

COMMISSION ON JUDICIAL SELECTION APPLICATION

**NEVADA SUPREME COURT
SEAT F**

By

Heidi Parry Stern



Personal Information

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| 1. | Full Name | Heidi Jill Parry Stern |
| 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. | Yes. Heidi Jill Parry, used until about 2003. The name change was due to marriage. |
| 3. | How long have you been a continuous resident of Nevada? | 20 years |
| 4. | City and County of residence | Las Vegas, Clark County |
| 5. | Age | 49 years |

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.

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| Current or Last Employer | Office of the Nevada Attorney General |
| Phone | (702) 486-3594 |
| Physical Address & Website | 555 E. Washington Avenue, Suite 3900 Las Vegas, NV 89101 ag.nv.gov |
| Date(s) of Employment | January 2019-present |
| Supervisor's Name and Title | Aaron D. Ford Attorney General |
| Your Title | Solicitor General |
| Describe Your Key Duties | <p>I oversee all appellate work in the office as well as all multistate and amicus work. Complex litigation is also housed in my division, and the chief of complex litigation reports to me.</p> <p>I have responsibility for direct oversight and management of 7 attorneys in the Office of the Solicitor General, all working on appeals and complex litigation, in addition to overseeing the appellate work of every attorney in the office.</p> <p>My day-to-day duties include drafting and revising appellate briefs, strategy and consulting with regard to litigation in trial and appellate courts, communication and cooperation with other state attorney general offices and solicitors general regarding multistate and amicus work, development and training of deputy attorneys, coordinating and consulting regarding office policies and procedures with other executive-level staff,</p> |

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| | monitoring and providing analysis of urgent and important legal issues and court decisions with impacts on Nevada to the Attorney General, and arguing cases in state and federal appellate courts. |
| Reason for Leaving | N/A |

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| Previous Employer | Office of the Nevada Attorney General |
| Phone | (702) 486-3594 |
| Address & Website | 555 E. Washington Avenue, Suite 3900 Las Vegas, NV 89101 ag.nv.gov |
| Date(s) of Employment | September 2016-December 2018 |
| Supervisor's Name and Title | Adam Laxalt Attorney General Nicholas Trutanich First Assistant Attorney General Jeff Segal Bureau Chief |
| Your Title | Chief Deputy Attorney General |
| Describe Your Key Duties | I served as Chief of the Post-Conviction Division, which handles habeas matters and criminal appeals. I had oversight and management responsibilities for approximately 12 attorneys in the division, as well as reporting responsibilities to the executive-level management of the office. My day-to-day duties included drafting and revising appellate and trial court briefs in habeas matters, developing and training new attorneys in the division, coordinating with the prosecutors in the office and handling their criminal and state habeas appeals, strategizing, preparing for and presenting argument in evidentiary hearings in federal court habeas matters, monitoring and analyzing legal issues relating to Constitutional, habeas, and criminal law with impacts on the office's work, and arguing cases in the Ninth Circuit Court of Appeals. |
| Reason for Leaving | Promotion and change of administration |

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| Previous Employer | Reisman Sorokac |
| Phone | (702) 727-6258 |
| Address & Website | 8965 S. Eastern Ave., #382 Las Vegas, NV 89123 |

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| | www.rsnvlaw.com |
| Date(s) of Employment | September 2012-August 2016 |
| Supervisor's Name and Title | None I oversaw appeals in the office and worked collaboratively with litigation partner Joshua H. Reisman, name partner, on trial court litigation. |
| Your Title | Member |
| Describe Your Key Duties | I represented private clients in state and federal court, primarily at the appellate level, but also in conjunction with other attorneys in the office at the trial court level. I advised clients and trial attorneys, consulted on trial and litigation strategy with other litigators in the office, and drafted and revised trial court briefing (particularly dispositive motions, trial-related briefs, and post-judgment briefing). I had oversight responsibilities for associates and paralegals working on trial and appellate court briefing. I presented argument in trial and appellate courts. |
| Reason for Leaving | Opportunity to do meaningful appellate work in public service for the State of Nevada |

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| Previous Employer | Akerman LLP |
| Phone | (702) 634-5000 |
| Address & Website | 1635 Village Center Cir., #200 Las Vegas, NV 89134 www.akerman.com |
| Date(s) of Employment | March 2010-August 2012 |
| Supervisor's Name and Title | None I oversaw appellate work for the Nevada office. The managing partner for the Nevada office was (and is) my husband, Ariel E. Stern. |
| Your Title | Of Counsel |
| Describe Your Key Duties | I handled the appellate work for the office and consulted on strategy regarding trial work in the rapidly expanding and fluid area of consumer finance law during the housing crisis and its aftermath. During part of my time at Akerman I also oversaw the work of associates assigned to appeals. My day-to-day duties included drafting and revising appellate briefs in state and federal courts, monitoring and analyzing important developments in consumer finance law nationally and in Nevada and recommending appropriate litigation responses to same, advising clients, and arguing cases in state and federal court. |

