

**INVESTITURE
OF
JUSTICE A. WILLIAM MAUPIN**

Monday, January 6, 1997

1:30 p.m.

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

**IN THE SUPREME COURT OF THE
STATE OF NEVADA**

CHIEF JUSTICE MIRIAM SHEARING

JUSTICE CHARLES E. SPRINGER

JUSTICE ROBERT E. ROSE

JUSTICE CLIFF YOUNG

BOB MILLER, Governor of Nevada

DON P. CHAIREZ, District Judge

LEE A. GATES, District Judge

LARRY R. HICKS, ESQ., Former President, State Bar of Nevada

**AUBREY GOLDBERG, ESQ., Former President, State Bar
of Nevada**

ALLISON JILL MAUPIN

MICHAEL DAVID MAUPIN

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INVESTITURE OF JUSTICE A. WILLIAM MAUPIN

BAILIFF:

All rise. The Supreme Court of the State of Nevada convenes in special session for administration of the official oath of office to the Honorable A. William Maupin, Chief Justice Miriam Shearing presiding.

CHIEF JUSTICE SHEARING:

Welcome to this joyous occasion when we welcome a new supreme court justice. I call on district court judge Don Chairez to deliver the invocation.

JUDGE DON CHAIREZ:

Let's bow our heads please. Father in Heaven we thank You for this glorious day and we thank You for this glorious moment. We thank You for choosing our brother, Bill Maupin, to serve in the capacity of justice of our supreme court. We ask You to bless him with a wealth of wisdom and to bless him with many years of good health so that the citizens of this great state will receive the fairness we know that he can fashion and the justice that only he can give. We ask for these blessings in Your Holy Name. Amen.

CHIEF JUSTICE SHEARING:

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

First, I'd like to acknowledge our guests here. We have, of course, my colleagues Justice Bob Rose on my left and Justice Charlie Springer and Cliff Young on my right, and we have as our very special guests the children of Judge Maupin, Allison Maupin and Michael Maupin. We also have a number of members of the judiciary here. We have United States District Court Judge Howard McKibben, United States Magistrate Judge Robert A. McQuaid, Jr., United States Bankruptcy Judge Gregg Zive, and from the state district court we have Judge Brent Adams, Second Judicial District, Judge Deborah Agosti, Second Judicial District, Judge Peter Breen, Second Judicial District, Judge Steve Elliott, Second Judicial District. We have Judge Lee Gates from the Eighth Judicial District, Judge Gene Porter from the Eighth Judicial District, Judge Sally Loehrer from the Eighth Judicial District, Judge Michael Fondi from the First Judicial District, Judge Connie Steinheimer from the Second Judicial District,

Judge Jay Dilworth from Reno Municipal Court, Judge Paul Hickman from the Reno Municipal Court, Judge Edward Johnson, Dayton Justice of the Peace and Judge Nancy Saitta from the Las Vegas Municipal Court. We also have, honored to have our elected officials Governor Bob Miller who we will hear from later, Attorney General Frankie Sue Del Papa, Lieutenant Governor Lonnie Hammargren, Secretary of State Dean Heller, State Treasurer Bob Seale, State Controller Darrel Daines and Reno District Attorney Dick Gammick. Our first speaker this afternoon is our Governor, Governor Bob Miller.

GOVERNOR BOB MILLER:

Madam Chief Justice, members of the supreme court, and member-soon-to-be, your honors and the three other people in the room that aren't judges who are certainly lawyers and here to bow down to the judges. It is a historic day. It is truly a pleasure for me to be in the, I think the first official proceeding of our new chief justice. She and I share the distinction of having been elected at the same time—our first elections—at the same time to the same job in Clark County. We were both elected to justice of the peace in 1975, as two candidates that were elected at that time. So, she obviously proved her intellect staying in the judiciary and I strayed somehow and got into these predicaments, but it is truly a pleasure to be here at this historic moment in Nevada history as we welcome a fine lawyer, judge to his new position on the supreme court. As a lawyer and as a judge, Bill Maupin has clearly distinguished himself throughout his career. As a former partner in Thorndal, Backus, Maupin and Armstrong, he was one of the leading advocates in the State of Nevada and recognized by all as such. His recognitions are numerous and diverse, and his dedication to the law has been unwavering. Many people are aware that throughout his career he has been a recipient of numerous special prestigious awards which I think reflect upon the fine job that he has already done and will continue to do. They include being recognized by the Nevada Conference of Police and Sheriffs with a judicial award and receiving the highest rating for retention as a district court judge in both 1994 and 1996 by the Las Vegas Review Journal, which is a survey done by, done of lawyers that have practiced in those courts. That speaks for itself. His commitment to numerous organizations and associations have enhanced his experience in connection with legal circles. As a former president of the Defense Trial Lawyers of Nevada and a member of the State Bar of Nevada Board of Governors, it's a great honor for me to welcome the intelligence and experience that Judge Maupin will bring to our supreme court. But before I end, I'm reminded of a story which seemed to exemplify the

