



Check out the CCBA CLE Library!
See pages 40-44

COMMUNIQUE

THE OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

The Ethics Issue

JUNE/JULY 2021

Special feature

CLE Article #9:

What Exactly Is The Unauthorized Practice of Law?

By John M. Naylor, Esq.
See page 32

Offers
1.0 Ethics
CLE Credit
(NV)

Is Virtual a New Reality for Alternative Dispute Resolution?

By Monique Jammer, Esq.
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Letter of the Law Versus Spirit of
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Equalize Law School Admissions!
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Changing Law Firms? The Client
Comes First.
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Five Things You May or May
Not Know About the Attorney
Discipline Process
See page 30

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.



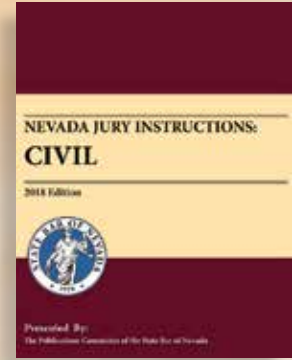
Nevada Gaming Law Practice and Procedure Manual

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:
www.nvbar.org > Publications > State Bar Publications





COMMUNIQUE

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Letter of the Law Versus Spirit of the Law

By James E. Harper, Esq.

Summer is upon us and the days are long. Like me, I hope the CCBA membership is enjoying the warm Vegas sun and the return to capacity.

This double edition of the magazine includes six featured articles related to ethics. Schools of ethics in western philosophy can be divided, very roughly, into three. The first, drawing on Aristotle, holds that the virtues (such as justice, charity, and generosity) are dispositions to act in ways that benefit both the person possessing them and that person's society. The second, defended particularly by Kant, makes the concept of duty central to morality: humans are bound, from a knowledge of their duty as rational beings, to obey the categorical imperative to respect other rational beings. The third, utilitarianism; that the guiding principle of conduct should be the greatest happiness or benefit of the greatest number.

In his article "Ethics," Princeton University Professor of Bioethics Peter Singer explains that ethics consists of the fundamental issues of practical decision making, and its major concerns include the nature of ultimate value and the standards by which human actions can be judged right or wrong.

Unfortunately, as lawyers, we can validate potentially unethical actions by convincing ourselves that we are not doing anything illegal. Indeed, the juxtaposition of the letter of the law versus the spirit of the law may be the impetus for the rules of professional

conduct that regulate our actions when we became fixated on dismissing or ignoring wrongful



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.

[D]oing the best we can for our clients under the bounds of the law while also doing the "right thing" starts internally.

acts in pursuit of zealously practicing the law. As those CCBA members who attended the 2018 SBN Annual Meeting may recall, former Enron CFO (and convicted felon) Andrew Fastow recounted how Enron's unraveling is easily explained by the company's executives and Arthur Anderson accountants' belief that loopholes in GAAP and SEC regulations were within the letter of the law. As Fastow now contritely acknowledges, that belief was fueled by greed that eradicated the spirit of those regulations that protect investors.

Perhaps doing the best we can for our clients under the bounds of the law while also doing the "right thing" starts internally. Regardless of which western philosophy resonates with each one of us, our internal rationality affects how we choose to conduct ourselves ethically. To balance inner rationality, I encourage our members to reflect on the CCBA Lawyer's Pledge of Professionalism "[to] . . . conduct [ourselves] in a manner that will encourage trust of the legal profession by members of the public." See page 47 for full text of the CCBA Lawyer's Pledge of Professionalism. To that end, may our pursuit of doing what we believe is right strengthen the public's trust in us.

I hope our CCBA members have a wonderful summer and remain safe and well. ●



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John Naylor to Speak About Unauthorized Practice of Law at July Bar Luncheon

By Stephanie Abbott

On Thursday, July 15, 2021, commercial litigator John Naylor 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.



John is a founding partner at Naylor & Braster, a commercial litigation firm in Las Vegas, Nevada. John has been licensed for 30 years. He practices in the areas of commercial litigation, appellate work and construction law. John will present “The Unauthorized Practice of Law – A Trap for the Unwary” and plans to cover ethical concerns for Nevada lawyers, including:

- I can't define it, but I know it when I see it
- What can my paralegal/intake specialist/case coordinator do without violating the rules?
- I'm licensed and can still be tagged with the unauthorized practice of law? What's up with that?
- Special COVID-19 Concerns – ABA Formal Opinion 495 to the rescue!
- Who enforces these rules?
- Appearances count!
- Pro hac vice and multijurisdictional practice – an overview
- Can I be sued for the unauthorized practice of law?
- Do I have a duty to report?

The presentation will offer 1.0 Ethics CLE Credits to CCBA members only. Pricing of the event and the CLE credit are 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@clarkcountybar.org, (702) 387-6011. 📍

Luncheon sponsors



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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 OFFICIAL PUBLICATION OF THE CLARK COUNTY BAR ASSOCIATION

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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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Advertising info

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.

Join a Bar Committee

CCBA members are invited to join one or more committee and help the CCBA to enrich the lives and careers of our members and community.

- **Community Service Committee** – Organizes opportunities for CCBA’s members to provide outreach services to the community at large in Southern Nevada. All members of the CCBA are invited to join or volunteer for this committee and/or get involved in the planned activities. This committee meets on the first Friday of the month. Chair: Paul Lal, Esq. of Boies Schiller Flexner LLP.
- **Continuing Legal Education (CLE) Committee** – Creates high quality, low-cost CLE seminars for the benefit of bar members and legal community. Participation on the CLE committee is limited to current attorney and JD members of the CCBA. Committee members plan and/or develop live CLE seminars for the CCBA. These active committee members are entitled to attend CCBA CLE seminars at no cost. This committee meets at noon on the second Wednesday of every month. Chair: Robert Telles, Esq. of Clark County Nevada Public Administrator’s Office.
- **Diversity and Inclusion Committee on Equity** – Promotes and supports diversity, inclusion, and equity within the Nevada Bar, the profession, and the legal community. The committee’s mission is to organize educational programs that facilitate constructive discussion and enhance understanding of diversity issues. The committee promotes diversity, equity, inclusion, and the removal of barriers to success within the CCBA and the communities we serve. This committee meets at noon on the last Friday of every month. Chair: Annette Bradley, Esq.
- **New Lawyers Committee** – Coordinates and participates with the William S. Boyd School of Law to produce student competitions. The New Lawyers Committee is for attorneys admitted to practice in Nevada within the last five years, regardless of age. This committee meets at 12:00 p.m. on the second Thursday of every month. Co-Chairs: Sunethra Muralidhara, Esq. of Wright Marsh & Levy and Andrew Coates, Esq.
- **Publications Committee** – Produces *Communiqué*, the official publication of the Clark County Bar Association. Committee members write articles themselves as well as solicit articles from other professionals on assigned topics. Participation on the Publications Committee is limited to current attorney and JD members of the CCBA. This committee meets at noon on the first Tuesday of every month. Chair Alia Najjar, M.D., Esq. of Nutile Law.

For more information about each committee, reach out to the committee chair or contact the CCBA office at 702-387-6011. **C**

Dennis Kennedy to Present “Ethics Unbound and Unmasked” CLE Program

By Stephanie Abbott

Commercial litigator Dennis L. Kennedy of Bailey Kennedy will make a special presentation for the continuing education of Nevada lawyers in a CLE program produced by the CCBA’s CLE Committee.

Dennis is a partner in the firm of Bailey ♦ Kennedy. Dennis practices primarily in general commercial litigation, health care and insurance law, and professional liability. Dennis is a former member (1988-1997) and the past chairman (1992-1994) of the State Bar of Nevada Disciplinary Board, Southern District of Nevada. He was a member (and past chairman 2003-2007) of the Nevada State Bar Committee on Ethics and Professional Responsibility. He was a member of the State Bar Ethics 2000 Committee, which prepared proposed amendments to the Nevada Supreme Court Rules which led to the adoption by the Nevada Supreme Court of the Nevada Rules of Professional Conduct, effective May 1, 2006.



Dennis is set to record the CLE program “Ethics Unbound & Unmasked” during the month June with the recording to be made available to order from the CCBA’s website in July. The program will offer 2.0 Ethics CLE credit for Nevada lawyers.

CCBA’s recorded CLE programs may be streamed from a computer browser or mobile device. For more info, see <https://clarkcountybar.org/marketplace/recorded-cle-programs/> or contact Donna at Donnaw@clarkcountybar.org, (702) 387-6011.

CCBA’s CLE programming is sponsored by Bank of Nevada and Las Vegas Legal Video. 



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“Ethics Unbound and Unmasked” CLE topics:

1. Some things are not going away after the shots: Issues relating to practicing remotely/virtually.
 - a. Working remotely from a jurisdiction where you are not licensed.
 - b. Myriad issues in virtual practice.
2. Some things stay the same: Stop making stupid threats.
3. Some statutes, like NRS 7.095, cannot be waived.
4. Some (jointly represented) clients should be declined.
5. Some people just can’t be trusted: Be careful when outsourcing work.
6. Say, this looks familiar: A few (hopefully original) words about plagiarism and its consequences.
7. And you look familiar, too: How close is “too close” to opposing counsel?
8. Responding to negative on-line reviews: Some things, at least for now, should be left unsaid.
9. Obligations to prospective clients: Watch out for RPC 1.18.
10. Lawyer mobility: I’ll keep talking about this topic until everyone gets it. For now, I’m clearing my throat.
11. Dealing with pro se litigants: That’s correct; I’m not returning your calls.
12. Other stuff if we have time.