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| Reason for Leaving | I wanted to expand the type of legal work I was doing and be able to represent a broader array of clients. |
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| Previous Employer | Lewis Roca (formerly Beckley Singleton) |
| Phone | (702) 949-8200 |
| Address & Website | 3993 Howard Hughes Pkwy., #600 Las Vegas, NV 89169 www.lewisroca.com |
| Date(s) of Employment | September 2003-February 2010 |
| Supervisor's Name and Title | Daniel F. Polsenberg (appellate work, 2003-2010) J. Christopher Jorgensen and Eric Hone (litigation work, 2008-2010) Partners |
| Your Title | Of counsel (2007-2010); Associate (2003-2007) |
| Describe Your Key Duties | As a member of the office's Appellate Division, I worked on all aspects of appellate litigation, from the initial trial strategy and consulting with trial counsel, drafting of trial and post-judgment briefs and assistance with jury instructions, obtaining stays and securing judgments, briefing and arguing cases in appellate courts, advising clients throughout the process, and consulting and assisting trial and other attorneys post-remand when necessary. In my later years at the firm, I chose to expand my practice to include work on complex litigation matters, including assisting in large class actions matters, managing and taking discovery, and handling cases from the filing of a complaint through settlement and appeal. |
| Reason for Leaving | Opportunity to work on cutting-edge appellate litigation in the area of consumer finance law in the midst and in the wake of the housing crisis with the newly opened Nevada office of Akerman LLP, as well as the opportunity to work with Ariel Stern |

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| Previous Employer | United States Court of Appeals for the Ninth Circuit |
| Phone | (702) 464-5670 |
| Address & Website | 333 S. Las Vegas Blvd. Las Vegas, NV 89101 |
| Date(s) of Employment | September 2002-August 2003 |
| Supervisor's Name and Title | The Honorable Johnnie B. Rawlinson Ninth Circuit Judge |
| Your Title | Law Clerk |

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| Describe Your Key Duties | Researched, analyzed cases, and wrote bench memos regarding cases before the court. Drafted initial drafts of orders for Judge Rawlinson’s review. Attended oral arguments. Met regularly with the Judge and fellow clerks to discuss details of cases before the court. |
| Reason for Leaving | End of the one-year position |

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| Previous Employer | United States District Court, Northern District of New York |
| Phone | (518) 257-1830 |
| Address & Website | 445 Broadway Albany, NY 12207 |
| Date(s) of Employment | September 2001-August 2002 |
| Supervisor’s Name and Title | The Honorable Lawrence E. Kahn U.S. District Court Judge |
| Your Title | Law Clerk |
| Describe Your Key Duties | Researched, analyzed cases, and wrote bench memos regarding cases before the court. Drafted initial drafts of orders for Judge Kahn’s review. Attended court hearings and conferences. Met regularly with the Judge and my fellow clerk to discuss details of cases before the court. |
| Reason for Leaving | End of the one-year position |

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

Valley High School
2839 Burnham Ave.
Las Vegas, NV 89169
1988-1991
High school diploma
Graduated in the class of 1991

Brigham Young University
Provo, UT 84602
1991-1994
Bachelor of Arts, international relations
Graduated in December 1994

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

High School

Music. Throughout high school I was very involved in music, playing the cello in the school orchestra, all-state orchestra, and the Sunset Symphony, Las Vegas's youth orchestra at that time. With the Sunset Symphony, I traveled to New York City and performed with other youth orchestras from around the country at Carnegie Hall. I also participated in numerous piano performances and recitals, including accompanying many fellow student musicians at music festivals and competitions; performing a senior recital at a local music studio; and playing at my high school graduation. I also began playing the organ at my church as a volunteer during this period of my life, something that I still do today.

American Academy of Achievement. In 1991, I was selected by my high school to attend the Academy of Achievement's Golden Plate Awards in New York City. The program was designed to inspire young student leaders by having them meet with luminaries in a wide array of occupations from across the United States. During this program I was able to meet with and hear from such people as Reuben and Rose Mattus, founders of Haagen Dazs, Clyde Tombaugh, astronomer and discoverer of Pluto, Ralph Lauren, the fashion designer, and even Oprah Winfrey. It was an incredible, unforgettable experience and just as inspiring as intended.

Honor societies. During high school I was also very active in honor society and key club, including participation in many volunteer activities around Las Vegas. In addition, I graduated as one of the valedictorians of my high school class and spoke at the graduation ceremony.

