

IN THE SUPREME COURT OF THE STATE OF NEVADA

*****5*****

Electronically Filed
Mar 29 2016 04:20 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DAN SCHWARTZ, in his capacity
as Treasurer of the State of Nevada,

Appellant,

V.

HELLEN QUAN LOPEZ, *et al.*,

Respondents.

Supreme Court No.: 69611

Dist. Ct. No.: 15-OC-00207-1B

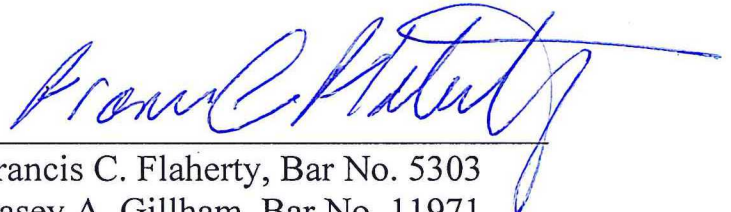
MOTION TO ASSOCIATE COUNSEL

Francis C. Flaherty, Bar No. 5303
Casey A. Gillham, Bar No. 11971
2805 Mountain Street
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cgillham@dlpfd.com

*Attorneys for Amici Curiae Nevada State
Education Association and National
Education Association*

Amici Curiae Nevada State Education Association and National Education Association hereby move the Court for an order permitting Kristen L. Hollar, attorney with the National Education Association, to practice in Nevada pursuant to Nevada Supreme Court Rule 42 ("SCR 42"). This motion is supported by the attached Verified Application for Association of Counsel, attached hereto as Exhibit A, Certificate of Good Standing from the District of Columbia Court of Appeals for the District of Columbia Bar, attached hereto as Exhibit B, and the State Bar of Nevada Statement, attached hereto as Exhibit C.

DATED this 29th day of March, 2016



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E-Mail: fflaherty@dlpfd.com
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Counsel for *Amici Curiae* Nevada State
Education Association and National
Education Association

CERTIFICATE OF SERVICE

I hereby certify pursuant to NRCP 5(b) that, on this 29th day of March, 2016, I caused the foregoing MOTION TO ASSOCIATE COUNSEL to be electronically filed with the Court and, therefore, to be served by way of the Court's eFlex electronic filing system to the parties listed below:

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Attorneys for Amici Curiae Aimee Hairr, Aurora Espinoza, Elizabeth Robbins, Lara Allen, Jeffrey Smith and Trina Smith

///

///

And to be served by causing the same to be deposited in the U.S. Mail, first class postage prepaid and, for those for whom email addresses are indicated below, to be sent electronically to the following:

Tamerlin J. Godley
Thomas Paul Clancy
Laura E. Mathe
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Attorney for Amici Curiae Aimee Hairr, Aurora Espinoza, Elizabeth Robbins, Lara Allen, Jeffrey Smith and Trina Smith

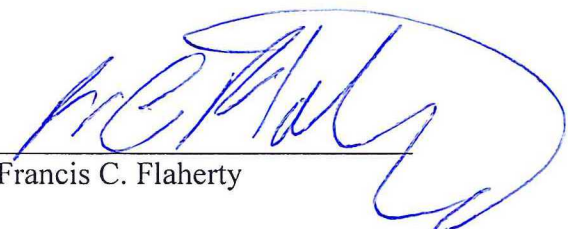

Francis C. Flaherty

EXHIBIT "A"

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IN THE SUPREME COURT OF THE STATE OF NEVADA

DAN SCHWARTZ, in his official)
capacity as Treasurer of the State)
of Nevada,)

Appellant

V.

HELLEN QUAN LOPEZ, *et al.*,)

Respondents.

Supreme Court Case No. 69611

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
NEVADA SUPREME COURT RULE 42

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

Kristen L. Hollar, Petitioner, respectfully represents:

1. Petitioner resides at:

1011 Hamlin St, NE
Washington, D.C. 20017
(202) 549-5317

2. Petitioner is an attorney at:

National Education Association,
1201 16th St., NW
Washington, D.C. 20036
(202) 822-7035
khollar@nea.org

3. Petitioner has been retained personally or as a member of the above named law firm by the National Education Association to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.
4. Since February of 2013, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the District of Columbia, where petitioner regularly practices law.
5. Petitioner was admitted to practice before the following United States District Courts, United

States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
District of Columbia	Feb. 4, 2013
United States Court of Appeals for the Eleventh Circuit	2012
United States Court of Appeals for the Ninth Circuit	2013
United States Court of Appeals for the Seventh Circuit	2015

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: ____No.

