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PROFILES OF SUCCESS

The "Profiles of Success" column profiles successful lawyers from different areas of practice to show young lawyers different paths to success and help them find their own.

Carla Higginbotham
by Catherine A. Reichenberg
Gunderson Law Firm - Reno

Carla B. Higginbotham is currently an Assistant United States Attorney in the criminal division of the United States Attorney's Office for the District of Nevada. Prior to becoming a federal prosecutor, Ms. Higginbotham was an associate attorney with the law firm of McDonald Carano Wilson LLP, where her practice focused primarily in the areas of appellate, commercial, civil, and privacy related litigation. Ms. Higginbotham graduated in the top 5 percent of her class from the University of Pacific, McGeorge School of law in 2003 and in 2007 was awarded the Outstanding Young Alumni award from her alma mater, the University of Nevada, Reno. Here's the woman behind the resume:

1. I wanted to be a musician when I "grew up." Until I was 13 years old, I wanted to be a classical musician. My primary instrument is the oboe – although over the years I taught myself to play 10 different musical instruments. I had dreams of being the first female conductor of the New York Philharmonic.



Carla Higginbotham

2. My very first job was working at Baskin & Robbins when I was 15. It was the perfect high school job; flexible hours and fun. But it was not good for my figure!

3. In college I majored in several things, but my last and final major was Speech Communications, which

is what my degree is in from the University of Nevada, Reno. I always knew I would go on to law school.

4. I decided to go to law school at the age of 13. Up to that point, I always considered myself an "artist" type – not an academic. This perception of myself was reinforced by my teachers and school in general because I was never the top of my class growing up – although I always did fine.

When I was 13, however, I was required to take a class called "You & the Law" with Mr. Red Powell, one of the best teachers at Quincy Jr./Sr. High School. It was through this class that I discovered my love for the law. This class taught me that I could do well academically and I was not just an "artist" type after all. In fact, for the first time, I was the top student in the class – all of the smart kids wanted my help with their homework or studying for tests. After this class, I knew I had options other than just being a musician. I also knew that the chance of actually making a living as a professional musician was slim (even if I did get a job!), but as a lawyer, I knew I could always make living. So, at the tender age of 13, I decided I would become a lawyer. I never questioned that goal or regretted that decision. I love being a lawyer and would not change my career.

5. My first job out of law school was serving as a judicial law clerk to Judge Peter I. Breen on the Second Judicial District Court in Washoe County. It was the perfect "first" job. I learned so much about the nuts and bolts of practicing law in the State of Nevada and in Washoe County. I credit that job as giving me the skills to really hit the ground running when I started in private practice.

6. How I ended up in my current position is a very long story.

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FLYING SOLO

Office Essentials

by Gina Bongiovi
Bongiovi Law Firm – Las Vegas

I maintain you can run a law practice using only a phone, a computer, and a printer. However, there are certainly pieces of equipment that make your life easier, save you time and/or money, and are therefore worth the investment. Keep in mind these are all business expenses, too. Here are my suggestions in the order you should get them:

1. Fujitsu ScanSnap: \$400-500

After the computer, phone and printer, this is the piece of equipment I use the most. I run a (mostly) paperless office, so I am diligent about running almost every piece of paper I get through this little miracle machine. It scans multiple sheets at a time, can handle sheets of differing sizes at once, and scans both sides of each sheet. You can then have the resulting scan show up in a jpeg, a PDF, send it to your e-mail application, print it, or OCR (optical character recognition) it. It takes up very little space on my desk and I keep it within arm's reach. Oh, and the best part is that it comes with a *full* version of Adobe Acrobat. That's worth the sticker price right there.

2. Dymo LabelWriter 450 Twin Turbo: \$80-100*

I don't even want to think of how much of my life has been wasted struggling with sheet labels and aligning templates and running the same sheet through the printer multiple times, only to have it jam. Every. Single. Time. I recommend the Twin Turbo because you can load one side with address labels and the other side with postage labels, so you can print your very own stamps. More on that later. Online merchants run sales on these pretty frequently, so keep an eye out. The rolls of labels aren't cheap but they're worth it considering how much wasted postage you'd use estimating overweight envelopes or standing in line at the post office.



