

INVESTITURE OF

JUSTICE DOUGLAS W. HERNDON

Tuesday, June 29, 2021
3 p.m.

Historic Fifth Street School
401 South Fourth Street
Las Vegas, Nevada



**IN THE SUPREME COURT AND THE
COURT OF APPEALS OF THE
STATE OF NEVADA**

CHIEF JUSTICE JAMES W. HARDESTY

JUSTICE RON D. PARRAGUIRRE

JUSTICE LIDIA S. STIGLICH

JUSTICE KRISTINA PICKERING

JUSTICE ELISSA F. CADISH

JUSTICE ABBI SILVER

CHIEF JUDGE MICHAEL P. GIBBONS

JUDGE JEROME T. TAO

JUDGE BONNIE BULLA

STEVE SISOLAK, GOVERNOR OF NEVADA

INVESTITURE OF DOUGLAS W. HERNDON

JUDGE TIERRA JONES

EMILY HERNDON

KAITLYN HERNDON

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INVESTITURE PROCEEDING

CLERK OF THE COURT:

The Supreme Court of the State of Nevada convenes in special session for administration of the official oath of office to the Honorable Douglas Herndon, Chief Justice James W. Hardesty presiding.

CHIEF JUSTICE HARDESTY:

Good afternoon. This is the special session of the Nevada Supreme Court to conduct the investiture of Justice Douglas Herndon. We would like to begin the proceedings with the pledge of allegiance, led by Mackenzie Starker. Mackenzie?

IN UNISON:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

CHIEF JUSTICE HARDESTY:

Thank you, Mackenzie. Please be seated everybody.

Before I begin the proceedings, I would like to remind everybody that this is an official proceeding of the Nevada Supreme Court, and as such, this proceeding, like regular court proceedings, is governed by the court's administrative order, which requires the use of masks in common areas or where the public is convened. I realize that throughout the state there are inconsistencies in how this is handled, and I apologize for that, but the court has, this court has, been consistent in requiring masks in these settings. So I would appreciate your accommodation in this regard, and I apologize for the imposition. If you do not have a mask, the supreme court has a whole box of brand new, shiny masks for you to use.

Today is a very special day for Justice Herndon, his family and friends, Nevada's judiciary, and the legal community—in fact, the people of the great State of Nevada. At long last health restrictions have been relaxed—sort of—venues have opened up, and frankly, a day of celebration long awaited for the newest justice on the Nevada Supreme Court has finally come.

Judicial investitures are very unique in many ways. Principally, it is an opportunity for the citizens of Nevada to participate in and witness the formal proceedings in which one of its fellow citizens transitions to a judicial position. With the oath, it is a solemn occasion in which the judge makes a public commitment to support, protect, and defend the Constitutions of the United States and the

State of Nevada. And it is also a day to recognize the many professional achievements and contributions that brought the judge to this point in his or her life, and it is a time to learn some things—especially from the guest speakers—about the judge we probably would not have heard about before. So it's also a time to poke fun at Justice Herndon, and we'll look forward to that opportunity today.

In Justice Herndon's case—and I like to kind of follow a little history—I thought I would mention to you that he becomes the 59th citizen, Nevada citizen, since statehood in 1864, to serve on the Nevada Supreme Court as a justice. Quite an accomplishment, Justice Herndon. And so today's adventure, like all those—investiture—like all those that have proceeded it, is historic and momentous. So, let's get this party started, what do you say?

I would like to begin by introducing many of the dignitaries, members of the judiciary, and the like who are present with us today, and we thank you all for coming. But let me begin by first introducing my colleagues on the Nevada Appellate Court System.

To my right is Associate Chief Justice Ron Parraguire; to his right is Justice Kristina Pickering; and to her right is the Chief Judge of the Court of Appeals, Judge Michael Gibbons. To my left is Justice Elissa Cadish; and the vacant seat will eventually be for Justice Herndon. And to his soon-to-be left, Judge Bonnie Bulla, who recently was reelected to the court of appeals, for which we are very thankful, and she was sworn in in January with Justice Herndon up in Carson City.

So let me introduce a few folks who are with us today. And I would like to begin with the members of the judicial system. First, hobbling along, is Chief Judge Linda Bell. Chief, you don't have to stand up, but we're grateful you're here with us today. If the other judges, once I announce your name—and everybody, if you would please hold your applause, we will get through this—but I want all the judges to stand and turn and be recognized.

Let's begin with Chief Judge Bert Brown from the Las Vegas Municipal Court; Judge Jacqueline Bluth; Judge Cara Campbell with the Las Vegas Municipal Court, there she is, okay; Judge Christy Craig; Judge Melisa De La Garza, with the Las Vegas Justice Court, welcome; Judge Crystal Eller, hi Judge; I saw Judge, let's see, Cameron Ferenbach, the United States Magistrate Judge; Senior Judge Carolyn Ellsworth; the svelte Senior Justice Mark Gibbons, and I think he's been working out or something, Sandy is really taking it to him; Judge Betsey Gonzalez; Judge Chuck Hosken; Judge Carli Kierny, thank you, Judge; Judge Harmony Letizia from the Las Vegas Justice Court; let's see, let's go to Chief Judge Melissa Saragosa, is she present with us today? I don't see her; Judge Cristina Silva, thank you, Judge; is Judge Natalie Tyrrell here from North Las Vegas Justice Court, hi Natalie; Senior Judge Valorie Vega, I know she's here; Judge Bitia Yeager; Judge Monica Trujillo;

Judge Lilly-Spells, there she is, okay, yes; let's see, Judge Mary Kay Holthus; Judge Tierra Jones; let's see, the Court Administration is represented by Mr. Steve Grierson, Steve, thank you for joining us; and Mr. Andres Moses is also with us today from the Eighth Judicial District; I believe Miss Terri March may be with us from the North Las Vegas Justice Court, hi Terri, thank you for joining us; and let's see, also Judge Nadia Krall, Judge, there you are, thank you; I would also like to thank and welcome Miss JoNell Thomas from the Special Public Defender's Office; and Mr. Chris Lalli, Deputy District Attorney; and I don't know if Mr. Wolfson made it, I didn't see him, is he here? Steve, I don't see you here. Okay.

