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Read

Leveraging Technology in Personal Injury Practice

By Kenny Eliason and
Dean M. Tingey

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Authors Kenny Eliason and Dean M. Tingey in downtown Las Vegas. © 2024 Wesley Tingey. Photo courtesy of Wesley Tingey, wesleytingey.com.

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COMMUNIQUÉ

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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.		

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Meet Your Law Students Mixer

On April 4, 2024, from 5:30 to 7:30 p.m., CCBA members are invited to attend the 3rd Annual Meet Your Law Students Mixer to celebrate law students who are interested in meeting members of the bench and bar, including managing and hiring partners from law firms in Clark County, Nevada. The event will be hosted by CCBA’s Community Service, DICE, New Lawyers Committees and held at the at Claggett & Sykes Law Firm at 4101 Meadows Lane, Las Vegas.. This is a 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 law students and CCBA members who RSVP to the CCBA.

Special thanks to event sponsors:



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For more information, and to RSVP, reach out to Stephanie at (702) 387-6011 or StephanieAbbott@clarkcountybar.org.

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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.

Bar Luncheon

40 Year Club Luncheon

This year, we will induct members who were admitted in 1984 and honor members admitted in 1979, 1974, 1969, and 1964.

Premier sponsors:

- Bank of Nevada
- Thurman & Associates Nurse Consulting LLC

Patron sponsors:

- Business Process Automation Company
- First Legal

When: Thursday, April 18, 2024

Note: This popular annual event often sells out before the published deadline.

RSVP to the CCBA ASAP but no later than April 11, 2024.

For more information, see page 9.

Artificial Intelligence and Other Technology in Law Practice

By Paul C. Ray, Esq.

Technology develops so quickly; it is wise to obtain updates periodically on technology and the law. Old technology articles can seem like prehistoric writings. Nonetheless, history sometimes repeats itself.

In the early days of computer virus legal issues, a Cornell graduate student named Robert Tappen Morris, who was the son of a chief scientist at the National Security Agency's Computer Security Center, caused a virus to spread across "an extended network of approximately 250,000 computers." This quoted description from my 1991 student law review article was what I understood the Internet to be 33 years ago. The legal issues I wrote about at that time were how best to prosecute computer misuses.

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Writing the computer viruses article was a learning experience about the difficulty of anticipating future relevance in the law of present technology. But it was worthwhile to learn how the law developed to address technology and how developing technology affects the law. This type of learning is still useful.

Last year, in 2023, Steven Schwartz and his Manhattan law firm, Levidow, Levidow & Oberman, misused artificial intelligence (AI) in their legal briefing. ChatGPT made up nonexistent cases to support the arguments of Mr. Schwartz's brief to the federal district court. Opposing severe sanctions for their mistake, they argued they had already been punished enough, describing themselves as the "poster children of the perils of dabbling with new technology."

This past December 2023, the National Judicial College highlighted the type of problem Mr. Schwartz illustrated of misplacing reliance on AI legal research. No attorney should want to be the next example like Mr. Schwartz.

The National Judicial College conference in Las Vegas discussed positive uses of AI in the law. Our own State Bar of Nevada General Counsel Dan Hooge presented a PowerPoint with graphics generated by artificial intelligence. Other speakers used various points of AI research

to augment their presentations. AI can help to efficiently find and summarize research, but it is important to verify the research, as Mr. Schwartz found out all too painfully.

Using AI, I found several technology issues I had not previously known about. Examples include smart contracts, the Internet of Things, and edge computing. Legal chatbots, virtual assistants, blockchain, cryptocurrency integration, electronic discovery tools, and data protection and privacy are other developments in technology which raise legal issues.

Given the increase of worldwide connectivity, it can also be worth knowing that the European Union takes a different approach to information regulation with its General Data Protection Regulation (GDPR). The GDPR provides that individuals have fundamental rights of access to and protection of their personal data.

Using AI can help to learn about technology and the law. But ironically, using AI can also cause problems. ChatGPT helped to identify legal issues of technology for this article. What matters most is not the technology itself, but how people use the technology. **G**



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“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

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Community Outreach Activity on April 6, 2024

CCBA members are invited to participate in a group activity to benefit homeless teenagers served by Project 150. Project 150 is a local non-profit with a mission to offer free support and services to homeless, displaced, and disadvantaged high school students in the Southern Nevada area so they can remain in school and graduate.



CCBA Volutneers at Project 150

- **When:** Saturday, April 6, 2024, 9:00 a.m. to 12:00 p.m.
- **Where:** Project 150, 3600 N. Rancho Drive, Las Vegas, NV 89130
- **What:** Volunteers will help with:
 - Making food bags
 - Sorting donations
 - Restocking Betty’s Boutique
 - Activities are determined by the needs of the day
- **Who:** CCBA members and their family members may volunteer. Minimum age to volunteer is 10 years old. Volunteers ages 10-13 require guardian.
- **Mandatory Dress Code:** Comfortable shirt, pants, and closed-toe shoes.
- **RSVP Deadline:** April 4, 2024
For more information, and to RSVP, reach out to Stephanie at (702) 387-6011 or StephanieAbbott@clarkcountybar.org.

