Please join us on January 26, 2017 at
“The Ethics in Government Law” CLE Bar Luncheon
Featuring Yvonne M. Nevarez-Goodson, Esq.
See page 14.

Inside:
- eSports
- Family Law
- Medical Legal Partnerships
- New DOL Overtime Rule
- Ninth Circuit Appellate Practice
- The Presidential Inauguration
- Completing CLE in Nevada
- View from Bench at SCNV
- View from Bench at EJDC

Volunteer Appreciation Awards
See page 8.

Blanket the Homeless Project
See page 17.
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Photos from the CCBA’s Volunteer Appreciation Luncheon & Annual Meeting by Steph Abbott. Photo from the Blanket the Homeless Project by Jennifer Roberts.

Cover Images

Space for CCBA members to provide creative image content for publication in Communiqué. Members can submit their own original photos or illustrations to be considered for publication. Content should not include commercial brands or other intellectual property. Image may be edited for publication. No payment will be provided to photographer or creative artist; however, their name will be credited in the publication. This feature is for entertainment purposes only.
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There is a bit of pressure in writing your first president’s page for the Communiqué. It is not like Facebook, where I can just share some insightful article along with my own brilliant comment, i.e., “What she said!” I am expected to actually come up with something thought provoking, or inspiring, or at least informational, all by myself.

Yikes.

Of course, the first part is easy. Many thanks to outgoing CCBA President, Catherine M. Mazzeo, who led us through a banner year. And many thanks, both in their past work and for the work they will do in 2017, to CCBA’s Operations Manager, Donna Wiessner, and Communications Coordinator, Stephanie Abbott. This place would fall apart without them!

And with that simple and obvious task complete, it is back to the drawing board for me. I could, of course, say something scathing, or pithy, or at least witty about the election. But anything like that would be bound to annoy some portion of the membership, which would be bad form for my first message. So I won’t go there. I am reminded, however, of the apocryphal Chinese curse, “may you live in interesting times.” It seems pretty safe to say that 2017 will be “interesting.”

Whether you were thrilled or appalled at the election outcome, my guess is everyone will welcome periodic distraction from the coming interesting times. So I suggest that you all take the many opportunities CCBA offers to get to know your fellow Clark County attorneys.

Foremost among these is the chance to join a committee. We have openings on all of them: Publications, CLE, Community Service, New Lawyers, and Social Events. See page 10 to see when each meets.

While all of our committees are worthwhile, I would like to encourage members to sign up for the committee I happen to be chair—the Social Committee. This committee’s mission is to plan social events and activities, big and small, for members. I personally happen to be an introverted, unathletic, nondrinker whose idea of a great night out is a visit to a bookstore. I describe myself so as to point out the rather obvious risk of leaving that committee in my hands. Please step up with your ideas and participation. I would love for CCBA to be planning family outings, Friday afternoon clubs, sporting events, and all those other things that less introverted people manage to organize.

Of course, CCBA has its usual strong list of events coming up this year, including fabulous luncheon speakers (pick up an ethics credit this month, see page 10); the 40 Year Club celebration; Meet the Judges; and, of course, a host of fabulous CLE programs. Every one of those events will be even better than “interesting.”

Oh, and Happy New Year! 😊
We are relationship-focused and highly responsive, bringing you deep local roots, expert bankers, access to decision makers, flexible solutions and a real commitment to superior service. All part of Western Alliance Bancorporation, named to Fortune Magazine’s annual list of 100 fastest-growing companies.
McCouniQuE
THE OFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION | JANUARY 2017

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Stephanie Abbott

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

EDITORIAL CALENDAR

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The June/July issue is published in June. There is no publication released in July.

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

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

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

ARTICLE OPPORTUNITIES

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

• Author(s) name(s) and Nevada bar #

• Summary paragraph providing the focus and scope for the article (include relevant rules/statutes/procedures, etc.)

• Proposed issue for placement (see editorial calendar above)

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

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

Clark County Bar Association
717 S. 8th Street
Las Vegas, NV 89101
Phone: (702) 387-6011
stephabbott@clarkcountybar.org

On Wednesday, December 14, 2016, CCBA hosted its “Volunteer Appreciation Luncheon and Annual Meeting” sponsored by the Bank of Nevada on the veranda at Cili at Bali Hai Golf Course in Las Vegas. Photos from the event can be seen on the cover. Highlights from the event follow.

CCBA President (’16) Cathy Mazzeo welcomed the guests and made announcements of upcoming events. She encouraged members to cast their ballots to elect the 2017 CCBA Executive Board. She welcomed two members to the podium to make special announcements. Alpert Barr & Grant Partner Mark Blackman provided an update on “Blanket the Homeless,” a community service project of the Clark County Bar Association and the Clark County Law Foundation. State Bar of Nevada Past President (’88-’89) and Ballard Spahr Partner Bill Curran made an announcement about Nevada Legal Services and its need for a new facility to provide equal access to justice for low-income Nevadans. To kick-off the campaign, Curran presented a $10,000 check to Nevada Legal Services. Curran encouraged members of the bar and supporting legal community to support the NLS and make a donation to its capital campaign, too.

Mazzeo welcomed CCBA Past President (’05) and current State Bar of Nevada President Bryan K. Scott as the keynote speaker. Scott addressed the important topics of volunteerism, leadership development, and diversity in his address to the Clark County Bar Association.
Mazzeo expressed her gratitude to all who volunteered and served on the bar’s committees during her term as president. She presented gift baskets to the following people who served as chairs to bar committees: Lesley Cohen – CLE Committee; Jennifer Roberts – Community Service Committee; James Leavitt – New Lawyers Committee; and Paul Ray – Publications and Community Service Committee. Mazzeo then presented the “Circle of Support Awards” who provided exceptional support to a particular committee:

- **Community Service Committee – Paul Ray** of Paul C. Ray, Chtd. volunteered countless hours to plan bar activities and to promote the bar’s efforts to colleagues and friends. He did all of this while serving as co-chair of the Community Service Committee, chair of the Publications Committee, Editor-in-Chief of the bar journal, Communiqué, and member-at-large on the CCBA Board of Directors.

- **CLE Committee – Rob Telles** of Accolade Law provided active support to produce seminars for members to receive continuing legal education. He is relatively new to the committee, but he demonstrated exceptional dedication and determinism to complete the task at hand.

- **New Lawyers Committee – James T. Leavitt** of Leavitt Legal Services, P.C. stepped up to accept the chair position when the previous chair stepped down due to unforeseen circumstances. Leavitt hit the ground running and coordinated the annual Client Counseling Competition, Holiday Mixer, and volunteered at several bar events.

- **Publications Committee – Heather Anderson-Fintak** of Southern Nevada Health District helped to recruit bar members to write articles, served as an associate editor for the publication, and provided simple solutions to reduced creative expenses. She is also the incoming Chair of the Publications Committee and will serve as Editor-in-Chief (2017-18) of Communiqué.

Mazzeo expressed gratitude to all the members of the board and bar who volunteered their time in support of the CCBA during 2016:

- **CCBA Outstanding Board Member – Jennifer Roberts** of the International Center for Gaming Regulation at UNLV volunteered endless hours late into the evenings and weekends to ensure the success and future success of the CCBA. She provided guidance and assistance when called upon by the bar’s board or staff.

- **Volunteer of the Year Award – Mariteresa Rivera-Rogers** of Wright Stanish & Winckler is one of the most passionate and committed members CCBA has ever had. No volunteer job is too big or too small for this person; wherever needed, Mariteresa was there. She is a tremendous asset to the CCBA and the legal community.

- **CCBA Sponsor of the Year – Bank of Nevada** sponsored every special event, all the bar luncheons, CCBA CLE programming, the New Lawyers Committee/Boyd School of Law Competitions, Communiqué advertising, and continues to be a major factor for the future of CCBA.

Finally, at this event, the following people were elected to serve on the 2017 CCBA Executive Board:

- **Macaire K. Moran** of Las Vegas Sands Corp. – Nominee for Director position (to serve a two-year term through December 2018)
- **Jennifer Roberts** of UNLV International Center for Gaming Regulation – Nominee for Director position (to serve a two-year term through December 2018)
- **The Honorable Nancy L. Allf** of Eighth Judicial District Court, Dept. 27 is the Judicial Appointee – Nominee for Judicial Appointee position (to serve a two-year term through December 2018)

**BAR LUNCHEON**

“Ethics in Government Law” CLE Luncheon

Speaker: Yvonne M. Nevarez-Goodson, Esq., Executive Director of the Nevada Commission on Ethics

Date: Thurs., January 26, 2017

Time: 12:00 p.m. to 1:30 p.m.

Location: Vic & Anthony’s Steakhouse, Inside Golden Nugget, 129 E. Fremont Street, Las Vegas

Choice of Entrées:

- 6 oz. Filet Mignon
- Rotisserie Chicken
- Pasta Primavera

Fee: $50/CCBA Member, $60/Non-member

BONUS: Price includes 1 Ethics CLE Credit for Nevada lawyers

RSVP: Submit registration w/payment & entrée selection to CCBA by Friday, January 20, 2017.

Contact: Call CCBA at 702-387-6011 or see page 14 for more information.
Event Calendar

January 2017

1-2 CCBA Office Closed

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

5 SNAWA Monthly CLE Luncheon (12-1:00 p.m., The Pullman Grille) – RSVP to SNAWA by December 30, 2016.

6 CCBA Community Service Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce opportunities for community outreach by bar members.

6 Federal Court Pro Bono Opportunities (12-1 p.m., LACSN) – An informational session for Nevada lawyers hosted by the Legal Aid Center of Southern Nevada and presented by Chief District Judge Gloria Navarro, District Judge Richard Boulware II, and Magistrate Judge Cam Ferenbach.

