



Estate Planning CLE Webcast
Free for CCBA Members on November 17! See page 14.

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

Estate Planning Issue

November 2021



*Check out this article and
CLE program:*

Probate and The Pandemic: Legislative Changes Enacted in the Wake of COVID-19

*By Jeffrey P. Luszeck, Esq. and
Alan D. Freer, Esq.*

See page 22

Probate and The Pandemic CLE Program December 1, 2021

See page 16

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Anticipating Trust and Estate
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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.



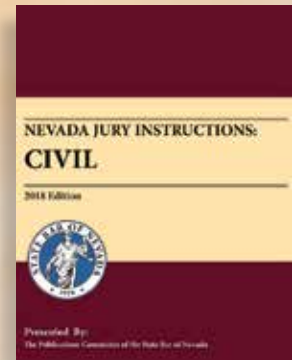
Nevada Gaming Law Practice and Procedure Manual

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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THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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Thank You for Being an Active CCBA Member

By James E. Harper, Esq.

I am grateful for having the opportunity to serve as the CCBA President this year. I am pleased to report that our organization continues to thrive with active members participating in bar events and services.

A few weeks ago, on October 21, 2021, Nevada's newly minted lawyers were sworn-in at a ceremony held at the Flamingo Las Vegas Hotel & Casino. At the invitation of Supreme Court of Nevada Chief Justice Hardesty, I congratulated the new lawyers on attaining the milestone and welcomed them to the practice of law on behalf of the Clark County Bar Association and its membership. Offering some advice, I relayed that one of the tenets of the CCBA is professionalism and explained that CCBA members pledge to serve clients with undivided allegiance; pay courts and tribunals respect, diligence, candor, and punctuality; and offer other counsel and staff, courtesy, candor, and cooperation. I was fortunate to be accompanied by many of the Directors of the CCBA Executive Board and Donna and Steph were on hand to distribute welcome packets to the admittees. The future looks bright!

In the next few weeks, on December 2, 2021, the CCBA will host the annual 40 Year Club Induction Luncheon at The Smith Center for the Performing Arts to celebrate those Nevada attorneys who have been practicing law in Nevada for 40 years. The luncheon will also honor those attorneys who were previously inducted

As the end of the year draws near and we celebrate Thanksgiving later this month, I invite you to reflect on your legal career and identify who helped you develop your legal skills.

into the 40 Year Club and who have now been practicing law in Nevada for 45 years and 50 years! With Dan Polsenberg returning as our MC, I personally invite you to attend this very special event to pay tribute to the stalwart "who's who" of our legal community.


The juxtaposition between the two events could easily be viewed as stark. The celebration of inexperienced lawyers beginning their careers versus the celebration of seasoned lawyers who have mastered the practice of law. Nonetheless, both instances celebrate membership in the Nevada Bar. Novice or veteran, we will forever be members of one of the same clubs: the Nevada Bar. To that end, we owe it to each other to treat all attorneys with the civility and respect.



James E. Harper, Esq. is the founding member of Harper Selim, PLLC, a civil and commercial litigation firm. James's practice is focused on insurance matters, including coverage and bad faith, and appellate matters. James is president of the CCBA through December 2021.

As the end of the year draws near and we celebrate Thanksgiving later this month, I invite you to reflect on your legal career and identify who helped you develop your legal skills. Then, take the time to contact the lawyer(s) you identified and express your gratitude.

Finally, as I look forward to the continued success of the CCBA, I invite all members to renew for the 2022 membership year and continue to participate in CCBA's activities. To that end, please be sure to complete the 2022 CCBA Members Diversity Form. The form will be available via hyperlink in an email to members upon renewal. The form will not collect personal identifiers like name, email address, or IP address. The form will collect information relevant to a member's ethnicity, veteran status, years of practice, and more. With this information, we will be able to enhance our understanding of diversity issues relevant to our membership. The information will help us to better organize educational programs that facilitate constructive discussion and Increase cultural understanding of others within the profession.

Thank you for being an active CCBA member. 

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Bar Services

Ballet Tickets Special Offer

The CCBA has partnered with Nevada Ballet Theatre for the 2021-2022 season. CCBA will get eighth VIP level seats for each of the four Nevada Ballet Theatre productions listed below.

The Nutcracker:

Fri. 12/17/2021 (7:30pm)

Sat. 12/18/2021 (2:00pm)

Two World Premieres:

Sat. 2/5/2022 (7:30pm)

50th Anniversary Gala Performance:

Sat. 5/14/2022 (7:30pm)

Carmina Burana and More!:

Sat. 5/21/2022 (7:30pm)

The tickets will be available in sets of two. Interested CCBA members may request use of the two tickets for one of the performances by sending a request via email to CCBA Executive Director Donna Wiessner at donnaw@clarkcountybar.org. Use of the tickets will be restricted to paid CCBA members and will be provided on a first come first serve basis to members whose membership is paid for the same membership year of the scheduled performance. Participating members may only use CCBA's tickets once per season. CCBA's tickets are not available for use by persons with a free membership type (e.g. law student members).

Additional opportunities for discounts to purchase tickets to performances of the Nevada Ballet Theatre will be announced soon. Look for updates on these membership perks to be sent to CCBA members via email and posted to <https://clarkcountybar.org/>.

For more information about CCBA member services, contact Donna at Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101. Phone: (702) 387-6011.



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Learn more at <https://clarkcountybar.org/about/member-benefits/credit-card-processing-discounts-from-lawpay/>

For more information about CCBA member benefits, visit <https://clarkcountybar.org/about/member-benefits/>

CCBA Board of Directors Election Information

On Thursday, December 2, 2021, the Clark County Bar Association (CCBA) will hold the election for the 2022 CCBA Executive Board of Directors on the same day of the Clark County Bar Association 40 Year Club Luncheon & Annual Meeting. This year's ballot includes two uncontested races. The uncontested races features five incumbents running to retain their seats on the board and one nominee vying for one open position on the board. The open position was created from the appointment of a current director to serve as secretary/treasurer for the organization next year. Attorney members are invited to cast their vote electronically by visiting www.ClarkCountyBar.org on the day of the event or by absentee ballot before December 2, 2021. See below for more information about the candidates, polling information, absentee ballots, and additional members of the CCBA Executive Board of Directors.

Candidates (terms to expire 12/31/2023):

Vote for any (one or more) to retain their current seat:

- Mark Blackman* of Barrett Daffin Frappier Treder & Weiss
- Jacquelyn Franco* of Backus Carranza & Burden
- James T. Leavitt* of Leavitt Legal Services, PC
- Alayne Opie* of Greenberg Traurig, LLP
- Amanda Stevens* of Battle Born Capital

Candidate (term to expire 12/31/2023):

Vote for only one to fill one vacant seat:

- Alia Najjar of Ladah Law Firm

Polling information for CCBA's election day:

Attorney members may cast their ballot electronically by visiting www.ClarkCountyBar.org on December 2, 2021.

Absentee ballot information:

Attorney members who cannot submit a ballot on December 2, 2021 (as outlined above), may mail, fax, or email a completed absentee ballot declaration and a ballot during a period of five (5) business days preceding the date of the Clark County Bar Luncheon and Annual Meeting to Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101, Fax (702) 387-7867, or Email Executive Director Donna Wiessner at DonnaW@ClarkCountyBar.org.

Declarations and ballots will be available from the CCBA's website as an electronic file to download from www.ClarkCountyBar.org, and upon request from the CCBA.

Additional members of the 2022 CCBA Executive Board of Directors:

Officers (terms to expire 12/31/2022):

- President 2022: Nedda Ghandi* of Ghandi Deeter Blackham Law Offices
- President-Elect 2022: Brandon Kemble* of City of Henderson
- Secretary/Treasurer 2022: Paul Ray* of Paul C. Ray, Chtd.
- Judicial Appointee (term to expire 2023): The Honorable Jerry A. Wiese, II* of Eighth Judicial District Court, Dept. 30

Directors (terms to expire 12/31/2022):

- Heather Anderson-Fintak* of Southern Nevada Health District
- Joel Henriod* of Lewis Roca
- Paul Lal* of Boies Schiller Flexner LLP

Ex Officio (term to expire 12/31/2022): President 2021 James E. Harper of Harper Selim*

*Denotes person currently serving on the board.



