

COMMISSION ON JUDICIAL SELECTION APPLICATION

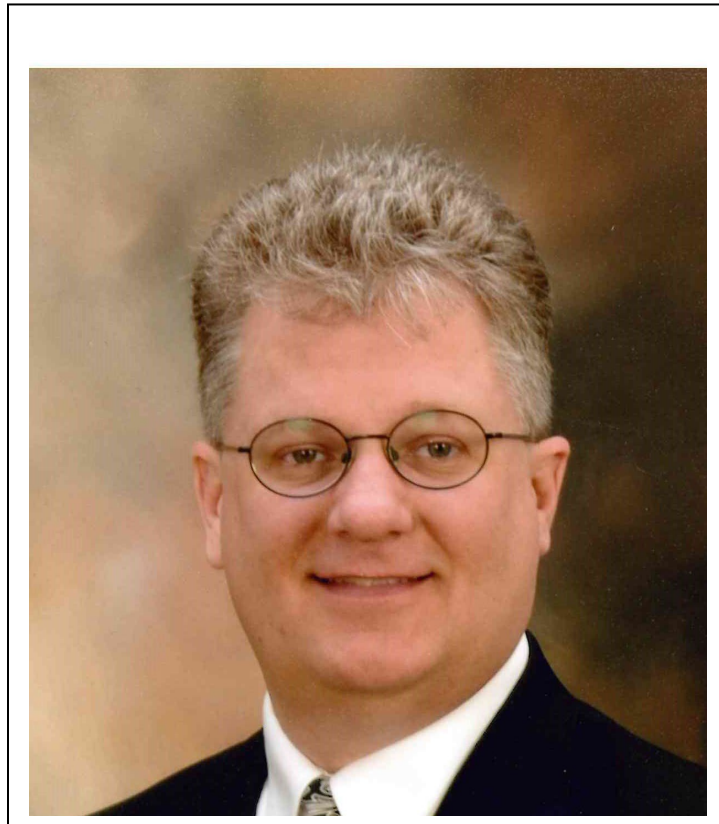
EIGHTH JUDICIAL DISTRICT  
DEPARTMENT C

Replace the highlighted spaces on this page with the vacancy you seek to fill  
VII, C or N

Candidates may only choose one department and may not withdraw to apply for another department within this selection period

**By**

**(LYNN N. HUGHES)**



Personal Information
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1. Full Name: **Lynn Neville Hughes**
2. Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.

**No.**

3. How long have you been a continuous resident of Nevada?

**26 years since graduating law school.  
Prior to Law School, I grew up in Las Vegas from age 10 through UNLV.**

4. City and county of residence:

**Las Vegas, Clark County**

5. Age: **53**

Employment History
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6. Please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last 20 years preceding the filing of this Application.

**PLEASE SEE EXHIBIT A**

Educational Background
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7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

**Western High School  
4601 W. Bonanza Rd.  
Las Vegas, Nevada 89107  
Attended 1984-1987, HS diploma, graduated**

**University of Nevada Las Vegas  
4505 S Maryland Pkwy  
Las Vegas, NV 89154  
Attended 1987, 1990-1994, BA – Criminal Justice, graduated**

8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

**Active in Boy Scouts of America – Eagle Scout  
Youth leader in the Mountain Man Rendezvous – spring 1987.  
Member of the Church of Jesus Christ of Latter-Day Saints  
Employed at Smith’s Food King 1985-86  
Employed at Call Lawn Maintenance 1986-1987  
Missionary, Church of Jesus Christ of Latter-Day Saints,  
Ohio, Columbus Mission - March 1988-April 1990**

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

**Indiana University School of Law Indianapolis  
530 West New York Street  
Indianapolis, IN 46202  
Attended 1994-1997, Doctor of Jurisprudence  
Graduated May 1997**

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

**Hendricks County Prosecutors Office  
6 S. Jefferson St.  
Danville, Indiana 46122  
Employed part time as law clerk, July 1996 – May 1997.  
Handled discovery requirements for prosecutors  
Prosecuted offenses under the student practice rules**

11. Describe significant law school activities including offices held, other leadership positions, clinics participated in, and extracurricular activities.

**Participated in Social Security legal clinic assisting indigent applicants with applications for disability, etc. with the Social Security Administration  
Active in the Church of Jesus Christ of Latter-Day Saints  
Active as Boy Scout Leader / Cub Scout Leader in the Boy Scouts of America**

## Law Practice

12. State the year you were admitted to the Nevada Bar.

**1997**

13. Name states (other than Nevada) where you are or were admitted to practice law and your year of admission.

**None**

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

**No**

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench.

**70% of my practice has been in litigation work  
All in trial litigation  
3% appellate work**

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	60%
Juvenile matters	
Trial court civil	
Appellate civil	
Trial court criminal	
Appellate criminal	
Administrative litigation	
Other: Please describe	40% Probate / Estate Planning

17. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

**100 % non-jury trials**

18. Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.

