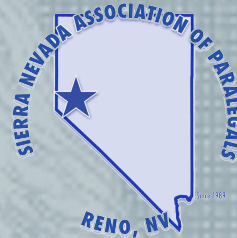


SNAP SHOT



This Issue:

President's Note.....	1
Executive Committee Minutes.....	2
General Meeting Minutes.....	2
NALA Report.....	3
Treasurer's Report.....	4
Job Bank.....	5
NALA New APC Course.....	6
Article: LV Nurse.....	7
Article: Holiday Safety.....	8
Article: 10 Things about E-Discovery.....	9
Evelyn Mount Community Outreach.....	11
Biographies of upcoming speakers.....	12
General Meeting Flyer.....	13

GENERAL MEETING

SNAP Calendar 2011

SNAP General Meetings Every Third Tuesday at Noon (see flyer)

Palais de Jade @ 960 W. Moana Lane

December 20:

Speaker: Dr. Pinson

Topic: NV Board of Pharmacy

January 17, 2012:

Speaker: Amy Parks, Chief Legal Counsel Topic: Insurance Commission

Officers and Chairpersons

President: Susan Sunday, ACP

1st VP/Education: Melissa Paschal, CP

2nd Vice President/Membership/Job Bank:

Amy Hodgson, ACP

Treasurer: Erin Tieslau, CP

Parliamentarian: Susan Davis, CLA, PLS

Secretary: Linda Palmer

NALA Liaison: Anna Buchner

Student Liaison: Bobbie Munoz

Activities/Social Chair: Jessica Bradshaw

Newsletter & Web Site Editor: Lynda Traves

<http://www.facebook.com/pages/Sierra-Nevada-Association-of-Paralegals/270576446293745?sk=wall>

Presidential Ramblings

*Happy holidays to each
and every one of you.*

This year the board is trying something different. Instead of a holiday party in December, we will be holding a "Bring in the New Year" party in January. In the past we have found that with other commitments, including Christmas shopping and holiday parties, it is difficult for our members to schedule time for our holiday party. We are hopeful that by having our party in January, we will see an increase in attendance. Our annual party offers our members time to socialize, network, and to get to know one another.

Jessica Bradshaw, our activities social chair, is on maternity leave. Upon her return, we will begin organizing our "Bring in the New Year" party. Information will be sent to you either later this month or the beginning of next month.

In lieu of a holiday party in December, we will have a general meeting on December 20, 2011. Dr. Larry Pinson from the Nevada Board of Pharmacy will be our speaker. Please join us at Palais de Jade, 960 W. Moana Lane, Reno, NV.

For those of you who will not be at the December meeting, have a wonderful holiday season.

Respectfully submitted,
Susan Sunday, ACP
President

Amy Hodgson agreed to take the minutes.

There were no minutes from the last general meeting to review.

President's Report:

Susan Sunday asked that if any members were interested in starting a study group for the NALA Certified Paralegal examination, they e-mail her. It is a big time commitment, and we would need at least 5 members interested in order to form a study group.

The holiday party has been moved this year to after the holidays in an effort to avoid scheduling conflicts with work holiday parties, shopping, etc. We are planning on having the holiday party in January, please read future newsletters for more information.

As we will not be having a holiday party in the month of December, we will have a regular meeting instead.

Second Vice President's Report:

We currently have 55 members.

NALA Liaison's Report:

If you are planning on taking the certified paralegal exam in January, you have until December 1, 2011, to sign up. If you sign up after December 1, 2011, you will have to pay a late fee.

Anna clarified that NALA offers testing 3 times a year, but you have the entire month to complete the test (i.e., if you sign up to take the test in January, you have the month of January to complete the entire test). TMCC is a testing center for the NALA certified paralegal test, but there are additional charges over and above the cost of the test through NALA. TMCC charges for being a testing center.

NALA's annual seminar will be in Omaha Nebraska on July 25-July 28, 2012.

Starting next month, we will be using new CLAE forms.

Treasurer's Report:

We have \$10,045.48 in the General Account and \$6,615.01 in the Scholarship Account.

Newsletter Editor:

Lynda Traves, newsletter editor, reminded the members, again, to send in their articles and jokes.

First Vice President's Report:

Melissa Paschal stated that December's speaker will be Dr. Larry Pinson, with the Nevada State Board of Pharmacy, who will discuss his board's function in the State of Nevada, and he will also have a presentation regarding prescription drug abuse in Nevada.

January's speaker will be Amy Parks, Chief Counsel for the Nevada State Insurance Commissioner's office, who will discuss how her office regulates insurance companies in Nevada.

February's speaker will be Lorne Malkiewicz, the Director of the Legislative Counsel Bureau (LCB). He will discuss the Legislature and the LCB (who they are and what they do).

Melissa then introduced November's guest speaker, Wendy Simons, Chief of the Bureau of Health Care Quality and Compliance.

The meeting was adjourned at 1:00 p.m.

Amy S. Hodgson, ACP
Acting Secretary

NALA Report

How do I know if I qualify to sit for the Certified Paralegal Examination?

