



*Special Offer on Spring CLE Bundle for CCBA members
See page 45*

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

**The Law Practice
Management Issue**

MAY 2021

**Technical Tips for
Taking a
Deposition
Via Remote
Video
Conference**

*By Shane D. Godfrey
See page 32*

**Practical
Considerations in
Managing a Small Law Firm**

By Jennifer L. Braster, Esq. See page 18



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Don't Let the Law Manage You
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**Buy vs. Lease: Why Now Is a
Good Time to Consider a 504
Loan**
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**Fraud Prevention Tips for Law
Firms**
See page 30

**Trial by BlueJeans – What to
Expect**
See page 34

Special features:

Areas of Practice Listings
See pages 21-28

**Eighth Judicial District Court
Civil Practice "Cheat Sheet"**
See pages 37-41

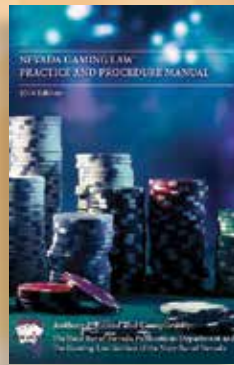
BOOKS FROM THE BAR

The State Bar of Nevada has several reference publications available to meet the needs of Nevada attorneys, from comprehensive guides to compilations of templates in a variety of practice areas.



Nevada Appellate Practice Manual – 2018 EDITION

The 2018 edition has been painstakingly edited by experts in appellate practice and reflects all recent changes in the law as well as the most up-to-date procedures for practicing in Nevada's appellate courts. Some topics covered include: initiating an appeal, jurisdiction, settlement, criminal appeals, fast-track child custody, oral arguments and record preparation...in addition to many others.



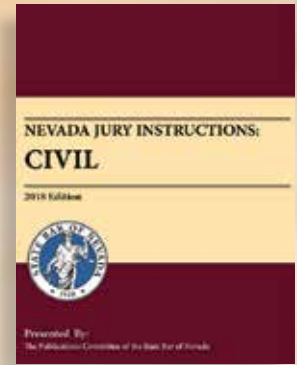
Nevada Gaming Law Practice and Procedure Manual

Written by attorneys with decades of experience in the practice of gaming law, this reference manual includes 18 chapters covering topics such as licensing, financing, gaming devices, race and sports books, compliance reporting requirements, interactive gaming and much more.



Contract Templates for Nevada Attorneys

This publication provides lawyers with a large selection of form contracts drafted for a wide variety of transactions, with specific regard to the laws of Nevada. The customizable forms are designed as a starting point for practitioners to craft custom agreements for use in commercial and residential purchases and leases, employment, intellectual property, deeds and cyber law...to name a few.



Nevada Jury Instructions: Civil - 2018 EDITION

Nevada Jury Instructions: Civil provides attorneys participating in civil jury trials in Nevada with downloadable sample jury instructions in an easy-to-use format. The language in each template has been adapted from documents actually used in trial with an eye to being as party-neutral as possible. The book includes subjects such as: contractual relationships, employment law, evidence, experts, intentional torts, fiduciary relationships, personal injury damages, eminent domain and more!

We've Got More!

The state bar's online store includes additional titles of interest to attorneys practicing in Nevada, such as Nevada Business Entities, Succession Planning in Nevada and the Guide to the Tribal Courts of the Inter-Tribal Council of Nevada.

To see all of the current titles available, visit:
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Issue authors (l-r) Shane Godfrey of Las Vegas Legal Video and Jennifer Braster of Naylor & Braster meet up in the conference room at Naylor & Braster. Photo courtesy of Sarah Thornton of Connected Communications.

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Don't Let the Law Manage You

By James E. Harper, Esq.

One of the lessons taught to impressionable law school students is that “the law is a jealous mistress.” This statement seems to convey the sentiment that being a successful lawyer means working hundreds of hours and forsaking recreation or time spent with family. But, is working more really what it takes to practice law successfully?

Interestingly, the context and origin of the statement conveys an entirely different meaning and is void of pernicious intent. Upon his inauguration as a professor of law at Harvard University on August 25, 1829, Justice Joseph Story declared that the law “is a jealous mistress and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage.” The true intent of the statement was about commitment to the law rather than to the quantity of time required to practice law. Like any relationship, being committed to someone does not come at the cost of sacrificing all else. Love does not require infatuation. We can be committed to the law without the practice of law consuming us.

In our profession, we are conditioned to constantly strive for perfection. Because the matters we work on rarely turn out perfectly, however, it is easy to feel as though we are constantly failing and invoke the need to work



James E. Harper, Esq. is the founding member of Harper Selim, PLLC, a civil and commercial litigation firm. James's practice is focused on insurance matters, including coverage and bad faith, and appellate matters. James is president of the CCBA through December 2021.

Bar Activities

Clark County Bar CLE Luncheons

Online via Zoom

Free for CCBA members!

Dates - Speakers:

May 27 - Jennifer Braster

June 17 - Rob Bare

Each bar luncheon event to offer:

1.0 Ethics CLE Credit

For more information, see pages 6 & 7.

more. Indeed, anxiety and stress may become so absorbed into the fabric of our lives that it may be hard to remember what life felt like pre-law.

Our jobs as lawyers do not have to manage us. Each day, week, month, and year avails us the same amount of time. We cannot make time, so we have to take time.

For me, taking time from practicing law has meant different things at various times in my career. During my busiest years as a young associate in big law, I took time each Saturday to take my three very young children for bagels. For a few years, this was my only special one-on-one time with my daughter and two sons. During other years, I pre-planned and committed time to annual vacations regardless of my trial calendar—which inevitably changed but yet did not interfere with my personal plans. Other lawyers I know belong to exercise groups that require committed attendance that forces them to take the time to participate in activities outside the office. Other lawyers engage in hobbies, like painting, playing music, or playing sports. Many lawyers enjoy hiking. One lawyer I know even refuses to access his work email from his cell phone, so he is not tempted to check and respond to emails when he is out of the office. Practicing law does not have to incite the jealous mistress.

In this issue, you will find six articles on various aspects of law practice management that range from fraud prevention to virtual deposition tips. I encourage you to take the time to read all of the articles, re-

I encourage you to take the time to read all of the articles, regardless of your practice area or the size of the firm where you practice.

gardless of your practice area or the size of the firm where you practice. Although not all of the articles in this issue—and other issues of the *Communiqué*—may appear relevant to your specific practice or affiliation with a firm, you will learn something that is relevant to fellow colleagues and CCBA members. As we strive for true equity in the bar, appreciating information that is relevant to others helps us better understand and relate to one another. (And, if you are not sure what I mean by equity, please go back and read the “Racial Justice” issue of *Communiqué** (February 2021)). 📍

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Jennifer Braster to Speak About What You Need to Know When Starting Your Own Firm at Bar Luncheon on May 27

By Stephanie Abbott

On Thursday, May 27, 2021, commercial litigator Jennifer L. Braster will make a special presentation for the continuing education of Nevada lawyers during the Clark County Bar Luncheon sponsored by Bank of Nevada, Dillon Health, and Prominence Health Plan.



Jennifer is a founding partner at Naylor & Braster, a commercial litigation firm in Las Vegas, Nevada. Jennifer routinely practices in both the federal and state courts in Nevada and in the areas of commercial litigation, business transactions, consumer finance, and appellate law. In addition to her commercial litigation practice, as an avid animal lover, Jennifer has also represented clients in a variety of animal law and civil rights matters.

Jennifer will present “What You Need to Know When Starting Your Own Firm” for the Clark County Bar during the lunch time event. Navigating the management of a small firm can be overwhelming. In this CLE, she will address issues to consider, such as:

- Ethics regarding clients coming over from your prior firm
- Options for technology - cloud vs. server, support, phone systems
- Insurance needs
- Location-options for physical location and remote practice
- Employee needs - employees vs. contractors
- Marketing and public relations

The presentation will offer .5 Ethics and .5 General CLE Credits to CCBA members only. Pricing of the event and the CLE is included with the 2021 CCBA membership.

The Clark County Bar Luncheon will be held via video conference. The planned agenda will be as follows:

- Introductions & Bar Business: 12:00 to 12:10 pm
- Speaker CLE Presentation: 12:10 to 1:10 pm
- Questions & Closing: 1:10 to 1:15 pm

This event is for CCBA members only. CCBA membership will be verified upon RSVP. During the event, attendance will be taken and only those members in attendance will have their attendance reported to the NV CLE Board.

For more information and to RSVP for this event, contact Donna Wiessner at Donnaw@clarkcounty-bar.org, (702) 387-6011. 📞

Stephanie Abbott is the communications manager for the Clark County Bar Association. Stephanie produces the bar's journal Communiqué, website ClarkCountyBar.org, and social media channels.

Rob Bare to Speak About Ethical Landmines for Nevada Lawyers During Bar Luncheon on June 17

By Stephanie Abbott

On Thursday, June 17, 2021, attorney Rob Bare will make a special presentation for the continuing education of Nevada lawyers during the Clark County Bar Luncheon sponsored by Bank of Nevada, Dillon Health, and Prominence Health Plan.



