Hon. Jay Young (Ret.)

Mediator, Arbitrator & Special Master

Bar Admissions: Nevada 1994 (Bar Number 5562) U.S. District Court, District of Nevada, 1994 U.S. Court of Appeals, Ninth Circuit, 1995

JUDICIAL EXPERIENCE

Hearing Master, Eighth Judicial District Court Judicial Officer, Clark County, Nevada, 2021–2023 Discovery/ADR/Short Trial Commissioner

- **Discovery Commissioner** is a judicial officer assigned to hear discovery disputes for the civil and family divisions of the district (trial) court
- **ADR Commissioner** is a judicial officer responsible for recruiting, training, and overseeing arbitrations for the court's mandatory arbitration program. The mandatory arbitration program administers approximately 4,000 cases per year
- **Short Trial Commissioner** is a judicial officer responsible for recruiting, training, and overseeing short trial judges *pro tem* for the court's short trial program. The short trial program administers approximately 100 short (jury and bench) trials per year
- · Special Master, assigned on matters determined by the district court judges
- · **Settlement Judge**, participated in dozens of settlement conferences and dispute conferences, successfully mediating matters awaiting trial

Nevada Supreme Court

- · Settlement Judge, mediated over 50 matters on appeal, 2016–2021, 2023–Present
- · Member, the Committee to Study the Rules Governing Alternative Dispute Resolution and Nevada Short Trials, 2022

Judge Pro Tem

- · Henderson, Nevada Municipal Court, 2011–2021
- · Las Vegas, Nevada Justice Court, 2021

Special Master

- · EJDC, Business Court Division
- · EJDC, Civil Division

ADJUNCT PROFESSOR

- · William S. Boyd School of Law at UNLV, 2023-Present
- · Community College of Southern Nevada, Constitutional Law Instructor, 1995–1996

ADR EXPERIENCE—Resolved thousands of cases as a judge, mediator, arbitrator, & special master

Types of Matters Resolved:

· Complex · Fiduciary Duties · Personal Services Contracts Business/Commercial · Franchise Disputes · Premises Liability · Business/Partnership · Fraud · Product Liability Disputes · Government/Municipalities · Real Estate · Business Torts · Health Care · Timeshare · Contract · Insurance · Trade Secrets

Construction
Construction Defect
Discovery Disputes
Landlord/Tenant
Negligence
Unfair Trade Practices
Unfair Competition and
Professional Malpractice
Restrictive Covenants

· Discovery Disputes · Professional Malpractice Restrictive Covenants · Employment · Personal Injury · Wrongful Death

Mediator

- · Mediated hundreds of disputes since 2003
- · Nevada Supreme Court Settlement Judge, 2016–2021, 2023–Present
- · Panel Mediator and Arbitrator, Advanced Resolution Management ("ARM"), 2017–2021, 2023 Present
- · National Panelist Master Mediator, American Arbitration Association ("AAA") for Complex Commercial litigation, Employment, Construction, and Consumer matters, 2015–2021
- · Mediator, Small Claims Mediation Roster, Civil Court of the City of New York, N.Y., 2020–2021
- · Mediator, EJDC Foreclosure Mediation Program, 2019–2021

Arbitrator

- · Experienced arbitrator, appointed in hundreds of matters as sole arbitrator and as a member of three-arbitrator panels, for matters ranging in value from \$25,000 through in excess of \$10,000,000
- · Arbitrated Cases Since 2003
- · Lawyer of the Year, The Best Lawyers in America, 2021 Arbitration
- · EJDC Panel Arbitrator; appointed by the Nevada Supreme Court, 2003–2021, 2023-2024. Appointed in hundreds of matters
- · ARM Panel Arbitrator, 2018–2021, 2023-Present
- · AAA National Panelist (Complex Commercial, Employment, and Consumer Arbitration), 2012–2021
- · International Centre for Dispute Resolution, Complex International Arbitration Panelist, 2014–2021
- · Better Business Bureau Arbitrator, 2006–2021

