Constitutional Law

NOVEMBER 2024

Lunchtime Learning CLE Webcasts
Free for CCBA members on November 14 and December 4, 2024
Pages 10 and 12

COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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

Feature

Costs are Key: Religious Accommodations in the Workplace after *Groff v. DeJoy*

By Daniel Aquino

Page 22

Features inside

Highlights

November 2024

COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

On the cover

Daniel Aquino outside the Lloyd D. George US Courthouse.

Features

Highlights

Columns

Spotlights

Departments

BRILLIANCE:

EXCEPTIONAL TALENT AND INTELLIGENCE. THAT'S GENEVIEVE ROMAND.

HENNESS & HAIGHT ANNOUNCES THAT GENEVIEVE ROMAND HAS BEEN PROMOTED TO PARTNER.

We've seen it in action. And you've probably seen it, too. Genevieve is strong, fierce and brilliant in every way.

Since graduating Cum Laude from the William S. Boyd School of Law in 2013, Genevieve has worked exclusively in Personal Injury Law. She's handled everything from claims cases to managing a full litigation case load—including trials, arbitrations, hearings and depositions. Genevieve absolutely loves helping her clients.

We are proud to announce that Genevieve is now a partner at Henness & Haight. Her positive influence and client care will continue to make a major difference in our Las Vegas community.

HENNESS & HAIGHT
INJURY LAW

702-862-8200 hennessandhaight.com

We accept Personal Injury and Worker's Compensation Cases. And we pay a generous referral fee as permitted by RPC 1.5(e).

COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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

Communiqué accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and advertisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association, the CCBA Publications Committee, the editorial board, or the other authors. All legal and other issues discussed are not for the purpose of answering specific legal questions. Attorneys and others are strongly advised to independently research all issues.

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

Editorial Calendar

Cover Date	Topic	Closing Date
December 2024	Pro Bono	11/1/2024
January 2025	Five Things	12/1/2024
February 2025	ADR	1/2/2025
March 2025	Family Law	2/1/2025
April 2025	Civil Procedure	3/1/2025
May 2025	Estate Planning & Probate	4/1/2025
June/July 2025	Membership Matters	5/1/2025
August 2025	First Amendment	7/1/2025
September 2025	Legislative Wrap-Up	8/1/2025
October 2025	Science & Technology	9/1/2025
November 2025	Mental Health	10/1/2025
December 2025	Pro Bono	11/1/2025

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

Advertiser Index

Advertisers, Sponsors

Bar Activities

Event Calendar

Please join us at these upcoming CCBA events:

- Nov. 14 **Recognizing and Responding to Microaggressions** Lunchtime Learning CLE – FREE for CCBA members – See page 10
- Dec. 4 **Recognizing Burnout: Building a Supportive Legal Workplace** Lunchtime Learning CLE – FREE for CCBA members – See page 12
- Dec. 5 **Annual Meeting & Volunteer Appreciation Luncheon** – See page 9
- Dec. 5 **Holiday Mixer Featuring Ugly Sweater Contest** – See page 9
- Dec. 10 **Roaring Since the 20s** – See page 13

Learn more at https://clarkcountybar.org/events/ or call 702-387-6011.

Bar Services

CCBA Memberships and *Communiqué* Subscriptions Expire December 31

Renew CCBA Membership Now

Communiqué subscription is included with the CCBA membership. CCBA membership is annual and expires on December 31.

Learn more at ClarkCountyBar.org or call the CCBA office at 702-387-6011.

Join/Renew Now
Scan the QR Code

Community Outreach

Support Mark's Blanket the Homeless Program

Help Give the Gift of Warmth

You can donate when you join or renew your CCBA membership. Or you can make a donation today.

Learn more at ClarkCountyBar.org or call the CCBA office at 702-387-6011.

Donate Now
Scan the QR Code

Rule of Law in Constitutional Issues

By Paul C. Ray

Congratulations to all the New Bar Admittees!

The Nevada Oath of Attorney requires us to support the Constitution and government of the United States and of the State of Nevada. What constitutional issues do you see arising or do you hear about in Nevada?

The Supreme Court of the United States bears responsibility to interpret what the Constitution means. Appearance before the Supreme Court is a specialized practice to itself.

Working with Supreme Court specialists can be an interesting process. They know that most commonly, petitions for certiorari are denied. But when the Court expresses interest in an issue, then the interest builds.

Two Supreme Court cases, which began in Nevada, show unfamiliar processes that can occur. The first case was an inverse condemnation claim against Clark County. The County successfully persuaded the Court to invite the Solicitor General to submit a brief as amicus curiae (friend of the court) on the issue of certiorari. The Solicitor General's procedure was to meet with both sides with a group of attorneys from the Department of Justice and from the relevant department and agency—in that case, the Transportation Department and the Federal Aviation Administration.

The presiding government attorney in the meeting had argued more Supreme Court cases than any other active attorney at that time, more than 100. Fortunately for our side, the government agreed with us that the Supreme Court of Nevada's decision was not "certworthy." So, the Supreme Court of the United States accepted the Solicitor General's recommendation to deny certiorari, leaving our favorable decision from the Ninth Circuit Court of Appeals intact.

What constitutional issues do you see arising or do you hear about in Nevada?

In the second case, a split of authority existed between the Seventh and Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals added to the intrigue with two dissenting judges from the ruling against us, including a 14-page dissent and another separate dissent about why the Ninth Circuit precedent should be overruled. Multiple Supreme Court specialists, including former acting Solicitor Generals and former law clerks to justices, contacted my client and me.

Although the Ninth Circuit Court of Appeals denied rehearing en banc, the Supreme Court accepted certiorari and ended up reversing and vacating a $1.2 billion Nevada U.S. District Court judgment. The oral argument was during the COVID outbreak, so oral argument was by phone, and the justices took turns asking questions to our selected lead counsel, Michael Pattillo. The Court held unanimously, 9-0, that the Federal Trade Commission (FTC) did not have jurisdiction to seek or obtain equitable monetary relief under Section 13(b) of the FTC Act, which allows the FTC to obtain injunctions in appropriate cases.

Contrary to public perceptions, the Court does not generally decide its cases on political lines. The Court's internal operating procedures are different than ours in Nevada. But the Court's procedures are published, and the Rule of Law still applies in the Supreme Court of the United States. C

Paul C. Ray *has practiced business and real estate litigation and appeals for 33 years and is with the law firm of Paul C. Ray, Chtd. He handles complex litigation matters and welcomes inquiries involving these. Paul serves as CCBA President through December 31, 2024.*

GGRM

NEVADA'S PREMIER INJURY LAW FIRM

Workers' Comp is NOT Personal Injury.

GGRM has mastered the confusing and complex workers' compensation system since 1970, securing medical and financial awards for tens of thousands of injured Nevadans. Our litigation experience spans from the Hearing Office to the Nevada Supreme Court. We don't interfere with your personal injury cases unless you'd like our help with those, too.

Generous referral fees under NRPC 1.5(e)

WORKERS' COMP BENEFITS INCLUDE:
Compensation Benefits • Medical Benefits
Vocational Rehabilitation Benefits • Death Benefits
Police/Firefighter Benefits • Reopening Benefits
Occupational Disease Benefits

GGRM SENIOR PARTNERS
(Pictured L to R) Lisa Anderson, Jason Mills, Toby Yurek

LAS VEGAS, NV
2770 S. Maryland Pkwy.
Suite 100
Las Vegas, Nevada 89109
702-384-1616

HENDERSON, NV
2475 Village View Dr.,
Suite 190
Henderson, NV 89074
702-384-1616

LAS VEGAS, NV
2200 S Rancho Dr
Suite 140
Las Vegas, NV 89102
702-384-1616

RENO, NV
5375 Kietzke Lane
Reno, NV 89511
775-553-0000

Client Counseling Competition: Alexandra Matloff, Althea Gevero, Nathan Lawrence, Dean Leah Grinvald, Katheryn Neugebauer (winner), Francesca Manz (winner), Kate Groesbeck, Andrew Craner, Bob Teuton, and Kayla Hall

Client Counseling Competition Highlights

On October 4 and 5, 2024, several members of the Nevada bench and bar volunteered to help judge the 26th Annual Client Counseling Competition at the William S. Boyd School of Law. Congratulations to the law student winners **Katheryn Neugebauer** and **Francesca Manz**!

