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LEGAL AID CENTER
■ ■ ■ ■ of Southern Nevada

August 28, 2017

VIA REGULAR AND ELECTRONIC MAIL

Commission to Study the Administration of Guardianships
c/o Clerk of the Nevada Supreme Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701

ADKT 0507

FILED

AUG 30 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

Re: Letter of Interest re Permanent Guardianship Commission

Dear Justice Hardesty and Commission Members:

I am writing to express my interest in serving on the permanent Guardianship Commission and my eagerness to help address the various issues of concern to those individuals facing or under guardianship. I applaud and admire the Guardianship Commission's past efforts and recent legislative success and would very much like to be involved in the next phase of the Commission's work.

In my position as directing attorney of Legal Aid Center of Southern Nevada's Guardianship Advocacy Project, my legal practice focuses exclusively on guardianship and the protection of seniors and disabled individuals who find themselves involved in the guardianship process. As such, I see the terrific strides that have been made thanks to the Commission's efforts, and I also see those areas awaiting the Commission's attention. I am especially excited about the prospect of the Commission's development of new procedural rules to govern, instruct, and standardize the practice in guardianship cases. Ultimately, I am confident the Commission's efforts will serve to provide safeguards for those people facing or under guardianship, and, so, the Commission's work supports and enables the mission of Legal Aid Center of Southern Nevada and my work there.

As you will see from the enclosed resume, in addition to my current work in guardianship, I have over twenty years of legal experience, both in private practice and public interest. Before joining Legal Aid Center of Southern Nevada, I was a partner at a regional law firm, Lewis and Roca, where I practiced primarily in the areas of complex business and commercial litigation. I left that firm to join Legal Aid Center in 2009 and to open the Civil Law Self-Help Center at the Regional Justice Center in Las Vegas, which I ran for the next six years until I became Legal Aid Center's Director of Development in 2015. After leaving for a brief period, I returned to Legal Aid Center in March of this year to be part of its important work in guardianship, knowing that I could protect and give voice to those most vulnerable and be part of the groundbreaking guardianship reforms being championed in Nevada.

I believe my legal experience in both the private and public arenas can be put to good use on the Guardianship Commission, and I sincerely hope you will consider me for appointment and allow me to assist the Commission's ongoing efforts. Please feel free to contact me should you require any additional information.

Best regards,

**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**



Jim Berchtold, Esq.

Guardianship Advocacy Project

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(702) 386-1451

Enclosure

JIM BERCHTOLD
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PROFESSIONAL EXPERIENCE

LEGAL AID CENTER OF SOUTHERN NEVADA, Las Vegas, Nevada

Directing Attorney – Guardianship Advocacy Project, March 2017 to Present

- Provide direct legal representation to seniors and individuals with disabilities who find themselves involved in guardianship proceedings in order to protect their legal rights and preserve their dignity and self-determination; advocate for their wishes and communicate those wishes to the court; contest the guardianship or seek modification when appropriate; identify and stop abuse, overreach, and financial exploitation by guardians; and recover property and assets improperly taken by guardians or other parties.
- Provide training and oversight to the Guardianship Advocacy Project team of attorneys and staff.
- Work with community partners on various projects and initiatives, conduct outreach and training, and participate in the legislative process – all to further the goals of the Guardianship Advocacy Project and provide a voice for individuals facing or under guardianship.

Director of Development and Community Relations, July 2015 to March 2016

- As a member of the executive team, managed Nevada's largest legal aid organization and Las Vegas' fourth largest private law firm (39 attorneys, 47 staff), providing free legal services to over 120,000 people annually across all programs.
- Implemented and oversaw the firm's fundraising initiatives and strategies; prepared grant applications and reports to support an annual firm budget of over \$8 million.
- Organized numerous community outreach programs, including a legal education program providing free classes to over 4,500 attendees per year; developed the firm's communications and branding strategies; managed media relations; and maintained the website at www.LACSN.org.

Directing Attorney – Civil Law Self-Help Center, July 2009 to July 2015

- Opened and operated the Civil Law Self-Help Center, an innovative, free, court-based resource center that acts as a legal emergency-room, providing legal information, forms, and guidance to over 55,000 pro se civil litigants every year.
- Worked closely and productively with partners and stakeholders, including judges, legislators, court administrators, and community service providers, on proposed legislation, court rules and procedures, and numerous other issues impacting pro se litigants and low-income Nevadans.
- Created hundreds of civil legal forms, instructions, and user guides available at the center and on its website; spearheaded technology initiatives involving on-line forms, automated interviews, and instructional videos.
- Wrote and maintained the center's website at www.CivilLawSelfHelpCenter.org, an on-line civil procedure, legal how-to manual visited by over 45,000 users per month.
- Presented continuing legal education courses to volunteer pro bono attorneys on topics such as Nevada landlord-tenant law, small claims court, and judgment execution.
- Hired, trained, and supervised a staff of paralegals; developed procedures and protocols for the provision of legal information and instruction to center customers.

