

HEDGER

Public Application

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT
DEPARTMENT 29

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

VII, XXIX, C or N

Candidates may only choose one department.

By

Douglas W. Hedger



Personal Information

1.	Full Name	Douglas Warren Hedger
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.	N/A
3.	How long have you been a continuous resident of Nevada?	56 years
4.	City and county of residence	Henderson, Clark
5.	Age	56

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	Clear Counsel Law Group
Phone	702-476-5900
Physical Address & Website	1671 W. Horizon Ridge Parkway, Suite 200 Henderson, NV 89012 Clearcounsel.com
Date(s) of Employment	October 2021-current
Supervisor's Name and Title	Jonathan Barlow, Esq. Managing Partner
Your Title	Partner
Describe Your Key Duties	Supervising and training associate attorneys in criminal division of the firm. Representing clients. Appointed Special Prosecutor—January 2022-September2022 Clark County District Attorney's Office
Reason for Leaving	

Previous Employer	City of Henderson Municipal Court
Phone	702-267-3354
Address & Website	243 South Water Street Henderson, NV 89015 Cityofhenderson.com
Date(s) of Employment	May 2003-October 4, 2021
Supervisor's Name and Title	self
Your Title	Judge
Describe Your Key Duties	<p>Presided over 1000's of criminal and traffic cases for Department 2 of the Henderson Municipal Court—motion hearings, arraignments, trials and sentencing hearings.</p> <p>Also served as Chief Judge for 2 separate terms/oversaw the creation of a third department and new courthouse wing construction.</p>
Reason for Leaving	Retired after three terms/over 18 years.

Previous Employer	Clark County Public Defender's Office
Phone	702-455-4685
Address & Website	309 South Third Street Las Vegas, NV 89101
Date(s) of Employment	October 1990-May 2003
Supervisor's Name and Title	Morgan Harris, Esq., Clark County Public Defender
Your Title	Deputy Public Defender 1990-2001, Chief Deputy Public Defender 2001-2003
Describe Your Key Duties	<p>Represented defendants accused of crimes in Clark County, handled misdemeanor trials, felony preliminary hearings and felony jury trials (25). Served on the Capital Murder Defense Team from 1998-2001, handling capital crimes. From 2001-2003, I supervised a team of eight (8) attorneys as a Chief Deputy Public Defender, in addition to handling a criminal caseload.</p>
Reason for Leaving	Elected to the Municipal Court bench

Previous Employer	
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Educational Background

- 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.

Chaparral High School, Las Vegas, NV—graduated 1984, high school diploma, graduated in top 6 of student body.

Brigham Young University, Provo, UT—graduated 1987, BA Political Science

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

Chaparral High School—member of swim team, member of varsity concert band (trumpet) and marching band (drum major), AP classes, student government—Executive Council member, President of the National Honor Society

Brigham Young University—Legislative Intern, Spring term 1986, Washington D.C.

- 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.

Arizona State University, Sandra Day O'Connor School of Law, Tempe, AZ—JD 1990, graduated top 1/3 of class

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.

Dial Corporation—Phoenix, AZ, 1988-1990, (full-time during Summer, part-time during school year), law clerk for the corporation's legal department. Handled research and drafting of memoranda on patent matters, mergers, civil lawsuits against the company, etc.

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

Dean's List, served as Student Member of Admissions Committee, selected as only 1L to serve on the National Moot Court Team, WICHE scholarship recipient—3 years

Law Practice

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

1990

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

N/A

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.

For the last 15 months, since retiring from the Municipal Court Bench, 80% of my practice has been directly involved in litigation, handling criminal cases in municipal courts, justice courts and district courts, as I have either directly represented criminal defendants, or actively supervised associate attorneys, as they have been representing criminal defendants. For the 5 years prior to my being elected to the Bench in Henderson, my practice was 80-100% litigation, both as a member of the Capital Defense Murder Team and later as a Chief Deputy Public Defender, supervising 8 other attorneys, as well as handling my own caseload. At the Public Defender's Office, approximately 5-10% of my practice involved appeals.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	
Juvenile matters	
Trial court civil	
Appellate civil	
Trial court criminal	80-100
Appellate criminal	<=10
Administrative litigation	
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? For the 5 years prior to my election to the Bench, for the cases actually set for trial, approximately 80% of my caseload was jury trial cases, approximately 20% involved misdemeanor non-jury trials. In the last 15 months, since off the bench, for cases actually set for trial, approximately 75% of my caseload is non-jury trials, with the other 25% being jury trial cases.

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. Prior to my serving as a Judge in Henderson, I conducted 25 jury trials, I sat first chair in 23 of those trials. Cases ranged from drug charges, to kidnapping, to murder, with the State seeking the death penalty. Non-jury cases are difficult to place a number on because so many were handled over the course of my 12 ½ years at the Public Defender’s Office, but I would estimate approximately 25-50 in the 5 years preceding my service on the Bench.

19. List courts and counties in any state where you have practiced in the past five years. For the 5 years prior to time on the Bench: Clark County—Las Vegas Justice Court, Eighth Judicial District Court, Henderson Justice Court, Laughlin Justice Court, North Las Vegas Justice Court, Goodsprings Justice Court. In the last 15 months: Clark County—Henderson Justice Court, Las Vegas Justice Court, Eighth Judicial District Court—Juvenile, as well as criminal court, Las Vegas Municipal Court.