ADR TRAINING

- · Graduate, Pepperdine University Straus Institute for Dispute Resolution's *Advanced Mediation: Skills and Techniques* course, 2017
- · 40-hour Mediation Training, AAA 2015
- · 40-hour Arbitrator Training, AAA 2013
- · Better Business Bureau Arbitrator Training 2006
- · 36-hour ADR Certification, J. Reuben Clark Law School, Brigham Young University, 1994
- · Instructor, *Short Trial Pro Tempore Judge Training And Refresher*, mandatory yearly short trial judge training presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada, January 22, 2022, February 13, 2023
- · Instructor, *Arbitrator Training and Refresher*, mandatory yearly arbitrator training presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada, November 19, 2021, February 13, 2023 Instructor, *Arbitrator Training and Refresher*, mandatory yearly arbitrator training presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada, November 19, 2021
- · The Neuroscience of Conflict: How to Keep Everyone Calm, Cool & Collected, November 5, 2019
- · Sexual Harassment Presentation for AAA Panelists, AAA November 8, 2018
- · Beyond "Managerial Judges" Appropriate Roles in Settlement, UNLV, William S. Boyd School of Law, October 23, 2018
- · Impasse and Ethics: A Facilitated Discussion for New and Experienced Settlement Judges, Nevada Supreme Court, October 19, 2018
- · Arbitrator Performance and Demeanor, AAA September 13, 2018
- · The Pre-mediation Process: A Facilitated Discussion for New & Experienced Settlement Judges, Nevada Supreme Court, June 15, 2018
- · Mediation Renovation: Retooling Your Skills, Nevada Dispute Resolution Coalition 2018
- · Employment and Labor Case Law Update: What Arbitrators and Practitioners Need to Know, AAA 2017
- · Faculty, Arbitration Fundamentals and Best Practices for New Arbitrators, AAA October 2017
- · Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches, AAA 2017
- · Panelist, Arbitrator's Roundtable, Las Vegas, AAA 2017
- · Nevada Supreme Court Settlement Judge Training, Nevada Supreme Court 2016
- · Impasse Prevention & Communication/Implied Bias, Nevada Supreme Court 2016

- · Breaking Impasse, Nevada Supreme Court 2016
- · Mediation Ethics, a Comprehensive Review, Nevada Supreme Court 2016
- · Consolidation and Joinder in Construction Arbitration: Ignorance Is Not Bliss, AAA 2016
- · Arbitrator's Roundtable Las Vegas, AAA 2016
- · Arbitrator Subpoenas: Are They Worth the Paper They're Printed On? AAA 2015
- · Essential Mediation Skills for the New Mediator, AAA 2015
- · Fundamentals of Effective Mediation Advocacy, AAA 2015
- · Confronting Arbitrability & Jurisdiction in Arbitration, AAA 2015
- · Arbitrator's Roundtable, Las Vegas, AAA 2015
- · Award Writing, AAA 2014
- · Arbitration Fundamentals and Best Practices, AAA 2013
- · Arbitrator's Role, Authority, and Responsibility, AAA 2006
- · Arbitrator's Ethics, Practice Standards and Disclosures, AAA 2006
- · Preparing for and Conducting a Preliminary Hearing, AAA 2006
- · Managing Issues Involving Self-Represented Parties, AAA 2006
- · Managing Panel Dynamics, AAA 2006
- · Preparing for and Writing the Award, AAA 2006
- · Managing Evidentiary Hearing Issues, AAA 2006
- · Managing Post-Hearing Issues, AAA 2006
- · Succeeding In Mediation, AAA 2003
- · Mediation and Arbitration Advocacy, AAA 2002
- · Cutting Edge Negotiation Strategies for Lawyers, Negotiation Strategy Institute 2002
- · Arbitrator Training, Supreme Court of Nevada, State Bar of Nevada 2000
- · Arbitration 101, Clark County Bar Association 1994

