

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT
DEPARTMENT 7

By
Adam Ganz



Personal Information

1.	Full Name	Adam Ganz
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.	Yes. Adam Ganz, Sr. My son is a Jr.; for clarity, I use Sr. sometimes, although I have not formally changed my name.
3.	How long have you been a continuous resident of Nevada?	Forty-eight years; other than times away from Nevada for school in other states, I have lived in Nevada since 1974. I lived in Pennsylvania, California, and Michigan while attending school, as outlined in more detail below in Questions 7 & 9.
4.	City and county of residence	Las Vegas; Clark County
5.	Age	51

Employment History

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

Current Employer	University of Nevada Las Vegas
Phone	(702) 546-9141
Physical Address & Website	851 E Tropicana Ave. Las Vegas, NV 89119
Date(s) of Employment	10/22/2021 to present
Supervisor's Name and Title	Stephanie Borene Senior Program Developer
Your Title	Adjunct Professor
Describe Your Key Duties	I teach 1-2 classes per session in the Continuing Education, Division of Educational Outreach, specifically, the paralegal certificate program.
Reason for Leaving	N/A

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Current Employer	Ganz Resolution Center/Adam Ganz CHTD.
Phone	(702) 546-9141
Physical Address & Website	710 S. 9 th St. Las Vegas, Nevada 89101
Date(s) of Employment	01/01/2021 to present
Supervisor's Name and Title	Self-Employed
Your Title	Owner
Describe Your Key Duties	Alternative Dispute Resolution (ADR) practice as a mediator, arbitrator, and private Judge. I adjudicate all types of civil matters, including contract disputes, business disputes, commercial litigation, personal injury cases, medical malpractice cases, product liability, insurance bad faith, and child welfare cases. I run my AAA arbitrations through this company as well.
Reason for Leaving	N/A

Current Employer	HAUF & PFAU, LLP
Phone	(702) 598-4529
Physical Address & Website	710 S. 9 th St. Las Vegas, Nevada 89101
Date(s) of Employment	01/01/2021 to present
Supervisor's Name and Title	Of Counsel Marjorie Hauf and Matt Pfau
Your Title	Of Counsel
Describe Your Key Duties	Attorney in civil litigation law practice. I cover court appearances and coordinate and participate with the partners in the firm's trials. I also conduct focus groups for the firm's litigation cases, coordinated through its partners.
Reason for Leaving	N/A

Previous Employer	GANZ & HAUF, CHTD.
Phone	(702) 598-4529
Address & Website	8950 W. Tropicana, Suite #1, Las Vegas, NV 89147
Date(s) of Employment	2006 to 12/31/2021
Supervisor's Name and Title	N/A
Your Title	Owner/Managing Partner
Describe Your Key Duties	Owner of civil litigation law practice. I supervised and mentored staff attorneys as well as paralegals and administrative staff. The firm litigated thousands of cases with an emphasis on trial preparation and participation. The firm averaged about 3-5 trials per year. I was lead counsel in the majority of those cases.
Reason for Leaving	I ran for Judge in 2020, then decided to return to school, take some time off, and start an ADR practice.

Previous Employer	VANNAH COSTELLO VANNAH & GANZ
Phone	(702) 369-4161
Address & Website	400 S 7th St, Las Vegas, NV 89101
Date(s) of Employment	1998 to 2006
Supervisor's Name and Title	Robert Vannah, Esq., Managing Partner
Your Title	Non-equity partner/Associate Attorney
Describe Your Key Duties	Trial attorney in civil litigation law practice with a focus on catastrophic injury law. I supervised and mentored staff attorneys as well as paralegals and administrative staff.
Reason for Leaving	Started my own firm.

Educational Background

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.

School	Dates of Attendance	Degree	Reason for Leaving
Bonanza High School, Las Vegas, NV	08/86-05/89	High School Diploma	Graduated
Penn State University, Behrend College	09/89-06/90	N/A	Moved back west coast
UNLV	06/90-08/90	N/A	Moved to California for school
Pasadena City College	08/90-06/91	N/A	I transferred to Cal Poly
California State Polytechnic University, Pomona (Cal Poly Pomona)	1/91-08/93	Bachelor's Degree in Political Science	Graduated
UNLV – 40-Hour Mediation Training	2021	Certificate of Completion	Satisfied all requirements, including a practicum

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

While in high school, I enjoyed various activities that allowed me to interact with many diverse people and groups. I played baseball and football. I also participated in the forensic/debate team and starred as “Eagle Eye Fleagle” in our school’s performance of Lil Abner. I worked various jobs as a dairy clerk at Food 4 Less and a delivery person for Metro Pizza. After living in Las Vegas for most of my life, when I graduated high school and began college at 17, I wanted a change of scenery. I went east for my first year of college. However, the cold weather and distance from home and family led me back to the West Coast, where I worked full-time to put myself through undergraduate college without

any significant debt. Throughout the spring and summer of 1993, I was a volunteer intern in California State Senator Bill Leonard's District Office. Also, during this time, I became the store manager of a car audio store in Los Angeles, later a department head at a national electronic department named Silo Department Stores, and lastly, selling cellular phones for LA Cellular during the initial boom in the cell phone industry. Although very lucrative, working was a means to an end; I left the cellular market to pursue my deep-rooted desire to attend law school.

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.

School	Dates of Attendance	Degree	Reason for Leaving
Western Michigan University, Thomas M. Cooley Law School	01/95-04/96	N/A	Transferred to USD
The University of San Diego, School of Law	09/96-05/98	Juris Doctorate	Graduated
Pepperdine Caruso School of Law, Straus Institute for Dispute Resolution	01/21-10/22	LL.M. in Conflict and Dispute Resolution	Graduated

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.

I recently returned to law school at Pepperdine University to pursue an LL.M. degree in Conflict and Dispute Resolution. At that time, I worked as Of counsel at my former partner's firm while building an ADR practice. In addition, I volunteered as a CAP attorney for the Southern Nevada Legal Aid Center, volunteered at the Neighborhood Justice Center as a mediator, and began teaching as an adjunct professor at UNLV.

Decades ago, while in my first year of law school at USD, I worked part-time as a computer lab assistant and later as an instructor for Lexis and Westlaw. During the summer between my first and second year of law school, I did an externship with Judge Lee Gates while working nearly full-time as a food server for Olive Garden. After my second year of law school, I returned to Las Vegas and worked as a summer law clerk for Vannah Costello Canepa Weise and Reidy. I did not work during my second and third years of law school as I was focused on my studies.

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

Although I was doing well at law school in Michigan, making the Dean's list in 1996 and having been selected to teach the Torts tutorial to all interested first-year students, my law school experience was altered when I met my wife. I moved back west again to be close to her, my family (and better weather). Once I transferred to California, I primarily focused on my studies while regularly traveling back to Las Vegas. I planned to move back to Las Vegas and start my career and family, so my activities in law school were limited. However, while in my third year of law school at USD, I was certified as a student practitioner and was allowed to appear a couple of times in various California courts under the direct supervision of the programs directing attorney. The cases included child delinquency and removal issues and working in the Juvenile Probation Department. This piqued my desire to be a litigation attorney.

Law Practice

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

I was admitted to the Nevada bar in 1998.

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

I was admitted to the Arizona bar in 2000.
I was admitted to the New Mexico bar in 2007.

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.

After the election in 2020, I transitioned to being a neutral with an ADR practice, so I don't currently have an active caseload. However, 95% of my practice before running for Judge focused on litigated matters. The other 5% of my cases were related to appeals from our firm's litigated matters.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	0%
Juvenile matters	0%
Trial court civil	85-95%
Appellate civil	<5%
Trial court criminal	0%
Appellate criminal	0%
Administrative litigation	<1%
Other: Please describe	Remainder is ADR

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

Again, before my current position, nearly 100% of my cases had been set for a jury trial; only 2-3 cases were on a non-jury stack. I can only recall a handful of bench trials in my career.

