



Landlord-Tenant CLE Webcast
Free for CCBA Members on December 16, 2021
See page 12

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

The Pro Bono Issue

December 2021

Read Bar Luncheon Highlight

Empathy and Awareness Are Keys to Diversity and Inclusion

By Michael J. Nuñez, Esq.

See page 6



Featured inside

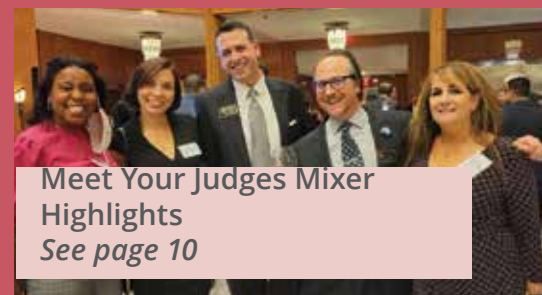
President's Message: Honoring Members Past and Present
See page 4

Trends in Pro-Bono Giving as We Pivot from Pandemic to Post-Pandemic Times and Look Ahead into 2022
See page 20

Pro Bono Senior Advocate Sign-A-Thon Supports SNSLP's Mission of Serving Seniors Regardless of Income
See page 22

Leave the Client in the Cold. Nevada Rule of Professional Conduct 1.8 Sanctions Charity
See page 24

Guardianship in Nevada
See page 28



Meet Your Judges Mixer Highlights
See page 10

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.



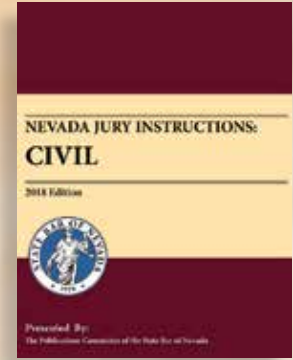
Nevada Gaming Law Practice and Procedure Manual

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





COMMUNIQUE

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Table of Contents

Columns

CCBA President's Message Honoring Members Past and Present <i>By James E. Harper, Esq.</i>	4
View from the Bench Matterhorn: Traffic Citation Res- olution Platform Goes Live <i>By Chief Judge Melissa Saragosa...</i>	16

Departments

About <i>Communique</i>	8
Advertiser Index	9
Bar Activities	6, 9, 10, 12
Bar Services	18, 30
CLE Programs	12, 18
Court News	14
Editorial Calendar (2022)	8
The Marketplace	30

On the Cover

***Diversity Luncheon Spotlight (I-
r): Judge Tierra Jones, Annette
Bradley, Bryan Scott, James
Harper, Lora Picini, and Nedda
Ghandi.***

The Pro Bono Issue

Features

Trends in Pro-Bono Giving as We Pivot from Pandemic to Post-Pan- demic Times and Look Ahead into 2022 <i>By Emily Ellis, Esq.</i>	20
Pro Bono Senior Advocate Sign-A -Thon Supports SNSLP's Mission of Serving Seniors Regardless of Income <i>By Candace Carlyon, Esq. and Carol Kingman, Esq.</i>	22
Leave the Client in the Cold. Nevada Rule of Professional Conduct 1.8 Sanctions Charity <i>By Chad Pace, Esq.</i>	24
Guardianship in Nevada <i>By Michael Wendlberger, Esq.</i>	28

Highlights

Empathy and Awareness Are Keys to Diversity and Inclusion <i>By Michael J. Nuñez, Esq.</i>	6
Join a Bar Committee	9
Meet Your Judges Event Highlights <i>By Stephanie Abbott</i>	10
Jim Berchtold to Present Landlord-Tenant CLE Program on December 16, 2021 <i>By Stephanie Abbott</i>	12
Special Offers on CLE for Nevada Lawyers <i>By Stephanie Abbott</i>	18
Ballet Tickets Special Offer	30

Honoring Members Past and Present

By James E. Harper, Esq.

As this year comes to an end for my presidency at the Clark County Bar Association, I want to welcome Nedda Ghandi, our incoming 2022 President.

Although much of the year's activity were constrained to virtual participation, I am grateful that the last quarter of the year welcomed the return of live events. In addition to the August 12, 2021, luncheon with Vegas Golden Knight's Chief Legal Counsel, Chip Seigel III, the CCBA hosted live events in October and November, and will host the 40 Year Club & Annual Meeting this month.

On Thursday, October 21, 2021, the CCBA's Diversity & Inclusion Committee for Equity ("DICE") hosted "Diversity in the Legal Community," a special luncheon event at the Golden Nugget, featuring a panel discussion about diversity, inclusion, and equity in the legal profession with notable members of Nevada's legal community.

On November 4, 2021, the CCBA hosted the 30th Annual Meet Your Judges at The Smith Center for the Performing Arts. The highlight of the evening was Justice Abbi Silver's acceptance of the CCBA's 2021 Judicial Award of Excellence. Brittany



CCBA President ('22)
Nedda Ghandi

Walker, Ryan Semerad, Amber Lunn, and Tasha Schwikert nominated Justice Silver for the award. It was my great honor to present the award to Justice Silver before a crowd of, perhaps, the most judicial officers and attorneys gathered together since March 2019. (See page 10 for more highlights from the event.)

Justice Silver has demonstrated judicial excellence through conduct upholding the rule of law and the impartial administration of justice, especially through her service on the Nevada Standing Committee on Judicial Ethics. Justice Silver is the only person ever to serve as a judge at every level of our Nevada state court system.