Former Eighth Judicial District Court Judge Rob Bare now offers his services to provide authoritative guidance, expert reports, opinion letters, and representation in matters relevant to Nevada’s Rules of Professional Conduct (RPC). Prior to serving on the bench, Rob has served as Bar Counsel for the State Bar of Nevada and Senior Defense Trial Lawyer (Captain) for the U.S. Army Judge Advocate General’s Corps. After 30 years of service, Rob has opened his own practice—The Law Office of Rob Bare, PLLC.

Rob will present “Ethical Landmines in Today’s World & How to Avoid Them” for the Clark County Bar during the lunch time event. Topics he plans to address are:

- Virtual supervision of staff, unauthorized practice of law is now easier, be careful.
- Client trust accounts, don’t let them blow up on you!
- Communicating in a virtual environment, you can create an accidental client relationship and/or resultant conflict.
- Negative online reviews / posts . . . let sleeping dog alone!
- Lawyer mobility in a virtual office environment . . . know how to protect against the disqualification bomb!

The presentation will offer 1.0 Ethics CLE credit to CCBA members only. Pricing of the event and CLE is included with the 2021 CCBA membership.

The Clark County Bar Luncheon will be held via video conference. The planned agenda will be as follows:

- Introductions & Bar Business: 12:00 to 12:10 pm
- Speaker CLE Presentation: 12:10 to 1:10 pm
- Questions & Closing: 1:10 to 1:15 pm

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For more information and to RSVP for this event, contact Donna Wiessner at Donnaw@clarkcounty-bar.org, (702) 387-6011. **📍**

Luncheon Sponsors



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Communiqué is published eleven times per year with an issue published monthly except for July by the Clark County Bar Association, P.O. Box 657, Las Vegas, NV 89125-0657. Phone: (702) 387-6011. *Communiqué* is mailed to all paid members of CCBA, with subscriptions available to non-members for \$75.00 per year.

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For more information about our publication's editorial calendar, deadlines, editorial policy, author guidelines, ad rates, ad specifications, and deadlines, contact the publisher at Clark County Bar Association, 717 S. 8th Street, Las Vegas, Nevada, 89101. Phone: (702) 387-6011.

Editorial Calendar

Issue topic

Cover date

Five Things

January 2021

Racial Justice

February 2021

Health Care Law

March 2021

Bankruptcy Law

April 2021

Law Practice Management

May 2021

Ethics*

June/July 2021

Torts

August 2021

Real Estate Law

September 2021

Family Law

October 2021

Estate Planning Law

November 2021

Pro Bono Matters

December 2021

*The June/July issue is published in June. There is no publication released in July. The editorial calendar may change without notice at any time.

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Space is available for select businesses to showcase their professional services and products in an advertisement in upcoming issues of *Communiqué*. Contact: StephanieAbbott@clarkcountybar.org, 702-387-6011.

CCBA Members Invited to Participate in Event to Benefit The Just One Project



The CCBA’s Community Service Committee invites bar members to volunteer to distribute groceries to people served by The Just One Project, Nevada’s largest food market.

Bar members and their families can pitch in and help during a Pop Up & Give event at Hyde Park Middle School on Saturday, May, 22, 2021, from 7:00 a.m. to 10:00 a.m. Masks are required. Space will be limited. For more info and to RSVP, contact Stephanie at StephanieAbbott@clarkcountybar.org, (702) 387-6011. 📍

Communiqué Content

Editors Accepting Proposals for Upcoming Issues

Members of the CCBA are encouraged to contribute articles and other content for publication in *Communiqué*. Content proposals should include the following information:

- Topic and summary paragraph providing the focus and scope for the article (including relevant rules/statutes/procedures, etc.)
- Author(s) name(s), Nevada bar number(s), short biographical statement
- Proposed issue for publication; see *Communiqué* editorial calendar listed on page 8.

Proposals for editorial content should be submitted to the Editor-in-Chief c/o editor@clarkcountybar.org. 📍

CCBA Members Volunteer for Attorney-Law Student Mock Interview Event

On March 24, 2021, several members of the Clark County Bar Association volunteered to conduct mock job interviews with students of UNLV William S. Boyd School of Law.

CCBA members who volunteered at this event included the following people:

- **Amanda Roberts** of Roberts Stoffel Family Law Group
- **Annette Bradley** of Southern Nevada Health District
- **Atif Sheikh** of Law Offices of Atif Sheikh, PLLC
- **Judith Simon-Kohl** of Roman Catholic Diocese of Las Vegas
- **Monique Jammer** of Dickinson Wright PLLC
- **Paul Lal** of Bois Schiller Flexner LLP
- **Paul Ray** of Paul C. Ray, Chtd.
- **Reginald Thomas** of Koeller Nebeker Carlson Haluck
- **Steven Parsons** of Law Office of Steven J. Parsons
- **William Brim** of Koch & Brim, L.L.P.

The volunteers met students virtually via video conference and were tasked with providing a short interview followed by constructive feedback.

CCBA members Paul Ray and Minjia Yan collaborated with UNLV Boyd Law's Associate Director of Career Development & Public Interest Advisor Nikki Harris, J.D., to help the Clark County Bar Association to be a resource to the law students. Ray, who also serves on the CCBA's Executive Board, commented "CCBA members have enjoyed talking with all the law students who have attended. And the Boyd students are so bright and appreciative of the helpful hints for their job interviewing preparations."

Students seemed to enjoy the experience as demonstrated by these comments (from three of the participating students):

The Mock Interview was a great experience. It made me more in tune with my interview skills and what my strengths and weaknesses are. I liked the entire process, especially the feedback was helpful. I didn't dislike anything about the event, but I do wish and hope more students show up in the future.

The interviewers were excellent. They asked interesting questions and returned thoughtful feedback. I felt fortunate to be able to spend time with them. I am sure they are very busy, but they did not make me feel rushed. Best of all, they seemed really invested in my future success.

Thank you for planning this event. I thought the event was great practice and a wonderful opportunity to meet the Las Vegas legal community. I think being in front of attorneys and hearing their perspectives as to what they look for in a potential candidate was informative. I enjoyed getting to practice and hear the different ways an interviewer may ask questions. They also provided some law school advice/recommendations, which was awesome!

The CCBA Executive Board and staff are grateful to all the bar members who shared their time and insight with the law students.

The event was organized by the CCBA's Community Service Committee and was the second time the CCBA hosted the mock interviews with the UNLV Boyd Law students. For more information about the CCBA's community service activities, visit clarkcountybar.org or call (702) 387-6011. **G**

Stephanie Abbott is the communications manager for the Clark County Bar Association. Stephanie produces the bar's journal Communiqué, website ClarkCountyBar.org, and social media channels.



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The Clark County Bar Association (CCBA) is pleased to announce Red Panda Systems as the preferred provider of managed IT services for the association. CCBA members may benefit from reduced pricing for their monthly managed IT services.

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Court News

Las Vegas Justice Court Orders Temporary Procedures in Civil Cases

On April 1, 2021, Chief Justice of the Peace Melissa Saragosa of the Las Vegas Justice Court (LVJC) filed an administrative order regarding temporary procedures in civil cases. See Administrative Order #21-03.

CCBA eNews

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Subscribe to CCBA eNews at <http://eepurl.com/IUDcz>.

The order cites the state's restrictions on gatherings and updates a variety of court procedures, including virtual court sessions and unlawful detainer civil actions.

Also, per the order, "All departments hearing civil cases, including small claims actions, summary evictions, and civil actions, will continue to maximize virtual court sessions through Bluejeans or telephonic appearances for all counsel, parties, and witnesses, where possible."

The order includes Bluejeans' Meeting IDs for the court's civil departments.

The order is effective April 1, 2021. For more information, see the three-page PDF file available to download from the court's website at http://www.lasvegasjusticecourt.us/faq/laws_and_rules.php.

Lawyer Representative Opportunity – Letters of Interest Due May 7, 2021

The United States District Court for the District of Nevada is accepting applications for Lawyer Representatives. Lawyer Representatives provide vital input to the Court on a myriad of issues affecting the operations of the federal courts including but not limited to: rule changes; development of new programs; planning of conferences; and the expenditure of funds from the non-appropriated account. A full public notice for Lawyer Representatives is available on the court's website (www.nvd.uscourts.gov).

Letters of interest must be received by 4:00 p.m. on Friday, May

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7, 2021. Questions can be directed to the Clerk of Court at 702-464-5456.

New Las Vegas Muni Courthouse Scheduled to Open May 3, 2021

In April, the Las Vegas Municipal Court (LVMC) announced their plans to move into the newly built courthouse at 100 E. Clark Avenue, Las Vegas, NV 89101. The move began on April 22, 2021. The LVMC was expected to be closed to the public during the week of April 26, 2021. Court staff invited members of the bar to take a short tour of the courtrooms in order to become familiar with the locations prior to the court's opening to the public on May 3, 2021. 



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Jury Trials Are Back – My Experience

By Chief Judge Michael Gibbons

Thousands of jury trials have been delayed since pandemic-related restrictions started in March 2020, but normalcy is returning. I was recently able to participate as the presiding judge in a jury trial and experience the pandemic-induced restrictions first-hand.

The courtroom was my home throughout my legal career, first as a law clerk, over thirteen years as deputy district attorney, and finally twenty years as a district judge. My career changed when I was appointed to the Nevada Court of Appeals. This position has many challenges but it has been quite satisfying. However, I had to give up my love of interacting with attorneys and litigants in the courtroom and assisting victims of crime. Most of all, I lost contact with our dedicated citizens who serve on juries, just like all trial judges in Nevada.

