

September 2025

Lunchtime Learning CLE Webcasts

Free for CCBA members on September 16, October 2, and October 9, 2025

Pages 8, 10, 12



THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

COMMUNIQUE

Legislative Wrap-Up

Jeffrey Luszeck and Alan Freer on

Top 10 Reasons to Read SB 404 Before October 1

**And *In Rem*, In Reach: Understanding Nevada's
Jurisdictional Foundation in Trust Litigation**

CLE program on October 2

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Bills, Laws, and Access to Justice

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COMMUNIQUÉ

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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
January 2026	Five Things	12/1/2025

*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.

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Bar Activities

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Learn more / RSVP: <https://clarkcountybar.org/events/>, 702-387-6011

Bar Services

Advertising Opportunities

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

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Contact the CCBA

Reach out for information and updates about CCBA activities:

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Notice of Election for 2026 CCBA Executive Board

Deadline for nominations is Tuesday, October 14, 2025

Nominations from current members to serve on the 2026 CCBA Executive Board will be accepted Monday, September 1 through Tuesday, October 14, 2025,

Community Outreach

Mark's Blanket the Homeless Program (2025)

Deadline for donations is October 31, 2025

Please help us in our efforts to purchase blankets for our annual community outreach activity, Mark's Blanket the Homeless program.

Please scan this QR code and donate today. Thank you!

Learn more at clarkcountybar.org or call (702) 387-6011.



at 4:00 p.m. Nominations should be sent to the CCBA President, Joel Henriod, at Prez@ClarkCountyBar.org. The nominating committee shall consider the following criteria and characteristics as applied to each prospective nominee in their application:

- Each prospective nominee must be an Active Member in good standing of the Association;
- Demonstration of past service to the Association;
- Contribution to creating balance on the Executive Board of representation amongst various areas and types of the practice of law;
- Professionalism;
- Knowledge and expertise in an area in which the Association needs or desires assistance;
- Such other factors as the Nominating Committee may deem relevant and appropriate; and
- All of the above criteria as well as the Director's attendance at meetings and events, service on committees, and any other efforts to promote the Purpose of the Association set forth in Section 1.

The election will be held at the Annual Meeting & Volunteer Appreciation luncheon on Thursday, December 4, 2025. Get details at clarkcountybar.org or call (702) 387-6011.



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Lunchtime Learning CLE

Mastering Practice Before the Probate Commissioners

Live webcast free for CCBA members on September 16, 2025



Speakers: Hon. Russel Geist and Hon. James Fontano, Probate Commissioners, Eighth Judicial District Court

When: Tuesday, September 16, 2025, 12 to 1:15 p.m.

Where: Online via Zoom

Offers: 1.0 general CLE credit for Nevada lawyers

Recorded materials rental: \$25/CCBA member or \$50/non-member.

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Civil Bench-Bar Meeting

- **Host:** Eighth Judicial District Court - Civil Department
- **When:** September 9, 2025, 12 to 1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 10D and Zoom
- **Note:** Meetings go dark June, July, and August, resuming September 9, October 14, and December 9, 2025.
- **Contact:** EJDCBenchBar@gmail.com

Business Court Bench-Bar Meeting

- **Host:** Eighth Judicial District Court
- **When:** September 11, 2025, 12 to 1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 16A and Zoom
- **Topic:** Pre- and Post-Judgment Remedies
- **Contact:** hoskint@clarkcountycourts.us

Annual Attorney Memorial Service

Members of the bench and bar are invited to attend a special event to honor Nevada attorneys who have passed on during the last year.

- **When:** Friday, September 12, 2025, 3:00 to 4:00 p.m. Service starts at 3:00 p.m. sharp, with reception immediately following.
- **Where:** Supreme Court of Nevada, 408 E. Clark Avenue, Las Vegas
- **About:** This event is produced by the Clark County Law Foundation in conjunction with the Clark County Bar Association, State Bar of Nevada, Eighth Judicial District Court, U.S. District Court, and the Federal Bar Association-Las Vegas Chapter. For more information, contact the Clark County Law Foundation at (702) 333- 8277.

Book Cleaning Activity

Bar members and their friends and family are invited to help clean children's books.

- **When:** Saturday, September 13, 2025, 11:00 a.m. to 1:00 p.m.
- **Where:** Spread the Word Nevada, 5373 Arville Street, Las Vegas
- **About:** Group activity to benefit Spread the Word Nevada, a non-profit organization dedicated to advancing childhood literacy within low-income communities, changing lives one book at a time.
- **Contact:** StephanieAbbott@clarkcountybar.org, (702) 387-6011.

¡Ándale! 5K Run/Walk

Bar members are invited to join the CCBA's team—Clark County Bar Blenders—at this special event hosted by the Nevada Latino Bar Association.

- **When:** Saturday, September 27, 2025, 8:00 a.m. to 12:00 p.m.
- **Where:** Kellogg Zaher Sports Complex, 7901 W. Washington Ave., Las Vegas
- **About:** The ¡Ándale! Foundation, in collaboration with the Nevada Latino Bar Association, is proud to present its sixth annual scholarship fundraising event: ¡Ándale! 5K Run/Walk!
- **Sign up online:** <https://www.andale5k.com/>.



