

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT  
DEPARTMENT Y

**By**

**Emily McFarling**



Personal Information
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1.	Full Name	Emily Myda McFarling	
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.	Emily Myda McFarling Benson – when married to Kenneth Benson (8/2007 – 11/2012) Emily Myda Johnson – given name at birth, changed in my parents’ divorce to Emily Myda McFarling (7/1975 – 11/1981).	
3.	How long have you been a continuous resident of Nevada?	22 years	
4.	City and county of residence	Las Vegas, Clark County	
5.	Age	49	

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	Law Office of Emily McFarling LLC (and prior to LLC) DBA McFarling Law Group DBA Family Law Solutions (consulting division) DBA Family Law Mediation Services (mediation division)
Phone	702-565-4335
Physical Address & Website	6230 West Desert Inn Road, Las Vegas, NV 89146 www.mcfarlinglaw.com
Date(s) of Employment	9/2003 – present
Supervisor’s Name and Title	Self
Your Title	Managing Partner
Describe Your Key Duties	Supervise attorneys and staff primarily for litigation in family court in Clark County, Nevada Represent clients in Nevada appeal cases
Reason for Leaving	I would leave for this appointment

Current Employer	Accident Attorneys of Southern Nevada, LLC
Phone	702-833-1158
Address & Website	6230 West Desert Inn Road, Las Vegas, NV 89146 www.aasnlaw.com
Date(s) of Employment	4/2019 -present
Supervisor’s Name and Title	Self
Your Title	Owner
Describe Your Key Duties	Oversee marketing and business administration, supervise attorneys and staff in plaintiff side personal injury cases
Reason for Leaving	I would leave for this appointment

Previous Employer	College of Southern Nevada
Phone	702-651-5000
Address & Website	6375 W. Charleston Blvd. Las Vegas, NV 89146 www.csn.edu
Date(s) of Employment	1/2011 to 6/2011
Supervisor's Name and Title	I don't recall
Your Title	Adjunct professor
Describe Your Key Duties	Teach real estate law class
Reason for Leaving	Was a temporary position

Previous Employer	Hofland Manning
Phone	No longer in business
Address & Website	No longer in business
Date(s) of Employment	6/2005 to 4/2006
Supervisor's Name and Title	John Eccles, Supervising Attorney
Your Title	Associate Attorney
Describe Your Key Duties	Represent clients in family law matters
Reason for Leaving	Reopened my own law practice

Additional business involvement listed in 25 and 26.

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.**

University of Missouri-Columbia

230 Jesse Hall

Columbia, Missouri 65211

Dates of attendance: 6/1995 – 5/1998

Degrees awarded: A.B in Psychology and Sociology with Honors

Reason for leaving: Graduated

College study abroad through University of Missouri:

Thames Valley University

St Mary's Rd.

London W5 5RF, London, UK

Dates of attendance: 6/1996 – 5/1997

Oberlin College

38 E. College St.

Oberlin, Ohio 44074

Dates of attendance: 8/1994-1/1995

Degrees awarded: None

Reason for leaving: Transfer to University of Missouri

High school study abroad through Rotary International:  
Terézvárosi Kéttannyelvű Iskola  
Hegedű Utca  
Budapest, Hungary 1061  
Dates of attendance: 9/1993 – 5/1994

Hickman High School  
1104 North Providence Rd.  
Columbia, Missouri 65203  
Dates of attendance: 8/1989 - 6/1993  
Degrees awarded: High school diploma  
Reason for leaving: Graduated

Oakland Junior High School  
3405 Oakland Place  
Columbia, Missouri 65202  
Dates of attendance: 8/1988 – 6/1989  
Degrees awarded: None  
Reason for leaving: Progressed to High School

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

University of Missouri-Columbia  
Positions of Leadership: Service Learning Assistant Field Coordinator for the Office of Service Learning – developed and set up students in internships and service positions.  
Extracurricular Activities: Lead singer and songwriter in local band that performed regularly.  
Special Projects: First place in essay contest for work entitled, “The Contagious Disease Acts and the Systematic Degradation of Women in Victorian Britain.” Honors thesis regarding the use of anesthesia in childbirth placed on reading list for upper-level Women’s Studies course.

Thames Valley University  
Extracurricular activities: Recorded set of original songs at Spitalfields Market recording studio.  
Special Projects: Musical theater – review of West End shows.

Oberlin College  
Positions of Leadership: Children’s gymnastics teacher for campus gymnastics center.  
Extracurricular activities: lead singer in local band.  
Special Projects: Multi-disciplinary performance vocals and dance.

Terézvárosi Kéttannyelvű Iskola (Teresa Village Bilingual School)  
Extracurricular Activities: Member of local Hungarian church choir, travel throughout Europe, Hungarian language, German language.

## Hickman High School

Positions of Leadership: Sophomore class secretary; Founding officer of school radio station; Algebra tutor for other students.

Special Projects: DJ with own radio show on local public radio station; Lead singer and songwriter of local band that performed regularly; Extended Educational Experiences (EEE) program for gifted students.

Extracurricular Activities: Performer in school musicals including Bye Bye Birdie, Fiddler on the Roof, West Side Story, Merrily We Roll Along, Into the Woods, My Fair Lady, Oliver, Hello Dolly; Choir; Youth in Government; German Club.

## Oakland Junior High School

Extracurricular Activities: Volleyball team; Track team, Basketball and volleyball cheerleader, Math competition team, Performer in school musicals.

Special Projects: Extended Educational Experiences (EEE) program for gifted students.

**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.**

Northeastern University School of Law, Boston, MA

Juris Doctor, January 2002

Northeastern does not give grades or rankings

Honors: Designated Law Scholarship (1998 - 2000), Alumni/ae Association Scholarship (2000).

**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.**

Northeastern University has a program where throughout the three years of law school, each student completes four 3-month full time internships for law school credit. In addition to the internships, I also had a part time work-study job during the times that I was doing coursework. I also started the above listed publishing business and performed throughout most of law school.

