

**Carson City
Agenda Report**

Date Submitted: March 29, 2011

Agenda Date Requested: April 7, 2011

Time Requested:

To: Mayor and Supervisors

From: Larry Werner, City Manager

Subject Title: Discussion and action to appoint a Justice of the Peace to fill the unexpired term created by the retirement of Judge Robey Willis.

Staff Summary: At their January 20, 2011 meeting the Board of Supervisors authorized the City Manager to nominate three candidates to be interviewed by the Board of Supervisors. The City Manager appointed a committee to assist in the selection of the three candidates. The Committee interviewed eight applicants and after careful deliberation recommended Thomas Armstrong, Gerald Gardner and Laurie Trotter to the City Manager. The City Manager is recommending that the three candidates, Thomas Armstrong, Gerald Gardner and Laurie Trotter, be interviewed by the Board of Supervisors to select a replacement.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does this action require a Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to appoint _____ as Justice of the Peace to fill the unexpired term created by the retirement of Judge Robey Willis conditioned upon successful salary negotiations.

Explanation for Recommended Board Action: See staff summary.

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: \$75,000.00 - \$105,257.36


Explanation of Impact: The base pay range for the Justice of the Peace is \$75,000.00 to \$105,257.36 per year.

Funding Source: N/A

Alternatives: N/A

Supporting Material: Applications and information from Judge Tatro

Prepared By: Janet Busse, Office Supervisor

Reviewed By: 

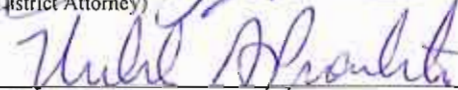
(City Manager)

Date: 3/29/11



(District Attorney)

Date: 3/29/11



(Finance Director)

Date: 3/29/11

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

APPLICATION

to the

CARSON CITY BOARD OF SUPERVISORS

for

JUSTICE OF THE PEACE/MUNICIPAL COURT JUDGE, DEPT. 1

Carson City, Nevada

by

Thomas R. Armstrong

(applicant name)



**CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE
APPLICATION FORM
PERSONAL INFORMATION**

Name: Armstrong Thomas Raymond
(Last) (First) (Middle)

Residence Address: 204 Sussex Pl., Carson City, NV 89703

Telephone: 775-882-6369 Cell Phone: 775-560-7705 Fax: _____

Work Address: 209 N. Pratt Ave., Carson City, NV 89701

Work E-Mail Address: tarmstrong@armstrong-law.net

Telephone: 775-461-0254 Fax: 775-461-0254

At which address and telephone do you prefer to be contacted? Residence Work

Can you be contacted at your place of employment? Yes No

Have you ever been known by any other name? (If so, please identify.) No

Citizenship: United States

How long have you been a continuous resident of Nevada? 36 years

If less than 5 years, list previous addresses: _____

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION

INSTRUCTIONS: Answer each question. Be sure to sequentially number and restate each question verbatim prior to each answer. Number pages sequentially at the bottom of the page.

1. Are you a qualified elector in Carson City: Yes
(A qualified elector is a person who is eligible to vote, but may not be registered to vote)
2. Have you been removed from judicial office by legislature or removed or retired from judicial office by the Commission on Judicial Discipline? No
3. Do you have a high school diploma or its equivalent as determined by the State Board of Education? Yes

EMPLOYMENT HISTORY

4. Using copies of Employment History form ("Attachment C") please start with your current employment or most recent employment, self-employment, and periods of unemployment for the ten years immediately preceding the filing of this application.

EDUCATION

5. List names and addresses of colleges and graduate schools attended (except law school – see next question); dates of attendance; certificates or degrees awarded.

University of Nevada, Reno
1664 North Virginia Street
Reno, Nevada 89557-0208

Dates Attended: Fall 1991- December 1996.

Bachelor of Arts in Criminal Justice with Distinction
Minor in English Literature

6. List names and addresses of law schools attended (if applicable); degree and date awarded; if more than one law school attended, explain reason for change.

University of Utah College of Law
332 South 1400 East
Salt Lake City, Utah 84112-0730

Dates Attended: Fall 1997-Spring 2000

Juris Doctor awarded on May 20, 2000

7. Describe significant college activities including office held, other leadership positions, clinics participated in, and extracurricular activities.

Participant and competitor in the law school's moot court competition. The competition involved legal writing and oral advocacy before multiple panels of judges, including Justices from the Utah District Court and Courts of Appeals.

Participated in the Law School's practical Public Defender Legal Clinic. The year-long program placed students within the Salt Lake Legal Defender's office. Students were assigned misdemeanor cases to resolve or try on their own, or participate in the defense of felonies under the guidance of experienced attorneys.

Intramural basketball.

8. List any professional certifications and other training and education courses taken.

I attended and completed National Judicial College training for judges of limited jurisdiction courts. Special Court Jurisdiction: Advanced, attended from June 8-18, 2009.

Attended a week-long trial advocacy course in Columbia, South Carolina, sponsored by the National District Attorney's Association.

Numerous and varied Continuing Legal Education classes including attendance at the Nevada State Prosecutors Conference from 2000- 2006

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

9. Have you ever held an elective or appointive public office in this or any other state? Have you ever been a candidate for such an office? If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

N/A

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

Former Member of Carson City Rotary Club 2006-2007.

Support various conservation groups, including Ducks Unlimited, Trout Unlimited, Nevada Bighorns Unlimited, and the Rocky Mountain Elk Foundation.

Participate in Carson City's over-30 basketball league.

11. Describe any courses taught at colleges or continuing legal education programs.

Was instructor of criminal evidence at the Western Nevada Community College in 2006 and 2007.

Was selected as an instructor at the Peace Officer's Standards and Training ("Post") academy, teaching "Crimes Against the Person" and "Miscellaneous Crimes."

12. List any accomplishments (i.e., educational, military service, charitable and the like) of which you want the Board to be aware.

Graduated from University of Nevada, Reno with distinction.

Named as a William H. Leary Scholar, signifying my standing in the top 20% of my class after the first year of law school.

13. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations, and dates. Exclude information regarding your political affiliation.

N/A

CONDUCT

14. Have you ever been arrested, charged or held by any federal, state, local or other law enforcement authority, including the IRS and SEC, or convicted of violation of any federal, state, or local law, regulation or ordinance? Exclude minor traffic violations and any juvenile offenses. Provide detail of the circumstances, charges, and dispositions.

No.

15. Have you ever been sued? If yes, explain.

No.

16. Have you ever been the subject of any legal or administrative proceedings? If yes, explain.

No.

17. Have you ever been the subject of an ethics, open meeting law or public records complaint? If yes, explain.

No.

18. Have you ever been called upon to respond to a complaint or charge or to appear before a judicial discipline commission, a bar association grievance committee, bar association character and fitness committee; or have you ever been disciplined or cited for breach of ethics or unprofessional conduct by any court, commission, or military tribunal? If yes, explain. Include any complaints now pending.

No.

19. Have you filed federal income tax returns for each of the past ten taxable years? If no, explain.

Yes.

20. Have you personally or has any business you control ever failed to pay a local, state or federal tax liability that has been legally determined to be due, within the time allowed for payment without penalty, assessment or lien? Have you ever been subject to tax lien? If so, provide full details.

I have never failed to timely pay my taxes.

21. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If so, provide full details.

No.

22. 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.

23. Are you in violation of or have you violated any court orders, including spousal and child support?

No.

HEALTH

24. Are you physically and mentally able to perform the essential duties of a judge in a timely fashion? Please identify any accommodations you may need to perform the job.

I am in good health and would need no accommodations to perform the duties of Justice of the Peace.

OTHER

25. 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 explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing).
26. List by category the names, addresses and telephone numbers of the individuals to whom you sent the Reference Inquiry form letters. (See Attachment B)

Attorney/ Judge Professional references:

Former Judge Michael Griffin
510 W. Fourth St.
Carson City, NV 89703
(775) 884-8300

Noel Waters
511 E. Robinson St.
Carson City, NV 89701
(775) 687-4880

Personal References:

Kristin Luis
1545 E. Fifth St.
Carson City, 89701
(775) 887-2038

Jason Woodbury
2445 Dawn Circle
Carson City, NV 89701
(775) 883-7972

27. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Board of Supervisors.

I have spent my entire legal career practicing law from both the prosecution and defense side of the aisle. Additionally, my experience includes litigation and resolution of civil disputes as well. I have been trained for this position by the National Judicial College and have served as a Judge Pro Temp. In my time as a Judge Pro Temp, I had the opportunity to gain first-hand knowledge of the duties and challenges of the position. Furthermore I have teaching experience with both WNCC and the Nevada POST academy. My specific career and personal background uniquely qualifies me for the position and informs this panel that I am the right person for the job.

28. Attach one sample of no more than five pages of your original written work in the form of a memorandum, letter, or decision, within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized and persuasive fashion.

ATTACHMENT A

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

COMPLETE THE FOLLOWING IF YOU ARE OR HAVE BEEN AN ATTORNEY OR JUDGE

- A. State the year you were admitted to the Nevada Bar and your Bar Number.

I was admitted to the Nevada Bar in the year 2000. My bar number is 7262.

- B. Name courts (other than Nevada) and year of admission, in which you are admitted to practice law and accompanying Bar Numbers.

United States District Court for the District of Nevada

- C. Have you ever been denied admission, suspended or disbarred from the practice of law in Nevada or any other state? If so, describe the circumstances, dates, and locations.

No.

- D. 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.

I was sworn in and acted as a Justice Pro Tempore for Carson City in 2009. I stopped presiding as a temporary justice when I was appointed to the conflict public defender panel in October of 2009. During that time, I was afforded the opportunity to preside over the proceedings that typically come before the Court, including arraignments and first appearances, preliminary hearings and waivers, criminal pleas and sentencing hearings, contested temporary protective order hearings, small claims trials, and traffic court.

ATTACHMENT B

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF Thomas Armstrong
(Name of Applicant)

REQUEST COMPLETED BY Kristin Luis

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the City that you be as objective as possible in assessing my qualifications. The City will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 11, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Tom Armstrong

Name of Person Providing Reference Kristin Luis

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
see attachment

2. What do you consider to be the applicant's greatest strengths?
see attachment

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
see attachment

4. Please discuss briefly the applicant's qualifications in the following areas:
see attachment

Integrity:

"

Ability to apply legal principles to specific cases:

"

Ability to work under pressure (heavy case load, time deadlines):

"

Interpersonal skills in dealing with people:

"

Time management ability:

Temperament, demeanor:

"

Work Ethic:

"

- 5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

see attachment

Work Ethic:

"

Preparation for court hearings:

"

Management of cases in compliance with established court time frames:

"

Courtroom demeanor:

"

Quality of written submissions:

"

SUMMARY

- 6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
 1 2 3 4 5 6 7
 Unacceptable Satisfactory Outstanding

- 7. Please add any comments you may have.
I make this recommendation of Tom Armstrong for Justice of the Peace without hesitation or reservation of any kind as I believe him to be highly qualified and possessing the integrity and character we expect of this position

Kristin N. Luis
Signature

Kristin N. Luis
Print Name and Title

1. How long have you know the applicant? What has been the nature of your association?

I have known Tom Armstrong for approximately ten (10) years. We began working together in July 2001, when Tom was hired as a criminal deputy district attorney at the Carson City District Attorney's Office, where he remained employed through 2006. I was employed by the Carson City District Attorney's Office from January 2000 through November 2010, when I was appointed to the position of Juvenile Special Master for the First Judicial District Court. I have had the opportunity to know Tom as a colleague and friend, to handle cases with him as a prosecutor and opposing defense counsel, to appear before him as a pro tem judge, and now, the opportunity to have him appear before me on various matters held in the Juvenile Court of the First Judicial District.

On a personal level, I know Tom to be a devoted husband and father to his young daughter, as well as a conscientious attorney. He is a native of Nevada and a long time resident of Carson City, and his commitment to this community is evident in both his personal life and his professional life.

2. What do you consider to be the applicant's greatest strengths?

Tom has a number of strengths. One of his greatest strengths is the degree to which he cares about the outcome of his cases and their community impact. Whether working as a prosecutor, civil attorney, or defense attorney, Tom is always mindful of his client's interest, which he represents with the heart of a person who lives in the community where he works. Without exception, Tom always seeks a fair and appropriate outcome in his cases and he regularly assists his clients in obtaining community services available to meet their needs.

Furthermore, Tom has a diverse legal background, having extensive experience as a prosecutor, defense attorney, civil attorney, and even a pro tem judge. As a result, Tom has significant legal knowledge in both criminal and civil law and procedure and he is capable of handling virtually any legal matter with a high degree of competence. Tom is conscientious and professional in each case he handles, and I can honestly say that I have enjoyed working with him as a fellow prosecutor, where he frequently offered assistance on case strategy; as a defense attorney, where he often challenged my position and argument on cases; and as an attorney who appears before me in court, where he always demonstrates a high level of preparation and skill.

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

I don't believe Tom has any weaknesses, either in character or skill, which would affect his ability to serve this community as Justice of the Peace.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity: I know Tom to have the highest level of integrity in both his personal life and his professional life. He stands by his word and is faithful to do what is right no matter the circumstance or consequence. As an attorney, Tom is very mindful of his ethical responsibility to the court and opposing counsel and he never seeks to serve his client's interest or accomplish his goals at the expense of that ethical responsibility. Tom's character and reputation are above reproach and he will not compromise those qualities in order to achieve a more favorable position or outcome, either in court or life.

Ability to apply legal principles to specific cases: Tom has significant legal knowledge in the areas of criminal law and procedure having worked as both prosecutor and defense counsel. He is also very knowledgeable in the area of civil law and procedure having practiced as a civil attorney as well. Tom is proficient in performing legal research and applying legal principles to specific cases which enables him to achieve a favorable outcome in many of his cases. In fact, Tom was recently able to obtain the dismissal of a felony criminal case due to his legal research and legal argument at the beginning of a jury trial. Tom has demonstrated time and again that he is capable of seeing a case from both sides and making the appropriate legal argument to achieve sound results. Tom also works hard to stay abreast of new cases and legal trends.

Ability to work under pressure (heavy case load, time deadlines): Having been a prosecutor in a busy office, a defense attorney appointed to numerous criminal cases, and a civil attorney in a competitive law firm, Tom has experience working under pressure, meeting motion and other case-related deadlines and achieving sound results. Tom is always prepared for court appearances, demonstrating knowledge of his cases and his client's perspective, and he is always prepared to make an appropriate and well researched legal argument.

Interpersonal skills in dealing with people: Tom is very personable in his dealings with all types of people, demonstrating respect, patience and understanding whether he is negotiating cases with opposing counsel, discussing cases with officers, witnesses, victims, juveniles and/or their parents or representing a difficult client. In all cases, Tom takes the time to explain the legal process and the advantages or disadvantages to pursuing a particular course of action.

Having worked with Tom at the District Attorney's Office and having the opportunity to handle a number of cases with him as a defense attorney, I can also attest to his level of respect for office and court staff and his willingness to offer assistance where he is able.

Time management ability: Throughout his career, Tom has been required to meet the demands of time management in order to succeed. At the District Attorney's Office, Tom maintained a significant felony calendar which included appearances in justice court for preliminary hearings, appearances in district court for arraignments, trials and sentencing hearings, preparation of charging documents and offers, responsiveness to defense counsel and meetings with officers, witnesses, and victims in all cases, as well as engaging in legal research and necessary motion practice. Tom also handled a heavy pretrial calendar and a variety of misdemeanor cases on a weekly basis. In addition, Tom was often called upon to take cases at the last minute due to unforeseen circumstances. Tom not only managed his case load, but he did so effectively, and frequently made time to assist other co-workers as well. Tom has always been able to manage his time in order to meet the demands of his job, and even now, he is frequently called upon to handle cases on short notice due to his high level of legal knowledge and his ability to manage his time and his cases effectively.

Temperament, demeanor: One of the many reasons that I endorse Tom for the position of Justice of the Peace relates to his temperament and demeanor. Tom is a thoughtful, rational and reasonable person who maintains his composure and patience despite the most heated or controversial circumstances. He is a good listener and always professional in his dealings with others. Since the Justice of the Peace deals with a large volume of cases and people who are affected by the decisions made in those cases, Tom's demeanor and temperament would work to diffuse a contentious situation and add an appropriate level of control to any legal proceeding.

KVR

Work Ethic: Along with good time management skills, Tom also has a strong work ethic. He is motivated and responsive in handling his cases and makes sure that he is always prepared for court. Tom will always put in the time necessary to achieve his goals or the result he believes should be achieved in his work.

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic: As discussed above, Tom has a very strong work ethic and he is committed to performing his job well and thoroughly. Tom's work ethic is reflected in the performance and skill he demonstrates in each case he handles. Further, Tom has experience as a pro tem judge, and in that capacity, he has demonstrated preparation and knowledge in the cases presented to him as well as the ability to make informed rulings on any legal issues raised.

Preparation for court hearings: Whether as an attorney or a pro tem judge, Tom is always prepared for court appearances which he demonstrates with knowledge of the case and relevant case law to address pertinent legal issues. I have personal experience working with Tom on a number of cases, as a colleague, opposing counsel, an appointed conflict attorney appearing before me in juvenile court, or as a pro tem judge, and I am always impressed by Tom's legal knowledge, level of preparation, decision-making.

Management of cases in compliance with established court time frames: Tom handles all of his cases in a timely manner. I am unaware of any instance in which Tom has failed to meet a case deadline or file an appropriate motion or appeal in a timely manner. Tom recognizes the strategic importance of raising legal issues in a timely manner as well as the need for a timely judicial response.

Courtroom demeanor: Tom's courtroom demeanor is always professional and always appropriate. He makes logical, well-reasoned and persuasive arguments in his cases, and he maintains patience and understanding when confronted with an emotional or heated and antagonistic opposition. Tom is compassionate and understanding, but he doesn't lose sight of logic and reason in evaluating or presenting his case. Tom conducts himself as if he were always appearing in front of a jury of his peers.

Quality of written submissions: Tom is a competent and conscientious attorney whose written legal work reflects his experience, legal knowledge and legal research abilities. Tom is able to raise and analyze pertinent legal issues in an organized, succinct and persuasive manner, and in doing so, he often achieves a favorable result.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

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(Name of Applicant)

REQUEST COMPLETED BY Michael R. Griffin

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Reference Inquiry for (name of applicant) Thomas Armstrong

Name of Person Providing Reference Michael R. Griffin

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
please see attached

2. What do you consider to be the applicant's greatest strengths?
please see attached

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
please see attached

4. Please discuss briefly the applicant's qualifications in the following areas: please see attached
Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

please see attached

Work Ethic:

Preparation for court hearings:

Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

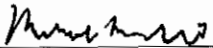
6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?

1 2 3 4 5 6 7

Unacceptable Satisfactory Outstanding

7. Please add any comments you may have.

Most of the J.P. work involves persons who have minor but important issues facing them. Tom will treat everyone fairly. He truly has the heart to be an outstanding Justice of the Peace. I talked him into applying because I feel he has the unique qualifications that will make him a great successor to Robey Willis.



Signature

Michael R. Griffin, District Judge, Retired
Print Name and Title

REFERENCE INQUIRY FORM

Reference Inquiry for: THOMAS ARMSTRONG

Name of Person Providing Reference: MICHAEL R. GRIFFIN

1. I have known Tom for fourteen years. He was my son's, John, roommate in law school. Then, I knew him personally and professionally. As a judge, he practiced before me regularly. He also married one of my best friends' daughter, Amy Miles, who I knew all her life and who was a law clerk for me.
2. Tom is intelligent, compassionate and a great person to be around. He is one of the best young men I know. As an attorney, he has displayed great ability. He has prosecuted and defended cases, and has a great understanding of the law and human nature. Also, he knows that, if appointed, he will not think his first name is Judge. He has a great appreciation of the position, as well as respects the institution.
3. I feel Tom has no weaknesses which would affect his position as a Judge.
4. Integrity: Tom has great integrity. In fact, he is a lawyer known in the community who will do what he says he will do. His word is his bond.

Ability to Apply Legal Principals to Specific Cases: Tom has a great ability to do this, and I have seen him change his mind when convinced by legal authorities of common sense that he should do so. He is not dogmatic, but has the ability to apply the laws and at the same time get to the heart of the matter. He has a great legal mind.