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Bar Activities

40 Year Club Luncheon and Annual Meeting Set for December 2, 2021

This year, the CCBA is combining two events—the 40 Year Club Luncheon and the CCBA Annual Meeting. The combined event will be held at The Smith Center for the Performing Arts on December 2, 2021.

The main focus of the event will be the 40 Year Club. Each year, we celebrate CCBA members who have practiced law in Nevada for 40, 45, 50, & 55 years. This year, we will induct CCBA members who were admitted in 1981 to practice law in Nevada and honor members admitted in 1976 and 1971.

During the event, Master of Ceremonies Dan Polsenberg will invite inductees and honorees to comment briefly with a memorable anecdote from their careers. Due to the time constraints, comments will be limited to two minutes for each person. Don't miss this opportunity to share and catch up with colleagues!

Also, during this event, attorney members of the Clark County Bar Association (CCBA) are invited to vote in the 2021 CCBA Executive Board Election. Ballots and a ballot box will be available at the event.

For more information about the election, see page 6. For more information about the luncheon event, see page 11.

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

Communiqué is published eleven times per year with an issue published monthly except for July by the Clark County Bar Association, P.O. Box 657, Las Vegas, NV 89125-0657. Phone: (702) 387-6011. *Communiqué* is mailed to all paid members of CCBA, with subscriptions available to non-members for \$75.00 per year.

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Communiqué accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or state-

ment 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.

For more information about our publication's editorial calendar, deadlines, editorial policy, author guidelines, ad rates, ad specifications, and deadlines, contact the publisher at Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101, (702) 387-6011.

Editorial Calendar (2021)

Cover Date	Topic of Articles	Closing Date
January 2021	Five Things	11/29/2020
February 2021	Racial Justice	1/2/2021
March 2021	Health Care Law	2/3/2021
April 2021	Bankruptcy Law	3/2/2021
May 2021	Law Practice Management	4/1/2021
June/July* 2021	Ethics	5/1/2021
August 2021	Torts	7/1/2021
September 2021	Real Estate Law	8/3/2021
October 2021	Family Law	9/1/2021
November 2021	Estate Planning Law	10/1/2021
December 2021	Pro Bono	11/2/2021

*The combined June/July issue will be released in June. The editorial calendars, schedules, editorial policies, and writer's guidelines for the *Communiqué* are subject to change without notice.

Editorial Board

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Jennifer Hostetler

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Amanda L. Stevens

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Communications Manager

Communiqué production

Stephanie Abbott

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Communiqué Editorial Calendar for 2022 Set

The editors set the editorial calendar for issues of the bar journal *Communiqué* to be published during 2022. See below.

Attorney members of the CCBA are encouraged to contribute original content for publication.

Proposals should include the following information:

1. Topic and summary paragraph providing the focus and scope for content (including relevant rules/statutes/procedures, etc.);
2. Author(s) name(s), Nevada bar number(s), short biographical statement; and
3. Proposed issue for publication—See editorial calendar.

Proposals should be submitted several months in advance of the desired issue for publication. Proposals should be submitted to the Editor-in-Chief c/o StephanieAbbott@clarkcountybar.org. Proposals will be forwarded to members of the editorial board for review. All proposals submitted will be considered for publication. However, *Communiqué* will not publish self-serving content promoting a specific named product or services of an individual or firm. All authors must follow the guidelines for composition and submission of content as noted in the *Communiqué* Editorial Policy and Guidelines (available upon request and online at <https://clarkcountybar.org/about/member-benefits/communique/>). 

Editorial Calendar (2022)

Cover Date	Topic of Articles	Closing Date
January 2022	Five Things	12/1/2021
February 2022	Employment Law	1/7/2022
March 2022	Educational Law	2/1/2022
April 2022	Environmental Law	3/1/2022
May 2022	Discovery	4/1/2022
June/July 2022	Ethics	5/3/2022
August 2022	Post-COVID Legalities	7/1/2022
September 2022	Election Law	8/1/2022
October 2022	Cyber Law	9/1/2022
November 2022	Family Law	9/23/2022
December 2022	Pro Bono	11/1/2022

*The combined June/July issue will be released in June. The editorial calendars, schedules, editorial policies, and writer's guidelines for the *Communiqué* are subject to change without notice.

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Mask and COVID-19 vaccine or negative test will be required for all upon entry.

Masks will be required regardless of vaccination status. Additionally, The Smith Center has instituted a vaccination policy. Please take note of and respect their policy as you make plans to attend our event. Visit their website at <https://thesmithcenter.com/visit/safety-and-security/keeping-each-other-safe/> to stay up to date on their health and safety policies.

RSVP TO THE CCBA BY OCT. 26, 2021. For more info, call 702-387-6011 or see ClarkCountyBar.org.

Clark County Bar Association presents

40 Year Club Luncheon & Annual Meeting

Thursday, December 2, 2021

The Smith Center for the Performing Arts



Celebrating CCBA members practicing law in Nevada for 40, 45, 50, & 55 years. This year, we will induct members who were admitted in 1981 and honor members admitted in 1976 and 1971.

40 Year Club Inductees (2021):

David Barron, Barron & Pruitt, LLP

James Bradshaw, McDonald Carano, LLP

David Chesnoff, Chesnoff & Schonfeld

Mark Ferrario, Greenberg Traurig, LLP

Judge David Gibson, Henderson Justice Court

P. Gregory Giordano, McDonald Carano LLP

Sal Gugino, Gugino Law PLLC

J. Randall Jones, Kemp, Jones & Coulthard, LLP

George Kelesis, Cook & Kelesis, Ltd.

Lorraine Mansfield, Reed and Mansfield

Judge Victor Miller, Boulder City Justice and Municipal Courts

Senior Judge Nancy Oesterle, Eighth Judicial District Court

Gene Porter, PrivateTrials

Dan Reaser, Fennemore

Layne Rushforth, Rushforth Firm Ltd.

Marc Simon, Simon Law, LLC

Steven Wolfson, Office of the Clark County District Attorney

When & Where:

Thursday, December 2, 2021

Check-in & Networking: 11:30 a.m.

Luncheon Program: 12 to 1:30 p.m.

The Smith Center for the Performing Arts

Upper Lobby, 5th Floor

Featuring:

- Master of Ceremonies Dan Polsenberg
- Anecdotes & Interviews with inductees and honorees
- 2022 CCBA Board election
- Plated lunch

RSVP to the CCBA by November 18, 2021.

ClarkCountyBar.org or 702-387-6011

Sponsorship opportunities available. Contact Donnaw@clarkcountybar.org.

Nevada Lawyers to Present Legislative Law CLE Program on November 9, 2021

By Stephanie Abbott

On November 9, 2021, three Nevada lawyers will make a special presentation for the continuing education of Nevada lawyers in a program produced by Rob Telles, Esq. of the CCBA's CLE Committee.

The program, "Legislative Update: Looking In & Out," will feature presentations by:

- **Lesley Cohen, Esq.**, Assemblywoman, District 29
- **Edgar Flores, Esq.**, Assemblyman District 28
- **Shea Backus, Esq.**, Backus Carranza & Burden

They will present to highlight relevant information related to the following topics:

- Adoption
- Immigration
- Civil Litigation
- Health Care
- Education
- Criminal Justice Reform
- Tips from the Legislator

This CLE program will be held online via Zoom, from 11:30 a.m. to 1:30 p.m., Tuesday, November 9, 2021. The presentation will offer 2.0 CLE credits for Nevada lawyers. During the event, attendance will be taken and only those members in attendance will have their attendance reported to the NV CLE Board. The fee to attend is \$25 per CCBA member or \$50 per non-member.

The CCBA's CLE programming is sponsored by Bank of Nevada and Las Vegas Legal Video.

For more information and to RSVP for this event, contact Donna Wiessner at Donnaw@clarkcountybar.org, (702) 387-6011.



Stephanie Abbott is the communications manager for the Clark County Bar Association. Stephanie manages the bar's journal Communiqué, website ClarkCountyBar.org, and social media channels.

