

August 2026

Activities for CCBA Members

Bar Luncheon, CLE Programs, Mixers, and Community Impact Opportunities
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COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

Land-Use Due Diligence in Tenant-Side Commercial Leasing

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See page 24

Land Use Law

Restrictive Covenants in Affordable Housing

By Brandon M. Thompson
See page 26

Justice Court Expands Eviction Diversion Program

By Chief Judge
Melisa De La Garza
See page 21



COMMUNIQUE

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COMMUNIQUÉ

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Communiqué Editorial Calendar

Cover Date	Issue Theme	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 Activities

Event Calendar

- Aug. 1 Book Cleaning at Spread the Word Nevada
- Aug. 3-7 Virtual Mock Interview Program for Law Students – Page 10
- Aug. 6 9th Annual After Bar Mixer – Page 10
- Aug. 7 Community Service Committee Meeting
- Aug. 12 Lunchtime Learning CLE: Use of Private Investigators – Page 12
- Aug. 13 New Lawyers Committee Meeting
- Aug. 13 Summer Kick-Back Mixer – Page 14
- Aug. 14 Publications Committee Meeting
- Aug. 19 Lunchtime Learning CLE: Divorce Matters – Page 14
- Aug. 20 Bar Luncheon Featuring Chief Judge Tierra Jones – Page 17
- Aug. 21 DICE Meeting
- Aug. 27-28 In-Person CLE: AI Command Workshop – Page 15
- Sep. 4 Community Service Committee Meeting
- Sep. 8 Civil Bench-Bar Meeting – Page 18
- Sep. 9 CLE Committee Meeting
- Sep. 10 35th Annual Meet Your Judges Mixer – Page 22
- Sep. 11 Publications Committee Meeting
- Sep. 12 Suicide Prevention Walk – Page 16
- Sep. 18 Attorney Memorial Service – Page 16
- Sep. 23 SNAWA Miriam Shearing Gala
- Oct. 10 LVNBA Annual Scholarships and Awards Gala
- Oct. 15 Judicial Perspectives CLE
- Oct. 17 2026 Walk to End Alzheimer's® – Page 16
- Oct. 22 Halloween Mixer – Page 16
- Oct. 28 SLP Salutes Senior Advocates

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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Summer Musings

By James T. Leavitt

Summer is here! This summer with the CCBA has been amazing so far! Our Vintage Americana party in June was well attended and was a lot of fun! Please see the amazing pictures that are featured in other parts of this issue. Being that it is summer and I am just about to go on vacation at the time of this writing, I'll keep this message short.

This fall the CCBA has some amazing events planned! Our Meet Your Judges Mixer is scheduled for September 10th. We will be having it at a brand new venue, the AC Hotel in Symphony Park. It will be the event of the year and I can't wait to see everyone there.

Additionally, our newest standing committee, the Legal Professional Support Committee, is hosting two upcoming events. First, on August 13th, they put together the inaugural Summer Kick Back Mixer. Carlyon and Cica have agreed to host it at their office and provide wine! The Adams and Ham Law Firm is sponsoring as well. We appreciate our sponsors and know that this will be an amazing first event for the LPSC!

The second event that the LPSC will be hosting will be our first annual Halloween Mixer! They are still working out the details on that event. If anyone is interested in sponsoring, please contact Donna or Steph.

As you can see, we have some amazing plans for the rest of the year! With that said, I'm off for my vacation! 🇸🇨

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 Bachelors 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.

Bar Services

Baseball Ticket Special Offer

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

To request use of the CCBA tickets, CCBA members will need to submit a request with the following information:

- **CCBA member name**
- **Email address—the email address associated with the Las Vegas Aviators' Ticketmaster account.**
- **1st, 2nd, and 3rd choices of home game day (select from list at [ClarkCountyBar.org](https://clarkcountybar.org)).**

Submit requests via email to Donnaw@clarkcountybar.org.

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



THESE ARE THE NIGHTS YOU REMEMBER



LAS VEGAS AVIATORS 2026 SCHEDULE

	MON	TUE	WED	THU	FRI	SAT	SUN
MARCH/APRIL					27 \$ 7:05PM	28 \$ 7:05PM	29 \$ 12:05PM
	30 \$ 6:05PM	31 \$ 11:05AM	1 \$ 7:05PM	2 \$ 7:05PM	3 \$ 7:05PM	4 \$ 7:05PM	5 \$ 12:05PM
	6 \$ 6:45PM	7 \$ 6:45PM	8 \$ 6:45PM	9 \$ 6:45PM	10 \$ 6:37PM	11 \$ 6:05PM	12 \$ 6:05PM
	13 \$ 6:05PM	14 \$ 6:05PM	15 \$ 6:05PM	16 \$ 6:05PM	17 \$ 4:05PM	18 \$ 4:05PM	19 \$ 4:05PM
	20 \$ 7:05PM	21 \$ 7:05PM	22 \$ 7:05PM	23 \$ 7:05PM	24 \$ 7:05PM	25 \$ 7:05PM	26 \$ 12:05PM
	27 \$ 6:05PM	28 \$ 6:05PM	29 \$ 7:05PM	30 \$ 7:05PM			

