



# COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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*CLE Article #16*

**Pleading the Fifth  
– the Right Against  
Self-Incrimination  
for Criminal and  
Civil Practitioners**

*By Nick Michaud*

*See page 22*

Features inside

**Sealing Nevada Criminal Records  
Youth Restorative Program**

*See pages 28, 29*

Highlights

**CCBA President’s Message  
Bar Activities  
CLE Programs**

*See pages 6, 7-12, 14, 16*

**Court News  
Pro Bono Corner**

*See pages 18, 30*

**Special Events**

**40 Year Club  
Luncheon**

**Law Day Activities  
at U.S. Air Force  
Base**

*See pages 11, 14*



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**On the cover**



Nick Michaud outside the Lloyd D. George US Courthouse.

**Highlights**

January Bar Luncheon Highlights ..... 7

April Bar Luncheon Celebrates 40 Year Club..... 7, 11

Protecting Your Law Firm Against Financial Crime CLE Free for CCBA Members on March 20..... 8

Picture Day at CCBA March 27..... 9

Meet Your Law Students Mixer on April 4, 2024..... 9

Nevada’s Business Judgment Rule CLE Free for CCBA Members on April 11..... 10

Court Order in the Matter of Commission on Nevada Rules of Appellate Procedure..... 18

Court Order in the Matter of Committee to Study and Update Supreme Court Rule 250..... 18

Las Vegas Justice Court Admin Order #24-02 in in the Matter of Deposit of Funds for Civil Jury Trials..... 18

Las Vegas Justice Court Transition to Zoom Effective Tuesday, February 20, 2024 ..... 19

Lawyer Representatives for United States District Court..... 19

**Features**

**Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners**  
*By Nick Michaud, Esq.*..... 22

**Sealing Nevada Criminal Records**  
*By Morgan F. Shah*..... 28

**CCLF’s Youth Restorative Program**  
*By Consuelo Sanchez*..... 29

**Columns**

**Gratitude for Nevada Women in the Law**  
*By Paul C. Ray* ..... 6

**Navigating Traffic Cases**  
*By Chief Judge Cynthia Cruz*..... 20

**Take a Pro Bono Case and Gain Experience**  
*By Africa Sanchez*..... 30

**Spotlights**

“Cross Court CLE Webinar – Washoe & Clark Counties” ..... 12

“Probate for the Non-Probate Attorney: Navigating Probate in PI & Wrongful Death Cases”..... 12

Volunteers Needed for Law Day Activities at U.S. Air Force Base..... 14

Law Day CLE Series Free for CCBA Members..... 14

Areas of Practice Listings Offer ..... 16

Advertising Opportunities..... 5, 31

**Departments**

About *Communiqué* ..... 4

Editorial Calendar ..... 4

Advertiser Index..... 5

Bar Activities..... 7-12, 14, 16

CLE Programs ..... 8, 10, 12, 14

Community Outreach .....14

Court News..... 18

The Marketplace..... 31

Bar Services ..... 31





# COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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*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.

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

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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.		

## Advertiser Index

### Advertisers, Sponsors

Advanced Resolution Management.....	19
Alera Group .....	8, 23
Ara Shirinian Mediation.....	21
Bank of Nevada.....	10, 11
Business Process Automation Company .....	11
Claggett & Sykes.....	10
Eglet Adams Eglet Ham Henriod.....	9
First Legal.....	11
GGRM.....	17
Heidari Law Group PC.....	32
JAMS.....	13
Las Vegas Legal Video.....	9, 10, 11, 21
Leavitt Legal Services, P.C.....	9
Nevada Ballet Theatre.....	15
Portraits to You .....	9, 31
Prominence Health Plan.....	25
Red Panda Systems .....	5
Rich, Wightman & Company, CPAs, LLC .....	18
State Bar of Nevada.....	2
Steno Agency, Inc. ....	9
Thurman & Associates Nurse Consulting LLC .....	11
UNLV William S. Boyd School of Law .....	10
Washoe County Bar.....	12
WestPac Wealth Partners .....	5, 9
Worldwide Litigation.....	10

### Bar Services

Advertising opportunities.....	5, 31
Areas of practice listings offer .....	16
Bar committees.....	8
Bar luncheon.....	7, 11
CLE programs .....	8, 10, 12, 14
Community outreach .....	14
Health plans.....	25
Managed IT discounts.....	5
Professional portrait services.....	9, 31
Retirement savings.....	5

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



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# Gratitude for Nevada Women in the Law

By Paul C. Ray

Let's take a moment to celebrate women in the law during Women's History Month. Who are your favorites? Here are some of mine.

Sandra Day O'Connor broke the glass ceiling by becoming the first woman Justice of the Supreme Court of the United States, changing the culture there forever. Besides her meticulously researched opinions, she became known for her aerobics classes at the basketball court above the courtroom.

Ruth Bader Ginsburg is an all-time favorite of many. She said you should fight in a way that will lead others to join you in the things you care about. Justice Ginsburg also contributed to the culture by wearing a dissent collar, which she wore when she disagreed with the majority opinion the Court was announcing. Justice O'Connor followed Justice Ginsburg's lead of adding women's style with lace collars to the judicial robes of the Court. Building on Justice Ginsburg's professional leadership, the Court now has four women justices.

Nevada women attorneys have also accomplished many amazing things. Who do you most admire?

Miriam Shearing was Nevada's first female Eighth Judicial District Court judge and first woman justice, and Chief Justice of the Supreme Court of Nevada. In the current judiciary five out of seven of the justices serving on the Supreme Court of Nevada are women: Chief Justice Elissa Cadish, Justice Kristina Pickering, Justice Lidia Stiglich, Justice Linda Bell, and Justice Patricia Lee. We thank

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*Nevada women attorneys have also accomplished many amazing things. Who do you most admire?*

---

Chief Justice Elissa Cadish for speaking at the CCBA's January 2024 luncheon about the state of the judiciary and for swearing in our current officers and executive board. The CCBA greatly appreciates the support of all our justices and judges, most of whom are women.

Emily Wanderer was another female lawyer pioneer in Nevada. One of Ms. Wanderer's employees, Sally Loehrer, was the first of many women to serve as Clark County Bar Association President. Judge Loehrer was also a founder of the Southern Nevada Association of Women Attorneys.