Are there any members of the judiciary that I missed that should be introduced? Well, of course, they should be introduced, but did I miss them is the question. Okay. Would all of you please thank and welcome the judiciary.

Let's also introduce the members of the Nevada Supreme Court Staff with us today, that are the leaders in the AOC. Katherine Stocks is our new Director of the Administrative Office of the Courts, welcome Katherine; and John McCormick is the Deputy Administrative Director of the Courts, John, I'm not sure where you are; and also I would like to thank Elizabeth Brown, who is the Clerk of the Court for the Nevada Supreme Court; and Kurt Jensen, who is the Clerk of Court for the Court of Appeals, Kurt, welcome.

Are there any constitutional officers who are present today, state constitutional officers? I don't see any. Okay. Thank you very much for everybody coming today.

Most importantly, I would like to introduce the immediate members of the family of Judge Herndon, Justice Herndon soon to be, Carrie, Kaitlyn, and Emily, would you all please stand. Congratulations to you guys, and the whole family. It's a big occasion.

Okay. Let's see. I think that just about covers everybody. Is there anybody out there who feels they are a dignitary and would like to be introduced? We've just about introduced everybody, as it is.

Okay. One of the special occasions that occurs in an investiture, as I mentioned earlier, is the opportunity to hear from speakers selected by Justice Herndon. So our first speaker today is Judge Tierra Jones. Thank you, Judge, for being with us today. Welcome.

JUDGE TIERRA JONES:

Good afternoon, everyone. I want to let you guys know that I am so nervous, and anybody who knows me well knows that that's really hard to do.

I'm here today to talk to you guys about Justice Doug Herndon—the man, the myth, the legend. There are so many things that I could say about this man, and everything that he has done for me, and everything that he has done for a lot of people who are out in the audience, and a lot of the members of the legal community. I could

stand here with you guys for days and tell you stories about everything that he has done, but today is not about me; today is about Justice Herndon.

But I can't help myself. I have to tell you guys at least a couple of stories about my adventures with Judge Herndon that led us to where we are today. When I was a young and up-and-coming prosecutor, or so I thought, I had a murder case that I got in front of Judge Herndon. And then someone, who is also in the audience, who is a dear friend of mine, who I now have the pleasure of calling a colleague, had invoked their right to a speedy trial in this case, and so we had to get ready in 60 days. And I had the DNA lab and everybody telling me, there is nothing we can do, Tierra. We cannot get this stuff done in 60 days. This mean colleague of mine also was not willing to give me a continuance.

So I filed a motion for a continuance, and I filed it in front of Judge Herndon. And Judge Herndon looked at me, and he said, "You and Metro should have got it together before you guys filed charges against this guy. You better be ready in 60 days." At that point I thought he was just being mean, and he didn't want to see me succeed, but what I realized is he was making me a better lawyer because I've never had a case in my career as a public defender or as a prosecutor that I worked harder to investigate on my own, a case that I worked harder to look over, the case that I ultimately had to work really hard to see it wasn't worth what I thought it was worth, and we ended up having to negotiate that case. And he was just trying to make me a better lawyer.

Then in 2017, when the appointment process was opened for Department 10, and I told him I was going to apply for the appointment, and he said, "Tierra, I'll help you in any way that I can." When he said he was going to help me, that was a game changer for me in the appointment process. But when he said he was going to help me, that was an understatement as to what that man did for me in the appointment process. He went and got his own application so that I would have the ability to review it and I would have a guideline as to where I needed to start. This is someone who was in the office on a Saturday helping me work on my application, reaching out to Governor Sandoval's office, and making sure that they knew the needs of the district court and where the court currently stood. He did everything he could to help me secure that appointment.

And that is when I learned that not only was Judge Herndon my mentor, but Judge Herndon was my friend. Judge Herndon did everything he could to help me get on the bench, and once I got on the bench, he did everything he could to help me stay there. But he's the type of person that isn't just doing this stuff for me. I know as I say these things, there's people out there who can think of the amazing things that he's done for them.

He led the Criminal Division of this court for so many years, and during that time, he accomplished so many things. All of the community partners knew that's the guy you could call when you had a problem. The public defenders knew it, the prosecutors knew it, Metro knew it, other courts knew it, because he was going to help you, and he was going to solve that problem.

His time as being Criminal Presiding Judge also was very interesting for him. He had a very interesting time with a track partner. He had a lot of things that occurred with that track partner, a lot of very interesting situations. But he didn't care, he stepped up to the plate and handled those things, whether he was sentencing someone on a seven-day jury trial that he didn't preside over, whether he was having to get cases remanded from the Nevada Supreme Court that he now had to take, he stepped up to the plate and did all the things that were necessary, because that was what was best for the court.

And in 2017, along comes the Homicide Program. If you tell a lot of these people over here and a lot of people out here, we want you to take hundreds of homicide cases that are years and years old, and we want you to put them in order, we want you to divide them up equally, and we want you to get them assigned to people, most people would run. But he didn't. He stepped up to the plate and said, "I'll take on that program."

I remember talking to his staff when they first inherited Homicide, and them saying, "There were days we had 30 people in the box who had been accused of killing someone, and they were all here together." But he put them all on calendar, and he divided up those cases, and he kept a quarter of them, and he divided up the remainder.

