Join us at the May 19
Bar Luncheon featuring
Southern Nevada’s
Evolving Economic Landscape
Presented by Jeremy Aguero
from Applied Analysis
See page 13.

Avoiding Thorns
Along the Road to Resolution

More Activities for Bar Members
Spring Open House
See page 8.

Moot Court Competition
See page 10.

Spring Shred-It Fest
See page 12.

Volunteer Day
at Three Square
See page 14.

CLE Seminars
See pages 9, 11, & 41.

Inside:
ADR Mythbusters
Appeal Settlements
Writing a Better Arbitration Agreement
Good Faith in Mandatory Settlement Conferences
Specialty Court Programs

Join us at our
26th Annual
Meet Your Judges Mixer
Thursday, June 16, 2016
See page 37 for details.

© Steph Abbott - Roses of Gass Street Photo
Esquire Deposition Solutions

Esquire combines responsive service, impeccable quality and powerful technology to help our clients get more out of every deposition:

- Global Court Reporting Coverage
- Advanced Legal Video Services
- Certified Realtime Reporters
- Complete Support for Arbitrations and Mediations
- Streaming Depositions
- Synchronized Video
- Secure Online Transcript and Video Repository
- Videoconferencing and Internet Depositions
- Complex Litigation Expertise

the services you need
the attention you deserve

2300 West Sahara Avenue | Suite 770 | Las Vegas | Nevada | 89102 | 702.382.8778

www.esquiresolutions.com
Articles

20 Court-Connected ADR Mythbusters!
By ADR Commissioner Chris A. Beecroft, Jr.

24 Appeal Settlements at the Supreme Court of Nevada
By Paul C. Ray, Esq.

28 ADR Everywhere, and It’s Here to Stay
By Phil Dabney, Esq.

30 Good Faith in Mandatory Settlement Conferences
By John Naylor, Esq.

34 Want to Better Control Your Arbitrations? 10 Steps to Writing a Better Arbitration Agreement.
By Jay Young, Esq.

Features

36 Understanding and Utilizing Specialty Court Programs
By Chief Judge David Barker & Specialty Court Manager Margaret Pickard, Esq.

Highlights

39 The Ten Commandants for Arbitration
By Lorraine J. Mansfield, Esq.

40 Lawyer Representatives for United States District Court

46 The Short Trial Volunteer Program—A Win-Win Opportunity
By Angela Washington

Columns

4 A Message from the President of the Clark County Bar Association
Have You Tested Your EQ Lately?
By Catherine M. Mazzeo, Esq.

18 Ask Mr. Lawyer
Another Charleston Plaza Mall-Rat
By Sal Gugino, Esq.

38 Nevada Appellate Court Summaries
Advance Opinion Summary (2-26-16)
By Joe Tommasino, Esq.

42 View from the Bench of the Supreme Court of Nevada
Supreme Court Focuses on Attorney Discipline Backlog
By Chief Justice Ron D. Parraguirre

Departments

6 Event Calendar

15 Court Changes

15 Member Moves

16 New Members

46 The Marketplace
A Message from the President of the Clark County Bar Association

Have You Tested Your EQ Lately?

By Catherine M. Mazzeo, Esq.

No, that is not a typo. We all know that lawyers are creatures of intellect, and that cognitive intelligence—measured by the well-known IQ score—is essential to the practice of law. Indeed, high academic performance is a key criterion for acceptance into law school. Moreover, from the first day of class, we are taught to be precise, objective, logical, strategic, and analytical.

But what can often be overlooked is the concept of emotional intelligence, which is measured by the emotional quotient, or EQ. Generally speaking, emotional intelligence is the ability to recognize and understand one’s own emotions and the emotions of others; to understand how emotions affect behavior; and to manage emotional situations. It focuses on the “soft skills” that tend to be downplayed in professions like ours—things like self-awareness, open and honest communication (including the all-important ability to listen), empathy, and interpersonal skills.

There is a widely accepted notion that emotions and the law don’t mix. However, all lawsuits stem from conflict. All conflict involves emotion—often several emotions at the same time. The lawyer who can tune in to the emotional aspects of a client’s problem is better able to understand the client’s needs. This immediately gives the lawyer an additional tool to aid in the analysis of issues, the development of strategy, and the offering of legal advice. Similarly, the lawyer who can acknowledge and understand the emotion behind the opposing party’s position can be very effective in mediation and other forums for alternative dispute resolution.

Emotional intelligence is not only important in the courtroom or settlement meeting. Are you the hiring partner in your firm? When “book smarts” and technical experience leave you with a handful of similarly situated candidates, look to emotional intelligence to help differentiate. Are you an in-house attorney with a single client who is also your employer? Use emotional intelligence to negotiate the sometimes complex tension between legal theory and the practical operations of the business.

It is never too late to check your EQ. If you are interested in learning more, these are just a few of the many resources available:

- Emotional Intelligence – Why It Matters More Than IQ by Daniel Goleman
- The Empathy Factor: Your Competitive Advantage for Personal, Team and Business Success by Marie R. Myashiro
- The EQ Difference: A Powerful Plan for Putting Emotional Intelligence to Work by Adele B. Lynn

Clark County Bar Luncheon

Featuring Jeremy Aguero
Principal Analyst
Applied Analysis

Topic: Southern Nevada’s Evolving Economic Landscape
When: Thursday, May 19, 2016, 12-1:00 p.m. Check-in starts at 11:30 a.m.
Where: Morton’s The Steakhouse, 400 E. Flamingo Road, Las Vegas, 89119
Cost: $40/CCBA Member and $50/Non-member.
RSVP: Register with payment to CCBA by Friday, May 13, 2016. See page 13.
Take Your Office Out to a Baseball Game!

Order your tickets today!

Call 702-798-7825
Visit LV51.com.

Group discounts available.

Triple-A Affiliate
COMMUNIQUÉ
THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION
APRIL 2016

EDITORIAL BOARD
Catherine M. Mazzeo, Publisher
Paul C. Ray, Editor-in-Chief
Heather Anderson-Fintak, Editor
Tami D. Cowden, Editor
Jack W. Fleeman, Editor
Jennifer Roberts, Editor
Michael Carter
Lindsay Demaree
James E. Harper
Jennifer Hostetler
Erin Houston
Alia Najar, M.D.

CCBA BOARD OF DIRECTORS
Catherine M. Mazzeo, President 2016
Tami D. Cowden, President-Elect
John P. Aldrich, Secretary/Treasurer
Hon. Nancy L. Allf
Nedda Ghandi
James E. Harper
Brandon P. Kemble
Macaire K. Moran
Paul C. Ray
Mariteresa Rivera-Rogers
Jennifer Roberts
Jason Stoffel
Kelly B. Stout
Brenda Weksler
Damon K. Dias, Immediate Past President

CCBA STAFF
Donna S. Wiesner, Operations Manager
Stephanie Abbott, Communications Coordinator

GRAPHIC DESIGN
Stephanie Abbott

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 89125-0657. Phone: (702) 387-6011.

© 2016 Clark County Bar Association (CCBA). All rights reserved. No reproduction of any portion of this issue is allowed without written permission from the publisher. Editorial policy available upon request.

COMMUNIQUÉ accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and advertisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association.

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.

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 89125-0657. Phone: (702) 387-6011.

© 2016 Clark County Bar Association (CCBA). All rights reserved. No reproduction of any portion of this issue is allowed without written permission from the publisher. Editorial policy available upon request.

COMMUNIQUÉ accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and advertisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association.

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.

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION
APRIL 2016

EDITORIAL BOARD
Catherine M. Mazzeo, Publisher
Paul C. Ray, Editor-in-Chief
Heather Anderson-Fintak, Editor
Tami D. Cowden, Editor
Jack W. Fleeman, Editor
Jennifer Roberts, Editor
Michael Carter
Lindsay Demaree
James E. Harper
Jennifer Hostetler
Erin Houston
Alia Najar, M.D.

CCBA BOARD OF DIRECTORS
Catherine M. Mazzeo, President 2016
Tami D. Cowden, President-Elect
John P. Aldrich, Secretary/Treasurer
Hon. Nancy L. Allf
Nedda Ghandi
James E. Harper
Brandon P. Kemble
Macaire K. Moran
Paul C. Ray
Mariteresa Rivera-Rogers
Jennifer Roberts
Jason Stoffel
Kelly B. Stout
Brenda Weksler
Damon K. Dias, Immediate Past President

CCBA STAFF
Donna S. Wiesner, Operations Manager
Stephanie Abbott, Communications Coordinator

GRAPHIC DESIGN
Stephanie Abbott

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 89125-0657. Phone: (702) 387-6011.

© 2016 Clark County Bar Association (CCBA). All rights reserved. No reproduction of any portion of this issue is allowed without written permission from the publisher. Editorial policy available upon request.

COMMUNIQUÉ accepts advertisements from numerous sources and makes no independent investigation or verification of any claim or statement made in the advertisement. All articles, letters, and advertisements contained in this publication represent the views of the authors and do not necessarily reflect the opinions of the Clark County Bar Association.

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.

Events Calendar

April 2016
1 CCBA Community Service Committee Meeting (12-1 p.m., CCBA)
1 Deadline for Communiqué (May 2016)
3 Undie Sunday (3-5 p.m., Nacho Daddy)
5 CCBA Publications Committee Meeting (12-1 p.m., CCBA)
7 “A Probate Primer for Southern Nevada Lawyers” – a CLE seminar (1-3:15 p.m., Depo International) - See page 9.
8 CCBA CLE Committee Meeting (12-1 p.m., CCBA)
11 CCLF Community Service Committee Meeting (12-1 p.m., CCLF)
12 EJDC Civil Bench-Bar Meeting (12:05 p.m., RJC, Courtroom 15D)
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)
20 “A Lawyer’s Guide to Asset Protection Planning” – a CLE seminar (1-3:15 p.m., CCBA) - See page 11.
26 CCLF Trial By Peers Committee Meeting (12-1 p.m., CCLF)

May 2016
1 Deadline for Communiqué (June/July 2016)
April – COMMUNIQUÉ – Clark County Bar Association

SUNDAY

APRIL 3
3-5PM

SOCK AND UNDERWEAR DRIVE

BENEFITING

Nacho Daddy
Downtown, 113 N 4th St, Las Vegas & Summerlin, 9560 W Sahara Ave, Las Vegas, NV

Clark County Bar Association 717 S. 8th Street, Las Vegas, NV 89101-7006
Event Calendar continued from page 6

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)

21 CCBA Volunteer Day (9:30-11:30 a.m., Three Square) - See page 14.

23 CCLF Trial By Peers Committee Meeting (12-1 p.m., CCLF)

26 “Nevada Supreme Court Decisions: What do they mean for your clients?” – a CLE seminar (1-3:15 p.m., Depo International) - See page 41.

June 2016

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

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

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

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

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

16 CCBA 26th Annual Meet Your Judges Mixer (5:30-8:30 p.m., Cili at Bali Hai Golf Club) — See page 45.

*All dates, locations, promotions, and events details are subject to change without notice.

Event Calendar Updates
CCBA offers offers a periodic e-mail service with information about upcoming events, court news, and bar services. Subscribe to this free, mobile-friendly, e-mail service at http://eepurl.com/lUDcz. Contact: stephambutt@clarkcountybar.org.

Acronyms:

CCBA Clark County Bar Association
CCLF Clark County Law Foundation
CLE Continuing Legal Education
EJDC Eighth Judicial District Court
LVJC Las Vegas Justice Court
LVVPA Las Vegas Valley Paralegal Assoc.
TBP Trial By Peers
UNLV University of Nevada Las Vegas
USDC United States District Court

Acronyms:

SPRING
Open House

Thursday, April 14, 2016
5:00 p.m. to 8:00 p.m.

