

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT
DEPARTMENT O

Replace the highlighted spaces on this page with the vacancy you seek to fill

VII, XXIX, C or N

Candidates may only choose one department.

By

(Janette Reyes-Speer)



Personal Information

1.	Full Name	Janette Reyes-Speer
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.	Janette Reyes Married in May 2000
3.	How long have you been a continuous resident of Nevada?	22 years
4.	City and county of residence	Henderson, Clark County
5.	Age	48

Employment History

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.

Current or Last Employer	Dept. of Administration, Hearings Division, Appeals Office
Phone	702-486-2527
Physical Address & Website	2200 S. Rancho Drive, Ste. 220 Las Vegas NV 89102
Date(s) of Employment	July 2018 to present
Supervisor's Name and Title	Michelle Morgando Senior Appeals Officer
Your Title	Appeals Officer
Describe Your Key Duties	Conduct workers' compensation hearings deciding legal issues regarding claim denial, scope, temporary total disability benefits, permanent partial disability benefits, treatment, claim closure, vocational rehabilitation benefits, etc. Apply fact to NRS chapters 616A-616D, respectively, and issue timely decision on legal issues presented. Decide evidentiary objections, make findings of fact, and make conclusions of law. Also conduct hearing and make decisions for Victims' of Crime and Medicaid cases.
Reason for Leaving	N/A

Previous Employer	Nevada Taxicab Authority
Phone	702-486-6532
Address & Website	2090 E. Flamingo Rd, Ste. 200 Las Vegas NV 89104

Date(s) of Employment	Full Time Position: December 2015 to July 2018 Independent Contractor: August 2014 to December 2015
Supervisor's Name and Title	Ron Grogan Administrator
Your Title	Administrative Law Judge ("ALJ")/ In-House Counsel
Describe Your Key Duties	<p>Presided as ALJ over hearings to decide violations under NRS chapter 706, NAC chapter 706, local city codes and ordinances such as Las Vegas City ordinances and Clark County Codes. Determined if violations such as simple battery, disorderly conduct, resisting police officer, vehicle impounds, etc. affected drivers' permits. Decided evidentiary objections, made findings of fact, and conclusions of law. Imposed fine amounts for violations, permit denials or approvals, permit suspensions, and/or permit revocations.</p> <p>Also wrote legal memorandums and researched legal issues such as ADA application to the taxicab industry, authority of the Taxicab Authority ("TA") to regulate the taxicab industry and the board, open meeting laws, posting supporting materials for board meetings, due process for appeal. Wrote Nevada regulations under the NAC creating leasing procedures, processing permits for independent contractors, providing lease decals, addressing responsibilities of cab companies and independent contractors during lease agreements, outlining security deposit regulations to comply with legislative changes arising from bills passed by the legislature. Ensured compliance with Nevada statutes and regulations governing opening meeting laws and administrative rulemaking.</p>
Reason for Leaving	New job opportunity

Previous Employer	The Speer Law Firm, PLLC
Phone	702-956-2775
Address & Website	155 South Water Street, Ste 220 Henderson NV 89015
Date(s) of Employment	June 2014-November 2015
Supervisor's Name and Title	Janette Reyes-Speer, Attorney and Owner
Your Title	Attorney and Owner
Describe Your Key Duties	Represented clients in fields of Criminal Law, Administrative Law, and Trusts & Estates. Wrote petitions, responses, oppositions, and other pleadings. Made court appearances for initial arraignments, preliminary hearings, trials, status checks, and other hearings required by the court. Worked as appointed counsel for specialty courts including drug court for District Court and Justice Court; assisted in veteran's court and DUI

	<p>court when needed. Represented specialty court participants facing potential jail and/or prison time when they violated program rules including but not limited to testing positive for controlled substance, having low creatine, failing to drop a urine analysis, and/or failing to attend counseling as required. Advocated for specialty court participants in court by relaying their reasons for violations to the judge, updating the court with necessary information, and explaining potential consequences to participants for committed violations. Met with District Attorney, court staff, judge, counselors, and probation officers immediately prior to holding specialty court. Served as pro-tem judge for civil small claims court. Heard complaints regarding breach of contract; failure to pay for work performed; rent owed; reimbursement of damages caused on home properties; damages caused to personal property; and payment of partially completed home construction projects. Made oral and written findings of fact and conclusions of law. Decided evidentiary issues, motions, and conducted hearings.</p>
Reason for Leaving	New job opportunity

Previous Employer	Henderson City Attorney's Office
Phone	702-267-1370
Address & Website	240 Water Street, 4 th Floor Henderson NV 89015
Date(s) of Employment	October 2005 to June 2014
Supervisor's Name and Title	<p>Josh Reid (2011-2018) City Attorney</p> <p>Elizabeth Quillin (2009-2011) City Attorney</p> <p>Shauna Hughes (1983-2009) City Attorney</p>
Your Title	Assistant City Attorney
Describe Your Key Duties	<p>Supervised attorneys and support staff. Resolved complex issues that involved coordinating different departments like the court, police, prosecutor's office, and the Alternative Sentencing Program (probation department). Interpreted and applied criminal law, procedure, and cases to specific situations and issues. Performed legal research and wrote legal memorandums. Prosecuted misdemeanor cases. Conducted criminal and traffic arraignments, trials, and status checks. Wrote and argued motions, appeals, and oppositions. Worked closely with police and court personnel.</p> <p>In the Civil Division, wrote forfeiture motions, stipulations and orders, proposed orders and default judgments, and oppositions.</p>