And I will tell you guys, I inherited that program when he left, so I have all the stats dating back to 2017. He kept a lot of stuff. He handled a lot of things. There were a lot of cases where people entered pleas, and he kept them. There were a lot of problem children that he kept, that he didn't pass along to his colleagues, because that's the guy that he was.

He led this court, and he led this court flawlessly. But one of the ways that he led this court is he led by example. This is a man who never asked you to do something that he wasn't willing to do. This is someone who did jury trial after jury trial after jury trial. Everyone knew if you had a homicide case and you were unavailable that you should call him, and he would take that case for you if he didn't have one of his own.

And even considering that, when I was running overflow, he was still my go-to guy—well, no, I take that back—Judge Leavitt is my go-to person, but he was definitely number two. If Judge Leavitt had already taken a case, or she had one of her own, I could always call Judge Herndon and say, "Hey, it's Thursday afternoon, I've got one

case I need to place by tomorrow morning.” And if he wasn’t in trial, he was going to take that case, and he was going to try it for me.

And when we sat down to talk about me getting on the district court bench, I asked him, “Does this interfere with you being able to be there for your kids and being able to do things for your girls?” And he said, “No, Tierra, you make it work. They’ll tell you, there are times we went to lunch at 2 o’clock while I was in trial because I had to run out to the Meadows and take care of things for my kids, and I went out there, and I did it, and we were back on the record at 3:30.” Because not only was he dedicated to that, but he was also dedicated to his work.

When I bring up the subject of the Meadows, because anyone who ever appeared in front of Judge Herndon also knew it wasn’t rare—at least once or twice or month—to walk in the court and those Meadows kids are sitting up on the bench ready to call the cases. And those Meadows kids were there, because that was what he was doing for them, he was showing them how the court system worked. And you had somebody who is 8 or 9, no older than probably 11, calling these homicide cases, and calling these cases, and they were so proud to sit there and say, KC-19-354. Those kids were in absolute heaven when they got to do that because he always had time for them. And that never interfered with the business of the court, and that never took away from the business of the court. Because when you went to Department 3, if you got there a little early at 9 o’clock, it was still a little early for Judge Herndon.

When I was a young prosecutor, I used to ask the marshal, “Has the eagle landed?” And he would tell me no, which means I had about 15-20 minutes before that 9 o’clock calendar started at about 9:25. But once he did hit the bench, you knew that you were going to be treated fairly, you knew that you were going to get just results and that the right thing would be done, because he took pride in showing us all how to do it and showing us all how to do it correctly.

As most of you know, Judge Herndon was a criminal DA. He didn’t do any civil work before he hit the bench. But when I hit the bench, and I was asking around to several people that I know, “Who should I be talking to if I have questions? Who should I be asking questions of?” one name that I heard over and over again is Judge Herndon. The civil bar was very devastated to lose Judge Herndon to the Homicide Program. And they would all always say to me, “He really got it. He dedicated himself to learning civil, he dedicated himself to knowing our issues, and we really, really loved him as a judge.” So I did exactly what they said, and when I had a question, I went to Judge Herndon. And it’s really devastating now that I don’t have that ability, because if I do something that somebody is unhappy about, it then becomes his problem.

This is a man who sacrificed a lot. He sacrificed a lot for everyone. When he made the decision to run for the Nevada Supreme Court in the same year that his term as district court judge was ending, that was a sacrifice, because had that sacrifice not ended well for him, his days as a judge would have been over. And that would have not only been bad for him, but that would have been bad for every citizen of Clark County. Because he wanted to make that sacrifice, because he knew we had a fabulous female majority supreme court, but he wanted to join that court, and he wanted to make that court even better than what it already was. So he made that sacrifice. He sacrificed having to campaign statewide while he was running the Homicide Program, while he was doing trials. He made those sacrifices, and luckily for him and all of the citizens of the State of Nevada, that sacrifice worked out for him.

So when I heard from Judge Herndon that he wanted me to take over the Homicide Program after he left, I was so nervous, and I kept saying to myself, "Those are some big shoes for me to fill. How am I ever going to do this? How is this going to work?" And I started the process with me and Judge Herndon sitting on the bench in tandem, and Judge Bell cringing at home because neither of us was wearing a mask. We sat on the bench together, and I tried my best for weeks to absorb everything he was doing and watch him handle this calendar flawlessly. But no matter where we were in the calendar, he always stopped if I had a question. A couple of times we had to stop because he was trying to keep a case that I was going to have a conflict on after he left. He didn't care. He stopped, he answered all of my questions, and he made sure that he left that program in a position where I could take it over and I wouldn't have any problems.

But sitting there with him and watching him run the Homicide Program, one of the things that I did learn is the shoes that he left behind are shoes that can't be filled, because this man, this myth, the legend that is Doug Herndon is something that only belongs to Doug Herndon and something that I could only hope one day to strive to be. Thank you.

CHIEF JUSTICE HARDESTY:

Thank you, Judge, for those remarks. The myth and the legend; I'm going to remember that. And now I have an explanation why we can't find him or Parraguirre most of the time.

I understand that we are honored by the presence of Senator Cannizzaro. Senator, welcome. Thank you. Please stand up. Oh. Please. Thank you for taking the time to be here.

The next speaker is the first of two of Justice Herndon's daughters, Emily Herndon. Emily, welcome. Thank you for being here.

EMILY HERNDON:

Hello, everyone. My name is Emily Herndon, and I am the youngest member of the Herndon family.

