

Current or Last Employer: State of Nevada

Phone Number:

Address/City/State/Zip Code:

From: March 1994 **To:** May 1998

Supervisor's Name/Title: Nevada Supreme Court

Your Title: District Court Judge

Duties (be specific): **Clark County District Court Judge, Department 13**
March 1994 –May 1998

As a District Court Judge, I was humbled by the privilege to be entrusted with the power to make decisions about people's lives. Like all of the District Court Judges, I presided over criminal and civil law & motion calendars. I heard both jury trials and non-jury trials. In 1995, 1996, 1997 I handled over 20 jury trials each year. As a District Court Judge, I have presided over 65 jury trials, which included death penalty cases, over 20 murder cases, and two civil cases that resulted in multi-million dollar verdicts for the plaintiffs.

In July 1994 and within three months of taking office, Harrah's Casino requested that an injunction be issued against "smut peddlers" that were creating a nuisance at a bottleneck on the sidewalk in front of their casino. In balancing the Free Speech interests versus the private property interests of the casino, I ruled in favor of Harrah's and granted the injunction in an attempt to eliminate the nuisance. I noted that there was a distinction between the "political speech" protections for union protestors or Jehovah's Witnesses passing out religious literature to tourists, and the "commercial speech" protections that the smut peddlers were relying on.

In October 1994, the Clark County Teacher's Union was challenging a new requirement that all newcomers to Nevada were required to take standardized tests in order to show their competency to be teachers. However, teachers who had been licensed in Nevada prior to January 1990 could be evaluated on their performance in the classroom. As a newcomer to the Nevada, I felt that the test requirement unfairly discriminated against the newcomers, and ruled that the teachers, who had failed the standardized tests, should be allowed another method to show their competency in the classroom. I was crucified two weeks before election day by the Las Vegas

Review Journal in an editorial entitled, "Judge, Jury, and Legislator" calling me the worst kind of judicial activist imaginable.

The smut peddler issue arose again in March 1995, when the smut peddlers moved across the street to the Mirage Hotel in front of the volcano and this time printed political messages like "Save the Whales" in fine print on the back of their T-Shirts. Thirteen District Court Judges disqualified themselves from hearing the matter, saying that they had taken contributions from the Mirage. Fine-tuning the rulings on commercial speech from the previous year, I again ruled against the smut peddlers and T-Shirt vendors trespassing in front of the Mirage. My rulings were never appealed, but the smut peddlers and the ACLU branded me a puppet of the Casinos.

Two months later, I was confronted with an Eminent Domain case where the City of Las Vegas Redevelopment Agency had condemned the parking lot of the Aztec Casino so that it could be given to the Stratosphere Casino. The Las Vegas Review Journal praised my judicial activism in defense of property rights (See Appendix, "Property Rights Restored.") Two months after being accused of being a puppet of the casinos, I was now considered to be anti-casino. In fact, neither characterization was correct. Like any good judge, I was beholden to a common sense interpretation of the law. When I believed in good faith that the casinos had the law on their side, I gladly ruled in their favor, just as I would have for any litigant relying on an impartial application of the law.

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EDUCATION

1. List names and addresses of colleges and graduate schools (except for law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

Loma Linda University, 4500 Riverwalk Parkway, Riverside,
California 92515

I attended Loma Linda from September 1973 until June 1977. I received a Bachelor of Arts Degree in History. I graduated Magna Cum Laude.

2. List name and addresses of law schools attended; degree and date awarded; if more than one law school attended, explain reason for change.

University of Southern California
699 Exposition Boulevard
Los Angeles, California 90089

I attended law school from September 1977 until June 1980. I received a Juris Doctor degree upon graduation.

LAW PRACTICE

3. State the year you were admitted to the Nevada Bar and your Bar #.

Admitted in September 1988. Bar Number, 3495

4. Name the states (other than Nevada) and year of admission, in which you are admitted to practice law and accompanying Bar #s. Name any federal court and year of admission, in which you are admitted to practice law.