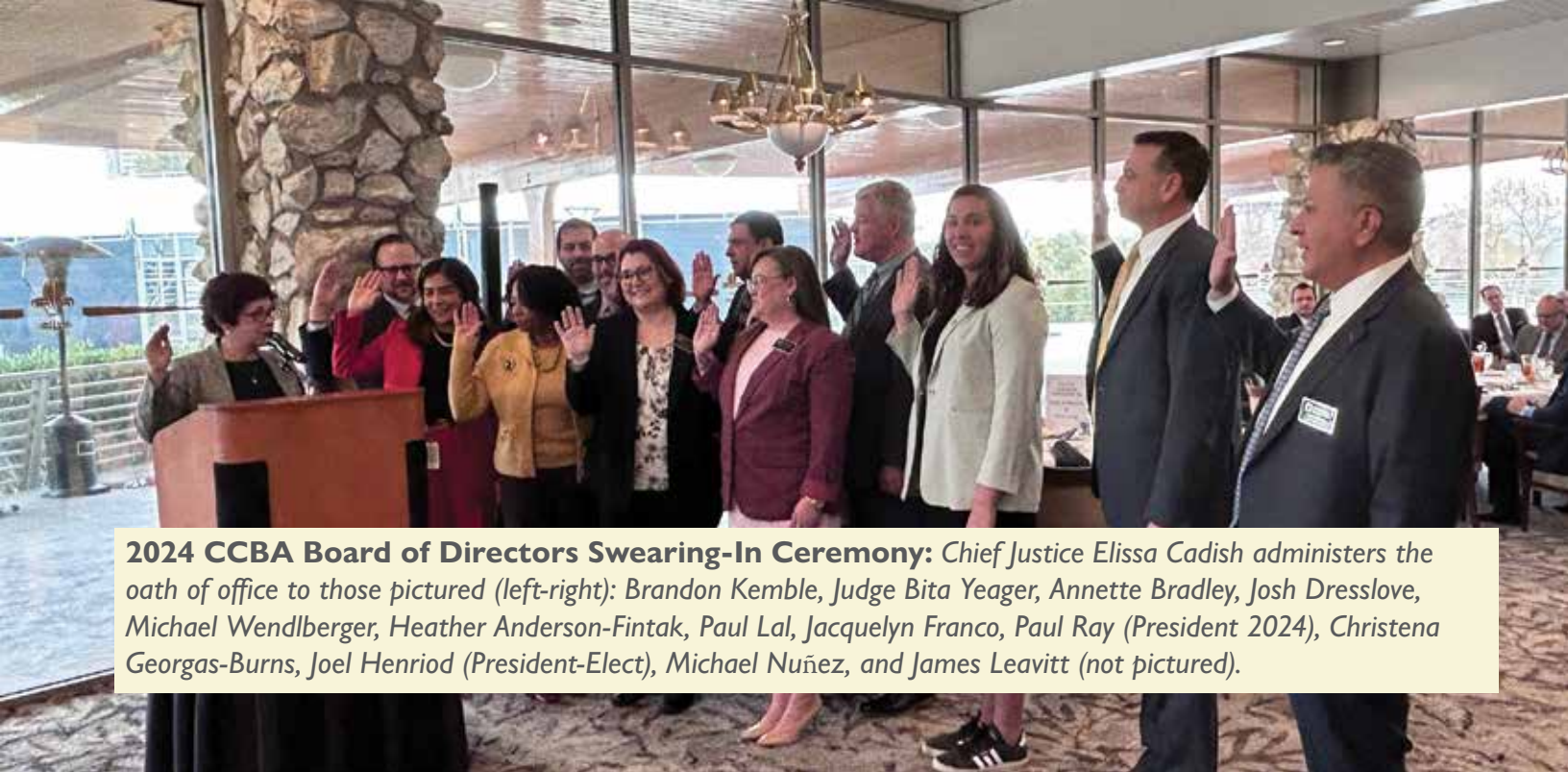
Last year the CCBA celebrated the "Toast to Barbara Buckley," Nevada's first female Speaker of the Nevada General Assembly. Ms. Buckley is also well known as an all-time great pioneer in Nevada for access to justice with the Legal Aid Center of Southern Nevada.

Many women leaders in law are not attorneys, like CCBA's invaluable executive director Donna Wiessner and communications manager Stephanie Abbott, to name a few. We are grateful for the great examples of service and leadership so many other women set for us both as members of the CCBA and as professionals in Clark County. **■**

*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.*







**2024 CCBA Board of Directors Swearing-In Ceremony:** Chief Justice Elissa Cadish administers the oath of office to those pictured (left-right): Brandon Kemble, Judge Bita Yeager, Annette Bradley, Josh Dresslove, Michael Wendlberger, Heather Anderson-Fintak, Paul Lal, Jacquelyn Franco, Paul Ray (President 2024), Christena Georgas-Burns, Joel Henriod (President-Elect), Michael Nuñez, and James Leavitt (not pictured).

**Bar Activities**

**January Bar Luncheon Highlights**

On January 24, 2024, Chief Justice Elissa Cadish of the Supreme Court of Nevada shared her thoughts on the rule of law during a special address to members of Nevada’s legal community during the Clark County Bar Luncheon at the Las Vegas Country Club. Also, at the event, Chief Justice Cadish administered the oath of office for the CCBA’s Board of Directors. See above for photo from swearing-in ceremony.



**January Bar Highlights:** Left: Chief Justice Elissa Cadish addressed the bar. Right: Georgann Ray with her husband CCBA President Paul Ray and Raven Bridgeman.

**April Bar Luncheon Celebrates 40 Year Club**

On Thursday, April 18, 2024, the CCBA will host its annual 40 Year Club Induction Ceremony and Luncheon at Panevino Italian Grille. This year, the CCBA will induct members who were admitted in 1984 and honor members admitted in 1979, 1974, and 1969.

All members of Nevada’s legal community are welcome to attend; however, space will be limited. To reserve your seat, RSVP with payment to the Clark County Bar Association by Thursday, April 11, 2024. RSVP may be called in to the CCBA at 702-387-6011.

For more information and to see the names of inductees and honorees, see page 11.

**Activities** continued on page 8



## Bar Committee

### Meetings

CCBA members are invited to participate on bar committees. Meetings are held monthly from 12-1 p.m. via Zoom typically. Call the CCBA office at (702) 387-6011 to confirm dates and locations.

- **CLE Committee** – Plans programming for the continuing legal education of CCBA members. *Meets: 2nd Wednesdays.*
- **Community Service Committee** – Plans activities that provide outreach services to the community at large in southern Nevada. *Meets: 1st Fridays.*
- **Diversity and Inclusion Committee for Equity (DICE)** – Plans activities to facilitate constructive discussion and enhance understanding of diversity issues. *Meets: 3rd Fridays.*
- **New Lawyers Committee** – Coordinates and participates with the William S. Boyd School of Law to produce student competitions. Members volunteer to help with bar events including CCBA pub crawls, UNLV law student competitions, and the Meet Your Judges Mixer. The New Lawyers Committee is for attorneys admitted to practice in Nevada within the last seven years, regardless of age. *Meets: 2nd Thursdays, in person (with Zoom option).*
- **Publications Committee** – Plans content for upcoming issues of the bar journal *Communiqué*. *Meets: 2nd Fridays.*

**Activities** continued from page 7

## Protecting Your Law Firm Against Financial Crime CLE Free for CCBA Members on March 20

On March 20, 2024, property and casualty insurance producer Joel Jarvis will lead a special panel presentation of “Protecting Your Law Firm Against Financial Crime” for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the Clark County Bar Association and sponsored by Alera Group. Joel will be joined by leaders from Hanover Insurance for a discussion on matters of crime and fidelity relevant to law firms.

Financial crimes against law firms are on the rise, and this CLE program will teach bar members about the crimes that insurance companies see most often, the way they are orchestrated, and how to avoid being a victim of a financial or property crime at the law firm. Real claims scenarios will be presented, as well as tips and what could have been done to avoid these crimes.