Ability to Work Under Pressure: Tom has the ability to handle cases which have short and critical time lines, are very complex, as well as handle a large number of cases. He has the ability to do all this while not looking very rushed, and calmly does these difficult tasks.

Interpersonal Skills: Tom is a true Nevadan, he loves the outdoors, the State and Carson City. People like Tom. In the legal community he has a great deal of respect. The man is a good friend to many, from the highest elected officials to the person struggling to make ends meet.

Time Management Ability: This is no problem for Tom.

Temperament, Demeanor: Tom has a calm and even temperament.

Work Ethic: As stated earlier, Tom always gets the work done. He is a very good trial attorney. In front of any of the judges in Carson, I know he was always prompt and met all deadlines.

5. Work Ethic: See #4 above.

Preparation for Court Hearings: I have never known him to be unprepared. Even when he was a Deputy DA and given a case to handle at the last minute, he very successfully handled the case through quick preparation and legal ability.

Management of Cases: He manages cases very well. As explained above, he is always prepared and never had to delay due to lack of preparation on his part.

Courtroom Demeanor: Very good. People like him and he is aggressive, but treats people well which can be difficult at times.

Quality of Written Submissions: Outstanding. He usually writes very short, to the point, and contains all the cases necessary.

February 9, 2011

Selection Committee and
Carson City Board of Supervisors

To Whom It May Concern:

I am writing in support of Thomas Armstrong's application to be the Justice of the Peace in Carson City. I highly recommend him.

No one has ever been a better supporter of a lay justice of the peace in Carson City than myself. I have supported the lay justice of the peace in front of legislative committees, and worked with Judge Willis to ensure that lay justices were kept in the rural areas. Primarily, I was concerned about ensuring that people with intelligence, compassion and common sense were available as justices when there were few lawyers available for the position.


The person named by this committee must have those qualities - intelligence, compassion and common sense. That is a good description of the qualities of Tom Armstrong. I have known Tom since he was my older son's, John, roommate in law school in Utah. I have also seen him in the practice of law for over ten years. I have a good understanding of his personal and professional qualifications.

In my opinion, Tom is one of the best young men I have known. He is a true Nevadan, coming from Carlin. He loves the outdoor activities Nevada offers. He also has a great sense of fairness and knows people well. He appreciates the fact that many people can make mistakes, and that is different from the truly criminal activities of some people.

Tom also has a great stake in Carson City. He is a family man with great family values. He really cares about the future of Carson City.

I think Tom Armstrong would be a great judge. If I had the power to appoint him, I would. He has the knowledge, the ability and the human qualities which would make him a great successor to Judge Willis.

Sincerely,



Michael R. Griffin
District Judge, Retired

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Thomas Armstrong

Name of Person Providing Reference Jason Woodbury

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?

Please see attached for responses.

2. What do you consider to be the applicant's greatest strengths?

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

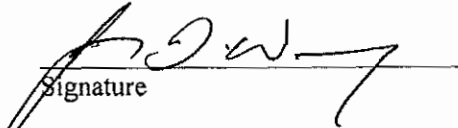
Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |
7. Please add any comments you may have.


Signature

Jason Woodbury, J.P.
Print Name and Title

1. How long have you known the applicant? What has been the nature of your association?

I have known Tom Armstrong somewhat since the mid-1980's. We attended college together in the early 1990's which is when we became close friends. We also went to law school together. Tom and I later worked together in the Carson District Attorney's Office. We also have worked together in private practice. I have worked in a professional capacity both on the same side and on the adverse side of Tom. Since college, we have maintained a constant social relationship as friends.

2. What do you consider to be the applicant's greatest strengths?

- Intelligence;
- Communication skills;
- Compassion;
- Ability to see both sides of an issue;
- Diligence;
- Ethics;
- Morality; and
- Loyalty

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

This really does not describe a weakness, but it is a circumstance that could affect Tom's service. He probably knows more people in the community than most of the other applicants. This could create a problem, depending upon the nature of some of his relationships, in terms of requiring him to remove himself in more cases than other applicants. It is not possible to estimate the impact that this will have and I may be overstating it by even raising the issue. In any event, the issue, if it exists, would be of relatively short duration.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity: Highest of any person that I know. Tom's integrity is very important to him, both internally and as a matter of his reputation. Throughout his adult life, he has consistently endeavored to establish and maintain himself as a man of his word and a person of strong moral and ethical character. He has succeeded.

Ability to apply legal principles to specific cases: In regard to the criminal law, Tom's abilities to understand and apply legal principles are the strongest of any attorney with or against whom I have practiced. I regularly refer criminal cases to him, and if someone important to me were charged with a crime, I would make sure they hired Tom. In regard to civil law, Tom is extremely skilled as well and within the top tier of attorneys that I know.

Ability to work under pressure (heavy case load, time deadlines): None better. Let me provide an example. At the District Attorney's office, there was virtually constant time pressure resulting from heavy work loads. In my time there, I worked with numerous other attorneys—most of whom were very skilled in their own right. None was better under pressure than Tom. On some occasions (due to illness, emergencies and the like), circumstances compelled a last minute transfer of cases. Periodically, Tom was assigned a case literally minutes before a proceeding. Invariably he handled the situation not only competently, but in a manner as if he had prepared for the case from its inception. Last minute re-assignments were a constant source of complaint from other deputies. I know that Tom found these circumstances as stressful and frustrating as we all did, but he never complained. In fact, he seemed to perform his finest work in such situations.

Interpersonal skills in dealing with people: Very skilled. Tom is very well-liked by people who know him well and highly respected among anyone who has had dealings with him.

Time management ability: I have never known Tom to miss a deadline. In the world of civil litigation, and particularly, criminal litigation where time frames are extremely tight, this is a commendable feat. Like all of us, there have been occasions where Tom has been compelled to postpone proceedings or tasks. However, I have never seen an occasion where that result was compelled because of a lack of diligence on Tom's part. Rather, all such circumstances have involved emergencies, unforeseeable developments, or circumstances beyond Tom's control.

Temperament, demeanor: Tom has the "judicial temperament." I have never seen him angry without just cause. And even when angry, he maintains his composure and professionalism—even when those around him do not. Indeed, he seems to function even more reasonably and rationally when he is upset.

Work Ethic: Strong. During the years when I worked with Tom, he always pulled more than his fair share of workload. He seemed to accept the excessive burden as a result of his abilities. When faced with an undesirable task, Tom tackles it quickly, rather than putting it off.

5. If the applicant is (or was in the past five years) an attorney or judge¹, please also describe the applicant's qualifications in the following areas:

Work Ethic: Strong.

Preparation for court hearings: Tom's preparation is exceptional. Even when crunched for time (such as the last-minute assignments referenced above), Tom prioritizes and utilizes his time in the most efficient manner possible to immediately get to the heart of the case. This probably, in part, explains his extraordinary abilities on his feet in the courtroom. He anticipates issues and his response, even when it appears to be spontaneous, makes it seem as though he knew the issue was coming all along.

Management of cases in compliance with established court time frames: Strong.

Courtroom demeanor: Tom is, without exception, respectful to all participants in the courtroom—judges, jurors, opposing attorneys, clerks, reporters, witnesses, and parties. He has never lost his temper or acted otherwise inappropriately.

Quality of written submissions: First rate. Tom's writing abilities are top notch. He has the rare ability to concisely explain very complex issues and concepts. Every word in Tom's written work is important—none is wasted. And although concise, he never fails to comprehensively address an issue.

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
 - 7- highest rating.
7. Please add any comments you may have.

Please see enclosed letter of February 10, 2011.

¹ Tom has served as Judge Pro Tem in the Carson City Justice/Municipal Court. I have never appeared in front of him during his service and so my comments are confined to his service as an attorney because I cannot speak from personal experience as to his judicial service. However, in speaking with colleagues, I have been universally advised that Tom's service as Judge Pro Tem has been exemplary.

Jason Woodbury
2445 Dawn Circle
Carson City, NV 89701

February 10, 2011

Carson City Justice of the Peace Applicant Review Committee

Dear Members of the Committee:

It is my pleasure to write this letter on behalf of Tom Armstrong in support of his application for the position of Justice of the Peace and Municipal Judge for Carson City. I have known Tom since we played Little League baseball and youth basketball in the early 1980's. Over the years, we have been rivals, classmates, roommates, co-workers and friends. I have litigated cases both with him and against him. He was the best man at my wedding, and I was at his. He is my daughter's Godfather. There is no one on earth that I know better than I know Tom. And there is no one that I respect more.

In a professional sense, Tom is as gifted an attorney as there is. His natural ability to quickly and comprehensively analyze complex legal issues is nearly unmatched. More impressive is his aptitude in concisely explaining such complexities to those without his natural gifts. And more impressive still is his capacity to unite his technical knowledge and intelligence with practical and moral factors. To state it more simply, some people are book smart. Some people are street smart. And some people are morally principled. Few are all three. Judges should be. Tom is.

As a prosecutor, Tom has litigated every type of case that there is—from traffic tickets and dog barking cases to first degree murder. His work as a defense attorney is nearly as extensive. He has defended cases involving charges at every level, except, to my knowledge, a murder case. Tom's work in the civil field is nearly as broad, and he has represented plaintiffs and defendants in very large, and often complex, private disputes. Tom has taught legal courses at Western Nevada College and the POST Academy. Anyone who has seen Tom's work product recognizes his talent. His most remarkable skill is his ability to react, intelligently and immediately, on his feet in the courtroom. This is a very important quality for a trial judge—particularly at the Justice/Municipal Court level. But I know that Tom is providing you with references from others, more objective than I, who can attest to his abundant professional attributes. Rather than reiterate that information, I hope to provide you a fuller picture of who Tom is.

Tom's sense of morality is the strongest of anyone that I know. His ethical standards are beyond reproach. In both his personal and professional life, I have never—and I actually mean never—seen Tom act in anything other than a moral, ethical manner. I have seen Tom when he is angry; I have seen him when he is sad; I have seen him in stressful situations and under time pressure; and I have seen him confront difficult problems. In those circumstances, an immoral choice may be very attractive because it is convenient. But Tom is guided—first, last and always—by his moral code. Possessing a moral code

is not unique to Tom Armstrong. One would hope that we all have one. But acting in accordance with one's moral code—not just when it is easy, but when it is hard—is a rare quality which Tom possesses.

Unfortunately, people with such powerful moral fiber are often self-righteous and rigid, making no allowance for human frailty. Tom, however, has an innate ability, enhanced by experience, to empathize with such frailty. This has applicability in both the civil and criminal components of the Justice of the Peace/Municipal Judge's function, but is more vivid in criminal cases. A defendant who has been convicted of a crime may simply be a bad person who did a bad thing. And this requires a severe response from the judicial system. But this is not always the case. Sometimes, convicted defendants are decent people who, in a moment of human frailty, did a bad thing. This does not excuse their crime. But it does call for a different response from the judicial system. Within the bounds of the law, it is a judge's function to deliver specific justice—that is, a just result to all involved, the defendant, the victim, and to society. Tom, possessing a moral baseline which is sturdy, but regulated by compassion, is extraordinarily suited to consider all circumstances at issue in a case and fulfill the judicial function of delivering specific justice within the bounds of the law.

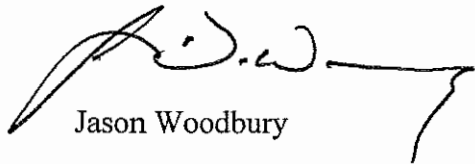
Tom is also adept at initiating and promoting positive interpersonal relationships. In Carson City's legal community, he is well-known and regarded as an excellent attorney with the highest ethical standards. When you are up against Tom, you know that he is going to fervently represent his client, and that you are in for a fight if you are trying to accomplish an objective contrary to his client's interest. But in that situation, you can take some comfort in knowing that Tom will ensure that the fight is fair and that he will never try to gain an unfair advantage by engaging in unethical behavior. Tom already knows nearly all, if not all, of the staff members in the Justice/Municipal Court and is universally liked and respected. If selected for this position, Tom will handle the transition of his relationship with staff in a constructive and professional manner. People enjoy working with Tom, and have a natural tendency to elevate their work performance in an attempt to match his.

Being a judge is an awesome responsibility. Although a Justice of the Peace/Municipal Judge supposedly presides over "smaller" cases, their connection to and impact on our community is far more frequent and intimate than any other component of our judicial system. Many of their decisions will result in life-changing manifestations for the parties impacted by their decisions. There are very few people we meet in life about whom we can say, "That person should be a judge." Tom is one. He is a role model of mine. He is a role model of those who know him well. And he can be a role model for our community. There is no better person to serve on the front line of the judicial system's relationship with this community. I am proud to know Tom and to call him my friend. If you select him for this position, he will make you proud as well.

Committee
February 11, 2011
Page 3

Please do not hesitate to contact me if there is any additional information I can provide to assist you in considering Tom's application.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Woodbury', with a long horizontal stroke extending to the right.

Jason Woodbury

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF Thomas R. Armstrong
(Name of Applicant)

REQUEST COMPLETED BY Noel S. Waters

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the City that you be as objective as possible in assessing my qualifications. The City will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 11, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

Reference Inquiry for (name of applicant) Thomas Armstrong

Name of Person Providing Reference Noel S. Waters

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?

I have known Thomas Armstrong since approximately 2000, when I hired him as a Deputy District Attorney in the criminal division of the Carson City D.A.'s Office. Since then, we have seen and worked with one another on a weekly basis. Until December of 2006, I was his supervisor as the elected district attorney. Thereafter, we have been colleagues in local law practice. We have both served as pro tem justices of the peace and as criminal defense attorneys. I consider him a good friend, although we do not socialize often outside of the work environment.

2. What do you consider the applicant's greatest strengths?

Tom Armstrong really likes helping people. I believe he has found a career in public-sector law practice – as both prosecutor and defender-- because he enjoys being able to make a difference with people who need help with legal problems as victims, witnesses or defendants. Lawyers in particular need to like their jobs in order to be effective at it. Tom is a very personable man who treats everyone with courtesy and respect, which makes him very effective in the tension and conflicts of a courtroom.

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

Thomas Armstrong has the experience, knowledge and character to make an excellent judge. With his broad experience as a prosecutor, defense lawyer and pro tem jurist, he will have no problems with any criminal law matters, or ancillary issues with domestic protective orders. He may need a little on-the-job refresher work with procedures in civil and small-claims matters. I'm not sure this is a real weakness, since other applicants certainly have learning challenges.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

I think of "integrity" as "doing the right thing even when no one is looking." During the many years I worked with Tom in the Carson D.A.'s office, I observed him working on many important, high-pressure cases in an adversarial environment. During such times, there is a natural desire to win, but I never saw Thomas Armstrong do or say anything which would push the ethics constraining lawyers. I never received complaints of him taking unfair advantage or acting in a discreditable way.

Ability to apply legal principles to specific cases:

As a courtroom attorney for more than a dozen years, applying legal principles to the facts of specific cases is exactly what Thomas Armstrong has had to do. This is an essential aspect of courtroom practice as both prosecutor and defense attorney. But equally important, it is crucial to case negotiations and the timely settlement of disputes. Lawyers (and judges) must be able to sift the essential facts which control case outcomes from the distractions and emotional appeals. I am confident that Mr. Armstrong possesses this quality in ample measure.

Ability to work under pressure (heavy case load, time deadlines):

For courtroom lawyers, there never seems to be enough time. In my limited experiences on the bench as a pro tem judge, I found this to be true, in spades. It was impossible to know all the facts which one might wish to know to decide a matter; there were often several cases backed up, awaiting their allotted time on the court calendar. This is a fact of life in the courtrooms in Carson City. I can only say that Tom Armstrong is very familiar with the environment– he has thrived in it for many years– and his performance as deputy DA and defense counsel shows he can do the job on the bench.

Interpersonal skills in dealing with people:

I have believed for many years that if you really want to see how someone is in working with people, ask about it in confidence to his or her secretary or staff assistant. I know that Tom Armstrong is well-liked and respected by the people with whom he works. This is true for his former co-workers in the DA's Office, the lawyers who share his conflict-counsel duties, and the judicial and support staff around the courthouse. Ask them, and you'll agree. And this is an important attribute for a judge. Things change when you put on the black robe, and it's good to start out with some humility and people-skills.

Time management ability:

Tom Armstrong has worked as a trial lawyer for many years in a very busy courthouse in Carson City. I believe that one of the reasons "the system" has managed to keep up with limited staff and resources is through effective time management. For example, the use of pre-trial calendar calls to try to resolve cases before trial, and the specific time slots for DUI or domestic matters has helped to streamline and standardize case procedures. Tom is familiar with the courthouse procedures and has shown in his law practice that he can function very effectively under tight time lines.

Temperament, demeanor:

In my experiences with Thomas Armstrong, I've found him to be a very stable and level-headed man. While he may get animated in arguing a legal point, it doesn't linger or grow over time. To my knowledge, Tom enjoys wide-ranging respect from his legal colleagues and the local judges. He comports himself in a dignified way in the courtroom. The fact that he has been asked

to serve upon occasion as a pro tem judge indicates that the current judges believe that he possesses the necessary character and demeanor to serve.

Work ethic:

Tom Armstrong has worked for many years in the legal arenas of Carson City. It is a busy and stressful place, and it is very important to use the available time effectively. While a judge or a salaried lawyer might be able to work extra hours if necessary, this is not really a solution for other court and police personnel. I believe Tom has shown he can handle the demands of the position – the weekly calendar of Dept. 1 of the Justices' Court has been part of his life for many years.

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work ethic:

As stated above, Thomas Armstrong has a great deal of experience working in the Carson City courts, as a long-time deputy DA, a private practitioner and contract defense attorney. He understands the demands of the court calendar and has practiced under it for many years. I believe he has the energy and temperament to provide many years of useful service on the bench to the citizens.

Preparation for court hearings:

As a trial lawyer, Mr. Armstrong can be expected to come to court prepared. In most cases, pleas and waivers are signed, witnesses are ready, and the issues are briefed. As either a supervisor or as another attorney awaiting my turn for the court's time, I haven't had reason for concern about Tom's preparation for court. He is efficient and knowledgeable, and on the occasions when there is a delay with an issue, it gets treated with importance and resolved promptly. I would expect the same preparation with the court's work.

Management of cases in compliance with established court time frames:

Tom Armstrong does a good job of managing his cases and moving them forward expeditiously. It is not always possible to avoid court delays – in order to obtain more information, work out negotiations or talk with clients—but Tom manages to keep such incidents to a minimum. Most of the time, cases get resolved promptly, at the time scheduled.

Courtroom Demeanor:

This quality has been discussed above, but I would add one comment: I have had the opportunity to appear twice before Mr. Armstrong when he was sitting on the bench as a justice of the peace pro tempore. I found him to be businesslike, courteous to the participants and knowledgeable about the court's procedural requirements.

Quality of written submissions:

I have read a great many pages of motions, briefs, and letters written by Thomas Armstrong during my years as his supervising district attorney. I can say without reserve that he writes very well and can express legal arguments with power and conciseness.

SUMMARY

6. Overall, how would you rate the applicants' suitability to be a Justice of the Peace?

6 – Outstanding, among the applicants. (No one is a “7” in starting out in the job).

7. Please add any comments you may have.

Thank you for the opportunity to offer this recommendation. Although I personally know and have great respect for all the applicants for this position, I believe that Thomas Armstrong will be a fine addition to the bench for Carson City. My comments are based upon my own insights as a practicing attorney for 30 years in this community, including 25 years in the District Attorney's offices, and should not be construed as representing the opinions of anyone else.

Noel S. Waters

Noel S. Waters

Signature

Print Name and Title

Dated: February 11, 2011.

ATTACHMENT C

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: The Law Office of Thomas R. Armstrong, Ltd.

Phone Number (including area code): 775-461-0254

Address/City/State/Zip: 209 N. Pratt Ave., Carson City, NV 89701

Date From: June 5, 2009 Date To: Current

Supervisor's Name: N/A

Supervisor's Job Title: N/A

Your Title: Manager

Duties (be specific): I am responsible for all aspects of operating a law office as a sole practitioner. I am a member of the conflict public defender panel. I handle all types of cases, but focus primarily on criminal defense and civil litigation. I effectively represent my clients from arraignment through sentencing and appeal. Additionally, I handle most of my bookkeeping, clerical, and administrative tasks.

