

# BEHIND THE BENCH



**A**s I was escorted into the Chambers of The Honorable Judge Bare, I was visually captivated by the wide array of diverse items peppering his office. There was a multitude of interesting and diverse art work, many pieces of baseball paraphernalia, old photographs that I later confirmed to be of Judge Bare's family, novelty beer cans, a model car, and various badges, honors and awards, some of which were for his brief but impressive stint as a Municipal Court Judge back in 2007.

Settling into my seat, I quickly tried to assess the personality of one of our District Court's newer Judges. My first impressions were that he appeared to be very solemn, stoic and serious. I quickly switched my brain into the closest mode that would match, and began my interview. To my complete delight, Judge Bare spoke first, stating that he had read some of our other articles and got the general gist of the information I was looking for. He then began to tell me about his ascension to the bench, which is a journey that is nothing short of inspirational. By the

end, I no longer saw a somber jurist sitting high up in the Courts meting out justice, but a fascinating member of our bar who is incredibly innovative, unbelievably passionate, and above all, who loves his parents more than life itself.

Judge Bare was born in 1963 and subsequently grew up in Aliquippa, Pennsylvania. He will tell you without hesitation that all that he is he owes to his parents, Jack and Betty Bare. Judge Bare did not meet his parents until he was 6 months old. They were both soldiers enlisted in the United States Army and were stationed in Germany at the time. Ten years after having their first child, Doreen Bare, they had applied for adoption – a full 4 years prior. One day, Betty Bare noticed that a handwritten note had been slipped under her door which simply read: "Ms. Bare, please call me Wednesday 5-9 am phone 449501 concerning your application for adoption. Thanks, Mrs. Herr, Social Worker." This, in Judge Bare's own words, was the beginning of an incredibly loving, emotional and most fortunate journey.

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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.

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Judge Bare was raised in a home saturated with love. His father served our country for 27 years in the U.S. Army then subsequently became the Police Chief for the local county. Judge Bare credits much of his demeanor both as the former Bar Counsel and his current role as judge, to the lessons he learned from his dad. "I watched the way my dad did his job. For instance I saw that when he would pick up kids who had committed anywhere from minor to semi-serious infractions, he wouldn't take them to jail. Instead, he would take them home to their parents, and then sit down with them for a long time to try and reach a solution so that it didn't happen again. That really stayed with me and I tried, as Bar Counsel, to get lawyers' help whenever we could." Jack Bare now lies in Arlington Cemetery. Betty Bare is now 82 years young and still lives in Aliquippa, Pennsylvania, in the same home that Judge Bare grew up in.

Judge Rob Bare graduated from Pennsylvania State University in 1985 with a degree in pre-law. He obtained his juris doctorate from the University of Pittsburgh in 1988, where he graduated with various honors and accolades. Judge Bare, who grudgingly admits that he's always done well in school and has the gift of being able to take tests really well, was a highly sought after associate by most of the big firms in the area, including the well respected law firm of Reed, Smith, Shaw McClay. Reed Smith offered him \$57,000 a year to start, which, in 1988, was no small chunk of change. About the same time, the U.S. Army was on campus recruiting young associates to be JAG attorneys. Again, heavily influenced by his parents, Judge Bare thought it would be nice to "surprise the old man," by enlisting in the Army. And that's exactly what he did. Much to the shock of his colleagues, Judge Bare rejected the big firm job with the opportunity to make \$57,000 a year and instead became a JAG attorney where he pulled down approximately \$17,000 a year. His

actions had the desired effect. Judge Bare announced to his father that he had joined the Army, and his dad was overwhelmingly surprised.

Judge Bare's dedicated work ethic served him well for the next four years as he attended not only physical boot camps, but legal boot camp as well. "Being a JAG attorney means that you grow up really quickly in the professional sense. You get a crash course on the military legal world and are doing several trials a month. This is on top of getting up every morning at 5:00 am to run a few miles or do other PT before work." By the time he wrapped up his JAG career, Judge Bare had appeared before more than 20 military judges across several states, and had trial experience that rivaled any criminal defense attorney today.

Judge Bare was stationed at Fort Ord in California at the time he completed his JAG tour in 1993. "As I was thinking about my next career move, I had heard that Nevada was the land of opportunity, so, I packed up and moved here." With that, Judge Bare simply "showed up" in Nevada, took and passed the Bar and started to look for work. As luck would have it, the State Bar of Nevada was hiring for the position of Assistant Bar Counsel and he got the job. His dedication to the position, coupled with his military work ethic, afforded Judge Bare a quick promotion only two years later to Bar Counsel. Loyal to a fault, Judge Bare maintained that position without interruption until he was ultimately elected to the bench during the 2010 elections.