achievements of Judge Maupin. It happened in 1968 at a dinner when then congressman Gerald Ford was told, was telling how he loved being in the House of Representatives. He thought about it and completed his remarks, but at the end he said “you know sometimes, however, late at night, on the way home, as I go past the White House at 1600 Pennsylvania Avenue, I seem to hear a little voice saying to me, ‘if you lived here, you’d be home by now.’” Congratulations, Judge Maupin, and welcome to your new home.

CHIEF JUSTICE SHEARING:

Our next speaker this afternoon is Judge Lee Gates, the district court judge in the Eighth Judicial District Court.

JUDGE LEE GATES:

Madam Chief Justice, Governor Bob Miller, who I happen to think is the greatest governor this state has ever seen, and it’s not just because he gave me my job, either, and all other honored guests. I am honored that my friend Bill Maupin asked me to speak at his investiture. Although I am surprised. There are a lot of other people who are more influential, who have known him longer, more powerful, and probably know him better, but he asked me. And this is especially true when you consider that I’ve been known to suffer from the foot-in-mouth disease. I’m sure he’s sitting there holding his breath. But nevertheless, there are some things I can say about Bill Maupin. Bill Maupin and I have been in three campaigns together. And I’m taking off my watch, Bill, to make sure it’s under five minutes, you know, as you instructed me. I’m a little nervous, so forgive me. I’m not used to speaking up here in Carson City. In fact, Franny Forsman even had me scared to come up here. For those of you who know her, you’ll know why. But, be that as it may, Bill and I have been in a lot of campaigns together starting in 1991. He was the chairman of my campaign committee and I was involved in his 1994 campaign and we ran together in ‘96. I’ve made these observations: Bill Maupin is very intelligent. He has told me this on numerous occasions. In fact, he told me that he graduated anywhere from number three to nine in his law school class, depending on how many glasses of wine he’s had. Bill Maupin is a compassionate person. He loves women, children, seniors, Blacks, Hispanics, males and even Russians. They all love him. Bill Maupin has a sense of humor. I have been the butt of hundreds of his jokes. I now wonder what he will do since he will be up here with new colleagues. I suppose they do have a sense of humor. He is an excellent, no, make that consummate politician, and I don’t mean that negatively. He is a great communicator. He

gets along great with people. He is well read and an expert in every field. I'm sure all of you who know him realize this and will back me up. He has never lost a case while he was a practicing lawyer, even with a million dollar verdict against him was a victory for the insurance company. Bill Maupin saved them at least ten million dollars. He is a perfectionist in everything that he does. His house must be immaculate. His car must not have a spot on it. His shoes must be shined. He is the best amateur golfer in the State of Nevada. He has a great judicial temperament and he is knowledgeable in the law. So what makes Bill Maupin qualified to serve on the Nevada Supreme Court? I submit to you it is not only his intelligence, his compassion, his political acumen or his knowledge of the law, or even his communication skills, but there is one constant that remains throughout Bill Maupin's life and this is commitment and devotion and love of the law. I firmly believe in my heart that he will make one of the greatest supreme court justices that the Nevada Supreme Court has ever seen. And why do I say this? Because I have never, ever seen a person more passionate about the law. When he gets up in the morning, when he's playing golf, when he goes to bed at night, he's talking or thinking about the law. That is why we call him the professor. You ask him a question about insurance law, and you have to feign sickness to extricate from the discussion. But, what makes a judge great? Is it his knowledge? His intelligence? It's that and more. It's his commitment. His willingness to work hard, to labor in the vineyards of the legal profession. Bill Maupin is willing to work 365 days a year on being a good judge, on perfecting his decisions and that's what we can expect from him. And I firmly believe that he will do the right thing, that he would do justice and that he will be the greatest asset the Nevada Supreme Court has bar none. I believe this in my heart and Godspeed, Godspeed Will.

