

# LEGAL MATTERS

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PEOPLE OF THE STATE OF NEVADA

— against —

Defendant(s) \_\_\_\_\_

PRE-TRIAL NOTICE OF DEFENSES

SUBMITTED BY \_\_\_\_\_

Attorney(s) for Defendant \_\_\_\_\_

and Telephone No. \_\_\_\_\_

1127—Retainer and Request for Hospital Record.

**Retainer For Legal Services**

Age \_\_\_\_\_

Occupation \_\_\_\_\_

Attorney \_\_\_\_\_

2 373—Power to Transfer Stock.

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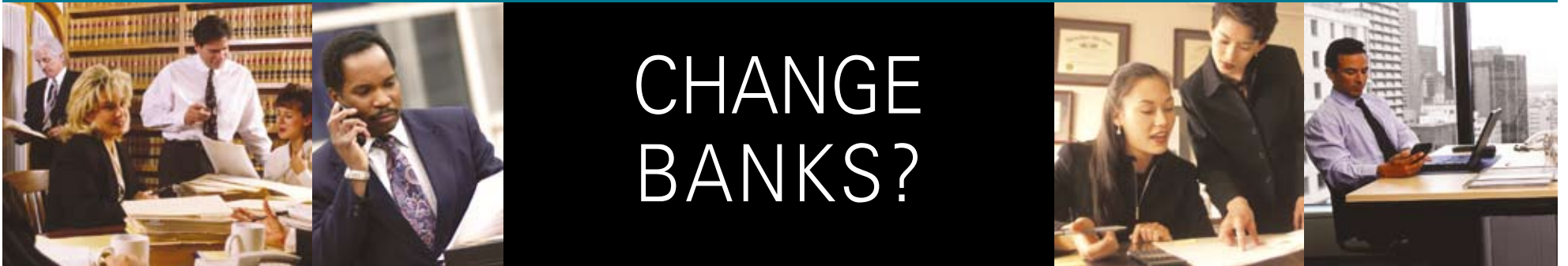
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# LEGAL MATTERS



## From the Editor

Everyone loves recognition. When that acknowledgment comes from a group of your peers, it carries even more weight.

For the second consecutive year, we are publishing the list of Best Lawyers® list from Woodward White Inc. We are using its list of lawyers selected in Southern Nevada — 136 attorneys in 27 different areas of practice. The honorees can be found on pages 19-23 of this publication. The specific process for how the selections were made can be found there as well.

For more than 20 years, Woodward White has published The Best Lawyers in America®. They conduct a state-by-state survey of lawyers, allowing them to vote only for nominees in their specialties and in their own jurisdiction.

Congratulations to everyone on this list. It's a prestigious honor and one that carries national attention.

In this publication, you'll also find a question-and-answer session with Dean Richard Morgan, who heads up the Boyd School of Law at UNLV. We've also included several

success stories highlighting some recent graduates from the school.

Additionally, there are stories about law firm mergers, the local part-time legal program, lawyer etiquette and the importance of attorneys to keep clients abreast of new laws or changes in the current ones.

**Rob Langrell**

Editor of Special Publications

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Dear In Business Las Vegas readers,

Bank of Nevada is proud to sponsor the 2006 issue of Legal Matters. Like the attorneys profiled in this issue, we understand the value of growing a business based on quality work and integrity.

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Congratulations to those who are profiled in this issue. May you continue to enjoy success in southern Nevada's thriving legal community.

**Robert Sarver**

President & CEO, Bank of Nevada, Chairman & CEO, Western Alliance Bancorporation



Dear In Business Las Vegas readers,

The dynamic business of the gaming industries first fueled Las Vegas' rapid expansion as one of the fastest growing cities in the late 20<sup>th</sup> and now the 21<sup>st</sup> Century. Today, however, Las Vegas business community is much more robust with new innovative technology companies, convention and tourism companies, market research and entertainment production companies now calling our community "home."

Meanwhile the Las Vegas gaming industry has internationalized and the Nevada based companies are now finding economic success in Asia, Europe and Latin and South America.

Las Vegas developed know-how and expertise, which is now being used throughout the world. It was the dynamics of that environment that lead us to join Greenberg Traurig, the 1,600 Attorney International Law Firm that provides exceptional localized service. From Tokyo to Zurich and from Albany to Orange County, Nevada based businesses can count on Greenberg Traurig providing quality services. As Las Vegas business expands internationally and as international businesses comes to the United States and into our dynamic Southern Nevada our exceptional attorneys and staff are ready to help our clients meet the world.

From our firm to the community, we salute those attorneys selected as leaders in the field of law and congratulations to In Business for this important publication.

**Mark Tratos**

Managing Shareholder, Greenberg Traurig, LLP



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# Regional and national law firms enter Las Vegas market

By Alana Roberts  
Special Publications Writer

**L**ike skinning the proverbial cat, there's also more than one way to enter a legal market.

As national law firms have begun to take notice of the Las Vegas legal market, many have found that the best way to successfully gain entrée is to become a part of the local scene.

"There are two ways you can enter a market," said Pat Byrne, administrative partner of Snell & Wilmer's Las Vegas office. "One way is to enter the market and grow with individual hires from other firms. The other way is to merge with an existing firm."

Byrne said when his firm entered the Las Vegas market in 2001 he opened the office with the help of Rob Kinas, another attorney from the firm's Phoenix office, along with Patricia Curtis, a local lawyer. The firm's Las Vegas office has now grown to 34 lawyers and is one of six offices employing more than 400 attorneys through out the West.

"I think the key component in any move is finding highly qualified, skilled lawyers on the ground," Byrne said. "You don't come into a market and transplant a bunch of your lawyers. You've got to recruit and retain well-qualified, local lawyers."

Retaining local lawyers is becoming more of a challenge with new firms entering the market all of the time.

"When firms come to town, they might create competition for firms, but they don't create competition for lawyers," Byrne said. "They create opportunities for lawyers."

When each new firm comes to town, we're competing for lawyers."

Mergers within the Las Vegas legal market are a part of a greater trend of consolidation within the legal industry nationwide.

"As the town continues to grow and as the Las Vegas economy diversifies, when you have growth like that you're going to attract firms that are looking to expand and grow their platform," Byrne said. "It's just the maturation of the Las Vegas legal industry."

Byrne said he expects opportunities for growth in Las Vegas to continue.

"I think the market is going to continue to grow and mature," he said. "I think we'll see some consolidation in the market. I think you'll see some additional firms merging and I think there will be more lawyer movement between firms. Each year there's more lawyers admitted. There will continue to be plenty of opportunities for other firms."

The legal industry is undergoing robust consolidation nationally, but Byrne said there might be a limit to that consolidation because of the strict regulations law firms operate under. Because of that he said the legal industry wouldn't consolidate to the level other professional services fields, like the accounting industry, have.

"Conflicts of interest will prevent law firms from consolidating in the manner that accounting firms have consolidated," Byrne said. "I think you're going to see continued growth of the larger national firms. They're going to expand internationally, but you'll never see the market



Paul Hejmanowski, managing partner of Lionel Sawyer & Collins, said he feels that local firms can stand out as larger firms enter the Las Vegas market.

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go the way of the accounting firms.”

Other firms share in Byrne's optimism and hope to follow Snell & Wilmer's lead. Just last month two firms announced deals that either establish or expand their presence in Las Vegas.

