

January 2025

Lunchtime Learning CLE Webcasts

Free for CCBA members on January 23 and 29, February 13, April 30

See pages 8, 10, 12, 28



COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

The Five Things Issue



**Bar Luncheon
Featuring Nevada
Supreme Court
Update**
See page 8

**Five Major Changes
to the Nevada Rules of
Appellate Procedure**
See page 22

**Five Things About
the Amendments to
the Eighth Judicial
District Court Rules**
See page 24

**Five Things About
the Recent
Amendments to the
Justice Court Rules
of Civil Procedures**
See page 26

**Five Things About
Ramifications of
the Nevadans for
Fair Recovery
Ballot Initiative
on Nevada's
Legal
Community**
See page 28

**Pro Bono
Fact or Fiction**
See page 20

Chelsea Latino's "Five Things to Know When Contemplating a Writ Petition"

See page 21

The Nevada Court of Appeals Completes its First Decade

See page 18

40 Year Club Luncheon

See page 10

*On the cover: Chelsea Latino at the
Washoe County Courthouse in Reno.*



THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

Features

Five Things to Know When Contemplating a Writ Petition
By Chelsea Latino..... 21

Five Major Changes to the Nevada Rules of Appellate Procedure
By Cassandra S.M. Cummings 22

Five Things to Know About the Amendments to the Eighth Judicial District Court Rules
By Jeffrey P. Luszeck 24

Five Things to Know About the Recent Amendments to the Justice Court Rules of Civil Procedure
By Michael 'Bo' Anderson 26

Five Things to Know About the Ramifications of the Nevadans for Fair Recovery Ballot Initiative on Nevada’s Legal Community
By Robert Saavedra Teuton 28

Highlights

Lunchtime Learning CLE on January 23 8

Lunchtime Learning CLE on January 29 8

Bar Luncheon Featuring Nevada Supreme Court Update on January 30..... 8

Lunchtime Learning CLE on February 13 10

CCBA Anniversary Party on February 20..... 10

40 Year Club Luncheon Set for March 13 10

Suicide Awareness Charity Walk on April 26..... 12

Lunchtime Learning CLE on April 30 12

Mark’s Blanket the Homeless Program Update..... 16

On the cover

Author Chelsea Latino at the Washoe County Courthouse in Reno.

Columns

CCBA President’s Message
Please Come!
By Joel D. Henriod..... 6

View from Bench
The Nevada Court of Appeals Completes its First Decade
By Judge Michael Gibbons 18

Pro Bono Corner
Pro Bono Fact or Fiction
By Michael Wendlberger 20

Spotlights

Communiqué Editorial Calendar4

Bar Services5, 30

Bar Activities5

Bar Committees 10

Bar Benefit Offer 12, 28

Community Outreach 16, 20

Recorded CLE Library26

Departments

Table of Contents 2

About *Communiqué* 4

Advertiser Index..... 5

Bar Activities & Services 8, 10-12

Bar News..... 14

The Marketplace..... 30



A division of Western Alliance Bank. Member FDIC.



Clark County Bar Association presents

Nevada Supreme Court Update

Special presentation during the
Clark County Bar Luncheon

Thursday, January 30, 2025
Vic's Las Vegas

Check-in & Networking: 11:30 a.m. - 12:00
Luncheon Program: 12:00 - 1:00 p.m.

RSVP with payment to the CCBA
required by 1/23/2025

clarkcountybar.org
702-387-6011

RSVP NOW



Featuring
Hon. Douglas Herndon
Chief Justice, Supreme Court of Nevada

And
Swearing-in Ceremony of
CCBA's Board of Directors



COMMUNIQUÉ

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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

tisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association, the CCBA Publications Committee, the editorial board, or the other 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.

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Communiqué Editorial Calendar

Cover Date	Topic	Closing Date
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	Pro Bono	9/2/2025
November 2025	Mental Health	10/1/2025
December 2025	Science & Technology	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.

Advertisers, Sponsors

Advanced Resolution Management	19
Ara Shirinian Mediation	22
Bank of Nevada	3, 8, 10, 11
Eglet Adams Eglet Ham Henriod	10
First Legal	3, 8, 11
Forensic Solutions LLC	11
Heidari Law Group PC	32
Kermani Concierge Medicine	3, 8
Las Vegas Legal Video	8, 10, 25
Law Pay	27
Leavitt Legal Services	10
Legal Aid Center of Southern Nevada	20
Legal Wings	25
Nevada Ballet Theatre	12, 13
Nevada Legal Services, Inc.	15
Portraits to You	23
Prominence Health Plan	17, 29
Red Panda Systems	8, 10, 27
State Bar of Nevada	31
Washoe County Bar Assoc.	12
Welt Law	18

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

Contact: StephanieAbbott@clarkcountybar.org, 702-387-6011

Bar Activities

Event Calendar

Please join us at these upcoming CCBA events:

- Jan. 3 Community Service Committee Meeting - See page 10
- Jan. 8 CLE Committee Meeting - See page 10
- Jan. 9 New Lawyers Committee Meeting – See page 10
- Jan. 10 Publications Committee Meeting - See page 10
- Jan. 17 DICE Meeting - See page 10
- Jan. 23 Energy Healing: The Best Kept Secret to Legal Wellbeing & Performance! - See page 8
- Jan. 29 Five Things to Know When Contemplating a Writ Petition - See page 8
- Jan. 30 Clark County Bar Luncheon Featuring Nevada Supreme Court Update with Chief Justice Herndon - See pages 3, 8
- Feb. 7 Community Service Committee Meeting - See page 10
- Feb. 12 2025 Fentanyl Awareness Summit - See page 9
- Feb. 13 Busy Law Firm's Guide to Automation - See page 10
- Feb. 14 Publications Committee Meeting - See page 10
- Feb. 20 Roaring Since the 20s - See page 11
- Feb. 21 DICE Meeting - See page 10
- Mar. 13 40 Year Club Luncheon - See page 13
- Apr. 26 Out of the Darkness Las Vegas Walk - See page 12
- Apr. 30 Cross-Court Series: Part 2 - See page 12

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

Bar Services

Contact the CCBA

Reach out for information and updates about CCBA activities:

- 📞 702-387-6011
- 🌐 clarkcountybar.org
- 📧 @clarkcountybar
- 📘 @ccbanv
- 📷 @ccbanv
- 📺 @ccbanv

Subscribe to CCBA eNews: <https://eepurl.com/IUDcz>



Please Come!