Justice Silver has fostered access to justice through her judicial service and through her representation of countless victims as a Chief Deputy District Attorney of the Special Victims Unit for Clark County, Nevada. Moreover, Justice Silver has contributed to the quality and comradery of the bar through her mentorship of countless young men and women in the community.

On November 5, 2021, I was humbled to represent the CCBA at the Annual Attorney Memorial Service produced by the Clark County Law Foundation in con-



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.

junction with the Clark County Bar Association, State Bar of Nevada, Eighth Judicial District Court, U.S. District Court, and the Federal Bar Association-Las Vegas Chapter.

Those honored at the service:

Judge Lloyd D. George
Judge Don P. Chairez
Judge James A. Brennan
Justice Thomas L. Steffen
Kenneth W. Long
Scott K. Canepa
Michael J. Amador
Wm. Gary Logan
James D. Vitale
William (Bill) B. Terry
Sean T. Higgins

Other members who passed away in 2020 and 2021 but who were not specifically honored at the service:

Peter Flangas
John Duffy
Arthur Tuverson
Mark Solomon
Catherine Kay Ramsey
Jeanette Mitchell
Daniel Rickert
Christopher John Curtis
Justin Karczag
Thomas Crowe
Valerie Adair
Gregory Bubyoff
Robert Gaston
Geraldine Kirk Hughes
Thomas Moore
Jerry Osgood
Ian Ross
Lawrence Yenke
Yvette Robinson Freedman

For the last live event of the year, the CCBA will host the 40 Year Club & Annual Meeting at The Smith Center for the Performing Arts on December 2, 2021. Each year, we celebrate CCBA members who have practiced law in Nevada for 40, 45, 50, & 55 years. Once again, Dan Polsenberg will emcee the event. Please come and join us for this wonderful event and celebration of the end of the year.



CCBA President ('21) James Harper and Nevada Supreme Court Justice Abbi Silver.



CCBA President ('21) James Harper, President ('20) Mariteresa Rivera-Rogers and Retired District Court Judge Ken Cory.

As I reflect on this past year, I want to thank the many volunteers and our staff who make things happen in our organization. Special thanks go to Nedda Ghandi, our President Elect, and Brandon Kemble, our Secretary Treasurer, for their help and wisdom at a moment's notice. Many thanks to all the Executive Board members who attended our monthly meetings and worked on special projects. And last, but not least, to the most efficient and conscientious staff you could ever ask for, Donna Wiessner, our Director, and Stephanie Abbott, our Communications Manager.

Thanks to all of you for making this unusual and different year enjoyable. For your dedication and support, I am forever grateful. 🍷

Empathy and Awareness Are Keys to Diversity and Inclusion

By Michael J. Nuñez, Esq.

The inaugural luncheon of the Clark County Diversity & Inclusion Committee for Equity (“DICE”) occurred on Thursday, October 21 at the Golden Nugget. This was a live event, with streaming participants by Zoom, which made for a festive occasion with many participants able to reconnect with old friends.

A panel discussion was held during lunch to discuss current topics of diversity in the legal profession and questions from the audience were taken. The panelist included members of the bar and bench, as well as Lora Picini, Senior Vice President of Diversity Inclusion and Talent Management at Everi, a gaming equipment and financial technology provider, and Nedda Ghandi President Elect of the Clark County Bar Association.

In response to questioning of positive and negative experiences regarding diversity and inclusion, Las Vegas City Attorney Bryan Scott was able to share his positive experiences, of outreach to diverse youths and students interested in the profession of law. On the negative side, Mr. Scott received affirmative responses from members of the audience when asked if they ever personally experienced disaffirming conduct, actions, and speech from other attorneys, clients, and judges. To counter these experiences the panel discussed the need for empathy amongst the profession and an awareness of others around us. District Court Judge Tierra Jones commented that diversity is needed at all levels, not just with judges and attorneys. Failing to achieve this impacts the public’s access to justice and the court system’s ability to empathize with different individual’s interests and claims.

The panelists discussed accomplishments being made in the profession, with Mr. Scott indicating that when he commenced the City Attorney post, there were no attorneys of color in the office. This has changed. Ms. Picini added to this that studies have clearly shown that companies and



Michael J. Nuñez, Esq., Senior Partner and the Partner-in-Charge of Murchison & Cumming, LLP’s Las Vegas office, brings a unique background to his practice, being both an experienced trial lawyer and experienced appellate lawyer.

Special thanks to event sponsors



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& Levy**



Diversity Luncheon Spotlight (l-r): Judge Tierra Jones, Annette Bradley, Bryan Scott, James Harper, Lora Picini, and Nedda Ghandi.

businesses who have not recognized the importance of and who have not implemented diversity and inclusion programs have done so to their own economic disadvantage. Nonetheless, our own figures show that there is room for improvement. A 2021 demographic study of the 9,054 active members of the State Bar of Nevada solicited the following 6,908 responses of member racial identification:

Native American:	37	0.5%
Asian:	305	4.4%
Black / African American:	189	2.7%
Caucasian:	5,646	82%
Hispanic / Latino / Latina:	366	5.3%
Middle Eastern:	51	0.7%
Mixed Race:	167	2.4%
Pacific Islander:	26	0.4%
Other:	121	1.8%

Advice to law practices and companies seeking to implement diversity and inclusion initiatives and education included, avenues of information gathering, such as focus groups and anonymous surveys, to implementing programs for hiring, training, mentoring, and retention. As Judge Jones phrased it “It’s not a one time thing.”