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

Case 1
Case name and date: State v. Zane Floyd, July 2000
Court and presiding judge and all counsel: 8 th Jud. District, Judge Jeff Sobel, DA Stewart Bell and DDA Bill Koot, DPD Curtis Brown, DPD Douglas Hedger

<p>Importance of the case to you and the case's impact on you: The case was a significant and violent tragedy in our community, which brought on many strong emotions and feelings with members of the community, and within myself, as well. This required having to deal with strong emotions, while still navigating many different roles as an attorney, from counselor to the family of the defendant to learning to address press interviews, to developing a mitigation case and also sitting 2nd chair and becoming Rule 250 qualified.</p>
<p>Your role in the case: 2nd chair defense counsel</p>

<p>Case 2</p>
<p>Case name and date: In the Matter of J.R., a minor, 2022</p>
<p>Court and presiding judge and all counsel: 8th Judicial District Juvenile Division, Judge Soonhee "Sunny" Bailey, DDA Ravi Bawa, Douglas Hedger, Esq., Will Ewing, Esq., Rochelle Clove, Esq.</p>
<p>Importance of the case to you and the case's impact on you: This case was significant for me in that the charges included a homicide, with a juvenile as the defendant, as well as a juvenile victim. Due to my time on the bench, it had been many years since I had handled a homicide, or had been in juvenile court. This case gave me the ability to hone my skills and knowledge in both areas. Through our defense efforts, we were able to establish a strong argument to keep the case out of the adult system. The State, and Court, agreed and a favorable resolution was agreed to by all.</p>
<p>Your role in the case: Lead counsel</p>

<p>Case 3</p>
<p>Case name and date: State v. unknown, 1990</p>
<p>Court and presiding judge and all counsel: Las Vegas Justice Court, Judge James Bixler, DDA unknown, DPD Douglas Hedger</p>
<p>Importance of the case to you and the case's impact on you: This case was my first preliminary hearing, as a newly licensed attorney. While I had prepared diligently, it was still all such a new experience for a young lawyer. My supervising attorney, DPD Mike Miller, was sitting behind me, while I sat at the defense table with my client. As testimony proceeded, I could hear, over my shoulder, Mike whispering, "Object. Object." I had not heard anything that triggered a need to object, so I hesitated. Mike, again, said, "Object!" Finally, having no clue why I was objecting, I stood up and said, "Your Honor, objection." Judge Bixler, smiled and said, "sustained". I still have no idea what I was objecting to, but I learned so many valuable lessons during that first experience of being a lawyer.</p>

Your role in the case: Lead counsel
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Case 4
Case name and date: State v. Getz, 2000
Court and presiding judge and all counsel: Eighth Judicial District, Judge Jeff Sobel, DDA David Wall, DDA Pamela Weckerly, DPD Douglas Hedger, DPD Will Ewing
Importance of the case to you and the case's impact on you: This was a homicide case, at time when reconstruction experts were becoming accepted and more available as an option for attorneys because of the increased technology that was able to "bring a reconstruction to life". We utilized an expert witness to recreate the fight scene as alleged against our client. The case was significant for me, as an attorney, to understand the valuable role that expert witnesses could have in assisting attorneys in establishing a viable defense, as well as the limitations that come with an expert witness.
Your role in the case: Lead counsel

Case 5
Case name and date: State v. Steven Subaitis, 1992
Court and presiding judge and all counsel: Eighth Judicial District, Judge John McGroarty, DDA Alexandra Crysanthis, DPD Douglas Hedger
Importance of the case to you and the case's impact on you: This case was a kidnapping charge where the defendant was at the mall and picked up a young girl and started walking away with her. The defense established that the defendant had a severe alcohol problem, had been drinking heavily on the day in question and that he was scheduled to pick up his own young daughter at the mall for a custody exchange. Mall security cameras captured the defendant passed out drunk on a bench in the mall, waking up and picking up the girl, whom we argued he believed, due to his intoxicated state, was his own young daughter. The jury found the defendant not guilty. The significance of this case for me was seeing the effects of alcoholism on an individual and the extreme and terrible situations into which such addictions can lead a person. This was the beginning of my interest in drug and alcohol specialty courts, which eventually led to me creating a drug and alcohol court in Henderson after I was elected to the Bench—ABC Court (Assistance in Breaking the Cycle). During the course of my presiding over the ABC Court—2008-2021--the team helped many individuals change their lives and stop the revolving door of addiction and crime.
Your role in the case: Lead counsel

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

Yes

I served as Judge for Department 2 of the Henderson Municipal Court for over 18 years—2003-2021. During my time on the Bench, I also served as Chief Judge, on two separate terms, overseeing a massive addition to the courthouse, the creation of a third department and successfully creating an MOU with the City of Henderson, after the Sparks decision, to ensure the separation of powers between the Court and the City, but also to share various resources to save taxpayer money. I consistently ranked high scores on Judging the Judges and developed a strong reputation for professionalism and patience on the bench, fairness and firmness handling cases, clarity in rulings, and also compassion and understanding of those with addictions who warranted a second chance through the drug and alcohol specialty court I created.

22. Describe any pro bono or public interest work as an attorney. While not noted officially with the State Bar, there have been numerous occasions, over the years, that I have assisted others with legal matters, without charge. Additionally, as a private attorney, with Clear Counsel Law Group, I always offer a free consultation with potential clients. I have given much legal advice to individuals who, many times, have not retained the firm.

