John Fortin, Associate

jfortin@mcdonaldcarano.com
D: 702.257.4556; O: 702.873.4100

Areas of Practice
Appellate
Commercial & Complex Litigation
Bankruptcy, Insolvency & Financial Restructuring

Bar Admissions
Nevada

Court Admissions
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Nevada

Education
- LL.M., Global Antitrust Law and Economics, George Mason University, Antonin Scalia Law School (2020)
- J.D., University of Richmond School of Law, *magna cum laude* (The Order of Barristers, Manuscripts Editor *University of Richmond Law Review*) (2019)
- B.A., American Military University (2015)
- Served in the U.S. Navy for 20 years on active duty and in the reserves

John Fortin is a member of the Appellate Practice and Commercial & Complex Litigation Practice. As a former law clerk to the Honorable Chief Justice (Ret.) James Hardesty of the Nevada Supreme Court, he brings a unique background, with keen insights into the judiciary, that he leverages for his clients. John received the 2025 Young Lawyer of the Year Award from the State Bar of Nevada, which is presented to a lawyer whose "professional and public service achievements merit special recognition."

Mr. Fortin has served as first chair and lead counsel in trials and appeals. His experience includes published decisions, matters and appearances before the Nevada Supreme Court, and drafting amicus briefs in Nevada Supreme Court cases. He has argued before the Nevada Supreme Court and the Ninth Circuit Bankruptcy Appellate Panel.

Mr. Fortin is routinely brought in to solve complex problems in bet-the-company litigation often involving novel, precedent-setting and high-stakes legal questions where boards, directors, and managers of companies turn to his expertise for advice. As a veteran of the Afghanistan war and following a decade of service to our country in the U.S. Navy, Mr. Fortin understands

what it means to perform in litigation that presents existential challenges to a client's business and calls on his experiences to achieve success for his clients.

Mr. Fortin has experience successfully defending and prosecuting complex commercial litigation claims at the trial and appellate levels. He handles a wide range of business litigation claims, including contract disputes; fraud, breach of fiduciary duty, and tortious interference; corporate governance issues; intellectual property and trade secret disputes; shareholder derivative litigation; bankruptcy related matters; and trusts and estates disputes. John's cases span the legal spectrum of substantive areas of law, including matters of constitutional law, administrative law, and complex statutory interpretation. Mr. Fortin also understands the political and legislative process and has helped draft, litigate, and defend a trial judgment on an appeal of a voter initiative matter.

In addition to Mr. Fortin's passion for assisting corporate litigants achieve success, he also believes strongly in helping clients hold the government and governing bodies accountable. Whether it is the federal government or a homeowners association, when governing documents, regulations, or contracts provide rights to the entity or individual and responsibilities, Mr. Fortin ensures those rights and responsibilities are protected.

Mr. Fortin likewise believes it is his duty to give back to the community and maintain an active pro bono practice. The Nevada Supreme Court appointed John to the Access to Justice Commission. The Commission was created to help facilitate greater public access to the court system for those in need. Mr. Fortin also mentors UNLV William S. Boyd School of Law students through the Legal Aid Center of Southern Nevada's ("LACSN") Partners in Pro Bono Program. Leveraging his litigation and appellate experience in pro bono matters, Mr. Fortin has argued before the Nevada Supreme Court as part of the Court's pro bono appellate program and in collaboration with LACSN's pro bono appellate program.

In 2024, John received the Vince Consul Memorial Pro Bono Award from the Legal Aid Center of Southern Nevada and was recognized in November 2022 as LACSN's Pro Bono Volunteer of the Month. For three consecutive years, John maintained membership in LACSN's 300+ Pro Bono Hours Club. John also provides pro bono services to members of the military through the Attorney General's Office of Military Legal Assistance.

Representative Experience

- *Black, et al., v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 18 (April 2025) involved a shareholder derivative suit brought following a Chapter 7 liquidation. Mr. Fortin represented three innocent board members against claims of a breach of fiduciary duty for purportedly mismanaging the company's affairs which led to the bankruptcy. He argued before the district court that the shareholders lacked standing to bring derivative claims post-bankruptcy petition because the Chapter 7 Trustee owned the derivative claims. The shareholders claimed that the claims for mismanagement and waste were direct claims

because the Board supposedly supported a secured creditor over the shareholders. The district court agreed with the shareholders and denied the Board's motion to dismiss. Mr. Fortin then leveraged his appellate experience and filed for a writ of prohibition to the Nevada Supreme Court. The Nevada Supreme Court only hears a limited number of petitions for extraordinary relief every year and hears even fewer of these cases with the full, *en banc* court. The Nevada Supreme Court agreed with Mr. Fortin that the shareholders brought derivative claims and the Chapter 7 Trustee owned those claims. The Court issued a ***unanimous*** published decision instructing the district court to dismiss Mr. Fortin's clients.