In closing, all members of the bar and work place need to feel welcome and involved, including those new to these discussion. A too common problem is people getting in trouble or being chastised and not knowing why when insensitive actions or comments are made.

DICE was organized and implemented in 2021 with the help of the

Please look for announcements about DICE events to be scheduled in 2022.

CCBA Past President (‘20) Mariteresa Rivera-Rogers who was instrumental in getting the committee up and running. Without her adding DICE onto the CCBA’s board agenda in September 2020, the committee would be nowhere close to what we have accomplished today. In addition to her efforts, several members of the bar from a broad spectrum of backgrounds and experiences have joined together to develop relevant content and activities for the CCBA. We are proud of our achievements to date. Please look for announcements about DICE events to be scheduled in 2022. **©**

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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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. Phone: (702) 387-6011.

Editorial Calendar

Cover Date	Topic of Articles	Closing Date
January 2021	Five Things	12/1/2021
February 2021	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	8/9/2022
November 2022	Family Law	9/9/23/2022
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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Advertisers, sponsors

Advanced Resolution Management ...	10, 21
Aldrich Law Firm, Ltd.	10
Ara Shirinian Mediation.....	26
Armstrong Teasdale LLP	10
Bailey Kennedy, LLP	10
Bank of Nevada	6, 10, 12, 13, 32
BDO	10
Brett Sutton Mediation.....	25
Campbell & Williams	6
Collinson Daehnke Inlow & Greco.....	10
Depo International.....	10, 26
Dickinson Wright PLLC.....	10, 23
Dillon Health.....	10
Fennemore.....	10
Flynn Giudici, PLLC	15
Fox Rothschild LLP.....	10
Greenberg Traurig, LLP	10
Heidari Law Group	10
Holland & Hart LLP	10
Holley Driggs.....	10
HOLO Discovery	10
Hone Law LLC	17
Jason D. Mills / GGRM Law Firm	19
Jeffrey Burr	6
Kemp Jones	10
Koeller Nebeker Carlson & Haluck LLP...	10
Las Vegas Legal Video	6, 10, 11, 12
Lawrence C. Hill & Associates, Ltd.	10
Legal Aid Center of Southern	10
Legal Wings.....	16
Lewis Roca.....	10
Litigation Services.....	9, 10
Littler	10
Marquis Aurbach Coffing.....	10
McDonald Carano	10
Nevada Ballet Theatre.....	30, 31
Nevada Legal Services	10
Paul C. Ray, Chtd.....	6
Portraits to You	27
Professional Advocates, Inc.....	10
Prominence Health Plan	10, 29
Receivership Specialists	10
Red Panda Systems.....	30
REPLEC	10
Solomon Dwiggin Freer & Steadman, Ltd.	10
State Bar of Nevada	2
Welt Law	29
WestPac Wealth Partners.....	10, 14
Wright Marsh & Levy	6

Join a Bar Committee

CCBA members are invited to join one or more committee and help the CCBA to enrich the lives and careers of our members and community.

- **Community Service Committee** – Meets: First Friday of the month. Chair: Alicia May, Esq. of Pecos Law Group.
- **Continuing Legal Education (CLE) Committee** – Meets: Second Wednesday of the month. Chair: Robert Telles, Esq. of Clark County Nevada Public Administrator.
- **Diversity and Inclusion Committee on Equity (DICE)** – Meets: Last Friday of the month. Chair: Annette Bradley, Esq.
- **New Lawyers Committee** – Meets: Second Thursday of every month. Co-Chairs: Sunethra Muralidhara, Esq. of Wright Marsh & Levy and Andrew Coates, Esq.
- **Publications Committee** – Meets: First Tuesday of every month. Chair: Alia Najjar, M.D., Esq. of Ladah Law Firm, PLLC.

For more information about a committee, reach out to the committee chair or contact the CCBA office at 702-387-6011. 

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Meet Your Judges Event Highlights

By Stephanie Abbott

Thank you to all who attended the CCBA's 30th Annual Meet Your Judges Mixer at the Smith Center for the Performing Arts on November 4, 2021. Over 300 members of the bench and bar were expected to attend. I felt the many enjoyed an evening of networking at this popular annual event. The CCBA Executive Board and staff are truly grateful to the sponsors of the event. Their support helped to defray the costs to related to hosting the event, including fees for the food, beverage, and facilities. See some highlights from the event here. See more at <https://photos.app.goo.gl/F1YuJoT5W4EwJcGP9>. **C**

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Jim Berchtold to Present Landlord-Tenant CLE Program on December 16, 2021

By Stephanie Abbott

Consumer rights lawyer Jim Berchtold will make a special presentation for the continuing education of Nevada lawyers in a program produced by the CCBA's CLE Committee on Thursday, December 16, 2021.

Jim Berchtold is the Directing Attorney for the Consumer Rights Project at Legal Aid Center of Southern Nevada where he manages a team of over fifty attorneys, paralegals, and staff that provides economically vulnerable Nevadans a broad array of legal services (ranging from hotline assistance to attorney representation) via the multiple programs under the Consumer Rights Project umbrella.