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.

State Bar of Nevada 1990-current, Bar # 3964

Clark County Bar Association 1990-current

Nevada Judges of Limited Jurisdiction 2003-2021 (served on Education Committee)

American Judges Association 2003-2021

American Bar Association 2003-2022 (served as ABA Judicial Outreach Liaison for Nevada 2021-2022)

Adjunct Associate Professor/Medical Jurisprudence—Touro University 2012-2020

NV Supreme Court Committee to Develop Statewide Data Collection for NV's Problem-solving Courts—member (reviewed candidates and selected case management system in use today for NV Specialty Courts—DCCM) 2012-2014

NV Supreme Court Specialty Court Funding Committee member 2014-2019

National Drug Court Institute (NADCP)—Instructor 2019-current

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

I am in compliance with CLE requirements.

Courses:

Legal Ethics-Navigating Conflicts of Interest – 12/22
 Nevada Specialty Court Conference – 10/22
 Investigating the Scene of the Alleged Crime – 8/22
 Nat'l Assoc. of Drug Court Professionals Annual Conference – 8/21, 7/19
 National Judicial College--Civil Mediation - 11/21
 Nevada Specialty Court Conference – 10/20
 Adult Drug Court Planning Initiative – 2/20
 Nevada Judges of Limited Jurisdiction
 Winter Seminar – 2020—multiple classes
 Winter Seminar – 2019—multiple classes
 Winter Seminar – 2018—multiple classes
 Winter Seminar – 2017—multiple classes
 Winter Seminar – 2016—multiple classes
 Pepperdine School of Law - Straus Institute for Dispute Resolution
 Mediating the Litigated Case – 2/18
 Functionality of the Addicted Brain – 11/18
 Nevada Judges' Association 41st Annual Convention/Seminar – 2017

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

Yes. Professional Liability Insurance

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. Part-time insurance agent 2000-2002

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:

- the nature of the business
- the nature of your duties
- the extent of your involvement in the administration or management of the business
- the terms of your service
- the percentage of your ownership

Currently serve as non-ownership partner at Clear Counsel Law Group

Supervise and train associate attorneys, manage criminal division of the law firm

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.

Served as Trustee of my mother's estate when she passed in 2002. Trust fully liquidated and dispersed upon her death.

Civic Professional & Community Involvement
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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.

Served from May 2003-October 2021 as Judge in Henderson Municipal Court, Department 2

Elected in 2003, re-elected in 2009 and again in 2015

30. State significant activities in which you have taken part, giving dates and offices or leadership positions. Served as Chief Judge, on two separate occasions—2004-2006, 2014-2016.

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

I served as an **adjunct associate professor**—Medical Jurisprudence—at Touro University from 2012-2020. I gave a lecture, annually, to first-year medical students on drug addictions, the brain and treatment for addictions, including specialty courts.

I have also been an **instructor for the National Drug Court Institute** since 2019, helping the NDI/NADCP train drug and alcohol court teams in best practices.

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

Military:

While I have not served in the military, I come from a military family. My uncle served in the Army Air Corps during WWII, as a pilot. He was shot down, during the Normandy invasion, and was able to avoid capture, with the help of local farmers, who smuggled he and his other pilot out of enemy territory. Normandy has a museum where he and the other pilot are honored. My father also served in the Air Force, during the Korean conflict and my oldest son is a Captain in the Air Force. As a pilot, he operates Remote Pilot Assisted (RPA) Aircraft, and is currently stationed at Shaw Air Force base.

Church:

Active member of the Church of Jesus Christ of Latter-day Saints

Bishop over unit consisting of 150 members – 2001-2005

Stake President (ecclesiastical leader) over 3000 members of the Church of Jesus Christ of Latter-day Saints – 2015-current

Community:

Served as volunteer coach for youth soccer, baseball and basketball 1995-2003

Served as advisor for the BSA, as well as merit badge counselor for many years

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

Selected to sing in the tenor section of a Grammy-award winning gospel choir (Saints Unified Voices), directed by Gladys Knight--2009-2019
Received honorable mention award for songwriting contest--2000

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.

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 an avid weightlifter/gym rat. I also love the outdoors. In the winter, I snow ski. In the Spring and Summer, I am out on the trails riding my road bike. I have competed in 2 triathlons and 1 century ride cycling event. I have been happily married for 37 years. My wife and I love to travel abroad. I also enjoy reading, singing (solos and choir/tenor), and spending time with family-2 boys and their families—3 grandchildren.

Conduct

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

Yes

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

No

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

No

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

No

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

No

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

No

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

No

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

I would recuse myself from any case that I worked on, or had knowledge of, during my time with Clear Counsel Law Group, but other than those limited situations, no.

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. I submitted an application for Federal Magistrate back in approximately 2015, but did not make the top 3.

