



**Ballet Tickets Offer**  
Special Offer for CCBA members!  
*See page 8*

# COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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**The Family Law Issue**

**NOVEMBER 2022**



*Live CLE webcast  
Free for CCBA members  
November 10, 2022*

**Family Law 101**  
By Lorien Cole Esq.  
*See page 8*

*CLE Article #14*

**Family Law  
New Rules: EDCR 5**  
By Marshal S. Willick, Esq.  
*See pages 20-26*

## Featured inside

Court News  
*See page 12*

Child Custody Considerations  
For The Special Needs Child  
*See page 18*

Pro Bono Corner  
*See page 30*

## Special events

*31st Annual*  
**MEET YOUR JUDGES  
MIXER**



November 3, 2022  
*See page 27*

## RSVP Now

**40**  
**YEAR CLUB  
& ANNUAL MEETING**

December 8, 2022  
*See back cover*



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*Lorien Cole, Esq. of Cole Family Law Firm and Marshal S. Willick, Esq. of Willick Law Group pictured at Family Courts and Services Center. Photo courtesy of Stephanie Abbott.*

### Join/Renew Now

We are now accepting renewals for the 2023 CCBA membership year!

Please scan the QR code and renew your membership now.

Thank you!



# COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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## Editorial Calendar

Cover Date	Topic of Articles	Closing Date
December 2022	Pro Bono	11/1/2022
January 2023	Five Things	12/1/2022
February 2023	Civil Rights	1/2/2023
March 2023	Sports Law	2/1/2023
April 2023	Administrative Law	3/1/2023
May 2023	Natural Resources	4/1/2023
June/July 2023	Membership Matters	5/1/2023
August 2023	Real Estate	7/1/2023
September 2023	Legislative Wrap-up	8/1/2023
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\*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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# Notice of Election for 2023 CCBA Executive Board

**Deadline for nominations is November 8, 2022**

**N**ominations from members to serve on the 2023 CCBA Executive Board will be accepted through Tuesday, November 8, 2022, at 4:00 p.m. Nominations should be sent to the CCBA President, Nedda Ghandi at Prez@ClarkCountyBar.org. The nominating committee shall consider the following criteria and characteristics as applied to each prospective nominee in their application:

- Current CCBA membership in good standing
- Demonstrated past service to the CCBA
- Contribution to creating balance on the executive board of representation amongst various areas and types of the practice of law
- Professionalism
- Knowledge and expertise in an area in which the CCBA needs or desires assistance
- Such other factors as the nominating committee may deem relevant and appropriate

The election will be held at the 40 Year Club & Annual Meeting luncheon on Thursday, December 8, 2022. Get details at [www.clarkcountybar.org](http://www.clarkcountybar.org) or call (702) 387-6011.

Note: This notice was originally published in the CCBA President’s Message in September 2022. See *Communiqué* (Sept. 2022, page 6).

## 2023 CCBA Executive Board of Directors Election Information

**O**n Thursday, December 8, 2022, the Clark County Bar Association (CCBA) will hold the election for the 2023 CCBA Executive Board of Directors on the same day of the Clark County Bar Association 40 Year Club Luncheon & Annual Meeting. This year’s ballot includes two uncontested races. The uncontested races features two incumbents running to retain their seats on the board and one nominee vying for one open position on the board. The open position was created from the appointment of a current director to serve as secretary/trea-

surer for the organization next year. Attorney members are invited to cast their vote electronically by visiting <https://clarkcountybar.org> on the day of the event or by absentee ballot before December 8, 2022. See below for more information about the candidates, polling information, absentee ballots, and additional members of the CCBA Executive Board of Directors.

**Candidates (terms to expire 12/31/2024):**

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

- **Heather Anderson-Fintak\*** of Southern Nevada Health District
- **Paul Lal\*** of NV Energy

**Candidate (term to expire 12/31/2024):**

Vote for **only one** to fill one vacant seat:


- **Open Seat** – Name to be announced soon.

## Polling information for CCBA’s election day:

Attorney members may cast their ballot electronically by visiting <https://clarkcountybar.org> on December 8, 2022.

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is pleased to announce that



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has joined the Firm as an Associate practicing in the areas of litigation, appellate advocacy, hospital and healthcare law, business and corporate law, and ethics and professional responsibility law.

