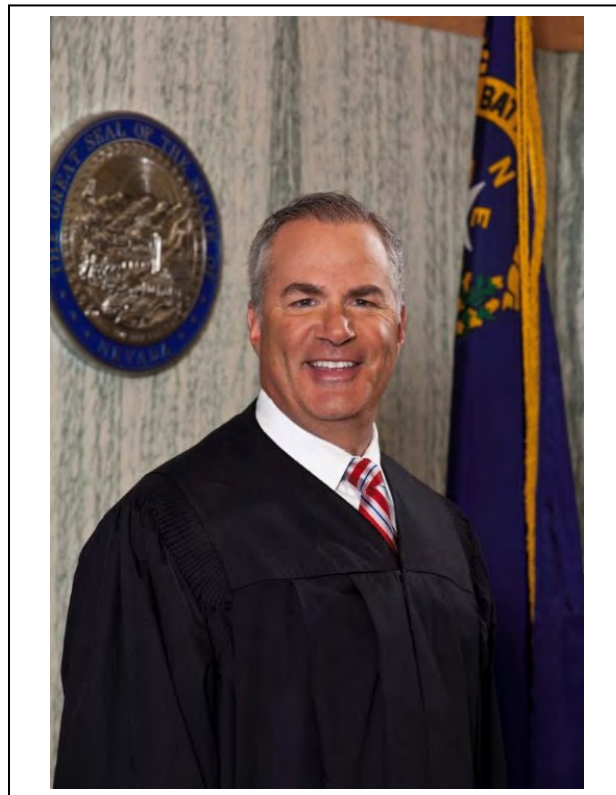


COMMISSION ON JUDICIAL SELECTION APPLICATION

**NEVADA SUPREME COURT
SEAT F**

By

Scott N. Freeman



Personal Information

1.	Full Name	Scott Nathaniel Freeman
2.	Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.	No
3.	How long have you been a continuous resident of Nevada?	Since 1983 – 39 years
4.	City and County of residence	Reno, Washoe County
5.	Age	65

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	Second Judicial District Court – State of Nevada
Phone	(775)328-3162
Physical Address & Website	75 Court Street Reno, NV 89501 www.washoecourts.com
Date(s) of Employment	April 2012 – Present
Supervisor’s Name and Title	Not Applicable
Your Title	District Judge – Department 9
Describe Your Key Duties	As a District Judge in a court of general jurisdiction, I preside over all aspects of both civil and criminal cases. This includes issuing written orders on all motions submitted to the court, managing a criminal caseload of gross misdemeanor and felony cases, and conducting criminal and civil jury and bench trials. As more fully set forth in Question 30, my judicial career to date includes, but is not limited to numerous specialty assignments for the Second Judicial District Court.

	In addition, in January 2022, I completed a four-year term as Chief Judge of the Second Judicial District Court. In my capacity as Chief Judge, my duties involved administrative responsibilities for the Court. These duties included, but were not limited to, leading the COVID response of the Second Judicial District Court as Chief Judicial Officer of Washoe County, as more fully detailed in my answer to Question 30.
Reason for Leaving	Not Applicable

Previous Employer	Law Offices of Freeman & Riggs, L.L.P.
Phone	(775)786-4788
Address & Website	556 California Avenue Reno, NV 89509 Website: Not Applicable
Date(s) of Employment	October 2009 – March 2012
Supervisor’s Name and Title	Not Applicable
Your Title	Attorney/Managing Partner
Describe Your Key Duties	<p>My practice included all types of criminal defense, administrative law, and civil litigation. Further, I supervised three employees consisting of two paralegals and a receptionist/administrative assistant. Additionally, I assisted and mentored my partner, full-time attorney (now Washoe District Court Judge) Tammy M. Riggs, as needed. I also have experience hiring and supervising research law clerks, associates and other outside attorneys as needed.</p> <p>My practice was very litigation oriented. As a result, I was frequently in court for trials and evidentiary hearings. Consequently, I have extensive experience with legal research and writing both in civil and criminal practice.</p> <p>My management skills included the management of my firm, including financial management, supervising my business and office manager and compliance with all regulations concerning a small law practice/business.</p>

	<p>In December 2011, I was invited by Nevada Supreme Court Justice Michael Cherry to participate in the State Bar’s ‘Transitioning Into Practice (TIP) Mentorship Program’.</p> <p>I had frequently been requested by new admittees and members of the Young Lawyers Section to teach or otherwise mentor small law practices, ranging from organization, to advertising, to sales</p>
Reason for Leaving	<p>I was appointed to the Second Judicial District Court, Department 9 on March 27, 2012.</p>

Previous Employer	<p>Law Offices of Scott N. Freeman, APLC</p>
Phone	<p>(775)786-4788</p>
Address & Website	<p>556 California Avenue Reno, NV 89509 Website: Not Applicable</p>
Date(s) of Employment	<p>March 2008 – October 2009</p>
Supervisor’s Name and Title	<p>Not Applicable</p>
Your Title	<p>Attorney/Solo Practitioner</p>
Describe Your Key Duties	<p>Between March 2008 and October 2009, my duties were similar to those stated above, which included, but were not limited to, practicing all aspects of criminal litigation, defense of individuals from as early as the time they become aware of a criminal investigation, through charges pending, through plea negotiation, sentencing, and/or jury trial. Additional duties included all administrative aspects of the law practice and supervising three full-time support staff. I hired and supervised research clerks, associates and outside attorneys as needed.</p>
Reason for Leaving	<p>I formed a partnership with then-attorney, now sitting District Court Judge, Tammy M. Riggs and became The Law Offices of Freeman & Riggs, L.L.P.</p>

Previous Employer	Law Offices of Freeman & Routsis, A.P.L.C.
Phone	(775)786-4788
Address & Website	556 California Avenue Reno, NV 89509 Website: Not Applicable
Date(s) of Employment	May 2001 – March 2008
Supervisor’s Name and Title	Not Applicable
Your Title	Attorney/Managing Law Partner
Describe Your Key Duties	My practice was primarily as a criminal defense practitioner as described above, with all previous duties and responsibilities, partnering with attorney John B. Routsis, whereupon we had two full-time and one part-time staff.
Reason for Leaving	Mr. Routsis left to create his firm of Routsis Hardy-Cooper.

Previous Employer	Law Office of Scott N. Freeman, P.C.
Phone	(775)786-4788
Address & Website	556 California Avenue Reno, NV 89509 Website: Not Applicable
Date(s) of Employment	June 1992 – March 2001
Supervisor’s Name and Title	Not Applicable
Your Title	Attorney
Describe Your Key Duties	My duties included all aspects of criminal litigation, administrative aspects of the law practice, supervising one full-time associate attorney, two full-time and one part-time support staff, hiring and supervising research clerks and associate attorneys as needed.
Reason for Leaving	I decided to form the partnership of Freeman & Routsis with my then associate, John Routsis, Esq.

Previous Employer	Law Office of Houston & Freeman
Phone	(775)786-4188
Address & Website	465 Court Street Reno, NV 89509 Website: Not Applicable
Date(s) of Employment	May 1984 - June 1992
Supervisor's Name and Title	Not Applicable
Your Title	Attorney and Partner
Describe Your Key Duties	Along with my partner, the late David Houston, Esq., we practiced criminal defense. I, as well, practiced business law, family law, and civil tort litigation, both plaintiff and defense. Mr. Houston was the managing partner, however I assisted in the administrative aspects of the firm, including my responsibilities to handle personnel matters, as well as implementing business practices and procedures for this law firm. Over the course of time, with Mr. Houston, we had as many as five associate attorneys to as few as just the two of us.
Reason for Leaving	We dissolved the firm, and I opened my own law practice.

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.
 - A. **Montclair High School – 100 Chestnut Street, Montclair, NJ 07042
Attended from September 1971 - June 1975
Graduated – High School Diploma**
 - B. **Ithaca College – 953 Danby Road, Ithaca, NY 14850
Attended from August 1975 – May 1979
Graduated – Double Major Bachelor of Arts in Politics and History, with a minor in Economics**

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

Activities in High School:

During my sophomore year in high school, my social studies teacher Mr. Pontier, had the students participate in a mock trial exercise, whereupon I was selected as the defense lawyer. I was successful in the mock representation of a fellow student and fell in love with work as a potential trial lawyer from this early meaningful experience and inspiration from high school social studies class. Therefore, it was a self-imposed requirement of mine to do my best in academics in school in preparation for my future of becoming an attorney. My initial experience from my social studies class of setting out to pursue a dream through hard work remains through today. This is manifested in my desire to initially be the presiding District Court Judge in Department 9 of the Second Judicial District Court; and now, to be a sitting Justice on the Nevada Supreme Court, Seat F.

Sports:

From a young age, I have loved and participated in athletics. I believe athletics have been fundamental in developing concepts of teamwork, problem-solving and leadership. These traits have translated into a uniquely balanced and diverse skill set throughout my career.

In high school, I played interscholastic varsity soccer, ice hockey and lacrosse. This experience taught me to work together with all types of personalities, to support my teammates and a variety of leadership skills. Our lacrosse team was the New Jersey State champions all four years of my high school career. It was an empowering experience to reach that level of success with my teammates. My high school ice hockey team made the Northern New Jersey "A" League State Championship games my junior and senior year. Unfortunately, we lost in both championship games to rival high schools. That experience taught me you can reach a level of success, but cannot take anything for granted, and to be as gracious in defeat as well as victory.

Leadership:

From age 8 - 17, I participated in Boy Scouting and achieved the rank of Life Scout. In high school I became an Assistant Patrol Leader and Patrol Leader for my Scouting Platoon named the "Badger Patrol", whereupon we competed in various scouting activities, including the accumulation of merit badges. Later, because of my leadership, I was selected as an Assistant Senior Patrol Leader, then finally a Junior Assistant Scoutmaster. The Scouting experience introduced me to necessary leadership skills, which transferred to my later life experiences.

Activities in College:

Academically, I was on the Dean's List during my collegiate career as a double major in politics and history, minoring in economics. My high-class rank and grade point average allowed me the academic opportunity to go to law school.

During my final years in high school, because of the success of our teams, I was recruited for athletic programs by a number of colleges and universities. While selecting a college, I was recruited to play both ice hockey and lacrosse. I loved playing both sports and I wanted to attend a college that would allow me to play them both, while at the same time obtaining an excellent education. Ithaca College gave me that opportunity.

At Ithaca College, I played on the Varsity Lacrosse Team during my four years. However, after playing for two years on the Ithaca College Varsity Hockey Team, Ithaca College was phasing out their collegiate hockey program as a result of budget constraints. Therefore, I advanced my ice hockey career by playing semi-professionally for a team called the Ithaca Stars. The Ithaca Stars Hockey Club "barn stormed" the semi-pro circuit throughout upstate New York and Canada. This experience again taught me the value of hard work, team play and camaraderie; all necessary traits to help be a "team player". Between the ages of 18 and 21, I learned to play and work with teammates who were older and more experienced than I. That taught me how to fit in and come together in a team. The majority of the Ithaca Stars Hockey Club were graduates from Cornell University, who played on the Cornell University NCAA undefeated championship team of 1969, and they played on the same team as famous professional hockey goalie: Ken Dryden. That was also an experience whereupon I learned the character trait of respecting others' high level of ability in a very significant way.

In addition, I was active in intramural sports at Ithaca. I played on an intramural floor hockey team and competed for four years, in which my team was undefeated. My college experience was one of the most fun and rewarding chapters of my life. The combination of academics and athletics was most memorable and has helped to mold my goal-oriented drive towards this ultimate position on judiciary. I am still close friends with some of my college alumni/teammates to this day from Ithaca College.

Other Activities:

Ithaca College provided partial scholarships for athletes. As a consequence, athletes were given paid jobs on campus to supplement the cost associated with school, room, board, etc. As a result, I worked the entire time I was a student at Ithaca College, even during the rigorous ice hockey and lacrosse seasons, in order to supplement necessary tuition, fees and living expenses, not covered by my athletic scholarship.

My on-campus job during college was working in the Student Union mail room, whereupon during my shift, I was the Ithaca College Postmaster. I was required to receive and sort mail, deliver mail into boxes, and answer student questions.

During the fall semester of my senior year, I attended the Ithaca College London School abroad. That was a culture shocking experience, of which I enjoyed. I returned my senior year for hockey season, and I was able to accept employment as beverage manager and bartender at the Ithaca College faculty restaurant, known as the Tower Club. This restaurant was open to the public, with a special emphasis on being a five-star restaurant on the Ithaca campus. During the spring semester, and during lacrosse season, after graduation, and thereafter through the summer, I taught an extra credit summer class, entitled "Bartending" to earn extra income. I continued working there until August 1979, when I left to begin the next phase of my life in Incline Village, Lake Tahoe, Nevada.

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.

**Southwestern University School of Law
3050 Wilshire Boulevard, Los Angeles, CA 90010
Attended 1979-1983
Juris Doctorate: May 1983
Class Rank: 190 out of 327**

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.

**Law Clerk- Gilbert, Kelly, Crowley & Jeannett
1980-1983**

I worked as a law clerk to supplement my tuition for law school at Gilbert, Kelly, Crowley & Jeannett. My duties included working predominantly in civil tort litigation areas, including personal injury, insurance law, contract and procedure, all aspects of legal writing and research, drafting pleadings, motions and memoranda and extensive client contact.

I was employed there until I graduated from law school and moved to Northern Nevada in 1983.

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

I worked as a certified law student for the Southwestern Legal Clinic in law school from January 1983 to May 1983. I was allowed, with professorial mentors, to advise indigent clients related to small claims court, landlord-tenant matters and family law matters. I learned to interview potential clients and to listen to their concerns, not to interrupt, but to productively direct their stories, which is a skill I utilize today from my certified law student experience.

During law school, I received several honors in extracurricular activities, which I believe contributes to the intellect and legal ability required to be a Justice.

During my first year in law school, Southwestern required all first-year students to participate in the school-wide Moot Court Competition. At that time, Southwestern Law School had a nationally ranked Moot Court Team, which traveled throughout the United States competing in the school's oral advocacy program in Moot Court. Membership was a considerable honor and was attained through participation in the appellate oral advocacy competition, during which only the top finishers were invited to join. In the school wide first year class competition, I finished among the top 8 oral advocates in the first-year class of over 300 students. As such, I was invited to join the Moot Court Honors Program. At Southwestern, at that time, the Moot Court Honors Program had the same prestige as law review at some other law schools. As a member, I assisted in organizing advocacy training programs and subsequent Moot Court Competitions. I was honored to be not only a member of the traveling Moot Court Team that competed against California law schools regionally, but I participated at the Benton Moot Court Competition, held in Chicago, Illinois, the Irving R. Kaufman Securities Moot Court Competition held in New York, as well as the National ABA Appellate Advocacy Moot Court Competition in Chicago, Illinois. I wrote the appellate briefs, then argued from them in competition.

See, Attachment 1 –

Southwestern University School of Law Moot Court Certificates (Index pages 1-4)

Participating on the Moot Court team was an excellent opportunity to argue appellate cases before practicing lawyers and sitting judges and reaffirmed my goal and desire to be a trial attorney, thereafter a judge and now, a Justice.

Law Practice

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

1984

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

California - 1984

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.

As a District Judge in a court of general jurisdiction, all of the cases assigned to Department 9 are, by definition, litigation matters. I spend approximately 80% - 90% of my court time on these cases in some manner. As well, and as more fully set forth in my answer to Question 30, I have been previously assigned as a judge in our District's Probate Court and Business Court. In addition to my judicial duties in Department 9, I am currently the presiding Specialty Court Judge for the Medically Assisted Treatment Court.

As more fully set forth in my answer to Question 35, I have presided over numerous administrative matters of the Court, as well as a variety of appellate matters emanating from decisions from the Courts of Limited Jurisdiction in Washoe County, including:

- 1. Reno Justice Court**
- 2. Reno Municipal Court**
- 3. Sparks Justice Court**
- 4. Sparks Municipal Court**

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	2%
Juvenile matters	2%
Trial court civil	20%
Appellate civil	1%
Trial court criminal	65%
Appellate criminal	5%
Administrative litigation	2%
Other: Please describe	Pro Tem Judge: 2% Pardons Board: 1%

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

Jury trials – 90%

Non-jury trials and other matters – 10%

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.

A. In the five years preceding my appointment to the District Court, I had tried approximately 5 jury trials to conclusion with myself as lead counsel. (In addition, I had tried approximately 5 jury trials in the five years preceding my appointment to the District Court, with various lead co-counsel.)

B. In the five years preceding my appointment to the District Court, I had tried approximately 75 non-jury trials as lead counsel.

The largest percentage of my law practice was criminal law. The majority of my criminal cases were effectively plea negotiated and/or settled prior to proceeding to jury trial.

C. Appellate Matters:

As an attorney, I have had extensive experience appearing before the Nevada Supreme Court. I have been appellate or respondent counsel in approximately 30 appeals before the Nevada Supreme Court. As lead counsel, I was responsible for the Appellate Briefs, and argued them before the Supreme Court. I have been responsible for published opinions as well. My published cases are:

1. *Winkle v. Warden*, 127 Nev. 488 (2011)
2. *USA vs. Ligon*, 440 F.3d 1182 (Conviction reversed) (March-21, 2006) (Appellant)
3. *Seres vs. Lerner*, 120 Nev. 928 (2004) (Respondent)
4. *State vs. McKellips*, 118 Nev. 465 (2002) (Respondent)
5. *Romo vs. Keplinger*, 115 Nev. 94 (1999) (Respondent)
6. *Donahue vs. City of Sparks*, 111 Nev. 1281 (1995) (Appellant)

The following cases I was co-counsel with my former law partner and colleague, the late David R. Houston, Esq., whereupon I drafted and wrote the briefs, as well as argued the Appeal:

1. *State vs. Shade*, 111 Nev. 887 (1995) (Respondent)
2. *State vs. Shade*, 110 Nev. 57 (1994) (Respondent)
3. *Sheriff vs. Shade*, 109 Nev. 826 (1993) (Respondent)
4. *State vs. Greenwald*, 109 Nev. 808 (1993) (Respondent)
5. *Clayton vs. Gardner*, 107 Nev. 468 (1991) (Appellant)
6. *State vs. Smith*, 105 Nev. 293 (1989) (Respondent)

D. Pardons Board Matters

I have appeared on behalf of clients before the Pardons Board, which consists of the Governor, the Attorney General and the Nevada Supreme Court Justices. I have requested various forms of relief, which included, but was not limited to:

1. Restoration of Civil Rights
2. Restoration of the Right to Bear Arms
3. Pardons for prior felony convictions

I prepared the necessary briefs and appeared and argued before the Pardons Board.

I successfully argued before the Pardons Board to have a national championship trap shooter's gun rights restored so he could continue to compete.

Another successful appearance included a citizen of Australia who received a full pardon so that he could be eligible to become a United States Citizen.

E. Death Penalty Qualified

I have experience as a Judge and as an attorney handling death penalty cases. As an attorney, I was Supreme Court Rule 250 Death Penalty qualified.

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

Federal Courts:

- A. Ninth Circuit Court of Appeals**
- B. United States District Court in Reno and Las Vegas**
- C. United States District Court, Eastern District of California (Sacramento)**
- D. United States District Court, Central District of California (Los Angeles)**
- E. United States District Court,
Northern District Court of California (San Francisco)**
- F. United States District Court, District of Minnesota (Minneapolis).**
- G. United States Magistrate Court in Reno and Las Vegas**
- H. United States Bankruptcy Court in Reno**

Appellate Courts:

- A. The Nevada Supreme Court, Carson City**
- B. United States Court of Appeals Ninth Circuit**
- C. California Court of Appeals, Third District (Sacramento)**

Nevada District Courts:

- A. The First Judicial District, Carson City and Storey Counties**
- B. The Second Judicial District Court, Washoe County**
- C. The Second Judicial District Court, Family Division, Washoe County**
- D. The Second Judicial District Court, Business Court, Washoe County**
- E. The Third Judicial District Court, and Lyon County**
- F. The Fourth Judicial District Court, Elko County**
- G. The Fifth Judicial District Court, Nye and Esmeralda Counties**
- H. The Sixth Judicial District Court, Humboldt County**
- I. The Seventh Judicial District Court, Eureka, Lincoln and White Pine Counties**
- J. The Eighth Judicial District Court, Clark County**
- K. The Ninth Judicial District Court, Douglas County**
- L. The Tenth Judicial District Court, Churchill County**
- M. The Eleventh Judicial District Court, Lander, Mineral and Pershing Counties**

Justice Courts:

- A. Carson City Justice Court, Carson City
- B. New River Township Justice Court, Churchill County
- C. East Fork Justice Court, Douglas County
- D. Tahoe Justice Court, Douglas County
- E. Elko Justice Court, Elko County
- F. Wells Justice Court, Elko County
- G. Beowawe Justice Court, Eureka County
- H. Union Justice Court, Humboldt County
- I. Argenta Justice Court, Lander County
- J. Canal Justice Court, Lyon County
- K. Dayton Justice Court, Lyon County
- L. Walker River Justice Court, Lyon County
- M. Hawthorne Justice Court, Mineral County
- N. Pahrump Justice Court, Nye County
- O. Lake Justice Court, Pershing County
- P. Virginia City Justice Court, Storey County
- Q. Incline Justice Court, Washoe County
- R. Reno Justice Court, Washoe County
- S. Sparks Justice Court, Washoe County
- T. Wadsworth Justice Court, Washoe County

Municipal Courts:

- A. Carson City Municipal Court, Carson City
- B. Reno Municipal Court, Washoe County
- C. Sparks Municipal Court, Washoe County

California Courts:

- A. Alpine County Superior Court, Alpine County (Markleeville)
- B. Eldorado County Superior Court, Eldorado County (South Lake Tahoe)
- C. Placer County Superior Court, Placer County (Auburn & Tahoe City)
- D. Nevada County Superior Court, Nevada County (Truckee)
- E. Modoc County Superior Court, Modoc County (Alturas)
- F. Plumas County Superior Court, Plumas County (Quincy, Chester & Greenville)
- G. Lassen County Superior Court, Lassen County (Susanville)

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
<p>Case name and date:</p> <p><i>State of Nevada vs. Jung Woo Lee (1992)</i> Case Number: CR92-1914</p>
<p>Court and presiding judge and all counsel:</p> <p>Second Judicial District Court, Washoe County Presiding Judge: The Honorable Mills Lane Prosecutors: Chief Deputy District Attorney Richard Gammick & Deputy District Attorney Larry Sage Defense Counsel: Scott N. Freeman, Esq. & David Houston, Esq</p>
<p>Importance of the case to you and the case’s impact on you:</p> <p>Jung Woo Lee was the first high-profile Murder case in my career as lead counsel. Previously, I had experience in murder cases, but as co- counsel or second chair. <i>State vs. Jung Woo Lee</i> was a professional milestone for me as I was very fortunate to build on that foundational building block for my legal career. It gave me tremendous confidence as a trial lawyer.</p> <p>This was my first case where I required the services of a Korean translator throughout the trial. I was required to be the leader of the defense team. Strategizing the case, logistically organizing the witnesses, developing a theme in order to successfully defend my client.</p> <p>I learned from that experience to always keep an even temperament; to investigate all matters thoroughly; and have ‘trial theme’, which was developed through the police reports and other documents, along with my client's version of the events.</p>
<p>Your role in the case:</p> <p>Mr. Lee was a Korean national who was accused of repeatedly stabbing his brother-in-law, who had brought Mr. Lee to the United States from Korea to visit for summer. The case was referred to me by members of the Korean community in Reno.</p> <p>Mr. Lee was actually innocent of the crime. Like a true murder mystery however, Mr. Lee was found in his brother-in-law's T-shirt business in Sparks, Nevada, with a knife in his hand and the victim deceased on the floor. I was able to convince the jury that Mr. Lee was innocent and that intruders had killed his brother-in-law. The case had all of the ingredients of a 'who done it', with police missteps and dramatic testimony of</p>

the defendant. Upon my advice, Mr. Lee studied English during the pendency of the case to be able to testify in English before the jury.

After a two-week trial, the jury found Mr. Lee Not Guilty on all counts. I have attached for your review the newspaper article, which was framed and hung on my law office wall.

See, Attachment 2 - *Jung Woo Lee Newspaper Articles (Index pages 5-8)*

The day after the verdict, Mr. Lee left Reno for Korea and I never saw him again. However, on the first anniversary of his acquittal, Mr. Lee called me from Korea, thanking me for saving his life.

This case gave me the confidence of being lead counsel in a high-profile murder case. I was required to make the decisions, strategize the defense, and have each piece fit where it should, in order to secure the Defendant's acquittal.

Case 2

Case name and date:

- (1) **Criminal Case:**
State of Nevada vs. Jimmy A. Lerner (1997)
Case Number: CR97-2848
- (2) **Civil Case:**
Donna Seres v. Jimmy A. Lerner (2002)
Case Number: CV02-04679
Appellate Citation: 120 Nev. 928 (2004)

Court and presiding judge and all counsel:

- (1) **Criminal Case:**
Second Judicial District Court, Washoe County
Presiding Judge: The Honorable Connie Steinheimer
Prosecutors: Chief Deputy District Attorney David Stanton &
Deputy District Attorney Kelli Anne Vilorio
Defense Counsel: Scott N. Freeman, Esq.
- (2) **Civil Case:**
Second Judicial District Court, Washoe County
Presiding Judge: The Honorable Brent Adams
Plaintiff: Donna Seres
Attorney for Plaintiff/Appellate Counsel: Ian Silverberg, Esq.
Defendant: Jimmy A. Lerner
Attorney for Defendant/Respondent: Scott N. Freeman, Esq.

Importance of the case to you and the case's impact on you:

(1) **Criminal Case:**

I represented Mr. Jimmy Lerner in an Open Murder charge in Reno. Mr. Lerner's sister, Lisa, a physician in New York City, retained a law firm from Dallas, Texas, to come to Reno for the sole purpose of researching and selecting a lawyer who had experience in defending homicide cases to defend her brother. I was interviewed amongst other lawyers in Reno. After the search, I received the selection to represent Mr. Lerner in his homicide case. This was significant in that I competed against other lawyers who were the most well-respected defense attorneys in Reno at the time.

In addition to the factual and legal challenges, this case was memorable by way of dealing with the then Chief Deputy District Attorney, David Stanton, who was a high-profile Chief prosecutor in Las Vegas, Nevada. Mr. Stanton is indeed a very fine prosecutor, with an excellent skill set as an opponent.

This case also presented special challenges in requiring me to explain and teach my client about the criminal justice system and the situation he was about to experience.

(2) **Civil Case:**

The thoughtful approach used by the District Court in deciding *Seres v. Lerner* is difficult to achieve and requires an intellectual and detailed analysis. In this case, I believe the Judge and, thereafter, the Nevada Supreme Court, were correct in a unanimous decision of affirmance. To me, this case represents a Judge doing their job thoughtfully, with academic integrity. No matter how controversial or politically volatile a decision could be correct, legal principles should prevail.

See Attachment 3 (*Index pages 9-10*), an autographed cover of the *Nevada Lawyer*, whereupon retiring Chief Justice A William Maupin felt so strongly about *Seres v. Lerner*, he thanked me in his own hand for "arguing my favorite case before us". This was most significant and gratifying for me.

Your role in the case:

(1) **Criminal Case:**

Mr. Lerner had resided in the Bay Area and was a chronic alcoholic. One fateful weekend, he travelled to Reno with his roommate and AA partner for a 'fall off the wagon' weekend binge, where they intentionally planned to consume massive amounts of alcohol and drugs.

Mr. Lerner was born in 1951 and was raised in Brooklyn, New York. He worked 18 years as a Pacific Bell marketing executive, served in the U.S. Army in Panama, received an MBA and spent time as a taxi-cab driver. Mr. Lerner had been an alcoholic all of his life.

When he and his roommate arrived in Reno, they got into a physical altercation, whereupon Mr. Lerner strangled his roommate with a belt and the roommate suffocated and died. Mr. Lerner was charged with Murder.

As a result of successful pretrial motion practice and ongoing negotiations, I was able to plea bargain the case to a Voluntary Manslaughter. Such a conclusion was a good compromise, considering the evidence the State would present at trial. Mr. Lerner received two, six-year sentences in the Nevada State Prison, of which, he actually served two years.

(2) Civil Case:

Mr. Lerner had always wanted to be an author. With the obvious time on his hands while serving his sentence in the Nevada State Prison he wrote a book. The book he wrote was published, entitled You Got Nothing Coming, Notes From A Prison Fish, Broadway Publisher, October 2003. As a result of the book's publication, the victim's family from the criminal case civilly sued Mr. Lerner in an attempt to receive the proceeds from the sale of the book after Mr. Lerner was released from prison. This resulted in the Nevada Supreme Court case entitled *Seres v. Lerner*, cited below.

The issue in the civil case was whether or not the District Court, upon my motion, properly dismissed the civil lawsuit brought by the victim's family to receive the proceeds of Mr. Lerner's book. I successfully argued that the prior language of NRS 217.007 would have a "chilling effect" on the freedom of speech contained in the First Amendment. This issue was a case of statutory first impression in Nevada and has been referred to as the "Son of Sam Law".

See Attachment 4 - *Lerner Newspaper Article/New York Times Article (Index pages 11-17)*

The Nevada Supreme Court agreed with my interpretation of the law. As a consequence, the law in the State of Nevada is more consistent with the First Amendment of the Constitution regarding an individual's freedom of speech.

This case holding was a plot theme on an episode of the popular television show *CSI Las Vegas*.

<p>Case 3</p> <p>Case name and date:</p> <p>(1) <u>Criminal Case:</u> <i>State of Nevada vs. Jessica Winkle (2009)</i> Case Number: CR09-0412</p> <p>(2) <u>Nevada Supreme Court Writ of Mandamus:</u> <i>Winkle vs. Warden 127 Nev. 488 (2011)</i> Case Number: Nevada Supreme Court 56828</p>
<p>Court and presiding judge and all counsel:</p> <p>(1) <u>Criminal Case</u> Second Judicial District Court; Washoe County Presiding Judge: The Honorable Steven Elliott Prosecutor: Deputy District Attorney Cheryl Wilson Defense Counsel: Scott N. Freeman, Esq</p> <p>(2) <u>Nevada Supreme Court Writ of Mandamus:</u> Nevada Supreme Court Appellate Counsel: Scott N. Freeman, Esq. Respondent Counsel: Nevada Deputy Attorney General Clark Leslie</p>
<p>Importance of the case to you and the case’s impact on you:</p> <p>(1) <u>Criminal Case:</u></p> <p>Similar to the Lerner case described above, I was more than a lawyer. In this case as detailed below, I was acting as a professor teaching criminal justice, explaining the law and then applying the law, like a judge. Nothing could be more foreign to my client in her young life full of potential. I was required to explain to her and her family the situation in which she found herself and what was going to happen to her. This was accomplished in very real, frightening terms to her.</p> <p>(2) <u>Nevada Supreme Court Writ of Mandamus:</u></p> <p>It was an excellent lesson to me that Judges do not legislate the law, they interpret it. In my opinion, our Nevada Supreme Court correctly interpreted the statutory language which allowed for the AB 305 program to continue to be an effective cost-saving tool at the Nevada State Prison. As a consequence, the program is now being utilized at the prison with the <i>Winkle</i> decision cited as its support.</p>

Your role in the case:

(1) **Criminal Case:**

On September 20, 2008, 19-year-old Jessica Winkle was driving from a wedding to a friend's house and made a left turn from the Mt. Rose Highway onto Callahan Ranch Road in Reno, Nevada. She did not see an oncoming motorcyclist, 21-year-old Hudson Post. Ms. Winkle's vehicle impacted Mr. Post and he died. Ms. Winkle's blood alcohol level was .10. She was charged with Driving Under the Influence Resulting in Death. I was able to plea bargain the case to the most minimum sentence allowed by law, a 24-month sentence. Thereafter, I convinced the judge to give her that sentence.

At the time, the Nevada Department of Corrections had implemented an opportunity for offenders for what was known as the AB 305 program, which is a recovery program that allows an inmate to be released on house arrest one year prior to their first parole eligibility date. Therefore, Ms. Winkle, on a 24-month minimum sentence, was eligible to be released on house arrest after serving 12 months. I obtained Ms. Winkle's release on house arrest through my post-conviction legal work with the Nevada Department of Corrections.

However, following a series of investigative newspaper articles in the Reno Gazette-Journal, the Attorney General reversed a previous opinion that allowed this house arrest program at the prison. As a result, the prison followed this directive from their lawyer, the Attorney General, and *re-incarcerated* Ms. Winkle, even though she was complying with her house arrest. Not only was Ms. Winkle re-arrested, but seven other individuals both in Southern Nevada and Northern Nevada who were on house arrest were re-incarcerated by members of the Division of Parole and Probation at the prison director's order.

See Attachment 5 – *Winkle Story - Series of Media & Reno Gazette-Journal Articles (Index pages 18-37).*

(1) **Nevada Supreme Court Writ of Mandamus:**

As a result of the above criminal case, the interpretation of the AB 305 program needed to be legally resolved. I filed a Petition for Writ of Mandamus before the Nevada Supreme Court, which are rarely granted, litigating what I believed to be the correct interpretation of Nevada law: the law that requires individuals who are statutorily eligible to be released on house arrest under safe, secure and limited circumstances for this narrow class of offenders.

Simultaneously, the Attorney General introduced legislation to completely eliminate the AB 305 house arrest program to the legislature. Both my Supreme Court Writ and the Attorney General's legislation were running parallel courses. The legislation, however, did not get out of committee and I successfully argued the case before the

Nevada Supreme Court on the *Winkle v. Warden* facts and law. As such, my case is now the law of the State of Nevada, which requires an individual who is appropriately qualified to be released on house arrest in the year prior to his/her parole eligibility.

Shortly before July 2011, Ms. Winkle was released from prison and eventually expired her sentence and has moved on with her life.

Case 4
Case name and date: <i>United States of America v. John Ligon (2003)</i> Case Number: CR-N-03-189-HDM (RAM)
Court and presiding judge and all counsel: United States District Court – District of Nevada Presiding Judge: The Honorable Howard McKibben Prosecutor: Assistant United States Attorneys Ronald Rachow & Donald Gifford Defense Counsel: Scott N. Freeman, Esq.
Importance of the case to you and the case’s impact on you: What I learned from this experience is that a relatively new area of the law, in this case, <i>Unlawful Excavation of Archaeological Resources</i>, can expand into complex litigation. Fortunately, through research, the ability to write and comprehend the issues presented, I was able to reach a successful result for my client. As well, it reemphasized for me that you can never control a client’s choices, you can only advise them of the best course of action. It is up to them to accept that advise. This case experience of being constantly confronted with new, complex, yet interesting issues of law and facts gave me additional tools to be a good Justice. In this case, for the first time in my career, I was successful in having one of my cases reversed and dismissed on appeal, rather than remanded.
Your role in the case: This was a federal criminal case of <i>Theft of Government Property and Unlawful Excavation of Archaeological Resources</i>. One day, Mr. Ligon and a co-defendant went out to Peavine Mountain and removed three rocks/boulders containing petroglyph carvings and placed them in Mr. Ligon's residential garden. These ancient Native American artifacts were subsequently discovered missing by the U.S. Forest Service. Mr. Ligon was apprehended quickly as he had placed the artifacts in his front yard as part of his decorative landscaping. It was one of the first times that a Title 16 U.S.C. § 470 ee(a)(d) <i>Unlawful Excavation of Archaeological Resources</i> case was tried to verdict

before a jury. It was significant because the government had to establish that Mr. Ligon intentionally stole these artifacts, knowing their value, and that he specifically intended to permanently deprive the true owners (the U.S. Forest Service). The defense was that Mr. Ligon had no intent to violate the law and was preserving the rocks from impeding housing construction.

The case went to trial before a jury and Mr. Ligon was acquitted of the *Unlawful Excavation of Archaeological Resources* count; however, he was convicted of the *Theft of Government Property* count. That conviction was appealed to the Ninth Circuit Court of Appeals. The issue on appeal was that the government did not prove the statutory value of the rocks, other than they were 'priceless'. The Ninth Circuit agreed with my analysis that the government had not met the burden of proof on this issue.
 See, Attachment 6 - *U.S.A. v. Ligon, 440 -F3d 1182 (9th Cir. 2006) (Index pages 38-43)*

Interestingly, post-script, while Mr. Ligon was awaiting sentencing after trial on the *Theft of Government Property* count, and prior to appeal, he failed to remove some hunting rifles and other guns that were located in his home. This was prohibited because at that moment in time, he was a convicted felon and had lost his right to bear arms. These guns were discovered by law enforcement. As a consequence, he was separately charged with *Possession of a Firearm by A Prohibited Person*. This was very frustrating because the felony charge that made him a felon in the first case was reversed and dismissed by the Ninth Circuit. However, the timing was such that he was convicted of the felony *Possession of a Firearm by A Prohibited Person* before the Ninth Circuit reversed his conviction for the previous conduct. He attempted to appeal by Writ to the Federal District Court. The Writ was denied, and that denial was affirmed by the Ninth Circuit.

Case 5
Case name and date: <i>United States of America v. Shirley Colletti (1995)</i> Case Number: CR-N-95-0049-HDM
Court and presiding judge and all counsel: United States District Court – District of Nevada Presiding Judge: The Honorable Howard McKibben Prosecutor: Assistant United States Attorney Michael Barr and Assistant United States Attorney Gregory Dam Defense Counsel: Scott N. Freeman, Esq. & David R. Houston, Esq.

Importance of the case to you and the case's impact on you:

The significance of that case is that I essentially left my traditional law practice and involved myself in one case, one jury trial, which was my total focus for over a year. The travel experiences and meeting with various international witnesses forever changed my view of traditional law practice. Prior to that time, I had accepted cases in my general practice jurisdiction of Northern Nevada and Lake Tahoe. When I traveled internationally, I realized that the only limitation for a trial lawyer is where they want to practice and what type of cases they want to take. However, my home base professionally is Washoe County where I first starting practicing as an attorney and where I remained as I was appointed as Judge in Department 9 in 2012.

This litigation gave me the experience of being before international judges in Switzerland, of which, pursuant to Swiss law and treaties with the United States, I had to request permission from the Swiss court to take depositions of Swiss bankers. I was able to experience the international judiciary, which was an interesting contrast to our local system. This experience of comparing our legal system with international law and procedure made me confirm our legal system, based upon constitutional principles, is the best in the world.

Your role in the case:

This case was commonly referred to as the high-profile "Mustang Ranch Case". My client, Shirley Colletti was the "Madame" of the infamous Northern Nevada Mustang Ranch Brothel and was indicted along with the notorious Joe Conforte for various counts of bankruptcy fraud, wire fraud, aiding and abetting, money laundering, witness tampering, racketeering and forfeiture.

Ms. Colletti's defense mirrored and paralleled co-defendant A.G.E. Enterprises' defense, i.e., if Mustang Ranch investor A.G.E. was found to be a legitimate business which had purchased the Mustang Ranch legally through an 'arm's length' transaction, then Ms. Colletti should be acquitted of all offenses.

See Attachment 7 – *Colletti Trial - Reno Gazette-Journal Newspaper Article (Index pages 44-46)*

Our defense required us to follow the money trail for the alleged purchase of the Mustang Ranch Brothel. My co-counsel and I traveled to Brazil three times for interviews; Switzerland three times to examine bank accounts in Swiss banks and to take depositions; London two times; and Italy on one occasion. It was a once in a lifetime litigation experience and as it was considered "high profile" at the time and as such, reported by the local media when the case went to trial.

At the conclusion of trial, Ms. Colletti was acquitted on 13 counts, but was also convicted on 11 counts. This 62-year-old woman with a 10th grade education was sentenced to 46 months in federal prison and was required to forfeit over \$220,000.

As a result of the verdict in this case, the Mustang Ranch as it existed, was dismantled by the Federal Government and turned into pastureland by the BLM. Subsequently, the Mustang Ranch name and trademark were sold to its current owner in Northern Nevada and, thus, concluded the historical relevance of Joe Conforte in Northern Nevada with that Jury Trial. He never appeared for trial and is still a fugitive from justice, if still alive, living in Brazil.

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

A. I currently serve as a full-time judicial officer as presiding District Court Judge in the Second Judicial District Court, Department Nine (General Jurisdiction). My service also necessarily includes, but is not limited to, acting as a mediator and a settlement judge in both civil and criminal cases.

B. Pro Tem Justice - Nevada Supreme Court

I was honored to be selected by Governor Brian Sandoval to sit as a Pro Tem Justice of the Nevada Supreme Court in the case of:

**In Re: Discipline of James Colin
135 Nev. Adv. Op. 43 (Sept 2019)**

This experience as a sitting Nevada Supreme Court Justice for this decision, gave me a unique and unforgettable insight to how the Court works, the necessary requirements of participating as a Justice, utilizing my research skills in carefully reviewing transcripts and record on appeal, culminating in my vote, which in this case was with the majority for this opinion.

See, Attachment 8 – Nevada Supreme Court Appointment Executive Order (Index pages 47-48)

C. Other Judicial Experience:**1. 1995-2012, Pro Tem Judge, Reno Municipal Court, Reno, Nevada**

In 1995, I was appointed as a Judge Pro Term in the Reno Municipal Court, presiding over all criminal matters, from traffic tickets to complicated DUI and domestic violence trials. I presided over bench trials, ruled on motions, made evidentiary findings and ruled on objections

See Attachment 9 - *Reno Municipal Court Letter of Appreciation/Certificates (Index pages 49-52)*

2. 1998-2012, Pro Tem Judge, Placer County Superior Court, Tahoe City, California

I also was requested by the Placer County Superior Court in Tahoe City, California, to sit as a Judge Pro Tem, whereupon I presided over their Drug Court. As the Judge, I listened to individuals' stories from a judicial perspective as opposed to that of an advocate, giving praise to the offender when needed, but also having the discretion to incarcerate if required. I also presided over TPO matters and Family Court in the Placer County Superior Court.