Berchtold will present "Landlord-Tenant Law in Nevada and the COVID-19 Impact" to highlight relevant information for Nevada lawyers. Topics to be discussed are:

- COVID-19's impact on eviction law and procedure
 - The crisis and response
 - Rental assistance programs
 - Eviction diversion efforts
 - Mediation
 - Assembly Bills 486 and 141
- Overview of current eviction procedures
- Other common landlord-tenant disputes
 - Security deposits
 - Rent increases
 - Fees and charges



*The live webcast
is free for current
CCBA members!*

This CLE program will be held online via Zoom, from 12:00 to 1:15 p.m., Thursday, December 16, 2021. The presentation will offer 1.0 CLE credit to CCBA members only. Pricing of the event 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.

To RSVP, 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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Clark County Court Issues Admin Order 21-07

On November 2, 2021, Eighth Judicial District Court Chief Judge Linda Marie Bell issued Administrative Order 21-07. AO 21-07 addresses the assignment of protection orders sought against minors. For more information, view the order posted to the court's website at <http://www.clarkcountycourts.us/general/court-rules-and-administrative-orders/#Administrative%20Orders>.

Eighth Judicial District Court Civil Bench Bar Meeting

Members of the bar who practice before the Eighth Judicial District Court (EJDC) are invited to attend the Civil Bench Bar Meetings. See below for information on the next meeting.

- When: Tuesday, December 14, 2021, noon to 1:00 p.m.
- Where: Online via Zoom
- What: Learn what's happening at the court and discuss any modifications of processes in the civil department.

For more info and to RSVP, send inquiries to EJDCBenchBar@gmail.com.

Nevada Appellate Court Summaries (10-6-21)

The latest installment of the "Nevada Appellate Court Summaries" features summaries of recent opinions of the Supreme Court of Nevada and the Nevada Court of Appeals, as compiled by Joe Tommasino, Esq. The summaries are published to the bar's website. See

<https://clarkcountybar.org/category/nevada-appellate-court-summaries/>.

Ninth Circuit Announces Bankruptcy Judgeship Opportunity for District of Nevada

The Court of Appeals for the Ninth Circuit invites applications from highly qualified candidates for a Bankruptcy Judgeship for the District of Nevada. This position is available immediately, however, the selection process may take up to 18 months to complete. The official duty stations for this position is Reno, Nevada.

The term of office is 14 years with a possible renewal appointment subject to reappointment procedures. The current salary is \$201,112 per annum. Relocation ex-

penses are not reimbursable.

The Court of Appeals uses an open and competitive selection process. All applications are screened by a Merit Screening Committee, which selects a limited number of applicants for interview and contacts their references. From the initial group of interviewees, selected applicants will be referred for further interview by a Judicial Council committee, which then submits a recommendation of nomination to the Court of Appeals. The selected nominee will be required to satisfy FBI and IRS background investigations prior to appointment as well as comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified as amended at 5 U.S.C. app. § 101-111).

6TH ANNUAL HOLIDAY MIXER

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Basic qualifications for consideration include: (1) admission to practice before the highest court of at least one state, the District of Columbia, or the Commonwealth of Puerto Rico; (2) membership in good standing in every bar in which membership is held; and (3) at least five years of legal practice experience (certain other legal experience may be substituted). Applicants are considered without regard to race, sex or gender (including pregnancy, gender identity, gender expression, marital status, and parenthood), color, creed, national origin, citizenship, ancestry, age, disability, religion, sexual orientation, genetic information, or past, current, or prospective service in the uniformed forces, in addition to any other status or characteristic protected under applicable federal law.

Application forms and more information may be obtained by contacting the address and/or telephone/fax numbers listed below. The Ninth Circuit Bankruptcy Judge Application may also be downloaded from our website at www.ca9.uscourts.gov. Applicants are advised to allow for sufficient time to complete and submit the application. One completed and signed original must be sent to the Office of the Circuit Executive. One scanned version of the completed application must be submitted by email to personnel@ce9.uscourts.gov. Applicants must submit their own applications in the format required by the Ninth Circuit. Applications must be received by 5 p.m., Thursday, January 20, 2022.

To be considered, letters of reference (though optional) must be

submitted with the original application and must be uploaded with the scanned application.

Application forms may also be obtained by contacting:

Office of the Circuit Executive
Personnel@ce9.uscourts.gov
95 Seventh Street, Suite 429
San Francisco, CA 94103-1518
Attn: Bankruptcy Recruitment,
NEV

Deadline for receipt of all completed application materials: Thursday, January 20, 2022, 5 p.m.

The United States Courts are equal opportunity employers and committed to equity and inclusion in its hiring practices. **G**



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Flynn Giudici, PLLC is pleased to announce the addition of former Nevada Supreme Court Justice, A. William “Bill” Maupin to the firm. Justice Maupin will primarily focus on trial litigation and appellate matters.

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Matterhorn: Traffic Citation Resolution Platform Goes Live

By Chief Judge Melissa Saragosa

That allows our customers to easily resolve their traffic citations without the hassle of a trip to the Regional Justice Center. The system has been programmed to integrate a specific matrix of authorized settlement offers from the District Attorney based upon the demerit points for the charged offense and the number of prior moving violations an individual has been cited for in a rolling thirty-six month period.

Defendants now have the ability to enter a plea, upload documentation (i.e. – proof of insurance, registration, license, or traffic school), and make payments through the online platform. Defendants electing to plead not guilty have the option to submit statements and evidence in defense, mitigation, or extenuation through Matterhorn and request the court to render a ruling on the citation based upon those submissions and written submissions of the officer in lieu of a trial or they may request a trial.