“It's a dynamic marketplace,” said Mark Silow, administrative partner and chief operating officer of full-service law firm Fox Rothschild.

The firm was founded nearly 100 years ago in Philadelphia and is among the largest 200 law firms in the nation. The firm also recently merged with New Jersey-based employment law firm Grotta, Glassman & Hoffman, which itself opened a Las Vegas office in January.

“We had some clients that did busi-

ness in California and some clients that did business in Las Vegas,” Silow said. “We have a number of gaming clients in our Atlantic City office. There was a natural synergy and an urge to have an office in Las Vegas.”

He said the Las Vegas office is part of the firm's efforts to expand beyond the Northeast part of the country. The merger with GG&H will add 53 lawyers to the firm's 400-lawyer roster and represents a West Coast expansion not only to Las Vegas, but Los Angeles and San Francisco as well. The combined firm now has 14 offices and will operate under the Fox Rothschild name.

“We started a more expansive footprint by going into South Florida about a year and a half ago,” Silow said. “It was a great convergence of opportu-

nities. The merger (with GG&H) fits nicely into what we're trying to achieve in a couple of different regions, both in New Jersey and out West. We already had a very good labor and employment practice. This gives us depth and allows us to expand that aspect of our practice on a national basis.”

The Las Vegas office of Armstrong Teasdale, which was founded in 1901, has hired the lawyers of another firm with a Las Vegas office to bolster its presence here. The St. Louis-based firm opened its office in Las Vegas in April.

It recently hired the nine lawyers of San Francisco-based Senn Meulemans, a firm that has operated in Las Vegas since 2004. Armstrong Teasdale now has 265 lawyers working in 11 offices around the country as well as in Shanghai, China.

Kirby Colson III, a partner and managing attorney of Armstrong Teasdale's Las Vegas office, said Senn Meulemans' background representing real estate developers, utilities as well as counties, cities and the state will be an asset to his firm.

“Even though they don't do as much as we need to bolster our presence in Las Vegas, they were such a plum,” Colson said. “Now we have an office in San Francisco and Reno. We've got important things going on in Las Vegas and we're looking to expand our practice.”

Armstrong Teasdale will concentrate on private and public finance, corporate and securities work, intellectual property, construction, real estate and employment law. Colson said the firm's interest in Las Vegas was sparked when it became involved in a casino transaction.

“We looked around and it looked like this was a place with a lot of opportunity,” he said.

Colson said the firm is gradually building up its client base.

“We put a young lawyer out here in April and I showed up last August, we've been taking it from there,” he said. “I think gradually growing is right. I needed to be out here for a little while. I would be foolish to say that after a year I completely understand the Las Vegas legal community. I've learned a lot and we intend to grow fairly quickly.”

Mark Tratos is managing partner of Greenberg Traurig's Las Vegas office. He said as outside firms have entered the Las Vegas market it has become a more mature market, which has forced lawyers to better hone their skills. Tratos was co-founder of Quark & Tratos before the firm merged with Greenberg Traurig in 2005.

“It continues to raise the standard of excellence in the legal industry,” he said.

It's possible the entrance of outside firms to the Las Vegas market may force those lawyers who aren't in top form to leave the market.

“There's always enough work to go around for good lawyers,” Tratos said. “The quality of the legal skills is being forced to rise. It's that competition that helps everyone.”

He said he agreed to merge his firm with Greenberg Traurig in order to bet-



**Mark Silow is the administrative partner and chief operating officer of Fox Rothschild.**

ter serve clients that are themselves growing. A larger firm can handle a client's needs in multiple geographic areas and in multiple practice areas, he said. Greenberg Traurig has more than 1,500 lawyers working in 29 locations throughout the United States and around the world.

“As our clients expanded into other fields we're trying to match them,” Tratos said. “We're now doing work in Asia because we have clients there. To be effective in the 21<sup>st</sup> century law firms have to run themselves more like a corporate model.”

Paul Hejmanowski, is managing partner of Lionel Sawyer & Collins, a Nevada-based law firm that was founded in 1967 by Sam Lionel. The firm has offices in Las Vegas, Reno, Carson City and Washington D.C.

He said there is value in being able to serve a variety of client needs in-house, the way large firms can.

“That does offer one stop shopping,” he said.

However, he said the pressure to cross-promote a large firm's services doesn't always best serve the client's needs. Also, Hejmanowski said having a team of lawyers that understand the people and customs of a legal market, is valuable for clients. He said a firm such as Lionel Sawyer & Collins could offer that.

“As we get the more significant matters, local knowledge becomes increasingly important,” he said. “Anyone coming to town can look across the street and see there's a building on a lot. Only the people who've been here for 30 years know the history of the foundation of the building and where the issues are that might still have an impact today.”

Still, local leaders of national and regional law firms like Snell & Wilmer, say they're here to stay.

“We're not going anywhere,” he said. “We're 34 lawyers, I'm still talking to lots of lawyers. We've grown every year. We love Las Vegas. We give back to the community, we give back to the (Nevada) bar. For me Las Vegas is my home now.”

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Seated left to right: **Gerald M. Gordon**, Partner Bankruptcy and Creditor-Debtor Rights and **Jeffery A. Silver**, Partner Gaming Law; standing left to right: **William M. Noall**, Partner Bankruptcy and Creditor-Debtor Rights; **Gregory E. Garman**, Partner Bankruptcy and Creditor-Debtor Rights; **Christine A. Bricker**, Of Counsel Real Estate; and **Thomas H. Fell**, Partner Bankruptcy and Creditor-Debtor Rights.

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# More lawyers demand part-time work opportunities

**By Alana Roberts**  
Special Publications Writer

**O**ne reason transactional lawyer Tisha Black-Chernine, started her own law firm in 2000 with her partner Michele LoBello, was to carve out some flexibility into their schedules.

Black-Chernine, is managing partner of the nine-attorney firm of Black, LoBello & Sparks. She said running her own firm allows her to effectively manage her home as well as her work.

"We have always been rather flexible, because my partner and I (LoBello) both worked at a firm that was primarily men," she said. "That's one of the reasons we started our own firm, so we could manage our lives more how we wanted to. I find if I leave to go pick up my child at school I come back and work to 6 p.m. I find myself getting up and working at 6 a.m."

The firm offers a range of services for businesses and individuals, but Black-Chernine said she mostly does business transactional work. That's

partially because of the flexibility that kind work affords her.

