

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

SEP 22 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

2
3 In the Matter of)

4 THE HONORABLE ERIKA BALLOU,)
5 District Court Judge, Eighth Judicial District)
6 Court, Clark County, State of Nevada,)

7 Respondent.)
8

CASE NO. 91339

9 **CERTIFIED COPY OF FINDINGS OF FACT,**
CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE

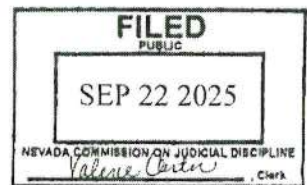
10 Pursuant to Commission Procedural Rule 28.2, I hereby certify that the document
11 attached hereto is a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF
12 LAW AND IMPOSITION OF DISCIPLINE filed with the Nevada Commission on Judicial
13 Discipline on September 22, 2025.

14 DATED this 22nd day of September, 2025.

15 STATE OF NEVADA
16 COMMISSION ON JUDICIAL DISCIPLINE
17 P.O. Box 18123
18 Reno, NV 89511

19 By: 

20 PAUL C. DEYHLE
21 General Counsel and Executive Director
22 Nevada Bar No. 6954
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BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA

In the Matter of)
THE HONORABLE ERIKA BALLOU,)
District Court Judge, Eighth Judicial District)
Court, Clark County, State of Nevada,)
Respondent.)

CASE NOS. 2024-103-P & 2024-105-P

FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE

On April 24, 2025, Special Counsel for the Nevada Commission on Judicial Discipline (“Commission”) filed Formal Statement of Charges (“FSOC”) against the Honorable Erika Ballou, District Judge for the Eighth Judicial District Court, Clark County, Nevada (“Respondent”) pursuant to NRS 1.467(5) alleging knowing or unknowing violations of the Revised Nevada Code of Judicial Conduct (“Code”). Respondent filed her Answer on May 14, 2025.

On May 20, 2025, the Commission’s presiding officer issued a Prehearing Order establishing the rules and procedure for the handling of pre-trial issues, motions, and the submission of exhibits and evidence. On July 22nd and 23rd, 2025, Special Counsel filed his Prehearing Brief and Exhibits. Respondent failed to file her Prehearing Brief or her exhibits in accordance with the Prehearing Order. The day before the public hearing, Respondent submitted her exhibit list of 18 exhibits and 243 pages of documents.

On August 7, 2025, pursuant to NRS 1.4673 and PRJDC 18, the Commission conducted a public hearing on the FSOC at the office of the Nevada State Bar in Las Vegas, Nevada. Thomas C. Bradley, Esq. appeared as Special Counsel. Thomas F. Pitaro, Esq. appeared on behalf of Respondent, who was also present. Without objection, exhibits submitted by the Special Counsel were admitted into evidence. Special Counsel objected to the admission of Respondent’s exhibits. The objection was sustained as to all exhibits except one as the exhibits were not submitted in accordance with the Prehearing Order.

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1 Pursuant to PRJDC 28, the Commission sets forth the following findings of fact and conclusions
2 of law.

3 **A. JURISDICTION**

4 The Commission has jurisdiction to discipline a justice of the supreme court, a judge of the
5 court of appeals, a district court judge, a justice of the peace, or a municipal judge for violations of the
6 Code. *See* Nev. Const. art. 6, § 21, NRS 1.425 et seq.; *See also* Canon 1, Rule 1.1. Respondent was
7 sworn in as a district court judge on or about January 4, 2021, and continues to serve in that capacity.
8 All actions of Respondent alleged in the FSOC occurred while Respondent was serving as a district
9 court judge.

10 **B. FACTS**

11 The facts in this matter were proven by clear and convincing evidence through the Special
12 Counsel's exhibits, which were admitted by stipulation into evidence, and through testimony of
13 Respondent and Betsy Allen, Esq.

