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The Writ

Official Publication of the Washoe County Bar Association

Wednesday, December 12, 2018, Harrah's Convention Center
12:00 p.m.

WCBA HONORS 40 YEAR MEMBERS

Dave Grundy, Emcee

Each December, Washoe County Bar Association honors members who will have been in practice for 40 years in 2019. This year's honorees, listed to the right, were admitted to the State Bar of Nevada in 1979 and have been active members of Washoe County Bar for at least 10 years.

This year, Dave Grundy, will be our emcee for the program. We are also pleased to welcome our newest members along with their mentors. Please join us on December 12th at 12 noon at Harrah's to congratulate our honorees.

In 1979 Jimmy Carter was President; the average cost of a new house was $58,100 (up from $54,800 in 1978); the median household income was $17,500; the cost of gas was 86 cents a gallon; and a Sony Walkman cost $200. Major news stories included Three Mile Island Nuclear Accident; China instituted the one child per family rule; quiz game Trivial Pursuit launched; Pink Floyd released "The Wall"; and for the first time in history, a woman Margaret Thatcher, was elected Prime Minister in the UK.

2019 Honorees

Robert Angres
Robert Armstrong
Raymond Badger
Bruce Beesley
J. Douglas Clark
Richard Cornell
Victor Drakulich
Robert Fahrendorf
Lewis Feldman
Richard Fleischer
Jim Giudici
Richard Glasson
Scott Glogovac
Neil Grad
Barbara Gruenewald
Timothy Hay
Dean Heidrich
Richard Hill
David Hornbeck
Kevin Karp
Jonathan King
Edward Lemons
Paul Malikowski
W. Douglass Maupin
Ann Morgan
G. Barton Mowry
Honorable Shelly O'Neill
Mike Pavlakis
Alan Smith
James Walsh
Geoffrey White
Joan Wright
Randolph Wright
Robin Wright

Random Thoughts

Patricia Halstead
President

HAPPY HOLIDAYS!

Congratulations! You have another year in the books. If your year was anything like mine, you are happy to see 2018 go and hopeful that 2019 will be kinder. I for one am going to celebrate the heck out of the end of this year and what better month to celebrate than December. For most cultures December is considered the most holy time of year and, as such, there are an incredible amount of festivities to revel in during the days to come.

Hanukkah this year commences at sundown on Sunday, December 2 and lasts until sundown on Monday, December 10. Hanukkah commemorates the victory of the Maccabees over the Syrian Greek army and the subsequent miracle of rededicating the Holy Temple in Jerusalem and restoring its menorah. Chag Sameach!

Advent, a Christian holiday, begins on December 3, 2018. It commences every year the fourth Sunday before Christmas. It is the time of year for Christians to prepare for the coming of Jesus and was traditionally a time of prayer and confession.

December 4 is apparently always Wear Brown Shoes Day so make sure to be festive and wear your brown shoes.

December 5 is Repeal Day, a day that commemorates the repeal of the 18th Amendment, which codified prohibition. I'll drink to that!

December 6 is St. Nicholas Day another Christian holiday based on the life of a Greek Saint and celebrates his life of giving. The Christmas practice of hanging up stockings originated with Saint Nicholas and, as you already guessed, derived into the tradition of Santa Clause in the 1800's.

December 7 is Pearl Harbor Day and commemorates the Japanese attack on the U.S. Naval base at Pearl Harbor that killed over 2,400 American servicemen and 68 civilians. As President Franklin D. Roosevelt announced, it is a day that will live in infamy.

Human Rights Day is December 10 and was created by the United Nations to promote awareness of human rights around the world. What better day to reflect on global health and ask yourself what you can do make a difference.

Congress officially declared every December 12 to be Poinsettia Day. Go ahead and treat yourself to a beautiful Poinsettia and brighten up your office. Play some violin music on December 13 for Violin Day and roast some chestnuts and eat some Bouillabaisse on December 14 for Roast Chestnuts Day and Bouillabaisse Day. Then, on the 15th, celebrate your rights because it is Bill of Rights Day.

There are lots of eating opportunities in December. There's National Lemon Cupcake Day (Dec. 15); National Chocolate Covered Anything Day (December 16); National Maple Syrup Day (December 17); Bake Cookies Day (Dec. 18); Oatmeal Muffin Day (Dec. 19); National Eggnog Day (December 24); National Fruitcake Day (Dec. 27); and Bacon Day (Dec. 30).

Feel like singing? Go Caroling Day is December 20. Christmas and Hanukkah not your thing? Then you can celebrate Festivus (for the rest of us) on December 23 and eat some meatloaf. Thanks Kramer!

Christmas Day is December 25, which also happens to be National Pumpkin Pie Day, and Kwanzaa, a week long celebration that honors the world's African community, cultural heritage, and traditional values, commences on Wednesday, December 26 and ends on Tuesday, January 1.

As you can see, there is no shortage of December celebrations. If you want to find more to celebrate or learn more about any of these days, I found the majority of the information for this article from holidayinsight.com.

Whatever holidays you choose to celebrate, on behalf of myself and the Washoe County Bar Association, I wish you and yours a very joyous and safe holiday season and a happy and prosperous new year.

The WRIT

THE WRIT IS THE OFFICIAL PUBLICATION OF THE WASHOE COUNTY BAR ASSOCIATION

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FAMILY LAW

By Alexander Morey, Silverman Kattelman Springgate, Chtd.

Happy Festivus! A Reminder About Alimony Deductibility, A Case Concerning Presumptions of Property Ownership & A Case Concerning the Duration of Stipulations

As 2018 draws to a close, remember that alimony awards made pursuant to a "divorce or separation instrument"—essentially a decree or settlement agreement—executed after December 31, 2018, are not deductible from the payor's income or includable in the payee's income for federal income tax purposes. Modifications of earlier alimony awards must opt into the new tax rules. Because the law sets the determining date based on the execution of the divorce or separation instrument, *nunc pro tunc* orders may be ineffective. Break out the pens and start signing!

In other news affecting family law, the Nevada Court of Appeals recently released an opinion on how to cancel or modify stipulations, and the Nevada Supreme Court released an opinion explaining the presumptions of ownership between joint tenants.

