



# Jay Young

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Licensed to Practice Law: Nevada 1994 (Bar Number 5562) Nevada, 1994; U.S. District Court:

District of Nevada, 1994; U.S. Court of Appeals: Ninth Circuit, 1995

Accurate as of 10.27.2020



**ADR EXPERIENCE:** Resolved thousands of cases as a judge, mediator, arbitrator, and special master

## Types of Matters Resolved

- Complex Business/Commercial Disputes
- Business/Partnership Disputes/Dissolution
- Business Torts
- Contract Disputes
- Construction Disputes
- Employment Disputes
- Fiduciary Duties
- Franchise Disputes
- Fraud
- Landlord/Tenant Disputes
- Personal Injury Disputes
- Personal Services Contracts
- Professional Negligence
- Real Estate Disputes
- Timeshare Disputes
- Trade Secrets
- Unfair Trade Practices
- Unfair Competition and Restrictive Covenants

## Mediator

- Experience as a mediator appointed in matters since 2003
- Nevada Supreme Court Settlement Judge, assigned to mediate over 40 appellate matters, (2016 - Present)
- Advanced Resolution Management (“ARM”), Panel Mediator and Arbitrator (2017 - Present)
- American Arbitration Association (“AAA”), National Panelist Master Mediator for Complex Commercial litigation. Mediator for Employment, Construction, and Consumer matters (2015 - Present)
- Small Claims Mediation Roster, Civil Court of the City of New York (2020- Present)
- Foreclosure Mediation Program Mediator (2019 – Present)

**Arbitrator:** Experience as an arbitrator appointed in over 300 matters, including as sole arbitrator and as a member of three-arbitrator panels for matters ranging in value from \$25,000 through in excess of \$10,000,000.

- Arbitrated Cases Since 2003
- Lawyer of the Year, The Best Lawyers in America, 2021 Arbitration
- 8<sup>th</sup> Judicial District Court Panel Arbitrator; appointed by the Nevada Supreme Court (2003 – Present)
- ARM, Panel Arbitrator and Mediator (2018 - Present)
- AAA National Panelist (Complex Commercial, Employment, and Consumer Arbitration) (2012 – Present)
- International Centre for Dispute Resolution, Complex International Arbitration Panelist, 2014 – Present
- Better Business Bureau Arbitrator (2006 – Present)

- Appointed in Over 300 cases

### **Judge Pro Tem**

- Henderson, Nevada Municipal Court (2011 – Present)

### **Special Master**, 8<sup>th</sup> Judicial District Court, Business Court Division

#### **Experience:**

- Litigated on behalf of plaintiffs and defendants in numerous cases to successful results, including in federal and state courts, as well as arbitrations before the AAA and other ADR providers with matters ranging up to \$1,270,000,000.
- Experience as an advocate, arbitrator, and mediator includes complex, multi-party commercial disputes for matters including: automobile manufacturing (including aftermarket industry, assembly, Just-in-time (JIT) manufacturing, dealerships, original equipment manufacturers (OEMs), manufacturers); bankruptcy litigation; business torts; breach of fiduciary duties; celebrity and sports personality endorsements and appearance disputes; class action; commission disputes; construction disputes (owner, general contractor, sub-contractor, materialmen); contract disputes; corporate governance disputes; covenant of good faith and fair dealing; custodianships; employment contracts; entertainment; false advertising; franchise disputes (on matters involving disputes between franchisors, franchisees, and area developers); fire damage loss; fraud; fraudulent transfers; homeowners association (developer and homeowners); Indian law; injunctive relief; interference with contract or prospective relations; lease disputes; cannabis / marijuana business disputes; misappropriation of trade secrets; mismanagement; officer and director liability; mixed martial arts (MMA) contracts; personal injury (plaintiff and defense, elder abuse, assault, battery, civil conspiracy, civil rights violations, conversion, defamation, false imprisonment, infliction of emotional distress, invasion of privacy, negligence, premises liability, product defect, trespass, wrongful death); professional negligence (malpractice); trade dress and brand protection; negligent hiring, retention, and supervision; non-competition agreements; personal injuries; Racketeer Influenced and Corrupt Organizations (RICO) Act violations; real estate; receiverships; shareholder/partner disputes; sports marketing and licensing agreements; trademark, copyright, and servicemark infringement; unfair competition (including Lanham Act violations); tribal and Indian affairs, including tribal governments and tribal entities; unfair trade practices; usurpation of corporate opportunity; water damage loss.

#### **Franchise Litigation**

- Represented franchisors, franchisees, and area developers in state and federal courts, as well as private arbitration. Served as sole arbitrator and on three-arbitrator panels on matters involving disputes between franchisors, franchisees, and area developers, including: contract disputes; misrepresentations; misappropriation of trade secrets; non-competition agreements; non-solicitation; unfair competition.

