

COMMISSION ON JUDICIAL SELECTION
APPLICATION
EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 11

By
Kimberley Arin Hyson

(Insert applicant name)



**SECTION I: PUBLIC INFORMATION
(QUESTIONS 1 THROUGH 47)**

Personal Information

1. **Full Name:** Kimberley Arin Hyson
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.**

No.

3. **Work Address:**

Jones Lovelock
6600 Amelia Earhart Court, Suite C
Las Vegas, NV 89119

4. **How long have you been a continuous resident of Nevada?**

I have been a continuous resident of Nevada for 30 years.

5. **Age:**
(NRS 3.060 states that a district judge must be at least 25 years old.)

I am 38 years old.

Employment History

6. **Using the format provided in Attachment "A" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the 20 years immediately preceding the filing of this Application.**

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.**

The Meadows School
8601 Scholar Lane
Las Vegas, NV 89128

Eighth Judicial District, Dept. 11

Attended: August, 1997 – May, 2001

Degree: High School Diploma

Reason for Leaving: Graduated in May, 2001 with honors.

Kimberley A. Hyson

Pepperdine University

24255 Pacific Coast Highway

Malibu, CA 90263

Attended: August, 2001 – May, 2005

Degree: Bachelor of Arts, *magna cum laude*, Political Science and Sociology

Reason for Leaving: Graduated in May, 2005

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

During high school, I participated in several extracurricular activities including Speech & Debate, Mock Trial, Women's Tennis Team, National Honor Society and Musical Theater. I was part of the Meadows' School Speech & Debate Team for all four years of high school, earning numerous awards in both individual events and Student Congress. I spent most weekends preparing for, and competing in local debate competitions. This was an invaluable experience, teaching me early on how to craft thoughtful arguments and to think quickly on my feet. I was also able to participate in diverse events, such as duo dramatic interpretation, Lincoln Douglas debate, and Student Congress, where I learned how to work as a team and how to deliver convincing arguments to win support from my peers. Debate also created a community, allowing me to form friendships with students from schools across the valley.

In 2000, I qualified for the National Speech & Debate Competition in Student Congress. I was one of two Meadows School students who qualified, the first to ever qualify from the Meadows School. In 2001, I served as Captain of the team and helped organize the Meadows School's first speech & debate competition. That same year, I was awarded First Place in Student Congress at the Nevada State Speech & Debate Competition.

From 1999-2001, I participated in The Meadows School's Mock Trial Team, acting as a team attorney for the prosecution and defense. During the 1999-2000 season, the team qualified for and competed in the Nevada State Mock Trial Competition. During high school, I also participated in Musical Theater, where I served in the chorus of *Pippin* and worked with our class to write, produce and act in an original musical about the women's suffrage movement. I also played doubles on The Meadows' School Tennis Team and was Secretary of National Honor Society.

In college, I was a member of the Pepperdine Speech & Debate Team from 2001-2003, competing in Policy Debate on a regional and national level. From 2002-2003, I served as captain of the team. Those same years, I attended Southwest Speech & Debate Institute at Arizona State University, a two week intensive Policy Debate program where students prepare case files and compete in preparation for the upcoming season. In 2003, I

competed at the Novice National Competition in Maryland, where my partner and I received a team award.

In college, I was also a member of Kappa Alpha Theta, the first Greek letter fraternity for women. From 2004-2005, I served as the Vice President of Membership, organizing and executing the 2004 rush process on behalf of the organization.

While at Pepperdine, I also served as a tutor for teens at two juvenile youth probation centers in the area, Camp Kilpatrick and Camp David Gonzalez. At the time, Camp Kilpatrick was known for its nationally renowned sports program, where juveniles could compete against public and private California schools. At Camp Kilpatrick, I tutored a 15-year-old student weekly in reading, math and skills needed for the GED. We also discussed his work on the football team, the Kilpatrick Mustangs, family life, and the teen's plans after release. At Camp David Gonzales, I tutored a group of teens weekly as part of a literacy program. The purpose of the programs was to create meaningful relationships with the juveniles through tutoring to help them pursue their education and encourage positive decision making. Many of the teens had run into trouble with the law for various offenses stemming from gang activity, things I knew little about as a college freshman. But working with the juveniles opened my world to their experiences, the roadblocks they face and helped me become a better mentor and advocate.

I also served as a writer and political anchor for the Pepperdine News and a writer and host on *Strong Currents*, a student talk show.

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.

Pepperdine University School of Law

24255 Pacific Coast Highway

Malibu, CA 90263

Degree: *Juris Doctor, cum laude*

Date Awarded: May, 2009

Class Rank: 33 out of 193 students

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.

During law school, I was employed part-time as a student note taker for Pepperdine Disability Services from approximately 2006-2009. During the Summer of 2007, I interned for the L.A. City Attorney's Office – Maria Elena Reyes Branch. As part of the internship, I reviewed arrest documents to evaluate whether there was sufficient evidence to support charges. Cases focused on misdemeanor crimes, including minor battery, drugs and prostitution. During the Summer of 2008, I clerked for Alverson, Taylor, Mortensen and Sanders, where I summarized medical records, prepared disclosures, and drafted

motions and correspondence, and attended hearings, client meetings and mediations in medical malpractice litigation.

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

Pepperdine Law Review

In Summer 2007, I wrote onto the Pepperdine Law Review, and served as a Literary Citation Editor from 2008-2009. In this role, I reviewed and revised submissions to the Pepperdine Law Review to ensure accuracy and proper formatting.