Clark County Bar Association
717 S. 8th Street, Las Vegas
(702) 387-6011

No RSVP necessary. No cover charge. No minors allowed.

Join us at this special event to serve members of the bar and to feature

Complimentary Tacos – Beer – Margaritas

Catch up with colleagues.
Mix and mingle.
Drink responsibly.
A Probate Primer for Southern Nevada Lawyers

Featured Speaker:
Hon. Wesley Yamashita
Probate Commissioner
Eighth Judicial District Court

Nevada lawyers and their staff are invited to attend this seminar to learn about the basics of the probate process in Clark County, Nevada.

Register to attend this seminar:

RE: Probate Primer CLE - 4/7/2016

Name: ____________________________________________________________
Bar #: ___________________________ Phone #: ___________________________
E-mail: ___________________________________________________________
Firm/Co. __________________________________________________________
Billing Address: ____________________________________________________
City, State, & Zip Code: _____________________________________________

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

To guarantee seating, all reservations MUST be received at least 72 hours prior to the seminar. All reservations to CCBA events must be pre-paid. To receive a full refund for cancellations, a written request must be made to CCBA 72 hours prior to the seminar. Without prior registration, event walk-ins will be charged an extra $15 over the individual price.

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

Type of Payment Enclosed:
☐ I hold a 2016 CCBA CLE Passport and want to use it for this seminar. So, I am not enclosing payment.
☐ I want to purchase a CCBA CLE Passport ($200) and use it for this seminar.
☐ 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.

The CCBA CLE Passport offers the CCBA member admission to 12 CLE credit hours of CCBA CLE seminars for only $200! Get details about this member benefit at www.clarkcountybar.org or contact CCBA at (702) 387-6011 or donnaw@clarkcountybar.org.
NEVADA’S ATTORNEYS & JUDGES ARE NEEDED TO JUDGE THE

William S. Boyd School of Law’s
18TH ANNUAL
MOOT COURT COMPETITION
Friday, April 22 or Saturday, April 23, 2016

Please volunteer on Friday, April 22 and/or Saturday, April 23, 2016 to judge the William S. Boyd School of Law’s “18th Annual Moot Court Competition.” The location for all of the competition rounds will be at UNLV Law School, UNLV, 4505 South Maryland Pkwy, Las Vegas, Nevada.

The competition is in the format of an appellate argument before the Nevada Supreme Court whereby each student gets 12 minutes for oral argument and then the judges provide constructive feedback.

To volunteer as a judge, you must be a law school graduate. Most volunteers are needed for Friday night’s competition. Judging the competition qualifies as pro bono service (pursuant to NRPC 6.1).

Thank you!

EVENT VOLUNTEER FORM

_____ I would like to judge the Moot Court Competition on the following date(s) & time(s):

_____ FIRST ROUNDS - FRIDAY, APRIL 22, 2016 - SCHEDULE:
5:00 – 5:45 p.m.  Dinner
5:45 – 5:55 p.m.  Instructions to judges
6:00 – 9:00 p.m.  Elimination Rounds

_____ SEMI-FINAL ROUNDS - SATURDAY, APRIL 23, 2016 - SCHEDULE:
11:30 – 11:45 a.m.  Instructions to judges
12:00 – 1:00 p.m.  Elimination Rounds

_____ FINAL ROUNDS - SATURDAY, APRIL 23, 2016 - SCHEDULE:
1:30 – 3:00 p.m.  Elimination Rounds

_____ I cannot help judge at this time, but please keep me in mind for the next event.

Name:_____________________________________________________
Firm:_____________________________________________________
Address: ___________________________________________________
Phone #:_______________________ Fax #:______________________
E-mail address: ______________________________________________

Send inquiries or completed form to New Lawyer Committee Chair Michael Hughes, Esq. at mvhinlv@gmail.com or fax to 702-387-7867 (CCBA).
A Lawyer’s Guide to Asset Protection Planning

Featured Speaker:

Jacob Stein, Esq.
Aliant, LLP

The seminar will focus on protecting assets such as houses, bank and brokerage accounts, businesses, professional practices and retirement plans from plaintiffs and creditors.

The instructor will share real-life stories and anecdotes, and will present a very practical approach to protecting assets. Substantive techniques covered by the presentation will include business entities, charging order limitations, trusts, offshore structures and more. The discussion will also cover protecting assets from lenders and landlords and how to plan after a lawsuit, a loan default or an accident.

Register to attend this seminar:


Name: ___________________________ Phone #: ___________________________
Bar #: ___________________________ E-mail: ___________________________
Firm/Co.: ___________________________
Billing Address: ___________________________
City, State, & Zip Code: ___________________________

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

To guarantee seating, all reservations MUST be received at least 72 hours prior to the seminar. All reservations to CCBA events must be pre-paid. To receive a full refund for cancellations, a written request must be made to CCBA 72 hours prior to the seminar. Without prior registration, event walk-ins will be charged an extra $15 over the individual price.

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

Type of Payment Enclosed:
☐ I hold a 2016 CCBA CLE Passport and want to use it for this seminar. So, I am not enclosing payment.
☐ I want to purchase a CCBA CLE Passport ($200) and use it for this seminar.
☐ 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: ___________________________
Authorized Signature: ___________________________

Total Amount: $ ________ DO NOT E-MAIL CREDIT CARD DETAILS.

April 2016 – COMMUNIQUÉ – Clark County Bar Association
FREE Spring Shred-It Fest

Spring cleaning at the office?
Prevent consumer fraud, identity theft, and destroy sensitive documents at this event for free!
No appointment necessary. First come, first served.

Wednesday, May 18, 2016
9:30 a.m. to 12:30 p.m.

State Bar of Nevada
3100 W. Charleston Boulevard
(Charleston Boulevard @ Campbell Drive)
Las Vegas, NV 89102

Shred-it Las Vegas, the Clark County Bar Association, and State Bar of Nevada are hosting a community shred event for the southern Nevada legal community.

Bar members in southern Nevada can bring up to 4 letter-sized “banker’s” boxes of paper to shred during the three-hour period. Shred-It Las Vegas will have a shredding truck on site for prompt, safe destruction of sensitive material.

Contacts:
State Bar of Nevada/Lori Wolk
loriw@nvbar.org, 702-317-1436

Clark County Bar Association/Donna Wiessner
donnaw@clarkcountybar.org, 702-387-6011
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 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.

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. __________________________
Billing Address: __________________________
City, State, & Zip Code: __________________________

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

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: $ __________________________

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

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.

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 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.

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. __________________________
Billing Address: __________________________
City, State, & Zip Code: __________________________

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

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: $ __________________________

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

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.
Please join us on Saturday, May 21, 2016 at the Three Square food bank to volunteer to help sort and pack donated items for the needy. Activities may include produce and grocery packing for individuals who receive meal assistance and mobile pantries; sorting and packing donated food and non-food items; and office support. Volunteers may be standing, bending, lifting, and walking on concrete in non-climate controlled areas. Dress warm in the winter months and cool in the summer months. Closed-toe shoes are required.

Thank you!

EVENT VOLUNTEER FORM

_____ I would like to volunteer for the community service event on Saturday, May 21, 2016.

_____ I cannot help at this time, but please keep me in mind for the next event.

Name:_____________________________________________________
Firm:_____________________________________________________
Address: ___________________________________________________
Phone #:_______________________ Fax #:_______________________
E-mail address: ______________________________________________

Send inquiries or completed form to Steph at the CCBA at stephabbott@clarkcountybar.org or fax to 702-387-7867.
PreTrial CCDC Office Hours Change

Effective March 14, 2016, the Las Vegas Justice Court PreTrial Services Division office at the Clark County Detention Center will be open 24 hours a day. This means that individuals and bail bonding companies will be able to post bail with the court during these hours. Information on inmates who are incarcerated at the Clark County Detention Center can still be accessed 24 hours a day, seven days a week, at the Clark County Detention Center website at http://www.clarkcountynv.gov/ccdc/pages/inmatesearch.aspx. Questions about the revised hours of operation can be addressed by Anna Vasquez, Court Division Administrator, at (702) 671-3465.

Nedda Ghandi, Laura A. Deeter, and Brian E. Blackham are pleased to announce the formation of Ghandi Deeter Blackham. They can be reached at 707 South Tenth Street, Las Vegas, Nevada, 89101. Phone: (702) 878-1115. Fax: (702) 447-9995. E-mails: Nedda@ghandilaw.com, Laura@ghandilaw.com, and Brian@ghandilaw.com.

Thomas G. Kurtz can now be reached at P.O. Box 44195, Las Vegas, NV 89116. Phone: (702) 649-3033.

Larson & Zirzow has relocated to 850 E. Bonneville Avenue, Las Vegas, Nevada, 89101. The phone number (702-382-1170), fax number (702-382-1169), and e-mail addresses remain the same for Zachariah Larson (zlarson@lzlawnv.com), Matthew C. Zirzow (mzirzow@lzlawnv.com), and Shara Larson (slarson@lzlawnv.com).

Eric L. Marshall has relocated the Marshall Law Firm to 2015 E. Windmill Lane, Henderson, Nevada, 89123. His phone, fax, and e-mail remain the same.

The Law Office of Tony M. May, P.C. has just relocated to 1850 E. Sahara Avenue, Suite 206, Las Vegas, Nevada, 89104. The phone number (702-388-0404) and e-mail addresses for Tony May (tmay@tmm-law.com) and Bruce Willoughby (bww@tmm-law.com) remain the same.

Listings in the “Member Moves” department are restricted to updates in contact information or membership status. Space is available for paid announcements of professional achievements, goods, and services. Contact: Steph Abbott, stephabbott@clarkcountybar.org or (702) 387-6011.

Reisman Sorokac is pleased to announce the addition of Michael R. Kalish to the firm.

Mr. Kalish received his Juris Doctor from the University of San Diego School of Law in 2012. He then served as law clerk to the Honorable Michelle Leavitt, Eighth Judicial District Court, from 2012 – 2014.

Mr. Kalish has since practiced commercial law and joins the firm’s Transactional Department concentrating his practice in real estate, corporate matters and government affairs.
Welcome and thanks to the following people* who have joined and/or re-joined our non-profit member organization!

**Allison Gigante**, 1817 Linton Hill Lane, Las Vegas, Nevada, 89134. Phone: (702) 445-7675. E-mail: giganteaj@msn.com.

**Christopher Myers**, Holland & Hart LLP, 9555 Hillwood Drive, 2nd Floor, Las Vegas, Nevada, 89134. Phone: (702) 669-4600. Fax: (702) 669-4650. E-mail: crmyers@hollandhart.com.

**Alice O’Hearn**, Bailey Kennedy LLP, 8984 Spanish Ridge Avenue, Las Vegas, Nevada, 89148. Phone: (702) 562-8820. Fax: (702) 562-8821. E-mail: aohearn@baileykennedy.com.

**Michele Pacconi**, Fisher & Phillips, 300 S. 4th Street, #1500, Las Vegas, Nevada, 89101. Phone: (702) 252-3131. Fax: (702) 252-7411. E-mail: mpacconi@laborlawyers.com.

**Judge Eric Johnson**, Eighth Judicial District Court, Dept. 20, 200 Lewis Avenue, Las Vegas, Nevada, 89101. Phone: (702) 671-4440. Fax: (702) 671-4439. E-mail: JohnsonE@clarkcounty-courts.us.

**Maria Lemos**, The Law Office of Maria E. Lemos LLC, 8275 S. Eastern Avenue, Suite 200, Las Vegas, Nevada, 89123. Phone: (702) 765-4597. E-mail: maria@lemoslawfirm.com.

**Gabrielle Hamm**, Garman Turner & Gordon, 650 White Drive, Suite 100, Las Vegas, Nevada, 89119. Phone: (725) 777-3000. Fax: (725) 777-3112. E-mail: ghamm@gtg.legal.

