

115:1,4,10,18	224:25 234:12	highway 163:4	honorable 143:2	hurt 127:21
116:1,4,5 134:15	235:8,12 237:25	hindsight 41:1	Hooge 5:17	husband 23:21
137:11 172:16,17	238:11 239:4,20	94:17 174:13	68:14 79:21,24	34:4 129:9
175:15,17 190:24	240:16	hint 120:22	80:3 81:2,22	hypothetically
191:3,14 192:10,	hearing 6:20,24	hire 29:22 128:15	83:14 86:1 87:7	165:1,5 207:9
11 193:9 198:11	7:18 8:13 15:7	hired 21:1,13	88:6 89:21 90:2,	Electronically Filed
238:18	41:11 101:14	22:11 30:14	8,16 91:4 92:24	Jul 22 2021 09:43 a.m.
harmed 28:16	118:11,24 158:7	121:9 128:14	96:4,9 101:6	Elizabeth A. Brown
37:2 113:3	198:22 204:2	132:4 146:12	106:22 108:9,23	Clerk of Supreme Court
172:18 192:6	208:13 209:14,17	hiring 20:24,25	111:15 117:7	idea 28:22 74:9
200:8	211:6 213:11,25	35:2,18 234:4	118:17 125:25	154:20 172:10
harming 193:8	214:14,21 220:15	241:22	139:11 150:13	212:8 229:8
harsh 156:12	223:4 225:4	historically	151:16,22 153:10	231:11
181:22 189:22	235:10,24 236:9	213:23	155:7,10 179:23	identifiable
194:7,12 196:1	240:25 241:4,15	history 109:14	180:1 200:16,20	163:24
197:1 219:21,22	hearings 7:16	144:8 189:18	201:1,6,10,16,20	identification
harsher 229:6	213:10	190:5 203:14	202:25 203:10,12	203:22 204:18
haul 240:13	hears 10:18	hit 5:12 97:13,15	204:25 205:5,13,	identified 25:21
haunt 175:5,6	228:3	98:9,10,13	15 206:11	211:3
he'll 12:7 31:15	hearsay 76:7	100:23 119:19	207:22,24 208:3,	identify 57:19
36:1,3 38:9 39:18	237:12	hitting 100:23	5 212:17 216:21	ill 23:20 34:4
138:19 139:17	heart 25:18	hold 46:3 159:21	227:2 234:12,15,	120:25 123:3
149:14 233:5	117:22 192:23	166:16 220:11	22 237:5 238:12	image 101:24
head 66:4,11	heartburn 88:25	holding 8:13	239:8 241:11	imagine 121:15
71:6 145:10,23	held 28:9 163:19	125:4	242:25	immediately
158:19 174:2	227:23	holiday 98:13	Hooge's 234:20	12:10 101:4,10
191:13 242:17	hell 176:7	124:19 130:10	hope 105:5	126:7
heading 153:12	helped 149:23	holiday's 100:25	113:10 117:24	impeach 169:11
hear 11:7,12 19:9	helping 130:17	holidays 24:2	130:22,24 137:16	impeaching
40:8 62:23 81:5	helps 70:17	25:8	hoping 200:24	169:13
92:18 100:6	238:21	home 81:16	237:2	important 14:2
108:15 143:9	hey 37:14 162:23	123:4 130:24	horns 121:7	16:12 120:15
164:3 165:18	164:2 165:3	131:4 191:9	hotel 143:22	121:18 156:8,13,
187:16 209:20,22	183:11 187:7,24	homeless	hour 122:25	15 161:5 163:10
217:11 219:11	188:6,10,14	127:11	123:3	164:13 182:2
225:2 227:14	190:11,22 191:14	honest 87:13	house 191:20	199:2 209:20
230:22 232:11	192:21 197:4	88:22 129:7	housekeeping	224:9 229:16,18
233:17 234:11,20	198:17 200:3	146:9 172:11	9:13 14:14 16:6	239:18
235:22 236:11,	223:25	193:17 221:15	203:11	importantly 30:8
17,19,22 237:5	hiatus 29:19	227:12	Hubble 110:15	112:5
heard 78:6 83:9	hid 126:16	honestly 66:10	human 126:3	impose 209:10
84:11 97:6	hiding 171:25	233:17	199:21 230:20	215:20 228:6
121:21 125:7	higher 168:6	honesty 89:6	humanity 111:1	imposed 116:23
133:5 141:1	highest 231:20	128:6	hundred 87:25	181:20 211:14
157:19 158:7	highlighted	honor 121:20	92:20 104:15	221:5 223:14
168:23 170:11	57:14	hurries 159:25	200:6	229:2 231:6,12,
182:6 208:22				14
211:23 214:4,5				
216:7,23 217:18				
218:3 221:10				

imposing 211:5, 12 216:11 220:4 222:25 225:18	independently 117:25 118:1	inquiring 37:14 93:18	interactions 145:15	investigations 44:2,5
impressive 147:6	index 14:17,20, 21 15:2,5 204:1, 10	inquiry 52:18 60:8 67:17 93:18	interacts 31:15	investigator 43:12,18 163:14 172:6
improper 11:11 70:15 73:20	indicating 51:16 77:16	inside 35:6	interchangeably 184:8	Investigators 43:25
improperly 157:14 166:13 202:10,17	indifferent 237:19,21	inspected 61:17	interest 83:22 197:25	invited 106:6 111:2
improprieties 74:25	indulgence 62:18 235:12	inspecting 62:14	interesting 184:16 191:23	invoice 18:14 60:1,3,7,18,24 105:13 162:9,11
impropriety 207:2	inference 170:5 217:17	instances 233:11	Interestingly 114:24	invoices 73:15 162:5,8
impugn 194:14	inferences 167:1	instant 144:11	internet 83:17	invoke 9:15
in-person 6:25	information 10:16,20 38:1 39:11 44:20 47:20 83:9 87:3 103:10 120:7 171:18 233:6	instill 220:7	interpret 166:3	invoking 221:6
inappropriately 160:3	informed 88:2	instruct 135:2 199:24	interpretation 212:12	involve 110:24 202:18
incident 182:17	initial 61:6 64:15 103:1 137:25 172:1 180:20	instructed 134:25 135:6	interpreted 9:25	involved 12:11, 18 19:11 37:5 46:5 183:17 205:25
inclination 31:24 240:15	initially 69:12 99:21 102:17,25 132:4	instructing 73:19	interpreting 221:2	involved 12:11, 18 19:11 37:5 46:5 183:17 205:25
include 14:15 44:11 81:12 124:24 125:1,2 135:20	initiated 83:12 102:21	instructions 65:9 119:20 135:5,14	interrupt 81:15 117:5 152:6 238:7	intervenors 146:1
included 57:8 153:22 231:10	initiating 85:6	insufficient 87:21 158:12,13 200:5 232:16	intervened 100:25	involvement 12:16 36:20 84:9 134:6,11
includes 10:11, 12 50:18	injury 151:8,25 155:22 157:8 190:17 201:15, 19,25 202:1,2,3, 4,5,6,7,11,23 203:1 205:12 215:3,4,10,11,19, 23 216:5,21 217:6 225:9,11 228:2	integrity 194:15	intervenors 146:1	involves 19:17
including 98:17 101:11 113:21 163:21,22 229:3	input 31:4 84:5 151:5	intend 108:21	interview 127:22 136:21	involving 217:10 223:8 229:9 230:15,18
incomplete 222:2,18	intended 62:8 220:4	intend 108:21	interviewed 132:4	IOLTA 46:21 47:1,16 49:23 50:19,24 51:1 52:11,19 54:14 55:23 56:7,13 58:16 59:3 61:8, 10 62:12 65:24 83:19,23 97:16, 18 98:5 99:23,24 100:2,16 157:14 162:17,18
inconsistent 229:25	intends 220:16	intend 108:21	interviews 29:21	introduces 5:5 52:11,19 54:14 55:23 56:7,13 58:16 59:3 61:8, 10 62:12 65:24 83:19,23 97:16, 18 98:5 99:23,24 100:2,16 157:14 162:17,18
incorporated 152:21 153:2 154:6,12	intent 137:11 153:19,24 156:17,24 157:4, 6,21,22 167:10, 16,17 180:8,12, 20,22,24 183:1, 16 184:4	intend 108:21	introduce 5:5	introduce 5:5
incorporates 152:19 153:17	intentional 168:5 184:7,10	intend 108:21	inured 104:24	invested 126:5
incorporation 154:20	intentionally 157:1 180:5,6	intend 108:21	invested 126:5	investigate 53:10 66:20
independent 199:5	inquire 59:19 106:9	interaction 37:11	investigate 53:10 66:20	investigated 106:3
	inquiries 21:4 37:23 38:17		investigating 44:24	investigation 44:18 45:19 46:15 48:5 67:23 75:17,21
				irregularities 131:12 218:24
				irregularity 219:12
				irrelevant 24:20

irresponsible 135:19	Jay 18:11,14 25:2 59:12,22 60:9 63:5,14 73:8 74:24 77:6 96:20 97:5 102:16 142:3,10,11,12, 14 150:20 162:22 168:24 191:2 207:4,10	170:14,17 171:1, 23 172:11 173:20 174:3,14 176:1,7 178:18 182:7 184:17 186:6,20 187:25 188:20 189:16 192:19 193:3,6,17 198:19 199:20 203:15 209:21 210:3 217:14 218:6 221:9,11 222:5 225:8,23, 24 226:10 230:21 232:3,11,19 233:8,17,23 234:10 235:23 236:4 237:19 238:1,2,15 239:5 242:10,15	52:25 188:10	keen 112:1
irritating 126:11 135:10 137:13	Jim 89:5 94:20 98:13 104:7,10 133:5 178:18,19	Jimmerson's 12:14 16:16,23 18:23 26:24 36:15 46:21 47:1, 4,7,11,16 49:11 51:5,11 53:18,23 55:15 58:16,20 59:9 60:18 61:3, 18,22 62:15 65:20,25 114:19 170:12 171:14 174:20,24 179:12 193:14 209:8,15, 22 210:22 220:20 226:6 228:18 230:9 236:11 239:13	judge 10:3 14:5 20:6 22:5 35:16, 22,24 36:7,13 39:18 40:23 111:2 137:24 142:20 146:17 217:18 237:14,20 238:11 239:14 240:11 241:6	Kennedy 5:20, 21,24,25 6:5,17 7:7,9,12,23 8:1,9, 12,23 9:2,7,19,23 10:23 11:1,21,23 12:5 13:2,5 14:5, 8,12,25 15:8,9 19:2,4 41:6,9,12 62:21,22,23 63:2 76:6,9,14,16,21 77:2 78:23,25 79:6,9,12 89:19, 24 90:1,5,24 108:13,25 109:6, 10 112:3 117:14 118:2,8,13,21 119:7 138:2,8,15, 18 139:8,14,17 140:1 150:10,20, 22 151:11 152:5, 8,9 154:8,9 155:6 168:18,19 177:1, 4 178:22 179:21 182:8 208:9 226:4 235:25 237:24
island 110:22,23 111:6 181:17	Jimmerson 5:3, 21 9:22 10:11,24 17:5,11,17 18:1, 6,9,12,17,20 20:1,23 21:6,20 22:3,9,14 23:9 24:5,21 25:4,5,12 26:12 27:19 28:22,24 29:17 30:5,11,21 31:6, 11 32:24,25 33:6, 14 34:6,14 36:2, 12 37:13,16,18 38:2,6,16 39:2 40:14,22 41:20 42:16 48:6 49:22 51:15 53:1 54:1, 23 56:18,19,25 58:24 59:3,19,21 60:1,7,12,21 61:5,8 62:3,7 63:18,22 64:1 65:8 66:13 67:2, 10,16 68:5,21,24 70:14 71:8 72:14 73:12,19 79:5,17 80:4,13,16 89:5,6 99:16,21,22 106:16 108:7,16 109:2,11 117:4 118:24 119:2 122:2 125:10,13 138:18 139:1,7 140:7,9,16 145:3, 4,10,16,23 146:13 148:11 149:9 154:14 155:6 157:14 158:8,23 159:21, 22 160:6,7 161:25 165:2 166:15,21 169:19,22	judgment 101:19 147:13 154:23 199:6	judicata 153:6	judicial 111:17 181:18
isolate 242:7,12		Jimmerson's	judicial 111:17 181:18	jump 35:20 140:18 189:20
isolated 227:25		Jimmerson's	jumped 22:10 189:16,19	jurors 6:6,11
issuance 119:1		Jimmerson's	Justice 194:8 196:2 219:18	justifiably 159:1
issue 12:18,23 13:13 21:16,24 22:25 23:1,2 24:4,8,10,12,15 27:13,15 29:8,16 38:3 40:13 41:18 42:23 67:22 86:18 87:21 92:6 97:5,6 98:15 112:23 113:1 115:23 116:20 117:23 120:24 128:17 134:18 138:5,22 178:21 179:7,10 212:1 237:7		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
issued 119:4 171:14		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	Justice 194:8 196:2 219:18
issues 19:20 24:12 38:7 40:13 41:18,22 44:22 53:25 111:25 119:9 150:22 210:4 238:2		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
issuing 136:23 226:7		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
<hr/> J <hr/>		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
James 5:3 10:24 79:17 80:16 145:2 209:21		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
January 18:13 36:19 60:5,15,23 101:24 103:16,22 104:24 105:12 106:22 107:1,8, 22 166:10		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
jar 238:3		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably 159:1
		Jimmerson's	justification 16:18 17:7 18:19 190:7,13	justified 17:21 18:5 82:8 159:8
		Jimmerson's	justify 17:17 150:5 157:23 159:10 161:23,24	justifiably

224:25	183:7 187:16	lawyer's 19:23	84:20 131:18	life 34:3 102:3
knew 35:6 36:21	200:11	20:10 166:18,19	133:23,24 156:4	120:19 128:6
72:23 87:1	late 95:1 115:16,	180:3 219:10	163:13 164:11	129:8 135:10
114:22 115:22	17 146:21	221:22 222:16	208:10 209:6	144:7,16 233:19
135:23 146:18	Laughlin 144:21,	lawyers 19:11,	legitimate 195:2	lifeblood 33:9
147:11 161:19	24	12,13 20:6 32:3,	legitimately	125:5
185:6 190:7,8	law 10:11 13:16	12 33:24 80:22	136:25	lifetime 112:12
207:7 224:1	16:16 19:12,14,	103:9 107:19	legs 236:14	light 14:17
knowing 156:25	18 20:6 23:7	110:14,18,19,21	lenient 195:25	limine 241:17
184:11,13,24	25:14 27:9,21	111:14,18,23	Lerner 151:22	limit 235:9
185:21,25 186:18	29:3 34:14 36:8	112:2 192:8	155:12,15,16	limited 11:8
194:4 197:22	37:3,6 67:2,13,	202:15,19 213:23	180:2 227:19	lines 123:17
202:16	14,17 70:5 80:13,	214:5 218:10,17,	lesser 181:9,11	liquidity 115:23
knowingly	22 85:24 86:2	22 220:1,7,8,10,	182:21 205:20,22	lis 178:9
167:11 180:5,9	91:21 110:11,20	12 224:12,14	206:17,18,20	list 105:22 143:1
184:2,7 185:10,	118:5 129:13	lay 110:5,7	letter 25:13	204:13
11,15 186:17	132:6,25 133:13,	laymember 5:6,	37:13,16,18 38:5,	listed 11:17 64:7
189:24 190:10,15	15 134:15 136:15	8	6,8,12,18 71:9,18	204:13
195:11 201:24	137:12 153:8	layout 211:12	90:7 103:4,5,6	listen 10:4 84:25
knowledge	158:1 163:5,9,11,	lead 39:25	114:6,10,16	93:15 101:5
12:15,21 65:8,12,	15,18,25 164:6,	210:14	133:10,17 136:14	106:11 172:2
15,19 66:17 68:2	20 165:25 166:11	leader 137:20	158:1 163:25	lists 53:7 55:12
72:8 94:6 103:6	168:1 182:10	leading 136:20	164:20 165:21	206:17
134:6,11 167:18	184:5 206:22	214:10	166:2,11 225:15,	literal 194:4
171:13 180:23,24	208:15,18,20	Leah 12:11 81:10	23,24 226:11,13,	217:24
182:24 183:1,5,8,	209:4 210:13,16	84:5 122:24	22 227:1 228:6	literally 151:6
17 186:4 190:7	211:15 212:6,8	125:3,11 128:20,	229:19,21	litigation 85:23
202:5 224:5,6	216:2 220:14,21	22 130:1,8 131:9	letters 226:7	86:3
Kristi 178:24	224:7,23 227:19	134:25 135:2,3	level 157:4 186:2	live 175:5,6 176:1
201:7 226:19	228:24 229:25	learned 87:16	Lexis 216:16	214:5
	230:2,3,11 231:8	94:16 95:20	liability 167:14	lived 144:7,20,
	234:2	102:10 120:15,22	168:2 169:21	21,25
	lawsuit 146:15,	235:23	179:13 218:11	livelihood
	16	learns 33:7	220:22 224:3	208:24
	lawyer 6:9 31:12	123:14	liable 154:15	loan 165:8,9,12
label 204:6	36:8 39:19 63:6,8	leave 6:24 29:20	Liberty 111:8	locate 10:9,13
lack 35:4 77:2	64:13 80:18 88:6	102:4 129:5	license 145:5,6,	11:16
126:18	109:14,21 110:9,	173:2	17 205:21	located 13:14
Ladies 122:17	15 111:24 112:7	lecturing 111:11	219:13,14	logistics 109:7
lady 88:19 133:6	137:15,22	led 132:8 213:21	licensed 80:4	long 39:20 43:14
Lane's 142:19	146:13,25 156:2	ledgers 44:16	110:9	67:4 71:5 123:24
language 158:3	163:21 164:10,14	left 22:12 24:1	licensure 208:25	144:9,18 177:18
177:3 207:24,25	166:16 201:24	67:8 138:23	lie 126:8 135:16	192:3 232:12,21
223:6	202:9 205:11	157:11 168:20	136:11	
laptop 10:15	211:5,7,12	211:4	lied 67:10 128:24	
large 17:20 68:15	212:21 213:4,9,	left-hand 122:19	lies 134:14	
125:19	18 214:3 215:2,9,	legal 12:19 43:21		
Las 80:18 142:17	17,21 216:11,23			
143:6 144:18	220:4,11 222:1,			
145:7 164:2	17 223:1 225:18			
	226:3 227:11,25			
	231:22 238:4			
	242:1			