14 In 2021, Respondent conducted an evidentiary hearing on a Petition for a Writ of Habeas
15 Corpus ("Christman Petition") that had been filed by a criminal defendant named Mia Christman
16 ("Christman"). Christman had pleaded guilty to a felony offense in 2017 and was sentenced to a term of
17 imprisonment. In the Christman Petition, Christman asserted that she received ineffective assistance of
18 counsel during the sentencing phase of her case. Following the Christman Petition hearing, Respondent
19 granted the Christman Petition and ordered her released from custody on her own recognizance. The
20 State of Nevada appealed. On August 11, 2022, the Nevada Supreme Court reversed Respondent's
21 decision and ruled that the record did not support a finding that counsel performed ineffectively at
22 sentencing and that Christman had, therefore, failed to show relief was warranted. The Supreme Court
23 ordered the judgment of the district court be reversed and remanded the matter back to Respondent's
24 court for proceedings consistent with that order. Rather than enter an order denying the postconviction
25 habeas petition, however, Respondent scheduled another evidentiary hearing to allow Christman the
26 opportunity to present additional evidence.

27 On January 25, 2023, the State filed a Petition for a Writ of Mandamus ("State's Petition")
28 seeking an order directing Respondent to vacate the scheduled evidentiary hearing, enter judgment in

1 favor of the State, and to remand Christman into custody. On October 12, 2023, the Supreme Court
2 granted the State's Petition and ruled that Respondent failed to follow the Supreme Court's mandate.
3 The Supreme Court specifically ordered Respondent to enter judgment in favor of the State.
4 Respondent did not follow the Supreme Court's direct.

5 On April 24, 2024, the State filed a motion before the Supreme Court to enforce its previous
6 mandates. While that motion was pending in the Supreme Court, the State filed a motion in the district
7 court to recuse Respondent in Christman's underlying criminal case. In response, Christman filed a
8 motion to strike the recusal motion claiming that the motion should have been filed in her post-
9 conviction case. Without conceding that point or withdrawing the motion from the underlying criminal
10 case, on May 2, 2024, the State filed an additional motion to recuse Respondent in the post-conviction
11 case. While the State's motions to recuse were pending, Respondent granted Christman's motion to
12 strike the State's recusal motion.

13 On May 3, 2024, the Supreme Court directed the Chief Judge of the Eighth Judicial District
14 Court to reassign Christman's postconviction and underlying criminal case to a different district court
15 judge. The Supreme Court stated that upon reassignment of those cases, the newly appointed district
16 court judge should promptly comply with the Supreme Court's mandate outlined in its two prior
17 Christman orders. The Christman cases were reassigned to District Court Judge Johnson who
18 immediately entered judgment in favor of the State and remanded Christman into custody.

19 C. DISCUSSION

20 In the FSOC, Respondent is accused in six (6) counts of committing judicial misconduct under
21 the Code. Each count will be discussed in turn.

22 COUNT I

23 Count I alleges Respondent violated the Code of Judicial Conduct by failing or refusing to enter
24 judgment in favor of the State and by failing or refusing to remand defendant Christman into custody
25 after the Supreme Court reversed Respondent's Christman Petition ruling on August 11, 2022.

26 To this charge, Respondent claims she believed that she had the authority under the order of
27 remand to schedule an evidentiary hearing as the Supreme Court's use of the words "ORDER the
28 judgment of the district court REVERSED AND REMAND this matter to the district court for

1 proceedings consistent with this order” “could mean a lot of things.” The Commission finds this
2 argument unpersuasive, particularly given testimony adduced at the hearing established that
3 Respondent was a seasoned criminal defense attorney prior to taking the bench and, therefore,
4 understood criminal procedure. As the Supreme Court stated in its subsequent Order granting the
5 State’s Petition, “the district court manifestly abused its discretion by clearly erring in interpreting this
6 court’s mandate, and it capriciously exercised its discretion by acting contrary to well established rule
7 of law.” *See* Special Counsel’s Exhibit 5, *Order Granting Petition*, p.5.

