

COMMISSION ON JUDICIAL SELECTION APPLICATION

SECOND JUDICIAL DISTRICT COURT
DEPARTMENT 13

By

Alexander Charles Morey



Personal Information

1.	Full Name	Alexander Charles Morey
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.	How long have you been a continuous resident of Nevada?	17 years and 8 months
4.	City and county of residence	Reno, Washoe County
5.	Age	43

Employment History

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

Current or Last Employer	Silverman Kattelman Springgate Morey, Chtd., aka Silverman Kattelman Springgate, Chtd., fka Silverman, Decaria & Kattelman, Chtd.
Phone	775-322-3223
Physical Address & Website	500 Damonte Ranch Pkwy., Ste. 675, Reno, NV 89521 www.sksreno.com
Date(s) of Employment	08/2010 – present
Supervisor's Name and Title	As a partner, I participate directly in the management of the firm; as an associate attorney, Gary R. Silverman was my primary supervising attorney
Your Title	Partner 2016–present; associate attorney 2010–2015
Describe Your Key Duties	I provide direct representation to clients, participate in the management of the firm and its personnel, and make strategic decisions for the firm in conjunction with my partners. This past year, as the firm transitioned to a new case management software, I worked to develop specific tools and templates to tailor the software to domestic relations and family law practice.
Reason for Leaving	I remain a partner in the firm.

Current Employer	Board of Regents, Nevada System of Higher Education University of Nevada, Reno, Extended Studies
Phone	775-784-4046
Address & Website	Redfield Campus, Nell J. Redfield Building A, 18600 Wedge Parkway, Reno, NV 89511 https://extendedstudies.unr.edu
Date(s) of Employment	Fall 2023–present
Supervisor's Name and Title	Nyleen Adams, Human Resources Manager
Your Title	Instructor
Describe Your Key Duties	I identify, organize, and facilitate presentations from professionals in legal and legal-adjacent fields of interest or importance to students seeking a paralegal certificate. The topics include practical questions and answers about careers, career advancement resources for paralegals, interesting areas of law, legal procedure, and the role of paralegals in various practice areas. The presentations are designed to enrich the learning experience and enhance the academic portion of the course.
Reason for Leaving	I remain employed.

Previous Employer	Second Judicial District Court, Washoe County, NV
Phone	775-328-3110
Address & Website	75 Court Street, Reno, Nevada 89501 https://www.washoecourts.com
Date(s) of Employment	08/2008–08/2010
Supervisor's Name and Title	The Honorable Deborah Schumacher (retired), District Court Judge
Your Title	Law Clerk
Describe Your Key Duties	As a law clerk, I had two primary duties. First, I managed the submissions to the court, prepared proposed orders to resolve those submissions, conducted legal research, and drafted memoranda, summaries, and decisions under the direction and guidance of my supervising judge. Second, I had a duty to learn so that at the conclusion of my clerkship I would have improved skills and judgment to offer clients.
Reason for Leaving	After two years as a law clerk, I entered private practice.

Previous Employer	Law student
Phone	
Address & Website	
Date(s) of Employment	02/2008–08/2008
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	During this period, I was a law student and studying for the bar exam prior to beginning my clerkship.
Reason for Leaving	

Previous Employer	National Crime Victim's Law Institute
Phone	503-768-6953
Address & Website	https://ncvli.org ; https://law.lclark.edu/programs/criminal_law/cvlc/NCVLI/
Date(s) of Employment	07/2007–02/2008
Supervisor's Name and Title	Meg Garvin, Executive Director
Your Title	Clerk
Describe Your Key Duties	The NCVLI “seeks to create justice systems that recognize the human experience and hold space for victims’ voices.” I participated in that mission by conducting legal research on topics of interest to the Institute, drafting memoranda, and assisting on other legal writing.
Reason for Leaving	Funding for my position ended, and I did not qualify for work study.

Previous Employer	Law student
Phone	
Address & Website	
Date(s) of Employment	08/2005–07/2007
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	During this period, I was a law student.
Reason for Leaving	

Educational Background

7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

School	Dates of Attendance	Certificate/Degree	Reason for Leaving
Gonzaga University, 502 E. Boone Ave. Spokane, WA 99258	2002–2005	BA Math & Philosophy, <i>Cum Laude</i>	Graduated
Cal Poly San Luis Obispo, 1 Grand Ave, San Luis Obispo, CA 93407	2001–2002	N/A	Transferred to Gonzaga University
St. Mary's High School, 816 Black Oak Dr, Medford, OR 97504	1997–2001	Diploma	Graduated

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

Basketball Team – I worked my way from the freshman team through junior varsity and spent two years on the varsity basketball team in high school.

Boy Scouts (Order of the Arrow) – I was a Boy Scout until my junior year in high school, as a senior member of my troop. I was a member of the Order of the Arrow, which is the Scout's national honors society.

Cross Country Team – I ran varsity cross country in high school.

Independent Study Computer Programming Senior Year HS – During my senior year of high school, I filled one of my periods with a computer science independent study to continue learning computer programming, primarily in Java and C++ languages, in preparation for college. I have always enjoyed programming. The unique blend of creativity with rigorous logic to create something new and functional excites me.

Work Study at Gonzaga University – I held a work study job in the Foley Center Library at Gonzaga University in the periodicals department during my time at Gonzaga. My supervisor maintained the periodical collections.

Gonzaga University Philosophy Capstone – To receive my BA in philosophy at Gonzaga, I completed a senior capstone project, a slimmed down master's thesis. The project required intensive research, analysis of source materials, and novel philosophical thinking. As I was simultaneously completing the requirements for a BA in Mathematics, I used my capstone project to apply mathematical techniques to philosophical topics.

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

School	Degree	Rank	Reason for Leaving
Lewis & Clark Law School, 10101 S. Terwilliger Blvd, Portland, OR 97219	Juris Doctorate, <i>Cum Laude</i> , 2008	Unknown	Graduated
Pepperdine Caruso School of Law, 24255 Pacific Coast Hwy, Malibu, CA 90263	N/A	36 of 235	Transferred to Lewis & Clark after marriage

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.

National Crime Victim Law Institute, part-time, research and writing clerk, July 2007 through February 2008.

United States District Court, District of Nevada, Valerie Cooke, Magistrate Judge, Extern Summer Clerk, Summer 2007.

Nevada Department of Public Safety, Extern Summer Clerk, Summer 2006.

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

Environmental Law Review – I was a member of Lewis & Clark Law School’s law review, Environmental Law. I served one year, 2007–2008. I could not serve on the law review during my first year at Lewis & Clark because I had transferred to the school and membership required at least one year of academic performance metrics.

Ninth Circuit Environmental Review – I was also a member of the Ninth Circuit Environmental Review, a subgroup of the Environmental Law Review selected on academic performance, tasked with writing published case summaries for significant Ninth Circuit cases touching on environmental law.

Bluebook Citation Competition – During my 1L year at Pepperdine, I represented my class unit—Pepperdine divided the 1L class into three units of approximately 80 students each—in the annual Bluebook citation competition.

Law Practice

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

2008

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

N/A

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

No

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 15-19 for the five years directly preceding your appointment or election to the bench.

