

IN THE SUPREME COURT OF THE STATE OF NEVADA

SONJIA MACK,

Appellant,

v.

BRIAN WILLIAMS; JAMES
DZURENDA; ARTHUR EMLING,
JR.; and MYRA LAURIAN,

Respondents.

Case No. 81513

Electronically Filed
Nov 03 2021 10:18 a.m.

Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO ASSOCIATE
COUNSEL BENJAMIN A. FIELD,
ESQ., PURSUANT TO SCR 42**

Amicus Curiae Stephen Lara, by and through his undersigned counsel, Jordan T. Smith of the law firm of PISANELLI BICE PLLC, hereby moves this Court for an Order permitting Benjamin A. Field, Esq. of the Institute for Justice to practice in this Court for the purpose of this case only, case number 81513, pursuant to Nevada Supreme Court Rule 42.

Benjamin A. Field, Esq., having complied with the requirements as set forth by SCR 42, hereby submits his Verified Application for Association of Counsel, Certificates of Good Standing from the State of New York and the District of Columbia Bar, and the State Bar of Nevada Statement, all attached hereto as Exhibit A.

Mr. Field is concurrently submitting his Application for Waiver of Fee Pursuant to Nevada Supreme Court Rule 42(3)(e) for the Court's consideration, attached hereto as Exhibit B.

DATED this 3rd day of November 2021.

/s/ Jordan T. Smith

Jordan T. Smith, Esq., Bar No. 12097
John A. Fortin, Esq., Bar No. 15221
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Wesley Hottot, Esq.
(*pro hac vice pending*)
INSTITUTE FOR JUSTICE
600 University Street, Suite 1730
Seattle, Washington 98101

Benjamin A. Field, Esq.
(*pro hac vice pending*)
INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, Virginia 22203

*Attorneys for Amici Stephen Lara &
Institute for Justice*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of PISANELLI BICE PLLC and that, on the 3rd day of November 2021, I caused to be served via the Court's e-filing/e-service system a true and correct copy of the above and foregoing **MOTION TO ASSOCIATE COUNSEL BENJAMIN A. FIELD, ESQ., PURSUANT TO SCR 42.**

/s/ Cinda Towne

An employee of PISANELLI BICE PLLC

EXHIBIT A

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 SONJA MACK,

4 Appellant,

5 v.

6 BRIAN WILLIAMS; JAMES DZURENDA;
7 ARTHUR EMLING, JR.; and MYRA
8 LAURIAN,

9 Respondents.

Case No.: 81513

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

10 Benjamin A. Field, Petitioner, respectfully represents:

11 1. Petitioner resides at 3460 14th Street NW #442, Washington, DC 20010, (312)
12 659-8089.

13 2. Petitioner is an attorney at law and a member of the law firm of Institute for
14 Justice with offices at 901 N. Glebe Road, Suite 900, Arlington, VA 22203, (703) 682-9320,
15 bfield@ij.org.

16 3. Petitioner has been retained personally or as a member of the above-named law
17 firm by Stephen Lara to provide legal representation in connection with the above-entitled matter
18 now pending before the above referenced court.

19 4. Since June 5, 2017 Petitioner has been and presently is a member in good
20 standing of the bar of the highest Court of the District of Columbia, where Petitioner regularly
21 practices law.

22 5. Petitioner was admitted to practice before the following United States District
23 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or
24 courts of other states on the dates indicated for each, and is presently a member in good standing
25 of the bars of said Courts:

Court	Date Admitted
D.C. Bar (DC Bar No. 1046902)	6/5/2017
New York Bar (NY Bar No. 5430129)	3/24/2016
U.S. Supreme Court	6/3/2019
U.S. Court of Appeals – 2nd Circuit	11/1/2018

1	U.S. Court of Appeals – 3rd Circuit	6/30/2016
2	U.S. Court of Appeals – 4th Circuit	2/25/2021
3	U.S. Court of Appeals – 5th Circuit	5/6/2019
4	U.S. Court of Appeals – 6th Circuit	5/31/2019
5	U.S. Court of Appeals – 8th Circuit	12/11/2020
6	U.S. Court of Appeals – 9th Circuit	6/12/2018
7	U.S. Court of Appeals – 11th Circuit	5/29/2019
8	U.S. Court of Appeals – D.C. Circuit	10/31/2019
9	U.S. Court of Appeals – Federal Circuit	7/22/2019
10	U.S. District Court – District of Columbia	12/3/2019

6. Is Petitioner currently suspended or disbarred in any court? No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? 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? No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? 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? No.

