

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT COURT
DEPARTMENT 26

By

Daniel M. Hooge



Personal Information

1.	Full Name	Daniel Mink Hooge
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?	18 years and 8 months
4.	City and county of residence	North Las Vegas, Clark County
5.	Age	47

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	State Bar of Nevada
Phone	702-382-2200
Physical Address & Website	3100 W. Charleston Blvd, Suite 100, Las Vegas, NV 89102 nvbar.org
Date(s) of Employment	August 2018- current
Supervisor's Name and Title	Kimberly Farmer Executive Director
Your Title	Chief Bar Counsel
Describe Your Key Duties	<ul style="list-style-type: none"> • Provided counsel to the Board of Governors and Executive Director. • Investigated attorney misconduct under the Rules of Professional Conduct or incapacity. • Prosecuted all proceedings under the RPCs before the Northern and Southern Disciplinary Boards and the Nevada Supreme Court in the name of the State Bar of Nevada. • Worked to ensure that lawyer discipline in Nevada addressed grievances and misconduct efficiently without delay and that lawyers received consistent sanctions for misconduct.
Reason for Leaving	I enjoy this work and plan to continue in this role unless I am appointed.

Previous Employer	Lincoln County
Phone	775-962-8073
Address & Website	181 N Main St, Suite 205, PO Box 60, Pioche, NV 89043 lincolncountynv.org

Date(s) of Employment	May 2007- October 2018
Supervisor's Name and Title	Gregory Barlow was district attorney and my supervisor from May 2007 until December 2010. From January 2011 until October 2018, I was the elected district attorney.
Your Title	Assistant District Attorney / District Attorney
Describe Your Key Duties	<ul style="list-style-type: none"> • Managed a rural district attorney's office with one deputy district attorney and a legal secretary. • Advised the Board of County Commissioners and other County Boards. • Prosecuted criminal matters from misdemeanors to felony jury trials. • Prosecuted and defended civil lawsuits for and against the County. <p>Filed appellate briefs and argued appeals before the Appeals Court and Nevada Supreme Court.</p>
Reason for Leaving	I lost the election in 2018 for a third term.

Previous Employer	DMH REAL ESTATE, INC
Phone	801-836-0888
Address & Website	PO Box 303, Lehi UT, 84043
Date(s) of Employment	July 1999- May 2007
Supervisor's Name and Title	I worked as an agent from July 1999 until April 2004 under the owner and my mother, Debbie Hooge. I took over as principal broker and managing partner in April 2004 and continued in this ownership and supervisory role until May 2007.
Your Title	Real Estate Agent / Principal Broker / Managing Partner
Describe Your Key Duties	Marketed real estate. Negotiated real estate sales. Drafted offers and real estate purchase agreements. Managed the real estate agents and non-agent staff. Reviewed agent transactions for legal and ethical compliance.
Reason for Leaving	When I graduated from law school, I left real estate and entered the legal profession.

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.

American Fork High School
 510 Caveman Blvd
 American Fork, UT 84003

I attended from 1994 to 1996. I graduated with honors and received a diploma.

Utah Tech University
225 S. University Ave
St. George, UT 84770

I attended from 1996 to 1997. I left to serve a mission for The Church of Jesus Christ of Latter-Day Saints in Brazil from 1997 to 1999. When I returned, I transferred to Brigham Young University.

Brigham Young University
150 E 1230 N
Provo, UT 84602

I attended from 1999 to 2002. I received a bachelor's degree in business management with an emphasis in finance.

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

At American Fork High School, I played football and wrestled. I was captain of the wrestling team. I wrestled on Team Utah at the National Freestyle Wrestling Championships. I was named to the Utah Academic All-State Team in football and wrestling as a varsity starter with a 4.0 grade point average. I also participate in the math club and at math competitions.

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.

J. Reuben Clark Law School of Brigham Young University
341 E. Campus Dr.
Provo, Utah 84602

I attended from 2003 to 2007. I received a Juris Doctorate in May 2007. I finished with a 3.1 grade point average, which ranked me in the top 50% of the class.

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

I worked full-time at DMH REAL ESTATE, INC. as an owner and principal broker throughout law school. I took over as principal broker and managing partner in April 2004 and continued in this ownership and supervisory role until May 2007. This coincided with my time at law school.

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

I served as a senior editor for the International Law and Management Review. I also helped organize an intramural flag football team for the law school and an extramural basketball team to play against the S.J. Quinney College of Law at the University of Utah.

Law Practice

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

2007

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

Utah 2008

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	0
Juvenile matters	0
Trial court civil	0
Appellate civil	5
Trial court criminal	0
Appellate criminal	0
Administrative litigation	95
Other: Please describe	0

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

In my current role as Bar Counsel, 100% of my litigation matters are non-jury administrative hearings. They are before a panel of two attorneys and one lay member. (However, I have taken over 40 jury trials to verdict as deputy district attorney and district attorney.)