Special thanks to all who signed up to judge the competition including:

- **Harrison Bohn**
- **LaTeigra Cahill**
- **Sean Cosley**
- **Andrew Craner**
- **Andy Donahue**
- **Cheryl Grames**
- **Kate Groesbeck**
- **Christopher Harmon**
- **Kathryn Hayes**
- **Leo Hendges**
- **Ramir Hernandez**
- **Kalani Hoo**
- **Danielle Jimenez**
- **Jonathan Kirshbaum**
- **Rachel Krumm**
- **Nathan Lawrence**
- **Xyzlo Lee**
- **Robert Lemus**
- **Kate Ludwick**
- **Eric Lundy**
- **Al Mateo**
- **Alexandra Matloff**
- **Caitlan McMasters**
- **Joe Morgan**
- **Cherae Muije**
- **Paul C. Ray**
- **Ryan Samano**
- **Atif Sheikh**
- **Lorin Taylor**
- **Robert Teuton**
- **Judge Robert (Bob) Teuton**
- **Michael Wendlberger**

The CCBA's New Lawyers Committee helped to organize volunteers for this event with co-chair Alexandra Matloff leading the effort. Alexandra worked with Boyd law students **Kayla Hall** and **Althea Gevero,** who coordinated the event at the law school.

For more information and to learn how to help with upcoming events, contact Alexandra Matloff at amatloff@wshblaw.com, Ben Doyle at bendoyle700@gmail.com, or Donna Wiessner at the CCBA office at (702) 387-6011.

New Lawyers Committee Dinner.
Back Row (l-r): LaTiegra Cahill, Alex Giuliani, Rob Teuton, Benjamin Doyle, Joseph Ostunio, Sean Cosley, Joshua Dresslove, Christena Georgas-Burns, Alexandra Matloff
Front Row (l-r): Isabel Teuton, Monica Moazez, Krissy Bohn, Mickey Bohn, Michael Wendlberger, Samuel Reyes

New Lawyers Dinner Highlight

In early October 2024, Mickey Bohn hosted the New Lawyers Committee for a convivial evening of light bites, fine wine, and great conversation at Sammy's in Henderson. Special thanks to Mickey and all who were able to participate!

Holiday Mixer on December 5, 2024

CCBA members are invited to attend the 9th Annual Holiday Mixer at ReBar+Davy's in the Las Vegas Arts District on December 5, 2024. Hosted by the New Lawyers Committee and DICE, the festive event will feature an ugly sweater contest and complimentary beverage and appetizers for CCBA members while supplies last. Sponsor is Worldwide Litigation. Sponsorship opportunities available. For more information, contact Donna Wiessner at donnaw@clarkcountybar.org, (702) 387-6011.

Clark County Bar Association

Annual Meeting and Luncheon

Featuring Guest speaker: State Bar of Nevada President Richard Dreitzer, CCBA Board Election

December 5, 2024 • 11:30 a.m. to 1 p.m.
Fogo de Chão Brazilian Steakhouse

360 E. Flamingo Rd., Las Vegas,

Pricing: $60/CCBA Member, $75/Non-member

RSVP to the CCBA required before 11/29/2024. Sponsorship opportunities available.

Contact Donna Wiessner at donnaw@clarkcountybar.org, (702) 387-6011

Clark County Bar Association

9th Annual

Holiday Mixer

Featuring Ugly Sweater Contest

Hosted by the CCBA's New Lawyers Committee and Diversity and Inclusion Committee for Equity (DICE)

December 5, 2024 • 5:30 p.m. to 8 p.m. • ReBar+Davy's

1225/1221 S. Main St., Enter thru Davy's side (boat on Main St.), Las Vegas

Sponsorship opportunities available.

RSVP to the CCBA required before 11/29/2024

Contact Donna Wiessner at donnaw@clarkcountybar.org, (702) 387-6011

Recognizing and Responding to Microaggressions CLE Program Free for CCBA Members on November 14, 2024

On November 14, 2024, from Noon-1:15 p.m., members of the CCBA and the Southern Nevada Association of Women Attorneys are invited to attend a live webcast of "Recognizing and Responding to Microaggressions," a DICE CLE program.

The presentation will be made by panelists:

- **Hardeep "Dee" Sull**
- **Olivia Serene Lee**
- **Augusta Massey**
- **Jilliane Jackson**

The panelists plan to address these topics:

- Definition of microaggression
- Bridging, creating a space that we all can belong
- Identifying microaggressions and types of microaggressions
- Invisible labor clause
- Conditional American: ABA 21-Day Racial Equity Invitation
- In the workplace and beyond
- With our clients
- In the courtroom and beyond
- Responses to microaggressions
- Bridging and belonging

Attendance to this live webcast is free and only for current CCBA and SNAWA members. This lunchtime learning program will be held via Zoom on November 14, 2024, from Noon-1:15 p.m. and offers 1.0 Ethics CLE credit for Nevada lawyers. RSVP to the CCBA is required by November 12, 2024.

During the event, attendance will be taken and only those Nevada lawyers in attendance who registered with the CCBA in advance 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).

RSVP to CCBA by 11/12/2024: https://clarkcountybar.org, Donnaw@clarkcountybar.org, or (702) 387-6011. C

DICE CLE Sponsors

LAS VEGAS LEGAL VIDEO
LVLV
TRIAL + VIDEO PROFESSIONALS

McDONALD CARANO
CELEBRATING OUR 75TH ANNIVERSARY

MURCHISON & CUMMING LLP

worldwide
LITIGATION SERVICES

Value Pricing for Select Dates

NEVADA BALLET THEATRE

The NUTCRACKER

Music by Peter Ilyich Tchaikovsky
Choreography by James Canfield

DECEMBER 14–27, 2024

"Winter's most festive spectacle!"

— DUJOUR MAGAZINE

NEVADA BALLET THEATRE NBT

THE SMITH CENTER®

(702) 749-2000 · NEVADABALLET.ORG

DANCER PHOTO BY BILL HUGHES FEATURING BETSY LUCAS.

Recognizing Burnout CLE Program Free for CCBA Members on December 4, 2024

On December 4, 2024, from Noon to 1:30 p.m., forensic psychology researcher and professor Dr. Alexis Kennedy, will make a special presentation of "Recognizing Burnout: Building a Supportive Legal Workplace" for the continuing legal education of Nevada lawyers in a program produced by the Clark County Bar Association's Diversity and Inclusion Committee for Equity and sponsored by McDonald Carano, Murchison & Cumming, LLP, and Las Vegas Legal Video.

Alexis Kennedy, J.D./Ph.D., is a forensic psychology researcher and professor in the Criminal Justice Department and School of Medicine at the University of Nevada, Las Vegas. As a well-respected expert with more than 30 years working with human trafficking victims, she knows intimately the risks of developing burnout and compassion fatigue. She works with first responders, health care workers, attorneys, and other helping professionals throughout the US and Canada to stay in important but difficult work without sacrificing their own health.

In the high-pressure environment of the legal profession, stress and burnout are common challenges that can significantly impact both personal well-being and professional performance. This workshop is designed to equip lawyers and support staff with the knowledge and tools to effectively support their colleagues, reduce stress, and recognize the early signs of burnout. The workshop will explore the nature of burnout, share tips for spotting it in yourself and others, and discuss practical ways to support your colleagues. The program will also look at how diversity, equity, and inclusion (DEI) play a crucial role in how stress is experienced and addressed, recognizing that people from different backgrounds may face unique challenges.

This special presentation offers 1.5 AAMH CLE credit for Nevada lawyers. Attendance to this CLE program will be free for CCBA members via Zoom, but it will *not* be recorded. RSVP to CCBA by 12/2/2024: https://clarkcountybar.org, Donnaw@clarkcountybar.org, or (702) 387-6011. **C**

SAVE THE DATE

Clark County Bar Association

Roaring Since the 20s

A special event to celebrate CCBA's 100(ish) Anniversary
Thursday, February 20, 2025 • 7 p.m. to 10 p.m.
The Underground located at The Mob Museum

Join in the fun as we travel back in time to the Prohibition era when the Clark County Bar Association (FKA Las Vegas Bar Association) started to serve the Nevada legal community.

DRESS FOR THE OCCASION
WEAR YOUR FINEST 20'S ENSEMBLE

Law firm sponsorships are available.

For more information, contact Donna Wiessner at (702) 387-6011, donnaw@clarkcountybar.org.

Clark County Bar Association

BANK OF NEVADA
A division of Western Alliance Bank. Member FDIC.