10 LVALA Membership Meeting (12-1 p.m., Cili Restaurant)

10 EJDC Civil Bench-Bar Meeting (12-1 p.m., RJC, Courtroom 3A)

10 Howard D. McKibben Chapter of the American Inns of Court Meeting (5:15 p.m., USDC, 7th Fl.)

11 CCBA Social Committee Meeting (12:30-1:30 p.m., CCBA) – Open to members who want to facilitate opportunities for members to meet and socialize.

12 CCBA New Lawyers Committee Meeting (12:30-1:30 p.m., CCBA) – Open to attorneys members admitted to practice in Nevada within the last five years.

13 CCBA CLE Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce seminars for continuing legal education.

21-22 UNLV-USC Rebel Trojan All-In Mock Trial Tournament (8:30 a.m.-12 p.m. and 1:30 to 5 p.m., UNLV Boyd Law & Greenspun College) – See page 14.

26 CCBA “Ethics in Government Law” CLE Luncheon (Check-in: 11:30, Luncheon: 12-1:30 p.m., Vic & Anthony’s Steakhouse) – To attend, register with CCBA ASAP. Come for the food and stay for the collegiality and 1 Ethics CLE credit! – See page 14.

February 2017

3 CCBA Community Service Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce opportunities for community outreach by bar members.

3 Cyber Fraud & Attacks: What You Need to Do & Know!” – a CLE seminar (Lunch included: 11:30 a.m.-12 p.m., Program: 12-1:30 p.m., Depo International) – See page 11.

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

7 Howard D. McKibben Chapter of the American Inns of Court Meeting (5:15 p.m., USDC, 7th Fl.)

8 CCBA Social Committee Meeting (12:30-1:30 p.m., CCBA) – Open to members who want to facilitate opportunities for members to meet and socialize.

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10 CCBA CLE Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce seminars for continuing legal education.

14 EJDC Civil Bench-Bar Meeting (12-1 p.m., RJC, Courtroom 3A)

14 LVALA Membership Meeting (12-1 p.m., Cili Restaurant)

17 “Finding Your Way Through the Weeds – Marijuana Medical & Recreation Use” - a CLE seminar (Lunch included: 11:30 a.m.-12 p.m., Program: 12-1:30 p.m., Depo International) – See page 13.

22 Professional Portrait Session (9 a.m.-2 p.m., CCBA) – See page 12.

Calendar continued on page 12
Cyber Fraud & Attacks: What You Need to Do & Know!
A seminar produced for the Clark County Bar Association

Course Description:
The course will address the following areas:
• Benefits of digital data
• Areas of concern when using digital data
• Applicable federal and state law relating to security breach notices
• Tips to drafting a data breach letter
• Identifying the need to send a data breach notification
• Tips for avoiding data breach problems

This event includes .5 General CLE Credit FREE for CCBA Members! and FREE lunch for all registered attendees sponsored by Alpert Barr & Grant

Featured Speaker:
Adam D.H. Grant, Esq.
principal with Alpert, Barr & Grant, APLC, has over 25 years of legal experience. Mr. Grant’s practice focuses on all forms of civil litigation, including digital privacy, mobile app law and business litigation.

When: Friday, February 3, 2017
Lunch: 11:30 a.m.
Program: 12:00-1:30 p.m.
Where: Depo International (Mock Trial Courtroom)
703 S. 8th Street
Las Vegas, NV 89101
Why: 1.5 General CLE Credit for Nevada lawyers

Please register to attend this seminar:
RE: Cyber Fraud CLE - 2/3/2017

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

Price: $35/CCBA Member – Attorney, Judge, or Merchant
$20/CCBA Member – Legal Admin., Legal Assist., or UNLV Law Student
$50/Non-Member – Attorney, Judge, or Merchant
$25/Non-Member – Legal Admin., Legal Assist., or UNLV Law Student

All reservations to CCBA events must be pre-paid. To guarantee seating, all reservations MUST be received at least 72 hours prior to the seminar. 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 to: 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 or 2017 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.

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Get details about this member benefit at www.clarkcountybar.org or contact CCBA at (702) 387-6011 or donnaw@clarkcountybar.org.
Swan Lake, a performance by The Nevada Ballet Theatre (7:30 p.m., The Smith Center) – See page 18.

Swan Lake, a performance by The Nevada Ballet Theatre (2:00 p.m., The Smith Center) – See page 18.

March 2017

3 CCBA Community Service Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce opportunities for community outreach by bar members.

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

8 CCBA Social Committee Meeting (12:30-1:30 p.m., CCBA) – Open to members who want to facilitate opportunities for members to meet and socialize.

9 CCBA New Lawyers Committee Meeting (12:30-1:30 p.m., CCBA) – Open to attorneys members admitted to practice in Nevada within the last five years.

10 CCBA CLE Committee Meeting (12-1 p.m., CCBA) – Open to all bar members who want to produce seminars for continuing legal education.

14 EJDC Civil Bench-Bar Meeting (12-1 p.m., RJC, Courtroom 3A)

14 Howard D. McKibben Chapter of the American Inns of Court 30th Anniversary Dinner (6 p.m., Location TBA)

16 40 Year Club Luncheon (12:00 p.m. to 1:30 p.m., Cili at Bali Hai Golf Club) – Sponsor opportunities available. Note: Date is tentative.

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

Portrait Services
Mark your calendars for the next portrait session

The Clark County Bar Association (CCBA) hosts sessions at the CCBA’s office for members to come sit for a portrait made by a professional photographer. The next session will be held in 2017.

Wednesday, February 22, 2017
9 a.m. to 2 p.m.
Clark County Bar Association, 717 S. 8th Street, Las Vegas, NV 89101

Drop-ins are welcome.
Dress for success.

Note: Portraits are for CCBA to publish in the CCBA Members Directory at https://www.clarkcountybar.org/members/directory and in the bar journal Communiqué, as needed.

Members can purchase their portrait(s) directly from the photographer. Members will be offered special pricing:

Special Offer
For CCBA Members:
Get 1 Digital Image for $79 or 2 Digital Images for $99.

*Special pricing will be made available from the photographer at Portraits to You for the individual to purchase his/her portrait(s) but only on the day of the portrait session.

Clark County Bar Association
27TH ANNUAL
MEET YOUR JUDGES MIXER
Thursday, May 18, 2017
5:30 p.m. to 8:30 p.m.
Cili Restaurant at Bali Hai Golf Club

SPONSOR OPPORTUNITIES AVAILABLE!
Contact: Donna Wiessner at (702) 387-6011 or donnaw@clarkcountybar.org.

Calendar continued from page 10
Finding Your Way Through The Weeds—Medical Marijuana & Recreational Use

A seminar produced for the Clark County Bar Association

Please register to attend this seminar:


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

Price:
☐ $35/CCBA Member – Attorney, Judge, or Merchant
☐ $20/CCBA Member – Legal Admin., Legal Assist., or UNLV Law Student
☐ $50/Non-Member – Attorney, Judge, or Merchant
☐ $25/Non-Member – Legal Admin., Legal Assist., or UNLV Law Student

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Send to: 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:
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☐ 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: ____________________________ Phone #: ____________________________
Expiration date: ____________________________ Authorized Signature: ____________________________

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

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

Featuring:

Tisha Black, Esq.
Founding partner of the law firm of Black & LoBello, Tisha Black knows the Nevada Medical Marijuana Program as she helped to craft the MME Regulations.

Maggie McLetchie, Esq.
Founding partner of Alina Shell LLC, Maggie McLetchie understands the legal issues relevant to regulated Nevada medical marijuana industry, public interest, civil rights, and open government.

Course Description:

Now that Nevadans have voted to legalize recreational use of marijuana, what’s next? Learn about the many questions raised for the community and legal practitioners with the passing of Nevada’s Ballot Question 2.

When: Thursday, February 17, 2017
Lunch: 11:30 a.m.
Program: 12:00-1:30 p.m.

Where: Depo International (Mock Trial Courtroom)
703 S. 8th Street
Las Vegas, NV 89101

Why: 1.5 General CLE Credit
Nevada lawyers

Bonus:
FREE .5 General CLE Credit for CCBA Members
FREE lunch for all registered attendees
Please join us at this event hosted by the

Clark County Bar Association

LUNCHEON

Thursday, January 26, 2017 • 12:00 to 1:30 p.m.

Vic & Anthony’s Steakhouse
Golden Nugget, 129 E. Fremont Street, Las Vegas, Nevada 89101

Doors open at 11:30 for luncheon check-in.
RSVP with payment to Clark County Bar Association by Friday, January 20, 2017.

Featured Speaker & Presentation:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director of the Nevada Commission on Ethics

Ethics in Government Law set forth in NRS 281A

BONUS: 1 ETHICS CLE CREDIT AVAILABLE TO NV ATTORNEYS
—AN ADDED VALUE AT NO EXTRA CHARGE!

Take a break. Catch up with colleagues. Support your local bar.

Register to attend this event:

RE: CCBA Luncheon - 1/26/2017

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   Mastercard  VISA  AMEX

Name of card holder: ____________________________
Credit Card #: ____________________________
Expiration date: __________ Phone #: __________
Authorized Signature: ____________________________

DO NOT E-MAIL CREDIT CARD DETAILS.

Submit registration with payment to the Clark County Bar Association by Friday, January 20, 2017 to:

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

Price: ☐ $40 per CCBA Member
☐ $50 per Non-Member

Select for entrée:
☒ 6 oz. Filet Mignon
☒ Rotisserie Chicken
☒ Pasta Primavera

Total Amount: $ __________

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.
Articles Sought for Communiqué

The editors of the Communiqué are looking for a few short, practical legal articles to publish in upcoming issues of the publication. Content is planned in advance and space is limited. Members should submit their proposals ASAP.

