

Commission on Judicial Selection Application

Eighth Judicial District
Department XXVII

By David Reed Clayson



Personal Information

1. David Reed Clayson	Full Name	
2. No	Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.	
3. 37 years	How long have you been a continuous resident of Nevada?	
4. Las Vegas, Clark County	City and county of residence	
5. 65	Age	

Employment History

- Please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last 20 years preceding the filing of this Application.

Current or Last Employer. Self	
Phone (702) 683-9154	
Physical Address & Website 8355 Garnet Canyon Lane, Las Vegas, Nevada 89129	
Date(s) of Employment August 2023 to the present performing this work solely; before that, I did this work for over fifteen years	
Supervisor’s Name and Title Self—David Reed Clayson	
Your Title Short Trial Judge; Arbitrator; and Mediator	
Describe Your Key Duties I work as a court-appointed Arbitrator and also as a court-appointed Short Trial Judge for the Eighth Judicial District Court ADR Program. I also work as a mediator when attorneys ask me for this service.	

Reason for Leaving—I am still performing these services	
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Previous Employer Curriden & Clayson—house counsel for CSAA Insurance Company	
Phone (702) 870-7188	
Address & Website 7201 West Lake Mead, Suite 580, Las Vegas, Nevada 89128	
Date(s) of Employment May 2018 to August 2023	
Supervisor’s Name and Title Daniel E. Curriden, Esq. Managing Attorney	
Your Title Chief Trial Attorney	
Describe Your Key Duties—We were a captive firm in which we by contract only represented CSAA insureds in active litigation. We also provided opinions on cases that were handled by CSAA’s Special Investigations Unit. For the litigated cases, we were assigned cases to defend the insureds, which included investigation, discovery, negotiating settlements, and taking matters to trial. We also represented clients at mediations, settlement conferences, and binding arbitrations. I also helped manage the firm.	
Reason for Leaving—I wanted to semi-retire and just perform work as a mediator, arbitrator, and Short Trial Judge	

Previous Employer Kolesar & Leatham	
Phone (702) 362-7800 (however, this firm has closed its doors. You can contact Nile Leatham at (702) 376-6836	
Address & Website 400 South Rampart Boulevard, Suite 400, Las Vegas, Nevada 89145	
Date(s) of Employment July 2015 to May 2018; before that November 2012 to June 2013	
Supervisor’s Name and Title Nile Leatham, Esq. Partner	
Your Title Shareholder	

Describe Your Key Duties— Worked as an attorney handling litigation in the fields of civil litigation; insurance defense; employment; administrative law; business law; professional liability; representing financial institutions; products liability; and personal injury representing plaintiffs.	
Reason for Leaving I left both times to work in-house for an insurance company	

Previous Employer Upon Smith— in house counsel for Farmers Insurance	
Phone (702) 408-3800	
Address & Website 7455 Arroyo Crossing Parkway, Las Vegas, Nevada. 89113	
Date(s) of Employment June 2014 to July 2015	
Supervisor’s Name and Title Karl Smith— Managing Attorney	
Your Title Chief Trial Attorney	
Describe Your Key Duties— Handling litigation for businesses and individuals insured with Farmers Insurance. As such, performed discovery and took matters to trial for the cases assigned to me. I also handled investigations for their Special Investigations Unit.	
Reason for Leaving— Was extended a job offer to return working for Kolesar & Leatham, which I felt was a good career move.	

Previous Employer—Clayson & Mikesell	
Phone (702) 228-3176	
Address & Website 7201 West Lake Mead Boulevard, Suite 106, Las Vegas, Nevada 89128	
Date(s) of Employment June 2013 to June 2014	
Supervisor’s Name and Title I was the managing attorney	
Your Title. Managing Attorney	

