

SNAP SHOT



Presidential Ramblings

Many things are happening for SNAP. We just had a fun, interesting, and informative seminar; elections are coming up; and SNAP and NALA are recognizing one of our own.

I thoroughly enjoyed our seminar. The speakers were excellent, and the bus ride was a great time to get to better know our members and those just attending the seminar. Please see Melissa Paschal's article in this newsletter for a summary.

Reminder: SNAP's executive board elections will be held on June 19, 2012, during our general meeting. A ballot is enclosed with this newsletter. Thoran Towler from the Labor Commissioner will be speaking at our meeting on the subject of Complaint Investigations. I hope you join us on June 19th.

Each year during NALA's annual conference, NALA presents Affiliate Awards to NALA members who have contributed to the goals and programs of affiliated associations. Affiliated associations submit their nominees for the Affiliate Award.

It is with great pleasure that SNAP announces it has nominated Laure'l Santos for the Affiliate Award. In addition to his full-time job at Fry & Berning, Laure'l teaches several courses in the paralegal program at Truckee Meadows Community College. He has taught at TMCC for several years. Laure'l's students speak highly of his teaching abilities. In addition, Laure'l encourages his students to become SNAP members. Those student members are SNAP's future active members. In 2010 Laure'l led the SNAP CP study group. This year Laure'l spoke at two SNAP CP study group sessions, one in Legal Research and one in Judgment and Analytical. Laure'l's presentations were thorough and informative.

SNAP is privileged to have Laure'l as a member, and Truckee Meadows Community College and Laure'l's students are fortunate to have Laure'l as an instructor. His knowledge, positive image, and professionalism tell of his dedication to the paralegal profession.

Laure'l will be recognized and presented a framed award on July 27, 2012 during NALA's annual convention in Omaha,

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GENERAL MEETING

SNAP Calendar 2012

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

ZoZo's Restaurant @ 3446 Lakeside Drive

June 19, 2012:

Elections

Speaker: Thoran Towler, Labor Commissioner

Topic: Complaint Investigations

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/groups/154903284632632/>

Respondent; (2) Frank Blackburn, Appellant vs. State of Nevada, Respondent; and (3) Betty Jo Aboud, et al., Appellants vs. Michelle Aboud Sheppard and Michael Aboud, Respondents, including related cross-claims. I suggested that we take all notes and write down who we felt was the winner of each case. I told everyone that I would report back in 60 days when the decisions were rendered and attendees could check their notes and see if they were right.

The first case involved Requests for Admissions that went unanswered. This was a particularly relevant issue for paralegals, as calendaring the due date is usually delegated to the paralegal assigned to the case. The unanswered requests led to a summary judgment motion being granted, which was appealed and eventually heard in oral arguments. Plaintiff in the underlying case claimed that the admissions involved were crucial to their case, but the defense argued that the admissions sought legal conclusions, not admissions of facts, and were therefore not required to be answered. The defense objected to the admissions, but the objections were not timely. It will be interesting to see how this one is decided.

The second case involved a prostitute who was assaulted by the john who picked her up. The john

claimed that he was sexually assaulted and physically abused as a child, and he apparently expected leniency as a result. The issue at hand was whether the psychiatrist on the case departed from standard diagnostic tools when evaluating the john for his propensity to reoffend. He was sentenced to prison as he had prior convictions. He is seeking probation with his appeal to the Nevada Supreme Court.

The last case involved the death of a wealthy woman and whether partnership trust assets were properly transferred thereafter. Her heirs challenged the trustee and claimed fiduciary duties were breached when certain assets were improperly transferred.

After Oral Arguments ended, it was time to head to High Sierra Brewing Company for lunch. We had a table set up with handouts, brochures, free pens, etc. Christine Saito gave a brief overview of the Legal Assistants' Division (LAD) of the Nevada State Bar.

After lunch, we returned to the main courtroom, where Justice Hardesty had a large screen set up for his PowerPoint Presentation. Justice Hardesty informed us that the Nevada Supreme Court is the busiest Supreme Court in the United States, handling an average of 352 cases per year! He briefly

explained that there are two panels of three judges and cases are randomly assigned to them and the panels alternate. They hear matters concerning constitutional issues, elections, public policy cases and appeals.

While preparing our presentation, Justice Hardesty learned that the 10 canons differed for LAD and the National Association of Legal Assistants (NALA), of which SNAP is an affiliate. He mentioned that LAD members must additionally adhere to an additional Pledge of Professionalism (copy attached).