Legal Discipline	Percentage of Practice
Domestic/family	95%
Juvenile matters	0%
Trial court civil	1%
Appellate civil	3%
Trial court criminal	0%
Appellate criminal	0%
Administrative litigation	0%
Other: Please describe	1%

In addition to my primary work in domestic and family relations cases, I have handled probate and estate matters and currently serve as a trustee of a private irrevocable trust.

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

My career has focused on domestic and family relations cases which are not tried to a jury. I participated in one jury selection, and I have had one matter, which arose in a family court proceeding, that involved claims initially set for a jury trial. I succeeded in having those claims denied on summary judgment, and the matter proceeded to a bench trial on the remaining claims.

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

As a domestic and family relations practitioner, I have not tried a jury case. Family law proceedings are bench trials. In my practice, I focus on complex litigation, which increases the volume of work in each case but decreases the total number of cases I manage. By statute, alternative dispute resolution is encouraged in domestic and family relations matters, reducing the frequency of resolution through a contested trial. In accordance with that directive, I make all reasonable efforts to prepare cases for trial, which I find facilitates settlement. That is especially true in Northern Nevada because many of our family law cases are assigned to settlement conferences with the trial judge. That practice, in my opinion, encourages settlement, reduces the strain on court resources, and generally leads to better outcomes for litigants. Nonetheless, some matters need to be resolved through trial or evidentiary hearing. In family law matters, much of that litigation occurs in contested evidentiary hearings before and after the initial judgment. Pre-judgment litigation occurs to create controlling orders for the period between the filing of an action and its resolution. Post-judgment litigation is common because domestic and family relations matters involve ongoing ties between litigants to their children, property, and support obligations. Many of those proceedings also resolve through alternatives to contested hearings. Despite my best efforts to achieve appropriate settlements, I estimate I have tried five cases to a decision on either an initial divorce or child custody proceeding or in post-decree litigation in the past five years.

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

Appellate Courts:

Nevada Supreme Court
Nevada Court of Appeals

District Courts:

First Judicial District Court, Carson City
Second Judicial District Court, Washoe County
Third Judicial District Court, Lyon County
Fourth Judicial District Court, Elko County
Ninth Judicial District Court, Douglas County
Tenth Judicial District Court, Churchill County

Justice Courts:

Justice Court in the Township of Sparks, Washoe County

Municipal Courts:

Municipal Court of the City of Fernley, Lyon County

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

Case 1
Case name and date: James W. King vs. Victoria A. King, Decree Entered March 31, 2015
Court and presiding judge and all counsel: Second Judicial District Court, Washoe County, Department 2, Honorable Egan Walker Gary R. Silverman & Alexander C. Morey for Victoria A. King Richard W. Young for James W. King
Importance of the case to you and the case's impact on you: This was my first substantial bench trial in family court. It involved tracing issues, choice of law issues, business valuation with competing experts, pension division and its interaction with social security and alimony, and community property claims to separate property real estate during the economic downturn of the mid-2010s which caused the <i>Malmquist</i> formula used to calculate the community interest in separate property to produce unexpected results, generating a negative return to the community due to depreciation. The trial emphasized to me the importance of expert credibility, simplicity in argument and presentation, and focusing on essential issues rather than addressing all possible issues. I keep the lessons I learned in this trial in mind throughout my practice.
Your role in the case: Associate attorney and second chair counsel for trial.

Case 2
Case name and date: Donald D. Schumaker vs. Dorothy Schumaker, Divorce Decree Entered December 27, 2022.
Court and presiding judge and all counsel: Ninth Judicial District Court, Honorable Thomas Gregory. Alison Joffe for Dorothy Schumaker; Todd Torvinen for Dorothy Schumaker (post-decree) Alexander Morey for Donald Schumaker Patrick O. King (prior counsel for Donald Schumaker)
Importance of the case to you and the case's impact on you: This case involved elderly individuals, with one party facing declining physical and mental health, complex tracing of assets allegedly dissipated during the later stages of the marriage, and the dissolution of a marriage lasting over 50 years. This case was an extreme example of a "gray divorce" involving parties well into retirement. As our population ages, these cases and the issues that arise for parties divorcing well outside their working years will only become more common. In this case, despite these challenges, we successfully negotiated and enforced a settlement while collaborating with professionals to manage capacity and health concerns.
Your role in the case: Counsel for Donald Schumaker.

Case 3
Case name and date: John Isak Fors vs. Anita A. Fors, Divorce Decree Entered May 30, 2025
Court and presiding judge and all counsel: Second Judicial District Court, Washoe County, Department 12, Honorable Sandra Unsworth Alexander C. Morey, initial counsel for Anita Fors Michelle Kazmar, counsel for John Fors John Keuscher, substitute counsel for Anita Fors
Importance of the case to you and the case's impact on you: This case involved the husband's loss of over \$1,000,000 to an internet fraud scheme known as "pig butchering." The scheme involved internet dating websites and the movement of various cryptocurrencies. Initially, my team and I meticulously tracked the funds from community sources to cryptocurrency wallet applications. We then analyzed the blockchain transactions to identify the husband's transfers to unknown individuals. Subsequently, we developed evidence demonstrating his deliberate disregard for risk indicators, ultimately demonstrating his culpability for wasting community funds. This evidence culminated in a settlement that fully compensated the wife for the loss of community property. This case provided me with valuable insights into the cryptocurrency world, the blockchain technology, the fraudulent use of cryptocurrency assets, and the vulnerability of a seemingly educated and successful middle-aged male population to exploitation through internet-based crimes.
Your role in the case: Counsel for the wife, Anita Fors.

Case 4
Case name and date: In the Matter of the Marriage of Amy Seward & Russell Seward, Divorce Decree Entered July 24, 2014, renewed litigation in 2018 and 2020.
Court and presiding judge and all counsel: Second Judicial District Court, Washoe County, Honorable Linda Gardner, ret., Honorable Sandra Unsworth Alexander C. Morey for Amy Seward (nka Amy Berkhausen) Melissa Exline for Russell Seward
Importance of the case to you and the case's impact on you: I was involved in multiple chapters of this case. At the time of the initial divorce, the parties had one minor child of their marriage who was then four years old. The opposing party was not represented at that time, and the parties negotiated a cooperative settlement including a parenting plan. Unfortunately, conflicts existing at the time of the divorce caused ongoing custody issues and further litigation in 2018 and again in 2020, during which the family underwent two child custody evaluations which focused on the complex psychological and family dynamics contributing to the ongoing conflict. The conflict between the parents was obviously stressful for their daughter who was growing up within the family courts and within her parents' litigation. Looking back, this case was a poignant reminder that some cases should be tried and decided by a judge. The best intentions to bring peace through settlement in this case by all involved likely led to additional trauma that might have been avoided had the case proceeded to trial and received findings of fact from an impartial decision-maker.
Your role in the case: Counsel for Amy Berkhausen in initial divorce and subsequent post-divorce custody litigation.

