**Veterans In Politics International, Inc.**

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July 14, 2017

VIA MAIL

**Chief Judge Elizabeth Gonzalez**

Eighth Judicial District Court

200 Lewis Avenue

Las Vegas, Nv 89155

**Subject: Carnage Within the Clark County Family Court System**

Dear Judge Gonzalez:

We are writing to bring to your attention what appears to be a dire situation in Clark County’s family court system. As the Chief Judge, we urge you to please take immediate steps to investigate the situation.

As you may be aware, Veterans In Politics International, Inc. (“VIPI”) is a government watchdog organization and media outlet. Pursuant to numerous past and recent complaints we received about abuses by family court judges, we recently put together a team of court observers to sit in on various family court hearings. What we found surprised even us.

Below is a sample list of abuses, numerous of which we personally observed and others of which were reported to us. While some of the litigants involved in the cases mentioned below were represented by counsel whom you would think would be able to protect their clients, we believe that the problems are so systemic and entrenched that there is often little a lawyer can do to rectify the situation especially if his/her client has no means to pay for an appeal. Particularly in family court where there are also many pro se litigants, the injustice is even more profound.

We are copying each of the Justices of the Supreme Court, the heads of the state’s legislative judiciary committees, the FBI’s division of public corruption, Nevada’s Attorney General and Clark County’s Chief County Commissioner, so that everyone in key decision-making positions can be aware of the problems, and can take action to investigate and rectify what appears to be a horrendous situation. At the end of this letter, we also list key laws and policies that we believe should be changed or implemented to help mitigate the abuse in the future.

Also, please note that on April 16, 2017 we created a Facebook page entitled “War Declared on Clark County Nevada Family Court System.” In the short time it has been up, we have received hundreds of complaints from litigants who believe they were victimized by our family courts. We invite you to visit the site and review their comments.

Below are examples of what we believe are systemic violations in family court:

**1. Violations of the 5th Amendment Right Against Self-Incrimination**

The Fifth Amendment guarantees our right against self-incrimination. Yet, family court judges are routinely violating this right by ordering civil litigants to undergo drug testing. In some cases, litigants agree to take these tests out of fear that the Court will deny custody and/or visitation with their child should the litigant refuse to take a drug test. Yet, it is well known that civil courts cannot order a litigant to undergo a drug test, and should not make any inference from the fact that a litigant may not want to submit to one. Drug testing is reserved for criminal cases, not civil cases.

We have also received information, but are not in a position to confirm, that a certain family court judge who often orders drug testing from a Nevada service provider, may have a financial interest in that provider, and fails to disclose this to litigants. We are available to give you the names of the judge and the service provider. We have also received information from several litigants, which information we are again not in a position to confirm but ask that you or others cc’d on this letter do so, that this same service provider is intentionally overcharging litigants, issuing false positives on their reports, and sometimes remotely turn off ankle bracelets or otherwise alter them, so that when a litigant “messes” with the devise to see what is wrong with it the litigant is accused of illegally “tampering” with the device and more revenue is generated for the provider in dealing with this. We are informed that the facility is geared to keep litigants “in the system” for financial reasons. Again, we will give you the name of this provider separately and we ask that you and/or others cc’d on this letter please look into this.

**2. Misadjudication of Military Veterans Benefits Exemptions**

Military service connected disability benefits are exempt under federal law, and more recently under Nevada law as well, from all garnishments including taxes, collections, bankruptcies and levies. In Clark County, however, family court judges count these disability benefits towards child support and alimony. VIPI lobbied for Assembly Bill 140 and 271, which passed into law, stating that a veteran’s service connected disability benefits cannot be used in connection with alimony payments. However, family court judges are disregarding this law. We recently filed a complaint with Family Court Presiding Judge Hoskins about this, but have not heard back.

**3. Over-Priced Third Party Service Providers; Children Being Held Hostage Until Payment is Made; Violations of Relocation Rules.**

Judges in family court appear to be ordering litigants to use court appointed third party service providers, such as family therapists, at prices that appear excessively high.