CHIEF JUSTICE SHEARING:

Before I introduce our next speaker, I did omit one elected official, Clark County Sheriff Jerry Keller, who is here to honor Bill. I should also say that our state bar president would have been here if he hadn't broken his leg yesterday. So he sends his regards. Our next speaker is Larry Hicks, former President of the State Bar of Nevada.

LARRY HICKS:

Madam Chief Justice, members of the court, Governor Miller, respected members of the bar and guests here today, Allison, Michael and Bill. It is my pleasure to be here and I am honored that I've been asked by Bill Maupin to speak. My friendship and

acquaintance with Bill Maupin is not nearly as old as with many in the room for the reason that I really didn't even meet Bill until I became associated with the Nevada State Bar in the late mid 80s and the early 1990s. But what I saw in Bill has led to lasting respect and a friendship which I treasure greatly. It's easy to speak about Bill. As Governor Miller mentioned, one need only look at some of his accomplishments and positions and honors he has held and been bestowed. I think, in my assessment, perhaps one of the greatest of those, without going through the laundry list, are the honors he has achieved through the judicial polls conducted by the Las Vegas Review Journal and the Clark County Bar Association. One need only recognize that Bill was appointed to the court by Governor Miller only in 1993, in mid 1993 as a matter of fact. And in the first election year (1994) which followed, Bill Maupin received the highest rating among the Clark County Bar Association and through the Las Vegas Review Journal for retention in the Clark County District Court only one year to achieve a rating like that among fifteen judges. He had to run again because he was appointed before the end of a term and ran again two years later, which was this year, 1996, in this case for the supreme court, but the same poll was conducted again in Clark County this past summer and the poll results resulted in Bill Maupin being recognized as the most effective judge and the highest rated for retention in the entire Clark County system. If one considers some of the criteria which are considered for those types of ratings and how it is such an objective poll, it's truly incredible that a man who has been on the bench for only three years can accomplish those kinds of recognitions from his peers. It's truly outstanding and I don't think I need to say anything more about Bill's past. I would say that in regard to the state bar association I came to know Bill through his early activities in connection with ADR (alternate dispute resolution). He initially was named on the committee which put together the proposed rules for alternate dispute resolution. These were submitted to the supreme court, there was a period of time for comment and input from members of the public, the bar, and the court, revisions were submitted and during the same period of time, Bill was named as a special committee member to that committee by the supreme court. Then he was named as a special advocate on behalf of the state bar when the final proposed rules were submitted to the supreme court and as a result of Bill's efforts on behalf of not just lawyers, but the entire judicial system in the State of Nevada and the public of the State of Nevada, we adopted, or saw the adoption, of very sweeping alternate dispute resolution rules in the State of Nevada, which are implemented today and which in my mind in practicing law myself for many years in Nevada, I