By Joel D. Henriod

We have a fantastic calendar planned for 2025, including both the programming and events you count on—quality CLE seminars, grand annual occasions (such as the Meet the Judges Mixer, 40 Year Club induction ceremony, etc.), community service activities, and interesting luncheons—as well as new parties and opportunities to introduce and promote yourself. We hope you come, for our benefit and yours.

In keeping with the theme of this *Communiqué* issue, allow me to give five reasons to participate.

Networking opportunities

Your local bar association provides an unparalleled platform to build professional relationships. Regular meetings, events, and social gatherings allow attorneys to connect with peers, judges, and other legal professionals and vendors. These interactions can lead to collaborations, referrals, and mentorship opportunities that help attorneys enhance their practices and stay engaged with their legal communities. A strong professional network is vital for career growth, particularly in the legal field.

Professional development

The CCBA offers continuing legal education (CLE) programs, workshops, and seminars tailored to specific areas of law. Stay updated on changes in legislation, judicial decisions, and best practices. This maintains your competence and competitive edge, as well as enables you to meet ethical requirements, and at a bargain price.

Young attorneys, the CCBA offers you an entry platform for you to present a CLE program or publish an article in the *Communiqué*. Build your *curriculum vitae* by showcasing your budding expertise here.

Leadership and advocacy opportunities

The door is wide open to engage in our committees and ascend to leadership roles, first in those committees and then the organization itself. Come influence policy, address issues affecting the legal profession, and advocate for changes that benefit the bar and wider community.

Community engagement and pro bono work

The CCBA spearheads community service initiatives and pro bono programs. By participating, you can give back to the community and provide legal assistance to underserved populations. This not only fulfills an attorney's ethical duty to promote access to justice but also enhances public trust in the legal profession.

Resources and benefits

The CCBA provides members with a variety of resources, such as legal publications, access to specialized practice groups, and discounts on services and products relevant to legal practice. There is a lot here. Check it out.

Put simply, please resolve to engage this year. It will be good for us. It will be good for you. **G**

Joel D. Henriod is a partner at Eglet Adams Eglet Ham Henriod. Joel leads the firm's post-trial and appellate practice. Joel handles appeals and writes in the Supreme Court of Nevada and the federal Ninth Circuit Court of Appeals—both for the firm's clients and collaborating with other law firms. Joel serves as CCBA president through 2025.

SPECIAL EVENT



ROARING SINCE THE 20S

Celebrating CCBA's 100(ish) Anniversary

THURSDAY, FEBRUARY 20, 2025

7 P.M. TO 10 P.M.

The Underground
The Mob Museum

JOIN IN THE FUN • RSVP NOW

(702) 387-6011, clarkcountybar.org



Space will be limited to this exclusive event.
RSVP to the CCBA required by 2/6/2025.



C CBA members are invited to attend upcoming bar activities. Several are listed on the following pages and more are listed at clarkcountybar.org.

Lunchtime Learning CLE on January 23

Energy Healing: The Best Kept Secret to Legal Wellbeing & Performance!

- **Speaker:** Wendy S. Axelrod, Esq., ELI-MP, Empowered Mindset Coach & Energy Healer for Women Legal Professionals, and Founder of the Unstuck Axelerator™
- **When:** Thursday, January 23, 2025, Noon to 1:15 p.m.
- **Where:** Online via Zoom
- **Offers:** 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE credit for Nevada lawyers
- **Live webcast (via Zoom):** FREE for CCBA Members (2025) only
- **Recorded materials rental:** \$25/CCBA Member or \$50/non-member
- **RSVP by 1/21/2025:** <https://clarkcountybar.org/> or (702) 387-6011



Lunchtime Learning CLE on January 29

Five Things to Know When Contemplating a Writ Petition

- **Sponsors:** Bank of Nevada, Las Vegas Legal Video
- **Speakers:** Chelsea Latino, Partner, and Jane Susskind, Associate, McDonald Carano
- **When:** Wednesday, January 29, 2025, Noon to 1:15 p.m.
- **Where:** Online via Zoom
- **Offers:** 1.0 general CLE credit for Nevada lawyers
- **Live webcast (via Zoom):** FREE for CCBA Members (2025) only
- **Recorded materials rental:** \$25/CCBA Member or \$50/non-member
- **RSVP by 1/27/2025:** <https://clarkcountybar.org/> or (702) 387-6011



Bar Luncheon Featuring Nevada Supreme Court Update on January 30

- **Speaker:** Chief Justice Herndon, Supreme Court of Nevada
- **Featuring:** Swearing-In Ceremony of CCBA's 2025 Executive Board
- **Sponsors:** Bank of Nevada, First Legal, Kermani Concierge Medicine
- **When:** Thursday, January 30, 2025, 11:30 a.m.-1:00 p.m.
- Check-in & networking: 11:30 a.m.
- Luncheon program: 12:00 to 1:00 p.m.
- **Where:** Vic's Las Vegas, 355 Promenade Pl., Las Vegas (Near The Smith Center)
- **Choice of:**
 - 1/2 Tavern Club Sandwich and Cup of Minestrone Soup
 - Pomodoro Crust – Flatbread/pizza: pomodoro sauce, mozzarella cheese, olive oil, parsley gremolata (vegetarian)
 - Rotini Pasta Primavera (vegan)
- **Price:** \$60 per member or \$75 per non-member
- **RSVP to CCBA by 1/23/2025:** clarkcountybar.org or (702) 387-6011



CLE Sponsors



A division of Western Alliance Bank, Member FDIC.

Don't
#RiskItAllWithFentanyl

SAVE THE DATE!

Join Regional Partners for the

2025 FENTANYL AWARENESS SUMMIT

Wednesday, February 12, 2025 - 11 am-6pm

World Market Center
475 S. Grand Central Parkway, Las Vegas, NV 89106

SPEAKERS

- Punam Mathur, *Emcee*
- Sam Quiñones, *Journalist and Author*
- Honorable Steve Leifman, *Administrative Judge of the Miami Dade County Court*
- Medical Experts
- Various Community Leaders and Youth Prevention Advocates

Up to 5.0 general CLE credits for Nevada lawyers.

PURPOSE

- Learn updates on drug market trends
- Understand the impact of multiple overdoses on long term health
- Share model programs and local efforts to improve how the criminal justice system interacts with people with substance use disorders and mental illness
- Highlight ways to protect communities from the appeal of illicit substance use experimentation
- Showcase the role of youth, peer-to-peer outreach in social media and drug use prevention marketing



Already know you want to go?
Scan here to register



HENDERSON

PACT COALITION
PREVENTION. ADVOCACY. CHOICES. TEAMWORK



Bar Committees

Join a Bar Committee

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

To confirm dates, locations, and RSVP, call (702) 387-6011.

