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**Upcoming YLS Events**

**December 2 - 13**  
 - Southern Nevada  
 KLUC 98.5 Holiday Toy Drive  
 See page 4 for details

**December 4**  
 - Northern Nevada  
 Holiday Drive  
 Where: Reef Sushi, 50 N. Sierra, Reno  
 When: 5:30 - 7:30  
 See Page 3 for details

**December 12**  
 YLS Social Northern Nevada  
 Where: Louis' Basque Corner, New Upstairs Bar  
 When: 5–8 p.m.  
 Food and drink provided!

## VIEWS FROM THE BENCH

**Judge Gloria Sturman—Eighth Judicial District Court, Department 26**

by Erin Barnett

Greenspun Corporation – Las Vegas

**Q: You've been involved in several professional and community organizations over the course of your career. Can you discuss the impact such involvement can have on a lawyer's career and reputation?**

A: My particular interest was in bar leadership. I served as President of the Southern Nevada Association of Women Attorneys, the Clark County Bar Association and the State Bar of Nevada. All of these organizations were (and remain) dedicated to advancing professionalism and collegiality. SNAWA and CCBA are voluntary organizations whose members shared an interest in community service, networking and professional development. The SBN is a mandatory organization, so I worked on issues related to bar admissions and discipline. At both the CCBA and SBN I worked on bar publications, which play an important role in educating members about issues of local interest and developments in the law.

These experiences were invaluable to the development of my career, as I developed working relationships with attorneys who I otherwise would have never met because our practice areas were so divergent. These contacts were an important source of business referrals, as well as assistance researching unfamiliar areas. As a judge I am asked to rule on areas that are outside the area in which I practiced, but often I have some familiarity from having edited bar magazine articles, grading bar examination questions, or participating in continuing education programs. My exposure to bar association activity adds dimension to my decision making process when it comes to ethical issues. I would like to think that professionalism and collegiality are ingrained behavior thanks to my years working on these initiatives.

The community organizations I have been involved with have offered their own rewards that more than make up for the time commitment. I enjoyed giving back to organizations that had benefitted me in my youth, such as the Girl Scouts. Serving eight years on the board of the Las Vegas-Clark County Library

District helped me develop board leadership skills, learn about local government, and the statutes that govern public agencies, while contributing to the growth and long term stability of an important community institution. My fellow board members were such an impressive group (among them Commissioner Lawrence Weekly, Councilman Ricky Barlow, Senate Majority Leader Moises Denis) I am honored that they elected me to Chair the Board for two years.



Judge Sturman

**Q: The legal market is such that more new lawyers are choosing to 'hang their shingles' than in previous years. What advice would you give to new solo practitioners who are getting little guidance on how to run a practice?**

A: The most important thing is to find a mentor. The State Bar of Nevada has recently adopted the TIP program, pairing new attorneys with a mentor for a year to learn the realities of practice. Ideally a young practitioner on her own can find someone willing to fill that role over the long term, and there is much to learn after the first year in practice. In addition to joining organizations related to your faith or other community, or for business development purposes, consider setting some time aside for bar related activities beyond the mandatory CLE requirements. Even if you do not have an interest in pursuing a leadership role, you can learn so much by volunteering for a community service project, or taking a pro bono case. You will find mentors, attorneys who will provide informal advice and

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## YOUNG LAWYER SPOTLIGHT

### **Liane K. Wakayama**

*Marquis Aurbach Coffing – Las Vegas*

*Liane Wakayama is an Associate Attorney at Marquis Aurbach Coffing in Las Vegas. Wakayama earned her Bachelor of Science from the University of Nevada, Las Vegas, before graduating cum laude from William S. Boyd School of Law. Wakayama lives with her husband, Andre, and their two daughters, who inspire her every day to always look on the bright side of things and to laugh more.*

#### **Q. What inspired you to become a lawyer?**

A. My family. During World War II, my grandparents (both born U.S. citizens) along with tens of thousands of Japanese Americans were interned by the U.S. government shortly after the attack on Pearl Harbor. Like all other internees, my grandparents were only given 72 hours to sell or abandon their property and pack up their entire lives. Allowed only to bring what they could carry, my grandparents were transported to one of ten “relocation camps.” My dad, Junro Edgar Wakayama, was born in Manzanar, one of the “camps” located in California. In his early years, my dad lived in a cramped military-style barrack with three other families, separated only by curtains.