First of all, I just wanted to say thank you to everyone for being here and having supported our family over the past about year and a half during the campaign process. As many of you know, I'm currently enrolled in college on the East Coast, and I cannot tell you how grateful I am that when I was away my parents had countless friends and family waiting to go above and beyond to support them along the campaign trail. To each of you that offered a kind text or a picture of a finished ballot, I offer you my sincerest thanks and gratitude.

Now that all of you know how much my family loves all of you, I do have to admit something. This is not my first rodeo. The last time I took the stage during my dad's investiture was actually my fourth birthday. Katie and I were in matching dresses—we're not right now—and my mom explained to us that it was very important for us to stay still and quiet while my dad received his honor. Instead, I got out of my chair, ran up on stage, and my dad finished taking his oath while holding me, and I rubbed his clean-shaven face.

Now let me tell you, I work with children almost every day now, and I understand how tiring and frustrating toddlers are. He could have sent me back down to my mom and been kind of upset with me for acting out and potentially ruining the ceremony, but instead he proudly announced to everyone that it was my fourth birthday. When I was too shy to say anything, he encouraged the crowd to actually sing happy birthday to me. Here he was receiving this incredible honor and promotion, and my dad shared what should have been his day with me.

So that's the anecdote I'll begin this speech with, because if there's a way for me to describe my dad's parenting style and general character, it is an emphasis on selflessness and sharing it all with us. And I don't just mean sharing a spotlight at a big event. I'm talking about sharing all kinds of things: advice, stories, small mementos from his past, and every part of himself.

I won't stand before you all and pretend that I know what it's like to be a parent, but from what I understand, the gift of children often requires a lot of giving. It's funny how that works. And by God, did my parents give. I am talking never missing a performance, soccer game, cross-country meet kind of giving. And that goes over your head a lot when you are a kid. I think my mom was constantly trying to explain that my dad wasn't just showing up for things, he was rearranging an entire calendar, as Judge Jones explained to you all, just to come to the Meadows at 2 p.m. to see us.

Regardless of how taxing his work was or what commitments to his career and those involved with it, I was number one. My dad

always shared his time with me and made our family his number one priority in all things. He taught me that trait that I will carry forward with me, and when I have children of my own one day, no matter what goes on with my life, I will be just as present and involved as you were with us, because you made me feel like the center of the universe, and I will give that to them as well.

That presence and involvement did not stop after my early childhood. When I was in high school, I took quite a few APs and advanced classes, despite my dad's better judgment. I ended up coming home from cross-country practice with a couple hours of homework facing me. Even when I stayed up until the early hours of the morning, my dad was there. He refused to go to bed until I did, and oftentimes I would look up from my calculus homework to see him fast asleep on the couch. I was never alone on those late nights of homework and studying because my dad was always there waiting for me to finish.

This was true regardless of the year or class. When I took my first chemistry course in my sophomore year of high school, I realized that my teacher was not particularly invested and left us with a textbook to teach ourselves. I was crying and stressed out, and my dad sat down with me on the floor to study chemistry. He explained to me that he had not taken chemistry since organic chemistry in college and that he would do the best he could. He allowed me to bounce ideas off of him and try to come up with a solution until we figured it out. Not a lot of people can spend decades specializing in reading and writing law, only to sit down and work a couple chemistry problems one night, but my dad can. So in case any of you are nervous, you do have an experienced chemist on the Supreme Court of Nevada now.

My dad's patience and constant support during my breakdowns actually gave me the confidence to declare a chemistry major a couple of months ago, which is so ironic after that day. So once again, thank you, Dad, for always being present and supportive because you actually gave me the foundation to pursue my dreams.

Now I know I'm here today to speak about Justice Douglas Herndon, but I would also like to take a moment to acknowledge the man many of my childhood friends still know him as, Coach Doug. That's right, soccer coach to the stars. Every Monday, Wednesday, and Friday my dad would drive from work in downtown to the soccer field to coach, in his suit, or as one girl called it, his tuxedo.

He loved to use sports as a way to teach us adversity. It was a class of mind over matter. Your body is tired; your mind can make you keep going. So when I broke my arm and ended up needing multiple surgeries, it was my dad's lessons on adversity and his own personal vulnerabilities with me that actually kept me calm. He wasn't ashamed to tell me about how his broken bones and subsequent surgeries had meant losing quite a lot to pain, including the

college football recruiters. Although I was always acting, trying to act, strong for him in waiting rooms and doctors' offices, my dad taught me how to own my pain. It was okay to admit when things hurt, it was okay to be in pain, but there was no point in being a victim, because when bad things happen, we have to keep moving forward and finding a different way to look at it.

The mentality got me through three excruciating surgeries and pain. He taught me that the world isn't fair and that people get hurt badly sometimes, but we keep going. I think that was part of what made him such an amazing prosecutor and judge. He was not afraid to empathize with individuals in his courtroom, but I also watched him advise so many on how to address their own traumas and pursue a better future.

My dad was always big on giving advice to both those in the courtroom and his daughters, Katie and I. We came to him with all kinds of issues about growing up, and he always had some kind of quote or story to tell us. I think the best advice my dad ever gave me was when he printed out President Theodore Roosevelt's "Man in the Arena" quote as I entered the college selection process my senior year. The gist of the speech is that the onlookers at a gladiator battle will have a lot to say about the competitors—they're too slow, too weak, not good enough—but until they're actually in the arena, experiencing the blood, sweat, and tears of that man, their pain doesn't even matter. It is better to be in the arena trying and failing than to not try at all.

No matter what happened to me in life, whether I got rejected from colleges, failed exams, or broke down from stress, my dad would always be proud of me. He knew I was trying. He knew that I went after everything I wanted and that, even though ambition does not always mean success, he commended me nonetheless. The effort I gave to my dreams was not going unnoticed, and with that quote, I felt seen.

