

January 2026

Lunchtime Learning CLE Webcasts

Free for CCBA members on January 22 and February 26, 2026

See pages 13 and 17



THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

COMMUNIQUE

Five Things

Five Things to Know:

2026 Judicial Elections

Tort Litigation Against a Government Entity

Federal Removal Jurisdiction

Enforceable Money Judgments

New Pathways to Practice

*Learn more from articles
on pages 20, 22, 24
26, and 28*

Clark County Bar Association COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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Photo of Joel G. Selik. © J.T. MacMillan, courtesy of Mr. Selik.



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COMMUNIQUÉ


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Communiqué Editorial Calendar

Cover Date	Topic	Closing Date
January 2026	Five Things	12/1/2025
February 2026	Bankruptcy Law	1/2/2026
March 2026	Law Practice Management	2/1/2026
April 2026	Family Law	3/1/2026
May 2026	Labor & Employment Law	4/1/2026
June/July 2026	Ethics	5/1/2026
August 2026	Land Use Law	7/1/2026
September 2026	Discovery	8/1/2026
October 2026	Pro Bono	9/1/2026
November 2026	Appellate Law	10/1/2026
December 2026	Immigration Law	11/1/2026

*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 Services

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Space in the *Communiqué* is available for select businesses to showcase their professional goods, services, and events for Nevada's legal community.

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Bar Services

Become an Active CCBA Member

We welcome members of the Nevada bar, bench, and our supporting legal community to become active members of the Clark County Bar Association (CCBA).

Please join / renew a CCBA membership at ClarkCountyBar.org or call the CCBA office at 702-387-6011.

Thank you!

Join/Renew Now
Scan the QR Code



Bar Activities

Event Calendar

Bar members are invited to attend bar activities

- Jan. 2 Community Service Committee Meeting
- Jan. 8 New Lawyers Committee Meeting
- Jan. 9 Publications Committee Meeting
- Jan. 13 Civil Bench-Bar Meeting – Page 16
- Jan. 14 CLE Committee Meeting
- Jan. 16 DICE Meeting
- Jan. 22 Lunchtime Learning CLE – Page 13
- Jan. 29 Clark County Bar Luncheon – Page 9
- Feb. 2–5 Boyd Law School Career Fair – Page 16
- Feb. 26 Lunchtime Learning CLE – Page 17

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

Bar Services

Contact the CCBA

Reach out for information and updates about CCBA activities:

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Community

By James T. Leavitt

The Oxford English dictionary defines community as: “a group of people living in the same place or having a particular characteristic in common.” It also defines community as: “a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals.”

As I take on the duties and responsibilities of being President of the CCBA for 2026, I’ve found myself thinking about our legal community in southern Nevada and the attitudes, interests, and goals we may share. The uncertainty of our times and the chaos of our politics have tested our community for the last few years. In reflecting on our legal community and the second definition listed above, I find myself contemplating fellowship.

Unlike some other legal communities in larger cities, ours has a unique history and culture that has been passed down through the oral history of those who came before us. Every year since I became licensed, I attend the CCBA 40 Year Club Luncheon and learn the oral history of all of the legal battles that have shaped our city. In hearing these stories, I feel the fellowship of being a part of our community.

The Oxford English dictionary also defines community to be a noun. I’ve always thought of community as being somewhat of a verb. Community is a living thing that thrives off the actions and energy of those who participate in it. What do we want our community to be? What do we want the goals to be?

Unlike some other legal communities in larger cities, ours has a unique history and culture that has been passed down through the oral history of those who came before us.

For me, I believe that we are part of a noble profession. Ideally, our job as lawyers is to assist in resolving conflict without the use of violence. Instead of guns, we use logic and precedent on behalf of our clients. We zealously argue our positions in front of an ideally impartial judge until the issues are resolved. Is this an ideal? Sure. But I think that it’s an ideal that many of us hold in our hearts and minds and that we strive to achieve in our actions.