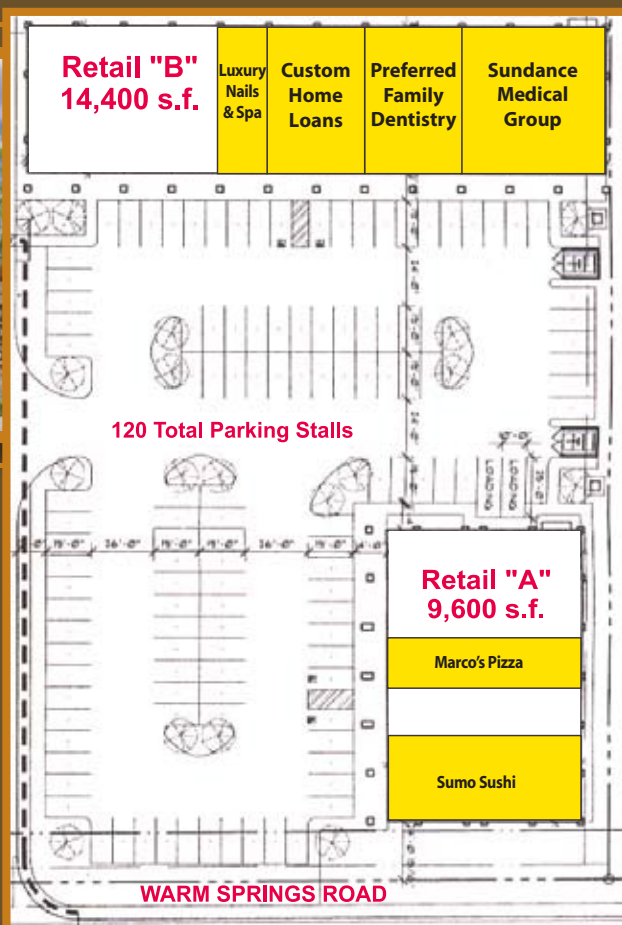
Of counsel status, a designation lawyers use to work on a part-time or contract basis, is not new. But, what's new is that there's more of a demand for flexibility in a field that typically is known for its long hours, local industry leaders say. In the past, of counsel has been reserved for semi-retired lawyers or those who have other commitments like political careers.

Black-Chernine said one reason some firms have allowed their lawyers flexibility is because lawyers are placing more of a demand on work-life balance. Another, is because modern technology allows work to continue long after a person has left the office.

"The emphasis more on home life is a big trend," she said. "We have a young firm and the emphasis is on home life. Our basic rule is we've got to be able to find you 24/7. Our clients have to be happy with your work and they (lawyers) have to have a considerable amount of face time at the office."

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"The emphasis more on home life is a big trend. We have a young firm and the emphasis is on home life."

**Tisha Black-Chernine**  
Managing Partner,  
Black, LoBello & Sparks

She said the trend toward more flexibility is something that some firms have jumped on and others are reluctant to try. She said it all has to do with how comfortable firm leaders are with allowing their lawyers to work electronically.

"As the managing partner you want to make sure everyone has their 2,000 hours (per year) in," Black-Chernine said. "You get comfort from seeing their shining faces everyday. It's taking that leap of faith that if that person isn't there, their work is getting done."

Of course when lawyers work less work hours that means they

make less money. But, that isn't stopping some lawyers.

Not only does Black, LoBello & Sparks offer more flexibility to all of its lawyers, the firm also has one working under of counsel status. She said the arrangement allows him to be semi-retired.

Leaders of local law firms say they're willing to offer flexible schedules to lawyers who bring a unique or valuable set of skills to the firm. That kind of lawyer usually is seasoned, they say.

"You need someone who is the kind of quality (lawyer) you want to accommodate," said Paul Hejmanowski,

ki, managing partner of Lionel Sawyer & Collins. "It's difficult to accommodate in some circumstances. We won't necessarily approve every request we get, but generally we will."

The firm has three lawyers working under of counsel status. Ellen Whittemore is one of them. She agreed with Hejmanowski that usually a lawyer needs some experience before working reduced hours.

"I think it would be very difficult for someone just coming into the profession to learn everything they need to," she said. "I suggest they spend several years learning the practice and showing their worth to the firm."

Whittemore has worked for the firm under of counsel status for 17 years. She is a former Nevada supervising deputy attorney general in the gaming division and has an extensive background in gaming law. Her background makes her a valuable asset to the firm.

"When I came to the firm my children were six and three," she said. "I wanted more flexibility. I have maintained that. The way I approach my practice is I'm available when my clients need me. It allows me to choose my practice."

Hejmanowski said technology like cellular phones and personal digital assistants make all the difference for lawyers who do part-time work.

"Technology gives someone like Ellen a leg up," he said.

Although, flexibility is now offered to both male and female attorneys, more women request it, lawyers say. Nationally women make up about half of the student body at law schools and more women are entering the profession.

Hejmanowski said he gets more requests from the firm's female lawyers to work a reduced schedule, but that men also ask.

"More of the pressure for part-time comes from women," he said. "We've also had men who were out

part-time for family demands. You'll (also) find lawyers doing freelance work. I think I see a lot more of it than you used to. (But) it's been around for a long time."

Whittemore said large firms around the nation have begun offering lawyers both partner and non-partner tracks. The non-partner track allows more flexibility.

Pat Byrne, administrative partner of the Las Vegas office of Snell & Wilmer, said the Phoenix-based firm doesn't offer a formal part-time program, but that the firm's leaders are willing to accommodate a lawyer's need to work fewer hours. Snell & Wilmer's Las Vegas office doesn't currently have any part-time workers.

"On a temporary basis if they need some flexibility we will allow it," he said. "We've allowed lawyers to go on a reduced schedule for one, two, three years. The hope and expectation is the lawyer will get back to a full-time program. We don't see it as selling a long-term, part-time program."

But, he said accommodating lawyers' needs is a part of being competitive.

"As you try to achieve diversity both in terms of hiring more women and hiring minorities, you have to be flexible," Byrne said. "It's very hard to expect to hire women and not have childbearing become an issue."

Whittemore added that during her time at Lionel Sawyer & Collins there were sometimes conflicts between work and family demands. She said customer service sometimes trumped family demands.

"Invariably as the children were growing up there were times I'd be involved in something important and they (the children) had something important," she said. "My clients' needs came first."

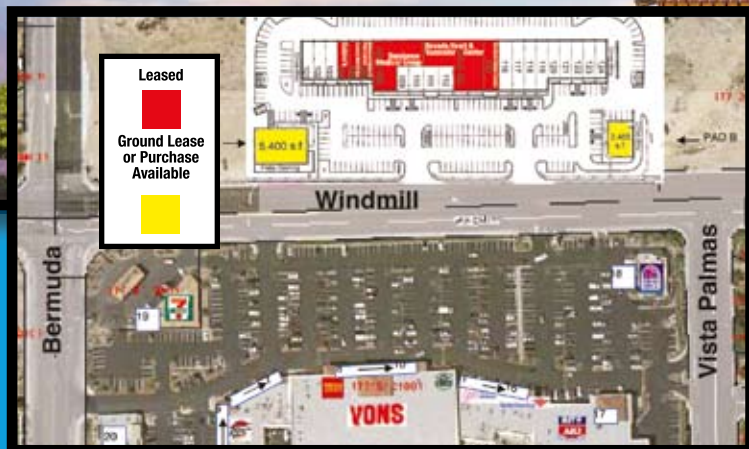
But, she emphasized how much she and her family have benefited from her flexible work schedule.

"My children are probably my best products," she said. "That has a lot to do with the flexibility. I was able to attend their events."

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# New grads get professional training from mentors on grooming, attitude

By Brian Sodoma  
Special Publications Writer

**W**hen it comes to learning from mentors, even with the uniqueness each new generation of lawyers brings to the job market, the tradition of watching the old guys is a tried and true method in law that isn't likely to change in the

near future.

Paul Hejmanowski, managing partner with Lionel Sawyer & Collins, who has been practicing in Nevada since 1972, said the young lawyers starting out in today's market still look up to

the old in this profession.

"If you were to go back in time a few years before I joined the firm it was typical for a lawyer to apprentice themselves to an older lawyer. While at the current time we don't do it quite the same way, it's similar," he said. "A lot of students try to work in law firms in the summer to get opportunities to

observe (older attorneys)."