Admitted to practice in California, 1981. Bar Number 97265.

- Also admitted to the all the Federal Districts in California in 1981.
- Ninth Circuit Court of Appeals. 1983.
- United States Supreme Court, 1990.

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

In state court proceedings, I have practiced in both Clark County and Washoe County, Nevada in the past ten years.

I have also handled cases in San Bernardino County, Los Angeles County, and Orange County, California in the past ten years.

Although I am based in Las Vegas, I have handled matters before the Immigration Courts in Las Vegas; Eloy, Arizona, Los Angeles; York, Pennsylvania; the Board of Immigration Appeals in Washington D.C., the 9th Circuit Court of Appeals in San Francisco, the Federal District Court in Las Vegas and the U.S. Embassies in Moscow, Kiev, Paris, Phnom Penh, Yerevan, & Mexico City.

6. Have you ever been denied admission, suspended or disbarred from the practice of law in Nevada or any other state? If so, describe circumstances, dates, and locations.

NO

7. Describe any pro bono or public interest work of which you want the committee to be aware.

Like many lawyers in private practice, I often do not collect a fee in many of my cases, I usually charge one-third of what other lawyers charge, and when I do charge, I usually collect very little of it. I am always doing pro bono cases, but through the years, some of the more interesting pro bono cases were as follows:

Cipriano Taroc v. San Joaquin County Public Guardian (Summer 1985)

Catholic Charities of Stockton introduced me to a Filipino priest named Father Neri who worked with elderly Filipinos who wanted to return home to the Philippines. Taroc was one such person who in 1925 had come to work in the sugar cane fields of Hawaii. When the Filipinos went on strike during the Depression, Taroc moved to California and worked in the San Joaquin Valley for the rest of his life. In 1985, he knew that he only had a few months left to live, and it had been 60 years since he had seen his wife and children in the Philippines. When his daughter came from the

Philippines to be reunited with him after 60 years, Maria Shriver from CBS News (now with NBC News) interviewed us for a story.

Father Neri had an arrangement with Philippine Airlines to get free airfare for any elderly man wanting to return home. Father Neri also had an arrangement with me to do all of his legal work for free. The Presiding Judge in San Joaquin County granted Taroc the legal permission to leave Stockton, and a week later we were all on our way to the Philippines. I was honored by President Marcos (an Ilocano like Taroc) and given the key to the City of Manila by Mayor Bagatsingh. I visited Magellan's grave, but was most moved at Fort Ilocandia, the burial ground similar to Arlington, Virginia where thousands of American servicemen killed in World War II were laid to rest.

In Re the Matter of Abel Ayala June 1982 –June 1983

Abel Ayala of Tule Lake, California was a six-year old Mexican boy who was left for a weekend by his parents with some neighbors, the Campneys, when they needed to drive to the city to take their other son for medical treatment. When they returned from the hospital, the Campneys were gone, and so was Abel.

A week later the Ayalas received a letter from Kathy Campney in Granville, New York saying they had left on an emergency. Juanita Ayala felt that Kathy Campney had kidnapped her son, because Kathy could not have any children on her own. The DA of Modoc County refused to prosecute, because the Ayalas had left the Campneys with a medical authorization in case anything happened to Abel while they Ayalas were away at the hospital.

The Mexican Consulate in Sacramento asked me if anything could be done and advised me that the Ayalas had no money to pay. My partners, Carlos Alcala and Victor Cabral agreed that we should get involved, and after a year of legal battles in Modoc County, California and a Superior Court Judge in Hudson Falls, New York, Abel Ayala was allowed to come home.

I last heard from Abel at Christmas 1991 during the Persian Gulf War when he sent me a picture of himself as a U.S. Marine. He thanked me for all that had done to reunite him with his family and thereafter helped them

obtain Green Cards during the Amnesty Program. He said that he hoped when he finished his tour of duty in the Marines, he wanted to go to college, and thereafter law school, so that he too, could become a lawyer and find ways to help people as I had helped them.