Business Court Bench-Bar Meeting

- **Host:** Eighth Judicial District Court
- **When:** November 7, 2024, Noon-1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 16A and Zoom
- **Agenda:** Alternative uses of ADR Services - Special Masters, Referees, etc.
- **Lunch Sponsors**: Hon. Jay Young (Ret.) for first 20-25 attendees
- **Contact:** hoskint@clarkcountycourts.us

Civil Bench-Bar Meeting

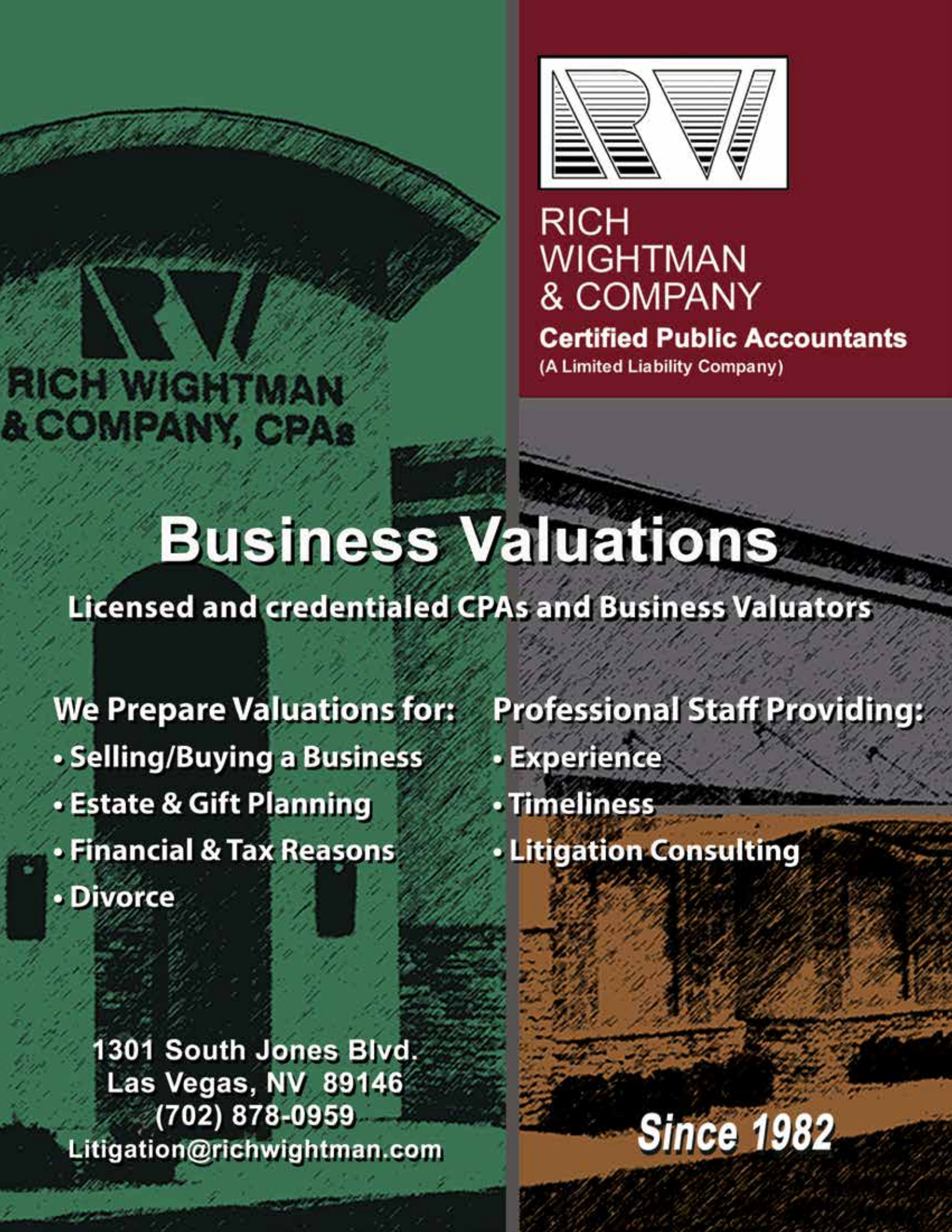
- **Host:** Eighth Judicial District Court – Civil Department
- **When:** December 10, 2024, Noon-1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 10D and Zoom
- **Topic:** TBA, end of year/holiday observance
- **Note:** No meeting in January 2025; 2025 schedule TBD
- **Contact:** EJDCBenchBar@gmail.com

Las Vegas Justice Court Order Regarding Defective Citations

On October 8, 2024, Chief Justice of the Peace Melisa De La Garza filed an order in the administrative matter regarding defective citations with the Las Vegas Justice Court. See Administrative Order #24-04.

Per the order, "[E]ffective immediately, if a misdemeanor citation contains a notice to appear in court on a Friday, Saturday, Sunday, or court holiday, that misdemeanor citation will be administratively dismissed without prejudice as deficient under NRS 171.1773."

Court *continued on page 16*



RICH
WIGHTMAN
& COMPANY

Certified Public Accountants

(A Limited Liability Company)

Business Valuations

Licensed and credentialed CPAs and Business Valuators

We Prepare Valuations for:

- Selling/Buying a Business
- Estate & Gift Planning
- Financial & Tax Reasons
- Divorce

Professional Staff Providing:

- Experience
- Timeliness
- Litigation Consulting

1301 South Jones Blvd.
Las Vegas, NV 89146
(702) 878-0959
Litigation@richwightman.com

Since 1982

Court *continued from page 14*

The court cited JCRLV 6.5, NRS 171.173(1), and the basic fact that the Las Vegas Justice Court does not conduct arraignments on misdemeanor citations on Friday, Saturday, Sundays, or court holidays, so citations which contain a notice to appear on any of those dates are inherently flawed.

Las Vegas Justice Court Administrative Order 24-03

On September 24, 2024, Chief Justice of the Peace Melissa De La Garza filed an order in the administrative matter of regarding customer service hours of the Las Vegas Justice Court. *See* Administrative Order 24-03.

Per the order,

> [E]ffective October 8, 2024, the customer services hours of the Las Vegas Justice Court will be from 7:30 AM to 5:00 PM, Monday through Thursday and from 8:00 AM to 4:00 PM on Friday, with the exception of holidays declared by state law....

Also, Administrative Order 24-03 further orders that:

> [I]n accordance with the above provisions, NRS 1.120, and Justice Court Rules of Civil Procedure (JCRCP) 77, Friday is deemed a judicial day for the purposes of computation of time in accordance with JCRCP 6 or any other deadlines to take action as set forth in the Nevada Revised Statutes (NRS)."
>
> [T]his Order will remain in effect until modified or rescinded by a subsequent order.
>
> [T]this Administrative Order supersedes Administrative Order # 21-08 which is no longer in effect.

For more information abour Las Vegas Justice Court, visit https://www.lasvegasjusticecourt.us/

Western Alliance Bank®

BANK OF NEVADA®

NewLaw Banking Solutions **for the Legal Industry**

Bank of Nevada, a division of Western Alliance Bank, has a long history of serving the legal community. Our NewLaw banking experts understand the complete banking needs of law firms, legal technology providers and other businesses that are adapting to - and driving - change in the market for legal services. We offer comprehensive banking services, from partner buy-in loans for large and boutique law firms to assistance with early-stage financing for legal techs. Our solutions are delivered with a deep understanding of the legal landscape and a white-glove approach to client service.

Trusted banking right where you are, powered by the strength of Western Alliance Bank.

TRUSTED. PROVEN. RELIABLE.

- Deposit and IOLTA Accounts[1]
- Loans and Financing[2]
- Settlement Services
- Digital Disbursements[3]
- Treasury Management Solutions[4]

Connect with us at
bankofnevada.com/plus

Sarah Guindy
Senior Director
NewLaw Banking
(702) 252-6452
sguindy@bankofnevada.com

1. Refer to the disclosures provided at account opening and the Schedule of Fees and Charges for additional information. 2. All offers of credit are subject to credit approval, satisfactory legal documentation, and regulatory compliance. 3. Digital Disbursement is a subsidiary of Western Alliance Bank. 4. All offers of credit subject to approval. Some products and services may be subject to prior approval or fees. Please contact a Treasury Management Advisor and Relationship Manager for additional details that may apply based on products and services. selecte selected

Eroding Civility and Its Effects

By Chief Justice Elissa Cadish

In recent years, there has been a growing and alarming lack of civility in our legal system generally, and relatedly, a seeming increase in mental health concerns and effects of stress among members of the legal profession. There have been threats and attacks on judges across the country, including here in Nevada. In 2006, a judge in Reno was shot in his chambers by a litigant. In 2010, a court security officer was shot at the federal courthouse, in Las Vegas, by a litigant in a case pending before that court. More recently, earlier this year, a judge in Las Vegas was attacked by a party in her courtroom. We are all aware of an incident at a deposition in Las Vegas several months ago where an attorney shot and killed two people, including opposing counsel, before turning the gun on himself. I am also aware of several other attorneys and judges who have taken their own lives in the last five to ten years.