Hejmanowski said that a lot of new attorneys today have the opportunity to attend legal seminars that could help them with how to handle elements of their work if they feel they didn't get enough exposure to it in their education or internships.

"Locally, it's really a cottage industry. There's always a legal seminar available on how to do this or that," he added.

Chris Orme, a recent Boyd Law School graduate and now an associate attorney with Hutchison & Steffen, a 25-attorney firm in town, said the on-the-job experience through mentoring with other attorneys has been invaluable; and to him, one lesson sticks out the most.

"The biggest thing I learned was that there is no such thing as a rough draft. These people don't ask for you to do things to hand it back to them and have it be sloppy," he said. "That doesn't mean there isn't more than one draft, but never a rough draft."

Jennifer Poynter-Willis, an associate attorney with Jolley, Urga, Wirth, Woodbury & Standish, has been out of law school for two years and recently signed on with the local firm. One of her biggest lessons has been to stay open to all the information in any given case.

"I think it's important to look at both sides of everything. Sometimes it's too easy to get oriented toward your client's needs," she said. "You need to know the other side's arguments to know how to defend against it."

## Dress for success

With the last decade ushering in new standards on dress code, most leaning toward greater acceptance of casual wear, being old school when it comes to looking professional still seems to win out in law.

"Now, I don't have any casual days because sometimes you may not be scheduled to go into court, but you may have to fill in for someone," Poynter-Willis said. "I wouldn't want a client to see me looking sloppy anyway. I think it also helps by not only making you look professional, but it gives the client the feeling you know what you're doing."

Michael Bonner, partner at Kummer Kaempfer Bonner Renshaw & Ferrario, said his firm went completely to business casual about five years ago, then after about a year switched back to a professional dress code.

"We found that the bar kept getting lower (for casual dress). You would think that most people would know the difference between business ca-



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"We found that the bar kept getting lower (for casual dress). You would think that most people would know the difference between business casual and sloppy. From my experience clients like their lawyers to look like lawyers."

**Michael Bonner**  
Partner,  
Kummer Kaempfer Bonner  
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sual and sloppy," he said. "From my experience clients like their lawyers to look like lawyers."

But Bonner also said that recognizing when professional dress may intimidate a client is important too.

"We have clients in the development industry, and a lot of our lawyers sometimes feel they are better accepted in a business meeting if they dress casual," he added.

### Respect still rules

Another area where the importance of learning from the best can't be emphasized enough is in respecting both clients and fellow attorneys, even if they are arguing against you. Turning off the legal-ese is important when working with clients.

"I think that lawyers, particularly young lawyers need to know just because they have a law degree, they're not any better than anyone else out there," Bonner added. "You always have to remember you have a client to serve."

Louis Schneider, a recent Boyd Law School graduate who has been practicing in town for just over a year, said, surprisingly, he has experienced a lot of intimidation tactics from older attorneys, when it comes to arguing in court.

"It's been my experience in general with the people that have been doing this awhile that they have been successful at running people over," Schneider said. "I have a high bar number (indicating he recently passed the bar) and I think they think they're going to get someone with no experience."

But Schneider, 45, a partner with the Nevada Law Group Inc., who previously ran his own business and has gone to law as a second career, said that some more experienced lawyers in town have been very good to him by educating him on some of his opposing attorneys. He also said it's important for new lawyers get to know as many attorneys in town as possible.

"I have found that meeting the attorneys ahead of time takes the emotion out of things and makes it more of a working relationship," he said.

Hejmanowski said no matter the education or mentoring certain attorneys still come out overly aggressive.

"There has often been a problem with people whose natural instinct doesn't embrace civility. But the federal court judges have launched a pretty strong movement to emphasize the need for civility," he said. "Some people confuse being rude with being (good). Maybe it's shaped by television. I don't know."

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# 20 Questions ♦ ♦ ♦

**By Alana Roberts**  
Special Publications Writer

## What have you learned during your nearly 10 years as dean of the law school?

I've learned the value of having good colleagues and good students and building an enterprise. It was a very daunting task that awaited myself and others when I decided to get involved in founding this law school.

I was excited about the challenge about founding this law school. I was also scared to death. What gave me that courage to move forward with this job was the fact that a couple of good friends and good colleagues from Arizona State (Sandra Day O'Connor College of Law) were willing to come help.

I guess I really learned the value of delegating to people and trusting people and giving them responsibilities for large aspects of the work and expecting them to do it. That's how we have succeeded.

## Besides fund-raising what is your role as dean?

My role has differed from time to time. At the start of the school I was very much involved in creating the vision for the school and creating the

## LEGAL MATTERS



to be supported.

## What is your background?

Before I came here I was the dean of Arizona State's (law school) for almost eight years and before that I was the dean of the University of Wyoming College of Law for 2½ years and before that I was the associate dean of Arizona State University College of Law for four years. So when I stop being dean I will have completed 24 years as a law school administrator.

## What is your biggest accomplishment?

I think establishing a very good law school for the state of Nevada very quickly is my accomplishment and that of all the students and faculty

initial academic program for the school and recruiting faculty.

But, I have never been involved in the day-to-day management in the school. So that I would have time to be out in the community and working with people in the community talking about how great the school is and why the law school ought

and the supporters who supported this effort. Now there is a law school, not only a law school, one that was accredited by the ABA (American Bar Association) in record time. One that was granted membership in the Association of American Law Schools in record time, and one that is well regarded on a national level

## The school's charter class has now reached its fifth-year anniversary. How has the student body evolved?

I think the student body initially was a very, very good, risk-taking student body and one that I really liked. Those early students, the charter class and the class that followed them, really we're risk takers because they enrolled in an unaccredited law school.

They helped us to establish the culture and the character of the school. I have a great soft spot in my heart for the people in the first couple of classes. It doesn't mean I don't have a very high regard for the people that followed.

There were fewer students to choose from in the early days. Our first applicant pool was about 450 students, of whom we enrolled about 140. Now we're up to where we have 2,300 applicants, we're enrolling about 150 out of them.

The main difference is we're a lot more selective than we were in the old days. Our numerical



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## Richard J. Morgan, the dean of the William S. Boyd School of Law, recently took time to discuss the state of UNLV's law school



indicators, the median (grade point average) and median LSAT (Law School Admission Test scores) have gone up since the early years.

### How important is the caliber of the student body's GPA and LSAT scores to the success of a law school?

They're important in a couple of senses. There's a correlation between LSAT scores and how students are going to do on the bar examination. They're similar types of examinations.

How a school does on the bar examination counts in how the outside world views it. It probably counts too much in my opinion.

U.S. News & World Report's (America's Best Graduate Schools list), people look at it. It's a fairly arbitrary and unreliable way of ranking law schools. U.S. News & World Report pays attention to what your median LSAT scores are and what the median GPA is.

Also, there's a correlation between LSAT and GPA and how students are going to do in law school. But, we try very hard to have our admissions committee take seriously the other stuff that's in the files and not to be completely fixated on LSAT and GPA. There are some law schools out there that admit almost exclusively or very primarily on those numeric indicators.

### Is there a rankings race among law schools?

You can't ignore the rankings. On the other hand, you also can't, in my opinion, pander to them. If there's things that you want to do programmatically that make sense and one of the byproducts of which is that they will improve your rankings, that's fine.