In the last five years I have continued my practice of doing more than my fair share of pro bono work. Many immigrant women marry American men who are abusive, and using the provisions of the Violence Against Women Act, I have handled these VAWA applicants for free.

Last year, I provided free legal assistance to woman from Afghanistan who was being harassed by the Taliban. Nella Shahood was an educated Afghan woman who assisted United Nations efforts to educate other Afghan women. The school where Nella taught was attacked by the Taliban, and Nella was forced to flee to America where we filed an application for political asylum for her. After six months of work, the Anaheim Asylum Office approved her application. Today, Nella works at Fort Bragg as a translator assisting the United States Army.

Dejan Radojkovic was the dog trainer for the Sarajevo Police Department when the Iron Curtain fell and Yugoslavia went into a civil war. Like all middle age men, Radojkovic was forced into military service during the Bosnia Civil War. He actually provided part time national guard service, but this misrepresentation was the basis to begin deportation proceedings against him over ten years after he was admitted to the United States as a refugee. I have provided over 200 hours of pro bono service to this accused Serbian War Criminal, and today our case is at the Ninth Circuit Court of Appeals. We are challenging his deportation on several grounds.

Although we are now required to report our pro bono hours, I believe the joy of giving is taken away when you are counting every minute that you help someone. My religious upbringing instilled in me our common humanity, and our obligation to help those in need. I have found that the cases that have given me the most satisfaction in life are those where I never earned a cent.

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

American Immigration Lawyers Association

9. Describe in detail your experience in practicing criminal law, including the prosecution of criminal cases and juvenile court proceedings.

As a criminal defense lawyer, I have handled criminal cases in the state and federal courts in Sacramento, California and here in Las Vegas, Nevada. I have handled criminal jury trials as a criminal defense lawyer, as a prosecutor and as a District Court Judge.

When I worked in Washoe County, I primarily handled DUI trials. In the District Attorney's office in Clark County in the early 1990's during a period of tremendous growth, we would subpoena 10-15 cases for preliminary hearings each week and would appear in justice court to negotiate the case or to put on the preliminary hearing. We would also spend half of our time preparing for jury trials and appearing in District Court to argue on behalf of the State during law and motion calendars. We would make sure guilty pleas were properly being taken by the Judge. We would argue at Sentencing for an appropriate sentence to be given to a defendant.

Some of the significant criminal cases I have handled were as follows:

- a. *Walter and William Reber v. People of the State of California* (1984)
177 Cal. App.3d 523
California Court of Appeals, 3rd District
Presiding Judge, Robert Puglia
Opposing Counsel, Richard Thompson, Chief Deputy, Criminal Appeals
State Attorney General's Office, Sacramento, California

After the Reber brothers were convicted of numerous counts of sexual assault and false imprisonment and sentenced to eighty years in prison, the Court of Appeals appointed me to represent them on their appeal.

The two complaining witnesses against the Reber brothers were both mentally ill, and at trial, defense counsel sought to have access to the psychological records of the accusers, so they could argue that the accusers could not be

believed, because they were crazy and tended to distort reality. The trial judge denied the defense request, holding that the psychological records were privileged.

Evidence Code sec. 1014 establishes the psychotherapist-patient privilege in California, and on appeal I challenged this privilege. I challenged the privilege under the theory that it was a denial of the defendant's 6th Amendment right to confront and cross-examine witnesses. I argued from analogy with *Davis v. Alaska*, where the U.S. Supreme Court ruled in favor of a criminal defendant when challenging the "privileged" juvenile records of the state's accusing witnesses. The Court of Appeals agreed with me that the psychotherapist-patient privilege was not absolute, and the trial judge should have conducted a balancing analysis to see which records the defendants should have been entitled to receive and to use in their cross-examination.

