



COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

MARCH 2020

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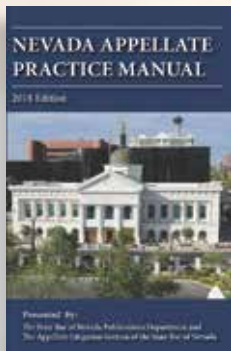
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BOOKS FROM THE BAR

The State Bar of Nevada has several reference publications available to meet the needs of Nevada attorneys, from comprehensive guides to compilations of templates in a variety of practice areas.



Nevada Appellate Practice Manual – 2018 EDITION

The 2018 edition has been painstakingly edited by experts in appellate practice and reflects all recent changes in the law as well as the most up-to-date procedures for practicing in Nevada's appellate courts. Some topics covered include: initiating an appeal, jurisdiction, settlement, criminal appeals, fast-track child custody, oral arguments and record preparation...in addition to many others.



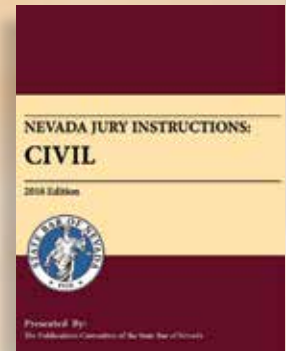
Nevada Gaming Law Practice and Procedure Manual

Written by attorneys with decades of experience in the practice of gaming law, this reference manual includes 18 chapters covering topics such as licensing, financing, gaming devices, race and sports books, compliance reporting requirements, interactive gaming and much more.



Contract Templates for Nevada Attorneys

This publication provides lawyers with a large selection of form contracts drafted for a wide variety of transactions, with specific regard to the laws of Nevada. The customizable forms are designed as a starting point for practitioners to craft custom agreements for use in commercial and residential purchases and leases, employment, intellectual property, deeds and cyber law...to name a few.



Nevada Jury Instructions: Civil - 2018 EDITION

Nevada Jury Instructions: Civil provides attorneys participating in civil jury trials in Nevada with downloadable sample jury instructions in an easy-to-use format. The language in each template has been adapted from documents actually used in trial with an eye to being as party-neutral as possible. The book includes subjects such as: contractual relationships, employment law, evidence, experts, intentional torts, fiduciary relationships, personal injury damages, eminent domain and more!

We've Got More!

The state bar's online store includes additional titles of interest to attorneys practicing in Nevada, such as Nevada Business Entities, Succession Planning in Nevada and the Guide to the Tribal Courts of the Inter-Tribal Council of Nevada.

To see all of the current titles available, visit:
www.nvbar.org > Publications > State Bar Publications





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Authors Lauren Calvert, Marshal Willick, and Caleb Green demonstrate a mock exhibit in the mock trial courtroom at The Robert T. Eglet Advocacy Center.

Specialty Bar Leadership Development Program

By Mariteresa Rivera-Rogers

The State Bar of Nevada convened a meeting of leaders of specialty bars in January. Those represented at the meeting, along with the Clark County Bar Association, were: the Southern Nevada



Association of Women Attorneys (SNAWA); Latino Bar Association (LBA); Las Vegas Chapter of the National Bar Association (LVNBA); Nevada Attorneys for Criminal Justice (NACJ); Nevada Justice Association (NJA); and, via video conference, some of the specialty bars in northern Nevada. State Bar President Paul Matteoni offered a welcome and gave the State Bar of Nevada report. President-Elect Eric Dobberstein presented the goals and objectives of the session and the State Bar of Nevada's *Strategic Plan 2020-2022*. Also in attendance from the State Bar of Nevada Board of Governor member Kari Stephens, executive director Kim Farmer, and select staff members.

Attendees were able to connect with colleagues from other bars, share ideas and experiences, expand our professional contacts, and learn about the state bar. The State Bar of Nevada's goals deal with trying to improve the health and well-being of its members, the regulatory system for discipline, and expand member benefits. The efforts of the bar to reach out to us to offer its assistance, with whatever our needs may be, are

Bar activity - Let's march together!

A Salute to Women's Suffrage Parade

Saturday, May 2, 2020

Please join Mariteresa and march behind the CCBA's banner at this special "Law Day" event. For more information, see page 9.

to be appreciated. Its recognition of the importance of these organizations and their membership to the overall well-being of the bar was refreshing, and getting us all together was very enlightening, as each one of the leaders present offered a summary of their organization's mission, goals, and current activities hosted by the specialty bar. The diversity of our Nevada bar was obvious among the participants and we found we have more things in common than we thought. We were reminded of the State Bar of Nevada's benefits, such as Fastcase, health insurance, access to the ethics hotline, available space for meetings, depositions, and such, and announcements for our activities.

The local specialty bars play an important role in our profession. The State Bar of Nevada covers the big picture and it is a mandatory membership. Our local bars seek to help all those similarly situated, and you join to mix and mingle with your colleagues and judges. Speaking of which, make sure you save the date for the CCBA's Judge's Mixer on May 7, 2020, at the Smith Center for the Performing Arts. **©**

Mariteresa Rivera-Rogers is an associate at the Las Vegas criminal defense firm Wright Marsh & Levy. Her areas of practice include criminal law and juvenile law. She is fluent in Spanish, and both the federal and state courts recognize her as a certified court interpreter. Her spirit of community and professional service has also led to involvement with the Latino Bar Association, Southern Nevada Association of Women Attorneys, Clark County Law Foundation, and Nevada Supreme Court Task Force on Racial and Economic Bias. Mariteresa serves as president of the Clark County Bar Association through December 2020.





The Clark County Bar Association (CCBA) presents

40 YEAR CLUB

INDUCTION CEREMONY & LUNCHEON

Celebrating CCBA members admitted to practice law in Nevada for 40, 45, 50, & 55 years.

Master of Ceremonies: **Dan Polsenberg** of Lewis Roca Rothgerber Christie LLP

Inductees (Admitted 1980):

Bruce Dickinson of Stephenson & Dickinson, PC

Frank Ellis, III of Holley, Driggs, Walch, Fine, Puzey, Stein & Thompson

Judge Carolyn Ellsworth of Eighth Judicial District Court - Dept. 5

U.S. Magistrate Judge Cam Ferenbach of U.S. District Court (Nevada)

Chief Judge Michael Gibbons of Nevada Court of Appeals

Jodi Goodheart of Greenberg Traurig, LLP

Richard Harris of Richard Harris Law Firm

Stephen Kent of Kent Law

Ishi Kunin of Kunin Law Group

Mark Lerner of Mark Lerner Law LLC

John Muije of John W. Muije & Associates

W. Randolph Patton of Thorndal Armstrong Delk Balkenbush & Eisinger

Michael Pescetta

Gary Schnitzer of Kravitz Schnitzer & Johnson, Chtd.

Don Springmeyer of Wolf Rifkin Shapiro Schulman & Rabkin, LLP

Arnold Weinstock of Law Office of Dan M. Winder, P.C.

Kenneth Woloson of Kenneth A. Woloson Law Office, PLLC

Honorees (Admitted 1975):

Robert Apple of Advanced Resolution Management

Peter Bernhard of Kaempfer Crowell

Andrew Brignone of Brownstein Hyatt Farber Schreck, LLP

Michael Buckley of Fennemore Craig

Chief Justice Mark Gibbons of Supreme Court of Nevada

Justice James Hardesty of Supreme Court of Nevada

Samuel Harding of Claggett and Sykes Law Firm

John Hall Howard, Jr. of John Hall Howard, Jr., Ltd.