Case 5
Case name and date: Julie Holloway vs. Jason Holloway, Divorce Decree Entered June 14, 2023, final order resolving post-decree litigation entered February 26, 2025, final order dismissing appeals entered May 7, 2025
Court and presiding judge and all counsel: Second Judicial District Court, Washoe County, Department 14, Honorable Tamatha Schreinert Alexander C. Morey & Gary R. Silverman for Jason Holloway in the trial court Robert Eisenberg, Jordan T. Smith, & Alexander C. Morey for Jason Holloway in the appellate court Shawn B. Meador & Bronagh Kelly for Julie Holloway
Importance of the case to you and the case's impact on you: This case revolved around claims of infidelity and misappropriation of community assets, alongside intricate property matters involving venture capital funds, retirement benefits, real estate management, and business interests. The crux of the case hinged on an unsettled legal question regarding what constitutes spending in furtherance of an extramarital relationship. The case proceeded to trial, culminating in a court decision. Unfortunately, much of the litigation transpired post-decree, primarily due to the complexity of the estate's assets and the substantial interaction required to unwind the estate following the divorce. This case underscored the importance of developing specialized tools for managing complex property disputes within family courts. It also highlighted potential flaws in Nevada's policy decision to maintain the community property estate until the divorce decree rather than establishing a fixed date. Furthermore, the case shed light on the challenges faced in resolving a complex financial relationship that developed during a marriage and the difficulties encountered by courts in crafting comprehensive orders to anticipate future issues in high-conflict and complex actions.
Your role in the case: Counsel for Jason Holloway.

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

No

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

Lawyer in the Library – I have volunteered in the Lawyer in the Library Program operated by the Washoe County Law Library and was specially recognized in 2017. The program relies on attorneys to volunteer their time to meet one-on-one with about ten members of the public in a two-hour session to give advice. Family law has historically been one of the most in-demand topic areas.

Pro Bono Clients – I have represented pro bono and reduced-fee clients over the course of my practice, primarily in actions involving child custody. Two cases stand out. The first is a case I took after appeal in which my client suffered from multiple sclerosis and was facing a loss of nearly all her custodial time with her children, and which we resolved through mediation, securing my client safe and meaningful parenting time. The second case involved allegations of domestic violence and coercive control in which my client had initially fled the state with the parties' child resulting in adverse orders, despite which I successfully brought the case to a resolution, securing my client joint legal and physical custody.

Service on the Family Law Executive Council – I have served on the Family Law Executive Council (FLEC), which is the governing body for the Family Law Section of the Nevada State Bar since 2020. FLEC manages the family law listserv and is responsible for planning and managing the yearly Family Law Conference during which hundreds of members of the family law bar gather for continuing education and camaraderie. FLEC also includes standing committees for work on amicus briefs, legislative action, military affairs, publication of scholarly articles, and certification of family law practitioners as specialists in family law. While a member of FLEC, I have been a co-chair of the standing committee on the NFLR, the Nevada Family Law Review; the liaison between FLEC and the Nevada Chapter of the American Academy of Matrimonial Lawyers, and the chair of the specialization committee. As a member of FLEC, I authored FLEC's position statement on changes to the structure of the bar examination in Nevada commonly called the Nevada Plan. FLEC membership requires attendance at quarterly meetings lasting approximately half a day along with interim meetings and email communication as necessary. FLEC historically divides the meetings between Reno and Las Vegas and encourages in-person attendance. Each member of FLEC is elected to a two-year term by the members of the Family Law Section of the Nevada State Bar and is eligible for re-election up to four times. I have been elected three times, am in my sixth year on FLEC, and currently serve as the Secretary.

Family Law Specialization Board – I was appointed to the Family Law Specialization Board in 2021 and simultaneously appointed the Chair. The Specialization Board is tasked with inviting practitioners to apply for specialization, vetting applications, creating, and implementing the examination taken by applicants to qualify as specialists. As Chair, I am primarily responsible for managing the application process, coordinating and managing board meetings, preparing the examination, and coordinating study sessions and grading of the exam. Currently, there are 43 family law specialists recognized by the Nevada State Bar. In 2025, in coordination with the Family Law Section's Bar liaison, the Board implemented an online application process for specialization. In 2025, I spearheaded and successfully obtained the continuation of the Family Law Section's specializing entity status for another six-year term.

Committee to Revise the Washoe County District Court Rules – I served on the committee to revise the local rules of practice for the Second Judicial District Court to update the rules and conform them to the changes made to the Nevada Rules of Civil Procedure in 2020. Judge Lynn Jones headed the committee.

Committee to Create Rules for a Pilot Program for Complex Divorce and Property Proceedings – Currently, I serve on a committee to create the rules for a pilot program to handle complex divorce and property proceedings in the family courts. Judge Charles Hoskin heads the committee. The goal of the pilot program is to create management procedures for particularly large and complex financial cases, so those cases can be managed efficiently to best allocate the scant judicial resources available while providing every case the time and attention required by the importance and complexity of the issues involved.

Grading Bar Exams – Since 2016, I have been a grader for the Nevada Bar Exam. Each year, grading the assigned essay answer involves coordinating with other graders over practice exams, reading approximately 100 exams, and painstakingly and impartially grading the exams to identify minimum competence. The turnaround time for grades is often short. Grading requires speed and precision in review.

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

Current Memberships:

Nevada State Bar, 2008–present
Washoe County Bar Association, 2010–present
Family Law Executive Council, Family Law Section, Nevada State Bar, March 2020–present,
Secretary September 2025–present, past chair of the standing AAML Committee, past co-chair
of the standing NFLR Committee
Family Law Specialization Board, Family Law Section, Nevada State Bar, Chair, 2021–present
American Bar Association, Section of Family Law
American Bar Association, Solo, Small Firm and General Practice Division
American Bar Association, Section of Litigation

Past Memberships:

Bruce R. Thompson Inns of Court, Associate
Nevada Collaborative Divorce Professionals

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

I am in compliance with the continuing legal education requirements for a Nevada licensed attorney. I am also in compliance with the higher standards imposed on board-certified specialists in family law.

Course Name	Date
Military Divorce: Pension Division and Survivor Annuity	1/19/21
2021 AAML Virtual Midyear Meeting Family Law (includes the below presentations)	3/10/21
Cybersecurity Tips for Lawyers in a Work-at-Home World: Make Sure you are Ethically Compliant	
The Successfully Run Remote Law Practice Part 1: People	
The Successfully Run Remote Law Practice Part 2: Technology	
Trial by Zoom!	
Coaching Tips for Witness Preparation and Attorney Advocacy When on Zoom: Conveying Confidence, Credibility, and Honesty	
Rent a Judge: The Pros and Cons of Arbitration and How the Process Works	
Identifying and Addressing Implicit Bias Issues in your Practice and Legal Community	
Avoid a Pyrrhic Victory: Trust Resolutions in Divorce	
Working with Transgender Clients and Children: Cultural Competency for Family Lawyers	
AAML Northern CA 44th Annual Symposium, Vision: A Family Law Case Study (included the below presentations)	5/21/21
Client Interviews	
Keynote - From the Ivy League to a Gun at My Head	
Managing the Intersection of Psychology and Family Law	
When Bad Behavior Becomes Criminal: Prevention and Response	
Advanced Business Income Issues	
Rounding out the Team: When and How to Engage a Financial Planner to Apply State-of-the-Art Financial Tools & Techniques in Complex Divorces	
How the New Tax Law Affects Family Law	
From Napa to Naples: What you Need to Know About International Child Abduction Cases	
Lunch Panel - Further Discussion of How to Use Financial Planning to Navigate Complex Divorces	
Assessment of Substance Use Disorders	