Dechambeau v. Balkenbush, 134 Nev. Adv. Op. 75 (Nev. Ct. App., Sept. 27, 2018), arose out of a legal malpractice action. By stipulation, the parties to the action had waived the requirement to produce and exchange expert reports. Later, the trial court issued its own scheduling order setting a date for the disclosure of expert witnesses. The scheduling order was silent on production and exchange of reports. At trial, the defending attorney offered an expert for whom he did not disclose a report, and the trial court denied the plaintiff's request to exclude the expert. After the jury returned a defense verdict, the plaintiff appealed. In affirming the trial court, the Nevada Court of Appeals noted a stipulation is a contract and, therefore, interpreted according to the intent of the parties; the intent of the parties should be first determined from the four-corners of the writing; and the trial court's scheduling order did not modify the prior stipulation.

Howard v. Hughes, 134 Nev. Adv. Op. 80 (Oct. 4, 2018), arose out of the breakup of a romantic relationship. Howard and Hughes held a piece of property as joint tenants, which Howard had purchased with the proceeds of a settlement award. Three days after the purchase, Howard and Hughes executed a deed transferring the property to them as joint tenants. Hughes paid the transfer taxes. Over the following years, Hughes worked to maintain and improve the property. When disputes and unhappy differences arose, Howard locked Hughes out of the home. Hughes filed a partition action. The trial court concluded Hughes established Howard's donative intent and overcame the presumption Howard owned the entire property. Howard appealed. The Nevada Supreme Court, Justice Gibbons writing for the panel, affirmed the trial court. The Court set out the order of presumptions of ownership between cotenants: (1) cotenants—tenants in common or joint tenants—are presumed equal owners, (2) a cotenant can rebut that presumption by showing unequal contributions to the purchase price of the property, (3) a competing cotenant may then rebut the unequal ownership based on contribution to the purchase price by showing a familial relationship or donative intent.

Alexander Morey served as the Honorable Judge Deborah Schumacher's law clerk from 2008 through 2010 before entering private practice with Silverman, Kattelman, Springgate Chtd. where he practices family law.

JUDICIAL ETHICS

Honorable David Hardy, Second Judicial District Court

Justice Edgar Eather (Nevada Supreme Court: 1946-1958).[1] Justice Eather was born in Eureka, Nevada, in 1886, and educated in local public schools. He worked in the mines and in a "mercantile establishment" until elected auditor/recorder of Eureka County in 1911. He studied law through correspondence courses in the evenings and was admitted to practice law in 1916. Justice Eather was married in 1917 to Rose Tognoni and was the father of four daughters.

Eureka was then a vibrant community and Justice Eather formed a law partnership with W.R. Reynolds, who was also serving as Eureka County District Attorney. In 1922, Reynolds was elected to the district court bench and Justice Eather was elected to replace him as district attorney.

Justice Eather developed a reputation as a tough-on-crime prosecutor. Alcohol prohibition was particularly controversial and enforced differently throughout the state. The *Reno Gazette Journal* reported in 1923 that enforcement of the 18th Amendment "now looms as a potential primary consideration in future political campaigns" and in Eureka County, the "authorities . . . have taken the bull by the horns, so to speak, and have served formal notice that 'defiance of the law in whatever form it may exist must stop.'"

Justice Eather had been offered the job of prohibition prosecutor (second assistant to the U.S. Attorney) but the details of his federal service are unknown. He caused the following notice to be published in the *Eureka Sentinel* newspaper:

> To whom it may concern: District Attorney Edgar Eather and Sheriff James Rattazzi have requested the Sentinel to state that in the light of recent occurrences in Eureka county they will make a complete clean-up of all undesirables; liquor law violations will not be tolerated and all men picked up in an intoxicated condition will be severely dealt with and a close investigation made of where they secured the liquor. Defiance of the law in whatever form it may exist must stop and to this end every effort will be directed.

Edgar Eather

Justice Eather was active in Republican Party politics for several years; he was also involved with the Brotherhood of Elks. In January, 1926, the *Reno Gazette Journal* reported Justice Eather had met with Senator Oddie to seek appointment as U.S. Attorney. Justice Eather was not appointed. In 1929, Governor Frederick Balzar appointed Justice Eather to the district court when Judge Reynolds retired due to "ill health." Reynolds' ill health must not have been debilitating because he immediately applied to the Eureka County Commission for appointment as district attorney, the position he held earlier and which was most recently occupied by his former law partner Justice Eather. The media described this shift of jobs under the headline "Eureka Officials Trade Jobs and Judge is now Prosecutor," and noted "[n]ow the succession in office has been reversed."

Justice Eather served on the trial court for seventeen years, though the last few years he lived in Reno and commuted to Eureka to conduct judicial business. He owned "considerable property" in Reno, including a hotel. In 1942, while still a trial judge, Justice Eather created some public controversy when he ruled that George Whittell (the Lake Tahoe sybaritic heir of a fortune that would be valued at more than $700 million today) was not obligated to pay a $70,000 gambling debt to a Reno casino because collection of gambling debt was incompatible with public policy.

In 1945, Justice Eather declined a draft movement to name him a candidate for the Nevada Supreme Court against incumbent Justice Lee Horsey. Justice Eather announced on April 4, 1946, that he would not be a candidate for re-election to the district court later that year. Although there were whispers he would seek a position on the Nevada Supreme Court, he did not indicate his future plans when he announced his resignation.

In September 1946, Governor Vail Pittman appointed Justice Eather to the Nevada Supreme Court to replace Justice Edward Ducker, who had died while in office. Governor Pittman received recommendations for potential replacement jurists "from every section of Nevada," including endorsements from "the state's various bar associations." (Interestingly, Reynolds was later appointed to fill the district court vacancy created by Justice Eather's appointment to the Supreme Court—the very office he resigned in 1929 to allow Eather to begin his judicial career.) Justice Eather immediately announced his candidacy to complete the unexpired term to which he was appointed. Given the late date of his appointment, he was required to submit a petition bearing 5% of the votes cast in the previous general election. He was elected in November, 1946, to the term ending in 1948.

At age 61, Justice Eather sought re-election in 1948. He had been ill for several months when he announced his candidacy for re-election. The Reno Gazette Journal reported in June that he was convalescing in Reno but

would return to his duties in July. He was elected in 1948 and again in 1954. Justice Eather retired in 1958, having served as a Nevada judge for 25 years. The University of Nevada awarded an honorary doctor of laws degree to Justice Eather in 1959.

Justice Eather authored 127 opinions while serving on the Nevada Supreme Court. A frequently cited opinion authored by Justice Eather is Wells v. Shoemake, 64 Nev. 57, 177, P.2d 451 (1947), in which the court recognized the power to control is necessary for respondeat superior, such that "the responsibility is placed where the power exists" and a company would not be liable for the negligence of an independent contractor. Wells was also precedential because the court held that wrongful death claims exist only by statute and not under the common law. In another interesting decision, Justice Eather demonstrated his expansive view of the First Amendment. See Culinary Workers Union v. District Court, 66 Nev. 166, 207 P.2d 990 (1949). There, Justice Eather wrote that free speech rights (in the form of picketing) were intended to "be given the greatest possible scope and have the least possible restrictions . . . ."

