

Local litigation firms

Highly recommended

Brownstein Hyatt Farber Schreck

Holland & Hart

Harrison Kemp Jones & Coulthard

Jolley Urga Wirth & Woodbury

Kummer Kaempfer Bonner Renshaw & Ferrario

Lionel Sawyer & Collins

McDonald Carano Wilson

Morris Pickering & Peterson

Santoro Driggs Walch Kearney Johnson & Thompson

Recommended

Bailey Kennedy

Campbell & Williams

Jones Vargas

Laxalt & Nomura

Lewis & Roca

Snell & Wilmer

Nevada

Gaming and entertainment representation is, of course, a staple for Las Vegas firms. The nation's fastest growing state continues its important water-related litigation, with construction issues and resort matters a top priority. A rise in litigation based out of Reno and capital Carson City are also noted, with most Las Vegas firms setting up additional shops in these smaller cities.

Highly recommended firms

The Denver-based **Brownstein Hyatt Farber Schreck** recently merged with California firm Hatch & Parent, making the convergence official January 2008. Now, the firm boasts more than 200 experts in 12 locations, including a wealth of litigation expertise within its Las Vegas location. Focusing on high-end commercial litigation, the team is known for its gaming practice, with additional proficiency in construction and intellectual property, especially patent disputes. The firm served as counsel to some of the city's top casinos and resorts, including Harrah's Casino Hotels, Station Casinos, MGM Mirage, Boyd Gaming and Wolf Creek Golf Club. In a recent trademark dispute, Brownstein successfully represented Wolf Creek as a plaintiff against a home developer who was going to call the development a similar name. With the recent merger, the firm has taken on water-related matters and is growing to become the leader on such issues. In a recent piece of major litigation, the firm represented client Farrallon Capital Management in a land and water rights case which resulted in the creation of the Great Sand Dunes National Park in Colorado.

With nearly 40 years of experience, **Frank Schreck** is considered an important presence in gaming. As head of the firm's Gaming Law Group, Schreck has represented many major gaming companies in both the public and private spheres. His impressive client base includes the city's top casinos, resorts and gaming manufacturers including Wynn Resorts, Pinnacle Entertainment and Barden Gaming. While most of his work remains in Nevada, he has experience in gaming-related matters throughout the country and worldwide, including Japan, Spain and England. Also representing some of the state's top gaming companies is "very good lawyer" **Todd Bice**, who takes on commercial litigation matters, constitutional disputes and election law. With gaming disputes, he represents companies in corporate

governance contests, commercial litigation and gaming disputes. A member of the firm's Employment Retirement Income Security Act and employee benefits group, **Andrew Brignone** has worked for more than 30 years in the employment field. He is also noted for his work on behalf of unions.

Focusing on commercial litigation, construction, defamation and health care law, **James Pisanelli** represents a range of clients, from Fortune 500 companies to single entity developers and business owners. As co-chair of the firm's litigation group, Pisanelli also practices transactional law on behalf of his commercial clients. Those clients include the state's major gaming companies, newspapers and national television broadcast company affiliates in the state. Also thriving is his robust construction practice, where he represents contractors, designers and developers on levels ranging from local to international. He is "all-around smart, rational and good with judges," says one peer.

In what has grown to be one of the state's leading firms, **Holland & Hart** continues to grow. In a recent merger with Holland & Hart, the largest law firm in the western Rockies, the firm now boasts more than 400 attorneys in 15 offices across the region, including 63 within the firm's three offices in Reno, Las Vegas and Carson City. The general business litigation firm has major practice groups in corporate tax and securities and boasts strong gaming and business dispute practices as well. Clients include Sunterra, a timeshare company, in which the firm has provided corporate securities representation, and Bank of America and Bally Technologies. The firm's significant litigation expertise also includes work in labor and employment, contracts, franchise and distribution and general commercial issues.

Steve Lane moved from Hale Lane's home office in Reno to establish the Las Vegas location in 1988. Since then, he has become

"Also representing some of the state's top gaming companies is 'very good lawyer' Todd Bice, who takes on commercial litigation matters, constitutional disputes and election law."

Local litigation stars

Todd Bice Brownstein Hyatt Farber Schreck
Andrew Brignone Brownstein Hyatt Farber Schreck
Donald Campbell Campbell & Williams
John Delikanakis Snell & Wilmer
Cam Ferenbach Lionel Sawyer & Collins
Mark Ferrario Kummer Kaempfer Bonner Renshaw & Ferrario
David Frederick Lionel Sawyer & Collins
Andrew Gordon McDonald Carano Wilson
Kirk Harrison Harrison Kemp Jones & Coulthard
Von Heinz Lewis & Roca
Paul Hejmanowski Lionel Sawyer & Collins
Rodney Jean Lionel Sawyer & Collins
Randall Jones Harrison Kemp Jones & Coulthard
Mark Jones Harrison Kemp Jones & Coulthard
Will Kemp Harrison Kemp Jones & Coulthard
Dennis Kennedy Bailey Kennedy
Thomas Kummer Kummer Kaempfer Bonner Renshaw & Ferrario
Steve Lane Holland & Hart
Kirk Lenhard Jones Vargas
Samuel Lionel Lionel Sawyer & Collins
Steve Morris Morris Pickering & Peterson
Don Nomura Laxalt & Nomura
George Ogilvie McDonald Carano Wilson
James Pisanelli Brownstein Hyatt Farber Schreck
Stephen Peek Holland & Hart
Mary Kristina Pickering Morris Pickering & Peterson
Patrick Reilly Holland & Hart