3. 1993-2000, Pro Tem Family Court Master Washoe District Court

In 1993, the Family Court of Washoe County came to the conclusion that its Master Program needed to be supplemented. Prior to the ability to budget full-time Court Masters, which is the present system, and subsequent to the revelation that Court Masters could assist District Court Judges in the Family Court arena, some local practitioners were requested to apply as Pro Tem Family Court Masters. I was one of those so selected to apply. I did and was accepted. Those that were selected were crossed trained in Juvenile matters (in which I already had experience from my law practice), the review of temporary protection orders, child welfare cases, child support matters and some custody disputes, which were all the subject matter of the new Family Court. I also had the distinction of being a Pro Tem Court Master for the Northern Nevada Mental Health patients under the direction of then Family Court Judge Scott Jordan. During my Pro Tem term, the area of which I was typically assigned because of my background and experience for the Pro Tem Court Master position was in Juvenile Court. I particularly enjoyed the Juvenile Court because I had my first judicial experience

affecting the lives of the young offenders in an effective way by making the decision(s) in my attempt to impress upon these individuals to be productive members of society before they became part of the adult criminal justice system.

See Attachment 10 - *Letter Authored by the Honorable Scott Jordan in support of my application for District Court Judge (Index pages 53-55)*

D. Arbitration

I was appointed by the State Bar as a Fee Dispute Arbitrator in 1990 through 1996, whereupon I arbitrated fees between attorneys and clients in criminal cases and family law cases. I expired my terms.

Between 2002 – 2012, I served as an Arbitrator for the State Bar Disciplinary Committee, arbitrating ethics violations alleged against attorneys, brought by the State Bar.

See Attachment 11 - *Appointment Letter/Plaque (Index pages 56-58)*

My experience as an arbitrator for the State Bar was most rewarding. On a limited basis, it involved reviewing pleadings from other lawyers and laypeople, deciding and applying the applicable law that is involved in the dispute. Then, coming to a decision and writing that conclusion in an Order form further gave me additional tools to be a good judge and contributed to my desire to be a member of the Judiciary.

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

A. I have been recognized for my work as a pro bono attorney.

1. In 1999, I was awarded the Access to Justice *Pro Bono Attorney of the Year*.
2. In 1994, I was selected as *Pro Bono Attorney of the Year* for the State of Nevada, solo practitioner.
3. In 1997, I was September Pro Bono Attorney of the Month.
4. In 1992-1993, I was honored by the volunteer lawyers of Washoe County for my pro bono work.
5. In 1987, I was selected by the Washoe District Court for my pro bono work.

See Attachment 12 - *Pro Bono Certificates/Awards (Index pages 59-66)*

B. Law Practice Pro Bono Significant Case Example:

In 2011, I, along with co-counsel Bill Jeanney, Esq., of the law firm Bradley Drendel & Jeanney, tried a federal civil case known as *Eoff vs. City of Reno*, in federal civil case number 3:08-cv-00059-KJB-RAM. We represented a 23-year-old young lady. Then, Deputy Reno City Attorney Jack Campbell, Esq., represented the City of Reno.

My client was the victim of Reno Police Officer Paul Pitsnogle, who, when she was a 17-year-old senior in high school, put her in the backseat of his patrol car and made her undress. That incident occurred in 2006.

I represented this young lady as a victim/witness, pro bono, through the investigation and criminal trial of the police officer, who was acquitted of criminal conduct. Undeterred, she courageously thereafter filed a civil lawsuit against the City of Reno in Federal Court. After a lengthy 5-year process, the matter proceeded to jury trial July 2011, and the City of Reno was found liable for a failure to properly train their employees. My client was finally vindicated and received much needed emotional closure.

I would estimate I had over 1,000 hours pro bono in that case throughout my five-year representation. That is one example of my pro bono work in a case that received local media attention.

See Attachment 13 - *KOLO Channel 8 Article (Index Pages 67-69)*

C. Other Pro Bono/Public Interest Work**1. Nevada Law Foundation**

I also believe in positively contributing to the community as an attorney and member of the Judiciary. As such, I was a member of the Nevada Law Foundation Board of Trustees from 1994-1998.

See Attachment 14 - *Order Appointing Trustees/Certificate (Index pages 70-71)*

The Nevada Law Foundation is Nevada's IOLTA Administrator Board of Trustees. (IOLTA) – Interest in Lawyer's Trust Accounts – is a method of raising money for charitable purposes, primarily the provision of civil legal services to indigent persons.

Lawyers often handle money that belongs to clients, such as settlement checks, fees advanced for services not yet performed, or money to pay various court fees. In such cases, lawyers deposit the funds into trust accounts, where the funds can earn interest for the client. That interest is contributed to be used as charitable funding so the Nevada Law Foundation can administer and award grants using those funds.

The Nevada Law Foundation awards grants to worthy charities following their guidelines.

I was appointed as Chairman of the Board of Trustees, as appointed by the Nevada Supreme Court in 1996 to 2001.

See Attachment 15 - *Picture of Plaque (Index pages 72-73)*

I was additionally honored by being a founding colleague of the Nevada Law Foundation in 1994. To be invited to be a Nevada Law Foundation Colleague, an attorney must demonstrate outstanding leadership and the desire to contribute to the public concerning law related education and the charitable giving of the Foundation.

See Attachment 16 - *Certificate of Congressional Recognition for being a Nevada Colleague by Harry Reid (Index pages 74-75)*

2. The Children's Cabinet

I served as a member of the charitable organization known as The Children's Cabinet (see question 30) and served as the Resident Agent for the Children's Cabinet Foundation, Inc., pro bono.

In addition, I have performed pro bono legal work by assisting the Children's Cabinet employees and contractors with representation involving subpoenas issued to Children's Cabinet employees by opposing attorneys in Family Court. I performed pro bono legal services as well on an as-needed basis to indigent and at-risk youth.

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.

1. Nevada District Judges Association – President June 2021 – June 2022

I most recently completed my presidency of the Nevada District Judges Association. I oversaw all of the District Court Judges in the State by way of this Association this past year, including through the COVID pandemic.

It was an honor to be unanimously elected President by all of the District Court Judges in the State, all of whom had confidence in my ability to lead the membership during this uncertain time.

My term was completed at the NDJA Annual Meeting at the Nevada Judicial Leadership Summit in 2022.

See Attachment 17 - *Plaque Awarding Presidency (Index Pages 76-77)*

2. **Nevada District Judges Association -
Board of Directors: 2016 – 2021**

I was unanimously elected and re-elected to the Board by the District Judges statewide. As a member of the Board of Directors of the Nevada District Judges Association, I participated in leadership decisions, including, but not limited to various legislation, which was passed, benefiting the District Judges throughout the State.

3. **Bar Associations and Professional Societies Present Memberships:**

- A. State Bar of Nevada – Member, 1984 – present
- B. State Bar of California – Member, 1984 – present
- C. U.S. Court of Appeals, Ninth Circuit – Member 1985 – present
- D. U.S. District Court, District of Nevada – Member, 1985 – present
- E. U.S. District Court, Northern District of California – Member, 1985 – present
- F. U.S. District Court, Eastern District of California - Member, 1985 – present
- G. U.S. District Court, Central District of California – Member, 1985 – present
- H. Washoe County Bar Association – Member, 1984 – present
- I. Northern Nevada Women’s Lawyers - Member, 2012

4. **Bar Associations and Professional Societies Past Memberships:**

A. American Board of Criminal Lawyers

Only 5% of the criminal defense attorneys in the country are invited to be a member of this elite society. It is a lengthy application process, and I was nominated, invited and admitted in 2009. I am the only Northern Nevada lawyer who was admitted as a member of this prestigious organization. See Attachment 18 – *Certificate of Membership (Index pages 78-79)*

- B. Nevada Attorneys for Criminal Justice –
Board Member/Past Northern Nevada Vice President
- C. Northern Nevada Criminal Defense Attorneys Association – Founding Member
- D. Criminal Defense Trial Lawyers Association
- E. Washoe County Bar Association
- F. National Association of Criminal Defense Lawyers

G. Nevada Trial Lawyers Association

H. Nevada Justice Association

I. The Association of Trial Lawyers of America

J. American Inns of Court, Bruce R. Thompson Chapter, 2002-Present

- **Inns of Court, Bruce R. Thompson Chapter, Barrister, 2001-2002**
- **Inns of Court, Bruce R. Thompson Chapter, Master, 2002-2006**
- **Inns of Court, Bruce R. Thompson Chapter, Master Emeritus 2007- Present**

K. Nevada Gaming Commission, State Gaming Control Board – Admitted Attorney

L. Lieutenant - Washoe County Sheriff's Honorary Deputies Association

M. American Bar Association – Member

N. Litigation Counsel of America Trial Lawyer Society

O. State Bar of California, Criminal Law Section

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?

A. Yes, I am in compliance with the continuing judicial education requirements in Nevada applicable to me as a Judge.

See Attachment 19 - Nevada Board of Continuing Legal Education transcript (Index pages 80-99)

B. In the past 5 years, I have attended the following Continuing Legal Education courses, and additionally, I have presented at these courses as well. (Please also see, answer to Question 31):

January 4, 2017: National Business Institute: *Advanced Civil Litigation Skills in Nevada-A Two Day Practical Course: Top Trial Mistakes – A Civil Court Judge's Perspective*

June 8, 2017: Nevada Justice Association: Richard A. Harris Series of Continuing Legal Education: *Civility and the Law*

December 2017: William S. Boyd School of Law and the Nevada Law Journal: *Standardizing the Wild West: A Symposium on Criminal Procedure*

April 2017: Nevada District Judges Conference: *Evidence: Expert Testimony*

April 2017: Nevada District Judges Conference: *Settlement Conference Skills*

May 12, 2017: National Judicial College: *Advanced Concepts in Criminal Justice*

September 2017: Nevada Justice Association, Club X: *Courtroom Etiquette*

October 5, 2017: Nevada Justice Association (Portland, OR): *Advanced Course in Continuing Legal Education*

November 2, 2018: Nevada Business Institute: *As Judges See It: Top Mistakes Attorneys Make in Civil Litigation*

February 13, 2019: Washoe County Bar Association Luncheon: *Chief Judge's Presentation of The State of the Court*

February 27, 2019: Second Judicial District Court: *Legislative Bills AB 43 & 46 Presentation*

October 4, 2019: Nevada Justice Association (Newport Beach, CA): *Ethics Before a Jury*

October 18, 2019: National Judicial College: *Judicial Academy, A Course for Aspiring Judges*

February 12, 2020: Washoe County Bar Association: *Chief Judge's Presentation of The State of the Court*

March 26, 2020: Nevada Justice Association Webinar: *Judges Role in a Pandemic*

July 19-22, 2020: National Conference of Juvenile and Family Court Judges 83rd Annual Conference – *Keynote Address*

October 13-15, 2020: Nevada Specialty Court Conference – *Youth Offender Court*

February 8, 2021: Nevada State Legislature: *Chief Judge's Presentation of the State of the Second Judicial District Court*

February 10, 2021: Washoe County Bar Association: *The State of the Court*

February 25, 2021: State Bar of Nevada: *CLE Seminar – Ethics*

June 18, 2021: *Review of Recent United State Supreme Court Opinions Webinar*

June 25, 2021 – Nevada Supreme Court, District Court Judges Webinar: *Judicial Canons and Best Practices – Ethics*

October 8, 2021 – Nevada Justice Association: *Jury Selection and Best Practices*

May 3, 2022: Nevada Judicial Leadership Summit (Harrahs, Lake Tahoe): *Jury Trial Management*

May 4, 2022: Nevada Judicial Leadership Summit (Harrahs, Lake Tahoe): *Judicial Discipline: Trends and Outlooks*

September 14-16, 2022: Nevada Government Civil Attorneys Conference: *Dos and Dents from Members of the Bench*

September 29-October 1, 2022: Nevada Justice Association (Denver, CO): *Question and Answer with The Judges*

October 12-14, 2022: Nevada Specialty Court Conference

See Attachment 20 – *Certificate from Supreme Court Judicial Department; Certificate National Judicial College (Index pages 100-102)*

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.

Yes.

- 1. When I was 16 years old, my first employment was as an ice-skating guard at the local skating rink. I had been playing hockey since I was 5 years old, so I knew how to skate. A skate guard is similar to a pool swim lifeguard on the ice.**

- 2. During my junior year in high school at age 17 and senior summer at age 18, I worked at a cemetery as a maintenance crew member, which included, but was not limited to, landscaping, cutting of grass and planting flowers. Also, I occasionally worked at funerals assisting in the burying and covering of caskets.**

3. **While in college, I was employed in the mail room as a mail clerk at the main student post office at the Student Union at Ithaca College. I sorted mail in the main post office for students, placing their mail in their respective mailboxes from 1975-1978, freshman through junior year.**
 4. **In 1978, I began bartending in Ithaca, New York in some of the local college taverns (in those days, the drinking age was 18). I eventually worked at the Ithaca Country Club as a bartender and the Ithaca College Tower Club, which is similar to a country club type restaurant on the Ithaca College Campus.**
 5. **I moved to the north shore of Lake Tahoe in the fall of 1979 and worked home construction for a short time. In the winter of 1979, I got a job as a bartender, then thereafter bar manager, at the Mt. Rose Ski Area when it was called Ski Reno until April of 1980. I also worked as a bartender at Stanley's Restaurant in Incline Village after the ski season in the summer of 1980. Then, I moved to Los Angeles after being admitted to Southwestern University School of Law in August of 1980.**
 6. **Commencing my second year in law school, I began a clerkship for Gilbert, Kelly, Crowley and Jeannett, which law firm and responsibilities have been detailed in my Answer to Question 6. The firm's representative client was the California Automobile Club of Southern California, also known as "Triple A". I did insurance defense law clerk work for the firm.**
 7. **In 1983, while studying for the Nevada State Bar, I worked as a part-time bartender at the Christmas Tree Restaurant on Mt. Rose Highway, Reno, Nevada**
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

Yes.

- 1. Prior to my appointment, retention and reelection as District Court Judge I was the managing partner of the Law Offices of Freeman & Riggs, L.L.P**
 - (a) This was a law firm with offices in Reno, Nevada.**
 - (b) I was the managing partner of the firm. I also carried a full case load of criminal, civil and administrative matters.**
 - (c) In my capacity as managing partner, I was responsible for the administration and operation of the business in Nevada and California, including, but not limited to:**
 - 1. Managing support staff**
 - 2. Client Trust Funds**
 - 3. Billing**
 - 4. Ethical compliance**
 - (d) The firm operated continuously from October 2009 through March 2012 and was dissolved upon my appointment to the Second Judicial District Court.**
 - (e) I owned 75% of the business**

- 2. Law Offices of Scott N. Freeman, A.P.L.C.**
 - (a) This was my law practice as a sole practitioner in Nevada and California.**
 - (b) I was the managing partner of my office. I also carried a full case load of criminal, civil and administrative matters.**
 - (c) In my capacity as sole practitioner, I was responsible for the administration and operation of the business in Nevada and California, including, but not limited to:**
 - 1. Managing support staff**
 - 2. Client Trust Funds**
 - 3. Billing**
 - 4. Ethical compliance**
 - (d) The firm operated continuously from March 2008 through October 2009 and was dissolved upon the formation of the law firm Freeman & Riggs, L.L.P.**
 - (e) I owned 100% of the business**

- 3. Law Offices of Freeman & Routsis, A.P.L.C.**
 - (a) This was a law firm with offices in Reno, Nevada.**
 - (b) I was the managing partner of the firm. I also carried a full case load of criminal, civil and administrative matters.**
 - (c) In my capacity as managing partner, I was responsible for the administration and operation of the business in Nevada and California, including, but not limited to:**
 - 1. Managing support staff**
 - 2. Managing and mentoring my junior partner**
 - 3. Client Trust Funds**
 - 4. Billing**
 - 5. Ethical compliance**

- (d) **The firm operated continuously from May 2001 through March 2008 and was dissolved upon Mr. Routsis forming his own law firm.**
 - (e) **I owned 75% of the business**
- 4. Law Offices of Scott N. Freeman, P.C.**
 - (a) **This was a law firm with offices in Reno, Nevada.**
 - (b) **I was the managing partner of my firm. I also carried a full case load of criminal, civil and administrative matters.**
 - (c) **In my capacity as sole practitioner, I was responsible for the administration and operation of the business in Nevada and California, including, but not limited to:**
 - 1. Managing support staff**
 - 2. Client Trust Funds**
 - 3. Billing**
 - 4. Ethical compliance**
 - (d) **The firm operated continuously from June 1992 through May 2001, and was dissolved upon the formation of the law firm Freeman & Routsis, A.P.L.C.**
 - (e) **I owned 100% of the business**
- 5. Law Offices of Houston & Freeman**
 - (a) **This was a law firm with offices in Reno, Nevada.**
 - (b) **I was an officer of the Law Offices of Houston & Freeman. I also carried a full case load of criminal, civil and administrative matters.**
 - (c) **In my capacity as an officer of the corporation, I was responsible for the administration and operation of the business in Nevada and California, including, but not limited to:**
 - 1. Managing support staff**
 - 2. Client Trust Funds**
 - 3. Billing**
 - 4. Ethical compliance**
 - (d) **The firm operated continuously from May 1986 through June 1992 and was dissolved when I left the firm to open my own practice.**
 - (e) **I owned 50% of the business.**
- 6. Board of Trustees/Resident Agent – Children’s Cabinet**
 - (a) **A charitable organization in Northern Nevada**
 - (b) **My duties were to oversee as a member of the Board, thereafter Chairman of the Board of Trustees, administrative and financial accounting of the charity. The Children’s Cabinet is a charity which fills the gaps not covered by other charitable organizations for children in the Northern Nevada community.**
 - (c) **I was the Resident Agent for the Children’s Cabinet from 2003, until I was appointed to the Second Judicial District Court, Department 9, April 2012.**

(d) Terms of My Service: April 1999 through March 2012

(e) Percentage of Ownership: Not applicable.

7. Mt. Rose Bowl Property Owner's Water Company, Inc. – Resident Agent

(a) This is a property owner's water company, a closely held nonprofit corporation, located at the top of the Mt. Rose highway, near the Sky Tavern ski area, which administered the water in my neighborhood.

(b) My duties included organization and preparation of the nonprofit corporation filings; annual meetings and preparing the minutes of those meetings; handling legal issues of the Water Company's Shareholders. I advised my prior homeowner's association on homeowner matters pro bono.

(c) I was the Resident Agent and Officer for the Mt. Rose Bowl Property Owner's Water Company, Inc. In that capacity, I was a legal advisor to the Mt. Rose Bowl Property Owner's Water Company and, should they be sued, I would accept service of process, if any, in that capacity.

(d) Terms of My Service: 1985 through 2010

(e) Percentage of Ownership: Not applicable

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.

Please see preceding answer to Question 27, as well as the following:

From 1993 to 2012, I had either been a sole practitioner or a partner in a two-person law firm. The firm(s) had always been engaged in the practice of law and I was responsible for the administrative duties of the firm. Those administrative duties included supervising an associate attorney or junior partner, secretaries and paralegals, maintaining financial records and accounts of the law practice, managing the clients and the case load, and properly maintaining client records and trust accounts in a fiduciary capacity. As a partner and solo practitioner in a small law firm with many different clients, criminal defendants, businesses, litigation cases, I acquired extensive experience being responsive from a fiduciary capacity with diverse clientele and a diverse caseload, while ensuring all matters were attended to promptly and properly.

As a result, I have significant experience in supervising and administering attorneys, staff, implementing budget responsibilities and would be well-equipped as a Justice to supervise a team of law clerks and court staff, as well as efficiently manage the case load of the Court, as I have done at the District Court as presiding judge in Department 9 and as Chief Judge of the District.

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?

Yes

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

A. ELECTIVE/APPOINTIVE PUBLIC OFFICES:

YEAR	OFFICE
2020 – Reelected (unopposed)	District Court Judge Second Judicial District Court – Department 9 See Attachment 21 - Certificate of Election, Index pages 103-104
2015 – Reelected (unopposed)	District Court Judge Second Judicial District Court – Department 9 See Attachment 22 - Certificate of Election, Index pages 105-106
2013 – Retained, contested election	District Court Judge Second Judicial District Court – Department 9 See Attachment 23 - Certificate of Election Index pages 107-108
2012 – Appointment by Governor Brian Sandoval	District Court Judge Second Judicial District Court – Department 9 See Attachment 24 – Appointment Certificate Index pages 109-110

A. APPOINTED PUBLIC OFFICE**Judicial Selection Commission**

I was twice appointed by the State Bar Board of Governors to be a temporary member, of the Judicial Selection Commission in 2004 and 2005.

See Attachment 25 – *Thank You Letters, pursuant to those Appointments (Index pages 111-115)*

I was appointed as a permanent member from 2009 through my required resignation in January 2012.

See Attachment 26 – *Appointment (Index pages 116-119)*

As a result of my stated intention to apply for the District Court vacancy in Department 9 in 2012, I was required to resign as a member of the Judicial Selection Commission.

See Attachment 27 – *Letter of Resignation to the Judicial Selection Commission (Index pages 120-123)*

Nevada Sentencing Commission

In 2017, I was the original judicial representative member of the Nevada Sentencing Commission, as appointed by the Nevada Supreme Court.

The Nevada Sentencing Commission (Sentencing Commission) is statutorily required (NRS 176.0133) to identify and study various aspects relating to the sentencing of offenders convicted of a crime within this State. Prior to the next regular session of the Legislature, the Sentencing Commission is further required to prepare and submit to the Director of the Legislative Counsel Bureau a comprehensive report, including the Sentencing Commission's findings and any recommendations for proposed legislation (NRS 176.0134).

Additionally, the Sentencing Commission is statutorily authorized to request the drafting of not more than one legislative measure for each regular session of the Legislature (NRS 218.D.216).

I am still currently a member of the Commission.

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

Significant Activities/Leadership

A. Chief Judge – Second Judicial District Court, Washoe County 2017-2022

In October 2017, Chief Judge Patrick Flanagan passed away suddenly as a result of medical illness. After grieving his loss, the Second Judicial District Court was a “ship without a rudder”. I had not considered being Chief until I had received phone calls from certain members of the Nevada Supreme Court, who indicated, in their opinion, I needed to ‘step up’ and become Chief during those uncertain times, created by the untimely passing of Chief Flanagan.

Being recruited in such a manner, I could not decline. Therefore, I accepted their invitation and sought the nomination from my colleagues. I was gratified that every Judge in the Second Judicial District unanimously voted in favor of me becoming Chief in November 2017.

On November 17, 2017, I was unanimously elected Chief Judge of the Second Judicial District Court, Washoe County, Nevada.

After serving as the Chief Judge for the 2018-2020 term, I was unanimously reelected for another two-year term (2020-2022).

See Attachment 28 –

Media Release(s) Election and reelection as Chief (Index pages 124-129)

In the Second Judicial District, the Chief Judge position does not come with any additional monetary compensation for the additional administrative responsibilities. The Chief Judge maintains a case load but is allowed a reduction as a result of the additional duties. I declined that benefit and maintained the caseload assigned to me without a reduction during my two terms as Chief.

At the time I was unanimously elected for my second and last two-year term as Chief, I could not possibly have predicted I would be serving as the Chief Judge for Washoe County through the pandemic caused by COVID-19. The responsibilities and duties as Chief Judge guiding the Washoe County Judiciary through the COVID-19 pandemic were exponentially greater than those of my predecessors, as the consequences of this global health crisis evolved during this time.

When I first became Chief, typical administrative matters occurred. The following were some significant examples pre-pandemic as follows:

1. New Second Judicial District Courthouse

I worked closely with Court Administration to attempt acquire a new courthouse for the Second Judicial District Court. I developed and presented ongoing project and budget plans to the Washoe County Board of Commissioners. Unfortunately, this project was set aside as a result of COVID-19. Instead, however, the Court was awarded COVID recovery funds and I supervised the creation of a new complex litigation courtroom, which was “COVID” compatible for jury trials during the pandemic.

2. Specialty Courts – Transition of Specialty Courts from Senior Judges to Presiding Second Judicial District Court Judges

My responsibilities as Chief were to identify that we, as a Court, needed to adhere to best practices in Specialty Courts. The best practices, according to the National Association of Drug Court Professionals, is to have a “one-judge, one-court rule”. As such, those best practices were unanimously adopted by our Court. Previously, all of our Specialty Courts had been overseen by two (at times, three) rotating Senior Judges. Therefore, under my administration, our Specialty Courts were transitioned from those Senior Judges to assigned individual Second Judicial District Court General Jurisdiction Judges to preside over the individual respective Specialty Court as recommended.

3. Removal of a Family Court Judge

A Family Court Judge needed to be removed from office as a result of his lack of work ethic and overall judicial incompetence. As Chief, I oversaw that removal, in conjunction with the Judicial Discipline Commission, after issuing an Administrative Order to correct the problem, which did not resolve his issue, culminating in his removal.

4. Representation of the District Before the Legislature, Culminating in Successful Bill Passage Benefitting the Court

During the 2019 legislative session I was successful in marshalling the passage of AB 43, in conjunction with my colleague, then Chief Judge Linda Bell of the Eighth Judicial District. More specifically, I was able to persuade the Legislature to award the Second Judicial District Court an additional Family Court Judge, of whom we were in desperate need. I successfully lobbied both Houses of the Legislature, culminating in Governor Sisolak signing the Bill, granting our request for an additional Family Court Judge as a matter of law.

See Attachment 29 – *Picture with Governor holding the bill (Index pages 130-131)*

5. The Pandemic Caused by COVID-19

March 2020, COVID was becoming more prevalent, widespread and was misunderstood. My work as Chief Judge had shifted from typical duties and responsibilities in moving the Court forward, to the unanticipated realities of beginning to prepare the Second Judicial District Court for what would become the pandemic caused by COVID-19.

At the same time, the most influential person in my life, my mother, who was still vibrant and productive at age 97, resided in a nursing home in my hometown of Montclair, New Jersey. We spoke every Sunday, as we had done for the majority of my life. As it made national news, COVID swept through nursing homes in New York and New Jersey. COVID swept through my mother's nursing home, taking my mother's life. She passed away on March 24, 2020, as a result of the COVID virus.

At the same time, I was grieving my mother's passing, I had to remain strong and diligent in my role as Chief, to maintain order and productivity during these challenging times. I was in close contact with then Nevada Supreme Court Chief Justice Kristina Pickering and Chief Justice James Hardesty during this time concerning the Washoe Court system moving forward in coordination with the Supreme court and their directives for the Judiciary. I also organized and led the Courts of Limited Jurisdiction in Washoe County with open lines of communication concerning the COVID response. Additionally, I am informed by various presiding District Court Judges that my authored Administrative Orders regarding COVID-19 response were used as models for their Districts. These District Court Judges presided without colleagues with which to communicate during the pandemic, so they relied upon how I was responding with regard to the pandemic in my capacity as Chief in the Second Judicial District Court.

I was responsible for formulating plans with our Court Administration to provide equipment to facilitate operating remotely, after I was forced to declare the courthouse closed to the public on March 16, 2020. (Administrative Order 2020-02)

I am proud to say I was able to continue the work of the Court uninterrupted, with limited in-person trial work to keep the system of justice moving forward as best as we could under the circumstances.

As more fully set forth in Answer (G) to Question 35, and Attachment 43, I issued monthly Administrative Orders throughout the pandemic caused by COVID-19.

Eventually, through my administration, the courthouse reopened and was in full operation in a post-COVID emergency environment, prior to my term as Chief Judge expiring in 2022.

B. PGA Tour – Director of Security/ PGA Tour Board of Directors

1. **Reno Tahoe Open
Montreaux Golf and Country Club
Reno, Nevada
1999-2020**

2. **Barracuda Golf Championship
Old Greenwood Country Club – Tahoe Mountain Resort
Truckee, California
2020 – present**

In 1999, I was the 50th original member of the Montreaux Golf and Country Club. At that time, the PGA tour awarded Montreaux with the Reno Tahoe Open professional golf championship tournament. The Club asked the members if they would like first rights of refusal to volunteer for the tournament. I volunteered for the security team and the next year was named volunteer Director of Security. I became responsible for all paid uniformed law enforcement contracted for the tournament and volunteer law enforcement based upon my background and experience as a criminal lawyer who had by necessity worked with law enforcement.

After the attacks of September 11, 2001, the PGA Tour required everyone who participated in security at all of their tournaments to be armed and be an active or retired member of law enforcement. Based upon the fact I had previously been successful as the Security Director, I was allowed to be “grandfathered in” as the volunteer Security Director, even though I was neither active nor retired law enforcement.

Every summer, I take a week off from my work as my vacation to volunteer for the week of the tournament. My responsibilities include organizing all law enforcement, both paid and volunteer, and to be responsible for the Security Department for that particular PGA Tour golf event. I am proud to give back to the community by this significant activity.

See Attachment 30 - Letter Authored by John Mutch, Jr., PGA Tour Official and Reno Gazette Journal articles & Recognition for 20 Years Letter (Index pages 132-138)

- a. **Approval From the Standing Committee on Judicial Ethics to Continue to be Security Director**

When I was appointed a District Court Judge in 2012, I submitted a request for a formal opinion to the Standing Committee on Judicial Ethics as to whether I could continue in my capacity as Security Director for the PGA Tour. The Committee approved my continuing volunteer service as Security Director in a published opinion.

Ostensibly, the reason the Standing Committee on Judicial Ethics ruled in favor of my request is because of the charity work that the Barracuda Championship, and its predecessor the Reno Tahoe Open contributed to the community, which included the Children's Cabinet, a charity of which I was actively involved.

See Attachment 31 – *Formal Opinion from Judicial Ethics Commission (Index pages 139-141)*

3. Reno Tahoe Open/Barracuda Golf Championship Foundation – Board of Trustees Member (2015-present):

As a follow up to my work as volunteer Director of Security, I was recruited and then selected to become a member of the Reno Tahoe Open (now Barracuda) Foundation Board of Trustees.

In that capacity I am a member of the Foundation Board who oversees the functions of the tournament, tournament staff, and the administration of charitable dollars to various charities throughout the Northern Nevada & Northern California communities.

See Attachment 32 - *Letter from Jay Monahan & Board of Directors Picture (Index pages 142-144)*

C. Reno Rodeo Association Volunteer

Lead Security Officer – Past President's Room (2015 – present)

In 2015, I became a volunteer for the Reno Rodeo Association. The Reno Rodeo Foundation is a part of the Reno Rodeo Association, upon which proceeds from the Reno Rodeo are provided to numerous charities. Nevada Supreme Court Chief Justice Ron Parraguirre is on the Foundation Board, as well as Senior Justice of the Peace Jack Schroeder. Sixth Judicial District Court Judge Mike Montero had served as an Arena Manager for the Rodeo as well. Therefore, I knew, as a result of that precedence, I did not have a conflict to participate.

In June 2022, I was honored with the Award of Merit for my work I had done as a volunteer this year.

See Attachment 33 - *Picture with retired Deputy Sheriff, now President of the Reno Rodeo Association Josh Iveson, and Washoe County Sheriff Balaam (Index pages 145-146)*

D. Rotary Club of Reno – Sunrise (2012-2020)**Sergeant at Arms**

The Rotary Club of Reno – Sunrise is one of the many rotary clubs throughout the world whose significant charitable mission is to eliminate Polio in our lifetime. I was attracted to join due to the Rotary motto: “Service Above Self”. Prior to the pandemic, this club of which I was an active member, met on Friday mornings at the Atlantis Casino in Reno.

In 2014, I was recognized with the Starlight Award for bringing positive change to the Club and my community.

The Sergeant at Arms was responsible for taking attendance, participating in Club meetings and keeping order during meetings.

**E. The Children’s Cabinet Board of Trustees
1999-2012**

As stated in my Answer to Question 22, from 1999 to 2012, I was a member of the Board of Trustees for the Children's Cabinet. In 2004, I was named Chairman of the Board of Trustees for the Children's Cabinet. My responsibilities as Chairman included presiding over Board Meetings, overseeing fundraising, consensus building and other board-administrative matters for the Board and the Children’s Cabinet for that year. I was also Chairman of the Children's Cabinet Foundation Board for that year, which is a leadership responsibility of the Children's Cabinet overseeing the separate financial endowment possessed by the Children’s Cabinet, Inc.

See, Attachment 34 - *Thank you Letter/Plaque (Index pages 147-149)*

F. Nevada Law Foundation

Please refer to my Answer to Question 22, 22C.

It was a privilege to participate as a Trustee, Chairman of the Board of Trustees and Founding Colleague of the Nevada Law Foundation, administering IOLTA funds and awarding grants to deserving charities who promoted law related education.

G. Special Olympics

In 1989, I volunteered and was selected to be the co-chairman of the Special Olympics International Floor Hockey Venue in Reno. Working with my experienced Canadian co-chairman, we organized the floor hockey event for the International Special Olympics that came to Reno at the Convention Center. I organized the events, scheduling and logistics. I had experience from college playing intramural floor hockey, which gave me the knowledge to organize this event.

See Attachment 35 – *Recognition Plaque (Index pages 150-151)*

H. COMMITTEES, COMMISSIONS, ORGANIZATIONS, COURT ASSIGNMENTS:

<u>DATE</u>	<u>ORGANIZATION</u>	<u>POSITION</u>
June 2022 – Present	Subcommittee on Uniform Rules for Civil Cases Appointed by the Nevada Supreme Court	Member
2019-present	The Standing Committee on Judicial Ethics Appointed by the Nevada Supreme Court See Attachment 36 – <i>Appointment Letter (Index pages 152-153)</i>	Judicial Member
2015 - present	Nevada Supreme Court Commission on Statewide Rules of Criminal Procedure	Member
2015 - present	Nevada Supreme Court Commission on Statewide Rules of Criminal Procedure – Jury Instructions Subcommittee See Attachment 37 - <i>Unreasonable Doubt Article (Index pages 154-155)</i>	Chair
2019	Nevada Supreme Court Commission on Statewide Rules of Criminal Procedure – Criminal Rules Subcommittee Co-drafter Supreme Court Rule 252 – Creation of Criminal Settlement Conferences	Member

2012- present	Nevada Department of Parole and Probation – Council for Interstate Compact Supervision As appointed by Supreme Court	Judicial Representative
2017-present	Nevada Sentencing Commission Appointed by the Supreme Court	Judicial Member
2017-2018	CJAC (Criminal Justice Advisory Commission)	Judicial Member
2018-present	CJAC (Criminal Justice Advisory Commission)	Chair
2016-2020	Youth Offender Specialty Court	Presiding Judge
2018-present	Medically Assisted Treatment (MAT) Specialty Court	Presiding Judge
2012-2014	2JDC Probate Court	Judge
2014-2017	2JDC Business Court	Judge
2014-2017	Washoe County Criminal Bench Bar Committee	Chairman
2013	Washoe County Civil Bench Bar Committee	Chairman
2017-2022	Grand Jury - Washoe County	Presiding Judge
2014-present	Designated Presiding Judge over Emergency Election Disputes	Presiding Judge
2018-present	Judicial Branch Legislative Committee	Member
2018-2022	Western Regional Judicial Counsel	Presiding Judge
2018-2022	Judicial Counsel of the State of Nevada	Chief of Washoe County
2017-2022	Washoe County Law Library Board of Trustees	Trustee

2018-2022	Court Budget Committee	Chairman
2018-present	Court Security Committee	Chairman
March 2020 - January 2022	COVID Recovery Planning Committee	Chief
March 2020- January 2022	Jury Trial Working Group – COVID Recovery	Chief

Additionally, I have been appointed to leadership positions as an attorney as follows:

In 2005, I was selected and served as a member of the Washoe County Public Defender Selection Committee. We recommended then Washoe County Public Defender Jeremy Bosler to the Washoe County Commission.

In 2007, I was selected and served as a member of the Washoe County Alternate Public Defender Selection Committee. We recommended then Washoe County Alternate Public Defender Jennifer Lunt to the Washoe County Commission.

2009 -2010: Nevada Mandatory Sentencing Review Commission, as appointed by The Nevada Supreme Court: Subcommittee on Drug Trafficking Sentencing (Nevada Supreme Court Justice Douglas Herndon, then Clark County DJ, Chair)

1999 -2006: Member of the Nevada Mandatory Sentencing Review Commission Criminal Defense Representative.

1991 – 1994: Northern Nevada Association of Criminal Defense Lawyers, founding member and Chair of the Liaison Committee between the Washoe County District Attorney's Office and the association membership. My responsibilities included being a liaison between the administration of then District Attorney Dorothy Nash Holmes and the Criminal Defense Bar in Northern Nevada. I acted in a diplomatic role between the Criminal Defense Bar and the District Attorney's Office. I assisted in resolving issues between the District Attorney's Office and the local defense bar.

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

A. Please see also, answer to Question 24B:

1999 – Nevada State Bar Convention Speaker, *Criminal Defense Issues*

March 2002 – Washoe County Bar Association Speaker, *Anatomy of a Murder*, with District Attorney Richard Gammick

March 2003 - Washoe County Bar Association Meeting Speaker, *Informants in Drug Cases*

2004-2012 – Guest speaker, Criminal Defense Matters, Constitutional Law Class, University of Nevada Reno, Part-Time Professor and Federal Magistrate Craig Denney

2004 - Washoe County Bar Association Lecture Panel Member, *Entertaining Ethics*

June 2004 - Washoe County Public Defender's Office Guest Speaker for the *Defense of Trafficking Cases*

April 2008 – Moderator for the 4th Annual State Bar Professionalism Summit

May 2008 - Washoe County Bar Association Guest Speaker for *Lawyers, Judges, Courts and the Press*

November 2008 - Nevada State Bar Seminar Guest Speaker for *Closing Arguments*

December 2008 - Washoe County Bar Association Speaker for *High Profile Cases*

June 2010 - Judicial Education Conference program entitled *Attorney Representation Before the Judicial Disciplinary Committee*

June 2011 -Nevada Limited Jurisdiction Judges Seminar, Summer Seminar entitled *Review of Judicial Ethics Decisions*

September 10, 2013: Nevada Justice Association: *Courtroom Etiquette and Practice Tips*

October 18, 2014: Nevada Justice Association Annual Convention: *Courtroom Civility and Etiquette*

April 2015: Nevada Justice Association – *Avoid Improper Argument*

November 13, 2015: National Business Institute: *What Civil Court Judges Want You to Know*

April 28, 2015: Nevada State Bar Young Lawyers Section: CLE

June 2016: Washoe County Bar Association – *View from the Bench*

January 4, 2017: National Business Institute: *Advanced Civil Litigation Skills in Nevada-A Two Day Practical Course: Top Trial Mistakes – A Civil Court Judge’s Perspective*

June 8, 2017: Nevada Justice Association: Richard A. Harris Series of Continuing Legal Education: *Civility and the Law*

December 2017: William S. Boyd School of Law and the Nevada Law Journal: *Standardizing the Wild West: A Symposium on Criminal Procedure*

April 2017: Nevada District Judges Conference: *Evidence: Expert Testimony*

April 2017: Nevada District Judges Seminar: *Settlement Conference Skills*

May 12, 2017: National Judicial College: *Advanced Concepts in Criminal Justice*

September 2017: Nevada Justice Association, Club X: *Courtroom Etiquette*

October 5, 2017: Nevada Justice Association (Portland, OR): *Advanced Course in Continuing Legal Education*

November 2, 2018: Nevada Business Institute: *As Judges See It: Top Mistakes Attorneys Make in Civil Litigation*

February 13, 2019: Washoe County Bar Association Luncheon: *Chief Judge's Presentation of The State of the Court*

February 27, 2019: Second Judicial District Court: *Legislative Bills AB 43 & 46 Presentation*

October 4, 2019: Nevada Justice Association (Newport Beach, CA): *Ethics Before a Jury*

October 18, 2019: National Judicial College: *Judicial Academy, A Course for Aspiring Judges*

February 12, 2020: Washoe County Bar Association: *Chief Judge's Presentation of The State of the Court*

March 26, 2020: Nevada Justice Association Webinar: *Judges Role in a Pandemic*

July 19-22, 2020: National Conference of Juvenile and Family Court Judges 83rd Annual Conference – *Keynote Address*

October 13-15, 2020: Nevada Specialty Court Conference – *Youth Offender Court*

February 8, 2021: Nevada State Legislature: *Chief Judge's Presentation of the State of the Second Judicial District Court*

February 10, 2021: Washoe County Bar Association: *The State of the Court*

February 25, 2021: State Bar of Nevada: *CLE Seminar – Ethics*

June 25, 2021 – Nevada Supreme Court, District Court Judges Webinar: *Judicial Canons and Best Practices – Ethics*

October 8, 2021 – Nevada Justice Association: *Jury Selection and Best Practices*

May 3, 2022: Nevada Judicial Leadership Summit (Harrahs, Lake Tahoe): *Jury Trial Management*

May 4, 2022: Nevada Judicial Leadership Summit (Harrahs, Lake Tahoe): *Judicial Discipline: Trends and Outlooks*

September 14-16, 2022: Nevada Government Civil Attorneys Conference: *Dos and Donts from Members of the Bench*

September 29-October 1, 2022: Nevada Justice Association (Denver, CO): *Question and Answer with the Judges*

B. I am currently a part-time instructor in the Criminal Justice Department at the University of Nevada. I have taught two upper-level courses to criminal justice majors.

- 1. Famous Trials in History CJR 498.1002 - Fall**
- 2. Anatomy of the Jury Trial CJR 498.1001 – Spring**

C. I was a conference facilitator at the National Judicial College

See Attachment 38 – *National Judicial College (Index pages 156-157)*

D. I have been a presenter on various legal topics every year from 2001 to 2021 (22 years of participation) to the Inns of Court, Bruce R. Thompson Chapter

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

A. I detailed my charitable work with the Nevada Law Foundation, Children's Cabinet, PGA Tour, Reno Rodeo, and Special Olympics in Question 30.

