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“Be intellectually honest and remember the devil is in the details.”

~Marisa Rodriguez-Shapoval

VIEWS FROM THE CORNER OFFICE

Q and A with J. Douglas Driggs, Jr. – Partner at Holley Driggs Walch Puzy and Thomas
By Erin Barnett — Greenspun Corporation, Las Vegas, Nevada

What does Holley Driggs look for when hiring a new associate? Is an online presence (LinkedIn profile, published articles) as important as it is now commonly believed to be?

We look at a variety of things. Academic success is important as we are looking at people who have performed well in college and law school. We don’t have a set requirement for grades or class rank, but we do want someone who has had a good experience academically. Writing ability is also important and we do look at writing samples or published articles. We also look for people who have some life experience, whether it is past professional experience or other developmental pursuits, such as community involvement and charitable and even recreational activities. We prefer candidates that are well-rounded and have interests outside the classroom. The interview process is also very important. We look for candidates that are articulate and engaging and are able to discuss their law school experience and career objectives. Candidates that come well prepared to the interview with good questions, some knowledge about the firm, and a clear idea about how to highlight their own quali-

ties tend to do much better. We are also looking for people that we believe will fit into our culture and work well with the other attorneys in the firm. Social media does not play a significant part.

What do you consider when determining raises for associates?

Our compensation consists of regular salary and a year-end bonus. Salaries are increased annually based on general market rates, the experience level of the associates and performance. The year-end bonus is based on performance and is determined by the partners following a discussion of the associates’ work ethic, financial performance, and overall contribution to the firm. An associate who has worked hard, demonstrated the ability to add value to the client matters, and interacted well with the other attorneys will generally receive a larger bonus. After the first year or two at the firm, the financial performance of the associate becomes more important and the ability of an associate to generate income for the firm becomes a large factor in the year-end bonus.

(Continued on page 4)

BEHIND THE SCENES OF DEPARTMENT 29

An Overview of the Roles of Each Department Team Member and How they Can Help You

By: Marisa Rodriguez-Shapoval, Associate at Weinberg Wheeler Hudgins Gunn & Dial, Former Judicial Law Clerk to the Honorable Susan W. Scann

Congratulations, you passed the bar, got your dream job, and you are now preparing for your first court appearance. The goal of this article is to give you a brief introduction to the roles of the department team members (based on what I learned while clerking at Department 29) and offer some tips in hopes of making you more at ease during your court appearance so that you can focus on making that great oral argument.

(Continued on page 2)
A CALL FOR EXPEDIENCE
By: Amber J. Duwall, Esq.,
Associate of Handelin Law, Ltd. in Carson City, NV.

For those of you in the south, you may not understand the need. As I understand it, it is standard practice in the south to have a hearing date scheduled at the time of filing a motion. You know, for the most part, that if an order wasn’t entered prior to the hearing, you would at least get a ruling at the hearing and someone would be requested to draft the order consistent with the ruling.

In the north, it’s another matter entirely. Orders appear almost at random. Motions are made with the same regularity as in the south, but resolution takes much more time. Hearings are set for months after the last responsive papers are filed. Once the matter is finally heard, the order is often entered long after the matter is fully submitted. Even proposed orders prepared for judicial signature may sit for weeks before signed and enter.

The real problem is that there is, in ordinary civil litigation, no force that compels the expedient, or even consistent, setting of hearings or issuance of orders. In criminal proceedings and certain civil actions, such as unlawful detainers, there are statutory and constitutional protections preventing the unwanted prolonging of adjudication. But how are civil attorneys supposed to advise their clients as to when they should get an order adjudicating their issue? Litigants need to know how many months or years it will take to resolve their cases.

There needs to be some force, whether statutory or internal to the courts, that creates some consistency and expediency to the setting of hearings and issuance of orders. Now I’m not suggesting that courts have a five day turn-around (wouldn’t that be nice?), just that there be some reasonable expectations put into place for civil matters. If we have to tell our clients that we need the information ASAP because we are under a timeframe per statutory and local rules, we should also be able to tell our clients when they can expect to see some resolution.