11. Petitioner, or any member of petitioner's firm, has/have filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matter(s), if none, indicate so:

Mr. Field and his co-counsel Wesley Hottot were admitted on October 25, 2021, in the Second Judicial District Court for Washoe County for admission pro hac vice to appear as Plaintiff's counsel in *Lara v. State ex rel. Dep't Pub. Safety*, No. CV21-01595.

A member of Petitioner's firm, Robert Gall, filed an application with the Nevada State Bar on January 14, 2021 to appear as counsel in *Morency v. State of Nevada ex rel. Dep't of Educ.*, No. 81281 (Nev.). Mr. Gall was admitted by the Nevada State Bar on January 19, 2021, and the Nevada Supreme Court on February 16, 2021.

1 A (now) former member of Petitioner's firm, Timothy Keller, filed an application
2 with the Nevada State Bar on September 5, 2019 to appear as counsel in *Morency v. State*
3 *of Nevada ex rel. Dep't of Educ.*, No. A-19-800267 (District Court for Clark County).

4 Mr. Keller was admitted by the Nevada State Bar on September 10, 2019, and the Eighth
5 Judicial District Court on October 3, 2019.

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

7 Jordan T. Smith, NV Bar No. 12097, who has offices at Pisanelli Bice, PLLC, 400 S. 7th
8 St., Suite 300, Las Vegas, Clark County, 89101, (702) 214-2100.

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

Name	Mailing Address
Sonja Mack (Appellant)	Gallian Welker & Beckstrom 540 East St. Louis Avenue Las Vegas, NV 89104
Travis N. Barrick (Counsel for Appellant)	Gallian Welker & Beckstrom 540 East St. Louis Avenue Las Vegas, NV 89104
Nathan E. Lawrence (Counsel for Appellant)	Gallian Welker & Beckstrom 540 East St. Louis Avenue Las Vegas, NV 89104
Brian Williams (Respondent)	Nevada Attorney General's Office 555 E. Washington Ave., Ste 3900 Las Vegas, NV 89101
James Dzurenda (Respondent)	Nevada Attorney General's Office 555 E. Washington Ave., Ste 3900 Las Vegas, NV 89101
Arthur Emling Jr. (Respondent)	Nevada Attorney General's Office 555 E. Washington Ave., Ste 3900 Las Vegas, NV 89101
Myra Laurian (Respondent)	Nevada Attorney General's Office 555 E. Washington Ave., Ste 3900 Las Vegas, NV 89101
Kiel B. Ireland (Counsel for Respondents)	Nevada Attorney General's Office 555 E. Washington Ave., Ste 3900 Las Vegas, NV 89101
Stephen Lara (Amicus Curiae)	Institute for Justice 600 University St., Suite 1730 Seattle, WA 98101

Institute for Justice (Amicus Curiae)	Institute for Justice 600 University St., Suite 1730 Seattle, WA 98101
Wesley Hottot (Counsel for Amici Curiae)	Institute for Justice 600 University St., Suite 1730 Seattle, WA 98101
Benjamin Field (Counsel for Amici Curiae)	Institute for Justice 901 N. Glebe Rd., Suite 900 Arlington, VA 22203
Jordan T. Smith (Counsel for Amici Curiae)	Pisanelli Bice PLLC 400 S. 7th St., Suite 300 Las Vegas, NV 89101
John A. Fortin (Counsel for Amici Curiae)	Pisanelli Bice PLLC 400 S. 7th St., Suite 300 Las Vegas, NV 89101

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, Benjamin Field, 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.

3) 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 professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 27th day of October, 2021.



Petitioner

STATE OF DISTRICT OF COLUMBIA
CITY) ss
COUNTY OF WASHINGTON)

Subscribed and sworn to before me

this 27th day of OCTOBER, 2021.


Notary Public

NAMAN BHATIA
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 14, 2022



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

(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.