Using the web address below, traffic customers can access their traffic citation and create an account with Matterhorn. See <https://lvjcpa.clarkcountynv.gov/Anonymous/default.aspx>.

Users should select the “**Resolve a citation and/or make a payment**” button located on the top right of the screen which will direct them to the

Matterhorn website for instructions on how to register.

The Las Vegas Justice Court also is planning for the re-opening of our customer service lobby (formerly the traffic lobby shared with Las Vegas Municipal Court) that was closed during the pandemic due to its high



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Chief Judge Melissa Saragosa was appointed to Las Vegas Justice Court Department 4 in 2006

volume of foot traffic. The goal is to open simultaneously with standing up a traffic arraignment court that will serve traffic customers unable to utilize the Matterhorn platform. Though the court has had to prioritize use of resources to handle eviction matters, we anticipate beginning to schedule traffic trials in January 2022.

While we understand the frustration that has been caused by the protracted closure of the traffic division, we are certain the new Matterhorn platform will streamline the process for traffic citations and ease the transition into civil infractions established by Assembly Bill 116 in the last legislative session. Additionally, rest assured that no cases were sent to collections and no warrants were issued during the closure. We encourage anyone who has an outstanding traffic citation to access Matterhorn.

For up-to-date Court news, notices, procedural updates, and meeting announcements you can now follow us on Twitter @LVJusticeCt_NV. Stay tuned for further updates as the Las Vegas Justice Court continues to innovate and evolve toward a brighter tomorrow for our community. 

While we understand the frustration that has been caused by the protracted closure of the traffic division, we are certain the new Matterhorn platform will streamline the process for traffic citations and ease the transition into civil infractions established by Assembly Bill 116 in the last legislative session.

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Special Offers on CLE for Nevada Lawyers

By Stephanie Abbott

We are pleased to offer programming, reporting, and discounts on continuing legal education (CLE) for Nevada lawyers.

CLE Programming

The CCBA offers a variety of live, recorded, and alternative format programs for the continuing legal education (CLE) to Nevada lawyers. View the options listed on our website at <https://clarkcountybar.org/marketplace/cle-programs/> or view the CCBA Audio/Visual Library Catalog published in last month's issue of the *Communiqué* (Nov. 2021).

CLE Reporting

The CCBA can report attendance (to the Nevada Board of Continuing Legal Education) for Nevada lawyers who have registered for and completed the CCBA's CLE programs. For live programs, attendance is taken at the event (live or webcast). For recorded programs, attendance can only be taken for those participating attorneys who attest they completed the program by sending an email to CCBA staff (Donnaw@clarkcountybar.org) with the relevant attendance information as follows:

- Nevada lawyer's name and Nevada Bar #
- Title of the program
- Date on which they completed the program



We will submit the lawyer's record of attendance directly with

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. Contact her at StephanieAbbott@clarkcountybar.org or (702) 387-6011.

To help us to help the attorneys to make their Nevada CLE reporting deadline of 12/31/2021, we need the participating attorneys to submit their attendance information (for the recorded programs) to the CCBA staff before 12/25/2021.

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 rented or purchased any of these titles, the CLE credit(s) will not be awarded again.

To help us to help the attorneys to make their Nevada CLE reporting deadline of 12/31/2021, we need the participating attorneys to submit their attendance information (for the recorded programs) to the CCBA staff BEFORE 12/25/2021. **C**

CLE Passport

The CCBA CLE Passport is available for CCBA members only and offers* 13.0 CLE Credits (NV) from the CCBA for only \$200. Order the passport at ClarkCountyBar.org or call the CCBA office at (702) 387-6011.

*Restrictions apply to use of the CLE Passports. For more information, see the CCBA Audio/Visual Library Catalog available in the *Communiqué* (Nov. 2021), online at <https://clarkcountybar.org/marketplace/cle-programs/>, and available from the CCBA staff upon request.

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Trends in Pro-Bono Giving as We Pivot from Pandemic to Post-Pandemic Times and Look Ahead into 2022

By Emily Ellis, Esq.

“Fight for the things that you care about, but do it in a way that will lead others to join you.” —Ruth Bader Ginsburg.

It is hard to reflect on the past two years and not think of all the financial hardships, immense emotional challenges, racial and social injustices, and overall devastation our community—and communities across the globe—faced. But as I look back, I am overwhelmed with pride to be part of such an incredible profession comprised of people who heard the call to action and fearlessly led charges demanding justice and coming to the aid of those so desperately in need.

While the pandemic created an urgent necessity for legal assistance—resulting in attorneys, paralegals, and legal advocates stepping up in a moment’s notice—it also provided a much-needed pause in our daily lives and shed light on what an incredible impact we can make on the lives of others.

