

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TENKASI VISWANATHAN,

Appellant,

vs.

BOARD OF TRUSTEES OF THE
CLARK COUNTY SCHOOL DISTRICT;
DR. EDWARD GOLDMAN IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITY; AND LOUIS MARKOUZIS
IN HIS OFFICIAL AND INDIVIDUAL
CAPACITY

Respondents.

No. 84448-COA

FILED

AUG 28 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

VOLUNTARY DISCLOSURE

Pursuant to the Nevada Code of Judicial Conduct, Rule 2.11(C), I disclose that I have no personal bias for or against any party or any party's lawyer in this matter, and that I have no personal knowledge of any facts that are in dispute in this proceeding. However, because I am concerned that my impartiality might reasonably be questioned, I make the following disclosure to give both parties and their lawyers an opportunity to consider whether to waive my disqualification in this matter:

Prior to taking the bench, I worked for Clark County as a Chief Deputy Public Defender, and I was a member of the Clark County Defenders Union (CCDU). On August 7, 2023, the CCDU filed a grievance on behalf of myself and other similarly-situated individuals who were employed by Clark County on July 1, 2022, and who did not receive the one-time lump sum payment of 5% of the employees' annual salary from July 25, 2020 through July 23, 2021, provided for in the Collective Bargaining Agreement that became effective July 1, 2022. This 5% payment was

equivalent to the concession that each individual employee gave during the COVID pandemic.

As indicated, I have no bias or prejudice against any of the parties or lawyers in this case. Notwithstanding the pending grievance, I can assure all parties and lawyers that they should have no concerns related to my participation in this matter. Nevertheless, the court applies an objective reasonable person test in evaluating concerns with impartiality. See *PETA v. Bobby Berosini, Ltd.*, 111 Nev. 431, 438, 894 P.2d 337, 341 (1995) (stating the question is “whether a reasonable person, knowing all the facts, would harbor reasonable doubts about [the judge’s] impartiality”). And because a reasonable person might harbor reasonable doubts about my impartiality in a case where Clark County is a party, I am disqualified from participating in this matter *unless* the parties and their lawyers agree (without participation by myself or court staff, court officials and others subject to my direction and control) to waive disqualification. See Rule 2.11(C). If, following this voluntary disclosure, the parties and their lawyers agree that I should not be disqualified, I may participate in this proceeding. *Id.*

The parties and their lawyers may, on or before September 8, 2023, notify this court in writing whether they agree to waive disqualification. Absent a written agreement to waive disqualification, I will be disqualified from hearing this matter.

 J.
Westbrook

cc: Hon. Joseph Hardy, Jr., District Judge
Tenkasi Viswanathan
Clark County School District Office of The General Counsel
Olson, Cannon, Gormley, & Stoberski
Eighth District Court Clerk