

welcome

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Actual resolution of legal issues depends upon many factors, including variations of fact and state laws. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking any action on matters covered by this newsletter. Nothing herein should be construed to create or offer the existence of an attorney-client relationship.

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AREAS OF PRACTICE

It's Not Over
Until It's Over

Short-Term
Rental Litigation
Update

Firm Welcomes
New Attorneys

HUTCHISON & STEFFEN
ATTORNEYS

Legal Matters

WINTER 2023



Patricia Lee
**APPOINTED TO NEVADA
SUPREME COURT**

On November 21, 2022, Nevada Governor Steve Sisolak announced the appointment of Firm Partner, Patricia Lee, Esq., to the Nevada Supreme Court, Seat F, effective immediately. Patty will fill the recently vacated seat for the remainder of the term, expiring January 6, 2025.

"All of us at Hutchison & Steffen couldn't be prouder and happier for Patty," exclaimed John T. Steffen, Managing Partner of the Firm. "She has been a true partner to all of us, to her clients, and to the Southern Nevada Community. We know that the Court, legal community, and all Nevadans will benefit from her intelligence, character, and class as we have for the past 20 years. Godspeed."

"It is with mixed emotions that I humbly take my seat as the next Nevada Supreme Court Justice. To the extent that Governor Sisolak felt that I was worthy of the appointment, it is in large part due to the mentorship, training, and support that I received during my time with Hutchison & Steffen. I have a tremendous amount of love and respect for each and every person at the Firm and will miss each of them terribly," said Patty.

Patty joined the Firm in 2002 and became its first female partner in 2009. She has worked primarily in business law and complex commercial litigation, as well as areas including trademark law, family law, appellate litigation, and healthcare professionals advocacy. Throughout the years, Patty has been a tremendous asset to clients with a range of legal matters. In addition, she has contributed in so many ways internally at the Firm, including heading

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the Firm’s pro bono program, running the summer internship program, and managing and training associates.

Patty was born in Korea, to an African-American military father and a native Korean mother. She is the first African-American woman and first Asian-American to serve on the State’s highest court. She attended the University of Southern California and obtained a dual degree in psychology and communications in 1997. Patty then attended the prestigious George Washington University Law School where she obtained her Juris doctorate in 2002.

Patty’s decades of community service have impacted so many. Since joining the Firm, she has served as a volunteer, board member, treasurer, president, chair, pro bono attorney, and/or representative with Children’s Attorney Project, Las Vegas Chapter of the National Bar Association, Nevada Crime Commission, Self Help Center, Legal Aid Center of Southern Nevada, Girl Scouts of Southern Nevada, and Women’s Chamber of Commerce of Southern Nevada.

Las Vegas business publication *In Business Las Vegas* honored Patricia with its “Women to Watch 2010” award. Due to her tenacious efforts to grant under-served communities with fair access to justice, Patricia was awarded the Pro Bono Attorney of the Year by the Legal Aid Center of Southern Nevada in 2012 and holds the honor of being the first attorney in Nevada to win the prestigious National Pro Bono Publico Award awarded by the American Bar Association. Patricia has also received recognitions and awards from the Asian American Group (Outstanding Community Achievement), the Lili Claire Foundation (“Live your Passion” Award), and the Womens’ Chamber of Commerce (Young Professionals Award and Humanitarian of the Year). Patricia has also been recognized for multiple years by *Nevada Business Magazine* (Legal Elite and Top Rank Attorneys) and Mountain West Super Lawyers.

Outside of all the above accomplishments and contributions, Patty enjoys spending time with her husband and two children, as well as traveling and reading. Please join us in congratulating Patty. ■

IT’S NOT OVER UNTIL IT’S OVER:

A Brief Overview of Nevada Appellate Law

BY JOSEPH C. REYNOLDS, PARTNER
HUTCHISON & STEFFEN

No matter what opinion an administrative hearing officer, a district court judge, or a jury may issue in civil or criminal litigation, it is not the end of the story. A case is not truly won or lost until a decision is rendered on appeal. Only then is it over.

Fortunately, our state and federal legal systems are structured with layers of judicial review, whereby litigants have the opportunity for additional sets of eyes (and ears) beyond a trial court setting to review their case and be heard. In Nevada, appellate law begins and ends with practice before the Nevada Supreme Court.

