Join us on March 24, 2016
40 Year Club Induction Ceremony & Luncheon
See back cover.

COMMUNIQUÉ
THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION
MARCH 2016

EMPLOYMENT MATTERS FOR NEVADA BUSINESS

Inside:
Joint Employment Basics
Independent Contractor Agreements
Unemployment Benefits
New “Quickie” Election Rules
CCBA Volunteerism

Notice to the Clark County Bar Association’s Attorney Members:
To receive the free listing via your area of practice in this year’s The Law Guide, you must submit your top 3 areas of practice to the CCBA before July 1, 2016.
See page 37 for details.

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Table Of Contents

ADVERTISER INDEX
Advanced Resolution Management...........13
Ara Shirinian Mediation........................17
Bank of Nevada ....................................5
CCBA Member Services:
• Abby Connect Receptionist Services ....31
• Advertising information .................6, 38
• Areas of Practice Listings ..............36, 37
• Bar Luncheons .........................4, 15, 39, 40
• CLE Seminar ..................................10
• Clark County Find a Lawyer ............30
• CLE Passport ..................................31
• Communiqué Information ..............6
• Community Service ..................8, 33-34
• Law Pay ......................................31
• Las Vegas 51s Baseball Tickets ..........27
• Meet Your Judges Mixer .............9
• Moot Court Competition .............23
• The Law Guide .........................1, 36, 37
Dabney Dispute Resolutions ..................21
Edward M. Bernstein & Associates ...........9
Esquire Deposition Solutions, LLC ..........2
Las Vegas Legal Video .......................21
Legal Wings .....................................14
Neck and Back Clinics ......................7
Neeman & Mills PLLC .......................17
NV Board of Continuing Legal Education .15
Portraits to You ...............................29
Prudhomme Law Office .....................21
PR Wilson Law Firm, P.C. ..................13
Right Lawyers ..................................11
State Bar of Nevada .........................19
Zentz & Zentz, LLC .........................9

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COMMUNIQUÉ
THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION MARCH 2016

Articles
16 Department of Labor Offers Administrative Interpretation Lowering Joint Employment Bar
By S. Brett Sutton, Esq. and Jared Hague, Esq.
20 Independent Contractor Agreements
By Rick D. Roskelley, Esq. and Kathryn B. Blakey, Esq.
24 Employer-Employee: Filing and Defending a Claim for Unemployment Benefits
By David Olshan, Esq.
26 It Is No Longer “Business As Usual” For Employers After The NLRB’s Implementation Of New “Quickie” Election Rules
By Jen Sarafina, Esq.

Highlights
14 2016 Nevada U.S. District Court Conference
By Brenda Weksler, Esq.
30 Volunteer Judges Sought for Truancy Diversion Program
35 CCBA Volunteerism: Spotlight on CCBA Members Serving the Community
38 Pro Bono Corner: Be their voice!
By Shea Backus, Esq.

Departments
6 Event Calendar
9 Member Moves
9 Court Changes
38 The Marketplace

Cover
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Columns
4 A Message from the President of the Clark County Bar Association
A Ruby Anniversary
By Catherine M. Mazzeo, Esq.
12 Ask Mr. Lawyer
That Will Be All, Mr. Polley
By Sal Gugino, Esq.
28 Nevada Appellate Court Summaries
Advance Opinion Summary (1-28-16)
By Joe Tommasino, Esq.
32 View from the Bench of the Eighth Judicial District Court
Improved Efficiencies and Savings on the Way for E-Filing
By Chief Judge David Barker

March – COMMUNIQUÉ – Clark County Bar Association
A Message from the President of the Clark County Bar Association

A Ruby Anniversary

By Catherine M. Mazzeo, Esq.

The year was 1976. Our country celebrated its bicentennial; the Naval Academy inducted its first female class; Steve Jobs and Steve Wozniak formed Apple Computer Company; IBM introduced the first laser printer; *The Muppet Show* made its television debut; and the United States Supreme Court issued its decision in *Gregg v. Georgia*, finding the death penalty to be a constitutionally permissible form of punishment.

Here at home, the first nuclear test was performed at the Nevada Test Site; Howard Cannon was elected to his fourth term as a United States Senator; Elvis Presley performed his final Las Vegas show at the Hilton; and the 1976-77 UNLV men’s basketball team boasted a 29-3 record and became the first team in school history to appear in the NCAA Final Four. The Nevada bar also admitted its newest class of attorneys. Among them were the following 17 Clark County Bar Association members who have admirably served their clients and their communities for the past 40 years.

**Inductees (Admitted 1976):**
- James Armstrong
- Walter Cannon
- Peter Christiansen
- Howard Douglas Clark
- Hon. Mark Denton
- Richard Desruisseaux
- Robert Dickerson
- James Jimmerson
- Christopher Kaempfer
- James Lavelle, Ill
- Robert Lueck
- John Mowbray
- Gerald Neal
- Ronald Reynolds
- Mark Solomon
- Lillian Sondgeroth Donohue
- William Turner

**Honorees (Admitted 1971):**
- Stewart Bell
- Hon. Ken Cory
- Karen Dennison
- David Frederick
- John Gubler
- Irwin Kishner
- Thomas Kummer
- William Maupin
- Robert Miller
- Jeffrey Silver
- Jeffrey Zucker

**Honorees (Admitted 1961):**
- Hon. Lloyd George
- Thomas Wilson, II

**Honoree (Admitted 1956):**
- William Freedman

A 40th anniversary is symbolized by the ruby, which traditionally represents passion, courage, and strength. These are all necessary attributes for anyone practicing law for 40 years or more! Please join me at our next bar luncheon on March 24, 2016 at the Las Vegas Country Club, when the CCBA will honor these dedicated attorneys and celebrate the Ruby Anniversary of their Nevada legal careers by inducting them into our 40 Year Club. We will also recognize former 40 Year Club inductees who have now been practicing law for 45, 55, and 60 years. The 40 Year Club luncheon is a great opportunity to share stories and memories, and to offer your congratulations to the newest members of this very distinguished group of attorneys. I hope to see you there!

**40 Year Club Induction Ceremony & Luncheon**

*Featuring Sal Gugino as Master of Ceremonies*

**Sponsors:**
- Bank of Nevada
- Dickinson Wright PLLC
- Howard & Howard PLLC
- J. M. Febre and Associates
- Thomson Reuters Westlaw

**When:** Thursday, March 24, 2016, 12-1:30 p.m. Check-in starts at 11:30 a.m.

**Where:** Las Vegas Country Club, 3000 Joe W Brown Dr, Las Vegas, NV 89109

**Cost:** $40/CCBA Member and $50/Non-member. Inductees may attend at no charge and must be 2016 CCBA member.

**RSVP:** Register with payment to CCBA by Friday, March 18, 2016. See page 40.

*Bar Event*
In the last year, more IOLTA dollars have gone through Bank of Nevada than any other bank in Nevada, which is how we’ve been able to provide more than $600,000 in legal aid funding that levels the playing field for those in need. We always go the distance for the industry, and the community.

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COMMUNIQUÉ is published eleven times per year with an issue published monthly except for July by the Clark County Bar Association, P.O. Box 657, Las Vegas, NV 89101-0657. Phone: (702) 387-6011.

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COMMUNIQUÉ is mailed to all paid members of CCBA, with subscriptions available to non-members for $75.00 per year. For advertising information and editorial policy, please contact Steph Abbott at (702) 387-6011 or stephabbott@clarkcountybar.org.

6

EDITORIAL CALENDAR

<table>
<thead>
<tr>
<th>COVER DATE</th>
<th>ISSUE TOPIC</th>
<th>CLOSING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2016</td>
<td>Five Things</td>
<td>12/1/15</td>
</tr>
<tr>
<td>February 2016</td>
<td>Community Service</td>
<td>1/1/16</td>
</tr>
<tr>
<td>March 2016</td>
<td>Labor &amp; Employment Law</td>
<td>2/1/16</td>
</tr>
<tr>
<td>April 2016</td>
<td>ADR</td>
<td>3/31/16</td>
</tr>
<tr>
<td>May 2016</td>
<td>Real Estate Law</td>
<td>4/1/16</td>
</tr>
<tr>
<td>June/July 2016</td>
<td>Guardianship Matters</td>
<td>7/1/16</td>
</tr>
<tr>
<td>September 2016</td>
<td>Constitutional Law</td>
<td>8/1/16</td>
</tr>
<tr>
<td>August 2016</td>
<td>Transportation Law</td>
<td>9/1/16</td>
</tr>
<tr>
<td>October 2016</td>
<td>Consumer Protection Law</td>
<td>11/1/16</td>
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</tbody>
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The June/July issue is published in June. There is no publication released in July.

Space reservations are encouraged at least two months in advance. Space is limited with placement only guaranteed to paid advertisements. The deadline for submission of all content is 30 days prior to the first day of the desired month of publication.

Communiqué will not publish self-serving articles promoting a specific named product or services of an individual or firm. The editorial calendar may change without notice at any time.

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Space is available for paid announcements of professional achievements, goods, and services. Rates, policies, and specifications are available upon request.

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To write an article for publication, send a proposal via e-mail to stephabbott@clarkcountybar.org. Proposals should include the following information:

• Author(s) name(s) and Nevada bar #s
• Summary paragraph providing the focus and scope for the article (include relevant rules/statutes/procedures/etc.)
• Proposed issue for placement (see editorial calendar above)

All proposals and articles submitted will be considered for publication. However, Communiqué will not publish self-serving articles promoting a specific named product or services of an individual or firm. Articles must be on topic and original, unpublished works. Preference will be given to articles written by attorney members of the CCBA.

Contact the Clark County Bar Association to confirm availability of placement, graphic design services, and discounts.

Clark County Bar Association
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Event Calendar continued on page 8

March 2016
1 CCBA Publications Committee Meeting (12-1 p.m., CCBA)
1 Deadline for Communiqué  (April 2016)
4 CCBA Community Service Committee Meeting (12-1 p.m., CCBA)
9 LVJC Judges’ Meeting (11:30 a.m., Courtroom 6A)
10 CCBA New Lawyers Committee Meeting (12:30-1:30 p.m., CCBA)
11 CCBA CLE Committee Meeting (12-1 p.m., CCBA)
14 CCLF Community Service Committee Meeting (12-1 p.m., CCLF)
18 Downtown Cultural Series Performance (12-1 p.m., Lloyd D. George U.S. Courthouse)
21-23 UNLV “Advanced Mediation Training: Maintaining Dialogue and Overcoming Impasse” (8:30 a.m., Thomas & Mack Moot Court)
22 CCLF Trial By Peers Committee Meeting (12-1 p.m., CCLF)
24 CCBA 40 Year Club Induction Ceremony and Luncheon (12:1-3:00 p.m., Las Vegas Country Club) - See page 40.
31 Deadline for CCBA Law Day Art & Essay Competition - See page 33.