The CCBA has always been a way for us to socialize with each other outside of court. It allows us the opportunity to recognize the humanity of each other so that we can more effectively resolve the conflicts between our clients and our individual personal communities. I intend to promote this ideal with my presidency this year and encourage all of you to engage in the verb of community with me. **C**

James T. Leavitt operates Leavitt Legal Services, P.C. in Las Vegas, Nevada. His practice focuses primarily on bankruptcy law and criminal law. James earned his Bachelor's in U.S. History from UNLV and his Juris Doctorate at the John Marshall Law School in Chicago. James serves as CCBA President through December 2026.



Clark County Bar Association presents

Nevada Supreme Court Update

Featuring

Hon. Douglas Herndon
Chief Justice, Supreme Court of Nevada



And

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

Special presentation during the

Clark County Bar Luncheon

Thursday, January 29, 2026

**Fogo de Chão
Brazilian Steakhouse**

Check-in, networking,
& Market Table buffet: 11:00 a.m. - 12:00
Luncheon Program: 12:00 - 1:00 p.m.

**RSVP with payment to the CCBA
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RSVP NOW



Holiday Mixer Highlights

On November 20, 2025, the CCBA kicked off the holiday season at Audio Bar with its 10th Annual Holiday Mixer and Ugly Sweater Contest.

Congratulations to the winners:

1st: **Monica Moazez**

2nd: **Michael Wendlberger**

3rd: **Brandon Thompson**

Special thanks to First Legal and Lexitas for sponsoring the event!



Mark's Blanket the Homeless 2025

On Saturday, December 6, 2025, the CCBA distributed rescue blankets during the lunch service at the Shannon West Homeless Youth Center, a facility operated by HELP of Southern Nevada. The gifts are from Mark's Blanket the Homeless, a community outreach program of the CCBA.

During December, the CCBA delivered over 500 rescue blankets to charities serving homeless people in southern Nevada including:

- Las Vegas Rescue Mission
- Salvation Army Veteran Services
- HELP of Southern Nevada
- Nevada Partnership for Homeless Youth (NPHY)
- Project 150
- The Shade Tree

Mark's Blanket the Homeless program is possible because of the generosity of bar members who make financial gifts throughout the year. Donations can be made at clarkcountybar.org or to the Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV 89101.



For more information about the CCBA's community outreach activities, contact the CCBA at (702) 387-6011 or reach out to CCBA Community Service Co-Chairs Angela Dows and Alicia May.

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CCBA Volunteer Appreciation Awards 2025

On December 4, 2025, the Clark County Bar Association (CCBA) hosted its annual volunteer appreciation luncheon at Morton's The Steakhouse. The December luncheon was sponsored by **First Legal**, **Quality Analytics TV**, and **Western Alliance Bank**. The special event featured guest speaker State Bar President **Kari Stephens**, the election of the CCBA's 2026 Board of Directors, and the Volunteer Appreciation Awards Ceremony.

A special highlight of the event was the presentation of the Judicial Excellence Award to Eighth Judicial District Court **Judge Gloria Sturman** in honor of her service and commitment to the judiciary and the legal community in Clark County.

Volunteer appreciation awards were presented to several members of the bar who donated their time to help with CCBA's programs and services during 2025. Honors were made to:

- **Hon. Catherine Wiersch** – Volunteer of the Year
- **Mariteresa Rivera-Rogers** – Ambassador of the Year
- **Paul Lal** – Outstanding Board Member of the Year
- **Trish Conlon** – Circle of Support Award (CLE Committee)
- **Alicia May** – Circle of Support Award (Community Service Committee)
- **Angela Cook** – Circle of Support Award (Diversity and Inclusion Committee for Equity)
- **LaTeigra Cahill** – Circle of Support Award (New Lawyers Committee)
- **Brandon Thompson** – Circle of Support Award (Publications Committee)
- **Western Alliance Bank** – Sponsor of the Year

Luncheon host and CCBA President **Joel Henriod** shared his thoughts: "Today's ceremony showed how powerful it is when members step forward and give their time. We're grateful. And it was inspiring to see rising talent earn well-deserved recognition—and a good reminder that these opportunities are open to anyone who chooses to get involved."