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## Absentee ballot information:

Attorney members who cannot submit a ballot on December 8, 2022 (as outlined above), may mail, fax, or email a completed absentee ballot declaration and a ballot during a period of five (5) business days preceding the date of the Clark County Bar Luncheon and Annual Meeting to Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101, Fax (702) 387-7867, or email Executive Director Donna Wiessner at DonnaW@ClarkCountyBar.org.

Declarations and ballots will be available from the CCBA's website as an electronic file to download from <https://clarkcountybar.org>, and upon request from the CCBA.

## Additional members of the 2023 CCBA Executive Board of Directors:


### Officers (terms to expire 12/31/2023):

- President 2023: **Brandon Kemble\*** of City of Henderson
- President-Elect 2023: **Paul Ray\*** of Paul C. Ray, Chtd.

- Secretary/Treasurer 2023: **Joel Henriod\*** of Lewis Roca
- **Judicial Appointee (term to expire 2023):** The Honorable Bita Yeager of Eighth Judicial District Court, Dept. 1

### Directors (terms to expire 12/31/2023):

- **Mark Blackman\*** of Barrett Daffin Frappier Tredner & Weiss
- **Annette Bradley\*** of B & B Realty Investment Group
- **Jacquelyn Franco\*** of Backus Carranza & Burden
- **James T. Leavitt\*** of Leavitt Legal Services, PC
- **Will Sykes\*** of Claggett & Sykes Law Firm
- **Ex Officio (term to expire 12/31/2023):** President 2022 **Nedda Ghandi\*** of Ghandi Deeter Blackham Law Offices

\*Denotes person currently serving on the board. 

## NEW TEAM MEMBER



# Jones & LoBello

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# Family Law 101 CLE Program Set for November 10, 2022

*Pricing of the live webcast event is included with the 2022 CCBA membership*

On Thursday, November 10, 2022, family law attorney Lorien Cole will make a special presentation for the continuing legal education of Nevada lawyers in a program produced by the Clark County Bar Association (CCBA) and sponsored by Bank of Nevada and Las Vegas Legal Video.

Lorien Cole is the managing attorney of Cole Family Law Firm, a law firm dedicated to assisting clients with all family law matters including divorce, custody, paternity, guardianship, annulment, and support. Lorien is a certified family law specialist with the State Bar of Nevada and has been practicing in the field of family law for 12 years.




*Lorien Cole*

Lorien will discuss information relevant to the following topics:

- Jurisdiction
- Custody
- Child Support
- Property Division
- Alimony

The online presentation will offer 1.0 general CLE credit (NV) to CCBA members only and will be held online via Zoom, from 12:00 to 1:15 p.m., Thursday, November 10, 2022. Pricing of the live webcast event is included with the 2022 CCBA membership. 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.

The event will be recorded for use in the CCBA's audio/visual library. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs).

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

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# 40 Year Club Luncheon Set for December 8

The CCBA will be hosting the 40 Year Club Luncheon & Annual Meeting, sponsored by Bank of Nevada and First Legal on Thursday, December 8, 2022.

This special event will feature:

- Master of Ceremonies Daniel Polsenberg
- Anecdotes & Interviews with inductees and honorees
- 2023 CCBA Board election
- Plated lunch

Each year, we celebrate CCBA members who have practiced law in Nevada for 40, 45, 50, & 55 years. This year, we will induct CCBA members who were admitted in 1982 to practice law in Nevada and honor members admitted in 1977, 1972, 1967, and 1962. See below for names of inductees and honorees for this year's 40 Year Club.

## **Inductees (Admitted 1982):**

- **Jeffrey Albregts** of Jeffrey R. Albregts, LLC
- **Thomas Davis, II** of Howard & Howard Attorneys PLLC
- **John Swendseid** of Sherman & Howard LLC
- **Mark Goldstein** of Bailey Kennedy, LLP
- **D. Lanny Waite**
- **George Bochanis** of George T. Bochanis, Ltd.
- **Paul Eisinger** of Thorndal Armstrong Delk Balkenbush & Eisinger
- **Harry Gensler** of Harry R Gensler, Attorney at Law
- **Harry Marquis** of Harry Paul Marquis, Chtd.
- **Daniel O'Brien**
- **Daniel Polsenberg** of Lewis Roca Rothgerber Christie LLP
- **Bruce Schupp** of Bruce D. Schupp, Chtd.
- **James Patrick Shea** of Shea Larsen
- **Thomas Sheets** of Thomas R Sheets, Attorney at Law
- **Andrew Urban, Jr.** of Andrew J. Urban, Chtd.
- **Michael Villani**
- **Marshal Willick** of Willick Law Group
- **Gloria O'Malley**

## **Honorees (Admitted 1977):**

- **Laurence Speiser** of Laurence A. Speiser, Ltd.
- **Phillip Aurbach** of Marquis Aurbach, Chtd.
- **Edward Bernstein** of Edward M. Bernstein & Associates
- **Martin Kravitz** of Kravitz Schnitzer & Johnson, Chtd.