- *Terry v. LaMont's Wild West Buffalo, LLC*, 2024 WL 832296 (Unpublished Order of Affirmance, Feb. 27, 2024) involved an appeal in which Mr. Fortin successfully defended a bench trial judgment that determined Mr. Fortin's clients had been damaged through a breach of an oral agreement. Relatedly, *LaMont's Wild West Buffalo v. Terry*, 140 Nev. Adv. Op. 1, 544 P.3d 237 (2024) involved an appeal from a district court order denying sanctions for misconduct that took place in the district court. Through Mr. Fortin's advocacy, *LaMont's* resolved and established an issue of first impression related to statutory sanctions and attorneys' fees remedies as they relate to the safe-harbor provision found within NRCP 11. Mr. Fortin successfully argued that NRCP 11, NRS 18.010(2)(b), and NRS 7.085 all provide separate sanctioning mechanisms for bad faith, frivolous, and vexatious misconduct by parties and their counsel. Mr. Fortin contended that while NRCP 11's safe harbor provision is mandatory, the Legislature's enactment of NRS 18.010(2)(b) and NRS 7.085 do not contain similar language such that there is no requirement to provide an opponent safe harbor. The Nevada Supreme Court ***unanimously*** agreed with Mr. Fortin's position and remanded for further proceedings.

- *Mack v. Williams.* When his client, a retired Marine, was driving from Texas to California to visit his children, he was stopped by Nevada Highway Patrol, his vehicle was searched, and his lifesavings (over $80,000 in cash) was seized from him despite having done nothing wrong. The highway patrol then told the client he had to prove the money was not drug proceeds to get the money back. This civil forfeiture process, federal equitable sharing, allows state officials to provide the property to the federal government so that the federal government can then rely on significantly less restrictive federal laws and obtain complete possession of the property.

  The client needed pro bono assistance, and thus, when the Institute for Justice ("IJ"), a public interest law firm, asked for local counsel support, Mr. Fortin immediately agreed. Through Mr. Fortin's assistance with IJ, the client obtained his life savings back from the government. In the process of obtaining his client's property, IJ and Mr. Fortin likewise confronted an even bigger question, could Nevadans bring suit against the government when it violated their Nevada constitutional rights? Mr. Fortin assisted IJ in drafting and

submitting an amicus brief in a case evaluating the question. The arguments put forth in the amicus brief shaped the Nevada Supreme Court's decision in *Mack v. Williams*, 138 Nev., Adv. Op. 86, in which the Court held that when the government violates Article 1, Section 18 (Nevada's search and seizure protection), an individual may obtain monetary damages for the violation.

- *Helton v. Nevada Voters First PAC.* Mr. Fortin worked with a political action committee that wanted to ensure every Nevadan's voice was heard. He then assisted in the drafting of the 2022 Ballot Initiative regarding open primaries and ranked-choice voting. Following Question 3's submission to the Nevada Secretary of State, he leveraged his litigation experience and defended against attacks on the proposal's legality. The district court agreed that Question 3 satisfied Nevada law's requirements. Mr. Fortin then ensured the Initiative would be placed on the ballot by demonstrating the Initiative's legality to the Nevada Supreme Court and prevailed on appeal. *See Helton v. Nevada Voters First PAC, et al.*, 138 Nev., Adv. Op. 45 (Jun. 28, 2022).

- *In re 3587 Desatoya Drive* and *Fred v. First Judicial District Ct.* (2024) In collaboration with Legal Aid Center of Southern Nevada's pro bono appellate program, Mr. Fortin's hard work led to a complete reversal and remand for his client, *In re 3587 Desatoya Drive*, Case No. 80194 (Oct. 15, 2021). Upon remand, Mr. Fortin launched counterclaims against the government after its negligence in caring for his clients' property led to the Home's destruction. To advance the litigation forward, he filed a Petition for a Writ of Prohibition challenging Nevada's civil forfeiture laws on Double Jeopardy grounds. *See Fred v. First Judicial District Ct.*, Case No. 85590. Mr. Fortin similarly challenged the stay and the government requested simply to delay resolution of his clients' civil rights' claims. *See Fred v. First Judicial District Ct.*, Case No. 86323. The Court ordered full briefing in both petitions and Mr. Fortin argued before an en banc Nevada Supreme Court in the Double Jeopardy matter. (August 8, 2023) Because of Mr. Fortin's advocacy, the State abandoned its attempt to forfeit the Fred family home and paid $400,000 to settle the family's counterclaims. (January 20, 2024).