Justice Hardesty's PowerPoint Presentation included three hypothetical circumstances and he asked us to raise our hand if we felt that the acts performed by paralegals would be considered engaging in the unauthorized practice of law ("UPL"). It seemed that several members were surprised to learn that things they had been doing for years would actually be considered UPL. He gave us examples and instances such as if a paralegal or other non-lawyer sends out a demand letter without the attorney reviewing and signing it, those persons are engaging in UPL. He advised us that paralegals cannot relay settlement offers to clients or discuss settlement offers with insurance adjusters or opposing counsel, and paralegals cannot



SNAP Biographies of Officers

Erin Tieslau, CP: She was born and raised in Reno, Nevada. She graduated from McQueen High School in 2003 and started at the University of Nevada, Reno in the fall of 2003. Erin started as a runner for Lemons, Grundy & Eisenberg in 2005 part-time while she went to college. she obtained her Bachelor's degree in Political Science from UNR in May of 2007. After graduating she moved to Sacramento to work for a year to work for an attorney who practiced Estate Planning and Business Formation. She then moved back to Reno in July of 2008 where she was fortunate to get a position as a paralegal at Lemons, Grundy & Eisenberg. She has been in her current position for 4 years. She took the CLA exam in January of 2011 and received her certification in March 2011.

She was elected treasurer of Sierra Nevada Association of Paralegal (SNAP) for the 2011-2012 fiscal year. She has enjoyed the experience of working on the executive board for SNAP, and hopes to retain the position for the 2012-2013 year.

KATE CLINE, ACP: is a paralegal with Minerva Office Management, Inc., an administrative services office for private family trusts. She works mainly in the corporate and private investment areas. Kate has been a member of NALA and Sierra Nevada Association of Paralegals (SNAP), a NALA Affiliated Association, since 1998. She currently serves on the Bylaws Committee. Kate lead the CP Study Group in 2010, lead/taught several sections of the exam topics. She has served SNAP in various capacities over the years of her membership, including officer positions and serving and chairing various committees as well. Kate was selected by NALA to be a participant in the Leadership Enhancement And Preparation (LEAP) program during the 2009-2010 year. Prior to joining SNAP and becoming a paralegal, Kate was actively involved in an international administrative professionals association. She served in various officer and committee positions at the local, state and regional levels. Kate graduated from Truckee Meadows Community College with an AAS in General Business with Management emphasis in December 1994, received her Paralegal Studies Certificate from the University of Nevada-Reno in May 1998, attained her Certified Legal Assistant designation in September 1998 and her Advanced Paralegal Certification in Business Organizations: Incorporated Entities in April 2010.

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/>

Lynn Strahm: is running for the position of Treasurer of SNAP. Lynn graduated from the Truckee Meadow Community College Paralegal Program in 2008 and also has a degree in Political Science from San José State University.

She is running for Treasurer because she sees it as a great opportunity to get involved in SNAP and feels she can make a valuable contribution to SNAP by being on the board.

She has taken a number of accounting classes in her life and feels the lessons learned in those classes will benefit her in the duties of Treasurer. She has found that in taking accounting classes she has a love for numbers and the importance of making sure these numbers are accurate. This is not something she takes lightly. Accepting an accounting discrepancy is not an option for her or for fulfilling the duties of this position.

She is comfortable using financial software programs, as well as spreadsheet software programs so whichever tool she is given to use to maintain the books, will not be an issue.

She hopes she can count on your support to make her the next treasurer for SNAP.

Amy S. Hodgson, ACP: has worked in the legal field since 1994, and exclusively in family law since 2001, when she moved from Florida back home to Reno, and came to work for Silverman, Decaria & Kattelman, Chtd.

She was born and raised in Sparks, Nevada and graduated from Reed High School in 1991. She attended Morrison University from 1994-1996, where she graduated with honors with an Associate of Science - Paralegal degree.

She was elected secretary of SNAP for the 2005-2006 fiscal year, and was elected to be NALA Liaison in the 2006-2007 fiscal year. She chose not to remain on the executive board, but instead to spend time with her daughter who was born in April, 2007.

In 2007, she received the nationally recognized Certified Paralegal certificate through NALA, and in 2008, received her advanced paralegal certification in Trial Practice through NALA.

In 2009 Amy and her husband welcomed their second daughter to the family. Now that her children are no longer infants, she returned to the

executive board as Second Vice President which she has held from 2010-2012.