As we emerged from the chaos of putting out fires, law firms,

as well as individual lawyers, seemed to have a heightened awareness of how critical it is to provide pro bono services not only during a global crisis, but every single day. Because of this, we are not only seeing an increase in overall pro bono hours, but there is a growing trend among law firms of engaging in strategic pro bono efforts with the goal of creating a long-lasting positive impact for generations to come. These strategic efforts involve, among others, forming partnerships and alliances with other law firms, organizations, and non-profits to ensure we have the greatest positive impact through collaboration and concerted efforts. Where in the past, a single lawyer would volunteer to represent a family facing eviction; today, hundreds of lawyers across the country participate in a virtual, nationwide training program to assist low-income tenants. This is




Emily Ellis, Esq. is a shareholder and serves as the Las Vegas chairperson of Brownstein’s firmwide Karma Committee and as a member of the Pro Bono Committee.

made possible by the Law Firm Anti-Racism Alliance and the Association of Pro Bono Counsel joining forces and leveraging their networks. Whether they are aimed at making a positive environmental impact or assisting Afghan refugees, increasingly we are seeing these types of partnerships born from necessity and the desire to create a lasting change.

During the pandemic, we also became keenly aware of the racial and social injustices facing so many in our community and the need for us to fight for equality. When the dust settled from the protests across the nation, pro bono attorneys were there to continue the charge. And this momentum has not faltered. Law firms are forging ahead and engaging in strategic efforts to combat racial and social injustice by committing to provide long-term pro bono services to victims of such injustices, and implementing internal practices, policies, and training to ensure they are providing an inclusive and diverse environment. We are seeing a movement of law firms, like my firm, that are creating diversity and inclusivity initiatives and working daily to improve the lives of so many, both inside and outside the firm.

As we all know way too well, the pandemic forced us to utilize virtual platforms to their fullest potential. While we may have suffered from “Zoom fatigue” at times, it truly opened the doors for us to provide pro bono legal services to our fullest potential. Where I previously was only able to visit my six-year-old client in my Children’s Attorneys Project case on a monthly or bimonthly basis due to scheduling issues, I now have the ability to meet with her virtually every other week so I can check in on her mental well-being and physical needs. Similarly, because court hearings are conducted via remote means, we can assure our teenage clients that when they testify, they will not have to look into the eyes of their abuser. Our virtual world gives us more flexibility and opportunities to provide much needed pro bono services on a larger scale. As we look ahead to 2022 and years to come, it appears that a hybrid model is the way of the future. Still, there is no substitute for the invaluable human connections created by sitting alongside your pro bono client and facing the challenges together.

Even though there is no way to predict what tomorrow will bring, there are clearly no signs of slowing down, and our incredible legal community continues to lead the way and fight for what is right. 

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Pro Bono Senior Advocate Sign-A-Thon Supports SNSLP's Mission of Serving Seniors Regardless of Income

By Candace Carlyon, Esq. and Carol Kingman, Esq.

The Southern Nevada Senior Law Program (“SNSLP”) may be a lesser-known pro bono legal services provider, but it serves a critical role in protecting our seniors. Unlike other fantastic “safety net” organizations, SNSLP does not turn clients away based on income. SNSLP offers an array of services including estate planning, healthcare directives and powers of attorney, eviction and foreclosure assistance, consumer protection, and elder rights assistance to Southern Nevadans 60 years of age and older.

With the expiration of the eviction moratorium, SNSLP has risen to the challenge of providing emergency assistance to seniors facing imminent eviction. SNSLP has devoted additional resources to address this crisis, including adding an independent contractor to assist in eviction matters through a grant from the Nevada Aging and Disability Services Division. Other resources have been shifted to ensure that seniors facing a crisis receive needed representation on a fast-track basis.

During Pro Bono Month, SNSLP launched its Pro Bono Senior Advocates program with an event dedicated to estate planning clients not facing exigent circumstances. More than a dozen volunteers met with approximately 20 clients, explaining, completing, and supervising the signing of dozens of documents, including wills, durable powers of attorney for health care decisions, powers of attorney, and homestead dec-

Many clients expressed their appreciation for the opportunity to have an expedited completion of their documents.

larations. Many clients expressed their appreciation for the opportunity to have an expedited completion of their documents.

The volunteers ranged from new attorneys to those with decades of experience. One volunteer, April Anstett, described her participation and its impact:

I appreciated the CLE training in preparation of meeting with the seniors. I have kept my Nevada license, but I haven't practiced law since 2003. Instead, I have been a stay-at-home mom to my three children.

This was my first time doing pro bono work. In the past, thoughts of fear, apathy, insecurity about my own knowledge/ability, and not wanting to get out of my comfort zone kept me from volunteering.

This event inspired me to keep doing pro bono work. The people I helped were very appreciative of my assistance. In only a few hours of time, I gave my pro bono clients peace knowing that their legal issues were being taken care of.

Candace Carlyon, Esq. is a founding member of Carlyon Cica Chtd. and a board member of SNSLP. Her practice focuses on business restructuring and commercial litigation. She also serves as a short trial judge pro tem.

Carol Kingman, Esq. is the managing attorney at Southern Nevada Senior Law Program. She is a 2002 graduate of the Boyd School of Law, and also serves as a part-time professor at College of Southern Nevada.



Celebrating Pro Bono: Attorney volunteers at the Senior Sign-a-thon to benefit the Southern Nevada Senior Law Program.

Things that I consider relatively simple tasks can be overwhelming to lay persons. Helping those people brought me joy and a sense of purpose. I am thankful that I have a law license and I am looking forward to volunteering at more pro bono events in the future.