Lunchtime Learning CLE on February 13

A Busy Law Firm's Guide to Automation

- **Sponsors:** Bank of Nevada, Las Vegas Legal Video, RedPanda
- **Speaker:** Petar Petrovic, Partner Account Manager, Partnerships @ Clio
- **Course description:** With the right technology, law firms can automate many time-consuming tasks—spending less time on administrative work and freeing up more time for billable hours and attention to clients.
- **When:** Thursday, February 13, 2025, Noon to 1:15 p.m.
- **Where:** Online via Zoom
- **Offers:** 1.0 general CLE credit for Nevada lawyers
- **Live webcast (via Zoom):** FREE for CCBA Members (2025) only
- **Recorded materials rental:** \$25/CCBA Member or \$50/non-member
- **RSVP to CCBA by 2/11/2025:** clarkcountybar.org or (702) 387-6011

CCBA Anniversary Party on February 20

CCBA members are invited to attend our special event to celebrate CCBA's 100(ish) anniversary. 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 serving the Nevada legal community. Dress for the occasion! Wear your finest 20s ensemble!

Roaring Since the 20s

- **Sponsors:** Bank of Nevada, Eglet Adams Eglet Ham Henriod, and Leavitt Legal Services, PC
- **When:** Thursday, February 20, 2025, 7 p.m. – 10 p.m.
- **Where:** The Underground located at The Mob Museum
- **Price:** \$90/2025 CCBA member, \$90/guest of CCBA member. Each member limited to 1 guest.
- **RSVP deadline:** 2/6/2025: clarkcountybar.org or (702) 387-6011

40 Year Club Luncheon Set for March 13

Join us on Thursday, March 13, 2025, to celebrate 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 1985 and honor members admitted in 1980, 1975, 1970, and 1965.

All members of Nevada's legal community are welcome to attend; however, space will be limited. To reserve your seat, RSVP with payment to the Clark County Bar Association by March 6, 2025.

For more information, see page 11 and RSVP to the CCBA at <https://clarkcountybar.org/40-year-club-luncheon/> or 702-387-6011.



Scan QR & RSVP

Clark County Bar Association (CCBA)

40 YEAR CLUB

Induction Ceremony & Luncheon

Thursday, March 13, 2025

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

Master of Ceremonies: Dan Polsenberg of Lewis Roca

Inductees - 40 Years (Admitted 1985)

John R. Bailey of Bailey Kennedy, LLP
Douglas M. Cohen of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
Stephen J. Erigero of Ropers Majeski
Hearing Master JD Evans of 8th Judicial District Court
Frances-Ann Fine of Kristina Wildeveld & Associates
Elizabeth G. Gonzalez
Lynn M. Hansen
Hon. Susan H. Johnson of 8th Judicial District Court
Ira S. Levine of Levine Garfinkel & Eckersley
Troy E. Peyton of Pyatt Silvestri
Joel G. Selik of Joel Selik Attorney at Law

Honorees - 45 Years (Admitted 1980)

Mark D. Lerner of Mark Lerner Law LLC
Bruce S. Dickinson of Thorndal Armstrong, PC
Frank A. Ellis, III of Kearney, Puzey & Damonte
Hon. V. Cam Ferenbach
Hon. Michael Gibbons of Nevada Court of Appeals
Jodi R. Goodheart of Greenberg Traurig, LLP
Richard A. Harris of Richard Harris Law Firm
Stephen S. Kent of Gordon Rees Scully Mansukhani, LLP
John W. Muije of John W. Muije & Associates
Gary E. Schnitzer of Schnitzer Johnson & Watson, Chtd.
Don Springmeyer of Kemp Jones LLP
Kenneth A. Woloson of Kenneth A. Woloson Law Office
Viveca Monet Woods

Honorees - 50 Years (Admitted 1975)

Steven J. Parsons of Law Offices of Steven J. Parsons
Robert M. Apple of Robert M. Apple & Associates
Peter C. Bernhard of PB Consulting LLC
Andrew S. Brignone of Brownstein Hyatt Farber Schreck, LLP
Michael E. Buckley of Fennemore Craig
Hon. James W. Hardesty of Dispute Resolution Service
Samuel A. Harding of Claggett and Sykes Law Firm
John Hall Howard, Jr. of John Hall Howard, Jr., Ltd.
Dennis L. Kennedy of Bailey Kennedy
Richard A. Koch of Koch & Brim LLP
Kirk B. Lenhard of Brownstein Hyatt Farber Schreck, LLP
Charles H. McCrea of Hejmanowski & McCrea

Honorees - 55 Years (Admitted 1970)

Gerald I. Gillock of Gerald I. Gillock & Associates
Jay H. Brown of Jay H. Brown, Ltd.
Hon. Michael A. Cherry of Supreme Court of Nevada
Hon. Roger L. Hunt Sr. of U.S. District Court
William S. Skupa
Bruce L. Woodbury of Woodbury Law

Special Event



A division of Western Alliance Bank, Member FDIC.



Join us!

When: Thursday, March 13, 2025
Check-in & Networking: 11:30 a.m.
Luncheon: 12:00-1:30 p.m.

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

Entrée options:

- Chicken Marsala
- Grilled Scottish Salmon
- Penne Vodka

Attendance fee/per person:

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

Submit RSVP /

Payment to:

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

RSVP to CCBA by 3/6/2025

Cancellation policy:

Cancellations must be submitted in writing to the CCBA via email to Donnaw@clarkcountybar.org by 3/6/2025 with qualifying refunds of the event registration fee less a \$15 processing fee. No refunds will be issued after 3/6/2025.

*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.

Bar Benefit Offer

Nevada Ballet Theatre Special Offers

The CCBA has partnered with Nevada Ballet Theatre for the 2024-2025 season.

The CCBA will get a limited number of VIP level seats for select performances of the Nevada Ballet Theatre productions.

All That Jazz:

Sat. 2/2/2025 (7:30 p.m.)

Peter Pan:

Sat. 4/19/2025 (7:30 p.m.)

Sat. 4/26/2025 (2:00 p.m.)

CCBA members are invited to request the use of the CCBA's tickets!

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

No more free tickets from the CCBA?

Request the CCBA's special code for discount pricing on the purchase of your own tickets.

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

NEVADA BALLET THEATRE
NBT

Suicide Awareness Charity Walk on April 26

Join CCBA's team in this charity walk to benefit the American Foundation for Suicide Prevention.