It seems to me that we all need to step back and consider how the stressful and adversarial nature of handling legal cases is affecting us. All participants in the legal system have important jobs, and every legal case is indeed important. However, litigating a case in the legal system should not literally involve going to war. Attorneys can advocate, vigorously, for their clients without demonizing the parties and lawyers on the other side. Judges should rule on cases fairly, without attacking attorneys and parties who appear before them. Television show judges should not be our role models! These personal attacks and personal conflicts are taking a toll on our mental health. Moreover, this warrior mindset affects our clients. Attorneys are supposed to be the objective ones who give reasonable analysis and advice, not the ones amping up our clients about what horrible people those on the other side are. We need to bring the temperature down and recognize that we have far more in common than our differences. We need to recognize that we are all human beings and we all deserve a little bit of grace once in a while. When we see another attorney (or party) dealing with personal struggles, we need to offer help and support rather than taking advantage of a perceived weakness.

Please take a moment and consider your own mindset about the cases you are involved in.

Please take a moment and consider your own mindset about the cases you are involved in. Have you gotten too personally caught up in the day-to-day battles? Are you turning to alcohol or other substances as the only way to relax and stop thinking about work? Have you thought about harming yourself or others? If so, please get counseling or other help before it is too late. C

Chief Justice Elissa Cadish *was elected to the Supreme Court of Nevada in 2018, joining that court in 2019. She assumed the position of Chief Justice on January 2, 2024. Chief Justice Cadish served as a district judge in the Eighth Judicial District Court from 2007 to 2018.*

JAMS Nevada

Custom ADR Processes to Resolve Conflict at Any Stage

Hon. Nancy L. Allf (Ret.)

Hon. Stewart L. Bell (Ret.)

Hon. Jim Crockett (Ret.)

Hon. Mark Gibbons (Ret.)

Floyd A. Hale, Esq.

Hon. Carl W. Hoffman (Ret.)

Eleissa Lavelle, Esq.

David S. Lee, Esq.

Hon. Peggy A. Leen (Ret.)

Hon. Philip M. Pro (Ret.)

Hon. David Wall (Ret.)

Highly Skilled Mediators & Arbitrators

jamsadr.com/lasvegas
702.457.5267

Local Solutions. Global Reach.®

JAMS®

Trump Decisions Alter Landscape of Presidential Election and Constitutional Law

By Grover D. Merritt

In *Trump v. Anderson*, 601 U.S. 100 [144 S.Ct. 662, 218 L.Ed.2d. 1] (March 4, 2024) and *Trump v. United States*, 603 U.S. ___ [144 S.Ct. 2312, ___ L.Ed.2d. ___] (July 1, 2024), former President Donald Trump scored victories on ballot and immunity issues as he seeks to join Grover Cleveland as a president to serve two non-consecutive terms. These decisions frame the current presidential election season and define how future presidents may be considered under the criminal law.

Anderson

Anderson involved review of a Colorado Supreme Court decision denying Trump a presidential primary ballot position because he purportedly participated in an insurrection on January 6, 2021, regarding the Electoral College vote certification for Joe Biden to become President. In the case, opposing counsel to Trump had argued that the Fourteenth Amendment to the U.S. Constitution and statutes appurtenant thereto barred him from any ballot in the course of seeking the presidency. The Fourteenth Amendment's Section Three provides that one who has previously taken an oath to support the Constitution and then engages in "insurrection or rebellion" against the United States cannot hold a civil or military office later.

These decisions frame the current presidential election season and define how future presidents may be considered under the criminal law.

The Denver trial court partially ruled against Trump, finding while he participated in insurrection, the insurrection provisions did not apply. The Colorado Supreme Court, however, ordered their secretary of state not to list Trump on the ballot or count any "write in" votes for him.

The U.S. Supreme Court, in turn, held that only the Congress may disqualify persons from holding federal offices or from being federal candidates under the Fourteenth Amendment's Section Three. "We conclude that States may disqualify persons holding or attempting to hold *state* office. But States have no power under the Constitution to enforce Section 3 with respect to federal offices, especially the Presidency."

***Grover D. Merritt** is a retired prosecutor. Mr. Merritt received his law degree from Marquette University Law School in Milwaukee, WI. in 1984 and was admitted to the State Bar of California that December.*

Trump v. United States

In *Trump v. United States,* a grand jury indicted Trump on allegations of 2020 election interference and the January 6 events. Trump challenged the indictment, arguing that his acts as president were immune from use against him in criminal prosecutions. Such prosecutions cropped up in New York County, New York (Manhattan); Fulton County, Georgia (Atlanta); D.C.; and Southern Florida as the election year loomed. The federal district court and the court of appeals concluded that Trump was not immune because his presidential actions allegedly violated generally applicable criminal laws.

The U.S. Supreme Court reversed those decisions and returned the case to the district court. The Court's ruling had five significant sections regarding a president's actions: (1) For acts involving core constitutional powers—such as issuing pardons or firing executive officers—former presidents are immune from subsequent prosecution. (2) For "official acts," that is, acts within the perimeter of the president's official responsibilities, former presidents are at least *presumptively* immune. That is, such acts are immune unless the prosecution shows that criminalizing the relevant act poses "no dangers of intrusion on the authority and functions of the Executive Branch." (3) There is no immunity for "unofficial acts." (4) However, immunized conduct cannot be used as evidence in prosecutions for such unofficial acts. (5) Finally, a president's motives cannot be used in separating official acts from unofficial acts.

Thus, the Court held, Trump is immune from prosecution related to communications with the Justice Department. The Court also ruled that Trump is at least presumptively immune from prosecution regarding Electoral College discussions with former Vice President Mike Pence. Categorizing other Trump acts as "official" or "not official" was left to the trial court.

This decision mostly tracks prior cases where presidents argued that they were immune from legal action, such as *Clinton v. Jones*, 520 U.S. 681 (1997) (finding no tolling of civil litigation over pre-presidency acts) and a triad of cases involving President Richard M. Nixon. *See United States v. Nixon*, 418 U.S. 683 (1974) (noting president must comply with grand jury subpoena for records); *Nixon v. Fitzgerald*, 457 U.S. 731 (1982) (dividing "official acts" from "unofficial acts" for presidential civil immunity); *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977). **C**

Costs are Key: Religious Accommodations in the Workplace after *Groff v. DeJoy*

By Daniel Aquino

Title VII of the Civil Rights Act of 1964 prohibits religious discrimination in the workplace. Covered employers are required to reasonably accommodate an employee's religious belief, observance, and practice, unless doing so would create an "undue hardship on the conduct of the employer's business." 42 USC § 2000e(j). In June 2023, the Supreme Court of the United States clarified the "undue hardship" standard in *Groff v. DeJoy*, effectively upending nearly 50 years of precedent. 600 U.S. 447 (2023). Prior to *Groff*, courts applied a "*de minimis*" standard under which an employer could rely on a minor increase in cost or operational difficulty as an "undue hardship" to justify denial of a religious accommodation. *Groff* replaced the "*de minimis*" standard with a more stringent inquiry that requires employers to prove "the burden of granting an accommodation would result in substantial increased *costs* in relation to the conduct of its particular business." *Id*. at 470 (emphasis added).

Post-*Groff*, cost analysis must support undue hardship

While the jurisprudence surrounding *Groff* continues to develop, the following three decisions help clarify an employer's duty when evaluating a religious exemption request. Specifically, an employer should not assume it can demonstrate an undue hardship simply by citing generally to an operational disruption, a generalized increase in costs, or even a safety threat. Rather, an employer's consideration of a religious accommodation request, in any context, must include an evaluation of the specific financial costs associated with granting the exemption. The employer should then evaluate whether such costs are a burden that is substantial in the overall context of the employer's entire business.

While the jurisprudence surrounding Groff continues to develop, the following three [court] decisions help clarify an employer's duty when evaluating a religious exemption request.

- In *Bordeaux v. Lions Gate Ent., Inc.*, No. 2:22-CV-04244-SVW-PLA, 703 F. Supp. 3d 1117, 2023 WL 8108655 (C.D. Cal. Nov. 21, 2023), a production company employer argued that providing an actress a religious exemption to a COVID vaccine policy constituted an undue hardship. Due to local laws, granting the accommodation would have required an entire film crew to adopt social dis-

Daniel Aquino *is a partner at McDonald Carano LLP, where he serves as co-chair of the firm's employment & labor law practice. In addition to representing employers in litigated matters and administrative agency proceedings, Dan provides daily advice and operations-focused guidance to employers on a variety of topics.*

tancing protocols, including separate transportation, separate hair and makeup personnel, separate costume personnel, and separate changing rooms. The employer calculated these costs to exceed $300,000. The court found these costs sufficient under *Groff's* stricter standard, relying heavily on the specified costs to show an undue hardship. *Bordeaux*, 703 F. Supp. 3d at 1127 – 1128, 2023 WL 8108655 at *16 (confirming that "*Groff* requires financial analysis.")