AWARDS

- · Lawyer of the Year, The Best Lawyers in America, 2021 Arbitration
- · Vegas Inc's Top Lawyer 2020, Labor and Employment
- · Top 100 List: Mountain States Super Lawyers, in Business Litigation and ADR, 2015–2020
- The Best Lawyers in America, Arbitration, 2017–2021
- · Mountain States Super Lawyers, 2014–2021
- · AV Rated, Martindale-Hubbell (Litigation, Commercial Law, and Business Law), with Client Distinction Award
- · America's Most Honored Lawyers, Top 1%, 2020
- · America's Most Honored Professionals, Top 10% (2011, 2015–2016) Top 1% (2017–2019)
- · Top 100 Lawyers in the Mountain States, Salt Lake Magazine, 2015–2018
- · 10.0 "Superb" Avvo.com rating, "Top Attorney" award, and Client's Choice Award 2015
- · Nevada Legal Elite 2017-2018, top 4% of Nevada's Attorneys in the Categories of: Professional Neutral (Arbitrator & Mediator) and Business Litigation, top 1% of Nevada's Attorneys, 2009, 2011, 2014–2015
- · The Valley's Top Lawyers, Desert Companion Magazine, 2012–2014
- · Top 100 Lawyers, MyVegas Magazine, 2012–2013
- · Vegas, Inc. Magazine "Top Lawyers: The Best of the Best in Southern Nevada" 2013
- · Clark County Pro Bono Project Award 50 hours certificate, 2013
- · Client's Choice Award, AVVO in Litigation, Arbitration, Business Law, Bankruptcy, and Real Estate, 2015
- · National Institute for Trial Advocacy, "Master Advocate" designation
- · 48th Annual GRAMMY® Award Winner Best Gospel Choir or Chorus Album, 2005
- · Vocalist, NAACP Image Award®-winning album "Where My Heart Belongs" by Gladys Knight, 2015

PUBLICATIONS

Books Published

- · A Litigator's Guide to Nevada Discovery Law (2024 Your Legal Guides)
- · A Litigator's Guide to Drafting and Answering a Complaint in Nevada (2021 Your Legal Guides)
- · Federal Court Civil Litigation Checklist (2019, 2d. Ed. Your Legal Guides)

- · A Litigator's Guide to Federal Evidentiary Objections (2019, 2d. Ed. Your Legal Guides)
- · Doing Business in Nevada, a Practical Guide, co-author (2017 Howard & Howard, PLLC)
- · A Litigator's Guide to Federal Rules of Evidence (2016 Your Legal Guides)
- · Nevada State Court Litigation Checklist (2010 Nevada Legal Guides, 2d. Ed. 2016, 3d. Ed. 2019 Your Legal Guides)
- · A Litigator's Guide to Nevada Evidence and Objections (2019 2d. Ed. Your Legal Guides)
- · A Litigator's Guide to Nevada Evidentiary Objections (2010 Nevada Legal Guides)
- · A Litigator's Guide to Nevada Rules of Evidence (2010 Nevada Legal Guides)
- · Nevada Civil Practice Manual, Chapter 26: Pre-Judgment Remedies, co-author, State Bar of Nevada Publication (LexisNexis Matthew Bender) (5th Ed. 2005-2015)

Articles Published

- · Keeping Civil Discovery Civil, Jay Young & Erin Lee Truman, Nevada Lawyer, May 2023
- · Administrative Order Regarding Deposition Behavior, Administrative Order 22-08, May 9, 2022
- · <u>Wanna Stay Out of Trouble in Discovery?</u> Erin Lee Truman and Jay Young, Clark County Bar Communique (October 2021)
- · <u>Practicing in Nevada's State and Federal Civil Courts: What Are the Differences?</u> Jay Young, Nevada Lawyer (May 2020)
- · <u>The Rules of the Game: Comprehensive Amendments to the Nevada Rules of Civil Procedure</u>, Jay Young, Nevada Lawyer, June 2019
- · 7 Ways to Settle Your Case by Co-Negotiating With Your Mediator, Jay Young, Clark County Bar Communique, May 2019
- · Want to Better Control Your Arbitrations? 10 Steps to Writing a Better Arbitration Agreement, Jay Young, Clark County Bar Communique, April 2016
- · The Expansion of Supreme Court Rule 160 (Warning: All Attorneys Are Presumed Guilty), Jay Young, Clark County Bar Communique, February 2001
- · I've Been Sued! Now What? Jay Young, CCIM Perspective, June, July, and August 2000 (reprinted in Broker/Agent Magazine, March, April, and May 2003)
- · The Covenant of Good Faith and Fair Dealing in Nevada, Jay Young, Nevada Law Review 85 (1998)