To be eligible for the CP exam a paralegal must meet one of the following requirements:

1) Graduation from a paralegal program that is:

A) Approved by the American Bar Association, or

B) An associate degree program, or

C) A post-baccalaureate certificate program in paralegal studies, or

D) A bachelor's degree program in paralegal studies, or

E) A paralegal program which consists of a minimum of 60 semester hours (900 clock hours or 90 quarter hours) of which at least 15 semester hours (225 clock hours or 22.5 quarter hours) are substantive legal courses.

I don't know how many hours I have. Where do I find out this information? Contact your admissions offices of your educational institution. Also, under 1(e) it does NOT have to be from one college. An applicant may combine college hours from more than one institution.

2. A bachelor's degree in any field PLUS one year of paralegal experience. Successful completion of at least 15 semester hours (or 225 clock hours or 22.5 quarter hours) of substantive paralegal courses will be considered equivalent to one year of experience as a paralegal.

3. A high school diploma or equivalent AND SEVEN YEARS of experience as a paralegal UNDER the supervision of a member of the Bar, PLUS evidence of a minimum of 20 hours of continuing legal education credit to have been completed within a two (2) year period prior to the examination date.

If you are a paralegal student who is nearing graduation you may take the examination under certain conditions. For example, if a student is scheduled to graduate after the May exam but before the July 15, the student may take the Certified Paralegal Exam.

Examination testing window

Graduation date

NO LATER THAN

January March 15

May July 15

September December 15

Continued on Page 12



Commercial Bankruptcy

New APC Course

A new Advanced Paralegal Certification (APC) course in Commercial Bankruptcy under Chapters 7 and 11 of the *United States Bankruptcy Code* is now available to paralegals seeking advanced certification in this specialty practice area.

The new course focuses on bankruptcies of business debtors. Chapter 7 provides for debt relief and liquidation of an enterprise's assets. Chapter 11 gives a business protection from creditors and a chance to prepare a plan of reorganization to pay debts and stay in business.

There are nine modules of study in the new course: 1) The Bankruptcy Estate; 2) Avoiding Powers; 3) Initial Relief; 4) Chapter 7 Cases; 5) Chapter 11, Reorganization; 6) Chapter 11, Plan Development; 7) Chapter 11, Plan Confirmation; 8) Involuntary Bankruptcy; and 9) Adversary Proceedings.

Paralegals are helpful to attorneys throughout the process of guiding clients from the time of filing a bankruptcy petition through discharge and closing the case. The new course helps prepare paralegals for specific tasks from initial client interviews to drafting various petitions, judgment searches and UCC information.

The massive load of requisite motions, agreement letters, and other correspondence with debtors, creditors, lawyers, clerks, trustees, and clients is presented in logical order in easily digested modules to help make sense of the complex world of Commercial Bankruptcy.

This new offering brings the total APC program to 19 courses:

Alternative Dispute Resolution
Business Organizations: Incorporated Entities
Contracts Management/Contracts Administration
Criminal Litigation
Discovery
Land Use
Social Security Disability
Trial Practice
Trademarks
Personal Injury and/or

Individual certifications in the following PI practice areas:

- Automobile Accidents
- Entity Medical Liability
- Individual Medical Liability
- Intentional Torts
- Premises Liability
- Product Liability
- Workers' Compensation
- Wrongful Death

For further information, visit the NALA web site (www.nala.org) Certification/Advanced Paralegal Certification. (or <http://www.nala.org/APC-comm-bankruptcy.aspx>)

Washoe County Law Library

75 Court Street, Room 101, Reno, NV

(775) 328-3250

<http://www.co.washoe.nv.us/lawlib/hoursloc.htm>

Nevada Legal Resources

Class at Washoe County Law Library

http://www.co.washoe.nv.us/index/display_outreach.html~details=8895

Washoe Legal Services

299 South Arlington Avenue
Reno, NV 89501

Telephone: (775) 329-2727

Fax: (775) 324-5509

Free legal services in Washoe County, Nevada

<http://washoelegalservices.com/>

State of Nevada Bar

<http://www.nvbar.org/>

Warning from Las Vegas ER nurse: Always ask questions - Health - ReviewJournal.com Page 1 of 3

reviewjournal.com



STATE OF NEVADA
Department of Health and Human Services
Health Division
Bureau of Health Care Quality and Compliance

WENDY SIMONS
Bureau Chief

727 Fairview Drive, Suite E Telephone (775) 684-106;
Carson City, Nevada 89701-5493 Fax (775) 684-1071
E-mail: wsimons@health.nv.gov
www.health.nv.gov

Paul Harasim | TO YOUR HEALTH



Warning from Las Vegas ER nurse: Always ask questions

Posted: Nov. 13, 2011 | 8:19 p.m.

Updated: Nov. 14, 2011 | 12:08 a.m.

She's seen a lot in her 30 years as a registered nurse in hospitals in Las Vegas and elsewhere across the country ...

There was the gentleman who was minding his own business in an ER waiting room -- a place where several-hour waits aren't unheard of -- but still had security called on him.

"He brought his cooler in, sat down and proceeded to pop the top of one of the beers in his six pack and watch TV," the nurse recalled. "Actually, I think it's a good way to pass the time, but drunks tend to be a handful -- especially when they're together."

And, on New Year's Day one year, there was the man who came to the ER with his wife. A plumber, the man quickly showed medical staff what had somehow happened on New Year's Eve -- he had a 12-inch pink dildo in his rectum that he couldn't get out. Surgeons were able to remove it without damage to the colon.

