

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT  
DEPARTMENT XXVII

**By**

**TRACY IP HIBBETTS**



Personal Information
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1.	Full Name	TRACY IP HIBBETTS
2.	Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.	TRACY THERESA IP TRACY TSUN-MAN IP
3.	How long have you been a continuous resident of Nevada?	30 YEARS
4.	City and county of residence	LAS VEGAS, CLARK COUNTY
5.	Age	44

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

Current or Last Employer	Office of the District Attorney, Clark County
Phone	702-671-2500
Physical Address & Website	200 Lewis Avenue, Las Vegas, Nevada 89155 www.clarkcountynv.gov
Date(s) of Employment	January 9, 2023 – Present
Supervisor's Name and Title	Eric Bauman, Team Chief, Vehicular Crimes Unit
Your Title	Chief Deputy District Attorney
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Currently assigned to the Special Victims Unit – Vehicular Crimes Unit, handling prosecution of misdemeanor DUI cases and felony DUI, Hit-and-Run, and Reckless Driving cases, including cases involving injury and/or death.</li> <li>• Previously assigned to General Litigation, handling prosecution of all misdemeanor and felony cases ranging from murder to simple battery in various departments in Justice Court and District Court.</li> <li>• Argue bail motions, pretrial motions, conduct bench trials, preliminary hearings, evidentiary hearings, and jury trials.</li> <li>• Prosecuted hundreds of criminal cases in Justice Court and District cases.</li> <li>• Supervise interns and externs in court.</li> <li>• Regular volunteer for office recruitment, career panels, and mentor new deputies.</li> </ul>
Reason for Leaving	N/A – Current Employer

Previous Employer	Office of the Public Defender, Clark County
Phone	702-455-4685
Address & Website	309 S. Third Street, Las Vegas, Nevada 89155 www.clarkcountynv.gov
Date(s) of Employment	September 4, 2012 – January 5, 2023
Supervisor's Name and Title	Team Chiefs: Will Ewing; Katrina Ross; Ron Paulson; Michael Yohay
Your Title	Chief Deputy Public Defender
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Served as Assistant Team Chief on multiple assigned teams, shared the responsibility supervising team attorneys and support staff.</li> <li>• Mentored new attorneys/deputies; supervised interns/externs and law clerks assigned to the team.</li> <li>• Handled over 3,000 criminal matters ranging from misdemeanors to category A felonies, including sexual assaults and murders, including experience in specialty courts at both Justice Court and District Court levels.</li> <li>• Served as the lead attorney for the Initial Appearance Court.</li> <li>• Served on the Initial Appearance Court Subcommittee with the Public Defender</li> <li>• Tried six (6) felony jury trials to verdicts, 5 of those trials as first chair, with one resulting in a "Not Guilty" verdict.</li> <li>• Trained new deputies on caseload and time management, office technologies, stress management and case preparation.</li> <li>• Assisted in the creation and the revision of the resource guide for the office.</li> </ul>
Reason for Leaving	Transferred to the Office of the District Attorney

Previous Employer	Lululemon Athletica Store 16010
Phone	702-696-1282
Address & Website	3200 S. Las Vegas Boulevard, Las Vegas, NV 89109 www.shop.lululemon.com
Date(s) of Employment	10/2011-02/2012
Supervisor's Name and Title	Ashley Kildea, Assistant Store Manager
Your Title	Part-time Guest Educator
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Assisted guests with their item selection.</li> <li>• Educated guests on caring for their purchases at home.</li> <li>• Provided information to local fitness classes for out of state guests</li> </ul>
Reason for Leaving	To study for the February Bar Exam.

Previous Employer	Mainor Eglet
Phone	702-450-4500
Address & Website	Previous: 400 S. Fourth Street, Suite 600, Las Vegas, Nevada 89101 Current: 400 S. Seventh Street, Suite 400, Las Vegas, Nevada 89101 Current: www.egletlaw.com
Date(s) of Employment	10/2011-11/2011
Supervisor's Name and Title	Tracy Eglet, Managing Partner
Your Title	Part-time law clerk
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Performed legal research for attorneys.</li> <li>• Drafted pleadings, motions, discovery documents, and correspondence for attorneys.</li> <li>• Reviewed deposition transcripts and summarized them.</li> <li>• Drafted memorandum on special topics</li> </ul>
Reason for Leaving	Illness in the family

Previous Employer	Koeller Nebeker Carlson Haluck LLP
Phone	702-853-5599
Address & Website	300 S. Fourth Street, # 500, Las Vegas, Nevada 89101 www.knchlaw.com
Date(s) of Employment	06/2010 – 07/2010
Supervisor's Name and Title	Tracy Eglet, Managing Partner
Your Title	Part-time law clerk
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Performed legal research for attorneys.</li> <li>• Drafted pleadings, motions, discovery documents, and correspondence for attorneys.</li> <li>• Reviewed deposition transcripts and summarized them.</li> <li>• Drafted memorandum on special topics</li> </ul>
Reason for Leaving	Illness in the family