Well, almost without interruption. He did take a six-month leave of absence in 2007 to fill the Municipal Court vacancy left by Judge Abbi Silver who had been elected to sit as a Justice Court Judge. Judge Bare refers to the day of his appointment as the best day of his



life. "The City of Las Vegas announced that the Mayor and the City Counsel would appoint an interim replacement for Department VI," recalls Judge Bare. Back then, in the infinite wisdom of the City Counsel, whoever was appointed would only serve six months but would then be ineligible to run for that seat. This was to avoid the appearance that the City was endorsing any one candidate. Approximately 10 attorneys applied for the position. After a rigorous round of interviews, including with then Mayor Oscar Goodman himself, Judge Bare recalls getting the news. "It was December 20, 2006, I'm sitting in my office, and it's about 10:00 am. It's Oscar Goodman and he says, 'I would like to offer you a job.' I wanted to be a judge. And I wanted to do it in my mother's lifetime. So, even though I had been at the Bar for approximately 13 years at this point, I accepted the job right on the spot." Then came the hard part; telling his employer. His employer knew he was interviewing, but it did not make the announcement any less difficult. "By 11:00 am I had my resignation letter written. I personally delivered it to my boss and said 'I'm going to go be a Municipal Court Judge for the next six months.'" Although he was moderately concerned about what he would do once those six months expired, Judge Bare assembled his staff, many of whom had been with him the full 13 years, to break the good/bad news.

Judge Bare went on to explain the rest of his day filled with mixed emotions. "At 2:00, my phone rings again, and it's the Executive Director to whom I had submitted my resignation letter to earlier that morning. He says, 'Can you come down to the office?' So, I go back to the Executive Director's office and the President of the State Bar, Rew Goodenow, is sitting in there with the Executive Director." Unexpectedly, Judge Bare's voice starts to trail off. Not hearing anything, I glanced up from my notes just in time to catch a glimpse of Judge Bare, eyes welling with tears, his side turned fist pressed firmly against his lips in a clear attempt to compose himself. Slowly, he continues to recollect the emotional day with a shaky voice: "The Executive Director handed me back my letter of resignation and said, 'Here's your resignation letter back. We would like to instead offer to you an extended leave of absence so you can go be a judge and come back and be a lawyer for us again.'"

Judge Bare's dream of having his mother see him be seated as a Judge during her lifetime was realized. Even more fulfilling was the fact that she was able to witness him get sworn in at a full blown investiture with the Mayor. "They gave her flowers," recalls Judge Bare. "And that, of course, was what it

was all about." Judge Bare served out his time as a Municipal Court Judge, and, returned to his awaiting job as Bar Counsel in good faith, and continued to serve until he was elected to the District Court bench.

Anyone who was fortunate enough to have been a practicing lawyer while Judge Bare was serving as Bar Counsel knows the tremendous impact he made on the legal community during his tenure. Again, Judge Bare credits the heavy influence of his father for the success he had with the Bar, "My father really cared about people and tried to make a difference in their lives. So, when I was Bar Counsel and encountered an attorney with a disability (drug or alcohol problem), unless it was too far down the road and they had say, misappropriated funds, my view was always, 'Let's get them some help.'" Judge Bare worked tirelessly in his role as Bar Counsel, constantly coming up with innovative ways to provide education and support to the Bar. Probably one of the most important legacies Judge Bare left behind was his



brain-child, the Ethics Hotline, which, as most attorneys know, is the toll-free number set up by the State Bar where lawyers can call and get advice on how to practice law more responsibly. "I went to the Board of Governors in 1993 or 1994 and said that 'it's occurred to me that if we can help lawyers practice better, we may be able to avoid a lot of [issues] since a lot of it is just practice pointers.'" With that, the toll free number we have all grown to depend on in our day-to-day practice, was born. "The year before we put it in," recalls Judge Bare, "we had 2,600 grievances from the public State wide. After we put the ethics hotline in, the next year, the grievances were almost exactly half, around 1,300." Now there's an objective measure of success that not even Congress could ignore!