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 Chief Bar Counsel, most of my responsibilities are supervisory. However, I estimate that I have prosecuted about 20 disciplinary cases as lead counsel in the last five years. These cases have evidentiary and procedural rules like jury trials but include a three-member panel instead of a jury.

All disciplinary matters involving a suspension or disbarment go to the Nevada Supreme Court for review.

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

Nevada Supreme Court, U.S. Bankruptcy Court for the District of Nevada, U.S. Court of Appeals for the Ninth Circuit, U.S. Supreme Court.

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: <u>In the Matter of the Discipline of Cory J. Hilton (2019)</u>
Court and presiding judge and all counsel: Robert Caldwell chaired a disciplinary panel of the Southern Nevada Disciplinary Board. Michael Warhola, Breen Arntz, and Peter Angulo represented the respondent. I represented the State Bar of Nevada.
Importance of the case to you and the case's impact on you: This case involved a lawyer with \$3.5 million dollars of client money missing from his trust account over a decade. Hilton was highly regarded in the legal community and appeared honest and reputable. He blamed his bookkeeper. But my investigator tracked down his bookkeeper. I spoke to him. He wasn't living a lavish life. There was no evidence that he took the money. In fact, he had no access to the account. I also obtained withdrawal receipts on which bank tellers noted that Hilton withdrew client money personally. It shook my trust in the legal profession. It made me more skeptical of those who profess to be upstanding members of the community. It made me more attuned to financial fraud and embezzlement. It caused me to scrutinize the credibility and financial dealings of those around me with heightened diligence. Additionally, it heightened my awareness of the potential for people in positions of trust to abuse that trust for their own gain. This gives me greater caution when it comes to granting leniency or showing leniency to respondent or defendants who are in positions of trust. Overall, this case made me a more discerning and better judge of people. My heightened awareness of the potential for fraud and abuse can help me make more informed and just decisions in the future. It also made me more empathetic to victims of financial crimes, and more determined to hold those who commit such crimes accountable for their actions.
Your role in the case: I prosecuted the case as Chief Bar Counsel for the State Bar of Nevada.
Case 2
Case name and date: <u>State of Nevada vs. Jerry Elbert Hudson (May 2018)</u>

<p>Court and presiding judge and all counsel: Judge Gary Fairman of the Seventh Judicial District Court presided. I represented the State of Nevada as first chair. Franklin Katschke, deputy district attorney, represented the State of Nevada as second chair. Dylan V. Frehner represented the defendant.</p>
<p>Importance of the case to you and the case's impact on you:</p> <p>I prosecuted Mr. Hudson in 2011 for attempted sexual assault. The victim, an elderly woman, claimed that Hudson entered her apartment late at night. She claimed that Hudson demanded that she perform sexual acts upon him. But he passed out soon after. She did not call for help or take any action until after he awoke and left the apartment hours later. It was a strange case. I questioned the victim's credibility at the time. Her story did not make sense to me. I questioned why Hudson would act that way. I assumed that Hudson was inebriated and stumbled into her apartment by accident. I regret my actions in hindsight. I let Hudson off easy. I negotiated a felony plea for prison time that allowed Hudson to seek parole after four years.</p> <p>Hudson received parole four years later. Within six months he once again broke into an elderly woman's apartment late at night. This time, unfortunately, he sexually assaulted and murdered the woman. I will never forget her name or my feelings of guilt when I realized that Hudson was the evil that I refused to recognize. It taught me to balance common sense with trust in the witnesses. Testimony may seem unreasonable or incredible, but I needed to assess the witnesses' testimony objectively.</p> <p>Fortunately, my team prepared and performed well. We obtained convictions for sexual assault and murder. Hudson received a sentence of life in prison. The Supreme Court affirmed his conviction in Hudson v. State, 510 P.3d 138 (Nev. 2022).</p> <p>This high-profile and high-stakes prosecution pushed my knowledge and experience in the courtroom. The case challenged me but also rewarded me with invaluable experience. I grew to appreciate courtroom procedures and protocols. It gave me skills, knowledge, and experience that I can use to become an effective judge. It empowered me to make fair and just decisions based on the evidence presented, communicate effectively with all parties involved, and maintain order and calm under pressure.</p>
<p>Your role in the case: I represented the State of Nevada as first chair.</p>

Case 3
<p>Case name and date: Hardy Construction v. Lincoln County (2015)</p>
<p>Court and presiding judge and all counsel: John "Randy" Jeffries represented Hardy Construction. I represented Lincoln County. Phil Dabney acted as arbitrator. And Gary Fairman of the Seventh Judicial District presided in district court.</p>
<p>Importance of the case to you and the case's impact on you:</p>

This case taught me the importance of impartiality. Hardy Construction presented the lowest bid to Lincoln County to construct a park. The County felt that Hardy lacked quality control and failed to follow the plans.