Dennis Kennedy of Bailey Kennedy

Richard Koch of Koch & Brim LLP

Kirk Lenhard of Brownstein Hyatt Farber Schreck, LLP

Charles McCrea of Hejmanowski & McCrea

Steven Parsons of Law Offices of Steven J. Parsons

Honorees (Admitted 1970):

Jay Brown of Jay H. Brown, Ltd.

(Ret) Justice Michael Cherry of Advanced Resolution Management

Gerald Gillock of Gerald I. Gillock & Associates

Senior U.S. District Judge Roger Hunt of U.S. District Court (Nevada)

R. Gardner Jolley of Jolley Urga Wirth Woodbury & Standish

(Ret) Judge Lawrence Leavitt of JAMS

William Urga of Jolley Urga Woodbury Holthus & Rose

Bruce Woodbury of Jolley Urga Woodbury Holthus & Rose

Honorees (Admitted 1965):

James Bilbray of Kaempfer Crowell

Sponsored by



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Join us at lunch!

When: Thursday, March 5, 2020
Check-in & Networking: 11:30 a.m.
Luncheon: 12:00-1:30 p.m.

Where: The Smith Center for the Performing Arts, Upper Lobby, 5th Floor, 361 Symphony Park Avenue, Las Vegas. Complimentary valet or complimentary golf cart shuttle available (self-parking fees not included)

Entrée options:

- Pan roasted chicken breast
- Vegetable tower

Attendance fee/per person:

- \$FREE/Inductee*
- \$55/Honoree*
- \$60/CCBA member
- \$75/Non-member

RSVP Deadline: 2/20/2020

Submit RSVP and payment to:

Clark County Bar Association
717 S. 8th Street, Las Vegas, NV,
89101. P: 702-387-6011. F: (702)
387-7867.

Note: To guarantee seating, all reservations MUST be received by the CCBA at least 72 hours prior to the event.

**CCBA membership is required to be recognized as an Inductee or Honoree of the CCBA 40 Year Club.*



Elect Stephanie Charter for
Family Court Judge Dept Y

Leavitt Legal
Services, P.C.

CCBA New Lawyers Committee Presents

2nd Annual After Taxes Pub Crawl in the Las Vegas Downtown Arts District Thursday, April 16, 2020

Pop in – hop out at any of the locations during the times listed below:
6 p.m. to 6:30 p.m. – Cornish Pasty Co. (complimentary pasties included)
6:45 p.m. to 7:15 p.m. – Jammyland
7:30 p.m. to 8 p.m. – Hop Nuts Brewing
8:15 p.m. to 8:45 p.m. – Velveteen Rabbit
9:00 p.m. to 9:30 p.m. – ReBar

Featuring complimentary drink tickets available at each venue (while supplies last) for members of the Clark County Bar Association. No minors allowed. Enjoy responsibly. For more information, contact CCBA at 702-387-6011



VOLUNTEERS NEEDED TO JUDGE THE COMPETITION

*Judging the competition
qualifies as pro bono service!*

For more information and to volunteer, contact the CCBA New Lawyers Committee Co-Chair Andrew Coates at andrew@thegvlg.com.

Event Sponsors:

**Clark County Bar Association
Society of Advocates**



Moot Court Competition

The Clark County Bar Association is recruiting Nevada attorneys and judges to volunteer at the William S. Boyd School of Law's 22nd Annual Moot Court Competition scheduled for April 17 and 18, 2020.

Event schedule (tentative):

Friday, April 17, 2020:

William S. Boyd School of Law at UNLV
4505 South Maryland Parkway in Las Vegas, Nevada
5:30 p.m. - 10 p.m. – Preliminary rounds - *Volunteers needed*

Saturday, April 18, 2020:

William S. Boyd School of Law at UNLV
4505 South Maryland Parkway in Las Vegas, Nevada
9 a.m. - 12 p.m. – Semi-final rounds - *Volunteers needed*

All members of the Nevada bar and bench are invited to participate. To qualify to judge at the moot court competitions, the volunteer must be at least a law school graduate. Volunteers will be provided with instructions and materials regarding the competition(s) as the date approaches.



Bar Services

Picture Day

When & Where:

Tuesday, March 24, 2020

9:30 a.m. to 2 p.m. only

Clark County Bar, 717 S. 8th Street, Las Vegas

What:

Sit for a professional portrait (with no sitting fee) from Portraits to You. Dress for success. Drop-ins are welcome. Update your professional image.

Special offer:

CCBA members to be offered a special price to purchase images directly from the photographer. Special offer will be available at the time and location of this event only.

For more info, visit <https://www.clarkcountybar.org/membership/membership-benefits/>.

Contact:

Steph at CCBA, (702) 387-6011, StephanieAbbott@clarkcountybar.org.

Bar Activities

Annual Award of Judicial Excellence

The Clark County Bar Association is accepting nominations for the 2020 Annual Judicial Award of Excellence. The award will be presented at the 30th Annual Meet Your Judges Mixer, Thursday, May 7, 2020, to be held at The Smith Center for the Performing Arts. For more information about the award, see page 12.

Bar Committee Meetings

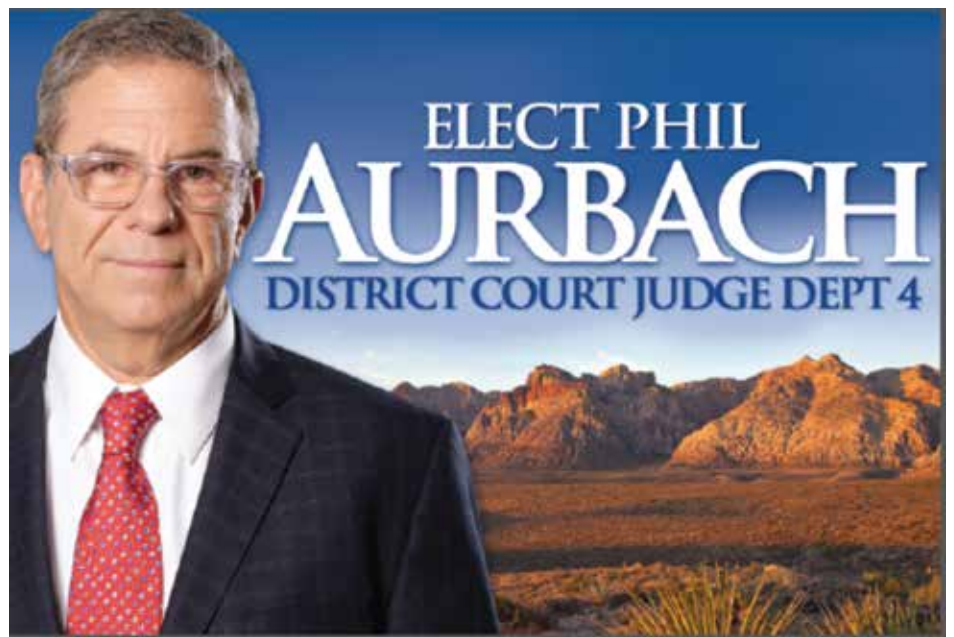
CCBA members are invited to volunteer to help plan activities and services for CCBA members. Plan-

ning committee meetings will be held in March 2020 as follows:

- **Community Service Committee:** Friday, March 6
- **Continuing Legal Education Committee:** Friday, March 13
- **New Lawyers Committee:** Thursday, March 12
- **Publications Committee:** Tuesday, March 3

To RSVP to attend a meeting, CCBA members should contact the CCBA office at (702) 387-6011. For more information about each of these planning committees, see <https://www.clarkcountybar.org/committees/>.