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Lunchtime Learning CLE

In Rem, In Reach: Understanding Nevada's Jurisdictional Foundation in Trust Litigation

Live webcast free for CCBA members on October 2, 2025



Speakers: Alan D. Freer and Jeffrey P. Luszeck, Solomon Dwiggin Freer & Steadman, Ltd.

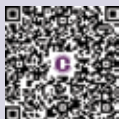
When: Thursday, October 2, 2025, 12 to 1:15 p.m.

Where: Online via Zoom

Offers: 1.0 general CLE credit for Nevada lawyers

Recorded materials rental: \$25/CCBA member or \$50/non-member.

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CLE Committee

Health Care Power of Attorney Mobile Workshop

Bar members can complete their own Health Care Power of Attorney (HCPOA) on September 25, 2025

CCBA members are invited to visit the CCBA office, execute an HCPOA, grab a sandwich, and return to work.

- **About:** Attorneys from Southern Nevada Senior Law Program (SLP) will be on site with forms and notaries. The SLP will subsequently scan their documents into the Secretary of State's Lock Box. Also, participants can grab a sandwich courtesy of Daily Dose Café & Bakery and Litigation Discovery Group!
- **When:** Thursday, September 25, 2025, 11:00 a.m. to 2:00 p.m.
 - Schedule an appointment time (11 a.m., 12 p.m., or 1 p.m.).
 - Walk-ins welcome, too!
- **Where:** Clark County Bar Association, 717 S. 8th St, Las Vegas

For more information and to schedule an appointment, contact Veronica Larson at vlarson@snsnp.org or call (702) 329-2201.

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Professional Portrait Session

Walk-ins are welcome on September 30, 2025

All members of the Nevada bar, bench, law students, and supporting legal staff are invited to sit for a professional portrait during this special session.

- **When:** Tuesday, September 30, 2025, 9:30 a.m. to 2:00 p.m. only
 - Schedule an appointment (9:30 a.m. to 2:00 p.m.).
 - Walk-ins welcome, too!
- **Where:** CCBA, 717 S. 8th Street, Las Vegas
- **RSVP:** StephanieAbbott@clarkcountybar.org, (702) 387-6011
- **Special offers:**
 - 20% off purchases of professional portraits for CCBA members!
 - No sitting fees (\$49 value) for this and graduation/family portrait session

- **Note:** Digital portraits taken by the professional photographer during this professional portrait session will be available to purchase directly from Portraits to You. CCBA members will be offered special pricing options on products and/or services provided by Portraits to You. Photographer will provide the CCBA with an editorial copy of the portraits to publish in the *Communiqué*, on the bar's official website, online via social media accounts, and as needed by the association. ☐



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Lunchtime Learning CLE

Law Firm Safety and Security: People, Premises, and Information

Live webcast free for CCBA members on October 9, 2025



Speaker: Marshal S. Willick, Willick Law Group

Course description: This CLE will cover some basic precautions lawyers must take in the present day to ensure basic security for themselves, their employees, their clients, their facilities, and their information, both physical and electronic.

When: Thursday, October 9, 2025, 12 to 1:15 p.m.

Where: Online via Zoom

Offers: 1.0 general CLE credit for Nevada lawyers

Recorded materials rental: \$25/CCBA member or \$50/non-member.

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Produced by CCBA's CLE Committee

27th Annual Client Counseling Competition

Volunteers are needed on October 3 and 4, 2025

Attorneys, judges, and mediators are needed to judge the students in the 27th Annual Client Counseling Competition this year.

- **About:** The client counseling competition provides 1L students at Boyd their first opportunity to practice their interpersonal skills, as future attorneys, through a consultation with a mock client.
- **When:**
 - **Friday, October 3, 2025:**
 - Preliminary Round 1: 6:00 to 7:00 p.m. (arrival at 5:30 p.m.)
 - Preliminary Round 2: 7:30 to 8:30 p.m. (arrival by 7:00 p.m.)
 - **Saturday October 4, 2025:**
 - Semifinal Round: 9:30 to 10:30 a.m. (arrival at 9:00 a.m.)
 - Final Round: 11:00 a.m. to 12:30 p.m.
- **Where:** UNLV William S. Boyd School of Law
- **Who:** Volunteers should be Nevada attorneys, judges, or mediators.
- **Bonus:** Judging the competition qualifies as pro bono service!

For more information and to volunteer, reach out to CCBA's New Lawyers Committee Co-Chair Alexandra Matloff (amatloff@wshblaw.com) or Boyd Law student Drianna Dimatulac (dimatd1@unlv.nevada.edu)

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Bills, Laws, and Access to Justice

By Jonathan Norman

In the 120 days of the 2025 session, the Nevada Legislature drafted and worked through 1,210 bills—558 became law, and 87 were vetoed. I cannot recall one bill that mentioned pro bono, but I saw a lot of bills that will impact access to justice. Almost every bill impacts access to justice; some in small ways and some in very large ways. Pro bono service, and well-drafted legislation, are fundamentally about ensuring folks have access to justice. Three bills that raise the bar for access to justice are: SB 284, sponsored by Senate Majority Leader Nicole Cannizzaro; SB 125, sponsored by Senator John Steinbeck; and AB 329, sponsored by Assemblymember Erica Roth.