Justice Eather died in Reno on September 1, 1968, at 81 years of age. He is buried in the Mountain View Cemetery. As these biographical sketches approach modern times the names become more familiar to we who live. To illustrate, Justice Eather's honorary pallbearers were Gordon Thompson, Cameron Batjer, Jon Collins, John Mowbray, David Zenoff, R.C. Davenport, William K. Woodburn, Russell McDonald, Joe DeRosa, Frank Bacigalupi Sr., H.B. Chessher, District Judges Grant Bowen, John Barrett, John Gabrielli, Emile Gazelin, U.S. Representative Walter S. Baring, and U.S. Senators Howard Cannon and Alan Bible. Justice Eather's actual pallbearers were Robert McDonald, George Vargas, Ned Turner, Clel Georgetta, John Squire Drendell, Virgil Wedge, and William Beemer.

The Nevada Supreme Court published a memorial on March 24, 1970. The court noted Justice Eather became interested in mining when he was young and was a mining enthusiast throughout his life. The court also observed that Justice Eather "was a devoted family man and respected by all who knew him. He had a wide circle of friends who enjoyed his keen sense of humor and amusing stories about old timers that had resided in Eureka County and the surrounding area."

Justice Merrill was called upon to convey the court's "warm association" and "respect for [Justice Eather's] integrity and legal abilities." He said:

> The contributions that our brother has made to the cause of justice through his many years on the bench are not to be found simply in the cold pages of the Nevada Reports or the decisions of the District Court, but they are to be found in the hearts and consciences of his fellow men. I have never known a man who had such an instinctive sense of justice and a conscience which could manifest itself so unerringly. A measure of his quality of justice, I think, is to be found in everyone who has come in contact with him either as lawyer or as judge.

References for this essay include: *In Memorium, Honorable Edgar Eather*, 85 Nev. 727 (1970); *Eureka-Lander Judge Retiring*, Reno Gazette-Journal, Apr. 4, 1946, at 20; *Eureka Officials Trade Jobs and Judge is Now Prosecutor*, Reno Gazette-Journal, Nov. 5, 1929, at 12; *Law Enforcement Occupies Center of Political Stage*, Reno Gazette-Journal, Oct. 27, 1923, at 5; *Eureka County Lawyer Files His Application for U.S. Appointment*, Reno Gazette-Journal, Jan. 30, 1926, at 7; *Gambling Debt Lawsuit Lost by Reno Man*, Reno Gazette-Journal, Jan. 10, 1942, at 14; *The Curious, Extravagant Life of George Whittell Jr.*, Auto Week, Nov. 10, 2017, https://autoweek.com/article/car-life/thats-duesy; *Edgar Eather New Supreme Court Justice*, Nev. State Journal, Sept. 6, 1946, at 12; *Judge Eather Fills Vacancy on High Court*, Reno Gazette-Journal, Sept. 6, 1946, at 20; *Justices Eather, Badt File for Reelection to Positions*, Nev. State Journal, June 17, 2948, at 16; *Report Eather to Leave Court*, Reno Gazette-Journal, Nov. 29, 1958, at 9; *Justice Eather Announces Plan to Leave Court*, Reno Gazette-Journal, Dec. 1, 1958, at 11; *Justice Edgar Eather Dead in Reno, Aged 81*, Reno Gazette-Journal, Sept. 2, 1968, at 2; *Area Deaths – Edgar Eather*, Reno Gazette-Journal, Sept. 3, 1968, at 22.

This is number 115 in a series of essays on judicial ethics authored by Judge David Hardy, Second Judicial District Court, Dept. 15.

DUES RENEWAL REMINDER

Please renew before January 1, 2019

Renewals were emailed last week. If you need a copy of your statement, please call us at 786-4494 or email gina@wcbar.org

SPECIALTY COURTS

By: Honorable Dorothy Nash Holmes

What is a Community Court and does Reno need one?

Judge Tammy M. Riggs of Reno Municipal Court thinks the answer is "yes" and she has received a $200,000 grant to find out. The Center for Court Innovation (CCI), in cooperation with the Bureau of Justice Assistance (BJA),[1] chose five applicants nationally to receive the 2-year grant to study the need, create a plan, and implement a data-driven solution that creates a new and hopefully better way for the criminal justice system to operate.

Judge Riggs describes a Community Court as "an outreach court to handle local problems." The one she wants to focus on is repetitive misdemeanor nuisance violations in the downtown core, where a new Business Improvement District has been formed by the City Council. Judges and attorneys who work in the limited jurisdiction courts know "the usual suspects" by name because they rotate through our courts facing charges such as Trespassing in casinos, Urinating in Public, Drinking Alcohol or Possessing an Open Container, Sitting or Lying on the Sidewalks or Streets in restricted areas, Camping in the downtown parks or along the Truckee River. Some of them are mentally ill, but not severe enough to qualify for commitment. Others are long-time Renoites who lost it all and succumbed to the bottle for self-medication. More recently, Reno is seeing transplants who come with serious criminal history, even recent release from prisons like San Quentin.[2]

According to BJA/CCI literature, there are 37 Community Courts in the United States. They were formed for various reasons and have designed models unique to the community served. Some cities sought to correct a history of police brutality, mistrust of the court system, gang crime in impoverished neighborhoods. Others set up a system for re-entry into the community of incarcerated felons who need drug treatment, education, job training and basic social services to re-establish their lives. Communities in Oregon and Washington dealt with large homeless populations of inebriates and chronic offenders converging in certain neighborhoods and bringing down the quality of life for neighbors. Reno's would be like those.

The six common principles grantees must follow are: 1) **enhanced information** using better staff training within the criminal justice system; 2) **community engagement** bringing groups of interested stakeholders together to identify problems and fashion solutions; 3) collaboration among "justice players" (judges, prosecutors, defense lawyers, probation, court managers) and "stakeholders beyond the courthouse" such as residents, victims groups, schools, social services providers; 4) **individualized justice** using evidence-based risk and needs assessments that identify offenders' problems and tailor appropriate services to them; 5) **accountability** achieved through immediate community restitution sentences (not fines or jail), some compliance monitoring (only for drug abuse cases), and clear consequences for non-compliance; 6) **outcomes** identified and measured by active, on-going data collection and analysis of results, processes, costs and benefits.