Moot Court

I was one of four first-year students to be selected for Pepperdine's Interschool Mock Trial Team in 2007. In Fall 2007, I attended the National Criminal Procedure Moot Court Tournament at the University of San Diego. In Spring 2008, I attended the Motley Moot Court Competition at the University of Colorado Boulder. In Fall 2008, I attended the Chicago Bar Association Moot Court Competition. In 2008, I was selected to participate in the Willem C. Vis International Arbitration Competition (East) in Hong Kong. My partner and I were seeded No. 1 after the opening rounds. At the conclusion of the tournament, I was awarded Third Place Runner Up Speaker Award. Later than spring, I traveled with Pepperdine's team to the Willem C. Vis International Arbitration Competition (West) in Vienna, Austria as assistant coach.

From 2008-2009, I served as the Interschool Moot Court Chair. In that position, I ran the try-out process and participated in selecting the team. I also assigned teams to competition and assisted teams with competition preparation.

I also participated in intraschool moot court competitions at Pepperdine, including the Armand Arabian Intraschool Moot Court Competition and the Vincent S. Dalsimer Intraschool Moot Court Competition. In 2008, I competed in the final round of the Arabian Competition, and was awarded Second Place. In 2009, my partner and I competed in the final round of the Dalsimer Competition, where we argued before former UN Ambassador and National Security Advisor John Bolton, the Honorable Johnnie Rawlinson of the Ninth Circuit Court of Appeals and the Honorable Emilio Garza of the Fifth Circuit Court of Appeals. My partner and I were awarded First Place.

Honor Board

I served as a member of the Honor Board. In this role, I assisted in the investigation and prosecution of students accused of violating the Honor Code.

Scholarship

I was awarded a Dean's Scholarship to attend Pepperdine. Based on my Moot Court participation, I was awarded the Terry Giles Moot Court Scholarship Award.

Upon graduation, I received the distinction of Order of the Barristers.

Law Practice

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

2009

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

California, 2019. I am currently on inactive status in California.

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 5 years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the 5 years directly preceding your appointment or election to the bench.

Trial – 100%; Appellate – 0%

16. Estimate percentage of time spent on:

- (1) domestic/family and juvenile law matters: 0%
- (2) civil litigation: 100%
- (3) criminal matters: 0%
- (4) administrative litigation: 0%

17. In the past 5 years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

Jury Trials – 98%; Bench Trials – 2%

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.

During the past five years, I have had one jury trial which settled before reaching the jury. I have had two (2) Justice Court bench trials. I have also second chaired dozens of cases

in medical malpractice, insurance bad faith, negligent security, transportation, and business litigation that resolved prior to trial. I have a bench trial scheduled for November, 2021.

19. List courts and counties in any state where you have practiced in the past 5 years.

Nevada:

United States District Court for the District of Nevada
Second Judicial District Court, Washoe County
Sixth Judicial District Court, Humboldt County
Eighth Judicial District Court, Clark County
Tenth Judicial District Court, Churchill County
Las Vegas Justice Court

Arizona:

United States District Court for the District of Arizona

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), and list or describe:

- a. case name and date,
- b. court and presiding judge and all counsel
- c. the importance of each case to you and the impact of each case on you,
- d. your role in the case.

1. *Chernikoff v. First Transit*, Case No. A-13-682726-C, 2013

Court: Eighth Judicial District Court, Dept. XXIII

Judge: Judge Stefany Miley

Counsel: LeAnn Sanders, Esq. was lead counsel for Defendants and I was second chair for Defendants. Benjamin Cloward, Esq. and Charles Allen, Esq. were counsel for Plaintiffs.

Why This Case is Important: This was a tragic case where Harvey Chernikoff, a middle aged man with cognitive disabilities, died while riding the paratransit bus. Mr. Chernikoff experienced a medical event while riding the bus, which caused him to slump over in his seat almost immediately and without a sound. Plaintiffs argued Mr. Chernikoff choked on a peanut butter sandwich, while Defendants argued Mr. Chernikoff suffered some other non-choking medical incident. When the driver of the bus realized Mr. Chernikoff was unresponsive, he stopped the bus, attempted to rouse Mr. Chernikoff and called 911. It took almost 10 minutes for the fire department to arrive, at which time they declared Mr. Chernikoff dead. Mr. Chernikoff's parents subsequently sued First Transit and the driver for wrongful death.

This case had a considerable impact on me as the first case I took to trial. During discovery, I took lead on retaining and preparing experts, obtaining and reviewing records, preparing for depositions, and responding to written discovery. As the case neared trial, I was lead on preparing motions in limine, pre-trial disclosures, objections and trial exhibits. At trial,

I prepared questioning for multiple witnesses, cross-examined one witness, and took lead on preparing and arguing jury instructions. I also drafted and argued trial motions.

This case illustrated how a death could be recognized as a tragedy, but the parties could respectfully disagree on liability. By all accounts, Mr. Chernikoff had a very close relationship with his family, and was missed beyond measure. In trying the case, the Defense had to navigate the family's significant loss while making all efforts to defend against the family's allegations of negligence. I recognized that balance, and did my best to craft a respectful but effective case. Ultimately, the jury found for the Plaintiffs. While this was not the outcome we wanted, I was able to gain additional experience taking the verdict, polling the jury, and interviewing jurors. This case was appealed, which allowed more opportunity to dissect the case, and use the experience to move forward in my career.