	MON	TUE	WED	THU	FRI	SAT	SUN
MAY					1 \$ 7:05PM	2 \$ 6:05PM	3 \$ 1:05PM
	4 \$ 7:05PM	5 \$ 7:05PM	6 \$ 7:05PM	7 \$ 7:05PM	8 \$ 7:05PM	9 \$ 12:05PM	10 \$ 12:05PM
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	18 \$ 7:05PM	19 \$ 7:05PM	20 \$ 7:05PM	21 \$ 7:05PM	22 \$ 7:05PM	23 \$ 7:05PM	24 \$ 12:05PM
	25 \$ 6:05PM	26 \$ 6:05PM	27 \$ 7:05PM	28 \$ 7:05PM	29 \$ 7:05PM	30 \$ 6:05PM	31 \$ 1:05PM

	MON	TUE	WED	THU	FRI	SAT	SUN
JUNE	1 \$ 7:05PM	2 \$ 7:05PM	3 \$ 7:05PM	4 \$ 7:05PM	5 \$ 7:05PM	6 \$ 7:05PM	7 \$ 7:05PM
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	15 \$ 7:05PM	16 \$ 7:05PM	17 \$ 7:05PM	18 \$ 7:05PM	19 \$ 7:05PM	20 \$ 7:05PM	21 \$ 7:05PM
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	MON	TUE	WED	THU	FRI	SAT	SUN
AUGUST						1 \$ 6:05PM	2 \$ 6:05PM
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	31 \$ 6:05PM						

	MON	TUE	WED	THU	FRI	SAT	SUN
SEPTEMBER		1 \$ 6:35PM	2 \$ 6:35PM	3 \$ 6:35PM	4 \$ 6:35PM	5 \$ 6:35PM	6 \$ 6:35PM
	7 \$ 7:05PM	8 \$ 7:05PM	9 \$ 7:05PM	10 \$ 7:05PM	11 \$ 7:05PM	12 \$ 7:05PM	13 \$ 7:05PM
	14 \$ 6:05PM	15 \$ 6:05PM	16 \$ 6:05PM	17 \$ 6:05PM	18 \$ 6:05PM	19 \$ 6:05PM	20 \$ 6:05PM
	21 \$ 6:05PM	22 \$ 6:05PM	23 \$ 6:05PM	24 \$ 6:05PM	25 \$ 6:05PM	26 \$ 6:05PM	27 \$ 6:05PM
	28 \$ 6:05PM	29 \$ 6:05PM	30 \$ 6:05PM				
							AWAY

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R SACRAMENTO RIVER CATS (SAN FRANCISCO GIANTS)
S SALT LAKE BEES (LOS ANGELES ANGELS)
R TACOMA RAINIERS (SEATTLE MARINERS)

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SL ST. PAUL SAINTS (MINNESOTA TWINS)

* GAME TIMES ARE SUBJECT TO CHANGE. ALL TIMES ARE PST.



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Correction to Article on Attorney Fees

Last month, in the ethics issue of the *Communiqué* (June/July 2026), two errors occurred in the article, “Reasonable Attorney Fees Revisited” by John M. Naylor. Please see below:

Page 20, Paragraph 3:

Incorrect: “The Supreme Court of Nevada did not incorporate such a reasonableness requirement until the adoption of SCR 106 in 1982, which was based on ABA Model Rule 1.5.”

Correct: “...The Supreme Court of Nevada did not incorporate such a reasonableness requirement until the adoption of SCR 135 in 1986, which was based on ABA Model Rule 1.5.”

The errors were limited to the print version of the publication, as the error was fixed prior to publishing the online versions (text and PDF).

The author and the editors truly apologize for any confusion this may have caused.



After Bar Mixer on August 6

CCBA members are invited to attend the 9th Annual After Bar Mixer hosted by the New Lawyers Committee. This event offers an opportunity to network and meet people who sat for the Nevada Bar Exam this year.

- **When:** Thursday, August 6, 2026, from 5:30 to 7:30 p.m.
- **Where:** Johnny CoCo's 32 W. Imperial Ave., Las Vegas
- **Featuring:** Complimentary food and beverage ticket (while supplies last) for current CCBA members, New Admittees of NV Bar (Spring 2026), and NV Bar exam takers (July 2026).
- **RSVP to:** DonnaW@ClarkCountyBar.org. Please indicate status of attendee: CCBA member, Spring New Admittee, or July NV Bar Examinee. No minors allowed; this is a cocktail reception.

Sponsors:

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Virtual Mock Interview Program for Law Students

Volunteers Needed August 3–7

This program provides Boyd Law students the opportunity to engage in 30-minute virtual mock interviews with practicing attorneys as they prepare for On-Campus Interviews (OCI) and fall recruiting. Interested attorneys are asked to share their availability, and the UNLV Law Career Development Office will coordinate scheduling accordingly. For questions, contact Candice Seay-Angotta J.D. at candice.seayangotta@unlv.edu.

Vintage Americana Event Highlight

On June 25, 2026, the CCBA celebrated its 101-ish anniversary and the nation's 250th Anniversary during a special event at The Underground Speakeasy and The Distillery Room inside The Mob Museum. The event was sponsored by Lexitas and featured a “Vintage Americana” theme with several guests wearing red, white, and blue. Select photos from the event may be seen on page 11.

