

## CASE REFERENCES

- A. Federal District and Circuit Court Cases Regarding Nevada Disciplinary Procedures, Contempt Powers, merit selection of judges, judicial elections, and First Amendment Law related to judicial speech.
1. *In Re Samuel A. Kitterman, Jr.*, 696 F. Supp. 1366 (D. Nev. 1988). (Contempt).
  2. *Aldridge v. Young*, 782 F. Supp. 1457 (D. Nev. 1991). (Contempt).
  3. *Snoeck v. Wheeler*, 153 F.3d 984 (9<sup>th</sup> Cir. 1998) (Disciplinary procedure).
  4. *Salman v. State of Nevada Judicial Discipline Commission*, 104 F. Supp. 2d 1262 (D.Nev. 2000) (Disciplinary procedure).
  5. *Lasar v. Ford Motor Company*, 399 F. 3d 1101 (2005). (Contempt).
  6. *Alaska Right to Life Political Action Committee v. Feldman*, 504 F.3d 840 (2007)(judicial speech restrictions).
  7. *In Re Complaint of Judicial Misconduct*, 552 F.3d 1146 (9<sup>th</sup> Cir. 2009) (complainant ordered to show cause).
  8. *Siefert v. Alexander*, 608 F.3d 974 (7<sup>th</sup> Cir. 2010) (judicial speech restrictions).
  9. *Carey v. Wolnitzek*, 614 F.3d 189 (6<sup>th</sup> Cir. 2010) (judicial speech restrictions).
  10. *Wersal v. Sexton*, 613 F.3d 821 (8<sup>th</sup> Cir. 2010) (judicial speech restrictions).
  11. *Wolfson v. Brammer*, 616 F.3d 1045, 2010 WL 319149 (9<sup>th</sup> Cir. 2010) (judicial speech restrictions).
  12. *In Re Complaint of Judicial Misconduct*, Miscellaneous Case Nos., (9<sup>th</sup> Cir., September 30, 2010) (attorney complainant sanctioned for filing frivolous complaints).
  13. *Kirk v. Chief Justice Walter Carpeneti*, 623 F.3d 889 (9<sup>th</sup> Cir. 2010). (rejecting federal constitutional challenge to state merit selection process for judges).
- B. Nevada Supreme Court Disciplinary Cases.
1. *Goldman v. Bryan*, 104 Nev. 644, 764 P.2d 1296 (1988).
  2. *Goldman v. Bryan*, 106 Nev. 30, 787 P.2d 372 (1990).
  3. *Goldman v. Nevada Comm'n on Judicial Discipline*, 108 Nev. 251, 830 P.2d 107 (1992).

4. *Matter of Davis*, 113 Nev. 1204, 946 P.2d 1033 (1997).
5. *Matter of Varain*, 114 Nev. 1271, 969 P.2d 305 (1998).
6. *Matter of Fine*, 116 Nev. 1001, 13 P.3d 400 (2000).
7. *Mosley v. Nevada Commission on Judicial Discipline*, 117 Nev. 371, 22 P.2d 655 (2001).
8. *Mosley v. Nevada Commission on Judicial Discipline*, 120 Nev. 908, 102 P.3d 555 (2004).
9. *Matter of Halverson*, 123 Nev. 493, 163 P.3d 428 (2007).
10. *Matter of Assad*, 124 Nev. \_\_\_\_\_, 185 P.3d 1044 (2008).

C. Nevada Supreme Court “*Whitehead*” Cases.

1. *Whitehead v. Comm’n on Jud. Discipline*, 110 Nev. 128, 869 P.2d 795 (1994).
2. *Whitehead v. Comm’n on Jud. Discipline*, 110 Nev. 380, 873 P.2d 946 (1994).
3. *Whitehead v. Comm’n on Jud. Discipline*, 110 Nev. 874, 878 P.2d 913 (1994).
4. *Attorney General v. Steffen*, 112 Nev. 369, 915 P.2d 245 (1996).
5. *Attorney General v. Steffen*, 112 Nev. 815, 920 P.2d 489 (1996).

D. U. S. Supreme Court Cases Regarding Contempt Powers and First Amendment Restrictions on Judicial Speech.

1. *Shillitani v. United States*, 384 U.S. 364, 86 S.Ct. 1531 (1966).
2. *Mayberry v. Pennsylvania*, 400 U.S. 455, 91 S.Ct. 499 (1971).
3. *United States v. Rylander*, 460 U.S. 752, 103 S.Ct. 1548 (1983).
4. *Hicks v. Feiock*, 485 U.S. 624, 108 S.Ct. 1423 (1988).
5. *Republican Party of Minnesota v. White*, 536 U.S. 765, 122 S.Ct. 2528 (2002).