Describe Your Key Duties I managed this firm that was in-house for Liberty Mutual Insurance Company and also handled a full-case load of litigation for their insureds which included investigation, discovery and trials. Also supervised associates in the firm and the staff.	
Reason for Leaving—I was offered a position with Farmers Insurance	
Previous Employer Bennion & Clayson	
Phone (702) 233-9660	
Address & Website 1140 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144	
Date(s) of Employment March 2000 through November 2012	
Supervisor’s Name and Title Steven D. Bennion, Jr.	
Your Title Chief Trial Attorney	
Describe Your Key Duties— We represented clients exclusively for Zurich North America and related entities associated with Zurich. As such, I handled cases for legal malpractice; representing car dealerships (involving personal injury and employment claims); construction companies for personal injury claims and for construction defect claims; hotel casinos for personal injury/property claims; and other Zurich business entities. These were all for commercial policies—no personal lines policies. I also helped with the management for our Las Vegas and Reno offices—the Reno office was closed for the reasons stated below.	
Reason for Leaving— Zurich stopped writing in Nevada (we went from fourteen attorneys down to three) and I left due to a reduction in force because they needed fewer attorneys for this office with a dwindling case load	

Educational Background

- List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

I attended two high schools (my parents moved from Virginia to Colorado due to my father changing jobs). J.E.B. Stuart High School (3301 Peace Valley Lane, Fall Church Virginia 22044) from September 1972 to January 1973 when we moved to Colorado. Colorado had a ninth grade junior high (Air Academy Junior High School) and then I started Air Academy High School in September 1973 until I graduated in June of 1976. High School diploma. 6910 Carlton Drive, Air Force Academy, Colorado 80840.

Attended college at Brigham Young University, Provo, Utah 84062. I attended from September 1976 until I graduated in April 1983. I sat out for two years to serve an LDS Mission in Tallahassee, Florida (November 1977 to November 1979) and then worked for one year supporting my wife when she graduated. I graduated with a B.S. in Political Science.

- Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience. In High School, I played varsity baseball and football—getting letters in both sports. I also played JV Baseball. I was also on the Chess Team, that won the State Championship. I was also Vice President in the Key Club. In High School I was involved with Explorer Scouts and also served in leadership positions with my Church, which frequently involved service opportunities every month.

In college, as stated above, I served a full-time mission for two years for the LDS Church. Also in college I had leadership positions with the LDS Church. In college, I worked one semester as a legislative assistant to a state Senator in the Utah State Senate. I also had an internship in Washington, D.C. working in the Congressional Affairs office of the United States Department of Energy. I also was a Senator in the Utah Intercollegiate Assembly for one year. I also worked for the Political Science Department as a research assistant for a professor and further I also taught an Undergraduate Class in Political Science. Then, one semester I worked on the political campaign for Howard Nielsen, who was elected as a member of the United States House of Representatives. I was awarded a McArthur Scholarship and a member of a Political Science honor society. I also was a teaching assistant for the Women's Golf Team at BYU for one year.

- List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change. I attended J. Reuben Clark Law School, at Brigham Young University, 341 East Campus Drive, Provo, Utah. 84602. I attended from August 1982 until graduation in April 1986. This was the only law school I attended. My class rank was in the top half when I was applying for work and I did not see what it was when I graduated. I assume still top 1/2 but not sure because I have never gone back to check—not sure if still available to check after 37 years.
- Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment. I worked part-time my second and third years of law school as a teaching assistant for the American Heritage class. I had a full-time, paid clerking

position after my first year of law school in Washington, D.C. in the United States Senate, Senate Judiciary Committee, Subcommittee of the Constitution for the subcommittee chairman Senator Orrin Hatch (the ranking minority member of the subcommittee was then Senator Joseph Biden). In this position I mainly performed legal research concerning matters that the Subcommittee was addressing such as procedures for a Constitutional Convention, the state of religious liberty in the United States, the history of nominations for candidates for the United States Supreme Court and what qualifications were imposed; pending legislation; and the qualifications of various individuals who were nominated to be federal judges.

Then for my second summer of law school I was a clerk (the only paid clerk with the others being non-paid positions) in the U.S. Attorney's Office for the Department of Justice in Phoenix, Arizona. I performed legal research writing briefs and motions for both civil and criminal cases for the office.

- Describe significant law school activities including offices held, other leadership positions, clinics participated in, and extracurricular activities. I worked my second and third years for the law school Journal of Legal Studies. I wrote an article that was published my second year on Utah probate law and then for my third year I was a technical editor for the Journal of Legal Studies.

Law Practice

- State the year you were admitted to the Nevada Bar. 1986.
- Name states (other than Nevada) where you are or were admitted to practice law and your year of admission. None.
- Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

Choose an item. Not applicable.

- Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench. 98% involves litigation matters. Of the litigated matters, 98% is trial and very little appellate court work—2%.
- Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	
Juvenile matters	

Trial court civil	93%
Appellate civil	2%
Trial court criminal	
Appellate criminal	
Administrative litigation	5%
Other: Please describe	

- In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials? All were jury trials in the past five years.
- Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.
About five jury trials. No bench trials in that time period.
- List courts and counties in any state where you have practiced in the past five years.
Nevada Clark County and Washoe County.
- List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), complete the following tables:

Case 1
Case name and date: Marcinkowski v. Golden Nugget; filed in 2005. First trial 2010. Second trial 2012.
Court and presiding judge and all counsel: Eighth Judicial District Court. For first trial Kenneth Cory. For the first trial David A. Francis and Robert Hamparyan for the plaintiffs. For second trial Joseph T. Bonaventure. Counsel for the plaintiffs in the second trial Peter S. Christiansen and David T. Wall. David Clayson and Edward Lanigar for the defendants.
Importance of the case to you and the case's impact on you: This was a high profile case with a lot of press coverage. Wrongful death action against the Golden Nugget—my client. The decedent drove his car through the high-rise parking garage. This was the second fatal accident at this garage—there was also a third such accident at this garage. There was a mistrial in the first trial because half-way through the Judge learned that his son was represented by Mr. Francis' firm. We got a defense verdict at the second trial. I lived with this case for seven years and most everyone did not think we could win this case. There were a significant amount of motions and legal issues that we had to resolve—including choice of law, whether punitive damages could be claimed, and whether the third accident would be admissible in this matter. We won because there was a straightforward and basic argument that we stayed with throughout.

Your role in the case: Counsel for the defense.

Case 2

Case name and date: McGuire v. Martin. 2011 trial.

Court and presiding judge and all counsel: Eighth Judicial District Court. Elissa F. Cadish. I was the attorney for the defendant Frank Martin. Counsel for the plaintiff was Daniel E. Carvahlo and Imran Anwar. David Clayson for the defendant.

Importance of the case to you and the case's impact on you: This was a personal injury case with disputed liability and damages. This case was important because I told my client that if he told the truth that he would be believed. He was afraid that his recollection of this motor vehicle accident would make him sound like he was not intelligent (he is the owner of Martin Harris Construction). The plaintiff on the other side was not honest, and I was able to show the jury that she was not truthful. In a case where it was mainly one person's word against another's, this was crucial for us to obtain a defense verdict.

Your role in the case: I was counsel for the defendant. I tried this alone.

Case 3

Case name and date: Nevada Power Company v. Monsanto, General Electric, and Westinghouse. Motion for Summary Judgement granted on 30 May 1995.

Court and presiding judge and all counsel: United States District Court, District of Nevada. Visiting Judge David Alan Ezra. For the plaintiffs local counsel was Douglas Cohen and Randall Jones of Jones, Jones, Close & Brown. NPC also had counsel from Oregon, California and Texas representing them. Westinghouse had Peggy Lee and John Thorndal locally and New York counsel. Monsanto had Kirkland & Ellis, and General Electric had me and counsel from Washington, D.C.

Importance of the case to you and the case's impact on you: In this case, Nevada Power brought an action for the cost of replacement of much of its transformers and capacitors due to the alleged dangers of polychlorinated biphenyl (PCB) products seeking damages of approximately \$48,000,000. Nevada was a test case, and the defendants estimated if they lost in Nevada they would have to pay tens of billions of dollars nation-wide. Therefore, this case was of extreme importance to these defendants. The utility companies nation-wide had to replace this equipment due to regulations promulgated by the EPA in 1976. Therefore, the key issue was the statute of limitations, and Nevada Power argued the defendants fraudulently concealed the problems of PCBs. The case originally went up the the Ninth Circuit with most causes of action being dismissed and then on the second round summary judgment ending the case was granted. We convinced the court that Nevada Power had as much knowledge of the potential dangers as did the defendants—nothing was concealed.

Your role in the case: I was local counsel for G.E., and I was present for all discovery and motions. The issues were highly complex, and I got at a young age to work with extremely impressive lawyers from all over the country.

Case 4

Case name and date: Jennifer Fox, Karen Lucero, Paula Brown, Kelly Handel, and Irene Billingsley v. Jeffrey Donner and Donner Chiropractic Center. Five separate cases were filed against Dr. Donner in 1993 and 1994.

