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BE THE ONE



by Jeremy Reichenberg
Lyon County District
Attorney's Office -
Yerington

Imagine a mother seeking to terminate a father's parental rights. Her new husband wants to adopt her child. The caveat: the father is willing to voluntarily terminate his rights if she provides him with money and nude pictures of herself. Imagine a disabled veteran with Hodgkin's disease whose medical, credit card and personal loan debt are too much to handle. Now imagine two lawyers that you know and respect. Two lawyers who epitomize legal acumen and professional integrity. Two lawyers whom you pattern your practice after and look to for direction. The statistics show that only one out of every three lawyers in this State did any pro bono work last year. Between you and the two lawyers you just imagined, only one of you took the time to help someone with a legal issue who was too poor to retain the services of an attorney. These cases may sound extreme, but these are actual cases in need of placement by a legal service provider in Washoe County as of July 2013. These are two of our neighbors and two out of three of us failed to help.

As lawyers we have an obligation to our fellow Nevadans, our friends, neighbors and members of our community to ensure that there is access to justice. Injustice does not afflict only those fortunate enough to pay for our services. As young lawyers our plates are full with the task of learning our profession,

the billable hour, and the desire to create and build a book of business to impress our bosses and feed our families. Amidst the stress and demands of our profession it will go unnoticed by many of us that next month, October 20-26, 2013, is the National Pro Bono Celebration. It is therefore perfect timing that the Nevada Supreme Court Access to Justice Commission and the State Bar of Nevada are announcing the beginning of a wonderful, inspiring project: One Promise Nevada. The objective is simple: every lawyer in Nevada commits to take just one case. This is One Promise Nevada: ONE client, ONE attorney, ONE promise.

I know that taking that first pro bono case can be daunting. Many of us are worried we'll do more harm than good. Maybe you have never practiced in the areas of family law, bankruptcy or landlord-tenant and are afraid to take a case in one of those areas. One Promise Nevada has you covered because all of the legal service providers in Nevada are participating in One Promise Nevada to provide the support and resources you need to succeed.

Visit www.onepromisenevada.org to find a list of CLE and volunteer opportunities or to donate money to support pro bono efforts in Nevada if you are unable to take a case. Ask for a mentor when you contact one of the legal service providers in your area to take a case. Be the ONE. If you are the

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"The statistics show that only one out of every three lawyers in this State did any pro bono work last year."

VIEW FROM THE CORNER OFFICE

The Learning Versus Billing Balance with Jim Pisanelli of Pisanelli Bice

by Kristin L. Martini
Robinson, Belaustegui, Sharp & Low - Reno

What is your advice to an inexperienced lawyer on the issue of how to balance the learning curve of the new legal career with billing expectations, which often times leads young lawyers to consider “cutting” their own time?

Unfortunately, there is probably no way to avoid the conflict that inevitably arises from the desire of an associate to produce good work product and the need to appear smart and efficient. Every lawyer I know has a story about their first challenging project and how it took them so long to complete that they were worried that their supervising partner would think they were dumb or slow or lazy or inefficient or, worst of all, an over-biller. Under that pressure, there always seems to be one simple and foolproof answer to the conflict: don't bill all of your time.

Logically, this seems like a great solution because the only person hurt is the associate, because he or she didn't get credit for the time worked. But, that “pain” is easily outweighed by the reputation building that comes from good, fast work. At least that's how the thought process goes. Sadly, it is not true.



Jim Pisanelli

Cutting one's time really is not a victimless crime, however. The truth of the matter is this practice hurts the firm (*i.e.*, the employer) in more ways than just monetarily. Obviously, by editing his or her own time the firm has lost the revenue that otherwise would have been earned had the time been recorded and billed, a consequence that is

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YOUNG LAWYER SPOTLIGHT

Colleen L. Platt
Nevada Attorney General's Office - Carson City

Colleen Platt is a Deputy Attorney General at the Nevada Attorney General's Office in Carson City. Colleen earned a Bachelor of Science from Elmhurst College and a Master of Science from the Illinois Institute of Technology. She graduated from the Chicago-Kent College of Law before moving to Nevada in 2007. Colleen lives in Reno with her husband, Dan Doenges, their three children, Jack (8), Madeleine (2), and Finnegan (1), as well as Penny the dog, and Pumpkin and Chewie the cats, and an as yet unnamed ball python.



Colleen L. Platt

Q. What made you decide to become a lawyer and go into the field of law you practice in?

A. Prior to law school I worked in labs doing research on HIV and cancer. I basically became bored in the lab and decided I would either go to law school with the intent to focus on patent law or graduate school to work with level 4 hemorrhagic viruses. Law school won out. I figured I was probably better at arguing than traipsing around Africa looking for deadly viruses. Plus, law seemed a safer line of work.

I went to law school thinking I would focus on patent law, but when I took the patent classes I found myself feeling like I was back as a lab rat in the lab and bored ... I ended up getting an internship for the Illinois Department of Commerce and Economic Opportunity investigating and prosecuting the misuse of grant funds and found it interesting and meaningful – so I opted to stay in the public sector.

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“I figured I was probably better at arguing than traipsing around Africa looking for deadly viruses.”

State Bar of Nevada Young
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Be the ONE (cont.)