If you're making programmatic decisions just to improve your rankings, and they're things you wouldn't otherwise do then that's not right. There are institutions out there, not just law schools, that do that.

### What do you think is attracting students to Boyd?

Well, I think the fact that it's new and that it is upwardly mobile. That we've made a lot of progress in a short period of time and I think it's a school that has a bit of excitement and energy to it. It's not old and stodgy; it's new and energetic.

I think we have some programs here that are quite strong. We have the Thomas and Mack Legal Clinic, which is a part of our curriculum; we have the Saltman Center for Dispute Resolution, which is an important and well-known program. We have our Lawyering Process program, which is our legal research and writing and professionalism class.

These programs have all achieved a fair amount

of national recognition. We also have a really strong faculty, particularly for a start-up law school. I think that's very widely known too.

The other one is Las Vegas. It's an exciting place. I think the fact that there's a good job market here and it's an exciting place I think contributes.

### How have you been able to attract a top-notch faculty?

At the beginning I think it was the opportunity to build a better law school. Once we got a critical mass of good faculty it was, "Look at the great people we have here. Look at the momentum we have, look at the energy. Don't you want to get on board?"

### Has faculty turnover been a concern?

We've lost a few faculty (members), not a huge number. As sad as I was about the loss of people of that quality, we've been replacing them with people of similar quality. That's the mark that we've become an institution.

### What areas has the school struggled with?

The bar exam has been one of them. The Nevada Bar examination is very rigorous and has historically had a low pass rate. Our pass rate has

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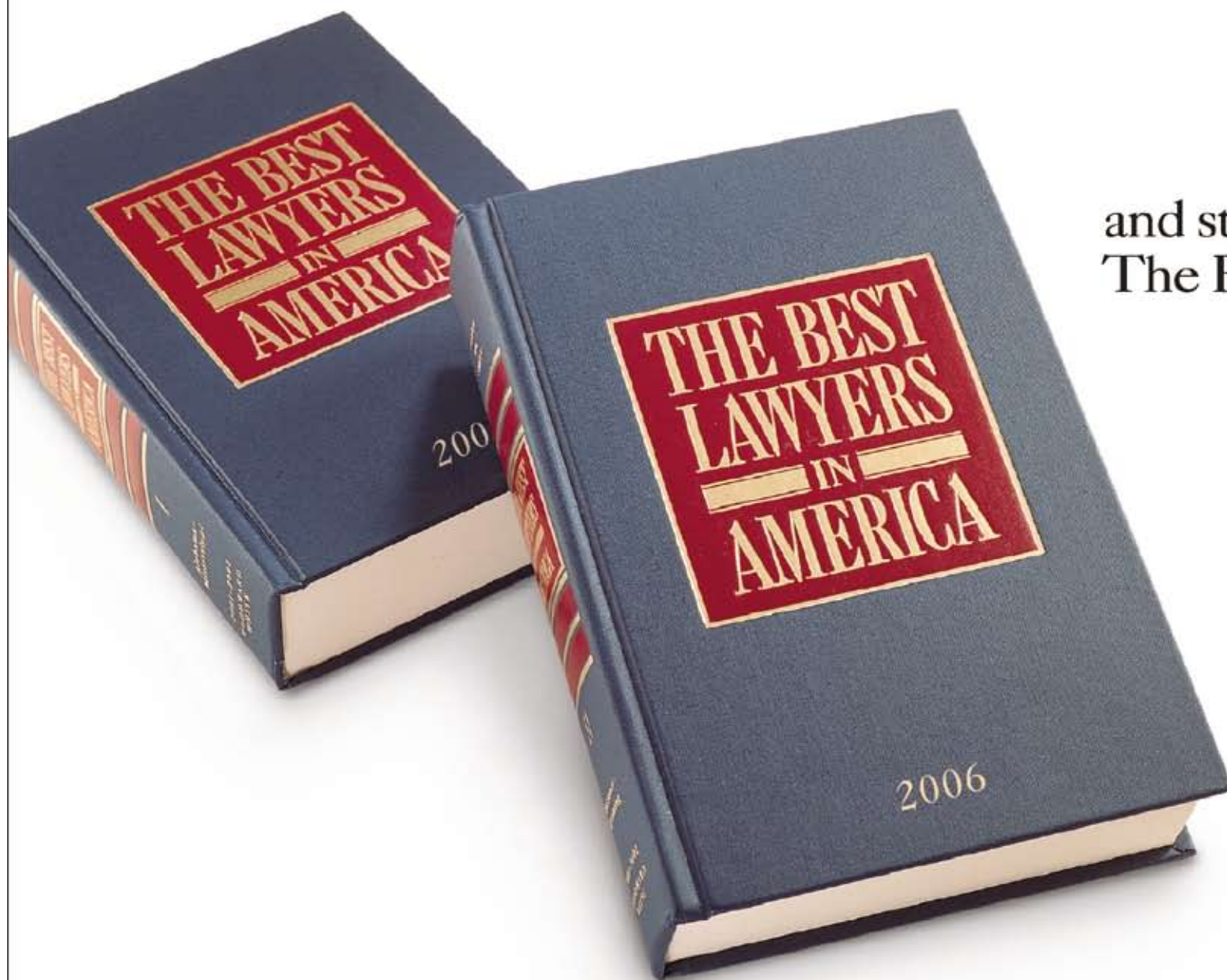
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always been quite respectable in comparative terms, if you compare us to the overall Nevada pass rate.

We've never had any trouble with the (American Bar Association) accreditors over our bar pass rate. But, our bar pass rate has always been about 65 percent, which to me is too low. To educate students for three years and take their money, we want to get 80 or 85 percent of them passing the bar.

We've been putting more effort into the bar exam and it's starting to pay off. This last bar examination administration we had an 80 percent pass rate for our first time takers, the highest we've ever been. The Nevada Bar pass rate is usually in the 60's.

### What about the area of job placement?

It's been OK. We had some turnover in our placement office for a while. We had a period where we had a number of different placement directors.

We hired another permanent person. Our placement figures are in the 80 percent plus figure. I think we're going to do better in the future.

### Do you think the school will develop a specialty?

That's a possibility for the future. We had some conversations a couple years ago about whether we wanted to develop any area of specialty and concluded at that point that we didn't. But, we also concluded that it was something the faculty would want to look at again in the future.

We have some gaming classes here and some strength in that area and it's a natural area for us. I can imagine the school developing a gaming law program at some point and time.

I think the time may come when the school will want to offer an advanced degree program,

a certificate program in some area. It might be gaming law.

### How has the community supported the law school?

Oh excellently. It's been a great place to build a law school and a great place to live. When I say the community support, that includes the people at the university, like Carol Harter and the central administrators at the university have been greatly supportive, the board of regents, the legislature, the governor, the courts, the legal profession and individual lawyers, law firms have been great, the judges.

But, it also includes the business and philanthropic community. We've gotten a lot of money out of businesses and philanthropic individuals and foundations. They've supported us because they were excited about seeing a good law school built in Nevada.

### What is the timeline for construction of the Thomas & Mack Moot Court?

It should be finished by March 1 at this point.

### Are the Thomas and Mack families paying for it?

They're paying for most of it, not all of it. It's going to be about \$4.1 million and the Thomas and Mack families are putting up \$3.3 million and we're funding the rest out of other sources. We're raising funds privately.