CCBA's CLE programming sponsors



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More about the presenters

Lesley Cohen was raised in Southern Nevada, and graduated from the University of Nevada, Reno, and DePaul University College of Law in Chicago, Illinois. Ms. Cohen is licensed to practice in both Nevada and Utah, and she has practiced law in Southern Nevada for more than twenty years. During that time, Ms. Cohen has worked almost exclusively in the family law field. Ms. Cohen is also a National Conference of Commissioners on Uniform State Law Uniform Law Commissioner who has participated in drafting law that has been utilized by states throughout the country. Ms. Cohen is a member of the Nevada State Assembly, serving in the Nevada Legislature's 2013, 2017, 2019, and 2021 sessions. Currently, she serves as Chairperson of the Assembly Revenue Committee and has also chaired the Health and Human Services Committee, the Common Interest Communities Subcommittee, and the Interim Committee for Senior Citizens, Veterans, and Adults with Special Needs.

Edgar Flores was raised in the Las Vegas Valley and is the son of Mexican immigrants. He understands how one's immigration status can affect their day-to-day life. He is passionate about helping his clients keep their families together so that they can provide their children with the American dream that his own parents sought.

Edgar is a partner at the Gonzalez and Flores Law Firm and currently serves as a member of the Nevada State Assembly. He was first elected to the Nevada State Assembly in



Lesley Cohen, Edgar Flores, and Shea Backus

2014. He is presently the Chairman of the Assembly Government Affairs Committee and serves on the Assembly Education Committee and the Assembly Commerce and Labor Committee. He works with hundreds of students in a mentoring capacity every year through various community programs.

Shea Backus is a shareholder with the law firm Backus, Carranza & Burden in Las Vegas. Shea earned her B.S. from University of Califor-

nia, San Diego and J.D. with a certificate in Indian Law from Sandra Day O'Connor College of Law at Arizona State University. Her litigation practice concentrates in commercial and civil litigation with an emphasis on general liability, profes-

sional liability, and construction. Shea is admitted to practice in the state and federal courts in Nevada, as well as some tribal courts. Shea is a ULC Commissioner and serves as Vice Chair of the Health Care Decisions Act Committee. Shea is a former Nevada State Assemblywoman who represented District 37 during the 80th Legislature Session and 31st and 32nd Special Sessions. 📍

6TH ANNUAL HOLIDAY MIXER

Thursday, December 2, 2021 • 5:00-7:00 PM

Nevada Brew Works, 1327 S. Main Street, Las Vegas

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Complimentary drink tickets and food (while supplies last) for State Bar of Nevada and CCBA members.

Contact Donnaw@clarkcountybar.org to RSVP and for sponsorship opportunities.

A. Collins Hunsaker to Present Estate Planning CLE Program on November 17, 2021

By Stephanie Abbott

Estate planning lawyer A. Collins Hunsaker will make a special presentation for the continuing education of Nevada lawyers in a program produced by the CCBA's CLE Committee on Wednesday, November 17, 2021.

A. Collins Hunsaker has been with JEFFREY BURR for over ten years and was recently named its Managing Attorney. He focuses his practice in the areas of estate planning, asset protection, and taxation.

Collins is a graduate of Brigham Young University, having obtained a degree in Political Science. Collins earned his Juris Doctorate from Chapman University School of Law. Upon the completion of his JD, Collins continued at Chapman University School of Law and obtained a Master of Laws in Taxation. Collins is licensed to practice law in Nevada.


Collins will present "What Every Lawyer Should Know about Estate Planning" to highlight relevant information for Nevada lawyers. The presentation will cover the basics of estate planning. Topics to be discussed are:

- How to avoid probate
- Planning with trusts versus wills
- Revocable vs. irrevocable trusts
- Asset protection planning with trusts and other entities
- Understanding taxation as it applies to estate planning



This CLE program will be held online via Zoom, from 12:00 to 1:15 p.m., Wednesday, November 17, 2021. The presentation will offer 1.0 CLE credit to CCBA members only. Pricing of the event and CLE is included with the 2021 CCBA membership. This event is for CCBA members only. CCBA membership will be verified upon RSVP. During the event, attendance will be taken and only those members in attendance will have their attendance reported to the NV CLE Board.

Special thanks to the Bank of Nevada and Las Vegas Legal Video for supporting CCBA's CLE Programming.

For more information and to RSVP for this event, complete the web form or contact Donna Wiessner at Donnaw@clarkcountybar.org, (702) 387-6011. 

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Stephanie Abbott is the communications manager for the Clark County Bar Association. Stephanie manages the bar's journal Communiqué, website ClarkCountyBar.org, and social media channels.



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Nevada Lawyers to Present Probate and Pandemic CLE Program on December 1, 2021

By Stephanie Abbott

Trust and estate lawyers Alan D. Freer and Jeffrey P. Luszeck of Solomon, Dwiggin Freer & Steadman, Ltd. will make a special presentation for the continuing education of Nevada lawyers on December 1, 2021.

Alan D. Freer is a member of the Las Vegas law firm of Solomon Dwiggin Freer & Steadman, Ltd., where he focuses his practice primarily on trust and estate litigation. Mr. Freer has been a member of the Legislative Committee for the Probate and Trust Section of the Nevada State Bar since 2007 and has served as co-chair since 2014.

Jeffrey P. Luszeck is a member of the Las Vegas law firm of Solomon, Dwiggin Freer & Steadman, Ltd., where he focuses his practice primarily on trust and estate litigation. Mr. Luszeck serves as secretary of its Probate and Trust Section's Legislative Committee.

"Probate and the Pandemic: Trust & Estate Legislative Update" will address recent amendments to Titles 12 and 13, including amendments: (1) relating to the facilitation and execution of electronic wills, trusts, and remote execution of the same in light of COVID-19; (2) setting aside the estate in "pour-over" estates; and (3) granting the public administrator additional authority to protect estates.

This CLE program will be held online via Zoom, from 12:00 p.m. to 1:15 p.m., Wednesday, December 1, 2021. The presentation will offer 1.0 CLE



credits for Nevada lawyers. During the event, attendance will be taken and reported to the NV CLE Board for only those members in attendance who registered with the CCBA in advance of the event. The fee to attend is \$25 per CCBA member or \$50 per non-member.

Special thanks to the Bank of Nevada and Las Vegas Legal Video for sponsoring the CCBA's CLE Programming.

For more info and to RSVP, see the event RSVP form listed at <https://clarkcountybar.org/> or contact the CCBA office at donnaw@clarkcountybar.org or 702-387-6011. **G**



Stephanie Abbott is the communications manager for the Clark County Bar Association. Stephanie manages the bar's journal Communiqué, website ClarkCountyBar.org, and social media channels.

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Member Moves

Please note updated contact information for the following members of the Clark County Bar Association (CCBA).

Alia Najjar, MD, Esq. is now associated with Ladah Law Firm, PLLC, 517 S. 3rd Street, Las Vegas, Nevada, 89101-6501. Phone: (702) 570-2104. Email: alia@ladahlaw.com.

Monique Jammer, Esq. is now associated with Brownstein Hyatt Farber Schreck, 100 N City Pkwy Suite 1600, Las Vegas, NV 89106. Phone: (702) 464-7009. Email: mjammer@bhfs.com.

Member updates requested. Please submit updates regarding member information to CCBA, 717 S. 8th Street, Las Vegas, Nevada, 89101, StephanieAbbott@clarkcountybar.org.

CCBA eNews

Read *CCBA eNews*, the Clark County Bar's newsletter, for information and updates about the association's activities, services, and updates from local, state, and federal courts in Nevada.

The electronic publication is delivered via email periodically and is free with a subscription.

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For more info, contact Stephanie Abbott at StephanieAbbott@clarkcountybar.org or (702) 387-6011.



Clark County Bar Now Accepting Membership Renewal for 2022

Calling all attorneys, judges, paralegals, and law students who are looking to benefit from CCBA services and perks!

The Clark County Bar Association (CCBA) welcome members of the Nevada bar, bench, and our supporting legal community to become active members of the association. Memberships are offered to a person on an annual basis (January 1 through December 31). For the 2022, early bird registration opened in early October 2021.

CCBA members were invited to renew their CCBA membership online via ClarkCountyBar.org before November 1, 2021, to benefit from an early bird special. The early bird special includes a link to download the video recording of a program offering 2 ethics CLE credits for Nevada lawyers compliments of the CCBA.

The online process was designed to reduce costs necessary to print and mail paper invoices. Those who do not renew online will not be eligible for the early bird offer. We will mail renewal notices to current members who do not renew online by October 21, 2021. **G**

State Bar of Nevada's Paralegal Division Invitation

Calling all paralegals who are looking to advance their legal careers!