longer 94:25 239:10	Luis 183:7	216:14,18	matrix 181:1,2 182:25 183:5	109:20 110:6,7 111:5 113:10 127:15 140:19 151:1 152:18 169:12 178:16 187:22 188:8 208:5,8 213:13 216:12 227:16 228:9 240:23
looked 26:5 48:2, 3,18 53:24 69:1, 21 70:2,6,7,8,19 75:2 105:7 226:19	lump 16:17 18:1, 22	218:14,25 220:2, 21 226:15 231:24 235:20 239:18	matter 7:6,19 14:14 18:11,15 25:19 65:6 73:8 100:11 102:16 104:8 106:10 118:4 147:5,17 148:13 149:10, 15,16 153:8 159:24 164:16 168:24 178:7 184:25 191:1,3, 21 215:24 216:5, 22 233:7	
Loomis 143:7,21	lunch 139:19 140:3,6	makes 25:24 159:20 217:8	matters 9:13 13:9 117:21 134:1 216:6	membership 43:23
lose 153:3	lying 132:14	making 16:17 119:15 123:10 210:15 216:17 231:16	meal 111:7	memory 141:4,7
losing 8:2 117:23	made 17:13,22 18:1 23:18 53:11, 15 55:7,16,20 57:13,15,20,22 58:7 60:15 62:11 66:22 67:16 68:6, 10 83:19 86:20 87:14 94:1 96:18 99:25 102:2 107:24 113:9,15 125:19 129:13 135:25 146:9,17 152:10 159:3,11 160:10 170:9,25 173:14 174:13,17 180:18 185:8 190:23 221:23	man 88:5 127:11 146:4,23 147:6 148:19,21 150:3	meaning 27:5 158:24 180:9,14 213:3	men 148:20
loss 41:17 147:21 173:17	magazine 188:9 197:6	manage 91:23 230:21	means 152:23 159:12 180:6 181:10 190:9 197:19 198:10 216:25 231:23 233:4	mens 157:3
losses 34:22 174:18	mailed 114:16	manager 84:19 124:25 125:1 132:3	meant 7:17	mental 151:8,25 155:21 156:20,24 157:1,3,7 180:3,4 186:3,9 201:14 205:2,4
lost 37:1 39:22 101:18 146:15 174:11 175:14 193:1	main 27:13,15 41:18 85:24 118:22	managing 97:17 236:20	meantime 42:13	mention 27:12 76:1 106:4 114:5 143:2 156:23 193:13
lot 6:25 13:7 26:5, 6 31:7,11 37:2 101:25 109:18 111:12 126:5 129:9 131:8 148:20,21 154:19,21 163:2 165:18 176:9 181:20,21 183:11 184:9 195:19 196:18 197:6 198:2,4 199:1 210:10 219:16 225:10	maintain 168:22	mandatory 214:14 225:14	measure 88:5	mentioned 21:17 24:17 25:1 49:17 52:17 56:2 61:16 76:20 91:12 128:21 155:12 180:19 192:21 203:10,15
loud 19:6	maintaining 218:17	manual 83:2	measured 137:25	merits 42:2,3 138:23
louder 143:10,11 237:23	majority 82:3 104:1 240:18	March 37:13 71:9,18 114:6,13 171:24	measures 29:12 210:3 237:14 241:21,24 242:5	mess 21:22 23:19 24:13 26:2 27:10,18 32:21 33:5 113:5,9 125:19 128:17 129:13
Louie 177:9	make 14:24 15:1 17:2 19:3 20:7 21:4 29:11 46:12 49:4 51:24 52:13 64:10 69:15 84:7 86:16 92:17 112:7 119:18 126:10 135:4,17 154:9 159:5 162:5,9 165:25 176:3 178:2 186:21 192:24 193:22 201:1	marked 90:12 203:22 204:18	mediation 7:15 137:23	message 8:12 34:2 76:8 122:20 135:14,15 218:9 219:25 220:1,5
Louise 42:11 43:2 91:6 114:18 131:11 163:13 164:16,17,18 169:2,10,15 172:5 173:16 177:19	married 144:3,4	market 116:2	mediator 109:22	messages 32:7 73:19 74:1 76:2, 11,19 88:3,21 173:24
love 110:5	Martindale 110:15	marriage 120:24	meet 16:20 64:21 65:3	met 6:7 64:18 65:1,2,14,18 66:16 69:3 145:2, 4 171:11,22
low 45:22	Mason 128:8	married 144:3,4	member 8:6 43:24 110:17 112:14 133:2	
lowers 196:15	massage 170:11	master's 30:7	members 5:5 6:2 10:15 14:19,23 15:6,17 16:11 42:15 72:13 85:3	
luck 150:19	match 60:18 162:5,10	match 60:18 162:5,10		
	matched 114:13	matches 144:8		
	material 214:6	material 214:6		
	Matrimony 110:18	material 214:6		

Mexico 111:18 224:23	181:4,9,10,13,20, 22 182:5,19 186:18 190:20 191:5,18 192:6 194:4,5,21 202:16 205:6,25 206:3,5,19,20 207:1,10,13,16 214:20 217:11 224:24 230:4	mistakes 167:12 218:23 219:10 227:13	20,21,22,24,25 159:9,12,13,14, 15,23,25 160:1,2, 12,17,23,24 161:3 162:14 166:22,24 167:3, 5 169:23 170:5 172:14 174:11 175:15 177:16 181:5 182:3 183:11,21 185:10,11,16 186:12,13,21,25 187:2,14 189:23 190:11,12,14,15 191:9,11 192:5, 25 193:2,5 200:3, 14 230:5 233:5 242:10	118:18 123:10 190:3 201:14 203:12 235:10
mid 86:13 145:11		misunderstand 78:7		moved 144:19 169:23 230:5
middle 23:20 40:16		misunderstood 78:8		mulligan 188:7, 10 189:4 196:6
midnight 130:4		misuse 194:16		multiple 46:3 92:3 156:2 164:4 165:22
military 127:21		mitigate 195:9		mute 5:10 62:22 75:13
million 30:10 188:16 200:6	misconception 164:6	mitigating 12:25 155:23 191:15 193:12 235:14,16 237:15,16 238:16 240:19 242:4,19		muted 140:12 176:23 240:5
Mills 142:18	misconduct 44:3 168:5,7 175:2 176:5 181:9,11 182:21 194:14,23 196:1 198:11 202:15 205:8,20,23,25 206:17,18 211:19,25 228:1 235:21	mitigation 182:16 193:14 194:1,2 195:14, 19,20 235:3,7,10		
mind 24:1 77:20 143:19 148:22 170:9 196:14 198:19 200:18 234:19 240:13		mixed 138:11 166:23 167:4		
mindful 237:24 239:11,16 240:2		model 177:5,12 207:20 211:7 212:21 213:4,8, 18 222:12		
minds 238:25	misinformed 88:1	modify 220:21		
mine 36:14 98:18 145:9	misinterpret 223:1	mom 22:14		
minimum 146:15 225:14	misled 88:2	moment 62:18 86:23		
Minnesota 192:9	misrepresentati on 126:8	Monday 99:11 122:24 130:11 131:3 169:23 240:4		
minor 128:3 182:17	misrepresented 132:2,5	money 17:7,18 24:20,22 26:14, 16 27:1,4,5,22 28:3,4,25 29:3 37:1 40:18 51:20, 21 60:22 61:1 69:14 74:15 82:7 86:16 87:23 89:14 91:24 92:4, 9,10,13 94:20 95:14,15,17 97:14,23 98:14 100:11 104:13 119:16 120:6,7,8 126:5 139:4 148:24 149:5 158:9,10,12,14,		
minute 85:19 138:7,9 160:1 166:21 219:7	missed 104:22 107:4			
minutes 79:7 109:7 138:12 239:7,14,15	missing 23:20			
misappropriate 93:16,20	misspellings 132:20			
misappropriate d 93:14 183:12 189:23 219:23 220:12	misstated 202:6			
misappropriate s 159:25	mistake 97:3 99:25 115:7 125:18 146:18 167:9,24,25 168:4 169:20 180:18 184:15 227:3 230:6			
misappropriatin g 16:16 18:21	mistaken 89:15 102:13 172:14			
misappropriatio n 82:20 94:21 95:6 157:25 158:18 161:1,2	mistakenly 182:18			
			money's 126:9	
			moneys 26:24 27:3 93:25	
			monitor 19:5	
			month 22:15 23:24 32:6 34:16, 23,24 52:7 59:1 63:9,10 144:12 177:17 230:25	
			monthly 44:12 86:5,6	
			months 37:12 38:25 39:10 40:24 41:13 86:19 88:13 101:5 133:4 172:20,21 174:10 232:21	
			moot 186:22	
			morning 7:15 19:9 32:15 122:22 129:19 130:6 131:3 226:19 239:2 240:5	
			motion 118:9 151:13 152:8 155:2 213:15 241:7,17	
			mouth 233:5	
			move 19:5	
				N
				N-A-D-Y 142:10
				Nady 18:11,14 25:2,4,5,10 59:12,22 60:2,9, 13 63:5,14,21 73:8 74:24 77:6 96:20 97:5,8,10 102:16,24 103:19 104:4,23 106:2,3 107:10 138:19,24 139:15 142:3,8, 10 150:14,18 162:22 168:24 173:18 177:3 179:14 191:2 207:4,10
				Nady's 97:8 101:17
				NAIFEH 110:14
				named 64:16,23 131:10,13
				names 132:10,11
				nasty 106:8
				national 43:20 142:24
				natural 199:20
				nature 46:9
				nearby 96:2
				necessarily 42:5 189:11 221:16

needed 8:14 9:8 81:22 92:4 146:24 147:12 187:10 189:13 239:24	non-willful 228:1	12 94:12 95:11, 13,14,21 119:21 120:4,5 122:20, 23 127:24 129:20,23 131:20 141:12,16,17 160:10,11 161:7, 13 162:12 172:21 174:6 186:23	obtain 74:5 78:17	open 11:23 193:17 221:14 242:20
needle 201:14	nonissue 7:20 106:14 169:18		obvious 35:12 153:23 170:22,25	open-ended 85:18
needless 233:7	nonlawyer 20:8		occasion 47:10 48:25 82:1 104:6 114:3	opened 76:10 144:22
nefarious 217:17	nonlegal 19:24		occasions 94:24,25 113:4	opening 5:23 9:9,11 14:11 16:8 19:3 20:3 27:11 40:9 41:7 42:6 83:8 96:19 116:17
negligence 180:15,23,25 181:13 183:2 184:22,24,25 185:14,22 194:24 195:1,3 205:16	nonpublic 227:24	novo 198:24 199:1,4	occur 25:25 68:4 88:16 115:4	operating 16:25 28:1 46:23 47:4 49:24 50:1 51:5 98:5 158:15,16
negligent 35:2 156:25 167:12 168:7 180:14 195:15 197:23 205:3,11 207:6,7, 14 215:2,9,17,22	nonsense 28:23 135:25	NRS 9:24 11:24	occurred 21:18 26:11 28:21 40:16 59:11 61:4 85:16 87:13 88:14 105:12 112:25 115:1 120:2 137:11 170:4 173:23 222:8	openings 213:15
negligently 180:5	nontechnical 64:4	NSF 26:21 28:11 37:1	occurring 128:5	operate 19:14 143:23
Nevada 5:2 44:1 84:2 96:8 98:1 111:16 142:18,21 165:22,25 213:5, 12,22 214:9 218:10 221:1,2 222:11,14,22 224:11,17 226:2 227:23 228:10,24 229:7,17 230:8	normal 36:23 182:25	number 5:2 9:19 38:18 46:24 52:6 68:15 90:24 96:4 117:6 162:6,7 170:10 190:17 203:13 229:1	October 21:13 30:14 39:7,12 40:24,25 84:16 94:10,11,13 111:16 119:21 147:1 172:20	operated 28:2
newest 201:21	normalized 22:22	numbers 45:21	off-line 241:10	operating 16:25 28:1 46:23 47:4 49:24 50:1 51:5 98:5 158:15,16
nice 88:19 188:21 224:24	note 163:7 218:14	<hr/> O <hr/>	offense 168:2 218:11 220:22 224:3	operations 46:25
nicely 162:8	noted 105:12,13 107:1 110:12,17, 19	OBC20-0163 5:2	offenses 181:6 194:10	opinion 35:17 36:1 63:4 178:9
Nicole 46:8 64:16,18,23 65:4 131:10,13 134:18 171:11	notes 30:3	obfuscating 193:18	offer 82:22	opinions 38:11 210:1 241:22
night 91:25 122:23,24 130:5	notice 91:11 130:18 132:13 153:21 156:22 161:5 186:23 200:5 219:16 232:16	object 41:2,4 76:6 77:2 235:7	offering 15:15	opportunity 42:15 51:10 112:7 213:14 214:3 236:25
ninety 143:4	notified 131:11 133:15	objecting 93:18 118:9	office 8:17 16:16 31:13 43:13 44:21 46:7 83:2 84:19 124:25 132:3 204:24 228:18	opposite 187:20 232:10,11
non- misappropriatio n 205:8	notify 171:17	objection 10:24 15:9,12 76:23 203:19 204:3,4 234:23 235:1	oftentimes 81:20 238:2	option 215:12
	notion 215:24 228:21	obligation 29:14 197:17 221:5	one's 145:19	options 215:25 227:4
	November 16:22 17:4,10,25 18:1 21:14,21 22:4 23:25 24:2 25:22 26:5 31:9 32:1,9, 24 34:23 35:11 49:1,15,23 50:9 51:2 53:19 54:8, 9,25 55:16 56:5 57:2,12,14 72:25 74:22,23 75:18 81:8 83:10 84:22 86:13,18,21,22 87:20 88:22 91:16 92:3 93:6,	obligations 16:20 157:15,18	online 81:12,13 83:19,24,25 97:2 119:19	oral 81:24 83:3 106:1
		observe 48:22 50:6 53:23 55:5 59:8 61:2,13 62:13		orally 107:10 128:22
		observed 49:6, 11 51:11 55:1 76:1,5 116:15		order 22:24 34:10,15,16,24 36:24 46:12 69:14 109:7 125:21
		observing 49:21		organization 43:23,24