D-05-331190, the *Velasco* case: Judge Mathew Harter ordered the parties to retain third party therapist, Claudia Schwarz, M.A., L.M.F.T., for a child custody evaluation at a price reportedly set by the evaluator at a flat $8,000. Judge Harter ordered each party to pay half of the fee. When Mom couldn’t pay her half of the fee, the judge awarded full custody to Dad and told Mom that she wouldn’t see her child until her half of the bill was paid. Consequently, Mom has not seen her child for several months. Not only is holding the child as hostage for bill payment unlawful and outrageous, but our investigation indicates that the typical court appointed evaluator should only cost between $800 to $3,000. On what basis was $8,000 ordered, and who is receiving these extra fees? We recently filed a Judicial Disciplinary Complaint about this, and a complaint against Ms. Schwarz with the Nevada State Board of Marriage and Family Therapy. We have not yet heard back.

D-10-424830-Z, *Abid v. Abid*: Our information is that Mathew Harter in 2013 granted an evidentiary hearing on Dad’s motion to relocate with the child. It’s our understanding that notwithstanding that Dad never produced elements of relocation like a job, housing and proof of improvement for the child due to relocation, the judge nevertheless ordered a custody evaluation to be performed by psychologist Dr. John Paglini. This psychologist reportedly charged the litigants $14,000 for an evaluation. Afterwards, Dad indicated he didn’t want to relocate and the parties settled. Judge Harter then reportedly ordered that if there were any further issues between the parties, they would have to retain a private Parent Coordinator, have the Parent Coordinator handle the issue (and often write a report), all to be paid for by the parties before he would allow them to go to court. Neither party had requested this, and it appears unlawful to essentially place a financial barrier on litigants’ access to court.

In our opinion, Judge Harter appears to rely especially heavily on third party service providers who seem to charge high rates. We ask that you please investigate why this is happening and whether Judge Harter is incentivized or receiving any benefits from these third parties.

**4. Pro-Se Litigants Not Getting Sworn In Before Giving Testimony and Are Therefore Unable to Use Their Testimony on Appeal**

In many cases we observed family court judges failing to swear in pro-se litigants when they give testimony. This procedural violation makes any evidence the litigant gives in court inadmissible on appeal. There is no reason for family court judges to fail to have witnesses, including pro-se litigants, sworn in before testifying.

**5. Judicial Conflicts of Interests**

Often family court judges have a personal or business relationship with attorneys who appear before them and either fail to disclose the relationship or fail to recuse themselves when recusal is appropriate.

D-08-395501-Z, *Holyoak* case: Judge Ochoa was presiding over this case, in which attorney Marshal Willick was representing Mom. We received information that Judge Ochoa failed to disclose that at the same time he was presiding over the case, Mr. Willick was also representing Judge Ochoa personally in a separate matter. So at the same time that Judge Ochoa was adjudicating a case in which Mr. Willick was representing a party, Mr. Willick was also representing the Judge in a separate matter, and the Judge failed to disclose it.

D-12-471941-P, *Yury Fedotov vs. Olga Ciesielski*: Mom was unrepresented by counsel throughout the proceedings. Dad was represented by attorney Edward Kainen. Family court judge, Denise Gentile, was renting a room from Mr. Kainen (Dad’s attorney) at the time she presided over the matter. The judge disclosed the relationship, but did not recuse herself, choosing instead to simply promise to be unbiased. The judge should have recused herself given that she was living with the lawyer in the case, particularly since the other litigant was unrepresented, and should have at a minimum avoided the “appearance of impropriety.” We are advised that at one point, after Mom testified on her own behalf in a hearing, Dad’s lawyer reportedly asked the judge words to the effect of “Who are you going to believe, [Mom] or me, your friend of 20 years?” According to our information, Judge Gentile’s orders ultimately did not reflect neutrality. In that case, Judge Gentile did not schedule a hearing that Mom asked for in connection with enforcing a prior stipulated custody order, and instead, entered a revised order that was submitted by Dad’s lawyer on an ex parte basis, without Mom’s opportunity for input and without a hearing. The revised order changed Mom’s custody rights and gave Dad *sole legal custody*. This also appears to have also been a violation of Mom’s Due Process rights.

