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HIGHLIGHTS
The Nevada Supreme Court Clarifies Joint and Several Liability Between Tortfeasors

In a premises liability action, the Nevada Supreme Court held that Nevada’s comparative negligence statute, NRS § 41.141, allows liability to be apportioned between a negligent and an intentional tortfeasor.

A Complaint for Medical Malpractice that Does Not Comply with NRS § 41A.071 Cannot be Saved by Nevada’s “Savings Statute”

In a decision rendered in Wheble v. Eighth Judicial District Court, the Nevada Supreme Court held that a medical malpractice complaint filed without the required medical affidavit is void, and will not be saved by NRS § 41A.071 once the statute of limitations has passed.

Defense Verdict Obtained in Swimming Pool Manufacturing Litigation

The Plaintiff in a products liability action alleged that the filter and all component parts for his residential swimming pool were defectively designed. The Defendant denied liability and asserted that Plaintiff misused the product. The jury returned a verdict for the Defendant.
Nevada’s Comparative Negligence Statute Permits Liability to be Apportioned Between a Negligent Tortfeasor and an Intentional Tortfeasor

Plaintiff Donny Palma and Defendant Matt Richards were patrons at Defendant Café Moda. During an altercation between the two, Mr. Richards stabbed Mr. Palma repeatedly. As a result, Mr. Palma brought a civil action against Mr. Richards for intentional tort, and asserted a negligence claim against Café Moda. Defendant Café Moda asserted comparative negligence against Mr. Palma.

The matter was tried to a jury, who rendered a verdict in favor of Mr. Palma and found that he was not comparatively negligent. The jury found Mr. Richards to be 80 percent at fault and Café Moda to be 20 percent at fault for Plaintiff’s alleged damages. The trial court subsequently held, however, that pursuant to Nevada’s comparative negligence statute, the Defendants were jointly and severally liable and Café Moda was therefore responsible for the entire jury award. Café Moda appealed the trial court’s order, arguing that NRS § 41.141 permitted liability to be apportioned between a negligent and an intentional tortfeasor. Café Moda contended that it was not jointly and severally liable with Mr. Richards, who was an intentional tortfeasor.

On appeal, the Nevada Supreme Court first considered the plain language of the statute. NRS § 41.141(4) stated that, “where recovery is allowed against more than one defendant in such an action…each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.” Section 5, however, provides an exception to that general rule, stating, “This section does not affect the joint and several liability, if any, of the defendants in an action based upon . . . (b) an intentional tort. NRS § 41.141(5).

Café Moda argued that because it asserted comparative negligence as a defense, and because it was sued based on a negligence theory only, the intentional tort exception provided by subsection 5(b) did not preclude application of the general rule set forth in subsection 4 regarding several liability. Once the case was established under subsection 4, Café Moda contended that it was severally liable to Mr. Palma for only its portion of the judgment, i.e., 20 percent.

In contrast, Mr. Palma relied upon the statute’s express use of the word “negligence” in subsection 4. Mr. Palma maintained that NRS § 41.141 permitted only negligence to be apportioned and that such apportionment must be done entirely with respect to the negligent parties in the case. Thus, Mr. Palma argued that, when the jury found that he had not been
comparatively negligent, it effectively apportioned 100 percent of the negligence to Café Moda, as it was the only party determined to be negligent. Therefore, the district court properly held that Café Moda was liable for 100 percent of the judgment. As for Defendant Richards, the intentional tortfeasor, Mr. Palma maintained that he was also properly held to be 100 percent liable for the judgment under the statutory exception of 5(b).

As both parties presented plausible arguments based on the plain language of the statute, the Nevada Supreme Court determined that NRS § 41.141 was ambiguous and construed the statute consistent with the intent of the Nevada Legislature. When the Nevada Legislature enacted NRS § 41.141, its purpose was to lessen the perceived unfairness of two common law tort doctrines. First, the statute eliminated a plaintiff’s contributory negligence as a complete bar to recovery and ensured that relatively low fault plaintiffs were not left completely without recourse. Second, by abandoning joint and several liability amongst negligent defendants, the Nevada Legislature sought to ensure that a negligent defendant’s liability would be limited to an amount proportionate with his or her own fault.