College

Teaching assistant. In college I spent much of my time in the political science department, the highlight of which was as a teaching assistant for Professor Stanley Taylor. Professor Taylor taught the political science research and writing course, and in that course, well before the advent of the internet, he taught us to rigorously test our sources and hold ourselves to the highest of standards in writing and research. As teaching assistants, we were trained to teach these same high standards to the students and to hold them accountable for their work product. I emerged from this class and my teaching experience prepared to undertake serious research, to critically analyze information I encountered, and to critique and edit my own and others' writing. It is no exaggeration to say that I have used the information learned from attending and teaching this class every day of my life.

Study abroad. I was fortunate to attend college debt free through a combination of the BYU Trustees Scholarship, the Golden Nugget Scholarship (sponsored by the Wynn family), and the Nevada Lion's Club Student Speaker Scholarship. During my sophomore year I was able to use this scholarship money to participate in BYU's study abroad program in Vienna, Austria, including two months of travel on the Eurail train system throughout eastern and western Europe. That year, 1992, was a unique time to visit many countries in Europe, as the dissolution

of the USSR had just taken place, and the Berlin wall had fallen shortly prior. The differences between east and west were quite stark. Visits to East Germany, Poland, Slovakia, the Czech Republic, Hungary, and Slovenia impressed upon me the importance of functional government and the rule of law.

Senate internship. During the summer of my sophomore year, I worked as an intern in the office of Senator Harry Reid, which further impressed upon me how fundamental functional government and the rule of law are to the health and prosperity of a society. Senator Reid had a relatively small office at that time and took a personal interest in his interns. I remember the care he took in giving me research projects and assignments and discussing them with me. Through him and his staff I was exposed to a wide spectrum of issues and events relating to government and the rule of law, and had a first-row seat to observe the importance of personal relationships, reputation, and integrity that Senator Reid exemplified so well. Thrillingly, I was able to attend the confirmation hearing of Ruth Bader Ginsburg and take a morning jog with President Bill Clinton in a show of youth support for his budget bill that year.

Other activities and honors. I majored in international relations, with an emphasis on Germanic culture and language and a minor in economics. I was active in the Pi Sigma Alpha political science honor society, serving as its special events coordinator and co-directing a University Symposium on Race, Gender, and Religion during my senior year. I also served as an editor of BYU's Journal of International and Area Studies. I graduated *summa cum laude* and with a University Honors diploma.

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.

Harvard Law School
Cambridge, MA 01238
1996-1999

Juris Doctor

Graduated with the class of 1999

As far as I am aware, Harvard did not rank its students during my time there.

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.

I was employed full-time as a law clerk during the summers in law school.

In 1997, I worked for half of the summer (June-July) at the office of Dr. Markus Wanger Advokaturburo, in Vaduz, Liechtenstein. I conducted research into the similarities and differences between legal entities such as trusts in the United States and Liechtenstein legal systems. I also translated various legal documents and communications from German to English in order to assist the firm in communicating with English-speaking clients.

The second half of the summer of 1997 (July-August), I was employed full-time as an extern in the office of the Honorable Lloyd D. George. I observed and assisted with preparation for court hearings and proceedings, researched cases, and drafted memoranda and orders for review by the judge and his career law clerk Troy Healey. I considered Judge George and Troy invaluable friends and mentors during my early legal career in Las Vegas.

During the summer of 1998, I was employed full-time as a law clerk at Milbank Tweed in New York City. I rotated through the departments of litigation, project finance, trusts and estates, and banking, completing various projects and research under the supervision of the firm's attorneys. I spent one month of that summer in Milbank's Singapore office, reviewing credit and loan documents and drafting letters to foreign counsel outlining the potential legal issues and problems they presented.

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

The Harvard Legal Aid Bureau. One of my most meaningful activities during law school was my membership, for two years, as a practicing student attorney at the Harvard Legal Aid Bureau. As a member of the Bureau, I represented clients from around the Boston area in Social Security Disability Insurance claims and family law matters. Representing my clients pushed me well out of my comfort zone, teaching me to be assertive and quick on my feet, and also teaching me what it means to work tirelessly on behalf of a client. I will never forget being yelled at by opposing counsel and managing to maintain my cool; waiting nervously for my first case to be called in a packed family law courtroom; filing last-minute evidence with the SSA administrative law judge during Christmas vacation; and sitting with my practicing attorney supervisor at lunch after a big win discussing the context of that win in light of the many services still needed by our client in addition to the legal services we provided.

Research assistant. In my final year of law school I served as a research assistant to Professor Anne Marie Slaughter as she began research for her book on the rise of international law, *A New World Order*. I was also enrolled in her class on international law and completed my thesis with her as my advisor that year. While her knowledge of and perspectives on international law were deep and fascinating, it is her role as a working mother that I remember most distinctly now. She spoke openly of family obligations with us as we worked together, and shared with us her strategies, her struggles, and her solutions to parenting while simultaneously building a career as a legal academic. I admired her dedication to both her family and the law so much and still do.

