

Carolyn G. Goodman, Mayor (At-Large)
Brian Knudsen, Mayor Pro Tem (Ward 1)
Victoria Seaman (Ward 2)
Olivia Díaz (Ward 3)
Francis Allen-Palenske (Ward 4)
Cedric Crear (Ward 5)
Nancy E. Brune (Ward 6)



City Manager Mike Janssen
City Attorney Jeff Dorocak
City Clerk LuAnn D. Holmes

City Council Agenda

Council Chambers · 495 South Main Street · Phone 702-229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

March 6, 2024
9:00 AM

39. Discussion for possible action regarding the appointment of an Interim (Caretaker) Municipal Court Judge, Department 5, from the following nominees: Peter Cleary and Mark Rouse (\$207,584 - General Fund)

Minutes:

CITY MANAGER MIKE JANSSEN introduced the item, explaining that an interest list for the Department 5 Municipal Court Judge vacancy was formed per the Council's direction at the February 7th meeting.

VINCE ZAMORA, Human Resources Director, reported that the job was solicited on the websites for the City, Nevada State and Clark County Bar Associations, and the UNLV (University of Nevada, Las Vegas) Boyd School of Law for seven days. Of the three individuals that expressed interest, PETER CLEARY and MARK ROUSE, met the minimum requirements, which are outlined on the Agenda Summary Page attached to this item. After consideration, the Municipal Court judges and administration recommended MR. CLEARY for appointment.

COUNCILMAN KNUDSEN invited MR. CLEARY to the podium, who subsequently confirmed that he meets the minimum requirements as stated by MR. ZAMORA and understands the appointment is temporary. Subsequent to his motion, the Councilman acknowledged the competitive process and thanked MR. CLEARY for applying. The Mayor thanked CEDRIC KERNS for his service.

Motion made by Brian Knudsen to Approve the appointment of Peter Cleary

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Nancy Brune, Victoria Seaman, Cedric Crear, Carolyn Goodman, Brian Knudsen, Olivia Diaz, Francis Allen-Palenske;



AGENDA SUMMARY PAGE
City Council
Meeting of: March 6, 2024

Agenda Item No.:
39

DEPARTMENT: City Manager
DIRECTOR: Mike Janssen

DISCUSSION

SUBJECT:

Discussion for possible action regarding the appointment of an Interim (Caretaker) Municipal Court Judge, Department 5, from the following nominees: Peter Cleary and Mark Rouse (\$207,584 - General Fund)

FISCAL IMPACT:

Budget Funds Available
Amount: \$207,584 + Benefits
Funding Source: General Fund
Dept./Division: Municipal Court

PURPOSE/BACKGROUND:

Department 5 Municipal Court Judge Cedric Kerns has submitted his resignation effective March 4, 2024. In accordance with the Las Vegas City Charter 1.160, a vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. The interim judge must meet the following criteria:

1. Must devote full time to the interim position
2. Be a duly licensed member of the State Bar of Nevada in good standing, and have other such requirements as prescribed by any ordinance and City Charter
3. Be a resident of the City of Las Vegas
4. Not currently subject to disciplinary action by the State Bar of Nevada or any other court or tribunal
5. Not have been previously removed or retired from Judicial Office by the Commission on Judicial Discipline

The candidate selected will acknowledge, prior to appointment by the City Council, on the public record, that they understand the appointment is temporary and with the understanding that the candidate selected will not run for the office in the 2024 Municipal Election.

RECOMMENDATION:

Appointment of a qualified individual to fill the seat of Municipal Court Judge Department 5 as a caretaker until a permanent judge is elected in the 2024 Municipal Election.

BACKUP DOCUMENTATION:

1. Judge Kerns' letter of retirement
2. Supporting Documentation for the Qualified Nominees

Sue Brown

Subject: FW: retirement

From: Cedric Kerns <ckerns@LasVegasNevada.GOV>
Sent: Monday, February 12, 2024 10:14 AM
To: Muni Court, Judges <MuniCourtJudges@LasVegasNevada.GOV>
Cc: Jack Eslinger <JEslinger@LasVegasNevada.GOV>; Angela Washington <awashington@LasVegasNevada.GOV>
Subject: RE: retirement

Although I was planning on resigning on February 29, 2024, after meeting with JPERS and the City Human Resources, my last day with the City of Las Vegas will be March 4, 2024.