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CCBA Baseball Tickets Special Offer

The Clark County Bar Association (CCBA) holds a limited number of tickets (four) to select home games for the 2021 Las Vegas Aviators season schedule. CCBA is pleased to offer use of our available tickets to CCBA members (paid for 2021 membership year) on a first come, first served basis to select home games. See below for information on use, notes, and more.

- **Request use** – CCBA members (not including law students) need to submit a request via email to DonnaW@clarkcountybar.org with the following information:
 - CCBA member name
 - Email address
 - Choice of home game day
- **Notes – Available tickets will be provided electronically via a transfer from our account to the CCBA member’s account via the Las Vegas Ballpark Account Manager.** Participating CCBA members will need to access tickets on the Summerlin App and log-in to your Las Vegas Ballpark account. If you have an account set up with the Las Vegas Ballpark Account Manager, access tickets at account at www.aviatorslv.com/myaccount. For more information about accessing tickets, see digital guide at <https://www.milb.com/las-vegas/tickets/digitalticketguide>.
- **Health and Safety Guidelines**
 - Face coverings are mandatory for fans and must extend from nose to chin, covering the mouth and nose. Children two and under are the only exemptions to this requirement.
 - Face coverings must be worn at all times unless you are ACTIVELY eating and drinking
 - Social Distancing will be highly encouraged for all fans at Las Vegas Ballpark. The seating bowl has been socially distanced so please sit in your assigned seats.
- **Cashless Transactions** – Las Vegas Ballpark is a cashless venue, and no cash will be exchanged between merchants and fans. Since all points of sale will be fully cashless, there will be options available for contactless payment. Please see their website for more information.
- **CLEAR App** – The Aviators are committed to providing a safe environment and will be utilizing CLEAR Health Pass to complete your State and County mandated health survey prior to entry into

Las Vegas Ballpark. Health Pass is a free service on the CLEAR mobile app that allows seamless entry to the game. Links to get the CLEAR app:

- iPhone – CLEAR for iPhone
- Android - CLEAR for Android
- **Bag Policy** – To prevent crowding at gates and expedite the entry process, Las Vegas Ballpark has adopted a clear bag policy. Bags meeting the following requirements will be allowed:
 - Soft-sided and clear
 - No larger than 16”x16”x8”
 - In the event a bag must be searched, personnel will ask the fan/attendee to remove items so the inside of the bag can be inspected.

More restrictions apply to this offer; see the webpage cited above for more information.

Let’s go out to the ball game! 🇨





MAKE SUMMER FUN

AT THE BALLPARK



The Las Vegas Aviators are happy to be back in the Las Vegas Ballpark for the 2021 Season!
 For ticket information, please contact tickets@aviatorslv.com

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
		1 SAC 7:05pm	2	3 ABQ 5:35pm	4 ABQ 5:35pm	5 ABQ 5:35pm
6 ABQ 5:05pm	7 ABQ 5:35pm	8 ABQ 11:05am	9	10 RNO 7:05pm	11 RNO 7:05pm	12 RNO 7:05pm
13 RNO 7:05pm	14 RNO 7:05pm	15 RNO 7:05pm	16	17 TAC 7:05pm	18 TAC 7:05pm	19 TAC 7:05pm
20 TAC 7:05pm	21 TAC 7:05pm	22 TAC 7:05pm	23	24 SL 5:35pm	25 SL 5:35pm	26 SL 5:35pm
27 SL 12:05pm	28 SL 5:35pm	29 SL 5:35pm	30			

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
				1 SAC 7:05pm	2 SAC 7:05pm	3 SAC 7:05pm
4 SAC 7:05pm	5 SAC 7:05pm	6 SAC 7:05pm	7	8 RNO 8:35pm	9 RNO 8:35pm	10 RNO 8:35pm
11 RNO 8:05pm	12 RNO 8:35pm	13 RNO 8:35pm	14	15 ELP 7:05pm	16 ELP 7:05pm	17 ELP 7:05pm
18 ELP 7:05pm	19 ELP 7:05pm	20 ELP 7:05pm	21	22 SL 5:35pm	23 SL 5:35pm	24 SL 5:35pm
25 SL 12:05pm	26 SL 5:35pm	27 SL 5:35pm	28	29 TAC 7:05pm	30 TAC 7:05pm	31 TAC 7:05pm

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
1 TAC 7:05pm	2 TAC 7:05pm	3 TAC 7:05pm	4	5 SL 7:05pm	6 SL 7:05pm	7 SL 7:05pm
8 SL 7:05pm	9 SL 7:05pm	10 SL 7:05pm	11	12 TAC 7:05pm	13 TAC 7:05pm	14 TAC 7:05pm
15 TAC 7:05pm	16 TAC 7:05pm	17 TAC 7:05pm	18	19 ABQ 7:05pm	20 ABQ 7:05pm	21 ABQ 7:05pm
22 ABQ 7:05pm	23 ABQ 7:05pm	24 ABQ 7:05pm	25	26 OKC 5:05pm	27 OKC 5:05pm	28 OKC 5:05pm
29 OKC 4:05pm	30 OKC 5:05pm	31 OKC 5:05pm				

The ¡Andale! 5K—A Race to Equalize Law School Admissions!

By Marisa Rodriguez, Esq. and Theresa Guerra, Esq.

This is your official invitation to join a family-friendly, endorphin-inducing, community event that will not only leave you feeling great, but will also help

equalize law school admissions for Latinos.

Although Latinos comprise 18.5 percent of the US population, only 5 percent of the attorneys in the United States are Latinos. (See Quick Facts, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/US/RHI725219> (last visited May 2, 2021); see also See Laura Bagby, ABA Profile of the Legal Profession Diversity and Well-Being, 2Civility (Aug. 13, 2020), <https://www.2civility.org/aba-profile-of-the-legal-profession-diversity-and-well-being/>). The goal of ¡Andale! 5K is to help address this enormous underrepresentation.

One barrier to entering law school is a lack of resources to take a Law School Admission Test preparation course, which will allow aspiring law students to perform as well as they can on this exam. This inspired the Nevada Latino Bar Association (“LBA” – formerly known as the Las Vegas Latino Bar Association) to establish the ¡Andale! 5K, a scholarship fundraising event held in September, during Hispanic Heritage month.

The event raises money through sponsorships, registrations, and donations. All net proceeds fund ¡Andale! scholarships. The ¡Andale! scholarships pay for an in-person or virtual Kaplan LSAT preparation course, the LSAT, and LSAT-related fees (over \$1,700 value). The scholarship is open to self-identifying Latinos nation-wide and priority is given to students with connections to Nevada.

History and success stories

The inaugural ¡Andale! 5K was held in September 2019. The LBA raised over \$42,000 and was able to grant 17 scholarships. The recipients are at various stages of their law school application paths. We are proud to report that one of such ¡Andale! scholars and Las Vegas-native, Julian Sarabia, was admitted into a dozen law schools and has decided to pursue a law degree at Harvard Law, which offered him a handsome scholarship. According to Julian, “the ¡Andale! scholarship was the first step in realizing what opportunities were available to me, and it set the tone for the rest of [his] journey in applying to law school.”

In 2020, due to the COVID-19 pandemic, the LBA was forced to go virtual. Despite the unprecedented circumstances, our community showed up in an incredible force and the LBA fundraised over \$62,000. LBA President Claudia Aguayo was able to work with Kaplan to achieve a generous discount, which allowed the LBA to grant 40 scholarships. One of our 2020 ¡Andale! scholars, Eva Guevara, was accepted to William S. Boyd School of Law, where she will begin her studies this fall. Eva shared that “high priced LSAT



¡Andale! 5K (2020) scholars Julian Sarabia (above) and Eva Guevara (below).

preparation courses and the LSAT itself [were] holding [her] back from completing the first steps in applying to law school.” She is incredibly grateful to everyone who made her scholarship and law school admission possible.

Third Annual ¡Andale! 5K

This year’s annual ¡Andale! 5K will take place on September 18, 2021 at 8:00 a.m. at the Kellogg Zaher Sports Complex Park. Participants can register at www.andale5k.com to run in-person (unless circumstances change) or virtually. Below is the pricing:

- Early Bird (before June 17): \$25
- June 18-July 17: \$35
- July 18-August 17: \$40
- August 18-September 17: \$45
- Same day registration: \$50 (cash only)

Participants can register individually or as a team. Teams will be able to compete in various categories (e.g., team with the most members).

How you can get involved

There are a number of ways to

help support this incredible cause, including becoming a sponsor. Take it from Katrina Hone, Director of Operations at H1 Law Group, a 2020 ¡Andale! 5K sponsor, “participating in the ¡Andale! 5K was a great diversion to the pandemic funk! There was a sense of community and fun despite doing it virtually and separate from others. The race organizers went the extra mile to make this a special event. From the choosing of the app (wow cheering and music!) to the goody bags and awards. The race was a fun event for our legal team and our family.”

When asked why H1 Law Group decided to sponsor the event, Hone stated that her firm “understands the important and urgent need to increase Latino representation in the legal profession. We recognize the value of diversity of experience and what it brings to solving the complex legal problems that our clients bring to us. And more broadly, we are inspired by the Latino legal community and hope to help amplify their voices.”