This year, please consider joining the State Bar of Nevada's Paralegal Division. This section always welcomes new members who have an interest in networking and professional growth opportunities. Their recent affiliation with NALA, the Paralegal Association, allows section paralegal members and their attorneys to earn Nevada CLE credits. Additionally, this affiliation with NALA affords benefits to its members that will enhance their professional legal careers. Also, membership in this organization will bring greater prestige as a vital member of the Nevada legal community. The State Bar of Nevada's Paralegal Division has a lot of good news and benefits that they are excited to share with new and existing members. Please contact the Division Chair Lynda Traves at (775) 538-2529 or you may e-mail NVParalegalDivision@gmail.com with your questions. A copy of the membership application is located on the State Bar of Nevada's website. **G**

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Estate Planning Includes Litigation Planning

By Chief Judge Michael Gibbons

Nevada lawyers practicing estate planning and probate law often face challenges in helping clients choose from available estate plans. For example, which of the many types of trusts is appropriate to preserve wealth and minimize taxes? Or is an exotic product like a family office, foundation, or offshore entity the best strategy? Further, what can be done to prevent families from fighting over assets and engage in conflict resolution when disagreements escalate? Preparing and protecting a simple will might seem to be the least of a lawyer's concerns. Yet on the last day of 2020, the Supreme Court of Nevada issued an opinion that diverged from prior requirements that courts strictly construe the "lost wills" statute. In Nevada, a lost will may not be probated "unless its provisions are clearly and distinctly proved by two or more credible witnesses," and the will was either in legal existence at the testator's death (not revoked or destroyed) or fraudulently destroyed during the testator's lifetime. NRS 136.240(3).

In *In re Scheide*, 136 Nev., Adv. Op. 84, 478 P.3d 851 (2020), the testator, Theodore, disinherited his estranged son and only natural heir, leaving his entire multimillion-dollar estate to St. Jude Children's Research Hospital. Theodore's attorney retained the original will. A few months later, Theodore executed a nearly identical second will that only changed the executor.

Theodore's attorney and her assistant witnessed the will's exe-

cution. Theodore, however, insisted upon retaining the second will. Later, Theodore was appointed a guardian, moved into an assisted living home, and passed away. The second will was never discovered; however, Theodore's guardian produced an authentic copy.

St. Jude tried probating that copy as a lost will. Theodore's attorney testified to the will's contents, accuracy, and authenticity while the attorney's assistant testified to its execution. The district court denied admission to probate, reasoning that because the original will was lost, it was presumptively destroyed. Therefore, St. Jude did not meet the two-witness requirement because the assistant could not testify from personal knowledge to the will's contents.

On appeal, the court of appeals affirmed but the Supreme Court of Nevada reversed, holding that the copy of the second will could be admitted to probate. First, the supreme court clarified that the statute only required the second will be in *legal* existence, not physical existence, at the testator's death. A lost-will proponent may prove the legal existence of the will by showing the testator's wishes were unchanged following the will's execution. In this case, Theodore expressed that he did not want to reconcile with his son and that he wanted his estate to pass to St. Jude.

Second, the supreme court relaxed the strict statutory requirement that two witnesses testify to the will's contents from personal knowledge. After reviewing extra-jurisdictional precedent and statutes,





Chief Judge Michael Gibbons has served on the Nevada Court of Appeals since its inception in 2015. He previously served as a general jurisdiction district court judge for 20 years and regularly adjudicated probate cases.

the court held that if there is an authentic copy of the will in evidence, then the lost will may be admitted to probate when one witness testifies to its provisions; the second witness need only testify that the copy fairly and accurately depicts the testator's signature and that the witness was present at will execution. The supreme court reasoned that the two-witness requirement, when there is an accurate copy and the testator's intent is unchanged, created an absurd result in placing an unnecessary and onerous burden on the lost-will proponent by requiring that the second witness testify to the will's provisions.

Because of the supreme court's new distinction, it is ever important for attorneys to document the circumstances of the will's execution, and with the client's permission, to retain the original or a duplicate original, and always retain a copy of the will. If the original will is ever lost, and the proponent can prove the legal existence of the will, a copy of the will may still be admitted to probate, despite not having two witnesses who can testify to the will's provisions, but who can testify to the testator's intent and the will's authenticity. **C**

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Probate and The Pandemic: Legislative Changes Enacted in the Wake of COVID-19

By Jeffrey P. Luszeck, Esq. and Alan D. Freer, Esq.

The COVID-19 pandemic caused upheaval in all facets of life, including probate and trust law. Some of the issues that arose as a result of COVID-19 included the influx of individuals wishing to create estate plans due to concerns over mortality, the remote execution of documents, and the inundation of new probate matters with the court with the resulting increased pressure and/or workload on the public administrator. Assembly Bill (AB) 318, which became effective October 1, 2021 (except for Sections 4 and 33), addressed many of the issues that arose as a result of COVID-19.

I. COVID-19 legislation

A. Electronic Wills/Trust

Sections 4-14 and 34 amend provisions of the Nevada Revised Statutes (NRS) Chapters 132 and 133 to facilitate the execution of electronic wills, trusts, and remote execution of the same in light of COVID-19. Specifically, said amendments (a) simplify and clarify the electronic will statutes; and (b) create a clear procedure by which a qualified custodian of the electronic will can convert the electronic will into a certified paper original that is treated for all purposes the same as an original paper will.

Assembly Bill (AB) 318, which becomes effective October 1, 2021 (except for Sections 4 and 33), addressed many of the issues that arose as a result of COVID-19.

B. Probate set-aside

Section 27 grants the probate court authority to enter an order pursuant to NRS 146.070 setting aside the estate in “pour-over” estates where the beneficia-

Jeffrey P. Luszeck, Esq. is a member of the Las Vegas law firm of Solomon, Dwiggins, Freer & Steadman, Ltd., where he focuses his practice primarily on trust and estate litigation. Mr.

Luszeck serves as secretary of its Probate and Trust Section's Legislative Committee.



Alan D. Freer, Esq. is a member of the Las Vegas law firm of Solomon Dwiggins Freer & Steadman, Ltd., where he focuses his practice primarily on trust and estate litigation. Mr. Freer has been a member of the Legislative Committee for the Probate and Trust Section of the Nevada State Bar since 2007 and has served as co-chair since 2014.

ry is an intervivos trust established by the decedent. Section 27 was intended to simplify estate/trust administration by assuring consistent distribution of a decedent's estate in the event assets are not transferred to an inter vivos trust. Section 27 is akin to a codified "Heggstad petition."

C. Public administrator

AB 318 also increases the authority of the public administrator to protect estates. For example, Sections 44-46 grant the public administrator additional rights to information concerning decedents' mortgages, safe deposit boxes, and residence to further safeguard and marshal assets of the estate. Sections 15, 16.5, 24 and 25 require notice and disclosure of certain information to be provided to the public administrator under certain circumstances, including when a petitioner is not a surviving spouse or heir, in order to ensure that the person seeking nomination has authority to do so.

Additionally, Section 22 exempts the public administrator's office from posting a bond when obtaining a restraining order under NRS 143.165.

Legislative *continued on page 24*

CLE Program

Probate and the Pandemic: Trust & Estate Legislative Update

Speakers:

Alan D. Freer

Jeffrey P. Luszeck

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In order to reduce guardianships and provide an express method for adjudicating powers of attorney, Section 1 amends the declaratory relief statutes (NRS 30.040 and NRS 30.060) to confirm that certain individuals, including the principal and/or agent may obtain declaratory relief under the power of attorney.

II. Other notable legislation


A. Estate planning

Other notable amendments regarding estate planning include: (1) Section 29 amends the definition of independent attorney under a certificate of independent review (NRS 155.094); (2) Section 31 permits a trust to authorize the trustee to reimburse the settlor under certain circumstances without causing the settlor to be treated as a beneficiary; (3) Section 31 amends NRS 163.002 to clarify when a declaration that property is held in trust is sufficient to create a trust; (4) Section 33 clarifies that a trust remains irrevocable despite authority, power, or rights granted to persons other than the settlor; (5) Section 35 amends NRS 163.025 by al-

lowing a trustee to combine or divide a trust; and (6) Section 39 amends Nevada's trust decanting statutes.