Tobacco Products Liability Project, Northeastern University School of Law, Boston, MA

August - November 2000, December 1999 - February 2000, September 1998 - September 1999

Research Assistant

Consumer Protection and Antitrust Bureau, Office of the Attorney General

State of New Hampshire Department of Justice, Concord, NH

September 2001 - November 2001

Full Time Legal Intern

Law Office of Mark B. Johnson, Andover, MA

November 2000 - February 2001

Full Time Legal Intern at small general practice firm.

Law Office of Maura Sheehan, Lexington, MA  
March 2000 - May 2000  
Full Time Legal Intern at solo general practice firm.

Petrucelly and Nadler, P.C., Boston, MA  
September 1999 - November 1999  
Full Time Legal Intern at small personal injury firm handling tobacco litigation cases.

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

Northeastern University School of Law (via Tulane University) Study abroad at Humboldt University in Berlin, Germany  
Obtained international certification of advanced study and training in mediation and international certification of advanced study and training in dispute resolution.

Northeastern Law School Study abroad in Rhodes and Spetses, Greece  
International shipping and contracts law coursework.

Law School Publications:

Twelve articles, including “Rate of Lung Disease in Women Increasing Rapidly” and “New Pill May Help Smokers Quit” *Tobacco Control Update* Fall/Winter 1998, Spring/Summer 1999, Fall/Winter 2000.

“Yes Virginia, Secondhand Smoke Increases Risk of Cancer” *Tobacco on Trial* 1998-99.

Law Practice

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

2003

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

California 2003

Arizona 2006

**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 15-19 for the five years directly preceding your appointment or election to the bench.**

Legal Discipline	Percentage of Practice
Domestic/family	98%
Juvenile matters	<1%
Trial court civil	1%
Appellate civil	80%
Trial court criminal	<1%
Appellate criminal	<1%
Administrative litigation	
Other: Please describe	

Or to make it clearer:

80% Domestic/Family Law Appeals

18% supervising other attorneys in district court Domestic/Family law

<1% each supervising 432B cases, personal injury cases, and criminal cases

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

0% jury trials

**17. 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.**

0 jury cases. Approximately 50 appeal cases. Supervised approximately 500 family district court cases.

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

Clark County District Court, Nevada – Family Division

Nevada Supreme Court

Nevada Court of Appeals

In the past 10 years, I have practiced in the following courts and counties:

U.S. District Court – District of Nevada

U.S. 9<sup>th</sup> Circuit Court of Appeals

U.S. Supreme Court

Mohave County District Court, Arizona

Maricopa County District Court, Arizona

Nye County District Court, Nevada

Humbolt County District Court, Nevada

Elko County District Court, Nevada

**19. 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: Kragen v. Kragen, 140 Nevada Advance Opinion 49 (2024).
Court and presiding judge and all counsel: Nevada Court of Appeals, Westbrook, J presiding; Jason Onello for Respondent.
In this case, I represented a father in responding to a writ petition that challenged a child custody jurisdiction determination. This case had a prior writ petition where Judge Gaudet's order for temporary child custody and child custody jurisdiction were reversed, requiring an evidentiary hearing to be held on jurisdiction. In this second writ petition, the mother challenged the jurisdiction determination made as a result of the evidentiary hearing. In its decision, the Court of Appeals adopted the totality of the circumstances test for evaluating whether a child's absence from the state is temporary for the purposes of determining home state jurisdiction under the UCCJEA. This is an important case because it creates law for a common situation when the only prior guidance was the Ogawa case listed as #5 below.
Your role in the case: appellate counsel for this writ appeal

Case 2
Case name and date: Rosie M. and Henry O. vs. Ignacio A., Jr. 138 Nev. Adv. Op. 49 (2022)
Court and presiding judge and all counsel: Nevada Supreme Court en banc, Stiglich, J. presiding; Fred Page, Esq. counsel for appellant.
This case was important because a father had been denied parentage and custody rights over his son for the majority of the son's childhood. We were finally able to get him confirmed as the child's father and he was awarded joint physical custody after years of litigation, This decision was affirmed on appeal.
Your role in the case: appellate counsel and supervisor of district court counsel

Case 3
Case name and date: Nance v. Ferraro, 134 Nev 152 (2018)
Court and presiding judge and all counsel: Nevada Court of Appeals, J. Silver presiding; Hutchison & Steffen, LLC, and Michael K. Wall and Shannon R. Wilson for Respondents.
This case was important because it clarified an area of law often misapplied in family court cases to modify child custody: how to handle evidence of events that occurred prior to the last court order. Often judges blanket exclude evidence of anything occurring prior to a

<p>certain date, but doing so can lead to results that are not in the best interests of the children. In this case, a mother had settled for a certain custody schedule as a result of prior domestic violence, yet when the father returned to court to ask for primary custody and to move the child across the country, the District Court improperly excluded all the evidence of what had happened prior to the custody settlement. This case is significant because the same judge had made a similar decision in another case of domestic violence that I appealed with a similar unpublished decision. Because this second appeal decision was published it will have a greater impact on future cases in Nevada.</p>
<p>Your role in the case: appellate counsel and supervisor of district court counsel on remand</p>

<p>Case 4</p>
<p>Case name and date: Davis v. Ewalefo, 352 P.3d 1139 (2015).</p>
<p>Court and presiding judge and all counsel: Nevada Supreme Court en banc, Pickering, J. presiding; Andrea Ewalefo pro se</p>
<p>In this case, the parties settled everything except visitation specifics in an initial child custody case. The District Court conducted a trial only on the visitation, but specifically with my client, the father, requesting visitation in Rwanda, the safest area near where he lived in Africa. The District Court denied his request and additionally barred either parent from traveling out of the U.S. with the child even though both parents had previously traveled with the child out of the U.S. and the mother had testified that the father was not a kidnapping risk. On appeal, the District Court's order was reversed.</p>
<p>Your role in the case: district court and appellate counsel</p>