Lunchtime Learning CLE

Avoiding Burnout: Mental Health Struggles in the Legal Profession

Offering 1.0 Substance Abuse/Addiction/Mental Health (AAMH)
CLE credit to Nevada lawyers

Featuring



**Jennifer
Braster**

Partner

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**Sheryl
Green**

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Speaks

Join us for an overview of the unique stressors attorneys face, their impact on well-being, and the importance of recognizing mental-health concerns early to maintain competence and professionalism.

Learn how to identify the warning signs of burnout, understand its effects on decision-making, and practical strategies to establish and maintain healthy professional boundaries.

Live webcast (via Zoom):

Thursday, January 22, 2026, 12:00-1:15 p.m.

FREE for CCBA members

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

RSVP to the CCBA before January 20, 2026

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This program is produced by
CCBA's CLE Committee.



Clark County Bar Leaders for 2026

On December 4, 2025, the 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, 2027:

- **Annette Bradley**,* *retired*
- **Joshua Dresslove*** of Dresslove Law
- **Michael J. Nuñez*** of Skane Mills
- **Alia A. Najjar, M.D.*** of Najjar Law Firm
- **Michael Wendlberger*** of Legal Aid Center of Southern Nevada
- **Catherine Wiersch** of Eighth Judicial District Court

They will serve on the 2026 CCBA Board of Directors with their colleagues:

- **James T. Leavitt** of Leavitt Legal Services, PC – *President*
- **Heather Anderson-Fintak** of Southern Nevada Health District – *President-Elect*
- **Jacquelyn Franco** of Backus Burden – *Secretary*
- **Paul Lal** of NV Energy – *Treasurer*
- **Alexandra Matloff** of Wood Smith Henning & Berman LLP
- **Christena Georgas-Burns** of Nevada Office of the Attorney General
- **The Honorable Bita Yeager** of Eighth Judicial District Court, Dept. 1 – *Judicial Appointee*
- **Past President ('25) Joel Henriod** of Henriod Stern PLLC – *Ex Officio*

Incoming president **James T. Leavitt** commented,

“This next year is going to be an amazing year for the CCBA! I'm looking forward to working with all of the members of our organization and the Board of Directors to ensure that this next year will be one to remember!”

The CCBA Board of Directors will be sworn in during the Clark County Bar Luncheon on Thursday, January 29, 2026. 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.

*Denotes person currently serving on the board.

Bar Activity

Clark County Bar Luncheon

January 29, 2026

Featuring:

- Nevada Supreme Court Chief Justice Douglas Herndon
- Swearing-in ceremony of CCBA's 2026 Board of Directors

When: January 29, 2026

Where: Fogo de Chão Brazilian Steakhouse

RSVP with payment to the CCBA required before January 23, 2026.

For more information, see page 9, visit clarkcountybar.org, or call the CCBA at (702) 387-6011.



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CCBA Board of Directors for 2026



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Michael J. Nuñez



Michael Wendlberger



Catherine Wiersch



Judge Bita Yeager
Judicial Appointee



Joel Henriod
Past President (2025)

Learn about the CCBA

<https://clarkcountybar.org/about/>



Civil Bench-Bar Meeting

Attend in person or via Zoom

- **When:** January 13, 2026, 12:00–1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 10D and Zoom
- **Contact:** EJDCBenchBar@gmail.com

Mental Health CLE Free for CCBA Members

Live webcast January 22, 2026

On January 22, 2026, commercial litigator Jennifer Braster and boundary expert Sheryl Green will make a special presentation for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the CCBA and sponsored by Las Vegas Legal Video and Worldwide Litigation Services.

"Avoiding Burnout: Mental Health Struggles in the Legal Profession" will be held online via Zoom from 12:00 to 1:15 p.m. The program offers 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE credit for Nevada lawyers.

