

FILED

From: Dawn Hathaway Thoman <dthoman@cox.net>
Sent: Friday, June 17, 2022 12:37 PM
To: Supreme Court Clerk
Cc: 'Barbara Buckley'; 'Janice Wolf'
Subject: Withdrawal of Comments on ADKT 0598, "In the Matter of Rules of Conduct for Lawyers Representing Children in Child Welfare Matters"

JUN 17 2022

ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 BY S. Young
 DEPUTY CLERK

Dear Justices,

On June 14, 2022, I submitted comments (attached below) regarding ADKT 0598, Rules of Conduct for Lawyers Representing Children in Child Welfare Matters. I now respectfully request to withdraw my comments as they pertain to the applicable Rule itself; instead, I ask you to consider adding my suggestions to the Rule's comments.

Further, I wish to express my full support of the Rules as written, particularly in regards to substitute judgment.

Sincerely,
 Dawn

Dawn Hathaway Thoman
 Attorney at Law

c/o Pro Bono Children's Attorneys Project
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From: Dawn Hathaway Thoman [mailto:dthoman@cox.net]
Sent: Tuesday, June 14, 2022 3:50 PM
To: nvscclerk@nvcourts.nv.gov
Cc: 'Barbara Buckley' <bbuckley@lacs.org>
Subject: Comments on ADKT 0598, "In the Matter of Rules of Conduct for Lawyers Representing Children in Child Welfare Matters"

Dear Justices,

I have been a pro bono Children's Attorneys Project ("CAP") attorney for the last seven years. Prior to that – in the Fall of 2013 – my scholarly article, "Testifying Minors: Pre-Trial Strategies to Reduce Anxiety in Child Witnesses," was published

- in the Nevada Law Journal (<http://scholars.law.unlv.edu/nlj/vol14/iss1/9/>). Because of my work and research, I am especially interested in the proposed NRPC amendments.

Specifically, Model Act §9 Comment, paragraph 2, states “Lawyers may consider the following options in determining how to provide the most meaningful experience for the child to participate: allowing the child to be present. . . presenting the child’s testimony in chambers. . . arranging for the child to visit the courtroom in advance. . .” etc.

Many other options also benefit child witnesses, and I’m concerned that the proposed language may unintentionally lead some to believe that the options are limited to the enumerated list. Accordingly, I respectfully request that you consider changing the verbiage in paragraph 2 to either:

1. “Lawyers may consider **options such as the following. . .**” or
2. “Lawyers may consider **options including, but not limited to. . .**”

Alternatively, please contemplate enumerating additional strategies, so there will be no confusion about whether they may be considered; for example, those detailed in my law review article:

- Legal System Education (e.g. UNLV/William S. Boyd School of Law’s award-winning “Kids’ Court School”)
- Desensitization
 - Mock Trials (also covered in “Kids’ Court School,” et al)
 - Court Visits (already enumerated in your proposed amendment)
- Coping Methods
 - Deep Breathing
 - Positivity, as in Self-Talk, Visual Imagery, and Comfort Objects
- Child-Focused Communication
 - Rapport and Trust-Building
 - Perspective-Taking
 - Non-Verbal Cues
 - Props
 - Limits
- Appropriate Interaction Times
- Support Persons/Animals
- Trial Procedures
 - Expeditious Case Dispositions
 - Limited Courtroom Observers
 - Courtroom Modifications

For more information, such as research and evidence of each strategy’s efficacy, please click on the above link to my article or feel free to contact me.

Thank you for your consideration,
Dawn

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