<p>Case 5</p>
<p>Case name and date: Ogawa v. Ogawa, 125 Nev. 660 (2009).</p>
<p>Court and presiding judge and all counsel: Nevada Supreme Court en banc per curiam; Xavier Gonzales for Respondent; Robert Cerceo, Katherine Provost, and Marshal Willick for Amicus Curiae State Bar of Nevada, Family Law Section.</p>
<p>This was my first appeal to the Nevada Supreme Court. I represented my client throughout trial court proceedings in which the judge showed bias against my client to the extent that my client did not appear for trial out of fear of being arrested upon arrival. The District Court proceeded with trial, but did not allow me to ask relevant questions and did not allow the admission of relevant evidence. The resulting orders were inconsistent with the law. On appeal the District Court order was reversed and the case was remanded for further proceedings. In the subsequent proceedings, the same District Court judge finally listened to all the evidence and made fair decisions. How the case proceeded on remand is a great example of how the District Court should handle reversals of their own decisions on remand.</p>
<p>Your role in the case: District court and appellate counsel</p>

**20. 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 have served as a private mediator for family law matters since 2003, most recently through a division of my law office, Family Law Mediation Services (lvflm.com).

I was certified as a parenting coordinator in May 2016 and have acted as a neutral parenting coordinator appointed by several of the judges in the Clark County District Court Family Division since then.

I obtained an international certification of advanced study and training in mediation and international certification of advanced study and training in dispute resolution from Humboldt University in Berlin, Germany during law school.

I have been appointed by several judges in the Clark County District Court Family Division as a Guardian ad Litem as well as attorney for the minor child in contested family court litigation.

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

I have been taking pro bono cases, mostly through LACSN and the U.S. Department of State International Kidnapping Hague attorney referral network my entire career and generally have several pro bono cases ongoing at any given time. I was recently honored with an award for my commitment to helping victims of domestic violence pro bono through the Legal Aid Center of Southern Nevada.

Pro bono awards from Legal Aid Center of Southern Nevada:

- LACSN Louis Weiner Pro Bono Service Award - 2024
- LACSN Volunteer of the Month – March 2016, June 2023
- LACSN Law Firm of the Month (McFarling Law Group) April 2024
- LACSN Partners in Pro Bono Mentor – 2014, 2015, 2016, 2024
- LACSN 100 Hours Club - 2018
- LACSN 50 hours club – December 2016
- LACSN Honor Roll 2014, 2015
- LACSN Nevada One Promise (McFarling Law Group) – 2015, 2018

I acted as supervising attorney for a law student at Boyd School of Law for a student attorney license. We represented several active litigation pro bono clients, including several trials.

I acted as supervising attorney (or supervisor of the supervising attorney) for four law students at Boyd School of Law for the Appellate Clinic working with Anne Traum for the following two cases: Doucettperry and Landan

I serve as a mentor for new attorneys through the TIP program and have for roughly seven years.

I have acted as supervising attorney for several law students in the Partners in Pro Bono program for appeal cases to the Nevada Supreme Court. I currently have an appeal through this program.

I have been taking pro bono appeal cases, mostly through the pro bono appellate program with LACSN, for many years, including the following cases:

Nance v. Ferraro, 134 Nev. Adv. Op. 21 (2018)

Druckman v. Ruscitti, 327 P.3d 511 (2014)

Bluestein v. Bluestein, 345 P.3d 1044 (2015)

Franceschi- Nevada Supreme Court Case No. 63655

Kashuba- Nevada Supreme Court Case No. 69829

Kemp v. Turqueza, Nevada Supreme Court Case No. 86347

Ollerton v. Ayala, Court of Appeals Case No. 86370-COA

In the Matter of R.A.B. and A.R.O, Minors, Supreme Court Case No. 87497

Washington v. Orange Realty Group, LLC, 88961 (still pending)

Between 2021 and 2024, I served on the Nevada Rules of Appellate Procedure Commission and was chair of two committees and a member of two others.

From February 2023 to present, I have served as a member of the Nevada Family Law Specialization Board, which prepares and administers the specialization exam and oversees the admission and continuing certification of family law specialists by the State Bar of Nevada.

From February 2024 to present, I have served as a member of the board of directors of OurNevadaJudges, a non-profit media organization that has been a champion for freedom of the press and access to the courts in Nevada.

**22. 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.**

American Association of Matrimonial Lawyers Fellow	November 2015 to present
Nevada Chapter President	March 2020 to March 2022
Nevada Chapter Vice President	July 2019 to March 2020
Nevada Chapter Treasurer	March 2018 to July 2019
Nevada Chapter Secretary	March 2016 to March 2018
Member of national AAML committees for Amicus, Domestic Violence and Legislation.	
Nevada Family Law Specialization Board	2023 to present
Mediators of Southern Nevada	Treasurer (2011)
International Association of Family Lawyers Fellow	2015 to present
American Inns of Court - Master	2007 to present
American Association of Family and Conciliation Courts	2019 to present
Nevada Bar – Family Law Section	2003 to present
Nevada Bar – Appellate Section	2022 to present
Nevada Appellate Rules Commission member	2021 to 2024
NRAP subcommittee chair and involved in all rule subcommittees primarily dealing with family law as the only member of the commission who primarily practiced in family law	

Nevada Bar – Immigration Section  
 American Bar Association – Family Law Section  
 Southern Nevada Association of Women Lawyers  
 Nevada Justice Association  
 Clark County Bar Association

**23. 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 CLE requirements applicable to me as a lawyer and also as a Nevada Family Law Specialist.