April 2016
1 CCBA Community Service Committee Meeting (12-1 p.m., CCBA)

Event Calendar continued on page 8
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Event Calendar continued from page 6

1    Deadline for Communiqué (May 2016)

3    Undie Sunday Event (3-5 p.m., Nacho Daddy) - See below.

5    CCBA Publications Committee Meeting (12-1 p.m., CCBA)

8    CCBA CLE Committee Meeting (12-1 p.m., CCBA)

11   CCLF Community Service Committee Meeting (12-1 p.m., CCLF)

14   CCBA New Lawyers Committee Meeting (12:30-1:30 p.m., CCBA)

14   CCBA Spring Open House (5-8 p.m., CCBA)

15   Downtown Cultural Series Performance (12-1 p.m., Lloyd D. George U.S. Courthouse)

22   Moot Court Competition (5-9 p.m., UNLV Boyd Law School) - See page 23.

23   Moot Court Competition (11:30 a.m.-1 p.m., UNLV Boyd Law School) - See page 23.

May 2016

1    Deadline for Communiqué (June/July 2016)

3    CCBA Publications Committee Meeting (12-1 p.m., CCBA)

6    CCBA Community Service Committee Meeting (12-1 p.m., CCBA)

9    CCLF Community Service Committee Meeting (12-1 p.m., CCLF)

11   LVJC Judges’ Meeting (11:30 a.m., Courtroom 6A)

12   CCBA New Lawyers Committee Meeting (12:30-1:30 p.m., CCBA)

12   U.S. District Court Conference (All day, Atlantis Resort in Reno)

13   CCBA CLE Committee Meeting (12-1 p.m., CCBA)

19   Clark County Bar Luncheon Feat. Jeremy Aguero (12-1 p.m., Morton’s The Steakhouse) - See page 39.

21   CCBA Volunteer Day (9:30-11:30 a.m., Three Square) - See below.

26 “Nevada Supreme Court Decisions: What do they mean for your clients?” - a CLE seminar (1-3:15 p.m., Depo International) - See page 10.

* All dates, locations, promotions, and events details are subject to change without notice. Contact: Steph at CCBA, 702-387-6011, stephabbott@clarkcountybar.org.

Law Day Art & Essay Competition

Sponsors: CCBA Community Service Committee
Allen Kaercher
Shahzad Ali

Deadline: Entries are due to the CCBA by 4 p.m. Thursday, March 31, 2016.

Rules & Guidelines: The rules and guidelines regarding this competition are listed on pages 33-34.

Contact: Steph at (702) 387-6011, stephabbott@clarkcountybar.org.

Saturday Sort-a-Thon at Three Square

When: Saturday, May 21, 2016 from 9:30 a.m. to 11:30 a.m.

Where: Three Square (Warehouse), 4190 N. Pecos Road, Las Vegas, Nevada, 89115

Who: Bar members & their families (ages 10 & up). Closed-toe shoes are required.

RSVP: Please tell us that you plan to join us! Tell Steph at (702) 387-6011, stephabbott@clarkcountybar.org.
Member Moves

Annette Bradley and Heather Anderson-Fintak have relocated to the new location for the Southern Nevada Health District at 280 S. Decatur Boulevard, Las Vegas, Nevada, 89107. Phone, fax, and e-mails remain the same.

Shirley A. Derke has relocated her law office to 627 S. 7th Street, Las Vegas, Nevada, 89101.

Daniel P. Kiefer is now associated with The Rushforth Firm, Ltd., PO Box 371655, Las Vegas, Nevada, 89137-1655. Phone: (702) 255-4552. Fax: (702) 255-4677. E-mail: kiefer@rushforth.net.

Court Changes

Business Court Reassignments at Clark County Court

Effective March 14, 2016, the Eighth Judicial District Court will implement reassignments for cases in the Business Court Division. As reflected in Administrative Order 16-03, cases currently assigned to Department 29 shall be reassigned to Department 15; Department 15 shall replace Department 29 in the Business Court Division; and the Business Court Division shall consist of Departments 11, 13, 15, 25, and 27. Additionally, the manner for random assignments of cases in the Business Court Division has been adjusted. In the order, the court provides reason and detail for the reassignments. To download the order, visit the court’s website at http://www.clarkcountycourts.us/. See “Administrative Order 16-03: In the Matter of EDCR 1.33 and EDCR 1.61”.

Updates to Procedures for Assignment of Civil Cases among Commissioners Hearing Discovery Matters

Effective February 16, 2016, the Eighth Judicial District Court modified the procedures used to assign hearing discovery matters to Commissioner Bonnie Bulla and Commissioner Chris Beecroft. The changes in procedure are effective for cases filed or submitted on

Case Reassignments Related to Expansion of Specialty Courts

Effective February 16, 2016, the following reassignments will affect cases at the EJDC: Adult Drug Court shall be reassigned from Department 14 to Department 5; Department 5’s civil caseload shall be reassigned to Department 14; Mental Health Court and the OPEN program shall be reassigned from Department 14 to Department 18; Felony DUI Court and Veteran’s Court shall remain with Department 14. The reassignments were ordered by Chief Judge David Barker of the Eighth Judicial District Court on January 22, 2016 and are related to the expansion of the district’s specialty courts. The order cited the additional funding from the Nevada State Legislature to be applied toward certain specialty courts programs during the fiscal year 2016. The funding is expected to enable the court to expend the number of participants in the Adult Drug Court, Felony DUI Court, Mental Health Court, Veterans’ Court, and OPEN programs. Court administration will publish the list of cases affected by the reassignments on the court’s website. See Administrative Order 16-01 at http://www.clarkcountycourts.us/.

26th Annual Meet Your Judges Mixer

Premier Sponsor: Bank of NV
Patron Sponsor: Depo International
Display Sponsor: Thomson Reuters

When: Thursday, June 16, 2016 5:30 pm to 8:30 pm
Where: Cili at Bali Hai Golf Club, 5160 S Las Vegas Blvd, Las Vegas, NV 89119
Contact: Donna Wiessner at donnaw@clarkcountybar.org or 702-387-6011 for more information about this event.
Nevada Supreme Court Decisions: What do they mean for clients?

Featured Speaker:

Daniel F. Polsenberg, Esq.
Lewis Roca Rothgerber Christie LLP

Join us for an informative review of Nevada Supreme Court’s 2015 decisions.

Nevada’s most preeminent appellate lawyer, Daniel Polsenberg, will discuss the Nevada Supreme Court’s decisions from 2015 that have the greatest impact on practitioners.

Don’t miss this opportunity to learn about the recent changes to the law and how those changes will affect your clients.

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Price:

- $50/CCBA Member – Attorney, Judge, or Merchant
- $20/CCBA Member – Legal Admin., Legal Assist., or UNLV Law Student
- $90/Non-Member – Attorney, Judge, or Merchant
- $40/Non-Member – Legal Admin., Legal Assist., or UNLV Law Student

Send registration with payment to the Clark County Bar Association:
Mail: Clark County Bar Association, P.O. Box 657, Las Vegas, NV 89125;
Fax: 702-387-7867; Phone: 702-387-6011; or Online at ClarkCountyBar.org

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Guardianship Courts to Benefit from Conservatorship Accountability Project

In January 2016, Nevada became one of five states to be awarded the planning grant, Conservatorship Accountability Project (CAP) by the National Center for State Courts. The CAP is expected to help the Commission to Study the Administration of Guardianships in Nevada’s Courts to improve the performance of guardianship proceedings in the state’s courts.

“The Conservatorship Accountability Project software will standardize inventory and account reporting; automate the process of flagging cases of concern; and maximize limited resources to enable the court to improve processing, overseeing and adjudicating guardianship cases,” said Eighth Judicial District Chief Judge David Barker. “This software brings the court much closer to meeting our goal of achieving national best practices for guardianship cases.”

According to a January 22, 2016 release from the Administrative Office of the Courts, the CAP grant "will be used within the next 12 months based on recommendations made by the commission, which is expected to make a final recommendation to the Nevada Supreme Court by July 1, 2016."

Guardianship Report Deadline Extended

On December 2, 2015, the Supreme Court of Nevada issued an order under Administrative Docket 507 to extend the Commission to Study the Creation and Administration of Guardianship’s report deadline to July 1, 2016. A copy of the order can be found online at http://nvcourts.gov/aoc/templates/ documents.aspx?folderid=17270.

Nevada AOC Released Judicial District Caseload Numbers

In January 2016, the Nevada Administrative Office of the Courts (AOC) released regional statistics detailing case numbers for fiscal year 2015 and charted trends over the last ten years. The regional statistics are compiled by judicial district and allow local citizens and policymakers to quickly find information on courts in the area they live or serve. The statistics included non-traffic filings and dispositions. The numbers also include the clearance rate for each court for civil, criminal, family, and traffic cases.

The caseload statistics, compiled by the Research and Statistics Unit, can be found online at http://nvcourts.gov/AOC/Programs_and_Services/Research_and_Statistics/Overview/.

WELCOME TO THE FAMILY

Carlia Waite, Esq.

- Licensed for 12 years in Nevada and Missouri
- Graduated from UNLV Boyd School of Law
- Masters in Social Work

Philip Spradling, Esq.

- Graduated from UNLV Boyd School of Law
- Masters in Philosophy
- Bachelors of Science in Physics

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I just read in the paper that attorney David C. Polley has died. If it weren’t for Dave Polley, I might never have gone to law school. He inspired me that much. Let me tell you why . . .

It was the 1960’s. I was in college at Nevada Southern University, going to school full-time, and working two jobs, one of which was selling paint at Woolco Department Store on East Charleston. It was very important to the Majestic Paint Company, whose products were being sold at Woolco, that their salespeople looked “professional.” That is why they had us wear sport coats with giant multi-colored paint cans on the side.