- 1. Additional educational activities include being a volunteer speaker at Galena High School and Truckee Meadows Community College criminal justice classes on "being a criminal lawyer". I have also presented to the University of Nevada basketball team on "being held to a higher standard in the community" as requested by then-University head coach David Carter.**
- 2. Washoe County Law Library Board of Trustees – Board Member**
- 3. National Trial Academy – Mock Trial Judge – National Judicial College**
- 4. American Bar Association TIPS/ABOTA Trial Academy Mock Trial Judge**
- 5. Presiding Judge: United States Immigration and Naturalization Proceedings – Flag Day Presiding Judge: June 14, 2019
See Attachment 39 - *Letter from Senator Catherine Cortez Masto (See Index pages 158-159)***

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

In addition to and/or supplementing professional recognition which have been previously provided in answers elsewhere:

<u>YEAR</u>	<u>ORGANIZATION</u>
2022	Reno Rodeo Association Volunteer – Award of Merit
2016	Martindale-Hubble Judicial AV Rating
2012	Best Lawyers in America, Criminal Defense
2009	10-Year AV Rating Martindale-Hubble Award
2009-2012	Mountain States Super Lawyer Criminal Defense (The only Northern Nevada criminal defense lawyer so honored)
2009	American Board of Criminal Lawyers
2008	Criminal Defense Attorney of the Year by the Nevada Attorneys for Criminal Justice*
	*I was, at the time, the only Northern Nevada lawyer ever so honored since the awards inception. All other past recipients had been from Southern Nevada, prior to my recognition
2007-2010	American Trial Lawyers Association Top 100 Trial Lawyers
1999-2012	AV-Rated Martindale-Hubble
2007	Las Vegas Life Magazine Super Lawyer Best Criminal Defense Attorney in Nevada
2002	Nevada Business Magazine's Super Lawyers Best Criminal Defense Attorney in Nevada
2000	Criminal Defense Attorney of the New Millennium by the editorial staff of the Consumer Business Review
1996	Founding Colleague, Nevada Law Foundation
1983	Outstanding Young Man Award

See Attachment 40 – Awards (Index pages 160-172)

Other forms of recognition:

As an attorney, I have qualified as an expert witness on various criminal cases and attorney ethics in the:

1. **Second Judicial District Court**
2. **Seventh Judicial District Court**
3. **Eighth Judicial District Court**
4. **Nevada Federal Court**
5. **Nevada State Bar Fee Dispute Committee**

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.

A. **The Nevada Judiciary 2021 Annual Report**

“Pandemic Impact on the Courts – How the Second Judicial District Court Navigated the Pandemic”

See Attachment 41- *Nevada Judiciary Article (Index pages 173-176)*

B. **I have served as a judicial representative on numerous boards and commissions in the state. These boards and commissions meet in public and records of the minutes of the meetings are available. There have been instances where the press coverage of these events includes comments made at the meeting by the members.**

C. **On June 14, 2019, Flag Day, I was the presiding judge for United States Immigration and Naturalization Proceedings and presented remarks for the citizens who were naturalized that day.**

See Attachment 39 - *Letter from Senator Catherine Cortez Masto (See Index pages 158-159)*

D. **I co-hosted a weekly television interview show called "Lawyers, Guns & Money". It had aired in Northern Nevada for over 16 years on the local NBC affiliate, News Channel 4. My former partner, the late David Houston, Esq., and I interview notable**

individuals from the legal community, as well as other professionals and political figures. As a result of co-hosting this interview-based show, I spoke publicly on a weekly basis. I could no longer host when I was appointed to the bench in 2012. See Attachment 42 – *LG&M Photo with Governor Kenny Guinn (Index pages 177-178)*

E. I have made public comments in the media related to cases that I was involved in that had attracted the attention of the public. Further, I have been called upon to comment both locally and nationally on various cases and legal issues. For instance, the local Reno media has invited by comments as an expert on criminal law matters. In addition, thereto, as stated I am responsible for numerous published legal opinions. I have written opinions in confidential State Bar disciplinary matters over which I have presided.

F. Published Nevada Supreme Court cases, upon which I authored the briefs that were considered, are:

- 1. *Winkle v. Warden*, 127 Nev. 488 (2011)**
- 2. *USA vs. Ligon*, 440 F.3d 1182 (Conviction reversed) (March 21, 2006) (Appellant)**
- 3. *Seres vs. Lerner*, 120 Nev. 928 (2004) (Respondent)**
- 4. *State vs. McKellips*, 118 Nev. 465 (2002) (Respondent)**
- 5. *Romo vs. Keplinger*, 115 Nev. 94 (1999) (Respondent)**
- 6. *Donahue vs. City of Sparks*, 111 Nev. 1281 (1995) (Appellant)**

G. Further, I have written hundreds of unpublished orders in my work as the presiding Judge in Department 9 of the Second Judicial District Court.

In addition, I have authored many Administrative Orders that have been published as Chief Judge of the Second Judicial District Court, not only prior to the pandemic caused by COVID-19, but on a monthly basis which required constant leadership from March 2020 through the time I termed out of that office, January, 2022. These Orders are citable and published on the court's website: (www.washoecourts.com). See, Attachment 43: *A Chronological List of Administrative Orders*.

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

Yes

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

Yes

37. List avocational interests and hobbies.

I am a recreational long-distance road biking enthusiast, having completed the Markleeville “Death Ride” 5 times. I have participated in other “Century” Rides. See Attachment 44 - Reno Rotary Poster (See index pages 179-180)

I currently play men's recreational league ice hockey at the Reno Ice Arena for the *United Skates* Adult hockey team.

I also previously played hockey for the local Reno Aces Semi Pro Hockey Club. See Attachment 45 – Article from Nevada Lawyer, "Lawyers Are People Too", December 2008, Volume 16 Issue 12 (See Index Pages 181-184)

I am currently an ice hockey coach, coaching 12-year-old boys and girls at the Reno Ice Arena in the Reno City League.

I enjoy playing golf (not very well).

I enjoy spending time with my family – especially with my two-year-old grandson, Banyon Ross Freeman. (Pictures available upon request)

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.

Yes

Yes. Twelve years ago in 2010, by virtue of being a member of the California State Bar, the California Franchise Tax Board filed a lien, believing I owed California taxes for the year 2007. The California Franchise Tax Board assumed I received attorney's fees for legal representation of individuals domiciled in California; however, I did not. Therefore, I did not owe any California state taxes and the Franchise Tax Board released their lien. Unfortunately, The California Franchise Tax Board did not release the lien within 30 days, therefore, I am providing my CPA's letter of explanation, which I previously provided to the Commission in 2012 with my application for appointment to the Second Judicial District, Department 9.

See Attachment 46 -Letter from CPA Avery (See Index Pages 186-187)

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

No

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

No. Other than any cases on appeal over which I presided in the Second Judicial District Court or that would be considered a conflict of interest pursuant to Judicial Canons of Ethics.

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.

A. Commission on Judicial Selection

February 2012

Result: I was selected by the Commission. Pursuant to Nevada Commission on Judicial Selection prevailing rules, due to the fact I was the only applicant to be considered for appointment, at my scheduled interview, my application was put forward without interview by the Commission.

**On March 27, 2012, I was appointed by Governor Brian Sandoval to be the presiding judge of the Second Judicial District Court, Department 9.
See Attachment 47 – Press Release (See Index Pages 188-189)**

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).

See “Statement” - attached hereto

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.

When I was in private practice, I was one of the few attorneys to have had the unique opportunity of appearing in all of the Nevada District Courts, as well as most of the justice courts in this state. I was as comfortable practicing law in Southern Nevada, as I was in Northern Nevada. Over my career, I have developed professional relationships throughout the state. My knowledge base and relationships are not confined to Northern Nevada.

My law practice was indeed diverse. I represented individuals with legal matters in jurisdictions statewide. I became known throughout the state because of my work in all our state’s courts. Similarly, when I was President of the Nevada District Judges Association, I continued developing relationships with District Court Judges in the Northern, Southern and rural districts. I was able to enhance my knowledge base with the judiciary throughout the state, understanding the different approaches individual courts take to different issues based upon the population and size of their community.

I have had the opportunity to meet luminaries throughout the state as a result of my exposure co-hosting the television show *Lawyers, Guns & Money* (answer to Question 35(D), page 53-54). The television show gave me the opportunity to interview notable individuals from the legal community, as well as other professionals and political figures statewide. I was able to meet and learn from these important political leaders, as well as law enforcement and the civic and business communities. I made several long-lasting friendships and I continue to have professional relationships because of the guests appearing on the television show.

I also understand the importance of the election process. After my appointment, I ran in a contested election in 2012 and retained my seat, defeating my opponent, a former Washoe County District Attorney, in a landslide victory. At the time, I received every endorsement available by leaders and organizations in the Northern Nevada community and the endorsement of all of the law enforcement agencies statewide.
Attachment 48 –2012 Election Newspaper (See Index Pages 190-191)

After winning my contested election in 2012, when I ran again for election in 2015 and 2020, I was unopposed. I understand the rigors of a campaign. If chosen, I am prepared to mount a Statewide campaign for retention. To this end, I have spoken with campaign consultants and colleagues. Most importantly, I have discussed this with my family. My family is supportive of my desire to continue in this important public service.

Further, I understand the importance of the six letters of recommendation in this selection process. The applicants are limited to three recommendations from the legal community. I am especially proud of the three individuals who have the confidence in me and are recommending me to be the next Nevada Supreme Court Justice. They know what the job of a Nevada Supreme Court Justice entails. While the court consists of individual Justices, when they come together, they are a team, of which they believe I would be a good fit.

I am honored to have retiring Justice Abbi Silver, whose seat it is to which I am applying, specifically recommend me as her successor on the Nevada Supreme Court.

Further, I have the support and recommendation of incoming Nevada Supreme Court Justice Linda Bell. As the respected Chief Judges of our districts, during difficult times, including leading our districts through the pandemic, we worked closely together. Her reference on my behalf represents her belief in my ability to be her selected colleague on the court.

Retiring Justice James Hardesty, former Chief of the Court, has seen my professional work, not only as a Judge, but a practicing attorney. He is a recognized role model of leadership not only on the Court, but in our State, during his judicial tenure and legal career. His confidence in my ability to carry on the work of the Court in Seat F is most humbling.

I would also respectfully call to the attention of the Commission, my other three references of support for this position to include, non-lawyers Reno Mayor Hillary Schieve, Washoe County Sheriff Darin Balaam, and former Nevada Supreme Court Administrative Office of the Courts, Specialty Courts Statewide Coordinator James Popovich, who all for their various reasons, are recommending me to advance as a worthy candidate for this position.

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.

See “*Writing Sample*” – attached hereto

STATEMENT -
Answer to Question 47

Question 47: - Statement

Within my application, I have attempted to provide in detail my education and professional experience, demonstrating to the Commission what my 38-year legal career has entailed. I believe it would be of additional value to the Commission to view my ability to be the next Nevada Supreme Court Justice herein from a personality and character perspective. I want to share what I have exhibited throughout my life and what I have most recently added to my life's experiences that sets me apart from my peers and confirms that, if given the opportunity and privilege, I would be a well-rounded Supreme Court Justice.

I decided very early in my legal career that my ultimate professional goal is being a part of the judiciary. The judiciary is where I chose to direct my career. I have always felt that when I was ready and had acquired the appropriate education, legal experience, maturity and understanding of the law, I would seek a position as a Nevada Supreme Court Justice. I would use the tools I acquired in life to serve my State and its citizens with respect.

With that goal in mind, I professionally diversified my law practice, which emphasized criminal defense, to encompass civil and administrative cases. I represented individuals before the Pharmacy Board, Medical Board, Gaming Control Board, Employment Review Board, Worker's Compensation Review Board, Department of Motor Vehicles, and the Judicial Discipline Panel. As well, I developed extensive experience handling civil cases, including civil rights, personal injury, property, and business law. It was my intention to be prepared to hear all types of cases as a Judge. I wanted to possess the appropriate qualifications and experience prior to becoming a Judge, and not "learn as I go" from the bench.

From a personal perspective, by way of background, I have two amazing adult children: Boyd Nathaniel, born in April 1989; and Brandis Ann, born in February 1992. I also had a son, Blake Allan, who was 4 months old when he tragically passed away on April 21, 1991 from Sudden Infant Death Syndrome. At the age of 34, my approach to life was forever changed by that horrific loss. I learned to not take life for granted and instead to appreciate each experience.

Moving forward to the present, two very significant personal events occurred during my four-year tenure as Chief Judge, which helped me to be more self-reflective and self-aware concerning my personality and character.

My mother, Laretta Freeman, was a consistent positive influence throughout my life. She was the epitome of a fair and just personality. In my hometown, she founded an early childhood education school: The Montclair Cooperative School. As well, among other volunteer leadership positions, she was President of the Montclair Chapter of the Women's International League for Peace and Freedom, a non-profit organization whose mission was, and still is, to promote social

justice. My mother's participation was rare and courageous during the 1950s and early 1960s. She was a champion for social equality for women at that time. Her humanitarian values influenced me personally and professionally, and her civil responsibility is forever imprinted on me, contributing to my desire to be on the Nevada Supreme Court. During her life, she was an example of a person who wanted to have a positive impact on the lives of others. She instilled in me her passion for equality, diversity, and inclusion of all people. She was always making a difference. I have attached a Montclair (N.J.) Times article, to provide context and illustrate my point. The headline reads: "*Lauretta Freeman Wanted to Change the World, Even at 97*". I am proud of my mother's many accomplishments during her lifetime. The story speaks for itself.

In March 2020, COVID swept through the New Jersey nursing home in which my mother was a resident, taking her life in three days. She passed away on March 24, 2020, from COVID. As I was organizing the Court to anticipate how the judicial system in Washoe County would continue its work during a pandemic, I was grieving my mother's death.

Throughout my mother's life, she was extraordinarily even-tempered, and at all times pleasant and respectful to others. She was always the voice of reason. It has been my goal to emulate those attributes the best I can. I have attempted to do so in life and on the bench, making rulings and decisions consistent with notions of fairness and equal justice to all who appear before me. At my investiture in Reno in 2012, my mother flew out from New Jersey, at age 87, to be with me. During my acceptance remarks, I dedicated my appointment to her. Now, in her memory, I would like to try to make a difference in my State, as my mother had accomplished in her community.

A second very personal event occurred, which gave me a deeper perspective as a person and a Judge. On October 27, 2018, a year after I became Chief Judge, I received a fateful telephone call from the Deputy Chief of the Washoe County Sheriff's Office, who informed me my son, Boyd, had been arrested for home invasion. Boyd had been struggling for some time with drug addiction and his drugs of choice were hallucinogenics and very potent marijuana. While high on drugs, he had decided to go into his childhood home, which I had no longer owned, nor had he lived there for several years. It belonged to a new owner who utilized it as a vacation rental. Thankfully no one was occupying the home at the time. He was subsequently arrested and thereafter spent 32 days in the Washoe County jail.

As a result, Boyd made the decision that this is not the life he wanted to live. After serving time in jail, he was released directly into a 30-day inpatient rehabilitation center. In 2018, I spent Christmas day and every Sunday, visiting with my son in the drug rehabilitation facility in Fallon, Nevada. Thereafter, because of the entire Washoe District Court's recusal, a Senior Retired Nevada Supreme Court Justice was assigned to my son's case. After his successful graduation

from the rehabilitation center, he appeared in Court with that Senior Justice presiding. While his case was pending, the Justice ordered him to participate in an extensive rehabilitation and recovery program. The Justice ordered him to attend an AA meeting every day, be drug tested every day, and go to counseling once a week. My son strictly complied with the Courts' orders, he never relapsed and continued his treatment under the Senior Justice's watchful eye for a year longer than most participants are required. I am proud to report, he has been clean and sober since the date of his arrest, he is to be married on November 11th and provided me a grandson with his also sober fiancé. He is still active in AA, currently being an AA sponsor to others who are also in recovery.

What I learned from that experience and what assists me on the bench, is that while I always understood that 95% of the criminal cases we hear involve substance abuse, I now incorporate a personal understanding of rehabilitation when I take the bench because of my experience with my son. I witnessed first-hand, that the judicial system *did work* for my son. When I preside over Medically Assisted Treatment Specialty Court, whose participants are addicts who want to have a clean and sober life, I incorporate the personal life lessons I learned from my son. I now establish not only a judicial connection with the participants, but a human connection as well. I work hard to let them know they *can* defeat their addictions and have a productive sober life.

I believe a Judge must be fair, impartial, respectful, and decent. In my view, a Judge must never confuse the privilege of holding judicial office with the belief that they have a right to do so. I continually strive to keep an open mind and display a willingness to listen to others. In performing my judicial duties, my foremost goals are to be patient, kind and courteous concerning the use of my discretion when I make a decision. Judging is a human business.

I believe my personal background combined with my professional knowledge and experience sets me apart from the other candidates. The Nevada Supreme Court is one of the busiest appellate Courts in the country. It demands tireless, energetic jurists to manage the important case load. I am that person. I believe I have the knowledge, experience, temperament, work ethic and commitment to the rule of law required to be a Justice on the Nevada Supreme Court.

The Nevada Supreme Court provides the unique opportunity to touch the lives of all Nevadans. I am acutely aware of the significant role the Court plays in the lives of ordinary citizens, businesses, and institutions. I believe I am a qualified candidate for the vacant position on the Nevada Supreme Court. With respect and humility, I thank you for considering my application for Supreme Court seat F.

Attachment to Statement

LOVED AND LOST

Lauretta Freeman wanted to change the world, even at 97

Julia Martin NorthJersey.com
USA TODAY NETWORK - NEW JERSEY

It is important to recognize that each life lost to COVID-19 had meaning beyond its statistical value. Too often, those who have died are tallied and forgotten.

We are aiming to change that.

We believe that New Jersey's coronavirus victims should not pass in shadow or silence. Each life brought something different to our state. Each life had a purpose. Each life touched family, friends, co-workers and loved ones.

To help memorialize these lives, Gannett newspapers across New Jersey have joined with the Center for Cooperative Media at Montclair State University, to form a news cooperative that will work to profile as many people as possible who have been lost to the virus.

We are calling this continually updated series of portraits "Loved and Lost."

If you'd like us to profile your loved one, submit their name at LovedAndLostNJ.com or contact us at chantee@lovedandlostnj.com.

Access the full list of profiles online at usatoday.com/storytelling/nj-coronavirus-deaths/

When COVID-19 struck the Montclair Family of Caring nursing home in March, teachers, parents and students at the Montclair Cooperative School were busy planning the celebration of a lifetime for Lauretta Freeman, 97,



Lauretta Freeman with students from the Montclair Cooperative School at the Family of Caring nursing home. COURTESY MONTCLAIR COOPERATIVE SCHOOL

who co-founded the school in 1963.

More than 2,000 people had been invited to the April 4 event, including the mayor and council, who would issue a proclamation honoring Freeman. "I don't know if our space was going to be big enough," said Julie DeCheser, a parent on the event committee. "Lauretta had a lot of connections and a big impact."

Freeman, a resident of the nursing home, died March 24.

Freeman's passions weren't limited to education. For many years she was president of the Montclair chapter of

the Women's International League for Peace and Freedom, which met weekly.

One of her proudest accomplishments was the fair housing fight she led in the 1960s on Stephen Street, where she and her husband, Larry, raised two sons. When a real estate broker tried to buy out white homeowners on the integrated street, she went door to door, carrying a red umbrella, and persuaded them to stay. The block remains diverse, said Rita Singer, a friend and former teacher at the Coop School.

See FREEMAN, Page 2A

Freeman

Continued from Page 1A

Freeman had a talent for pedagogy, or teaching teachers. She started the coop's collaboration with the Montclair State University early childhood education program. Well into her 90s, she was sharing her ideas in Paterson and Jersey City on a grant from the New Jersey Association for the Education of Young

Children.

"She didn't force her ideas on you, she gave you a lot of rope," said Judy Bercezki, a former teacher at the school.

Freeman gave children a lot of rope, too, believing that's how they learn best. She had a workshop at the school for preschoolers with real saws and wood and nails. "And they built stuff," said Bercezki. "They learned if you didn't hold the nail properly the hammer hit your thumb."

After retiring from the coop in her

70s, Freeman co-produced TV34 Montclair's "News and Views" weekly show for seniors. With the peace league, she registered students to vote at the high school; stood outside the post office on tax day to educate people on how much of their taxes were going to fund weapons, and gave out thousands of stickers to children to encourage their parents to vote.

"Everything she did and said was through the lens of social justice," DeCheser said.

When she entered Family of Caring a couple of years ago for rehabilitation after she had a stent put in her heart, she kept going, said Singer, organizing a writer's group, a poetry workshop and a newsletter.

The stent gave her a new lease on life. "The doctor told her it would last five years," Singer said. "She would say, giggling, 'I have five years to save the world.'"

Email: jmartin@gannettnj.com
Twitter: @TheWriteJulia




HATE HAS NO HOME HERE.
عنفرت کے لئے یہاں کوئی گھر نہیں ہے
אין אהבה כאן אין מקום
مگرہ لیس له بیت هنا El odio no tiene hogar aquí.

***WRITING SAMPLE -
Answer to Question 49***

1
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF WASHOE
9

10 NEVADA OSTEOPATHIC MEDICAL
11 ASSOCIATION, Nevada Domestic Nonprofit
12 Cooperative Corporation; and BRUCE FONG,
13 DO, HMD, an individual;

CASE NO.: CV20-00653

DEPT. NO.: 9

14 Plaintiff/Petitioners,

15 vs.

16 THE HONORABLE STEPHEN F. SISOLAK,
17 as Governor of the State of Nevada; STATE OF
18 NEVADA, NEVADA STATE BOARD OF
19 PHARMACY, an administrative agency of the
20 State of Nevada; and STATE OF NEVADA,
21 CHIEF MEDICAL OFFICER, IHSAN AZZAM,
22 Ph.D, M.D.,

23 Defendants/Respondents.
24 /

25
26
27
28
ORDER AFTER HEARING DENYING
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

On May 8, 2020, Plaintiffs, NEVADA OSTEOPATHIC MEDICAL ASSOCIATION
("NOMA") and BRUCE FONG, DO, HMD ("Dr. Fong") (collectively "Plaintiffs") filed an
Application for Emergency Temporary Restraining Order and/or Preliminary Injunction and/or
Permanent Injunction and Ex Parte Request for Shortened Time. On May 12, 2020, this Court

1 entered an order granting Plaintiffs *Ex Parte Request for Order Shortening Time*. The Court
2 ordered that any response/opposition to Plaintiff's *Application* was to be filed and served no later
3 than Monday, May 18th, 2020 at 5:00 pm and any response or reply to the response/opposition was
4 to be filed and served no later than Thursday, May 21, 2020 at 5:00 pm. See generally, *Order*
5 *Granting Ex Parte Request for Order Shortening Time*.

6
7 On May 18, 2020, Defendants STEPHEN F. SISOLAK ("Governor Sisolak"), THE
8 STATE BOARD OF PHARMACY ("BOP"), and CHIEF MEDICAL OFFICER IHSAN AZZAM
9 ("Mr. Azzam") filed a *Joint Opposition to Plaintiff's Application for Emergency Temporary*
10 *Restraining Order and/or Preliminary Injunction and/or Permanent Injunction*. Plaintiffs filed
11 their *Reply* on May 21, 2020. On May 28, 2020, this Court entered an *Order (1) Denying the*
12 *Application for Emergency Temporary Restraining Order and (2) Order Setting Hearing on*
13 *Application for Preliminary Injunction*. On June 9, 2020, the parties came before the Court for
14 oral arguments. The Court took the matter under advisement and the *Application* is now ripe for a
15 decision.
16

17 I. BACKGROUND

18 Plaintiffs brought the instant motion seeking an order enjoining Defendants from enforcing
19 an emergency regulation which was adopted on March 23, 2020. *Opp'n*. 3:14-15. Plaintiffs argue
20 the regulation interferes with their ability to use their professional medical judgment to treat their
21 patients as they deem appropriate. Plaintiffs further seek to enjoin Defendants, their affiliates,
22 agents, employees, officers, directors, managers, members, and shareholders, as applicable, and all
23 those acting in concert with Defendants, from: "enforcing the March 23, 2020 State Board of
24 Pharmacy Emergency Regulation partially banning the use of chloroquine and
25 hydroxychloroquine and permit licensed physicians to fully use their professional medical
26 judgment to treat their patients as they deem appropriate." (Appl. for TRO and/or PI 2:17-24).
27
28

1 Plaintiffs further assert that if Defendants are not enjoined from enforcing the Emergency
2 Regulation COVID-19 positive patients will be “put in jeopardy of suffering preventable life-
3 threatening illness and possible death from this horrific disease.” *Id.* 39 ¶ 119.

4 Defendants argue first, that the Emergency Regulation is consistent with the FDA’s
5 emergency use authorization and second, that chloroquine and hydroxychloroquine “have not been
6 shown to be safe and effective for treating or preventing COVID-19” *Opp’n.* 2:15-15.

7 Furthermore, Defendants assert that Plaintiffs have failed to present evidence that they will suffer
8 irreparable harm as Plaintiffs have failed to assert that *Plaintiffs* will suffer irreparable harm – only
9 that an unidentified, to be named in the future, third party will be harmed. Specifically, Defendants
10 argue that Plaintiffs present no argument on how they personally would be subjected to irreparable
11 harm if this Court denied their Application.” *Id.* 8:17-19.

12 Upon review of the record, this Court does not find that the Plaintiff has met the burden
13 required to justify the imposition of an injunction against Defendants, therefore, Plaintiffs
14 *Application* is DENIED.

15 **II. STANDARD OF REVIEW**

16 NRS 33.010 provides that an injunction may be granted in the following cases:

- 17 1. When it shall appear by the complaint that the plaintiff is entitled to the
18 relief demanded, and such relief or any part thereof consists in restraining the
19 commission or continuance of the act complained of, either for a limited
20 period or perpetually.
- 21 2. When it shall appear by the complaint or affidavit that the commission or
22 continuance of some act, during the litigation, would produce great or
23 irreparable injury to the plaintiff.
- 24 3. When it shall appear, during the litigation, that the defendant is doing or
25 threatens, or is about to do, or is procuring or suffering to be done, some act
26 in violation of the plaintiff’s rights respecting the subject of the action, and
27 tending to render the judgment ineffectual.

28 NRCP 65 recognizes three kinds of injunctive orders: (1) temporary restraining orders, (2)
preliminary injunctions, and (3) permanent injunctions. Generally, a preliminary injunction grants

1 injunctive relief for a limited time until there is a decision on the merits. See NRCP 65. A
2 preliminary injunction is available if an applicant can show a likelihood of success on the merits
3 and a reasonable probability that the non-moving party's conduct, if allowed to continue, will
4 cause irreparable harm for which compensatory damage is an inadequate remedy. *Dep't of*
5 *Conservation & Nat. Res., Div. of Water Res. v. Foley*, 121 Nev. 77, 80, 109 P.3d 760, 762 (2005).
6 Injunctive relief is extraordinary relief, and the irreparable harm must be articulated in specific
7 terms by the issuing order or be sufficiently apparent elsewhere in the record. *Dangberg Holdings*
8 *v. Douglas Co.*, 115 Nev. 129, 142, 978 P.2d 311, 319 (1999). The purpose of such an order is to
9 preserve the status quo until the case can be decided on its merits. *Dixon v. Thatcher*, 103 Nev.
10 414, 415, 742 P.2d 1029, 1030 (1987). The Court's decision to grant a preliminary injunction is
11 within the sound discretion of the court, whose decision will not be disturbed on appeal absent an
12 abuse of discretion. *Labor Comm'r of State of Nev. v. Littlefield*, 123 Nev. 35, 38, 153 P.3d 26, 28
13 (2007).
14
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16
17

18 **III. Discussion**

19 In order for an injunction to issue, under Nevada law, the Plaintiff must demonstrate that
20 (1) the Plaintiff has a reasonable probability of success on the merits and (2) an articulable
21 irreparable harm will result if an injunction is not granted. This Court does not find that the
22 Plaintiff has met the burden required to justify the imposition of an injunction against Defendants.
23

24 a. Reasonable Probability of Success on the Merits

25 In the moving papers and through oral argument, Plaintiff asserts they have a reasonable
26 probability of success on the merits because: (1) no emergency existed at the time the Emergency
27 Regulation was enacted, (2) the BOP violated Nevada's Open Meeting Law and the
28 Administrative Procedure act, (3) the Emergency Regulation is preempted by Federal Law, (4) the

1 Emergency Regulation Exceeds the BOP's Authority under State Law, and (5) the BOP's
2 Emergency Regulation violates both statutory and constitutional provisions. *See Generally*, TRO
3 Application.

4 The purpose of enacting the Emergency Regulation was to prevent the hoarding and
5 shortages of chloroquine and/or hydroxychloroquine that could occur which would prevent those
6 whom the medicine was proscribed from receiving it. Defendants assert Plaintiffs arguments
7 against the emergency regulation can be divided into four categories;
8

9 First, Plaintiffs argue that the BOP failed to adequately set forth facts showing that there
10 was an emergency. *Opp'n*. 10:3-5. However, Defendants assert the BOP's emergency
11 determination is not subject to judicial review. *Id.* 9:19-20. Not only is the emergency
12 determination a nonjusticiable political question, but the legislature maintains the ultimate
13 authority in enacting emergency regulation. *Nuleaf CLV Dispensary, LLC v. State Dep't of Health*
14 *& Human Servs.*, 134 Nev. 129, 136, 414 P.3d 305, 311 (2018); *Clark County v. State*, 107 Nev.
15 489, 492, 813 P.2d 1006, 1007 (1991). Under Nevada law, an agency such as the BOP determines
16 that an emergency exists warranting an emergency regulation. NRS 233B.0613(1). The agency
17 then requests the Governor to endorse the statement of emergency. *Id.* The emergency regulation
18 then becomes effective upon filing with Nevada's Secretary of State. *Id.* However, a regulation
19 adopted under the emergency-regulation provision can only be in effect for 120 days and cannot
20 be renewed without full-dress notice and comment. NRS 233B.0613(4). In this case the regulation
21 at issue expires by its terms on July 21, 2020. During oral argument Defendants conceded it will not
22 be renewed.
23
24
25

26 Plaintiff argues that the Emergency Regulation was enacted for a period of time longer
27 than allowed by statute. Defendants concede that the Emergency Regulation lists its expiration
28 date as 184 days after its effective date. As stated, Defendants contend they will not enforce the

1 Emergency Regulation after July 21, 2020, the 120-day mark. The Court finds the BOP adequately
2 supported its emergency determination and further, that the Emergency Regulation will not be in
3 effect past July 21, 2020. Finding such, this Court does not find that Plaintiff has demonstrated
4 through sufficient evidence that Plaintiffs have a reasonable probability of success on the merits as
5 to this argument.
6

7 Second, Plaintiffs allege the BOP violated several procedural provisions of the Nevada
8 Administrative Procedures Act (“NAPA”) and Open Meeting Law. In opposition, Defendants
9 argue the emergency regulation complied with all the procedural requirements of the Open
10 Meeting law. *Opp’n*. 15:4-6. NRS 241.020(3) waives the prior notice requirement in emergency
11 situations. An “emergency situation” includes “any impairment of the health and safety of the
12 public.” NRS 241.020(11)(b). In this case, notice of the emergency hearing was posted on the
13 Nevada State website in addition to the BOP’s website. NAPA requires only “substantial
14 compliance” with its terms, and regulations to be presumed valid. NRS 233B.0617, 233B.090.
15 Federal courts hold that where an agency “has provided some notification and method for
16 commenting but some technical failure in that process violates statutory requirements,” it has
17 substantially complied. *Mid Continent Nail Corp. v. United States*, 846 F.3d 1364, 1383 (Fed. Cir.
18 2017). A review of the record reveals that the BOP provided adequate notice of its meeting and an
19 opportunity to comment. Finding such, the Court finds the BOP complied with the requirements of
20 the open meeting law. Therefore, this Court does not find that Plaintiff has demonstrated through
21 sufficient evidence that Plaintiffs have a reasonable probability of success on the merits pertaining
22 to this argument.
23
24
25

26 Third, Plaintiffs posit that the emergency regulation is preempted by federal law.
27 Defendants, however, disagree and argue the emergency regulation is consistent with federal law
28 and is not preempted. *Opp’n*. 18:20-21. There are three types of preemption: “(1) express

1 preemption, (2) field preemption, and (3) conflict preemption.” *McClellan v. I-Flow Corp.*, 776
2 F.3d 1035, 1039 (9th Cir. 2015). Field preemption occurs only where there is a framework of
3 federal regulation “so pervasive that Congress left no room for the States to supplement it or
4 where there is a federal interest so dominant that the federal system will be assumed to preclude
5 enforcement of state laws on the same subject.” *Arizona v. United States*, 567 U.S. 387, 399
6 (2012). However, prescription drugs have not been listed by the Supreme Court as a recognized
7 area of field preemption. Because the field of prescription drug regulation has not been occupied
8 by federal law, Defendants argue that there is no conflict in laws because the emergency
9 regulation is consistent with the FDA’s guidance on the safety of the drugs. *Opp’n*. 20:8-9. A state
10 law is not preempted merely because it touches on the same subject matter as federal law. *See, e.g.*
11 *Wyeth*, 555 U.S. at 558-59, 581. The Court agrees and finds the emergency regulation is consistent
12 with federal law and therefore, is not preempted. As such, this Court does not find that Plaintiff
13 has demonstrated through sufficient evidence that Plaintiffs have a reasonable probability of
14 success on the merits as to this argument.

15
16
17
18 Fourth, Plaintiffs contend the Emergency Regulation relates directly to the practice of
19 medicine which exceeds the authority of the BOP. However, Defendants argue the emergency
20 regulation was within the BOP’s authority to regulate drugs and medication pursuant to NRS
21 639.070. *Opp’n*. 21:13-14. NRS 639.070 empowers the BOP to “[a]dopt regulations governing the
22 dispensing of poisons, drugs, chemicals and medicines” and to “[r]egulate the sale and dispensing
23 of poisons, drugs, chemicals and medicines.” NRS 454.215(1) further provides that “[a] dangerous
24 drug may be dispensed by . . . [a] registered pharmacist upon the legal prescription from a
25 practitioner . . . except that no person may dispense a dangerous drug in violation of a regulation
26 adopted by the Board.” Defendants assert that the BOP enacted the emergency regulation to
27 “protect pharmaceutical supplies by governing the conditions under which the drugs could be
28

1 dispensed.” *Opp’n*. 22:11-13. Defendants assert that the emergency regulations purpose was to
2 limit the conditions under which pharmacists could dispense the drugs, not to diagnose patients or
3 determine treatment. *Opp’n*. 22:16-18. The Court finds that is exactly what the BOP did here. The
4 BOP “promulgated regulations to protect pharmaceutical supplies by governing the conditions
5 under which the Drugs [could] be dispensed: only with a valid prescription issued in a hospital
6 setting.” *Id.* 22:10-12. The Court finds that the BOP was not practicing medicine. Furthermore, the
7 Court finds that individuals have not been denied the right to receive treatment from his or her
8 physician. The BOP was simply limiting the conditions under which the drugs could be dispensed.
9 The drugs are still available in a hospital setting. Finding such, this Court does not find that
10 Plaintiff has demonstrated through sufficient evidence that Plaintiffs have a reasonable probability
11 of success on the merits pertaining to this argument.
12
13

14 In order for an injunction to issue, under Nevada law, the Plaintiff must demonstrate that
15 the he has a reasonable probability of success on the merits. This Court does not find that Plaintiff
16 has demonstrated through sufficient evidence that Plaintiffs have a reasonable probability of
17 success on the merits, therefore, a preliminary injunction will not issue.
18

19 b. Irreparable Harm

20 Through the moving papers and during oral argument, Plaintiff asserts that irreparable
21 harm would result if Defendants are not enjoined from preventing COVID-19 positive patients
22 from “obtaining chloroquine and/or hydroxychloroquine from their physicians”. *App.* p. 36 ¶ 108.
23 Specifically, Plaintiff argues that preventing patients from obtaining these medications risks
24 patients’ lives “putting them in jeopardy of suffering preventable life-threatening illness and
25 possible death from COVID-19.” *Id.* Defendants oppose Plaintiff’s argument asserting that to
26 qualify for injunctive relief, “Plaintiffs must show that Plaintiffs will suffer irreparable harm – not
27 that some third party will.” *Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 351, 351 P.3d 720,
28

1 722 (2015). Defendants posit that in this case, Plaintiffs have failed to show how they would
2 personally be subjected to irreparable harm if the Court denied their Application for injunctive
3 relief. Furthermore, Defendants argue that Plaintiffs have failed to present evidence that their
4 patients have been affected by the emergency regulation.

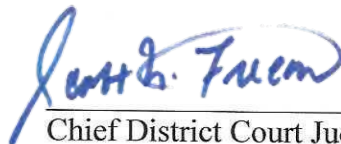
5
6 This Court finds there is insufficient evidence to demonstrate irreparable harm for which a
7 preliminary injunction should issue. Not only do Plaintiffs fail to provide sufficient evidence as to
8 how Plaintiffs will suffer irreparable harm, there is insufficient evidence to show that an
9 identifiable group of people were actually harmed by the emergency regulation. Therefore,
10 Plaintiffs argument of irreparable harm fails.

11
12 For the above-stated reasoning, Plaintiff's motion is denied. Accordingly, and good cause
13 appearing,

14 IT IS HEREBY ORDERED that Plaintiff's *Application for Emergency Temporary*
15 *Restraining Order and/or Preliminary Injunction and/or Permanent Injunction and Ex Parte*
16 *Request for Shortened Time* is DENIED.

17
18 IT IS SO ORDERED.

19 DATED this 17th day of June, 2020.

20
21 
22 Chief District Court Judge

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 17th day of June, 2020, I deposited for mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

[NONE]

Further, I certify that on the 17th day of June, 2020, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

- L. EDWARD HUMPHREY, ESQ. for BRUCE FONG, DO, HMD et al
- STEVEN SHEVORSKI, ESQ for NEVADA STATE BOARD OF PHARMACY et al
- ROGER O'DONNELL, ESQ. for BRUCE FONG, DO, HMD et al
- KIEL IRELAND for NEVADA STATE BOARD OF PHARMACY et al
- BRETT KANDT, ESQ. for NEVADA STATE BOARD OF PHARMACY
- JOSEPH GILBERT, ESQ. for BRUCE FONG, DO, HMD et al
- PATRICK O'ROURKE, ESQ. for BRUCE FONG, DO, HMD et al



Judicial Assistant

INDEX OF ATTACHMENTS

And

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Attachment 1 –
Southwestern University School of Law
Moot Court Certificates

SOUTHWESTERN UNIVERSITY



SCHOOL OF LAW
Moot Court

Awards this Certificate of Honor to

Scott Freeman

In Recognition of Outstanding Achievement as

Oralist

National Appellate Advocacy Competition

*Given at Los Angeles, in the State of California, on the Second day of
May, in the year One Thousand Nine Hundred and Eighty-two.*

Handwritten signature of the President of the School of Law.

President

Handwritten signature of the Dean of the School of Law.

Dean

Handwritten signature of the Faculty Advisor.
Faculty Advisor

SOUTHWESTERN UNIVERSITY



SCHOOL OF LAW
Moot Court

Awards this Certificate of Honor to

Scott Freeman

In Recognition of Outstanding Achievement as

**Oralist, Irving R. Kaufman Securities
Moot Court Competition - Quarter Finalist**

Given at Los Angeles, in the State of California, on the First day of
May, in the year One Thousand Nine Hundred and Eighty-three.

A handwritten signature in ink, likely belonging to the Dean, positioned above the title 'Dean'.

Dean

A handwritten signature in ink, likely belonging to the Faculty Advisor, positioned above the title 'Faculty Advisor'.

Faculty Advisor

SOUTHWESTERN UNIVERSITY



SCHOOL OF LAW
Moot Court

Awards this Certificate of Honor to

Scott Freeman

In Recognition of Outstanding Achievement as

**Coordinator, Benton National
Moot Court Competition - Quarter Finalist**

Given at Los Angeles, in the State of California, on the First day of
May, in the year One Thousand Nine Hundred and Eighty-three.

A handwritten signature in red ink, likely belonging to the Dean, positioned above the title 'Dean'.

Dean

A handwritten signature in red ink, likely belonging to the Faculty Advisor, positioned above the title 'Faculty Advisor'.

Faculty Advisor

Attachment 2 –
Jung Woo Lee Newspaper Articles

cluded was because of the language barrier.

"At first, I think a lot of the problem was that they didn't have a professional interpreter involved in the case and I think a lot of this misunderstanding cropped up at the outset," he said.

There seemed to be some anger between Lee and his family and Park's survivors.

Lee said he is not concerned about threats from the family itself, but is concerned about what he feels is their misunderstanding of what happened and their suspicion of him.

"If they could ever come clear of this misunderstanding of this case, then a reconciliation



Tim Dunn/Gazette-Journal

JONG WOO LEE: He was found innocent of murdering his brother-in-law.

is possible," Lee said. "My two older (step) sisters, more than anyone, know how fond and how much affection I have for my brother-in-law."

jury or the jury system."

After Lee was freed, his stepsister, Insuk Lauer, said allegations raised during the trial of an affair between Lee and the victim's wife hurt the family. But the verdict has a cause for celebration and tears of joy, she said. "When I told (the victim's wife), she cried."

Not everyone was pleased with the jury's decision.

One woman entered the hallway outside the courtroom screaming at the defendant's family in Korean until she was pulled away.

Members of the Lee and Park families attended the trial and filled the seats during Wednesday's closing arguments.

Stabbing death trial in jurors' hands

■ **Closing arguments:** Attorneys throw testimony into question.

By Steve Timko
GAZETTE/JOURNAL

A Washoe District Court jury today resumes deliberating the fate of murder suspect Jong Woo Lee, accused in the stabbing death

of his brother-in-law.

In closing arguments Wednesday — described by some attorneys in the standing-room only audience as arguments by lawyers at the top of their craft — the prosecution and defense painted con-

trasting pictures of what happened in Park's Discount Place last Sept. 14.

Lee is charged with stabbing Park Chom Nam 22 times. He is the stepbrother to Park's wife, Inja, and says two robbers killed Park about the time of the store closing that day.

Supervising Deputy District Attorney Richard Gammick attacked the defense that robbers and not Lee murdered Park. Gammick wondered how robbers fled

from the locked store when two of three known keys were in the store and the third was with the victim's wife. He said Lee's testimony that he locked the door after the robbers left came after he was charged with the crime.

Gammick argued that Park was bent over when Lee plunged a knife into his spinal cord, breaking the knife blade and causing a wound that paralyzed Park but did not kill him. When Park did not die, the prosecutor argued, Lee

reached into his travel bag and pulled out two knives wrapped in a towel. "He removed those knives, then went back after (Park) to finish what he started," Gammick said.

And Gammick wondered how two robbers could brutally murder Park and leave Lee virtually untouched.

Defense attorney Scott Freeman asked if there were no robbers, then what happened to the remaining part of the knife broken

off in Park's back? Police could not find it, Freeman said, and that's because it went out the door with the robbers.

Freeman also noted that no samples of Park's blood were found on the two knives Gammick alleged Lee used to finish off Park. Freeman told the jury Lee was charged because he was the easiest suspect to prosecute and asked the jury to not compound that wrong by returning a guilty verdict.

rain over the weekend. At higher elevations, more snow is expected.

"Most everyone will get wet by Friday night," said Jim Fischer of the National Weather Service.

In the Truckee Meadows, temperatures will drop from the 60s today to the 50s Saturday. At higher elevations, temperatures today will be in the 50s and Saturday in the 40s.