Out of the Darkness Las Vegas Walk

- **When:** April 26, 2025, 9:00 a.m.
 - **Where:** Sunset Regional Park, 2601 Sunset Rd, Las Vegas, NV 89120
 - **Who:** CCBA members, friends, and family
 - **Sign-up now:** <https://supporting.afsp.org/team/357531>
- For more information, contact Stephanie at CCBA office 702-387-6011.

Lunchtime Learning CLE on April 30

Join this special program produced by the Washoe County Bar Association (WCBA) and the Clark County Bar Association (CCBA) in their continued cross-court webinar series featuring judges from both jurisdictions.

Cross-Court Series: Part 2

- **Speakers:** Chief Judge Jones of the Second Judicial District Court & Judge Hoskins of the Eighth Judicial District Court
- **When:** Wednesday, April 30, 2025, Noon to 1:00 p.m.
- **Offers:** 1.0 general CLE credit for WCBA & CCBA members
- **RSVP to the WCBA:** wcbar.org

Washoe County Bar Association & Clark County Bar Association Present...



CROSS-COURT SERIES: PART 2

Join us in our continuation of the Washoe & Clark Counties Cross-Court CLE webinar series. 1.0 General CLE Credit.

📅 30th April 2025 🕒 Noon

Register on the WCBA Event Calendar for this FREE webinar. www.wcbar.org



NEVADA BALLET THEATRE PRESENTS

All That Fuzzy



Rubies

Music by Igor Stravinsky; Capriccio for Piano and Orchestra
Choreography by George Balanchine

Duo Cocertant

Musc by Igo Stravinsky • Choreography by George Balanchine

Ghost Light

Music by Various Artists (Arranged by Norman Kim)
Choreography by A&A, Alexis Ochin & Arnaud Boiursain

FEBRUARY 1 & 2, 2025

NEVADA BALLET THEATRE

NBT



NEVADABALLET.ORG • (702) 749-2000

FEATURING NBT COMPANY ARTISTS MIRELLA COSTA NETO AND SERGIO ALVAREZ IN *RUBIES*. PHOTO BY JERRY METELLUS. *RUBIES* CHOREOGRAPHED BY GEORGE BALANCHINE © THE GEORGE BALANCHINE TRUST.

Clark County Bar Leaders for 2025

On December 5, 2024, the Clark County Bar Association (CCBA) held the election of members to serve on the association's board of directors for the next year. The following bar members were elected to serve on the CCBA Board of Directors through December 31, 2026:

- **Alexandra Matloff** of Wood Smith Henning & Berman
- **Christena Georgas-Burns*** of Nevada Office of the Attorney General
- **Paul Lal*** of NV Energy

They will serve on the 2025 CCBA Board of Directors with their colleagues:

- **Joel Henriod** of Eglet Adams Eglet Ham Henriod – *President*
- **James T. Leavitt** of Leavitt Legal Services, PC – *President-Elect*
- **Heather Anderson-Fintak** of Southern Nevada Health District – *Secretary/Treasurer*
- **Annette Bradley**, *retired*
- **Joshua Dresslove** of Dresslove Law
- **Jacquelyn Franco** of Backus Burden
- **Michael J. Nuñez** of Murchison & Cumming, LLP
- **Alia A. Najjar, M.D.** of Najjar Law Firm
- **Michael Wendlberger** of Legal Aid Center of Southern Nevada
- **The Honorable Bita Yeager** of Eighth Judicial District Court, Dept. 1 – *Judicial Appointee*
- **Past President ('24) Paul Ray** of Paul C. Ray, Chtd. – *Ex Officio*

The CCBA's outgoing president Paul Ray commented,

Thank you to all of our volunteers and members for contributing so much to CCBA's success this year. Congratulations to **Alexandra Matloff**, our newest executive board member, and to reelected board members, **Christena Georgas-Burns** and **Paul Lal**. We are grateful for the excellent service of candidate **Ben Doyle** as well and look forward to his future additional success. I enjoyed being your 2024 CCBA President. Happy holidays, everyone!

The CCBA Board of Directors will be sworn in during the Clark County Bar Luncheon on Thursday, January 30, 2025. The event will feature guest speaker **Chief Justice Douglas Herndon** and an update about the Supreme Court of Nevada. Chief Justice Herndon will also perform the oath of office.

About the CCBA

The CCBA is organized to encourage the practice of law as a profession; to promote the administration of justice; to encourage a thorough and continuing legal education; to maintain the honor and integrity of the legal profession; to promote high ethical standards of professional conduct; and to cultivate social fellowship and camaraderie among its members.

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



Alexandra Matloff



**Christena
Georgas-Burns**



Paul Lal

**NEVADA LEGAL SERVICES
IS PLEASED TO ANNOUNCE
THE APPOINTMENT OF
ALEX CHERUP**

**AS OUR
EXECUTIVE
DIRECTOR.**



**To volunteer or learn more
about our work, please visit:
NevadaLegalServices.org**





Community Outreach

Mark's Blanket the Homeless Program

Giving the gift of warmth since 2016

Each year, the CCBA raises money towards the purchase and distribution of blankets by the CCBA to local organizations that serve homeless people here in southern Nevada.

Donations can be made online at ClarkCountyBar.org or to the Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV 89101. Phone: (702) 387-6011.



*Mark's Blanket the Homeless Program is a community service project of the Clark County Bar Association (CCBA), a 501(c)(6) non-profit member organization. Contributions to the CCBA are not deductible for federal income tax purposes as charitable contributions.

Mark's Blanket the Homeless Program Update

On Saturday, December 14, 2024, members of the CCBA distributed blankets and served lunch to veterans in need at U.S. Vets Las Vegas. U.S. Vets Las Vegas provides transitional and permanent housing, employment services, rapid re-housing, and homeless prevention services.

Special thanks to all who volunteered at U.S. Vets, including:

- Alicia May
- Angela Dows
- Benjamin Doyle
- Brandon Thompson
- David Barney
- Elizabeth Ashley
- Hon. Anna Albertson
- Hon. Mark Stevens
- Julie Mersch
- Michael Wendlberger
- Mona Kaveh
- Stephanie Abbott

This group activity is part of our annual community outreach effort, Mark's Blanket the Homeless program. The annual program raises monies towards the purchase and distribution of blankets by the CCBA to local organizations that serve homeless people here in southern Nevada. This year, we have raised a total of \$5,500 for the project.