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.

In the past five years, before running for Judge and COVID, I had been lead counsel on approximately ten jury trials that have been tried to verdict and one bench trial. In addition, I had been lead counsel on many other trials that were resolved during trial or mis-tried. For example, in one year alone, I was involved in three trials where juries were either entirely picked or close to being seated, but none of the three ultimately made it to a verdict. Sometimes, the cases that don't go to verdict provide insight and experience beyond those that do. Also, I estimate that I had been involved as lead or second chair in 50-75 civil jury trials in my nearly 25 years of practice.

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

Again, in the last five years before running for Judge and COVID, at the trial court level, nearly all of my cases had been in the Eighth Judicial District Court, Clark County, Nevada. In those five years, I tried one case in the Superior Court of Arizona, Pinal County. I had also appeared in the Second Judicial District, Washoe County, Maricopa County (AZ), Mohave County (AZ), and Federal Court in Nevada and Arizona (the US District Court, District of Nevada and Arizona). Finally, I appeared in Bankruptcy Court for clients related to State Court matters in the US Bankruptcy Court's Nevada District.

At the appellate court level, I appeared in front of the new Nevada Court of Appeals, the Nevada Supreme Court, the Court of Appeals in Arizona, the Arizona Supreme Court, and the Ninth Circuit Court of Appeals in San Francisco.

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 – TORTURED FOSTER CHILDREN
<p>Case name and date:</p> <p>J.M. AND I.M. (MINORS), BY AND THROUGH THEIR NATURAL PARENT AND GUARDIAN, JESSICA HARDGROVE V. CLARK COUNTY DEPARTMENT OF FAMILY SERVICES, ET. AL.</p> <p>Filed 05/01/14; removed to Federal Court on 07/22/14.</p>
<p>Court and presiding judge and all counsel:</p> <p>EJDC NV Case No.: A14-700139-C; U.S. District Court, So. Nevada Div., Federal Court Case No.: 2:14-cv-01197-JAD-NJK (The Honorable Jennifer Dorsey). Dismissed 10/05/16.</p> <p>My partner, Marjorie Hauf, and I co-managed and were the primary attorneys on the file throughout the course of the litigation. Attorneys for the Defendants were Walter Cannon, Felicia Galati, and Jonathan Blum.</p>
<p>Importance of the case to you and the case’s impact on you:</p> <p>This case was one of many in which our firm had represented either a family member or a child subjected to conditions and services that we felt were inadequate within the Department of Family Services (DFS). These cases are important because they expose the abuse, neglect, and sometimes death of children in the foster care system that I believe to be caused by the problems with DFS. In this case, we originally represented a biological mother whose children were neglected and abused by licensed foster parents who were not supervised correctly by DFS.</p> <p>JM was placed in the Hernandez’s foster home, and on 06/01/13, DFS placed IM (newborn baby boy brother of JM) with the same foster family. At this time, the Hernandez foster family had three biological children plus the two foster children, JM and IM.</p> <p>In the summer of 2013, the Hernandez family moved to a trailer in Sandy Valley, even though the licensed home was in Las Vegas. They had enrolled their children in the school in Sandy Valley, where they lived full-time. The family ran out of diapers, and they were using bags for diapers for JM. The Hernandez’s autistic biological son, a teenager, was left in charge of JM and IM. He was trying to find a place to change JM, and the only place he could find was a black mini refrigerator that had been sitting outside, in the sun, in the middle of the scorching desert heat. Apparently, he was completely naked when JM was put on top of the refrigerator. JM was screaming, but the bag was placed around his buttocks as a substitute diaper, and JM’s buttocks and arm were burned.</p>

To compound matters, the foster parents learned of the burns and chose not to take JM for medical treatment and instead chose to treat the burns themselves. They cleaned JM's burns with peroxide and then applied Neosporin and a bandage on the affected areas. A doctor indicated that the treatment JM got for the burns was akin to torture; putting peroxide on a burn would have inflicted unconscionable pain on this child. It wasn't until several months later that DFS realized the family had moved to Sandy Valley. JM and IM were removed and transported to Child Haven, where the intake nurse examined them. Both children were "filthy."

Many county violations were identified throughout the extensive discovery conducted. Unfortunately, as with many of these cases, the boys' biological mother became non-cooperative and would not allow an institutional guardian to be substituted. Therefore, she wanted the case dismissed, and ultimately, although her parental rights were being terminated, the Court dismissed the case.

Although we could not obtain a judgment for these boys, this result stung – bad! However, it did not extinguish my desire to fight for abused kids; it fueled it even more. These cases mean so much to our community and me. By holding people accountable for their actions, I believe that our judicial system is an effective quality assurance for all of our rights.

Your role in the case:

Lead counsel.

CASE 2 – RE-DEFINING RULE 35 EXAMS

Case name and date:

MITCH WILSON V. SCOTT YANCEY,
filed 04/23/13.

Court and presiding judge and all counsel:

EJDC NV Case No.: A680635 (The Honorable Timothy Williams).

My partner, Marjorie Hauf, and I co-managed and were the primary attorneys on the file throughout the course of the litigation. I also second-chaired the evidentiary hearing after I asked Robert Eglet to be the lead counsel for that specific hearing. The matter was resolved on the eve of trial, and I intended to be lead counsel at the jury trial. Stacy Upson was the lead defense counsel for the main defendant in the matter. Also involved for various defendants were Roger Croteau and Boone Cragun.

Importance of the case to you and the case's impact on you:

This was a product defect case and a negligence case that stemmed from my client's injury when he was thrown off the back of a golf cart that had been "souped up." But really, the importance of the case began for me a few years earlier when I felt as though Rule 35 was being used and abused to *justify* defense doctor's opinions by some law firms, rather than what it was intended for – to allow for a fair exam when a medical condition was at issue.

Defendants, in this case, requested that Plaintiff, Mitch Wilson, submit to a Rule 35 examination at the hands of their chosen doctor, Dr. Derek Duke. Plaintiff responded that Mr. Wilson is perfectly willing to undergo a Rule 35 examination, but not with Dr. Duke. The Rule provided that an exam is not guaranteed and must be agreed to or ordered by the Court. The defendant sought a court order to compel an exam by Dr. Duke.

The then Commissioner, Bonnie Bulla, hinted towards the over-use of Rule 35 when she started prohibiting doctors who wrote a records review from doing a subsequent exam because, since the doctor's opinions were already formed, the medical condition was no longer at issue. I saw an opportunity to correct the overuse of Rule 35 exams.

The Commissioner reviewed hundreds of Dr. Duke's reports for any indication of what she perceived to be potentially "inflammatory issues," such as (1) secondary gain and (2) suggestion of a psychological issue/underlay. Since most of Dr. Duke's reports referenced these potentially inflammatory issues without a medical basis, she allowed him to be an expert. Still, she did not allow him to perform a Rule 35 exam.

