidence clearly shows Master Henry continually cut off Attorney Grigsby, shouted
18 "enough" six (6) different times, and prevented him from making a more refined explanation of
19 his legal basis for the assertion of AB's right against self-incrimination. Master Henry's current
20 complaints that Attorney Grigsby failed to make a better record or detail the basis of his
21 assertion should be disregarded because Master Henry repeatedly interrupted him, refused to
22 allow him to explain the basis for assertion of the right against self-incrimination, and failed to
23 conduct an inquiry as to the basis for the assertion of the right against self-incrimination.
24 Moreover, if Master Henry did not understand the basis of Attorney Grigsby's advice to his
25 client, she should have asked for a brief explanation. Had she done so, the dispute would likely
26 have been resolved.

27
28 ¹ The Motion for Leave to Amend was filed in response to certain comments made by Judge Polaha in the
first hearing. The Motion may have not been necessary given that the factual predicate did not change.

1 Master Henry also repeatedly tried to interfere with AB's attorney-client relationship and
2 tried to coerce AB into answering her questions by threatening her with nine months of
3 probation rather than only six months. The threats and coercion are clearly shown by Master
4 Henry's statement:

5 "This is what the Court is going to do. The Court is going to put AB on 9 months of
6 probation. Umm, if she would have answered my question it would have been six months
7 ..."

8 The only reason that the recommendation was not formalized was that Attorney Grigsby
9 refused to be bullied by Master Henry and asked for a review before the District Court. The lack
10 of a formalized recommendation does not mean Master Henry's conduct was exempt from
11 following the Judicial Code.

12 The evidence demonstrates that Master Henry violated many of the alleged Rule violations.
13 Most importantly, there is clear and convincing evidence that Master Henry violated Rule 1.2
14 because she failed to promote confidence in the judiciary; Rule 2.5(A) because she failed to
15 perform her judicial duties competently; 2.6(A) because she failed to accord Attorney Grigsby
16 the right to be heard; and Rule 2.8(B) because she failed to be patient, dignified, and courteous
17 to Attorney Grigsby and AB.

18 II. Conclusion

19 Master Henry should not be permitted to run roughshod over the rights of a juvenile by (1)
20 threatening and coercing both the juvenile and her appointed counsel, and (2) by treating them
21 with disrespect, by shouting "enough" six (6) different times when Attorney Grigsby attempted
22 to explain his legal position why his client was asserting her right against self-incrimination.

23 Master Henry testified only that it was "regrettable" that we were at the hearing but
24 expressed no remorse of her conduct. The Commission should send a message that Master
25 Henry's abusive conduct is violative of the Judicial Code.

26 ///

27 ///

28 ///

1 Master Henry has already been punished financially so the commission need not impose a
2 fine. It does appear, however, that she would benefit from a National Judicial College Class on
3 appropriate Courtroom management.

4 DATED this 19th day of November, 2019.

5
6 /s/ Thomas C. Bradley
7 Prosecuting Officer Thomas C. Bradley, Esq.
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CERTIFICATE OF SERVICE

I certify that on the 19th day of November, 2019, I emailed a true and correct copy of this
Prosecuting Officer's Post-Hearing Brief to the following:

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Law Offices William B. Terry, Chartered
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Paul C. Deyhle
Executive Director
Nevada Commission on Judicial Discipline
pdeyhle@judicial.state.nv.us

By: /s/ Thomas C. Bradley
Thomas C. Bradley, Esq.
Prosecuting Officer for NCJD

IN THE SUPREME COURT OF THE STATE OF NEVADA


FILED

DEC 23 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.)

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

CASE NO. 80212

CERTIFIED COPY OF NOTICE OF APPEAL

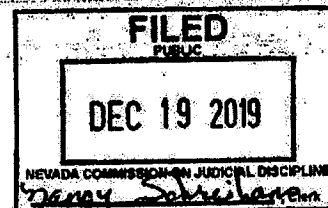
Pursuant to NRAP 3D, I hereby certify that the document attached hereto is a true and correct copy of the NOTICE OF APPEAL filed with the Nevada Commission on Judicial Discipline on December 19, 2019.

DATED this 23rd day of December, 2019.

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

By: 

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



DANIEL MARKS, ESQ.
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Attorneys for Respondent

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.

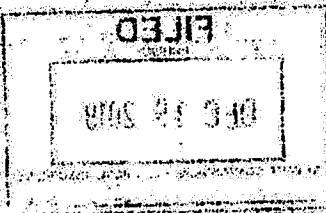
NOTICE OF APPEAL

Notice is hereby given that Respondent, the Honorable Jennifer Henry, by and through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks, hereby appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law and Imposition of Discipline entered in this action on the 12th day of December, 2019, which is attached hereto as Exhibit 1..

DATED this 19 day of December, 2019.

LAW OFFICE OF DANIEL MARKS

DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
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610 South Ninth Street
Las Vegas, Nevada 89101
Attorney for Respondent



CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Daniel Marks, and that on the 19 day of December, 2019, I did serve by way of U.S. Mail and e-mail, a true and correct copy of the above and foregoing NOTICE OF APPEAL on the following:

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

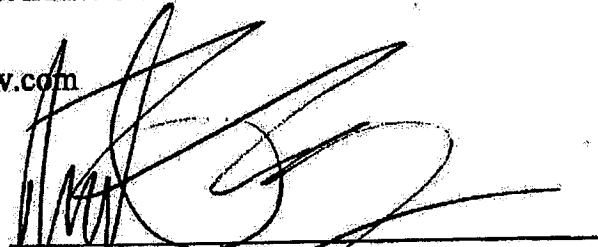
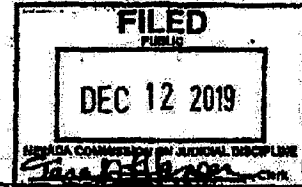

An employee of
LAW OFFICE OF DANIEL MARKS

EXHIBIT 1



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 for the Eighth Judicial District**
7 **Court, Family Division, County of Clark, State**
8 **of Nevada,**

CASE NO. 2016-142-P

Respondent.

9 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE**

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

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

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

26 This document contains the findings of fact and conclusions of law contemplated by
27 Commission Procedural Rule 28. The findings set forth below establish that Respondent violated the
28 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 ² See *Herry v. Nevada Commission on Judicial Discipline*, 135 Nev., Advance Opinion 5 (2019), wherein the Nevada
28 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 2.3(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

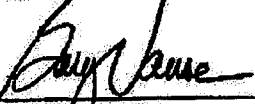
1 Commission's Executive Director. Respondent shall timely notify the Commission upon completion of
2 all requirements of this Order, including providing a certificate of course completion for the course
3 identified above, or a similar course as approved by the Commission's Executive Director.

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

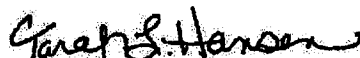
17 By: 
18 GARY CAUSE
19 COMMISSION CHAIRMAN
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CERTIFICATE OF SERVICE

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

William B. Terry, Esq.
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Counsel for Respondent

Thomas C. Bradley, Esq.
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tom@tombradleylaw.com
Prosecuting Officer



Tarah L. Hansen, Commission Clerk