"If it were me," the nurse said, "I would have crawled in a cave somewhere and died rather than go to the hospital in that situation."

Yes, this nurse who has worked in ER, surgery and ob-gyn has gotten more than a few grins from largely harmless situations during her nursing career.

Yet some of what she's seen should make us all concerned. Because she said nurses who are publicly identified with airing "dirty laundry" don't have jobs long, she requested anonymity.

"Believe me, what I've seen, other nurses have seen at hospitals throughout Las Vegas. We talk about it. Don't assume things are being done correctly. Always ask questions."

There was the time, she said, when a midlevel administrator hurriedly walked



into a surgery waiting room and called out the name of a baby for a procedure.

"Some parents stood up with their child and gave her their baby. The problem was that this was the wrong baby and this was the wrong surgeon.

"Staff and providers are in such a hurry that they aren't doing simple things to prevent errors like checking a patient's armband. ... The happy ending to this was that the baby was scheduled to have ear tubes put in anyway, but by a different surgeon. It was a very uncomfortable moment when the surgeon had to tell the parents that he had operated on a patient that was not his."

Then there was the patient scheduled for a knee arthroscopy. The nurse said the anesthesiologist rushed to put the patient to sleep so the surgical team could get started.

"The surgeon then walked into the room for the first time and looked through the chart and didn't know which knee to operate on. He had discussed doing scopes on both knees, but because he didn't take the time to speak to the patient before he was put to sleep, he didn't know which knee. So the patient had to be awakened so the surgeon could talk to him, and then the patient had to be put back to sleep again."

At the heart of so many of the medical errors in hospitals and hospital-acquired infections -- researchers now say the death toll from the two pushes 200,000 in the United States each year -- is the seemingly unending need of hospital administrators to demand that work be done in a hurry, the veteran nurse says.

And that means checklist protocols that should be followed to prevent both wrong-site surgeries and infections from insertions of central venous catheters often aren't followed.

"Hurry, hurry, hurry," the nurse said. "Our times are monitored. I get tired of it."

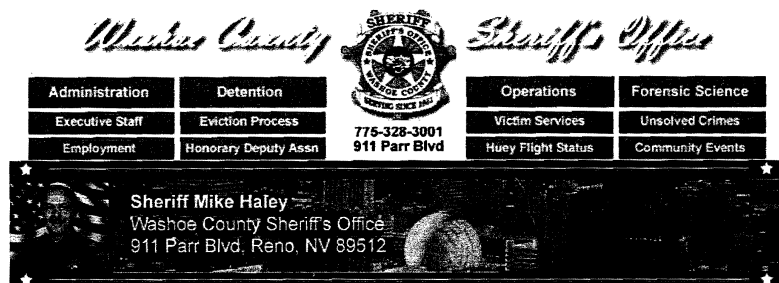
Too often, she said, anesthesiologists are even bringing back the next patient to the operating room when staff are still cleaning the OR from the last patient.

"That kind of hurry just breeds infection," she said. "And there's no need for the hurry. These aren't life-threatening emergencies I'm talking about."

"Yes, time is money. But these are our patients and their safety should be our No. 1 concern. So what if it takes five more minutes to ensure that?"

Paul Harasim is the medical reporter for the Las Vegas Review-Journal. His column appears Mondays. Harasim can be reached at pharasim@reviewjournal.com or 702-387-2908.

Reprinted with permission



For Immediate Release

[<< Back to Press Release list](#)

PR #: 1100131
Date Issued: Nov 14, 2011 - 7:40am

[Print](#)

Time to start talking with family, friends and neighbors about holiday safety

CONTACT: Deputy Armando Avina - Public Information Officer
911 Parr Blvd Reno, NV 89512
Office 775-328-6370

The holiday season is fast approaching so now is a good time to talk with family, friends and neighbors about keeping each other safe during this busy and exciting time.

The Washoe County Sheriff's Office wants to help start the holiday safety conversation by offering tips residents should consider while shopping, traveling, or at home.

If you have not already done so, this is also a good time to get to know your neighbors. This includes the people who live next door, across the street and over the back fence. Neighbors watching out for neighbors help keep an eye out for suspicious activity and make communities safer.

You can also increase your home security by signing up for the free online neighborhood safety service, Alert ID, or by starting Neighborhood Watch program. For more information on both, visit the Washoe County Sheriff's website: www.Washoesheriff.com.

Beginning on Monday, November 21, follow the Sheriff's Office on twitter, @washoesheriff, to receive the "12 Tweets of Holiday Safety." The Sheriff's Office plans to provide a series of daily tweets with holiday safety tips to help kick off the traditional holiday shopping season.

SHOPPING:

- Lock your vehicle and hide valuables, preferably in the trunk or locked compartment.
- Before sunrise and after sunset, park and walk in well lit areas and carry keys in your hand.
- Stay alert to your surroundings and take a moment to glance around for possible suspicious persons, vehicles, and/or situations.
- When in crowded places, be alert for potential thieves. Don't overload yourself with packages. Maintain visibility and mobility to avoid potential threats.
- Be wary of strangers approaching you for any reason. The holiday season is notorious for "con-artists" who may attempt to distract you with the intention of taking your money or belongings.
- When possible, avoid carrying large amount of cash and valuables, and avoid wearing expensive jewelry.
- Never leave personal belongings unattended.
- Avoid shopping alone; there is added safety when shopping with a companion.
- Keep a record of all your credit card numbers in a secure place at home.
- When shopping with children, keep a close eye on them at all times. Consider coaching them to go to a store clerk or security guard if they become separated and be sure they know their first and last name so they can advise someone who they are.
- Give children a contact phone number that they can carry on their person in case they do become lost.