**40 Year Club** *continued on page 12*

## 40 Year Club Luncheon & Annual Meeting

Sponsors:



### When & where:

- Date: December 8, 2022
- Check-in: 11:30 a.m., Luncheon: 12-1:30 p.m.
- Where: Panevino Italian Grill, 246 Via Antonio Avenue, Las Vegas
- Entrée options (select one): Penne Vegetali, Grilled Salmon, or New York Strip

### Price:

- \$65/CCBA Member, Honoree, or Guest of Inductee or Honoree
- \$80/Non-member
- \$FREE/Inductee

**All attendees must RSVP by the published deadline.**

**RSVP Deadline:** 11/30/2022 to the CCBA at 702-387-6011 or <https://clarkcountybar.org/>.

Cancellations must be submitted in writing to the CCBA via email to [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org) by 11/30/2022 to qualify for a refund of the event registration fee less a \$15 processing fee. No refunds will be issued after 11/30/2022.

**Sponsorship opportunities available.** Contact Donna Wiessner at [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org), (702) 387-6011.

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## 40 Year Club *continued from page 10*

- Sally Loehrer
- Justice Kristina Pickering of Nevada Supreme Court
- Bradley Richardson of Nye County District Attorney's Office
- David Stoebling of Law Office of David Stoebling

### Honorees (Admitted 1972):


- Paul Hejmanowski of Hejmanowski & McCrea LLC
- William Jansen
- K. Michael Leavitt of Law Offices of K. Michael Leavitt
- John O'Reilly of O'Reilly Law Group, LLC
- J. Stephen Peek of Holland & Hart LLP
- Richard Wright of Wright Marsh & Levy

### Honorees (Admitted 1962):

- Jerome Blut of Jerome L. Blut, Chtd.
- Jeffrey Shaner of Jeffrey Ian Shaner, Ltd.
- John Thorndal of Thorndal Armstrong Delk Balkenbush & Eisinger

### Honorees (Admitted 1962):

- Robert List of Jolley Urga Woodbury & Holthus

For more information about the 40 Year Club Luncheon & Annual Meeting, contact Donna Wiessner at [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org), (702) 387-6011. 



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## RSVP FOR THE 40 YEAR CLUB LUNCHEON

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## Court News

### Court Orders Adoption of New Rule 27 of the District Court Rules

On September 27, 2022, the Supreme Court of Nevada filed an order in re: amendment of the Nevada Rules of Civil Procedure regarding the placement of a child in a qualified residential treatment program. See ADKT 0601. Effective November 1, 2022, the order adopts the new rule 27 to the District Court Rule (DCR) 27 which is included as Exhibit A.

### Public Hearing in Re Las Vegas Justice Court Rules in Re Traffic Citations Rescheduled for November 22

On October 5, 2022, the Supreme Court of Nevada filed an order in the matter of the enactment of local rules for the Las Vegas Justice Court Relating to Traffic Citations. See ADKT 0604. The order is in response to a petition filed by Melissa Saragosa, Chief Court *continued on page 14*

# Nevada Neutrals

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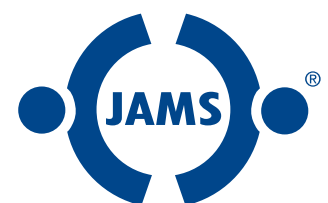


Hon. David  
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**Court** *continued from page 12*

Judge of the Las Vegas Justice Court, requesting the Supreme Court to enact rules relating to traffic offenses and citations as Part 7 of the Las Vegas Justice Court Local Rules of Practice (LVJCLRP). The proposed new rules to be enacted as Part 7 of the LVJCLRP are attached as Exhibit A to the order.