She enjoys being on the executive board and working with such a smart, talented group of people and hopes to be elected to 1st Vice President for the 2012-2013 fiscal year.

news notes

NOTICE OF RULE CHANGES

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION OF THE TENTH JUDICIAL DISTRICT COURT RULES

ADKT 0473

ORDER ADOPTING THE TENTH JUDICIAL DISTRICT COURT RULES

Notice is hereby given that on April 18, 2012, the Nevada Supreme Court entered an order in ADKT No. 473 adopting the Tenth Judicial District Court Rules. These rule adoptions shall be effective on May 18, 2012. ■

IN THE MATTER OF ASSIGNMENT OF CASES IN THE FAMILY DIVISION OF THE EIGHTH JUDICIAL DISTRICT COURT

ADKT 0474

ORDER AMENDING RULE 5.42 OF THE EIGHTH JUDICIAL DISTRICT COURT RULES

Notice is hereby given that on April 18, 2012, the Nevada Supreme Court entered an order in ADKT No. 474 amending the Supreme Court Rules. The order amends Rule EDCR 5.42. The amendment becomes effective on May 18, 2012. ■

IN THE MATTER OF PROPOSED AMENDMENTS TO NRCP 16.2, 16.21, 16.3, FINANCIAL DISCLOSURE FORMS AND TELEPHONIC AND AUDIOVISUAL RULES REGARDING FAMILY LAW PROCEEDINGS IN ALL COURTS IN THE STATE OF NEVADA

ADKT 0476

ORDER SCHEDULING PUBLIC HEARING AND REQUESTING PUBLIC COMMENT

On April 24, 2012, the Nevada Supreme Court entered an order in ADKT No. 476 to conduct a public hearing on the petition to amendment NRCP 16.2, 16.21 and 16.3. The hearing will take place on Monday June 4, 2012, at 3 p.m. in the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor, Las Vegas, Nevada.

The court invites written comments from the bench, bar and public regarding the proposed amendments. An original and eight copies of written comments are to be submitted to: Tracie K. Lindeman, clerk of the Supreme Court, 201 South Carson St., Carson City, NV 89701 by 5 p.m., May 30, 2012. Persons interested in participating in the hearing must notify the clerk no later than May 30, 2012. ■

Rule changes are published by the Supreme Court Clerk in the same manner as an opinion of the court. In accordance with the Nevada Rules on the Administrative Docket, Section 6, the clerk will disseminate printed copies of the order without charge to all subscribers to the advance opinions of the Nevada Reports. Single, printed copies of the order are available from the Supreme Court Clerk for \$2.00 each. Photocopies are available for \$1.00 per page.

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ELECTION OF OFFICERS

Sierra Nevada Association of Paralegals (SNAP) will be holding the annual election of its officers at the Annual Meeting, **June 19, 2012** at a restaurant in Reno, Nevada.

Nominations will also be taken from the floor of those in attendance.

In accordance with Article 9 of SNAP's Bylaws, we are sending out this notice accompanied by the Proxy and Proxy Ballot. If you are unable to attend the June 19, 2012 General Meeting, but wish to exercise your right to vote, please complete Proxy and Proxy Ballot as instructed by **June 12, 2012**.

If you are planning on attending the **June 19, 2012** Annual Meeting, please bring the regular Ballot with you to the meeting. That regular ballot is attached herewith as well.

Bios for the candidates will be placed in the SNAPShot as well for you to review.

Respectfully:

Susan Sunday
SNAP President 2011-2013
Sierra Nevada Association of Paralegals

PROXY

The undersigned, _____, a SNAP member entitled to vote, hereby appoints _____ as his/her Proxy, with the power to appoint his/her substitute, and hereby authorizes such Proxy to represent and vote his/her membership share of the Sierra Nevada Association of Paralegals, a Nevada nonprofit corporation ("SNAP"), as of the date of this Proxy.

The foregoing appointment shall be effective with respect to all matters brought forward for voting at the SNAP Annual Meeting to be held on **June 19, 2012** and all matters for which the consent of the membership is sought.

The foregoing appointment is revocable by the undersigned at any time, with or without notice and with or without cause. Unless sooner revoked by the undersigned, the foregoing appointment shall be effective to and including **June 19, 2012**.

Dated this ____ day of _____ 2012.

