



COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

Follow CCBA: clarkcountybar.org 702-387-6011 @clarkcountybar @ccbanv

Aldape v. State: Protecting the First Amendment Rights of Probationers

By Alina M. Shell

See page 18



Features inside

Gun Rights

**Immigration Customs Enforcement Custody and
Federal Bureau of Prisons Custody
Security at the Courthouse**

Diversions Court for At-Risk Autistic Youth

Supporting Diversity and Inclusion

Nevada Appellate Summaries

See pages 20, 22, 14, 16, 6, 24

Highlights

CCBA President's Message

CLE Programs

Community Outreach

Law Day Activities

Court News

See pages 6, 8-11, 12



YOUR STATE BAR OF NEVADA MEMBER BENEFIT

START ● TRANSITION
MANAGE ● PROTECT
YOUR PRACTICE



PRACTICE ADVISOR

Consult with an advisor about starting a law firm and general business advice. Brief consultations offered at no charge.

Call 702.745.1300



PRACTICE RESOURCES

Access forms, checklists, products and services geared toward your practice needs.



LEARNING RESOURCES

Online learning modules with tips and best practices for meeting your ethical obligations. **Plus!** Free CLE credits!

WWW.NVBAR.ORG/HANDLEBAR

On the cover



Alina M. Shell at Armstrong Teasdale in Las Vegas.

Highlights

New Small Business Reorganization Act CLE Free for CCBA Members on February 7, 2024..... 8

Meet Your Law Students Mixer Set for April 4, 2024..... 10

CCBA’s Law Day Activities..... 10

Cross Court CLE Webinar Set for April 17, 2024..... 11

Commission on Judicial Selection Extends Application Deadline for Clark County District Court Department 27 12

Las Vegas Justice Court Administrative Order #24-01 12

Las Vegas Justice Court Amended Administrative Order #23-04 12

Second Amended Administrative Order #23-05 Effective January 8, 2024 13

Nevada Supreme Court Order Adopting Recommendations in re Virtual Advocacy in Nevada Courts Effective February 1, 2024 13

Nevada Supreme Court Order Amending Rules Governing Appearance by Telephonic Transmission for Civil and Family Court Proceedings 13

Features

Aldape v. State: Protecting the First Amendment Rights of Probationers
By Alina M. Shell 18

Keep the Gun and the Cannoli: Rahimi Could Expand Gun Rights Beyond Andersen in Nevada
By Andréa Vieira 20

Civil Rights: A Tale of Two Detention Systems: Immigration Customs Enforcement Custody and the Federal Bureau of Prisons Custody
By Hardeep “Dee” Sull..... 22

Columns

DICE Helps Support Diversity and Inclusion at CCBA
By Paul C. Ray, Esq...... 6

Security at the Courthouse
By Jerry A. Wiese II, Chief Judge EJDC 14

Eighth Judicial District Court Family Division Creates First and Only Diversionary Court for At-Risk Autistic Youth
By Judge Soonhee “Sunny” Bailey 16

Nevada Appellate Summaries
Advance Opinion Summary (1-5-24)
By Joe Tommasino 24

Departments

Table of Contents 3

About *Communique*..... 4

Editorial Calendar..... 4

Advertiser Index..... 5

Bar Activities 8, 10, 11

Community Outreach..... 10

Court News 12

The Marketplace..... 31

Spotlights

Lunchtime Learning CLEs..... 8, 11

PILA’s 25th Silver State Auction.. 10

Judicial Candidate Profile Offer.... 12

Multiple Employer Aggregation Program (MEAP) Offer 21

Disability Insurance Offer 23

Areas of Practice Listings Offer. 27

Recorded CLE Programs 28

CCBA CLE Reporting..... 29



THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

©2024 Clark County Bar Association (CCBA). All rights reserved. No reproduction of any portion of the *Communiqué* is allowed without written permission from the publisher. Editorial policy available upon request.

Communiqué is published eleven times per year with an issue published monthly, except for July, by the CCBA, 717 S. 8th Street, Las Vegas, Nevada, 89101-7006. Phone: (702) 387-6011. *Communiqué* is mailed to all paid members of CCBA, with subscriptions available to non-members for \$75.00 per year.

Communiqué accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and adver-

tisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association, the CCBA Publications Committee, the editorial board, or the other columnists. All legal and other issues discussed are not for the purpose of answering specific legal questions. Attorneys and others are strongly advised to independently research all issues.

For more information about our publication’s editorial calendar, deadlines, editorial policy, author guidelines, ad rates, ad specifications, and deadlines, contact the publisher at Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101-7006. Phone: (702) 387-6011.

Editorial Board

Paul C. Ray
Publisher

Jennifer Roberts
Editor-in-Chief

Heather Anderson-Fintak
Nathan Claus
Jacquelyn M. Franco
Jennifer Hostetler
Pooja Kumar
Nick Michaud
Alia Najjar, M.D.
Tara Teegarden
Editors

CCBA Board Of Directors

Paul C. Ray
President

Joel D. Henriod
President-Elect

Heather Anderson-Fintak
Annette Bradley
Joshua Dresslove
Jacquelyn M. Franco
Christena Georgas-Burns
Paul J. Lal
James T. Leavitt
Alia Najjar, M.D.
Michael J. Nuñez
Michael Wendlberger

The Honorable Bita Yeager
Judicial Appointee

Brandon P. Kemble
Immediate Past President

CCBA Staff

Donna S. Wiessner
Executive Director

Stephanie Abbott
Communications Manager
Communiqué production

Editorial Calendar		
Cover Date	Topic	Closing Date
January 2024	Five Things	12/1/2023
February 2024	Civil Rights	1/2/2024
March 2024	Criminal Law	2/1/2024
April 2024	Technology in Practice	3/1/2024
May 2024	Ethics	4/1/2024
June/July* 2024	Membership Matters	5/1/2024
August 2024	Education Law	7/1/2024
September 2024	Labor & Employment Law	8/1/2024
October 2024	Law of Medicine	9/1/2024
November 2024	Constitutional Law	10/1/2024
December 2024	Pro Bono	11/1/2024
*The combined June/July issue will be released in June. The editorial calendars, schedules, editorial policies, and writer's guidelines for the <i>Communiqué</i> are subject to change without notice.		

Advertisers, Sponsors

Advanced Resolution Management..... 13
 Ara Shirinian Mediation..... 21
 Bank of Nevada.....8, 28
 Claggett & Sykes..... 10
 Clark County Credit Union7
 Eglet Adams Eglet Ham Henriod..... 10
 GGRM.....9
 Heidari Law Group PC..... 32
 Las Vegas Legal Video..... 8, 15, 28
 Law Pay 31
 Legal Wings 23
 LegalHQ.law7
 Portraits to You 19
 Prominence Health Plan..... 17
 Red Panda Systems5
 State Bar of Nevada2
 UNLV William S. Boyd
 School of Law 10
 WestPac Wealth Partners 5, 21, 23
 Worldwide Litigation Services..... 10

Bar Services

Areas of Practice Listings 27
 Bar Activities 8, 10
 Bar Services Spotlights 8, 10, 12,
 21, 23, 28
 Multiple Employer Aggregation
 Program (MEAP) 21
 CLE Programs.....8, 11, 28-31
 Community Outreach..... 10
 Judicial Candidate Profile Offer..... 12

Advertising opportunities

Space is available for bar members and select businesses to place an ad to showcase their accomplishments, professional services, and products in upcoming issues of the color print magazine, *Communiqué*. For more information, contact StephanieAbbott@clarkcountybar.org, (702) 387-6011.



RedPanda
 SYSTEMS

Contact us for:

- Managed services
- Help desk support
- Cyber security
- Virtual CIO services
- Backups
- Cloud servers
- VOIP
- Fiber internet

RedPanda Systems

David Shultis, Partner
 702-553-2500
 dave@redpandasystems.com
<https://www.redpandasystems.com/business/>

**Special offer for
 CCBA Members**

RedPanda Systems can offer a 50% discount on the price of the first month or a 10% discount on monthly pricing for the first 6 months with a signed 1 year or longer contract for managed IT support services to current CCBA members.



WESTPAC®
 WEALTH PARTNERS

You specialize in the art and science of law...

We specialize in the art and science of finance.

Contact our team to take advantage of an exclusive offer for CCBA members

Joshua Brown, CFP®, MBA
 Financial Advisor
 520.591.5729
 joshua.d.brown@westpacwealth.com

Bryan Martinka
 Financial Representative
 623.210.2314
 bryan.x.martinka@westpacwealth.com

Joshua Brown is a Registered Representative and Financial Advisor of Park Avenue Securities LLC (PAS), OS: 5280 CARROLL CANYON ROAD, SUITE 300, SAN DIEGO CA, 92121, 619-6846400. Securities products and advisory services offered through PAS, member FINRA, SIPC. Joshua Brown & Bryan Martinka are Financial Representatives of The Guardian Life Insurance Company of America® (Guardian), New York, NY. PAS is a wholly owned subsidiary of Guardian. WESTPAC WEALTH PARTNERS LLC is not an affiliate or subsidiary of PAS or Guardian. Insurance products offered through WestPac Wealth Partners and Insurance Services, LLC, a DBA of WestPac Wealth Partners, LLC. Brown CA Insurance License #4087485 | Martinka CA Insurance License #0680243, AR Insurance License #17484996 | Guardian, its subsidiaries, agents, and employees do not provide tax, legal, or accounting advice. Consult your tax, legal, or accounting professional regarding your individual situation. | 2022-136871 Exp. 04/24

DICE Helps Support Diversity and Inclusion at CCBA

By Paul C. Ray, Esq.