Sounds like what specialty courts for drug addiction and other problem-solving are already doing? Yes, especially with this grant encouraging Medication-Assisted Treatment as a mandatory protocol for offenders with drug dependence. Yet, as we've seen the State of Nevada grow from 45 to 75 specialty court programs in recent years, there are abundant offenders needing services and "one size does not fit all."

First, however, Riggs and her group must do fact-finding to grasp the scope of the problem in downtown Reno. Reno Police Department will "map the crimes" committed. People will survey downtown residents and businesses asking, "what is the problem and can it be addressed differently?" Stakeholders, besides the court, police, prosecutors and defenders, include: Reno Community Development-Housing, Washoe County Sheriff and Human Services Agency,[3] Northern Nevada HOPES Community Health Center, Ridge House,[4] Life Changes,[5] Volunteers of America,[6] Crossroads/Catholic Charities, Nevada Department of Health and Human Services, Division of Welfare and Supportive Services, and the Washoe County Library.

Library? Yes, Judge Riggs says Library Director Jeff Scott is her biggest supporter. Eighteen of the 37 Community Courts have located in neighborhood libraries, for a different atmosphere, even if the main courthouse is nearby, as Reno's is. Some Reno residents might not be happy about that idea as there has long been an undercurrent of disgruntled patrons when the homeless, sometimes drunk and sleepy, park themselves in the library and overstay their welcome. But Riggs would address that by having on-site assessments done; eligibility workers to help with IDs, Medicaid, earned benefits; service providers within reach or referral; and even box lunches provided by the Jail for those who Opt-In to her program. After the offender sees the judge, Riggs envisions them loading onto a bus to perform immediate community service as restitution to the community for their nuisance crimes, then accessing needed services. With much research and planning to be done,

the implementation phase could be several months away.

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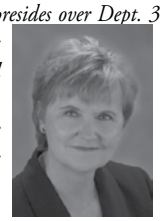
[1]A section of the United States Department of Justice.
[2]This grant will NOT provide services to Violent Offenders.
[3]Used to be called Social Services.
[4]Substance abuse and mental health service agency.
[5]Sober living houses for men and women.
[6]The contractor that runs our Community Assistance Center's homeless shelters for men, women and families.

Judge Dorothy Nash Holmes *presides over Dept. 3 in Reno Municipal Court. She is adjunct faculty at TMCC and UNR, and teaches a course on Specialty Courts for the online Justice Management Master's Degree Program at UNR.*



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ERIC A. STOVALL RECENTLY INSTALLED AS THE PRESIDENT OF THE ACADEMY OF ADOPTION AND ASSISTED REPRODUCTION ATTORNEYS (AAAA)

The AAAA is a credentialed and professional academy of approximately 500 invited members throughout the United States and the World. AAAA Fellows are trained and skilled in the complexities of adoption and assisted reproduction law and the variety of interstate and international regulations surrounding adoption and surrogacy and have otherwise distinguished themselves in the fields of adoption and assisted reproduction law.

Mr. Stovall has been practicing law throughout Nevada for 31 years and is a member of Washoe County Bar Association. He was recognized by the United States Congress and named an Angel of Adoption in 2006. Mr. Stovall has assisted thousands of people create or enlarge their families through adoption and surrogacy. In addition to adoption and surrogacy law, Mr. Stovall's legal practice also focuses on personal injury.

APPELLATE BRIEFS

By Debbie Leonard, McDonald Carano

SUPREME COURT CONSIDERS RULE CHANGE TO ELIMINATE BRIEFING IN APPEALS FROM DISMISSALS AND SUMMARY JUDGMENT ORDERS

On October 10, 2018, the Nevada Supreme Court issued an order seeking public comment on proposed changes to the Nevada Rules of Appellate Procedure that could have profound effects on appellate practice in the state. Justices Hardesty and Stiglich filed a petition to adopt a new NRAP 3F that would allow for summary proceedings in certain civil appeals. Specifically, appeals from final judgments that grant NRCP 12(b)(2), 12(b)(5) and 56 motions would be submitted without briefs or oral argument "unless the court otherwise orders."

Once the appeal is docketed in the Supreme Court and an appendix filed, the appellate court would look only to the briefs before the district court when considering the appeal. The losing party below would have no opportunity on appeal to brief the perceived errors in the district court's order.

Many written comments on the proposed new rule were submitted by individual practitioners, the Appellate Litigation Section, a Boyd School of Law professor and the Nevada Justice Association. The Court held a public hearing on the petition on November 5, 2018, at which additional comments were presented.

Justice Hardesty opened the public hearing by explaining the goal of the proposed rule change: to speed up the time for disposition of appeals, a matter that is of continuing concern to the bench, the bar and litigants. It is no secret that the appellate courts have a tremendous caseload, which continues to grow. On the whole, even with many cases being routed to the Court of Appeals, the time for disposition of civil appeals has not improved markedly.

The comments in favor of the proposed rule change ubiquitously cited the need to expedite appeals. Business litigants, the proponents argued, seek faster results at lower cost. In addition to the legal fees incurred to prepare appellate briefs, there is a business cost to delay.

Additionally, those in favor of the rule change noted that the NRAP already provides for summary consideration in appeals from venue changes, criminal fast track and child custody cases and bar disciplinary matters. As a result, they argued, what the rule change proposes is not unprecedented. One proponent noted that the docketing statement will still provide the appellant an opportunity to carefully craft the statement of the issues to identify the district court's errors.

The comments in opposition to the rule change far exceeded those in favor. The primary concern raised by the opponents was due process. As the opponents noted, the movants below (generally defendants) get more opportunity to brief dispositive motions (by filing a motion and reply versus the opposition filed by the plaintiff). They characterized this as putting an appellant at a three-to-one disadvantage when appealing a case-ending order. Not only is this inequitable, the opponents argued, but it would undermine the public's confidence in the judicial process if litigants don't have an opportunity to be heard anew on appeal.

The opponents also pointed out that the rule change decreases the opportunities for appellate advocacy on what tend to be important legal issues. The justices often emphasize the importance of retaining an appellate practitioner to handle, or at least consult on, an appeal. The proposed rule change, they noted, raises the importance of advocacy and briefing in the district court while diminishing the importance of appellate advocacy before the courts that are actually making law for Nevada. Nuanced issues of first impression often cannot be developed

well enough in the trial court. And with summary disposition on appeal, there is no opportunity for appellate lawyers to discuss the errors made by the district court. The net effect, the opponents posited, would be to shift the balance of power to the district court.