TEACHING

Discovery and Seeking Sanctions, 2023 Family Law Conference, sponsored by the State Bar of Nevada South Lake Tahoe, Nevada. March 4, 2023

The Nuts and Bolts of Mass Actions, CLE presentation sponsored by Advanced Mass Arbitration Strategies, San Diego, California. February 23, 2023

Short Trial Pro Tempore Judge Training And Refresher, mandatory yearly short trial judge training presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada. January 22, 2022, February 13, 2023

Arbitrator Training and Refresher, mandatory yearly arbitrator training presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada. November 19, 2021, February 13, 2023

Deposition Training, Faculty for the National Institute for Trial Advocacy's Nevada Deposition Program, Continuing Legal Education Seminar. 2008–2012, 2014–2019, 2023

Trends in Discovery, a CLE presentation sponsored by the Clark County Bar Association, given at over 120 law firms in Clark County, Nevada. 2022–2023

Best Practices in Discovery, a CLE presentation sponsored by Advanced Resolution Management and Nevada Justice Association, Las Vegas, Nevada. December 6, 2022

The Ten Commandments: The Ten Things You Need to Know Before Appearing in Front of the Discovery

Commissioner, 19th Annual State Bar of Nevada Advanced Family Law Program, Las Vegas, Nevada. December 1, 2022

Discovery in Family Matters, EJDC Family Division Bench Bar meeting. November 3, 2022

Ethics CLE with Discovery Commissioners, a CLE presentation sponsored by Nevada Legal Services, Las Vegas, Nevada. October 25, 2022

Nonparty Discovery under Rule 45—Subpoenas, NJA 46th Annual Convention/Seminar. CLE presentation sponsored by the Nevada Justice Association, Denver, Colorado. September 30, 2022

The Nuts and Bolts of Mass Actions, CLE presentation sponsored by Advanced Mass Arbitration Strategies, Malibu, California. September 16, 2022

Update on ADR/Short Trial Rules, EJDC Civil Bench Bar meeting, Las Vegas, Nevada. September 13, 2022

Deposition Conduct Rules – Do's & Don'ts, CLE presentation sponsored by the Clark County Bar Association, Las Vegas, Nevada. August 31, 2022

Deposition Behavior, EJDC Civil Bench Bar meeting, Las Vegas, Nevada. June 14, 2022

Ignorance of the Law is No Excuse: the 2019 Rules of Civil Procedure and Competent, Ethical Practice, a CLE presentation sponsored by the State Bar of Nevada, Las Vegas, Nevada. May 23, 2022

Discovery Best Practices, a Handle | BAR incubator presentation of the State Bar of Nevada. April 26, 2022.

Brown Bag Trends in Discovery, EJDC CLE Training for Judges. March 3, 2022

Family Law Discovery Best Practices, EJDC Family Division Bench Bar Meeting CLE. November 3, 2022

Discovery Ethics and Best Practices, CLE sponsored by Nevada Legal Services. October 25, 2022

Hot Topics in Family Law Discovery, CLE presentation sponsored by the Clark County Bar Association, Las Vegas, Nevada. October 12, 2021

Finding the Right Sauce for Your Case-ethics, CLE presentation (Co-Presenter) sponsored by the Nevada Justice Association, NJA's 45th Annual Convention/Seminar, Santa Fe, New Mexico. October 10, 2021

ADR: What You Need to Know, CLE presentation (Co-Presenter) sponsored by the Clark County Bar Association, Las Vegas, Nevada. October 5, 2021

Hot Topics in Discovery, CLE presentation (Co-Presenter) sponsored by the Clark County Bar Association, Las Vegas, Nevada. September 28, 2021

ADR and Short Trial Rules, EJDC Civil Bench Bar Meeting. July 20, 2021

Family Law Bench Bar Meeting, CLE presentation on Attorney Fee and Cost Awards, Las Vegas, Nevada. June 24, 2021