“I have decided to stick with love. Hate is too great a burden to bear.” This is my favorite Dr. Martin Luther King, Jr. quote besides Reverend King’s “I Have a Dream” speech. We celebrate inspirational words and accomplishments of many African Americans during Black History Month in February. What are your favorite accomplishments by African American leaders?

Bryan K. Scott is an excellent example of a modern-day local leader. Bryan was the first African American President of the Clark County Bar Association, the first African American President of the State Bar of Nevada, and the first African American Las Vegas City Attorney.



Annette Bradley did a great job as the first African American woman and inaugural CCBA Diversity and Inclusion Committee for Equity (DICE) Chairperson in 2020. Annette welcomed everyone to make DICE itself inclusive. At its inception, DICE immediately became one of CCBA’s best-attended committee meetings.



We celebrate inspirational words and accomplishments of many African Americans during Black History month in February.

Leaders of the State Bar of Nevada and of affinity bar associations, the National Bar Association, and the Latino Bar Association, supported DICE meetings from the outset. One hundred people attended DICE’s first panel discussion luncheon in 2021 entitled, “Diversity in the Legal Profession.” Panelists included Judge Tierra D. Jones, Bryan Scott, and past CCBA President Nedda Ghandi.

The panel discussion provided insights into diversity challenges in Clark County. One issue the panel discussed is the pipeline of the future for diversity in the profession.

Leaders in Training (LIT) is an innovative nonprofit in the Las Vegas diversity pipeline, which introduced itself to DICE in 2022. LIT provides support and internships for high school students becoming first-generation college students. What innovators do you celebrate who promote diversity and inclusion in Las Vegas?

Paul C. Ray has practiced business and real estate litigation and appeals for 32 years. He is with the law firm of Paul C. Ray, Chtd. Paul serves as CCBA President through December 31, 2024.



In furtherance of its diversity and inclusion leadership purposes, in 2022, DICE co-hosted the “Hispanic Leaders in Law Celebrating Nevada’s Latino Legal Pioneers.” Judge Cristina Silva, Judge Adriana Escobar, Judge Vincent Ochoa, and Leslie Nino Piro spoke to a large group of attendees at the Mob Museum. DICE also hosted two informative CLE programs on “An Introduction to Critical Race Theory” and “Critical Race Theory on Civil Rights and Criminalization,” with an outstanding panel of legal professors from University of San Diego School of Law and from UNLV William S. Boyd School of Law in 2022.

DICE co-hosted CCBA’s first two annual “Meet Your Law Students” mixers in 2022 and 2023. DICE held an outstanding luncheon in 2023 entitled, “Diversity in Action: Recruiting a Diverse Workforce.”

Please feel welcome to enjoy DICE events and all other CCBA activities in 2024. And I hope we will all be free from the burden of hate. 🇺🇸

Thinking about going on your own?
We can help!

Modern Exclusive Workspace For Attorneys and Litigation Support



Contact us today! • info@legalthq.law • LegalHQ.law

Clark County Credit Union is Now Offering IOLTAs

Your trust account will earn the highest rate
2.02% APY

CCCU is locally-run, member-owned and is a Bar Association Platinum Partner

Contact Chris Schlaffman, VP of Commercial Lending at (702) 939-3214 or schlaffmanc@cccuv.com to set up your interest-bearing account today!

*See website for complete terms and conditions



Clark County Credit Union



Each account insured up to \$500,000. By members' choice, this institution is not federally insured.



New Small Business Reorganization Act CLE Free for CCBA Members on February 7, 2024

On February 7, 2024, commercial bankruptcy lawyer Candace Carlyon of Carlyon Cica Chtd. will make a special presentation of “New Small Business Reorganization Act” for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the Clark County Bar Association.

Candace Carlyon has over three decades of legal experience, including representation of myriad constituencies in commercial reorganization and credit restructuring matters. Candace is a tenacious litigator, representing clients in complex commercial litigation matters, including fraud, contract, deficiency, business disputes, and receiverships. She also conducts mediations and serves as a *pro tempore* short trial judge for the Eighth Judicial District Court. She has been certified as a Commercial Bankruptcy Specialist by the American Board of Certification of Bankruptcy and Commercial Rights Specialists since 1994 and is a past president of that organization. She has been recognized in Best Lawyers in America since 1996 and has held an A-V rating, the highest available, since 1989.



The Small Business Reorganization Act of 2019 is a game-changer for business bankruptcies. With a debt limit of \$7,500,000, this new streamlined chapter 11 process provides a lifeline for many businesses struggling to overcome the residual effects of COVID-19 and high inflation, as well as the continuing challenges of high interest rates. This one-hour program will explain the provisions and application of the new “Subchapter V,” including eligibility, how to obtain information, debtor’s obligations, creditor’s rights, and impact of this new type of bankruptcy. In addition to the legal structure of small business bankruptcies, the presentation will provide insight into restructuring and collection alternatives.

CCBA members are invited to attend this CLE program sponsored by Bank of Nevada and Las Vegas Legal Video.

All RSVPs must be made to the CCBA at least 48 hours before the event starts. Pricing of the live webcast event is included with the 2024 CCBA membership.

CCBA membership will be verified upon RSVP. During the event, attendance will be taken, and only those Nevada lawyers in attendance will have their attendance reported to Nevada’s Board of Continuing Legal Education.

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 Wiess-

Lunchtime Learning CLE

“New Small Business Reorganization Act”

- **Speaker:** Candace Carlyon of Carlyon Cica Chtd.
- **Date:** Wednesday, February 7, 2024
- **Time:** 12 to 1:15 pm
- **Where:** Online via Zoom
- **Credits:** 1.0 General CLE Credit (NV)
- **Pricing:**
 - Live webcast (via Zoom): FREE for CCBA Members (2024) only
 - Recorded materials rental: \$25/CCBA Member or \$50/non-member
- **RSVP to CCBA by 2/5/2024:** ClarkCountyBar.org, 702-387-6011

Sponsors



A division of Western Alliance Bank. Member FDIC.

LAS VEGAS LEGAL VIDEO



ner at donnaw@clarkcountybar.org or (702) 387-6011.

Activities continued on page 10

Workers' Comp is not Personal Injury.

Since 1970



The workers' compensation system is a patchwork of statutes, regulations, and case law that has nothing in common with a personal injury case. We've helped thousands of people obtain medical benefits and award payments associated with their workers' compensation injuries and diseases. Let us help your client file a claim or appeal an adverse decision. We don't interfere with your personal injury cases; you keep those unless you would like us to handle them.

Generous referral fees under NRPC 1.5(e)

GGRM Senior Partners: (L to R) Lisa Anderson, Jason Mills, Toby Yurek, Dillon Coil

Workers' Comp Benefits Include:

- Compensation Benefits
- Medical Benefits
- Vocational Rehabilitation Benefits
- Death Benefits
- Police/Firefighter Benefits
- Reopening Benefits
- Occupational Disease Benefits



NEVADA'S PREMIER INJURY
LAW FIRM

Locations

2770 S. Maryland Pkwy
Suite 100
Las Vegas, Nevada 89109
702-930-3370

5375 Kietzke Lane
Reno, NV 89511
775-522-5025

Activities continued from page 8

Meet Your Law Students Mixer Set for April 4, 2024

Bar members and law students are invited to attend the 3rd Annual Meet Your Law Students Mixer to be held at Claggett & Sykes Law Firm, from 5 to 7:30 p.m. on Thursday, April 4, 2024. This special event is being organized by the Clark County Bar Association (CCBA) and UNLV William S. Boyd School of Law.

The event celebrates 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. Attendees can meet representatives from Nevada law firms and the members of the CCBA's Board of Directors, Diversity and Inclusion Committee for Equity (DICE), Community Service Committee, and New Lawyers Committee.

Managing and hiring partners are invited to meet and greet with law students at this private indoor/outdoor event featuring complimentary food and drink tickets while supplies last. There is no fee to attend this event; however, space will be limited to those who RSVP to the CCBA.

Special thanks to our event sponsors (to date):



**Eglet Adams
Eglet Ham Henriod**



Sponsorships are available to select businesses. Participating sponsors will have their company's name, and a short statement (of less than 25 words) to describe the firm, included in the follow-up article about the event in an upcoming issue of *Communiqué*, the official publication of the CCBA. Additional perks depend on the level of sponsorship.

RSVP to the CCBA is required by March 21, 2024. For more information, contact Stephanie Abbott at StephanieAbbott@clarkcountybar.org or 702-387-6011.

CCBA's Law Day Activities

Bar members are invited to help with the Law Day activities that are being planned in cooperation with the legal offices of the U.S. Air Force bases in southern Nevada. The CCBA has offered to host CLE programming for USAF lawyers and legal office staff and to send volunteers to help with a legal resource fair at Nellis Air Force Base. CCBA staff will recruit speakers and volunteers to help with the activities.

Members of the bar who are interested in participating should contact Stephanie at the CCBA office at 702-387-6011 for more information.

Community Outreach

PILA's 25th Silver State Auction on February 29, 2024

CCBA members are invited to attend this special event on February 29, 2024. The event includes a sit-down dinner for all attendees, a silent auction, and a live auction for select items.

All the money raised at the auction goes towards funding scholarships for law students who go into public interest work over the summer.

