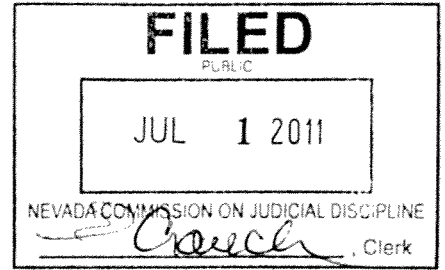


1 BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

2 STATE OF NEVADA



3  
4 In the Matter of the )  
5 HONORABLE JAMES EN EARL, )  
6 Retired Justice of the Peace, )  
7 East Fork Justice Court, )  
8 County of Douglas, State of Nevada, )  
Respondent. )

Case No. 1102-254

9 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**  
10 **CONSENT ORDER IMPOSING DISCIPLINE**

11 Pursuant to prior written notice, the above-entitled matter came on for public (formal)  
12 hearing in Reno, pursuant to NRS 1.467(3) on June 23, 2011, before the Nevada Commission on  
13 Judicial Discipline. Mary Boetsch, Esq. appeared and served as Special Counsel to the Commission.  
14 The Respondent, the Honorable James A. EnEarl (hereinafter referred to as the "Respondent")  
15 appeared by telephone and was represented in person by counsel, Scott Freeman, Esq.

16 At the hearing, the Special Counsel and the Respondent's counsel presented a Stipulation  
17 regarding disposition of a complaint against the Respondent signed by Respondent, Ms. Boetsch and  
18 Mr. Freeman. The stipulation eliminates the need for a Formal Statement of Charges and a contested  
19 hearing. The Respondent stipulated to the following substantive provisions:

20 1. He forever agreed not to seek or accept any judicial office of any kind in any location from  
21 the date of the Commission's acceptance of the settlement.

22 2. He agreed that the evidence available to the Commission could establish by clear and  
23 convincing proof that he violated any individual canon or combination of canons, including former  
24 Canons 1, 2A and 3B and current Canons 1 and 2 and Rules 1.2 and 2.3 of the Nevada Code of  
25 Judicial Conduct by repeatedly engaging in comments and actions with the court staff of the East  
26 Fork Township Justice Court (erroneously referenced as East River Township) that were of an  
27 extremely inappropriate and offensive character and that he continued to do so after being advised by  
28 court staff that his conduct was unacceptable and offensive.

1           4. He agreed to waive the filing of a formal Statement of Charges, his right to file an answer  
2 to the charges, and a formal contested hearing.

3           The Commission has considered the Stipulation and respective statements proffered by the  
4 Special Counsel and counsel for the Respondent at the public hearing. After being fully advised of  
5 its obligations and duties, the Commission specifically finds that the hearing was conducted  
6 according to the statutes, rules and procedures required by law. The Commission hereby issues the  
7 following Findings of Fact, Conclusions of Law and Consent Order Imposing Discipline pursuant to  
8 Commission Rule 28, and NRS 1.4673 and 1.4677.

9           Following private deliberations, the Commission announced its decision as the appropriate  
10 sanctions to be imposed, which are consistent with the terms of the agreement.

11 **A. Findings of Fact.**

12           The Commission finds that the Stipulation establishes by clear and convincing proof each of  
13 the following facts.

14           1. The Respondent was, at all times applicable to the events in this case, a Justice of the  
15 Peace in the East Fork Township Justice Court, located in Douglas County, Nevada. Therefore, the  
16 Respondent was a judicial officer whose conduct was subject to the provisions of the Nevada Code of  
17 Judicial Conduct (hereinafter the "Code"). The Respondent resigned in August of 2010.

18           2. The Respondent over a period of time while acting as a Justice of the Peace repeatedly  
19 engaged in comments and actions with the court staff of the East Fork Township Justice Court  
20 (erroneously referenced as East River Township) that were of an extremely inappropriate and  
21 offensive character and that he continued to do so after being advised by court staff that his conduct  
22 was unacceptable and offensive.

23           3. The Respondent's repeated actions over a period of time and after being advised that the  
24 conduct was unacceptable and offensive was willful misconduct.

25 ...  
26 ...  
27 ...  
28 ...

1 **B. Conclusions of Law.**

2 The Commission has both personal jurisdiction over the Respondent and subject matter  
3 jurisdiction over the violations of the Code at issue in this case.

4 The Commission unanimously concludes that the Stipulation suffices as proof of violations of  
5 former Canons 1, 2A and 3B and current Canons 1 and 2 and Rules 1.2 and 2.3 of the Nevada Code  
6 of Judicial Conduct.

7 **C. Imposition of Discipline.**

8 The Commission concludes that the appropriate discipline under Commission Rule 28 as to  
9 said violations shall be as follows:

10 By unanimous vote of the Commission, pursuant to Subsections 5(a) and (b) of Article 6,  
11 Section 21 of the Constitution of the State of Nevada, NRS 1.4653, and Commission Rule 28, the  
12 Respondent shall be forever prohibited from seeking or accepting any judicial office of any kind in  
13 any location in Nevada.

14 **D. Order.**

15 IT IS HEREBY ORDERED by the unanimous vote of Commissioners Doug Jones, Mary  
16 Lau, Karl Armstrong, Gary Vause, Wayne Chimarusti, Justice of the Peace Patricia Lynch, and  
17 Justice of the Peace Patricia Calton that the Respondent should be and hereby is prohibited from  
18 seeking or accepting any judicial office of any kind in any location in Nevada.

19 IT IS HEREBY ORDERED by unanimous vote that the chairman is authorized to sign this  
20 document on behalf of all voting commissioners.

21 IT IS HEREBY ORDERED, pursuant to the consent of the Respondent, that the Executive  
22 Director of the Judicial Discipline Commission take the necessary steps to file this document in the  
23 appropriate records of the Commission and with the clerk of the Nevada Supreme Court.

24 IT IS HEREBY ORDERED that the Clerk's Certificate of Mailing, found below, shall  
25 constitute the notice of entry of this document pursuant to Commission Rule 34; and the clerk shall  
26 promptly serve it on the Respondent's counsel and the Special Counsel.

27 ...

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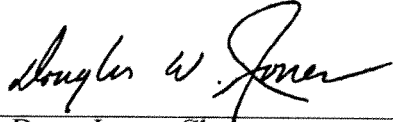
1 **E. Notice.**

2 NOTICE is hereby tendered to the Special Counsel and the Respondent pursuant to NRAP  
3 3D, an appeal may be taken by the filing of a notice of appeal with the clerk of the Commission, and  
4 serving such notice on the Special Counsel within fifteen (15) days of service of this document by the  
5 clerk of the Commission.

6 IT IS SO ORDERED.

7 DATED this 1st day of July, 2011.

8 NEVADA COMMISSION ON  
9 JUDICIAL DISCIPLINE  
10 P.O. Box 48  
11 Carson City, NV 89702

12 By:   
13 \_\_\_\_\_  
14 Doug Jones, Chairman

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1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and  
3 that on the 1st day of July, 2011, I placed a copy of the FINDINGS OF FACT, CONCLUSIONS OF  
4 LAW AND CONSENT ORDER IMPOSING DISCIPLINE in the United States Mail, postage  
5 prepaid, addressed to the undersigned:

6 Mary Boetsch, Esq.  
7 448 Hill Street  
8 Reno, NV 89501  
9 Special Counsel

10 Scott N. Freeman, Esq.  
11 556 California Avenue  
12 Reno, NV 89509  
13 Counsel for Respondent

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15 \_\_\_\_\_  
16 EVA CROUCH, Commission Clerk  
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