Attendance to this live webcast is free and only for current CCBA members on January 22, 2026. The event will be recorded for use in the CCBA's audio/visual library. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs).

For more information, see page 13. **G**

William S. Boyd School of Law Career Fair

February 2–5, 2026

Law firms and professional employers are invited to attend the career fair at the William S. Boyd School of Law, on the UNLV campus, Monday, February 2 through Thursday, February 5, 2026.

At the William S. Boyd School of Law Career Fair, employers can engage with law students and alumni in person in an open format. Participating in the Career Fair will enhance the employer's visibility with the Boyd Community, which will likely lead to increased employment applications. The career fair is open to public and private sector employers. Space is limited, so tables will be filled on a rolling basis. Private spaces will be available for 1-on-1 meetings/interviews on a first come, first served basis.

For more information, contact Assistant Dean of Career Development, Nikki Harris at nikki.harris@unlv.edu or (702) 895-2742 or bslcareerservices@unlv.edu.

Boyd Law Job Board Available to Law Firms

Post a job for a law student

Law firms and employers seeking law students for employment can post open positions on Boyd's online job board. Please complete the Job Posting Form at https://docs.google.com/forms/d/e/1FAIpQLSdxdp5H_kVR-joDO6fQlut-QL6o7qXQprEhqf9osEOWNOWvkqeQ/viewform?pli=1.

Cannabis Law CLE Program Free for CCBA Members

Live webcast February 26, 2026

On February 26, 2026, cannabis lawyer Amanda Connor will make a special presentation for the continuing legal education of Nevada lawyers in a lunchtime learning program produced by the Clark County Bar Association and sponsored by Las Vegas Legal Video and Worldwide Litigation Services.

"Weeding Through the Legal Haze and Getting Blunt About Changes in Federal and Nevada Cannabis Law" will be held online via Zoom from 12:00 to 1:15 p.m. The program offers 1.0 general CLE credit for Nevada lawyers.

Attendance to this live webcast is free and only for current CCBA members on February 26, 2026. The event will be recorded for use in the CCBA's audio/visual library. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs).

To RSVP for this event, contact Donna Wiessner at donnaw@clarkcountybar.org or (702) 387-6011.

For more information, see page 17. **G**

Lunchtime Learning CLE

Weeding Through the Legal Haze and Getting Blunt About Changes in Federal and Nevada Cannabis Law

Offering 1.0 General CLE Credit to Nevada lawyers

Featuring



Amanda N. Connor

Partner, Connor & Connor PLLC

This CLE program will provide an overview of the current status and upcoming changes to Federal and Nevada law related to cannabis. It will encompass the Controlled Substances Act, the Farm Bill, intoxicating hemp, and Nevada's cannabis establishments.

Live webcast (via Zoom):

Thursday, February 26, 2026, 12:00-1:15 p.m.

FREE for CCBA members

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

RSVP to the CCBA before February 24, 2026

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This program is produced by
Weldon (Don) Havins, MD, JD, LLM
of CCBA's CLE Committee.





Las Vegas Justice Court Annual Report Published

By Chief Judge Melisa De La Garza

With the end of the year in the rearview mirror and the new year inviting a moment of reflection, Las Vegas Justice Court is proud to announce that the Las Vegas Justice Court Fiscal Year 2025 Annual Report—our first published annual report since 2011—was just distributed.

This report reflects far more than statistics, charts, and narratives. It represents the unwavering dedication of every member of the Las Vegas Justice Court—judges, commissioners, court division administrators, managers, frontline staff, and those who work tirelessly behind the scenes. It captures the work we do each day with integrity, professionalism, and compassion. Most importantly, it demonstrates to our justice partners, stakeholders, and the communities we serve that we are committed to transparency, continuous court improvement, and equal access to justice.

I must extend my deepest gratitude to the Fiscal Year 2025 Annual Report Committee, Kelly Macatangay (Chair), Grissell Hernandez, William Jimenez, Audrey Love, Maureen Lowe, and April Thomas, for their leadership, hard work, and thoughtful preparation of this publication. I must also thank all court division administrators, managers, and their teams for gathering information, sharing achievements, and ensuring that this report reflects the full scope of our mission and values.