So I hope you know, Dad, I see too. I see that it was probably really scary to leave your job to run for a position in a political race on the other side of the state, and even though I am so excited you came out victorious, I would have been proud of you regardless, because you are the man in the arena, bloody and beaten, and I see how hard you work for the citizens of Nevada. The world can comment on your rules and criticize your decisions, and yet you remain calm through it all. You give everything you do your absolute all, and it shows.

So thank you for sharing it all with us, Papa. Thank you for sharing your time and presence to make me understand from an early age that I would always have my family; for sharing your adversity and vulnerabilities so that I could grow to be the best version of myself; for sharing your anecdotes and advice to help me through

the hard times; and finally, thank you for once again sharing the stage with me tonight so that I can explain to all of our friends and family just how amazing of a man you truly are.

I have been blessed to have you as my dad for these past 20 years, and I hope you know that not a day goes by that I do not thank my lucky stars for you, Mom, and Katie. Thank you for helping me to be the woman I am today and for helping countless individuals in Nevada find justice and peace. You are truly an incredible man and an equally amazing judge turned justice. Every bench you sit on is a better one because of it, and I can confidently say I am way more than cautiously optimistic about your future on the bench. I love you deeply. Thank you.

CHIEF JUSTICE HARDESTY:

Thank you, Emily. That was wonderful. So let's hear from your sister Kaitlyn.

KAITLYN HERNDON:

So I had a little introduction, but I'd rather say I really hate going third. This is super unfair. But hi, everyone. I'm Kate. I'm the first born.

First of all, I'd like to thank all of you for being here and for getting to share space with us in this moment that is super huge, and it's so exciting to see everyone in person and to get to have this moment with you all. It's really a special moment of celebration, and I'm so grateful that you all made time and are here to celebrate with us. Consequently, I have quite a few things that I would like to say to you all.

All of my dad's and my most important conversations have taken place on especially grueling hikes or runs. For whatever reason, we will make a plan to set out at 7 or 8 a.m. in the morning, and inevitably a few things will happen. We will stay up too late the night before watching a movie, probably a bad one; we will oversleep, and someone will demand another cup of coffee before we set out; and finally, we will arrive at our destination way too late, with the Las Vegas sun beating down overhead extremely mockingly, 105, 107, 114 degrees. Not many people know this, but anything over 100 is the perfect temperature for a lovely chat.

After I moved away for undergrad, hikes and runs became my dad's and my routine for catching up. We would, without fail, walk, jog, sprint, scramble, sweat, and talk about everything. We both like being outside, fresh air and sunshine, and we like the emotion, aware of our surroundings, able to move through space freely. I think these impulses speak to something really particular about my dad, and I'll use an anecdote that he'll appreciate in order to elaborate.

A common myth about sharks is they have to keep swimming or they'll die. This is not entirely true, but most species of sharks

actually do live best and most happily while swimming, circulating oxygen and wastewater through their gills. My dad is a shark. He's always on the move, always doing something—running while rewatching *The Avengers*; refilling the hummingbird feeder; removing every leaf from the yard; and he's constantly pen to paper, or more recently smart pen to tablet. He has to be reading, and he has to be learning. I've seen him this way all my life.

As I mentioned, there was never a day growing up that my dad wasn't on the couch until 3 or 4 in the morning, with a binder the size of the dictionary and a whole fleet of highlighters, going through every case with unprecedented scrutiny, even if that level of attention ultimately meant that he fell asleep, often with his shoes on. And my dad was and is that way, extremely dedicated. And that dedication presents itself in a lot of ways. Sometimes it's learning the entire sport of soccer in order to coach Em's and my teams, and other times it's writing incredibly detailed mock trials for students who come into his courtroom. He approaches everything with energy and focus, helping me turn a pumpkin into a Padres baseball player for an elementary school contest or helping me with my student council sign so that every letter is the exact same size. He answers the "what do I do now" phone calls and refuses to quit on the complicated LEGO sets that we spend all of our time building, even when we're both tired, and as the night goes on, each piece gets somehow very much smaller.

And something paramount to me, a fact that is indicative of the larger thread of character, as we go for our routine jogs, he will listen patiently as I rant about yet another bad idea for a horror movie that I am writing, which might be a moderately unsettling experience. But my dad has never been unkind to my passion. Whether it was my sister's entrance into the world of medicine or my deep dive into film, my dad was there and is there cheering us on, because passion was taught in our home growing up, which is an exceptional thing. He will pick up the phone, research something for you, investigate. If you express interest in something, you better believe you will have ten articles about the subject very soon. And I am grateful every day that my dad moves through the world with this kind of energy, believing that everybody deserves to live a life of passion, a life where you can go to sleep knowing that you're proud of the work that you do every day.

My dad is one of the most passionate people I know—passionate and compassionate, which is why his seat on the bench is truly well-filled. When you take someone that loves law, loves the intricacies and the import, and tie that person to real concern for others, you get something special. You get someone remarkable.

I was chatting with my mom about curiosity, how much we as people love talking about how curious kids are. They want to know how many bugs there are in the whole world, why the sky is blue,

do fishes sleep, and we applaud their imagination and the way that they ask questions so freely. My dad is curious like that. He wants to know why and how. It comes up in the conversations we have on our hikes and runs, our differences between points of debate and exchanges of our own knowledge. My dad knows how to ask questions, how to interrogate, but also how to seek explanation and elaboration. With this, I know yet again that the supreme court has gained a truly special individual.

He has his core beliefs, and he honors them every day through his work ethic and commitment to service, in the way that he fights, refusing to back down for standing up for what is right. But he is willing to grow. His curiosity is a marker of someone always ready to live in a world that is expanding and changing. My dad is someone that can and will expand and change along with it.