**0 jury trials**  
**23 non-jury trials**

19. List courts and counties in any state where you have practiced in the past five years.

**8<sup>th</sup> Judicial District Court – Clark County, Nevada**  
**7<sup>th</sup> Judicial District Court – White Pine County, Nevada**  
**5<sup>th</sup> Judicial District Court – Nye County, Nevada**  
**4<sup>th</sup> Judicial District Court – Elko County, Nevada**  
**2<sup>nd</sup> Judicial District Court - Washoe County, Nevada**  
**Las Vegas Municipal Court**  
**Las Vegas Justice Court**

20. List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), complete the following tables:

**Case Name: The Guardianship of Patsy Eikleberry, Case G-13-039613-A, 2013 – 2017**  
**In the matter of the Eikleberry Family Trust, P-16-089892-T, 2016 - 2018**

**Court, Presiding Judge and all counsel:**

**The original case was filed as a guardianship in Clark County, Nevada. At that time, all guardianship cases were assigned to Department E, Judge Charles Hoskin presiding. However, the Guardianship cases were being handled by Hearing Master Jon Norheim during this time period. Shirley Derke, Esq., counsel for Tracy Eikleberry; John Gubler, Esq., counsel for Kenneth Eikleberry; Lynn N. Hughes, Esq., counsel for Robin Yanzer and Kenneth Eikleberry.**

**The importance of each case to you and the impact of each case on you:**

**This was an extremely complicated case. The protected person, Patsy Eikleberry, and her husband, Kenneth Eikleberry, established a family trust late in their marriage. That trust limited the distribution to the children in an unequal manner, two children receiving more of the estate than the remaining children. At some point, Patsy Eikleberry began to have dementia, which affected her ability to handle her own affairs, or make changes to her estate plan. Her son, Tracy Eikleberry, filed the guardianship with the intent of helping his mother. This action greatly angered his Father and Patsy's husband, Kenneth Eikleberry. Kenneth and his daughter, Robin Yanzer, filed a competing action for guardianship over his wife, and also issued a new Trust for his personal estate, since he could not amend the original family trust due to Patsy's incapacity. Ken**

**moved his one half of the marital estate into his new personal Trust and disinherited his son.**

**During the pendency of the initial petitions for guardianship, Kenneth Eikleberry passed away, leaving Patsy's daughter, Robin, and her son, Tracy, competing to become the guardian. After a full day trial, the Court issued an order placing both parties in charge of the person of Patsy Eikleberry, and placing Robin Yanzer in charge of the Estate of the protected person.**

**This arrangement did not allow for a smooth working relationship between the two guardians. They were constantly attacking each other in legal pleadings and did not trust each other. Each party wanted to remove the other from being guardian, and the protected person's estate suffered from the complicated litigation that ensued. Further, the dispute between the parties also carried over to a probate action that continued the disagreement between them until finally it was settled in a Senior Judge Settlement Conference.**

**Through this case, and similar cases prior to it, I learned to differentiate between the issues of the client and the opposing party, and the legal issues of the case. I cannot allow the dispute between the parties to interrupt their responsibilities to a third party, such as the protected person. This is true in all cases that I have been involved in. I found to be a great learning experience.**

**Your role in the case:**

**I was the lead attorney for the Kenneth Eikleberry and Robin Yanzer in the appointment of Robin as Guardian and in prosecuting and defending the actions regarding the co-guardian.**

**Case Name:**

**The Guardianship of Wesley Morgan Ballard, G-13-038953-M, 2013.**

**Court, Presiding Judge and all counsel:**

**The original case was filed as a guardianship in Clark County, Nevada. At that time, all guardianship cases were assigned to Department E, Judge Charles Hoskin presiding. However, the Guardianship cases were being handled by Hearing Master Jon Norheim during this time period. George R. Carter, Esq., counsel for the proposed Guardians. Lisa Rasmussen, Esq., Counsel for protected minor's natural mother.**

**The importance of each case to you and the impact of each case on you:**

**I was sitting as the judicial officer, acting as the pro-tem hearing master for guardianship cases when this matter came before the court.**

**The grandparents of the child desired to be appointed as guardians over the child due to allegations of drug abuse against his mother and that their son had sole custody of the child at the time of his death. However, the child's mother objected not only to the guardianship, but also to Mr. Carter acting as counsel for her parents since he had represented her in a custody action previously.**

The matter was presented in an initial hearing for the guardianship and moving forward to a resolution of the dispute regarding the suitability of the natural mother as a parent. At that hearing, counsel made vehement arguments in favor of their clients that breached court etiquette. It showed that the passion of an attorney can overwhelm common sense when making an argument to the judge. I have often thought of that case, which helps me to keep from letting the case become personal and emotional. An attorney that loses focus on the arguments and becomes emotionally involved will not benefit their client but will rather alienate the trier of fact. It also helped me to understand and separate the attorney's emotion from their legal argument when presiding over a hearing.

**Your role in the case:**

I was sitting as the pro-tem hearing master and the trier of fact for the hearing. I prepared the report and recommendation.

**Case Name:**

Pamela Burns, et. al vs. Karalyn Jean Schenk, A-09-593046-C, 2009-2012.

**Court, Presiding Judge and all counsel:**

The judge overseeing the case was the Judge Jerome T. Tao, Department XX. Brad Richardson, Esq., counsel or Plaintiffs, Lynn Hughes, Esq., counsel for Defendant.

**The importance of each case to you and the impact of each case on you:**

This was an estate action or dispute between the second spouse of a decedent and his children. The Plaintiffs were the children of the decedent, who had his own trust estate. His second wife, the Defendant, also had her own trust estate. The dispute arose from amendments made to the Decedent's trust during the course of his second marriage. The Plaintiffs alleged the Defendant had used undue influence upon the decedent, who had begun to suffer from dementia, in order to enrich herself at the cost of their inheritance.

This case seemed to be a straight forward at the beginning but devolved in the dispute to be a battle of experts. Each side had doctors to declare the mental status of the deceased at the time he executed certain documents. Each side had handwriting experts to determine who signed the amendments, checks, documents, etc. The animosity and vitriol of the parties towards each other would not allow any settlement. All reason and logic regarding the case went out the window, and there was no rational discussion regarding the facts of the case.

This matter went to a one-week bench trial and a great deal of expense. The result was completely unsatisfactory for all parties, and the matter should have been resolved in a settlement that would have allowed some dignity to the desires of the decedent and the result to the parties.

**Your role in the case:**

I was lead counsel for the Defendant.