Date	Course Name	Provider	General	Ethics	AAMH
12/10/2024	Dos and Don'ts with the Chiefs	Inn	1	0	0
12/10/2024	Advanced Family Law	SBN	6	0.5	1
12/10/2024	The New NRAP for Family Law (presenter credits)	SBN	2	0	0
9/26/2024	2024 Family Law Conference	SBN	11	1	1
7/18/2024	9 <sup>th</sup> Circuit Practice pointers	SBN	1	0	0
4/9/2024	Meet Your Appellate Courts	Inn	1	0	0
3/29/2024	2023 Spring TIP Mentor	SBN	4	1	1
1/25/2024	How to Argue: Motions and Appeals	CCBA	1	0	0
12/31/2023	2023 Pro Bono Credits	LACSN	3.5	0	0
11/16/2023	NCJIS Custody Warrants	EJDC	1	0	0
11/9/2023	AAML Annual Meeting	AAML	4	3	1.5
9/22/2023	2023 Spring TIP Mentor	SBN	4	1	1
9/14/2023	An Evening with the COA	SBN	1	0	0
8/17/2023	2023 Family Law Legislative Updates	EJDC	1	0	0
8/3/2023	Women in Law Series	SNAWA	1	0	0
3/2/2023	2023 Family law Conference	SBN	10	2	1
11/8/2022	Joint Legal Custody Decision Making	SBN	1	1	1
11/8/2022	Six Steps to Creating an Ethical...	SBN	0	1	0
11/8/2022	Family Law Basics Part 2	SBN	1.5	0	0
11/8/2022	Creative Custody and Visitation	SBN	1	0	0
11/3/2022	Bench Bar – Family Division	EJDC	0.5	0	0
9/29/2022	2022 TIP Mentor Program Spring	SBN	4	1	1
5/13/2022	Behind the Scenes at the NV Sup Ct	SBN	1	0	0
12/2/2021	Advanced Family Law 2021	SBN	5	1	1

12/1/2021	Bar Exam Survey Participation	SBN	3	0	0
10/2/2021	Family Law Appeals & Procedures	ONJ	2.5	0	0
5/18/2021	Employment Law 2021	Inn	1	0	0
3/16/2021	With a Little Help From the Feds	Inn	1	0	0
3/10/2021	AAML Midyear Meeting Family Law	AAML	8	1	0
3/3/2021	Spring 2021 TIP Mentor	SBN	4	1	1
2/16/2021	How The Press Does Its Job	Inn	1	0	0
12/30/2020	2020 Pro Bono Credits	LACSN	4	0	0
12/15/2020	Attorney Wellness	Inn	0	0	0

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

Yes, I have professional liability insurance.

**Business & Occupational Experience**

**25. 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.**

Business Name	McLitho Inगतlan KFT (an EU company located in Hungary)
Dates	10/2018 to present
Your Title	Owner, Managing Director

Business Name	BP Sky KFT (an EU company located in Hungary)
Dates	1/2022 to present
Your Title	Owner, Managing Director

Business Name	Liszt Go KFT (an EU company located in Hungary)
Dates	1/2022 to present
Your Title	Managing Director

Business Name	Liszt Stay KFT (an EU company located in Hungary)
Dates	1/2022 to present
Your Title	Managing Director

Business Name	Akumal Sky S. de R.L. de C.V. (a Mexican company)
Dates	5/2023 to present
Your Title	Managing Director

Business Name	McLitho Publishing LLC
Dates	1/2017 to present
Your Title	Owner, Manager

Business Name	Vegas Sky Home, LLC
Dates	6/2023 to present
Your Title	Owner, Manager

Business Name	Heisenberg Holding LLC
Dates	8/2013 to present
Your Title	Manager, Owner (company is owned by McLitho Publishing LLC and Law Office of Emily McFarling, LLC)

**26. 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**

Business Name	Law Office of Emily McFarling LLC DBA McFarling Law Group DBA Family Law Solutions DBA Family Law Mediation Services
Nature of Business	Law firm
Nature of Duties	Representing clients in district court and appeal litigation Oversight of marketing and operations
Involvement in administration or management	Manager of all aspects of business administration
Terms of service	No terms
Percentage ownership	100%

Business Name	Accident Attorneys of Southern Nevada LLC
Nature of Business	Law firm
Nature of Duties	Oversight of marketing and operations, supervision of all legal and administrative staff
Involvement in administration or management	Manager of all aspects of business administration
Terms of service	No terms
Percentage ownership	100%

Business Name	McLitho Ingatlan KFT (an EU company based in Hungary)
Nature of Business	Real estate ownership in Budapest, Hungary
Nature of Duties	Set up of company and selection of real estate to purchase. No further expected duties.
Involvement in administration or management	Managing Director (but two Managing Directors located in Hungary handle all administration and management)
Terms of service	No terms
Percentage ownership	100%

Business Name	BP Sky KFT (an EU company based in Hungary)
Nature of Business	Real estate ownership and management of short-term rentals in Budapest, Hungary
Nature of Duties	Set up of company and selection of real estate to purchase. No further expected duties.
Involvement in administration or management	Managing Director (but two Managing Directors located in Hungary handle all administration and management)
Terms of service	No terms
Percentage ownership	100%

Business Name	Liszt Go KFT (an EU company based in Hungary)
Nature of Business	Real estate ownership in Budapest, Hungary
Nature of Duties	Set up of company and selection of real estate to purchase. No further expected duties.
Involvement in administration or management	Managing Director (but two Managing Directors located in Hungary handle all administration and management)
Terms of service	No terms
Percentage ownership	none

Business Name	Liszt Stay KFT (an EU company based in Hungary)
Nature of Business	Real estate ownership in Budapest, Hungary
Nature of Duties	Set up of company and selection of real estate to purchase. No further expected duties.