**Mark Weisenmiller**, Garman Turner Gordon LLP, 650 White Drive, Suite 100, Las Vegas, Nevada, 89119. Phone: (725) 777-3000. Fax: (725) 777-3112. E-mail: mweisenmiller@gtg.legal.

**Lynn Rivera**, Burnham Brown, 200 S. Virginia Street, 8th Floor, Reno, Nevada, 89501. Phone: (775) 870-2100. Fax: (877) 648-5288. E-mail: lrivera@burnhambrown.com.

**Taylor Waite**, Jolley Urga Woodbury & Little, 3800 Howard Hughes Parkway, 16th Floor, Las Vegas, Nevada, 89169. Phone: (702) 699-7580. Fax: (702) 699-7555. E-mail: tlw@juww.com.

**Gabriel Blumberg**, Dickinson Wright PLLC, 8363 W. Sunset Rd., Suite 200, Las Vegas, Nevada, 89113. Phone: (702) 550-4438. Fax: (702) 382-1661. E-mail: gblumberg@dickinsonwright.com.

**Tracee Duthie**, Dickinson Wright PLLC, 8363 W. Sunset Rd., Suite 200, Las Vegas, Nevada, 89113. Phone: (702) 550-4449. Fax: (702) 382-1661. E-mail: tduthie@dickinsonwright.com.

**Emily Ellis**, Brownstein Hyatt Farber Schreck LLP, 100 N. City Parkway, Suite 1600, Las Vegas, Nevada, 89106. Phone: (702) 464-7085. E-mail: eellis@bhfs.com.

**Maximilien Fetaz**, Brownstein Hyatt Farber Schreck LLP, 100 N. City Parkway, Suite 1600, Las Vegas, Nevada, 89106. Phone: (702) 464-7083. E-mail: mfetaz@bhfs.com.

**Jeffrey Lavigne**, Brownstein Hyatt Farber Schreck LLP, 100 N. City Parkway, Suite 1600, Las Vegas, Nevada, 89106. Phone: (702) 464-7054. E-mail: jlavigne@bhfs.com.

**Lindsey Williams**, Brownstein Hyatt Farber Schreck LLP, 100 N. City Parkway, Suite 1600, Las Vegas, Nevada, 89106. Phone: (702) 464-7056. E-mail: lwilliams@bhfs.com.

**Christopher Fowler**, Solomon Dwigginns & Freer, LTD., 9060 W. Cheyenne Avenue, Las Vegas, Nevada, 89129. Phone: (702) 589-3512. Fax: (702) 853-5485. E-mail: cfowler@sdfNevadalaw.com.

**Jeremy Welland**, Solomon Dwigginns & Freer, Ltd., 9060 W. Cheyenne Avenue, Las Vegas, Nevada, 89129. Phone: (702) 853-5483. Fax: (702) 853-5485. E-mail: jwelland@sdfNevadalaw.com.

**Judge Heidi Almase**, Las Vegas Municipal Court Judge, Dept. 3, 200 Lewis Ave, Las Vegas, Nevada, 89101. Phone: (702) 229-2407. E-mail: halmase@lasvegasnevada.gov.

**Lisa Woodson**, Everi Payments Inc., 7250 S. Tenaya Way, Suite 100, Las Vegas, Nevada, 89113. Phone: (702) 275-3012. E-mail: lwoodson.law@gmail.com.

**Elana Lee Graham**, Clark County District Attorney’s Office, 200 Lewis Avenue, Las Vegas, Nevada, 89155. Phone: (702) 671-2692. Fax: (702) 477-2937. E-mail: elanagraham@clarkcountyda.com.

---

**Advertising Opportunities**

Space is available in the Communiqué for paid announcements related to professional achievements, goods, and services. All advertisers must adhere to size specifications, standards, and policies contained in the Communiqué – Official Rate Sheet & Specs. Rates, policies, and specifications are available upon request. 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.
Joseph Troiano, Eglet Prince, 400 S. 7th Street, Suite 400, Las Vegas, Nevada, 89101. Phone: (702) 450-5400. Fax: (702) 450-5451. E-mail: jtroiano@egletlaw.com.

Carol Michel, Weinberg Wheel er Hudgins Gunn & Dial LLC, 6385 S. Rainbow Boulevard, Suite 400, Las Vegas, Nevada, 89118. Phone: (404) 832-9510. Fax: (404) 875-9433. E-mail: cmichel@wwgd.com.

Caroline Roske, Koeller Ne beker Carlson & Hauluck LLP, 300 S. 4th Street, Suite 500, Las Vegas, Nevada, 89101. Phone: (702) 853-5500. Fax: (702) 853-5599. E-mail: caroline.roske@knchlaw.com.

Natalie Cheung, Lewis Roca Roth gerber Christie LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada, 89169. Phone: (702) 474-2692. Fax: (702) 949-8398. E-mail: ncheung@lrrc.com.

Daniel McCain, Thorndal Arm strong Delk Balkenbush & Eisinger, 1100 E. Bridger Avenue, Las Vegas, Nevada, 89101. Phone: (702) 366-0622. Fax: (702) 366-0327. E-mail: djm@ thorndal.com.

Sean Cooney, Thorndal Arm strong Delk Balkenbush & Eisinger, 1100 E. Bridger Avenue, Las Vegas, Nevada, 89101. Phone: (702) 366-0622. Fax: (702) 366-0327. E-mail: scooney@ thorndal.com.

Madison Gregor, Thorndal Arm strong Delk Balkenbush & Eisinger, 1100 E. Bridger Avenue, Las Vegas, Nevada, 89101. Phone: (702) 366-0622. Fax: (702) 366-0327. E-mail: mng@ thorndal.com.

Phoebe Redmond, Clark County School Dist., 5100 W. Sahara Avenue, Las Vegas, Nevada, 89146. Phone: (702) 799-5373. Fax: (702) 799-5505. E-mail: redmopv@interact.ccsd.net.


Whitney Short, Borg Law Group, 9555 Hillwood Drive, Suite 150, Las Vegas, Nevada, 89134. Phone: (702) 318-8808. Fax: (702) 318-8801. E-mail: whitney@borglawgroup.com.

Listings in the “New Members” department are restricted to updates in contact information or membership status. Space is available for paid announcements of professional achievements, goods, and services. Contact: Steph Abbott, stephabbott@clarkcountybar.org or (702) 387-6011.

*Please note this list includes non-lawyers. To see a member’s type, view the CCBA Members Directory at https://www.clarkcountybar.org/members/directory.
Another Charleston Plaza Mall-Rat

By Sal Gugino, Esq.

You know, I have written my “column” for almost 35 years, and it is a rare occasion when any of you send me a note or make a telephone call. That is why I was thrilled to get e-mails from Jeff Silver and John Thorndahl, who have an even more “wicked” sense of humor than myself. Here is what they wrote:

Sal,

You brought back so many memories with your tribute to Dave Polley. I worked with David for a short time when he was still a Deputy AG at the Gaming Control Board. He was feeling his way through the complexities of public company, filings which few if any lawyers in Nevada, including him, had any grasp of. Nonetheless, some of David’s drafted gaming regulations for public companies remain on the books today, meaning he must have used some pretty good common sense!

As for your comments about Woolco, during high school, I lived on 17th between Oakey and Charleston, so that store was one of my regular haunts. In fact, I recall that the opening of the Charleston Plaza Mall was a major event for the town. In those days, they had searchlights scanning the sky! I am surprised I didn’t remember seeing you in the paint department, but then again, my mom’s bathroom was already painted a bright, ugly pink, and she liked it that way!

My final flurry of recollection came in your mention of Judge Walter Richards. I remember how proud I was after having received my driver’s license at age 16 and reveled at having made it three years to age 19 without so much as a parking ticket! Then, one day I was driving up St. Louis Avenue towards Las Vegas Boulevard to go to my friend’s house on Bracken Avenue near Crestwood School (Allen and Chuck Minker) when I was stopped by a Las Vegas police cruiser while driving my mom’s 1962 Ford Pinto. He asked me if I knew why I was being stopped. All I could think of was “the embarrassment of driving a Pinto?” “No,” he said, “you were going 30 miles an hour in a 25 mile an hour zone.” “Gosh,” I thought, “am I really hearing this?” The street was probably five full lanes wide and there wasn’t a single other car within eyesight! Besides, while I don’t stare at the speedometer, I was mindful that it was pretty close to the maximum safe speed of the vehicle. It must have been “quota day,” so several weeks later, I thought I would bring the unfairness of all of this to the attention of the Court.

I had heard others say “guilty with an explanation, your honor” and in some cases, the judge peered down on the pregnant mother or the well-dressed businessman and say, “charges dismissed!” However, when he came to me, he just glared at me for a moment and then asked me how I wanted to plead? That should have been a clue, but I said quite frankly, “guilty with an explanation, your Honor.” I was just about to tell him about the conditions of the road, the clear weather and my perfect driving record, when he waived me off by bellowing, “You teenagers are all alike, lead-footing it around town running down women, children and nuns! . . . the fine will be $25, next case!” I am not sure where the nuns came in, although St. Ann’s Catholic Church was in the neighborhood and Easter was fairly close.
Sal Gugino, Esq., 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.

I expect Dave Polley is laughing himself silly, reading all of this . . .

-Jeff Silver, Of Counsel, Dickinson Wright PLLC

Sal, just wanted to complement you on your article on Dave. I can also thank Dave for helping me get started with the practice of law. We probably met at the law library back when I was clerking for Mort Galane, when Dave mentioned that he was leaving his job with Reynolds Electrical and Engineering, the prime contractor at the Test Site. I had been offered a job by Parry Thomas with Bank of Las Vegas in its new trust department working with Morgan Wixom but was also thinking of going corporate when I met Dave. So I left Mort in April of 1967, even though I was probably the first he ever offered a raise to stay, and started with REECo as a legal counsel. After two years, I knew it wasn’t my future, so I joined the U.S. Attorneys office and after a year (another story), I started private practice and the Test Site contractors became my best clients over the years.

Dave introduced me to Loretta, who also worked for REECo, and we have now been married for 47 years. He told her I was too skinny but he introduced us anyway. I am forever grateful. She helped him set up his office when he left REECo and started his private practice, and sometimes did his typing at night and on weekends.

We often mention Dave’s Christmas parties. He made Wassail and something called Gluhwein. His one son told me following the funeral service that he was the coat guy for the parties. He stacked them one on top of the other on a bed until he figured out a better way to find them when people left.

I need to stop or you will find out a way to write some zinger about me. Again, good writing.

-John L. Thorndal, Shareholder-Executive Vice President, Thorndal, Armstrong, Delk, Balkenbushe & Eisinger

I expect Dave Polley is laughing himself silly, reading all of this . . .
Next year, the Court Annexed Arbitration Program and the Short Trial Program will celebrate anniversaries of twenty-five and fifteen years, respectively, providing economical, efficient, and effective mechanisms of dispute resolution. Notwithstanding, some still harbor significant myths about these programs as they navigate through them. But like all great myths, they can be dispelled, so let’s bust some court-connected ADR myths!

