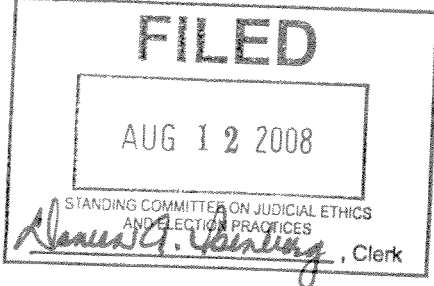


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STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL ETHICS
AND ELECTION PRACTICES



IN RE UNFAIR ELECTION PRACTICE)
)
FILED BY JUDICIAL CANDIDATE BRIGID)
DUFFY AGAINST JUDICIAL CANDIDATE)
MARIA MASKALL; COMPLAINT UNDER)
NEVADA CODE OF JUDICIAL CONDUCT)
CANON 5A(3)(a)

PUBLISHED DECISION: 08-2

Clark County Family Court Division, Department “R”, candidate Brigid Duffy brought a complaint against opponent Maria Maskall claiming violation of the Nevada Code of Judicial Conduct, Canon 5A(3)(a), for failing to maintain the dignity and integrity expected of one who may hold a judicial office. Candidate Duffy specifically alleged that that Ms. Maskall released a confidential Standing Committee (“Committee”) document to the public.

CHRONOLOGY

On February 25, 2008, Candidate Maskall submitted a Judicial Election Complaint (“Complaint”) against Ms. Duffy to the Committee in which she challenged Ms. Duffy’s qualifications to run for public office under Judicial Canon 5A(3)(d)(ii). Citing the ten (10) year licensure rule in NRS 3.060(1)(c), Candidate Maskall alleged her opponent Duffy will not be licensed for the requisite number of years prior to the date of the general election and, thus, is not qualified to run for family court.

As provided for under Rule 4.1 of the Rules Governing the Standing Committee (“Committee Rules”), a panel considered Candidate Maskall’s Complaint and issued Published Decision 08-1 on April 28, 2008. Stating there may still be a question under NRS 3.060(1)(c) if Brigid Duffy were to win the general election, the Committee did not find, however, that she knowingly misrepresented her qualifications in violation of Judicial Canon 5A(3)(d)(ii).

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3 On April 29, 2008, Maria Maskall sued Brigid Duffy in the Eighth Judicial District Court for
4 Clark County. Ms. Maskall filed a Motion for Declaratory Relief and Preliminary and Permanent
5 Injunction on May 8, 2008. This Motion was ultimately denied by the Court. On May 30, 2008,
6 Attorney Robert P. Dickerson, on behalf of Candidate Maskall, filed a Motion for Reconsideration.
7 He attached as an exhibit a copy of the unpublished response Brigid Duffy filed with the Committee
8 in reply to Candidate Maskall's February 25, 2008 Judicial Election Complaint.

9 On June 10, 2008, Candidate Duffy filed a Judicial Election Complaint with the Standing
10 Committee. She alleged Maria Maskall violated Judicial Canon 5A(3)(a) by not maintaining the
11 dignity and integrity expected of one running for a judicial office, based on Maskall's release of the
12 unpublished response Duffy had filed with the Committee.

13 Candidates Duffy and Maskall waived the need for a hearing. In keeping with Committee
14 Rule 4.1, a panel considered Brigid Duffy's June 10 Complaint.

15 DECISION

16 While the Standing Committee does not question Candidate Maskall's right to take her case
17 to District Court after the Committee ruled on her February 25, 2008 Complaint, it does question the
18 information she supplied to the Court. The disclosure of Duffy's unpublished response to the
19 Committee is the crux of the issue. Thus, the question becomes one of potential violation of the
20 integrity of the Committee process, not one of breach of the Judicial Canon requiring a candidate to
21 act in a manner consistent with the "impartiality, integrity and independence" of the judiciary.

22 Rule 4.5 for the Standing Committee on Judicial Ethics and Election Practices provides:

23 All meetings of panels concerning unfair election practices are confidential.
24 Any decision shall be signed by the chair or vice-chair, and all decisions must
25 be made public.

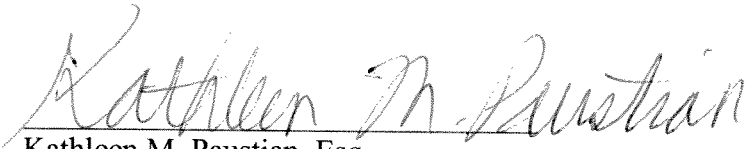
26 The Committee concludes Candidate Maskall did not violate Judicial Canon 5A(3)(a) by
27 releasing the Duffy response to the Maskall Judicial Election Complaint. However, the Committee
concludes Ms. Maskall did violate the confidentiality provision of Committee Rule 4.5 by publically
disclosing the Duffy response.

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This Decision shall be published in accordance with Committee Rules 4.4 and 4.5.

August 11, 2008

NEVADA STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES.



Kathleen M. Paustian, Esq.
Vice-Chair