the go-to attorney for real estate litigation matters, with clients including shopping centers, title companies, developers and contractors, individual investors and business owners. As head of the litigation practice group, **Patrick Reilly** practices an exclusively commercial litigation practice. Clients include business entities such as financial institutions, hotels, casinos, utilities, land developers and commercial landlords.

Working from both the Reno and Las Vegas offices, **Stephen Peek** represents several major corporations and businesses and is praised by peers, who say he “doesn’t flinch very easily” and has “ice in his veins.” With more than 30 jury trials under his belt, he practices in the areas of commercial and business litigation ranging from construction to labor and employment issues. In an ongoing high profile matter still in US Federal

senior partner **Kirk Harrison** is still seen as a strong presence in regards to mediation and arbitration. With a broad commercial practice encompassing construction defect litigation, class actions, construction and real estate and insurance work, the “outstanding” **Randall Jones** holds substantial experience in securities work and other disputes. Peers praise him as an “excellent lawyer.” Recognized for his broad commercial practice, **Mark Jones** offers expertise in real estate and construction and creditors’ rights. He also boasts a strong title insurance defense practice.

With a main office in Las Vegas and a small shop in Boulder City, the team of 20 attorneys at **Jolley Urga Wirth & Woodbury** is known for its extensive work in litigation. A focal point of the firm’s practice, the litigation group takes on matters involving

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-Hale Lane Peck Dennison & Howard

Court, Peek represents software engineer and CEO of eTreppid Technologies Warren Trepp, who is sued by a former employer. This led to Trepp’s countersuit against the employer, alleging him of stealing eTreppid property the company uses in its military defense work. Trepp is also under scrutiny for his corruption allegations against Nevada Gov. Jim Gibbons.

Although the firm is known for its successes in plaintiffs’ representation, **Harrison Kemp Jones & Coulthard** has established itself as an accomplished defense firm as well. Since its relatively recent inception in 1993, the Las Vegas boutique has acted as defense counsel for major resorts, developers, title companies and contractors in the city. Clients include Harrah’s, Mandalay Resorts, First American Title Insurance and Sempra Energy. The firm has also represented the City of Las Vegas in defense matters. However, Harrison Kemp is best known for its plaintiffs work, including its work in construction and mass tort class action litigation. Products liability expertise includes the representation of plaintiffs regarding plastic surgery, diet drugs and tobacco. Recently, the firm tried the first successful class action in the region where the homeowner sued the developer.

Praised for his work as plaintiffs’ counsel on recent heavy litigation concerning Las Vegas’ top hotels and resorts, **Will Kemp** has a strong hold on mass torts, as well as products liability on the plaintiff’s side. Peers “have a lot respect for” Kemp and attest he is “right up there” with the best attorneys. Although working of-counsel, longtime

business and commercial disputes. The firm has a specialty in real estate and bankruptcy and boasts an equally strong personal injury subspecialty. Representative clients have grown to include subgroups of national companies, including General Motors Acceptance, General Electric Capital and Ford Motor Credit. Other clients include Miracle Mile Shopping Center, Fairfield Resorts, Wachovia Securities and Wolfgang Puck Group.

With more than 36 years of legal experience, “very capable litigator” **William Urga** runs an impressive business litigation practice. For six years he served as gaming commissioner for the Nevada Gaming Commission. Appropriately enough, he is a leader in the state’s gaming law, noting a surge in work relating to liquor licenses. He is currently involved in a defamation case against Clarke County School District, which is currently in appeal after a judgment was given. Also in the works is a defamation matter in which his client faces the Rio Las Vegas Hotel.

A team of more than 50 lawyers make up the Nevada-based **Kummer Kaempfer Bonner Renshaw & Ferrario**. Through its three offices in Las Vegas, Reno and Carson City, the firm showcases a bevy of talent in litigation, with specific expertise in land use and zoning law. The firm has seen a recent spike in litigation on the local government level as well. With half of the firm devoted to litigation, the firm remains a growing entity in Nevada law. In 2006, the group merged with Crowell Susich Tackes & Griffin, giving it an expansion into the state’s capitol. A year