This did not resolve the issue; the defendant filed an Objection, placing the matter in front of Judge Williams. Knowing this was an essential issue in the community, I first asked for, and was granted, an evidentiary hearing. After the hearing was set, I asked Robert Eglet to get involved in conducting the hearing as there were some other personal issues with Dr. Duke. In addition, I wanted to have an outside attorney conduct the hearing just in case I became a witness. Mr. Eglet's office and I worked together to prepare for and conduct the hearing. The hearing was initially set for one day but ultimately lasted 11 days over several months, with Dr. Duke on the witness stand for a large majority of it. We showed that out of the approximately 371 reports Dr. Duke authored between 2011-2015: (1) Dr. Duke disagrees with the treating doctor approximately 95% of the time, (2) Dr. Duke found no objective findings of injury in 263 cases, or approximately 71% of the time, (3) Dr. Duke gives a sprain/strain injury or no injury diagnosis when the treating doctor's diagnosis was injury or more than a sprain/strain injury in approximately 319 cases, or approximately 86% of the time, and (4) Dr. Duke agreed with the past treatment rendered by the treating doctor in only 15 cases, or 4.04% of the time. Judge Williams ultimately held that Dr. Duke was precluded from performing Rule 35 exams as he not only had a history of personal bias towards some treating physicians but because of his "extreme bias," resulting in prejudice against people who file lawsuits. This, he found, was a bias that permeated the entire proceeding, not just Dr. Duke's examinations.

This case was important to me for three reasons. First, the opportunity to work with Robert Eglet was priceless, even more so because he did it voluntarily, for no fee. His presence and command of the courtroom, as well as his slow and deliberate litigation style, taught me how important it is not to rush when making a point; never to feel pressured to finish an argument

if it will take away from the power of the argument. Second, I saw the importance of thoroughness and fairness in Judge Williams. The length and time he took to ensure that both sides had a full opportunity to be heard was like nothing I had seen before. His patience and purposeful inclusion of details for the record were eye-opening. His rulings were thought out, well-organized, and directly to the point. If I am honored with an appointment to sit as a judge for this community, I will seek his advice and mentoring as often as possible. Lastly, it was important to me to even the playing field concerning Rule 35 examinations. Cases like this make the legal community conscious of appropriate objections to Rule 35 examiners and can even lead to rule changes. The changes help ensure that Rule 35 will not be used as a litigation bullying tactic, as it was never intended for that.

Your role in the case:

Lead counsel during the litigation, appeal, and resolution. Co-managed/second chair during the evidentiary hearing. I did the majority of the appearances and took most of the depositions in the case, and ultimately resolved the case.

CASE 3 – INJURED VICTIM GETS NEW TRIAL AND FAIR RESULT

Case name and date:

MARCO CENTENO-ALVAREZ V. CURTIS COE,
filed 09/16/05.

Court and presiding judge and all counsel:

EJDC NV Case No. A460727, The Honorable James Bixler.

My partner, Marjorie Hauf, and I co-managed and were the primary attorneys on the file throughout the course of litigation and both appeals. I had served as lead counsel on the case throughout its existence, including the first trial and arguing the appeals; however, I did bring Robert Vannah, Esq., in to litigate and try the second case with me. In addition, George M. Rinalli, Esq., was trial counsel for the defense at both trials, and Robert Eisenberg, Esq., was involved in the appeals for the defense.

Importance of the case to you and the case's impact on you:

This case was probably the most career-shaping case for me for many reasons. First, it was one of the first complex cases scheduled to go to trial after opening my firm in 2006, although I had already tried a few cases to verdict before it. Also, it was one of the first cases I was involved in from its inception to its conclusion, as many other cases I worked on before that I inherited and began working on years into litigation.

It was a case that seemed to have no legal flaws. I had a great client who immigrated to the United States and was a permanent resident for many years before being hit by a drowsy driver on the way to work. The driver had fallen asleep and ran a stop sign. My client was a

heavy equipment operator for a construction company. He was married to an American woman who had children when they met. He had accepted and raised his wife's children as his own.

After the crash, my client's life changed dramatically. Ultimately, he had neck and low back fusion surgeries and could no longer work in his well-paying job in construction. His education was minimal, and the ability to be re-trained was not a good option. The defense performed a Rule 35 exam, and the examining doctor testified at his deposition that he agreed that all my client's past and future injuries were related.

Things changed a month or so before the trial. Defense counsel obtained a couple of minutes of video surveillance of my client in his backyard at a private barbecue; they had been surveilling him for weeks. The video captured him playing around with his friends kicking a soccer ball up in the air. Because the video was generated way past discovery was closed, we moved to exclude the video. Our motion was granted.

Meanwhile, in violation of the Court's order, the defense counsel showed the excluded video to his expert. The defense's expert changed all his opinions solely based on this video. We then moved to exclude the expert as being tainted; the motion was denied, and the matter proceeded to trial without the ability to be able to ask the expert, "why did you change your opinions." Also, defense counsel was allowed to act out his interpretation of the video in front of the jury. Ultimately, the jury thought we were trying to pull a fast one over them as they eventually asked, "where is the video?" In addition, defense counsel used the pretrial rulings against us to paint a picture of deceit on the part of the plaintiff and his counsel. For instance, although the plaintiff spoke perfect English and was a permanent resident, he was asked questions that implied he was here illegally. Defense counsel was terrific at taking all of the jurors' biases against immigrant plaintiffs and fueling the fire. The jury bought it and awarded the plaintiff about \$36,000, even though his medical bills were nearly \$400,000 and future wages and medical almost a million. The client was devastated after being beaten up in Court, and he attempted to kill himself within a couple of weeks of the verdict.

Judge Bixler granted a new trial. The matter was appealed to the Nevada Supreme Court. I argued the case at the Supreme Court level, and ultimately, it upheld the District Court's granting of a new trial, and the matter was tried again. This time with a different and more justifiable result. While the client ultimately got compensated and is now living comfortably out of state with his family, this was a huge learning experience for me as a litigation attorney.

First, it was humbling. Defense counsel passed me a post-it note on the first day of trial offering a million dollars; the client turned it down after consulting with me. We felt the case was worth three times that amount and didn't give the post-it note much consideration. I never did that again in my career; I felt my ego got the best of me at that point. I felt like the time was right for me to obtain complete justice, and this was the case to do it. However, I was wrong in not considering what was best for the client. I don't think he would have ever taken the post-it note offer, but it could have led to a discussion that may have resolved the case shortly after that for an amount that he could have lived with to avoid the trial.

Second, it was the beginning, in my mind, of tactics that attorneys use to sway a jury outside of the facts. Ultimately, our Supreme Court has addressed many of these tactics in opinions like *Lioce* and *DeJesus* regarding attorney misconduct. The focus should not be on people who file or defend lawsuits but on the specific facts regarding the parties' claims or defenses and nothing else.

Third, the system worked. Now mind you, it took years to get there and two trials, and two successful appeals, but the system got it right.

Equally important was a Judge who had the fortitude and humility to grant a new trial because of what he believed to be an injustice that occurred.

Your role in the case:

Lead trial counsel at both trials and both Supreme Court appeals.

CASE 4 – COMPLEX LITIGATED CASE WITH YEARS OF COLLECTION

Case name and date:

JOHN BERRY V. MOSHE ELAZAR; BERRY V. ELIAHU ELEZRA, PINI LABOUZ, filed 08/22/06.

Court and presiding judge and all counsel:

EJDC NV Case No. A11-526936 (The Honorable Susan Johnson); companion EJDC NV Case No.: A12-670436-C (The Honorable Linda Bell).

Judge Susan Johnson was the trial Judge for the first jury trial (2011) and Judge Bell for the second bench trial (2016). In addition, the case went to the Nevada Supreme Court in 2013 (Supreme Court No.: 58724).