RSVP online: <https://PILA2024.givesmart.com>.

If you wish to contribute to our student scholarships, you can make a donation by visiting: engage.unlv.edu/pila.




Cross Court CLE Webinar Set for April 17, 2024

On Wednesday, April 17, 2024, judges from Nevada's two largest general jurisdiction courts serving northern and southern Nevada will make a special presentation for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the Washoe County Bar Association and Clark County Bar Association.

Members from both the WCBA and CCBA are invited to learn how to proceed with matters filed in Nevada's 2nd Judicial and 8th Judicial District Courts.

All RSVPs must be made to the WCBA. Pricing of the live webcast event is included with the 2024 WCBA and CCBA memberships. During the event, attendance will be taken, and only those Nevada lawyers in attendance will have their attendance reported to Nevada's Board of Continuing Legal Education.

The event will be recorded for use in the CCBA's and WCBA's audio/visual libraries. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs). WCBA members will be able to access the webinar via the CLE Recorded Library via their profile page. For more information and to RSVP for this event, contact Ashley Horan at ashley@wcbar.org, (775) 786-4494. 

Lunchtime Learning CLE

“Cross Court CLE Webinar – Washoe & Clark Counties”

- **Speakers:** Judges from 2nd and 8th Judicial District Courts, names TBA
- **Date:** Wednesday, April 17, 2024
- **Time:** 12:00 to 1:00 pm
- **Location:** Online via Zoom
- **Offers:** 1.0 General CLE Credit (NV)
- **Price:** Free for WCBA/CCBA members
- **RSVP to the WCBA:** <https://wcbar.weblinkconnect.com/atlas/events/cross-court-cle-webinar-washoe-clark-counties-1014/register>, (775) 786-4494

Lunchtime Learning CLE

"Key Changes to the Nevada Rules Governing Alternative Dispute Resolution"



• **Speakers:**

- Erin Lee Truman, Alternative Dispute Resolution/Discovery Commissioner
- Adam Ganz, Alternative Dispute Resolution/Discovery Commissioner

• **About:** Speakers will address the key rule changes that became effective in 2023. Topics will include:

- Changes to requests for exemptions
- Changes to timelines and new deadline requirements
- Authority of arbitrators
- Changes affecting evidence at arbitration and substantive rights at subsequent trial *de novo*
- Changes to awards for fees and costs for parties, arbitrators, and short trial judges
- Tips for success in arbitration and short trial
- Court-Annexed Mediation Program

• **Date:** Thursday, February 29, 2024

• **Time:** 12:00 to 1:15 p.m.

• **Location:** Online via Zoom

• **Offers:** 1.0 General CLE Credit (NV)

• **Price:**

- Live webcast (via Zoom): FREE for CCBA Members (2024) only
- Recorded materials rental: \$25/CCBA Member or \$50/non-member

• **RSVP to CCBA by 2/27/2024:**

ClarkCountybar.org, donnaw@clarkcountybar.org, 702-387-6011.

Judicial Candidate Profile Offer

All judicial candidates (incumbents and challengers) who are running for a seat on the bench in Nevada's election in 2024 are invited to place a paid listing on the Clark County Bar's website. The profile may include information specific to the candidate as listed in the example below.

Judicial Candidate: [Name]

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, attached as .JPG file).
- Link to candidate's website (URL address)
- Text about the candidate (to be limited to less than 300 words in length)



Profiles are paid placements and do not constitute endorsements by the CCBA. For more information about this offer, see <https://clarkcountybar.org/2024-judicial-candidate-profile-offer/>.

Place your order now

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

To place an order for a Judicial Candidate Profile, the candidate must submit the requested profile information (see above) to StephanieAbbott@clarkcountybar.org and payment to Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV 89101.

Commission on Judicial Selection Extends Application Deadline for Clark County District Court Department 27

On January 22, 2024, Chief Justice Elissa Cadish announced the Nevada Commission on Judicial Selection took action today to extend the deadline to apply for the vacancy in the Clark County District Court Department 27. The Department 27 vacancy comes from the retirement of the Honorable Nancy Allf. The original application period was December 8, 2023, to noon on January 11, 2024. The extended application deadline is noon on Tuesday, February 6, 2024.

Nevada attorneys with 10 years of legal experience, which includes two years of Nevada experience, are encouraged to apply for the opening. Interviews to fill vacancies will be scheduled in February in Las Vegas. The interviews will be streamed live online and are open to the public. After the interviews, the Commission will nominate three finalists for each vacancy to Governor Joe Lombardo.

Contact Ms. Margarita Bautista, Commission staff, for application materials at mbautista@nvcourts.nv.gov.

Las Vegas Justice Court Administrative Order #24-01

On January 8, 2024, Las Vegas Justice Court Chief Justice of the Peace Cynthia Cruz filed an order in the administrative matter regarding domestic-violence case assignments. See Amended Administrative Order 24-01.

Las Vegas Justice Court Amended Administrative Order #23-04

On January 2, 2024, Las Vegas Justice Court Chief Justice of the Peace Cynthia Cruz filed an amended administrative order in the matter regarding case assignments for criminal offenses committed within the resort corridor. See Amended Administrative Order 23-04. For more information about Las Vegas Justice Court rules and administrative orders, visit https://www.lasvegasjustice-court.us/laws_and_rules___administrative_orders.php.

Second Amended Administrative Order #23-05 Effective January 8, 2024

On December 20, 2023, the second order was filed in the administrative matter of Civil/Criminal/Family Division case reassignments. *See* Second Amended Administrative Order 23-05. Second Amended Administrative Order 23-05 becomes effective January 8, 2024. This order modifies several assignments to further foster consistency, efficiency, and fairness. Also, it provides updates to the many changes and modifications announced in Administrative Order 23-05 filed on December 5, 2023. For more information, visit <http://www.clarkcountycourts.us/general/court-rules-and-administrative-orders/>.

Nevada Supreme Court Order Adopting Recommendations in re Virtual Advocacy in Nevada Courts Effective February 1, 2024

On December 22, 2023, the Supreme Court of Nevada filed an order in the matter of the creation of a commission to study best practices for virtual advocacy in

Nevada's courts. The order includes a preamble for and lists presumptive appearance case types for civil, criminal, family, and limited jurisdiction courts. See ADKT 581. Effective date: February 1, 2024. For more information, read ADKT 581 (available as PDF download) at [ClarkCountyBar.org](https://nvcourts.gov/supreme/rules/amendments/supreme_court_rules) or https://nvcourts.gov/supreme/rules/amendments/supreme_court_rules.

Nevada Supreme Court Order Amending Rules Governing Appearance by Telephonic Transmission for Civil and Family Court Proceedings

On December 22, 2023, the Supreme Court of Nevada filed an order in the matter of amendment of Supreme Court Rules Part IX-B, (A) rules governing appearance by telephonic transmission equipment for civil and family court proceedings. The order includes detailed amendments related to remote appearances and virtual advocacy in Nevada courts. See ADKT 613. Effective date: January 22, 2024. For more information, read ADKT 613 (available as PDF download) at https://nvcourts.gov/supreme/rules/amendments/supreme_court_rules. **G**

EXPERT MANAGEMENT FOR EFFECTIVE RESOLUTION



ATKIN



BARKER



BECKER



YOUNG



GIULIANI



GLASS



GONZALEZ



HAIRE



KUNIN



KUZEMKA



JONES



SAITTA



SILVER



TOGLIATTI



OFFERING IN-PERSON & VIRTUAL ADR
WWW.ARMAADR.COM  855.777.4ARM

Security at the Courthouse

By Jerry A. Wiese II, Chief Judge EJDC

In light of the recent events in Department 18, I thought it might be appropriate to discuss our court security and let the public know that the Regional Justice Center (RJC), the Family Court Courthouse (Family Court), and the court facilities housed in the Phoenix Building and Greystone are all safe and secure buildings. Occasionally, something unique happens that forces us to re-examine and re-evaluate our security, and that's what we're doing now. When an individual dove over Judge Holthus' bench, during his sentencing hearing, it caused us all to question – how does something like that happen? Where was the marshal? Don't we have security to prevent such a thing? If someone can get to the judge, are the lawyers and the public safe in the courthouse? Let me take this opportunity to answer some of these questions.

NRS 3.310 provides that in a jurisdiction where the population is 700,000 or more (like Clark County), “the judge of each district court may appoint a deputy marshal for the court instead of a bailiff. In each case, the bailiff or deputy marshal serves at the pleasure of the judge he or she serves.” The marshal's duties are to: “a) preserve order in the court; b) attend upon the jury; c) open and close court; and d) perform such other duties as may be required of him or her by the judge of the court.” Although the statute only provides for a single marshal for each judge, it also provides that “for good cause shown, a deputy marshal appointed for a court . . . may be assigned temporarily to assist other

Occasionally, something unique happens that forces us to re-examine and re-evaluate our security, and that's what we're doing now.

judicial departments or assist with court administration as needed.”

The general public may not understand that in the Eighth Judicial District Court, we have several types of security personnel. We have judicial marshals, who are appointed by many of the judges, report directly to their judge, and are responsible for the safety and security of persons and property in and around their specific courtrooms. We also have administrative marshals, who are responsible for the safety and security of persons and property in and around the RJC or family court, as assigned. The administrative marshals are often assigned to assist in the individual departments, to provide additional safety and security in

Chief Judge Jerry Wiese serves in Department 30 of the Eighth Judicial District Court bench. Since taking the bench in January of 2011, Judge Wiese has presided over numerous trials, both civil and criminal, and has presided over many settlement conferences. He coordinates the Judicial Settlement Conference Program and presides over the Medical Malpractice Sweeps. He was elected Chief Judge by his peers and has served as the Chief Judge of the district court since July 2022.



individual courtrooms, or elsewhere as necessary.

