



Civil Rights Litigation CLE webcast  
Free for CCBA members on March 30, 2022  
See page 8

# COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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The Education Law Issue

MARCH 2022

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CCBA President's Message:  
Education Law Impacts Us All  
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View from the Bench:  
Courtroom and Caseload  
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Unlocking Education  
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**Picture Day at  
CCBA**  
March 9, 2022  
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- ▶ Support from the state bar's business partners.
- ▶ Information from experienced attorneys who have opened their own practices.
- ▶ Sessions with judges on tips from the bench.

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*Xavier Planta, Jonathan Norman, and Michael Wendlberger at the Legal Aid Center of Southern Nevada. Photo courtesy of Stephanie Abbott.*

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Space is available for select businesses to showcase their professional services and products in upcoming issues of the *Communique*.

To request a quote to place an ad in our magazine, contact Stephanie at the CCBA office, (702) 387-6011, StephanieAbbott@clarkcountybar.org.



# 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.

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

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

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# Education Law Impacts Us All

By *Nedda Ghandi, Esq.*

**A**s a lawyer, I value the educational experiences that I have had. However, I have rarely thought about the practice of education law. Perhaps I, like many of us, have been fortunate enough to take the privilege of education for granted. Education law covers all issues pertaining to schools, from kindergarten through higher education. Attorneys practicing in the field have worked toward expanding access to a high-quality education and work to resolve issues such as students' rights, teachers' rights, school safety, discrimination, conduct and discipline, special education, curriculum, and education options such as homeschooling and charter schools.

Recently, education law has been brought to the forefront by the social and political issues of the times we live in. The issues of policies enforced in school, governance of school boards, parental rights related to content, and equal access have been brought to the forefront in the past two years, making those who practice in the field of education law more in demand than ever. Masking, online schooling, critical race theory, equity versus equality principles, and other issues have brought more and more parents to school board meetings and have many of us asking questions. I have come to realize that this is an area of law that perhaps we all should be more involved in as it touches on the lives of all of us.



*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.*

There is no question that education is a cherished experience. As lawyers, we are required to pursue continuing education on an ongoing and annual basis. Our studies never stop, and our professional responsibilities continue to expand. In preparing for this issue, I have come to realize how specialized the practice of education law is. This is a niche practice area. For example, only **48** out of 9,779 Nevada lawyers registered on Martindale Hubbell list education law as an area of their practice. Education law is not an area of law that should be "dabbled" in. I would encourage attorneys to consider expanding their own continuing education in this field. Each of us will inevitably benefit from the increased knowledge as education law impacts us all. **●**



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NEW  
DATE

Bar Luncheon

# Volunteer Appreciation Luncheon

Featuring:

**Nevada Supreme Court Update  
By the Honorable Abbi Silver,  
Justice, Supreme Court of Nevada**



Also featuring:

- **Swearing-in of CCBA President ('22) Nedda Ghandi** and the CCBA Executive Board
- **Awards presentation by CCBA President ('21) James Harper** to recognize volunteers who actively supported the CCBA's committees, activities, and member services throughout 2021
- Plated lunch (entrée choices): Ribeye Steak, Broiled Salmon, Chicken Christopher, Pasta Primavera, or Vegan Pasta



Where & When:

- Thursday, March 31, 2022
- Check-in & networking: 11:30 a.m.
- Luncheon & program: 12:00 to 1 p.m.
- Morton's The Steakhouse, 400 E. Flamingo Road, Las Vegas

Event sponsors:

Price:

- ACTIVE 2021 CCBA Committee member (FREE)\*
- CCBA Member (\$50)
- Non-Member (\$60)



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RSVP required to CCBA by 3/25/2022.

For more information, see [Clarkcountybar.org](http://Clarkcountybar.org) or call 702-387-6011. Sponsorship opportunities available.

\*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.

# Civil Rights Litigation CLE Program Free for CCBA Members on March 30, 2022

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 Ninth 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 live webcast 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.



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

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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@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org), (702) 387-6011, or complete the RSVP form at [ClarkCountyBar.org](http://ClarkCountyBar.org). 