Previous Employer	Unemployed – Full-time law student at California Western School of Law
Phone	N/A
Address & Website	N/A
Date(s) of Employment	08/2008 – 09/2011
Supervisor's Name and Title	N/A
Your Title	N/A
Describe Your Key Duties	N/A
Reason for Leaving	N/A

Previous Employer	Phillips, Spallas & Angstadt LLP
Phone	702-938-1510
Address & Website	504 S. Ninth Street, Las Vegas, Nevada 89101 www.psalaw.net
Date(s) of Employment	06/2005 – 08/2008
Supervisor's Name and Title	Robert Phillips, Managing Partner
Your Title	Paralegal
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Prepared pleadings, motions, discovery documents, and correspondence for attorneys.</li> <li>• Reviewed deposition transcripts and summarized them.</li> <li>• Scheduled depositions for attorneys.</li> <li>• Supervised file clerks and runners.</li> </ul>
Reason for Leaving	To attend law school full-time in San Diego, California

Previous Employer	Shimon & Lovaas, P.C. – Defunct
Phone	702-388-1011
Address & Website	Previous: 2901 El Camino Avenue, Las Vegas, Nevada 89102
Date(s) of Employment	02/2005 – 06/2005
Supervisor's Name and Title	Aaron Lovaas, Founding Member
Your Title	Paralegal
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Prepared pleadings, motions, discovery documents, and correspondence for attorneys.</li> <li>• Reviewed deposition transcripts and summarized them.</li> </ul>
Reason for Leaving	To work for another firm with different practice areas

Previous Employer	Morris Polich & Purdy LLP (now Clark Hill)
Phone	702-862-8300
Address & Website	Previous: 3883 Howard Hughes Pkwy. #560, Las Vegas, Nevada 89169 Current: 1700 Pavilion Center Drive, Suite 150, Las Vegas, Nevada 89135 Current: www.clarkhill.com
Date(s) of Employment	03/2004 – 02/2005
Supervisor's Name and Title	Debbie Surowiec, Office Manager
Your Title	Receptionist
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Transcribed managing partner's dictations.</li> <li>• Transcribed managing partner's billings.</li> <li>• Acted as a backup file clerk.</li> <li>• Drafted simple correspondence for attorneys.</li> <li>• Summarized deposition transcripts.</li> </ul>
Reason for Leaving	Offered a paralegal position

Previous Employer	Wells Fargo Bank
Phone	702-952-6650
Address & Website	4425 W. Spring Mountain Road, Las Vegas, Nevada 89102 www.wellsfargo.com
Date(s) of Employment	11/2002 – 02/2004
Supervisor's Name and Title	Carole Fink, Branch Manager
Your Title	Lead Teller
Describe Your Key Duties	<ul style="list-style-type: none"> <li>• Supervised and trained new tellers.</li> <li>• Processed customer transactions.</li> <li>• Ensured all teller drawers and the cash vault had accurate counts at the end of shift/end of business day.</li> </ul>
Reason for Leaving	To work at a law office

Educational Background
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7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.
- A. Bullard High School, 5445 N. Palm Avenue, Fresno, California 93704
    - August 1993 – June 1994
    - N/A. Moved to Las Vegas, Nevada in the summer of 1994.
  - B. Valley High School, 2839 Burnham Avenue, Las Vegas, Nevada 89169
    - August 1994 – June 1997
    - Graduated with High Honors (Top 10) Diploma.
  - C. Whittier College, 13406 E. Philadelphia Street, Whittier, CA 90602
    - August 1997 – May 1998
    - N/A. Moved back to Las Vegas, Nevada to be with my father because his cancer returned.
  - D. University of Nevada, Las Vegas, 4505 S. Maryland Parkway, Las Vegas, NV 89154
    - August 1998 – June 2002
    - Graduated. Psychology and Criminal Justice, Dual B.A.
  - E. University of Nevada, Las Vegas, 4505 S. Maryland Parkway, Las Vegas, NV 89154
    - 2002 – 2006
    - Candidate, Criminal Justice, Professional M.A.
  - F. University of Nevada, Las Vegas, 4505 S. Maryland Parkway, Las Vegas, NV 89154
    - September 2004 – December 2004
    - Paralegal Studies Program Certificate
      - Special emphasis in Nevada Practices and Procedures, Community Association Law, Criminal Law, and Tort Law.
8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

## A. Bullard High School

- Golden State Examination First-Year Algebra with Honors – Top 11% of the State of California (1993)
- School Orchestra – Violinist (1993-94)
- Science Olympiad Regional & State Competitions Participant (1993-94)