### You're retiring at the end of this school year. How do you hope to be remembered?

I hope people will remember me as a reasonable human being, which is what I aspire to be. I hope they think that I provided good leadership

for the school. I don't want to be remembered as the person who single-handedly built the Boyd School of Law.

But, I guess I would like to be remembered as the person who played a role in building the Boyd School of Law and an important role by providing leadership for the effort. I think that would be good enough.

### What do you expect to do during retirement?

Mostly retirement. I'm going to try to see whether I can enjoy myself doing recreational and family things. I will probably do some part-time private sector work.

I'm on some compliance committees for gaming companies and these committees that help review transactions for gaming companies and it's nice work, it's interesting work and interesting people. I might take a consulting job or two. I've had a couple of inquiries from people that I respect about doing some consulting for them.

But, I don't want to book myself up with so much stuff that I'm working six days a week again. I figure it was my time to try it and if I go crazy I'll come back to work.

### Do you have any plans to get into politics?

It's not in my immediate plans. The thought of politics has crossed my mind, but it's not something I'm going to do immediately. I don't know if I'll do it at all.

### Do you plan to stay in Las Vegas?

We're planning to continue to live in Las Vegas and keep our house in Brian Head. I don't know, you never know what the future brings in terms of other opportunities. I'm not looking to leave, we like it here.

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The firm would also like to congratulate its newest admittees  
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# Lawyers work to keep their clients informed of current and proposed laws

By Alana Roberts  
Special Publications Writer

**T**here are many things clients expect and rely on their lawyers to do for them. One of those things is to keep them abreast of the impact current and proposed laws will have on them.

Clients benefit from that kind of guidance, said Bob Anderson, a

member of Hale Lane's Business Ventures Group.

"We get and monitor on a daily

## KNOWLEDGE

basis everything (legislative) that is happening at the state and federal level through various aggregators of information that are of interest to both

us and our clients," he said.

Anderson's practice area includes corporate structures, mergers, acquisitions, venture capital law and all aspects of federal

income tax law. He is a certified public accountant and in addition to his law degree he has a master of law degree in taxation.

He represents businesses of varying sizes as well as venture capitalists looking to invest in businesses. A variety of laws impact those businesses.

"What we specialize in is the representation of commercial organizations in their formation, operation and ultimately their sale," Anderson said. "We represent them in every aspect from birth to death, so to speak. Sometimes we represent investor groups, sometimes we're representing companies that are seeking money from investor groups."

He said the Business Ventures Group has become increasingly busy and with that comes the responsibility to watch carefully for legislative changes.

"I would say right now business is very good," he said. "Like everybody, after the dot-com crash things slowed down a little bit. Over the last 18 months we've seen a significant acceleration in the volume of work. The deals are bigger, the transactions more complex."

Anderson said he expects Nevada's legislators to continue devising laws that will positively impact businesses. He said it's important for legislators to keep them in mind to ensure that Nevada remains an attractive place for them.

"I think there's going to be a continued focus on trying to make the state of

Nevada more business-friendly and tax-friendly to companies and corporations," Anderson said. "As businesses come into the state of Nevada if we can attract them here they employ the citizens of the state of Nevada and they gradually increase the average base wage. To attract high income based employers to Nevada we continue to focus on laws that will make it friendly for them to be here."



Bob Anderson is a member of Hale Lane's Business Ventures Group.



Simon Johnson is a member of Hale Lane's Business Ventures Group.

Simon Johnson, another lawyer in the firm's Business Ventures Group, said when high paying employers like technology firms come to Nevada,

the economy benefits.

"When they arrive they tend to attract others," Johnson said. "You can see that in Silicon Valley. We're trying to generate that kind of thing."

Johnson's practice area is focused on tax planning and tax issues related to forming business entities as well as bankruptcy-related issues.

One law that is of interest to clients of Anderson and Johnson is a proposal before Congress that would encourage venture capitalists to invest in businesses. The Access to Capital for Entrepreneurs Act of 2006 would change the Internal Revenue Service code so that investors can receive tax credits based on the amount they invest. The law is currently sitting in committees in both houses of Congress.

Anderson and Johnson, sent out a memo to their clients summarizing that proposed legislation. Both say the legislation has a good chance of passing. If approved before the end of the year it will go into effect in January and will expire in 2011 if it isn't extended.

"There's very broad support for this across the Democratic and Republican sides as well as geographically," Anderson said. "It's very likely it will be passed in the post-election session of Congress."

He said getting the word out about this law to potential investors will benefit small businesses looking for a financial boost.

"I would say this new law is going to have a significant impact on start-up companies," Anderson said. "We are very much trying to influence start-up companies to be germinated in Nevada. To the extent that we can get the word out on this new legislation, a person who typically won't invest in a start-up may do so because of the additional tax credits they receive. The number one thing a start-up needs is money. It gets it from investors. This legislation is going to attract new potential investors to start-up companies."

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## Local success stories from the Boyd School of Law

**G**aining respect from the legal community isn't easy. But the University of Nevada, Las Vegas' William S. Boyd School of Law is starting to do just that. With its charter class in 1998, the school later gained American Bar accreditation in 2000; and is now seeing its first graduating classes establish themselves locally and elsewhere.

Through the years, Boyd has admitted students from more than 60 different undergraduate institutions and now sees more than 2,000 annual applications, while graduating more than 100 students each year. The school has created the Saltman Center, which is committed to the study of conflict resolution and has hosted premier lecturers on the subject; and a legal clinic, which allows students to work in the federal and state courts. In addition, students are exposed to clerkships and other externship opportunities in the growing local legal community.

In this section, *In Business* found several Boyd graduates who took advantage of those local opportunities to start their careers.

— Brian Sodoma

## WINNING STRATEGIES: ANGELA MORRISON

Attorney, U.S. Equal Employment Opportunity Commission



"I think everyone would agree that we all deserve the chance to make our living without discrimination in our workplace."

**A**ngela Morrison can be seen as a bit of an idealist and law purist. Beyond enjoying research and writing, Morrison says "effect(ing) social justice" is the reason she chose employment law.

"I think everyone would agree that we all deserve the chance to make our living without discrimination in our workplace," she added.

Morrison, a 2005 Boyd Law School graduate, passed the bar in the summer of 2005 and has been employed by the EEOC ever since. She currently works out of the agency's Los Angeles office while the Las Vegas operation is being updated for a full-time staff.

Morrison, who is currently working on six cases, four of which are in Las Vegas, represents an expanded presence for the EEOC in Las Vegas. The group has handled cases in the area for years, but is now placing more of an emphasis on Southern Nevada, where Morrison will be stationed full-time come February. Since starting with the EEOC, she has handled employment discrimination cases, almost exclusively.

Employment law is one of many areas of the Las Vegas legal community that needs more attorneys, and Morrison found herself in a position to quickly transition from school to the work she loves.

"It's an exciting place to be," Morrison, 33, said of Las Vegas. "There are a lot of opportunities for young professionals. ... There are only 14 to 16 full time legal services attorneys in the area and we need more."

