



STATE OF NEVADA
ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS
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DRAFT MINUTES

Organization: Advisory Council for Prosecuting Attorneys
Subcommittee on Conference Programming

Date and Time of Meeting: April 23, 2024 • 9:00 a.m.

Place of Meeting: Virtual Meeting
Link: [Click here to join the meeting](#) (Microsoft Teams)
Meeting ID: 218 428 901 55 **Passcode:** CQRuYU
Call in (audio only): 775-321-6111
Conference ID: 626 736 948#

Members Present

Mark Jackson, Douglas County District Attorney
Nick Graham (for Christopher Hicks, Washoe County District Attorney)
Nell Christensen, Clark County Chief Deputy District Attorney

Staff Present

Michael K. Morton, Executive Director

1. **Call to Order and Roll Call.**
 - *Chair Christensen called the meeting to order and Executive Director Morton took roll. All members were present or assigned a proxy.*
2. **Public Comment.**

Public comment shall be limited to five (5) minutes per person. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.

 - *Chair Christensen opened the floor for public comment. None was offered.*
3. **Approval of minutes of April 2, 2024 meeting. (For possible action)** (Attachment 1 – Draft minutes from April 2, 2024 meeting).
 - *Mark Jackson motioned to approve the minutes from the April 2, 2024 meeting. Nick Graham seconded the motion. The motion passed unanimously.*

4. **Discussion on Budget Availability for Previously Approved Speakers for Prosecutors' Conference and Possible Vote on Certain Approvals for Budget Use for such Speakers. (For possible action)**

- *Mike Morton provided an update on the budget for the 2024 Prosecutors' Conference, reminding the Subcommittee that the Advisory Council must abide by the FY2024 conference budget line item (\$23,482), as the Conference will take place in Vegas in FY2025, rather than in northern Nevada.*
- *After accounting for expenses already incurred and additional expected expenses, Mike Morton estimated that there would be approximately \$7,500 available for CLE programming expenses.*
- *Discussion ensued related to what type of payment/honorarium should be given to Kim Advent for the AAMH CLE previously approved by the Subcommittee. Chair Christensen inquired as to whether there was a "going rate" for honorariums. Mike Morton stated, based on previous conferences, honorariums of \$500 to \$1,000 have been issued in the past, but there is no litmus test for what to offer. Mike Morton also reminded the Subcommittee that state spending rules prohibit a state agency from using state money to pay for travel of non-state employees.*
- *The Subcommittee decided to return to this item after further discussion was had later in the meeting regarding additional CLE programming.*

- *The Subcommittee returned later returned to this agenda item to discuss conference sponsorships. Mr. Morton provided the Subcommittee with his proposed 2024 Prosecutors' Conference sponsorship form, which closely mirrored sponsorship forms from previous conferences. Mr. Morton discussed the past practice of offering meal sponsors the opportunity to provide a presentation on their company/product to conference attendees.*
- *Mr. Morton provided an update on the possibility of Keele Medical potentially sponsoring a portion of the Conference, and told the Subcommittee he would report back on any updates regarding what type of presentation they wanted to provide to the Conference.*

5. **Review, Discussion, and Possible Approval of Various Continuing Legal Education Programming Proposals for 2024 Prosecutors' Conference. (For possible action)**

- *The Subcommittee had discussion regarding the scheduling of Anthony Bandiero (previously approved for CLE programming at the April 2, 2024 Subcommittee meeting). Mr. Morton informed the Subcommittee that he had a conversation with the conference venue (Golden Nugget Las Vegas), and that starting the Conference at 12:30 p.m. on September 25, rather than at 1:00 p.m., could be accommodated. Mr. Morton stated that being able to start the Conference at 12:30 p.m. would accommodate Mr. Bandiero's travel schedule, and that he would be able to provide 2 hours of CLE programming this way.*
- *The Subcommittee discussed moving the presentation of the Raggio Award to the beginning of the Conference, in order to start the Conference on a positive/celebratory note.*