## B. Valley High School

- Nevada Girls State Delegate - 50<sup>th</sup> Annual Session (1996)
  - Elected as City Council Member, County Treasurer, and appointed to the Nevada Tax Commission
- KEY (Kiwaniis Educates Youth) Club
  - Secretary (1995-96); President (1996-97)
  - Division 28 South Treasurer (1995-96)
  - Kiwanis Club of Las Vegas Scholarship Recipient (1997)
- Leadership Las Vegas Youth Program Graduate (Class of 1996)
- Mu Alpha Theta Member (1994-97)
- National Honor Society Member (1995-1997)
- Science Bowl (1995-97)
  - Co-Captain (1996-97)
  - Nevada Regional Science Bowl – 2<sup>nd</sup> Place (1997)
- Varsity Tennis (1995-97)
  - Scholar Athlete (1996-97)
  - Most Valuable Player (1997)
- Varsity Quiz (1995-1997)
  - Co-Captain (1996-97)

## C. University of Nevada, Las Vegas (1998-2006)

- Alpha Gamma Delta Sorority
  - Property Coordinator (1999)
  - Public Relations Coordinator (2000)
  - Vice President – Scholarship (2000-01)
  - Panhellenic Council Rho Chi/Recruitment Counselor (2001)
  - Risk Management Advisor (2002)
  - Alumni Junior Circle Chapter President (2002-04)
  - Recipient of the Athlete of the Year Award and Activities & Leadership Award (2000)
- Intramurals Sports Athlete (1998-2001)
  - Basketball, Flag Football, Soccer, and Tennis
- Orientation Leader (2001-2003)
- CSUN Leadership Scholarship Recipient (2001)

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

California Western School of Law, 225 Cedar Street, California 92101; Juris Doctor, June 1, 2011; unranked.

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

Summer full-time law clerk at Koeller Nebeker Carlson Haluck, LLP (July – August 2010).

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

- A. Moot Court Honors Board – Executive Board Member, Public Relations (2010-11)
- B. California Innocence Project Volunteer (Fall 2010)
- C. The Bail Project – Intern (Fall 2011)
- D. Phi Alpha Delta – Member (2008-11)
- E. Pro Bono Service Program – Honors Society Member (2010)
- F. Public Service Program – Honors Society Member (2011)
- G. Summer Intern, Office of Clark County Public Defender (2009)
- H. Summer Intern for Justice of the Peace Nancy C. Oesterle, Justice Court, Las Vegas Township, Clark County (2010)

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

2012

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

N/A

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

No.

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench.

90% Criminal Litigation/Trial (misdemeanor and felony cases – non-jury and jury trial cases)  
10% Criminal Appellate (from non-jury trial cases and/or post-conviction cases)



16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	0%
Juvenile matters	0%
Trial court civil	0%
Appellate civil	0%
Trial court criminal	90%
Appellate criminal	10%
Administrative litigation	0%
Other: Please describe	N/A

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

Previous caseload: approximately 75% = felony cases with 10% - 20% set for jury trials and 25% = misdemeanor cases and all set for non-jury trials.

Current caseload: approximately 40% = felony cases with 20% set for jury trials and 60% = misdemeanors and all set for non-jury trials.

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

Tried one (1) jury trial to a verdict in the past five years. Approximate twenty (20) bench trials tried to a decision in the past five years.

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

Justice Court, Las Vegas Township, Clark County, Nevada  
 Justice Court, North Las Vegas Township, Clark County, Nevada  
 Justice Court, Henderson Township, Clark County, Nevada  
 Eighth Judicial District Court, Clark County, Nevada

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

Case 1
Case name and date: State of Nevada v. Pittman, 2013
Court and presiding judge and all counsel: Eighth Judicial District Court, Judge Michael Villani, DDA Hilary Heap
Importance of the case to you and the case's impact on you: My first motion to suppress, drafted with new case laws at the time and filed as a new deputy. Upon reviewing my motion, State voluntarily dismissed the case at the suppression hearing. This suppression