After entering an order to schedule a public hearing on this petition on November 9, 2022, the court rescheduled the public hearing for November 22, 2022, at 3:00 p.m., in Carson City. The hearing will be videoconferenced to the courtroom in Las Vegas. The court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted to Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada, 89701, by 5:00 p.m., November 15, 2022. Comments may be submitted to the court in hard-copy format or electronically to [nvscclerk@nvcourts.nv.gov](mailto:nvscclerk@nvcourts.nv.gov). Persons interested in participating in the hearing must notify the clerk no later than November 15, 2022.



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## Public Hearing in Re Las Vegas Justice Court Rules Related to Summary Evictions Rescheduled for December 7

On September 29, 2022, the Supreme Court of Nevada filed an order in the matter of the amendment of Part 6 of Las Vegas Justice Court Local Rules of Practice relating to summary evictions. See ADKT 0602. After entering an order to schedule a public hearing on this petition on October 6, 2022, the court rescheduled the public hearing for December 7, 2022, at 2:00 p.m., in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced with the court's courtroom in Carson City, Nevada.

The court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted to Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada, 89701, by 5:00 p.m., November 30, 2022. Comments may be submitted to the court in hard-copy format or electronically to [nvsclerk@nvcourts.nv.gov](mailto:nvsclerk@nvcourts.nv.gov). Persons interested in participating in the hearing must notify the clerk no later than November 30, 2022.

## Public Hearing in Re Eviction Mediation Rules Rescheduled for December 7

On September 29, 2022, the Supreme Court of Nevada filed an order in the matter of the amendment to the eviction mediation rules for designated eviction proceedings. See ADKT 0603. The court will conduct a public hearing on the petition on December 7, 2022, at 2:00 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced with the court's courtroom in Carson City, Nevada.

The court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted to Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada, 89701, by 5:00 p.m., November 30, 2022. Comments may be submitted to the court in hard-copy format or electronically to [nvsclerk@nvcourts.nv.gov](mailto:nvsclerk@nvcourts.nv.gov). Persons interested in participating in the hearing must notify the clerk no later than November 30, 2022. 

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# Child Custody Considerations For The Special Needs Child

By Molly S. Rosenblum, Esq.

In Nevada, in the last several years, the percentage of children diagnosed with a disability was approximately 4-5%. Despite this, Nevada's child custody statutes offer little guidance when it comes to creating parenting plans for children with special needs. Indeed, almost everyone who practices child custody law is familiar with the "best interests of the child" standard as stated in NRS 125C. However, the statutes, and child custody case law, offer little guidance when it comes to figuring out the custody and a parenting plan for a special needs child.

As a practitioner in family law, the one-size-fits-all approach to creating a parenting plan does not necessarily work. Fortunately, NRS 125C allows the Family Court to consider other factors aside from the best interest factors specifically identified by the statute. The Risk Assessment Model developed by Dr. Pickar and Dr. Kaufman offers a framework for family law attorneys to consider when arguing for child custody and a parenting plan in cases involving special needs children. Pickar, D.B., & Kaufman, R.L., Parenting plans for special needs children: Applying a risk-assessment model. Family Court Review, 53 (1), 113-133, (2015).

*Molly S. Rosenblum, Esq. is the owner of the Rosenblum Allen Law Firm. Molly has been in practice approximately 20 years representing the rights of parents in various court throughout Clark County, Nevada. Ms. Rosenblum has tried several child custody and dependency cases to verdict involving special needs children.*



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*In a case where the custody of a special needs child is at issue, attorneys arguing the case should consider . . .*

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- **Physical safety and supervision:** Is one parent more likely to be vigilant in supervising the child and able to protect the child from danger? Is one parent more lax in their supervision of the child which makes the child prone to injury, wandering or being preyed upon?
- **Parenting skills:** How is each parent able to tolerate and manage the child's behavior?
- **Structure and routine:** Can both parents implement consistent structure and routine for their special needs child and follow through with in-home behavioral plans?
- **Discipline:** Do the parents appropriately discipline their special needs child?
- **Time and availability:** While in the case of a neuro-typical child, the court cannot award custody due to a parent working, this may not be true in the case of a special needs child. Certainly, the practitioner working on a child custody case involving a special needs child must consider whether the parent is available to attend appoints and supervise the child.
- **Acceptance about or denial about child's condition:** It is critical that when awarding custody the court be aware about both parties' understanding of the child's condition, the medical treatment and therapies needed, and whether the parent is accepting of the condition. Likewise, many special needs children require in-home therapy and treatment. As such, the court needs to consider each parent's willingness to allow medical intervention and therapies.
- **Transitions between homes:** This is a big consideration for children with autism and children with needs who do not tolerate change. How a child will move back and forth between homes is a critical consideration for a special needs child when creating a parenting plan.