2. *Estate of Garner v. Anastasoff, et al.*, Case No. 3:15-cv-08147-PCT-DJH, 2016

Court: United States District Court for the District of Arizona

Judge: Judge Diane Humetewa

Counsel: LeAnn Sanders, Esq. was lead counsel for Defendants and I was second chair for Defendant John Anastasoff. J. Scott Conlon, Esq., Michael Wolver, Esq., Tamara Cook, Esq., and Brian Cieniawski, Esq. were counsel for Defendants Corizon Health, Inc., Corizon, Inc., Corizon, LLC and Valitas Health Services, Inc. Jodi Mullis, Esq. was counsel for Defendant Mojave County. Anthony Fernandez, Esq. and Michael Tamm, Esq. were counsel for Defendants Donovan Schmidt, D.O. and Luanne Schmidt. Denise Troy, Esq. was counsel for Defendants Johnnie Rothermel, Richard Rothermel, Margaret Saltzgiver, and Steven Saltzgiver. Larry Wulkan, Esq., Michael Manning, Esq. were counsel for Plaintiffs.

Why This Case is Important: This case involved the death of Ms. Garner, an inmate in the medical unit of a Mojave County jail. At the time of her incarceration, Ms. Garner had significant medical issues. Ms. Garner's family sued the jail medical providers and the county for wrongful death, alleging that Defendants failed to properly respond to Ms. Garner's medical complaints, resulting in her death.

I became involved in this case after expert disclosures and most of my involvement centered on deposing fact witnesses, many experts, and preparing our experts for deposition. Because of Ms. Garner's significant pre-existing conditions, the case required at least a dozen medical experts, including nursing experts, emergency medicine experts, nephrologists, internal medicine physicians, pathologists, toxicologists, and medical examiners. I prepared and attended these depositions, and reported the pertinent information to the client. This case was significant to me because it required significant medical understanding, including an understanding of the voluminous medical records and the interplay between Ms. Garner's medical history and complaints to jail medical staff and the experts' opinions. In preparing for each deposition, I worked hard to educate myself on the medical terminology and research supporting the experts' positions. Ultimately, this case prepared me to be significantly more well-versed in medical malpractice cases, and more confident in my ability to dissect expert reports. This case was also an opportunity to learn how to deal with counsel who was oftentimes argumentative. Many depositions involved lengthy evidentiary disputed which resulted in engaging the Magistrate. Through this case, I learned that the loudest voice is not

necessarily in the right, and that it was necessary to calmly stand your ground. It also taught me that it is possible to engage in case-related without creating personal animosity between counsel, and I was able to have a good working relationship with opposing counsel.

3. *Endoscopy Center of Southern Nevada Litigation, 2009*

Court: Eighth Judicial District Court

Judge: Multiple Departments, but consolidated for purposes of discovery.

Counsel: James Olson, Esq., David Mortensen, Esq., Max E. Corrick, II, Esq., Glenn S. Kerner, Esq., Will Kemp, Esq., Robert Cottle, Esq., Joseph Hardy, Esq., Brett Schoel, Esq., LeAnn Sanders, Esq., James Jackson, Esq., Vincent S. Cass, Esq., Mark Connot, Esq., Peter Wetherall, Esq., Danielle Tarmu, Esq., Scott Cook, Esq., Michael Edwards, Esq., Christina Alexander, Esq., Dennis Kennedy, Esq., Michelle Schwarz, Esq., Glen Lerner, Esq., Patricia Daehnke, Esq., David Pritchett, Esq., Robert Eglet, Esq., James Jackson, Esq., Nicholas Drakulich, Esq., Chelsea Hueth, Esq., Philip Hymanson, Esq., Lynn Hansen, Esq., Hon. Gloria Sturman, Hon. Joe Hardy, Michael Stoberski, Esq., Amanda Brookhyser, Esq., Tyler Crawford, Esq., Ashley Surur, Esq., Sherman Mayor, Esq., and many more.

Why This Case is Important: This group of cases stemmed from a hepatitis outbreak at several Las Vegas endoscopy clinics. Hundreds of patients who either tested positive for hepatitis following treatment, or were required to undergo hepatitis testing over several months sued for malpractice, alleging claims that the Defendants violated the standard of care by reusing medical equipment and violating aseptic technique resulting in the outbreak.

I became involved in this matter during the discovery stage, and attended some hearings and many party and fact witness depositions. As a young lawyer, this case enabled me to learn from some of the most talented medical malpractice attorneys at the time. Due to the magnitude of this case, each deposition highlighted the abilities of both Plaintiff and Defense counsel. I received a hands-on education on different lawyering styles, deposition techniques and defense strategies, in addition to taking a crash course in the relevant medicine and standards of care. This case also highlighted the interplay between criminal and civil cases, as there were several contemporaneous criminal cases against the Defendants, which resulted in witnesses asserting their Fifth Amendment right. The skills I learned while participating in this case were foundational to my overall career, and set a high bar for my continued efforts.

4. *LaBar v. Wu, et. al., Case No. A-10-608500-C*

Court: Eighth Judicial District Court, Dept. IV and Dept. XX

Judge: Judge Jerome Tao, Judge Douglas Herndon

Counsel: LeAnn Sanders, Esq. was lead counsel for Defendants Xiantuo Wu, M.D. and Nevada Cancer Center and Nagy, PLLC. Shirley Blazich, Esq. was second chair. I was the associate assigned to the case. John Cotton, Esq. and Katherine Turpen, Esq. were counsel for Defendant Nicola Spirtos, M.D., Nick M. Spirtos, M.D., P.C. and Women's Cancer Center of Nevada, Inc. Jill Chase, Esq. was counsel for Robert Futoran, M.D. and Dr. Robert J. Futoran, P.C. Cecilia Ventimiglia, Esq. was counsel for Plaintiffs Charles and Kimberly LaBar.