**6. Lack of Due Process for Litigants; Failure to Follow the Rules of Evidence**

Judges are making decisions that affect people’s lives based on unsubstantiated allegations instead of based on actual evidence. This is a violation of the due process rights of the litigant who is on the receiving end of the ruling.

D-16-537243-D, *Johnson* case: We are advised that Judge Bryce Duckworth ordered a litigant install an intoxalock device on his vehicle on a mere allegation, without any evidence, of alcohol abuse. The litigant had to pay for this device and have it installed.

D-13-488682-D, *Pelkola v. Pelkola*: Dad is a retired USAF Sargent in good standing, and is now a civilian contractor at Creech AFB. We are advised that Judge Elliott took the following unwarranted actions in this case based on Mom’s beliefs instead of based on evidence.

a. Dad was ordered to not drink any beer at least 12 hours before his visitation and during his visitation; this was based on Mom’s belief that Dad’s DUI three years prior meant that he was an alcohol abuser. We are advised that there was no evidence of present alcohol abuse.

b. Dad was ordered to take gun safety classes even though he had 20 years of military firearms training, and ordered LVPD to inspect Dad’s gun storage at his residence. This was reportedly based on Mom being afraid of guns and upset that Dad bought their 7 year old son a BB gun. Dad reportedly bought the BB gun to teach his son self-defense and only let him use under supervision.

c. Judge ordered the removal of a service dog from the home; the dog belonged to a household member who has Asperger’s Syndrome. We are advised that there was just an allegation, but no evidence, that the dog was violent or posed a threat.

D-15-518905-D, *McDonald vs. McDonald*: We received information that Judge Linda Marquis proceeded with a parental termination trial even though Dad’s lawyer committed suicide shortly before the hearing, and Dad requested a continuance of the trial so he could secure new counsel. Dad’s request was denied and Dad was required to proceed with the trial unrepresented, losing visitation rights with his children.

**7. Sealing Cases**

The Nevada Supreme Court has recognized, consistent with federal law, that the public has a constitutional First Amendment right to access court documents and proceedings, absent a finding by the court that there is a compelling state interest in keeping a particular document or hearing private, and moreover, the portion kept private must be the minimum necessary to protect the compelling interest. See family law case, *Del Papa v. Steffen*, 915 P.2d 245, 248 (1996), (“a state may deny this right of public access only if it shows that the denial is necessitated by a compelling government interest, and is narrowly tailored to serve that interest.”)

Cases in family court are getting sealed without a showing of a compelling state interest, and sometimes, without any express written order at all.

Further, when a case is sealed in family court, the family law clerks are removing the entire case from public access. The case completely “disappears” from public online records searches and even from the court’s attorney online records searches. It is as if the case does not exist. This is a violation of NRS 125.110(1) which requires that certain documents and information, such as the case name, number, summons, court orders, etc. remain accessible to the public even when cases are sealed. The Nevada Supreme Court has been very clear on this point, stating that it is a manifest abuse of discretion of the court to seal entire cases. *See*, *Johanson v. District Court*, 182 P.3d 94 (2009).

**8. “Closed Hearings” Where Only Court Observers are Kicked Out**

In our efforts to monitor family courtrooms, we were often kicked out of the courtroom on the premise that the “hearing is closed.” This occurred even in courtrooms where there were no litigants standing before the court and the hearings had not even commenced. Moreover, we noticed that we were the only ones who were being kicked out, while litigants, attorneys and others were permitted to remain in the courtroom. If the hearings were actually closed, then NRS 126.211 requires that all those who are not involved in the case be kicked out and not just those whom the judge or the Marshalls feel like kicking out. We were subjected to this primarily in the courtrooms of Judge Robert Teuton, Judge Cynthia Giuliani, Hearing Master Jon Norheim courtrooms. In one such hearing, we were told that the hearing was one dealing with adoption and was therefore closed. When we asked why the many other people were allowed to remain in the courtroom, we were told by the Marshall “it’s a big family.” We recently filed a complaint about this with the family court; we have not yet heard back.

