



## MARK A. HUTCHISON

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HUTCHISON & STEFFEN

ATTORNEYS

### AREAS OF PRACTICE

Business & Complex  
Tort Litigation

Constitutional  
Litigation

Trust & Probate  
Litigation

Professional Liability  
Defense

Appellate Litigation

Election Law &  
Government Ethics



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As the Firm's most experienced trial lawyer, Mark A. Hutchison brings a mastery of turning complex fact patterns into simple, persuasive trial presentations. Mark first achieved national prominence when he attained one of the largest jury verdicts in the United States while representing the inventor of the microchip in a four-month jury trial. Mark's verdicts and legal expertise have been frequently reported in national and local newspapers and magazines, as well as national and local television, cable, and radio stations. Recognized as both a knowledgeable and experienced counselor and as a skilled and aggressive trial lawyer, he has been a key figure in some of Nevada's most significant governmental activities at the intersection of law and politics. Mark was appointed as special lead counsel by two Nevada governors to represent the State of Nevada in the national litigation challenging the constitutionality of the proposed federal healthcare laws. Mark was appointed by a third governor to serve on the Ethics Commission for the State of Nevada, where he served for six years as a member and Chairman. Mark has served on numerous boards and commissions, including President of the Federal Bar Association and currently is a member of the Executive Committee of the Litigation Section of the State Bar of Nevada. In 2012, he was elected to the State Senate where he serves on the Committee on Judiciary and on the Committee on Commerce, Labor, and Energy. The Nevada Legislature is a true part-time citizen legislative body.

Mark has over 20 years of experience handling complex and high-stakes litigation. He has represented companies and individuals in a broad range of industries and practice, including business litigation, complex tort litigation, constitutional litigation, trust and probate litigation, professional liability defense, and appellate litigation.

Mark is an AV-rated attorney by Martindale-Hubbell®. He has been recognized repeatedly by Best Attorneys in Nevada, as Mountain States Super Lawyer, as Nevada's Legal Elite by Nevada Business Magazine, and Best of the Bar by Las Vegas Business Press. Mark received his J.D., magna cum laude, from Brigham Young University, where he earned the high academic distinction of the Order of the Coif and served as Lead-Articles Editor of the Law Review. Following law school, Mark clerked for the Honorable Kenneth F. Ripple of the United States Seventh Circuit Court of Appeals located in Chicago. After his clerkship, Mark practiced for the national law firm of Kirkland & Ellis in both Chicago and Los Angeles.

Most importantly, Mark enjoys spending time with his wife, Cary, and their six children. Despite a very busy schedule, he stays involved in his children's lives by coaching their sports teams, serving as a leader in the Boy Scouts program, and participating in their extracurricular activities. Mark is an avid runner, reader, and writer. He also enjoys serving in his church and participating in political life.

### **Representative Engagements**

Mark has tried numerous cases in both state and federal courts and before administrative agencies. His cases include:

Serving as lead trial counsel in a 17-week jury trial (after 10 years of litigation) against the State of California's taxing authority involving numerous torts and resulting in a jury verdict in the client's favor of over \$138 million in compensatory damages and \$250 million in punitive damages—one of the largest jury verdict awards to a single plaintiff in U.S. history—after the Nevada Supreme Court and United States Supreme Court affirmed the client's right to proceed to trial despite constitutional defenses asserted by the taxing authority in *Hyatt v. Franchise Tax Board*, Case No. A382999 (Dept. 9, Las Vegas, Nev. 2008).

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Appointed by two governors to serve as special lead counsel for the State of Nevada in challenging the constitutionality of the Patient Protection and Affordable Care Act ("ACA") following the Attorney General's refusal to represent Nevada in the federal litigation, Hutchison served as counsel for the two years of litigation involving 25 other states, which proceeded from U.S. District Court through the U.S. Court of Appeals and eventually to the U.S. Supreme Court in *State of Florida, et al. v. Sebelius*, Case Nos. 11-393 & 11-400 (U.S. Sup. Ct. 2012).