**Myth #1: “Help! I’m stuck in mandatory arbitration and I can’t get out.”**

**Reality:** There have always been methods by which litigants can “opt out” of the mandatory court annexed arbitration program (the “Program”). First and foremost, there are exceptions to mandatory arbitration in the form of exemptions set forth in Nevada Arbitration Rule (“NAR”) 3(A), both automatic and non-automatic, that practitioners may utilize to escape the grip of compulsory arbitration if properly utilized (more on this subject in Myth #2). Second, NAR 3(C) provides that, with approval of the district judge to whom the case is assigned, the parties may stipulate or the court may order that a settlement conference, mediation, or “other appropriate technique” be conducted by another sitting or retired judge or special master. District Court has implemented an outstanding Judicial Settlement Conference Program, which has had excellent resolution results. Additionally, pursuant to NAR 6(A), parties may stipulate to the use of a private arbitrator in lieu of one court-appointed. Third, there is a court-administered mediation program available (yes, there is!) that is a true alternative to mandatory arbitration and which offers some of the best mediators in Clark County; see Subpart C to the Rules Governing Alternative Dispute Resolution contained in the Supreme Court Rules. Finally, you can avoid mandatory arbitration and mediation altogether by going directly into the Short Trial Program by way of stipulation (more in Myth #6).
Myth #2: “I sought automatic exemption by stating in the caption of the complaint ‘Exempt from Arbitration: Amount in Controversy Exceeds $50,000.’ Notwithstanding, the ADR Office erroneously sent me an arbitrator selection list.”

**Reality:** Incorrect! Read (and re-read) NAR 5(A) carefully. There is no automatic exemption for a case in which the amount in controversy exceeds $50,000. In order to avoid mandatory participation in the Program, a Request for Exemption must be filed with the ADR Office in all cases seeking exemption based upon a probable jury award value in excess of $50,000 per plaintiff.

**Corollary to Myth #2:** “I sought automatic exemption by stating in the caption of the complaint ‘Exempt from Arbitration: Action seeks Injunctive Relief.’ Notwithstanding, the ADR Office erroneously sent me an arbitrator selection list.”

**Reality:** Incorrect again! NAR 5(A) states that in order to claim an automatic exemption from mandatory arbitration, the initial pleading (complaint, answer, counterclaim, etc.) must specifically designate the category of claimed exemption in the caption and not the type of case within that category. NAR 3(A) provides several categories of exemption, including equitable relief, extraordinary relief, title to real estate, etc. Injunctive relief is a type of case within the category of an action in equity or an action seeking extraordinary relief. Utilize the category, not the type of case, and you are out of mandatory arbitration.

Myth #3: “I filed a Request for Exemption with the ADR Office, but received a Notice to Appear to submit additional facts supporting my contentions. I don’t have anything to add, so why am I being summoned to appear?”

**Reality:** Check your Request for Exemption carefully. NAR 5(A) requires that you provide a summary of facts which supports your contentions. If your Request is inadequate, NAR 5(D) provides that the ADR Commissioner may require that a party submit additional facts supporting the party’s contentions, hence the notice to appear. For example, if your case involves a personal injury claim, have you provided details of when and how the accident occurred, how the plaintiff was injured, the treatment the
plaintiff received, and the current amount of medical special incurred? If you are claiming lost wages or future medical treatment, have you supported those claims adequately? Was an opposition filed? You may want to file a supplement to your request before the hearing which further supports your grounds for exemption or responds to the opposition; it may save you a trip to the courthouse. Remember: do not attach voluminous records to any request for exemption, opposition or supplement.

Myth #4: “I received a selection list of five arbitrators, but have no idea who they are and what their experience or area of specialty is. I think I’ll just tack the list on the wall and throw darts at it.”

Reality: The ADR Office has always maintained a current portfolio of arbitrators’ resumes that provide this information; anyone can come to the ADR Office and examine the resumes. If the resumes do not provide sufficient information regarding an arbitrator’s experience or area of expertise, check with colleagues or other sources of information such as Martindale-Hubbell. Even though the NAR does not require it, the ADR Office maintains two panels of arbitrators, one for tort claims and the other for non-tort (contract) claims, and assigns cases to arbitrators based upon their area of specialty.

Myth #5: “I’ve settled that case I had in the mandatory arbitration program and filed my stipulation and order of dismissal. My job is done.”

Reality: You must advise your arbitrator that the case is settled so that the arbitrator can file a Change of Status with the ADR Office notifying it that the case has settled. Otherwise, neither the arbitrator nor the ADR Office knows that the case has settled and will continue needlessly processing the case. You may also receive a letter from the ADR Office asking for the status of the case and, if that letter is ignored, a Notice to Appear will issue.

Corollary to Myth #5: “I have filed the Request for Trial de Novo with the court clerk. My job is done.”

Reality: NAR 18(A) requires that you file the Request for Trial de Novo with the clerk of the court and serve it on the other parties and the ADR Commissioner’s office.

If you do not do so, the ADR Office does not know that you have filed the Request and will needlessly issue a Notice to Prevailing Party. You may also receive a letter from the ADR Office advising that the rule has not been properly followed; repeat transgressions of the rule may result in issuance of sanctions.
Myth #6: “Help! I’m stuck in the Short Trial Program and I can’t get out.”

Reality: Not the case at all. It is true that after the filing and service of the written Request for Trial de Novo from arbitration, NAR 18(D) and Nevada Short Trial Rule (“NSTR”) 4(a)(1) mandate that the case proceed in the Short Trial Program (the “STP”). However, litigants can “opt out” of the STP should they choose to do so pursuant to NSTR 5(a) by timely filing a “Demand for Removal from the Short Trial Program” and depositing with the clerk of court the demand out fee required by NSTR 5(b). But why would litigants want to do so? There is insufficient space in this article to list all the benefits of utilizing the STP, but here are just a few: litigants can stipulate to the use of a particular pro tem judge and to a higher cap; litigants are given a firm, expedited trial date; continuances are strongly discouraged; the trial is completed in one day; juries (if demanded) can be composed of 4, 6 or 8 members; written reports (including those from experts) can be utilized in lieu of live testimony at great savings to litigants; and evidentiary booklets, compiled and approved before trial, are utilized. And do not forget: litigants can stipulate to have their short trial conducted by a District Court Judge with the Judge’s consent, or they can agree to utilize the short trial format in a case pending in District Court with the Court’s permission.

Hopefully, some myths about court-connected ADR have been debunked. But if you ever have any questions about court annexed arbitration and mediation or the Short Trial Program, please feel free to contact the ADR Office at 702-671-4493. The ADR staff is always accessible and will answer any of your policy or procedure questions – we like to say that there is a reason we have telephones. You can also find current rules as amended, revised and refined forms and helpful information and instructions at our website: http://www.co.clark.nv.us/ClarkCountyCourts/ejdc/courts-and-judges/adr/adr.html.
Appeal Settlements at the Supreme Court of Nevada

By Paul C. Ray, Esq.

Mediators often tell parties that after judgment, the chances for settlement decrease substantially. But the rate of settlement in the Supreme Court of Nevada’s program is 52% since the inception of the program in 1997. The settlement program has succeeded in reducing the court’s caseload and in decreasing expenses to many parties who have participated.

All civil appeals in which all parties are represented by counsel are eligible for the program. The program administrator determines which cases the court refers to the program. For those referred, participation is mandatory. Referral of a case to the settlement program suspends all deadlines for ordering transcripts and briefing, but the deadline for filing a docketing statement remains in place, which is 20 days after the appeal is docketed.

The clerk’s office checks for conflicts in the assigning of cases to settlement judges. Usually related appeals are assigned to the same mediator. The settlement judges are experienced mediators who are required to have a minimum amount of formal mediation training and coursework and to keep up their annual minimum standards, including ethics. Their biographies are available on the court’s website.

The program administrator or the assigned mediator can determine that the case is exempt from the program. A determination of exemption reinstates the normal time for the ordering of transcripts and briefing.

For all cases assigned to mediation the settlement judge conducts a telephonic conference within 30 days. The mediator and counsel discuss scheduling of mediation and who should attend, such as insurers or other persons who may be important to the success of the mediation. While the case is in the program the court will normally not consider a motion to dismiss for lack of jurisdiction, though filing of bankruptcy by a party will generally stay mediation in the program. Normally the settlement conference occurs within 90 days of assignment. Child custody, visitation, relocation, and guardianship cases have shorter schedules than other civil cases.

The settlement judge files a case assessment report within 30 days of assignment to report if the case is appropriate for the program. During the assignment to the program all documents filed with the court must also be served on the mediator.

Confidentiality is, of course, crucial to the program. Documents prepared by counsel or the settlement judge in furtherance of settlement are confidential. The only documents which are public are the conference status report and the stipulation to dismiss upon settlement. The court does not receive confidential information, and none should be included in these documents. The parties sign a confidentiality acknowledgement, and all discussions are confidential.

Each party serves a confidential settlement statement on the settlement judge within 15 days of the date of the notice of assignment or such time as the mediator may set by extension. The mediator decides whether to grant any requests for extensions. The settlement statements must contain the relevant facts; the issues on appeal; the argument supporting the party’s position on appeal; the party’s weakest points in its position; the settlement offer the party believes is fair or the party would be willing to make to conclude the matter; and all other matters counsel believes may assist the settlement judge in conducting the confer-

Appeal Settlements continued on page 26
Neutrals Like No Others

Access to the best mediators and arbitrators practicing today—that’s the power of difference™ only JAMS delivers.

Hon. Stewart L. Bell (Ret.)  
Bruce A. Edwards, Esq.  
Kenneth C. Gibbs, Esq.  
Hon. David Warner Hagen (Ret.)

Floyd A. Hale, Esq.  
Eleissa Lavelle, Esq.  
Hon. Lawrence R. Leavitt (Ret.)  
Craig S. Meredith, Esq.

Hon. Philip M. Pro (Ret.)  
Hon. Robert E. Rose (Ret.)  
Hon. David Wall (Ret.)

Only with JAMS.
Appeal Settlements continued from page 24

ence. Form 10 in the NRAP Appendix of Forms provides an example.

All parties and their counsel must attend in person unless the mediator allows for telephonic attendance. The mediator may also allow others to attend who may help facilitate settlement, such as insurance representatives.

Each settlement judge has discretion how to conduct the conference. Common practices include introduction of all parties and counsel in an initial, joint session in which an agenda is set, sometimes with opening statements. Eventually, if not from the outset, the mediator will meet alternately and privately with each side in separate meetings, sometimes called caucuses. The mediator will typically probe for the parties’ priorities pertaining to settlement and to explore possible terms to try to facilitate settlement. If the parties reach a settlement, the parties must execute an agreement, and the mediator must advise the court within ten days of the conference whether a settlement was reached or whether a continuance will occur.

The parties may wish to request vacating or amending of district court orders as part of their negotiat-
ed settlement. The parties may provide for reinstatement of the appeal if the district court declines the requested relief. If the parties can only resolve some of the issues on appeal, leaving others for resolution by the appeal, the parties may use the procedure established in Huneycutt v. Huneycutt, 94 Nev. 79, 80-81, 575 P.2d 585, 585-86 (1978). Foster v. Dingwall, 126 Nev. 49, 51-53, 228 P.3d 453, 454-55 (2010) further explains the Huneycutt process, and counsel are well advised to read these cases before attempting to use the procedure.

If the case does not settle, the mediator reports the status to the court, and transcript ordering and briefing schedules are reinstated. The mediator may recommend sanctions for failure of a party to participate in good faith, such as failing to attend a settlement conference or for non-compliance with the procedural rules. Ordinarily the court will only grant sanctions upon the mediator’s recommendation, in which the case the court will typically issue an order to show cause.

While the court’s program does provide an excellent opportunity for settlement, parties should not file appeals just to get into the program. Many appeals do not settle, and the responsibility and expense of pursuing an appeal follows with every such appeal. The court encourages settlement, of course, but the court also reviews in its survey process whether parties experience undue pressure to settle from the program so as to maintain integrity in the appeal process. The program can facilitate both cases that need to be adjudicated by appellate decision and cases in which the parties can resolve their own disputes with a bit of judicial assistance and accommodation.