To submit an article or a proposal to write an article for publication, send an e-mail to Steph at CCBA and include the author(s) name(s) and Nevada bar #s along with a summary paragraph providing the focus and scope for the article (include relevant rules/statuses/procedures, etc.) The author's focus and content for the articles should concern matters related to the topic of the issue (see page 8 for editorial calendar) and be relevant to attorneys who practice law in Nevada's state and federal courts. Articles must be original, unpublished works written specifically for Communiqué.

All proposals will be reviewed by CCBA's Publications Committee (i.e., the editors). Preference will be given to articles written by attorney members of the CCBA.

All authors should review the publication's editorial policy and writer's guidelines. Contact Steph Abbott at CCBA, (702) 387-6011.

Ballard Spahr Kicks Off Nevada Legal Services' Capital Campaign

The Las Vegas office of the national Ballard Spahr LLP law firm made a $10,000 donation yesterday to Nevada Legal Services (NLS) to help the organization kickoff its $10 million capital campaign for a new facility. The check was presented by Ballard Spahr partners Bill Curran and Robert Kim at the Clark County Bar’s December luncheon. For more information about the capital campaign, call Nevada Legal Services Las Vegas Office at (702) 386-0404 or visit www.nevadalegalservices.net.

Opportunity to Do Pro Bono Work

The National Association of Blacks in Criminal Justice (NABCJ) is looking for volunteer attorneys to participate in its monthly attorney counseling sessions in its Legal Resource Clinic. Participating lawyers meet with people who have what they believe to be legal issues, oftentimes involving discrimination or other civil rights matters. After reviewing the file, the participating attorney meets with the complainant to discuss the matter, and possibly refer the person or persons to attorneys who may be interested in taking the case. Participating in the NABCJ program does not obligate the attorney to any further or future representation. For more details, contact: Allen Lichtenstein, (702) 433-2666, allaw@lvcoxmail.com.
Naqvi Injury Law Gives to KLUC Toy Drive

The Naqvi Injury Law showed its support for underprivileged Las Vegas families with its fourth annual sponsorship of the 98.5 KLUC Toy Drive. Managing partner Farhan Naqvi and his team donated a staggering 1,000 bicycle helmets and 100 bicycles to the Toy Drive, which benefits HELP of Southern Nevada. For more information about the KLUC Toy Drive, contact Chet Buchanan and The Morning Zoo at 98.5 KLUC LV at 702-889-7397.

Volunteers Needed to Judge UNLV-USC Rebel Trojan All-In Mock Trial Tournament

Approximately 145 volunteers are needed to judge the students participating in the “2017 UNLV-USC Rebel Trojan All-In Mock Trial Tournament” scheduled for Saturday, January 21 and Sunday, January 22, 2017 at the UNLV William S. Boyd School of Law and the Greenspun College.

Volunteers are necessary for one, or more, of four specific time slots:

- Saturday, January 21, 2017 from 8:30 a.m. to 12 p.m.
- Saturday, January 21, 2017 from 1:30 p.m. to 5 p.m.
- Sunday, January 22, 2017 from 8:30 a.m. to 12 p.m.
- Sunday, January 22, 2017 from 1:30 p.m. to 5 p.m.

All tournament judges meet at least one of the following criteria: 1) be a member of any state’s bar, 2) possess a Juris Doctorate, or 3) have successfully completed an Evidence course at the law school level (all AMTA alumni welcome).

The event will be held on the UNLV campus at the Boyd Law School and Greenspun College. Parking is free. Both days will be catered with hot food and a selection of beverages.

To volunteer and get more information about the event, go to http://www.uscmocktrial.org/rebeltrojan/judges.php. Registrants will receive a confirmation email with complete information, including parking, judging guidelines, and the case.

Source: Olu K. Orange, Esq. Director, USC Dornsife Trial Advocacy Program, Department of Political Science, University of Southern California.

Notes continued from page 15

BAR SERVICES

Meeting Room Space Available

CCBA members can reserve our classroom or conference room for a special class or client meeting. Restrictions apply. Meeting room space in the CCBA’s building is available upon request by the CCBA member and subject to availability and only during CCBA’s business hours of 8 a.m. to 4 p.m. Monday through Friday. Merchant members will be charged a nominal fee to use the rooms.

Contact: Donna Wiessner, CCBA Executive Director. Phone: (702) 387-6011. E-mail: donnaw@clarkcountybar.org.

16  Clark County Bar Association – COMMUNIQUÉ – January 2017
On Saturday, December 17, 2016, volunteers gathered at the Clark County Bar Association for the first donation day for Blanket the Homeless, a community service project of the Clark County Bar Association and the Clark County Law Foundation. A total of 360 blankets were distributed that same week to the following agencies that serve homeless populations: Caridad, Catholic Charities, Las Vegas Rescue Mission, and The Shade Tree.

Members of the CCBA’s Community Service Committee organized this event. Special thanks to Annette Bradley, Gerard Dondero, Seleste Hamilton, and Jared Hague who contacted local agencies to determine how many blankets each agency might need. Special thanks to Mark Blackman who negotiated a reduced price (and an extra box) from the manufacturer of the rescue blankets.

Special thanks to those who made donations to Blanket the Homeless:
- Stephanie Abbott
- Mark Blackman
- Elliot Blut
- Annette Bradley
- Michael E. Buckley
- Carol Chesnut
- Bill Hammer
- Doreen Spears Hartwell
- Ramir Hernandez
- William Allen Kaercher
- Susan Malcher
- Mariteresa Rivera-Rogers
- Jennifer Roberts
- Brian D Shapiro
- Deborah Trujilo
- The Furnier Muzzo Group LLC
- Darren Welsh

Planning for Fall 2017

Monies are still being raised to fund this community service activity. Donations can be made to the Clark County Law Foundation and/or the Clark County Bar Association with a request for the monies to be earmarked for Blanket the Homeless. Monies gathered since December 8, 2016 and through the year will be used to buy blankets again in the fall of 2017.

Project History

This is our first time doing this new community service project. We were inspired by Albert Barr Grant partner Mark Blackman who helped the San Fernando Valley Bar to blanket the homeless in southern California for over 30 years. Now, Blackman is helping the CCBA and CCLF to blanket the homeless in southern Nevada.

Steph Abbott is staff liaison to CCBA’s Community Service Committee. For more information about the committee, contact stephabbott@clarkcountybar.org or (702) 387-6011.
Welcome and thanks to the following people who have joined and/or re-joined our non-profit member organization!

Jonathan Chung, a student member from UNLV William S. Boyd School of Law. Phone: (702) 579-5600.

Keith B. Gibson, an attorney member from Thordal Armstrong Delk Balkenbush & Eisinger, 1100 E. Bridger Avenue, Las Vegas, Nevada, 89119. Phone: (702) 579-5600.

Kristina Holman, an attorney member from Kristina S. Holman, Attorney at Law, 703 S. 8th Street, Las Vegas, Nevada, 89101. Phone: (702) 614-4777.

Preston Mathews, a new attorney member from Smith Larsen & Wixom, 1935 Village Center Circle, Las Vegas, Nevada, 89134. Phone: (702) 252-5002.

Melinda A. Vereen-McDuffie, a legal assistant/administrative/secretary member from Stovall & Associates. Phone: (702) 258-3034.

Johanna Olano, a legal assistant/administrative/secretary member.

Eighth Judicial District Court Hearing Master Jennifer Henry may be reached at 200 Lewis Avenue, Lower Level Courtroom A, Las Vegas, Nevada 89155. Phone: (702) 455-4593.

Martin Little, Bruce Woodbury, William Urga, and Alexander Villamar may be reached at their new office location for Jolley Urga Woodbury & Little, 330 S. Rampart Boulevard, Suite 380, Las Vegas, Nevada, 89145.

Shannon Nordstrom may now be reached at Nordstrom Law Office, PLLC, 9030 West Sahara Avenue, #175, Las Vegas, Nevada, 89117. Phone: (702) 982-3818.

YanXiong Li is now associated with Wright Finlay & Zak, LLP, 7785 W. Sahara Avenue, Suite 200, Las Vegas, Nevada, 89117. (702) 475-7964.

Mark Segal may now be reached at P.O. Box 530176, Henderson, Nevada, 89053.

**NEVADA BALLET THEATRE**

Tickets, Discounts to Nevada Ballet Theatre Performances Available

CCBA Members may enjoy these performances:

**Swan Lake**
Music by Peter Ilyich Tchaikovsky
Choreography after Lev Ivanov and Marius Petipa,
Staged by Cynthia Gregory
Sponsored by: The Plaster Family and
Madeleine & Don Andress
In Honor of Wendy Plaster
Live Music Sponsor: Doris & Ted Lee

**Saturday, February 25, 2017**
7:30 p.m.
Offer: 4 groups of 2 tickets each available for use by CCBA members. First come-first served. Non-transferable. Offer: 15% off the best seats! VIP, A, B & C level seating with discount code (provided by CCBA via e-mail upon request via e-mail from member.)

**Sunday, February 26, 2017**
2:00pm
Offer: 15% off the best seats! VIP, A, B & C level seating with discount code (provided by CCBA upon email request from member.)

Restrictions apply to this offer. For more information and to request use of the tickets, submit a request via e-mail to StephAbbott@clarkcountybar.org.

**Discounts Available for CCBA Members:** For more information, contact Steph Abbott at (702) 387-6011 or stephabbott@clarkcountybar.org.