CCBA members are invited to attend the live webcast (via Zoom) for free. See below for details about the event.

### “Protecting Your Law Firm Against Financial Crime”

- **Topics:**
  - Introduction to what insurances cover you for crime incidents
  - Crime claims and how criminals attack your firm
  - How to prevent crimes against your law firm
- **Panelists:**
  - **Steven Vardilos**, VP Crime and Fidelity, Hanover Insurance Group
  - **Jennifer Maggi**, Regional Fidelity Manager, Hanover Insurance Group
  - **Ginger Johnson**, Claims Adjuster, Hanover Insurance Group
  - **Joel Jarvis**, Producer, Alera Group Las Vegas
- **Date:** Wednesday, March 20, 2024
- **Time:** 12 to 1:15 p.m.
- **Where:** Online via Zoom
- **Offers:** 1.0 General CLE Credit (NV)
- **Live webcast (via Zoom):** FREE for CCBA members (2024) only
- **Recorded materials rental:** \$25/CCBA member or \$50/non-member
- **RSVP to CCBA by 3/18/2024:** ClarkCountyBar.org, 702-387-6011

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 Wiessner at [donnaw@clarkcountybar.org](mailto:donnaw@clarkcountybar.org) or (702) 387-6011.

## Picture Day at CCBA March 27

On Wednesday, March 27, 2024, from 9:30 a.m. to 2 p.m. only, members of the Nevada bar and bench, law students, and supporting legal staff are invited to sit for a professional portrait at the Clark County Bar Association office at 717 S. 8th Street, Las Vegas.

This event is sponsored by Portraits to You with special offers available only on the day of the event:

- 20% off purchases of professional portraits for CCBA members!
- No sitting fees (\$49 value) for this and graduation/family portrait session

Drop-ins are welcome; appointments are preferred. Send preferred appointment time (between 9:30 a.m. and 2:00 p.m. only) to [StephanieAbbott@clarkcountybar.org](mailto:StephanieAbbott@clarkcountybar.org) or call the CCBA office at 702-387-6011.

Digital portraits taken by the professional photographer during these events will be available to purchase directly from Portraits to You. CCBA members will be offered special pricing options on products and/or services provided by Portraits to You. Portraits to You will provide the CCBA with an editorial copy of the portraits to pub-



lish in the bar journal *Communiqué*, on the bar's official website, online via social media accounts, and as needed by the association.

## Meet Your Law Students Mixer on April 4, 2024

On April 4, 2024, from 5 to 7:30 p.m., the CCBA is hosting the 3rd Annual Meet Your Law Students Mixer at Claggett & Sykes Law Firm in Las Vegas, Nevada. This event is hosted by the CCBA's Community Service Committee, New Lawyers Committee, and the Diversity and Inclusion Committee for Equity (DICE).

This special event is for students from the UNLV William S. Boyd School of Law who are interested in meeting members of the bench and bar including managing and hiring partners from law firms in Clark

**Activities** continued on page 10

Clark County Bar Association  
**6th Annual Pub Crawl**  
Thursday, April 25, 2024, 5-9 PM

*Hop on / off at any point:*

1st Stop: **Taverna Costera** – 5 to 5:45 p.m.  
2nd Stop: **18bin** – 6 to 6:30 p.m.  
3rd Stop: **Cornish Pasty** – 6:45 to 7:15 p.m.  
4th Stop: **ReBar** – 7:30 to 8 p.m.  
5th Stop: **Nevada Brew Works** 8:15 to 9 p.m.

**Featuring**

Complimentary drink ticket (1 per person) available at each venue and snacks at 18bin and NV Brew Works while supplies last for members of the Clark County Bar Association (CCBA).

Complimentary treat to CCBA members who provide proof of reservation for a ride home with a ride share service or designated driver.

**RSVP required to [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org) by April 24, 2024.**

Crawl, network, and visit responsibly. Arrange for ride share service or designated driver. No minors allowed. Sponsorship opportunities available.

CCBA's  
**6th Annual Pub Crawl**  
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WESTRAC WEALTH PARTNERS

**Activities** continued from page 9  
County, Nevada.

This private indoor/outdoor event will feature complimentary food and drink tickets while supplies last. There is no fee to attend this event; however, space will be limited to bar members and law students who RSVP by March 21, 2024.

Bar members are to RSVP to Stephanie Abbott at StephanieAbbott@clarkcountybar.org. Law students will need to RSVP to Nikki Harris at nikki.harris@unlv.edu.

For more information about the event, contact Stephanie Abbott at StephanieAbbott@clarkcountybar.org or 702-387-6011.

Special thanks to event sponsors:

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### Sponsorship Opportunity

#### Meet Your Law Students Mixer

Participating sponsors will have their company's name and a short statement (of less than 25 words) to describe the firm will be 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.

For more information, contact Stephanie at 702-387-6011 or StephanieAbbott@clarkcountybar.org.

## Nevada's Business Judgment Rule CLE Free for CCBA Members on April 11

On April 11, 2024, Nevada commercial lawyer Bruce Leslie will make a special presentation for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the Clark County Bar Association.

Bruce Leslie has more than 40 years of experience practicing business law in Nevada. Specific areas of practice include executive employment and compliance. Bruce has provided services as expert witness and arbitrator. He is past director of a mid-cap gaming company, serving on its Governance, Nominating, Audit, Compliance, and "Hotline" Committees (13 years). Bruce also served on the State Bar of Nevada's Disciplinary and Fee Dispute Committees.



CCBA members are invited to attend the live webcast of "Nevada's Business Judgment Rule Post-Guzman." See below for details about the event.

### "Nevada's Business Judgment Rule Post-Guzman"

- **Speaker:** Bruce Leslie, Bruce A. Leslie, Chtd.
- **About:** Learn about Nevada's business judgment rule under NRS 78.138, the *Guzman* case, and interplay with the theory of shareholder primacy.
- **Date:** Thursday, April 11, 2024
- **Time:** 12 to 1:15 p.m.
- **Location:** Online via Zoom
- **Offers:** 1.0 General CLE Credit (NV)
- **Live webcast (via Zoom):** FREE for CCBA Members (2024) only
- **Recorded materials rental:** \$25/CCBA Member or \$50/non-member
- **RSVP to CCBA by 4/9/2024:** ClarkCountyBar.org, (702) 387-6011

The CCBA's CLE programming is sponsored in part by Bank of Nevada and Las Vegas Legal Video.

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

Sponsors:



**Activities** continued on page 12

The Clark County Bar Association (CCBA) presents

# 40 YEAR CLUB

## Induction Ceremony & Luncheon Thursday, April 18, 2024

Celebrating CCBA members admitted to practice law in Nevada for 40, 45, 50, & 55 years.