Why This Case is Important: This was a very interesting medical malpractice case, wherein the Plaintiff Kimberly LaBar had a history of molar pregnancy and residual hydatidiform mole resulting in partial hysterectomy. Many years later, Ms. LaBar's hCG levels, a hormone that rises during pregnancy and can be indicative of molar pregnancy and/or related disease, increased without explanation. Ms. LaBar was diagnosed with recurrent gestational trophoblastic disease ("GTD"). Ms. LaBar underwent a bilateral salpingo-oophorectomy ("BSO") and was referred to Dr. Wu for chemotherapy. Dr. Wu performed testing, and agreed with the diagnosis of recurrent GTD. Ms. LaBar underwent chemotherapy. Subsequent hCG testing revealed levels were responding to treatment. However, hCG testing performed at the completion of chemotherapy revealed rising hCG levels once again. Ms. LaBar sought two (2) opinions at UCLA medical center. The initial physician agreed with the diagnoses and recommended continued high-dose chemotherapy and possible stem cell transplant. The second UCLA physician referred Ms. LaBar's case to the UCLA Tumor Board, who recommended Ms. LaBar undergo testing for possible "phantom hCG," a phenomenon where non-pregnant patients have persistently positive hCG levels which can lead to misdiagnosis of malignancy. As a result, Plaintiffs filed suit against Ms. LaBar's OB/Gyns and her medical chemotherapist, Dr. Wu alleging medical malpractice due to misdiagnosis of recurrent GTN, and unnecessary treatment including BSO and chemotherapy.

I was assigned to this case shortly after filing and spent a great deal of time participating in motion practice, discovery, retention and deposition of Defense medical and economic experts, and ultimately assisting with trial. Through working on this case, I learned the importance of becoming familiar with the intricacies of medical records in order to comfortably speak with experts on complicated topics, and meaningfully prepare for depositions, including the deposition of the UCLA provider who first suggested the possibility of phantom hCG. Knowing the details of the medical records enabled me to take a more streamlined deposition, and to confidently address issues of science with the provider.

The science of the case was extremely complicated and divided experts across the country. The credibility of expert testimony was critical, this case highlighted the importance of selecting the most qualified expert, obtaining a detailed expert report and preparing the expert for trial. This case also highlighted how the physician Defendants could also use their testimony to add support to the expert narrative, as the Defendants were also experts in their fields.

This case also highlighted how important it is to be proficient in hearsay and other evidentiary rules, as Plaintiffs' counsel had difficulty overcoming foundation and hearsay objections, resulting in the exclusion of evidence. Notably, after the Plaintiffs rested their case, Judge Tao declared a mistrial, resulting in significant additional motion practice. Ultimately the case was resolved without a retrial. Nevertheless, the parties expended significant time and resources developing the case, and preparing and attending trial.

5. *Gonzalez v. Cabinet Supply Inc., Rex Smith*, Case No. A-07-547909

Court: Eighth Judicial District Court, Dept. XXVI

Judge: Judge Gloria Sturman

Counsel: LeAnn Sanders, Esq. served as lead counsel for Defendants. I served as second chair for Defendants. Ralph Schwartz, Esq. represented Plaintiffs.

Why This Case is Important: This was a personal injury case, where Plaintiff Arturo Gonzalez was driving a dump truck when he was rear ended by Defendants' box truck. As a result, Mr. Gonzalez alleged medical expenses in excess of \$500,000. The driver of the box truck did not sustain any injuries. During discovery, Defendants conducted an accident reconstruction between the vehicles and retained various medical and causation experts to defend against Mr. Gonzalez's claims. Defendants also conducted surveillance that appeared to show Mr. Gonzalez participating in physical activities he alleged he could no longer tolerate. The case resolved on the eve of trial.

This case is significant to me because it was the first case I worked up for trial, resulting in increased involvement in pre-trial and trial strategy and overall responsibilities. During discovery I was charged with relocating and storing the subject dump truck to Las Vegas if needed for trial. I also drafted and responded to discovery requests, managed document production, prepared trial exhibits, consulted with the clients, and drafted and argued case-related motions, including a Motions for Summary Judgment and motions in limine. I was also tasked with opposing and arguing Plaintiffs' Motion to Strike Defendants' Expert Accident Reconstructionist and Biomechanical Engineer. I understood that these experts were foundational to our case, and truly appreciated the impact a loss could have to our case. As second chair, I felt ownership of the case and the responsibility to perform well to obtain positive results. The only way to perform to my expectations was to prepare for these hearings as though they were trial. The extra time and effort paid off, and Defendants were ultimately successful in defeating Plaintiffs' Motion to Strike. While it was not a new concept to me, this case reinforced that preparation and detailed knowledge of the case were imperative to success. I take this lesson with me into every case I take on.

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

No.

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

From approximately 2010 to 2012 I volunteered for the Clark County Law Foundation's Trial by Peers Program ("TBP") as an Attorney Coach. TBP is a diversion program for first and some second time juvenile misdemeanor offenders for offenses such a curfew violation, petty larceny, and trespassing. The defense, prosecution and jury are exclusively juveniles. After a conviction, the juvenile jury will also make a sentencing recommendation to the Judge. Sentencing can include restitution, community service, jury duty, and letters of apology. If the defendant completes his or her sentence, their record will only reflect a referral to peer court. Each month, student attorneys were assigned several cases to prosecute or defend. As an Attorney Coach, I walked peer counselors through the charges and relevant evidence and assisted the peer counselors in preparing witness questioning, opening and closing statements, and sentencing recommendations.