SB 284 ensures that when a child enters foster care they are screened for federal benefit eligibility and that any benefit amount received is preserved for that foster child. The bill enhances transparency and provides education and safeguards for the preservation of a vital benefit.

SB 125 creates a framework so that victims of violent crime can get the records they need for services, without telling their story over and over again. The bill allows bureaucracy to work for victims, rather than creating barriers.

AB 329 aligns Nevada's Victim of Crime Compensation with federal guidance. This legislation allows victims of violent crime to apply for compensation up to 60 months after the injury; allows minors, until the age of 26, to apply; expands the type of proof that can be provided to support a claim; and removes the requirement that the victim cooperate with law enforcement. Victims heal in their own time and in their own unique way. This law respects that individual journey.

Good legislation and pro bono attorneys serve access to justice by removing barriers. They make the legal process easier for victims of violent crime, for foster children, and for countless Nevadans who, without your help, face the prospect of walking into court alone. **C**

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Jonathan Norman is the Statewide Advocacy, Outreach & Policy Director for the Nevada Coalition of Legal Service Providers. Jonathan started with Legal Aid Center, in 2017, as an attorney in the Children's Attorney Project. Prior to joining Legal Aid Center, Jonathan practiced law in New Mexico, working for Diné be'íiná Náhiilna be Agha'diit'ahii, the largest Native American legal aid provider in the United States.

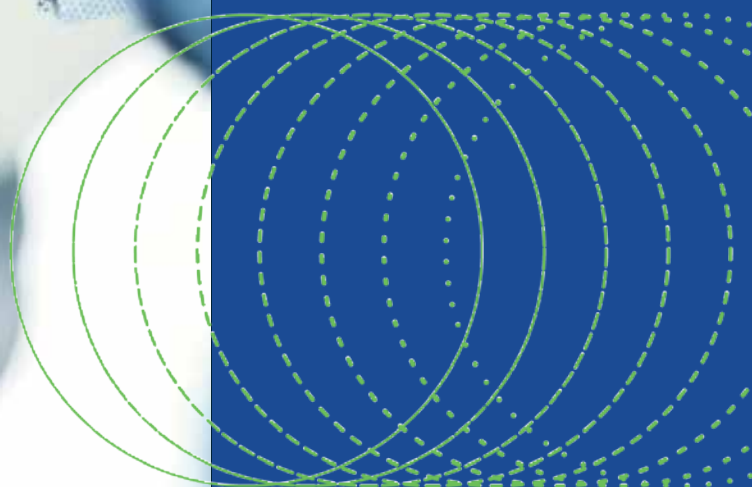


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The Need for Additional Judges—It's Nothing New

By Chief Judge Jerry Wiese

The most important “Eighth Judicial District Court-related” bill presented to the 2025 legislature, was AB66, which would have accomplished two things: 1) provide Clark County with an additional 18 District Court Judges; and 2) implement a framework whereby the need and funding prioritization for future judges would be determined by a combination of population growth and weighted case load. Unfortunately, the bill received little support and it died in committee.

It's ironic that our current system in Nevada requires elected judges to engage in the executive and legislative political process to advance access to justice. From my perspective, Nevada should adopt a public policy of advancing courts to meet the needs of its citizens based on metrics, not winds of change and favors. Our citizens deserve better. The National Center for State Courts provides these metrics, balances all aspects of filings that impact the court system, and appears to treat all courts similarly across the country. Our court completed an internal “Delphi” study in 2024, which updated a 2005 study, and demonstrated that this court needed 18 new judges. The court has retained the National Center for State Courts to perform a full weighted case-load study this year. This type of study is the national “gold standard” in determining judicial need.

The question everyone asks is, “where would the court put an additional 18 judges?” The answer is simple, we need a new courthouse. Again, this question is not a new one. A January 12, 2006, article in the Las Vegas Sun titled “48 more judges needed in 20 years” discussed the exact same needs for judges and a courthouse. The Eighth Judicial District Court has requested a new courthouse during each Clark County budget cycle since 2010. Based upon meetings with county commissioners and county management, there appears to be some hope that Clark County is considering the idea of adding a

facility to provide us with additional courtroom space.

As judges, we do our best to be prepared for each calendar, having read every pleading, reviewed the relevant law, and having spent time analyzing how the law applies to the facts. We do our best to make correct “spur of the moment” decisions during trials. We do our best to make ourselves available for settlement conferences to help our colleagues reduce their case loads. Unfortunately, with the limited resources we have, and the high case loads carried by each of our judges, it is sometimes difficult to accomplish all that we need to accomplish. Even if we work a 50 or 60 hour week, sometimes we are not able to process as many cases as we would like. Most if not all of our judges take work home at night, and spend more than 40 hours per week, trying to provide the best service we can to the community. Orders are being signed early in the mornings, late at nights, on weekends, and on holidays. The issue of limited resources is certainly not a new dilemma that we, as judges, face on a daily basis.

The court will continue to do the best we can with the resources that we have. The models to evaluate judicial need indicate that we need additional judges, and we've known for two decades that a new building is necessary to house them. Hopefully, by the time the legislature meets again, the bar, Clark County, and the legislature can appreciate and prioritize these needs, and properly fund and support the judiciary. **G**

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



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Las Vegas Justice Court Transcript Payment Policy Effective July 24, 2025

On July 24, 2025, Las Vegas Justice Court Chief Judge Melisa De La Garza and Court Administrator Charles A. Mapp, Sr. announced a notice to the bar regarding updates to the court's Transcript Payment Policy. See official announcement at "LVJC Court Transcript Payment Policy has been updated" (7/30/2025) <https://www.lasvegasjusticecourt.us/newslist.php>. See below for select text from the notice.