perpetrating 133:12	Pickering 196:3	Ponzi 225:5 228:17	124:2 137:12 183:9 205:22 213:15	present 10:6 12:14 13:3,23 14:21 15:2,5 29:16 86:25 87:1 116:9 209:13,15 213:14
Perry 128:8	picking 225:7	pool 46:2	practiced 208:25 234:2	presentation 10:7 12:1 111:16 201:11
person 8:14 10:9,13 11:25 30:24 35:8 65:17, 18 128:8 171:20 230:12	picture 208:19	pooled 45:23 46:1 47:17 93:13 95:10	practices 19:15	presented 15:17 41:10 154:25 169:9 208:19 210:7 227:9
person's 160:24, 25	piece 18:16 173:14	poor 126:16 132:23	practicing 220:9	presently 143:25
personal 6:12 12:15 18:18 34:7 48:21 61:18,22 65:11,15,19 66:7, 17 68:1 69:10 71:2 100:7 129:8 166:14 167:4 171:12,16 190:25	place 20:7,14 23:10 29:12 82:20 86:24 88:11 119:12,13, 21 180:17 194:15	poorly 192:8	practitioners 220:10	presents 191:3 214:7
personally 97:19,21 102:1 107:3 159:5	plan 108:23	Porsches 228:17	pre-admitted 15:7	president 133:3
personnel 10:11 19:24	planning 7:6	portion 17:20 103:24 104:17 241:21	pre-bills 32:2 123:8	prestigious 110:17
persons 166:17	plans 7:7	portions 209:15, 24 222:25	precedence 34:8	presuppose 221:22 223:13
perspective 147:17 212:12	play 21:25 39:14 154:1 157:5 202:24	posit 185:20	preceding 12:10 213:15	pretty 25:13 29:9 31:16 37:17 110:8 144:7,12, 16 153:23 166:2 168:1 193:19 195:10,18
persuasive 199:7	player 142:23	position 13:3,5 118:15 131:17 177:2 185:9 203:18 218:9 222:20 229:24 230:7 235:15	preclude 236:24	prevalled 152:23 154:10,13
phase 151:4,6,9 152:3 155:23 157:6,9 168:13 179:19 180:20 208:12 241:15 242:13	pled 175:25	possession 135:19 166:18	predated 92:13	prevent 118:6
Phoenix 144:6	plenty 158:8 200:3	possibility 87:23	predecessor 226:9	previous 101:22 106:17 223:18
phone 8:10,20 9:3 31:20 106:3 129:15 148:10,14 159:19	plumbing 127:10	possibly 104:14 147:20	predicate 217:6, 7	previously 108:2 121:22 127:5
phonetic 110:15	pocket 94:21	potential 28:19, 23 29:1,4 41:17 115:10,18 116:1, 4 155:22 175:15, 17 190:17 192:11,20 193:7 201:25 202:4,11 205:12 215:4,11, 18,23 228:2 238:19	predict 116:2	primarily 69:12
phrased 115:12	point 28:10 29:23 30:23 33:4 35:10, 16 36:25 70:19 91:7 96:14 103:4, 13 104:9 114:18, 21 123:25 124:7 129:18 136:2 145:2 146:9,12 156:16 170:16 186:22 188:2 195:8 196:13 199:12 209:25 210:6 214:3,11 216:20 218:5 219:16 222:10 226:15,18 234:20	potentially 45:16	prefer 6:23	primary 66:5 67:21,25 105:1 198:12,15,17 199:10
physically 96:12 109:4	pointed 116:16 214:11	power 220:19 226:9 228:5,24	prehearing 5:25	principal 21:4,17 31:8 92:17 173:5
pick 175:13 227:2	points 198:20	Powerpoint 155:10	prejudice 118:14,18,20,22 138:10 152:22 170:24 173:12	print 127:6
picked 62:10	policies 12:22 23:9 119:12,13 171:2	practice 19:12 35:25 66:1 70:5 85:22,23,24	prepare 31:5	prior 12:19 26:5 49:7 81:6 106:19 119:3 189:18 203:14 204:2,12
	policy 83:1		prepared 13:23 14:17 15:10 32:5 42:8 124:13	
			preparing 141:11 222:9	
			preponderance 40:3	
			prescribe 213:19	
			prescription 121:1 127:17	
			presence 9:18 10:6 11:25	

228:7	profession 156:5,15 192:7,9 193:10 196:16 197:10	236:21	pulled 200:17	putting 111:15 192:14 196:22
private 35:25 213:24 229:2 233:19		protected 231:25	pulling 188:1	
privilege 87:5	professional 20:10 42:1 43:22 155:19 156:3 177:12 221:1,3 223:13	protecting 183:20 189:11	pulls 160:16 161:15	<hr/> Q <hr/>
probationary 21:12		protection 182:4	punish 187:20 189:9 195:24 233:15,16,23 234:4	qualifications 30:25 67:10 109:15 132:3
problem 7:25 8:14 20:18 22:7,9 23:10,14 34:15 35:1,14,19 36:20 39:1,9 79:23 98:23 120:2 152:7 158:10 160:9,25 167:24 169:16 174:9 175:4 190:25 192:18 193:25 198:9 240:22 242:1,6	professors 111:5 132:10	protocols 82:19 83:6	punished 176:14 233:18	qualified 35:4
	prohibition 221:5	proud 85:22 144:12	purchased 228:19	quality 132:6 134:17
	project 127:13 144:11	prove 157:4 170:22 171:4 176:9,17 217:5 224:1,5	purport 53:7	question 7:10 8:2,5 23:7 31:10 40:7 63:13 72:9 77:5,10 78:8,20, 22,24 85:5,18 89:13 99:18,20 102:13,19 103:14 104:12 105:5 106:17 109:20 126:1 149:4 159:4 167:23 169:6 174:19 177:5 178:14 184:23 186:1 187:7,13,14 221:25
	promptly 202:20	proved 168:22	purports 57:1	questioned 60:3
	proof 40:3,4 118:23	proverbial 233:5	purpose 17:6 92:17 96:23 180:6 187:19,21 188:18 189:8 193:21 195:23 198:12,15,17 199:22 217:17 234:1,4 237:1	questioning 77:5
	proper 63:6,23 89:15	provide 10:14 48:7,9,11 59:23 62:4 74:1 103:11 201:4	purposes 167:18 168:8 216:7 231:22 233:24 234:6	questions 6:2,8, 9,13,19 9:8 10:10 31:22 38:20 71:22,24 75:6,9 76:13,22 77:14, 16,17 85:4 106:7 108:10 139:12 140:7,8,15 150:15 178:15 208:5,17 211:2 221:12 225:16 234:9
problematic 163:2	properly 11:19 29:13 94:15 115:12 137:12 173:21	provided 48:14 51:15 53:1 54:24 60:1,8 71:14,21 73:15 95:9 105:7 106:18 114:4 115:22 161:10 213:16	Pursell 125:1	quick 238:12
problems 21:9, 10 23:3 24:15 25:20 26:3 31:25 34:7 37:6,7 117:16 121:23 129:9 174:24 218:23	property 44:23 158:5 166:17,20 177:23 201:24 202:11,17 205:11,16 215:3, 7,10,18,22	providing 198:10	pursuant 68:16	quick-to-fire 126:3
procedures 23:9	propose 153:25	prudent 68:7	pursuing 117:6	quickly 22:19 24:14 110:8 114:3 136:23 167:9 170:21 201:22 205:9 238:24
proceed 5:23 9:11 14:11 16:8 43:6 179:19 210:24	proposition 145:19	public 111:21 112:6 133:13 134:15 156:4 181:18 182:2 187:21 188:6,8, 19 189:6,11 192:7 194:15 195:24 196:11,15 197:3,16,24 198:14,16 199:23 206:13,14 231:25 232:2,4,7 233:14 236:21	push 165:24	
proceeding 10:1,3 12:18 179:7 221:20 234:6,7	prosecution 112:22	public's 192:8	pushing 97:25	
proceedings 243:4	prosecute 191:12	pull 89:22 161:18 201:21 205:8 224:23	put 29:3,21 64:4 95:7 107:18 129:12 132:13 140:16 148:25 160:23 166:23 168:17 172:2 173:21 176:7 179:1 193:5,14 197:24 205:18 214:6 225:19 228:25 230:14 231:14 233:5	
process 33:25 87:10 88:8 213:7, 19 214:8,9 221:7, 16 233:15,16 237:13 239:12	prosecutor 163:3		puts 160:21	
produce 14:22 91:19	protect 82:20 112:5,6 133:8,9 183:23,24 187:21 188:5,8,18 195:24 196:10,12 197:3 198:14,16 199:22 200:14 232:1,4,7 233:14			
produced 39:3 76:16				

quiet 147:10	207:21 223:11	recent 93:4	12,14 45:3,22	reflect 49:10
quit 34:9 129:13	reading 22:5	229:3	46:16,19,20,22	54:11
135:4	135:12,21 136:3	Recently 144:10	47:19,20 48:1,2,	reflected 60:23
quiz 104:15	205:14 208:1	recess 79:13	3,11,13,14,18,22	reflection 70:16
quote 126:15	212:19 241:1	138:17 140:3	51:15 53:12	reflects 60:14
192:6 207:19	ready 5:23 10:20	179:4	54:23 55:15	192:8
215:21 222:17	14:10,12 16:8	reckless 228:16	57:10 61:17	regard 11:13
227:24,25 229:15	30:19,20,23 35:8	recognition	65:20,23 66:2,23	47:16 57:18
230:13,15,16	179:21,23 203:3	111:8 222:1	68:7,16,22 69:1,	116:10
quoted 186:5	real 24:13 101:18	recognize 56:23	5,10,17 70:1,17	registrar 133:6
quotes 181:16	171:19 189:8	recognizing	71:13 72:6 75:3,	regular 86:4
207:22 212:20	192:18	222:17	4,15 88:13,18	202:3
quoting 6:22	realize 122:4	recollection	91:7 101:5	regulate 197:17
	129:6 197:7	8:10,24	102:10,12 107:21	regulation
R	realized 21:20	recommendatio	114:11 115:7	197:19
	70:4 148:8 171:3	n 198:23,24	116:5 179:12	rehash 239:5
raise 128:16	realizes 23:3	199:2,4,6 218:3	206:25 207:1	rehearsal 124:2
raised 66:24	reason 6:18 7:21	recommended	218:17 232:20	rehired 129:22
67:22,25 69:13,	13:1 23:1 132:15	68:11 218:15	rectified 160:22	reimbursed
15 71:22,23 73:2,	161:20 165:6	reconciliation	rectify 235:21	100:9
6,9 210:4 238:1	180:17 205:4	129:25	238:19	reiterate 168:13
raising 126:13	225:7	reconciling	rectifying 120:2	relate 97:7
ran 87:19 99:13	reasonable 20:8	177:2	red 48:22 59:8	134:22
142:18 173:11	29:11 40:6 78:12	reconvene	61:2 62:13 63:5	related 7:1,4
random 218:18,	reasonableness	139:24 242:23	72:25 73:6,9	18:11 44:2,6
19,21 219:6,9	149:25	record 5:1 49:10	redeem 112:8	46:24 47:11
232:18	reasons 98:1	50:2 52:2,23	redirect 75:9,10	52:19 54:17,19
rated 85:21	132:19 211:10	54:11 55:2,6	reed 175:19	59:12,20 65:25
110:13	recall 49:21 56:3,	56:23 57:1,6,14	229:18	70:22 92:21
Rater 110:14	6 58:12 66:4,10	58:17 59:15	reeds 176:11	156:14
re-cover 109:13	70:13 73:21,25	60:11,14,19	refer 24:11 74:10	relates 12:23
rea 157:3	76:4 148:10	61:14 63:12	referee 142:17,	58:3 208:12,20
reach 48:6 74:5	receipts 86:11	61:14 63:12	20	209:7 210:2
200:13 241:13	receive 16:5	79:15,24 95:23,	refereed 144:7	relation 11:10
242:24	43:17 65:2 74:6	24 109:8 113:12	reference	52:2
reached 210:2	91:15 92:9	137:22 140:5	112:23 116:16	relationship
reaches 160:16	230:13	142:9 143:14	154:12,21 225:6	131:16
210:14	received 26:18,	179:6 190:1,2	referenced	relative 239:19
react 112:18	25 27:1,22 44:20	203:8,10,24	14:16 54:7 66:5,	relevance 70:5
129:3	46:8,22 47:19,23	204:1 208:14	10 113:24	relevant 12:25
read 38:8 65:7	48:4,18,25 55:9	237:3 239:18	references 30:4	13:1 48:5 66:6
89:23 122:10	56:24 66:11	240:6	60:12	216:14,18 235:6,
127:2 173:24	68:15,22 73:14	recordkeeping	referencing	13 241:14,19
188:9 197:6	85:21 92:10 94:3	27:17 113:3	59:16 60:17	242:19
201:22 202:13	100:8 110:21	records 10:10,11	referral 219:3	
	133:20 163:19	13:10,15 14:15	referring 122:14	
	receiving 141:14	15:19 21:22	130:18	
		26:12 27:9,18		
		39:5,7 44:8,11,		

reliable 86:7	represent 147:19	reserved 206:16	48:7,9 52:18	31:2 35:2
relied 170:14		resign 34:5	56:25 60:8 61:6	retainer 25:2,6,
rely 141:2	representation 166:19	136:13	71:12,14,17,20,	15 63:6,7 177:23
relying 107:25	representative 132:7	resignation	21 72:3 102:25	178:1
170:17 174:3,21		129:12 131:5	103:1 104:7	retainers 177:9
remained 35:9	represented	resigned 12:20	125:9 126:24	retention 12:10
remaining 88:13	51:16 54:1,18	23:23 136:10,12	127:1 132:12	retired 84:21
153:25	56:20 58:18 62:7	resolution	responses 72:5	144:16
remarried 81:7	67:7,12 112:2	176:18 241:13	172:7	return 100:1,4,20
remedial 210:3	123:5	resolve 37:8	responsibilities	returned 12:13
237:14 241:20,24	representing	resolved 37:4	20:11 88:19	100:7,15,22
242:5	178:7 230:22	39:22 41:14	197:18	101:1,4,10
remedy 198:11	reprimand	151:14 155:2	responsibility	returns 159:24
remember 7:1,3,	180:25 181:15	172:22	19:24,25 84:9	reverse 64:11
4,5 8:7,19 9:1	182:16 183:2	respect 25:2	113:5 121:17	reversed 64:4
33:3 70:11 114:7	190:3 198:7	74:25 87:10 88:8	125:19 128:9	review 14:20
148:15 149:1	203:16 205:10	106:13 109:24	133:25	15:3 32:4 45:19
161:15 195:7	206:9,13,20	112:14 150:4	responsible	47:10,20,25 48:1,
220:8 230:20	211:16,18,19	182:3 208:16	82:15,18 117:9	13,21 68:23
235:5	212:5 213:24	219:18 221:11	121:16 183:19	137:7 198:25
remit 202:20	215:1,8 225:15,	respectful 87:6	responsibly	199:3
remote 81:15	24 226:10 227:2	238:8 240:3	88:7	reviewed 47:21
removal 78:15	228:7 229:20	respectfully	responsive 85:1	53:12 72:15
Reno 144:6	reprimands	41:19	103:9 133:5	179:12
repairing 127:10	206:16	respond 71:8	rest 5:4 10:21	reviews 198:23
repay 191:8	reputation	82:25 126:12	16:4 34:13 38:19	revive 168:22
repeat 77:25	106:12 135:11	responded	108:18,23 109:1	Rhode 181:17
125:6 176:25	193:10 196:12	71:10,24 114:2	127:4 151:21	ridiculous
repeatedly 83:4	request 11:16	125:23	172:3	133:19
replaced 97:23	14:24 15:1 235:9	respondent	restitution	right-hand 96:11
98:14 99:12	requested 53:3	5:19,20 42:16	235:20	rise 119:1
replay 144:11	requesting 6:23	45:2 46:10 65:8	restore 34:10,15	risk 193:5 194:15
replenished	require 42:5	87:11 108:12,13	restored 34:17	230:10
170:6	230:4	136:5 142:4	36:24	rob 188:16 191:9
report 170:15	required 44:9,	150:23 166:13	restoring 34:24	209:23 225:6
232:12,22 237:10	11,13 157:7	184:2 187:5	restricting	227:10 228:16
241:6	182:24 183:5	193:16,23 198:1	205:21	237:5
reports 27:21	requirements	208:6 240:17	restriction	robbery 191:13
31:6 119:14	231:20	respondent's	144:24	robust 85:21
141:2,9,11,14,19	requires 181:19	52:9 203:17	rests 150:23	Rojas 183:7
222:6,9	195:20 223:5	205:21	result 28:13	role 93:19 136:19
reporting 28:7	res 153:6	respondents	52:15 53:22	roof 127:11
231:10	research 177:4	106:6 136:21	112:12 156:10	
reports 27:21	reserve 30:9	193:23	181:11 201:18	
31:6 119:14	202:14	responds 38:17	226:12	
141:2,9,11,14,19		response 9:23	resulted 194:23	
222:6,9		11:4,5 36:2 37:15	resume 30:2	
		38:19 39:20 45:2		