8 By a 7-0 vote, the Commission finds that Special Counsel proved by clear and convincing
9 evidence that Respondent violated the Code as alleged in Count I of the FSOC. Specifically, that
10 Respondent,

11 Committed a violation of Canon 1 of the Code, Rule 1.1 (requiring a judge to comply with the
12 law, including the Code itself);

13 Committed a violation of Canon 1 of the Code, Rule 1.2, (requiring a judge to act at all times in
14 a manner that promotes public confidence in the independence, integrity, and impartiality of the
15 judiciary and to avoid impropriety and the appearance of impropriety);

16 Committed a violation of Canon 2 of the Code, Rule 2.2 (requiring a judge to uphold and apply
17 the law and perform all duties of judicial office fairly and impartially); and

18 Committed a violation of Canon 2 of the Code, Rule 2.5 (requiring a judge to perform judicial
19 and administrative duties competently and diligently).

20 Furthermore, by a 7-0 vote, the Commission finds by clear and convincing evidence that
21 Respondent’s violations were knowing and deliberate under NRS 1.4653(5)(b)(2).

22 COUNT II

23 Count II alleges Respondent violated the Code of Judicial Conduct by failing to enter judgement
24 in favor of the State and remand defendant Christman into custody after the Supreme Court granted the
25 State’s Petition on October 12, 2023.

26 To this charge, Respondent claims the Supreme Court’s order was clear but did not say by when
27 Respondent must do so. The Commission finds this unpersuasive. As the Supreme Court noted in its
28 Order directing the removal of Respondent from the Christman cases, “although the writ of mandamus

1 issued in this matter did not state a specific time for the district court to enter a judgment in the state's
2 favor, that writ was peremptory in nature and thus NRS 34.190(2) and (3) contemplate that the district
3 court would do the act required by the writ immediately after receipt of the writ." See Special Counsel's
4 Exhibit 10, *Order Denying Motion*, p.3.

5 By a 7-0 vote, the Commission finds that Special Counsel proved by clear and convincing
6 evidence that Respondent violated the Code as alleged in Count II of the FSOC. Specifically, that
7 Respondent,

8 Committed a violation of Canon 1 of the Code, Rule 1.1 (requiring a judge to comply with the
9 law, including the Code itself);

10 Committed a violation of Canon 1 of the Code, Rule 1.2, (requiring a judge to act at all times in
11 a manner that promotes public confidence in the independence, integrity, and impartiality of the
12 judiciary and to avoid impropriety and the appearance of impropriety);

13 Committed a violation of Canon 2 of the Code, Rule 2.2 (requiring a judge to uphold and apply
14 the law and perform all duties of judicial office fairly and impartially); and

15 Committed a violation of Canon 2 of the Code, Rule 2.5 (requiring a judge to perform judicial
16 and administrative duties competently and diligently).

17 Furthermore, by a 7-0 vote, the Commission finds by clear and convincing evidence that
18 Respondent's violations were knowing and deliberate under NRS 1.4653(5)(b)(2).

19 COUNT III

20 Count III alleges Respondent violated the Code of Judicial Conduct by failing to follow the law
21 and take no action on a matter after the State filed motions to recuse or disqualify Respondent from the
22 Christman matters.

23 As to this charge, Respondent contends she was not required to stay the case as she was never
24 properly served with the State's affidavit. This is an incorrect statement of the law. A filed affidavit
25 seeking disqualification must be served on the judge sought to be disqualified. NRS 1.235(5). While
26 failure to properly serve a judge with the affidavit may be sufficient grounds for a reviewing judge
27 (other than the judge sought to be disqualified) to dismiss the motion to disqualify, it does not follow
28 that Respondent has the authority to make that ruling herself. Indeed, once a motion to disqualify is

1 *filed*, a judge must proceed no further with the case. NRS 1.235(6) (*emphasis added*). The statute
2 requires only the *filing* of the affidavit, not the *service* of it, to trigger the requirement that the judge
3 pause the proceedings. Additionally, the Commission notes Respondent had actual notice of the
4 pending recusal motion because it was the subject of Respondent's minute order striking the motion.