While the balance between expediency and complete, just, and fair dispute resolution is a careful one to maintain, the latter clearly being the more important, it is often the case that civil litigants are harmed by delay, if by nothing more than attorney’s fees incurred by calling to find out if an order has been entered.

Behind the Scenes of Department 29 - (Cont. from Page 1)

Marshal: Steve Moody
If you’re on time, you’re late. Aim to be at least 15 minutes early and account for security and elevator lines. The marshal is probably the first person you will encounter as he typically unlocks the courtroom doors. If you have any questions (i.e., where is the calendar page with a list of all the cases being heard?), the marshal can guide you in the right direction. Marshals are present in the courtroom to keep order. However, Steve prefers not to have to remind attorneys to be civil to fellow attorneys or the court – that should always be a given.

Courtroom Clerk: Katrina Hernandez
When you enter the courtroom, you will encounter one person sitting next to the judge’s seat, the Courtroom Clerk. The first thing you should do is sign in with her; otherwise, your case may be called last. The Courtroom Clerk creates the Minute Orders of all the hearings and updates each case depending on the outcome of the hearing. Further, she acts as the custodian of all exhibits until they are lodged into the evidence vault. If you have any questions about Minute Orders or exhibits, direct the questions to her. It is OK to approach the bench if the court is not in session.

Court Recorder: Angie Calvillo
Some departments have court reporters and others have court recorders. Department 29 has the latter. The court recorder operates the system that records the proceedings and transcribes the hearings. Court reporters use a shorthand machine or voice writing equipment to produce official transcripts of proceedings and transcribe spoken speech into written form. A court reporter can read back what was said in court. Court recorders can play back what was said, but it is time consuming. You may request a transcript before or after the hearing. However, if the department uses a court reporter, you must order the transcript before the hearing. Remember to speak loud and clear and do not drop words. Also, try spelling unusual names and case cites mentioned. This will help when the court recorder is transcribing your hearing.

Judicial Executive Assistant: Prestine Alexander
The JEA’s role is similar to a law firm’s office manager. She can answer procedural questions such as how to continue a hearing, how to submit an order for the judge’s signature, and she can check the status of a submitted order. In Department 29, a business court, the JEA is also responsible for creating the Trial Scheduling Orders. The JEA and law clerk work closely together to manage the department’s calendar.

Judicial Law Clerk: Saman R. Heidari
The Law Clerk helps the judge prepare for your hearing and briefs every motion filed. In Department 29, the law clerk starts briefing a week or two before the hearing. If your submitted papers exceed 30 pages, provide courtesy copies as soon as you file them. If the document has multiple exhibits, use right tabs to separate them.

(Continued on page 4)
The Young Lawyers Section of the State Bar of Nevada

is pleased to announce the 2014-2015 committee chairs

Goldilocks: Trisha Chapman and Blakely Griffith in the South. Tiffany Davis and Joe Gorman in the North.

Project Salute: CJ Potter and Angela Cook in the South. Evan Brewer in the North.

Poster & Essay Contest: Lia Allen and Shane Young in the South. Marilee Breternitz in the North.


Trial Academy: Maggie Lambrose.

CLE: Pete Georgis in the South. Tanya Smith in the North.


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The Young Lawyers Section invites you to a CLE on:

Jennifer Lawrence, an Intro to Cloud Breaches, and Nevada’s New E-discovery rule for electronically stored information

Presented by Ira Victor, Founder of Data Clone Labs

The 1.5 hour CLE will cover:

- The new E-Discovery rule, NRCP 34;
- Getting digital evidence from phones and tablets;
- Issuing subpoena and preservation requests;
- Retaining and getting evidence from cloud services, ISPs, email providers, cell phone providers and social media; and
- An intro to cloud breaches.*

*advanced info on cloud breaches will follow in a future CLE covering metadata and e-discovery

$45 for Young Lawyers Section members; $55 for Lawyers Young at Heart

Register at: [www.nvbar.org/cle/liveseminars](http://www.nvbar.org/cle/liveseminars)