Other activities. I served as Co-Chairperson of Harvard's Battered Women's Advocacy Project, spending many hours in local courtrooms assisting women seeking TROs for domestic violence problems. I was an articles editor for the *Harvard International Law Journal*, and I was active in the European Law Society, which facilitated discussion and interaction between JD students and LLM students from European countries.

Law Practice

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

2004

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

New York, 2000

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.

Choose an item.

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.

100% litigation, with 90% appellate and 10% trial level

16. Estimate percentage of time spent on:

| Legal Discipline | Percentage of Practice |
|---------------------------|------------------------|
| Domestic/family | 0 |
| Juvenile matters | 0 |
| Trial court civil | 10 |
| Appellate civil | 89 |
| Trial court criminal | 0 |
| Appellate criminal | 1 |
| Administrative litigation | 0 |
| Other: Please describe | |

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

My practice during the past five years has been as appellate counsel for the State of Nevada, first as a Chief Deputy Attorney General and for the past four years as Solicitor General. I have not been directly involved in cases set for trial other than in a consulting capacity as to appellate and post-judgment strategy while the trial was ongoing and in its post-judgment phases.

I include a list of representative appellate cases I have worked on in response to Question 48, below. Some of those, and others not included, involved appeals from jury and non-jury trials. I am happy to provide additional information on those cases if requested.

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

N/A, see response to Question 17, above.

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

Nevada Supreme Court

Nevada State District Court, Clark County, Washoe County, Carson City

United States District Court, District of Nevada

United States District Court, Southern District of New York

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the D.C. Circuit

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Fourth Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Sixth Circuit

United States Court of Appeals for the Tenth Circuit

Supreme Court of the United States

I have also appeared in other courts *pro hac vice*, including:

United States District Court, Eastern District of Washington

United States District Court, Northern District of California

United States District Court, Central District of California

United States District Court, District of Columbia

United States District Court, District of Massachusetts

United States District Court, District of Oregon

United States District Court, Northern District of Texas

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:

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| <p>Case 1</p> <p>Case name and date:</p> <p>Dept. of Bus. and Indus., FID v. TitleMax of Nev., Inc., 495 P.3d 506 (Nev. 2021) Dept. of Bus. and Indus., FID v. TitleMax of Nev., Inc., 449 P.3d 835 (Nev. 2019) (en banc)</p> |
| <p>Court and presiding judge and all counsel:</p> <p>Nevada Supreme Court TitleMax 2019: Justices Cadish, Gibbons, Hardesty, Parraguirre, Pickering, Silver, Stiglich TitleMax 2021: Justices Cadish, Herndon, Pickering</p> <p>Counsel for the FID: Aaron D. Ford, Heidi Parry Stern, David J. Pope, and Vivienne Rakowsky</p> <p>Counsel for TitleMax: Daniel F. Polsenberg, Joel D. Henriod, Malani D. Kotchka-Alanes, Patrick John Reilly</p> |
| <p>Importance of the case to you and the case’s impact on you:</p> <p>These two related cases represented an opportunity to do what the Attorney General’s office does best—use Nevada law to protect and support Nevada citizens. As I have noted elsewhere in this application, I am deeply committed to and interested in the rule of law and the stability of our community’s legal systems. Being able to represent the interests of Nevada citizens in our State’s highest court is an honor I do not take lightly. These cases remind me of the importance of our office and the work we do there.</p> |
| <p>Your role in the case:</p> <p>I oversaw briefing and argued the first case. I consulted with trial counsel throughout the second case and drafted much of the reply brief, as well as presenting oral argument.</p> |

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| <p>Case 2</p> <p>Case name and date:</p> <p>Mineral County v. Lyon County, 473 P.3d 418 (Nev. 2020) (en banc)</p> |
| <p>Court and presiding judge and all counsel:</p> <p>Nevada Supreme Court Justices Cadish, Gibbons, Hardesty, Parraguirre, Pickering, Silver, Stiglich</p> <p>Counsel for Mineral County and Walker Lake Working Group: Simeon M. Herskovits (El Prado, NM)</p> |