The COVID-19 pandemic stopped jury trials. However, cases did not disappear; rather, backlogs grew as resolutions slowed and jury trials became virtually non-existent, even when criminal defendants invoked their right to a speedy trial. Fortunately, the situation is changing as jury trials are resuming.

Recently, Judge Cassandra Jones asked me if I could preside in justice court in Minden over a domestic battery jury trial commencing in two days. Judge Jones, a close friend,

The COVID-19 pandemic stopped jury trials. However, cases did not disappear; rather, backlogs grew as resolutions slowed and jury trials became virtually non-existent . . .

had to leave town for a family emergency and the parties wanted to proceed. The Supreme Court of Nevada ruled in 2019 in *Andersen v. Eighth Judicial District Court* that misdemeanor domestic battery is a serious offense that mandates the right to a jury trial. The Supreme Court also decided that the *Andersen* rule applies retroactively. See *Hildt v. Eighth Judicial Dist. Court*, 137 Nev., Adv. Op 12, ___ P.3d ___ (March 25, 2021).

My schedule was open so I said yes to Judge Jones. The justice court had already established safety protocols for court personnel and the public, including health screenings, social distancing, masks, and disin-



Chief Judge Michael Gibbons was appointed to the inaugural Nevada Court of Appeals by Governor Brian Sandoval in 2014 and was elected in 2016. He previously served for twenty years as a district judge.

The COVID-19 pandemic stopped jury trials. However, cases did not disappear; rather, backlogs grew as resolutions slowed and jury trials became virtually non-existent . . .

fectant cleaning. The procedures worked, and we were able to pick the jury in one morning—despite going through voir dire twice because we had separate panels of prospective jurors due to the limited size of the courtroom. The trial lasted one day; the jury found the defendant guilty of battery but not domestic battery, even though the victim and the defendant previously lived together and had a child, demonstrating the uncertain outcome of any jury trial.

Clark County district courts have also resumed jury trials. Safety protocols are in place, but not all courtrooms can safely accommodate jury panels. The Las Vegas Convention Center is used for civil trials and the Regional Justice Center for criminal trials. Clear masks are now available for witnesses. Importantly, Chief Judge Linda Bell informed me, and I saw myself, that the public is willing to serve as jurors and they are not using the pandemic as an excuse to avoid jury duty. Lawyers are also recognizing that we can again safely engage in jury trials. My advice: try to settle your cases but plan on being back in court. For more information see: <http://www.clarkcountycourts.us/> and https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/henderson/covid-19.php.

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Buy vs. Lease: Why Now Is a Good Time to Consider a 504 Loan

By Sarah Guindy

The pandemic has had a detrimental effect on Nevada's economy and, without question, the law firms and individual attorneys who practice in the state. However, even in these challenging times, many are taking the opportunity to be better prepared for future success.

With the near record-low interest rates we are currently experiencing, many members of the legal industry are considering an owner-occupied solution, whether existing or new construction. Provided an applicant meets all credit approvals and submits the required legal documentation ensuring regulatory compliance, the Small Business Administration's (SBA) 504 loan program makes an owner-occupied property particularly attractive. Many applicants will be able to finance new or an existing building for roughly the same, or even less, than they currently pay to lease space.

An SBA 504 loan is funded by two sources, the SBA via debentures and a financial institution. Spreading the loan's risk over two sources generally results in more beneficial loan rates and terms. A 504 loan requires less upfront equity from the business owner, and unlike conventional loans, which can be variable, an SBA 504 debenture is fixed. Lower loan payments spread over a 10, 20, or 25-year loan term will allow a business

owner to preserve capital for business operations.

The blended interest rate between the SBA loan and the financial institution can be very attractive. These lower rates and attractive loan terms may make it an ideal time to investigate whether a 504 loan fits into your company's long-term strategy.

If the business shuts down midway through the loan term, the SBA 504 loan can be assumed by the new owner, providing they meet all the loan qualifications. There are not many loans that allow that kind of flexibility.

Complete eligibility guidelines for a 504 loan can be found on the SBA's website, www.sba.gov, under "Funding Programs." Generally, business applicants are eligible for a 504 loan if the business operates as a for-profit company and the business, including its affiliates, have a tangible net worth of less than \$15 million. Additionally, the business, including its affiliates, must have an average income of less than \$5 million after federal income taxes for the two years preceding the application.

We know it has been a challenging year for many, many businesses. With today's advantageous loan rates, it might be time to consider how your business will prepare for better days that are sure to come. **G**



Sarah Guindy is a corporate banking manager at Bank of Nevada. She manages the Juris banking team, providing the tools, financial services, and customized solutions important to Nevada's legal industry. Bank of Nevada is a division of Western Alliance Bank. Member FDIC.



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Practical Considerations in Managing a Small Law Firm

By Jennifer L. Braster, Esq.

One of the major benefits of having your own small firm is that it is all yours—which also can be overwhelming at times. Often, there is no runner on staff to handle your emergency delivery to the court, IT support personnel to figure out why your email is down, or human resources manager to answer your employee’s benefits or payroll questions. Those issues are all yours to tackle, and it is better to do so before there is a crisis. This article addresses many considerations in managing a small law firm:

1. **Computers and IT** – One of the biggest items to address, especially considering the surge in use of video conferencing and technology as a result of COVID-19, is the firm’s IT and computer systems. Many small firms find themselves using a cloud-based e-mail and storage solution versus maintaining an on-site server. A practical consideration is the security risk of one solution versus the other. Regardless of the choice, having a knowledgeable IT consultant to set up the firm’s computer systems and offer ongoing support is key.

2. **Invoicing** – There is no single way of handling client in-

Often, there is no runner on staff to handle your emergency delivery to the court, IT support personnel to figure out why your email is down, or human resources manager to answer your employee’s benefits or payroll questions.

voicing and timekeeping. What is important is to establish a system at the onset to minimize billing issues. There are many law firm management solutions available that allow firms to manage client contacts, timekeeping, billing, case scheduling, and case documents. On the other hand, depending on the nature of the practice, such a solution may not be necessary, and a more simplistic system will work. Additionally, depending on the type of law firm, it



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may be necessary to contract with a credit card processor, or using PayPal or a similar service may work. It goes without saying that making invoicing and payment as efficient and cost-effective as possible is key.

- 3. Conflicts** – There are many software programs that allow a firm to track client conflicts; however, a more simplistic internal system may work for your firm. With conflicts, it is important to check the firm’s malpractice insurance policy as many insurers will require the firm to identify its conflict controls.
- 4. Payroll and benefits** – While there is a cost associated with outsourcing payroll needs, doing so will likely save time in determining the appropriate tax withholdings and filings. For employee benefits, meeting with a benefits provider will assist the firm in determining what benefits the firm may offer, must offer, and to whom.

- 5. Insurance** – While the State of Nevada does not require an attorney to carry malpractice insurance, if the firm is going to be insured, binding coverage as soon as possible will assist in preventing coverage issues. Almost all policies are claims-made policies, meaning that the policy provides coverage for claims made against it during the policy period, regardless of when the event at issue occurred. The firm may need tail coverage or an extended coverage period to provide coverage for claims that happened during the policy term but were not filed until after the term ended. An insurance broker experienced in legal malpractice insurance will be valuable in determining the firm’s insurance needs.

- 6. Marketing, advertising, and online presence** – The marketing and advertising needs for every law firm vary. For instance, the advertising needs of a personal injury firm do

Practical *continued on page 20*



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not necessarily align with a business litigation firm. What is almost universal is the need for a firm website and social media presence. Often, firms choose to outsource their website design, maintenance, and social media management. An experienced public relations professional will be able to manage those needs for the firm for a fraction of the cost of having a marketing director on staff.

7. **Office space** – It is not uncommon for small firms to operate entirely remotely, i.e., with no physical office location or in a shared office space. In both of those situations, considerations must be given to securing client documents and files from those outside of the firm as well as maintaining attorney-client privilege. Attorneys must be cognizant of those around them who may overhear privileged communications.
8. **Ancillary administrative needs (copying, scanning, notary, and secure file share)** – While law firms have become more paperless in the last decade, copying and scanning will inevitably be needed. Most firms choose to lease copiers, which will provide the firm with the resource on hand, but also requires monthly lease payments and sometimes maintenance payments. Depending on the needs of the firm, purchasing a small copier and outsourcing larger copier or scanner needs could be more financially prudent. Another need for most law firms is a notary. Having a licensed notary on staff will assist in those last-minute signings. Lastly, there are several programs a firm can utilize to transmit large files or files containing personal identifying information of the client.