Lincoln County assigned engineers to watch Hardy Construction closely to ensure it adhered to the plans with quality work. Hardy later sued the County claiming that it lost millions because of the engineers' close supervision. Essentially, Hardy claimed that the daily monitoring constituted daily "change orders." This was ridiculous in my opinion because the plans were clear about the requirements. The final product met the plans precisely.

Nevada law required the County to arbitrate. I prepared for months. I met with a dozen witnesses. I read thousands of documents. Our case was bulletproof. During the arbitration hearing, I presented evidence that the engineers followed the plans precisely and not once demanded that Hardy Construction perform beyond their bargained-for contract terms.

The arbitrator agreed but awarded Hardy Construction almost a million dollars anyway. I appealed to the district court. Judge Fairman dismissed the appeal claiming that the arbitration clause tied his hands even though he did not agree with the arbitrator's reasoning or award. It made no sense to me. An arbitrator cannot create an obligation in contradiction to the contract that gives him authority. I appealed the district court's ruling. While researching the issue for my brief, I found significant case law and legislative history to support my position. Hardy Construction requesting a settlement conference.

In hindsight, I wish the Board of County Commissioners would have waited for the Supreme Court to issue an opinion. But the County obtained a favorable settlement. After the settlement conference, I spoke to an associate representing Hardy Construction. He told me that they knew the case boiled down to one issue: whether they could get *that* arbitrator. They knew they had won the moment of his appointment. It was frustrating yet eye-opening. I had stipulated to the arbitrator. I had no reason to question his impartiality. But they pushed for him as arbitrator and won before the battle started. I should have known better.

I learned a valuable lesson. A judge or other adjudicator must treat all parties equally and without bias. Impartiality and fair decision-making are essential to the justice system. Everyone must perceive the judge or adjudicator as fair and just.

Your role in the case:

I represented Lincoln County as the district attorney.

Case 4

Case name and date:

State of Nevada vs. Michael Alan Kincade (November 2012)

Court and presiding judge and all counsel:

Judge Steven Dobrescu of the Seventh Judicial District Court presided. I represented the State of Nevada. Dylan V. Frehner represented the defendant.

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

The Lincoln County Sheriff's Department investigated Michael Kincade after his ex-wife reported that he was sexually abusing his son and grandson. Cases like these are always difficult because the offenders commit these terrible acts in secret. It was Kincade's word against the word of two young boys. I needed corroboration to present a stronger case to the jury. A Lincoln County detective filed an affidavit for a warrant to search Kincade's home for evidence related to the allegations. A justice of the peace issued a warrant, but the detective failed to attach the probable cause affidavit to the warrant when she served it on Kincade. She found thousands of images of child pornography on Kincade's computer and an external hard drive, including disturbing images of the two victims. Those images would have sealed the case.

I filed numerous charges against Kincade for sexual assault and possession of child pornography. Unfortunately, the district court granted Kincade's motion to suppress. The district court found that without an affidavit of probable cause attached, the search violated NRS 179.045(5). I was frustrated and angry at the thought of letting a predator escape on a technicality. I appealed it to the Nevada Supreme Court but lost again. [State v. Kincade, 129 Nev. 953, 955, 317 P.3d 206, 207 \(2013\).](#)

I had to press forward without the evidence. I had to prosecute the case based on the testimony of those two boys. The defense hired an expert to interview them, but he was cruel and punishing. I had to meet with the boys often to support and comfort them. The defense pressed hard at trial. But the boys were resilient. They withstood cross-examination. I gave the best closing of my career. We prevailed. The district court sentenced Kincade to life.

It taught me that even when the law seems cold and unforgiving, it is the best system in the world for justice. These boys went through a traumatic experience. It was important for me to have empathy and sensitivity towards them. This ability to understand and relate to their experiences, fears, and frustrations was essential for me. I had to consider the impact every decision has on the stakeholders in a case. I had to fight for them to obtain justice.

Your role in the case:

I prosecuted the case for the State of Nevada as the Lincoln County District Attorney.

Case 5

Case name and date:

State of Nevada v. David Saletta (2010)

Court and presiding judge and all counsel:

Steven L. Dobrescu of the Seventh Judicial District presided. I represented the State of Nevada as deputy district attorney. Benjamin Gaumond represented the defendant.

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

This case etched a lesson in me that I will never forget. Saletta exposed himself to a busload of high school cheerleaders while stopped at a gas station. He claimed that he was urinating. But he was in front of a gas station, which would be an odd place to urinate. Bathrooms were inside. Also, several cheerleaders described how he waved his penis back and forth with clear intent.