**9. Marijuana Consumption Being Punished**

Marijuana consumption is legal under Nevada state law for medical purposes and most recently, for recreational use, but judges appear to be punishing parents for consuming marijuana.

D-17-552831-C, the *Amanda Macias* case: Senior Retired Judge Nancy Saitta, who sat for family court Judge Jennifer Elliot told the litigant if he tested dirty for marijuana he will only have supervised visits with his child.

**10. District Attorney Child Support Division**

There are litigants who are owed over $50,000, and in some cases over $100,000, in child support arrears. The D.A.’s office is supposed to help those litigants collect unpaid child support, yet many are not getting the D.A.’s assistance despite repeated requests. Examples are the cases of Colleen Smith (case D-08-399100 and R-13-179244) who was owed about $75,000 and the case of Beatriz Trujillo (case no. R078764) who is owed over $100,000. We have recently reached out to the D.A. on these two cases who has launched an investigation on these cases.

**11. Hearing Masters Issuing Bench Warrants**

We observed Hearing Master Sylvia Teuton stating that she is “issuing a bench warrant” when hearing masters are not allowed to issue bench warrants. We have seen bench warrants that were actually signed by the hearing masters him/herself. This is clearly beyond the authority of a hearing master. We recently filed a complaint with the Presiding Judge of Family Court, but have not yet heard back.

**12. Ex-Parte Communications**

D-12-467820-D, *Silva* matter: The mother is a pro-se-litigant and Clark County family court Judge Rena Hughes removed the mother from the courthouse property and proceeded with the hearing adjudicating custody of the child with only the father and his attorney and the minor unrepresented 12 year old daughter present. The Judge harshly interrogated the young girl as the girl sat alone at counsel table without her Mom or any representation and lied to the girl threatening to throw her in jail at Child Haven. Not only did the judge traumatize the child, but this was a complete violation of the Mom’s rights and constituted a court-ordered ex parte communication/hearing with the judge. We filed a judicial disciplinary complaint against Judge Hughes on this and were advised that an investigation is underway and Judge Hughes was required to recuse herself from the case.

**13. Parent’s Right to Educate**

D-14-505292-C, *Tiffany Wagner* case: We were advised that Judge Rena Hughes took away Mom’s right to provide a home IEP (Individual Education Program) for her 3 year old disabled daughter even though she had been caring and obtaining special services for her daughter at home since birth and there were no problems. There was no showing as to why the services could not be performed in Mom’s house. This is a violation of Mom’s due process rights and her right to care and educate her child at home instead of in a facility. Under Nevada Senate Bill 314 all parents have a fundamental right to educate their child; this bill is now law. We filed a judicial complaint against Judge Hughes on this and have not yet heard back.

**14. Juvenile Court**

Does the punishment fit the crime?

We observed Melissa De La Garza, a Juvenile Hearing Master, during her court calendar on July 7, 2017 from 11am to 12pm. During that single hour, we found numerous instances of unfair and excessive penalties to children, all of whom were minorities, and all of whom were still in custody when we left the courtroom.

a. A 14 year old boy was in custody for “petty larceny.” Turned out his crime was stealing a bottle of water from a Clark County truck. This occurred during scorching weather in Clark County. The boy was ordered to remain in custody, he was sentenced to take a Petty Larceny class, was given probation and ordered to wear a GPS ankle bracelet. All this punishment, child trauma, and tax dollars spent for stealing a water bottle during the heat of the summer.

b. In another case, a 17 year old girl was in custody for “walking away from a police officer” and violating the curfew law. The girl was booked for “obstruction of an officer,” she was ordered to be detained, and was inexplicably deemed to be “a danger to the community and a danger to herself.”

c. A 15 year old boy was in custody for smoking (not selling or distributing) a marijuana joint. He was sentenced to six months probation, Thug Class suspended, community service, ordered to attend a drug awareness program and was ordered to have a mentor. All this, for smoking a joint.