Under Mr. Palma’s proffered application, NRS § 41.141 afforded several liability to all negligent defendants; however, because only “negligence” could be apportioned under this application, affording several liability to a negligent defendant would provide no benefit unless the co-defendant was also sued on a negligence theory. According to Mr. Palma, Café Moda’s co-defendant committed an intentional tort; therefore, Café Moda was effectively denied the statute’s benefit of several liability. The Court found that, not only did Mr. Palma’s analysis run counter to the Legislature’s design of NRS § 41.141, but it also produced an unreasonable result because it hinged the extent of a negligent defendant’s liability on another party’s mindset. Therefore, to avoid an absurd result, the Nevada Supreme Court construed the use of the tern “negligence” to mean fault in NRS § 41.141 subsection 4. Such a construction gave effect to the statute’s purpose to eliminate the unreasonable result inherent in Mr. Palma’s proffered application, and to leave the remainder of the statute’s language intact. Because the jury determined Café Moda was 20 percent at fault, Café Moda was severally liable for 20 percent of Mr. Palma’s damages, and Defendant Richard remained jointly and severally liable for 100 percent of the damages awarded to Plaintiff. Café Moda, LLC d/b/a Café Moda v. Donny Palma and Matt Ryan Richards, March 1, 2012.

Nevada Supreme Court Affirms Denial of Motion for Change of Venue Based on Pretrial Publicity

The Defendants were manufacturers of an anesthetic drug which was used in certain medical procedures by nonparties the Endoscopy Center of Southern Nevada and the Desert Shadow Endoscopy Center. In 2008, the Southern Nevada Health District issued letters to approximately 60,000 patients of these endoscopy centers, warning patients that they might have been exposed to blood-borne infections including hepatitis B, hepatitis C, and HIV. These events resulted in criminal investigations, bankruptcy proceedings by the medical centers, and
approximately 200 civil actions, including the underlying district court case which was extensively covered by various media outlets.

Plaintiffs asserted product liability and other claims against Defendants. Before trial began, Defendants filed a motion to change venue from Clark County to Washoe County, Nevada, arguing that adverse pretrial publicity prevented Defendants from receiving a fair trial in Clark County. Defendants asserted that news coverage related to this case was pervasive and biased, vilifying the various Defendants and engendering community sympathy for the former patients of the endoscopy clinics. In addition, Defendants contended that media coverage of one of the related civil actions, in which the jury returned a $500,000,000.00 punitive damages award against Defendants, further tainted the jury pool.

In support of their motion, Defendants submitted a report discussing a survey of the impact of media coverage on prospective jurors. The survey, which included 408 jury-eligible residents of Clark County and 392 jury-eligible residents of Washoe County, indicated that 83 percent of Clark County participants acknowledged having heard of the Endoscopy Center litigation. In contrast, only 53 percent of Washoe County participants were familiar with the litigation. The survey further indicated that 33.8 percent of Clark County participants, compared to 6.6 percent of Washoe County participants, had heard about the verdict in the related civil action. Defendants also identified 45 print articles and 52 internet articles published from April 2009 to April 2010, and 160 internet articles from April 2010 to August 2011, regarding the first civil action against Defendants.

Plaintiffs opposed the motion, arguing that jury questionnaires and voir dire would reveal that a venue change was not warranted. In addition, Plaintiffs indicated that Clark County was the largest county in Nevada and, hence, had the largest jury pool. The district court indicated that a change of venue was not warranted, but reserved the right to rule on Defendants’ motion after the jury was empanelled.