have seen nothing which has been so revolutionary in our state in terms of allowing the little man with a major legal problem to bring his court, his case to a resolution in our judiciary system. I believe that Bill Maupin has become and is in fact the most knowledgeable person in the State of Nevada on ADR. I also believe that he has contributed more than any single individual in bringing about the establishment of ADR and the improvement of it which still continues today. As we speak, Bill is the chairman of the ADR committee for the State of Nevada. Much of that was accomplished while I was associated with Bill on the board of governors for the state bar. And it was other qualities of Bill's which leapt out at us on the state bar. As you can imagine with fifteen members on the board of governors, we represented every part of the state, we had usually divergent points of view which covered everything from liberal to conservative to outright hostile at times, but I can tell you that Bill was a genuine consensus maker, the kind of person who always was on top of the issue. He would be one of the quickest persons in the room to identify the main issue which was before us as a body and to keep the body's focus upon that issue. He also had the unique talent and the ability that while doing so, he offended no one, no matter how strongly he may have disagreed with a view, he had the trait of presenting it in such a way and articulating it in such a manner that he offended no one. He was an incredible consensus builder upon the state bar's board of governors and I believe that our state bar has achieved additional respect throughout the bar and the State of Nevada, again, largely because of the very silent and behind the scenes efforts of someone like Bill Maupin. The fact is that Bill is also a very humble man as I think all of you who know him well know. One of the members of the board of governors who was close to many of us and I know many of the people in the room here today knew him and respected him was Mike Evans. Mike Evans was a Fallon attorney and he was just one of those people who we all cared about a great deal. We had tremendous respect for him as a professional. When he stepped into a room, you knew he was there. When he spoke, everyone listened and he was a good person. He was fun to be around. He always had something to offer. Unfortunately, Mike Evans died at the age of fifty-six of an unexpected heart attack in the fall of 1992. It was crushing on all of us on the board of governors, of which he was a member at the time, and particularly crushing on Bill who had also established a friendship and acquaintance with Mike Evans that was treasured. Approximately 1994 we created, or perhaps it was the year before ('93), we created the Mike Evans Award which was created for recognition of most outstanding service to the bar for the year. With the input from Mike Evans' widow, the

decision was made to give the Mike Evans Award to Bill Maupin. In accepting the Mike Evans Award, Bill lost control of himself. As a matter of fact, I don't think anyone could tell what he was saying, but everyone knew what he was intending to say and he was just that kind of person. He has shown that same humility numerous times in my presence. I was privileged to attend his swearing in in the Clark County District Court and watched the same kind of emotion every time he referred or spoke of his children, watched the same kind of emotion every time he referred or spoke of the Foley family, to which he was very close. When Judge Foley placed the robes on Bill it was a very quiet, a very special occasion for everyone, and Bill was very humble. We have also seen in Bill Maupin just truly the consummate politician. He's a politician without being a politician. I think in his race, which was generally not a heavily contested race by anyone's view, Bill Maupin was out stumping throughout the State of Nevada. I mean he was in the "cows," he was in the north, he was in the south, he was in the Carson parade, he was in the Winnemucca parade, the Labor Day parades. He was there and he was working. His election results reflect his success but I'm here to tell you, too, that he is not a truly consummate politician. He hasn't learned all the rules. During the course of the election he was passing through Reno and my wife Maryanne and I said, well gee, we should have Bill over for dinner. He's out on this arduous campaign trail. It would be nice to have him come in for a meal. So, Maryanne took great pride in preparing a special dish of hers, chicken cacciatore. In the meantime, I'd invited Bill over for dinner and he was pleased to accept. Maryanne had spent the afternoon preparing this particular dish and we invited Bill into the dining room to be seated and as we stepped through the dining room and before he had seen the meal, he exclaimed as to how happy he was to be off the banquet circuit not having to look at another banquet meal, being able to enjoy a home cooked meal and so thankful that he would never have to eat another chicken dinner. He literally muttered and mumbled throughout the dinner but he showed that he learns from experiences, because as he left, he told Maryanne it was the best chicken he'd ever eaten. But the bottom line is that it's a privilege to see this man ascend to the Nevada Supreme Court. It truly is special to a lawyer who has practiced law in this state for all of my professional career to see someone who is a practicing trial attorney ascend to the bench and not just the fact that he has been a practicing trial lawyer and has spent the stint on the bench in Clark County, but because of everything that Bill Maupin offers—his incisiveness, his ability to identify the issue, his consensus building, his ability to articulate the issue, the ability

to work with anyone who's before him, and the respect he shows for the very court itself. None of it done because he's a politician or seeking a greater political office or has a political aspiration. All of it done because he's the man that he is, and because the court means so much to him. It is my pleasure to have known him, it's been my pleasure to see him be and have become a lawyers' lawyer and I have no doubt in my mind that perhaps he's there already but certainly in a very short period of time he will be recognized uniformly, in my opinion, as a judges' judge. He's a true professional and it's my honor to be here and to congratulate and welcome Bill to the court.

CHIEF JUSTICE SHEARING:

Our next speaker is Aubrey Goldberg, former President of the State Bar of Nevada.

