

YLS NEWSLETTER

MARCH 2014



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Upcoming YLS Events

March 24, 2014
Serving Seniors CLE
Southern Nevada,
see Page 4 for details

March 28, 2014
Serving Seniors CLE
Northern Nevada,
see Page 4 for details

April 17, 2014
Solo and Small Practice
Section social, Reno,
time and location TBD

April 24-25, 2014
Serving Seniors Event,
see page 4 for details

July 10-12, 2014
Trial Academy at the
Annual Meeting
Newport Beach, CA

VIEWS FROM THE BENCH

Judge Elliott Sattler - Second Judicial District Court, Department 10

*by Austin Sweet
Gunderson Law Firm - Reno*

Judge Sattler grew up in northern Nevada before attending Willamette University in Salem, Oregon, where he earned both his Bachelor's Degree and his Juris Doctor. After graduating, Judge Sattler joined the law firm of D.G. Menchetti, Ltd., in Incline Village, Nevada. Judge Sattler worked on a wide variety of civil matters at that firm until 1993, when he accepted a position as a criminal prosecutor in the Washoe County District Attorney's Office. Judge Sattler worked as a prosecutor until he took the bench in 2013. Judge Sattler had the following advice to offer young lawyers:

Know the Rules.

Be familiar with Nevada's District Court Rules, the local rules of the specific district you're in, and the local criminal rules. Trying to

practice law without a working knowledge of these rules is like trying to play baseball without reading the rulebook: you may know you're supposed to hit the ball and cross home plate, but you won't succeed unless you know that you need to start by running to first base. Likewise, read and be familiar with the pretrial order issued in your case. Each judge's pretrial order is different and will include important deadlines and requirements that will impact your case.



Judge Sattler

Finish Work Early.

Deadlines are just that: deadlines. Don't wait until the deadline to file important mo-

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TRIAL BY PEERS

*by Dustun Holmes
Murchison & Cumming, LLP - Las Vegas*

Most attorneys view giving back to the community through pro bono services as not only a responsibility, but an affirmative obligation in our profession. But, even as pro bono services are being emphasized more than ever, many attorneys, and especially younger attorneys, fail to find a community service program that they feel strongly enough about to get involved. I also felt the same way, until I found the Clark County Law Foundation's Trial By Peers program.

The Trial By Peers program is a diversion program for certain juvenile offenders. The program allows youths charged with misdemeanors to

be tried, represented, and sentenced by their peers, thus giving the youth in our community hands-on experience with our legal system.

Youths have the opportunity to participate in Trial By Peers in three primary areas: as a defendant, a peer counselor, or a juror. Defendants are prosecuted by and defended by teen counselors, in front of a jury of their peers. Teen juries determine the guilt or innocence of the defendant and, if applicable, impose a sentence. Once the youth defendant completes the sentence, then his or her record will only reflect a referral to the peer court. Sentences may include jury duty, community services, letters of apology, and personal development classes. There are numer-

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Trial By Peers (cont.)

ous success stories of youth defendants becoming peer counselors in the program.

While there are many ways attorneys can volunteer with Trial By Peers, most volunteering attorneys act as senior attorneys to the peer counselors in the program. In this role, attorneys provide guidance to peer counselors in defending or prosecuting a case.

I have found that volunteering as an attorney in the Trial By Peers program not only provides an opportunity to mentor youths who are genuinely excited to learn about our profession, but it has allowed me to gain valuable professional skills. Being a young lawyer in particular, it can be difficult to gain courtroom experience at work as your days are spent researching and writing motions or memorandums for partners. However, Trial By Peers allows young lawyers to gain courtroom experience, albeit in an

informal setting. Many local judges volunteer in the program and preside over the cases, which allows attorneys to meet judges outside the usual formal court setting. Lastly, attorney volunteers in the program come from an array of local firms and diverse practice areas. For young lawyers, and even more senior attorneys, this aspect allows you to personally get to know and network with fellow Nevada attorneys outside of your practice area.



Dustun Holmes

If you would like to get involved with The Clark County Law Foundation's Trial By Peers program, please contact Patrick Montejano, the Program Director, at Director@ClarkCountyLawFoundation.org or by telephone at (702) 333-8277. •

VIEWS FROM THE CORNER OFFICE



John Desmond

John Desmond

*by Anjali Webster
Gordon Silver - Reno*

John Desmond is the Reno Litigation group leader for Gordon Silver. He regularly represents and counsels clients in commercial and business litigation matters involving contract disputes, buy/sell agreements, and disputes over intellectual property.

