



September 27, 2018

Ms. Robin Sweet
Secretary, Committee on Judicial Selection
Nevada Supreme Court
201 S. Carson St., Suite 250
Carson City, Nevada 89701

To the Commission:

I urge the selection of Ms. Rhonda Forsberg as a finalist to the Governor for appointment to Department L of the Second Judicial District Court. Cases 3, 1, and 4 of her application (ordered by greatest to least impression) emphasize some of the types of experiences that produce more effective, competent members of the family division of the judiciary.

Case Number 3 presents a scenario that exposes Ms. Forsberg to the reality that the recommendations of State actors and third-party providers (including but not limited to case workers, guardians *ad litem*, psychologists, custody evaluators, and parenting coordinators) are not necessarily based on opinions consistent with the law. This type of exposure is crucial as too often members of the bench of the family division blur this line and abdicate their role as the presiding legal expert. While good-intentioned, the testimony and debate considered by the legislature that was ultimately incorporated into our various domestic statutory schemes ends up taking a backseat to the testimony of whatever particular individual happens to be standing before the court.

Case Number 1 presents a scenario that resulted in a somewhat counterintuitive solution; namely, that the district court was required to disregard a stipulation approved and reduced to a binding, enforceable order, because the child support statutes have "super-legal reach." Some district judges, especially those of the family division which are exposed to comparatively far less appellate scrutiny, struggle with understanding when it is legally appropriate and even mandatory to do so.

Case Number 4 convincingly confers the importance of decisive action. One of the most damaging negative qualities a judge can have is indecisiveness, because it has the potential to cause cases to drag on, unnecessarily increasing the financial and emotional trauma the parties are exposed to. Furthermore, there doesn't appear to be any correlation with indecision and delay to more thorough and legally correct dispositions. Slow, indecisive judges appear to make as many if not more mistakes than efficient, decisive judges; but, with the latter, the trauma is minimized and the access to our appellate system is more promptly available and less costly (e.g. less hearings correlates to less costs incurred for the production of transcripts.)

A handwritten signature in blue ink that reads 'Alexander Falconi'.

Alexander M. Falconi
Administrator, Our Nevada Judges