**Master of Ceremonies:** **Dan Polsenberg**, *Lewis Roca Rothgerber Christie LLP*

### Inductees (Admitted 1984):

**Brian Berman**, *Brian K. Berman, Chtd.*

**Hon. Jackie Glass (Ret.)**, *Advanced Resolution Management*  
**Monte Hall**, *Hall Jaffe Clayton*

**Garry Hayes**, *Law Office of Hayes & Welsh*

**Grover Merritt**, *District Attorney's Office - ASU*

**Scott Scherer**, *Brownstein Hyatt Farber Schreck*

**Dan Winder**, *Law Office of Dan M. Winder, P.C.*

**Ellen Winograd**, *Woodburn and Wedge*

**Carol Zucker**, *Carol Zucker Dispute Resolution*

### Honorees - 45 Years - Admitted 1979:

**Edward Achrem**, *Edward J. Achrem & Associates*

**Robert Armstrong**, *McDonald Carano, LLP*

**Nancy Becker**, *Becker Consulting*

**James Giudici**

**John Gormley**, *Olson Cannon Gormley & Stoberski*

**Thomas Harper**, *Thomas D. Harper, Ltd.*

**Kirk Harrison**, *Harrison Dispute Resolution, LLC*

**Malani Kotchka**, *Hejmanowski & McCrea*

**Hon. Peggy A. Leen (Ret.)**, *JAMS*

**Hon. Vincent Ochoa**, *8th Judicial District Family Court*

**Marcus Risman**, *Law Offices of Marc D. Risman*

**Mark Tratos**, *Greenberg Traurig, LLP*

**James Walton**, *Fabian VanCott*

### Honorees - 50 Years - Admitted 1974:

**Hon. Jim Crockett (Ret.)**, *JAMS*

**William Curran**, *Ballard Spahr LLP*

**Charles Damus**, *Charles M. Damus Esq., PC*

**Keith Galliher, Jr.**, *The Galliher Law Firm*

**George Lyles**, *Retired*

**Hon. James Mahan**, *U.S. District Court - District of Nevada*

**James Olson**, *Olson Cannon Gormley & Stoberski*

**Lenard Schwartz**, *Schwartz & Imes Law Firm PC*

**John Wanderer**, *Wanderer Law*

### Honorees - 55 Years - Admitted 1969:

**Neil Beller**, *Neil J. Beller, LTD*

If you were admitted to Nevada during the year listed and don't see your name listed above, contact the CCBA office at 702-387-6011.

Event sponsors



## Join us at lunch!

**When:** Thursday, April 18, 2024  
Check-in & Networking: 11:30 a.m.  
Luncheon: 12:00-1:30 p.m.

**Where:** Panevino Italian Grille,  
246 Via Antonia Ave, Las Vegas, NV  
89119

### Entrée options:

- Chicken Marsala
- Grilled Scottish Salmon
- Penne Vodka

### Attendance fee/per person:

- \$FREE/Inductee\*
- \$80/Honoree\*
- \$80/CCBA member
- \$95/Non-member

### Submit RSVP /

### Payment to:

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

**RSVP Deadline:** 4/11/2024

**Cancellation policy:** Cancellations must be submitted in writing to the CCBA via email to [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org) by 4/11/2024 with qualifying refunds of the event registration fee less a \$15 processing fee. No refunds will be issued after 4/11/2024.

\*CCBA membership is required to be recognized as an Inductee or Honoree of the CCBA 40 Year Club.

**RSVP to CCBA by 4/11/2024**



### Lunchtime Learning CLE

## “Cross Court CLE Webinar – Washoe & Clark Counties”



• **Speakers:**

- **Judge Kathleen Drakulich**,  
Second Judicial District Court, Dept. 1
- **Judge Joanna S. Kishner**,  
Eighth Judicial District Court, Dept. XXXI

• **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, or [ashley@wcbar.org](mailto:ashley@wcbar.org)

Sponsors



### Lunchtime Learning CLE

## “Probate for the Non-Probate Attorney: Navigating Probate in PI & Wrongful Death Cases”

• **Speaker: James A. Fontano**, Probate Commissioner, 8th Judicial District Court



You are good at what you do—whether it’s a simple car accident or a complex wrongful death suit, you have spent a lot of time perfecting your craft, and you deliver excellent legal service to your clients. But problems always seem to arise when you have a matter that requires approval of a settlement or an order to distribute the proceeds from the probate court. In this CLE, Probate Commissioner James Fontano will provide tools and tricks to getting your civil case through probate quickly and efficiently, and without those annoying emails telling you that your matter has to be continued or taken off calendar. You will learn:

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4. How to allocate proceeds between the estate and the decedent’s heirs
5. How to convert the special administration to a set aside, summary administration, or general administration, and how to close the estate.

• **Date:** Wednesday, May 8, 2024

• **Time:** 12:00 to 1:15 pm

• **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

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## Community Outreach / Special Event

### Volunteers Needed for Law Day Activities at U.S. Air Force Base

The U.S. Air Force's (USAF) Nellis Legal Office will host its first ever "Law Day" event with attorneys from the Clark County Bar Association (CCBA) on May 1, 2024. The theme per the American Bar Association will be "Democracy." Law Day will take place at the "Community Commons" located on Nellis Air Force Base in southern Nevada.

Activities are planned from 10:00-12:00 with presentations to be made by Nevada lawyers, community partners, and law enforcement agencies. There will be volunteers from the CCBA, Clark County Law Library, Legal Aid Center of Southern Nevada, Nevada Legal Services, Nevada Attorney General's Office of Military Legal Assistance, UNLV, and Southern Nevada Senior Law Program will present information for service members on the base.

Participating agencies will include:

1. Nellis legal office
2. Community outreach partners
3. Nellis voter registration
4. Security forces
5. Fire department/ first responders
6. Family readiness
7. Victims counsel

Nellis Air Force Base is home to over 13,000 Airmen, civilians, and contractors.



In addition to the event on May 1, 2024, there will be presentations of continuing legal education programs for USAF legal personnel to take place via Zoom on May 10, 14, and 22. Topics to be covered in CLE will be related to family law, landlord-tenant law, and immigration matters relevant to Nevada.

Nevada lawyers who are interested in participating should contact the CCBA office at 702-387-6011.

## Lunchtime Learning CLEs

### Law Day CLE Series Free for CCBA Members

Each program in the series is planned to be held via Zoom:

- May 10, 2024 (11:30 a.m. -12:45 p.m.) - **"A Bird's-Eye View of Landlord-Tenant Law in Nevada (2024)"**
- May 14, 2024 (11:30 a.m. -12:45 p.m.)- **"A Bird's-Eye View of Immigration Law"**
- May 22, 2024 (11:30 a.m. -12:45 p.m.)- **"A Bird's-Eye View of Family Law in Nevada (2024)"**

These events will provide an opportunity for CCBA members and USAF attorneys and legal office personnel to learn about a variety of legal issues that service members may face in their personal lives in southern Nevada.

The live webcasts (via Zoom) are FREE for CCBA Members (2024) and active U.S. Airforce members only. We plan to record the programs. Recorded materials rental (per program) will be \$25/CCBA Member or \$50/non-member.

For more information and to RSVP for the CLE programs, reach out to Donna or Steph at the CCBA before May 7, 2024: [donnaw@clarkcountybar.org](mailto:donnaw@clarkcountybar.org), [StephanieAbbott@clarkcountybar.org](mailto:StephanieAbbott@clarkcountybar.org), (702) 387-6011.



