



Five Procedures to Keep You Bar Compliant—a CLE webcast
Free for CCBA members on January 19, 2022!
See page 8

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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The Five Things Issue

JANUARY 2022

Focusing on Five Things

Featured inside

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Five Things to Know about Appealing in Nevada

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**Meet Your
Law Students
Mixer**

February 10, 2022

See page 11

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The Five Things Issue

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CCBA President-Elect Brandon Kemble demonstrates five things in the lobby at The Smith Center for the Performing Arts.

COMMUNIQUE

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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	8/1/2022
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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For more information, contact:
StephanieAbbott@clarkcountybar.org, 702-387-6011.

Bar Leaders Elected

By *Stephanie Abbott*

On December 2, 2021, the Clark County Bar Association (CCBA) elected members to serve on their board of directors during 2022. The following bar members were elected to serve on the CCBA Board of Directors through December 31, 2023:

- Mark Blackman* of Barrett Daffin Frappier Treder & Weiss
- Jacquelyn Franco* of Backus Carranza & Burden
- Alayne Opie* of Greenberg Traurig, LLP
- Alia Najjar of Ladah Law Firm

They will serve on the 2022 CCBA Board of Directors with their colleagues:

- President 2022: Nedda Ghandi* of Ghandi Deeter Blackham Law
- President-Elect 2022: Brandon Kemble* of City of Henderson
- Secretary/Treasurer 2022: Paul Ray* of Paul C. Ray, Chtd.
- 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
- Judicial Appointee (term to expire 2023): The Honorable Jerry A. Wiese, II* of Eighth Judicial District Court, Dept. 30
- Ex Officio (term to expire 12/31/2022): President 2021 James E. Harper* of Harper Selim

Outgoing CCBA President ('21) James Harper recently commented, "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."

Nedda Ghandi, Esq. is a partner with Ghandi Deeter Blackham Law Office. Nedda's primary practice area involves bankruptcy for both individual and business debtors. She also litigates complex family law cases that often involve family-owned businesses or complicated financial battles. Nedda will serve as the president of the Clark County Bar Association through December 2022.

All members are invited to celebrate Nedda and the CCBA Executive Board during the CCBA's Volunteer Appreciation Luncheon on January 20, 2022, at Morton's Las Vegas. For more information, see page 6.

*Denotes person currently serving on the board.

A Resolution for Diversity and Inclusion

By *Nedda Ghandi, Esq.*

In the spirit of starting a new year and setting a resolution, I would encourage each of you to make a commitment to diversity and inclusion. Since this is the “Five Things” issue, here are five things to know about diversity:

1. Remember that diversity can mean different things to different people, but at its core, diversity is the range of all human differences. It is most often thought of in terms of race, ethnicity, gender, and sexual orientation. However, it is important to remember that it also includes, among many other things, age, physical ability or attributes, religion, and political beliefs. It is at its best, intended to be inclusive of the full spectrum of human experience.
2. Promoting diversity is not about mandatory quotas in hiring or promotions. Insisting on diversity is not a zero-sum game where one group gains at another group's expense.
3. Encouraging diversity and the inclusion of the full range of human experiences promotes the overall well-being of lawyers. Increasing diversity and inclusiveness, and having open communication about this topic, reduces feelings of alienation and improves the morale and quality of our work.
4. A commitment to diversity and inclusion should be about making strategic and pragmatic changes in how you run your firm that work toward leveling the playing field and addressing ingrained biases in how work gets done. Some examples

of practical changes that can support a culture of diversity and inclusion: allowing for greater flexibility in where and when work is completed; creating an atmosphere that allows employees to work from home without negative consequences; encouraging a team approach to output rather than sticking to out-dated hierarchical models; exploring hiring strategies that bring a wider pool of talent through your doors; including non-partners in the hiring process and consider a hiring team or committee to provide input for open positions; and providing opportunities for communication and experiences among your employees that foster growth and understanding beyond their own experiences. There are endless practices that can be implemented to foster a culture of inclusion in your firm which will, in turn, promote diversity.

5. Insist on fostering a change. Insistence can sound like a demand, but I prefer to think of it as a principal or a core belief. Insisting on diversity can be about moving forward in ways that are strategic as well as pragmatic which, in turn, will result in better service to our clients, increased job satisfaction among lawyers, and overall improvement in the practice by fostering diversity within the profession.

The legal profession should be a reflection of our society. I encourage our bar to strive towards being that mirror.

©



Nedda Ghandi, Esq. is a partner with Ghandi Deeter Blackham Law Office. Nedda's primary practice area involves bankruptcy for both individual and business debtors. She also litigates complex family law cases that often involve family-owned businesses or complicated financial battles. Nedda serves as the president of the Clark County Bar Association through December 2022.