My partner, Marjorie Hauf, and I co-managed and were the primary attorneys on the file throughout the course of the litigation. I had served as lead counsel on the case throughout its existence, including the first jury trial, the second bench trial, and the argument in front of the Nevada Supreme Court. Lon Burke and James Murphy of Laxalt and Nomura were trial counsel for the defense at the first trial, and Dan Polsenberg was involved in the appeal for the defense. In addition, the defense brought in a third-party defendant. David Creasy, Gary Logan, and Kristopher Rath were involved for a short time while the third-party complaint for malpractice had been litigated in the first case. Lastly, Sigal Chattah and Mark Bailus were trial counsel for the defendants in the bench trial in 2016.

Importance of the case to you and the case's impact on you:

John Berry walked into my office with \$400,000 in medical bills from a horrific car crash. He was on his way to drop off a friend when a car turned in front of him, changing his life.

It was a massive crash with huge injuries to a young man who was a pipe fitter earning a significant wage for his age. When he saw me, he had a neck surgery and needed a back surgery. The problem was the person who hit him only had \$500,000 in coverage. However, an asset check showed the at-fault driver had a Rolls Royce on the same policy, lived in a mansion, and seemed to have significant assets available. He was underinsured. I vowed to pursue John's case and hold the driver accountable for his negligence. I never imagined it would take three separate lawsuits, two judgments, a bankruptcy proceeding, and two trials over 14 years.

On the eve of trial and after several years in litigation, in 2009, the defendant Moshe Elazar filed bankruptcy, thus shutting down our ability to obtain a judgment from him in state court. We fought the bankruptcy for a couple of years. Ultimately, we received a finding that Mr. Elazar could not discharge John's debt and lifted the bankruptcy stay in District Court. We proceeded to the first trial, where we obtained a jury verdict that exceeded \$1.5 million and later a cost, fee, and interest award for a total judgment that later ballooned to over \$4 million.

Unbeknownst to us, while the matter was stalling in the Bankruptcy Court, Mr. Elazar was getting rid of all his assets. We learned that his ownership interests in many assets were given away for no value, mainly to his brother, famous professional poker player Eli Elezra.

We believed these transfers of assets were fraudulent, and we filed suit against Eli Elezra. That matter proceeded to a bench trial in front of the then Chief Judge, Linda Bell. Ultimately, we obtained a judgment against Eli for about \$5.4 million. We again began the process of collecting on the judgment, including executing on Eli's home and safety deposit boxes around town.

Unfortunately, as is often the case, the defendant did not have enough insurance coverage to compensate our client for this loss. Even worse, in this case, the defendant had taken extraordinary steps to elude taking responsibility for this loss, thumbing his nose at our judgment, and in turn, our judicial system. Ultimately, we collected all the tortfeasor's insurance and a significant sum from the fraudulent transfer cases. Although the client may never be made whole, he recently purchased a home and is doing as well as expected after a decade-long battle.

This case is important to me because I learned that just obtaining a judgment for a client may not mean anything. Clearly, collections are difficult, and the client was well aware of the impediments from day one, but that long period for a client is frustrating and draining on him. You have to know that it is the only option and that the client is aware of the time it may take to collect from a wrongdoer.

Your role in the case:

Lead counsel on the case throughout its existence, including the first jury trial, the second bench trial, and the argument in front of the Nevada Supreme Court.

CASE 5 – COMPLEX LITIGATED CASE RESOLVED BY ADR
<p>Case name and date:</p> <p>NICHOLAS GULLI AND MADISON GULLI V. HENDERSON SADDLE ASSOCIATION AND JACKIE VOHS, filed 07/22/2010.</p>
<p>Court and presiding judge and all counsel:</p> <p>EJDC NV Case No. A10-621479-C, (The Honorable Mark Denton); subsequently submitted to a three-panel binding arbitration with Mitch Cobeaga, Brian Harris, and Joseph Bongiovi presiding.</p> <p>My partner, Marjorie Hauf, and I co-managed and were the primary attorneys on the file throughout the course of the litigation. I had served as lead counsel on the case throughout its existence. The clients divorced before the arbitration, so I brought Robert Vannah, Esq., in to represent the wife on her loss of consortium claim. I was lead counsel for Mr. Gulli at the arbitration of the matter and took most of the witnesses during the three-day proceeding. Richard Engleman, Esq., represented the defendant driver; Elaine Fresch, Esq., and Bernadette Rigo, Esq., both of Selman Breitman, represented the Defendant Henderson Saddle Association.</p>
<p>Importance of the case to you and the case’s impact on you:</p> <p>This case arose from an incident on October 25, 2009, when Nicholas Gulli, a Metro Officer and member of Henderson Saddle Association (HSA), was walking a horse in a roping arena. On the date of the incident, another member, Jackie VoHS, watered the arena using a water truck. Mrs. VoHS turned off the sprayers when she saw Mr. Gulli directly in front of her, walking towards her with his horse, Outlaw. After Mr. Gulli passed her on the left side of the water truck, Mrs. VoHS turned on the rear sprayer, sprayed his horse with water, and caused Outlaw to rear up and stomp on Mr. Gulli’s chest and head, fracturing his skull.</p> <p>This was a case that was challenging to say the least. First, VoHS didn’t work for HSA. Second, Mr. Gulli was engaged in a “dangerous” activity and knew that he could be injured. Third, the lawsuit fractured the close-knit horsing community in which it took place and caused people to take sides; either you were for the HSA, or you were for Mr. Gulli. In the end, we determined that a three-panel binding arbitration would be best for the client as there were legal issues that were complex and that we felt the panel members would understand. The panel consisted of the late Mitch Cobeaga, Joe Bongiovi, and Brian Harris. The arbitration took place over three days, and we obtained a judgment in Mr. Gulli’s favor. I have engaged in binding arbitrations many times over the last 20 years. The benefit of no appeal and lower costs to both sides can be an advantage over a jury trial, which has many uncertainties. In addition, alternative dispute resolution programs have proven beneficial in some instances.</p> <p>This case was important to me because of the challenges I faced and the amazing group of people involved in the arbitration, including skilled counsel on the other side. But really, it</p>

<p>was important to me because I had a fantastic client who was severely injured. While liability was not a slam dunk, getting him an outcome that was a positive referendum on his actions was rewarding. I remain friends with Mr. Gulli, who is very active in the Injured Police Officer Fund. I was proud to represent him.</p>
<p>Your role in the case:</p> <p>Lead counsel on the case throughout its existence, including the binding arbitration.</p>

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

Yes. I currently serve as a mediator, arbitrator, and short trial Judge. I had previously served as a Justice of the Peace Pro Tem for nearly ten years.

More specifically, as I indicated above, I recently transitioned from being an advocate to being neutral in furtherance of becoming a Judge. Since selling my practice to my former partner, I have completed a 40-hour certification program at UNLV in mediation and my Masters in Law (LL.M.) in Conflict and Dispute Resolution from The Straus Institute for Dispute Resolution at Pepperdine Caruso Law School. This was over 1,000 hours of training and schoolwork to complete the degree.

I am currently on the National Panel for the American Arbitration Association’s (AAA) Consumer Litigation Panel and AAA’s Mediation Panel. I have been selected this year to arbitrate a handful of cases and have already had three hearings this year for the AAA.

Besides acting as a private mediator currently, I serve as a court-appointed arbitrator and have done so for many years. In addition, I have also volunteered as a mediator for the Neighborhood Justice Center.

I have also been on the panel and certified and re-certified as a Judge *Pro Tem* in Justice Court from 2006-2017.

Lastly, I am certified and recently re-certified to serve as a Short Trial Judge. I have been assigned about 10 cases and went to trial as the Judge on a few within the last year or so.

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

I became involved with the Children's Advocacy Project early in my career. I currently serve as a CAP volunteer attorney and was recently certified as a foster parent.