**Case Name:**

**This was a complicated case regarding a minor, Marc Nocerino.**

**It involved several different cases:**

- 1. Estate of Jennifer Nocerino, P-10-069122-E**
- 2. Estate of John Nocerino, P-10-069766-E**
- 3. John Mark Nocerino Separate Property Trust, P-11-073234-T**
- 4. Jennifer Nocerino Separate Property Trust,**
- 5. Guardianship of Marc Nocerino, G-10-038517-M**

**Court, Presiding Judge and all counsel:**

**The first case filed was the probate action for Jennifer Nocerino. She passed away, leaving a ten year old son and her husband, John. John Nocerino passed away just six weeks later, leaving Marc Nocerino as an orphan.**

**John and Jennifer Nocerino each had executed a separate property trust agreement in 1995, prior to the birth of their son, Marc. Over the course of their lives, they did not properly maintain the trust, leaving a great deal of property outside their individual trusts. Therefore, there were four separate estates opened in order to legally handle the entire balance of their estates.**

**Marc Nocerino was a minor, which resulted in a minor guardianship case being filed in the guardianship courts.**

**Hearing Master Wesley Yamashita was in charge of the probate and trust cases as they progressed, and Hearing Master Jon Norheim was in charge of the guardianship case.**

**John R. Mugen, Esq., counsel for Robert Ansara, Personal representative and Guardian of the estate.**

**Daniel Godsell, Esq., counsel for Matthew Nocerino**

**Bradley Richardson, Esq., Counsel for Frankie Ayers and Karen Ayers, Co-Guardians of the person of Marc Nocerino**

**Elyse Tyrell, Esq., counsel for Eric and Stephanie Preston, co-guardians of the person of March Nocerino**

**The importance of each case to you and the impact of each case on you:**

**Once the estate actions were started, it became apparent that there was actual value of this estate of over one million dollars. There were many family members who desired to protect Marc from what they saw as nefarious actions of other family members. There were five legal firms involved in the various litigations, all attempting to ensure Marc was taken care of.**

**I was appointed as the Guardian Ad Litem for Marc Nocerino regarding the probate and trust actions by Hearing Master Wesley Yamashita by an order in March 2014. I was assigned to speak with all counsel, review the pleadings and filings in the case, review the various allegations between the many parties of the case, and make recommendations to the Court regarding the estate and procedures.**



Finally, after much consultation and discussion with the counsel and the parties, it was determined that Marc was the heir to the entire fortune, and settlements were reached that placed those funds into investments accounts to keep them safe from unscrupulous hands. The guardianship proceeded to manage the money using a disinterested third party as money manager, and Marc was placed with family members to watch over him

This was a case that, from the outside, looked like all family members were attempting to get ahold of the money left by Marc's parents. Giving the benefit of the doubt to the family members, I do believe they were each trying to protect Marc but had opposing views on how to do that. Their opposing views resulted in much litigation and legal battling, much of which went to attorneys for the parties, rather than to Marc.

This case taught me that even though the parties all had what they thought was the best interest of the child at heart, they also had no trust in the other parties, and were willing to fight to get their way, even though this was ultimately destructive to the goal of ensure that Marc was taken care of.

**Your role in the case:**

I was the guardian ad litem for the minor child in the various cases, appointed by the Probate Hearing Master and the Guardianship Hearing Master at the time.

**Case Name:**

**Karen Hodges v. Stephen Hodges, 99-D-240393, 2010  
Guardianship of Ryan Hodges, G-11-036200-A, 2011-2018**

**Court, Presiding Judge and all counsel:**

This divorce case was originally filed in Department J of the Eighth Judicial District Court, Judge Lisa Kent. I came into the case many years later, in 2010, when Judge Ken Pollock was the judge over the matter.

**Alan Harter, Esq., Counsel for Defendant Stephen Hodges.**

**The importance of each case to you and the impact of each case on you:**

This was a case I handled for a friend of the family. It had a long history prior to my involvement regarding mental health issues by the Defendant, including schizophrenia, bi-polar disorder, etc. The original divorce had allegations of physical abuse, etc.,

Defendant had been declared to be disabled by the Veterans Administration and had an extensive disability package to help him with his issues. This also allowed him to provide benefits to his children, including Ryan, is bi-polar son.

The post-divorce proceedings were unusual in that we were dealing with the application of the disability funds as available to pay support for his minor

**children, as well as to assist in mental health treatment for his son, who suffers from the same diagnosis that he has.**

**Your role in the case:**

**I was the lead counsel for the Plaintiff in her post-divorce proceedings as well as the guardianship proceedings for her son.**

21. Do you now serve, or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

Yes

**Clark County Small Claims Pro-Tem Referee 2001 – 2014**

**handled Small Claims Court at least once per month during this period, hearing cases presented by pro-se litigants, as well as by counsel, organizing the calendar, rendering decisions, etc.**

**Attorney Family Court Settlement Master 2013 to Present**

**Volunteer settlement mediator for Family Court cases, attempting to resolve issues between parties outside of Court hearings**

**Pro-Tem Hearing Master for Guardianship 2008 – 2016**

**Filled in for Hearing Master approximately 3-5 weeks per year, and for special circumstances**

**Clark County Civil Commitments Pro Tem Hearing Master 2007-2017**

**Clark County Justice Court Traffic Pro Tem Hearing Master 2006-2014**

**Clark County Pro Tem Hearing Master for Abuse and Neglect 2015-2016**

22. Describe any pro bono or public interest work as an attorney.

**I handle approximately 100-150 hours per year of extreme reduced fee or no fee, divorce or other family law, for low income members of the Church of Jesus Christ of Latter-Day Saints, as requested by leadership of the separate congregations of the Church.**

23. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

**Member of the State Bar of Nevada – in good standing, 1997 to Present**

**Member of the Probate, Guardianship, Family Law Sections of the State bar**

**Member of the Clark County Bar Association**

**Member of the Federal Bar for the Circuit Court of Nevada**

**Former Co-Chair of the New Lawyers Committee, CCBA, 2001-2002**

24. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

**I am in compliance with the Continuing Legal Education requirements.**

**3/2-3/2017 Family Law Conference (Bishop, CA)**  
**05/15/2017 Probate & Trust Section Bench-Bar Meeting**  
**8/17/2017 Substance Abuse**  
**10/2/2017 Guardianship Bench/Bar Meeting**  
**2/20/2018 Guardianship Bench/Bar Meeting**  
**3/1/2018 Family Law Conference**  
**Appellate Court Judges' Panel**  
**District Court Judges' Panel**  
**Trauma-Informed Lawyering**  
**Litigation Essentials**  
**Caselaw & Legislative Update**  
**03/02/2018 10 Tips Understand & Ethically Capitalizing on Evolving Legal**  
**Substance Abuse & Recovery**  
**Tax Changes & Bitcoin**  
**Efficient Evidence**  
**5/17/2018 Family Bench/Bar Meeting**  
**06/25/2018 Joint Guardianship & Probate & Trust Bench Bar Meeting**  
**11/29/2018 Addiction in the Legal Field**  
**02/14/2019 Bench/Bar Meeting**  
**02/28/2019 30<sup>th</sup> Annual Family Law Conference**  
**11/21/2019 Trusts From A to Z**  
**02/06/2020 Bench/Bar Meeting**  
**03/21/2020 Family Law Conference (shortened by Covid onset)**  
**02/23/2021 Thin Walls, Smart Homes, Zoom Towns, & Data Breaches**  
**11/10/2021 Estate and Trust Administration: Key Tasks, Forms, Etc.**  
**12/30/2021 Chronic Stress & the Practice of Law**  
**12/31/2021 2021 Pro Bono Credits**  
**05/20/2022 EDCR 5 Update: New Rules Approved**  
**08/18/2022 Bench Bar**  
**12/23/2022 How to Recognize When It's Time to Get Support**  
**12/23/2022 The Demand for Diversity, Equity and Inclusion in the Legal**  
**Community**  
**12/23/2022 Trust Accounts: Why Do I Keep Hearing About Them?**

25. Do you have Professional Liability Insurance or do you work for a governmental agency?

**My firm provides professional liability insurance.**

<b>Business &amp; Occupational Experience</b>
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26. Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession.

**I ran a small business during 1990-1994, while I attended the University of Nevada Las Vegas as an undergrad, Hughes Brothers Lawn Maintenance.**

27. Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:

- a. the nature of the business
- b. the nature of your duties
- c. the extent of your involvement in the administration or management of the business
- d. the terms of your service
- e. the percentage of your ownership

**1990-1994    Owner of a Sole Proprietorship  
Hughes Brothers Lawn Maintenance**

- a. **Lawn maintenance for homeowners,**
- b. **including minor repairs and standard maintenance, customer service, negotiating contracts, equipment maintenance, bookkeeping, etc.**
- c. **Sole owner and proprietor, sole employee, etc.**
- d. **I did everything**
- e. **100% ownership**

**2006 – 2014 Hughes Law Office**

- a. **Law Office, open to the public.**
- b. **Legal services to all clients, practice focused on Family law, Probates, and Estates.**
- c. **Sole Owner and proprietor.**
- d. **I did everything.**
- e. **100% ownership.**

28. List experience as an executor, trustee, or in any other fiduciary capacity. Give name, address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership.

**President of the Hollywood Highland Landscape Maintenance Association  
2008 to 2021**

**This is the homeowners association for the neighborhood I live in. I was president of the Board, and directed the payment of expenditures (along with the Board) for the neighborhood funds.**

## Civic Professional &amp; Community Involvement

29. Have you ever held an elective or appointive public office in this or any other state?

**No**

**I have never held an elective public office.**

**I was appointed to the Nevada Supreme Court Permanent Guardianship Commission in 2017, currently serving.**

Have you been a candidate for such an office?

**Yes**

If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

**I was a candidate for Family Court Judge, Department C  
Eighth Judicial District Court – 2014 election**

**I was a candidate for Family Court Judge, Department M  
Eighth Judicial District Court – 2020 election**

**I was a candidate for Family Court Judge, Department A  
Eighth Judicial District Court – 2022 election**

30. State significant activities in which you have taken part, giving dates and offices or leadership positions.

**I am a serving member of the Nevada Supreme Court Permanent  
Guardianship Commission (2017 to Present)  
Member of the rules subcommittee for the committee.**

31. Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences.

**None**

32. List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions.

**Member of the Church of Jesus Christ of Latter-Day Saints**

**Leadership positions :**

**Bishop;**

**Counselor in Bishopric;**

**Stake Executive Secretary;**

**High Counselor;**

**Stake Young Men President;**

**Elder's Quorum President**

**Boy Scouts of America, Sunhawk District, Las Vegas Area Council**

**Assistant District Commissioner**

**Support of Desert Choral, Las Vegas, Nevada**

**Support of Winchester Community Theater Program, Las Vegas, Nevada**

**Support of the East Tech after school theater program  
Support of the Las Vegas Academy Orchestra**

33. List honors, prizes, awards, or other forms of recognition.

**Honored by the Nevada Supreme Court for service on the Guardianship  
Commission  
Clark County Bar Association – 2000 Circle of Support Award**

34. Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy.

**No**

35. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates.

**Rendered hundreds of written decisions in the Las Vegas/Clark County  
Small claims court  
Prepared many Report and Recommendation decisions rendered as  
the Pro-Tem in Guardianship, mental health court, etc.**

36. During the past ten years, have you been registered to vote?

**Yes**

Have you voted in the general elections held in those years?