Lunchtime Learning CLE

“Nevada’s Business Judgment Rule Post-Guzman”

- **Speaker:** Bruce Leslie, Bruce A. Leslie, Chtd.
- **Date:** Thursday, April 11, 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
- **RSVP to CCBA by 4/9/2024:** ClarkCountyBar.org, (702) 387-6011, or donnaw@clarkcountybar.org



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40 Year Club Luncheon on April 18, 2024

On April 18, 2024, the CCBA will host the 40 Year Club Induction Ceremony & Luncheon sponsored by Bank of Nevada, Thurman & Associates Nurse Consulting LLC, Business Process Automation Company, and First Legal.

Due to the generous support from the sponsors, the CCBA can offer complimentary attendance to this year's 40 Year Club inductees and reduced pricing on attendance for honorees, their guests, and CCBA members.

This special event will feature:

- Master of Ceremonies Daniel Polsenberg
- Anecdotes and interviews with inductees and honorees
- Plated lunch

The event will be held at Panevino Italian Grille with RSVP required to the CCBA directly no later than by April 11, 2024. All members of Nevada's legal community are welcome to attend; however, space will be limited. Seats sell out quickly for this popular annual event.

Event sponsors



The 40 Year Club celebrates CCBA members admitted to practice law in Nevada for 40, 45, 50, 55, and 60 years. This year, we will induct members who were admitted in 1984 and honor members admitted in 1979, 1974, 1969,

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and 1964. See below for names of inductees and honorees for this year's event.

40 Year Club (2024)*

Inductees - 40 Years - Admitted 1984:

- **Brian Berman**, Brian K. Berman, Chtd.
- **Michael Bohn**, Bohn Law
- **Charles T. Cook**, Hutchison & Steffen, PLLC
- **Hon. Jackie Glass (Ret.)**, Advanced Resolution Management
- **Monte Hall**, Hall Jaffe Clayton
- **Garry Hayes**, Law Office of Hayes & Welsh
- **Scott Scherer**, Brownstein Hyatt Farber Schreck
- **Anita Webster**, Webster & Associates
- **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
- **Thomas Harper**, Thomas D. Harper, Ltd.
- **Kirk Harrison**, Harrison Dispute Resolution, LLC
- **Malani Kotchka**, Malani L. Kotchka, LLC
- **Hon. Peggy A. Leen (Ret.)**, JAMS
- **Paul Malikowski**, Malikowski Law Offices, Ltd.
- **Hon. Vincent Ochoa**, 8th Judicial District Family Court
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- **Thomas Standish**, Standish Law Group, LLC
- **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
- **Bill C. Hammer**
- **George Lyles**, Retired
- **Hon. James Mahan**, U.S. District Court - District of Nevada
- **James Olson**, Olson Cannon & Gormley
- **Lenard Schwartz**, Schwartz & Imes Law Firm PC
- **John Wanderer**, Wanderer Law

Honorees - 55 Years - Admitted 1969:

- **Neil Beller**, Neil J. Beller, LTD
- **Steve Morris**, Morris Law Group

For more information or to RSVP for the event, contact the CCBA office at 702-387-6011 or online at <https://clarkcountybar.org/40-year-club-luncheon/>.

*Note: CCBA membership is required to be recognized as an Inductee or Honoree of the CCBA 40 Year Club. If you were admitted to Nevada during the year listed and don't see your name listed, contact the CCBA office at 702-387-6011.



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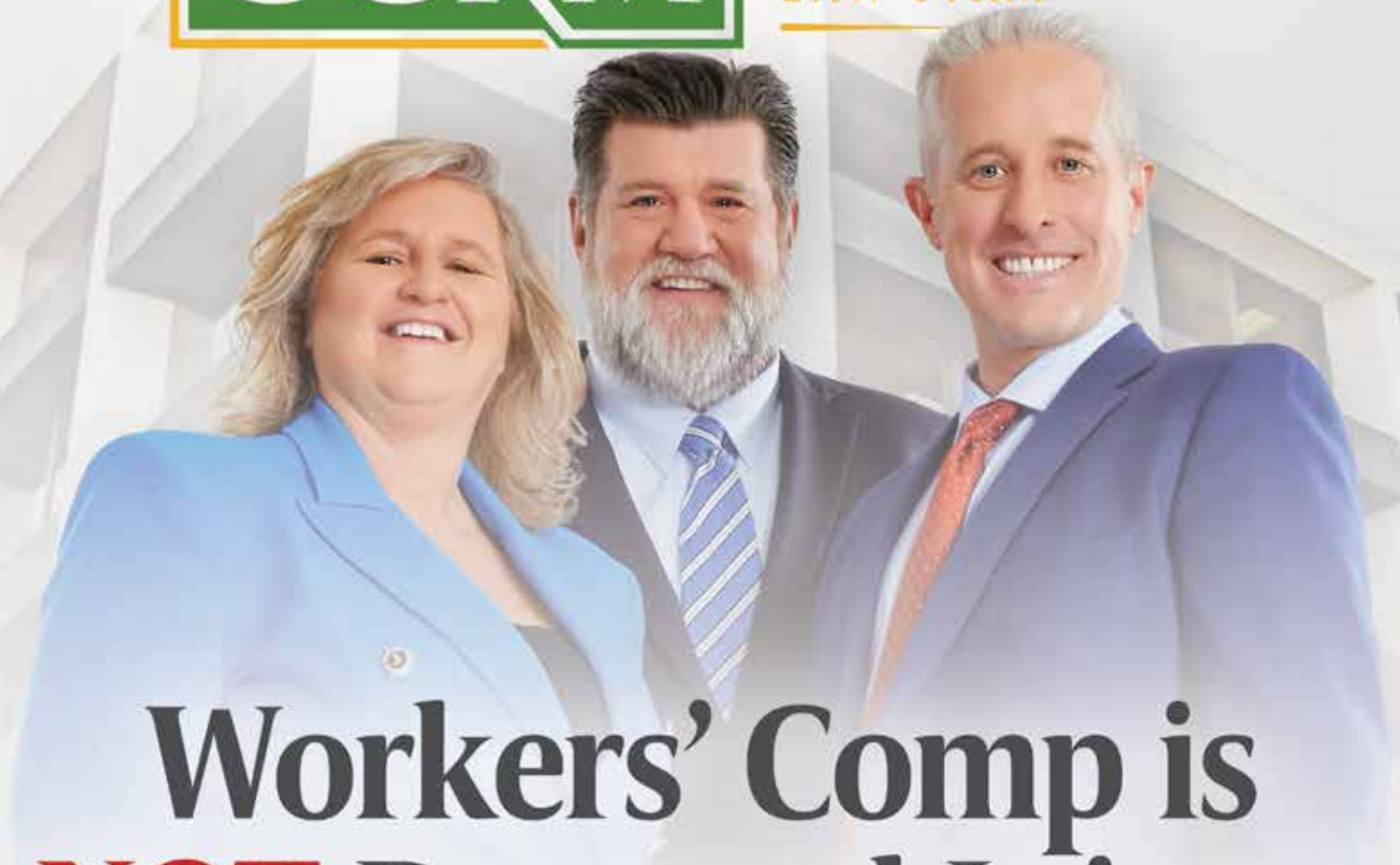
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Health & Wellness