Questions? Email your Northern Nevada YLS CLE Chair, Tanya Smith, [tsmith@dyerlawrence.com](mailto:tsmith@dyerlawrence.com)

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The Impact of Depression and Addiction on Professional Competence

Attendees can expect to learn about the consequences of untreated depression and addiction as well as identifying the warning signs of someone suffering from a disorder. Presenter, Angela La Luzerne, will also explain the importance of early recognition and go over intervention strategies and effective treatment options. This program provides not only an hour of substance abuse, addiction and mental health CLE credit, but more importantly, the knowledge attorneys can use to help their friends, colleagues and family suffering from depression or addiction.

When: November 18, 2014 from 12:00 p.m. to 1:00 p.m.

Where: JAMS Resolution Experts, 3800 Howard Hughes Parkway, 11th Floor, Las Vegas, NV 89169

Cost: $45.00 for YLS members; $55.00 for non-members. Lunch will be provided

Register at: [www.nvbar.org/cle/liveseminars](http://www.nvbar.org/cle/liveseminars)

When: Dec. 2, 2014

Where: Washoe County Emergency Operations Center, 5195 Spectrum Blvd., Reno

Light Appetizers 6:15 p.m.

Class from 6:30 - 8 p.m.
The Judge:

member that the devil is in the details. Also, if you are going to con-
the law and being uncivil either in your moving papers or in the
courthouse.

A tip when appearing in front of Judge Scann: use charts for compli-
cases cited. Remember to use proper citations and to include pin
courtroom clerk to send you the updated exhibit guidelines.

You should contact the law clerk if you have procedural questions
(e.g., to schedule a conference call, to continue a hearing). Howev-
er, remember that you cannot have ex parte communications with
them. See EDCR 7.74.

The Judge: Susan W. Scann

As you already know, the judge decides the law in motions and trials
and finds the facts in non-jury trials, while ensuring fairness. Judge
Scann prepares for her motions by reading the brief prepared by the
law clerk for every motion, as well as attachments, and principal
cases cited. Remember to use proper citations and to include pin
cites.

Judge Scann’s mantra is “tell me who you are, and tell me what you
want.” She advises attorneys to tell her simply and precisely the
relief sought and why you are entitled to it. Further, include this
information in the conclusion of your moving papers because Judge
Scann usually refers to it during oral argument.

A tip when appearing in front of Judge Scann: use charts for compli-
cated factual or legal issues. Also, always avoid misrepresenting
the law and being uncivil either in your moving papers or in the
courtroom. Her advice to young attorneys is to be intellectually honest and re-
member that the devil is in the details. Also, if you are going to con-
- often 10-15 years for a quality set of clients. The more sophisti-
cated the clients and the work, the longer it takes. There are few
shortcuts. By far the most successful technique is to do quality
work on a timely basis. This goes along with what I said above that
the associates need to define their commitment and objectives and
drive the process. In most cases the harder an attorney works the
more likely it is that their work will be well and on time. Clients
want solutions – not just someone processing legal papers for
them. If an associate is viewed as a problem solver that associate
is more likely to get the attention of clients and other attorneys and
begin to build their book. Also, clients appreciate attorneys that
have their best interest in mind. Try to understand the client’s ob-
jectives and try to meet them – which occasionally requires conv-
incing your client to modify their objectives. It is, of course, benefi-
cial to be socially active and expand business and social relation-
ships. Everyone needs to find their best approach using their own
talents. For some it may be networking in business groups and for
others it may be socializing on the golf course.

For many young lawyers, the prospect of building a book of busi-
ness can seem even more daunting than learning the practice of
law. What techniques have you found to be effective in attracting
clients?

First, be patient. It takes a long time and seasoning to build a book
Being a lawyer in private practice necessitates working with the
public. How do you handle dealing with difficult clients?

That is perhaps one of the most difficult parts of practicing law and
some attorneys are better at it than others. It is also something
that gets better with time and experience.