**Advertising Opportunities**

Space is available in the *Communiqué* for paid announcements related to professional achievements, goods, and services. Announcements must be made in the form of a paid advertisement. Types of announcements include:

- Legal products
- Professional services
- Awards & Achievements
- Law Firm Announcements
- Office & Retail Space
- Employment Opportunities
NEVADA BALLET THEATRE PRESENTS

Swan Lake

February 25 & 26, 2017
(702) 749-2000  NevadaBallet.org

With Live Orchestra
Music by Peter Ilyich Tchaikovsky
Choreography after Lev Ivanov and Marius Petipa
Staged by Cynthia Gregory

SPONSORED BY: THE PLASTER FAMILY AND MADELEINE & DON ANDRESS
IN HONOR OF WENDY PLASTER
LIVE MUSIC SPONSOR: DORIS & TED LEE

Photo by Jerry Metellus
Court Changes

Clark County Court Re-Assigns Minor Guardianship Cases

On December 16, 2016, Eighth Judicial District Court Judge David Barker signed an administrative order to reassign thousands of minor guardianship cases to two judicial departments at the state court. Administrative Order 16-09 provides for the following reassignments, effective December 19, 2016: all minor guardianship cases in which Amy Mastin is currently the designated hearing master to Department 11; all minor guardianship cases in which Soonhee Bailey is currently the designated hearing master to Department 27. However, all minor guardianship hearings calendared for Hearing Masters Mastin and Baily through December 31, 2016 shall proceed as scheduled. For all the details and to see the list of affected cases, read the 237-page order available as a PDF download at http://www.clarkcountycourts.us/. See “Administrative Order 16-09: In the matter of Minor Guardianship Cases”

Clark County Court Expands Jury List

On November 22, 2016, Eighth Judicial District Court Chief Judge David Barker filed an administrative order to expand the Jury Master List. Administrative Order 16-07 cites the sources for the court’s jury pool and adds a new source, Clark County’s list of registered voters. AO 16-07 further orders that “for all subsequent Jury Master List updates, court administration shall utilize names and addresses obtained from the DMV, Nevada Energy and active registered voters in Clark County in forming the Jury Master List.” To learn more, download the PDF version of Administrative Order 16-07 at http://clarkcountycourts.us/.

Source: Mary Anne Price, Eighth Judicial District Court.

Bonaventure Re-Elected as Chief

Chief Judge Joe Bonaventure was elected by his peers to remain the leader of the Las Vegas Justice Court through 2018.

Las Vegas Justice Court hears traffic matters, misdemeanor non-traffic cases, civil cases (amounts up to $15,000 as of 1/1/17), small claims cases (up to $10,000), summary eviction cases, and requests for protection orders (including stalking, workplace harassment, harm to minors, and sexual assault); the Court also determines whether felony and gross misdemeanor cases have enough evidence to proceed to District Court for trial. Judge
Bonaventure’s duties as Chief Judge include: presiding over administrative matters and judges’ meetings; supervising court administrators, managers, referees, pro-tem judges, and hearing masters; appointing committees of judges and court staff; and acting as the Court’s liaison with other governmental and civic agencies.

Source: Joe Tommasino, Las Vegas Justice Court.

Nevada PreTrial Risk Assessment Tool

On December 7, 2016, Las Vegas Justice Court Chief Justice of the Peace Joe Bonaventure signed Administrative Order 16-03. See file name “16-03-nprat-pilot-program-signed” available as a PDF to download from CCBA’s website.

The order relates to the Nevada Pretrial Risk Assessment Tool (NPRAT) and the Pilot Program currently operational in four departments of the Las Vegas Justice Court. The order mandates that, during the pilot-program period, the PreTrial Services Division shall not assess any defendant who is arrested on one or more misdemeanor charges and no gross-misdemeanor or felony charges. The order also explains how PreTrial Services has the authority to administratively release a defendant who is arrested on one or more gross-misdemeanor or felony charges, if certain conditions are satisfied.

Source: Joe Tommasino, Las Vegas Justice Court.

New Options for Payments for Criminal Cases in Las Vegas Justice Court

Payments for criminal cases in Las Vegas Justice Court can be paid on the court’s website at www.lasvegasjusticecourt.us, and through the criminal division’s phone line at (702) 671-3201. For online payments, users will need to select the button labeled “Criminal Search/Pay Fine” to initiate a search for the applicable criminal case. Users will then select the link for Criminal Records and perform a Criminal Records search. Once the correct case record is found, the user can click the case-number link to open the Register of Actions for that case, and the user can then select the button labeled “Make-a-Payment.” (Note: the button will not appear if no balance is due.) For phone payments, users will need to enter the applicable case number for their call to be routed to the automated payment processing system. Please note that any payments made on the web or the phone will be assessed a $5.00 convenience fee on top of any amount paid for each transaction.

Source: Joe Tommasino, Las Vegas Justice Court.
Five Things to Know About eSports

By Jennifer Roberts, Esq., Brett Abarbanel, Ph.D., and Robert Rippee

Just last month, the Gaming Policy Committee (GPC) met on the UNLV campus. The Gaming Policy Committee is an advisory committee made up of the Governor, the Chairman of the Nevada Gaming Control Board, the Chairman of the Nevada Gaming Commission, gaming industry members, and representatives from academia, the Nevada legislature, Native American tribes, and the Nevada citizenry. See NRS 463.021. The GPC is an advisory body convened to discuss the state’s policy on gaming matters. Id. They meet at the call of the governor and, prior to 2012 when it convened to discuss Internet gaming, it hadn’t met in its entirety for over 20 years.

Since 2012, the GPC has discussed issues that impact the gaming industry, including Internet gaming, daily fantasy sports, technology and innovation, and now eSports. As eSports is expected to become more popular, this article will provide five things you should know about the topic.

1. What is eSports?

In a nutshell, eSports is competitive video gaming. You may not know what League of Legends or Call of Duty is, but your kids definitely do. These are popular video games that have online play, local play, and a tournament system leading to championships where teams play the game in a matchup against other teams. eSports exist for amateur up to professional levels, much like the sports you know and love. There are gamers gathering together for a friendly game of Hearthstone, much as groups meet up for a friendly game of basketball. There are also high level competitions culminating in world championships, and weekly professional competitive leagues. If you are asking yourself why anyone would watch other people play video games, earlier this year, Las Vegas held an eSports tournament with an estimated 15,000 in attendance, essentially to watch 10 people actually play the game. See Narus Advisors, “Largest eSports Weekend in Las Vegas History Capped Off by Team Liquid Takeover at Downtown Grand Casino” (Apr. 18, 2016), available at http://finance.yahoo.com/news/largest-esports-weekend-las-vegas-225300940.html. Another eSports championship tournament held last year resulted in a peak of 1.6 million concurrent viewers and an added five million views on YouTube. See John Gaudiosi, “Poland Is Home to the Biggest eSports Event in the World” (Mar. 3, 2016), available at http://fortune.com/2016/03/03/poland-is-home-to-the-biggest-esports-event-in-the-world/. The prizes for winning these tournaments can be in the millions of dollars.

2. Is eSports a sport?

It depends on who you ask. There has been no official ruling on whether competitive video gaming is a sport. However, if you ask those familiar with eSports, many of them agree that it is. In addition, the United States government has for over three years formally recognized participants in eSports tournaments as professional athletes when issuing visas. See Paul Tassi, “The U.S. Now Recognizes eSports Players as Professional Athletes” (July 14, 2013), available at http://www.forbes.com/sites/insertcoin/2013/07/14/the-u-s-now-recognizes-esports-players-as-professional-athletes/#49d9d2ce691d. Even the GPC has heard testimony from eSports players about strict diet regimens and exercise routines engaged in by players to prepare for tournament play.

Whether or not it is officially classified as a sport, there are eSports associations that monitor the integrity of the competitions and help protect against match fixing. In addition, there is growing momentum within the eSports industry to establish greater standards and structural oversight of the players, matches, and tournaments. The game developers, of which the two largest are companies called Blizzard Entertainment and Riot Games, design and license the games. As the developers, they also design all of the rules built into the software of the games. The games are played on either computers or console systems (xBox and PlayStation being the most popular).

3. Is eSports gambling?

On a basic level, determining whether something is gambling requires analysis of whether there is prize, chance,
Nevada's
LEGAL SOLUTION

Dickinson Wright has served Nevada since 2010. Our attorneys practice in a range of legal areas including business litigation, construction, gaming, intellectual property, entertainment, estate planning, taxation, government affairs and employment law. Our attorneys are recognized leaders in the community and in their respective fields. They have joined together at Dickinson Wright to form a powerhouse team, able to meet your legal and business needs. Contact one of them today for more information.
4. What is eSports wagering?

When the GPC met last month, the question was how to accept wagering on eSports tournaments. The GPC recommended that the Nevada Gaming Control Board begin to accept betting on such events under the legal and regulatory structure of “other event” wagering. In Nevada, a licensed sports book can accept wagers on sporting events, such as football, baseball, or hockey, and “other events” that are approved by the Nevada Gaming Control Board. See NRS 463.0193; NGC Reg. 22.120. Another example of an “other event” that can be wagered on is The World Series of Poker. After the GPC recommendation, licensed sports books can now accept wagers on certain eSports tournaments authorized by the Nevada Gaming Control Board.

5. What is skins betting?

Associated with the eSports world, but not part of the tournaments, is the unregulated market of game-mediated wagering. “Game-mediated betting is a huge, opaque segment of betting on eSports. In game-mediated betting, the bettors do not directly bet with money but instead bet with virtual items, which are valuable assets in the game itself. Game-mediated betting thus capitalizes on the in-game market for virtual items, such as weapons, armor, abilities, and aesthetic items (commonly referred to as “skins”). These items are then wagered on the outcome of different events, such as actual eSports competitions, random number draws and, poker or other card games. Often, these items have some form of monetary value and can also be purchased for cash through other channels.” Abarbanel, B., & Fiedler, I., “Social gaming and social gambling: eSports. Market analysis and regulatory recommendations.” [White Paper]. University of Hamburg and University of California, Los Angeles (2016).