Tennis Clinic on April 23, 2024

On April 23, 2024, CCBA members are invited to participate in a group activity featuring a free tennis clinic and fun networking.

Lobs for Lawyers

- **When:** Tuesday, April 23
- **Time:** 7:30 pm. to 9:00 p.m.
- **Where:** Darling Tennis Center in Summerlin at 7901 W. Washington Ave., Las Vegas, NV 89128
- **Notes:**
 - Space limited to two courts with a maximum of 16 players.
 - Players are encouraged to bring their own racquets; a limited number of racquets might be available at no charge.
- **RSVPs and cancellations are required to the CCBA** at least a week before each scheduled event. If you have RSVP'd to attend but can't make it, let us know immediately so another member can take your spot.

For more information, and to RSVP, reach out to Donna at (702) 387-6011 or donnaw@clarkcountybar.org.

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Pub Crawl on April 25, 2024

On Thursday, April 25, 2024, CCBA members are invited to participate in the 6th Annual Pub Crawl in the Arts District in downtown Las Vegas. The event is casual, and members can hop on or off the crawl at any point between 5:00 p.m. and 9:00 p.m.

6th Annual Pub Crawl

- **Hop on / off at any stop:**
 - **1st Stop – 5– 5:45 p.m.:** Taverna Costera
 - **2nd Stop – 6–6:30 p.m.:** 18bin
 - **3rd Stop – 6:45 –7:15 p.m.:** Cornish Pasty
 - **4th Stop – 7:30–8 p.m.:** ReBar
 - **5th Stop – 8:15 to 9 p.m.:** Nevada Brew Works
- **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 Deadline:** April 24, 2024
For more information, and to RSVP, reach out to Donna at (702) 387-6011 or donnaw@clarkcountybar.org.

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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!***

**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:

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| <input type="checkbox"/> Consumer Claims & Protection | <input type="checkbox"/> Internet Law | <input type="checkbox"/> Taxation Law |
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| | <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

Lunchtime Learning CLE

“Protecting Your Law Firm Against Cyber Attacks”

• Topics:

- Introduction to Cyber Hacking, Intrusions, Malware, Threats, and System Breakdowns
- Cyber Liability Claims and how thieves attack your system from sample claims
- How to avoid technology claims against your law firm, tighten up your technology systems, and what to do if you are attacked.

• Panelists:

- **Joel Jarvis, Producer**, Alera Group Las Vegas
- **Nathan Abir**, Risk Engineer for Cowbell Cyber
- **Abimbola Afolabi**, Senior Cyber Marketing Manager at Cowbell
- **Gabe Karroum**, Sales Manager at Cowbell

• **Date:** April 24, 2024

• **Time:** 12 to 1:15 p.m.

• **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 4/22/2024:**
ClarkCountyBar.org, 702-387-6011.

Sponsors



Protecting Your Law Firm Against Cyber Attacks CLE Free for CCBA Members on April 24, 2024

On April 24, 2024, property and casualty insurance producer Joel Jarvis will lead a special panel presentation of “Protecting Your Law Firm Against Cyber Attacks” for the continuing legal education of Nevada lawyers in a free lunchtime learning program produced by the Clark County Bar Association and sponsored by Alera Group.

Technology has changed dramatically over the years, and the advantages to using it have gone up along with the risks of attack by hackers. This CLE will teach you what is happening in the cyber arena to hack your systems, how to avoid these nefarious actors, and what to do in the event of a disaster. Real claims scenarios will be presented with some solutions to tighten your law firms’ systems.