As indicated above, I volunteered as a mediator for the Neighborhood Justice Center. In addition, for years, much of my pro-bono work has been focused on handling cases at a reduced fee for individuals who needed help. As a result, I often don't charge clients or consistently provide free consultations to people looking for direction or someone to listen to them.

More recently, I taught continuing education courses at a trial college throughout the United States. Although my expenses for travel are covered, my time teaching is volunteered.

Lastly, as discussed throughout this application, I currently, and have for years, volunteered to be on several boards of directors for various nonprofit companies.

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.

Nevada Bar Association, 1998
 Arizona Bar Association, 2000
 New Mexico Bar Association, 2007
 Nevada Justice Association, 1998
 American Bar Association, 2015

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 for lawyers.

Date	Provider	Course	Hours
12/13/22	Legal Aid Center of Southern Nevada	2022 Pro Bono Credits	2.0
9/29/22	Nevada Justice Association	NJA 46th Annual Convention	10.0
9/29/22	Nevada Justice Association	NJA 46th Annual Convention PLO CLE	4.0
9/13/22	Eighth Judicial District Court	Updates Including Overview of AO on Depositions and Amendments to ADR Rules	0.5

2/11/22	Access MCLE	How to Process What You Wish You Hadn't Seen	1.0
1/27/22	State Bar of Nevada	Short Trial Program Judge Training 2022	4.0
12/7/21	Legal Aid Center of Southern Nevada	2021 Pro Bono Credits	4.0
2/25/21	State Bar of Nevada	2021 State Mock Trial Competition - Volunteer	2.0
12/30/20	Legal Aid Center of Southern Nevada	2020 Pro Bono Credits	4.0
7/30/20	Nevada Justice Association	Attacking the Defense Witnesses	1.0
7/16/20	Nevada Justice Association	Balancing Art & Science in Jury Selection, Prod Date 7/16/20	1.0
4/9/20	Southern Nevada Association of Women Attorneys	How to Successfully Operate a Remote Deposition	1.0
1/9/20	Southern Nevada Association of Women Attorneys	Substance Abuse	1.0
12/10/19	Howard D. McKibben Inn of Court, Las Vegas	Community Project & Pro Bono Opportunities	1.5
11/22/19	Legal Aid Center of Southern Nevada	Basics of Representing Children in Abuse & Neglect Cases	4.0
10/14/19	National Judicial College	Judicial Academy: A Course for Aspiring Judges	25.0
10/3/19	Nevada Justice Association	NJA 43rd Annual Convention	12.5
8/28/19	Richard Harris Law Firm	How to Win Friends & Influence People (in Litigation)	1.0
4/2/19	Stafford Publications, Inc.	Combatting Plaintiff's Reptilian Tactics in Commercial Vehicle	1.5
1/7/19	State Bar of Nevada	Short Trial Pro Tempore Judge Training & Refresher	4.0
11/20/18	State Bar of Nevada	Compulsive Behavior & Mental Well-Being	1.0

11/20/18	State Bar of Nevada	10 Tips to Understand & Ethically Capitalizing on the Evolving Legal	2.0
11/8/18	Nevada Justice Association	Power of Live Focus Groups, Virtual Groups & Shadow Juries	2.0

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

Yes, I have professional Liability Insurance.

Business & Occupational Experience

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

Other than those listed in Question 27 below, I cannot remember any other occupation or business I have been involved in since becoming an attorney in 1998.

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**

Throughout my professional career, I have been involved as a director or member of various companies or nonprofit organizations. I have outlined my involvement into three categories. Specifically, those companies that I was: (1) a Board Member and/or Volunteer, (2) an Owner, and (3) a Past Owner or Member with no current affiliation.

1. BOARD MEMBER AND/OR VOLUNTEER

a. RED ROCK SEARCH AND RESCUE

In February 2022, I was elected to the Red Rock SAR Board of Directors. Red Rock SAR is an organization that was formed to help families search for their missing and lost loved ones. It is a nonprofit 501(c)3 made up of approximately 200 trained volunteers, including retired military, paramedics, off-duty police officers, and firefighters. Specifically, it assists families and local agencies by providing manpower to search for missing or lost loved ones anytime of the day or night. As a board member, I am involved in the administration and decision-making of the organization, as well as help supervise the Operations staff.

b. SPANISH PARK OWNERS ASSOCIATION

Spanish Park Owners Association is the “HOA” for my office building. Our building is one of seven in the association. I am one of three board members tasked with the association's administration and management. Quarterly meetings are held, and typical association business is handled, such as maintenance of the common areas, owner complaints, and compliance with our CC&Rs. I am also tasked with approving and submitting invoices to the management company. I became a board member in 2015 and am still active with this Board.

c. GOT CORE VALUES

Got Core Values is a nonprofit company of which I own 0%. I have been a board member since it was established in 2016. Got Core Values was established to bring positive cultures to children in public schools. It does this by surveying all members of a school's community (students, their families, teachers, administrators, and the school's support staff) regarding *their* core values and then, through corporate culture coaching, helps to achieve an environment that fosters those values. I am on the Board of directors and currently sit as the Treasurer of the company and have been for the last few years. However, I have not been a part of the organization since 2021.

d. SUMMERLIN SOUTH LITTLE LEAGUE

Summerlin South Little League is a nonprofit company of which I own 0%. I was a board member from 2008-2014. I held various officer positions, including President and Secretary. During my tenure on the Board, the league grew from one of the smallest leagues, with 270 players, to nearly 700. It is currently one of the most successful leagues in the valley. Although I am close to many current board members and families involved in the league, I have not been a part of the organization since 2015.

2. CURRENT OWNER**a. 8950 W. TROPICANA AVE. LLC**

8950 W. Tropicana Ave., LLC., is a company owned in partnership with Marjorie Hauf, my business partner. It owns the building where we operated our law practice, Ganz & Hauf, Chtd. We started the company in 2014 when we bought the building, and I am currently a managing member. I have 50% ownership of the company.

b. ADAM GANZ, CHARTERED

Adam Ganz, Chtd., is my personal, professional S-Corporation and the legal entity for my ADR practice. I also do legal consulting outside of my primary law practice. I started the company in 2002. I am currently the sole owner and hold all officer positions, including President of the company. I have 100% ownership of the company.

c. G&H PROPERTIES, LLC.

G&H Properties, LLC., is a company owned in partnership with Marjorie Hauf, my business partner. It owns a building in San Diego. We started the company in 2020 when we transferred ownership from Ganz & Hauf, CHTD., to a separate entity. I am currently a managing member. I have 50% ownership of the company.

3. PAST OWNER/MEMBER – NO CURRENT AFFILIATION

Throughout my professional life, I have been involved in several companies. Some were established to buy a building or land for my law practice, but the purchase never went through. Many of them never actually got up and running. However, in full disclosure, I have listed everything I was involved in, even if the company never operated.

a. GANZ & HAUF, CHARTERED

Ganz & Hauf, Chtd. is an S-Corporation where my business partner, Marjorie Hauf, and I each own 50%. I currently own 0%, and Marjorie owns 100%. This company was the primary law practice for our firm, Ganz & Hauf. We started the company in 2005.

b. GANZ HAUF CHURCHILL & ANDERSON, LLC.

Ganz Hauf Churchill & Anderson is a company that was established to form a new partnership that never materialized. The company’s charter expired in 2019 and will not be renewed. Therefore, it never actually operated as a company.

c. GANZ & HAUF, RENO

Ganz & Hauf, Reno was a company that was established in 2012 to open a Reno office of Ganz & Hauf. We did business for a couple of years as Ganz Hauf Carpenter in Reno, Nevada. The company’s charter expired in 2016. Although I believe operations ceased in 2014, it took a couple of years to wrap up and fully dissolve the company.

d. ZNAG, LLC

Znag, LLC., was an investment company that my wife, Prudence Ganz, and I established in 2011. However, I do not believe the company invested in anything, and the charter was revoked in 2012, as it was never renewed.