Activities continued on page 12

Vintage Americana Event Photos



Effective Use of Private Investigators CLE Program Free for CCBA Members August 12

On August 12, 2026, retired FBI special agent and private investigator Robert Clymer and Nevada arbitrator Stephen F. Smith will make a special presentation for the continuing legal education of Nevada lawyers in a lunchtime learning program hosted by the Clark County Bar Association.

The program, “Effective Use of Private Investigators in Nevada,” is produced by Stephen F. Smith of the CCBA’s CLE Committee and sponsored by Adams & Ham Trial Lawyers, Las Vegas Legal Video, and Worldwide Litigation Services.

Robert L. Clymer is the CEO of Sin City Private Investigators in Las Vegas, Nevada. Clymer’s experience includes more than 22 years with the FBI and over 20 years as a private investigator.

As an FBI Special Agent, Robert worked a wide range of complex cases involving white-collar crime, organized crime, fugitives, and terrorism. The majority of his career focused on organized crime investigations, including racketeering influenced corrupt organizations (RICO), labor racketeering, alien smuggling, and money laundering. These long-term cases demanded sophisticated techniques such as undercover operations, use of confidential informants, Title III wiretaps, search warrants, and confrontational interrogations. His extensive work frequently required him to testify in federal court.

Stephen F. Smith worked in-house for a Fortune 500 company as litigation counsel and in several government positions. He’s tried many cases and argued six before the Supreme Court of Nevada. He also has several published opinions. He is a graduate of Rutgers Law School in Newark, New Jersey. Smith currently serves as an arbitrator, short trial program judge, and pro-tem justice of the peace. He practices primarily in personal injury, workers’ compensation, insurance issues, and alternative dispute resolution. Over the years, he retained many private investigators, conducted investigations, and supervised in-house investigators.

Clymer and Smith will present “Effective and Ineffective Use of Private Investigators in Nevada.” They will focus on topics relevant to attorneys and law firms. They plan to address the following topics:

- When attorneys should use a private investigator
- What a PI can do that attorneys often cannot do well
- The attorney cannot be the witness
- Nevada PI licensing requirements
- The insurance surveillance problem
- Surveillance in civil, insurance, and family law cases
- Child custody and family law investigations
- Asset investigations and judgment collection
- Background checks and due diligence
- Common mistakes attorneys make when hiring PIs
- Practical attorney checklist

The presentation will be held via Zoom from 12:00 to 1:15 p.m. on Wednesday, August 12, 2026. Attendance to this live webcast is free for CCBA members. To attend the live webcast, CCBA members will need to RSVP to the CCBA by August 17, 2026. All RSVPs must be made to the CCBA at least 48 hours before the event starts. Pricing of the live webcast event is in-



CLE Programs

CLE Sponsors

Special thanks to the CCBA’s programming sponsors



cluded with the 2026 CCBA membership. CCBA membership will be verified upon RSVP. During the event, attendance will be taken, and only those Nevada lawyers in attendance will have their attendance reported to Nevada's Board of Continuing Legal Education.

The program offers 1.0 general CLE credit for Nevada lawyers.

The event will be recorded for use in the CCBA's CLE library. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs).

Scan QR code to open RSVP form



For more information and to RSVP for this event, scan the QR code for the event RSVP form or contact Donna at donnaw@clarkcountybar.org or (702) 387-6011.

Activities continued on page 14

WELT LAW

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Summer Kick-Back Mixer on August 13

CCBA members are invited to take break from the summer heat, network with colleagues, and enjoy complimentary beverages and light refreshments (while supplies last) at this special event. The Summer Kick-Back Mixer event is hosted by the CCBA's Legal Support Professionals Committee (LSPC).

- **When:** Thursday, August 13, 2026, 5:30 p.m. to 7:30 p.m.
- **Where:** Carlyon Cica Chtd., 265 E. Warm Springs, Ste. 107
- **Featuring:** Complimentary drink tickets and light refreshments (while supplies last) for CCBA members.
- **Who:** Current CCBA members
- **RSVP to:** DonnaW@ClarkCountyBar.org by Friday, August 7, 2026

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Divorce Matters CLE Program Free for CCBA Members August 19

On August 19, 2026, certified family law specialist Marshal S. Willick 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 Adams & Ham Trial Lawyers, Las Vegas Legal Video, and Worldwide Litigation Services.

Marshal Willick is the principal of the Willick Law Group, an A/V rated Family Law firm in Las Vegas, Nevada, and practices in trial and appellate family law. He is a Certified Family Law Specialist, a Fellow of both the American and International Academies of Matrimonial Lawyers, former Chair of the Nevada Bar Family Law Section, and former President of the Nevada chapter of the AAML.

In addition to litigating trial and appellate cases in Nevada, Marshal has participated in hundreds of divorce and pension cases in the trial and appellate courts of other states, and in the drafting of various state and federal statutes in the areas of pensions, divorce, and property division.

Marshal will present "Divorce Matters in Nevada Family Court" He will focus on five topics related to the organization of divorce cases: Grounds and Jurisdiction; Child Issues; Property and Debt; Alimony/Spousal Support/Maintenance; and Procedural and Cost Issues. The program offers 1.0 general CLE credit for Nevada lawyers.