	Wrote and created the Abandoned Residential Real Property Registry (HMC Chapter 15.13). Created the structure and procedure for Board of Appeals to hear challenges to code enforcement and/or building and fire safety citations. Revised the Property Maintenance Code (HMC Chapter 15.13) to incorporate the Board of Appeals procedure. Created the administrative hearing complaint, summons, subpoenas, affidavits, notices, proposed stipulations and orders, and discovery procedure pursuant to HMC 4.06. Researched and wrote memorandums regarding legal issues. Represented the following departments: fire, code enforcement, ethics, alternative sentencing division (probation department), court, forfeitures, litigation, administrative hearings, and board of appeals.
Reason for Leaving	Opened up private practice

Previous Employer	Public Defender's Office
Phone	702-455-4685
Address & Website	309 S. 3 rd Street Las Vegas NV 89101
Date(s) of Employment	December 2003 to October 2005
Supervisor's Name and Title	Phil Kohn Public Defender
Your Title	Deputy Public Defender
Describe Your Key Duties	Conducted Justice Court arraignments and District Court calendars. Put on preliminary hearings, and argued pre-trial motions. Experienced in misdemeanor trials and felony jury trials. Negotiated cases with Deputy District Attorneys. Wrote motions, writs, fast appeals, etc. Worked closely with clients to explain court procedures, client choices and consequences of plea versus jury trial.
Reason for Leaving	New job opportunity

Previous Employer	Child Advocate Program (CAP) Pro-Bono Program
Phone	702-386-1070
Address & Website	725 E. Charleston Blvd. Las Vegas NV 89104
Date(s) of Employment	October 2001-December 2003
Supervisor's Name and Title	
Your Title	Pro-Bono Attorney
Describe Your Key Duties	Represented children in the abuse and neglect court system. Met with clients and explained their rights during court procedures. Represented clients' interests in and out of court.

	Worked closely with Child Protective Services, Department of Child and Family Services, District Attorney's Office, and private counsel.
Reason for Leaving	Temporary Pro-Bono Service

Previous Employer	Law Office of James O'Reilly
Phone	
Address & Website	
Date(s) of Employment	April 2002 to December 2003
Supervisor's Name and Title	James O'Reilly Attorney, Owner
Your Title	Associate Attorney
Describe Your Key Duties	Met with clients for initial consultations. Drafted motions, trusts, wills, powers of attorney for health care, and powers of attorney for finances. Specialized in restructuring finances of elderly clients to qualify them for Medicaid and other state/federal aid. Specialized in Guardianships of Persons and/or Estates. Worked closely with hospitals, nursing homes, and assisted care facilities. Made court appearances.
Reason for Leaving	New job opportunity

Previous Employer	Eighth Judicial District Court
Phone	702-455-2385
Address & Website	601 N. Pecos Road Las Vegas NV
Date(s) of Employment	November 2000-April 2002
Supervisor's Name and Title	Hon. Dianne Steel Dept. G
Your Title	Judicial Law Clerk
Describe Your Key Duties	Researched and interpreted both family and juvenile case law and statutes. Drafted judicial decisions, suggested improvements to juvenile legislation and implement procedures in both family and juvenile law. Briefed UIFSA and juvenile cases. Trained law clerks in new departments regarding briefing strategies, reviewing Summary Dispositions, Joint Petitions, Waiver of Costs, Adoptions, Termination of Parental Rights, Requests for Custody and/or Child Support, etc. and responding to attorney/pro se litigant questions. Interacted closely with the Public Defender, Juvenile Division; the District Attorney Juvenile Division; Parole & Probation; Psychology Department; and the Court Clerk's Office.
Reason for Leaving	New job opportunity

Previous Employer	Bureau of Child Support Enforcement
Phone	866-901-3212
Address & Website	220 West Broadway San Diego CA 92101
Date(s) of Employment	December 1999-November 200
Supervisor's Name and Title	
Your Title	Graduate Law Clerk
Describe Your Key Duties	Met with custodial and non-custodial parents to discuss child support payments and enforcement procedures. Reviewed case histories, Dept. of Social Services computer records and fiscal accounts of custodial/non-custodial parents to determine if motion needed. Generated Notices of Motion, Notices Regarding Payment of Support, Registrations of Foreign Orders, Wage Assignments and Health Assignments.
Reason for Leaving	New job opportunity

Educational Background

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.

University of California, Davis: 1992-1996 Bachelor of Arts, Rhetoric and Communication, minor in Sociology.

Davis Senior High School: 1989-1992 High School Diploma

Bishop Amat High School: 1988-1989 moved with family to Northern CA

Sacred Heart Elementary School: 1980-1988 graduated 8th grade

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

UNIVERSITY OF CA, DAVIS:

Winner, Thomas B. Dutton Counseling Award

Chancellor's Advisory Committee Member, The Status of Women Administrative Advisory Committee 1995-1996

Elementary School Counselor 1995-1996

Peer Counselor, Health Education Program 1994-1996

Summer Advisor 1992-1993

HIGH SCHOOL:

Badminton Team 1990-1992
Peer Counselor 1990-1992

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.

California Western School of Law 1996-1999
Juris Doctor Degree, April 1999
Top 35%, class rank 69/200

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.

Yes, I was employed during law school during my 2nd and 3rd years. I was a student worker for the school's financial aid and business offices and then worked as a legal researcher for a law school professor at California Western.