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e. ZNAG FAUH INVESTMENTS LLC

Znag Fauh Investments, LLC., was an investment company that my partner Marjorie Hauf and I established in 2014 to invest in a start-up business that never materialized. Marjorie and I divested our interest in the company on February 25, 2018.

f. JAM LV, LLC

JAM LV LLC. was an investment company that my father, Jake Ganz, Marjorie Hauf, and I established in 2016 to invest in a start-up business that never showed a profit. I divested my interest in the company on April 3, 2017.

g. JAG INVESTMENTS, LLC

JAG Investments, LLC., was an investment company that my father, Jake Ganz, and I established in 2014 to invest in a start-up business. I divested my interest in the company shortly after it was formed in 2014.

h. ON THE VERGE, LLC

On The Verge, LLC. was an investment company that Marjorie Hauf and I established in 2017 to invest in a condo downtown that never materialized.

i. 6847 PONDEROSA, LLC

6847 Ponderosa, LLC., was an investment company that Marjorie Hauf and I established in 2017 to invest in a building that never materialized.

j. GET BILL, LLC

Get Bill, LLC. was a company established in 2007 to form a second law practice that was doing business for a couple of years as Get Bill. The company's charter expired in 2009. Although I believe operations ceased in 2008, it took a couple of years to wrap up and fully dissolve the company.

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.

My mother passed away in 2013, and I served as the executor in the summary probate proceeding. The process included selling her home and distribution per the intestate statute of some assets. I am also the co-trustee of the Ganz Family Trust, a revocable family trust.

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.

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

I ran for District Court Judge in 2020 and 2022.

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

Most recently, as mentioned and outlined briefly above, I am currently on the Board of Directors for the Red Rock Search and Rescue nonprofit organization. As a board member, I am involved in the administration and decision-making of the organization, as well as help supervise the Operations staff. I also have attended active searches and supported the operational team, although only on a couple of instances, as my position with the organization just began. Most recently, the organization was recognized for its hundreds of hours in search of Rock Stanley in Mount Charleston in August last year. Even though he was found expired, at least his family got the closure they deserved.

Also, my work with our community's Little League was and is a massive foundation for everything I have done for the last decade plus. Little League Baseball and Softball is a 501(c)(3) nonprofit organization founded in 1939, originally with three teams. It is now an avenue for more than 2.5 million kids every year to learn and practice its three core values: Character, Courage, and Loyalty. I proudly served our community's Little League program from 2008 to 2014. If you speak to anyone I met during those years, they will tell you how I used the Little League as a platform to instill life lessons in thousands of kids coming through the program. If you didn't make an all-star team, it taught you to work harder next time. If you make a mistake on the field, you need to have a short memory and put it behind you as you can't change the past, but you can use it to improve next time. If you were winning big on the field, you never gloated or disrespected your opponent. I never once took advantage of my position in the league, although there were opportunities to, for the betterment of my son. My son would tell you I was harder on him than anyone else in the league. He did not receive special treatment, and I am proud he earned every benefit from Little League. I wore those values on my chest for many years and still do, as I am still active in youth sports and likely will be for the rest of my life. Specifically, I participated as a coach, manager, board member, and President of the little league in Summerlin South. I held just about every position on the Board for the league and grew the league from 300 participants to nearly 700 by the time I left. It now flourishes as one of our community's largest and

most successful little leagues. I also served various teams within the Nevada Youth Sports organization as a soccer coach and, most recently, managed a girls' volleyball team. I also, for several years, managed and participated in an adult men's baseball league.

Lastly, as mentioned above, I served on the Board of Directors for another nonprofit called Got Core Values. The program is making a difference in various public schools that choose to use the program. It is a program that uses culture coaches to change the school's environment. The idea for the company began when the founder worked for Tony Hsieh; the company was established to expand Mr. Hsieh's Delivering Happiness concept to public schools.

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

Since 2021, I have been an Adjunct Professor at UNLV in its paralegal program. I teach 1-2 courses, 1-2 days a week. I teach the substantive law portion of the course in XX main areas of law: Torts, Contracts, Civil Procedure, Family Law, Wills and Trusts, and Criminal Law and Procedure. In addition, I am tasked with preparing and lecturing live classes, preparing grades, reviewing quizzes and exams, and maintaining office hours.

For several years, from 2015-2020, I was a faculty member for the Keenan Trial Institute. KTI was established to provide an opportunity for Trial Lawyers to learn and practice different aspects of litigation. As a faculty member, I have taught classes related to Voir Dire and Focus Groups and spoken on many other areas of trial practice over a dozen times throughout the country and in Costa Rica. This experience has allowed me to meet and work with some of our country's most experienced and up-and-coming trial lawyers. I have also found that by teaching, I continue refining my skills, and it allows me to practice many of the trial techniques I use daily.

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

I have not served in the military, but I have served our community in various board positions, as discussed throughout this application.

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

I have been rated AV Preeminent by Martindale-Hubbell for several years; the rating represents strong legal ability and high ethical standards, as rated by local lawyers and judges. In addition, I am one of a select few that are Board Certified in Personal Injury by the State Bar of Nevada.

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.

None.

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

Yes. I have been registered to vote and have voted in every general election in the last ten years.

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

Yes. I have been registered to vote and have voted in every general election in the last ten years.

37. List avocational interests and hobbies.

I have a significant interest in health and fitness. I have run a half marathon, cycled in a 100-mile race, and played men's adult baseball for many years. More recently, I have taken up golfing. My entire family and I have been gluten and dairy free for several years. I always spend time with my wife and kids when I am not working. I enjoy reading, watching movies, working out, going to a Rebel game, or watching baseball (I have been a San Diego Padre season ticket holder for years and have been a fan since the Las Vegas Stars were affiliated with them). I recently became a Vegas Golden Knights, Las Vegas Aviator, and Las Vegas Raiders' season ticket holder and fanatic. I am a Vegas "team" fanatic.

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.

Nearly 30 years ago, in September 1989, at age 17, as a freshman, on my first day at my undergraduate college, I was issued a citation for underage drinking with my roommates (whom I knew for about two hours at that time). We were headed to an orientation party when we were stopped on a public road by a Pennsylvania State Trooper. We were subsequently cited for violating Pennsylvania's underage drinking statute because the group had alcohol in their possession. I submitted to the magistrate's proposed informal program, and the charges were handled informally. In doing so, I paid a \$350 fine and agreed to have my Nevada driver's license suspended for, I believe, six months. After the fine was paid, the charges were reduced to a disorderly conduct. I cannot recall any violations of any federal, state, or local law, ordinance, or regulation other than this one and a few minor traffic violations.

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.

Obviously, I would consider all of the Nevada Code of Judicial Conduct Rules when making this determination as a Judge. However, I don't anticipate anything or anyone that would require me to recuse other than my former law firm and law partner with whom I have had a business relationship for years. I would also likely recuse myself if any of the organizations I am a board member of were ever assigned to me, but the likelihood of them being involved in litigation is extremely low.

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.

Yes. I applied for the Eight Judicial District Court, Dept. 6, in February 2019. Later that year, I also applied for Depart. 8. I also applied for Depart. 11, in early 2022. I was 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 [sic]. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

SEE ATTACHMENT A.

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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.