Clark County Bar Association

VOLUNTEER APPRECIATION LUNCHEON

Thursday, January 20, 2022

Celebrate with colleagues and bar leaders



James Harper,
CCBA President ('21)

Nedda Ghandi,
CCBA President ('22)



Featuring:

- Special guest speaker
- Swearing-in Ceremony for Clark County Bar President Nedda Ghandi and the 2022 CCBA Executive Board
- Awards presentation to recognize members of the legal community who supported the CCBA's committees, activities, and member services throughout 2021.
- Plated lunch - Entrée options:
 - Ribeye Steak
 - Broiled Salmon
 - Chicken Christopher
 - Pasta Primavera
 - Vegan Pasta
- Price:
 - ACTIVE 2021 CCBA Committee member (FREE)*
 - CCBA Member (\$50)
 - Non-Member (\$60)

Thursday, January 20, 2022

Check-in/networking: 11:30 a.m.

Luncheon program: 12-1 p.m.

Location:

Morton's The Steakhouse
400 E. Flamingo Road, Las Vegas

Attendance will be limited to those who RSVP with payment to the Clark County Bar Association by January 14, 2022.

For more information and to RSVP, contact Donna at 702-387-6011, donnaw@clarkcountybar.org, or complete the RSVP form at ClarkCountyBar.org.

*Restrictions apply. The offer for a free lunch is available only to CCBA members who actively participated in the committee activities and attended the majority of the CCBA committee meetings during 2021. To confirm eligibility, contact Steph or Donna at the CCBA.

Five Procedures to Keep You Bar Compliant CLE Program for Nevada Lawyers Set for January 19, 2022

By Stephanie Abbott

On Wednesday, January 19, 2022, legal malpractice attorney Joel Selik will make a special presentation for the continuing legal education of Nevada lawyers in a program produced by the Clark County Bar Association.

Joel Selik, an attorney since 1985, practices primarily in ethics, legal malpractice, and judgment collection. He is a California Certified Specialist in Legal Malpractice and has offices in San Diego and Las Vegas.

The program, “Five Procedures to Keep You Bar Compliant and Client Happy,” will provide Nevada lawyers with information relevant to the Rules of Professional Conduct. Topics to be discussed include:

1. Client Communications—The Most Important Issue
2. Preventing the Most Common Malpractice Claims
3. All Things Online
4. Competency; What You Need to Do
5. Grab Bag of Ethics, Professional Responsibility, and Legal Malpractice Issues

This CLE program will be held online via Zoom, from 12:00 to 1:15 p.m., Wednesday, January 19, 2022. The presentation will offer 1.0 Ethics CLE credit to CCBA members only. Pricing of the event is included with the 2022 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.




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.



The presentation will offer 1.0 Ethics CLE credit to CCBA members only. Pricing of the event is included with the 2022 CCBA membership.

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, contact Donna Wiessner at Donnaw@clarkcounty-bar.org, (702) 387-6011, or complete the RSVP form at ClarkCountyBar.org. 

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Law Firm Partners Invited to Meet Your Law Students Mixer on February 10, 2022

By Stephanie Abbott

The Clark County Bar is planning to host a special event to celebrate law students who are interested in meeting members of the bench and bar including managing and hiring partners from law firms in Clark County, Nevada. The Meet Your Law Students Mixer is being organized by the CCBA's Community Service Committee and UNLV William S. Boyd School of Law.

Managing partners and hiring partners at area law firms are invited to participate by attending the event and meeting the law students in an informal social setting. Please contact CCBA Executive Director Donna Wiessner at (702) 387-6011 or Donnaw@clarkcountybar.org for more information about participating and/or sponsor opportunities. For more information about the event, see page 11. 



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Picture Day on March 9

By Stephanie Abbott

The CCBA will host the first Picture Day event of the year at the association's office during a special session, from 9 a.m. to 2:30 p.m. on Wednesday, March 9, 2022.


This special event is for members of the bar, bench, legal support staff, and law students. Digital portraits will be taken by the professional photographer from Portraits to You.



CCBA President ('15) Damon Dias of Dias Law Group, Ltd.

CCBA members will be offered special pricing options on products and/or services provided by Portraits to You. Special pricing will be made available only for portraits taken during this event.

Drop-ins are welcome; appointments are preferred.

For more information and to schedule an appointment, contact Stephanie at the CCBA, Stephanie-Abbott@clarkcountybar.org, (702) 387-6011. 



Meet Your *Law Students* Mixer

Sponsors



Hosted by CCBA Committees

- Diversity and Inclusion Committee for Equity (DICE)
- Community Service Committee
- New Lawyers Committee

Meet bar leaders, including

- '08 Boyd alumna and CCBA President ('22) Nedda Ghandi of Ghandi Deeter Blackham



Thursday, February 10, 2022

Check-in & networking: 5:30 p.m. to 7:30 p.m.

Clark County Bar Association

717 S. 8th Street, Las Vegas

About

A celebration of law students who are interested in meeting members of the bench and bar, including managing and hiring partners from law firms in Clark County, Nevada.

Featuring

Complimentary food and drink tickets while supplies last.

Sponsorship opportunities available

Managing partners and hiring partners from law firms in southern Nevada are invited to attend this private event. However, space will be limited to those who RSVP to the CCBA by February 8, 2022.

For more information and to RSVP, contact the CCBA at 702-387-6011 or Donnaw@clarkcountybar.org.

RSVP by February 8, 2022

Basics of Handling 1983 Claims CLE Program for Nevada Lawyers Set for March 30, 2022

By Stephanie Abbott

On Wednesday, March 30, 2022, veterans law lawyer Travis Barrick, paralegal Philip Lyons, and U.S. Magistrate Judge Brenda Weksler will make a special presentation for the continuing legal education of Nevada lawyers in a program produced by the Clark County Bar Association.