Judge Cedric Kerns

Las Vegas Municipal Court, Dept. 5
702.229.6061

To research a case visit this site:
<https://www.lasvegasnevada.gov/Government/Municipal-Court>

From: Cedric Kerns
Sent: Monday, January 29, 2024 7:48 AM
To: Muni Court, Judges <MuniCourtJudges@LasVegasNevada.GOV>
Cc: Jack Eslinger <JEslinger@LasVegasNevada.GOV>; Angela Washington <awashington@LasVegasNevada.GOV>
Subject: retirement

Chief Judge Leung and Judges,

As all of you are aware, I did not file for re-election and my time on the bench would end sometime in 2024. It has been an honor to sit on the Las Vegas Municipal Court bench for the last 26 plus years. I have always taken the position that Las Vegas Municipal Court is the best court in the state... if not the nation.

After discussions with my family, I have decided to end my tenure as a Municipal Court Judge on February 29, 2024.

I was originally planning on retiring after the new judge was elected but I have decided to apply for the Municipal Court Hearing Commissioner position. I understand the posting will open in the next few weeks and because of the 90 day break required by PERS, it necessitated an immediate retirement.

I am not aware of how long the position will stay posted or how long it will take to choose a new commissioner as well as council approval, but if selected, I would be able to start the last week in May. If not chosen, I hope to be an alternate at least to continue to handle YO Court until the new Judge is elected.

It has been an incredible honor to serve on the bench with all of you and I appreciate the relationships we have developed over the years.

Sincerely,

Judge Cedric Kerns
Las Vegas Municipal Court
Department 5
702-229-6061



PETER K. CLEARY

CITY OF LAS VEGAS

495 S. Main Street
Las Vegas, Nevada 98109

**RE: INTERIM MUNICIPAL COURT
JUDGE, JOB # 24FEBOO15**

February 12, 2024

TO WHOM IT MAY CONCERN:

I am excited to apply for the position of Interim Municipal Court Judge for Department 5. I meet all the posted minimum requirements as I am already on the Las Vegas Municipal Court Alternate Judge Panel. As such, I am a member in good standing of the State Bar of Nevada, can devote full time to the position, and I am a resident of the City of Las Vegas at the same address for more than a decade.

As both a substitute Public Attorney and then as an Alternate Judge I have worked to advance the professional and community respect for the Las Vegas Municipal Court. I have witnessed firsthand the commitment to Justice demonstrated by the staff at all levels of the Court. In addition, I am committed to continuing the amazing work done by the specialty court programs to assist community citizens that need the help that those programs provide. As an Alternate Judge, I already have experience with the Youth Offenders Program in Department 5, and I would work hard to ensure that the program has leadership and consistency until the next Judge is duly elected later this summer or fall.

Sincerely,

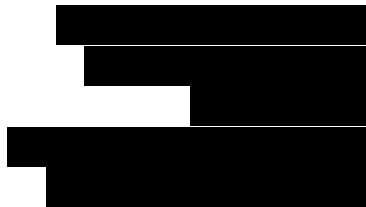
Peter K. Cleary

[REDACTED]
[REDACTED]
[REDACTED]

Peter K. Cleary

Attorney at Law

Contact



Education

1997 - University of
North Carolina
at Charlotte,
B.A. Political Science

2008 - California Western
School of Law,
Juris Doctorate

Experience

2011 - present

In-House Counsel
Koster Finance, LLC,
Las Vegas, NV

Review and enforce consumer finance contracts. Negotiate or litigate all disputes regarding those contracts. Oversee staff of paralegals. Ensure corporate compliance with state and federal laws as they apply to consumer finance agreements, including NRS 604A and the FDCPA.

2010 – 2020

Attorney at Law
The Cleary Law Firm
Las Vegas, NV

Private Criminal Defense Attorney. Predominantly represented misdemeanor and non-violent felony clients. Conducted more than 20 bench trials. Participated as co-counsel for two jury trials in federal Court. Successfully appealed a case to the Nevada Supreme Court. Member of the Board of Nevada Attorneys for Criminal Justice, 2013-2018.

2021-present

Substitute Public Attorney
Las Vegas, NV

Served as fill in attorney through daily contract work for Peter Bellon in Department 6, and 20. Did daily contract work for Nadine Morton in Department 1 in 2022. In addition, I have appeared occasionally for the firms with contracts in Departments 2, 3 and 4. These daily contracts have led to experience working with Veterans Court, WIN Court, Fresh Start, Mental Health Court, DUI court and the PST program.

