



Second Judicial District Court Washoe County Law Library

AGENDA

A meeting has been scheduled for the Law Library Board of Trustees Video Subcommittee on Tuesday, March 16, 2021, at 12:00 PM. **This meeting will be held by teleconference only due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.**

Members of the public may attend the ZOOM webinar by accessing the following link: <https://washoecourts.zoom.us/j/96094763315?pwd=NnFlU1VS3M4L2lRYjZhQzg3U1pDZz09> **Passcode: 344632.** This option will require a computer with audio and video capabilities. The Board Chair may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive conduct may or may not be given before removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another later meeting; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later.

Accessibility. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Washoe County Law Library at (775) 328-3250, 24 hours prior to the meeting

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items on the agenda. Persons may not allocate unused time to other speakers.

Public Comment. As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public may submit public comment by logging into the ZOOM webinar listed above, via email to emily.reed@washoecourts.us or by leaving a voice message at: (775) 325-6625. Voice messages received will either be broadcast into the record during the meeting, or transcribed for entry into the record. The Board will make reasonable efforts to include all comments received for public comment by email and voice-mail into the record. Please try to provide comments by 4:00 p.m. on March 15, 2020.

Responses to Public Comments. The Board of Trustees can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Board of Trustees. However, responses from Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of

all matters the Board of Trustees will consider, Board of Trustees may choose not to respond to public comments, except to correct factual inaccuracies, ask for staff action or to ask that a matter be listed on a future agenda. The Board of Trustees may do this either during the public comment item or during the following item: “Board Comment – Limited to Announcements or Issues for Future Agendas”.

Supporting documentation for agenda items provided to the Law Library Board of Trustees is available to members of the public in the lobby of 1 S. Sierra Street, Reno, Nevada 89501, and online at <https://www.washoecourts.com/LawLibrary>. Ms. Emily Reed, Assistant Court Administrator, is the person designated by the Law Library Board of Trustees to respond to requests for supporting materials. Ms. Reed is located at the Second Judicial District Court and may be reached by telephone at (775) 325-6625 or by email at emily.reed@washoecourts.us.

The agenda will be:

- 12:00 PM
1. Roll Call
 2. Public Comments
 3. Approval of Minutes from Subcommittee Meeting of February 16, 2021. For possible action.
 4. Nomination and Election for Subcommittee Officer Position of Chair. For possible action.
 5. Status update, discussion, and next steps for the informational video project. For possible action.
 6. Discussion regarding adding board members and possible recommendation to the Law Library Board of Trustees to appoint two additional members. For possible action.
 7. Set future meeting dates. For possible action.
 8. Board Comment – Limited to Announcements or Issues for Future Agendas
 9. Public Comments
 10. Adjournment

The agenda for this meeting has been posted at the following locations: the Second Judicial District Court Website (<https://www.washoecourts.com/>), the Nevada Public Notice Website (<https://notice.nv.gov/>) and the Washoe County Law Library Website (<https://www.washoecourts.com/LawLibrary>). Pursuant to Section 3 of the Declaration of Emergency Directive 006, the requirement in NRS that notice agendas be physically posted within the State of Nevada has been suspended.

WASHOE COUNTY LAW LIBRARY
SECOND JUDICIAL DISTRICT COURT
Law Library Board of Trustees
Meeting Minutes
SUBCOMMITTEE MEETING

February 16, 2021 at 12:00 noon

At the commencement of the meeting, a statement was presented by Mike Kattelman explaining that the primary purpose of calling the meeting was to set the landscape of this subcommittee meeting. Mr. Kattelman stated that the Library Board of Trustees along with the Washoe County Bar Association and Family Law Section of the State Bar of Nevada had discussed creating videos that will help self-represented litigants in family law matters. Mr. Kattelman stated that the three members who would be working on this project would be himself, Mr. Gary Silverman and Mr. Rost Olsen. Mr. Kattelman stated that the members would be working on topics for the videos and then the scripts but was hesitant to go very far until they were fully aware of what the open meeting laws dictated for such subcommittees. Mr. Kattelman asked Ms. Liddell to comment about open meeting laws.

Ms. Liddell indicated that the subcommittee is subject to open meeting laws. Ms. Liddell indicated that since COVID-19, the rules are a little different and public meetings can now be held audio-visually. Ms. Liddell indicated that the agendas still need to be done 3 business days before meeting and posted and that the subject matter will be limited to those items on the agenda. At this point, Emily Reed reminded everyone that roll call still needed to be taken.