Joel will be joined by leaders from Cowbell Cyber, Inc. insurance for a discussion on matters relevant to law firms. Panelists for the program:

- **Joel Jarvis**, Producer, Alera Group Las Vegas Insurance Brokerage, has over 25 years experience in the insurance industry as a producer in sales and service with extensive work with lawyers and law practices, whilst currently insuring over 1,000 attorneys nationwide. Joel is a property and casualty specialist with extensive knowledge of professional liability, crime, cyber, property, general liability, workers compensation, as well as all employee benefits. He has lived in Las Vegas since 1993, and he previously was an accountant in the casino and home building industries.
- **Nathan Abir** is a Risk Engineer for Cowbell Cyber Inc. and is versed at helping policyholders understand their risk profiles and improve their cyber risk ratings. Nathan has been with Cowbell for almost two years and has worked in the cybersecurity field for 8 years. He graduated from Penn State University and has a CISSP certification.
- **Abimbola Afolabi** is a Senior Cyber Marketing Manager at Cowbell with over 6 years of experience as a broker and account manager in the insurance industry. Her experience as a Canadian Accredited Insurance Broker includes marketing, advising, and implementing cyber coverage options for large-risk commercial clients at AON.

- **Gabe Karroum** is a Sales Manager at Cowbell; has been in the insurance industry for eighteen years; and had the chance to work at large national carriers, including Nationwide and The Hartford, where he worked in sales management. He was also a producer on both the independent and direct writer side at Federated Mutual Insurance and USI. For the past three years, Gabe has served as a Senior Territory Sales Manager for California, Arizona, New Mexico, Nevada, and Utah where he helps offer cyber risk solutions for the small-to-medium sized enterprises.

“Protecting Your Law Firm Against Cyber Attacks” lunchtime learning CLE is presented free for CCBA members on April 24, 2024.

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 or (702) 387-6011.

For more information about the CCBA’s CLE programming, contact Donna at the CCBA office at (702) 387-6011, donnaw@clarkcountybar.org.

Bar Services

Areas of Practice Listings Special Offer

Attorneys who are members of the Clark County Bar Association (CCBA) are invited to sign up to get their areas of practice listed in a special section of the “Membership Matters” issue of the COMMUNIQUÉ magazine (June/July 2024). To get listed, the CCBA member will need to complete the 2024 Areas of Practice Form by the published deadline.

See page 13.



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

Activities are planned from 10:00 a.m.–12:00 noon 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 to present information for service members on the base.

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, and September 12, 2024. Topics to be covered in the CLE programs will be related to family law, landlord-tenant law, military pensions, and immigration matters relevant to Nevada.

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



William Lewis. An F-22 Raptor takes off for a mission at Nellis Air Force Base, Nevada. Image courtesy of the Nellis Legal Office for editorial use by the Clark County Bar Association,

Activities continued on page 21

Lunchtime Learning CLEs

Law Day CLE Series

The Law Day CLE Series 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. Air Force members only. The Law Day CLE Series events will be held online from 11:30 a.m. to 12:45 p.m. and feature these presentations:

“A Bird’s-Eye View of Landlord-Tenant Law in Nevada (2024)”

- **Date:** May 10, 2024
- **Speakers:** Alex Cherup, Nevada Legal Services and Nick Haley, Legal Aid Center of Southern Nevada

“A Bird’s-Eye View of Immigration Law”

- **Date:** May 14, 2024
- **Speaker:** Kathia Quiros, GWP Immigration Law

“A Bird’s-Eye View of Family Law in Nevada (2024)”

- **Date:** May 22, 2024
- **Speaker:** Lorien Cole, Cole Family Law Firm

“A Bird’s-Eye View of Military Pensions”

- **Date:** Fall 2024 – Date to be announced
- **Speaker:** Marshal Willick, Willick Law Group

RSVP to CCBA at least 48 hours in advance of event: ClarkCountyBar.org, (702) 387-6011, or donnaw@clarkcountybar.org

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Bar Committees

Become an Active CCBA Member

CCBA members are invited to participate in planned activities of these bar committees:

- **Publications Committee**
– Plans content for upcoming issues of the bar journal *Communiqué*.
- **CLE Committee** – Plans CLE programs for the benefit of the Clark County Bar Association and Nevada legal community.
- **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.
- **Diversity and Inclusion Committee for Equity (DICE)**
– Plans activities to facilitate constructive discussion and enhance understanding of diversity issues.
- **Community Service** – Plans activities that provide outreach services to the community at large in southern Nevada.

For more information and to confirm meeting details, call the CCBA office at 702-387-6011.

Bar Services

Nevada Ballet Ticket Special Offer

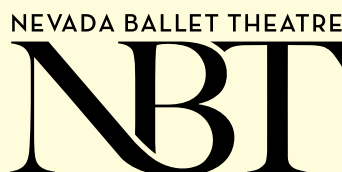
The CCBA has partnered with Nevada Ballet Theatre for the 2023-2024 season. The CCBA will get a limited number of VIP level seats for select performances of the Nevada Ballet Theatre productions listed below:

- **Swan Lake** – Sat. 4/27/2024 (7:30pm), Sat. 5/4/2024 (2:00pm) -*Update: Discount code only; no more free tickets.*

CCBA members are invited to request the use of the CCBA's tickets or the special code for discount pricing on the purchase of their own tickets.

Send requests via email to CCBA Executive Director Donna Wiessner at Donnaw@clarkcountybar.org.

*Restrictions apply. For more information, see <https://clarkcountybar.org/about/member-benefits/ccba-ballet-tickets-special-offer/> or call (702) 387-6011.