room 9:19,21 10:25 11:6,22 13:4 178:25	207:20 211:24 212:13,19,21 213:4,6,7,9,12,18 220:18 221:3,21 222:12 223:13 231:13	220:4 225:18 231:22	177:7 211:22 212:4,23,25 213:1 214:11,12 215:5 231:17	September 94:11 117:1,3
ropes 148:3		Santa 111:17		series 122:3
Rose 101:25	run 19:14 91:21 119:11 128:12 144:14 146:3 191:12	sat 109:24 228:8	sections 211:9, 24 212:15 213:3 216:18	seriousness 223:17
roughly 17:1 55:12 117:1		satisfaction 37:9	security 143:23 144:22	serve 111:20,21 234:1,3
routinely 141:8		save 175:13,18	seeds 102:2	serves 237:1
royally 23:19	running 20:6 110:5	savings 98:4	seek 146:9	service 109:22
RPC 154:2 158:2 167:22 217:21 229:3,9	runs 121:5 232:14	savvy 159:18	seeking 63:18 101:22	services 149:18, 21
rug 35:20		schedule 6:19 8:17 238:9	seeing 63:18 101:22	serving 16:13
rule 9:16,24 14:4 18:23,25 19:23 20:2,4,6,12,15, 17,23 22:3,4,6,25 23:4 24:4,9,24 25:15 27:12 29:7, 8,24 36:1 39:17, 20,23,25 40:7,11 41:21 42:2,4 44:10 116:7,23 117:17 151:7,23 152:11 154:15 155:5 156:5,17, 22,23 157:7 158:1 163:19 164:1,10,14,23 165:9,20 166:15 167:15,16,19 176:6 177:22 179:8,9 180:15 205:14 207:2,8 211:7,17,25 212:13,20 213:1 214:12,16,19 218:16 219:5 220:2 221:1,4,6 222:10,11,14,21 223:1,6,10 224:2, 12,15 227:6 235:3	S	scheduled 7:16	sees 10:19	session 6:25
	safeguard 158:5,24	scheduler 8:6	selected 101:23, 24	set 7:19 157:16 213:6 214:1
	safeguarding 161:2	scheduling 6:21 8:6 238:23	selecting 21:7	setting 74:24
	safeguards 180:17	scheme 225:5 228:17	selection 110:25	settlement 137:24
	safekeeping 18:24 44:22 46:4 156:13	school 67:14,17 110:11 132:6,25 133:15,17 134:15 136:15	self-evident 35:1	severity 223:15
	salary 128:16 236:7	scope 12:3 235:7,9	send 32:3 37:19 65:19 148:5 218:10 232:19 233:6	shadowing 84:17
	San 124:18	score 207:5	sending 7:1,3 94:9	Shahana 125:1
	sanction 138:22 168:6 180:22 194:22 195:25 196:16 201:13 205:21 210:15 221:19 223:1,15 227:17	SCR 218:16 226:8	sends 32:23 37:12 38:2 131:4 232:16	share 89:16 155:11
	sanctionable 176:5	scratch 223:5	senior 43:12 80:14 82:14 125:1	shareholder 80:15
	sanctioned 169:21	screen 42:14 89:16,19 155:11 205:19	sense 91:22 110:7 123:13 132:13 154:10 209:9 217:8 220:2	she'd 124:1
	sanctioning 152:2 154:4 156:11,21 157:5 168:4 181:2	screening 214:5, 7	sensitive 112:1	she'll 22:12 33:21
	sanctions 156:12 187:19 188:4 189:2,8 214:15 216:11	screenshot 128:19	sentence 202:14 221:4 223:12	sheer 135:25
ruled 145:25		screwed 23:19 26:2 173:25 198:5	sentencing 151:4,9 179:19	sheet 200:21 237:20
rules 20:22 42:1 151:20 155:18, 19,20 156:3,12 164:8,20,21 165:10,11 176:22 177:6,12 188:24 189:1 196:19		seat 140:18	separate 166:19 167:6,11,14,15 168:11 242:17	sheets 121:12 123:8,15 124:4, 16 125:4 128:23 200:24
		seats 150:21	section 11:24	Shields 111:4
		secretary 84:20 124:25 131:18 144:15 235:5		shift 220:25 231:9
				ship 99:14 119:12 128:13
				shocked 236:24 240:16

shore 119:5	53:25 56:3 207:21	slanting 164:22	source 110:7	195:23 241:22
short 21:11,18 141:1 192:21	Similarly 16:24	slide 186:22 188:7	sources 28:25 29:3	spoken 104:4 108:1
shortly 27:2 40:18 68:22 141:13 234:18	simple 25:17 157:13 194:23 195:1,3	slippery 188:12, 17	South 127:12 229:12	sponsored 111:2
shot 196:5	simply 7:6 15:16 64:3 151:20 154:1 179:7 214:24	slope 188:13,17	spaced 38:6,18	spot 128:15 147:22 233:11
show 16:22 17:9, 17,19,24 18:4,12, 16 21:5,19 22:1 23:5 29:7 40:6 41:12 49:13 53:4 57:2 59:15 60:11 107:21 119:11 224:2 232:22	sincere 126:13	sloppy 230:15,18 231:3	spank 89:4	spreadsheet 70:10,16
shown 12:1	sincerity 128:5	small 85:19,22 90:3 104:17 205:19	speak 12:22 75:22,24 148:12 208:10 214:25 216:7 237:14,23 241:5	squared 33:23 174:7 242:25
shows 18:20 55:15 95:24 122:20 238:4	single 38:6,18 69:24 70:20 115:15 137:6 167:20 182:17	smarter 147:9	speaking 7:5 97:12 225:9,11	squeeze 240:2
shuffling 190:21 225:1	sir 16:7 72:15 80:6,12,15 81:9, 15 82:17,25 83:11,24 84:4,7 85:9 90:7,10 91:2,10 92:15,19, 21 93:2,9 95:19, 24 96:3,13,16 97:1 98:24 99:2, 5,17 102:15,18, 22,24 105:10,18, 20 106:25 107:6 115:6 140:22 141:5,9 168:19	snapshot 160:4	speaks 241:25	staff 80:23 115:7 126:4 137:2
shy 55:14 148:2	sister 228:8	sniffing 73:4	special 197:18	staff's 116:6
sic 76:12 143:5	sit 11:11	snippets 224:24	specific 85:5 211:21,23 212:13,14	stake 208:24
sick 23:20 130:24	sitting 73:4 109:5 150:5 228:9,18	sold 143:4,7,21 144:20	specifically 156:6 165:11 180:8 189:10 205:7 225:19 231:18,19	stamp 81:20,25
side 19:18 103:9 213:14	situation 35:17 41:13 45:1 81:22 93:17 101:18 113:3 145:21 147:9 183:3 201:13 207:16 210:19 222:3,19	sole 80:15	specifity 76:4	stand 117:25 128:10 145:22 159:8 162:1 163:12
sided 122:6	six-week 146:2	solo 220:10	speech 82:24	standard 116:23 179:14 181:8,12, 25 182:22 184:6, 10,11,12,22 185:1,20,21 194:5 202:25 203:25 206:12 222:23 241:18
sides 224:4	Sixth 127:12	solve 23:14 35:14 128:4,16	spell 132:21,22	standards 181:25 182:10 183:4 184:13 188:14 197:12,13 199:16 200:10, 17,25 201:3 202:23 209:6 210:9,19 211:5, 12,20 212:18 216:11 220:4 222:25 225:18 228:6 229:15 230:17 231:16,19
sign 81:21	sizable 127:13	solved 35:21 39:1,9,10	spellings 132:23	start 6:17 36:5 109:1 143:15 168:20 169:13 196:9 204:2 209:11 211:2 234:9 239:25
signature 81:18, 20	size 85:3	solvency 115:23	spells 189:1	
signed 68:14 127:3	slam 106:7	somebody's 208:24,25	spend 164:8 165:16 166:24 174:6 186:13 191:10	
significance 210:1 232:13		son 80:16,19 101:23 102:1,6 111:13 124:10 137:16 209:22 233:21 234:25 239:13	spending 16:11 137:9	
significant 25:25 175:24 219:3,6 223:24 230:13 233:13		sooner 86:8	spends 30:15 159:23	
significantly 118:24 149:11 180:21		sore 106:11	spent 111:12	
silly 148:14,15 149:3,4		sort 31:10 48:16 49:18 84:17 108:14 151:9 170:5 209:6 227:15 238:3 242:21	split 79:22 161:6, 8,11 162:9	
similar 18:1		sorts 175:1	splurge 231:1	
		sounds 14:2 15:18 139:25 240:8	spoke 8:5 19:20 31:21 53:16 98:21 102:24	

started 6:3 21:3, 12,19,21 23:25 32:11 69:7 143:3, 5 146:20	224:9 238:13	stop 35:15 147:14 168:12 196:8 212:22 228:23 234:18 236:6 240:24	submission 124:9	suggest 114:1 228:16 236:19
starting 5:5 86:17 122:1 221:16	statements 5:23 9:10,12 14:11 16:8 44:12 47:21, 22 83:8 96:18,19 135:4 155:4 172:1	stopped 141:13 151:24 204:7	submit 218:2 220:13,17 222:23 228:3 229:21 234:5 236:23 241:14 242:9	suggesting 119:24
starts 31:8 32:1 129:1 134:23 228:25	states 72:12 165:23 180:4 184:9 229:2	stopping 29:23	subparagraph 164:10	sum 12:6,7 16:17 18:2,22 97:6
state 5:2,14,16, 18 8:7,13 9:10,12 11:3,6,10 14:13, 17 15:14 16:7,21 41:7 42:10 43:13, 15,18 44:1 49:9 50:23 61:9 72:10 73:22,24 79:4 80:9 83:22 84:2 90:17 96:8 98:2 100:18 103:8 106:6 107:2,3 108:7 112:13 113:21,23 114:6 116:17 117:5 118:3,6,11,15 119:25 125:25 131:11 135:17 136:1,3,4,15,19, 24 142:9,18 151:8,25 153:9, 19 155:8,21 156:20,24 157:1, 3,4,8 161:22 165:11 167:1 179:25 180:3 186:3,9 198:4 201:14 203:12,13 204:1,8,24 205:2, 4 209:4 224:17 232:12 240:17 242:22	stating 107:14	story 216:9	subparagraphs 235:4	summarize 39:17,18
state's 190:3 231:20	Statue 111:8	straight 33:22 197:5	subpoena 45:3 46:20 47:24 65:23 66:22 68:7, 14 115:19	summed 74:21
stated 65:7 76:20,21 103:1 135:13 159:4 164:13 208:15 238:17	status 117:1	straighten 112:8	subpoenaed 46:16,21 65:24 88:13	summer 142:16
statement 19:3 27:12 40:9 41:3,8 83:15 93:4 96:20 116:17 159:4	statutory 212:12	straightened 22:19	subpoenas 65:20 68:16 134:18 136:23 171:14,21	sums 97:5
	stay 11:22 124:17	straightforward 193:16,19	subscribe 111:21	supervise 116:12 172:24 175:3
	stay-at-home 22:14	strategic 236:12	subsequent 123:17	supervised 30:9
	stayed 12:12	stray 111:24	substantial 195:10,14,18 202:7	supervising 21:8 68:12
	stays 14:5	street 30:24 127:12 196:22	substantiate 48:24	supervision 21:3 31:11 35:5, 18 82:19,21 116:10,25 171:2
	stealing 191:25 192:1 224:25	strict 119:12 167:13 168:2 169:20 179:13 218:11 220:22 224:2	substantiated 46:18	supervisor 29:11
	stem 117:17	strictest 181:19	substantive 138:21 150:22	support 44:16 53:1,8 54:24 56:25 59:24 60:2, 4 69:13 75:20 80:23 173:13 212:8 216:3 224:9
	step 30:16	string 24:2 142:25 143:1	subsumed 208:11	supported 68:12
	step-by-step 119:18	strive 137:14	successful 110:12	supporting 114:12
	steps 12:19	strong 219:15	suffering 8:3 73:3	Suppose 178:2
	Steve 144:15	struck 30:12 241:6	sufficient 26:22 86:22 87:15 158:15	supposed 27:20, 24 32:18 33:2,11 35:13 159:14 163:8 174:4
	Stewart 81:9 84:20 124:25 132:3	stuck 229:24	sufficiently 82:11	Supreme 44:10 137:24 146:19 147:15 149:13 155:13 165:22 194:6 198:21,23, 25 213:7,12 220:18 222:11, 14,22 223:6
	stick 189:21 194:19	student 67:13 132:6 133:14		
	sticking 94:20	studies 43:19		
	stifle 149:12	stuff 31:7 32:18 33:22 38:3 39:20 129:10,14,15 172:3 173:9 187:24 194:13 199:25 206:17 219:1		
	stinks 170:7			
	stipulate 15:1 238:16,20 240:17			
	stipulated 153:7			
	stipulation 242:22			
	stole 183:21	subject 12:17 14:3 76:10		

224:11,17 227:23 228:10 229:17 230:8 235:2	T	146:6,14 147:8	territory 225:22 230:7	175:2,9
surprise 235:19	tab 37:16,24 38:16	teach 187:22 197:3 198:16	testified 43:4 79:19 108:4 109:11,16 114:2 118:25 122:2 129:21 142:5 162:23 217:16 239:11	theoretically 207:13
suspect 132:8 178:13,14 239:9, 14	table 227:5 228:21,22	teaches 197:9	testifies 26:13	There'd 98:6
suspend 217:24 218:7,8 219:24 220:13	tablet's 203:3	teaching 111:11 189:12 197:10	testify 10:8 25:5 29:19 46:6 116:23 163:5 221:11 236:15 240:12 241:9,18	Thereupon-- 43:1 79:16 142:2
suspended 218:12 220:24	takes 64:14 159:23 160:1 173:10 242:11	technical 42:4 229:9	testimony 10:1, 2,4,18 11:1,8,12 12:4 13:1,7 14:19 30:17 38:9 77:21, 24 83:8 97:4 108:16 116:10 119:3 121:21 125:25 134:22 138:22 141:1 169:11 170:12 173:16 179:13 209:12,15,19,21, 24 210:6,8,17 213:17 225:2 231:9 235:13 240:16,20 241:14 242:18	therewith 116:24
suspension 180:24 181:12 182:20,24 183:1, 5,19,25 185:1 192:3 194:8 195:16,17 197:14,23 202:3, 8,14 206:4 211:16 215:25 217:1,3,11,22 218:4 224:7 225:14 228:20 229:11,25 230:7, 14 233:25	taking 9:3 45:16 121:1 161:16 174:23 185:10,15 187:14 191:7 192:14 234:1	technically 190:2	testifying 9:17, 20 11:10,18,20	thin 175:19
suspicious 26:8 100:19	talent 150:4	technologically 159:18	testimony 10:1, 2,4,18 11:1,8,12 12:4 13:1,7 14:19 30:17 38:9 77:21, 24 83:8 97:4 108:16 116:10 119:3 121:21 125:25 134:22 138:22 141:1 169:11 170:12 173:16 179:13 209:12,15,19,21, 24 210:6,8,17 213:17 225:2 231:9 235:13 240:16,20 241:14 242:18	thing 32:21 93:18 107:14 126:2 128:3,13,14 137:3 151:9 156:16 159:10 165:24 191:24 193:12 195:3 207:4 228:21 231:7 237:4,17, 21
sustained 76:23	talk 19:6 63:14 67:24 76:7 98:19 111:24,25 138:12 143:10,11 158:2 170:3 216:8 220:25 231:7 241:10	telling 65:12 92:1 101:8,21 107:23 143:19 175:20 189:7 217:22 223:19 227:3 233:3	things 7:20 13:18 19:12 22:11,19 27:24 31:17 33:2,10 40:2,15 45:18 65:16 67:19 83:4 85:24 96:17 99:12 102:3 109:13,15,19 131:22 165:4 173:3 175:11 176:14 178:10 182:1,16 208:9 211:3 215:14 221:13 231:9 238:5 241:1	
swear 42:25 79:15 142:1	talked 30:21 35:10 52:3 70:2 73:6,13 171:16	tells 65:18 127:17 169:14	tendency 111:19	
sweep 35:20	talking 21:10 22:2 41:6 49:14 61:14 66:12 113:20 120:3 123:5,6 126:13 141:18 156:6 157:12 158:3 188:4 195:10 200:21 206:23,24 211:21 215:5,6 222:13 232:1	tempting 84:24	tens 137:9	
swift 237:13	talks 184:1 205:6,7,17 212:4 226:21	ten 39:10 43:16 56:20 137:18 172:21 174:10	term 64:4 100:14 173:25 230:5	
switch 203:4	tasked 141:11	terminated 67:6, 9 131:25 132:1, 15 136:13	terminating 132:17	
sworn 43:4 79:19 142:5	tax 100:4	termination 126:7	terms 38:12 86:10 95:22 97:3 99:13 107:6 119:15 120:11 126:6 152:18 157:24 173:22 174:23 211:11 220:22 221:19 231:8	
sympathize 131:6	taxes 51:24	terminating 132:17	texts 23:18 65:10 122:3,7	
sympathy 101:13,22	Taxi 143:24	termination 126:7	textbook 161:1	
system 20:7,13 24:12 32:10 129:16 156:4 181:18 198:13	taxicab 143:3,5, 24 144:1,14 145:5,10,16,18	terms 38:12 86:10 95:22 97:3 99:13 107:6 119:15 120:11 126:6 152:18 157:24 173:22 174:23 211:11 220:22 221:19 231:8	text 32:7 34:2 73:19 74:1 76:2, 7,11,19 88:3,21 122:9,10,20 124:24 128:20 129:18 135:13,15 170:11 173:24	thinking 8:21 36:17 70:14 126:7 184:20 190:11 196:8,9 210:20 226:16,17 235:16
		terrible 132:20 147:13	textbook 161:1	thinks 166:8
			texts 23:18 65:10 122:3,7	thinnest 176:10
			Thanksgiving 121:13 124:19 127:25 130:6,9, 23	thought 26:13 27:3 28:25 30:12 34:11 68:7 89:10 146:16,17 147:13 148:14,15 149:3 150:3 172:14 174:21 186:16 188:22 194:6