**Yes**

37. List avocational interests and hobbies.

**I am active in my church and service.  
I enjoy car building, hot rods and car shows.  
I listen to and participate in bluegrass music, I play banjo (a bit rusty).  
I enjoy woodworking.**

Conduct

38. Have you read the Nevada Code of Judicial Conduct and are you able to comply if appointed?

**Yes**

39. Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges, and dispositions.

**No**

40. Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline commission, other professional organization or administrative body or military tribunal? If yes, explain. If the disciplinary action is confidential, please respond to the corresponding question in the confidential section.

**I received a Letter of Reprimand from the Nevada State Bar Association in May 2021 for a fee/service dispute with a client.**

41. Have you ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain.

**No**

42. Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain.

**No**

43. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain.

**No**

44. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

**No**

45. Are you aware of anything that may require you to recuse or disqualify yourself from hearing a case if you are appointed to serve as a member of the judiciary? If so, please describe the circumstances where you may be required to recuse or disqualify yourself.

**No**

Other
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46. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

**I submitted an application to the Judicial Selection Committee for the Department L position in September 2018, and for Department G in 2019. I was interviewed but not selected.**

**I submitted a similar application for the United States Magistrate position in October 2010. I was not selected.**

**I have submitted for a hearing master position in the Clark County Family Court and the Clark County District Court in the past. I have been interviewed for those positions, but not selected.**

47. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

**Please See Exhibit B.**

48. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection.

**It is my intention to run for this position in the 2024 election. I have a strong desire to serve in this position and to serve the community in this way. I am a well qualified attorney who can be an asset for the Family Court.**

49. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities," or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

**Please see Exhibit C.**



# EXHIBIT A

Response to Question #6

## EMPLOYMENT HISTORY

**Current Employer:** Roberts Stoffel Family Law Group

**Phone Number:** 702 474 7007

**Address:** 4411 S. Pecos Road  
Las Vegas, Nevada 89121

**From:** May 2016 - Present

**Supervisor's Name:** Amanda Roberts, Esq.

**Supervisor's Job Title:** Owner/Manager

**Your Title:** Of Counsel / Associate

**Specific Duties:** I practice law in the area of family law, guardianship, probate and estate planning. I address all issues of the casework, including: pleadings and motions; client interviews and preparation; mediation; settlement negotiations; evidentiary hearings and trials; appeals; retaining and preparation of expert witnesses, etc.

**Reason for Leaving:** Still employed.

**Previous Employer:** Hutchison & Steffen, LLC

**Phone Number:** 702.385.2500

**Address:** 10080 West Alta Drive, Suite 200  
Las Vegas, Nevada

**From:** September 2014 - April 2016

**Supervisor's Name:** Todd Moody, Esq.

**Supervisor's Job Title:** Partner

**Your Title:** Of Counsel / Associate

**Specific Duties:** My practice involved handling family law, guardianship, probate cases, as well as transactional estate planning and business planning work directly with clients.

**Reason for Leaving:** While I enjoyed the firm and the people, I decided to move back to a small firm with Roberts Stoffel Family Law Group for personal reasons.

**Previous Employer:** Hughes Law Office

**Phone Number:** 702-870-0670

**Address:** 700 South Third Street  
Las Vegas, Nevada 89101

**From:** June 2006 - September 2014

**Supervisor's Name:** Lynn Hughes

**Supervisor's Job Title:**

**Your Title:** Owner / Manager

**Specific Duties:** My solo practice centered around family law and estate planning/probate cases. My clients ranged drastically from wealthy individuals dealing with probate litigation or divorce to indigent individuals needing assistance with family issues, such as custody or guardianship.

I also represent one townhome association regarding their legal issues and collection of outstanding balances on assessments and monthly dues.

I conducted jury trials as first-chair attorney, bench trials, hearings, mediations, arbitrations, discovery, and depositions. My duties included performing the initial investigations, case evaluations and development, as well as filing a substantial amount of subrogation claims on behalf of clients. I am experienced with retaining and evaluating expert witnesses, handling concerns of both clients and insurance adjusters, as well as interviewing witnesses and clients.

**Reason for Leaving:** Closed office and joined law firm of Hutchison & Steffen.

**Previous Employer:** Raleigh & Hunt, P.C. (dissolved)

**Phone Number:** 702.386.4842

**Address:** 112 Garces Avenue  
Las Vegas, Nevada 89101

**From:** 2004 to 2006

**Supervisor's Name:** Christopher Raleigh, Esq. (Partner – Deceased)  
John Hunt, Esq. (Partner)

**Your Title:** Associate

**Specific Duties:** I practiced in the areas of family law, personal injury (plaintiff), medical malpractice (plaintiff), insurance defense (including general liability, personal injury, construction defect and legal malpractice defense). These cases ranged from simple single-party matters to multiple-party complex litigation, from small claims to multi-million dollar cases. As an associate attorney, I was responsible for cases in Small Claims, Justice Court, District Court & Supreme Court of Nevada, from inception through trial and appeal.

**Reason for Leaving:** Left to open my own practice.

**Previous Employer:** Fredrickson, Mazeika & Grant

**Phone Number:** 702.384.4048

**Address:** 518 S. 9<sup>th</sup> Street  
Las Vegas, Nevada 89101

**From:** 2002 - 2004

**Supervisor's Name:** Tomas V. Mazeika, Esq.

**Supervisor's Job Title:** Partner

**Your Title:** Associate

**Specific Duties:** This was a firm concentrating in construction defect litigation, but also handling other areas of insurance defense litigation. My duties included case preparation for trial, depositions, motion and hearing preparation, expert witness preparation and examination, evidence preparation and examination, site inspections, etc.