When managing a small law firm, there may not be another employee to whom you can delegate operational tasks. However, establishing systems and engaging with outside consultants and vendors will certainly assist in those operations so that the firm can concentrate on its responsibilities of meeting client needs. **■**

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Joshua Reisman	7152	702-727-6258
Neil Baker	14476	702-862-7734
Robert F. List	1248	702-699-7500
Appellate Practice		
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Marshal Willick	2515	702-438-4100
Montgomery Paek	10176	702-496-8572
Paul Ray	4365	702-823-2292
Ryan Semerad	14615	307-265-3455
Steven M. Silva	12492	775-384-0022
Arbitration & Mediation		
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Candace Carlyon	2666	702-685-4444
David Dornak	6274	702-252-3131
Dorothy J. Kyle	4463	702-254-4360
Harry Gensler	1460	702-810-4581
James Kohl	5692	702-307-0840
Jennifer Togliatti	5152	702-960-4494
Kathleen Paustian	3785	702-321-2222
Kristine Kuzemka	8836	702-235-4023

Mark Gibbons	222	702-457-5267
Michael Feder	7332	702-550-4440
Patrick N. Chapin	4946	702-433-7295
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Areas of practice listings *continued on page 22*



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Bankruptcy Law		
Augusta Massey	11037	702-722-9906
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Dawn Cica	4565	702-685-4444
Gabrielle Hamm	11588	725-777-3000
Gregory E. Garman	6654	725-777-3000
James T. Leavitt	12803	702-385-7444
Jeanette E. McPherson	5423	702-228-7590
Lenard Schwartz	399	702-228-7590
Marjorie Guymon	4983	702-873-9500
Mark Blackman	13664	626-371-7046
Bankruptcy Law (cont.)		
Nedda Ghandi	11137	702-878-1115
Shelley Krohn	5040	702-421-2210
William Noall	3549	725-777-3000
Business Litigation		
Alexander Villamar	9927	702-667-4830
Augusta Massey	11037	702-722-9906
Brian K. Berman	56	702-382-0702
Brian Pezzillo	7136	702-667-4839
Bruce L. Gale	3413	702-678-6306
Caleb Green	15234	702-550-4417
Candace Carlyon	2666	702-685-4444
Charles McCrea	104	702-834-8777
David O'Mara	8599	775-323-1321
Dylan Ciciliano	12348	725-777-3000
Eric R. Olsen	3127	725-777-3000
Erika Pike Turner	6454	725-777-3000
Esther Rodriguez	6473	702-320-8400
Holly Stoberski	5490	702-854-0850
James Kohl	5692	702-307-0840
Jared Sechrist	10439	725-777-3000
Jeanette E. McPherson	5423	702-228-7590
Jeffrey Garofalo	7345	702-216-2685

Jennifer Braster	9982	702-420-7000
John Aldrich	6877	702-853-5490
John Krieger	6023	702-550-4439
Joshua Reisman	7152	702-727-6258
Lenard Schwartz	399	702-228-7590
Martin A. Little	7067	702-667-4829
Mary F. Chapman	6591	702-202-4223
Michael Feder	7332	702-550-4440
Michelle Alarie	11894	702-678-5070
Monique Jammer	15420	702-550-4467
Montgomery Paek	10176	702-496-8572
Patrick G. Byrne	7636	702-784-5200
Paul Hejmanowski	94	702-834-8777
Paul Ray	4365	702-823-2292
Puonyarat Premsrirut	7141	702-384-5563
Stephen Kent	1251	775-324-9800
Trent Richards	11448	702-800-7634
William L. Coulthard	3927	702-326-5971
William Noall	3549	725-777-3000
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Radford J. Smith	2791	702-990-6448
Civil Defense		
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Gordon M. Park	7124	702-949-1100
Jennifer Braster	9982	702-420-7000
Kevin E. Helm	3432	702-258-0022
Michael Federico	5946	702-384-4012
Civil Trial Advocacy		
Brian Pezzillo	7136	702-667-4839
David E. Astur	15008	702-786-1001
Elisabeth S. Ashley	7501	702-837-6605
J. Bruce Alverson	1339	702-384-7000
James E. Cavanaugh	6929	702-493-6989
John R. Bailey	137	702-562-8820
John R. Blackmon	13665	702-475-5606
Jordan Eglet	15542	702-450-5400
Kevin Hanratty	7734	702-821-1379
Nathan Lawrence	15060	702-892-3500
Paul Hejmanowski	94	702-834-8777

Collection Law		
Joel Selik	402	702-243-1930
Stephen Kent	1251	775-324-9800
Trent Richards	11448	702-800-7634
Common Interest Community, Homeowners Associations		
Anna Karabachev	14387	702-321-9922
Constitutional Law		
Andre Lagomarsino	6711	702-273-7660
James Giudici	224	775-825-8151
Construction Law		
Brian K. Berman	56	702-382-0702
Brian Pezzillo	7136	702-667-4839
Christopher McCullough	1138	702-385-7383
Eric Dobberstein	3712	702-382-4002
Jared Sechrist	10439	725-777-3000
Jeffrey Garofalo	7345	702-216-2685
Kevin E. Helm	3432	702-258-0022
Martin A. Little	7067	702-667-4829
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Eric Abbott	5850	702-813-9295
John Krieger	6023	702-550-4439
Victor A. Felix	5948	619-238-1900
Corporate Finance & Securities Law		
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Dmetri J. Culkar	15397	702-222-2570
Gian A. Brown	12939	702-222-2513

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Ayesha Mehdi	13917	702-246-5990
Charles Cook	1516	702-699-7500
Charles McCrea	104	702-834-8777
Daniel McGuire	5420	702-279-7657
David E. Astur	15008	702-786-1001
David Johnson	3971	702-860-0773
Dmetri J. Culkar	15397	702-222-2570
Dylan Ciciliano	12348	725-777-3000
Elizabeth Sorokac	8270	702-727-6258
Eric Abbott	5850	702-813-9295
Eric Dobberstein	3712	702-382-4002
George P. Kelesis	69	702-737-7702
Gian A. Brown	12939	702-222-2513
Gregory E. Garman	6654	725-777-3000
James Kohl	5692	702-307-0840
Joseph F. Dempsey	4585	702-581-3324
Kathleen Paustian	3785	702-321-2222
Marc Simon	1259	702-451-7077
Mayra Salinas-Menjivar	14607	702-791-0308
Melissa Waite	10789	702-550-4435
Monique Jammer	15420	702-550-4467
Nedda Ghandi	11137	702-878-1115
Patrick G. Byrne	7636	702-784-5200
Paul Lal	3755	702-382-7300
Puonyarat Premsrirut	7141	702-384-5563
Tracy A. Gallegos	9023	702-868-2622
Creditor and Debtor Law		
Gabrielle Hamm	11588	725-777-3000
Gregory E. Garman	6654	725-777-3000
James T. Leavitt	12803	702-385-7444
Jeanette E. McPherson	5423	702-228-7590
Lenard Schwartzer	399	702-228-7590
William Noall	3549	725-777-3000

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Harry Gensler	1460	702-810-4581
James T. Leavitt	12803	702-385-7444
John Hall Howard, Jr.	1885	702-496-6521
Kevin A. Sprenz	7924	702-243-4900
Laurie Diefenbach	5933	702-333-0207
Mariteresa Rivera-Rogers	8638	702-382-4004
Monti Levy	8158	702-382-4004
Richard Foster	15222	702-521-5675
Ronald A. Colquitt	4953	702-384-1000
Ryan Semerad	14615	307-265-3455
Sunethra Muralidhara	13549	702-382-4004
Domestic Relations and Family Law		
Anita Webster	1221	702-562-2300
Ann Kolber	8144	702-871-6144
Brian Blackham	9974	702-878-1115
Brian J. Steinberg	5787	702-384-9664
Calder B. Gabroy	14366	702-728-5708
David O'Mara	8599	775-323-1321
Douglas Crawford	181	702-383-0090
George J. Kunz	12245	702-735-3287
Jeanne Lambertsen	9460	702-562-2300
John Hall Howard, Jr.	1885	702-496-6521
John R. Blackmon	13665	702-475-5606
Karen Cliffe	8408	702-671-9476
Kucher Zakholy	15471	702-805-4777
Marshal Willick	2515	702-438-4100
Nedda Ghandi	11137	702-878-1115
Radford J. Smith	2791	702-990-6448
Rebecca Miller	2721	702-998-1500
Richard Foster	15222	702-521-5675
Stephanie McDonald	10609	702-455-0021
Thomas Standish	1424	702-998-9344
Vanessa Goulet	13688	702-805-4777

DUI Defense		
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Harry Gensler	1460	702-810-4581
John Hall Howard, Jr.	1885	702-496-6521
Kevin A. Sprenz	7924	702-243-4900
Laurie Diefenbach	5933	702-333-0207
Mariteresa Rivera-Rogers	8638	702-382-4004
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Joshua Reisman	7152	702-727-6258
Kermitt L. Waters	2571	702-733-8877
Michael Schneider	8887	702-733-8877
Steven M. Silva	12492	775-384-0022
William L. Coulthard	3927	702-326-5971
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David Johnson	3971	702-860-0773
Kathleen Paustian	3785	702-321-2222
Malani L. Kotchka	283	702-834-8777
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Jeffrey Silver	2870	702-550-4482
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John R. Bailey	137	702-562-8820
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William Curran	49	702-471-7000

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Laura Deeter	10562	702-878-1115
Marjorie Guymon	4983	702-873-9500
Shelley Krohn	5040	702-421-2210
Thomas Standish	1424	702-998-9344

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John R. Bailey	137	702-562-8820

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Victor A. Felix	5948	619-238-1900

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Malani L. Kotchka	283	702-834-8777
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Lynda Mabry	106	702-834-8777

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Medical Malpractice		
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Joel Selik	402	702-243-1930
Laura Payne-Hunt	4718	702-450-4868
Lorraine Mansfield	70	702-222-4009
Martin A. Little	7067	702-667-4829
Michael D. Haight	5654	702-862-8200