Involvement in administration or management	Managing Director (but two Managing Directors located in Hungary handle all administration and management)
Terms of service	No terms
Percentage ownership	none

Business Name	Akumal Sky S. de R.L. de C.V. (a Mexican company)
Nature of Business	Real estate ownership in Tulum, Mexico
Nature of Duties	Set up of company and selection of real estate to purchase. No further expected duties.
Involvement in administration or management	Managing Director (but Managing Director located in Mexico handles all administration and management)
Terms of service	No terms
Percentage ownership	none

Business Name	McLitho Publishing, LLC
Nature of Business	Publishing company is no longer operating, but the LLC is a partial owner of an office building and therefore must remain an active LLC
Nature of Duties	Oversee financials for real estate investment
Involvement in administration or management	Review of bookkeeping and annual tax returns.
Terms of service	No terms
Percentage ownership	100%

Business Name	Heisenberg Holding Company
Nature of Business	Real estate ownership
Nature of Duties	Oversee financials for real estate investment
Involvement in administration or management	Review of bookkeeping and annual tax returns.
Terms of service	No terms
Percentage ownership	100% (owned by McLitho Publishing and Law Office of Emily McFarling that I both own 100%)

Business Name	Vegas Sky Home, LLC
Nature of Business	Short term rental (not currently operating)
Nature of Duties	Oversee financials
Involvement in administration or management	Review of bookkeeping and annual tax returns.
Terms of service	No terms
Percentage ownership	100%

**27. 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.**

None.

Civic Professional & Community Involvement
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**28. Have you ever held an elective or appointive public office in this or any other state?**

No

**29. 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 applied for appointment to the Nevada Supreme Court in October 2022. Not appointed.

I applied for appointment to Clark County District Court – Family Division Department C in December 2022. The commission reopened the application. I did not reapply.

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

In 2010, I became the first woman in Nevada to become a Certified Family Law Specialist through testing.

I have served the Nevada Chapter of the American Academy of Matrimonial Lawyers as an officer for six years through March 2022. Offices held: Secretary, Treasurer, Vice President, and President. As part of the AAML, I was in charge of a major project to re-write the family law code. I am currently involved in re-writing the Nevada Family Law Practice Manual.

I served as Treasurer for the Mediators of Southern Nevada in 2011.

In addition to the five cases listed in response to question 20, I have had several other cases before the Nevada Supreme Court and Court of Appeals that have resulted in published opinions, including *Druckman v. Ruscitti*, 327 P.3d 511 (2014), *Bluestein v. Bluestein*, 345 P.3d 1044 (2015), and *Nguyen v. Boynes*, 133 Nev.Adv.Op. 32 (2017); *Eggleston v. Stuart*, 495 P.3d 482 (2021); *Ramos v. Franklin*, 139 Nevada Advance Opinion 6 (2023); *Rosie M. and Henry O. vs. Ignacio A., Jr.* 138 Nevada Advance Opinion 49; *Lopez v. Lopez*, 139 Nevada Advance Opinion 54 (2023).

Between 2021 and 2024, I served on the Nevada Rules of Appellate Procedure Commission and was chair of two committees and a member of two others. I drafted the language defining the division of family law cases between the Nevada Supreme Court and Court of Appeals, the language pertaining to which family law cases are appealable, and jointly drafted the child custody fast track rule, and settlement program rule. These rules were adopted by the commission and Nevada Supreme Court and went into effect August 15, 2024.

From February 2023 to present, I have served as a member of the Nevada Family Law Specialization Board, which prepares and administers the specialization exam and oversees the admission and continuing certification of family law specialists by the State Bar of Nevada.

From February 2024 to present, I have served as a member of the board of directors of OurNevadaJudges, a non-profit media organization that has been a champion for freedom of the press and access to the courts in Nevada.

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

“The New NRAP for Family Law”, Advanced Family Law CLE (December 10, 2024)

“Moss, McFarling, & Willick: Reversed & Remanded, Family Law Appeals”, Our Nevada Judges panel (October 2, 2021)

Overview of 42 U.S.C. 1983 & Bivens Inn of Court (November 2020)

“Help, Effectively Representing Victims of Domestic Violence”, 15<sup>th</sup> Annual State Bar of Nevada Advanced Family Law Program (December 6, 2018)

“Appellate Court or Supreme Court – Who Decides?” Seminar at the NJA 40<sup>th</sup> Annual Convention (October 2016).

“Westbrook, Chen, and Porray: Criminal Law Appeals, Nuts & Bolts; Part 3” Our Nevada Judges panel (May 1, 2022)

“Gibbons, Petty, and Porray: Criminal Law Appeals, Nuts & Bolts; Part 2” Our Nevada Judges panel (March 17, 2022)

“Gibbons, Petty, and Porray: Criminal Law Appeals, Nuts & Bolts; Part 1” Our Nevada Judges panel (March 17, 2022)

“Family Court Discovery” Our Nevada Judges panel (February 12, 2022)

“The Death Penalty”, Special Host of Our Nevada Judges panel (February 5, 2022)

“Termination of Parental Rights”, Our Nevada Judges panel (July 9, 2021)

“Survivorship Benefits”, Our Nevada Judges Panel (June 5, 2021)

Inn of Court presentations (2007 to 2019)

Real Estate Law semester college course at College of Southern Nevada (spring 2011)

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

I have performed as a singer at state bar and charity events, including a 2022 Clark County Bar Foundation fundraiser, and the Annual Nevada Family Law Conference.

I have been a parent volunteer at Nevada School of Inquiry (2022-2024), Nasri Academy for Gifted Children (2020-2022), and Las Vegas Day School (2014-2018) including reading to elementary school classes and presenting during career week.

My office employed high school students from Cristo Rey St. Viator High School in 2021-2022. My office regularly does clothing and food drives for charities such as Dress for Success. From February 2023 to present, I have served as a member of the Nevada Family Law Specialization Board, which prepares and administers the specialization exam and oversees the admission and continuing certification of family law specialists by the State Bar of Nevada.

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From February 2024 to present, I have served as a member of the board of directors of OurNevadaJudges, a non-profit media organization that has been a champion for freedom of the press and access to the courts in Nevada.