References

References and employment history prior to Law School graduation available upon request

2/14/24

To Whom It May Concern,

My name is Mark Rouse, and I am applying for the Interim Municipal Court Judge (Department 5) – Interest List. I have been a resident of Las Vegas since 2010, and a practicing attorney in our community since 2011. I know that I have the legal knowledge, experience, and training to be an asset for the Municipal Court.

I realize that this position is on an interim basis and that I am not eligible to run for this open seat. I also acknowledge that the duration of this position may fluctuate depending on the results of the June primary. I have also applied for the open hearing commissioner position, and it is my understanding that in the past hearing commissioner(s) have been utilized to serve as interim municipal court judges.

I've been interested in serving the Las Vegas community as a judicial officer since I first moved to Las Vegas. I moved to Las Vegas to work on judicial campaigns and was fortunate to serve as the first law clerk for the Hon. Nancy Alf (ret.), Eighth Judicial District Court, Department 27, starting in 2011. As a law clerk to a new judicial department, I felt a sense of responsibility to establish a precedent to help the department run as smoothly and efficiently after my service ended. I developed bench briefs for motion hearings the court had twice a week, reviewed and revised incoming orders and drafted proposed orders for matters taken under advisement. I found this position challenging as Dept. 27 was a civil only department, at the time, and I focused my law school career on criminal law. I rose to the challenge of working in a civil only department and devoted myself to learning the Nevada Rules of Civil Procedure and Eighth Judicial District Court Local Rules. During my clerkship, I also took three bar exams, becoming a licensed attorney in California, Kentucky, and Nevada.

Since my clerkship, I've devoted my legal career to becoming a successful trial attorney. In my first year of practice, I tried three civil jury trials to a verdict. Two of the cases were for personal injuries, and the third was an insurance defense case, which I first chaired. Subsequently, I've tried three civil short trials on my own, first chaired two civil bench trials, second chaired two personal injury civil jury trials, and second chaired one medical malpractice civil jury trial.

Last year, 2023, was my most successful trial year. I obtained a \$100,000 judgment against the Clark County School District in May in a bench trial for negligent supervision, where my clients previously lost at court mandated arbitration. Approx. two weeks after that trial, I had a motor vehicle collision case where I performed the direct examination of all treating physicians and medical experts, the plaintiff, and some before and after witnesses. We obtained a verdict of approx. \$2.5 million. My last trial of 2023 was in the fall and involved a wrongful death medical malpractice case. I performed the direct examination of all medical experts, cross examined the only defense expert, directed the plaintiff and most before and after witnesses. I also did the punitive damages phase of the trial on my own, cross examined the only witness, made the closing argument and

rebuttal. We obtained a verdict of approx., \$10.9 million, with \$2 million in punitive damages.

After last year, you may be wondering why I would apply for an interim judicial position such as this. The answer is cliché but also straightforward. I'd like to be a judge to serve the community. The interim position is unique in that it gives me the opportunity to have a preview or trial run, of the duties, responsibilities and expectations that serving as an elected judge would entail.

I have a breadth of legal experience having practiced in the areas of criminal defense, prosecution, judicial law clerk, social security disability, insurance defense, commercial litigation, appeals, legal malpractice, employer defense, personal injury, and medical malpractice during my legal career. I am a student of the law, and constantly striving to improve my skills. Approx. two years ago I had only handled one medical malpractice case and now those are most of the cases I litigate. Much like my clerkship when I had never worked in civil law and transitioned from criminal law, I have found in my career that I thrive in challenging myself to develop new skills. I believe I have the right temperament, work ethic, and integrity to serve the city well during this interim period.

Thank you for your time and consideration.

Sincerely,

/s/ Mark Rouse

Mark A. Rouse

Education

UNIVERSITY OF KENTUCKY, COLLEGE OF LAW, Lexington, KY
Juris Doctor, May 2010

Honors

CALI Award- Capital Punishment, Fall 2009

Activities

Student Government Association, College of Law Senator, 2008-2010

❖ Senate Coordinator, January 2010- May 2010

❖ Graduate Student Committee Chairman, 2009-2010

Production Editor, *Kentucky Journal of Equine, Agriculture & Natural Resources Law*