The presentation will be held via Zoom from 12:00 to 1:15 p.m. on Wednesday, August 19, 2026. Attendance to this live webcast is free for CCBA members. To attend the live webcast, CCBA members will need to RSVP to the CCBA by August 17, 2026. All RSVPs must be made to the CCBA at least 48 hours before the event starts. Pricing of the live webcast event is included with the 2026 CCBA membership. CCBA membership will be verified upon RSVP. During the event, attendance will be taken, and only those Nevada lawyers in attendance will have their attendance reported to Nevada's Board of Continuing Legal Education.

The event will be recorded for use in the CCBA's audio/visual library. The recorded versions of the program will be offered for rental use at a small fee (to cover administrative costs).



Scan QR code to open RSVP form



For more information and to RSVP for this event, scan the QR code for the event RSVP form or contact Donna Wiessner at donnaw@clarkcountybar.org or (702) 387-6011.

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9:10 – 10:40 a.m.
Hands-on lab

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MODULE 2 1.5 ETHICS

ETHICS UNDER FIRE 2026

10:55 a.m. – 12:25 p.m.
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MODULE 3 1.5 GENERAL

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1:25 – 2:55 p.m.
Hands-on lab

Source-bounded AI to draft outlines, handouts, slides, and explainers. In session, you'll go from concept to review-ready first draft in minutes.

MODULE 4 1.5 GENERAL

COVERAGE ANALYSIS, DUTY TO DEFEND & BAD FAITH

3:10 – 4:40 p.m.
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Coverage analysis, duty to defend, and failure-to-settle — AI at every stage. Apply COMMAND skills to assist your analysis of substantive legal issues.

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8:30 a.m. arrival, laptop setup & breakfast • instruction 9:10 a.m. – 12:25 p.m. • Modules 1–2
3.0 CLE HOURS (1.5 GENERAL + 1.5 ETHICS)

AFTERNOON SESSION

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1:00 p.m. arrival, laptop setup & lunch • instruction 1:25 – 4:40 p.m. • Modules 3–4
3.0 CLE HOURS (ALL GENERAL)

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Community Impact Activities

Las Vegas Walk to Support American Foundation for Suicide Prevention

When: Saturday, September 12, 2026

9:00 a.m. – Check In

9:30 a.m. – Team CCBA Meet-up (at tables near restrooms above the soccer fields)

10:00 a.m. – Event start

Where: Kellogg Zaher Sports Complex, Las Vegas

Why: Suicide is the 11th leading cause of death in the United States. To prevent suicide, we need to understand it first. Funds raised at the Out of the Darkness Las Vegas Walk directly support research, advocacy efforts, and educational programs in schools, workplaces, and communities across Nevada. All donations are 100% tax deductible and benefit the American Foundation for Suicide Prevention (AFSP), funding research, education, advocacy, and support for those affected by suicide.

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

Annual Attorney Memorial Service

When: Friday, September 18, 2026, 3:00-4:00 p.m. Service starts at 3 p.m. sharp with reception immediately following.

Where: Supreme Court of Nevada, 408 E. Clark Avenue, Las Vegas

About: The Annual Attorney Memorial Service honors Nevada attorneys who have passed on during the last year. The 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 Patrick at the CCLF, (702) 333- 8277.

2026 Walk to End Alzheimer's®

When: Saturday, October 17, 2026

7:00 a.m. Check-In | 8 a.m. Opening Ceremony | Walk to Follow

Where: Town Square Las Vegas, 6605 S Las Vegas Blvd

Route Length: 1 mile

About: The Alzheimer's Association Walk to End Alzheimer's®! Walk is the largest event to raise funds and awareness for the care, support and research efforts of the Alzheimer's Association®. It's held annually in more than 600 communities nationwide, and our team is excited to participate this year. To join and/or support CCBA's team, contact Stephanie at the CCBA, StephanieAbbott@clarkcountybar.org, (702) 387-6011.

Halloween Mixer on October 22

CCBA members are invited to attend this special event.

- **When:** Thursday, October 22, 2026, 6:00 p.m. to 8:00 p.m.
- **Where:** TBA
- **About:** The Halloween Mixer is hosted by the CCBA's Legal Support Professionals Committee (LSPC). Participants are welcome to wear tasteful Halloween costumes and participate in our costume contest.
- **Featuring:** Complimentary drink tickets and light refreshments (while supplies last) for CCBA members. Sponsorship opportunities are available.

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

Sponsor:



For more information about bar activities, contact the CCBA office at 702-387-6011. 



Special Event

Clark County Bar Luncheon

Featuring

Hon. Tierra Jones

Chief Judge, Eighth Judicial District Court

Thursday, August 20, 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
required by 8/13/2026**

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RSVP NOW

Civil Bench-Bar Meeting

Bar members who handle civil matters in the Eighth Judicial District Court are invited to attend the Civil Bench-Bar meetings.