200:16 218:21	206:2,18 208:17	125:16 130:23	25:18,21,24 26:6	treating 158:19
thousand 143:4	209:2,17 210:21	169:4 170:8	44:15 47:22	200:2
176:12 200:6	221:24 236:1	242:17	53:22,25 72:25	tremendous
thousands 65:2	238:23 239:17	tossed 211:8	73:5,11 136:24	148:19 208:16
68:18 69:6	240:3 241:23	total 21:22 22:24	161:6,24 173:20,	209:2 219:18
137:10 171:20	242:9,11	32:21 147:11	22 175:14 179:10	tremendously
threat 173:17	Timely 235:20	217:8	transfer 17:22	221:18
Thursday 92:5	times 13:8 75:24	totally 85:1	24:25 49:1,7,18,	trial 72:10,12,15,
130:5	88:16 154:19	108:17	20 50:4,8,19	19,22 110:19,20
ticket 198:3	158:7,11,17	totals 115:16	51:2,7,11,16	134:23 135:12,22
232:9	181:21 182:6	touch 14:9 33:8	52:19 53:5,8,15,	136:4 146:2
tide's 229:6	184:9 187:16	158:25 183:14	20 54:11,17,24	212:7 225:20
tie 62:6	198:3,4	touched 167:3	55:2,7,20,24	226:4,5,6 228:25
ties 94:19,22	timesheets	touches 237:7	56:3,4,10,17,19	231:10,15
tight 99:14	129:7	tough 185:17	57:2,9,12,13,20	trials 231:2
119:12 128:12	timing 172:19	188:20 197:20	59:5,17,20 60:12,	trigger 44:18
165:4	tip 171:11,22	199:13,18	16,17 61:4,7,13,	211:19 214:21
til 130:4	titles 142:24	town 31:14	25 62:6,8,11	triggers 237:12
time 6:7 7:8,9	today 9:5,17	track 22:21 29:24	83:9,13,14,16,19,	trouble 121:23
8:18 9:5 15:2,23	12:25 16:12 38:9	31:6	25 85:6,7,13,15,	131:8 169:14,15
16:11,12 19:10	46:6 66:6 70:2	traditional 183:4	16 86:16,20,24	troubling 209:4
21:11,14,18 22:7	81:2 96:18 108:5	traditionally	89:8,10,15 92:4,	true 87:17 93:7,9,
25:25 31:4 32:11	173:4 211:7,22	141:8	12 97:2 105:23	21 103:14 114:4
33:7,23 39:20	212:3 213:11,16,	train 116:12	119:19 160:10	115:11 123:12
41:3,5 43:6 50:15	21 214:10,15,22	172:25 175:2	161:4 168:11	129:11 141:20
51:1 52:10 56:7	217:13,21 218:13	trained 35:5	169:17 170:4	165:5,7 199:22
58:23 62:14,19	220:14,15 221:7	84:10	186:7	211:9 212:6
64:11 68:4 75:15	222:20 225:5	training 12:12	transferred	223:21,22 237:6
79:7 80:8,16 82:6	226:10 227:3,16	21:2,7 23:25	18:17 24:21	trumped 211:8
86:17,19,23	228:10 233:22	30:14,16 35:8,18	49:23,25 54:2	212:5
87:19 88:11	235:16 236:9	43:17 116:10,25	55:22 56:7 59:3	trust 10:12 16:18
94:10,13 95:20,	239:17,23	124:2 126:6	60:22,25 61:7	17:6,16 18:3,7,
22 97:18 103:12	told 63:21 66:15,	171:1 236:18	95:9 166:13	10,18 19:21
104:17,22 105:1,	16 68:1,21	241:22	189:13	24:18 25:3 26:22
3 106:25 107:4,	126:14 130:18	trainings 164:4,5	transferring	37:14 44:6,9,15,
18,21 108:15	133:12 136:4,5	transaction	52:10 97:14	17,19,25 45:13,
111:10,12 117:12	139:2 148:17	13:12 26:8,9	transfers 16:17	19,23 46:4,11,18
120:11 121:12	149:7 168:25	54:11 59:11	18:2,20,22 19:21	47:11 48:20 49:2
122:21 123:8,15	176:20 178:3	63:23,25 64:2	45:21 54:6 57:15	51:11 53:5,23
124:4,16 125:4,7	212:3 235:25	69:24 70:1,9,11,	84:8 86:18 87:14	55:9 58:20 59:9
126:5 128:23	tolerate 133:15	12,20 75:19	88:12,14 92:21	60:13 61:3,6,8,23
130:16,20 139:19	Tom 5:3 109:21	83:23 97:9 101:7,	93:25 95:2	62:9,15 66:21
141:6 144:19	176:23	9 161:21,22	117:10,11 120:3,	67:21 70:21,22
145:9 148:12	tool 197:10	162:12 193:21	4,5 126:10	71:1 72:24 74:15
150:14 159:9,11	228:11	transactions	141:18 159:3,5,	75:1 78:15 80:25
164:3,4 173:22	top 55:1 57:3	13:9 14:18 15:3	10 192:24	81:13 82:8,16
174:24 177:1	66:4,10 71:6	21:16,17 24:18	transportation	83:20 87:18 89:8
178:6,11 182:4	90:19 96:11	treat 182:3	115:20	93:13 94:2 95:10
189:4,17 192:16,	110:19 111:1		travel 7:6,7,8,9	97:15,16,19,20,
17 196:25 199:14	112:17 122:18		treading 225:21	24 98:4,21 99:21,

22 100:2,9,11,15 101:6 113:1 114:11,13 119:19 123:9 135:1 148:19 157:14,17 158:6,9,19 159:6 163:1,25 164:11 166:14,15 170:20 174:22 183:18,22 192:8 200:2,4 218:19 219:10 230:6 237:10,22	214:12,13,17 typical 37:6 206:23 typically 45:23 91:24 141:8 142:11 156:10 180:4 182:19,25 183:10 184:4 202:2 206:24 typing 130:19 tyrant 126:4	201:11 242:24 unexpected 121:3 unfair 95:5 219:21 unhappy 130:21 unidentified 45:21 unique 113:6,11 144:7 229:8 universally 9:24 University 110:10 142:21 unknown 121:4 UNLV 67:13 133:3 unnecessarily 109:13 unorganized 125:18 unprepared 129:16 unqualified 30:24 unreasonable 13:24 150:3 unusual 128:10 187:4,7 upset 126:22,23, 25 upside 6:24 urgent 147:17,18 Utah 195:21 utmost 182:3,4	Vegas 80:18 142:18 143:6 144:18 145:7 164:2 183:7 187:16 200:11 vehicle 222:7 vendors 19:16 verb 93:16 verify 53:11 185:4,13,14,24 verifying 162:18 version 200:17 versus 5:2 108:7 180:22,23 240:25 Veteran's 24:3 view 38:10 174:23 196:13 vigilant 102:11 violate 24:24 25:14 164:19 165:9 167:15 180:15 222:21 violated 18:23, 25 20:13,23 40:12 155:18,20 156:1 158:2 165:10 166:11 167:16 176:22 189:1 196:19 207:2 221:9 224:2 violating 20:2,22 violation 23:4 26:10 36:11 39:17 40:1,7 41:21,23 42:2,3,4 104:14 138:22 151:3,7,20,23 152:20 154:15 155:5 156:11 157:6 159:2 167:19,21,25 168:8,9,12 176:5 179:8,9 206:23 207:6 211:25 212:2 215:5 217:21 218:11 220:23 223:9,14, 17,23 224:5,12,	16 242:7 violations 11:9 26:11 41:15 66:21 223:18 226:8 229:3,10 Virginia 229:12 virtually 195:8 voice 8:2 126:13 void 42:23 voir 6:2,6 voluminous 15:19 voluntarily 67:8 152:22 153:1 voluntary 16:13 volunteer 85:2 volunteering 199:14 vote 109:23
truth 66:24 68:8 87:12 89:1,2,5 108:8 193:25 233:3 truthful 71:12 172:7 Tuesday 122:20 129:19 130:3 turmoil 37:2 turn 49:9 50:23 51:4,18,25 52:22 54:20 56:9,22 57:24 58:15 59:13 60:6 61:9, 21 96:5 121:25 146:22 165:13 185:24 212:2,20 238:23 turned 24:13 42:14 123:11 174:22 turns 7:18 109:23 184:20 185:5 187:10 twist 165:13,20 twisting 164:22 two-month 29:19 37:3 two-week 233:1 two-year 183:19, 24 type 43:17 45:18 133:25 192:12 194:13 199:25 211:25 231:5 types 44:8 211:14,19 213:10	<hr/> U <hr/> U.S. 30:9 Uh-huh 69:20 ultimately 62:11 82:15,18 83:5 113:4 115:7 183:18 184:14 197:11 199:3,14, 21 210:20 unable 121:1 unanimously 179:9 unavailable 81:21 222:7 uncertain 222:2, 18 uncontested 209:1 217:15 understand 6:11 9:4 13:22 47:1,13 77:24 89:7 93:17, 19 115:18 120:16 127:2 136:19 173:2 234:17 understanding 77:7 78:2,10 86:9,10 97:4 151:13 210:18 understands 233:12 understatement 68:19 understood 42:24 152:4	<hr/> V <hr/> vacation 231:1 Valli 111:4 variety 13:1 69:19 vast 82:3 240:18	wage 146:16 wait 19:3 94:3 152:17 219:7 waiting 230:25 waits 39:12 walk 117:23 153:8 walked 170:24 173:11 wallet 159:20,21, 22,24 160:1,15, 17,21,23,24,25 161:16,17 162:19,20 166:23 167:5 186:11,13 190:11 200:13,14 wallets 159:16, 17 160:14 wanted 8:15 29:20 91:7 95:25 130:16 138:4 149:8 152:11 193:12 203:11	

204:12	whatsoever	won 111:3	world 188:16	years 13:16 28:2
warning 198:6	37:12 157:7	142:23	world's 111:1	35:23,24 43:16
warrant 205:20	161:11 167:16	wonderful 111:7	worried 206:8	80:6,10,11 82:2
219:3	wife 144:4,5,14	120:13	242:2	84:21 86:19 87:8,
Washington	willfulness	word 24:9 93:20	worry 128:17	9 94:5 97:17
110:10	223:16	94:1 100:13	224:4,6	101:9 106:5
waste 242:9	win 118:4 224:4	107:17 123:13	worse 224:7	110:16 111:9
watch 159:19	window 233:2	132:20,21 214:21	worth 162:25	113:2 136:20
198:8	wins 154:18	224:25	write 124:22	137:19,24 142:16
Watson 42:11,25	withdraw 18:6	words 36:3,14	writes 130:12	144:3,15 146:21
43:2,11 49:10	45:5,11 104:5	215:7 224:25	writing 103:7	176:13 192:3
63:3 75:12,14	106:19 119:25	225:3 237:23	111:10 130:13	194:8,17 209:1
76:25 77:10,20	148:17 158:20	work 18:14 21:3	written 28:8,9	218:14 219:7
79:2 87:22 90:13	withdrawal	23:20 25:7,9,15	38:22 83:1 214:6	234:2
91:6 98:15	17:22,23 51:1	26:16 32:11 34:5,	241:6	York 110:11
103:24 104:11	58:24 82:11 84:6	8 42:18 45:9	wrong 8:24	Young 5:15 9:11,
106:14 108:2,3	92:16 96:23,24	60:2,4,23 63:9	20:15 24:21	15 11:5 13:20,21
113:24 114:1	107:24 157:23	77:1,12 84:15	26:24 28:4 62:10	14:13 15:14,22
115:12 116:8	withdrawals	94:6 99:11	64:2 73:7 86:20	16:2,7,10 41:2
131:11 133:20	18:4 45:20	101:17 103:20	97:13,25 98:9,10,	42:8,10 43:5,8,10
134:17 163:14	115:16 161:24	105:11 106:13,	13,20 100:23,24	62:17 75:7,8,11
169:3,10,15	withdrawing	19,25 107:4,18	136:2 169:4,19	76:9,15,18,24
172:5 173:16	17:18	110:1,3 111:9	177:17 178:11	77:4,9,14 78:19,
177:9,20 237:25	withdrawn 93:8	121:11 122:24,25	180:11,13	21 79:3,4,20
Watson's 77:6	95:18 96:15	123:2 124:19	182:14,18 185:22	111:15 204:11
83:8 108:1	159:1,2,15	125:20 126:4,9	189:15,18 195:4	243:1
wealthy 146:5	161:14 164:14	127:13,24 130:1,	198:19 200:8	Young's 78:5
website 84:3	179:16	3,25 131:2,20,22	212:10	<hr/> Z <hr/>
102:23	withdrew 17:5	132:6,20 134:9	wrongly 163:6	zoom 90:20
Wednesday	18:9 45:14 95:9,	135:10 137:23	wrote 21:23	241:2
130:4,5	14 157:20 159:15	139:3 149:6,10	26:19 27:2,4	
week 55:19 64:3	162:17,18 166:4,	150:1 156:14	103:23 104:21	
99:7 100:19	21 167:22 184:19	165:16 166:6	107:2 133:10,17	
103:15 124:19	witness' 10:1	174:4 177:17	144:10	
127:25 130:2	witnesses 9:16	192:24 230:23	Wynn's 144:15	
160:20 167:9	11:10,19 13:24	231:1	<hr/> Y <hr/>	
226:1	79:22 108:18,22	workday 130:11	yacht 191:20	
weekends	138:21 173:8	worked 67:2,4	year 22:20,23	
144:13	193:15 209:12	84:17 104:23	26:7 34:15 36:22	
weeks 23:12	234:11,23	105:16 106:12	39:9,10 65:3	
25:9 30:15,19	woman 29:25	107:23 121:13	67:13 69:16 71:2	
35:6,7 67:5 71:7	30:5 64:16 84:21	123:24 131:24	110:25 132:5	
144:13 145:22	98:16 126:5	134:8 144:21,25	133:13 175:16	
160:20	131:9,11,13	working 30:7	yearly 8:3	
weight 199:1	171:11,22 236:20	101:17,20 104:17		
West 229:12	women 65:14	108:6 120:14		
Westlaw 216:15	66:16 233:2	127:23 129:14		
	234:5 236:21	130:15 144:9		
		works 12:14		
		33:21		

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

James J. Jimmerson, Esq.
Nevada Bar No. 264

FORMAL HEARING

File No: OBC20-0163

April 30, 2021 @ 9:00 a.m.

INDEX OF DOCUMENTS

DOCUMENT	PAGE NOS.
Complaint Filed October 7, 2020	SBN 001-008
Verified Answer to Complaint Filed December 16, 2020	SBN 009-017
Order Appointing Hearing Panel Chair Filed January 4, 2021	SBN 018-020
Notice of Initial Case Conference Filed January 7, 2021	SBN 021-023
Scheduling Order Filed January 14, 2021	SBN 024-028
Order Appointing Formal Hearing Panel Filed January 29, 2021	SBN 029-031
Notice of Formal Hearing Filed February 4, 2021	SBN 032-034

PANEL

Thomas Edwards, Esq., Panel Chair
Ira David, Esq., Panel Member
Anne Hanson, Lay Member

Daniel T. Young, Esq.
Assistant Bar Counsel

Kristi A. Faust
Hearing Paralegal

James J. Jimmerson, Esq.
Respondent

Dennis Kennedy, Esq.
Counsel for Respondent

Joshua Gilmore, Esq.
Counsel for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Case No: OBC20-0163



STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
 Complainant,)
 vs.)
 JAMES J. JIMMERSON, ESQ.,)
 Nevada Bar No. 0264,)
 Respondent.)

COMPLAINT

TO: James J. Jimmerson, Esq.
c/o Bailey Kennedy
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule (“SCR”) 105(2), a **VERIFIED RESPONSE OR ANSWER** to this Complaint **must be filed** with the Office of Bar Counsel, State Bar of Nevada (“State Bar”), 3100 W. Charleston Boulevard, Suite 100, Las Vegas, Nevada 89102, **within twenty (20) days of service of this Complaint.** Procedure regarding service is addressed in SCR 109.

General Allegations

1. Complainant, State Bar of Nevada, alleges that the Respondent, James J. Jimmerson, Esq. (“Respondent”), Nevada Bar No. 0264, is currently an active member of

1 the State Bar of Nevada and at all times pertinent to this complaint had his principal place
2 of business for the practice of law located in Clark County, Nevada.

3 2. Respondent engaged in acts of professional misconduct warranting the
4 imposition of professional discipline as set forth below.

5 3. On February 5, 2020, Nicole Cruz, who worked for Respondent sent a
6 grievance to the State Bar (SBN) and alleged that Respondent made his office manager,
7 Leah Ballard, transfer unearned funds out of his client trust account to make payroll.

8 4. Cruz claimed that Respondent told them to look the other way or they would
9 be fired.

10 5. Cruz stated that she had no first-hand knowledge of Respondent giving
11 these instructions, but she allegedly saw texts that he sent to Ballard.