By _____

*[Instructions for Proxy: If you are unable to attend the Sierra Nevada Association of Paralegals Annual Meeting to be held **June 19, 2012**, please complete this proxy and the proxy ballot, and give it to a voting member of SNAP who is attending the meeting. You must tell the SNAP member how you want your vote to be cast. The SNAP member must bring this signed Proxy to the Annual Meeting and acknowledge to the Credentials Chair that he/she is voting in your stead. If you would like, you may mail this Proxy to SNAP, P.O. Box 2832, Reno, NV 89505 or email to Susan Davis at susand@lge.net to be received **no later than Tuesday, June 12, 2012**.]*

SNAP PROXY BALLOT

Ballots must be received no
later than **June 12, 2012** in order to be counted.

Please mail your proxy and proxy ballot to SNAP, P.O. Box 2832, Reno, NV 89505 or email your proxy and proxy ballot to Susan Davis at susand@lge.net.

☒ Please mark votes as in this example.

THIS BALLOT WILL BE VOTED AS DIRECTED ON THE FOLLOWING MATTERS:

I, _____, a member of the Sierra Nevada Association of Paralegals
entitled to vote, hereby direct my proxy vote as follows:

Candidates for Office 2012-2013
Nominations from the Floor

President <input type="checkbox"/> <i>Susan Sunday, ACP</i> [Second Term] <input type="checkbox"/> _____ <input type="checkbox"/> _____	Secretary <input type="checkbox"/> <i>Crystal Huss</i> <input type="checkbox"/> _____ <input type="checkbox"/> _____
First Vice-President <input type="checkbox"/> <i>Amy Hodgson, ACP</i> <input type="checkbox"/> _____ <input type="checkbox"/> _____	Treasurer <input type="checkbox"/> <i>Erin Tieslau, CP</i> <input type="checkbox"/> <i>Lynn Strahm</i> <input type="checkbox"/> _____
Second Vice-President <input type="checkbox"/> <i>Kate Cline, CP</i> <input type="checkbox"/> _____	NALA Liaison <input type="checkbox"/> <i>Anna Buchner</i> <input type="checkbox"/> _____ <input type="checkbox"/> _____

Signature: _____

Date: _____, 2012.

BALLOT SNAP **2012/2013**

President

☐

Susan Sunday, ACP [Second Term]

☐

First Vice President

☐

Amy Hodgson, ACP

☐

Second Vice President

☐

Kate Cline, CP

☐

Treasurer

☐

Erin Tieslau, CP

☐

Lynn Strahm

Secretary

☐

Crystal Huss

☐

NALA Liaison

☐

Anna Buchner

☐

APPOINTED POSITIONS:

The Parliamentarian to be voted by the newly elected board.

Regular 2012 2103 SNAP Elections

**SNAP Audit Committee Report
Audit of 2010-2011 Financial Records**

The undersigned were appointed by the Executive Committee as the Audit Committee (the "Committee") to perform a review of the financial books and records of the Sierra Nevada Association of Paralegals (the "Association"). The Committee performed a review of the books and records, and submits the following report of its findings, corrections, and recommendations pursuant to Article 12, Section 1, of the Association's Bylaws. The Committee expressly points out that *spot checks* were made, and a complete, thorough audit would need to be completed by accounting professionals. Therefore, the tasks, findings and recommendations are based solely upon the spot checks made and should not be considered a review of every record incurred by the Association during the 2010-2011 fiscal year.

1. Reviewed tasks. The Committee performed spot checks of the following general audit procedures:

- A. Verified a notation was recorded in the check register from the 2009 audit committee.
- B. Verified beginning balances on Treasurer's Report and carry-forward balances were properly recorded.
- C. Sampled deposits made corresponded to the total receipt back up.
- D. Verified two signatures on checks over \$50.00 per Article 11, Paragraph 5, of the Bylaws.
- E. Verified check numbers and amounts were properly recorded in the check register and on the Treasurer's Report.
- F. Verified back-up documentation was in the Treasurer's Manual for checks written.
- G. Verified that checks written for reimbursement to officers were not signed by the officer requesting reimbursement.
- H. Verified bank statement was reconciled to the check register.
- I. Verified the bank statement was reconciled to the Treasurer's Report.
- J. Verified the use of the debit card:
 - i. was for a "permitted" purpose (on-line purchase, website fee, "emergency" use)
 - ii. back-up for use was included
 - iii. purpose of use was noted on the receipt
 - iv. if sum exceeded \$50.00, two officers initialed and dated the receipt (Article 11, Paragraph 5)