- **Host:** Eighth Judicial District Court - Civil Department
- **When:** Tuesday, September 8, 12:00 p.m. to 1:00 p.m.
- **Where:** Regional Justice Center, Courtroom 14A and Zoom
- Next meetings: 10/13/2026, 11/10/2026, 12/8/2026
- **Contact:** EJDCBenchBar@gmail.com

Chief Judge Changed at Eighth Judicial District Court on July 1

On July 1, 2026, outgoing Chief Judge Jerry Wiese officially passed on the leadership of the court to incoming Chief Judge Tierra Jones. The local rules of practice for the Eighth Judicial District Court require all district judges to biennially select among their peers a chief judge, who may serve no more than two consecutive two-year terms.

Judge Wiese, who first assumed his duties as chief on July 1, 2022, served a total of four years over two terms.

Judge Tierra Jones, who was unanimously selected by her peers to serve as the next chief, and whose leadership experience includes several years of service as the presiding criminal division judge, will be taking the helm.

The local rules of practice also require the chief judge to appoint presiding judges to assist with administrative duties. Judge Jones has reappointed Judge Tara Clark Newberry, who has been overseeing the civil division over previous administrations, to continue serving as civil presiding judge. Judge Carli Kierney, who currently serves on the court's Homicide Team, has been selected to serve as the criminal presiding judge. Judge Cynthia Giuliani, who has been deeply committed to serving families and children as a jurist since 2009, will be the presiding judge over the family division.

For more information about the Eighth Judicial District Court, visit its website <https://www.clarkcountycourts.us/>.

Business Court Pilot Project Updates Effective June 29, 2026

On June 29, 2026, Eighth Judicial District Court Chief Judge Tierra Jones filed an order in the administrative matter of the Business Court Pilot Project. See Administrative Order 26-04.

The order cites NRS 3.025, EDCR 1.30(b), and Administrative Order 26-03, and indicates a revised method for the assignment of cases for the Business Court Pilot Project as well as the designation of "Business Special" cases at the court.

For more information, read the order. It is available to download from the court's website at <https://www.clarkcountycourts.us/>

Eighth Judicial District Court Orders Case Reassignments Effective June 29, 2026

On June 22, 2026, Eighth Judicial District Court's outgoing Chief Judge Jerry Wiese and incoming Chief Judge Tierra Jones co-signed an order in the administrative matter of general, civil, criminal, and family case reassignments. See Administrative Order 26-03.

Administrative Order 26-03 cites NRS 3.025 and EDCR 1.30(b) and modifies several assignments to further foster consistency, efficiency, and fairness in the administration of services at the court.

Reassignments and orders are extensive and include:

- In an attempt to pilot a new Business Court model, Judge Maria Gall (Department 9) and Judge Joe Hardy (Department 15) will be designated full Business Court Judges.
- All Business Court cases currently assigned to Departments 16, 22, and 31 shall be evenly and randomly re-assigned to Departments 9 and 15, Departments 9 and 15 will retain all currently assigned business court cases.
- All cases currently assigned to Department 13 (civil and

- business court cases) will remain with Department 13.
- All of Department 9's civil cases shall be transferred and reassigned to Department 22.
- Department 22 will retain its Chapter 40 Constructional Defect cases.
- All of DC 15's civil cases shall be transferred and reassigned to Department 31.
- Department 31 will retain its Chapter 40 Constructional Defect cases.
- All of Department 15's professional negligence/medical malpractice cases shall be transferred and reassigned to Department 30.

In regard to the Chief Judge:

- Department 30 shall return to general civil/criminal case assignment and shall retain all currently assigned specialty courts, as well as the Foreclosure Mediation Docket, and will receive 50 percent of the civil cases currently assigned to Department 24, in addition to the medical malpractice cases currently assigned to Department 15. Any other cases currently assigned to Department 30 shall be reassigned to Department 10.
- Department 10 shall become the new Chief Judge of the District Court and shall retain its current homicide calendar.
- All civil cases currently assigned to DC 10 will be distributed as follows: 150 cases to Department 16, and the remaining cases to be randomly reassigned to the remaining departments with civil dockets (Departments 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, and 29).

In regard to Criminal Court:

- Department 24 shall become a civil/criminal split docket and retain 50 percent of the currently assigned civil cases, and Department 24 will also be assigned Criminal Track 11 (from Department 9), with calendars on Mondays and Wednesdays at 9:30 a.m.
- All of Department 15's criminal cases (Track 12) will be transferred to Department 2 with calendars on Tuesdays and Thursdays at 8:30 a.m.
- Department 2 will retain all currently assigned civil cases and homicide cases.
- Department 2's homicide calendar will be heard on Tuesdays at 10:30 a.m.
- All of the above-referenced changes will take effect on June 29, 2026, unless otherwise specified.

For more information about the Eighth Judicial District Court, visit its website at <https://www.clarkcountycourts.us/>.

Las Vegas Township Justice Court Seeks Pro Tempore Judges

On June 15, 2026, the Las Vegas Township Justice Court will begin accepting applications for the following separate Pro Tempore lists for the 2027-2028 calendar years.

- Justices of the Peace Pro Tempore (NRS 4.032) preside on an as-needed basis over various types of criminal, civil, eviction, or other matters when judicial officers are unavailable.
- Small Claims Justices of the Peace Pro Tempore (NRS 4.032/NRS Chapter 73) preside on an as-needed basis in small-claims hearings when judicial officers are unavailable.
- Traffic Justices of the Peace Pro Tempore preside on an as-needed basis in traffic matters when judicial officers are unavailable. (This category is new for 2027-2028.)