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| <p>Sean A. Rowe (Mineral County District Attorney)</p> <p>Counsel for the State of Nevada Department of Wildlife and Amicus the State Engineer: Aaron D. Ford Heidi Parry Stern Bryan L. Stockton Tori N. Sundheim</p> <p>Counsel for Lyon County: Roderick E. Walton (Best, Best & Krieger LLP) Jerry M. Snyder Stephen B. Rye (Lyon County District Attorney)</p> <p>Counsel for Schroeder Group: Laura A. Schroeder Therese A. Ure Stix</p> <p>Counsel for Walker River Irrigation District: Gordon H. DePaoli, Dale E. Ferguson, Domenico R. DePaoli (Woodbury & Wedge)</p> <p>Counsel for County of Mono, California: Jerry M. Snyder Stacey Simon, Jason Thomas Canger (Office of County Counsel)</p> |
| <p>Importance of the case to you and the case’s impact on you:</p> <p>This case exemplifies two things to me: (1) the crucial lawyerly skill of managing the interests, opinions and legal arguments of multiple parties and choosing which arguments among many to focus on during the few minutes of argument time; and (2) the necessary appellate skill of learning a new body of law with every case yet focusing with precision on those issues most likely to have an impact on appeal. The first skill is particularly important to attorneys representing the State in cases of statewide import like this one. I have seen this dynamic play out many times in the various multistate actions Nevada is involved in around the country, but this case was the first case of this type for which I was personally and solely responsible. I have been developing the second skill for practically my entire legal career, but this case stands out as one that presented a particularly challenging and important area of law and required deep cooperation between the Office of Solicitor General, the AG’s Division of Government and Natural Resources (GNR), and the office’s clients. I remain in awe of the attorneys who assisted me in preparing to argue this case. They were patient with me, deeply knowledgeable in this area of law, and absolutely dedicated to do right for Nevada.</p> |
| <p>Your role in the case:</p> <p>I argued this case in the Nevada Supreme Court after briefing by the GNR attorneys in our office. In order to do so, I spent weeks working closely with attorneys from the State</p> |

Engineer’s office, the Division of Wildlife, and GNR. This case required examining Nevada history and practice, as well as law and policy, in one of Nevadas’ most important areas of law—that governing water in the State. It also necessitated careful consideration of which arguments were most important for the State (as opposed to private parties) to make at oral argument. This case required close contact and extensive discussions with our clients, which I spearheaded as I prepared for the argument.

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| Case 3 |
| Case name and date: BAC Home Loans Servicing, LP v. Abdelgadir (In re Abdelgadir), 455 B.R. 896 (9 th Cir. BAP 2011) |
| Court and presiding judge and all counsel: 9 th Circuit Bankruptcy Appellate Panel Judges Eileen W. Hollowell, Meredith Jury, Stephen L. Johnson (N.D. Ca. Bankr. Ct.) Counsel for Salaheldim Abdelgadir and Afaf Wahbi: Samuel Schwartz Counsel for BAC Home Loans Servicing LP: Heidi Parry Stern (Akerman LLP) |
| Importance of the case to you and the case’s impact on you: While in some ways this case may seem to involve a dry legal subject of narrow interest, to me it represented an opportunity to participate in intricate and holistic statutory analysis of the type appellate courts are required to engage in regularly. Of course, one of the Nevada Supreme Court’s major roles is to interpret Nevada statutes and give the decisive word on the meaning of those statutes. This case required just that type of analysis, as well as the ability to clearly explain our reading of the statute to the members of the court. |
| Your role in the case: I briefed and argued the case. |

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| Case 4 |
| Case name and date: Domino’s Pizza, Inc. v. McDonald, 546 U.S. 470 (2006) |
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| <p>Court and presiding judge and all counsel:</p> <p>Supreme Court of the United States Justices Breyer, Ginsburg, Kennedy, Roberts, Scalia, Stevens, Souter, Thomas</p> <p>Counsel for Domino’s Pizza: On Petition for Certiorari—Daniel F. Polsenberg, Beau Sterling, Heidi Parry Stern (Beckley Singleton, Chtd.) On the merits—Elis D. Garcia, Joel Graziani (Domino’s Pizza); Maureen Mahoney, J. Scott Ballenger, Alexander Malthus (Latham & Watkins LLP)</p> <p>Counsel for John McDonald: Allen Lichtenstein (ACLU of Nevada) Eric Schnapper (University of Washington Law School) Pamela S. Karlan (Stanford Law School) David T. Goldberg Matthew Q. Callister (Callister & Reynolds) Thomas C. Goldstein, Amy Howe, Kevin K. Russell (Goldstein & Howe)</p> |
| <p>Importance of the case to you and the case’s impact on you:</p> <p>This case, occurring early in my career, provided me with the type of experience many attorneys dream of. I was primarily responsible for drafting a Petition for Writ of Certiorari to the United States Supreme Court after an adverse decision for our client in the Ninth Circuit. All of the nuts and bolts of that process fell to me as the most junior attorney, from arranging the printing of the petition, studying and knowing by heart the Supreme Court’s rules, and circulating and revising multiple drafts of the petition. When the unimaginable occurred—cert was granted—I was able to observe and learn from true experts in Supreme Court practice. And I was able to be present in the Supreme Court when the case was argued by Maureen Mahoney on behalf of our client. This experience has come in handy during my time as Solicitor General, where we engage in regular amicus and petition briefing in the Supreme Court.</p> |
| <p>Your role in the case:</p> <p>I wrote the initial drafts of the Petition for Writ of Certiorari and was responsible for incorporating revisions, producing a final draft, coordinating with the printer, and filing. I did not directly participate in the merits briefing.</p> |