2. Findings and/or Deficiencies.

- A. There was no notation recorded in the check register indicating an audit was performed for the 2009-2010 fiscal year or the 2010-2011 fiscal year, nor were any reports to the membership located.
- B. Discrepancy on check 1089 and 1090. Register had transposed the dollar amounts of the checks (Check 1089 was in the amount of \$15.17, register showed \$6.02, and check 1090 was in the amount of \$6.02 and register showed \$15.17).
- C. All checks requiring two signatures were properly executed with one exception:
 - i. Check 1096 issued in November required two signatures and was only signed by one officer
- D. All checks issued to officers for reimbursement were countersigned by other officers.
- F. Treasurer's Report reconciled to the check register with one exception:
 - i. Check 1107 issued in April in the amount of \$89.00 was never cashed. Check was subsequently voided in the 2011-2012 fiscal year and an entry was made in the register and Treasurer's Report explaining why the check was voided.
- G. Treasurer's Report reconciled to bank statement and check register with one exception:
 - i. There were no bank statements for the month of December to compare to Treasurer's Report and check register.
- H. Debit Card use:
 - i. several entries were found where the debit card was used for office supplies, miscellaneous materials, etc.
 - ii. the purpose of the use was not recorded on the receipt for a purchase in December.
 - ii. Two officer signatures were not scribed on the receipt or back up receipt.

3. Recommendations. Based upon our audit, the following are the recommendations of the Committee on a going forward basis:

- A. The Audit Committee recommends that the incoming Executive Committee, and especially the Treasurer, make every effort to ensure an audit is performed on an annual basis, and a report presented to the membership pursuant to the Association's Bylaws.
- B. Every effort should continue to be made to reconcile the bank statement to both the check register and Treasurer's Report, and the Treasurer's Report reconciled to the check register.
- C. If any transpositions or errors are discovered after a Treasurer's Report is issued/published, an amended Treasurer's Report should be reissued/republished, with the original report maintained for audit reference.

D. Debit card use recommendations:

- i. To be used only for the purposes for which it was obtained (website fee, on-line purchases), or in the alternative the Bylaws be modified to expand the purposes for which the debit card may be used.
- ii. Guidelines be set up specifically for the use of debit card purchases. For example: necessity of two signatures on the back up receipts for purchases over \$50.00, use of debit card for office supplies and other miscellaneous purchases related to seminar, etc.
- iii. If the debit card is used in an emergency or is unavoidable (e.g., Treasurer unable to attend membership meeting at the last minute, or a vender requires a "credit card" for a deposit), two authorized bank account signatories shall agree on its use, both of whom shall make a notation as to the reason for its use in lieu of a check being issued and initial and date the bank-up documentation.

iv. Back-up documentation should always be secured and notations made for the purpose for the purchase (e.g., purchase of CLA pin for [name], purchase of airfare for [name] to attend NALA seminar).

v. Purchases by any officer(s) should be made on one's personal credit card with a reimbursement request submitted if use is not for a "permitted" use until such time as the Bylaws are amended to expand the purposes for which the debit card may be used.

Conclusion

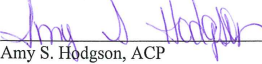
Overall, the books and records of the Association were in good order and well kept by the 2010-2011 Treasurer.


We appreciate the opportunity to serve the Association in this matter.

Respectfully submitted,

2010-2011 Audit Committee:


Erin Tieslau, CP
Treasurer, 2011-2012


Amy S. Hodgson, ACP
Second Vice President, 2011-2012


Jessica Bradshaw
Committee Member

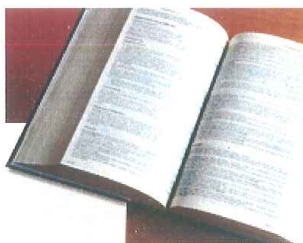
WCBA'S TECH BYTES

March, 2012

Washoe County Bar Association

wcbar.org

775.786.4494



Dear Washoe County Bar Member:

Welcome to the March, 2012 edition of Tech Bytes. We sincerely hope that these technology tips, sites and sources help you in your practice. We try to find sources that are entertaining, fun or family-oriented as well. We welcome your suggestions and comments.



Just in. . . ABA reports lawyers rank second on a list of the most sleep-deprived occupations, just behind home health aides. Data is from Sleepy's mattress chain research, reported on the Economix blog of the New York Times. [See how you compare.](#)

iPad and Cloud Technology-Tools or Toys?

WCBA Luncheon, Wed. April 11, noon.

Mark your calendar now for WCBA's April 11th

luncheon. WCBA VP Mike Kattelman of Silverman,



Decaria & Kattelman will explore functional applications of the iPad (Tool or Toy?) and Tim Erlach of Erlach Computer Consulting take you into the cloud-the new computer networking. Not to be

missed.

iPad? New iPad? 3rd Generation iPad?

