

# BEHIND THE BENCH



The Honorable Judge Susan Scann, affectionately referred to as the “matriarch of the bench,” was raised in Salt Lake City, Utah. Scann attended Seattle University for the majority of her undergraduate years and then transferred to the University of Washington to finish out her degree in history with a minor in philosophy.

A self-proclaimed history nut, Scann explains that she had always had an interest in law because the majority of the historical figures that fascinated her the most were lawyers. However, Scann did not decide to go to law school until five years after graduating from the University of Washington, while she was living in Hawaii. Between undergrad and law school, Scann opted to go into the “family business,” as a third-generation Boeing worker, in Seattle.

Ultimately, Boeing went into one of its periodic slumps and Scann decided that it was time to head to a more sunny and tropical place, hence Hawaii. It wasn't long before Scann

headed back to the West Coast where she obtained her Juris Doctorate from California Western in San Diego in 1976. At the time, there was a one-year residency requirement in Nevada before you could take the Bar examination, so Scann clerked for a year at then Jones, Jones, Close and Brown (later Jones Vargas and now Fennemore Craig Jones Vargas). Scann continued to work at the firm doing general commercial litigation and bankruptcy work for a total of eight years before moving on to Deaner and Deaner, where she continued to practice for the next 24 years.

Similar to the tales told by Judge Sturman of her early days in Las Vegas as a female attorney, Scann recalls that there were few other attorneys in her age group practicing at the time. And with so few women practicing in the field, Scann, along with 11 more women attorneys, chartered the Southern Nevada Women's Attorney Association, (“SNAWA”), which was formed in former Congresswomen Shelley Berkley's living room in 1978. Although Scann was inspired to

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





become a judge by Judge Shearing, she admitted that she was substantially deterred from doing so sooner because she was completely disenchanted with the idea of having to run a campaign. "But, if you want it, you gotta just go for it," Scann said. And thus, she threw her hat into the ring during the 2008 and 2010 elections. Scann is not shy about saying that campaigning was "grueling." "The initiation of the process is simple." The hard part comes when you have to "advertise yourself and raise money."

Since being seated approximately three years ago, Scann says that she is adjusting from being an advocate to a neutral, unbiased, third party adjudicator of disputes. "It is a difference. You have to shift your whole way of thinking," says Scann. As a civil litigator, Scann also found the whole criminal trial fascinating. Scann also admits "there is a lot to learn." She relies on the papers when learning a new area of law, but also reads the cases and will do her own research. Scann has joined the ranks as a business court judge and gushes that she "really likes it," namely because she gets to see some "very smart lawyers," who always seem "well prepared and articulate." Another benefit is that she now carries a caseload of about 700 cases, down from 2,000 when she started a year and a half ago.

If there were something that Scann could tweak about our judiciary, it would be adding an intermediate Court of Appeals. "Our Supreme Court has too many cases to decide, and in order for them to do a good job, they need more time. The addition of an additional appellate Court would not require a lot of additional resources, says Scann. We would use the same Clerk's Office, and there's already space to accommodate the new judges both at the RJC and in Carson City. "The only thing they would have to pay for is the Justices' salaries."

Scann says that some of the judges she admired while practicing include Judge Charles Thompson whom she says was "very decisive, very good at what he did, and someone that [she] remembers very well." Scann also expresses admiration for former Judge Shearing, Judge Nancy Becker, and Judge Lloyd George. Scann describes her own demeanor on the bench as "sort of low key," and she avoids "yelling at people," at all costs. When asked what advice she would give to other attorneys who aspire to have a seat on bench, she says that she would recommend "getting really active in your community, and getting involved in Bar activities." Also, "being in court a lot helps." Scann has also taken it upon herself to shadow some of her more senior judicial counterparts to get a better sense of how the settlement conferences should be conducted.

**In terms of practical advice for attorneys practicing before her, Scann recommends the following when bringing motions for summary judgment:** "I wish more people would follow the local rule which says list out the issues of fact, and then cite to support in the record, i.e., interrogatories, depositions, answer to complaint or whatever, to show why it's not an issue." Scann goes on to further explain that she has to sometimes "plow through the record" trying to figure out whether or not there is really a genuine issue of material fact because it has not been clearly laid out. Tip: In your conclusion, summarize your main points/arguments and what you want, because it's what Scann reads as a refresher right before she goes onto the bench.