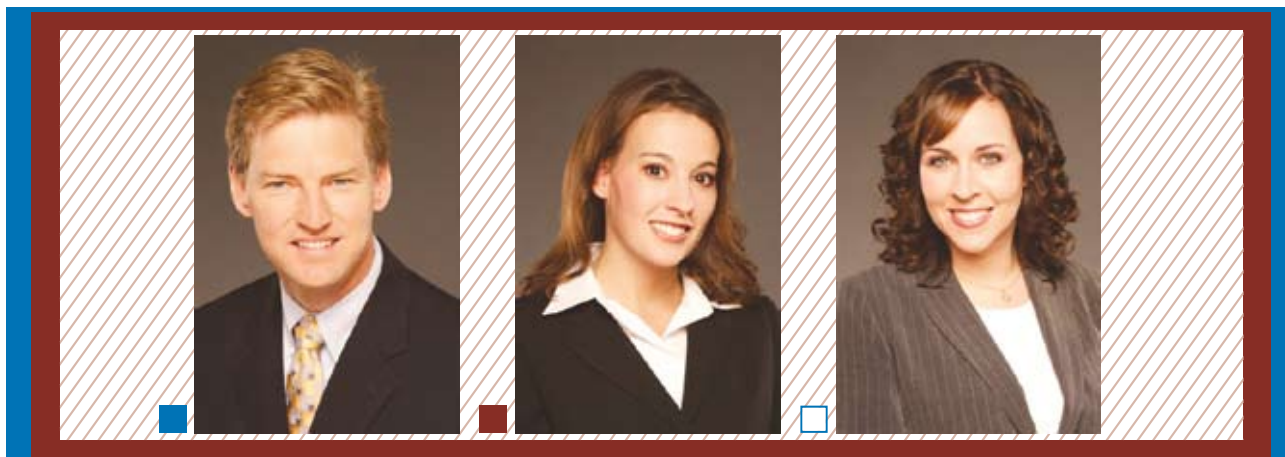
While she knew she wanted to go into employment law before going to Boyd, taking an employment law class in school only cemented the idea.

"That (class) even made me like it more," she added.

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■ **Mr. Brooks** practices in the areas of Commercial Litigation, Creditor Representation, Title Litigation Foreclosure Trustee Representation, and Real Estate Litigation/Transactions.

■ **Ms. Krpata** practices in the areas of Commercial Litigation, Real Estate Litigation, and Creditor Representation.

□ **Ms. Poynter-Willis** has joined the firm's Family Law Practice Group.

The shareholders, partners and staff of Jolley Urga Wirth Woodbury & Standish welcome Mr. Brooks, Ms. Krpata and Ms. Poynter-Willis to the family and look forward to the talent and dedication they will bring to the firm.

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## WINNING STRATEGIES: CHRIS ORME

Associate Attorney,  
Hutchison & Steffen

Chris Orme demands balance in his life.

So there was no coincidence that when he interned at the law firm of Hutchison & Steffen, a local group with 25 attorneys, and talks of him coming on-board full-time after he passed the bar exam heated up, Orme discussed needs beyond his career.

"I felt like I related to them (the partners) and got along with them really well," said Orme, 29, who recently passed the bar exam after graduating from Boyd Law School in May. "I have a family and even though we work hard, they have families too. It's important for me to be able to work hard and be there for my family too."

The dedicated father is easing into his career and says the firm is doing a good job of slowly exposing him to more experiences. Currently, at a firm that focuses on corporate law, his primary job is that of researcher. "Now that I passed the bar, slowly I'm getting more and more contact with clients and going to court more often," he added.

Orme, who had been accepted to other schools before deciding on Boyd, said he was immediately impressed by the school's facility, and felt comfortable with his decision the moment he visited the campus.

Orme wants to make corporate law his life-long specialty and would consider being in-house counsel for a corporation some day. But for now, he says he's in the perfect place to learn the ropes.

"I love where I'm at now, but maybe later in life, I'd do that (in-house counsel)."



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# BEST LAWYERS®

## 2007

### How the selections were made ...

**T**his list is excerpted from the 2007 edition of The Best Lawyers in America, the pre-eminent referral guide to the legal profession in the United States. Published since 1983, Best Lawyers lists attorneys in 80 specialties, representing all 50 states, who have been chosen through an exhaustive survey in which thousands of the nation's top lawyers confidentially evaluate their professional peers. The 2007 edition of Best Lawyers, which was published in September, was based on more than 1.8 million evaluations of lawyers by other lawyers.

The method used to compile Best Lawyers remains unchanged since the first edition was compiled more than 20 years ago. Lawyers are chosen for inclusion based solely on a vote of their peers. Listings cannot be bought, and no purchase is required to be included. In this regard, Best Lawyers remains the gold standard of reliability and integrity in lawyer ratings.

The nomination pool for the 2007 edition consisted of all lawyers whose names appeared in the previous edition of Best Lawyers, lawyers who were nominated since the previous survey, and new nominees solicited from listed attorneys. In general, lawyers were asked to vote only on nominees in their own specialty in their own jurisdiction. Lawyers in closely related specialties were asked to vote across specialties, as were lawyers in smaller jurisdictions. Where specialties are national or international in nature, lawyers were asked to vote nationally as well as locally. Voting lawyers were also given an opportunity to offer more detailed comments on nominees. Each year, half of the voting pool receives fax or e-mail ballots; the other half is polled by phone.

Voting lawyers were provided this general guideline for determining if a nominee should be listed among "the best": "If you had a close friend or relative who needed a real estate lawyer (for example), and you could not handle the case yourself, to whom would you refer them?" All votes and comments were solicited with a guarantee of confidentiality – a critical factor in the viability and validity of Best Lawyers' surveys. To ensure the rigor of the selection process, lawyers were urged to use only their highest standards when voting, and to evaluate each nominee based only on his or her individual merits. The additional comments were used to make more accurate comparisons between voting patterns and weigh votes accordingly. Best Lawyers uses various methodological tools to identify and correct for anomalies in both the nomination and voting process.

Ultimately, of course, a lawyer's inclusion is based on the subjective judgments of his or her fellow attorneys. While it is true that the lists may at times disproportionately reward visibility or popularity, the breadth of the survey, the candor of the respondents, and the sophistication of the polling methodology largely correct for any biases.

For all these reasons, Best Lawyers lists continue to represent the most reliable, accurate and useful guide to the best lawyers in the United States available anywhere.