B. Administration of estates and trusts

AB 318 also amends and streamlines estate and trust administration. For example, (1) Section 16 allows a Nevada professional to list their professional address, as opposed to residential address, when associated as a Nevada resident co-administrator; (2) Section 18 provides penalties for a third party's refusal to accept letters testamentary; (3) Section 19 identifies what documents or information a person holding property attributable to a decedent may properly demand before releasing such property; (4) Sections 21 and 26 amend provisions in NRS 143.050 and NRS 143.520 concerning the continued operation of a decedent's business by a personal representative; (5) Section 28 clarifies that the statutory percentage fee for a personal representative under NRS 150.060 is presumptively reasonable and not subject to additional review for reasonableness; (6) Sections 40 and 41 amend the notice to creditors provisions relating to trusts; and (7) Section 42 amends the virtual representation statute.

A copy of AB 318, as enrolled, can be found at: AB318 Text (state.nv.us). 

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Five Things Estate Planners Must Know about Cryptocurrency

By Jacob D. Crawley

1. Your clients own cryptocurrency

Approximately 21.2 million U.S. citizens, or 14% of the entire population, are estimated to own some form of cryptocurrency. *See 2021 State of U.S. Crypto Report, GEMINI, <https://www.gemini.com/state-of-us-crypto>*. Further estimates reveal that about 58% of crypto owners are between the ages of 35 and 65, with 69% of polled investors expecting to hold their crypto as a “long-term investment.” *Id.* Cryptocurrencies are here and are here to stay.

2. Tax treatment of crypto(property)

Pursuant to IRS Notice 2014-21, “[f]or federal tax purposes, **virtual currency is treated as property**,” subjecting the sale of crypto asset to a capital gain/loss. *See I.R.S. Notice 2014-21, 2014-16 I.R.B. (Apr. 14, 2014) (emphasis added)*. Taxpayers need beware, as the Treasury Department has substantially increased their scrutiny of crypto asset sales to preclude tax evasion. *See The American Families Plan Tax Compliance Agenda, U.S. DEPT. OF THE TREASURY, May 2021, at p. 20-21*. In Nevada, however, cryptocurrencies are exempt from taxation as intangible personal property. *See NRS 361.228(1) (a)*.

3. Storage and fiduciary access

Cryptocurrencies are generally stored in one of three ways: (1) on an online exchange, such as Coinbase, Kraken, or Binance; (2) in a “non-custodial wallet”; or (3) in a “hardware wallet.” A non-custodial wallet is software downloaded onto a mobile, laptop, desktop, or USB device, accessible only through that device. Hardware wallets are physical devices that store private keys to cryptocurrencies offline and may be accessed through a computer. All forms of storage are generally protected by either a password or a PIN but only the investor has access to the password/PIN for non-custodial and hardware wallets.

If your client retains their cryptocurrency on a non-custodial or hardware wallet, proper planning requires: (a) knowledge of the device(s) upon which the wallet(s) are located; and (b) knowledge of their passwords/PINs. The planner should keep adequate records of this information, either for dissemination to the fiduciary now or upon the client’s death. Moreover, planners should incorporate Nevada’s Revised Uniform Fiduciary Access to Digital Assets Act of 2015 (NRS 722.010 *et seq.*) into the terms of their planning documents to ensure the fiduciary may access the relevant exchange account(s) or device(s).



Jacob D. Crawley is an associate at Solomon Dwiggin Freer & Steadman, Ltd. and assists clients with their Trust and Estates planning, probate, and litigation needs.

4. Probate avoidance

Crypto-assets constitute a decedent's personal property and, therefore, require probate administration absent proper planning. *See* NRS 144.040(2)(a). Appropriate planning techniques to avoid probate depend upon how the client stores the crypto-assets. If the client uses a hardware or non-custodial wallet, one planning method is to: (a) assign the crypto-assets to a trust/LLC; (b) append a personal property schedule to the trust; and (c) execute a non-probate transfer on death agreement to designate the trust/LLC as the crypto-asset owner (*see* NRS 111.751 *et seq.*).

Unlike bank or brokerage accounts, cryptocurrency exchanges do not currently allow pay-on-death designations and have strict "know-your-client" policies that preclude designating an LLC or trust as the account owner. Direct assignment is therefore not feasible. To avoid probate on exchange held crypto-assets, the client should execute: (a) a formal declaration that they hold the account assets in trust (*see* NRS 163.002(1)(a)); and (b) a non-probate transfer on death agreement (*see* NRS 111.751 *et seq.*).

As a last resort, probate attorneys can employ NRS

146.070 to avoid probate. Effective October 1, 2021, a court may set aside without probate administration all assets that are transferred into a trust via the decedent's will. *See* NRS 146.070(1)(b). Pour-over wills, therefore, are recommended to ensure the trustee can take advantage of NRS 146.070(1)(b).

5. Creditor protection and crypto

Cryptocurrency creditor protection largely follows techniques to avoid probate. Creditor protection options for hardware and non-custodial wallets include assignment to a dedicated LLC or irrevocable spendthrift trust (*see* NRS 166.010 *et seq.*). Due to the exchanges' reluctance to allow LLC or trust designation on accounts, exchange assets might only avoid creditor access following a client declaration of trust in accordance with NRS 163.002(1)(a). Even after such a declaration, however, a creditor may attempt to preclude the transfer of exchange assets because the account is in the investor's individual name. If creditor protection is paramount, therefore, the client should consider transferring the exchange assets to a hardware or non-custodial wallet to ensure proper and effectual titling. **G**

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Proposed Changes to the Estate and Gift Taxes

By Peter Co, Esq.

Currently, an individual can transfer up to \$11.7 million (or \$23.4 million for a married couple) without incurring a federal gift, estate, or generation-skipping transfer tax. These exemption amounts were set by the Tax Cuts and Jobs Act of 2017. The Act set the exemption amount at \$10 million (adjusted for inflation each year) per individual and is set to expire on December 31, 2025. However, due to the current political representation of the U.S. Congress, there are several proposed bills this year to reduce the exemption amount and the number of estate planning techniques to minimize an individual's taxable estate.

Beginning with the "For the 99.5 Percent Act" introduced by U.S. Senators Bernie Sanders and Sheldon Whitehouse on March 25, 2021, this bill proposed to reduce the estate tax exemption to \$3.5 million, reduce the lifetime gift tax exemption to \$1 million, increase the estate tax on a progressive rate from 45 percent to 65 percent, minimize discount planning, and make Grantor Retained Annuity Trusts (GRATS), Intentionally Defective Grantor Trusts (IDGTs), Generation Skipping Tax (GST) Trusts, and Dynasty Trusts less attractive. If passed, the proposed changes would take effect after the date of enactment.

Shortly thereafter, the Sensible Taxation and Equity Promotion (STEP) Act, was introduced by U.S. Senators Chris Van Hollen, Cory Booker, Bernie Sand-

In September 2021, the House Ways and Means Committee released a proposal to fund the Build Back Better Act. The proposal reduces the gift and estate tax exemption to \$5 million per individual (as indexed for inflation).

ers, Sheldon Whitehouse, and Elizabeth Warren on March 29, 2021. Its purpose is to close the stepped-up basis loophole by taxing unrealized capital gains when beneficiaries inherit assets which the original owner never paid income taxes on. Under the STEP Act, gifts and bequests of appreciated property would be treated as sales such that unrealized capital gain would be taxable to the donor at the time of the transfer. To ensure this change applies only to wealthy families, this bill exempts the first \$1 million of capital gain at death and \$100,000 of capital gain can be excluded during lifetime, but amounts used during lifetime reduce the



Peter Co, Esq. is an associate at the law firm of Goldsmith & Guymon, P.C. and practices in estate planning, probate/trust administration & litigation, business formation, and guardianship law.

exclusion available at death. Transfers of appreciated assets to spouses and charities would also be excluded. The STEP Act proposed a retroactive application so that it is effective as to any gifts or inheritances after December 31, 2020.