From approximately 2009 to 2014, I served as an Attorney Coach for the Meadows School Mock Trial Team. Shortly after passing the Nevada Bar Exam, I learned that the Meadows had not had a mock trial team for several years. I volunteered to work with the Teacher Coach to assemble a team and prepare them for the February competition. The Teacher Coach at the time was Jan Rowell, who had served as my teacher coach when I was a student. That year, we were able to assemble a team of very motivated, intelligent, and fun students. Ms. Rowell and I met with the team after school and on weekends to help prepare opening and closing statements and witness questioning, to teach the team procedure and evidentiary rules, and to explore all the facets of hearsay rules. At the regional competition, the student who portrayed the Defendant won a witness award, the first award for the Meadows in several years. In the next several years I coached many more students to some moderate success at the Regional Competition. Another year, the Meadows' team was awarded a spot in the State Tournament, only to realize the following day there had been a calculation error on the scoresheets. In speaking with the team, it was an easy decision to notify the competition of the error so the correct team could compete at the State Competition. The team's ability to make this decision was evidence that Mock Trial is about more than competition, but also community and fairness.

Coaching the team was a career highlight for me. First, I was able to give back to the Nevada Mock Trial Program, a program that set me on the path to become a lawyer. I was always so appreciative of our coaches Neils Pearson and James Jimmerson, who selflessly gave high school students their time and expertise for an extra-curricular activity, and coaching allowed me to pay the favor forward. Second, coaching the team enabled me to hone my trial skills and evidentiary knowledge while sharing it with the team. Third, coaching gave me the opportunity to work with the Teacher Coach, Ms. Rowell, in a new capacity. While Ms. Rowell had coached the team for close to 20 years, she treated me like an equal and we built a strong friendship. I now serve as the first student competitor on the Nevada State Bar Mock Trial Board. In that role, I assist with the selection and preparation of the case, judge competitions, and tabulate scores. The Board also responds to team questions and revises rules as necessary. While the Regional and State Competitions are traditionally in person, the Board and students pivoted quickly when the 2020 competitions were forced online due to COVID.

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.

I am a member of the State Bar of Nevada and the State Bar of California. I have been a member of the State Bar of Nevada High School Mock Trial Committee since 2018. As discussed in my response to Question 22, I am the first student competitor to serve on the Board. In my position, I help select and prepare the case, judge competitions, and assist with tabulation.

24. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past 5 years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

I am in compliance with the continuing legal education requirements applicable to me. Please see specific courses listed below:

Appellate Advocacy

Women in the Law: Going First & Forward: Nevada

Traumatic Brain Injury Cases: Doctor and Attorney Perspectives

Drinking from a Fire Hydrant Basic Research in the Age of Technology

Coverage & Bad Faith Litigation: Depositions of Insurance Claims Handlers or Representatives

Annual Supreme Court Review 2020 With the NCC & ADL

Double Click on Digital Harassment

Hate Crimes Legislation: Looking Back to Look Forward

Ethics Year in Review

Thin Walls, Smart Homes, Zoom Towns & Data Breaches

Annual Supreme Court Review 2021 With the NCC & ADL

The Four Most Important Agreements in the Music Business

PowerPoint for Litigators

E-Discovery in Patent Litigation

Immigration Petitions 101

Title IX, Representing in Discrimination & Retaliation Cases

ETHICS: Elimination of Bias in Today's Legal Profession

HIPAA and Litigation: Getting and Producing Records

SA: Mindfulness for the Modern Lawyer

ETHICS: Jury Selection in the Digital Age

Using the Affordable Care Act to Close Workers Compensation Cases

Securitized and Conditional Sales Agreements

Special Issues in Military Divorce

Crouching Producer, Hidden Allegations: Sexual Harassment and Assault in the Workplace

Preparing for Medical Expert Depositions

Legal Ethics and State Marijuana Laws

Nonimmigrant Visa Options for Entrepreneurs and Businesses

SA: Attorney Inebriation, Intervention and Insight

The Ethics of Federal Disqualification Motions

Commercial Vehicle Injury Litigation

Psychological Evaluations in Criminal & Civil Cases: Part 1 & Part 2

Getting Your Attorneys' Fees Paid

A Primer to Police Misconduct Litigation

California New Lawyer's Training, which included the following courses:

Attorney Communication Duties

Attorney Client Relationship 101

Basic Law Practice Management Skills

Conflict resolution, Interpersonal Skills & Technology

Duty of Confidentiality and Conflicts of Interest

Lawyer as an Officer of the Court

Lawyer Well-Being: The Bedrock of Competence

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

Yes, I have professional liability insurance.

Business and 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.

In college, I worked for Pepperdine University in the campus copy center and served as a note-taker for Disability Services from approximately 2003 to 2005.

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,
- c. the terms of your service,
- d. the percentage of your ownership.

No.

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.

None.

Civic, Professional and Community Involvement

29. Have you ever held an elective or appointive public office in this or any other state? Have you been a candidate for such an office? If so, give details, including the offices

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

No.