He traveled all over this State, meeting people of different beliefs and mindsets, interests, and backgrounds. He exchanged insights, listened, learned, and grew, and people so quickly came to admire him and see him as someone they trusted, someone they were happy to put their faith in.

And I have so much faith in my dad, in his growth moving forward, in his growth, in his choice to keep growing, a certainly difficult thing, but the most important. As his child, that is the greatest gift he can give me: to see your parents stay curious, to see your parents push their own limits, to honor the world and rise to the occasion of learning the world's true kaleidoscopic detail over and over again. In his commitment to being someone characterized by both conviction and curiosity, my dad honors the world that he lives in. In his commitment to bringing both of those attributes to the supreme court, my dad honors the work that he does.

My dad talks constantly about his thankfulness, how lucky he feels to be doing this work alongside such sharp minds. He is proud for the opportunity to do good in this state, and I am proud of him—so proud of his commitment, and his dedication, and his care.

I don't really have the words for this part, but my dad cares about everything. He cares about people, he cares about my family and me, and I don't have enough words for the degree to which I am proud of him or how lucky I am to be speaking about him right now. It will take a lifetime of hikes and runs for me to fully express that, I think, but I promise I will keep trying, and I am ready whenever you are. Thank you.

CHIEF JUSTICE HARDESTY:

Congratulations, ladies, on your comments about your dad. It is very apparent from our association with him and our friendship with him that he holds you in high regard, and you should know that everything you've said about your dad and his participation on the supreme court is coming true every single day. You have every

right to be very proud of him. So let's get him sworn in so we can make it official. How does that sound? Let me call upon Associate Chief Justice Parraguirre to administer the oath of office to Justice Herndon.

JUSTICE HERNDON:

Can I take my mask off?

CHIEF JUSTICE HARDESTY:

Yes, please do. Yours is going to fall off anyway; I know that.

JUSTICE PARRAGUIRRE:

Okay, Douglas, raise your hand and repeat after me. (*Justice Parraguirre administered the oath of office to Justice Herndon.*)

CHIEF JUSTICE HARDESTY:

I'll have the clerk provide the robe, and we'll have you put the robe on your dad. Ladies and gentlemen, it's my pleasure to introduce you to Justice Douglas Herndon.

JUSTICE HERNDON:

Yes, I kind of don't know where to start now. Everybody get some candy when you were coming in? So I was well-known for having this—I didn't get to hug I was well-known for having this pension on the district court bench to have candy up there. I started—well, as Craig Hendricks knows—I lived on Skittles throughout my time in the district attorney's office, right, and then I got healthy and moved to jelly beans as a district court judge, and now I'm on to gummy bears because they have less calories.

But, so we would have trials all the time, because I loved being in trial, and one of the people that appeared in front of me all the time for trials was Marc DiGiacomo. And I don't know if Marc is here or not, if he made it today. But we would always have these moments during trials, very serious and heavy trials, and he was respectful as to when he would do it—it wouldn't be in the middle of somebody's examination, right, it would be when the witness was leaving the bench, or something along those lines—and he would look up from his table very solemnly, "Can we approach the bench, Judge?" I'd say, "Sure, come on up to the bench." He, and usually poor Pam Weckerly had to be there with him, the defense attorneys, would all come up, and I would lean down over the bench towards the microphone, the white noise is all going off, and I'm like, "Marc, what's going on?"

"I just need some more jelly beans."

Then he would dig his paw, his dirty paw, into my cup of jelly beans, such that eventually I just started leaving his own cup on his table because it was much easier.

But in any event, I hope you grabbed some candy while you were out there because I've got a few things to say. It might take a few minutes. There's going to be some crying, I'm sure, by me at least, if not my lovely bride as well. But I thank you all very much for being here and for your patience, particularly Chief Justice Hardesty.

We originally had this planned back in January, as some of you knew. We moved it to February. We may have moved it to March at some point for a short bit, and I just kept kind of saying I need it to be at a point where my daughters won't have to leave their schools in Maine and California and therefore be quarantined, et cetera, because it's just not going to work. And I have so many people that I really wanted to be able to be here, including my family—my father was able to come from Texas; my mom has some health issues and couldn't—but I just kept, you know, if we continue it a little bit further, things will open back up a little bit, you know, people are getting vaccinated, the Governor is going to open things up. Please, Governor Sisolak, open it back up.

So I am really just eternally grateful that we got this date, we're able to get all together, and you're all here supporting my family and me, and it means the world to me, so thank you very much. And thank you so much, Elizabeth and John and Carrie, and everybody else who's worked so hard to plan this event today. A lot goes into this, and you guys have done an incredible job, so thank you.

My kids kind of alluded to this—I don't really have a lot to say about myself. I'll talk about the job in just a moment. But I am incredibly thankful and incredibly grateful for the gift that I've been given, and so I feel the need—somebody is going to start playing the Oscars music in a minute, I'm sure—to kind of thank some people, so bear with me. And first and foremost, it's my wife.

Have you ever heard that term you marry above your pay grade? Yes, right here. We've had quite a 30-plus year journey since we moved here, intending all along to stay here for a year or two or maybe three, and then go back to Texas where most of our family was, and it just became apparent really quickly that this was our home. I love you so, so much; more every day since we met in college.

And this is a “we” thing; this isn't a “me” thing. There is nothing in my life that has been gifted to me, with all the opportunities that I've had, that aren't an expression of you as well. I can't imagine living a life without you, and having you by my side as such an incredible, tremendous woman, so intelligent and funny and passionate and kind and such a great mother. You have changed me in so many ways you probably don't even realize, which has made me not just a better person, and hopefully husband and father, but as a judge as well. And your goodness in the way you see people and see the world is just so inspiring. I love you so, so much. And as far as my daughters, oh my God, girls, right?