Releasing this report with the new year is meaningful. It allows us to pause and acknowledge the tremendous progress we have made. Whether serving in the

courtroom, in public-facing divisions, or in critical behind-the-scenes support roles, each member of the Las Vegas Justice Court plays an essential part in moving the court forward.

Whether serving in the courtroom, in public-facing divisions, or in critical behind-the-scenes support roles, each member of the Las Vegas Justice Court plays an essential part in moving the court forward.

The Annual Report will be available on our website (lasvegasjusticecourt.us) for your ongoing reference, and we will continue to build on this foundation in the months ahead.

As we enter 2026, the Las Vegas Justice Court wishes each of you and your families warmth, safety, and joy. We will continue to serve our community with professionalism and a commitment to justice. **G**

Judge Melisa De La Garza was raised in Las Vegas and graduated from Eldorado High School. She received her undergraduate degree from UNLV and her J.D. from Creighton University. Her legal career has included being a Deputy District Attorney, Deputy Public Defender, private practitioner and Hearing Master. In 2018, Judge De La Garza was elected as a Justice of the Peace for Las Vegas Justice Court. She was elected to be Chief Judge in 2024.



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Las Vegas, NV 89102
702-384-1616

RENO, NV

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775-553-0000





Five Things About the 2026 Judicial Elections

By Cassandra Cummings

1. 60 judicial offices up for election

Clark County voters have a large task ahead of them in the 2026 judicial elections. All 58 judicial offices in the Eighth Judicial District Court, consisting of 32 civil/criminal departments and 26 family/juvenile departments, are up for election in 2026. Additionally, two seats on the Supreme Court of Nevada are also up for election. Members of the bar tend to be the most knowledgeable regarding the candidates running for judicial office, either appearing before the incumbent judges or interacting with the candidates in the course of their professional career. Attorneys and legal staff are encouraged to discuss the judicial candidates with one another as well as with other Clark County voters who have not had the opportunity to interact with the candidates.

2. Judicial filing deadlines

The filing period for judicial candidates runs from Monday, January 5, 2026, to Friday, January 16, 2026. The last day to change how a name will appear on the ballot is January 16, 2026, and the last day to withdraw candidacy or rescind a withdrawal is January 28, 2026.

3. How, what, where to file

Candidates may initiate the filing process on the Secretary of State website <http://www.nvsos.gov/SOS-CandidateServices/AnonymousAccess/CF/Candidate-Filing.aspx>, but must complete filing with the appropriate filing officer. In southern Nevada, candidates for Justice of the Supreme Court of Nevada must file with the Secretary of State at the Nevada One Building, located at 1 State of Nevada Way, Las Vegas, Nevada 89119. Candidates for the Eighth Judicial District Court, including the Family Division, must file their candidacy with the Clark County Registrar of Voters, located at the Clark County Government Center, First


Floor, Pueblo Room, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155. Every judicial candidate is required to file the Judicial Statement of Financial Disclosure with the state court administrator at the administrative office of the courts. Candidates must also file the Contribution and Expense Report with the Elections Division of the Nevada Secretary of State. Additional information regarding these requirements can be found at <https://www.nvsos.gov/sos/elections/candidate-information>.

4. Primary election

Early voting for the primary election will run from May 23, 2026, to June 5, 2026. Primary election day is *June 9, 2026*. The two judicial candidates with the greatest number of votes will advance to the general election. If there are only two candidates for any given seat, those candidates will skip the primary and compete only in the general election. Candidates running unopposed will appear on the primary ballot and must receive at least one vote to be elected to office without appearing on the general ballot.

5. General election

Early voting for the general election will run from October 17, 2026, to October 30, 2026. General election day is November 3, 2026.

More information regarding the 2026 elections can be found at: <https://www.clarkcountynv.gov/government/departments/elections/>. 