Nicholas Santoro
Santoro Driggs Walch Kearney Holley &
Thompson

Frank Schreck
Brownstein Hyatt Farber Schreck

Jeff Silvestri
McDonald Carano Wilson

Gregory Smith
Lionel Sawyer & Collins

Todd Touton
Lionel Sawyer & Collins

William Urga
Jolley Urga Wirth Woodbury & Standish

James Whitmire
Santoro Driggs Walch Kearney Holley &
Thompson

prior, Kummer Kaempfer recruited **Mark Ferrario** to its litigation team. A “bulldog-sorta guy” and “take-no-prisoners” lawyer with more than 20 years of litigation experience, Ferrario represents clients in matters relating to civil, commercial and general business litigation. His broad practice includes real estate, gaming, entertainment, securities and intellectual property litigation, constantly “bringing in good results.” In a recent matter, he successfully represented the Nevada Tavern Owners Association to strike unconstitutional provisions of the Nevada Clean Indoor Air Act. In construction law, he recently found success in the defense of a business owner in a \$7 million claim and successfully represented a subcontractor in a \$2.5 million lien claim. Ferrario was also heavily involved in the high-profile matters recently involving PISTOL, the Peoples Initiative to Stop the Taking of Land. He was able to persuade Nevada Supreme Court to eliminate major portions of the organization’s eminent domain initiative.

As one of the firm’s original founders, **Thomas Kummer** has a wealth of legal experience. Since 1968, Nevada’s legal marketplace has been Kummer’s playground. One peer says he is “great.” In 1977, he joined Vargas & Bartlett, which would soon become his namesake firm. With a practice encompassing business and construction litigation, his true niche is his work in aviation matters. He recently obtained a favorable settlement for an aviation insurer in which the plaintiff was seeking more than \$30 million in property, consequential, bad faith and punitive damages over his client’s alleged failure to repair an airplane. In another matter, he represented Addison in a public works contract dispute involving the construction of the Southern Nevada Veterans Home. After six weeks of arbitration, a damage award was given to his client in the amount of \$11 million. Kummer has been involved in some of the state’s most important high-stakes litigation, including the highly-publicized MGM Grand fire, where he represented an insurance syndicate at Lloyds of London.

As one of Nevada’s largest firms, **Lionel Sawyer & Collins** stands its ground as a premier business litigation powerhouse. The firm represents financial institutions, lenders and developers, especially in the gaming industry. A team of more than 35 litigators can be found in the Las Vegas and Reno offices, with locations in Carson City and the District of Columbia as well. Lionel Sawyer litigators have particular bench strength in the areas of intellectual property, products liability, insurance and construction. Clients include Oklahoma-based entities such as Chesapeake Energy Corporation, Central Plastics Company, Mustang Fuel Company and Express Services, as well as local presences like Harrah’s and KLAS-TV in Las Vegas.

The firm’s founding partner and chairman

of the litigation department, **Samuel Lionel**, remains one of the most highly respected lawyers in the state. Peers mention jokingly the “Six Degrees of Sam Lionel,” which “anyone who has practiced law in Nevada can play.”

As the firm’s managing partner, “outstanding lawyer” **Paul Hejmanowski** has worked on an assortment of litigation matters over the years. A fierce presence in products liability, white-collar and securities work, peers say this “outstanding litigator” is “really incredible.” He has developed a niche in the boxing world, counting Oscar de la Hoya and Don King Productions as clients. Specifically, Hejmanowski has handled cases involving an array of issues, including savings and loan litigation, business torts, contract disputes and premises liability. He recently represented Acres Gaming alongside national power McDermott Will & Emery after plaintiffs filed suit seeking to enjoin a merger and acquisition after International Game Technology acquired his client. Hejmanowski was successful in defeating the claim for injunction and was also triumphant in getting an order denying class certification after the plaintiffs attempted to propose a class action for damages. In another matter, he is currently assisting in the defense representation of Gateway Companies after the liquidating trustee of PurchasePro.com claimed damages for the alleged breach of contract for marketing services. Prior to these allegations, several of Purchase Pro’s senior officers engaged in securities fraud, eventually leading to the company’s bankruptcy. The liquidating trustee attempted to resurrect the contract and is seeking more than \$40 million for Gateway’s alleged breach. Hejmanowski, along with partner **Todd Touton**, also recently assisted in the representation of Blue Diamond Village in litigation against several partnerships and individuals. Blue Diamond was seeking to compel specific performance of a contract for the acquisition of land on Las Vegas Boulevard for \$140 million. According to the plaintiffs, the defendants repudiated key contractual obligations. The case resulted in a settlement in which Blue Diamond was able to purchase all of the land from the defendants. Touton, whose specialty areas include intellectual property and construction litigation, practices in a wide range of commercial matters, including breach of business contracts.

Since 1980, **Cam Ferenbach** has been a Lionel Sawyer staple. With specialties in products liability, intellectual property and insurance matters, as well as some employment work, he has seen a recent surge in real estate work due to the economic downturn. He recently represented the Danielle DeLee Irrevocable Trust in a pro bono matter in which the new owners of property formerly owned by the trust were attempting to evict Kathy DeLee, the mother of the individual named in the trust.

