

# BEHIND THE BENCH • ISSUE 1



If there were an award for Ms. Congeniality of the bench, it would surely go to our freshman Judge, Nancy Allf. Judge Allf graciously granted my request for an interview, despite her overflowing docket and community commitments. I arrived on a Friday afternoon and was greeted by an apologetically late Allf who had been held back by a going away party for Judge Jackie Glass. She was kind enough to bring up the watch my husband had bought for me on Valentine's day and which I had absentmindedly left at the security check-in gate, thus saving my marriage and a lot of grief in one fell swoop.

Walking into her office, you immediately take notice of the various paraphernalia evidencing her zeal for the Kentucky Derby and horses. Allf hails from Kentucky, where she grew up with her one sibling, a sister, and her parents; her father, an FBI agent working undercover for the Organized Crime Squad. Her family was transplanted to Las Vegas in the

seventies where her father continued to work undercover. Her father later acted as the FBI technical advisor for the movie, Casino, which was loosely based on her father's undercover squad. Incidentally, George Togliotti, father of Judge Togliotti, was also on the same squad. When asked how it was growing up as the daughter of an FBI agent, Allf jokes that "she couldn't get a date."

All jokes aside, Allf clearly gets her strong sense of morality from her parents. "Parents teach by example and I inherited a rich sense of right and wrong from my dad. He was a lawyer and had the strictest moral compass of anyone I've ever seen. Everything was very black and white and defined. I think I practiced civil law because I saw things in more shades of grey."

Turning our attention to her newly elected role as a judge, I asked her about her take on judicial advocacy and whether she believes that there is any room for that on the bench.

Patricia Lee is a partner with Hutchison & Steffen practicing primarily in business and commercial litigation, including, but not limited to, partnership/shareholder disputes, contract enforcement/defense, non-competition agreements, and commercial lease review and litigation. In addition, Patricia practices in the areas of trademark registration and litigation, collections, mechanic's liens/foreclosures, medical claims billing, and family law. Patricia is dedicated to serving the needs of not only more sizeable client companies, but also providing legal guidance and services to entrepreneurs and small business owners through the Firm's program entitled The Legal Solution for Entrepreneurs & Small Businesses.

Patricia enjoys working with a range of colleagues within her legal profession. Behind the Bench chronicles a series of interviews Patricia has had with judges within our various court systems. We hope you enjoy this issue.

plee@hutchlegal.com  
702.385.2500  
hutchlegal.com

PATRICIA LEE  
PARTNER



Judge Allf: "I hate labels because I know now that so many questions of law aren't answerable under Nevada law. Every time you have a unique situation that is distinguishable from the law, or a lot of times, there just isn't precedent that applies in our State. So you do your best with your moral compass and apply the law the way you think it should be. If that's judicial activism, then I hate it because I hate the idea that judges could be making law when I know we shouldn't. So, it's a tough call."

---

**IN THE ABSENCE OF PRECEDENCE,  
JUDGE ALLF SHARES HER THOUGHT PROCESS  
WHEN ANALYZING CASES:**

---

"I do take into consideration the ramifications of my decisions on the community, but I'm not necessarily influenced by that. I also try and think what would the Supreme Court do in this situation? I guess the easy answer is you use your moral compass and hope you do the right thing."

**Education:** Undergraduate Studies – Transylvania University, Kentucky

**Loves:** Horses and rodeos (grew up on a cattle farm and still tries to go to the Kentucky Derby every year with her husband).

**Family Life:** Married 12 years in January 2012. No kids, but has two cats (Dewey and Truman). Husband was in-house counsel for the Maloof family, and they hired her to do some work. "I did such a good job, he married me."

**First Knew She Wanted to be a Judge:** When her father would often testify in Federal Court. "After a stint of time watching Federal and State Court sessions, during a recess one day, the Federal judge invited me to sit in his chair. He explained to me that you sit higher so that you can see everything that's going on in the Courtroom so you can do the right thing. It made such an impression on me that I never forgot that. I went to law school wanting to be a judge. Looking back at it now, it was very generous of him and I did get the chance to let him know what an impact that moment made in my life."

**Biggest Surprise as a Judge:** "Sometimes I will read a brief and see an issue that a party failed to brief, which forces me to have to do my own research. On the other hand, sometimes things are so beautifully briefed that I know I can rely on those briefs. Also, court administration, i.e., how hands-on judges really are; we manage our docket really carefully, minute orders, chamber's calendar; trying to dispose of things that do not require full-blown hearings so that litigation will take less time and be less expensive for the parties."

**Advice for Others Who Want to be Judges:** "Be the best attorney you know how to be. Learn your craft and learn your community. As long as we elect judges, you must be able to go to voters and ask for their vote. Show them that you would be able to make this community a better place."

**On Extraordinary Relief:** "Dispositive motions get really scrutinized, but I'm not afraid to grant them. As a new judge, I'm still learning, even though I've practiced for 27 years. I don't have an aversion to it, I just have to be satisfied that the law warrants it."



**HUTCHISON & STEFFEN**  
ATTORNEYS

## PRACTICE POINTERS FOR ATTORNEYS APPEARING BEFORE JUDGE ALLF:

**1** I'm always willing to sign OSTs. When I set it, it will be based not on the merits – since I won't know the merits until it's fully briefed – but on what I think the expediency should be.