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

The Meadows School Alumni Association, approx. 2009-2015, Member and Vice President;

The Meadows School Mock Trial Team, Attorney Coach, approx. 2009-2014;

Trial by Peers, approx. 2010-2012

Jewish Nevada Young Leadership Program, 2017-2018

Anti-Defamation League, Glass Leadership Institute, 2018-2019

Anti-Defamation League National Leadership Summit, 2019

Anti-Defamation League, GLI Co-Chair, Community Relations Chair

Nevada State Bar Mock Trial Committee, 2018 to present

Nevada Opera Theater, served in chorus for three operas, years unknown

As part of my involvement with ADL, I travelled to Washington, D.C. in Summer, 2019 for the ADL Leadership Summit, where I had the opportunity to lobby Senator Jackie Rosen, Senator Catherine Cortez Masto, and Rep. Susie Lee regarding several hate-crime and anti-hate related bills. In 2020, I also had the opportunity to lobby Sen. Rosen on the Pray Safe Act, a bipartisan bill to create a federal clearinghouse providing faith-based organizations and places of worship with information on safety and security practices, available grant programs, and training.

I have also participated in Pepperdine University's Step-Forward Day, a community day of service. As part of Step-Forward Day, I volunteered at a hosing community distributing food and playing with children, cleaned a school, and volunteered at Las Vegas Rescue Mission. I also participated in Pepperdine University's Alumni Project Serve, a student-led program that places students and alumni in communities needing assistance, including rebuilding post-Hurricane Katrina, feeding the community due to other natural disasters, and building schools. In 2014, I travelled to San Francisco, California with a group of Pepperdine Alumni, where we volunteered at the San Francisco-Marin Food Bank, and worked with a local business to distribute food and necessities to the community's homeless population. In February, 2018. I volunteered at the Las Vegas VA Medical Center providing free legal advice to veterans through a legal assistance program created by then Attorney General Adam Laxalt. I have also volunteered for Jewish Nevada and Loyola New Orleans providing meals to members of the Las Vegas community.

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

Traumatic Brain Injury Cases: Doctor and Attorney Perspectives, NBI, 2019

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

See my responses to Questions 22 and 30.

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

Dean's Scholarship
USA Funds Scholarship
Order of the Barrister
SuperLawyers Mountain States Rising Star, 2016, 2018, 2019

- 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 10 years, have you been registered to vote? Have you voted in the general elections held in those years?**

I have been registered to vote for the past 10 years, and believe I have voted in every general election.

- 37. List avocational interests and hobbies.**

Travel, cooking, Chicago Cubs, Vegas Golden Knights.

Conduct

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

Yes; 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 question 73.

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.

If appointed, I would likely recuse myself from any cases I am currently handling at Jones Lovelock, or any continuing cases I handled while at Alverson Taylor & Sanders and/or Kravitz, Schnitzer & Johnson.

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.

N/A.

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 particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good district court judge. In so doing, address both the civil (including family law matters) and criminal processes (including criminal sentencing.)

See Attachment B.

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

I understand electability is an important consideration for the Commission in filling Department 11. I am confident that if selected, I would make an excellent judicial candidate. I have deep ties to the community and various community organizations, which will serve as support for my candidacy. I also welcome additional community engagement to expand support, and will work hard to meet new members of the community, gain endorsements, and achieve overall success in the campaign.

49. Attach a sample of no more than 10 pages of your original writing in the form of a decision, “points and authorities,” or appellate brief generated within the past 5 years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

See Attachment C.

Attachment A
Employment History

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

Current or Last Employer: Jones Lovelock

Phone Number: 702-804-8450

Address: 6600 Amelia Earhart Court, Suite C, Las Vegas, NV 89119

From: March, 2021 **To:** present

Supervisor's Name: Justin C. Jones, Esq.

Supervisor's Job Title: Partner

Your Title: Partner

Specific Duties: Manage cases; supervise associates as head of associate education; handle all stages of litigation, including pre-litigation investigation, client meetings, manage discovery and document production, taking and defending depositions, retention of expert witnesses; draft and argue motions, and attend court appearances; draft Mediation and Arbitration briefs and attend Mediations and Arbitrations; prepare for and attend trial; and draft settlement documents.

Reason for Leaving: Currently working at Jones Lovelock.

Previous Employer: Alverson Taylor & Sanders

Phone Number: 702-384-7000

Address: 6605 Grand Montecito Pkwy., Suite 200, Las Vegas, NV 89149

From: July, 2020 **To:** March, 2021

Supervisor's Name: LeAnn Sanders, Esq.

Supervisor's Job Title: Partner

Your Title: Associate

Specific Duties: Handled all pre-litigation areas, including document review, investigation, client interviews and preparation of correspondence with clients, insurance carriers, and opposing counsel; managed discovery and document production, prepared status reports, took and defended

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depositions, prepared clients for deposition, and retained expert witnesses; drafted and argued motions; attended court appearances; drafted Mediation and Arbitration briefs and attended Mediations and Arbitrations; prepared for and attended trial; drafted settlement documents; and handled appeals including drafting docketing statements and appellate briefs. Practice areas included medical malpractice, defense of physicians in actions by the Board of Medical Examiners, business litigation, personal injury, transportation, and employment law.

Kimberley A. Hyson

Reason for Leaving: New partnership opportunity.