Additionally, the Eighth Judicial District Court has a contract with a third-party security organization, through which we have a number of court security officers (CSOs) who assist at the gates and assist in the departments and throughout the buildings as necessary. It is the duty and responsibility of each of these individuals to provide each person in the courthouses with safety and security. They are all well trained and do a fabulous job.

With regard to the incident that took place on January 3, 2024, in Judge Holthus' courtroom, her marshal was present, and, in fact, just prior to the incident, had moved behind the defendant, (who was out of custody) to be able to effectuate a remand. There was also a corrections officer from Clark County Detention Center (CCDC) in the courtroom because she had some in-custody defendants on the calendar. The defendant suddenly and unexpectedly vaulted over the defense table, ran, and jumped straight at the judge. The marshal did everything in his power to get to the defendant before he went over the bench, but the defendant was simply too fast. The corrections officer, the law clerk, and others, assisted and were successful in subduing the defendant and taking him into custody.

Although we believe that the marshal, the corrections officer, and everyone else involved did all that they could do, it would be irresponsible for us to not re-evaluate whether there is something more that we can do to create a "more" safe and secure environment within the court. Within 24 hours of this event, we had communicated with, and we are currently working with, Clark County to try to secure funding and approval for additional court marshals. We hired additional CSOs to provide additional security. We are working with Clark County and Real Property Management to modify some of the judicial benches in the court, to make it more difficult for someone to vault over. We are also looking at various other security measures to try to avoid something like this happening again.

Rest assured, judges, staff, attorneys, and the public are safe and secure in our courthouses. We have been and are doing all that we can to make sure that an incident like this will not happen again. We continue to work with our security experts, but if the bar membership has helpful suggestions or recommendations, please email them to my department at securitysuggestions@clarkcountycourts.us. 🇸

Las Vegas Legal Video

LVLV

- Presentation
- Graphics
- PowerPoint
- Equipment
- Exhibits
- Animations

TRIAL

VIDEO

- Depositions
- Editing
- Inspections
- Enhancement
- Surveillance
- Documentaries

702.655.5858
www.lasvegaslegalvideo.com
729 South Seventh Street, Las Vegas, Nevada 89101

Eighth Judicial District Court Family Division Creates First and Only Diversionary Court for At-Risk Autistic Youth

By Judge Soonhee “Sunny” Bailey

Nevada recently made history with the passage and enactment of Senate Bill 411, which creates a statewide diversionary court for at-risk autistic youth. This is a special group of children with immense potential who are often misunderstood by their families, schools, and courts, and who do not receive the care, guidance, and control the Legislature previously mandated in NRS 62A.360 that juvenile courts provide. SB 411, introduced by Senator James Ohrenschall, makes Nevada the first and only state to have a specialty court for these youth. To those involved in the Detention Alternative for Autistic Youth (DAAY) Court, SB 411 embodies Nevada’s dedication to our community and children.

According to the Centers for Disease Control, approximately one in 36 youths in the United States is diagnosed with Autism Spectrum Disorder (ASD). Although aggression is not a symptom of ASD, autistic youth sometimes behave aggressively towards others or engage in self-destructive behavior. This can lead to charges of domestic violence, battery on protected persons, and threats to family, teachers, first responders, and the community. It is unclear how many autistic adults end up in the criminal justice system. A 2012 study estimated approximately four percent,

According to the Center for Disease Control, approximately one in 36 youths in the United States is diagnosed with Autism Spectrum Disorder (ASD).

or 100,000, of incarcerated inmates in the state and federal prison systems were autistic. However, absent appropriate testing and diagnosis, the numbers could be higher.

In April 2018, juvenile probation officers alerted me about an autistic youth arrested for domestic violence currently in detention who was overwhelmed by the court process, thereby preventing him from meaningfully participating. The juvenile probation officers were aware of my experience with my own daughter with autism. We resolved the issue by simply hearing his case on a quiet afternoon with a light calendar to reduce the possibility of overstimulation and a potential violent outbreak. We believed it would be a one-time occurrence. However, the calendar grew as more autistic youth or youth with suspected

Judge Soonhee “Sunny” Bailey was elected to the Eighth Judicial District Court, Family Division in November of 2020. She created and presides over the DAAY Court program.



autism were recognized. Similar to youth who are found incompetent and in need of services, we quickly realized the need for a specialty court to address the unique issues of autistic youth to divert them out of the normal juvenile justice system and help them avoid entering the adult criminal justice system.

In the beginning, our team was small and dedicated to the youth we aimed to serve. The judges of the district court family division strongly supported the program and allowed the use of court-generated fees to continue the program. The district attorney's and public defender's offices were present from day one to support our efforts, especially Chief Deputy District Attorney Summer Clarke, Senior Public Defender Gloria Garcia, and Juvenile Probation Officer Tom Gallia. They graciously volunteer their time to the program to ensure its continued success. We are continually surprised at the number of community volunteers and providers who continuously reach out to us to offer their services to assist the youth and their families!

Our team now includes more than 12 volunteer organizations and providers such as applied behavioral analysis providers, autism treatment assistance program coordinators, Desert Regional Center coordinators, Legal Aid Center of Southern Nevada educational advocates, psychoso-

cial rehabilitation and basic skills training providers, and social program providers.

We look forward to expanding the court across Nevada, to ensure the success of one youth at a time.

DAAY Court currently has over 20 active participants. We celebrated our 84th graduate in December! We look forward to expanding the court across Nevada, to ensure the success of one youth at a time.

If you have any questions or would like more information, please feel free to contact us at denningr@clarkcountycourts.us. 📧



Does Your Practice Have Health Insurance?

With a CCBA Association Health Plan...

- Large group benefits are offered on a small group platform
- Quoting and enrollment are simple
- Rates are affordable
- Enroll at any time - no need to wait for your renewal period

Great Coverage From People Who Care



Prominence[®]
Health Plan

For more information, call Prominence at **855-400-3686** or visit www.clarkcountybar.org

Aldape v. State: Protecting the First Amendment Rights of Probationers

By Alina M. Shell

Do you remember the one episode of *Parks and Rec* where Tom (played by Aziz Ansari) is sentenced to spend one week with “no screens”—i.e., no internet access—after crashing his car while tweeting and driving? *Parks and Recreation: Sex Education* (NBC television broadcast October 18, 2012). The internet ban is played for comic effect; Aziz’s character gets lost driving to his office because he can’t use his GPS; he makes an iPhone out of paper and a physical Pinterest board. It’s funny, but the reality of an internet ban can be far more devastating for convicted persons than *Parks and Rec* portrays—and can fundamentally undermine people’s First Amendment rights. The Supreme Court of Nevada’s recent *en banc* decision in *Aldape v. State*, 139 Nev. Adv. Rep. 42, 535 P.3d 1184 (2023), perfectly illustrates this point.

Antonio Aldape was convicted of a sexual offense that did not involve the internet. Under NRS 176A.410(1)(q), the district court was required to impose, as a condition of probation, a complete ban on Aldape possessing any electronic device capable of accessing the internet and from accessing the internet through any means without approval of his probation officer.

At the time of Aldape’s sentencing, Nevada was “the only state in the nation that statutorily mandates its sentencing courts to impose an identical and total internet

ban” on every defendant convicted of a sexual offense who is granted probation. *Aldape*, 535 P.3d at 1193. Aldape appealed, arguing that NRS 176A.410(1)(q) facially violates the First Amendment. The Supreme Court of Nevada agreed—and in so doing brought Nevada’s probation laws into the 21st century.

Not so long ago, the internet was more novelty than necessity. According to a 1995 Pew Research Center report, 42% of surveyed U.S. adults had never heard of the internet, only 14% were users, and only 3% reported going online every day. Pew Research Center, *Americans Going Online ... Explosive Growth, Uncertain Destininations* (Oct. 16, 1995). Going online in those early days also required a computer *and* a modem—something that only 54% Americans used at home, work, or school. *Id.*

Internet usage now, by contrast, is ubiquitous—and critical to daily life. As the Supreme Court of Nevada explained, “there is simply no way to participate in modern society without internet access or a ‘device capable of accessing the Internet.’” *Aldape*, 535 P.3d at 1191. People don’t need computers to get online anymore—phones, tablets, and even household appliances are now capable of accessing the internet. Newspapers, magazines, and other traditional news media have gone online. Job searches are

Alina M. Shell is Of Counsel with Armstrong Teasdale LLP in Las Vegas. Alina primarily focuses on civil litigation and appeals and has extensive experience in litigating a variety of First Amendment issues.



Because the internet is now a vast and indispensable First Amendment forum, probation conditions which limit access to it must be narrowly tailored to further a significant government interest—while still leaving open “ample alternative channels for communication.”

conducted online. Shopping, communicating with family members and friends, renting a home, scheduling appointments with doctors or probation officers, civic participation, and myriad of other expressive activities are virtually impossible without access to the internet. These advancements in technology have an undeniable result: the internet has become “a First Amendment forum of historically unimaginable reach.” *Aldape*, 553 P.3d at 1190.