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| <p>Case 5</p> |
| <p>Case name and date:</p> <p>Insurance Company of the West v. Gibson Tile, 134 P.3d 698 (Nev. 2006) (en banc)</p> |
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| <p>Court and presiding judge and all counsel:</p> <p>Nevada Supreme Court Justices Becker, Douglas, Gibbons, Hardesty, Maupin, Parraguirre, Rose</p> <p>Eighth Judicial District Court Judge Jessie Elizabeth Walsh Judge David Wall (on remand)</p> <p>Counsel for ICW: Daniel F. Polsenberg, Heidi Parry Stern (Beckley Singleton, Chtd.) David J. Mortensen, Christian Z. Smith (Alverson, Taylor, Mortensen, Nelson & Sanders)</p> <p>Counsel for Gibson Tile Co., Inc.: Mark A. Hutchison, Michael K. Wall (Hutchison & Steffen, Ltd.) Orin G. Grossman Robert D. Martin (McCrea, Martin, Allison, Ltd.)</p> |
| <p>Importance of the case to you and the case’s impact on you:</p> <p>This was one of the first big appeals I worked on in Nevada as a practicing attorney. I always think of this case as my introduction to the practice of appellate law in Nevada. To Dan Polsenberg’s credit, he entrusted me with producing the entire first draft of our opening brief, which required review and analysis of an extensive trial court record, including transcripts from the jury trial. He then taught me, through multiple successive drafts, how to winnow down the issues for appeal and how to structure the brief in a way that would catch and keep the court’s attention. I also had substantial client contact throughout, as the issue on appeal—liability of a surety—was extremely important to our client and its industry. This case remains the most cited of my cases according to Westlaw. In addition, this case prepared me for handling the aftermath of an appeal—the proceedings on remand. We were ultimately successful in obtaining an award of attorneys fees on behalf of our client, further cementing our good relationship with them.</p> |
| <p>Your role in the case:</p> <p>I worked as an associate attorney with Dan Polsenberg on all aspects of this case, from the time it arrived in the office until ultimate disposition of the case on remand to the district court. I researched, reviewed court records, drafted briefs and motions, consulted with the client, assisted Dan in argument preparation, attended court hearings, and was generally responsible for detailed knowledge of the case and the issues it presented.</p> |

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.

Choose an item.

No

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

I have participated as a pro bono attorney with the Ninth Circuit pro bono program and the Legal Aid Center of Southern Nevada. I have also represented clients pro bono independently of official aid organizations.

Some of my pro bono cases include:

Lopez v. Lopez, 132 Nev. 1001 (Nev. 2015) (unpublished disposition) (represented a mother in an appeal from a custody determination)

Does 1-4 v. U.S. Atty's Office, Case No. 09-17409, 2010 WL 5395103 (9th Cir. 2010) (represented individual appellants, in conjunction with the ACLU, in challenging subpoenas that sought identifying information of anonymous commenters on an online news article)

Schilling v. Crawford, Case No. 08-16494, 2009 WL 1735039 (9th Cir. 2009) (represented inmate in challenge to district court decision granting qualified immunity to prison officials from suit under RLUIPA)

Shimmin v. Tarango, Case No. 45886 (Nev. 2006) (represented respondent, preserving family court ruling on child custody)

Rodriguez v. Eighth Jud. Dist. Ct., 102 P.3d 41 (Nev. 2004) (represented real party in interest, preserving family court ruling on the issue of right to counsel in civil contempt proceedings)

U.S. v. Bollinger, Case Nos. 02-17453, 02-17276, 02-17422, 2004 WL 2668349 (9th Cir. 2004) (represented miners, longtime occupants of a parcel of BLM land, claiming the right to continue mining operations on the land)

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.

American Bar Association. Member since 2000.

ABA Amicus Committee. 2019-present. This committee meets weekly to review proposals for amicus briefs to be filed on behalf of the ABA, primarily in the U.S. Supreme Court. We review and revise amicus briefs, select and monitor outside counsel, and make recommendations to the ABA Board of Governors regarding ABA amicus support in Supreme Court cases.

Nevada Bar Association. Member since 2004.

Appellate Litigation Section. Member, 2012-present.

CLE Committee. Member, 2013-2018.

Nevada Lawyer Editorial Board. Member, 2007-2011.

