



CLARK COUNTY  
OFFICE OF THE DISTRICT ATTORNEY

Criminal Division

STEVEN B. WOLFSON  
District Attorney

200 Lewis Avenue • Las Vegas, NV 89101 • 702-671-2500 • Fax: 702-455-2294 • TTY and/or other relay services: 711

MARY-ANNE MILLER  
County Counsel

CHRISTOPHER LALLI  
Assistant District Attorney

ROBERT DASKAS  
Assistant District Attorney

JEFFREY J. WITTHUN  
Director D.A. Family Support

BRIGID J. DUFFY  
Director D.A. Juvenile

October 24, 2018

Chief Justice Michael Douglas and Honorable Justices  
Nevada Supreme Court  
201 South Carson Street  
Carson City, NV 89701-4702

FILED

OCT 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

RE: Comments regarding ADKT 0499

Dear Chief Justice Douglas and Honorable Justices:

I write to provide comments relevant to ADKT 0499. As the Chief Deputy District Attorney in charge of training at the Clark County District Attorney's Office ("CCDA"), I have perspective into the value of our current ability to provide a wide variety of free Continuing Legal Education ("CLE") programs to our attorneys and prosecutors from other offices around the state.

Our office appreciates the hard work of the CLE Board very much. We value our relationship with the CLE Board and we believe the Board has the best of intentions. However, we oppose the Board's proposal outlined ADKT 0499. We join a wide array of stakeholders expressing dissatisfaction with the CLE Board's proposal including, but not limited to, the Clark County Public Defender's Office, the Clark County Special Public Defender's Office, the Federal Public Defender-District of Nevada, pro-bono providers, and the State Bar of Nevada. We join in many, if not all, of their concerns and wish to express how the proposal will negatively affect our office specifically.

The CCDA provides a significant number of CLE programs to Nevada prosecutors. Our CLE programs are attended by our attorneys and law clerks, attorneys from other District Attorney's Offices, many Nevada City Attorney's offices, the Nevada Attorney General's Office, judicial law clerks, and even judges. The proposed changes will hamper our ability to keep Nevada prosecutors abreast of changes in Nevada law and updates to our practice, will weaken our ability to encourage high-quality continuing legal education to Nevada prosecutors, will cause a negative financial impact to our office, and will undermine the goals of continuing legal education.

19-41813

October 24, 2018

---

### **1. Updates on Nevada Law & Information Vital to Our Practice**

The CCDA's CLE program is essential to prosecutors in this state, providing an important forum to keep attorneys abreast of changes to Nevada law. Our CLE programs serve an important convening role when Nevada law changes by drawing attention to these changes, when otherwise busy practitioners may miss these updates, some of which are critical to our practice. The CLE Board's proposed changes could put pressure on our ability to update prosecutors when Nevada law changes.

The CCDA's CLE program also provides information that is extremely relevant to the practice of prosecutors. We provide programs regarding prosecutorial ethics, forensics, treatment and sentencing options for criminal defendants, law enforcement tools, and refreshers of important areas of law, among other topics. Our trainings are vital to ensure that the 175 attorneys in our office and dozens in other offices are aware of updates and trends.

Any additional fees will make it more difficult to keep our attorneys aware of changes to Nevada law and updates to our practice.

### **2. Encouraging High-Quality Education**

The CCDA's CLE program ensures high-quality legal education, as our programs are often taught by subject matter experts who practice or otherwise specialize in criminal law, forensics, or law enforcement, among other specialties. Our office utilizes free CLE programming as an intangible incentive to attend these valuable trainings. CLE credit attached with a program encourages attendance, thereby increasing the sharing of important information. The CLE Board proposal incentivizes providing fewer CLE-approved courses per year. The CCDA's CLE program encourages high-quality legal education; any added fees will only take away from these ends.

### **3. Financial Impact**

The CLE Board's proposed changes will result in public entities and non-profit CLE providers being charged the same as entities that make a profit from providing CLE programs and firms that benefit financially from investing in their practices. Public entities and non-profit CLE providers should not have to shoulder fees that will cut into already-limited budgets. Any pressure on budgets will challenge public and non-profit entities.

If our CLE costs increase, the result will be a decrease of continuing legal education for attorneys. Either the delivery of high-quality programming to prosecutors across the state will be affected negatively, or we will cut our budget elsewhere, possibly eliminating

October 24, 2018

---

attending valuable conferences from experts or meeting with other prosecutors to share ideas and learn from one another.

#### **4. The Goals of Continuing Legal Education**

On a policy basis, the fee structure of the CLE Board should never force public and non-profit entities to consider scaling back CLE to save money. The CLE Board's policies should encourage CLE, rather than make it more difficult. By eliminating this exemption, the CLE Board will make it more burdensome for our office to offer CLE.

The CLE Board proposal that the CCDA and other public and non-profit entities be charged the same as those entities who make money from attorneys attending their CLE programs will negatively affect the quality of continuing legal education, having the opposite effect of the purpose of requiring attorneys to attend continuing legal education programs in the first place.

For these reasons, we oppose the proposal in ADKT 0499.

Sincerely,



Nell Christensen  
Chief Deputy District Attorney  
Clark County District Attorney's Office