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Dmetri J. Culkar	15397	702-222-2570
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Paul Lal	3755	702-382-7300

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Andrea Vieira	15667	702-434-8282
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Atif Sheikh	14617	702-938-0495
Brent W. Tingey	12290	725-888-8881
Brittney Glover	15412	702-450-5400
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Eric Taylor	2275	702-384-7000
George J. Kunz	12245	702-735-3287
Gerald F. Neal	353	702-380-1234
Gordon M. Park	7124	702-949-1100
Heather Harris	7666	702-880-4529
John Aldrich	6877	702-853-5490
Jordan Eglet	15542	702-450-5400
Joshua Harris	9580	702-444-4444
Julie A. Mersch	4695	702-387-5868
Kevin A. Spreng	7924	702-243-4900
Kevin Hanratty	7734	702-821-1379
Laura Payne-Hunt	4718	702-450-4868
Lorraine Mansfield	70	702-222-4009
Luis Ayon	9752	702-600-3200
Michael D. Haight	5654	702-862-8200
Michael Federico	5946	702-384-4012
Nathan Lawrence	15060	702-892-3500
Pete Mazzeo	9387	702-382-3636
Pooja Kumar	12988	702-654-1111
Ronald A. Colquitt	4953	702-384-1000
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Danielle C. Miller	9127	702-450-5400
Edward J. Achrem	2281	702-734-3936
Eric L. Marshall	8847	702-489-5700
Gerald F. Neal	353	702-380-1234
Heather Harris	7666	702-880-4529
Joshua Harris	9580	702-444-4444
Loren Young	7567	702-257-1997
Luis Ayon	9752	702-600-3200
Michael Federico	5946	702-384-4012
Michael Stoberski	4762	702-384-4012
Pete Mazzeo	9387	702-382-3636
Pooja Kumar	12988	702-654-1111

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Danielle C. Miller	9127	702-450-5400
James E. Cavanaugh	6929	702-493-6989
Jordan Eglet	15542	702-450-5400
Loren Young	7567	702-257-1997
Lynda Mabry	106	702-834-8777
Michael Stoberski	4762	702-384-4012
Pete Mazzeo	9387	702-382-3636
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James E. Cavanaugh	6929	702-493-6989
Lynda Mabry	106	702-834-8777
Michael Stoberski	4762	702-384-4012
Public Utility Matters		
Douglas M. Brooks	9376	702-575-0433
Real Estate Law		
Puonyarat Premsrirut	7141	702-384-5563
Amanda Stevens	13966	702-912-0118
Brian K. Berman	56	702-382-0702
Charles Cook	1516	702-699-7500
Christopher McCullough	1138	702-385-7383
David Johnson	3971	702-860-0773
Elisabeth S. Ashley	7501	702-837-6605
Elizabeth Sorokac	8270	702-727-6258
Holly Stoberski	5490	702-854-0850
Marc Simon	1259	702-451-7077
Mark Blackman	13664	626-371-7046
Paul Ray	4365	702-823-2292
Richard Foster	15222	702-521-5675
Stephen Kent	1251	775-324-9800
Tracy A. Gallegos	9023	702-868-2622
William L. Coulthard	3927	702-326-5971

Areas of practice listings *continued on page 28*

Areas of practice listings *continued from page 27*

Real Property Law

Charles Cook	1516	702-699-7500
Charles McCrea	104	702-834-8777
Elisabeth S. Ashley	7501	702-837-6605
Marc Simon	1259	702-451-7077
Melissa Waite	10789	702-550-4435
Paul Lal	3755	702-382-7300
Steven M. Silva	12492	775-384-0022

Social Security Disability

Gerald M. Welt	1575	702-382-2030
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Sports & Entertainment Law

Marcus Risman	2455	702-388-8100
Tracy A. Gallegos	9023	702-868-2622

Taxation Law

George P. Kelesis	69	702-737-7702
Daniel McGuire	5420	702-279-7657
James Giudici	224	775-825-8151
Jay R. Cohen	4444	702-221-2029

Travel & Entertainment Law

Marcus Risman	2455	702-388-8100
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Transportation Law

Jeffrey Silver	2870	702-550-4482
Marcus Risman	2455	702-388-8100

Trial

Andrea Vieira	15667	702-434-8282
Dominica C. Anderson	2988	702-868-2600
Eric L. Marshall	8847	702-489-5700
Heather Harris	7666	702-880-4529
John R. Blackmon	13665	702-475-5606
Loren Young	7567	702-257-1997
Patrick G. Byrne	7636	702-784-5200

Ryan Semerad	14615	307-265-3455
Thomas Standish	1424	702-998-9344

Trusts

Dara Goldsmith	4270	702-873-9500
Kari Stephens	7848	702-254-4455
Laura Deeter	10562	702-878-1115

Wills, Estates, Estate Planning & Probate

Augusta Massey	11037	702-722-9906
Dara Goldsmith	4270	702-873-9500
David O'Mara	8599	775-323-1321
Dorothy J. Kyle	4463	702-254-4360
Elyse Tyrell	5531	702-382-2210
George J. Kunz	12245	702-735-3287
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Rebecca Miller	2721	702-998-1500
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Brent W. Tingey	12290	725-888-8881
Eduardo San Miguel	3657	702-385-2360
Esther Rodriguez	6473	702-320-8400
Gerald F. Neal	353	702-380-1234
Jason H. Weinstock	15114	702-699-5336
Julie Smith	8892	702-868-8888
Malani L. Kotchka	283	702-834-8777
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For more information about the Areas of Practice Listings, contact Stephanie Abbott at StephanieAbbott@clarkcountybar.org or (702) 387-6011.

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Fraud Prevention Tips for Law Firms

By Mark D. Rich, CPA, CFF

The law firm's cash flow has been unusually tight for several months. As managing partner, you sense that something is wrong. After taking a closer look, you find that billings are up, receivables are relatively current and there are no large expenditures to explain the lack of cash flow. After engaging a qualified fraud investigator, it is determined that the firm's trust account is significantly short and several client receivables shown as paid were never deposited into the general account. Now that fraud has been discovered, a costly investigation into how much and who is responsible begins. Why did this happen to your firm? Let us go back to some basics for a moment. Think of fraud as a chemical reaction. We start with today's society enabling entitled thoughts like "I deserve this" and "They owe it to me". Mix in spending habits, debt, or addictive behavior that affect personal finances and decision making. Stir that in with a lack of accounting controls at the workplace and we have an explosive fraud reaction. (Fraud triangle concepts originated from Cressey, Donald R. *Other People's Money* (Montclair: Patterson Smith, 1973)).


Are you expected to know the thoughts and habits of all your employees? No, but you can still prevent fraud by blocking the activating elements with effective accounting controls. For example:

- Segregation of duties
- Monthly financial reporting
- Reviewing bank statements
- Reconciliation of trust account with client balances
- Phantom employee search
- Expectation of privacy policies
- Approved vendor list
- Mandatory vacations
- Periodic job rotation
- Individual logins and passwords
- Approval of receivable write-offs
- Securing blank checks
- Monitoring credit cards and electronic payments

The few examples of accounting controls provided above are not all inclusive. Most firms could benefit immediately by simply segregating accounting duties along with implementing approval and review procedures. The good employee who does everything, who is like family, and who never takes a vacation may appear to be a blessing, but a potential fraud reaction has unknowingly been activated.



Mark D. Rich, CPA, CFF has been licensed for 40 years and is founding partner of Rich Wightman & Company. Contact Mark at markr@richwightman.com.

Fraud prevention responsibilities also require securing the law firm's computer data. If you have not engaged a reputable IT specialist, your firm is especially vulnerable to a computer breach. This area of fraud represents a significant risk every minute of every day. While you sleep, computer fraudsters are awake. Even with the best computer system, the weakest link is sitting behind a desk in your firm's offices, just one dangerous click away from a costly disaster. Controls in this area require policies that start with hiring the right IT professionals, strictly prohibiting employee personal usage, prohibiting bringing in computer devices from the outside without oversight, constant training related to identifying suspicious emails and websites, and periodic penetration testing of the overall system by your IT specialist. My hope is that you continue to learn more about fraud prevention by implementing effective controls in your law firm rather than learning through experience. 



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Fraud Prevention, Detection, and Investigation

Speakers:

Mark Rich, CPA, CFF

Joseph Garrett, CPA, CVA, CFE

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This presentation will discuss the tools and techniques that forensic accountants and fraud examiners utilize to recognize and investigate occupational fraud (while resisting a needle-in-the haystack approach).

Take this course to learn about:

- Fraud Statistics
- Fraud Detection, Prevention and Investigation
- Court cases involving Fraud Investigation
- What Actions Employers May Take if They Suspect Fraud
- Tax Related Identity Theft (that may result in fraud)

Technical Tips for Taking a Deposition Via Remote Videoconference

By Shane D. Godfrey

Fueled by the need to continue the pursuit of justice during the pandemic, while at the same time remaining safe, videoconferencing has transformed communication in the litigation world. Most legal professionals have likely participated in remote videoconferences and, by now, have even conducted depositions remotely. In this regard, legal professionals should be following best practices when taking a remote deposition.