Future stars

Laura Ellen Browning
Snell & Wilmer

Adam Bult
Jones Vargas

Jennifer Craft
Lewis & Roca

John Delikanakis
Snell & Wilmer

Joshua Dickey
Bailey Kennedy

Scott Eaton
Bailey Kennedy

Trevor Hayes
Lionel Sawyer & Collins

Todd Kennedy
Lionel Sawyer & Collins

Jacquelyn Leleu
McDonald Carano Wilson

Donald Martin
Fennemore Craig

Josephine Binetti McPeak
McDonald Carano Wilson

Angela Turriciano Otto
Brownstein Hyatt Farber Schreck

Michael Pagni
McDonald Carano Wilson

Brandon Roos
Kummer Kaempfer Bonner Renshaw & Ferrario



Ferenbach was successful in preventing the eviction and had the foreclosure sale declared void due to noncompliance with notice procedures. In another matter, he assisted in the current ongoing representation of F W Schinz in litigation against Krystle Towers, which is in the process of settling. Schinz was the manager and majority owner of Krystle Towers until he and his investors sold their interests in 2005. More than 100 purchasers sued him personally, resulting in litigation involving the Class Action Fairness Act. Head of the firm’s bankruptcy division, **Rodney Jean** is “strong in the bankruptcy and creditors area,” one peer says. He recently assisted in efforts to protect the intellectual property of a large shoe manufacturer. Jean was asked to obtain injunctive relief to prevent foreign manufacturers and distributors from promoting counterfeit items at industry trade shows in Las Vegas. Successfully doing so with the help of Lionel Sawyer attorneys Greg Gemignani and Rob Hernquist, he was also able to work with the Financial Crimes Department of the Las Vegas Police Department to confiscate the illegal goods at the trade show. Jean focuses most of his practice on representing creditors in Chapter 11-related cases.

Also a strong presence is civil appellate lawyer **David Frederick**, who has kept busy this year with a string of important matters. As “one of the top appellate attorneys in the state,” he continues to represent a client in a matter involving appeals and cross-appeals from a \$33 million judgment and remittitur order in litigation stemming from a joint venture’s development of more than 500 acres of valuable real property. He also represented Horace Mann Insurance Company in its appeal of a multimillion dollar judgment in insurance company bad faith litigation, helping with settlement negotiations. With more than 33 years of labor and employment experience, partner Gregory Smith “has brought clients and expertise to the firm,” according to one peer. Smith came to Lionel Sawyer in 2007, from his own labor and employment firm, Smith & Kotchka. With a client base including J&R Flooring and the Fremont Hotel and Casino, Smith has taken on a series of high-profile matters recently. He continues his representation of the City of North Las Vegas in an employment law matter in which the city terminated the employment of the city manager for various reasons, resulting in the former manager filing a lawsuit alleging breach of contract, violation of the Open Meeting Law and violation of his state constitutional rights. The matter resulted in a summary judgment motion.

In **McDonald Carano Wilson’s** two Nevada offices in Reno and Las Vegas, more than 30 of the firm’s 50 attorneys are devoted to litigation. The firm boasts a broad commercial and complex litigation practice, with work done on matters including employment, construction, real estate,

insurance, securities, professional liability and environmental law. The firm has only bolstered its reputation with the recent addition of Daniel Bogden, the former US Attorney for the District of Nevada, who focuses his litigation practice on commercial and employment law. As one of the state’s oldest law firms, McDonald Carano Wilson enjoys its local presence with insiders saying the firm has no desire to merge with other, larger firms. The firm recently represented a franchise tax board after the plaintiff moved from California to Nevada to avoid paying income taxes. He claims to have invented a microprocessing chip and proceeded to sue investigators for invasion of privacy and interference of contractual relations. Other firm clients include Dillard’s department stores, Clark & Sullivan Construction and Eldorado Hotel and Casino.

George Ogilvie works as managing partner of the Las Vegas office, and, as one source says, he is a “good lawyer with a good reputation.” He is noted for his work in the complex commercial litigation area and has done some significant work in construction law. In a recent matter, Ogilvie defends California insurance broker Brown & Brown in a dispute involving 1031 exchanges. Practicing in commercial litigation, including shareholder derivative actions, construction, real estate, employment and securities claims, Las Vegas partner **Andrew Gordon** is also considered a pro in handling alternative dispute resolution matters. Competitors say he is “really good, really effective” and is “not intimidating, but gets results.” Fellow Las Vegas partner **Jeff Silvestri** leads the firm’s appellate practice group, also handling litigation in the commercial milieu.

Only four partners litigate at the Las Vegas boutique **Morris Pickering & Peterson**, which boasts an attorney roster of 15. The firm is still considered a powerhouse in the state for its strong litigation practice, which focuses on complex matters arising out of products liability defense, real estate, banking and public utilities litigation. The firm does work for Johnson & Johnson and Merck in regards to medical device and pharmaceutical products liability work and holds Nevada Power Company as one of its public utilities clients. In a recent matter defending Merck, the firm is handling more than 300 plaintiffs in Nevada suing regarding the pain reliever Vioxx and its link to heart attacks in users. Other representative clients include Honeywell, St Paul Travelers Companies and Medtronic, a medical device manufacturer.