I was wearing one such coat on a Friday night. My shift had ended at 9 p.m., and I was headed back to my old neighborhood, where one of my old high school friends (a guy named Joe) had invited me over to his house for a barbecue. According to Joe, the whole neighborhood was going to be there; at least, everyone that he liked, which did not include the guy next door, a skinny, chain-smoking forty-year-old who did not like this new generation of “radicals” with their long hair and bell-bottomed pants.

I arrived at Joe’s house and was amazed at the number of cars parked outside. When Joe said everyone’s going to be there, he really meant it. The place was packed. I walked into the back yard, and someone shoved a beer into my hand. I tipped it up to my lips, and that’s when I sensed that something wasn’t right. Standing right next to me was a giant, six-foot four-inch uniformed policeman with a gold helmet. He was not smiling. Right behind him were a phalanx of other officers with the same “all business” expression. “You’re all under arrest!!!” the first officer bellowed, and with that, everyone at the barbecue, including several sets of parents, were transported by the Paddy-Wagon to the old Las Vegas City Jail. Thanks a lot, Skinny Chain-Smoker neighbor!

This arrest was incredibly embarrassing and stressful. I had never seen the inside of a jail before, and the jail used by the city police was one of the scummiest ever. It was painted green on the outside, and everything inside was gray. We were frisked and forced to go through all of the processing that jails are known for. Eventually, we were lined up and allowed to make one phone call. I dialed my parents. My father picked up the phone, and I said, “Dad, you’ll never guess where I am!!” He responded, “No . . . where are you?” and I said, “I’m in the city jail!” whereupon he immediately screamed, “WHAAT????! ROT, YOU SON OF A BITCH!!!” and with that, he hung up.

Now, my brother, who had already been at the party when I arrived, had also been arrested. He was standing right behind me in the telephone line. I told him, “For God’s sake, don’t call the old man . . . call a bail bondsman.” A few minutes later, I am in the drunk tank along with all of the parents and kids who had been taken into custody. My brother comes down the hall and is placed in the “tank.” I said to him, “Did you call the bail bondsman??” and he said, “No.” I then said, “Who did you call??” and he responded, “Dad” I then said, “Well . . . what did he say?!” and Tom said, in his best adult voice: “ROT, YOU SON OF A BITCH!!!”

I now concluded that we were totally screwed, and that we would be breaking rocks in the hot sun for the rest of our natural lives. I then began worrying that I was the only one in the drunk tank wearing a sport coat with a paint can on

Despite the mayhem in that courtroom, David C. Polley kept his cool, and his sense of humor.
the side. My brother was not helping. A 300-pound matron in uniform was attempting to count everyone in the drunk tank. She counted out loud, “34...35...36...37” and my brother started shouting numbers, like: “41!...39!...54!...62!”

She soon lost count, and had to start over, prompting my brother and several other of the “inmates” to jump in with their own counts. She eventually gave up, but not before several of the guys in the tank were screaming, “Hey, Babe...You’re sooo sexy!!!” In fact, several of them offered to engage in certain unmentionable acts of “parentage” with her. It was not pretty.

It took several hours before the unarrested remainder of the neighborhood (including shocked parents and other friends) showed up at the jail to bail all of us out of there. One of the parents knew Dave Polley, and he agreed to represent all of us. This is where the story gets interesting.

Do any of you remember Municipal Judge Walter J. Richards? I sure do. It was hard to forget him. He had a shock of white hair and a grizzled disposition. He did not tolerate fools. Truth be told, he did not tolerate anyone. We all got to know Judge Richards because we attended several hearings involving our case. In those days, there were a lot of matters for the Judge to consider, and we had to sit through those before he got to our case. I can still remember the Judge.

Ask Mr. Lawyer continued on page 14
sentencing drunk and disorderly defendants, saying, “Think before you drink . . . That’ll be Twenty-Five Dollars!!!”

I remember, in one hearing, there was a lawyer who was representing a person arrested for driving under the influence on Fremont Street. It appeared that his client got into his car, scraped several other cars as he started down the street and then accelerated, crashing into another three or four vehicles. When Judge Richards asked, “What do you have to say for your client?” the attorney cleared his throat and said, “Well . . . you know, your Honor, sometimes when you start wrong, you finish wrong.” With that, the Judge slammed down his gavel and shouted, “Twenty-Five Hundred Dollar Fine!!!” to which the attorney responded, “But Your Honor! . . . Your jurisdiction only goes to $1,500!!!” which then caused Judge Richards to scream, “I said a Twenty-Five Hundred Dollar Fine!!!”

Despite the mayhem in that courtroom, David C. Polley kept his cool, and his sense of humor. He was eventually able to get all of the charges dropped. I remember going to his office to pay him for his representation (nobody else in our family was going to do it!). I recall the Winchester repeater rifle Dave had in his office, which he said belonged to his grandfather who used it back in the 1800’s. Dave was a former engineer, with an uncontrolled mustache and the attitude of a Western rancher. His real passion was his avocation as a gold miner, working the tailings at his claim in Goldfield. Dave represented a wide range of clients, which
brings me to another story about him. In the early 1980’s, Justice Al Gunderson decided he wanted me to help run his campaign for re-election to the Nevada Supreme Court. During the course of the campaign, he made a lot of “demands” that just didn’t seem right. One of them was that he wanted these large color posters of himself in his full-robed glory to be plastered in buildings all over Nevada. In particular, he had fixated on placing them in the brothels in the cow counties.

Although he came from a religious family, Dave represented one of these brothels. Al told me that I had to deliver a stack of these giant posters to that house of ill repute. Al wanted me to tell the owner that he should paste the posters on the ceilings above the beds. Justice Gunderson said to me, “I want them to look up and see my face!!!”

I was completely miserable. The last thing on earth I ever wanted to do was to drive out there and tell some pimp to paste posters over his main source of income. That’s when Dave took pity on me. We drove together, got to the “ranch” and he agreed to talk to the owner, his client. Then we shot pool while we waited for him to come back. The owner took the posters and we got the hell out of there. Seriously, that’s all that happened. That was enough.

Later, when I started my own practice, Dave helped me out, showing me how to handle divorces and family matters. We even did some personal injury cases together. Dave Polley was a class act. He was always a gentleman, and I can truthfully say that he always did his best to be good and fair toward his clients and his fellow lawyers. Those character traits are in small supply nowadays. I like to think he is still out there, striking it big, milling those tailings in the beyond.

Sal Gugino has a resume as long as your arm. He was the 1996 President of the CCBA, the Student Body President at McGeorge School of Law, the Chairman of the EMRB, and now serves as a Short Trial Judge, a Supreme Court Settlement Judge, an arbitrator, and a mediator. He really likes doing the ADR stuff and his rates are very reasonable! Sal can be reached at Olson, Cannon, Gormley, Angulo & Stoberski.

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Department of Labor Offers Administrative Interpretation Lowering Joint Employment Bar

By S. Brett Sutton, Esq. and Jared Hague, Esq.

On January 20, 2016, United States Department of Labor Wage and Hour Division (WHD) Administrator Dr. David Weil issued Administrator’s Interpretation No. 2016-1 (AI) on the subject of joint employment under the Fair Labor Standards Act (FLSA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA). The AI is indicative of the WHD’s intent to apply an increasingly expansive view of the kinds of employment relationships that will support a joint employment finding, and should serve as a warning call to Nevada employers to review their policies and practices. The AI specifically mentions that the “[WHD] encounters these employment scenarios in all industries, including the construction, agricultural, janitorial, warehouse and logistics, staffing and hospitality industries.”

Each of these industries occupies a significant space in Nevada’s economy. A copy of the AI may be accessed at www.dol.gov/whd/flsa/Joint_Employment_AI.pdf.

Joint Employment Basics

A basic understanding of the joint employment doctrine is critical for employers of all sizes and across all industries. A judicial or administrative finding that two entities are “joint employers” will subject both entities to joint and several liability for FLSA or MSPA violations and carries the potential for high financial exposure, particularly in the context of a collective action encompassing dozens, hundreds or even thousands of employees. While the joint employment doctrine is not new, the AI follows a recent trend towards an ever-expanding view of its applicability across increasingly diverse factual scenarios. For example, in its Browning-Ferris decision of August 27, 2015, the National Labor Relations Board (NLRB) abandoned its long-standing joint employment test and adopted a more inclusive standard. The joint employer test articulated in Browning-Ferris may reach circumstances where the potential joint employer merely exercises “indirect control” over working conditions or has “reserved authority” to do so. Undoubtedly, this broad standard will strengthen the NLRB’s cases against McDonald’s, in which it asserts that employees of separately-owned and operated McDonald’s franchises are jointly employed by the McDonald’s Corporation.

Of paramount importance on the issue of joint employment are the statutory definitions of “employee” and “employ,” as the existence of the employee/employer relationship is a predicate to a claim under the FLSA or MSPA. The AI emphasizes that by including the phrase “to suffer or permit to work” in the definition of “employ,” the FLSA goes beyond the “common law concepts of employment and joint employment, which look to the amount of control that an employer exercises over an employee,” and instead focuses on the “economic realities of the working relationship.”

Nevada employers would also be well-advised to review the terms of their written contracts with other employers and staffing agencies.
In drawing an analogy to child labor laws, the AI notes that part of the rationale for the "suffer or permit" phrasing in laws that pre-date the FLSA was to reach employment relationships where the potential joint employer “had the opportunity to detect work being performed illegally and the ability to prevent it from occurring.” This should forewarn employers that a defense of ignorance will likely be insufficient to defeat allegations of FLSA violations by a potential joint employee.

**DOL Factors for Evaluating Potential Joint Employment**

The AI further describes that joint employer relationships generally fall into two categories: (1) “horizontal joint employment,” in which a single employee is directly employed by two or more entities that have a relationship with each other, or (2) “vertical joint employment,” in which an employee is directly employed by an “intermediate” employer, but performs work that primarily is for the benefit of another entity. Vertical joint employment encompasses the relationship that commonly exists between temporary staffing agencies or subcontractors and their clients, and in the author’s experience, is far more prevalent than the horizontal relationship.