Washoe County Sheriff's Office - 911 Parr Blvd, Reno, Nevada - Northern Nevada's Only... Page 2 of 2

- Inform someone who's trustworthy where you will be and when you might be expected back to your residence.
- Ask a neighbor or other dependable persons to watch your house and retrieve your newspapers and mail if possible.
- Prior to getting into your vehicle take a look inside and around before entering. If you observe evidence of a possible burglary, call your local law enforcement agency. For the Sheriff's Office, call 832-WCSO (9276).
- Anticipate inclement weather and plan accordingly - carry chains, keep sufficient gas in the tank, and use extreme caution while driving.

HOME SAFETY:

- Be extra cautious about locking windows, sliders, and doors when leaving for any length of time. We suggest keeping all entrance points into your house secured while you're at home as well.
- Set indoor and outdoor lights on timers and think about doing the same with a television or radio to make it appear as if someone is home.
- Never keep gifts or valuable objects in plain view from any window. Close blinds, shutters, drapes, and curtains because if a burglar can see those items they may attempt to take them from you.
- If a person knocks at your door and you don't recognize them, don't feel obligated to open your door. Teach your children that by no means will they open the door to anyone prior to your knowledge and authorization.

The Washoe County Sheriff's Office celebrates 150 years of proud service and community partnership in 2011. Sheriff Michael Haley is the 24th person elected to serve as the Sheriff of Washoe County. His office continues to be the only full service public safety agency operating within northern Nevada and is responsible for operating the consolidated detention facility, regional crime lab, Northern Nevada Counter Terrorism Center, Internet Crimes against Children Task Force, court security, service of civil process and traditional street patrols.

###



Attached audio files...

Holiday Safety Tips - (2 MB mp3)

Local Sex Offenders | Congested Area/Firearms Discharge Maps | Public Information Officer | WCSO Contact Numbers

NV Highway Patrol | Reno Police Department | Sparks Police Department

Main E-mail Contact: sheriffweb@washocounty.us



Home Page | Executive Staff | Administration | Detention | Operations | Forensic Science
Patrol | Detectives | Records | Employment | Contact | Site Index | Front Page

Copyright © 2011 Washoe County Sheriff's Office - All Rights Reserved.
Location: 911 Parr Blvd., Reno, NV 89512 - Main Phone: 775-328-3001 - Email: sheriffweb@washocounty.us

Joke of the Month

A woman brought a very limp duck to a veterinary surgeon.

As she laid her pet on the table, the vet pulled out his stethoscope and listened to the bird's chest.

After a moment or two, the vet shook his head and sadly said, "I am very sorry, but your duck has passed away."

The distressed woman wailed, "Are you sure?" "Yes, I am sure. Your duck is dead," replied the Vet. "How can you be so sure?" she protested. "I mean you haven't done any testing on him or anything. He might just be in a coma or something."

The vet rolled his eyes, turned around and left the room.

He returned a few minutes later with a black Labrador Retriever. As the duck's owner looked on in amazement, the dog stood on his hind legs, put his front paws on the examination table and sniffed the duck from top to bottom. He then looked up at the vet with sad eyes and shook his

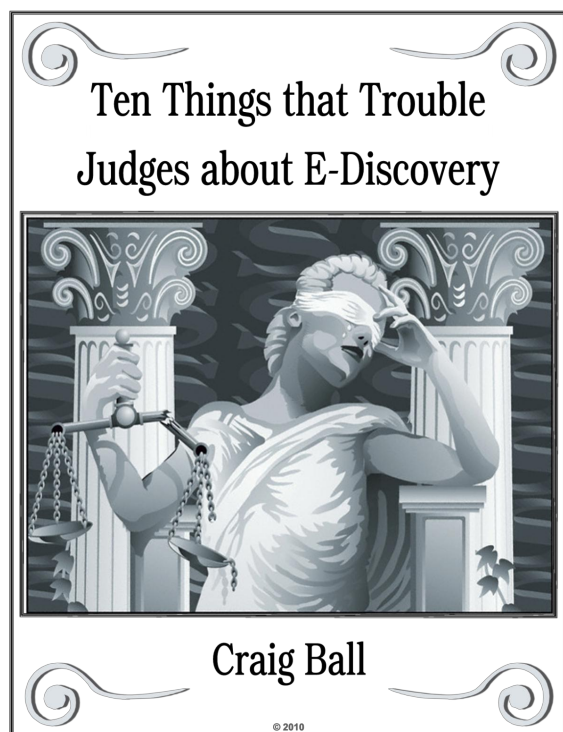
head. The vet patted the dog on the head and took it out of the room.

A few minutes later the vet returned with a cat. The cat jumped on the table and also delicately sniffed the bird from head to foot. The cat sat back on its haunches, shook its head, meowed softly and strolled out of the room.