Magistrate Judge Brenda Weksler joined the U.S. District Court for the District of Nevada in 2019 following 16 years as a trial attorney at the Federal Public Defender Office.

Travis Barrick of Gallian Welker & Beckstrom, L.C. represents citizens and prisoners in Civil Rights Litigation (1983 Claims) in federal court, much of it in conjunction with the Federal Pro Bono Program, Legal Aid Center of Southern Nevada, along with student externs from the UNLV William S. Boyd School of Law. Travis often helps to mentor attorneys in taking pro bono or fee-based 1983 cases.

Travis Barrick and his paralegal, Philip Lyons, have given multiple presentations regarding various aspects of 1983 litigation for the U.S. District Court for the District of Nevada, the 9th Circuit Corrections Conference, and the Western District Court in Michigan. They have also conducted training for Deputy Attorneys General on optimizing the court's Early Mediation Program. Travis and Philip have been involved at several levels in hundreds of prisoner cases.

The program, "Basics of Handling 1983 Claims," will help to prepare Nevada lawyers to take cases from the Federal Pro Bono Program. Presenters will provide Nevada lawyers with information relevant to representing clients in civil rights violations that are remedied by Section 1983 claims against individual state actors. Topics to be discussed include:


- Jurisdictional and procedural hurdles
- Calculating and proving damages
- Limitations to attorney fees

This CLE program will be held online via Zoom, from 12:00 to 1:15 p.m., Wednesday, March 30, 2022. The presentation will offer 1.0 CLE credit to CCBA members only. Pricing of the event is included with the 2022 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



The presentation will offer 1.0 CLE credit to CCBA members only. Pricing of the event is included with the 2022 CCBA membership.

CLE Board.

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

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Business Court Bench-Bar Meeting on January 27

The Eighth Judicial District Court's Business Court Bench Bar meeting will resume on Thursday, January 27, 2022, at the RJC at noon. The meeting will be held in Courtroom 16A or via BlueJeans, as the Business Court judges relocated to the 16th floor last month. The meeting will last approximately one hour. New Business Court Judges Susan Johnson and Joanna Kishner will be introduced. All lawyers who practice in Business Court are welcome to attend. Please sign up to receive a BlueJeans link by contacting Karen Lawrence at lawrencek@clarkcountycourts.us. Agenda items may be submitted to Karen Lawrence no later than January 13, 2022. Since it has been almost two years since our last meeting, an agenda will be created and we will leave time for questions and answers. Lunch will not be provided and applicable Administrative Orders regarding masks will be enforced. 

Civil Bench Bar Meeting on February 8

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, February 8, 2022, 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 (12-2-21)

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/>.

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Five Things To Know About Jury Trials In The Las Vegas Municipal Court

By Chief Judge Bert Brown

1. THE WAY IT WAS. As most *Communiqué* readers know, municipal courts primarily handle misdemeanor criminal cases with a maximum jail punishment of six months. Since Nevada treated these matters as “petty” offenses, there was no Sixth Amendment right to a jury trial. *Blanton v. City of North Las Vegas*, 489 US 538 (1989). Misdemeanor crimes of battery constituting domestic violence (BDV) have this maximum six-month jail sentence, which kept the matters “petty,” and no jury trial right existed. *Amezcuca v. Eighth Jud. Dist. Ct. of State ex rel. Cty. of Clark*, 130 Nev. 45, 319 P.3d 602 (2014)

2. AND THEN CAME ANDERSEN. Although federal law prohibited a person convicted of BDV from possessing a firearm since 1996, no similar state firearm prohibition existed until 2015. In *Andersen v. Eighth Judicial District Court*, 135 Nev. 321 (2019), the Supreme Court of Nevada held that this new state firearm prohibition constituted an additional penalty, elevating BDV charges to “serious” offenses, entitling an accused to a jury trial.

3. TEMPORARY FIX. At the time of the *Andersen* decision, municipal courts did not have the facilities or mechanisms to handle jury trials. As a temporary fix, the city of Las Vegas and other jurisdictions passed their own BDV ordinances that removed the firearm prohibition to negate the jury trial requirement. In 2021, the Nevada

In 2021, the Nevada legislature passed AB 42, curing some of the logistical issues faced by municipal courts, and required defendants convicted of BDV within any jurisdiction to be prohibited from possessing a firearm. Accordingly, beginning this year, the Las Vegas Municipal Court will conduct jury trials for BDV cases.

legislature passed AB 42, curing some of the logistical issues faced by municipal courts, and required defendants convicted of BDV within any jurisdiction to be prohibited from possessing a firearm. Accordingly, beginning this year, the Las Vegas Municipal Court will conduct jury trials for BDV cases.

4. SIX V. TWELVE. Many states have six-person jury trials for misdemeanors. Nevada also only required six-person juries for misdemeanors. *See* NRS



Chief Judge Bert Brown was first elected to the Las Vegas Municipal Court in 1999. He presides over his normal calendar and HOPE Specialty Court, dealing with chronic repeat offenders.

