



The Legacy of Justice James W. Hardesty

BY THERESE SHANKS, ESQ.

Every one of us, in our own way, desires to leave a mark upon this world that cannot be erased: a legacy, whether it be a whisper of a fond memory etched in the minds of those we love, or a grand monument built of stone in the places we touched. When Justice James W. Hardesty retires from the Nevada Supreme Court bench this month, he will leave a substantial legacy.

Justice Hardesty’s accomplishments during his judicial tenure are a testament to his diligence and commitment to the state of Nevada and its legal system. But his legacy reaches back to before his legal career ever began. In 1969, Justice Hardesty was just a guy named Jim who was student body president of the University of Nevada, Reno. During an era when heavy political tension and student activism resulted in sometimes-violent clashes between students and faculty across America, Hardesty was able to convince the University of Nevada, Reno president to enact a student bill of rights. That bill of rights still governs university students’ rights today.

Justice Hardesty began his legal career at the University of Pacific, McGeorge School of Law. He often tells the story of the time he was trapped in a building during a final exam because of race riots occurring outside. Having nothing else to do, and nowhere he could be, he finished

his exam. Hardesty’s granddaughter, Darby Grow, who is following in his footsteps, says she can never complain to him about her law school exams, because he took one during a race riot and she has no room to complain.

Hardesty took the bench in 1999 as a district court judge in the Second Judicial District Court. One of the funnier stories from his tenure on the district court bench involves a time he allegedly had to train a new bailiff on how to call the court to order. The bailiff was so flustered that, when Hardesty entered the courtroom, the bailiff called the court to order by yelling, “Everybody get up, here he comes, God save us all!” I do not know if that story is actually true; however, I do know that if it did happen, Justice Hardesty likely had a good laugh about it later.

For those of us who have been privileged to work with him, we have many stories of Hardesty’s humor. One of my personal favorite stories is when he allegedly told Justice Lidia Stiglich, when

she was newly on the bench, that she should exit after oral argument by walking through the curtain behind her seat. If you have been to the Supreme Court, you know that there are only two exits behind the curtains, and the other curtains cover a wall. There certainly was not an exit behind Justice Stiglich's seat, and she had to fumble through the curtains until she found one. Again, I do not know if this story is true (but I suspect it is).

His former law clerks all know the story of "Jed Bodger's socks." At the Supreme Court, casual Fridays were not permitted. Apparently, Jedediah Bodger had staged a quiet coup during his clerkship by wearing his suit on Fridays with increasingly ridiculous socks. To this day, Hardesty cannot help but chuckle at some of the socks Bodger invested in during his clerkship. The law clerk coups continued on through Anthony Arger, who insisted that he be allowed casual Fridays or "Cowboy Fridays." Intrigued by how far Arger would go, Hardesty agreed to "Cowboy Fridays" and was forced to endure several weeks of Arger coming to work looking like an adult version of Woody from "Toy Story."

Those of us who have had the privilege to work with Hardesty also have

many stories of his quiet strength on the bench. Former Nevada Supreme Court staff attorney Charles Finlayson described Justice Hardesty as the "moral center of the Court" because of his commitment to ensuring integrity, honesty, and fairness in the judicial process.

Whether faced with a death penalty appeal or a business dispute, Hardesty always looked past the briefs to the people whose lives would be touched by his decision. His light evening reading often consisted of multiple bankers' boxes full of briefs.

His commitment to Nevada and its litigants will live on in the form of the many, many accomplishments Justice Hardesty achieved while on the bench. Just a few examples of these include:

- 1) Establishing the Court of Appeals;
- 2) Building a new appellate courthouse in Las Vegas;

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- 3) Convincing banks to raise IOLTA interest from \$500,000 to \$5,000,000;
- 4) Establishing budgetary reforms that allow for courtroom and court technology improvements;
- 5) Establishing the Eleventh Judicial District Court; and
- 6) Securing a third judge for the Fourth Judicial District Court.

To Justice Hardesty, being a lawyer means being an advocate for those who do not have a voice. His efforts as a justice have given voice to many who are otherwise left without adequate representation. Hardesty, among other things, was instrumental in establishing the State Sentencing Commission

and the court's Indigent Defense Commission, which derive from his active participation on the State's Advisory Commission on the Administration

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of Justice. He also reformed the guardianship and criminal law statutes, led the pre-trial detention risk assessment that resulted in Nevada's bail reforms, implemented early resolution of criminal court cases, led a constitutional amendment that reformed the pardons board voting process, and expanded and strengthened the specialty courts. And none of this compares to his impact on Nevada law, as he has authored nearly 400 opinions during his tenure on the bench.

Hardesty was also the first Nevadan to serve as vice president of the conference of chief justices and as treasurer of the American Judges Association. In 2013, his colleagues unanimously nominated him for the William H. Rehnquist Award for Judicial Excellence because of his significant contributions to the state of Nevada. And, in 2020, Hardesty was recognized as alumni of the year from the University of Nevada, Reno. Of course, he will not tell you any of this himself. Anyone who knows Justice

Hardesty knows that he is humble to a fault.

Yet, Hardesty's greatest legacy lies in the impact he has had on the lives of those around him. Even during his busiest times, he always prioritized his wife, Sandy, and his two loving daughters, Robin and Kristy. He coached his daughters' softball team and led them to a national championship. Hardesty's enduring love of baseball (and all things related to University of Nevada sports) has been instilled in his grandchildren. Somehow, while otherwise keeping the state running, Hardesty always found time to take his grandchildren to games. His grandson Zack still keeps a baseball on his desk that Hardesty caught after a home run and signed for him.

As a former law clerk, I am lucky to find myself part of this extended Hardesty-clan, along with the 43 other clerks who have had the honor to work for Justice Hardesty. When I asked his daughters to describe their favorite thing about him, Kristy Hardesty-Grow said that he was the first person she called all those years ago when her heart split in two and remains the first person that she calls when she needs to

make a difficult decision. The same is true for every law clerk with whom I spoke. All of us, at some point, have taken up the justice's precious free time by seeking career and life advice. He was always willing to give it. Hardesty's greatest gift to those in his life is not his accomplishments, but the time that he gave to us.

As his time dwindles on the bench, I hope that all of you will give some of your time to reach out and thank him for making our state and our judicial system what it is today. Thank you, Justice Hardesty. I would not be the person I am today without you. You are an inspiration to us all, and the embodiment of integrity, empathy, humility, and compassion.

THERESE SHANKS is an attorney at Fennemore Craig, P.C., where she practices appellate law and business litigation. She is honored to have begun her career as a clerk for Justice James Hardesty.



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