Civil Law Bench Bar Meeting, presentation on Attorney Fee and Cost Awards, Las Vegas, Nevada. June 8, 2021

ADR in the Courts, CLE presentation for the Howard McKibben Inn of Court, Las Vegas, Nevada. April 20, 2021

Faculty Assistant/Coach, National Judicial College's "Civil Mediation: A 40-hour Online Workshop". October 2020

Mediation Preparation and Advocacy, a continuing legal education seminar: J. Reuben Clark Law Society (March 6, 2020), Wilson, Elser, Mosowitz, Edelman & Dicker, LLP (January 21, 2020), Wood, Smith, Henning & Berman, LLP (December 10, 2019), Las Vegas Defense Lawyers (November 13, 2019), Bowman & Brooke, LLP (November 6, 2019), Bighorn Law (Arizona) (November 6, 2019), State Bar of Nevada (July 19, 2019), Marquis Aurbach Coffing (June 13, 2019), Hutchison & Steffen (June 7, 2019), Maier Gutierrez & Associates (April 24, 2019), Jolley Urga Woodbury Holthus & Rose (March 20, 2019), The Cottle Firm (February 22, 2019), Brownstein Hyatt Farber Schreck (December 3, 2018)

The Litigation Toolbox, Legal Aid Center of Southern Nevada. October 29, 2019 and November 8, 2019

Proportionality in Discovery, Las Vegas Defense Lawyers meeting. July 17, 2019

NRCP Rule 26 and Proportionality in Discovery, EJDC Bench Bar Meeting. May 14, 2019

Arbitration Fundamentals and Best Practices for New Arbitrators, Faculty, AAA. October 2017

Business Contracts A to Z, Faculty presenting lecture and written materials on non-competition agreements, trade secrets, intellectual property, and breach of contract, National Business Institute. Las Vegas 2012

Advocacy Teacher Training, Graduate of the National Institute for Trial Advocacy's intensive teacher training program. November 2009

Trial Advocacy Training, Faculty for the National Institute for Trial Advocacy's Las Vegas In-house Trial Training program, Continuing Legal Education Seminar. March 2006

Deposition Training, Faculty for the National Institute for Trial Advocacy's Las Vegas In-house Deposition Program, Continuing Legal Education Seminar. August 2005

Commercial and Residential Evictions, Presenter of "Residential Evictions and Trial," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. May 18, 2005

Landlord-Tenant Law Update, Presenter of "The Eviction and Judicial Process," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. January 13, 2005

Commercial Leases: Drafting, Enforcing, and Other Critical Issues, Presenter of "When a Tenant Files Bankruptcy," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. September 23, 2004

Protecting the Homeowners Association, Presenter Las Vegas Seminar to Property Managers, Homeowner Association Boards, and Homeowners, Las Vegas, Nevada. 1995

J. Reuben Clark Law School (BYU) – J.D., 1994 Brigham Young University – Bachelor of Arts, 1991

EMPLOYMENT

Hearing Master, Eighth Judicial District Court Judicial Officer, Las Vegas, Nevada, 2021–2023

- · Discovery Commissioner
- · ADR Commissioner
- · Short Trial Commissioner
- · Special Master
- · Settlement Judge

Member, Howard & Howard, LLC, Las Vegas, Nevada, 2014-2021

- · Business Litigation
- · Arbitrator
- · Mediator

Mediator, Arbitrator & Special Master, Advanced Resolution Management, 2018–2021

Owner, Nursing Home Justice Center, Las Vegas, Nevada, 2000-2006

· Represented victims and families of nursing home abuse and neglect

Shareholder, Marquis Aurbach Coffing, Las Vegas, Nevada, 1995 - 2014

- · Litigation Department Chair
- . Managing Shareholder 2000–2003
- · Shareholder 2000–2014
- · Associate 1995–1999
- · Practice Areas: Arbitrator, Mediator, General Civil and Commercial Litigation, Unfair Competition, Bankruptcy, Premises Liability Defense, Personal Injury, and Real Estate Litigation

Associate, McDonald Carano Wilson, Las Vegas, 1994–1995

- · Practice Areas: Civil and Commercial Litigation, Premises Liability Defense, Bankruptcy, and Matrimonial Law
- · Summer Law Clerk 1993

