



## John Fortin, Associate

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### Areas of Practice

Appellate

Commercial & Complex Litigation

### 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
- J.D., University of Richmond School of Law, *magna cum laude* (The Order of Barristers, Manuscripts Editor *University of Richmond Law Review*)
- B.A., American Military University

John Fortin is a member of the Commercial & Complex Litigation Practice and the Appellate Practice. As a former law clerk to the Honorable Chief Justice James Hardesty of the Nevada Supreme Court, he brings a unique background, with keen insights into the judiciary, that he leverages for each of his clients. Mr. Fortin focuses his expertise on business litigation at the trial and appellate levels. He has experience in both defending and prosecuting complex commercial litigation issues that face corporations such as breach of fiduciary duty violations and shareholder derivative lawsuits. Mr. Fortin has similarly guided corporate boards through difficult breaches of contract and intellectual property disputes. He 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. 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 high-stakes litigation and calls on his experiences to achieve success for his clients.

Some examples include when a foreign corporation had been unnecessarily haled into Nevada in litigation that had nothing to do with the State, Mr. Fortin argued as much to the district court, obtained a dismissal, and then defended against and obtained a complete affirmance before the Nevada Supreme Court. See *McGuire Holdings Ltd., v. Betfred Int'l Holdings Ltd.*, Case No. 83638. Mr. Fortin likewise 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 extensive 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 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. He has a broad range of experience assisting individuals and entities navigate difficult regulatory issues with the federal government through Administrative Procedure Act ("APA") matters while he has also litigated when his clients' rights had been violated in local zoning matters. Mr. Fortin has similarly worked with and for homeowners to ensure they may enjoy their property and avoid costly entanglements with their HOAs.

Mr. Fortin believes it is his duty to give back to the community. Following a decade of service on active duty in the U.S. Navy as a cryptologist and information warfare specialist, he now serves Nevada in any way he can. Mr. Fortin has been appointed by the Nevada Supreme Court to the Access to Justice Commission, to help facilitate greater public access to the court system for those in need. Mr. Fortin mentors UNLV Law Students through the Legal Aid Center of Southern Nevada's ("LACSN") Partners in Pro Bono Program. He similarly leverages his litigation and appellate experience in pro bono matters.

For example, 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 I, Section 18 (Nevada's search and seizure protection), an individual may obtain monetary damages for the violation.

Mr. Fortin has similarly argued before the Nevada Supreme Court as part of the Court's pro bono appellate program. In another civil forfeiture matter, his hard work led to a complete reversal and remand for his client, *In re 3587 Desatoya Drive*, Case No. 80194 (Oct. 15, 2021).

After prevailing before the Nevada Supreme Court, Mr. Fortin returned to the district court and began defending against the government's desire to forfeit his clients' home. Because the issues presented, Mr. Fortin likewise launched counterclaims against the government to remedy the significant damages inflicted on his clients' rights and their property. He additionally filed a Petition for Writ of Prohibition and Writ of Mandamus as Mr. Fortin's clients challenged the constitutionality of Nevada's civil forfeiture program arguing the law violated Nevada's double jeopardy protection. See *Fred v. First Judicial District Ct.*, Case No. 85590. The Nevada Supreme Court set a briefing schedule, and this matter remains ongoing.

## Awards and Recognition

- *Nevada Business Magazine* – “Legal Elite/Best Up & Coming Attorneys” and “Legal Elite/Top Rank Attorneys” (2023)
- *Vegas Inc* – “Top Lawyers” in Civil Rights (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

## Publications

- Feature Article Interview, “The government took their home. Now, a family’s lawsuit may change Nevada’s forfeiture system,” *The Nevada Independent*, September 10, 2023
- Feature Article Interview, “Attorneys work to take the ‘Civil’ out of Civil Forfeiture,” *Law360 Access to Justice*, March 11, 2023
- Feature Article Interview, “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 United States 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)

## Pro Bono and Community Service

- Access to Justice Commission, Nevada Young Lawyers Association’s member
- Legal Aid Center of Southern Nevada 300 Hours Club (2022)
- Legal Aid Center of Southern Nevada 300 Hours Club (2021)

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