Investment Accounts: How to Avoid Hidden Traps When Applying the Principles of Tracing, Characterization, and Apportionment to Investment Accounts	
it's None of Your Business . . . Or is It?	
Holistic Mental Health for Lawyers	9/20/21
When Zealous Advocacy Crosses the Line	9/28/21
AAML Northern CA 45th Annual Symposium: Monopolizing Family Law Issues 2022 (included the below presentations)	4/29/22
"You Inherit \$100": Probate and Dissolution Issues	
"Get out of Jail": Marsy's Law in Family Law - Yes, No, or Maybe?	
"Pay \$10 Fine or Take a Chance": Contemporary Issues in Private Judging	
"Advance to Go, Collect \$200": Cryptocurrency and NFTs	
"Advance to St. Charles Place": Untangling Property that is Jointly Owned by Married Persons. A Game of Polyopoly	
Keynote: Coercive Control and Impact on Children	
"You have been Elected Chairman of the Board": Business Valuations - Options and Alternatives. When Should I Build Hotels on Boardwalk?	
"You have won Second Prize in a Beauty Contest": The Impact of Social Media on Cases and Courts	
"Pay School Fees of \$50": Moving Beyond Intractability - Working Successfully with Entrenched Clients	
"When Landing on Boardwalk is Bad News": Navigating Income Available for Support on Behalf of High Earners and their Supported Spouses	
Chronic Stress and the Practice of Law	10/7/22
Trust Accounts: Why Do I Keep Hearing About Them?	10/7/22
Advanced Cash Flow Analysis	10/31/22
How to Handle All 23 Types of Retirement Division Orders	11/2/22
PowerPoint for the Courtroom and Beyond	2/21/23
2023 Family Law Conference (included the below presentations)	3/2/23
Retirement Accounts and Recent Developments in the Law	
Abuse and Neglect	
The Intersection of Bankruptcy Law and Family Law	
Drafting Marital Settlement Agreements	
Evidence in Family Law	
Case Law Update	
Child Interviews / NRCP 16.215	
Implied Bias	
Clients with Diminished Capacity: Balancing the Interests	
Attorney Wellbeing and Resilience in Today's World	
Discovery and Seeking Sanctions	

Relocation: Best Practices and Practical Tips	
Advanced Family Law 2023 (included the below presentations)	12/7/23
If I had listened to my Therapist I Would be Partner by Now	
How to Take a Vacation from Your Practice	
Technology in Family Court	
Deposition Techniques for Cross Examination	
The Falconi Writs: Privacy, Court Access, and the Future of Closed Hearings and Sealed Files	
Stop Throwing Shade at Family Court	
Immigration Issues in Family Court	
What is Adequate Cause under Meyers and Kelsey	
Civility and Professionalism in the Practice of Family Law	
Alternative Service Under NRCPC 4	
AAML Northern CA 47th Annual Symposium: Averting Disaster: Hope for the Best, Plan for the Worst (included the below presentations)	5/3/24
Mo Money, Mo Problems: Income for Support and the Notorious M.S.O.L	
Co-Ownership of a Community Business after Divorce: What could Possibly go Wrong?	
Can I Get a Consultation? Psychological Testing in Family Law Matters	
Iceberg Ahead: Mastering Set Asides and Post-Judgment Relief	
Custodial Considerations for Children with Complex Needs	
Discovering and Dealing with Innate Unconscious Bias at Work	
Practical (or Paranoid???) Perspectives on Premarital Agreements	
Technological Threats to our Practice, Forensic Imaging, AI	
Ethics/Bias	
2024 Family Law Conference	9/26/24
How to Examine a Tax Return: Determining How Much Cash a Company is Generating for Temporary Support Orders, Alimony, and Child Support	
The Business of Valuations: How to Approach and Adjust Accordingly. When it May be Necessary, What the Experts Need, and How to Interpret the Report	
Judges Panel: Reviewing a Financial Disclosure Form from the Judicial Perspective	
Evidentiary Admissions from the Judicial Perspective. Mock Trial	
Dissecting Child Custody Evaluations: How to Review and Understand the Mental Health Portion. What Types of Custody Cases would Benefit from an Evaluation	
Navigating the IV-D Child Support Program in Nevada	
Securing the Marital Estate: Options for Securing a Former Spouse's Property Equalization Obligations Against Real, Personal, and Intangible Property Interests	
Parental Alienation.	

A Trauma Informed Approach to Justice: Understanding Litigant Presentation	
Burnout (Vicarious Trauma Included) and Practical Self Care for the Busy Lawyer	
Be Shrewd, Don't Get Sued: The Nexus Between Ethical Law Practice and Avoiding Malpractice Suits	
Case Law Update	
AAML Northern CA 48th Annual Symposium	5/2/25
Charting the Course: Navigating Income and Cash Flow Issues for Retirement-Aged Parties (included the below presentations)	
Disability (Mental Incapacity), Death, Divorce: How to Navigate when the Three D's Collide	
Who Gets the Embryos? A Family Lawyer's Guide to Assisted Reproduction Law	
A Walk through Bonus Support: Preparing Fair and Enforceable Bonus Support Orders	
Alternative Asset Management: Navigating Valuation and Equitable Apportionment Issues Involving Private Equity, Venture Capital, and Hedge Funds	
Rethinking Joint and Sole Legal Custody	
Keynote Speaker: How to be a Human Whisperer when Everyone is Shouting - Updated	
Emerging Technological Trends in the Workplace	
Palimony: A Walk in the Park?	
Outer Conflict, Inner Peace	
From Paper to Pixels: The Evolution of Digital Technologies	7/16/25
2025 Family Law Conference (included the below presentations)	9/18/25
Disorders in the Court	
QDRO Survivor Benefits	
Legislation Update	
A Simple Guide to Understanding 432B v. 159A Child Guardianships	
The Evolving Landscape of Family Court: An Analysis of Recent Appellate Rulings with the Appellate Court	
Malmquist in a Nutshell	
Divorce and Real Estate: What You Don't Know CAN Hurt You	
The Law, Practical Tips, and Argument Around Obtaining and Defending Against Interim Fees, Awards of Attorney's Fees, and Fees as Sanctions	
Valuation on Trial: What Attorneys Need to Know about the Build-Up Model	
Building Forever Families: Adoption Changes in Nevada	
Difficult Clients	
Getting Facts into the Record, Practical Tips for Presentation	

2025 Annual Meeting: How Is That Ethical? Laughing at Lawyer Ads Session	11/8/25
Implicit Bias	11/8/25
Navigating Your First (or Next) Jury Trial	11/17/25

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

Yes. I have professional liability insurance through my firm.

Business & Occupational Experience

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

Yes. I am an instructor for the Paralegal Studies Certificate Program through the University of Nevada, Reno, Extended Studies. I took the position in the fall of 2023 and remain in the position today. I have had no other employment outside the practice of law and serving as a judicial law clerk since graduation from law school. Prior to law school, I worked as a student employee at the Gonzaga University Library. In high school, I worked at a car lot. My father put me to work in his pharmacy in Eagle Point, Oregon, in my early teens.