Scann also appreciates the brief introductory summary paragraph that most attorneys put at the beginning of their papers. When there is a lack of authority on an issue



in Nevada, Scann will give weight to the common law as established by other jurisdictions, so long as it is not too tied to state-specific statutes that do not mirror our own. She is more likely to find persuasive extra-judicial case law that interprets the Uniform laws or the Federal Rules of Civil Procedure since our Rules were based on them. In any case, Scann always tries to keep in mind, "What would the Nevada Supreme Court do?" "Then, you have to try and figure what the tenor of the Supreme Court is. You can't just say 'well, I like this one.' That may not be consistent with who Nevada is; and it's Nevada law that you're looking at."

As far as Temporary Restraining Orders, Scann says that she has only signed one or two where notice wasn't given to the other side (ex-parte), and, in those rare instances, she only granted them when she truly believed that notice to the other side would defeat the very purpose of the TRO and the harm was serious enough that it couldn't wait. The harm has to be "immediate and irreparable injury." Scann will always then work diligently to get the preliminary injunction hearing on her calendar as soon as practicably possible.

Because Scann sees so many cases, it's always nice when lawyers come in and tell her who they are, who their clients are, what they want, and why they are entitled to the requested relief during oral arguments. As for unopposed motions, Scann will review them to ensure that they are meritorious, and if they are, she will grant them early. Unless, qualifies Scann, it's a pro per party, then she will keep the hearing on calendar. She generally rules on these about one week before the hearing.

When considering whether or not to grant an order-shortening time, Scann will first look to see how crowded her calendar already is, why an order-shortening time is needed, and how far out the hearing should be set based on the affidavit of counsel. She always takes into consideration the time needed by the other side to oppose, as well as the time she will need to review the papers.

Scann very rarely issues discovery sanctions, but does admit that she has issued them. "Once," recalls Scann, "I gave an attorney sanctions for just being continually demeaning to the other side in open Court. That person was just really out of line." Scann makes no secret of the fact that she expects attorneys who appear before her to behave professionally. "Just stick to the merits. Don't call each other names, because I don't think that's effective."

**Take a peek behind the bench and see what Susan is like when she's not being one of our officials:**

**Favorite Food:** Anything that has sweets in it – chocolate, desserts, etc.

**Last Name:** Did you know that Judge Scann's legal last name is actually Scannapieco? Years ago when her husband was playing in a band, they said, "We love the music, but the name's got to go." Her husband thus started referring to himself as "Scann."

**Last Book Read:** Lincoln, by Gore Vidal.

**Favorite Book of All Times:** Hard to choose, as Scann is an avid reader. She does, however, rave about Bruce Catton's "The Army of the Potomac Trilogy" (Did you know that there were more casualties in the Civil War than all of the other wars we've had since then combined?!) and also loves legal novels such as those written by Scott Turow.

**Last Movie Viewed as of Interview:** Hope Springs, with Meryl Streep and Tommy Lee Jones

**Favorite Movie:** Spartacus

**Favorite Quote:** We're about as happy as we set ourselves out to be

**Favorite TV Shows:** Big Bang Theory, Home Improvement, Everybody Loves Raymond, Law & Order

*continued* →





## SUSAN SCANN,

Nevada District Court Judge, Department 29

## BEHIND THE BENCH

ISSUE 3

**For more detailed information about Judge Scann and her courtroom, visit:**

[www.clarkcountycourts.us/DC-Departments/Dept29/DC\\_Department-29-new.html](http://www.clarkcountycourts.us/DC-Departments/Dept29/DC_Department-29-new.html)

*(continued from inside)*

**Favorite Genre of Music:** Scann was a piano player when she was younger and enjoys anything with a pretty romantic melody like Chopin and Bach.

**Last Concert Attended as of Interview:** Pia Zadora (her husband had previously traveled to Korea with Pia Zadora for the Olympics).

**Last Vacation She Took as of Interview:** She and her husband went to California for the State Bar Convention.

**Best Vacation:** She and her husband went to Italy five years ago. Her husband's family is from Italy.

**Hobby:** Reading; and Scann and her husband work out with a personal trainer once a week (noting that her job causes her to be so sedentary during the day).

**Most Memorable Moment while Practicing:** Only had one jury trial and she learned so much from the whole process, including speaking to four of the jurors after the trial was over.

## AREAS OF PRACTICE

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

**HUTCHISON & STEFFEN**  
ATTORNEYS

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

PHOENIX

SALT LAKE

RENO

LAS VEGAS

PRSR STD  
U.S. POSTAGE  
PAID  
Las Vegas, NV  
Permit No. 2470

**HUTCHISON & STEFFEN**  
ATTORNEYS  
A FULL-SERVICE, AV-RATED LAW FIRM  
PECOCLE PROFESSIONAL PARK  
10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NEVADA 89145