You can also support our cause by registering for the race and staying engaged with us on social media. By participating in this event, you and your organization play a critical role in equalizing law school admissions and shaping the future of the legal profession and our communities. 🗣️



Marisa Rodriguez, Esq. is the 2019 LBA President and founder of the ¡Andale! 5K. She currently serves as the ¡Andale! 5K Director. Theresa Guerra, Esq. is a 2021 ¡Andale! 5K Co-Director. She will serve as the 2022-2023 ¡Andale! 5K Director.

Bar Activities

CCBA Picture Day Scheduled for September 1

—For attorneys, judges, and legal support staff

C CBA members are invited to sit for a professional portrait at this event:

- **What:** CCBA Picture Day
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Clark County Bar Association's 30th Annual

MEET YOUR JUDGES MIXER

Thursday, November 4, 2021 • 5:30-8:30 p.m.

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Name: _____ Bar# _____ \$ _____

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Clark County Bar Association (CCBA) presents

30th Annual MEET YOUR JUDGES MIXER

NEW DATE

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Las Vegas Justice Court Traffic Update

By Judge Ann Zimmerman

Las Vegas Justice Court is proud to announce that we have contracted with Matterhorn online dispute resolution to resolve traffic matters online. The system is anticipated to “go live” in mid- to late June 2021. Matterhorn will allow people to participate in the legal process of resolving their traffic matters 24/7. For people who want to avoid taking time off of work, miss school, or arrange for childcare, Matterhorn offers a safe and efficient alternative. Matterhorn will provide access to everyone that historically has not been available.

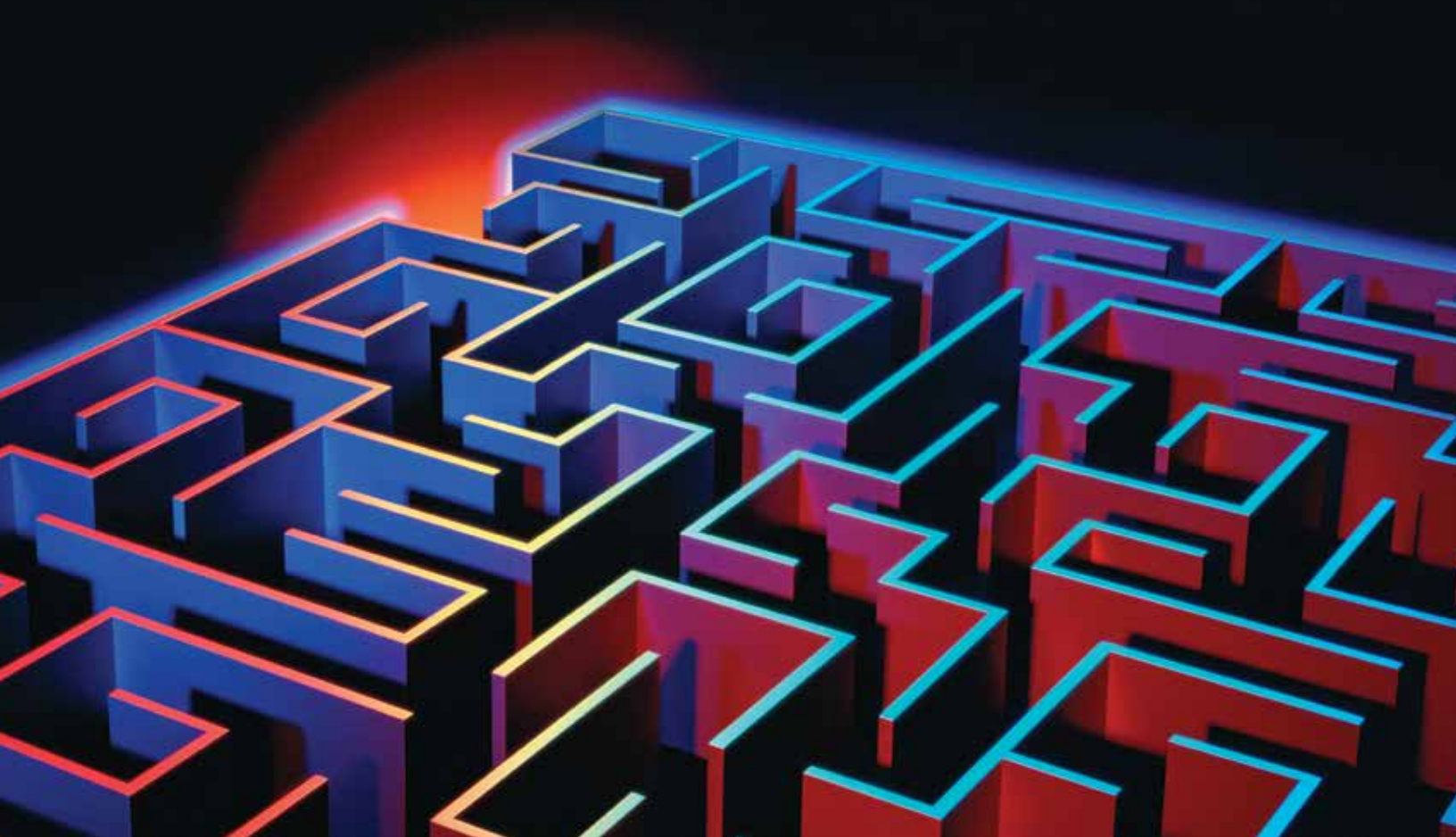
Once a person retrieves their citation in Matterhorn, several options will be presented. A specific matrix of settlement guidelines authorized by the District Attorney will be incorporated into the program. The options to resolve a citation will be as follows: 1) Plead guilty and accept the District Attorney’s offer; 2) Plead no contest and have the ability to submit a statement in explanation or mitigation; and 3) Plead not guilty and submit a statement in defense or mitigation for the court to consider. A person may also upload photos and/or documents for the court to consider. The court will review all evidence submitted and issue a decision electronically. If a person fails to submit a statement in defense or mitigation, the court will deem this as a waiver of your right to submit this information.

Matterhorn will allow people to participate in the legal process of resolving their traffic matters 24/7.

Upon entry of plea, the case file is electronically forwarded to a judge for adjudication. Generally, any fines, fees, or proof of traffic school or other documentation will be due to the court in 90 days. Matterhorn is programmed to send payment reminders at 30 days, 60 days, and 80 days from the date of entry of plea. Community service at an approved location will be accepted in lieu of the fines and fees. A person may also apply for a payment plan through Matterhorn. Matterhorn will offer multiple options for payment including PayPal, Venmo, Zelle, and credit cards. If there is an active warrant, the warrant will automatically be recalled at the time of entry of plea. Stay tuned for more information as it becomes available! 🗣️



Las Vegas Justice Court Judge Ann Zimmerman was first elected to Department 8 in 2000 and has served in that capacity for 21 years.



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Another Meeting That Could Have Been an Email . . .

By Mandy McKellar, Esq.

It's been a long year, and 2021 continues to bring hope. Last year (March 2020), I recall being plagued with anxiety, thinking that the world would end. Many days, I longed for happy hours with friends and just being with people. Something else changed dramatically, and it was court. In this writer's/litigator's opinion it was for the better.

In 2019, I was tired. My morning consisted of coffee, showering, then sitting in traffic for forty-five minutes to rush into court. I would then finish those family court hearings to rush to another downtown. This was followed by phone calls regarding issues at the office, pleadings that did not get filed, and clients who were unhappy with their custody schedule. I would see other fellow attorneys with stress on their faces and sweat on their brows; they were rushing too. I found myself grumpy when others before me in court were taking up so much of the judges' time. Then traffic again, accidents on the 95, which forced me to go another way. Get downtown, realize it's past lunch and scarf down some unhealthy fast food in my car before having to be back to another hearing. After court, I would have paperwork, consults, and unreturned phone calls. I found myself just longing for a vacation, or a day off. It seemed

I had no time for myself, and only



Mandy McKellar, Esq. is a solo practicing attorney at the McKellar Law office exclusively in the area of family, criminal law, and juvenile delinquency. www.mckellarlawoffice.com.

While waiting for my hearing I can work on all my paperwork, and set up my afternoon, all while my dog snores at my feet.

lived for the weekends.

The pandemic happened, and everything just stopped. It took most of us awhile to get acclimated, but we did. After a few months of figuring out the pass code number, audio difficulties, feedback, and bad camera angles, we got a handle on things. The travel and rushing from one place to another on a daily basis ceased. Though some stressful events in my job still remain, I am not missing that which was lost. I would enjoy seeing some of my fellow attorney friends on social media spending more time with their families.

My commute now only takes the seconds it takes to walk upstairs and log on. While waiting for my hearing I can work on all my paperwork, and set up my afternoon, all while my dog snores at my feet. When the

hearing is concluded, I exercise. I cook a healthy lunch in my kitchen prior to my afternoon calendar. I finish the workday now before 5:00 p.m., which would never have happened before. The time and stress we wasted for years rushing from one place to another has now been converted to more time for ourselves.

Recently, municipal court has opened ONLY LIVE for attorneys. When I filed a motion for a simplistic matter, I was astounded to find out my appearance IN COURT was necessary. When I say simplistic, the court ended up charging my client a \$125 warrant fee that never should have been filed due to the pandemic. I contemplated paying for it myself, just so I would not have to go all the way down there.