Forecasts, 16A

Happy trails to you

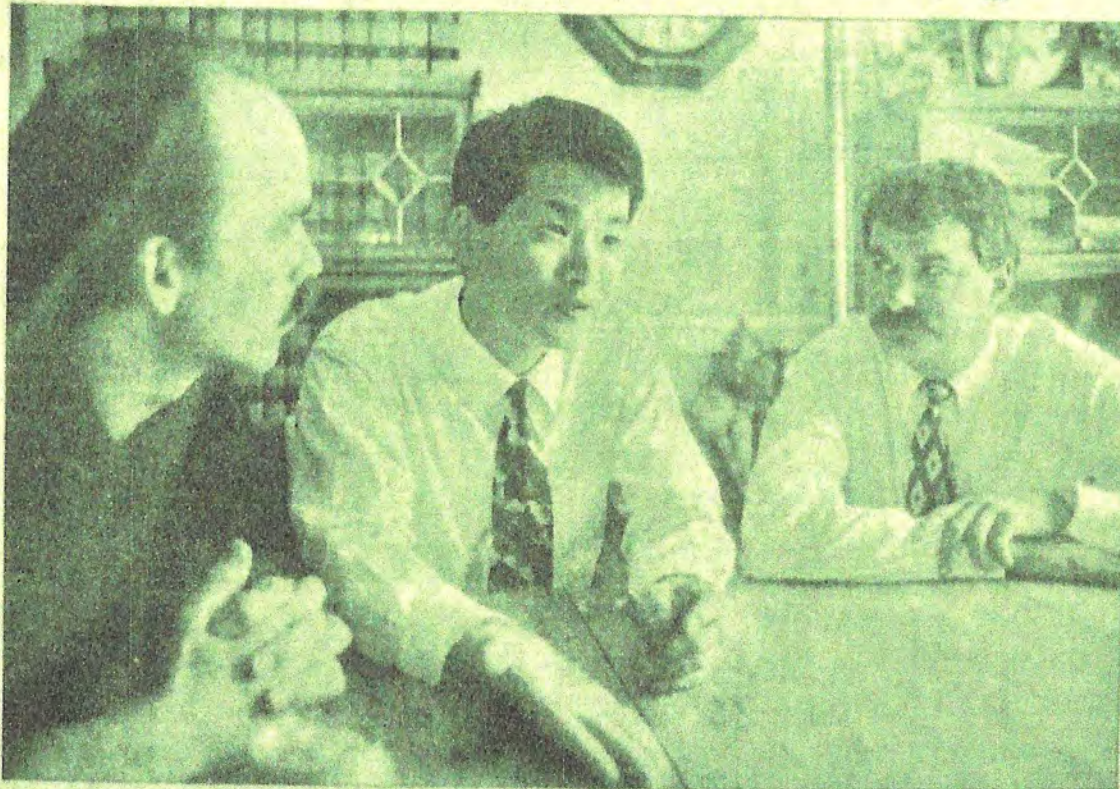
■ **Saturday party:** National trail system turns 25. Reasons to celebrate and worry in Nevada. Plus list of outings and programs. **1E**

SPORTS

Seattle ties series: SuperSonics beat Phoenix 118-102, force seventh game in West finals. Bulls try to win East title today. On TV, 6 p.m. Channel 4. **1D**

Nevada pitchers drafted: White Sox pick Reed's Joe Bales in third round; Dodgers take Carson City's ... **1D**

Sparks murder suspect not guilty



DISCUSSING TRIAL: interpreter Richard Stevens, acquitted defendant Jong Woo Lee and attorney Scott Freeman.

■ **Victim's brother-in-law on trial:** Defendant's testimony convincing, juror says.

By Scott Thomsen
GAZETTE-JOURNAL

His head bowed, Jong Woo Lee stood silently Thursday behind the defendant's table in Washoe District Court, waiting to hear from the 12 jurors who would decide his fate.

Lee, 31, of Seoul, South Korea, faced two consecutive life sentences in prison if convicted of stabbing Park Chong Nam, his brother-in-law, to death Sept. 14 at Park's store in Sparks.

When the jury entered the courtroom, Lee raised his head, looked jury foreman John Lyons in the eye and listened.

"Not guilty," Lyons said.

Gasps filled the courtroom and tears flowed while Lee hugged defense attorneys and crying family members.

The two days of deliberations were heated, Lyons said afterwards. "It was not easy. Virtually every one of us couldn't get to sleep last night."

In the first poll after deliberations began, four jurors voted for a guilty verdict, Lyons said. More doubts surfaced as the jury reviewed each point of the case, he said. "They never convinced all of us beyond a reasonable doubt that he was the murderer."

A turning point in the trial may have come last Friday when Lee took the stand in his own defense.

Lee testified that a list of items, including three knives, that prosecutors were using as evidence against him was not a checklist for murder, but a shopping list of gifts for family members.

See **VERDICT** on page **5A**

■ **Accused believed he'd be found innocent, 5A**

Accused always believed he would be found innocent

By Steve Timko
GAZETTE-JOURNAL

Jong Woo Lee said he did not always understand the American system of trial by jury but always believed he would be found innocent of murdering his brother-in-law in Sparks.

Thursday afternoon, following Lee's acquittal, defense attorney Scott Freeman pulled the celebratory bottle of Cook's champagne off a table in his office so Lee, 31, of Seoul, South Korea, could be interviewed through an interpreter.

Looking back at the case, Lee thought the key moment in the trial was when he took the stand in his own defense on Friday.

"I believe it was because they believed my testimony," Lee said.

"I never spent any time at all thinking about what the penalty might be" if convicted, the acquitted man said. "I entrusted everything to my attorneys. . . (I) did not feel they would return an unfavorable verdict."

Lee thinks one of the reasons he was prosecuted was because of the language barrier.

"At first, I think a lot of the problem was that they didn't have a professional interpreter involved in the case and I think a lot of this misunderstanding cropped up at the outset," he said.

There seemed to be some anger between Lee and his family and Park's survivors.

Lee said he is not concerned about threats from the family itself, but is concerned about what he feels is their misunderstanding of what happened and their suspicion of him.

"If they could ever come clear of this misunderstanding of this case, then a reconciliation



Tim Dunn/Gazette-Journal

JONG WOO LEE: He was found innocent of murdering his brother-in-law.

is possible," Lee said. "My two older (step) sisters, more than anyone, know how fond and how much affection I have for my brother-in-law."

Verdict

From page 1A

Jurors believed him.

"I was thinking Lee was in big trouble last week," Lyons said. "It was his testimony that turned it."

Defense attorney Scott Freeman agreed.

"There's no question in my mind, when Mr. Lee took the stand and told the truth, the jury was impressed by what he said and how he said it," Freeman said.

"This was a circumstantial case and the jury had a very tough decision to make," Supervising Deputy District Attorney Richard Gammick said.

In retrospect, he wouldn't change how he presented the case. "In this case, the jury saw all the evidence. They saw everything we had."

"Obviously, we felt that Jong Woo Lee did this," Gammick said. "I am disappointed with the verdict, but that is not a criticism of the jury or the jury system."

After Lee was freed, his stepsister, Insuk Lauer, said allegations raised during the trial of an affair between Lee and the victim's wife hurt the family. But the verdict has a cause for celebration and tears of joy, she said. "When I told (the victim's wife), she cried."

Not everyone was pleased with the jury's decision.

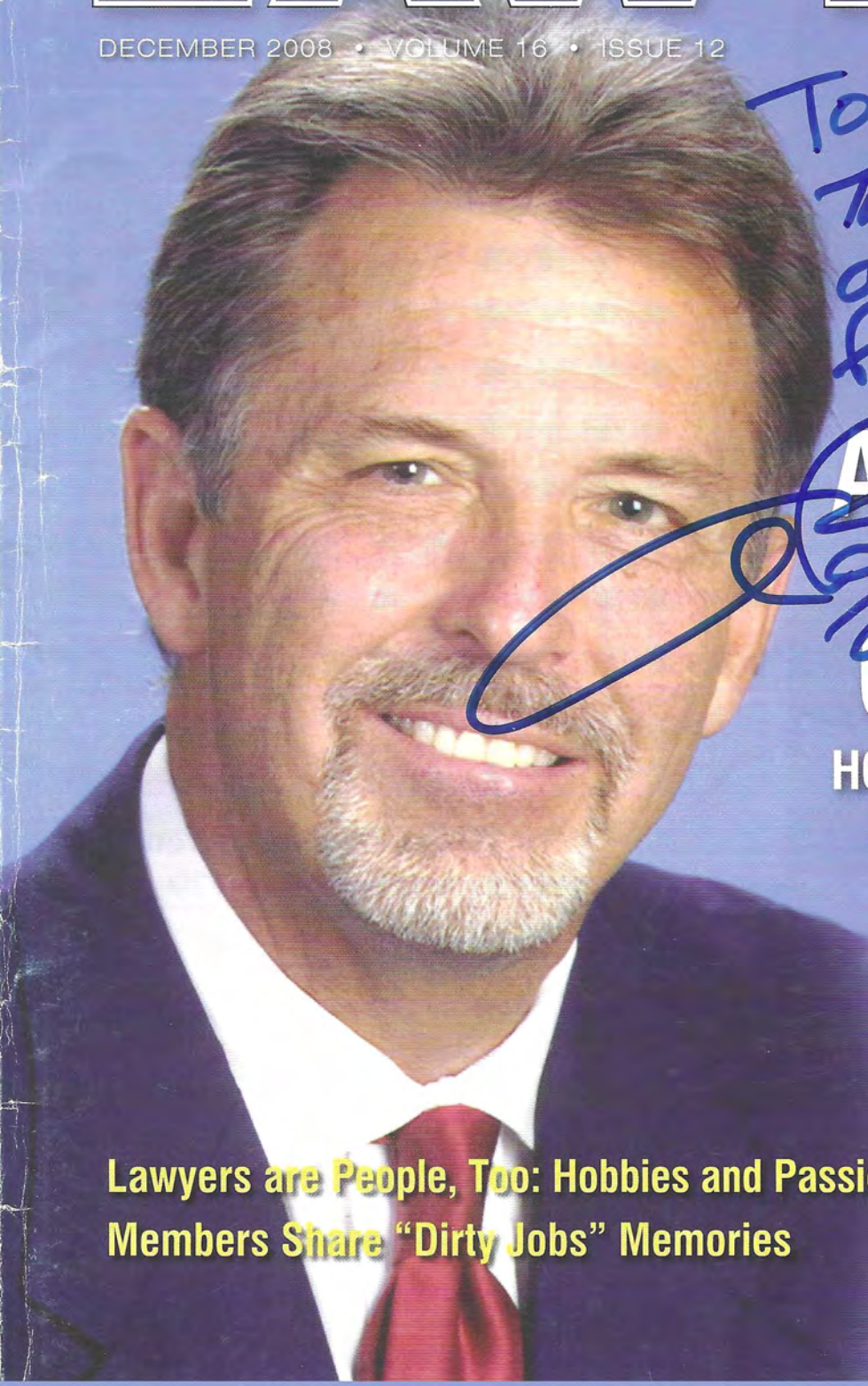
One woman entered the hallway outside the courtroom screaming at the defendant's family in Korean until she was pulled away.

Members of the Lee and Park families attended the trial and filled the seats during Wednesday's closing arguments.

Attachment 3 –
Nevada Lawyer Autographed Cover

NEVADA LAWYER

DECEMBER 2008 • VOLUME 16 • ISSUE 12



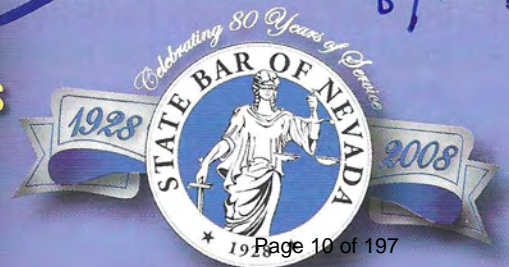
To: Judge Freeman
Thank you for
pursuing my
favorite case
of five us*

A CAREER AND A CALLING

HONORING CHIEF JUSTICE
A. WILLIAM MAUPIN
ON HIS RETIREMENT

* Series J. Leung
8/24/17

Lawyers are People, Too: Hobbies and Passions
Members Share "Dirty Jobs" Memories



Attachment 4 –
Lerner Newspaper Article
& New York Times Article

SPORTS

Reed, Reno win regionals

Raider boys, Husky girls take home Northern 4A titles, 1D



RGJ

SUN. DAY LIFE

Who will Oscar pick?

Is 'Return of the King' a lock? Make your predictions, 1B



RGJ

RENO GAZETTE-JOURNAL

SUNDAY, FEBRUARY 22, 2004

WWW.RGJ.COM

\$1.50* May be higher outside metro area

Killer's best-seller: Freedom of speech or crime profits?

By Martha Bellisle
RENO GAZETTE-JOURNAL

Jimmy Lerner killed his friend — he admits that. He used a belt and a plastic bag to suffocate Mark Slavin after a long, drawn-out fistfight that left them bloody and battered in a room at a Reno casino. But when Lerner pleaded guilty, went to prison and wrote a book called

"You Got Nothing Coming: Notes From a Prison Fish" about life behind bars and the slaying that got him there — a book that became a top seller — Slavin's family objected and sued for his profits.

Now the Nevada Supreme Court must decide whether the law allowing such suits violates the state and federal constitutions, as a district

Gammick:
"Why should a person who commits a crime be allowed to profit from that crime?"



RGJ file

judge has ruled, or whether it's a legitimate tool to stop convicts from profiting from their

crimes. "The First Amendment takes priority over everything," said Lerner's lawyer, Scott Freeman, who argued the case before the high court last week. "It's a freedom-of-



RGJ staff

Freeman:
"The First Amendment takes priority over everything."

speech type of statute that creates a financial disincentive for someone to write a book. "That's a chilling of free speech."

But Washoe County District Attorney Richard Gammick disagrees.

"Why should a person who commits a crime be allowed to profit from that crime?" Gammick asked. "I think the vic-

tim's family should get every dime."

"I'm not sure what the First Amendment issue is here," he added. "Nobody says he can't write the book. He just shouldn't profit from it."

The Supreme Court gave no indication when it might decide whether the law is unconstitutional, as Washoe District

See LERNER on 11A

ON THE WEB

Online poll: Do you think that criminals should be allowed to profit from the sale of books about their crimes? To vote, log onto RGJ.com/news.



Lerner/Prison book has drawn critical acclaim

from 1A
Judge Brent Adams ruled last year, or whether it should stand, allowing the victim's family to tap Lerner's profits.

Nontraditional prisoner

Lerner, a 52-year-old former communications manager from Danville, Calif., could be described as a nontraditional convict. He's a well-educated, white-collar worker who has an undergraduate degree in social sciences and a master's in business administration.

After spending 18 years as a marketing executive and planner for Pacific Bell, he struck out on his own as a "marketing strategic planning consultant," he told police.

But he had a dark side, his lawyer said. He was a drinker and prescription drug user who flowed between Alcoholics Anonymous meetings and wild binges.

Lerner was on one such spree when he and Slavin, a man he met at an AA meeting, drove to Reno in November 1997 and booked themselves into a casino hotel room.

Their blackjack vacation ended days later in a fatal brawl.

After his arrest, Lerner told police that Slavin came at him in a drug-induced rage. Slavin threatened Lerner and his daughters, he told police, and he finally snapped, according to a transcript of his interview with police.

"I put the belt around his neck," Lerner said. "I figured, OK, new strategy. I cut off his air."

Lerner said he planned to make Slavin pass out. But after Lerner put the plastic bag over his friend's head and tightened the belt around his neck, Slavin stopped moving and never woke up.

Prosecutors charged Lerner with murder with a deadly weapon. He pleaded innocent, then after some bargaining, agreed to plead guilty to one count of voluntary manslaughter with the use of a belt as a deadly weapon.

Just before sentencing, Lerner apologized for the crime.

"I would just like to say again how profoundly sorry I am for what happened, for what I did," told the court. "There's not a that goes by that I don't regret



RGJ file

JIMMY LERNER: Wrote "You Got Nothing Coming: Notes From a Prison Fish" while in prison for killing a friend at a Reno hotel.

ON THE WEB

Read a previous Reno Gazette-Journal interview with Jimmy Lerner and an opinion piece by Washoe County District Attorney Richard Gammick by logging onto this story at RGJ.com.

it. There's not a night that goes by that I don't think about it."

Washoe District Judge Connie Steinheimer acknowledged that Lerner lacked a criminal history.

"This apparently was an aberration in your life," the judge told him before sentencing him to two to 12 years in prison and ordered him to pay \$10,535 in restitution.

Lerner was paroled in January 2002 after serving three years. He now lives in Florida. His lawyer has forbidden him from making a statement about the case until the high court issues its ruling.

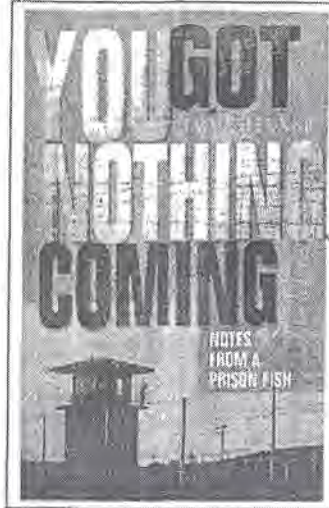
Prison writer

Lerner spent his two years in prison scribbling what he saw and experienced. Much of it wasn't pretty; most of his notes were punctuated with profanity. The notes were smuggled out and became the book.

There's his cellmate, Kansas, a skinhead with a swastika tattooed on his neck.

There's the "great prison spectator sport" of "checking out the meat" while watching "fish," or new arrivals, being marched to the Fish Tank — the intake cellblock. There are the endless nicknames: Bubblecop, Big Bird, the Hunger, Lil G, T-Bone and Snake.

There's the slang: the criminally insane or people acting crazy are called J-Cats; child molesters are called Chomos; a Heart Check is a test to see how well an inmate fights back.



Reno Gazette-Journal

And at the end of the book, there's the story about "the Monster," as Lerner called Slavin.

Lerner tells how "Dwayne" — the name he gives Slavin — badgers him for money for drugs and threatens him at all hours of the night. He describes how Monster attacks him with a knife, slashing at Lerner's face, swearing and screaming, then pulls off his cowboy belt and whips it at him, striking him on the forehead.

Lerner writes how he finally gets Monster on the floor as he threatens to kill Lerner and his daughters. How Lerner tightens the noose, the belt, around Slavin's neck until he breaks it.

How he ends up in jail, and then prison, claiming the killing was basically self-defense.

In his "author's note" in the front of his book, Lerner said he was telling a true story but that he made some changes or "created a composite scene based on actual events."

Gammick challenges Lerner's story.

"Sadly, Mark Slavin, whom Lerner forever silenced, cannot address Lerner's 'version' of events, but we can and Lerner's self-defense claim is not supported by the evidence from the court files," Gammick wrote in a 2002 column in the Reno Gazette-Journal.

"After all," the prosecutor said, "the law excuses self-defense, and it did not excuse Jimmy Lerner."

Nevada Law constitutional?

Lerner's book has drawn critical acclaim.

Publisher's Weekly Review called it "the most gripping and most inviting prison memoir in years." The Guardian said the book was "an instructive and darkly hilarious tale of how the lessons of white-collar management psychology can help you out in the slammer."

A reviewer for The New York Times Magazine, in a feature story, praised Lerner's writing style. "Lerner did not play for sympathy or condemn the penal system; he simply recounted his experience with deadpan, self-deprecating wit."

Freeman won't say how much his client has made from the story.

But a lawsuit filed by Slavin's sister, Donna Seres, in August 2002 sought to find out.

And, in accordance with Nevada law, Seres sought to collect the profits from the publication and from any money received for selling the movie rights to the book, according to court records.

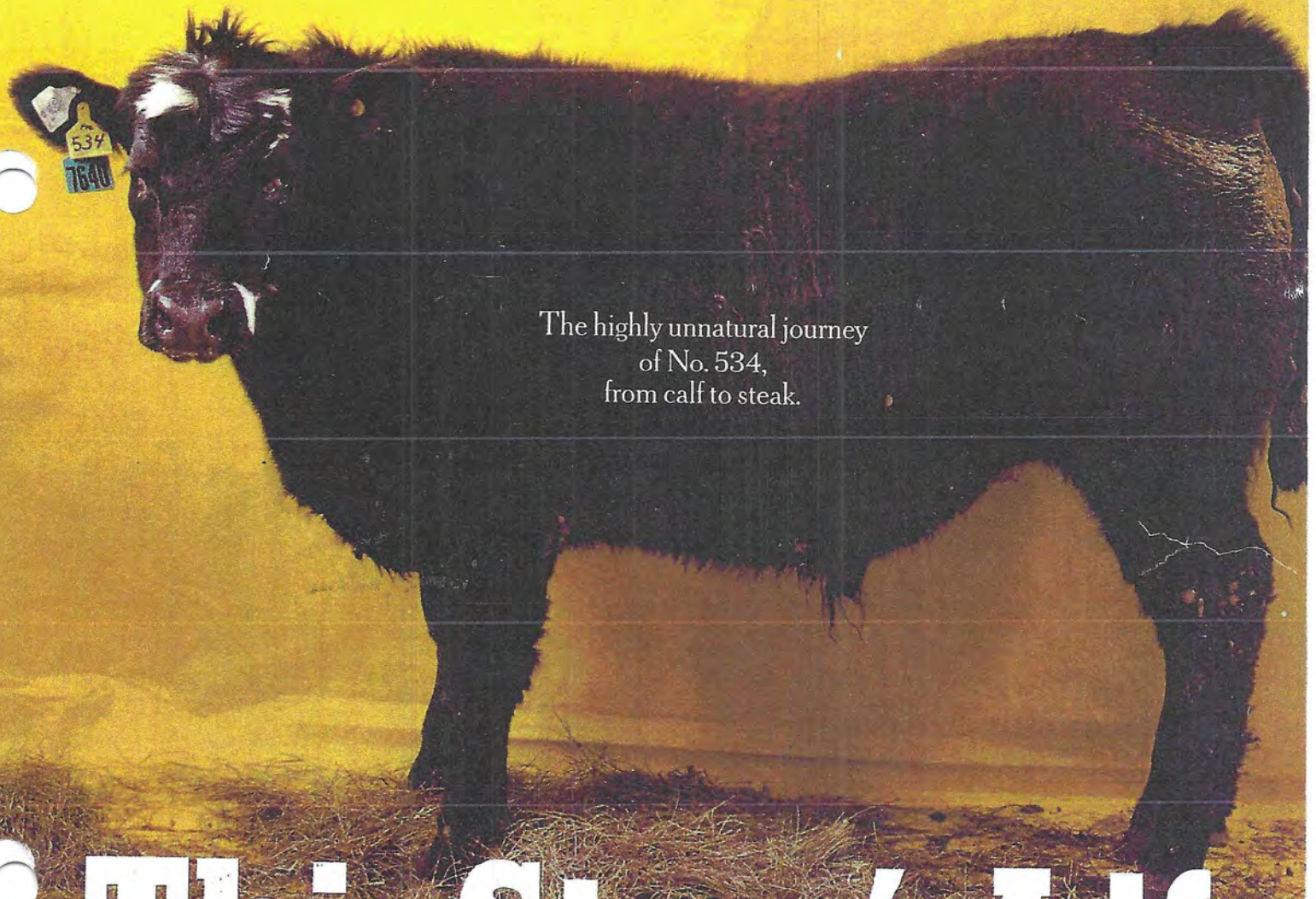
Seres' lawyer, Ian Silverberg, could not be reached for comment. But in his brief to the court, he said the statute was designed by the Legislature "to serve an admitted and undisputed compelling State interest of compensating victims of crimes."

In October 2002, Lerner asked the district court to dismiss the lawsuit, claiming the statute violates the First Amendment and the Nevada Constitution.

On Jan. 15, 2003, Adams granted Lerner's motion to dismiss, saying the law "is an impermissible content-based restriction on speech," therefore is "unconstitutional under the First Amendment."

Seres appealed to the Nevada Supreme Court, where oral arguments were held last week.





The highly unnatural journey
of No. 534,
from calf to steak.

This Steer's Life

By Michael Pollan

The Talented Mr. Lerner

By David D. Kirkpatrick

He has written an acclaimed prison memoir — and charmed everyone from his parole board to Bryant Gumbel. What's not to like about the middle manager who just happens to have committed manslaughter?

Last January, New York publishing houses received a pitch for an unusual “fictionalized” memoir. It was a prison book, written by an inmate serving a 2-to-12-year sentence for voluntary manslaughter in a Nevada jail. But what made this prison book different was its author, Jimmy A.

Lerner: a middle-class, middle-aged former marketing executive at Pacific Bell. Lerner was a “sharp, regular guy,” his agent, Brian DeFiore, asserted in the pitch letter — one “with a wife, two kids and a mortgage payment” who had “never before gotten into any sort of trouble with the law.”

Gerald Howard, the editorial director of Broadway Books at Random House, was intrigued. He read with interest Lerner's own description of his plight. “Just the day before, I was cheerfully rooting for my daughter's soccer team in the beautiful Bay Area suburb of Danville, Calif.,” he wrote. “I was happy and secure with my family, my house and the corporate cubicle where I diligently crunched numbers.” He awoke to a bleak new world: “A (former) Nice Jewish Boy from Brooklyn, N.Y., I end up sharing a claustrophobic cell with a 6-foot-6, 350-pound (all tattooed muscle) skinhead with an unlovely swastika engraved on his neck. And he doesn't like me.”

The letter left the details of Lerner's crime to the imagination, and Howard immediately recalled the case of Jack Henry

Abbott — a talented jailhouse writer who was paroled at Norman Mailer's behest, only to kill a waiter weeks later. Then there was David Berkowitz, the serial killer who inspired New York's Son of Sam law to prevent murderers from profiting from the stories of their crimes. But Lerner seemed to have another kind of book in mind: an unsentimental, literary take on prison life. And Howard, himself a middle-class, middle-aged man from Brooklyn, felt an affinity for Lerner's voice.

Howard asked for the manuscript and pored over it. Lerner devoted only a few pages to his crime, portraying it as self-defense. It happened on a weekend trip to Las Vegas with a buddy. His friend, who towered over Lerner in size, went on a drug binge. That Sunday night in their hotel room, the friend fell into a psychotic rage, beating Lerner with a belt and slashing at him with a knife. Worse, he threatened to go after his two teenage daughters. Lerner snapped. “In seconds I had the cowboy belt cinched around the Monster's neck,” he wrote. “I pulled the makeshift noose — tight.” Before he had a chance to think, the Monster was dead.

Howard studied the rest of the manuscript, which mainly chronicled Lerner's adjustment to life behind bars. Lerner did not play for sympathy or condemn the penal system; he simply recounted his experience with deadpan, self-deprecating wit. Like Joseph Heller's writing in “Catch-22,” Lerner's absurdist tone underscored the agony of his life as a convict. Lerner had survived jail, he wrote, by applying the same personnel skills he perfected in another claustrophobic, hierarchical in-

stitution that he privately disdained — the phone company. At Pacific Bell, Lerner happened to sit next to Scott Adams, the cartoonist who later created “Dilbert,” and his book shared a similar sensibility. Lerner deftly juxtaposed his cubicle life with his prison-cell life to create a kind of black comedy, giving his story both pathos and charm — an unlikely achievement for a prison memoir, Howard thought.

Howard decided he wanted the manuscript. “The book was strong and the writing believable,” he recalled recently. He paid, about \$100,000 for it, on the condition that Lerner recast his mostly true story as genuine nonfiction.

Broadway Books published Lerner’s book as “You Got Nothing Coming: Notes From a Prison Fish” in February, about a month after Lerner was paroled. Reviews have been good. Chris Lehmann of The Washington Post called the book “a considerable achievement” that “forthrightly pulls back the curtain on a brutal system of punitive penal warehousing.” Newsday hailed it as “darkly entertaining.” Lerner has appeared on CBS and on public radio. The producer Mike Medavoy is so enthusiastic that he’s developing a film version, most likely a comedy, starring Ben Stiller.

Practically the only readers whom Lerner hasn’t won over are the district attorneys who prosecuted him. They say that Lerner described a very different version of events to detectives the morning after the incident. The attorneys called a Nevada newspaper, but it declined to follow up.

And so Lerner has found an odd sort of redemption. Not long ago, he was an anonymous, bored office drone. Now, after only three years in prison, he has reinvented himself as a writer.

Already he’s working on another book, a novel. “Going to prison,” Lerner told me dryly, “was the best thing that could have happened to me.”

To a large extent, Lerner’s memoir revolves around his gift for self-invention.

It begins with his introduction to his cellmate, the giant neo-Nazi. The cellmate, whom Lerner calls Kansas, ends every sentence with the question, “Y’unnerstan’ what I’m sayin’?” Lerner’s first misstep as a “fish” — a new inmate — is to mock this grating tick.

“Nobody comes outta the side of their neck at me!” Kansas booms. “I been *down*, behind the walls all my life, dawg.” He slams Lerner to the wall. “Y’unnerstan’ what I’m sayin’?”

Some might quake with fear, but Lerner recalls his corporate life. Back at Pacific Bell, he learned a management technique called Mirroring and Echoing: parroting the body language and speech patterns of “hostile stakeholders” to instantly

achieve rapport. And so Lerner echoes Kansas: “I know you been *down*, dawg. I’m not talkin’ outta the side of my neck, neither. All I’m sayin’ here, bro, is that we need to maybe work on our communication. Know what I’m sayin’?”

As the months go by, Lerner grows into his new persona, aping the mores and language of his fellow convicts. He helps Kansas read neo-Nazi propaganda (keeping his Jewishness to himself). He wins over a crew of inmates, who nickname him “O.G.,” for Original Gangsta, in deference to his advanced age and improbably lethal crime.

All the while, Lerner keeps a secret diary about the inmates’ strange and brutal ways, mailing off installments to an old friend. To his friend, Lerner becomes a sardonic ethnographer, wittily translating the convicts’ alien world for a literate, law-abiding reader. He shares countless tales of inmate ingenuity — like the home-brewing of alcoholic “pruno” from pilfered food supplies.

In this way, Lerner had honed his storytelling skills long before he started working with his editor. Gerald Howard never met Lerner face to face during the editing process. For more than 30 weeks, Howard received a collect call from prison at 3:30 p.m. each Tuesday. He called it “Tuesdays with Jimmy” and came to look forward to hearing Lerner’s high, squeaky voice. Together they reminisced about fragments of their shared Brooklyn youth like Ebinger’s and egg creams. Lerner, meanwhile, filled Howard in on the latest stabbings and racial feuds in the yard. “I worried all the time that I would get a call that Jimmy had gotten a shiv between the ribs,” Howard recalled.

Lerner was a quick student of book publishing too. He seemed to grasp Howard’s suggestions intuitively. Sometimes he even adopted the mindset of a publisher, applying Pacific Bell marketing ideas about “enfranchising stakeholders” to the job of selling his own book. Howard found Lerner a pleasure to work with. “He is very bright; he just gets it,” Howard said. Even after the editing was finished, they kept up their weekly phone date.

Before the book was finished, Lerner sent Random House a long list noting which facts had been altered. He said that he had disguised some identities and places but otherwise removed the fiction. Howard only occasionally wondered. If Lerner was slightly built, for example, how did he manage to strangle a large attacker armed with a belt and a knife? Howard never asked directly. He decided that a stint Lerner did in the Army explained it. “His military service helped make that scene more plausible to me,” he said.

The main trick of editing the book was persuading readers to identify with Lerner as much as Howard had come to, which meant finding just the right way to present the facts of his crime. Howard helped focus the story on the engaging theme of a civilized business executive living among illiterate felons. To set aside the obvious questions, Howard helped insert near the front of the book a short description of Lerner’s reluctant manslaughter plea. (Lerner made it, he wrote, to

avoid the chance of a death sentence.) The revised manuscript then jumped immediately to life inside the Nevada prison. Only after 300 pages did the narrative flash back to Lerner’s crime.

As they finished editing, Howard offered to write a letter to the parole board, although Lerner declined. “To me, Jimmy is just the kind of wise guy I grew up with in Brooklyn, and I mean that in the best way,” Howard told me last fall. “What happened to him seemed such an aberration in the overall arc of his life.” Indeed, Howard had come to think of Lerner as a friend. “I made some judgments about the person who wrote this book, and I am pleased to say I think my judgments were correct,” he said. “I like the guy — a lot.”

THREE WEEKS AFTER his release from prison on Jan. 2, Lerner was living in a ramshackle apartment building in Reno. Prison evidently did not agree with his skin, but he looked dapper in a fake suede sport coat and a black Kangol cap. He was clearly enjoying his new role as a local literary celebrity, although his status as an ex-con still posed some dangers. He said that he had gone incognito — shaved his beard to a mustache, changed his glasses and adopted the cap — to throw off former inmates who might have it in for him.

Lerner had already bonded with one person in Reno: his parole officer, Russell Blackburn. Lerner amused him with stories about his authorship and caricatures of his Jewish mother (exotic stuff in Reno). “He is pretty charismatic,” Blackburn said. “When he talks, he draws you in to listen to him. Maybe that is his business background, as far as setting the hook and kind of reeling you in.”

One of Lerner’s other charms is an unexpected candor about aspects of his former life that never squared with the clean-cut image his agent’s pitch suggested. In his book, he admits to a lifelong problem with addiction. Lerner started night school at Brooklyn College in 1969, hoping to become a writer, and he edited a student literary magazine. But he was also drinking and taking drugs; he soon dropped out. It wasn’t long before he crashed his car in Florida. (“The car didn’t operate properly once I’d taken Quaaludes,” he said.) Lerner joined the Army to avoid jail, and he finished college while serving in California.

Life turned better after his discharge, as a sergeant, in 1979. Army buddies landed him at Pacific Bell in San Francisco, where he climbed from customer service to strategic planning manager. In 1982, he struck up a conversation with a woman sitting next to him on a plane and married her a few months later. They moved to Danville and had two daughters — one is now in college, the other a sophomore in high school.

But Lerner never stopped battling alcoholism, and it got harder in the spring of 1997. He was laid off from Pacific Bell, began drinking heavily and split up with his wife. By the fall, Lerner was reeling. He began spending time with a neighbor he met at A.A.: the man Lerner calls Dwayne Hassleman or, at other times, the Monster.

It was a puzzling friendship, from the book's description. Lerner paints a vivid picture. Hasslesman was 6-foot-3 and rippling with muscle, an able, hot-tempered drug addict who merely posed as an alcoholic for the camaraderie of A.A. Hasslesman was not only a knife and gun collector, he was also a closet homosexual who lied about a beautiful ex-wife (and wore a rotating assortment of colored contact lenses). Although Lerner had other friends, he writes, he was lonely without his family or job. So he started hanging out with Hasslesman over games of video blackjack.

Over dinner in Reno, Lerner told me that his book may have neglected Hasslesman's more attractive qualities, but mostly he attributed their friendship to his own impaired judgment. "I was moving into a serious relapse of drinking and popping mind-altering pills," Lerner said. But if the friendship seemed unreal, Lerner said his account of the killing was accurate. "I was having the hell beaten out of me, pounded with a belt," he said, looking me in the eye. "It was a very extreme situation. I mean, I was terrified. I was getting the hell beat out of me. My children were being threatened. I killed him. And I regret it."

Still, why didn't he flee the hotel room? "That's a very good question," Lerner said, graciously complimenting my insight. "It is the ultimate question. It really gets to the heart of the crime and to the heart of my guilt. I had the opportunity — did I not? — to walk away at a certain point. And that's a decision I made that I will regret for the rest of my life." Still, Lerner said, killers came worse than him. In prison, some murderers gaged about the bodies that never turned up.

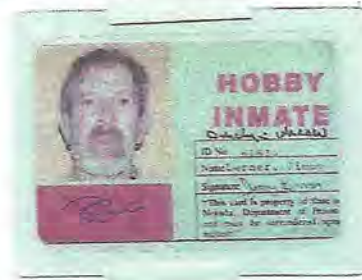
It was not hard to come up with a different account of what happened that night. In court papers, I found that his victim's real name was Mark Slavin. He was a medical-equipment salesman whose wife died of cancer in 1993. What's more, the Monster was in reality a shrimp. He was 5-foot-4 and 133 pounds, eight inches shorter and 40 pounds lighter than Lerner was at the time.

Slavin's sister, Donna Seres, who lives on Long Island, attended Lerner's hearings. "Now to see this man profiting — it is killing me," Seres said.

Lerner himself told police a different version of events the day after the killing — which took place in Reno, not Las Vegas. Lerner called Slavin "a very nice guy" and "practically my best friend." He said that on that November weekend, he and Slavin drove to Reno to play blackjack and "see a show." Lerner was wearing a polyester shirt and a dark Beatles-style toupee.

The fight started late Sunday night in their suite in the Sundowner Hotel. Slavin wanted money for drugs, Lerner told police. "He attacked me, in bizarre ways," Lerner said, chuckling. "Then outta nowhere, I gotta give him credit for this, he gave me a good shot, he broke my nose, I was just amazed." He continued, "I shot back except, uh, I didn't punch him, cause he's small, I just grappled him down and sat on him."

Lerner sat on him off and on for quite a while.



Somehow, Lerner told the police, Slavin eventually managed to wriggle free, steal Lerner's Swiss Army knife and come back swinging a leather belt. Lerner quickly disarmed Slavin and sat on him again. Then he had an idea. "I put the belt around his neck," he said. "I said, 'Mark, let's try this.' I'm sorta sitting on him. 'I'm going to cut your air off for a while, O.K.? When you get tired of that, you shake your head and let's call an end to this stupid thing 'cause this is ridiculous.'"

But Slavin remained conscious; Lerner told police that Slavin began reaching again for that knife. So, Lerner said, he put a plastic laundry bag over his friend's head for a while. And he tightened the belt: "I was finally able to get the belt to where it could work, you know, put some pressure?" Slavin soon ceased to struggle.

The forensic evidence suggested an even darker end. Detectives concluded that Lerner, who like Slavin had taken an assortment of cocaine and prescription drugs, had in effect tortured his friend. Slavin had been beaten badly: his eyes were swollen shut and bones protruded through his face. The shapes of a turtle and a steer's head — decorations from Slavin's belt — were imprinted on his neck. Lerner's main injuries, by contrast, were badly swollen hands. His jeans were covered with blood.

Detectives also doubted the Swiss Army knife was involved. There was no blood on it and, although Slavin was left-handed, the knife was found near his right hand — suggesting that it had been planted.

While awaiting sentencing in Reno, Lerner had other misadventures. When local police busted an escort service for pandering, they found Lerner's name in a call girl's address book, said Kelli Vilorio, a deputy D.A. in Reno. The woman told Vilorio that while awaiting trial, Lerner hired her and others to dance for him in his rented room, where he kept a bathrobe on the whole time. He also had call girls fetch him ingredients for a cocktail of prescription drugs — alprazolam, Serzone, clonazepam, Tylenol with codeine, Effexor, chlordiazepoxide, hydrocodone, Veetids. ("I was medicating myself," Lerner acknowledged.) The attorneys began preparing to revoke his bail, but Lerner was sentenced before it was filed.

Richard Gammick, the Washoe County district attorney, said he believed that the senior attorney who handled the case should not have accepted a plea of manslaughter. "I consider what Mr. Lerner got to be a sweetheart deal, and we aren't in the habit of giving people who commit murder

sweetheart deals," he said. "I have seen nothing that justifies in my mind why this was reduced from a murder case."

At first, Lerner calmly denied there was any major discrepancy between his book and his statement to police. "It jibes," he said, slowly listing the details that did match up, like his claims about the belt. And he noted that an expert hired by his lawyer supported his claim about the knife.

But in a subsequent phone conversation, he changed tack. "I saw what I was doing not as a journalistic piece," he explained genially. "What I was doing was a literary genre known as a memoir." Lerner said he had told Random House's lawyers that he disguised the man he killed, but he did not tell them that he'd altered key dynamics of the fight. But the result was still nonfiction, he insisted. "It is 90 percent accurate," he concluded.

IN MARCH, Lerner and Howard finally met. With his parole officer's blessing, Lerner had come to New York to make the media rounds.

Howard was impressed at how readily Lerner had taken to his book tour. "He is getting better at volleying questions and answering back and forth," he reported. "He is turning into a personality, actually. One senses that he is beginning to refine a persona for public consumption."

Howard was surprised to learn, however, that Lerner had misrepresented his crime. "I don't know what to say," he said, stunned. But after reviewing the facts of the case, Howard stuck by his friend. He read a statement prepared with Random House's lawyers: "Although the author took liberties in both the details of the struggle and their arrangement, the book represents the essential nature of the fight." He said that the book's "main aim" had been to document not Lerner's crime but the "essential quality of prison life."

Indeed, so far the public seems receptive to Lerner's "literary take on the lighter side of his incarceration," as Bryant Gumbel put it when he welcomed Lerner to "The Early Show" on CBS.

"We've all seen the prison movies," Gumbel said. "How come Kansas didn't — didn't ask you to be his 'wife'?"

Lerner responded brightly. "He said, 'With all the youngsters we have around here who are, you know, 18, 19, why would I want to bother with somebody like you?'"

After eliciting other tales from Lerner's prison picaresque, Gumbel turned serious for a moment: "You were convicted of manslaughter, which is not funny. Why did you wait until the end of the book to talk about it?"

"I started repeating myself about prison," he said. "I went: 'How boring. If any reader stuck with me this long, I have an obligation to them to tell them how I got here.'" But, he added, "This is not about a crime. This book is a prison memoir."

"It's good seeing you, Jimmy Lerner," Gumbel concluded sunnily. "The book is called 'You Got Nothing Coming: Notes From a Prison Fish.'" ■

Attachment 5 –
Series of Media &
Reno Gazette-Journal Articles

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Woman arrested in connection to deadly Mt. Rose crash

Posted: Sep 22, 2008 07:13 AM PDT

Updated: Sep 23, 2008 01:55 PM PDT



Police have arrested a young woman for her alleged involvement in a deadly highway crash.

Jessica Lynn Winkle, 19, was drinking and driving when her sport utility vehicle crashed into a motorcycle on Saturday, officers said.



Winkle failed field sobriety tests, according to officers on the scene.

Winkle did not yield to the motorcycle as she turned her vehicle onto Callahan Road, Nevada Highway Patrol troopers said.

The motorcycle rider, Hudson Taylor Post, 21, died at the scene.

