

INVESTITURE
OF
JUSTICE MIRIAM SHEARING
AND
JUSTICE CHARLES E. SPRINGER

Monday, January 4, 1993

10:00 a.m.

**Old Assembly Chambers
Capitol Building
Carson City, Nevada**

NEVADA STATE SUPREME COURT

CHIEF JUSTICE ROBERT E. ROSE

JUSTICE THOMAS L. STEFFEN

JUSTICE CLIFF YOUNG

ALYCE McCracken, Church of Jesus Christ of
Latter-Day Saints

ROBERT F. LIST, Former Governor of Nevada

PROCTOR HUG, JR., United States Circuit Court of Appeals

BOB MILLER, Governor of Nevada

MORTON R. GALANE, ESQ.

DEBORAH A. AGOSTI, District Judge

REVEREND FATHER GEORGE C. BRATIOTIS, St. Anthony
Greek Orthodox Church

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BAILIFF:

The Supreme Court of the State of Nevada is now in session, the Honorable Chief Justice Rose presiding.

CHIEF JUSTICE ROSE:

Please be seated. Good morning. The Nevada Supreme Court is now in special session to conduct the investitures of Charles Springer and Miriam Shearing. We will proceed with the invocation and the pledge of allegiance. Will you please rise for the invocation to be given by Alyce McCracken.

ALYCE MCCRACKEN:

Our dear heavenly Father, we bow our heads at the beginning of this special ceremony today. We are blessed and thankful, Father in heaven, for being able to live in this wonderful land of America and to have the freedom that we enjoy under our form of government and our justice system. We are grateful, Father in heaven, for those who have been elected and called to this high calling, to the Supreme Court Justice of the State of Nevada. We pray for their health, their wisdom and their success in this calling. May they be blessed with success to carry out their responsibilities. Now we pray and ask thy blessings upon this investiture ceremony. This we say in the name of Jesus Christ. Amen.

CHIEF JUSTICE ROSE:

Please say the Pledge of Allegiance with me.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Please be seated.

Good morning. We are entering a new era for the Nevada Supreme Court. We are just settling into our beautiful, functional building, and in the next six months we will conclude the supreme court automation project. This is the purchase and installation of computers and software for the court, just getting it in time for the twenty-first century. This will enable us to increase the information available to court personnel and permit our quick access to it. The term of the longest sitting justice on the Nevada Supreme Court in recent times has come to an end, and today the term of our first female justice will begin. Indeed,

this is the beginning of a new chapter for the Nevada Supreme Court.

I would like to introduce the members of the Nevada Supreme Court who are here seated with me, and then our distinguished guests. (Members of the court and visiting dignitaries were introduced.) Well, thank you. You have contributed to our attendance and to our ceremony.

I would also like to thank those former and present members of the Legislature for the fine building and funding our computer automation project because without that, without the funding, we would not have been able to go forward and now be housed in the lovely facility that we are. So again, thank you very much.

(State and local officials attending ceremony were recognized.)

We will now proceed to the investiture of the Honorable Charles Springer. The first person to speak to us concerning Justice Springer is Bob List.

Bob List is a friend and well known to all of us. He served here as district attorney of Ormsby County, now Carson City, and then went on to serve two terms as Attorney General where he put in a remarkable performance both in the office and in enhancing the image of that office so that when he ran for Governor, he was virtually unbeatable. I can attest to that fact, because I ran against him. Bob went on and did a fine job as Governor of the State of Nevada, and now is one of the heads of one of the finest firms in the State of Nevada. Without further ado, I would like to introduce Governor Bob List to you.

BOB LIST:

Thank you very much. Mr. Chief Justice, Justice Young, Justice Steffen, and Justice-elect Shearing and finally Justice-elect Springer, honored guests and friends. It's a real pleasure and a great honor for me to be here today.

On November 3rd, 1992, the people of Nevada turned out in record numbers to directly participate in the democratic process. Every one of those individuals from across this great state of some 110,000 square miles went into their individual booth and cast a very personal vote and made a very personal decision for a good many offices affecting the future of the leadership of our state. They helped decide who would lead our nation, and they chose a substantial number of men and women who would lead our state in the years ahead. In that process, two seats on our state's highest court were filled. And once again, the Supreme Court of Nevada was reformed and reshaped.

In a precedent as significant perhaps as many of the rulings of the court itself, a woman, for the first time, was elected to its membership. And we salute her today for her tremendous accom-

plishment, for her courage to take on a campaign of such enormous magnitude, for her grit on the campaign trail, and for her stunning victory. Justice-elect Shearing and I sit together as members of the National Board of Directors of the American Judicature Society, and I can personally attest to her discipline, her principle and the intellect that she will bring to this court.

And, as we know, Justice Springer, on that same day, was re-elected without opposition, and with the highest number of votes ever cast for any individual on the Nevada ballot in the history of our state. His circumstance of being unopposed in 1992, I think, is a reflection of his character, is a tribute to his years of public service, and is a measure of high regard in which Justice Springer is held by the bench and by the bar and by the people of our state. I am told there were a significant number of aspirants who considered running against Justice Springer for the court. They assessed the circumstances, they looked at his preparedness for a tough political campaign, they evaluated his record and, most importantly, they looked at the array of friends and supporters from throughout the state, and, I think very wisely and very judiciously and quickly backed away from such an encounter. So today Justice Springer takes a seat he has won, and that he has earned, through years of dedicated service to Nevada. Born in Reno, educated at the University of Nevada, with a law degree from Georgetown University, he began his law practice here in 1953. And since those early days, probably his greatest partner and certainly his greatest ally throughout his professional career has been his lovely wife, Jacquie, who is here today. Jacquie, we salute you as well.