Obviously, every child is different and the above considerations are only a few. However, creating a parenting plan and determining custody for a special needs child requires special attention and special consideration. ●

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# Family Law New Rules: EDCR 5

By Marshal S. Willick, Esq.

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*\*About the CCBA's Article #14: "Family Law New Rules: EDCR 5" offers 1.0 general Continuing Legal Education (CLE) credit to Nevada lawyers who complete the test and order form per the offer described in the November 2022 issue of Communiqué. See pp. 20-26. The CCBA is an Accredited Provider with the NV CLE Board.*

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A significant overhaul of the rules governing procedures in family court went into effect on June 11, 2022.

## I. Overview

Even before the Nevada Supreme Court ordered the various counties to amend their local rules to conform to the timing and other changes in the revised NRCPs in 2019, the 8th Judicial District Family Division had started the process of tweaking Section 5 of the Eighth Judicial District Court Rules enacted in 2016 to address observed conflicts, contradictions, and problems. The reconvened Committee consisted of Judges Denise Gentile, Charles Hoskin, and William Potter, plus attorneys Jennifer Abrams, Michael Carman, Vincent Mayo, and Marshal Willick.

The Nevada Supreme Court gave a very short timetable for all counties to amend their local rules to match the timing changes in the new NRCP. The EDCR 5 Committee dropped everything to conform the "timing" rules to the NRCP; work up to that time, plus the timing rules,

became the "Phase One" changes, which were approved in November 2019. Committee work continued on all other suggestions, which became "Phase Two."

In 26 multi-hour meetings, the EDCR 5 Committee looked at every comment, question, suggestion, and complaint about the operation of the family court local rules submitted, whether by a member of the bar, an agency, a member of the public, or anyone else.

As with the 2016 revisions, all proposed revisions were posted to the Nevada State Bar Family Law Section listserv as they were completed for commentary and response. Updates were provided at the Clark County Family Court Bench/Bar meetings. Materials were also posted on a publicly-available website's Clark County Bench/Bar page (<http://willicklawgroup.com/clark-county-bench-bar-committee/>) for review and commentary; all e-mailed comments were brought back to the Committee for discussion.

Fairly late in the process, when it was noted that some timing and other rules in EDCR Section 1 had been missed by the "downtown committee" during Phase One, the EDCR 5 Committee was asked to go over that section as well, and did so.



*Marshal S. Willick, Esq. is the Principal of the WILLICK LAW GROUP, an A/V-rated Las Vegas family law firm, and QDROMasters, its pension order drafting division. He can be reached at 3591 East Bonanza Rd., Ste. 200, Las Vegas, NV 89110-2198. Phone: (702) 438-4100; fax: (702) 438-5311; e-mail: Marshal@WillickLawGroup.com.*

The Phase Two rule set and redline of both the reorganization and the modifications (of both Section 5 and Section 1) were produced and submitted to the family law list-serv, and then to the family courtjudges, in January 2021. They were approved with minor modifications by the Family Court, then the entire Eighth Judicial District Court, and finally by the Nevada Supreme Court as ADKT 590 on April 11, 2022.

## II. Goals for the rule revision

A good deal of priority was assigned to simplifying and clarifying the rules, the goal being to make compliance with the rules as simple as possible for both attorneys and *pro se* litigants.

To that end, all cross-references to other specific rules were eliminated, and all other sections of the EDCR were reviewed, with pieces of the other Sections of the local rules incorporated so that Section 5 could be a stand-alone rule set for all procedure in family court, to eliminate contradictions and cross-references (5.101). Much of the language imported from other rule sets was modernized, simplified, and clarified.

For the same reason, the rule set was re-organized, so

that the rules were in logical groups: court organization; general procedure; attorneys, parties, children and parents; motions; stipulations, conferences, and hearings; and orders and judgments. In light of the comprehensive statewide rule set that has been adopted for guardianships, all rules on that subject were removed.