Special thanks to all who made financial donations this year, including:

- Bonnie V. Smith of Wirthlin and Verlaine Law
- Brad Lewis
- Diane Fearon
- Hon. Nancy L. Allf (Ret.)
- Ivy Gage
- Jacob Reynolds
- Michael Wendlberger
- Sharon Blackman

This year, the CCBA ordered 810 blankets for delivery to local organizations that serve homeless people. Participating organizations that received standard relief blankets:

- U.S. Vets Las Vegas (360 blankets)
- Las Vegas Municipal Court for the Vegas Outfitters Closet (90 blankets)
- Las Vegas Rescue Mission (120 blankets)
- Salvation Army Veteran Services (120 blankets)
- The Shade Tree (120 blankets)

For more information, see information at left or call the CCBA office at (702) 387-6011. **C**

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The Nevada Court of Appeals Completes its First Decade

By Judge Michael Gibbons

If at first you don't succeed, try, try again. Robert the Bruce, King of Scotland, 1306 to 1329

The Supreme Court of Nevada is one of the busiest appellate courts in the nation. In 2014 it received more cases per justice than any other state supreme court. An extreme caseload causes slow case resolutions, thereby invoking the famous proposition, "justice delayed is justice denied."

Over the years, the supreme court tried to lessen the backlog and improve the time it took to resolve cases. The legislature increased the number of justices from five to seven. The court created two panels of three justices and resolved only a minority of cases *en banc*. It hired more staff attorneys. It established a mandatory settlement program for civil cases. And it created a fast-track program for certain criminal cases and all family law cases involving children.

These measures helped, but they could not keep pace with Nevada's ballooning population and expanding caseload. Only a structural change would meaningfully reduce the backlog. Hence, the Nevada Court of Appeals was born.

A court of appeals for Nevada was rejected four times at the ballot box, most recently in 2010.

A court of appeals for Nevada was rejected four times at the ballot box, most recently in 2010. Nevertheless, the Nevada legislature understood the urgency of the situation and approved an innovative plan for a court of appeals, which allowed the supreme court to set the new court's jurisdiction by rule. The supreme court envisioned Nevada Rule of Appellate Procedure 17, which created an uncom-

mon, push-down model, wherein the supreme court assigns a significant portion of its cases to the court of appeals.

Justice James Hardesty led the campaign for the court of appeals, and the voters approved the constitutional amendment in November 2014. Three dozen lawyers applied, and Governor Brian Sandoval appointed the inaugural judges: District Judges Abbi Silver, Jerry Tao, and myself.

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As new appellate judges, we hit the ground running in January 2015. We hired chambers' staff and quickly transitioned to the role of appellate judges. We also committed to informing the public and bar with frequent public appearances and reports.

Our court has been well-received by the bar over its first decade. We focused on resolving all cases through the mantra of, "speedy, accurate, and fair," and we resolve one third of all Nevada appeals each year. Consequently, the supreme court's backlog has reduced dramatically, and the justices have more time to invest in the most serious matters.

The composition of the court of appeals changed with Judge Bonnie Bulla joining in 2019 and Judge Deborah Westbrook in 2023. These two judges are dedicated and smart jurists. They made key contributions to the amended rules of appellate procedure, and they expanded our outreach with the bar throughout the state. They also resolve cases with the highest level of excellence.

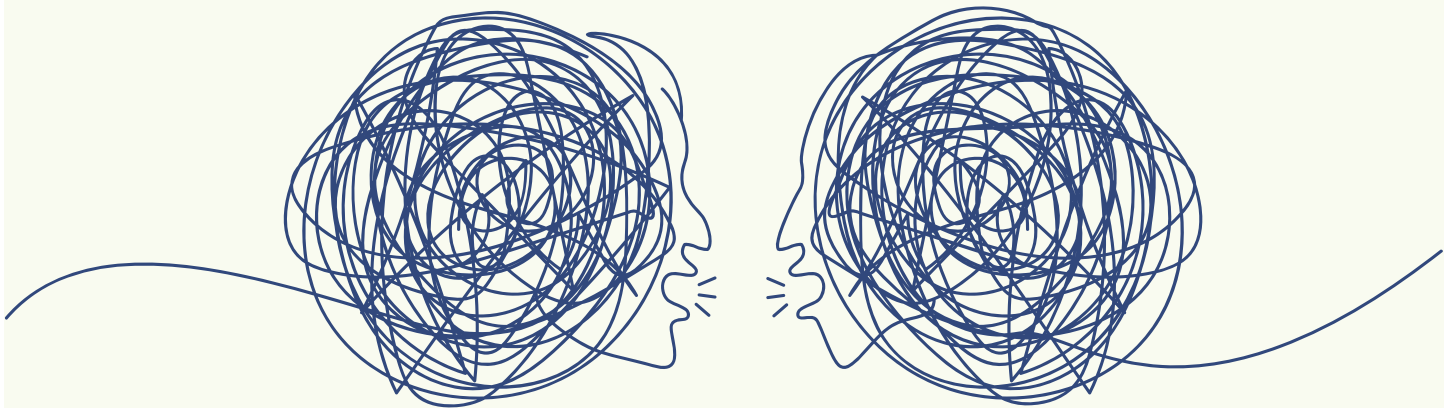
Consequently, the supreme court's backlog has reduced dramatically, and the justices have more time to invest in the most serious matters.

Further, Chief Justice Elissa Cadish recently appointed Judge Bulla as the third chief judge for the court of appeals. Chief Judge Bulla began her four-year term in January. I was honored to serve almost eight years as

chief judge, first as the inaugural chief presiding over the development of this court, and then again after Chief Judge Abbi Silver was elected to the Supreme Court of Nevada in 2018. I'm confident Chief Judge Bulla will continue leading the court in its successful pursuit of speedy, accurate and fair case resolutions as we start our second decade. **☛**

Judge Michael Gibbons has served on the Nevada Court of Appeals since its inception in 2015. He previously served as a general jurisdiction district court judge for 20 years and over 13 years with the Douglas County District Attorney's Office.

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Pro Bono Fact or Fiction

By Michael Wendlberger

Let's tackle a few pro bono misconceptions.