His professional achievements speak to his lifetime commitment to continuing education, to self improvement, and to his willingness to share his wisdom and his experience through teaching and writing, as well as serving as a member of the court. Having served as a law clerk to United States Judge Roger Foley, he worked as a legislative bill drafter, and later served as a legal advisor to the Governor of Nevada, and subsequently served as Attorney General of our state. I dare say he is one of the few individuals who served in all three branches of our state government. His lifetime interest in juvenile law is no doubt the area for which Justice Springer is best known. His work as a juvenile court master, for seven years, formed the benchmark from which his reputation grew on a nationwide scale. Among his honors were these: he was elected as President of the National Association of Juvenile Court Judges; he was elected to the Board of Trustees of the National College of Juvenile and Family Court Judges; and in 1980 received their highest honor with the Outstanding Service Award. In 1983, he was chosen to chair the

International Conference on Youth and Crime and Justice at Rutgers University. His publications in the special juvenile law field include the book entitled "Justice for Juveniles," published by the United States Department of Justice in 1986, and an article entitled "Rehabilitating the Juvenile Court," which was published by the Notre Dame Law Journal of Ethics and Public Policy in 1991. Justice Springer has served on the faculty from the teaching standpoint with the National College of Juvenile and Family Law at the National Judicial College, and he continues to teach juvenile law as a member of the faculty of McGeorge School of Law in Sacramento.

Today marks twelve years of service to this high court by Justice Springer. It is one of the busiest courts in the country, and yet the quality of the work product is top notch. And here again, Justice Springer has distinguished himself as one of the handful of Nevada justices in the history of our state to have had an opinion annotated in the American Law Reports or ALR. He remains involved on the cutting edge of the law and presently serves on the restatement committee of the American Law Institute, the only Nevadan serving in that capacity. And perhaps most symbolic of his dedication to this court is another extremely important achievement, having earned his Masters of Law degree, his LL.M. degree in Judicial Process at the University of Virginia in 1984, while simultaneously serving as a member of this court.

Nevada can be proud that Justice Steffen has also earned his Master of Law degree in Judicial Process from UVA, and I understand that Chief Justice Rose has also enrolled in that masters' program. And Justice Young brings to this bench, also, a lifetime of service to our state, and to Washington as a member of the House of Representatives, and, for many years, as a member of our State Senate before joining this court here.

So while we have a busy court, we have an array of very capable, competent, and committed justices. With the decision by the voters last fall to stick with our single-level appellate court process here in Nevada, we are indeed fortunate to have a court with a work ethic and with the caliber of individuals, which this great institution currently has. Individually and collectively, these justices certainly are among the most competent of any court of an appellate nature in America. And so, the addition of these two swearing-ins today, I join in congratulating Justice Springer and Justice Shearing, but also in saying that the bench and the bar of Nevada wish each of you and each of your colleagues, a very constructive, a very harmonious, a collegial, and a productive term, as you embark on your sworn duty to ensure the delivery of justice to our fellow citizens. Congratulations.

CHIEF JUSTICE ROSE:

Our next speaker will be the Honorable Proctor Hug, Jr. Proc Hug is known, I think, to just about everyone in the audience. He has distinguished himself as a member of the Ninth Circuit Court of Appeals, and either is, or will be, assuming the title of Chief Judge of that circuit in the not too distant future, if not now, which is a singular honor for the State of Nevada. I think all of the judges and lawyers here today know that. Proc has been a good friend of Charlie's for a long time, practiced law with him and he's a friend to every member of this court. Without further ado, Judge Proc Hug.

JUDGE PROCTOR HUG:

Chief Justice Rose, Justice Young, Justice Steffen, Justice-elect Shearing. I'm not going to say anything yet for you, Charlie. Governor Bob List has been so thorough and so detailed that he has almost left me with nothing to say, except that I agree.

I am very pleased to be asked to speak at this investiture for Justice Charles Springer, just as I did twelve years ago when Justice Springer was first elected. Our friendship does go back a long ways, back to the University of Nevada college days where we trained together on the track team. And I know some of you know, but many of you may not, that Charlie Springer was a superb athlete. In track he was really outstanding and he, at one point, had a 9.7 hundred yard dash, which was one of the best marks in the country. At that time the world record was only 9.4. Because of his extra speed and so forth, he was an outstanding receiver for the famous University of Nevada football teams of 1948 and 1949, when one of them went to the Harbor Bowl.