## III. Specific notable changes

Correcting an accidental deletion from the 2016 revisions, the Committee restored the ability to demand closed hearings of motions as well as trials, in all case types, and that the video record of a closed hearing or in a sealed case is confidential, not open to public inspection, and may not be disseminated to any third party beyond parties, their counsel and staff, and any experts involved. This was somewhat altered in the Phase One adoption (the Nevada Supreme Court apparently did not realize that the rule had already been in effect for many years and had only accidentally been eliminated in 2016), but the language was restored in Phase Two to ensure equal protection of people whether they are married or not (5.212).

**CLE Article** *continued on page 22*

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# Instructions for CCBA's CLE Article #14

How Nevada lawyers may earn 1.0 CLE credit in three easy steps:

1. Read the article, "Family Law New Rules: EDCR 5" on pages 20-23;
2. Take the quiz on page 24-25; and
3. Complete the order form on page 26, and submit it with the completed quiz pages (pages 24-25) to receive CLE Credit from the CCBA.

Questions: Contact Donna Wiessner at (702) 387-6011, [donnaw@clarkcountybar.org](mailto:donnaw@clarkcountybar.org).

## CLE Article *continued from page 21*

Treating similarly-situated people equally was given a high priority in consideration of every rule. The judge-created category of "Complaints for Custody" were construed as paternity/parentage actions so that unmarried parents had the same procedural rights as married parents (5.207).

Several rules were adopted to resolve questions that have plagued trial and appellate courts. Unless a court specifically orders otherwise, the marital community terminates at the close of evidence at trial and behavioral orders continue after a final order, but other temporary orders terminate automatically when permanent orders are made, while any arrearages remain collectible (5.712).

Changing an oddity from section 7, courts may enter notices of entry, and if a party waives notice of entry, the date of doing so is treated as the date of notice for reconsideration and appellate purposes (5.704).

The relationship between items filed as exhibits and produced in discovery was clarified so that only items produced in discovery were admissible at trial (5.506). A list of standardized notices was adopted (5.707).

Orders entered by visiting and senior judges may explicitly be modified by the regularly-sitting judge when



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that judge returns (5.204). When and how *ex parte* contact with a department can be made was clarified (5.211).

A series of rules intended to make family practice more civil were adopted, including rules of civility (5.218), and requirements to inform opponents of known hearing dates and to serve actually known addresses even if that is not the address on file with the court (5.205, 5.511).

The parenting “Cope” seminar was flipped from opt-out to opt-in, so it is not required unless specifically ordered (5.305). All required “conferences” were expanded to permit video and email discussions (5.402, 5.510). How to get in and out of unbundled cases was clarified (5.303). A mechanism was devised to continue having actual *ex parte* orders in the modern world of instant electronic notice of filings (5.711).

Having noted the enormous savings in time and money for litigants and counsel alike, the default was altered so that motion practice would continue to default to “virtual” even after the pandemic restrictions are lifted, with a provision to have an in-person hearing if desired (5.609), with procedures implemented to make public access to non-sealed, non-closed hearings virtually as if it was in person. The provisions for decisions on the papers on “Chambers Calendar” were streamlined and clarified (5.502).

Step-by-step procedures for actually getting an NRCP 70 order in place were adopted (5.216). Binding stipulations may not only be recited “on the record” as under prior EDCR 7.50, but recorded in video, etc. (5.601). Faster disposition of uncontested matters, and elimination of boilerplate findings were provided (5.701), and the timing rules to allow countersignatures were streamlined (5.706).

#### IV. Conclusion

In addition to the rules discussed above, lots of other minor phrasing and technical changes were made, intended to make family practice as efficient, economical, logical, and fair as possible.

The time commitment on this rule redraft and revision was enormous, and if not for the dedicated work of each member of the Committee could not have been completed in the time it was with the level of scrutiny and consideration necessary for the task. **G**

Take the quiz on pages 24-25.



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# CCBA CLE Article #14

## Quiz

### ***Family Law New Rules: EDCR 5 Offers 1 General CLE Credit (NV)***

Complete the quiz. Each question has only one correct answer.