In emphasizing that the WHD will look beyond traditional indicia of “control” in assessing potential joint employment, **Joint Employment Bar continued on page 18**
Joint Employment Bar continued from page 17

ployer situations, the AI lists seven factors that it uses to assess the economic reality of the working relationship and the employee’s economic dependence on the potential employer:

1. The extent to which the potential joint employer controls or supervises the employee’s work;
2. The extent to which the potential joint employer has the power to hire or fire the employee or to control the working conditions of the employee (though the exercise of such control is not necessary);
3. The permanency and duration of the working relationship, as a long-term relationship suggests economic dependence;
4. The extent to which the employee’s work is “repetitive and rote” and requires little or no training;
5. The extent to which the employee’s work for the potential joint employer comprises an integral part of the potential joint employer’s business;
6. Whether the employee’s performance of the work takes place on premises owned or controlled by the potential joint employer;
7. The extent to which the potential joint employer performs administrative functions for the employee, such as payroll, providing workers’ compensation insurance, providing facilities or safety equipment, or providing tools and materials required for the work.

While Dr. Weil’s AI does not change the legal definition of “employ” or “employee” as they appear in the FLSA or MSPA, it underscores the WHD’s intention to interpret these definitions broadly in finding horizontal and vertical joint employment situations. The WHD will analyze the “economic reality” of the relationship, with an eye towards determining whether that reality creates a situation where the employee is economically dependent on the potential joint employer. It can be fairly said that the byproduct, if not the explicit goal of Dr. Weil’s approach, is to shift liability for FLSA and MSPA violations from traditionally smaller businesses—such as subcontractors and staffing agencies—onto the traditionally larger businesses that contract for their services, which are more likely to have the administrative “muscle” to ensure that all the individuals laboring for their benefit are being compensated in compliance with federal law.

Recommendations

With the foregoing in mind, we recommend that Nevada employers at risk of a joint employment finding, especially those with shared employees or a relationship with staffing agencies, ensure that their policies and practices are in compliance with state and federal employment regulations, and then also ensure that the policies and practices of the entities with whom a joint employment relationship might exist likewise comply with the law. How do they pay their employees? How do they monitor the hours worked by their employees? What records are available to confirm their policies and practices? Getting answers to these important questions before a joint employment allegation may prevent significant exposure later on. Any questions as to the legality or validity of employment policies or practices should be thoroughly vetted by qualified legal counsel.

Nevada employers would also be well-advised to review the terms of their written contracts with other employers and staffing agencies. What does the contract say about the right to control workers? Has an employer needlessly agreed that it has the right to control workers it has no intention of supervising? Also, who has agreed to indemnify whom if a possible joint employee makes a claim? You may be surprised to learn that in many situations, a large, profitable employer with undeniably superior bargaining power over its staffing agency will have agreed to indemnify the staffing agency against alleged violations of state and federal law occurring in the performance of a temporary employee’s work, whether such violations are a result of the large employer’s oversight or the staffing agency’s.

By taking these steps Nevada employers will be in a better position to avoid the unwelcome surprise of joint employer liability, and may better insulate themselves against such charges.

S. Brett Sutton and Jared Hague are partners at Sutton Hague Law Corporation, a regional firm with offices in Las Vegas, Reno, Fresno, and San Jose. They counsel clients on labor and employment law matters and aggressively represents clients in litigation of employment law and business-related cases before federal courts, state courts and administrative agencies.
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Independent Contractor Agreements

By Rick D. Roskelley, Esq. and Kathryn B. Blakey, Esq.

Principals and employers should reassess independent contractor agreements based on recent changes to Nevada law. During the last legislative session, the Nevada legislature passed Senate Bill 224 (S.B. 224), effective since June 2, 2015, which specifically defines independent contractors for NRS Chapter 608, the “Compensation, Wages and Hours” chapter. S.B. 224 establishes a “conclusive presumption” that a person is an independent contractor, rather than an employee, if certain conditions (outlined below) are met. A “conclusive presumption” is a presumption that must be taken as true regardless of any evidence to the contrary.

This is in contrast to the Fair Labor Standards Act’s (FLSA) “economic realities” test applied by the Nevada Supreme Court in Terry v. Sapphire Gentlemen’s Club, 336 P.3d 951, 130 Nev. Adv. Op. 87 (2014). The “economic realities” test applies six factors, none of which are bright-line rules, focused on whether the worker is economically dependent on the employer and tending to be in favor of liberal employee classification. The Nevada Supreme Court applied the “economic realities” test in Terry to determine whether workers can be classified as independent contractors for purposes of minimum wage payments under NRS 608. The passage of S.B. 224 is an apparent move to overrule that decision.

As a result, it is likely that more workers in Nevada can properly be classified as independent contractors under NRS 608. Additionally, S.B. 224 applies to any currently ongoing dispute relating to whether a worker is an independent contractor and owed minimum wage under Nevada law.

However, while S.B. 224 arguably simplifies the independent contractor test under NRS Chapter 608, workers classified as independent contractors must still meet the separate definitions of independent contractors under Nevada’s Unemployment Compensation Law, NRS Chapter 612, and the Nevada Industrial Insurance Act, NRS Chapters 616A-616D. In addition, those same workers may still be subject to the economic realities test under the FLSA.

Accordingly, it is important to note that principals and employers using workers classified as independent contractors still need to evaluate that classification under the various other federal and state statutory schemes.

The New Test in Nevada

S.B. 224 provides that a person is conclusively presumed to be an independent contractor for purposes of NRS Chapter 608 if:

1. The person is not a foreign national who is legally present in the United States;
2. The person is required by contract with the principal to hold any necessary state or local business license and to maintain any necessary occupational license, insurance or bonding; and
3. The person meets 3 or more of the following criteria:
   - The person has control and discretion over the means and manner of the performance of any work and the result of the work.
   - The person has control over the time the work is performed.
   - The person, with limited exceptions, is not required to work exclusively for the principal.
   - The person is free to hire employees to assist with the work.
   - The person contributes a substantial investment of capital in the business of the person.

Moreover, even if a person is not conclusively presumed to be an independent contractor for failure to satisfy three or more of the criteria set forth in section (c) above, that does not automatically create a presumption that the person is an employee.
Questions Raised

Is a contract required under S.B. 224?

In order for the conclusive presumption test to apply, a contract is necessary. However, a person is not automatically considered an employee without a contract. Rather, it is likely the “economic realities” test will apply to those situations.

What is the scope of the conclusive presumption provided by S.B. 224?

By the terms of S.B. 224, the conclusive presumption applies only to claims arising under NRS Chapter 608 or any proceeding to recover unpaid minimum wages under Section 16 of Article 15 of the Nevada Constitution. NRS Chapter 608 deals with the payment of wages, overtime, minimum wage, deductions from wages, record of wages, paydays, uniforms, and similar issues.

Who is a “foreign national?”

A foreign national is a person who is: (1) not a United States citizen; (2) not admitted for permanent residence; and (3) legally present in the United States.

Agreements continued on page 22
Agreements continued from page 21

Does S.B. 224 get rid of the “economic realities” test entirely?

No. S.B. 224 only applies to claims raised under Nevada’s wage and hour laws. The FLSA’s “economic realities” test still applies to employees and workers classified as independent contractors under federal law. Principals engaging independent contractors will still need to review the application of the FLSA and workers’ status under the economic realities test.

Does the conclusive presumption under S.B. 224 apply to the Nevada Unemployment Compensation Law?

No. The test for whether a person is an independent contractor for unemployment purposes is set forth in NRS 612.085. This test is commonly referred to as the “ABC test” and sets forth generally that a person is an employee unless: (A) the person is free from control over the performance of the services; (B) the service is either outside the usual course of the business or outside of all the places of business; and (C) the service is performed in the course of an independently established trade.

Accordingly, it is important to note that principals and employers using workers classified as independent contractors still need to evaluate that classification under the various other federal and state statutory schemes.

Does the conclusive presumption under S.B. 224 apply to Nevada’s Industrial Insurance Act?

No. The Nevada Industrial Insurance Act (NIIA) has its own test. Similar to the Unemployment Compensation law, NRS 616B.603 requires that the contracting entity cannot be in the “same trade, business, profession or occupation” as the independent enterprise. Moreover, NRS 616B.603(2) defines an “independent enterprise” as “a person who holds himself out as being engaged in a separate business and: (a) [h]olds a business . . . license in his own name; or (b) [o]wns, rents or leases property used in furtherance of his business.” See also Hays Home Delivery, Inc. v. Employers Ins. Co. of Nevada, 117 Nev. 678, 682, 31 P.3d 367, 370 (2001). Finally, the NIIA also imposes a control test. NRS 616A.255 specifies that an “independent contractor” is a person who renders service for a specified amount of compensation for a specified result, under the control of the employer as to the result of his work only and not as to the means by which such result is accomplished.

What other employment tests should employers be aware of?

For tax purposes, the IRS uses a 20-factor test commonly referred to as the “right-to-control-test” because each factor is designed to evaluate who controls how the work is performed. The more control the company exercises over the worker, the more likely it is that the worker is an employee.

Practical Solutions

Parties should enter a written contract setting forth that the worker is an independent contractor and is required to hold all necessary business licenses. Additionally, the principal should take steps to ensure that the worker can satisfy at least three of the criteria specified in Section 3 of S.B. 224. Where possible, compliance with said criteria should be documented in the written contract and otherwise.

Finally, as discussed above, principals and employers using workers classified as independent contractors must still evaluate that classification under the various other federal and state statutory schemes.

Rick D. Roskelley is a shareholder in the Las Vegas office of Littler Mendelson, P.C. His nationwide practice focuses on the independent contractor model, and defense of wage and hour class and collective actions on behalf of employers before state and federal courts. Mr. Roskelley also frequently conducts seminars on a variety of employment and labor law topics.

Kathryn B. Blakey is an associate in the Las Vegas office of Littler Mendelson, P.C. Her practice focuses on employee compensation, including: minimum wage, overtime, employee incentive plans and policies, other wage and hour matters, and independent contractor issues. Ms. Blakey also represents clients in wrongful termination and discrimination matters.
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Employer-Employee: Filing and Defending a Claim for Unemployment Benefits

By David Olshan, Esq.

These two examples help to illustrate how Nevada’s Unemployment Insurance system works. The basic ramification for any employer is the potential for a slight increase in your contributions rate if you lose. The stakes are much higher if you are an employee. This article explains what to do when filing for unemployment benefits or defending a claim.