Imprisoned in his own country, my grandfather was one of the first to file a writ of habeas corpus that challenged the constitu-

tionality of interning U.S. citizens without charges or due process of law. My dad’s middle name, Edgar, was chosen in honor of Edgar Camp, the American Civil Liberties Union lawyer who helped my family. Viewed as a troublemaker because of his refusal to remain silent, my grandfather was forced at gunpoint to sign away his U.S. citizenship. Beneath his signature, however, he wrote “under duress.” Worn down by authorities, my grandfather eventually dropped his lawsuit and was forced to leave for Japan – a country his family had never before lived in.



*Liane Wakayama*

When my dad turned 18, he was drafted by the U.S. Army to serve in the Vietnam War. My grandfather advised my dad, “You’re not a Japanese citizen. If you don’t serve in the Army, you’re a man without a country.” Ever since, my dad has lived in the U.S. becoming a decorated U.S. Army Colonel and working as a clinical laboratory officer, professor, biochemist, and a nuclear medical science officer. While working at the Pentagon during the September 11, 2001 attacks, my dad saved a number of his colleagues from the wreckage and even stayed on the scene to administer intravenous fluids to people who had been hurt. Based on his heroic efforts, he was awarded the branch’s highest decoration for noncombatant

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## INTELLECTUAL PROPERTY CONSIDERATIONS FOR WEBSITE OWNERS

*by Joanna M. Myers*

*Brownstein Hyatt Farber Schreck, – Las Vegas*

As a young attorney, it’s likely you either have your own website or will encounter clients who have a website. Websites are easy to create and the internet contains a seemingly endless supply of images, text and music, all of which can easily be copied and incorporated into other websites. Perhaps because copying and sharing internet content with others is so commonplace, particularly in social media, few people think twice about copying and posting third-party content on their own site. In fact, you may often hear people say, “if it’s on the Internet, isn’t it in the public domain?” The short answer is...no!

### **Copyright Law Basics**

Federal copyright law is intended to promote creativity by protecting an author’s original works of authorship. See *Title 17 U.S. Code*. Copyright protection covers, to name just a few, photographs, digital images, videos, literary works, and musical compositions. Copyright law grants the author the sole right to copy, reproduce, distribute and to publically display or perform the work. Under copyright law, it’s illegal for any person to violate one of the foregoing rights of the copyright owner. Generally, copyright protection vests in the author the moment the work is created, regardless of whether the author acquires a copyright registration for the work. For instance, the author of a

blog owns copyrights in his literary work the moment he drafts his blog; likewise, a photographer owns the copyright in a digital image the moment his camera captures the moment.

So, why even go through the hassle of registering a copyright? Well, if an infringement occurs post-registration, the owner may seek \$100k in statutory damages in lieu of actual damages, which may be extremely difficult to prove.

### **Website Content and Copyright Infringement**

While it is commonplace for people to copy or reproduce content from the websites of others, in most cases, doing so constitutes an act of copyright infringement. Consider the case of a small business owner who hires a web designer to create a website for the business. If the designer, perhaps unwittingly, copies text, images or even the layout of another site, the small business owner may be exposed to liability for copyright infringement. Lately, it’s becoming increasingly common for such owners to receive cease and desist letters, accompanied by demands to pay large monetary damages for claims of copyright infringement. In fact, there are software programs designed solely for the purpose of scouring the internet 24/7 looking for websites containing copyright protected work. This software is often used by persons who make their entire living enforcing copyrights, pejoratively called “copyright trolls.” In the case of our small business owner, upon receipt of a letter identify-

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## Views from the Bench (Cont.)