<p>motion focusing on welfare check searches would later become a sample motion referenced and used in the office.</p>
<p>Your role in the case: Lead counsel</p>
<p>Case 2</p>
<p>Case name and date: State of Nevada v. Mote, 2015</p>
<p>Court and presiding judge and all counsel: Eighth Judicial District Court, Judge Adriana Escobar, Former DDA Nicole Cannizzaro and DDA Rachel O'Halloran.</p>
<p>Importance of the case to you and the case's impact on you: This was my first "not guilty" verdict in a felony jury trial. I spent a year litigating this case with pretrial writ petition and other pretrial motions. The trial took six days to complete. The first win is always the most memorable.</p>
<p>Your role in the case: Lead counsel/First chair</p>
<p>Case 3</p>
<p>Case name and date: State of Nevada v. Pires, 2017</p>
<p>Court and presiding judge and all counsel: Eighth Judicial District Court, Judge Valerie Adair, Former DDA Jacqueline Bluth</p>
<p>Importance of the case to you and the case's impact on you: My first solo murder case. I was a brand-new chief deputy at the time. A murder team deputy handpicked me as the deputy for this case. I learned to work up a murder case and build a defense, as well as a mitigation profile with my team of investigator and social worker.</p>
<p>Your role in the case: Lead counsel</p>
<p>Case 4</p>
<p>Case name and date: State v. Zimmerman, 2016 – 2020</p>
<p>Court and presiding judge and all counsel: Eighth Judicial District Court, Judges Michael Villani, Elizabeth Gonzalez, and Bitia Yeager. Specialty Court DDAs.</p>
<p>Importance of the case to you and the case's impact on you: This individual is severely mentally ill. I followed his case through mental health court and multiple competency proceedings until the case finally closed in 2020. This was a sad case. I saw a young man deteriorated over the years because of mental illness and there was not a proper facility for him to get the closely monitored and consistent medications and treatment he needed. This client is a constant reminder for me how much this community needs a permanent mental health treatment facility.</p>
<p>Your role in the case: Lead counsel</p>
<p>Case 5</p>
<p>Case name and date: State of Nevada v. Haren, 2023</p>
<p>Court and presiding judge and all counsel: Eighth Judicial District Court, Judge Jasmin Lilly-Spells, DPD Shane Zeller and Ben Nadig, Esq.</p>
<p>Importance of the case to you and the case's impact on you: This was my first felony DUI Death case assignment after transferring to the vehicular crimes unit. Defendant had pleaded guilty then tried to withdraw his guilty plea on the original sentencing date. An evidentiary hearing was held on defendant's motion to withdraw his guilty plea and based on testimony, oral arguments, and previous pleadings we had field, the court upheld the guilty plea. The</p>

defendant was finally sentenced to a six-to-fifteen-year prison sentence after months of litigation and the victim's family finally had closure.
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Your role in the case: Lead prosecutor
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21. Do you now serve, or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

No.

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

I have volunteered for the annual Las Vegas Veterans Stand Down, assisting our local veterans with their legal issues and quashing their minor warrants. I have also volunteered for the @EASE Program, with the Nevada Attorney General's Office of Military Legal Assistance and provided free legal assistance to our veterans and answered questions related criminal matters at the Las Vegas VA Medical Center. I volunteered at the last two county wide bench warrant quashing events hosted by UNLV William S. Boyd School of Law at Pearson Community Center and Clark County Public Defender's Office at the Regional Justice Center. I have also volunteered at the Parkdale Recreation Center sharing with local residents free legal resources available to them.

23. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

- Asian Bar Association – Member (2023 – Present)
- Clark County Bar Association – Government Lawyer Member (2017 – Present)
- The Howard McKibben American Inn of Court – Barrister Member (2018 – Present)
- Southern Nevada Association of Women Attorneys – Member (2018 – Present)
- Nevada Latino Association – Government Attorney Member (2021 – Present)
- Nevada Attorneys for Criminal Justice – Public Defender Member (2012 – 2022)
- Nevada Justice Association – Member (2021 – 2022)

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

Yes, I am in compliance with the continuing legal education requirements.

Courses taken the past five (5) years:

- Trial Practice, American Inn of Court
- Criminal Law: Nevada Legislative Update, UNLV – William S. Boyd School of Law
- Judicial Academy: A Course for Aspiring Judges, National Judicial College

- Nevada Pretrial Risk Assessment Training for Attorneys, Supreme Court of Nevada, Administrative Office of the Courts
- Dealing with Case/Client Induced Secondary Trauma, Stress & Substance Use, Clark County Public Defender
- Substance Abuse, Southern Nevada Association of Women Attorneys
- Keeping People Out of Jail That Don't Need to Be There, Clark County Public Defender
- AB 236, Washoe County Public Defender
- Bail Reform Under Valdez-Jimenez, Clark County Public Defender
- Employment Law 2021, Howard D. McKibben Inn of Court, Las Vegas
- Juvenile Certification vs. Direct File, Clark County Public Defender
- Primer on Parole Holds & Hearings, Clark County Public Defender
- Courtroom Technology Training, Clark County Public Defender
- Top Shelf DUI Defenses: The Law, The Science, The Techniques, National Association of Criminal Defense Lawyers
- Diversity in the Legal Profession, Clark County Bar Association CLE Committee
- Bar Exam Survey Participation, State Bar of Nevada
- Legal Writing, Howard D. McKibben Inn of Court, Las Vegas
- Pretrial Services, Clark County District Attorney'
- Advanced Justice Court, Clark County District Attorney
- Use Phone and Social Media Evidence, Clark County District Attorney
- New DDA Training: Case Assessment, Clark County District Attorney
- New DDA Training: Justice Court Discovery, Clark County District Attorney
- New DDA Training: Taking Direct Examination to the Next Level, Clark County District Attorney
- New DDA Training: Specialty Courts & Special Assignments, Clark County District Attorney
- Everyday Ethics for Prosecutors, Clark County District Attorney
- New DDA Training: Impeachment, Clark County District Attorney
- New DDA Training: Intro to Cross Examination, Clark County District Attorney
- New DDA Training: Handling Search Warrant Duty, Clark County District Attorney
- New DDA Training: District Court Calendar
- Tour of Parole & Probation, Clark County District Attorney
- New DDA Training: Evidence Skills Practice
- Prosecutorial Misconduct & Lessons from Appeals, Clark County District Attorney
- Imposter Syndrome, State Bar of Nevada
- New DDA Training: Bail, Custody & Valdez-Jimenez, Clark County District Attorney
- New DDA Training: Discovery & Brady 102, Clark County District Attorney
- New DDA Training: Discovery Motions
- Trial Ad: Voir Dire, Clark County District Attorney
- Trial Ad: Direct Examination, Clark County District Attorney
- Trial Ad: Opening Statements, Clark County District Attorney
- Trial Ad: Cross Examination, Clark County District Attorney
- Trail Ad: Closing Argument, Clark County District Attorney