The Reber case was the first case in California and probably the nation dealing with this issue and therefore was certified for publication. Interestingly, this was the same issue going on in the Kobe Bryant case where his lawyers obtained the psychotherapist records of the accuser, and argued that the complaining witness was not believable because of her mental history.

b. The State of Nevada v. Duc Huynh (June 1995) Washoe County 27239, 112 Nev. 1723

Prosecutor: David Stanton Defense Attorney: John Oakes

Presiding Judge: Mills Lane

In Reno, Nevada, this case was known as the U-Haul murder case, since Duc Huynh and his co-defendant, Alvaro Calambro, killed the manager of a downtown U-Haul by driving a crowbar through her head, and hanging her on the wall. I was appointed by the Supreme Court to sit with Presiding Judge Mills Lane of Reno and Thomas Stringfield of Elko to determine whether Duc Huynh should receive the Death Penalty.

After hearing all of the evidence, Judge Lane, Judge Stringfield and myself made the determination that the defendant should receive the death penalty. Signing documents that say Warrant of Death and Warrant of Execution is awesome and determining whether someone should die is a very sobering responsibility. What troubled me most about the case was that Duc Huynh wanted to die. When his lawyers appealed the case to the Supreme Court,

Duc Huynh hung himself in prison. Although not executed by the State, I believe that Duc Huynh was the last death row prisoner to die in Nevada.

10. Describe in detail your experience in practicing civil law, including family support and child welfare matters.

I have handled some family support and child welfare matters. I have been in the situation of trying to help a so called "deadbeat dad" work out new payment arrangements with the District Attorney's office. I have handled numerous family law cases too, but most were handled in my first ten years of practice in Sacramento as I described above.

As a District Court Judge, I also handled numerous law and motion calendars every week and I presided over some very significant cases in Clark County. The prominent civil cases that I handled were:

a. The City of Las Vegas and the Fremont Street LLC v. Carol Pappas, et al.
(July 1996)

Plaintiff's Lawyers: Brad Jerbic and Samuel Lionel

Defense Lawyers: Grant Gerber and Glade Hall

Presiding Judge: Don Chairez

This case is significant because it involved the interpretation of the Nevada statutes on Redevelopment and the proper procedures that local governments must take, before declaring that property is blighted and then can be taken in an eminent domain action for legitimate redevelopment purposes. I was the first and only judge who attempted to fully interpret and make sense of the redevelopment statutes.

Although, I was reversed in September 2003 by the Nevada Supreme Court (4-2), the Pappas family has filed for a Writ of Certiorari in the U.S. Supreme Court. Although it has been twenty years since the U.S. Supreme Court last took a pure "takings" case, and fifty years since it decided *Berman v. Parker* that originally allowed takings for Urban Renewal (as opposed to Redevelopment), many property rights groups believe that due to the conflicting standards throughout the country in this area, it is time for the Supreme Court to issue clarifying guidelines for local governments and lower courts.

b. Southwest Securities v. Amfac Hotels Inc., A259004 (July 1997)

Plaintiff's Counsel: Mort Galane

Defense Counsel: Samuel Lionel

Presiding Judge: Don Chairez

Southwest Securities was a group that had originally owned the Marina Hotel and had a lease with Amfac Hotels that was a multi-year lease. Amfac defaulted on the lease. This was a multi-million dollar lawsuit involving a breach of contract and lasted eight weeks. Mort Galane of Las Vegas was considered to be one of the best lawyers in the country, and Samuel Lionel was the lead partner at the largest law firm in the State. Watching the best lawyers in the State fight was like watching Barry Bonds hit home runs off of Roger Clemens. It was also tested one's patience.

Ultimately, Mort Galane won a \$4.5 million dollar verdict for his client Southwest Securities. Afterwards, Mort Galane asked that his client be awarded attorney's fees and costs, as was provided for in the contract. Galane asked for \$4.5 million, and Lionel countered that the prevailing party deserved no more than \$200,000. In the end, I awarded \$2.5 million, since the case had dragged on for over ten years, with all kinds of delays. Although the defense filed an appeal, while the case was on appeal, a settlement was reached.

c. Clark County and the Las Vegas Convention and Visitor's Authority v. Buckwalter

No. 2873, 974 P 2d 334 (May 1997)

Plaintiff's Counsel: Deputy DA Dale Haley

Defense: Kermit Waters and Laura Fitzsimmons

Presiding Judge: Don Chairez

This was an eminent domain action where Clark County was exercising its eminent domain powers to take the land across from the Convention and Visitor's Authority to build a parking lot.