Previous Employer: Kravitz, Schnitzer and Johnson

Phone Number: 702-363-6666

Address: 8985 S. Eastern Ave., Suite 200, Las Vegas, NV 89123

From: November, 2016 **To:** June, 2020

Supervisor's Name: Gary Schnitzer

Supervisor's Job Title: Partner

Your Title: Associate

Specific Duties: Handled all pre-litigation areas, including document review, investigation, client interviews and preparation of correspondence with clients, insurance carriers, and opposing counsel; managed discovery and document production, prepared status reports, took and defended depositions, prepared clients for deposition, and retained expert witnesses; drafted and argued motions; attended court appearances; drafted Mediation and Arbitration briefs and attended Mediations and Arbitrations; prepared for and attended trial; and drafted settlement documents. Practice areas included insurance bad faith, business litigation, legal malpractice, medical and dental malpractice, negligent security, personal injury, and consumer finance.

Reason for Leaving: I had the opportunity to return to medical malpractice work at Alverson Taylor & Sanders.

Previous Employer: Alverson, Taylor, Mortensen & Sanders

Phone Number: 702-384-7000

Address: 6605 Grand Montecito Pkwy., Suite 200, Las Vegas, NV 89149

From: July, 2014 **To:** November, 2016

Supervisor's Name: LeAnn Sanders, Esq.

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Supervisor's Job Title: Partner

Kimberley A. Hyson

Your Title: Associate

Specific Duties: Handled all pre-litigation areas, including document review, investigation, client interviews and preparation of correspondence with clients, insurance carriers, and opposing counsel; managed discovery and document production, prepared status reports, took and defended depositions, prepared clients for deposition, and retained expert witnesses; drafted and argued motions; attended court appearances; drafted Mediation and Arbitration briefs and attended Mediations and Arbitrations; prepared for and attended trial; drafted settlement documents; and handled appeals including drafting docketing statements and appellate briefs. Practice areas included medical malpractice, defense of physicians in actions by the Board of Medical Examiners, business litigation, personal injury, transportation, and employment law.

Reason for Leaving: New opportunity to expand practice areas.

Previous Employer: Akerman, LLP

Phone Number: 702-634-5000

Address: 1635 Village Center Circle, Suite 200, Las Vegas, NV 89134

From: March, 2013 **To:** July, 2014

Supervisor's Name: Darren Brenner, Esq.

Supervisor's Job Title: Partner

Your Title: Associate

Specific Duties: Federal court representation of insurance carriers in bad faith actions for failure to pay out benefits on auto and homeowners insurance claims; state court representation of lending institutions in consumer finance litigation; actively participated in all phases of litigation, including extensive research, drafting and arguing motions, retention of experts preparing and responding to written discovery, case evaluation and client communications.

Reason for Leaving: Recruited by former firm.

Previous Employer: Alverson, Taylor, Mortensen & Sanders

Phone Number: 702-384-7000

Address: 6605 Grand Montecito Pkwy., Suite 200, Las Vegas, NV 89149

From: October, 2009 **To:** March, 2003

Supervisor's Name: LeAnn Sanders, Esq.

Supervisor's Job Title: Partner

Your Title: Associate

Specific Duties: Handled all pre-litigation areas, including document review, investigation, client interviews and preparation of correspondence with clients, insurance carriers, and opposing counsel; managed discovery and document production, prepared status reports, took and defended depositions, prepared clients for deposition, and retained expert witnesses; drafted and argued motions; attended court appearances; drafted Mediation and Arbitration briefs and attended Mediations and Arbitrations; prepared for and attended trial; drafted settlement documents; and handled appeals including drafting docketing statements and appellate briefs. Practice areas included medical malpractice, defense of physicians in actions by the Board of Medical Examiners, business litigation, personal injury, transportation, and employment law.

Reason for Leaving: Recruited by Akerman, LLP.

Previous Employer: Pepperdine University School of Law

Phone Number: 310-506-4611

Address: 24255 Pacific Coast Highway, Malibu, CA 90263

From: Fall 2006 **To:** Spring 2009

Supervisor's Name: Lorraine Grossman

Supervisor's Job Title: Assistant to the Dean

Your Title: Student note-taker

Specific Duties: I prepared and provided notes for various classes to assist another student through Disability Services.

Reason for Leaving: Graduated.

Previous Employer: Alverson, Taylor, Mortensen & Sanders

Phone Number: 702-384-7000

Address: 6605 Grand Montecito Pkwy., Suite 200, Las Vegas, NV 89149

From: Summer 2008 **To:** Summer 2009

Supervisor's Name: LeAnn Sanders, Esq.

Supervisor's Job Title: Partner

Your Title: Summer Associate

Specific Duties: Prepared document production and pleadings including Motions to Dismiss, Settlement Briefs and Motions for Summary Judgment; researched legal issues regarding medical malpractice and premises liability; attended Mediations, hearing, depositions, client meetings, and prepared summaries of same.

Reason for Leaving: I completed the summer program.

Previous Employer: Los Angeles City Attorney's Office, Maria Elena Reyes Branch

Phone Number: 213-978-8100

Address: 312 S. Hill Street, Los Angeles, CA 90012

From: Summer 2007 **To:** Summer 2007

Supervisor's Name: I cannot recall.

Supervisor's Job Title: I cannot recall.

Your Title: Intern.

Specific Duties: Reviewed case files to determine whether charges should be filed, set for hearing, or rejected, attended arraignments, and assisted City Attorneys with negotiating plea agreement with defense counsel; researched the City Attorney's jurisdiction to file felony cases rejected by the District Attorney's Office.

Reason for Leaving: Completed Internship.