Court and presiding judge and all counsel: Trial in front of Mark R. Denton in 1998. Counsel for the plaintiffs was Robert T. Eglet; Gerald Hillock; Randall Minor; Kenneth Hall. Counsel for defendant Dr. Donner was David Clayson and for the business was Randa Shea and Neils Pearson.

Importance of the case to you and the case's impact on you: Dr. Donner had numerous of his patients claim that he sexually assaulted them during improper chiropractic treatment. Other women also accused him who did not bring civil actions against him. There was also a criminal proceedings and disciplinary proceedings against him for his chiropractic license (I also represented him before the Chiropractic board). Oscar Goodman represented him on the criminal charges. There was widespread press coverage in both newspapers and television locally over this case; also, "Hard Copy" also had a segment in which they dubbed Dr. Donner the "handsome healer." This case had a huge impact on me because we had to deal with numerous issues of the simultaneous criminal and civil cases and administrative cases as well as responding to the press inquiries. Furthermore, Dr. Donner was easily my most difficult client in my 37 years. Eventually, Mr. Goodman worked out a plea agreement that Dr. Donner only got probation. I represented Dr. Donner for over four years for his malpractice insurance, which was eventually determined that no coverage existed by the time the first case went to trial. My advice was that the client should not come to trial because he was so out of control; he did attend anyway and with his corporate counsel he erupted during trial and hit plaintiff's counsel in front of the jury—this was Judge Denton's first trial. I had to learn patience, perseverance, and the need to work well with counsel and the court.

Your role in the case: I represented Dr. Donner on the civil and administrative proceedings.

Case 5

Case name and date: Bilic v. Donor. Filed 2017. Trial 2019

Court and presiding judge and all counsel: Short Trial Judge Robert A. Weaver. I represented the defendant and Malik W. Ahmad represented the plaintiff

Importance of the case to you and the case's impact on you: While this was one of the smaller cases I handled, the same effort needed to be applied. Our client rear-ended the plaintiff, and our argument was that the erratic driving of the plaintiff was the actual cause of the accident. Our client's word against the plaintiff's word. No physical evidence to help, and no one to appear at trial to help us. My client was the brother of my 7th grade gym teacher from California. The case was won, we got a defense verdict, because of client preparation and then looking the jury in the eye and explaining our position—all within the short time period of a short trial. There was also real damage to the vehicles so that we did not have that going for us.

Your role in the case: I represented the defendant.

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

Choose an item. I have been working as a mediator, court-appointed arbitrator, and Short Trial Judge for at least fifteen years. Although compressed, being a Judge Pro Ten over at least forty cases, and presiding over about ten cases, did help with having to make rulings and working hard to understand how the law should be applied to the facts of the cases in motions and at trial. The same. To a lesser extent, was required serving as an arbitrator. I have also been a binding arbitrator for cases in which millions were sought. I have also mediated about fifteen cases of various types of complexities.

- Describe any pro bono or public interest work as an attorney. I have helped individuals on numerous occasions without pay who did not have the financial resources to retain an attorney.
- List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation. I have been a member of the ADR Committee for the state bar and served as secretary for that committee. Prior member of the American Bar Association.
- List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? I am in compliance with the required CLE requirements. My 2023 total was 53.0. general hours with 10.50 ethics hours and 2.00 AAMH. In 2023 I took 40 Hour Basic Mediation Training; Avoiding Privilege Pitfalls: Ethical Issues for In-House Counsel; The Importance of Understanding Your Clients' Messaging Platforms During the Discovery Process; A.I. in Employment Decisions—Assessing the Benefits and the Risks; What 'Competence' Means: Ethics of e-Discovery; Legal Writing Skills & Techniques: 2023 Update;