The innovative event was sponsored by Carlyon Cica, Chtd. SNSLP Managing Attorney Carol Kingman provided one-hour training sessions which covered the basics of all of the documents. Following that CLE program, attorney volunteers met with clients to explain and complete the documents, with Carol available to answer questions or assist. Carlyon Cica Chtd. para-professionals Nancy Rodriguez and Cristina Robertson assisted with notarization, witnessing, and organization, as well as providing assistance in transmitting advance directives to the state lockbox maintained by the Nevada Secretary of State. Ms. Kingman and SNSLP Elder Law Attorney Lorrie Haug conducted initial meetings with the clients and drafted the documents, and SNSLP paraprofessional Tiffany Shaw devoted hours of work to making the event a success, including client outreach to offer every client waiting for a final appointment the opportunity to obtain representation at the pro bono event. Larry Bertsch, CPA offered the hospitality of his office, ensuring adequate space so that every client with documents to be signed had the ability to attend.

SNSLP is hosting a second “Sign-a-thon” at its offices on December 9, 2021. Interested volunteers should contact tshaw@snslp.org to sign up to meet with clients and/or attend the free one-hour CLE program. Attorney volunteers will also be able to take advantage of additional free CLE opportunities. Attorneys can earn one CLE hour for every three hours of uncompensated pro bono service through SNSLP.

SNSLP offers its thanks to the following volunteer attorneys who made this inaugural event a success:

Abby Pace, Esq.	Christi DuPont, Esq.
Amanda Netuschil, Esq.	Christian Ogata, Esq.
Amy Smith, Esq.	Dawn Davis, Esq.
April Anstett, Esq.	James Leavitt, Esq.
Brandon Thompson, Esq.	Jennifer Leonescu, Esq.
Dawn Cica, Esq.	Phil Varricchio, Esq.
Dawn Davis, Esq.	Steve Parsons, Esq.

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Leave the Client in the Cold. Nevada Rule of Professional Conduct 1.8 Sanctions Charity

By Chad Pace, Esq.

You represent an indigent client on a contingency matter and give her children used clothing. State bar counsel would like to see you now.

This charity violates Nevada Rule of Professional Conduct 1.8(e). Strict enforcement begs discretion, but Florida attorney Phillip Taylor found himself subject to discipline. He donated children's clothing and small amounts of cash to his indigent client. There was no expectation of repayment. The Florida Bar charged Taylor with violating ethical Rules 4-1.8(a) (business transaction with client); 4-1.8(e) (financial assistance to a client in connection with pending litigation); and 4-1.8(i) (lawyer's proprietary interest in the client's cause of action). *Florida Bar v. Taylor*, 648 So.2d 1190, 1191 (Fla. 1994).

Charity sanctioned

Taylor's case seems outlying, but Rule 1.8 enforcement is not isolated. *Cleveland Bar Association v. Mineff*, 652 N.E.2d 968 (Ohio 1995) is another example. George Mineff's client was evicted, appeared ragged, and was visibly losing weight. Mineff gifted him approximately \$5,400 without any agreement to repay. The Ohio disciplinary panel publicly reprimanded Mineff.

Oklahoma attorney Donald

Smolen's case is similar. Smolen loaned his indigent client \$1,200 after the client's home caught fire. The loan was interest and penalty free. The client terminated Smolen's representation without repaying, and his new attorney reported Smolen. Smolen admitted violating Rule 1.8(e). The Court suspended him from practice for 60 days and ordered him to pay costs. *State ex rel. Okla. Bar Ass'n v. Smolen*, 17 P.3d 456 (Okla. 2000).

Smolen argued a humanitarian exception should apply. A dissenting judge in the Ohio case concluded that Mineff's charity benefited the client and did not interfere with the representation. An initial referee in the Florida case would have exonerated Taylor, reasoning, "I simply do not believe it is appropriate to sanction lawyers who provide used clothing for a client's child." In each case, these dissenting voices were overruled in favor of a pedantic application of Rule 1.8.

Nevada Rule of Professional Conduct 1.8(e)

Nevada RPC 1.8(e) reads,

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and



Chad Pace, Esq. is a partner at the Northern Nevada firm Carlson & Work. He devotes a portion of his practice to indigent criminal defense and is pro bono counsel at Healthy Communities Coalition in Lyon County. He is an experienced trial attorney and avid skier.

(2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

The Rule is substantially similar to the Florida, Ohio, Oklahoma, and ABA Model Rules. The ABA adopted Rule 1.8 based on the common-law prohibitions against champerty and maintenance because “such assistance gives lawyers too great a financial stake in the litigation.” MRPC 1.8(E) cmt. 10. A financial stake in the case may create an impermissible conflict of interest.

Amendments to Model Rule of Professional Conduct 1.8(e)

New York attorney Daniel Greenberg confessed that he has unknowingly violated Rule 1.8 throughout his career when taking clients to lunch, paying for carfare, or helping with food and necessities. Robert, Amanda, “Model Rule Revision Allows Attorneys to Help Pro Bono Clients in Need,” ABA Journal (Dec. 1, 2020). Greenberg, then a member of the ABA Standing Committee on Legal Aid and Indigent Defense, sought to amend the Rule.

In August, 2020, the ABA amended Model Rule

1.8(e) by adding a limited exception. The amendment permits modest gifts to an indigent clients represented pro bono through nonprofit legal services. The amended rule limits gifts to food, rent, transportation, medicine and other basic living expenses. New Rule 1.8(e) subsection 3 provides,

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

Nevada should also amend its RPC 1.8(e).