All applications must be received via email by 5:00 PM on Saturday, August 15, 2026, to: Staff Attorney Joe Tommasino joe.tommasino@ClarkCountyNV.gov.

Direct questions or requests for additional information to Staff Attorney Joe Tommasino at (702) 671-3424.

For more information, see announcement posted at <https://clark-countybar.org/las-vegas-justice-court-seeks-pro-tempore-judges/>.

Court continued on page 20

Public Notice for Appointment of New United States Magistrate Judge

The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the District of Nevada with a duty station (chambers) in Reno, Nevada. The position replaces retiring Magistrate Judge Carla L. Baldwin.

The duties of the magistrate judge position are demanding and wide-ranging, including: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636. The current annual salary of the position is \$229,908. The term of office is eight years.

To be qualified for appointment an applicant must:

1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized);
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than 70 years old; and
4. Not be related to a judge of the district court.

The court will appoint a merit selection panel (Panel) composed of attorneys and other members of the community to assist in the selection process. The order appointing the Panel will be posted on the court's website. The Panel will review all applicants and determine the candidates who should be given further consideration. The Panel will interview the top candidates and recommend to the court in confidence the five persons it considers best qualified.

The court will interview the final candidates, whose names will remain confidential. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements of the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-111) as implemented by the Judicial Conference of the United States.

The essential function of the court is to dispense justice. An important

component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's racial, ethnic, and gender diversity. All qualified candidates will be considered. The federal judiciary is an equal opportunity employer, values a diverse workforce and an inclusive culture, and encourages candidates of all gender identities, races, ethnicities, national origins, sexual orientations, parental statuses, physical abilities, religious affiliations, or the lack thereof, socio-economic backgrounds, veteran status, and geography, as well as those age 40 and over to apply.

A public announcement of the appointment will be made upon the successful completion of the background check, which may take four months or more to complete. It is anticipated that the selection process will be completed by March 2027. The remaining applicants will then be notified of the outcome of the application process.

Application forms are available on the court's website (www.nvd.uscourts.gov). Applications must be submitted only by each applicant personally. Applications should be emailed to **NVD_Recruitment@nvd.uscourts.gov**. **Applications must be received by 4:00 p.m. on Monday, August 31, 2026.** Questions may be directed to Debra Kempf, Clerk of Court at 702-464-5456.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the Panel and the judges of the district court. The Panel's and the judges' deliberations will remain confidential. **G**



Justice Court Expands Eviction Diversion Program

By Chief Judge Melisa De La Garza

As we enter August, typically the hottest month in Las Vegas, it is tough not to think about those in our community who may be on the brink of homelessness. As a court, Las Vegas Justice Court oversees approximately three thousand to four thousand eviction cases each month. However, the court also continues to advance innovative, community-focused solutions that improve access to justice while addressing the evolving needs of our Clark County residents. One of our recent initiatives—the expansion of the Eviction Diversion Program—reflects the court’s ongoing commitment to fairness, efficiency, and public service.

During the Board of Clark County Commissioners’ meeting, on August 4, 2026, Las Vegas Justice Court anticipates being recognized for receiving a National Association of Counties (NACo) Achievement Award for our Eviction Diversion Program.

Leading up to receiving the NACo award and being recognized at the Commissioners’ meeting, the court continued to improve its service to Clark County by expanding the Eviction Diversion Program to provide additional support for one more of the community’s most vulnerable populations. In addition to seniors and those with disabilities, families with children under one year of age are now eligible for enhanced diversion services, recognizing the unique hardships that housing instability can have on infants during the earliest stages of development. Through partnerships with Clark County Social Services, Legal Aid Center of Southern Nevada, and

other community organizations, the program connects eligible families with rental assistance, case management, and supportive services aimed at preventing homelessness and promoting long-term housing stability.

This latest initiative further demonstrates Las Vegas Justice Court’s dedication to delivering justice that extends beyond the courtroom. Whether modernizing court operations or strengthening partnerships that keep families safely housed, the court remains focused on innovative solutions that benefit both court users and the broader community. As the needs of Clark County continue to evolve, Las Vegas Justice Court will continue seeking opportunities to improve access, promote accountability, and foster public confidence in the judicial system. 

As the needs of Clark County continue to evolve, Las Vegas Justice Court will continue seeking opportunities to improve access, promote accountability, and foster public confidence in the judicial system.

Chief 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. In 2024, she was elected to be Chief Judge.



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Look Before You Lease: The Critical Role of Land-Use Due Diligence in Tenant-Side Commercial Leasing

By Michael Roitman

Commercial leasing transactions move quickly. A prospective tenant identifies a desirable location and negotiates rent, tenant improvement allowances, and other business terms. Whether the tenant's intended use is legally permitted is often not addressed until after the lease is signed. In practice, many commercial landlords make no representation regarding zoning or permitted use. Most leases are drafted on an "as is" and "where is" basis, leaving the tenant responsible for confirming whether its intended business use is permitted. Tenants frequently sign leases assuming that, because a building previously housed a similar use, their use will be permitted. That assumption is often incorrect.