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

I have been an attorney for 32 years. For 18 ½ of those years, I served as a criminal trial judge in Henderson, NV. In those 32 years, I have represented 100's of individuals and presided over 1000's of criminal cases. I have never had a Bar Complaint or Judicial Ethics complaint. I feel that is significant in supporting the fact that my reputation is solid. I am a patient individual, who is willing to listen before making judgment. I treat people with respect and I work hard. I grew up in a single-parent home, with my father passing away when I was only seven (7) years old. My mother never remarried. We never went without, but we never had a lot, either. Those life experiences taught me to work hard and to never take things for granted. As an attorney, and as a Judge, the public gets a hard-working, dedicated individual in Doug Hedger. I have served as a Special Prosecutor, as a Defense Attorney and as a Judge. I have also been trained in mediation and arbitration at both the National Judicial College and at Pepperdine's Strauss Institute for Dispute Resolution (which will allow me to play an effective role in the Court's Settlement Program). I have created and presided over a drug and alcohol court, and received significant training in this area, which gives me unique insights into alternative sentencing options for individuals. All of this professional, and life, experience makes me a well-rounded candidate who understands all sides of the equation and someone who can sit on the bench as a fair and impartial individual.

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 attachment B (in order to comply with the request for no more than 10 pages, I have attached only a portion of an Opposition to State's Certification Petition in a recent juvenile case I briefed and argued)

HEDGER

Attachment A

Personal Statement

Douglas Hedger, Candidate for Department 29

I am applying for the open seat, Department 29, of the Eighth Judicial District Court. I believe that my experience and knowledge, as an attorney, and as a former Judge, make me the best candidate for the position.

Being a 3rd-generation, native Nevadan, there was no question in my mind where I would return to practice law after graduating law school in 1990. I took and passed the Nevada Bar Exam in 1990 and began working at the Clark County Public Defender's Office. I quickly fell in love with the practice of law, and with being a trial lawyer. Being a Deputy Public Defender gave me immediate access to, and experience in, the courtroom. With almost daily court appearances, I quickly learned the art of courtroom etiquette and was able to apply my legal training to real-life courtroom situations. Over the course of time, I became very comfortable in the courtroom, from picking a jury, to presenting a case or arguing a motion. Over the course of my time at the Public Defender's Office (12 ½ years), I represented 100's of individuals on matters ranging from misdemeanors to capital murder. I conducted 25 jury trials and numberless non-jury trials, preliminary hearings and sentencing hearings over the course of my time there.

After serving on a track for approximately 8 years, I had established a reputation as an honest and diligent lawyer who knew the law and evidence rules, was comfortable in the courtroom and was able to quickly develop a rapport with clients. With this experience and background, I was selected to serve as a member of the Capital Murder Defense Team at the Public Defender's Office. For over 2 years, I represented individuals charged with different degrees of murder, including those facing the death penalty. I became Rule 250 qualified and conducted 4 murder jury trials, 3 as first chair. This experience provided many new learning experiences, including in-depth investigation of cases, selecting appropriate expert witnesses, understanding the art of jury selection, and voir dire, and so much more. Learning the intricacies involved with a murder case helped make me an even better attorney.

In 2001, I was promoted to Chief Deputy Public Defender which allowed me, again, to focus on track cases—carrying a full caseload, but also to supervise a team of 8 attorneys. This experience helped me hone my supervisory skills, and organizational skills, as I was expected to manage and assign out a new caseload every week to the team of attorneys. Our team was assigned to Judge Donald Mosley, who was a tough Judge to please; however, he only had compliments for my supervision of our team when I would have discussions with him.

In 2003, I had met my goals as a trial attorney and desired to serve on the bench. I ran for Department 2 of the Henderson Municipal Court and was elected. I was subsequently re-elected in 2009 and 2015. During my tenure on the bench, my reputation for honesty, integrity and legal knowledge followed me. I was consistently rated highly in the Judges' surveys. Over the course of the 18 ½ years serving on the bench in Henderson, I handled a large caseload, presiding over 1000's of cases, 100's of bench trials and 1 DB jury trial. As a judge in the second busiest municipal court of the State (after Las Vegas), I learned to appropriately manage caseloads, granting continuances as appropriate, but also moving cases along to allow for reasonable access to justice for all participants. I worked diligently to build a reputation for being decisive and timely in my decisions and in making sure that cases were handled expeditiously and with proper consideration. Additionally, my colleagues elected me, twice, to serve as Chief Judge. That role added administrative duties, along with maintaining a full caseload. As Chief, I oversaw the creation of a third department, the addition of a new wing on the courthouse and a massive expansion of support staff.

In 2008, I created a specialty court—Assistance in Breaking the Cycle (ABC)—to address my observations of repeat nonviolent offenders in the system and the connection between their criminal activity and drug and alcohol addictions. I observed the very first drug court in Nevada when I was a new, young attorney, as Judge Lehman brought the new concept to us from Miami. I saw great results then and I knew a specialty court would make a difference in Henderson. ABC Court became a huge success story, graduating many individuals over the 13 years I presided over it. Lives were changed, people who were constantly in jail started leading productive lives. ABC Court was nationally recognized, it became the model for similar courts in Boulder City, Mesquite and Provo, UT. We received substantial federal and state grants to support the program, which we managed wisely and appropriately. My experience with the ABC Court is a valuable quality to possess in the Nevada courts because of the numerous specialty courts that are now in operation in the 8th Judicial District.

Presiding over a specialty court also gave me opportunities to be trained by the NADCP, at their national conferences, as well as with State-wide training. I understand the key components of a specialty court and know how to implement them into a successful program. In fact, based on my knowledge and experience, the NDCI, in 2021,

selected me to serve as an instructor for them, assisting with training specialty court teams around the nation. That position is ongoing.

