

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE HONORABLE  
ELIZABETH HALVERSON, DISTRICT  
COURT JUDGE, EIGHTH JUDICIAL  
DISTRICT, COUNTY OF CLARK, STATE  
OF NEVADA.

No. 52760

THE HONORABLE ELIZABETH  
HALVERSON, DISTRICT COURT  
JUDGE, EIGHTH JUDICIAL DISTRICT,  
COUNTY OF CLARK, STATE OF  
NEVADA,  
Appellant,  
vs.  
NEVADA COMMISSION ON JUDICIAL  
DISCIPLINE,  
Respondent.

**FILED**

**JAN 31 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This case comes before us on appeal from the Nevada Judicial Discipline Commission's decision to permanently remove Elizabeth Halverson as a district court judge. While this court does not agree with each and every finding and conclusion the Commission made,<sup>1</sup> after our

<sup>1</sup>Specifically, we are not persuaded that Judge Halverson's statements to the press, which formed part of the basis for Counts 3 and 13, may, consistent with the First Amendment, subject her to discipline. See Jenevein v. Willing, 493 F.3d 551, 558 (5th Cir. 2007) (applying strict scrutiny to determine whether discipline for a judge's press statements was permissible), cited in Carrigan v. Commission on Ethics, 126 Nev. \_\_\_, 236 P.3d 616 (2010), cert. granted, 79 U.S.L.W. 3286 (U.S. Jan. 7, 2011) (No. 10-568).


own review of the record, we hold that sufficient clear and convincing evidence was introduced to conclude that Judge Halverson committed willful misconduct in violation of multiple provisions of the Nevada Code of Judicial Conduct. These violations were serious and justify the discipline imposed. See Matter of Davis, 113 Nev. 1204, 1222, 1226, 946 P.2d 1033, 1045, 1047 (1997) (sustaining the Commission's decision despite holding that certain canons were not violated).

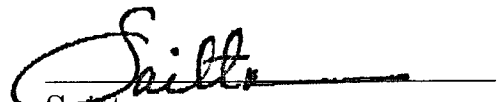
Moreover, we agree with the Commission that the evidence demonstrates that Judge Halverson's testimony lacks credibility. This lack of credibility and an apparent unwillingness to admit mistakes, combined with sufficient evidence of willful misconduct, lead us to conclude that Judge Halverson cannot serve as a judge. The Commission's quotation from a New Mexico case is particularly apt:


When a new judge, through lack of knowledge, experience or judgment, acts in ways that are inconsistent with his or her new role, we hope that such conduct can be corrected through discipline in the form of training, mentoring, and supervision. However, when a judge denies making mistakes, he or she cannot learn from the mistakes, and there is little that can be done to correct the behavior. Under such circumstances, to allow a judge who is not truthful to remain on the bench betrays the public trust and threatens the integrity and independence of the judiciary as a whole.

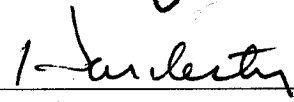
In the Matter of Rodella, 190 P.3d 338, 349 (N.M. 2008). We therefore affirm the Commission's determination that Judge Halverson be permanently removed from office.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Schwartz, Kelly & Oltarz-Schwartz, P.C.  
Elizabeth Halverson  
Sinai Schroeder Mooney Boetsch Bradley & Pace  
Nevada Commission on Judicial Discipline

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<sup>2</sup>The Honorable Michael Cherry and the Honorable Mark Gibbons, Justices, voluntarily recused themselves from participation in the decision of this matter.