- 1. Providing free consultations is pro bono—*Fiction*.** Free consultations taken at the onset of a meeting with the goal of taking on a potential paying client are not pro bono. You can provide free consultations through a telephonic ask-a-lawyer program.
- 2. Pro Bono cases take too much time—*Fiction*.** Legal Aid Center Pro Bono Project provides sample pleadings and training to get attorneys ready for their first pro bono matter. Most pro bono appearances are virtual, and many judges will take pro bono matters first. In addition, many firms in our community allow pro bono hours to count towards a portion of an associate's annual billing requirements.
- 3. Pro bono attorneys are liable for costs in a pro bono case—*Fiction*.** The client is responsible for any costs in a pro bono matter. The court waives most court fees upon filing a Statement of Legal Aid Representation, which the Legal Aid Center Pro Bono Project provides. Some programs, like the Federal Pro Bono Program, reimburse up to **\$7,500** for reasonable costs.
- 4. Clients are ungrateful—*Fiction*.** Legal Aid Center staff interview clients to ensure clients meet income requirements and have meritorious claims. Pro bono attorneys have the opportunity to help someone during a crisis and change their life forever. Clients are appreciative of and grateful for pro bono attorneys.
- 5. Pro bono attorneys have support—*Fact*.** Legal Aid Center is by your side throughout the case, providing primary malpractice insurance, mentors, sample pleadings, and training. In addition, volunteers receive one CLE credit for every three hours spent on a pro bono matter, earning up to four CLE credits per year.

Under Rule 6.1, every lawyer *shall* aspire to provide 20 hours of pro bono service to the community. So, get involved today at www.lacsnpobono.org. Le-

gal Aid Center of Southern Nevada Pro Bono Project will help you obtain your pro bono hours. **E**

Michael Wendlberger is the Directing Attorney of Legal Aid Center's Pro Bono Project providing legal services to over 2,000 clients in 2023. Before joining Legal Aid Center in 2016, Michael spent seven years as a consumer civil litigation attorney in California. He serves on the Clark County Bar Association Board of Directors. Michael earned his Bachelor of Science in Accounting from California State University, Fresno, and obtained his Juris Doctor at UNLV's William S. Boyd School of Law. Michael is passionate about providing zealous advocacy to those in need and works with his team to expand pro bono throughout Nevada.

Community Outreach

Pro Bono Project

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Five Things to Know When Contemplating a Writ Petition

By Chelsea Latino

Petitions for writs of mandamus, prohibition, and certiorari are called “extraordinary” because they are issued outside the ordinary course of a case and only in limited circumstances. The petitioner carries the burden of convincing the court that immediate intervention and extraordinary relief are warranted.

1. Select the correct writ

Know the difference between the three types of writs – mandamus, prohibition, and certiorari. Each serves a different purpose and is proper only in specific circumstances.

2. Before petitioning for appellate court review

Seek relief in the district court before petitioning the appellate court for writ relief. Only in the most unusual or significant cases may an appellate court be willing to entertain a writ petition without prior district court action. Writs share characteristics of an appeal because the appellate court is asked to review the actions of a lower tribunal. As in an appeal, the petitioner should preserve all issues for review by giving the lower court an opportunity to consider them. Appellate courts may entertain writ petitions only when a petitioner does not have a plain, speedy, and adequate remedy in the ordinary course of the law. Appellate courts rarely entertain writ petitions involving matters reviewable on appeal from a final judgment.

3. Persuading an appellate court to review

Seek writ relief as soon as possible after receiving the order sought to be challenged. Provide a common-sense explanation why urgency exists, as well as why the issue is unique and should not wait until a final judgment. Cite decisional authority where extraordinary relief was granted in analogous situations.

4. Which cases warrant writ relief

Writ relief may be warranted in cases presenting a substantial issue of general importance, a dispositive issue of first impression, or an important issue of law that requires clarification, particularly if extraordinary relief would serve the interests of judicial economy or a party will suffer serious and irreparable harm absent intervention. Writ relief generally is not warranted in cases where the issue is reviewable via an immediate appeal or an appeal after final judgment, and where the requested relief would not dispose of the entire underlying action.

5. Impact on appellate process

The filing of a writ petition does not affect the time for filing an appeal. Practitioners should file a notice of appeal when the challenged ruling is appealable—even if writ relief may be appropriate—because the availability of an appeal generally precludes writ relief. Critically evaluate the ruling from which you seek writ relief to ensure it is not independently appealable. If the petition for extraordinary relief is denied, the time for filing a notice of appeal will likely have expired, and the petitioning party will lose the opportunity for appellate review. **■**

Chelsea Latino is a partner in the Appellate, Commercial & Complex Litigation, and Employment & Labor Law Practice groups at McDonald Carano. She is vice-chair of the Employment & Labor Law Practice. Chelsea also serves as a member at large on the Executive Committee of the state bar's Appellate Litigation Section.




Five Major Changes to the Nevada Rules of Appellate Procedure

By Cassandra S.M. Cummings


The Nevada Rules of Appellate Procedure (NRAP) underwent significant revisions in 2024. Here are five things you should know:

- 1. The forms have moved.** All forms previously included in the NRAP are now located on the Supreme Court of Nevada website. See https://nvcourts.gov/supreme/appellate_practice_forms
- 2. Rules 3C, 3E, 9, 40, 40A, and 40B were completely rewritten.** These rewrites were both stylistic and substantive. For example, the new Rule 40 reduced the time in which a petition for rehearing must be filed from 18 days to 14 days. Additionally, the circumstances in which rehearing may be granted were revised to include a third basis: (1) when the court overlooks or misapprehends a material fact or a material question of law; (2) when the court overlooks, misapplies, or fails to consider law “directly controlling a dispositive issue in the case;” or (3) when a new rule of law directly controlling a dispositive issue in the case is issued after the court’s decision but before the 14-day deadline expires. Familiarize yourself with the revisions to these rewritten rules.
- 3. Rule 31(b)(1) now specifically prohibits telephonic extensions of time.** Instead, the new subsection (b)(2) sets forth the process for a “streamlined extension of time” available to parties who have not previously filed a motion seeking an

extension. Such requests *must* be made on or before the date the brief is due and may not exceed 30 days. Once approved, the clerk will provide the parties with a new schedule. The form to request the streamlined extension is available on the Supreme Court of Nevada website. Any further ex-



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tensions of time must be sought via motion as set forth in Rule 31(b)(3).

- 4. Changes to the settlement program.** Notable revisions to Rule 16 include: (1) parties may file a motion or stipulation to proceed with a private mediator; (2) the rule clarified that receipt of the notice referring the case to the program stays the time for filing a request for transcripts and filing briefs but *not* the time for filing a docketing statement; (3) the initial settlement conference must be held within 120 days (previously 90) of assignment to the program; (4) settlement statements must include ten specific sections, the first four of which must be served on the settlement judge *and* counsel for all other parties, while the remaining sections are served only on the settlement judge; and (5) parties and/or their counsel may be subject to sanctions if they do not participate in good faith.
- 5. The newly added Rule 28(j) allows for the submission of “pertinent and significant authorities” after the briefs have been filed or after oral**

argument but before a decision is made. The notice of supplemental authorities must: (1) provide the citations for the supplemental authorities; (2) identify the page of the brief or point in the oral argument to which the supplemental authorities apply; and (3) state *without argument* the proposition for which the supplemental authorities are cited. Responses are permitted and must be similarly limited. **Ⓒ**

Cassandra S.M. Cummings is a partner at Eglet Adams Eglet Ham Henriod representing plaintiffs in personal injury, wrongful death, and mass tort actions. She can be reached at ccummings@egletlaw.com.