Charlie is a couple of years older than I am, as you probably can easily observe. He got out of law school, therefore, a little ahead of me. After practicing for a little while alone, he formed a partnership with Harry McKissick, which I joined a couple of years later. Our firm name was Springer, McKissick and Hug. At that time, Nevada was rather known for its divorce laws and divorce practice, and Herb Kane picked up this name of a firm, and that it was particularly appropriate: Spring, Kiss and Hug for divorce. A couple of years later, when Roger Newton joined our firm, he was pleased to note that a touch of gravity had been added to his favorite firm. Those were really exciting years for us as we were beginning practice, and we attacked the establishment, tried a lot of cases, and did a lot of exciting things during those years. I was sorry when Charlie decided to leave and become Attorney General, perfectly understandably. So at that point our partnership ended.

Through the years Barbara and I have remained very good

friends with Charlie and Jacquie, and their daughter Kelli. And although our paths don't cross as frequently now that I'm in the federal judicial system and he is in the state system, we have remained good friends.

I was pleased when he was elected twelve years ago to the Nevada Supreme Court because he had had a distinguished legal career. He is creative, imaginative, and willing to undertake unpopular causes that he felt were just. He is very bright, writes clearly, succinctly, articulately and very convincingly. He is, with all his affable mannerisms and attitude, kind of a closet scholar. He will sneak off to the library and study Plato, Jeremy Benson and John Stuart Mill, and not let you know about it, but that really contributes a lot to the depth of his opinions. He also has a great sense of humor. Sometimes that is very much needed when you are a judge, and I think it has served him well. He has, as Governor List mentioned, had a great influence upon juvenile law in the state and in the nation, having started out as a master in Washoe County, and proceeded with a lot of influence on the National Council of Juvenile and Family Court Judges and with the local National College of Juvenile Justice. This is important, I think, because really in the juvenile area is where we have the greatest hope of doing something early in a person's life, to have them change course from a life of crime to a productive life.

Charlie Springer must have been very pleased in the last election, as Governor List noted. First of all, because he was unopposed, but secondly, to have received more votes than any other political candidate in the history of the State of Nevada. When embarking on a new or a continued assumption of responsibility, it is important, I think, to kind of take stock of ourselves. I know I do that every now and then, and it has been very helpful to me—with a quotation that I have kept periodically to look at from former Chief Justice Charles Evans Hughes of the United States Supreme Court. He said, "One of the most important lessons in my life is that success must be continually won, and it is never finally achieved." There are those who look upon the supposed fortunate in our social effort and have achieved places of influence and distinction as though they had, in some way, gained a citadel in which they could stand secure against every attack. In truth, all they have done is gain another level of responsibility in which they must make good. Every day is one of test. Every day puts at risk all that has been gained. The greater the apparent achievement, the more serious is the risk of loss. As has been well said, it's not worth while to talk at the end of a period, for you are always at the beginning of a new one. Justice Springer, I congratulate you on your election, and I wish you all good fortune in the beginning of this new period.

CHIEF JUSTICE ROSE:

I can also summarize those remarks made by our speakers, and it's really a pleasure to have a proven jurist, an excellent writer, an expert in family and juvenile law, and a good friend renewing himself for another six-year term with this court. As I indicated, I do believe we are entering a new era, and it's always helpful to have the experience and proven ability on hand. At this time, Charlie, I would like you to come forward and I will administer the oath of office to you, and then will ask Jacquie, your wife, to come up and to robe you. (Chief Justice Rose administered oath of office to Justice Designate Springer.) You are duly installed.

JUSTICE SPRINGER:

Mr. Chief Justice, members of the court, clerks, members of the judiciary, a special greeting to our incoming justice, Justice Shearing, Governor Miller, Governor List, constitutional executive officers, members of the Legislature, honored public officials, ladies and gentlemen and friends. I was thinking as Jacquie put my robe on, that since about midnight, I haven't had a job. My term expired last night, and I was getting a little nervous. I told one of the clerks that she could kind of say whatever she wanted to me for a little while, until I became, I guess, reinvested, reborn—however you want to put it.

I was thinking about what to say and it came to me very easily, because I remember quite clearly twelve years ago, the emotions that I had, and the thoughts that I had when I embarked on the career as an appellate justice on the Nevada Supreme Court. And so, since I have the same thoughts today, I will talk about these same thoughts and sentiments for a short period of time. What I talked about twelve years ago were the two feelings I had. They were that of gratitude and that of the sense of duty, and I still have those same emotions. I feel the same sense of gratitude that I felt then to the people who helped to get me elected to this position. I am satisfied, as probably other people who understand the situation, that I highly probably would not be a justice of the Supreme Court if it were not for the elective system. So I am very much indebted to the people of the State of Nevada for allowing me their trust and permitting me to be a member of this court.

For some reason, I think maybe it would be interesting for a political scientist to study it sometime, when you have a justice of the Supreme Court running unopposed, one out of four people say, "No, we don't want him," and vote for none of the above. And that's not too flattering, but it is the way people feel. And I think that they feel that way because the judicial branch of government, or in Nevada, called the judicial department of government, makes a wonderful aggression sponge. People are

dissatisfied about a lot of things, and judges are pretty good people to take it out on. And I get, from time to time, phone calls. My skillful secretary, Jeannette Miller, screens them. They call up and say they want to talk to that Nazi or that Communist. I found out a very good way of handling this though, and I wish we could expand on this in some way. My secretary tells them this: "Justice Springer would be very happy to talk to you. I know that you think his opinion on such and such is senseless and maybe you think he's a Nazi, but Justice Springer told me that he wants to send you a copy of the opinion and then after you read it he would be happy to talk to you." Now I have done this six or seven times in the last year and nobody has ever called me back. I don't know whether they were bored to death or forgot about it, or maybe understood what I was talking about.