Bar Services

Baseball Tickets Special Offer

The CCBA holds a limited number of tickets to select home games for the 2022 Las Vegas Aviators season schedule. CCBA is pleased to offer* use of our available tickets to current and paid CCBA members on a first come, first served basis.

To request use of the CCBA tickets, CCBA members will need to submit a request, via email to DonnaW@clarkcountybar.org, with the following information:

CCBA member name
Email address – the email address associated with the Las Vegas Aviators' Ticketmaster account.
1st, 2nd, and 3rd choices of home game day (select from list below)
Let's go, Aviators!

Send requests via email to CCBA Executive Director Donna Wiessner at Donnaw@clarkcountybar.org.

*Restrictions apply. Use of tickets are restricted to paid CCBA members. CCBA's tickets are not available for use by persons with a free membership type (e.g. law student members). Participating members may only attend one game per season. For more information, see <https://clarkcountybar.org/ccba-baseball-tickets-special-offer/> or call (702) 387-6011.



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- Every Tuesday - Reyes De Plata
- Every Wednesday - Bark In The Park
- Every Thursday - \$2 Beer Night
- Friday, April 12 - Soft Henley Giveaway
- Saturday, April 13 - Dinosaurs Night
- Sunday, April 14 - Dinosaurs Day
- Friday, April 19 - Finn the Bat Dog Retirement Jersey Giveaway
- Saturday, April 20 - What If? Night 1
- Sunday, April 21 - Little League Day

	S	M	T	W	T	F	S
						29 RNO 7:05pm	30 RNO 7:05pm
31 RNO 12:05pm	1	2 SUG	3 SUG	4 SUG	5 SUG	6 SUG	
7 SUG	8	9 SL 7:05pm	10 SL 7:05pm	11 SL 7:05pm	12 SL 7:05pm	13 SL 7:05pm	
14 SL 12:05pm	15	16 TAC 7:05pm	17 TAC 7:05pm	18 TAC 7:05pm	19 TAC 7:05pm	20 TAC 7:05pm	
21 TAC 12:05pm	22	23 SAC	24 SAC	25 SAC	26 SAC	27 SAC	
28 SAC	29	30 RNO 7:05pm					

APRIL

	S	M	T	W	T	F	S
				1 RNO 7:05pm	2 RNO 7:05pm	3 RNO 7:05pm	4 RNO 7:05pm
5 RNO 12:05pm	6	7 RR	8 RR	9 RR	10 RR	11 RR	
12 RR	13	14 ELP 7:05pm	15 ELP 7:05pm	16 ELP 7:05pm	17 ELP 7:05pm	18 ELP 7:05pm	
19 ELP 12:05pm	20	21 TAC	22 TAC	23 TAC	24 TAC	25 TAC	
26 TAC	27	28 SUG 7:05pm	29 SUG 7:05pm	30 SUG 7:05pm	31 SUG 7:05pm		

MAY



GET TICKETS AT
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Technology in the District Court

By Jerry A. Wiese II, Chief Judge EJDC

Information technology (IT) has been the cornerstone for improvement and efficiencies in the Eighth Judicial District Court for many years. When I became Chief, I could not have imagined all the topics I would learn about with regard to the management of this court, information technology being one of them. These projects are complex, and the process of taking ideas to development then implementation and support is not as easy as it looks. We are fortunate to have such a capable IT leader (Mike Doan), and his stellar team. Our Enterprise Level applications are all designed, developed, and maintained by court employees—not vendors or contractors. These applications require continuous management and development as they grow with the court. I'd like to highlight just three incredible advances in recent years that come to mind.

Order in the court had been contemplated for well over ten years before it came to life. As result of the pandemic, Order in the court became the number one technology priority for then-Chief Judge Linda Bell. This application is astounding in its capability to manage the order activity of the court. I remember all too well the “in and out boxes” of the departments overflowing with paper, criticisms of lost or misplaced orders, and runners moving about the courthouse. Today, the process of submitting orders to the court is simply remarkable, providing departments with flexibility to manage orders through queues, unique authentication of the judicial signature, and immediate filing into the case and service. Since inception, this application has processed over 750,000 orders.

I wanted to highlight Automated Warrants because it doesn't get the attention it deserves. This application al-

All of the information, security protocols, and standards are imbedded within the application.

lows our community partners, law enforcement and child protective services to prepare, issue, and execute warrants within minutes. As a result, law enforcement and CPS workers no longer drive to the courthouse searching for judges' signatures and, most importantly, they can effectuate interventions in more expedient manner to keep our community and most vulnerable children safe. All of the information, security protocols, and standards are imbedded within the application. Having processed hundreds of warrants through this application, I know that the public would be so proud of how well we perform this function, all because of technology created and built by the district court. To date, the district court has processed well over 32,000 warrants for law enforcement and CPS.

Even more obscure but very worthy of recognition is the fascinating internal application creating dashboards for the internal users of the court. Originally used to create real time case management feedback through the development of a series of individual “dashlets,” this application is now experiencing exponential growth in that it has become the go-to for efficiencies for departments, the clerk's office and court administration. Whenever I hear there is a request for a report, the first question is “is there a dashlet

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.



for that?” If the data is in our system, our IT team has created the potential to automate reporting. It’s amazing to watch how powerful this tool is becoming for our court.