The trial went as planned and the jury came back with a guilty verdict after 15 minutes. That is when the case went amiss. After the foreperson read the verdict, the defense asked to poll the jurors. Eleven supported the verdict. One juror recanted. I was a three-year attorney with decent trial experience, but I had never witnessed a juror recant. Both sides were lost as how to proceed. Judge Dobrescu asked the juror questions to determine if she felt coerced or had other problematic reasons for recanting. He then asked if either party wanted to question the juror. I made the mistake of asking her questions hoping to disqualify her. Had I taken a minute to research it, then I would have discovered that NRS 175.531 set forth a procedure for such circumstances. The court could either discharge the jury or send them back for further deliberations. It had been a quick verdict and the juror felt rushed. I should have moved the court to send the jury back for further deliberation. Fortunately, judge Dobrescu followed protocol and sent the jury back for further deliberation. It returned 45 minutes later with another guilty verdict. This time it was unanimous.

Saletta appealed and the Nevada Supreme Court reversed his conviction. It held that my questioning the juror constituted undue intrusion into the exclusive province of the jury and pressured the juror to abandon her views. It was frustrating to retry the case. However, I learned a valuable lesson: take the time to look up the rule when in unfamiliar circumstances. Now I will never forget what to do when a juror renounces a verdict.

Your role in the case:

I prosecuted the case for the State of Nevada as deputy district attorney.

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.

I perform at least 50 hours a year of pro bono work usually for other members of my local church congregation that need advice with family matters or small civil matters such as landlord tenant or HOA matters. I have mediated divorce agreements, represented couples in adoptions, and assisted families going through foreclosure.

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.

- State Bar of Nevada
- State Bar of Utah
- National Organization of Bar Counsel
- National District Attorney's Association
- Nevada District Attorney's Association
- J. Reuben Clark Law Society

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

Yes, I am in compliance for my mandatory continuing legal education. I completed the following courses:

- *NOBC 2021 Annual Meeting*, National Organization of Bar Counsel (8/6/2021)
- *Bar Exam Survey Participation*, State Bar of Nevada (12/1/2021)
- *State Bar of Nevada Annual Bar Conference*, State Bar of Nevada (6/22/2022)
- (Presenter) *Cannabis Law Conference*, State Bar of Nevada (12/16/2022)
- *8 Dimensions of Wellness*, State Bar of Nevada (12/22/2022)
- (Presenter) *State Bar of Nevada Annual Bar Conference*, State Bar of Nevada (6/22/2023)
- *2024 Nevada Limited Jurisdiction Judges Winter Seminar*, Supreme Court of Nevada, Administrative Office of the Courts (1/12/2024)
- *State Bar of Nevada Annual Bar Conference*, State Bar of Nevada (6/27/2024)
- *2024 Nevada Government Civil Attorneys Conference*, State Bar of Nevada (10/9/2024)
- (Presenter) *Ethics Round Table*, State Bar of Nevada (11/14/2024)
- (Presenter) *2024 Gaming Law Conference*, State Bar of Nevada (12/6/2024)
- (Presenter) *2025 Family Law Conference*, State Bar of Nevada (9/19/2025)
- (Presenter) *2025 AI Symposium*, State Bar of Nevada (10/16/2025)
- (Presenter) *Ethics Roundtable 2025*, State Bar of Nevada (11/5/2025)
- (Presenter) *Flat Fee Fundamentals: Developments in Nevada*, State Bar of Nevada (11/14/2025)
- (Presenter) *Attorney Discipline: Enduring Efficiency and Consistency*, Northern and Southern Disciplinary Boards (12/10/2025)
- (Presenter) *Ethics Year in Review 2025*, State Bar of Nevada (12/11/2025)

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

I work for the State Bar of Nevada, which is a private-public partnership. I represent the State Bar and protect the public generally. I do not represent clients individually. Thus, I do not have professional liability insurance.

Business & Occupational Experience

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

I worked for and later owned and managed DMH REAL ESTATE, INC. from 1999 to 2007. The company marketed and sold real estate as a Coldwell Banker franchise with about a dozen agents.

I founded and owned Columbia Funding Group, Inc. around the same time. Columbia Funding originated mortgages and engaged in other hard-money lending. I closed operations in 2007 when I started my legal career.

I founded and owned Hooge Enterprises, LLC also around the same time. Hooge Enterprises bought distressed properties to remodel and sell for a profit. I closed operations in 2007 when I started my legal career.

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

Columbia Funding Group, Inc.	3679 S Panorama Saratoga Springs, UT 84043	Mortgage Lending	Utah Corporation	Manager and Director	100% Owner
DMH Real Estate, Inc.	PO Box 303 Lehi, UT 84043	Real Estate Marketing and Sales	Utah Corporation	Manager and Principal Broker	50% Owner
Blue 22 Aviation, LLC	8775 N Cedar Pass Eagle Mountain, UT 84005	Private flights with a small airplane	Utah Limited Liability Company	Registered Agent and Director	No ownership
Hooge Enterprises, LLC	1447 S 1700 E Spanish Fork, UT 84660	Remodel and resell of distressed properties.	Utah Limited Liability Company	Manager and Director	100% Owner

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

None.

Civic Professional & Community Involvement

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

Yes

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

Yes

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

I ran for and was elected as the Lincoln County District Attorney in 2010 and 2014. I ran again and lost the election in 2018.