Obviously, it was a battle of the experts, and in this case, it was the battle of the appraisers. The County's appraiser was obviously lower than the Buckwalter's appraiser. Prior to trial, the County had offered to settle the case for \$4.5 million dollars, and the landowners countered with a \$5.5 million dollar settlement.

The cross-examination by Laura Fitzsimmons of the County appraiser, Tim Morse, is the best cross-examination I have seen in my twenty-three years as a lawyer. I literally watched the jury change their opinion about the case right before my very eyes.

The jury returned a verdict for \$9.9 million. I reduced the verdict by \$900,000 to \$9,000,000. At trial, the big issue was the Date of the Valuation, should it be the date the land was taken, or the date of trial. I asked for a special verdict so that the jury could make determinations of both values, and there would not be a need for a new trial in case the Supreme Court decided differently than me.

Although not contested at trial, the jury instruction given by me for "just compensation," which I took out of the Federal Jury Instruction book was that just compensation was to be "the highest and best use" that could be made of the property. The Nevada Supreme Court reversed me saying that the proper instruction to give was the "most probable price," not the "highest and best use." Perhaps it is just semantics, but in over 1200 reported decisions, all of the courts of appeal including the U.S. Supreme Court say the proper instruction to give is the highest and best use. There is one reported decision that says that an alternate instruction should be given and that is the Buckwalter case.

On remand, there was never another trial, and the County allowed the Buckwalters to keep the \$9,000,000 that the original jury had awarded to them

CIVIC, PROFESSIONAL AND COMMUNITY INVOLVEMENT

11. Have you ever held an elective or appointive public office in this or any other state? Have you ever been a candidate for such an office? If so, give details, including the offices involved, whether initially appointed or elected, and the length of service, or the office for which you were a candidate.

I was appointed a District Court Judge in 1994 by Governor Bob Miller. The day I was appointed, there were already two other candidates running for the vacant position to which I was appointed. In the November election in 1994, I received 57% of the vote against my opponent. I ran unopposed for this same position in 1996.

In 1998, I resigned my position as a District Court Judge to run for Congress. In the general election, despite being outspent 6-1, I received 46% of the vote and the winner received 49%.

In 2002, I attempted to run against David Roger for the position of District Attorney. Since I had been elected a District Court Judge in 1996, there was an attempt to keep me off the ballot saying that my "term of office" had not expired, as I had been elected to a six year term which would not expire until December 2002. Since I was "allegedly" still a judge, there was an Attorney General Opinion that kept me from running for a non-judicial position. I ran for the Supreme Court, but lost. I also ran for an open seat on the Supreme Court in 2008, and even though I came in first place in Clark County, I received about 15% of the vote in Northern Nevada and the rural counties. I did not make it out of the primary by less than 1600 votes statewide. In 2006, I ran for Attorney General and was outspent 10-1 and lost. In 2010, I ran against a two term incumbent to be Clark County District Attorney, and although significantly outspent, I received 48% of the vote.

12. State any civic activities in which you have taken part, giving dates and offices or leadership positions, of which you want the committee to be aware.

I was the Chairman of PISTOL, the People's Initiative to Stop the Taking of Our Land. It was Question 2 on the 2006 and 2008 ballot and was a constitutional amendment. It is explained in more detail in the following question.

13. List any accomplishments (i.e., educational, military service, charitable and the like) of which you want the committee to be aware.