Because the internet is now a vast and indispensable First Amendment forum, probation conditions which limit access to it must be narrowly tailored to further a significant government interest—while still leaving open “ample alternative channels for communication.” *Ward v. Rock*

Against Racism, 491 U.S. 781, 791 (1989), citing *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984). Certainly, it’s easy to understand the government interest animating NRS 176A.410(1)(q). The state and the public have a strong interest in preventing recidivism by people convicted of sex offenses. A blunt tool like an automatic and complete internet ban, however, undermines those important goals—and ends up trampling on constitutional rights.

Take the case of *Aldape*. His conviction was for a sex offense—something that the public and the state have an undeniable interest in punishing and preventing. But his offense did not involve the internet. Thus, a complete internet ban wasn’t tailored to *Aldape*’s crime, and the mandatory nature of the statute prevented the sentencing court from fashioning some alternative condition better fit the nature of *Aldape*’s offense and his personal characteristics.

The *Aldape* decision represents a significant step forward in protecting the First Amendment rights of people released on probation. Now that the Supreme Court of Nevada has declared NRS 176A.410(1)(q) unconstitutional, sentencing courts can craft conditions of release which ensure the public’s safety while respecting constitutional rights. Because in the 21st century, an internet ban is no joking matter. ♣

Portraits to You

is happy to be partnering with CCBA to provide all of your photography needs. We offer special pricing for professional portraits both at our home studio or your office.

We also offer studio and location sessions in a variety of portraiture including family, children, and high school seniors.



www.PortraitstoYou.net 702-499-9930
debra.portraitstoyou@cox.net

Keep the Gun and the Cannoli: *Rahimi* Could Expand Gun Rights Beyond *Andersen* in Nevada

By *Andréa Vieira*

In 2019, the Supreme Court of Nevada decided *Andersen v. Eighth Judicial District Court*, 135 Nev. 321 (Nev. 2019). Michael D. Pariente said this about the decision: “The Andersen decision has undeniably had the most significant impact on firearm laws in Nevada since 1864.” See *The Impact of the Andersen Decision on Firearm Laws in Nevada*, *Nevada Lawyer*, June 2022.

Andersen made first-offense domestic battery a serious offense that required a jury trial because the effect of NRS 202.360 meant that a person convicted of misdemeanor domestic violence could no longer possess firearms. See *Id.* The Supreme Court of Nevada reasoned that such a result implicated the United States and Nevada constitutional rights to bear arms for convicted persons. See *Id.*

Enter *Rahimi*, and Rahimi himself who between December 2020 and January 2021 was part of five different shootings in and near Arlington, Texas. *United States v. Rahimi*, 61 F.4th 443, 448 (5th Cir.), cert. granted, 143 S. Ct. 2688 (2023). These shootings included firing multiple shots into the residence of one of his narcotics customers, shooting up another vehicle after he was involved in a car accident, shooting at a constable’s vehicle, and firing shots

into the air after his friend’s credit card was declined at Whataburger. *Id.* at 448-449.

Officers got a warrant to search Rahimi’s home where they found a rifle and a pistol. *Id.* at 449. Rahimi admitted the firearms were his and that he was the subject of a domestic violence related civil protective order preventing him from possessing a firearm. *Id.* A federal grand jury indicted Rahimi for possessing a firearm under a domestic violence restraining order, under 18 U.S.C.A. § 922(g)(8). Rahimi ultimately pled guilty, but later raised a facial constitutional challenge to § 922(g)(8).

In a “hold my beer” moment for the expansion of firearms rights, the United States Court of Appeals for the Fifth Circuit determined that the Second Amendment rendered § 922(g)(8) unconstitutional. *Id.* at 488. In plain terms, in *Rahimi*, the Fifth Circuit held that it was unconstitutional to prohibit firearm possession resulting from restraining orders that had been issued through civil proceedings. *Id.* at 454, 461.

The *Rahimi* court based its analysis on *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, --- U.S. ----, 142 S. Ct.

Andréa Vieira is a civil rights and criminal defense attorney at The Vieira Firm, a law firm dedicated to civil rights and social justice.



In a “hold my beer” moment for the expansion of firearms rights, the United States Court of Appeals for the Fifth Circuit determined that the Second Amendment rendered § 922(g)(8) unconstitutional.

2111 (2022), which announced a new standard for determining the constitutionality of firearms regulations. Prior to *Bruen*, courts engaged in a two-step analysis, referred to as means-end testing, where courts first asked whether a law fell within the scope of a Second Amendment right, and if so, applied intermediate or strict scrutiny. *Rahimi*, 61 F.4th at 448. *Bruen* abandoned the means-end test requiring the government to “affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” to *Id.* at 450.

Viewing the case under *Bruen*, the Fifth Circuit court reversed its own decision upholding the constitutionality

of § 922(g)(8) because its examination of the history and tradition of firearm law back through the 17th century revealed that the government failed to demonstrate that § 922(g)(8) fit within “our Nation’s historical tradition of firearm regulation.” *Id.* at 460. The court made much of the fact that Rahimi’s protective order stemmed from a limited civil proceeding, instead of a criminal conviction. *Id.* at 458-59.

The future of *Rahimi* rests with the Supreme Court of the United States.

The United States Supreme Court granted cert. in *Rahimi* and heard oral arguments on November 7, 2023. The United States Solicitor General argued that the history and tradition of firearms allowed for the government to regulate the possession of firearms by “dangerous” persons. The Court spent significant time exploring who should determine the definition of dangerous and how.

If the Supreme Court reverses *Rahimi*, *Andersen* will stand as the most significant decision on Nevada firearms law, but if *Rahimi* stands, any Nevada laws making it a crime to possess firearms because of a court order issued through civil proceedings, like domestic violence protective orders, could be in jeopardy. 🇺🇸

Bar Services Spotlight

Multiple Employer Aggregation Program (MEAP)

Members of the Clark County Bar Association are eligible to take advantage of an exclusive 401(k) retirement plan program at a reduced price for CCBA members. Signature Fiduciary Connect®, available through John Hancock and TAG Resources, is a turn-key program supported by experienced providers.

Are you ready to learn more about MEAP? Contact Joshua Brown CFP, MBA, at WestPac Wealth Partners, (520) 591-5729 or joshua.d.brown@WestPacWealth.com.



ARA SHIRINIAN
MEDIATION



**Helping Nevada
lawyers to settle
disputes and avoid
litigation for
over 20 years.**

Member, National Academy
of Distinguished Neutrals
Practice limited to ADR

Tel: (702) 496-4985
Fax: (702) 434-3650

E-mail: arashirianian@cox.net

www.arashirianianmediation.com
www.nadn.org/ara-shirianian

On-line Calendar Available

Civil Rights: A Tale of Two Detention Systems: Immigration Customs Enforcement Custody and the Federal Bureau of Prisons Custody

By Hardeep “Dee” Sull

On May 14, 1930, Congress established the Bureau of Prisons within the Department of Justice (Publ. L. No. 71-218,46 Stat. 325). The Bureau was charged with “management and regulation of all Federal penal and correctional institutions.” Over the years, the Bureau has grown from 14 facilities to 122 federal prisons. In this system, an incarcerated person is called an inmate.

On the other hand, Immigration Customs Enforcement (ICE) has grown from the collection of import taxes and customs fees and has evolved into the civil enforcement of federal laws governing customs, trade, and immigration. ICE has over 400 offices in the United States and around the world with a budget that is well over \$8 billion, and it continues growing. Individuals who are incarcerated under ICE are held under *civil* immigration detention and are referred to as detainees. Theoretically, since this is a civil detention, it is not intended to be punitive, but civil detention mimics criminal punishment.

Over time, the private prison industry has grown astronomically and is governed by two different standards when people are placed in their custody. Thus, custody looks different for ICE detainees and federal inmates. Private prisons are motivated by profits, which means cutting

While both systems are under federal authority, their standards of detention are very different.

corners that will affect the inmates incarcerated and their families. In the process of cutting corners, it is always easier to cut corners with ICE detainees as opposed to federal inmates due to the lack of oversight. Additionally, the Bureau of Prisons is not applicable to ICE detention. While both systems are under federal authority, their standards of detention are very different.

Both systems have one thing in common, though, and that is detaining and incarcerating persons. Under federal law, the administration of custody in prisons is unequal. ICE detainees’ and federal inmates’ constitutional protections are derived from the Fifth Amendment, which provides protections while in custody. Federal inmates are also able to derive protections under the Eighth Amendment, which applies to persons convicted of criminal offenses and allows punishment as long as it is not cruel and un-

Hardeep “Dee” Sull is the principal and founding managing partner of Sull and Associates, PLLC. Her firm primarily practices in global immigration, U.S. immigration and related collateral matters, government accountability, and civil rights issues. She practices before the United States District Court for the District of Nevada, the Ninth Circuit Court of Appeals, Immigration Court, and various federal agencies. She can be reached at change@sullglobal.com.



usual. However, the Fifth Amendment’s due process protections do not allow punishment at all. *See Bell v. Wolfish*, 441 U.S. 520, 535, n.16 (1979) (“Due process requires that a pretrial detainee not be punished.”).

Inmates under federal marshal custody also have clear protections, and the standards for detention are contained in federal performance-based detention standards. ICE detention standards are independent of ICE, while others are within the agency and are not bound by law with any detention standards. In practical terms, this is problematic since it is harder to safeguard ICE detainees’ civil rights unless they sue. ICE detainees are not entitled to counsel, and, thus, their civil liberties can be easily violated and are hardly ever prosecuted. This ICE to abscond from their basic duties.