All commenters agreed that everyone wants greater expediency in appeals, but some of the opponents pointed out that the proposed amendments could have unanticipated consequences that actually stymie the judicial process. They cited the likelihood that more motions for reconsideration would be filed in the district courts, as litigants try to make a record of what they perceive to be the district court's errors. Similarly, the losing party to an appeal will be more likely to file petitions for rehearing and en banc reconsideration because that would be their only opportunity for appellate briefing. In sum, the opponents argued, the rule change may slow down the very process it seeks to speed up.

Although the comments generally did not propose any specific alternatives, the suggestion was made to convene a committee to brainstorm ways to help achieve the stated goal while ensuring that any rule changes are carefully tailored to avoid unintended consequences.

The Court took the matter under submission. At the time of this writing, no decision has been rendered. Those who are interested in following the proposed amendments can do so on the Court's website under ADKT 501.

Debbie Leonard is a partner at McDonald Carano LLP, where her practice focuses on appeals before Nevada's appellate courts, the Ninth Circuit Court of Appeals and administrative agencies. She served as the 2013-2014 Chair of the State Bar's Appellate Litigation Section and is Lead Editor of the Nevada Appellate Practice Manual, 2016 and 2018 editions. She is also a mediator and Nevada Supreme

LAW LIBRARY/ PRO BONO CORNER

Lawyer in the Library Volunteers

Thank you to all our November Lawyer in the Library volunteers. Volunteers in bold have volunteered more than once this year.

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Book Review

This month I chose a book not specifically about the law. Rather, it is a collection of pieces of advice about business strategies. Each has a clever and unexpected twist. The book is *Rework* by Fried and Hansson. In it, the authors debunk common business theories and offer alternative ideas.

The authors have not gone to school to learn these lessons. Rather, every idea is born of their experiences. The authors used these ideas as they built their successful and innovative software company, 37 Signals.

The authors' unorthodox approach is presented among *Rework's* 279 pages. It is divided into twelve chapters, with each chapter containing several sections.

In a section entitled, "Embrace constraints," the authors argue that less is more because constraints challenge you to be more creative. In "Don't be a hero," the authors observe that sometimes quitting a task that is taking too long is preferable to struggling with it. "Pick a fight" maintains that calling out the competition is a good way to differentiate yourself. "Welcome obscurity" notes that obscurity lets you make mistakes without others knowing. "Pass on great people" informs that you should only hire when you need to do so. Pass on a great candidate if you don't have a need.

Fried and Hansson write that success is more dependent on breaking the mold, then trying to build a better one. *Rework* looks at the world of business, but its' lessons can be applied elsewhere. The book is a quick, easy read. It is both entertaining and insightful. *Rework* is a book that you will not want to put down. I would recommend it to anyone who enjoys clever writing and appreciates an unconventional approach to life.

By Brian Keefe, Law Librarian II

Washoe Legal Services Pro Bono

Washoe Legal Services would like to give a special thanks to the following Northern Nevada attorneys who have participated in our pro program in 2018:

CAP Cases: August Hotchkin, Bonnie Mahan, Chandeni Sendall, Chelsea Latino, Cody Marriot, Damon Booth, Erica Nannini, Jaclyn Calicchio, John Keuscher, Karen Baytosh, Kim Surratt, Melissa Exline, Muriel Skelly, Sarah Carrasco, Sarah Ferguson

Federal Cases: Adam Hosmer-Henner

General Cases: Casey Stiteler, Gary Manson

If you or anyone you know is interested in taking on a pro bono case, please contact Marissa Otteson by phone at (775) 321-2059 or email at motteson@washoelegalservices.org

ASK BAR COUNSEL

By Kait Flocchini, Assistant Bar Counsel

Dear Assistant Bar Counsel Bobby,

I've attended my good friend's Ugly Sweater Holiday Party every year since we graduated college. This year my family law practice has been booming and I know that I will see at least one client, and probably two or three people that consulted with me but did not hire me. Do I acknowledge that I know these people when I see them at the party?

-Awkward in Argyle

Dear Mr. Argyle,

Holiday parties can certainly be tricky for all professionals who must maintain confidentiality. For attorneys, the obligation to keep client information confidential is governed by Rule 1.6 of the Rules of Professional Conduct ("RPC"). We also must be mindful of our obligations to people who are considering retaining you but have not yet, pursuant to RPC 1.18.

RPC 1.6(a) says "A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraphs (b) and (d)." You are implicitly authorized to disclose Information in public documents. This includes the caption, which names you as counsel for your client. You may acknowledge the attorney-client relationship. If you made an official appearance, then you do not have to pretend you never met. (This includes divorce cases that are sealed under NRS 125.110.) But that is the limit of an implicit authorization. See Ethics Opinion 41. Avoid conversations about the client and/or her case. Don't try to mask your client and relationship with a vague story. Even if a vague story has nothing to do with the client that you just said "hi" to, other party-goers might think it does. Leave "shop talk" at the "shop."

If you met with a potential client who did not retain you, then you still have an obligation to "not use or reveal information" from the consultation. This may include information obtained from a simple call. Without an official appearance, there is no arguable implicit authorization from this person. You should treat this person as a stranger at the party unless he proceeds otherwise. Even if he acknowledges you as someone that he's met before, do not overstep the disclosure he made. Sip your drink, admire his ugly sweater, and let him take the lead on how much he wants to acknowledge. If he wants to "talk shop," then suggest he call you at the office.

May I humbly suggest that, as a proactive measure, you take 30 minutes before the party to peruse the internet and find two or three innocuous topics to bring up, such as nesting penguins at the New York Zoo, which wine received a score of 100 from Wine Spectator, or which Marvel superhero will have a new movie in 2019. Deflection can go a long way in keeping confidences and helping you enjoy the annual Ugly Sweater gathering.

Kait Flocchini has been with the State Bar of Nevada, Office of Bar Counsel, since 2014.

ACROSS THE LINE

By Brian Hanley, Porter Simon P.C.

Prevailing Homeowners' Associations May Not Necessarily Recover Their Attorneys' Fees and Costs

Introduction

As we have previously discussed, California homeowners' associations (HOAs),[1] must follow the Davis-Stirling Common Interest Development Act (the "Act").[2] The Act generally provides that "[i]n an action to enforce the governing documents, the prevailing party shall be awarded attorney's fees and costs."[3] Therefore, HOAs often recover their attorneys' fees and costs when the HOA prevails in the litigation. This is a significant consideration as these awards often exceed whatever amount, if any, in dispute and attorneys' fees can easily surpass $100,000 in a heavily-litigated case.