In June 2005, when the United States Supreme Court ruled that it was permissible to allow local governments to use the power of eminent domain to take away the property of Suzette Kelo, so the City of New London, Connecticut could give it to a developer to build newer and bigger homes, and said that this did not violate the "public use" clause of the 5th Amendment to the US Constitution, I was shocked. Two years earlier, our own Supreme Court had made the same decision in the City of Las Vegas v. Carol Pappas, but at that time, there was not a public outcry. In response to those decisions, I co-authored the Nevada Property Owner's Bill of Rights, which would prevent land grabs such as in the Kelo or Pappas case

from taking place. Over 130,000 Nevadans have signed this petition, because they agree that this type of government action is wrong.

The incumbent District Attorney and a group of other Nevadans calling themselves Nevadans for the Protection of Property Rights sued to take the initiative petition off the ballot. This group was funded by casinos and developers. I fought the efforts of this fake group of people concerned about protecting property rights, because I had trust in the people to support our initiative petition.

This petition was nicknamed, the People's Initiative to Stop the Taking of Our Land (PISTOL) and as I expected, the voters statewide voted overwhelmingly in favor of it in November 2006 and 2008 by a margin of two to one. As District Attorney, I want to fight to protect the will of the people, and make sure that the protections provided in PISTOL are not gutted by politicians who do not believe in all of its protections.

14. In the last ten years, have you been arrested, charged or held by any federal, state, local or other law enforcement authority, including the IRS and SEC, or convicted of violation of any federal, state, or local law, regulation or ordinance? Exclude minor traffic violations and any juvenile offenses. Provide detail of the circumstances, charges, and dispositions.

NO

15. Have you ever been sued for any claim arising out of your activities as a lawyer or judge? If yes, explain.

I have never been sued for my actions as a lawyer. As a judge, I was sued on several occasions by "constitutionalists" who claim Nevada was a sovereign state.

As a judge and employer, I fired a secretary who was in at "at-will" position. My secretary and law clerk could not get along. The law clerk went on to become the "infamous" Judge Elizabeth Halvorsen, but while she worked for me, she produced excellent research.

After a year of hostility between the secretary and the law clerk, I replaced the secretary with a more qualified individual named Judy O'Leary who had worked for Senator Richard Bryan. After working for me, Judy went on to work for other judges and for two County Commissioners; Dario Herrera and Mark James. Judy had excellent people skills and was a NCAA Champion swimmer from the University of Arizona.

Since the secretary who was fired was an "at will" employee, the State of Nevada and Clark County were sued for wrongful termination alleging that I had "discriminated" against the secretary based upon her gender. Suing for discrimination is the only way to get around an "at will" termination.

The case was set to go to trial in December 1999, but the week before trial, the plaintiff and the State of Nevada settled the case at the plaintiff's request for what the AG's office considered "nuisance value." The plaintiff asked for a confidentiality agreement. I opposed both the settlement and confidentiality agreement.

16. Have you ever been the subject of an ethics, open meeting law or public records complaint? If yes, explain.

NO

17. In the last ten years, have you have ever been called upon to respond to a complaint or charge or to appear before a judicial discipline commission, a bar association grievance committee, bar association character and fitness committee; or have you ever been disciplined or cited for breach of ethics or unprofessional

conduct by any court, commission, or military tribunal? If yes, explain. Include any complaints now pending.

As a result of the lawsuit by the secretary, a complaint was filed with the Judicial Discipline Commission in May 1997. After a thorough investigation, the complaint was dismissed. I was defended by Attorney Richard Segerbloom, who only handles plaintiffs in Discrimination lawsuits, but made an exception for me, and he said that both the EEOC complaint and the Judicial Discipline complaint were retaliatory actions intended to cause me harm politically.

18. Are you in violation of or have you violated any court orders, including spousal and child support?

NO

ADMINISTRATIVE EXPERIENCE

19. Describe in detail your experience in overseeing and managing the work of other attorneys.

As a District Court Judge, I had to oversee the work of both prosecutors and criminal defense lawyers. If I saw a defense lawyer failing to properly defend his client, I would have to take action to make sure criminals were not being sold down the river in my department. If I found a prosecutor being overly aggressive and potentially violating the rights of criminal defendants, I would have to speak to their Team Chief to warn them of the unprofessionalism of that particular lawyer. This is something that I had to deal with on a regular basis.