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You Be The Judge

- * Over 40 years practicing law in Las Vegas
- * Extensive litigation, arbitration & mediation skills
- * Dedicated to fast, fair & economical case resolution

Paid for and approved by Phil Aurbach, 10001 Park Run Dr, Las Vegas, NV 89145
philaurbachforjudge.com 702-942-2155



COMMUNIQUE

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Stephanie Abbott

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Communiqué accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and advertisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association. All legal and other issues discussed are not for the purpose of answering specific legal questions. Attorneys and others are strongly advised to independently research all issues.

Editorial Calendar

Cover date	Issue topic
January 2020	Five Things
February 2020	Labor & Employment
March 2020	Technology in Law Practice
April 2020	Cannabis Law
May 2020	Sports & Entertainment Law
June/July 2020*	Mental Health
August 2020	Family Law
September 2020	Appellate Practice
October 2020	Local Courts
November 2020	Administrative Law
December 2020	Pro Bono

*The June/July issue is published in June. There is no publication released in July. The editorial calendar may change without notice at any time.

Space reservations are encouraged at least two months in advance. Space is limited with placement only guaranteed to paid advertisements. The deadline for submission of all content is 30 days prior the first day of the desired month of publication.

Communiqué will not publish self-serving articles promoting a specific named product or services of an individual or firm.

Article Opportunities

To write an article for publication, send a proposal to the Clark County Bar Association, Attn: Editor-in-Chief, via e-mail to StephanieAbbott@clarkcountybar.org. Proposals should include the following information:

- Author(s) name(s) and Nevada bar #(s)
- Summary paragraph providing the focus and scope for the article (include relevant rules/statutes/procedures, etc.)
- Proposed issue for placement (see editorial calendar above)

All proposals and articles submitted will be considered for publication. However, *Communiqué* will not publish self-serving articles promoting a specific named product or services of an individual or firm. Articles must be on topic and original, unpublished works. Preference will be given to articles written by attorney members of the CCBA.

Advertising Opportunities

Space is available for paid announcements of professional achievements, goods, and services. Rates, policies, and specifications are available upon request. Contact the Clark County Bar Association to confirm availability of placement, graphic design services, and discounts.



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Bar Luncheons

On March 5, 2020, CCBA President Mariteresa Rivera-Rogers will host the CCBA's "40 Year Club Luncheon & Induction Ceremony," sponsored by Bank of Nevada, First Legal, Peak IT Group, at the Smith Center for the Performing Arts in downtown Las Vegas. For more information, see page 5.

Law Day Activities

CCBA's Community Service Committee is planning two activities for members' participation in honor of Law Day to be held on Friday, May 1 and Saturday, May 2, 2020.

On Friday, May 1, 2020, women judges and attorneys are being invited to speak (as members of a panel) to local high school students in a classroom setting about the 19th Amendment and its impact, to discuss their personal experiences (including challenges and rewards) as women in the legal profession, and to field and respond to questions from the students. Speakers will make their presentations at Veterans Tribute Career and Technical Academy, a Title 1 magnet school located within a short 15 minute drive from downtown Las Vegas at 2531 Vegas Drive (between North Martin Luther King Blvd. and North Rancho Dr.). Participation as a speaker will be limited. To volunteer to be a speaker, interested CCBA members should contact Steph Abbott at (702) 387-6011, StephanieAbbott@clarkcountybar.org or CCBA Community Service Committee Chair Paul Lal at plal@bsflp.com.

On Saturday, May 2, 2020, the

committee will march as a group in "A Salute to Women's Suffrage Parade" in Henderson.

For more information, see informational box at right.

Meet Your Judges Mixer

On Thursday, May 7, 2020, the CCBA will hold the 30th Annual Meet Your Judges Mixer at the Smith Center for the Performing Arts. This will be a ticketed event with tickets available only from the CCBA. For more information about the event, see pages 11-12.

Moot Court Competition

On Thursday, Friday, and Saturday, April 16, 17, and 18, 2020, the 22nd Annual Moot Court Competition will be held at William S. Boyd School of Law. The CCBA New Lawyers Committee is recruiting volunteers to judge the law students' performances during the preliminary and semi-final rounds of the competition. For more information about the event, see page 6.

Picture Day

On Thursday, March 24, 2020, the CCBA will hold Picture Day at the Clark County Bar offices. For more information about the event, see page 7.

Pub Crawl

On Thursday, April 16, 2020, the CCBA New Lawyers Committee will host the CCBA Pub Crawl in the Las Vegas Arts District. For more information, see page 6.



Bar Activity

Let's march together!

A Salute to Women's Suffrage Parade

Saturday, May 2, 2020

- Parade staging area will begin at Atlantic Avenue and Water Street in Henderson, Nevada.
- Line up starts at 8:00 a.m.
- Entries to be staged in their designated space by 9 a.m.
- Parade will start promptly at 10 a.m.

The Clark County Bar's Community Service Committee invites members of the CCBA to join in the parade and to march together as a group behind the CCBA's banner. All members are invited to participate, however, CCBA asks for interested members to RSVP to the CCBA office by May 1, 2020.

Contact:

Steph Abbott at (702) 387-6011, StephanieAbbott@clarkcountybar.org.

Member Moves

Thanks to the following people who submitted updated profile information with the Clark County Bar Association (CCBA). For the attorneys, we have included their listings for areas of practice (AOP) on record at CCBA.*

Peter Angulo is now with Mountain Vista Law Group, 5545 S. Mountain Vista Street, Suite F, Las Vegas, Nevada, 89120. Phone: (702) 384-8000.

Akke Levin may be reached at Office of the Attorney General, 555 E. Washington Ave., Suite 3900, Las Vegas, Nevada, 89101. Phone: (702) 486-8727.

Jeff Rodefer may be reached at 1894 E. William Street, Suite 4-230, Carson City, Nevada, 89701.

Eric Walther may be reached at Brownstein Hyatt Farber Schreck, 100 N. City Pkwy, Suite 1600, Las Vegas, Nevada, 89106. Phone: (702) 464-7062.

Brenoch Wirthlin, is now with Kolesar & Leatham, (702) 362-7800. AOP: Arbitration & Mediation, Business Litigation, Construction Law.

Rachel Wise is now at Wilson Elser Moskowitz Edelman & Dickler LLP, 300 South 4th Street, 11th Floor, Las Vegas, Nevada, 89101. Phone: (702) 727-1369.

New Members

Welcome to the following people who recently joined the CCBA, listed with their CCBA member type, phone number, and, if they are also a member of the State Bar of Nevada, their selections for areas of practice (AOP).

Jordan Doctors, a New Attorney Member from Southern Nevada Senior Law Program. Phone: (702) 229-6596. AOP: Administrative & Agency Matters, Consumer Claims & Protection, Elder Law.

