

# The Supreme Court of Nevada's Newest

On January 7, 2019, two justices joined the Nevada Supreme Court. Justice Elissa F. Cadish and Justice Abbi Silver were both sworn in during an inaugural ceremony in Carson City and joined the full court for oral arguments on January 8. On January 10, both women took a ceremonial oath of office at the Clark County Government Center in Las Vegas.

While Cadish and Silver are new justices, they are far from new to the practice of law. Both women bring a wealth of education and experience to Nevada's highest bench, and both have plenty of wisdom to share with Nevada's attorneys. They shared some of that wisdom and experience with *Nevada Lawyer*.

## **JUSTICE ELISSA F. CADISH: A ROAD PAVED WITH GOOD INTENTIONS AND VERY HARD WORK LEADS TO A PLACE ON NEVADA'S HIGHEST COURT**

### **Laying Foundations**

Justice Elissa F. Cadish was born in Brooklyn, New York, but her family moved to Queens when she was just a year old. She relocated to New Jersey when she was still in elementary school. She spent the rest of her childhood in central New Jersey, near the shore, and she graduated from high school there.

Cadish graduated with honors from the University of Pennsylvania in 1986, with a Bachelor of Arts degree in political science with a concentration in American government. She then attended the University of Virginia School of Law, where she was a member of the Virginia Law Review. Her favorite class in law school was trial advocacy, which was taught by a U.S. magistrate judge. Cadish enjoyed the opportunity the class gave her to practice

questioning witnesses and making arguments. She received her Juris Doctorate in 1989; the school honored her with the Order of the Coif based on her academic performance.

Following graduation, Cadish moved to Las Vegas, where she began clerking for Judge Philip M. Pro in the U.S. District Court for the District of Nevada. This early experience planted the seeds for the growth of her career. Cadish said she both admired and respected the way Pro filled the important role of a judge. He was a huge influence and inspiration to her.

"He was always courteous and professional, yet in control of his courtroom, prepared for every hearing, and committed to following the applicable law," Cadish explained. "I have aspired to follow in his large footsteps ever since. I waited until I felt I had substantial experience as an attorney and then applied for an open seat on district court."

Cadish spent two years clerking for Pro and then entered private practice with a focus on commercial litigation and employment law. She worked with the Hale Lane Peek Dennison and Howard law firm (a predecessor to the Nevada offices of Holland & Hart) from 1995 until 2007; she became a shareholder

in 2000. During this period of her career, Cadish says she learned how important both hard work and attention to detail were to a successful legal career. At the same time she was working in civil practice, she was also involved in the Southern Nevada Association of Women Attorneys, serving as the organization's president from 2004 to 2006. She also participated in the Inns of Court and mentored and trained her firm's newer attorneys. She volunteered her time and support to the *We the People: the Citizen and the Constitution* program, which teaches young people about the constitution and how it can be used to create change at the community and national level (a program Cadish remains involved with to this day, as co-chair of the State Bar of Nevada's We the People Committee and a board member of the Nevada Center for Civic Engagement). As if that weren't enough to keep her hands full, Cadish was married with young children at the time. She said that balancing a family life and busy career was ultimately possible, but that it was certainly never easy.

### **Time on the Bench**

In 2007, Cadish felt the time was finally right; she applied for empty seats in Departments 17 and 18 of

# Justices

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AND MELINDA CATREN

cases. One of her proudest accomplishments is that the attorneys in three felony criminal cases stipulated to have her act as the finder of fact instead of a jury. This circumstance is a rare thing in criminal cases, and Cadish likes to think that the choice was made because both sides knew that she was fair and would make a ruling based firmly on the facts and the law.

## Advice for Attorneys

Cadish is impressed by lawyers who are prepared and civil. It is important to her that attorneys understand their cases and the applicable law, and are professional and courteous. She also urges all attorneys to proofread anything submitted in writing. Not only should the spelling and grammar be correct, but the content should be appropriate. They should discuss the applicable legal authorities without misrepresenting them and show how they apply to the facts of the case. “A brief should include an introduction section, to give a roadmap and outline what you are seeking and why you should win,” Cadish explained. “Understand exactly what you are seeking: if this motion is granted, will it resolve the entire case or only certain claims? Is it just resolving liability or also damages? Will all parties’ claims be resolved or just some of the parties? And then make sure the order

accurately reflects the judge’s ruling and the basis for it.”

In oral argument, if a judge asks a question, she advises that attorneys answer it to the best of their abilities or admit that they don’t know the answer, but offer to provide it at a later time. Cadish values honesty as a virtue. “Always be honest with the court, both in writing and in oral argument. Do not misrepresent the legal authorities you are relying on,” she said. She also values courtesy. She echoed the words of many others on the bench when stating that attorneys need to protect their reputations. “Be a vigorous advocate but never compromise your ethics,” she advised. “Your reputation is the most important asset you have as a lawyer and it can be quickly lost if you act unethically—and word will spread among lawyers and judges if you do so.”