5 Respondent further alleges she did not commit misconduct because it is her duty to rule on
6 motions before the court and the attorney in the Christman case filed a motion to strike the State's
7 motion to disqualify. Respondent's argument is unpersuasive. It is axiomatic that a judge must follow
8 the law. *See* Canon 1, Rule 1.1. As such, when the law requires a judge to halt proceedings pending
9 resolution of a motion to disqualify, that is what a judge must do, irrespective of other pending motions.

10 Furthermore, the Commission notes Respondent granted Christman's motion to strike the day
11 after it was filed. The record does not reflect any opportunity to be heard or to cure the alleged
12 defective document given by Respondent to the State prior to her ruling. Although this is a likely
13 violation of Canon 2 of the Code, Rule 2.6(A) (providing a judge shall accord every person who has a
14 legal interest in a proceeding the right to be heard), this charge was not formally before the
15 Commission.

16 By a 7-0 vote, the Commission finds that Special Counsel proved by clear and convincing
17 evidence that Respondent violated the Code as alleged in Count III of the FSOC. Specifically, that
18 Respondent,

19 Committed a violation of Canon 1 of the Code, Rule 1.1 (requiring a judge to comply with the
20 law, including the Code itself);

21 Committed a violation of Canon 1 of the Code, Rule 1.2, (requiring a judge to act at all times in
22 a manner that promotes public confidence in the independence, integrity, and impartiality of the
23 judiciary and to avoid impropriety and the appearance of impropriety);

24 Committed a violation of Canon 2 of the Code, Rule 2.2 (requiring a judge to uphold and apply
25 the law and perform all duties of judicial office fairly and impartially); and

26 Committed a violation of Canon 2 of the Code, Rule 2.5 (requiring a judge to perform judicial
27 and administrative duties competently and diligently).

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Furthermore, by a 7-0 vote, the Commission finds by clear and convincing evidence that Respondent's violations were knowing and deliberate under NRS 1.4653(5)(b)(2).

COUNT IV

Count IV alleges Respondent violated the Code of Judicial Conduct by ruling on defendant Christman's motion to modify sentence after the State had filed its motion to recuse Respondent.

Special Counsel conceded this Count was not proven by clear and convincing evidence due to issues related to the timing of Respondent's minute order on Christman's motion to modify sentence and the alleged lack of notice of the affidavit on Respondent.

By a 7-0 vote, the Commission finds that Special Counsel did not prove by clear and convincing evidence that Respondent violated the Code as alleged in Count IV of the FSOC.

COUNT V

Count V alleges Respondent violated the Code of Judicial Conduct by exhibiting clear bias in the Christman matters. To this charge, Respondent attests she was not biased but rather showed compassion in her rulings and in not wanting Christman's baby to be placed in the custody of Child Protective Services if it were avoidable.

Where the alleged bias originates from a judge's performance of her judicial duties, rather than from an external source, the party alleging bias must show the judge's opinion displays a deep-seated favoritism or antagonism that would make fair judgment impossible. *Canarelli v. Eighth Judicial District Court*, 138 Nev. 104, 108 (2022) citing *Liteky v. United States*, 510 U.S. 540, 555 (1994).

While proof of Respondent's repeated failure to follow the law was clear and convincing in this matter, evidence that her actions were driven by such a deep-seated favoritism as to constitute impermissible bias was not. That said, while compassion may be a virtue to a judicial officer, it should never be used as a license or an excuse to violate the law.

By a 7-0 vote, the Commission finds that Special Counsel did not prove by clear and convincing evidence that Respondent violated the Code as alleged in Count V of the FSOC.