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# CCBA's Community Outreach Activities

The CCBA invites members of the bar to participate in these upcoming activities:

## Book Drive

- **When:** Now through Saturday, March 26, 2022:
- **Book drop off:** Tues-Fri. until March 25, 7 a.m. – 5 p.m.
- **Book cleaning:** Sat. March 26, 2022, 9 a.m. -11 a.m.
- **Where:** CCBA, 717 S. 8th Street, Las Vegas
- **About:** Donate new or gently-used books with Pre-K to 5th grade reading levels. No encyclopedias, coloring books, or library books. Bar members to clean and repair donated books at the CCBA office on Saturday, March 26, 2022, from 9:00 a.m. to 11:00 a.m. Books will be donated to Spread the Word Nevada.

## Meet Your Law Students Mixer

- **When:** March 24, 2022, 5:30-7:30 p.m. —*New date!*
- **Where:** CCBA, 717 S. 8th Street, Las Vegas
- **Featuring:** Complimentary food and drink tickets while supplies last

### Premier sponsors:

- Bailey Kennedy, LLP
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### Participating firms (to date):

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- Legal Aid Center of Southern Nevada
- Lincoln, Gustafson & Cercos, LLP
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- Thorndal Armstrong Delk Balkenbush & Eisinger
- Zumpano Patricios Popok & Helsten
- **Hosts:** Diversity and Inclusion Committee for Equity (DICE), Community Service Committee, and New Lawyers Committee
- **Who:** Attendance to this private event will be restricted to UNLV Boyd Law Students and managing/hiring partners from law firms in southern Nevada.

- **Note:** For more information and to RSVP, contact Donna at the CCBA office, 702-387-6011, StephanieAbbott@clarkcountybar.org and Donnaw@clarkcountybar.org by March 21, 2022. Sponsorship opportunities available.

## 23rd Annual CCBA Moot Court Competition

- **When:** Friday, April 22, 2022 —*New date*
- **Check-in:** 5:15 p.m., Preliminary Rounds: 6 p.m. - 9 p.m.
- Saturday, April 23, 2022 —*New date*
- **Check-in:** 8:15 a.m., Semi-final rounds: 9 a.m. – 12 p.m.
- **Where:** UNLV William S. Boyd School of Law
- **Volunteer judges needed:** Nevada attorneys and judges are needed to judge law students' performance in this competition. To qualify to judge at the moot court competitions, the volunteer must be at least a law school graduate. Judges act as an appellate court judge hearing oral argument for the case, asking questions, and scoring students on their appellate advocacy skills. Judging the competition qualifies as pro bono service (pursuant to NRPC 6.1).
- **Sign up:** To volunteer to judge the competition, CCBA New Lawyers Committee Co-Chair to Josh Dresslove at joshdresslove@yahoo.com.



## Out of the Darkness Walk

- **When:** Saturday, April 9, 2022
- **Where:** Sunset Park
- **Start time:** 10 a.m.
- **Team captain:** Tiffany Welt Doctors, Esq.
- **Note:** Sign up at <https://supporting.afsp.org/team/clarkcountybar>. All donations support the American Foundation for Suicide Prevention.

## 19th Annual Walk with the Heart of a Child

- **When:** Saturday, April 23, 2022
- **Where:** Craig Ranch Regional Park
- **Start time:** 9 a.m.
- **Team captain:** Benjamin Gordon, Esq.
- **Join our team:** <https://p2p.onecause.com/chfwalk2022/team/clark-county-bar-association>
- **About:** The annual community walk raises funds to support the efforts of the Children's Heart Foundation, a Las Vegas-based non-profit organization that was founded in 2001 through the compassionate efforts of local pediatric cardiologists and concerned families of children with heart conditions. Your donation wouldn't only be tax deductible, but it would also help local families with financial assistance, support groups, community outreach, sending kids to Camp Mend-a Heart, and other helpful programs for families of children with heart conditions.