- Trial Ad: Courtroom Practice, Clark County District Attorney
- Trial Ad: Rebuttal Argument, Clark County District Attorney
- Lesson from Appeals, Clark County District Attorney

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

I work for a government agency – Office of the District Attorney, Clark County.

### Business & Occupational Experience

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

N/A

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

- a.the nature of the business
- b.the nature of your duties
- c.the extent of your involvement in the administration or management of the business
- d.the terms of your service
- e.the percentage of your ownership

N/A

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

N/A

### Civic Professional & Community Involvement

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

No.

Have you been a candidate for such an office?

Yes. Candidate for Department 6, Justice Court, Las Vegas Township, Clark County, in 2022 Primary Elections.

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

N/A – Did not win the primary election in 2022.

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

In 1996, I had the unique opportunity to be a part of the Leadership Las Vegas Youth Program. I knew when I grew up, I was going to do the adult version of the program as well. Leadership Las Vegas did not disappoint. I was one of the sixty lucky individuals chosen from thousands of applications who apply to this program yearly. Through Leadership Las Vegas, I was able to have unprecedented access to venues such as Allegiant Stadium and T-Mobile Arena. I also had the opportunity to do a ride along with the Las Vegas Metropolitan Police Department. It was a once in a lifetime experience and learned all about Las Vegas from different perspectives - history, arts, community programs, education, government, media, business, gaming, and criminal justice.

After graduating from Leadership Las Vegas, I was searching for the next opportunity to enrich my life experience. I discovered this new program from advertisement in the Nevada Lawyer magazine. The National Judicial College created a new program in 2019 called Judicial Academy: A Course for Aspiring Judges to prepare lawyers who want to be judges and was seeking applicants. The program accepted applications nationwide. I was awarded a scholarship and selected to attend this inaugural course. During this weeklong course, I learned about various aspects of being a judge, including how to efficiently run a court calendar, data collection, administration side of being a judge, and how to run a campaign.

I have been a member of the Clark County Law Foundation Board of Trustees since 2020. The Law Foundation is known for its Trial By Peers Program, the Liberty Bell Award, and as the host of the annual Attorney Memorial. I was elected to serve as President-Elect in 2022 and then President in 2023. During my tenure as President-Elect and as President, I oversaw and was an integral part of revamping the Trial By Peers Program to focus on certain common issues among youths in our schools. In addition, we have submitted numerous grant applications and made several county wide grant presentations for operating budgets with success to continue our long-established programs such as Trial By Peers in operation.

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

In 2018, I volunteered to be a part of the implementation of Initial Appearance Court in Las Vegas Justice Court. As such, I was selected as one of the three instructors to teach a statewide CLE court called Nevada Pretrial Risk Assessment Training for Attorneys, administered by the Supreme Court of Nevada Administrative Office of the Courts in November 2019. Along with a prosecutor and another public defender from Northern Nevada, we presented information and the nuts and bolts of Initial Appearance Court. More importantly, we discussed the Nevada Pretrial Risk Assessment being one of the vital tools used in this court and the information the risk assessment contains and how that information could be used in

determining the custody status of an individual who is accused of a crime. This CLE was mandated by the Nevada Supreme Court and required for all attorneys.

I am a regular course instructor for the Clark County Law Foundation Trial By Peers. During the school year, I teach courses on rules of evidence and cross examination to the program participants, ages range from twelve to seventeen. For the summer course, I create lesson plans and activities with another senior attorney on certain skill sets such as communication and critical thinking.

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

A. Clark County Law Foundation

- Immediate Past President, 2024
- President, 2023
- President-Elect, 2022
- Trustee, 2020 – Present
- Liberty Bell Award Committee Member
- Trial By Peers Senior Attorney and Course Instructor
- Grant Presenter

B. Leadership Las Vegas

- Graduate, Class of 2019
- Scholarship Recipient
- Class Project Subcommittee Chair
- Criminal Justice Day Committee Member, 2020 – Present
- Criminal Justice Day Presenter and Panel Moderator, 2022 – Present

C. Junior League of Las Vegas

- Shannon West Homeless Youth Center Tutoring Subcommittee Leader, 2018 – 2019
- Morelli House Public Project Committee Member and Docent, 2019 – 2020
- Gold Ribbon Award Honorable Mention, 2018

D. The Just One Project Pop Up & Give Mobile Market

- Volunteer at various locations in the valley, 2020
- Team member and leader at the Orr Middle School location, 2021 – 2022

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

A. Nevada Lawyer Magazine, July 2023

- Featured in the monthly Nevada Trailblazer article.