The vet looked at the woman and said, "I'm sorry, but as I said, this is most definitely, 100% certifiably, a dead duck." **The vet turned to his computer terminal, hit a few keys and produced a bill, which he handed to the woman.**

The duck's owner, still in shock, took the bill. "\$150!" she cried, "\$150 just to tell me my duck is dead?!"

The vet shrugged, "I'm sorry. If you had just taken my word for it, the bill would have only been \$20, but with the Lab Report and the Cat Scan, it's now \$150."



Ten Things That Trouble Judges About E-Discovery

Craig Ball
© 2010

As counselor, consultant or court-appointed special master, my law practice revolves around electronically stored information (ESI)—seeking to salvage the wrecks others have made of e-discovery and helping parties to navigate unfamiliar shoals.

The goal is to forestall or resolve conflicts with judges incensed by parties' failure to fulfill e-discovery duties. Judges frequently doubt that electronic discovery is as difficult or expensive as the lawyers before them claim. For the most part, the judges are right. E-discovery is not that hard and need not be so costly.

That is, it's not that hard or expensive *if* counsel knows what he or she is doing, and that's a huge "if." Judges feel lawyers should know how to protect, marshal, search and produce the evidence in their cases or enlist co-counsel and experts with that know how. The judges are right about that, too. Lawyers must master modern evidence in the same way that doctors must stay abreast of the latest developments in medicine.

The challenge to listing ten things that trouble judges about e-discovery is limiting it to *only ten* things. E-discovery exposes much that is not pretty about the state of the law practice, e.g., wasteful, obsolete practices; poor management skills; conflicting interests between lawyers and clients; and unequal access to justice between the rich and the rest. E-discovery didn't create these problems, but like a hard rain on an old roof, it exposes failings too long ignored.

First and most intractable among these problems is:

1. Lawyer incompetence

The landscape of litigation has forever changed, and there is no going back to a paper-centric world. Too many lawyers are like farriers after the advent of the automobile, grossly—even stubbornly—unprepared to deal with electronic evidence

As lawyers' duties to supervise and direct clients' preservation and collection of ESI have broadened, their grasp of information systems, forms of ESI and effective search hasn't kept pace. This knowledge gap troubles judges who rely upon lawyers to police the discovery process and stand behind the integrity of that process. Lawyers cannot defend what they don't understand.

No lawyer wants to be thought incompetent; yet the skills developed to collect, assess and produce paper records do not translate well to a world steeped in ESI. Digital is different, and neither clients nor the justice system can long afford the costly, cumbersome efforts lawyers employ to regress data to paper or images.

Other things that trouble judges about e-discovery are:

2. Misstatements of fact coupled with a lack of reliable metrics

Perhaps because no lawyer wants to be thought incompetent, some resort to "winging it" when it comes to reporting the state of client ESI and status of discovery. The case law proves the folly of blind reliance on clients when gauging the true state of retention and collection. Lawyers must not parrot client claims without undertaking even minimal steps to establish their accuracy.

Often, the misstatements take the form of fanciful claims of burden or cost, advanced sans reliable metrics gained through measurement or testing. Judges expect more than histrionics and hand wringing. They demand competent, quantitative evidence of burden and cost supported by the testimony of knowledgeable people who've done their homework. It troubles judges to be asked to decide important issues on much less.

3. Cost and waste

Judges are of one troubled mind about litigation today. They all feel it costs too much and worry that spiraling costs may crowd out legitimate cases or compel unjustified settlements. Recently, a distinguished panel of e-discovery experts surprised this writer by agreeing that about 70% of the money spent on e-discovery is wasted through poor planning and decision-making. Worse, they attributed about 70% of that waste to lawyer incompetence. If true, that suggests that about *half of every dollar spent on e-discovery is wasted* because lawyers don't know what they're doing with ESI. *Half!*

4. Delay in addressing ESI Issues

Over time, data tends to morph, migrate and disappear. Employees join and leave, and machines are re-tasked or retired. Memories fade. Active data migrates to tape. Tape moves to warehouses. Old tape formats give way to newer formats, and old tape drives are discarded. With these changes, discoverable information grows more difficult and costly to access over time. It troubles judges when parties ignore ESI issues until little problems grow into big ones.

Judges expect parties and counsel to think and act in timely ways, identifying and preserving potentially responsive evidence when they *anticipate* a claim or lawsuit instead of waiting until a preservation demand surfaces or a lawsuit is filed.

Judges are also troubled when parties or counsel delay getting needed help from experts and vendors. When a lawyer waits until discovery is overdue to begin seeking such help, it's hard for a judge to impute good faith.

5. Lack of communication and cooperation

One reason judges don't like discovery disputes is that they're often so unnecessary; that is, they concern issues the parties could have resolved if they'd simply listened and cooperated. It greatly troubles judges when parties and counsel exert little effort to resolve e-discovery disputes before filing motions and demanding hearings. It further troubles judges when lawyers mistakenly equate candor and cooperation with weakness, seeking to profit from pointless disputes and motion practice.

Judges don't abide trial by ambush or gamesmanship in e-discovery. The bench expects parties to be forthcoming about the volume and nature of discoverable ESI and to be reasonably transparent in, e.g., detailing preservation efforts or disclosing automated search methods. Because judges never forget that all lawyers owe duties to uphold the integrity of the justice system they serve, judges are troubled when advocates let the desire to win eclipse those duties.