Clark County Bar Association. Member since 2004.

Communique Editorial Board. Member, 2004-2005.

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

Yes, I am in compliance.

I have attended the following CLE programs during the last 5 years:

09/14/2022 2022 NAAG State Solicitors General & Appellate Chiefs Conference

06/16/2022 2022 CWAG/AGA Annual Meeting

11/18/2021 Substance Abuse in the Legal Community (WestLegalEd Center)

09/20/2021 2021 NAAG State Solicitors General & Appellate Chiefs Conference

07/15/2021 2021 07 NAGTRI Core Leadership Competencies (Senior) Mobile Training

04/27/2021 2021 04 NAAG US Supreme Court Update

04/20/2021 The Duty of Technological Competence (NSC Administrative Office)

11/19/2020 Ethics & Social Media (Updates) 2020 (Nevada AG Office)

10/28/2020 Substance Abuse Disorder in the Legal Field (Nevada AG Office)

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| 10/22/2020 | Legal Ethics-Model 1.1: Attorney Competency (WestLegalEd Center) |
| 12/30/2019 | 10 Tips to Understand & Ethically Capitalizing on the Evolving Legal (NV State Bar) |
| 10/17/2019 | Substance Abuse in the Legal Community (2019) (Nevada AG Office) |
| 09/25/2019 | 2019 09 NAGTRI Webinar: Fundamental Principles of Managerial Leaders |
| 07/11/2019 | 2019 07 NAAG State Solicitors General & Appellate Chiefs Conference |
| 03/11/2019 | Appellate Advocacy (Ninth Circuit) |
| 01/15/2019 | 2019 01 NAGTRI Webinar: Diagnosing Performance & Conduct Issues in t |
| 12/17/2018 | The Opioid Epidemic & the Addicted Attorney (NV State Bar) |
| 08/08/2018 | 39th Annual Conference (AGACL) |
| 12/27/2017 | Implicit Bias: An Interactive Conversation (2017 Family Law) (NV State Bar) |
| 12/27/2017 | Ethics in Jeopardy: Lawyer Gaffes and Mishaps (NV State Bar) |

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

I work for the State of Nevada

Business & Occupational Experience

26. Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession.

No

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

No

- 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

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

N/A

Civic Professional & Community Involvement

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

No

Have you been a candidate for such an office?

Choose an item.

No

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

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

I have served as a board member of two charitable organizations in recent years. Through that service I have been involved in planning for and attending fundraising events and volunteer projects in addition to supporting the organizations monetarily.

Global Charity Foundation. Board Member, 2018-present. GCF provides tutoring services to underserved students in the Las Vegas area.

Children's Free Clinic. Board Member, 2014-2017. CFC, through the office of Dr. Noah Kohn, provided free health care to children in the Las Vegas area without regard to availability of health insurance.

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

Presenter. Lewis & Roca CLE. Legal Writing for the Real Word. April 2009

Panelist. Nevada Bar CLE. How to Be a Successful Associate. January 2008

Co-chair and producer. ABA annual meeting. The Psychology of Error: Different Perspectives at Trial and on Appeal. August 2007

Co-chair and producer. ABA annual meeting. Silencing the Courts: Judicial Impartiality v. Free Speech. August 2006

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

In addition to the organizations indicated in response to Question 30, above, the following activities have been significant to me:

Paso a Paso. Supporter, 2019-present. In November 2019, as part of my current job at the Attorney General's office, I traveled as part of a delegation to Honduras and El Salvador, to study the causes of mass immigration from those areas to the United States and to meet with leaders in law and government fighting corruption and upholding the rule of law. Through this experience, I visited the charitable organization Paso a Paso, in San Pedro Sul, Honduras. This organization is staffed and largely run by mothers in one of the most dangerous and difficult areas of the city as a community center and a safe space for the children of the community. I have remained in touch with the organization ever since, and have assisted in purchasing school uniforms and playground equipment for the children, as well as providing financial assistance in the wake of the 2021 hurricane that devastated the area.

The Church of Jesus Christ of Latter-day Saints. I have spent countless hours in volunteer service through the church, of which I am a lifelong, active member. I have volunteered as an organist and a pianist for over 20 years, providing music for weekly services, funerals, youth and choir performances, and holiday programs. I taught Sunday lessons on scriptural texts and Christian principles of living to adults and, separately, to children for many years. I have chaperoned and assisted with youth and children's activities, as well as participated in volunteer service projects and donation collections for local community organizations each year. From 1995-1996, I served as a missionary for the church in southern Italy, where I learned the Italian language and spent six months volunteering weekly with the Sisters of Charity (established by Mother Teresa) in Palermo.