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# 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!**

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

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| <input type="checkbox"/> Common Interest Community /Homeowners Associations | <input type="checkbox"/> Insurance Law                        | <input type="checkbox"/> Special Education                           |
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**Complete this form and return to the CCBA no later than 5/1/2024.**

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## Court Order in the Matter of Commission on Nevada Rules of Appellate Procedure

On January 29, 2024, Justice Kristina Pickering, Associate Justice of the Supreme Court of Nevada, and Bonnie A. Bulla and Deborah Westbrook, Judges of the Nevada Court of Appeals, filed a petition to amend the Nevada Rules of Appellate Procedure. On January 30, 2024, the Supreme Court of Nevada filed an order scheduling a public hearing in the matter of the creation of a commission on Nevada Rules of Appellate Procedure. *See* ADKT 0580.

The Supreme Court of Nevada will conduct a public hearing on the proposed rules on March 7, 2024, at 2:00 p.m., in the Supreme Court of Nevada Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be video conferenced to the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada.

The court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 or [nvscclerk@nvcourts.nv.gov](mailto:nvscclerk@nvcourts.nv.gov) by 5:00 p.m., February 29, 2024. Persons interested in participating in the hearing must notify the Clerk no later than February 29, 2024.

For more information about the proposed rules and the administrative case of ADKT 0580, view the documents posted in the Appellate Case Management System at <https://caseinfo.nvsupremecourt.us/public/Case-View.do?csIID=61591>.

## Court Order in the Matter of Committee to Study and Update Supreme Court Rule 250

On January 25, 2024, Linda Marie Bell, Associate Justice of the Supreme Court of Nevada, filed a petition seeking to create a Committee to Study and Update Supreme Court Rule 250 relating to procedures in capital cases. On February 9, 2024, the Supreme Court of Nevada filed an order creating a committee to study and update Supreme Court Rule 250. Pursuant to NRAD 7.1, Chief Justice Elissa Cadish will enter an order appointing members to the committee. The committee shall file a report with the Supreme Court of Nevada on its findings and recommendations no later than August 1, 2024.

## Las Vegas Justice Court Admin Order #24-02 in the Matter of Deposit of Funds for Civil Jury Trials

On February 8, 2024, Las Vegas Justice Court's Chief Justice of the Peace Cynthia Cruz filed an order regarding "Deposit of Funds for Civil Jury Trials." *See* Administrative Order #24-02. The order revises the amount for the standard jury deposit to \$395, became effective immediately, and "shall apply to all demands for jury trial filed on or after the date of this Order." Administrative Order #24-02 supersedes Administrative Order #2005--CI-1, which is no longer in effect.



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## Las Vegas Justice Court Transition to Zoom Effective Tuesday, February 20, 2024


Effective Tuesday, February 20, 2024, the Las Vegas Justice Court will begin using Zoom for virtual appearance. Zoom information for civil matters for each of the respective Civil departments is available from Dept. 1, Dept. 6, and Dept. 15.

If parties are requesting to appear via Zoom for a Small Claims matter a Motion to Appear Virtually is required and they will receive an order with the Small Claims Zoom information, contact Shelby Lopaze Judicial Executive Assistant to Judge Jessica Goodey Justice Court, Department 6.

## Lawyer Representatives for United States District Court

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

A full public notice for Lawyer Representatives is available on their website at <https://www.nvd.uscourts.gov/news/lawyer-representatives-for-united-states-district-court/>.

Letters of interest must be received by 4:00 p.m. on Friday, April 26, 2024. Questions can be directed to the Clerk of the Court at (702) 464-5456. 

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# Navigating Traffic Cases

By Chief Judge Cynthia Cruz

**B**ecause of recent legislative changes, Traffic has become a new animal in the legal system, with many challenges to courts, litigants, and counsel. Hopefully, I can shed some light on how traffic is being handled now in the Las Vegas Justice Court.

A determination of what type of traffic citation is involved is the first step in determining how to proceed. Traffic citations issued after January 1, 2023, now have different “designations.” Traffic citations are classified as either (1) Criminal Traffic; (2) Regulatory Traffic; or (3) Civil Infraction. Each citation travels through the court down different roads.

---

*Each citation travels through the court down different roads.*

---

## **Criminal Traffic**

If the citation is Criminal Traffic, it will say CRIMINAL in the top section of the citation, usually below the citation and/or accident number. It will have a court-appearance date and time that the citation recipient, or counsel, must appear and the box checked noting that court is mandatory.

At the court appearance, the DA may extend an offer to resolve the matter, or the matter can be set for bench trial.

*Chief Judge Cynthia Cruz was elected to Las Vegas Justice Court Department 5 in 2012 and re-elected in 2018. In 2022, Judge Cruz was unanimously selected to be the next Chief Judge for the Las Vegas Justice Court, beginning her two-year term on January 1, 2023.*



It is important to remember that these offenses are still considered misdemeanors, so it is crucial to appear as directed.

## **Regulatory Traffic**

If the citation is Regulatory Traffic, it is also still considered a misdemeanor. These are normally citations that involve insurance, licenses, registration, and handicap-placard violations.

The citation will have a court-appearance date on it but will not have the mandatory court box checked.

The citations can be handled by appearing in the LVJC Customer-Service Division, on the first floor of the Regional Justice Center, on or before the court date. The person should bring any supporting documents relating to the citation.

## **Civil Infraction**

The last type is Civil Infraction. The citation will say CIVIL in the top section of the citation, usually below the citation and/or accident number.

If this is the person’s first moving-violation citation in Las Vegas Justice Court within the last 36 months, the person may be eligible to have the civil infraction reduced to a non-moving violation by paying the civil penalty AND either completing a Nevada-DMV-approved 5-hour traffic-safety course or paying a Demerit-Point Reduction Fee. The Customer-Service Division will advise if the person is eligible for this option.



If the person does not qualify for the reduction, there are two options as to how to handle the Civil Infraction.


Option 1 is to not contest the Civil Infraction and to either make a payment or pay the full civil penalty due.

Option 2 is to contest the Civil Infraction and to post a bond in an amount equal to the full civil penalty. Once the bond is tendered, a contested-hearing date will be given.

---

*Failure to respond before that date may result in a Default Judgment being issued for the full amount of the civil penalty.*

---

For either option, the selection must be done before the applicable court date. Failure to respond before that date may result in a Default Judgment being issued for the full amount of the civil penalty. 



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# Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners

By Nick Michaud, Esq.

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*\*About the CCBA’s Article #16: “Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners” 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 March 2024 issue of Communiqué. See pp. 22–27. The CCBA is an Accredited Provider with the NV CLE Board.*

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*“You have the right to remain silent. Anything you say can and will be used against you in court...”*

The famous first words of the *Miranda* advisement now have long been part of the American psyche. For some, it is difficult to believe that this warning has only been law since *Miranda v. Arizona* was decided in 1966. Even so, these two sentences—together intoning the Fifth Amendment right against self-incrimination—echo throughout our society and resonate within legal and popular cultures.