Reason for leaving: My desire is to take advantage of the opportunity to serve the citizens of Carson City as their Justice of the Peace.

(if currently employed, reason for wanting to leave)

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Kummer Kaempfer Bonner Renshaw & Ferrario

Phone Number (including area code): 775-884-8300

Address/City/State/Zip: 510 W. Fourth St., Carson City, NV 89703

Date From: February 2007 Date To: May 2009

Supervisor's Name: James Puzey

Supervisor's Job Title: Managing Partner

Your Title: Associate

Duties (be specific): Successfully handled all aspects of civil litigation and criminal cases, including bench and jury trials; responsible for all aspects of civil litigation including pleadings, discovery, motions, arbitration, mediation, and trial; effectively represented multiple criminal defense clients through negotiation, trial, and appeals; represented corporations and individuals in business transactions, including drafting and review of contracts, purchase agreements, and partnership dissolution.

Reason for leaving: Firm downsizing opened up an opportunity to start my own law practice.
(if currently employed, reason for wanting to leave)

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Carson City District Attorney's Office

Phone Number (including area code): 775-887-2072

Address/City/State/Zip: 885 E. Musser St., Ste. 2030, Carson City, NV 89701

Date From: June 2001 Date To: February 2007

Supervisor's Name: Noel Waters, Anne Langer

Supervisor's Job Title: District Attorney, Chief Criminal Deputy District Attorney

Your Title: Senior Deputy District Attorney

Duties (be specific): Responsible for all aspects of criminal prosecution, developed effective trial and courtroom skills through training and multiple jury trials; gained invaluable courtroom experience through hundreds of bench trials, preliminary hearings, and motion hearings; appeared in appellate matters before the Nevada Supreme Court, including oral argument; selected to train and mentor recently hired Deputy District Attorneys, including case strategy and trial advocacy.

Reason for leaving: Was offered an opportunity to join one of the most prominent and well respected state wide law firms in the state of Nevada and continue to live and work in Carson City.

(if currently employed, reason for wanting to leave)

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Marvel & Kump, Ltd.

Phone Number (including area code): 775-777-1204

Address/City/State/Zip: 217 Idaho St., Elko, NV 89801

Date From: September 2000 Date To: May 2001

Supervisor's Name: Jeffrey Kump

Supervisor's Job Title: Partner

Your Title: Associate Attorney

Duties (be specific): Criminal defense, family law, and civil litigation with numerous court appearances for motion hearings, preliminary hearings, bench trials, and sentencing hearings; courtroom experience in Elko, Eureka, Humboldt, Lander, and White Pine counties; developed research and writing skills by drafting memoranda and motions for the firm's partners.

Reason for leaving: I accepted an offer to join the Carson City District Attorney's office as a deputy district attorney.
(if currently employed, reason for wanting to leave)

PERSONAL STATEMENT

Thomas R. Armstrong's Personal Statement in Support of Application for Carson City Justice of the Peace

When I was a high school student in Carlin, Nevada, the school had arranged what they had called "career day." It was a program where students would be matched with people engaged in occupations in which a particular student had an interest, and that student would spend a workday with that person to learn about the profession and what it would take to achieve their goals. I spent the day with Judge Jack Ames, then the Elko Justice of the Peace and, later, a District Court Judge. At the time all I knew about being a judge I had seen either on television or at the movies. My juvenile thoughts centered on the thought that a judge was somebody in a position of power, while true, I soon came to realize that I had little or no idea what the position was really about.

My day with Judge Ames was enlightening and sobering. He explained to me what it took to become a judge, not necessarily what it took to become elected, but what it meant to resolve disputes according to the law. Furthermore, that he attempted to do so in every case with fairness, consistency, and with careful consideration of the interests of the parties, the victims, the community, and his own personal convictions. During my visit, I witnessed a serious repeat offender nonchalantly come before the judge for a preliminary hearing on major felony charges and a first-time defendant sentenced for his first crime, driving under the influence, literally sobbing with shame and remorse. The fictionalized courtroom of my mind had become real to me, and while it was much less theatrical than I expected, I realized it was infinitely more complex and important to the community than I had ever realized.

Since that day, my career has blessed me with the experience and knowledge to effectively perform the duties of Justice of the Peace and to reasonably and fairly resolve the disputes that come before the court. Further, I will perform the duties with a clear understanding of the interests of all of the parties involved, due to my well-rounded career background. According to the application packet instructions, this statement's purpose is to inform the panel about what "sets me apart" from the other applicants. My judicious temperament and reasonable nature together with hard-earned respect within the legal community, along with well-rounded career experience, makes me an excellent applicant.

Thomas R. Armstrong's Personal Statement in Support of Application for Carson City Justice of the Peace

Most of my legal career has been in service to the citizens of Carson City as a prosecuting attorney. I handled hundreds of cases, ranging from traffic violations to murder. I gained courtroom experience through numerous trials, motion hearings, and preliminary hearings. During that time, I gained invaluable empathy for the interests of victims, law enforcement officers, and witnesses. Furthermore, my experience has granted me a keen insight to the particular pressures and difficulties the State faces when prosecuting crime. I truly understand and respect the job of the prosecutor, because I did it myself. I believe that criminal sentencing must consider all of the facts of the case, including the agreement between the parties, the wishes of the victim and the history of the defendant. Where rehabilitation and treatment is appropriate, Carson City is blessed with many resources to achieve those goals. The Department of Alternative Sentencing, mental health court, community service, and the substance abuse counseling services available in Carson City all aid in the furtherance of those policies. However, to be sure, punishment and deterrence are important factors to consider, especially for repeat offenders and violent crimes, where incarceration sends the appropriate message to the defendant and the community that certain behavior will not be tolerated. As Judge I will make every effort to sentence defendants in an appropriate, fair, and consistent manner.

The remainder of my legal career has been spent primarily in the areas of criminal defense and civil litigation. My time as a criminal defense attorney has given me a clear understanding of the interests and pressures facing the defendant and the defense bar, which are unique to the profession. It is imperative that all parties get a fair and full hearing and are allowed to present their side without any hint of prejudice or bias from the court. Such practices support the legitimacy of the court and aid in the just application of the rule of law. Again, I understand and respect the perspective and duties of the defense, because I have done it myself. Furthermore, I have practiced for years in the area of civil litigation and am also well equipped to handle the numerous civil and small claims matters that come before the court.

Thomas R. Armstrong's Personal Statement in Support of Application for Carson City Justice of the Peace

Finally, I have had the opportunity to act as a Carson City Justice Pro Tempore and have already performed many of the duties of the position as well. During my time on the bench, I was able to preside over arraignments, traffic court, a preliminary hearing on a fairly high profile case, contested temporary protective order hearings, and small claims trials. I apply for this job with no illusions or misconceptions regarding duties of the job and what it requires. I know there will be a significant learning curve for the new appointee, as I have experienced it firsthand. My learning curve has been accelerated by my experience and the completion of the two-week advanced limited-jurisdiction court training program at the National Judicial College. This required judicial training enhances my career experience and further sets me apart from the other applicants.

I embrace and admire the Municipal and Justice Court's role as the people's court, where the public and non-attorneys can resolve disputes fairly and efficiently. It is extremely important that the character of the court remain consistent, open, and accessible to the public at large. In my career, I have had extensive contact with parties that choose to be unrepresented, both defendants and witnesses alike, always mindful that the proceedings should treat them as fairly and equitably as those who have retained the most experienced attorneys. Alternatively, the court is a place where complicated legal issues and arguments can arise at any time, aggressively argued by experienced attorneys, and I am equally equipped to handle complex legal issues when they surface as well.

Throughout my career I have strived to serve my clients as effectively as possible, while treating my colleagues and the court with civility, respect, and honesty. I am a level-headed and fair advocate and often the voice of reason in my professional and personal dealings. I pride myself on my ability to be fair and reasonable, without unnecessary contentiousness. As a judge, I will bring those attributes with me to the bench. I truly wish to utilize these attributes for the benefit of the people of Carson City. Thank you for your consideration.

WRITING SAMPLE

POINTS AND AUTHORITIES¹

FACTS

On February 23, 2007, Stanley Arrive (“Mr. Arrive”) was arrested for Driving Under the Influence. Mr. Arrive was subsequently charged pursuant to a criminal complaint on March 27, 2007 with Driving Under the Influence 3rd Offense, a category B felony as defined by NRS 484.3792(1)(c). The State alleged two (2) prior convictions in the Complaint. The first alleged prior conviction indicated an October 9, 2000 arrest and a conviction date of December 14, 2000, out of the Elko Municipal Court. (hereinafter referred to as the “Elko Prior”) The second alleged prior conviction is out of the Fallon Municipal Court with an arrest date of May 17, 2005 with a conviction date of June 13, 2005 (hereinafter referred to as the “Fallon Prior” and attached hereto as Exhibit “1”).

On June 4, 2007, Mr. Arrive waived his preliminary hearing and entered a plea of not guilty to the charge of Driving Under the Influence, a category B felony, as charged in the Amended Criminal Information filed on June 20, 2007. Said Criminal Information alleges the same Elko Prior and the Fallon Prior, as they were alleged in the criminal complaint. The trial date was set for July 30, 2007, but has since been vacated pending the outcome of this Motion.

LEGAL ARGUMENT

The Fallon Prior is legally insufficient to enhance Mr. Arrive’s potential sentence because the Fallon Municipal Court has no jurisdiction over violations of the Nevada Revised Statutes. Mr. Arrive was charged and convicted in Fallon Municipal Court under the laws of the State of Nevada, not the Fallon Municipal Code, and therefore the prior conviction cannot be used to enhance Mr. Arrive’s sentence. Furthermore, the Fallon Prior’s complaint failed to state essential facts sufficient to charge the offense. Due to the failure to charge a crime, no valid

¹ This is an excerpt of a successful Motion to Suppress, partially edited due to space limitations.

Motion To Suppress

conviction can result. The Fallon Prior is constitutionally inadequate to enhance a potential conviction in this case because it is evident from an examination of the documents offered by the State that the spirit of constitutional principles was not protected.

A prior conviction for DUI may not be used for enhancement to a felony unless the district court determines that the defendant was either represented by counsel or formally waived his right to counsel. Pettipas v. State 106 Nev. 377, 794 P.2d 705 (Nev. 1990). While the same stringent standard that applies to waiver of counsel in felony cases does not apply to misdemeanor cases, the prior must demonstrate that “spirit of constitutional principles is respected.” Koenig v. State, 99 Nev. 780, 672 P.2d 37 (Nev. 1983).

The primary focus of the analysis pursuant to Koenig and its progeny is whether or not a defendant was represented when convicted of a prior offense, regardless if the conviction is the result of a plea or trial. Davenport v. State 112 Nev. 475, 915 P.2d 878 (Nev. 1996). If the state’s record of the prior conviction indicates that the Defendant was represented by counsel, then it is presumed the conviction is constitutionally adequate. However, if the defendant was not represented by counsel, then the state has the burden of overcoming the defendant’s prima facie case. The State then has the burden of establishing that the defendant validly waived the right to counsel and that the spirit of constitutional principles was respected. Id. (Nev. 1996).

It is clear from the documents contained within the Fallon Prior that Mr. Arrive was unrepresented when he pled guilty to the charge. The burden is therefore on the state to show by a preponderance of the evidence that the spirit of constitutional principles was respected. Dressler v. State of Nevada 107 Nev. 686, 819 P.2d 1288 (Nev. 1991). It is equally clear from the documents contained within the Fallon Prior that the burden cannot be met.

- A. THE FALLON MUNICIPAL COURT EXCEEDED ITS LIMITED JURISDICTION BY CONVICTING MR. ARRIVE PURSUANT TO STATE LAW WHERE A MUNICIPAL COURT MAY ONLY ENFORCE VIOLATIONS OF ITS CITY ORDINANCES.

Motion To Suppress

The charging document contained within the Fallon Prior is a citation by the City of Fallon police department. Mr. Arrive was cited for three (3) different violations of Nevada Revised Statutes: NRS 484.319 Obedience to Stop Signs, NRS 484.379 Driving Under the Influence, and 484.345 Signal Req (sic) for Turns. The charging document is completely devoid of any reference to the Fallon Municipal Code. Additionally, the judgment of conviction contained within the Fallon Prior contains similar fatal defects.

The judgment of conviction is captioned by the Municipal Court of the City of Fallon, County of Churchill, State of Nevada. The judgment indicates that Mr. Arrive pled guilty to all three (3) charged counts as violations of the Nevada Revised Statutes. The Fallon Municipal Code is not mentioned anywhere within the Judgment of Conviction. The state's proof of the prior conviction is completely and utterly devoid of any indication that Mr. Arrive was either charged or convicted pursuant to the Fallon Municipal Code.

Municipal courts are courts of limited jurisdiction with only the authority granted to them by statute. "A court which is the creation of statute has only the authority given to it by the statute. Jurisdiction is not given by implication." *McKay v. City of Las Vegas* 106 Nev. 203, 789 P.2d 584 (Nev. 1990). Furthermore, "The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities." NRS 5.050 (2). The Nevada Supreme Court has found the "clearly expressed intent of the legislature" was to "vest the municipal court with jurisdiction to entertain criminal actions charging misdemeanor violations of city ordinances . . ." *City of Las Vegas v. The Las Vegas Municipal Court* 110 Nev. 1021, 879 P.2d 739 (Nev. 1994). Because jurisdiction is not given by implication, municipal courts are limited solely to the enforcement of city ordinances.

It is apparent that municipal courts can prosecute misdemeanors within their jurisdiction pursuant to the municipal code of their respective jurisdictions. In *City of Las Vegas*, the

Motion To Suppress

Nevada Supreme Court upheld the prosecution of a misdemeanor violation of a temporary protective order in municipal court where the Las Vegas municipal code had a provision providing that any act made a misdemeanor by the law of the state is declared to be a misdemeanor pursuant to the municipal code as well. The Fallon municipal code has a similar “catch-all” provision. “The commission of any act within the city, or the failure to perform any act within the city which is made a misdemeanor by the laws of the state of Nevada, is declared to be, and shall constitute a misdemeanor².” Fallon Municipal Code 1.08.010.

While this provision allows the Fallon Municipal Court to prosecute misdemeanors that are violations of state law, it is clear prosecutions and convictions must be brought pursuant to the municipal code, as they only have jurisdiction over those offenses. The Fallon Prior references only the Nevada Revised Statutes, thus indicating that the case was charged and the defendant convicted pursuant to state law, thereby exceeding the jurisdiction of the Municipal Court.

A failure to address defects in a complaint before pleading guilty does not preclude the defendant from raising them at a later proceeding. Giese v. Chief of Police, Reno, Nevada, 87 Nev. 522, 489 P.2d 1163 (Nev. 1971). Furthermore, “Although procedural defects may be inferentially waived by a guilty plea where the defendant was represented by competent counsel, substantive rights cannot be deemed waived in the same manner.” Id. at 525 (Nev. 1971). In this case, Mr. Arrive was not represented by counsel. Any argument insinuating that Mr. Arrive waived the fatal defects of the complaint by entering a plea to the charges is without merit. Furthermore, it is impossible for the State to establish that the municipal court did not exceed its

² The Churchill County Code has an identical “catch-all” provision to the City of Fallon’s. Churchill County Code 1.08.010. It is impossible to determine if the Fallon Municipal Court intended to proceed under NRS, County Code, or the Municipal Code as no jurisdiction was asserted in either the charging document or the judgment of conviction, other than citing the section of NRS which was allegedly violated, indicating proceedings were undertaken pursuant to state law.

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statutory jurisdiction in this case. The issue is one of subject matter jurisdiction, which would render the entire conviction a legal nullity.

CONCLUSION

Because Mr. Arrive was unrepresented, the State has the burden of showing that the spirit of constitutional principles was protected before the Court can allow the Fallon Prior to enhance a conviction in this case. Even if Mr. Arrive was represented, such obvious defects cannot be waived. The citation was not filed in the proper court of competent jurisdiction and it failed to state any of the essential facts constituting the offense. Furthermore, the State has furnished no amended complaint that may have been filed to remedy the egregious defects. Therefore the judgment of conviction fails to establish the court's jurisdiction to convict Mr. Arrive. In fact, the Fallon Prior affirmatively demonstrates that Mr. Arrive was convicted by a court without the jurisdictional authority to do so.

Under these circumstances, it is clear that the spirit of the constitutional principles was not protected. Furthermore, the convicting Court was without jurisdiction to render a conviction because Mr. Arrive was neither prosecuted nor convicted under the municipal code.

Mr. Arrive respectfully requests this court to suppress the Fallon Prior and remand this case to Justice Court for proper proceedings. Mr. Arrive would not object to this being remanded to Municipal Court, provided a complaint alleging a violation of the Carson City Municipal Court is duly filed. Additionally, Mr. Arrive asks this Court, as a court of general jurisdiction, for a finding that the Fallon Prior is legally void for lack of subject matter jurisdiction. The Fallon Municipal Court simply exceeded its jurisdiction in rendering a judgment pursuant to the state law of Nevada.

The Motion to Suppress should be granted and the case remanded to Justice Court for further appropriate proceedings.

APPLICATION

to the

CARSON CITY BOARD OF SUPERVISORS

for

JUSTICE OF THE PEACE/MUNICIPAL COURT JUDGE, DEPT. 1

Carson City, Nevada

by

Gerald James Gardner

(applicant name)



CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION

1. Are you a qualified elector in Carson City? Yes.
2. Have you been removed from judicial office by the legislature or removed or retired from judicial office by the Commission on Judicial Discipline? No.
3. Do you have a high school diploma or its equivalent as determined by the State Board of Education?
Yes.

EMPLOYMENT HISTORY

4. Using copies of Employment History form ("Attachment C") please start with your current employment or most recent employment, self-employment, and periods of unemployment for the ten years immediately preceding the filing of this application. Attached.

EDUCATION

5. List names and addresses of colleges and graduate schools attended (except law school –see next question); dates of attendance; certificates or degrees awarded.

Kenyon College, Gambier, Ohio; 1983 – 1987; B.A. in Philosophy, *cum laude.*

6. List names and addresses of law schools attended (if applicable); degree and date awarded; if more than one law school attended, explain reason for change.

Cornell Law School, Ithaca, New York; 1989 – 1991; Juris Doctor

7. Describe significant college activities including office held, other leadership positions, clinics participated in, and extracurricular activities.

Kenyon - Member of Faculty Selection Committee; Philosophy Symposium; Recording Secretary, Delta Kappa Epsilon Fraternity; Kenyon Rugby Team

Cornell – Student Teacher, Business Law (tutored undergraduate students in commercial law); Assistant Judicial Advisor (provided legal representation to students accused of academic and conduct violations).