When the additional seats were added to the Eighth Judicial District Court by the legislature, Judge Bare was strongly encouraged to run by various members of the Bar and the bench. So, he did. When I asked him about his campaign and the support he got from the legal community, Bare sheepishly handed me his campaign "letterhead," where he idealistically tried to acknowledge each person who had lent their support from the Bar. The list was so extensive it was almost comical. Suppressing a laugh, I asked Bare how he ever fit any actual content onto the page as the names literally took up almost half a page. He flashed a rare smile and just responded that he ultimately had to stop listing the names of his supporters because people, who may have been inadvertently left off of it, would call up angry. Suffice it to say, with names such as Oscar Goodman, Barbara Buckley, Rew Goodenow, Steven Wolfson and just about every named

partner from every major law firm in Clark County, Bare's campaign was off to a good start.

Bare won the campaign by a comfortable margin and now sits on the bench in District Court, Department 32. Judge Bare credits several military judges and local judges, including Justice Bob Rose, Justice Miriam Shearing, Chief Justice James Hardesty, Chief Justice Kristina Pickering, Justice Nancy Saitta, Justice Michael Douglas and Justice Michael Cherry for influencing his demeanor on the bench. "When lawyers come in that you have mutual respect for, the courtroom can be and does become a very special place. I work really hard to be prepared. And then the attorneys also work really hard to be prepared. And then there's a professional respect there. And it works that way all the time. And it just makes it a lot better because I have good dealings with them."

When asked whether there were any characteristics of any judges he had ever appeared before that he did not appreciate while being a practicing attorney, Bare responded that he abhors judicial arrogance, (also known as "black robe syndrome"). "There was one military judge who was really arrogant. I remember saying to myself, 'I don't ever want to be like that.'"

Instead, Judge Bare prides himself on channeling one military judge in particular who he really admired, Judge Craig Jacobson who, according to Judge Bare, had a wonderful courtroom demeanor, was always prepared and never made it about him. It was always about the clients and bringing resolution. He also let counsel run the case in the way they saw fit. He took the attitude that if he got called on to intervene, then he would do so, but "It's your case, counsel." "I know that there's a big part of me that tries to emulate that."

When asked if he had any aspirations for a higher office, i.e., the Nevada Supreme Court, Bare appeared a bit taken back by the question. Fidgeting in his seat, Bare reluctantly responded, "Well, I've always respected the Supreme Court as a body, and I've made friends with all of them since I've been a lawyer because of being Bar Counsel or doing CLE events with them. Interesting thing to ask me. I've never been asked that question, nor have I ever said anything about it. But if one day the opportunity were to arise, and someone asked me, of course I would do it. Of course I would. It's not what I'm thinking about right now. What I'm thinking about right now, is what I'm doing now."

For now, we get to continue to enjoy him at the District Court level, where he is arguably one of the hardest working judges on the bench. Despite his hectic life, Judge Bare appears to be completely oblivious to his heavy workload. When asked, how many cases he currently has on his docket, he pauses as if searching his memory, cracks another rare but brilliant smile and responds, "You know? I have no idea. I'm always just like, whatever you give me, I'll just take." In addition to his own caseload, Judge Bare considers it an honor to be asked to cover overflow criminal calendars when needed.

For anyone with judicial aspirations, Judge Bare's advice is to simply establish a good reputation with lawyers and judges in the community because, at the end of the day, "What the legal profession wants, typically happens. In other words, lawyers tell their neighbors, they tell their friends, they tell people at church, they support you. If the legal community thinks it's a good idea for you to be a judge, then it's highly likely that you will become a judge. If they don't think that, then it's not very likely to happen. Professional respect is important."

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## As for practice pointers for lawyers appearing before him, Judge Bare shares the following:

**1 Hearings:** “In the vast majority of motions, I like to let lawyers come in, sit down and relax and tell them what I think in sort of a preliminary, overview, contextual sort of way. I might share my preliminary conclusions with them, I might tell them about a specific issue, fact, case or statute that I think is important to discuss. But I’ll set up the argument by putting it in context. I always come prepared. I would rather do it that way as opposed to just saying, ‘Okay, it’s your motion,’ in which case the lawyer will usually just rehash their brief. So, I think it’s better to let the attorney know what I think right at the outset.

**2 Unopposed Motions:** Judge Bare likes to give every litigant a reasonable chance to be heard.

**3 On Papers:** USE A BIGGER A FONT! “I’ve got progressive lenses so I like a size 14 font.”

**4 Open Door Policy:** If you need to contact the Judge for any reason, don’t be afraid to contact his Court clerk or JEA, so long as the other side is okay with it. “I want to be as user friendly as possible. And if lawyers agree to just about anything under the sun, I’m cool with that. We’re going to do whatever is suggested almost all the time. It’s your case and lawyers should run it.”