What advice do you have for young lawyers?

Put forth the best work product you can; you never know who may be reading it, and your reputation is formed early on. Be mindful of building relationships with other lawyers in the community, and don't lose sight that you may be making first impressions when you're doing work with judges and lawyers who you haven't worked with before.

What are common mistakes you've seen young attorneys make?

1. Not directly answering questions posed by the court. While you should always be an advocate, you don't want to mislead or misrepresent anything to the court.
2. Engaging in sharp practice because that, for some reason, is the perception of what young lawyers think that lawyers should do, as opposed to building relationships and letting substantive arguments carry the day.

When, if ever, should a young attorney choose a specialty?

I think more young attorneys should choose specialties. Nevada is unique in that it's difficult to have a narrow specialty, because the volume of

cases or work in those areas isn't always there. However, I think any young lawyer should choose an area of law that interests them, because it will be beneficial for the long-term. I would look at the emerging industries and technologies outside of the legal world to dictate what specialties make sense, because there is a corollary in legal needs. For example, with the Affordable Care Act and all the changes we have seen in health care, there is a rise in legal needs in health care law. And with the emerging issues in science and technologies, we are seeing a corresponding need for legal representation in intellectual property issues.

Are there any organizations that you recommend a young attorney join?

I would get involved with the bench bar committees of the different courts, as it's a great way to meet judges and be informed about the practice of that bar. For example, there's a second judicial bench bar committee, a probate bench bar committee, and so on. I would probably also choose a community organization where you can interact with non-lawyers and other professionals. Pick one you have a personal interest in, because then you'll find it more satisfying.

What are some ways in which a young attorney can get courtroom experience?

If you're in a firm, volunteer or make an effort to get in court as much as possible: don't pass up an opportunity to get to go to court if offered, even if it's with another lawyer.

Outside your traditional practice, take a case off the Supreme Court's indigent defense commis-

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"Put forth the best work product you can; you never know who may be reading it, and your reputation is formed early on."

Views from the Bench - Judge Sattler (Cont.)

(Continued from page 1)

tions, such as motions *in limine* or dispositive motions. If the issue is ripe for determination, filing your motion earlier will get the issue resolved earlier, allowing you more time to focus on the issues that will actually be addressed at trial.

Relax.

It is understandable for lawyers, especially young lawyers, to be nervous. Even if you are dealing with someone more experienced, they are probably just as nervous as you: the difference is that they are better able to relax. Judges generally want to see young lawyers do a good job and do not want a case to be decided because one attorney is more nervous than the other. It's OK to be nervous, but take a deep breath and relax.

Watch Your Judge Handle Similar Issues.

If you have a hearing or trial in front of a judge before whom you have not yet appeared, go to the courthouse and watch the judge handle a trial or hearing. Check the judge's calendar online or call the clerk to find out when to go. By watching the judge before your trial or hearing, you will learn how the judge handles certain aspects of a trial or the courtroom so that the first time you see something isn't while you're doing it.

Respect the Jury's Time.

If you are handling a jury trial, be cognizant and respectful of the jury's time. The biggest complaint Judge Sattler has heard from jury members is the frustration associated with downtime: sitting in the jury room while the judge and the lawyers talk or taking a two-hour lunch break. Most jurors don't mind the imposition that comes with participating in the judicial process, so long as their time is used productively. Resolve as many issues as

you can before trial starts in the morning, during regular breaks, or after the jury goes home. Work through lunch if necessary. Don't be late and don't request unnecessarily long breaks or lunch hours. Remember, going to trial is your job, but it's not theirs. Use their time efficiently and wisely.

Make Sure Your Client Dresses Appropriately.

A common piece of advice offered to young lawyers is to dress appropriately. However, Judge Sattler has not experienced problems with the attorneys' attire – the problem is their clients. Make sure your client dresses appropriately when he/she appears in court. Not everyone owns a suit, but your client's attire should show due respect for the court. Your client's "good" AC/DC t-shirt doesn't cut it.