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

- Organized a group of 50 to serve dinner to the homeless at Opportunity Village (11/02/2022)
- Helped organize a group of 100 to plant trees, shrubs, and perform other landscaping at Deer Springs Park in North Las Vegas (9/14/24)
- Organized the Inaugural Pioneer Day 5k Race to Benefit the Boy Scouts of America in Panaca, Nevada (7/28/2012)

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

- *Best Practices for Ethical Lawyers*, October 2018 (Clark County Bench-Bar)
- *Meet Your New Bar Counsel*, March 2019 (Clark County Bar Association)
- *Proactive Self-Regulation under RPC 8.3*, June 2019 (Presentation with Justice Hardesty at the 2019 Annual Meeting of the State Bar of Nevada in Vail, Colorado)
- *Frightening Financial Transactions*, October 2019 (Clark County Bar Association)
- *How to Find a Professional and Ethical Lawyer*, March 2020 (Kiwanis Club of Las Vegas)
- *Top 10 Ethical Traps and How to Avoid Them*, June 2021 (Clark County Bar Association)
- *Attorney-Client Privilege*, June 2021 (Presentation with Dominic Gentile at the 2021 Annual Meeting of the State Bar of Nevada in Coronado, California)
- *Substance Abuse, Addiction, and Mental Health Issues: Need to close or temporarily close your practice?* October 2021 (Presentation with Kristine Kuzemka for a SBN CLE).
- *Succession Planning*, December 2021 (SBN CLE)
- *Who is Your Client? RPC 1.13*, December 2021 (Annual Meeting of the Public Lawyers Section in Lake Tahoe)
- *Institutional Clients: Loyalty and Confidentiality*, March 2022 (Energy, Utilities, and Communication Law Section)
- *Ethical Issues in Bankruptcy Law*, May 2022 (Bankruptcy Law Section)
- *Ethics from the Desk of Bar Counsel*, September 2022 (Clark County Bar Association)
- *Introduction to the Disciplinary Process*, September 2022 (SBN Incubator Program)

- *Disciplinary Board Training*, December 2022 (Two trainings one to the Northern Disciplinary Board in Reno and one to the Southern Disciplinary Board in Las Vegas)
- *Ethical Issues in Criminal Defense*, December 2022 (Nevada Department of Indigent Defense Services (DIDS) Conference for Public Defenders)
- *Ethical Issues in Cannabis Law*, December 2022 (Cannabis Law Section)
- *Ethics Round Table*, State Bar of Nevada (11/14/2024)
- *Ethical Frontiers in Gaming Law: Navigating the Rules of Professional Conduct*, December 2024 (Gaming Law Conference)
- *Triaging Urgent Client Issues without Committing UPL*, September 2025 (Family Law Conference)
- *Ethical Use of AI*, October 2025 (AI Symposium)
- *Ethics Roundtable 2025*, November 2025 (State Bar of Nevada CLE)
- *Flat Fee Fundamentals: Developments in Nevada*, November 2025 (State Bar of Nevada CLE)
- *Attorney Discipline: Enduring Efficiency and Consistency*, December 2025 (Two trainings one to the Northern Disciplinary Board in Reno and one to the Southern Disciplinary Board in Las Vegas)
- *Ethics Year in Review 2025*, December 2025 (State Bar of Nevada CLE)
- *When AI Goes Wrong: Lessons from the Frontlines*, January 2026 (State Bar of Nevada CLE)

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

- I served as a missionary for the Church of Jesus Christ of Latter-Day Saints in Brazil from 1997 to 1999.
- I served in the Boy Scouts of America as a scout master from 2003 to 2005 and as a Varsity Scout Coach from 2007 to 2019.
- I served as a bishop for the Church of Jesus Christ of Latter-Day Saints over a congregation of 500 from 2021 to 2023. I now serve as First Councilor in the Stake Presidency of the Shadow Mountain Stake for the Church of Jesus Christ of Latter-Day Saints. Both positions are unpaid, voluntary positions.

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

I achieved the rank of Eagle Scout in the Boy Scouts of America.

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.

- *How to Avoid a Bar Complaint*, Nevada Lawyer (January 2023).
- *Acting on our Ethics*, Nevada Lawyer (September 2022).
- *Consider Service to Enhance Wellbeing*, Nevada Lawyer (February 2022).
- *Ethical Issues in Tax Law*, Nevada Lawyer (December 2021).
- *Dealing with Dreaded Discipline*, Nevada Lawyer (May 2021).
- *Diversity and Inclusion: Strengthening the Legal Profession*, Nevada Lawyer (January 2021).
- Contributing Editor, *Trust Accounting in Nevada 2021 Ed.*, <https://nvbar.org/wp-content/uploads/Trust-Accounts-in-Nevada-2021-Update.pdf>, State Bar of Nevada (2021).
- *Fee Considerations for Personal Injury Lawyers (and Any Contingent Fee Case)*, Nevada Lawyer (July 2020).
- *Avoiding the voidable: dealing with fees after termination or withdrawal*, Nevada Lawyer (March 2020).