Prior to jury voir dire, 500 jury questionnaires were issued to potential jurors and approximately 215 jurors were eliminated based upon their answers. One-third of the jurors were excluded for reasons other than exposure to pretrial publicity. In addition, the district court conducted individual interviews, outside of the presence of the jury pool, with each individual juror who had indicated, either in a questionnaire or during the jury selection process, that he had prior knowledge of the parties or issues in the case. The district court conducted approximately 175 interviews and jurors demonstrated that they had a range of knowledge regarding the case. Close to one-half of the jurors were passed for cause during this proceeding because they had not formed any opinions that would affect their ability to be impartial. Ninety potential jurors were excluded, but very few were excluded based on a belief that Plaintiffs’ case had merit because of prior litigation.

During voir dire, additional jurors were eliminated for reasons unrelated to media coverage. At the conclusion of voir dire, the parties exercised their preemptory challenges.
Defendants used all of their preemptory challenges, but did not move for additional challenges. Once the jury was empanelled, Defendants renewed their motion for change of venue, arguing that the jury selection process had revealed that the pretrial publicity had been pervasive, resulting in the potential jurors having extensive pretrial knowledge of the details of the case. Plaintiffs argued that such jurors were properly excluded during the multi-faceted selection process.

By statute, the district court may change the place of a civil trial when “there is reason to believe that an impartial trial cannot be had” in the county designated in the complaint. NRS § 13.050(2)(b). The standard for change of venue was set forth in National Collegiate Athletic Ass’n v. Tarkanian, 133 Nev. 610, 939 P.2d 1049 (1997), which provided that a change of venue was not proper unless there was a reasonable likelihood that the party seeking to change venue would not receive a fair trial. The Court in Tarkanian adopted six factors to be considered for a change of venue: (1) the nature and extent of pretrial publicity; (2) the size of the community; (3) the nature and gravity of the lawsuit; (4) the status of the plaintiff and defendant in the community; (5) the existence of political overtones in the case; and (6) the amount of time that separated the release of the publicity and the trial. In addition, the Nevada Supreme Court added the following for consideration in circumstances where a jury was already empanelled: the care used and the difficulty encountered in selecting a jury; the familiarity of potential jurors with pretrial publicity; the effect of the publicity on the jurors, and the challenges exercised by the party seeking a change of venue.

In applying the above factors, the Nevada Supreme Court found that the underlying case had seriously impacted the lives of thousands of residents in Clark County, Nevada, but did not ignite the emotions of the community against Defendants. The Court also found that Clark County had the largest jury pool in the State of Nevada. Also, the Court noted that there was a “plethora” of newspaper and internet articles about the incident, some expressing outrage, but most provided factual accounts of the civil and criminal trials and contained both parties’ positions. The majority of these reports were published less than one and one-half years before voir dire proceedings. The publicity was renewed in the days and weeks leading up to jury selection, but the Court found that this new media coverage was not as pervasive as the earlier publicity. Only a small number of potential jurors indicated that previous verdicts against Defendants might influence their consideration. The Court also found that the district court took great care in selecting the jury panel. Based on these findings, the Nevada Supreme Court affirmed the district court’s decision to deny Defendants’ request for a change of venue. Sicor, Inc. et al. v. Hutchison, et al., December 15, 2011.

Nevada’s “Savings Statute” Not Applicable to Medical Malpractice Claims Dismissed for Failure to Comply with the Affidavit Requirement of NRS § 41A.071

On November 22, 2006, Plaintiffs Robert Ansara, as Special Administrator of the Estate of Andrew Pedretti, and Karen Grzeda filed a complaint in district court against Defendants, a physician and physician’s assistant, arising from medical care provided to decedent Pedretti.
Plaintiffs’ complaint alleged several claims, including medical negligence and wrongful death. The complaint also referenced an expert affidavit, as required by Nevada Revised Statute § 41A.071, but no affidavit was attached. On November 27, 2006, an errata to Plaintiff’s complaint was filed and served, attaching the expert affidavit.