Yvette Chevalier Lopez, an Attorney Member from Committee to Elect Yvette Chevalier. Phone: (702) 544-0085. AOP: Business Litigation, Child Welfare, Domestic Relations & Family Law.

*Member updates requested. Please submit updates regarding member information to CCBA, 717 S. 8th Street, Las Vegas, Nevada, 89101 or StephanieAbbott@clark-countybar.org. Areas of Practice (AOP) listings do not reflect a certified legal specialization in the area listed and are subject to change at any time without notice.



Bar Services

CLE Speakers Sought

The Clark County Bar's CLE Committee seeks Nevada lawyers to volunteer to develop and/or present CLE programming for the benefit of Nevada lawyers at live events to be produced and marketed by the CCBA. The live events are often recorded and made available to download upon request. Live and recorded seminars are made available to attend by Nevada lawyers and their legal support staff for a fee to benefit the CCBA. CCBA members may attend live CLE seminars at a reduced fee. The CCBA is an Accredited Provider with the Nevada Board of Continuing Legal Education.

To volunteer to speak at a CCBA CLE event, CCBA members may submit proposals to the CCBA CLE Committee, c/o Donna Wiessner at the Clark County Bar Association.

Contact:

Donna Wiessner, donnaw@clarkcountybar.org, (702) 387-6011.



About CCBA's Meet Your Judges Mixer

This annual event is open to attendance by Nevada's judges, attorneys, legal assistants, legal secretaries, law students, merchants, and candidates. This is a private cocktail reception; no minors allowed. Business casual attire acceptable.

This will be a ticketed event. No ticket, no entry, no exceptions.

Order tickets from CCBA using the event registration form available from the CCBA. Ticket RSVP Deadline: 4/16/2020.

Sponsorship opportunities available.

For more information, contact the Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV, 89101. Phone: 702-387-6011.



30th Annual **MEET YOUR JUDGES MIXER**

Thursday, May 7, 2020

5:30-8:30 p.m.

The Smith Center for the Performing Arts, Grand Lobby
Featuring Hors d'oeuvres • Drink ticket • Silent auction •
Valet • Golf cart shuttle service for self parking
Sponsorship opportunities available

Premier Sponsors



Law Firm Sponsors

Holley Driggs

McDonald Carano

Candidate Sponsors

Jason P. Stoffel - Candidate for Family Court Judge Dept. T



For more information, see page 12



Clark County Bar Association's 30th Annual

MEET YOUR JUDGES MIXER

Thursday, May 7, 2020 • 5:30-8:30 p.m.

The Smith Center for the Performing Arts, 361 Symphony Park Avenue, Las Vegas
Featuring Hors d'oeuvres • Drink ticket • Silent auction • Valet parking



Event registration form

Order Individual tickets or sponsor package

Individual tickets:

\$55/CCBA member; \$85/non-member; or FREE for Nevada's local, state, and federal judges with RSVP by deadline. (Judges: enter "\$0" in \$ field on ticket order form) and register their guest(s) at CCBA member rate.)

Names of guests to attend event:

Name: _____ Bar# _____ \$ _____

Name: _____ Bar# _____ \$ _____

Sponsorship packages:

"Law Firm" Sponsor Package @ \$600 each includes 4 tickets to event, 1/4 page, 4-color display ad in CCBA's magazine, *COMMUNIQUE*.

"Patron" Sponsor Package @ \$1,300 each includes 1 display table* at event, 5 tickets to event, 1/2 page, 4-color display ad in CCBA's magazine, *COMMUNIQUE*. (*In lieu of a display table, law firms may receive 5 additional admission tickets.)

Note: More sponsor package options available. See clarkcountybar.org.

Sponsor Name: _____

Ticket delivery – Select for pick-up at will call table at event or provide a business address in Las Vegas for SIGNATURE RECEIPT between 4/1/2020 and 4/16/2020:

Pick up at will call table at event

Delivery to: Attn: _____

Firm/Co: _____

Address: _____

City, State, Zip: _____

Total amount enclosed \$ _____

Type of payment enclosed: Check/Money Order Credit Card

I authorize the CCBA to charge my: MC VISA AMEX

Name of card holder: _____

Credit Card #: _____

Expiration date: _____ Phone #: _____

Authorized Signature: _____

E-mail receipt to: _____

Submit registration information and payment to:

Clark County Bar Association

717 S. 8th Street

Las Vegas, Nevada, 89101

Phone: (702) 387-6011

Fax: (702) 387-7867

Event ticket notes

Register for event tickets and sponsor packages using this form or the online form via ClarkCountyBar.org.

Ticket RSVP Deadline:
4/16/2020.

Ticket orders received BEFORE April 16, 2020 will be filled and delivered to purchaser. The Clark County Bar Association is not responsible for lost or stolen tickets.

Ticket orders made AFTER April 16, 2020 will be held for pick up at the event's "will call" registration table. An additional \$15 fee will be charged upon check-in at the event for people who do not register by April 16, 2020. **FINAL DATE TO RSVP WITH PAYMENT IS MAY 5, 2020.**

Cancellation & refund policy. Cancellations must be submitted in writing and include the return of event tickets are due to CCBA by April 16, 2020, to receive a refund of the registration fee less a \$15 processing fee. No refunds will be issued after April 16, 2020.



2020 Annual Judicial Award of Excellence Nomination Information

The Annual Award of Judicial Excellence honors an individual who has demonstrated judicial excellence through his or her service and commitment to the judiciary and the legal community in Clark County.

The Clark County Bar Association is accepting nominations for the 2020 Annual Judicial Award of Excellence. The award will be presented at the 30th Annual Meet Your Judges Mixer, Thursday, May 7, 2020, to be held at The Smith Center for the Performing Arts.

The recipient is a past or present member of the judiciary who enhances, or has enhanced, the reputation and function of the judiciary by demonstrating judicial excellence, fostering access to justice, improving judicial efficiency and economy, and developing the quality and comradery of the bar through service to the legal community.

Nomination criteria:

- Demonstrates judicial excellence through conduct upholding the rule of law and the impartial administration of justice
- Fosters access to justice through formal or informal programs or other contributions
- Leads process improvements that advance judicial efficiency or economy
- Develops the quality and comradery of the bar through service to the legal community in Clark County, Nevada.

Nominations must include:

- First and last name
- Address
- Phone number
- A brief description of the nominee and how he or she meets the criteria mentioned above. In your description, make sure to include any organizations this person is currently involved in and specific contributions that demonstrate the nomination criteria.

Submit nominations by Friday, March 20, 2020 to:

prez@clarkcountybar.org
CLARK COUNTY BAR ASSOCIATION
717 South Eighth Street, Las Vegas, NV
Fax (702) 387-7867
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Court News

LVJC Court Order Suspends Certain Local Rules

On January 28, 2020, an order was filed in the administrative matter regarding certain local rules in the Las Vegas Justice Court. See Administrative Order #20-01 (PDF file to download):

As part of the Administrative Order #20-01,

“the following local rules shall be suspended for all cases filed on or after the file date of this Order:

(1) JCRLV 35 (“In Forma Pauperis”);

(2) JCRLV 43 (“In Forma Pauperis Requests in Summary Eviction Cases”); and

(3) JCRLV 48 (“Small Claims Cases”); and

IT IS FURTHER ORDERED that this Administrative Order shall become effective immediately and will remain in effect until formal, related rule changes have been submitted by Las Vegas Justice Court’s Rules Committee and approved by the Nevada Supreme Court.”