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

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

I am a Partner at Silverman Kattelman Springgate Morey, Chtd. We are a law firm. I have been a partner since 2016. As a partner, I participate in management discussions regarding case flow, staffing, and finances. Recently, I have been particularly involved in our move to a cloud-based practice management and billing software. I have an equal vote on decisions with my other partners; I have a one-third ownership interest in the firm.

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

I have the good fortune and honor to serve as the trustee of a former client's asset protection trust. I serve in a fiduciary capacity only. I have no ownership in the assets of the trust, nor do I have a beneficial interest in the trust. I have served as the trustee since 2022. As the trustee, I am vested with authority to use my independent judgment to make decisions concerning the trust assets and distributions. I regret that an appointment as a District Court Judge will require me to relinquish my position as trustee.

Civic Professional & Community Involvement

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

No

29. Have you been a candidate for such an office?

No

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

N/A

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

Family Law Executive Council, March 2020–present, Secretary (elected September 2025)

Family Law Specialization Board, 2021–present, Chair 2021–present

Committee to Revise the Washoe County District Court Rules, 2019

Committee to Create Rules for a Pilot Program to Manage Complex Divorce and Property Proceedings, 2025–present

While I was a law clerk, Judge David Hardy recruited me to help with his creation of a manual for guardianship proceedings in Nevada akin to the Family Law Practice Manual

Bar Exam Grader, 2016–2025. I have been a grader for the Nevada Bar Exam since 2016.

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

Legal Research Presentation: Seminal Case Law & Application, Nevada Family Law Conference 2024, Paralegal Track, co-presenter Lorien Cole – this presentation focused on the fundamental legal concepts in Nevada family law matters, the relevant case law, and the application of the law.

Case Law Update, Nevada Family Law Conference 2024, Attorney Track – this presentation focused on developments in Nevada family law through published and unpublished decisions by the appellate courts over the preceding year.

Marital Property Rights: Community Property, Separate Property, and How Nothing is Easy – I gave this presentation on community property law to the Douglas-Carson Legal Professionals in 2021.

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

Coaching Youth Soccer – For three seasons, I had the pleasure of coaching my older daughter’s youth soccer teams through Great Basin Youth Soccer League here in Washoe County, including during a season impacted by restrictions as part of the COVID-19 pandemic.

Boy Scouts – Membership in the Boy Scouts of America was a meaningful part of my life from when I first joined as a Webelos in fourth grade. The Boy Scouts gave me the opportunity to learn life and leadership skills as I grew with my troop, participate in and plan community service projects, attend summer camps, and explore the wilds of the Northwestern United States from crawling through the Lava Tubes of Northern California to biking the Oregon coast.

Law Review – As described above, I was a member of Environmental Law, a law review at Lewis & Clark Law School, and one of a select number of law review members selected to the Ninth Circuit Review.

Annual Law Day presentations – I have had the pleasure of twice presenting to 5th grade classes in Washoe County during Law Day, “an annual commemoration held on May 1st to celebrate the rule of law and cultivate a deeper understanding of the legal system.”

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

Academic Honors:

President’s List Gonzaga University, Spring 2003
 Dean’s List Pepperdine School of Law, Spring 2006
 Dean’s List Gonzaga University, Fall 2003, Spring 2004, Fall 2004, Spring 2005
 Dean’s List Cal Poly San Luis Obispo, Spring 2002
 Scholar List, Lewis & Clark Law School, Fall 2006, Spring 2007, Fall 2007
 Ninth Circuit Environmental Review
 National Scholars Honor Society 2003
 Tenaya Hall Living/Learning Program Honor Society, Cal Poly San Luis Obispo, CA

Non-Academic Honors:

Family Law Specialist, Nevada State Bar, 2019
 Lawyer in the Library, Certificate of Appreciation 2017
 Bruce R. Thompson Inns of Court – Best Program 2009–2010

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.

Alexander C. Morey & Dixie Grossman, *Property Rights of Unmarried Cohabitations: Nothing New under the Sun*, 25 J. Am. Acad. Matrim. Lawyers 87 (2012).

Ninth Circuit Environmental Review Case Summaries, 38 Environmental L. R. 803–940 (2007).

I was responsible for the following summaries: *Our Children's Earth Foundation v. United States Environmental Protection Agency*, 2008 WL 2152065 (May 23, 2008); *Northern Cheyenne Tribe v. Norton*, 503 F.3d 836 (9th Cir. 2007); *Rattlesnake Coalition v. United States Environmental Protection Agency*, 509 F.3d 1095 (9th Cir. 2007); *United States v. Lewis*, 518 F.3d 1171 (9th Cir. 2008); *Oregon Natural Resources Council Fund v. Goodman*, 505 F.3d 884 (9th Cir. 2007); *Engine Manufacturers Association v. South Coast Air Quality Management District*, 498 F.3d 1031 (9th Cir. 2007); *Navajo Nation v. United States Forest Service*, 479 F.3d 1024 (9th Cir. 2007).

I published articles on family law topics in the Washoe County Bar Association's Periodical, the Writ, between 2016 and 2024, including the following articles: "*Jahed v. Abraham*: After 18 Years, the Nevada Court of Appeals Revisits the Putative Spouse Doctrine", Writ (Jan. 2024); "Trust and Divorce: to Join or not to Join", Writ (May 2023); "Do Divorces Abate? Or, is it Over, and, if it is, where do we Litigate Now?", Writ (Sept. 2022); "Preemptory Challenges", Writ (May 2022); "A Little Charity Please: Cooperation, Fostering Relationships & Child Custody", Writ (Jan. 2022); "Recent Cases", Writ (Sept. 2021); "Equitable Tolling: A Recent Decision and Applicability to Interspousal Torts", Writ (May 2021); "*Kaur v. Singh*, Judicial Estoppel: Summary and Comment", Writ (Jan. 2021); "Divorce Decrees and Statutes of Limitation Revisited", Writ (Oct. 2020); "Family Law in the United States Supreme Court, a Case Summary: *Monasky v. Taglieri*, the Hague Convention and Habitual Residence", Writ (Jun. 2020); "Marriage in the Time of Corona Virus or Marital Agreements and Impractical Performance", Writ (Apr. 2020); "New Year, Old Issue", Writ (Feb. 2020); "Pre-Retirement Pension Benefits: *Kilgore v. Kilgore*", Writ (Dec. 2019); "Pre-Action Child Support (with a Lament about the Advisory Opinion Doctrine)", Writ (Sept. 2019); "Terminology of Custody", Writ (Jun. 2019); "Family Law, Torts and Res Judicata", Writ (Apr. 2019); "PSA: Amendments to the NRCP", Writ (Mar. 2019); "Divorce and Deeds: Quitclaim or Warranty", Writ (Mar. 2019); "Nevada Premarital Agreements: *Hutchins v. Hutchins*", Writ (Jan. 2019); "America is Graying", Writ (Dec. 2018); "Cause of Action for Division of Omitted Asset", Writ (Dec. 2018); "Parental Rights and the Fifth Amendment", Writ (Sept. 2018); "*Bautista v. Picone*: The Nevada Supreme Court Revisits Parenting Coordinators", Writ (Aug. 2018); "Case Update: *Nance v. Ferraro*", Writ (May 2018); "Child Support in Split Custody Cases",