But, in any event, I am grateful to the people of the State of Nevada. This is the third time that they have seen fit to elect me. I am also very thankful to many of you in the audience who have helped me. I remember hearing Alex Haley, when he was talking at the University of Nevada not too long ago, shortly before he died, and he said, "Whenever you see a turtle on the top of a fence post, you know somebody helped him get there." I rather have that feeling. I have had the good fortune that both Bob List and Proctor Hug touched on, of having some people who are willing to give me their support. Sometimes at a Chinese restaurant I will open up a fortune cookie, and just to see if anyone is listening, I will solemnly read, "You have a small following of very devoted, but very confused, people." Sometimes people hear me. Sometimes they don't know if I'm kidding or not. I see a lot of that group here today, no offense. I just look around. I know it is dangerous to say things like this, but I see John Flanigan, who was very helpful, Paula Quagliana, Barry Brunet, I know is here, Dick Campbell, Bob Hibbs, the Dales. These are people that seem to mobilize when I'm in trouble. I think I was this time. A number of my friends came to me and said, "You better get off it, because there is a little recruiting team out with some ideas about you." I was able to have these people come forward, and I feel very good about this.

I said that the two emotions that I had were gratitude and a sense of duty. Well, my sense of gratitude is a sense of obligation and a sense of owing. Some people get into positions like this and they say, "Well, you know I kind of deserved it, a big wonderful person like me." But I don't have that feeling. I have a feeling of gratitude, and, I think, perhaps the biggest feeling of gratitude I have is towards someone who has a nickname. I don't think she likes it very much. When I ran twelve years ago, one of the women who was supporting me, a woman by the name of Nancy

Romo, was 6'2" or 6'3" or something of that kind. She started referring to the campaign manager as the "Big Boss." And here is the "Big Boss" over here: Jacquie, who is not quite five feet. So, Jacquie, I would like you to stand up. I'll show you the "Big Boss." Jacquie has all the ideas. The only idea I got is "Well, I think I will run for this job that I can't possibly win in." Jacquie takes it from there.

I know that when I ran twelve years ago, that at two o'clock in the morning I was behind, and a friend of mine called from Las Vegas and said that my opponent was having a big victory party. And in the paper that next morning, the headlines read he had won and I had lost. It was rather a nice feeling that I had arising out of that.

The other word of thanks I have—I would just like to say thank you Bob List and Proctor Hug.

Proctor Hug and I have been friends. As you know, in Nevada judgeships are elective offices. I prefer the English system where you are knighted for life, and called "the Lord" and all of those things. Proctor Hug comes the closest to that. He's anointed for life, and soon he will be the Chief Judge of the Ninth Circuit Court of Appeals, and that's as close as you can get to being a Supreme Court Justice. In that position, I think he's got to be thought of as a valid candidate for that office, and I wouldn't be surprised if he became a member of the Supreme Court of the United States. Proctor spoke for me twelve years ago. He did again today, and I appreciate it. Thank you, Proctor.

Bob List was Governor when I was running last time. I had to believe—we never discussed it, but I had to believe that Bob List came to the conclusion that I was the candidate that he wanted to support. I saw all kinds of evidence of it. And I think he did that because he felt—although Proctor and I belong to the same political party, Bob List and I don't—but I think that he felt, correctly I hope to say, that I would not let my political views interfere with my judicial decisions, and I think that trust has been borne out.

The other thought that I mentioned was that of duty and obligation; I feel that very deeply. When I addressed a group such as this last year. (I see my daughter came in, Kelli. Kelli's always ten percent late, as is Jacquie. My grandchildren are here, also.) Well, I just wanted to say, as I addressed the same kind of group last time, I recognized, although I had this gratitude, I'm talking about much more than thanks for the nice job. It was a bilateral arrangement. People didn't elect me just because they liked me or because they wanted to help me. They supported me, I think, because they rightfully had some expectations, and those expectations were that I would have that sense of duty. And I told the

audience last time that I looked at my being invested in this office as, in a sense, mortgaging my future. I believe that I did mortgage my future, and that I took upon myself an obligation to decide cases fearlessly and without outside influence. I made a bond with the people of this state that I would have no friends and I would have no enemies as a judge. I feel that way still. So, I give you my thanks and I give you my bond.

CHIEF JUSTICE ROSE:

Thank you very much Charlie, and we look forward to serving with you for the next six years. And you may take your place up here with us if you'd like, now that you have been re-sworn in as a justice.

I deferred introducing our Chief Executive of the State of Nevada because I thought it would do two things. One, it would give us a break between our two investitures, and it would provide a bit of special recognition for the Governor of the State of Nevada. Bob Miller is known to all of us. I think everyone believes, we certainly do, that he is doing a very good job in very difficult times. He is always there when you need him. He is always there to listen to you, and to make a fair decision, and he's always accessible. I don't think you could ask for much more from a governor of any state. We're proud to have Bob Miller as our Governor. Governor Miller.