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

None.

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Francis C. Flaherty, Bar No. 5303
Dyer-Lawrence Law Firm
2805 Mountain Street
Carson City, NV 89703
(775) 885-1896
fflaherty@dyerlawrence.com

13. The following accurately represents the names and addresses of each party in this matter,
WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of
record who appeared for said parties:

Adam Paul Laxalt
Lawrence VanDyke
Joseph Tartakovsky
Ketan Bhirud
OFFICE OF THE ATTORNEY GENERAL
100 N. Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1100
Email: lvandyke@ag.nv.gov
jtartakovsky@ag.nv.gov
kbhirud@ag.nv.gov
Attorneys for Appellants

Tamerlin J. Godley, Esq.
Thomas Paul Clancy, Esq.
Laura E. Mathe, Esq.
Samuel T. Boyd, Esq.
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Los Angeles, CA 90071-1560

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Bradley S. Schrager, Esq.
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Email: dspringmeyer@wrslawyers.com
bschrager@wrslawyers.com
jjones@wrslawyers.com

David G. Sciarra, Esq.
Amanda Morgan, Esq.
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102
Attorneys for Plaintiffs

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and
Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in

accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Kristen L. Hollar, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein,

including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Francis C Flaherty hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 24th day of March, 2016

Francis C Flaherty
Nevada Counsel of Record (blue ink)

STATE OF Nevada)
COUNTY OF Carson City) ss

Subscribed and sworn to before me

this 24th day of March, 2016

Kelly Gilbert
Notary Public

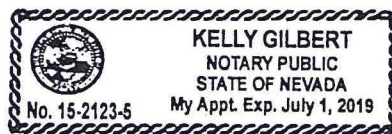


EXHIBIT "B"

EXHIBIT "B"

EXHIBIT "B"



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

KRISTEN LEIGH HOLLAR

was on FEBRUARY 4, 2013 duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

*In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on **March 25, 2016.***

JULIO A. CASTILLO
Clerk of the Court

By:

Minette Lane
Deputy Clerk

EXHIBIT "C"

EXHIBIT "C"

EXHIBIT "C"

1 STAT

2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 Case No. 69611

4
5 Dan Schwartz

6 vs.

7 Hellen Quan Lopez, et al.,

8 _____/
9 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
10 42 (3) (b)

11
12 THE STATE BAR OF NEVADA, in response to the application of
Petitioner, submits the following statement pursuant to SCR42(3):

13 SCR42(6)**Discretion.** The granting or denial of a motion to associate
14 counsel pursuant to this rule by the court is discretionary. The
court, arbitrator, mediator, or administrative or governmental
15 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
16 appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

17
18 (a) **Limitation.** It shall be presumed, absent special
circumstances, and only upon showing of good cause, that
19 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
20 rule.

21 (b) **Burden on applicant.** The applicant shall have the
burden to establish special circumstances and good cause
22 for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
23 forth the special circumstances and good cause in an
affidavit attached to the original verified application.

24 1. DATE OF APPLICATION: March 28, 2016

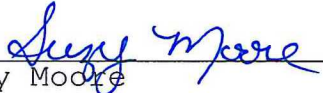
25 2. APPLYING ATTORNEY: Kristen L. Hollar, Esq.

26 3. FIRM NAME AND ADDRESS: National Education Association, 1201
27 16th Street NW, Washington, DC 20036
28

1 4. NEVADA COUNSEL OF RECORD: Francis C. Flaherty, Esq., Dyer
2 Lawrence Law Firm, 2805 Mountain Street, Carson City, NV 89703

3 5. There is no record of previous applications for appearance by
4 petitioner within the past three (3) years.

5
6 DATED this March 28, 2016
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8 
9 Suzy Moore
10 Member Services Admin.
11 Pro Hac Vice Processor
12 STATE BAR OF NEVADA
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