Finally, some insight on our move to Zoom for video conferencing. District Court IT tested multiple video conferencing software options, such as Cisco Webex, Microsoft Teams, Google Meet, GoToMeeting, Whereby, Court Call, Polycom RealPresence, Livestorm, Zoho Meeting, and Zoom. Zoom is the only provider that allows for H.323 room connectors (point-to-point video conferencing), as well as browser-based video connections. The H.323 room connector is necessary for communications with other justice partners, such as correctional facilities. The browser-based connection is vital for access to justice, especially in family court where there are a high percentage of *pro se* litigants. I’ve been happy with the results and certainly appreciate the increased access to justice capabilities as a result of video appearances.

I am so proud of this district’s focus on constant improvement for the public, our partners, and our staff. Each day we look to improve how we administer the court and I look forward to many more information technology improvements and advancements in the future. **C**

Activities continued from page 16

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:

1. How probate works, how long it takes, and what procedural steps are involved
2. What a special administration is, and what it allows you to do
3. Why probate approval is necessary, and how to get your settlement approved
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

- **RSVP to CCBA by 5/7/2024:** ClarkCountyBar.org, (702) 387-6011, or donnaw@clarkcountybar.org

Event sponsors



Leveraging Technology in Personal Injury Practice

By *Kenny Eliason and Dean M. Tingey*

Look – the personal injury law game has always been pretty cutthroat. To stay ahead, firms have to leverage the latest tech tools and solutions. I'm talking about more than just having a decent website. You need to integrate modern software and platforms into the core of your operations.

That is the only way to streamline processes, provide killer client service, and drive better results for your cases. Don't sleep on the power of technology - it can be a total game-changer for PI practices willing to adapt.

Case management systems

These centralized platforms allow you to organize every detail on every case in one place—documents, deadlines, communications, you name it. No more scrambling to put out fires or missing critical dates.

With platforms like CASEpeer or Filevine, everything is consolidated and easily accessible whenever you need it. Meeting notes, medical records, photographs from the scene - it is all there at your fingertips. And automatic deadline tracking? Game over. Never miss another statute of limitations.

Having a cloud-based case management system means your whole team can access key info from anywhere. There are no more bottlenecks or waiting around because someone is out of the office with the physical file.

Kenny Eliason, a Las Vegas entrepreneur, founded a successful marketing agency before co-founding RECORD. Combining his business acumen and passion for innovation, he now leads the development of transformative LegalTech solutions to revolutionize the client experience in personal injury law.

Dean M. Tingey, a dedicated personal injury attorney with over two decades of experience, built a high-tech law firm specializing in auto accidents. As co-founder of RECORD, he combines his legal expertise and passion for technology to drive innovative solutions that advance the field.

It's like having an extra member on your team making sure everything is accounted for, and nothing slips through the cracks. Major efficiency boost.

Document automation

Drafting and formatting legal documents manually is for birds. Get some document automation software to templatzize repetitive tasks like drafting demand letters, complaints, motions, etc. Just input the case specifics, and bang—a professional document is ready to go in seconds. It's a huge time-saver.

No more wasting countless billable hours retyping the same boilerplate sections or dealing with formatting issues. The templates handle all that. You just fill in the variable details for that particular case. Automatic TOCs, numbering, citing—the works.

With doc automation, you know you are getting a consistent, high-quality product every time. No risking silly errors from tedious manual drafting. It frees you up to focus on the higher-level legal work. And the best news yet? If you're using one of the modern case management systems, you likely have document automation already!



Client portals

Give your clients secure 24/7 access to their case materials through an online portal. They can see updates, documents, messages—everything. Transparency builds trust and keeps everyone informed throughout. With platforms like RECORD, offering such comprehensive access becomes even more straightforward, enhancing client satisfaction.

Gone are the days of clients bugging your paralegals for basic information or status checks. Now, clients have full visibility into what's happening with their cases. Less hand-holding equals more time to focus on actual legal work.

But it's not just about reducing hassles. Having an online client portal elevates the whole experience. Your clients feel like they are getting white-glove service, and you are using tech to make their lives easier during a stressful time.

Leveraging AI

The cutting-edge PI firms are even starting to explore ways to use artificial intelligence to work more efficiently, such as automated document analysis, legal research assistance, and even basic drafting tasks.

There are new emerging companies, like EvenUp, that are even using AI to do medical document analysis and automated demand generation. The time savings are incredible when you're using the tools correctly.

However, it is crucial to exercise caution when relying on AI in the legal industry. There have been instances where AI chatbots have invented case citations or made-up legal cases altogether, leading to potential disciplinary action for lawyers who used them without proper verification. Always double-check AI-generated content against reliable sources to ensure accuracy and avoid ethical pitfalls.

AI won't be replacing lawyers anytime soon. But it can be an incredibly powerful tool when leveraged properly. The firms figuring out how to capitalize on AI capabilities first are going to have a big leg up.

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At the end of the day, tech integration isn't just about being modern or looking cool. It directly impacts your bottom line as a PI firm. Streamlining operations means more productivity from your team. Better client experience means more referrals and positive reviews. **G**

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# In 2024, Technology Competency Is Imperative for Law Firms

By Jennifer L. Braster

**W**hen I first started practicing law in 2006, I was employed by the largest law firm in Nevada at that time. Surrounded by IT professionals in my family, the lack of use of technology at this firm dismayed me. For example, the law firm only had a policy of keeping paper files. Thus, if, for example, multiple attorneys were collaborating on a matter, they would need to make multiple working copies. If files went missing, often you saw assistants frantically trying to locate them in someone's office. Even in 2006, when I was a baby attorney, I knew the system was antiquated. Much to the displeasure of my secretary, I insisted that all matters I worked on be kept electronically and she scan all documents onto client files I created on the server.