- In *Smith v. Atlantic City*, No. 1:19-CV-6865, 703 F. Supp. 3d 511, 2023 WL 8253025 (D. N.J. Nov. 28, 2023), a firefighter working primarily as an air mask technician requested a religious exemption to a beard-grooming policy. Given that the policy ensured that respiratory masks created a tight seal from smoke, the court found that granting the exemption would create a significant safety risk, both to the plaintiff and other firefighters who might need to rescue him if his mask failed. Notably, even where the safety risk constituted an obvious undue hardship, the court grounded its discussion in financial analysis as required by *Groff*. *Smith*, 703 F. Supp. 3d at 519, 2023 WL 8253025 at *9 ("The [c]ourt is hard-pressed to imagine a circumstance that would create a greater undue burden—*or a higher cost*—on a fire department than the potential risk of injury or loss of life.") (emphasis added).

- Finally, in *Hebrew v. Texas Department of Criminal Justice*, 80 F.4th 717 (5th Cir. 2023), the court considered a prison guard's request for a religious exemption from a beard-grooming policy. The employer claimed a beard could hide contraband or be grabbed by a prisoner in an attack. While the court questioned the factual authenticity of these considerations, it emphasized that the prison failed to identify the *actual costs* of granting the accommodation, precluding a finding of undue hardship under *Groff*. *Id*. at 722-23 ("TDCJ nowhere identifies any *actual costs* it will face—much less 'substantial increased costs' affecting its entire business . . . TDCJ simply identifies its security and safety concerns without regard to *costs*.") (emphasis added).

Costs *continued on page 24*

Costs *continued from page 23*

Title VII's fundamental framework for religious accommodations remains unchanged

The Supreme Court of the United States described its opinion in *Groff* as a mere clarification to Title VII jurisprudence. *See Groff*, 600 U.S. at 471 ("We have no reservations in saying that a good deal of the EEOC's guidance in this area is sensible and will, in all likelihood, be unaffected by our clarifying decision today.") Thus, while the post-*Groff* jurisprudence demonstrates employers' increased burden to demonstrate undue hardship, employers should not interpret these decisions to effectively mandate granting all religious accommodations. For example, it remains the case that employers are not required to allow an employee to express religious beliefs in a manner that discriminates against or harasses other employees. *See Peterson v. Hewlett-Packard Co.*, 358 F.3d 599, 607-08 (9th Cir. 2004). Such disruptions would still constitute an un-

due hardship, though *Groff* would require an employer to specifically address the financial costs of such disruptions.

Further, *Groff* did not alter the threshold analysis of whether an employee's request for accommodation is religious in nature. Title VII continues to protect an employee's religious beliefs, but does not protect social, political, or economic beliefs, nor personal preferences. Likewise, while an employee's stated religious belief is assumed to be sincerely held, employers remain permitted to make limited factual inquiries where there is an objective basis for questioning the sincerity of that belief.

Most importantly, the post-*Groff* jurisprudence makes clear that employers should still analyze requests for religious accommodations on a case-by-case basis and carefully evaluate potential accommodations. Common religious accommodations may include exceptions to company policy (e.g., a dress code exemption to permit employees to wear religious attire) and modified work schedules or leave to permit observance of religious practices. Such religious accommodations must be provided to an employee unless the accommodation constitutes an undue hardship, as clarified by *Groff*.

Advance Opinion Summary (10-1-24)

By Joe Tommasino, Esq.

Supreme Court of Nevada

Anti-SLAPP statutes: To demonstrate by *prima facie* evidence a probability of success on the merits of a public-figure defamation claim, the plaintiff's evidence must be sufficient for a jury, by clear and convincing evidence, to reasonably infer that the publication was made with actual malice; while the plaintiff at this prong must prove only that their claim has minimal merit, a public-figure defamation claim does not have minimal merit, as a matter of law, if the plaintiff's evidence of actual malice would not be sufficient—even if credited—to sustain a favorable verdict under the clear-and-convincing standard. The anti-SLAPP statutes provide defendants with an opportunity—through a special motion to dismiss—to obtain an early and expeditious resolution of a meritless claim for relief that is based on protected activity. District courts resolve such motions based on the framework in NRS 41.660(3). Under the *first* prong, the court must "[d]etermine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern." If the moving party makes this initial showing, the burden shifts to the plaintiff under the *second* prong to show "with prima facie evidence a probability of prevailing on the claim." Here, the Supreme Court of Nevada considered the proper burden a public figure must carry to show a probability of prevailing on a defamation claim at the second prong. The court clarified that, under the second prong, a public-figure defamation plaintiff must provide sufficient evidence for a jury, by clear and convincing evidence, to reasonably infer that the publication was made with actual malice. ***Wynn v. The Associated Press*,** 140 Nev. Adv. Op. No. 56, ___ P.3d ___ (September 5, 2024).

Grand jury: (1) It is error for the state to give the grand jury an instruction that is unsupported by the evidence and does not address a necessary element of an offense under NRS 172.095(2); and (2) the state cannot avoid its obligation under NRS 172.145(2) to present exculpatory evidence to the grand jury by characterizing such evidence as merely inconsistent statements. Here, the state exceeded its statutory duty and gave the grand jury an improper and prejudicial instruction on grooming. The state also failed to present exculpatory evidence. The combination of these errors undermines confidence in the grand-jury proceedings and creates intolerable damage to the independent function of the grand-jury process. ***Chasing Horse (Nathan) v. Dist. Ct. (State)*,** 140 Nev. Adv. Op. No. 63, ___ P.3d ___ (September 26, 2024).

Law-of-the-case doctrine: Because previous rulings become the law of the case and district court judges have coextensive jurisdiction, judges should be reticent to overrule previous decisions by another judge absent compelling circumstances. The law-of-the-case doctrine prevents the reconsideration, during the course of a single, continuous lawsuit, of those decisions which are intended to put a particular matter to rest. When a case is transferred to a different or successor judge, the law-of-the-case

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

doctrine prescribes that, while not absolutely barred from reconsidering a predecessor judge's order, a successor judge should not do so merely because the later judge disagrees with the first judge. However, the law-of-the-case doctrine is not unlimited. Federal courts have identified these specific circumstances when a judge may revisit a prior ruling under the law-of-the-case doctrine:

(1) Where subsequent proceedings produce substantially new or different evidence;

(2) There has been an intervening change in controlling law; or

(3) The prior decision was clearly erroneous and would result in manifest injustice if enforced.

Here, the Supreme Court of Nevada explicitly adopted these exceptions to the law-of-the-case doctrine. The court further clarified that the law-of-the-case doctrine applies even to issues decided in interlocutory orders, despite language in NRCP 54(b) providing that a district court may revise an order or decision "at any time before" entry of final judgment. ***Litchfield v. Tucson Ridge HOA C/W 86245,*** 140 Nev. Adv. Op. No. 57, ___ P.3d ___ (September 5, 2024).

Parental rights: (1) Under NRS 128.107, courts must consider several factors in determining whether to terminate parental rights, including a parent's efforts to adjust their circumstances so that it is in the child's best interest to return home; (2) NRS 128.109 creates a presumption that termination of parental rights is in the best interest of the child when the child has been placed outside the home; (3) NRS 128.107 is limited to cases where children are not in the custody of either parent; and (4) NRS 128.109 is limited to NRS Chapter 432B cases. The Supreme Court of Nevada emphasized that a parent's inability to overcome financial barriers does not support a finding of abandonment, and a *pro se* and indigent parent's inability to navigate the judicial system also cannot be used as support for the finding of abandonment. ***In re: Parental Rights as to L.R.S., J.M.S. and J.L.S.,*** 140 Nev. Adv. Op. No. 62, ___ P.3d ___ (September 19, 2024).

Professional negligence: (1) A complaint that lacks an expert affidavit satisfying NRS 41A.071 cannot be amended to cure the deficiency, and an unsupported professional-negligence claim must be dismissed; and (2) the federal Public Readiness and Emergency Preparedness Act (PREP Act) bars a claim alleging a failure to obtain informed consent before administering a covered countermeasure. Although the claims against the defendant hospital were supported by a sufficient expert declaration, the claims were nevertheless barred by the PREP Act because the allegation that the hospital failed to obtain consent to administer remdesivir was related to the administration of a covered countermeasure. ***De Becker v. UHS of Del., Inc.,*** 140 Nev. Adv. Op. No. 58, ___ P.3d ___ (September 19, 2024).