Effective immediately, the Las Vegas Justice Court (LVJC) has implemented the following policy governing payment for court transcripts:

Cost Coverage by Las Vegas Justice Court

Las Vegas Justice Court will bear the cost of transcripts only in the following situations:

Statutory Requirement: When Nevada law expressly requires the preparation or retention of transcripts (e.g., for statutory, rule-based, or archival mandates).

Judicial or Administrative Order: When a transcript is ordered by a judge or court administration specifically for judicial purposes.

Responsibility of the Requesting Party

Transcripts requested for any purpose other than those listed above must be paid for by the requesting party ("non-exempt transcripts"). County agencies (including the District Attorney's Office and Public Defender's Office) and any court-appointed counsel are designated as responsible "payors" when ordering transcripts. This designation must be clearly identified on every transcript order.

Prior to processing any non-exempt transcript request, LVJC or its vendor will provide requesters with a written cost estimate and detailed payment instructions (including, if applicable, information for direct payment to the court reporter or recorder).

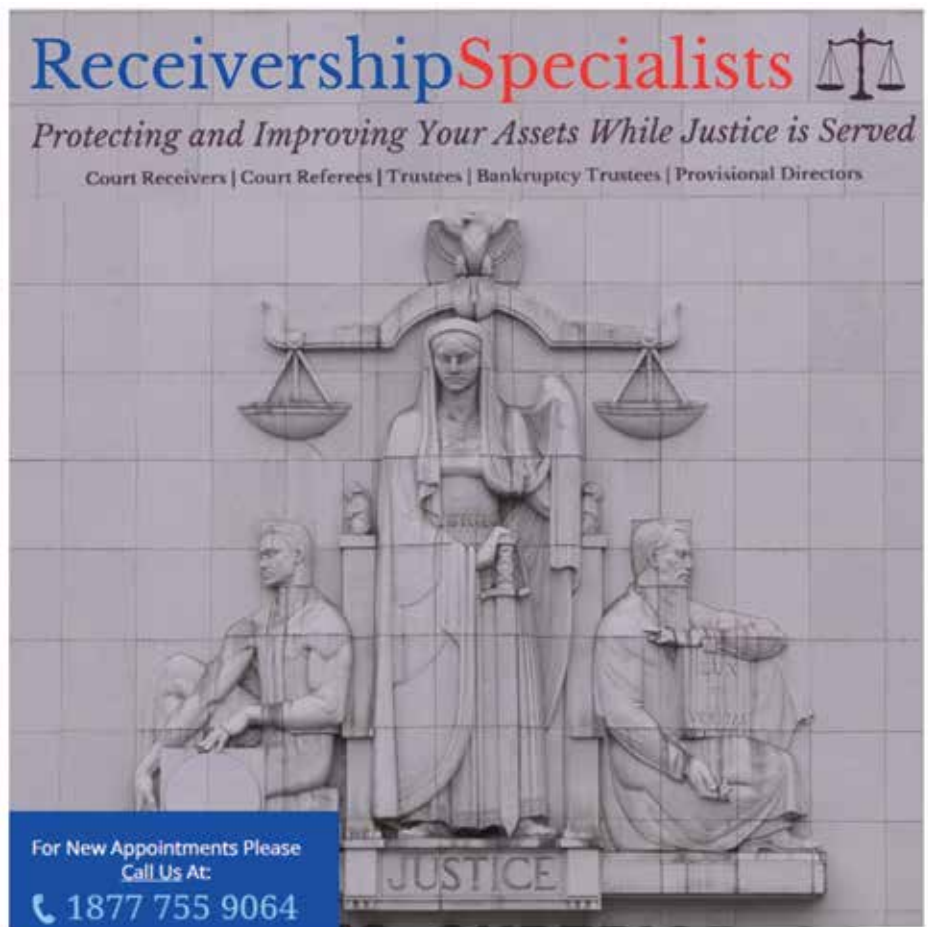
Consistency with NRS 4.410

This policy is consistent with NRS 4.410, which mandates that "the compensation for transcripts and copies

must be paid by the party ordering them" except in cases where a statutory requirement or judicial order applies. This ensures that the cost burden is allocated fairly and transparently.

Please advise your staff and any associated counsel of these requirements. For questions or further clarification regarding transcript payment procedures, please contact Court Administration at lvjcadministration@clark-countynv.gov.

Thank you for your cooperation in ensuring that transcript orders are handled promptly and in compliance with Nevada law. G





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AB 239 Notable Changes to Title 7 of Nevada Revised Statutes Governing Business Entities

By Andrew S. Gabriel

For each Nevada Legislative Session, the Executive Committee of the Business Law Section of the State Bar of Nevada reviews NRS Title 7 and considers changes to keep statutes current and address issues identified in practice; including changes through judicial decisions. For the 2025 Legislative Session, this review resulted in Assembly Bill 239 being introduced by Assemblymember Joe Dalia. In addition to Assemblymember Dalia, the bill was presented to the Assembly Committee on Judiciary by Robert Kim, Chair, and Albert Kovacs, Vice Chair, of the Business Law Section Executive Committee.