## Tour De Summerlin

- **When:** Saturday, April 23, 2022
- **Where:** TBA
- **Team:** The CCBA would like to field a team (min. of 10 riders). Interested bar members will need to complete our team form (PDF file) and send it to team captain Mark Blackman at [markbl@bdfgroup.com](mailto:markbl@bdfgroup.com). Form is available to download from the CCBA's web calendar, upon request from the CCBA office, or Mark Blackman.

## Volunteer for Las Vegas Rescue Mission Dinner Service

- **When:** Saturday, May 14, 2022
- **Time:** 4:15 p.m. - 6:15 p.m.
- **Where:** Las Vegas Rescue Mission 480 W Bonanza Rd, Las Vegas, NV
- **What:** Volunteers will serve and clean up for the community dinner. Arrive inside Building 11 (Dining Hall) promptly at 4:15 p.m. and no later than 4:30 p.m. Once you enter the dining hall, there is an area for volunteers to sign in, get an apron, hairnet, and gloves. Around 4:40, the kitchen manager will assign everyone to a position. As the meal is wrapping up around 5:50, volunteers will be asked to wipe down tables, chairs, and sweep. Volunteers should be done about 6:15 p.m.
- **Mandatory Dress Code:** Long pants (no leggings); shirt with sleeves (no tank tops); must have closed toe shoes (no sandals).
- **Who:** Members of the CCBA, including friends and/or family. Volunteers who are age 16-17 must be accompanied by an adult who serves alongside them in the dining hall. All volunteers will need to sign up online prior to the event.
- **Sign up:** Volunteers will be required to sign up via the mission's website at <https://www.vegasrescue.org/>. [Link for May 14 calendar will be posted on/about March 14, 2022].

**Special Event**

# Meet Your Law Students Mixer



**March 24, 2022 -New date!**  
Check-in & networking: 5:30 p.m. to 7:30 p.m.  
Clark County Bar Association, 717 S. 8th Street, Las Vegas

UNLV Law Students and managing partners and hiring partners from law firms in southern Nevada are invited to attend this private event. However, space will be limited. For more information and to RSVP, contact the CCBA at 702-387-6011 or [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org).

*Sponsor opportunities available.*

*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
- Managing partners from several law firms in southern Nevada

## Eighth Judicial District Court Order Strikes Mask Requirements

On February 10, 2022, the Eighth Judicial District Court filed an order in the administrative matter of rescinding Administrative Orders 21-05 and 22-02 in response to COVID-19. *See* Administrative Order 22-04. To find Administrative Order 22-04 and related administrative orders, visit the court’s website at <http://www.clarkcountycourts.us/general/court-rules-and-administrative-orders/#Administrative%20Orders>.

## Las Vegas Justice Court Order Rescinds Mask Requirements

On February 10, 2022, the Las Vegas Justice Court filed an order in the administrative matter regarding face coverings and social distancing in response to COVID-19. *See* Administrative Order 22-10.

Per the order, signed by Chief Justice of the Peace Melissa Saragosa:  
*It is hereby ordered that the previous mask mandate implemented by Administrative Order 21-07 is rescinded effective immediately; and previous Administrative Orders 21-05, 20-14 and 20-13 relating to mask mandates remain rescinded.*


The order became effective immediately. For more information about the Las Vegas Justice Court’s rules and orders, visit the court’s website at [http://www.lasvegasjusticecourt.us/faq/laws\\_and\\_rules.php](http://www.lasvegasjusticecourt.us/faq/laws_and_rules.php).

## Las Vegas Justice Court Judge’s Meeting Set for March 9, 2022

The Las Vegas Justice Court Judges’ Meeting scheduled for January 12, 2022, at 11:30 am, was cancelled. The next Open Judges Meeting is scheduled for March 9, 2022. This may be an in-person meeting. RSVP to Maureen Lowe, Judicial Executive Assistant to Chief Judge Melissa Saragosa, Las Vegas Justice Court Dept 4, (702) 671-3367, [maureen.lowe@clarkcountynv.gov](mailto:maureen.lowe@clarkcountynv.gov).