#### **Intellectual Property Litigation**

- Counterfeiting; dilution; defense of trade secrets act; false advertising; misappropriation of trade secrets; trade dress and brand protection; trademark; service mark; and unfair competition (including Lanham Act violations).

#### **Employment Litigation**

- Discrimination; employment contracts; harassment; injunctive relief; non-competition agreements; negligent hiring, retention, and supervision; protection of trade secrets; and wrongful discharge.

### **AWARDS**

- Lawyer of the Year, The Best Lawyers in America, 2021 Arbitration
- Vegas Inc's Top Lawyer 2020, Labor and Employment
- Top 100 List: Mountain States Super Lawyers, in Business Litigation and ADR (2015 – 2019)
- The Best Lawyers in America, Arbitration (2017 - present)
- Mountain States Super Lawyers (2014-present)
- AV Rated, Martindale-Hubbell (Litigation, Commercial Law, and Business Law), with Client

## Distinction Award

- America's Most Honored Lawyers, Top 1%, 2020
- America's Most Honored Professionals, Top 10% (2011, 2015-2016) Top 1% (2017 - 2019)
- Top 100 Lawyers in the Mountain States, Salt Lake Magazine (2015 – 2018)
- 10.0 "Superb" Avvo.com rating, "Top Attorney" award, and Client's Choice Award 2015
- Nevada Legal Elite 2017 - 2018, top 4% of Nevada's Attorneys in the Categories of: Professional Neutral (Arbitrator & Mediator) and Business Litigation, top 1% of Nevada's Attorneys (2009, 2011, 2014 – 2015)
- The Valley's Top Lawyers, Desert Companion Magazine (2012 – 2014)
- Top 100 Lawyers, MyVegas Magazine (2012 – 2013)
- Vegas, Inc. Magazine – "Top Lawyers: The Best of the Best in Southern Nevada," (2013)
- Clark County Pro Bono Project Award – 50 hours certificate (2013)
- Client's Choice Award, AVVO in Litigation, Arbitration, Business Law, Bankruptcy, and Real Estate (2015)
- National Institute for Trial Advocacy, "Master Advocate" designation
- 48th Annual GRAMMY® Award Winner – Best Gospel Choir or Chorus Album (2005)
- Vocalist, NAACP Image Award-winning album "Where My Heart Belongs" (2015)

## PUBLICATIONS

### Books

- *Doing Business in Nevada, a Practical Guide*, Co-author, 2017 (Howard & Howard, PLLC)
- *Federal Court Civil Litigation Checklist* – Jay Young, 2016 (Your Legal Guides)
- *A Litigator's Guide to Federal Evidentiary Objections* – Jay Young, 2016 (Your Legal Guides)
- *A Litigator's Guide to Federal Rules of Evidence* – Jay Young, 2016 (Your Legal Guides)
- *Want to Better Control Your Arbitrations? 10 Steps to Writing a Better Arbitration Agreement*- Jay Young, *Communique*, April 2016
- *Nevada State Court Litigation Checklist* – Jay Young, (2010 Nevada Legal Guides, 2d. Ed. 2016 Your Legal Guides)
- *A Litigator's Guide to Nevada Evidentiary Objections* – Jay Young, (2010 Nevada Legal Guides, 2d. Ed. 2016 Your Legal Guides)
- *A Litigator's Guide to Nevada Rules of Evidence* – Jay Young, (2010 Nevada Legal Guides, 2d. Ed. 2016 Your Legal Guides)
- *Nevada Civil Practice Manual, Chapter 26: Pre-Judgment Remedies*, Jay Young (co-author), State Bar of Nevada Publication (LexisNexis Matthew Bender), 5th Ed. 2005-2015

### Articles

- *Practicing in Nevada's State and Federal Civil Courts: What Are the Differences?* Nevada Lawyer (May 2020)
- *The Rules of the Game: Comprehensive Amendments to the Nevada Rules of Civil Procedure*, Nevada Lawyer (June 2019)
- *7 Ways to Settle Your Case by Co-Negotiating With Your Mediator*, *Communique* (May 2019)
- *Want to Better Control Your Arbitrations? 10 Steps to Writing a Better Arbitration Agreement*- Jay Young, *Communique*, April 2016
- *The Expansion of Supreme Court Rule 160 (Warning: All Attorneys Are Presumed Guilty)*, Clark County Bar *Communique* Feb. 2001
- *I've Been Sued! Now What?* CCIM Perspective, June, July, and August 2000 (reprinted in *Broker/Agent Magazine*, March, April, and May 2003)
- *The Covenant of Good Faith and Fair Dealing in Nevada*, 1 Nevada Law Review 85 (1998)
- I have posted hundreds of articles to my blog (<http://nevadalaw.info>). Parties should be aware that I may have posted an article concerning an area of law or issue involved in their dispute.