Background

The Social Security Act of 1935 provided unemployment benefits to those made jobless during the Great Depression. The Act created a federal tax structure to encourage states to adopt laws that provide unemployment benefits. The Supreme Court of the United States upheld this program in Steward Machine Company v. Davis, 301 U.S. 548 (1937).

Example One: You recently fired an employee and he filed a claim for unemployment benefits. The employee was constantly late and you warned him several times. Should you oppose his claim for unemployment benefits?

Example Two: You forgot to pay a speeding ticket and have to spend the night in jail because a bench warrant was issued. The next day, your boss fires you for not showing up for work. Should you file for unemployment benefits?

The more initial claims that are made against an employer, the higher the taxing “rate” for that employer. NRS 612.550(1)(j). The rates vary from 0.25 percent to 5.4 percent of the employer’s total payroll. NRS 612.550(6). Unemployment rates are similar to life or health insurance rates: the greater the risk or cost, the higher the premium or rate.

Many view unemployment benefits as an essential lifeline for low-income workers. The Nevada Supreme Court has recognized this remedial role. “Unemployment benefits statutes should be liberally construed to provide temporary assistance to workers who become involuntarily unemployed.” State Dep’t of Emp’t, Training & Rehab. v. Reliable Health Care Servs., 115 Nev. 253, 983 P2d 414 (1999).
**Example One**

In the first example above, you as the employer must decide whether to oppose the tardy former employee’s claim for unemployment benefits. Before making a decision, you should know that the Nevada Employment Security Division will contact you before issuing any benefits. NRS 612.475. The claims adjudicator will ask you questions, and if you provide evidence of a valid reason to deny unemployment benefits, like misconduct, then the Employment Security Division will deny the benefits to the former employee. NRS 612.385. Other reasons to deny unemployment benefits include quitting without good cause (NRS 612.380) and the failure to apply or accept suitable work when offered. NRS 612.390.

The definition of misconduct is contained in the case of *Barnum v. Williams*, 84 Nev. 37, 436 P.2d 219 (1968). The language from the *Barnum* case is confusing. But broken down into short, affirmative sentences, “misconduct” includes behavior that falls below what a reasonable employer would expect. It is intentional or reckless conduct that shows a substantial disregard for the employer’s reasonable interests and manifests an element of wrongfulness. Misconduct does not include inability or incapacity to do the work, isolated instances of negligence, or good faith errors in judgment.

The issue of misconduct is a mixed-question of fact and law and the decision of the Employment Security Division will be upheld if supported by substantial evidence. *Clark County Sch. Dist. v. Bundley*, 122 Nev. 1440, 1444-45, 148 P.3d 750, 754 (2006)(but see AB 53, Section 7 where “preponderance of evidence” is new standard in petitions for judicial review under NRS Chapter 233B).

The question for you is do you want to waste time at a hearing disputing the claim for benefits? For large companies, this usually is not an issue and specialized employees or third parties handle the claims. For the smaller operations, taking time to attend the hearing may shut down or curtail your business for that day. This could end up costing you more than any increase in your contributions rate.

**The Appeal Process**

NRS Chapter 612 and NAC Chapter 612 contain the laws and regulations governing unemployment benefits. As stated above, the claims adjudicator decides whether to award unemployment benefits. An aggrieved party then may appeal to the appeals office (within 11 days) and a hearing is held in front of an Appeal Tribunal (referee). NRS 612.495.

The referee hears evidence and decides whether substantial evidence supports the claims adjudicator’s decision. The hearing is informal and the normal rules of evidence for a courtroom are relaxed in the referee’s office. You can make an opening statement, direct and cross examine wit-

**Example Two**

So, what does an employer do when employees do not show up for work because they are in jail? This is not the normal misconduct determination but is governed by the 1995 case of *Nevada, Employment Security Dep’t v. Evans*, 111 Nev. 1118, 901 P.2d 156 (1995). *Evans* governs any situation where an employee is incarcerated for some crime that is NOT connected to work. If this happens, you can fire the employee. But the employee will qualify for unemployment benefits if you are notified of the employee’s absence. *Id.* at 1119.

**Conclusion:**

The *Evans* decision indicates that at times, qualifying for unemployment benefits is not an easy assessment. Every worker who is fired should file a claim for unemployment benefits. Every employer should decide whether to oppose the claim for unemployment benefits because the cost of disputing the claim may be greater than any increase in the compensation rate.

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**David Olshan** is the Litigation Director for Nevada Legal Services. Mr. Olshan graduated from University of Utah College of Law in 1990 and has worked for Nevada Legal Services since 1992. Mr. Olshan has participated as a CLE trainer for NLS, State Bar of Nevada, and other organizations. He has provided education seminars to seniors and other groups in diverse areas like the Fair Housing Act, predatory lending, bankruptcy, unemployment benefits, and Medicaid eligibility. He has also litigated four Nevada Supreme Court cases against the Employment Security Division, winning three, and has won another federal Title VI case against the Employment Security Division (when it only employed one Spanish translator).
It Is No Longer “Business As Usual” For Employers After The NLRB’s Implementation Of New “Quickie” Election Rules

By Jen Sarafina, Esq.

Introduction

The economy is finally beginning to turn around for businesses in Nevada. ACME, a mid-sized business in Las Vegas, struggles to maintain its daily operations while hoping to make a profit. Without warning, its HR Manager receives an e-mail from a union serving ACME with a Notice of Petition for Election. For the next few weeks, it will not be business as usual for ACME.

The National Labor Relations Board (“NLRB”) is the federal agency charged with administering the National Labor Relations Act (“the Act”). See 29 U.S.C. §§ 151-169. The Act contains numerous rights for non-governmental employees including the rights: (1) to be represented by a union; (2) not to engage in union activities; and (3) to engage in “concerted activity,” which means to speak with coworkers about the terms and conditions of their employment. With regard to an employee’s right to join a union, the NLRB conducts elections when a union seeks to represent workers for a particular employer. Effective April 14, 2015, the NLRB drastically changed its election procedures.

Snapshot of Key Changes

One of the key changes to the election rule reduces the time between when an employer receives notice of the Petition and when an election is held. Prior to the implementation of the new rules, the NLRB handled union representation elections quickly, with 95% of elections occurring in less than 2 months from the date of petition. See https://www.uschamber.com/issue-brief/ambush-elections (last visited Jan. 29, 2016). The NLRB chose to shorten this time span and hold elections between 14 and 21 days after receipt of the Petition.

While this might sound like ample time for an election, there are many steps that occur between notice of the Petition for Election and the election itself. Furthermore, employers must meet additional technical requirements that take the focus of key members of management away from running their business to responding to the NLRB.

For example, if the voting eligibility of a particular employee is challenged, under the new rules, that employee will still vote because any challenges are postponed until after the election. Moreover, the employer has less time to provide the identities of any election-eligible workers, and it must be presented in an electronic, alphabetized list. Previously, this list required basic information, such as the full names and addresses of the voting employees; however, now the list must also include home and cell phone numbers, e-mail addresses, and other information such as each employee’s work location and work shift.

The New Rules in Action

Let’s review the new election rules from ACME’s perspective. The HR Manager received the e-mail containing the Petition for Election on Monday. The NLRB’s new rules allow for the Notice to be sent electronically. Luckily, the
e-mail did not end up in the HR Manager’s spam filter, but she was at an all-day seminar and did not review her e-mail until Monday evening. That lost day is important, because the new rules require employers to post the Notice of Petition for Election in conspicuous places where notices are customarily posted within two business days after receiving the Notice. Moreover, ACME must also distribute the Notice electronically, if it customarily communicates with its employees in this fashion. Non-compliance by ACME could result in serious consequences. Specifically, if ACME won the election but did not technically comply with the posting rules, the NLRB could order a re-run election and the union would get another attempt for its election.

Next, ACME must carefully review the Petition and the accompanying documentation, including the union’s Statement of Position. These documents will contain the union’s requested election date, time, place and method, and will set forth the proposed unit of employees to be included in the bargaining unit. See Sec. 102.61 and 102.63(a)(1) of the Act. A Pre-Election Hearing will be held eight days from the date of service of the Notice. ACME must submit its Statement of Position by noon on day seven – the day before the Pre-Election Hearing.

In its Statement of Position, ACME must state whether it objects to the union’s proposed unit. Properly identifying the unit of employees is important, particularly if the union is attempting to organize a vocal, but small group of employees who may not be reflective spokespersons for the majority of the employees in a classification. Now that the NLRB has started approving “micro-units” of employees – small units of employees within larger, more general classifications – a union can try to “get its foot in the door” with an employer and later attempt to expand and organize additional units. See Specialty Healthcare, 357 NLRB No. 83 (2011). Thus, if ACME believes that the union’s proposed unit is a fractured unit because there are other employees who share an overwhelming “community of interest” with the included employees, ACME must timely include its objection and rationale in its Statement of Position. Otherwise, ACME will be precluded from later contesting the union’s proposed unit.

During the Pre-Election Hearing, the Hearing Officer may solicit ACME to make an “offer of proof” where ACME would need to identify its witnesses and summarize their expected testimony. Moreover, under the new rules, ACME will not be allowed to file a post-hearing brief summarizing any of its arguments. Therefore, it will need to be thoroughly prepared for the hearing. If an election is ordered, ACME will have only two days to present its electronic, alphabetized listing of employees – including any employees who ACME challenges, because those employees will still be able to vote in the election.

ACME must then post the Election Decision and Direction of Election (“D & DE”) for three business days. ACME must also electronically transmit the D & DE if it customarily communicates with its employees electronically. Meanwhile, ACME’s managers might receive complaints from employees who are being contacted by e-mail, by phone or in person at their homes by union officials or coworkers who support the union who are trying to persuade them to vote for union representation. An election will be held allowing all possible eligible voters to vote. Following the election, any objections must be timely filed, along with an offer of proof.