1. When were the last changes to Section 5 of the Eighth Judicial District Court Rules approved?
  - a. 2016
  - b. 2017
  - c. 2018
  - d. 2019
2. What other EDCR sections do practitioners in family court also have to apply?
  - a. Section 2
  - a. Section 7
  - a. Section 3
  - a. None of the above
3. Closed hearings can now be requested in:
  - a. All case types
  - b. Divorce trials only
  - c. Divorce case trials and motions
  - d. All case types other than Complaints for Custody
4. For purposes of the procedural rules, "Complaints for Custody" are to be construed as:
  - a. Divorce cases
  - b. Paternity/parentage cases
  - c. Miscellaneous actions
  - d. Adoption proceedings
5. Unless a court specifically orders otherwise, the marital community terminates:
  - a. Upon the separation of the parties
  - b. Upon the filing of a complaint for divorce
  - c. At the close of evidence at trial
  - d. Upon the filing of Notice of Entry of the decree of divorce
6. Unless a court specifically orders otherwise, behavioral orders entered during a family law case:
  - a. Automatically terminate upon entry of a final order
  - b. Continue if equitable to enforce after a final order
  - c. Continue after a final order
  - d. None of the above
7. Unless a court specifically orders otherwise, temporary orders entered during a case (other than behavioral orders):
  - a. Automatically terminate upon entry of a final order
  - b. Continue if equitable to enforce after a final order
  - c. Continue after a final order
  - d. None of the above
8. Unless a court specifically orders otherwise, arrearages accrued under temporary orders during a case:
  - a. Automatically terminate upon entry of a final order
  - b. Continue if equitable to enforce after a final order
  - c. Continue to be collectible after a final order
  - d. None of the above
9. Is it permissible for a family court to enter Notice of Entry for one of its own orders?
  - a. Yes
  - b. No
10. If a party waives notice of entry, the date of doing so is treated as:
  - a. Nothing; it has no effect on deadlines for appeals or other motions
  - b. The date of notice for reconsideration and appellate purposes



- c. The date of notice for reconsideration motions but not appeals
  - d. The date of notice for appeals but not reconsideration motions
11. What sort of documents are admissible at trial in a family court action?
- a. Documents that were produced in discovery
  - b. Documents that were attached as exhibits to motions
  - c. Documents that were produced in discovery and attached as exhibits to motions
  - d. Documents that were produced in discovery or attached as exhibits to motions
12. If an order is made by a visiting judge, can it be later modified by the regular judge sitting in that department?
- a. Yes
  - b. No
  - c. Yes, but only with the concurrence of the Presiding Judge
  - d. Yes, but only by a higher court on appeal
13. The parenting “Cope” seminar:
- a. Is required for all parties in cases with children, with no exceptions
  - b. Is required for all parties in cases with children, unless the judge grants an exemption
  - c. Is not required unless the judge specifically orders it
  - d. Has been abolished and is no longer available
14. If lawyers are required by a rule to meet and confer, they may do so:
- a. In person only
  - b. In person or by phone
  - c. In person, by phone, or by videoconference
  - d. In person, by phone, by videoconference, or by email
15. Motion hearings will be held:
- a. Virtually until the COVID-19 pandemic restrictions are lifted
  - b. In person, unless someone seeks and receives permission to attend virtually
  - c. Virtually, unless someone seeks and receives permission for the hearing to be in-person
  - d. In person with all parties and counsel required to attend in the courtroom
16. Procedures for getting an NRCP 70 order in place:
- a. Are strictly up to the discretion of the judge
  - b. Are to be created by the Clerk’s Office
  - c. Are addressed only in NRCP 70
  - d. Are detailed in the local rules
17. A binding stipulation:
- a. May be recited on the record or recorded in video
  - b. Must be placed on the record in a courtroom during a hearing
  - c. Must be in writing, signed by the person to be bound
  - d. Must be signed by all parties and their counsel
18. Countersignatures on orders:
- a. Are not required for family court orders
  - b. Are governed by timing rules in EDCR section 5
  - c. Are governed by timing rules in EDCR section 7
  - d. Are optional in the discretion of counsel
19. Ex parte orders:
- a. Are immediately noticed to the other party through the electronic filing system
  - b. Are not allowed under the local rules
  - c. Are now possible under the local rules
  - d. Are unlawful
20. The video record of a closed hearing in a sealed case:
- a. Is available by request at the Clerk’s Office
  - b. May not be distributed or copied
  - c. May be distributed by a party to the case
  - d. May be posted to the internet so long as notice to all parties is provided
21. (Bonus Question) “EDCR 5” means:
- a. Eighth Judicial District Court Rules, section 5
  - b. Fifth Edition of the Descriptive Court Reporter
  - c. Eighteenth Judicial Court Rules, section 5
  - d. Babylon 5 Escape Destruct and Correction Regulations