Gina Bongiovi

3. Dymo Scale: \$20-100*

To pair with your LabelWriter, get yourself a scale so you can weigh those envelopes. These

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FRESH PERSPECTIVES

Electronic Service - Three Days for Emailing?

by Austin K. Sweet
Gunderson Law Firm – Reno

The law is often slow to catch up with technology, but thankfully courts moved quickly to adopt electronic filing. Most members of the Young Lawyers Section living in Washoe County or Clark County have spent our entire careers with electronic filing and can hardly bear the thought of actually leaving the office and go stand in line at the courthouse to file a document. But the quick adoption of electronic filing left some oddities – namely, the handling of electronic service.

Before electronic filing, documents could be served by hand or by first class mail. Because service by mail takes longer, the rules provide that a responding party shall have three extra days to respond when a document is served by mail. NRCF 6(e). This



Austin Sweet

rule makes perfect sense.

Then fax machines came along, creating a new method of service. Facsimile service is only acceptable if the parties consent, and still allows for three extra days to respond. NRCF 5(b)(2)(D); NRCF 6(e). As technology advanced, service by email became acceptable and was lumped into the rules with service by fax. Again, three days are added to the prescribed period to respond. *Id.* That's where the logic starts to get fuzzy.

Things became more convoluted when electronic filing was introduced. The Nevada Electronic Filing and Conversion Rules (NEFCR) were adopted by the Supreme Court and became effective on March 1, 2007. The Second Judicial court (Washoe County) has adopted the NEFCR. NEFCR 9(b) provides that the court's electronic service provider must send an email to all registered users that a document has been filed. NEFCR 9(f) provides that electronic service is complete at the time of transmission of the NEFCR 9(b) email.

The Eighth Judicial court (Clark County) has not adopted the NEFCR, instead adopting its own electronic filing rules. EDCR 8.05(a) provides that documents electronically served through that

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"In today's world of computers and smart phones, most attorneys check their email constantly."



The Trial Academy has never been more affordable!

For a limited time, attendees can **register** for the Trial Academy for \$399 - \$100 less than the 2012 rate! After this offer ends, the price increases to \$450.

July 25-27
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Connect with us at the 2013 Annual Meeting in gorgeous Lake Tahoe and experience what YOUR bar has to offer!

Don't Miss this: Trial Evidence with Prof. Mauet



Entertaining guest speaker Prof. Tom Mauet will highlight the first steps for evidence:

- What to do as soon as an evidence problem arises;
- The three R's approach to evidence;
- Making objections that persuade the judge; and
- Understanding the hearsay/non-hearsay dichotomy.

Mauet's expertise in the art of trial is legendary, yet his observations and instruction remain current and cutting edge.

He is the Milton O. Riepe professor of law and director of Trial Advocacy at the University of Arizona College of Law in Tucson.

Quick Links

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What's New at This Year's Trial Academy



Every year, the State Bar of Nevada's Trial Academy offers attorneys at all levels of experience the opportunity to hone their trial skills. Participants will have the chance to practice in front of experienced justices, judges and lawyers, and receive individual

feedback over the course of this three-day CLE event.

The academy kicks off on Thursday, July 25 at 9 a.m. The first day, sessions will cover themes and theories, opening statements/voir dire, and direct/cross examination. The following day, attendees will be treated to a special session on trial evidence with Prof. Mauet, followed by sessions on objections and closing arguments. Finally, on Saturday, July 27, students will finish the academy with a half-day featuring sessions on jury instructions and closing remarks.

Trial Academy Faculty Includes:

- Justice James Hardesty
- Justice Nancy Saitta
- Hon. Rob Bare
- Hon. Elissa Cadish
- Hon. Patrick Flanagan
- Hon. Elizabeth Gonzalez
- Hon. Abbi Silver
- Hon. David Wall
- Scott Coffee
- Rob Dotson
- Dominic Gentile
- Stan Hunteerton
- Alzora Jackson
- Rene Valladares

For more information on the Trial Academy schedule, including specific breakout session dates and times, please download the [Annual Meeting Event Schedule](#) (subject to change).

Profiles of Success (Cont.) - Carla Higginbotham

(Continued from page 1)

When I went to law school, I always expected that I would be a prosecutor. Right before I started law school, I had an 18-month-old daughter, I was working full-time at a telecommunications company, and commuting one hour each way to work. One day, I was reading the newspaper and there was an ad for a part-time criminal prosecutor for the local DA's office. The salary was the same amount as I was making working full time! I decided right there it was time for me to finally apply to law school. So, I took the LSAT and off to law school I went.