Nevada's planning and zoning framework is codified at NRS Chapter 278, which authorizes counties and municipalities to regulate land use through zoning ordinances, conditional-use permits ("CUPs"), and variances. *See* NRS 278.020, 278.250. Local governments implement these statutes through development codes; in unincorporated Clark County, land use matters are governed by Title 30 of the Clark County Code, the County's Unified Development Code (2026).

For example, a congregation seeking to lease retail space for a small synagogue must determine whether places of religious assembly are permitted by right or require permits or discretionary approval. Similarly, a pickleball gym must address whether indoor recreation is a

permitted use, what parking ratio applies, and whether the proposed buildout triggers a change-of-use review. The analysis should address both the tenant's present

operations and reasonably anticipated expansion. A tenant should disclose the full scope of the proposed business to both counsel and planning staff.

In particular, a pickleball facility offering lessons, leagues, tournaments, food service, merchandise sales, or special events may require staff

to evaluate whether the use remains indoor recreation or includes separate instructional, assembly, retail, food-service, or event components. Operational distinctions may materially affect the zoning, parking, occupancy, business-licensing, or permitting requirements. A business license or permit issued in error does not cure the underlying defect. *See Bd. of Cnty. Comm'rs of Clark Cnty. v. C.A.G., Inc.*, 98 Nev. 497, 654 P.2d 531 (1982) (county not estopped from enforcing zoning regulations notwithstanding mistaken issuance of business license and health permit). Thus, before signing a lease, tenants should first contact the applicable planning department. These departments can advise whether the proposed use is permitted by right, and whether prior conditions of approval affect the property. They can also identify zoning stipulations or development conditions affecting the property.

Public zoning is one regulatory layer of land-use regulation. Most commercial property is also subject to private restrictions recorded against title, such as cove-

The analysis should address both the tenant's present operations and reasonably anticipated expansion.

nants, conditions, and restrictions (“CC&Rs”), reciprocal easement agreements, and exclusivity covenants. Nevada courts interpret CC&Rs under ordinary contract principles. *See Vegas United Inv. Series 105, Inc. v. Celtic Bank Corp.*, 135 Nev. 456, 453 P.3d 1229 (2019). The synagogue may face CC&Rs limiting assembly or non-retail use within a shopping center; the pickleball gym may collide with a fitness exclusive granted to an existing tenant. Recorded instruments provide constructive notice under NRS 111.315 and 111.320. Even where zoning ordinances permit the proposed business activity, tenants must also confirm compliance with private regulatory regimes such as homeowners’ associations, master-planned development restrictions, and commercial owners’ association rules. A use approved by the municipality may still violate private covenants governing the property. Land-use diligence therefore requires review of both public regulations and private recorded restrictions.

Therefore, allocation of compliance obligations under the lease warrants attention. Absent a contrary lease provision, Nevada law may place responsibility for substantial or structural work required by public authorities on the landlord where the work was not within the parties’ contemplation at the time the lease was executed. *See Polk*

v. Armstrong, 91 Nev. 557, 540 P.2d 96 (1975). Because commercial leases frequently reallocate these obligations, tenants should negotiate them expressly before execution. Zoning approval is likewise only one component of the broader regulatory framework. Many businesses also require approvals from building, licensing, health, fire, agricultural, or professional regulatory authorities, all of which should be confirmed during due diligence. Several lease provisions can mitigate these risks: use-specific zoning representations, permitting contingencies, landlord cooperation obligations, and clear allocation of code-compliance costs. Land-use issues are best identified during letter of intent (LOI) negotiations, before lease terms harden. Effective diligence requires coordinated review of zoning, recorded restrictions, regulatory approvals, and lease provisions before execution. **C**

Michael Roitman is the managing attorney of Roitman Legal, a boutique corporate law firm, and is licensed in Nevada and New York. He advises companies, entrepreneurs, and professionals on commercial real estate, mergers and acquisitions, corporate governance, and other business transactions. Michael also serves Clark County as the District A Planning Commissioner.

Bar Services

Sponsorship Opportunities

Opportunities are available to select businesses to sponsor bar activities, including:

- CCBA’s Anniversary Party
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- Bar Luncheons
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Restrictive Covenants in Affordable Housing: Not Just Building, but Also Protecting

By Brandon Mikhail Thompson

Clark County, the 11th largest county in the United States (by population), is one of the most challenged real estate markets in the nation when it comes to affordable housing. Further, research has shown that, at state-level: Nevada's low- to extremely low-income residents have far fewer affordable housing options than any other state, and the increasing costs of housing has greatly outpaced relative income growth. Moreover, Clark County trails northern Nevada counties in the construction of multi-family housing. To combat this staggering deficit, both the Nevada Legislature and Clark County's Board of County Commissioners have kicked into 'overdrive' to invest in, and develop, quality affordable housing.

However, creating more affordable housing developments is not enough. Preservation is equally vital. The federal government has established various requirements and protections when using federal funds for affordable housing projects. The restrictions are wide and varied, but generally include the following: fair market rent (FMR) or sales caps; local area median income (AMI) caps (usually between 30% and 60%, but sometimes as high as 80%); a demographic designation or preference, such as a "multifamily housing," "senior housing," or "HUD Section 811 disabled housing;" and restrictions on sales/transfers of ownership interest in the property, without prior notice and approval. *See* 24 CFR 92.252; 24 CFR 888.11; 26 U.S.C. 42(g)(2). Additionally, there may be an established percentage/number of rental units at each

cap threshold. For example, a 60-unit development may have the following unit/income restrictions set: six (6) one-bedroom units at 30% AMI; twenty-seven (27) one-bedroom and thirteen (13) two-bedroom units at 50% AMI; and eleven (11) one-bedroom and three (3) two-bedroom units at 60% AMI.