Assemblymember Dalia advised the committee that “this bill will strengthen Nevada’s business law statutes, ensuring predictability for those who do business in our state, clarifying our statutes to avoid potential ambiguities and uncertainties, and keeping Nevada competitive by evolving with trends in corporate law.” Mr. Kim, Mr. Kovacs, and Assemblymember Dalia also discussed the goal of attracting more corporations to form in Nevada instead of Delaware. Following are notable provisions in AB 239, which Governor Lombardo signed into law, effective May 30, 2025.

Fiduciary Duties of Stockholders – NRS 78.240 was amended to clarify that Nevada corporation stockholders, as a general rule, have no fiduciary duties to the corporation or other stockholders. There is an exception for “controlling stockholders,” defined as a stockholder with voting power to elect a majority of the corporation’s directors. A controlling stockholder has a fiduciary duty to refrain from exerting undue influence over any director or officer of the corporation with the purpose and prox-

imate effect of inducing a breach of their statutory fiduciary duties to the corporation, with further provisions qualifying certain decisions, and a safe harbor in certain situations.

Jury Trial Waivers for “Internal Actions” – NRS 78.046 was amended to allow a Nevada corporation to

Changes continued on page 22

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Changes continued from page 20


include a provision, in its Articles of Incorporation, requiring litigation of all or specific “internal actions” to be tried before a judge, and not a jury. NRS 78.046 already defines “internal actions” as disputes related primarily to corporate governance. For Delaware corporations, such cases are heard in the Delaware Court of Chancery, which, as a court of equity, does not conduct jury trials. The goal is to provide predictability regarding the resolution of internal disputes, which may be attractive to corporations comparing Nevada and Delaware laws.

Board Approval of Agreements and Scope of Notice – NRS 78.315 was amended to clarify that a Nevada corporation’s board of directors may approve an agreement in final form, or in preliminary form, as deemed appropriate in their business judgment. NRS 75.150 was also amended to clarify that materials provided along with any notice are deemed part of the notice. These changes address issues raised in Delaware litigation.

Changes in Authorized Shares of Public Corporation – NRS 78.390 was amended to allow publicly trad-

ed corporations to amend Articles of Incorporation to increase or decrease the number of authorized shares in the same manner as approval of other matters subject to shareholder approval. This typically requires the approval of a majority of shares represented at a meeting at which a quorum is present. The prior requirement for approval by a majority of all outstanding shares created issues for public corporations with low shareholder participation in meetings.

Holding Company Reorganization – NRS Chapter 92A was amended to provide a new concept allowing a Nevada corporation to reorganize by forming a parent holding company, without stockholder approval.

AB 239 made other changes to current corporate laws to clarify ambiguities and should be reviewed by practitioners in this area. 

Andrew S. Gabriel is a partner at McDonald Carano and has been a member of the State Bar of Nevada since 1992. He is co-chair of the firm’s Business Entities & Transactions Practice Group and has been a member of the Executive Committee of the State Bar of Nevada Business Law Section since 2005.

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Changes to Nevada's Mandatory Arbitration Program Rules

By Racheal Ross

The 83rd Nevada legislative session brought about major changes to the civil alternative dispute resolution (“ADR”) process. Unless exempted by NAR 5(a), all civil cases within the jurisdiction of the district courts of Nevada are subject to the mandatory non-binding arbitration program. *See* NRS 38.250. Since 2005, civil cases with a probable jury award of \$50,000 or more, exclusive of attorneys’ fees, costs, and interest, may be exempted from the arbitration program. *See* NRS 38.250(1)(a); *see also*, NAR 5(b)(1)(C). But beginning on January 1, 2026, that amount will be raised to \$100,000. *See* A.B. 3 § 5, 83rd Leg. (Nev. 2025). A party seeking exemption on the basis of a probable jury award amount must demonstrate the award is probable in light of the claimed damages and facts of the case. NAR 5(b)(1)(C).

Class actions, probates, divorce and domestic cases, actions for declaratory relief, medical and dental malpractice, appeals from courts of limited jurisdiction, actions seeking judicial review of administrative decisions, actions seeking equitable or extraordinary relief, construction defect actions, actions the parties have already put through an ADR process pursuant to a written agreement or Supreme Court rules, and actions involving

an incarcerated party may all be automatically exempted from the arbitration program. NAR 5(a)(1)(A)-(L). AB 3 will add three new case types to the automatic exemption list. Starting January 1, 2026, cases involving claims of bad faith insurance practices seeking punitive damages may also be automatically exempted. AB 3 § 2(3)(o). Additionally, actions involving sexual assault, sexual battery, or product liability may be automatically exempted. AB 3 § 2(3)(p)-(q).

Starting January 1, 2026, cases involving claims of bad faith insurance practices seeking punitive damages may also be automatically exempted. AB 3 § 2(3)(o).



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All other civil case types are subject to the arbitration program unless a party applies for a permissive exemption. NAR 5(b). Notwithstanding the monetary threshold, existing law allows civil cases to be permissively exempted from the arbitration program if the party moving for exemption demonstrates the case involves significant issues of public policy, or the case presents unusual circumstances constituting good cause for removal. NAR 5(b)(1)(A)-(B).