The recent case of *Retzloff v. Moulton Parkway Residents' Assn.*, No. One (2017) 14 Cal.App.5th 742, 746, clarified that despite the prevailing party fee-shifting provision of the Act there are certain other provisions under the Act – involving non-reciprocal statutory attorneys' fee- and cost-shifting statutes -- where a prevailing association may not necessarily recover its attorneys' fees or even its costs unless the member's action was frivolous. Associations should be mindful of such non-reciprocal provisions prior to and during potential litigation over those areas of the Act as it may affect the Association's legal strategy.

Case Background

Plaintiffs Retzloff, Franklin and Stewart (collectively, "Retzloff"), who were all former Board members of defendant Moulton Parkway Residents' Association, No. One (the "Association"), accused the Association of violating the following areas of the Act: (i) the Common Interest Development Open Meeting Act (Civil Code section 4900 et seq.); and (ii) provisions allowing members to inspect Association records (Civil Code section 5200 et seq.).[4] Retzloff first demanded alternate dispute resolution ("ADR") as a necessary prerequisite to filing a lawsuit under the Act, which requires that plaintiffs attach a certificate of ADR compliance to the complaint.[5] The Association accepted Retzloff's ADR demand but the ADR never actually took place.[6]

Despite not participating in ADR, Retzloff then filed a lawsuit, but failed to attach an ADR certificate. The Association demurred to the lawsuit on that basis, and Retzloff dismissed without prejudice and filed a new action a couple months later.[7] The new action was "practically identical" to the first action, but Retzloff attached an ADR certificate to the new action.[8]

The Association again demurred on the grounds the ADR certificate was insufficient, as ADR did not actually occur.[9] Retzloff argued that the requirement to participate in ADR had been satisfied because the Association failed to share records with them, which precluded a fair opportunity to participate in ADR.[10]

The trial court agreed with the Association, sustained the demurrer without leave to amend, and found the Association to be the prevailing party for purposes of attorneys' fees and cost recovery.[11] The trial court awarded the Association $13,750 in attorneys' fees and $1,688.60 in costs. Retzloff then paid the judgment and appealed the award of attorneys' fees and costs, which became the sole substantive issue on appeal.[12]

Legal Analysis

Right to Recover Attorneys' Fees Must Arise from Agreement or Statute

As a foundation to its review, the court reiterated the well-known "American Rule," which "provides that each party to a lawsuit must ordinarily pay his or her own attorney fees."[13] The general exceptions to the American Rule are either fee-shifting by statute or an agreement between the parties. Here, there was no agreement between the parties authorizing attorneys' fee-shifting on this subject matter. There are several attorneys' fees and cost shifting provisions under the Act. Therefore, the court focused on the Act and found that there were only two bases for a potential award of attorneys' fees and costs under the claims brought by Retzloff: (i) Civil Code section 4955 for the claimed violations of the Open Meeting Act; or (ii) Civil Code section 5235 for the claimed violations concerning the failure to provide Association records.

Associations May Not Recover Attorneys' Fees under the Open Meeting Act

As it pertains to Civil Code section 4955, the court looked to relatively recent precedent. In *That v. Alders Maintenance Assn.* (2012) 206 Cal.App.4th 1419, 1425, the court analyzed the plain text of section 4955(b) to find that a prevailing association is only entitled to recover "costs" if the court finds "the action to be frivolous, unreasonable, or without foundation."[14] The *That* court stated that "[i]f the Legislature had intended the last sentence of subdivision (b) to include attorney fees, as well as costs, it could and would have said so." Therefore, the court relied on *That* to quickly determine the Association was not entitled to a recovery of attorneys' fees based on section 4955(b).[15]

Under the Act, "Costs" Does Not Include Attorneys' Fees

The court then turned its attention to Civil Code section 5235. Section 5235(c) is similar in some respects to section 4955, but is phrased differently:

"A prevailing association may recovery any costs if the court finds the action to be frivolous, unreasonable or without foundation."

Per the basic tools of statutory construction, the court looked to the "plain language" of the statute to determine that the "plain reading of 'any costs' as used in section 5235(c) does not support the inclusion of attorney fees as costs." In so holding, the court rejected the Association's clever argument that section 5235(a), which authorized a prevailing member to recover the member's "reasonable costs and expenses, including reasonable attorney's fees", had defined "costs" thereafter under all of section 5235 to include attorneys' fees. In section 5235(a), the Legislature explicitly authorized the recovery of attorneys' fees whereas in section 5235(c) the Legislature limited the recovery to "any costs." As summarized by the court, "[w]e must interpret x to mean x, not x plus y . . . [c]osts by its plain meaning does not mean costs plus attorney fees."

The court went on to review the other fee-shifting provisions of the Act generally in support of its determination that the word "costs" as used in the Act does not include "attorneys' fees." Under the court's analysis, the Legislature used "costs" in certain provisions and included attorneys' fees in other provisions for a reason. Consistent with other precedent interpreting the Act pertaining to liening and foreclosures discussed in prior articles, the court again found that the Act means what it says. Therefore, "the Legislature could have awarded attorney fees to a prevailing association in section 5235(c), but chose not to." Accordingly, the court reversed the attorney fee award to the Association of $13,750.

Failure to Comply with the ADR Requirements of the Act May Be "Frivolous"

Finally, the court found in favor of the Association as to the award of costs, upholding the trial court's determination that Retzloff's claims were frivolous. The court found the term "frivolous" under section 5235(c) to mean that "any reasonable attorney would agree it is completely without merit in the sense that it lacks legal grounds, lacks an evidentiary showing, or involves unreasonable delay." Here, the Act clearly required Retzloff to participate in ADR prior to filing the complaint. Yet, Retzloff filed two nearly identical complaints without following the Act's ADR requirement. As the court stated, "[a]ny reasonable attorney would agree that refiling the same action without adequately remedying the first action's deficiencies is completely without merit and lacks legal grounds." Therefore, the court upheld the award of costs against Retzloff and provided a useful reminder to attorneys litigating homeowners' association matters to follow the ADR requirement in the Act or more carefully document why ADR could not have occurred. The Act means what it says when it requires pre-litigation ADR.

Conclusion

This case is yet another reminder that courts will first analyze the Act under its plain meaning. If the plain meaning is clear, the courts will interpret "x to mean x." Read the Act carefully and advise your clients accordingly.

This article is for informational purposes only and not for the purpose of providing legal advice. This article contains the personal views and opinions of the author only as to California law, and does not necessarily reflect those of the Washoe County Bar Association or the Porter Simon law firm. The author makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of the contents of this article and expressly disclaims liability for any errors and omissions in this publication.