So Matt Becker, are you still here? Where's Matt? Matt? Hi, April. So Matt and April are on the Board of Trustees at the Meadows school, right? And Carrie and I were on there for many years. And years ago, when I was the president of the Board, there was this, "Hey, we're all tired of trying to find graduation speakers, so let's just have the president of the Board be the speaker." That was great, right? So Lawrence Epstein did it, and Rollie Sturm did it, and then I was the president. And the first year that I was president, Kaitlyn was the student body president, and Emily was the 9th grade president, and so everybody said, "Hey, you're going to speak at graduation, right?" Hell, no. I am not following my daughters. That's not going to happen. It will be too emotional, and they're really good speakers, and they're going to make me look bad. So I'm probably going to look bad, so thank you.

But gosh, do I love you both, and you did a tremendous job. You always move me with your words but, more importantly, with how you conduct your lives. You are both so intelligent and beautiful and talented and accomplished. And like your mom, you lead with your hearts, and you so appreciate making the world a better place. I know you are going to do incredible things, and I was so happy to sit here and listen to those things that you think I've been there providing for you. That warms my heart. Every day when I think about both of you, my heart smiles tremendously.

And the famous quote that you didn't mention is the one that you guys live every day, which is you never sacrifice your gifts. You give your best at everything, whether it's school, jobs, dealing with people, working in the community, whatever it is, and that inspires me so much, and it's why I do what I do with you all, and with your mom as well, and why I try and be as good a person as I can as a judge as well. You may not realize it, but you—at some point, right?—you kind of start informing the parent. It's not just the parent informing the child. And you guys have grown to be such incredible women, and I love you both so much.

Tierra, welcome to the family—great speaker, right? You're making it really difficult here. I couldn't be more proud. And I remember that day vividly at the end of a long motion calendar, I'm still sitting up on the bench, you come up there and say, "Everybody's gone. Hey, I got a question. You know, I'm thinking about that appointment process kind of thing." I was so happy that you wanted to do that. For those of you that don't know, I have tried for many years, once I became a judge, about five or six years into it, and perceived that there was a lack of equality on our bench, particularly with female judges. And I would go to people all the time trying to get them to run and pleading during the last time cycle with criminal defense attorneys because we didn't have that kind of balance on our benches either. And I couldn't be more proud of all of you that have run and been elected and are doing great jobs.

What was it, probably five, six years ago—when did you get appointed?—’17, okay. So we had that conversation, and then you asked me to get involved with writing a letter, which, you know, I think you’re maybe exaggerating how much time I spent trying to help you, but I’m glad you remember it that way. A little revisionist history is okay when it makes you look good, right?

But, yes, it was a pleasure to go through that process. I told Governor Sandoval that Tierra was the quintessential Nevada success story, right? The little girl from Hawthorne, which I think about every time I drive through Hawthorne—and I do a lot of driving, back and forth now—who went to UNR and then went to UNLV Law School, became a public defender and a prosecutor, and is now going to be a judge, if you listen to what I’m trying to tell you, Governor Sandoval, which thankfully, he did. And I’m sure it was a lot more than me, obviously. And then just watching your growth on the bench, it warms my heart, as it did Judge Adair. We used to sit and talk a lot about knowing where we wanted you to end up once we got the Homicide Team going, and she was such a fan. You will always have her looking out for you, I’m telling you right now. In addition to me here, she’s up there looking out. And here’s the reality: I’m an old guy, and I’m just keeping your seat warm, right? As soon as you get tired of what you’re doing there, you let me know, and I’ll ride off into the sunset, and you can come spread some wisdom to the court as well.

I also have two other people that I want to personally thank. Victoria Otter. Where did Victoria go? I can’t see you. Oh, you didn’t raise your hand. So Victoria and Carrie and I, our families have known each other since our kids were in kindergarten, and you could never have a better person if you want to run for an elected office than the friendship of Victoria Otter and her family. She is a campaign manager, scheduler, fund raiser, event hoster, and force of nature with the energy of twenty people. And you’ve been through multiple campaigns with me. You were there for everything last year from Cowboy Poetry forward, through the pandemic, everything. I love you dearly, and I know Carrie loves you dearly, and my family is so indebted to you. So thank you for everything.

And if this works out, and I end up being kind of decent at this job, then kind of give kudos to my wife. If I end up kind of stinking, blame Parraguirre, okay, because he’s the one that talked me into doing this. But seriously, I mean, he said, “Hey, come on, give up that job you’re in. I know you like it, but let’s run for statewide office, right?—in a global pandemic. It will be fun. We can do this.” I didn’t know about the pandemic part, but it was fun. But seriously, you have been so terrific, like an older brother in terms of mentoring me and giving me advice and helping me. You are older, just a little, just a little. Actually, I would say twin, but just a little older. But advising me and mentoring me and helping me throughout that

process of navigating the state and learning about so many different aspects of Northern Nevada and what I needed to do to campaign. And opening your home to me to let me shack there when I had to drive back and forth during the pandemic and make appointments and visit, and then kind of helping guide me as I started on this journey on the court as well. Everybody has done that but with particular notice to you. I love you, you've been great. You and Joy have been just tremendous to my family, thank you.

I can't keep naming individuals, right? I know, I've got to wrap it up. We have a lot of family and friends that have come from near and far. I mentioned my father, my in-laws, a lot of friends as well who have traveled from out of state—a lot of folks, obviously, from here in Nevada, people in the legal community, outside the legal community. And please know that not just where I am right now in this job, in the last year of getting me to this job, but over the course of time that you've had affiliation with my family, know how much we love and respect each of you and appreciate everything you've done with us that's helped us be successful. It truly means a lot.