Paul C. Ray practices civil litigation, including business and real estate trials and appeals with the law firm of Paul C. Ray, Chtd. His website is www.PaulCRay.com, and he can be reached at pcr@paulcray.com.
CARING FOR PATIENTS
INCLUDING PERSONAL INJURY AND WORKERS’ COMP

› Eight clinics
› MRI on-site
› Serving the Valley for more than 20 years
› Accepting referrals
› Spanish speaking in every clinic
› Liens accepted

SAME DAY, EVENING AND SATURDAY APPOINTMENTS AVAILABLE

Call 702.644.3333

©2016 THE NECK AND BACK CLINICS

Rehabilitation and Recovery Starts Here
theneckandbackclinics.com
Chiropractic Physicians
Alternative Dispute Resolution has transformed in recent years from a tried and true process for resolving commercial and construction disputes into a lightning rod of controversy and litigation. The controversy surrounds the use of ADR to force consumer and employment disputes into arbitration and out of class actions. You can read more about this evolving controversy in the New York Times, which published a three-part series about arbitration called *Arbitration Everywhere, Stacking the Deck of Justice*, which appeared in the publication on October 31, November 1 and 2, 2015. Recent litigation includes attempts to fend off the trend toward ADR in consumer and employment disputes. Add that to the continued general attacks on enforceability of ADR agreements, attempts to establish waiver of the right to contractual ADR, and attacks on the awards of arbitrators.

The future of ADR may be rife with controversy, but the law of the land is becoming clear...

The U.S. Supreme Court’s recent decisions in this arena can be summed up as follows:

**WE SUPPORT ARBITRATION AND OTHER FORMS OF ADR. YOUR ATTACKS WILL NOT SUCCEED, AND MAY COST YOU DEARLY!**

Our Nevada Supreme Court recently published three decisions that echo the sentiments of the U.S. Supreme Court. One case enforced an unsigned arbitration agreement and written waiver of class action rights in employment disputes between employee and employer. Another whole-heartedly adopted the federal line of cases supporting arbitration pursuant to the Federal Arbitration Act (FAA). A third not only affirmed the district court’s dismissal of a case where one of the parties failed to engage in contractually required mediation, but affirmed the award of attorney fees against the litigating party.

- **Tallman v. Eighth Judicial District Court,** 131 Nev. Adv. Op. 71 (Sept. 24, 2015) – In this case, employees of a construction security firm sued over wage and hour issues and sought class action status. After a trip to federal court and back, the employer sought to compel arbitration and to enforce the anti-class action language in the written agreement between employees and the security firm. The employer failed to sign the agreement. In denying the writs of mandamus of the employees, the Nevada Supreme Court overruled a prior decision in order to align Nevada law with a recent U.S. Supreme Court decision that validates employee waivers of class actions. The Court also followed the FAA, and case law interpreting it, to hold that an arbitration agreement need only be in written form and need not be signed to be enforceable.

- **Principal Investments, Inc. et al vs. Harrison,** et al, 132 Nev. Adv. Op. 2 (Jan 14, 2016) – This case arose out of the controversy swirling in Las Vegas Justice Court, when it was found that a process server was falsifying affidavits for service of process and thousands of default judgments were being entered improperly against civil collection defendants. The
default judgments entered by one payday loan company led to the filing of a class action lawsuit in District Court, seeking to overturn the thousands of default judgments and for an award of punitive damages, statutory penalties, and attorney fees against the lender. The lender filed a motion in the district court case to compel arbitration based on a complex and otherwise enforceable agreement to arbitrate. The plaintiffs succeeded in convincing both the district court and the Supreme Court that the lender waived the right to arbitrate under the peculiar facts of this case. However, the lengthy Supreme Court decision made it clear that very high standards for waiver apply to any case where the FAA is implicated. The Court also provided factors to analyze to determine whether the arbitrator(s) or the Court is the proper forum for determining whether waiver exists under the particular facts of the case.

- **MB America, Inc. v. Alaska Pacific Leasing Co.**, 132 Nev. Adv. Op. 8 (Feb. 4, 2016) – This dispute arose between a rock crushing manufacturer and a dealer. The dealer agreement between the parties contained a clause stating that the parties **shall** mediate any dispute first, then may litigate if the mediation does not resolve the dispute in 180 days. One of the parties filed a declaratory relief action in district court, but that party refused to participate in mediation requested by the other party. The defendant obtained dismissal from the district court and an award of attorney fees and costs as the contractually-determined prevailing party, based on the theory that the plaintiff failed to satisfy the condition precedent of mediation before initiating the lawsuit. The Supreme Court affirmed, adopting holdings from two federal court decisions that contractual mediation requirements must be satisfied or waived by agreement of both parties before litigation may be commenced.

The future of ADR may be rife with controversy, but the law of the land is becoming clear: If parties agree to ADR, they must abide by their agreement. Challenges in court to ADR or to arbitrator decisions are becoming an aggravation to an overburdened court system. Make sure any challenge you assert is valid and supportable, or be prepared for a potentially painful outcome. Better yet, pick a good ADR professional and proceed with the fair and efficient process your clients agreed to in the first place! (For those interested in following the inevitable march toward a world of ADR, take a look at “Arbitration Nation,” a blog by attorney Liz Kramer of the firm Stinson Leonard Street, at www.arbitrationnation.com.)

**Phil Dabney** has practiced law in Nevada since 1988. He serves as a mediator, arbitrator and attorney practicing in Nevada and New Mexico. In Las Vegas, he is of counsel with Hawkins Melendrez, P.C., where he represents clients in commercial and construction disputes and provides ADR services in commercial, construction, personal injury and other areas of the law.
Good Faith in Mandatory Settlement Conferences

By John Naylor, Esq.

Many attorneys—litigators and commercial attorneys alike—have participated in a court-mandated settlement conference. Courts typically require the parties to “negotiate in good faith” which may seemingly present a problem when the client does not want to settle. Other difficulties arise when courts go a step further by requiring the parties send a representative “with full settlement authority” or, as is increasingly been the case, send someone “with settlement authority up to the full amount of the Plaintiff’s claim.” Some clients simply do not want to settle (at least at that point in the case) and object to the notion of having to provide a representative with anything more than authority to settle at nuisance value. These types of orders highlight the tension between the public policy objective of having the courts expeditiously handle civil matters and a litigant’s right to a day in court. Some believe that more and more parties and attorneys are incorrectly being found to have participated in bad faith, leading to sanctions. This article discusses the fine line attorneys must navigate to comply with the order and meet their client’s needs.

NRCP 16(f), which allows a court to impose sanctions for failure to comply with pretrial orders, generally governs mediated settlement discussions at the district court level while NRAP 16(g) governs those at the appellate level. The rules impose a good faith requirement, but the scant Nevada case law on this rule only deals with discovery disputes. Analogies may be drawn by looking to the discussion of good faith in the context of a motion for a trial de novo. See, e.g., Chamberland v. Labarbera, 110 Nev. 701, 877 P.2d 523 (1994), Campbell v. Maestro, 116 Nev. 380, 996 P.2d 413 (2000) and Gittings v. Hartz, 116 Nev. 386, 996 P.2d 898 (2000).

The case law interpreting the federal counterpart, Fed. R. Civ. P. 16(f), offers greater guidance on what is expected at a settlement conference. The case law demonstrates that a finding of good faith (or conversely a bad faith finding) typically requires a fact intensive, case-by-case analysis using a somewhat ambiguous standard with few hard and fast rules. Some have likened this analysis to Justice Stewart’s statement on pornography, modifying it to, “I know bad faith when I see it.” See, e.g., the discussion in Hutchings, Rachael C., Defining Good

The easy cases, of course, are at the extremes. For example, all the decisions agree that refusing or failing to show up for a settlement conference without good reason constitutes sanctionable bad faith as well as possible contempt. Ayers v. City of Richmond, 895 F.2d 1267 (9th Cir. 1990), and Ikerd v. Lacy, 852 F.2d 1256 (10th Cir. 1988) (both sanctioning attorneys under Fed. R. Civ. P. 16(f) for failing to appear at an ordered settlement conference).

Once the court orders a conference, what do you and your client have to do to meet the good faith standard? To avoid a finding of bad faith (or lack of good faith), at the outset, a party should meaningfully participate in the selection of a mediator, if possible, and scheduling the dates and locations. Seidel v. Bradberry, Case No. No. 3:94-CV-0147-G, 1998 WL 386161 (N.D. Tex. July 7, 1998), *1. A party should provide a well thought out and reasoned mediation statement (these are typically confidential). Whitfield v. Pick Up Stix, Inc., Case No. 2:10-cv-00099-ECR-PAL, 2011 WL 3875330 (D. Nev., Sep. 1, 2011), *2. It was not that long ago that settlement statements were typically short position papers prepared on the eve of the due dates that had little substantive discussion of the issues or positions. The norm and the expectation now is a more detailed analysis and discussion of a party’s position.

You do not have to settle, and refusing to settle is not evidence of bad faith. Id. (noting that the failure to settle has no bearing on whether the parties participated in good faith); see also Fuchs v. Martin, Case No. 49S02-0602-JV-69, 2006 WL 1029752, *2 (Ind. Apr.20, 2006). You do not even need to make a counteroffer. Whitfield, 2011 WL 3875330, *1, 2. You can also go into and leave a settlement discussion taking the position that you need more information (so long as you have a basis for doing so and offer an explanation, and counsel should inform the court of this ahead of the mediation). Sherwin v. Infinity Auto Ins. Co., No. 2:11-cv-00043–MMD–GWF, 2013 WL 1182204, *2 (D. Nev. Mar. 19, 2013). This guidance stems from the rule that a court cannot require a party to settle. Id. To that end, a party can go into a settlement discussion initially refusing to pay anything. Negron v. Woodhull Hosp., Case. No. 05-4147-CV, 2006 WL 759806, *1 (2nd Cir. Mar. 23, 2006). That party must, however, meaningfully consider settlement options and have authority to accept an offer if they find it acceptable. Whitfield, 2011 WL 3875330, *2; see also, Outar v. Gre- no Industries, Inc., No. 03-CV-0916, 2005 WL 2387840, *3 (N.D.N.Y. Sep. 27, 2005).

Generally, a party who is an individual or small business owner easily meets these requirements because in those cases the ultimate decision maker will be attending. The situation is more complex when the party is a large or-

Offering you generous Fee Splitting Arrangements Under RPC 1.5(E)
Good Faith continued from page 31
organization or corporation that sends a representative and any settlement requires one or more layers of approval. In those situations, federal case law provides guidelines that both the litigants and the courts should observe. A party representative should have enough knowledge to meaningfully participate in the discussions by being knowledgeable of the facts, explaining the organization's position and listening and responding to the other side. Id.

Orders requiring a party to appear with settlement authority up to a particular dollar amount can create unintended problems. Orders requiring a defendant from sending a representative with authority up to a plaintiff's total claim are especially problematic. They present the practical problem of giving a plaintiff (or defendant if a counterclaim is the primary subject of the settlement conference) a distinct tactical advantage, i.e., the plaintiff will be approaching the mediation knowing that there is pressure to settle and that the representative has the authority to do so at full value.

This type of order also puts a defendant in a difficult, if not impossible, position when the mediation or settlement conference takes place early in the case, and the plaintiff has not made all of the damages disclosures pursuant to NRCP 16.1 or Fed. R. Civ. P. 26. If you are in the position of having to provide someone with full settlement authority and the plaintiff has not made the appropriate disclosures, you should consider filing a motion to compel or a motion to move the date of the settlement conference. That way, you will have something in the record that reflects the plaintiff's failures and the impact on the settlement negotiations.

Practice has shown that merely mentioning this problem in your confidential settlement memorandum may not save you or your client from sanctions.