GOVERNOR MILLER:

May it please the court. Governor List, Justice Hug, and distinguished jurists, members of the bar, Legislators and other guests. It really is a pleasure, and I suppose even more so an honor for me, for all of us to be here today for this historic investiture to our state Supreme Court. We now have a second decade of the distinguished leadership of Justice Springer, and we embark upon the first investiture of a female to the Supreme Court in the history of our state.

Many of you that know my own background know that I have been an attorney, a police officer, justice of the peace, district attorney, Lieutenant Governor and now Governor. During that time, and in those professions, I have grown to appreciate the responsibility of the position of Justice of the Supreme Court of the State of Nevada. It was an economist, rather than a member of our legal profession, who stressed the importance of the integrity of our legal system, Nobel Laureate economist Frederick Von Hayek, who said that "there is probably no single factor which has contributed more to the prosperity of the western world than the relative certainty of the law which has prevailed there, and presiding over that most important factor of society's

prosperity, and perhaps even society's survival, is a significant responsibility." And I would be hard-pressed to find two people better suited to that task than the two who are being sworn in today.

Justice Springer continues in his second decade on the state's Supreme Court, with a mere seventy-five percent of the vote. I can assure you, Mr. Justice, that I, and many others who seek elective office, will be glad and satisfied for that seventy-five percent. And if we could only find the twenty-five percent out there that thought otherwise, we would be very happy and it speaks well of your years on this bench. His professional credentials are second to none—his education at UNR and Georgetown, which has been mentioned already, his work at the University of International Business and Economics in the Peoples Republic of China, and his position on a variety of boards and commissions. I'm pleased to say that amongst those he serves on the Nevada Commission on Women, a position which I was able to select, and in which he has distinguished himself over the years even prior to the creation of that board, and now is heavily involved in the work of that commission. In his variety and affiliations, both sitting and charitable organizations, and all of those are a ballast to Charlie Springer, the husband, the father, and the man. Nevadans have confirmed that you are well qualified to be a member of our state's Supreme Court and our future rests well with you in that position.

And of course our other new jurist today—new as a jurist only in a sense of reaching the pinnacle of the judiciary in the State of Nevada—is Miriam Shearing. She represents the best the legal community has to offer. She assumes a historic position as the first female justice of this Supreme Court, and she has been a pioneer amongst Nevada's women judges.

Something she will remember, as do I, is in the early years of 1976. She and I spent many nights together as we campaigned as two of fifteen candidates for justice of the peace of Las Vegas Township. There were two positions elected, and fortunately for us, at least, and I think in her case, fortunately for all the people in the State of Nevada, we were the two successful aspirants.

I have watched with great interest and admiration as she has continued her judicial career, not only as a justice of the peace, but on the district court, a member of the district judges' association, serving as a juvenile judge and now on the state Supreme Court. During my own activity in the practice of law in southern Nevada, I had the opportunity to watch her grow, not only as a jurist, but as a leader of our profession, and a leader of our community and a leader in our state. She has combined professional and civic concerns to be one of the strongest advocates for the establishment of the family court. We will see the investiture

of the first judge in Washoe County later today, and six new judges in Las Vegas later in the week, and it is due to leadership put forth by Justice Miriam Shearing and others, including Justice Springer. And like Justice Springer, her professional and civic activities have been conducted from a perspective of a family leader, a wife and a mother.

As I stand here today, I am reminded of what Aristotle said, "that at their best, people are the noblest of animals; but, separated from law and justice, they are the worst." I am confident that these two justices will lead our people in maintaining that nobility. Before I conclude, I would like to remind the two justices of just one thing. It is very likely that someday I will be back in the legal profession and, in that capacity, could appear in front of the Supreme Court. And when I do, I would like you to remember that I did you a favor by keeping my remarks mercifully brief during this investiture. On behalf of all Nevadans, I congratulate and commend both of you in your new roles on the Supreme Court.

CHIEF JUSTICE ROSE:

Thank you, Governor Miller, for your attendance here and for your very appropriate remarks. I would like to recognize Senator Lawrence Jacobsen who is just making an exit. We appreciate you attending as long as you could.

I would like to now proceed with the investiture of Miriam Shearing. Our first speaker will be Mort Galane. Mort's an old friend to many of us. I met Mort when I was a law clerk serving on the Nevada Supreme Court almost thirty years ago, and I was really impressed. I think he gave the best argument of that year, and he has, of course, continued with his excellent performance as a lawyer and really and truly is one of the finest lawyers, not only in the State of Nevada, but in the United States. It is a pleasure to see you again Mort, and to recognize you as a speaker on behalf of Miriam Shearing.

MORTON GALANE:

Mr. Chief Justice, justices and judges, fellow members of the bar, members of the Shearing family, distinguished guests, ladies and gentlemen. We are gathered here as friends and witnesses to celebrate a happy union between an institution of distinction and history, and the lady who today becomes its new member.