During the pandemic, ICE detainees were subjected to some of the most cruel and inhumane treatment when they were unable to access medical care and were subjected to COVID-19-infested pods. It was under the Fifth Amendment, Due Process Clause, and Equal Protection Clause that detainees were able to assert their basic needs predominantly with the assistance of pro bono counselors and organizations. On September 14, 2020, a whistleblower complaint was filed that revealed forced hysterectomies were performed on immigrant women without their consent in Georgia, while true medical emergencies were neglected.

Another phenomenon is family detention, which has been riddled with child abuse and lack of accountability. Mental health is a lost cause, and if an ICE detainee tries to complain, they are thrown in the “hole” (segregation). This cripples the ability of a detainee to seek proper care.

Another problematic issue is that counsel for ICE detainees have a difficult time in reaching their clients due to the lack of standards. While federal inmates can call their attorneys with little issue, ICE detainees are often deterred by the cost of the call or the officer’s control over each person. Attorneys for ICE detainees are often discouraged from visiting with their clients with tactics that include waiting for over an hour, no rooms available, or lack of personnel. The perils that an ICE detainee suffers are starkly different from an inmate in federal custody. Ensuring that detainees’ basic civil liberties are protected is a hardship while those in federal custody will have a slightly better edge. Only with advocacy, proper protocols, and accountability can we ensure detainees’ civil liberties. **©**



SOARING TO MEET YOUR EXPECTATIONS!
Built on integrity, honesty, and hard work.
We are here to serve.

- | | |
|--|---|
| <p>Filing/Messenger Service: Option #2
 Dispatcher: Tina (702) 384-0015 ext 109</p> <ul style="list-style-type: none"> ◆ Court Filing ◆ Court Research ◆ ROC's ◆ Attorney Signature ◆ Deliveries | <p>Document Services: Option #4
 Production: Adriana (702) 384-0015</p> <ul style="list-style-type: none"> ◆ Legal & Corporate Copying ◆ Trial Support ◆ Trial Exhibits ◆ Exhibit Boards ◆ High-Volume Copying ◆ Color Laser Copies ◆ Oversized Copies ◆ Audio & Video Tapes ◆ X-Rays ◆ Standard & Custom Tabs ◆ Binding ◆ Drilling ◆ Document Scanning ◆ Archiving to CD ◆ Digital Printing ◆ Bates Labeling ◆ Onsite Copying ◆ Quality Control ◆ 24/7 Service |
| <p>Process Service: Option #3
 PILB License #389</p> <ul style="list-style-type: none"> ◆ One Step: Issue/Serve/File AOS ◆ Las Vegas ◆ Henderson ◆ Clark County ◆ Nevada ◆ Nationwide ◆ Skip Tracing ◆ Subpoena/Eviction Preparation | |
| <p>Investigations: Option #5
 Cathy (702) 384-0015 ext 113</p> | |

President
 Edward Kielty
 (702) 491-5578
 Ed@LegalWings.com

General Manager
 Rena Brown
 (702) 591-8002
 Rena@LegalWings.com

Office Location:
 1118 Fremont Street
 Las Vegas, NV 89101
 (702) 384-0015

“Your one stop for all your legal needs.”

Bar Benefit Offer

Disability Insurance Offer from WestPac Wealth Partners

Members of the CCBA are eligible for a 10% discount on Individual Disability Insurance with WestPac Wealth Partners!

Contact the WestPac CCBA team to take advantage of this exclusive offer.

Contact Joshua Brown (Joshua.D.Brown@WestPacWealth.com) and Bryan Martinka (Bryan.x.Martinka@WestPacWealth.com) with WestPac Wealth Partners.

Learn more at www.westpacwealth.com/ccba-team



Advance Opinion Summary (1-5-24)

By Joe Tommasino

Supreme Court of Nevada

Default: In default proceedings, a defaulting party cannot be found to have impliedly consented to try a claim under NRCP 15(b)(2) if the claim was not pleaded in the complaint, even for a clearly established cause of action. NRCP 15(b)(2) provides that when an issue that is not raised in the complaint is “tried by the parties’ express or implied consent, it must be treated in all respects as if raised in the pleadings.” An amendment by implied consent is permissible “if prejudice does not result.” Generally, a default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Accordingly, a party should have the right to assume that a court’s judgment following his default will not extend beyond the issues presented by the complaint. Separately, the Supreme Court of Nevada explained that when a text message’s admissibility is objected to on authentication grounds, the proponent of such evidence must explain the purpose for which they are offering the text message and provide sufficient direct or circumstantial corroborating evidence of its authorship. Thus, some additional evidence, which tends to corroborate the identity of the sender, is required. This evidence may include the context or content of the messages themselves. Finally, while conversion may be established by the refusal of a demand for the property, a demand for return of converted property is not required when the holder of the property asserts ownership. Thus, when property is unlawfully obtained through duress, no demand is required. *Blige v. Terry*, 139 Nev. Adv. Op. No. 60, ___ P.3d ___ (December 28, 2023).

Evidence: The balancing test for propensity evidence of other sexual offenses admissible under NRS 48.045(3) does not apply to the admission of other-act evidence concerning identity or intent under NRS 48.045(2). Parties must make clear the specific bases for admission of other-act evidence under *Petrocelli v. State*, 101 Nev. 46 (1985), and NRS 48.045(2). The court, after an evidentiary hearing, must determine whether any of those bases apply, being careful to analyze the foundation for each basis. Courts must take care not to mix the *Franks v. State*, 135 Nev. 1 (2019), and *Petrocelli* analyses, as the tests, instructions, and use of evidence differ for other-act evidence and other-sexual-offense evidence. Any limiting instruction given regarding the admission of other-act evidence must specify only the bases determined by the court. Additionally, a district court must engage in a thorough analysis under *Hallmark v. Eldridge*, 124 Nev. 492 (2008), either in writing or on the record, when a party has challenged the qualifications of an expert. The Supreme Court of Nevada also confirmed that “a witness plotting known coordinates on a map does not require expert testimony.” *Dickey v. State*, 140 Nev. Adv. Op. No. 2, ___ P.3d ___ (January 4, 2024).

Guardian ad litem (GAL): (1) The protected person waived any argument pertaining to the form of the district court’s order by failing to raise the issue below, and the district court’s failure to specify the GAL’s fee rate in the order did not prejudice the protected person; (2) the district court erred in interpreting NRS 159.0455(3) as requiring the court to appoint an attorney where there is no court-approved volunteer program, but this error was harmless because the district

Joe Tommasino has served as Staff Attorney for the Las Vegas Justice Court since 1996. Joe is the President of the Nevada Association for Court Career Advancement (NACCA).

court expressly appointed an experienced attorney as the GAL due to the case’s complexity; and (3) substantial evidence supports the GAL’s fee request. Regarding the GAL’s fees, NRS 159.344 requires a court to determine the nature of the services performed in awarding compensation: it distinguishes between “services that require an attorney[,]” which may be compensated at an attorney rate, and “fiduciary services,” which may be compensated at a fiduciary rate. A fiduciary relationship is one “between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the scope of the relation[ship].” The Supreme Court of Nevada concluded that the relationship between GALs and protected persons is fiduciary in nature. GALs are not presumptively entitled to “attorney fees” because they do not act as attorneys on behalf of the protected person; however, if they perform the type of services performed by attorneys and have commensurate experience as an attorney, GALs may be compensated at an attorney rate for their work. This conclusion accords with Rule 8(J) of the Nevada Statewide Rules for Guardianship (NSRG) which requires courts to analyze the work completed by the GAL and their particular expertise and experience. When determining fees for a GAL, courts should evaluate enumerated factors such as “[t]he experience and qualifications of the GAL” and “[t]he nature and complexity of the work of the GAL.” *In re: Guardianship of Jones*, 139 Nev. Adv. Op. No. 57, ___ P.3d ___ (December 21, 2023).

Medical malpractice: (1) Informed-consent evidence is inadmissible, and an assumption-of-the-risk defense is improper, in professional-negligence suits when the plaintiff does not challenge consent, as it serves only to confuse and mislead the jury; (2) expert or physician testimony is not required to demonstrate the reasonableness of the billing amount of special damages; and (3) evidence of insurance write-downs does not fall within the type of evidence NRS 42.021(1) makes admissible. To succeed in a professional-negligence action, a plaintiff must prove that, in rendering services, a health care provider failed “to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care.” The plaintiff must establish three things:

- (1) The doctor’s conduct departed from the accepted standard of medical care or practice;
- (2) The doctor’s conduct was both the actual and proximate cause of the plaintiff’s injury; and

- (3) The plaintiff suffered damages.

Generally, the first two elements of such an action—deviation from the standard of care and medical causation—are shown by evidence consisting of “expert medical testimony, material from recognized medical texts or treatises or the regulations of the licensed medical facility wherein the alleged negligence occurred.” An assumption-of-the-risk defense, on the other hand, requires proof of “(1) voluntary exposure to danger, and (2) actual knowledge of the risk assumed.” As the defense is founded on the theory of consent, a party may seek to present evidence of a plaintiff’s informed consent to support it. However, such evidence and argument is irrelevant to demonstrating that a medical provider conformed to the accepted standard of care or to refute medical causation when defending against a medical-malpractice claim. Indeed, informed consent evidence “does not make it more or less probable that the physician was negligent in... performing [the surgery] in the post-consent timeframe” and is therefore inadmissible to determine whether a medical professional breached the standard of care. Even if a plaintiff gave informed consent, that would not vitiate a medical provider’s duty to provide treatment according to the ordinary standard of care because assent to treatment does not amount to consent to negligence, regardless of the enumerated risks and complications of which the patient was made aware. *Taylor v. Brill*, 139 Nev. Adv. Op. No. 56, ___ P.3d ___ (December 21, 2023).