**Complete order form on page 26.**

# CCBA CLE Article #14 Order Form

## Family Law New Rules: EDCR 5 *Offers 1 General CLE Credit (NV)*

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### **3. Ethics From the Desk of Bar Counsel**

Speaker: Daniel Hooge, Bar Counsel, of State Bar of Nevada  
Recorded: 9/20/2022  
Offers: 2.0 hours of Ethics CLE (NV)  
Price: \$50/CCBA Member or \$100/non-member

### **4. Deposition Conduct Rules – Do's & Don'ts**

Speakers: Erin Lee Truman and Jay Young, Discovery Commissioners for the Eighth Judicial District Court  
Recorded: 8/31/2022  
Offers: 1.0 General CLE Credit (NV)  
Price: \$25/CCBA Member or \$50/non-member

### **5. State of Play Cannabis Law 2022**

Speakers: Shamus Flynn, Daniel Giudici, and A. William "Bill" Maupin of Flynn Giudici, PLLC  
Recorded: 8/25/2022  
Offers: 1.0 General CLE credit (NV)  
Price: \$25/CCBA Member or \$50/non-member

### **6. Working with Your Experts**

Speaker: Mark D. Rich, CPA, CFF of Rich, Wightman & Company, CPA  
Recorded: 7/20/2022  
Format: Audio/Video  
Offers: 1.0 hour CLE credit (NV)  
Price: \$25/CCBA member, \$50/Non-member

### **7. You Receive a Subpoena For a Client's File – What Do You Do?**

AKA: CCBA Article #12  
By John M. Naylor, Esq. of Naylor & Braster  
Published: *Communiqué* (June/July 2022)  
Format: Article (PDF)  
Offers 1.0 CLE Credit (NV)  
Price: \$25/CCBA member, \$50/Non-member

### **8. Someone Subpoenas Your Client Files – What Do You Do Next?**

Speaker: John M. Naylor, Esq. of Naylor & Braster  
Recorded: June 30, 2022  
Offers: 1.0 hour Ethics CLE (NV)  
Price: \$25/CCBA Member or \$50/non-member

### **9. Preparing Witnesses with Documents: Risks and Rewards**

Speakers: Michael J. Gayan, Esq. and Alysa M. Grimes, Esq. of Kemp Jones, LLP  
Recorded: May 26, 2022  
Offers: 1.0 Ethics CLE Credit for Nevada lawyers  
Price: \$25/CCBA Member or \$50/non-member

### **More titles available!**

See <https://clarkcountybar.org/marketplace/cle-programs/> or contact Donna at [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org) or call the CCBA office at 702-387-6011.

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### \*CCBA CLE Library Policy:

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# Pro Bono Is Good for Your Health


By Doreen Spears Hartwell, Esq.

*... when pro bono comes from the heart, it feeds your soul.*

Public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure.” Justice Sandra Day O’Connor, 78 Or. L. Rev. 385, 391 (1999).

Providing pro bono legal services as an ethical obligation for every attorney that comes with the privilege of having a law license. However, when pro bono comes from the heart, it feeds your soul. One of the most rewarding things a lawyer can do for herself is give the gift of pro bono to a client who could not otherwise afford legal representation. Whether you’re a seasoned litigator or a new practi-

tioner, you have the skill set needed to take on a family law case and make an enormous difference in a person’s life.

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*Doreen Spears Hartwell is a founding member of Hartwell Thalacker, Ltd., a boutique firm that focuses on employment law representing management and business litigation.*



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Please join us for a special event!

# 40 Year Club Luncheon & Annual Meeting

## Sponsors:



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**About:** Each year, we celebrate CCBA members who have practiced law in Nevada for 40, 45, 50, & 55 years. This year, we will induct CCBA members who were admitted in 1982 to practice law in Nevada and honor members admitted in 1977, 1972, 1967, and 1962. To see names of inductees and honorees for this year's 40 Year Club, turn to page 10.

## When & where:

Date: December 8, 2022

Check-in: 11:30 a.m., Luncheon: 12-1:30 p.m.

Where: Panevino Italian Grill, 246 Via Antonio Avenue, Las Vegas

Entrée options (select one): Penne Vegetali, Grilled Salmon, or New York Strip

**RSVP with payment to the Clark County Bar Association by 11/30/2022.** For more information, see page 10. the CCBA at 702-387-6011 or <https://clarkcountybar.org/>.

## RSVP NOW

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Link opens to  
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