**15. Cases Excessively Prolonged:**

D-11-449918-C, *Terabelian vs. Klatt*: Our information is that this case has been prolonged/canceled 8 times. Judge Marquis had continued it 8 times, before the plaintiff got a new lawyer, who happened to be on Judge Marquis’ recusal list, and the case was therefore transferred to Judge Rebecca Burton. We have learned of numerous other cases in which Judge Marquis has unnecessarily postponed cases.

D-09-408072-7, *Plog v. Plog*: This case has been ongoing for *eight years*. The judge is Bryce Duckworth. We observed Mr. Plog break down in open court saying that he simply can’t take more family court proceedings – the protracted litigation has killed his will to fight, and that he’s at the point of giving up all his rights, stop fighting for his daughter, and just commit suicide!

This is one example of the toll that protracted litigation is having on people and families. There is no reason for our family courts to be party to inflicting this kind of torment on those before them.

**16. Judge Inexplicably Stops Mom’s Collection of Child Support Arrears**

D-13-486094-D, in the matter of *Marisella Barry*: Our information is that Mom had a court order from two prior judges for child support arrears that was being enforced by the District Attorney Child Support Division case UPI-076902200A. Judge Rena Hughes inexplicably stopped all collections of arrears without any legal cause or hearings.

**17. Judge Wrongfully Detained Mother and Children**

D-10-43924-Z, the *Kerrigan* case: Our information is that Judge Cheryl Moss locked Mom up for not turning the children over to an abusive Dad for visitation. Dad had been convicted of domestic battery, DUI, and had a protective order against him by a girlfriend. The 2 children involved also did not want to go to their abusive Dad, so the judge banished them both to Child Haven.

**18. Violation of Nevada Custody Laws**

Vincent Ochoa: In a 2014 radio interview on AM 720, in which attorney Michele Lobello was interviewing Judge Ochoa during his re-election campaign, Judge Ochoa blatantly admitted that he does not grant overnight visits for the first six months of the life of a child to the father. Judge Ochoa admitted to factoring the gender of the parent into his custody orders, which was a violation of then-in-effect NRS 125.480 which provided that “preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.”

D-14-505292-C, *Tiffany Wagner* case: Judge Rena Hughes reportedly denied Mom her first right of refusal to babysit her own child and instead ordered the child to stay with a babysitter for Dad, even though Mom was available and wanted to care for her child.

**19. Unethical Behavior By a Judge**

Vincent Ochoa: D-10-432708-D, *Smith vs. Vaughn* case: “Ashley,” once known as Divinity James, changed her model name to Chevy Nicole to hide the fact that she was still performing online and doing porn with the child at home. Our information is that while presiding over her case, Judge Ochoa “friended” her on his personal Facebook page, as well as personally "liking" her nude pictures as of August 15, 2014, and pictures of the minor child that he took away from Dad. Mom in turn “likes” his personal page and his re-election page. We previously complained about this to the Judicial Discipline Commission which indicated it would conduct an investigation, but we were never advised of the outcome. There has been no transparency on this matter.

Judge Harter: According to an incident report written by an officer of the Police Department, Judge Harter’s son was found to be in possession of stolen property inside Judge Harter’s home including a hand gun, ammunition, and drugs. The property was from a burglary of a police officer’s home. Several teens who were friends of Judge Harter’s teen son were arrested and convicted in connection with the incident, yet Judge Harter’s son was never arrested, and was whisked of to live with his mom in Utah, which is surprising given that in divorce papers Judge Harter reportedly stated that she was a drug abuser. In any event, we ask that you look into whether Judge Harter used his influence to keep his son from being arrested and prosecuted. We previously reported this to the Judicial Discipline Commission and were advised, without any reason given, that they would not pursue this matter.