12 6. In his response to SBN's letter of investigation, Respondent provided a
13 current trust account reconciliation, that included his account ledgers and current
14 account statement.

15 7. On February 6, 2020, SBN issued a subpoena to Nevada State Bank (NSB)
16 requesting Respondents trust and business account records.

17 8. After receiving the records from NSB, SBN Investigator, Louise Watson
18 reviewed Respondent's IOLTA trust, corporate and payroll accounts for any instances in
19 which it appeared that he would not have had sufficient funds to make payroll but for a
20 withdrawal from his IOLTA trust account.

21 9. Watson identified an instance in which payroll and related taxes disbursed
22 from Respondent's payroll account between November 22 and November 27, 2019, would
23 not have been possible without funds being withdrawn from IOLTA trust account, which
24 was around the time referenced by Cruz.

25

1 10. Watson identified that on November 20, 2019 Respondent's payroll account
2 closed with a balance of \$2,513.15.

3 11. Similarly, on November 20, 2019 Respondent's corporate account closed
4 with a balance of \$19,758.19.

5 12. Subsequently, on November 21, 2019, Respondent or his agent made an
6 unidentified transfer in the amount of \$45,000 from his IOLTA trust account to his
7 corporate account.

8 13. Respondent or his agent then transferred \$46,958.87 from his corporate
9 account to his payroll account.

10 14. After making the transfer to his payroll account, Respondent or his agent
11 disbursed \$46,772.53 from his payroll account before another deposit was made.

12 15. The subsequent disbursements from his payroll account were as follows:

13 a. On November 22, 2019, Respondent or his agent made a direct debit
14 from his payroll account in the amount of \$30,025, and also issued
15 \$5,861.26 in payroll checks.

16 b. On November 26, 2019, Respondent or his agent issued another check
17 in the amount of \$703.47 from his payroll account.

18 c. On November 27, 2019, Respondent or his agent made a direct debit of
19 \$10,182.80 from his payroll account to the IRS.

20 16. Additionally, on November 14, 2019, Respondent or his agent improperly
21 transferred \$40,000 from his IOLTA trust account to his corporate account from funds
22 that were not on deposit in his IOLTA account until after the transfer was made.

23 ///

24 ///

25

1 received or held for the benefit of clients by a lawyer or firm, including
2 advances for costs and expenses, shall be deposited in one or more
3 identifiable bank accounts designated as a trust account maintained in
4 the state where the lawyer's office is situated, or elsewhere with the
5 consent of the client or third person. Other property in which clients or
6 third persons hold an interest shall be identified as such and
7 appropriately safeguarded. Complete records of such account funds and
8 other property shall be kept by the lawyer and shall be preserved for a
9 period of seven years after termination of the representation.

10 (c) A lawyer shall deposit into a client trust account legal fees and
11 expenses that have been paid in advance, to be withdrawn by the lawyer
12 only as fees are earned or expenses incurred.

- 13 25. Respondent improperly used his IOLTA trust account to pay his payroll
14 obligations, as more fully set forth in paragraphs 10 through 15 herein.
- 15 26. Respondent withdrew funds from his IOLTA trust account without first
16 verifying the balances of his clients' trust funds to see if there were funds
17 available to be withdrawn, as more fully set forth in paragraphs 16 and 17
18 herein.
- 19 27. Respondent withdrew funds from his IOLTA account on the Jay Nady
20 matter before he actually earned the earned the fees, as more fully set forth
21 in paragraphs 18 and 19 herein.
- 22 28. Respondent improperly transferred \$15,000 from his client trust account
23 to his personal Jimmerson Family Trust Account, as more fully set forth in
24 paragraphs 20 and 21 herein.
- 25 29. Respondent knew or should have known his conduct was improper.
30. Respondent's conduct resulted in potential harm to his clients.
31. Respondent's conduct resulted in harm to the legal profession.
32. In light of the foregoing including, without limitation, paragraphs 1 through
23, Respondent has violated RPC 1.15 (Safekeeping).

1 **COUNT II**

2 **RPC 5.3 – Responsibilities Regarding Nonlawyer Assistants**

3 33. RPC 5.3 states:

4 With respect to a nonlawyer employed or retained by or associated with
5 a lawyer:

6 (a) A partner, and a lawyer who individually or together with other
7 lawyers possesses comparable managerial authority in a law firm shall
8 make reasonable efforts to ensure that the firm has in effect measures
9 giving reasonable assurance that the person's conduct is compatible
10 with the professional obligations of the lawyer;

11 (b) A lawyer having direct supervisory authority over the nonlawyer
12 shall make reasonable efforts to ensure that the person's conduct is
13 compatible with the professional obligations of the lawyer; and

14 (c) A lawyer shall be responsible for conduct of such a person that would
15 be a violation of the Rules of Professional Conduct if engaged in by a
16 lawyer if:

17 (1) The lawyer orders or, with the knowledge of the specific
18 conduct, ratifies the conduct involved; or

19 (2) The lawyer is a partner or has comparable managerial
20 authority in the law firm in which the person is employed, or has direct
21 supervisory authority over the person, and knows of the conduct at a
22 time when its consequences can be avoided or mitigated but fails to take
23 reasonable remedial action.

24 34. Respondent failed to take reasonable efforts to train his nonlawyer
25 assistants Leah Ballard and/or Nicole Cruz to an ensure that they had the
necessary skill and knowledge to properly execute his trust account
transactions.

35. Respondent failed to take reasonable efforts to supervise his nonlawyer
assistants Leah Ballard and/or Nicole Cruz to ensure that their conduct was
compatible with Respondent's professional obligations regarding his trust
account transactions.

36. Respondent knew or should have known his conduct was improper.

37. Respondent's conduct resulted in potential harm to his clients.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

38. Respondent's conduct resulted in harm to the legal profession.

39. In light of the foregoing including, without limitation, paragraphs 1 through 23, Respondent has violated RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants).

WHEREFORE, Complainant prays as follows:


40. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

41. That Respondent be assessed the actual and administrative costs of the disciplinary proceeding pursuant to SCR 120; and

42. That pursuant to SCR 102, such disciplinary action be taken by the Southern Nevada Disciplinary Board against Respondent as may be deemed appropriate under the circumstances.

DATED this 7 day of October, 2020.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel


Daniel Young (Oct 7 2020 08:51 PDT)
Daniel T. Young, Assistant Bar Counsel
Nevada Bar No. 11747
3100 W. Charleston Blvd, Suite 100
Las Vegas, Nevada 89102
(702)-382-2200
Attorney for State Bar of Nevada






Complaint - Jimmerson OBC20-0163 DH edits

Final Audit Report

2020-10-07

Created:	2020-10-07
By:	Kristi Faust (kristif@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANM6UJ40jz44EstRXe4Woi4UjbhMSCpb

"Complaint - Jimmerson OBC20-0163 DH edits" History

-  Document created by Kristi Faust (kristif@nvbar.org)
2020-10-07 - 3:45:12 PM GMT- IP address: 148.170.87.181
-  Document emailed to Daniel Young (daniely@nvbar.org) for signature
2020-10-07 - 3:45:38 PM GMT
-  Email viewed by Daniel Young (daniely@nvbar.org)
2020-10-07 - 3:51:18 PM GMT- IP address: 68.96.236.220
-  Document e-signed by Daniel Young (daniely@nvbar.org)
Signature Date: 2020-10-07 - 3:51:37 PM GMT - Time Source: server- IP address: 68.96.236.220
-  Agreement completed.
2020-10-07 - 3:51:37 PM GMT

1 DENNIS L. KENNEDY
Nevada Bar No. 1462
2 JOSHUA P. GILMORE
Nevada Bar No. 11576
3 **BAILEY ♦ KENNEDY**
8984 Spanish Ridge Avenue
4 Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
5 Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
6 JGilmore@BaileyKennedy.com

7 *Attorneys for Respondent*
James J. Jimmerson, Esq.



FILED

DEC 10 2020

STATE BAR OF NEVADA
BY: B. J. J. J.
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

Case No. OBC20-0163

vs.

JAMES J. JIMMERSON, ESQ.,
Nevada Bar No. 0264,

Respondent.

VERIFIED ANSWER TO COMPLAINT

Respondent James J. Jimmerson, Esq., by and through his counsel, answers the State Bar of Nevada's ("State Bar") Complaint, filed October 7, 2020, as follows:

General Allegations

1. Answering Paragraph 1, Mr. Jimmerson admits the averments.
2. Answering Paragraph 2, Mr. Jimmerson denies the averments.
3. Answering Paragraph 3, the grievance submitted by Nicole Cruz dated February 5, 2020, being in writing, speaks for itself. Mr. Jimmerson disputes the allegations in the grievance and denies all remaining averments.
4. Answering Paragraph 4, the grievance submitted by Nicole Cruz dated February 5, 2020, being in writing, speaks for itself. Mr. Jimmerson disputes the allegations in the grievance and denies all remaining averments.

- 1 5. Answering Paragraph 5, the grievance submitted by Nicole Cruz dated February 5,
2 2020, being in writing, speaks for itself. Mr. Jimmerson disputes the allegations in the grievance and
3 denies all remaining averments.
- 4 6. Answering Paragraph 6, Mr. Jimmerson’s letter to the State Bar dated April 21, 2020,
5 and all related enclosures, being in writing, speak for themselves. Mr. Jimmerson denies all
6 remaining averments.
- 7 7. Answering Paragraph 7, Mr. Jimmerson is without knowledge or information
8 sufficient to form a belief as to the truth of the averments.
- 9 8. Answering Paragraph 8, Mr. Jimmerson is without knowledge or information
10 sufficient to form a belief as to the truth of the averments.
- 11 9. Answering Paragraph 9, Mr. Jimmerson is without knowledge or information
12 sufficient to form a belief as to the truth of the averments.
- 13 10. Answering Paragraph 10, Mr. Jimmerson admits that on November 20, 2019, his
14 payroll account closed with a balance of \$2,513.15. Mr. Jimmerson is without knowledge or
15 information sufficient to form a belief as to the truth of the remaining averments.
- 16 11. Answering Paragraph 11, Mr. Jimmerson admits that on November 20, 2019, his
17 corporate account closed with a balance of \$19,758.19. Mr. Jimmerson is without knowledge or
18 information sufficient to form a belief as to the truth of the remaining averments.
- 19 12. Answering Paragraph 12, Mr. Jimmerson admits that on November 21, 2019, he
20 transferred \$45,000.00 from his IOLTA trust account to his corporate account. Mr. Jimmerson
21 denies all remaining averments.
- 22 13. Answering Paragraph 13, Mr. Jimmerson admits that he transferred \$46,958.87 from
23 his corporate account to his payroll account. Mr. Jimmerson denies all remaining averments.
- 24 14. Answering Paragraph 14, Mr. Jimmerson admits that he disbursed \$46,772.53 from
25 his payroll account. Mr. Jimmerson denies all remaining averments.
- 26 15. Answering Paragraph 15, Mr. Jimmerson admits that he made subsequent
27 disbursements from his payroll account. Mr. Jimmerson denies all remaining averments.
28

1 a. Answering Paragraph 15(a), Mr. Jimmerson admits that on November 22,
2 2019, he debited \$30,025.00 from his payroll account and also issued \$5,861.26 in payroll
3 checks. Mr. Jimmerson denies all remaining averments.

4 b. Answering Paragraph 15(b), Mr. Jimmerson admits that on November 26,
5 2019, he issued a check in the amount of \$703.47 from his payroll account. Mr. Jimmerson
6 denies all remaining averments.

7 c. Answering Paragraph 15(c), Mr. Jimmerson admits that on November 27,
8 2019, he debited \$10,182.80 from his payroll account to the IRS. Mr. Jimmerson denies all
9 remaining averments.

10 16. Answering Paragraph 16, Mr. Jimmerson admits that on November 14, 2019, he
11 transferred \$40,000.00 from his IOLTA trust account to his corporate account. Mr. Jimmerson
12 denies all remaining averments.

13 17. Answering Paragraph 17, Mr. Jimmerson admits that on November 25, 2019, he
14 transferred \$60,000.00 from his IOLTA trust account to his corporate account. Mr. Jimmerson
15 denies all remaining averments.

16 18. Answering Paragraph 18, Mr. Jimmerson admits that on December 19, 2019, he
17 transferred \$10,000.00 from his IOLTA account to his corporate account for work associated with
18 Jay Nady. Mr. Jimmerson denies all remaining averments.

19 19. Answering Paragraph 19, Mr. Jimmerson's letter to the State Bar dated May 22,
20 2020, and enclosed invoice reflecting services rendered and expenses incurred in January 2020 by
21 The Jimmerson Law Firm, P.C. for Jay Nady, being in writing, speak for themselves. Mr.
22 Jimmerson denies all remaining averments.

23 20. Answering Paragraph 20, Mr. Jimmerson admits the averments.

24 21. Answering Paragraph 21, Mr. Jimmerson admits the averments.

25 22. Answering Paragraph 22, Mr. Jimmerson's letters to the State Bar dated April 21,
26 2020, and May 22, 2020, and all related enclosures, being in writing, speak for themselves. Mr.
27 Jimmerson denies all remaining averments.

28

1 **AFFIRMATIVE DEFENSES**

2 Having fully answered the State Bar’s Complaint, Mr. Jimmerson asserts the following
3 affirmative defenses:

4 1. The Complaint violates Mr. Jimmerson’s right to due process by failing to properly
5 notify him of the charges alleged as required under Nevada law. *See In re Discipline of Schaefer*,
6 117 Nev. 496, 25 P.3d 191 (2001).

7 2. The State Bar’s claims are barred, in whole or in part, because the State Bar is unable
8 to prove the commission of the alleged ethical violations by clear and convincing evidence as
9 required under Nevada law. *See In re Discipline of Stuhff*, 108 Nev. 629, 837 P.2d 853 (1992).

10 3. The State Bar’s claims are barred, in whole or in part, because Mr. Jimmerson at all
11 times acted reasonably under the circumstances consistent with the skill, prudence, and diligence
12 that a lawyer of ordinary skill and capacity would have used. *See Mainor v. Nault*, 120 Nev. 750,
13 101 P.3d 308 (2004).

14 4. The State Bar’s claims are barred, in whole or in part, because at all times and places
15 mentioned in the Complaint, Mr. Jimmerson substantially complied with the letter and spirit of the
16 Nevada Rules of Professional Conduct.

17 5. The State Bar’s claims are barred, in whole or in part, because the alleged wrongful
18 acts committed by Mr. Jimmerson’s employees were neither ordered nor ratified by Mr. Jimmerson.

19 6. The State Bar’s claims are barred, in whole or in part, because Mr. Jimmerson took
20 prompt remedial measures to organize his books and records upon discovering bookkeeping issues
21 created by his former bookkeeper (who misrepresented her qualifications to Mr. Jimmerson).

22 7. The State Bar’s claims are barred, in whole or in part, because Jay Nady authorized
23 the transfer of funds for work associated with his matter.

24 8. The State Bar’s claims are barred, in whole or in part, because the grievant (Nicole
25 Cruz) made several misrepresentations and omissions in her grievance.

26 9. The State Bar’s claims are barred, in whole or in part, because Mr. Jimmerson’s
27 actions were justified under the circumstances.

28

1 10. The State Bar’s claims are barred, in whole or in part, because Mr. Jimmerson’s
2 actions were consistent with the community standard in terms of managing a client trust account.

3 11. The State Bar’s claims are barred, in whole or in part, because Mr. Jimmerson had in
4 place reasonable measures to ensure that the conduct of nonlawyers at his firm was compatible with
5 his professional obligations.

6 12. The State Bar’s claims are barred, in whole or in part, due to the State Bar’s failure to
7 comply with the Nevada Supreme Court Rules during the course of its investigation of the grievance.

8 13. The State Bar’s claims are barred, in whole or in part, due to reliance on evidence that
9 was obtained unlawfully and/or in violation of Mr. Jimmerson’s rights.

10 14. The State Bar’s claims are barred, in whole or in part, by the equitable doctrines of
11 laches, estoppel, and/or unclean hands.

12 15. If the Southern Nevada Disciplinary Board finds that Mr. Jimmerson violated one or
13 more of the Rules of Professional Conduct set forth in the Complaint, which it should not, the facts
14 and circumstances weigh against the imposition or recommendation of any form of discipline.

15 16. If the Southern Nevada Disciplinary Board finds that Mr. Jimmerson violated one or
16 more of the Rules of Professional Conduct set forth in the Complaint and imposes or recommends
17 discipline, which it should not, Mr. Jimmerson states that one or more mitigating factors under SCR
18 102.5(2) and/or extenuating circumstances under RPC 1.0A(c) justify a reduction in the degree of
19 discipline to be imposed, if any, including, without limitation: (i) absence of recent discipline; (ii)
20 absence of a dishonest or selfish motive; (iii) personal or emotional problems; (iv) timely good faith
21 effort to rectify consequences of alleged misconduct; (v) full and free disclosure to the State Bar and
22 cooperative attitude toward the proceeding; (vi) character or reputation; (vii) remorse; (viii)
23 remoteness of prior offenses; (ix) absence of client harm; and (x) the unfair impact that discipline
24 would have on Mr. Jimmerson’s family members.