Brian C. Hanley is an attorney practicing in California and Nevada, and is a principal in the Porter Simon law firm located in Truckee, with offices in Reno and Tahoe City. He practices primarily in the areas of real estate, business, and homeowners' associations. Brian may be reached at hanley@portersimon.com or at the firm's web site www.portersimon.com.

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[1]The term "homeowners' association" is not found in the Act. Homeowners' associations are known as "associations" of "common interest developments." Not quite as catchy. Nevertheless, this article will use homeowners' association as it is a more commonly-used term.

[2]Effective as of January 1, 2014, the Act has been relocated from California Civil Code sections 1350 et seq. to Civil Code sections 4000 et seq.

[3]Civil Code § 5975(c).

[4]*Retzloff v. Moulton Parkway Residents' Assn.*, No. One (2017) 14 Cal.App.5th 742, 747.

[5]*Id.* at 746.

[6]*Id.*

[7]*Id.* at 747.

[8]*Id.*

[9]*Id.*

[10]*Id.*

[11]*Id.*

[12]On appeal, two procedural issues were also litigated: (1) whether Retzloff had waived the claim that Civil Code section 5235(c) did not authorize an award of attorneys' fees; and (2) whether Retzloff waived their rights to appeal by paying the jud[5]gment. The court found that Retzloff had not waived either claim because (1) Retzloff was entitled to raise issues of law only (e.g., statutory interpretation) on appeal even if not raised at the trial court level; and (2) Retzloff did not lose the right to appeal because they complied with the judgment as a satisfaction of judgment is viewed as "compulsory" and Retzloff did not otherwise agree to waive the right to appeal by settlement, compromise or agreement with the Association.

[13]*Id.* at 749.

[14]*Id.* at 748-749.

[15]*Id.* at 749.

[16]*Id.* at 750.

[17]*Id.*

[18]*Id.*

[19]*Id.* at 753.

[20]*Id.* at 754.

C O U R T S

The Honorable Peter J. Sferrazza of Reno Justice Court, Department 2, was elected President Elect for the American Judges Association on September 15, 2018. The key elements of the American Judges Association's mission are to promote and improve the effective administration of justice and to provide a forum for the continuing education of its members and for the exchange of new ideas among all judges.

The American Judges Association was originally founded in 1959 and has a membership exceeding 3,000 members. It includes both present and former judges of courts of all jurisdictions in the United States, Canada, Mexico, Puerto Rico, Guam, American Samoa and The Virgin Islands. Its Board of Governors is composed of representatives from fourteen districts. (During the annual meeting, the Honorable Scott Pearson was elected to the Board of Governors in the Fifth District.)

With almost fifty years of service and commitment to the judiciary, AJA continues to exemplify excellence in judicial education by providing an annual and a mid-year conference that brings together leading jurists, legal scholars and law enforcement officers. These conferences provide an occasion for all present to discuss matters of importance affecting the judiciary, as well as a host of educational opportunities. For more information on AJA visit www.amjudges.org.

Applicants Sought for Nevada Court of Appeals Judicial Opening

The Nevada Commission on Judicial Selection has begun accepting applications for the soon to be open judicial position on the Nevada Court of Appeals. The opening is the result of Chief Judge Abbi Silver's election (Nov. 6) to the Nevada Supreme Court. She will official take office on January 7, 2019.

Applicants must submit a hard copy of their completed application by 5 p.m. on December 7, 2018, to the Administrative Office of the Courts in Carson City or Las Vegas. Application materials can be found at http://nvcourts.link/NVJudicialSelection. Submissions filed late or are incomplete will not be considered.

Public Notice Regarding Reappointment of Magistrate Judge William G. Cobb and Magistrate Judge Cam Farenbach.

The current term of United States Magistrate Judge William G.Cobb will expire on September 2, 2019.

The current term of United States Magistrate Cam Farenbach will expire on October 7, 2019.

The United States District Court is required by law to establish a panel of citizens to consider the reappointment of these magistrate judges to a new eight-year term.

Written comments from members of the bar and the public are invited as to whether Magistrate Judge William G. Cobb and Magistrates Judge Cam Farenbach should be recommended by the panel for reappointment by the Court. Comments may be emailed to nvd_recruitment@nvd.uscourts.gov. Comments may also be sent to:

Magistrate Judges Panel
c/o Debra Kempi, Clerk of the Court
333 Las Vegas Blvd. South
Las Vegas NV 89101

Deadline is December 31, 2018

WCBA Upcoming Webinars

For course details and to register, please visit www.wcbar.org/events

December 6 ~ **Lying and the Law,** 9 a.m. - 11 a.m. (2 Hours Ethics)
December 7 ~ **Why Twitter is a Legal Ethics Disaster**, 11 a.m. - 12 p.m. (1 Hr. Ethics)
December 13 ~ **Legal Writing - Story Telling**, 5 p.m. - 6 p.m. (1 Hr. General)
December 14 ~ **Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics** (1 Hr. Ethics)
December 15 ~ **The Ethys Awards,** 7 a.m. - 9 a.m. (2 Hours Ethics)
December 17 ~ **It's Not the Fruit, It's the Root: Getting to the Bottom of our Ethical Ills,** 10 a.m. - 11 a.m.(1 Hr. Ethics)
December 18 ~ **Fresh Ethics: Technology and the Rules of Professional Conduct,** (1 Hr Ethics)
December 19 ~ **Show Me the Ethics,** 10 a.m. - 11:00 a.m. (1 Hr. Ethics)
December 20 ~ **Improper Attorney-Client Relations**, 10 a.m. - 11 a.m. (1 Hr. Ethics)
December 21 ~ **Loose Lips Sink Partnerships,** 10 a.m. - 11 a.m. (1 Hr. Ethics)
December 27 ~ **Ethics Six-Pack: Full Day Program,** 7 a.m. - 2:30 p.m. - (6 Hours Ethics) or **Three-Pack Half Day,** 11 a.m. - 2:30 p.m. (3 Hours

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Please visit www.washoecourts.com/main/jobs for more information.

EVENTS

See wcbar.org/events for details and registration

DECEMBER

5 Douglas-Carson Legal Professionals meet for lunch and CLE at noon at Red's Old 395 Grill, Carson City. Speakers are announced on website www.douglascarsonlegalprof.org.