Student Worker (1997-1999)
California Western School of Law
225 Cedar Street
San Diego CA 92101
619-239-0391

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

Dean's Scholarship Recipient 1997-1998, 1998-1999
Lillian Lim Scholarship Recipient
Pro-Bono Award Recipient
Constitution Committee Member 1998-1999
SBA Executive Committee Board Member 1997-1998
Student Liaison, Pan Asian Student Bar Association 1998-1999
Student Liaison, Pilipino Lawyers of San Diego 1998-1999
Memberships: Pan Asian Association, Pilipino Lawyers of San Diego, American Bar Association

Law Practice

12. State the year you were admitted to the Nevada Bar.
2001

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.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	
Juvenile matters	
Trial court civil	
Appellate civil	
Trial court criminal	
Appellate criminal	
Administrative litigation	100%
Other: Please describe	

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

100% administrative law hearings

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.

N/A

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

Administrative Law Court – Workers’ Compensation Cases, State of Nevada
Administrative Law Court - Taxicab Authority, State of Nevada

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 1
Case name and date: 2001 Juvenile Delinquency Case
Court and presiding judge and all counsel: Family Court, Juvenile Delinquency Judge Dianne Steel, Dept. G Counsel: Public Defender, Prosecutor State of Nevada
Importance of the case to you and the case's impact on you: This case involved the application of NRS chapter 62 to a juvenile who was charged with 3 counts of sexual assault on victims under age 14. As a law clerk, I conducted legal research and wrote briefs for the judge to assist her in making decisions about violations and sentencing. This introduced me to the quasi-criminal field where we, as the Court, balanced goals of rehabilitation and issuing consequences for violations. This case helped me realize the importance of having defense to protect the Constitutional rights of the minor while having the prosecution work to protect the public. Only with the representation of both sides can our legal system work.
Your role in the case: Judicial Law Clerk

Case 2
Case name and date: 2005 City of Henderson v. Sarfaty
Court and presiding judge and all counsel: Municipal Court, Dept. 2 Judge Douglas Hedger City Prosecutor, Defense Attorney
Importance of the case to you and the case's impact on you: Showed me the importance of prosecuting battery domestic violence cases even when a victim is not cooperative. Battery domestic violence cases are often complicated because of the relationship between the victim and the defendant. Being a prosecutor taught me the resolve and determination required to complete a case even when difficult. This taught me the importance of giving the victim a voice and of seeking consequences for violent acts.
Your role in the case: Prosecutor

Case 3
Case name and date: 2020 Workers' Compensation Case (freeway accident)
Court and presiding judge and all counsel: Hearings Division, Appeal Before the Appeals Officer Appeals Officer Reyes-Speer Attorney Mills, Attorney Schwartz

<p>Importance of the case to you and the case's impact on you: Reinforced the importance of my role as the trier of fact. My Decisions and Orders directly impact the lives of people that appear before me. For this reason, I feel a tremendous responsibility when hearing and deciding cases. This case reinforced the importance of listening to testimony, the arguments of counsel, considering the evidence presented, and applying the evidence to the law.</p>
<p>Your role in the case: Administrative Law Judge / Appeals Officer</p>

Case 4
Case name and date: N/A
Court and presiding judge and all counsel:
Importance of the case to you and the case's impact on you:
Your role in the case:

Case 5
Case name and date: N/A
Court and presiding judge and all counsel:
Importance of the case to you and the case's impact on you:
Your role in the case:

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

I serve as a full-time quasi-judicial officer. I began as an Administrative Law Judge/In-house counsel for the Taxicab Authority hearing citation violations issued to taxicab drivers. I also heard cases deciding if certain drivers would keep or be issued their taxicab permits. Over 4 years ago, the Governor appointed me to be an Administrative Law Judge (also known as an Appeals Officer) for the Hearings Division to hear workers' compensation cases regarding benefits, compensability, and treatment. As an Appeals Officer, I also hear victims of crime cases and will begin hearing Medicaid cases in January 2023.

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

In the past as a prosecutor, I would teach in-coming police academies of search and seizure, right to an attorney, types of evidence, reasonable suspicion, probable cause, and other topics needed for police to carry out their duties and testify in court.

I also had participated as a CAP attorney representing children in the abuse and neglect court, parents in termination of rights cases, and minors in delinquency cases.

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.

Inns of Court, Nevada 2001-2021
Public Law Attorneys 2014-2015

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?

Yes, I am in compliance with the CLE requirements.

12-02-22 How to Have Difficult Conversations
09-16-22 2022 NV Workers' Compensation Educational Conference
05-04-22 Wellness 101
03-08-22 Nevada Gaming Board (Howard D. McKibben Inn of Court, LV)
02-08-22 Ethics and Mentoring (Howard D. McKibben Inn of Court, LV)
12-14-21 Do You Really Understand the Attorney-Client Privilege?
12-09-21 Completely Masterful: A Seminar for Both Claimant and Defense Attorney
11-09-21 Post-Pandemic Life of an Attorney
05-18-21 Employment Law 2021 (Howard D. McKibben Inn of Court, LV)
04-20-21 ADR-Does It Really Work? (Howard D. McKibben Inn of Court, LV)
02-16-21 How the Press Does Its Job (Howard D. McKibben Inn of Court, LV)
12-15-20 Attorney Wellness
12-11-20 Understanding & Avoiding Burnout in the Legal Profession
12-11-20 Implicit Bias Against Females in the Judicial System
10-20-20 Election Law and Politics (Howard D. McKibben Inn of Court, LV)
03-10-20 Mock Trial Phase II: Pre-Trial Motions (Howard D. McKibben Inn of Court, LV)
01-14-20 Overview of 42 USC 198 & Bivens v. Six Unknown Agents (Howard D. McKibben Inn of Court, LV)
11-12-19 Federal Practice (Howard D. McKibben Inn of Court, LV)
05-16-19 2019 District Court Conference
05-14-19 Appeals
03-12-19 Discovery
01-08-19 Pre-Litigation & Drafting Pleadings