Practicing in all areas of complex commercial and tort litigation, **Steve Morris** remains “one of the leaders” while maintaining a very strong practice. He is both a “wonderful civil litigator” and an “excellent commercial litigator,” according to competitors. Having represented a variety of different entities, including pharmaceutical companies, medical device managers and automobile manufacturers, he also has

handled matters for the Las Vegas Convention and Visitors Authority, the Mirage, Sierra Pacific Power Company and Southwest Gas Company. In his representation of the Nevada Power Company, he received a \$155 million verdict for his client against the Public Utilities Commission. Fellow partner **Mary Kristina Pickering** is well-known for her strong complex commercial and tort litigation as well, with particular expertise in employment, products work, insurance coverage and business litigation. She represents Harrah's Rio Hotel property after a failed performance contract with entertainer Rod Stewart. The case is being retried and Stewart is seeking damages in excess of \$5 million.

Although newcomers to the Las Vegas legal market, the 12-year old **Santoro Driggs Walch Kearney Johnson & Thompson** has become a force in the arena, due to both a strong client base and a roster of younger talent. Within the past five years, the firm has become one of the city's most recognizable firms, despite its boutique feel. Eight practitioners work in litigation, emphasizing commercial disputes, real estate and contract work. The impressive list of representative clients includes Union Pacific Railroad, AT&T, Casino Data Systems, Bank of America, Greystone Homes and the City of Las Vegas.

The "first-rate" **Nicholas Santoro** leads the firm as head of litigation, with a civil practice that encompasses a range of matters, including tort work, contract and real estate disputes and professional liability defense. He leads counsel in the firm's representation of Southwest Exchange receiver Larry Bertsch in litigation arising from the alleged failed exchange company's principals, cheating investors out of more than \$100 million. He also represented the Las Vegas Police Department in a case against Motorola in a dispute regarding radio equipment. Santoro represented the State Bar of Nevada in a constitutional challenge to its lawyer advertising rule filed by a high-profile local personal injury attorney. Practicing in the area of civil litigation as well, **James Whitmire** focuses his work on construction and employment law.

Recommended firms

With more than 60 years of combined experience in the legal arena, **Dennis Kennedy** and John Bailey's **Bailey Kennedy** is relatively recent addition to the Nevada marketplace. Formed in 2001, the firm has

grown to a team of ten attorneys representing healthcare facilities, gaming companies, public entities, real estate developers and financial institutions. The firm's robust litigation group handles commercial and civil matters, including business torts, products liability, class actions, intellectual property, real estate and antitrust disputes.

Counting more than 30 years of previous experience at Las Vegas powerhouse Lionel Sawyer & Collins, **Dennis Kennedy** handles commercial litigation matters with a focus on class action and complex litigation. Additional areas of focus include hospital and healthcare law. In his long legal history, Kennedy has represented the country's top hotel, gaming, insurance, pharmaceutical and tobacco companies in complex litigation matters and class action defense. Peers say he "continues to be one of the best there is" and one speaks "extraordinarily high of him."

The small team of two partners at the Las Vegas-based **Campbell & Williams** is seen as a strong force in the state's legal marketplace. Although a majority of the firm's practice is devoted to personal injury and nightclub and security liability work, commercial litigation and products liability are staples as well. With representative clients including Donald Trump, CNN, Toshiba, The Wall Street Journal and Andre Agassi Enterprises, the firm has seen repeated success against national entities including ExxonMobil, General Motors, Wal-Mart and Chrysler Corporation. Before founding the firm in 1986, "extremely capable" and "very good" partner **Donald Campbell** worked as a criminal prosecutor for the Department of Justice. Now, the "always tough litigator" focuses his trial practice on personal injury and complex commercial tort work.

Ten years have passed since the historic merger between Nevada firms Jones Jones Close & Brown and Vargas & Bartlett. Now, **Jones Vargas** has garnered quite the local reputation for its litigation specialties, which have grown to include construction, eminent domain, intellectual property, real estate, employment, healthcare and gaming work. The firm is also strong in its medical malpractice and personal injury prosecution and defense work, with special success in products liability defense. As co-chair of the Jones Vargas litigation practice group, **Kirk Lenhard** focuses his work on commercial litigation matters, with representative clients including Clark County, McCarran Airport, Republic Services and Shuffle Master. Other firm-wide clients include AT&T, Columbia

Entertainment, Harrah's Entertainment, Las Vegas Motor Speedway, Phillip Morris USA and Sierra Health Services.

With offices in Reno and Las Vegas, the civil litigation specialists at **Laxalt & Nomura** have recently expanded their practice areas, representing an array of clients in issues ranging from insurance defense to construction defect work. Leading the pack is **Don Nomura**, noted for his civil and business litigation practice, which has grown to include work in products liability, medical malpractice and professional malpractice. He, along with fellow partner Bruce Laxalt, are former assistant district attorneys for the state. Strong in the insurance arena, representative clients include American Family Insurance, California Insurance Group, Farmers Insurance Group, Washington Mutual and Statewide Insurance. Other firm clients include Bayer, Abbott Laboratories, Pfizer, Rite-Aid and Sierra Chemical.