In September 2021, the House Ways and Means Committee released a proposal to fund the Build Back Better Act. The proposal reduces the gift and estate tax exemption to \$5 million per individual (as indexed for inflation). It is anticipated that the inflation indexed amount would be approximately \$6 million per individual as of January 1, 2022. Under this proposal, taxpayers will no longer be able to take valuation discounts for gift and estate tax purposes on entities holding passive assets not used in an active trade or business. This change will only be effective as to transfers occurring after the enactment of the law. In addition, the proposed changes to the taxation of “grantor” trusts will severely limit the use of such trusts. A “grantor trust” is a trust that is disregarded for federal income tax purposes, meaning that the “grantor” of the trust pays all income tax on behalf of the trust during grantor’s lifetime. However, upon the grantor’s death,

the grantor trust assets are not included in the grantor’s estate for federal estate tax purposes. Thus, such assets are not subject to federal estate tax upon the grantor’s death. This type of trust allows assets to appreciate income tax free for the beneficiaries. However, the proposed changes will include the assets owned by the grantor trust into the grantor’s taxable estate, and will eliminate the grantor’s ability to sell appreciated assets without paying a capital gains tax. Thus, the use of GRATs, qualified personal residence trusts (QPRTs), spousal lifetime access trusts (SLATs), and irrevocable life insurance trusts (ILITs) may become less desirable or even unavailable. Existing grantor trusts will be grandfathered in, and would be allowed to retain their tax benefits and the law would only apply to transfers into such trusts after the enactment of the law.

While none of the above proposals are law, there is great momentum for changes to the current estate, gift, and GST tax regime, and it is important to understand the proposed changes and to take appropriate action now. **G**

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Anticipating Trust and Estate Litigation: Ways to Minimize the Likelihood, Scope, and Expense

By Kendal Weisenmiller

Anyone who creates a will or trust expects the document to be honored after their death. Unfortunately, challenges to the probate of a testator's will or administration of a trustor's trust are an unwelcome reality for many families. Based on very little information, an interested person may ask the probate court to declare a will contest declared under NRS 137 or assume jurisdiction of the trust and hear disputes over its validity under NRS 153, 164, and 165. Estate planning prepared by a competent attorney will anticipate these conflicts and plan ways to reduce them.

Proper execution of documents; secure the originals

A challenge to a will or trust begins with whether the document was properly executed. This includes meeting the requirements of a valid will or trust. See NRS 133.040, 163.002-0095. Although subscribing witnesses may sign the required affidavits after the fact, it

An amendment to a will or trust that does not comply with the legal requirements, or the method of amendment permitted by the trust, is likely to be disputed.

may be difficult to locate them decades after the will was executed. See NRS 133.050. While handwritten "holographic" wills are valid, authenticity of the testator's handwriting may be disputed. See NRS 133.090. An amendment to a will or trust that does not comply with the legal requirements, or the method of amendment permitted by the trust, is likely to be disputed. See Restatement (Third) of Trusts § 63 (2003).



Kendal Weisenmiller is a Member at Dawson & Lordahl, PLLC. Since 2010, Kendal's practice has focused on probate and trust litigation and probate administration, representing a variety of parties in a range of complex matters. Kendal has earned the AV/Preeminent® rating from Martindale-Hubbell, and was selected to Super Lawyers® Rising Stars for 2017-2020 and Nevada Business Magazine's Legal Elite in 2014 and 2016-2021.

Other common disputes over a will or trust are fraud, duress, undue influence, Nevada's "Caregiver" statute (NRS 155.093, *et. seq*) and lack of capacity. Anticipating conflicts regarding capacity, an estate planner may have the testator obtain a doctor's letter regarding the testator's mental capacity. To ensure the statutory presumption cannot void the will or trust, an estate planner may have another attorney complete a Certificate of Independent Review of the will or trust pursuant to NRS 155.0975. Nevada law even provides a way to declare a trust valid while the settlor is alive but incompetent. *See* NRS 164.015.

It is important to keep track of the location of the original estate planning documents.

Identifying and disinheriting heirs

Disinheriting a child requires estate planning, otherwise intestate succession laws under NRS 134 dictate the disposition of the decedent's assets. The omission of a child or grandchild of a testator from a testator's will is presumed intentional. NRS 133.170. Documents not updated after a birth, death, marriage, divorce, or annulment may create opportunities for litigation. *See, e.g.*, NRS 136.160 (rights of child born after child's parent makes a will), 133.110 (revocation by marriage), 133.115 (revocation of provisions in favor of former spouse on divorce or annulment, exceptions). For example, Nevada's "anti-lapse statute" may prevent a bequest from lapsing due to a beneficiary pre-deceasing a testator. *See* NRS 133.200.

Don't rely on a no-contest clause

A standard "no-contest clause" in a will or trust is intended to deter beneficiaries from disputing the document by forfeiting any inheritance if they challenge it in court. While such a clause is enforceable, Nevada law provides two "safe harbor" statutes defining what conduct does *not* constitute a "contest." *See* NRS 137.005 (wills), 163.00195 (trusts). A no-contest clause must not be enforced by the court and the heir's share may not be reduced or eliminated because the party acts to "enforce the clear and unambiguous terms" of the document; enforce legal rights; obtain court instruction with respect to the proper administration of the trust/estate or the construction or legal effect of the document; enforce fiduciary duties; or, institutes legal action to invalidate the document in good faith and based on probable cause. While a generic no-contest

clause is unlikely to prevent litigation, a carefully designed clause, paired with a small inheritance that the heir would not want to forfeit, may prevent a contest.

Consider a mandatory mediation or arbitration clause

In Nevada, a mandatory arbitration clause in a will or trust, *other than for disputes of the validity of all or a part of a will or trust*, is enforceable. *See* NRS 164.930. While a mandatory arbitration provision may not avoid *all* litigation, it can limit the expense and scope.

Given the frequency, delay, and expense of trust and estate litigation, the value of a competent estate planning attorney who will give special consideration to anticipated conflicts and take precautions to minimize litigation of those conflicts after death, thus avoiding unintended distribution of assets, cannot be overstated. **C**



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Orders for recorded and alternative format CLE programs can be made online at ClarkCountyBar.org or via e-mail to CCBA Executive Director Donna Wiessner via Donnaw@clark-countybar.org.

For more information, see page 36.

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CCBA's Continuing Legal Education (CLE) Library

Index of CLE Programs (Recorded & Alternative Format)

1. Real Estate Finance 101: Deed of Trust Litigation

Speakers: Phil Aurbach, Marquis Aurbach Coffing
Eleissa Lavelle, JAMS
Melanie Morgan, Akerman LLP
Bob Olson, Snell & Wilmer LLP
Recorded: 9/23/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

2. Discovery & ADR CLE With The Commissioners (A 3-part series)

Speakers: Erin Lee Truman and Jay Young, Discovery Commissioners for the Eighth Judicial District Court

- Part 1: Hot Topics in Civil Discovery – Recorded: 9/28/2021
- Part 2: ADR: What do you Need to Know? – Recorded: 10/5/2021
- Part 3: Hot Topics in Family Court Discovery – Recorded: 10/12/2021

CLE: 1.0 CLE Credit (NV) /each part
Price for all 3 programs: \$60/CCBA member, \$120/non-member

3. Corporations & Partnerships: A Lawyer's Road Map to Business Litigation

Speaker: Augusta Massey, Esq. of Massey & Associates Law Firm, PLLC

Recorded: 8/19/2021

Format: Audio/Video

CLE: 1.0 CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

4. The Unauthorized Practice of Law – A Trap for the Unwary

Speaker: John Naylor, Esq. of Naylor & Braster

Recorded: 7/15/2021

Format: Audio/Video

CLE: 1.0 Ethics CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

5. Ethics Unbound and Unmasked

Speaker: Dennis L. Kennedy, Esq. of Bailey Kennedy

Recorded: 6/18/2021

Format: Audio/Video

CLE: 2.0 Ethics CLE (NV)

Price: \$50/CCBA member, \$100/non-member

6. Ethical Landmines in Today's World & How to Avoid Them

Speaker: Rob Bare, Esq. of The Law Office of Rob Bare, PLLC

Recorded: 6/17/2021

Format: Audio/Video

CLE: 1.0 Ethics CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

7. What You Need to Know When Starting Your Own Firm

Speaker: Jennifer L. Braster, Esq. of Naylor & Braster

Recorded: 5/27/2021

Format: Audio/Video

CLE: .5 Ethics and .5 General CLE Credits (NV)

Price: \$25/CCBA member, \$50/non-member

8. What Exactly Is The Unauthorized Practice of Law?

Author: John Naylor, Esq. of Naylor & Braster

Date: June/July 2021 (*Communiqué*)