Previous Employer: Clark County Public Defender's Office

Phone Number: 702-455-4685

Address: 309 S. 3rd Street, Las Vegas, NV 89101

From: Spring 2006 **To:** Spring 2006

Supervisor's Name: Jordan Savage

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Supervisor's Job Title: Unknown

Kimberley A. Hyson

Your Title: Intern

Specific Duties: Attended Justice Court arraignments, trials, Nevada Supreme Court arguments and new lawyer training; assisted Public Defenders with recording critical case dates and rulings in case files; assisted clients with completing paperwork to qualify for legal assistance and answered questions regarding criminal court proceedings.

Reason for Leaving: Started law school.

Previous Employer: Morton I. Hyson, M.D., P.C.

Phone Number: 702-387-1757

Address: 701 Shadow Lane, Suite 170, Las Vegas, NV 89106

From: Fall 2005 **To:** Spring 2006

Supervisor's Name: Nicole Hyson

Supervisor's Job Title: Office Manager

Your Title: Assistant/Runner

Specific Duties: I worked for my father's medical practice, assisting with answering phones, scheduling appointments, filing, and running.

Reason for Leaving: Started law school.

Previous Employer: Pepperdine University

Phone Number: 310-506-4000

Address: 24255 Pacific Coast Highway, Malibu, CA 90263

From: Approximately 2003 **To:** 2005

Supervisor's Name: Cannot recall

Supervisor's Job Title: Manager

Your Title: Student employee in campus copy center and student note-taker.

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Kimberley A. Hyson

Specific Duties: I worked at the campus copy center, making copies for students and faculty, binding documents, printing signs and taking payments. I also prepared and provided notes for various classes to assist another student through Disability Services.

Reason for Leaving: Graduated.

Attachment B Question 47

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 particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good district court judge. In so doing, address both the civil (including family law matters) and criminal processes (including criminal sentencing.)

My personal history, legal experiences, and diligent character set me apart from my peers, providing me with the assets and training to grow into an honorable and well regarded member of the Eighth Judicial District Court. Through my parents' journeys, I have learned first-hand the importance of hard work and dedication to personal success. It has never been lost on me that their success was not achieved without adversity and setbacks. My mother immigrated to the United States as an adult, speaking English as a second language and with no secondary education. My father was raised in a working class, single-parent household, putting himself through both music school and medical school. Together, my parents used their skills and experiences to build a successful medical practice that serves our community to this day. They never had to preach hard work, they modeled it day in and day out. My strong work ethic and desire to constantly grow in my career comes directly from them. I will bring this work ethic and dedication to the job of district court judge every single day.

My experience as a civil litigator has also prepared me to take on the role of district court judge. Over the past twelve years, I have managed cases from beginning to end. I have drafted and argued countless motions, frequently taken and defended depositions, participated in dozens of mediations, handled both private and court-mandated arbitrations, and tried jury and bench trials in federal and state court. I am comfortable appearing in court, and knowledgeable about courtroom procedure, the rules of civil procedure, and the rules of evidence. I have a wide range

of civil experience, practicing medical malpractice defense, insurance bad faith defense, business litigation, personal injury and employment law. From the jump, this broad-based knowledge will allow me to manage a diverse caseload. Through my heavy litigation case load I developed excellent time management skills, and the ability to balance multiple projects simultaneously. I will use this experience to manage an efficient courtroom and productive court calendar. My trial experience may not be as extensive as some other candidates, however this is the result of successful litigation practice, not inexperience. I have simply worked in civil areas that lend themselves to pre-trial resolution. That being said, these practice areas have imparted significant knowledge on client management and creative resolution. This again will serve me well as a judge, and assist in guiding cases through the civil process.

While the majority of my legal experience has been in civil defense, I would welcome the opportunity to preside over criminal cases as well. As evidenced by my varied experience, I can easily pivot and successfully learn and perform in new legal fields. I also have some limited experience in criminal law to draw from based on my internships with the Clark County Public Defender and Los Angeles City Attorney's Office. I am eager and willing to learn, and will not shy away from opportunities to expand my legal knowledge.

I also believe I have a good demeanor to serve as a district court judge. Over the course of my career as a civil litigator I have had the privilege of appearing in front of some of Nevada's most effective, intelligent, and respected judges. In watching these judges preside, there was a noticeable, common thread. These judges could quickly understand and differentiate arguments and apply the law while simultaneously considering the real world impact of their rulings. They were courteous to attorneys, court staff, witnesses, and jurors, and could respectfully engage with counsel even when challenging their legal positions. These judges were confident in themselves, and would not be swayed merely because an attorney took an aggressive stance or threatened

appeal. This understanding, respect, and confidence came from preparation. These judges were always prepared and ready to meaningfully engage during oral arguments.

If selected to serve in Department 11, I will bring these same characteristics to the bench. Anyone you ask about me will tell you I am always prepared. I don't cut corners. I willingly take on additional responsibilities. I appreciate the weight of serving the community in the role of judge, and will always be prepared, thoughtful, and respectful when taking the bench and in considering the issues before me. I will make the difficult decisions when necessary, and will not be swayed by an attorney or party's standing in the community or showmanship. Instead, I will consistently be guided by the merits of the cases before me.

Finally, I simply love the law. I dive into each and every case I take on. I love talking about notable cases; watching legal shows; reading about new practice areas. I dedicate my spare time to local legal programs such as high school mock trial and Trial by Peers. I volunteer to lobby our representatives on legal issues important to the community. I am enthusiastic about teaching teenagers about hearsay and watching them execute flawless objections at competition. I will bring this same love, dedication, and enthusiasm to the bench.

I appreciate your time and consideration for this important position.