Nevada's low- to extremely low-income residents have far fewer affordable housing options than any other state, and the increasing costs of housing has greatly outpaced relative income growth.

The HOME Investment Partnership Program (HOME), administered by the U.S. Department of Housing and Urban Development (HUD), has created mandatory affordability periods for all projects that receive its grant money. *See generally* 24 CFR 92.252. This can range from five (5) to twenty (20) years—for rehabilitation and acquisition

projects—with twenty (20) years as a standard for new constructions. *Id.* (Note: For some HOME funded new construction projects, Clark County may add an "extended affordability period" of up to an additional ten (10) years; for a total of thirty (30) years). Following suit, the State of Nevada and Clark County have established similar restrictions for their grants: Nevada's Account for Affordable Housing Trust Fund (AAHTF) and Clark County's Community Housing Fund (CHF), respectively. *See* NRS Chapter 319; Clark County Code Chapter 9.02. (Note: Clark County's CHF affordability period, for new constructions, may range up to fifty (50) years. Additionally, Clark County's newest "Welcome Home Community Land Trust (CLT)" program will feature a ground lease that requires a ninety-nine-(99)-year affordability period).

The affordability restrictions set by each of these funding sources are memorialized in, protected by, and enforced through a recorded deed restriction, or restrictive covenant, that runs with the land. 24 CFR 92.252. These covenants are generally recorded in a priority (often first) position to any other recordable document in a real estate development project. Additionally, because they 'run with the land'—are permanently attached to the parcel itself, rather than a particular owner—the covenants become binding on all heirs, successors, and assigns that may acquire interest in the property. Also important, these covenants are protected from, and will survive, a foreclosure action on the property; subject to certain limitations and exceptions.

Should an owner violate any of the covenants set by the deed restriction, a host of penalties may come into play. Defaulting parties may be subject to: a withholding of further funding; litigation by way of injunctive relief and/or specific performance; repossession of the property; removal/replacement of an entity owner's property management company and/or managing members; demand for a full return of grant money; termination of the funding agreement and project; or any other remedies allowed by federal, state, or local law.

The need for a massive influx of quality affordable housing in Clark County could not be more apparent. Equally necessary are safeguards to preserve and enforce the affordability provisions. Through federal, state, and local programs—HOME, AAHTF, and CHF—southern Nevada has the tools essential to meet these needs. Clark County's portfolio of affordable housing will not blossom overnight. However, with supportive funding from all levels of government, consistent partnership with community non-profits, and robust protection and enforcement from recorded deed restrictions, the goal of sustainable affordable housing for all is finally within reach. **C**

Brandon Mikhail Thompson is a Deputy District Attorney within the Civil Division of Clark County. His primary assignments are the Clark County 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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New to pro bono? Pick a cause dear to your heart

By Jessica Lujan

Many attorneys remember accepting their first pro bono case in an area of law they do not normally practice and feeling a little anxious about whether they were really qualified to help. When I accepted my first pro bono case as a young associate, I remember worrying that because I did not regularly practice in that area, I would somehow let the client down. My best advice for how to beat that anxiety is to jump into pro bono with a case that speaks to you.

Pro bono work serves various underprivileged and underrepresented communities—like the elderly, the disabled, children (through the Children’s Attorney Program, or CAP), veterans, and many others—so there is no shortage of causes to choose from. If you accept a pro bono case for a cause you genuinely care about, the advocacy naturally follows. When you’re invested, you’re willing to spend the extra hour researching an unfamiliar issue, you return the client’s calls promptly, and you’re less intimidated by not knowing every answer because helping the client matters more than your discomfort. Once you have a few pro bono cases under your belt, you gain the confidence of knowing that you have the skills to figure out what your client needs and how to help, and the anxiety softens.

LACSN publishes a list of its available cases on its website, and I urge you to review the list on a regular basis—one might resonate with you in a way you can’t ignore. Pro bono work can be incredibly rewarding, and well worth the sacrifice of the billable hour. In fact, some of the most meaningful work you’ll do in your career may never appear on a client’s invoice. 

Jessica M. Lujan is of counsel at Spencer Fane LLP, practicing commercial litigation and appeals. She previously clerked at the United States District Court, District of Nevada.

Community Outreach Opportunity

Pro Bono Project

Take one new case

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

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

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Community Impact

Mark's Blanket the Homeless Program

Please help us to give the gift of warmth

We are raising money to purchase blankets to give to local organizations that serve homeless people here in southern Nevada in the fall.

A case of 30 blankets costs about \$200, so your donation could make a big difference. The more blankets we can purchase, the bigger the difference we can make for those in need.

Donations can be at ClarkCountyBar.org or to the Clark County Bar Association, PO Box 657 Las Vegas, NV 89125-0065. Phone: (702) 387-6011.

Thank you!



**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.*

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