The new iPad is available March 16th, confounding the media and consumers by being named simply "iPad". [Technolawyer's blog](#) reports "the new iPad has a Retina display at 2048 x 1536 pixels with a density of 264 pixels per inch (PPI). Pixels per inch is the megahertz of this decade - the specification that matters most when discussing displays. Put simply, the new iPad's display is sharper than a typical LCD monitor, which should make it even more popular among lawyers for reviewing documents."

How to Cite to a Tweet

Wondering how to cite to a Tweet? Advocate's Studio-

Wireless Access at 2nd Judicial District Court

The Second Judicial District Court offers free wireless access to the INTERNET FOR BUSINESS USE ONLY.

Wireless access is available in both the 75 Court Street and 1 South Sierra Street (north tower) buildings during the business hours of 7:00 a.m. to 8:00 p.m., daily.

[Administrative Order](#)

Legal Technology News

News, Reviews,
Commentary, Surveys,
Events, Practice
Management, Office Tech,
Mobile Lawyer, Research &
Libraries

[Legal Technology News](#)

Musings on the Law, Research, Writing & Technology-[explains in this post](#). Instruction is from the Modern Language Association.

TED.com

WCBA President Clay Brust's April *Writ* column reminds us once again of the wealth and variety of talks available on TED.com. We won't steal his thunder here, but try this funny and blunt talk from TEDxUW where Larry Smith ([Why you will fail to have a great career](#)) pulls no punches when he calls out the absurd excuses people invent when they fail to pursue their passions.

Mobile Apps for Travel

Spring break and summer vacations are coming up, so we couldn't resist a few

more travels apps. Integrate historical markers into your family road trips with this [free source of fun](#) for historical walking tours, hiking trails, steps of the



courthouse and more. [Roadside America](#) recognizes where you are and points out detours to some of the bizarre attractions and roadside oddities you are likely to pass. And, here's one that we have all wished for: [SitorSquat](#) is on iPhone, Blackberry or via text. Finds the nearest bathroom to you and offers directions and map.

Washoe County Bar Association

[Christine Cendagorta](#), Executive Director

[Gina MacLellan](#), Associate Director

Washoe County Bar Association

Reno, Nevada 89505

Washoe County Bar Association

775.786.4494

STATE BAR OF NEVADA



Nevada Lawyer Magazine



“Unsurprisingly, many of the bar complaints that ultimately result in the imposition of discipline involve the unauthorized practice of law by non-attorneys, particularly pertaining to the signing up of clients and/or managing clients’ cases.”

Practice Tips

Glenn Machado, Assistant Bar Counsel

WHAT ACTIVITIES CONSTITUTE THE PRACTICE OF LAW?

Quick quiz: Which of the following activities constitute the practice of law? (Circle all that apply).

- a) Deciding whether to represent a particular client
- b) Evaluating a personal injury claim
- c) Advising clients of the claim’s merits
- d) Negotiating the claim with insurance companies
- e) Discussing case authority and legal strategy with clients
- f) Advising a client about his or her legal rights and recommending future actions
- g) Preparing and signing demand letters
- h) All of the above

If you chose “All of the above,” you are correct. The Nevada Supreme Court has noted that each of these actions has been found to constitute the practice of law.¹

So, what exactly constitutes the “practice of law?” The Supreme Court has stated that the “practice of law” definition is not susceptible to a bright-line, broadly stated rule. The Nevada Supreme Court, as well as courts throughout the country, agree that what constitutes the practice of law must be decided on the facts and within the context of each individual case.² As a general rule of thumb, however, the “practice of law” means the exercise of professional judgment in applying legal principles to address another person’s individualized needs through analysis, advice or other forms of assistance.³

Thus, simply providing forms or offering a service to type client-provided forms was not the practice of law, but advising the client on how to complete a form (e.g., what information

to include and on what portions of the form to include that information), would constitute the practice of law.⁴

The Rules of Professional Conduct specifically prohibit attorneys from assisting non-attorneys in the unauthorized practice of law under RPC 5.5 (Unauthorized Practice of Law) and attorneys have a duty to properly supervise non-attorney employees if they have either direct supervisory authority over them or managerial responsibility for the firm under RPC 5.3 (Responsibilities Regarding Non lawyer Assistants).

If your non-attorney assistant goes rogue and unilaterally decides to offer legal advice or sign-up clients, and you take immediate action to correct the problem, you’ll likely have a defense to these disciplinary charges. However, if your office policy allows non-attorney assistants to sign up clients or otherwise practice law, or if the policy is indifferent to such conduct, you may be found to have ratified the unauthorized practice of law.

