



MESSAGE FROM THE PRESIDENT

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OUR OBLIGATION TO DEFEND THE JUDICIAL SYSTEM

A special thanks to the many contributors and authors who provided input for this month's content related to the exciting field of entertainment law. In general, the practice of entertainment law (or media law) focuses on providing legal services to all segments of the entertainment industry. Our members who work in this area undertake projects in many areas of the law. This unique specialization requires knowledge in areas such as general contract law, transactional law, employment law and intellectual property law.

Attorneys working in this area are often retained to assist in structuring deals or protecting the rights of clients for failed deals or projects. There are often claims related to the ownership of proprietary rights as relate to the various forms of artistic expression and allegations of infringement on these rights. In addition, there are various types of releases required of entertainment professionals—often addressing the forfeiture of substantial rights. Further, these specialists in our legal community maintain particular knowledge in

areas such as licensing, distribution, copyright and royalty agreements. The modern entertainment industry is also a legal minefield full of issues such as streaming rights and million-dollar funding agreements.

Virtually all attorneys would all like the opportunity to represent a well-known or famous actor/actress, musician, singer or artist. However, this area of law is not for the meek or timid. In addition to the various stressors associated with this type of work, it is not uncommon for the client to be the most difficult part of the equation. For any young attorney considering a career in this field, be sure to spend some time with a seasoned practitioner. Without doubt, practice in the area of entertainment law can be exciting, frightening, stressful and fulfilling—all on the same day!

As noted, the role of media and social media are part of the larger field of entertainment law. Similarly, social media has become a major player in the legal field. As we have all witnessed, members of our judiciary are often the target of attacks in both traditional media and through social media. These targeted attacks on the independence and legitimacy of the judiciary present a serious threat to our legal institution.

We are all personally familiar with one or more of the judges in our communities. These are hard-working

and dedicated individuals. Many of our jurists, at the local, state and federal level, have sacrificed much of their personal and private lives to work toward the proper administration of justice in our courts. The framers of our constitution were well aware of the importance of a truly independent judiciary—that it forms the bedrock of a true democracy.

Undoubtedly, social media has opened the door for everyone and anyone to personally attack both the judiciary as a whole and the character of individual jurists. While the right to make unfounded accusations and wholly groundless accusation is founded in the First Amendment, it quite ironic that an independent judiciary is the key component in protecting those same constitutional rights. It remains imperative that our judiciary be able to act fairly and impartially, without the fear or concern of threats and intimidation.

This is not a new issue of concern. Several years ago, in 1988, the American Bar Association prepared a Model Program Outline for the use by bar associations when addressing unfair attacks on the judiciary. This was followed up with a second publication entitled *Rapid Response to Unfair and Unjust Criticism of Judges*, which provided recommendations addressing how bar associations should evaluate

and respond to unfair remarks and criticism directed at jurists. This topic has remained one of interest and concern over the years.

We all have heard criticism of individual jurists. At times, such remarks, tweets or posts may be accurate in part. However, so many of the attacks aimed at our judges are baseless and without merit. We are each sworn officers of the court. As such, we maintain an obligation to respond to criticism of our judiciary that is materially inaccurate—particularly when the criticism displays an obvious misunderstanding of the legal system or the role of the judge in the political process. As sworn officers, we have an obligation to protect the administration of justice.

Undoubtedly, the current state of politics has been the source of the underpinning of much of the rancor. However, regardless of one's political affiliation, it is paramount that our judiciary remain free from the tenor of

partisan politics. As recently stated by Chief Justice John Roberts of the U.S. Supreme Court, "We do not sit on opposite sides of the aisle. We do not caucus in separate rooms. We do not serve one party or one interest. We serve one nation. As I want to assure all of you that we will continue to do that to the best of our abilities whether times are calm or contentious."

While attacks via the media and social media are most common, there are weekly reports of physical attacks and physical threats made upon our judicial members. Courthouses across the country were originally designed to be accessible and located in central locations. In addition, many are outdated and lacking in modern security features. As such, jurists are often vulnerable to physical attacks and threats while at work. Significant resources are being committed, both in Nevada and nationwide, to update, install and implement proper security protocols, technology, personnel and

architectural features to provide for modern protections. Planning and collaboration between law enforcement agencies, governing bodies and the judiciary are key components in creating a safe court environment for both the public, attorneys and judiciary.

Let each of us continue to be proud members of our profession. Each of us must continue to protect the rule of law, strive to preserve fair and impartial courts, recognize the organization and responsibilities of the judicial system, and promote the role of our jurists in society.

As the winter sets in, let all members of our Bar remember the obligation to advance the administration of justice—including protecting the independence of the judiciary. This includes an obligation to stand up against unjust criticism of our judicial branch. Continue to support our Bar, be safe and enjoy the holiday season! **NL**

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