8. List any professional certifications and other training and education courses taken.

Admitted to practice law in Nevada, New York, United States District Court of Nevada, 9th Circuit Court of Appeals, and United States Supreme Court

Nevada District Attorney's Association, Annual Criminal Law Conference, Virginia City, Nevada, 2010

Nevada District Attorney's Association, Civil Government Lawyers Conference, Stateline, Nevada, 2009

True Identity: DNA for the Experienced Prosecutor, National District Attorneys Association, Seattle, Washington, April 21 – 23, 2008

White Collar Crime, National District Attorneys Association, San Francisco, California, September 16 – 20, 2007

XXII Attorneys General Border Conference, Office of Arizona Attorney General Terry Goddard, Phoenix, Arizona, September 7 - 9, 2005

International Conference on Human Trafficking, United States Department of Justice, Tampa, Florida, July 16 - 17, 2004

24th Annual Conference, Association of Government Attorneys in Capital Litigation, New Orleans, Louisiana, July 30 - August 2, 2003

Basic Cybercrime Training, National Association of Attorneys General, National Center for Justice and the Rule of Law, Oxford, Mississippi, February 3 - 5, 2003

Conference on Child Maltreatment, San Diego, California, January 25 - 29, 1999

Evidence for Prosecutors, National College of District Attorneys, San Francisco, California, March 9 - 12, 1997

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

9. Have you ever held an elective or appointive public office in this or any other state? **No.**

Have you ever 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. **Ran for District Court Judge in the Eighth Judicial District (Clark County) in 2006.**

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

Carson City Youth Court Project (2009 - Present)

Carson City Gang Response Program (GRIPS), Vice-Chair, Suppression Committee (2007 – 2009)

Nevada Supreme Court Advisory Committee on the Administration of Justice, Sub-Committee to Study Mandatory Drug Sentencing Statutes, (2008 - 2009)

Southern Nevada Law Enforcement Coordinating Committee (LECC) (2002 – 2006)

Attorney General's Advisory Coalition on Impaired Driving, Vice-Chair (2005 – 2006)

Interstate Identity Theft Passport Advisory Council, Co-Chair (2004 – 2005)

Attorney General's Legislative Committee (2003 – 2005)

***Trial By Peers* program, Clark County Bar Association (2002 – 2006)**

Nevada Coalition Against Sexual Violence, Legislative Committee (2004 – 2006)

International Visitors Program – (Educated International judiciary and prosecution representatives from Republic of Serbia, Palestine and Gaza, and Republic of Macao on American criminal law and procedure) (2003 – 2004)

EPIC Mentoring Program, Boys and Girls Club of Western Nevada (2010 – present, pending completion of training program)

Carson City Little League, Coach, (2009 – 2010)

Cub Scouts, Assistant Den Master (2009 – 2010)

11. Describe any courses taught at colleges or continuing legal education programs.

Nevada P.O.S.T., Spring Academy, Carson City, Nevada, February 8, 2011 (Instructor)

Carson City Sheriff's Office In-Service Training, February 2, 9, 2011 (Instructor)

Northern Nevada Gang Symposium III, Carson City District Attorney's Office, Carson City, Nevada, November 18 – 19, 2010 (Organizer, Instructor)

Nevada P.O.S.T., Fall Academy, Carson City, Nevada, October, 2010 (Instructor)

Northern Nevada Gang Symposium II, Carson City District Attorney's Office, Carson City, Nevada, October 1 – 2, 2009 (Organizer, Instructor)

Northern Nevada Gang Symposium, Carson City District Attorney's Office, Carson City, Nevada, October 20 – 21, 2008 (Organizer, Facilitator)

Developing a Meth Control Strategy in Nevada, 2006 Nevada Prosecutors Conference, Carson City, Nevada, September 14, 2006. (Instructor).

State and Federal Meth Initiatives, Attorney General's Rural Methamphetamine Conference, Winnemucca, Nevada, May 17 - 19, 2006 (Organizer, Instructor, Facilitator)

2006 National Summit on the Methamphetamine Epidemic, The Performance Institute, Las Vegas, Nevada, January 18, 2006 (Instructor)

Prosecution Coordination and Referral, Nevada District Attorneys' Association, Fallon, Nevada, September 25, 2003 (Instructor)

Money Laundering and Asset Forfeiture, Federal Law Enforcement Training Center, Financial Fraud Institute, Las Vegas, Nevada, January 7, 2003 (Instructor)

Capital Prosecutions After Ring and Atkins, Nevada District Attorneys' Association, Mesquite, Nevada, September 26, 2002 (Instructor)

12. List any accomplishments (i.e., educational, military service, charitable and the like) of which you want the Board to be aware.

Graduated from college with honors.

Certificate of Appreciation, Sexual Assault Prevention Task Force, 1999.

Certificate of Appreciation, National Drug Intelligence Center, 2002.

Certificate of Recognition, Clark County Bar Association (volunteer hours with the Clark County Trial by Peers Program), 2004.

13. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations, and dates. Exclude information regarding your political affiliation.

No Place For Hate, Community College of Southern Nevada, Las Vegas, Nevada, March 9, 2006 (Speaker).

5th Annual Sexual Violence Prevention & Intervention Conference, Nevada Coalition Against Sexual Violence, Las Vegas, Nevada, January 30, 2006 (Panelist)

2004 Annual Conference, Nevada Sheriffs' and Chiefs' Association, Mesquite, Nevada, December 1, 2004 (Keynote Speaker).

"Why the Nevada Department of Justice?" NDOJ In General, Vol. I, Issue 1, April 2004.

Understanding Nevada's Habitual Criminal Laws, Clark County District Attorney's Office, 1998.

Published Supreme Court Opinions:

Riggins v. Nevada, 504 U.S. 127 (1992) (drafted respondent's brief)

Parker v. State, 109 Nev. 383 (1993) (drafted respondent's brief)

Thompson v. State, 111 Nev. 439 (1995) (drafted respondent's brief)

Abeyta v. State, 113 Nev. 1070 (1997) (argued before Nevada Supreme Court)

State v. Taylor, 114 Nev. 1071 (1998) (drafted respondent's brief)

State v. Johnson, 116 Nev. 78 (2000) (drafted appellant's brief, argued before Nevada Supreme Court)

Braunstein v. State, 118 Nev. 68 (2002) (conducted jury trial)

Attorney General Opinions:

Attorney General Opinion 2002-39 to Las Vegas City Attorney Brad Jerbic regarding constitutionality of Nevada's Due Care statute (2002).

Attorney General Opinion 2003-06 to Elko District Attorney Gary Woodbury regarding jurisdiction of outlying justice courts (2003).

CONDUCT

14. Have you ever been arrested, charged or held by any federal, state, local or other law enforcement authority, including the IRS and SEC, or convicted of violation of any federal, state, or local law, regulation or ordinance? Exclude minor traffic violations and any juvenile offenses. Provide detail of the circumstances, charges, and dispositions. No.

15. Have you ever been sued? If yes, explain. No.

16. Have you ever been a party in any legal or administrative proceedings? Yes. If yes, explain. Plaintiff in a construction defect claim, Eight Judicial Dist. Court, Las Vegas. (Settled in 2007).

17. Have you ever been the subject of an ethics, open meeting law or public records complaint? If yes, explain. No.

18. Have you ever been called upon to respond to a complaint or charge or to appear before a judicial discipline commission, a bar association grievance committee, bar association character and fitness committee; or have you ever been disciplined or cited for breach of ethics or unprofessional conduct by any court, commission, or military tribunal? If yes, explain. Include any complaints now pending. No.

19. Have you filed federal income tax returns for each of the past ten taxable years? If no, explain. Yes.

20. Have you personally or has any business you control ever failed to pay a local, state or federal tax liability that has been legally determined to be due, within the time allowed for payment without penalty, assessment or lien? Have you ever been subject to tax lien? If so, provide full details. No.

21. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If so, provide full details. No.

22. 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.

23. Are you in violation of or have you violated any court orders, including spousal and child support? No.

HEALTH

24. Are you physically and mentally able to perform the essential duties of a judge in a timely fashion? Please identify any accommodations you may need to perform the job. Yes. No special accommodations needed.

OTHER

25. 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 explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing). Attached.

26. List by category the names, addresses and telephone numbers of the individuals to whom you sent the Reference Inquiry form letters. (See Attachment B). **Attached.**

Attorney References:

Governor Brian Sandoval
101 North Carson Street
Carson City, Nevada 89701
(775) 684-5670

Allison W. Joffe, Esq.
712 E. Musser Street
Carson City, Nevada 89701
(775) 883-330

Non-Attorney References:

Sheriff Ken Furlong
911 E. Musser Street
Carson City, Nevada 89701
(775) 887-2020

Dr. Joseph McEllistrem, Ph.D
329 West 5th Street
Carson City, Nevada 89703
(775) 883-6694

27. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Board of Supervisors.

In 2007, successfully tried a 25 year old Carson City murder case (*State v. Mitchell*).

Have drafted or assisted in drafting three United States Supreme Court briefs.

Have argued approximately 10 cases before the Nevada Supreme Court.

Was a member of the original task force that created the Nevada Coalition Against Sexual Violence in 1998. This organization has since grown to be a major voice in increasing public awareness of sexually violent crimes in Nevada. Years later, I was asked to sit on their legislative committee.

28. Attach one sample of no more than five pages of your original written work in the form of a memorandum, letter, or decision, within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized and persuasive fashion. **Attached.**

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Carson City District Attorney's Office

Phone Number (including area code): (775) 887-2072

Address/City/State/Zip: 885 E. Musser Street, Suite 2030, Carson City, Nevada 89701

Date From: January 1, 2007 Date To: Present

Supervisor's Name: Neil A. Rombardo

Supervisor's Job Title: District Attorney

Your Title: Assistant District Attorney

Duties (be specific): As Assistant District Attorney, I oversee all operations of the Criminal Division and serve as principal legal advisor to the District Attorney. I supervise 6 prosecutors in the litigation of over 1,000 criminal cases each year. I screen all felony cases and assist deputy district attorneys in the drafting of complaints, preparing for justice court arraignments, bail hearings, preliminary hearings, misdemeanor trials, and probation violation hearings. I supervise the attorneys in preparation for district court calendar, suppression hearings, sentencing, and jury trials. I approve all plea negotiations. I supervise the Victim Witness Services Division and the Investigation Division. I meet with detectives and law enforcement officers to assist in case preparation. Several times per year, I provide instruction to the Nevada P.O.S.T. academy, the Nevada Department of Public Safety, and the Carson City Sheriff's Office in search and seizure law, courtroom demeanor, substantive law, and constitutional law. I handle

a caseload of felony and misdemeanor cases and conduct preliminary hearings, bench trials and jury trials in justice and district court. I oversee all Nevada Supreme Court cases and have successfully litigated approximately 10 appeals before the Supreme Court in the past two years. I assist and advise the District Attorney in significant administrative and civil matters as well as personnel and policy matters. I assist the District Attorney in legislation and in liaison with the press, public, and community organizations.

Reason for leaving: Still employed. I am pursuing this opportunity to serve Carson City as Justice of the Peace / Municipal Court Judge.

EMPLOYMENT HISTORY:

Previous Employer: Nevada Attorney General's Office

Phone Number (including area code): (702) 486-3420

Address/City/State/Zip: 555 E. Washington Avenue, Suite 3900, Las Vegas, Nevada 89101

Date From: April 15, 2002 Date To: January 1, 2007

Supervisor's Name: George Chanos; Ann Wilkinson; Brian Sandoval

Supervisor's Job Title: Attorney General; Assistant Attorney General; Attorney General

Your Title: Chief Deputy Attorney General

Duties (be specific): Las Vegas Regional Chief (2005 - 2006). During this assignment, I served as Chief of the Attorney General's Las Vegas Office, reporting directly to Attorney General George Chanos and serving as his primary legal advisor in all litigation, administrative, civil, and criminal law matters. I was responsible for all administrative operations in a 125 person office, (60 attorneys, 20 investigators, and 45 secretarial and support staff). My specific assignments included supervising the open-meeting law division, gaming division, consumer protection

bureau, transportation and taxi authorities, as well as overseeing major financial litigations and all human resources matters within the office.

Criminal Division Chief (2002 - 2005). During this assignment, I served as statewide Chief of the Attorney General's Criminal Division, reporting to Assistant Attorney General Ann Wilkinson and to Attorney General Brian Sandoval. I supervised a division of twenty-three prosecutors in four offices (Carson City, Reno, Las Vegas, and Ely) and four prosecution teams (Public Integrity Unit, Special Prosecutions Unit, Insurance and Workers Compensation Fraud Unit, and Medicaid Fraud/Elder Abuse Unit). I oversaw all trials and appeals; federal habeas corpus actions, conducted jury trials and grand jury hearings in prison gang, fraud, and public corruption crimes; I was responsible for training, hiring, budget, federal reporting, and government liaison; I drafted and testified in numerous criminal justice legislative bills, resulting in passage of important methamphetamine control and human trafficking laws.

Reason for leaving: To move to Carson City to work for the District Attorney's Office.

EMPLOYMENT HISTORY:

Previous Employer: Milberg, Weiss, Bershad, Hines, & Lerach (now Milberg, LLP)

Phone Number (including area code): (212) 594-5300

Address/City/State/Zip: 1 Penn Plaza, 49th floor, New York, New York 10110

Date From: October 2000 Date To: January 2002

Supervisor's Name: Keith Fleischman

Supervisor's Job Title: Partner

Your Title: Associate

Duties (be specific): For sixteen months, I worked in New York City as an associate in the nation's largest consumer protection and securities fraud class action firm (now Milberg, LLP).

During this time, I served on the executive litigation team in the nationwide *In re: Bridgestone/Firestone Tires Product Liability Litigation*, and served on the lead counter-claim counsel team in a \$4 billion Australian pay television contract litigation, *News Corp. v. Australis Media Ltd.* Specific duties included documentary discovery, depositions, overseeing investigations, complaint drafting, and appearances in federal court and in New York commercial court.

Reason for leaving: To return to Nevada after my wife attended school in New York.

EMPLOYMENT HISTORY:

Previous Employer: Clark County District Attorney's Office

Phone Number (including area code): (702) 486-3420

Address/City/State/Zip: 200 South Third Street, Las Vegas, Nevada 89101

Date From: October 14, 1991 Date To: September 2000

Date From: January 2002 Date To: April 2002

Supervisor's Name: Scott Mitchell, Dan Bowman, Tom Moreo, Doug Herndon, Mary-Ann Miller

Supervisor's Job Title: Chief Deputy District Attorney, County Counsel

Your Title: Deputy District Attorney

Duties (be specific): **Civil Deputy** (January 2002 – April 2002): During this assignment, I served as legal counsel to the Clark County Department of Air Quality Management in enforcement actions and administrative hearings. I also defended Clark County agencies and the Las Vegas Metropolitan Police Department against federal civil rights claims.

Reason for leaving: I was recruited to the position of Chief Deputy for the Attorney General's Criminal Justice Division.

Special Victims Unit (1998 – 2000) – During this assignment, I prosecuted child homicide, child abuse, and felony sex crimes from initial investigation through jury trial. This was an intensive prosecution unit and I gained my most significant trial experience during this time, averaging approximately 8 jury trial per year while on this unit.

Reason for leaving: Moved to New York in order for my wife to attend a university program.

Felony Team (1992 – 1998) – Prosecuted approximately 25 felony jury trials charging murder, kidnapping, fraud, gaming, habitual criminal, and narcotics crimes. Conducted at least 100 bench trials involving domestic battery, DUI, petit larceny, prostitution, narcotics paraphernalia, and other misdemeanor offenses. Conducted at least 200 preliminary hearings in justice court. Presented complex cases before the Clark County Grand Jury. Argued numerous appeals and post-conviction petitions before Nevada Supreme Court.

Appellate Law Clerk (1991 – 1992) – Drafted several dozen appeals to the Nevada Supreme Court; drafted respondent's brief in the United States Supreme Court death penalty case. *Riggins v. Nevada*, 504 U.S. 127 (1992).

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

COMPLETE THE FOLLOWING IF YOU ARE OR HAVE BEEN AN ATTORNEY OR JUDGE

A. State the year you were admitted to the Nevada Bar and your Bar Number. **1992; Nevada Bar No. 004619**

B. Name courts (other than Nevada) and year of admission, in which you are admitted to practice law and accompanying Bar Numbers.

New York, 2000 (no bar no.)

United States District Court of Nevada, 2000 (no bar no.)

9th Circuit Court of Appeals, 2000 (no bar no.)

United States Supreme Court, 2000 (no bar no.)

C. Have you ever been denied admission, suspended or disbarred from the practice of law in Nevada or any other state? If so, describe the circumstances, dates, and locations. **No.**

D. 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. **No.**

25. 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 explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing).

To serve as Justice of the Peace / Municipal Court Judge is to hold an extremely important position of public trust. The position should be held by a person with extensive legal knowledge, ability, ethics, and a balanced judicial temperament. It requires knowledge of substantive Nevada criminal, civil, and administrative laws and codes. It requires knowledge of rules of procedure and evidence. It requires the resolve to rule on all matters before you with fairness and impartiality. It requires the discipline and temperament to treat all persons who appear before you with respect and consideration, regardless of whether you are ruling for or against them, regardless of whether you are awarding them a substantial civil judgment, or sentencing them to jail.

In my 17 years practicing law in the courts of Nevada, I have sought to understand as much as there is to know of Nevada law and procedure. I have appeared in several thousand court proceedings, including hundreds of justice court preliminary hearings, over 100 justice or municipal court bench trials, hundreds of motion hearings, hundreds of sentencing hearings, more than 40 jury trials to verdict, and at least 10 Supreme Court oral arguments. Although the majority of my experience has been in criminal law, I have also represented government agencies, individuals, and private businesses in civil and administrative actions.

I devote hundreds of hours each year to teaching other lawyers, law enforcement officers, and students in continuing education classes, in-service training, and police academy. Subjects taught include search and seizure law, constitutional law, substantive criminal law, report

writing, and courtroom testimony. I spend many more hours preparing for each class than I do actually teaching the class. I do this not just to be accurate and informative to the class, but to ensure that I truly understand the subject. These teaching opportunities have helped me continue to learn the law and have helped me be a better lawyer and practitioner. As a Justice of the Peace / Municipal Court Judge, I will apply all of my knowledge and experience to the position and continue to learn and grow with the position.

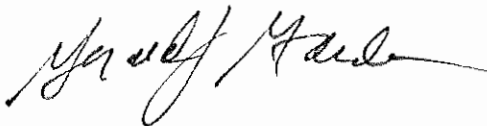
Working on public corruption cases in the Attorney General's Office, I learned that many Nevadans lack trust in government and in our justice system. I devoted months and years of my life to holding unethical elected officials and government workers accountable for their misconduct, successfully prosecuting a former city councilman for fraud, and prosecuting the first impeachment of a state constitutional officer in Nevada history. Despite the unpopularity of some of these efforts, they were, I believe, the right thing to do and a step toward restoring public trust in government. As a Justice of the Peace / Municipal Court Judge, I will not allow improper influences, personal motives, prejudice or favoritism to play any part in the administration of justice. My duty of impartiality, and my duty to uphold the highest ethical standard, will be paramount.

My management responsibilities over the past nine years have taught me key leadership skills and the importance of fairness, patience, and objectivity. I continue to hone these skills through seminars and self-instruction. I have learned that there are few things more important than listening and understanding what others are telling you. As a Justice of the Peace / Municipal Court Judge, I will listen and seek to understand everyone who comes before me. I will treat everyone with respect and courtesy.

The Justice / Municipal Court plays a substantial role not only in the day to day functioning of the judicial process, but in the Carson City community as a whole. From protective order hearings, to mental health court, small claims, DUI, domestic battery, and eviction cases, the Justice / Municipal Court touches upon almost every aspect of our community. To serve as Justice of the Peace / Municipal Court Judge is the opportunity to serve Carson City. It is the opportunity to contribute the knowledge, skills, and abilities that I have been fortunate enough to gain, in order to benefit of the people of Carson City. It is the opportunity to contribute my work ethic and civic activity not just to the day to day operations of the courtroom, but to the betterment of the Carson City legal system as a whole, and to the betterment of Carson City as a whole.

I thank the Committee and the Board of Supervisors for their consideration in reviewing my application.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald J. Gardner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerald James Gardner

1 Case No. 05 CR 00470 1C

2 Dept. No. II

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4
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6 IN THE JUSTICE / MUNICIPAL COURT OF CARSON TOWNSHIP
7 IN AND FOR CARSON CITY, STATE OF NEVADA

8 CARSON CITY,

9 Plaintiff,

10 v.

11 RONALD BALMORE GOMEZ,

12 Defendant.

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**ORDER DENYING MOTION TO
WITHDRAW GUILTY PLEA**

14 Defendant pleaded guilty on March 31, 2005 to one count of Domestic Battery, 1st
15 Offense, a misdemeanor in violation of CCMC 8.44.020. In exchange for his plea of guilty, a
16 felony charge of Preventing a Witness from Reporting a Crime was dismissed. Defendant
17 was sentenced to 48 hours of community service, ordered to undergo a domestic violence
18 evaluation, and ordered to pay statutory fines and fees. He was given credit for one day in
19 jail. Defendant satisfactorily completed all conditions of his sentence.