Be Cognizant of the Court Reporter.

Keep in mind that someone is trying to write what you're saying. Slow down and don't talk over the witness or opposing counsel. If you use a difficult name or acronym, be sure to spell it so the court reporter doesn't have to ask you for clarification later.

Never Be Afraid to Ask.

A common problem Judge Sattler has noticed with young lawyers is their fear of looking like they don't know something. There are 720 chapters in the Nevada Revised Statutes – nobody knows everything. Do not be afraid to ask a partner or a mentor when you don't know something. Along those lines, don't be afraid to reach out to judges in your area. Judges can be intimidating, but most judges, like Judge Sattler, embrace the opportunity to help young lawyers become better old lawyers. Don't miss the opportunity for great advice simply because you were afraid to ask. •

“Don't miss the opportunity for great advice simply because you were afraid to ask.”

Views from the Corner Office - John Desmond (Cont.)

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sion list, in which you're guaranteed oral argument. Take an immigration case on appeal to the Ninth Circuit: you're almost guaranteed oral argument there. Then there's the Criminal Justice Act (CJA) panel in federal court, where you can get appointed when the federal public defender is conflicted out.

How would you recommend that a young attorney handle a difficult client?

With any client, communication and keeping clients informed

is critical, and a lot of times, difficulties with clients arise when clients feel as though they're not aware of what's going on: it's always better to over-communicate with the client than under-communicate.

If it's a truly difficult client, set parameters and expectations early on so you're not overstating what you can do for the client and so the client has an understanding of the scope of the engagement and what lies ahead. Then the client isn't surprised by a potential outcome because you've discussed the potential outcomes with them in advance. •

State Bar of Nevada Young
Lawyers Section

Learn more about YLS and find archived newsletters online at: <http://www.nvbar.org/content/young-lawyers-section>

2013 - 2014 YLS OFFICERS

Chair - Kendelea Works

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UPCOMING EVENTS

Project Salute

Following our successful event in December, the Young Lawyers Section's Project Salute will coordinate another pro bono outreach event to assist local veterans on Armed Forces Day, May 17, 2014. Project Salute seeks to assist veterans with issues regarding their VA benefits and with other legal challenges. If you are interested in participating or would like to learn more, please contact Evan Brewer at brewerem@gmail.com.

In addition to VA benefits issues, past volunteer attorneys have provided assistance on matters of family law, probate and estates law, Medicare/Medicaid, and habeas corpus, to name a few. The Department of Veterans Affairs requires all attorneys servicing VA benefits to be VA accredited. If you are not accredited, you can still serve veterans on other legal matters. The Reno Vet Center will host the event at its location at 5580 Mill Street, Reno, Nevada.

ONE Promise Nevada

As explained in more detail in the article "Be the ONE," published in our September 2013 edition, the ONE Promise Nevada campaign seeks to promote pro bono work by asking every lawyer in Nevada to commit to take just one case. The Nevada Bar Foundation is holding an auction to raise money for the ONE Promise Nevada campaign. The YLS is seeking auction items for this fundraising event, which will take place at the State Bar of Nevada Annual Meeting. If you or anyone you know has anything to contribute to the auction, or are otherwise willing to contribute to the ONE Promise Nevada Campaign, please visit:

www.onepromisenevada.org.

Serving Seniors

The YLS is again teaming up with Nevada Legal Services to provide free legal assistance clinics for senior citizens. Nevada Legal Services will hold CLE training sessions on simple estate planning and probate issues to allow young lawyers who do not practice in these fields to participate in the Serving Seniors event. The CLE will be free to all attorneys who volunteer at the Serving Seniors event.

Northern Nevada

CLE: March 28, 2014; Northern Nevada Bar Center, 9456 Double R Blvd., Ste. B, Reno, NV 89521; 9 - 4:30

Event: April 25, 2014; Times and locations TBD

Southern Nevada

CLE: March 24, 2014; Gordon Silver, 3960 Howard Hughes Pkwy, Las Vegas, NV 89169; Time TBD

Event: April 24, 2014; East Las Vegas Community Center, 250 North Eastern Avenue, Las Vegas, NV 89101; 10 - 4



Jordan Davis and Jess Rinehart represented Nevada at the 2014 ABA Midyear Meeting in Chicago

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