On July 20, 2009, Defendants filed a motion for summary judgment, arguing that Plaintiffs’ failure to attach an expert affidavit to their initial complaint rendered the entire complaint void ab initio, i.e., invalid from the outset, as to the medical malpractice claim. The district court denied Defendants’ motion, and Defendants filed a petition for writ of mandamus to the Nevada Supreme Court. The Nevada Supreme Court held that the district court abused its discretion and was required to dismiss the medical malpractice claims without prejudice due to the failure to attach the expert affidavit.

Plaintiffs’ case was therefore dismissed, without prejudice. Plaintiffs filed a new complaint on January 21, 2010, reasserting the dismissed medical malpractice claims. Defendants filed a motion to dismiss, arguing that the statute of limitations had passed for Plaintiffs’ claims, and that the savings clause provided in NRS § 11.500 provided no relief. The district court denied the motion, and Defendants filed a writ for mandamus relief to the Nevada Supreme Court.

Plaintiffs asserted that because the Nevada Supreme Court directed the district court to dismiss their medical malpractice claim without prejudice, the plain language of Nevada’s “savings statute,” NRS § 11.500(1), allowed them to re-file their claims within 90 days of dismissal, even though the statute of limitations had passed. NRS § 11.500 provides that if an action is commenced within the applicable statute of limitations but “dismissed because the court lacked jurisdiction over the subject matter of the action, the action may be recommenced in the court having jurisdiction within: (a) the applicable period of limitations; or (b) ninety days after the action is dismissed.”

Interpreting NRS § 11.500, the Nevada Supreme Court held that an action must have been “commenced” in order for it to be refilled under NRS § 11.500 after the statue of limitations had expired. The Court also looked to Rule 3 of the Nevada Rules of Civil Procedure, which states that “[a] civil action is commenced by filing a complaint with the court.” The Nevada Supreme Court had previously held, in Washoe Medical Center v. District Court, 122 Nev. 1298, 148 P.3d 790 (2006), that “a medical malpractice complaint filed without a supporting medical expert affidavit is of no force and effect.” Because Plaintiffs’ complaint was dismissed for failure to comply with NRS § 41A.071, the complaint never legally existed and the action was never “commenced” as defined by NRCP 3. Thus, Plaintiffs’ complaint was dismissed. Wheble v. Eighth Judicial District Court, March 1, 2012.

NEVADA JURY VERDICTS

PRODUCT LIABILITY
Aquatic Equipment Manufacturer Obtains Defense Verdict in Product Liability Action

In March 2006, Plaintiff purchased and installed a swimming pool filter, separation tank, and all component parts for the pool at his residence. The filter system and component parts were designed and manufactured by Defendant. The main filter tank consisted of a two-piece “split-shell” fiberglass tank held together by a metal clamp, and a manual air relief valve was located at the top of the filter tank. When Plaintiff turned on the timer box for the swimming pool filter pump, the top half of the filter separated from the rest of the filter with force and struck Plaintiff in the head.

At trial, Plaintiff alleged that the filter system was defectively designed and that Defendant failed to warn that such an incident could occur. Defendant denied liability, and claimed that the incident could not have occurred as Plaintiff alleged. Defendant asserted that prior to the incident in question it redesigned the filter and made improvements to the clamping band, the internal automatic air bleeder, and the external air relief valve. Defendant also argued that it warned of the potential risks of this specific type of injury in its owner’s manual, which was provided to Plaintiff. In addition, Defendant alleged that Plaintiff discarded evidence that prevented the actual filter system from being tested. According to Defendant, Plaintiff misused and assumed the risks inherent in operating the system.

Plaintiff allegedly sustained injury to his left eye, which required surgical removal, and requires a prosthetic eye. Plaintiff sought $104,000.00 in past medical expenses and an unspecified amount in future damages. The jury found for Defendant. Michaels v. Pentair Water Pool and Spa, Inc., June 22, 2011.