This type of an order may also exceed the court's authority. At least one court has held that this practice is not proper because it may impermissibly coerce a settlement:

In this case, considerable concern has been generated because the court ordered “corporate representatives with authority to settle” to attend the conference. In our view, “authority to settle,” when used in the context of this case, means that the “corporate representative” attending the pretrial conference was required to hold a position within the corporate entity allowing him to speak definitively and to commit the corporation to a particular position in the litigation. We do not view “authority to settle” as a requirement that corporate representatives must come to court willing to settle on someone else’s terms, but only that they come to court in order to consider the possibility of settlement.

This is particularly true when a plaintiff demands what may reasonably be considered an unsubstantiated demand. *Del Fuoco v. Wells*, No. 8:03CV161IT-23TGW, 2005 WL 2291720 (M.D.Fla. Sept. 20, 2005), *9. Indeed, plaintiffs have been found to be acting in bad faith by, among other things, making high demands with little or no basis to support the claimed amount. *Id.*

Overall, court-mandated settlement conferences can be frustrating because of the potential clash between the parties’ expectations and rights and the courts’ legitimate use of them as an effective tool for managing their dockets. Effective use of the process requires that everyone understand what is expected of them and the appropriate boundaries of what can be required of a party. Good faith will probably always require a fact intensive analysis, however, following these general guidelines will help create a productive, useful process.

---

Off-Site Receptionist Services
Discount through Abby Connect

Abby Connect creates fabulous connections, meaningful relationships, and happy professionals one call at a time. An Abby legal representative will “wow” your callers and grow the bottom line as your firm’s virtual receptionist.

Abby Connect can answer your phone lines like a receptionist of your firm, screen your calls, announce callers to you and seamlessly connect calls to you, whenever and wherever you are.

To redeem this special “Members Only” discount offer and take advantage of our **FREE (no obligation) 14 day trial**, simply visit this link: [http://www.abbyconnect.com/ccba.html](http://www.abbyconnect.com/ccba.html) or contact Andrew Juras at Abby Connect for more information.

**Contact:**
Abby Connect, Attn: Andrew Juras
10161 Park Run Drive, Suite 150, Las Vegas, NV 89145
1-877-303-5757, ajuras@abbyconnect.com
Want to Better Control Your Arbitrations?  
10 Steps to Writing a Better Arbitration Agreement.

By Jay Young, Esq.

Many of the complaints that I hear from litigators about arbitration could be solved if the arbitration clause were written better. Arbitrations are a creature of contract; therefore, the parties’ arbitration agreement—together with applicable arbitration rules and caselaw—is often the beginning and end of the arbitrator’s authority. NRS 38.241(1)(d); Federal Arbitration Act, 9 U.S.C. § 4; AT&T Mobility LLC v. Concepcion, 563 U.S. 333, 131 S. Ct. 1740, 179 L. Ed. 2d 742 (2011). It is therefore of utmost importance that the parties draft their arbitration clause to give only the desired authority.

The drafter of the arbitration clause has the power to control many aspects of the arbitration. Advise the client of the importance of a well drafted clause. The following are ten items to consider when drafting a client’s arbitration agreement.

1. Scope of the Arbitration
   A well-drafted arbitration clause will define exactly which disputes are subject to mandatory arbitration. If the clause is too narrowly drafted, one party might try to litigate certain issues in Court, and others in the arbitration, reducing the value and effectiveness of the agreement. Conversely, if the clause is too broad, some courts will presume that all issues should be resolved in the arbitration.

2. Mediation Before Arbitration
   Some agreements require mediation of the parties’ differences prior to arbitration. These types of clauses may save the parties from looking weak by being the first to suggest mediation or settlement. On the other hand, mandatory mediation can sometimes increase costs and delay the inevitable. If mediation is desired, the agreement should determine the method for selecting the mediator and arbitrator, how the neutral’s fee is to be paid (whether by one party or as a shared expense), and a deadline for how soon the mediation will be held after the demand. If no selection method is specified, but the parties have chosen a specific institution to administer the mediation/arbitration, the default selection rules of that institution will apply.

3. Payment of Arbitrator, Administrative, and Attorney Fees
   The parties should determine if each is responsible for one half of the arbitrator’s fees and administrative costs or if the prevailing party is entitled to an award against the losing party for the cost of the arbitration. They should also agree whether each side will bear its own attorney fees, whether the prevailing party is entitled to an award of its actual or reasonable attorney fees, or whether the arbitrator is tasked with allocating all costs and fees between the parties.
4. Number and Qualification of Arbitrators

Some practitioners argue that a three-arbitrator panel ensures a better result, as a majority of three respected neutrals must agree on any result, mitigating the chance of a ruling adverse to the evidence. As three-arbitrator panels can be very expensive, some drafters allow for a single arbitrator unless the claim is over a threshold amount where the extra expense may be more justifiable.

The agreement may specify the qualifications of the arbitrator, such as a minimum level of technical knowledge, or requiring an arbitrator who is a retired federal judge or has at least 20 years of experience litigating in a particular area of law. If the dispute is international in nature, consider adding a language requirement (“the arbitration will be conducted in the Spanish language”).

5. Duration of the Arbitration

Give consideration to whether the types of arbitrations in which your client may be involved might benefit from limiting or expanding the duration of the arbitration. For instance, an agreement might provide that the arbitration award must be made within 90 days of the filing of the claim and that the arbitration must be completed in one calendar day, with each side limited to 4 hours of presentation time on a chess clock. In other circumstances, such a limitation might be wholly inappropriate.

6. Venue & Governing Law

A well-crafted arbitration clause should determine where the arbitration will take place. In the absence of such a clause, if the parties cannot agree on a location, one will be determined by the arbitrator. Careful consideration should be given to what procedural and substantive law will apply to the arbitration. If you agree to arbitrate through a service such as AAA or JAMS, you may consider using its procedural rules and the substantive law of the forum state.

7. Discovery and Motion Practice

If the parties fail to designate the scope of allowable discovery in their arbitration agreement, the arbitrator may be guided by institutional procedural rules or personal ethos to limit discovery. Careful consideration should be given to the amount and type of discovery you want to allow in your arbitrations. Consider designating the types of document exchanges which must take place, the treatment of electronically stored information, the number and location of depositions, and whether interrogatories and/or requests for production of documents or other discovery methods will be allowed. The parties should also consider whether motion practice should be allowed in the arbitration.

8. Arbitration Submitted on Documents

In certain circumstances, the parties may deem it advantageous that matters be submitted to arbitration, but heard without live testimony or oral argument. Written submission arbitrations are considered by some to be a considerable advantage where one anticipates small-dollar value claims or where the desire is to obtain a speedy result.

9. Limitation and Type of Award

Parties may determine by contract whether the arbitrator has authority to award consequential or punitive damages, and may determine whether the arbitrator has authority to grant equitable or injunctive relief. The agreement should also determine the type of award (standard, reasoned, or with findings of fact and conclusions of law) the parties desire from the arbitrator.

A standard award designates the prevailing party and delineates the resulting award and allocating costs and fees as appropriate without explaining the reasoning of the award. A reasoned award contains a summary of the issues, questions, claims, and defenses, as well as the reasoning behind the arbitrator’s award. A reasoned award could require only one or two sentences, or it might require formal findings of fact and conclusions of law. The parties should specify whether they expect findings of fact and conclusions of law. Finally, although most arbitrations are not subject to appeal, the parties may agree to allow an appeal and designate the procedures for the same.

10. Confidentiality

Although a recognized benefit of arbitration, confidentiality is not always guaranteed. Most arbitrations through a recognized service will require adherence to rules requiring confidentiality. A private arbitration held outside one of these services may not always impose confidentiality on the parties. The parties should therefore specify whether they desire confidentiality.

Conclusion

Many of the fears clients and litigation attorneys have regarding arbitration can be obviated or mitigated if careful attention is paid when the contract is being drafted. Consider these ten steps the next time you are drafting a contract with an arbitration clause.

Jay Young is a litigation partner in the Las Vegas, Nevada office of the national firm Howard & Howard. His practice focuses on business litigation and serving as an arbitrator and mediator. He can be reached at jay@h2law.com.
Understanding and Utilizing Specialty Court Programs

By Chief Judge David Barker & Specialty Court Manager Margaret Pickard, Esq.

The Eighth Judicial District Court operates nine Specialty Court programs, targeting non-violent offenders with substance abuse or mental health issues. The EJDC Adult Drug Court, established in 1992, was one of the first Drug Courts in the nation. Since that time, Specialty Courts have expanded to include the Felony DUI Court, Mental Health Court, Juvenile Drug Court, Veteran’s Court, Family Dependency Court, Dependency Mother’s Drug Court, Child Support Treatment Court and OPEN Court.

Treatment Court Model

Specialty Courts are based on a treatment court model, providing treatment to offenders, reducing drug-related crimes, and providing programming for participants to gain life skills and educational advancement. All Specialty Court programs require participants to engage in individual and group substance abuse counseling, mental health counseling (based on individual needs), random drug/alcohol testing, probation supervision, collaborative case management and regular court status checks.

Cost Savings

Specialty Court programs result in significant cost savings to the State of Nevada and Clark County by reducing public costs associated with monitoring, detaining and prosecuting criminal activity by state and county law enforcement and prosecution agencies. The National Association of Drug Court Professionals (NADCP) reports that for every $1.00 invested in Specialty Courts, taxpayers save as much as $3.36 in avoided criminal justice costs alone. When considering other costs associated with participants’ involvement in the criminal justice system, it is estimated that Specialty Courts save taxpayer $27.00 for every $1.00 invested by reducing victimization and healthcare service utilization.

NADCP findings indicate that Specialty Courts reduce crime 45 percent more than other sentencing options. Participants in Specialty Court programs are six times more likely to complete substance abuse treatment than those not involved in a judicial program. Without judicial oversight, 70 percent of substance-abusing offenders drop out of treatment.

Eligibility

While each Specialty Court program establishes independent criteria for admission, the primary eligibility factors for an individual to participate in the Specialty Courts are (1) an identified alcohol/substance abuse disorder or SMI (serious mental illness); and (2) no history of violent offenses or drug trafficking.

- **Adult Drug Court**: The ADC program is a minimum one-year court supervised comprehensive inpatient and outpatient substance abuse treatment program.
- **Felony DUI**: The FDUI program is a minimum three-year program that offers intensive treatment and community supervision to participants who have at least three DUI charges within seven years.
- **Mental Health Court**: The Mental Health Court is intended for chronic thought disordered individuals who struggle to stay out of the criminal justice system, often because they are not medicated. In order to be eligible for the Mental Health Court, participants must have a Serious Mental Illness (SMI) including Schizophrenia, Schizoaffective Disorder, Bipolar Disorder, Major Depression Disorder or Chronic Severe Anxiety. The MHC is now accepting applications from the Municipal and Justice Courts.

- **Juvenile Drug Court**: The Juvenile Drug Court program offers four programming tiers: Pre-Adjudication Diversion Program, a 90-day program individualized to the needs of each youth (including school/educational services, substance abuse and mental health counseling, mentoring and family support groups and after school programs), Educational Substance Abuse, which is a 90-day intensive substance abuse ASAM Level 1 program, Traditional Drug Court, a minimum 12 month substance abuse program which includes ASAM Level 1 outpatient, relapse and intensive outpatient treatment, and Transitional Program, a 90-day transitional program for youth transitioning into the community from inpatient treatment.
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.

Margaret Pickard, Esq., is the Manager of the Specialty Courts for the Eighth Judicial District. Prior to that time, she served as the Standing Pro Tem Hearing Master for the Juvenile Drug Court Program (2014-2015) and as the Coordinator of the UNLV Cooperative Parenting Program.

- **Veterans’ Court**: Veterans’ Court is court-supervised outpatient treatment for veterans convicted of a felony. The program works collaboratively with the Veterans Administration to serve veterans with significant addiction and mental health issues that developed during or from their military service.