(Continued from page 1)

who demonstrate best practices which you can emulate. State bar Sections offer excellent value, not only in the area of specialized CLE but also through their list serves. There are a number of specialty bars which offer similar services, the Nevada Justice Association is one example. All of these bar organizations have a common goal: advancement of the legal profession, by professionalism, continued education, and improving the standing of the profession in the eyes of legal consumers, but the benefit to members far outweighs the time and monetary commitment of membership. •

*“The benefit to members far outweighs the time and monetary commitment of membership.”*

## Young Lawyer Profile - Liane Wakayama (Cont.)

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valor, the Soldier’s Medal, in December 2001.

My family has never taken their U.S. citizenship for granted and neither do I. Given our family’s history, my American dream was to become an attorney in order to help those people that are not able to advocate on their own. So far in my career, I have been fortunate to represent clients whose causes I truly believe in. It is very rewarding to me that I am able to be part of the process in shaping Nevada’s common law.

### **Q. What are three things your peers probably don’t know about you?**

1. I am an avid fashion fan in every way. Not only am I devoted reader of Vogue, but I also enjoy watching documentaries about fashion. Fashion also penetrates my home as I love interior design.
2. Cooking is very therapeutic for me; and, the more people to cook for the merrier. Andre and I really have a great time hosting parties and the best part for us is to prepare all of the food – no outside vendors allowed.
3. Board games and cards. During the holiday season, I am that annoying relative/friend that drags everyone into the living room to play board games and cards.

### **Q. What is the best advice you’ve ever received?**

A. No matter the situation, never compromise your integrity. The right path is not always the easiest or most popular, but doing what is right is the best sleeping aid.

### **Q. What book are you reading right now?**

A. “The Casual Vacancy” by J.K. Rowling. Andre and I are huge Harry Potter fans to the point where we pre-ordered every book in the series and went to every movie premiere. So, naturally any book written by J.K. Rowling is a must read.

### **Q. What do you listen to in your car on your way to/from work?**

A. I am an old soul when it comes to music. My favorite artists include Billie Holiday, Edith Piaf, Nat King Cole and Ray Charles. As for “newer” artists, Sade, Andrea Bocelli, Michael Buble, and Enya are always on my playlists.

### **Q. What is the nerdiest thing about you?**

A. Everything! •

## ***NORTHERN NEVADA HOLIDAY DRIVE***

Please mark your calendars for our first annual Northern Nevada Holiday Drive party on Wednesday, December 4<sup>th</sup> from 5:30 -7:30 p.m. In addition to accepting gifts for children in need in our community, we will have happy hour at Reef Sushi located at 50 N. Sierra. This event will include heavy appetizers and a small auction. Cost is \$15. Proceeds will benefit our Northern Nevada holiday drive.

An invitation with more details on this event and other ways to donate gifts will follow shortly. Please RSVP to Melinda Wischart at [wishart@washoelegalservices.org](mailto:wishart@washoelegalservices.org). All are welcome, so please feel free to invite some friends!

## ♪ SOUTHERN NEVADA KLUC 98.5 HOLIDAY TOY DRIVE ♪

YLS needs your support for the annual KLUC 98.5 Holiday Toy Drive from December 2nd – 13th. Please donate unwrapped toys, bikes and gift cards to benefit those less-fortunate children in Southern Nevada. Drop off locations will be located at law firms throughout the community, so please check your email next week for a full list of those firms. Again, your donations will surely help to brighten the life of a child this holiday season.

## INTERESTED IN CONTRIBUTING CONTENT?

YLS always needs volunteer writers to contribute to our newsletter to keep it fresh and interesting. Contact Austin Sweet at [asweet@gundersonlaw.com](mailto:asweet@gundersonlaw.com) (Northern Nevada) or Erin Barnett at [erin.barnett@greenspuncorp.com](mailto:erin.barnett@greenspuncorp.com) (Southern Nevada) today to discuss how your content can be included.