Unsurprisingly, many of the bar complaints that ultimately result in the imposition of discipline involve the unauthorized practice of law by non-attorneys, particularly the signing up of clients and/or managing clients’ cases. We’ve had disciplinary hearings in which the client, who has come in to testify, notes that he/she is glad to finally meet the attorney in person (helpful hint: if the first time you meet your client is at your own disciplinary hearing, it’s not going to go very well for you).

This month’s Office of Bar Counsel Report includes an attorney who received a public reprimand for allowing a non-lawyer to sign up clients for traffic-ticket violations. As noted

earlier, making the determination to accept a client is an exercise of professional judgment. It involves an evaluation of the potential client’s claims and a determination that the attorney can adequately represent the client’s interests.

Last year, an attorney also received a public reprimand for allowing his non-attorney employee to sign up a client who received a traffic citation. This employee contacted the wrong court to calendar the attorney’s appearance, and then failed to follow up when no return call was received. The client was eventually arrested on a bench warrant, and only then did the attorney personally get involved in the client’s matter.

Another attorney also received discipline last year for allowing a non-attorney employee to sign up traffic-ticket clients. The complaining client had grieved that the attorney failed to do anything in her matter and had refused to grant a refund. The attorney’s initial response to the state bar gave a version of events that was contradicted by court records (such as claiming the client had blown off a court hearing and was subsequently arrested on a bench warrant). The attorney subsequently admitted to having had no actual involvement in the case (and the client got her refund).

Lastly, these concerns also apply to attorneys who are inactive or suspended (regardless of whether it’s a disciplinary or administrative suspension), as inactive and suspended attorneys are ineligible to practice law. See SCR 77 (Membership in state bar required; exception); see also *In re Holmberg*, 135 P.3d 1196 (Kan. 2006) *In re Schoeneman*, 891 A.2d 279 (D.C. App. 2006).⁵

Given that bar dues are due (and CLE requirements must be fulfilled) by March 1 of each year, and that this is the March issue of *Nevada Lawyer*, please make sure you’ve remitted your bar dues and CLE information. Otherwise, this article may soon apply to you. ■

1. *In re Lerner*, 124 Nev. 1232, 1241-1242, 197 P.3d 1067, 1074 (2008).
2. 124 Nev. at 1239, 197 P.3d at 1073.
3. 124 Nev. at 1239, 197 P.3d at 1072-1073.
4. 124 Nev. at 1239, 197 P.3d at 1073.
5. Inactive attorneys may be eligible to practice law under SCR 49.2 (Limited practice for emeritus pro bono attorneys).

Region 8 Presents The Biggest Little Conference



July 12-14, 2012
Eldorado Hotel Casino
Reno, Nevada



REGISTRATION FORM

Member Number: _____
Last Name: _____
First Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____
Business Phone: _____
E-mail: _____

Name as it should appear on badge: _____

Do you currently have a wooden name badge or do you need a new one?

I already have one? ☐ Yes ☐ No
I don't have one/
I need a new one? ☐ Yes ☐ No
(name will appear as indicated above for badge)

Will this be your first Regional Conference? ☐ Yes ☐ No

Certifications:

☐ ALS ☐ PLS ☐ PP ☐ CLA/CP ☐ CLAS
☐ CPS ☐ RP ☐ Other: _____

Registration Fees:

Early Bird (postmarked before May 15, 2012)

☐ Life Member \$150
☐ Member \$160
☐ Non-Member \$195

Regular (postmarked before June 15, 2012)

☐ Life Member \$160
☐ Member \$170
☐ Non-Member \$205

Late (received after June 15, 2012)

☐ Life Member \$170
☐ Member \$180
☐ Non-Member \$215

Guest Registration

Guest Name as it should appear on the badge _____

☐ Guest Welcome Party \$25
☐ Guest Friday Lunch \$30
☐ Guest Saturday Lunch \$30

Total amount due: _____

Please make check payable to NALS Region 8. Payment must accompany registration form. A \$20 handling fee will be assessed for returned checks. Refunds will be given (minus a \$25 processing fee) through June 15, 2012. **NO REFUNDS WILL BE GIVEN AFTER June 15, 2012.**

PLEASE RETURN PAYMENT AND COMPLETED FORM TO:

Kathy Sieckman, PP, PLS, CLA
c/o DLA Piper LLP (US)
2525 E. Camelback Road, Suite 1000
Phoenix, Arizona 85016-4232

For more information or to make special requests for the 2012 Region 8 Conference, please contact: Kathy Sieckman, PP, PLS, CLA at Kathy.Sieckman@dlapiper.com or 480-606-5492.