Defense Verdict Obtained in Case Involving Las Vegas Monorail Door Mishap

In a trial on June 3, 2011, a pro se Plaintiff in her late 40s alleged that she boarded the Las Vegas Monorail and was “smashed” between the monorail car doors. Plaintiff alleged negligence against Las Vegas Monorail and product defect against the manufacturer of the monorail car doors. The Las Vegas Monorail filed for bankruptcy prior to trial; therefore, the only Defendant at trial was the monorail car manufacture, who disputed liability. Defendant argued that the monorail car doors were designed and manufactured to “bounce back” after contact, just as elevator doors operate. Defendant also presented surveillance video of Plaintiff moving unassisted into the monorail car after the alleged incident occurred.

Plaintiff claimed to have sustained a shoulder injury and a fractured cervical vertebra, both of which required surgical intervention. In addition, Plaintiff claimed nerve damage in her neck, resulting in vocal cord damage. Defendant’s medical expert testified that Plaintiff, at most, sustained a minor shoulder strain, which should have resolved within a few days. Defendant’s expert also opined that Plaintiff’s medical damages were related to her thirty-year pre-existing shoulder, spine, and throat conditions.
Plaintiff made a pretrial demand of $200,000.00, and Defendant offered $20,000.00. At trial, Plaintiff requested compensatory damages, including $90,000.00 to $100,000.00 in past medical expenses, an unspecified amount for future damages, and $40,000.00 in lost income. The jury returned a verdict for Defendant, and following post-trial motions, Defendant was awarded $19,000.00 in attorney’s fees and $14,000.00 in costs. *Nelson v. Bombardier Transportation USA, Inc., June 3, 2011.*

**NEGLIGENCE**

**Plaintiff Awarded $250,000.00 for Parking Lot Accident After a Reduction for Comparative Negligence**

Plaintiff was stopped in one of the travel lanes in Defendant’s store parking lot, waiting for his spouse to exit the store. While stopped, Plaintiff allegedly noticed a “train” of shopping carts approaching his vehicle perpendicular to his driver’s side door. Plaintiff claimed that Defendant’s employee negligently operated the electrically-powered shopping cart pusher, known as a QuicKART, so as to direct the shopping carts toward Plaintiff’s vehicle. In an effort to stop the impact of the shopping carts, Plaintiff reached his left arm outside of his vehicle, but an impact between the shipping carts and Plaintiff’s vehicle and left hand resulted.

Plaintiff testified at trial that he sustained a crush injury to his left hand, and also injured his left arm and shoulder. Plaintiff’s spouse made a loss of consortium claim. Plaintiff alleged that Defendant was negligent and failed to properly train its employee. Defendant denied liability, and argued that Plaintiff was comparatively negligent.

After a seven day trial, the jury awarded Plaintiff $400,000.00 compensatory damages, which consisted of $100,000.00 in past medical expenses, $50,000.00 in past pain and suffering, and $250,000.00 in future pain and suffering. The jury also found Plaintiff to be 40 percent at fault and Defendant to be 60 percent at fault, and the court therefore reduced Plaintiff’s award to $240,000.00. Plaintiff’s spouse did not recover on her loss of consortium claim. *Hinto v. Costco Wholesale Corp., July 6, 2011.*

**PREMISES LIABILITY**

**After a Pretrial Demand of $399,000.00 by Plaintiff, Defendant Hotel Obtains Defense Verdict in Slip and Fall Case**

Plaintiff, a 38 year old male visitor to Las Vegas, and his wife were guests of Defendant’s hotel. After spending the morning at Defendant’s swimming pool, Plaintiff and his spouse returned to their hotel room, but Defendant’s housekeeping staff was still cleaning. According to Plaintiff, the housekeeping staff cleaned the bathroom, but left the bathroom floor wet. When Plaintiff entered the bathroom, he allegedly slipped and fell on the wet floor.
Plaintiff claimed that Defendant failed to warn him of the wet floor. Defendant denied liability, arguing that the floor was dry and that Plaintiff’s own negligence caused his fall. Defendant further claimed that its housekeeping policy and procedures were to ensure that bathroom floors were dry before leaving each hotel room.