Judge Linda Marquis: D-10-424830-Z, *Abid v Abid*: We received information that in 2015,Judge Marquis ignored settlements between parents to have joint physical custody, ignored a binding order issued by a judge who preceded her, and allowed an illegally recorded conversation that Mom had with a third party in Mom’s home, to be played in open court (against NRS 200.650) and to be used against Mom by an expert witness. The conversation had been taped by Dad who had slipped a recording device into his child’s backpack to secretly record private conversations in Mom’s home. Such taping is a class D felony under NRS 200.690 and should have been thrown out and sanctioned. When Mom objected to its use in court, arguing that it was a violation of her Fourth Amendment rights of privacy, Judge Marquis reportedly replied words to the effect of: "Fourth Amendment Rights certainly don’t exist in this courtroom".

**20. Laws and Policies that We Believe Need to Be Changed:**

a. Closing Hearings And Sealing Documents:

As stated above, court proceedings are supposed to be open to the public as a matter of First Amendment constitutional right. In the family law case of *Del Papa v. Steffen*, 915 P.2d 245, 248 (1996), the Nevada Supreme Court held that courts are presumptively open to the public and “a state may deny this right of public access only if it shows that the denial is necessitated by a compelling government interest, and is narrowly tailored to serve that interest.” See also, *Civil Rights for Seniors, Non-profit Corp. v. Admin. Office of the Courts*, 313 P.3d 216, 129 Nev.Adv.Op. 80 (Nev. 2013) (the public has a First Amendment right of access in criminal and civil judicial proceedings). This indeed is the law nationwide. NRS 1.090 also recognizes this important public policy and provides that “the sitting of every court of justice shall be public except as otherwise provided by law.”

NRS 432B.430(c): This statute provides for the mandatory closing of hearings in all family law cases in which the court must determine whether there is enough evidence of neglect or abuse to remove a child from his/her home, unless the judge finds that keeping the proceedings open is in the best interest of the child. First, this blanket across-the-board requirement to close such hearings, without a case by case analysis showing a compelling state interest and a finding of the least intrusive method of closing such hearing, is unconstitutional. While one may think of a child’s removal from the home as a sensitive issue, we believe this is the very reason it should be open to the public – so as to minimize the risk of abuse in the proceedings. There are indeed many criminal cases that are particularly sensitive, yet we view those as a society as especially warranting open review by the public. Again, the hearing may be closed on a case by case basis, but a compelling state interest must be shown in each case and the restrictions must be narrowly tailored. Secondly, the statute’s requirement that the hearing only be open if it can be shown to be in the best interests of the child appears to make no sense, and appears to be an amorphous bar to reach.

NRS 432B.430(1)(a): This statute provides that proceedings pertaining to the permanent placement of the child are presumed to be open “unless the judge or master, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interest of the child…” This statute is also unconstitutional. The test is not whether keeping a hearing open is in the best interests of the child. The legal test must be whether the state can show a compelling state interest, on a case by case basis, of the need to close the hearing, and to what extent the hearing needs to be closed – typically, only a portion of the hearing if any can be closed. The findings of such compelling state interest must be specifically argued and found to be compelling in the order closing the hearing. This is particularly true where the termination of parental rights is at stake. The public should have full transparency on such a vital issue.

Eighth Judicial District Court Rule 5.02 was repealed as of 1/27/2017, but it had provided for many years that family court cases could be “closed” to members of the public simply upon the request of one of the parties. No good cause or any other factors had to be shown or justified. This was unconstitutional. Many hearings were closed pursuant to this rule. The courts need to review whether any cases which are still open and which took advantage of this Rule without a showing of a compelling state interest stated on the record, continue to hold such closed hearings. The judges must be instructed to abide by constitutional protections for open court before granting such closed hearings again in those or other cases.

b. Judges’ Campaign Financing – we have seen for years that judges running for re-election are soliciting campaign funds and the throwing of fundraisers from lawyers and/or parties who have *open* cases before them. This is not in keeping with a judge’s requirement to avoid the “appearance of impropriety.” The fact that a judge may disclose the campaign contribution on a government filed Contribution and Expense Report months later of is no import to avoiding the appearance of impropriety. By comparison, California requires the recusal of judges who accept more than $1,500 from any party or lawyer at any time during the prior 6 year period. In Nevada, judges are making calls to litigants’ counsels and *asking for* and accepting up to $10,000 for their campaigns while their case is pending. We have also spoken to numerous lawyers who have felt pressured to contribute to the judge when he/she calls for money, or feel compelled not to contribute to a different candidate they would otherwise support, because they have an open case before the judge asking for funds and are afraid of retaliation. This practice of taking money when there are open cases, which is not even engaged in by our politicians in Nevada, is fertile ground for corruption and results in a loss of trust in our judicial system – a system that is supposed to serve as the very *safeguard* against corruption.