Nevada should expand upon Model Rule 1.8 Amendment

The model rule amendment is incomplete. It does not protect attorneys like Donald Smolen, Phillip Taylor, and George Mineff. No attorney should be sanc-

Charity *continued on page 26*

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tioned for giving a coat to an impoverished client.

Other jurisdictions protect charity. Washington DC's Rule 1.8(d)(2) permits aid when "reasonably necessary to permit the client to institute or maintain the litigation or administrative proceeding." Mississippi and South Dakota Rules 1.8(e)(2) allow gifts for medical and living expenses. Louisiana Rule 1.8(e)(5) allows lawyers to "provide financial assistance to a client who is in necessitous circumstances."

Nevada should follow suit. Rule 1.8 is intended to protect against champerty and maintenance. Humanitarian aid and *de minimis* gifts for necessary expenses are consistent with the Rule's purpose. Without aid, indigent clients may rely on high-interest, third-party loans or quick, discounted settlement. An amended Rule 1.8 can help clients avoid indignity and exploitation.

The Supreme Court of Nevada should amend RPC 1.8 to protect attorneys with benevolence and charity at heart. 



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Guardianship in Nevada

By Michael Wendlberger, Esq

Imagine a world where a stranger could come into your house while you're sipping your morning coffee. You open the door and are immediately escorted to a waiting car. The stranger sells all of your belongings, your car, your lifetime of mementos, and your home. You are isolated from the rest of your family, unable to call your children, or anyone for guidance or assistance. Imagine the pain you are put through as this ordeal lingers, and imagine this stranger gets paid throughout this entire process. All the while, you remain voiceless.

This story may sound like fiction, but this situation has occurred in Nevada. In the ideal world, guardianship is a tool intended to help people who can no longer make decisions independently. Ideally, a guardian is appointed to make decisions on behalf of a protected person and does just what the name dictates, guards the protected person. In the past, many guardianships failed. The protected persons lost their freedoms without the opportunity to appear in court. The protected persons were placed in guardianships without notice of a hearing and without an attorney.

To address the abuses in guardianship, in 2015, the Supreme Court of Nevada created a commission to study the creation and administration of guardianships. Chief Justice James W. Hardesty chaired the commission. Its membership included Nevada Court of Appeals Chief Judge Michael Gibbons, district court judges throughout Nevada, Debra Bookout, private bar

In its final report, the commission made numerous recommendations, including a proposed Guardianship Bill of Rights

members, nonprofit stakeholders, and private guardians. The commission worked through the end of 2016, providing ideas and solutions to revamp guardianship in Nevada. In its final report, the commission made numerous recommendations, including a proposed Guardianship Bill of Rights.

During the 2017 Nevada Legislative Session, the legislature passed Senate Bill 360, the Protected Person Bill of Rights. This Bill of Rights provided anyone under guardianship or facing a potential guardianship with 19 protected rights. These rights include the right to counsel, the right to receive notice of all guardianship proceedings, the right to remain as independent as possible, the right to visitors, the right to be treated with respect and dignity, and the right to be in the least restrictive environment possible.



Michael Wendlberger, Esq. is the Director of the Pro Bono Project at Legal Aid Center of Southern Nevada. The Pro Bono Project pairs volunteer attorneys with screened clients in the areas of family, consumer, landlord tenant, civil rights, immigration, bankruptcy, and other areas of law. Interested attorneys should contact Michael at 702 386-1429 or mwendlberger@lacsnsn.org.

Courts around Nevada immediately started posting these rights in their courtrooms, and the right to counsel began. Clark County began to appoint counsel to every person in a guardianship case.

While the guardianship commission began its study of guardianship fraud, the Legal Aid Center of Southern Nevada began exploring ways to provide independent counsel to protected persons. In 2016, Legal Aid Center created a Guardianship Advocacy Program. Within the year, the program had three full-time attorneys representing protected persons facing guardianship. The courts referred only the most severe cases for representation during this time. After the legislature passed SB 360, the courts referred every guardianship matter for representation. Today there are 18 attorneys in the Guardianship Advocacy Program at Legal Aid Center dedicated to protecting persons under guardianship. Staff attorneys represent over 2,100 adult protected persons in Clark County.

Nevada is now a leader in guardianship reform. But why should we stop there? Adult guardianship cases are not the only type of guardianship. There are also minor guardianship cases. A minor guardianship may be needed when a parent is unable to make decisions/care



for their children. Legal Aid Center represents minors facing guardianship through the citation hearings. These cases are relatively quick and an excellent opportunity for busy pro bono attorneys to get involved.

In both minor and adult guardianship cases, the role of the pro bono attorney is simple. Zealous advocacy under a client-directed model. The client directs the attorney, who then zealously advocates for the client's desires. The attorney and the guardian may not always agree with the protected person's wishes, so the final determination is left to the judge. The vital aspect of this program is giving the protected person a voice. The protected person is no longer alone when a pro bono attorney accompanies them. The protected person is no longer voiceless!

While Legal Aid Center tries to represent every protected adult or child in a guardianship matter, sometimes there may be conflicts that prevent it from doing so. Interested pro bono attorneys can volunteer to provide a voice to an adult or minor to ensure their rights are protected. We offer training, draft pleadings, a manual, a CLE on guardianship, and a mentor. If you are interested in providing a voice to a protected person, don't hesitate to call our office. **C**

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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.

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

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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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Please join us at this LIVE, IN-PERSON event!

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, 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 24, 2021.**

ClarkCountyBar.org or 702-387-6011