It is important to contact the witness, or the office where the deposition will take place, at least a day in advance to test equipment and install any software required to participate in the proceeding. Conduct a dry run in advance to iron out the kinks. A stable internet connection is very important. A hard-wired internet connection is preferred, especially if recording the video, but most Wi-Fi connections should suffice. If your witness has persistent internet issues and you are not recording the video, have him or her join by phone instead.

The quality of the final video product is always very important, regardless of whether the deposition is taken in person or via Zoom. Better quality video is always received better in court than a shoddy final product.

A high-quality camera on the recording device should be stan-

The quality of the final video product is always very important, regardless of whether the deposition is taken in person or via Zoom.

dard. When using a mobile device or tablet, ask that your deponent remain hands-free and keep a charger close by. Work with the witness to determine the best lighting in the testifying space. Position the witness facing a window whenever possible. Accessory “ring” lights have become a popular and affordable lighting option.

With Zoom dominating the videoconference landscape, a working knowledge of its features can help counsel present a more compelling case. You will not find a cat-face filter in the Zoom video settings, but there is a *touch up your appearance* option with a softening filter to help you look like you slept a full eight-hours the night before. The *adjust for low light (manual)* option is handy in dimly lit settings. Zoom version



Shane D. Godfrey is a litigation support specialist with Las Vegas Legal Video focusing on trial presentation and legal video technologies. With over 16 years of industry experience, he has presented in over 100 trials, recorded numerous depositions and assisted attorneys in a multitude of audio/video projects.

5.5.0 or later has the blur background feature which not only increases the privacy of one's space, but also adds a professional appearing depth-of-field look.

For the best quality audio, one setting that you will absolutely want to adjust is *suppress background noise*. Switching this option from the default setting will make for a less garbled voice on the other end. For improved audio by default, utilizing a decent pair of Bluetooth headphones can make a huge difference.

In 2012, the American Bar Association amended Comment 8 to Model Rule of Professional Conduct 1.1 (Lawyers Duty of Competence) to read "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." Upping your technology game by following best practices can only help to comply with the attorney's duty of competence in this regard. **G**

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Trial by BlueJeans – What to Expect (or What You Probably Didn't Anticipate)

By Phillip S. Aurbach, Esq.

Some judges give you the choice to have the trial in court or by BlueJeans. This raises interesting issues relating to who is in the courtroom and who is not, exhibit preparation, how the exhibits are presented to the witness, and after going through one of these, a few tips.

1. Trial in the courtroom vs. BlueJeans

a. Paper vs. PDF. Not all judges give you the option to use paper exhibits in three-ring binders because this means multiple people will be touching the exhibits. If one attorney wants paper and the other wants Portable document format (PDF), PDF wins. See if there is a protocol regarding electronic exhibits that is issued by the clerk.

b. What does the trial look like? The trial can basically be held three ways: i) Everyone is in the courtroom; ii) one side is in the courtroom and the other side appears by BlueJeans and iii) both sides appear by BlueJeans.

i. Both sides are in the courtroom. Some courtrooms have a separate Wi-Fi that is only useable in that courtroom—not outside in the hall and not at home. Both sides connect to this Wi-Fi in the courtroom with very



Phillip S. Aurbach, Esq. is a shareholder at Marquis Aurbach Coffing. His practice areas include litigation, dispute resolution, corporate, and real property.

simple instructions.

1. The upsides to this are i) PDF documents that are displayed to the witness on the monitors in the courtroom appear crisp and clear to the judge, the witness, and the attorneys and ii) the attorney can use the ELMO projector in the courtroom.

2. The downsides are that i) some people do not want the potential exposure to COVID so they want to stay home and ii) unless the witness is wearing an appropriate plastic mask (not a face shield), the judge cannot view the facial expressions of the witness.

3. There is another factor that could be an upside or downside: Witnesses are more relaxed and comfortable testifying from home, but maybe the motivation to tell the truth under penalty of perjury does not have the impact it does in a formal courtroom.

ii. One side is in the courtroom and the other side uses BlueJeans.

1. First, everyone must have internet access—usually through the main Clark County Wi-Fi that is available in the Regional Justice Center.

2. Then, you connect to BlueJeans—whether you are in the courtroom or in your office.
3. The downsides are that i) the documents tend to be blurry and they need to be enlarged for the witness (and the judge) by using Adobe’s + sign to have a chance of reading them; ii) it is harder for the judge to control the attorneys and witness from talking over each other.
4. There is a 42-inch screen on rollers in the courtroom so you can do a presentation for an opening—except it is kind of blurry.

iii. **Both sides use BlueJeans.** There are the issues described above, plus more—see below.

2. Early exhibit preparation

a. Counsel must get their list of exhibits and the court cover sheet **much** earlier than normal. Pictures must have at least a one-inch border at the top of the page for the clerk to “affix the indicator documenting the admission of the photo.” Exhibits are all numeric e.g., Plaintiff 1-500, Defendant 500-600—no letters of the alphabet may be used. The exhibits must be in PDF format. The court requires that all must be Bates stamped in the lower right corner with the following protocol: The fourth page of Exhibit 3 will be stamped 3-004 (or 3.004). The 16.1 disclosure bates stamps and other production Bates stamps on the document are not mentioned at trial but go in a column on the Clerk’s Exhibit List Cover Sheet.

b. The Clerk’s Exhibit List Cover Sheet may differ from court to court. Some court clerks are using an Excel spreadsheet. Get a copy of the preferred format from the clerk before trial. This is an example of one. Much of the information is the same as in previous cover sheets, some is different. For example, the Identif. of Device column is for the clerk’s use. The Alphanumeric Designation column is for the bates numbering from discovery. This document must be in Times New Roman with size 12 font.

PLAINTIFF’S EXHIBITS:

Exhibit Number	Identif. of Device	Date	Description	Alphanumeric Designation	Stipulated Yes / No	Date Offered	Objection
1			5/10/2018 Emails R. White to W. Moore re cube				

c. The exhibits must be submitted on an electronic storage device like a USB thumb drive with twice the storage space that is needed for the exhibits. Two

thumb drives must be given to the clerk with the exhibits on them (three if it’s a jury trial).

d. Here is an issue. If the parties do not stipulate to an exhibit, and the court rules it is admissible, the judge does not get a copy. Hopefully this will be fixed soon, but the protocol focuses on the clerk electronically marking it as admitted and moving it to a subfolder on her drive with admitted documents. They have to figure out a way, other than printing out the document, to move admitted documents to a shared folder with the judge.

3. How the exhibits are presented

a. BlueJeans has a “screen share” icon. When you click on it, whatever is on your screen is shared.

b. The process goes like this: You click on the icon, then you find the exhibit in your “trial exhibits” folder on your computer, you open the exhibit and when it is on your screen, it is shared with the witness, the judge, the clerk, the court recorder, and the opposing attorneys.

4. Tips

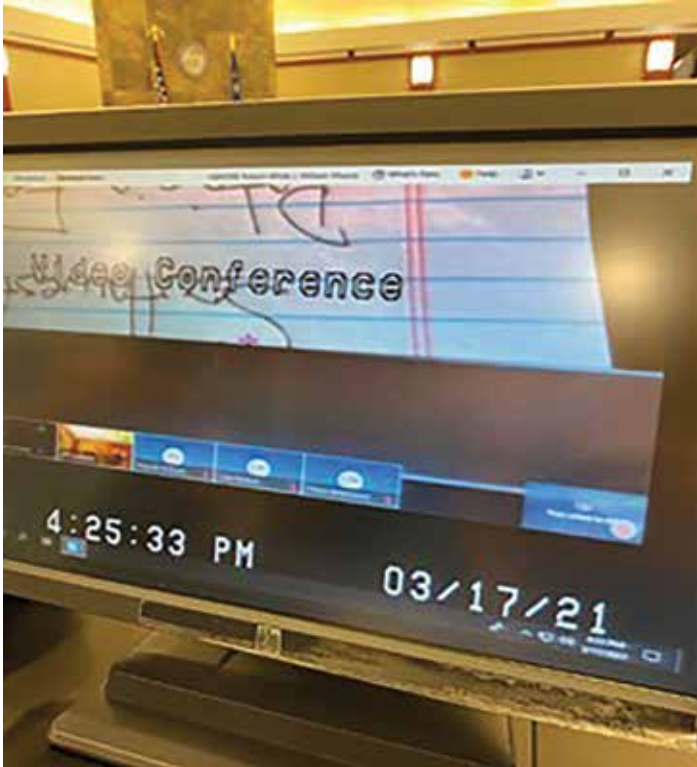
a. It is difficult to coordinate screen share on BlueJeans and drag the correct document over to the screen that is being shared, especially after periodic courtroom breaks. For example, your questions for the witness may be “screen shared” if you are not careful. Some of this can be avoided by i) having two monitors (you can get a USB laptop extra monitor-works well); ii) having a separate folder for the exhibits you are going to use with each witness; and iii) opening each PDF that you will use so you do not have to wait for it to open. Then you can just drag it to screen share.

b. If the courtroom lawyer uses the ELMO projector, the attorneys and witnesses not in the courtroom, but on BlueJeans cannot see the document that is projected, what is highlighted, or what the attorney points to on the document. That might pose a problem to the lawyers outside of the courtroom.

c. Ask the judge to enter an order that the witness cannot use notes and no one else can be in the room if the witness exclusionary rule is invoked. NRS 50.155.