Conclusion

By the time employers learn of unionizing efforts, they have a distinct disadvantage in getting their message to their employees – particularly now that they will have much less time to respond to a Petition for Election. The assistance of counsel can be critical in navigating the new rules and procedures, because failure to strictly comply with each technical requirement can result in a waiver of objections or the possibility of a second election. Employers should proactively consider what classifications of employees perform similar enough work to be considered an appropriate unit. Finally, if an employer’s desired outcome is to avoid unionization, employers should objectively assess the compensation, benefits, and working conditions of its employees, and provide open-door access or clear procedures for employees to address workplace concerns.
Arbitration

Litigation-conduct waiver is presumptively for the court to decide, unless the arbitration agreement clearly commits the question to the arbitrator, which the agreements in this case do not. In the instant case, the arbitration agreements evidence transactions involving commerce, so the Federal Arbitration Act (FAA) applies. Under the FAA, arbitration agreements “shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.” This provision expresses “both a liberal federal policy favoring arbitration, and the fundamental principle that arbitration is a matter of contract.” Because arbitration is fundamentally a matter of contract, “[w]hether enforcing an agreement to arbitrate or construing an arbitration clause, courts and arbitrators must ‘give effect to the contractual rights and expectations of the parties.’” The right to enforce an agreement to arbitrate, like any contractual right, can be waived. But the FAA “establishes that, as a matter of federal law, any doubts concerning the scope of arbitrable issues should be resolved in favor of arbitration, whether the problem at hand is the construction of the contract language itself or an allegation of waiver, delay, or a like defense to arbitrability.” Given the “strong presumption in favor of arbitration[,] . . . waiver of the right to arbitration is not to be lightly inferred.” Under the FAA, “any doubts concerning whether there has been a waiver are resolved in favor of arbitration.” Despite the FAA’s robust pro-arbitration presumption, certain issues—the kind that “contracting parties would likely have expected a court to have decided”—are presumptively for the court, not the arbitrator, to resolve. These court-committed issues involve gateway questions of arbitrability, “such as ‘whether the parties are bound by a given arbitration clause,’ or ‘whether an arbitration clause in a concededly binding contract applies to a particular type of controversy.’” Because “courts presume that the parties intend courts, not arbitrators, to decide [gateway questions of] arbitrability,” these gateway questions are for the court to decide, unless the parties’ agreement (or, possibly, conduct) provides “clear and unmistakable evidence” that they intended to commit the questions to the arbitrator in the first instance.

The court applies an exactly opposite set of rules to procedural-gateway matters: “On the other hand, courts presume that the parties intend arbitrators, not courts, to decide disputes about the meaning and application of particular procedural preconditions for the use of arbitration.” Procedural-gateway matters “include the satisfaction of prerequisites such as time limits, notice, laches, estoppel, and other conditions precedent to an obligation to arbitrate.” Here, the Nevada Supreme Court adopted the majority view that another case’s reference to “waiver, delay, or a like defense” being for the arbitrator encompasses “defenses arising from non-compliance with contractual conditions precedent to arbitration, . . . [but] not . . . claims of waiver based on active litigation in court.” A party to an arbitration agreement likely would expect a court to determine whether the opposing party’s conduct in a judicial setting amounted to waiver of the right to arbitrate. Thus, litigation-conduct waiver remains a matter presumptively for the court to decide. The court noted that “[a]n issue that is presumptively for the court to decide will be referred to the arbitrator for determination only where the parties’ arbitration agreement contains ‘clear and unmistakable evidence’ of such an intent.” Principal Investments v. Harrison, 132 Nev. Adv. Op. No. 2, ___ P.3d ___ (January 14, 2016).
Homeowners’ Association Liens

(1) NRS 116.3116(4) (2013) unambiguously explains when liens have equal priority and (2) when one equal-priority lienholder forecloses on its lien, any other equal-priority liens are extinguished and must be paid from the sale proceeds in full or on a pro-rata basis if the sale proceeds are insufficient to fully pay all equal-priority liens. According to the plain language of NRS 116.3116(4) (2013), liens will have “equal priority” if the lienholders are “associations” and the liens secure “assessments” on the same property. Although the Nevada Supreme Court declined in this case to catalogue every charge that may or may not be an assessment, the legislature clearly envisioned “assessments” as including an HOA’s monthly dues. Finally, the plain language of NRS 116.3116(4) (2013) states that HOAs’ assessment-based liens have “equal priority” regardless of when the underlying assessments were created. Thus, the plain language of NRS 116.3116(4) (2013) unambiguously gives “equal priority” to two or more HOA liens on the same property when those liens secure unpaid HOA fees or charges, including unpaid HOA dues, regardless of when the underlying assessment arose or became due. Although NRS 116.3116(4) (2013) unambiguously identifies when HOA liens have equal priority, the term “equal priority” is itself ambiguous because NRS Chapter 116 never clarifies how equal-priority liens interact when one equal-priority lienholder forecloses. Thus, the court adopted California’s approach for equal-priority mechanics’ liens. There, when one equal-priority mechanic’s lienholder forecloses, the other equal-priority mechanic’s lienholders are entitled to proceeds in the same priority position as the foreclosing lienholder, and their liens are extinguished. If sale proceeds are insufficient to pay all equal-priority mechanic’s lienholders, the funds are distributed among all equal-priority lienholders on a pro-rata basis. Southern Highlands v. San Florentine, 132 Nev. Adv. Op. No. 3, ___ P.3d ___ (January 14, 2016).

In an appropriate case, a court can grant equitable relief from a defective HOA lien foreclosure sale, notwithstanding NRS 116.31166. Here, the Nevada Supreme Court concluded that the district court erred in limiting the HOA lien amount to nine months of common-expense assessments and in resolving on summary judgment “the significant issues of fact surrounding the parties’ conduct, the HOA lien amount, the foreclosure sale buyer’s status, and the competing equities in this case.” The court noted that “demonstrating that an association sold a property at its foreclosure sale for an inadequate price is not enough to set aside that sale; there must also be a showing of fraud, unfairness, or oppression.” Finally, the court stated that “[t]he question of whether and, if so, to what extent costs

Portraits to You

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702-499-9930
Volunteer Judges Sought for Truancy Diversion Program

Attorneys, mental health professionals, law enforcement officers and other qualified applicants are invited to join the movement to improve graduation rates in Clark County. The Truancy Diversion Program (TDP) is looking to expand its successful program and needs volunteers to serve as school judges to meet with kids, guide them toward available resources and motivate the students.

The TDP was established by Judge Gerald Hardcastle in 2002. Since 2007, the program has been overseen by District Court Judge Jennifer Elliott in collaboration with the Clark County School District (CCSD).

Clark County reported over 240,000 truant children for school-year 2014-2015. Those without a high school diploma face higher prospects of unemployment and the associated negative consequences. This collaborative effort between the CCSD has been structured to prevent and reduce youth crime, re-engage students in learning, and ultimately, reduce potential costs to our welfare and justice systems. It is a non-punitive, incentive-based approach to at-risk school students with truancy problems. A team (judge, family advocate, school personnel) works with the students and their families.

Judges, attorneys and other qualified applicants volunteer approximately two hours each week and hold truancy court sessions at schools where they meet individually with students and their parents. They review the students' attendance, school work, and progress to ensure that students have the resources they need to be successful. The TDP judges promote and support academic achievement using a team effort and an individual student success plan.

If you are a licensed attorney, mental health professional, law enforcement officer, retired teacher or qualified applicant and are interested in volunteering as a TDP judge for this Specialty Court program please contact DeNeese Parker at 702-321-2410 or Deneesep@gmail.com and/or Kimberly Alexander at 702-455-1755 or Alexanderk@clarkcountycourts.us.

Source: Eighth Judicial District Court

Summaries continued from page 29


Taxation

The Local Government Tax Distribution Account (also known as the C-Tax) under NRS 360.660 is general legislation and constitutional. The Nevada Constitution prohibits the legislature from passing local or special laws for the assessment and collection of taxes for state, county, and township purposes, Nev. Const. art. 4 § 20, and further requires that in all cases enumerated in section 20, as well as in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State of Nevada. Nev. Const. art. 4 § 21. Here, the city of Fernley argued that the Local Government Tax Distribution Account is special or local legislation in violation of Sections 20 and 21 of the Nevada Constitution. The court found that the applicable statute of limitations barred Fernley’s claim for retrospective relief, but the statute of limitations did not bar Fernley’s claims for injunctive and declaratory relief from an allegedly unconstitutional statute. The court commented that “the failure to file a claim within the statute of limitations period does not render all relief time-barred because claimants retain the right to prevent future violations of their constitutional rights.” The court concluded that “[t]he C-Tax system is a general law that applies neutrally to local government entities and is based on classifications that are rationally related to achieving the Legislature’s legitimate government objective of promoting general-purpose governments that have public services, such as police and fire protection.” City of Fernley v. State, Dep’t of Tax., 132 Nev. Adv. Op. No. 4, ___ P.3d ___ (January 14, 2016).
Water

(1) NRS 533.3705(1), enacted in 2007, allows the State Engineer to subject newly approved water applications to an incremental-use process; (2) in the instant case, the State Engineer did not give NRS 533.3705(1) an improper retroactive application because the statute unambiguously applies only to approved applications, and the present applications were approved almost five years after NRS 533.3705(1) took effect. In material part, NRS 533.3705(1) provides that "[u]pon approval of an application to appropriate water, the State Engineer may limit the initial use of water to a quantity that is less than the total amount approved for the application" and then authorize additional amounts for use at a later date, up to the total amount approved for the application. The applications at issue were filed in 1989 and approved in 2012. Corp. Bishop, LSD v. Seventh Jud. Dist. Ct., 132 Nev. Adv. Op. No. 6, ___ P.3d ___ (January 28, 2016).

Details for each opinion can now be found on the “Advance Opinions” page published by the Supreme Court of Nevada at http://supreme.nvcourts.gov/Supreme/Decisions/Advance_Opinions/. To keep up with opinions, decisions, reports, and unpublished orders from Nevada’s appellate courts, visit the court’s website at http://nvcourts.gov/Supreme/Decisions/Forthcoming_Opinions/. 

Contact:
Abby Connect
Andrew Juras
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
1-877-303-5757, ajuras@abbyconnect.com
View from the Bench of the Eighth Judicial District Court

Improved Efficiencies and Savings on the Way for E-Filing

By Chief Judge David Barker

The district court recently received approval from the Nevada Supreme Court to modify the method by which counsel and the public are provided with remote access to electronic documents stored within the court’s case management information system (remote access). The district court will assume responsibility for the overall administration of public access through a single portal with access to all case types. As a result, the court now has the autonomy to change the remote access fee from the current monthly or annual fee to a lower annual flat fee that will save users money and provide the court funding for infrastructure to support the remote access. The district court will continue to provide access to view electronic documents at no cost at the clerk’s offices and to permit anyone to order copies of documents in accordance with NRS 19.013.