B. Judicial Academy: A Course for Aspiring Judges, National Judicial College

- Inaugural Class Graduate, 2019
- Scholarship Recipient

34. Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your

membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy.

No.

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

“Clark County Initial Appearance Court”, Unreasonable Doubt, Nevada Attorney for Criminal Justice Monthly Publication, December 2018.

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

Yes.

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

Yes.

37. List avocational interests and hobbies.

I enjoy playing tennis and attend fitness classes during my spare time. I also enjoy reading, walking my adopted rottweiler, Duke, traveling, and finding the next Harry Potter related adventure with my husband.

### Conduct

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

Yes.

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

No.

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

No.



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

No.

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

No.

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

No.

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

No.

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

No.

Other

46. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

Justice Court Department 10, Clark County Judicial Nominating Committee. June 2021. Not selected.

47. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

See Attachment 1, Personal Statement.

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

I am a first-generation immigrant from Hong Kong. I am the first person to go to college in my family and I am the first person to get an advanced degree in my family. I learned American English and its colloquialisms by watching television shows like *Saved By The Bell* and reading R.L. Stine books in middle school. I went to Valley High School and grew up in East Las Vegas. Even though I moved out of the area, I return often with my husband to the area to volunteer for mobile food pantry at Orr Middle School to give back our community.

I was a judicial candidate in 2022. I campaigned. I went to events. I made calls to fundraise. I held fundraisers. I have done endorsement questionnaires and endorsement meetings. I canvassed neighborhoods and knocked on doors to talk to voters. I have done it before and I am willing to do it again if I were appointed to fill this vacancy.

49. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities," or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

See Attachment 2, Writing Sample.

# ATTACHMENT 1

# PERSONAL STATEMENT

I have been practicing criminal law for almost twelve years. I have been a public defender. I am now a prosecutor. I am a public servant and want to continue to serve the public in a different capacity. But criminal law is not the only law I know. Before law school, I worked at several civil law firms. I had no legal experience, but this law firm took a chance on me and gave me my first legal job. The law firm mainly focused on insurance defense, worker's compensation, and construction defects. I started at the front of the office as a receptionist. I learned all the legal jargons and names of pleadings, drafted simple correspondence, and prepared the managing partner's billings. Next progression was the file room and learned the filing system. And I wanted to learn more so I went to night classes and earned a certificate in paralegal studies. Even though the law firm could not offer me a paralegal position, the office manager encouraged me to find a paralegal job at another firm and gave me a raving review and reference. My first paralegal job was at a boutique law firm that practiced in several areas, personal injury, some insurance defense, family law, and estate planning. At that firm, I learned more about the civil discovery process, the rules, the procedures, and the deadlines. Because of the experience from this law firm, I was recruited by a California firm with a Las Vegas satellite office to represent a Fortune 500 company in the areas of premises liability, general litigation, and labor and employment. In my time at this office, I was able to learn and became well-versed in the Nevada Rules of Civil Procedure and the Federal Rules of Civil Procedure. In addition to my daily tasks and duties, I also helped California attorneys who pro hac into a Nevada case to navigate the local rules. When I left the firm to go to law school, it was my intention to return to the office as an associate attorney. Then my internship at the public defender's office changed my course in the legal field. Now I am a prosecutor with the vehicular crimes unit, prosecuting misdemeanor and felony DUI and Reckless Driving cases. This is my way to serve and protect our community.

Besides experience in both civil and criminal, I had worked as a judicial intern for now retired Justice of the Peace, Nancy Oesterle. I got a whole new perspective of what judges do from what I observed during my time as a judicial intern. I would sit next to the judge on the bench regularly and we would have discussions after the calendar about her decision-making process on certain cases. In addition to her daily court calendar, I would sit with Judge Oesterle while she reviewed arrest warrants, police reports for probable cause arrest, and administrative documents. I also watched Judge Oesterle presiding over a treatment court and having a specialty treatment court meant more than just an added court calendar. In addition to an added calendar, Judge Oesterle would bring me to the staffing prior to each court session and meet with treatment providers, coordinators, and court administrators to get treatment updates on every participant. Then, each treatment court session, Judge Oesterle and I would stay late to have her court notes for each participant's progress entered into the next hearing calendar. Even after these late evenings, Judge Oesterle would still make it to community events and would bring me with her so I could meet the members of the legal community. Others might have done a judicial internship, but not all judges have a specialty court calendar for their interns to observe and learned the behind-the-scenes actions. The Eighth Judicial District Court has a total of thirteen specialty courts and I have experience dealing with most of them. I have first-hand experience how to navigate through these staffing meetings and hearings as a lawyer and the behind-the-scenes knowledge set me apart from other applicants. In addition to experience navigating through specialty treatment courts, I was also a part of the implementation of the Las Vegas Justice Court Initial Appearance Court. The year prior to the implementation, I attended planning committee meetings, collaborated with court administration, IT, judges, prosecutors, and law enforcement to ensure the court starts seamlessly in 2019.