Trial *continued on page 36*

d. Ask the judge to enter an order that, at any time, the witness can be ordered to rotate his camera, even if it is on a monitor, quickly around the room to determine whether anyone is in the room and what is on the witness' desk. If this cannot be done quickly, the order should state that the judge can strike and disregard any



of the testimony. In one trial, the witness was testifying from his office on BlueJeans. On direct examination he answered questions with precision, but he was periodically looking at his desk. At a break in the proceedings, the witness stood up to walk around and before he noticed it, his camera pointed down at his desk revealing a white notepad. Counsel took a picture of the BlueJeans screen showing the notepad. The witness denied having a notepad when asked on cross and had to make up an excuse when a picture of the white pad was displayed on screen share.

e. This brings up another issue. As shown in the picture, the words "Video Conference" were displayed across any BlueJeans screen. Exhibits had to be moved on the screen so those words did not cover up important parts of the exhibit. ©

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Eighth Judicial District Court Civil Practice “Cheat Sheet” – 2021 Update

By Craig D. Friedel, Esq. and Hailey C. Nicklin

Disclaimer: The use of this rule summary is not intended to supersede your independent judgment and review of applicable Nevada law and presumes the absence of any binding party stipulations or court orders providing otherwise.

Eighth Judicial District Court Civil Practice “Cheat Sheet” – 2021 Update		
<u>Action</u>	<u>Time Limit</u>	<u>Statute/ Rule</u>
Lawsuit Initiation		
Serve Defendant with Summons and Complaint After Filing Complaint	Not later than 120 days, unless granted an extension	NRCP 4(e)
Serve Answer to Complaint	Within 21 days after being served the Summons and Complaint, unless a Rule 12 motion is served, then see NRCP 12(a)(3); or, if the Defendant has timely waived service under NRCP 4.1, within 60 days after the request for waiver was sent, or within 90 days for Defendants outside of the United States	NRCP 12(a)(1)(A) NRCP 4.1(c)
File Proof of Service of Summons and Complaint	No later than the time permitted for the Defendant to respond to the Summons	NRCP 4(d)
Serve Answer to Counterclaim or Crossclaim	Within 21 days after being served with the pleading that states the counterclaim or crossclaim, unless a Rule 12 motion is served, then see NRCP 12(a)(3)	NRCP 12(a)(1)(B)

Cheat Sheet *continued on page 38*

Craig D. Friedel, Esq. is an associate with the law firm of Solomon Dwiggins Freer & Steadman, LTD. where he focuses his practice primarily on trust and estate litigation and Business Litigation. Mr. Friedel has significant experience litigating trust and estate actions which involve complex financial issues, including those related to the allocation of investments, accounting discrepancies, business valuations, improper distributions, sale of assets, etc.



Hailey C. Nicklin graduated from the William S. Boyd School of Law with a concentration in business and commercial law. She is currently a law clerk at Solomon Dwiggins Freer & Steadman, LTD. where she will be joining as an associate upon completion of her MBA degree from UNLV’s Lee School of Business.

Reply to Answer	Unless ordered otherwise, 21 days after being served with an order to reply, unless a Rule 12 motion is served, then see NRCP 12(a)(3)	NRCP 12(a)(1)(C)
Bring in Third Party Defendant or Counter-Defendant	No later than 14 days after serving original answer without leave of court; at any time after commencement of the action with leave of court	NRCP 14(a)(1) and (b)
Put on Dismissal Calendar	If Complaint not served or answered within 180 or no action for 6 months in a proceeding open for 1 year	EDCR 1.90(b)(2)
Amend/Supplement/Substitute Pleadings or Party		
Amend Pleading as Matter of Course	Within 21 days after service; or, if the pleading is one to which a responsive pleading is required, 21 days after service of the responsive pleading or 21 days after service of a 12(b), (e) or (f) motion, whichever is earlier	NRCP 15(a)(1)
Amend Pleading with Leave of Court or Written Consent of Opposing Party	Not later than 90 days before close of discovery; leave granted when "justice so requires"	NRCP 15(a)(2)
Respond to Amended Pleading	Unless ordered otherwise, within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later	NRCP 15(a)(3)
Amend During and After Trial to Conform to Evidence	At any time, even after judgment, under certain circumstances	NRCP 15(b)
Supplement Pleading	On motion and reasonable notice, setting out any transaction, occurrence or event that happened after the date of original pleading	NRCP 15(d)
Substitute Party Due to Death Where Claim Not Extinguished	Within 180 days after service of statement noting the death; otherwise, the claims must be dismissed	NRCP 25(a)
Substitute DOE/ROE defendants	"Promptly" upon discovery of true name	NRCP 10(d)
Discovery		
Attend Early Case Conference	Within 30 days after service of an answer by the first answering defendant; additional period of not more than 90 days by SAO of all parties; must occur within 180 days after service of answer absent compelling and extraordinary circumstances; If a new party serves its initial pleading after the first case conference, a supplemental case conference must be held within 30 days after service by any party of a written request for a supplemental conference	NRCP 16.1(b)(2)

Serve NRCP 16.1 Initial Disclosures	At or within 14 days after the Rule 16.1(b) early case conference unless otherwise set by stipulation or court order; if party is first served or joined after the NRCP 16.1(b) conference is held, then within 30 days after filing an answer or a Rule 12 motion, unless otherwise set by stipulation or court order	NRCP 16.1(a)(1)(C)-(D)
File Case Conference Report	Within 30 days after the Rule 16.1(b) early case conference; must supplement after any supplemental early case conference	NRCP 16.1(c)(1)(A)-(B)
May Serve Written Discovery	At any time after (1) the filing of a joint case conference report, OR not sooner than 14 days after a party has filed a separate case conference report, OR upon order of the court or discovery commissioner, AND (2) making NRCP 16.1(a)(1) initial disclosures	NRCP 26(a)
Depositions-Oral Examination	14 days' written notice before time set for deposition; prior notice required to designate another method to record the deponent's testimony; 30 days for deponent to review and modify transcript once noticed it is available if requested review at deposition	NRCP 30(b)(1), (b)(3)(B) & (e)(1)
ROGs/RFPs/RFAs	Respond within 30 days after service of ROGs/RFPs/RFAs, unless otherwise set by stipulation or court order	NRCP 33(b)(2)/ NRCP 34(b)(2)(A)/ NRCP 36(a)(3)
Subpoenas	A notice and copy of the intended subpoena must be served on all parties at least 7 days before service on the person to whom it is directed; a party then must file any written objection within 7 days; the person to whom it is directed must respond within any reasonable time for compliance designated in the subpoena or may object within the earlier of the time specified for compliance or 14 days after the subpoena is served	NRCP 45(a)(4)(A) NRCP 45(c)(2)(B)
Court Enters Scheduling Order	Unless the court finds good cause for delay, as soon as practicable but at least within 60 days after a Rule 16.1 case conference report has been filed or the court waives the requirement of a case conference report under Rule 16.1(f),	NRCP 16(b)(2) EDCR 1.90(b)(3)
Set Trial Date	Cases shall be set for trial no later than 6 months after discovery cut-off date	EDCR 1.90(b)(4)
File Motions to Amend Pleadings or Add Parties	Not later than 90 days before the close of discovery unless by court order	NRCP 16.1(c)(2)(M)
Initial Expert Disclosures	No later than 90 days before discovery cut-off date unless otherwise set by stipulation or court order	NRCP 16.1(a)(2)(E)(i)(a); NRCP 16.1(c)(2)(N)
Rebuttal Expert Disclosures	No later than 30 days after opposing party's expert disclosure unless otherwise set by stipulation or court order	NRCP 16.1(a)(2)(E)(i)(b); NRCP 16.1(c)(2)(N)

Close of Discovery	As set in Scheduling Order pursuant to NRCP 16(b)	EDCR 1.90(b)(3)
File Dispositive Motions	No later than 30 days after discovery cut-off date	NRCP 16.1(c)(2)(O)
File Motions In Limine	Filed not less than 45 days prior to the date set for trial and must be heard not less than 14 days prior to trial	EDCR 2.47
File Motion/SAO to Extend Discovery Deadline Set Forth in Discovery Order	No later than 21 days before the discovery cut-off date	EDCR 2.35(a)
Discovery Disputes		
Preparation of R&R	Upon direction by the discovery commissioner, within 14 days after being notified of the decision, unless additional time is allowed by the court	EDCR 2.34(f) EDCR 7.21
Objection to R&R	Within 14 days after being served with the report	EDCR 2.34(f)(1)
Response to Objection to R&R	Within 7 days after being served with the objection	EDCR 2.34(f)(1)
Pre-Trial		
Request Jury Trial	Any time after the commencement of the action and not later than the time of the entry of the order first setting the case for trial	NRCP 38(b)
Make/Accept Offer of Judgment	Any time more than 21 days before trial; written acceptance of an offer of must be made within 14 days after service or the offer shall be deemed rejected	NRCP 68(a) & (d)
File Motion for Summary Judgment	Absent a court order otherwise, at any time until 30 days after the close of all discovery	NRCP 56(b)
Pretrial Motions	Should be heard and decided no later than 14 days before the date scheduled for trial	EDCR 1.90(a)(3)
Serve Pre-Trial Disclosures	At least 30 days before trial	NRCP 16.1(a)(3)(B)(i)
Object to Evidence in Pre-Trial Disclosure	Within 14 days after pre-trial disclosures made	NRCP 16.1(a)(3)(B)(ii)
Conduct Meeting of Counsel to Exchange Exhibits/Witness List	Prior to any calendar call or final pretrial conference	EDCR 2.67(a)
File Joint Pre-Trial Memorandum	Not less than 15 days before the trial date	EDCR 2.67(a)
Post-Trial		
File Notice of Entry Of Judgment	Within 14 days after entry of a judgment or an order	NRCP 58(e)
File Memorandum of Costs	Within 5 days after the entry of judgment, or such further time as the court or judge may grant	NRS 18.110