The LGBTQ Center of Southern Nevada and Encircle Provo. From 2016-2017, I sponsored, helped organize, and participated in community gatherings at the Center designed to provide an opportunity for communication and reconciliation between religious organizations, their leaders and members, and the LGBTQ community. In 2017, I supported the opening of Encircle's first LGBTQ center in Provo, Utah, and attended the first Loveloud concert that year as a guest of the organization.

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

The 5 C's Award, Nevada Attorney General's Office, 2020. Given by the Attorney General for work upholding the five core values of the office: Civil rights, Community engagement, Criminal justice and reform, Consumer protection, and Client services.

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.

Choose an item.

No

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

Nevada Appellate Practice Manual. 2018, 2021 editions. Chapter 9: Scope, Standards, and Process of Review.

Nevada Lawyer. 2009-2011. Several "Back Story" articles on topics of interest to bar members.

Communique. March 2008. "What Quality Appellate Counsel Can Do for You and Your Client".

Communique. April 2005. "Five Things Every Lawyer Should Know About Appeals".

Communique. October 2004. "Ready, Set, Vote: Nevada's Initiative and Referendum Process".

Communique. August 2004. "The Professionalism Problem: Are We Unprofessional or Just Impersonal".

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

Choose an item.

Yes

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

Choose an item.

Yes

37. List avocational interests and hobbies.

As indicated in a few places above, my primary hobby outside of work is music. Because of that interest, and the interest of my children in music, I have participated at various times in supporting, as a parent, the activities and fundraising events of the Las Vegas Youth Orchestra, the Bishop Gorman band program, and the Nevada School of the Arts. My husband and I were also early supporters of the building of the Smith Center and support the Las Vegas Philharmonic each year. As a native of Las Vegas (moving here in 1977 at the age of 4), I have been excited to experience and support the growth of music opportunities in the community, things which were not always available when I was growing up here.

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

Yes and 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.

Choose an item.

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.

Choose an item.

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.

Choose an item.

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.

Choose an item.

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.

Choose an item.

No

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

Choose an item.

N/A

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.

I would recuse myself from cases before the court in which a party is represented by my husband, Ariel Stern, and, as appropriate, in other cases involving Akerman LLP. I would also recuse in cases that I worked on at the Nevada Attorney General's office.

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.

N/A

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).

Attached

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.

One of the benefits of practicing appellate law is the opportunity to be part of the establishment of the rule of law—legal precedent that creates the framework within which lawyers and judges operate. To me, this is one of the highest callings of the law, to examine broadly how and why our legal system operates the way it does, to think critically about what the law should be and how far it should extend or how much it should be restricted. In particular, working on a case that results in a published, precedential decision is a privilege and a responsibility.

I include a few cases I have worked on below, in addition to those listed above, in order to give more perspective on my career. These are all cases that I had a substantial research or drafting role in, though some, particularly in my early years, were overseen and argued by other attorneys.

Virginia v. Ferreiro, pending in the D.C. Circuit (arguing, together with Illinois, that the ratification votes of Nevada, Illinois, and Virginia must be given effect and that the ERA should be accepted and published as the 28th Amendment to the Constitution)

DeOtte v. State, 20 F.4th 1055 (5th Cir. 2021) (overturning district court ruling that Nevada lacked standing to seek vacatur of an injunction restoring religious accommodation for ACA contraceptive mandate)

Turner v. Baker, 912 F.3d 1236 (9th Cir. 2019) (establishing a Ninth Circuit standard for determining what constitutes a “new” judgment in habeas matters)

Nevada Power Co. v. 3 Kids, LLC, 302 P.3d 1155 (Nev. 2013) (overturning the use of overbroad jury instruction regarding valuation of real property in condemnation action)

Einhorn v. BAC Home Loans Servicing LP, 290 P.3d 249 (Nev. 2012) (preserving district court ruling interpreting the statutes governing Nevada’s foreclosure mediation program)

BMW v. Roth, 252 P.3d 649 (Nev. 2011) (en banc) (reversing district court order granting new trial based on attorney misconduct)

Winchell v. Schiff, 193 P.3d 946 (Nev. 2008) (holding that lessee of cold storage unit could recover value of lost business in conversion action)

Council of Ins. Agents and Brokers v. Molasky-Arman, 522 F.3d 925 (9th Cir. 2008) (finding that counter-signature statute requiring counter signature of resident insurance agent was unconstitutional)

Clark County School Dist. v. Richardson Construction, Inc., 168 P.3d 87 (Nev. 2007) (reversing overbroad sanctions order against the school district and favorable appellate decision limiting potential damages on remand)

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.

I have attached 8 pages from the Reply Brief filed on August 26, 2020, in Dept. of Bus. and Indus., FID v. TitleMax of Nev., Inc., 495 P.3d 506 (Nev. 2021)