After entering law school, I still wanted to be a prosecutor. In addition, I never thought I would do well in law school – my goal was only to graduate. But as it turned out, I did pretty good (editorial comment: Carla is being very modest here) and many doors opened – some of which I didn't know were even available. So, I decided to take advantage of some of those opportunities after law school as opposed to going straight to a DA's Office or the like. I clerked two years at both the state and federal level and then I went to work at McDonald Carano Wilson (MCW) as a litigation associate. I was at MCW for five years. I loved the firm – the work was great and I loved the people. But I wanted more trial experience and I had reached a point at which I needed to create my own path as a lawyer.

In the fall of 2009, I heard about an opening at the U.S. Attorney's Office for a prosecutor who would work on child exploitation cases. After considering whether I could handle those types of cases, my future at the firm, and how much I wanted to be a prosecutor, I decided to apply for the job. I honestly did not think I would even get an interview because of my lack of criminal experience. But, I was wrong and they hired me. I'm still a little shocked that I am actually a prosecutor. It's very surreal.

7. My favorite thing about my current position is no billable hours! But in all seriousness, there are many aspects that I love about my job. The best part is knowing that each case I prosecute helps a child in some way – either from past abuse or from potential future abuse. I know that what I do now is meaningful and makes a difference. I did not have that in civil practice.

8. Along the way, I've had three primary mentors in my legal career: Judge Peter Breen, Judge Procter Hug, and Pat Lundvall. Each of these mentors has taught me something different. They each come from very different perspectives and career paths and have helped to teach and guide me – not just as a lawyer but also as a person. Each of them has supported and encouraged me in my career decisions – even if they disagreed. But as a female lawyer, I would have to say that the

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“I had reached a point at which I needed to create my own path as a lawyer.”

Flying Solo (Cont.)

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scales range in complexity, but I went cheap and it's been more than sufficient. The model I have even connects via USB to your LabelWriter.

4. iPad/Tablet

You can of course use a laptop or even (heaven forbid) a legal pad to take notes at client meetings, but I use my iPad. I don't like using a laptop because I think putting a screen between the client and me contributes to the unease people feel around lawyers. It's weird, I know, but it's off-putting to me when someone in a meeting throws up a laptop screen and starts typing. Right now I use LocaytaNotes as the app because it syncs with Dropbox.

Hm, I thought this would be a much longer article. Apparently you don't need a ton of office equipment to manage a law office. I've gotten by with a computer, a printer, a phone, and the first three things listed above for over four years now and have no real need for anything else. Technically the iPad was a gift, so I'm not sure I'd have spent the money for that.

**To use these, get a free DYMO Stamps account (www.dymostamps.com). You load your account with money and it will deduct from your balance each time it prints a stamp. If you get the paid version of the software you can send certified letters. I'm *this close* to upgrading to save me having to go to the post office at all.*

Fresh Perspectives (Cont.)

(Continued from page 2)

court's electronic filing process are subject to NRCP 5(b)(2)(D) and, by proxy, NRCP 6(e).

So what does all this mean? When documents are electronically served through the court's filing system in the Nevada Supreme Court or in Washoe County, three days are not added to the prescribed period to respond. When documents are electronically served through the court's filing system in Clark County, three days are added. Likewise, when documents are electronically served in accordance with an agreement between the parties, three days are added.

Not surprisingly, this has created confusion. Practitioners in Washoe County regularly misinterpret the relationship between NEFCR 9(f) and NRCP 6(e) and mistakenly believe that they are entitled to an additional three days when documents are served through eFlex. This confusion is so widespread that the rules are rarely enforced as written and the Second Judicial court judges are discussing revisions to the rules.

There is an easy solution to this problem – **stop adding three**

days for emailing. In today's world of computers and smart phones, most attorneys check their email constantly. It is likely that the average attorney reads the automated notifications from eFlex/Wiznet within minutes of receiving them. By contrast, documents served by hand must be driven (or biked) from one office to another, processed through the firm, and eventually delivered to the attorney handling the case.

