

District of Nevada

2009 DISTRICT OF NEVADA LAWYER REPRESENTATIVE REPORT

Prepared and Submitted by Co-Chairs
John F. Murtha, Esq. and Nancy Koppe, Esq.

Lawyer Representatives:

The Lawyer Representatives for the District of Nevada are:

John F. Murtha (2009)
Co-Chairperson
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, Nevada 89511

Nancy J. Koppe (2010)
Co-Chairperson
United States Attorney's Office
333 Las Vegas Blvd. So., Ste. 5000
Las Vegas, Nevada 89101

Fred "Pete" Gibson, III (2010)
Lionel Sawyer & Collins
300 South Fourth Street
Las Vegas, Nevada 89101

Gloria J. Sturman (2010)
Wilson, Elser, Moskowitz,
Edelman & Dicker
415 South Sixth St., Ste. 300
Las Vegas, Nevada 89101

Robert J. Gower (2011)
Clark County District Attorney's Office
500 South Grand Central Parkway
Civil Division, Ste. 5075
Las Vegas, Nevada 89106

Beau Sterling (2011)
228 South Fourth Street
Las Vegas, Nevada 89101

Paul J. Georgeson (2011)
McDonald Carano & Wilson
100 West Liberty Street, 10th Floor
Reno, Nevada 89501

Mr. Murtha and Ms. Koppe serve as the District of Nevada's representatives on the Ninth Circuit Lawyer Representative Coordinating Committee.

Additionally, Mr. Tom Beatty (601 East Bridger Avenue, Las Vegas, Nevada 89101) serves on the Ninth Circuit Advisory Board.

A. Bench/Bar Relationships and Activities:

There is a strong, collegial and active relationship between the members of the Federal Bench and the Lawyer Representatives.

The Lawyer Representatives meet with all of the District Judges, the Magistrate Judges and the Bankruptcy Judges on a quarterly basis. The Lawyer Representatives are encouraged to bring any matters to the Judges' attention

that might foster better communication between the Federal Bench and the Bar, improve an already very good relationship between the Federal Bench and the Bar, improve the administration of justice at the Federal level, provide for more efficient administration of justice and any other matters that may be of concern to the Lawyer Representatives and members of the Bar. The Judges are genuinely interested in the Lawyer Representatives' comments and concerns and are always willing to take action to address any concerns that may be presented.

The Lawyer Representatives also meet regularly (typically quarterly, but sometimes on a more frequent basis) as part of the Attorney Admissions Fund Advisory Committee. The Committee is chaired by the Honorable Robert A. McQuaid, Jr. Pursuant to the District's Seventh Amended Special Order No. 59 (Section VII), the Fund must be used for purposes which benefit the members of the Bench and Bar of the Court in the administration of justice and no expenditure shall be made for the benefit of the members of the Bench to the exclusion of the members of the Bar. Applications for expenditures from the fund are numerous and are always given serious consideration by the members of the Committee. As with the quarterly meetings with the Judges, the Lawyer Representatives' input on all of the applications for expenditures is actively sought.

The Lawyer Representative Co-Chairs are also invited to attend semi-annual meetings of the Nevada State-Federal Judicial Council. The Council includes, among other representatives, members of the Federal Judiciary, the Chief Justice of the Nevada Supreme Court or his representative, members of the Nevada State and Municipal Judiciaries, representatives of the various County District Attorneys' Offices, the President of the Nevada State Bar and the Lawyer Representative Co-Chairs for the District. Co-Chair Nancy Koppe attended the Council meeting held on November 7, 2008, in Las Vegas, Nevada, and Co-Chair John F. Murtha attended the meeting held on May 1, 2009, in Reno, Nevada. The Council discusses issues of common interest to both the State and Federal Judiciaries and strives to resolve matters of concern to all of the constituencies represented in the Council. Additionally, the Council addresses issues that are expected to affect the administration of justice in the State of Nevada at both the Federal and State levels. The primary issue presented at the meeting on May 1, 2009, was the present mortgage foreclosure crises, its impacts upon the Courts and possible legislative responses to the crisis that will impact both the Federal and State Judiciaries in Nevada.

B. Educational Activities:

1. 2009 District Conference. The principal and most time consuming educational activity for the Lawyer Representatives this year (as in all years) was the annual Nevada District Conference. All Lawyer Representatives together with members of the Bench, the United States Attorney for Nevada and the

Federal Public Defender join in planning the annual District Conference. This year the members of the 2009 District Conference Planning Committee were:

- Magistrate Judge George W. Foley, Jr., Chairperson
- Chief District Judge Roger L. Hunt
- District Judge Brian E. Sandoval
- Chief Bankruptcy Judge Mike K. Nakagawa
- Magistrate Judge Robert A. McQuaid, Jr.
- Gregory A. Brower, United States Attorney
- Franny A. Forsman, Federal Public Defender
- John F. Murtha, Lawyer Representative
- Nancy J. Koppe, Lawyer Representative
- Fred "Pete" D. Gibson, III, Lawyer Representative
- Gloria J. Sturman, Lawyer Representative
- Paul J. Georgeson, Lawyer Representative
- Robert J. Gower, Lawyer Representative
- Beau Sterling, Lawyer Representative

This year's Conference, titled *The Courts and the Legal Profession of Tomorrow: Challenges and Opportunities*, was held in Las Vegas, Nevada, on April 16, 2009. The Conference drew a record 200 (+) registrants.