Miriam Shearing brings to the Supreme Court of Nevada all the qualities we could hope for, courage, a stout heart, common sense, intelligence, worldly judgment, gracious temperament and dedication to the rule of law. I listen with interest today to the

repeated references to her tradition shattering and history making career as the first woman to hold judicial office in the State of Nevada. Yet, I think that those who have spoken and written about Judge Shearing have perhaps sometimes dwelled too much on her role as a pioneer. In all of her unprecedented accomplishments as a woman, it is important not to forget the very great accomplishments as a lawyer and a judge. In the course of the sixteen years of continuous service to the judiciary of this great state, she has shown an intense interest in the subject of child abuse and other problems of children. In short, Miriam Shearing has not merely been a woman who happened to become a judge, but an accomplished judge who happened to be a woman.

In the course of her work as a practicing lawyer, I know of major complex litigation against powerful interests in which Miriam Shearing engaged as a co-trial counsel in Los Angeles, California, for six consecutive months, under conditions where she received daily scrutiny by the media by reason of the nature of the case. In this bitterly fought litigation she served as my right arm, and so excellent was her duty and her performance that the presiding judge, who today serves on the United States Court of Appeals for the Ninth Circuit, Judge Prageron issued an order, and believe me it was not too flattering to myself, that when there were to be meetings with the lawyers in chambers, as far as the plaintiff's side was concerned, the only lawyer he wished to hear from was Miriam Shearing. He spotted what I characterized earlier as that gracious temperament. (Not that I lacked it; I just fell short on that one occasion.)

Miriam Shearing has a superb education holding a bachelor's degree from Cornell University, and a law degree from Boston College, and post-graduate education in the law of taxation at the University of Southern California. But, more important than all her academic and professional credentials or accomplishments is the splendid family that she has raised. She has imprecated her three children with her sense of values regarding the importance of education. Her youngest daughter, Leslie, holds a bachelor's degree from Wesleyan, and will graduate from the University of Wisconsin Law School this coming year. Her next daughter, Laura, holds a bachelors degree from Tufts, and is working towards a master of fine arts degree at the University of Southern California. Her oldest child, Robert, holds the degree of Doctor of Medicine from the University of Southern California, and, furthermore, holds a law degree from Stanford Law School, is a member of the bar of the State of California, and looks forward to joining us as a member of the bar of this great state in the very near future. Miriam Shearing has the dedicated support, love and loyalty of Steven, a world-recognized ophthalmologist, who has a magnificent practice in southern Nevada.

It is time to bring these remarks to a close. As a litigator, I cannot refrain from a few words of advice. Have pity on the district judges and the lawyers. Remember the district judge's definition of an appellate judge: "Appellate judges are people who live in the hills during the battle, then, when the battle is over, they come down from the hills and shoot all the wounded." Finally,—and in a talk like this, is there any word in the English language more beautiful than the word finally?—on behalf of all of us, may it please the court, I say to Miriam Shearing congratulations and Godspeed, and to express our good wishes and affection to Miriam. I invite you all to honor her by joining me in greeting her with a loud burst of applause.

CHIEF JUSTICE ROSE:

Now our second speaker will be Judge Deborah Agosti, who is one of the brightest lights in the judiciary at this time. She is someone that we rely on time and again here at the Nevada Supreme Court to do a good job, and she always does that. And I am sure the people of Washoe County, being a resident of Washoe myself, rely on her and are proud of the job she is doing. Our next speaker, Deborah Agosti.

JUDGE AGOSTI:

Thank you, Mr. Chief Justice. Members of the Supreme Court, Justice Shearing, Governor Miller, family, friends and guests at these proceedings. Being the last person to say wonderful things about such a wonderful person is tough because I must continue to revise my speech as other people speak. So much has already been said and so there is less for me to say. You can all smile, because I will be brief. However, with due respect to Mr. Galane, and certainly with respect to Justice Shearing, I do intend to dwell a bit on the occasion of this woman's investiture to the Supreme Court, because it is an historic occasion which we are privileged to witness and to celebrate today.

Today, Miriam Shearing is being sworn in as the newest member of this honorable court. As such, she also becomes the first and only woman to serve as a duly-elected member of our Supreme Court. Before today, the highest judicial office in the State of Nevada was an exclusively male institution and historically such. So this morning we witness history being made.

I feel a tremendous sense of pride in Justice Shearing's accomplishments as a woman, an attorney and a member of the state's judiciary. I consider her victory in November and investiture today as moments of great significance for all the citizens of this state, and particularly for the women she inspires. As her col-

league and friend for over the past eight years, I am proud of her success and confident that she will serve ably and with distinction.

I first got to know Miriam by her reputation. When I was thinking about running for the office of justice of the peace in Washoe County, I heard about a lady lawyer who had already been elected justice of the peace down in Clark County. I heard about the great job that she was doing down there, and I couldn't help thinking that the trail that she blazed as Clark County's first woman justice of the peace somehow made the idea of my own candidacy seem a little less ludicrous.

When I decided to run for the district court bench, I again heard about Miriam, who was at that time the first and only woman serving as a district judge in the entire state. That was in 1984. Again, I heard she was an excellent judge and, again, I felt that her fine performance on the bench in Las Vegas certainly didn't hurt my candidacy.