Winkle is being held at the Washoe County Jail on a \$30,000 bail.



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RELEASED 9:00pm 2/13/10

DUI offender: 'I am not sure if I will ever forgive myself'

Jessica Winkle downed three glasses of wine with her salmon and joined others for the Champagne toast during a wedding reception at a south Reno home.

And then she climbed into her black 1998 Jeep Cherokee and drove -- following a friend up Mount Rose Highway. When her friend's car turned left onto Callahan Ranch Road, Winkle did, too.

She never felt the impact.

*** Listen to Jessica Winkle talk about her ordeal, with photos of the crash scene and the aftermath**

*** Special Report: DUI offenders released early despite state law**

*** Photo Gallery: Local mug shots for serious DUI offenders**

Hudson Post's Harley Davidson slammed into her rear passenger-side door at about 55 mph, spinning the Jeep around. Its airbag exploded in Winkle's face and glass from the car window shattered throughout the inside of her car.

Barefoot, and still in the white strapless dress she wore to the wedding, Winkle

jumped out of the car and ran toward her friend's car.

"I was just screaming, 'What happened? What happened?'"

Her friend told her not to look.

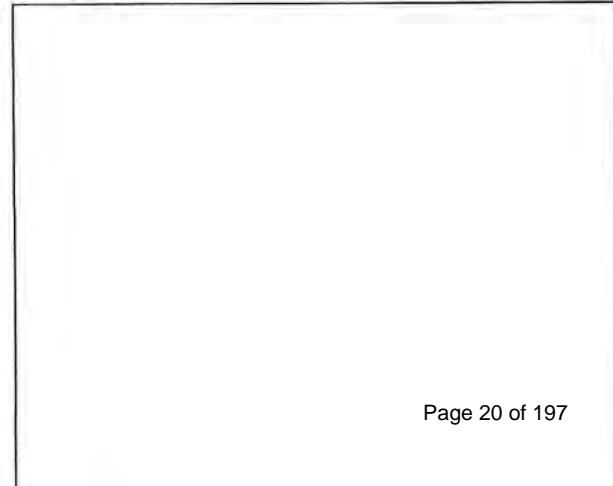
But she did.

"I turned around and that's when I saw everything. I saw Hudson's body," Winkle said. "I didn't even know what was going on. I knew that I had hit him, and I saw his body just lying on the ground. So I ran up to it."

Hudson Post, a fit young man standing 5 feet, 11 inches and weighing 200 pounds, flew about 30 feet past the Jeep and landed face down in the road in a pool of blood. Other drivers stopped and ran to Post, hoping to help. But the impact killed him within seconds.

Crying and dazed, with a swollen lip and bruised cheekbone, Winkle walked to the

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curb and sat down next to her friends as police officers arrived.

Winkle, then a 19-year-old University of Nevada, Reno student, admitted drinking that night in September 2008. The Nevada Highway patrolman walked her through a series of sobriety tests. When she failed, officers handcuffed her and drove her to Washoe County Jail for a blood test.

"They said I was kind of in shock because they were trying to draw blood, and they were having problems getting it in a main arteries where they usually take it," she said. "They had to get it from my foot because my blood just wasn't flowing as well."

"I just remember looking at my feet and there was blood, like all over. And it wasn't mine. It was Hudson's.

"And it was that vision that is always in my head."

Sentence ordered

Winkle never questioned whether to plead guilty.

"I knew what I had done. I wanted to accept the full responsibility," she said. "I took someone's life, and I want to own up to it " she said as she looked down at her hands, her voice trailing off, getting softer and small.

"I think about him every single day," Winkle said. "I didn't know Hudson, but I am sure

he was an amazing person, and he deserved to live."

Washoe District Judge Steven Elliott sentenced her on June 4, 2009 to five years in prison, with parole possible after two years. On June 10, 2009, her family drove her to the Florence McClure Women's Correctional Center, a medium-security facility just outside Las Vegas.

After a routine search, officials gave her a blue uniform, socks, underwear, bedsheets, a block of lye soap and some shampoo and conditioner, and led her to an "intake pod" that consisted of 12 cells, each containing 10 to 11 inmates.

Winkle's mother, Carol Ortiz, said she worried endlessly after dropping off her 20-year-old daughter, knowing she was locked in a big cell with prostitutes, drug dealers, women of all ages.

Ortiz felt helpless each time Winkle called home.

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"She was scared or crying, or she would say, 'Wait a minute, mom, a fight just broke out,'" Ortiz said. "It's scary for me to hear those things."

Winkle feared for her safety and worried how she would react if another inmate became angry or aggressive toward her.

"There was a fight in the cell below mine the first night," she said. "There are a lot of gang members there. I didn't know who to trust, so I kept to myself."

While at Florance McClure, she took a job preparing food. Three weeks later, officials moved her to the Jean Conservation Camp, also near Las Vegas, and she worked picking weeds.

"In my spare time, I would just sleep or read or draw or call my mom," she said.

Several months later, Winkle's case worker called her into her office and told Winker she had been accepted in a Corrections Department program that allows some drunken-driving offenders to be released on house arrest.

Within a week, Winkle was back in Reno with her mom.

"I immediately had to start going to counseling, and find a job as soon as possible and get back into school," she said.

She and her mother had to adjust to a new set of strict regulations that would dictate

every minute of their day until Winkle is released on parole -- she is eligible in June 2011 -- or completes her sentence in August 2011.

New lifestyle

The Nevada Division of Parole and Probation uses several tools to monitor inmates living on house arrest, and parole officers oversee their schedules.

The small black ankle bracelet strapped to Winkle's left leg looks like a large watch and fits tightly so it won't slide off. The device keeps track of her movements at all hours.

The Breathalyzer, which sits on a white cabinet in the kitchen, is about the size of a slide projector and connects to a camera. Parole and probation officials call her twice a day, often in the middle of the night, and require a breath test to see if she has been drinking.

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When the call comes, Winkle stands before the camera -- to ensure that it really is her -- and blows into a hand-held meter that measures alcohol in her breath. If any is detected, parole officials could take her back to prison.

"That has never happened, and I don't plan on it ever happening," Winkle said.

The two devices cost Winkle and her mother about \$300 per month.

Winkle only leaves the house for work, school and counseling sessions -- she must attend three AA meetings each week. When her mother brings home the groceries, she watches from the doorway; she's not allowed to step outside.

Since Winkle, 21, can't drive, she either walks or rides her bike to classes at UNR, where she is a psychology major with a minor in substance abuse prevention. To reach her job in Sparks -- she's a case manager at a center for adults with mental disabilities -- she takes a bus.

Her parole officer tracks every minute.

"You have to be very good at estimating your time," she said. "If you're late, that's a violation, even if it's just a couple of minutes."

She's restricted within her home, too.

No one can visit Winkle without undergoing a background check by parole and probation officials. If someone showed up

at her house drunk, Winkle could be sent back to prison.

Self-imposed prison

"This is my cell," Winkle says, gazing out the kitchen window on a rainy January afternoon.

"That's the difference between being on house arrest and in prison: In prison, it's easy to institutionalize yourself and block out the rest of the world, but on house arrest, you can actually see everything you can't do, and hear about it, and look at it."

The shame she feels from being responsible for someone's death keeps this former bubbly cheerleader locked in a self-imposed exile from the friends she used to enjoy.

"It's hard for me to talk to anyone from my high school," she said. "I've lived in this community for a long time, so it's kind of hard to show my face around some

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Jessica Winkle rolls up her pants leg to show the ankle bracelet she wears as part of her house arrest. / David B. Parker / RGJ

The case

Jessica Lynn Winkle was charged with driving drunk and causing the death of Hudson Post in a Sept. 20, 2008 crash on Mount Rose Highway. She pleaded guilty to one count of DUI causing death April 2, 2009, and was sentenced June 4, 2009 to two to five years in prison. She was released on house arrest Sept. 4, 2009 "" three months after starting her prison sentence.

House arrest

While on house arrest, Jessica Winkle is only allowed to leave her home for work, school and counseling sessions. Besides the twice-daily breathalyzer test, she also must submit to drug testing every two weeks and attend a one-on-one counseling session once or twice per month. Here is an average week's schedule:

Monday: She takes a bus to work in Sparks, stays from 9 a.m. to noon, and goes home. She then rides her bike or walks to a 1 p.m. class at the University of Nevada, Reno. After class, she is home for the night.

Tuesday: She walks to UNR for classes that start at 9 a.m., attends two other classes and is home by 3 p.m. She stays home the rest of the night.

Wednesday: Same schedule as Monday, but in the evening, she attends a Alcoholic Anonymous meeting.

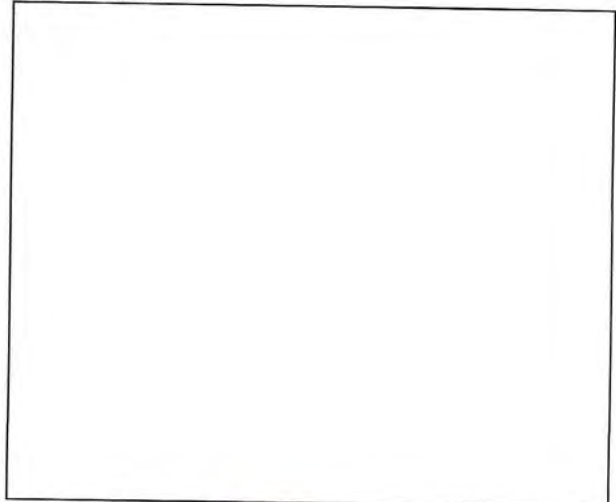
Thursday: Same class schedule as Tuesday. In the evening, she attends a group counseling class.

Friday: She works from 9 a.m. to 3 p.m. Once she returns home, she is in for the night.

Saturday: She only leaves the house to attend an AA meeting.

Sunday: She only leaves the house to attend an AA meeting.

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Lawyer argues that jailing Reno DUI killer was "unjust"

Written by

MARTHA BELLISLE

mbellisle@rgj.com

4:06 PM, Apr. 4, 2011|

Jessica Winkle was a "poster girl" for a prison program that allowed some DUI offenders to serve their time on house arrest, her lawyer told the Nevada Supreme Court on Monday.

But despite following every rule, she was pulled back to prison because the Nevada Attorney General responded to a Reno Gazette-Journal story that questioned whether that program applied to people who were given mandatory minimum sentences, Scott Freeman said.

Sending Winkle back to prison and not giving her credit for the time she served on house arrest was "a completely unjust result," Freeman told the justices. He urged them to set the law straight and set Winkle free.

But Chief Deputy Attorney General Stephen Quinn disagreed, arguing that when lawmakers created the mandatory minimum sentences for people who drive drunk and kill or injure someone, they wanted to send a message that aimed to

punish and deter.

The high court took the case under advisement, and will send out their opinion at a later date. The justices had agreed to move quickly to hear the case, since it could impact not only Winkle's time in prison, but others as well.

Winkle was 19 when she drank alcohol at a wedding on Sept. 20, 2008, left the party to go to a friend's house. While turning off Mount Rose Highway, she drove into the path of Hudson Post, who was heading to a gas station on his motorcycle. He died at the scene.

Winkle pleaded guilty on April 2, 2009 to one count of DUI causing death and was sentenced to five years in prison, with parole possible after two years. She entered prison on June 3, 2009 and was released on a residential confinement program on Sept. 4, 2009.

As part of a special DUI series, the Reno Gazette-Journal reported about the

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program in February 2010, questioning whether the Nevada Department of Corrections was acting within the law. Two days later, Attorney General Catherine Cortez Masto said she had reviewed the law and said her office had given department incorrect legal advice.

In response to her new position, the department of corrections pulled Winkle and seven others back to prison to complete their two-year terms.

After Monday's hearing, Angela Post, Hudson' Post's mother, said letting Winkle out on the program after only three months sent the wrong message, especially to young people.

"It's 'catch and release,'" she said. "Where's the deterrent? There was a 21-year-old that had his life taken away."

She said the residential confinement program was designed to offer treatment for people convicted of a felony DUI charge – which is three drunken driving arrests within seven years – not for drunk drivers who kill people.

But Freeman said the program not only helps rehabilitate drunken drivers, it also saves the state money because the offenders pay for the program and their own treatment. The attorney general's opinion was an inaccurate interpretation of the law, he said.



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Jessica Winkle talks about her DUI accident, which caused the death of a young motorcyclist, and how it has affected her life since. She is now under house arrest. Photo taken on Monday, Jan. 25, 2010. / Photo by David B. Parker/RGJ

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DUI offender to get out early

Written by

MARTHA BELLISLE

6:35 PM, May. 19, 2011

The Nevada Department of Corrections plans to release a serious drunken-driving offender about four months before her minimum two-year prison sentence is completed, arguing that under the law she has earned enough credits to effectively shortened her prison term.

Jessica Winkle was scheduled to get out Nov. 19, but her new release date is July 11, Steve Suwe, a department spokesman, said Thursday.

Winkle is one of eight DUI offenders sent back to prison in February 2010 after Nevada Attorney General Catherine Cortez Masto ruled that people who kill or injury someone while driving drunk must serve a minimum two-year sentence behind bars.

Masto's decision followed a Reno Gazette-Journal investigation that found that many serious DUI offenders were released on house arrest after serving only months or a year behind bars. Winkle was out on house arrest within four months of being incarcerated.

Suwe said that during her time in prison, Winkle earned enough credits to reduce

her maximum five-year sentence, which moved her discharge date to July. The credits count as days-off a maximum sentence and are given to inmates for behaving, participating in work programs, taking classes and other activities.

While inmates have always earned credits, a bill passed by the 2007 Legislature dramatically increased the number of credits available, Suwe said. And Winkle was one of many who benefited from that change.

Messages seeking comment from the Attorney General's Office were not immediately answered.

Winkle's lawyer, Scott Freeman, said he was pleased that the prison "is appropriately applying the credits to the sentence according to prevailing law."

"Ms. Winkle was a model inmate after her re-arrest and re-incarceration," he said.

Angela Post, mother of the Hudson Post,

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who was killed by Winkle in 2008 crash on Mount Rose Highway, said she was angered by the department's decision.

"Where's the deterrent?" Post asked. "It seems like it's just not there. The system is broken. There's no consistency."

Sandy Heverly, executive director of Las Vegas-based Stop DUI, said the department's decision was "disheartening," and its interpretation of the law was flawed. She said the attorney general's office should once again step in.

"Who has the authority here?" she asked. "It's so devastating to the victims to go through this. When is their day in court? When to they ever experience justice."

In 2007, the Nevada Legislature passed a bill that increased the number of credits, or days, an inmate can earn in an effort to reduce prison over-crowding. Instead of 10 days credit for good behavior, Assembly Bill 510 increased it to 20 days. The bill also allowed inmates who complete treatment programs to get 60 days reduced from their sentence instead of 30, and get another 60 days for training, among other activities.

The number of credits some inmates earn actually allow them to be released from prison before they've served their minimum terms. In some cases, they earn enough to get out before they hit their parole dates.

But that law conflicts with Cortez Masto's opinion, which said these DUI offenders

must spend their minimum sentences behind bars.

Freeman, Winkle's lawyer, has challenged Masto's opinion in the Nevada Supreme Court. He argued that these offenders should be allowed to serve their sentences on house arrest, where they can work and get counseling. The program saves taxpayers money, he argued, because the offenders must cover the costs.

The Supreme Court heard arguments on the case April 4, but have yet to issue a ruling.

The attorney general's office also sponsored Senate Bill 72 before the 2011 Legislature, which seeks to clarify the law. First Assistant Attorney General Keith Munro told the Senate Judiciary Committee in February that the bill would ensure that these offenders serve their minimum terms before getting out on house arrest.

When the Legislature toughened the law, he said, they wanted to be sure that these

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offenders serve at least two years in a prison setting.

Winkle's parents testified against the bill. Winkle's father, Gary, told lawmakers that Jessica was not a "demon" and said she had followed all the rules while on house arrest and should get credit for that effort.

The bill passed out of Senate Judiciary and now sits in Senate Finance. No hearing has been set.

According to Suwe, Winkle started her sentence on June 3, 2009 and would have been eligible for parole June 3, 2011. She was released on house arrest in October 2009, but sent back to prison in February 2010, he said.

She did not get credit toward her minimum sentence for the 169 days on house arrest, making her parole eligibility date Nov. 19, 2011.

In the mean time, the department calculated the credits she earned toward her maximum sentence, and determined that she had earned enough for the July release, he said. ©

CALCULATING WINKLE'S SENTENCE:

Jessica Winkle was sentenced to a minimum of two years and a maximum of five years in prison. Under the law, she receives credits -- days off her sentence -- for participating in certain prison activities, including work programs, counseling sessions and classes.

Based on a formula used by the Nevada Department of Corrections: A five-year sentence = 1,825 credits (365 days x 5 years = 1,825). During her time in

prison:

She received an automatic 20 credits (about 18 days) for each month in prison;

She received another 20 credits per month (about 18 days) for participating in a work program;

She received additional credits for taking classes and attending counseling sessions among other activities;

Added all together, as of May 1, Winkle earned 1,731 credits. These credits effectively moved her five year sentence end date from June 3, 2014 to a projected date of July 10, 2011 -- about four months before her two-year mandatory minimum sentence is complete.

Source: Nevada Department of Corrections

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Prison credits allow Nevada offenders out early

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Prison credits allow Nevada offenders out early

Written by

Martha Bellisle

9:00 PM, May. 21, 2011

Efforts by lawmakers to cut prison costs and overcrowding by awarding large amounts of credits that shorten an inmate's sentence have allowed some offenders to get out of prison before they've served their mandatory sentences, an investigation by the Reno Gazette-Journal has found.

The shortened prison terms for some nonviolent offenders are making it impossible for the Nevada Department of Corrections to honor laws that require mandatory prison terms for some crimes while trying to uphold another law -- the one requiring inmates to be released if they've earned enough days off their sentence, the Gazette-Journal found.

The conflicting laws came to light last week when the department announced that Jessica Winkle, serving a mandatory two-year prison term on a DUI-causing-death charge, would be released in July, four months before her mandatory minimum two-year term was up.

The number of inmates being released before their mandatory sentences were

served was not immediately available.

Washoe County District Attorney Richard Gammick said the case was another example of Nevada's deteriorating justice system.

"It used to be that we could go to the victims and tell them that this person will serve this amount of time," Gammick said. "Now sentences don't mean a thing. It's very frustrating."

Washoe District Judge Jerry Polaha said the actual time a prisoner does ends up being up to the prison system.

"We have no control over that," he said. "At the sentencing we can lecture them, but then they find out that what we're saying doesn't really mean anything."

"If it's supposed to be a deterrent and it's not, what are we doing?"

Sen. David Parks, who chaired the Assembly Select Committee on Corrections,

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Parole and Probation in 2007, which sponsored a bill that dramatically increased the number of prison credits some non-violent inmates could earn, said he was surprised this was occurring.

"My understanding, at the time the bill was passed, was that if a judge ordered a mandatory minimum sentence, the inmate would have to serve the mandatory minimum," said Parks, D-Las Vegas. "The judge's sentence took precedence."

But Steve Suwe, a DOC spokesman, said an inmate's release date is based on their accrued credits, which decreases their maximum sentence. In some cases, those credits allow them to complete their prison term before the mandatory minimum is satisfied. In other cases, inmates are completing, or "expiring," their sentences even before they're eligible for parole.

"I don't know what they're going to do about those cases," he said. "But we can't keep anybody here longer than their 'expiration' date."

In Winkle's case, Suwe said she had earned enough credits through work programs, good behavior and classes, that her discharge date was moved from November to July.

Assemblyman William Horne, D-Las Vegas, who was on the original legislative committee that increased the credits for prisoners said the Department of Corrections was not supposed to use the credits in DUI death cases.

"I don't know what they're doing for calculating those credits," said Horne, who has researched the law with legislative legal staff. "The statute excludes those credits from DUI cases."

Attorney General Catherine Cortez Masto, who in February 2010 sent Winkle and seven other DUI offender back to prison by issuing an opinion saying the mandatory minimum sentences must be spent behind bars, declined to comment on the latest RGJ investigation. Masto's opinion last year was in response to another RGJ investigation that found that some DUI offenders were getting out of prison sooner than the law allowed.

"We are not prepared to comment at this time on the actions of the Department of Corrections," said Edie Cartwright, spokeswoman for the attorney general. "We are looking into the issue."

Inmates in hallways

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By the time the 2007 Legislature gathered for session, Nevada's prison population had grown beyond all projections, and studies said the state's correctional institutions would jump from 13,000 inmates to 21,000 in 10 years -- an increase of 57 percent.

One remedy to the packed prisons was Assembly Bill 510, which doubled the number of credits -- or days off a prison sentence -- that inmates could earn. The bill was to make it possible for some inmates to immediately be released so that overcrowding could be eased.

But then-DOC director Howard Skolnik warned lawmakers that the change could also have the undesired result of causing some inmates to be released way before the time intended by judges.

"It is conceivable that an inmate serving consecutive sentences could be eligible for release prior to completing his minimum sentences," Skolnik said during an April 2007 committee hearing.

But the bill passed, and inmates began cutting their maximum terms by months.

Sandy Heverly, executive director of Las Vegas-based Stop DUI, said she believed that when lawmakers passed the 2007 bill, that the prison credits wouldn't shorten the serious DUI sentences.

"We thought it would not impact the DUI death or serious bodily harm cases because of the fact that they have a

mandatory minimum," she said.

But after hearing of Winkle's case this week, she said everything has changed.

"This throws the minimum sentence out the window," she said.

Cutting sentences

Suwe, with the corrections department, said the credits now mean that a 10-year sentence will really mean about seven years. And in cases where the maximum sentence is five years or shorter, the credits have allowed some non-violent inmates to cut their prison terms in half.

"You can clean up 2 1/5 years on a five-year sentence without even trying," he said.

And if the inmates take educational programs or take anger-management classes, the cuts can be even more significant.

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"People are expiring before they're eligible for parole because they have so many credits," he said.

The change in the law also allowed inmates to add good behavior credits earned while they were in jail to count against their prison sentence. This means that some inmates are eligible to get out of prison within 10 months of arriving, he said.

Winkle's prison credits cut off more than three years from her five-year term, Suwe said.

William Dressel, president of The National Judicial College, said states across the country are dealing with similar issues, and most cases go to the state's Attorney General's office before ending up at the Supreme Court.

"This is a good example of the three branches of government at work," he said. "The Legislature adopts the law and if there's a problem, the Attorney General says 'I am the state's lawyer' and gives an advisory opinion," he said. "If someone doesn't like it, it goes to the appellate court. It's the way the system should work."

"The Legislature is not the bad guy here," he said. "Sometimes these things need to be fine-tuned."

ABOUT THIS REPORT

Reporter Martha Bellisle received a tip last week that a woman sent back to prison to complete a two-year mandatory minimum sentence was to be released four months before the two years was up. The Department of Corrections said Jessica Winkle had

earned enough credits, days earned that count against her maximum five-year term, to get out early.

WHAT WE FOUND

Winkle's pending release contradicted an opinion last year by Nevada Attorney General Catherine Cortez Masto, which said that people convicted of DUI causing death or substantial bodily harm must spend their minimum sentences behind bars. Further investigation found that some inmates are accruing so many credits that they are not completing their mandatory minimums and some inmates are getting out before they're even eligible for parole.

prison credits

Inmates accrue credits, or days that are deducted from their maximum sentence. They earn credits while in prison, but they also earn good-time credits for the time they spent in county jails. In 2007, the Legislature increased those credits for certain offenders for a variety of activities:

- * Good behavior credits increased from 10 days to 20 days
- * Staying current with paying fees for supervision and restitution increased from 10 days to 20 days
- * Completing a treatment program increased from 30 days to 60 days
- * Completing an education or training program increased from 30 days to 60 days
- * Earning a high school diploma increased from 60 days to 90 days
- * Earning an associate degree from 90 days to 120 days

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* For being on parole or probation, credits increased from 10 days to 20 days

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RELEASED 12:14 AM 2/18/10

Two-year sentence now firm in Nevada for injury, fatal DUIs

Eight people convicted of drunken driving and killing or injuring someone are being removed from a house-arrest program and will be sent back to prison following a Reno Gazette-Journal investigation that found the corrections department had not followed the law.

Nevada Attorney General Catherine Cortez Masto said Wednesday that she reviewed the law following the RGJ special report on the early release of 40 DUI offenders and found that her office had given the corrections agency incorrect legal advice. She said these offenders must spend a minimum of two years in prison.

"Since the article came out (Sunday), I have reviewed the law, and the advice given by our office was wrong," Masto said. "The law is very clear. The mandatory minimum prison sentence must be served prior to any house arrest."

"We contacted the agency, and they'll take immediate corrective actions," she said. "We want to do what's right for the victims."

Angela Post, whose 21-year-old son, Hudson Post, was killed when Jessica Winkle of Reno drove drunk and turned in

front of his motorcycle on Mount Rose Highway in September 2008, called the ruling "powerful" and "life-changing."

"I think this wound will heal now -- this oozing wound will heal now," Post said. "It's not about revenge, it's the natural consequences being played out. It's justice."

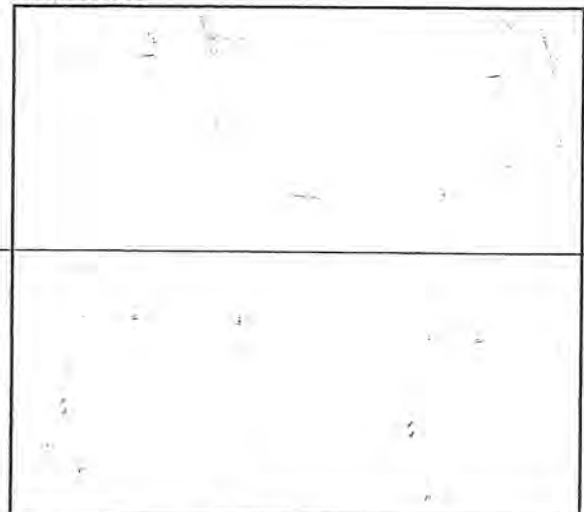
"People are going to start taking DUI a little more seriously."

Winkle had been released on house arrest after serving three months in prison, despite a law that said two years behind bars was mandatory.

Winkle's lawyer, Scott Freeman, said Masto's ruling was "devastating."

"I'm extremely disappointed -- I think it's a mistake," he said. "We believe justice is served in many ways, and we disagree that individuals are required to do mandatory time behind walls if doing time on house arrest under strict supervision."

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"We'll carefully review our options and decide whether the decision needs additional litigation."

Howard Skolnik, director of the Department of Corrections, said his agency has reviewed all the cases involving people convicted of DUI causing death or substantial bodily harm and found that eight of those people who still were on house arrest had not served the two-year minimum. They will return to prison, he said.

Skolnik said his agency was in the process of contacting the Division of Parole and Probation, which oversees the house arrest program, to have those offenders brought back to serve their full two years.

He also said the corrections agency also would be rewriting its administrative regulations to ensure the two-year minimum sentence is served.

The Reno Gazette-Journal investigation found that 40 of the 113 people convicted since 2000 of killing or severely injuring someone while driving drunk did not spend the mandatory two years in prison, and 22 of those 40 spent fewer than 10 months behind bars.

Six of the 40 spent three or four months in prison, the investigation found.

Skolnik said he reviewed the newspaper's list and said most of those offenders already had completed their prison sentences and could not be called back to

prison. Only the eight offenders who still are out on house arrest will be affected by the attorney general's ruling, he said.

He confirmed that Winkle was among the eight offenders being called back, but he declined to name the others before they are in custody.

Before the story's publication Sunday, a lawyer with the attorney general's office had reviewed the law and a Nevada Supreme Court decision that said the Legislature intended for drunken drivers who kill or injure someone to spend a minimum of two years in prison.

The deputy attorney general said the department of corrections had the legal right to release these offenders on house arrest under a program overseen by the Division of Parole and Probation.

But retired Supreme Court Justice Bob Rose disagreed.

He said the court reviewed the legislative

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hearings when lawmakers increased the penalty for those convicted of DUI causing death or substantial bodily. From that, the court found that the legislative intent was for a minimum period of incarceration, he said.

Masto agreed with Rose.

She also said the policy that the corrections department had been following was not preapproved by her office.

About our report: At least 40 of the 113 people convicted since 2000 of serious DUI offenses did not serve two years in prison as required by law.

Response: The Nevada attorney general reviewed state law. The Department of Corrections is ordering eight people back to prison.

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Attachment 6 –
U.S.A. v. Ligon, 440 -F3d 1182 (9th Cir. 2006)

of weapons, explosives or other destructive devices (*Pulido-Baquerizo*), random selection (*Torbet*), or, as here, the prospective passenger's failure to present identification upon checking in.

AFFIRMED.



UNITED STATES of America,
Plaintiff-Appellee,

v.

John LIGON, Defendant-Appellant.

United States of America,
Plaintiff-Appellee,

v.

Carroll Mizell, aka Cal Smith,
Defendant-Appellant.

Nos. 04-10495, 04-10524.

United States Court of Appeals,
Ninth Circuit.

Argued and Submitted Oct. 20, 2005.

Filed March 21, 2006.

Background: Defendants were convicted in the United States District Court for the District of Nevada, Howard D. McKibben, J., of theft of government property. Defendants appealed.

Holding: The Court of Appeals, William A. Fletcher, Circuit Judge, held that archaeological value did not come within definition of value for offense of theft of government property.
Reversed.

1. Larceny ⚡6

Regardless of whether the government charges a felony or a misdemeanor, value is an element of the offense of theft of government property, and the government must prove that the property stolen had value. 18 U.S.C.A. § 641.

2. Environmental Law ⚡741

Larceny ⚡6

Archaeological value, which estimates what it would have cost United States to engage in full-blown archaeological dig, did not come within definition of value for offense of theft of government property, which was defined as face, par, or market value, and thus government failed to establish the value of the petroglyphs stolen by defendants by failing to offer any evidence of value other than the petroglyphs' archaeological value, despite the fact that government possessed copy of report outlining petroglyphs' market value. 18 U.S.C.A. § 641; 18 C.F.R. § 1312.14(a).

3. Environmental Law ⚡741

Larceny ⚡6

Archaeological value is based on an analysis that goes back in time before the offense of removing archaeological resources occurred and estimates what it would have cost the United States to engage in a full-blown archaeological dig at the site in order to obtain the archaeological information. Archaeological Resources Protection Act of 1979, § 6, 16 U.S.C.A. § 470ee.

Richard F. Cornell and Scott N. Freeman, Reno, NV, for appellant Ligon.

Richard F. Cornell and David R. Houstin, Reno, NV, for appellant Mizell.

Ronald C. Rachow and Robert Don Gifford, II, Office of the United States Attorney, Reno, NV, for the appellee.

Appeals from the United States District Court for the District of Nevada, Howard D. McKibben, District Judge, Presiding. D.C. No. CR-03-00189-HDM.

Before STEPHEN REINHARDT,
SIDNEY R. THOMAS, and W.
FLETCHER, Circuit Judges.

WILLIAM A. FLETCHER, Circuit
Judge.

Defendants John Ligon and Carroll Mizell appeal their felony convictions under 18 U.S.C. § 641 for theft of government property. They contend, inter alia, that the government did not prove that the property had a "value" within the meaning of § 641. We agree and reverse the convictions.

I. Factual Background

The United States Forest Service ("USFS") posted a reward for information concerning the theft of several Native American petroglyphs that had been removed from an unmarked site on the side of a mountain in northwest Reno. Acting on a tip received under a "secret witness" program, Reno police found two of the petroglyphs prominently displayed in the front yard of Ligon's home, and a third in the back of his Suburban vehicle parked at his home.

USFS special agents then interviewed Ligon and Mizell. Ligon explained that he drove out to the mountainside and used a winch and a roller device to pull the three "rocks" out. He admitted that he never sought permission or advice before taking the rocks, and that he excavated them after dark. He claimed that he took the rocks in order to protect them from being "bowled over" by an encroaching construction development, and to display them in his front yard. Mizell stated that he went to the mountainside with Ligon, and he corroborated that the winch and roller device had been used to extract the petroglyphs and move them to Ligon's yard. A USFS special agent found a pry bar on the mountainside near where the petroglyphs had been, but neither Ligon nor Mizell mentioned using this tool.

A grand jury indicted Ligon and Mizell for removing archaeological resources in violation of 16 U.S.C. § 470ee (Count I), and stealing United States government property in violation of 18 U.S.C. § 641 (Count II). Count I charged that each defendant "did knowingly excavate, remove, damage and otherwise alter and deface archaeological resources located on public lands . . . without having a permit to do so, and commercial and archaeological value and the cost of restoration and repair of said resources exceed[ed] the sum of \$500." Count II charged that the defendants "did willfully and knowingly steal . . . three petroglyph rocks . . . having a value in excess of \$1,000, and which was then and there the property of the United States[.]" The jury acquitted Ligon and Mizell of Count I, but found them both guilty of knowingly stealing property valued at more than \$1,000 under Count II.

Before trial, a USFS archaeologist prepared a report that included an estimate of "commercial or fair market value" by Mark Bahti, the owner of "Bahti Indian Arts," a commercial art gallery in Tucson, Arizona. Bahti's report was based on photographs of the petroglyphs. Noting that they had been "badly scarred in the removal process," Bahti estimated their retail value at \$800 or \$900. He "conservatively" estimated that they could be sold for \$1,500 if they were in good condition.

The government did not introduce Bahti's report at trial. In fact, the government introduced no evidence at all of market or other monetary value of the petroglyphs. For both Counts I and II, it relied only on "archaeological value," a valuation concept that considers the worth of archaeological information. A USFS archaeologist testified that the petroglyphs had an archaeological value in the \$3,000 range, and a USFS special agent testified that she could not determine a "commer-

cial value" for the petroglyphs, even after contacting numerous sources. The jury instruction on property value for Count II provided: "On the valuation issue as to Count Two, the government relies on archaeological value."

At the close of evidence, the defendants moved for judgments of acquittal on Count II under Federal Rule of Criminal Procedure 29(a) on the ground that the government had introduced no evidence of value within the meaning of § 641. The district court took the motions under advisement and submitted the cases to the jury. After the jury returned verdicts of guilty on Count II, defendants renewed their motions for acquittal, now as Rule 29(c) motions. Defendants attached copies of Bahti's report to their renewed motions. The district court denied the motions.

II. Discussion

[1] Section 641 criminalizes the theft of a "thing of value of the United States." 18 U.S.C. § 641. The statute provides two tiers of penalties depending on the value of the stolen property. If the value exceeds \$1,000, the court can sentence the defendant to a maximum of ten years in prison. *Id.* Since this offense is "punishable" by a term of imprisonment "exceeding one year," it constitutes a felony. 18 U.S.C. § 1(1). If the value is \$1,000 or less, however, the maximum sentence is one year, 18 U.S.C. § 641, which makes the offense a misdemeanor. 18 U.S.C. § 1(2). Regardless of whether the government charges a felony or a misdemeanor, value is an element of the offense, and the government must prove that the property stolen had "value." *United States v. Seaman*, 18 F.3d 649, 650 (9th Cir.1994) (noting that "value" is an element of a § 641 offense).

Section 641 defines "value" as "face, par, or market value, or cost price, either wholesale or retail, whichever is greater." 18 U.S.C. § 641. The historical and statu-

tory notes to § 641 indicate that the 1948 drafters adopted this definition "to conform with that provided in section 2311 of this title." Construing § 2311, we have found that "where goods have no readily ascertainable market value, 'any reasonable method may be employed to ascribe an equivalent monetary value to the items.'" *United States v. Drebin*, 557 F.2d 1316, 1331 (9th Cir.1977) (quoting *United States v. Lester*, 282 F.2d 750, 755 (3d Cir.1960)). In a more recent § 641 case, we interpreted "market value" to include value in a so-called "thieves' market":

In the absence of face or par value, property value is determined by market forces which establish the price at which a buyer is willing to offer the property to a willing seller. As there is no commercial market for [the property in question in this case], however, comparisons with similar transactions in a conventional market do not exist to assess the value of this particular sale. In such cases, the property's value in an illegal market may be considered. This gives § 641 its obvious, and certainly its practical, meaning, namely, the amount the goods may bring to the thief.

United States v. Bigelow, 728 F.2d 412, 413-14 (9th Cir.1984) (citations and internal quotation marks omitted).

[2] The government did not rely on the definition of "value" in § 641. Instead, it entirely relied on "archaeological value," as that term is used in 16 U.S.C. §§ 470ee(d) and 470ff(a)(2)(A), for proof of value under 18 U.S.C. § 641. The following colloquy between the district court and the government during the discussion of the defendants' Rule 29(a) motions makes this clear:

The Court: Is there evidence in this case on the market value?

Mr. Gifford [for the government]: No, Your Honor

....

...
Mr. Gifford: We only presented archaeological value, Your Honor. And that's all we're—

The Court: Okay. Is there anything here on par value?

Mr. Rachow [for the government]: Your Honor, there's no definition of par value.

The Court: Is there anything on face value?

Mr. Gifford: No, Your Honor.

The Court: Okay. So what you're relying on is the archaeological value and asking that that be extrapolated and used for purposes of Count Two in establishing the value, is that correct?

Mr. Gifford: Yes, Your Honor.

Congress coined the term "archaeological value" when it passed the Archaeological Resources Protection Act ("ARPA") in 1979. ARPA protects "archaeological resources and sites which are on public lands and Indian lands." 16 U.S.C. § 470aa(b). Violators of ARPA are subject to penalties that vary depending on the "commercial or archaeological value of the archaeological resources involved" and the "cost of restoration and repair." *Id.* §§ 470ee(d), 470ff(a)(2).

[3] Regulations promulgated pursuant to ARPA define "archaeological value" as the value of archaeological information rather than the value of archaeological artifacts. These regulations share the following definition:

Archaeological value. For the purposes of this part, the archaeological value of any archaeological resource . . . shall be the value of the information associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying

out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

18 C.F.R. § 1312.14(a); 32 C.F.R. § 229.14(a); 36 C.F.R. § 296.14(a); 43 C.F.R. § 7.14(a) (emphasis added). "Archaeological value" is based on an analysis that "go[es] back in time before the violation occurred and estimate[s] what it would have cost the United States to engage in a full-blown archaeological dig at the site" in order to obtain the archaeological information. *United States v. Quarrell*, 310 F.3d 664, 679 (10th Cir.2002) (citation omitted).

"Archaeological value," so defined, is not the equivalent of, nor is it encompassed by, "face, par, or market value, or cost price, either wholesale or retail," as those terms are used to define "value" in § 641. Moreover, our case law is clear that acceptable alternative methods of calculating value under §§ 2311 and 641 are permissible only where market value is not readily ascertainable. *See Bigelow*, 728 F.2d at 414; *Drebin*, 557 F.2d at 1331. Here, the government had evidence of the petroglyphs' market value but did not introduce that evidence at trial.

We recognize that for theft offenses involving "archaeological resources," the Sentencing Guidelines impose an enhancement that is tied to "archaeological value," irrespective of whether the government obtains the conviction under § 641 or ARPA. *See* U.S.S.G. app. C, amend. 638; U.S.S.G. §§ 2B1.1(c)(4), 2B1.5(b)(1) & cmt. n. 1(C), n. 2(A)(i), -n. 2(C)(i). But the Sentencing Guidelines do not apply until the government secures a conviction under a statute such as § 641 in accordance with the statutory terms.

The government's choice not to introduce any evidence of "value" within the meaning of § 641 unfortunately leaves us little choice. It is clear that Ligon and

Mizell stole the petroglyphs. It is equally clear that the petroglyphs had a market value, as evidenced by Bahti's report. But the government did not introduce that report into evidence, or indeed anything else that might have served as evidence of "value" within the meaning of § 641, although it obviously could have done so. We therefore are constrained to reverse the district court's denial of the defendants' Rule 29(c) motions.

Conclusion

"Archaeological value," as that term is used in 16 U.S.C. §§ 470ee(d) and 470ff(a)(2)(A), and in the regulations promulgated thereunder, does not come within the definition of "value" as that term is used in 18 U.S.C. § 641. Because the government introduced no evidence other than "archaeological value" to prove that Ligon and Mizell stole something of "value" belonging to the government in violation of § 641, the district court should have granted their motions for acquittal.

REVERSED.



Paul "Mike" PIPPIN, Plaintiff-Appellant,

v.

BURLINGTON RESOURCES OIL AND GAS COMPANY a/k/a Burlington Resources, Incorporated, Defendant-Appellee.

No. 04-2157.

United States Court of Appeals,
Tenth Circuit.

Feb. 14, 2006.

Background: Employee who was terminated due to a reduction in force (RIF) filed age discrimination action against his former employer. The United States Dis-

trict Court for the District of New Mexico, William F. Downes, J., granted summary judgment for employer, and employee appealed.

Holdings: The Court of Appeals, Ebel, Circuit Judge, held that:

- (1) employee failed to show that employer's proffered justifications for terminating him were a pretext for age discrimination;
- (2) employee failed to establish evidence supporting a prima facie case of disparate impact; and
- (3) even if employee established a prima facie case of age discrimination, employer established RFOA (reasonable factors other than age) defense.

Affirmed.

1. Federal Courts ⇌768.1

Because employee's motion to reconsider adverse summary judgment ruling was timely, court could consider both the reconsideration motion and the merits of the underlying judgment on appeal. Fed. Rules Civ.Proc.Rule 59(e), 28 U.S.C.A.

2. Federal Civil Procedure ⇌2535

On motion for summary judgment, if the court relies on new materials or new arguments in a reply brief, it may not forbid the nonmovant from responding to these new materials; if the district court does preclude a surreply, then the court can avoid error only by not relying on the new materials and arguments in the movant's reply brief.

3. Civil Rights ⇌1137

In a reduction in force (RIF) case, an employment discrimination plaintiff can demonstrate pretext by presenting evidence that (1) his own termination did not accord with the RIF criteria, (2) employer's RIF criteria were deliberately falsified or manipulated in order to terminate him,

Attachment 7 –
Reno Gazette-Journal Newspaper Article

RENO GAZETTE-JOURNAL

W, JUNE 24, 1999

FINAL EDITION

MAKERS

Witness gets grilled in Conforte trial

By Mike Henderson
RENO GAZETTE-JOURNAL

Defense lawyers pounded away Wednesday at the credibility of the government's chief witness in the Mustang Ranch trial, who accused principals in the bordello's operation of money-laundering, telling jurors about stuffing two large suitcases with Swiss franc notes.