A one-week arbitration trial in contract dispute between world-renowned UFC mixed martial arts fighter and his manager resulting in arbitration award of approximately \$1 million in client's favor in *Strategic Leadership Services, Inc. et al. v. St-Pierre*, (JAMS Arbitration, Las Vegas, Nev. 2013).

A two-week trial before a three-judge arbitration panel regarding claims by a shareholder against officers and directors of an energy company raising issues of corporate governance, breach of fiduciary duties, and buy-out of minority interest resulting in a judgment in favor of clients in *Mitchell v. Freeman, et al.*, Case No. A503996 (Dept. 20, Las Vegas, Nev. 2009).

A three-week jury trial involving a wrongful death claim arising from alleged abuse and improper care of a nursing home resident where the plaintiff requested \$6 million in closing arguments and the jury returned a verdict for \$300,000, nearly half of the amount the client offered to settle the case before trial in *Delmar Gardens of Green Valley, Inc. adv. Volk*, Case No. A444157 (Dept. 13, Las Vegas, Nev. 2004).

Serving as lead trial counsel for the Republican Party of the State of Nevada in a lawsuit challenging the constitutionality of the federal congressional and state legislative boundaries following the legislature's failure to pass redistricting legislation before the First Judicial District Court and the Nevada Supreme Court resulting in superior boundaries to those vetoed by governor in *Guy, et al. v. Miller*, Case No. 11-OC00042-1B (Dept. I, Carson City, Nev. 2011).

A Federal-Court trial between two national pharmaceutical companies concerning a non-competition and business interference dispute resulting in a settlement during trial favorable to the client in *Micro Bio-Medics, Inc., et al. v. PSS World Medical, Inc.*, Case No. CV-S-03-0998-RCJ-(RJJ) (U.S.D.C., Las Vegas, Nev. 2005).

A week-long trial involving breach of contract between medical services provider and a PPO resulting in a judgment in the client's favor totaling nearly \$1 million and more than ten times the amount offered before trial in *Convention Center Drug, Inc., et al. v. h/mx Health Management Solutions, Inc., et al.*, Case No. A419252 (Dept. 15, 2005).

A one-week trial involving allegations of products liability and negligence against the client, a major high reach equipment rental company, and resulting in a judgement favorable to the client in an amount of approximately ten-percent of what plaintiff demanded to settle before trial in *Ahern Rentals, Inc. adv. Guy DePew, et al.*, Case No. Case No. CIV227292 (Superior Court, Semi Valley, Cal. 2004).

A four-week jury trial involving a \$120 million securities fraud action with the jury returning a defense verdict in the client's favor in *In re American Pacific Securities Litigation*, Case No. CV-S 93-576-PMP (U.S.D.C. Las Vegas, Nev. 1995).

A four-week jury trial in a multi-million dollar action involving construction and product defects resulting in a jury verdict in the client's favor in *Nemex Associates, et. al. v. PriMerit Bank*, Case No. CV-S-92-507-HDM (U.S.D.C. Las Vegas, Nev. 1994).

A jury trial where the client's damages were contained arising from a negligence action in *Hirschi Masonry, Inc., Darrel Trowbridge adv. Schilling*, Case No. A373376 (Dept. 9, Las Vegas, Nev. 1999).

A two-week jury trial where plaintiff requested \$7.5 million in closing arguments in a negligence action and the jury returned a defense verdict in favor of the client in *Sears Roebuck & Co. adv. Alan Chenin*, Case No. A353747 (Dept. 3, Las Vegas, Nev. 1999).

A one-week jury trial where the jury awarded the plaintiff half of the client's offer of judgment in a negligence case in *Sears Roebuck & Co. adv. Richard Jergis*, Case No. A389161 (Dept. 9, Las Vegas, Nev. 2000).

A jury trial in a multi-million dollar action involving construction defects where the client—a developer of a large multi-family complex—favorably settled the case after four weeks of trial in *KCN Partnership adv. Opulence Homeowners Association*, Case No. A408661 (Dept. 13, Las Vegas, Nev. 2001).

A bench trial involving alleged damages for constructive trust and interference with prospective business advantage and profit resulting in defense judgment in client's favor in *Conte et. al adv. Reed*, Case No. A416459 (Dept. 3, Las Vegas, Nev. 2002).