After I was elected to the district court, I commenced my professional association with Miriam. I didn't actually meet Justice Shearing right away. We had spoken on the phone a number of times before the annual Nevada District Judges' Association meeting finally brought us face to face. Knowing her reputation, and having prevailed upon her for cheap advice over the phone on how to be a judge, and having received generous advice from a patient and kind person, I had developed a mental image of Justice Shearing. I expected that she would look like a cross between Gloria Steinham and Madame Curie, and that she would be very tall: larger than life. I was pleasantly surprised that she looked more like herself and less like my imagination. Miriam, I discovered, is diminutive in stature, and large in presence.

If you look at Justice Shearing's resumé, you will find it is littered with important firsts. She is the first woman to serve as justice of the peace in Clark County and first woman to serve as district judge in the State of Nevada. She has also held a number of titles: President of the Nevada District Judges' Association and President of the Nevada Council of Juvenile and Family Court Judges.

She has even served as president of the little known statewide Women District Judges' Association, an office which she was elected to after she and I, representing two-thirds of the women judges in this state at that time, founded the organization over lunch one day in Tonopah.

Being used to being first, Miriam herself is likely to make less of this latest success than might the rest of us. In fact, Miriam has never sought ceremonial limelight. Her style is very low key, and

she is not eager to take center stage. I spoke to her yesterday about today's ceremony. She said "I wish it were over. I just want to get to work!" I wasn't surprised to hear her say that. Bear in mind that this is the same person who eloped thirty-eight years ago in order to avoid the fuss most brides gladly suffer ulcers for. I believe we can expect Miriam's performance in the Supreme Court will be similarly marked. There won't be a great deal of fanfare. There will be her usually quiet studiousness and her zest for knowledge. She will be interested, as she always is, in the swift and just resolution of the cases before her; and she will retain an open mind.

One of the things I have always liked best about Miriam is the way she does not jump to conclusions. She listens, and she is a fine listener, and so the attorneys who will appear before her to argue their cases can expect her courteous attention and interest. Finally, the legal community and the citizens of this state can expect and depend upon her uncompromising integrity. This attribute is as much a part of Miriam as the color of her eyes. In fact, her sincerity in all matters is certainly one of the reasons for her popularity with the citizens of this great state who saw fit to honor her with the office of Supreme Court Justice.

Miriam has worked very hard for the office which she holds today. She has never been afraid of hard work. She worked as a waitress through those undergraduate studies at Cornell, and while she was making a name for herself in the legal community in Clark County, she was also raising three children and doing a great job of it, judging by their many accomplishments. Hard work seems to be a family trait. Even Miriam's husband, Steve, though very busy with his own medical practice, and again her children, put in many hours along her campaign trail, and supported her in her successful bid for this office. I am sure her success was a true family venture, and I am also certain that the sense of pride and accomplishment they feel today is tremendous.

Out of Miriam's experience as a woman, a wife and a mother, she will bring a unique and valuable perspective to the Supreme Court. As a woman who has pioneered in the law, she has amply demonstrated the strength of her commitment to the cause of justice.

If I may, I would like to close my remarks with an historical reference so that I might provide a perspective with which to view Miriam's achievement. A little over a hundred years ago, a woman named Myra Bradwell, who was the wife of a Cook County, Illinois, judge, sought permission to practice law in the state of Illinois. She had gone to law school, she had passed the bar exam in 1869, and she had received her certificate of good character. She was turned down by the Illinois Supreme Court for

the honor of practicing law in Illinois because she was, after all, a woman. She took her case all the way to the United States Supreme Court, which also turned down her request to practice law, because she was a woman. In 1873, our United States Supreme Court said the following:

It certainly cannot be affirmed as a historical fact that this, the right to practice law, has ever been established as one of the fundamental privileges and immunities of the sex. On the contrary, the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres of destinies of man and woman. Man is, and should be, woman's protector and defender. The natural and proper timidity and delicacies which belong to the female sex evidently unsuits it for many of the occupations of civil life. The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator; and the rules of civil society must be adapted to the general constitution of things and cannot be based upon exceptional cases.

In 1890, which is just a hundred years ago, the Illinois Supreme Court finally granted Myra her license to practice law. And then she died in 1894.

Oddly enough, the case of *Myra Bradwell v. Illinois* has never been overruled or reversed. It was however, criticized and, of course, explained, years later.

And now in 1993, Justice Shearing embarks upon her term of office, and she will serve honorably. Along the way, she will also serve as a marvelous example and role model for young people of both sexes. Miriam says that when she was growing up, she was encouraged to go as far as she could in her education and career, because her family could not afford stereotypes. Our society can also no longer afford stereotypes. Miriam's investiture signifies the further advancement of women in our society, and the further erosion of old stereotypes regarding what women ought or ought not be allowed to do. We thank Miriam today for what she has accomplished, and what she has yet to accomplish. And today, as we celebrate the beginning of a new year, we also celebrate the beginning of Justice Shearing's term as the first woman to hold the highest judicial office in this state. Congratulations Miriam! Good luck! And go get them!

CHIEF JUSTICE ROSE:

Thank you very much, Debbie. I have known Miriam Shearing for years. I appeared before her as an attorney, and I served with her as a district court judge. I can tell everyone here in the State

of Nevada, that she is a good person and was an excellent—an excellent district court judge. I have always found her to be reasonable and accommodating, and that is something that is treasured in the appellate court process. I think you are going to like the job, Miriam. Without further ado, would you please step forward and take the oath of office? (Chief Justice Rose administered oath of office to Justice Designate Shearing.) You are duly installed. Ladies and gentlemen I introduce to you the first female justice of the Nevada Supreme Court.