20 On January 5, 2010, Defendant filed a Motion to Withdraw Guilty Plea, alleging his trial
21 counsel was ineffective for failing to advise him of the immigration consequences of his plea
22 to the offense of Domestic Battery. The State filed an Opposition on January 28, 2010. On
23 April 21, 2010, Defendant filed a Supplement to Motion to Withdraw Guilty Plea, calling the
24 Court's attention to the recent United States Supreme Court decision in *Padilla v. Kentucky*,
25 559 U.S. ____ (2010).

26 An evidentiary hearing was conducted on April 28, 2010. The Court heard the
27 testimony of Defendant's trial counsel, Chief Deputy State Public Defender Karin
28 Kreizenbeck, and of Defendant, Ronald Balmore Gomez. The Court, having considered the

1 briefs and pleadings of the parties, all exhibits attached thereto, the testimony presented at
2 the evidentiary hearing, and the arguments of counsel, hereby rules as follows:

3 The standard for establishing ineffectiveness of counsel is outlined in *Strickland v.*
4 *Washington*, 466 U.S. 668, 687 (1984). A defendant alleging ineffective assistance of
5 counsel must establish both deficient performance by counsel and prejudice to the defendant.

6 Defendant has failed to meet his burden of proving that counsel's performance was
7 deficient in a manner that falls below an objective standard of reasonableness. The record
8 and testimony brought forth at the evidentiary hearing indicate that trial counsel was an
9 experienced defense attorney who has handled hundreds or thousands of criminal cases.
10 Trial counsel reviewed the evidence in the case and spoke with her client prior to his entry of
11 plea. She was able to secure a plea negotiation for him that resulted in the dismissal of a
12 felony charge in exchange for his plea to a misdemeanor. While trial counsel was unable to
13 recall whether she had advised Defendant on the immigration consequences of his plea, she
14 testified that, had Defendant asked, she would have referred him to an immigration lawyer.
15 She testified that she would not have affirmatively advised him that his plea would have no
16 immigration consequences.

17 Defendant argues that, pursuant to *Padilla v. Kentucky, supra.*, trial counsel had an
18 obligation to advise him of possible immigration consequences. However, the immigration
19 consequences in this case were far from clear. For one, it has never been established that
20 Defendant ever alerted his attorney to the fact that he was an alien. Second, it has now been
21 more than five years since Defendant's conviction, and he has yet to be deported. Defendant
22 testified that he is in this country as the result of an asylum grant. His pending deportation is
23 based on the decision of the Bureau of Citizenship and Immigration Services not to extend
24 this asylum, due to his conviction for Domestic Battery. Given these circumstances, it cannot
25 be said that trial counsel, a criminal defense attorney not a specialist in the complexities of
26 immigration law, performed deficiently under a standard of objective reasonableness.

27 Even if trial counsel was deficient in not advising Defendant that his plea may have
28 carried a risk of adverse immigration consequences, Defendant has failed to satisfy the

1 second prong of *Strickland*, which requires that Defendant establish prejudice. In the case of
2 a guilty plea, this requires Defendant to establish that he would not have pled guilty but for
3 trial counsel's errors. *Rubio v. State*, 124 Nev. Adv. Rep. 87, 194 P.3d 1224, 1229 (2008).
4 Although Defendant testified at the evidentiary hearing that he would not have pled guilty if he
5 had known he would face deportation in the future, the Court does not find this assertion to be
6 credible. Trial counsel and Defendant acknowledged at the evidentiary hearing that there
7 was substantial evidence to support Defendant's guilty plea in this case: There was a police
8 report outlining the allegations of the battery upon the victim and describing her visible
9 injuries; the victim wrote a statement describing the battery and Defendant's interference with
10 her attempt to call the police; the victim went to the hospital after the battery because she felt
11 dizzy. In *Padilla v. Kentucky, supra.*, the Court held, "... to obtain relief on this type of claim, a
12 petitioner must convince the court that a decision to reject the plea bargain would have been
13 rational under the circumstances." *Id.*, at p. 14. Faced with the evidence against him, and the
14 possibility of being convicted of a felony crime, it would have been irrational for Defendant to
15 have rejected the plea bargain to a misdemeanor offense. Defendant has therefore failed to
16 establish that he was prejudiced by any alleged error committed by trial counsel.

17 Good cause appearing, it is hereby ordered that Defendant's Motion to Withdraw Guilty
18 Plea is DENIED.

19 DATED this _____ day of _____, 2010.

20
21 _____
22 JUSTICE OF THE PEACE
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CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Gerald James Gardner

Name of Person Providing Reference Governor Brian Sandoval

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
Almost ten years. Gerald was my Chief Criminal Deputy Attorney General during my tenure as the Attorney General.

2. What do you consider to be the applicant's greatest strengths?
Integrity, temperament, intellect and family values.

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
None that I know of.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity: Unimpeachable.

Ability to apply legal principles to specific cases: Demonstrated brilliance.

Ability to work under pressure (heavy case load, time deadlines): Demonstrated success.

Interpersonal skills in dealing with people: Led Attorney General Criminal Division with dignity and respect.

Time management ability: Demonstrated excellence.

Temperament, demeanor: Always focused, friendly and calm.

Work Ethic: Beyond reproach.

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic: See above.

Preparation for court hearings: Demonstrated excellence.

Management of cases in compliance with established court time frames: Demonstrated excellence.

Courtroom demeanor: Calm, respectful and patient.

Quality of written submissions: Demonstrated excellence.


SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?

1	2	3	4	5	6	7
Unacceptable			Satisfactory			Outstanding

7. Please add any comments you may have.

Gerald will make an excellent Justice of the Peace. He has a demonstrated record of achievement in both criminal and civil areas of law, he has excellent temperament and a tireless work ethic. I recommend him without reservation.


Signature

BRIAN SANDOVAL, GOVERNOR
Print Name and Title

LICENSED IN NEVADA
2258
allison@allisonjoffee.com



LAW OFFICES OF
Allison W. Joffee

712 E. Musser Street
Carson City, Nevada 89701
Phone: (775) 883-3300 Fax: (775) 883-3316
Website: Allisonjoffee.com

MARIA NELSON, PLS
Paralegal
maria@allisonjoffee.com

MARCIA C. HOPE, ALS
Receptionist/Legal Secretary
marcia@allisonjoffee.com

February 9, 2011

Lawrence A. Werner
City Manager
201 N. Carson Street, Suite 2
Carson City, NV 89701

Re: *Gerald J. Gardner*

Dear Mr. Werner:

I am writing this letter on behalf of Gerald Gardner for the Carson City Justice of the Peace, Department I position.

I have had the pleasure of knowing Gerald Gardner as a colleague and friend for the last three years since he has been in Carson City. I am an attorney in Carson City and often work opposite Gerald. In fact, we have had several unusual and messy cases wherein he is the prosecutor and I am the defense attorney.

My experience with Gerald has been excellent. He is very knowledgeable in the criminal law area which you would expect in his position. Most important, Gerald is able to recognize the real criminals from people who come through his office having committed crimes but who do not fit the criminal mold. He can recognize those who need diversion or other resources brought to bear so that they can stay out of the criminal justice system in the future.

As we work on different sides of the case, we do not always agree. However, I am very comfortable when I talk to Gerald that he will listen to my point of view, that he will be prepared with his point of view, and will compromise if he believes it is appropriate and is justified in each individual case.

Gerald is smart and able to balance a tough job with his family life. He is very active in the community. I see him and spend time with him at many events including Boys and Girls Club events. His children are usually with him and he is a hands-on, loving dad with his young children.

Lawrence A. Werner
February 10, 2011
Page 2

Additionally, I would say another family strength is his wife working in social services. This is a good balance for Gerald and Gerald gives his wife lot of credit for his success.

I think the only weakness I know of is Gerald is a lawyer and some people may not want a lawyer in this position. I think it is important to have a person on the bench who is well-qualified in the technical areas as the Justice of the Peace position is important. I have confidence Gerald is able to handle the highly technical cases that come before him and, at the same time, is able to speak directly to individuals who come to court every day without lawyers and who are in very stressful situations.

The Justice of the Peace position requires a lot of people skills. As a Pro Tem I know it is important to listen to people and allow them to be heard, then make the tough decision. If you do that, people will be satisfied. I think that has been one of Judge Willis's greatest qualities. People feel heard even if the decision goes against them. I think Gerald will follow in that path.

Gerald was a supervisor in the District Attorney's Office in Las Vegas. His ability to teach his craft certainly assures his ability. He has both civil and criminal experience. Gerald is the go-to person in the District Attorney's Office to get an answer for a technical legal issue. Gerald has been very effective in assisting Neil Rombaro to get up to speed in the criminal cases as he has had much more experience than Neil. Gerald certainly was under a lot of pressure in the beginning of this administration and has handled it excellently.

With all of the different needs in the Justice of the Peace arena, it is so important to have people skills, to deal with staff, to deal with lawyers, all of the different boards, including the Board of Supervisors, and the citizens who come in to Court. I believe Gerald will be an enormous asset to Carson City as Justice of the Peace.

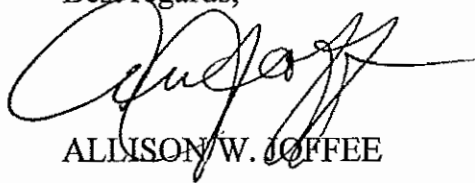
Lawrence A. Werner
February 10, 2011
Page 3

Even though Gerald has not been in Carson City his entire life, if you took a poll among attorneys, you would find that he is very well-respected and there is really nothing to criticize him about. His knowledge, personal skills and integrity are of very high caliber.

It is an honor for me to write a letter to you. On your scale of 1 to 7, I would rate him a 10.

I thank you for your time and will be very happy to answer any questions from board members during this process.

Best regards,

A handwritten signature in black ink, appearing to read "Allison W. Joffe". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

ALLISON W. JOFFEE

AWJ:mn
cc: Gerald Gardner



Ken Furlong
Sheriff

901 E. Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026

February 8, 2011

City of Carson
Attn: Lawrence Werner, City Manager
201 N. Carson St.
Carson City, NV 89701

Re: Reference Inquiry, Gerald James Gardner

From: Sheriff Ken Furlong:

1. How long have you known the applicant? What has been the nature of your association?

I have known Mr. Gerald Gardner for over four years. I first met him when he was appointed as the Assistant District Attorney for Carson City. Since then, we have built a strong professional relationship and on occasion have had social contact in family environments (such as at family youth activities) and community events.

2. What do you consider to be the applicants greatest strengths?

Knowledge; Character; Communications abilities; Reasoning; Ability to organize complicated matters; Fairness; Calm composed rational behavior; Interpersonal skills

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

None known.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity: *Mr. Gardner appears to be a man of high morale character with impeccable integrity to the legal profession, self and family.*

Ability to apply legal principles to specific cases: *I have had direct contact with Mr. Gardner on a regular basis regarding legal principles from a variety of perspectives. His in-depth knowledge of the law and ability to articulate the principles of matters in question is above reproach. His decisions are sound, based on fact, and are clearly formed by an outstanding understanding of the law.*

Ability to work under pressure (heavy case load, time deadlines): *Mr. Gardner's work ethic is outstanding. He has exemplary strong organizational*

skills, prioritizes matters, and has met all expectations. Under pressure, he appears calm and collected, and focuses on achievement of the subject matter with determination.

Interpersonal skills in dealing with people: *Clearly a personal attribute of Mr. Gardner. Considering a variety of topics, his demeanor and character are complimentary to the persons/group receiving his message. He is extremely professional and displays appropriate empathy to others and is respectful of differing views.*

Time Management Abilities: *Mr. Gardner has always been prompt and timely on all matters that have come to my attention. When presented with consultation issues and matters, he has always delivered concepts within timely expectations.*

Temperament, demeanor: *Mr. Gardner carries himself as an exemplary professional both on and off duty. He presents the most positive image of a professional attorney and an extra-ordinary father and family member. Gerald is always calm and composed with well thought-out intentions.*

Work ethic: *To my view, Mr. Gardner stands above his peers. He is fully committed and professional, creating a strong iconic leader role model for others to follow.*

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicants qualifications in the following areas:

Work ethic: *As stated, Mr. Gardner stands above his peers. He seems to focus his life well and is attentive to the matters of the court, district attorney, and the agencies he serves.*

Preparation for court hearings: *I have observed Mr. Gardner's preparation for court, both personally and professionally. I have the greatest respect for his skills and practice. He is focused, organized, and well informed/prepared. Certainly a strength of his, he creates efficient and effective presentations.*

Management of cases in compliance with established court time frames: *To the extent of my knowledge, Mr. Gardner is timely, prompt and prepared. He anticipates well and compliments the rapid movement of the justice processes.*

Courtroom demeanor: *Exemplary and professional!*

Quality of written submissions: *Mr. Gardner has a strong reputation for accuracy and precision. He is precise and articulates with accuracy his writings.*

SUMMARY

6. Overall, how would you rate the applicants suitability to be a Justice of the Peace?

7 – Outstanding

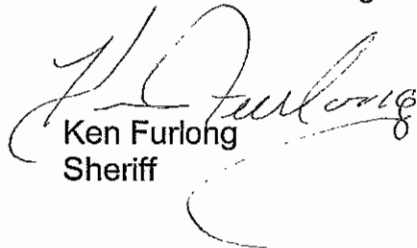
7. Please add any comments you may have:

Mr. Gardner moved into his Carson City Assistant District Attorney position with the very same enthusiasm that he displays to this date. While he may be still new to the community by some comparison, he has settled in as if he was a life long resident. He displays a very strong community commitment, most admirably by participation with little emphasis on self. It is a pleasure to see this man with his family actively participating in the community.

The role of the Justice of the Peace necessitates a commitment to the justice process with a delivery style that is fair, equal and un-bias. These are all strong character traits that Mr. Gardner naturally possesses. Combined with his well educated and thorough understanding of the law, he is an exemplary candidate.

I have had the re-occurring opportunity to address issues and matters of the city and the courts/District Attorney's Office with Gerald Gardner. He is a strong team player that has always been willing to do his part in forging opportunities. By character, I would describe his demeanor as positive and optimistic in all matters.

It is an honor and a privilege to make recommendation for Mr. Gerald James Gardner to the position of Justice of the Peace for Carson City. With his appointment, I believe that the quality of life of our residents, the common pursuit of justice in the community, and the professional working relationships of all will be positively advanced. I have no reservations whatsoever that Mr. Gardner will serve to the highest esteem of the bench and credit to Carson City.


Ken Furlong
Sheriff

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Gerald James Gardner

Name of Person Providing Reference Dr. Joseph McEllistrem

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
2. What do you consider to be the applicant's greatest strengths?
3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

Unknown

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

Management of cases in compliance with established court time frames:

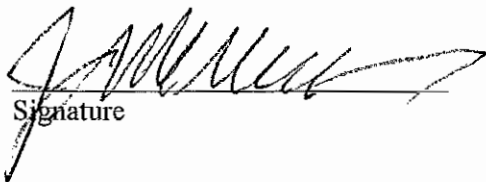
Courtroom demeanor:

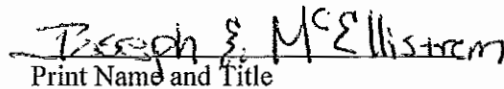
Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |

7. Please add any comments you may have.


Signature


Joseph E. McEllistrom
Print Name and Title

JOSEPH E. McELLISTREM, PhD

329 WEST 5TH STREET
CARSON CITY, NEVADA 89703

OFFICE: (775) 883-6694
FAX: (775) 883-6455

February 10, 2011

To the Carson City Board of Supervisors;

I am writing this letter on behalf of my friend and colleague, Gerald Gardner, in support of his interest for the position of Carson City Justice of the Peace and Municipal Court Judge. I will address questions from the "*Reference Inquiry Form*" in this letter to better facilitate the flow of information. I am a forensic psychologist in private practice in Carson City, Nevada, and consult for a variety of institutions, judges, and private attorneys. It was in my capacity as the Director of Forensic Health Services, for the Carson City Sheriff's Office, that I first met Mr. Gardner.¹ We have collaborated on a variety of cases since 2007, both criminal and civil.² I have tremendous respect for Mr. Gardner that has grown over the years through my observations of his legal expertise and empathy for others.³ He has strived for the highest standards of integrity in both his professional and personal life.⁴ Mr. Gardner has demonstrated a complex grasp of the law, a willingness to undertake in-depth research to augment his skill, and he is able to present material in a clear and cogent manner.⁵ His judgment is sound and he is able to make informed decisions that will stand up to close scrutiny.⁶ My colleague is fair and deliberative.⁷ I believe Mr. Gardner has the correct temperament for the position and will encourage collaboration within the system as a whole.⁸ He is an effective manager of both time and others and he has offered a calm sense of leadership to the District Attorney's office.⁹ Mr. Gardner can concisely and precisely communicate complex issues and disseminate such information clearly in oral and in written form.¹⁰ He will come to the position after making significant contributions to the legal profession and to his community.¹¹ The commissioners and community would be well served by Mr.

¹ Question 1

² Question 1

³ Question 2 & 4d

⁴ Question 4a

⁵ Question 4b, 5b, 5d, 5e

⁶ Question 5b & 5c

⁷ Question 5a

⁸ Question 4d, 4f

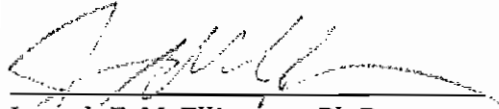
⁹ Question 4c, 4d & 4e

¹⁰ Question 5c

¹¹ Question 4g & 5a

Gardner's appointment and the contributions he will make from the bench.

Respectfully submitted,



Joseph E. McEllistrem, Ph.D.

APPLICATION

to the

CARSON CITY BOARD OF SUPERVISORS

for

JUSTICE OF THE PEACE/MUNICIPAL COURT JUDGE, DEPT. 1

Carson City, Nevada

by

Laurie L. Trotter

(applicant name)



**CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE
APPLICATION FORM
PERSONAL INFORMATION**

Name: Trotter Laurie Lynn
(Last) (First) (Middle)

Residence Address: 1833 Clydesdale Drive, Carson City, NV

Residence E-Mail Address: trotter11@att.net

Telephone: 884-2787 Cell Phone: 450-4618 Fax: _____

Work Address: P.O. Box 218 Minden, NV 89423

Work E-Mail Address: ltrotter@douglas.nv.gov

Telephone: (775) 782-9800 Fax: (775) 782-9807

At which address and telephone do you prefer to be contacted?

Residence

Work

cellular
phone

Can you be contacted at your place of employment?

Yes

No

Have you ever been known by any other name? (If so, please identify.) Laurie L. DelPriore

Citizenship: U.S.

How long have you been a continuous resident of Nevada? just under eight years

If less than 5 years, list previous addresses: _____

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION

INSTRUCTIONS: Answer each question. Be sure to sequentially number and restate each question verbatim prior to each answer. Number pages sequentially at the bottom of the page.

1. Are you a qualified elector in Carson City? Yes No
(A qualified elector is a person who is eligible to vote, but may not be registered to vote)
2. Have you been removed from judicial office by the legislature or removed or retired from judicial office by the Commission on Judicial Discipline? Yes No
3. Do you have a high school diploma or its equivalent as determined by the State Board of Education? Yes No

EMPLOYMENT HISTORY

4. Using copies of Employment History form ("Attachment C") please start with your current employment or most recent employment, self-employment, and periods of unemployment for the ten years immediately preceding the filing of this application.

EDUCATION

5. List names and addresses of colleges and graduate schools attended (except law school – see next question); dates of attendance; certificates or degrees awarded.
6. List names and addresses of law schools attended (if applicable); degree and date awarded; if more than one law school attended, explain reason for change.
7. Describe significant college activities including office held, other leadership positions, clinics participated in, and extracurricular activities.
8. List any professional certifications and other training and education courses taken.

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

9. Have you ever held an elective or appointive public office in this or any other state? Have you ever been a candidate for such an office? If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.
10. State significant civic activities in which you have taken part, giving dates and offices or leadership positions.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

APPLICATION

EDUCATION

5. List names and addresses of colleges and graduate schools attended (except law school – see next question); dates of attendance; certificates or degrees awarded.