- *The Subcommittee then began discussing the option of having a keynote speaker, which was also discussed at previous meetings. The Subcommittee discussed the importance of making sure the keynote presentation qualifies for CLE, in order to ensure that Conference attendees attend lunch on Thursday, September 26.*
- *Nick Graham stated that he would check with District Attorney Hicks regarding an update on whether former Sacramento County DA Anne Marie Schubert can serve as the Conference keynote speaker.*
- *At this point, the Subcommittee returned to Agenda Item #4 for a discussion on conference sponsorships.*
- *After returning from Agenda Item #4, Mike Morton gave an update on a previously approved CLE program for the Conference, informing the Subcommittee that Kim Sokolich with the USAO is unavailable for this year's Conference, but her co-presenter will let him know about who has taken over Kim's workload while she is on foreign detail.*
- *Mike Morton introduced a proposal (initiated by Chair Christensen) for Marc Schifalacqua to provide CLE on the City of Henderson's legal challenge to NRS 178.4849, Marsy's Law, and related separation of powers issues. Discussion ensued among members of the Subcommittee related to Marc's superb qualifications, past conference presentations, and the importance of this topic.*
- *Mark Jackson motioned to approve the above topic and speaker for the 2024 Prosecutors' Conference. Nick Graham seconded the motion. The motion passed unanimously.*
- *Mike Morton next provided an update on an earlier proposal for Patricia Powers (AEQuitAs) to provide CLE programming on jury selection in sexual assault cases. In earlier Subcommittee meetings, the members of the Subcommittee discussed trying to have this presentation address both sexual assault and domestic violence cases. Mike Morton said he would check with Patricia Powers/AEQuitAs on that request, and would provide an update at the May 21, 2024 Subcommittee meeting.*
- *Mike Morton presented a new proposal for a domestic violence best practices CLE presented by Fara Gold from the Office of Violence Against Women within the Department of Justice, specifically related to a new best practices manual forthcoming from the DOJ. Discussion was had among the Subcommittee members, asking questions regarding the scope and depth of the proposal from the DOJ, and whether the program could go more in depth on jury selection, rather than just surface level best practices. Mike Morton said he would go back to Fara Gold with those questions, and also said he would send out the forthcoming best practices manual once it was released by the DOJ, so that the Subcommittee could further consider this proposal at the May 21, 2024 meeting.*
- *Subject to Mike's update on the presentation from Patricia Powers, Mark Jackson moved to approve the jury selection/sexual assault presentation from Patricia Powers, as well as approve seeking sponsorship funds for the programming, not to exceed \$1,000. Nick Graham seconded the motion. The motion passed unanimously.*

- *The next proposal the Subcommittee discussed was one for Shannon Bryant, Traffic Safety Resource Prosecutor for the State of Nevada, to present on emerging trends in DUI cases and related issues. Nick Graham stated that he would reach out to Shannon Bryant to ensure he is available for the Conference in September, so that the Subcommittee could vote on this proposal at the next meeting.*
- *The next topic for potential CLE programming that was discussed was a possible presentation from the Drug Enforcement Agency office in Las Vegas on agency priorities and drug prosecutions that the federal agency is working on currently. Mark Jackson wanted to ensure that such a presentation wouldn't be primarily about fentanyl prosecutions and related issues, since every prosecutor in Nevada has heard that subject matter several times over the past few years. The Subcommittee did not take any action on this specific topic/proposal.*
- *The Subcommittee next discussed a potential CLE presentation on the preservation of the record for appeals. Chair Christensen stated that Alex Chen was willing to do such a presentation (which would include a Nevada Supreme Court update), and suggested that he can co-present with Merilee Cate. Mike Morton said he would reach out to Merilee on this topic and bring it back next meeting.*
- *The Subcommittee next discussed a proposal for a presentation on the current prison credit system in Nevada, as well as the new credit system that will go into effect in 2025. Mike Morton stated that he was waiting to hear back from Heather Proctor (AG's Office) and Garrit Pruyt (Carson City DA) on their availability to give this presentation. Mark Jackson stated that he'd like to see the presentation on the current system take 30 minutes and the presentation on the forthcoming system take one hour. Mike Morton said he would report back at the next Subcommittee meeting.*
- *The next proposal considered by the Subcommittee was a presentation on cross-examination strategies. Nick Graham stated that he would ask Travis Lucia if he was available for this year's Conference, and would report back at the next meeting.*
- *Mark Jackson made a motion to approve the following four CLE proposals: 1) preservation of the record for appeals/prosecutorial misconduct; 2) the prison credit system, current and future; 3) cross-examination techniques, and 4) DUI case emerging trends. Nick Graham seconded the motion. The motion passed unanimously.*

6. Review, Discussion, and Possible Approval of Various Non-Continuing Legal Education Programming Proposals for 2024 Prosecutors' Conference. (For possible action)

- *Mark Jackson moved to approve the 2024 Prosecutors' Conference sponsorship form, subject to Mike Morton making one date correction. Nick Graham seconded the motion. The motion passed unanimously.*

7. Discussion of potential dates for futures meetings of the Subcommittee on Conference Programming.

- *The members of the Subcommittee discussed potential dates for the next meeting of the Subcommittee, and chose May 21, 2024 at 9:00 a.m.*

8. **Subcommittee Member Comments.** (For discussion only – action may not be taken on any matter brought up under this agenda item, but matters may be scheduled on future agendas).

- *Mark Jackson requested that any request from the Executive Director of the Advisory Council for potential sponsorship options come prior to the June meeting of the Nevada District Attorneys Association. Mike Morton stated now that the agenda is a little firmer, he'd be able to send a comprehensive request to the NDAA.*
- *Mike Morton provided a registration update for the Subcommittee, stating that there were 17 registrants for the Conference already.*

9. **Public Comment.**

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- *Chair Christensen opened the floor for public comment. None was offered.*

10. **Adjournment.**

- *Mark Jackson moved to adjourn the meeting. Nick Graham seconded the motion. The motion passed unanimously.*

In accordance with NRS 241.020, this agenda was posted on or before April 18, 2024 online at https://ag.nv.gov/Hot_Topics/Prosecuting_Attorneys_Council/ and <https://notice.nv.gov/> and the following locations:

- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5420 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 E. Washington Ave., Las Vegas, NV 89101

Meeting materials may be requested from Michael K. Morton, Special Assistant Attorney General, at (775) 687-2110 or mkmorton@ag.nv.gov, or obtained from the Office of the Attorney General at any of the locations listed above.