6. Failing to get the geeks together

Communication presupposes comprehension, but judges daily confront how working through intermediaries clouds the court's understanding of technical issues. Like lawyers, information technologists employ a language all their own. They speak geek.

Because lawyers rarely know what IT personnel are talking about, lawyers are often fearful of allowing technical personnel from opposing sides to talk to each other. Instead, counsel for the requesting party conveys questions from their technical expert to opposing counsel, who passes them on to in house counsel, who has the paralegal on the case talk to the IT person. The IT person responds to the paralegal who speaks to in house counsel who tells outside counsel who passes on his or her best understanding to opposing counsel or the court. No wonder so much gets misunderstood.

Judges expect clear, accurate communication about technical matters, and it troubles them when knowledgeable people aren't brought together to foster transparency and trust.

7. Failing to implement a prompt and effective legal hold

Preservation is a backstop against error. Slipshod preservation pervades and poisons much of what follows, and the cost to resolve inadequate preservation is breathtakingly more than the cost of a reasonable and timely legal hold effort.

One need only peruse the opus opinions in *The Pension Committee of the University of Montreal Pension Plan, et al. v. Banc of America Securities, et al.*,¹ or *Rimkus v. Cammarata*² to appreciate the signal importance judges place on a prompt and effective legal hold of potentially relevant ESI and documents. Lawyers appear to have only two settings when it comes to implementing legal holds: "off" and "crazy." Either they ignore the need for a hold until challenged about missing data, or they issue so vague, paralyzing and impractical a retention directive, that responses run the gamut from doing nothing to pulling the plug and sitting in the dark.

It troubles judges when lawyers and clients fail to preserve information that bears on the issues. Judges rightly expect lawyers to promptly hone in on potentially responsive information when a claim or suit looms. Judges expect lawyers to identify fragile forms of information and take reasonable steps to protect the evidence against loss or corruption due to negligence or guile.

8. Overbroad requests and boilerplate objections

In the bygone era of paper discovery, asking for "any and all documents touching or concerning" a topic was accepted. Information was generally stored on paper, paper was predictably managed and a company's documents were typically organized topically in a few easily-ascertainable locations.

But when information exploded into countless shards of messages and attachments strewn across a sea of accounts, servers, machines, media and devices, "any and all" became too many.

It deeply troubles—even antagonizes—judges when requests for information are unfocused and over-inclusive and when reasonable requests are met with a litany of generic objections. Both demonstrate a lack of care and judgment.

Judges want to see evidence that the discovery sought is proportional to the matters at issue. They expect objections to be asserted in good faith and narrowly drawn. Some judges are even exploring sanctions under Fed. R. Civ. P. 26(g) to address fishing expeditions and boilerplate objections. See, e.g., *Mancia v. Mayflower Textile Servs. Co.*³

9. Mishandling claims of privilege

Ask a judge what percentage of documents claimed "privileged" actually prove to be privileged, and you'll probably hear, "ten percent, perhaps less." Yet more than one e-discovery expert has opined that finding, fighting about and redacting privileged documents accounts for a sizeable share of the money spent on e-discovery. Whatever the percentages, it's clear litigants spend far too much money and time ginning the seeds of privilege from electronic evidence, even while overlooking privileged content through a paucity of quality assurance and control. See, e.g., *Mt. Hawley Ins. Co. v. Felman Prod., Inc.*⁴ and *Victor Stanley, Inc. v. Creative Pipe, Inc.*⁵

Lawyers gravitate to error-prone tools, like seat-of-the-pants keyword search, to cull potentially privileged content, mischaracterizing much that's not privileged and much that is. Further, many lawyers forget (or ignore) their client's duty to generate a proper privilege log when material withheld from discovery as privileged happens to be ESI.

Finally, lawyers inexplicably fail to avail themselves of Fed. R. Evid. 502, which provides significant protections against waiver of privilege, including the near-impenetrable shield of a R. 502(d) court order.

Last, but not least, any list of things that trouble judges about e-discovery is sure to include:

10. Failing to follow the Rules

Judges value the rules of procedure, and they expect those who come to their courts to do so. So it troubles judges when the rules set forth a clear requirement that's ignored, especially when the failure to follow a rule triggers a superfluous motion and hearing.

A telling example is the Federal Rule of Civil Procedure requiring a producing party to object to a requested form of production and specify the form to be produced.⁶ It's a rule observed more in the breach than in compliance; yet adherence to the rule would make many costly battles demanding alternate forms of production unnecessary. The rule sets out what to do—with the goal that conflicts be resolved *before* production in objectionable forms—but litigants just don't do it.

Heads in the Sand

Ironically, what most troubles judges about e-discovery also makes their lives easier: judges are astounded they don't see more efforts to discover ESI! The bench well understands that the dearth of e-discovery isn't an indicia of cooperation, but one of evasion. Though all evidence today is largely digital, too many lawyers still try to pretend otherwise and look where they've always looked for evidence. Increasingly, judges know this shouldn't be the case and that it can't last. They enjoy the calm, but are troubled that so few are prepared for the gathering storm.