Format: PDF file

CLE: 1 Ethics CLE Credit (NV)

Price: \$25 for CCBA member, \$50 for non-Member

9. Bankruptcy Nuts and Bolts

Speaker: Marjorie Guymon of Goldsmith & Guymon

Recorded: 4/22/2021

Format: Audio/Video

CLE: 1.0 CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

10. The Disease of Addiction & Mental Health Awareness

Speaker: Mel Pohl, MD, DFASAM, Family Practitioner and Senior Medical Consultant, Landmark Recovery, Las Vegas

Recorded: 3/18/2021

Format: Audio/Video

CLE: 1.0 Substance Abuse CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

11. Gazed and Confused: Brief Overview of Administrative Procedures & Clues of DUI SFSTs: HGN, WAT, and OLS

Speaker: Lance J. Hendron, Esq. of Hendron Law Group, LLC

Recorded: 3/16/2021

Format: Audio/Video

CLE: 1.5 General CLE Credits (NV)

Price: \$40/CCBA member, \$80/non-member

12. Lost in the Desert: Addiction & Recovery for Legal Professionals

Speaker: Douglas C. Crawford

Recorded: 10/21/2020

Format: Audio/Video

Price: \$25/CCBA member, \$50/non-member

CLE: 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE credit to Nevada lawyers

Price: \$25/CCBA member, \$50/non-member

13. Ethics in Review: From the Desk of Bar Counsel

Speaker: Nevada Bar Counsel Dan Hooge

Recorded: 9/30/2020

Format: Audio/Video

CLE: 2.0 Ethics CLE credits (NV)

Price: \$50/CCBA member, \$100/non-member

14. Practical Pre-Trial and Trial Tips

Speaker: Phillip S. Aurbach of Marquis Aurbach Coffing

Recorded: 9/25/2020

CLE: 1.0 General CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

15. Fraud Detection, Prevention, and Investigation

Speakers: Mark Rich, CPA, CFF and Joseph Garrett, CPA, CVA, CFE of Rich, Wightman & Company, CPAs, LLC

Recorded: 9/22/2020

CLE: 1.0 General CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

CLE continued on page 34

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4. Things You Have Wanted to Ask the Probate Commissioner
5. Highlights of the 2019 Legislative Session's Changes to Probate and Trust Law
6. Legislative Update from Attorneys Serving in the Nevada Legislature
7. Lost in the Desert: Addiction & Recovery for Legal Professionals
8. Ethics? Ethics? I Got Your Ethics Right Here
9. The Lawyer's Use of Social Media – A Look at Hot Topics and Trends

*Restrictions apply to the CCBA's CLE Library. See page 35.

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*Restrictions apply to this offer. The 2021 CLE Passport is valid from January 1, 2021 to March 1, 2022, and is available only to members of the Clark County Bar Association (CCBA). CCBA membership must be renewed for the CLE Passport to remain valid from January through March during the upcoming membership years. This offer is non-transferable and limited to CCBA members for admittance to CCBA-sponsored CLE programs during the current calendar year. This offer does not include CLE programs not solely sponsored by the CCBA (e.g., co-sponsored by the State Bar of Nevada). The CLE Passport must be presented upon attendance of live program or upon ordering of audio/visual materials. Note: use of the CLE Passport is subject to restrictions listed in CCBA's policy for rental and/or purchase of recorded CLE programs.

*Restrictions apply to the CCBA's CLE Library. See page 36.

CLE continued from page 34

16. Streamlined Bankruptcy Option for Small Business

Speakers: Candace Carlyon, Esq. and Dawn Cica, Esq. of Carlyon Cica Chtd.

Recorded: 8/13/2020

CLE: 1.0 General CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

17. Federal Faux Pas: The "Do's and Don'ts" of Federal Practice

Speakers: U.S. Magistrate Judge Brenda Weksler, David Chavez, Judicial Term Clerk, and Emily Gesmundo, Judicial Career Clerk

Recorded: 8/3/2020

CLE: 1.0 General CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

18. Preparing a Better Deposition: Don't Let a Deposition Sink Your Case

Speakers: Mike Carman, Esq. and Corinne Price, Esq. of Fine Carman Price

Recorded: 7/28/2020

CLE: 1.5 General CLE Credits (NV)

Price: \$40/CCBA member, \$80/non-member

19. Nevada Prohibits Pre-Employment Discrimination for Marijuana Use

Author: Bridget Kelly, Esq.

Date: Apr. 2020 (*Communiqué*)

Format: PDF (article and test)

CLE: 1 General CLE Credit (NV)

Price: \$45/CCBA member, \$75/non-member

20. Ethics? Ethics? I Got Your Ethics Right Here.

Speaker: Dennis Kennedy, Bailey Kennedy LLP

Recorded: 4/15/2020

CLE: 2.0 Ethics CLE Credit (NV)

Price: \$50/CCBA member, \$100/non-member

21. The Promises and Perils of Legal Negotiation: How Psychology Can Help

Speaker: Jean R. Sternlight, Saltman Professor, UNLV Boyd School of Law

Recorded: 1/28/2020

CLE: 2.0 General CLE Credits (NV)

Price: \$50/CCBA member, \$100/non-member

22. Things You Have Wanted to Ask the Probate Commissioner

Speaker: Probate Commissioner Wesley Yamashita, 8th Judicial District Court

Recorded: 12/10/2019

CLE: 2.0 General CLE Credit (NV)

Price: \$50/CCBA member, \$100/non-member

23. The Disease of Addiction - A Professional, Community, and Family Affair

Speakers: Kristine Kuzemka - Nevada Lawyer Assistance Program & LCL, Lance Wilson - District Court Executive - Retired

Recorded: 11/19/2019

CLE: 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-member

NEVADA LAWYERS: Please watch/listen and let us know the date you completed each CLE program(s). Do this all BEFORE December 25, 2021, so we have enough time to report your attendance to the Nevada CLE Board.

24. Frightening Financial Transactions and How to Avoid Them

Speaker: State Bar of NV Counsel
Dan Hooge

Recorded: 10/29/2019

CLE: 2.0 Ethics CLE Credit (NV)

Price: \$50/CCBA member, \$100/
non-member

25. The Lawyer's Use of Social Media – A Look at Hot Topics and Trends

Speaker: John Naylor of Naylor &
Braster Attorneys at Law

Recorded: 10/2/2019

CLE: 1.0 Ethics CLE Credit (NV)

Price: \$25/CCBA member, \$50/non-
member

26. Proportionality Primer: Federal Guidance for Understanding the 2019 Amendment to Nev. R. Civ. P. 26(b)(1)

Author: Andrew Sharples, Esq.

Date: Oct. 2019 (*Communiqué*)

Format: PDF (article and test)

CLE: 1.0 Ethics CLE Credit (NV)

Price: \$45/CCBA member, \$75/non-
member

27. Legislative Update from Attorneys Serving in the Nevada Legislature

Speakers: Lesley Cohen, Esq.,
Assemblywoman (District 29,
Clark Cty.), Shea Backus, Esq.,
Assemblywoman (District 37,
Clark Cty.), Edgar Flores, Esq.,
Assemblyman (District 28, Clark
Cty.)

Recorded: 9/25/2019

CLE: 2.0 General CLE Credit (NV)

Price: \$50/CCBA member, \$100/
non-member

28. Highlights of the 2019 Legislative Session's Changes to Probate and Trust Law

Speakers: Jeffrey Luszeck and Alan
Freer of Solomon Dwiggin & Freer,
Ltd.

Recorded: 9/19/2019

CLE: 2.0 General CLE Credit (NV)

Price: \$50/CCBA member, \$100/
non-member

29. Beating Burnout: A Lawyer's Guide

Authors: By Carli L. Sansone, Esq.
and Shann D. Winesett, Esq.

Date: June/July 2019 (*Communiqué*)

Format: PDF (article and test)

CLE: 1.0 Substance Abuse/
Addiction/Mental Health (AAMH)
CLE Credit (NV)

Price: \$45/CCBA member, \$75/non-
member

30. New Lawyers: Things They Didn't Tell You in Law School

Speaker: Dennis Kennedy, Bailey
Kennedy LLP

Recorded: 5/13/2019

CLE: 2.0 Ethics CLE Credit (NV)

Price: \$50/CCBA member, \$100/
non-member

31. Delay Fees and the Montreal Convention

Author: Mark Severino, Esq.