**Reason for Leaving:** Increase of pay at a new firm.

**Previous Employer:** Perlstien & Robbins (dissolved)

**Phone Number:** 702-966-5200

**Address:** 7674 West Lake Mead Boulevard, #240  
Las Vegas, Nevada 89128

**From:** 2002

**Supervisor's Name:** Robert T. Robbins, Esq.

**Supervisor's Job Title:** Partner

**Your Title:** Associate

**Specific Duties:** This was a firm concentrating in construction defect litigation, but also handling other areas of insurance defense litigation. My duties included case preparation for trial, depositions, motion and hearing preparation, expert witness preparation and examination, evidence preparation and examination, site inspections, etc.

**Reason for Leaving:** Laid off.

**Previous Employer:** Mills & Associates

**Phone Number:** 702-240-6060

**Address:** 3650 North Rancho Drive, #114  
Las Vegas, Nevada 89130

**From:** 1999 - 2002

**Supervisor's Name:** Michael C. Mills

**Supervisor's Job Title:** Owner / Manager

**Your Title:** Associate

**Specific Duties:** This was (is) an insurance defense firm. My duties included trials, trial preparation, discovery, depositions, document production, motion and hearing practice, client relations, subrogation, arbitration, mediation, and appeal.

**Reason for Leaving:** Increase in pay at new firm.

**Previous Employer:** Law Office of Mont Tanner

**Phone Number:** 702-369-9614

**Address:** 2950 East Flamingo, #G  
Las Vegas, Nevada 89121

**From:** 1997 - 1999

**Supervisor's Name:** Mont E. Tanner

**Supervisor's Job Title:** Owner / Manager

**Your Title:** Associate

**Specific Duties:** This was a small general practice firm, and I was the only associate. My duties included trials, trial preparation, discovery, depositions, document production, motion and hearing practice, client relations, subrogation, arbitration, mediation, and appeal.

**Reason for Leaving:** Increase in pay at the new firm.

# EXHIBIT B

**About Me:**

I am applying for the Department C judicial seat because I believe I am a fully qualified candidate. I have twenty-five years of experience as an attorney serving in Clark County and my various clients here. Las Vegas is my home and I enjoy this community. I am a long-time Nevadan, having grown up in Southern Nevada and experienced its growing pains and booms for the past forty-five years. This is an exciting, ever-changing place to live and I love it. I have watched the desert bloom and grow. I attended school here in Nevada from elementary school through UNLV. I went away for law school only because the Boyd School of Law was not open when I was applying.

I have been a licensed attorney in Nevada throughout my professional career and have served in a wide variety of civil and family related areas of practice. I have handled divorces, separations, child custody, adoptions, adult and minor guardianships, military and special needs divorces. I have also been involved in probate and civil cases during my career and understand how those legal aspects interact with the family areas of law. I have two decades of experience and skills to apply to Department G. Helping individuals and families resolve their issues, both in and out of the Court system, has actually been a pleasure, even though it is a hard area of law to practice in.

I will be ready serve immediately if chosen as a Family Court Judge. I understand the law and the issues for family court situations, and I am able to learn quickly for those obvious challenges that occur for a new judge. I have experience in serving as a protem hearing master for the Clark County District Court Family Division, serving as a Guardianship hearing master protem, for abuse and neglect, as well as for the mental health court. During these times, I



served approximately 3 to 8 weeks per year as the protem, sitting as a trier of fact in evidentiary hearings, full trials, motion hearings, termination of parental rights hearings, and even contempt hearings. This opportunity gave me experience to handle a Court calendar and keep it under control. I always enjoyed the opportunity to serve as a protem hearing master.

Serving as a small claims hearing master for the Clark County Justice Court provided a great deal of experience in dealing with litigants appearing before the court. I served as a small claims hearing master and traffic court hearing master in the Justice Court, and heard thousands of small claims cases over the 14 years as a small claims referee, dealing with all areas of law. I heard many thousands of cases as a traffic court hearing master for the County. This taught me the temperament to deal with pro-se litigants and handle those intricate situations.

My experience has taught me that decisions by the Court should be rendered as soon as possible to the parties. Make the decision and get it completed. Being able to do so properly takes preparation prior to the hearing, as well as listening to the witnesses and reviewing the evidence as presented. I have found the parties and the attorneys are better satisfied with a well explained decision from the Court at the end of the case, even if the ruling was against them. The parties are not waiting in limbo for an ending to their case.

I am a member of the statewide Permanent Guardianship Commission, and a member of the rules subcommittee for that commission, and proud of my service there. I successfully performed an audit of the open Guardianship Cases by the Family Court in October 2013 regarding one particular professional guardian at that time.

Outside of the legal practice, I am happily married for 27 years, and have four children who are the joys of my life. I raised my kids in Clark County, put them through the school system here, engaged in sports and the various activities, both in Las Vegas and the surrounding

area. I have always enjoyed Las Vegas and will continue to. Currently, I serve many hours per week to the young people of the church, helping them improve themselves and grow in the church, boy scouts, in their education and experience.

I believe my experience and skills show that I am the best candidate for the position. I would love to be given the opportunity to serve the people of this great state as a family court judge, to listen to their issues and problems, and do what I can to help them move on with their lives.

# EXHIBIT C

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of the Guardianship of the Person  
of  
GLORIA ELIZABETH BARNARD,  
A Minor.

Case No. G-12-037826-M  
Dept. No. C

**GUARDIANSHIP COMMISSIONER'S REPORT AND RECOMMENDATION**

TO: PAUL and MARY BARNARD, Guardians;  
TO: BEVERLY SALHANICK, ESQ., their attorney;  
TO: MICHELLE MACARENO, Petitioner; and  
TO: MICHELE LoBELLO, ESQ., her attorney.