Writ (Apr. 2018); “Legal Custody Checklist”, Writ (Mar. 2018); “Telephonic Testimony”, Writ (Mar. 2018); “Joint Custody and Relocation”, Writ (Feb. 2018); “Preference? What is a Preference?”, Writ (Jan. 2018); “New Year Review of some 2017 Child Custody Decisions”, Writ (Jan. 2018); “Minor Marriage, Age of Consent and Statutory Rape”, Writ (Nov. 2017); “Federal Preemption, Family Law, and Military Retirement: *Howell v. Howell*”, Writ (Sept. 2017); “Disobedience of Orders in Family Court”, Writ (Apr. 2017); “Warning: Life Insurance as Security for Alimony and Child Support”, Writ (Mar. 2017); “Wait, My Business is Worth What? *Ford v. Ford* and Business Valuation at Divorce”, Writ (Feb. 2017); “The Huneycutt Procedure”, Writ (Jan. 2017); “Statutes of Limitation in Family Law Actions: *Davidson v. Davidson*”, Writ (Dec. 2016); “Family Law Settlement Agreements, Merger & Incorporation”, Writ (Nov. 2016); “*Rosenthal v. Rosenthal & Lewis v. Lewis*: Case Notes”, Writ (Oct. 2016); “Case Summary: *Harrison v. Harrison*”, Writ (Sept. 2016); “Mechanics of Testimony by Children in the Family Courts, Custody Cases”, Writ (May 2016); “Attorneys Liens: My Client Didn’t Pay, now What?”, Writ (Apr. 2016); “Family Law 101: Top Family Law Cases”, Writ (Mar. 2016).

“Flat Fees Earned When? Fee Agreements and Client Funds after *In re: Discipline of Sull*” – Ethics Article offered for Nevada CLE credit to attendees of the 2025 Nevada Family Law Conference.

Case Summaries for the Case Law Update presentation at the 2024 Nevada Family Law Conference.

Public Comment on Behalf of the Family Law Executive Council, Family Law Section, Nevada State Bar, on ADKT 0594 In the Matter of the Review of the Administration of the Bar Examination and Licensing of Attorneys in Nevada, August 2024.

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

Yes

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

Yes

38. List avocational interests and hobbies.

As a father of two wonderful daughters and a busy lawyer managing a caseload, practice, committee memberships, and service to the Bar, free time is always at a premium. I am incredibly lucky that my wife has been there every step of the way to do more than her share, so that I can spend time with my daughters. After children's sports and extracurriculars, in my free time, I enjoy outdoor sports and activities that allow for incremental improvement through practice and that require focus and technique, which I find gives a respite from the internal noise and thinking and rethinking on decisions. I find those periods in a way meditative and often find that sparks of inspiration and eureka moments follow. I enjoy learning to play musical instruments—presently the ukulele—for the same reasons. I also enjoy finding opportunities to learn new skills and reading books on history.

Conduct

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

Yes

40. 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.

I have received two speeding tickets, one while in high school in 1999 and a second while in college in 2004. I received the first ticket while driving to school in the morning. I received the second ticket while driving home from college. It was late, and I was not watching my speed on the freeway between Portland, Oregon, and the Tri-Cities in Southeastern Washington. I was cited for traveling 78 in a 65-mph zone. In each case, I paid the fine. In 2007, I recall receiving a citation for an out-of-date registration sticker, which I corrected.

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

No

42. 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

43. 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

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

No, excepting liens created as purchase money security for a vehicle or real property, which I have timely paid.

45. 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

46. 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.

Under the Nevada Code of Judicial Ethics, I must disqualify myself from any case in which I was involved as counsel during my time in private practice and, for the two years following the final economic payment from my current firm, all cases involving my law partners.

Other

47. 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.

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

SEE ATTACHMENT "A".

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

I am an active candidate for election on the November 2026 ballot for Department 13, Second Judicial District Court, Washoe County. I have retained a campaign manager and fundraiser. If appointed, I am committed to retaining the position as the judge in Department 13.

During my career, I have had the good fortune to learn from exceptional judges and lawyers, including the Honorable Deborah Schumacher, to whom I am grateful for giving me the opportunity to work as a law clerk, and Gary Silverman and Mary Anne Decaria, who gave me a start in private practice and a platform from which I could launch. I am also grateful for the opportunities I have had to improve my skills as a lawyer, including completing training in Collaborative Divorce and completing the American Academy of Matrimonial Lawyers Negotiation Workshop through the Program on Negotiation at Harvard Law School.

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

SEE ATTACHMENT "B".

The writing sample attached is an excerpt from an appellate brief in 2024. For brevity, the sample includes only the argument.

ATTACHMENT A
PERSONAL STATEMENT

COMMISSION ON JUDICIAL SELECTION APPLICATION

SECOND JUDICIAL DISTRICT COURT
DEPARTMENT 13

ALEXANDER C. MOREY

QUESTION 48 – Personal Statement

I first came to Northern Nevada 20 years ago during law school for summer externships, first with the Nevada Department of Public Safety and then for Magistrate Judge Valerie Cooke. During my time with Judge Cooke, I saw firsthand the impact a thoughtful, prepared, and compassionate judiciary can have on people's lives. After law school, I accepted a law clerk position with the Honorable Deborah Schumacher in the Second Judicial District Court. That summer, my wife, a Northern Nevada native and graduate of Bishop Manogue High School, and I moved to Reno. For more than 17 years, Washoe County has been our home.

The two years I spent clerking for Judge Schumacher were formative. I learned the law, but more importantly, I witnessed firsthand the work ethic, skill, and compassion required to do the work of a judge in family court. I learned that the most difficult part of judging is not resolving complex legal questions but ensuring that every litigant leaves the courtroom knowing they were heard and treated with dignity.

When I left my clerkship, I entered private practice as an associate with Silverman, Decaria & Kattelman, Chtd., where I continued my training under two of Nevada's most respected family law attorneys, Gary Silverman and Mary Anne Decaria. I was given significant responsibility early in my career and expected to meet it. Their rigorous standards sharpened my advocacy and instilled in me the importance of preparation, clarity, and precision. I will always remember Gary's exacting use of the Socratic method and Mary Anne's ceaseless editing—I still associate a green fine-tip pen with the umpteenth draft of a brief.

I became a partner in the firm in 2016 and a board-certified specialist in family law in 2019. I have devoted the bulk of my practice over the past 15 years to family law matters. I have represented clients in nearly every aspect of family law, from alimony to termination of parental rights. I have represented pro bono clients giving it their all to make ends meet and clients with nine-figure net worths. My practice has touched on probate and estate matters and involved business dissolutions, real property litigation, domestic violence, stalking and harassment protection orders, and civil liability claims.

I have litigated in district courts throughout Nevada, as well as in the Nevada Court of Appeals and the Nevada Supreme Court, though most of my practice has been in Washoe County. Appearing before many judges and in many case types has given me insight into effective courtroom management, clear decision-making, and the importance of timely rulings.

The Nevada Legislature has made it a goal of the family courts to facilitate the resolution of cases through alternative dispute resolution. In my practice, I have been committed to that goal, and through diligent preparation most of my cases have resolved without trial. However, settlement is not always possible or preferable. When trial is necessary, I am prepared to present complex factual and legal issues clearly and efficiently.