GRADUATE SCHOOL

NATIONAL DEFENSE INTELLIGENCE COLLEGE (formerly Joint Military Intelligence College)

200 MacDill BLVD (MCA-2)

Washington, DC 20340-5100

Dates of Attendance: September 1995 - May 2000

Degree: Master of Science

COLLEGES

BIOLA UNIVERSITY

13800 Biola Avenue

La Mirada, CA 90639

Dates of Attendance: January 1987 - May 1989

Degree: Bachelor of Arts

Transfer credit from the following colleges:

Point Loma College

3900 Lomaland Drive

San Diego, CA 92106

Dates of Attendance: Fall 1984 - Spring 1985

Southwestern College

900 Otay Lakes Road

Chula Vista, CA 91910

Dates of Attendance: Summer 1985 - Fall 1987

Cerritos College

11110 Alondra Boulevard

Norwalk, CA 90650

Dates of Attendance: Spring 1989

Ft. Wayne Bible College

920 Lexington Avenue

Fort Wayne, IN 46807

Dates of Attendance: Spring 1989

6. List names and addresses of law schools attended (if applicable); degree and date awarded; if more than one law school attended, explain reason for change.

LAW SCHOOL

GONZAGA UNIVERSITY SCHOOL OF LAW

PO Box 3528, 721 N Cincinnati St, Spokane, WA 99220

Degree: Juris Doctorate, with honors, *Magna Cum Laude*

Dates of Attendance: Summer 2001 - Spring 2003

7. Describe significant college activities including office held, other leadership positions, clinics participated in, and extracurricular activities.

COLLEGE ACTIVITIES:

Volunteer, Young Life in Whittier, CA

Internship in Hong Kong, with Operation Mobilization

LAW SCHOOL ACTIVITIES:

Editor-in-Chief, Across Borders International Law Journal (now Gonzaga Journal of International Law)
CALI Awards for Excellence (highest score in class) for: Legal Research and Writing II, Legal Research and Writing IV, International Law, North American Free Trade, Criminal Procedure, Jurisprudence, Remedies.

8. List any professional certifications and other training and education courses taken.

Member Nevada State Bar, admit date: September 25, 2003, bar no. 8696.

Member California State Bar (inactive), admit date: December 4, 2005, bar no. 240153

Bar Member, U.S. District Court, District of Nevada, admitted 2003

Member Toastmasters, Carson City, 2003-2004

Member First Presbyterian Church, Carson City, 2004-2009

Member Trinity Lutheran Church, Minden, 2009-2011.

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

9. Have you ever held an elective or appointive public office in this or any other state? No

Have you ever been a candidate for such an office? No.

If so, give details, including the offices

involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

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

Elder, First Presbyterian Church, Carson City, circa 2006-2008.

During circa 2007 I taught evening classes with employees of the Carson City Juvenile Probation Department to educate parents of minors in the juvenile justice system regarding gangs, the juvenile justice system, and parenting.

11. Describe any courses taught at colleges or continuing legal education programs.

Instructor, Search and Seizure Law, Nevada POST, Carson City, NV, circa 2008

Instructor Drug Training for Investigators (DTFI), Carson City, NV May 2007

12. List any accomplishments (i.e., educational, military service, charitable and the like) of which you want the Board to be aware.

Received a Master's Degree in Strategic Intelligence.

Served in the CIA from 1992 – 2000.

Graduated with honors from law school, *Magna Cum Laude*.

13. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations, and dates. Exclude information regarding your political affiliation.

Authored: The Hague Convention Two Decades Later: Assessing the Effectiveness of the International Child Abduction Remedies Act, 6 GONZ. J. INT'L L. (2002-03), available at <http://www.gonzagajil.org>.

CONDUCT

14. Have you ever been arrested, charged or held by any federal, state, local or other law enforcement authority, including the IRS and SEC, or convicted of violation of any federal, state, or local law, regulation or ordinance? No. Exclude minor traffic violations and any juvenile offenses. Provide detail of the circumstances, charges, and dispositions. None.

15. Have you ever been sued? If yes, explain.

In the 1980's, I was a Defendant in a personal injury auto accident suit, the trial date was

April 1989. The jury found for Defendant, Plaintiff was awarded nothing.

16. Have you ever been a party in any legal or administrative proceedings? If yes, explain.

Yes, as a Defendant in a personal injury auto accident in California Superior Court.

A defense verdict, Plaintiff was awarded nothing.

17. Have you ever been the subject of an ethics, open meeting law or public records complaint? If yes, explain. No.

18. Have you ever been called upon to respond to a complaint or charge or to appear before a judicial discipline commission, a bar association grievance committee, bar association character and fitness committee; or have you ever been disciplined or cited for breach of ethics or unprofessional conduct by any court, commission, or military tribunal? No. If yes, explain. Include any complaints now pending. No. Does not apply.

19. Have you filed federal income tax returns for each of the past ten taxable years? If no, explain. Yes.

20. Have you personally or has any business you control ever failed to pay a local, state or federal tax liability that has been legally determined to be due, within the time allowed for payment without penalty, assessment or lien? Have you ever been subject to tax lien? If so, provide full details. No.

21. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If so, provide full details. No.

22. 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.

23. Are you in violation of or have you violated any court orders, including spousal and child support? No.

HEALTH

24. Are you physically and mentally able to perform the essential duties of a judge in a timely fashion? Yes. In circa 2002, I was diagnosed with a visual impairment. Since the time that I have practiced law, I have not needed any accommodations.

Please identify any accommodations you may need to perform the job.

OTHER

25. 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 explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing).

26. List by category the names, addresses and telephone numbers of the individuals to whom you sent the Reference Inquiry form letters. (See Attachment B) .

Danton Vidovich
403 St. George's Court
Dayton, NV 89403
(775) 690-0871

Dave Nielsen
2477 Gentry Lane
Carson City, NV 89701
(775) 885-8807

Nathan Tod Young
1701 Country Road
Minden, NV 89423
(775) 782-7390

Rick Gutierrez
285 Windtree
Carson City, NV 89701
(775) 721-1314

27. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Board of Supervisors.

Please see my resume attached to this application.

28. Attach one sample of no more than five pages of your original written work in the form of a memorandum, letter, or decision, within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized and persuasive fashion.

Please see Motion In Limine to Admit Bad Act Evidence.

OTHER

25. 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 explain what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good Justice of the Peace. In so doing, address both the civil and criminal processes (including criminal sentencing).

The Carson City Justice and Municipal Court Judge's busy docket includes civil and criminal matters, as well some family law matters as they relate to Temporary Protective Orders. My legal background in civil defense litigation and criminal prosecution will assist me in making the challenging sentencing decisions required of a Carson City Justice of the Peace, should I be selected. NRS 4.370 provides that a Justice of the Peace has the authority to sentence a criminal defendant for up to six months in prison and a \$1000 fine and to order restitution to victims. The court also has the authority to order that a Defendant obtain substance abuse or mental health treatment, among many other things. When making a sentencing decision, a Justice of the Peace should balance the interests of justice, public safety, the need for victim retribution and restitution, and the defendant's rehabilitation. The Justice and Municipal Court is a place where a defendant often enters the criminal justice system for the first time, and Justice of the Peace should be cognizant that a sentencing decision can provide a defendant an opportunity to change his or her life. A Justice of the Peace's sentencing decisions should include the goals of reducing recidivism protecting Carson City's citizens.

I feel that my life experience and my legal experience will assist me in being an effective Justice of the Peace, should I be appointed. I was a "lay person" for many years before I became an attorney. These pre-law experiences helped shape my personality and my view of the justice system, before I decided to enter law school in my thirties. Before becoming an attorney, I worked eight years for the Central Intelligence Agency (CIA). The analytical experience I gained while working in the CIA will assist me in making the difficult decisions required of a Justice of

the Peace. While working for CIA, I traveled to various foreign lands, and lived in foreign countries for extended periods of time, where I came to appreciate the people, culture, and languages from these foreign lands, as well as the blessings we Americans experience here at home. During my employment with the CIA I received four exceptional performance awards, and I became fluent in Spanish. I also obtained a Master's Degree in Strategic Intelligence from the National Defense Intelligence Agency.

During law school, I was involved in various projects such as serving as Editor-in-Chief for the Gonzaga Journal of International Law. I volunteered at Columbia Legal Services where I provided Spanish linguistic support for clients who had emigrated from Latin America. I also worked as a legal intern at Gonzaga University Legal Assistance Clinic assisting clients with family law matters. I held two jobs during law school. I was employed by Gonzaga law school as a tutor to first year law students, and I worked for LexisNexis as a student associate for the LexisNexis legal research system. I graduated with honors from Gonzaga University School of Law, *Magna Cum Laude*, receiving my J.D. in 2003.

After passing the Nevada State Bar exam on my first attempt in 2003, I worked as Chief Justice Miriam Shearing's law clerk at the Nevada Supreme Court. During this one-year clerkship I reviewed civil and criminal cases on appeal, conducted legal research, and prepared bench memos, orders, and opinions. The following year, the Reno civil defense firm, Georgeson, & Angaran, hired me to work as an associate attorney. I practiced civil litigation on behalf of defendants in the First, Second, and the Eighth Judicial District Courts, Reno Justice Court, as well as the U.S. District Court, District of Nevada.

Preferring to practice criminal law, I began working at the Carson City District Attorney's Office, where I practiced criminal law, juvenile law, and civil law related to child abuse and neglect cases in the First Judicial District Court, the Carson City Justice and Municipal Court, and in the Carson City Juvenile Court. While I enjoyed working in the Carson City

District Attorney's Office, I was offered a promotion to work at the Douglas County District Attorney's Office, practicing criminal law. I presently work at the Douglas County District Attorney's Office where I appear in the East Fork Township Justice Court, the Tahoe Township Justice Court, and the Ninth Judicial District Court. I enjoy working at the Douglas County District Attorney's Office very much, and the almost daily opportunity to appear in court on behalf of the State as a criminal prosecutor. I am grateful for this opportunity to apply for the vacant Justice of the Peace position in Carson City.

Laurie Trotter

1833 Clydesdale Drive
Carson City, Nevada, 89703

775-450-4618
trotterll@att.net

EDUCATION

Juris Doctorate, *Magna Cum Laude*
Gonzaga University School of Law, Spokane, WA May 2003

Master of Science, Strategic Intelligence
National Defense Intelligence College, Washington, D.C. September 2000

Bachelor of Arts
Biola University, La Mirada, CA May 1989

EMPLOYMENT OVERVIEW

Legal Experience

Deputy District Attorney
Douglas County District Attorney's Office
Criminal Division, Minden and Stateline, NV July 2008 - present

Prosecute all types of criminal cases, from misdemeanors to felonies in the Justice Courts and District Court. Appear in District Court for juvenile cases and civil child abuse and neglect matters pursuant to NRS 432B, when needed. Assist law enforcement in the preparation and review of proposed search warrants and arrest warrants. Serve as on-call attorney for the District Attorney's Office, answering legal questions from law enforcement and assisting with telephonic search warrants, on a rotating basis. Prepare pleadings, motions, legal briefs, appellate briefs.

Deputy District Attorney
Carson City District Attorney's Office
Criminal Division/Civil Division, Carson City, NV October 2005 – July 2008

Prosecuted all types of criminal cases, from misdemeanors to felonies in the Justice/Municipal and District Court. Represented the State in civil matters involving child abuse and neglect pursuant to NRS Chapter 432B. Prosecuted all types of juvenile matters in Juvenile Court and District Court. Served as on-call attorney for the District Attorney's Office, answering legal questions from law enforcement and assisting with telephonic search warrants, on a rotating basis. Assisted law enforcement in the preparation and review of proposed search warrants and arrest warrants. Prepared pleadings, motions, legal briefs, and appellate briefs. Special prosecutor in Lyon County.

Associate Attorney
Georgeson & Angaran (formerly Georgeson, Thompson & Angaran) August 2004 – October 2005
Reno, NV

Civil defense attorney. Defended insurance companies and their clients during all stages of litigation, in the First, Second, and Eighth Judicial District Courts, the U.S. District Court, District of Nevada, and in the Reno Justice Court.

Judicial Law Clerk
Nevada Supreme Court
Carson City, Nevada August 2003 - August 2004

Law clerk to Chief Justice Miriam Shearing. Prepared bench memoranda, drafted opinions and orders, conducted legal research and analysis.

Other Experience

Tutor, Academic Resources Program
Gonzaga University , Spokane, WA

August 2001 – May 2003

Instructed first-year law students in writing, effective study skills, and exam preparation.

Student Associate
LexisNexis, Spokane, WA

August 2001 – May 2002

Served as representative for training and assistance on LexisNexis's legal research system.

Analyst
Central Intelligence Agency
Washington, D.C.

May 1992 – 2000

Demonstrated skills in written and oral communications, research and analysis. Received four exceptional performance awards.

LICENSES

Nevada State Bar, member no. 8696

September 2003

California State Bar (inactive), member no. 240153

December 2005

PUBLICATIONS

The Hague Convention Two Decades Later: Assessing the Effectiveness of the International Child Abduction Remedies Act, 6 GONZ. J. INT'L L. (2002-03), available at <http://www.gonzagajil.org/>

SKILLS

Fluent in Spanish

Douglas County District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800 Fax (775) 782-9807

1 Case No. 09-CR-0072

2 Dept. No. II

3 DA 08-1324T

4

5

6 IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF DOUGLAS

8

9 THE STATE OF NEVADA,

10

Plaintiff,

11

vs

**MOTION IN LIMINE TO ADMIT
BAD ACT EVIDENCE**

12

13

KIMBERLY ANN LOPES,

14

Defendant.

15

The State of Nevada, by and through Laurie Trotter, Deputy District Attorney from the Douglas County District Attorney's Office, herein enters its Motion In Limine to Admit Bad Act Evidence in the above-captioned case, pursuant to NRS 48.045(2), wherein the Defendant, Kimberly Anne Lopes, is represented by Matthew Ence, Esq.

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This matter is based upon all of the pleadings and papers heretofore filed in this case, the points and authorities set forth below, the Affidavit attached hereto, and the arguments to be heard at any hearing on this matter. The State requests a hearing on the matter.

22

DATED this ____ day of December, 2009.

23

MARK B. JACKSON
DISTRICT ATTORNEY

24

25

By: _____

26

Laurie Trotter
Deputy District Attorney
Post Office Box 218
Minden, Nevada 89423
(775)782-9800

27

28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. PROCEDURAL HISTORY**

3 Defendant, Kimberly Lopes is charged with Trafficking in a Controlled Substance,
4 Attempted Trafficking in a Controlled Substance and Sales of a Controlled Substance.
5 Defendant was bound over for District Court after a preliminary hearing in the Tahoe
6 Township Justice Court on June 29, 2009. Defendant was arraigned in District Court,
7 Department II on July 6, 2009, during which time Defendant entered a plea of not guilty to all
8 counts and the case has been set for a jury trial on January 12, 2010. In the Information, State
9 alleges in Count III, that on or about April 9, 2008, Defendant possessed Trafficking (Level
10 III) amounts of methamphetamine (28 grams or more) in Douglas County, Nevada. The State
11 alleges in Count II, that on April 9, 2008, Defendant attempted to sell and/or deliver
12 methamphetamine to a third party, that Defendant provided 28.03 grams of methamphetamine
13 to Jennifer Marshall and/or Gregory Reynolds for the purpose of selling it to the third party.
14 The State also alleges in Count I, that on or about April 9, 2008, Defendant gave
15 methamphetamine Jennifer Marshall and/or Gregory Reynolds, in Douglas County Nevada.

16 **II. ARGUMENT**

17 The State moves this court to admit testimonial evidence of witness Patrick O'Brien
18 who the State expects will testify (among other things) that he can identify Defendant; Mr.
19 O'Brien can corroborate that Defendant was present at the same time and location where
20 Defendant possessed methamphetamine; that shortly after Ms. Lopes gave methamphetamine
21 to Jennifer Marshall and/or Gregory Reynolds, Mr. O'Brien will testify that he witnessed
22 Marshall and Reynolds depart that same location; Mr. O'Brien will testify that Defendant
23 thereafter remained at that same location and where Defendant provided Patrick O'Brien with
24 methamphetamine. Mr. O'Brien will also testify that he knew that it was methamphetamine
25 that Defendant gave him, because he ingested the methamphetamine. *See*, Affidavit.

26 NRS 48.045(2) provides that "[e]vidence of other crimes, wrongs or acts . . . may be
27 admissible . . . [to prove] motive, opportunity, intent, plan, knowledge, identity, or absence of
28 mistake or accident." The Nevada Supreme Court has held that "the State is entitled to

1 present a full and accurate account of the circumstances of the commission of the crime, and
2 if such an account also implicates the defendant or defendants in the commission of other
3 crimes for which they have not been charged, the evidence is nevertheless admissible.”
4 *Dutton v. State*, 94 Nev. 461, 464, 581 P.2d 856 (1978)(overruled on other grounds); .; *See*
5 *also, Schults v. State*, 96 Nev. 742, 748, 616 P.2d 388, 392 (1980). In *Dutton*, the Court held
6 that the prior bad act evidence was admissible to show both the circumstances surrounding
7 the transaction, and Dutton’s knowledge of the stolen character of the goods; the trial court’s
8 decision to admit this evidence was appropriate. *Id.*

9 The Nevada Supreme Court held that when “intent is an element of a crime with
10 which [defendant] is charged, and . . . his intention was put in issue by the not guilty plea.”
11 *McMichael v. State*, 94 Nev. 184, 188, 577 P.2d 398, 400 (1978)(overruled on other grounds)
12 *Braunstein v. State*, 118 Nev. 68, 73, (2002), *Meador v. State*, 101 Nev. 765 (1985). In
13 *McMichael*, the trial court properly admitted the testimony of a thirteen-year-old victim
14 regarding a prior offense “to prove intent or absence of mistake or accident.” *Id.* In *Wallin*
15 *v. State*, the Court held, “NRS 48.045 allows evidence of prior conduct where it is relevant to
16 intent or absence of mistake or accident. . . Defense counsel acknowledged that Wallin’s
17 defense placed intent in issue. The admission of such evidence was therefore proper.” 93
18 Nev. 10, 11, 558 P.2d 1143, 1144 (1977).

19 The Court articulated that “evidence of alleged misconduct may be acceptable if three
20 conditions are met: (1) the incident is relevant to the crime charged; (2) the incident is proven
21 by clear and convincing evidence;” and (3) the probative value of the evidence outweighs the
22 potential danger of unfair prejudice. *Berner v. State*, 104 Nev. 695, 697, 765 P.2d 1144,
23 1146 (Nev. 1988); *Tinch*, 93 Nev. at 1175-76, 946 P.2d at 1065. The court must conduct a
24 hearing to determine whether these conditions are met before deciding to admit or exclude
25 such evidence. *Tinch*, 93 Nev. at 1175-76, 946 P.2d at 1065; *Roever v. State*, 114 Nev. 867,
26 872, 963 P.2d 503,505 (1998).

27 Here, the court should admit Mr. O’Brien’s testimonial evidence of Defendant’s bad
28 acts (which occurred after the offenses charged), because the evidence is relevant, clear and

1 convincing, and its probative value outweighs the potential danger of unfair prejudice. Mr.
2 O'Brien's testimony is relevant, and will prove: (a) identity, Mr. O'Brien can show that it
3 was Defendant who was present with the methamphetamine, at the same time and location
4 that Defendant is alleged to have possessed the methamphetamine; Mr. O'Brien can provide
5 evidence concerning the surrounding circumstances of the possession and/or that Defendant
6 gave away the methamphetamine; (b) Mr. O'Brien can show that Defendant had the
7 knowledge, intent, opportunity, and plan to possess and/or sell and/or deliver and/or give
8 away or supply methamphetamine; and (c) the absence of mistake or accident concerning the
9 identity of Defendant, that it was no mistake or accident Defendant possessed and/or
10 attempted to sell and/or gave away methamphetamine in Douglas County on or about April
11 9, 2008.

12 Mr. O'Brien's testimony can be proven by clear and convincing evidence because
13 Mr. O'Brien was actually present at the time and place when Defendant is alleged to have
14 committed the crimes charged. Mr. O'Brien can show that not only did he witness
15 Defendant's activities on the date they occurred, but that he can testify that the controlled
16 substance that Defendant possessed was indeed methamphetamine.