This case came before this Court on May 8, 2015 and May 29, 2015 on Michelle Macareno's petition to terminate the guardianship over her daughter, Gloria. Following the trial, the parties were allowed to submit a written closing argument and proposed findings of fact and conclusions of law.

The evidentiary hearing had many witnesses and several exhibits of evidence submitted to the Court. The witnesses included Mother, Michelle Macareno; Guardians/paternal grandparents, Paul and Mary Barnard; Jennalyn Eigner, MTF; Jim Christensen, M.D., immunologist; Mary Kaskie, counselor at Diskin Elementary. The testimony of Gloria Barnard, the ward, was sought by the Guardians in a pre-trial motion, but was denied by the Commissioner.

The Ward was born on February 20, 2006 to Michelle Fiel Macareno and Nicholas Barnard. Michelle Macareno was 36 years old, and Nicholas Barnard was 26 years old. In the first year, Michelle went to work. Guardians Paul and Mary took care of Gloria at times, while Gloria's older sister would sometimes care for her, or sometimes others would care for her.

Nick and Michelle broke up a short time later. Michelle moved in with her brother in the Desert Inn Estates. Nick resided with his parents. The parties agreed to joint custody of Gloria. However, Michelle moved to Texas awhile later with her new husband. Gloria stayed with Nick

at his parents house. One year later, in or about May 2012, Michelle and her husband returned to Las Vegas, and Michelle began to rebuild her relationship with Gloria.

A petition for guardianship was filed by the Guardians on October 2, 2012, which was granted under the consent of the parents. Michelle was provided visitation on the first, third and fourth weekends of the month.

The Guardians discovered in February 2013 that Gloria was allergic to cats. Since Michelle has several cats, this was a concern for them. The biological mother still has the cats at this time but keeps the cats out of Gloria's room.

The Guardians filed a petition in March 2014 to limit Gloria's visitation with Michelle due to the cat allergy. Mother response was to file a petition in April 2014 to terminate the guardianship and have Gloria returned to her. After some delays, the matter was brought to an evidentiary hearing on May 8 and May 29, 2015.

During the course of the evidentiary hearing, Mother was able to show that she is now capable of providing the basic needs of Gloria. Since the guardianship was consented to by Michelle, she must show that she can provide for the food, shelter, clothing, education and medical needs of her daughter. Michelle is currently employed as a food server at Main Street Station and receives steady work there. Her hours are complication for her interaction with Gloria, but she has managed to keep a schedule and care for Gloria. Further, Michelle's older daughter also resides in the house and helps care for Gloria. This employment allows her to provide for food and clothing for Gloria. Further, Michelle receives the health insurance through the Union for herself and Gloria.

Michelle provided evidence that she resides at 3751 S. \_\_\_\_\_ Blvd., in Las Vegas, Nevada. This residence has a place for Gloria, and currently stays with her several days per week. She is able to provide shelter to Gloria. Michelle's residence is zoned for an elementary school near her home, which will provide the education for Gloria.

Mother therefore meets the basic needs for her daughter Gloria and has carried her burden to have the guardianship terminated.

The Guardians feel that Mother is unfit to have the care and custody of Gloria and argue the guardianship should continue despite Michelle's objection. The burden shifted to the Guardians upon Michelle's meeting the basic factors. They are now required to show Michelle is unfit, or that the "parental preference" is overcome by other extraordinary circumstances such

as the factors of *Locklin v. Duka*, 112 Nev. 1489, 929 P.2d 930 (1996). The parental preference is established in NRS.125.500(1), which states:

Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.

The Nevada Supreme Court has also held that "the best interest of the child is usually served by awarding his custody to a fit parent." *Litz v. Bennum*, 111 Nev. 35, 888 P.2d 438 (1995).

The *Locklin* case provides a list of factors the court may consider in determining whether some extraordinary circumstances have overcome the parental preference of the mother. These factors are:

1. abandonment or persistent neglect of the child by the parent;
2. likelihood of serious physical or emotional harm to the child if placed in the parent's custody;
3. extended, unjustifiable absence of parental custody;
4. continuing neglect or abdication of parental responsibilities;
5. provision of the child's physical, emotional and other needs by persons other than the parent over a significant period of time;
6. the existence of a bonded relationship between the child and the non-custodian sufficient to cause significant emotional harm to the parent child in the event of a change in custody;
7. the age of the child during the period when his or her care is provided by a nonparent;
8. the child's well-being has been substantially enhanced under the care of the non-parent;
9. the extent of the parent's delay in seeking to acquire custody of the child;
10. the demonstrated quality of the parent's commitment to raising the child;
11. the likely degree of stability and security in the child's future with the parent;
12. the extent to which the child's right to an education would be impaired while in the custody of the parent; and
13. any other circumstances that would substantially and adversely impact the welfare of the child.

(See *Locklin*, supra).

Mother's past history and actions prior to the guardianship will be minimally considered by this court. The purpose of the guardianship is to allow a parent the opportunity to correct the issues in his or her life that interfere with the parent being able to properly care for the child.

These issues can be varied and many, including drug use, incarceration, or other such factors. A parent that chose the welfare of their child and voluntarily consents to allow others to care for their child should not have the original good decision to consent to the guardianship be held against them once these parenting issues have been overcome and resolved, and that parent has restored their ability to be a good caretaker or parent for the child. This is confirmed by the Nevada Supreme Court in the case of *Hudson v. Jones*, 122 Nev. 708, 138 P.3d 429 (2006). The Court held that a natural parent who consents to a guardianship "does not waive their right to the parental preference at a subsequent proceeding to reevaluate the custody arrangement." The Court goes on to provide that courts should encourage parents to seek help if necessary and allow a guardianship in times of need. Mothers actions in the years prior to the guardianship would essentially be the conduct or actions that Mother was attempting to correct by allowing the guardianship. Mothers actions and situation at the present time are the relevant factors that need to be addressed and considered in the termination of the guardianship.