AB 3 also accounts for the rising cost of litigation and attorneys' fees. AB 3 § 2(4)(b)(1) raises the amount in attorneys' fees an arbitrator may award from \$3,000 to \$15,000. Prior law set the maximum compensation of an arbitrator at \$100 per hour and a maximum of \$1,000, and did not allow for an arbitrator's costs. NRS 38.255(4) (a). AB 3 § 2 now allows arbitrators to recoup their costs and does away with these maximums. Instead, AB 3 § 2 mandates that the Nevada Supreme Court adopt rules

to set the maximum compensation of an arbitrator. This will allow flexibility in setting compensation maximums and allow the rates to be adjusted more frequently.

The changes to the arbitration rules will likely subject more cases to the mandatory arbitration program. Proponents of the changes expect they will lighten the load on overburdened district court dockets. Since arbitrators hear all discovery matters in cases subject to the arbitration program, the changes are also expected to significantly lessen the number of matters heard by the discovery commissioners. **C**

number of matters heard by the discovery commissioners. **C**

Racheal Ross is a Las Vegas native and UNLV Boyd School of Law graduate. She is a trial attorney at Panish | Shea | Ravipudi LLP, where her practice focuses on catastrophic injury, products liability, and wrongful death cases.



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Top 10 Reasons to Read SB 404 Before October 1

By Jeffrey P. Luszeck and Alan D. Freer

SB 404, proposed by the Probate and Trust Law Section, refines Nevada's trust and estate laws to maintain its status as a leading jurisdiction in trusts and estates. The bill goes into effect on October 1, 2025, and clarifies existing laws, introduces new provisions, and streamlines the probate and trust administration process. Below is a summary of ten key provisions:

1. **Appointment of Administrators:** Section 1.2 amends NRS 139.040 by changing the order of priority for appointment of administrator and who may serve as administrator.
2. **Independent Administration:** Section 2 amends NRS 143.340 to limit independent administration to named personal representatives in a will, the surviving spouse, and family members of the decedent.
3. **Affidavit of Entitlement:** Section 10 amends NRS 146.080 by increasing the affidavit of entitlement limit for a surviving spouse from \$100,000 to \$150,000.
4. **Set Aside Without Administration:** Sections 8 and 9 amend NRS 146.020 and NRS 146.070 by increasing the monetary amount for an estate to be set aside without administration from \$100,000 to \$150,000.
5. **Summary and General Administration:** Sections 6 and 7 amend NRS 145.040 and 145.110 by increasing the threshold for summary administration from \$300,000 to \$500,000, and for general administration from \$300,000.01 to \$500,000.01.
6. **Statute of Limitation for Breach of Fiduciary Duty:** Section 12 amends NRS 11.190 by shortening the statute of limitations to two years for

The bill goes into effect on October 1, 2025, and clarifies existing laws, introduces new provisions, and streamlines the probate and trust administration process.

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a breach of fiduciary claim not involving fraud or intentional misrepresentation. The cause of action is deemed to accrue when the aggrieved party discovered, or should have discovered through the use of reasonable diligence, the material facts that constitutes the cause of action, whichever occurs earlier.

7. **Tax Reimbursements from Trusts:** Nevada law currently provides that a trust instrument may grant a trustee the power to reimburse the settlor for tax payments. Section 20 amends NRS 163.557 by providing a reimbursement power in the statute itself, thereby making discretionary reimbursement a default power under any Nevada grantor trust that does not provide otherwise.
8. **Documentation Required to be Produced to Beneficiaries:** Section 21 amends NRS 164.021 by confirming what documentation a trustee must provide to beneficiaries of a trust, which would otherwise limit a beneficiary's ability to contest the validity of a trust.
9. **Governing Law for Trust Administration:** Section 22 amends NRS 164.045 by specifying the circumstances under which Nevada law governs the administration of a trust.
10. **Trust Accounting:** Section 23 amends NRS 165.1214 by defining when an account is deemed

approved and final by a reviewing trust adviser or trust protector, and clarifying the effect of an approved-and-final accounting by adding an express exculpation provision.

SB 404 also revises certain terms and makes technical corrections relating to the administration of trusts and estates.

SB 404 also revises certain terms and makes technical corrections relating to the administration of trusts and estates. A copy of SB 404, as enrolled, can be found at: https://www.leg.state.nv.us/Session/83rd2025/Bills/SB/SB404_EN.pdf. 

Jeffrey P. Luszeck, Esq. and Alan D. Freer, Esq. are members of Solomon, Dwiggin, Freer & Steadman, Ltd., where they focus their practice primarily on trust and estate litigation. Mr. Luszeck serves as Co-Chair of the Probate and Trust Section's Legislative Committee.

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Nevada Legislation Impacting Housing

By Harrison Bohn and Francisco Morales

Nevada's 2025 legislative session marked a significant shift in housing policy, with lawmakers advancing a suite of bills aimed at increasing transparency, expanding development opportunities, and improving housing access across the state. From tenant protections to large-scale funding for attainable housing, these measures reflect a growing need to address Nevada's housing affordability crisis. This update provides a summary of four key bills—AB121, AB241, AB540, and SB114—that collectively represent a multifaceted approach to housing reform.