And lastly on the people thing, before I mention the job, I've got to talk about—I hate the word staff—but it is what it is, right? I have been blessed for so many years, since I was in the district attorney's office, to work with the most tremendous people, and I know a number of you are here. I've seen Molly; I've seen Corey; I don't know if Sara is here; and Jill and Stacy; and Ayden is here, I know; and Jennifer and Catherine; and Jackie; and JR; and my new executive assistant Lindsey; my law clerks Christina and John; staff attorney Miranda. And I mention all of them personally because here's the thing, I was raised and coached up to believe you're as good as the people you work with towards a common goal. And you need to find good people. And that has always been my primary focus in hiring people.

When the law school would send out their applications, saying fill out this form to tell us who you want to interview, it had all these arbitrary things in there about law review, and GPA, and everything. I wouldn't fill out any of that. I said, "I'll interview anybody that wants to work with me." Because my focus was find good people—it's that simple—good people who want to do good things. They want to work hard, they want to work with other good people, they want to contribute, they want to accomplish things in a common goal within an environment, which can be very close in a judicial chambers. And it doesn't matter that I'm the guy that goes to court and signs the decision and whatever, every single person that I work with is just as important as I am, and they work just as hard as I do. And I love you all. Thank you so much for everything that you've meant for 20-plus years in my career as an attorney, a judge, and now a justice.

So I will offer a couple of thoughts about the job, right? I know everybody forgot that I got this job back in November. It's funny because—and a lot of you probably know this—but I was never a guy that was going to be an attorney, right? That never was on my radar at all. I grew up wanting to be a marine biologist. That's why I had a little bit of chemistry knowledge. I studied marine biology and biochemistry in college. Until very late in college, I figured, you know what, I'm kind of good at reading and writing, and I'm not sure what I want to do with my life. Maybe I'll go to law school and get this education and see what happens. Because of that, I have viewed every job that I have had within the law as if I got the golden ticket. I got the golden ticket when I got to be a prosecutor. I loved that job. I loved everybody in my office, my best friends in the public defender's office, people in the court system, everybody. I thought it was the greatest job ever.

I never thought about being a judge. I just wanted to do that job and do it as well as I could, in testament to the people of this community that embraced my wife and I when we moved here and didn't know a soul, and then we decided to make it our home. And then eventually you kind of get to that point that you think where you're feeling like, I've kind of done everything I want to do. What else can I try and do now?

I didn't expect to be appointed to be a judge, just like Tierra is talking about. When I went through the process, the three people were me and Susan Johnson and Tim Williams, who are both terrific judges. And I thought, "This ain't happening." And I got appointed. And I kind of approached it in the same way: Do this job as good as you can do it and appreciate every day the job that you're privileged to do because it's a terrific job, you guys all know that. To be able to go into court and have the power to do the right thing and work people's issues and help them, whatever side of the aisle they're on, is an awesome responsibility. And if you can't be passionate about doing this kind of work, then you need a passion check, right?

But it is such a privilege, and I did it until I felt like, you know what, I've done everything I wanted to do in this job, I've got a worthy successor that wants to be on the Homicide Team—not really, she didn't want it, but we made her—so I'll move on. And I will do this job the same way. I feel so privileged to be given this opportunity. I pinch myself all the time because I'm like, I don't know how a kid from Texas who wanted to be a marine biologist ended up with a desk job in the desert on the Nevada Supreme Court, but I'm really thankful because my wife and I agree that our lives have worked out terrific.

But it is, it is just so awesome, and mainly because of the people. The justices that I work with, Elizabeth, the clerk of the court, Phaedra Kalicki who runs all our central staff of attorneys, all those attorneys, all the personnel that work the same way I talked about

earlier, good people working towards a common goal of doing good things. And it is just such a terrific job, a lot of work, but such a terrific, fun job.

And I thought about this the other day, so I looked it all up—I hope you guys don't mind. But I was sitting in conference with the other six justices, and this thought occurred to me, and so I looked it up so that I would be able to say it today. When we go into conference and sit around and talk about cases, there is 245 years of legal experience and almost 125 years of judicial experience. Now some of you attorneys are going to say, "Yes, and you still can't get my case right." I get it, but I promise you those decisions don't come about absent an incredible amount of time and effort by each of these justices to prepare your cases, to deliberate, to talk about them with humility.

I love this collaborative process where everybody is willing to listen and hear what other people are saying, the ideas they have, and revisit their own things, so that we can come to the collective best decision that we can. But sometimes I sit there and I forget what I needed to say when Chief Justice Hardesty calls on me, because I'm just listening to what everybody is speaking about and being so enamored of their recollection of cases that the court issued a year ago, two years ago, or how this is going to affect things that we're moving forward doing. And it is just such an awesome experience, and I feel so incredibly privileged to be in that room, so incredibly privileged.

Outside of being a husband and father, this is the greatest privilege that I could ever imagine having, and I will do my best to reward people every day for their confidence in allowing me to be in this position, for electing me to this position. I love this state and its people. The independent spirit of this state is what it was that made Carrie and I decide to stay here and make it our home, to the detriment of all of our family in Texas, some of whom are here today. But I feel hugely, hugely appreciative of having carved a 30-year career in public service, being able to answer to people, and trusting myself to do my best to provide them with a hard day's work and the best that I can give them in the resolution of their issues, and I promise that I won't let you down in doing that moving forward. So, thank you.

CHIEF JUSTICE HARDESTY:

Justice Herndon.

(The investiture was adjourned.)