About the Author



Craig Ball of Austin is a Board Certified trial lawyer, certified computer forensic examiner and electronic evidence expert. He's dedicated his globetrotting career to teaching the bench and bar about forensic technology and trial tactics. After decades trying lawsuits, Craig now limits his practice to service as a court-appointed special master and consultant in computer forensics and electronic discovery, and to publishing and lecturing on computer forensics, emerging technologies, digital persuasion and electronic discovery. Craig writes the award-winning *Ball in Your Court* column on electronic discovery for Law Technology News and is the author of numerous articles on e-discovery and computer forensics, many available at www.craigball.com. Craig Ball has consulted or served as the Special Master or testifying expert in computer forensics and electronic discovery in some of the most challenging and well-known cases in the U.S.



© 2009 Courtoons & David E. Mills

If you elect to test under this option it is required:

1) An original statement signed by the paralegal program director confirming the student's pending graduation date;

2) An original statement signed by the student acknowledging that if, for any reason, graduation requirements are not met and the student does not complete the program, the examination will not be graded and the examination fee will be forfeited.

The CP credential is a respected and coveted title throughout the legal profession. Please visit NALA.Org for more detailed testing information.

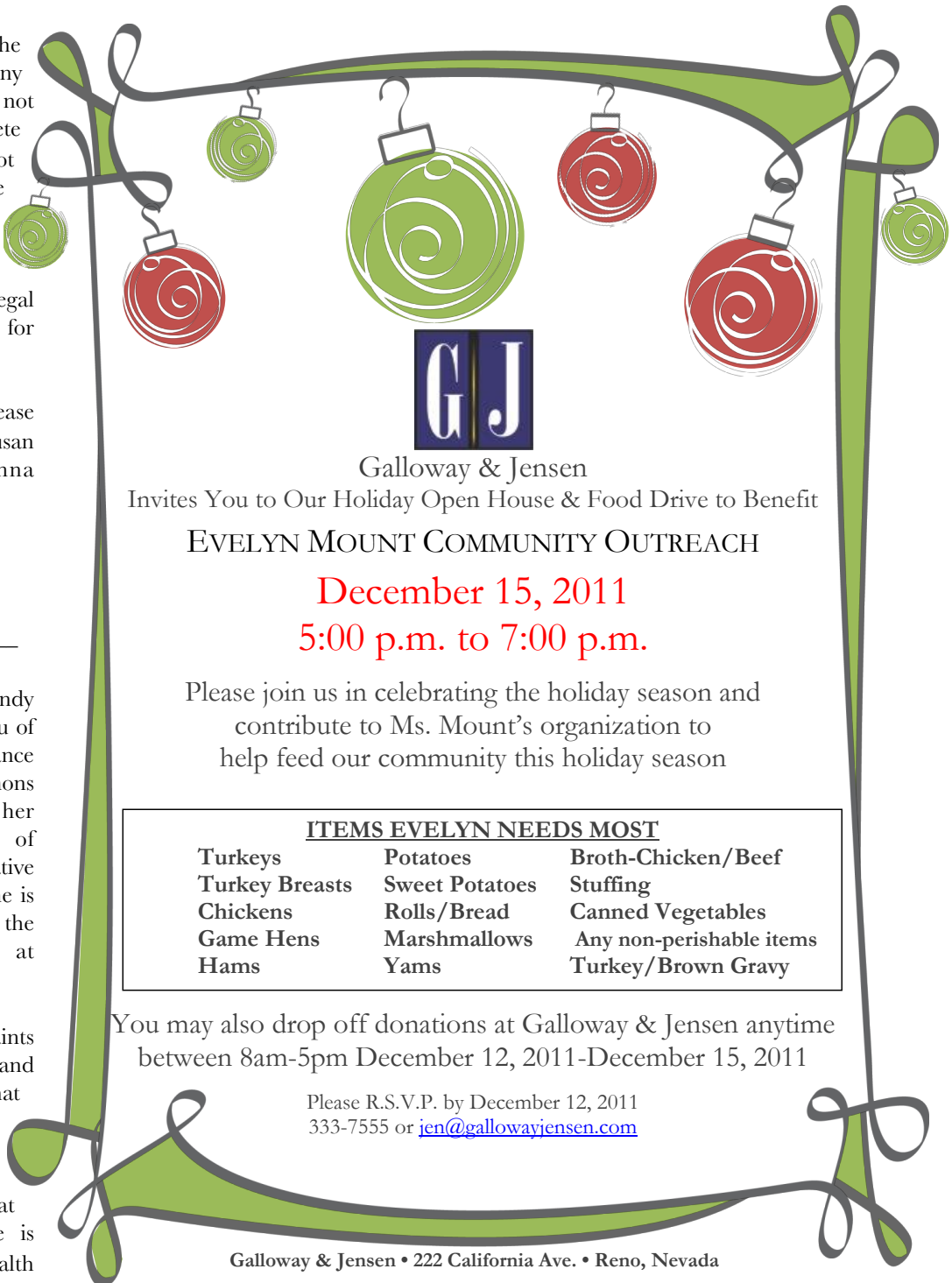
If you are interested in testing please send an e-mail to President, Susan Sunday or NALA Liaison, Anna Buchner.

Respectfully submitted,
Anna Buchner
NALA Liaison

Speaker Synopsis

Our speaker for November was Wendy Simons, Bureau Chief of the Bureau of Health Care Quality and Compliance for the State of Nevada. Ms. Simons gave an interesting speech on her bureau's function in the State of Nevada and provided very informative handouts to all attendees. If anyone is interested in obtaining copies of the handouts, please email Melissa at snapmelissa@att.net.