On every criminal track, there are "conflict lawyers" who the Court appoints when the Public Defender's office has a conflict or when there are multiple defendants. When I began my tenure as a judge, there were three white males and one Hispanic lawyer who were the lawyers that I had to supervise.

By the time I left the bench in 1998, two additional lawyers were added to my track. In 1998, there were now six lawyers on the track: one White male, one Hispanic male, and one African American male. I also was one of the first judges to give this opportunity to women to be track attorneys. I chose Alzora Jackson, an African American female who is now a team chief in the Clark County Public Defender's Office handling death penalty cases. I also chose

Jessie Walsh who went on to win a seat as a Municipal and District Court Judge. Lastly, I chose Gloria Navarro, a Hispanic female who last year was sworn in as a Federal District Judge.

I also had six law clerks that were lawyers that worked for me during this time. I had three males who were law clerks and they all happened to be White males. I had three women as law clerks and two of them were African American.

I only talk about my record in hiring, since there was a EEOC complaint filed against me claiming I discriminated against women. I would think my record as a Judge hiring lawyers proves otherwise.

20. Describe in detail your experience in preparing and overseeing a budget.

Like all the other elected District Attorneys before me, I have never had the experience in taking millions of dollars of taxpayer money, and preparing a budget. However, on a smaller scale, like every other small businessman in Clark County, I have had to estimate how much income I may make each month and what my overhead will be. I have had to distinguish from "fixed overhead" that had to be maintained from "discretionary expenses" which did not need to be funded.

In the numerous political races that I have run, I have had to do the same. Estimate how much money you might collect and decide where you can spend that money. Should it be spent on television, newspapers or mailers? Should you hire a political consultant or not? In what ways could you get the same bang for your buck.

If appointed District Attorney, I already know several attorneys in a supervisory capacity that have expresses a willingness to help me. The easiest way to cut costs is to stop approving so many cases. Not every arrest needs to be approved for prosecution. The deputies need to given leeway to focus on the most dangerous criminals and not to be wasting time on small crimes where there is no victim. If fewer cases are approved, fewer deputies will need to be hired, and if the County is suffering financially, the District Attorney's office will have to make concessions too.

21. Describe in detail your experience in managing and supervising non-attorney staff subject to collective bargaining agreements.

In reality, I have never supervised non-attorney staff who had a collective bargaining agreement.

I have served as an attorney for union members who were not attorneys. In the early 1980's, I worked with one other lawyer who was a labor law specialist and helped on numerous cases for the United Farm Workers.

Ten years ago, I was asked by the local labor leader of the Immigration Officers Union to represent their workers if they had problems with management. I helped this union leader on several occasions with disputes and arbitrations.

OTHER

22. If appointed, do you intend to seek election to this office?

Yes, I will seek election of appointed to this position. Of all the candidates applying to replace David Roger, I was the only candidate with the courage and willingness to take on a two term incumbent. All of the other candidates supported David Roger financially, which implies to me that they were content and comfortable with the way that David Roger ran the office.

I use to work in the DA's office and saw that David Roger with his management style and unwillingness to work with the County Commission, criminal defense lawyers, or members of the community created a lot of hostility. Under his management, the attorneys felt forced to form a union to protect themselves from his arbitrary firings of long time employees. I had the courage to try to put my money where my mouth was. Although vastly outspent by my opponent, I still received 48% of the vote for this position against a two term incumbent.

I verify by my signature below that all statements made on the personal information form and application form are true and complete to the best of my knowledge. I understand that any false statement may be cause for rejection of my application. I further understand that the County may make inquiries to verify any statement made on the application form including information relating to education, bar admission, and experience.


Signature _____

Date 12/8/2011