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Five Things to Know About the Amendments to the Eighth Judicial District Court Rules

By Jeffrey P. Luszeck

On April 26, 2024, the Supreme Court of Nevada adopted amendments to the Eighth Judicial District Court Rules (“EDCR”), through ADKT 0612, which became effective on June 25, 2024. While the amendments are extensive and cannot fully be addressed in a single article, here are five noteworthy changes:

1. **EDCR 2.34 & 5.402. Discovery disputes; conferences; motions; stays:** The amendments required: (a) counsel to discuss discovery issues, during a dispute resolution conference, “with the same level of detail and legal support as is contained in their briefing before the court;” and (b) the affidavit accompanying the discovery motion to detail the specifics of the dispute resolution conference (*i.e.*, the who, what, when, where, and why), which acts as a codification of *Albourn v. Koe, M.D., et al.*, Discovery Commissioner Opinion #10 (November 2001).
2. **EDCR 2.35. Extension of discovery deadlines:** Previously, EDCR 2.35(a) stated that a stipulation or motion to extend any date set by the discovery scheduling order must be filed before the discovery cut-off date or any extension thereof. Some practitioners interpreted that to mean that they could file a stipulation or motion to extend discovery 21 days before the close of discovery and then re-open discovery deadlines that had already passed. The amendment to EDCR 2.35(a) clarifies that the 21-

day filing deadline is “before the earliest discovery deadline for which an extension is sought,” as opposed to the discovery cut-off date.

3. **Changes to EDCR Part IV:** There were numerous amendments and changes to the probate rules, in Part IV, which include, but are not limited to: (a) confirming that the probate judge has the ability to “affirm, reverse, or modify” the probate commissioner’s report and recommendations, with or without oral argument (EDCR 4.07(c)(1)); (b) granting the probate judge discretion to retain a case after a contested matter is heard (EDCR 4.08(a)); (c) requiring a request to transfer a matter to the probate judge to be filed no later than 4:00 p.m. on the Friday prior to the week the matter is scheduled to be heard (EDCR 4.08(b)); (d) requiring a motion for relief, pursuant to NRCP 65, to be heard and considered by the assigned probate judge, as opposed to the probate commissioner (EDCR 4.08(c)); and (5) requiring certain information to be included in affidavits accompanying discovery motions (EDCR 4.18(3)).
4. **EDCR 7.70. *Voir dire* examination:** This amendment changed the deadline to submit proposed *voir dire* questions to the court to: “no later than the calendar call/final pretrial conference in accordance with EDCR 2.68-2.69.” Furthermore, after the judge conducts the initial *voir dire* direct examination of prospective jurors, counsel “must” be permitted to supplement the judge’s examination.

5. **Addition of EDCR Part IX:** The amendment added over ten pages of rules pertaining to justice and municipal court eviction and non-criminal appeals, including rules related to: filing a notice of appeal and bond, service of the notice of appeal, payment of fees and bond, briefing, oral argument, service, dismissal of appeals, and more. **C**

Jeffrey P. Luszeck is a member of the Las Vegas law firm of Solomon, Dwiggin Freer & Steadman Ltd., where he focuses his practice primarily on estate planning, probate, trust administration, trust and estate litigation, and business litigation.



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Five Things to Know About the Recent Amendments to the Justice Court Rules of Civil Procedure

By Michael 'Bo' Anderson

Several summary eviction process rules (Rules 101–111) were amended effective October 29, 2024. Here are five things to know about the changes:

1. The rules are easier to understand

Making the rules easier to understand makes navigating the summary eviction process easier for *pro se* litigants. Rule 102 gives instructions on the filing of summary eviction cases. While no changes have been made to the filing process, the rule has been shortened

and simplified. Language in the previous rule detailing what the civil cover sheet for a summary eviction must contain has been removed.

Rule 105 previously read: “Hearings regarding applications for orders of summary eviction *shall be informal.*” However, “shall” is not a word used much in today’s modern communication. Replacing the direction that hearings “shall” be informal with language that says the hearings “must” be informal should put participants at ease. This is not a place to use fancy legalese; rather, this is a place to clearly state your case.

2. There are some procedural changes

While many changes make the language easier to understand, there are changes that affect the summary eviction process. For instance, Rule 101 details the notice requirements for unlawful detainer actions. The October 29th amendment requires that any commercial unlawful detainer action must also conform to the Rule 101 notice requirements.

3. Some changes are small

The removal of confusing language in Rules 102, 105, and 111 are examples of this. There are no procedural changes in these rules. The changes are simply attempts to make the rules easier to understand.

4. Some changes are more substantial

Rule 103 previously allowed for the judge in a summary eviction matter to stay all proceedings in a case if the judge believed that the tenant was not properly served. The new Rule 103 allows the judge to conduct a hearing on their own motion, but the specific language staying proceedings if the tenant was not properly

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served has been removed.

Rule 104 previously allowed justice courts to enact rules requiring landlords to provide additional information on the notice of eviction. That language was removed.

5. The biggest change is in Rule 110

The change that is most likely to impact litigants comes in Rule 110. Rule 110 allows a tenant to file a Motion to Stay Enforcement of an Eviction Order. Previously, this Motion could be filed at any time, before or after the Eviction Order was issued. Now, Rule 110(c) states:

If such motion is filed after the court has already issued a summary eviction order, or after the sheriff or constable has already executed the summary eviction order, it is untimely and may be summarily denied.

Finally, the tenant answer has been amended to allow for a person to make the request for a stay at the same time they file their answer. **C**

Michael ‘Bo’ Anderson is the Directing Attorney of the Legal Aid Center of Southern Nevada’s Civil Self Help Law Center serving over 60,000 people annually. Before working for Legal Aid Center, Bo was in private and government practice in Missouri and Nebraska for 23 years. Bo earned his bachelors of science in biology from Southwest Baptist University in 1994 and his Juris Doctorate from Creighton University School of Law in 1998.



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Five Things to Know About the Ramifications of the Nevadans for Fair Recovery Ballot Initiative on Nevada's Legal Community

By Robert Saavedra Teuton

The Nevadans for Fair Recovery ballot initiative seeks to cap contingency fees on all forms of recovery in all Nevada civil cases at 20 percent, after costs. Here are five areas of the legal community that the initiative will impact.