175.021. In anticipation of jury trials, our new municipal courthouse was built with six-person jury boxes. The original version of AB 42 contemplated only six-person juries as well. However, the final enrolled version of AB 42 now requires twelve-person juries. While the city of Las Vegas appropriately planned for jury trials by installing six-person jury boxes in the new courthouse, it did not plan for twelve-person juries. As such, the city of Las Vegas is in the process of modifying our courtrooms to hold twelve-person juries plus alternates, which should be completed soon.

5. THE MUNICIPAL COURT PLAN. Each of the Las Vegas Municipal Court criminal departments will hear BDV cases. Through a contractual agreement, District Court Jury Services will summons potential jurors to the Las Vegas Municipal Court on Tuesdays, where one department will start a jury trial. This will be a weekly rotation done in numerical department order. Calendar calls will be held Monday, the week prior to trial. A trial readiness hearing will be held approximately 30 days out to ensure all parties are ready to proceed. More information can be found at: <https://www.lasvegasnevada.gov/Government/Municipal-Court/Jury-Trials>. **G**

CLE Program

Basics of Handling 1983 Claims

Speakers: U.S. Magistrate Judge Brenda Wexler; Travis N. Barrick, Esq. of Gallian Welker & Beckstrom, L.C.; and Philip Lyons, Paralegal

About: This presentation will provide Nevada lawyers with information to represent clients in civil rights violations that are remedied by 1983 claims against individual state actors. Topics to be discussed include:

- Jurisdictional and procedural hurdles
- Calculating and proving damages
- Limitations to attorney fees

For more information, see page 12.

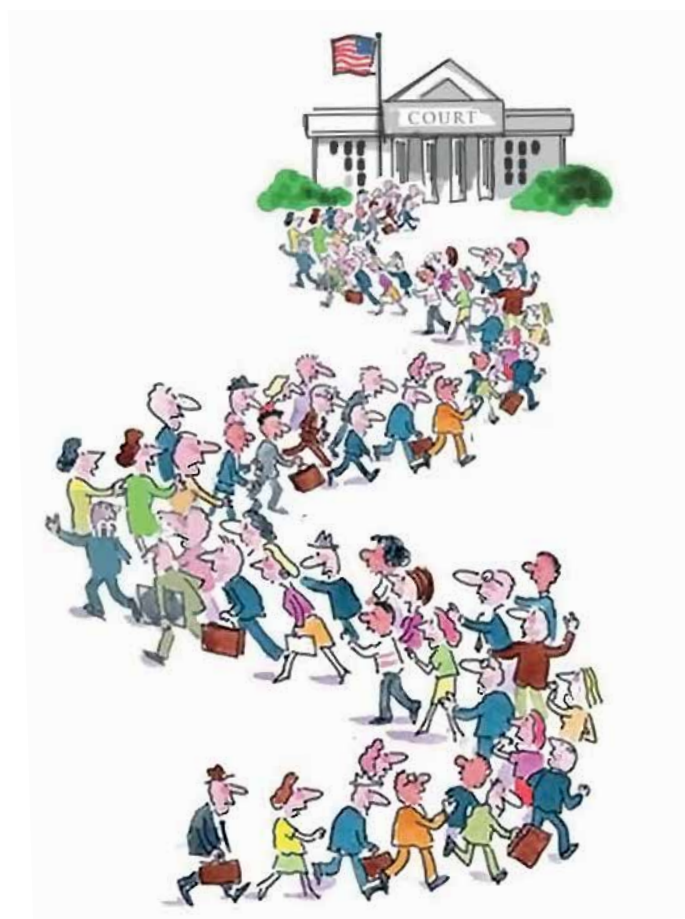
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Five Things an Attorney Should Know About Landlord/Tenant Rights

By Barbara Buckley, Esq.

1. There are no more “absolute” eviction moratoriums in place. The pandemic affected everything, including the residential landlord/tenant market. With tens of thousands of people out of work, and a public health crisis,



Barbara Buckley, Esq. is the Executive Director of Legal Aid Center of Southern Nevada, a nonprofit corporation, providing free legal advice, representation and advocacy for individuals who cannot afford a lawyer. Barbara also served as Speaker of the Nevada

Assembly, the first woman in the State's history to hold this position.

federal and state eviction moratoriums were enacted and were in place for over a year. They were all lifted mid-2021.

2. Rental assistance funding is still available. The federal government has allocated \$400 million to Nevada alone to compensate landlords for lost rent and to keep tenants housed. There is over \$200 million dollars left to distribute. Generally, the *tenant* must apply for the funds (in Clark County through the CHAP program although

CLE Program

Landlord-Tenant Law in Nevada and the COVID-19 Impact

Speaker: Jim Berchtold, Esq. of Legal Aid Center of Southern Nevada

Topics:

- COVID-19's impact on eviction law and procedure
- Overview of current eviction procedures
- Other common landlord-tenant dispute

Recorded 12/14/2021

Offers 1.0 general CLE credit (NV)

Learn more and order this program at <https://clarkcountybar.org/marketplace/cle-programs/>

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small landlords can apply directly.) Landlords must participate in the process and will be provided payment directly from the County.