Short trials: (1) In 2022, the Supreme Court of Nevada amended the Nevada Short Trial Rules (NSTR); (2) one amendment for NSTR 27(b)(4) increased the amount of attorney fees a short trial judge may award from $3,000 to $15,000; (3) the amendments became effective on January 1, 2023; and (4) the amendment to NSTR 27(b)(4) did not affect the parties' substantive rights but was instead a procedural rule change governing the available remedy.

When a statute or rule is amended, there is a general presumption in favor of prospective application. This general presumption does not apply to statutes or rules that

Summaries *continued on page 28*

do not change substantive rights and instead relate solely to remedies and procedure. Such procedural and remedial rule changes will be applied to any cases pending when enacted. Here, the specific amendment to NSTR 27(b)(4) at issue did not create or remove any conditions under which a short trial judge may award fees. Rather, the amendment simply increased the maximum amount of attorney fees a short trial judge may award. Thus, it did not create or remove any duty, right, or obligation; it simply "specifie[d] how those [preexisting] duties, rights, and obligations should be enforced." In other words, it may be reasonably characterized as a procedural amendment governing the available remedy. The amendment did not upset any reasonable expectations of the parties, and the district court did not err by applying the amended rule to this case. ***Griffith v. Rivera*****,** 140 Nev. Adv. Op. No. 60, ___ P.3d ___ (September 19, 2024).

Warranties: (1) The implied warranty of fitness for a particular purpose applies not just when a seller had actual knowledge of the buyer's intended purpose but also in cases in which the seller had reason to know of the particular purpose; (2) a warranty is not excluded when there is a latent defect in the goods that a simple examination would not detect; and (3) the economic-loss doctrine precludes tort claims where the only damage was to the product itself. Here, Hi-Tech's sale of goods carried with it an implied warranty of fitness for a particular purpose because Hi-Tech knew of the particular purpose of the aggregate (gravel and sand), and Pavestone relied on Hi-Tech's skill and judgment. Hi-Tech breached the warranty when it provided Pavestone with a product unfit for commercial paving. Pavestone is excused from not identifying the defect because it was latent and could not have been detected with a simple examination. Moreover, the economic-loss doctrine precludes Pavestone's noncontractual claims because Pavestone did not provide sufficient evidence of other property damage. The economic-loss doctrine bars tort claims in cases in which there is no personal injury or property damage. Accordingly, the Court affirmed the district court's judgment as to Pavestone's warranty claim but reversed its judgment regarding Pavestone's products-liability claims. ***Hi-Tech Aggregate, LLC v. Pavestone, LLC*****,** 140 Nev. Adv. Op. No. 59, ___ P.3d ___ (September 19, 2024).

Workers' compensation: (1) This opinion reconciles *Breen v. Caesars Palace,* 102 Nev. 79, 715 P.2d 1070 (1986), *Poremba v. S. Nev. Paving,* 133 Nev. 12, 388 P.3d 232 (2017), and NRS 616C.215(5), the statute that controls a workers' compensation insurer's lien rights; (2) there is no requirement that an insurer intervene or otherwise participate in the injured worker's third-party claim to recover on its lien under NRS 6160.215(5); (3) the *Breen* formula must be abandoned in favor of a straightforward lien analysis, under which the insurer's lien applies to recovery from any third parties for the covered injuries without an allocation of the injured employee's litigation fees and costs; (4) in contradiction of the holding in *Poremba,* NRS 616C.215(5) mandates that an insurer collect from the "total proceeds" of any recovery of an injured worker, including any portion allocated to noneconomic injuries; and (5) those portions of *Breen* and *Poremba* that are inconsistent with this opinion are overruled. Appellant Am Trust North America, Inc., a workers' compensation insurer, intervened as subrogee in a third-party lawsuit filed by respondent Ramon Vasquez, Jr., against multiple defendants in connection with injuries sustained in the course and scope of his employment. Eventually, Vasquez and the defendants reached a settlement agreement. On a subsequent motion to adjudicate Am Trust's workers' compensation lien based on Vasquez's settlement proceeds, the district court determined that, under *Breen* and *Poremba,* AmTrust was not entitled to recover any portion of the settlement proceeds despite its lien. On appeal, the Supreme Court of Nevada recognized that workers' compensation is a creature of statute. Accordingly, any changes in the workers' compensation program must come from the legislature, not the courts. Under NRS 616C.215(5), "[i]n any case where the insurer . . . is subrogated to the rights of the injured employee . . . the insurer . . . has a lien upon the total proceeds of any recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise." Although *Breen* correctly concluded that insurers are entitled to assess the total proceeds of third-party recoveries, meaning proceeds designated to compensate for both economic and noneconomic loss, nothing on the face of the statute requires insurers to bear a portion of the costs and fees incurred by an insured during third-party litigation. As neither NRS 616C.215(5) nor any other provision in the workers' compensation statutory scheme requires an insurer to monetarily contribute to third-party litigation before assessing its lien, *Breen* was wrongly decided. The court found sim-

ilar flaws in *Poremba*. Thus, the court clarified that "an insurer may assess the total proceeds of a third-party settlement, even where the matter is reopened pursuant to NRS 616C.390 and irrespective of whether the proceeds are designated as economic or noneconomic in nature." Litigants and courts should now rely wholly upon NRS 616C.215(5) and applicable surrounding statutes when adjudicating workers' compensation liens. ***AmTrust N. Am., Inc. v. Vasquez, Jr.,*** 140 Nev. Adv. Op. No. 61, ___ P.3d ___ (September 19, 2024).

Nevada Court of Appeals

Employment: (1) For a state employee to administratively appeal a workplace disciplinary action, NAC 284.6562(2)(b) requires the employee to attach a copy of the written notification of discipline to the appeal form; and (2) an employee may substantially comply with NAC 284.6562(2)(b)'s attachment requirement by accurately filling out and signing form NDP-54 and then supplying a copy of the written discipline in response to a motion to dismiss. The Court of Appeals also addressed procedural due process that is owed to permanent classified state employees during internal investigations conducted pursuant to NRS 284.387. The court concluded that *Cleveland Board of Education v. Loudermill,* 470 U.S. 532 (1985) defines such employees' due- process rights prior to the termination of employment. Under *Loudermill,* due process entitles employees to "oral or written notice of the charges against [them], an explanation of the employer's evidence, and an opportunity to present [their] side of the story" at a pretermination hearing. Because the employee here received the requisite notice, an explanation of evidence, and an opportunity to respond before the secretary of state terminated his employment, the hearing officer erred when she found that the employee's due process rights were violated during the state's pretermination investigation. ***State. Sec'y of State v. Wendland*,** 140 Nev. Adv. Op. No. 64, ___ P.3d ___ (September 26, 2024).

Resources

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

Find this column online

Read installments of "Nevada Appellate Summaries" on the CCBA's website: https://clarkcountybar.org/tag/nevada-appellate-court-summaries/.

Supreme Court of Nevada Docket Includes Fees and Costs Recovery in Constitutional Rights Cases

By John Fortin

Balancing a busy practice and taking on pro bono matters is difficult. Taking on complex constitutional rights violations cases can be even more difficult because those proceedings are usually drawn out over several years, involve significant motion practice, and end with a jury trial. While pro bono legal services should be just that—pro bono—fees and costs incurred (especially in complex constitutional rights matters) can certainly add up.

It will be some time before decisions are rendered, but there are two appeals pending before the Supreme Court of Nevada that could result in recovery for some fees and costs. First, in *Herndon v. City of Henderson*, Case No. 88497, the court will determine whether NRS Chapter 41 limits punitive damages when the government violates the Constitution of the State of Nevada (i.e., a *Mack* claim). Second, in *Spencer v. City of Henderson*, Case No. 88629/89007, the court will determine whether special damages are available under *Mack*.

If there is no bar to, or cap on, punitive and special damages, the Nevada legal community would be able to take advantage of these rulings and take on complex pro bono constitutional rights matters from Legal Aid Center of Southern Nevada knowing that there may be recovery for some fees and costs at the end. Favorable rulings in *Herndon* and *Spencer* would provide assistance to Nevada lawyers trying to balance their daily lives and their desires to give back to the community through accepting constitutional rights violations cases. C

John Fortin *is a commercial litigator and appellate attorney at McDonald Carano. He is a former law clerk to the Honorable Chief Justice James Hardesty of the Supreme Court of Nevada and served for over a decade in the U.S. Navy on active duty and continues to serve in the reserves today.*

Community Outreach Opportunity

Pro Bono Project

Please 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.