I, Jordan T. Smith, hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

Counsel of Record

Notary Public





*Appellate Division of the Supreme Court
of the State of New York
Third Judicial Department*

*I, Robert D. Mayberger, Clerk of the Appellate Division of
the Supreme Court of the State of New York, Third Judicial
Department, do hereby certify that*

Benjamin Andrew Field

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **March 24, 2016**,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Administration
Office of the Courts, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*



*In Witness Whereof, I have hereunto set
my hand in the City of Albany on
October 22, 2021.*

Robert D Mayberger

Clerk of the Court



*State of New York
Supreme Court, Appellate Division
Third Judicial Department
Admissions Office
P.O. Box 7350, Capitol Station
Albany, NY 12224-0350*

*Robert D. Mayberger
Clerk of the Court*

*(518) 471-4778
fax (518) 471-4749
<http://www.nycourts.gov/ad3/admissions>*

*Timothy P. O'Keefe
Acting Director of Attorney
Admissions*

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on [the website of the Unified Court System](#).

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the [Attorney Grievance Committee of the Third Judicial Department](#).

Bar examination history is available from the [New York State Board of Law Examiners](#).

Instructions, forms and links are available on [this Court's website](#).

Robert D. Mayberger
Clerk of the Court



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

Benjamin Andrew Field

was duly qualified and admitted on June 5, 2017 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, a(n)
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 October
21, 2021.

A handwritten signature in black ink, reading "Julio A. Castillo".

JULIO A. CASTILLO
Clerk of the Court

A handwritten signature in black ink, which appears to be "H. Williams".

Issued By:
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.

1 STAT

2
3 SUPREME COURT OF NEVADA

4 Case No. 81513

5 Sonja Mack

6 vs.

7 Brian Williams
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
15 court, arbitrator, mediator, or administrative or governmental
16 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
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
19 circumstances, and only upon showing of good cause, that
20 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

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

24 1. DATE OF APPLICATION: 11/2/2021

25 2. APPLYING ATTORNEY: Benajmin Andrew Field, Esq.

26 3. FIRM NAME AND ADDRESS: Institute for Justice, 901 N. Glebe
27 Road, Suite 900, Arlington, VA 22203
28

1 4. NEVADA COUNSEL OF RECORD: Jordan T. Smith, Esq., Pisanelli Bice
2 PLLC, 400 South 7th Street, Suite 300, Las Vegas, NV 89101

3 5. In addition to the present application, petitioner made the
4 following previous applications within the last three years:

5 09/15/2021 ADMISSION GRANTED

6
7 DATED this November 2, 2021


8
9 
10 Mary Jorgensen
11 Member Services Director
12 Pro Hac Vice Processor
13 STATE BAR OF NEVADA
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EXHIBIT B

IN THE SUPREME COURT OF THE STATE OF NEVADA

SONJA MACK,

Appellant,

v.

BRIAN WILLIAMS; JAMES DZURENDA;
ARTHUR EMLING, JR.; and MYRA
LAURIAN,

Respondents.

Case No.: 81513

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

**APPLICATION FOR WAIVER OF FEE PURSUANT
TO NEVADA SUPREME COURT RULE 42(3)(e)**

Benjamin A. Field, Petitioner, respectfully requests that, pursuant to SCR 42(3)(e), the Court waive the application fee for the following reason(s):

____ Petitioner is providing *pro bono* services in a death penalty habeas corpus case; or

X Petitioner is providing *pro bono* services in similar circumstances that warrant waiver of the

application fee. The facts which support this request are as follows:

Petitioner represents Stephen Lara, the Plaintiff in *Lara v. State of Nevada ex rel. Dep't Pub. Safety*, No. CV21-01595, in the Second Judicial District Court for the County of Washoe. Petitioner applied for, and was granted, admission pro hac vice from the State Bar of Nevada in this case. However, Defendants in *Lara* filed a Motion to Stay Proceedings pending the Nevada Supreme Court's decision in the above-captioned case. This necessitates Mr. Lara to appear as amicus curiae, as the outcome of *Mack v.*

Williams will directly impact his case. Accordingly, Petition respectfully requests a waiver of the application fee.

I, Benjamin Field do hereby swear/affirm under penalty of perjury that I am the Petitioner in the above entitled matter; that I have read the foregoing Waiver of Fees 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.

DATED this 27th day of October, 2021

[Signature]
Petitioner/Affiant

STATE OF DISTRICT OF COLUMBIA
CITY) ss
COUNTY OF WASHINGTON)

Subscribed and sworn to before me

this 27th day of OCTOBER, 2021

[Signature]
Notary Public

NAMAN BHATIA
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 14, 2022