17 The probative value of Mr. O'Brien's testimony outweighs the danger of unfair
18 prejudice because Mr. O'Brien's testimony assists the State in presenting a full and accurate
19 account of the activity for which Defendant is charged, and can prove Defendant's identity,
20 knowledge, intent, opportunity, and plan to commit the crime(s) charges, and can show the
21 absence of mistake or accident. Moreover, Mr. O'Brien will testify concerning Defendant's
22 activities during a substantially similar time, at the same location, and regarding an almost
23 identical scope of activity as the other offenses for which Defendant is charged in this case.

24 As such, this Court should grant the State's request to admit Mr. O'Brien's testimony
25 concerning Defendant's bad acts, as the State is not offering such evidence to demonstrate
26 Defendant's criminal character, but rather the evidence falls squarely within the NRS 48.045
27 exception concerning character evidence.

28

1 Case No. 09-CR-0072
2 Dept. No. II
3 DA 08-1324T
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7 IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF DOUGLAS
9

10
11 THE STATE OF NEVADA,
12 Plaintiff,

13 vs

AFFIDAVIT

14 KIMBERLY ANN LOPES,
15 Defendant.
16 _____ /

17 STATE OF NEVADA)
18) : ss.
19 COUNTY OF DOUGLAS)

20 1. I, Laurie Trotter, being duly sworn, state the following under penalty of perjury. For
21 those matters for which I do not have personal knowledge, I offer such information upon
22 information and belief:

23 2. I am a Deputy District Attorney with the Douglas County District Attorney's Office
24 and am the assigned prosecutor in the captioned matter.

25 3. I have listened to recordings of interview(s) with witness Patrick O'Brien. During
26 the interviews, Mr. O'Brien said that on the evening that Greg Reynolds was arrested, Mr.
27 O'Brien was a visitor at Mr. Reynold's residence. During the course of that evening,
28 Defendant Kimberly Lopes was also present at Mr. Reynold's residence. Mr. O'Brien
witnessed Greg Reynolds departing his residence with another female. After their departure,

Douglas County District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800 Fax (775) 782-9807

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Kimberly Lopes remained at Mr. Reynolds's residence with Patrick O'Brien. Ms. Lopes thereafter gave Mr. O'Brien methamphetamine, which Mr. O'Brien then smoked.

DATED this ____ day of December, 2009.

LAURIE TROTTER

SUBSCRIBED and SWORN to before me
this ____ day of December, 2009.

NOTARY PUBLIC

ATTACHMENT A

ATTACHMENT A

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

COMPLETE THE FOLLOWING IF YOU ARE OR HAVE BEEN AN ATTORNEY OR JUDGE

A. State the year you were admitted to the Nevada Bar and your Bar Number.

Admitted to the Nevada Bar in 2003, bar number 8696.

B. Name courts (other than Nevada) and year of admission, in which you are admitted to practice law and accompanying Bar Numbers.

California State Bar, 12/2005, bar number 240153 (inactive)

Bar Member, U.S. District Court, District of Nevada, 2003

C. Have you ever been denied admission, suspended or disbarred from the practice of law in Nevada or any other state? No.

If so, describe the circumstances, dates, and locations. Not applicable.

D. 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? No. To the extent possible, explain each experience.

ATTACHMENT B

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF

Laurie Trotter

(Name of Applicant)

REQUEST COMPLETED BY

Danton R. Kolovich

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the City that you be as objective as possible in assessing my qualifications. The City will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 11, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

Date: February 8, 2011

Address: 403 St. George's Court, Dayton, Nevada 89403.

To Whom It May Concern:

I am writing this letter of reference in support of Laurie Trotter's application for the position of Justice of the Peace/Municipal Court Judge. I am a friend and colleague of Laurie Trotter, whom I met in 2008 when she began working as a Deputy District Attorney in Douglas County.

I was raised in Carson City my entire life and attended schools there all the way from kindergarten up to graduation of high school at Carson High School in 1984. I have, until recently, lived in Carson City all my life.

I started employment with the Nevada Department of Public Safety in 1990. In 1995 I accepted a position with the Bureau of Enforcement as an Investigator. In 1997 I started with the NVDPS Investigations Division as a Criminal Investigator.

I am a NVDPS Detective currently assigned to the Douglas County Street Enforcement Team. I primarily investigate cases involving the trafficking, sales and possession of illegal controlled substances. As part of my employment with the NVDPS I have been assigned to the following positions:

Northern Nevada Auto Theft Task Force, Major Crimes, Cold Case Homicide, Tri-Net Task Force (a multi Jurisdictional task force designed to investigate cases involving the trafficking, sales, and possession of illegal narcotics based out of Carson City) and SLEDNET Task Force (a multi-jurisdictional narcotics task force comprised of investigators from NV DPS, Douglas County, California Bureau of Narcotics Enforcement. As a Detective for the NVDPS, I have worked with Deputy District Attorneys throughout Nevada and California.

I have had the opportunity to observe Laurie Trotter during court appearances, and I have testified as a witness in at least one case that Ms. Trotter was prosecuting. I have observed Laurie Trotter's written work in her charging documents, plea agreements, proposed arrest warrants, and other pleadings. She frequently provides me with legal advice concerning cases that I am investigating.

I know her to be an ethical person, a person who speaks the truth, and seeks justice through her work as a criminal prosecutor. Having thorough knowledge of Nevada's laws, rules and regulations, she is an extremely capable and experienced attorney both inside and outside the court room. She is a diligent worker and is willing to go the extra mile to assist me with whatever my colleagues and I need during my investigations. She makes herself available when my colleagues and I need assistance with arrest warrants and search warrants, and makes sure these documents are completed correctly, and in a

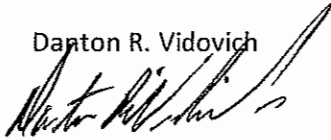
timely fashion. She frequently attends conferences with the judges concerning the warrant requests, as needed. She provides me with legal advice when asked, and she freely gives sound answers.

She works well with her law enforcement counterparts. Because of this, we are able to reach successful conclusions to the criminal cases that she prosecutes. During the times I have worked with Laurie, she has always conducted herself in a highly confident and professional manner.

I would highly recommend Laurie Trotter for the position of Justice of the Peace/Municipal Court Judge.

Sincerely,

Danton R. Vidovich

A handwritten signature in black ink, appearing to read "Danton R. Vidovich", written in a cursive style.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Laurie Trotter

Name of Person Providing Reference Danton R. Vidovich

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
2. What do you consider to be the applicant's greatest strengths?
3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

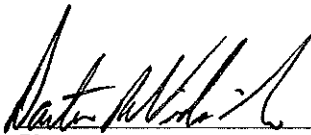
Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |
7. Please add any comments you may have.


Signature

Danton R. Udovich, Detective # I357
Print Name and Title

CARSON CITY JUSTICE OF THE PEACE / MUNICIPAL JUDGE

ANSWERS TO REFERENCE INQUIRY FORM

1. I have known Laurie since 2008. Being a Detective for The Nevada Department of Public Safety, I have worked with Laurie on a number of narcotic related cases. Most of these cases have taken place in Douglas County where she has been the assigned prosecuting Deputy District Attorney on these cases.
2. Her work ethic. No matter how busy she is, she always makes time to provide the legal advice and expertise to me and my colleagues. She works hard at making sure that all the right elements are present to bring a criminal case to a successful conclusion.
3. None.
- 4.

Integrity:

Laurie, in my opinion works hard at prosecuting the case assigned to her. She makes sure that all evidence, charging documents, arrest /search warrants and accompanying documents are completed with thorough completeness. Her excellence in criminal law is evident when she brings a criminal case to a successful resolution.

Ability to apply legal principles to specific cases:

Laurie is an extremely capable criminal prosecutor. She is completely and thoroughly versed in Nevada's laws, rules and regulations. This becomes evident in her written work involving charging documents, plea agreements, arrest warrant requests and other legal documents. Laurie also has a certain way of providing officers with legal advice in a manner which makes officers more effective officers. This is evident in the many successful narcotic related cases that she has prosecuted in Douglas County.

Ability to work under pressure (heavy case load, time deadlines:

Anybody that has had the opportunity to work with Laurie knows that she will take on anything no matter how busy she is. I have observed this when our task force has needed legal advice, search warrants and arrest warrants in extremely short time constraints. Even though she may be busy at the time, she always makes time to assist me and my colleagues with anything necessary in order to bring a criminal case to a successful conclusion.

Interpersonal skills in dealing with people

Having been involved in cases where Laurie has been the prosecuting attorney, I have had the opportunity to observe Laurie deal with a number of people ranging from officers to witnesses and suspects. When I have had opportunities to watch Laurie in her work environment, she has always treated people with respect and dignity.

Time management ability:

Again, most of the time, when our task force needs something from Laurie, it usually draws her away from her task at hand. Almost always, she manages her time so that she can provide us with the complete and thorough service that we have come to expect from her.

Temperament, demeanor:

Laurie's temperament and demeanor are always positive and upbeat. Usually, I and my colleagues are greeted with a smile and a positive attitude from her.

Work ethic:

From what I have observed when working with Laurie is that she works extremely hard. It is not uncommon for her to be working on her days off. There have been times when she has called me on her day off to make sure that something in a criminal case is or has been done properly. Because our task force is use to working odd hours, it is not uncommon to see her leaving her office after normal hours. She does all of this in her endless pursuit of justice.

5.

Work ethic:

As my assigned prosecuting attorney on many narcotic related cases, Laurie goes the extra mile to make sure all necessary procedures are taken to bring a case to a successful resolution. Laurie does this through hard work and diligence. This tends to be contagious to the people she is working with.

Preparation for court hearings:

During my experience with Laurie, she starts preparing for a successful outcome to a case long before it goes to court. This is especially important in dealing with narcotic related cases. She has the experience necessary to properly prepare for these hearings in advance no matter how busy she is at the time.

Management of cases in compliance with established court times:

Laurie is an experienced attorney who is properly prepared long before she steps into the courtroom. From my standpoint, she always manages to stay in compliance with her established court times.

Courtroom demeanor:

Having been in a courtroom setting with Laurie, she presents herself in a very confident and professional manner. Her personal attire and appearance always matches her high level of professionalism.

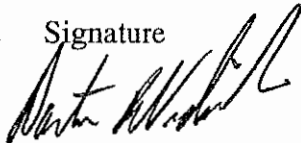
Quality of written submissions:

Laurie takes pride in the quality of her written documents and submissions. Because of this, I have, since working with Laurie, become more effective at writing reports, affidavits, and arrest and search warrants.

SUMMARY:

6. Overall, I would rate Laurie's suitability for Justice of the Peace as being outstanding.
7. Laurie would, in my opinion be an outstanding Justice of the Peace for Carson City. Her complete and thorough knowledge of Nevada's Laws, rules and regulations, as Well as her ability to effectively deal with all types of people and personalities, would make her an excellent choice for that position.

Signature



Print Name and Title



CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF Laurie Trotter
(Name of Applicant)

REQUEST COMPLETED BY David I. Nielsen

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the City that you be as objective as possible in assessing my qualifications. The City will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 11, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

**Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701**

Please type or use black ink and answer the following questions on a separate piece of paper, using this identical format.

Reference Inquiry for (name of applicant) Laurie Trotter

Name of Person Providing Reference David I. Nielsen

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?

I served as the Special Master for the First Judicial District Court from January 1992 to my retirement November 1, 2010. Ms. Trotter was the Carson City Deputy District Attorney assigned to the juvenile court from January 2007 to July 2008 when she took a new position with the Douglas County District Attorney's Office.

Prior to her assignment to the Juvenile Court in Carson City, she would appear before me in Juvenile Court substituting for the assigned attorney. Additionally, Ms. Trotter would appear frequently before me in the Justice Court where I served substituting for the Justices of the Peace.

In total, I worked with Laurie Trotter from October 2005 to July 2008.

2. What do you consider to be the applicant's greatest strengths?

Her duties as a prosecuting attorney included evaluation of delinquency and criminal cases to determine the charges that should be filed, and she would then be responsible for prosecuting those cases. Additionally, Ms. Trotter would work with social workers from the Division of Child and Family Services to administer and prosecute cases involving child abuse and neglect.

Delinquency and dependency cases are highly volatile matters that require not only a sense of fairness but also a strong concern for the safety and protection of victims and juveniles who are often too young to protect themselves. Ms. Trotter served both rolls in an exemplary manner. She was a tough prosecutor and a compassionate advocate for abused and neglected children. She communicated very well with victims to keep them informed of the progress of their case, and she had a strong professional working relationship with opposing counsel in all cases she brought before the juvenile court.

In welfare cases Ms. Trotter would always work closely with social workers, CASA volunteers, parents, children, mental health workers, school officials, sheriff's deputies, mentors, and often probation officers. Her efforts provided an organized collaborative approach utilizing many community resources to help abused and neglected children, and their families.

I greatly appreciated all of her efforts serving the juvenile court.

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

I am not aware of any weaknesses that would be in any manner relevant to her position as the Carson City Justice of the Peace.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity: I never had any reason to doubt Ms. Trotter's integrity, nor did I hear complaints from probation officers, social workers, attorneys or any other individuals or organizations who worked with the juvenile court.

Ability to apply legal principles to specific cases: Laurie Trotter has a strong grasp of the legal principles needed to serve as a prosecutor in the juvenile and justice courts. She also has a sharp mind which would enable her to learn any other legal principles needed to serve in the capacity of a judge. I have no doubt that her legal background is on a very strong footing, and that she will continue to learn and grow in the justice court.

Ability to work under pressure (heavy case load, time deadlines): I served as a prosecutor in the District Attorney's Office for six years and I am well aware of the demands such a position requires. I also know that if anything, those demands have increased since my time as a Deputy District Attorney. Laurie Trotter's service in that capacity in both Carson City and Douglas County gives me confidence that Ms. Trotter will have no problem taking on the heavy case load in the Justice Court. A prosecutor who is assigned to the Juvenile Court in Carson City is expected to be solely responsible for all aspect of juvenile prosecution and cases involving children in need of protection. Unlike adult criminal prosecutors who have several attorneys to consult with regarding ongoing cases, the juvenile prosecutor in Carson City is largely on her own, and is required to act autonomously. Juvenile prosecutions work under many different rules from the adult criminal prosecutions, and child abuse cases are unique in that there are no equivalent adult type cases. So Ms. Trotter was responsible for all such delinquency and abuse cases in Carson City, and was required to be well versed in the laws regarding juveniles. I cannot ever recall having to delay a case due to Ms. Trotter being unprepared or late. She was always prompt and ready to serve the citizens of Carson City.

Interpersonal skills in dealing with people: Laurie Trotter was easy to work with. She was always friendly and professional. This was true in her relationship with me and my staff as well. I never had any member of my staff complain about Ms. Trotter in their extensive dealings. She also worked well with probation officers, social workers, CASA's, sheriff's deputies, health care professionals, teachers and other community support personnel. More importantly, Ms. Trotter had a good professional relationship with the legal community, including defense

attorneys. Her demeanor in court was always professional with respect to adversaries as well as those who supported her prosecutions.

Time management ability: I have great confidence that Laurie Trotter will have no problems managing a heavy case load. She has great organizational skills and is able to delegate duties appropriately.

Temperament, demeanor: Ms. Trotter displays an even temperament and is very easy to work with.

Work Ethic: Ms. Trotter is a hard worker, never shirking responsibility and always willing to be involved in new projects as they arise. She will be an asset to the Justice Court with their many demands and varied responsibilities.

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic: Ms. Trotter is an extremely hard worker and is always willing to take on new challenges.

Preparation for court hearings: In my extensive dealings with Ms Trotter, she was never unprepared or poorly prepared. Ms. Trotter had a strong reputation for being ready to perform her work in a high quality manner.

Management of cases in compliance with established court time frames: In a court, it is common for attorneys to ask for additional time to prepare documents. I don't recall Ms. Trotter ever having to make such a request without adequate justification.

Courtroom demeanor: Laurie Trotter was a strong prosecutor in the courtroom, but was also fair and in compliance with the highest ethical standards. She was determined to prevail in her cases, but was also professional in her dealings with adversarial witnesses and colleagues. Ms. Trotter has an excellent courtroom demeanor.

Quality of written submissions: Her written arguments were well thought out and supported by legal citations. Ms. Trotter's written work was excellent.

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?

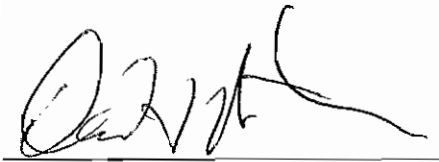
1	2	3	4	5	6	<u>7</u>
Unacceptable		Satisfactory			Outstanding	

7. Please add any comments you may have.

I was disappointed when Laurie Trotter left the Carson City District Attorney's Office, but I knew that she would continue to serve as a Deputy DA in Douglas County and our loss would be their gain. I am pleased that now she has applied to be a judge in Carson City, and that she will again be an asset to this community.

I have no doubt that you will have many qualified applicants for this position and that the ultimate choice will be difficult. Replacing Judge Willis will not be an easy endeavor. I can tell you from my perspective that if you choose to hire Laurie Trotter, you will not be disappointed. In fact you will be proud to have her serve as a Judge in the Justice Court, where she will continue the line of excellent judges serving Carson City.

Thank you for this opportunity to recommend Laurie Trotter for the position of Carson City Justice of the Peace.



Signature

David I. Nielsen, Special Master First Judicial District
Court (Retired Nov. 1 2010)
Print Name and Title

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF Laurie Trotter
(Name of Applicant)

REQUEST COMPLETED BY Nathan Tod Young

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

It is extremely important to the City that you be as objective as possible in assessing my qualifications. The City will rely heavily on this information and unless you are totally objective in your comments you will not assist them in carrying out its function. Do not feel compelled to endorse me merely because you have been asked to provide this information on my behalf.

Applicants for this vacancy have been instructed to contact only four persons for references. You are requested to send your letter of reference, including a copy of this request letter, and the completed "Reference Inquiry Form" back to the applicant to include in his/her packet. The entire applicant packet is due to Carson City no later than February 11, 2011 at 5:00 p.m.

Any questions or concerns regarding this reference may be directed to Lawrence A. Werner, City Manager at (775) 887-2100.

THE LAW OFFICES OF
Nathan Tod Young

A PROFESSIONAL CORPORATION

1701 COUNTY ROAD, STE. M
MINDEN, NV 89423
(775) 782-7390
FAX (775) 782-8533

February 10, 2011

Lawrence A. Werner
City Manager, Carson City
201 North Carson St., Ste. #2
Carson City, NV 89701

Re: Laurie Trotter

Dear Mr. Werner:

This letter is in reference to the application of Ms. Laurie Trotter to fill the position of Carson City Justice of the Peace. I have known Ms. Trotter for several years, beginning at the time she worked as an Assistant District Attorney for Carson City, and our working relationship has continued through the present day and her employment with Douglas County. My knowledge of Ms. Trotter comes from having litigated many cases against her through those years.

I own a law firm in Douglas County and for the last 28 years have devoted much of my practice to criminal defense. The fair and equitable administration of justice is not only a concern of mine as a citizen, but has also been a professional standard. The selection of a Justice of the Peace is a significant issue and my determination to offer a recommendation for that position does not come lightly. With those issues in mind, I offer my endorsement and recommendation to you that Ms. Trotter be selected to fill this important position.

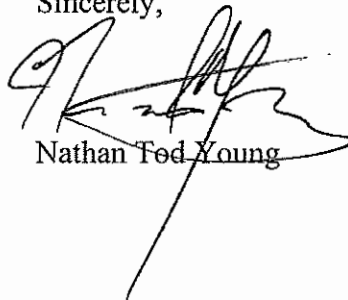
I know Ms. Trotter to be a hard working, intelligent, ethical and honest attorney. As important as those attributes are, I also know her to be a decent person who has genuine concern for the community and its citizens. While I often find myself as her adversary, I am impressed that Ms. Trotter consistently acts with professional demeanor and respect. It is not uncommon for us to have protracted and heated courtroom battles, but once those are concluded, a personal respect and collegial deportment remain.

I also know Ms. Trotter to be consistently prepared, and knowledgeable about the issues we litigate. She studies the law and the facts of each case and comes to court or negotiation meetings prepared to represent her client.