6 Washoe Legal Services, Northern Nevada Payday Lending Forum, UNR, Wells Fargo Auditorium. State Senator Julia Ratti will be leading the event. Contact: Megann Johnson, 357-3651, email megann.johnson1@gamail.com

7 Washoe Legal Services, 12 noon to 1:00 p.m. Northern Nevada Hopes, 3rd Floor, Community rooms A&B presents The Essential Elements of Trauma-Informed Law. RSVP to Allison Cladianos by 12/3/18 at (775) 997-7585 or acladianos@nnhopes.org

12 WCBA Honors 40 year members, 12 noon, Harrah's Convention Center Register at www.wcbar.org/events by 12/10/18.

14 WCBA The Resilient Lawyer CLE, 2 Hours Mental Health Credit, Register online at www.wcbar.org/events

19 NALS of Washoe County (legal secretaries & paralegals). Ornament exchange (participation voluntary), 12 noon, Napa Sonoma (Plumgate), 550 W. Plumb Lane. $18 for NALS members. Please RSVP by December 14 to Sarah Smithson, 326-4314; ssmithson@mcdonaldcarano.com.

SAVE THE DATE

January 31, 2019
Annual Basque Dinner

5:30 p.m. - Cocktails
6:30 p.m. - Dinner

The Resilient Lawyer: an Experiential CLE
Friday, December 14, 2018
1:30 to 3:30 p.m.
Presented by: Margaret Crowley, Esq. & Amy Tirre, Esq.

- Join us for 2 hours of CLE satisfying the new "Substance Abuse, Addictions and Mental Health Affecting Professional Competence" (1 unit carries over to 2019)
- This is an "Outside the Box" CLE
- Come prepared:
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  - * Bring an Open Mind
  - * Cultivate Mindfulness
  - * Learn Simple Techniques to Reduce Stress through Movement and Sensory Integration
  - * Create your Own Customized Plan for Stress Reduction and Resilience

To register, please visit www.wcbar.org/events

UNITED STATES DISTRICT COURT
ANNOUNCEMENT

Invites members of the Washoe County Bar Association to apply for a position on the Inmate Early Mediation Panel. Attorneys appointed to serve as *pro bono* mediators will preside over mediations with inmate plaintiffs who sue the Nevada Department of Corrections for constitutional violations of their confinement pursuant to Title 42 U.S.C. § 1983.

Those interested in applying should send a letter of interest and resume to Debra Newman, at debra_newman@nvd.uscourts.gov. Judge Cooke will also be pleased to answer any questions you may have, and you may contact her through Ms. Newman.

The Writ

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Please visit www.wcbar.org/classifieds for full job descriptions & deadlines.

EMPLOYMENT

ATTORNEY ADVISOR – Serves as an Attorney Adviser to one or more Administrative Law Judges (ALJs) rendering advice and assistance in pre-hearing development and preparation of cases for hearing, post-hearing development and other post-hearing actions. Attorney applicants should submit cover letter and resume to Joshua Stevens, SSA Hearing Office Director. Email is Joshua.stevens@ssa.gov.

CONTRACT ATTORNEY COME GROW with us! If you are looking to supplement your practice, we are currently looking for an attorney to handle our overflow of special education cases in Northern Nevada. We are a small firm with an excellent reputation in special education law. If you are experienced in litigation, administrative law or an area of law involving education, our firm may be a great fit for you. We will provide training. Learn more about our founder and history by visiting www.adamsesq.com. Minimum Requirements: Licensed to practice Law in the State of California and in good standing with the NV State Bar. We are seeking an Attorney with a minimum of 3 years of experience. Experience in family, education, criminal, personal injury or worker's compensation law is desired. Strong Litigator is necessary. If you are Bilingual in Spanish that would be a plus! This is an Independent Contractor position. If you meet the minimum qualifications, indicate your interest, please email your resume in word format to:humanresources@adamsesq.com.

ESTABLISHED INSURANCE DEFENSE FIRM is now accepting applications for qualified legal assistant. A minimum of 3- 5 years' experience in Insurance defense and/or civil litigation preferred. We are looking a candidate who is friendly, professional, extremely organized and detail oriented with ability to multi-task, summarize and organize large volumes of documents in timely manner. Also involves assistance in discovery, and client communications. Other duties include, but are not limited to, e-filings, scheduling (depositions, travel, and experts), calendaring, conflict checks, opening and closing files, file maintenance, phone duties, requesting and tracking of medical records, and awareness of time limits regarding discovery process, assistance at trial. Job requires proficiency in all Microsoft office software (Word, Excel, and Outlook) and experience with Abacus, Timeslips, Nuance pdf Converter Enterprise 8.2, Drop Box, eFlex, Wiznet CM/ECF, Pacer. Please send letter and resume to nancy@renotahoelaw.com.

ASSOCIATE ATTORNEY NEEDED: Hutchison & Steffen, one of Nevada's largest and respected AV-rated, full-service law firms, is seeking an experienced and hardworking attorney to serve their rapidly expanding Northern Nevada Office in Reno, Nevada. A successful candidate will be a solutions-driven attorney with more than three years litigation experience who is committed to adding value to the clients and communities the firm serves by providing high quality legal services. Although the law firm provides legal services in almost every law practice area, law practice areas a candidate can expect to immediately work upon hire in the Reno Office include, Employment and Labor Law, Civil Litigation, Corporate Law, Construction and Property Law, Public Entity Law, Human Resources Support, Worker's Compensation, Public Entity Law, Public Interest & Nonprofit Organization Law, Administrative & Regulatory Law, and Election, Campaign & Political Law. Excellent writing skills and academics preferred. Competitive salary and benefits. Send resume to jguinasso@hutchleagl.com.

SMALL LAW FIRM looking for a Litigation and Transactions Attorney with a minimum of 3 years of experience and Nevada law license. The link for directions on how to apply can be found at www.wcbar.org/classified-ads. Please submit all materials to admin@jerrycarterlaw.com.

WASHOE LEGAL SERVICES (WLS) Entry Level Staff Attorney currently accepting resumes from attorneys who are interested in working in WLS's child advocacy unit. Child Advocacy Attorneys represent children in child welfare proceedings pursuant to NRS 432B. Salary is $55,000-$60,000 depending upon experience and includes a generous benefits package. Interested Nevada-licensed attorneys (or attorneys who are eligible to practice under SCR 72.1) should submit a resume and cover letter describing their interest in public interest law to James P. Conway, Executive Director, at jconway@washoelegalservices.org.

VOLUNTEER ATTORNEYS FOR RURAL NEVADANS (VARN) - Two positions available, Immigration Staff Attorney and Domestic Violence Staff Attorney. Please visit www.wcbar.org/classified-ads for details.

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