The right against self-incrimination deserves this prominent place in our minds. The Fifth Amendment guarantee that “[n]o person [...] shall be compelled in any criminal case to be a witness against himself” is one of the most widely applicable elements of the Bill of Rights for *all*

attorneys, whether they believe that they practice criminal law or not.

I practice tax litigation. This means that I interact with agencies like the Internal Revenue Service on behalf of my clients. Previously, though, I spent nearly ten years as a felony prosecutor. I was honored to serve the public in that role, but this background was also beneficial in that it trained me to see the Fifth Amendment *everywhere*. The IRS, for instance, has the authority to turn a civil examination or audit into a criminal tax investigation at its discretion. Any attorney who interacts with a government agency with such powers must carefully consider the Fifth Amendment implications of their work. Indeed, *all* attorneys must be careful to address their clients’ risks of self-incrimination no matter who the opposing party may be.

**Nick Michaud, Esq.** is an associate at Kaczmarek & Jojola PLLC, a Tax Litigation Firm with offices in Las Vegas and Scottsdale, Arizona. He practices tax litigation, helping clients navigate complex Federal tax issues. Prior to joining the firm, Nick spent nearly ten years as a prosecutor in Maricopa County, Arizona.



This mindset is important even if (perhaps especially if) your client has not acted unlawfully. We must never forget that one of the primary functions of the Fifth Amendment is to “protect the innocent who otherwise might be ensnared by ambiguous circumstances.” *Slochower v. Board of Higher Education*, 350 U.S. 551, 557-558 (1957).

Attorneys must determine when to invoke Fifth Amendment protections and how to avoid waiver of those rights. These issues are fact-specific and turn upon the unique circumstances of any legal matter. This article aims to examine some of the Fifth Amendment considerations encountered by both criminal and civil practitioners, to help readers think critically about invocation, and to remind civil practitioners to always consider potential criminal exposure.

### **Invocation and waiver in criminal practice**

The Fifth Amendment to the United States Constitution was ratified with the Bill of Rights in 1791. Acknowledging our grim history of coerced confessions, the guarantee that “[n]o person [...] shall be compelled in any criminal case to be a witness against himself” is a foundational principle of U.S. law. Its applicability in Nevada is a result of its incorporation under the Fourteenth Amendment Due Process Clause and by Article 1, § 8 of the Nevada Constitution.

### **Custodial interrogation**

The Fifth Amendment’s protections are never more essential than in the context of a police interrogation. The *Miranda* Court and countless others have recognized that in-custody interrogations are inherently coercive and that procedural safeguards are needed. *Miranda v. Ariz.*, 384 U.S. 436, 444 (1966). These safeguards take the form of *Miranda* advisements: prior to interrogation, in-custody individuals must be informed of their Fifth Amendment rights to silence and of their Sixth Amendment rights to counsel. Statements obtained in violation of *Miranda* rights cannot be used in trial. *Id.*

In this context, early (or immediate) invocation is advisable in most situations barring exigent circumstances. A clear assertion of the privilege is necessary to preserve those rights and avoid waiver. Invocation also has the benefit of immediately ending the interrogation. *Michigan v. Mosley*, 423 U.S. 96, 103 (1975), *Berghuis v. Thompkins*, 560 U.S. 370, 381 (2010).

Invocation of the right against self-incrimination must be unequivocally made. *Berghuis*, 560 U.S. at 381. The

**Pleading** continued on page 24



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# Instructions for CCBA's CLE Article #16

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

1. Read the article, “Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners” on pages 22-25;
2. Take the quiz on page 26; and
3. Complete the order form on page 27, and submit it with the completed quiz page (page 26) to receive CLE Credit from the CCBA.

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

## **Pleading** continued from page 23

right cannot be claimed by remaining silent in the face of questioning: to end an interrogation an accused must unambiguously state a desire to invoke. *Id.* When an individual's statements are equivocal, *law enforcement are not required to stop questioning.* They will likely be required to ask clarifying questions, but they are not required to terminate the interrogation until an invocation is unmistakable. *Id.*

Attorneys should also beware the risk of waiver of the right to silence in this context. A valid waiver is made “voluntarily, knowingly and intelligently.” *Miranda*, 384 U.S. at 444. An individual in custody may waive their invocation by affirmative statement, but they might also waive their Fifth Amendment rights through voluntary conduct—including dialogue with law enforcement—after a *Miranda* advisement has been made and the accused understood the rights he was waiving. *See, e.g., North Carolina v. Butler*, 441 U.S. 369, 373 (1979).

Invocation of Fifth Amendment rights in a custodial interrogation carries an additional protection: it generally may not be used against the accused in a criminal trial. A prosecutor is forbidden from commenting on silence in this context. *Gaxiola v. State*, 121 Nev. 638, 655 (2005). No negative inferences may be drawn from a criminal defendant's decision to invoke his Fifth Amendment rights during a custodial interrogation.

## **In criminal court**

The Fifth Amendment protections against self-incrimination also protect defendants and witnesses called to testify in criminal courts. “The core protection afforded by the Self-Incrimination Clause is a prohibition on compelling a criminal defendant to testify against himself at trial.” *United States v. Patane*, 542 U.S. 630, 637 (2004). Importantly, prosecutors and courts also may not comment on or draw inferences from a defendant's decision not to testify. *Id.*

For witnesses, the privilege “extends not only ‘to answers that would in themselves support a conviction . . . [but] embraces those which would furnish a link in the chain of evidence needed to prosecute the claimant.’” *Ohio v. Reiner*, 532 U.S. 17, 20, *citing Hoffman v. United States*, 341 U.S. 479, 486-487 (1951). It covers witnesses who have reasonable cause “to apprehend danger from a direct answer,” as determined by the court. *Id.* Unlike a criminal defendant, a witness in a criminal case who wishes to invoke her Fifth Amendment rights must take the stand to do so in response to the specific questions that implicate the privilege.

## **Invocation in civil practice**

How does the invocation of the Fifth Amendment right against self-incrimination differ in the context of a civil proceeding? Some of the differences are profound. Attorneys that discover a potential Fifth Amendment self-incrimination issue in the course of their civil practice must balance competing considerations to advise their clients without losing sight of litigation objectives.

## **Who may assert Fifth Amendment privileges in civil proceedings?**

Any party that can demonstrate a non-speculative fear of prosecution should consider invoking their rights against self-incrimination. “The right to assert one's privilege against self-incrimination does not depend upon the likelihood, but upon the possibility of prosecution.” *In re Master Key Litig.*, 507 F.2d 292, 293 (9th Cir. 1974) (*citing Hoffman*, 341 U.S. at 486-87). A party wishing to invoke need not be subject to ongoing investigation, nor must they demonstrate that law enforcement intends to bring charges. *Id.* Similarly, this privilege does not merely protect parties from coercion of directly inculpatory statements; it also extends to answers that “would furnish a link in the chain of evidence needed to prosecute the claimant” for a crime. *Hoffman*, 341 U.S. at 486.

### What should civil practitioners keep in mind?

First: Understand your client's potential criminal exposures. This is simple, and perhaps obvious, but it is imperative. An attorney cannot identify self-incrimination risks if he cannot identify potential criminal liabilities. Discuss this with your client and maintain familiarity with the relevant statutes.