Years later, in one massive case I worked on, another law firm substituted in as counsel, and the client file was provided to that law firm. A few months later, my law firm needed that file, and due to human error, the law firm had not kept a copy of the client file. Without my insistence that all of my files be kept electronically, the law firm would have had nothing. While technology can be intimidating, it is a necessary part of the practice of law. I learned that lesson early.

*Jennifer L. Braster is a founding partner at Naylor & Braster, a commercial litigation firm in Las Vegas, Nevada. Jennifer routinely practices in both the federal and state courts in Nevada and in the areas of commercial litigation, consumer finance, and appellate law. Contact her at 702-420-7000.*

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*Lacking competency in technology can result in ethical grievances, even if unintentional.*

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In 2012, the ABA amended Rule 1.1 of the Model Rules of Professional Conduct and added the following:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

(emphasis added). While Nevada has not, at least 40 states have adopted this duty of technology knowledge and competence. *See* <https://www.lawnext.com/tech-competence> (last visited March 6, 2024). Multiple states have added continuing legal education requirements for legal technology. *See* <https://www.embroker.com/blog/legal-technology-impact-law-practice-management/> (last visited March 6, 2024). Lacking competency in technology can result in ethical grievances, even if unintentional.

The resulting changes over the last 20+ years require attorneys to have that competency in technology to not only advocate for their clients but





also to effectively and efficiently operate their law firms. Law firms use technology in many areas, including document management, maintaining and sharing client information in a central (virtual) location, data security, and automating processes.

In a recent study by the ABA, the top five legal technology trends with law firms include: automation, artificial intelligence, cloud-based solutions, virtual legal assistants, and data privacy and cyber security. See [https://www.americanbar.org/groups/business\\_law/resources/business-law-today/2022-july/top-5-legal-technology-trends/](https://www.americanbar.org/groups/business_law/resources/business-law-today/2022-july/top-5-legal-technology-trends/) (last visited March 6, 2024). For instance, depending on the area of law an attorney practices, cloud-based ESI discovery is unavoidable. Over the last two decades, the number of ESI vendors has increased, with the types of services they offer multiplying. These services can range from cloud-based hosting of ESI databases for discovery to providing automated summaries of deposition transcripts. Paralegals with competency and experience in ESI discovery and cloud-based systems are invaluable.

In a recent study by the Association of Corporate Counsel's 2019 Global Legal Department Benchmarking Report, approximately 40 percent of attorneys e-contract management, document management, and e-signature technology as part of their practice. *Id.* With an overwhelming increase of attorneys and support staff working remotely in this post-COVID world, use of technology is vital. For instance, a product such as DocuSign allows individuals to execute documents wherever and whenever from their phone or laptop. The use of online filings with the court systems now avoids the 5 p.m. rush to the courthouse (replaced by the midnight rush to upload a filing).

Attorneys and law firms cannot put their heads in the sand and avoid the changes that come with technology. It is imperative in 2024 that attorneys stay up to date with technology, which includes having those resources and support staff that have technology competence and can assist. Without this, attorneys and law firms will not be able to keep up with the changes in the legal profession and the advantages that technology provides. 🗣️

### Lunchtime Learning CLE

## “Protecting Your Law Firm Against Cyber Attacks”

April 24, 2024

See page 14.



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# E-Everything & Self-Represented Litigants

By *Stephanie McDonald, Esq.*

If you've ever had a case with a self-represented litigant ("SRL"), you've surely wondered why they rarely follow the protocols of e-filing, e-serving, obtaining filings online, etc. The simple answer is that these tools are extremely difficult for non-legal professionals to navigate, and at times are different than systems available to attorneys and the court. This article hopes to dispel some myths and explain some barriers unique to SRLs.

## Why can't SRLs figure out how to e-file?

Mandatory e-filing rules have always allowed exceptions for indigent, disabled, and self-represented litigants. See NEFCR 4(b), EDCR 8.02(b). Most SRLs historically preferred to paper file documents, but they became e-filers out of necessity in 2020.

The e-filing process is far from intuitive. It includes mysterious fields and assumes knowledge of court operations that are beyond the understanding of most non-legal professionals. Do I file a new case? What code do I use? What's the location? Can I upload one attachment with everything?

Most SRLs (and attorneys who attempt to e-file when office staff are out) answer all these questions wrong. The Clerk's Office spends countless hours correcting improper e-filings: documents e-filed in the wrong case, multiple forms filed as one pdf, inappropriately initiating a new case that must be cancelled, etc. The result is cluttered up

dockets full of nonconforming documents.

Some tech-savvy SRLs mastered the system, but most resumed paper filing in person to avoid e-filing mistakes as soon as they were able.

## Myth #1: Anyone with a smartphone can e-file

Have you tried? I have. I've never succeeded.

The site itself is not fully mobile friendly. It encourages you to download an e-filing app, but clicking the download link leads nowhere. The upload feature doesn't let you select a file to attach. Even if it did, the system only accepts pdfs. Most people (myself included) don't know how to save or convert documents to adobe on their phone.

The bare minimum successful utilization of the e-filing system requires a proper computer, software that converts documents to pdf, and/or a scanner. Low-income households are increasingly dependent on smartphones as their only internet access and are not likely to have these tools.