Overnight accommodations must be arranged directly with:

Eldorado Hotel Casino (www.eldoradorenova.com)
345 N Virginia Street
Reno, Nevada 89501



Reservations can be made by calling the Group Reservations Department directly at 800-648-5966. Make sure you reference the group block NALS - Region 8 as well as your special group code YNALS12.

Room Rate is \$59 for deluxe room/\$69 for luxury room on Thursday and \$89/\$99 for Friday and Saturday, plus tax and a \$5 resort fee per day. Room Rate Block Cutoff Date: June 12, 2012. Reservations made after this date will only be accepted on a space and rate availability basis.

EDUCATIONAL LINE-UP
FOR REGION 8 CONFERENCE
JULY 12-14, 2012

Friday, July 13, 2012	Litigation Track	General/Mix Track
8:00am	Breakfast/Registration	Breakfast/Registration
8:25am	Welcome by Region 8 Director Kathy Sieckman	Welcome by Region 8 Director Kathy Sieckman
8:30am-9:15am (.75)	April Collins NALS Communications Director	April Collins NALS Communication Director
9:15am-10:00am (.75)	Grammar Girl Mignon Fogerty	Grammar Girl Mignon Fogerty
10:15am-11:45am (1.5)	<i>Federal Rules v. State Rules</i> Judge Larry R. Hicks U.S. Federal District Court - Reno	Elder Law/rights Washoe County Senior Law Project
11:45am-1pm	Lunch – included	Lunch - included
1pm-2:30pm (1.5)	Alternative Dispute Resolution in Federal Court Magistrate Judge Valerie Cooke U.S. Federal District Court - Reno	New Healthcare Plan Dept. of Business & Industry
2:45pm-4:15pm (1.5)	Assessing Your Readiness for the Cloud Kevin Lalor of Business Intelligence 101	Assessing Your Readiness for the Cloud Kevin Lalor of Business Intelligence 101
6.0 Total CLE		

Saturday, July 14, 2012	Litigation Track	General/Mix Track
8:30am	Registration/Breakfast	Registration/Breakfast
9:00am-10:15am (1.25)	The Lawyer's Assistant's Contributions to Successful Pretrial Practice Alice Campos Mercado, Esq. Lemons, Grundy & Eisenberg	Gaming Control Board Dan Reaser
10:30am-11:30am (1.0)	The Secret of Persuading Juries – Becoming an MVP on Your Trial Team Richard Waites, J.D. The Advocates	Legal Research/Legal Writing Henry Sotello/Laure'I Santos
11:30am-1pm	Lunch – included	Lunch – included
1pm-2:30pm (1.5)	Document Organization thru Excel Donna Kamen, Instructor at Truckee Meadows Comm. College	Nevada S.Ct. Decisions Justice Kevin Higgins
2:45pm-4:00pm (1.25)	Washoe County K-9 Unit	Washoe County K-9 Unit
4:00pm	Region 8 Meeting and Raffle Drawings	Region 8 Meeting and Raffle Drawings
5.0 Total CLE		

Speaker Biography



Thoran Towler was a Deputy Attorney General for the Nevada Attorney General's Office before being appointed Labor Commissioner. Prior to that, he worked as a Deputy District Attorney for the Carson City District Attorney's Office. He also worked as a litigation associate in the Employment Law Group for Jones Vargas and as a law clerk for the Fourth Judicial District Court in Elko. Mr. Towler received a B.S. in Technology from Walla Walla College and his J.D. from Gonzaga University School of Law. He is a member of the State Bar of Nevada.

Towler's topic: The Labor Commissioner will briefly discuss how his office investigates complaints of non-payment of wages, minimum wage issues, overtime, and prevailing wage disputes. His office also monitors youth employment standards including work hours and safe, non-hazardous working conditions.

SNAP General Meeting Luncheon Tuesday, June 19 at Noon

SNAP Elections and Speaker

SPEAKER: Thoran Towler, State of Nevada Labor Commissioner

TOPIC: Labor commission issues.

PLACE: ZoZo's
3446 Lakeside Drive
Reno NV

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

Name: _____

Office: _____

Phone/Email: _____

Member

Student

Guest

Menu - Italian Family Style

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, June 15, 2012**

**RSVP via
Email to Jessica Bradshaw: jessica@kavlaw.com
Or Evite**