A recent merger with local firm Beckley Singleton has only bolstered the Nevadan presence of the regional **Lewis & Roca**. Boasting an office in Las Vegas and recently-opened location in Reno, the firm is able to serve the state in a variety of litigation matters. With more than 50 attorneys, the firm is one of the largest in the state. Specialties include intellectual property, real estate, fraud and business litigation work, with clients including major hotels and casinos, insurance companies and local contractors and developers. Partner **Von Heinz** specializes in complex civil and commercial litigation matters, including ERISA and first-party liability litigation for insurance companies. In a recent matter, he represented a New York law firm in litigation in Nevada, defending the firm against charges of professional negligence arising from its representation of a former corporation in the state. Heinz also represents clients at the trial and appellate levels in employment discrimination matters.

The recent opening of the Las Vegas office in 2001 marks the sixth regional location for the Arizona-based **Snell & Wilmer**. Relationships with state businesses have been established long before the office opened, with representation of clients in Nevada real estate, gaming, and public utility matters. The firm addresses a variety of issues in the state, including construction litigation, real estate and commercial litigation. Attorney John Delikanakis is singled out as a "good lawyer, who does a good job."

Navigating Nevada state courts: unique qualities of the Nevada judicial system

Brian W. Boschee and Oliver J. Pancheri, Santoro, Driggs, Walch, Kearney, Holley & Thompson

Nevada's judicial system has the unenviable task of trying to keep pace with Nevada's unparalleled growth and development. This task has proven particularly difficult in southern Nevada, where the population has more than doubled since the mid-1990s. Of the nine judicial districts in Nevada, the one with the largest number of judges is the Eighth Judicial District, which serves approximately two million residents of the greater Las Vegas metropolitan area. Given the influx of litigants and the broad jurisdiction of the US District Courts of Nevada, judges of the Eighth Judicial District have some of the largest caseloads in the US.

Accordingly, Nevada has implemented several unique features to try to ease the burden on its district court judges. These changes can have direct and significant impact on Nevada litigants. Thus, familiarity with Nevada courts is critical to successfully navigating a dispute through Nevada's judicial system.

Business court

In the 1990s, the Eighth Judicial District began to specialize its district courts in an effort to address the backlog of pending cases. In addition to the separation into civil and criminal divisions, the Eighth Judicial District also created a "Business Court" division. The Business Court is presently comprised of two judges assigned to hear "business matters" as defined by Eighth Judicial district court Rule 1.61.

The Business Court provides a mechanism to allow more complex business matters to be heard by a specialized court with the time and expertise to distill sophisticated business disputes. One reason for implementing a Business Court in Nevada was the growing, nationwide trend for businesses to forgo the Nevada district courts in favor of alternative dispute forums, such as the American Arbitration Association, in order to resolve complex business disputes. It is the hope that the creation of a specialized Business Court will create a comfort level in the business community that complex business disputes can and will be handled effectively by the district courts.

"Business matters" generally include cases concerning control of corporate entities, shareholder derivative suits, trademark disputes, trade secret litigation, securities matters, and any case which the court determines would benefit from enhanced case management. The plaintiff or defendant can request that a case be heard by the Business Court. The Business Court also frequently considers temporary restraining orders or preliminary injunction matters concerning business disputes.

The Discovery Commissioner

To further alleviate its work load, the Eighth Judicial District Court created the office of the Discovery Commissioner to oversee discovery for nearly all cases pending in the Eighth Judicial District Court. A lack of understanding of the peculiarities of Nevada's discovery rules can prove a trap for the unwary. Just by way of example, Nevada's rules for mandatory initial disclosures are much broader than federal rules.

The Discovery Commissioner is appointed by the judiciary and serves a very significant role as they manage discovery scheduling and hear and decide discovery disputes for all civil matters in the Eighth Judicial District. The Discovery Commissioner has the power to recommend discovery sanctions pursuant to Nevada Rule of Civil Procedure 37, including striking a party's pleading. A party may seek relief or reconsideration of a decision by the Discovery Commissioner with the district court, which has discretion to reject a recommendation by the Discovery Commissioner, but which typically gives deference to the findings of the Discovery Commissioner.

Nevada appellate practice

Nevada is one of the only states in the US that does not have an intermediate court of appeals between its district courts and Supreme Court. As is the case with the district courts, this creates an immense case load for the seven popularly-elected Supreme Court Justices. Accordingly, the Supreme Court has also implemented programs designed to ease the burden on the justices and prevent a backlog of cases on appeal.

One program implemented was the mandatory settlement program. Subsequent to a party's filing of a notice of appeal, the Supreme Court often stays the briefing schedule and assigns a settlement judge to the case. The matter cannot proceed until the settlement judge files a report certifying that the parties have participated in the settlement program in good faith but could not come to a resolution.

Another program implemented by the Supreme Court has been splitting the Supreme Court into two, three-member panels. One panel hears arguments in Carson City, while the other panel hears arguments at the Regional Justice Center in Las Vegas. The Chief Justice typically does not sit on either panel, unless one of the other justices is recused or absent for some other reason.