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

Professional:

LACSN Louis Weiner Pro Bono Service Award - 2024

LACSN Volunteer of the Month – March 2016, June 2023

LACSN Law Firm of the Month (McFarling Law Group) April 2024

LACSN Partners in Pro Bono Mentor – 2014, 2015, 2016, 2024

LACSN 100 Hours Club - 2018

LACSN 50 hours club – December 2016

LACSN Honor Roll 2014, 2015

LACSN Nevada One Promise (McFarling Law Group) – 2015, 2018

AV Preeminent® Rated Attorney by Martindale-Hubbell - June 2013

Lawyer Magazine – Appellate Lawyer of the Year – Legal Awards 2023

Mountain States Super Lawyer in Family Law – 2021, 2024

Nevada Business – Legal Elite - 2019

Las Vegas Weekly Top Lawyers – Family – 2023

Desert Companion The Valley's Top Lawyers – 2014  
 Vegas Inc.'s Top Lawyers – 2021, 2024  
 Lawyers of Distinction – 2024  
 Lawyers.com/Martindale.com Client Distinction Award - 2013  
 U.S. Department of State – Certificate of Appreciation – May 2014  
 Selected as a Fellow of the American Academy of Matrimonial Lawyers - 2015  
 Selected as a Fellow of the International Academy of Family Lawyers - 2015

Law School:

Law Scholarship (1998 - 2000), Alumni Association Scholarship (2000).

Undergrad: Dean's List (1998), Sociology Departmental Honors (1998), Golden Key National Honor Society (1998), Psi Chi - Psychology Honor Society (1998), Alpha Kappa Delta - Sociology Honor Society (1998), Collegiate Scholarship (1997), Kneip Scholarship (1995).  
 First place in essay contest for work entitled, "The Contagious Disease Acts and the Systematic Degradation of Women in Victorian Britain." Honors thesis placed on reading list for upper level Women Studies course.

**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.**

"A Tale of Two Courts: Analyzing Whether a Child is Well-Settled in the New Environment Under *Lozano v. Montoya Alvarez* and *Druckman v. Ruscitti*" *Nevada Family Law Report*, Volume 28, Issue 1 (Winter 2015).

Twelve articles, including "Rate of Lung Disease in Women Increasing Rapidly" and "New Pill May Help Smokers Quit" *Tobacco Control Update* Fall 1998, Spring 1999, Fall 2000.

"Yes Virginia, Secondhand Smoke Increases Risk of Cancer" *Tobacco on Trial* 1998-99.

**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.**

Singing, piano, and guitar  
Writing  
Reading  
Yoga  
Travel  
Foreign Language

Conduct
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**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.**

I would expect to recuse or disqualify myself on any case that my law firm and/or I represented one of the parties and where a party is represented by any attorneys who work for a law firm still in payments for a purchase from me and/or a law firm that rents space from the office building that I own.

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.**

Judicial Selection Commission application to the Nevada Supreme Court, October 10, 2022. Not appointed.

Judicial Selection Commission application to the Clark County District Court – Family Division Department C in December 2022. The commission reopened the application. I did not reapply.

**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 attached.

**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.**

None.

**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 attached.

**Personal Statement**

I am a person who both cares immensely about the families in our community and cares about the quality of our laws and courts. I am calm and even tempered, yet able to be clear and firm. I thrive under pressure. And I am intimately familiar with all of the statutes and case law that is regularly applied in family court cases.

In my 21 years as an attorney practicing family law in the Clark County District Court family division and appeals therefrom, I have become well respected in the local, national, and international legal communities as one of the best family law attorneys in the state of Nevada. As a private practice attorney, I have become known as one of the best family law litigators and eventually one of the best appellate attorneys. Much of the important case law in Nevada family law comes from appeals that I worked on. I receive appeal referrals from across the family law bar and family law referrals from local attorneys and around the world. My appellate work is focused primarily in the Nevada Supreme Court and Court of Appeals, although I have practiced in the 9<sup>th</sup> Circuit Court of Appeals and U.S. Supreme Court. But the majority of my practice has been in the Clark County District Court Family Division.

In 2010, I was honored to become the first female Nevada Family Law Specialist through the testing procedure. In 2015, I was recognized as a fellow of the American Academy of Matrimonial Lawyers, the national organization that admits only the top family law attorneys in each state. I was immediately elected secretary of the Nevada AAML chapter. I went on to serve as treasurer, vice-president, and just retired as president earlier this year. In 2015, I also was admitted as a fellow of the International Academy of Family Lawyers. As the only family law attorney, I recently served on the Nevada Appellate Rules Commission where I chaired two

committees and was involved in all family law specific rule proposals. I currently serve on the Family Law Specialization Board and OurNevadaJudges Board of Directors.

The majority of my legal career has been spent fighting for victims of domestic violence and working to ensure that children that come before the family court are protected from harm. This week, I was awarded the Louis Weiner Service Award by LACSN for representing victims of domestic violence with compassion. I also operate a financial consulting division to assist other family law attorneys and pro per litigants in family court. In addition to preparing complex calculations, I also prepare retirement division orders, which is a specialized area only handled by a few attorneys in Nevada. I have been a strong advocate for government and other workers who want to make sure that their pensions are divided consistent with Nevada law so that they are not locked into giving a survivor benefit to a short-term spouse

As the first person in my family to earn a graduate degree, my own life has given me some insight into various issues faced by litigants in family court. I am familiar with and sensitive to issues of children and parties with disabilities – I have a child with ADHD and another with autism and cerebral palsy. As a parent who has raised children without a father in the local area most of their lives, I am well aware of the difficulties faced by single parents. During the time that my children’s father was in the U.S. Marine Corps, and particularly when he was deployed in Iraq, I became familiar with many issues faced by military members and their spouses.