25 Mr. Jimmerson reserves the right to assert, and gives notice that he intends to rely upon, any
26 other affirmative defense(s) that may become available or appear during discovery or otherwise in
27 this matter, and reserves the right to amend this Verified Answer to assert any such additional
28 affirmative defense(s).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER FOR RELIEF

WHEREFORE, Mr. Jimmerson, having fully answered the State Bar’s Complaint, prays for judgment as follows:

1. That the Complaint, and each claim therein, be dismissed with prejudice and that the State Bar take nothing thereby;
2. That Mr. Jimmerson be awarded his costs and attorneys’ fees incurred in the defense of this matter as may be permitted by law; and
3. For such other and further relief as the Southern Nevada Disciplinary Board deems just and proper.

DATED this 16th day of December, 2020.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy
DENNIS L. KENNEDY
JOSHUA P. GILMORE

Attorneys for Respondent
James J. Jimmerson, Esq.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, James J. Jimmerson, declare as follows:

1. I am the Respondent named in the Complaint filed in the above-captioned matter.
2. I have read the Answer to the Complaint and know the contents thereof.
3. The Answer is true of my own knowledge, except as to those matters stated on

information and belief, and that, as to such matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 16th day of December, 2020.

/s/ James J. Jimmerson
JAMES J. JIMMERSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 16th day of December, 2020, service of the foregoing **VERIFIED ANSWER TO COMPLAINT** was made by email and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

DANIEL M. HOOG BAR COUNSEL	Email: daniely@nvbar.org
DANIEL T. YOUNG ASSISTANT BAR COUNSEL	kristif@nvbar.org
STATE BAR OF NEVADA 3100 West Charleston Boulevard Las Vegas, NV 89102	sbnnotices@nvbar.org
	<i>Attorneys for Complainant</i> STATE BAR OF NEVADA

/s/ Stephanie M. Kishi
Employee of BAILEY ❖ KENNEDY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Case No.: OBC20-0163



STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
)
 Complainant,)
)
 vs.)
 JAMES JIMMERSON, ESQ.)
 NV BAR NO. 264)
)
 Respondent.)

ORDER APPOINTING
HEARING PANEL CHAIR

IT IS HEREBY ORDERED that the following member of the Southern Nevada
Disciplinary Board has been designated as the Hearing Panel Chair.

- 1. Thomas Edwards, Esq., Chair

DATED this 31 day of December, 2020.

STATE BAR OF NEVADA

By: Russell E. Marsh
Russell E. Marsh (Dec 31, 2020 15:36 PST)
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board



Panel Chair Ord_Jimmerson

Final Audit Report

2020-12-31

Created:	2020-12-31
By:	Cathi Britz (cathib@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAdhDHCQYCS4ks9j-UHKRIFfKpl0MqiWgK

"Panel Chair Ord_Jimmerson" History

-  Document created by Cathi Britz (cathib@nvbar.org)
2020-12-31 - 10:04:00 PM GMT- IP address: 71.222.19.43
-  Document emailed to Russell E. Marsh (russ@wmlawlv.com) for signature
2020-12-31 - 10:04:17 PM GMT
-  Email viewed by Russell E. Marsh (russ@wmlawlv.com)
2020-12-31 - 11:33:51 PM GMT- IP address: 72.193.107.70
-  Document e-signed by Russell E. Marsh (russ@wmlawlv.com)
Signature Date: 2020-12-31 - 11:36:09 PM GMT - Time Source: server- IP address: 24.120.39.10
-  Agreement completed.
2020-12-31 - 11:36:09 PM GMT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
ORDER APPOINTING PANEL CHAIR was served via email to:

1. Thomas Edwards, Esq. (Panel Chair): tedwards@nevadafirm.com
2. Dennis Kennedy, Esq. (Counsel for Respondent):
dkennedy@BaileyKennedy.com
3. Joshua Gilmore, Esq. (Counsel for Respondent): jgilmore@BaileyKennedy.com
4. Daniel T. Young, Esq. (Assistant Bar Counsel): daniely@nvbar.org

Dated this 4th day of January, 2021.

Kristi A. Faust

Kristi Faust, an employee
of the State Bar of Nevada



FILED

JAN 04 2021

STATE BAR OF NEVADA

BY: S. Felix
OFFICE OF BAR COUNSEL

1 Case No: OBC20-0163

2

3

4

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

5

STATE BAR OF NEVADA,)

6

Complainant,)

vs.)

7

JAMES J. JIMMERSON, ESQ.,)

8

Nevada Bar No. 0264,)

9

Respondent.)

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

10

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled

11

matter is set for Wednesday, January 13, 2021, at 10:00 a.m. The State Bar conference number

12

is (877) 594-8353, participant passcode is 16816576 then #.

13

DATED this 4 day of January, 2021.

14

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

15

16


Daniel Young (67) 2021 15:38 PST

17

Daniel T. Young, Assistant Bar Counsel
Nevada Bar No. 11747

18

3100 W. Charleston Blvd, Suite 100
Las Vegas, Nevada 89102

19

(702)-382-2200
Attorney for State Bar of Nevada

20

21

22

23

24

25

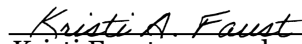
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
NOTICE OF INITIAL CASE CONFERENCE was served via email to:

1. Thomas Edwards, Esq. (Panel Chair): tedwards@nevadafirm.com
2. Dennis Kennedy, Esq. (Counsel for Respondent): dkennedy@BaileyKennedy.com
3. Joshua Gilmore, Esq. (Counsel for Respondent): jgilmore@BaileyKennedy.com
4. Daniel T. Young, Esq. (Assistant Bar Counsel): daniely@nvbar.org

Dated this 4th day of January, 2021.



Kristi Faust, an employee
of the State Bar of Nevada

2021.01.04- Notice of ICC

Final Audit Report

2021-01-04

Created:	2021-01-04
By:	Kristi Faust (kristif@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbOk-vluVW_gOZsdPSSKS8JaS620XXLB4

"2021.01.04- Notice of ICC" History

-  Document created by Kristi Faust (kristif@nvbar.org)
2021-01-04 - 11:36:47 PM GMT- IP address: 148.170.87.181
-  Document emailed to Daniel Young (daniely@nvbar.org) for signature
2021-01-04 - 11:37:05 PM GMT
-  Email viewed by Daniel Young (daniely@nvbar.org)
2021-01-04 - 11:38:41 PM GMT- IP address: 68.96.236.220
-  Document e-signed by Daniel Young (daniely@nvbar.org)
Signature Date: 2021-01-04 - 11:38:50 PM GMT - Time Source: server- IP address: 68,96,236,220
-  Agreement completed.
2021-01-04 - 11:38:50 PM GMT



1 Case No: OBC20-0163

2
3
4 **STATE BAR OF NEVADA**
SOUTHERN NEVADA DISCIPLINARY BOARD

5 STATE BAR OF NEVADA,)
6 Complainant,)
7 vs.)
8 JAMES J. JIMMERSON, ESQ.,)
9 Nevada Bar No. 0264,)
Respondent.)

SCHEDULING ORDER

10 Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), on Wednesday,
11 January 13, 2021, at 10:00 a.m., Thomas Edwards, Esq., the Formal Hearing Panel Chair, met
12 telephonically with Daniel T. Young, Esq., Assistant Bar Counsel, on behalf of the State Bar of
13 Nevada, and Joshua Gilmore, Esq., on behalf of Respondent to conduct the Initial Conference
14 in this matter.

15 During the Case Conference the parties discussed disclosures, discovery issues, the
16 potential for resolution of this matter prior to the hearing, a status conference, and the hearing
17 date.

18 The parties agreed to the following:

- 19 **1.** The parties consent to service by electronic means of all documents pursuant to
20 SCR 109(2), NRCP 5, and DRP 11(b)(3) with the understanding that **all documents need to**
21 **be submitted by 5:00 p.m. to be file stamped timely.**
- 22 **2.** The parties stipulate that venue is proper in Clark County, Nevada.
- 23 **3.** The Formal Hearing for this matter is hereby set for **one (1) day starting at**
24 **9:00 a.m. on April 30, 2021**, and shall take place via Zoom video conference.

1 **4.** On or before **January 20, 2021, at 5:00 p.m.**, the State Bar of Nevada's initial
2 disclosures shall be served on all parties. The documents provided by the State Bar shall be
3 bates stamped with numerical designations. See DRP 17 (a).

4 **5.** On or before **January 28, 2021, at 5:00 p.m.**, Respondent's initial disclosures
5 shall be served on all parties. The documents provided by the Respondent shall be bates
6 stamped with alphabetical exhibit designations. See DRP 17 (a).

7 **6.** On or before **February 26, 2021, at 5:00 p.m.**, Respondent's Expert
8 Disclosure Report shall be served on all parties.

9 **7.** On or before **March 12, 2021, at 5:00 p.m.**, the State Bar of Nevada's Rebuttal
10 Expert Disclosure Report shall be served on all parties.

11 **8.** On or before **March 26, 2021, at 5:00 p.m.**, the parties shall file and serve any
12 Motions.

13 **9.** On or before **April 9, 2021, at 5:00 p.m.**, all oppositions to the Motions, if any,
14 shall be filed and served on the parties.

15 **10.** On or before **April 14, 2021, at 5:00 p.m.**, all replies to any opposition, if any,
16 shall be filed and served on the parties.

17 **11.** On or before **March 12, 2021, at 5:00 p.m.**, the parties shall serve Final
18 Disclosure of documentary evidence, Final Designation of witnesses expected to testify and
19 Final list of Exhibits expected to be presented, at the Formal Hearing in this matter, pursuant
20 to SCR 105(2)(d), DRP 17(a) and DRP 21.

21 **12.** All documents disclosed shall be bates stamped, the State Bar will use numerical
22 exhibit designations and Respondent will use alphabetical exhibit designations, pursuant to
23 DRP 17.

24
25


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
SCHEDULING ORDER was served via email to:

1. Thomas Edwards, Esq. (Panel Chair): tedwards@nevadafirm.com
2. Dennis Kennedy, Esq. (Counsel for Respondent): dkennedy@BaileyKennedy.com
3. Joshua Gilmore, Esq. (Counsel for Respondent): jgilmore@BaileyKennedy.com
4. Daniel T. Young, Esq. (Assistant Bar Counsel): daniely@nvbar.org

Dated this 14th day of January, 2021.



Kristi Faust, an employee
of the State Bar of Nevada

2021.01.13 - Scheduling Order - Jimmerson

Final Audit Report

2021-01-14

Created:	2021-01-14
By:	Kristi Faust (kristif@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXIf519ddKx16mUZe2MvKbqmiJWENRp63

"2021.01.13 - Scheduling Order - Jimmerson" History

-  Document created by Kristi Faust (kristif@nvbar.org)
2021-01-14 - 7:04:09 PM GMT- IP address: 148.170.87.181
-  Document emailed to Tom Edwards (tedwards@nevadafirm.com) for signature
2021-01-14 - 7:04:48 PM GMT
-  Email viewed by Tom Edwards (tedwards@nevadafirm.com)
2021-01-14 - 7:07:25 PM GMT- IP address: 24.120.204.130
-  Document e-signed by Tom Edwards (tedwards@nevadafirm.com)
Signature Date: 2021-01-14 - 7:12:56 PM GMT - Time Source: server- IP address: 24.120.204.130
-  Agreement completed.
2021-01-14 - 7:12:56 PM GMT



1 Case Nos: OBC20-0163

2

3

4

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

5

6 STATE BAR OF NEVADA,

7 Complainant,

8 vs.

9 JAMES JIMMERSON, ESQ.

10 NV BAR No. 264

Respondent.

**ORDER APPOINTING
FORMAL HEARING PANEL**

11

12

13

14

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 30th day of April, 2021 starting at 9:00 a.m. via Zoom Video Conferencing.

15

16

1. Tom Edwards, Esq., Chair;
2. Ira David, Esq.
3. Anne Hanson, Laymember

17

18

DATED this 29 day of January, 2021.

19

20

STATE BAR OF NEVADA

21

22

By: Russell E. Marsh
Russell E. Marsh (Jan 29, 2021 10:17 PST)

 Russell E. Marsh, Esq.
 Nevada Bar No. 11198
 Chair, Southern Nevada Disciplinary Board

23

24

25

Hearing Panel Ord_Jimmerson

Final Audit Report

2021-01-29

Created:	2021-01-29
By:	Cathi Britz (cathib@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAa57Ld94mNrhkZ6RYSjKJ9A5e33140_B5

"Hearing Panel Ord_Jimmerson" History

-  Document created by Cathi Britz (cathib@nvbar.org)
2021-01-29 - 5:19:56 PM GMT- IP address: 71.222.19.43
-  Document emailed to Russell E. Marsh (russ@wmlawlv.com) for signature
2021-01-29 - 5:20:29 PM GMT
-  Email viewed by Russell E. Marsh (russ@wmlawlv.com)
2021-01-29 - 6:17:24 PM GMT- IP address: 24.120.39.10
-  Document e-signed by Russell E. Marsh (russ@wmlawlv.com)
Signature Date: 2021-01-29 - 6:17:50 PM GMT - Time Source: server- IP address: 24.120.39.10
-  Agreement completed.
2021-01-29 - 6:17:50 PM GMT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing
ORDER APPOINTING PANEL was served via email to:

1. Thomas Edwards, Esq. (Panel Chair): tedwards@nevadafirm.com
2. Ira David, Esq. (Panel Member): lawofficesofiradavid@gmail.com
3. Anne Hanson (Lay Member): 2555aspen@gmail.com
4. Dennis Kennedy, Esq. (Counsel for Respondent):
dkennedy@BaileyKennedy.com
5. Joshua Gilmore, Esq. (Counsel for Respondent): jgilmore@BaileyKennedy.com
6. Daniel T. Young, Esq. (Assistant Bar Counsel): daniely@nvbar.org

Dated this 29th day of January, 2021.

Kristi A. Faust
Kristi Faust, an employee
of the State Bar of Nevada

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Case No: OBC20-0163



**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**


STATE BAR OF NEVADA,)
)
 Complainant,)
 vs.)
 JAMES J. JIMMERSON, ESQ.,)
 Nevada Bar No. 0264,)
)
 Respondent.)

NOTICE OF FORMAL HEARING

PLEASE TAKE NOTICE that the formal hearing in the above-entitled action has been scheduled for **one day on April 30, 2021, at the hour of 9:00 a.m.** The hearing will be conducted via audio/visual simultaneous transmission (using Zoom) hosted from Las Vegas Nevada. The State Bar of Nevada will email an access link on April 29, 2021.

DATED this 4th day of February, 2021.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel


Daniel Young (fel) 2021 10:53 PST
Daniel T. Young, Assistant Bar Counsel
Nevada Bar No. 11747
3100 W. Charleston Blvd, Suite 100
Las Vegas, Nevada 89102
(702)-382-2200
Attorney for State Bar of Nevada

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing

NOTICE OF FORMAL HEARING was served via email to:

- 1. Thomas Edwards, Esq. (Panel Chair): tedwards@nevadafirm.com
- 2. Ira David, Esq. (Panel Member): lawofficesofiradavid@gmail.com
- 3. Anne Hanson (Lay Member): 2555aspen@gmail.com
- 4. Dennis Kennedy, Esq. (Counsel for Respondent): dkennedy@BaileyKennedy.com
- 5. Joshua Gilmore, Esq. (Counsel for Respondent): jgilmore@BaileyKennedy.com
- 6. Daniel T. Young, Esq. (Assistant Bar Counsel): daniely@nvbar.org

Dated this 4th day of February, 2021.

Kristi A. Faust

Kristi Faust, an employee
of the State Bar of Nevada




2021.02.04- Notice of Formal Hearing

Final Audit Report

2021-02-04

Created:	2021-02-04
By:	Kristi Faust (kristif@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAj_LPP2AbetBKRu76UCefRDY6IGuf_Jqv

"2021.02.04- Notice of Formal Hearing" History

-  Document created by Kristi Faust (kristif@nvbar.org)
2021-02-04 - 6:43:42 PM GMT- IP address: 148.170.93.30
-  Document emailed to Daniel Young (daniely@nvbar.org) for signature
2021-02-04 - 6:43:58 PM GMT
-  Email viewed by Daniel Young (daniely@nvbar.org)
2021-02-04 - 6:53:21 PM GMT- IP address: 68.96.236.220
-  Document e-signed by Daniel Young (daniely@nvbar.org)
Signature Date: 2021-02-04 - 6:53:30 PM GMT - Time Source: server- IP address: 68,96,236,220
-  Agreement completed.
2021-02-04 - 6:53:30 PM GMT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DECLARATION OF KRISTI FAUST
CUSTODIAN OF RECORDS

KRISTI FAUST, under penalty of perjury, being first duly sworn, declares and says as follows:

1. That Declarant is employed as a Hearing Paralegal for the Office of Bar Counsel of the State Bar of Nevada and in such capacity is the custodian of records for the State Bar of Nevada;
2. That Declarant has reviewed the State Bar of Nevada membership records regarding Respondent James J. Jimmerson, Nevada Bar number 264 and has verified that he was first licensed to practice law in the State of Nevada on September 20, 1976.
3. That Declarant has reviewed the State Bar of Nevada membership records and confirmed Respondent is currently Active.
4. That Declarant has reviewed the State Bar of Nevada discipline records regarding Respondent and has verified that he has received the following discipline to date:
 - a. **10/06/1994 – Public Reprimand for violations of:**
 - i. **SCR 154(1) (Communication);**
 - ii. **SCR157(2) (Conflict of Interest);**
 - iii. **SCR 158 (1) (Conflict of Interest; Business Transaction);**
 - iv. **SCR 158(2)(Conflict of Interest; use of information);**
 - v. **SCR158(10) (Conflict of interest; acquiring interest in action);**
 - vi. **SCR 165(2) (Safekeeping Property); and**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

vii. SCR 203(4) (Conduct Prejudicial to the Administration of Justice).