**2** I do minute orders on unopposed matters or now and then I'll write a decision, prepare the order ahead of time, and vacate the hearing if something is clear from the briefs.

**3** I almost always will grant stipulations to continue trials as long as there's an explanation in the request and both sides sign it. And on those, you coordinate with my staff to make sure you put a new pre-trial and a new trial stack in there or else I will set it for a status hearing because I have a duty to move the docket forward.

**4** An oral argument should not consist of a closing argument. Give me an argument with regard to the law primarily and the facts as you see them applying to the law. Anytime I get an oral argument that's really a closing argument, it just shows me that they don't have the law on their side.

**5** Avoid non-verbal cues. If the other side says something that you don't agree with, don't make a scene. Explain it with proper words because I'm listening very carefully and I will be prepared.

**6** If you have questions, call chambers. We're always happy to take questions. Also, if we have questions about some cases, like a typo in the citation, we often call the lawyers. Never hesi-

tate to call my chambers if you have issues regarding scheduling such as moving your hearing from 9 to 10. I'm willing to do whatever I can to accommodate the lawyers because I realize we're here to serve.

**7** I will always sign stipulated orders. Again, keep them moving.

**8** With regard to compromise in minor clients, those come up very often, and we set status hearings on them. If you don't have the account set up, just call for a continuance. I will normally continue it twice before I will set it for a status.

**9** I loathe sealing records. I feel that the Supreme Court has given us a lot of direction on that. I am, however, willing to consider things in chambers or in camera as long as they're provided to the other side.

**10** We're really hands-on in terms of keeping our docket moving. We set almost every one of our cases for trial, and right now we have almost 2,000.

**11** On motions to withdraw, include language indicating that your client knows about the withdrawal or my law clerk is going to call you and require a supplemental affidavit. I'm happy to grant motions to withdraw, but due process requires that the client know, and people rarely serve those on their own client.

### **Best Thing About Being a Judge:**

"Not having to be an advocate, but just doing what I learned in law school, which is just know and apply the law. I'm still learning more about the law every day and I love every minute of it."

### **Characteristics About Some Judges That I Encountered During My Practice That I Try to Avoid:**

"Sometimes judges can be intemperate, and I don't mean drinking. I mean, sometimes when they've heard enough they can be curt and I try to avoid that. I try to be consistently polite. I'm from the South, so usually I'm polite to a fault. Usually. But, people take that as a sign of weakness and some lawyers think they can push me because I'm polite. Well, that would be a mistake."

### **Legal Issue on Which I Wish the Nevada Supreme Court Would Give More Guidance:**

"Medical malpractice cases and the ambiguity of the requirement of the affidavit. To me, the law is very ambiguous about what it takes to support the complaint. I hate the idea of cutting someone off from their rights as much as I hate the idea of someone defending a case that has no merit. I feel my hands are tied to really decide these cases, so I hope that they'll clarify this issue for us."

### **Rapport With Judges:**

"We've really helped each other a lot because we've had distinct practice areas. We've all shared our experiences, our jury experiences. I've already had 6 or 7 trials this year (been on the bench 6 months). I don't have a preference between bench vs. jury trial, but I love to watch the jury in action. I listen really clearly because I know that I'll have to deal with post-trial issues and rule on evidentiary matters during trial."



**NANCY L. ALLF,**

Clark County District Court Judge, Department 27

## BEHIND THE BENCH • ISSUE 1

### FUN QUESTIONS:

**Favorite Food:** Whatever's on my plate.

**Last Book Read:** To Kill a Mockingbird (again), my favorite book of all times.

**Last Movie Watched:** Harry Potter.

**Favorite Movie:** Love Actually.

**Favorite Quotes:** Without lawyers, the Constitution is just a piece of paper.

Think like a man, act like a lady and work like a dog.

**Favorite TV Show:** 60 Minutes.

**Favorite Genre of Music:** Rock N' Roll.

**Last Person I saw in Concert:** Neil Young at the Hard Rock.

**Last Vacation:** Kentucky Derby.

**Best Vacation:** Italy (Rome, Naples).

"Going to Istanbul and Greece this year, at which point I will probably go dark while I'm out and ask someone to take my calendar on my two motion days (Thursdays and Fridays)."

**In My Free Time:** "I walk half-marathons, read, cook, travel, and watch movies."

If anyone has any feedback on how she's doing, she's happy to take constructive criticism. She promises not to "judge" (no pun intended). "I want to be good at this and do a good job."

### AREAS OF PRACTICE

- Administrative Law
- Alternative Dispute Resolution
- Appellate Litigation
- Asset Protection & Business Planning
- Banking
- Bankruptcy & Creditor's Rights
- Business & Commercial Litigation
- Constitutional Law
- Construction Law
- Corporate & Transactions
- Election Law
- Employment Law
- Family Law
- Healthcare Professionals Advocacy
- Insurance Defense
- Landlord/Tenant
- Personal Injury
- Professional Liability Defense
- Real Estate Law
- Trust & Probate Litigation

**HUTCHISON & STEFFEN**  
ATTORNEYS

[hutchlegal.com](http://hutchlegal.com)