## EMPLOYMENT

- **Member**, Howard & Howard, LLC, 2014-Present
- Business Litigation

- Arbitrator
- Mediator

**Shareholder**, Marquis Aurbach, Coffing, Las Vegas, Nevada

- Litigation Department Chair
- Managing Shareholder 2000 - 2003
- Shareholder 2000 - 2014
- Associate 1995 – 1999
- Associate Practice Areas: Arbitrator, Mediator, General Civil and Commercial Litigation, Unfair Competition, Bankruptcy, Personal Injury, and Real Estate Litigation

**Associate**, McDonald Carano Wilson, Las Vegas, 1994 – 1995

- Practice Areas: Civil and Commercial Litigation, Premises Liability Defense, Bankruptcy, and Matrimonial Law
- Summer Law Clerk 1993

**Adjunct Professor**, Community College of Southern Nevada, Constitutional Law Instructor 1995-1996

**Judicial Extern**, Honorable Robert C. Jones, 9th Cir. Bankruptcy Appellate Panel, U.S. Bankruptcy Court, District of Nevada, 1992

- Produced bench memoranda and opinions for Judge Jones and the Bankruptcy Appellate Panel
- Formulated summaries of the local daily bankruptcy calendar

**Caseworker**, Congressman Howard C. Nielson (retired), 1989 – 1991

- Conceived and developed internal audit of office activities
- Provided Constituent Liaison Services with Government agencies, including IRS, INS, and Military

## TEACHING

*Faculty Assistant/Coach*, National Judicial College’s “Civil Mediation: A 40-hour Online Workshop”, October 2020.

*Mediation Preparation and Advocacy*, a continuing legal education seminar: J. Reuben Clark Law Society (March 6, 2020), Wilson, Elser, Mosowitz, Edelman & Dicker, LLP (January 21, 2020), Wood, Smith, Henning & Berman, LLP (December 10, 2019), Las Vegas Defense Lawyers (November 13, 2019), Bowman & Brooke, LLP (November 6, 2019), Bighorn Law (Arizona) (November 6, 2019), State Bar of Nevada (July 19, 2019), Marquis Aurbach Coffing (June 13, 2019), Hutchison & Steffen (June 7, 2019), Maier Gutierrez & Associates (April 24, 2019), Jolley Urga Woodbury Holthus & Rose (March 20, 2019), The Cottle Firm (February 22, 2019), Brownstein Hyatt Farber Schreck (December 3, 2018)

*The Litigation Toolbox*, Legal Aid Center of Southern Nevada, October 29, 2019 and November 8, 2019

*Proportionality in Discovery*, Las Vegas Defense Lawyers meeting, July 17, 2019

*NRCP Rule 26 and Proportionality in Discovery*, Eighth Judicial District Court Bench Bar Meeting, May 14, 2019

*Arbitration Fundamentals and Best Practices for New Arbitrators*, Faculty, AAA (October 2017)

*Deposition Training*, Faculty for the National Institute for Trial Advocacy's Nevada Deposition Program, Continuing Legal Education Seminar. 2008 - 2012, 2014- 2019

*Business Contracts A to Z*, Faculty presenting lecture and written materials on non-competition

agreements, trade secrets, intellectual property, and breach of contract, National Business Institute. Las Vegas 2012

*Advocacy Teacher Training*, Graduate of the National Institute for Trial Advocacy's intensive teacher training program. November 2009

*Trial Advocacy Training*, Faculty for the National Institute for Trial Advocacy's Las Vegas In-house Trial Training program, Continuing Legal Education Seminar. March 2006

*Deposition Training*, Faculty for the National Institute for Trial Advocacy's Las Vegas In-house Deposition Program, Continuing Legal Education Seminar. August 2005

*Commercial and Residential Evictions*, Presenter of "Residential Evictions and Trial," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. May 18, 2005

*Landlord-Tenant Law Update*, Presenter of "The Eviction and Judicial Process," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. January 13, 2005

*Commercial Leases: Drafting, Enforcing, and Other Critical Issues*, Presenter of "When a Tenant Files Bankruptcy," Continuing Legal Education Seminar (Sterling Education Services), Las Vegas, Nevada. September 23, 2004

*Protecting the Homeowners Association*, Presenter Las Vegas Seminar to Property Managers, Homeowner Association Boards, and Homeowners, Las Vegas, Nevada. 1995