Source: Joe Tommasino, Las Vegas Justice Court

US District Conference Set

The next US District Conference will be held in Reno, at the Joe Crowley Student Union on the Campus of UNR, on Tuesday, May 19, 2020. This year’s theme is Hindsight and Vision, celebrating the 100th Anniversary of the Nineteenth Amendment. Other topics will include Supreme Court Review,

the Dark Web Explained, Privacy Rights and the Internet, Substance Abuse, and the traditional breakout sessions. Following the conference will be the FBA Dinner. Look for more information to be posted about the 2020 event at usdistrict-courtconferencenv.com.



Bar Services

Nevada Appellate Court Summaries

Due to space constraints in the printed issues of *Communiqué*, the official publication of the Clark County Bar Association, readers may find installments of the recurring feature, “Nevada Appellate Court Summaries” by Joe Tommasino, Esq., posted on the Clark County Bar’s website at www.clark-countybar.org.

Look for the popular, long format piece to be posted regularly on the site. Search category: Court News, Nevada Appellate Court Summaries. For more information, call CCBA at (702) 387-6011.



Bar Activity

Let’s march together!

A Salute to Women’s Suffrage Parade

Saturday, May 2, 2020

- Parade staging area will begin at Atlantic Avenue and Water Street in Henderson, Nevada.
- Line up starts at 8:00 a.m.
- Entries to be staged in their designated space by 9 a.m.
- Parade will start promptly at 10 a.m.

The Clark County Bar’s Community Service Committee invites members of the CCBA to join in the parade and to march together as a group behind the CCBA’s banner. All members are invited to participate, however, CCBA asks for interested members to RSVP to the CCBA office by 4/30/2020.

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Steph Abbott at (702) 387-6011, StephanieAbbott@clark-countybar.org



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Presiding Over the Las Vegas Justice Court Domestic-Violence Calendars

By Judge Elana Lee Graham and Judge Melisa De La Garza

Because of the unique challenges and circumstances posed by domestic violence, Las Vegas Justice Court has two designated departments that handle only domestic-violence cases. In 2019, between the two Domestic-Violence Courts, the courts heard an average of approximately 600-700 cases a week, including arraignments, status checks, trials, and preliminary hearings. The Domestic-Violence Courts provide a snapshot into the struggles of community members and their families affected by domestic violence. In these cases, the victim witnesses are usually in a relationship with the accused, and emotions are high and run the gamut from scared, to nervous, angry, reluctant, and more. Many of the witnesses are confused about the process and scared about what is going to happen to, in many cases, their boyfriend or girlfriend, husband or wife.

Every morning and afternoon, prosecution and defense attorneys strive to seek the best possible outcome for their respective clients. Many of the cases resolve by the state moving to dismiss the case because they cannot proceed due to lack of victim cooperation. Many other cases are resolved with an agreement for the defendant to complete counseling, perform community service, and/or pay a fine.

The Domestic-Violence courts are some of the busiest and most bustling courtrooms downtown.

The Domestic-Violence Courts are some of the busiest and most bustling courtrooms downtown. In the wake of the *Andersen* decision, some expressed concern for justice court’s ability to conduct jury trials with-

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In 2018, **Elana Lee Graham** was elected to Department 1, and **Melisa De La Garza** was elected to Department 15 of the Las Vegas Justice Court.

in existing infrastructure. See *Andersen v. Eighth Jud. Dist. Ct.*, 135 Nev. Adv. Op. 42, 448 P.3d 1120 (September 12, 2019). However, with a collaborative approach between the justice court, the District Attorney’s Office, the Office of the Public Defender, and contract and private defense counsel, justice court instituted a successful plan to ensure a fair, expedient, and professional jury-trial experience. Justice court was able to set trials within 60 days of issuance of *Andersen. Id.*

Justice court judges, particularly Judges De La Garza and Graham, spent hours in trainings with courtroom clerks, marshals, and other personnel to prepare for jury trials. Justice court administration ensured proper facilities for jurors, and the Information and Technology Department worked to provide the highest level of functioning from the court’s current systems.

Though the prosecution and defense bar are adversaries, each side has worked to ensure the most expedient jury-trial process possible. This has been accomplished through the settling of jury instructions, voir dire questions, and issues relating to discovery and presentation of evidence well before a trial is scheduled to commence.

In whatever form it is manifested, if domestic violence continues at the same rate as statistics indicate has been the case for the past decade, the volume of cases handled by the Domestic-Violence Courts will not decline. According to the Centers for Disease Control and Prevention, 48.1 percent of Nevada women experience intimate-partner physical violence, intimate-partner sexual violence, and/or intimate-partner stalking in their lifetimes. Also, national studies show that the presence of a handgun in a household where domestic violence is occurring will increase the chance of someone being killed by 500 percent. *Nevada Coalition to END Domestic and Sexual Violence; 2018 Annual Report*. Moreover, in 2017, Nevada ranked 4th in the nation for female victims murdered by males. *Violence Policy Center; 2017 Annual Report*.

However, justice court will continue to provide the best possible jury-trial experience for the accused, victims, and other community members affected by domestic violence. **■**

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Phishing in the Desert

By Caleb L. Green

Introduction

Moore's Law provides that the number of transistors on a computer microchip doubles every two years, while the cost of computers decreases by 50 percent in that same time. Established by Gordon Moore—the former CEO of Intel—this observation stands for the proposition that we can expect the speed and capability of our computers to increase every couple of years while paying less for them. Indeed, we have seen Moore's law in action down through the years. Long gone are the days of bulky cell phones and room-sized computers. Nowadays, we have more advanced technology in our pocket than the Apollo 11 spacecraft that made America's first voyage to the moon in 1969.

As a society, we have become more reliant on this technology as it grows faster and more compact over the years. In fact, information technology makes up the backbone of modern businesses, law firms, and government agencies. Consequently, this makes organizations, both large and small, targets for cyber-crimes and attacks. Most organizations rely on various forms of information technology to further their business and operations, including smart devices, personal computers, and cloud-based systems to store consumer data, employee information, valuable intellectual property, and other sensitive information. As a result, hackers view these institutions as a reservoir of valuable information that can be exploited, held for ransom, or sold on the black market.

Notably, in light of the current state of foreign affairs, cyber-attacks are likely to increase. Recently, President Trump ordered an airstrike, killing one of Iran's most powerful generals. The Iranian government has a



A former information technology professional, **Caleb L. Green** is a graduate of the William S. Boyd School of Law, an attorney at Dickinson Wright PLLC, and the Corporate Sponsorship and Fundraising Chair of the Las Vegas Chapter of the National Bar Association.

[C]yberattacks should be viewed as an immediate and urgent challenge for institutions, including Nevada organizations.

well-documented reputation for using cyberattacks on critical infrastructures as a form of terrorism. Iran has attacked and successfully planted malicious malware in significant U.S. infrastructures, including dams. More recently, shortly after the U.S. airstrike, hackers claiming to be affiliated with Iran took over the website of the Federal Depository Library Program—an American government agency—and vandalized it with a defaced image of President Trump. Iran has also demonstrated a destructive appetite for malicious cyber warfare against other countries. For example, Iran hacked key oil workstations across Saudi Arabia in 2012 and 2016, causing damage to over 30,000 computers. Given Iran's track record and the current level of conflict between the U.S. and Iran, U.S. officials are preparing for retaliation in the form of cyber-attacks.