Judicial Extern, Honorable Robert C. Jones, 9th Circuit Bankruptcy Appellate Panel and U.S. Bankruptcy Court, District of Nevada, 1992

- · Produced bench memoranda and opinions for Judge Jones and the Bankruptcy Appellate Panel
- · Formulated summaries of motion on the local daily bankruptcy calendar

Caseworker, Congressman Howard C. Nielson (retired), Provo, Utah, 1989–1991

- · Conceived and developed internal audit of office activities
- · Provided Constituent Liaison Services with Government agencies, including IRS, INS, and Military

LITIGATION EXPERIENCE

- · Litigated on behalf of plaintiffs and defendants in numerous cases to successful results, including in federal and state courts, as well as arbitrations with matters ranging up to \$1,270,000,000.
- · Experience as an advocate, arbitrator, and mediator includes complex, multi-party commercial disputes for matters including: automobile manufacturing (including aftermarket industry, assembly, Just-in-time (JIT) manufacturing, dealerships, original equipment manufacturers (OEMs), manufacturers); bankruptcy litigation; business torts; breach of fiduciary duties; celebrity and sports

personality endorsements and appearance disputes; class action; commission disputes; construction disputes (owner, general contractor, sub-contractor, materialmen); contract disputes; corporate governance disputes; covenant of good faith and fair dealing; custodianships; employment contracts; entertainment; false advertising; franchise disputes (on matters involving disputes between franchisors, franchisees, and area developers); fire damage loss; fraud; fraud; fraudulent transfers; homeowners association (developer and homeowners): Indian law; injunctive relief; interference with contract or prospective relations; lease disputes; cannabis / marijuana business disputes; misappropriation of trade secrets; mismanagement; officer and director liability; mixed martial arts (MMA) contracts; personal injury (plaintiff and defense, elder abuse, assault, battery, civil conspiracy, civil rights violations, conversion, defamation, false imprisonment, infliction of emotional distress, invasion of privacy, negligence, premises liability, product defect, trespass, wrongful death); professional negligence (malpractice); trade dress and brand protection; negligent hiring, retention, and supervision; noncompetition agreements; personal injuries; Racketeer Influenced and Corrupt Organizations (RICO) Act violations; real estate; receiverships; shareholder/partner disputes; sports marketing and licensing agreements; trademark, copyright, and servicemark infringement; unfair competition (including Lanham Act violations); tribal and Indian affairs, including tribal governments and tribal entities; unfair trade practices; usurpation of corporate opportunity; water damage loss. Represented franchisors, franchisees, and area developers in state and federal courts, as well as private arbitration. Served as sole arbitrator and on three-arbitrator panels on matters involving disputes between franchisors, franchisees, and area developers, including: contract disputes; misrepresentations; misappropriation of trade secrets; noncompetition agreements; non-solicitation; unfair competition. Intellectual Property Litigation experience includes counterfeiting; dilution; defense of trade secrets act; false advertising; misappropriation of trade secrets; trade dress and brand protection; trademark; service mark; and unfair competition (including Lanham Act violations). Employment Litigation experience includes discrimination; employment contracts; harassment; injunctive relief; non-competition agreements; negligent hiring, retention, and supervision; protection of trade secrets; and wrongful discharge.

VOLUNTEER

- · Volunteer Judge, NJA 1L Mock Trial Competition, 2023
- · Former Board Member, Capability Health
- · Former Board Member, Easter Seals of Nevada
- · Former Trustee, Toys 4 Smiles non-profit organization
- · Children's Attorney Project: volunteer attorney providing counsel, advice and representation to abused and neglected children, 2012–2021, 2023–Present
 - · Instructor, National Institute for Trial Advocacy, 2005–Present
- · Youth leader: Troop 462, Boy Scouts of America: Charter Organization head, 2006–2011 Scoutmaster 2002-2004, 2011-2013, Troop Committee, 2002-2005, Assistant Scoutmaster, 2014–2016
- · Girl Scouts of Frontier Council: Nominating Committee, 2002–2003
- · Little League and Henderson Baseball Association Coach, 1997–2003