AUBREY GOLDBERG:

Madam Chief Justice, Associate Justices, members of the judiciary, Governor Miller, ladies and gentlemen. I certainly appreciate the opportunity to be here and to be a part of this extremely pleasant occasion. With the judicial career of Judge Bill Maupin, soon to be Justice Bill Maupin, I'm reminded of my Air Force days when outstanding people were sometimes referred to as "fast burners." These were people who were recognized as exceptional and their careers were clearly advancing rapidly. And as Larry indicated time passes so quickly, to me it seems much longer, but it actually was less than four years ago that Judge Maupin, that Bill, was appointed to the district court bench, and within that short period of time of just a few years he has clearly distinguished himself as an outstanding trial judge. Bill was, no question, well prepared for his appointment to the district court. And there is no question that he is well prepared to sit on this high court. I'd like to take just a few moments to speak a little bit about some of the highlights of Bill's career and I'll try not to be redundant to those that have been spoken by the prior speakers. Bill began his legal career with the Nevada Attorney General's Office in 1971. He then went to the public defender's office as a deputy public defender where he gained vast experience in the field of criminal law and at that time he established himself as one of the outstanding trial lawyers in this state. Judge Maupin entered private practice in 1975 and his civil practice involved general civil litigation with emphasis on insurance coverage, personal injury defense, and professional negligence litigation. I'm personally aware that he was involved in many complex civil litigation cases during the years and he was respected as one of the prime, premier trial attorneys in the State of Nevada. He also

worked many years as has been alluded to with the state bar and with the county bar. In 1986 he co-authored a chapter on civil discovery for the Nevada Civil Practice Manual. He's the author of articles for legal publications. He authored an article in 1991 for the Nevada Trial Lawyers Association entitled "Uninsured Motorist Subrogation Rights" and he's the co-author of a chapter on alternate dispute resolution, also in the Nevada Civil Practice Manual. Relative to bar and community activities, Bill has been a member of the Nevada Medical Legal Screening Panel for many years. He served as a director of the Legal Services Board. In 1991, as Larry spoke of, Bill was elected to the State Bar of Nevada Board of Governors, which reflected the esteem in which he was held by members of—by fellow attorneys in Clark County. In that position, in a very short period of time, he presented himself as one of the outstanding members of that board. On the board of governors, again as has been alluded to, he was especially concerned with the area of alternate dispute resolution and continuing legal education. Bill is a seasoned litigator with extensive trial experience and he has a broad background in all areas of legal work. Again, as has been spoken by prior speakers, Bill is a person who is absolutely devoted to the practice of law. He is devoted to maintaining the highest standards of professionalism in the legal profession. As a practicing attorney, I feel that all any practicing attorney wants and probably what he should be able to expect, is a supreme court justice to read and review and consider the cases that come before this court, to listen to our arguments before the court, and then to render decisions having been fully advised and having carefully considered the evidence, the law, and the arguments of the parties and I know that Bill Maupin will do just that. On reflecting on my comments for the day, my thoughts went naturally to the law and then, where it began for me, as it does for most lawyers, that is in law school, and I, as well as I believed other law students initially believe that in law school we would learn the answers of what is the law in all areas. We discovered that many times the answers are not always clear because there are conflicts of authorities on questions and trial lawyers would argue what the better reasoned authorities were depending on their point of view in any given situation. And, ultimately the conflict, if appealed, would reach a state's highest court such as this court. And here is where I now know we really learn what the law is. We learn it from the decisions that come from this court. It is for Bill Maupin a great honor to have been selected by the people of this state to sit on this high court. I know that in years to come, the people of this state, though, will appreciate even more how wise a choice they made in November of 1996. The truth is that Bill Maupin has been successful in

whatever he has done his entire life. And at this point in his life he has a professional background, he has the experience, as well as the maturity, the temperament, and the vitality, to be a truly outstanding jurist with this court and for the State of Nevada and there is no doubt that he will be. Congratulations, Bill.

CHIEF JUSTICE SHEARING:

Now it's time for the swearing in. Will Lucy Foley and May Mushkin come forward to hold the Bible while Bill is sworn in. (Chief Justice Shearing administered oath of office to Justice Designate Maupin. Allison and Michael Maupin assisted with the robing.) And now we present Justice A. William Maupin.