1. AB121: Effective Date of October 1, 2025

This bill provides for additional lease transparency and consumer protection for prospective and current tenants. Landlords are required to list the amount of rent due as a singular figure by tabulating the periodic rent for the unit itself and all mandatory fees. Landlords must also refund application fees for prospective tenants if they rent the unit to a different tenant and did not conduct the activity for which the fee was collected. There must also be one method for a tenant to pay the rent without an associated fee.

2. AB241: Effective Date of October 1, 2025

Local governments must adopt an ordinance prior to March 1, 2026, to authorize by-right development of multifamily and mixed-use developments on property zoned for commercial use. This does not include property zoned for, or in relation to, an airport, property within the Tahoe Regional Planning Compact, and property zoned for industrial use.

3. AB540: Effective Date Varies by Section

Governor Lombardo's omnibus housing bill, the Nevada Housing Access and Accountability Act, will infuse

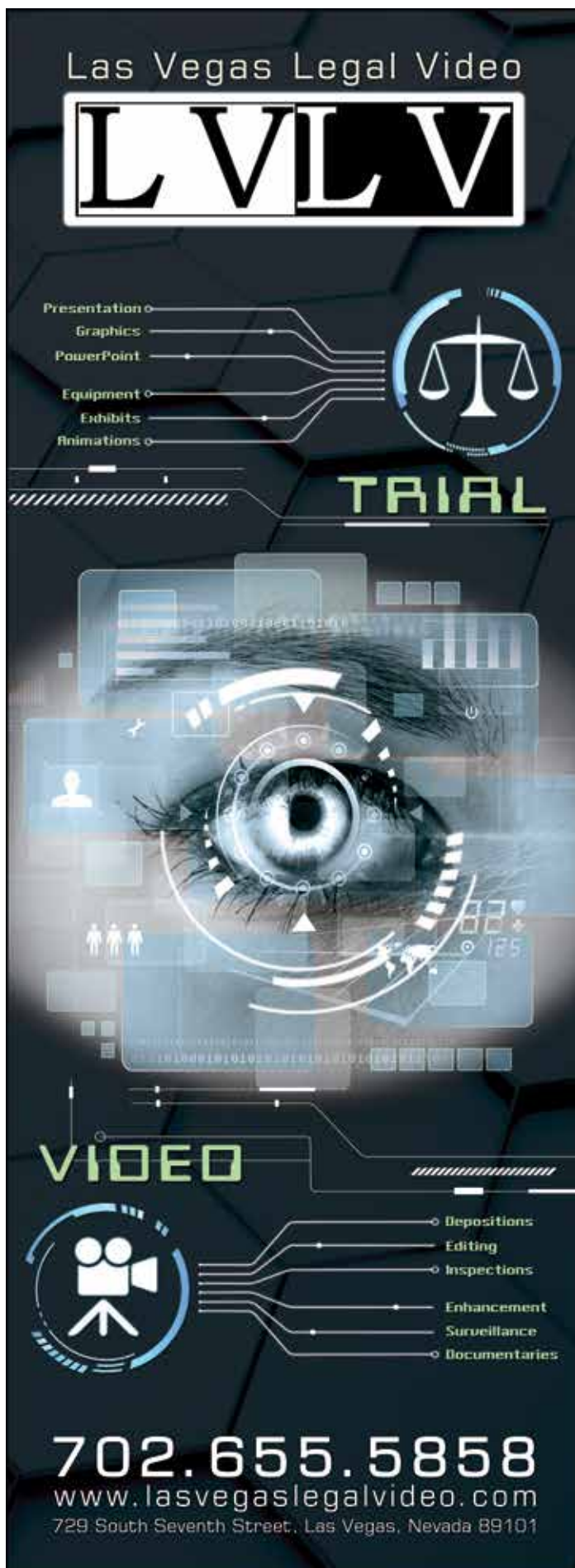
\$133 million to increase housing development, land acquisition, essential worker home purchase assistance, and local government incentives. This bill also streamlines administrative approvals for attainable housing projects. The act will be administered by the Nevada Housing Division in coordination with the newly created Nevada Attainable Housing Council.

4. SB114: Effective Date of October 1, 2025

Landlords with developments containing over 50 units in Clark County and Washoe County, and over 30 units in all other counties, must conduct background checks on all employees with access to keys to any dwelling unit as part of their employment. These developments shall maintain a key log for the issuance and return of dwelling unit keys. Additionally, the landlord shall create written policies for storage, issuance, return, security, usage and deactivation of dwelling unit keys.

These legislative efforts signal a comprehensive strategy to tackle Nevada's housing challenges from multiple angles—tenant rights, land use reform, development incentives, and safety protocols. As these laws take effect, stakeholders from renters and developers to local governments will need to adapt to new standards and opportunities. Continued collaboration and oversight will be important to ensure these policies deliver on their promise of a more accessible, equitable, and secure housing landscape for all Nevadans. **G**

Harrison Bohn, policy advisor and associate, and **Francisco Morales**, senior policy advisor, are part of the Government Relations team at Brownstein Hyatt Farber Schreck, LLP. For more information, visit www.bhfs.com.



Bar Activities

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CCBA members are invited to join one or more committee and help the CCBA in its efforts to enrich the lives and careers of our members and our community.