Needless to say, I was excited. It had been thirteen months since I was LIVE. That day, I woke up at 6:30 a.m. begrudgingly, as I had not been up before 7:00 a.m. in quite a while. I went back to my morning routine, shower, coffee, dusting off the suit, and strapping myself in the car. As I caressed the 95 freeway, I was greeted by a sea of red brake lights. The panic set in, I started glancing at the clock like I used to (traffic, clock, traffic, clock), wondering if I was going to make

it on time, even though I left 45 minutes early. Eventually, it dawned on me: It is happening. We're getting closer. The rushing could soon be returning.

I arrived at the courthouse with three minutes to spare (whew), paid for my parking, and went into court. Court did not open, until 8:15 a.m. (it was supposed to be 8am). I walked in and conducted my argument, which took two minutes. Another hearing that could have been an email. I then left the courthouse for my trek back home to the office. I bill out \$400 per hour, and this took an hour and a half. In the end, I lost money.

I agree that there are some items that we, as attorneys, should have to attend in person. When the court must weigh credibility and truthfulness, appearance is essential. There are some items that I wish would stay as efficient as they currently are. With all of the progress we have made in the last year, I only wish that progress continues. It is time to take steps forward, not back. I will continue to try to move slowly and unhurried, as I do not miss the rush. My goodness, I am really going to miss court from home. **G**



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Is Virtual a New Reality for Alternative Dispute Resolution?

By Monique Jammer, Esq.

For everyone, navigating the impact of the COVID-19 pandemic, quarantines, business shut-downs, and restricted attendance to meetings and events became the new norm. This is especially true for Clark County practicing attorneys, who had to quickly adapt their case strategies and tactics to a virtual world and resolve disputes through uncharted virtual means.

Now that vaccinations are trending and communities are lifting restrictions, how does alternative dispute resolution (“ADR”) look for the future?

As described by one judge, “necessity can move mountains.” See [Podcast] “Where Do We Go From Here? The Future of Virtual ADR,” JAMS ADR Blog (Apr. 16, 2021), https://www.jamsadr.com/blog/2021/podcast-where-do-we-go-from-here-the-future-of-virtual-adr?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration. Once the duration of the pandemic made it virtually impossible to move forward under the mediation and settlement conference continuance-and-cancellation cycle, courts, litigators, mediators, and arbitrators made Zoom (and similar virtual conference software) the new conference room. In-person preferences became subordinated to the needs of clients and the interests of the parties resolving their dis-

In-person preferences became subordinated to the needs of clients and the interests of the parties resolving their disputes without waiting in trial-stay limbo.

putes without waiting in trial-stay limbo.

And as legal professionals became more exposed, versed, and proficient in utilizing virtual resources, the benefits were undeniable: reducing the likelihood of needing to continue or cancel ADR conferences based on inability to appear in person; creating more flexible appearance schedules; keeping client costs down by only attending mandated in-person appearances; and avoiding stale cases. See Margaret K. Rees, “Virtual Mediations Now a Reality”, Law Times (Apr. 12, 2021), <https://www.lawtimesnews.com/practice-areas/adr/virtual-mediations-now-a-reality/354882>.



Monique Jammer, Esq. is an associate at Dickinson Wright PLLC in the firm’s Litigation Division. Her practice primarily focuses on complex commercial and business litigation, while also working on matters concerning United States product regulation and compliance. Contact her at (702) 550-4467 or mjammer@dickinson-wright.com.

Simply put, virtual ADR will be here to stay, so it will be critical to familiarize ourselves with the software generally, and the nuances therein that will enhance zealous virtual advocacy. The good news is, many individuals came into the pandemic already exposed to a glimpse of our now virtual reality. Through e-mail communications to negotiate settlements, video conferences with clients to prepare for ADR conferences, and even webinars, parties and counsel alike have already been exposed to virtual endeavors to set the stage for successful ADR conferences. Additionally, virtual appearances are not a new feat. The frequented ADR companies, including JAMS (Judicial Arbitration and Mediation Services, Inc.), ARM (Advanced Resolution Management), and AAA (American Arbitration Association), as well as others, have applied virtual appearances since the early 2000s. See “Setting the Industry Standard: Virtual Mediation and Arbitration,” Judicial Arbitration and Mediation Services, Inc. (May 2, 2021) <https://www.jamsadr.com/online>; see also “Case Anywhere,” Advanced Resolution Management (May 2, 2021) <https://armadr.com/case-anywhere/>; see also Virtual Hearings, American Arbitration Assoc. (May 2, 2021), https://go.adr.org/covid-19-virtual-hearings.html?gclid=CjwKCAjwhMmEBhBwEiwAXwFoEZMPFRhZfkkRf3UaWdnhXIO8J1KvXVyWuXUf-ebiNlHS43LeU2BNuxoC4l8QAvD_BwE. By expanding technological resources and allowing litigators and parties to conduct conferences through convenient technology they already have available, ADR facilitators embrace virtual mediation, arbitration, and settlement as a gift instead of one of the many pandemic curses.

Notably, even the American Bar Association (“ABA”) recognized the high likelihood that virtual has become a staple in litigation reality. On March 10, 2021, released Formal Opinion 498, which highlighted the ongoing obligation attorneys have to ensure that they uphold their ethical duties of confidentiality, competence, and supervision when utilizing virtual settings. See *Formal Opinion 498, Virtual Practice*, American Bar Assoc. Standing Committee on Ethics and Professional Responsibility (Mar. 10, 2021), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba-formal-opinion-498.pdf.

So what are the biggest tips judges, practitioners, and professionals recommend when utilizing virtual platforms? Here are a few:

1. Prepare, prepare, prepare. Explore the virtual resources your firm already provides, and

let your ADR facilitator, as well as all parties, know well ahead of the conference (i.e. through a pre-conference meeting).

2. Create the flexible experience your client needs to resolve the dispute—whether meeting in person at your office or directing them toward the resources they have available to appear virtually.
3. Collaborate with the ADR facilitator, opposing counsel, and parties to create a back-up approach, should technical issues arise.

See Rebekah Ratliff, *Top 10 Dos and Don'ts of Virtual Mediation*, Daily Report, Law.com Daily Business Review (Apr. 9, 2021), <https://www.law.com/dailybusinessreview/native?mvi=434d7a83e0e34d748b4b2c10ccd-f81ee&mv-preview&slreturn=20210405192523>; see also Hon. Emil Giordano (Ret.), *Mediator's Tips for Successful Virtual Mediation*, Norris McLaughlin, P.A. (May 3, 2021), <https://norrismclaughlin.com/articles/mediators-tips-successful-virtual-mediation/>. **G**



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Ethical Implications of Working Virtually

By Jessica Whelan, Esq. and Sydney Gамbee, Esq.

Are you tired of COVID-19 and the impact it has had on your law practice (not to mention your life and the lives of billions around the globe)? Same. But COVID fatigue aside, we must be careful not to run afoul of our ethical obligations, especially because COVID-related excuses cannot absolve all mistakes (or misconduct).

Take, for example, *State ex rel. Okla. Bar Ass'n v. Burton*, 482 P.3d 739 (Ok. 2021), where respondent attorney Burton, who was before Oklahoma's Professional Responsibility Tribunal for earlier disciplinary charges, attempted to delay disciplinary proceedings due to a self-imposed quarantine for upper respiratory symptoms consistent with COVID-19. When the proceedings ultimately went forward, he appeared in person on the second day of proceedings with no symptoms and offering no testimony of illness. The Oklahoma reviewing court rejected Burton's claim for violation of due process, finding that "using an excuse of illness appears to be a common theme with [Burton]" and that despite his willful failure to appear in person, Mr. Burton was afforded an opportunity to be heard. Ultimately, Mr. Burton was disbarred.

The lesson from Mr. Burton? A global pandemic does not excuse a lawyer's responsibility to meet his or her professional and ethical responsibilities. In fact, the situation in which many of us find ourselves—working

remotely from luxurious home office spaces such as the dining room table or the kids' playroom—implicate unique ethical considerations. Let's examine a few.

Confidentiality

NRPC 1.6, relating to confidentiality of client information, is uniquely implicated in a remote work scenario for obvious reasons. While the rule itself remains the same whether working in a traditional office or remotely, the analysis a lawyer must conduct to determine whether he/she is making "reasonable efforts" to maintain confidentiality naturally shifts in a remote working environment. *See Nev. R. Prof. Cond. 1.6(c)* ("A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."), Does this mean that the lawyer must lock his/her kids and spouse out of his/her home workspace throughout the workday? Not necessarily. But the same factors generally implicated by the rule—sensitivity of information, likelihood of disclosure if additional safeguards are not employed, cost of employing additional safeguards, difficulty of implementing safeguards, and the extent to which safeguards adversely affect the lawyer's ability to represent clients—apply in a remote working environment. *See ABA Comm'n on Ethics & Prof'l Responsibility, Formal*



Jessica Whelan, Esq. and Sydney Gамbee, Esq. are associates in the Las Vegas office of Holland & Hart. Jessica focus is in commercial litigation, appeals, and professional ethics. Sydney's focus is in commercial litigation and health law. Both are mothers of young toddlers who have significantly complicated their remote work experience.

Op. 498 (2021) (hereinafter, “ABA Opinion 498”).

Thus, while it may not always be reasonable to keep your entire bedroom (or dining room table) under lock and key, using a work-only password on electronic work devices (or on that iPad through which your tech-savvy six-year old can backdoor into your iPhone and work email) might be a reasonable effort to maintain confidentiality. And, holding especially sensitive conversations out-of-earshot from your family might be necessary, lest your conversation be picked up on your kindergartener’s Zoom class or your chatty tween repeat the details of your call to her friends.