- 12-11-18 Record Sealing & Restoration of Rights of Former Prison Inmates
- 08-23-18 8th Annual NV Workers' Compensation Educational Conference
- 06-05-18 Substance Abuse
- 04-10-18 Evidence Potpourri (Howard D. McKibben Inn of Court, LV)
- 02-15-18 Boards & Commissions Training
- 02-13-18 Privileges
- 01-01-18 The Foundations of Foundation
- 01-01-18 Amendment II: the Right to Keep and Bear Arms (Howard D. McKibben Inn of Court, LV)
- 01-01-18 Santa & His Elves: 1000 Years a Slave? (Howard D. McKibben Inn of Court, LV)
- 01-01-18 Open Meeting Law-Updates
- 01-01-18 Voting Rights
- 01-01-18 Wilson: Incapacity of a President & the 25th Amendment

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

I work for a governmental agency.

Business & Occupational Experience

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.

No

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

The Speer Law Firm, PLLC
Attorney and Owner (06/14-11/15)

I was the sole owner and attorney of this business. I was responsible for obtaining clients, managing the business, and updating required licenses. There were no other employees aside from me.

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.

N/A

Civic Professional & Community Involvement

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

Yes

Have you been a candidate for such an office?

No

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

The Governor appointed me as an Appeals Officer in July 2018 to hear workers' compensation cases. I am still in this position.

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

2017-2018

SAFE (Supporting Autism Families and Education): co-founder of this support group. We had speakers, resource discussions, and mentoring in this support group for families with Autistic children and adults.

2016-2018

ACON (Autism Coalition of Nevada) board member

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

N/A

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

Cubbies Program (Church of Lake Mead) – led and taught kindergarteners about God and the bible
2013-2014

Church greeters during services 2012-2014

PTA (Parent Teacher Association) board member (Secretary for Pre-K) 2009-2013

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

2009 Mountain States Rising Star, Super Lawyers

September 1, 2009 Henderson City Council Commendation

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.

N/A

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.

Bike riding, walking, baking, spending time with family

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.

No

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.

None

Other

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.

No

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 statement

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.

I believe in our legal system. It is not perfect and has room to improve. But I believe that even one person can help maintain its integrity and develop new ways to address struggling areas. Being a judge is a first-hand way to impact our legal system, impact the lives of people that appear before it, and positively give back. Judges do not work in a vacuum but work as part of the community to help decide disagreements or impose consequences for actions. Judges bring all of their history, experience, knowledge, and compassion when taking the bench. The key is being a neutral body when listening to and applying evidence to existing laws and remembering and recognizing that those appearing before you are people.

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 attached sample.

QUESTION NO. 47

What Sets Me Apart From the Other Candidates?

My diverse background in both civil and criminal cases along with sitting as an Administrative Law Judge sets me apart from my other candidates. Unlike some attorneys who primarily practiced in one legal field, my legal experience has both variety and complexity.

As an Elder Law attorney, I learned about conservatorship, guardianship, and probate. I learned the nuances of drafting legal documents including but not limited to trusts, wills, codicils, and powers of attorney so they reflected the desires and goals of our clients. I also learned how to identify who was our client, whether the 60–70 year old children or the 80-90 year old parents, and how to adapt my communication to the different generations we served. Elder Law taught me challenges children faced in caring for their aging parents and how their goals did not always align. Being an Elder Law attorney taught me to be compassionate towards the families and their tremendous responsibility of navigating the growing needs of their aging parents. My role as an attorney taught me how to facilitate difficult discussions and how to translate identified needs into legal documents.

My position as a defense attorney taught me that people need representation in the criminal system. My job was not only to explain the criminal system to my clients but also to discuss strengths and weaknesses of their cases with them. Criminal defense allowed me to recognize defendants as people and make sure that their Constitutional rights were represented during the criminal process. The outcome of a cases directly impacted their lives and the quality of their future. Being an attorney is more than just processing evidence and moving cases. It is a way to directly touch the lives of each client and make a first-hand difference. I also had the fortunate opportunity to understand the criminal process from the defense side and learn the importance of

acting as a balance to the prosecution when protecting Constitutional rights of a defendant during investigations, collection of evidence, questioning, and sentencing. Being a defense attorney taught me how to conduct jury trials and apply evidence rules during litigation. It allowed me to be in the courtroom and hone my skills as a litigator.

Being an Assistant City Attorney for nearly 10 years allowed me to practice in both criminal prosecution and the civil representation of City departments. As a prosecutor, I refined my application of evidence rules and learned the importance of protecting the community when prosecuting cases. I believe in consequence for convictions. I was able to interpret and apply criminal law and procedure to specific facts and determine when there was probable cause to prosecute a case. Being a prosecutor allowed me to be the voice of the community.

When I was in the Civil Division, I continued growing in my legal writing ability and learned how to represent City departments. I wrote forfeiture motions, stipulations and orders, proposed orders and default judgments, and oppositions. I also helped develop the Abandoned Residential Real Property Registry, the structure/procedure for the Board of Appeals to hear challenges to code enforcement and/or building citations and fire safety citations, and proposed changes to the City Code (HMC Chapter 15.13) to incorporate citation procedures. I performed legal research and wrote memorandums summarizing my research. Being an Assistant City Attorney in the Civil Division required me to grow my skills and understanding in Constitutional Law and Administrative Hearings. I also had to adapt my communication to my different departments such as fire, code enforcement, ethics, alternative sentencing division, court, forfeitures, and administrative hearings.