Growing up in Vegas, attending elementary, junior, and high school here, and running a successful business for decades, I have met and kept in contact with many people who make up our community. This has aided me in developing a large clientele from a grassroots base without advertising. In addition, I will likely have many opportunities from a variety of different business groups that I have been involved in over the years to garner support in a judicial election. I believe my past experiences in campaigning and fundraising will help in the two upcoming elections to retain this seat.

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

SEE ATTACHMENT B.

Attachment A
Question 47

Perseverance, fairness, and experience; I believe these character traits, coupled with my business and life experiences, qualify me to serve as a district court judge.

Perseverance. Many judges in this community have shown that sometimes it takes a few attempts to achieve the honor of being called “Your Honor.” My hiccups to date continue to motivate me to be a judge, not dissuade me. I have learned from every one of them. Engrained in me are the grit and determination that have fueled me through this journey - my story is evidence.

Being a judge is something I have dreamed of for a long time, and I come from a family of dreamers. My dad is a first-generation American. He talks about his journey to America at an age when most are playing Little League or going to dance recitals. His family was taken from its home and put in a Nazi work camp. They later escaped. For a couple of years, they traveled through Poland and ended up in a displaced persons’ camp in Russia. My father was one of the lucky ones who was able to travel to America. He stood in lines for days at Ellis Island before being allowed to enter the country. But yet he dreamed.

His family came to America to give him a better life, and my parents came to Las Vegas in 1974 to provide us with a better life. The Casino industry gave my parents this opportunity, as neither of them had gone to college. My father started at the Silver Slipper and my mother at the Marina. As the New Year is upon us, I remember that all my childhood my parents worked every New Year’s Eve and other holidays to provide for our family. I realize how vital to my growth those experiences were now, but as a teenager, I didn’t recognize the lessons they were teaching me. So, I left home at about 15 ½. Couch surfed for a short time while still going to high school and working the graveyard shift at Food 4 Less. I put myself through college and law school by working various jobs. It was at this time in my life I started to put myself in leadership positions.

After undergrad, I left a successful job, even though I was making a lot of money, to go to law school; but it was never about the money. Instead, it was about that dream of being a lawyer and returning to our community to work in the judicial system. It wasn’t an easy road, but the

perseverance to accomplish my goals eventually paid off. After 20+ years with a successful law practice, I set my sites on another of my long-term goals – to be a judge.

My pursuit of being a judge also has not been uneventful. Walt Disney, who himself was rejected more than 300 times before Mickey Mouse became a success, once said, “[t]he difference in winning and losing is most often not quitting.” I come before you, wearing as a badge, not a scarlet letter, having unsuccessfully applied thrice for an appointment and running twice for a district court judge position. This previous election (which I only lost by a couple of points) taught me so much more about the process that I know I can do better next time. 2020 allowed me the opportunity to turn a chapter in my life, and since then, I have sold my litigation practice and transitioned to being a neutral. I went back to school—first, classes and courses to become a judge. Specifically, attending short trial judge training and then the National Judicial College. To date, I have completed nearly 40 hours of “judge training” in pursuit of becoming a judge. In addition to specific judge training, I took courses to help transition from an advocate to a neutral. I completed 40 hours of training at UNLV to become a certified mediator. That was only the beginning. Then, I went to Pepperdine Law School, where I spent over 1,000 hours obtaining my LL.M. degree in Conflict and Dispute Resolution. The time back at school has allowed me to better my active listening skills and become more patient and empathetic; all traits vital to being a judge. I have worked hard to be a judge, and I am better for it.

Fairness. My passion for making our community safer has led to my accomplishments, and it would also serve me well as a judge. I am guided by the ideal that our community cannot be safe unless all litigants have a fair and impartial trial. Fairness for all is not an option; it is required. The type of work I have done and the cases I have litigated evidence how essential fairness is to me. As a judge, I will be directed by the principle that if the system is not fair, it fails.

Experience. I believe my litigation experience, along with my experience and training as a neutral, separate me from the other candidates. In the 50-75 jury trials, dozens of evidentiary

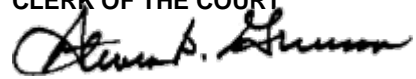
hearings, and hundreds of arbitrations and mediations I have participated in, I have had the pleasure of working with and against some of the best lawyers in our community. I have tried cases in front of almost all the jurists in this community and a handful in Arizona. I have argued in multiple appellate courts, including the Nevada Supreme Court, the Ninth Circuit Court of Appeals, the Arizona Court of Appeals, and the Arizona Supreme Court. In total, I have argued three or four times at the 9th Circuit. If you think trial experience is important, I have that experience, and I am ready to jump into this open position immediately.

It would behoove me if I didn't speak about my passion and experiences representing children, which have been a big part of my career. I have been certified as a CAP attorney for nearly 20 years. I have also argued in front of the 9th Circuit Court of Appeals a couple of times on behalf of children. The most recent was an infant, about nine months old, who I will call Mary. Mary was taken from her home because her family could not afford to care for all her kids. The Department of Family Services (DFS) removed all the kids and placed them in several foster homes. Mary was put into a home she should never have been placed in. These foster parents were overwhelmed, on high-dose narcotics, and unstable, and they asked many times for help from DFS. So, DFS pulled Mary from a loving home, where Mary was with her parents and siblings because her mom left some children unattended while she went to the store for groceries. DFS then placed her in an unstable foster home with people who could not properly care for her. Mary was found shortly after placement, murdered by suffocation, in her crib by one of her foster parents, who admitted he killed her. This is an example of one of the child abuse cases I prosecuted during my career. It shows my efforts to make our community safer and better for everyone, not just Mary.

I will take with me to the bench this same perseverance, fairness, and experience that has guided me my entire personal and professional life. I am not asking for this appointment for a pay raise or a promotion; to me, being a judge is the cornerstone of a career, not a stepping-stone, and I am ready to give back in that role. Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Aron Ganz', with a stylized arrow-like flourish at the end.

Attachment B
Question 49



1 **NOTC**
Adam Ganz, Esq.
2 Nevada Bar No.: 06650
H&P LAW
3 8950 W Tropicana Ave., #1
Las Vegas, NV 89147
4 702 598 4529 TEL
702 598 3626 FAX
5 aganz@ganzhauf.com

6 *Short Trial Judge*

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 -o0o-

10 **Alyssa Plaskoff**, individually,
11 **Olivia Plaskoff**, individually,

12 Plaintiffs,
13 vs.

14 **Wanda Sampson**,
15 Defendant.
16

Case No.: A-18-783675-C
Dept. No.: VI

17 **ORDER GRANTING**
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS AND
PREJUDGMENT INTEREST

18
19 WHEREAS the above-entitled matter having come on for jury trial on the 23rd of
20 July, 2021, with the Honorable Pro Tempore Judge Adam Ganz presiding, and the jury
21 awarding \$24,788.38 to Alyssa Plaskoff and \$18,441.72 to Olivia Plaskoff;

22 With Plaintiffs Alyssa and Olivia Plaskoff, via their counsel L. Renee Green, Esq. of
23 KRAVITZ SCHNITZER JOHNSON WATSON & ZEPPEFELD, CHTD., filing Plaintiffs Alyssa
24 Plaskoff and Olivia Plaskoff's Motion for Attorneys' Fees, Costs and Prejudgment
25 Interest ("Motion") and with no Motion to Retax filed and an untimely Opposition to
26 the Motion for Attorneys' Fees filed¹ thereto, this Honorable Pro Tempore Judge

27
28 ¹ Although untimely, the Court considered Defendant's Opposition; as such, Plaintiffs' Motion to Strike the Untimely Opposition is DENIED as moot.



1 makes the following findings:

2 1. Plaintiff Olivia Plaskoff served an offer of judgment to Defendant Wanda
3 Sampson in the amount of \$17,000.00 on September 19, 2019.