"LIAR," defense lawyer Scott Freeman wrote on an easel in six-inch capital letters while cross-examining former Reno lawyer Peter Perry, who testified he helped brothel kingpin Joe Conforte set up dummy corporations to conceal his hidden ownership of the house of ill fame east of Sparks.

U.S. District Judge Howard McKibben ordered Freeman to remove the page of the pad, which had been displayed in full view of jurors. The action

came in the third day of trial of former Storey County Commissioner Shirley Colletti and A.G.E. Corp., the alleged front for Conforte's ownership. Conforte, also accused in the indictment, is a fugitive believed living in South America.

Freeman, who represents Colletti, and Los Angeles lawyer Richard Sherman, representing A.G.E., subjected Perry to hours of grueling cross-examination. Perry testified he surrendered his lawyer's license to the bar when he was indicted. He later pleaded guilty to one count of wire fraud in Mustang Ranch financial affairs and is awaiting sentencing.

Perry admitted to the defense lawyers he committed perjury when lying to judges about his role in the Mustang, admitted cheating the Internal Revenue Service, and said he received proceeds of theft and pleaded guilty to the felony



ON TRIAL: Shirley Colletti and her husband prepare to enter federal court as her trial continues.

Marilyn Newton
Reno Gazette-Journal

while escaping prosecution on numerous possible criminal charges.

Sherman asserted that

See **CONFORTE** on 8A

Conforte

From page 1A

years in prison and a \$1 million fine but now faces possible probation in exchange for his cooperation.

Perry admitted he set up his brother, Victor Perry of Las Vegas, as the front man to bid for and buy the Mustang for Conforte after the IRS seized it from Conforte and sold it for back taxes.

"If you would do that to your brother, what would you do to this jury....?" Sherman said before Assistant U.S. Attorney Michael Barr objected and McKibben stopped Sherman before he could complete his question.

Throughout the questioning, Perry appeared calm and remorseful for his role in the alleged international money laundering operation he testified funneled cash paid to prostitutes to Swiss banks and ultimately to Conforte.

"I destroyed my life," Perry told jurors. He's testifying for the government despite death threats from Conforte, he said, because "It's part of a way I can begin to try to rehabilitate my life."

Earlier in the day Perry testified Conforte paid regular bribes to Storey County commissioners.

"The main purpose was to keep a monopoly on the prostitution business, the brothel business, in Storey County (so) that nobody else need apply," he said.

In 1991, when Conforte became a fugitive, Conforte summoned him to Sicily, Perry said. There, Perry said, Conforte said he feared the federal government was aware of his hidden ownership of the brothel and needed to set up another entity to own it.

Perry said he went to London, bought first one dummy corporation and then another, eventually founding A.G.E.

When it was time for A.G.E. to buy the Mustang from one of the other companies, Conforte couldn't come

up with enough money for the \$4 million to \$4.5 million lie and Conforte agreed would be a credible purchase price in the transaction, even though Conforte was essentially buying the Mustang from himself, Perry testified. Together, they flew to London to see if they could borrow \$3 million or \$4 million for 24 hours for the transaction and failed to do so, he testified.

They adjusted the price to \$3.85 million, then raided Swiss bank accounts and wrapped larger-sized Swiss franc notes around smaller ones, then wrapped them in colored cellophane to give the appearance there was more money than actually existed, Perry said. The money filled "at least two big suitcases," the transfer was made, and the Swiss official charged with supervising the transaction never counted the money, Perry said.

Perry said he told Conforte he had to distance himself from the brothel's operation if he wanted to avoid trouble with the IRS, Conforte agreed, but within 24 hours Conforte was making international calls to the Mustang.

In 1993, when Perry was preparing tax returns, he found \$750,000 unaccounted for, Perry testified. Colletti seized on the idea of blaming some of the missing money on a Mustang manager who had recently died, Perry said.

Perry said Conforte once told him that his former driver, John Colletti, and now deceased Storey County Commissioner Henry Bland would deliver \$200,000 to \$250,000 to him each quarter.

After federal agents searched Perry's office in December, 1994, for evidence in the Mustang's legal problems, Perry made arrangements to have the brothel closed down, he testified. The brothel was closed for only a couple of days and then returned to Conforte's control, Perry said.

A few months later, in February or early March of 1995, Perry testified, he had another talk with Conforte.

"He said if I cooperated with the government in any way, shape or form, he would have me killed," Perry testified.

Attachment 8 –
Executive Order Pro Tem Justice

FILED

JUL 16 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK



Executive Order 2018-17

DESIGNATING THE HONORABLE SCOTT FREEMAN TO SIT IN
IN CASE NO. 73031, IN RE: DISCIPLINE OF JAMES COLIN

WHEREAS, it has been made to appear before me by formal request and statement from the Honorable Lidia Stiglich, Justice of the Nevada Supreme Court;

WHEREAS, the Chief Justice and several Associate Justices of the Nevada Supreme Court have voluntarily recused themselves to sit in the case named below;

WHEREAS, it is desirable that such causes be submitted for consideration and decision before a full court;

WHEREAS, Article 6, Section 4, Subsection 2 of the Nevada Constitution provides: "In case of the disability or disqualification, for any cause, of a justice of the Supreme Court, the Governor may designate a judge of the court of appeals or a district judge to sit in the place of the disqualified or disabled justice. The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court"; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as the Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

1. The Honorable Scott Freeman, a District Judge of the Second Judicial District Court of the State of Nevada, is hereby designated to sit in the following cause of action: *In re: Discipline of James Colin*, Case No. 73031;
2. Judge Freeman is further designated to hear and act in respect to said cause and matter, and the matters properly connected therewith until a decision therein has been finally reached; and
3. Judge Freeman is authorized to discharge according to law the duties of said office and enjoy the same together with all the powers and privileges thereunder appertaining until said causes be finally decided and determined by the Nevada Supreme Court.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 12th day of July, in the year two thousand eighteen.

[Signature]
Governor of the State of Nevada

By the Governor:
[Signature]
Secretary of State
[Signature]
Deputy Secretary of State



Attachment 9 –
Reno Municipal Court
Letter of Appreciation/Certificates

RENO MUNICIPAL COURT
PAUL STEWART HICKMAN, JUDGE



RENO, NEVADA

May 7, 2002

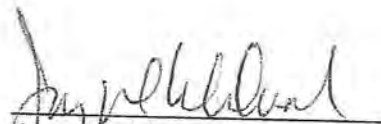
Scott Freeman
Attorney at Law
556 California Avenue
Reno, NV 89509

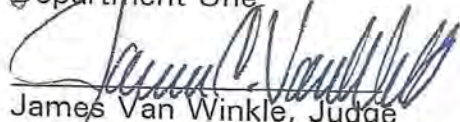
Re: Pro Tem Judge For Reno Municipal Court

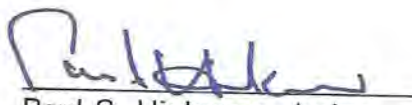
Dear Scott,

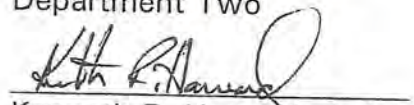
In appreciation for your services to the Reno Municipal Court as a Pro Tem Judge we would like to thank you by presenting you with the enclosed certificate of service. Your time and professional services are greatly needed and appreciated. Thank you for taking time out of your busy schedule to serve this Court.

Sincerely,


Jay D. Dilworth, Judge
Department One


James Van Winkle, Judge
Department Three


Paul S. Hickman, Judge
Department Two


Kenneth R. Howard, Judge
Department Four



THE RENO MUNICIPAL COURT

Reno, Nevada

This certificate is awarded to

Scott Freeman

In recognition of faithful service as

Judge Pro Tem

in The Reno Municipal Court

In witness whereof this certificate has been signed by
the judge of the department and the Clerk of the Court.



[Signature]
[Signature]

[Signature]
Judge
[Signature]

Christy Magers
Clerk of the Court



THE RENO MUNICIPAL COURT

Reno, Nevada

This certificate is awarded to

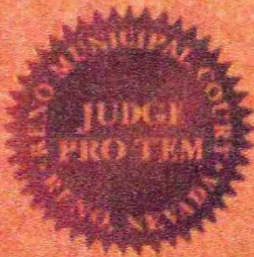
Scott A. Freeman

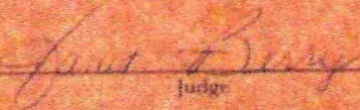
In recognition of faithful service as

Judge Pro Tem

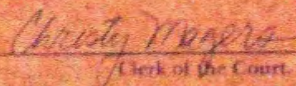
in The Reno Municipal Court

In witness whereof this certificate has been signed by
the Judge of the department and the Clerk of the Court.





Judge



Clerk of the Court

Attachment 10 –
Letter Authored by the Honorable Scott Jordan
in support of my application for
District Court Judge,
Second Judicial District Court Department 9

Senior Judge Scott T. Jordan

**605 Chance Lane
Reno, Nevada, 89521
775.849.0738
FAX: 775.849.0798
e-mail: judgescottjordan@hotmail.com**

February 8, 2012

Nevada Judicial Selection Committee
c/o Robin Sweet, Nevada Supreme Court AOC
201 S. Carson St.
Carson City, Nv., 89701

Ladies and Gentlemen:

I am writing to support the application of Scott Freeman for appointment as District Judge in Department 9 of the Second Judicial District Court. During my 27 years as a Court Master, Family Court Judge, and Senior Judge, Mr. Freeman appeared before me in numerous cases, involving divorce, juvenile delinquency, child support enforcement, and domestic violence, among other issues. Mr. Freeman was an excellent advocate, always prepared, knowledgeable concerning the law and facts of his cases, and respectful of opposing parties, counsel, and the court.

Mr. Freeman impressed my colleagues and me with his mature perspective and commitment to justice as well as his trial skills. In 1993, in an effort to manage the Family Court's ballooning caseload, we appointed Mr. Freeman, along with a small group of other outstanding attorneys, as pro tem Family Court Masters. Mr. Freeman presided over hearings and trials in a wide variety of subjects, from delinquency to mental health commitments. During the 7 years Mr. Freeman volunteered his time in this position, I was his supervisor as Presiding Judge of the Family Division. Mr. Freeman served with distinction. His job was made more challenging by the high number of unrepresented parties in Family Court matters, a situation which Mr. Freeman handled with sensitivity and a keen sense of fairness.

I can also speak to Mr. Freeman's commitment to his role as a parent. I knew him to be an active, engaged, and supportive father during the time our sons were classmates in middle school.

Nevada Judicial Selection Committee
February 8, 2012
Page Two

In sum, Mr. Freeman has the legal skills and experience, and, equally importantly, the personal qualities and commitment to justice and his community that are required of an outstanding judge. I support his application for appointment as a District Judge, and I hope that you will too.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott T. Jordan", written in a cursive style.

SCOTT T. JORDAN
Senior District Judge

Attachment 11 –
Appointment Letter & Plaque

STATE BAR OF NEVADA



600 East Charleston Blvd.
Las Vegas, NV 89104-1563
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

June 29, 2011

Scott N. Freeman, Esq.
Law Offices of Freeman & Riggs, LLP
556 California Avenue
Reno, NV 89509-1450

Re: Reappointment to Northern Nevada Disciplinary Board

Dear Mr. Freeman:

I am pleased to inform you that the Board of Governors reappointed you to a fourth and final term on the Northern Nevada Disciplinary Board. Your term is effective through August 31, 2014. Please note this will be your final eligible term as the Rules provide no member may serve more than a lifetime total of twelve years.

Your time and contributions are greatly appreciated. Please contact me should you have questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Clark". The signature is fluid and cursive.

David A. Clark
Bar Counsel

DAC/lc

Scott N. Freeman



*With appreciation for your years of
outstanding service and dedication to
the legal profession.*

NORTHERN NEVADA DISCIPLINARY BOARD
2002 - 2012



Attachment 12 –
Pro Bono Certificates/Awards

Certificate of Commendation

to
Scott N. Freeman

In recognition of your service to the legal profession of Nevada with distinction, for your cooperation and willing acceptance of pro bono cases and contribution of time in direct service to individual needy citizens of Washoe County in 1987, it is the pleasure of the

Justices of the Washoe County District Court

on behalf of the

Washoe County Pro Bono Program

to award this Certificate of Commendation for your service on behalf of Nevada's poor.

Jerry C. Whitehead
Hon. Jerry Carr Whitehead
Department 1

Charles M. McGee
Hon. Charles M. McGee
Department 2

Deborah A. Agosti
Hon. Deborah A. Agosti
Department 3

Roy L. Torvinen
Hon. Roy L. Torvinen
Department 4

William N. Forman
Hon. William N. Forman
Department 5

James J. Guinan
Hon. James J. Guinan
Department 6

Peter I. Breen
Hon. Peter I. Breen
Department 7

Robin Anne Wright
Hon. Robin Anne Wright
Department 8

Robert L. Schouweiler
Hon. Robert L. Schouweiler
Department 9

CERTIFICATE OF RECOGNITION

Volunteer Lawyers of Washoe County
hereby presents this certificate to

Scott Freeman

In recognition and appreciation of your efforts
as a volunteer attorney providing free legal services
to the poor in Washoe County
for the period 1992-1993.

June 1993

Jack Rogers
President, Board of Trustees

Nancy G. Hart
Executive Director

**The Washoe County
Access to Justice Foundation**

Proudly Recognizes

Scott N. Freeman

**For His Outstanding
Pro Bono Service
to the Community**

**This
Fourteenth Day of May
1999**

United States Senate

Certificate of Commendation

presented to

SCOTT N. FREEMAN, ESQ.

WASHOE COUNTY ACCESS TO JUSTICE FOUNDATION
FIRST ANNUAL AWARD

In recognition of outstanding pro bono services for
those in need of legal assistance in Washoe County.

May 14, 1999

Date



Harry Reid
United States Senator

Congressional Certificate of Recognition

presented to:

Scott N. Freeman, Esq.

in recognition of outstanding pro bono
legal assistance to the community.



May 14, 1999

Date

Jim Gibbons
Jim Gibbons
Member of Congress



Senatorial Recognition

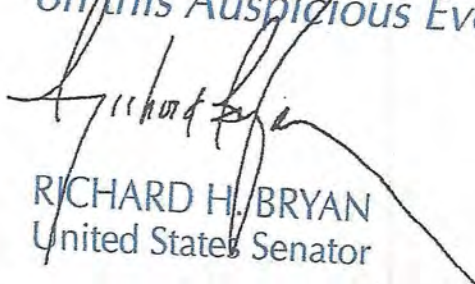
Richard H. Bryan, United States Senator of
the State of Nevada, Acknowledges

Scott N. Freeman, Esq.

on the Occasion of
receiving the first annual Pro Bono Award
from the Washoe County Access To Justice Foundation

This 14th Day of May 19 99

*Congratulations and Best Wishes
on this Auspicious Event.*


RICHARD H. BRYAN
United States Senator



*Certificate of Special
Congressional Recognition*

Presented to

SCOTT N. FREEMAN, ESQ.

*in recognition of outstanding and invaluable
service to the community.*

May 4, 1999

DATE

Shelley Rubley
MEMBER OF CONGRESS

Attachment 13 –
KOLO Channel 8 Article



 PRINT THIS

Powered by  Limelight

Updated: 11:50 PM Mar 8, 2011

Jury Verdict Holds Reno Liable In Pitsnogle Incident

Reno

A jury says the Reno Police Department is responsible for not monitoring a rogue cop and has ruled in favor of a young girl who sued them in federal court.

Posted: 4:34 PM Mar 8, 2011

Reporter: Terri Russell

Email Address: terri.russell@kolotv.com



Like Be the first of your friends to like this.

f

Not only did the jury have to come up with a unanimous decision, it also had to find that the city was negligent in its supervision of Sergeant Paul Pitsnogle.

According to one jury member, the group was not unanimous upon its initial deliberation, but later became that way

Elizabeth Eoff showed no emotion, neither did the city attorney when the verdict was read at the federal court house Tuesday. <

In a unanimous decision---required in this case--the jury found in favor of the 22-year old who said Reno Police Sergeant Paul Pitsnogle manipulated her into the back of his squad car where she stripped naked on the night of April 3, 2006.

Eoff was 17 at the time.

"Finally Elizabeth Eoff has been vindicated. We have been fighting for her since the incident occurred in 2006," says Scott Freeman one of Eoff's attorneys.

The jury agreed with Eoff that her civil rights had been violated, and that the Reno Police Department neglected to supervise the sergeant.

Attorney Bill Jeanney told jury members Reno PD turned a blind eye on the "ghost" because he was just too problematic.

A claim the city's attorney even today will not concede.

"I thought the evidence was very powerful that we have an elaborate multi-level supervising scheme that is functioning effectively in our department. Especially in light of all the budget cuts and the loss of people and the constraints we have. Our Reno Police Department is doing a wonderful job for our citizens," says Jack Campbell, the deputy city attorney.

"Once in a while there is a bad apple and when there is a bad apple, there has to be liability, and in this case we were able to show that," said Freeman.

In all, Eoff will receive approximately \$120,000 for current and future medical bills. Her psychologist says Eoff suffers from PTSD. Eoff will also receive payment for current and future pain and suffering.

In testimony, the jury was told Eoff cannot live in Reno because of the incident 5 years ago.

She has applied to law schools back east and is waiting to see where she is accepted in the fall.

Monday's award of approximately \$120,000 does not necessarily mean that Eoff's attorney fees will be recoverable according to Nevada Statutes.

Campbell has asked the judge to set aside the verdict, saying it wasn't based on fact, but he hasn't decided whether to appeal the ruling.

Find this article at:

<http://www.kolotv.com/home/headlines/117612233.html>

Check the box to include the list of links referenced in the article.

Copyright © 2002-2010 - Gray Television Group, Inc.

Attachment 14 –
Order Appointing Trustees

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE APPOINTMENT)
OF THE MEMBERS OF THE BOARD)
OF TRUSTEES OF THE NEVADA LAW)
FOUNDATION.)

FILED

JUN 05 1996

JANE TLE W. DUCOM
CLERK OF THE SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER APPOINTING TRUSTEES OF THE NEVADA LAW FOUNDATION

IT IS HEREBY ORDERED that the following individuals, being desirous of reappointment and in light of their competence and diligence, are reappointed as members of the Board of Trustees of the Nevada Law Foundation for two-year terms commencing July 1, 1996, and expiring June 30, 1998:

Charles W. Johnson, Esq.
Deborah E. Schumacher, Esq.
Rhonda L. Mushkin, Esq.
Joanna Peccitto Blockey
Gilbert Flores

IT IS HEREBY FURTHER ORDERED that Cam Ferenbach, Esq., is appointed to fill the vacancy created by the death of Louis Wiener, Jr., for a term expiring June 30, 1997.

IT IS HEREBY FURTHER ORDERED that Scott N. Freeman is appointed as Chair of the Nevada Law Foundation.

DATED this 5th day of ^{June}~~May~~, 1996.

Steffen
_____, C. J.
Steffen

Young
_____, J.
Young

Springer
_____, J.
Springer

Shearing
_____, J.
Shearing

Rose
_____, J.
Rose

cc: Suzan Baucum, Executive Director, Nevada Law Foundation
Charles W. Johnson
Deborah E. Schumacher
Rhonda L. Mushkin
Scott N. Freeman
Cam Ferenbach
Joanna Blockey
Gilbert Flores

Attachment 15 –
Plaque - Nevada Law Foundation



NEVADA LAW FOUNDATION

EXTENDS ITS APPRECIATION TO

Scott N. Freeman, Esq.

CHAIRMAN

1996 - 2001

*"Making justice come alive
for all those who might
otherwise be forgotten."*

Attachment 16 –
Certificate of Congressional Recognition

Member
United States Senate
Washington, D.C. 20510

Certificate of Special
Congressional Recognition

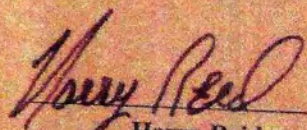
Presented To

SCOTT N. FREEMAN, ESQ.

**IN HONOR OF BEING SELECTED AS COLLEAGUE OF THE
NEVADA LAW FOUNDATION**

APRIL 30, 1994

Date



Harry Reid
United States Senator

Attachment 17 –
NDJA Plaque Awarding Presidency

The Nevada District Judges Association

Presents to

Honorable Scott N. Freeman



In recognition and appreciation

for his service as

President

2021 - 2022



Attachment 18 –
Certificate of Membership

American Board of Criminal Lawyers

after examination and investigation
does hereby certify that

Scott W. Freeman

has the necessary qualifications,
integrity, ability and experience
and is designated and elected a

Fellow
of this Board.

2009

Year



Thomas J. Spina

President

[Signature]

Secretary

Attachment 19 –
Nevada Board of Continuing Legal
Education transcript

STATE BAR OF NEVADA

Courses Taken

Date	Course Name	Provider	General	Ethics	AAMH
07/28/2022	NADCP RISE22	National Association of Drug Court Professionals	15.50	3.00	0.00
05/06/2022	Nevada Judicial Leadership 2022 Summit	Supreme Court of Nevada, Administrative Office of the Courts	8.50	1.00	1.00
02/03/2022	Here Comes the Judge series CLE #1	Nevada Justice Association	0.00	1.00	0.00
10/08/2021	NJA's 45th Annual Convention/Seminar	Nevada Justice Association	8.50	3.00	2.00
06/25/2021	Ethics - Canons & Best Practices	Supreme Court of Nevada, Administrative Office of the Courts	0.00	1.00	0.00
05/21/2021	Evolve The Red Door Project	Supreme Court of Nevada, Administrative Office of the Courts	0.00	3.00	0.00

Date	Course Name	Provider	General	Ethics	AAMH
05/07/2021	Judicial Wellness & C-19 Stress	Supreme Court of Nevada, Administrative Office of the Courts	0.00	0.00	1.00
04/30/2021	Settlement Conference - Criminal Cases	Supreme Court of Nevada, Administrative Office of the Courts	1.00	0.00	0.00
03/05/2021	Jury Trial Working Group	Second Judicial District Court	1.00	0.00	0.00
02/09/2021	Legislative Update & Preview	American Inn of Court, Reno	1.00	0.00	0.00
11/12/2020	Supreme Court Review: Civil & Criminal	National Judicial College	2.00	0.00	0.00
10/14/2020	State of Federal Court	Washoe County Bar Association	1.00	0.00	0.00
09/18/2020	AB 236 Training	Eighth Judicial District Court	1.00	0.00	1.00
09/16/2020	Sentencing - Mental Health Issues	Supreme Court of Nevada, Administrative Office of the Courts	0.00	0.00	1.00
08/26/2020	Nevada Supreme Court Criminal Case Review	Supreme Court of Nevada, Administrative Office of the Courts	1.00	0.00	0.00

Date	Course Name	Provider	General	Ethics	AAMH
08/05/2020	Medical Malpractice: Merit Requirement, Joint & Several Liability St	Supreme Court of Nevada, Administrative Office of the Courts	1.00	0.00	0.00
07/24/2020	Jury Committee Working Group	Second Judicial District Court	3.00	0.00	0.00
07/08/2020	Understanding the New Presentencing Investigation Report	Supreme Court of Nevada, Administrative Office of the Courts	1.00	0.00	0.00
03/11/2020	Opioid Crisis	Washoe County Bar Association	0.00	0.00	1.00
10/03/2019	NJA 43rd Annual Convention	Nevada Justice Association	10.00	2.50	1.00
09/11/2019	Reciprocity	Washoe County Bar Association	1.00	0.00	0.00
05/08/2019	NV Rules of Civil Procedure	Washoe County Bar Association	1.00	0.00	0.00
05/02/2019	Nevada District Judges 2019 Annual Conferene	Supreme Court of Nevada, Administrative Office of the Courts	7.00	2.00	1.00
04/24/2019	State Bar of Nevada Bar Counsel	Washoe County Bar Association	0.00	1.00	0.00
03/13/2019	Blockchains	Washoe County Bar Association	1.00	0.00	0.00
11/14/2018	Litigation Budgeting	Fennemore Craig PC	1.00	0.00	0.00

Date	Course Name	Provider	General	Ethics	AAMH
11/07/2018	Nevada Specialty Court 2018 Conference	Supreme Court of Nevada, Administrative Office of the Courts	7.00	3.00	3.00
09/12/2018	Lunch with Honorable Kathleen Drakulich	Washoe County Bar Association	1.00	0.00	0.00
07/14/2018	Substance Abuse & Mental Health in the Law Firm: Translating What We	State Bar of Nevada	0.00	0.00	1.00
07/14/2018	The Future of the Practice of Law (2018 Annual Meeting)	State Bar of Nevada	1.00	0.00	0.00
07/14/2018	The Rule of Law: Why Indigent Defense is Vital to Our Legal System (State Bar of Nevada	1.00	0.00	0.00
07/13/2018	Rules Versus Principles (2018 Annual Meeting)	State Bar of Nevada	0.00	1.50	0.00
07/13/2018	The Reptile & Black Letter Law (2018 Annual Meeting)	State Bar of Nevada	1.00	0.00	0.00
07/13/2018	Don't Let Being Pushed Down Get You Down: A Review of Court of Appea	State Bar of Nevada	1.00	0.00	0.00
07/12/2018	Defining the Law (2018 Annual Meeting)	State Bar of Nevada	1.00	0.00	0.00
07/12/2018	New Amendments to the Nevada Rules of Civil Procedure: What Every Li	State Bar of Nevada	1.00	0.00	0.00
07/12/2018	Hot Coffee! Is Justice Being Served? (2018 Annual Meeting)	State Bar of Nevada	1.00	0.00	0.00

Date	Course Name	Provider	General	Ethics	AAMH
07/12/2018	2018 Annual Meeting-The Role of Lawyers & Judges in Protecting the R	State Bar of Nevada	1.00	0.00	0.00
07/12/2018	Nevada Supreme Court Update-2018 Annual Meeting	State Bar of Nevada	1.50	0.00	0.00
06/06/2018	Gangs, Drugs & Habitual Felons	Washoe County Bar Association	1.00	0.00	0.00
04/19/2018	Nevada District Court Judges 2018 Annual Seminar	Supreme Court of Nevada, Administrative Office of the Courts	7.50	2.50	1.00
04/11/2018	Nevada Supreme Court Initiatives & Decisions That May Impact Your Prac	Washoe County Bar Association	1.00	0.00	0.00
02/28/2018	Nevada Family Jurisdiction Judges 2018 Conference	Supreme Court of Nevada, Administrative Office of the Courts	5.50	1.00	0.00
02/13/2018	A Celebration of the 30th Anniversary of the Bruce R. Thomson Inn of	American Inn of Court, Reno	3.50	0.00	0.00
04/20/2017	Nevada District Court Judges 2017 Annual Seminar	Supreme Court of Nevada, Administrative Office of the Courts	9.50	2.50	0.00
03/14/2017	Electronic Storage Information: Keeping It In, Keeping It Out and Ge	American Inn of Court, Reno	1.50	0.00	0.00

Date	Course Name	Provider	General	Ethics	AAMH
04/26/2016	Nevada Judicial Leadership Summit 2016	Supreme Court of Nevada, Administrative Office of the Courts	13.00	4.00	0.00
04/13/2016	Nevada Court of Appeals	Washoe County Bar Association	1.00	0.00	0.00

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
Scott Freeman		668
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Monday January 01, 2018	Monday December 31, 2018	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2018 from 2016		10.00	2.00	0.00
American Inn of Court, Reno	A Celebration of the 30th Anniversary of the Bruce R. Thomson Inn of	2/13/2018	3.50	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Supreme Court of Nevada, Administrative Office of the Courts	Nevada Family Jurisdiction Judges 2018 Conference	2/28/2018	5.50	1.00	0.00
Washoe County Bar Association	Nevada Supreme Court Initiatives & Decisions That May Impact Your Prac	4/11/2018	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Nevada District Court Judges 2018 Annual Seminar	4/19/2018	7.50	2.50	1.00
Washoe County Bar Association	Gangs, Drugs & Habitual Felons	6/6/2018	1.00	0.00	0.00
State Bar of Nevada	Defining the Law (2018 Annual Meeting)	7/12/2018	1.00	0.00	0.00
State Bar of Nevada	New Amendments to the Nevada Rules of Civil Procedure: What Every Li	7/12/2018	1.00	0.00	0.00
State Bar of Nevada	Hot Coffee! Is Justice Being Served? (2018 Annual Meeting)	7/12/2018	1.00	0.00	0.00
State Bar of Nevada	2018 Annual Meeting-The Role of Lawyers & Judges in Protecting the R	7/12/2018	1.00	0.00	0.00
State Bar of Nevada	Nevada Supreme Court Update-2018 Annual Meeting	7/12/2018	1.50	0.00	0.00
State Bar of Nevada	Rules Versus Principles (2018 Annual Meeting)	7/13/2018	0.00	1.50	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
State Bar of Nevada	The Reptile & Black Letter Law (2018 Annual Meeting)	7/13/2018	1.00	0.00	0.00
State Bar of Nevada	Don't Let Being Pushed Down Get You Down: A Review of Court of Appea	7/13/2018	1.00	0.00	0.00
State Bar of Nevada	Substance Abuse & Mental Health in the Law Firm: Translating What We	7/14/2018	0.00	0.00	1.00
State Bar of Nevada	The Future of the Practice of Law (2018 Annual Meeting)	7/14/2018	1.00	0.00	0.00
State Bar of Nevada	The Rule of Law: Why Indigent Defense is Vital to Our Legal System (7/14/2018	1.00	0.00	0.00
Washoe County Bar Association	Lunch with Honorable Kathleen Drakulich	9/12/2018	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Nevada Specialty Court 2018 Conference	11/7/2018	7.00	3.00	3.00
Fennemore Craig PC	Litigation Budgeting	11/14/2018	1.00	0.00	0.00
	2018 Total		47.00	10.00	5.00
	Credits Earned Towards 2018 Compliance		10.00	2.00	1.00
	Credits carried forward from 2018 to 2019*		0.00	0.00	1.00
	Credits carried forward from 2018 to 2020*		10.00	2.00	1.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Excess credits for 2018		27.00	6.00	2.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
Scott Freeman		668
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Tuesday January 01, 2019	Tuesday December 31, 2019	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2019 from 2017		10.00	2.00	0.00
	Credits carried forward to 2019 from 2018		0.00	0.00	1.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Washoe County Bar Association	Blockchains	3/13/2019	1.00	0.00	0.00
Washoe County Bar Association	State Bar of Nevada Bar Counsel	4/24/2019	0.00	1.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Nevada District Judges 2019 Annual Conferene	5/2/2019	7.00	2.00	1.00
Washoe County Bar Association	NV Rules of Civil Procedure	5/8/2019	1.00	0.00	0.00
Washoe County Bar Association	Reciprocity	9/11/2019	1.00	0.00	0.00
Nevada Justice Association	NJA 43rd Annual Convention	10/3/2019	10.00	2.50	1.00
	2019 Total		30.00	7.50	3.00
	Credits Earned Towards 2019 Compliance		10.00	2.00	1.00
	Credits carried forward from 2019 to 2021*		10.00	2.00	1.00
	Excess credits for 2019		10.00	3.50	1.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
Scott Freeman		668
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Wednesday January 01, 2020	Thursday December 31, 2020	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2020 from 2018		10.00	2.00	1.00
Washoe County Bar Association	Opioid Crisis	3/11/2020	0.00	0.00	1.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Supreme Court of Nevada, Administrative Office of the Courts	Understanding the New Presentencing Investigation Report	7/8/2020	1.00	0.00	0.00
Second Judicial District Court	Jury Committee Working Group	7/24/2020	3.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Medical Malpractice: Merit Requirement, Joint & Several Liability St	8/5/2020	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Nevada Supreme Court Criminal Case Review	8/26/2020	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Sentencing - Mental Health Issues	9/16/2020	0.00	0.00	1.00
Eighth Judicial District Court	AB 236 Training	9/18/2020	1.00	0.00	1.00
Washoe County Bar Association	State of Federal Court	10/14/2020	1.00	0.00	0.00
National Judicial College	Supreme Court Review: Civil & Criminal	11/12/2020	2.00	0.00	0.00
2020 Total			20.00	2.00	4.00
Credits Earned Towards 2020 Compliance			10.00	2.00	1.00
Credits carried forward from 2020 to 2022*			10.00	0.00	1.00
Excess credits for 2020			0.00	0.00	2.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
Scott Freeman		668
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Friday January 01, 2021	Friday December 31, 2021	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2021 from 2019		10.00	2.00	1.00
American Inn of Court, Reno	Legislative Update & Preview	2/9/2021	1.00	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Second Judicial District Court	Jury Trial Working Group	3/5/2021	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Settlement Conference - Criminal Cases	4/30/2021	1.00	0.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Judicial Wellness & C-19 Stress	5/7/2021	0.00	0.00	1.00
Supreme Court of Nevada, Administrative Office of the Courts	Evolve The Red Door Project	5/21/2021	0.00	3.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Ethics - Canons & Best Practices	6/25/2021	0.00	1.00	0.00
Nevada Justice Association	NJA's 45th Annual Convention/Seminar	10/8/2021	8.50	3.00	2.00
	2021 Total		21.50	9.00	4.00
	Credits Earned Towards 2021 Compliance		10.00	2.00	1.00
	Credits carried forward from 2021 to 2022*		12.00	2.00	1.00
	Excess credits for 2021		-0.50	5.00	2.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
Scott Freeman		668
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Saturday January 01, 2022	Saturday December 31, 2022	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2022 from 2020		10.00	0.00	1.00
	Credits carried forward to 2022 from 2021		12.00	2.00	1.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Nevada Justice Association	Here Comes the Judge series CLE #1	2/3/2022	0.00	1.00	0.00
Supreme Court of Nevada, Administrative Office of the Courts	Nevada Judicial Leadership 2022 Summit	5/6/2022	8.50	1.00	1.00
National Association of Drug Court Professionals	NADCP RISE22	7/28/2022	15.50	3.00	0.00
2022 Total			46.00	7.00	3.00
Credits Earned Towards 2022 Compliance			10.00	2.00	1.00
Credits carrying forward to 2023*			20.00	4.00	2.00
Excess credits for 2022			16.00	1.00	0.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

Attachment 20 –
Judicial Teachings;
Certificate National Judicial College

STATE OF NEVADA
JUDICIAL DEPARTMENT
SUPREME COURT

*CERTIFICATE OF BASIC
ACHIEVEMENT IN JUDICIAL EDUCATION*

This is to certify that

The Honorable Scott Freeman

having demonstrated approval and support of court improvement through continuing judicial education, has completed with honor and distinction the academic curriculum authorized by statute and prescribed by the Judicial Department of the State of Nevada. The recipient of this certificate is commended for a valuable personal contribution to improvement of the quality of the judiciary in the State of Nevada.




IN TESTIMONY WHEREOF, I have hereunto set my Hand and caused to be affixed the Seal of the Nevada Supreme Court. Done at Carson City, this 3rd day of May, in the year of our Lord two thousand and 19.

Mark L. Libon

Chief Justice of the Supreme Court

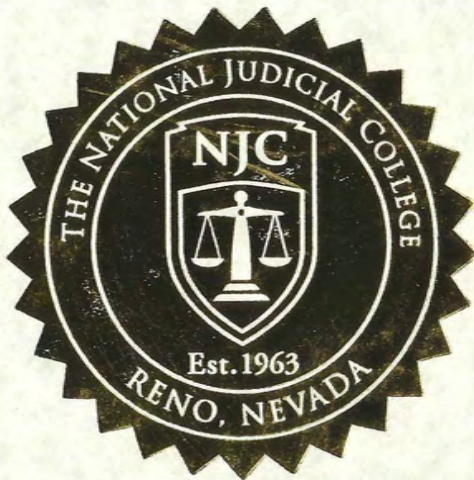
Elyse M. A. B...

Clerk of the Supreme Court

THE NATIONAL  JUDICIAL COLLEGE
Est. 1963

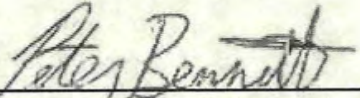
Making the world a more just place by educating and inspiring its judiciary

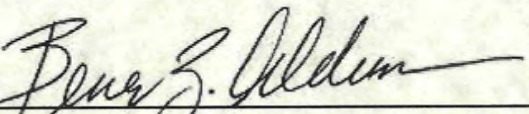
This certificate is awarded to
Scott N. Freeman
who has served the College with distinction as
Invited Presenter
Judicial Academy: A Course for Aspiring Judges



In witness whereof this certificate has been signed by the Chair of the Board of Trustees and the President of The National Judicial College at the University of Nevada, Reno.

October 18, 2019


Peter Bennett, Esq., NJC Board of Trustees Chair


Benes Z. Aldana, NJC President

Attachment 21 –
Certificate of Election

CERTIFICATE OF ELECTION

STATE OF NEVADA COUNTY OF WASHOE

*I, JANIS GALASSINI, County Clerk, in and for the County of Washoe, State of Nevada,
do hereby certify that at the General Election held in the County of Washoe on the 3rd day of November, 2020*

Scott Freeman

was duly elected to the office of

District Court Judge - Department 9

*in and for the said County, as appears from the official record of the canvass of returns for said County on file
and of record in my office.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed my official seal this 16th day of November, 2020.*


Jan Galassini

JANIS GALASSINI, Washoe County Clerk

Attachment 22 –
Certificate of Election



CERTIFICATE OF ELECTION

STATE OF NEVADA)
COUNTY OF WASHOE)

*I, NANCY PARENT, County Clerk, in and for the County of Washoe, State of Nevada,
do hereby certify that at the General Election held in the County of Washoe on the 4th day of November, 2014,*

Scott Freeman

was duly elected to the office of

District Court Judge, Dept. 9

*in and for the said County, as appears from the official record of the canvass of returns for said County on file and
of record in my office.*



*IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed my official seal this 12th day of November, 2014*

Nancy L. Parent

NANCY PARENT, Washoe County Clerk

Attachment 23 –
Certificate of Election

CERTIFICATE OF ELECTION

STATE OF NEVADA COUNTY OF WASHOE

I, Amy Harvey, County Clerk, do hereby certify that at the General Election held in the County of Washoe on the 6th day of November, 2012, Scott N. Freeman was duly elected to the office of District Court Judge Department 9 in and for the said County, as appears from the official record of the canvass of returns for said County on file and of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 20th day of November, 2012.

Amy Harvey

Amy Harvey, Washoe County Clerk



Attachment 24 –
Appointment
Certificate



To All to Whom These Presents Shall Come, Greetings:

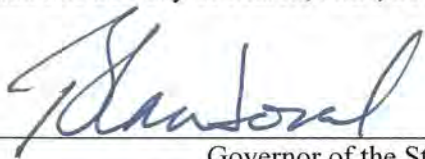
KNOW YE, That reposing special trust and confidence in the loyalty, integrity, and ability of, Scott Freeman, I, BRIAN SANDOVAL, Governor of the State of Nevada, by the Authority vested in me by the Constitution and laws thereof, do hereby

APPOINT AND COMMISSION
SCOTT FREEMAN
DISTRICT JUDGE
SECOND JUDICIAL DISTRICT COURT
FOR THE STATE OF NEVADA

This appointment is made pursuant to the laws of this State (NRS 3.080); and I authorize the appointee to discharge, according to law the duties of said office, and to hold and enjoy the same, together with all the powers, privileges and emoluments thereunder appertaining for the term beginning March 26, 2012, and ending January 7, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Nevada. Done at Carson City, Nevada this 26th day of March, A.D., 2012





Governor of the State of Nevada
By the Governor:



Secretary of State of Nevada

Deputy

Attachment 25 –
Thank you Letters

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

Supreme Court Building
201 South Carson Street, Suite 250
Carson City, Nevada 89701-4702



RONALD R. TITUS
Director and
State Court Administrator

SECRETARIAT, COMMISSION ON JUDICIAL SELECTION

January 4, 2005

Mr. Scott Freeman
556 California Avenue
Reno, NV 89509-1450

Dear Mr. ^{Scott} Freeman,

Thank you for your participation as a Commission Member during the recent Judicial Selection process. I realize the tremendous amount of time, energy, and effort you dedicated to this important task. You should be commended for your contributions. Both Janice and I would also like to thank you for your patience and support.

I am enclosing a letter of thank you from one of our applicants.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Titus".

Ron Titus, Director and
State Court Administrator

RT/jf
Enc.

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

Supreme Court Building
201 South Carson Street, Suite 250
Carson City, Nevada 89701-4702



RONALD R. TITUS
Director and
State Court Administrator

SECRETARIAT, COMMISSION ON JUDICIAL SELECTION

December 29, 2004

Mr. Scott Freeman
556 California Avenue
Reno, NV 89509-1450

Dear Mr. ^{Scott}Freeman:

Thank you for your participation as a Commission Member during the recent Judicial Selection process. I realize that a tremendous amount of time, energy, and effort have been dedicated to this important task, and you should be commended for your contributions. Both Janice and I would also like to thank you for your patience and support.

Please accept this photograph as acknowledgement from the Supreme Court Justices, for your diligence and dedication to these proceedings.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Titus".

Ron Titus, Director and
State Court Administrator

RT/jf



Randy S. Rice

Michael Douglas

Deborah A. Quirk

Bill Morrison

Michelle

Michelle

Thank you for your
participation on
the Commission on
Judicial Selection!
You brought a perspective
we haven't had. We
appreciate it.

Miriam Shearing

Attachment 26 –
Judicial Selection Commission
Appointment

STATE BAR OF NEVADA



December 31, 2008

Scott Freeman
Law Offices of Scott Freeman
556 California Ave
Reno, NV 89509

600 East Charleston Blvd.
Las Vegas, NV 89104-1563
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

Dear Mr. Freeman:

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

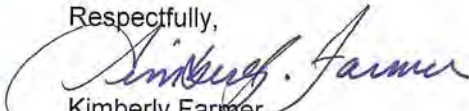
At the December 22, 2008 meeting of the Board of Governors of the State Bar of Nevada the Board reviewed applications to those seeking appointment to the Commission on Judicial Selection.

www.nvbar.org

The Board of Governor's received a number of applications from qualified attorneys. I am pleased to inform you that the Board of Governor's of the State Bar of Nevada have elected to appoint you as a member to the Commission on Judicial Selection. You have been elected to serve a 4 year term beginning January 1, 2009.

The Board is confident that you will serve with distinction. Congratulations on your appointment.