E. Nevada Supreme Court Cases other than “*Whitehead*” Cases Regarding Judicial Contempt Powers and NJDC Confidentiality.

1. *Cunningham v. District Court*, 102 Nev. 551, 729 P.2d 1328 (1986).
2. *City Council of Reno v. Reno Newspapers*, 105 Nev. 886, 784 P.2d 974 (1989).

3. *In re Discipline of Michael V. Stuhff*, 108 Nev. 629, 837 P.2d 853 (1992). (Attorney discipline case based on service of NJDC complaint on respondent judge).
  4. *Warner v. District Court*, 111 Nev. 1379, 906 P.2d 707 (1995).
  5. *Matter of Water Rights of Humboldt River*, 118 Nev. 901, 59 P.3d 1226 (2002).
  6. *State, Div. Child & Family Servs. v. Dist. Ct.*, 120 Nev. 445, 92 P.3d 1239 (2004).
  7. *Charles Rodriguez v. Dist. Ct.*, 120 Nev. 798, 102 P.3d 41 (2004).
  8. *Houston v. District Court*, 122 Nev. 544, 135 P.3d 1269 (2006).
  9. *Mack-Manley v. Manley*, 122 Nev.75, 138 P.3d 525 (2006).
  10. *Rivero v. Rivero*, 124 Nev. \_\_\_\_, 195 P. 3d 328 (2008).
  11. *Rivero v. Rivero*, 125 Nev. \_\_\_\_, 216 P.3d 213 (2009).
- F. U.S. Supreme Court, Circuit Court and District Court Cases Regarding Disqualification.
1. *Tumey v. Ohio*, 273 U.S. 510, 47 S.Ct. 437 (1927).
  2. *FTC v. Cement Institute*, 333 U.S. 683, 68 S.Ct. 793 (1948).
  3. *In re Murchison*, 349 U.S. 133, 75 S.Ct. 623 (1955).
  4. *Ungar v. Sarafite*, 376 U.S. 575, 84 S.Ct. 841 (1964).
  5. *Ward v. Monroeville*, 409 U.S. 57, 93 S.Ct. 80 (1972).
  6. *Gibson v. Berryhill*, 411 U.S. 564, 93 S.Ct. 1689 (1973).
  7. *Withrow v. Larkin*, 421 U.S. 35, 95 S.Ct. 1456 (1975).
  8. *Connally v. Georgia*, 429 U.S. 245, 97 S.Ct. 546 (1977).
  9. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 100 S.Ct. 1610 (1980).
  10. *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 106 S.Ct. 1580 (1986).
  11. *Liteky v. United States*, 510 U.S. 540, 114 S.Ct. 1147 (1994).
  12. *Bracy v. Gramley*, 520 U.S. 899, 117 S.Ct. 1793 (1997).
  13. *Caperton v. Massey*, \_\_\_ U.S. \_\_\_\_, 129 S.Ct. 2252 (2009).