Supervision

NRPC 5.1 and 5.3’s supervision requirements likewise extend to supervision over other subordinate lawyers and non-lawyer assistants’ proper handling of client confidential information. Whether in-office or remote, the obligation of supervisory lawyers to ensure their subordinates’ compliance with the NRPC remains intact. Lawyers must make reasonable efforts to ensure that those to whom they delegate tasks are also maintaining client confidentiality (and conducting their

work in compliance with other applicable rules). This can be a challenge when not physically occupying the same workspace as your colleagues.

Technology

Finally, technology concerns are particularly implicated in our new remote working environments. ABA Opinion 498 provides valuable guidance on how to avoid technological pitfalls of remote working, including topics regarding:

- protecting hardware with strong passwords, antivirus software, and encryption (including wi-fi connection);
- back-ups and secure access to data;
- terms of service of virtual meeting platforms (and related privilege implications); and
- transmitting data electronically.

In sum, we are living through extraordinary times, but our ordinary ethical obligations remain. While COVID-19 may be novel, it is no excuse for failure to meet our professional and ethical responsibilities. **C**

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Changing Law Firms? The Client Comes First.

By Stephanie J. Glantz, Esq.

In today's world, lawyers frequently switch firms. Often, lawyers see it as a simple change of employment. The Nevada Rules of Professional Conduct ("RPC") dictate otherwise. The clients' interests must always come first. Guidance from a few key rules can help the departing lawyer (and law firms) avoid potential issues.

Communication with the client

RPC 1.4 requires a lawyer to keep the client reasonably informed about the status of the matter on which the lawyer is working. This includes advising the client of a lawyer's impending departure from the firm if that lawyer had substantial responsibility for the client's active matters and/or significant personal contact with the client. It can be a fine line as to what is considered "substantial" or "significant," but erring to inform the client is always better.

The client must be informed: (1) when the lawyer is leaving; (2) that the client has the option of staying with the firm, going with the departing lawyer, or selecting new counsel; and (3) how any retainer will be treated. Preferably this is a joint letter from the firm and departing lawyer. The letter should be sent well in advance of the lawyer's departure and provide ample time for the

The letter should be sent well in advance of the lawyer's departure and provide ample time for the client to respond with a signed acknowledgment and, if applicable, instruction where to send the file.

client to respond with a signed acknowledgment and, if applicable, instruction where to send the file. Accordingly, the lawyer should also give the firm ample notice of departure (though fixed notice periods are generally impermissible under RPC 5.6(a)).

The departing lawyer may not interfere with the firm's contracts with its clients, utilize firm resources to set up a new firm, or solicit the firm's existing staff or fellow lawyers before leaving.

Changing *continued on page 28*



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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Confidential information

RPC 1.6 requires a lawyer to make reasonable efforts to prevent inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client and prohibits a lawyer from revealing such information.

This does not prevent a lawyer from taking documents prepared by the lawyer and are considered the lawyer's property or are in the public domain. If the files are the law firm's property, the lawyer must obtain the law firm's consent. Whether a file is the property of the lawyer or firm will turn on principles of property and trade secret law. If those materials contain client information, the lawyer must protect the information to the extent required under the rules.

This rule is especially relevant with "Bring Your Own Device" policies. Lawyers should take special precautions to ensure they scrub unauthorized and confidential information from personal devices that were used in the course of their employment. If the firm authorizes the lawyer to take certain information, the lawyer must be vigilant in protecting such information and ensure it is not used to the disadvantage of the former firm's clients, particularly if the information "relates to representation" of the clients under RPC 1.8(b) and RPC 1.9(c).

Importantly, this rule does not prohibit the lawyer from disclosing client names to the new firm "to detect and resolve conflicts of interest," so long as such disclosure would not compromise the attorney-client privilege or otherwise prejudice the client.

Conflicts

It is imperative that the lawyer—and both the new firm and old firm—avoid conflicts of interest implicated by the affiliation with client matters that either remain at the former firm or are transferred to the new firm. RPC 1.7 through RPC 1.12 contain provisions defining types of conflicts and setting forth specific limitations. Evaluating potential conflicts implicated by the lawyer's transition *must* be done *before* the lawyer departs the former firm.

Duties of law firms

Law firms have their own duty to protect clients and ensure an ethical transition based on RPC 5.1(b),

which requires that supervisory lawyers make reasonable efforts to ensure subordinate lawyers conform to the rules of ethics. This includes assisting in evaluating conflicts and ensuring clients' confidential information is protected. The former firm and departing lawyer must work together to ensure all clients continue to be represented with competence and diligence throughout the transition.

Additional rules may be implicated by changing firms. Ethical issues can easily become problematic and tricky to navigate. Remain prudent, consult the rules of ethics and related legal authority, and seek guidance if needed. **G**



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Five Things You May or May Not Know About the Attorney Discipline Process

By Joshua P. Gilmore, Esq.

It's Tuesday. After lunch, you grab the mail and sort through it. You see an envelope from the State Bar of Nevada. You ask yourself, "Why is the bar sending me a letter?" You open the envelope and find a letter from an investigator for the bar. [*Gulp* . . .] The opening paragraph indicates that the bar has received correspondence from your former client and, as such, "A grievance file has been opened." Great; there goes the rest of your week....

What happens next? This article offers a glimpse into the attorney discipline process as viewed through the eyes of someone who has defended attorneys through the process for more than a decade.

First, if the grievance involves client funds, the bar will likely subpoena your bank for records involving your client trust account. The bar may also subpoena records involving your operating account. The bar will do so under the authority of Supreme Court Rule ("SCR") 110(1). No big deal; right? Perhaps, but keep in mind that the bar will not tell you that it is issuing a subpoena for those records. You will learn of the subpoena only after the fact, particularly if the bar finds accounting discrepancies in those records and starts asking questions.

Second, after the bar completes its investigation, which

You will learn of the subpoena only after the fact, particularly if the Bar finds accounting discrepancies in those records and starts asking questions.

will include reviewing your written response and supporting documents—being forthright, responsive, and cooperative in this context is well taken, *see* SCR 102.5(2)(e)—it will make recommendations for handling the grievance to a screening panel. The screening panel has several options available to it, one of which includes issuing a letter of reprimand. SCR 105(1)(a). If that happens, you will get another letter in the mail, this time notifying you of the outcome and of your right to accept or reject the reprimand pursuant to SCR 105(1)(b). Instinctively, you may want to object, if for no other reason than to avoid seeing your name appear in next month's Bar Counsel Report for the *Nevada Lawyer*. That's fine, but the decision to do so is not without risk; indeed, the bar will likely advocate for greater dis-



Joshua P. Gilmore, Esq. is a partner at Bailey Kennedy. Alongside defending attorneys subject to possible disciplinary action, he advises attorneys on ethics and compliance-related issues that arise in the course of their practices, including permissive advertising and marketing, conflicts, lawyer departures, and charging liens.

cipline at the formal hearing.

Third, if the bar files a Complaint against you, there is limited discovery that will occur before the formal hearing. You may feel confident about defending your position, intending to describe how you skillfully handled your client's case with appropriate vigor while thoroughly responding to each and every question in a timely manner. Although your testimony may be enough, you may also choose to retain an expert witness to buttress your defense. See *In re Assad*, 124 Nev. 391, 185 P.3d 1044 (2008).

Fourth, prior to the formal hearing, you must disclose what evidence you intend to use and which witnesses you intend to call. The bar will do the same. Do not let the deadline to object to the bar's final disclosures lapse without taking any action. Unless you timely object to the bar's evidence based on foundation and authenticity, those objections will be deemed waived; meaning, the bar will be able to admit into evidence any document contained within its files without the need for a live witness—irrespective of how the bar came into possession of the document. DRP 28-29.

Finally, the formal hearing consists of two basic parts: (i) Determining whether you violated the RPCs; and (ii) Determining what form of discipline, if any, you should receive for the violations. Although the default is to handle those two parts simultaneously, you may want to bifurcate the hearing. *In re Discipline of Seegmiller*, No. 45537 (Nev. Dec. 8, 2005); see also *ABA Standards for Imposing Lawyer Sanctions* § 9.1. Doing so avoids putting you in the precarious position of having to simultaneously defend yourself on the merits and ask for forgiveness. Bifurcation has the added bonus of eliminating the risk of any prior discipline that you may have serving as impermissible character evidence. NRS 48.045(2).

A disciplinary proceeding is neither civil nor criminal in nature; it is *sui generis*. Because the process is unique in many respects, consider the old adage about a lawyer who represents himself having a fool for a client before responding to that initial inquiry letter from the bar. 🗨

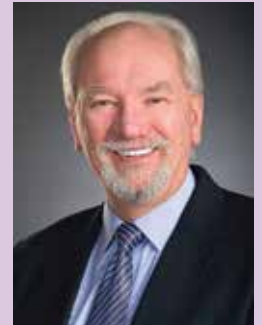
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What Exactly Is The Unauthorized Practice of Law?

By John M. Naylor, Esq.

**About the CCBA's Article #9, "What Exactly Is The Unauthorized Practice of Law?": The Clark County Bar Association (CCBA) offers 1.0 ethics Continuing Legal Education (CLE) Credit to Nevada lawyers who complete the test and order form per the offer described in the June/July 2021 issue of Communiqué. See pp. 32-39. The CCBA is an Accredited Provider with the NV CLE Board.*

Introduction

The unauthorized practice of law does not just violate the rules of professional conduct. It is also a crime. Despite the threat of incarceration, neither the statutes nor the rules offer a bright-line definition of what constitutes the unauthorized practice of law. The Supreme Court of Nevada emphasizes that it is a fact-intensive issue, and what constitutes the practice of law may change over time. This article describes the current state of the law and the implications for violations.