Currently, the remote access is provided in two different platforms based upon the division in which the case is pending (DAP for cases in the civil/criminal division and Attorney Corner for those in the family division). Tyler Technologies will continue to provide electronic filing and service for those who choose to utilize that service, rather than utilizing the kiosks provided at the clerk’s offices.

The proposed schedule of charges for this remote access is:

- 1 user $100.00 annually.
- 2 - 5 users $200.00 annually.
- 6 - 10 users $350.00 annually.

This is approximately a 90 percent cost reduction that is expected to result in better service to the community. Because of remote access issues for sealed cases, the court will still need to create individual accounts but can bundle those charges per firm. Also, there will be no additional per page charge for printing, but certification and exemplification are not available through this functionality.

Other upgrades are coming that will further improve efficiencies, including an envelope feature that offers the ability to bundle multiple filings of the same case together for one transaction fee. The clerk’s office will also have the capability to issue summons, defaults and writs electronically. Users will have the ability to save and share documents in case files as PDFs, which is a capability that has been highly requested and anticipated.

The goal for the district court is to build on these successes and to continue to look for every possible way to make doing business with the court easier and more efficient and to manage costs wherever possible.

Chief Judge David Barker

Chief Judge David Barker has served as a district court judge since 2007. Prior to being elected unanimously by the bench to the role of chief judge, he served on the executive committee, which is comprised of judges with the mission to strategically plan for and manage the court. Chief Judge Barker has been practicing law since 1984.
ENTRY FORM

Student’s Name: _______________________________________________________
Student’s Grade: _______________________________________________________
Student’s School: _______________________________________________________
Teacher’s Name: _______________________________________________________
Mailing Address: _______________________________________________________
E-mail Address: _______________________________________________________
Category (choose one per entry): ☐ Art or ☐ Essay

RULES

Eligibility: You must be a student enrolled at a public or private middle or high school in Clark County, Nevada.

Topic: You must create an original piece of work—either a visual composition (Art) or a written argument (Essay) that addresses the theme of this year’s contest in honor of “Law Day,” an annual time to celebrate the role of law in our society. The theme is “Miranda: More than Words” and your work will explore the procedural protections afforded to Americans by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

Format: The length of the essay is limited to no more than 500 words. Essays exceeding the word limit will be cut at the 500th word. When submitting an essay, send as text on paper or within the body of an e-mail. The art can be a painting or drawing. Do not send original artwork, but submit a photo of the work. Photos of high-resolution quality (300 dpi at 10” x 12") are required. Submissions will not be returned.

Deadline: Entries must be received by 4:00 p.m. PST on Thursday, March 31, 2016. Send the completed Entry Form with the photo or essay to the CCBA via e-mail (stephabbott@clarkcountybar.org) or via U.S. Mail. If sent via U.S. Mail, a digital copy (on CD or USB drive) must be included and sent to: Clark County Bar Association, Attn: Steph Abbott, 717 S. 8th Street, Las Vegas, NV 89101. All submissions must be accompanied by this Entry Form which must contain information about the artist, including their name, name of school, name of teacher, and grade level.

Rights: We reserve first-time publication rights for the top three winning entries in both categories. Entries may be published on the Clark County Bar Association’s website at www.clarkcountybar.org and within the CCBA’s printed magazine, Communiqué.

Guidelines: Please review the full guidelines regarding all submissions listed on page 10 of this document. Please direct questions regarding entry or rules to stephabbott@clarkcountybar.org or 702-387-6011.

FORM continued on page 34
1. The theme of the 2016 contest is “Miranda: More than Words” in honor of “Law Day,” an annual time to celebrate the role of law in our society. The theme will explore the procedural protections afforded to Americans by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

2. The competition is comprised of the following categories: Art (visual composition) and Essay (written argument).

3. The competition is open to all students attending public or private middle and high schools in Clark County, Nevada.

4. Those students who submit an entry (“Artists”) may enter more than one composition (“Work”), and they may enter more than one category. The maximum number of submissions by one Artist is two Works per category.

5. Submit a completed Entry Form with each entry to stephabbott@clarkcountybar.org. Submissions must be received by the 4:00 p.m. PST on Thursday, March 31, 2016. Winning entries may be published on the association’s website and in the association’s printed magazine, Communiqué. Submissions will not be returned.

6. Submissions from the following will NOT be accepted: Immediate family or family members of the staff of the Clark County Bar Association; members of the CCBA’s Community Service Committee (“Committee”); and Communiqué Editorial Board (“Editorial Board”).

7. Artists retain the copyright in their own Work. By entering the competition, however, Artists grant to the Clark County Bar Association (“CCBA”) and the CCBA’s official publication, Communiqué magazine, a license for first North American publication in print, and for publication on the website of the CCBA and/or of Communiqué magazine and other electronic channels. Publication in either medium is in the sole discretion of the CCBA. Artists also grant the CCBA a license to grant reprint permission of any Work that is published in the printed magazine or on the website of the CCBA and/or of Communiqué magazine or other electronic channels.

8. By submitting, the Artist warrants and represents that the Work: (a) is your original work, (b) has not been previously published, (c) has not received any previous awards, (d) does not infringe upon the copyrights, trademarks, rights of privacy or publicity, or other intellectual property or other rights of any person or entity, and that the content is within the bounds of the fair use doctrine. The Artist further warrants that: (a) he or she has obtained permission from any person whose name, likeness or voice is used in the Work; and (b) publication of the Work via various media, including on the Web, will not infringe on any third-party rights. The Artist indemnifies and holds harmless the CCBA from any claims to the contrary, or from loss or damage of any kind arising from or in connection with the Work and the competition.

9. The competition is governed by the laws of the State of Nevada, and the Artist consents to its exclusive jurisdiction for any causes or controversies arising in relation to this competition.

10. The CCBA is not responsible for any technical malfunction or service outage related to or affecting the competition.

11. The members of the CCBA’s Community Service Committee will judge the competition and select the prize winners at their own discretion. The Committee cannot assist Artists in selecting Work for submission to the competition. Submissions are reviewed by the Committee and the Editorial Board, and their decision is final. In its sole discretion, the Committee reserves the right not to accept any submission. Prizes may be awarded in the form of cash, check, cashier’s check, or money order. The Committee reserves the right not to award a prize in any or all categories, or to award an Honorable Mention in any and all categories.

12. Questions regarding the competition should be directed to the CCBA at stephabbott@clarkcountybar.org.
CCBA Volunteerism: Spotlight on CCBA Members Serving the Community

Bill Curran
Partner
Ballard Spahr LLP

Bill Curran is truly devoted to pro bono. As a CAP attorney, he has helped numerous children navigate their way through the legal system. Bill’s sincere care shines through his work—as illustrated by the smiles of his clients! Here, Bill is with 5 sibling clients on their adoption day.

Chris Humes
Corporate Associate
Brownstein Hyatt Farber Schreck, LLP

Brownstein Hyatt associates Chris Humes and Mark Fetaz wrap one of more than 100 gifts Brownstein employees donated to help make the holidays brighter for low-income families from Halle Hewetson Elementary School. The firm adopted Hewetson two years ago and provides support to students, staff and families throughout the year.

Max Fetaz
Litigation Associate
Brownstein Hyatt Farber Schreck, LLP

Bill Curran is truly devoted to the CAP attorney program, helping numerous children navigate their way through the legal system. Bill’s sincere care shines through his work—as illustrated by the smiles of his clients! Here, Bill is with his clients as they were reunified with their mother.

Spotlight Submissions: Members are invited to send the CCBA photos of themselves participating in a community outreach project or event. Captions must be limited to 50 words or less. Send to stephabbott@clarkcountybar.org.

Looking for a Community Service Opportunity?

See upcoming events listed on page 8.
Areas of Practice Listings in
CCBA Members Directory

Areas of practice listings are available to attorney members in the CCBA Members Directory at https://www.clarkcountybar.org/members/directory.

*Name: ____________________________
*NV Bar #: ______________ *Phone #: ____________________
*E-mail: __________________________

*Areas of Practice (Select your top 3 from the list below):
- Administrative & Agency Matters
- Antitrust & Trade Regulation
- Appellate Practice
- Arbitration & Mediation
- Aviation
- Banking Law
- Bankruptcy Law
- Business Litigation
- Child Welfare
- City/County/Local Government
- Civil Defense
- Civil Trial Advocacy
- Collection Law
- Common Interest Community / Homeowners Associations
- Constitutional Law
- Construction Law
- Consumer Claims & Protection
- Copyright & Trademark Law
- Corporate Finance & Securities Law
- Corporation & Business Law
- Creditor & Debtor Law
- Criminal & Traffic Law
- Domestic Relations & Family Law
- DUI Defense
- Education Law
- Elder Law
- Eminent Domain & Condemnation Law
- Employment Law
- Environmental Law
- Federal Indian Law
- Franchise & Distribution
- Gaming Law
- Guardianship
- Government Relations
- Health Care Law
- Immigration & Customs Law
- Insurance Law
- Intellectual Property
- International & Foreign Law
- Internet Law
- Job Discrimination & Civil Rights
- Juvenile Law
- Legal Malpractice
- Labor Law
- Land Use, Planning, Zoning
- Legal Malpractice
- Legislative Matters
- Medical Malpractice
- Medical Marijuana – NEW!
- Military Law
- Mining Law
- Natural Resources
- Patents
- Pension, Profit Sharing & Employee Benefits
- Personal Injury & Wrongful Death Claims
- Premises Liability
- Product Liability
- Professional Malpractice
- Public Utility Matters
- Public Interest Law
- Real Estate Law
- Real Property Law
- Social Security Disability
- Special Education
- Special Education
- Special Education
- Sports & Entertainment Law
- State/Federal & Admin
- Taxation Law
- Transportation Law
- Travel & Hospitality Law
- Trial
- Water Rights Law
- Wills, Estates, Estate Planning & Probate
- Workers’ Compensation

Submit information to the CCBA by e-mail, fax, or by website (log in at http://clarkcountybar.org/members/member). E-mail: stephabbott@clarkcountybar.org. Fax: (702) 387-7867. Contact: Steph at CCBA (702) 387-6011.