- **Family Treatment Court**: The Family Treatment Court is court-supervised comprehensive outpatient substance abuse treatment for alcohol and drug-dependent parents involved in the child welfare system. The program is funded by Nevada’s Administrative Office of the Courts and Eighth Judicial District Court Specialty Courts Division.

- **Dependency Mother’s Drug Court**: DMDC is court-supervised comprehensive residential substance abuse treatment for alcohol and drug-dependent mothers and their children involved in the child welfare system.

- **Child Support Treatment Court**: The Child Support Treatment Court is a minimum 12-month court-supervised comprehensive outpatient substance abuse treatment program for alcohol and drug-dependent parents involved with the Clark County District Attorney’s Family/Child Support Division.

- **OPEN Program**: The OPEN Court offers intensive behavioral modification programming for males, age 18 to 24 years of age, who have been incarcerated, with the goal of reintegrating them into their communities and connecting them with community-based resources, while working to address their court requirements.

**Application Process**

To learn more about each Specialty Court program, contact the Specialty Court Manager Margaret Pickard, Esq. at (702-671-4505 or pickardm@clarkcountycourts.us. To apply for a Specialty Court program, please complete the Specialty Court Application available at: http://www.clarkcountycourts.us/ejdc/courts-and-judges/specialty-courts.html and submit to SpecialtyCourts@clarkcountycourts.us.

---

**26th Annual Bar Event MEET YOUR JUDGES MIXER**

**Thursday, June 16, 2016 5:30 p.m. to 8:30 p.m.**

Cili Restaurant at Bali Hai Golf Club
5160 S. Las Vegas Blvd., Las Vegas, NV 89119

All members of the Nevada Bar, Bench, and the supporting legal community are invited to attend this special event. Enjoy appetizers, desserts, and cool refreshments while networking in one of the valley’s most elegant and tranquil settings. Business casual attire acceptable. This is a cocktail reception; no minors allowed.

**RSVP TO CCBA BY FRIDAY, JUNE 3, 2016**

For more information, turn to page 45.
Mediation

A prelitigation mediation provision in the parties’ contract constitutes an enforceable condition precedent to litigation. Here, because MB America, Inc. did not initiate mediation as required under its agreement with Alaska Pacific Leasing Company, the district court correctly granted Alaska Pacific’s motion for summary judgment. Furthermore, because Alaska Pacific was the prevailing party under NRS 18.010, the district court did not abuse its discretion by awarding Alaska Pacific attorney fees. Separately, the court discussed the four elements that must be met before declaratory relief may be granted:

1. there must exist a justiciable controversy; that is to say, a controversy in which a claim of right is asserted against one who has an interest in contesting it;
2. the controversy must be between persons whose interests are adverse;
3. the party seeking declaratory relief must have a legally protectable interest; and
4. the issue involved in the controversy must be ripe for judicial determination.


Postconviction proceedings

(1) The factual basis for a claim of ineffective assistance of postconviction counsel is not reasonably available until the conclusion of the postconviction proceedings in which the ineffective assistance allegedly occurred; and (2) a petition asserting ineffective assistance of postconviction counsel to excuse the procedural default of other claims has been filed within a reasonable time after the postconviction-counsel claim became available so long as it is filed within one year after entry of the district court’s order disposing of the prior petition or, if a timely appeal was taken from the district court’s order, within one year after the Supreme Court of Nevada issues its remittitur. In this lengthy opinion, the court also discussed the approach for evaluating claims of ineffective assistance of postconviction counsel, adopting the two-prong test set forth in Strickland v. Washington, 466 U.S. 668 (1984). Applying these holdings, the court concluded that, although appellant filed his petition within a reasonable time after the postconviction-counsel claims became available, those claims lack merit and, therefore, he has not demonstrated good cause for an untimely petition or good cause and prejudice for a second petition. Thus, the district court properly denied the petition as procedurally barred. Rippo v. State, 132 Nev. Adv. Op. No. 11, ___ P.3d ___ (February 25, 2016).

Will contests

(1) Under NRS 137.090, an individual filing a petition to contest the validity of a will must issue citations to the estate’s personal representative and the will’s devisees within three months of the will being admitted to probate; and (2) a failure to timely issue citations deprives the court of personal jurisdiction over those to whom the citations are to be issued, such that dismissal is appropriate. “After a will has been admitted to probate, any interested person . . . may, at any time within 3 months after the order
is entered admitting the will to probate, contest the admission or the validity of the will” by filing a petition with the court. NRS 137.080. NRS 137.090 states that a citation “must be issued” “within the time allowed for filing the petition.” “Must” is mandatory, as distinguished from the permissive “may.” Therefore, the statute’s clear and unambiguous language requires citations to be issued within three months after the will is admitted to probate. However, these statutes do not specify what happens in the event one fails to timely issue citations. A citation in a will contest is equivalent to a civil summons in other civil matters. As defective service of process deprives a court of personal jurisdiction, so too does a failure to issue citations in a will contest. Therefore, a failure to issue citations in accord with NRS 137.090 constitutes proper grounds for dismissal. However, just as Nevada district courts have discretion to enlarge time to serve process upon a showing of good cause, the court saw no reason to prohibit a district court from enlarging time to issue citations if such discretion is permitted under a procedural rule. Accordingly, the court addressed the claim that NRCP 6(b) or EDCR 2.25 should have been applied to enlarge time to issue the citations. With regard to the first issue regarding NRCP 6(b), the rule’s plain language states that a court has discretion to enlarge time when an act is “required ... to be done at or within a specified time” under “these rules or by a notice given thereunder or by order of court.” NRCP 6(b). The rule does not mention acts to be done pursuant to statutes, and thus, the court concluded that NRCP 6(b) unambiguously does not apply to statutory time limits. With regard to the second issue, EDCR 2.25 governs the form of a motion to extend time and states that “[a] request for extension made after the expiration of the specified period shall not be granted unless the moving party . . . demonstrates that the failure to act was the result of excusable neglect.” EDCR 2.25(a). This rule expressly applies to will contests. Therefore, the district court erred in failing to determine whether petitioner demonstrated excusable neglect under EDCR 2.25 when requesting an enlargement of time to issue the citations. In re Estate of Black, 132 Nev. Adv. Op. No. 7, ___ P.3d ___ (February 4, 2016).

Nevada Court of Appeals

District attorneys

(1) In this criminal case, the State’s discovery policy constituted an open-file policy; (2) in McKee v. State, 112 Nev. 642, 647-48, 917 P.2d 940, 943-44 (1996), the Supreme Court of Nevada held that where a prosecutor maintains an open-file policy, the prosecutor is under a duty to disclose all evidence in the State’s possession, regardless of whether the evidence is inculpatory or exculpatory; (3) the duty set forth in McKee extends through entry of the judgment of conviction; (4) the prosecutor in

Summaries continued on page 40

The Ten Commandants for Arbitration

By Lorraine J. Mansfield, Esq.

1. Thou shalt not fail to laugh at the arbitrator’s jokes, no matter how lame.
2. Thou shalt wrap it up at 5 o’clock, else at 6 p.m. the air conditioner shalt be turned off and at 7 p.m. thou be pepper sprayed.
3. Thou shalt not punch opposing counsel, nor his client, or his witnesses.
4. Thou shalt not steal the arbitrator’s pens, nor her phone, nor the potted plants.
5. Thou shalt not seduce away the arbitrator’s secretary to go and work for you.
6. Thou shalt not request continuances yeah unto the 47th request thy phone shall be unplugged.
7. Thou shalt not appear for arbitration if thou art as sick as a dog, or coughing, or sneezing, or having that achy feeling.
8. Thou shalt not record the hearing unless thou hast provided a reliable recorder and thou hast obtained consent of everyone present despite the way they treat you.
9. Thou shalt not park in the arbitrator’s space, lest thou be towed.
10. Thou shalt not whine about the arbitrator’s gross stupidity.

Lorraine J. Mansfield, Esq. is a partner at Reed & Mansfield, a law firm which practices primarily in personal injury law taking small to big cases in Las Vegas and larger cases anywhere in Nevada, California and Arizona. Lorraine, who was mentored by such illustrious attorneys as Michael Hines, David Abbatangelo, and Jim Rogers, has enjoyed thirty-four years civil and criminal litigation and is both a court-appointed and a private arbitrator. And yes, the things mentioned above mostly happened.
Lawyer Representatives for United States District Court

The United States District Court for the District of Nevada is accepting applications for Lawyer Representatives. Lawyer Representatives provide vital input to the Court on a myriad of issues affecting the operations of the federal courts including, but not limited to: rule changes; development of new programs; design of new court facilities and the expenditure of funds from the non-appropriated account.

To be considered for one of these positions, you must be: 1) admitted to practice in the U.S. District Court of Nevada and actively involved in federal practice; 2) interested in the purpose and framework of the Circuit Conference and willing and able to actively contribute to the creation of the District Conference, and; 3) willing to assist in implementing conference and district court programs with local bar associations. Lawyer Representatives are also expected to attend the Ninth Circuit Judicial Conference.

In addition to the above criteria, a goal of the Court in the selection of Lawyer Representatives is to ensure the chosen attorneys represent a cross-section of practitioners in federal court which specialize in civil, criminal, appellate and bankruptcy matters. Lawyer Representatives are elected to serve a three year term.

If you are interested in serving as a Lawyer Representative, please submit a letter of interest detailing your federal experience and reasons you would like to be considered to:

Mr. Lance S. Wilson, District Court Executive
Lawyer Representative Application
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 1334
Las Vegas, Nevada 89101

The deadline for expressing interest is Friday, May 27, 2016. A list of finalists will be selected by the Court and submitted to the Board of Governors of the State Bar of Nevada for final selection. Please contact Mr. Wilson at (702) 464-5456 with questions regarding the role of a Lawyer Representative or the selection process.

Source: United States District Court for the District of Nevada.

Summaries continued from page 39
this case engaged in misconduct by failing to disclose an affidavit in accordance with the State’s open-file policy; and (5) the misconduct did not substantially affect the district court’s sentencing determination or prejudice the defendant, so a new sentencing hearing was not warranted. The court of appeals emphasized that it is mindful of the realities confronting today’s prosecutors—including high case volumes and differing case-management systems—and the court recognized that a prosecutor’s failure to provide discovery may be a mere unintentional oversight as opposed to a willful or intentional act involving misconduct. Thus, the court of appeals encouraged district courts, when imposing sanctions for a violation of an open-file policy, to make factual findings on the record with regard to whether such a violation was inadvertent, willful, or intentional. Without a factual finding that a violation of an open-file policy was willful or intentional, the court of appeals will be reluctant to classify an unintentional violation as misconduct on the part of the prosecutor. At Footnote 13, the court of appeals stated that “[o]ur decision today does not address law enforcement materials that the State is restricted from disclosing under federal or state law—for example, National Crime Information Center (NCIC) records,” and “[n]either does our decision address materials that fall within an evidentiary privilege.” Separately, the court of appeals held that the district court did not err by granting a media outlet’s untimely request to record the defendant’s sentencing hearing, but the district court did err “in not making particularized findings on the record regarding all of the factors set forth in SCR 230(2) or issuing a written order granting the media outlet’s request.” Nevertheless, those errors did not contribute to the district court’s sentencing determination, so the defendant was not entitled to relief on that specific basis. In a separate opinion, Judge Tao explained that he could not join in the portion of the majority opinion relating to the scope and applicability of the prosecutor’s “open-file policy.” Specifically, he claimed that the majority opinion raises “a serious constitutional question regarding the power of the judiciary to ‘interpret’ (or ‘construct’) the meaning of a prosecutorial policy against the intentions of its author.” Quisano v. State, 132 Nev. Adv. Op. No. 9, ___ P.3d ___ (February 18, 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/.