JUSTICE SHEARING:

Chief Justice Rose, fellow justices, Governor Miller, distinguished guests and friends. I am standing here trying to maintain the dignity due to the office of Justice of the Supreme Court, but really if you could see, inside I am jumping about this high, clicking my heels in the air, and shouting hooray!

I am delighted to be here. Not only is this an exciting new job for me, with the opportunity to contribute to this state, but also as a bonus, I get to spend time in one of the most beautiful places in the world. I look forward to helping shape the future of justice in this state. I am also pleased to break ground for talented young women like Christine Wolf—who is here—who is only in eighth grade, but she already has her eye on this court.

I am so grateful for the opportunity to serve on the highest court of this state. As I look out over the audience, I see so many who helped make it possible. First, I would like to acknowledge some who are not here—who wanted to be here, but were unable to be here for various reasons—and that is a couple of justices on the Court of Appeals of California. Justices Joan Dempsey Cline and Vaino Spencer. The position of judge is an isolating one, particularly so, when you are the first woman to enter an all male bastion. Justices Cline and Spencer founded the National Association of Women Judges, which has provided much needed support for women judges and the opportunity to share problems common to women on the bench. I am so grateful for their support and friendship, and attribute my position here partly to their help.

I would also like to acknowledge Larry Kamer and Sam Singer, who led the team that made it possible for me to be here today. The election process is sometimes horrendous, but it needn't be, and wouldn't be, if all the professionals involved had the integrity and good will of Larry, Sam and the team they put together. My heartiest thanks go to those of you who volunteered your services, who put in endless hours to help me to be here at this moment. I am particularly grateful to the women in the north, most of whom didn't even know me when we started, who worked so hard on my behalf and even put their careers on the

line. Juliann Wright, my northern coordinator, and Mike Epling, my southern coordinator, deserve particular accolades. I would like to thank all the volunteers by name, but there are too many, from so many different groups: attorneys, senior citizens, labor unions, child advocacy groups, the healing professions, political organizations and women's groups. I am grateful to them all, and will do my best to justify their faith in me, by being the best Supreme Court Justice that I can possibly be.

I wish I could adequately express my gratitude to my family. My husband, Steve, must be the most supportive husband in the whole wide world. He is always available with sympathy, good advice and love. After thirty-nine years, I still think I couldn't have done better. Thank you to my son Bob and daughter Laurie, and especially to my daughter Leslie, who took a semester off from law school to do a superb job of running my campaign.

I regret that the rest of my family could not be here. Most of them are back east. It is to them that I owe all that I am today. My grandparents all came from Finland early in this century and worked hard, starting in the coal mines of Pennsylvania, so that their children and grandchildren could have a better life. I feel as though I have fulfilled their American dream. My grandmother died a year ago, just before her hundred and second birthday. I wish she could have been here.

I was the first granddaughter on both sides of my family, with lots of loving aunts and uncles. As a child they made me feel special, as though I were the brightest, most beautiful, most talented person in the world. By the time I found out they were wrong, it was too late; I already knew that I could do anything that I wanted to do, and here I am to prove it.

I am honored to be donning the robes of a Nevada Supreme Court Justice. I'm proud to join the justices of our court, and look forward to working with them. I'm sure we're all going to be working to achieve a justice system that is viewed with pride and respect by all the people of Nevada. I will certainly work hard to achieve that end. We must preserve the wisdom of our predecessors, while recognizing and accommodating to the changes of our society. We must respect the letter of the law, while recognizing the spirit that gave the law its life. We must seek justice in each case, while making sure that we are shaping the law well for the future. Striking the appropriate balances will be our challenges for the future. I am delighted and honored to take up that challenge.

CHIEF JUSTICE ROSE:

I am sure Miriam will bring additional legal dimension and new life experiences to our court. We welcome you Miriam, as a

friend and as our colleague. I want to thank you all for attending. I want to let you know that there is a reception that will be hosted by Justices Springer and Shearing, in the Supreme Court Building, immediately following this session. And thank you both for picking up the tab for that one, we really appreciate it. At this time I would like to call Father George Bratiotis to step forward and give our benediction. Please rise.

FATHER BRATIOTIS:

Let us be in prayer to almighty God, the ordainer of life. We turn to You once more as we prepare to close this most auspicious occasion. We ask of You Your blessings on this Supreme Court of our state, and upon all of its justices. Every hour of their day reveal Your will to them, and let all of their decisions and judgments be tempered by Your commandments. Teach them to treat all that come before them with peace of soul, and with the firm conviction that Your will governs all. In all their deeds and words, guide their thoughts and feelings. Above all, supreme God of our universe, help these justices and this court to act wisely and firmly with genuine respect, tolerance and concern for all. These things we humbly ask, of God of all, in Your name. Amen.

CHIEF JUSTICE ROSE:

Thank you, Father, and thank you all for attending this historical investiture, or I should say these historical investitures. The Nevada Supreme Court is now adjourned, until January 11, 1993, at 8:45 a.m. Thank you.