## Lawyer Representatives for United States District Court

The United States District Court for the District of Nevada is accepting applications for Lawyer Representatives. Lawyer Representatives provide vital input to the court on a myriad of issues affecting the operations of the federal courts including, but not limited to, rule changes; development of new programs; planning of conferences; and the expenditure of funds from the non-appropriated account.

A full public notice for Lawyer Representatives is available on the court’s website ([www.nvd.uscourts.gov](http://www.nvd.uscourts.gov)). Letters of interest must be received by 4:00 p.m. on Friday, April 15, 2022. Questions can be directed to the Clerk of Court at 702-464-5456. 

## Judicial Candidate Profiles

*Promoted posts available on Clark County Bar’s website!*

The CCBA is offering the paid placement of Judicial Candidate Profiles\* on the Clark County Bar’s website to all judicial candidates (incumbents and challengers) who are running for a seat on the bench in Nevada’s election this year.

List of items to be included in the web post of the candidate profile:

- Name of judicial candidate
- Name of court, judicial department (# or letter)
- Photo of candidate (portrait style, .jpg file)
- Link to candidate’s website (URL address)
- Text about the candidate (to be limited to less than 300 words in length)

Fee: \$100 per CCBA member and \$200 per non-member

### ***Place your order now!***

For more information, contact Stephanie at (702) 387-6011 and [StephanieAbbott@clarkcountybar.org](mailto:StephanieAbbott@clarkcountybar.org).

\*Profiles are paid placements and do not constitute endorsements by the CCBA. Additional restrictions apply.

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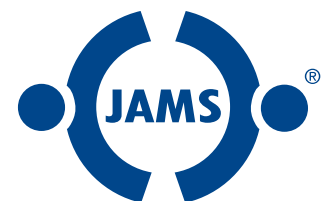


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# Areas of Practice Listings Special Offer

Attorney members of the CCBA can get listed via area of practice (AOP) in the Discovery issue of the *Communiqué* (May 2022). This service is included with the 2022 CCBA membership! To get listed, complete the form below and submit to the CCBA by April 1, 2022. **Note: If you completed the form when you submitted your 2022 membership fee, then you can update your choices by completing this form by the deadline.**