My most recent and current positions as an Administrative Law Judge (“ALJ”) has allowed me to learn yet another aspect of law. I was an ALJ/in-house counsel for the Taxicab Authority and am currently the ALJ (“Appeals Officer”) for the Hearings Division. Instead of advocating for a department or one party, I now listen to evidence, apply this evidence to the law, and decide if a party has satisfied its burden of proof. Being an ALJ required me to learn and apply new statutes, codes, and terminology unique to the taxicab industry, to workers’ compensation, and to victims’ of crime cases. Being an ALJ has taught me how to maintain control in the courtroom, allow the parties their time to present their cases, and make evidentiary decisions during hearings. This position has given me the best of both worlds allowing me to be in court, think on my feet, and write decisions addressing various legal issues.

Having diverse positions during my legal career required me to develop different skills, learn numerous laws, adapt quickly, and be responsive to changing audiences. I learned how to be resilient, tenacious, and welcome growth. I adapt my approach to the goals before me and look forward to a new challenge in becoming a judge for the District Court.

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BEFORE THE APPEALS OFFICER

In the Matter of the Contested)	
Industrial Insurance Claim of:)	Claim Nos. : [REDACTED]
[REDACTED],)	
[REDACTED],)	Appeal No. : [REDACTED]-JRS, [REDACTED]-JRS
Claimant.)	[REDACTED]-JRS, [REDACTED]-JRS
)	[REDACTED]-JRS, [REDACTED]-JRS
)	[REDACTED]-JRS

DECISION AND ORDER

The above-entitled matter came before Appeals Officer JANETTE REYES-SPEER, ESQ. The parties submitted Closing Briefs. Claimant, [REDACTED], appeared by and through his attorney, [REDACTED], ESQ., of the law firm, [REDACTED] and submitted his closing brief on November 28, 2022. The Employer, [REDACTED], appeared by and through its attorney, [REDACTED], ESQ. of the law firm of [REDACTED] and submitted its closing brief on November 22, 2022 and its reply brief on December 8, 2022. The issues before the Appeals Officer are as follows:

- (1) Appeal No. [REDACTED] claimant's appeal of Hearing Officer's order dated January 7, 2019 affirming insurer's de facto denial of claimant's September 25, 2018 letter requesting rescinding of claim closure, orthopedic brace, and amending scope of claim;
- (2) Appeal No. [REDACTED] insurer's appeal of Hearing Officer's order dated March 6, 2019 remanding insurer's December 7, 2018 determination denying to expand the scope of claim;
- (3) Appeal No. [REDACTED] insurer's appeal of Hearing Officer's order dated February 28, 2019 remanding insurer's January 11, 2019 determination denying to expand the scope of claim and treatment;

1 (4) Appeal No. [REDACTED] claimant's appeal of Hearing Officer's order dated February
2 28, 2019 remanding insurer's January 11, 2019 determination denying to expand the scope of
3 claim and treatment;

4 (5) Appeal No. [REDACTED] claimant's appeal of insurer's February 12, 2019 determination
5 regarding claim closure and scope;

6 (6) Appeal No. [REDACTED] claimant's appeal of Hearing Officer's order dated May 17,
7 2019 affirming insurer's April 2, 2019 determination denying to comply with the Hearing
8 Officer's Order dated February 28, 2019; and

9 (7) Appeal No. [REDACTED] claimant's appeal of Hearing Officer's order dated May 17,
10 2019 affirming insurer's April 2, 2019 determination denying to comply with the Hearing
11 Officer's Order dated February 28, 2019.

12 No witnesses testified. After reviewing the evidence submitted and considering the
13 Closing Briefs and Reply, the Appeals Officer finds and decides as follows:

14 **FINDINGS OF FACT**

15 1. [REDACTED] ("Claimant") on April 4, 2016 fell while getting into the
16 driver's side door of his limo. Ex. A, p. 5-7. The Claimant explained he tripped on the step of
17 the driver's side door and felt pain in his left ankle, right knee, and head. Ex. A, p. 7.

18 2. The insurer on April 8, 2016 accepted the claim for a head contusion, left ankle
19 and right knee strains only. Ex. A, p. 22. On December 14, 2016, the insurer expanded the
20 claim to include a right knee suprapatellar strain, left ankle posterior impingement, and left ankle
21 posterior tibialis tendon. Ex. A, p. 84-85.

22 3. On June 9, 2017, Dr. [REDACTED] visited with the Claimant for a follow-up. Ex. 1,
23 p. 110-112. Dr. [REDACTED] ordered the Claimant to continue with physical therapy for his right
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1 knee and recommended an MRI arthrogram for the Claimant's left ankle. Ex. 1, p. 111. The
2 left ankle MRI arthrogram was performed on June 29, 2017. Ex. 1, p. 113-114.

3 4. During the July 10, 2017 visit, Dr. [REDACTED] reviewed the June 29, 2017 MRI
4 arthrogram which showed significant arthritis in the posterior aspect of the ankle, a tear of the
5 lateral collateral ligament or calcaneofibular ligament, and some thickening of the anterior
6 talofib ligament. Ex. 1, p. 015-017. Dr. [REDACTED] recommended a transfer of care to Dr. [REDACTED]
7 [REDACTED] for the Claimant's left ankle and found the Claimant was stable, ratable, and reached
8 maximum medical improvement for his right knee. Ex. 1, p. 016-017, 018.