Offers of judgment: An offer of judgment that explicitly excludes costs, expenses, interest, and attorney fees promises two sums of money if accepted: (1) the principal amount for the claim(s), which is specifically identified in the offer of judgment; and (2) a separate amount for recoverable costs, expenses, interest, and attorney fees. Under NRCP 68(d)(2), an offeror who drafts one of these exclusive offers cannot obtain dismissal unless the offer is accepted and the offeror pays both the principal offer and, if the parties agree or the offeree establishes that they would otherwise be legally recoverable, an additional allowance for costs, expenses, interest, and attorney fees. In the instant case, Lucky Cab drafted an exclusive offer when it conveyed an offer of judgment for \$150,001, as it specified that that “amount excludes pre-judgment interest, attorney’s fees and all costs incurred to date.” By this explicit language, the \$150,001 amount

Summaries continued on page 26

Summaries continued from page 25

excluded and made no provision for prejudgment interest, attorney fees, and costs. Aguilar was therefore permitted to accept the \$150,001 and expect an additional payment of pre-offer costs and interest that would be recoverable had a judgment been entered. *Aguilar v. Lucky Cab Co.*, 140 Nev. Adv. Op. No. 1, ___ P.3d ___ (January 4, 2024).

Traffic stops: A license-plate frame does not constitute “foreign materials” within the meaning of NRS 482.275(4), and a license plate is “clearly legible” if the required registration information is readily identifiable. To hold otherwise would effectively ban license-plate frames. Such an outcome would promote discretionary law enforcement and potentially subject otherwise law-abiding motorists to arbitrary or, as here, pretextual traffic stops. Here, the district court erred in denying the defendant’s motion to suppress evidence obtained during the traffic stop because there was no probable cause to support the stop based on a violation of NRS 482.275(4). The Supreme Court of Nevada noted that “a license plate frame covering optional phrases imprinted on standard or specialty license plates does not violate NRS 482.275(4).” *McCord (David) v. State*, 139 Nev. Adv. Op. No. 59, ___ P.3d ___ (December 28, 2023).

Nevada Court of Appeals

Criminal procedure: (1) A defendant may abandon an unequivocal request for self-representation where the district court did not conclusively deny the request; and (2) the totality of the circumstances must be considered in determining whether a defendant has actually abandoned such a request. Some jurisdictions look to the totality of circumstances to determine whether a defendant has abandoned their request for self-representation. The Arizona Court of Appeals adopted this approach and considers these factors:

- (1) The defendant’s opportunities to remind the court of a pending motion;
- (2) Defense counsel’s awareness of the motion;
- (3) Any affirmative conduct by the defendant that would run counter to a desire for self-representation;
- (4) Whether the defendant waited until after conviction to complain;
- (5) The defendant’s experience in the criminal-justice system and with waiving counsel; and

(6) Whether there was a relatively short period of time between the request and subsequent hearings, such that the defendant did not have time to forget the request.

The Court of Appeals approved these factors in order to determine whether a defendant has abandoned their request for self-representation. *Sims v. State*, 139 Nev. Adv. Op. No. 55, ___ P.3d ___ (December 7, 2023).

Professional negligence: (1) Complaints for professional negligence must be timely filed within the applicable statute-of-limitations period and must be supported by an affidavit of merit; and (2) an affidavit of merit need not opine as to the element of causation to support a professional-negligence-based wrongful death claim under NRS 41A.071. The Court of Appeals also concluded that the evidence in this case did not irrefutably demonstrate that the appellant discovered or should have discovered the legal injury more than a year before the filing of the complaint. Therefore, the survivorship claims should not have been dismissed as untimely as a matter of law. Moreover, the complaint adequately pleaded wrongful-death claims based on professional negligence and was timely filed within one year of the decedent’s death. Although the district court found the attached affidavit of merit deficient because it did not opine as to the cause of the decedent’s death, the affidavit was not required to address causation and adequately supported the allegations of professional negligence for purposes of NRS 41A.071. *Engelson v. Dignity Health*, 139 Nev. Adv. Op. No. 58, ___ P.3d ___ (December 28, 2023).

Resources

- “Advance Opinions” are viewable at this link: http://nvcourts.gov/Supreme/Decisions/Advance_Opinions/
- A list of “Forthcoming Opinions” is available at this link every Wednesday: http://nvcourts.gov/Supreme/Decisions/Forthcoming_Opinions/
- “Supreme Court Unpublished Orders” are viewable at this link: http://nvcourts.gov/Supreme/Decisions/Unpublished_Orders/
- “Court of Appeals Unpublished Orders” are viewable at this link: http://nvcourts.gov/Supreme/Decisions/Court_of_Appeals/Unpublished_Orders/

Areas of Practice Listings Offer

Attorney members of the CCBA can get listed via area of practice (AOP) in the Membership Matters issue of the *Communiqué* (June/July 2024), if they complete the Areas of Practice Listings form by May 1, 2024. **This service is included with the 2024 CCBA membership!**

**SIGN UP
DEADLINE:
5/1/2024**

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"/> Education Law | <input type="checkbox"/> Military Law |
| <input type="checkbox"/> Animal Law | <input type="checkbox"/> Elder Law | <input type="checkbox"/> Mining Law |
| <input type="checkbox"/> Antitrust & Trade Regulation | <input type="checkbox"/> Elder Abuse/Neglect | <input type="checkbox"/> Natural Resources |
| <input type="checkbox"/> Appellate Practice | <input type="checkbox"/> Eminent Domain & Condemnation Law | <input type="checkbox"/> Nursing Home Neglect |
| <input type="checkbox"/> Arbitration & Mediation | <input type="checkbox"/> Employment Law | <input type="checkbox"/> Patents |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Environmental Law | <input type="checkbox"/> Pension, Profit Sharing & Employee Benefits |
| <input type="checkbox"/> Banking Law | <input type="checkbox"/> Ethics & Professional Responsibility | <input type="checkbox"/> Personal Injury and Wrongful Death Claims |
| <input type="checkbox"/> Bankruptcy Law | <input type="checkbox"/> ERISA Disability | <input type="checkbox"/> Premises Liability |
| <input type="checkbox"/> Business Litigation | <input type="checkbox"/> Federal Indian Law | <input type="checkbox"/> Product Liability |
| <input type="checkbox"/> Cannabis Law | <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"/> Trusts |
| <input type="checkbox"/> Criminal & Traffic Law | <input type="checkbox"/> Legal Malpractice | <input type="checkbox"/> Veterans Administration & Affairs |
| <input type="checkbox"/> Domestic Relations & Family Law | <input type="checkbox"/> Legislative Matters | <input type="checkbox"/> Water Rights Law |
| <input type="checkbox"/> DUI Defense | <input type="checkbox"/> Medical Malpractice | <input type="checkbox"/> Wills, Estates, Estate Planning & Probate |
| | <input type="checkbox"/> Medical Marijuana | <input type="checkbox"/> Workers' Compensation |
| | <input type="checkbox"/> Mergers & Acquisitions | |

Complete this form and return to the CCBA no later than 5/1/2024.

Clark County Bar Association, 717 S. Eighth Street, Las Vegas, NV 89101

Fax: (702) 387-7867 • E-mail: StephanieAbbott@clarkcountybar.org

Recorded CLE Programs

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.

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 30.

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



A division of Western Alliance Bank. Member FDIC.



CCBA's Continuing Legal Education (CLE) Library

Index of CLE Programs (Recorded & Alternative Format) available for rental from the Clark County Bar Association.

1. **Bankruptcy for the Non-bankruptcy Practitioner**

Speaker: Candace Carlyon of Carlyon Cica Chtd.
Recorded: 12/6/2023
Format: Audio/Video
Offers: 1.0 hour CLE credit (NV)
Price: \$25/CCBA member, \$50/Non-member

2. **Moving In or Moving Out: Landlord-Tenant Law in NV**

Speakers: Alex Cherup, Esq. of Nevada Legal Services and Nick Haley, Esq. of Legal Aid Center of Southern Nevada
Recorded 11/2/2023
Format: Audio/Video
Offers: 1.0 hour CLE credit (NV)
Price: \$25/CCBA member, \$50/Non-member

3. **Diversity in Action: Recruiting a Diverse Workforce**

Panelists:
Rob Kim of Ballard Spahr, John Bailey of Bailey Kennedy, Carly Helbert of Las Vegas City Attorney's Office, Siria Gutierrez of Gutierrez Law, PLLC, and Will Sykes of Claggett & Sykes
Recorded: 10/26/2023
Format: Audio/Video
Offers: 1.0 hour Ethics CLE credit for Nevada lawyers
Price: FREE for Nevada lawyer and CCBA member

4. **ChatGPT and Other AI Tools in the Law**

Speakers: Pooja Kumar and Michael Smith of Lewis Brisbois
Recorded: 8/16/2023
Format: Audio/Video
CLE: 1.0 hour CLE Credit (NV)
Price: \$25/CCBA Member or \$50/non-member