Chances are, attorneys are able to access and read electronically-served documents hours, or even days, before they are able to access and read hand-served documents. Why then are attorneys granted three extra days to respond to documents served electronically? If logic ever existed for this rule, it does not exist today.

The state and local rules throughout Nevada should be amended to reflect the realities of today's electronic world. Adding three days for electronic service is counterintuitive and unduly dilatory. The rules should be modified and clarified to plainly provide that documents served electronically are deemed received the day they are served without adding three days.

INTERESTED IN CONTRIBUTING CONTENT?

YLS always needs volunteer writers to contribute to our newsletter to keep it fresh and interesting. Contact Austin Sweet at asweet@gundersonlaw.com today to discuss how your content can be included.



WHY YLS?

The Young Lawyers Section strives to provide opportunities for the assimilation of young lawyers into the profession as well as a training ground for future leaders of our bar. YLS membership is open to all attorneys who have been admitted in Nevada for less than five years, or are 36 years old or younger. From mentor programs, to organizing charity events, to networking, to fighting to improve the image of attorneys in general, YLS has a wide array of activities.

YLS' PURPOSE

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Profiles of Success (Cont.) - Carla Higginbotham

(Continued from page 4)

mentor that has had the greatest overall impact on who I am today is Pat. Pat is so much more than just a mentor – she is my friend, my colleague, and really she is like family. Working with Pat taught me a variety of lessons about the practice of law – everything from good writing skills to the ins and outs of the “business” side of a law practice. She has taught far too many things to list or touch upon here, but suffice it to say, I would not be the lawyer or person that I am today without Pat. I will be forever indebted to her.

9. Three things that people (probably) don't know about me (aside from playing the oboe, which I doubt anyone knows about) – I also:

- Could bake and decorate a very large cake – including a wedding cake – if someone wanted me to. I have been decorating cakes since I was about 7 years old with my Grandma.
- Take belly dance and have done belly dance performances in public.
- Am Portuguese – which doesn't seem to make sense with the blonde hair and blue eyes.

10. In my free time, I enjoy a lot of things. For outdoor activities, I snow ski and wakeboard. My husband and I have a ski boat and we both love taking friends out on the boat during the summer months. But I really like to shop for shoes. I also read, cook, bake and do all the Martha Stewart type things you can imagine.

11. If I weren't a lawyer...well, I can't image being anything else other than a lawyer. But I guess I would be a musician.

12. The best advice I've ever received is: A good reputation will take years to build, but only one minute to destroy.

13. My advice to new lawyers is don't be afraid to be yourself. How you handle being a lawyer and this profession depends entirely on who you are and how you want your career to progress. You shouldn't try to copy the style or attitudes of other lawyers. What works for one person may not work for you. So, be yourself and find your own style and way of practicing law that works for you.

“How you handle being a lawyer depends entirely on who you are and how you want your career to progress.”

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>

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VISIT OUR WEBSITE

For more information about YLS, including member biographies and past newsletters, visit our website at

nvbar.org/content/young-lawyers-section

RECENT YLS EVENTS

The **Nevada Serving Seniors** event had an overwhelming turnout. This was the first year in a while that we have sponsored this event in the south. We hosted Serving Seniors - an ask-a-lawyer style event - simultaneously at two locations in Las Vegas and Pahrump. When the volunteers began to arrive at the Las Vegas location - a half



The Serving Seniors Event

hour before it began - there was already a line of seniors through the library lobby and the line persisted for hours. Approximately 27 attorney volunteers met with seniors and advised them on issues related to estate planning, probate and guardianship amongst other matters. Thanks to the hard work of Carmela Reed at Nevada Legal Services, event chair Kristin Tyler, and some excellent PR, we helped over 150 seniors on April 26, 2013. Thank you to all of the attorneys who volunteered!

Project Salute continues to be a successful way for young lawyers to give back to Nevada's veterans. We had an amazing turnout for the Project Salute event in Las Vegas. YLS thanks everyone involved for their contributions. Check back for information on upcoming Project Salute events throughout Nevada!



Veterans turn out for Project Salute

The **State Bar of Nevada Board of Governors** joined YLS in Reno for a joint social after their meeting. Thanks to Jess Reinhart for organizing the event, and thank you to all the members of the Board of Governors for attending!



YLS and Board of Governors Joint Social

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