A skin might be likened to a trading card in that you hope when you purchase a pack, it is a rare Michael Jordan card containing a piece of his jersey. This card could be valued at tens of thousands of dollars because there were so few made. Skins are similar. There might be a pink camouflage version of a gun used in Call of Duty (a first-person shooter game) that could be sold on eBay for hundreds or thousands of dollars. In essence, they have value. What happens in this skins betting underground is that people would use a valuable skin to play a game, such as roulette, against others.
If they won the game, they may have received a prize of someone else’s skin that was also bet in the roulette game. In essence, you had the three elements of gambling present – consideration (skin put up to participate), chance (roulette involves little to no skill), and prize (winning a skin from the roulette game).

Nevada has the opportunity to become the eSports capital of the world. Wagers on eSports are now being accepted at the Downtown Grand, where they currently have an eSports lounge with plans for expansion. As we become more reliant on technology, the sports and gaming worlds will continue to see a lot of innovative change.

As we become more reliant on technology, the sports and gaming worlds will continue to see a lot of innovative change.
Five Things to Know About the New DOL Overtime Rule

By Roger L. Grandgenett II, Esq. and Kaitlyn M. Burke, Esq.

When Congress enacted the Fair Labor Standards Act ("FLSA") in 1938, it exempted executive, administrative, and professional employees ("White Collar Exemptions") from the requirement that employees be paid overtime for hours worked above 40 per week. On March 13, 2014, President Obama issued a memorandum directing the Secretary of Labor to “modernize and streamline the existing overtime regulations” – last revised in 2004. In response, the U.S. Department of Labor ("DOL") published its Final Rule on May 18, 2016. Here are five things to know about the Final Rule:

1. What Is It?

The Final Rule overhauled the Salary Basis Test, which requires that white collar employees receive a fixed, predetermined amount of compensation each week, without variation for quality or quantity of work performed. It more than doubled the minimum salary level for the White Collar Exemptions from $455 per week or $23,660 per year to $913 per week or $47,476 per year. It also increased the total compensation level for highly compensated employees from $100,000 per year to $134,004 per year. Further, it established an automatic updating of the minimum salary level every three years, beginning January 1, 2020. The Final Rule did not change the Duties Test, which requires that an employee’s primary duty be exempt in nature.

2. Who Is Most Affected?

Small businesses, nonprofits, educational institutions, and government agencies will be challenged the most by the Final Rule. They will need to implement plans to track and limit work hours, re-classify employees, and create lower-level or part-time jobs to accommodate the cost of the Final Rule in their already strained budgets. Additionally, employees who are re-classified as non-exempt – like full-time, entry-level retail and restaurant managers – will resent the associated reduction in pay, close monitoring of hours, and less flexibility in schedule. Lower-wage or rural areas will be disproportionally affected given that the nationwide salary baseline does not adjust for the size of the business, city, or industry.

3. When Does It Take Effect?

The Final Rule was set to take effect on December 1, 2016. However, Nevada - along with 21 other states and a diverse coalition of business organizations - challenged the Final Rule by claiming the DOL exceeded its delegated rule-making authority in overhauling the Salary Basis Test.

Roger L. Grandgenett II is the office managing shareholder of the Las Vegas office of Littler Mendelson, P.C. He advises and represents employers in all aspects of labor and employment matters including wage and hour class and collective actions and frequently conducts seminars on a variety of employment and labor law topics.

Kaitlyn M. Burke is an associate in the Las Vegas office of Littler Mendelson, P.C. Her practice includes representation of employers in a wide range of labor and employment matters from complex wage and hour class actions to wrongful termination matters. She also provides advice and counseling and reviews and drafts policies, handbooks, and employment agreements.

4. Why Was It Enjoined?

The Court found that Nevada and the other Plaintiffs had met their burden of showing a likelihood of success on the merits of their claim that the DOL ignored Congress’ intent by raising the minimum salary level so much that it supplants the Duties Test. It noted that the salary level increase will likely exclude 4.2 million employees even though they perform exempt job duties. The Court also considered evidence that the Final Rule would cause irreparable harm by depleting state budgets, causing layoffs, and hampering government services.

5. What Is Next for the Final Rule?

The Court may grant a permanent injunction or the DOL may appeal to the Fifth Circuit. The Trump Administration may also have a different policy perspective and direct a new Secretary of Labor to re-evaluate the Final Rule. Ultimately, Nevada’s challenge to this unprecedented revision of the White Collar Exemptions will soon be decided.
Five Things to Remember in Ninth Circuit Appellate Practice

By Micah S. Echols, Esq.

I. The lack of a “notice of entry of order”

In the Nevada Rules of Civil Procedure (NRCP), there is a distinction between the entry of a judgment or order and the notice of entry of a judgment or order. See NRCP 58. Rule 58 of the Federal Rules of Civil Procedure (FRCP) makes no such distinction. This difference is important because according to the Federal Rules of Appellate Procedure (FRAP), Rule 4(a)(1)(A), the notice of appeal must be filed “within 30 days after entry of the judgment or order appealed from.” In contrast, appeals in Nevada appellate courts must be filed “after entry of a written judgment or order, and no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served.” Nevada Rules of Appellate Procedure (NRAP), Rule 4(a)(1).

II. The timing of post-judgment filings

According to NRAP 4(a)(4), there are four tolling motions in Nevada state district courts that must be filed within 10 days after service of written notice of entry of the judgment or order. A memorandum of costs in Nevada state courts must be filed within five days “after the entry of judgment” according to NRS 18.110(1). And, NRCP 54(d)(2)(B) requires a state court motion for attorney fees to be filed “no later than 20 days after notice of entry of judgment is served.”

In federal courts, the same four tolling motions are identified in addition to two other motions that can be tolling under certain conditions. FRAP 4(a)(4). Unlike the 10-day period in state courts, the tolling motions under the applicable FRCP must be filed no later than 28 days after the entry of judgment. Federal courts also require both the bill of costs and a motion for attorney fees to be filed within 14 days after the entry of judgment. FRCP 54(d).

III. Extension of time for Ninth Circuit briefs

Under NRAP 31(b), a requested extension of time to file a brief must be made on or before the due date for the brief. In the Ninth Circuit, the initial streamlined extension of time made online can similarly be requested on or before the brief’s due date. But, subsequent written motions for extensions of time must be made at least seven days before the filing deadline for the brief.

IV. Electronic filing of Ninth Circuit briefs

The Ninth Circuit has a mandatory electronic filing requirement for attorneys. Circuit Rule 25-5(a). The electronic version of the brief must be a PDF and cannot be scanned from a paper document. Circuit Rule 25-5(d). In contrast, the Nevada appellate courts do not require mandatory electronic filing or any similar restrictions on how the electronic version of the brief is prepared. NRAP 25(a).

V. Presumptions for setting of oral argument

Rule 5(c) of the Nevada Supreme Court Internal Operating Procedures (IOP) reflects that oral argument is only held in cases involving precedential issues, important public policies, or unsettled areas of law. In the Ninth Circuit, “[o] ral argument must be allowed in every case unless a panel of three judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary....” FRAP 34(a)(2).

Micah S. Echols is a shareholder at Marquis Aurbach Coffing and can be reached at mechols@maclaw.com or (702) 207-6087. Mr. Echols focuses his practice on appeals in the Ninth Circuit Court of Appeals and the Nevada appellate courts. He has participated in the briefing and/or oral argument in approximately 200 appeals.
Five Things to Know About The Presidential Inauguration

By Lindsay Demaree, Esq.

This month, Donald Trump will be inaugurated as the 45th President of the United States. Like his campaign and election, his inauguration is sure to make history. Here are five things to know about the presidential inauguration as it approaches:

1. President-elect Trump will be the oldest man inaugurated for a first term as president.

He will be 70 years old. The title previously belonged to Ronald Reagan, who was 17 days shy of his 70th birthday when he was sworn in for his first term in 1981. At 43, John F. Kennedy was the youngest elected president. However, Teddy Roosevelt was sworn in at the age of 42, taking office upon the death of then-President McKinley.

2. January 20th is inauguration day.

Inaugurations previously took place on March 4th, the day the Constitution went into effect. However, in 1933, the Twentieth Amendment—also known as the Lame Duck Amendment—changed the inauguration date to January 20th to shorten the time the outgoing president serves after the election.

3. The Chief Justice generally swears in the President (but not always).

Article II of the Constitution contains the President’s Oath, but it does not mention who must administer it. Typically, since 1797, the Chief Justice of the Supreme Court of the United States administers the oath. Donald Trump will be the second president sworn into office by Chief Justice John Roberts. Chief Justice John Marshall administered the Oath a record nine times but only for five different presidents: Jefferson, Madison, Monroe, J.Q. Adams, and Jackson. Chief Justice Roger Taney administered the Oath seven times, to seven different Presidents Van Buren, Harrison, Polk, Taylor, Pierce, Buchanan, and Lincoln. U.S. District Court Judge Sarah Hughes is the only woman ever to swear in a President. She administered the Oath to Lyndon Johnson after the assassination of President John F. Kennedy.

4. The length of inauguration speeches varies widely.

William Henry Harrison’s inauguration speech is the longest on record, taking almost two hours to deliver. (Despite his lengthy speech, Harrison served the shortest term as president. He died from pneumonia on his 32nd day in office.) George Washington’s second inauguration speech is the shortest, at only 135 words, i.e., less than a third of the length of this article!