Name: \_\_\_\_\_

NV Bar #: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Areas of Practice** - Select up to three (3) areas of practice from the list below:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Administrative & Agency Matters                    | <input type="checkbox"/> DUI Defense                          | <input type="checkbox"/> Military Law                                |
| <input type="checkbox"/> Animal Law   | <input type="checkbox"/> Education Law                        | <input type="checkbox"/> Mining Law                                  |
| <input type="checkbox"/> Antitrust & Trade Regulation                       | <input type="checkbox"/> Elder Law                            | <input type="checkbox"/> Natural Resources                           |
| <input type="checkbox"/> Appellate Practice                                 | <input type="checkbox"/> Eminent Domain & Condemnation Law    | <input type="checkbox"/> Patents                                     |
| <input type="checkbox"/> Arbitration & Mediation                            | <input type="checkbox"/> Employment Law                       | <input type="checkbox"/> Pension, Profit Sharing & Employee Benefits |
| <input type="checkbox"/> Aviation   | <input type="checkbox"/> Environmental Law                    | <input type="checkbox"/> Personal Injury and Wrongful Death Claims   |
| <input type="checkbox"/> Banking Law  | <input type="checkbox"/> Ethics & Professional Responsibility | <input type="checkbox"/> Premises Liability                          |
| <input type="checkbox"/> Bankruptcy Law                                     | <input type="checkbox"/> Federal Indian Law                   | <input type="checkbox"/> Product Liability                           |
| <input type="checkbox"/> Business Litigation                                | <input type="checkbox"/> Franchise & Distribution             | <input type="checkbox"/> Professional Malpractice                    |
| <input type="checkbox"/> Child Welfare                                      | <input type="checkbox"/> Gaming Law                           | <input type="checkbox"/> Public Utility Matters                      |
| <input type="checkbox"/> City/County/Local Government                       | <input type="checkbox"/> Government Relations                 | <input type="checkbox"/> Public Interest Law                         |
| <input type="checkbox"/> Civil Defense                                      | <input type="checkbox"/> Guardianship                         | <input type="checkbox"/> Real Estate Law                             |
| <input type="checkbox"/> Civil Trial Advocacy                               | <input type="checkbox"/> Health Care Law                      | <input type="checkbox"/> Real Property Law                           |
| <input type="checkbox"/> Collection Law                                     | <input type="checkbox"/> Immigration & Customs Law            | <input type="checkbox"/> Social Security Disability                  |
| <input type="checkbox"/> Common Interest Community /Homeowners Associations | <input type="checkbox"/> Insurance Law                        | <input type="checkbox"/> Special Education                           |
| <input type="checkbox"/> Constitutional Law                                 | <input type="checkbox"/> Intellectual Property                | <input type="checkbox"/> Sports & Entertainment Law                  |
| <input type="checkbox"/> Construction Law                                   | <input type="checkbox"/> International & Foreign Law          | <input type="checkbox"/> State/Federal & Admin                       |
| <input type="checkbox"/> Consumer Claims & Protection                       | <input type="checkbox"/> Internet Law                         | <input type="checkbox"/> Taxation Law                                |
| <input type="checkbox"/> Copyright & Trademark Law                          | <input type="checkbox"/> Job Discrimination & Civil Rights    | <input type="checkbox"/> Transportation Law                          |
| <input type="checkbox"/> Corporate Finance & Securities Law                 | <input type="checkbox"/> Juvenile Law                         | <input type="checkbox"/> Travel & Entertainment Law                  |
| <input type="checkbox"/> Corporation & Business Law                         | <input type="checkbox"/> Labor Law                            | <input type="checkbox"/> Trial                                       |
| <input type="checkbox"/> Creditor & Debtor Law                              | <input type="checkbox"/> Land Use, Planning, Zoning           | <input type="checkbox"/> Veterans Administration & Affairs           |
| <input type="checkbox"/> Criminal & Traffic Law                             | <input type="checkbox"/> Legal Malpractice                    | <input type="checkbox"/> Water Rights Law                            |
| <input type="checkbox"/> Domestic Relations & Family Law                    | <input type="checkbox"/> Legislative Matters                  | <input type="checkbox"/> Wills, Estates, Estate Planning & Probate   |
|   | <input type="checkbox"/> Medical Malpractice                  | <input type="checkbox"/> Workers' Compensation                       |
|   | <input type="checkbox"/> Medical Marijuana                    |  |
|   | <input type="checkbox"/> Mergers & Acquisitions               |  |

**Complete this form and return to the CCBA no later than 4/1/2022.**

Clark County Bar Association  
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# Courtroom and Caseload Changes for 2022

By Judge Melissa A. Saragosa

In conjunction with the court's annual case reassignments, various changes became effective on January 31, 2022. These changes are highlighted below.

- Dept. 1 now handles the Initial Appearance Court calendar from Dept. 9. These cases will be heard by Judge Elana Graham in courtroom Lower-Level B (LLB).
- Dept. 6 will remain vacant for the time being, with *pro tems* scheduled to cover the Civil calendar. Courtroom 6D will hear the cases from Dept. 6 until the courtroom buildout for courtroom 6B is completed (with a tentative completion date of March 9, 2022). Additionally, Judge Cybill Dotson in Department 10 now handles the Community Court calendar from Department 6.
- Dept. 8 now handles the DUI Calendar from Judge Baucum in Dept. 13. Judge Ann Zimmerman in courtroom 1B will hear these cases.
- Dept. 9 now handles the Criminal calendar from Judge Zimmerman in Dept. 8. Judge Joe Bonaventure in courtroom 6A will hear these cases.
- Dept. 10 now handles the DV Calendar from Judge Graham in Dept. 1. Judge Cybill Dotson in courtroom 7D will hear these cases until the courtroom buildout for courtroom 1D is completed (with a

tentative completion date of April 21, 2022).