3. Nevada's Eviction Mediation Program diverts cases from court and speeds up the delivery of rental assistance. The Nevada Legislature authorized eviction mediation and tasked the Nevada Supreme Court with the development of rules creating the program. Home Means Nevada is operating the program. Upon the filing of a new case, when mediation is elected, the mediators immediately notify Clark County so as to expedite the processing of rental assistance. The program was set up in weeks and is continuing to hone its operations. It is recognized nationally as a best practice.

4. To prevent mass evictions with hundreds of millions of dollars of rental assistance available, the Nevada Legislature enacted AB486. AB486 provides that a tenant may claim as an affirmative defense that the tenant has a pending application for rental assistance or that the landlord has refused to participate in the application process for rental assistance or accept rental assistance. The statute applies to *all* residential eviction proceedings where rent is in default, even where the notice is not in regard to

past due rent (with exceptions for sale and nuisance). Part of the rationale for this statute was to ensure that huge arrears were cured and that tenants were not subsequently sued for thousands of dollars of rent when federal funding exists to cure the arrears. Federal funding not utilized reverts to the federal government.

5. Legal Aid Center of Southern Nevada joined countless others to assist those threatened with eviction. Since January 2021, Legal Aid Center has helped 50,000 frightened, panicked tenants trying to navigate how to stabilize their lives. Legal Aid Center automated the process of filing of answers with the invaluable support from Eighth Judicial District Court Chief Judge Linda Bell and Las Vegas Justice Court Chief Judge Melissa Saragosa. Thanks to the Court, additional windows were added to the Court to allow staff at the Civil Law Self Help Center and rental assistance specialists assist the public in a safe manner. Clark County and the City of Las Vegas have provided emergency funding to hire law clerks, advocates, and lawyers to assist in the effort. Despite this, it is an overwhelming endeavor, so anyone who wants to volunteer at an "Ask a Lawyer" or is willing to take a pro bono case to ease the burden on staff are urged to do so! Here's how to learn more: <https://www.lacsnprobono.org/>. 

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Five Things to Know About Trial Preparation for Eighth Judicial District Court

By Monique Jammer, Esq.

1. Know which department is handling your case.

The Eighth Judicial District Court (“EDCR”) issues administrative orders (“AO”) that provide updates on department reassignments, trial scheduling and procedures, and other important matters for trial preparation. As judicial officers cycled in and out, cases were reassigned to different departments to alleviate massive dockets and ensure the most efficient adjudication. If you have not reviewed your cases set for trial in a while, be sure to check the “Court Rules and Administrative Orders” page for full details. <http://www.clarkcountycourts.us/general/court-rules-and-administrative-orders/>.

2. Check for the current COVID-19 protocols for the Regional Justice Center (“RJC”) before heading to the courthouse for your appearances. AO 21-04 explains, among other protocols, that masks are required for unvaccinated persons and persons feeling ill should not appear in person. Additionally, fully vaccinated persons are encouraged, but not required, to wear masks in designated mask areas. Air on the side of caution and double-check with the department you are appearing in for their specific masking protocols.

3. Review the trial procedures for the department handling your trial. Departments have specific protocols

Most departments request that all exhibits be readily available for digital display, so make sure all of your exhibits are available in PDF, on easily accessible media, and made available to opposing counsel and the court.

for all procedures related to trial preparation. From pre-trial memoranda to virtual appearances, each judge has their way of doing things, especially with the impacts and implications of the COVID-19 pandemic on the current state of our community. Chances are, if you did not look on the department’s page in the last month, something has been updated.

One protocol in particular is for the use of exhibits, which can be a stress **or** a strength at trial. Most departments request that all exhibits be readily available for digital display, so make sure all of your exhibits are available in PDF, on easily accessible media, and made available to opposing counsel and the court.



Monique Jammer, Esq. is an Associate Attorney at Brownstein Hyatt Farber Schreck LLP, where she brings thoughtfulness, creativity and passion to her litigation practice. She also pours time into community service and pro bono initiatives. Learn more at www.bhfs.com.

Review the department protocols online or call the department well in advance of any hearings or trial appearances. <http://www.clarkcountycourts.us/departments/judicial/>.

4. Be ready to go to trial by your calendar call. Judges are tightening up on trial continuances and are promptly taking their cases to trial to clear out their back log. You will want to either be prepared to have your case trial-ready by your calendar call or have a detailed rationale for requesting a continuance. It is also helpful to confer with opposing counsel on the continuance and obtain their concurrence on that position. Still, with the RJC open, jury selections back in full swing, and a rhythm in appearances, don't be shocked if the judge is ready to take you on the trial stack to which your case is assigned.

5. Use the rule tools that are at your disposal. Timely motions in limine (*See* EDCR 2.47, 3.28, 5.511) and dispositive motions (*See* Nev. R. Civ. Proc. 56(b)) can resolve major issues and minimize the inevitable complexities that come with trial. So, be sure to review the issues that may be ripe under either motion practice around 60 days prior to trial to ensure you hit those deadlines. **C**



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Five Things to Know about Appealing in Nevada

By Tami D. Cowden, Esq.