Accordingly, cyberattacks should be viewed as an immediate and urgent challenge for institutions, including Nevada organizations. Nevada organizations and infrastructures are at significant risk from cyber

Phishing continued on page 20

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warfare. As the entertainment capital of the world, Las Vegas, Nevada is a magnet for consumer data. In 2019, the City of Las Vegas welcomed a record of 51.1 million visitors, many of whom shared their personal data through gambling, entertainment services, sports activities, and healthcare, among other activities. Traveler consumer data volume is likely to increase in the coming years with the expansion of sports and entertainment in Southern Nevada, namely the addition of the Las Vegas Raiders and the 2020 NFL draft. As a result, Nevada will remain at high risk for cyber-security attacks as hackers will likely attempt to access the mounting amounts of consumer and personal information our businesses, municipalities, and organizations store.

Phishing Attacks

The leading cause of cyber-attacks worldwide is phishing attacks. Phishing is the use of electronic communications, including phone calls, text messages, and even social media tools, to disguise fraudulent communications as legitimate messages from trusted sources. These attacks seek to acquire sensitive information,

including usernames, passwords, financial metrics, biometric data, intellectual property, and network credentials. Often, the email or message will contain a malware-infected attachment or hyperlink that if opened, will install malicious software on the device and surrender sensitive information. Cyber-attackers couple social engineering schemes with phishing ploys to manipulate users to carry out specific tasks, such as opening the malware-infected attachment, clicking the compromised link, or otherwise divulging confidential information.

The most recent example of a phishing attack occurred in Southern Nevada earlier this year. In January 2020, on the opening day of CES—the world’s largest consumer technology trade show—the City of Las Vegas prevented a major data breach. After the city’s computer network was breached, it was forced to take several systems offline, including its own website. Several reports have surfaced suggesting that the attack originated through an employee falling victim to a phishing email.

Additionally, law firms are not immune to phishing attacks. In recent years, cybercriminals have tar-

Phishing *continued on page 22*

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Phishing *continued from page 20*

geted law firms to gain access to the highly confidential data attorneys possess. The past few years have seen an increase in phishing attacks on law firms to steal data for insider trading. Cybercriminals also attempt to breach law firm networks to hold client information and sensitive data for ransom.

Preventing Cyber-Attacks

So, what can Southern Nevada institutions do to protect themselves from cyber-attacks? While you cannot guarantee the prevention of a cyber-attack or data breach, you can minimize those threats by developing strong cyber safety habits to help prepare for a cyber-attack.

Limit insider threats

Most cyber-attacks derive from human error. In other words, data breaches are often caused by people within the organization, such as employees, former employees, contractors or business associates, who have inside information concerning the organization's security practices, data, and computer systems. Also known as "insiders," these individuals have legitimate access to organization data to carry out their work du-

ties and, through negligence or malicious conduct, reveal sensitive information to outside threats.

You can limit the risk of insider threats by restricting privileges and access to sensitive data and your organization's computer network. For example, organizations can limit the end user's administrative privileges and restrict certain users from downloading content. Likewise, by disabling input/output devices on workstations and computers, employees and associates will be unable to download and install malicious software that could jeopardize your organization.

Invest in information security resources

It is also prudent for organizations and businesses to invest in information security resources. Establishing an information security plan, hiring information technology professionals, installing security devices on your computer network—these may be necessary steps for your organization to take to reduce the risk of a data breach. The more your business or organization relies



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Bar Services

CLE Speakers Sought

The Clark County Bar's CLE Committee seeks Nevada lawyers to volunteer to develop and/or present CLE programming for the benefit of Nevada lawyers at live events to be produced and marketed by the CCBA. The live events are often recorded and made available to download upon request. Live and recorded seminars are made available to attend by Nevada lawyers and their legal support staff for a fee to benefit the CCBA. CCBA members may attend live CLE seminars at a reduced fee. The CCBA is an Accredited Provider with the Nevada Board of Continuing Legal Education.

To volunteer to speak at a CCBA CLE event, CCBA members may submit proposals to the CCBA CLE Committee, c/o Donna Wiessner at the Clark County Bar Association, donnaw@clarkcountybar.org, (702) 387-6011.


on technology, the more you should consider consulting with an information security professional about ensuring your business is properly protected.

Understand data breach disclosure requirements

While an institution can take every measure imaginable to prevent cyberattacks and data breaches, no organization or business can completely insulate themselves from outside threats compromising their sensitive information. Organizations that store consumer and customer data must also take additional steps to insulate themselves from legal liability in the event of a data breach. Nevada has adopted legislation mandating that organizations that collect and store personally identifiable information (PII), such as financial data, contact information, and passwords, of Nevada residents must follow specific procedures for notifying victims of the breach. For Nevada businesses that will likely collect consumer data and PII from non-Nevadans, tourists, and visitors, it is especially important to be aware of the notification requirements for other states and countries as well. **G**



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Family Law Specialty Tools

By Marshal S. Willick, Esq.

Family law gets increasingly technical and complicated, and tools have been developed to address it.

Child support

In 2017, the Nevada Legislature appointed a commission of mostly lawyers, judges, and bureaucrats to start a new review. There is no formal report, but the minutes and meeting recordings can be reviewed at https://dwss.nv.gov/Support/cs_meeting_minutes/.

The regulations adopted by the commission, enacted as part of the Nevada Administrative Code, and went into effect on February 1, 2020, and will apparently entirely replace the Nevada child support statutes set out in NRS 125.070 to 125B.080. See <https://www.leg.state.nv.us/NAC/NAC-425.html>.

The math involved in the new calculations is more complicated than in the prior child support statutes. Instead of the simple percentages-per-child with statutory presumptive maximums, the new regulations require a varying percentage of gross monthly income on the first \$6,000 of income, depending on the number of children, a lower percentage on the next \$4,000, and a still-lower percentage for income exceeding \$10,000 per month.

On the low end of incomes, instead of a presumptive \$100 per month, the regulations adopt reference to the federal poverty tables, which change annually.

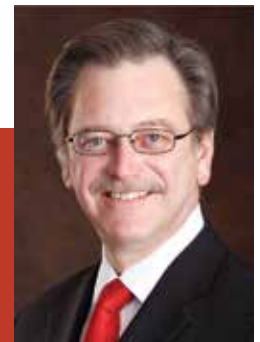
Where there is joint custody of one or more children, the existing “offset” method is used. Where there is a mix of primary custody and joint custody, each parent’s obligation to the other is separately calculated

Family law gets increasingly technical and complicated, and tools have been developed to address it.

and then offset.

A free dynamic estimator under the new regulations is posted on the main landing page of www.willicklawgroup.com under the heading “New Child Support Regulations Interactive Graph: Click here to learn more.” It allows a quick view of support across a range of numbers of children and income levels in a couple of seconds and takes into account the poverty-level alterations for low income cases.

The full program, which is in question-and-answer format, takes into account split custody situations and calculations of the offsets, including the poverty guidelines on the low end and the math for medical and child care costs. It is posted at <https://scalculator.mlawapp.com>, has been added to the landing page for the Willick Law Group and QDRO Masters web sites, and is an option for anyone logging into the home page of MLAW located at <https://mlawapp.com/>. Results



Marshal S. Willick, Esq. is the Principal of the Willick Law Group, an A/V-rated Las Vegas family law firm, and QDRO Masters, its pension order drafting division. He can be reached at 3591 East Bonanza Rd., Ste. 200, Las Vegas, NV 89110-2198. Phone: (702) 438-4100; fax: (702) 438-5311.

can be printed and taken to court.