JUSTICE MAUPIN:

Chief Justice Shearing, members of the Nevada Supreme Court, and now I can say fellow members of the supreme court, Governor Miller, distinguished guests, my children, and all of you that have come here today to help me celebrate this wonderful occasion. As those of you who know me can affirm, every professional hope and dream I ever had is tied up in this one moment. I most certainly appreciate the confidence that the people of this state have reposed in me to serve as justice of the Nevada Supreme Court. I hope I'm up to the task.

I pledge to each and every one of you here today that I will do everything I can to make you all proud of my tenure on this court. I would like to thank the members of my staff at the Eighth Judicial District Court in Department Seven: Cathy Nelson, my judicial secretary; Lisa Fagone, the bailiff, best bailiff in the Clark County courthouse; Lori Brown, one of our court clerks and my secretary during the last several months of office; Patsy Smith, our court reporter; Madeline Diekmann, my law clerk, who is continuing on with Judge Gibbons; and Tina Hurd, who is here also today, who is one of the court clerks in the courtroom. I would also like to thank Linda Raible, the judicial secretary who has agreed to stay on; and Lou Torch and Kelli Petersen, who have agreed to stay on as court clerks here at the supreme court. I'm going to now say how much I have appreciated our camaraderie and our friendship and how much I look forward to the camaraderie and friendship with the new staff.

Ladies and gentlemen, right now, this very moment, is the very best time in our history to be a Nevadan. It's also the very best time in our history to be a lawyer, the very best time in our history to be a member of the judiciary. This state has grown faster than any state in the nation. It has problems unique to it that are profound and difficult. Our judicial system, as well as the other branches of our government, have limited resources with

which to meet the problems of our growth. Our court system has over time attempted to deal with this growth with traditional methods of dispute resolution. In recent years this court has provided the support to the bar through rule making efforts which has resulted in one of the best urban case management systems in the United States. I can affirm this because of my interaction with judges from around the country when I was at the judicial college. Also, the enactment of new alternate dispute resolution programs with the cooperation of a willing and interested Nevada Supreme Court.

I look forward to working with each and every one of the present justices here assembled. And it is an honor for me to become one of their number. We have many opportunities and I look at the problems that this state faces and the problems that this judicial system faces as a series of opportunities, opportunities to improve the process by which we resolve our most important disputes.

I would like to see a few things, and I'll just summarize them. I'd like to see us as a court increase our interaction with the Nevada State Bar and its membership. There are many great lawyers in this state that have much to offer by way of suggestions to improve the process. I would also like to see an improved and increased interaction between the supreme court and the district court judges; in order to, again, work together to improve the process of dispute resolution. We need to reexamine and refine the current alternative dispute resolution methods that are now in place. We also need to create new alternative methods of dispute resolution and annex them to the court system, whether mediation, early neutral evaluation, other forms of case management, or settlement judges. These are the kinds of things that we can engage in to use existing resources to demonstrate to the people of this state and to our legislature that we are maximizing our resources to the end of improving the cause of justice. Aligning our rules of civil procedure more closely to the federal rules—relying upon a body of law that has been generated nationwide—is something we need to look at. I also believe we need to improve the fairness, efficiency, and effectiveness of all of our post-conviction relief procedures in the criminal side.

In doing all of these things, we're going to need to work with the legislature. All of our judges, whether justices of the supreme court, judges in district court, municipal court or justices of the peace, can provide the necessary assistance to work with our legislature, to try to get the necessary funding, the necessary cooperation, to achieve these goals.

In terms of my own general objectives for this office I would like to refer to a passage from *Bonfire of the Vanities*: "the law is

simply our way of setting down the rules of basic human decency.” That is the theme and the motto that will be part of my thought process each and every day I sit on this court. The oath of office I have just taken is the oath that all of the judges in the State of Nevada take. I swear to each and every one of you, and to the people of this state, that I will give true faith, and allegiance to that oath for as long as I am privileged to serve. Thank you very much.

CHIEF JUSTICE SHEARING:

Welcome to the Nevada Supreme Court, Bill. We look forward to the contribution of your scholarship, your experience, your vision and your judgment. We are confident that you will serve with diligence, with integrity and with courage. Welcome and good wishes.

JUSTICE MAUPIN:

Thank you, Justice Shearing.

BAILIFF:

All rise. The special session of the Supreme Court of the State of Nevada is now adjourned.