9 10 11 5. On July 20, 2017, the Claimant met with Dr. [REDACTED] for his left ankle. Ex. 1, p.
12 119-121. Dr. [REDACTED] assessed the Claimant with left ankle posttraumatic arthritis, left
13 posterior tibial tendon strain, and left plantar fasciitis. Ex. 1, p. 120. Dr. [REDACTED] was unable
14 to determine the extent of the Claimant's arthritis present in his left ankle before the April 4,
15 2016 industrial injury but believed this event exacerbated the Claimant's preexisting condition.
16 Id. Dr. [REDACTED] admitted he was still determining a diagnosis but meanwhile administered an
17 injection. Id.

18 19 20 6. On August 28, 2017, Dr. [REDACTED] opined that the Claimant's heel pain was related
21 to the April 4, 2016 industrial injury based upon the Claimant's change in gait. Ex. 1, p. 123.

22 23 7. During the September 5, 2017 visit, Dr. [REDACTED] noted the Claimant was moving
24 to Illinois and transferred his care there. Ex. 1, p. 124-125.

25 26 8. The Claimant on September 18, 2017 also notified the insurer of his move to
27 Illinois. Ex. 1, p. 126.

28 9. Unable to obtain authorization for treatment in Illinois from the insurer, the
Claimant treated outside the claim with Dr. [REDACTED] a foot and ankle surgeon, on October

1 17, 2017. Ex. 1, p. 127-130. The Claimant reported his April 2016 industrial accident, having
2 diagnostic testing, and being told he had plantar fasciitis and ankle arthritis. Ex. 1, p. 127. Dr.
3 [REDACTED] reviewed the Claimant's October 17, 2017 left ankle x-ray results and June 2017 MRI
4 left ankle images, but did not have the June 2017 left ankle radiology report. Ex. 1, p. 129-130.
5 Upon reviewing these x-rays and images as well as physically examining the Claimant, Dr.
6 [REDACTED] assessed the Claimant with left plantar fasciitis and left ankle pain with ankle arthritis
7 opining these were aggravated by the Claimant's previous ankle injury. Id. The Claimant had
8 several visits with Dr. [REDACTED]. Ex. 2, p. 2-5 (10-17-17 visit), 21-25 (12-11-18 visit), 29-33
9 (06-20-19 visit), 34-37 (07-22-19 visit), 38-41 (08-05-19 visit), 42-46 (08-26-19 visit)).
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12 10. In answering insurer's questions, Dr. [REDACTED] on December 19, 2017 denied that
13 the Claimant's plantar fasciitis nor his groin pain was related to the April 2016 industrial
14 accident. Ex. 1, p. 132.
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16 11. On February 5, 2018, the Claimant continued receiving treatment under his
17 private insurance and visited with Dr. [REDACTED]. Ex. 1, p. 136-140; Ex. 2, p. 6-10. The
18 Claimant discussed rolling his left ankle at work in April 2016 but not having the diagnostic test
19 results with him. Ex. 1, p. 136-137. Dr. [REDACTED] had limited medical information about the
20 Claimant's left ankle. Dr. [REDACTED] did not address causation.
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22 12. The insurer in a March 26, 2018 determination closed the claim. It incorrectly
23 sent its closure letter to [REDACTED] located at [REDACTED], Las Vegas, NV
24 89101. Ex. 1, p. 145-146. The Claimant's correct attorney, however, was at [REDACTED] located
25 at [REDACTED] Las Vegas, NV 89101.
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27 13. Claimant's counsel represented not receiving the insurer's claim closure
28 determination. Ex. 1, p. 173-174.

1 14. Claimant's counsel in a January 15, 2019 letter informed the insurer it had
2 incorrectly sent the claim closure determination to the wrong attorney and not to [REDACTED]
3 Id.

4 15. Pursuant to a Hearing Officer's May 25, 2018 order, the insurer scheduled the
5 Claimant for an independent medical examination with Dr. [REDACTED] Ex. 1, p. 154-162.

6 16. On August 1, 2018, Dr. [REDACTED] physically examined the Claimant and reviewed
7 complete medical records of the Claimant's treatment from 2008 to 2017. Medical records
8 included treatment the Claimant received from Dr. [REDACTED] in Illinois. Ex. 1, p. 158-159. Dr.
9 [REDACTED] assessed the Claimant with "likely posterior tibial tendon injury, left lower extremity, with
10 resultant increase in both subjective and objective flat foot deformity, left lower extremity.
11 Likely related to injury described." Ex. 1, p. 159. Dr. [REDACTED] opined that, "At this time, I do think
12 that [the Claimant's] current level of symptoms are related to the injury that he sustained. It is
13 likely that this has caused not only a worsening in the actual physical position of the foot, but at
14 the current level of symptoms he is having." Ex. 1, p. 159. Dr. [REDACTED], later in his report, stated,
15 "Again, I do believe that his current level of symptoms are related to the injury as he has
16 described it." Id. Dr. [REDACTED] made his opinions in his report to a reasonable degree of medical
17 probability. Id.

18 17. Dr. [REDACTED] in his August 1, 2018 Physician's Progress Report specifically stated,
19 "Yes. See full report." when asked if his diagnosis of the Claimant's left ankle was related to
20 the industrial injury. Ex. 1, p. 161.