1. You must preserve your arguments for appeal.

The easiest way to lose an appeal is to fail to make an argument in the trial court. Unless the legal challenge is to subject matter jurisdiction, an appellate court will not consider issues raised for the first time on appeal. Make your legal arguments in written motions where possible, make sure sidebar conversations are recorded, and make sure jury *voir dire* is recorded.

2. You must get important evidence into the record. Every factual statement contained in a brief must be supported by a citation to the record on appeal, to the filing, document, or testimony that establishes the fact. If evidence is not admitted, make a record of the proffer. If a fact or event cannot be found in the record, then as far as the appellate court is concerned, it did not happen. This rule is so critical that attorneys submitting briefs to the Nevada appellate courts must certify record citation has been provided for all record citations. NRAP 28(e); 28.2(a)(3).

3. You must file the notice of appeal on time. The Nevada appellate courts show great forbearance in granting extensions for the time to file briefs, including granting a one or two-week extension merely upon a telephone request. But a notice of appeal is a jurisdictional requirement. An untimely appeal dooms any civil appeal. A criminal appeal can survive an untimely filing only upon a showing of an unlawful deprivation of the right to file a timely appeal. NRAP 4(c)(1).



Tami D. Cowden, Esq. is an appellate of counsel at Greenberg Traurig, LLP and has decades of experience arguing before the Nevada Supreme Court and federal appellate courts. Tami was the founding Chair of the State Bar's Appellate Litigation Section.

The purpose of an appeal is to remedy legal errors or abuses of discretion by the trial court. An appeal is not an opportunity to point out the flaws in the personalities of the trial judge, opposing counsel, or the opposing party.

4. You must focus on the legal issues. The purpose of an appeal is to remedy legal errors or abuses of discretion by the trial court. An appeal is not an opportunity to point out the flaws in the personalities of the trial judge, opposing counsel, or the opposing party. Nor is it the place to list a host of grievances that had little or no impact on the fairness of the proceedings below. Nevada has a strong complement of appellate judges, ready, willing, and able to correct errors and abuses. Make it easier for them to do so by telling the appellate court your story from your client's point of view, but leave out personal invective.

5. You have a say in which appellate court hears your case. Nevada has two appellate courts: the Court of Appeals and the Supreme Court of Nevada. While all ap-

peals from Nevada district courts automatically go first to the Supreme Court, a majority are now pushed down to the Court of Appeals, in accordance with the presumptions found in NRAP 17(b). But even if your case involves issues that are presumptively heard by the Court of Appeals, you have an opportunity to explain why you believe your case should be heard by the Supreme Court. Use your mandatory routing statement to explain why your case is one of first impression involving constitutional or common law, or raises a principal issue of statewide public importance. NRAP 17(a)(11), (12). **c**

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CLE Programs for Nevada Lawyers

The Clark County Bar Association (CCBA) is an Accredited Provider with the Nevada Board of Continuing Legal Education (CLE). CCBA offers recorded CLE programs for Nevada lawyers to download to a computer or mobile device for their review.

Don't delay, Order today

Make your order now, and complete the CLE program(s) **BEFORE December 22, 2022**, so we have enough time to report your attendance to the Nevada CLE Board for the 2022 reporting period. See page 25 for more information on CLE reporting services.

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@clarkcountybar.org.

For more information, see page 27.

Special thanks to the following businesses for their support of the CCBA's CLE programming services:



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CCBA's Continuing Legal Education (CLE) Library

Index of CLE Programs (Recorded & Alternative Format)

1. Landlord Tenant Law in Nevada and the COVID 19 Impact

Speaker: Jim Berchtold of Legal Aid Center of Southern Nevada
Recorded: 12/16/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

2. Probate and the Pandemic: Trust and Estate Legislative Update

Speakers: Alan D. Freer and Jeffrey P. Luszeck of Solomon, Dwiggin, Freer & Steadman, Ltd.
Recorded: 12/1/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

3. What Every Lawyer Should Know about Estate Planning

Speaker: A. Collins Hunsaker, Esq. of Law Firm of Jeffrey Burr
Recorded: 11/17/2021
Format: Audio/Video
CLE: 1.0 hours of CLE (NV)
Price: \$25/CCBA member, \$50/non-member

4. Legislative Update: Looking In and Out

Speakers: Lesley Cohen, Esq. Assemblywoman, District 29; Edgar Flores, Esq. Assemblyman District 28; Shea Backus, Esq. Backus Carranza & Burden
Recorded: 11/9/2021
Format: Audio/Video
CLE: 2.0 CLE Credits (NV)
Price: \$50/CCBA member, \$100/non-member

5. Diversity in the Legal Profession CLE Luncheon

Speakers: Judge Tierra D. Jones, Eighth Judicial District Court; Bryan K. Scott, Las Vegas City Attorney; Lora Picini, Senior VP, Inclusion and Talent Management, Everi Holdings; Nedda Ghandi, Partner, Ghandi Deeter Blackham; Annette Bradley, Chair, CCBA's Diversity and Inclusion Committee for Equity
Recorded: 10/21/2021
Format: Audio/Video
CLE: 1.0 hour of Ethics CLE (NV)
Price: FREE to members of the State Bar of Nevada, Clark County Bar Association