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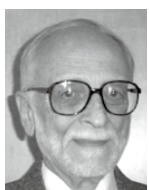
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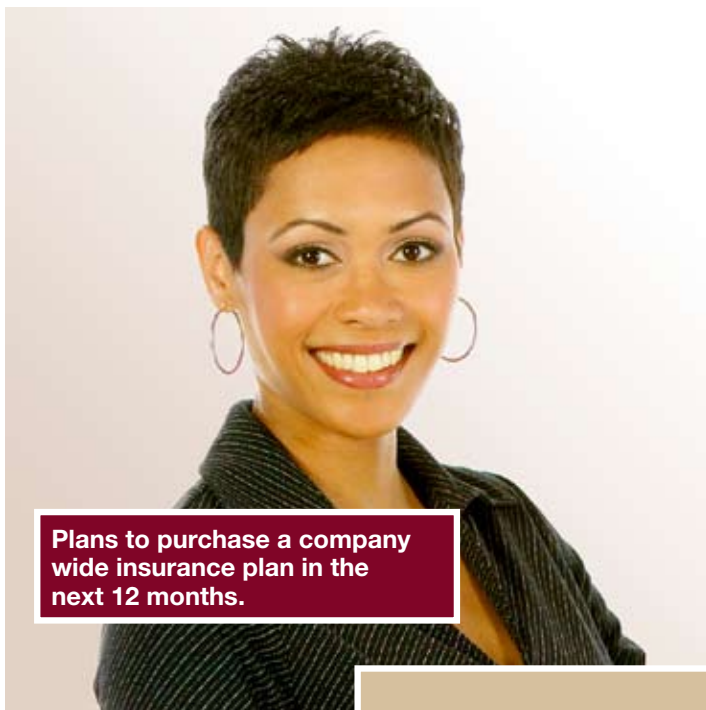
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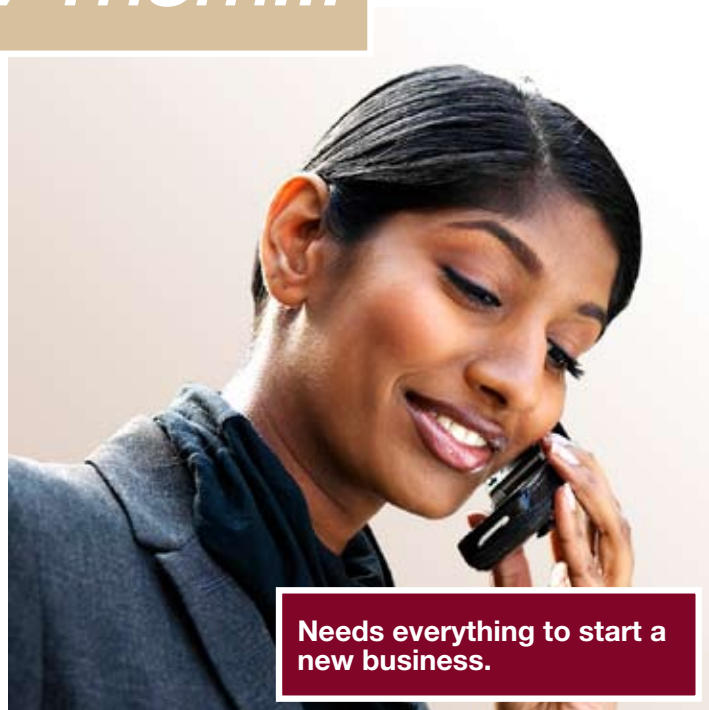


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WINNING STRATEGIES: JEREMY AGUERO Principal Analyst, Applied Analysis

Jeremy Aguero makes his living telling people if a business deal will pencil out or not. And there's no shortage of people asking him to crunch numbers for them.

"At the end of the day, we're a research resource for business and government in the southwestern United States," Aguero, 32, said of his company, Applied Analysis, a local economic research firm.

The 2004 Boyd Law School grad takes the title of principal analyst for Applied Analysis, which he started in 1997 and grew to serve more than 100 clients today. Aguero is frequently summoned by

public and private sector entities to analyze taxation issues and, financial transactions on business and real estate deals before they go forward. His opinions have been sought by the City of Las Vegas, Clark County Aviation, MGM Mirage, Boyd Gaming, to name just a few. And even though he's not practicing law, he says having a law degree was one of the best professional moves he's made.

"Having a legal education is phenomenal. I'm a better writer, a better thinker. I'm a better analyst, not to mention I was able to develop phenomenal relationships with not only professors, but people in

the business community," Aguero said of his experience at Boyd Law School. "It was one of the best experiences I had. I never for one moment regretted the time I spent there."

Focusing on taxation and transaction law in his Boyd studies, Aguero plans to take the bar in 2007, and stays open to the idea of private practice in the future, but with a full plate of business now, is not ready to commit to it.

"At this point in time I don't have a big desire to make that leap. (But) It's certainly not something I'm writing off," he added.

"Having a legal education is phenomenal. I'm a better writer, a better thinker."

WINNING STRATEGIES: LOUIS SCHNEIDER Partner, Nevada Law Group Inc.



A recent law school graduate should probably not have the title "partner" next to his name any time soon. But when it comes to Louis Schneider, he'll gladly argue otherwise.

Schneider, a 2005 Boyd Law School graduate, is ambitious to say the least and has gladly taken the title of partner with the Nevada Law Group Inc., a new Green Valley firm, where he practices with fellow attorney, John Cereso.

"He (Cereso) likes to do more of the in-house business stuff, and I like to be in court," Schneider said of his partner.

Schneider is the former principal of Lake Tahoe-based, Preferred Capital Corp., a commercial leasing and finance company that "blew up courtesy of the dot-com debacle," he said. The criminal and family law attorney went to law school with the \$100,000 severance package he received from the buy-out of his troubled company.

Schneider, 45, chose family law because it was something he could relate to personally. "I have a son that's lived with me full-time for years, but his mother has custody, and I lived in fear every day," he said.

Schneider had an internship at the District attorney's office while in law school, then decided to go out on his own. Eventually, he says he'd like to make his way back to Northern Nevada.

"I do miss it up there. I'd like to open a satellite office up there," he added.

But locally, as a business owner and attorney, Schneider remains committed to helping Boyd Law School students. He has hired three Boyd students for his firm, and asserts he will continue to draw his employees from the school. "They (the school)'ve been really good to me and I want to give back to them as much as I can," he added.



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# NAR changes controversial MLS policy

## Legal counsel for Realtors group believes decision is significant to market

By Glenn Roberts Jr.  
Inman News Service

Responding to antitrust actions and investigations by the U.S. Justice Department and Federal Trade Commission over multiple listing service restrictions for a category of property listings, directors for the National Association of Realtors recently approved policy changes that allow individual MLS participants to decide whether to implement restrictions on

the Internet display of property listings.

Laurie Janik, general counsel for the Realtors group, has said that the change is legally significant in that individuals are making decisions rather than MLSs, which represent a group of real estate industry participants. The issue is unrelated to the Justice Department's antitrust lawsuit filed last year against the association over other policies for online property list-

ings display.

Under the policy change approved at the group's annual real estate conference, MLS participants may select listings they choose to forward for display — or not forward — to Web sites that are part of a broker-supported cooperative property listing system based on "objective criteria."

This criteria, according to the approved policy, can be based on factors such as geography, or location, list price, property type, cooperative compensation offered by listing brokers, type of listing (such as properties under "exclusive right to sell" or "exclusive agency" listing contracts), or "the level of service provided by the listing firm," according to language in the approved policy.

The FTC and Justice Department had engaged in 15 investigations over MLS policies that block exclusive agency property listings from public display on the Realtor.com and some other public-facing property-search sites, such as those MLS participants' sites that are part of the broker-sharing system known as Internet Data Exchange or IDX. Exclusive agency listings are contracts in which sellers are not obligated to pay the listing broker in a real estate transaction if

the seller finds a buyer for the property without any assistance from the listing broker.

The FTC has announced a series of consent agreements with MLSs that settle some of the investigations over the exclusive agency restrictions, and also has announced complaints against two MLSs in Michigan that refused to change their policies. The FTC has also said that other investigations are ongoing.

"Selection of listings to be displayed on an IDX site must be independently made by each participant," according to the policy adopted by the Realtor group's directors. The policy adopted by the directors also states that MLSs must, if requested by a participant, "provide basic downloading of all current listings and may not exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which a participant has withheld consent."

Janik had said in earlier meetings at the Realtors conference that there is no guarantee that the federal agencies will not take action against the revised policy, though she said that there were greater risks in leaving the policy intact.



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