Community Involvement

- Parent Advisory Committee, Cure 4 The Kids Foundation, 501(c)(3), Southern Nevada's treatment center for children battling cancer and rare diseases (volunteer since 2025)
- JD Ambassador, Service 2 School, 501(c)(3), free college and graduate school application counseling to U.S. military Veterans and Service Members (volunteer since 2016)

Awards and Recognition

- *The Best Lawyers in America* – "Ones to Watch" in Bankruptcy Litigation (2025-2027), Appellate (2026, 2027), Commercial Litigation (2026, 2027)

- *Mountain States Super Lawyers* – "Rising Stars" (2026)
- *Lawdragon 500 X: The Next Generation* – The Future Leaders of the Law (2025, 2026)
- Young Lawyer of the Year Award – State Bar of Nevada (2025)
- Vince Consul Memorial Pro Bono Award – Legal Aid Center of Southern Nevada (2024)
- Veterans In Law – *Attorney At Law* magazine special issue (2024)
- *Profiles in Diversity Journal* – Veteran Leadership Award (2024)
- *Nevada Business Magazine* – "Top Rank Attorneys" (2024, 2023) and "Best Up & Coming Attorneys" (2023)
- *Vegas Inc* – "Top Lawyers" in Appellate (2024), Business Litigation (2024), and Civil Rights Litigation (2024, 2023)
- 300+ Pro Bono Hours Club – Legal Aid Center of Southern Nevada, (2020-2023)
- Pro Bono Volunteer of the Month – Legal Aid Center of Southern Nevada, Nov. 2022
- Public Interest Law Association Pro Bono Award – University of Richmond School of Law

Professional Affiliations

- Young Lawyers Section, State Bar of Nevada
  – Member, 2019 – current
  – YLS Committee Chair, Access to Justice Commission, 2021 – current
  – YLS Representative and Liaison, Nevada Supreme Court Access to Justice Commission, July 2021 – current
  – Member-At-Large, YLS Executive Council, July 2024 – July 2025
- Nevada Supreme Court Access to Justice Commission
  – Officially appointed member, February 10, 2022
  – Member, Sub-committee on Sealed Cases, 2023 – current
- Appellate Litigation Section, State Bar of Nevada
  – Chair, Sub-committee on Specialization, 2026
  – Member, Sub-committee on Specialization, 2023 – current
  – Member, Sub-committee on Testing for Civil Practitioners, 2023 – current
  – Member-At-Large, Executive Board, 2024 – 2025

Publications and Presentations

- Presenter, "Shareholder Derivative Litigation," Business Court Bench-Bar Meeting, Eighth Judicial District Court, August 27, 2026
- Quoted, "After Tense Terms, Hints Of High Court Harmony With Circuits," *Law360*, July 7, 2026
- Quoted, "Nevada police claim millions in seized property every year. A lawsuit wants big changes," *The Nevada Independent*, July 2, 2026
- Quoted, "The Topics Appellate Attorneys Are Tracking Most Closely In 2026," *Law360*, January 5, 2026
- Quoted, "Circuit-By-Circuit Guide to 2025's Most Memorable Moments," *Law360*, December 18, 2025

- Feature Case Profile, "Metro froze a Florida man's bank account and took $57K. Were his rights violated?", *The Nevada Independent*, August 15, 2025
- Presenter, "The Weight of the Moment," remarks at State Bar of Nevada Admission Ceremony, May 16, 2025
- Author, "Offers of Judgment — A Powerful Settlement Tool that Requires Attention to Detail," *Communiqué,* Clark County Bar Association's official publication, April 2025
- Author, "Nevada Supreme Court Docket includes Fees and Costs Recovery in Constitutional Rights Cases," *Communiqué,* Clark County Bar Association's official publication, November 2024
- Feature Case Profile, "Nevada Supreme Court won't rule on civil forfeiture challenge after settlement," *The Nevada Independent*, January 22, 2024
- Author, "Gaining Valuable Experience Through Pro Bono," *Communiqué*, Clark County Bar Association's official publication, December 2023
- Panel Presenter, "Pro Bono Work in the Private Sector," hosted by the Public Interest Law Association at the William S. Boyd School of Law, October 26, 2023
- Feature Case Profile, "The government took their home. Now, a family's lawsuit may change Nevada's forfeiture system," *The Nevada Independent*, September 10, 2023
- Feature Case Profile, "Attorneys work to take the 'Civil' out of Civil Forfeiture," *Law360 Access to Justice*, March 11, 2023
- Feature Case Profile, "Nevada lawyer seeks to upend state's forfeiture laws," *Reuters Daily Docket*, Jan. 20, 2023
- Author, "Algorithms and Conscious Parallelism: Why Current Antitrust Doctrine is Prepared for the Twenty-First Century Challenges Posed by Dynamic Pricing," 23 TUL. J. TECH & INTELL. PROP. 1 (2021)
- Author, "Why Calls for Shifting to Brandeisian Economic Theory are Flawed: An Evaluation of the U.S. and European Union's Approach to Vertical Mergers," 54 U. RICH. L. REV. 1 (2021)
- Author, "Richmond Law Students Assists Veterans in Need," FEDERAL CIRCUIT BAR ASSOCIATION BENCH & BAR: PRO BONO DIGEST (Mar. 2019)
- Author, "Transparency or Loopholes? Target Locations, FISA Warrants, and Reasonable Belief," 16 DARTMOUTH L. J. 1, 6 (2018)