(Continued on page 5)
Views from the Corner Office - (Cont. from Page 4)

First, you need to manage expectations. Do not try to oversell what you can do. On the other hand, do not be so conservative that you do not build confidence. Just try to be frank and analytical. Also, you need to have your client’s confidence. This is usually a function of your experience and ability to analyze the problem and come up with good solutions. Generally they will listen and take your advice if they think you know what you are doing. If a client wants to go a direction that you do not think is the best approach, make sure you have something in writing, even if it is just an email, confirming to the client, in a friendly and cordial way, that the approach is different than what you advised. Difficult clients are more likely to be critical if things don’t turn out the way they like. Above all, never let a client talk you into something that goes against your own ethical or moral standards or reputation. If you find this happening you should suggest they find another attorney.

What seminars/CLEs have you seen to be the most effective in improving an associate’s ability to practice? NITA? Trial Academy?

Since I do transactional work, I am less familiar with the litigation seminars and academies, but I understand some are very good – usually the ones that take place over several days and involve some role-playing and interactive training. I have found that on transactional matters, the ALI-CLE courses are very good and provide good working materials. Occasionally some of the well-respected local attorneys will participate in seminars and it is always good to learn from some of the top members of the local bar.

What role have community or networking organizations played in your career?

I have not found networking particularly helpful. If you become involved with an organization do it because you want to contribute and develop yourself socially. This will eventually lead to more relationships in the community and eventually produce some business. Obviously the more people you meet the more likely you are to find someone who needs your services. So if you want to go this route, develop relationships rather than just contacts.

Thank you to Mr. Driggs for participating in “Views from the Corner Office.” Do you know of someone who would provide great insight to young lawyers? Have you been wanting an excuse to cozy up to a partner? Write an article for the Young Lawyers Section Newsletter! Contact Amber Duvall (amber@handelinlaw.com) or Erin Barnett (erin.barnett@greenspuncorp.com) for more details.

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## Upcoming Events

**Take pictures at your next YLS event and submit them for inclusion in the next newsletter!**

### NEW ADMITTEE SOCIAL

Join YLS in welcoming the new admittees who passed the July 2014 bar exam! In the south, the social will be held on Tuesday, November 7, 2014 at 5 p.m. at the Gold Spike located at 217 N. Las Vegas Blvd., Las Vegas, NV 89101. For questions, please contact Amy Ismail (ismaila5@unlv.nevada.edu). In the north, the social will be held on Thursday, November 6 from 5:30 - 7:30 p.m. The River Room is located next to its sister restaurant, Wild River Grille, in the historic former Riverside Hotel on the downtown Reno Riverwalk. Drinks and light appetizers will be provided. If you plan to attend, RSVP to Jessica Satre (jsatre@gmail.com) or Jess Reinhart (jess@levertylaw.com) so that we may have an idea of expected attendance.

### PROJECT SALUTE

The southern Nevada Project Salute event will be held on Tuesday, November 11, 2014 from 10 a.m. to 2 p.m. at the Palace Station Hotel located at 2411 W. Sahara Ave, Las Vegas NV 89102. If you have any questions or would like to assist in the event, please contact Angela Cook (ccooka@unlv.nevada.edu) or CJ Potter (cj@potterlawoffices.com).

The northern Nevada Project Salute event will be held on November 15, 2014 at the Reno Veterans Center. Over the last three years, young lawyers have been volunteering and assisting Veterans in the northern Nevada area. If you would like to be a part of Project Salute or have any questions, please contact Evan Brewer (ebrewer@nvcourts.nv.gov).

### FIRST ANNUAL MIDDLE SCHOOL MOCK TRIAL COMPETITION

The students of the Justice and Advocacy Academy at Faith Lutheran Middle and High School will be hosting the First Annual Middle School Mock Trial Competition on May 2, 2015 from 8 a.m. - 3 p.m. Students will be arguing a civil law case in teams with 6 to 12 students. Middle schools from southern Nevada will be receiving invitations to compete soon. If you are interested in coaching or judging please contact Hunter Dickerson at flmsmocktrial@gmail.com.