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**Born:** Brooklyn, New York; grew up in Queens, New York and Howell, New Jersey

**Education:** University of Pennsylvania, Philadelphia, B.A., political science with a concentration in American government; University of Virginia Law School, J.D., Virginia Law Review, Order of the Coif

**Judicial Positions:** Eighth Judicial District Court, Department 6, appointed (2007), elected (2008 and 2014) Nevada Supreme Court, elected (2019)

the Eighth Judicial District Court early in the year, but wasn’t appointed. A few months later, a vacancy opened up in Department 6 when Judge Joseph Bonaventure retired. Undaunted, Cadish applied again and was ultimately appointed to the position of district judge by then-Governor Jim Gibbons. She took the bench in August 2007; in 2008, she was elected by a substantial



**Born:** Philadelphia; grew up in Boulder City and Las Vegas

**Education:** University of Nevada, Las Vegas, B.A. political science; Southwestern University School of Law in Los Angeles, J.D.

**Judicial Positions:** Las Vegas Municipal Court Bench, elected (2003) Las Vegas Justice Court, elected (2006) Eighth Judicial District Court, elected without opposition (2008 and 2014) Inaugural Court of Appeals of Nevada, appointed (2015) Nevada Court of Appeals, elected without opposition (2016) Appointed by Governor Brian Sandoval as the first female Chief Judge of the Nevada Court of Appeals (2017)

**Current position:** Nevada Supreme Court Justice, elected without opposition (2018)

majority to retain her seat. In 2014, she ran again, unopposed. As a district court judge, she had an exclusively civil docket until 2009, when she switched to a split civil and criminal docket. Cadish enjoyed presiding over civil and criminal

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## JUSTICE ABBI SILVER: BLUEPRINT OF A SUCCESSFUL JUDICIAL CAREER

### Life and Legal/ Judicial Career

The early foundation for Justice Abbi Silver's legal career was constructed in southern Nevada. Although Silver was born in Philadelphia, she grew up in Boulder City until 10th grade, when she moved to Las Vegas. She received a Bachelor of Arts in political science from the University of Nevada, Las Vegas and then moved on to the Southwestern School of Law in Los Angeles. During law school, Silver found her courses were informative; Criminal Law was her favorite.

After graduation, Silver clerked for the Honorable Earle White, Jr. in the Eighth Judicial District Court. It was during her time as a judicial law clerk that she set the goal to eventually become a judge. With that aspiration in mind, she began to build her legal experience and skills.

Silver worked as a Clark County chief deputy district attorney for nearly 14 years following her clerkship. During the last five of those years, she served as chief deputy of the Special Victim's Unit on Domestic Violence and Aggravated Stalking Division.

In 2002, Silver made her first attempt at elected office, filing for Clark County district attorney. Following an incredibly expensive, extremely high-profile campaign and a hard-fought race, she lost the Republican primary by a wide margin. She described losing the DA's race as having been extremely difficult on a personal level, but said that losing the race also catapulted her into

becoming a serious contender for future judicial offices.

Though the race was lost, Silver was far from defeated, and she realized that it was the right time for her to move toward one of her long-term career goals. In 2003, within six months of losing the D.A.'s race, she won a competitive primary and the general election for a vacant seat on the Las Vegas Municipal Court, District 6 bench, capturing 62 percent of the vote.

Voters elected Silver as Las Vegas Justice of the Peace in 2006, and then she won elections to the Eighth Judicial District Court bench in both 2008 and 2014. (She was unopposed in both races.) Governor Brian Sandoval appointed her to the Court of Appeals in 2015, and he appointed her Chief Judge in 2017. Unopposed, the voters elected her to the Nevada Supreme Court bench in January 2018, making her the seventh female justice in Nevada history to serve on the Nevada Supreme Court. Significantly, no judge in the history of Nevada, aside from Silver, has presided at every level in the court system.

Silver said that the most interesting and longest case that she presided over on the district court bench was the Endoscopy Clinic products liability case, involving Teva Pharmaceutical Company as a defendant. The verdict favored the plaintiffs for almost \$110,000,000. Silver said she enjoyed watching some of the finest trial attorneys in the county argue the case. While she believes that products liability cases are complex, she also finds them legally challenging and interesting. She worked hard for six months on that case (while keeping up with all of her other cases), and she was involved in every aspect of it, from deciding motions in limine to resolving which instructions would be given prior to closing arguments.

### Silver's Thoughts on a Being a Successful Lawyer

As Silver sees it, a lawyer's reputation in the legal community is crucial. One's professional reputation with the bench is priceless. She said that she is always impressed by a lawyer who has the ability to concede when the law is against him or her; lawyers who eloquently concede that the law is what the law is gain credibility—and the judge will not forget this admission. On the other hand, she said, if a lawyer lies about what a case stands for, or tries to twist the meaning of the law, the judge cannot trust anything that lawyer says. Consequently, judges do not forget a lawyer who has not been forthright—even years later.

Silver also believes that civility when dealing with opposing counsel is priceless, as a lawyer never knows who is going to become a judge or your boss in the future. She said that there is no substitution for being the most prepared attorney in the courtroom. No one should know the law or the facts of the case better than the lawyer presenting it.

Silver also feels strongly that persuasive briefs and motions should be written clearly and concisely, in the active voice. She makes all of her law clerks read *The Legal Writer* by Judge Mark Painter. While the tips are simple, Silver says reading the book is an easy way to brush up on the basics in just a few hours.

Her final recommendation to lawyers is to take pro bono cases. Silver says there is no better way to gain experience, become a better advocate and contribute to the legal community. Pro bono lawyers improve society and provide the client a great service, while at the same time reaping the rewards of arguing an appeal. **NL**

PATRICIA D. CAFFERATA'S  
biography can be found on page 6.