G. Nevada Supreme Court Cases Regarding Disqualification.

1. *State v. Dist. Ct.*, 53 Nev. 444, 58 P.2d 535 (1931).
2. *State v. Dist. Ct.*, 70 Nev. 488, 274 P.2d 571 (1954).
3. *Hayes v. Forman*, 93 Nev. 490, 568 P.2d 59 (1977).
4. *Jeaness v. Dist. Ct.*, 97 Nev. 218, 626 P.2d 272 (1981).
5. *In re Petition to Recall Dunleavy*, 104 Nev. 237, 774 P.2d 1271 (1988).
6. *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 774 P.2d 1003 (1989).
7. *PETA v. Bobby Berosini Ltd.*, 111 Nev. 615, 895 P.2d 1269 (1995).
8. *Valladares v. District Court*, 112 Nev. 79, 910 P.2d 256 (1996).
9. *Hogan v. Warden*, 112 Nev. 553, 916 P.2d 805 (1996).
10. *Snyder v. Viani*, 112 Nev. 568, 916 P.2d 170 (1996).
11. *Allum v. Valley Bank of Nevada*, 112 Nev. 591, 915 P.2d 895 (1996).
12. *Martin v. Beck*, 112 Nev. 595, 915 P.2d 898 (1996).
13. *City of Sparks v. District Court*, 112 Nev. 952, 920 P.2d 1014 (1996).
14. *Sonner v. State*, 112 Nev. 1328, 930 P.2d 707 (1996).
15. *Parental Rights as to Oren*, 113 Nev. 594, 939 P.2d 1039 (1997).
16. *Las Vegas Downtown Redev. Agency v. Hecht*, 113 Nev. 632, 940 P.2d 127 (1997).
17. *State, Dep't. of Transp. v. Barsity*, 113 Nev. 709, 941 P.2d 969 (1997).
18. *Whiteacre Investment Co. v. Nev. Dep't. Of Transp.*, 113 Nev. 1101, 946 P.2d 191 (1997).
19. *Nevius v. Warden*, 113 Nev. 1285, 944 P.2d 858 (1997), *rehg. denied*, 114 Nev. 664, 960 P.2d 805 (1998).
20. *O'Brien v. State Bar*, 114 Nev. 71, 952 P.2d 952 (1998).
21. *Turner v. State*, 114 Nev. 682, 962 P.2d 1223 (1998).
22. *City of Las Vegas Downtown Redevelopment Agency v. Eighth Judicial District Court*, 116 Nev. 640, 5 P.3d 1059 (2000).

23. *Venetian Casino Resort v. Dist. Ct.*, 118 Nev. 124, 41 P.3d 327 (2002).
24. *Towbin Dodge, LLC v. Dist. Ct.*, 121 Nev. 251, 112 P.3d 1063 (2005).
25. *Millen v. Dist. Ct.*, 122 Nev. 1245, 148 P.3d 694 (2006).
26. *Rivero v. Rivero*, 124 Nev. \_\_\_\_\_, 195 P.3d 328 (2008).
27. *Rivero v. Rivero*, 125 Nev. \_\_\_\_\_, 216 P.3d 213 (2009).

H. Nevada Supreme Court Cases Regarding Due Process and Other Alleged Judicial Misconduct Violations.

1. *Paine v. State*, 107 Nev. 998, 823 P.2d 281 (1991).
2. *McNair v. State*, 108 Nev. 53, 825 P.2d 571 (1992).
3. *Leonard v. State*, 108 Nev. 79, 824 P.2d 287 (1992).
4. *Foley v. Morse & Mowbray*, 109 Nev. 116, 848 P.2d 519 (1993).
5. *Sierra Nevada Stagelines v. Rossi*, 111 Nev. 360, 892 P.2d 592 (1995).
6. *Oade v. State*, 114 Nev. 619, 960 P.2d 336 (1998).
7. *Executive Mgmt. v. Ticor Title Ins. Co.*, 114 Nev. 823, 963 P.2d 465 (1998).
8. *Cameron v. State*, 114 Nev. 1281, 968 P.2d 1169 (1998).
9. *Goodson v. State*, 115 Nev. 443, 991 P.2d 472 (1999).
10. *Crawford v. State*, 117 Nev. 718, 30 P.3d 1123 (2001).
11. *Mainor v. Nault*, 120 Nev. 750, 101 P.3d 308 (2004).
12. *Jordan v. State, Dept. Of Motor Vehicles*, 121 Nev. 44, 110 P.3d 30 (2005).

I. United States Supreme Court and Other Federal Cases Regarding Immunity.

1. *Pierson v. Ray*, 386 U.S. 547, 87 S.Ct. 1213 (1967).
2. *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099 (1978).
3. *Forrester v. White*, 484 U.S. 219, 108 S.Ct. 538 (1988).
4. *Gregory v. Thompson*, 500 F.2d 59 (9<sup>th</sup> Cir. 1974).
5. *Rankin v. Howard*, 633 F.2d 844 (9<sup>th</sup> Cir. 1980).