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.

I enjoy reading mystery novels, playing the guitar, snowboarding, wakeboarding, and basketball.

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.

No

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

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.

No

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.

Yes. I applied for appointment in January 2023 for Department VII.

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 supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

See Personal Statement.

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.

None.

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 Writing Sample.

Personal Statement of Daniel Hooge

Mark Twain once wrote, “The difference between the almost right word and the right word is really a large matter—it’s the difference between the lightning bug and the lightning.” (*Letter to George Bainton*, Oct. 1888). It is a wonderful quote, with a shocking, beautiful image. It captures the terrifying and beautiful precision required of the law. As a prosecutor, I learned that a single word in a warrant can suppress evidence and set a predator free. As Chief Bar Counsel, I see daily how a single phrase in an ethical rule can determine a lawyer’s career. **And as a candidate for the Eighth Judicial District Court, I** understand that the words of a judge do not just decide cases. They shape lives.

What sets me apart from my peers is a career defined by a unique triangulation of my experience: the practical realities of business ownership, the heavy burden of criminal prosecution, and the heightened ethical demands of professional regulation. This background has forged a temperament that is not only impartial but practical. It is an essential quality for a court handling criminal and civil matters.

Criminal Procedure and the Weight of Sentencing

The fires of Lincoln County, where I served as District Attorney, forged my understanding of criminal procedure. In a rural jurisdiction, a prosecutor does not have the luxury of specialization. A rural district attorney must master everything from misdemeanors to murder. It was there that I learned the most difficult lesson of my career regarding criminal sentencing.

In 2011, I prosecuted *State v. Hudson* for attempted sexual assault. At the time, I questioned the credibility of the victim and agreed to a plea negotiation that allowed the defendant to seek parole after just four years. I prioritized efficiency over intuition. Six months after his release, Hudson broke into another home, sexually assaulted an elderly

woman, and murdered her. That tragedy deflated me. It taught me that sentencing is not a mathematical calculation; it is a profound duty to protect the community while balancing the potential for rehabilitation. When I prosecuted Hudson a second time (securing a life sentence for murder), I understood the stakes. I carry that lesson with me. As a judge, I will approach sentencing with the gravity it demands, balancing the cold requirements of the justice with a necessary wisdom regarding mercy and rehabilitation.

Civil Law: Business Acumen and Impartiality

My depth of both legal practice and real-world business experience qualify me for the civil docket. Before my legal career, I owned and managed a real estate brokerage and a mortgage lending firm. I understand civil law not just as a litigator, but as a business owner who has navigated contracts, personnel management, and the volatile housing market. I know that in civil litigation, efficiency is justice. A delayed ruling can destroy a small business just as effectively as an adverse judgment.

This practical background is supported by complex litigation experience. In *Hardy Construction v. Lincoln County*, I defended the county in a high-stakes construction arbitration. The case involved thousands of documents and disputed contract terms regarding "change orders" versus "quality control". Although the facts were on our side, the arbitrator issued a large award against the county. His decision seemed predetermined by selection rather than the evidence. That experience was frustrating, but it taught me a vital lesson about the civil bench: stakeholders must perceive a judge as impartial. Litigants must know that the venue is fair, or the system fails. I will bring that commitment to neutrality to every civil motion and trial I oversee.

The Appellate Process and Ethical Precision

Finally, my current role as Chief Bar Counsel has honed my appellate and administrative skills. I have prosecuted roughly 20 disciplinary cases in the last five years, many of which function like mini-trials before three-member panels. As Chief I take contested and public interest cases with high difficulty. More importantly, because attorney suspension and disbarment matters are reviewed by the Nevada Supreme Court, I am constantly engaged in appellate practice. I understand the critical relationship between the District Court and the Supreme Court. A District Court judge must create a clean record, make clear findings of fact, and respect the hierarchy of authority. My work in legal ethics requires technical expertise on the rules. Statutory interpretation, precedence, and citations are the tools of my daily trade.

Conclusion

I am not a career politician or a perennial judicial candidate. I am a public servant who has worn many hats: business owner, prosecutor, and ethics counsel. I have felt the joy of service and the heavy burden of errors. I am ready to apply this diversity of experience to the District Court, ensuring that when I write a judgment, I choose the "right word" that delivers true justice.

Daniel M. Hooge

INTRODUCTION

Respondent's Answering Brief avoids the one fact that is fatal to his case: that he made what a district court judge called a "blatant falsehood" to the court to conceal his failure to comply with a direct order.

In place of a defense for this knowing misconduct, the brief offers a series of illogical arguments. It asks this Court to treat a \$2.49 million judgment as "speculative" harm and to dismiss the entire proceeding over a procedural quibble for which Respondent has already received the correct and efficient remedy.