At trial, Plaintiff alleged that he sustained a herniated cervical disk, which required surgery. Plaintiff also claimed to have sustained a fractured left toe and a hoarse voice caused by complications from the surgical plate that was used to fuse his cervical vertebra. He further asserted that this surgical plate would have to be removed in the future. Defendant’s medical expert testified that Plaintiff had a pre-existing degenerative spinal condition, which would have required cervical fusion at some time in the future. He also testified that Plaintiff’s hoarse voice was not caused by the cervical plate and it did not need to be surgically removed.

Plaintiff made a pretrial demand of $399,000.00 and requested compensatory damages at trial, which included $121,000.00 for past medical expenses, $170,000.00 for future medical expenses, and $19,000.00 for lost wages. Defendant offered Plaintiff $25,000.00 prior to trial, which was rejected. The jury found for Defendant hotel. Rizzuto v. Bellagio, LLC, July 15, 2011.

MEDICAL MALPRACTICE

Verdict in Favor of Defendant Doctor in Medical Malpractice Action

Plaintiff, a 15 year old high school student, alleged that Defendant doctor was negligent when he performed her laparoscopic appendectomy. Plaintiff claimed that Defendant deviated from his usual surgical technique when he failed to wait for his preferred surgical instrument to be available before beginning surgery. Defendant also allegedly failed to use an intra-abdominal camera to visualize the penetration of the surgical instrument in the abdomen. Plaintiff claimed that Defendant’s breach of the standard of care resulted in a tear to both the front and back of Plaintiff’s aorta.

At trial, Plaintiff’s expert testified that Defendant failed to utilize camera visualization for the insertion of the equipment during the laparoscopic appendectomy. He also opined that the vessel injury was itself evidence of negligence. Defendant denied negligence and argued that an aortic laceration was a recognized risk of the appendectomy procedure, and could happen in the absence of negligence. Defendant’s medical expert testified that the procedure was performed using accepted and standard techniques, which did not involve utilization of an intra-abdominal camera for visualization.
Plaintiff made a pretrial demand of $169,000.00, and Defendant offered $10,000.00. At trial, Plaintiff asked that the jury award $65,000.00 in past medical expenses, plus compensatory damages in excess of $10,000.00. The jury found for Defendant. *Cicatello v. Southern Nevada Surgery Specialists d/b/a Ripplinger and Jones Southern Nevada Surgery Specialists, Ltd., et al., June 16, 2011.*

**AUTOMOBILE NEGLIGENCE**

**Jury Finds for Defendant in Rear-End Motor Vehicle Accident**

In a personal injury, rear-end accident trial on June 10, 2011, Plaintiff, a 24 year-old, alleged that while she was traveling on a local freeway she saw the Defendant driving erratically. Plaintiff witnessed Defendant collide with a parked vehicle in the freeway’s utility lane, and was forced to brake hard. When plaintiff braked, she was rear-ended by a non-party motorist. Plaintiff alleged that Defendant created a hazardous condition which was the proximate cause of Plaintiff’s rear-end accident.

Defendant, a 23 year-old male, denied liability and argued that when he entered the freeway another motorist would not allow him to merge, which caused him to strike the parked vehicle in the utility lane. Defendant also argued that the motorist that rear-ended Plaintiff was the cause of her alleged damages. As a result of the collision, Plaintiff allegedly sustained cervical, thoracic, and lumbar soft tissue injuries, in addition to residual left leg, hip, ankle, and foot pain. Defendant disputed all of Plaintiff’s alleged residual injuries.