c. Jury Trials for Termination of Parental Rights and Relocation of Children:

The termination of parental rights and the relocation of a child away from one of the parents invoke such fundamental rights of parenting that they should be subject to a jury trial, rather than being subject to the decision of one person.

d. Judge Meetings Should Be Subject To Open Meeting Laws or At Least Open to the Public: Nevada’s judges are elected officials. Yet they routinely hold private meetings. These meetings should be subject to Open Meeting Laws or at a minimum be open to the public. We recently asked to sit in on a family court judicial meeting and were turned away at the door. We also asked to at least get a copy of the agenda for the meeting, and were again advised by the court officials, including counsel, that we could not have a copy of the agenda. When we asked to be put on the agenda for the next judicial meeting in order to express our concerns about numerous abuses, we were advised that we would not be put on the agenda. There is no question that our courts need to be as transparent as possible. Secret meetings, where secret agenda items are discussed, no agenda is available to the public, and no minutes are available to the public do nothing to foster the public’s confidence in our court system, and serves as fertile ground for corruption, particularly in a court system that is already fraught with impropriety.

e. Transparency Needed in Disciplinary Proceedings and With Disciplinary Complaints: Presently, when someone files a complaint with the state bar or with the judicial disciplinary commission the complainants simply get a letter stating whether the commission is proceeding with an investigation or not. If there is no investigation, the commission does not give the complainant any reasons for its decision or a copy of the judges/lawyer’s response to their complaint. This can give the complainant the impression that the commission simply didn’t want to act for whatever nefarious reason. If there is a reason for not proceeding with an investigation, the complainant should be made aware of the reason.

Further, even when the commission or Bar proceed with an investigation and actually file a complaint against the judge or lawyer, there is no copy of that complaint made available to the public, and with regard to lawyers, the State Bar’s website does not even show that any charges are pending or any proceedings or complaints have been filed against the attorney. The website instead continues to show that the attorney is “in good standing.” This is even the case after Bar finds the attorney guilty of malfeasance, and even if the lawyer has agreed to be suspended. The attorney’s status is only changed once the Supreme Court has signed an order agreeing to the punishment of the attorney, which could be months later. In the meantime, potential clients are unaware that there are any issues. Yet, the job of the Bar, and the Judicial Disciplinary Commission, is to protect the public – not to protect the lawyer or the judge. The public should be made aware if there is a proceeding pending, should have access to the pleadings and records, and should frankly even be entitled to sit in on hearings upon request. There is no reason for our disciplinary bodies to operate in the shadows, when their very existence is to protect the public. At a minimum, operating in secrecy diminishes public confidence in these public bodies, particularly since they are being called upon to rectify wrongdoing.

**Conclusion**:

It is our sincere hope that this letter prompts you and others who are copied on it to take action on these important issues. There is no doubt in our minds that the credibility of our family courts is at stake and that many litigants have lost hope of getting fair treatment. We have even heard from several unrelated litigants that they have the impression that some judges purposely grant custody to abusive parents so that the protective parent has to keep fighting for custody and the family is forced to “stay in the system” churning fees for lawyers, third party service providers, and the entire “machine” of judges, hearing masters, juvenile court authorities, etc. that is involved in the multi-billion dollar generating family court system. We certainly hope that is not the case, and ask that you please look into the above reports and do whatever you can to restore the public’s trust in our family court system.

Please let us know the results of your investigation, and whether we can be of further help.

Sincerely,

Steve Sanson

President, Veterans in Politics International, Inc.

Copies via mail:

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