## Myth #2: An e-filing account includes all case documents

Imagine your favorite (or least annoying) social media platform. Maybe you log in to see what other people are up to. Sometimes you share your thoughts or comment on other people's posts.

Now imagine your social media only allows you to view

*Stephanie McDonald, Esq.* works for Legal Aid Center of Southern Nevada where she has been the Directing Attorney at the Family Law Self-Help Center for 10 years. The center provided forms, information, and procedural guidance to over 86K self-represented litigants navigating family court last year.



your *own* postings within the past *six months*. You can't see anyone else's profile nor any messages they sent you. Your own posts vanish after six months.

An e-filing account works exactly this way: it only includes documents *you e-filed yourself* within the past *180 days*. It does not include documents filed by opposing counsel, other parties, or the court, and it deletes your filings after 180 days.

### Why won't SRLs e-serve?

Most SRLs are eager to register for e-service and are as frustrated as you that they do not get e-served after registering.

E-service depends on three things:

1. Both parties must be registered to e-serve each other. It just takes one uncooperative party to create an impasse.
2. The party must e-file the document themselves. Paper documents filed in person—which many SRLs resort to after failed e-filing attempts—are not e-served.
3. The system default is 'e-file only.' The filer must toggle to 'e-file and serve,' which is not obvious and missed by most SRLs.

### Why don't SRLs have all their documents?

There is no central location where documents are available to SRLs.

Their e-filing account only stores their own e-filings for 180 days.

If they are e-served, they receive a link to the document in an e-mail that is only valid for 30 days.

The final hope to track documents and case activity is the district court's online portal at [clarkcountycourts.us/portal](http://clarkcountycourts.us/portal). Even here, SRL options are limited.



Imagine again you are scrolling through social media and see a picture of a meal. You click the picture expecting to view the recipe, but nothing happens. By contrast, your social media influencer friend has an authenticated account and can see the recipe because they have a degree in social influencing.

These are the two types of portal experiences: attorneys have extended access and can view documents and minutes, while SRLs can only view the limited public information available.

If a case is sealed, SRLs can't see it at all. 🗋

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# Counseling Pro Bono Clients for the Non-Family Law Practitioner

By Homa Sayyar Woodrum, Esq.

**E**ven attorneys without family law experience can counsel pro bono clients. As trained legal professionals who have Nevada Rule of Professional Conduct 1.1 (Competence) top of mind, we have a lot to offer even if our substantive legal knowledge is not exhaustive. For the average indigent individual facing a court interaction, just consider “what could elevate their chance at telling their story in a way that offers them an authentic ‘day in court?’” An attorney with little to no hands-on family law experience can still use critical thinking skills in an Ask-a-Lawyer/Lawyer-in-the-Library context to give much-needed peace of mind to someone facing a daunting and complicated system. Hearing, “I feel so much better after talking to you,” after a short session with a legal aid client makes the effort all the more worth it.

While Access to Justice efforts are multi-faceted (state-wide and local forms, representation, training, etc.), there is something every attorney can offer whether they have expertise in family law: client counseling. Ask-A-Lawyer sessions are not a lightning round quiz to see how much you know about community property, child support calculations, or capacity in guardianship. Legal aid organizations have a plethora of resources for attorneys seeking general understanding of family law (including free continuing legal education courses and materials in divorce, custody, probate, guardianship, and more).

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In a way, pro bono counseling is the perfect setting for a prospective client to tell their story and have an attorney hone it in real time. What questions are raised for a law-trained listener when hearing a story for the first time? How can they then counsel the client to eliminate extraneous details or emotion clouding the core of their request? These tools are already in your toolkit, and you can share them with others.

If you still feel anxious about signing up for an Ask-a-Lawyer session (or two), consider shadowing a current volunteer. This practice is especially beneficial for newer admittees to the bar who may not have had direct client interaction experience before. With virtual opportunities, volunteering is more convenient than ever before. You’ll soon realize that what you are observing is not an attorney being put on the spot to reference statutes and procedures,

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*If you still feel anxious about signing up for an Ask-a-Lawyer session (or two), consider shadowing a current volunteer.*

but instead is a conversation aimed at empowering an individual intimidated by the system of your stock and trade. Sometimes that means talking someone through what to expect in a courtroom or encouraging them to reframe a narrative that comes off as “my ex isn’t doing right by our child” to “I’m here for a mutual interest in the best interests of our child.” (Same underlying facts, very different theme and tone.) Sometimes pro bono counseling means offering reassurance that the individual going it alone as a *pro se* litigant is doing a good job using the resources available to them in their case.

In the 1939 movie adaptation of Frank L. Baum’s *The Wizard of Oz*, the protagonists receive from the titular Wizard physical manifestations of the skills they had all along. As Glinda the Good Witch ultimately tells Dorothy Gale, “You’ve always had the power my dear, you just had to learn it for yourself.” Attorneys have the power to make a tough situation a little less so by offering a sympathetic ear and a little professional advice. **G**

## Community Outreach Opportunity

### Pro Bono Project

*Take one new case*

Legal Aid Center of Southern Nevada is the agency of last resort for many low-income individuals and families who face critical legal problems that affect their basic needs.

The Pro Bono Project coordinates private attorneys who generously volunteer to provide free legal assistance to individuals who cannot afford an attorney.

They need YOUR help to accomplish our mission of preserving access to justice for all Southern Nevadans. Getting involved in public interest law is essentially life changing.

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