What is the unauthorized practice of law?

Simply put, the unauthorized practice of law is practicing law without a license. While that seems obvious, the regulatory framework can seem a bit convoluted. The starting point is Rule 5.5(a)(1) of the Nevada Rules of Professional Conduct ("NRPC"), which prohibits people from practicing law in a jurisdiction where the regulations of that jurisdiction prohibit them from doing so. In the jurisdiction of Nevada, anyone who is *not* an active member of the State Bar of Nevada is prohibited from practicing law. NRS 7.285(1)(a). Membership in the State Bar is limited to licensed attorneys and is compulsory. SCR 77. Thus, if you are not licensed



John M. Naylor, Esq. has been licensed for 30 years and is a cofounder of Naylor & Braster, a Las Vegas law firm specializing in business litigation. He practices in the areas of commercial litigation, appellate work and construction law. Contact John at john@nblawnv.com.

In the jurisdiction of Nevada, anyone who is not an active member of the State Bar of Nevada is prohibited from practicing law. NRS 7.285(1)(a).

in Nevada, you cannot be a member of the State Bar and therefore cannot practice law.

What is the practice of law?

NRPC 5.5 and the statutes do not define what constitutes the practice of law. Instead, the Supreme Court of Nevada has the inherent power to determine what constitutes the practice of law. *Marfisi v. District Court*, 85 Nev. 445, 447, 456 P.2d 443, 444 (1969). Two main cases address this issue.

The first case is *Pioneer Title Ins. & Trust Co. v. State Bar of Nev.*, 74 Nev. 186, 326 P.2d 408 (1958). That case involved a title company that prepared purchase and sale agreements, deeds, and other documents related to real estate closings. *Id.* at 187, 326 P.2d at 408. The State Bar sought an injunction claiming that the title company was engaged in the unauthorized practice of law. *Id.*

The Court explained that the prohibition of the unauthorized practice of law was intended to protect the public and not to protect attorneys from competition. *Id.* at 189, 326 P.2d at 409. The Court recognized that the public would be ill-served if everyone had to retain a lawyer whenever they faced a situation that routine forms or mere custom could handle. *Id.* at 190, 326 P.2d at 410. The Court held that the presence of two factors implicated the practice of law: (1) the issue could not be handled through resort to routine forms or customs, and (2) the party decided in their own judgment that they needed the assistance of someone else who was not part of the transaction. *Id.* at 190-191, 326 P.2d at 410. What types of matters were routine would evolve over time. *Id.* For example, the Court found that real estate purchase contracts at the time (1958) could not be handled by forms or customary practices. *Id.* at 195, 326 P.2d at 412-413. That may be different now given the

CLE Article *continued on page 34*

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1. Read the article, "What Exactly Is The Unauthorized Practice of Law?" (CCBA CLE Article #9). See pages 32-36
2. Complete the quiz. See pages 37-38; and
3. Complete the order form. See page 39.

Questions: Contact Donna Wiessner at the Clark County Bar Association, (702) 387-6011.

CLE Article *continued from page 33*

widespread use of standardized forms for the purchase and sale of homes.

The Court returned to *Pioneer Title* fifty years later in *In re Discipline of Lerner*, 124 Nev. 1232, 197 P.3d 1067 (2008). The Court affirmed that the definition of the practice of law did not lend itself to a bright-line rule and must be analyzed on a case-by-case basis. *Id.* at 1247, 197 P.3d at 1078. The Court focused on the "touchstone principle" that the practice of law includes activities "calling for the exercise of trained judgment in applying the general body of legal knowledge to the specific problem of a client and recommending a course of action." *Id.* Applying these principles, the Court held that the following actions constituted the practice of law:

- Interviewing potential clients and deciding whether to accept their case
- Evaluating the merits of a personal injury claim
- Advising a client of the claim's merits
- Negotiating a client's claim with an insurance carrier
- Engaging in settlement discussions
- Discussing legal strategy with clients

The Supreme Court of Nevada is the primary authority over attorneys when it comes to enforcing NRPC 5.5, regardless of where the offender is licensed.

- Preparing and signing demand letters
Id. at 1241-1242, 197 P.3d at 1074.

The following actions have also been held to involve the practice of law:

- Appearing before state administrative agencies on behalf of a party (*see Ms. Connie Westadt*, 1983 Nev. Op. Att'y Gen. No. 14, *4)
- Filing a notice of appeal on behalf of a trust (*Guerin v. Guerin*, 116 Nev. 210, 993 P.2d 1256 (2000))

Therefore, you will need an active law license in Nevada to perform any of these tasks.

Can you aid and abet the unauthorized practice of law?

NRPC 5.5(a)(2) specifically prohibits a person from assisting another in the unauthorized practice of law. Thus, allowing a paralegal to advise clients as to the merits of their claims without the attorney's supervision is a violation of Rule 5.5. *In re Discipline of Lerner*, 124 Nev. at 1241, 197 P.3d at 1074. Note, the Court does not refer to someone as an aider or abettor and simply finds them to be in violation of the rule.

While NRS 7.285 makes the unauthorized practice of law a crime, it does not discuss those who might assist. Attorneys should be aware, though, that by facilitating people with the unauthorized practice of law, they may be aiding and abetting a crime under NRS 195.020.

Who enforces the law?

The Supreme Court of Nevada is the primary authority over attorneys when it comes to enforcing NRPC 5.5, regardless of where the offender is licensed. *In re Discipline of Droz*, 123 Nev. 163, 167, 160 P.3d 881, 884

(2007). Indeed, the Court has said that it had a special interest in enforcing the rules governing the legal profession. *Id.* The Court has taken the position that it can sanction attorneys who are not licensed in Nevada but are elsewhere. *Id.* at 168, 160 P.3d at 884.

While the unauthorized practice of law is a crime under NRS 7.285, the Supreme Court of Nevada has commented that violations are a low priority for a prosecutor particularly when compared to violent crimes. *Id.* at 167, 160 P.3d at 884. The data seems to bear this out. A public records request to the Clark County District Attorney's office for information going back to 2010 found that no one had been charged with the unauthorized practice of law. At roughly the same time, the Supreme Court sanctioned no fewer than 80 attorneys for violating NRPC 5.5

As for persons who are not licensed anywhere, the Nevada State Bar can bring a civil action for an injunction under NRS 7.285(3). That seems to be a fairly uncommon occurrence. A review of Odyssey shows that the State Bar has only sought four preliminary injunctions under NRS 7.285 in Clark County since 2010. The number may be the result of few people attempting the practice of law who are not licensed anywhere else.

Consequences of the unauthorized practice of law

The unauthorized practice of law is a crime, and NRS 7.285 takes a graduated approach. The first violation is a misdemeanor. NRS 7.285(2)(a). The second is a gross misdemeanor if it occurs within seven years of the first. NRS 7.285(2)(b). A third offense during the same seven-year period is a category E felony punishable by 1 to 4 years in prison. NRS 7.285(2)(c).

Violations of NRPC 5.5 may result in discipline by the Supreme Court of Nevada. SCR 39, 99–102. Forms of discipline include letters of reprimand, suspension, and disbarment. SCR 102.

Can I be sued for the unauthorized practice of law?

Yes, you can. A person attempting to provide legal services but who is not licensed to do so can be separately sued for malpractice. For example, in *Busch v. Flangas*, 108 Nev. 821, 824, 837 P.3d 438, 440 (1992), the Supreme Court of Nevada held that a law clerk who attempted to practice law had opened themselves to mal-

CLE Article *continued on page 36*

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practice claims.

Is there a private right of action for the unauthorized practice of law? The short answer is maybe. The Supreme Court of Nevada has looked at this issue at least twice but declined to give a definitive answer. In *Paso Builders, Inc. v. Hebard*, 83 Nev. 165, 426 P.2d 731 (1967), the plaintiff sued a title company for negligence. The plaintiff claimed that the title company was engaged in the unauthorized practice of law that constituted negligence per se. *Id.* The Court did not reach the issue of whether it was negligence per se, finding that any damages were not the proximate cause of the title company's actions. *Id.*

In *Jordan v. State of Nev. Dep't of Motor Vehicles*, 121 Nev. 44, 110 P.3d 30 (2005), abrogated on other grounds by *Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008), the plaintiff asserted a claim based on the unauthorized practice of law. The Court noted that Nevada had not yet recognized a tort based on the unauthorized practice of law but that other jurisdictions had done so. *Id.* at 73, 110 P.3d at 50. The Court did not expressly adopt or reject the existence of such a claim under Nevada law, instead finding that the plaintiff had improperly pleaded the claim given the specific facts of that case. *Id.* at 74, 110 P.3d at 51. Thus, whether Nevada will recognize the unauthorized practice of law as a private cause of action is seemingly an open question.

Other implications of the unauthorized practice of law

Essentially any transactions involving the unauthorized practice of law are null and void *ab initio*. This rule can have rather severe consequences. For example, in *Guerin v. Guerin, supra*, the Supreme Court of Nevada found that the notice of appeal in the case was the product of the unauthorized practice of law. There, a trustee filed a notice of appeal on behalf of a trust. *Id.* at 213-214, 993 P.2d at 1258. Noting that trusts must be represented by counsel, the Court found that the trustee had engaged in the unauthorized practice of law. *Id.* at 214, 993 P.2d at 1258. On that basis, the Court found that the notice was invalid, depriving it of jurisdiction to hear the appeal. *Id.* By that point, the time for filing a proper notice had expired.