1. Roll Call:

Subcommittee Board Members Present:

Mike Kattelman, Rost Olsen

Gary Silverman joined at 12:15

Also present were:

Emily Reed, Assistant District Court Administrator, Sarah Bates, Law Librarian, Sheila Mansfield, Law Library and Lindsay Liddell, Deputy District Attorney.

Mr. Kattelman brought up the rules with Ms. Liddell regarding open meeting laws and what was expected. Ms. Liddell indicated that as committee members they can send draft documents for review, but it should not be discussed until a public meeting is held. One-way communications are okay with comment. Since there are only three members on this subcommittee, 2 members discussing would be a quorum and would violate open meeting laws. Ms. Liddell indicated at this time that Mr. Kattelman should call for public comment.

2. Public Comments:

Mike Kattelman called for public comment. No members of the public were present on video meeting. Mr. Kattelman indicated he did not have a copy of the agenda and one was sent to him by Sarah Bates.

3. Status update and discussion regarding informational video:

Mr. Kattelman indicated the first step would be to create topic ideas for the videos. Each member would create a top 10 list. At this point, Mr. Silverman joined the video meeting and he was brought up to date on what had transpired so far.

Mr. Kattelman again indicated that he, Mr. Silverman and Mr. Olsen would come up with their top 10 topic ideas for the videos, prepare some scripts and would give each member their ideas of how to produce such videos. The top 10 topic ideas for each member would then be reduced to top 3 for each member at which time those ideas would be put on an agenda and posted for a meeting on the subject.

Mr. Silverman indicated that he had put together a letter to the Lawyer in the Library participants but would also submit a script for the videos.

There was discussion among Mr. Kattelman, Mr. Silverman and Mr. Olsen about how to distribute those ideas to each other without violating the open meeting laws. It was agreed that all the documents would be sent to Sarah Bates, Law Librarian, and she will distribute to the subcommittee meeting members to obey the open meeting laws and to centralize all documents and ideas by the subcommittee members. Topics for the videos were discussed. Discussion was held regarding what type of topics should be presented in the videos. Mr. Olsen indicated one topic should be the Request for

Submission as some self-represented litigants are not aware of it. Emily Reed indicated another topic could be when to file a general motion vs. ex parte. Mr. Kattelman said another topic could deal with jurisdictional issues. There was discussion about these topics. Mr. Silverman indicated that it is his experience that anything to alleviate the fears of the litigant would be helpful. Mr. Kattelman inquired if it would be helpful to involve the judges in these videos so that self-represented litigants would not be as fearful of the process. Mock hearings and case conference meetings involving judges was discussed as possible video content. More discussion was heard on this subject.

Emily Reed indicated that the Resource Center just produced a video regarding Spanish interpretation and remote hearings to alleviate any fear Spanish speaking patrons would have with Zoom hearings. She indicated that Judge Walker had volunteered to help with that video so it might be best to reach out to him first for assistance. Mr. Silverman indicated that he believed all videos should be done in Spanish and English. Ms. Reed indicated that Jessica Escobar, interpreter, would be a good resource to produce Spanish speaking videos.

Mr. Kattelman reiterated that each subcommittee member should send their top 10 topics, 3 short vignettes to Sarah. Sarah will distribute to them for review. The subcommittee members will not discuss until the next meeting date which will be March 16, 2021, at 12:00 noon.

Further discussion was held regarding the production of the videos. The subject was tabled until the next meeting.

Ms. Liddell indicated that there should be a motion to finalize this action.

Mr. Kattelman moved to have the next meeting date on March 16, 2021 at noon. Mr. Olsen seconded the motion.

Motion passed unanimously.

Mr. Kattelman then spoke about the top three things to be added to the next agenda are: review of Top 10 topic list, review of actual short vignette scripts, and mechanics of how videos will be produced

Mr. Olsen indicated that it might be helpful to expand subcommittee from 3 to 5 people. Discussion was held on this matter. Ms. Liddell indicated that additional members for the subcommittee would have to be approved by the parent board. A special meeting by the parent board was discussed to add members.

Mr. Kattelman moved to approve the agenda list; however, no motion was necessary.

Ms. Liddell indicated that it would be helpful to have a chair and vicechair so that everyone knows who is running the meeting in the future. Mr. Kattelman said he would like to hold off on selection until a full membership of the board was approved.

Mr. Silverman wanted to know if he was on the committee. He was assured he was. He did not agree with having additional members added to the committee. Mr. Kattelman indicated that issue would be discussed at a future time.

4. Next meeting was set for March 16, 2021, at 12:00 noon via Zoom.
5. Public Comments: None
6. Meeting adjourned at 12:45 p.m.