I was also selected to serve on Supreme Court committees addressing specialty court needs. I served on the NV Sup. Court Comm. to Develop Statewide Data Collection for NV's Problem-Solving Courts. We interviewed several companies and chose the system currently in use—DCCM. I also served 4 years on the Specialty Court Funding and Policy Committee, where I participated in the review of grant requests and the awarding of monies to specialty courts throughout the State of Nevada. I have a passion for specialty courts because I know they work. Certainly, some defendants don't qualify for diversion, but so many do, and when given the opportunity to change, and the necessary tools to do so, good things happen.

In October 2021, I retired from the Henderson Municipal Court and became a Partner at Clear Counsel Law Group, where I supervise, mentor and train other attorneys and manage the Criminal Defense division of the firm. Private practice has given me unique knowledge, as well, better understanding the many balls that private attorneys must juggle within their practices. In private practice, I was also appointed to serve as a Special Prosecutor for the Clark Co. District Attorney's Office from Jan. 2021-September 2021. Practicing as a Special Prosecutor has added to my ability to see all sides of a case.

There have been so many experiences, professional and personal, over the years, that have molded me into who I am today. I believe that one of the best things I can offer the committee is the fact that there is no guessing about me. I have a 32-year proven track record of hard work, integrity and legal knowledge and experience, as both an attorney and as a Judge. You can be assured that I can, and will, be a Judge who can start the job from day one, working hard and making a positive difference in the Eighth Judicial District Court.

Hedger

Attachment B

Sample of Original Writing

(In order to comply with the request for no more than 10 pages, I have attached only a portion of the brief written as "Subject Minor's Opposition to State's Certification Petition" in the Matter of J.R., a minor, argued October 3, 2022)

1 As such, any statement that the subject minor may have made after invoking his rights should be
2 excluded from consideration in this matter.

3 **2. Conspiracy and Robbery Charges**

4 J.R. is charged with conspiracy to commit robbery, robbery, battery resulting in substantial
5 bodily harm, battery with intent to commit robbery. Conspiracy is an agreement between two (2) or
6 more persons for an unlawful purpose. Myatt v. State, 101 Nev. 761, 763, 710 P.2d 720, 722
7 (1985). Even though a conspiracy conviction can be inferred from the parties' actions, the state
8 must nonetheless provide independent proof of an agreement among two (2) or more persons. Id.
9 The State has not provided any evidence of J.R.'s direct involvement in the robbery nor has the
10 State provided evidence to support a conspiracy charge.

11 **C. DISCRETIONARY CERTIFICATION**

12 Discretionary Certification is governed by Seven Minors, 99 Nev. 427, 664 P. 2d 947 and its
13 progeny. Subject minor challenges discretionary certification. Further, subject minor contends that
14 certification of the subject minor's Amended Petition as a whole does not comport with Nevada law.
15 As the State cited to in its Memorandum of Points and Authorities, NRS 62B.390 governs the
16 court's discretionary authority for certification of juvenile delinquency matters. However, NRS
17 62B.390(2) explains that certification of more than one (1) incident is limited to "related offense[s]
18 arising out of the same facts as the offense for which the child was certified". See, NRS 62B.390(2).
19 Acts are not based on the "same facts" when there is a break or interruption in completing the acts.
20 See, Wright v. State, 106 Nev. 647, 650 (1990) (separate acts even in a singular encounter when the
21 defendant waited to allow a car to pass between acts); see also, Crowley v. State, 120 Nev. 30, 34
22 (2004) (acts are separate when a defendant's actions are interrupted).

23 In its Amended Petition and Memorandum of Points and Authorities, the State seeks
24 certification of three (3) different alleged incidents where the subject minor is named as defendant.

25
26 indeed, it mandates - inquiry into all the circumstances surrounding the interrogation. This includes evaluation of the [Defendant's]
27 age, experience, education, background, and intelligence, and to whether he has the capacity to understand the warnings given him,
28 the nature of his Fifth Amendment rights, and the consequences of waiving those rights. Fare v. Michael C., 442 U.S. 707, 724 - 725
(1979).

1 The original alleged delinquent act (Alleged Incident 1) brought before this Court, involving
2 decedent W.H., occurred at 3906 Coleman Street in North Las Vegas on or about August 18, 2022,
3 and involved three (3) participants: the subject minor, the decedent W.H., and R.L. Subsequently,
4 the State connected the subject minor to a second alleged delinquent act (Alleged Incident 3) that
5 occurred on or about July 27, 2022, at Ace Hardware at 3665 S. Rainbow Boulevard in Las
6 Vegas involving the subject minor, G.R., S.H., and an unknown male. Most recently, the State
7 connected the subject minor to a third alleged delinquent act (Alleged Incident 2) that occurred
8 on or about August 13, 2022, at 3220 Sisley Garden Avenue in Henderson.

9 These three (3) alleged incidents, though, are not related offenses that arise out of the same
10 facts. The three (3) alleged incidents occurred on different occasions at different locations with
11 different victims and different alleged plans or outcomes. None of these acts followed a timeline
12 that showed relation between the alleged incidents. Alleged Incident 1 occurred five (5) days before
13 and in a different city than Alleged Incident 2, and Alleged Incident 2 occurred approximately two
14 (2) weeks before and in a different city than Alleged Incident 3. The three (3) incidents include
15 different alleged perpetrators and different alleged delinquent acts associated as well. There is no
16 connection between the three (3) alleged incidents beyond the subject minor as an alleged
17 perpetrator and the firearm involved in Alleged Incident 1 and Alleged Incident 2. The State has not
18 provided a basis for – nor has it argued on behalf of – deciding the three (3) alleged incidents
19 together in the court’s determination of whether to certify the subject minor for proper criminal
20 proceedings. Instead, the subject minor contends that there is no basis for deciding certification for
21 the Amended Petition as a whole. As such, the Court should analyze each incident individually
22 under the first certification factor: the seriousness of the alleged offense. The analysis for the
23 second and third factors are the same for each alleged incident.