## **ADR TRAINING**

- 40 – hour Arbitrator Training AAA (2013)
- 40 – hour Mediation Training, AAA (2015)
- 36 – Hour ADR Certification, J. Reuben Clark Law School, Brigham Young University (1994)
- Graduate: Pepperdine University's Straus Institute for Dispute Resolution's "Advanced Mediation: Skills and Techniques" course (2017)
- Better Business Bureau Arbitrator Training (2006)
- The Neuroscience of Conflict: How to Keep Everyone Calm, Cool & Collected (11.5.19)
- Sexual Harassment Presentation for AAA Panelists, American Arbitration Association (11.8.18)
- Beyond "Managerial Judges" Appropriate Roles in Settlement, UNLV, William S. Boyd School of Law (10.23.18)
- Impasse and Ethics: A Facilitated Discussion for New and Experienced Settlement Judges, Nevada Supreme Court (10.19.18)
- Arbitrator Performance and Demeanor – American Arbitration Association ("AAA") (9.13.18)
- The Pre-mediation Process: A Facilitated Discussion for New & Experienced Settlement Judges, Nevada Supreme Court (6.15.18)
- "Mediation Renovation: Retooling Your Skills," Nevada Dispute Resolution Coalition (2018)
- Graduate: Pepperdine University's Straus Institute for Dispute Resolution "Advanced Mediation: Skills and Techniques" course (2017)
- Employment and Labor Case Law Update: What Arbitrators and Practitioners Need to Know (AAA 2017)
- Faculty, Arbitration Fundamentals and Best Practices for New Arbitrators, AAA (October 2017)
- Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches, AAA (2017)
- Panelist, Arbitrator's Roundtable – Las Vegas, AAA (2017)
- Nevada Supreme Court Settlement Judge Training, Nevada Supreme Court (2016)
- Impasse Prevention & Communication/Implied Bias, Nevada Supreme Court (2016)
- Breaking Impasse, Nevada Supreme Court (2016)

- Mediation Ethics, a Comprehensive Review, Nevada Supreme Court (2016)
- Consolidation and Joinder In Construction Arbitration: Ignorance Is Not Bliss, AAA (2016)
- Arbitrator's Roundtable – Las Vegas, AAA (2016)
- Arbitrator Subpoenas: Are They Worth the Paper They're Printed On? AAA (2015)
- Essential Mediation Skills for the New Mediator, AAA (2015)
- Fundamentals of Effective Mediation Advocacy, AAA (2015)
- Confronting Arbitrability & Jurisdiction in Arbitration, AAA (2015)
- Arbitrator's Roundtable – Las Vegas, AAA (2015)
- Award Writing, AAA (2014)
- Arbitration Fundamentals and Best Practices, AAA (2013)
- Arbitrator's Role, Authority, and Responsibility, AAA (2006)
- Arbitrator's Ethics, Practice Standards and Disclosures, AAA (2006)
- Preparing for and Conducting a Preliminary Hearing, AAA (2006)
- Managing Issues Involving Self-Represented Parties, AAA (2006)
- Managing Panel Dynamics, AAA (2006)
- Preparing for and Writing the Award, AAA (2006)
- Managing Evidentiary Hearing Issues, AAA (2006)
- Managing Post-Hearing Issues, AAA (2006)
- Arbitrator Training, Better Business Bureau (2006)
- Succeeding In Mediation, AAA (2003)
- Mediation and Arbitration Advocacy, AAA (2002)
- Cutting Edge Negotiation Strategies for Lawyers, Negotiation Strategy Institute (2002)
- Arbitrator Training, Supreme Court of Nevada, State Bar of Nevada (2000)
- Arbitration 101, Clark County Bar Association (1994)

## **VOLUNTEER**

- Board Member, Capability Health
- Board Member, Easter Seals of Nevada
- Trustee, Toys 4 Smiles non-profit organization
- Children's Attorney Project: volunteer attorney providing counsel, advice and representation to abused and neglected children, 2012-Present
- Volunteer Instructor, National Institute for Trial Advocacy, 2005-Present
- Youth leader: Troop 462, Boy Scouts of America: Charter Organization head, 2006-2011, Scoutmaster 2002-2004, 2011-2013, Troop Committee, 2002-2005, Assistant Scoutmaster 2014-
- Girl Scouts of Frontier Council: Nominating Committee, 2002-2003
- Little League and Henderson Baseball Association Coach, 1997-2003

## **EDUCATION**

- J. Reuben Clark Law School** (BYU), J.D., 1994
- Brigham Young University**, Bachelor of Arts, 1991