The Guardians claim the *Locklin* factors should have the Court rule in their favor. The first factor is the abandonment/neglect of the child by a parent. The Guardians argue Michelle's moving to Texas with her husband for one year in Gloria's early life, as well as other situations such as missing some visitation dates, show a course of conduct that prove Michelle's intent to forego parental custody. These arguments are not persuasive. The move to Texas without Gloria was a temporary situation, and the custody arraignment between Nick and Michelle would have prevented Gloria from going with Michelle to Texas. Further, Michelle testified that she allowed some changes in visitation to accommodate special events with the Guardians. The Guardians seem to selectively pick certain instances, such as Gloria's first communion, to show mother is completely disinterested in her daughter, and imply that mother has therefore abandoned her daughter.

Michelle obviously desires to spend time with her daughter. She has made an effort to have the guardianship terminated and has pursued this termination despite the great and lengthy delays that have been involved in this action. She has been spending a great deal of time with Gloria under the modified visitation schedule that has been in place since October 2014.

There is no clear or settled purpose of Michelle to avoid or give up her parental obligations or to relinquish her claims to her child. There is not sufficient evidence that Michelle has had extended unjustifiable absences from parental custody, or that Michelle has abdicated

her parental responsibilities. The Guardians also desire to show that living with Michelle will cause serious harm to Gloria. They presented evidence from Dr. Christensen that Gloria has a high allergic reaction to cats in general, and that smoking will aggravate her allergic reactions and her asthma. Dr. Christensen states Gloria's reaction will be like having a head cold for everyday of her life. Removing the cats and smoking from the home would help improve the situation. Michelle sought her own medical opinion from Dr. Tottori, another immunologist. Dr. Tottori stated that medication and removing the cats from Gloria's room would be sufficient to control the cat allergy of Gloria. Michelle can hardly be faulted for following the advice of one immunologist over the advice of another.

The Guardians also claim that Gloria requires a special diet, which is not being met by Michelle when the child stays with her. However, there is no evidence presented that Gloria has been somehow harmed by not having this special diet met. The Court must therefore conclude either there is no harm to Gloria, or that Michelle is actually able to meet the special dietary needs of her daughter. These claims of severe physical harm are unconvincing to the Court.

Ms. Eigner, Gloria's therapist, in her testimony, did not find any emotional harm with the child. Her notes and testimony seem to clearly show that Gloria feels her entire family, including her mother and the Guardians, are there to help her with everything she is dealing with. There appears to be no serious emotional harm that has come from the extended visitations that started in October 2014.

The Guardians present evidence that Gloria has resided in their residence of approximately six (6) years. This includes time when Nick, her father, had physical custody while residing with the Guardians. The child is nine (9) years old, which means the child has had a strong bonded relationship with the Guardians for two thirds of her life. The child has resided in their home and has obviously been cared for earnestly and honestly by the Guardians. Severing that bond will be a difficult emotional harm to the child, should it be completely eliminated. It does not reach to the level of a "serious" emotional harm to Gloria, on its own, that would overcome the parental preference.

The Guardians have also provided for Gloria's physical and emotional needs for much of her life. They have been present in their home when she was being cared for by her father. However, they also have attempted to interfere with Michelle's custody and/or visitation by filing a petition seeking to restrict Michelle's visitation due to the cat allergies during the course



of this guardianship. They claim to have done this for the health interest of the child, which is an honorable motive, but is still a move to restrict Michelle's access to her mother. That is no fault of Michelle and should not be held against her.

Another *Locklin* factor is the delay in seeking to acquire custody of the child. Michelle sought to terminate the guardianship in April 2014, just about one and one-half years following the guardianship being established. The hearing on her termination petition did not occur until May 2015, but this was due to delays and continuances instituted by the Guardians, not Michelle. There is not a significant delay in seeking custody by mother.

Finally, the remaining factors in the *Locklin* case are not persuasive in favor of the Guardians. Gloria will obtain an education from the same Clark County School System she is currently in. Michelle has raised other children who are healthy and have reached adulthood, showing a skill and commitment to raising her children. She is employed and is providing a stable and secure environment for her daughter.

The Guardians seem to present a great deal of evidence that focuses on the "best interest of the child." However, this case balances on Michelle's suitability to act as the parent of Gloria and is not a best interest case. They present evidence that they have a better income than Michelle and have entered Gloria into the "WHY Ranch" which provides equine therapy and skills. They provide Gloria therapy through Keyenta Therapy. They cite cases in their closing argument that focuses on the best interest standard. This is not persuasive and is insufficient to overcome the parental preference.

### **PROPOSED FINDINGS OF FACT**

1. Michelle Macareno, the child's natural mother, has met her burden of showing she can meet the basic needs of the child, and that mother can provide for the child's food, shelter, clothing, education and medical needs.
2. The Guardians have failed to meet their shifted burden of showing the natural mother is unfit to be a parent of the child.
3. The Guardians have failed to show the parental preference is overcome by extraordinary circumstances.

4. The reunification of the child with her mother has been sufficiently started in October 2014 so as to allow for an immediate termination of the guardianship.

### RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED Michelle Macareno's petition to terminate the guardianship be granted.

IT IS FURTHER RECOMMENDED the Guardianship of GLORIA ELIZABETH BARNARD be terminated by an order from this Court.

IT IS FURTHER RECOMMENDED the Letters of Guardianship issued to Paul and Mary Barnard, entered previously in this matter, also be terminated and voided.

DATED this August \_\_, 2015.

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Lynn N. Hughes  
Pro-Tem Guardianship Commissioner