24
25 **1. The seriousness of the alleged offense is not sufficient to justify**
26 **discretionary certification.**

27 In determining whether the juvenile should be transferred to the adult court, the first category
28 is the nature and seriousness of the charged offense or offenses. The transfer may be based on this

1 factor alone, however, “[o]nly the most heinous and egregious offenses would fall into this
2 category.” In re Seven Minors, 99 Nev. at 435. Therefore, the court must consider whether the facts
3 of the instant matter can be considered “heinous and egregious” to justify transfer on this factor
4 alone. Certification can be based solely on this factor, but only when the charges “clearly impel”
5 certification to adult court. In re Seven Minors, 99 Nev. at 435.

6 Despite the language in the certification statute, neither the Nevada Revised Statutes nor the
7 Nevada Supreme Court offer a clear definition of “heinous and egregious.” In Jeremiah B. v. State,
8 107 Nev. 924, 930 (1991) (overruled in part on other grounds), the Nevada Supreme Court defined
9 the word “heinous” as “hateful or malicious.” Id. at 930. However, the Court has failed to define
10 the term egregious.

11 Recently, the U.S. Supreme Court has considered several cases from the juvenile justice
12 realm beginning with Roper v. Simmons in 2005 and more recently Miller v. Alabama. Roper v.
13 Simmons, 543 U.S. 551, 570 (2005); Miller v. Alabama, 132 S.Ct. 2455 (2012). The common
14 thread running through all the Supreme Court cases is that children are different than adults and
15 should be considered and treated differently especially when considering their overall culpability.
16 Miller at 2469, quoting from Roper, 543 U.S. at 573. In Roper, the Supreme Court addressed the
17 relative severity of crimes committed by juveniles with those by adults, holding that “juveniles still
18 struggle to define their identity means it is less supportable to conclude that even a heinous crime
19 committed by a juvenile is evidence of irretrievably depraved character.” Roper v. Simmons, 543
20 U.S. 551, 570, 125 S.Ct. 1183 (2005). The Court identified three (3) general differences between
21 juveniles and adult offenders in making the determination that juvenile offenders cannot be
22 classified as being among the worst. Id. at 569. First, a “lack of maturity and an underdeveloped
23 sense of responsibility are found in youth . . . [which] . . . result in impetuous and ill-considered
24 decisions.” Id. Second, the Court held that juveniles “are more vulnerable or susceptible to negative
25 influences and outside pressures, including peer pressure.” Id. The third difference the Court
26 recognized is, “that the character of [a] juvenile is not as well formed as that of an adult,” noting,
27 “[t]he personality traits of juveniles are more transitory. . .”, and that from a moral standpoint “it
28

1 would be misguided to equate the failing of a minor with those of an adult, for a greater possibility
2 exists that minor’s character deficiencies will be reformed.” *Id.* at 570 (emphasis added).

3 In J.D.B v. North Carolina, the Supreme Court addressed this issue outside a death-penalty
4 context in a case involving a child subject to police interrogation, holding:

5 ‘[N]o matter how sophisticated,’ a juvenile subject of police
6 interrogation ‘**cannot be compared**’ to an adult subject. Describing
7 no one child in particular, these observations restate what ‘any parent
8 knows’—indeed, what any person knows – about children generally.

8 Our various statements to this effect are far from unique. The law
9 has historically reflected the same assumption that children
10 characteristically lack the capacity to exercise mature judgment and
11 possess only an **incomplete ability to understand the world
12 around them.** J.D.B v. North Carolina, 564 U.S. 261, 272-73
13 (2011), citing Roper, 543 U.S. at 569.⁴ (emphasis added).

11 It is clear that juvenile justice jurisprudence has accepted the notion that a child accused of
12 committing a serious crime is vastly different from an adult accused of committing the very same
13 crime. The Supreme Court has referenced both psychological and social sciences to support such a
14 stance in all of the above-mentioned cases. Juveniles are “less likely to consider [a] potential
15 punishment because of their immaturity. Graham, 130 S.Ct., at 2028. Additionally, a child’s
16 impulsivity and reckless behavior is due in large part to the environment they come from and unlike
17 an adult, a child has limited control over their home environment and “lack the ability to extricate
18 themselves from horrific, crime-producing settings.” Miller, 132 S.Ct., at 2464 (quoting Roper, 543
19 U.S., at 570). These cases are even more relevant in the instant matter than a typical certification
20 case as the courts were addressing cases in which juveniles were charged with murder. The theme
21 and rationale that the Supreme Court used to invalidate such harsh penalties for juvenile offenders is
22 relevant for this Court in its consideration of the nature and seriousness of the offenses as well as the
23 overall decision of whether the State has met its burden for certification.