5. The inauguration signifies a peaceful transition of power.

The presidency changed political affiliation for the first time in 1800 when Thomas Jefferson, a Jeffersonian Republican, succeeded John Adams, a Federalist. Their contentious campaign battle led to a tense political atmosphere. To avoid inflaming Jefferson’s supporters, Adams left Washington D.C. on the morning of the inauguration. Jefferson, for his part, struck a conciliatory tone in his inauguration speech, declaring that “every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists.” With only a handful of exceptions, the outgoing president has attended the inauguration of his successor since this first transition of power.

Lindsay Demaree, Esq. is an associate at Ballard Spahr, where she focuses on consumer financial services litigation.
Five Things to Know About Family Law

By Jason Stoffel, Esq.

1. **COPE class**: This is a rule unique to Clark County, provided for in EDCR 5.07. This is the mandatory seminar for divorcing or separating parents. It must be taken within 45 days after service of the complaint. Judges are granted the discretion to compel litigants to take this class, including giving the litigant a reasonable time of around 30 days to take the class, or risk having all of your contact with the children suspended until a certificate of completion is filed with the court.

2. **FMC**: This is also a Clark County local rule provided for in EDCR 5.70. The Family Mediation Center, or “FMC,” is the arm of the court that makes mediation of parent/child issues mandatory with the two litigants and a court mediator. Participation is required in any case involving children to try to resolve custody. I typically fill out the Request and Order for Mediation once an Answer is filed. Placing parents in front of a mediator will reduce conflict in the case and may avoid unnecessary and expensive motion practice.

3. **Alimony vs. child support**: This is an easy rule to remember. The payment or receipt of child support is not a taxable event and therefore is not reported to the IRS. Alimony generally is different whereas in most cases the payer of alimony can deduct the payment on tax returns and the recipient has to declare it as reportable income. While attorneys are not tax experts, just the basic knowledge of this concept and advising clients of this issue is necessary as their advocate.

4. **Nevada is a no fault state**: Some attorneys and litigants forget this basic concept. The court generally doesn’t care about the affair, the lying, the gambling, etc. The emotional impact of the divorce is enough and Nevada’s grounds for divorce is typically pleaded as “incompatibility.” In other words, you don’t get more than your equal share of the marital estate because your spouse cheated on you.

5. **Unequal distribution of the marital estate is allowed**: While the court may not care about the gambling in a case for purposes of filing the divorce, if properly pleaded, the court may award an unequal distribution of community property so long as there is a “compelling reason to do so” under NRS 125.150(1)(b). The court must state “reasons for making the unequal disposition.”

Essentially, what this refers to in most cases is what is called “marital waste,” or using community resources for the benefit of one spouse. See Lofgren v Lofgren, 112 Nev. 1282, 926 P.2d 296 (1996); Putterman v. Putterman, 113 Nev. 606, 939 P.2d 1047 (1997). A typical example would be where there was $50,000 in a savings account and one spouse goes on a gambling binge or supports a significant other with gifts to the tune of $20,000, leaving $30,000 left in the account. The court can make the specific findings that each spouse will get $25,000 from the original $50,000. Given that one spouse already used $20,000, that would be subtracted from his share so that the innocent spouse would receive $25,000 and the other spouse would get $25,000-$20,000, or the remaining $5,000. There are many sad cases where the facts aren’t as easy where there is nothing left in the account and then the parties are forced into bankruptcy. The take away is there is a remedy for unequal distribution of property in Nevada, but a paper judgment is not the same as money in the bank.

In summary, it is imperative for attorneys that occasionally take a family law case to have a basic understanding of the material and Chapter Five of the Eighth Judicial District Court Rules. In child custody trials when I know the other side has not taken the COPE class, I will ask the question “what information did you get out of the COPE class?” The classic response is “what is that?” BOOM! It is all downhill from there. Or as they said on the Titanic – “ICEBERG . . . STRAIGHT AHEAD!”

Jason Stoffel, Esq. is one of the partners of Roberts Stoffel Family Law Group in Las Vegas. His area of practice for over 12 years has been in Family Law. He has proudly served on the Executive Board of the Clark County Bar Association for several years.
Five Things to Know About Completing CLE in Nevada

By Rob Telles, Esq.

You are all aware that, as an attorney practicing in Nevada, you must complete twelve hours of accredited continuing legal education (CLE) in order to maintain your license. However, you may or may not know the following five things about completing CLE in Nevada:

1. As part of the twelve hour CLE requirement, every practicing attorney in Nevada must complete two hours of ethics and one hour of abuse, addictive disorders and/or mental health issue (AAMH) learning. ADKT 478, which became effective on March 20, 2014, added the requirement of one hour of AAMH CLE every three years. During the year that the AAMH requirement is completed, each attorney must complete nine general credits and two ethics credits. During the other two years of this period, each attorney must complete the usual ten hours of general credits and two hours of ethics credits.

2. The Clark County Bar Association (CCBA) offers CLE courses that allow you to meet your CLE requirements with presentations that span a wide variety of topics. The topics include everything from local issues to the basics of general practice areas, and even presentations that focus on cutting edge theory and practice.

3. The CCBA offers a few convenient ways to meet your CLE requirements. It offers live scheduled seminars, where participants can attend and gain greater insight by posing questions to the presenter(s). For those unable to attend a live seminar, the CCBA also offers presentations that may be downloaded and DVDs that may be rented or purchased. As an added benefit, the CCBA offers members in good standing the opportunity to purchase a CLE passport, which allows the member to obtain all twelve CLE hours for the year for only $200, whether by completing live or previously recorded CLEs.

4. The seminars provided by the CCBA are selected and produced by a committee of attorneys. These attorneys strive to produce seminars that provide the most valuable and relevant education possible. The members of the CCBA CLE committee come from a wide range of practice and have an eye toward producing content that you can use in your daily practice, whatever your own area(s) of practice may be.

Additionally, you receive no-cost CLE credit for your participation on the committee.

5. The CCBA CLE Committee is always looking for new members. Membership on the CLE committee is a great way to get involved in the legal community. As a member of the committee, you can produce great content for our legal community including formulating topics and reaching out to leaders on the subjects that most interest you. Additionally, you receive no-cost CLE credit for your participation on the committee. If you are interested in membership on the CLE committee, please be sure to contact the CCBA for more information.

Every attorney must complete the required number of annual CLE credits. You can obtain your required credits through the high quality, low cost CLE programs offered by the CCBA. If you would like more information on our CLE programs or the CLE committee, you can contact the CCBA at (702) 387-6011 or you can email Donna Weissner, the CCBA’s Executive Director, at donnaw@clarkcountybar.org.

Rob Telles, Esq. is chair of the Clark County Bar Association’s Continuing Legal Education Committee and the founding attorney at Accolade Law, a firm that focuses on estate planning, probate, and family law.
Five Things to Know About Medical Legal Partnerships

By Connie Akridge, Esq.

1. While 40 percent of a person’s health is determined by genetics, medical care, and personal choices, 60 percent of health is determined by environmental (urban design, housing, clean air, and water) and social factors (income, education, job stability, access to healthcare, access to enough healthy food, personal safety, social support, and culture). See National Center for Medical Legal Partnership, http://medical-legalpartnership.org/need/.

2. A Medical Legal Partnership (MLP) is a partnership of civil legal service providers and healthcare providers that facilitates the delivery of pro bono legal services to vulnerable populations in a clinical setting with the overall goal of improving a patient’s health.

3. According to the National Center for Medical Legal Partnerships (NCMLPs), MLPs have been established in nearly 294 health care institutions in 41 states. Nevada, however, does not currently have any MLPs. See National Center for Medical Legal Partnership, http://medical-legalpartnership.org/partnerships.

4. One MLP example, Medical Legal Partnership Colorado (MLP-CO), which was founded by Holland & Hart LLP Partner Patricia (Pia) Dean, contributes to improvement of health equity and health justice in Colorado in four ways: First, MLP-CO provides education for healthcare providers, professionals, and students, teaching them to practice collaborative preventative law and medicine. MLP-CO works within an integrated care team to address the health-harming legal needs of patients who have little access to legal representation. Second, MLP-CO provides direct legal service to patients whose unmet legal needs detrimentally impact their health. Examples may include families living in unhealthy housing, women experiencing domestic violence, immigrants isolated from preventative care, or low income families whose medical benefits have been improperly terminated. Third, MLP-CO conducts quantitative and qualitative research to contribute to the knowledge of best practices for improving the health and well-being of low-income patients. Fourth, MLP-CO works with public health professionals, public interest and pro bono attorneys, public health advocates, and health care providers to develop public and institutional policies to systemically address the social determinants of poor health and reduce health disparities. MLP-CO is a not-for-profit organization currently working with Salud Family Health Centers, Denver Health, and public health, law, and medical students across Colorado to improve health outcomes for vulnerable populations. MLP-CO’s client successes include: positive resolution of legal issues; improved health outcomes; decrease in missed clinic appointments; decrease in missed work days; decrease in ER visits and hospitalizations; and high satisfaction levels. See MLP-CO Client Cases below.

5. You can join in the effort to create and support the operation of MLPs in Nevada by contacting Connie Akridge at clakridge@hollandhart.com, making a donation to the Nevada Bar Foundation at www.nevadabarfoundation.org, and/or by contacting lisad@nvbar.org.