Lawrence A. Werner
Page 2
February 10, 2011

In sum, Ms. Trotter has my full support in her application to be the next Carson City Justice of the Peace.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Ted Young", written over a printed name.

Nathan Ted Young

NTY:bh

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

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Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701**

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Reference Inquiry for (name of applicant) Laurie Trotter

Name of Person Providing Reference Nathan Tod Young

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
2. What do you consider to be the applicant's greatest strengths?
3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |
7. Please add any comments you may have.

Signature

Print Name and Title

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

Reference Inquiry for Laurie Trotter

Name of Person Providing Reference Nathan Tod Young

1. How long have you known the applicant? What has been the nature of your association?

I have known Ms. Trotter since 2005 when she began working as a Deputy District Attorney for Carson City. I am a defense attorney and have litigated against her since then.

2. What do you consider to be the applicant's greatest strengths?

Ms. Trotter's greatest strength is the desire to get things right.

3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.

As with most of us, it is sometimes difficult to avoid being personally connected to the parties involved in a case.

4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ms. Trotter is honest and reliable.

Ability to apply legal principles to specific cases:

Ms. Trotter has strong legal reasoning skills.

Ability to work under pressure (heavy caseload, time deadlines:

Our caseloads are often tremendous and I know Ms. Trotter to be diligent, hardworking and willing to put in the time necessary to be prepared.

7. Please add any comments you may have.

Ms. Trotter has my endorsement.



Signature

Nathan Todd Young
Print Name and Title

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

INFORMATIONAL REQUEST FORM

REQUESTED REFERENCE ON BEHALF OF Laurie Trotter
(Name of Applicant)

REQUEST COMPLETED BY Rick Gutierrez

I (applicant) am applying for the position of Justice of the Peace/Municipal Judge in Carson City, Nevada and would like to request that you write a letter of reference and complete the enclosed "Reference Inquiry Form" on my behalf. You may decline this request. This reference will be considered public record subject to NRS 239, Nevada's Public Records Law. The reference will be considered part of the application packet and information concerning the three (3) applicants whose names are considered for appointments will be provided to the Carson City Board of Supervisors (Board) and public pursuant to NRS 241, Meetings of State and Local Agencies.

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Name of person providing reference:

RICK GUTIERREZ

1. I have known Laurie Trotter since 2006. I came to know Laurie when she worked as a Deputy District Attorney, and began handling Juvenile Court cases, and reviewing them with me.
2. Her strengths are her knowledge, experience, commitment, flexibility, honesty, people skills, and sense of humor.
3. None
4. Laurie demonstrated her knowledge and ability to apply legal principles on a regular basis when reviewing juvenile cases with me, and when appearing in court.

Laurie was very organized and able to prioritize a heavy workload and meet deadlines.

Laurie was very experienced and gifted with her people skills. She treated everyone with respect, and usually was respected in return, even though the attorney/ client/family may have disagreed with her position.

As mentioned, above, Laurie was very organized and able to manage her time very efficiently.

5. Laurie's work ethic was outstanding. She was always prepared, and showed up early and stayed late.

Laurie was always extremely prepared in every aspect of her job, including court hearings.

Laurie was diligent in managing cases in compliance with court deadlines.

Laurie's courtroom demeanor was consistently professional. Laurie has an outstanding reputation with Juvenile Court.

6. OUTSTANDING "7"
7. Please see attached letter of recommendation.

February 10, 2011

To Whom It May Concern,

I am writing this letter of recommendation on behalf of Ms. Laurie Trotter, who is applying for Carson City Justice of the Peace, Department 1.

I have been a resident of Carson City, NV, for approximately the past thirty two years. My wife Julie and I have been married for 22 years, and have a daughter, Elysa, who is currently a senior at UNR.

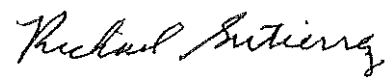
Prior to retiring in July of 2010, I spent 27 plus years working for the Carson City Juvenile Probation Department; the last 10 of which were in the capacity of Deputy Chief. During my career, I had the opportunity to work with four Special Masters of the Juvenile Court, numerous Deputy District Attorneys and Public Defenders, as well as attorneys from the private sector. I have known Justice of the Peace Robey Willis since approximately 1984, when he served as Special Master of the Carson City Juvenile Court, and I worked as a Juvenile Probation Officer.

As Deputy Chief, I worked very closely with the District Attorney's Office, reviewing all new cases, as well as probation violation matters. I have known Laurie since 2006. Laurie worked with me in the capacity of Juvenile Deputy District Attorney from 2006 to 2008. During the review process, we would decide how to best proceed with each individual case. Laurie had an extremely positive relationship with all of the Juvenile Probation Officers and frequently solicited their input. In fact, Laurie had a wonderful working relationship with the entire Juvenile Probation Department as well as the Juvenile Court. She was the ultimate team player, and filled a significant role in keeping morale high despite everyone's heavy workload. Her great sense of humor was yet another one of her assets. In addition to Juvenile Court, Laurie had the responsibility of handling Juvenile Drug Court, Child Welfare and Criminal cases. Her versatility, knowledge of the law, and ability to handle pressure, while remaining calm and focused, were evident on a daily basis. Her grasp of the Spanish language often proved to be invaluable. Laurie was always organized and well prepared. Even when faced with unreasonable and hostile families, she maintained her patience, fairness, and professionalism at all times.

Laurie was tireless in her work, and volunteered to help with additional duties. She facilitated evening workshops designed to educate parents and their children regarding various aspects of the law.

Given Laurie's many attributes, she is an excellent candidate for this position.

Sincerely,

A handwritten signature in black ink, reading "Rick Gutierrez". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping underline.

Rick Gutierrez

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

REFERENCE INQUIRY FORM

PLEASE DIRECT QUESTIONS TO:

**Lawrence A. Werner, City Manager
Carson City
201 North Carson Street, Suite #2
Carson City, NV 89701**

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Reference Inquiry for (name of applicant) Laurie Trotter

Name of Person Providing Reference Rick Gutierrez

I have no recent experience with this applicant and/or do not wish to comment (if applicable).

1. How long have you known the applicant? What has been the nature of your association?
2. What do you consider to be the applicant's greatest strengths?
3. Please describe any weaknesses the applicant may have which might affect the applicant's ability to serve as a Justice of the Peace.
4. Please discuss briefly the applicant's qualifications in the following areas:

Integrity:

Ability to apply legal principles to specific cases:

Ability to work under pressure (heavy case load, time deadlines):

Interpersonal skills in dealing with people:

Time management ability:

Temperament, demeanor:

Work Ethic:

5. If the applicant is (or was in the past five years) an attorney or judge, please also describe the applicant's qualifications in the following areas:

Work Ethic:

Preparation for court hearings:

Management of cases in compliance with established court time frames:

Courtroom demeanor:

Quality of written submissions:

SUMMARY

6. Overall, how would you rate the applicant's suitability to be a Justice of the Peace?
- | | | | | | | |
|--------------|---|---|--------------|---|---|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Unacceptable | | | Satisfactory | | | Outstanding |
7. Please add any comments you may have.

Signature

Print Name and Title

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Douglas County District Attorney's Office

Phone Number (including area code): (775) 782-9800

Address/City/State/Zip: P.O. Box 218, 1625 8th Street, Minden, NV 89423

Date From: July 2008 Date To: present

Supervisor's Name: Thomas Gregory

Supervisor's Job Title: Chief Deputy District Attorney

Your Title: Deputy District Attorney III

Duties (be specific): Represent the State of Nevada in criminal prosecutions of all types, from misdemeanors to felonies.

Make charging decisions, draft Complaints, Informations, Guilty Plea Memos, pleadings and other court documents, present the State's cases at preliminary hearings and trials, conduct legal research, analysis, prepare motions, briefs, and appeals. Assist in preparing and review of search warrants and arrest warrants for submission to the court. On call 24-hours a day, 7 days a week, on a rotating basis to provide legal advice and assistance to law enforcement, as needed.

Reason for leaving: (if currently employed, reason for wanting to leave)

I am very happy working at the Douglas County District Attorney's Office, and I was not looking to leave my job as a Deputy District Attorney. However, I have always had the goal of being a Justice of the Peace in Carson City, I

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Carson City District Attorney's Office

Phone Number (including area code): (775) 887-2007

Address/City/State/Zip: 885 East Musser Street, 2030

Date From: October 2005 Date To: July 2008

Supervisor's Name: Gerald Gardner

Supervisor's Job Title: Assistant District Attorney

Your Title: Deputy District Attorney I

Duties (be specific): Prosecuted all types of criminal cases, from misdemeanors to felonies in the Justice/Municipal and District Court. Represented the State in civil matters involving child abuse and neglect pursuant to NRS Chapter 432B. Prosecuted all types of juvenile matters in Juvenile Court and District Court. Served as on-call attorney for the District Attorney's Office, answering legal questions from law enforcement and assisting with telephonic search warrants, on a rotating basis. Assisted law enforcement in the preparation and review of proposed search warrants and arrest warrants. Prepared pleadings, motions, legal briefs, and appellate briefs. Special prosecutor in Lyon County, NV.

Reason for leaving: (if currently employed, reason for wanting to leave)

Offered a Deputy District Attorney position in Douglas County, with additional criminal responsibility and a promotion.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

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Current or Last Employer: Georgeson & Angaran (formerly Georgeson & Angaran).

Phone Number (including area code): (775) 827-6440

Address/City/State/Zip: 100 West Grove Street Suite 500, Reno, NV 89509 (now 5450 Longley Lane Reno, NV 89511).

Date From: August 2004 Date To: October 2005

Supervisor's Name: Jack Angaran, Esq.

Supervisor's Job Title: Partner

Your Title: Associate Attorney

Duties (be specific): Civil defense attorney. Defended insurance companies and their clients during all stages of litigation, in the First, Second, and Eighth Judicial District Courts, the U.S. District Court, District of Nevada, and in the Reno Justice Court.

Reason for leaving: (if currently employed, reason for wanting to leave)

I was offered a job as a criminal prosecutor; it was my desire to practice criminal law.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Nevada Supreme Court

Phone Number (including area code): (775) 684-1600

Address/City/State/Zip: 201 North Carson Street, No. 250, Carson City, Nevada 89701

Date From: August 2003 Date To: August 2004

Supervisor's Job Title: Chief Justice Miriam Shearing

Your Title: Judicial Law Clerk

Duties (be specific): Law clerk to Chief Justice Miriam Shearing. Prepared bench memoranda, drafted opinions and orders, conducted legal research and analysis.

Reason for leaving: (if currently employed, reason for wanting to leave)

A one-year temporary assignment, I was hired as an associate attorney in a law firm.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Gonzaga University School of Law

Phone Number (including area code): (509) 313-3731

Address/City/State/Zip: PO Box 3528, 721 N Cincinnati St, Spokane, WA 99220

Date From: August 2001 Date To: May 2003

Supervisor's Name: Lisa Bradley

Supervisor's Job Title: Tutor, Academic Resources Program

Your Title: Assistant Professor Legal Research and Academic Coordinator, Academic Resources Program, and Associate Dean of Students.

Duties (be specific): Instructed first-year law students in writing, effective study skills, and exam preparation.

Reason for leaving (if currently employed, reason for wanting to leave) : A temporary job while a law student at Gonzaga law school.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: LexisNexis

Phone Number (including area code): 800-424-4200

Address/City/State/Zip: 1275 Broadway Albany, NY 12204 (Corporate Address)

Date From: August 2001 Date To: May 2002

Supervisor's Name: Jennifer Del Grosso

Supervisor's Job Title: Sales Associate

Your Title: Student Associate

Duties (be specific): Served as representative for training and assistance on LexisNexis's legal research system.

Reason for leaving: (if currently employed, reason for wanting to leave)

Needed more time for studies in law school.

CARSON CITY JUSTICE OF THE PEACE/MUNICIPAL JUDGE

EMPLOYMENT HISTORY

ATTACHMENT C

EMPLOYMENT HISTORY: Using copies of "Attachment C" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last ten years immediately preceding the filing of this application.

Current or Last Employer: Central Intelligence agency

Phone Number (including area code): (703) 482-0623

Address/City/State/Zip: Human Resource Management, Washington, D.C. 20505

Date From: 1992 Date To: 2000

Supervisor's Name:

Supervisor's Job Title:

Your Title: Analyst

Duties (be specific): Demonstrated skills in written and oral communications, research and analysis.

Received four exceptional performance awards.

Reason for leaving: (if currently employed, reason for wanting to leave)

Entered law School.

**JUSTICE AND MUNICIPAL COURT OF CARSON TOWNSHIP
CARSON CITY, NEVADA**

JUDGE ROBEY B. WILLIS
Department I

JUDGE JOHN TATRO
Department II



885 East Musser Street
Suite 2007
Carson City, Nevada 89701-4475

MEMORANDUM

To: Larry Werner, City Manager

From: *JT* John Tatro, Justice of the Peace/Municipal Court Judge, Dept. II

Date: March 8, 2011

Subject: Justice of the Peace Appointment

In anticipation of the Board of Supervisors meeting on March 17, 2011, I have enclosed an overview of the duties, calendars and caseloads of the Justice/Municipal Court. Please provide a copy to each member of the Board of Supervisors for their review prior to the meeting.

Thank you.



Carson City Justice & Municipal Court

- Per Nevada Revised Statute 4.020 two judges are designated to preside over Justice and Municipal Court matters in Carson City.
- Court hearings are held Monday through Friday.
- Each judge rotates every other month and comes in on Saturdays for probable cause determinations.
- Each judge is on call 24 hours per day for TPOs, arrest warrants, search warrants and other emergencies.
- Each judge also performs marriages.
- The judges share one full time clerical staff to assist with correspondence and other related matters.
- The Justice/Municipal Court Judges and the District Court Judges agree to share one court administrator to handle clerk office operations, development of procedures, budget, personnel, grants, and other related matters.

Principal Functions

- The Carson City Justice and Municipal Court has authority to determine probable cause, hold arraignments/first appearances, and conduct trials on misdemeanors such as Driving Under the Influence (DUIs), Domestic Battery and Traffic offenses.
- The Court sets bails, issues warrants, monitors suspended sentences for compliance of conditions and conducts felony preliminary hearings.
- The Court is responsible for assessing misdemeanor fines and forfeitures and collecting civil fees.
- The Court has authority to hear and decide small claim disputes up to \$5,000 and formal civil actions up to \$10,000.
- The Court hears all landlord/tenant disputes.
- Issues temporary protective orders, stalking orders and other civil orders; and holds hearings on contested cases.

Criminal

(2,413 Cases Filed in 2010)

- First appearance and arraignments for defendants charged with crimes and who are still being held in jail are done via closed-circuit television Monday through Friday mornings.
- The Judge is in the courtroom and the defendant participates from the jail.
- Amounts and conditions of bail are addressed at this time.
- Proceedings are open to the public.
- Defendants who are out of custody, pending criminal charges, other than traffic or DUI, cases are set for arraignment on Tuesday mornings at 9:30 a.m.
- At an arraignment, the defendant is advised of the charges and his/her rights.
- On a misdemeanor charge a plea is entered. Either guilty or nolo contendere (no contest). Imposition of sentence could most likely be imposed at that time.
- Defendants who plead not guilty, the matter is set for a pretrial conference or trial.
- On a felony charge, a preliminary hearing will be scheduled. A preliminary hearing is held before the Justice of the Peace to determine whether there is sufficient evidence for a case to be bound over to District Court for trial or other proceeding. The test at the preliminary hearing is not guilt beyond a reasonable doubt, but rather whether there is evidence to indicate that a crime was committed and that the defendant committed it. Based on that, the court may bind the case over.
- The Judge reviews all reports from the Department of Alternative Sentencing regarding defendants who have violated probation or violations of bail conditions.

Department of Alternative Sentencing (DAS)

Primary Functions

- Ensure compliance with Court Orders
- Supervise Misdemeanor Probationers
- Supervise Defendants on Pre-Trial conditions or Bail conditions
- Supervise Felony DUI Court participants
- Conduct Pre-Arrest Screening
- Perform Drug Tests in Office and in Field (defendant's homes)
- Collect Fines and Fees from the Justice Court
- Supervise House Arrest Program

Department of Alternative Sentencing (DAS) Monthly Averages

- Defendants on Formal Probation: **2,011**
- Defendants on Informal Probation: **416**
- Court Monitored Defendants: **774**
- Defendants on Pre-Trial Supervision: **183**
- Bail Condition Supervision: **126**
- Defendants in Felony DUI Court: **30**

Traffic (10,879 Citations Filed in 2010)

- Traffic court is held Monday through Thursday at 11:15 a.m.
- There is a mandatory appearance for all citations involving child restraints, traffic accidents, property damage, driving on a no valid, suspended, or revoked driver's license.
- At traffic court, the defendant is advised of their rights and charges.
- Defendants who plead "guilty" or "nolo contendere" (no contest), a sentence will be imposed at that time.
- Defendants who plead not guilty, the matter is set for a pretrial conference with the District Attorney's Office.
- Warrants are issued for defendants who fail to appear in Court.

Civil Cases Under \$10,000 (2,339 Cases Filed in 2010) Small Claims Under \$5,000 (473 Cases Filed in 2010)

Civil

- A noncriminal lawsuit, usually involving private property rights.
- The amount cannot exceed \$10,000.

Small Claims

- The law requires that prior to filing a claim, a demand for payment from the defendant must be made.
- The defendant must reside, be employed, or do business in Carson City.
- The amount cannot exceed \$5,000.

Summary Evictions (1,060 Cases Filed in 2010)

- An expedited process for removing a tenant from the landlord's property.

Three Types

- 1) 5 day nonpayment of rent.
- 2) 5 day failure to perform conditions of rental agreement.
- 3) No cause notice to quit. Notice must be filed with the Justice Court prior to serving on the tenant.

Temporary Order for Protection Against Domestic Violence (480 Cases Filed in 2010) Stalking Harassment (280 Cases Filed in 2010)

- The Judge reviews applications for protection and may issue a 30 day temporary order for just cause or deny the application.

For a Temporary Order for Protection Domestic Violence

To be issued the applicant must:

- Have been a victim of or been threatened with domestic violence and,
- Be related to the defendant by blood or marriage or;
- Have a child in common with the defendant or;
- Have resided or had a dating relationship with the defendant.

For a Stalking and/or Harassment Protective Order

To be issued the applicant must allege:

- A continuing course of conduct by the defendant and
- Petitioner must feel terrorized, threatened or in fear of their life and,
- There must be more than one incident.

Justice Court Comparison Statistics

<u>Case Type</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>
Civil	2,339	2,636	2,747
DV Protect	480	507	473
Stalk/Har	280	305	314
Evictions	1,060	889	1,381
Criminal	2,413	2,080	2,647
Traffic	10,879	11,000	17,076
Small Claims	473	510	605
<u>Totals</u>	<u>17,924</u>	<u>17,927</u>	<u>25,243</u>

Current Court Calendar Department I

<u>Time</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thur</u>	<u>Fri</u>
<u>9:00</u>	In Custody Arraignments	In Custody Arraignments	In Custody Arraignments	In Custody Arraignments	In Custody Arraignment
<u>9:30</u>	Pro per Traffic Trials	Out of Custody Arraignments	Prelims/Trials (9:30-11am)	DUI Arraignment/ Pretrial	Trials (9:30-11am)
<u>10:00</u>	Pro Per Traffic Trials (10-11am)	General Civil Trials	////////	Sentencing (9:30-11am)	////////
<u>10:30</u>		Eviction/Bond Forfeitures (10:30-11am)	////////	////////	////////
<u>11:00</u>	////////		////////	////////	////////
<u>11:15</u>	Traffic Arraignments	Traffic Arraignments	Traffic Arraignments	Traffic Arraignments	Prelims (1:30-4pm)
<u>1:30</u>	Trials (1:30-2:30)	Criminal Pretrials	Prelims (1:30-2:30)	Traffic/Pro Per (1:30-2:30)	////////
<u>2:00</u>	////////	Domestic Bat	////////		////////
<u>2:30</u>					////////
<u>3:00</u>	Prelims (3-4pm)	Trials Continued	Trials (3-4pm)	Trials (3-4pm)	////////
<u>3:30</u>	////////		////////	////////	
<u>4:00</u>					