Cassandra Cummings, Esq. is a member of the litigation team at Ladah Law Firm representing individuals who have been injured as the result of another's negligence. She has primarily practiced in the Eighth Judicial District Court throughout her career.



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Five Things to Know About Tort Litigation Against a Government Entity

By Brandon Mikhail Thompson

For most firms that practice civil litigation, tort claims are your “garden variety,” “run-of-the-mill,” “I can litigate this with my eyes closed” cases. For the more expansive of these firms, the nuances of suing a government entity may seem simple and straight-forward. However, for others, the various procedural requirements and immunities of a government entity can pose unexpected, and often, unpleasant obstacles. Accordingly, below are five high-level things to keep in mind when suing a government entity.

1. Service and the deadline to respond

Rule 4.2, of the Nevada Rules of Civil Procedure (NRCP), outlines clear instructions on who service of a summons and complaint *must* be made on; sometimes noting *multiple* delivery points for the perfection of service. Further, unlike the standard 21-day response time, government entities are allotted 45 days to file an answer or other responsive pleading. NRCP 12(a)(2).

2. Statutory naming requirements

Due to sovereign immunity, an individual “department, commission, board or other agency” of the State of Nevada, or its political subdivision, cannot, in and of itself, sue or be sued. NRS 41.031. Similarly, while any “officer or employee” of those entities *may* sue and be sued, the employing government entity must also be named as a defendant. NRS 41.0337. NRS Chapter 41 provides when, where, and how sovereign immunity has been waived, and what are the requirements for invoking

that waiver. A common pitfall of many litigants is the failure to name the State of Nevada, or appropriate political subdivision, “on relation of” the specific department or agency. *Craig v. Donnelly*, 135 Nev. 37 (Nev. App. 2019). Compliance with this provision is critical, as it invokes the waiver of sovereign immunity and, therefore, a court’s jurisdiction to hear the matter. Failure to comply is fatal to the action.

A common pitfall of many litigants is the failure to name the State of Nevada, or appropriate political subdivision, “on relation of” the specific department or agency.

3. Discretionary act/function immunity

Nevada has adopted “discretionary function” immunity, also known as “discretionary act” immunity, from the federal courts. NRS 41.032; *Martinez v. Maruszczak*, 123 Nev. 433 (2007). Accordingly, government entities

are immune from claims based upon acts that are discretionary and policy-driven (i.e., a cause of action for negligent hiring, training, supervision, and retention).


4. Failure to inspect or discover hazards immunity

Similar to discretionary acts, driven by policy considerations, government entities are immune to claims based upon a failure to inspect or discover—and thereby warn of—hazards. NRS 41.033; *Phipps v. City of McGill*, 97 Nev. 233 (1981). For such claims to be successful, the entity must have actual or express prior notice of the hazard and fail to remedy the issue within a reasonable time; implied or constructive notice is insufficient. *Chastain v. Clark Cty. Sch. Dist.*, 109 Nev. 1172 (1993).



5. Statutory cap on damages

Finally, when evaluating whether or not to bring a government tort action, plaintiff attorneys should bear in mind that NRS 41.035 caps tort damages at \$200,000 “per-person, per-claim.” *Clark Cty. Sch. Dist. v. Richardson Const., Inc.*, 123 Nev. 382 (2007). Further, exemplary or punitive damages are completely barred against a government entity. **C**

Brandon Mikhail Thompson is a Deputy District Attorney within the Civil Division of the Clark County District Attorney's Office. His primary assignments are the Departments of Social Services and Community/Affordable Housing; both of which often require him to navigate tort, contract, property, and administrative law at the local, state, and federal levels.




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Five Things to Help Secure Federal Removal Jurisdiction Under 28 U.S.C. §§ 1441 and 1446

By Thad Houston

Based on serving, from August 2018 to June 2025, as the term, and then career, Law Clerk to the Honorable Miranda Du, United States District Judge for the District of Nevada, the most common mistakes I saw in notices of removal were: failing to sufficiently describe the citizenship of the parties and failing to adequately show that the amount in controversy (“AIC”) requirement was satisfied in cases where it was not clearly alleged on the face of the complaint. Below are five things practitioners can do to avoid these two common mistakes, with citations to applicable case law.