**5 Calendar Call – PLUS:** Judge Bare’s dedication to his job is evident in the fact that he sends out a pre-trial letter to both counsel before every trial, inviting them to come to his

chambers and talk about trial logistics. Different from a Pre Trial Conference or a Calendar Call, this meeting occurs behind the bench, in chambers and focuses on identifying or clarifying evidentiary issues, calendaring problems, clarifying how *voire dire* is to proceed, scheduling witnesses on particular days and anything else the lawyers want to discuss. If there’s something that needs to be on the record, the meeting will also help the parties identify that as well. “If nothing else, it establishes a rapport with the lawyers. If I’m going to be with you in trial for a couple of weeks, I’d like to start to work with you.”

**6 Extended Day Courtroom:** Trial lawyers certainly know how frustrating it can be to have their trial days truncated by the end of the work day. Judge Bare has devised a way that the parties can have a couple more hours of trial each day. “The County will not pay any overtime,” explains Judge Bare. “So you have to stop at 5pm because I have three employees who would have to take overtime if they stay past 5pm, (Court reporter, Court Clerk and the Marshall). An idea we came up with early on, is if both sides agree to pay the overtime for those three employees, we can stay until 6:00 or 7:00 pm and that gives us a couple of extra hours every day. It works out to be \$125.00 per hour per side, so \$250.00 per hour total. If anyone doesn’t want to do it, it won’t count against them, but they will have to stop at 5pm because I cannot incur overtime due to the County budget.” Two words: “problem solver!”

## NOW FOR THE FUN STUFF. Here’s stepping behind the bench with Judge Bare:

### **Favorite Food:**

Pizza. He worked in a pizza shop as a kid.

### **Last Book read:**

Les Miserables. I saw the movie, and was intrigued by the whole story of Victor Hugo’s life (the author). It’s a thick novel. I also read No Country for Old Men.

### **Favorite Book:**

I don’t read a lot of books because I read a lot here. I feel like I need to take it easy on my eyes. But Les Miserables because of the connectivity and plots.

### **Movies:**

I like old movies. John Huston is my favorite director, Humphrey Bogart is my favorite actor and the Maltese Falcon is my favorite movie of all time. I also liked The Treasure of the Sierra Madre, which was another Huston/Bogart production.

### **Favorite Quote:**

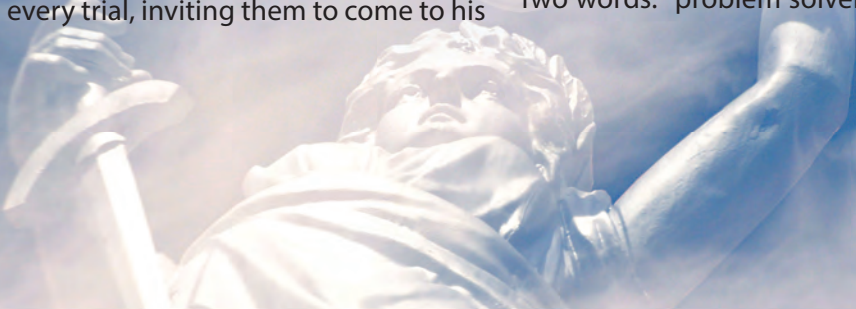
If you tell the truth, you never have to worry about what you said.

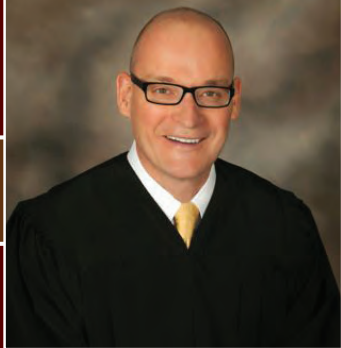
### **Favorite TV Show:**

Hawaii Five-O (the old one). My dad was the Chief of Police and I always equated McGarrett with my dad. We always watched them together when they were first run.

### **Favorite Genre of Music:**

Fleetwood Mac is my favorite group of all times. I like Indian Music. Check out Dead Can Dance’s “Cantara” (very haunting).





**ROB BARE**, District Court Judge, Department 32

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In closing, Judge Bare notes that at some point during his formative years, he made the conscious decision that he wanted his family to be proud of him, and so he has always conducted himself accordingly. "I know that may sound a little sappy, but that's what I did and it turned out pretty good." As they say, you can always judge the character of a man by the way he treats his mother. By this measure, Judge Bare's character is beyond reproach.

**For more information about Judge Bare's chambers, please visit his micro-site at**  
[http://www.clarkcountycourts.us/DC-Departments/Dept32/DC\\_Department-32-new.html](http://www.clarkcountycourts.us/DC-Departments/Dept32/DC_Department-32-new.html)

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