21 18. In response to questions from Claimant's counsel, [REDACTED] on October 16, 2018
22 causally connected the Claimant's posterior tendon injury, left lower extremity, with resultant
23 increase in both subjective and objective flat foot deformity, left lower extremity to the April 4,
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1 2016 industrial accident. Ex. 1, p. 166-167. Dr. [REDACTED] also supported treatment for these injuries
2 under the claim, including but not limited to, any need for a custom orthopedic brace, physical
3 therapy, and/or possible surgery. Ex. 1, p. 166-167.

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5 19. On April 26, 2020, Dr. [REDACTED] performed a records review of the
6 Claimant's treatment and opined about causation. Ex. H, p. 253-256.

7 20. Dr. [REDACTED] assessed the Claimant with PTTD, although not confirmed by the
8 MRI, bilateral flatfoot deformities that can lead to hindfoot arthritis, and plantar fasciitis (heel
9 pain) primarily stemming from the Claimant's ankle arthritis. Ex. H, p. 254-255. Dr. [REDACTED]
10 opined these were not related to the April 2016 industrial incident explaining that the MRI
11 showed no acute injury but showed arthritis of the left ankle, which could be the main pain
12 generator. Ex. H, p. 255. Although the diagnosis of PTTD may be correct, the MRIs did not
13 show any evidence of tendon acute tears. Id. Further regarding plantar fasciitis, the MRI did
14 not show evidence of a tear rather than a thickening of the plantar fascia as was seen in the
15 present case. Id. As no evidence suggests the Claimant had an acute traumatic injury, Dr.
16 [REDACTED] believed the Claimant's injuries developed from degenerative conditions. Id. Dr.
17 [REDACTED] supported further treatment on a non-industrial basis. Ex. H, p. 255. Dr. [REDACTED] found
18 the Claimant reached maximum medical improvement for his left foot and ankle industrial
19 injuries. Id.

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23 21. That all Findings of Fact more properly characterized as Conclusions of Law
24 shall be so construed.

25 22. That the aforesaid Findings of Facts are based on the reliable, probative and
26 substantive evidence of the whole record.

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1 CONCLUSIONS OF LAW

2 1. The Court has jurisdiction to hear the matter of claim closure on its merits. NRS
3 616C.315 permits an injured worker to file an appeal within 70 days after the date on which the
4 notice of the insurer's determination was mailed by the insurer.
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6 2. Both a hearing officer and an appeals officer lack subject matter jurisdiction to
7 hear a case on its merits when a claimant fails to file a timely appeal under NRS 616C.315.
8 Reno Sparks Convention Visitors Authority v. Jackson, 112 Nev. 62, 910 P.2d 267 (1996).
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10 3. NRS 616C.315, however, provides a few exceptions excusing an untimely appeal
11 of a determination including (1) the time to appeal may be extended for an additional 90 days if
12 the claimant, his spouse, parent, or child was diagnosed with a terminal illness or died, (2) appeal
13 time may be tolled if the insurer failed to mail/send the determination, or (3) an untimely request
14 for a hearing may be excused if the claimant did not receive the determination. *See* NRS
15 616C.315.
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17 4. The time to appeal a determination may not even begin if claimant's counsel is
18 not served with a claim closure determination. In Holiday Inn Downtown v. Barnett, 103 Nev.
19 60, 732 P.2d 1376 (1987), the Supreme Court held that the time to appeal never began because
20 the insurer failed to notify claimant's counsel of claim closure. In Barnett, the insurer had notice
21 that the Claimant was represented by counsel and that counsel requested all correspondence
22 regarding the claim be sent to his office. *Id.* at 1379.
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24 5. Similar to counsel in Barnett, counsel in the present case was entitled to notice
25 of claim closure but never received it. Claimant's counsel on May 25, 2016 sent a letter of
26 representation to the insurer requesting all determination letters along with other documents be
27 sent to her until the close of the claim. Ex. A, p. 49.
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1 6. Upon receiving a letter of representation, the insurer was obligated to provide a
2 copy of any determinations, including the March 26, 2018 claim closure determination, to
3 Claimant's counsel.
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5 7. The insurer's actions as recent as March 14, 2018 showed it knew the identity of
6 Claimant's counsel when it sent a March 14, 2018 determination to [REDACTED] denying to
7 expand the Claimant's scope of claim. The insurer in the March 14, 2018 used Claimant's
8 counsel's correct address for [REDACTED] located at [REDACTED], Las Vegas,
9 Nevada 89101.
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11 8. Despite the insurer sending earlier determinations to Claimant's counsel, it
12 incorrectly sent its March 26, 2018 claim closure letter to [REDACTED] located
13 at [REDACTED] Vegas, NV 89101. The claim closure determination was sent to the
14 wrong attorney located at the wrong address.
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16 9. In a January 15, 2019 letter, Claimant's counsel informed the insurer it had
17 incorrectly sent the claim closure determination to the wrong attorney and not to [REDACTED].
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19 10. As claim closure notice was not provided to Claimant's counsel, the appeal time
20 to challenge claim closure never started. For these reasons, the Court has jurisdiction to hear
21 the underlying matters on its merits.