Mandatory court annexed arbitration

In order to alleviate some of the burden on the district courts, the legislature created a mandatory Court Annexed Arbitration Program. Under the program, any case with an amount in controversy less than \$50,000 that does not involve one of the limited subject matters specifically exempted from arbitration is automatically entered in the arbitration program. These matters are heard by an arbitrator, but the result is non-binding and either party has the right to seek a trial *de novo* by the district court within a limited timeframe if unhappy with the result.

Despite the population growth, Nevada's legal community remains relatively small and the judges are generally very familiar with the local bar. Nevada courts expect any litigant to properly analyze and opt the most appropriate venue before instigating an action in Nevada. Parties planning to litigate in Nevada should make sure they are familiar with the rules of civil and appellate procedure, as well as the specific rules relating to the courts of the Eighth Judicial District.

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Firm profile:

Established in April 1996, the firm's objective is to combine the legal skills, work ethic and sophistication of practice expected from a large law firm with the intimacy and personal attention of a small law firm. Whether handling complex commercial or eminent domain litigation, negotiating a corporate finance or real estate transaction, or handling water or environmental issues associated with a major development, Santoro, Driggs, Walch, Kearney, Holley & Thompson is an AV rated law firm committed to delivering the highest quality of legal services available. The firm is located in downtown Las Vegas, Nevada directly adjacent to the state and federal courthouses. The firm is committed to public service and community involvement in Las Vegas, in Nevada, and nationally, as evidenced by the political and charitable activities and professional associations of its shareholders.

The firm provides full services for a wide variety of clients, ranging from international and national corporations to small businesses and individuals. Some of the Firm's representative clients are AIG, Alexis Park Resort Hotel, American Nevada Corp., American Pacific Corporation, American West Homes, Inc., Angel Park Golf, Ltd., AT&T Capital Corporation, Auto Nation Financial Services, Bank of America, Bank of North Las Vegas, Broadwing Communications, Cannery Casino Resorts, Centex Homes, CIT Group/Equipment Financing, Inc., City of Boulder City, City of Las Vegas, City of North Las Vegas, City National Bank, Del Webb Corp., El Paso Corporation, General Electric Capital Corp., Great American Capital, Greystone Homes, Howard Hughes Corp., Lake Las Vegas Properties, LLC, Las Vegas Metropolitan Police Department, Lennar, Inc., LMC Laboratories, Inc., Mirant Corporation, Mojave Electric, Nevada Department of Transportation, Palms Casino, Pardee Homes, Pinnacle Entertainment, Inc., Primadonna Resorts, Inc., Rampart Resort Management, Rhodes Homes, Inc., Riverside Developments, Stephens Media Group; Sunbelt Communications, Systems Research and Development, Textron Financial Corp., Union Pacific Railroad Co. and West Side Investment.

Areas of practice:

Commercial Litigation, Tax, Estate Planning, Insurance, Construction, Corporate, Family, Business, Bankruptcy, Real Property, Natural Resources, Worker Compensation, Intellectual Property/Information Systems, Condemnation (Eminent Domain).

BRIAN W BOSCHEE



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Mr Boschee is a shareholder in Santoro, Driggs, Walch, Kearney, Holley & Thompson. He was born in Green Bay, Wisconsin in 1973 and grew up in Wisconsin and North Dakota. Mr Boschee graduated from Duke University in 1996 with an AB in political science and history. While at Duke, Brian was involved with the student government and named to the dean's list in 1995 and 1996. Mr Boschee received his JD from the Georgetown University Law Center in 1999. While at Georgetown, Brian was an editor of the *Immigration Law Journal* and a member of the Sports and Entertainment Law Society. Before becoming an attorney, Brian worked primarily in politics, including positions running a North Dakota Supreme Court campaign and working with United States Senator Byron Dorgan.

Mr Boschee was licensed to practice law in North Dakota in July of 2000 and passed the Nevada Bar exam in October 2001. Brian's primary practice areas are commercial litigation and construction litigation. In addition to the Nevada Bar Association, Brian is also a member of the Clark County Bar Association, the American Bar Association and the Nevada Young Lawyers Association.

Mr Boschee has successfully litigated many business disputes of various types. Mr Boschee has been the lead attorney in several trials and arbitrations concerning matters ranging from complex contract disputes to large, class action employment cases.

Outside of the office, Brian's interests include golfing and spending time with his wife Kimberly, whom he married in May 2006.

OLIVER J PANCHERI**SANTORO, DRIGGS, WALCH, KEARNEY,
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Oliver J. Pancheri is a shareholder in Santoro, Driggs, Walch, Kearney, Holley & Thompson. His experience includes successfully representing local and national clients through trial in complex contractual disputes in state and federal court. He has prosecuted matters for commercial lenders and assisted in asset recovery in accordance with the Uniform Commercial Code, as adopted in Nevada.

Mr. Pancheri presents clients with effective alternatives to litigation, including representation in alternative dispute resolution proceedings.

Mr. Pancheri has successfully prosecuted and defended unfair competition/restrictive covenant matters requiring injunctive and immediate judicial relief and has successfully defended actions involving business torts and civil RICO claims.