One of my most memorable experience in my legal career was being selected by The National Judicial College to be in their inaugural A Course For Aspiring Judges in 2019. The selection was nationwide, and the course allowed for only forty participants. In this weeklong course, I learned how to prepare myself and my family for the journey to becoming a judge, what I need to know as a judicial candidate such as campaigning, fundraising, judicial ethics for me and my family, and how to conduct myself on social media. I thought I knew what a judge's work life would be like but there was more than meets the eye. The course was an eye-opening experience.

I believe I have a set of unique qualifications and experiences that set me apart from the other applicants. It would be my honor to be selected to fill this vacancy and continue my public service at the next level.

**ATTACHMENT 2**

**WRITING SAMPLE**

**BREF**

PHILIP J. KOHN, PUBLIC DEFENDER  
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TRACY IP, CHIEF DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 12598  
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Attorneys for Appellant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

XXXXX SEYMOUR,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No.C-XX-XXXXXX-A  
Dept. No.

**APPELLANT’S OPENING BRIEF**

COMES NOW, the Appellant, XXXXX SEYMOUR (Seymour) by and through his attorney of record, TRACY IP, Chief Deputy Public Defender, and the Law Office of the Clark County Public Defender, hereby files this opening brief.

This brief is made and based upon all the papers and pleadings on file, the attached exhibits, and any oral argument at the time set for this appeal.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

/s/ TRACY IP

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TRACY IP, #12598  
Chief Deputy Public Defender



### **ISSUE PRESENTED**

Whether the Court properly denied the Appellant's right to represent himself without a formal canvass of his knowledge and understanding of the law and proceedings pursuant to Faretta v. California, 422 U.S. 806 (1975).

### **PROCEDURAL HISTORY**

Mr. Seymour was charged with one count of misdemeanor battery in Justice Court, Las Vegas Township, Department 7. Mr. Seymour's initial arraignment was on July 31, 2017. Mr. Seymour immediately requested to represent himself at his initial arraignment. See, Exhibit 1, Transcript of Arraignment (hereinafter Exh. 1) page 2, lines 11-15. Judge Pro Tempore, William Jansen (Judge Jansen), informed Mr. Seymour a canvass must be done prior to self-representation. Exh. 1, page 2, line 25. But Judge Jansen inserted a caveat to self-representation and the canvass, which was Mr. Seymour must wait until the end of the calendar, until "9:00, 10 o'clock or after". Exh. 1, page 3, lines 1-5. Mr. Seymour was also told by Judge Jansen the canvass could take up to "20 minutes and maybe more to go through it". Exh. 1, page 3, lines 9-11. This matter was called at 8:30 a.m. Exh. 1, page 1, line 17. Mr. Seymour, now confronted with a possible two-hour wait just to be canvassed, he reluctantly accepted the appointment of the Public Defender. Exh. 1, page 3, line 25; page 4, lines 1-2. A non-jury trial was set for September 20, 2017.

On September 20, 2017, this matter was called off due to the Public Defender's office not having contact with Mr. Seymour. At this hearing, Mr. Seymour renewed his request to represent himself. See, Exhibit 2, Transcript of Proceedings, page 6, lines 14-15 (hereinafter Exh. 2). Judge Bennett-Haron denied Mr. Seymour's request to represent himself immediately without offering to canvass Mr. Seymour. Exh. 2, page 6, lines 16-18, 22-24. This matter was reset to November 13, 2017 for a non-jury trial.

On November 13, 2017, Mr. Seymour appeared for the non-jury trial and all parties were ready to proceed. On this date, there was another judge, Judge Pro Tempore, Jeannie Hua (Judge Hua) sitting in for this hearing. Mr. Seymour, now appeared before yet another judge, was uncertain if he could renew his request to represent himself for the third time. Reluctantly, Mr. Seymour

proceeded with the non-jury trial being represented by the Public Defender's office as his counsel. See generally, Exhibit 3, Bench Trial Transcript (hereinafter Exh. 3). Mr. Seymour was found guilty of the misdemeanor battery. Judge Hua sentenced Mr. Seymour to a thirty-day (30) suspended sentence. Mr. Seymour was further ordered to stay out of trouble and to complete an impulse control counseling class.