24

25

27 _____
28 ⁴“[o]ur history is replete with laws and judicial recognition’ that children cannot be viewed simply as miniature adults.”
J.D.B., 564 U.S. citing Eddings, 455 U.S. at 115-116.

1 **a. Alleged Incident 1, which occurred on or about August 18, 2022.**

2 The State has charged the subject minor with four (4) counts related to Alleged Incident 1:
3 second degree murder, voluntary manslaughter, involuntary manslaughter, and discharging a firearm
4 within a structure. There is no dispute that murder and manslaughter are serious offenses. However,
5 the analysis must not stop there. In 2013, the Nevada Legislature amended the certification statute
6 to allow the juvenile court to retain jurisdiction for limited circumstances of when a child is accused
7 of murder or attempt murder. The Legislature's inclusion of jurisdiction for certain murder cases
8 tells this Court that, although murder is obviously a serious offense, it cannot automatically assess
9 the case as too serious to be handled in the juvenile system. Factual circumstances of one (1)
10 murder case versus another can show that in fact some murder offenses are substantially more
11 serious, heinous, or egregious.

12 Here, the facts are in dispute. What is not disputed is W.H. was shot on August 18, 2022.
13 Mr. W.H.'s death was arguably the result of an accident. If the incident was an accident, then there
14 could not have been any hate or malice that would make the incident heinous. Indeed, the State's
15 Amended Petition does not include a count for First Degree Murder. Presumably they understand
16 that there is no malice aforethought involved in this alleged incident. The Supreme Court has
17 explained exactly what types of delinquent acts should be certified over to the adult court system, and
18 the subject minor's charges associated with Alleged Incident 1 fall outside of those parameters for the
19 most serious and heinous offenses. No one is arguing that, if the subject minor had a firearm in his
20 possession, it was a good idea or well thought out plan. But the Supreme Court has repeatedly
21 confirmed that minors do not have the capability to make good decisions.

22 In sum, although murder offenses are certainly serious, certification of the counts associated
23 with Alleged Incident 1 is **not** warranted based on this factor, especially when considered in
24 conjunction with the arguably accidental nature of the incident.

25 **b. Alleged Incident 2, which occurred on or about August 12, 2022.**

26 The State has charged the subject minor with three (3) counts related to Alleged Incident 2:
27 burglary while in possession of a deadly weapon, grand larceny of a firearm, and possession of
28 stolen property. Again, there is no question of whether these are serious charges, but the serious

1 nature of the charge is only the starting point of whether the charges should be certified. Now this
2 Court must consider whether the alleged incident is so heinous and egregious that it clearly impels
3 adult certification. There is nothing in the alleged facts, though, that points to this incident being a
4 heinous or egregious incident. There is no hatefulness or malice alleged by the State for this
5 incident. The State has not alleged any violence against another person or that the subject minor
6 targeted this specific victim to gain possession of the victim's belongings. Instead, the alleged facts
7 point towards a poor decision made by a minor when faced with an unlocked vehicle containing
8 items of interest. Further, there is a good probability that the State would not have sought
9 certification of the counts associated with Alleged Incident 2 if not for the occurrence of Alleged
10 Incident 1. However, in lumping together all of the counts that the subject minor allegedly
11 committed, the State is pointing to the more devastating outcome of Alleged Incident 1 as a reason
12 to certify the subject minor on all the counts he is facing, for which there is no basis.

13 In sum, although burglary with a deadly weapon and grand larceny of a firearm are certainly
14 serious offenses, certification of the counts associated with Alleged Incident 2 is **not** warranted
15 based on this factor especially when considered separately from the counts in Alleged Incident 1.

16 **c. Alleged Incident 3, which occurred on or about July 27, 2022.**

17 The State has charged the subject minor with six (6) counts related to Alleged Incident 3:
18 two (2) counts of robbery, battery resulting in substantial bodily harm, two (2) counts of battery with
19 intent to commit robbery, and conspiracy to commit robbery. Once again, no one can contend that
20 robbery and battery resulting in substantial bodily are not serious offenses, but the court must
21 consider now whether these counts are so serious that they warrant certification of the subject minor.
22 Again, the State has not alleged facts that point to this incident being heinous. No one has argued
23 that the subject minor actively participated in the initial alleged robbery. The State has not pointed
24 to any alleged facts that claim the subject minor actually conspired to commit robbery with the other
25 individuals involved, who appear to all be older than the subject minor and include the subject
26 minor's older brother. The State has only argued, through its exhibits, that the subject minor was
27 allegedly present at a location shortly after it was robbed and allegedly participated in a battery. If
28 the subject minor was present at that location and is connected to the other individuals involved in

1 the robbery, there is a strong possibility that he was influenced or pressured by those other
2 individuals, which the United States Supreme Court confirms is a way that minors differ from
3 adults.

4 Further, there is a good probability that the State would not have sought certification of the
5 counts associated with Alleged Incident 3 if not for the occurrence of Alleged Incident 1. Again,
6 though, in lumping together all of the counts that the subject minor allegedly committed, the State is
7 pointing to the more devastating outcome of Alleged Incident 1 as a reason to certify the subject
8 minor on all the counts he is facing, for which there is no basis.

9 In sum, although the counts associated with Alleged Incident 3 are certainly serious offenses,
10 certification of the counts associated with Alleged Incident 3 is **not** warranted based on this factor
11 especially when considered separately from the counts in Alleged Incident 1.

12 2. Prior adjudications.