Mr Pancheri is known for his determined and professional approach, work ethic and attention to detail. Mr Pancheri is pleased to consult clients and prospective clients to formulate a plan of action that not only provides appropriate legal protection and relief but also anticipates long-term business goals for that particular client's economic needs and objectives.

Mr Pancheri was born and raised in southern Idaho and attended the University of Idaho College of Law on academic scholarship and obtained his juris doctorate degree in 2000. Mr Pancheri was a member of the Idaho Law Review and served as the Lead Articles Editor. While in law school, Mr Pancheri served as a tutor for first year law students and participated in the University of Idaho's tax clinic which provides legal services for low-income clients. Mr Pancheri is a member of the legal fraternity, Phi Delta Phi, and served as both Vice Magister and Magister for the legal fraternity. After law school, Mr Pancheri relocated to southern Nevada to join other family members who had transplanted to southern Nevada in the early nineties. Mr Pancheri accepted a position with Santoro Driggs immediately after graduation and has been a member of the firm ever since. He is an equity partner in the firm. Mr Pancheri is a member of the Clark County Bar Association, the American Bar Association, and the litigation section of the American Bar Association. He is active in the community through local and national professional, church, athletic and civic groups.

Mr Pancheri enjoys a broad commercial litigation practice. He represents numerous clients, including medical providers, casinos, large and small businesses, management companies, real estate developers, commercial and consumer lenders, contractors, manufacturers and insurance providers. He has handled cases involving mining disputes, unfair competition, professional negligence, lender liability, construction disputes, civil RICO claims, business torts, defamation/false light actions and contract disputes of many different kinds.

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An experienced litigator, Nicholas J Santoro has handled cases in a wide variety of civil matters, including contract, tort, real estate and defense of professional liability claims. He has been lead counsel in numerous trials. *Martindale Hubbell* has designated Mr Santoro as an "AV"-rated lawyer, which is its highest rating. Mr Santoro has been recognized for his excellence in commercial litigation by *Chambers USA*, *America's Leading Lawyers for Business* (2005-2008), and *Benchmark, America's Leading Litigation Attorneys* (2008). *Super Lawyers* rated Mr Santoro as one of the top 75 lawyers in the Mountain States (Nevada, Idaho, Montana, Utah, and Wyoming) in 2007 and 2008.

Mr Santoro was born and raised in New York City. His family moved to Las Vegas in 1976, where he has resided ever since. Mr Santoro attended law school at the University of San Diego and was admitted to the Nevada Bar in 1983.

An active participant in local bar and professional organizations, Mr Santoro serves on the Southern Nevada Disciplinary Board of the State Bar of Nevada and previously was a member of the State Bar's Fee Dispute Committee. He serves as a faculty member with the National Institute for Trial Advocacy. Mr Santoro was selected to be a colleague of the Nevada Law Foundation, an organization consisting of outstanding lawyers who are devoted to the welfare of their community and the legal profession. Mr Santoro was also actively involved in the Nevada American Inns of Court.

In addition to his professional activities, Mr Santoro is involved in the local community. He was previously a member of the board of directors of the New Horizons Academy, a non-profit school for the learning disabled. At the request of US District Court Judge Lloyd George, he has given the keynote remarks at the naturalization ceremony for new citizens.

JAMES E WHITMIRE**SANTORO, DRIGGS, WALCH, KEARNEY,
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Jim Whitmire is a shareholder in the firm's litigation department. He has extensive experience litigating a wide variety of cases, including complex commercial, employment, insurance and tort-related matters. He has been recommended as a leading lawyer in the state of Nevada by *Benchmark, America's Leading Lawyers for Business*, selected for inclusion in *Super Lawyers 2008* (business litigation) and is a faculty member with the National Institute for Trial Advocacy.

Mr Whitmire's commercial litigation experience includes prosecuting and defending, on behalf of a wide variety of clients, business and real estate disputes, unfair business practice cases, non-compete matters, partnership disputes and trade secret cases. Many of the business litigation cases Mr Whitmire litigates involve multi-million dollar disputes with complex factual and legal issues.

Mr Whitmire's employment litigation experience includes representing clients in wage and hour disputes and discrimination actions. For example, he has successfully defended one of the world's largest companies against class action wage and hour allegations. He has also represented plaintiffs in two separate class action age discrimination cases and he has represented both plaintiffs and defendants in individual sexual harassment, disability, race discrimination and other similar lawsuits.

Mr Whitmire's insurance litigation experience includes the representation of clients in disputes concerning commercial general liability policies, umbrella and excess policies, law enforcement liability policies, inland marine policies, professional liability policies, homeowner's policies and crime/fidelity insurance policies.

Mr Whitmire majored in finance and received his Bachelor of Business Administration degree, with distinction, from the University of Iowa. Following undergraduate school, he attended the University of Illinois, receiving his JD, Magna Cum Laude.

A native of Moline, Illinois, Mr Whitmire is licensed to practice in the states of Illinois and Nevada.