The disciplinary panel accepted this mischaracterization of events, reaching a recommendation of a public reprimand by ignoring the mandatory analytical framework of SCR 102.5 and misdiagnosing a knowing act as mere negligence. This Court's review is therefore not just about sanctioning a single lawyer; it is about whether the disciplinary system will set a price for dishonesty that is high enough to deter it. A reprimand makes deception cheap. A suspension affirms that it is an intolerable cost to the judicial system.

Writing Sample from *In re Gabroy* NSC No. 90925

ARGUMENT

A. The Finding of Mere Negligence Is Clearly Erroneous

Respondent acted knowingly. His Answering Brief is silent on his direct falsehoods to the district court. It fails to rebut the overwhelming evidence of a knowing mental state. Categorizing his conduct as mere negligence misapprehends the purpose of lawyer discipline. It creates a perverse incentive for attorneys to feign incompetence when caught in a calculated deception.

The ABA Standards, which SCR 102.5 incorporates, distinguish between negligence and knowledge not by peering into an attorney's soul, but by examining his awareness of the "nature or attendant circumstances of the conduct."

Negligence is the "failure to heed a substantial risk... which failure is a deviation from the standard of care." *Annotated Standards for Imposing Lawyer Sanctions* xxi (Ellyn S. Rosen ed., ABA 2d ed. 2019). It is a failure of cognition.

Knowledge is the "conscious awareness" of one's actions and the factual landscape in which they occur. *Annotated Standards for Imposing Lawyer Sanctions* xxi (Ellyn S. Rosen ed., ABA 2d ed. 2019). It is a failure of character.

The distinction is a mechanism for setting the correct price for lawyer misconduct. Negligence, an accidental deviation, warrants a lower price through a reprimand, which is sufficient to incentivize diligence without deterring lawyers from practice. Knowing misconduct, however, is a deliberate choice to flout the rules. It is an economic decision that imposes significant costs on the opposing party and the judicial system. The price for such behavior must be substantially higher—suspension—to make it an unprofitable strategy. Labeling a knowing act as negligence subsidizes dishonesty. It lowers the cost of deception. It encourages attorneys caught in a deception to plead confusion, knowing the penalty will be trivial. This Court should reject a price that makes obstruction a shrewd choice.

Respondent's attempts to reframe his conduct as a negligent mistake are unpersuasive and rebutted by the record.

First, his narrative of a good-faith effort to assist an already-troubled pro se litigant is a fiction. The record shows not a mistake, but a conscious and repeated disregard of clear directives from two judicial officers. He knew that interrogatories require sworn, separate answers, not a 570-page document dump. His assertion that he believed this constituted compliance is not credible; it is an argument that he is incapable of understanding plain

English and basic civil procedure—a fact disproven by his license to practice law.

Second, his reliance on a “Receipt of Copy” as proof of compliance is an empty argument designed to obfuscate the core issue. Proving that opposing counsel received a box of unorganized papers does not prove that he provided sworn answers to interrogatories. Respondent was consciously aware that the documents he delivered were not what the court had ordered. Arguing otherwise elevates a trivial receipt over a substantive court order—a formalist absurdity.

Finally, and most damningly, is what his Answering Brief ignores: his “blatant falsehood” to Judge Reynolds. Judge Reynolds asked a simple, binary question: Did he file sworn interrogatory answers? He insisted that he had. He doubled down on this claim even as the judge and his clerk scoured the record and found nothing. This was not a cognitive slip. It was a conscious statement of fact that he knew to be false. His brief offers no explanation, no defense, and no denial of this event. This silence is a confession by omission. *See Polk v. State*, 126 Nev. 180, 184-85, 233 P.3d 357, 360 (2010) (stating that a party confesses error when its answering brief “effectively fail[s] to address a significant issue on appeal”).

The disciplinary panel's finding of negligence was clearly erroneous. It applied the wrong label to the wrong disease, diagnosing a failure of character as a mere failure of calculation. Respondent was a conscious actor, aware of the court's orders, aware of his non-compliance, and aware of the falsity of his statements. He acted knowingly, and this Court should correct the panel's error and impose a sanction that reflects the true nature of his misconduct.

B. The Harm Was Actual and Catastrophic, Not “Speculative.”

Respondent's characterization of a \$2.49 million default judgment as “speculative” harm is a semantic absurdity. The harm was actual, quantifiable, and the direct, foreseeable consequence of his conduct. His argument to the contrary is a frivolous attempt to redefine injury into nonexistence.

Rule

Supreme Court Rule 102.5(1)(c) directs the disciplinary body to consider “the amount of the actual or potential injury.” The rule's purpose is not to conduct a metaphysical inquiry into the nature of loss, but to measure the concrete consequences of a lawyer's actions. Furthermore, SCR 102.5 (5)(f) explicitly prohibits considering the “failure of injured client to

complain” as a mitigating factor, a command Respondent’s argument conveniently ignores.