Next: Consider the impact of negative inferences in litigation. Unlike criminal cases, Fifth Amendment privileges *do not* protect against negative inferences in civil proceedings. "The Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify." *Baxter v. Palmigiano*, 425 U.S. 308, 318. Your client's silence *can* be used against him, a risk that must be considered carefully before asserting the privilege.

Also: Beware that abuse of the privilege will often backfire. A civil practitioner should avoid blanket assertions of the privilege and must avoid using the Fifth Amendment as both "sword and shield." Doing so can draw the ire of the court and have disastrous effect.

An illustrative example of this risk comes to us from our own backyard: in *Francis v. Wynn Las Vegas, LLC*, 127 Nev. 657, the Supreme Court of Nevada affirmed the lower court's decision to grant summary judgment for Wynn.

---

*Take heed of this cautionary tale and assert the privilege only where absolutely necessary to protect your client from self-incrimination.*

---

This was done in large part because the appellant's use of the privilege against self-incrimination was so overbroad that he could not produce a genuine issue of material fact. By pleading the Fifth to almost every deposition question, appellant's conduct was so unreasonable that the court would not allow him to withdraw his invocation to reopen discovery. Take heed of this cautionary tale and assert the privilege only where absolutely necessary to protect your client from self-incrimination. 🗨️



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# CCBA CLE Article #16

## Quiz

### **“Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners” Offers 1 General CLE Credit (NV)**

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

1. The Fifth Amendment of the United States Constitution was ratified in:
  - a. 1776
  - b. 1791
  - c. 1868
  - d. 1966
2. Rights against self-incrimination are legally protected in Nevada pursuant to:
  - a. The Fifth Amendment of the United States Constitution
  - b. The Fourteenth Amendment of the United States Constitution
  - c. Article I of the Nevada State Constitution
  - d. All of the above
3. A *Miranda* warning must be given by police anytime they wish to interrogate a suspect in police custody.
  - a. True
  - b. False
4. An individual in police custody can invoke his Fifth Amendment right to silence by remaining silent when questioned by law enforcement.
  - a. True
  - b. False
5. During a custodial interrogation, an individual asks the detective that is questioning him if the detective thinks that he should exercise his *Miranda* right to remain silent. The detective is now required to:
  - a. Stop the interrogation immediately because this is an invocation of the individual’s rights against self-incrimination.
  - b. Ask clarifying questions because the question that the individual asked was equivocal concerning his right against self-incrimination.
  - c. Document the question in his report and continue his interrogation.
  - d. The detective is not required to do anything.
6. During a criminal trial, the State may not encourage a jury to draw negative inferences from a defendant’s invocation of his Fifth Amendment right to remain silent during a police interrogation.
  - a. True
  - b. False
7. During a criminal trial, the State may comment upon a defendant’s refusal to testify at trial.
  - a. True
  - b. False
8. In a civil trial, an opposing party may comment upon and draw inferences from another party’s invocation of his Fifth Amendment right against self-incrimination.
  - a. True
  - b. False
9. A witness may only assert Fifth Amendment privileges in a civil proceeding if he is simultaneously facing criminal charges.
  - a. True
  - b. False
10. The blanket assertion of Fifth Amendment privileges is an effective strategy for protecting your client from self-incrimination during civil proceedings.
  - a. True
  - b. False



# CCBA CLE Article #16 Order Form

## **“Pleading the Fifth – the Right Against Self-Incrimination for Criminal and Civil Practitioners”**

### **Offers 1 General CLE Credit (NV)**

Complete the order form and submit it with the completed quiz page (page 26)  
to receive CLE Credit from the CCBA.

#### **Participant information:**

- Name: \_\_\_\_\_ Bar#: \_\_\_\_\_
- Firm/Co.: \_\_\_\_\_
- Date CLE Completed: \_\_\_\_\_
- E-mail address for the CCBA to send verification of transmission of attorney’s participation to NV CLE Board:  
\_\_\_\_\_

**Fee:** \$25/CCBA member or \$50/Non-member

**Total amount enclosed:** \$ \_\_\_\_\_

#### **Type of payment:**

- Check or money order is enclosed
- I will call CCBA with my credit card information
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Name of card holder: \_\_\_\_\_

Credit Card #: \_\_\_\_\_

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Authorized Signature: \_\_\_\_\_

Email address for payment receipt: \_\_\_\_\_

#### **Submit order form with the completed quiz pages and payment to:**

Clark County Bar Association

717 S. 8th Street, Las Vegas, Nevada, 89101

Phone: 702-387-6011, Fax: 702-387-7867, or Email: [Donnaw@clarkcountybar.org](mailto:Donnaw@clarkcountybar.org)

\*Note: Do NOT email credit card info. Call it in to 702-387-6011.

**Upon receipt of the completed order,** the CCBA’s staff will record the attorney’s participation directly with the Nevada Board of Continuing Legal Education and provide verification of that transmission to the e-mail address provided in the completed order form.

# Sealing Nevada Criminal Records

By Morgan F. Shah

Every interaction with the criminal justice system creates a record. From traffic tickets and parking citations to arrests, dismissed charges, and convictions – it’s all there, waiting for the next background check. For those with a troubled past, these records create significant barriers to housing, employment, educational opportunities, and public assistance. Record sealing provides eligible individuals with a chance to leave the past behind and gain access to a brighter future.

## Overview of the record sealing process

Although the Nevada Legislature established a public policy in favor of second chances, see NRS 179.2405, there is currently no mechanism for automatically sealing eligible criminal records in Nevada. A person wishing to seal past criminal records must obtain an official criminal history report from the State and file a petition with the court requesting that their records be sealed. The prosecuting agency and law enforcement involved in the underlying case(s) will be notified of the petition and have the opportunity to object. In most cases, a rebuttable presumption in favor of sealing the records will apply where all statutory requirements have been met. NRS 179.2445. If the petition is granted, the order must be distributed to all relevant agencies to complete the process.

## Timing is key

To be eligible for sealing, the charges must meet the waiting periods set forth in NRS Chapter 179, which vary depending on the crime and case disposition. For example,


felony waiting periods range from two to ten years. There is no wait for charges that were dismissed, acquitted, or decriminalized. Convictions for crimes against children pursuant to NRS 179D.0357, sexual offenses pursuant to NRS 179.245(8)(b), felony DUI, and home invasion with a deadly weapon can never be sealed. NRS 179.245(6).

The waiting period begins to run at the close of each case. This can mean the date the last fine was paid, the date of release from parole or probation, the date of release from jail or prison, or the date other court requirements were completed. “Minor moving or standing violations” that fail to meet the waiting period may be omitted from the petition, so long as the other records have met the relevant time requirement. NRS 179.245(5).

## Legal effect of record sealing

Once sealed, the records are removed from public view and the proceedings are deemed never to have occurred. The petitioner’s rights to vote, hold office, and sit on a jury are also restored. NRS 179.285. However, the records continue to exist, and some government agencies and professional licensing boards can access sealed records under specified circumstances. NRS 179.301; NRS 179.259. Moreover, the right to bear arms is unaffected by record sealing and can only be restored by a pardon. NRS 202.360. Therefore, even those who successfully seal their criminal records may continue to face some limitations based on their history.