Date: Apr. 2019 (*Communiqué*)

Format: PDF (article and test)

CLE: 1.0 General CLE Credit (NV)

Price: \$45/CCBA member, \$75/non-
member

32. Meet Your New Bar Counsel

Speaker: State Bar of NV Counsel
Dan Hooge

Recorded: 3/7/2019

CLE: 1.5 Ethics CLE Credit (NV)

Price: \$40/CCBA member, \$80/non-
member

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3. Streamlined Bankruptcy Option for Small Business
4. Bankruptcy Nuts and Bolts
5. Preparing a Better Deposition: Don't Let a Deposition Sink Your Case
6. The Promises and Perils of Legal Negotiation: How Psychology Can Help
7. How Not Be a Pebble in the Probate Commissioner's Shoe: Practice Tips and Pointers from the Viewpoint of the Probate Office
8. Don't be Scared by the Rules - Discovery, Spoliation, Claiming Privilege & Other Spooky Issues
9. Frightening Financial Transactions and How to Avoid Them

*Restrictions apply to the CCBA's CLE Library. See page 36.

CLE continued on page 36

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It is the program attendees' responsibility to report their completion of each program to the CCBA. Upon completion of a CCBA CLE program by a Nevada bar member, the CCBA will submit their record of attendance directly with the Nevada Board of Continuing Legal Education and send a confirmation of the filing to the attendee via email. If the attendee has attended the live program or previously viewed any of these titles, CLE credit will not be awarded again. Additional restrictions may apply.

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Take the Plunge

By Honorable Cheryl Moss

Having served 20 years as a judge, I was used to going 100 mph. After retiring, I could not sit still. Lawyers are used to long hours as if it were a normal daily occurrence. When you live and breathe the law, it is your comfort zone. I found mine when I reached out to the Legal Aid Center of Southern Nevada and asked them to refer all urgent-need cases to me.

Perhaps, for some, taking a pro bono case may be uncomfortable because of uncertainty and weighing considerations as: “Will I have time to handle a pro bono case?”, “I have a business to run!”, “I don’t know how to do this area of law.”

Here is my take. Try it. You might like it. Strike that. You will enjoy it and meet amazing people at Legal Aid.

When Legal Aid sent over my first case, they had everything ready: client file, court minutes, reports, pleadings, sample forms, simple instructions on how to get

started, contact information, and they even assigned me a mentor attorney.

Legal Aid also has website training manuals, sample forms, and announcements for free CLE classes. The staff are very responsive, friendly, and super helpful.

I may be retired, but I still know what it is like to work full-time. I ran a solo office prior to becoming a judge, and I took pro bono cases. I assure you, the time commitment is doable, the court hearings are manageable, and the judges will strive to hear pro bono cases first on their docket.

I completed two cases within six weeks. One involved a 4-year-old boy who lost his mother, and the other a young man with severe disabilities who needed a voice in the courtroom.

It sounds cliché, but it is gratifying and enriching to serve our Nevada community. **C**



Honorable Cheryl Moss retired after 20 years of service in Clark County’s Family Court (2001-2021).



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Language Access in the Law

By Priscila Venzor

The language access gap in the legal field is an especially important issue to me. I am a Native-Spanish speaker, a first-generation law student, and a first-generation Mexican American. I have seen firsthand how language barriers can inhibit vulnerable communities from obtaining justice. When I was selected to be the 2021 Melanie Kushnir Access to Justice Fellow at the Legal Aid Center of Southern Nevada, I knew I wanted to help find ways to expand access to justice for Nevadans with limited English proficiency. As I began my fellowship, I quickly learned the difficulty legal aid nonprofits face when attempting to place pro bono cases with volunteer attorneys.

With the incredible support of the Pro Bono Project team and the bilingual attorneys at the Legal Aid Center of Southern Nevada, I created the Volunteer Interpreter Program. This program pairs pro bono attorneys with qualified volunteer

interpreters to help provide legal services to non-English speaking clients.


The development of this program occurred throughout the course of the summer. To create a program that could recruit, train, and retain qualified interpreters, I spoke with experienced interpreters in the local community, nonprofit organizations dedicated to language access, language instructors, bilingual attorneys, and more.

I learned that, in the same ways that attorneys are required to obtain Continuing Legal Education units (CLEs), court-certified interpreters need to obtain Continuing Education Units (CEUs).

I successfully led the effort to amend the certification process for court-certified interpreters. As a result, the Legal Aid Center of Southern Nevada and all legal aid nonprofits in the state of Nevada can now provide CEUs to court-certified interpreters for volunteering to in-

terpret for pro bono attorneys. Legal aid organizations, and more importantly, pro bono attorneys now have improved access to language access resources. This change will allow non-English speakers across the state of Nevada greater access to justice, regardless of the language they speak!

Developing this program with the Legal Aid Center's attorneys and staff, who care so deeply about the organization's commitment to access to justice, has been incredible. I hope you decide to take on a pro bono case with a non-English speaking client and utilize an interpreter to expand access to justice.

To learn more about volunteer opportunities, contact Pro Bono Director Michael Wendlberger at (702) 386-1429 or mwendlberger@lacs.org. 



Priscila Venzor is the 2021 Melanie Kushnir Access to Justice Fellow at Legal Aid Center of Southern Nevada. She is currently in her second year at William S. Boyd School of Law as a dual-degree law and social work student.

Employment

The University of Nevada, Reno, seeks applicants for an Assistant General Counsel that reports administratively to the General Counsel. The Assistant General Counsel litigates on behalf of UNR in consultation with the General Counsel and assists the General Counsel in planning, organizing, and guiding UNR's legal activities. The Assistant General Counsel assists in providing advice and counsel to senior academic and administrative officers of the University concerning UNR's legal rights and obligations. Scope of the role includes litigation, administrative and regulatory matters, whether in the courts of the State of Nevada or the United States and in all federal and state administrative agencies, client counseling and contracts. The Assistant General Counsel conducts legal research and advises University officers on matters pertaining to compliance with state and federal laws affecting the University with particular emphasis on litigation, contracts, business and tort law, employment law and dispute resolution, intellectual property, the First Amendment and student rights. The position is also responsible for other such legal or administrative duties as may be assigned by the General Counsel. Concurrent private practice is precluded. The successful candidate will have excellent written and verbal skills; personal and professional integrity; knowledge of civil procedure, state and federal laws, relevant law and legal practice, and court procedures; excellent relationship-building skills working with diverse of-

fices and be a team player. Required Qualifications: Law Degree and five years of related professional experience in civil practice including litigation and contracts. Licensure: Licensure to practice law in the State of Nevada. Schedule and Travel: Variable work schedule. Occasional travel. To apply, please click on link: https://nshe.wd1.myworkdayjobs.com/UNR-external/job/University-of-Nevada-Reno---Main-Campus/Assistant-General-Counsel_R0126932.

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Thursday, December 2, 2021

The Smith Center for the Performing Arts



Celebrating CCBA members practicing law in Nevada for 40, 45, 50, & 55 years. This year, we will induct members who were admitted in 1981 and honor members admitted in 1976 and 1971.

40 Year Club Inductees (2021):

David Barron, Barron & Pruitt, LLP

James Bradshaw, McDonald Carano, LLP

David Chesnoff, Chesnoff & Schonfeld

Mark Ferrario, Greenberg Traurig, LLP

Judge David Gibson, Henderson Justice Court

P. Gregory Giordano, McDonald Carano LLP

Sal Gugino, Gugino Law PLLC

J. Randall Jones, Kemp, Jones & Coulthard, LLP

George Kelesis, Cook & Kelesis, Ltd.

Lorraine Mansfield, Reed and Mansfield

Judge Victor Miller, Boulder City Justice & Municipal Courts

Senior Judge Nancy Oesterle, Eighth Judicial District Court

Gene Porter, PrivateTrials

Dan Reaser, Fennemore

Layne Rushforth, Rushforth Firm Ltd.

Marc Simon, Simon Law, LLC

Steven Wolfson, Office of the Clark County District Attorney

**RSVP to the CCBA
by November 18, 2021.**

ClarkCountyBar.org or 702-387-6011

For more information about this special event, see page 6.