Please consider becoming a volunteer to help with the:

- Pro Bono Project
- Partner in Pro Bono Program
- Ask-A-Lawyer Program
- Federal Pro Bono Program
- Education Advocate Program
- Interpreter Program

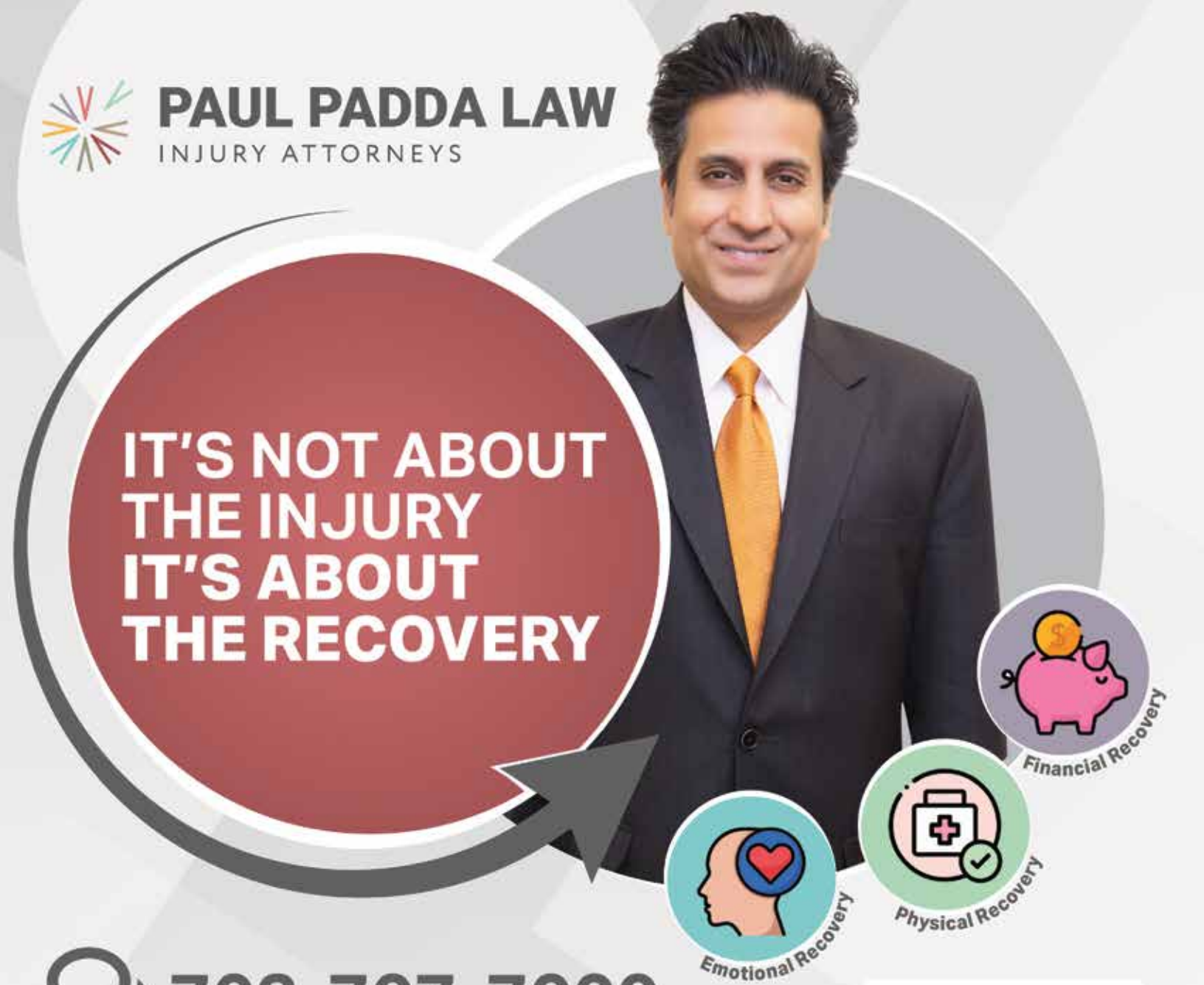
For more information, contact the Pro Bono Project at (702) 386-1070.

Sign up at https://www.lacsnprobono.org/.

Thank you!

LEGAL AID CENTER of Southern Nevada Since 1958

PAUL PADDA LAW
INJURY ATTORNEYS



IT'S NOT ABOUT THE INJURY IT'S ABOUT THE RECOVERY

702-707-7000

- Car Accidents
- Motorcycle Accident
- Slip and Fall
- Premises Liability
- Product Liability
- Medical Malpractice
- Nursing Home Abuse
- Brain Injuries
- Dog Bites
- Bicycle Accidents
- Employment Law
- Federal Litigation
- Catastrophic Accidents

4560 S Decatur Blvd Ste 300
Las Vegas, NV 89103

www.PaulPaddaLaw.com

Meet Your Judges Mixer Highlights

The CCBA's 33rd annual Meet Your Judges Mixer was held at Worldview atop the World Market Center on Thursday, September 5, 2024. View more highlights in photo album at https://photos.app.goo.gl/1eaCTTtEXwKTqXuW9.

Thank you to all the event sponsors!

Judge Alicia Albritton, Justice Elissa Cadish, Judge Barbara Schifalacqua

Justice Douglas Herndon, Judge Nancy Oesterle, Justice Ron Parraguirre

Veritext's Karen Eddington with Sam Reyes, and Ben Ross

Judge Greg Gordon, Emily McFarling, Judge Paul Gaudet

Paul Ray scores in Prominence Health Plan's football toss

Ellie with Kermani Concierge Medicine, Jackson Wong, Dr. Ben Kermani

Roland Jay Brunner, Forrest Zimmerman, Judge Deborah Westbrook, Jacquelyn Franco

Judge Deborah Westbrook, Judge Amy Wilson, Patty Davidson, Judge Nancy Oesterle, Dan Polsenberg, John Fortin, Justice Elissa Cadish, Justice Patricia Lee

Paul Ray and Sarah Guindy

Robert Kern, Paul Padda, Paul Ray, Judge Deborah Westbrook

Judge Nancy Oesterle, John Wightman

Armita Hashemi, Lawrence Hill, Richard and Patricia Wright

Andrew Clark, Peter Dubowsky, Montgomery Paek

Patty Davidson, Ashleigh Hauer, Joel Jarvis

Michael Wendlberger, Don Fritsch, Brandon Thompson

Thank you to all who attended the CCBA's


Judge Debra Weksler, Alexandra McLeod, Kristine Kuzemka, Judge Daniel Albregts


Julie Cavanaugh-Bill, Lorien Cole


Kari Stephens, Connor Sakati, Joe Morgan, Justice Kristina Pickering, Paul Ray


Judge Anna Albertson, Stephen Smith


Cecilia Robles, Dana Nitz, Leah Kiefer


Sunethra Muralidhara, Bill Voy


Bryce Kunimoto, Terry Coffing


Dan Polsenberg, Paul Ray, Jacquelyn Franco


Kim and Marcus Phillips

33rd Annual Meet Your Judges Mixer!

Judge Jacqueline Bluth, Judge Danielle Piper, Judge Maria Gall, Paul Ray, Judge Kelly Giordani

Cathy Mazzeo, Kari Stephens, Judge Anna Albertson, Jackie Franco

Quoc Thai, Eric Dobberstein, Judge Jerry Wiese

Alina Snell, John Wanderer, Elizabeth Foyt, Richard Dreitzer, Lorisa Loy

Raven Bridgeman, Paul Ray, Judge Jacob Reynolds

Justice Douglas Herndon, Michael Holthus, Judge Mary Kay Holthus, Brian Holthus, Judge Jacqueline Bluth, Brandon Thompson

Senior Judge Cheryl Moss, Genevieve Galman, Judge Mari Parlade

Michael Wendlberger, Steph Abbott, Paul Lal, Donna Wiessner, Paul and Georgann Ray

Recorded CLE Programs

The Clark County Bar Association (CCBA) is an Accredited Provider with the Nevada Board of Continuing Legal Education (CLE). CCBA offers recorded CLE programs for Nevada lawyers to download to a computer or mobile device for their review.

Many CLE programs available to stream from your desktop or mobile device!

Orders for recorded and alternative format CLE programs can be made online at ClarkCountyBar.org and via e-mail to Donnaw@clarkcountybar.org.

Find list of CLE programs at https://clarkcountybar.org/marketplace/cle-programs/ or contact CCBA Executive Director Donna Wiessner at Donnaw@clarkcountybar.org or (702) 387-6011.

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

2025 CCBA Executive Board of Directors Election Information

On Thursday, December 5, 2024, the Clark County Bar Association (CCBA) will hold the election for the 2025 CCBA Executive Board of Directors on the same day of the Annual Volunteer Appreciation Luncheon & Annual Meeting (see https://clarkcountybar.org/bar-luncheon-rsvp-form/). This year's ballot includes one uncontested race and one contested race. The uncontested race features two incumbents running to retain their seats on the board. The contested race features two nominees vying for one open position on the board. The open position was created from the appointment of a current director to serve as secretary/treasurer for the organization next year. Attorney members are invited to cast their vote electronically by visiting https://clarkcountybar.org on the day of the event or by absentee ballot before December 5, 2024. See below for more information about the candidates, polling information, absentee ballots, and additional members of the CCBA Executive Board of Directors.