The Conference focused on challenges facing the legal profession today and challenges it may face in the future. General session topics included "The 21st Century Attorney: The Practice of Law in a Global Economy," "Prime, Subprime and Crime: Critical Times in the Mortgage Crisis" and "The Coming Health Care Quagmire: A Prima Facie Case." Following a luncheon which most of the registrants attended, the Conference participants attended breakout sessions focusing on issues of interest for civil, criminal or bankruptcy practitioners. The Conference concluded with an open forum discussion with the members of the Federal Bench who attended the Conference, which included most of the members of the Nevada Federal Bench. Questions had been submitted anonymously by the Conference participants and were presented to the members of the Bench for their impromptu responses. The open forum discussion with the Bench is always a much anticipated part of the Conference and this year was no exception. The Conference participants greatly appreciated the responses from all of the Judges who responded to the questions. More questions were submitted than could be answered in the allotted one hour and fifteen minutes for the open forum.

Special thanks need to be extended to the following members of the Nevada Federal Bench who helped plan and/or actively participated in making presentations at the Conference:

- Chief District Judge Roger L. Hunt
- District Judge Kent J. Dawson
- District Judge Brian E. Sandoval
- Magistrate Judge George W. Foley, Jr.
- Magistrate Judge Lawrence R. Leavitt
- Magistrate Judge Peggy A. Leen
- Magistrate Judge Robert A. McQuaid, Jr.
- Chief Bankruptcy Judge Mike K. Nakagawa
- Bankruptcy Judge Bruce A. Markell
- Bankruptcy Judge Linda B. Riegle
- Bankruptcy Judge Gregg W. Zive

Additionally, Lance S. Wilson, District Court Executive, and his very capable staff were extremely helpful in planning the many details necessary for a successful conference.

2. 2008 Ninth Circuit Chief Bankruptcy Judges' Conference. In December 2008, Co-Chair John F. Murtha travelled to Honolulu, Hawaii to participate in the LRCC Educational Program for the 2008 Ninth Circuit Chief Bankruptcy Judges' Conference. Mr. Murtha co-presented a program with Dan Collins, Esq., a Lawyer Representative for the District of Arizona, on the then recent Ninth Circuit Bankruptcy Appellate Panel opinion in *Clear Channel Outdoor, Inc. v. Knupfer*, 391 BR 25 (9th Cir. BAP, 2008). Messrs. Murtha and Collins lead an interactive discussion of the *Clear Channel* case focusing on its holdings regarding sales of property pursuant to Bankruptcy Code section 363, the limited protections provided by sub-section 363 (m) and the impact of the opinion on sales in chapter 11 cases.

3. 2009 Ninth Circuit Chief District Judges' Conference. In February 2009, Co-Chair Nancy Koppe moderated a panel presentation for the Chief District Judges' Conference in Newport Beach, California. The presentation was entitled *Child Exploitation: The Facts Behind the Cases*, and the panel was comprised of Ms. Koppe, an Assistant United States Attorney and the Project Safe Childhood Coordinator for the District of Nevada; Dean Gits, an Assistant Federal Public Defender for the Central District of California; and Kenneth Lanning, a former Federal Bureau of Investigation Special Agent in the Behavioral Sciences Unit, who now works as a consultant in the area of crimes against children.

The panel presented and discussed topics regarding the exploitation of children. The panel discussed the stereotypical child exploitation offender, as well as the relationship between child pornography defendants and hands-on molestation crimes. The panel further discussed the impact of child exploitation cases on the Court, the victims and the defendant.

C. Miscellaneous.

In recent years Nevada's Lawyer Representatives have attempted to prepare articles for publication in the *Nevada Lawyer*, the official publication of the State Bar of Nevada, on a bi-monthly basis. This effort has fallen short of its goal this year with only one article being published in the May 2009 edition. The article, co-authored by Lawyer Representatives Gloria Sturman, Esq. and Beau Sterling, Esq., was titled *Electronic Filing in the Ninth Circuit Court of Appeals*. Extra efforts will be made in 2009-2010 to get this program back on track for publication of an article every other month.

Finally, Co-Chair Nancy Koppe has coordinated the District Dinner for the Districts of Hawaii, Nevada, Guam and the Northern Mariana Islands to be held in conjunction with this year's Ninth Circuit Judicial Conference to be held in Monterey, California.