Citizenship of parties: avoid inadequate descriptions

Most mistakes in describing the citizenship of the parties involved inadequate descriptions of the citizenship of corporations, LLCs, and partnerships. For a corporation, the state of incorporation and principal place of business must be stated. *See* 28 U.S.C. § 1332(c)(1). “[W]ith respect to a limited liability company, the citizenship of all of the members must be pled.” *NewGen, LLC v. Safe Cig, LLC*, 840 F.3d 606, 611 (9th Cir. 2016). The same applies to partnerships and other unincorporated associations. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990).

AIC: Understand the burden of proof

“[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold” of \$75,000. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014). But if the AIC is not satisfied on the face of the complaint, the “preponderance of the evidence burden of proof [applies] to the removing defendant.” *Gug-*



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lielmino v. McKee Foods Corp., 506 F.3d 696, 701 (9th Cir. 2007).

AIC: Provide evidence if AIC not clearly satisfied

If the AIC is not clearly satisfied, courts “may consider allegations in the complaint and in the notice of removal, as well as summary-judgment-type evidence relevant to the amount in controversy.” *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 416 (9th Cir. 2018).

AIC: Sufficiently address punitive damages if AIC not clearly satisfied

The court may consider punitive damages when the AIC is not clearly satisfied, but the evidentiary standard described above applies to their inclusion. *See id.* The removing defendant must show punitive damages are available for the plaintiff’s cause or causes of action (supported by case law) and provide examples of punitive damage awards from similar cases involving the same claims. *See, e.g., Conrad Assocs. v. Hartford Acc. & Indem. Co.*, 994 F. Supp. 1196, 1200-01 (N.D. Cal. 1998).

AIC: Sufficiently address attorneys’ fees if AIC not clearly satisfied

“[A] district court may reject the defendant’s attempts to include future attorneys’ fees in the amount in controversy if the defendant fails” to carry its preponderance burden with summary-judgment-type evidence. *Fritsch v. Swift Transportation Co. of Arizona, LLC*, 899 F.3d 785, 795 (9th Cir. 2018); *see also Johnson v. Mid-Century Ins. Co.*, No. 23-35222, 2024 WL 702332, at *1-*2 (9th Cir. Feb. 21, 2024). When seeking to include attorneys’ fees in the AIC, practitioners should show fees are available under an applicable statute or contract—and provide a reasonable estimate (supported by an attorney declaration) of what fees could be awarded using the lodestar method. *See Fritsch*, 899 F.3d at 795-96. **■**

Thad Houston is primarily a litigator in McDonald Carano’s Appellate Practice and Commercial & Complex Litigation Practice. He has significant legal writing experience, deep knowledge of practice and procedure in the District of Nevada, and substantive experience—both litigation and transactional—in intellectual property, privacy, and other technology-related law.

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Five Essential Features of an Enforceable Money Judgment

By Joel G. Selik

Taking extra care in writing judgments can avoid issues ranging from delaying collection and creating additional work and costs to rendering the judgment uncollectible. Following these five protocols can help.

1. Clearly identify the debtor(s), creditor(s), and amount(s)

Clerks, banks, and others should be able to clearly see who is entitled to how much.

The judgment must be clear as to the identity of the debtor with the debtor's full name, including middle initial—spelling counts. For an entity debtor it must have the full precise corporate/LLC name, including any punctuation. Make certain you confirm the exact name with the Nevada Secretary of State. Include in the judgment any also-known-as, name variations, and all persons and entities as much as your pleadings will allow.

If there are multiple creditors that are due different amounts, or if multiple debtors owe different amounts, make sure this is clearly spelled out. If the judgment is joint and several, it should so state.

The judgment should conclude with a single, itemized figure including all pre-judgment principle, interest, and attorney fees and a statement of all items that may be added post judgment.