Respectfully,


Kimberly Farmer
Executive Director

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS



RONALD R. TITUS
Director and
State Court Administrator

JOAN E. NEUFFER, Esq.
Legal Counsel

KAREN BAGGETT
Deputy Director
Administration

ROBIN SWEET
Deputy Director
Judicial Programs & Services

ROBERT W. KASTELITZ
Deputy Director
Information Technology

COMMISSION ON JUDICIAL SELECTION

December 17, 2008

Scott Freeman, Esq.
556 California Avenue
Reno, NV 89509

RE: New Permanent Member – Commission on Judicial Selection

Dear Mr. Freeman:

The State Bar of Nevada has informed the Commission on Judicial Selection of your appointment as a permanent member. On behalf of the Commission, welcome and thank you for your willingness to serve.

Enclosed, please find a copy of the *Handbook for Judicial Nominating Commissioners, Second Edition*, prepared by the American Judicature Society and the *Judicial Selection Member's Manual*. These binders contain information concerning your responsibilities as a Commission member as well as judicial selection.

To aid you with the selection, you will be receiving applications and background information on the candidates being interviewed.

The Judicial Selection Commission will select candidates to forward to the Governor for appointment. Eighth Judicial District Family Court interviews will be held in Las Vegas on Tuesday, February 9, and Wednesday, February 10, 2009. More details regarding these meetings will be provided at a later time.

Mr. Scott Freeman
Page 2
December 17, 2008


The following personnel documents are enclosed and should be completed and returned to this office at your earliest convenience in the self addressed envelope provided:

- Personnel Data Affidavit to be executed before a notary
- Form W-4

Please note that any information that you receive regarding an applicant is confidential and is not to be reproduced. All materials will be returned to staff for destruction at the conclusion of the selection process.

Should you have any questions please call Commission staff member Janice or me at (775) 684-1700. Also, please provide us with a brief biography for circulation to our other Commission members. This will be included with related news releases associated with the upcoming judicial selections.

Sincerely,



Ron Titus, Secretary
Commission on Judicial Selection

RT/jf

Enclosures

cc: Chief Justice A. William Maupin
Justice James W. Hardesty
Ms. Ruthe Agee
Dr. Ann Bersi
Ms. Rose Dominquez
David Grundy, Esq.
Rebecca H. Miller, Esq.
Mr. Michael Pennington
Thomas Stockard, Esq.

Attachment 27 –
Judicial Selection Resignation Letter

Law Offices Of
FREEMAN & RIGGS, L.L.P.

556 CALIFORNIA AVENUE
RENO, NEVADA 89509-1450
(775) 786-4788
Fax: (775) 786-9333

** Licensed In Nevada And California*

SCOTT N. FREEMAN
ATTORNEY AT LAW *

TAMMY M. RIGGS,
ATTORNEY AT LAW

BRIANNE BUZZELL,
Office Manager

CAITY SKILL,
Paralegal

January 4, 2012

Chief Justice Nancy Saitta
Supreme Court of Nevada
201 S. Carson Street, Suite 300
Carson City, NV 89701

Re: Judicial Selection Commission

Dear Chief Justice and Chairperson Saitta:

As I revealed to the Judicial Selection Commission informally in Elko, it has been a professional dream of mine to ascend to the Washoe County District Court bench. I informed our membership I would like to apply to the Commission at the first available opportunity as it presented itself in Washoe County.

As a result of the tragic and untimely passing of the Honorable Robert Perry, and the subsequent Department 9 vacancy, I have decided to seek the appointment to this department.

Pursuant to Nevada Commission on Judicial Selection Rules, Rule 2(D), I must resign my membership on the Commission.

As a consequence, I have sent the attached formal letter of resignation to the president of the State Bar of Nevada, Board of Governors, Constance L. Akridge. I wanted to give the State Bar the opportunity to appoint someone in my stead as soon as possible in order that the Commission may continue to function properly and efficiently.

Chief Justice Nancy Saitta

RE: *Judicial Selection Commission*

January 4, 2012

Page Two

I very much enjoyed my experiences with all members of the Commission, both personally and professionally, during the time I served and I would appreciate it if you would relate my heartfelt feelings to the Commission membership in that regard, if it appropriate under the circumstances.

Sincerely,



SCOTT N. FREEMAN, ESQ.

SNF:cs

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



SCOTT SOSEBEE
Deputy Director
Information Technology

VERISE V. CAMPBELL
Deputy Director
Foreclosure Mediation

COMMISSION ON JUDICIAL SELECTION

January 5, 2012

Ms. Kimberly Farmer, Executive Director
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, NV 89104

Re: Appointment of Permanent Member to the Commission on Judicial Selection

Dear Ms. Farmer:

As you know, Mr. Scott Freeman, the State Bar's Judicial Selection Commissioner from Washoe County resigned from the Commission on January 4, 2012.

Pursuant to Article 6, Section 20, of the *Constitution of the State of Nevada*, the appointment of a permanent member by the State Bar of Nevada to serve for the purpose of filling this vacancy is necessary. Mr. Freeman's term was not due to expire until December 31, 2013. Subsection 6 states in part "The term of office for each appointive member of the permanent Commission, except for the first members, is 4 years. . . . If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term." It is important that we receive the name, address, and the telephone number of the permanent Commission member no later than Friday, February 24, 2012.

On behalf of the Commission, thank you in advance for your attention to this matter, and your prompt appointment of the permanent member. Should you have any questions, please contact Myrna Byrd (Commission Staff) or me at (775) 684-1700.

Sincerely,

Robin Sweet
Secretary, Commission on Judicial Selection

RS/mb

Supreme Court Building • 201 South Carson Street, Suite 250 • Carson City, Nevada 89701 • (775) 684-1700 • Fax (775) 684-1723
Regional Justice Center • 200 Lewis Avenue, 17th floor • Las Vegas, Nevada 89101

Attachment 28 –
***Media Release(s) Election and
reelection as Chief***

[\(https://www.nvbar.org/\)](https://www.nvbar.org/)

JUDGE SCOTT FREEMAN UNANIMOUSLY ELECTED CHIEF JUDGE FOR THE SECOND JUDICIAL DISTRICT COURT

Judge Scott Freeman Unanimously Elected Chief Judge for the Second Judicial District Court

November 20, 2017 | Category: [Uncategorized \(https://www.nvbar.org/category/uncategorized/\)](https://www.nvbar.org/category/uncategorized/)

The Second Judicial District Court is proud to announce that District Court Judge Scott Freeman was unanimously elected Chief Judge by his peers on November 17, 2017.



Judge Freeman is an experienced and dynamic member of the District Court bench. Nevada Governor, Brian Sandoval, appointed Scott Freeman to serve as the presiding Judge in Department 9 on March 26, 2012. He then ran unopposed in 2014. Following the vote on Friday, Chief Judge Freeman shared “I am humbled by the confidence and support offered by my colleagues. As the Chief Judge, I will continue the District Court’s commitment to excellence in serving those who appear before us.”

Chief Judge Freeman graduated from Ithaca College in New York with a degree in Politics and a minor in Economics. He received his Juris Doctorate from Southwestern University School of Law, Los Angeles, California. Chief Judge

Freeman has been a resident of Northern Nevada since 1979.

Prior to his judicial appointment in 2012, Chief Judge Freeman led a distinguished legal career with an emphasis on advocacy for individuals accused of crime. His zealous representation and astute awareness of key legal issues are evidenced by the numerous awards and recognitions he received during his 28 years in private practice. Additionally, Chief Judge Freeman formerly co-hosted the weekly television show “Lawyers, Guns & Money” on KRN TV, an NBC Network affiliate, with an interview format focusing on notable personalities in the legal, cultural and charitable communities.

boards aimed at enriching the lives of Northern Nevadans. Included among them are the Children's Cabinet, Rotary Club of Reno Sunrise, International Special Olympics, and Reno Rodeo Association.

In addition to his administrative duties, Chief Judge Freeman will focus his efforts on promoting public trust in an independent, transparent, and efficient judiciary. "I believe it is imperative the public has confidence in the judges, Court employees and stakeholders. I am committed to providing an excellent service in a safe and secure environment. In doing so, I hope to honor the memory of my friend, Judge Patrick Flanagan."

The Second Judicial District Court was established in 1910. District courts are courts of general jurisdiction where civil, criminal, family and juvenile cases are decided. The Chief Judge presides over a court with 14 other district court judges, in addition to commissioners, court masters and the Washoe County Law Library, as well as a staff of 170 full-time employees. The Chief Judge term is for two years.

To learn more about Chief Judge Scott Freeman, please visit the District Court's website at www.washoecourts.us (<http://www.washoecourts.us>).



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(<https://www.nvbar.org/member-services-3895/certificate-of-good-standing/>)

Judges unanimously pick Freeman as chief judge



Washoe District Court Judges Scott Freeman, left, and Lynne Simons. Washoe District Court photos. (KOLO)

By Staff

Published: Dec. 8, 2019 at 12:38 PM PST



Washoe District Court Judge Scott Freeman was unanimously reelected chief judge last week, the court announced.

Freeman appointed Judge Lynne Simons as vice

Freeman appointed Judge Lynne Simons as vice chief judge.

Gpv. Brian Sandoval appointed Freeman to the Department 9 seat in March 2012. Freeman ran unopposed for the seat in 2014.

“I am dedicated to continuing to focus on issues important to the citizens of Washoe County, including having a safe courthouse in which to adjudicate their cases,” Freeman said in a statement.

Freeman graduated from Ithaca College in New York with a degree in politics and a minor in economics. He got his law degree from Southwestern University School of Law in Los Angeles. He has lived in Northern Nevada since 1979.

Simons was elected to Department 6 in November 2014. Simons serves as a business court and probate judge and serves on numerous court committees, including the civil bench bar, budget, security, statistics, legislative and rules committees. She also serves on the Nevada State Court Statistics Committee and serves as the treasurer of the Nevada District Judges Association.

“I welcome the opportunity to assist the court as its vice chief, in addition to sitting as a district court judge,” Simons said in a statement. “The past two years have been very rewarding. I am looking forward to continuing to serve in this capacity.”

The Second Judicial District Court was established in 1910.

Attachment 29 –
Picture with Governor holding the Bill



Attachment 30 –
Letter Authored by John Mutch, Jr.,
PGA Tour Official and Reno Gazette
Journal articles & Recognition for 20
Years Letter



John Mutch, Jr.
PGA TOUR Rules Official

February 7, 2012

To whom it may concern:

I have been fortunate enough to be the advance Rules Official for the Reno-Tahoe Open for the past 13 years. During that time I have had the pleasure to work with many excellent volunteers. Without these volunteers the tournament would not succeed. The PGA TOUR depends each and every week on the charity of these individuals who give their time, money and efforts to the event.

I would like to make mention of one such volunteer. Scott Freeman has directed the security team at the RTO since its inception. During that time Scott has assembled a team of volunteers and local police and officials that are second to none on the PGA TOUR. We ask more of them in terms of their duties and scope of assignments than any other TOUR event that I advance. For example, in addition to all of his security assignments, if we need to evacuate the golf course because of fire or weather situations Scott's team handles it! Normally other events have stand alone committee's to perform evacuation but the RTO depends on Scott and his security team. They perform these tasks in excellent fashion and go the extra mile for us each and every year. I can not imagine having such a successful event without them and we are extremely grateful for all of Scott's and his team efforts over the years.

It truly has been a pleasure working with Scott, getting to know him and the security team that he has assembled. They are all great examples of the Reno Tahoe community.

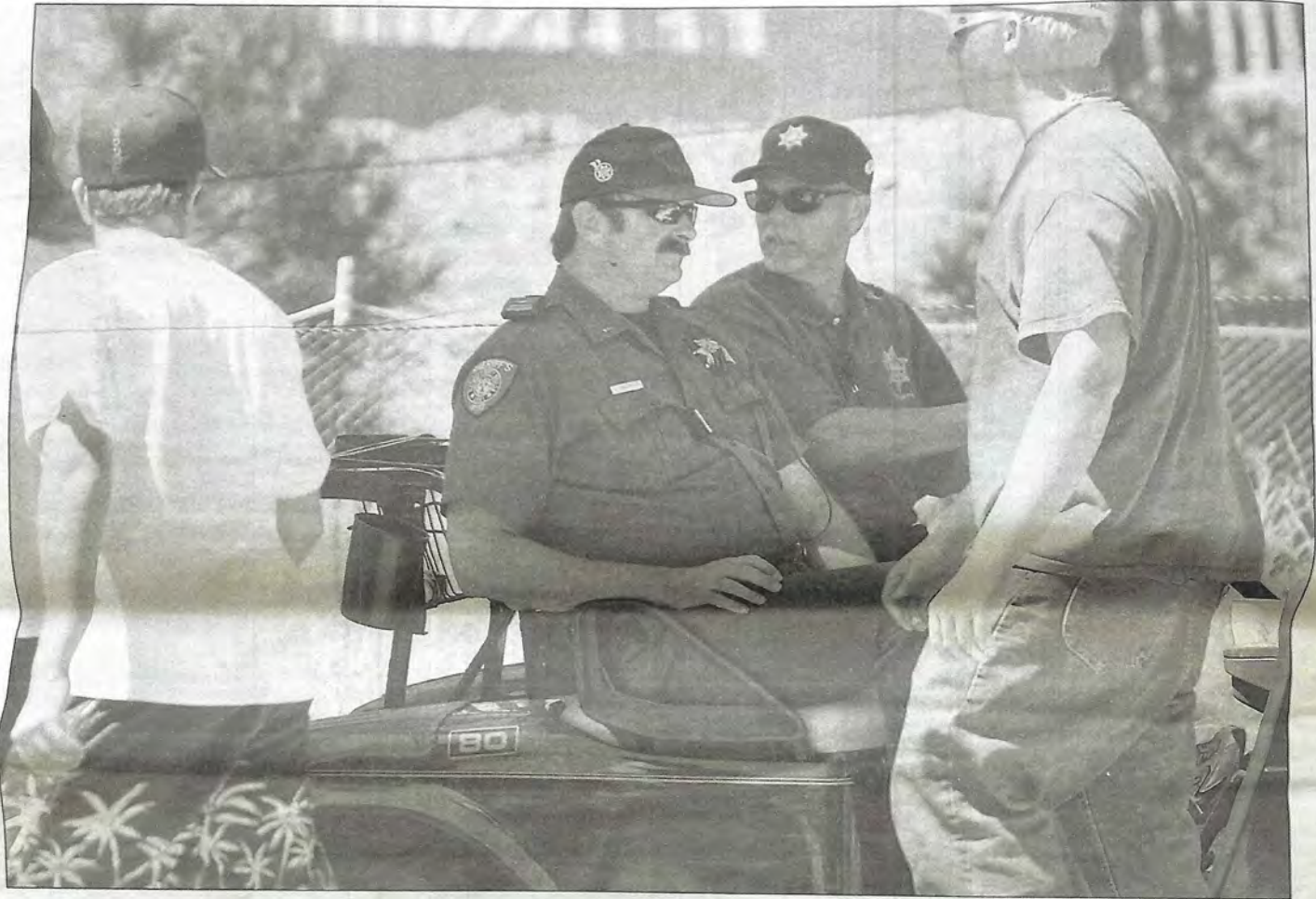
Scott embodies the excellent volunteer that we depend on each week. I look forward to working with Scott and his team next August and for many more RTO's going forward.

Sincerely,

John C. Mutch, Jr.

PGA TOUR
112 PGA TOUR Blvd, Ponte Vedra Beach, FL 32082
tel. 904.273.3200
PGATOUR.com

GIVING BACK • THE HEART OF THE PGA TOUR



SCOTT SADY/RENO GAZETTE-JOURNAL

Washoe County Sheriff Mark Vorderbruggen, in uniform, and Joe Cambra keep an eye on things as part of the security detail at the Reno-Tahoe Open on Saturday at Montreux Golf & Country Club.

Keeping the peace at Montreux

RTO security officers also are ambassadors for the course

BY CHUCK CARLSON
ccarlson@rgj.com

The alert was up. A security breach had been discovered. The forces were being brought to bear to confront it.

"There's a guy sleeping up in the 11th green," said slightly bemused Washoe County Sheriff's Department Sgt. Ron Breaux. "We woke him up. It's just too nice a day to put people in jail."

There is security and then there is security. And when it comes to keeping the peace at the Reno-Tahoe Open this week at the pine-entombed Montreux Golf & Country Club, a small but determined band of both local uniformed police and

volunteer cops are here to make sure no one does anything they're not supposed to do.

"We try to be ambassadors for the course," said Scott Freeman, a Reno defense attorney and the RTO's security director. "Enforcement is secondary."

Let's face it. The people who attend a PGA Tour golf event will never be mistaken for Oakland Raiders fans. Golf fans are by their very nature sedate and respectful folks.

But there are issues when fans and athletes mingle, especially in golf where fans can be so close to the players they can smell their desperation.

And since Sept. 11, 2001, the PGA

Tour has become especially strict, Freeman said.

Previously, security was handled by civilians. Now it's a requirement at all tour events that security is taken care of by law enforcement, all of whom are armed.

Also, cell phones, cameras and backpacks have been banned from tour events.

"There have been lots of changes since 9/11," Freeman said.

As well, before 9/11 there were four deputies patrolling the course and clubhouse.

"That went to 12 overnight," Breaux said.

Indeed, 15 green-uniformed police-

men are used to protect the grounds and the players and the fans while another 13 to 14 blue-shirted volunteer cops handle the less dicey parts of security.

But it all mingles together into one cohesive force and in the tournament's seven years, no major incidents have been reported.

The RTO is a relative small event and therefore the security concerns aren't as widespread as a larger PGA event. But that doesn't mean fans can wander where they please whenever they want.

The main concern is the massive stone clubhouse, where much of the player activity is centered.

SEE SECURITY ON 3



SCOTT SADY/RENO GAZETTE-JOURNAL

Above: Security director for the Reno-Tahoe Open, Scott Freeman, keeps an eye on things during Saturday's play at Montreux Golf & Country Club. **Below:** Freeman keeps in touch with security people to make sure everything is running smoothly.

Security/Officers have had good relations with players

FROM 2

That's where the players park their cars, where a player daycare facility is set up, where the players' dining room is located. It's also where the players' lounge and locker room and situated.

As a result that's where many of the uniformed police can be found. There is a guard outside the door and inside by the locker room.

Rarely do fans get that close because most golf fans understand what's off limits and what isn't.

But there are times when police have to shoo away the curious or the lost. One man came by talking on his cell phone and Breaux had to politely but forcefully tell him to turn it off and move on.

"But we're really just information people," Breaux said.

One of those information people is the blue-shirted Russ Cadwallader, a Lyon County Sheriff's Department sergeant whose been working the tournament for five years.

His spot is in front of the clubhouse, where he directs players into their parking lot, gives fans directions to the porta-potties, supplied maps to shuttle drivers and generally does whatever needs to be done.



"I was assigned the parking when I first started and apparently I did too good of a job," he said. "But I love it. I'm a people person anyway."

He would just as soon not have any major security issues to deal with.

"Yesterday we helped a lady who lost a very expensive piece of jewelry," he said.

"We spent a long time helping her."

But he's also a police officer and when there are problems, he has to step in.

He recalls a drunk fan on Friday who was heckling

some of the players.

"We convinced him his golfing day was done," he said.

He was placed in a cab and sent home.

As for the players themselves, Cadwallader said they've been terrific and understand better than anyone the role they play.

"We've never had a single problem with players," he said. "One of the most enjoyable parts of this is the interaction with the players. They know we want them back."

Aside from covering the clubhouse and parking lot, uniformed police also patrol the course, roaming from hole to hole on carts.

"We want to keep a mobile presence," said Deputy Mike Wright, who in his four years at the tournament hasn't seen a major incident except when a golf cart hit a fan two years ago. "Typically you see guys get intoxicated and a little too boisterous."

He actually dealt with the man who fell asleep on the 11th green.

"He said he was tired," Wright said with a smile. "He said he was a fine."

And for one more day, security was maintained at the Reno-Tahoe Open at Montreux.

SPORTS



Winnipeg's Mark Scheifele leaves the ice with an injury during the first period of the team's game against Calgary in Edmonton, Alberta, Saturday. JASON FRANSON/THE CANADIAN PRESS VIA AP

Injured Jets in trouble down 1-0

Stephen Whyno
ASSOCIATED PRESS

Trouble keeps following Winnipeg Jets, from one of their best players not reporting to training camp to a bevy of injuries throughout the regular season.

They're deep in it once again, not because of their Game 1 loss to the Calgary Flames but the big absences incurred during it.

Top center Mark Scheifele could be out a long time with a left leg injury that looked severe, and elite scoring winger

Patrik Laine didn't return with an apparent left hand injury.

The team didn't have an update on either player Sunday and is preparing to be without both in Game 2 Monday (2:30 p.m. EDT, NHL Network) while looking to avoid a 2-0 deficit in the best-of-five qualifying round series.

"The inexplicable is the story of the Winnipeg Jets," coach Paul Maurice said. "Getting up off the mat was something that we learned to do seemingly every week, and we'll get it put to the test now."

While Winnipeg is in the worst shape

without two of its best players, history isn't on the side of any team that loses the opener of a best-of-five NHL playoff series.

Just 15 of 83 teams in that situation went on to win, though the league hasn't had best of five since 1986.

"It's something that's in the past," Nashville coach John Hynes said before his Predators dropped Game 1 of their series to the Arizona Coyotes. "I don't think it has any relation to now."

See NHL, Page 2B

BARRACUDA NOTEBOOK



Scott Freeman oversees security at the Barracuda Championship. JIM KRAJEWSKI/RGJ

Security chief driven by love of golf, Barracuda

Jim Krajewski
Reno Gazette Journal
USA TODAY NETWORK

Note: The Barracuda Championship was not complete at press time Sunday night. For full coverage see RGJ.com and Tuesday's print edition of the RGJ.

Scott Freeman spends his vacation at the golf course, but he's not playing, he's working.

As he has done for 21 years, Freeman is again the security director at the Barracuda Championship, the region's PGA Tour stop. In his other job, he is the chief judge of Washoe County.

He loves working the tournament,



Richy Werenski picked up his first win on the PGA Tour as he grabbed the lead on the 18th hole Sunday and finished with +39 points.

ANDREW WEVERS/USA TODAY SPORTS

using his vacation time to do so.

"We've always been the ambassadors for the course, a friendly face, answering questions, because we're one of the few people that get to drive a cart on the course," Freeman said.

With no spectators allowed this year, for the first time, the job for security changes to maintaining the 'bubble' created due to COVID-19 safety precautions.

This year, Freeman and the security team he oversees have to keep people off the course.

That can be a challenge, as he said

See BARRACUDA, Page 3B

Barracuda

Continued from Page 1B

some of the homeowners at Old Greenwood golf course like to get closer to the golfers.

He called this a 'practice year,' to adjust to a new course.

He said Old Greenwood is a little easier to patrol than the previous home of the tournament at Montreux Golf & Country Club.

His security team of 16 is made up of active and retired law enforcement officers. All are armed and certified, as required by the PGA Tour. There are two active Truckee Police Department officers on the course as well.

When spectators are allowed, the number of security personnel bumps up to 25.

Freeman is on the board of directors for the Reno-Tahoe Open, which oversees the tournament. He was also on the board for the Children's Cabinet and he said the charity aspect of the golf tournament helps keep him coming back every year.

Freeman said the event does not need too many active police officers because of the volunteer security on hand.

He said in most years of the Barracuda, his main function is dealing with alcohol-related incidents, trespassers and hecklers. Lost children are also a concern.

Freeman said Old Greenwood is easy to get around and is not as hilly as Montreux.

Homeowners can watch from their homes or decks, but not on the course, also part of the COVID restrictions.

His love of golf also keeps him coming back.

"It's so much fun. I love to watch golf on TV," Freeman said. "To be up close with the best golfers in the world, it's a natural fit," Freeman said. "It's a wonderful experience. It's like having a carnival in town and I get to be right in the middle of it."

He likes that young, up-and-coming golfers are in the Barracuda and he likes to watch them move up the ranks of the PGA Tour.

Bear protocol is different at Old Greenwood than it was at Montreux. There have been several bear sightings at Old Greenwood over the past week.

Freeman said at Montreux, the Nevada Department of Wildlife would be called to tranquilize and remove the bears. At Old Greenwood, security uses



Troy Merritt lines up a putt in the 8th hole during the final round of the Barracuda Championship golf tournament at Old Greenwood.

ANDREW WEVERS/USA TODAY SPORTS

air horns or even bangs together pots and pans to direct the bears.

Leaders: Richy Werenski picked up his first win on the PGA Tour as he grabbed the lead on the 18th hole Sunday and finished with +39 points.

Troy Merritt held the lead after three rounds with +33 points, and he led or was tied for most of Sunday's final round. But he finished second again, with +38.

His 40-foot putt for a birdie on No. 18 was for the win, but he left it about a foot short.

Matthias Schwab was tied with Fabian Gomez, each with +37 points.

When holding a 54-hole lead/co-lead, Merritt had converted for the win two of four times on the PGA Tour.

He finished second in the Barracuda last year, to Collin Morikawa, after leading after the third round.

Merritt is already in the field for the 2020 PGA Championship, which starts Thursday at Harding Park in San Francisco.

He entered the week No. 121 in the FedExCup standings.

Schwab was playing on a sponsor exemption, he needed a two-way tie for second at the Barracuda or better to earn special temporary membership.

With a victory, he would be fully exempt through the 2022-23 TOUR season and be eligible for the 2020 FedExCup Playoffs.

Fabian Gomez was next at +37 and Aaron Wise, Scott Stallings and Maver-

ick McNealy each had +33 points.

Wise made 10 birdies Sunday. This is his first time playing the Barracuda.

Wise said his putting was much better Sunday.

"Everyone who plays here knows that if you get it in the fairway, you're going to have a bunch of looks for birdie, and I did today, it was just a matter of making the putts," Wise said. "My speed was kind of off the first couple rounds. (Saturday) I putted amazing, but I didn't hit it very good, and today I was kind of able to put it all together. I hit it great, was able to leave myself in good spots and then was able to roll in the birdie putts."

Richy Werenski, Emiliano Grillo, Alex Noren and Joseph Bramlett were next with +32 points.

Merritt's +33 points is the fewest needed to hold the 54-hole lead/co-lead since the Modified Stableford format began at the Barracuda in 2012.

The winner of the Barracuda earns a spot in the field at the PGA Championship if not already exempt; the top two players, not otherwise exempt, finishing in the top-10 and ties, earn exemptions into 2020 U.S. Open.

Merritt entered the week at No. 121 in the FedExCup standings.

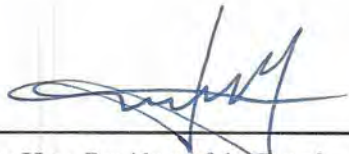
Jim Krajewski covers high school and youth sports for the Reno Gazette Journal. Follow him on Twitter @RGJPreps. Support his work by subscribing to RGJ.com.

20 YEAR VOLUNTEER

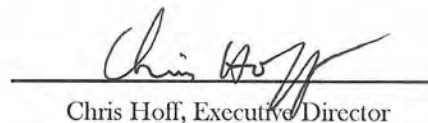
1999-2018

With deep appreciation
to
JUDGE SCOTT FREEMAN
for your service to the Barracuda Championship.

We are grateful for your commitment to our foundation and our
community.



Jesse Haw, President of the Board



Chris Hoff, Executive Director



Attachment 31 –
Formal Opinion from Judicial Ethics
Commission

STATE OF NEVADA

STANDING COMMITTEE ON JUDICIAL ETHICS

DATE ISSUED: May 31, 2012

ADVISORY OPINION: JE12-006

PROPRIETY OF A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SERVING AS A MEMBER OF THE BOARD OF A NON-PROFIT ORGANIZATION AND VOLUNTEER AS A SECURITY DIRECTOR FOR A SPECIAL EVENT ON BEHALF OF A NON-PROFIT

DISCUSSION

The Committee is authorized to render advisory opinions evaluating the scope and applicability of the Nevada Code of Judicial Conduct (NCJC). *Rule 5 of the Rules Governing the Standing Committee on Judicial Ethics.*

ISSUE

1. May a judge or candidate for election to judicial office serve on the board of a non-profit organization?
2. May a judge or candidate for election to judicial office volunteer as a security director for a charitable organization's annual golf tournament in conjunction with the judge's work with a non-profit organization?

Canon 3 of the NCJC states "[a] judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office." Subject to certain restrictions, set forth in Rule 3.1, a judge may participate in activities sponsored by or on behalf of charitable or civic organizations that are not conducted for profit. Such participation includes, but is not limited to, serving as a director of such an organization unless it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge, or frequently be engaged in adversary proceedings in the court of which the judge is a member.

ANSWER

Yes, to both questions.

FACTS

A district court judge asks whether a Nevada judicial officer may serve on the Board of Directors of a non-profit organization that provides services and assistance related to children's issues including, literacy, parenting skills, and foster care, and whether a district court judge may volunteer as a volunteer security director at an annual golf tournament in connection with his/her work for that non-profit organization.

In JE11-009, the Committee opined that a Nevada judicial officer could not accept an appointment as a volunteer court appointed special advocate or serve on the Board of Directors of the CASA Foundation. The Committee's decision in that opinion relied on an earlier Committee opinion that a district judge should "decline appointment to serve on the board of directors of a non-profit organization that provides support services to victims of domestic violence, including a court advocacy program" in Nevada's courts.



Such an organization would engage in proceedings ordinarily coming before the courts or would frequently engage in adversary proceedings in the district in which the judge sits, and because such participation would cast reasonable doubt on the judge's capacity to act impartially. This position was buttressed by opinions from other state judicial ethics advisory panels that concluded that service as a board member for a CASA program or similar legal aid organization is not allowed.

The factors that led the Committee to its opinion in JE11-009 are not present here. The non-profit organization at issue in this request is not a legal aid type organization, but is instead focused on "filling the gaps" related to children's issues including literacy, parenting skills and foster care. As such, participation does not present the same potential for creating a reasonable doubt about the judge's impartiality that are present when a primary focus of the non-profit is to provide advocates for children in court proceedings. Accordingly, the district court judge's participation as a member of the board of a non-profit organization that provides programs to address issues related to children is allowable. See JE00-007 (concluding that a family court judge may serve on the board of directors of a non-profit whose purpose is to assist at-risk youth by providing programs related to independent living skills, mentoring, education, and job placement).

The second question presented in this request asks the committee to opine as to whether a district court judge may continue serving as a volunteer security director for a charitable organization at an annual golf tournament in conjunction with the judge's work on behalf of a non-profit organization.

Participation in extrajudicial activities helps integrate judges into their communities, thus fostering greater respect for the courts and the judicial system. Comment [2] to Rule 3.1. Based on the facts presented, the committee is unable to identify any Canon or Rule of Judicial Ethics that would prohibit such participation consistent with Rules 3.1 and 3.7.


CONCLUSION

A Nevada judicial officer may serve as a member of a board of directors of a non-profit subject to the limitations set forth in JE11-009 with respect to serving as a member of a board of directors for a CASA program or other legal aid organization. Further, based on the facts presented to the committee, the judge requesting this advisory opinion may continue to serve as a volunteer security director for the charitable organization's annual golf tournament consistent with Rules 3.1 and 3.7.

REFERENCES

Rule 5 Governing the Standing Committee on Judicial Ethics; Nev. Code Jud. Conduct, Canon 3, Rules 3.1 and 3.7; Commentary to Rule 3.1; JE00-007; and JE11-009.

This opinion is issued by the Standing Committee on Judicial Ethics. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.


Patrick G. Byrne, Esq.
Vice-Chairman

Attachment 32 –
Letter from Jay Monahan & Board of
Directors Picture



Jay Monahan
Commissioner

May 21, 2018

Judge Scott Freeman
Barracuda Championship
1 East First Street
Suite 1600
Reno, NV 89501

Dear Judge Scott:

On behalf of the PGA TOUR, I would like to congratulate you on 20 years of service at the Barracuda Championship. You and your fellow volunteers ensure this great tournament runs smoothly, through your hard work, commitment to service and tireless dedication. Without the support of more than 100,000 volunteers over the course of a season, the PGA TOUR and our events would not be able to raise the considerable charitable dollars that impact so many lives throughout the country and around the world. Last year, our tournaments generated more than \$180 million for worthy charities, a figure we expect to surpass this year. Without volunteers like you, none of this would be possible, and I know the Reno community is a better place because of your efforts.

We are proud to recognize you on this momentous occasion, but please know that every year of your service is incredibly special, not only to the Barracuda Championship and those impacted by it locally, but to the PGA TOUR and its charitable mission as a whole. Thank you for making a tremendous difference in the lives of others.

Sincerely,

A handwritten signature in blue ink that reads "Jay Monahan".

Jay Monahan



Attachment 33 –
Picture with retired Deputy Sheriff, now
President of the Reno Rodeo Association
Josh Iveson, and Washoe County
Sheriff Balaam



Attachment 34 –
Thank you letter & Plaque



Children's Cabinet, Inc.

Presented to
Scott Freeman
Chairman of the Board of Trustees
2004

Attachment 35 –
Plaque

UNITING THE
WORLD
RENO/TAHOE
APRIL 1-8, 1989

Scott Freeman

CO-CHAIRMAN OF FLOOR HOCKEY

You found the best people to do the job
and allowed them to do it.

Your organizational skills and
leadership accounted for our success.

Thank you for the opportunity
and experience.

Floor Hockey Committee



Attachment 36 –
Appointment Letter



BILL C. HAMMER, ESQ.
Chairman

State of Nevada
STANDING COMMITTEE ON JUDICIAL ETHICS
P.O. Box 48
Carson City, Nevada 89702
Telephone (775) 687-4017 • Fax (775) 687-3607
Website: <http://judicial.nv.gov>

PAUL C. DEYHLE
Executive Director

February 13, 2019

The Honorable Scott Freeman
Second Judicial District Court, Dept. 9
75 Court Street
Reno, NV 89501

Re: Appointment to the Standing Committee on Judicial Ethics

Dear Judge Freeman:

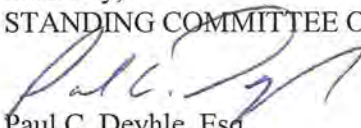
I would like to take this opportunity to congratulate you on your appointment to the Nevada Standing Committee on Judicial Ethics (the "Committee") and welcome you on behalf of the Committee. You can find the Revised Nevada Code of Judicial Conduct and previous advisory opinions on our Web Site at judicial.nv.gov. Enclosed are the following documents relating to the Committee:

1. Supreme Court Rules Part VIII. Rules Governing the Standing Committee on Judicial Ethics.
2. List of all attorney Committee Members appointed by the State Bar Board of Governors; and a list of all judicial Committee Members appointed by the Supreme Court.
3. An Appointment Checklist for Board/Commission Member form which needs to be completed and returned to this office at your earliest convenience.

Essential to the Committee's work is the strict confidentiality of all requests until an advisory opinion has been approved. Normally, the advisory opinion will be the only item made public. For this reason, all preliminary materials forwarded will be sent to you in confidence.

Should you have questions or desire additional information, please do not hesitate to contact us at (775) 687-4017.

Sincerely,
STANDING COMMITTEE ON JUDICIAL ETHICS


Paul C. Deyhle, Esq.
Executive Director

I look forward to working with you!
Paul

Encl.
cc (w/out encls): Committee Chair, Bill C. Hammer, Esq.

Attachment 37 –
Unreasonable Doubt Article

The Nevada Subcommittee on Criminal Pattern Jury Instructions

By Judge Scott N. Freeman

Chief Judge, Second Judicial District Court for the State of Nevada

According to a 2015 survey, Nevada is one of the only states that does not have model or pattern criminal jury instructions. See Jan Bissett & Margi Heinen, *Accurately Instructed In the Law: Finding State Jury Instructions*, 94-NOV Mich. B.J. 48 (2015). In an effort to develop such a resource for Nevada practitioners, the Nevada Supreme Court tasked me with spearheading a subcommittee to develop criminal pattern jury instructions, as a result of my membership in the statewide Rules of Criminal Procedure Committee. In 2015, I assembled the Nevada Subcommittee on Criminal Pattern Jury Instructions. From the beginning, the goal has been to develop pattern jury instructions that improve the accuracy of the law communicated to juries, reduce the number of appeals on the basis of incorrect jury instructions, and develop a practical legal tool for Nevada criminal law practitioners.

To develop instructions that are accurate and fair, it is vital to have a balanced representative of the various players in the criminal law community. The current subcommittee consists of four district court judges, three deputy district attorneys, and five public defenders. Both northern and southern Nevada are represented, as well as a number of the rural counties. This amalgam-

ation of committee members provides for multiple perspectives and, occasionally, spirited debate.

There are logistical challenges with such an undertaking. We have attempted to hold meetings for four-hour blocks at a time, on a monthly basis, wherein we review committee member comments and drafts on all stock instructions organized by section and which include proposed instructions used throughout the state by various districts. Our organizational analysis began first with a pattern jury instruction book originally prepared by the late, then-District Judge Myron Leavitt. Of course, the book has evolved through time and stare decisis. Section by section, we analyze, edit, and finalize instructions for each area of criminal law. Committee members edit the stock instruction drafts, add comments, or propose alternative drafts, prior to our monthly meeting. During the meeting, the committee reviews the comments and drafts and discusses current Nevada law and common practice. By the end of the four hours, a number of the sections have finalized pattern jury instructions. To date, we have reviewed 12 sections, consisting of approximately 120 individual instructions, and are continuing forward towards a final version of criminal pattern jury instructions.

Upon completion, the State Bar of Nevada has agreed to publish our manual for use by judges, lawyers, and criminal justice practitioners as the most recent guide and treatise on Nevada criminal jury instructions.

It is our hope to create a publication with jury instructions, which our Nevada criminal justice system can build, evolve, and grow with time. It should be looked upon as a foundation of uniformity for the criminal practitioners, upon which they can rely.



Attachment 38 –
National Judicial College

THE NATIONAL  JUDICIAL COLLEGE
Est. 1963

Serving Justice Through Judicial Education

This certificate is awarded to
Scott N. Freeman
who has served the College with distinction as
Group Facilitator
General Jurisdiction



In witness whereof this certificate has been signed by the Chair of the Board of Trustees and the President of The National Judicial College at the University of Nevada, Reno.

October 29, 2015

Matthew J. Sweeney, III, NJC Board of Trustees Chair

Chad Schmucker, NJC President

Attachment 39 –
Letter from Catherine Cortez Masto

CATHERINE CORTEZ MASTO
NEVADA



UNITED STATES SENATE
WASHINGTON, D. C. 20510

June 21, 2019

The Hon. Scott Freeman
Second Judicial District Court
75 Court St
Reno, NV 89501

Dear Hon. Freeman,

Thank you for inviting me to participate in the recent Flag Day Celebration and Naturalization Ceremony hosted by the United States District Court and Second Judicial District Court. It was truly my honor to witness the naturalization ceremony and speak to Northern Nevada's newest citizens. The diversity of our citizenry is one of our country's greatest strengths and that was certainly reflected in the audience that day.

Again, thank you for the invitation. If I can ever be of assistance, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Catherine Cortez Masto".

Catherine Cortez Masto
United States Senator

Attachment 40 –
Awards

THE BEST
LAWYERS
— IN —
AMERICA

This is to certify that

Scott N. Freeman

has been selected by his peers

to be included in

The Best Lawyers in America

2012

Super Lawyers[®] MOUNTAIN STATES 2009

SCOTT N. FREEMAN

FEATURED IN
Mountain States Super Lawyers 2009

The attorneys featured in *Super Lawyers* for 2009 were selected by their peers in an extensive nomination and polling process and through independent research conducted by Law & Politics and published in the July 2009 issue of *Mountain States Super Lawyers* magazine. The attorneys listed in *Super Lawyers* are limited to 5% of the practicing attorneys in Nevada, Utah, Montana, Idaho and Wyoming.

LAW & POLITICS

Super Lawyers[®] is a registered trademark of Key Professional Media, Inc.

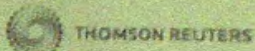
Super Lawyers

MOUNTAIN STATES
2010

SCOTT N. FREEMAN

FEATURED IN
Mountain States Super Lawyers 2010

The attorneys featured in *Super Lawyers* for 2010 were selected by their peers in an extensive nomination and polling process and through independent research conducted by *Super Lawyers*, a Thomson Reuters Service and published in the July 2010 issue of *Mountain States Super Lawyers* magazine. The attorneys listed in *Super Lawyers* are limited to 5% of the practicing attorneys in Nevada, Utah, Montana, Idaho and Wyoming.



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Nevada Attorneys for Criminal Justice

Formally Invites You to Attend their
Annual Dinner Honoring 2007-2008
Defender of the Year

Scott Freeman

June 12, 2008

Las Vegas Country Club
3000 Joe W. Brown Drive
Las Vegas, Nevada

5:30PM - 8:00PM

Please RSVP to
Casey Landis
(702) 455-0942
at your earliest convenience

The Nevada Attorneys For Criminal Justice Honors

SCOTT FREEMAN

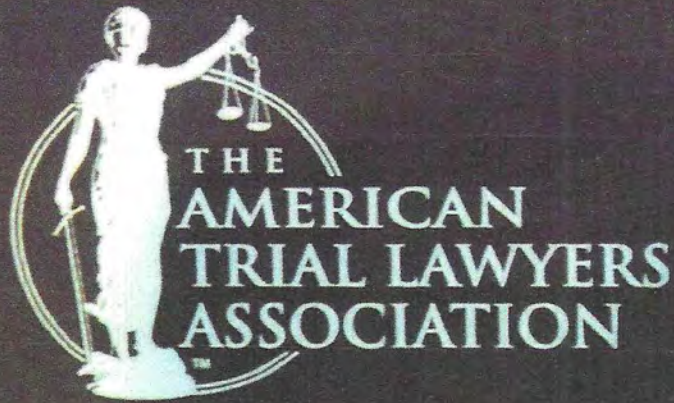
2007 - 2008

DEFENDER OF THE YEAR

In Recognition Of His Zealous Advocacy On Behalf
Of The Criminally Accused And His Selfless
Dedication To The Protection Of Individual Rights.

"An Injustice Anywhere Is A Threat To Justice Everywhere . . ."
Martin Luther King, Jr.