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one-out-of-three in this state who does pro bono, consider taking another case and talk to a fellow lawyer about doing the same. Make the promise today to help those in need towards justice. ONE client, ONE attorney, ONE promise. •

“As lawyers, we have an obligation to our fellow Nevadans, our friends, neighbors and members of our community to ensure that there is access to justice.”

View from the Corner Office (cont.)

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real and serious. But, this self-editing can also affect the relationship with the client. The client could have their own expectations about the time needed for the particular project. This is especially true for commercial clients who have in-house lawyers, most of whom spent time in private law firms themselves. Those in-house lawyers usually know better than the associates how long certain projects should take (associates always think they should be faster than they are). If the real time was not recorded and the recorded time falls short of the client's expectations, an inaccurate assumption could be made by the client that the firm did not take the project seriously or that something short of a comprehensive job was done. Likewise, the client may simply recognize that the time entry was unrealistically low and possibly conclude that the billing practices for the firm are not trustworthy. The truth of the matter is, a client will almost never complain that the bill was too low. But, one never knows how a bill will be received by any given client and the associate is usually, if not universally, ill-equipped to make the judgment on how much to bill for a particular project. That judgment must be left to the partner in charge.

This leads to second problem with self-editing one's time: at its core, this practice strips the partner of the ability to exercise his or her legal and business judgment. A fact that is typically lost on young associates is that there is a business model in place that takes into consideration their expected inefficiencies. One obvious example is billing rates. The lowest rates of the firm of course are assigned to the youngest lawyers because, among other reasons, they are expected to be inefficient. Thus, a “discount” has been built into their bill already. When the associate takes matters into his or her own hands and self-edits the time recorded, this results in a double discount that no one bargained for. Equally important, the partner may very well agree that the associate took more time than expected. But, rather than never bill the time at all, most partners I know would prefer to show the client how much time was spent and either “no charge” the time entries or give a discount at the bottom of the bill. This can generate goodwill with the client, which would be lost if the associate does not record the accurate time.

Also, associates should know that partners almost always know when associates are not recording their time. The partner sees the associate working daily and will easily develop an expectation about monthly billing totals merely from the time spent in the office. When monthly totals don't meet those expectations, the reasons why are usually obvious. A partner is never happy about dealing with an associate who doesn't bill their time. The best solution is communication. Tell the partner that he or she thinks they spent more time than expected. Often times, there is a good reason why (e.g., no law on point, looked for new theory

Young Lawyer Spotlight (cont.) - Colleen L. Platt

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Q. If you weren't a lawyer, what would you be doing?

A. I would own my own candy store that specialized in handmade chocolates. It would also have a wine/beer bar and café that had a chocolate theme with the menu and beers.

Q. Besides your current job, what was your most memorable job?

A. Researching HIV. I learned a lot and got to see every bodily fluid known to man. When I would walk to clinics to pick up specimen, I carried a cooler with me, and I would pass by homeless people who, instead of asking me for spare change, would ask me for the "sandwich in my cooler" not knowing I carried HIV-infected blood, urine and spit.

Q. What do you enjoy doing outside of work?

A. Spending time with the kids, making chocolates, cooking.

Q. What do you consider your greatest accomplishment?

A. My kids and my marriage. They are pretty darn cute and smart, and I have a fantastic partner for a husband.

Q. What are three things your peers probably don't know about you?

- A. 1. I played softball in college.
2. I was born in Hawaii.
3. I hate cheese unless it's melted.

Q. What is the best advice you've ever received?

A. It wasn't necessarily advice, but when I was in college, I had a professor who no matter what, when I asked a question, would respond, "I don't know, what do you think?" And it used to frustrate me because, being a sassy 20-year-old, thought, I'm paying your salary with my tuition, you should be answering my question. But as I got older, I realized he wasn't trying to belittle

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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.

View From the Corner Office (cont.)

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that did not pan out, etc.). The partner can then exercise his or her own judgment on what to do, if anything, about the bill. More times than not, the time spent actually meets expectations, but the associate can never know that with such little experience. With that type of communication, the associate will have generated far more good reputation-building inside his or her own firm than the self-editing practice could offer.

What, if anything, do you recommend that a young lawyer take time to learn on his or her own time?

One thing that all civil litigators should do, but most do not, is read the rule book from time to time. When I was an associate, we had a senior partner, who later became a judge, who would ask the same question whenever we would seek his advice. "What does the rule say?" His point was simple: in civil litigation, and most other areas of the law, there is a rule for almost everything we do. To become a master strategist, you must first master the rules. I have regularly witnessed sitting judges do the exact same thing during hearings and trials and it is never fun not to know the answer

YLS' PURPOSE

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.

Young Lawyer Spotlight (cont.) - Colleen L. Platt

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me or embarrass me, but was trying to get me to really think about my question and see if I could answer it. So, while I have never stopped questioning, I have learned to think critically and think about what the answer could be.

Q. What do you listen to in your car on your way to/from work?

A. NPR. I get to work at 7:30 a.m. so it makes me feel better to know someone else is up as early as I am and having to be a functioning adult with opinions to opine on.

Q. Describe your perfect day off.

A. Sleep....remember I have three kids who get up at the crack of dawn.

Q. What is the nerdiest thing about you?

A. I love the Lord of The Rings trilogy and I can usually find a reference to it in every movie or show... whether it was intentional or not. •



YOU Can Become The ONE.
One Client.
One Attorney.
One Promise.
One Promise Nevada.

www.OnePromiseNevada.org

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