Ms. Simons stated that 1700 complaints were filed against medical facilities and hospitals in Nevada in 2010. Of that number, 2/3 of the complaints were filed against Southern Nevada facilities, and only 1/3 were filed in Northern Nevada. She quipped that the joke going around her office is "Where do you go for quality health care in Las Vegas? McCarran International!" We are hopeful she doesn't mind us repeating her joke in our newsletter...



Galloway & Jensen

Invites You to Our Holiday Open House & Food Drive to Benefit

EVELYN MOUNT COMMUNITY OUTREACH

December 15, 2011
5:00 p.m. to 7:00 p.m.

Please join us in celebrating the holiday season and contribute to Ms. Mount's organization to help feed our community this holiday season

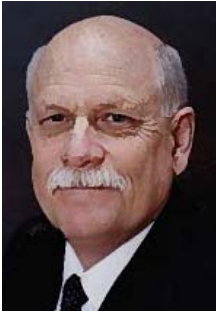
ITEMS EVELYN NEEDS MOST		
Turkeys	Potatoes	Broth-Chicken/Beef
Turkey Breasts	Sweet Potatoes	Stuffing
Chickens	Rolls/Bread	Canned Vegetables
Game Hens	Marshmallows	Any non-perishable items
Hams	Yams	Turkey/Brown Gravy

You may also drop off donations at Galloway & Jensen anytime between 8am-5pm December 12, 2011-December 15, 2011

Please R.S.V.P. by December 12, 2011
333-7555 or jen@gallowayjensen.com

Galloway & Jensen • 222 California Ave. • Reno, Nevada

Speaker Biographies



For December, Dr. Larry Pinson will be our speaker. He is a graduate of the University of California at San Francisco in 1973, practiced pharmacy for 32 years prior to being selected for the position of Executive Secretary of the Nevada State Board of Pharmacy. He owned and operated his own pharmacy, Silverada Pharmacy, in Reno for 22 years after practicing clinical pharmacy at St. Mary's Hospital for 5 years.

Dr. Pinson was appointed by two governors to serve the maximum of 9 years on the Nevada Board of Pharmacy, presiding over the Board for more than 8 or those years, as well as being appointed by Governor Guinn for a second term on the Nevada State Pharmacy and Therapeutics Committee.

During his tenure as Board President, the Board developed and implemented one of the first controlled substance abuse prevention task forces in the nation to combat "Dr. shopping" and improper prescribing practices in Nevada. Under his direction, the Board initiated an "inspection for safety" program to better ensure safe pharmacy practices in Nevada. He has held an adjunct professorship for Idaho State University since 1989, and serves as a preceptor for pharmacy students for both North Dakota State University and Creighton University.

Besides serving as a consultant pharmacist and committee member for numerous facilities and organizations over the years, he currently is the President of the Alumni Association for UCSF. Dr. Pinson received the Bowl of Hygeia for the state of Nevada in 1984 and was selected "Pharmacist of the Year" by the state association in 1999.



Amy L. Parks, Esq., was appointed to serve as Acting Nevada Commissioner of Insurance upon the August 12, 2011, resignation of Nevada Insurance Commissioner Brett J. Barratt until Scott Kipper returned as Insurance Commissioner on October 24, 2011. Acting Commissioner Parks has served as Chief Insurance Counsel and Hearing Officer for the Nevada Division of Insurance since the spring of 2009, and Insurance Counsel and Hearing Officer for the Division since August 2004. As Chief Insurance Counsel, Parks functioned as the chief legal advisor to the Commissioner and the Division, and as direct supervisor of the Division's Legal-Enforcement Section. Throughout her tenure at the Division, Parks has served many times as the Commissioner's delegate during the Commissioner's business travels from the state, and as the Commissioner's delegate at meetings of the National Association of Insurance Commissioners.

Parks received a Bachelor of Science degree in Laboratory Medicine from the University of Nevada, Reno in 1980. In December 1995, Parks received her Juris Doctor degree from Northwestern School of Law at Lewis & Clark College in Portland, Oregon. Parks was admitted to the Oregon State Bar in 1996 and the State Bar of Nevada in 1997. While attending law school at Lewis & Clark College, Parks won Outstanding Oral Advocate in Appellate Moot Court competition, and received the American Jurisprudence Award in Insurance Law. Prior to joining state service as an attorney in 2004, Parks practiced as a private attorney primarily in the areas of mass tort, toxic exposure and medical malpractice litigation.

SNAP General Meeting Luncheon Tuesday, December 20 at Noon

SPEAKER: Dr. Larry Pinson

TOPIC: Pharmacy

PLACE: Palais de Jade
960 W. Moana Lane near Lakeside

COST: \$18.00 – Members & Guests \$15.00 – Student Members

Name: _____

Office: _____

Phone/Email: _____

Member

Student

Guest

Menu - Chinese Family Style
Sweet and Sour Chicken, Vegetable Chow Mein and Steamed Rice

Please mail your reservation form and payment to:
SNAP, P.O. Box 2832, Reno, NV 89505-2832

ALL RESERVATIONS WITH PAYMENT MUST BE RECEIVED
BY FRIDAY, December 16, 2011

Email reservations accepted at:
jessica@silverman-decaria.com