CERTIFIES THAT

Scott N. Freeman



IS A MEMBER IN GOOD STANDING OF
THE AMERICAN TRIAL LAWYERS ASSOCIATION
AND HAS MET THE STANDARD OF EXCELLENCE FOR SELECTION TO

TOP 100 TRIAL LAWYERS



2007

2008

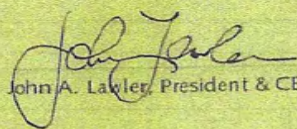
2009

2010

LexisNexis®
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Peer Review Rated
For Ethical Standards and Legal Ability™

Scott N. Freeman

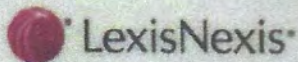
The Martindale-Hubbell® Peer Review Ratings™ have been an integral part of Martindale-Hubbell's services to the legal community since 1887. The Peer Review Rating process, which evaluates lawyers in the United States and Canada, is solely based upon peer review. A Martindale-Hubbell Peer Review Rating attests to a lawyer's legal ability and professional ethics, and reflects the confidential opinions of the Bar and the Judiciary.


John A. Lawler, President & CEO


Paul A. F. Gazdaro, COO

Scott N. Freeman

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Martindale-Hubbell®
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Scott N. Freeman
AV Rated for Ten Years



The pinnacle of professional excellence earned through a strenuous Peer Review Rating process that is managed and monitored by the world's most trusted legal resource.

Highest Possible Peer Review Rating
In Legal Ability & Ethical Standards

Laxmi Wordham

Laxmi Wordham
Vice President, Martindale-Hubbell

The LexisNexis Martindale-Hubbell® Peer Review Ratings™ have been an integral part of Martindale-Hubbell's services to the legal community since 1887. The Peer Review Rating process, which evaluates lawyers in the United States and Canada, is solely based upon peer review. A Martindale-Hubbell Peer Review Rating attests to a lawyer's legal ability and professional ethics, and reflects the confidential opinions of the Bar and the judiciary.

LAS VEGAS LIFE

JULY 2007

These Are The Finest Attorneys In Nevada As Selected By Their Peers
Based Upon Ethics, Experience And Reputation,
These Lawyers Represent The Top 5% Of Their Profession.



NEVADA SUPER LAWYERS 2007
CRIMINAL DEFENSE

Scott N. Freeman

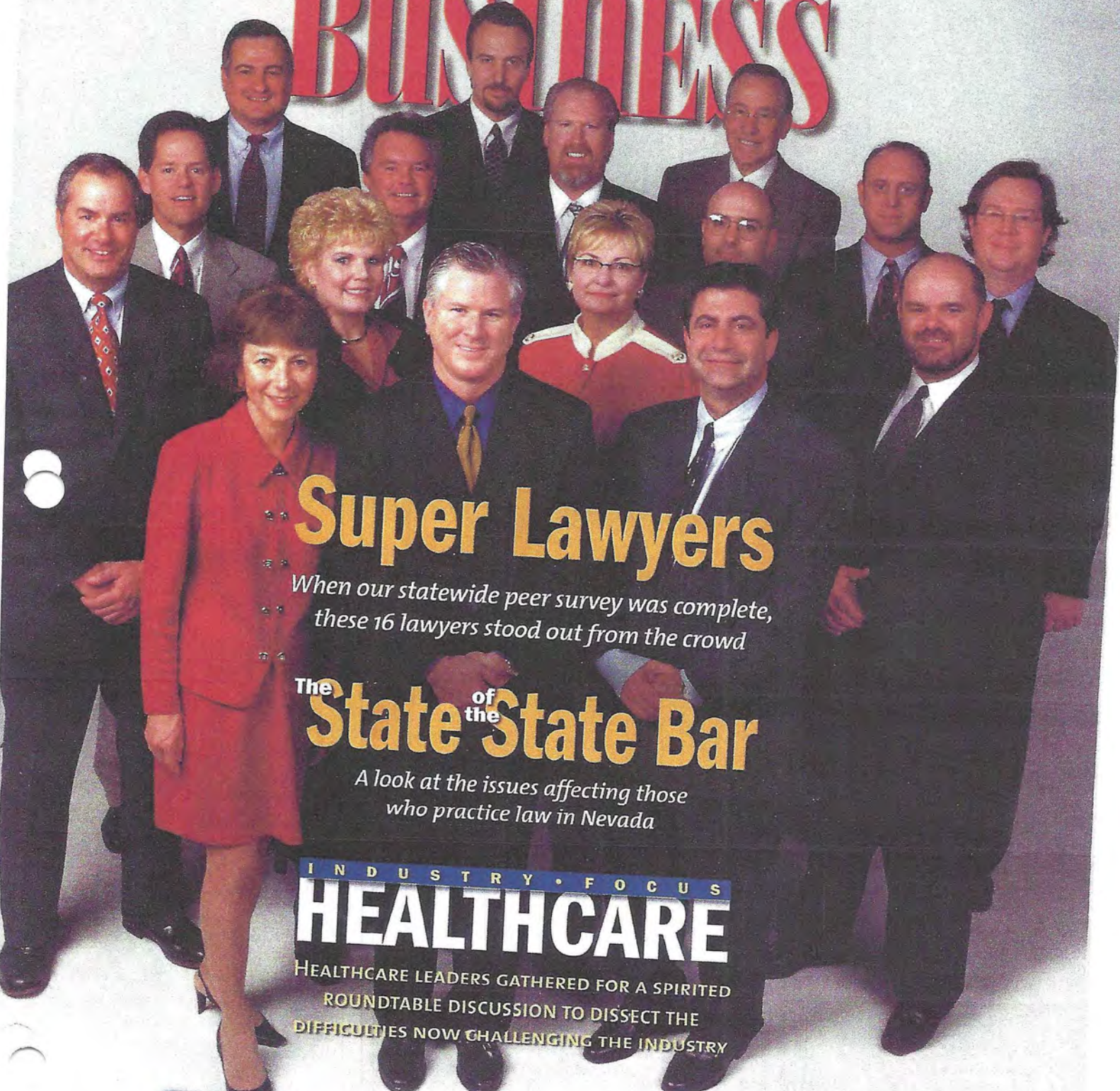
Freeman & Routis, Reno, 775-786-4788

March 2002

\$4.95

NEVADABUSINESS.COM

Nevada BUSINESS



Super Lawyers

When our statewide peer survey was complete, these 16 lawyers stood out from the crowd

The State of the State Bar

A look at the issues affecting those who practice law in Nevada

INDUSTRY • FOCUS HEALTHCARE

HEALTHCARE LEADERS GATHERED FOR A SPIRITED ROUNDTABLE DISCUSSION TO DISSECT THE DIFFICULTIES NOW CHALLENGING THE INDUSTRY

EXECUTIVE LIFESTYLES

Wearable Wealth

NEVADA'S CHOICE

Restaurants

Super Lawyers

Nevada Business Journal is proud to announce the results of its Nevada Super Lawyers survey. Attorneys throughout the state were asked to vote for the best lawyers in 16 different areas of specialty. The winners were then determined by the number of votes received from their peers. Only attorneys currently practicing in Nevada were eligible for the award. Same-firm votes were counted as one vote; nominations from attorneys in other firms were counted as two votes. Congratulations to our 16 Super Lawyers for making an impact on our state.

Bankruptcy Law

LAUREL DAVIS

Lionel Sawyer & Collins



Laurel Elizabeth Davis is a partner in the litigation department of Lionel Sawyer & Collins in Las Vegas, where her practice is primarily devoted to bankruptcy and insolvency law. An Adjunct Professor at Boyd School of Law at the University of Nevada, Las Vegas, she has served as a founding Board Member and co-chair of the bankruptcy section of the State Bar of Nevada, a member of the Judge's Advisory Board for the Southern Nevada Association of Bankruptcy Attorneys and a member of the Local Rules Committee for the U.S. District of Nevada. In 2002, she was appointed to a three-year term as Lawyer Representative to the Ninth District Court of Appeals.

Civil Litigation

VON HEINZ

Lewis and Roca



Von S. Heinz, a partner with Lewis and Roca LLP, concentrates his practice in commercial litigation and employment law and has practiced for more than 20 years in Nevada. He represents clients on complex civil and commercial litigation matters, securities law and employment cases at both the trial and appellate levels. Heinz is a master and past officer of the Nevada American Inn of Court and helped develop more than 100 of its educational programs, focusing principal-

ly on the development of lawyers' ethical awareness and the enhancement of the legal profession in the community. Most recently, he served a three-year term as one of Nevada's five lawyer representatives to the Ninth Circuit Court of Appeals.

Corporate Finance and Securities

DAVID GARCIA

Hale Lane Peek Dennison and Howard



David A. Garcia is a shareholder of Hale Lane Peek Dennison and Howard, where he practices corporate and securities law. Working primarily out of the Reno office, Garcia also spends time in the firm's Las Vegas and Carson City offices, servicing the needs of the firm's clients throughout the state. He has extensive experience in venture capital financings, mergers and acquisitions, and public and private securities offerings. He has counseled both publicly and privately held companies in their corporate and financing affairs and has additional experience in structuring corporate partnering transactions and technology development, distribution and licensing arrangements. He also represents venture capital and angel investors in their investment activities.

* Criminal Law

SCOTT FREEMAN

Law Offices of Scott Freeman



Scott N. Freeman has served in private practice through-

out Nevada and California since passing both Bars in 1984. Representative cases during 2001-2002 include: a first degree murder jury trial acquittal in *State of Nevada vs. Luis Hernandez-Flores*; dismissal of a felony indictment filed against a Carson City Chief Deputy District Attorney; and securing of a misdemeanor plea of "disturbing the peace" for one of three defendants accused of shooting horses in Storey County. He was appointed by the Nevada Supreme Court to serve a four-year term as Chairman of the Board of Trustees for the Nevada Law Foundation and is a member of the board of directors of the Nevada Attorneys for Criminal Justice.

Divorce, Adoption and Family Law

PHILIP BEUTH

Family Law Centers, Inc.



Philip Beuth relocated to Las Vegas after graduation from Whittier Law School in 1995 and immediately opened his own law practice. As CEO of Family Law Centers, Inc. in Las Vegas, he heads a full-service law firm and paralegal service devoted exclusively to family law. His practice focuses on family law, divorce, guardianships, custody, child support and domestic violence. He is a member of the Trial by Peers Committee, a teen court program sponsored by the Clark County Bar Association. Beuth mentors future lawyers in this diversion program designed to keep juvenile offenders from having criminal records.

Gaming Law

HARVEY WHITTEMORE

Lionel Sawyer & Collins



Harvey Whittemore is the Reno managing partner of Lionel Sawyer & Collins and serves as a member of the firm's administrative and gaming law department. One of Nevada's most influential lobbyists, he is responsible for the firm's extensive legislative program and represents its clients in legislative and governmental relations matters. Major clients have included the Nevada Resort Association, the Gaming Industry Association of Nevada, Hilton Hotels Corporation and Caesars World. His primary areas of legal

The Editorial Staff of the
Consumer Business Review
RECOGNIZES

Scott N. Freeman

AS

Criminal Defense Attorney

FOR THE NEW MILLENNIUM

2000

Attachment 41 –
Nevada Judiciary Article

THE NEVADA JUDICIARY

2021 ANNUAL REPORT





PANDEMIC IMPACTS ON THE COURTS

HOW THE SECOND JUDICIAL DISTRICT COURT NAVIGATED THE PANDEMIC



By Chief Judge
Scott Freeman

Since March 2020, the Second Judicial District Court (SJDC) has navigated the worldwide public health crisis under the leadership of the SJDC Bench and Court Administration. Like with all courts, the crisis has had a profound impact on how the business of the SJDC is conducted. Beginning in February 2020, the SJDC began to prepare for the possibility of a pandemic and worked with its staff and stakeholders toward establishing virtual protocols. With this advance preparation, the SJDC was able to transition the majority of its functions to remote operations and only had a single day in March 2020 during which no court hearings were conducted. Since March 2020, tens of thousands of court proceedings and meetings have been conducted virtually.

Through the hard work of the SJDC and its stakeholders, the SJDC is not currently experiencing an overall case backlog. While the SJDC has reopened its physical doors to the public, many of its operations remain virtual. In-person jury trials were held from September 2020 until November 2020, and then recommenced in April 2021. Bench trials, evidentiary hearings, and criminal sentencings are also taking place in person. The unknown timeline and inconsistent trajectory of the public health crisis required the SJDC to continue to remain flexible in how it approaches the work of the Court.

Although implementation of a long-term recovery plan is not yet possible, the SJDC is preparing for it. Since March 2020, the SJDC has significantly altered its operations out of necessity. Moving forward, we are carefully examining which of those operational changes should remain in effect long-term. We have heard practitioners in all areas of practice express a desire to have long-term, continuing options for virtual hearings. In many cases, litigation costs can be significantly reduced

Page 175 of 197

by allowing virtual appearances for procedural hearing types, and there is a decreased burden on litigants. Thus, while some hearing types are most appropriately held in person, the SJDC will be looking at which hearing types might be most appropriate to continue long-term in a virtual format.

In addition to court proceedings, the SJDC has implemented process changes in a number of other operational areas and great successes have been realized. The Washoe County Law Library, which has long been a resource for attorneys and self-represented litigants alike, has significantly increased its online offerings. In addition, the library staff has worked hard to hold “Lawyer in the Library” in a virtual format; this highly successful change allows for increased flexibility in scheduling for our attorney volunteers, reduces the required travel time, and no longer requires members of the public to be present at the Court for hours preceding a 10-minute consultation. The Family Peace Center, which provides an option for court-ordered supervised visitation, has successfully held hundreds of virtual visits between children and non-custodial parents. While we look forward to having in-person visitation available again, this option allows out-of-area parents to still have a supervised visitation option. Finally, we have increased the available options for patrons to access the SJDC and now have online chat available and increased online resources.

While numerous successes have been realized, this period of time continues to pose a number of challenges. Keeping SJDC patrons and staff safe and healthy continues to be at the forefront of conversations, and the SJDC will continue to adjust as the public health crisis requires. For jury trials in particular, safety protocols continue to pose logistical challenges. In addition, we continue to evaluate how our technology must be increased to meet the demands of our current world.

HOW THE SIXTH JUDICIAL DISTRICT COURT ADDRESSED THE PANDEMIC



By Judge
Mike Montero

It has been anything but quiet in the Sixth Judicial District Court (6JDC) since March 2020, the start of the worldwide COVID-19 pandemic. Whether it’s taking a literal chain saw to the jury box, or relocating the jury selection process to the Winnemucca Convention Center in an attempt to satisfy “social distancing” requirements, the 6JDC has continued to function at nearly full force.

The 6JDC has held a total of five jury trials (one civil, four criminal) and several in-person bench trials. All jury selections have been graciously moved to the Winnemucca Convention Center. Once selected, jurors are moved to the Humboldt County Courthouse for actual trial proceedings. To create more space for counsel and jurors, the jury box was torn out—the jury now sits in the gallery while counsel is free to move about the well. Additional tables were also supplemented so that witnesses can testify from the witness stand or from a table in the center of the courtroom.

To allow for hearings to remain in person, the 6JDC implemented mask and social distancing policies, built physical barriers of plexiglass, and limited entry into the courtroom to essential parties and some members of the public. The 6JDC encouraged virtual appearances by significantly upgrading its technology, which included the installation of numerous television monitors, microphones, speakers, computers, and cameras, and partnering with a new IT group to streamline the system. We expect this virtual appearance option to be available indefinitely, as it increases access to justice and lessens the financial burden and inconvenience on out-of-state and out-of-town parties, attorneys, and witnesses.

Most notably, the 6JDC worked with its treatment court team—in-house case managers and coordinators, counselors at the Family Support Center, and local law enforcement—to implement procedures that ensured its treatment courts would remain intact for the sake of client recovery. In a time of quarantine and isolation, the treatment court team focused on the human element, emphasizing client health. This included increased daily contact with clients via telephone and Zoom, switching to virtual treatment court and counseling as needed, breaking down court appearances in phases, increasing incentives, collecting pay stubs and attendance logs through email, and moving self-help options to a virtual platform. Drug testing was also revamped, limiting the number of individuals allowed to test at one time, and requiring clients to wear masks and fill out questionnaires regarding physical symptoms and travel. The treatment court team collectively agreed that additional support was necessary to reduce the harmful effects of quarantine and encourage client success in the midst of apparent chaos.

In addition, the 6JDC hosted multiple events, including a National Drug Court Month Celebration, Mental Health Awareness Month activities, and a Behavioral Health Roundtable. Juvenile Services also kickstarted construction for its

Attachment 42 –
LG&M Photo with
Governor Kenny Guinn

To: Scott
Thanks for all of your support!

Kenny
L

Al
Lawrence



Attachment 43 –
A Chronological List of Administrative Orders

ADMINISTRATIVE ORDERS:

2017:

Administrative Order 2017-12:	Administrative Matter of Acting Chief Judge
Administrative Order 2017-13:	Administrative Matter of Pretrial Services Program
Administrative Order 2017-14:	Administrative Matter of Family Division Continuing Part-Time Hearing Master

2018:

Administrative Order 2018-01:	Administrative Matter of Criminal Dockets
Administrative Order 2018-02:	Administrative Matter of Minor Guardianship Case Assignments
Administrative Order 2018-03:	Administrative Matter of Case and Committee Assignments
Administrative Order 2018-04:	Administrative Matter of Family Division
Administrative Order 2018-05:	Administrative Matter of Returning Jury Questionnaires
Administrative Order 2018-06:	Administrative Matter of D2 and D5 Case Assignments
Administrative Order 2018-07:	Administrative Matter of 2018 National High School Mock Trial
Administrative Order 2018-08:	Replaced by PJAO 2018-01
Administrative Order 2018-09:	Administrative Matter of Case and Committee Assignments
Administrative Order 2018-10:	Administrative Matter of Case and Committee Assignments
Administrative Order 2018-11:	Administrative Matter of Defendants Subject to Pretrial Supervision
Administrative Order 2018-12:	Administrative Matters of Mandatory E-Filing of All Cases
Administrative Order 2018-13:	Administrative Matters of Adult Guardianship Case Assignment
Administrative Order 2018-14:	Administrative Matters of Scheduled Court Closures for the Purpose of Staff Security Training
Administrative Order 2018-15:	Administrative Matters of Case and Committee Assignments
Administrative Order 2018-16:	Administrative Matters of Case and Committee Assignments
Administrative Order 2018-17:	Administrative Matters of General Election 2018 Emergency Matters and Election Judge Assignment
Administrative Order 2018-18:	Administrative Matters of Substitution of the Acting Public Guardian
Administrative Order 2018-19:	Administrative Matters of Specialty Courts
PJAO Administrative Order 2018-01:	Administrative Matters of Parties to Juvenile Delinquency Proceedings
PJAO Administrative Order 2018-02:	Administrative Matters of Case Reassignment and Notice Triggering Dealing for Peremptory Challenge

2019:

Administrative Order 2019-01:	Administrative Matter of Case and Committee Assignments
Administrative Order 2019-02:	Administrative Matter of Initiating Guardianship Cases
Administrative Order 2019-03:	Administrative Matter of Appointing the Public Guardian
Administrative Order 2019-04:	Administrative Matter of Case and Committee Assignments
Administrative Order 2019-05:	Administrative Matter of Case and Committee Assignments
Administrative Order 2019-06:	Administrative Matter of Department 3 Reassignment
Administrative Order 2019-07:	Administrative Matter of Case and Committee Assignments
Administrative Order 2019-09:	Administrative Matter of Emergency Court Closure
Administrative Order 2019-10:	Administrative Matter of Electronic Filing System
Administrative Order 2019-11:	Administrative Matter of Acting Chief

2020:

Administrative Order 2020-01:	Administrative Matter of Family Division Continuing Part-Time Hearing Master
Administrative Order 2020-02:	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(A):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(B):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(C):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(C)(1):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(D):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(D)(1):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E)(TF3):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E)(TF3)(A):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E)(TF4):	Administrative Matter of The 2JDC's Response to Coronavirus Disease (COVID-19)

Administrative Order 2020-02(E)(TF5):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E)(TF6):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-02(E)(TF7):	Administrative Matter of the 2JDC's Response to Coronavirus Disease (COVID-19)
Administrative Order 2020-03:	Administrative Matter of Emergency, Interim, or Temporary Orders During the Time Period Covered by Administrative Order 2020-02
Administrative Order 2020-04:	Administrative Matter of the 2JDC's COVID-19 Response
Administrative Order 2020-05:	Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-05(A):	Administrative Matter of Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-05(B):	Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-05(C):	Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-05(D):	Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-05(E):	Corrected Administrative Matter of Temporarily Closing In-Person Public Access to the Second Judicial District Court
Administrative Order 2020-06:	Administrative Matter of Juvenile Delinquency Matters
Administrative Order 2020-07:	Administrative Matter of the 2JDC's COVID-19 Response
Administrative Order 2020-08:	Administrative Matter of Electronic Certification
Administrative Order 2020-09:	Administrative Matter of Dependency Matters
Administrative Order 2020-10:	Administrative Matter of the 2JDC's COVID-19 Response
Administrative Order 2020-11:	Administrative Matter of General Election 2020
Administrative Order 2020-12:	Administrative Matter of Transfer of Family Division Case D16

2021:

Administrative Order 2021-01:	Administrative Matter of Transfer of Family Division Cases
Administrative Order 2021-02:	Administrative Matter of Appointment of Special Masters
Administrative Order 2021-03:	Administrative Matter of Case and Committee Assignments
Administrative Order 2021-04:	Administrative Matter of Out of Custody Criminal Sentencings
Administrative Order 2021-05:	Administrative Matter of Temporarily Closing In-Person Public Access
Administrative Order 2021-05(A):	Administrative Matter of Temporarily Closing In-Person Public Access
Administrative Order 2021-05(B):	Administrative Matter of Rescinding Temporarily Closure
Administrative Order 2021-05(C):	Administrative Matter of Modifying Face Covering Requirements
Administrative Order 2021-06(TF 8):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 9):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 10):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 11):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 12):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 13):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 14):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 15):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 16):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 17):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 18):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-06(TF 19):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07:	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(A):	Administrative Matter of 2JDC's Response to Coronavirus Disease

Administrative Order 2021-07(B)(TS 1):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 2):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 4):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 5):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 6):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 7):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 8):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 9):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 10):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 11):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-07(B)(TS 12):	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-08:	Administrative Matter of Case and Committee Assignments
Administrative Order 2021-09:	Administrative Matter of Appointment of Alicia Lerud as Interim Court Clerk
Administrative Order 2021-10:	Administrative Matter of Appointment of Director of Juvenile Services
Administrative Order 2021-11:	Administrative Matter of 2JDC's Response to Coronavirus Disease
Administrative Order 2021-12:	Administrative Matter of Initiating Termination of Parental Rights

Attachment 44 –
Poster

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- >> Respectable 50-mile route 2800' + vertical feet
- >> Leisurely 10-mile ride

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NEVADA



Attachment 45 –
Article from Nevada Lawyer

LAWYERS ARE

ARTICLE CONTRIBUTORS: PATTY CAFFERA

The practice of law is a demanding career. It is one that requires dedication, long hours, and, often, emotional involvement and no small amount of stress. But many successful attorneys find that making time to pursue outside interests is both rejuvenating and rewarding, providing them

BRIAN K. BERMAN



For six years now, business litigation attorney Brian K. Berman has left his office in Las Vegas early twice a week during the girls' and boys' soccer seasons to help enforce the rules in an area outside of law.

Berman is a referee for both high school soccer and a youth soccer program. He credits his involvement in refereeing with having three of his own children come up through the program. He says he got tired of sitting on the sidelines and signed up for the course. After two weekends of training, he was certified to referee.

Though he says it takes a while to get the hang of it, he's proven to be very good at the job. For four years, Berman has been selected to referee the Olympic Development Program's regional tournament, and this year he was

one of the few chosen to participate in the National Regional Tournament. Both programs are for the "elite" youth soccer players, and the latter involved traveling to Reno, Phoenix and San Diego to referee some of the biggest tournaments in the youth soccer program.

When heading out of the office at 2 p.m. in the afternoon to go referee games, Berman likes to joke that "the attorney thing wasn't working out, and I had to take a second job." The reality is that he gives up hundreds of dollars in billable hours every time he leaves the office for a game, and it isn't unusual for him to spend weekends and evenings making up that time. Nonetheless, he finds his job as a referee rewarding. "I get more out of running around on the field with the kids than I do after 25 years of being a lawyer, from sitting behind my desk," he explains. "When you've done a good job and the game was a good game and everybody is happy about it, that's a very rewarding thing."

CLARK PATRICK



Patrick and his wife make a stop at Four Corners as part of their 4,000-mile road trip.



Patrick and his Harley, heading into Alberta, Canada.

What started out as a tribute to a lost loved one has become a passionate pursuit for attorney Clark Patrick. Patrick's brother-in-law, Vince Rulli, passed away from lung cancer in February 2006. Rulli had been a life-long motorcycle biker; however, toward the end of his life, due to medical bills, he could no longer afford to make payments on his Harley-Davidson. To help him out, Patrick purchased the bike in 2005 and, instead of letting it sit in the garage, he began riding.

While he had ridden dirt bikes as a young boy, this was Patrick's first street bike. He soon joined a local chapter of the Harley Owners Group and now spends

PEOPLE, TOO

ELINDA CATREN AND RICHARD VILKIN

with a creative outlet, a social group outside of work and, sometimes, even a way to give back to the community. This month, we take a look at just a few of our members and the hobbies they love.

most weekends on organized outings with them. His wife happily accompanies him on these outings as a passenger, and as past summer, he and she headed out on their own, completing a 4,044-mile road trip through 10 U.S. states and parts of Canada – stopping to see a lot of sights and monuments along the way. Patrick says that traveling the back roads on a bike is the best way to see the country – and he and his wife took 700 photographs which, literally, illustrate that point!

Berman rides his bike to and from work at the Office of the Special Public Defender every day, and credits that with helping him wind down from what can be a very stressful work day. He says that just driving from downtown Las Vegas to home gets his mind focused on riding and off of court rulings and unhappy clients.

Berman's involvement with biking also allows him the opportunity to help those in need. The chapter he belongs to recently participated in a ride to benefit patients with pediatric brain tumors, and he frequently participates in events for the Susan G. Komen Breast Cancer Foundation. Every year the chapter adopts a school with a high population of underprivileged students and helps

provide those children with holiday gifts they might not get otherwise. Even having made these powerful memories, Berman says the most meaningful moment from his experiences with his Harley was seeing the look on his brother-in-law's face when he promised him his bike would stay in the family. Berman believes that the knowledge that they were keeping the bike allowed his wife's brother to pass away in peace – and he feels that Rulli is returning the favor by watching out for Berman and his wife whenever they ride.

JAY YOUNG



Young at the piano – many of his early memories involve his mother sitting at the piano while the family sang together.

Young with other members of Saints Unified Voices of Gospel Choir, created and directed by famed songstress Gladys Knight.



Jay Young is a Grammy-winning recording artist who has just released a solo album, but most days you will still find him performing in a courtroom in Las Vegas, where his focus is commercial litigation.

Young can trace his interest in music to his childhood: his early memories of family gatherings involve his mother seated at the piano while the extended family sang what he describes as “corny old songs.” He participated in a lot of musical theater during high school and college, but eventually reached a point where his education, with an eye toward law school, took precedence over his love of theater and music. But while he had to put music on a back burner for a while, he never gave up the interest entirely.

Six years ago, Young was singing with a quartet when an opportunity came that turned music into more than just a hobby for him. He learned that legendary vocalist Gladys Knight was putting together a gospel choir. He auditioned and earned a spot in that choir, and has been performing with Knight ever since. It was an auspicious collaboration from

CONTINUED ON PAGE 12 ►

ability to remember what it is like to learn something completely new for the first time. This is something she says helps her identify with her own students and understand what they are often going through in the classroom.

Cerebral considerations aside, Rapoport admits there aren't a lot of opportunities for legal professionals to don false eyelashes and rhinestone-covered dresses and she definitely enjoys the chance to add a little glamour to her life through dance. She's gone to the experts to get that glamour; the costumes Rapoport wears when she competes are designed by the same person who designs the costumes for the popular "Dancing with the Stars" program.

Balancing a career with a hobby this intense can be tricky. Fortunately Rapoport has the support of her students and her family. Occasionally dance competitions will conflict with her classes. In these cases she has had to ask her students to reschedule, something they have always been willing to do. In fact, they sometimes even turn out to watch her compete. While her husband, a former Marine, is not interested in dancing himself, he helps out by applying his military precision to gluing rhinestones onto her costumes – it is a job Rapoport says he excels at. Meanwhile, Rapoport has enjoyed the opportunity to relate to her late mother through the world of dance, and thinks especially fondly of the times her father and mother were able to watch her – the daughter with the two left feet – as she displays her skills in the arena of competitive dance.

REBECCA FULLER

Rebecca Fuller has been raising eyebrows with her hobby since she was a teenager. That's because, even in today's world, it's pretty unusual to see a woman tinkering around with the engines of classic cars. Her current long-term project is restoring a 1966 Mustang Coupe.

Fuller comes by this interest through her family. Her father has owned auto

repair shops all of her life. She says she started helping him out by sorting bolts and things when she was just four years old. The interest blossomed when she was a teen and started shopping around for a car of her own. She says she fell in love with the 60s-model Mustang and all of the possibilities that model carried. "They always [seemed] to me that they could do things that they probably shouldn't," she said. "You were able to modify things in a way that you can't always do with the newer cars now."

But older cars aren't free of problems; Fuller remembers having to push a car across a busy street when, on her way to class (dressed in platform heels and a mini-skirt), a freeze plug in the engine blew out, draining all of the fluid and causing the car to overheat.

Her love of the law came later in life. In fact, it wasn't until Fuller's last year as an undergraduate that she decided to go to law school. At the time, she was a psychology major, but says she has always had a passion for pursuing justice. She was discussing law school with some fellow graduates when she said the light bulb "just went on." That same week she



Rebecca Fuller spends much of her free time working on a long-term project – restoring a 1966 Mustang Coupe.

began putting in law school applications. She opened her own practice in Las Vegas a little more than two years ago.

Being a solo practitioner can make finding time for a hobby difficult,

especially when she wants to make time for her husband as well. When she is forced to spend Saturday at the office, she is reluctant to take Sunday away from her family. However, she says she has time most weekends to get out and get her hands dirty. She says it is worth taking the time. "It's really rewarding to take something that looks like nothing and turn it into something you can really be proud of," she explains.

SCOTT N. FREEMAN



Freeman in action on the ice.

Scott Freeman says ice hockey keeps him sane. In grade school, Freeman and his buddies strapped on skates rather than playing basketball like most kids did during the winter. At just five years old, Freeman began playing hockey at a local skating rink in New Jersey. Since then, hockey has been part of his life. He played in high school and college in Ithaca, New York.

Freeman majored in political science, minoring in economics, but he made time to play semi-pro hockey for the Ithaca Stars in the upstate New York/Canada league. When it became apparent early on that he would not be a professional ice hockey player, he chose the law as his profession.

Freeman has played recreational hockey at all of the rinks in the Reno area, including the Convention Center, Sparks Arena and High Camp at Squaw Valley, California. Currently, there are no ice arenas in Reno, so he plays for the Steamers at Lake Tahoe twice a week.

CONTINUED ON PAGE 14 ►

LAWYERS ARE PEOPLE, TOO

CONTINUED FROM PAGE 13

Freeman enjoys the exercise, competition and the variety of people he meets while playing the game. As a member of the Amateur Hockey Association, he recommends that anyone interested in hockey should focus on their skating skills. He says that skating skill contributes to two-thirds of the player's success in hockey.

In his professional life, Freeman's law practice emphasizes criminal defense, and Freeman was selected "Defender of the Year 2008" by the Nevada Attorneys for Criminal Justice. He believes that hockey helps balance his life and legal career.



Young participating in the Saint George Triathlon.

TARA YOUNG

Tara Young loves to run. A lifelong athlete, she previously competed in triathlons and long-distance bicycle rides. However, she gravitated towards running after her son was born and her time became even more limited. Unlike swimming and biking, running takes little equipment and less time to stay in shape. As she states, "It's simply a matter of putting on running shoes and getting out the front door." In addition, when her

son was younger, she could combine childcare with running by pushing him in a jogging stroller.

Since taking up the sport, she has completed one full marathon and a number of half-marathons. She prefers the half-marathon distance due to the fact that it requires less time to train for and complete. Running also provides an outlet for her other hobby, which is travel. She enjoys traveling to states she has not visited before in order to compete in races. Her most memorable trip this year was the Fargo Half-Marathon. The entire city turned out to watch the race and cheer.

A proverbial morning person, she usually works out at 5:30 a.m. On days she doesn't run, she swims, bikes or does yoga. As she explains, "After a good workout, I am refreshed and ready to take on the day."

She also combines her passion for running with community service. She currently coaches women who reside at the Las Vegas Rescue Mission to successfully walk or run a 5K race (3.2 miles). As she states, "The women in the program are in recovery from long-term addiction to drugs, alcohol or gambling. Walking or running provides them with an outlet for their addiction issues and completing a race provides them with a sense of accomplishment."

Young, an attorney with the law firm of Kummer Kaempfer Bonner Renshaw and Ferrario in Reno, encourages other attorneys to take up a sport they enjoy. As she states, "Exercise of any form is good for your general health and is especially helpful for attorneys as a way to deal with the stress associated with practicing law."

LINDA & TRACY STRICKLAND

Once they leave the courtroom, Nevada litigators Linda and Tracy Strickland like to get above the battle, literally. They enjoy getting into one of their three small planes and flying somewhere – most often to camp, hike

or ski in the mountains of the west. And they have passed on their passion for flying to their two sons, both now upperclassmen at the Naval Academy, and who have a continuing interest in flying for this country.

"We would often get into a plane with camping gear, the kids and the dog," says Linda, whose law firm is based in Boulder City. "And land somewhere on a grass or dirt runway in the mountains." To help with those dicey landings and takeoffs, the Stricklands purchased a plane developed by the Polish military to make quick trips on and off the battlefield to pick up wounded soldiers. The plane, a "Wilga," was designed to hold two stretchers and can land in a space that is only 300-400 feet long and take off from a runway only 150-200 feet long. A prior owner painted a Russian star on the plane's tail to commemorate its Russian engine and instruments.

During the summer, the Stricklands leave the Wilga in their hanger at the municipal airport in Driggs, Idaho, in the southeast corner of the state. From there it is a quick flight into the Teton Mountains. They have built a 1,200-square foot apartment at the top of the hanger, attaching the frame of the apartment to the hanger roof so that they can park their planes underneath.

Like all pilots, the Stricklands have had a few close calls during their many flights. Not too long ago, Linda took off from the Boulder City Airport on her way to a deposition in California. While flying through Henderson, she lost the ability to control the plane as it pitched upward, and she couldn't level it off. She radioed McCarran Airport and told the tower she needed to make an emergency landing in Jean, Nevada. She was able to finally get control of the plane and make a successful landing. With emergency trucks streaming in to help, she got on her cell phone and made a call to Tracy, a construction defect lawyer with Wolf, Rifkin, Shapiro, Schulman & Rabkin.

"I told him to get over to Jean A.S.A.P. with a car," she recalls. "I said he needed to take care of the plane because I needed to start driving to my deposition." **NL**



Linda and Tracy Strickland with their airplane.

Attachment 46 –
Letter from CPA Avery

RON AVERY, CPA
450 MARSH AVENUE
RENO, NEVADA 89509
T (775) 333-9922
F (775) 333-9923
ron@ronaverycpa.com

January 30, 2012

Mr. Scott N. Freeman
5566 California Avenue
Reno, Nevada 89509

Re: 2007 California Franchise Tax Board Lien

Dear Scott,

Per your request, I have prepared this letter of explanation regarding the above referenced lien to your personal account. I have reviewed my records in order to explain why this lien originally occurred and how it was ultimately resolved.

For tax year 2007, you did not originally file a California individual income tax return; however, due to the fact you had a license to practice law in California, the Franchise Tax Board prepared and filed a California return on your behalf using average industry figures. My office had responded to earlier Franchise Tax Board requests to resolve this matter in late 2009; however, those responses did not resolve the matter and the Franchise Tax Board issued a lien on April 23, 2010 for \$9,007. This \$9,007 tax liability was assessed by the Franchise Tax Board using average industry figures to apply net California taxable income for this tax year, subsequent to our insistence that no California gross income existed and a tax return was not required to be filed.

Subsequent conversations between the Franchise Tax Board and my office resulted in my preparation of a 2007 California individual income tax return showing no California source income, and no California tax due. This return was filed on or about August 12, 2010. The Franchise Tax Board incurred \$251 in investigation fees to conclude this matter, which we agreed to pay. The lien was subsequently released.

Please contact me if you have any questions or need additional information.

Sincerely,



M. Ronald Avery III, CPA

MRA/mra



Attachment 47 –
Press Release

COURTS

Sandoval names Freeman to Washoe court

Martha Bellisle
mbellisle@rgj.com

Gov. Brian Sandoval on Monday appointed well-known Reno lawyer Scott Freeman to the seat in Washoe District Court left empty with the death of Judge Robert Perry.

"I am proud to appoint Scott to the bench," Sandoval said in a statement. "Scott's extensive criminal and civil trial experience, as well as his community

service will serve him well in this next phase of his legal career. I am confident he will be a fine judge and will be an excellent addition to the Washoe County bench."

Freeman, 54, said was thrilled with the governor's decision.

"I was extremely humbled by the governor's confidence in me and my abilities," Freeman said. "At the same time, I have prepared my entire career for



Scott Freeman

member of the judiciary."

Last week, the Nevada Commission on Judicial Selection

this opportunity.

"I plan to use my vast experience and work very hard for the citizens of Washoe County and to contribute to the Second Judicial District Court as the newest member of the judiciary."

held a brief meeting with Freeman before sending his name to the governor for consideration. Freeman was the only person to apply to fill the seat left vacant when Perry died in December.

Freeman will serve on the bench through 2012, but will need to run in the November general election and win to retain the seat. Reno lawyer Cal Dunlap has also filed to run.

Freeman is in private practice at the law offices of Free-

man & Riggs, focusing on criminal law. He has handled numerous high-profile cases and also has served as a Pro Tem judge in Reno Municipal Court and a Pro Tem Family Court master in Washoe District Court.

This year, Freeman was honored as the Mountain States Super Lawyer, Criminal Defense. From 2007 to 2010, he was listed as one of the American Trial Lawyers Association Top 100 Trial Lawyers.

Attachment 48 –
2012 Election Newspaper

“We Proudly Stand with Judge Scott Freeman!”

David Carter
University of Nevada, Reno, Head Basketball Coach
“Judge Freeman is my friend and an outstanding judge in our community.”

Dr. Christi Matteoni
Chief of Staff, Renown Medical Center
“I think Scott Freeman is doing a great job. I give him my full support.”

Washoe County Sheriff Mike Haley
“Scott Freeman is an excellent judge. He is the clear choice.”

Robert Maddox, Attorney
“Being a good judge means setting aside one's own personal biases in order to do what is right. Being a good judge means being deeply committed to doing justice. Scott Freeman does all that.”

Russ Sheltra, Owner, Bonanza Casino
“Judge Freeman has the integrity to stand strong in challenging situations and the dignity to do what is right.”

Moya Lear Tsatsos, Junior High History Teacher
“Scott Freeman is my choice for judge.”

Ronda Clifton, Prosecuting Attorney
“I am voting for Scott because he has brought integrity, fairness and a strong work ethic to the bench.”

Danny Costella, AFL-CIO, Ironworkers Local 118
“Scott Freeman understands the unique issues that face working men and women in the trades. That is why I am proud to support him.”

Marilyn D. York, Attorney
“Scott brings a diverse perspective to the bench because of his background and his extensive trial experience. He's got my vote.”

Kimberly Thompson, Owner, Sushi Pier
“I admire Scott's dedication to our community and believe he is the best person for the job.”

Ruthie Smith, Community Volunteer
“Our family trusts Scott Freeman.”

Ellie Lopez-Bowlan
RN, APN, MSN, Family Nurse Practitioner
“I am proud to cast my vote to retain Judge Scott Freeman. He has done an excellent job, he is honest, and he demonstrates great integrity.”

Ron Smith, Sparks City Councilman
“I know Scott Freeman and I know he is the right choice for judge.”

Jan Leggett, Associated General Contractors
“The Nevada Chapter Associated General Contractors is impressed with Scott Freeman's personal integrity and commitment to a strong justice system in our community.”

Theresa Crowley, Elementary School Teacher
“Scott's integrity, experience and fairness make him the best choice.”

Reno Mayor Bob Cashell
“Judge Freeman's experience, expertise, energy and diverse law background make him the ideal candidate for Washoe County District Court.”

Margo Piscevich, Attorney
“While I know both candidates, in my opinion, Scott is the better person for the judgeship. He has great integrity and judicial temperament - he should be retained.”

Jim DeVold, President, Agile Investments
“I trust Scott. He shares our values.”

Andres Gonzalez
Publisher, La Voz Hispana de Nevada Newspaper
“I support Judge Scott Freeman for his professionalism, work ethic and justice with the Hispanic community in Washoe County.”

Mike Brown
Chief, North Lake Tahoe Fire Protection District
“Judge Freeman has earned my respect through his many years of dedication to our community. His integrity, judicial temperament and reliability allow him to serve as a pillar of our judicial system.”

Sparks Mayor Geno Martini
“Scott's passion for law, public service and community demonstrates his dedication to the citizens of Washoe County. He is an asset to the Washoe County District Court.”

Jim Bauserman, Owner, Bauserman Group
“Scott has my vote - I've known him for several years and he's always been a professional, fair-minded person.”

David O'Mara, Attorney
“Judge Freeman brings honor and fairness to the court. We can count on him to protect our families.”

Chalmer Dillard
General Manager, Hyatt Place Hotel
Reno Tahoe Airport
“This community needs a strong judiciary and I believe Judge Scott Freeman is the right candidate for the job.”

Ann Wilson Nelson, Attorney
“‘Hardworking,’ ‘intelligent,’ ‘dedicated’ - these are words that come to mind when I think of Scott Freeman. He'll continue to do an excellent job as a District Court Judge.”

J.P. Menante, Midtown Development Group
“Scott is passionate about his job on the bench and will get my vote for District Court Judge.”

Diaz Dixon, President/CEO, STEP2
“Judge Freeman is a down to earth man of integrity.”

Barbara Smith Campbell
Principal, Consensus
Former Chairman, Nevada Tax Commission
“Governor Sandoval's appointment of Scott to the bench was all it took for me to know he is the right person to serve as District Court Judge.”

Retain
Judge **scott**
freeman
District Court

www.freemanfordistrictjudge.com



Facebook: <https://www.facebook.com/ScottFreeman2012>
Twitter: <https://twitter.com/ScottFreeman2012>