The program is available on-line to anyone, from any device, and is in all Nevada self-help centers, law libraries, and the courtrooms in Clark County. So, even *pro se* litigants can quickly and correctly calculate support under the new regulations.

The district attorney has also distributed a calculator under the new regs, which calculates interest for primary and split custody, but not child care or medical expenses. It is posted at <https://nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx>.

There are some other calculators popping up on-line. It does not appear that all of them do all calculations required by the current regulations.

Malmquist

In *Malmquist v. Malmquist*, 106 Nev. 231, 792 P.2d 372 (1990), the Supreme Court of Nevada set forth a series of detailed mathematical formulas for determining the community property interest in a separate property residence, or vice versa.

The calculations required to actually apportion the equity between separate property and communi-

ty property require a page of algebra to calculate the amount by which community property mortgage payments reduced the mortgage principal, which is divided by the original contract purchase price of residence. That fraction is multiplied by the total appreciation to yield the final community property share in the appreciation. The unpaid mortgage balance is essentially credited between community and separate property according to a time rule, depending on the total number of payments made rather than the principal actually paid down in each mortgage payment.

The calculator makes this process a matter of simply inputting the base numbers.

Case summaries

In prior years, there was a “Notable Domestic Relations Cases” list; it is posted at <https://willicklawgroup.com/published-works/>. It was made searchable and greatly expanded in MLAW Case Summaries, which allows use of any keyword or series of nested keywords to bring up both the summary and the full text of ev-

Tools *continued on page 26*

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Tools continued from page 25

ery Nevada family law case decided since 1864, the briefs leading to the major modern cases, plus all available persuasive authority (NFLR articles, other law review articles, CLE materials, legal notes, etc.) relating to Nevada family law, including often-cited caselaw from outside Nevada used here and every case cited in the Nevada Family Law Practice Manual.

The database is constantly updated and expanded, and includes all NRCF, EDCR, and WDCR rule sets, and relevant NRS sections. All documents can be searched, cut, pasted, or printed.


The program was intended to be a “leveling the playing field” tool; with it, any family law practitioner has the same information available to a family law specialist with decades of building a dedicated library.

Interest and penalties calculator

In use since 1991, and now web-based, the MLAW Judgment and Interest Calculator Program correctly calculates interest on Nevada judgments of any kind and penalties for child support arrearages, for any lump sum, periodic payments, or combination of sums due and unpaid. It automatically updates and accounts for all historical and future statutory interest rates (which change every six months).

Correct calculation of interest can dramatically increase the amount of a judgment. Under NRS 99.040(1), the calculation and recovery of interest is required as a matter of right, is not discretionary, and only requires determination of the rate of interest, the time it commences, and the amount to which interest applies.

Changes in Nevada law made doing interest calculations by hand virtually impossible. Additionally, generic computer packages are generally unable to deal with all the complexities of correctly calculating interest under the Nevada statutes and case law, including freezing some interest rates while adjusting others and the “looping” calculations that are required to comply with Nevada law. Generic software also does not handle Nevada’s semi-annually adjusted interest rate very well, or properly abide by Nevada case law (one frequent error is to apply payments to interest before principal).

Details about all four programs are posted at <https://www.willicklawgroup.com/mlawresources/>. 



Bar Activity

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Contact:

Stephanie Abbott at (702) 387-6011,
StephanieAbbott@clarkcountybar.org.

Technology for Good

By Lauren D. Calvert, Esq.

Every lawyer has moments of hating technological advancement for the way it requires us to practice law. My confession: I never learned to type. I've broken two keyboards and a mouse out of pure frustration. But as much as moments like these—and recent coverage of world-wide technology failures—cause us consternation over the impact of technology on our everyday lives, the reality is legal tech is positively affecting our most vulnerable and underserved populations.

Lack of access

Millions of people in the United States lack access to basic legal resources for a variety of reasons. They forgo legal action because the system is too overwhelming or expensive, or because they are uncertain of when they would qualify for legal assistance. In addition to lower-income individuals, the elderly, middle-class Americans, recent college graduates, first-generation immigrants, and new parents all experience barriers to accessing necessary legal resources.

Stanford Law School's Legal Design Lab examines how technology can be used to provide legal solutions to these groups. See <http://www.legaltechdesign.com>. According to the lab's research, many low and middle-income Americans who have questions about the law instinctually turn to free online sources of information, such as Avvo.com or justanswer.com, which cannot compare to professional legal counsel and which often do not address jurisdictional variances. Despite these shortcomings, more than two-thirds of American adults report they would use online legal services if it would save them money. Increasing numbers of companies are seizing upon the public's willingness to engage in online technologies and combining that with reliable and competent legal services.

Increasing numbers of companies are seizing upon the public's willingness to engage in online technologies and combining that with reliable and competent legal services.

Shining tech stars

Tangible examples of using technology to enhance access to justice is exemplified by a sampling of the annual Technology Initiative Grants awarded by the Legal Services Corporation. See <https://www.lsc.gov/grants-grantee-resources/our-grant-programs>:

- Alaska Legal Services Corporation will create a web application, BeneFactor, to inform and assist individuals applying for social security disability benefits. Users are enabled to take their disability applications through the entire benefits process, including reconsideration or appeal.
- Georgia Legal Services Program is building an online, interactive tutorial on landlord-tenant law to inform tenants of their rights and next steps, as well as train pro bono attorneys and legal

Good continued on page 28



Lauren Calvert, Esq. is a partner and litigator at Messner Reeves LLP, despite having never learned to type. She represents both plaintiffs and defendants in matters involving catastrophic loss, complex litigation, deprivation of constitutional rights, employment law, and general appellate practice.

Good continued from page 27

aid staff. Participants are required to answer multiple-choice questions to ensure comprehension and to maximize effectiveness.

- Community Legal Aid Services and Ohio Legal Help are developing mobile access for users of the Ohio State's web site. Users can create a personalized dashboard to save and retrieve assembled documents, articles, and other ongoing tasks. The system can also send text reminders to users.
- North Penn Legal Services will create a statewide, online system for conducting quick and flexible intake and referrals. The system will connect low-income individuals to a legal aid provider or resource that can best meet their needs, taking into account case priorities of those project partners.
- Philadelphia Legal Assistance Center is partnering with Upsolve.org, the TurboTax of Chapter 7 bankruptcies, to develop artificial intelligence tools to guide individuals throughout the bankruptcy process, translating court filings into plain language, setting appointment reminders, and monitoring court dockets for case activity.

Not on the list, but notable, is JustFix.nyc, which assists pro se tenants in gathering evidence, mediating with their landlord through templated communications, reporting violations to city agencies, connecting with organizers and attorneys and presenting their evidentiary record to the housing court. The app includes an "Advocate Dashboard" to allow community organizers, attorneys, and other advocates to conduct targeted outreach, gather evidence for class actions, communicate with tenants, and analyze data about buildings, landlords, and neighborhoods.

What's in it for me?