MLP-CO Client Cases

MLP-CO Client Case No. 1

Kenneth is a 57-year-old client who was diagnosed with Parkinson’s disease in 2009. He worked as a machine technician for many years. His symptoms worsened over time, making it increasingly difficult for him to perform fine motor movements. Kenneth left his job when he was no longer able to perform the major duties required of him. He was...
receiving unemployment benefits, but needed long-term income support to survive once his unemployment benefits stopped. Kenneth was referred to MLP-CO by his care team at Salud. Working in conjunction with his physicians to document his daily functional limitations, MLP-CO immediately started a Social Security Disability Income (SSDI) application. In January 2016, only five months after Kenneth’s first meeting with MLP-CO, he was awarded a monthly SSDI benefit of $1,302.00.

MLP-CO Client Case No. 2

Mae is a 66-year-old woman who was referred to MLP-CO for a housing issue. She lived in a Section 8 apartment complex in Brighton. In November 2015, her apartment flooded after the unit above hers caught fire and triggered the sprinkler system. It took over two months for her landlord and a flood-damage mitigation company to completely clean Mae’s apartment. With nowhere else to live and no option for temporary housing, Mae lived in the apartment during the clean-up process and developed, for the first time in her life, persistent asthma and a chronic cough. To make matters worse, the apartment complex allows tenants to smoke cigarettes in their units. The second-hand smoke from her neighbors’ units exacerbated Mae’s medical conditions. After her diagnosis with asthma, Mae’s Salud physician referred her to MLP-CO. Using the Fair Housing Amendments Act, which provides that it is unlawful discrimination to deny a person with a disability a reasonable accommodation, MLP-CO attorneys demanded that Mae’s landlord relocate her to a different, non-smoking building. Ultimately, the landlord agreed and Mae will use her same Section 8 voucher to move into a brand new, non-smoking building on the same property when it is completed in December 2016.

MLP-CO Client Case No. 3

Maria is a 38-year-old from Mexico who entered the United States without inspection in 1994. Her father, a legal U.S. permanent resident, filed a petition for her to adjust her status shortly after her arrival. After waiting ten years for her priority date to become current, Maria was granted an interview with USCIS. The officer told her that everything was in order and USCIS should make a decision on her application soon, but she never heard anything further. She followed up with USCIS with the help of a “notario,” but was unsuccessful in re-opening her case and thus continued to live the vulnerable existence of a person without legal status. Recognizing the limitations and the inherent stress of being undocumented, Maria’s health care team referred her to MLP-CO. Her attorneys determined that Maria’s priority date had “retrogressed” around the time of her interview, meaning her priority date had become current for only a short period of time. At that time, Maria’s case should have been processed, but instead was left untouched for more than ten years.

With the help of the MLP-CO immigration consultant, her lawyers contacted USCIS and, after submitting additional evidence, the case was re-opened and Maria was granted status as a legal permanent resident in September 2015. She is now free to live openly and work without restriction.

MLP-CO Client Case No. 4

Virgilia is a 60-year-old native of Argentina who worked for over 15 years as a hotel housekeeping supervisor. The constant bending, lifting, and standing took its toll on her body and resulted in severe chronic pain. Her Salud physicians diagnosed Virgilia with rheumatoid arthritis and fibromyalgia. In addition, Virgilia worried incessantly about how she would make ends meet if she could not work. Understanding that Virgilia suffered from disabling physical conditions, as well as stress, anxiety, and depression, her behavioral health provider referred her to MLP-CO. Virgilia’s MLP-CO attorneys helped her apply for SSDI in January 2016, and on September 3, 2016, she was awarded a monthly SSDI benefit of $1,020 plus an additional $13,260 in back payments. As a result, Virgilia’s overall health has improved.
It has been an extraordinary year for the judiciary on many levels. Not in the sense of the economic turmoil and resulting challenges since I last served as chief justice, but quite the contrary. The Nevada judiciary has not only aptly managed crushing case loads, they have expanded and refined many programs implemented to address very real, personal, and social matters that affect our citizens embroiled in the legal process. For example, with the assistance and cooperation of the executive and legislative branches of government, specialty courts designed to help those struggling with mental health issues, substance abuse, and other addictive types of behavior were able to accommodate and help hundreds of additional participants break the cycle of engaging in criminal activity to support their addictions and circumstances.

Veterans courts have developed to assist those who served our country, to serve themselves. Youth offender programs have also become successful in encouraging positive behavior in our youth who find themselves wandering a path that heads nowhere good. I take this opportunity to thank the dedicated judges and staff who tirelessly give of themselves to manage the complexities of these programs.

There are a number of additional projects the Supreme Court of Nevada has undertaken this year, including judicial selection and a new building. The Judicial Selection Commission was recently called to order on two occasions to recommend individuals to fill a supreme court seat, vacant as a result of Justice Nancy Saitta’s retirement, and a seat in the Eighth Judicial District Court, vacant as a result of the untimely death of Judge Susan Scann. The selection process is now paperless and digital. This new process has saved the court thousands of dollars and countless hours of staff time preparing materials. Also, for the first time, the selection of a supreme court justice was webcast from the supreme court’s website, making the process even more public and transparent.

The court’s move from the Regional Justice Center to a new building in Las Vegas will realize a number of benefits. Our lease of this building will not only save approximately $500,000 over the coming years, but will provide additional square footage and will also house the Nevada Court of Appeals. Clark County will benefit by utilizing much needed space at the Regional Justice Center to accommodate the Clark County courts. The members of the supreme court especially want to thank Justice James Hardesty for the tremendous efforts he expended in making this building a reality. This structure is one the community can embrace and view with pride.

Once again, I would like to thank staff for their efforts on behalf of the appellate courts. Many of our successes could not be realized without their dedication and loyalty.

Chief Justice Ron D. Parraguirre is a fourth generation Nevadan and a second generation judge. He graduated from the University of San Diego School of Law and has served as a municipal and district court judge. Chief Justice Parraguirre will serve as chief justice until the end of 2016.
The Eighth Judicial District Court begins 2017 with great momentum, thanks to a strong strategic plan outlined by the court executive committee, the outstanding leadership of outgoing Chief Judge David Barker, and an extraordinary staff of professionals who make it all work. I look forward to continuing on the path of improving efficiencies through technological innovation and making transactions with the court more convenient and cost effective.

On November 22, Administrative Order 16-07 put into action a plan to add active voter registration names to the court’s Jury Master List, which also includes names from the Department of Motor Vehicles and NV Energy. This is the first step in a larger plan to address concerns raised by attorneys that the jury pool is not representative of the community. Judge Valerie Adair and Judge Timothy Williams have agreed to chair a committee comprised of members of the bar and community to effectively evaluate the current jury pool and determine if action should be taken to ensure that the jury pool continues to be representative of the community. Juries are the foundation of our justice system. We are committed to ensuring that there is no doubt that the jury pool meets the standard to serve justice in a fair and equitable manner.

I want to hear from the bar on issues of concern. I encourage you to contact my office directly or to make your thoughts known at the Bench Bar meetings . . .

I want to thank Judge Susan Johnson for taking on the role as the Presiding Civil Division Judge. She has done an outstanding job with the Civil Bench Bar meetings and brings a wealth of experience and innovative thinking to the role.

Court administration will continue to look at ways to make logical enhancements to business practices and to maximize space and proximity to enhance interface at the court. I want to hear from the bar on issues of concern. I encourage you to contact my office directly or to make your thoughts known at the Bench Bar meetings, which have proven to be an excellent forum for exchange of ideas.

Chief Judge Elizabeth Gonzalez was appointed to the district court bench in July 2004. She serves on the District Court Executive Committee, the Supreme Court Access to Justice Commission, and on both the Education Committee and Judicial Education Requirements Study Committee of the Judicial Council of Nevada. Judge Gonzalez previously served on the Nevada Judicial Council, the Jury Improvement Commission, the Ethics Commission, and as the Presiding Judge of the District Court Civil Division. Judge Gonzalez is a past-president of the American College of Business Court Judges and has served as a Business Court Representative to the ABA Business Law Section.
Grand jury

(1) NRS 172.145(2) declares that “[i]f the district attorney is aware of any evidence which will explain away the charge, the district attorney shall submit it to the grand jury”; (2) the district attorney is not “aware” of evidence “which will explain away the charge” merely by virtue of possessing evidence that later proves exculpatory; and (3) the district attorney or his or her deputy must appreciate the exculpatory value of the evidence to be “aware” of it for purposes of NRS 172.145(2). Statute gives rise to the right of an accused to have the prosecutor present exculpatory evidence to the grand jury. NRS 172.145(2) requires that the district attorney be “aware” of evidence “which will explain away the charge” before the duty to submit the evidence to the grand jury arises. To be “aware” of something is to “have[e] knowledge or cognizance” of it. The defendant in the instant case urged the Supreme Court of Nevada to presume that, if exculpatory evidence exists in the State’s file, the district attorney is “aware” of it for purposes of NRS 172.145(2), citing United States v. Agurs, 427 U.S. 97 (1976). But Agurs addresses a defendant’s constitutional right, under Brady v. Maryland, 373 U.S. 83 (1963), to have the government disclose exculpatory evidence that is material to guilt or innocence to the defense for the defendant’s use at trial. Unlike a trial jury, “the grand jury sits not to determine guilt or innocence, but to assess whether there is adequate basis for bringing a criminal charge.” Thus, Brady’s constitutional disclosure obligation, and by extension, the presumption stated in Agurs, is inapplicable to the grand-jury setting. The Supreme Court of Nevada explained that tying the obligation to present evidence to the district attorney’s awareness of both the evidence and its exculpatory value makes practical sense: when a prosecutor presents a case to the grand jury, the case is in its preliminary stages. Accordingly, the object is for the grand jury to determine whether there is probable cause to believe a violation of the criminal laws has occurred and that the accused committed that violation. Requiring the prosecutor to ferret out and present all evidence that could be used at trial to create reasonable doubt as to the defendant’s guilt would be inconsistent with the purpose of the grand-jury proceeding. Moreover, such a requirement would place significant burdens on the investigation. Thus, only requiring that the evidence be “known” to the prosecutor—that he or she be “aware” of it, in other words—comports with the investigative and accusatory function of the grand jury, avoids delay, and recognizes the practical difficulties in ascertaining the exculpatory value of evidence at such an early stage of the proceedings. Mayo v. Eighth Jud. Dist. Ct., 132 Nev. Adv. Op. No. 79, ___ P.3d ___ (November 23, 2016).