OGLETREE DEAKINS NASH SMOAK & STEWART, Las Vegas, Nevada

Of-Counsel, March 2016 to March 2017

- As part of the litigation team at a national, AmLaw 100, labor and employment firm, responsible for all aspects of the defense of a local timeshare developer in a mass federal court action brought by thirty-five former employees involving claims of discrimination based on disability, age, race, religion, and national origin; violations of the Family Medical Leave Act; and various state-law statutory wage and hour and common law claims.

LEWIS AND ROCA LLP, Las Vegas, Nevada

Partner, June 2003 to June 2009; Associate, May 1999 to June 2003

- Effectively litigated a wide variety of business, contract, and commercial issues in both state and federal courts, protecting client interests through negotiation, arbitration, motion practice, trial, and appeal.
- Developed litigation theories, analysis, and strategies and executed all aspects of complex civil case defense or prosecution.
- Cultivated, maintained, and expanded productive client relationship, frequently acting as client's de facto in-house counsel, conducting trainings for management and staff, advising on risk management and avoidance, and providing operational input and support.
- Supervised and mentored teams of associates and paralegals to ensure cases were prosecuted or defended with adherence to the highest standards of quality, efficiency, cost-effectiveness, professionalism, and ethical behavior.

KUMMER KAEMPFER BONNER & RENSHAW, Las Vegas, Nevada

Associate, August 1996 to May 1999; Summer Associate, June 1995 to August 1995

- Practiced primarily in federal court with focus on business and civil rights litigation.

UTAH LEGAL CLINIC, Office of Brian Barnard et al., Salt Lake City, Utah

Law Clerk, September 1994 to June 1995 and August 1995 to April 1996

- Drafted numerous briefs and motions dealing with Constitutional law and civil rights issues. Appeared before Utah Court of Appeals under third-year practice rule in case challenging State's issuance of offensive license plates, reported at 905 P.2d 317 (Utah Ct. App. 1995).

ADMISSIONS AND EDUCATION

STATE BAR OF NEVADA, admitted to practice 1996

UNIVERSITY OF UTAH COLLEGE OF LAW, Salt Lake City, Utah

- Juris Doctor degree 1996
- *Utah Law Review*, Board of Editors, Executive Editor, 1995-96; staff member, 1994-95; organized and edited *Utah law Review* symposium entitled "What Is a Family?," published at 1996 Utah L. Rev. 367-569
- William H. Leary Scholar

UNIVERSITY OF UTAH, Salt Lake City, Utah

- Bachelor of Arts degree in English with a minor in Philosophy, 1992, magna cum laude

PROFESSIONAL AND COMMUNITY ACTIVITIES

- State Bar of Nevada LGBT Section, Executive Committee Member at Large, 2015 to present
- State Bar of Nevada Construction Law Section, co-founder, Vice Chair, 2008
- Leadership Las Vegas, Las Vegas chamber of Commerce, Class of 2005
- State Bar of Nevada, Labor and Employment Section, co-founder and Chair, 2005
- State Bar of Nevada Publications Committee, Chair, 2004
- ALS Association of Nevada, Board of Directors, 2001-2004

REPRESENTATIVE PUBLICATIONS AND PRESENTATIONS

- *Basics of Nevada Landlord Tenant Law*, State Bar of Nevada, written materials and presentation, June 2013, 2011, 2010
- *Is Self-Help Needed in Federal Court?*, Federal Court Clerks Association, written materials and presentation, May 2012
- *Enforcement of Civil Judgments*, Nevada Court Clerks Conference, written materials and presentation, Sept. 2011
- Testimony before State of Nevada Assembly Committee on Judiciary (March 14, 2011) and Senate Committee on Judiciary (May 16, 2011) in support of Assembly Bill 223 (garnishment)
- Testimony before State of Nevada Assembly Committee on Judiciary (March 14, 2011) in support of Assembly Bill 226 (landlord-tenant)
- *The Civil law Center Turns One Year Old*, COMMUNIQUE, February 2011
- *Legal Issues in Employee Privacy*, ADVANCED ISSUED IN NEVADA EMPLOYMENT LAW, National Business Institute, written materials and presentation, Dec. 2005
- *Dual Directorship: The Peril of Serving Two Masters*, NEVADA LAWYER, July 2003
- *Seeking Attorneys Fees in Criminal Cases*, NEVADA LAWYER, March 2002 (co-author)
- *Assembly Bill 311: Avoiding Claims for Discrimination Based on Sexual Orientation*, NEVADA LAWYER, August 1999
- *Development, State v. Pena: A New Analytics Framework for Determining Standards of Appellate Review*, 1995 UTAH L. REV. 278