- Dept. 13 now handles the Criminal calendar from Judge Dotson in Dept. 10. Judge Suzan Baucum in courtroom 6D will hear these cases.
- Traffic cases are now heard in courtroom 6C.
- Eviction cases are now heard in courtroom 8D.
- Small Claims cases will be heard in the afternoon in courtroom 1B, when that calendar resumes in the near future.

Judges with caseloads and courtrooms that remain the same include those listed in the table on page 17.

I am also pleased to announce that the Las Vegas Justice Court's Customer-Service Windows are now open on the first floor of the Regional Justice Center, Mondays through Thursdays from 7:30 a.m. to 5:30 p.m. and Fridays from 8:00 a.m. to 4:00 p.m., excluding holidays. The area on the first floor is much more spacious than the previous area on the second floor, and the increased number of windows will allow the court to provide more expedited service to the public. **G**



*Judge Melissa A. Saragosa was appointed to Las Vegas Justice Court Department 4 in 2006.*



## Las Vegas Justice Court - Courtroom & Caseload Assignments

Dept.#	Judge	Caseload(s)	Courtroom
2	Joe Sciscento	Criminal Animal Control	8B
3	Harmony Letizia	Criminal Veterans Treatment	8C
4	Melissa Saragosa	Chief Judge's caseload (bench-warrant returns; special hearings; formal evictions;, etc.)	7D
5	Cynthia Cruz	Civil DUI Treatment Court Drug Court	7A
7	Karen Bennett-Haron	Criminal	8A
11	Eric Goodman	Criminal	7B
12	Diana Sullivan	Criminal  Bond Calendar	7C
14	Amy Chelini	Criminal	1A
15	Melisa De La Garza	Criminal	1C

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# Making a Difference in Special Education

By *Jonathan Norman, Esq. and Xavier B. Planta, Esq.*

**R**yan struggled during sixth and seventh grade – his grades were poor, he was often in trouble due to his behavior, and he had difficulty fitting in. Sadly, children in foster care are more likely to fare poorly in school. Ryan is just one of roughly 3,000 children in Clark County’s foster system. Studies show that children in foster care score 16 to 20 percent below non-foster children on state standardized tests; as many as 30 to 40 percent are in special education; and only 50 percent of youth in foster care graduate from high school. Frequent changes in foster homes and school placements, lack of academic support, and negative behaviors arising from trauma play a big role in these statistics.

While Ryan floundered in school, his parents were incapable of getting him the help he needed. Ryan was destined to fall further behind. That all changed when Ryan was appointed an Education Decision Maker (EDM) by the Dependency Court.

When a child is formally placed into foster care, the Dependency Court must appoint an Education Decision Maker under NRS 432B.462. The EDM’s role is to advocate for a child’s education needs and rights. The child’s parent or guardian can be the EDM, but when that is not possible, the court will appoint a relative, fictive kin, foster parent, or other person the Court determines is qualified to perform the duties of the EDM. In Ryan’s case, the court referred the matter to Legal Aid Center of Southern

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## ***When a child is formally placed into foster care, the Dependency Court must appoint an Education Decision Maker under NRS 432B.462.***

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Nevada’s Voluntary Education Advocate Program. This program provides training and support to adult volunteers who are willing to become EDMs for children in foster care. A volunteer was quickly identified to serve as the EDM and work with Ryan’s school to ensure his disability related needs would be met.

Right away, Ryan’s EDM raised numerous concerns with his school. The volunteer immediately requested a special education evaluation which revealed that Ryan qualified for special education services under an Individualized Education Plan (IEP). Unfortunately, at the beginning of this school year, the IEP recommendations were not followed and Ryan was placed in an inappropriate classroom setting. Ryan’s EDM demanded the school address the failures, but the demands were met with silence. Ryan’s EDM reached out to the Education Advocacy Program at Legal Aid Center for assistance. The Education Advocacy team quickly filed a Due Process complaint against the Clark County School District (CCSD) to address why Ryan’s educational needs were not met.