5. **Cybersecurity for Law Firms**

Speaker: David Shultis, President and Partner at Red Panda Systems
Recorded: 8/10/2023
Format: Audio/Video
Offers: 1.0 hour CLE credit (NV)
Price: \$25/CCBA member, \$50/Non-member

6. **The 5-Star Reputation: Build Success through Ethical Marketing and Civility**

Speaker: Daniel Hooge, Bar Counsel, State Bar of Nevada
Topics: Civility and Marketing
Recorded: 7/19/2023
Format: Audio/Video
Offers: 2.0 Ethics CLE Credit (NV)
Price: \$50/CCBA member, \$100/Non-member

7. **Improve Your Public Speaking: Be Calm, Confident and Compelling**

Speaker: Amy Ayoub, President, The Zen Speaker
Recorded: 6/21/2023
Format: Audio/Video
Offers: 1.0 hour CLE Credit (NV)
Price: \$25/CCBA member, \$50/Non-member

8. **Cultural Competency in the Legal Profession**

Speakers: Cecilia Alvarado of Latino Outreach Solutions, LLC; Athar Hassebullah, Esq. of ACLU of Nevada; Dr. Radhika Kunnel, Esq. of Nevada Attorney General's Office; Hardeep "Dee" Sull of Sull and Associates, PLLC
Recorded: 5/19/2023
Format: Audio/Video
CLE: 1.0 hour Ethics CLE credit (NV)
Price: FREE for Nevada lawyers and CCBA members

9. Basic Estate Planning Components – Focus on Health Care POAs

Speaker: Carol A. Kingman, Senior Staff Attorney at Southern Nevada Senior Law Program

Recorded: 5/11/2023

Format: Audio/Video

CLE: 1.0 hour CLE credit (NV)

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

10. Asset Protection Planning: How to protect your wealth, practice, and clients from the biggest threats

Speakers: David M. Grant, Partner at Grant Morris Dodd, and Jason Oshins MBA, CeXP at WestPac Wealth Partners

Recorded: 4/25/2023

Format: Audio/Video

CLE: 1.0 hour CLE credit (NV)

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

11. Traffic Court: AB116 Jurisdictional Implementations

Panelists: Judge Alicia Albritton of Henderson Municipal Court, Terri March, Court Administrator/Clerk of Court of North Las Vegas Justice Court, and Hearing Commissioner Shannon Nordstrom of Las Vegas Municipal Court

Recorded: 4/5/2023

Format: Audio/Video

CLE: 1.0 hour CLE credit (NV)

12. Suicide Awareness and Emotional Well-Being

Speaker: Aviv Itzhaki, MD, MPH of Focus Mental Health Solutions

Recorded: 3/30/2023

Format: Audio/Video

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

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

13. Preventing Workplace Discrimination

Speakers: Noel Hernandez and Elody Tignor of Ogletree Deakins Nash Smoak & Stewart PC; Connye Y. Harper, Esq. of ACLU of Nevada

Recorded: 3/29/2023

Format: Audio/Video

CLE: 1.0 hour CLE credit (NV)

Price: FREE for Nevada lawyers

14. Product Liability Cases and IP

Speaker: Eric L. Abbott of Eric Abbott Law PLLC

Recorded: 3/15/2023

Format: Audio/Video

CLE: 1.0 hour CLE credit (NV)

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

15. The Basics of Family Law Jurisdiction

Speakers: Marshal S. Willick, Esq., and Richard L. Crane, Esq. of Willick Law Group

Recorded: 2/23/2023

Format: Audio/Video

CLE: 1.5 General CLE Credits (NV)

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

16. Five Reasons You Should Refer an International Client to Consult a Business Immigration Attorney

Speaker: Margo Chernysheva of MC Law Group

Recorded: 1/19/2023

Format: Audio/Video

CLE: 1.0 CLE credit (NV)

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

17. Family Law New Rules: EDCR 5

Author: Marshal S. Willick, Esq.

Published: *Communiqué* (Nov. 2022)

Format: Article & quiz (PDF)

CLE: 1.0 CLE Credit (NV)

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

18. Family Law 101

Speaker: Lorien Cole of Cole Family Law Firm

Recorded: 11/10/2022

Format: Audio/Video

CLE: 1.0 CLE credit (NV)

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

Bonus!

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@clarkcountybar.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 2024 CLE requirement's reporting deadline of 12/31/2024, submit the information BEFORE 12/20/2024.

Library continued on page 31

CCBA CLE Library Order Form

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

Name: _____ NV Bar #: _____

E-mail Address: _____

Firm / Co Name & Address: _____

Choice of CLE programs (individual titles):

Title: _____ Price: \$ _____

Title: _____ Price: \$ _____

Title: _____ Price: \$ _____

Title: _____ Price: \$ _____

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.

For more information, contact Donna at the CCBA's office at donnaw@clarkcountybar.org or (702) 387-6011.

Choice of CLE program

- Individual titles - See list above or attached
- 2024 CCBA CLE Passport @ \$200 - Available to CCBA members only

Total Amount Enclosed: \$ _____

Payment type:

- I want to use my pre-paid CCBA CLE Passport towards this order
- Check or money order
- Cash (exact amount only)
- Credit card* (select): Mastercard • VISA • AMEX
- I will call CCBA with my credit card information
- I authorize the CCBA to charge my credit card:

Name of card holder: _____

Credit Card #: _____

Expiration date: _____ Phone #: _____

Authorized Signature: _____

Contact email: _____

Submit* order with payment to

Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV, 89101. Phone: 702-387-6011.

Fax: (702) 387-7867.

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

Library continued from page 29

19. Critical Race Theory on Civil Rights and Criminalization

Speakers: Professor Roy L. Brooks, University San Diego School of Law; Professor Frank Rudy Cooper, UNLV Program on Race Gender & Policing; Professor Addie Rolnick, UNLV William S. Boyd School of Law; Professor Stewart Chang, UNLV William S. Boyd School of Law

Recorded: 11/4/2022
Format: Audio/Video
CLE: 1.0 Ethics CLE credit (NV)
Price: FREE for Nevada lawyers

20. An Introduction to Critical Race Theory

Speakers: Professor Roy L. Brooks, University San Diego School of Law; Professor Frank Rudy Cooper, UNLV Program on Race Gender & Policing; Professor Addie Rolnick, UNLV William S. Boyd School of Law; Professor Stewart Chang, UNLV William S. Boyd School of Law

Recorded: 10/14/2022
Format: Audio/Video
CLE: 1.0 Ethics CLE credit (NV)
Price: FREE for Nevada lawyers

21. Is Nevada Cyber Law Keeping Up with National Efforts to Protect its Residents Online?

AKA: CCBA CLE Article #13
Author: Benjamin B. Gordon, Esq.
Published: *Communiqué* (Oct. 2022)
Format: Article & quiz (PDF)
CLE: Offers 1.0 CLE credit (NV)
Price: \$25/CCBA member, \$50/Non-member

The Marketplace

SERVICES

Jan Seaman Kelly, Forensic Document Examiner, accepts civil and criminal cases. Thirty years' experience in document examinations. ABFDE certification since 1993, annual proficiency testing, testified in State, Federal, and Administrative courts. Retired from Las Vegas Metropolitan Police Forensic Laboratory. SWGDOC guidelines followed in holistic examinations of handwriting, typewriting, indented writing, printing processes, mechanical impressions, rubber stamps, and restoration of shredded, obliterated or altered documents. Fully equipped forensic laboratory. Free onsite one-hour Forensic Document Examination presentation to interested law firms. Website: <https://www.forensicsdynamics.org> Contact Jan Seaman Kelly at 702-682-0529 or email to forensicsdynamicsllc@gmail.com.

ADVERTISE IN THE MARKETPLACE

Need to hire staff? Renting of office space? Providing professional services? Place a classified ad. For more information about advertising in The Marketplace, see <https://clarkcountybar.org/marketplace/classified-advertising-rates-specs/>. Contact: StephanieAbbott@clarkcountybar.org or (702) 387-6011.

LAWPAY[®]
AN AFFINIPAY SOLUTION

Paper checks are notoriously unreliable. They get lost in the mail, they get tossed in the laundry, and they carry a lot of sensitive information around with them wherever they go.

LawPay changes all of that. Give your clients the flexibility to pay you from anywhere, anytime. Most importantly, we ensure you stay in compliance with ABA and IOLTA guidelines.



Proud Member
Benefit Provider

It's easy to get started

866-587-9087 or visit lawpay.com/ccba

Clark County Bar Association
717 S Eighth St
Las Vegas NV 89101

PRSR STD
U.S. POSTAGE
PAID
Las Vegas, NV
PERMIT NO. 734



HEIDARI LAW GROUP P.C.

INJURY TRIAL LAWYERS

your partner in
NEVADA &
CALIFORNIA

Accepting Referrals & Co-counsel Relationships in All Jurisdictions

- ✓ Attorney's Fee Sharing Per State Bar Rules
- ✓ Accepting Cases in All Phases:
 - Pre-litigation
 - Litigation and Trial
- ✓ Meeting with Clients in California or Nevada Offices
- ✓ Real-Time Online Case Access for Co-counsel
- ✓ Licensed in Nevada & California

(702) 999-7777

www.HeidariLawGroup.com

611 S. 6th Street, Las Vegas, NV 89101

We are growing...

Hiring new trial attorneys, paralegals
& Case manager.

Please send resumes to:

resume@HeidariLawGroup.com