Hello, my name is Gary Silverman. I am a lawyer who assists at the Lawyer in the Library program. I have worked many hours in the program and my experience with clients leads me to suggest ten things to help you.

This will take about 15 minutes.

First, and foremost, don't be afraid. Not of the system, the judges, or even opposing lawyers (if there is one.)

While the judges have to enforce the rules, they also have to hear cases on their merits, so they will likely be lenient and understanding as they can within the rules.

They do not wake up each morning looking for ways to make the parties miserable and uncomfortable. Just the opposite—they are there to apply the law to solve problems for you and the opposing party, not make them worse.

Robes, books, clerks, bailiffs, tall benches...they are all designed to impress the seriousness of the legal system, but they are not designed to intimidate you and you should not be intimidated by them.

Never forget, they are there, essentially, to try to solve the human problem you bring them. Your job is to help them, which I will explain later.

Second, and this relates to the first point: always tell the truth and be yourself. Those are different things. The truth is the truth. Tell the whole truth, e.g., “Yes, I admit I once had a severe drinking problem when the children were young, and I know every day I still do, but I have been clean and sober for eleven years, also.”

Let me put this a different way. No one has ever had a perfect case and no has ever led a perfect life—

everyone comes before the judge with some imperfection in their legal case or their behavior. Truthful parties admit it and do not excuse it or paper it over. Your case has good parts and bad parts, so advance the good parts, but do not deny the bad parts, for instance you have not been exercising visitation or have work hours that make visiting or even having custody of the children difficult. Admit it, and have an explanation or alternative—not an excuse—ready for the court. If your case has problems, acknowledge them. Judges usually have to choose between the lesser of two evils (remember—neither side is flawless; they just need to know those evils. Judges are very smart about people and you will not fool them, and you will pay if you try, because *then* maybe nothing you

say, even the truth, will be believed. No one likes to be treated like a fool—especially judges.

The other part is to be authentic. You are you, and trying to be someone you are not is really a form of deceit and the judge will not trust you. You must be your authentic self. If you are not highly educated or nervous and intimidated, big words and bluster won't work. Some of you with young children will be in the legal system for a long time, and judges have long memories and good notes. They will know who is the real deal and who is not, and they will know who to trust and on whom to take a chance when a party makes a promise—the party who is truthful and authentic.

Third. Judges are human, but they are taught to be skeptical. No one knows better than lawyers and judges

there is **always** another side to the story. Judges want to hear both sides.

And, judges, like the rest of us, can be short and cranky. They have blood sugar like you. They have a certain quantity of patience and no more, like you. But, cranky, difficult, and sometimes short, they took an oath to listen and decide, and they obey that oath.

I want to emphasize again: Judges are there to solve the human problem you bring them within the rules of law.

Fourth, know *exactly* what you want the judge to give you...exactly. At the end of a case the judge writes out who gets what—that is the “order” or “judgment” of the judge. It is up to you to tell her exactly what you want her to write. First, write it out. For instance, when do

you want visits to start and end? What exact days?

Think about it. Then, rewrite it until you get it right.

Write what you want, not what someone tells you what you might “get.” Do not be influenced by someone says what judges usually do or is possible—ignore them. If you want it, ask for it.

I assure you that if you do not ask the judge for something, you will not get it—the judge won’t read your mind, and cannot give you more than you ask for, anyway.

Now, here is most important lesson: when you ask for what you want, you must ask yourself: if, under all the facts, you were the opponent, how would you want to be treated. If you cannot look your opponent or the judge in the eye and say with all truth and sincerity that

if you were on the other side this is how you would want to be treated, you will likely lose. The judges know fairness and they can smell unfairness, and if you ask for something unfair you are likely going to not get what you want, and the other side may get everything.

Fifth, your job is to give the judge the facts, she will deal with the law. Your job is tell the judge why you should get what you ask for. That means telling the judge what happened—those are the facts. As a great lawyer once said, “Nearly all human behavior can be understood if you put the facts in the order they happened.” (Called chronological order.) That is true.

Facts are things you touch, taste, see, smell, and hear. Facts are not opinions. “A nice day” is an opinion. “The sun is shining” is a fact. Stick to the facts. After

you give the judge the facts, you might want to give the judge a “conclusion,” but I would advise not. Judges are smart and they can reach their own conclusions from a good set of facts. Do not give the judge your “opinion.” That is exclusively their job. My advice: go through your pleading and strike out every adjective and adverb.

Sixth, when you give the judge the facts, keep it short and to the point. In college, the judge was probably assigned to read the Russian novel *War and Peace*. Bet they did not—they found a summary somewhere. They will not read *your* *War and Peace*, either. Keep your statement of the facts short and to the point.

