

POINTS AND AUTHORITIES

1. December 17, 2009. Supreme Court State of Nevada, ADKT 427, ORDER; (ID. At 2, first Paragraph) : IT IS HEREBY ORDERED that the Nevada Code of Judicial Conduct shall be repealed and that the Revised Nevada Code of Judicial Conduct, as set forth in Exhibit A, shall be adopted in its place..... (Id. At Exhibit A-Page 25) RULE 2.15 Responding to Judicial and Lawyer Misconduct

(A) "A Judge having knowledge that another judge has committed a violation of the Nevada Rule of professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority."

(B) "A Judge having knowledge that a lawyer has committed a violation of the Nevada Rule of professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority."

(C) "A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action."

(D) "A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Nevada Rules of Professional Conduct shall take appropriate action."

COMMENT

[1]. "Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's fellow judicial colleagues of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent."

[2] "A judge who does not have actual knowledge that another judge or lawyer may have committed misconduct but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D)."