Mediation Madness: How to Avoid Common Ethics Mistakes as an Advocate or Neutral; Practice Tips for Effective Legal Writing (2023 Update); SCOTUS Review: Spotlights on the Shadow Docket; Admissibility of Digital Evidence at Trial: Analyzing the FRE & Relevant Caselaw; Your Home is Spying on You: How to Use Smart Device Data in Litigation; Let's Take This Outside (of the Courtroom); How Best to Take Advantage of the Distinctive; A Whole New World: The Evolving Mental Health Dialogue in the Legal Profession; 'Stop Lawyer-splanning!': How to Explain Legal Concepts to Clients in Layman's Terms; Ethics in Trial Advocacy (Update); Trial Tips: A View from the Defense Table; Civility and Professionalism in the Courtroom—Renew; Advanced Trial Skills: Opening Statements; Component of Damages in Tort Cases: Legitimate Claim; Short Trial Judge Training; Mandatory Arbitrator Training. In 2022 I took: Ethics in Mediation; Emerging Ethics in 2022; Be It Resolved: Striving for a (Realistic) Work/Life Balance for Lawyers in 2022; Accident Reconstruction and EDR, 9/19/22; Updates Including Overview of AO on Depositions, and Amendments to ADR Rules; Short Trial Program Training 2022; Strategies for Combating Stress and Substance Abuse for Legal Profession. 2021 CLE courses: Accident Reconstruction & Biomechanical Engineering; Assessment of Mild Traumatic Brain Injury; Litigation Post-Covid, Trial & Arbitration by Zoom; Stress Management for Attorneys: Ethical Traps for the Unwary; Toxicology 101 for Attorneys; Effective Use of Depositions for a Personal Injury Trial; Digging Deeper at Tort Depositions. 2020 CLE Courses: As Judges See It: Top Mistakes Attorneys Make in Civil Litigation; Substance Use and Abuse in the Legal Profession; Taking Spine Expert Depositions; Diversity in the Legal Profession: A Moral Imperative & Professional; Nevada Supreme Court Rule Updates & EDCR Changes; Learning from the Mistakes We Make: Stories About Attorney & Mediations. 2019 CLE Courses: The Judges Speak: Civil Court Litigation Do's & Don'ts; Medical Causation; Minor's Compromises by Judge Ronald Israel; Substance Abuse & Recovery (2018 Family Law Conference).

- Do you have Professional Liability Insurance or do you work for a governmental agency? While handling cases I always carried professional liability insurance; I do not currently represent clients and therefore do not have insurance.

Business & Occupational Experience

- Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession. None for the past 37 years. I did work at jobs in college, high school, and grade school, but these were working construction, selling jewelry, and working in the food industry.
- Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:

- the nature of the business. I was a partner and helped run the firm of Cohen, Johnson, Day & Clayson from 1995 to 2000 and was heavily involved in managing this firm. Earlier, I was a partner with Alverson, Taylor & Mortensen. Later I was Managing Attorney with Clayson & Mikesell and also helped manage the firm of Bennion & Clayson and Curriden & Clayson. In these roles I was involved in managing the firm, hiring, letting people go, training staff and attorneys, payroll, and other Human Resources type of responsibilities.
 - the nature of your duties—See above.
 - the extent of your involvement in the administration or management of the business—See above.
 - the terms of your service—See above.
 - the percentage of your ownership—For Cohen Johnson Day & Clayson I owed 25%.
- List experience as an executor, trustee, or in any other fiduciary capacity. Give name, address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership. I served as an executor with my sister for our parent's trust until both passed away.

<h3>Civic Professional & Community Involvement</h3>

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

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

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

- State significant activities in which you have taken part, giving dates and offices or leadership positions.
- Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences. As stated above, I taught undergraduate courses while I was an undergraduate and then in law school. I have been a presenter at about ten continuing legal education courses for which attorneys got CLE credit.

- List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions. I served a two-year mission for the LDS Church in Florida from 1977-1979. For the LDS Church I have held numerous positions including Bishop, Counselor to Bishop, and Counselor to two Stake Presidents. I have taught early morning seminary for the past five years. I have also held numerous scouting positions.
- List honors, prizes, awards, or other forms of recognition. Certificate of Specialization for Personal Injury from the Nevada Justice Association.
- Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy. No.

Choose an item.

- List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates. None.
- During the past ten years, have you been registered to vote? Yes.

Choose an item.

Have you voted in the general elections held in those years? Yes. I have voted in every election, including the primaries.

Choose an item.

- List avocational interests and hobbies. I am currently writing a book; I am greatly interested in history and also with English and American Literature. One of my most significant interests is my family—we have five children and eight grandchildren.

Conduct

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

Choose an item.

- Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges, and dispositions. No.

Choose an item.

- Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline commission, other professional organization or administrative body or military tribunal? If yes, explain. If the disciplinary action is confidential, please respond to the corresponding question in the confidential section. No.

Choose an item.

- Have you ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain. No.

Choose an item.

- Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain. No.

Choose an item.

- Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain. No.

Choose an item.

- 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.

Choose an item.

- Are you aware of anything that may require you to recuse or disqualify yourself from hearing a case if you are appointed to serve as a member of the judiciary? If so, please describe the circumstances where you may be required to recuse or disqualify yourself. No.

Other

- If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result. I once applied for the position of Discovery Commissioner about five years ago. I was interviewed but was not provided the position.
- In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).
- Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection. This was addressed in the three pages attached.
- Attach a sample of no more than ten pages of your original writing in the form of a decision, “points and authorities,” or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion. See attached.

What sets David Reed Clayson apart to serve as a District Court Judge for Department

XXVII

I believe there are several reasons why I would be uniquely qualified to serve as a District Court Judge for the unexpired term:

1. First, I am an experienced litigator before the trial court. I have handled numerous cases for the 37 years I have been practicing law. I have tried at least twenty cases in the Eighth Judicial District Court, as well as trials in federal court and also in Washoe County. This has allowed me to know the Rules of Civil Procedure, the Rules of Evidence, and how a trial needs to be conducted. I also have extensive experience in law and motion practice, as well as settlement conferences. I have served as a mediator, arbitrator, and Short Trial Judge. I know what preparation and work must go into having a trial proceed fairly for all the parties because I have been involved in this extensively.

2. Second, I believe that my experience presiding over Short Trials is helpful because I have worked with juries and counsel to make sure the trial process goes forward properly. Therefore, the learning curve for presiding over District Court trials should be less.

3. I have a Martindale-Hubbell AV Preeminent Peer Review Rating. I believe this shows that I have the respect of my fellow attorneys both in competence in the practice of law and also for the ethical practice of law.

4. I believe my honesty is one of my important attributes. Clients, attorneys, and the bench have been able to trust what I say and do. There are too many who take shortcuts or believe that it is necessary to be dishonest to get ahead. After a very

contentious trial one of the other attorneys in the case told me to not be so naive and that of course you have to lie to get ahead in this business. I strongly disagree with this. Dishonesty is often a shortcut because an attorney is not willing to put in the extra time and effort. Also, I have seen that dishonesty breeds upon itself. I feel confident that if you consult with my clients, fellow attorneys, and judges who have dealt with me they would describe my honesty as one of my consistent characteristics.

5. Next, I also believe I have a good temperament to be a Judge. I have never yelled at a secretary or a paralegal. I am able to remain calm and collected when temperatures rise due to the inevitable stresses that happen in the practice of law. Stress and anger seem to go hand in hand, and I have learned how to avoid most of these pitfalls. It is impossible to avoid all stress—not all stress is bad because it does tend to focus our attention—but I believe I am able to not allow emotion to rule my life but instead use my reason.

6. I am good with the deadlines that are constantly part of this practice. I have always followed the pattern of putting in full days' work consistently instead of waiting to the last minute to address issues.

7. I strongly believe that when parties appear in Court that they should be entitled to know that the Judge in their case is impartial. Both sides are entitled to be given a fair chance to present their case. A judge MUST NOT be pro-plaintiff or pro-defendant. In my career, I have represented both plaintiffs and defendants.. I have represented individuals who believe that they do not stand a chance against large businesses or other monied interests. I have also represented major businesses or insurance companies and well understand that their interests are also entitled to a fair

and impartial hearing. This allows me, in my opinion, to be able to give each side a fair hearing and to make sure that I can do all in my power to be fair and even-handed.

8. I also have administrative experience. I have an excellent reputation of working with the staffs at the firms. You can certainly ask them how they were treated. I know how hard and diligent court staffs work, and I would assume that I would keep the employees who are currently employed during my year on the bench. You could also ask the court staffs who know me on how I treated them, and I would treat the court staff just as well.

9. I view this position as an opportunity to give back and to use what I have learned through the years. I believe that serving on the bench for this year, until a new person is elected by the people in the November election, would be a great honor for which I would work extremely hard, would be honest, would work hard to be fair to both sides, and would look at this selection as a gift for which I would owe a debt to the people in Clark County.