COUNT VI

Count VI alleges Respondent violated the Code of Judicial Conduct by failing to cooperate with the Commission's investigator and timely schedule an in-person interview. To this charge, Respondent

1 attests she was not being uncooperative. Respondent testified she was in a jury trial when the
2 investigator called and upon the trial's conclusion, Respondent immediately went on a pre-scheduled
3 vacation for two weeks. Based on the evidence submitted, the Commission does not find this to
4 constitute failure to cooperate under the Code.

5 By a 7-0 vote, the Commission finds that Special Counsel did not prove by clear and convincing
6 evidence that Respondent violated the Code as alleged in Count VI of the FSOC.

7 **D. IMPOSITION OF DISCIPLINE**

8 The Commission may remove a judge, publicly censure a judge, or impose other forms of
9 discipline on a judge if the Commission determines that the judge has committed willful misconduct.
10 NRS 1.4653(1)(a). Willful misconduct, as it applies in this matter, is a knowing or deliberate violation
11 of one or more of the provisions of the Revised Nevada Code of Judicial Conduct. NRS
12 1.4653(5)(b)(2). The Commission may publicly censure a judge or impose other forms of discipline on
13 a judge if the Commission determines that the judge has violated one or more of the provisions of the
14 Code in a manner that is not knowing or deliberate. NRS 1.4653(2). Other forms of discipline include:
15 public admonishment, reprimand or censure of a judge; imposition of a fine; suspension from office
16 without pay; requiring a judge to complete a probationary period, attend training or educational courses,
17 follow a remedial course of action, issue a public apology, comply with conditions or limitations on
18 future conduct, or seek medical, psychiatric or psychological care or counseling; bar the judge from
19 serving in a judicial office in the future or impose any other reasonable disciplinary action or
20 combination of disciplinary actions that the Commission determines will curtail or remedy the
21 misconduct of the judge. NRS 1.4677(1).

22 NOW THEREFORE, pursuant to subsections 5(a) and (b) of Article 6, Section 21 of the
23 Constitution of the State of Nevada, NRS 1.4653(1)(a), NRS 1.4677, and PRJDC 28, after due
24 deliberation and consideration of the evidence presented and taking into consideration the totality of
25 Respondent's actions, by a 7 to 0 vote, IT IS HEREBY ORDERED:

26 **1. Respondent is SUSPENDED from the exercise of judicial office, without salary, for**
27 **a period of eighteen (18) months.**

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1 2. Imposition of twelve (12) months of that sanction is hereby suspended and
2 Respondent is placed on probation for a period of two (2) years on the following terms and
3 conditions:

4 a. Respondent shall be SUSPENDED from the exercise of judicial office,
5 without salary, for a period of six (6) months effective as of 12:01 a.m. on
6 September 23, 2025.

7 b. Before returning to the bench, Respondent shall complete, at her own
8 expense, a specialized remedial training program with the National Judicial College
9 ("NJC"). This training program will be developed and administered by NJC staff
10 and/or associated professionals and specifically customized and tailored to
11 Respondent's misconduct and Code violations as set forth in this Order.
12 Respondent shall make herself available and fully cooperate with the NJC in
13 completing this training program in a timely manner.

14 c. Respondent shall have no further violations of the law or of the Code of
15 Judicial Conduct while on probation.

16 In Favor: Commissioner Chair Stefanie Humphrey, Commissioner Vice-Chair John Krmpotic,
17 Presiding Officer Hon. David Hardy; Commissioner Karl Armstrong, Esq., Commissioner Hon.
18 Thomas Gregory, Commissioner Patricia Halstead, Esq., and Commissioner Joseph Sanford

19 Opposed: None

20 IT IS FURTHER ORDERED that the Commission Chair is authorized to sign this document on
21 behalf of all voting Commissioners.

22 DATED this 22nd day of September, 2025.

23 STATE OF NEVADA
24 COMMISSION ON JUDICIAL DISCIPLINE
25 P.O. Box 18123
26 Reno, NV 89511

26 By: Stefanie Humphrey
27 STEFANIE HUMPHREY
28 COMMISSION CHAIR

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