Plaintiff made a pretrial demand of $4,000.00, but at trial requested $17,482.42 in past medical expenses and an additional $13,145.60 in lost wages. Defendant offered $1,500.00. During closing argument, Plaintiff requested an award of her past medical specials and lost wages, plus an additional $200,000.00 for pain and suffering. The jury found for Defendant. *Sorizargary v. Rodwell, June 10, 2011.*

**Defendant Prevails in a Short Trial Appeal of an Arbitration Award**

In a short trial, on appeal from Plaintiff’s arbitration award of $30,294.97, Plaintiff, a 44 year old, alleged that she was traveling southbound and was struck by Defendant. Defendant, a 16 year old, allegedly ran a red light and “T-boned” Plaintiff’s vehicle. Defendant denied liability and argued that Plaintiff ran the red light and pulled into his path of travel. Defendant also alleged that Plaintiff was using her cell phone at the time of the accident. Plaintiff claimed cervical, thoracic, and lumbar soft tissue injuries, and requested $9,235.53 in past medical expenses, plus $6,059.44 in property damage. Defendant served a $7,501.00 pretrial offer of judgment, which was rejected. After a one day short trial, the jury found for Defendant. *McGill v. Strehlow, June 17, 2011.*
Three new Magistrate Judges were recently appointed to the United States District Court for the State of Nevada. William Cobb was appointed to replace retiring Magistrate Judge Robert McQuaid, Jr. Judge Cobb is a fourth-generation Nevadan, who graduated from Reno High School and the University of Nevada-Reno. Judge Cobb attended Lewis and Clark School of Law and was admitted to the State Bar of Nevada in 1974. After admission to the State Bar, Judge Cobb served as a Deputy District Attorney for Washoe County. He began private practice with Erickson, Thorpe & Swainston, Ltd. in 1977. Judge Cobb served as the President of the Nevada Association of Defense Counsel from 1982 to 1983, and was also a member of the Association of Defense Counsel of Northern California and Nevada. He was also a member of the Defense Research Institute, International Association of Defense Counsel and the Trial Attorneys of America. Judge Cobb is a current member of the American Board of Trial Advocates and the American Inns of Court.

Judge Carl Hoffman, Jr. was recently appointed as a Magistrate Judge for southern Nevada’s U.S. District Court, which was a position created to handle southern Nevada’s escalating caseload. Judge Hoffman received his B.A. in Political Science from the University of Colorado, Boulder in 1974, and his J.D. from the University of San Diego in 1981. While serving in the United States Marine Corps, Judge Hoffman spent six years as a Judge Advocate, and also as Special Assistant U.S. Attorney, Legal Advisor to the U.S. Counter-Terrorism Team for the 1988 International Olympics in Korea, and as Legal Advisor to the United Nations Military Armistice Commission in the Demilitarized Zone in Korea. Judge Hoffman relocated to Nevada in 1994 and served as general counsel for the Clark County School District until 2011. Since 2004, he has also served on Nevada’s Commission for Judicial Discipline, which is the entity responsible for investigating complaints and disciplining Nevada’s judges. Judge Hoffman has also taught education law courses at UNLV and Nova Southeastern University.

Former President of the State Bar of Nevada, Cam Ferenbach, replaced retiring Magistrate Judge Lawrence Leavitt. Judge Ferenbach attended Princeton University and, after graduation, joined the U.S. Navy. After completing his four years of service with the Submarine Force, Judge Ferenbach attended law school at Arizona State University. He subsequently began practicing with the law firm of Lionel Sawyer & Collins in Las Vegas, Nevada. During his 30 years with Lionel Sawyer & Collins, Judge Ferenbach’s practice focused on commercial, employment, construction, real estate, insurance law, and contract litigation. In 1982, Judge Ferenbach took a six month leave of absence from Lionel Sawyer & Collins to serve as a Public Defender for Maricopa County in Phoenix, Arizona. He also served as the President of Nevada Legal Services and Clark County Legal Services, and has been on the advisory board for Boyd School of Law’s Thomas and Mack Legal Clinic. Judge Ferenbach has been an active member of the Nevada State Bar’s Board of Governors since 2003, and in 2010 became the Nevada State Bar President.