Explanation

The disciplinary system is not a private tort action designed to make an individual client whole. *In re Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021). It is a regulatory mechanism intended to protect the public and ensure the efficient functioning of the judicial system. *Id.* It does so by setting a price for conduct that imposes costs on opposing parties, the courts, and future litigants. The “harm” is the full social cost of the misconduct. An attorney who obstructs discovery does not merely injure his client; he injures the opposing party by increasing its litigation costs and injures the court by wasting its finite resources. The rule against considering a client's silence is therefore economically sound. It recognizes that the injury is a matter of public record, independent of the client's subjective state of mind or willingness to participate in yet another legal proceeding. To hold otherwise would be to create a loophole for attorneys whose incompetence is so profound it leaves the client without the resources or the will to complain.

Application

In this case, Respondent’s argument that the harm is “speculative” because his client did not testify is legally and logically bankrupt.

First, it is directly foreclosed by SCR 102.5(5)(f). The client's decision not to appear at the disciplinary hearing has no bearing on the sanction. The argument is improper and should be disregarded.

Second, the claim is factually preposterous. A \$2.49 million default judgment is the opposite of speculative. It is a liquidated, legally enforceable debt. It represents the judicial system's final, non-speculative determination of the client's liability—a determination reached not on the merits, but because Respondent's actions made a defense on the merits impossible. He did not subject his client to the risk of loss; he guaranteed it. His inaction was the direct and proximate cause of the judgment. By suggesting this concrete financial catastrophe is “speculative,” Respondent asks this Court to pretend it cannot see what is plain. The harm is the judgment itself, a figure as actual and non-speculative as any number can be.

Conclusion

The injury here was not potential or abstract. It was a \$2.49 million loss, directly inflicted upon a client by his lawyer's knowing misconduct. Respondent's attempt to dismiss this devastating outcome as “speculative” is an insult to the intelligence of the Court and a disservice to the client he failed to protect. This Court must recognize the harm for what it was: an actual and catastrophic injury that demands a significant sanction.

C. The Panel Disregarded SCR 102.5

The disciplinary panel's recommendation is the product of a corrupted analytical process. It ignored the mandatory, sequential framework of SCR 102.5, and engaged in the result-oriented reasoning the rule forbids. Respondent's brief does not defend this procedural failure because it is indefensible; instead, he simply block-quotes the rule the panel violated, as if its mere existence proves its proper application.

Rule

Supreme Court Rule 102.5 is not a menu of "factors" from which a panel may pick and choose. It is a specific, four-step process. The rule uses the mandatory term "shall." It requires the panel to determine: (1) the duty violated, (2) the lawyer's mental state, and (3) the resulting harm. Only after making these findings shall the panel "(4) determine a baseline or presumptive sanction." Mitigating and aggravating factors enter the analysis only after this baseline is established.

Explanation

This rigid sequence is not bureaucratic formalism. It counteracts arbitrary decision-making. It ensures consistent sanctions, thereby setting a clear price for professional misconduct. By forcing the adjudicator to build a sanction from the ground up—from facts to a baseline, then to a final

recommendation—the rule prevents the panel from starting with a desired outcome (e.g., a public reprimand) and then reverse-engineering the findings on mental state and harm to justify it. This procedural discipline is the primary safeguard against sanctions based on whim, sympathy, or other irrelevant factors. A sanction produced by a flawed process is arbitrary and will not deter.

Application

Respondent's argument that the panel "weighed relevant factors" misses the point entirely. The error was not a failure to consider factors, but a failure to follow the process for weighing them. His brief's only defense is to quote the text of SCR 102.5, which is an admission, not a rebuttal. The panel's written decision is devoid of any reference to a "baseline sanction" because it never determined one. This omission is dispositive proof of its procedural error.

Had the panel followed the rule, its analysis would have been inescapable:

1. **Duty:** Owed to the court and the legal system.
2. **Mental State:** Knowing (as argued in Section I).
3. **Harm:** Actual and catastrophic (as argued in Section II).

These inputs would have led the panel directly to ABA Standards 6.12 (knowing false statements) and 6.22 (knowing violation of a court order). The “baseline sanction” dictated by both is suspension. Faced with this unavoidable baseline, the only logical conclusion is that the panel worked backward. It selected the lenient sanction of a reprimand and, to get there, it downgraded Respondent's knowing misconduct to mere negligence. This is precisely the analytical poison for which SCR 102.5 provides the antidote. The panel refused the cure.

Conclusion

The panel's recommendation is the fruit of a poisoned procedural tree. Its failure to adhere to the mandatory sequence of SCR 102.5 is not a harmless error; it is a fundamental flaw that renders its conclusions on mental state, harm, and the ultimate sanction unreliable. This Court should reject the panel's recommendation, not merely because it is substantively wrong, but because the panel arrived at its recommendation through a process that violates this Court's rules.

This Court should correct that error and impose discipline commensurate with his misconduct: a 12 to 24-month suspension.