6. Hot Topics in Family Court Discovery

(AKA Part 3 of Discovery & ADR CLE With The Commissioners)
Speaker: Jay Young, ADR/Discovery Commissioner for the Eighth Judicial District Court
Recorded: 10/12/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$20/CCBA member, \$40/non-member

7. ADR: What do you Need to Know?

(AKA Part 2 of Discovery & ADR CLE With The Commissioners)
Speakers: Erin Lee Truman and Jay Young, ADR/Discovery Commissioners for the Eighth Judicial District Court
Recorded: 10/5/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$20/CCBA member, \$40/non-member

8. Hot Topics in Civil Discovery

(AKA Part 1 of Discovery & ADR CLE With The Commissioners)
Speakers: Erin Lee Truman and Jay Young, ADR/Discovery Commissioners for the Eighth Judicial District Court
Recorded: 9/28/2021
Format: Audio/Video
CLE: 1.0 CLE Credit (NV)
Price: \$20/CCBA member, \$40/non-member

9. Diversity in the Legal Profession CLE Luncheon

Speakers: Bryan K. Scott, Las Vegas City Attorney; Lora Picini, Senior VP, Inclusion and Talent Management, Everi Holdings; Nedda Ghandi, Partner, Ghandi Deeter Blackham; and Moderator: Annette Bradley, Chair, CCBA's Diversity and Inclusion Committee for Equity
CLE: 1.0 hour of ethics CLE (NV)
Price: FREE to members of the State Bar of Nevada, Clark County Bar Association

10. Half!! – The Four-Letter Word in Divorce Court – a CLE Program

Speaker: Rock Rocheleau, Esq. of Right Lawyers
Where: Online via Zoom
When: 10/14/2021
CLE: 1.0 hours of CLE (NV)
Price: \$25/CCBA member, \$50/non-member

11. 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

12. 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

13. 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

14. 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

15. 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

16. 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/CCBA member, \$50/non-Member

Notice

Required action for

CCBA CLE Reporting

Bonus service

The CCBA can report the attendance by Nevada lawyers who have registered for and completed CCBA's CLE programs to the Nevada Board of Continuing Legal Education at no extra charge.

To benefit from this service, Nevada lawyers who complete the CCBA's recorded CLE program(s) must submit, to Donna at the CCBA (via Donnaw@clarkcounty-bar.org), the following information:

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

To make the 2021 CLE requirement's extended reporting deadline of 2/28/2022, submit the information BEFORE 2/14/2022.

To make the 2022 CLE requirement's reporting deadline of 12/31/2022, submit the information BEFORE 12/22/2022.

Library *continued on page 26*

Special offer

For CCBA members only

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***Restrictions apply:**

The CLE Passport offers attendance to 13.0 credit hours of CLE programs produced by the Clark County Bar Association (CCBA). The CLE Passport is available only for use by current members of the Clark County Bar Association (CCBA). The 2021 CLE Passport is valid from January 1, 2021, to March 1, 2022. The 2022 CLE Passport is valid from January 1, 2021, to March 1, 2023. The CCBA membership must be renewed for the CLE Passport to remain valid for use from January through February during the upcoming membership year. The CLE Passport is non-transferable. The CLE Passport may be used for attendance to the CCBA's live, recorded or alternative format programs. This offer does not include CLE programs not solely sponsored by the CCBA (e.g., programs co-sponsored by the State Bar of Nevada). Use of the CCBA's 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 27.

Library *continued from page 25*

17. 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)
CLE: 1.0 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

18. 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

19. 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

20. 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 CLE Credits (NV)
Price: \$40/CCBA member, \$80/non-member

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

Speaker: Douglas C. Crawford
Recorded: 10/21/2020
Format: Audio/Video
CLE: 1.0 Substance Abuse/

Addiction/Mental Health (AAMH)
CLE credit (NV)

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

22. 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

23. Practical Pre-Trial and Trial Tips

Speaker: Phillip S. Aurbach of Marquis Aurbach Coffing
Recorded: 9/25/2020
CLE: 1.0 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

24. 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 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

25. 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 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

26. 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 CLE Credit (NV)
Price: \$25/CCBA member, \$50/non-member

CCBA CLE Library Order Form

Attendee information (Must include e-mail address for delivery of CLE programs):

Name: _____ NV Bar #: _____

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If more programs are needed to be listed for this order, use an additional form. Or better yet, send the full list of programs via e-mail to donnaw@clarkcountybar.org.

***CCBA CLE Library Policy:**

This catalog provides information related to recorded CLE programming presented by CCBA for the continuing legal education of Nevada's lawyers. Availability of these programs are restricted with permissions for use provided by the Clark County Bar Association. Reproduction of the recordings and supplemental educational materials are not permitted. The CCBA's library of recorded materials are available at prices listed in this catalog are for their rental. Programs may be ordered online at www.clarkcountybar.org, via this order form, or via e-mail to donnaw@clarkcountybar.org with appropriate payment to Clark County Bar Association, 717 S. 8th Street, Las Vegas, 89101. Phone: (702) 387-6011. Payment must be received for orders to be processed.