Alongside my practice, I have remained deeply involved in strengthening our legal system. I served on the committee that modernized the Washoe District Court Rules. I have been elected by my peers three times to the Family Law Executive Council of the State Bar of Nevada, and I currently serve as its Secretary. I also chair the Family Law Specialization Board, serve on a committee developing a pilot program for complex family law cases, and teach continuing legal education. I have volunteered for access-to-justice programs interacting one-on-one with people who must face the courts without a lawyer and hearing their questions and

concerns about both substantive legal issues and procedure. This work has required collaboration with attorneys holding diverse perspectives. The work has given me insight into the challenges faced by practitioners and self-represented litigants and the procedural and structural issues that affect the fair and efficient resolution of family law matters.

I do not take the responsibility of serving as a judge lightly. I understand that a judge is more than a decision-maker. A judge is also an administrator of the legal system and a symbol of the law. I seek appointment because I believe my experience, training, and commitment to this community equip me to serve effectively. I strive to listen before deciding, maintain composure under pressure, distinguish between advocacy and personal attack, and treat counsel and self-represented litigants with equal respect. I understand that a judge must be firm without being dismissive, patient without being passive, and decisive without being impulsive. I strive each day to ensure my courtroom presence reflects those values. As a judge, I will bring sound judgment, preparation, and respect for every person who appears before the court.

Court decisions are among the most consequential moments of a person's life. They must be grounded in the law, clearly explained, and delivered timely and with respect. No matter the caseload, litigants should leave the courtroom understanding why a decision was made—even if they disagree with the outcome. Washoe County deserves a family court that is efficient, fair, and grounded in the rule of law. If appointed, I will work every day to ensure that litigants, attorneys, and court staff experience a courtroom that is prepared, respectful, and decisive.

ATTACHMENT B
WRITING SAMPLE

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CASE NO. 87863-COA

ROCHELLE MEZZANO,

Appellant,

vs.

JOHN TOWNLEY,

Respondent.

ON APPEAL FROM THE SECOND JUDICIAL DISTRICT COURT CASE NO.

DV19-01564

RESPONDENT'S ANSWERING BRIEF

Alexander C. Morey
[OMITTED]
Counsel for Respondent

ISSUES PRESENTED FOR REVIEW

1. [OMITTED]
2. Whether the trial court entered case concluding sanctions when it limited Ms. Mezzano’s evidence in response to her litigation conduct and discovery violations and, even if it did so, whether her discovery and litigation conduct justified the sanctions.
3. Whether the trial court properly summarily disposed of any “claims” raised in paragraphs 11 – 13 of Ms. Mezzano’s counterclaim where Ms. Mezzano was on notice those allegations were at issue but presented no evidence to create a genuine issue of material fact.

INTRODUCTION

[OMITTED]

STATEMENT OF THE CASE

[OMITTED]

STATEMENT OF FACTS

[OMITTED]

SUMMARY OF ARGUMENT

[OMITTED]

ARGUMENT

1. [OMITTED]

2. Ms. Mezzano’s Egregious Conduct and Discovery Abuses Warranted, at Minimum, the Non-Case-Concluding Sanction of Exclusion of Evidence.

A. Standard of review.

A discovery sanction is reviewed for an abuse of discretion. *Young v. Johnny Ribeiro Bldg.*, 106 Nev. 88, 92, 787 P.2d 777, 779 (1990) (“Where the discovery sanctions are within the power of the district court, this court will not reverse the particular sanctions imposed absent a showing of abuse of discretion. Even if we would not have imposed such sanctions in the first instance, we will not substitute our judgment for that of the district court.” (Internal citations omitted)). Contrary to Ms. Mezzano’s suggestion, she is not entitled to a higher standard of review because the sanctions the trial court imposed for her abusive litigation conduct were not case concluding. *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 256, 235 P.3d 592, 600-601 (2010).

B. The trial court, despite John’s request, declined to impose case concluding sanctions.

A case concluding sanction occurs when a trial court imposes the “ultimate discovery sanctions of dismissal of a complaint with prejudice or striking an answer as to liability *and* damages.” *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 256, 235 P.3d 592, 600-601 (2010) (holding a trial court’s order striking the defendant’s answer as to liability only was not case concluding.) (Emphasis in original.) Discovery sanctions excluding evidence are not case concluding. *See Kirsch v. Redwood Recovery Servs., LLC*, No. 73576, 2019 Nev. Unpub. LEXIS

1260, at *2 n.3 (Nov. 15, 2019) (unpublished) (explaining that an exclusion of evidence was not a case-concluding sanction) (unpublished); *Agwara v. Agwara*, No. 67713, 2019 Nev. Unpub. LEXIS 92, at *2 (Jan. 25, 2019) (unpublished) (upholding sanctions and rejecting the contention entry of default and striking of pleadings was a case concluding sanction); *Pittman v. Pittman*, No. 71662, 2018 Nev. Unpub. LEXIS 899, at *2-3 (Oct. 2, 2018) (unpublished). Likewise, a dismissal without prejudice for failure to file a case conference report, even if the dismissal comes after the expiration of the statute of limitations for the claim, is not a case concluding sanction. *Arnold v. Kip*, 123 Nev. 410, 417-418, 168 P.3d 1050, 1055 (2007).

That discovery sanctions exclude evidence a party might have used to defeat summary judgment does not make the sanctions case-concluding; the inquiries are distinct. *See, e.g., Francis v. Wynn Las Vegas, LLC*, 127 Nev. 657, 664 n.2, 262 P.3d 705, 710 n.2 (2011).

Here, despite John's request the trial court impose case concluding sanctions, (JA00496-JA00497), the trial court instead imposed lesser sanctions against Ms. Mezzano by limiting the evidence Ms. Mezzano could present at trial. (JA00473) The trial court did not strike Ms. Mezzano's pleadings, enter her default, or dismiss a claim with prejudice. (Id.) The sanctions levied against Ms. Mezzano were not case concluding.

C. The trial court was well within its discretion to sanction Ms. Mezzano for her abusive litigation conduct.

After Ms. Mezzano did not respond to interrogatories or requests for production of documents; did not comply with NRCP 16.1 and NRCP 16.2; failed to appear for her deposition, and did not attempt to meet and confer, John sought case-concluding sanctions for her conduct. John brought a noticed motion that Ms. Mezzano did not oppose.

The trial court, despite Ms. Mezzano's pervasive discovery violations and litigation conduct, denied John's request for case concluding sanctions. Instead, the trial court, after analyzing the factors in *Young*,¹ (JA00496-JA00497), merely limited Ms. Mezzano's ability to present evidence. (JA00499). Not only has the use of evidence not produced in discovery been found inequitable, *see Hamlett v. Reynolds*, 114 Nev. 863, 867, 963 P.2d 457, 459 (1998) (cited with approval in *Blanco v. Blanco*, 129 Nev. 723, 732, 311 P.3d 1170, 1176 (2013)) (explaining the Court has previously recognized it is inequitable to permit a party to use documents it did not produce in discovery), but the exclusion of evidence is recognized as a valid sanction for litigation and discovery abuses. *See NRCP*

¹ Because the trial court did not impose case concluding sanctions, it was not required to analyze the factors in *Young*. *See Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 249, 235 P.3d 592, 596 (2010).