Chronological “bullet points” may be the best format.

Seventh, be calm; no anger. This is a touchy issue.

Women are right when they say that for too long they

have been denied the right to be angry. The old insult of “she’s just another angry woman” is just that—an insult. Sensible, decent people reject it. But, in pleading your case to the court, neither men nor women should put their anger on display...no matter how much they may be entitled to it. There is no shouting in court, instead a low-key drumbeat of facts come out under the rules (TV is not a place to learn courtroom etiquette or trial tactics). Judges hate shouting and they hate too much emotion. They want calm to think about what has been said. That goes for your time in court and your pleadings. This is another way to say, “stick to facts” and make sure there is no name-calling.

Eight—back to high school. At some point you will have to tell the judge who you are, the facts of your life, and

what has happened. You will tell the judge your “story.”

As we said above, it should be in order of time, but it is also a “story” You want certain things from the legal system: safety, support, time with your kids, a guardianship, property, etc., and have asked for them.

This is where you give the reasons your requests should be granted. Tell the truth and whole truth about the parts of your life relevant to what you want. You will know what is important and relevant—trust yourself.

But, and here is the high school part, after you write it, review it, think about it, shape it. Make into a form that will persuade the judge the facts are in your favor. Be clear. Be brief. Be fair to the facts—they are what they are and should not be diminished or slanted. Re-write

it—once, twice, five times, if you have to. This may be the most important term paper you have ever written.

Nine, the forms, the form, the forms. The lawyers and the staff can guide you to the form closest to setting out your legal claim. Remember, you give the court the facts and it will find the law. But, the forms are only stiff, structured, printed papers. They may not transmit the information you want to give the judge, or do so ineffectively. If you have a story to tell or a thing to explain, attach a piece of paper that does. It should be in the following form:

DECLARATION EXECUTED WITHIN THE STATE OF NEVADA (NRS.53.045)

1. I am
2. I am a competent adult.
2. I make this declaration of my own personal knowledge, information and belief.

3. [GIVE THE FACTS IN NUMBERED PARAGRAPHS]

4. I declare under penalty of perjury that the foregoing, what is written above, is true and correct.

EXECUTED this ____ day of March, 2021.

Signature: _____

NO NOTARY REQUIRED

Do not be a slave to the form. Tell your story. Explain the facts you think the judge needs to know. (This does not mean do not fill out the form—only that you can supplement it if you feel you need to.)

Ten. A summary. (1) Do not be afraid. (2) Tell the truth, the whole truth, and only the truth. **(Warning: if you believe you may have committed a crime or domestic violence, admit nothing without talking to a**

lawyer; discuss no facts which may relate to a criminal or domestic violence charge—even to deny them—without talking to a lawyer.) (3) Treat the other person as you would want to be treated, no matter how undeserving you may think they are. (4) In court, know exactly what you want and tell the judge that, even if you have to read it from a piece of paper. (5) Before you go into court, stand in front of a mirror and rehearse (lawyers do).

Effort and honesty pay off. While it is not always a zero-sum game, a pure winner and pure loser, do the best you can to present your side. Good luck.

Mike Kattelman - Questions to Address for Lawyer in the Library Videos

1. What are the residency requirements for me to obtain a divorce in Nevada?
2. I live in Nevada, but my spouse does not. Can I get a divorce in Nevada?
 - a. Personal jurisdiction
 - b. Subject matter jurisdiction
 - i. Property Jurisdiction
3. When can the Nevada Courts issue custody orders affecting my children?
 - a. Uniform Child Custody Jurisdiction and Enforcement Act
4. How do I draft the documents to tell the Court what I would like resolved?
(Drafting the Complaint/Petition and Summons, and Answer to Counterclaims)
 - a. Local Rules
5. How do I draft the documents responding to the lawsuit filed against me?
(Drafting the Answer and Counterclaims)
6. How do I serve the opposing party with my pleadings and motions?
7. How do I file a motion asking the Court for specific relief?
 - a. And, how do I file a reply to an opposition, and then submit the matter for the decision of the Court?
8. How do I file an emergency motion with the Court?
9. What rules control the sharing of information in divorce cases?
 - a. Nevada Rule of Civil Procedure 16.2
 - b. How do I fill out the Financial Declaration Form?
10. What rules control the sharing of information in a custody case which is not attached to a divorce case?
11. What is an Early Case Conference and how can it be helpful to me?
12. What is a Case Management Conference, and how can I be prepared for it?
 - a. Example CMC
 - b. What is a settlement conference?
13. How does the Court establish a parenting plan/custody plan?
 - a. Modification of the plan