4 2. Alyssa Plaskoff also served an offer of judgment to Defendant Wanda
5 Sampson in the amount of \$23,500.00 on September 19, 2019.

6 3. Defendant never accepted the offers of judgment served by either
7 Plaintiff.

8 4. Defendant served an offer of judgment in the amount of \$8,203.22 to
9 Alyssa Plaskoff, which was less than Plaintiff's claimed medical specials.

10 5. Defendant also served an offer of judgment to Olivia Plaskoff in the
11 amount of \$7,476.26 on September 23, 2019, which was also less than Plaintiff's
12 claimed medical specials.

13 6. On December 17, 2019, the arbitrator conducted a hearing pursuant to
14 the Nevada Arbitration Rules and awarded \$26,288.38 to Alyssa Plaskoff and
15 \$19,646.72 to Olivia Plaskoff.

16 7. Defendant subsequently filed a Request for Trial de Novo on January 21,
17 2020.

18 8. This matter was tried before a jury pursuant to the Short Trial Rules and
19 a jury awarded \$24,788.38 to Alyssa Plaskoff and \$18,441.72 to Olivia Plaskoff.

20 9. Rule 27 of the Nevada Short Trial Rules provides that the "prevailing party
21 at the trial de novo is entitled to all recoverable fees, costs, and interest pursuant to
22 statute or NRCP 68." If the arbitration award is less than \$20,000 "and the party
23 requesting the trial de novo fails to obtain a judgment that reduces by at least 20
24 percent the amount for which the party is liable under the arbitration award, the
25 non-demanding party is entitled to its attorney's fees and costs associated with the
26 proceedings following removal from the short trial."
27

1 10. This Court finds that an analysis is required under *Brunzell v. Golden Gate*
2 *Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969) and *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d
3 268 (1983), as a prerequisite to an award of attorneys' fees.

4 11. Specifically, the Nevada Supreme Court, in *Beattie* set forth the following
5 factors for determining whether a party should be awarded attorney fees: (1)
6 whether Plaintiff's claim was brought in good faith; (2) whether the offer of judgment
7 was made in good faith; (3) whether the decision to reject the offer and proceed to
8 trial was grossly unreasonable or in bad faith; and, (4) whether fees sought by the
9 offeror are reasonable and justified in amount.

10 12. This Court has analyzed the *Beattie* factors and finds that the factors
11 weigh in favor of awarding Plaintiffs their reasonable attorneys' fees and costs. More
12 specifically:

13 a. With respect to the first factor, Plaintiffs' claims were brought and
14 pursued in good faith as this was a rear-end collision and the jury was presented
15 with evidence that both Plaintiffs were injured as a result of this motor vehicle
16 accident. Despite going through the arbitration process and making offers of
17 judgment, this matter proceeded through litigation because of Defendant's actions
18 to De Novo the arbitration and reject Plaintiffs' offers and obtain a worse result.

19 b. With respect to the second factor, Plaintiffs served offers of judgment on
20 September 19, 2019, which allowed Defendant enough time to contemplate the
21 consequences of rejecting the offers while simultaneously viewing the evidence
22 before her in this matter. The reasonableness of these offers are further evidenced
23 by the fact that an arbitrator and a jury awarded more than the offers. Therefore, I
24 find that each of Plaintiffs' offers of judgment were made in good faith, in terms of
25 both timing and amount.

26 c. With respect to the third factor, the Defendants' formal offers to resolve
27 this matter were well below the medical specials and Arbitration Award. Even so, the
28

1 Defendant failed to make another formal offer after the Arbitration Award. In this
2 case she failed to reasonably evaluate this claim. She failed to obtain a more
3 favorable award than at the arbitration. She perpetuated litigation by filing a De
4 Novo. She failed to receive a jury award in excess of the Offers of Judgment. She
5 failed to beat the arbitration award at the trial. With that all in mind, the Defendant's
6 refusal to accept the offers of judgment was grossly unreasonable in this Judge's
7 opinion based on the facts of the case, done in bad faith. The fact that the Defendant
8 decided to "roll the dice" with full awareness that they may need to pay for attorneys'
9 fees and costs in the event of an adverse judgment must have consequences, and it
10 shall in this case in the form of an attorneys' fee award.

11 d. With respect to the fourth *Beattie* factor, the attorneys' fees and costs
12 sought by Plaintiffs must be reasonable and justified, based on a review of the
13 supporting materials. In evaluating whether an award of attorneys' fees is
14 appropriate, this Court has also considered the *Brunzell* factors and finds that
15 Plaintiffs' counsel's duties were competently discharged, and the attorneys' fees
16 sought by Plaintiffs are reasonable. More specifically, with respect to the first *Brunzell*
17 factor, this Court had the opportunity to observe the work of all attorneys
18 throughout the case's tenure and trial. Both sides were professional and qualified in
19 terms of their experience, education and skill. The Court finds that Plaintiffs' counsel,
20 are experienced and qualified, and the quality of their work warrants the hourly rates
21 charged. With respect to the second *Brunzell* factor, the character of the work in this
22 case was hotly contested although not overtly complex. This case did involve,
23 however, complex issues regarding causation, among other things. With respect to
24 the third and final *Brunzell* factor, Plaintiffs' counsel obtained a good result for their
25 clients, as reflected by the verdicts as compared to the offers of judgment, the
26 arbitration award and the amount of medical specials they incurred. Therefore,
27 applying the *Brunzell* factors, this Court concludes Plaintiffs' counsel's duties were
28

1 competently discharged, and the attorneys' fees requested by Plaintiffs are
2 reasonable, in both hours expended and the rates charged. As a result thereof,
3 Plaintiff Alyssa Plaskoff is entitled to the maximum amount of attorneys' fees
4 allowed, in the amount of \$3,000.00 and Olivia Plaskoff is entitled to attorneys' fees
5 in the amount of \$3,000.00.

6 13. The Court further considered Plaintiffs' requested costs and found that
7 all of the requested costs were reasonably and necessarily incurred and properly
8 tracked and documented, pursuant to NRS 18.005, *Berosini* and *Datecs*.

9 THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiffs Motion for
10 Attorneys' Fees, Costs and Interest is GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff ALYSSA
12 PLASKOFF shall recover her attorneys' fees in the amount of \$3,000.00, costs in the
13 amount of \$2,717.94, and prejudgment interest through July 30, 2021 in the amount
14 of \$2,874.26.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff OLIVIA
16 PLASKOFF shall recover her attorneys' fees in the amount of \$3,000.00, costs in the
17 amount of \$2,742.32 and prejudgment interest until July 30, 2021 in the amount of
18 \$2,325.19.

19 IT IS SO ORDERED THIS 20th day of September 2021.

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ADAM GANZ, Short Trial Judge Pro Tempore



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Certificate of Service

I hereby certify that on the 20th day of September 2021, service of the foregoing **ORDER GRANTING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND PREJUDGMENT INTEREST** was made by required electronic service to the following individuals:

L. Renee Green, Esq. Nevada Bar No.: 012755 KRAVITZ, SCHNITZER & JOHNSON, CHTD. 8982 South Eastern Avenue, Suite 200 Las Vegas, Nevada 89123 Tel: (702) 362-6666	Blair Parker, Esq. Nevada Bar No.: 0032222 ANDERTON & ASSOCIATES 2360 Corporate Circle Henderson, Nevada 89074 Tel: (702) 726-4264
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Attorney for Plaintiffs,
Alyssa Plaskoff and Olivia Plaskoff

Attorney for Defendant,
Wanda Sampson

An Employee of H & P LAW