## Learn more

Nevada Legal Services provides free legal education, self-help materials, legal advice, and representation for eligible Nevadans seeking to seal their past criminal records, as well as CLE presentations and support for pro bono volunteers. Criminal record sealing community education classes are open to all and offered on a regular basis in partnership with the UNLV William S. Boyd School of Law. For upcoming class dates and record sealing resources, please visit [nevadalegalservices.org/criminal-record-sealing](http://nevadalegalservices.org/criminal-record-sealing). 

*Morgan F. Shah serves as Director of Community Engagement at Nevada Legal Services, Nevada’s only statewide nonprofit legal aid organization providing free civil legal assistance to low-income residents in every county. Individuals interested in sealing their Nevada criminal records can request pro bono assistance by completing an intake application online at [www.nevadalegalservices.org](http://www.nevadalegalservices.org) or calling the nearest NLS office.*



# CCLF's Youth Restorative Program

By Consuelo Sanchez

The Clark County Law Foundation (CCLF) has served the community in law-related education for 30 years. CCLF's *mission is to empower Nevada, especially its youth, through education, outreach, and service.* The Trial by Peers Program (TBP), CCLF's flagship program, was based on the Youth Court concept, which allowed first-time juvenile offenders charged with misdemeanors to be tried, defended, and sentenced by their peers. However, in 2019, the Nevada State Legislature passed Senate Bill 89 and Assembly Bill 168, which shifted the teen court model to restorative justice models. Per AB 168 and SB 89, school districts are to complete Progressive Discipline Plans and adopt restorative practices (RP) as alternatives to exclusionary disciplinary approaches (e.g., suspension, expulsion), which remove students from the academic environment and cause disruptions in their learning. Instead, restorative justice practices seek to repair the harm done when a standard of conduct is violated.

Since then, CCLF adopted elements of restorative practices into the TBP program to create the Youth Restorative Program (YRP) in 2021. This program is a resource tool that offers schools an alternative to conventional disciplinary policies. Our restorative justice model provides a best practice model of bringing together all parties who identify as stakeholders in the incident into a *restorative justice circle*. Within the circle, a licensed attorney volunteer will facilitate dialogue among the stakeholders, allowing everyone to share their perspectives on how the incident impacted them and what can be done to repair the harm.


YRP's primary goals include holding youth accountable for their actions without disrupting the learning environment, repairing relationships between youth and victims, and reintegrating youth as responsible members of their communities. Guided by three key principles—*accountability, cooperation, and competency development*—YRP emphasizes accepting responsibility, collaborative consequences, and cultivating empathy and healthy coping mechanisms.

The program focuses on youth aged 12-17 in Clark County through two primary avenues. Initially, it addresses youth referred due to violations of school disciplinary policies, covering a spectrum of incidents like assault, theft, and code of conduct violations. Referrals to the program may stem from warnings issued by police or school staff members. During the restorative justice process, referred youth participate in dialogues where they share their perspectives on the incident and attentively listen to those impacted. This process promotes comprehension, acknowledgment of responsibility, expression of remorse, and initiatives to mend the harm, ultimately aiding in rebuilding trust within the school community.

The second avenue involves youth volunteers who serve as *Youth Advocates* for those referred to YRP. These advocates undergo an extensive summer training program covering legal system content, effective communication, negotiation, and critical thinking. They are trained in the restorative justice process by licensed attorneys who serve as mentors and providers of legal education and guidance. Through their voluntary participation in the program, *Youth Advocates* positively contribute to their community and peers and acquire valuable legal education and mentorship. Additionally, *Youth Advocates* attend Continuing Legal Education sessions hosted by YRP each month to sustain their knowledge and further enhance their advocacy skills.

## Summer 2024 Schedule for YRP

Our YRP summer session will be hosted every Thursday, from June 6 to July 25, at the State Bar of Nevada, from 5:30 p.m. to 7:30 p.m. The Clark County Law Foundation expresses gratitude to our partners, the State Bar of Nevada and the Clark County Library, for their invaluable support during the summer training sessions.

Attorneys and law students interested in volunteering as instructors for the upcoming YRP summer session or facilitating restorative justice circles are encouraged to reach out to us at [YRPCoordinator@clarkcountylawfoundation.org](mailto:YRPCoordinator@clarkcountylawfoundation.org) 

*Consuelo Sanchez joined Clark County Law Foundation as the Trial by Peers Program Coordinator in September 2021 and now serves as the Health & Equity Coordinator. For volunteering opportunities, please email [consuelo@clarkcountylawfoundation.org](mailto:consuelo@clarkcountylawfoundation.org).*





# Take a Pro Bono Case and Gain Experience

By Africa Sanchez

Last year, I worked with a UNLV Boyd School of Law student through Legal Aid of Southern Nevada's Partners in Pro Bono Program. This program is a collaboration with Boyd and Legal Aid Center, which partners up attorneys and law students to work on a pro bono matter. To my surprise, the law student was interested in taking a criminal case.

Since my practice focuses primarily on family and immigration law, I was not quite ready to take on criminal matters. Legal Aid Center was helpful, offering to provide samples or other resources should I need them for the criminal record sealing case.

Two clients needed criminal bench warrants cleared and, ultimately, their records sealed.

The clients, although very different, shared a similar story, as they were both victims of human trafficking. Their pimps and "supposed boyfriends" flew them to Las Vegas to work as prostitutes, and then all would return to their home states a few weeks later. During their short stay in Las Vegas, over ten years ago, they incurred several criminal charges, including trespass, soliciting prostitution, and disturbing the peace.

The two women eventually broke away from their traffickers and found jobs. One became a security guard and is raising a child she had with her pimp, and the other went to school and received her nursing degree. The latter could not obtain her nursing license because of the outstanding bench warrants from Las Vegas. After speaking with our clients on multiple occasions, the law student and I were

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*Attorneys, do not be scared to take on pro bono work in an area of law that you have limited experience in; it may surprise you how rewarding it is.*

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impacted by their stories of all they had overcome and the lives they had made for themselves.

The first task was to find all the criminal cases and file motions to quash the bench warrants. True to their word, Legal Aid Center provided sample forms. The UNLV law student assisted in drafting the motions we filed. Then, it was time to explain the circumstances to the deputy district attorneys and seek dismissal of these charges. Upon demonstrating to the deputy district attorneys that the clients were not residents of Las Vegas and had gainful employment, the deputy district attorneys agreed to dismiss the charges.

The final step was to seal the records so these women could get a fresh start and better employment opportunities. I am grateful for all the help I received from the law student and Legal Aid Center. Without them, I would not have had the opportunity to assist these clients. Attorneys, do not be scared to take on pro bono work in an area of law that you have limited experience in; it may surprise you how rewarding it is. 🗨️

*Africa Sanchez has been practicing in Las Vegas over twenty years. Her practice now focuses on immigration, family and education law.*



## 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](mailto:forensicsdynamicsllc@gmail.com).

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

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

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