*Jonathan Norman, Esq. is the Statewide Advocacy, Outreach and Policy Director for the Nevada Coalition of Legal Service Providers, and the acting Education Team Chief at the Legal Aid Center of Southern Nevada.*

*Xavier B. Planta, Esq. is the Deputy Directing Attorney of the Children’s Attorney’s Project at the Legal Aid Center of Southern Nevada and has been with the Legal Aid Center since 2009.*

Change was not immediate, but eventually Legal Aid Center's Education Advocacy team reached a resolution with CCSD. As a result, Ryan was moved to an appropriate classroom, and CCSD developed a Behavior Intervention Plan consistent with Ryan's IEP. Now, Ryan is doing well academically and his future looks bright.

Ryan's education trajectory changed dramatically because he had an Education Decision Maker who was willing to step in and advocate on his behalf.

A recent United States District Court of Nevada decision in *Rogich et al. vs. Clark County School District*, may help students like Ryan who have IEPs while also assisting EDMs advocating for students. In that case, Federal Judge Richard F. Boulware found that CCSD violated the Individual with Disabilities Education Act (IDEA) by failing to review and consider outside professional evaluations and ignoring recommendations in those evaluations about following a specialized instructional methodology. Such methodologies are needed for students with disabilities like dyslexia. This important decision may force schools to provide appropriate special education services more quickly to students who need them.

The *Rogich* case is just one tool for parents and EDMs to make sure that children with special needs get support

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**Consider volunteering to become an EDM through the Volunteer Education Advocate Project or representing a child through the Children's Attorneys Project at Legal Aid Center of Southern Nevada.**

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tailored to their disabilities and abilities. Foster youth who face the same barriers Ryan faced need supportive adults to advocate on their behalf. Consider volunteering to become an EDM through the Volunteer Education Advocate Project or representing a child through the Children's Attorneys Project at Legal Aid Center of Southern Nevada. These are great opportunities to get involved and make a huge impact on the life of a child in foster care. **©**

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# Unlocking Education

By Jonathan Norman, Esq.

The ongoing struggle for parents of special needs children is ensuring their children are getting the right special education services at school. When a child is in foster care, and the parents are not present, the child still needs someone to speak on his or her behalf, to advocate for his or her educational needs.

The Children's Attorneys Project (CAP) at the Legal Aid Center of Southern Nevada represents children in foster care in Clark County, Nevada. With 29 staff attorneys and over 300 volunteer attorneys, nearly all of the estimated 3,000 children in foster care have legal representation.

The two statutes that can assist a CAP attorney in positively impacting a child's educational journey are Nevada Revised Statutes ("NRS") 432B.580 and NRS 432B.462.

NRS 432B.580 mandates that the Department of Family Services attach education documents to their annual and semi-annual reports to the court. These documents include a child's grades, attendance record, and Individualized Education Plans or

504 Behavior Plans. NRS 432B.462 lays out a framework to ensure foster children have an Education Decision Maker ("EDM") appointed to make crucial decisions that impact a child's education.

When the court determines that a parent or guardian cannot act as the EDM, the court appoints an EDM. The Education Advocacy Team at the Children's Attorneys Project operates the Volunteer Education Advocate Program that trains and supports volunteers to act as an EDMs. Many of our volunteer EDMs are paralegals and other legal support staff.

By carefully reviewing education documents contained in court reports, pro bono attorneys can assess whether a child's education needs are being met. The attorney can also ensure that the court appoints an appropriate EDM. Finally, pro bono attorneys can encourage non-lawyer staff to become EDMs through the Volunteer Education Advocate Program.

Contact Legal Aid Center of Southern Nevada's Pro Bono Project to volunteer today.



*Jonathan Norman, Esq. is the Statewide Advocacy, Outreach and Policy Director for the Nevada Coalition of Legal Service Providers, and the acting Education Team Chief at the Legal Aid Center of Southern Nevada.*

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*Where & When:*

- Thursday, March 31, 2022
- Check-in & networking: 11:30 a.m.
- Luncheon & program: 12:00 to 1 p.m.
- Morton's The Steakhouse, 400 E. Flamingo Road, Las Vegas



*Event sponsors:*



*RSVP required to the CCBA by 3/25/2022.*

For more information, see page 5.