It's not just indigent clients that can benefit from legal tech interventions. The time it takes a lawyer to create routine documents and how quickly a lawyer can find needed documents greatly impact an attorney's productivity. If lawyers can do these mundane tasks more quickly, they can serve more clients in the same amount of time and, in turn, better serve the public, perhaps even creating the space necessary for lawyers

to initiate or increase their pro bono commitments. Technology can also increase contact with new clientele.

For example, VisaBot's immigration bot uses artificial intelligence and natural language processing to walk people through the entire process of applying for and securing Visas. Cat Zakrzewski, "Meet the Chatbot Taking on Immigration." *Wall Street Journal* (March 17, 2017). Applicants download VisaBot's Facebook Messenger chat bot, submit necessary information and supporting documents, and the bot ensures all applications are properly filled and filed. VisaBot stays with applicants until they have obtained their Visa. If the bot cannot resolve applicant inquiries, the case will escalate via Skype to an immigration attorney. By automating these mundane administrative tasks, lawyers' time and resources can be put to a higher use.

Another app, Legal Risk Detector, is used by medical personnel and social workers to screen seniors for potential legal issues. See <https://elderjusticenyc.org/resources/legal-risk-detector-app>. If a senior is identified as high-risk, the legal technology will do more than merely diagnose the situation: it will automatically connect the senior with an attorney, who will already have the relevant background information, enabling consultation to proceed more quickly. Taking a case from a hospital bed to the desk of an attorney at no cost and instantaneously was unimaginable just a few years ago.

Technology helping lawyers helping litigants

Technology also allows attorneys to provide pro bono services in practice areas outside their wheelhouse or in an expedited manner. New York's Civil Legal Advice and Resource Office serves low-income individuals being sued by debt collectors. See www.CLAROnyc.org. Its pro bono attorneys face overwhelming demand and a limited window of consultation time, during which some essential documents are too complex to be drafted. In partnership with LawHelp Interactive, the organization automated forms used in the clinics to more quickly and efficiently generate documents. An Opposition to a Motion for Summary Judgment, which previously required hours to prepare, can now be done in minutes. Online templates provide guidance to less experienced volunteers or attorneys working outside of their area of expertise. Clinic volunteers are able to

Pro Bono Service Provides Invaluable Lessons

By Noah Malgeri, Esq.

serve clients more quickly and thus serve more people.

LawHelp Interactive also partnered with Legal Aid Services of Oklahoma to expand the availability of pro bono assistance in expungement matters. See www.legalaidok.org. The technology facilitates the screening and intake process, generates forms, and permits remote and limited scope services. Individuals can complete a guided online interview to help determine if they qualify for expungement. Pro bono coordinators can then share information collected online with volunteer attorneys, who can remotely review the client's information documents and create the necessary forms and instructions from within the LawHelp Interactive platform.

Other programs combine online document assembly with tools allowing volunteer attorneys to review those documents remotely. The Legal Aid Society of Northeastern New York is piloting Closing the Gap, an initiative to increase pro bono services in rural areas for housing and consumer cases through the use of remote assistance technology and client collaboration tools, including real-time video sessions, remote review of online forms, and generation of pro se answers. See www.closingthegapny.org.

It's going to be okay – the robots are not taking over

Lawyers aren't going away. The world needs us. However, right now, technology has a huge opportunity to fill the gap between justice and legal equality. Just remember that the next time you're tempted to throw your computer out the window. **G**

On November 25, 2019, the Supreme Court of Nevada Access to Justice Commission filed a petition to amend Supreme Court Rule 210(2). The amendment would allow CLE credit for pro bono legal services. See ADKT0551. Under the proposal, attorneys may claim one CLE credit for every four hours of pro bono legal services performed, up to a maximum of four CLE credit hours per year.

On January 23, 2020, the Supreme Court of Nevada conducted a public hearing on the petition. The court heard compelling testimony in support of the amendment from several speakers. Patty Lee, a Partner at Hutchison & Steffen, offered powerful testimony. She related that, when she started at her firm 17 years ago, she put her head down and forged forward, rebuffing all efforts by the "Clark County Pro Bono Project" to take a pro bono case. Her only goals at that time were to please the partners and not get sued for malpractice.

Approximately two years later, she found the confidence to take her first pro bono case. She found it to be a life-changing decision. For the first time in her career, she was finally in control of her own case. Patty represented two young girls, both of whom were infected with HIV. Their mother passed on the virus to both girls at birth. The mother, who herself had AIDS, did not have the resources to ensure their proper care. Consequently, both girls developed life-threatening pneumonia which led to their removal from the home. As the attorney for both girls, Patty was able to re-unite these girls with their mother, who worked very hard to comply with the re-unification plan set forth by the court.

Patty related that she learned more in that case than she had learned in the prior two years. Once she became a partner, she worked with her colleagues to create a cultural shift at her firm toward more pro bono participation. Her firm's pro bono participation went up dramatically and so

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Noah Malgeri, Esq. is the Pro Bono Director at the Legal Aid of Southern Nevada. Before coming to Legal Aid Center of Southern Nevada, Mr. Malgeri worked as a patent litigation attorney at three large, national law firms. Prior to private practice, Mr. Malgeri served as a Captain in the U.S. Army JAG Corps. In that capacity, he worked as an international and operational law advisor and criminal prosecutor for U.S. Army, V Corps in Heidelberg, Germany and Iraq. Mr. Malgeri helped to plan and execute the opening stages of Operation Iraqi Freedom, for which service he was awarded the Bronze Star Medal.



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did the scope of their practice. Patty also testified that she has been in charge of her firm's summer internship program for the better part of a decade and, as part of her duties in that role, she conducts exit interviews with the interns. When she asks what their most valuable learning experience was over the summer, 100 percent of the time, the answer is what they learned on their pro bono cases.

I was honored to have the opportunity to speak in support of the proposed amendment as well. I related that pro bono volunteers often take one of our free, live CLE sessions, presented to small groups by local experts. We also assign attorney mentors to provide guidance on request. And of course, many of our volunteers will take cases requiring them to undertake research and learning to succeed for their clients.

But those occasions to increase one's substantive legal expertise do not really reflect the most significant learning that occurs. Pro bono attorneys also learn about access to justice and its impediments. Commercial litigators learn about consumer protection, the vulnerabilities that exist, and about the lives of their neighbors who are affected. Probate attorneys learn about landlords, how their tenants live, and the circumstances that permit some to make money unscrupulously. Construction defect attorneys learn about the impact of domestic violence on families and children, about TPOs, and what it means to be a champion to a child by helping her get a home where she can sleep soundly and free from fear.

The law is a special kind of occupation. It has been noted that the practice of law is not a trade, per-

formed primarily with the motivation of commercial compensation. It is not industry, because it cannot be practiced by corporations. A critical characteristic of the professions is the opportunity to exercise professional discretion - case by case judgements that are not prescribed by rule or instruction. This is an awesome responsibility. Only people can do that; corporations and machines cannot. Pro bono service furnishes lessons that are invaluable to the cultivation and refinement of our professional discretion, including providing a different and critical perspective. Pro bono makes us not just better attorneys, but a better *kind* of attorney. And, not insignificantly, it serves to change perceptions about the profession and those who practice it.

If you are interested gaining some valuable perspective through taking a pro bono case, please contact me at 702-386-1429 or nmalgeri@lacs.org. 📧



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The Marketplace

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