Recorded programs are presented in the following formats: MP3 (audio), and MP4 (video). For MP3/MP4 orders, materials will be provided via e-mail with a hyperlink for the user to download the requested title(s) and the supporting educational material. Electronic files (MP4, MP3, PDF) do not have to be returned.

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.

Spring CLE Bundle #1 and Summer CLE Bundle #2 include a specific set of CLE programs with no substitutions available. For more info, see <https://clarkcountybar.org/marketplace/recorded-cle-programs/>.

Choice CLE programs (grouped and for CCBA members only):

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***Do not send credit card details to CCBA via e-mail.**

The Federal Pro Bono Program

By Christena Georgas-Burns, Esq.

Whether you frequently practice in federal court or have never entered the federal courthouse, the Federal Pro Bono Program (Program) offers litigation experience and a chance to represent a high-need population whom often goes without an attorney. The U.S. District Court of Nevada collaborated with Legal Aid Center of Southern Nevada in 2014 to streamline federal pro bono opportunities in Southern Nevada. As you decide which case to take, consider the following:

1. A judge may refer a case to the Program at any point in the case and for a variety of reasons. Most often, judges refer a case when it requires complex litigation, the litigant seems incapable of self-representation, or the merits warrant an attorney.


2. There are many benefits to taking a case through the Program. Legal Aid Center provides malpractice insurance to all attorneys handling cases through them. A mentor guides each volunteer. There are pleadings

available and a CLE coming in 2022.

3. To ease any cost burden, a pro bono attorney can seek reimbursement for costs related to the case up to \$7,500! Further, when the law allows, the attorney may recover attorney's fees.

4. While many of the cases available through the Program are civil rights claims, pro bono attorneys may handle constitutional issues or issues arising under Title VII, Hague Convention, and other federal statutes.

5. Many of the people referred through the Program are inmates seeking justice for ignored conditions or injuries from delayed treatments while incarcerated. Advocating for these inmates not only gives them a voice but also makes healthcare for others more accessible.

The Program is a chance to protect some of our society's most vulnerable from injustice and make our community stronger in the process. Contact Legal Aid Center's Pro Bono Project to take a case! <https://www.lacsnpobono.org/available-cases/>. 



Christena Georgas-Burns, Esq., is the Pro Bono Project Deputy Director at Legal Aid Center of Southern Nevada. A graduate of Gonzaga Law, she has dedicated her career to legal aid in Nevada.

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ARTISTS OF BALLET WEST IN NICOLO FONTE'S *CARMINA BURANA*. PHOTO BY LUKE ISLEY.

Join a CCBA Committee

CCCBA members are invited to join a bar committee and help the CCBA to enrich the lives and careers of our members and community. See below for a list of bar committees:

- **Community Service Committee** – Organizes opportunities for CCBA's members to provide outreach services to the community at large in southern Nevada. All members of the CCBA are invited to join or volunteer for this committee and/or get involved in the planned activities. This committee meets on the first Friday of the month. Chair: Alicia May, Esq. of Pecos Law Group.
- **Continuing Legal Education (CLE) Committee** – Creates high quality, low-cost CLE seminars for the benefit of bar members and legal community. Participation on the CLE committee is limited to current attorney and JD members of the CCBA. Committee members plan and/or develop live CLE seminars for the CCBA. These active committee members are entitled to attend CCBA CLE seminars at no cost. This committee meets at noon on the second Wednesday of every month. Chair: Robert Telles, Esq. of Clark County Nevada Public Administrator.
- **Diversity and Inclusion Committee on Equity** – Promotes and supports diversity, inclusion, and equity within the Nevada Bar, the profession, and the legal community. The committee's mission is to organize educational programs that facilitate constructive discussion and enhance understanding of diversity issues. The committee promotes diversity, equity, inclusion, and the removal of barriers to success within the CCBA and the communities we serve. This committee meets at noon on the last Friday of every month. Chair: Annette Bradley, Esq.
- **New Lawyers Committee** – Coordinates and participates with the William S. Boyd School of Law to produce student competitions. The New Lawyers Committee is for attorneys admitted to practice in Nevada within the last five years, regardless of age. This committee meets at 12:00 p.m. on the second Thursday of every month. Co-Chairs: Sunethra Muralidhara, Esq. of Wright Marsh & Levy and Andrew Coates, Esq.
- **Publications Committee** – Produces *Communiqué*, the official publication of the Clark County Bar Association. Committee members write articles themselves as well as solicit articles from other professionals on assigned topics. Participation on the Publications Committee is limited to current attorney and JD members of the CCBA. This committee meets at noon on the last Tuesday of every month. Chair Alia Najjar, M.D., Esq. of Ladah Law Firm, PLLC.

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

Special Event

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February 10, 2022

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Special Offer

CCBA Member Discount Available on Classified Ads

CCBA members can benefit from a 50% discount on the rate to place a classified ad in upcoming issues of the *Communiqué*.

Place a classified ad for:

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- Office Space
- Practice for Sale
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Clark County Bar Association

VOLUNTEER APPRECIATION LUNCHEON

Thursday, January 20, 2022



James Harper,
CCBA President ('21)



Nedda Ghandi,
CCBA President ('22)



Come celebrate with colleagues and bar leaders!

RSVP to the CCBA by January 14, 2022.
For more information about this event, see page 7.