On November 16, 2017, the Public Defender's office filed a Notice of Appeal on behalf of Mr. Seymour in this matter. The Appellant's opening brief is originally due on February 7, 2018. Oral argument is originally scheduled for March 28, 2018 at 10:00 a.m. Pending filing and oral argument, the Public Defender's office filed a motion for extension of time on February 1, 2018. See, Exhibit 4 (hereinafter Exh. 4). The motion was filed at Mr. Seymour's request so he could secure private counsel to handle this appeal because Mr. Seymour disagreed with the ground(s) for this appeal contained in this brief.

#### **STATEMENT OF THE LAW**

The Sixth and Fourteenth Amendments of our Constitution guarantee that a person brought to trial in any state or federal court must be afforded the right to the assistance of counsel before he can be validly convicted and punished by imprisonment. Faretta v. California, 422 U.S. 806, 807 (1975). Because these rights are basic to our adversary system of criminal justice, they are part of the 'due process of law' that is guaranteed by the Fourteenth Amendment to defendants in the criminal courts of the States. Id.

The Sixth Amendment does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense. Id. at 819. It is the accused, not counsel, who must be 'informed of the nature and cause of the accusation,' who must be 'confronted with the witnesses against him,' and who must be accorded 'compulsory process for obtaining witnesses in his favor.' Id. The Sixth Amendment, when naturally read, implies one has the right to self-representation. Id. The Sixth Amendment also grants the accused the right personally to make his defense. Id. The right to defend is given directly to the accused; for it is he who suffers the consequences if the defense fails. Id. at 820, citing Snyder v. Massachusetts, 291 U.S. 97 (1934);

to testify on his own behalf, see Harris v. New York, 401 U.S. 222, 225 (1971); Brooks v. Tennessee, 406 U.S. 605, 612 (1972); cf. Ferguson v. Georgia, 365 U.S. 570 (1961), and to be convicted only if his guilt is proved beyond a reasonable doubt, In re Winship, 397 U.S. 358 (1970); Mullaney v. Wilbur, 421 U.S. 684 (1975). The inference of rights is not, of course, a mechanical exercise. Singer v. United States, 380 U.S. 24 (1965).

The question before the Faretta Court was whether the State of California could constitutionally hale a person into its criminal courts and there force a court-appointed attorney upon him, even when he insists that he wants to conduct his own defense. Faretta at 807.

In reviewing the U.S. Constitution, relevant case and common law, the Court held that, in forcing Mr. Faretta, under these circumstances, to accept a state-appointed attorney against his will, the California courts deprived him of his constitutional right to conduct his own defense. Faretta at 836. The Faretta Court held that a defendant must knowingly and intelligently relinquish the benefits associated with the right to counsel, and be made aware of the dangers and disadvantages of self-representation; but that a defendant's technical legal knowledge is not relevant to the assessment of his knowing exercise of this right to defend himself. Id.

The Supreme Court of Nevada has consistently held that "a criminal defendant has the right to represent himself so long as the district court finds that he is competent and that the waiver of counsel is knowing, voluntary, and intelligent." Hymon v. State, 121 Nev. 200, 212 (2005). "A criminal defendant's ability to represent himself has no bearing upon his competence to choose self-representation." Vanisi v. State, 117 Nev. 330, 341-42 (2001). The relevant consideration under Faretta is whether the defendant understands the significance of the waiver of counsel and the risks of self-representation. Graves v. State, 112 Nev. 118, 124 (1996). This same line of beliefs is once reiterated by the Nevada Supreme Court in Nelson v. State, Order of Reversal and Remand, No. 61591 (Jul. 22, 2013).

### **ARGUMENT**

A defendant has a constitutional right to represent himself. To deny a defendant the right to self-representation, it is a violation of due process. This type of violation warrants a reversal. Here,

Mr. Seymour requested to represent himself, twice, and TWICE, denied by two separate judges. See generally, Exhibits 1 and 2. First request, Mr. Seymour was told and forced to wait, possibly up to two hours, for the canvass if he wanted to represent himself. Second request, Mr. Seymour was denied immediately. The judge NEVER offered to canvass Mr. Seymour. Mr. Seymour was never afforded the opportunity to be canvassed pursuant to Faretta v. California. One of the judges simply decided Mr. Seymour was incompetent to represent himself based on a statement Mr. Seymour had made. Exh. 2, page 6, lines 22-24. That is NOT what Faretta stands for. Faretta is about whether a defendant understands the significance of the waiver of counsel and the risk to proceed without counsel. Clearly, Mr. Seymour's constitutional right was violated when his request to represent himself was denied without a Faretta canvass.

Accordingly, this matter needs to be reversed and be remanded back to Justice Court, for the lower court to administer the Faretta canvass on Mr. Seymour.

### **CONCLUSION**

Based on reasons stated in this brief, on behalf of Mr. Seymour, we respectfully request this Honorable Court to reverse Mr. Seymour's misdemeanor Battery conviction, remand and order the Justice Court to conduct a hearing pursuant to Faretta v. California so Mr. Seymour may exercise his constitutional right to represent himself.

Respectfully submitted,

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

/s/ TRACY IP

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TRACY IP, #12598  
Chief Deputy Public Defender