I have always been drawn to working in a neutral capacity. In law school, I was certified as a mediator and an arbitrator in an international program at Humboldt University in Berlin, Germany. I have worked as a private mediator through a specific mediation division of my law firm throughout my career. In 2016, I was certified as a parenting coordinator. Since that time, I

have been appointed by the family court as a parenting coordinator in many high conflict child custody cases. One reason I have excelled as a litigator and appellate attorney is because I can see both sides to a case, which allows me to predict the arguments of the opposing side and counter them effectively. I don't practice law to win for myself; I want to win a case for the sake of my client and their children. I care about cases ending with the best result. I care about ensuring that our law is clear, intelligent, and best serves the State of Nevada and its people. Over the last 19 years in private practice, the hardest thing for me has been prioritizing advocacy for the client I am representing above advocating for what the law should be, and above what might be best for all involved. I have been fortunate to have the ability to be selective about who I represent so I can advocate for what is best for the children. Nonetheless, it has always been apparent that I would be best suited to work in a neutral capacity.

I am a highly organized person who routinely files pleadings in advance of the deadline. I start my day at 4:00am most mornings, getting ahead of my work before anything else. I work well under time pressure, although I prioritize my work so that I don't generally have to deal with pressure unless there is an unanticipated emergency. While family law deals with a lot of time sensitive, urgent matters, my habit of doing things in advance that can be done in advance allows for time sensitive matters to be handled without becoming an emergency or pushing aside normal work.

Applying for appointment to the Family Court with so much support from the legal community is not something that I could have foreseen earlier in life and is not a step I take lightly. I have the experience, education, and personality to be an outstanding member of the family court. I want the law to serve people, not just to have my own clients win. My drive to ensure justice and fair treatment is what makes me the best fit as a family court judge.

## Writing Sample

### A. Facts

John and Jane were never married but have one child born of their relationship. John Smith, III (“John Jr.”) was born October 23, 2013 and is six years old. Jane initiated a custody action against John on June 22, 2015, and after numerous motions, the Court issued a stipulated Decree of Custody for joint physical custody on July 21, 2017. The parties currently share custody based on the interim order entered by the Court on September 3, 2019. Jane currently lives in Las Vegas, Nevada and John moved to Toronto, Canada in May 2019 for his job.

Over the years, the parties have filed multiple motions to modify child custody or support, each time stipulating to custody arrangements.

This past year, the parties again needed to discuss changing the custody schedule. In each previous agreement, the parties never stipulated as to where John Jr. would attend school and expressly agreed to revisit the issue in 2019. In addition, John received and accepted an opportunity to work in Toronto, Canada, after being unemployed for more than six months in 2018. He relocated to Toronto in May of 2019. The job officially started in June 2019. John communicated this significant change in circumstances to Jane and had proposed an alternative visitation schedule for the summer until the Court decided where John Jr. would live and attend school.

John lost his job in 2018 and had been consistently trying to secure steady employment since. The career opportunity in Canada was too good to pass up; John is earning a significant salary. The parties’ existing custody and visitation order is no longer practicable, and a decision must be made by this Court regarding the physical custody of John Jr.

In April of 2019, John received a job offer from ABC Media Group, Inc. (“ABC”). ABC is a subsidiary of Ice Age, the company at which John is currently employed as a consultant. He

accepted the position and is now consulting for ABC specifically for their hospitality arrangements throughout Canada and other locations worldwide. ABC is based out of Toronto, Canada, and as a condition of employment, John was required to relocate to Toronto. John began transitioning his family to Toronto in May 2019 and has lived there since. The job began on May 1, 2019.

John struggled to find consistent employment in this niche market since 2018, after he was no longer working with XYZ. These opportunities do not come often, and he could not afford to pass it up. John could not actively participate with ABC management from the United States, and so he had to make the difficult decision of relocating to Toronto. This move allows John to directly manage ABC's hospitality portfolio and could potentially lead to more opportunities down the road (similar to the opportunities he had with XYZ).

### **LEGAL ARGUMENT**

#### **A. The Court Should Allow John Jr. to Attend an Online School so that the Parties Can Maintain Joint Physical Custody of John Jr.**

The Court should order that the parties are to maintain joint physical custody of John Jr., with John's 50% timeshare moving from Los Angeles, California to Toronto, Canada because both parties are able to maintain joint physical custody.

NRS 125C.0025 states that "when a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child" if the parent has demonstrated an intent to establish a meaningful relationship with the child. John's intent is to maintain a close, meaningful relationship with John Jr., creating a preference that it is in John Jr.'s best interest for the parties to maintain joint physical custody. Moving out of the state is not a valid reason, in and of itself, to disrupt joint physical custody if both parties are able to continue to exercise 50% of the time. The parties have equally shared joint

physical custody in the past, including across state lines, an arrangement that was extremely beneficial for John Jr. in maintaining a close relationship with both of his parents. There is no reason to change that when there is a solution that allows this Court to make a custody decision that keeps each party's involvement with the minor child the same as it has been.

A flight from Las Vegas to Toronto, Canada may be as short as four hours and six minutes, whereas the drive from Las Vegas to Los Angeles ranges from five to six hours, depending on traffic.<sup>1</sup> Plaintiff has not shown that there will be a significant difference in travel time between the arrangement that was already in place and the new arrangement proposed by John. The biggest difference will be the mode of transportation, which should not significantly impact the Court's decision.

In order to allow the Parties to maintain joint physical custody and a 50/50 timeshare, John Jr. can attend an online school, allowing him to have a flexible schedule. Further, the court will not need to require either party to meet a burden to modify custody from joint to primary physical custody, as the parties will continue to maintain joint physical custody. Therefore, there is no just reason for the parties not to maintain joint physical custody, and the Court should make orders maintaining the joint physical custody that the parties currently share.

***The Relocation Burden Need Not be Met if the Court Orders the Parties to  
Maintain Joint Physical Custody***

If the Court maintains joint physical custody, neither party needs to meet a burden to relocate with the minor child. NRS 125C.0056 states that “[i]f joint physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a

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<sup>1</sup> Flight Itinerary from Las Vegas, Nevada to Toronto, Canada.

distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child,” the relocating parent must meet certain obligations.