CLE Committee

Chair: Trisha Conlon

Plans programming for the continuing legal education of CCBA members. Meets: 2nd Wednesdays. **Next meeting: Wednesday, September 10, 2025, 12 to 1 p.m., via Zoom.**

Community Service Committee

Co-Chairs: Angela Dows and Alicia May

Plans activities that provide outreach services to the community at large in southern Nevada. Meets: 1st Fridays. **Next meeting: Friday, September 5, 2025, 12 to 1 p.m., via Zoom.**

Diversity and Inclusion Committee for Equity (DICE)

Chair: Michael J. Nuñez

Plans activities to facilitate constructive discussion and enhance understanding of diversity issues. Meets: 3rd Fridays. **Next meeting: Friday, September 19, 2025, 12 to 1 p.m., via Zoom.**

New Lawyers Committee

Co-Chairs: Benjamin Doyle and Alexandra Matloff

Coordinates William S. Boyd School of Law student competitions, pub crawls, and the Meet Your Judges Mixer. The New Lawyers Committee is for attorneys admitted to practice in Nevada within the last seven years, regardless of age. Meets: 2nd Thursdays. **Next meeting: Thursday, September 11, 2025, 12 to 1 p.m., in person at CCBA, 717 S. 8th Street, Las Vegas (with Zoom option).**

Publications Committee

Co-Chairs, Editor-In-Chiefs: Nick Michaud and Pooja Kumar

Plans content for upcoming issues of the bar journal *Communiqué*. Meets: 2nd Fridays. **Next meeting: Friday, September 12, 2025, 12 to 1 p.m., via Zoom.**

For more information, reach out to the committee chairs, see <https://clarkcountybar.org/about/committees/>, or contact the CCBA office at 702-387-6011.

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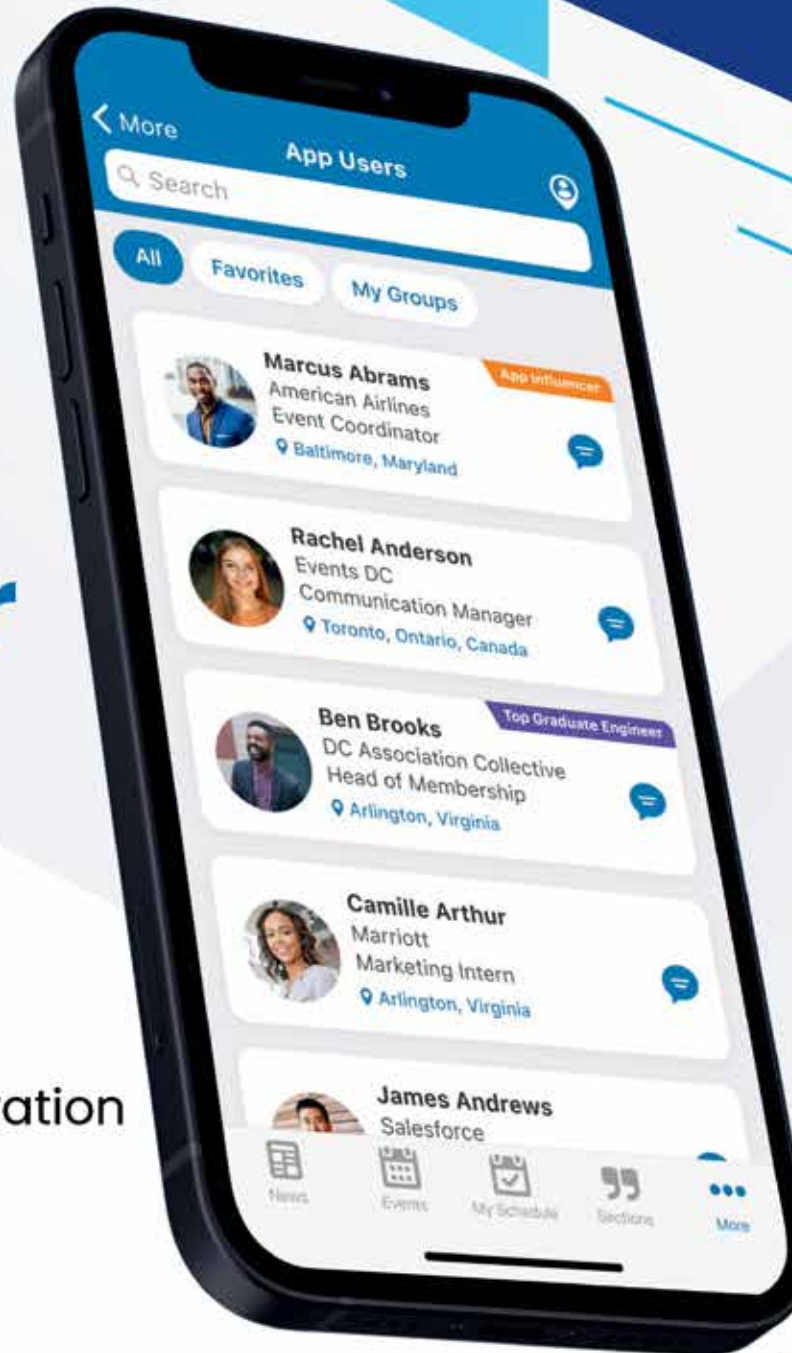


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