Joe Tommasino has served as Staff Attorney for the Las Vegas Justice Court since 1996. Joe is the President of the Nevada Association for Court Career Advancement (NACCA).
The CCBA CLE Passport offers the CCBA member admission to 12 CLE credit hours of CCBA CLE seminars for only $200!

Get details about this member benefit at www.clarkcountybar.org or contact CCBA at (702) 387-6011 or donnaw@clarkcountybar.org.

Register to attend this seminar:

**RE: 2015 NV Supreme Court Summaries CLE - 5/26/2016**

Name:___________________________  Phone #:___________________________
Bar #:___________________________  E-mail:___________________________
Firm/Co.:___________________________
Billing Address:___________________________  City, State, & Zip Code:___________________________

<table>
<thead>
<tr>
<th>Price</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$50/CCBA Member – Attorney, Judge, or Merchant</td>
<td></td>
</tr>
<tr>
<td>$20/CCBA Member – Legal Admin., Legal Assist., or UNLV Law Student</td>
<td></td>
</tr>
<tr>
<td>$90/Non-Member – Attorney, Judge, or Merchant</td>
<td></td>
</tr>
<tr>
<td>$40/Non-Member – Legal Admin., Legal Assist., or UNLV Law Student</td>
<td></td>
</tr>
</tbody>
</table>

To guarantee seating, all reservations MUST be received at least 72 hours prior to the seminar. All reservations to CCBA events must be pre-paid. To receive a full refund for cancellations, a written request must be made to CCBA 72 hours prior to the seminar. Without prior registration, event walk-ins will be charged an extra $15 over the individual price.

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

**Type of Payment Enclosed:**
- I hold a 2016 CCBA CLE Passport and want to use it for this seminar. So, I am not enclosing payment.
- I want to purchase a CCBA CLE Passport ($200) and use it for this seminar.
- 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.

The CCBA CLE Passport offers the CCBA member admission to **12 CLE credit hours of CCBA CLE seminars for only $200!**

Get details about this member benefit at www.clarkcountybar.org or contact CCBA at (702) 387-6011 or donnaw@clarkcountybar.org.
Nevada’s Court of Appeals has resolved more than 700 cases in its first year. This feat has allowed the supreme court to, among other things, focus on the backlog of attorney discipline cases. As a court, these cases are taken very seriously and we are working diligently to reduce the discipline backlog. Changing some of the Nevada Supreme Court Rules has greatly expedited this process with an eye towards promoting transparency. For instance, all attorney discipline letters are now public. The supreme court will no longer issue private letters of reprimand. Additionally, an attorney under disciplinary proceedings cannot request an informal hearing. Finally, if an attorney is disbarred, they cannot seek reinstatement.

Ten years ago, the State Bar of Nevada sent approximately 30 cases of attorney misconduct to the supreme court. Last year, the court handled more than 110 cases. To handle the case increase, the court rules now allow for the State Bar to have screening panels of three, instead of five, in an effort to speed up the process. This change not only allows a hearing to be scheduled faster because fewer people are involved; it also allows the court to consider a recommendation and make a decision quicker.

As of March 2016, only 19 pending attorney discipline cases remain for the court to process. This is a substantial reduction and I fully expect the court to entertain those cases this year. Expeditiously resolving the attorney discipline matters not only benefits the members of the bar, it protects the public from improper attorney conduct as well. As new cases continue to come into the court we have made a priority of hearing attorney discipline matters within six months.

The State Bar is also working hard to quickly clear these cases. The staff has nearly doubled and State Bar Counsel Stan Hunterton is focusing on trust account analyses. He has hired a former IRS agent to review financial records and an investigator to track issues faster. The number of pending cases awaiting investigation has been reduced by nearly half. And while new cases are coming in, as the State Bar reduces its backlog, it has more time to investigate new issues.

Last year, the bar counsel received more than 3,000 calls seeking ethics advice. These calls should continue to come in. If you have a question, it is far better to ask for help now rather than become the subject of a discipline hearing.。“There are more than 11,500 attorneys in the state and most members of the bar have had little to no experience with the disciplinary process,” Hunterton stated. The number of complaints against attorneys is a very low percentage. However, any complaint involving an attorney shakes public trust and reflects poorly on everyone. I encourage my colleagues to continue practicing with high ethical standards and address any complaints before they become discipline matters.

This edition has been updated to reflect the implementation of the Nevada Court of Appeals and contains procedures for working with the appellate court. The book includes 20 chapters on a variety of topics, including:

- The Court of Appeals
- Initiating an appeal
- Jurisdiction
- Settlement
- Criminal appeals
- Fast-track child custody

The new edition of the Nevada Appellate Practice Manual is available digitally and in hard-copy format. Buy it digitally for just $85, or order the hard-copy for $119 and get the digital version at no additional charge.

Order online today at www.nvbar.org/clecatalog.
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.

---

**THE LAW GUIDE**

**2016 EDITION**

**SIGN UP FORM**

---

PLEASE PRINT:

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Phone (xxx-xxx-xxxx)</th>
<th>NV Bar #</th>
</tr>
</thead>
</table>

☑️ Yes, I want to be listed in the 2016 edition of The Law Guide! Below are my **TOP 3** areas of practice:

- 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

---

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.
Clark County Bar Association presents
26th Annual
MEET YOUR JUDGES MIXER

Thursday, June 16, 2016
5:30 p.m. to 8:30 p.m.
Cili Restaurant at Bali Hai Golf Club
5160 S. Las Vegas Blvd., Las Vegas, NV 89119

All members of the Nevada Bar, Bench, and the supporting legal community are invited to attend this special event. Enjoy appetizers, desserts, and cool refreshments while networking in one of the valley’s most elegant and tranquil settings. Business casual attire acceptable. This is a cocktail reception; no minors allowed.

Register to attend this event:

Registration with payment is due to the Clark County Bar Association (CCBA) by Friday, June 3, 2016.

Admission Fee: $45/CCBA Member. $70/Non-member. Free/Nevada judiciary member (local/state/federal).

Notes: Tickets are non-transferrable. Judges’ guest(s) may attend at CCBA member price. Judges and their guests must pre-register too.

Ticket delivery info:
Please list where to send your tickets for a SIGNATURE RECEIPT
Attn: __________________________
Firm: __________________________
Address: ________________________
City, State, Zip: ____________
Phone: ________________________

Sponsor the event.
Law Firm Sponsor: $500
Package includes: 4 tickets to the event, inclusion in sponsor signage, and 1 advertisement (1/4-page, black & white) to display your firm’s services in an upcoming issue of the bar’s magazine, COMMUNIQUÉ.

Other sponsorship packages available too! Call CCBA at 702-387-6011.

Please submit your order:
List names of persons to receive individual tickets:
Name: ____________________ Bar# ______ $ ______
Name: ____________________ Bar# ______ $ ______
Name: ____________________ Bar# ______ $ ______
Name: ____________________ Bar# ______ $ ______
Law Firm Sponsor Name: ____________________ $ ______

Total amount due: $ ______

Type of payment enclosed:
☐ Check ☐ Money Order ☐ Credit Card Payable to Clark County Bar Association.

I authorize the CCBA to charge my: ☐ MC ☐ VISA ☐ AMEX

PLEASE PRINT
Name of card holder: __________________________
Credit Card #: __________________________
Expiration date: ______ Phone: ______
Authorized Signature: __________________________
Pro Bono Corner

The Short Trial Volunteer Program—A Win-Win Opportunity

By Angela Washington

When the State Bar of Nevada’s Short Trial Volunteer Attorney Program was envisioned, the idea was to provide members of the State Bar with an opportunity to obtain trial experience.

In the South, the program is structured so that unrepresented litigants who enter the Eighth Judicial District Court’s Short Trial Program, and who wish to have legal representation, can apply for the services of a pro bono attorney through Legal Aid Center of Southern Nevada.

Short trials are civil actions that do not exceed a jury award in excess of $50,000 per plaintiff. Cases are adjudicated by a judge or jury and are distinguishable from regular trials by a fast track process; short trials are adjudicated over the course of one day.

The program is a win-win opportunity for the volunteer attorney in that enrollment requires completion of a basic application, and a membership and discipline compliance check by the State Bar. Moreover, thanks to the State Bar of Nevada’s Litigation Section, volunteer attorneys will be assigned an attorney mentor who is versed in trial practice. All volunteers also receive the benefit of primary malpractice insurance coverage through the Legal Aid Center of Southern Nevada. The program is a homerun for the volunteer attorney and will continue to build momentum as more litigants learn about the program.

At times, my Louisiana roots take over and I am compelled to see things from a different point of view. When I think about the wonderful opportunity that the Short Trial Volunteer Attorney Program provides for Nevada attorneys, I cannot help but to think of the term, lagniappe. “Lagniappe” refers to something that is given or obtained by way of good measure; lagniappe is something extra. In addition to the great trial experience the Short Trial Volunteer Attorney Program provides Bar members, helping someone in need through this program is lagniappe. Involvement satisfies the Rule 6.1 aspirational goal of providing pro bono service and it supports an attorney’s desire to strengthen his or her trial skills. Participation in the Short Trial Volunteer Attorney Program provides something extra from which all parties can benefit.

For more information on the Short Trial Volunteer Program email Angela Washington at atj@nvbar.org.

Angela Washington is the Director of the Nevada Supreme Court Access to Justice Commission at the State Bar of Nevada.


Zentz & Zentz

Veterans’ Claim Appeals
DUI - Criminal Defense
Personal Injury
Employment Law

601 S. 10th Street, Suite 102
Las Vegas, NV 89101
(702) 800-3190

Advertising Opportunities

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

All advertisers must adhere to size specifications, 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.
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.

WITH $100 MILLION IN IOLTA ACCOUNTS, WE’VE GOT YOUR BACK.

LET’S TALK ABOUT YOUR LEGAL INDUSTRY BANKING NEEDS
702.939.5720  STEVE ANDERSON

ALWAYS IN YOUR CORNER.

A division of Western Alliance Bank  |  NYSE: WAL  |  bankofnevada.com
Clark County Bar Association presents
26th Annual
MEET YOUR JUDGES MIXER

Thursday, June 16, 2016
5:30 p.m. to 8:30 p.m.
Cili Restaurant at Bali Hai Golf Club
5160 S. Las Vegas Blvd., Las Vegas, NV 89119

All members of the Nevada Bar, Bench, and the supporting legal community are invited to attend this special event. Enjoy appetizers, desserts, and cool refreshments while networking in one of the valley’s most elegant and tranquil settings. Business casual attire acceptable. This is a cocktail reception; no minors allowed.

RSVP BY FRIDAY, JUNE 3, 2016

Admission fees vary:
- $45/CCBA Member
- $70/Non-member
- Free/Nevada judiciary member (local/state/federal).

Tickets are non-transferrable. Judges’ guest(s) may attend at CCBA member price. Judges and their guests must pre-register too.

This will be a ticketed event.
No ticket, no entry, no exceptions.
Ticket orders made through June 3, 2016 will be filled and delivered to purchaser. The Clark County Bar Association is not responsible for lost or stolen tickets.

Order tickets in advance.
Registration with payment is due to the Clark County Bar Association (CCBA) by Friday, June 3, 2016.
Submit orders to the Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV 89101. Online registration link at www.clarkcountybar.org. Phone orders to 702-387-6011 between 8 a.m. and 4 p.m. (Monday-Friday).
Note for runners: Best times for delivery are between 9:00 a.m. and 3:00 p.m., Monday through Friday, excluding major holidays.

Sponsor the event.
Law Firm Sponsor: $500
This basic package includes: 4 tickets to the event, inclusion in sponsor signage, and 1 advertisement (1/4-page, 4-color format) to display your firm’s services in an upcoming issue of the bar’s magazine, COMMUNIQUE.
Other sponsorship packages available too!
Contact: Donna at CCBA, 702-387-6011 or donnaw@clarkcountybar.org.