Similarly, the Court found that contracts that are

the product of the unauthorized practice of law are void as a matter of law. In *Krieg v. Crain*, 128 Nev. 911, 381 P.3d 681, No. 57793, 2012 WL 170136 (Jan. 17, 2012) (unpublished disposition), the plaintiff agreed to provide paralegal services to someone in their employment claim in exchange for a percentage of the recovery. *Id.* at *1. When the defendant reneged on the agreement, the plaintiff sued. *Id.* The Court upheld the district court's dismissal of the lawsuit reasoning that the contract was for the unauthorized practice of law, which is a crime. *Id.* As such, the agreement was unenforceable. *Id.*

Conclusion

The unauthorized practice of law can be a trap for the unwary given the lack of a bright-line definition and the Supreme Court of Nevada's recognition that standards will evolve over time. The best practice is to keep a close watch on what your clerks, paralegals, and support staff are doing when interacting with clients.

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CCBA CLE Article #9

Quiz

What Exactly Is The Unauthorized Practice of Law?

Complete the quiz. Each question has only one correct answer.

1. The Nevada Rules of Professional Conduct define the term “practice of law.”
 True
 False
2. What constitutes the unauthorized practice of law

 - A. Is defined by NRPC 5.5
 - B. Is defined by NRS 7.248
 - C. Is determined by the Supreme Court
 - D. None of the Above
3. According to the Supreme Court of Nevada, the definition of what constitutes the unauthorized practice of law is static and will not change over time.
 True
 False
4. The unauthorized practice of law is prohibited in order to -----
 - A. Protect attorneys
 - B. Protect the public
 - C. Protect attorneys and the public
 - D. Protect the legal system
5. What constitutes the practice of law -----
 - A. Is defined by statute
 - B. Is defined by the Rules of Professional Conduct
 - C. Is defined by the district court
 - D. May evolve over time
6. What is the touchstone principle of the practice of law?
 - A. Do not do it unless you have a license
 - B. The activity includes applying law to the facts of a specific case
 - C. I am not responsible for the acts of those I supervise
 - D. None of the above
7. Since 2010, the Clark County District Attorney has prosecuted ----- people for the unauthorized practice of law.
 - A. More than 10
 - B. More than 5
 - C. At least two a year
 - D. None of the Above
8. A person with an inactive license can still practice law so long as they are in good standing with the State Bar.
 True
 False
9. Aiding and abetting the unauthorized practice of law -----
 - A. Is not a crime
 - B. Is a crime
 - C. May be a crime
 - D. None of the Above

CLE Article Quiz *continued on page 38*

10. Which of the following does not constitute the practice of law?
- A. Representing someone before an administrative agency
 - B. Advising a client of the strengths and weaknesses of their case
 - C. Doing an initial interview of a client to get basic factual information
 - D. Preparing and signing demand letters
11. Who is authorized to practice law in Nevada?
- A. Attorneys licensed in Nevada
 - B. A licensed attorney who is suspended but still in good standing
 - C. Disbarred attorneys as long as no one finds out they are practicing
 - D. All of the above
12. Possible sanctions that the Supreme Court of Nevada can impose on you for the unauthorized practice of law are:
- A. Disbarment
 - B. Suspension
 - C. Letter of Reprimand
 - D. All of the above
13. Does Nevada recognize a private cause of action for the unauthorized practice of law?
- A. Yes
 - B. Maybe – The Supreme Court of Nevada has not definitively said so
 - C. No
14. If an unlicensed person files a notice of appeal in a case, the Supreme Court of Nevada will most likely:
- A. Not recognize it and dismiss the appeal
 - B. Recognize it because the filing of a notice of appeal is an administrative act, and the Court does not care who does it
 - C. None of the above
15. A trustee of a trust cannot appear in a case regarding trust matters *pro se*.
- True
 - False
16. The unauthorized practice of law is ____
- A. A felony
 - B. A misdemeanor
 - C. A gross misdemeanor
 - D. Any of the above depending on when and how many times it happened
17. The Supreme Court of Nevada has adopted a bright-line test for determining what constitutes the unauthorized practice of law.
- True
 - False
18. When researching what constitutes the unauthorized practice of law _____
- A. It is useful to look at older cases because the types of actions constituting the practice of law have never changed
 - B. One should keep in mind that the Supreme Court of Nevada considers the definition to evolve over time as practices and standards change
 - C. Look solely to the statute for a definition
 - D. Look solely to the rules of professional conduct for a definition
19. Unlicensed people may join the State Bar of Nevada.
- True
 - False
20. Statutes and rules that may be implicated when analyzing the unauthorized practice of law may include:
- A. NRPC 5.5
 - B. NRS 195.020
 - C. NRS 7.285
 - D. All of the above

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8. Ethics? Ethics? I Got Your Ethics Right Here
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Author: Bridget Kelly, Esq.

Date: Apr. 2020 (*Communiqué*)

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12. Ethics? Ethics? I Got Your Ethics Right Here.

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CLE *continued on page 42*

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CLE *continued from page 41*

18. Proportionality Primer: Federal Guidance for Understanding the 2019 Amendment to Nev. R. Civ. P. 26(b)(1)

Author: Andrew Sharples, Esq.
Date: Oct. 2019 (*Communiqué*)
Format: PDF (article and test)
CLE: 1.0 Ethics CLE Credit (NV)
Price: \$45/CCBA member, \$75/ Non-member

19. Legislative Update from Attorneys Serving in the Nevada Legislature

Speakers: Lesley Cohen, Esq., Assemblywoman (District 29, Clark Cty.), Shea Backus, Esq., Assemblywoman (District 37, Clark Cty.), Edgar Flores, Esq., Assemblyman (District 28, Clark Cty.)
Recorded: 9/25/2019
CLE: 2.0 General CLE Credit (NV)
Price: \$50/CCBA member, \$100/ Non-member

20. Highlights of the 2019 Legislative Session's Changes to Probate and Trust Law

Speakers: Jeffrey Luszeck and Alan Freer of Solomon Dwiggin & Freer, Ltd.
Recorded: 9/19/2019
CLE: 2.0 General CLE Credit (NV)
Price: \$50/CCBA member, \$100/ Non-member

21. Beating Burnout: A Lawyer's Guide

Authors: By Carli L. Sansone, Esq. and Shann D. Winesett, Esq.
Date: June/July 2019 (*Communiqué*)
Format: PDF (article and test)
CLE: 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE Credit (NV)
Price: \$45/CCBA member, \$75/ Non-member

22. New Lawyers: Things They Didn't Tell You in Law School

Speaker: Dennis Kennedy, Bailey Kennedy LLP
Recorded: 5/13/2019
CLE: 2.0 Ethics CLE Credit (NV)
Price: \$50/CCBA member, \$100/ Non-member

23. Delay Fees and the Montreal Convention

Author: Mark Severino, Esq.
Date: Apr. 2019 (*Communiqué*)
Format: PDF (article and test)
CLE: 1.0 General CLE Credit (NV)
Price: \$45/CCBA member, \$75/ Non-member

24. Meet Your New Bar Counsel

Speaker: State Bar of NV Counsel Dan Hooge
Recorded: 3/7/2019
CLE: 1.5 Ethics CLE Credit (NV)
Price: \$40/CCBA member, \$80/ Non-member

Note: Titles recorded in 2018 (and listed above in red font) will expire on December 31, 2021.



25. Preparing for the 2019 Tax Return Filing Season: Changes to the 2018 Tax Code

Speakers: Suzanne Warren of Silver Law PLC, and Taylor Randolph of Randolph Law Firm
Recorded: 12/5/2018
CLE: 1.5 General CLE Credit (NV)
Price: \$40/CCBA member, \$80/ Non-member

26. Social Media & Professional Responsibility: Attorney Ethical Considerations

Speaker: John Naylor, Esq. of Naylor & Braster
Recorded: 11/14/2018

For CCBA members only

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Offers 13 CLE Credits for Nevada lawyers for only \$200!

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2. "Gazed and Confused: Brief Overview of Administrative Procedures & Clues of DUI SFSTs: HGN, WAT, and OLS"
3. "Streamlined Bankruptcy Option for Small Business"
4. "Bankruptcy Nuts and Bolts"
5. "Preparing a Better Deposition: Don't Let a Deposition Sink Your Case"
6. "The Promises and Perils of Legal Negotiation: How Psychology Can Help"
7. "How Not Be a Pebble in the Probate Commissioner's Shoe: Practice Tips and Pointers from the Viewpoint of the Probate Office"
8. "Don't be Scared by the Rules - Discovery, Spoliation, Claiming Privilege & Other Spooky Issues"
9. "Frightening Financial Transactions and How to Avoid Them"

*Restrictions apply to the CCBA's CLE Library. See page 44.

CLE: 1.5 Ethics CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

27. How Not Be a Pebble in the Probate Commissioner's Shoe

Speaker: EJDC Probate Commissioner Wesley Yamashita
Recorded: 11/8/2018

CLE: 1.5 General CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

28. Predatory Friending and Other Pitfalls for Lawyers Using Social Media

Author: John M. Naylor, Esq.
Date: Nov. 2018 (*Communiqué*)
Format: PDF (article and test)
CLE: 1 Ethics CLE Credit (NV)

Price: \$45/CCBA member, \$75/
Non-member

29. Don't be Scared by the Rules - Discovery, Spoliation, Claiming Privilege & Other Spooky Issues

Speakers: EJDC Discovery Commissioner Bulla and John Aldrich of Aldrich Law Firm, Ltd.