6. *Beard v. Udall*, 648 F.2d 1264 (9<sup>th</sup> Cir. 1981).
7. *Richardson v. Koshiba*, 693 F.2d 911 (9<sup>th</sup> Cir. 1982).
8. *Ashelman v. Pope*, 793 F.2d 1072 (9<sup>th</sup> Cir. 1986).
9. *Schucker v. Rockwood*, 846 F.2d 1202 (9<sup>th</sup> Cir. 1988).
10. *New Alaska Development Corporation v. Guetschow*, 869 F.2d 1298 (9<sup>th</sup> Cir. 1989).
11. *Crooks v. Maynard*, 913 F.2d 699 (9<sup>th</sup> Cir. 1990).
12. *Meek v. County of Riverside*, 183 F.3d 962 (9<sup>th</sup> Cir. 1999).
13. *Duvall v. County of Kitsap*, 260 F.3d 1124 (9<sup>th</sup> Cir. 2001).
14. *Sadoski v. Mosley*, 435 F.3d 1076 (9<sup>th</sup> Cir. 2006).

J. Nevada Supreme Court Cases Regarding Immunity and Judicial Powers.

1. *City of North Las Vegas v. Daines*, 92 Nev. 292, 550 P.2d 399 (1976). (Authority of municipal court to relieve court administrator of duties).
2. *Pittman v. Lower Court Counseling, A Division of the City of Las Vegas Municipal Court*, 110 Nev. 359, 871 P.2d 953 (1994). (Lower Court Counseling entitled to immunity from civil rights suit because it is part of the judicial system, but claims for negligence allowed to proceed due to material question of fact). (Overruled by *Nunez v. City of North Las Vegas*, below).
3. *McKay v. City of Las Vegas*, 106 Nev. 203, 798 P.2d 584 (1990). (Authority of municipal courts to resolve constitutional issues).
4. *Nunez v. City of North Las Vegas*, 116 Nev. 535, 1 P.3d 959 (2000). (Municipal court administrator's suit against city for wrongful discharge and other torts could proceed because municipal court is part of municipality, not state court system, so immunity is not available).
5. *Harvey v. Dist. Ct.*, 117 Nev. 754, 32 P.3d 1263 (2001). (Power of district court to direct county clerk regarding operation of clerk's office).
6. *Salaiscooper v. Dist. Ct.*, 117 Nev. 892, 34 P.3d 509 (2001). (Authority of justice's courts to resolve constitutional issues).
7. *State of Nevada v. Dist. Ct. (Ducharme)*, 118 Nev. 609, 55 P.3d 420 (2002). (Clarification of absolute and quasi-judicial immunity doctrines).
8. *Cripps v. State*, 122 Nev. 66, 137 P.3d 1187 (2006). (Limit on judicial involvement in plea negotiations).

9. *Halverson v. Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007). (The Nevada judiciary's general administrative power—express and inherent; authority of the Judicial Discipline Commission; authority of a chief district judge).
  10. *Caballero v. Dist. Ct.*, 123 Nev. 316, 167 P.3d 415 (2007). (Power to appoint interpreters to assist non-English speaking litigants in civil cases).
  11. *Johanson v. Dist. Ct.*, 124 Nev. \_\_\_\_, 182 P.3d 94 (2008). (Limit on authority to seal records in divorce cases).
  12. *Berkson v. LePome*, 126 Nev. Adv. Op. No. 46 (December 16, 2010). (Statute allowing a plaintiff to file a new action within a year following dismissal of an appeal by courts deemed unconstitutional encroachment on judicial power to manage the judicial process).
- K. Nevada Supreme Court Cases Regarding Judicial Elections and Appointments.
1. *Nevada Judges Association v. Lau*, 112 Nev. 51, 910 P.2d 898 (1996). (Rejecting arguments by incumbent judges that proposed term limits for judicial officers were unconstitutional and requiring severance of term limit question from similar question involving non-judicial branch elected officers).
  2. *Halverson v. Miller*, 124 Nev. \_\_\_\_, 186 P.3d 893 (2008). (Finding constitutional a legislative act that provided for an initial two-year term of judicial office).
  3. *State ex rel. Masto v. Montero*, 124 Nev. \_\_\_\_, 188 P.2d 47 (2008). (Holding that a district court judicial candidate who is a state resident for at least two years preceding the election is eligible for election within any judicial district in the state).
  4. *Lueck v. Teuton*, 125 Nev. \_\_\_\_, 219 P.3d 895 (2009). (Concluding that state constitution required vacant district court position to be filled by a general election that most immediately follows the appointment of an interim office holder, regardless of statutory provisions governing electoral matters).
  5. *In re Candelaria*, 126 Nev. Adv. Op. No. 40 (October 14, 2010). (Upholding statutory requirement for minimum service as a lawyer for justice of the peace candidates in Las Vegas justice court and rejecting equal protection challenge to a different set of requirements in rural areas).