Here, John does not wish to impair the ability of Jane to have a meaningful relationship with John Jr. and he is proposing that the Parties maintain the exact same amount of time each year as they have been (50/50) between California and Nevada and when both parties lived in Nevada. John wishes for John Jr. to have a meaningful relationship with both parents, even with John and Jane living in different locations. John and Jane previously shared joint physical custody of John Jr., with John living in Los Angeles and Jane living in Las Vegas. Therefore, joint physical custody was already shared across state lines, outside the state of Nevada. John now wishes to maintain joint physical custody of John Jr. with Jane. Despite living as farther away, John wishes to put in place mechanisms for the parties to continue sharing joint physical custody without substantially impairing the ability of either parent to maintain a meaningful relationship with John Jr.

The only obstacle to achieving John’s request is that John Jr. is now school aged. The parties had previously agreed to determine where John Jr. would attend school when the time arose. That time came in August of this year and the Court entered temporary orders for John Jr. to attend elementary school in Las Vegas. Maintaining John Jr. in his current school would impair John’s ability to have a meaningful relationship with John Jr., as John Jr. would rarely be able to travel to Canada to visit his father. Attending home school via online school would solve this issue, thereby allowing the parties to maintain joint physical custody. Thus, the Court should order that John’s relocation to Toronto, Canada is permitted and the parties will maintain joint physical custody with John Jr. attending home school.

***The Court Should Order that John Jr. Attend Laurel Springs Online School***

In order to facilitate the Parties maintaining joint physical custody, the Court should order that the child be placed in an online school. The Court should order that John Jr. attend Laurel Springs School, an accredited online private school, as doing so will allow the parties to maintain joint physical custody while concurrently providing John Jr. with a diverse, quality education.

Courts may make orders regarding a child's education "as appears in his or her best interest."<sup>2</sup> "When parents in a joint legal custody situation disagree as to a child's education, they 'may appear before the court on an equal footing to have the court decide what is in the best interest of the child.'"<sup>3</sup>

The Nevada Supreme Court in *Arcella* ruled that determining which school placement is in the best interest of a child is a broad-ranging and highly fact-specific inquiry, so a court should consider any other factors presented by the particular dispute and should use its discretion to decide how much weight to afford each factor.<sup>4</sup> The Court found that the following factors are likely relevant to the Court's determination:

- (1) The wishes of the child, to the extent that the child is of sufficient age and capacity to form an intelligent preference;
- (2) The child's educational needs and each school's ability to meet them;
- (3) The curriculum, method of teaching, and quality of instruction at each school;
- (4) The child's past scholastic achievement and predicted performance at each school;
- (5) The child's medical needs and each school's ability to meet them;
- (6) The child's extracurricular interests and each school's ability to satisfy them;
- (7) Whether leaving the child's current school would disrupt the child's academic progress;
- (8) The child's ability to adapt to an unfamiliar environment;
- (9) The length of commute to each school and other logistical concerns;

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<sup>2</sup> *Arcella v. Arcella*, 407 P.3d 341, 345 (Nev. 2017) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104, 89 S. Ct. 266, 21 L. Ed. 2d 228 (1968)).

<sup>3</sup> *Id.* (quoting *Rivero v. Rivero*, 125 Nev. 410, 421, 216 P.3d 213, 221-22 (2009)).

<sup>4</sup> *Id.*

(10) Whether enrolling the child at a school is likely to alienate the child from a parent.<sup>5</sup>

Here, the parties disagree on where John Jr. should attend school, therefore the Court must choose which school is in John Jr.'s best interest. Laurel Springs is very flexible with schedules and works with parents to maintain a schedule that fits everyone. If Jane does not want the responsibility of overseeing schoolwork for an online school, John is willing to complete all schoolwork while he is exercising his 50% share of the custody arrangement.

Further, an increasing number of studies have shown the incredible benefits that online schooling has to offer. Online education has grown tremendously in the last decade and is rising as a potential strategy to diversify education choices at all levels of education. Many are advocating for the benefits of online school including new technologies which allow online learning to “expand the depth and breadth of courses available to students, provide options for new locations and schedules for learning, and perhaps introduce effective new ways to deliver education in a variety of settings.”<sup>6</sup>

The factors clearly weigh in favor of John Jr. being in an online school, and thus, the Court should order that John Jr. is to attend Laurel Springs School. The benefits are clear. John is willing to provide most, if not all, of John Jr.'s education during his time with John Jr., which can be accomplished in as little as six months, thereby giving Jane the ability to spend her time with John Jr. as she wishes.<sup>7</sup> Therefore, the Court should allow John Jr. to be homeschooled and should order that the parties are to maintain sharing joint physical custody of John Jr.

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<sup>5</sup> Id.

<sup>6</sup> <https://journals.sagepub.com/doi/full/10.3102/0013189X17692999>

<sup>7</sup> Jane will, of course, be permitted to share in the responsibility of the child's online schooling, should she choose to.

Online school education is an agile and customizable tool that can serve to be a great benefit for parents who are co-parenting across state lines. Its innovative and flexible approach provides an avenue for parents who live large distances away from one another to continue sharing joint custody, ultimately allowing the minor child to maintain close relationships with both of his or her parents.

***Proposed Orders***

THE COURT HEREBY ORDERS that Defendant may relocate to Toronto, Canada and the parties shall continue to maintain joint physical custody of John Jr. as follows:

1. REGULAR CUSTODIAL SCHEDULE: The parties will exercise a rotating schedule that divides the year into five equal segments of roughly 73 days each with exchanges on February 27, May 11, July 23, October 4, and December 15 each year.
2. HOLIDAY SCHEDULE: There shall be no separate holiday or vacation schedule. The above rotating schedule will ensure that major holidays alternate from year to year.

THE COURT FURTHER ORDERS that John shall be permitted to enroll John Jr. in Laurel Springs Online School, which he shall continue to attend unless mutually agreed upon between the Parties or until further order of the Court.