1. Clients

Currently, the typical contingency fee offered by civil attorneys is between 30 to 40 percent. *See generally*, NRCP 1.5, prohibiting lawyers from charging unreasonable fees. Even with this standard fee, it often makes little economic sense for an attorney to pursue small cases. Recognizing this, the legislature enacted NRS § 18.010(2)(a), which allows the prevailing party to recover attorney's fees when that party "has not recovered more than \$20,000." However, § 18.010(2)(a) is at risk of being effectively abrogated by the ballot initiative because it resembles a contingency fee. Regardless of § 18.010(2)(a), small claimants will be most affected.

Claimants with medium or large claims may also be negatively affected, especially if their claims are particularly time-consuming or require significant costs to prove (think expert witnesses). And the 20 percent cap will further incentivize law firms to keep costs low and, consequently, resolve claims as quickly as possible. But if a claimant can find an attorney, the ballot initiative will probably allow them to take home more than they would have otherwise.

2. Courts

Courts should expect to see less cases that are typically funded on contingency fees, especially small-sized cases. Superficially, this looks like a benefit for our, often, overworked court system. But fewer cases also mean less revenue from filing fees on the cases that are, theoretically, easier to adjudicate and consume less court resources. Moreover, court expenses are fixed (salaried employees, infrastructure expenses, etc.), so taxpayers won't be saving money via reduced court dockets.

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3. Broader legal community

The preamble to the ABA Model Rules of Professional Conduct touts the benefits of a self-regulated legal community. The ballot initiative, however, is an extrinsic regulation. It's an open question how impacted the broader legal community will be. Will lawyers as a whole benefit from a more positive reputation because some will be required to lower their fees (assuming there's no workaround)? Will there be a race to the bottom in terms of billable hour rates when many plaintiff attorneys are forced to find other legal work? We will see.

4. Defense counsel

For practice areas like personal injury and labor, less plaintiffs mean less billable hours for defense counsel. But for the remaining cases, defense counsel can take comfort in knowing their adversaries are under increasing pressure to settle their claims quickly to preserve their profits—assuming their adversaries' business models does not change.

5. Plaintiffs' counsel

If the bill is successful, plaintiffs' counsel in contingency fee-based practice groups will either have to switch to an hourly rate model, refrain from taking large numbers of small cases, or perish. For those switching to an hourly rate model, it may only make sense to take on small- and medium-sized cases if paid hourly fees, regardless of the case's outcome, by litigation funders. **C**

Robert Saavedra Teuton was born and raised in Las Vegas. He clerked for the Chief Justice of the Arizona Supreme Court, was an associate attorney at Burg Simpson, and is now an associate attorney at Ballard Spahr.

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



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Office Space for Lease: Summerlin Trails Hills Business Center. 3,000 sq/ft available. 6/7 office, 3/5 cubicles and conference room depending on layout. Furnished. Shared kitchen and restrooms. Access to additional shared conference room. Available Feb. 1, 2025. Contact Melissa at 702-252-5002.

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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/.

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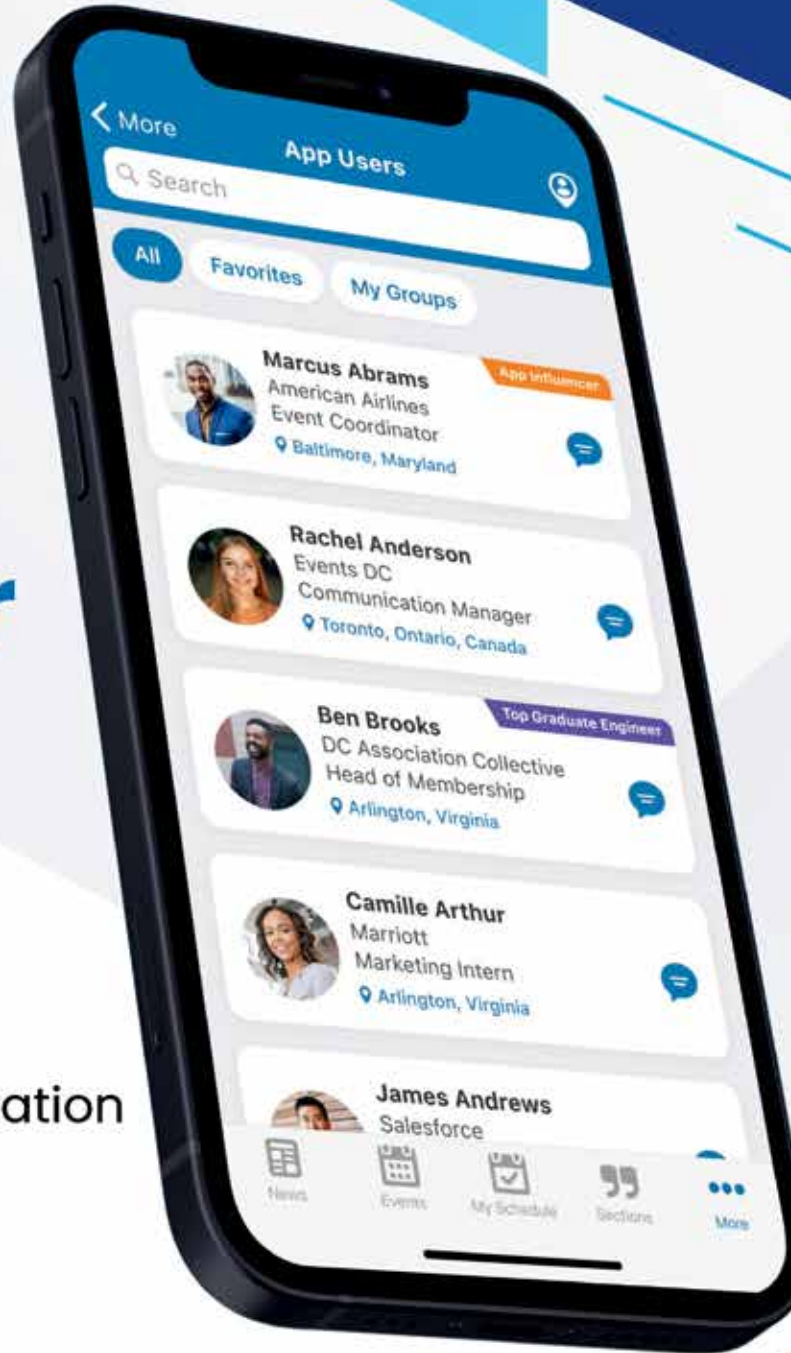


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