13 In determining whether the juvenile should be transferred to the adult court, the second
14 category is the persistence and seriousness of past offenses. In re Seven Minors, 99 Nev. at 435. A
15 persistent record of past serious offenses may alone justify transfer even if the present charge is less
16 serious. In re Seven Minors, 99 Nev. at 435. This factor requires the court to conduct a two-prong
17 analysis. The court must look at the subject minor's past offenses and the level of seriousness of the
18 past offenses. As the State confirms on page 2 of its Amended Certification Petition, the subject
19 minor has no prior adjudications that the court needs to consider. As such, there is no need to
20 analyze this factor. Instead, the fact that the subject minor does not have any prior adjudications
21 confirms that certification is **not** warranted based on the subject minor's lack of past delinquent
22 behavior.

23 3. Subjective Factors

24 The third category is the consideration of subjective factors. Subjective factors are
25 essentially personal factors and include factors such as **age, maturity, character, personality and**
26 **family relationships and controls**. In re Seven Minors, 99 Nev. at 435. Even in light of fairly
27 serious criminal activity, a decision not to transfer is appropriate when such individual
28 considerations as mental attitude, maturity level, emotional stability, family support and positive

1 psychological and social evaluation require a finding that the public interest and safety are best
2 served by retaining the youth in the juvenile system. In re Seven Minors, 99 Nev. at 435. The
3 subjective factors in this case support a conclusion that J.R. should remain in the juvenile
4 system.

5 **a. Psychological Assessment**

6 J.R. completed a psychological assessment on September 14, 2022, via telephone with
7 examiner Eric S. Smith, Ph.D. See, Exhibit A. The defense received a copy of the evaluation on
8 September 28, 2022. Dr. Smith noted in his evaluation that J.R. has poor judgment and
9 decision-making skills with his estimated intelligence falling below average. See, Exhibit A at 4.
10 Dr. Smith further notes that J.R. has only fair insight and poor impulse control. See, Exhibit A at 5.
11 The assessment opines that J.R. “chose” to be habitually truant last year, but as pointed out in Exhibit
12 B, J.R. missed school because he was his ailing grandmother’s caregiver. When asked what
13 three (3) wishes he had, J.R.’s response was: to be back with his family, for “None of this to have
14 happened’, and to be happy again. See, Exhibit A at 5. Dr. Smith diagnosed J.R. with a trauma and
15 stressor related disorder, adjustment disorder with depressed mood, cannabis use disorder –
16 moderate, and academic or educational problem. These factors point more to a young juvenile
17 with poor impulse control and subject to peer pressure than to an individual who is
18 antisocial and unable to be rehabilitated. The Supreme Court repeatedly noted that juvenile
19 defendants are treated different than adults because they lack maturity and are more susceptible to
20 negative influences and peer pressure. The juvenile system would better serve J.R. than the
21 adult system.

22 **b. Family Relationships and Childhood**

23 J.R. is a fourteen (14) year old male. He was born and raised in Las Vegas, Nevada. J.R.
24 is a soft-spoken boy with characteristics more consistent with that of a follower, as noted by his
25 former Bishop. See Exhibit B. He is the biological son of Y.A. and F.R. Ms. A. is a manager
26 at Smith’s. Mr. R. was a fisherman and would travel out of town for work. At the time of his
27 arrest, J.R. was residing in the home of his mother. J.R. was raised by his mother and father until
28 early 2021 when his father was hospitalized due to

1 covid infection. After a protracted illness and hospital stay, J.R.’s father returned to the family
2 home in early February 2022. However, Mr. F.R. passed away at home on February 14, 2022. J.R
3 was the person who found him after his passing. See, Exhibit C –Declaration of Y.A. This trauma,
4 and how it would affect a fourteen (14) year old, is a factor that the court should consider in its
5 analysis.

6 J.R. has a supportive, close-knit family surrounding him. J.R. has four (4) siblings: two (2)
7 adult sisters that reside outside of the family home, a seventeen (17) year old brother that is currently
8 in the custody of Juvenile Justice Services, and an eight (8) year old brother that resides with their
9 mother. J.R.’ s grandmother was also a stable influence in his life, guiding J.R. towards good choices
10 in life. She lived with J.R. and his family until her passing. During the pandemic, schools went
11 online, and with both parents working, this left J.R. being responsible for care of his grandmother
12 through her hospice treatment. See, Exhibit B.

13 Ms. Y.A. reported that J.R. was a well-behaved child for much of his life. She reported that he
14 was an active member of their church and that he had a stable support system around him while
15 growing up . Prior to the covid-19 pandemic, J.R. did well at school. Ms. Y.A. reported that J.R.’s
16 behavior started to change more recently, starting during the covid- 19 pandemic, where she noticed a
17 shift in J.R. She reported that this shift continued, and J.R.’s behavior worsened as he was struggling
18 with the loss of his grandmother and then, shortly after, finding his father deceased. J.R.’s older
19 brother had already started down a path of poor choices by that time, and J.R. followed along the same
20 path as his new male role model. See Exhibit C.

21 Since going into custody, J.R. has regularly attended school online. He enjoys the subjects of
22 computer science and biology. He reports that he is currently earning As and Bs in his classes. J.R. has
23 progressed from his original tier 1 status when he was first taken into custody. He is currently in tier 3,
24 showing that he is making positive changes and trying to make changes in his behavior.

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