FREE LISTING FOR CCBA MEMBER ATTORNEYS: If you want your name to be included in the special section of The Law Guide for CCBA members and listed via area of practice, then you must register with the CCBA by June 30, 2016. To register, complete and submit the form on page 36 to the CCBA.

PAID ADVERTISING FOR ATTORNEYS AND LAW FIRMS: If you want to promote your firm’s services in The Law Guide, then you will need to place an advertisement. The publication date for The Law Guide is scheduled for September 5, 2016.

Contact: Steph, (702) 387-6011, stephabbott@clarkcountybar.org for more information about the FREE listing for the CCBA’s attorney members.
NOTICE TO THE CCBA’S ATTORNEY MEMBERS:

If you want to be listed via your area of practice in a special section of this year’s edition of The Law Guide, a special publication of the Las Vegas Business Press, then you must **SIGN UP BY JUNE 30, 2016**.

To sign up, please submit the following information to the Clark County Bar Association (CCBA) via e-mail to Steph at stephabbott@clarkcountybar.org or fax this form to CCBA at (702) 387-7867:

- First Name
- Last Name
- Phone # (10 Digits, including area code)
- Nevada Bar #
- Top 3 Areas of Practice (Selected from the list below)

For more information about this bar service, contact Steph Abbott at the CCBA or visit the Member Benefits page on the https://www.clarkcountybar.org/membership/membership-benefits/#lawguide.

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**PLEASE PRINT:**

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Phone (xxx-xxx-xxxx)</th>
<th>NV Bar #</th>
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☐ **Yes**, I want to be listed in the 2016 edition of The Law Guide! Below are my **TOP 3** areas of practice:

- Administrative & Agency Matters
- Antitrust & Trade Regulation
- Appellate Practice
- Arbitration & Mediation
- Aviation
- Banking Law
- Bankruptcy Law
- Business Litigation
- Child Welfare
- City/County/Local Government
- Civil Defense
- Civil Trial Advocacy
- Collection Law
- Common Interest Community / Homeowners Associations
- Constitutional Law
- Construction Law
- Consumer Claims & Protection
- Copyright & Trademark Law
- Corporate Finance & Securities Law
- Corporation & Business Law
- Creditor & Debtor Law
- Criminal & Traffic Law
- Domestic Relations & Family Law
- DUI Defense
- Education Law
- Elder Law
- Eminent Domain & Condemnation Law
- Employment Law
- Environmental Law
- Federal Indian Law
- Franchise & Distribution
- Gaming Law
- Government Relations
- Guardianship
- Health Care Law
- Immigration & Customs Law
- Insurance Law
- Intellectual Property
- International & Foreign Law
- Internet Law
- Job Discrimination & Civil Rights
- Juvenile Law
- Legal Malpractice
- Labor Law
- Land Use, Planning, Zoning
- Legal Malpractice
- Legislative Matters
- Medical Malpractice
- Medical Marijuana
- Mergers & Acquisitions
- Military Law
- Mining Law
- Natural Resources
- Patents
- Pension, Profit Sharing & Employee Benefits
- Personal Injury and Wrongful Death Claims
- Premises Liability
- Product Liability
- Professional Malpractice
- Public Utility Matters
- Public Interest Law
- Real Estate Law
- Real Property Law
- Social Security Disability
- Special Education
- Sports & Entertainment Law
- State/Federal & Admin
- Taxation Law
- Transportation Law
- Travel & Entertainment Law
- Trial
- Veterans Administration & Affairs
- Water Rights Law
- Wills, Estates, Estate Planning & Probate
- Workers’ Compensation

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The publication date for The Law Guide is September 5, 2016.

This **COMPLIMENTARY** offer is **EXCLUSIVE** to the members of the Clark County Bar Association (CCBA) who are admitted to practice law in Nevada.
Pro Bono Corner: Be their voice!

There are approximately 3,000 children in Clark County foster care.

By Shea Backus, Esq.

As I was preparing to give a presentation for Transitioning into Practice, I reached out to Legal Aid Center of Southern Nevada to discuss promoting pro bono opportunities to new admittees. One area of need is the Children’s Attorneys Project. Within a couple of months, I attended a CLE where Legal Aid Center provided comprehensive training in representing foster children.

While I thought I could never handle representing a child who was so severely abused that it left life sustaining injuries, my first meeting with a brother and sister made me realize how important it is for these children to get their voices heard. As counsel for these siblings, I was able to advocate for the little girl to remain with her brother and be adopted by her foster mom when their absentee father showed up expressing an interest in only her.

Three years ago, I commenced representing four children between 10 and 14 years old. This representation has entailed ensuring sibling visits, addressing educational needs by requesting an educational surrogate to effectively advocate for an Individualized Educational Plan evaluation, securing an order for the Department of Family Services nursing to oversee basic medical needs when the mother would not timely respond, advocating for mental health providers when foster care agencies desired their own providers, appearing at juvenile hearings and understanding how the juvenile system can assist with interstate placements, addressing placement safety concerns, participating in Child, Family & Team meetings to assist a client who has been in over 24 placements and 13 schools, educating clients on aging out of the system, advocating against psychotropic prescriptions, and now, preparing for challenging a mental health petition for an out-of-state Residential Treatment Center.

While Legal Aid Center has talented staff attorneys representing abused and neglected children, there are far more children in need of representation. While this was not similar to my practice area, Legal Aid Center provided the initial training and the continued assistance to aid me in providing the best representation for these children clients in need. If you’re not already volunteering, I encourage you to visit www.lacsnpobono.org or contact Melanie Kushnir at probono@lacsn.org to learn how you can make a difference in the life of a child.

Shea Backus, Esq. is a shareholder at Backus, Carranza & Burden, where she primarily practices in civil and commercial litigation with a focus on construction and family law.

The Marketplace

EMPLOYMENT

Litigation Associate: Armstrong Teasdale LLP is seeking a litigation associate with at least one year of experience to join its Las Vegas office. This role presents an opportunity to work on complex civil and commercial litigation in a fast-paced environment. Successful candidates can expect to be responsible for day-to-day tasks as well as the strategic process of case management. Interested applicants must have at least one year of litigation experience; demonstrate superior writing and communication skills; have excellent academic credentials; possess good interpersonal skills for communicating with attorneys and clients; be diligent and detail-oriented; demonstrate an ability to work independently and productively; and show a strong interest in advancing a career in this practice. Former judicial clerkship experience is preferred. Apply at http://www.armstrongteasdale.com/EmploymentOpportunities/.

Advertising Opportunities

Space is available in the Communiqué for paid announcements related to professional achievements, goods, and services.

All advertisers must adhere to size specification, standards and policies contained on the Communiqué – Official Rate Sheet & Specs. Ad order & materials are due 30 days prior to the first day of the desired month of publication.

Contact the Clark County Bar Association to confirm availability of placement, graphic design services, and discounts. Ask for Steph at (702) 387-6011 or send a request to her at stephabbott@clarkcountybar.org.
Join us at this event

Clark County Bar Association

May Luncheon

Thursday, May 19, 2016 • 12:00 to 1:00 p.m.
Doors open at 11:30 for luncheon check-in.

Morton’s The Steakhouse
400 E. Flamingo Road, Las Vegas, 89119

Featured Speaker

Jeremy Aguero
Principal Analyst, Applied Analysis

“Southern Nevada’s Evolving Economic Landscape”

Jeremy Aguero has been with the Applied Analysis since its inception in 1997. His areas of expertise include economic analysis, operational model development and fiscal impact analysis.

Jeremy’s project history demonstrates a wide range of abilities. He has worked for clients in the private and public sectors, and undertaken projects of local, regional and national significance.

Submit registration with payment to the Clark County Bar Association before Friday, May 13, 2016.

Mail: Clark County Bar Association, P. O. Box 657, Las Vegas, NV 89125;
Fax: 702-387-7867; Phone: 702-387-6011; or Online at ClarkCountyBar.org

Type of Payment Enclosed:
☐ Check or money order is enclosed
☐ I will call CCBA with my credit card information
☐ I authorize the CCBA to charge my credit card (circle one):
  Mastercard  VISA  AMEX

Name of card holder:

Credit Card #:

Expiration date: Phone #:

Authorized Signature:

Total Amount: $

DO NOT E-MAIL CREDIT CARD DETAILS.

Register to attend this event:

RE: May Luncheon - 5/19/2016

Price: ☐ $40 per CCBA Member  ☐ $50 per non-member

Person attending:

Name: ___________________________ Phone: ___________________________

Bar #: ___________  E-mail: ___________________________

Firm/Co. ________________________ City, State, & Zip Code: ________________________

Billing Address: ___________________________

Select for entrée:
☐ Grilled 10 oz. Ribeye Steak
☐ Chicken Christopher
☐ Pasta Primavera

All reservations to CCBA events must be pre-paid. Each person who arrives without a prior reservation will not be guaranteed a seat, a meal, or entry to the event. If space becomes available to accommodate the unexpected person, then there will be an additional fee of $15 in addition to the listed price to attend. To receive a full refund for cancellations, a written request must be made to CCBA 72 hours prior to the luncheon.
A special event hosted by the Clark County Bar Association

40 YEAR CLUB LUNCHEON

Featuring Sal “Ask Mr. Lawyer” Gugino as Master of Ceremonies

Thursday, March 24, 2016 • 12:00 to 1:30 p.m.

Doors open at 11:30 for luncheon check-in. Please note the extended length for this event.

Las Vegas Country Club, 3000 Joe W Brown Dr, Las Vegas, NV 89109

To attend this event, RSVP with payment to Clark County Bar Association BEFORE Friday, March 18, 2016.

Send RSVP and entree choice with payment to the Clark County Bar Association, P.O. Box 657, Las Vegas, NV 89125. Or send info via fax to CCBA at 702-387-7867. Or call it in to CCBA at 702-387-6011. Or register online at ClarkCountyBar.org. Price: $40/CCBA Member and $50 for Non-Member. Notes: Inductees do not have to pay the fee for lunch; however they must RSVP by Friday, March 18, 2016. Inductees and Honorees must be a current member of the CCBA.

Entrée Choices:
Petite Tenderloin of Beef w/ Orange Horseradish Glaze
Grilled Salmon w/ Romesco Sauce
Chardonnay Marinated Chicken w/ Lemon & Fresh Oregano
Chef’s Choice Vegetarian

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