## IP Considerations for Website Owners (Cont.)

*(Continued from page 2)*

ing copyright protected content on his or her website, the least expensive course of action is often just to pay the troll.

The moral to the story – ensure all website content is original or acquire permission from the copyright owner for all non-original content.

### **Works Made-for-Hire**

Let's consider another small business owner who, unlike his counterpart, aims to do the right thing. Specifically, this owner hires a photographer to take original photos, hires a web designer to create a highly unique website, and tasks an employee with drafting original text. Any potential copyright issues? Of course!

As discussed, copyright protection vests in the author the moment a work is fixed in tangible form. In this scenario, unless the photographer and web designer are *employees* of the business, the copyright in the images and site design will vest in them, not the small business owner. You may often hear, "I paid them for it, so it must be mine." Unfortunately, copyright law is not so forgiving. If the photographer or web designer later object to the business owner's use of the works, the business owner will not own the copyrights and may have to prove his right to use the works—proving an implied irrevocable license can be difficult and costly. Such a scenario may arise even if the photographer and web designer entered into a work made-for-hire agreement prior to starting the project, because under federal copyright law, only certain categories of works may be deemed works made-for-hire.

Accordingly, the best solution is to have the photographer and web designer assign or license the copyrights to the business owner through an express assignment or license agreement. With regard to the employee who created original text for the website while on the job, the business owner will likely be the copyright owner – the general rule is that copyright protection for works created within the scope of a person's employment vests in the employer.

### **Other Legal Considerations**

As a young lawyer would expect, a wide range of other legal issues are implicated when designing websites. For example, issues arise when a small business owner wishes to post the images of happy consumers or employees on its website or social media page. In Nevada, every person has a right of publicity in their own image, regardless of whether that person is famous. Accordingly, it is illegal to make any commercial use of a person's likeness without *written* permission – such permission cannot be implied. Thus, the small business owner should be strongly encouraged to acquire a publicity release from each and every person *prior* to using any images of those individuals.

Lastly, and while too numerous to discuss here, there are a number of other legal considerations one should be mindful of when reviewing website content, including the following: copyright licenses required for streaming music on-line; sync licenses for videos that contain music; trademark licenses for depictions of third-party trademarks; and even a website privacy policy and terms of use. •

State Bar of Nevada Young  
Lawyers Section

Learn more about YLS and find archived  
newsletters online at: [http://  
www.nvbar.org/content/young-lawyers-  
section](http://www.nvbar.org/content/young-lawyers-section)

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## RECENT YLS EVENTS

Young Lawyers in Northern Nevada met at the 1864 Tavern in Reno to celebrate Nevada Day



Jordan Davis, Sara Almo, Governor Sandoval,  
Anjali Webster and Katie Hoffman



Brandon Sendall, Brandon Price, Austin Sweet  
and Kevin Pick

Take pictures at your next YLS event and submit them for inclusion in the next newsletter!

## YLS ANNUAL LAW SUITS CLOTHING DRIVE

The YLS' Annual Law Suits Clothing Drive was a huge success. We received more than 120 pieces of clothing. The Northern Nevada drive benefited ProNet, and the Southern Nevada drive benefited Shade Tree. Huge thanks for the generous donations from: Snell & Wilmer, LLP, Alpha Kappa Alpha Sorority, Inc., Delta Sigma Theta Sorority, Inc., and Wells Fargo Wealth Management.

## UPCOMING NORTHERN NEVADA SOCIAL EVENT

Join YLS members in the north for a little holiday cheer on Thursday December 12 from 5 - 8 p.m. Festivities will take place at Louis' Basque Corner in the New Upstairs Bar. Louis' Basque is located at 301 East 4th Street, Reno, NV 89501. Drinks and food will be provided!