



## MEET YOUR NEW JUSTICE: KRISTINA PICKERING

BY JUDGE ROBERT J. JOHNSTON

On January 5, 2009, Kristina Pickering took the oath as the newest member of the Nevada Supreme Court. She is the 55th person to serve on the state's highest court.

Born in San Francisco, her parents moved the family in her early childhood to Portland, Oregon, and then to New Orleans. But it was the move to Reno, Nevada, at age 10, that brought her to the state she enjoyed the most and would make her permanent home. Her father, Dr. Donald Pickering, was a pediatrician who was employed at the new University of Nevada Medical School. His travels across rural Nevada, serving the medical needs of critically ill children, exposed Pickering to diverse areas of our state. She grew to love the outdoors and enjoyed having a horse.

### Education

Pickering graduated in 1970 from Reno High School at the top of her class. While maintaining excellent academic standing, she enjoyed creative writing and dramatic theater. In her senior year she split her time between Reno High and the University of Nevada, Reno where she was permitted to take university courses. She finished high school as a Presidential Scholar and National Merit Scholar, which opened the doors to Yale University for her undergraduate studies.

She entered Yale in 1970 as a member of only the second class of women at that university. The trip east for college was fueled by her sense of adventure and desire to experience the culture of another part of the country. It was also a salute to her parents – her father had done a medical residency at Yale and her mother was a graduate of Vassar University, the sister university of Yale in the years before women were admitted to Yale. She describes her Yale years as “incredibly stimulating and challenging.” She especially enjoyed languages, particularly German. The demanding curriculum prepared her for her next endeavor.

After graduating cum laude from Yale, it was time to come home to the west and be closer to family. She followed her older sister, Cynthia, to the University of California, Davis, School of Law. A top-five graduate of the class of 1977, Pickering was honored with Order of the Coif. A member of law review, she was the volume editor her last year of law school. This service accomplishment is all the more remarkable because she did it from Washington, D.C. Having married fellow Reno High School graduate Bruce Laxalt, she attended Georgetown for a final year of legal education, while he was employed in the nation's capital.

In the fall of 1977 Pickering became a member of the State Bar of Nevada. She was one of the first 100 women to earn bar membership in this state.

### Mentors

Pickering repeatedly gives credit to those who have been mentors to her. Her interest in law as a profession and career started in high school when English teacher, Margaret Muth, encouraged her to consider it. After law school, Pickering returned to Reno to clerk for U.S. District Court Judge Bruce R. Thompson. The two-year clerkship was extended to three years when Judge Thompson asked her to stay on for another year. During her tenure with the judge, Pickering served with fellow law clerks Craig Kellison, now a U.S. Magistrate Judge in the Eastern District of California, and Bruce Beesley, current president of the State Bar of Nevada. The impact of the judge's

wise counsel and character has been significant on her career. She speaks of “owing him a great debt.”

Pickering describes the influence of Thompson in the context of certain core principles he lived and taught: “He was always honest intellectually. Judge Thompson was open-minded on every question and issue, and never indulged his own opinion. He never said to a law clerk, ‘get me the law for a particular result.’ The goal was to get the law. Judge Thompson had a deep respect for the law as an institution.”

Pickering further says that Thompson “instilled the bench in me.” As often happens, law clerks are inspired to pursue a service opportunity on the bench. Pickering seized the opportunity to run when the opening presented itself. To anyone who would ask what type of judge she will be or what sort of judicial philosophy she will employ, it is probably safe to say, “look at the principles taught by her mentor.”

## Legal Experience

Pickering was recruited by Ray Pike to join the Reno office of Lionel, Sawyer & Collins. Her assignments were in civil litigation and appellate work. She speaks fondly of getting the opportunity to work with “great lawyers” and of significant case experience and responsibility early in her career. Less than a year after joining the firm, she recalls arguing a case before the Nevada Supreme Court for Sierra Pacific Power Company. The court affirmed the favorable ruling her client had obtained in the District Court below. On the way home from the oral argument she replayed in her mind every word of the experience, as well as the words that she could have said. She now says reflectively, “You’re always better on the way home.”

The 1980 MGM fire in Las Vegas brought substantial litigation that altered the legal landscape of southern Nevada. Pickering, like many other attorneys at that time, was consumed by the massive litigation. She remembers celebrating her 30th birthday in a deposition regarding an aspect of the Clark County Code. The numerous discovery disputes enabled her to develop an expertise in the Federal Rules of Civil Procedure and the local rules. She has put that expertise to work for others, subsequently serving on the Local Rules Committee for the U.S. District Court for the District of Nevada and the Nevada Supreme Court Committee on the Revision of the Nevada Rules of Civil Procedure. Always the mentor herself, Pickering has taught pretrial practice and procedure as adjunct faculty at the UNLV Boyd School of Law and has taught on the subject of discovery disputes in the ALI/ABA course on Civil Practice and Procedure in federal and state courts.

Pickering’s legal career and life changed in 1992 when she married attorney Steve Morris and moved to Las Vegas. Shortly

thereafter, they started a new law firm – Morris, Pickering & Brignone. Over the last 16 years, Pickering has litigated a variety of cases and issues in state and federal courts. She counts, among her strengths, the ability to organize facts and legal issues in a case, whether from the beginning or merely structuring an appeal. In appellate cases, Pickering says the endeavor is not unlike duplicate bridge. In duplicate bridge, the same bridge hand is duplicated at other tables in order to allow a fair comparison of playing skill. Similarly, there are no new facts in a case on appeal, only the skill of the attorneys in written and oral presentation.

Pickering says one of the “joys of practicing in Nevada is to be able to be a general litigation attorney and cover a broad spectrum of the law.” Her broad experience will make her a better appellate judge. The years of work in all aspects of civil litigation, including discovery, trial and appeal is a strength that will benefit the Nevada Supreme Court and the attorneys and parties who appear in that forum. For the first time in 24 years, the Supreme Court will add a new justice who did not serve as a District Court judge. This difference was highlighted by some on both sides in the election. It will bring a healthy new perspective to our Supreme Court.

## Life Outside the Law

Pickering has a range of interests beyond the law. An English major at Yale, she enjoys reading “anything and everything.” She candidly admits that when the stress is higher, she is more likely to gravitate to dime-store novels.

She trains border collies and usually has more than one in her law office. Running with the dogs is designed to exercise herself, as well as the dogs. She has trained for, and run, a marathon – fast enough to qualify for the Boston Marathon. Her latest fitness challenge has been completing some triathlons with her sister Courtenay.

## Service

The UC Davis School of Law is named for Dr. Martin Luther King. After his assassination in 1968, the students and faculty urged the university to name the building housing the law school after the slain civil rights leader. It was done as a way of honoring King and dedicating the law school to his ideals of public service and social justice. From the halls of the UC Davis School of Law comes Kristina Pickering, who is fulfilling the ideal of public service by joining the Nevada Supreme Court. She has never run for any office before, though she has served the bar and citizens of Nevada for years. *Nevada Lawyer* welcomes Kristina Pickering to the Nevada Supreme Court. **NL**