Recorded: 10/30/2018

CLE: 1.5 Ethics CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

30. The Struggle for Sanity and Sobriety in the Legal Profession

Author: Alia A. Najjar, M.D., Esq.
Date: Sept. 2018 (*Communiqué*)
Format: PDF (article and test)

CLE: 1.0 Substance Abuse/Addiction/Mental Health (AAMH) CLE Credit (NV)

Price: \$45/CCBA member, \$75/
Non-member

31. Hot Topics & Recent Developments in DUI/DWI Including Marijuana

Speakers: Robert F. Purdy of Law Office of Andrew M. Leavitt and

Bruce W. Nelson of Clark County District Attorney's Office

Recorded: 7/19/2018

CLE: 1.5 General CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

32. Evictions Practice & Process

Speaker: LVJC Hearing Master David F. Brown

Recorded: 6/19/2018

CLE: 1.0 General CLE Credit (NV)
Price: \$25/CCBA member, \$50/
Non-member

33. Designating Your Employee as a Non-Retained Expert-Are You Waiving the Attorney-Client Privilege?

Author: John M. Naylor, Esq.
Date: July 2018 (*Communiqué*)

Format: PDF (article and test)

CLE: 1 Ethics CLE Credit (NV)
Price: \$45/CCBA member, \$75/
Non-member

34. Federal Income Tax Considerations in Divorce Cases

Speakers: Chris J. Sheldon and Suzanne M. Warren of Silver Law PLC

Recorded: 5/18/2018

CLE: 1.5 General CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

35. Ethics: Current Topics for New (and Not So New) Lawyers

Speaker: Dennis Kennedy, Bailey Kennedy LLP

Recorded: 5/9/2018

CLE: 1.5 Ethics CLE Credit (NV)
Price: \$40/CCBA member, \$80/
Non-member

CLE continued on page 44

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*CCBA CLE Library Policy:

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My First Pro Bono Case: The Good, the Bad, and the Ugly

By David Stern, Esq.

A big challenge for many new attorneys is balancing the responsibilities of a demanding new career with their personal life goals. Nevertheless, my first pro bono experience was well worth the efforts. For anyone facing the same decision now, I offer the following thoughts regarding the good, the bad, and the ugly aspects of pro bono work, in reverse order.

The ugly

The ugly truth about pro bono work is how necessary it is. When an attorney contacts the Legal Aid Center of Southern Nevada (“LACSN”) for the first time, it can be shocking to learn just how many people there are in dire need of legal help that they cannot afford.

Every attorney understands that good legal representation can be costly. This means that people who need a lawyer often go unrepresented because they cannot afford one. This is especially the case for children, who generally do not have the ability to generate an income, let alone understand their rights.

Without access to lawyers, many people have no way of protecting their rights or defending themselves.



David Stern, Esq. is an attorney with Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP. <https://www.wrslawyers.com/>.

The bad

Simply put, there is no way around the significant time commitment required in a pro bono case. As with all clients, pro bono clients and cases can be very demanding and can expand beyond your initial expectations. Despite the fact that you are not billing for your time, your duty to the client remains the same as to any other paying client.

The good

New attorneys have the opportunity to learn about court procedures and tackle new and interesting assignments. LACSN has mentors that are happy to lend their expertise for a pro bono case. Attorneys will work directly with clients and opposing parties, which may not be possible within the structure of a larger firm. Pro bono work provides an invaluable learning experience at no cost to the attorney’s firm.

On the other hand, many new attorneys, like me, will be pleasantly surprised by their firm’s reaction to their interest in pro bono work. Not only was I encouraged to pursue this endeavor, but one of the partners offered to walk me through the process.

In the end, we achieved a favorable resolution that would not have otherwise been available to our client. I am grateful to LACSN for both helping me give back to the community and providing an invaluable opportunity to grow as a new lawyer. **G**

The Marketplace

Employment

Southern Nevada Senior Law Program is seeking a Staff Attorney and a Legal Assistant to join a 43 year old legal assistance organization providing quality legal support to seniors aged 60+ in Southern Nevada. We are a small firm with a big heart. Info at <http://snslp.org/about-snslp/southern-nevada-senior-law-program-snslp-employment-opportunities/>.

Office Space

Office Space Available: <http://www.crestkey.com/officerental>.

Services

JUDGMENTS & DEBTS COLLECTED: Experienced Collection Attorney-Nevada & California. Referral Fees Paid per NRPC 1.5. Joel Selik, NV Bar #402, 702-243-1930, Joel@SelikLaw.com.

LEGAL MALPRACTICE & ETHICS referrals of legal malpractice cases. Co-counsel California and Nevada. Joel Selik, NV Bar #402, 702-243-1930, Joel@SelikLaw.com.

Association Health Plans for Clark County Bar Association

Don't Wait for Your Renewal to Get a Quote!

Rolling enrollment effective now, plans renew October 2021

Clark County Bar Association members with 2 (unrelated) to 50 full-time employees can now offer insurance coverage for their employees and their families with a high-quality, affordable Association Health Plan medical plan from Prominence.

Not an Association member? **Enroll at www.clarkcountybar.org**

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Lawyer's Pledge of Professionalism

Adopted by the Clark County Bar Association

In my role as a counselor, advocate, and officer of the court, I aspire to a standard of conduct that warrants the term "professional." I seek to earn a reputation for honor, trustworthiness, and professionalism among my clients, the legal community, and the community at large. As a lawyer dedicated to the professional and ethical practice of law, I will conduct myself in accordance with the following Pledge of Professionalism: I recognize and will abide by the principle that the legal profession is devoted to public service, improvement of the administration of justice, and the uncompensated assistance to persons who cannot afford representation;

I. To a Client, a lawyer owes undivided allegiance, the full application of the lawyer's abilities, and the employment of all appropriate legal means to protect the client's legitimate rights.

- I will achieve my client's lawful objectives as expeditiously and economically as possible, and I will advise my client against pursuing any matter that is without merit;
- I will counsel my client with respect to mediation, arbitration, and other alternative methods of resolving disputes;
- I will counsel my client that a willingness to engage in settlement discussions is consistent with effective representation;
- I will advise my client that civility and courtesy are expected of all participants in the legal system, and that such qualities are not a sign of weakness; and
- I will not permit my commitment to my client's cause to interfere with my ability to provide my client with objective advice.

II. To other Counsel, their Clients, and Office Staff, a lawyer owes courtesy, candor, and cooperation in all respects not inconsistent with his or her client's interest, and scrupulous observance of all mutual agreements and understandings.

- I will be courteous and civil to other counsel, their clients and office staff, and my word is my bond;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate substantive interests of my client will not be adversely affected;
- I will cooperate with other counsel when scheduling depositions and meetings;
- I will refrain from using litigation, delaying tactics, abusive discovery, or any other conduct to harass another party;
- I will serve motions and pleadings in a timely manner to allow the other party a fair opportunity to respond;
- I will concentrate on matters of substance and content, and not quarrel over matters of form; and
- I will identify for other counsel or parties all changes I make in documents submitted to me.

III. To the Court and Other Tribunals, a lawyer owes respect, diligence, candor, and punctuality.

- I will conduct myself in a professional manner and demonstrate respect for the court, other tribunals, and the law;
- I will always be candid with the court and other tribunals;
- I will be punctual in attending all matters before the court and other tribunals;
- I will communicate with other counsel in an effort to resolve disputes;
- I will refrain from filing frivolous pleadings, papers, or motions, and will voluntarily withdraw claims or defenses when it becomes apparent they do not have merit;
- I will make every effort to agree with other counsel as early as possible on the voluntary exchange of information and a plan for discovery; and
- I will advise my clients of the behavior expected of them before the court and other tribunals.

IV. To the Public, a lawyer owes the highest degree of professionalism.

- I will conduct myself in a manner that will encourage trust of the legal profession by members of the public;
- I recognize and will abide by the principle that the legal profession is devoted to public service, improvement of the administration of justice, and the uncompensated assistance to persons who cannot afford representation;
- I will treat my office staff with courtesy and respect, and will encourage them to treat others in the same manner; and
- I recognize my conduct is governed by standards of fundamental decency and courtesy, in addition to the Nevada Rules of Professional Conduct.

Please join us for these FREE events!

CLARK COUNTY BAR CLE LUNCHEONS

ONLINE VIA ZOOM • FOR CCBA MEMBERS ONLY

Thursday, June 17, 2021
12:00-1:15 PM

Featuring:

Rob Bare, Esq.

The Law Office of Rob Bare, PLLC



CLE Presentation:

**Ethical Landmines in
Today's World & How to
Avoid Them**

Offers:

1.0 Ethics CLE Credit (NV)

RSVP to Donnaw@clarkcountybar.org
by June 16, 2021.

Thursday, July 15, 2021
12:00-1:15 PM

Featuring:

John Naylor, Esq.

Naylor & Braster



CLE Presentation:

**The Unauthorized
Practice of Law – A Trap
for the Unwary**

Offers:

1.0 Ethics CLE Credit (NV)

RSVP to Donnaw@clarkcountybar.org
by July 14, 2021.

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