Holland & Hart



Abraham Smith

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Abe is one of Nevada's go-to appellate lawyers. When the stakes are high, clients and trial teams seek Abe's expertise.

Abe handles complex, high-profile litigation and appeals, such as those involving issues of first impression or procedural complications. He has appeared in more than 200 appeals and has argued before the Nevada Supreme Court, the Nevada Court of Appeals, and the Ninth Circuit Court of Appeals, resulting in more than 30 published opinions.

Abe has a reputation for excellence, civility, and fluency in appellate procedure. Because Nevada's jurisprudence is underdeveloped, Abe understands that existing precedent may not provide easy answers; he excels at crafting creative arguments persuasive for their own merits.

Abe collaborates with trial counsel at every phase—from the complaint through post-judgment motions—to maximize success in the district court while proactively creating, framing, and preserving issues for appeal.

Abe also takes seriously the privilege of serving those who cannot afford representation. Working closely with the Legal Aid Center of Southern Nevada, Abe has supported dozens of indigent Nevadans in complex appeals.

Before joining Holland & Hart, Abe was a partner at Lewis Roca.

CLIENT RESULTS

Appellate Experience

H&H Pharmaceuticals, LLC v. Chattem Chemicals, Inc, 2024 WL 1734134 (9th Cir. Apr. 23, 2024):
Complaint need not expressly identify Uniform Trade Secrets Act to state claim for misappropriation of trade secrets. Summary judgment vacated in part.

Starr Surplus Lines Insurance Co. v. Eighth Judicial District Court, 535 P.3d 254 (Nev. 2023)
Presence of coronavirus on property surface does not constitute "loss or damage" for all-risks commercial-property insurance policy. Writ of mandamus granted.

Valley Health Systems, LLC v. Murray, 533 P.3d 1040 (Nev. 2023)
Chief justice can constitutionally appoint senior justices to replace disqualified justices. Objection to senior-justice assignments overruled.

PRACTICES

Business Litigation
Appellate

INDUSTRIES

Cannabis and Psychedelics
Construction and Development
Healthcare

EDUCATION

Duke University School of Law, J.D., LL.M., International and Comparative Law, 2013
magna cum laude
Order of the Coif

Indiana University Jacobs School of Music, B.M., 2010
With high distinction and honors

BAR ADMISSIONS

Nevada

COURT ADMISSIONS

Supreme Court of Nevada
Nevada Court of Appeals
U.S. Court of Appeals for the Ninth Circuit

Nalder v. Lewis, 533 P.3d 1054 (Nev. Aug. 18, 2023) (unpublished):
Ninth Circuit judgment precluded claims that an expired judgment had been tolled. Judgment affirmed.

Nelson v. Burr, 521 P.3d 1207 (Nev. 2022)
Malpractice claims arising from estate planning are transactional, so the statute of limitations is not tolled during litigation over the estate plan. Petition for review granted, court of appeals' decision vacated.

Canarelli v. Eighth Judicial District Court, 506 P.3d 334 (Nev. 2022)
To disqualify a judge for information learned during the exercise of her duties must show that the judge has formed an opinion displaying "deep-seated favoritism or antagonism" toward that party. Writ of mandamus granted.

Republic Silver State Disposal, Inc. v. Cash, 478 P.3d 362 (Nev. 2020)
A settling tortfeasor may claim contribution against a doctor who created new injuries in treating injuries caused by the settling tortfeasor. Summary judgment for defendant reversed.

Pro Bono Appeals

In re Parental Rights as to G.R.S., ___ P.3d ___ (Nev. Jan. 22, 2024) (unpublished)
Past substance abuse alone does not make a parent unfit. Judgment terminating parental rights reversed.

In re Parental Rights as to L.L.S., 487 P.3d 791 (Nev. 2021)
Due process requires a trial for the termination of parental rights to be heard before a district judge, not a hearing master. Judgment terminating parental rights reversed.

Paulos v. FCH1, LLC, 456 P.3d 589 (Nev. 2020)
Where a federal district-court decision addressed both prongs of qualified immunity but the Ninth Circuit affirmed on just one prong, the judgment was not preclusive as to the other prong. Summary judgment for defendants reversed.

Foley v. Foley, 432 P.3d 736 (Nev. Dec. 21, 2018) (unpublished)
Contempt proceedings violated due process rights where district court incarcerated indigent parent without determining the parent's ability to pay an amount to purge the contempt. Judgment of contempt vacated in part.

SPEAKING ENGAGEMENTS

"Nevada Supreme Court Case Review," *State Bar of Nevada Annual Bar Conference, Appellate Litigation Section*, June 13, 2025

RECOGNITION

- *Best Lawyers: Ones to Watch® in America*, Appellate Practice, 2021-2025, 2027
- Mountain States Super Lawyers®, Appellate, 2025, 2026
- Mountain States Super Lawyers®, Rising Star, Appellate, 2020-

2023

- Vegas Inc., Top Lawyers, Appellate, 2021-2024
- US Court of Appeals for the Ninth Circuit, John P. Frank Award, 2019
- Legal Aid Center of Southern Nevada, Award of Excellence, 2018

PROFESSIONAL AND CIVIC AFFILIATIONS

- Commission on Nevada Rules of Appellate Procedure, 2021-2024, chair of three subcommittees