16.1(e); NRC 16.2(g); NRC 37(d). *See also Kelly Broad. Co. v. Sovereign Broad.*, 96 Nev. 188, 192, 606 P.2d 1089, 1091-92 (1980) (striking answer for insufficient responses to interrogatories); *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 511 P.2d 1053 (1973) (striking answer and entering default for failure to appear for deposition); *Kirsch v. Redwood Recovery Servs., LLC*, No. 73576, 2019 Nev. Unpub. LEXIS 1260, at *2 n.3 (Nov. 15, 2019) (unpublished) (upholding the exclusion of evidence for failing to participate in discovery); *Agwara v. Agwara*, No. 67713, 2019 Nev. Unpub. LEXIS 92, at *2 (Jan. 25, 2019) (unpublished) (upholding entry of default and striking pleadings for not complying with discovery); *Pittman v. Pittman*, No. 71662, 2018 Nev. Unpub. LEXIS 899, at *2-3 (Oct. 2, 2018) (unpublished) (upholding preclusion of evidence as discovery sanction).

D. The trial court could have properly imposed case concluding sanctions.

Had the trial court wished, it could have imposed case concluding sanctions on Ms. Mezzano. The trial court, in response to John's noticed motion that Ms. Mezzano did not oppose, made a detailed analysis of the factors in *Young v. Johnny Ribeiro Building* and imposed sanctions related to Ms. Mezzano's pervasive discovery violations and abusive litigation conduct only after a thoughtful consideration of the factors in the case. (JA00496). As Ms. Mezzano failed to participate in discovery, failed to appear for her deposition, failed to meet

and confer, and provided no explanation for her failures, the trial court would have been well within its discretion to enter her default, strike pleadings, or dismiss claims with prejudice. *See, e.g., Temora Trading Co. v. Perry*, 98 Nev. 229, 645 P.2d 436 (1982), *cert. denied*, 459 U.S. 1070, 103 S.Ct. 489, 74 L.Ed.2d 632 (1982); *Foster v. Dingwall*, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010); *Havas v. Bank of Nevada*, 96 Nev. 567, 613 P.2d 706 (1980); *Kelly Broad. Co., Inc. v. Sovereign Broad., Inc.*, 96 Nev. 188, 192, 606 P.2d 1089, 1092 (1980). *See also Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 511 P.2d 1053 (1973) (upholding striking answer and entry of default for unexplained failure to appear for deposition).

3. The Trial Court Properly Granted Summary Judgment on any Claim Actually Raised in Paragraphs 11 through 13 of her Counterclaim.

The issue before the Court is narrow. When Ms. Mezzano failed to present any evidence in support of her allegations in her counterclaim, did the trial court properly grant summary judgment on any “claim” raised in paragraphs 11 – 13, which Ms. Mezzano merged and incorporated into all her causes of action?

A. Standard of review.

A trial court’s grant of summary judgment is reviewed *de novo*. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). However, “a *de novo* standard of review does not trump the general rule that “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have

been waived and will not be considered on appeal.” *Schuck v. Signature Flight Support of Nev., Inc.*, 126 Nev. 434, 436, 245 P.3d 542, 544 (2010).

B. Ms. Mezzano was on notice she needed to bring forward all of her evidence in support of the allegations and “claims” in Paragraphs 11 – 13 of her counterclaim because those allegations formed the basis for all of her causes of action for damages.

Trial “courts are widely acknowledged to possess the power to enter summary judgments *sua sponte*, so long as the losing party was on notice that she had to come forward with all of her evidence.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 326, 106 S. Ct. 2548, 2554, 91 L. Ed. 2d 265, 275 (1986). Compare *Renown Reg'l Med. Ctr. v. Second Judicial Dist. Court*, 130 Nev. 824, 828, 335 P.3d 199, 202 (2014) (explaining the requirements of notice and opportunity to defend). *Sua sponte* summary judgment is appropriate when there is a lack of any real prejudice to the losing party. *Exber, Inc. v. Sletten Constr. Co.*, 92 Nev. 721, 733-734, 558 P.2d 517, 525 (1976).

Here, Ms. Mezzano was on notice she needed to present all of her evidence in support of the allegations she made about John’s conduct in her counterclaim, including the allegations she made in paragraphs 11 through 13 and which she merged, incorporated, and restated in the later sections of her Counterclaim as bases for her causes of action. Because John sought summary judgment on her claims in which she relied on the allegations in paragraphs 11-13. Ms. Mezzano was on notice she needed “to ‘do more than simply show that there is some

metaphysical doubt’ as to the operative facts,” and must have “. . . by affidavit or otherwise, set forth specific facts demonstrating the existence of a genuine issue for trial” *Wood v. Safeway, Inc.*, 121 Nev. 724, 732, 121 P.3d 1026, 1031 (2005) (internal citations omitted). This was not a case of bait and switch or surprise. Ms. Mezzano was given a full and fair opportunity to present all her evidence in support of the allegations in her Counterclaim, including paragraphs 11 to 13, in defense of summary judgment.² She did not meet that burden.

C. Ms. Mezzano had an opportunity to fully ventilate the issues raised by her allegations, so, when she failed to produce evidence to create a genuine issue of material fact, John was entitled to summary judgment, which the trial court properly entered.

Ms. Mezzano had a complete opportunity to ventilate the issues and bring her evidence in support of the allegations in paragraphs 11 – 13. When she did not do that, she forced the trial court’s hand. John was entitled to summary judgment. *Schuck v. Signature Flight Support of Nev., Inc.*, 126 Nev. 434, 439, 245 P.3d 542,

² The trial court’s local rule also provided Ms. Mezzano notice to come forward with her evidence at the settlement conference. WDFCR 45(4)(b) (“Prior to the settlement conference, each party shall prepare and present a statement indicating the significant issues in dispute.”) WDFCR 45(5) (“All parties shall attend the settlement conference fully prepared for trial on all unresolved issues except that non-party witnesses need not be present.”)

545 (2010) (quoting *Carmen v. San Francisco Unified School Dist.*, 237 F.3d 1026, 1031 (9th Cir. 2001)). She presented no evidence on which the trial court could find a genuine issue of material fact; so, the trial court did not err by including any claim in those paragraphs in its summary judgment order.

D. Ms. Mezzano’s claim is futile.

To the extent Ms. Mezzano argues that requesting an unequal division of community property is a “claim”, any error by the trial court was harmless. The parties’ Premarital Agreement, Section IX (A), which Ms. Mezzano advances as valid and enforceable, expressly prohibits the claim by requiring the equal division of the community property. (JA00433.) The terms of the Premarital Agreement supersede the usual rules for division of property, including, the ability to make an unequal division under NRS 125.150(1)(b). *See* NRS 125.150 (setting out the powers of a trial court in a divorce, “[e]xcept as otherwise provided . . . and unless the action is contrary to a premarital agreement between the parties”). As Ms. Mezzano is precluded from receiving an unequal division of the community estate, any error by the trial court in denying such a “claim” is harmless.

CONCLUSION

[OMITTED]