Judgments

Certain funds contained in financial accounts under 26 U.S.C. § 529 (2012) (529 accounts) constitute a “debt,” and they are subject to execution and garnishment in Nevada despite their physical location in New Mexico. The Supreme Court of Nevada adopted Section 68 of the Restatement (Second) of Conflict of Laws and concluded that funds contained in 529 accounts are a debt, not a chattel. Section 68 of the Restatement (Second) of Conflict of Laws provides that “[a] state has power to exercise judicial jurisdiction to apply to the satisfaction of a claim an obligation owed to the person against whom the claim is asserted if the obligor is subject to the judicial jurisdiction of the state, even though the state lacks jurisdiction over the person against whom the claim is asserted.” Comment b to Section 68 of the Restatement states that there are only two prerequisites to permit garnishment of a debt: (1) “maintenance of the action must be authorized by a statute,” and (2) “the state must have judicial jurisdiction over the debtor/garnishee.” Aside from these requirements, “[t]here is no further requirement, as in the case of chattels, relating to the situs of the thing. . . . [A] debt may be garnished wherever personal jurisdiction may be exercised over the garnishee.” Pac. W. Bank v. Eighth Jud. Dist. Ct., 132 Nev. Adv. Op. No. 78, ___ P.3d ___ (November 3, 2016).

Personal-injury exemptions

Under NRS 21.090(1)(u), a debtor is entitled to multiple personal-injury exemptions of $16,150 on a per-claim basis. In response to a certified question submitted by the United States Bankruptcy Court, the Supreme Court of Nevada considered whether NRS 21.090(1)(u) allows a debtor multiple personal injury exemptions of $16,150 or only a single, aggregate personal-injury exemption of $16,150. The Court concluded that “reason and public policy suggest NRS 21.090(1)(u) should be read to provide for multiple personal-injury exemptions on a per-claim basis.” The court explained that it liberally and beneficially construes state exemption statutes in favor of the debtor. The purpose of Nevada’s
exemption statutes is to secure to the debtor the necessary means of gaining a livelihood, while doing as little injury as possible to the creditor. While discussing the amendment that included the personal-injury exemption, the Legislature explained that the policy of the bankruptcy chapter is “to exempt the basics so someone can go on with their life.” The personal-injury exemption provides a debtor with the ability to exempt an amount of the funds received as compensation for personal injury that does not include pain and suffering or pecuniary loss. This provision indicates that the purpose of the exemption is to allow a debtor to retain funds that are necessary to his or her recovery from the injury sustained such that the debtor can regain a livelihood. Should a debtor sustain multiple injuries, limiting the personal-injury exemption to an aggregate $16,150 would defeat the purpose of securing to the debtor the necessary means of gaining a livelihood, as multiple injuries sustained as a result of different events would likely result in a higher cost of recovery to the debtor. Thus, reason and public policy dictate that NRS 21.090(1)(u) entitles a debtor to an exemption for each personal-injury claim, on a per-claim basis. Kaplan v. Dutra, 132 Nev. Adv. Op. No. 80, ___ P.3d ___ (December 1, 2016).

In my 22 years as a civil litigation attorney, I have developed a boutique practice in adoption law. Recently, I had the pleasure of assisting a young, single mother. Initially, we were retained to oppose a petition filed by the deadbeat father, who was seeking custody of their daughter. After two years of “token efforts” parenting, we decided that it was time to move from defense to offense, and we filed an action to terminate the birth father’s parental rights.

As the evidentiary hearing approached, we feared that the father’s once-a-year tax return garnishments and sporadic visits with his daughter were enough to defeat our “clear and convincing” burden of proving his parental fault. However, during his deposition, the birth father refused to answer questions regarding his drug use and we discovered that he had arranged a visit with his daughter without the birth mother’s knowledge. At the conclusion of the deposition, we offered him a liberal post-adoptive contact agreement, but he stood his ground and said he would “never willingly give up his parental rights.”

One week before the hearing, the birth father contacted me and said he was willing to relinquish his rights if the mother would (1) waive any further child support, and (2) agree to a post-adoptive contact agreement. She was thrilled! Her six year old daughter will soon be adopted by the only father she has ever known.

Because I was raised by a single mother, this was a particularly rewarding experience for me. I was able to use my passion and skills to help a young mother who, but for the pro bono program, may never have had access to an attorney willing to aggressively fight for her child’s best interests. In the coming months, I look forward to going back to court and finalizing the adoption.

**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).

**Todd L. Moody, Esq.** is a partner with Hutchison & Steffen, and practices primarily in the areas of commercial litigation, insurance defense, adoption and personal injury.
The Marketplace

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Advertising Opportunities

Discounts Available to Members

Members of the Clark County Bar Association (CCBA) may receive discounts* for the following types of ad placements:

- 15% off the ad placement rate or complimentary ad design, available with purchase of a display ad in the printed magazine, Communiqué.
- Free “Employment” ads available for CCBA Members and 50% off the rate of ad placement rate for the classified ad format, The Marketplace in Communiqué or on the CCBA website.

*Restrictions apply. All advertisers (display and classified) must adhere to size specification, standards and policies contained on this publication’s official rate card. The rate card is available upon request from the CCBA staff and is listed on the Clark County Bar Association’s website at https://www.clarkcountybar.org/marketplace/communique-advertising-rates-specs/. The publisher’s schedule of insertion order and copy deadlines must be observed in order to assure publication in the Communiqué.

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

The Law Guide

The Clark County Bar Association (CCBA) and the Las Vegas Business Press are teaming up again to provide the business community with an annual publication filled with legal connections. This glossy magazine will include include Clark County Bar Association member attorneys listed by areas of practice.

This complimentary listing is available only to CCBA’s attorney members and is not automatically included with membership. Each attorney member will need to submit a sign up form (or e-mail) requesting to be listed in each edition of The Law Guide.

To sign up for the 2017 edition of The Law Guide, please submit the following information to the CCBA via e-mail to Steph Abbott at stephabbott@clarkcountybar.org or complete and fax the official sign up form to CCBA at (702) 387-7867 before June 26, 2017:

- First Name
- Last Name
- Phone # (10 digits, including area code)
- Nevada Bar #
- Top Three Areas of Practice (Selected from the list provided on the official sign up form.

Find the sign up form on the CCBA’s website. See Member Benefits page at https://www.clarkcountybar.org/membership/membership-benefits/#lawguide. The sign up form will be published in at least one upcoming issue of the Communiqué. Members can also submit a request via e-mail to Steph Abbott at stephabbott@clarkcountybar.org.

The scheduled publication date for The Law Guide is July 31, 2017.
CCBA Needs You!

The Clark County Bar Association (CCBA)’s Committees are made up of members – people just like you. Join one or more committees and help CCBA in its efforts to enrich the lives and careers of our members and our community!

- **Community Service Committee** – We lawyers have big hearts, and this committee helps us organize our efforts to do good in the world.
  - **Chairs**: Jennifer Roberts & Paul Ray
  - **Meetings**: Monthly on 1st Friday at Noon
  - **Contact**: Steph Abbott at 702-387-6011, stephabbott@clarkcountybar.org

- **Continuing Legal Education Committee** – Thanks to the efforts of the members of this committee, CCBA puts on many affordable CLE programs for our members. Help our members share their expertise.
  - **Chair**: Rob Telles
  - **Meetings**: Monthly on 2nd Friday at Noon
  - **Contact**: Donna Wiessner at 702-387-6011, donnaw@clarkcountybar.org

- **New Lawyers Committee** (for members who have been admitted to the Nevada Bar in the last five years). Whether you are new to the practice of law in general, or just new to the practice of law in Nevada, this Committee is the one for you. It plans networking events, as well as opportunities for recent admittees to learn the ins and outs of practice in Nevada.
  - **Chair**: James T. Leavitt
  - **Meetings**: Monthly on 2nd Thursday at 12:30 p.m.
  - **Contact**: Donna Wiessner at 702-387-6011, donnaw@clarkcountybar.org

- **Publications Committee** - This committee produces **Communiqué**, the official publication of the Clark County Bar Association. Members determine issue themes, solicit articles, and edit the magazine.
  - **Chair**: Heather Anderson-Fintak
  - **Meetings**: Monthly on 1st Tuesday at Noon
  - **Contact**: Steph Abbott at 702-387-6011, stephabbott@clarkcountybar.org

- **Social Events Committee** – This brand new committee is wide open to ideas and opinions on how best to facilitate opportunities for members to meet and socialize. We hope to plan events to appeal to members at all stages of their careers.
  - **Chair**: Tami Cowden
  - **Meetings**: Monthly on 2nd Wednesday at Noon
  - **Contact**: Tami Cowden at cowdent@gtlaw.com

**Join a CCBA Committee Today!**

Yes – I want to help! Please send me information on the Committees checked below:

- Community Service Committee _____
- Continuing Legal Ed Committee _____
- Social Events Committee _____
- Publications Committee _____
- New Lawyers Committee _____

Name: ____________________________________________________________

E-mail: __________________________________________________________

Phone: _________________________________________________________

Please submit your completed form to the Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101. Fax: (702) 387-7867. Get more info at https://www.clarkcountybar.org/about-us/committees/
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