Candidates *(terms to expire 12/31/2025):*
*Vote for **any (one or more)** to retain their current seat:*

- **Christena Georgas-Burns*** of Nevada Office of the Attorney General
- **Paul Lal*** of NV Energy
- **Candidates *(term to expire 12/31/2025):***
- *Vote for **only one** to fill one vacant seat:*
- **Benjamin Doyle** of Hooks, Meng & Clement
- **Alexandra Matloff** of Wood Smith Henning & Berman

Polling information for CCBA's election day:

Attorney members may cast their ballot electronically by visiting https://clarkcountybar.org on December 5, 2024.

Absentee ballot information:

Attorney members who cannot submit a ballot on December 5, 2024 (as outlined above), may mail, fax, or email a completed absentee ballot declaration and a ballot during a period of five (5) business days preceding the date of the Clark County Bar Luncheon and Annual Meeting to Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101, Fax (702) 387-7867, or Email Executive Director Donna Wiessner at DonnaW@ClarkCountyBar.org.

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

Additional members of the 2025 CCBA Executive Board of Directors:

- **Officers *(terms to expire 12/31/2025)*:**
- President 2025: **Joel Henriod*** of Eglet Adams Eglet Ham Henriod
- President-Elect 2025: **James T. Leavitt*** of Leavitt Legal Services PC
- Secretary/Treasurer 2025: **Heather Anderson-Fintak*** of Southern Nevada Health District
- **Judicial Appointee *(term to expire 2025)*:** The Honorable Bita Yeager of Eighth Judicial District Court, Dept. 1
- **Ex Officio *(term to expire 12/31/2025)*:** President 2024 **Paul Ray*** of Paul C. Ray, Chtd.
- **Directors *(terms to expire 12/31/2025)*:**
  - **Annette Bradley*** Retired
  - **Joshua Dresslove*** of Dresslove Law
  - **Jacquelyn Franco*** of Backus Burden
  - **Alia Najjar*** of Najjar Law Firm
  - **Michael Nunez*** of Murchison & Cumming, LLP

**Denotes person currently serving on the board.* C

CLE Reporting

Service included for participating Nevada lawyers

The CCBA can report the attendance by Nevada lawyers who have registered for and completed CCBA's CLE programs to the Nevada Board of Continuing Legal Education at no extra charge. Attendance reporting is done automatically for Nevada bar lawyers who attend our live webcasts and in-personal events.

For our recorded CLE programs, participating Nevada lawyers must submit to Donna at the CCBA (via Donnaw@clarkcountybar.org), the following information:

- Nevada lawyer's name and Nevada Bar #
- Title of the program
- Date on which they completed the program

NOTE: Submit the information to Donna BEFORE 12/20/2024, in order for her to report your attendance to the State Bar of Nevada in time to make the Nevada's 2024 CLE requirement's reporting deadline of 12/31/2024.

Bar Services

Sponsorship Opportunities

The Clark County Bar Association (CCBA) hosts events throughout the year for the members of our non-profit organization. Opportunities are available for select businesses to sponsor select bar events and services.

For more information about the opportunities, contact Donna at the CCBA office at 702-387-6011 or donnaw@clarkcountybar.org.

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.forensicdynamics.org Contact Jan Seaman Kelly at **702-682-0529** or email to **forensicdynamicsllc@gmail.com.**

Real Estate Expert Witness Scope of expertise includes: Standard of Care, Duties Owed by a Nevada Real Estate Licensee, Nevada Laws on Property, Agency, and Transaction Disclosures, Brokerage Agreements, Contracts, Leases, Property Management, Broker Supervision and Responsibilities, and Ethics of the Profession. CV, Fee Schedule, & List of Cases available upon request. Contact **Steven Kitnick 702-326-8722** or email to: StevenKitnick@NVRExpert.com visit: **www.NVRExpert.com**.

The Marketplace

Need to hire staff? Renting office space? Providing professional services? Place a classified ad. For more information about advertising in The Marketplace, see https://clarkcountybar.org/marketplace/classified-advertising-rates-specs/.

Bar Services

Advertising Opportunities

CCBA Members get discounted pricing and can benefit from complimentary design for their boxed or full page display ad!

Place a display ad to showcase:

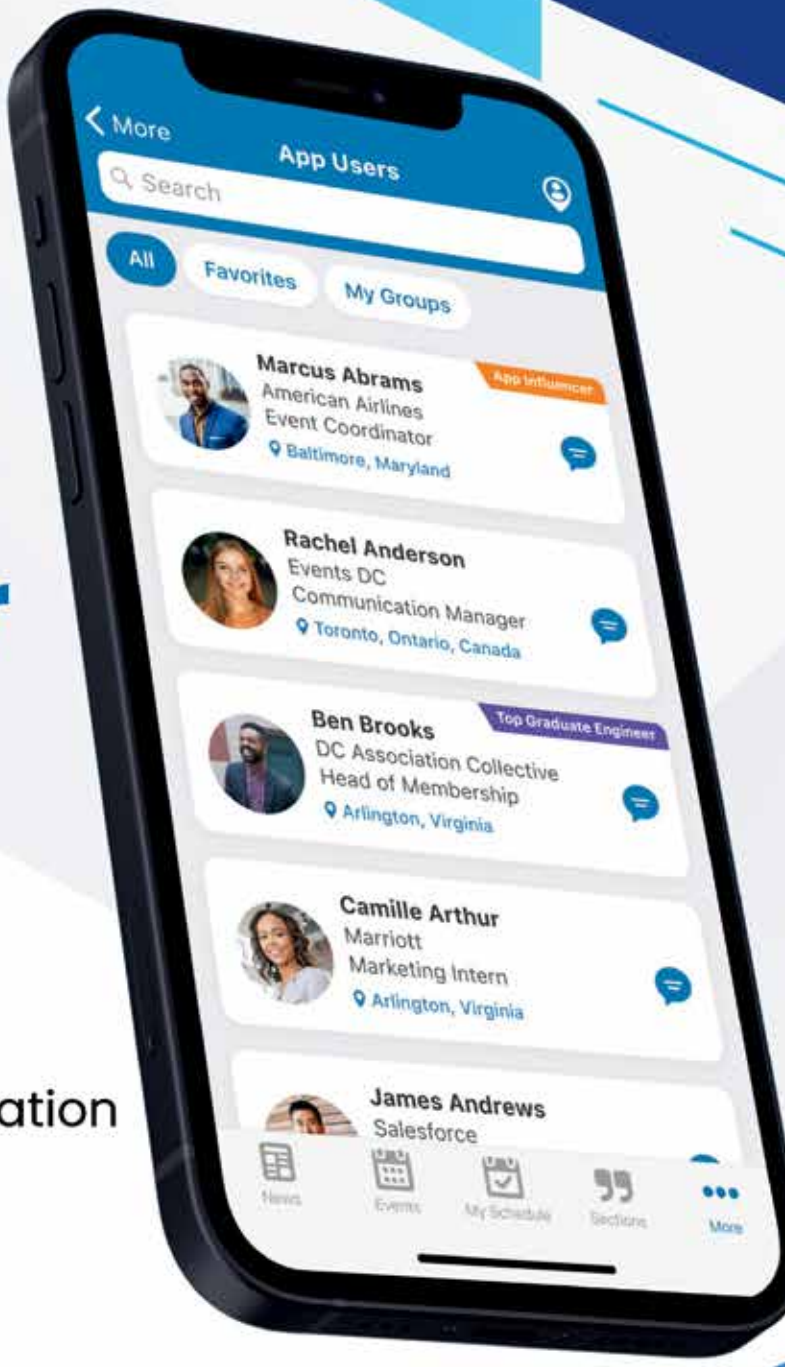
- Firm announcements
- Achievement awards
- Events
- Office, retail space
- Luxury and office products for legal professionals, law firms
- Professional services

Request a quote today!
Please include the size, format (color or grayscale), and cover date(s) for your ad placement. For more information, contact Stephanie at the CCBA office at 702-387-6011 or StephanieAbbott@clarkcountybar.org.

Now Introducing

SBN GO

The State Bar of Nevada's Official App



Features of SBN Go include:

- Event Calendar & Registration
- Attorney-to-Attorney Messaging
- Discussion Topics & Engagement
- News Feed & more!

Download on the App Store

GET IT ON Google play

SCAN ME

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

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