❖ Editor in Chief's Award for Outstanding Service to the Journal, March 2010

Criminal Law Society, Vice President, 2009-2010

Trial Advocacy Board

❖ Witness on 1st Place Team in the KY Intrastate Mock Trial Competition, Fall 2009

❖ Top 5 competitor in UK 1L competition, October 2008

TRANSYLVANIA UNIVERSITY, Lexington, KY
Bachelor of Arts, History with Distinction, *magna cum laude*, 2007

Honors

Class of 2007 Student Graduation Speaker

Omicron Delta Kappa- Leadership Honorary

President of Phi Alpha Theta- History Honorary

Transylvania Scholar (full scholarship based on merit junior and senior years)

Activities

Actor in Eight University Theatre Productions

Assistant Producer, *The Brian Lane Show*

Co-Editor-in-Chief, *The Rambler*, Student Newspaper

Kappa Alpha Order

Varsity Cross Country

UNIVERSITY OF ESSEX, Colchester, England
Studied British History, Politics and Theatre, Fall 2005

Experience

BIGHORN LAW, Las Vegas, NV
Partner, November 2021 – Present

THE702FIRM, Las Vegas, NV
Partner, March 2021 – November 2021
Associate Attorney, March 2017 – March 2021

EDWARD M. BERNSTEIN & ASSOCIATES, Las Vegas, NV
Associate Attorney, April 2014 - March 2017

LIPSON, NEILSON, COLE, SELTZER, GARIN, P.C., Las Vegas, NV
Associate Attorney, August 2013 - March 2014

PARKER SCHEER LAGOMARSINO, Las Vegas, NV
Associate Attorney, March 2012 - July 2013

HON. NANCY ALLF, 8th DISTRICT, DEPARTMENT 27, DISTRICT COURT, Las Vegas, NV
Law Clerk, January 2011 - March 2012

NANCY ALLF, ATTORNEY AT LAW, Las Vegas, NV
Campaign Manager & Law Clerk, August 2010 - December 2010

HON. JAMES ISHMAEL, JR., FAYETTE COUNTY CIRCUIT COURT, Lexington, KY
Extern, September 2009 - December 2009

CLARK COUNTY DISTRICT ATTORNEY, Las Vegas, NV
Intern, May 2009 - July 2009

RURAL DRUG PROSECUTION ASSISTANCE PROGRAM
47TH JUDICIAL CIRCUIT COMMONWEALTH'S ATTORNEY, Whitesburg, KY
Law Clerk, May 2008 - August 2008

Bar Admissions

Admitted to practice in California; Kentucky; Nevada; Arizona; U.S. District Court, District of Nevada; U.S. District Court, Eastern District of Kentucky, and; the 9th Circuit Court of Appeals

Professional Organizations

ARIZONA BAR ASSOCIATION
Member, July 2020 – Present

STATE BAR OF CALIFORNIA
Member, July 2012 – Present

STATE BAR OF NEVADA
Reviewer, Nevada Civil Practice Manual (6th ed. 2016)
Publications Committee Member, January 2012 – December 2020
Member, May 2011 - Present

KENTUCKY BAR ASSOCIATION
Member, October 2011 - Present

HOWARD D. MCKIBBEN INN OF COURT
Associate Member, September 2011 – May 2018

CLARK COUNTY BAR ASSOCIATION
Member, July 2011 - Present

NEVADA JUSTICE ASSOCIATION
Law School Committee Member, December 2020 – Present
Club X Committee Member, June 2017 – May 2021
Member, July 2011 – Present

NATIONAL ORGANIZATION OF SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
Sustaining Member, November 2014 - November 2016

Professional Achievements

Mountain States Superlawyers, Rising Star, 2015 - present
Nevada Business Magazine, Legal Elite, 2015 – 2018, 2020-present
Top 100 - Civil Plaintiffs in Nevada, The National Trial Lawyers, 2015 - present
Top 40 Under 40 – Civil Plaintiffs in Nevada, The National Trial Lawyers, 2016

Community Service

APPALACHIAN RESEARCH AND DEFENSE FUND OF KENTUCKY
Pro Bono Social Security Disability Attorney, 2016 - 2022

CLARK COUNTY TRUANCY DIVERSION PROGRAM
Judge, Lawrence Middle School, Fall 2013-March 2014
Judge, Biltmore Continuation High School, November 2012-May 2013
Alternate Judge, January 2012-May 2012

Interests

Horse Racing, Running, Sports (Raiders, Las Vegas Golden Knights and UK)