2. Post-judgment additions

Where an interest rate is not stated, the judgment accrues interest at the legal rate. If there is an underlying contract with a higher interest rate, the higher interest rate should be stated as the post-judgment interest rate.

Where attorney fees are recoverable, by law or contract, the judgment should include language such as “plus attorney fees of collection.”



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3. Make the judgment short

While all critical portions of the judgment must be present, a short clear judgment is most effective. It is better for recording and easier for clerks.

Make the findings of fact and conclusions of law a separate document.

4. Notice of entry judgment, recording, and calendaring renewal

The time period in which a judgment can be overturned for mistake, inadvertence, surprise, or excusable neglect expires six months after *entry of judgment*. Serve and file the Notice of Entry right away.

A judgment expires if not renewed within six years of its entry. Immediately calendar renewal, advise the client of the need for and timing of the renewal, and clarify with the client who has responsibility for collection and renewal of the judgment.

5. Have all critical information at the end of judgment.

When reviewing judgments, clerks, enforcing attorneys, and others go to the end of the judgment. Make sure this section is concise and includes the critical points.

Conclusion

Nevada is different from some other states (for example, California) in that we do not have mandatory forms for judgments. This is both useful in that it allows us to draft judgments for maximum ease of enforceability, but also makes it easier to make judgments more difficult to enforce and to forget critical items.

By carefully drafting the judgment with collectability in mind, and including these five points, you will help ensure a judgment that lends itself to enforceability. **C**

By carefully drafting the judgment with collectability in mind, and including these five points, you will help ensure a judgment that lends itself to enforceability.

Joel G. Selik practices Judgment Collection & Legal Malpractice in California and Nevada. He is a Certified Specialist in Legal Malpractice, and Chair of SCEPR (State Bar of Nevada Standing Committee on Ethics & Professional Responsibility). Selik can be reached at Joel@SelikLaw.com

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Five Things About Legal Aid Center's New Pathways to Practice Program

By Jim Berchtold

1. Supervised practice is coming!

Nevada's new Comprehensive Licensing Examination will require bar applicants to complete at least 40 hours of supervised practice representing a pro bono client under the guidance of a licensed attorney. Although the new bar exam launches in January 2027, law students can begin meeting the supervised practice requirement in January 2026 through Legal Aid Center of Southern Nevada's new Pathways to Practice Program.

2. The Pathways to Practice Program provides two paths to completing supervised practice.

- Pathway one pairs students with an experienced Legal Aid Center attorney who supervises them on an active Legal Aid Center case.
- Pathway two pairs students with a seasoned private sector attorney who will supervise, mentor, and co-counsel with them on a pro bono case provided by Legal Aid Center.

3. You are critical to making supervised practice successful!


Legal Aid Center will invite current pro bono attorneys—and seek new volunteers—to supervise law students through the Pathways to Practice Program. Participating attorneys will be matched with a student and assigned a pro bono case. Attorneys who wish to work directly with their law clerks can register as supervisors through the State Bar of Nevada, while the clerk enrolls in the Pathways to Practice Program.

4. Supervisors will play a meaningful role in shaping future lawyers!

Supervisors will mentor students on client counseling, issue analysis, and effective advocacy. They will guide students through meeting with the client and at least three lawyering tasks as the case progresses, sharing practical skills and professional insight. As a bonus, this early engagement allows attorneys to identify promising future colleagues while supporting access to justice.

5. Attorneys interested in participating can contact the Pro Bono Project at Legal Aid Center (www.lacsn.org/pbcontact).

Supervisors and students will receive support from the Pro Bono Project and malpractice coverage from Legal Aid Center. CLE credit for supervision and pro bono work is also available.

More information is available on Legal Aid Center's website, www.lacsn.org/supervisedpractice. 

Jim Berchtold is the Director of Supervised Practice at Legal Aid Center of Southern Nevada, where he heads up Legal Aid Center's supervised practice and law student initiatives.

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