File Renewed Motion for Judgements as Matter of Law/ Motion for New Trial/ Motion to Amend Findings and Judgment Accordingly/ Motion to Alter or Amend Judgment	No later than 28 days after service of written notice of entry of judgment (time for filing cannot be extended pursuant to NRCP 6(b))	NRCP 50(b)/ NRCP 59(b)/ NRCP 52(b)/ NRCP 59(e)
File Motion for Attorney's Fees	No later than 21 days after notice of entry of judgment is served (time for filing cannot be extended by the court after the foregoing time expires)	NRCP 54(d)(2) (B)-(C)
File Notice of Appeal	No later than 30 days after service of written notice of the order/judgment; If one party timely files a notice of appeal, any other party may file and serve a notice of appeal within 14 days after the date when the first notice was served or within 30 days after service of written notice of the order/judgment, whichever is later	NRAP 4(a)(1)-(2)
Relief from Judgment (Mistake, Inadvertence, Excusable Neglect, Newly discovery Evidence, Fraud, etc.)	Within a reasonable time, and for reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or the date of service of written notice of entry of the judgment or order, whichever date is later (time for filing cannot be extended pursuant to NRCP 6(b))	NRCP 60(c)(1)
Motions		
Ex Parte Motion for Order Shortening Time	If granted, must be served upon all parties promptly; if order shortens the notice of a hearing to less than 14 days, it may not be served by mail; notice of hearing may not be shortened to less than 1 day.	EDCR 2.26
File Joinder to Motion	Within 7 days after service of motion	EDCR 2.20(d)
File Opposition or Notice of Non-Opposition	Within 14 days after service of motion and 5 days after service of any joinder to the motion	EDCR 2.20(e)
File Reply to Opposition	If a hearing was requested or set by the court, no later than 7 days before the hearing on Motion unless court approval first obtained; If no hearing was requested, no later than 7 days after service of the opposition	EDCR 2.20(g)
File Motion for Reconsideration	Within 14 days after service of written notice of the order/judgment (other than any order/judgment that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60); the filing of such a motion does not toll the period for filing a notice of appeal from a final order or judgment	EDCR 2.24(b)
Preparation of Order	Within 14 days after being notified of the ruling/ decision, unless additional time is allowed by the court	EDCR 7.21; EDCR 1.90(a)(4)
*Please consult NRCP 6(a) and EDCR 1.14 for the correct computation of the above time limits. A redline of version of the pre-rule changes "Cheat Sheet" published in the May 2017 issue of Communiqué is available for download at www.sdfnlaw.com .		

Small Law Firm Management: The Key to Guiding Growth for Your Law Firm

By Marjorie Hauf, Esq., Jay Kamlet, and Jordan Deifik

The legal industry is hyper-sensitive to competition. Looking for new and innovative ways to outrank competitors is essential to growth. Balancing ongoing changes and trends while ensuring you meet market needs is constant work for attorneys.

Nevada solo practitioners and small law firms in Las Vegas struggle with growth and office management. There are unique challenges that smaller firms face when compared to “BigLaw” or adjacent industries. Typically, in small law firms, minor managerial tasks fall on limited support staff and attorneys’ backs.

Business in 2021 also looks much different than it did going into 2020. Small law firms must provide superior client services while ensuring that their legal practices do not fall behind.

Workload

Workload awareness and management will help an attorney understand critical aspects of his or her firm. It provides clarity regarding work-life balance, cash flow management, and more. A lack of workload awareness can be detrimental to the business’s health and operation efficiency.

Investing in a law firm dashboard or project management tool allows you to monitor overall law firm performance without having to track down every detail. Workload management will save you ample time and money.

Financial planning

Financial planning for lawyers goes beyond simple bookkeeping. Aim for high-level profitability by

Marjorie Hauf, Esq. has spent her career keeping our community safe by holding wrongdoers accountable. Marjorie is a certified personal injury specialist. Marjorie is licensed to practice law in Nevada and Arizona.

Jay F. Kamlet is a founder of LawBank. LawBank has locations in Denver and Las Vegas and is a collaborative office community designed exclusively for independent lawyers and small law firms.



Jordan Deifik is a commercial real estate professional and co-founded LawBank, the largest and oldest shared office space for lawyers in the Mountain West. LawBank serves 115 small law firms in over 90 practice areas.

enhancing client experiences and improving law firm efficiencies. It is essential to consider overall financial goals and work them into a formalized financial plan.

Community

Some of the biggest challenges to a small or solo practitioner stem from the availability of collaboration. Immersing yourself in the law community is essential for small and solo practitioners. Take advantage of legal community groups to gain access to colleagues that you can bounce ideas off, brainstorm how to attack a case or an issue in a brief, or cover a hearing so that you can meet a family commitment.

Office space

Before taking out a long-term lease or investing in a property, solo and small law firms should consider their actual spatial needs. Consider cost, networking opportunities, amenities, and professional development activities offered. If your office space does not align with your law firm's practice, it is time to start thinking about a new location.

Business automation

Every office needs to have certain things in place to keep the day-to-day activities running smoothly. This means setting policies for managing client data and paperwork, a consistent onboarding process, and data-driven employee management. Take the time to leverage business applications and automation to help streamline these processes.

Final thoughts and considerations

Too many solo and small law firms focus on keeping expenses low to keep billing rates competitive. **STOP THIS WAY OF THINKING!** BigLaw drives revenue to the firm by ensuring that all billing personnel are being maximized. **START THINKING LIKE BIGLAW!** Drive revenue to your firm by contracting, co-counseling, and referring business to others, leveraging their time and talents to bring more money to your top line.

Each of the suggestions above should help you accomplish this goal. **👊**

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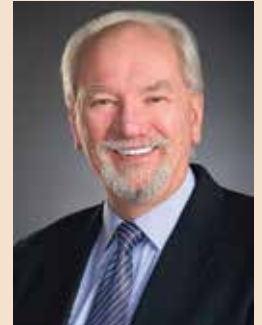
Ethics? Ethics? I Got Your Ethics Right Here.

Speaker:

Dennis L. Kennedy, Esq.

Bailey Kennedy

This program focuses on current issues in professional responsibility and legal ethics. It is designed to benefit lawyers in all practice areas and all levels of experience.



Featured Topics:

- Be careful. Someone is watching you. Right now.
- Can we talk? Maybe. An update of Nevada RPC 4.2 from the State Bar Ethics Committee.
- Did the preceding discussion of Rule 4.2 make sense? Be careful how you use it.
- Leaving already? ABA Formal Ethics Opinion 489 provides guidance on how to ethically depart from a law firm.
- Civility and consequences in 2020.
- Psst. Have a look at this. Ethics issues arising when a lawyer is covertly provided evidence by a third party.
- The trust account body count continues to mount. Pay heed, then yourself.
- The client decides whether to settle – not the lawyer. Nothing contained in your retainer agreement can change that.
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Author: Bridget Kelly, Esq.

Published: Apr. 2020 (Communi-
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Format: PDF (article and test)

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Pro Bono Work and the Client Experience

By Stephanie Glantz, Esq.

When agreeing to take a pro bono case, newly practicing attorneys often think of the obvious experience that will be gained in written and oral advocacy skills. But one opportunity often overlooked (and possibly undervalued) when accepting a pro bono case is in the area of client interaction and communication.

Ultimately, we are in a customer service industry. What good are our advocacy skills if we are utilizing them to achieve an outcome that is not important to the client? That is a quick and certain way to make a client unhappy. The quality of communication with a client can make or break any client's impression of you and the work you provide. A lawyer's ability to effectively communicate with his/her client eliminates things that could be "lost in [legal] translation." Not only will it help us, as lawyers, understand what it is that our clients hope to achieve by retaining us, but it will also help our clients understand how the day-to-day work we have done

(and charged them for) helps them achieve that goal.

Pro bono work provides a chance for young associates—or any attorney—to build on the skills necessary to provide a valued experience for a client from beginning to end. Many junior associates do not deal directly with clients (a function generally reserved for a partner or more senior associate), or deal with them in infrequent, periodic communications on isolated issues. Pro bono clients are unlike the typical in-house counsel client or other sophisticated business client in that they likely have little understanding of the general judicial process. Communicating with a pro bono client about legal issues or strategy forces an attorney to really think about the way he or she is communicating with that client. It also forces the attorney to explain—in a way the client understands and values—how the steps the attorney is taking furthers the client's ultimate goal. Once a client understands the value of the service you provide to them, and you likewise understand what it is your client wants out of retaining you, you are better able to provide a great client experience. Experience in pro bono work helps you get there. **G**



Stephanie Glantz, Esq. is an associate at Bailey Kennedy and practices in the areas of litigation, appellate advocacy, healthcare law, business and corporate law, administrative and gaming law, and ethics and professional responsibility law.

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