

LETTERS TO THE EDITOR

Your April issue was the most informative issue of *Nevada Lawyer* that I can remember seeing. Thank you, and give us more like that!

Pete Smith, Carson City, Nevada

The April 2009 *Nevada Lawyer*'s "Practice Tips From Bar Counsel" article regarding the alleged unauthorized practice of law by a California attorney making demand on a Nevada casino on behalf of a California resident who slipped at the casino seems to me both potentially wrong, and potentially advising unethical/criminal behavior. Mr. Pattee states that his hypothetical is a Nevada matter, with Nevada facts, and Nevada jurisdiction but that is not necessarily so. The injured California resident can sue in California, and California would likely have personal jurisdiction over the casino, particularly if the casino involved is one that solicits California residents, and even more so if the injured patron was at the casino as a result of an invitation to play and stay there. Anyone who is a member of one of various casino players' clubs gets several of these mailers a month offering comped rooms, promotional chips, etc. Thus, this may not be the unauthorized practice of law.

It follows that Mr. Pattee's advice to Nevada attorneys to threaten ("friendly reminder") reciprocal discipline may also be wrong, and, while it may not violate the letter of Nevada's version of the Model Rules of Professional Conduct, it appears that it might violate formal ABA ethics opinions 92-363 (<http://www.abanet.org/media/youraba/200810/92-363.pdf>) and/or 94-383 (<http://www.abanet.org/media/youraba/200810/Formal%20Opinion%2094-383.pdf>), and/or Nevada Rules of Professional Conduct 181 and 203. It could also be criminal extortion under Nevada and California law.

Colin Adkins, Esq., Emeryville, California

BAR COUNSEL NOTE:

A Nevada law license is required when representing someone in a matter where jurisdiction is solely vested in Nevada. In defense of his viewpoint, Adkins proposes a slip-and-fall scenario in which a California attorney could sue a Nevada casino in California if it had subjected itself to personal jurisdiction by sending advertising mailers to California gamblers. Adkins is correct when he states that a California attorney can sue in California when there is legitimate California jurisdiction.

However, the article in the April 2009 edition of *Nevada Lawyer* dealt with the general problem of non-Nevada

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ISSUE EDITOR'S COLUMN

BY MARK HINUEBER, ESQ.

The editor's column of *Nevada Lawyer* is a chance to give readers an "inside baseball look" at how an issue comes together.

The May issue of *Nevada Lawyer*, when our editorial calendar was laid out last year at a retreat of the Editorial Board, was to be on technology and its application to law offices and the practice of law.

However, economic events, which have roiled the world's financial markets, caused the board, on the fly, to change the theme of this month's issue to bankruptcy. The authors in this issue pitched in quickly to help us address this important issue. It is our hope that this issue will be applicable to all lawyers, whether engaged in bankruptcy practice (though they may not have time to read it, in view of the increasing number of bankruptcy filings), or lawyers in private practice, who deal with the issue only occasionally.

According to the *Review-Journal*, Nevada business bankruptcy filings climbed 57 percent from the previous year, according to the U.S. Administrative Office of the Courts. The number of non-business bankruptcy petitions rocketed 71 percent higher. More than 18,000 bankruptcies were filed in Nevada in 2008. Talk of Chapter 11 proceedings by major companies fills the pages of the daily papers and the evening news. Average citizens have learned, often painfully, about Chapter 7, Chapter 11, secured debt and the like.

This issue presents a comprehensive look at bankruptcy law from several viewpoints. The articles are intended to be broad overviews of the topic to help general practice lawyers as well as practitioners in the field.

Janet Chubb, Lewis Bubala, Justin Bustos and Kenneth Ching present an interesting overview of creditors' rights in unsecured mortgages.

Lisa Thompson and Bret Whipple give a great overview of options for dealing with debt and the stigma of bankruptcy. Candance Carlyon presents an overview of creative financing options found in developer bankruptcies. Finally, Zack Larson gives an overview of Senate Bill 61, which will help families save their homes in bankruptcy.

It is my hope that this issue helps all lawyers understand and deal with these important issues in troubled economic times. **RL**

MARK HINUEBER, ESQ., is Vice President/General Counsel of Stephens Media, LLC, which publishes the *Las Vegas Review-Journal*.

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