



THINKING OUTSIDE THE BOX

ENENSTEIN
PHAM & GLASS

EP&G NEVADA LAW PRIMER

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ROBERT A. RABBAT
SHAREHOLDER

Robert A. Rabbat is the Managing Shareholder of the Firm's Las Vegas Office. Robert is a business attorney, counseling his clients in their daily affairs, disputes, and transactions. Robert has extensive experience handling litigation matters, including real estate litigation and fiduciary litigation.

Robert has particular experience handling partnership disputes. He also participates in all aspects of real estate transactions and has experience handling substantial family law matters.

Robert is admitted to practice in Nevada, California, and Oregon and is a graduate of UCLA School of Law.

A Brief Overview of Nevada Appellate Courts

Nevada has recently adopted a new appellate system that contrasts with California's appellate system in a significant manner. As trial lawyers, we feel it is important to know the appeal system and often handle our own appellate work – no one knows your case better than your trial lawyer.

As we know, the vast majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties.

The next level of judicial authority rests with the California Courts of Appeal. Most cases before the Courts of Appeal involve the review of a contested trial court decision. The Courts of Appeal are divided

geographically into six appellate districts, which sometimes render conflicting opinions.

ABOUT THE FIRM

Enenstein Pham & Glass is a results-oriented law firm that implements a creative approach to attain its clients' objectives. Whether at trial or in the boardroom, the Firm employs a multidisciplinary approach to complex situations to provide an effective resolution.

The California Supreme Court is the highest court in California and has discretion to review decisions of the Courts of Appeal in order to settle important questions of law and to resolve conflicts among the Courts of Appeal. The court also must review the appeal in any case in which a trial court has imposed a judgment of death.

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Nevada did not historically have two levels of appellate courts as California does.

Before the addition of the new Court of Appeals, the Nevada Supreme Court heard all appeals, including everything from murder convictions to appeals of child custody matters. In the past, the Supreme Court struggled to keep up with its extensive docket of varied matters. The large number of

PRACTICE AREAS

- Business Disputes
- Real Estate
- Partnership Disputes
- Corporate and Securities
- Mergers and Acquisitions
- Family Law
- Fiduciary Litigation and Legal Malpractice
- Intellectual Property
- Employment Law
- Finance

pending cases was evidence of the Supreme Court's difficulty in expeditiously maintaining its caseload. At times these difficulties prevented speedy resolution of appeals. The idea for a second appellate court level was born out of the concern that "justice delayed is justice denied."

The truth of this old adage was painfully apparent when families had to wait for an appeal in a child custody case, or when decisions regarding important legislation were slowed by the backlog of cases.

In order to address these issues, on November 4, 2014, Nevada voters approved the creation of a Court of Appeals by allowing an amendment to Article 6 of the Nevada Constitution. This unique court hears roughly one-third of all cases submitted to the Nevada Supreme Court in a defunctive model, where the

Supreme Court assigns cases to a three-judge Court of Appeals. This is similar to systems used in other states, including Iowa, Idaho, and Mississippi.

RECENT RESULTS

Shareholder Robert A. Rabbat recently resolved a hotly contested legal malpractice and breach of fiduciary duty case against his client's former general counsel. The client achieved the exact resolution it sought when entering the mediation and was very pleased with the result. At EP&G we understand that resolving a matter and getting back to business is sometimes more valuable than any damages award at trial.

This Nevada Law Primer is provided for informational purposes only. It is not intended as legal advice and does not create an attorney-client relationship between Enenstein Pham & Glass and any recipients or readers.