About the Nevada Supreme Court
Origins of the Nevada Supreme Court predate Nevada’s statehood, when three justices were appointed by President Abraham Lincoln to preside over the legal affairs of the Nevada Territory. Today, the Nevada Supreme Court consists of seven justices elected by Nevadans to serve six-year terms in office.



To help expedite its review of cases, the seven-member Court annually organizes itself into two three-justice panels: a Northern Panel and a Southern Panel. One of the seven justices serves as the Chief Justice and is determined annually based on seniority and court rules. The Chief Justice oversees administrative matters during their tenure.

Currently, the Honorable Justice Ron Parraguirre is the Chief Justice. Beginning January 1, 2023, the Honorable Lidia Stiglich will be the Chief Justice.

When to File an Appeal

There are instances when an issue of high public importance that involves an interpretation of the Nevada Constitution may be raised directly with the Nevada Supreme Court, or rare instances where an issue may be raised on appeal during mid-trial. However, most appeals are not properly filed until a final decision is made by a hearing officer, a judge, or a jury, i.e., one that resolves the entire litigation between the parties. If an appeal is not filed within 30 days of the final order, the ability to appeal is generally waived. Time is always of the essence.

Types of Appeals

Common appellate actions include petitions for judicial review, direct appeals, and writ petitions. If the legal proceeding was before a Nevada administrative hearing officer, body, or commission, you may appeal a decision of the administrative agency to a district court. This is referred to as a petition for judicial review. If the proceeding was before a district court judge or jury, you may appeal that decision ‘directly’ to the Nevada Supreme Court. This is referred to as a direct appeal. Upon receipt, the Nevada Supreme Court will perform an initial screening of the appeal and decide whether it is within its jurisdiction or should be transferred to the Nevada Court of Appeals for review. An original writ petition is technically not an appeal at all, as it bypasses the traditional factfinding process in a lower court. It is a request for relief made directly to the Nevada Supreme Court. A writ is reserved for extraordinary circumstances. They are rarely granted.



Only Issues of Law

Not all matters will be considered on appeal. Factual findings are not made. New evidence is not heard. An appeal is generally limited to review of the record, which consists of the evidence, transcripts, and rulings that have already been made. Therefore, what is (or is not) included in the record can often set in motion the fate of an appeal.

To each of the above rules, there are exceptions. Then there are exceptions to the exceptions. If you do not agree, you may appeal. ■

This article was originally published in the October 2022 issue of Nevada Business Magazine. Joe Reynolds may be reached at the Firm’s Reno office at jreynolds@hutchlegal.com or 775.853.8746.

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SHORT-TERM RENTAL LITIGATION UPDATE

BY JOSEPH C. REYNOLDS, PARTNER | HUTCHISON & STEFFEN

One of Hutchison & Steffen’s clients is the Greater Las Vegas Short-Term Rental Association, which is a grass-roots nonprofit organization of approximately 700 stakeholders who support short-term rentals in the greater Las Vegas area.

The Rental Association is currently in litigation against Clark County, and seeking declaratory and injunctive relief from a new Ordinance passed last summer governing the licensing of short-term rentals in unincorporated areas. The Ordinance contains numerous provisions that violate the Nevada and United States Constitutions. Licenses to operate are expected to start being issued by Clark County in spring 2023.

On Monday, December 19, 2022, a significant victory for the Rental Association, property rights, and future short-term rental operators and patrons was obtained! The Eighth Judicial District Court agreed with the Rental Association’s arguments that several provisions within the Ordinance were unconstitutionally vague and overly broad.

The District Court granted a preliminary injunction and enjoined part of the Ordinance from implementation. More specifically, the District Court enjoined provisions in the Ordinance that imposed certain criminal liability against patrons and operators and authorized Clark County to enter a short-term rental property without cause or advance notice.

Issues raised in the litigation are of first impression in Nevada, and may ultimately be resolved on appeal before the Nevada Supreme Court.

The Rental Association supports reasonable and balanced regulations over this emerging twenty-first century accommodation model, including licensure and paying fair taxes and fees, but the Ordinance adopted by Clark County goes too far.

We are in a new frontier of policy and law, and jurisdictions throughout the country are addressing novel legal issues being raised. These jurisdictions now include Nevada. The success obtained so far is the first step in what is likely to be a long journey, but the Rental Association will continue to fight, and our firm will continue to advocate for them every step of the way. ■