22 11. Evidence did not support the insurer properly closed the present claim on March
23 26, 2018. The insurer's March 26, 2018 determination did not comply with NRS 616C.235.
24 NRS 616C.235 provides:

25 1. Except as otherwise provided in subsections 2, 3 and 4:

26 (a) When the insurer determines that a claim should be closed
27 before all benefits to which the claimant may be entitled have been paid, the
28 insurer shall send a written notice of its intention to close the claim to the
claimant by first-class mail addressed to the last known address of the

1 claimant and, if the insurer has been notified that the claimant is represented
2 by an attorney, to the attorney for the claimant by first-class mail addressed
3 to the last known address of the attorney. The notice must include, on a
4 separate page, a statement describing the effects of closing a claim pursuant
5 to this section and a statement that if the claimant does not agree with the
6 determination, the claimant has a right to request a resolution of the dispute
7 pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive,
8 including, without limitation, a statement which prominently displays the
9 limit on the time that the claimant has to request a resolution of the dispute
10 as set forth in NRS 616C.315. A suitable form for requesting a resolution
11 of the dispute must be enclosed with the notice. The closure of a claim
12 pursuant to this subsection is not effective unless notice is given as required
13 by this subsection.

14 12. This statute required the insurer to provide notice to both the Claimant and his
15 counsel. Evidence, however, supported that counsel did not receive notice.

16 13. As explained above, counsel did not receive this determination letter and the
17 forms necessary for appeal. Absent proper notice, the claim remains open.

18 14. The Claimant adduced evidence sufficient to support claim expansion under NRS
19 616C.160.

20 15. A claimant must satisfy NRS 616C.160 to expand the scope of claim. The
21 Claimant under NRS 616C.160 bears the burden of establishing by medical evidence a causal
22 connection between his new injuries and his April 4, 2016 industrial accident.

23 16. Causation cannot be based solely upon possibilities. United Exposition Serv. Co.
24 v. State Indus. Ins. Sys., 109 Nev. 421, 425, 851 P.2d 423 (1993), established, “an award of
25 compensation cannot be based solely upon possibilities and speculative testimony. A testifying
26 physician must state to a degree of medical probability that the condition in question was caused
27 by the industrial injury, or sufficient facts must be shown so the trier of fact can make the
28 reasonable conclusion that the condition was caused by the industrial injury.” This standard was

1 subsequently supported by Horne v. State Indus. Ins. System, 113 Nev. 532, 936 P2d 839, 842-
2 843 (1997).

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4 17. The Court found Dr. [REDACTED] report(s) most persuasive in supporting expanding
5 the scope of claim in the present case. Dr. [REDACTED] August 1, 2018 established the causal
6 connection between the Claimant's left ankle injury and the April 4, 2016 industrial accident.
7 On August 1, 2018, Dr. [REDACTED] physically examined the Claimant and reviewed complete medical
8 records of the Claimant's treatment from 2008 to 2017. Medical records included treatment the
9 Claimant received from Dr. [REDACTED] in Illinois.

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11 18. Dr. [REDACTED] assessed the Claimant with "likely posterior tibial tendon injury, left
12 lower extremity, with resultant increase in both subjective and objective flat foot deformity, left
13 lower extremity. Likely related to injury described." Dr. [REDACTED] opined that, "At this time, I do
14 think that [the Claimant's] current level of symptoms are related to the injury that he sustained.
15 It is likely that this has caused not only a worsening in the actual physical position of the foot,
16 but at the current level of symptoms he is having."

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18 19. Dr. [REDACTED], later in his report, stated, "Again, I do believe that his current level of
19 symptoms are related to the injury as he has described it." Dr. [REDACTED] made his opinions in his
20 report to a reasonable degree of medical probability.

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22 20. Further, Dr. [REDACTED] in his August 1, 2018 Physician's Progress Report specifically
23 stated, "Yes. See full report." when asked if his diagnosis of the Claimant's left ankle was
24 related to the industrial injury.

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26 21. Dr. [REDACTED] August 1, 2018 medical report established the necessary causal
27 connection required under NRS 616C.160.

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IT IS FURTHER HEREBY ORDERED that in Appeal No. [REDACTED], the Hearing Officer's order dated February 28, 2019 remanding insurer's January 11, 2019 determination denying to expand the scope of claim and treatment is AFFIRMED.

IT IS HEREBY FURTHER ORDERED that in Appeal No. [REDACTED], the Hearing Officer's order dated February 28, 2019 remanding insurer's January 11, 2019 determination denying to expand the scope of claim and treatment is AFFIRMED.

IT IS HEREBY FURTHER ORDERED in Appeal No. [REDACTED], the insurer's February 12, 2019 determination regarding claim closure and scope is REVERSED.

IT IS HEREBY FURTHER ORDERED in Appeal No. [REDACTED], the Hearing Officer's order dated May 17, 2019 affirming insurer's April 2, 2019 determination denying to comply with the Hearing Officer's Order dated February 28, 2019 is REVERSED.

IT IS HEREBY FURTHER ORDERED in Appeal No. [REDACTED], the Hearing Officer's order dated May 17, 2019 affirming insurer's April 2, 2019 determination denying to comply with the Hearing Officer's Order dated February 28, 2019 is REVERSED.

IT IS HEREBY FURTHER ORDERED that the present appeals are REMANDED for the insurer to AMEND the scope of claim to include the diagnoses of Dr. [REDACTED] regarding the Claimant's left ankle/foot.

IT IS HEREBY FURTHER ORDERED that the insurer issue all appropriate benefits under chapters NRS 616A to NRS 616D consistent with this decision.

DATED this ____ day of _____, 2019.

JANETTE REYES-SPEER, ESQ.
APPEALS OFFICER

1 NOTICE: Pursuant to NRS 233B.130, should any party desire to appeal this final determination
2 of the Appeals Officer, a Petition for Judicial Review must be filed with the District Court within
3 30 days after service by mail of this decision.
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