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 20th day of April, 2021.



Kristi Faust
Hearing Paralegal
Office of Bar Counsel

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF)
JAMES J. JIMMERSON.)

No. 22611)

FILED

OCT 06 1994

BY W. C. Smith
DEPUTY CLERK

ORDER OF PUBLIC REPRIMAND

Pursuant to our order directing issuance of a public reprimand in this matter, we authorize the publication, in accordance with SCR 121, of the following letter of public reprimand.

To: James J. Jimmerson, Attorney at Law:

You were retained by a client to represent her interests in post-divorce support and property distribution proceedings. One of the community assets was a five-acre parcel of land in Clark County. At the time you were retained, a foreclosure sale was pending on the property. Your client desired to save her interest in the land, but was financially unable to prevent foreclosure.

You advised your client that there was a possibility that either you or your firm could help her avoid foreclosure. Later, however, you informed your client that you would be unable to help her.


Thereafter, you contacted a friend of yours who is a real estate agent. You told your friend that your client's property would be available in a public foreclosure sale. You further suggested that he examine the property for the purpose of the two of you purchasing it. Your friend returned and told you that he would be interested in being involved in the purchase of the property if it could be bought for \$45,000 or less.

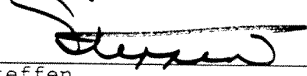
You then gave your friend a check for \$45,000 and he purchased the property for approximately \$32,000, the minimum bid. Your friend returned the excess money to you and purchased a 20% interest in the property from you. Two months later, your friend sold the property for \$84,950 and you realized a profit, after costs, of approximately \$35,000.

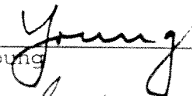
You did not disclose your actions to your client until approximately six months after the sale of the property. Further, you did not disclose your actions until your client's ex-husband expressed dissatisfaction about your actions. Thereafter, you requested your client to sign a disclosure letter consenting to your purchase of the property. Your letter, however, was misleading and did not clearly convey that your funds were used to purchase the property and that you invited your friend to participate in the purchase, not vice versa. Your client consulted independent counsel and a settlement was negotiated whereby you paid your client one-half of your profits from the purchase and sale.

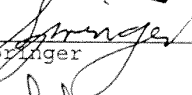
Your conduct is in violation of SCR 154(1) (communication), SCR 157(2) (conflict of interest; general rule), SCR 158(1) (conflict of interest; business transaction), SCR 158(2) (conflict of interest; use of information), SCR 158(10) (conflict of interest; acquiring interest in action), SCR 165(2) (safekeeping property); and SCR 203(4) (conduct prejudicial to the administration of justice), and warrants public discipline. Accordingly, you are publicly reprimanded.


It is so ORDERED.


Rose, C. J.


Steffen, J.


Young, J.


Springer, J.


Shearing, J.

cc: Dennis L. Kennedy, Chairman,
Southern Nevada Disciplinary Board
Leonard I. Gang, Bar Counsel
Phillip W. Bartlett, Special Bar Counsel
Rosalie Small, Executive Director
Dickerson, Dickerson, Lieberman & Consull

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF)
JAMES J. JIMMERSON.)
_____)

No. 22611

FILED

OCT 06 1994

JANET M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DIRECTING ISSUANCE OF PUBLIC REPRIMAND

On August 27, 1991, a hearing panel of the Southern Nevada Disciplinary Board issued a decision in the above-entitled matter accepting attorney James J. Jimmerson's conditional guilty plea to allegations of professional misconduct. See SCR 113(1). The conditional plea agreement provided that Jimmerson would receive a private reprimand, would perform 200 hours of community service, and would pay the disciplinary costs. Special bar counsel, who had been appointed pursuant to SCR 120(2), sought this court's review of the panel's decision.

On December 23, 1992, this court remanded this matter to the disciplinary board. This court stated in part: "If indeed evidence can be presented establishing that Jimmerson has committed all the acts of misconduct alleged by special bar counsel, then we would view such acts as a serious breach of the Nevada Rules of Professional Conduct warranting the imposition of public discipline."

On June 8, 1993, the Southern Nevada Disciplinary Board forwarded the findings and recommendations of the disciplinary panel to this court for final approval. The panel found that Jimmerson had, in essence, committed the acts of misconduct alleged by special bar counsel. The panel recommends that Jimmerson should: (1) receive an "anonymous public reprimand;" (2) pay the sum of \$17,500 into the client's security fund for the


State Bar of Nevada; (3) perform 100 hours of pro bono work for the Clark County Pro Bono Project or other similar public service organization; and (4) pay the disciplinary costs incurred in these proceedings. The panel further recommends that the "anonymous public reprimand" should disclose the following mitigating factors: (1) Jimmerson's eight years as a bar governor; (2) his three years on a disciplinary board; (3) his prior discipline-free record; and (4) his openness and candor with bar counsel in allowing complete access to his client's file. Jimmerson has notified this court that he accepts the panel's findings and recommendations.

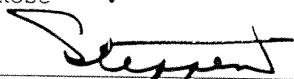
Although recommendations of a disciplinary panel are persuasive, this court is not bound by the panel's findings and recommendations, and we must examine the record anew and exercise independent judgment. See *In re Kenick*, 100 Nev. 273, 680 P.2d 972 (1984). Having reviewed the record of the proceedings before the panel, we conclude that public discipline is warranted, and that an "anonymous public reprimand" is not public discipline in the sense this court intended in the prior order of December 23, 1992. Further, under the circumstances of this case, we do not agree that Jimmerson's service to the bar constitutes a mitigating factor sufficient to warrant the imposition of any form of discipline less severe than public discipline. Jimmerson is held to the same standards of professional responsibility as every other member of the State Bar of Nevada and his past service to the bar, if anything, indicates that he knew or should have known that the conduct revealed on this record was prohibited under this court's Rules of Professional Conduct.

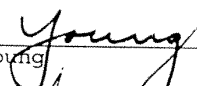
Accordingly, we reject the panel's recommendation for the issuance of an "anonymous public reprimand." Instead, we direct the issuance of a public reprimand. We approve the

remaining recommendations of the panel. Jimmerson shall pay the sum of \$17,500 into the client's security fund for the State Bar of Nevada, perform 100 hours of pro bono work for the Clark County Pro Bono Project or other similar public service organization, and pay the disciplinary costs incurred in these proceedings.

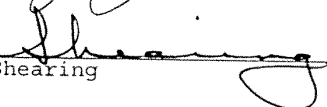
It is so ORDERED.


_____, C. J.
Rose


_____, J.
Steffen


_____, J.
Young


_____, J.
Springer


_____, J.
Shearing

cc: Dennis L. Kennedy, Chairman,
Southern Nevada Disciplinary Board
Leonard I. Gang, Bar Counsel
Phillip W. Bartlett, Special Bar Counsel
Rosalie Small, Executive Director
Dickerson, Dickerson, Lieberman & Consul

From: [Amanda Fisher](#)
To: [Louise Watson](#); [James J. Jimmerson, Esq.](#)
Subject: RE: Grievance File No. OBC20-0163
Date: Friday, May 8, 2020 9:18:11 AM

Good morning Louise,

We have received your email along with the correspondence. We will submit a response to you regarding requested information before May 22nd

Thank you and stay safe!

Best regards,

Amanda Fisher
Bookkeeper/Office Manager
The Jimmerson Law Firm, P.C.
415 South 6th Street, Suite 100
Las Vegas, Nevada 89101
(702) 388-7171 (Office)
(702) 380-6422 (Facsimile)
af@jimmersonlawfirm.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Louise Watson <LouiseW@nvbar.org>
Sent: Friday, May 8, 2020 8:19 AM
To: James J. Jimmerson, Esq. <jjj@jimmersonlawfirm.com>
Cc: Amanda Fisher <af@jimmersonlawfirm.com>
Subject: Grievance File No. OBC20-0163

Mr. Jimmerson:

Please see attached correspondence requesting some additional information regarding the above-referenced matter.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Louise Watson
Sr. Investigator/Program Manager
Office of Bar Counsel
Main: 702-382-2200
Direct: 702-317-1453
Fax: 702-382-8747
www.nvbar.org

The Office of Bar Counsel (OBC) is committed to fighting the outbreak of coronavirus (COVID-19). All OBC staff will work remotely for the immediate future. We will not receive physical mail on a regular basis. This may delay or adversely affect your matter with the OBC. We ask that you communicate through email to louisew@nvbar.org. Thank you for your patience and cooperation during this difficult time.

Notice of Confidentiality: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by anyone other than the intended recipient is not authorized.



FILED

FEB 06 2020

OBC20-0163

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA
BY: Jim
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,)
Complainant,)
vs.)
JAMES J. JIMMERSON, ESQ.)
Bar No. 264)
Respondent.)

SUBPOENA DUCES TECUM
SERVED VIA CERTIFIED MAIL

TO: Attn: Subpoena Research
Nevada State Bank
1875 Redwood Road
Mailstop UTSC 0929
Salt Lake City, UT 84104

YOU ARE HEREBY directed to set aside any and all business and excuses and provide to Bar Counsel for the State Bar of Nevada at 3100 W. Charleston Boulevard, Suite 101, Las Vegas, Nevada, 89102, on **Friday February 28, 2020**, by 5:00 p.m. copies of the following records from accounts maintained by the above-captioned individual in conjunction with his law office.

NOTE: Your production of the requested items relieves your obligation to personally appear before Bar Counsel on the designated date and time. Any questions or documents produced can be directed to the attention of:

Louise Watson, CP
Senior Paralegal/Investigator
Office of Bar Counsel
702-317-1453
louisew@nvbar.org

For any and all trust and business accounts owned by James J. Jimmerson, date of birth April 8, 1951, in conjunction with his law practice, including but not limited to account number 002107126, please provide copies of the following:

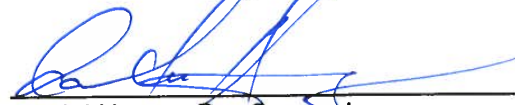
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1. All signature cards.
2. All monthly and/or periodic statements for the time period January 1, 2019, to present.
3. Front and back images of all checks written for the time period of January 1, 2019, to present.
4. Front and back images of all checks deposited for the time period of January 1, 2019, to present.
5. Deposit slips, if available, for the time period of January 1, 2019, to present;
6. Withdrawal slips, wire transfers and counter deposits for the time period of January 1, 2019, to present.
7. Cashier's checks issued from the account and related documents for the time period of January 1, 2019, to present.

This subpoena is issued pursuant to Supreme Court Rule (SCR) 110 in connection with a **CONFIDENTIAL INVESTIGATION** undertaken pursuant to the Nevada Supreme Court Rules. It shall be regarded as contempt of the Supreme Court Rules for you to in any way breach the confidentiality of this investigation. It shall not be regarded as a breach of confidentiality for you to consult with an attorney or answer questions asked at the above time and place. For failure to provide as herein directed, you will be deemed in contempt of the Southern Nevada Disciplinary Board and subject to citation from the District Court of the State of Nevada in and for the County of Clark to show cause why you should not be punished for such contempt as provided in SCR 110.

ISSUED this 6 day of February, 2020

STATE BAR OF NEVADA



Daniel Hooge, Bar Counsel
Nevada Bar No. 10620
3100 W. Charleston Blvd., Suite 100
Las Vegas, Nevada 89102
702-382-2200

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

2.6-20
03C20-
Postmark 0163
Here
SOT.

Attn: Subpoena Research
Nevada State Bank
1875 Redwood Rd.
Mailstop UTSC 0929
Salt Lake City, UT 84104

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

7018 3090 0000 3915 2260

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

AFFIDAVIT OF CUSTODIAN OF RECORD

CASE NAME: James J. Jimmerson

CASE NO: OBC20-0163

COMES NOW, **Janet Young**, who does swear and affirm the following:

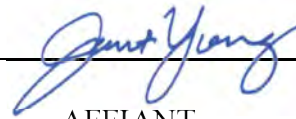
I am a duly authorized custodian of the records for Zions Bancorporation, N.A. dba **Nevada State Bank** and as such have access to the records and data maintained by this division in the regular course of its business.

I hereby certify that it is a regular practice of the above-described entity to make and keep records of the acts, events, conditions, and opinions of such entity in the ordinary course of its business.

I hereby certify that the attached documents are true and correct copies of all records described in the legal order that are in my possession or control as a custodian of such records.

I further certify that the original records, from which the attached documents were copied, were made by the personnel of the above-described entity at or near the time of the original business transactions by, or from information transmitted by, a person with knowledge of those matters. Such documents are made in the ordinary course of business at said entity and are regularly kept in order to record the acts, events, conditions, or opinions of said business entity in the course of its regular business practice.

I hereby declare under penalty of perjury under the laws of the State of **Nevada** that the foregoing is true and correct.



AFFIANT

SUBSCRIBED AND SWORN to before me on February 19, 2020 by Janet Young



Notary Public Trisha Holmes

Commission No. 691933

Notary Public

State of Utah

My commission expires 11/4/2020

Exhibit Index

	Exhibit Page:
Re: Payroll Account Transactions	
On 11/20/19 payroll a/c closed w/ balance of \$2,513.15	Ex 28 p.189
On 11/20/19 corp a/c closed w/ balance of \$19,758.19	Ex 27 p.1468
On 11/21/19, \$45K transfer made from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
On 11/21/19, \$46,958.87 transfer made from corp a/c to payroll a/c	Ex 27 p.1468 Ex 28 p.187
No further deposit into payroll a/c until 12/5/19	Ex 28 p.193
\$46,772.53 disbursed from payroll a/c between 11/22/19 & 11/27/19 as follows: 11/22/19 – direct debit of \$30,025 for payroll 11/22/19 – checks issued totaling \$5,861.26 11/26/19 – check issued for \$703.47 11/27/19 – direct debit of \$10,182.80 to IRS	Ex 28 p.187 Ex 28 pp.191-192, 197 Ex 28 p.191 Ex 28 p.187
Re: November 21, 2019, transfer	
11/21/19 – \$45K transfer made from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 13 clients	Ex. 13 p.26
\$19,221.79 of transferred funds were not in IOLTA on day of transfer as follows:	
Denise Cashman \$4,365.89 payment made as part of 11/22/19 deposit	Ex 13 p.105 Ex 26 pp.195, 111-113
James Vance \$14,855.90 payment made as part of 11/22/19 deposit of \$25,000 from Snowed Inn LLC	Ex 13 pp.135-137, 146-147 Ex 26 pp.195, 109-110
Re: November 14, 2019, transfer	
11/14/19 – transfer of \$40K from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 4 clients	Ex 13 p.25
\$32,499.02 of transferred funds were not in IOLTA on day of transfer as follows:	
Jennifer Kraft \$250 credit card payment made 11/16/19 & deposited 11/19/19	Ex 13 pp.74, 78 Ex 26 p.195
Lorena Baker \$300 credit card payment made 11/15/19 & deposited 11/19/19	Ex 13 pp. 74, 80 Ex 26 p.195
Denise Cashman \$31,949.02 payment made as part of 11/22/19 deposit	Ex 13 pp. 74, 83 Ex 26 pp.195, 111-113
Re: November 25, 2019, transfer	
11/25/19 – transfer of \$60K from IOLTA to corp a/c	Ex 26 p.195 Ex 27 p.1466
Respondent statement that transfer represented earned fees on behalf of 10 clients	Ex 13 p.26 Ex 13 p.145
\$29,255.90 of transferred funds were not in IOLTA on day of transfer as follows:	
Lorena Baker \$300 credit card payment made 11/29/19 & deposited 12/3/19	Ex 13 pp. 145, 152 Ex 26 p.201

Virginia Shaw \$603.93 credit card payment 12/3/19 & deposited 12/9/19	Ex 13 pp.145, 155-156 Ex 26 p. 201
James Vance \$4,894.56 credit card payment made 12/5/19 & deposited 12/9/19	Ex 13 pp.145, 157 Ex 26 p.201
Roby Roy \$293.14 credit card payment made 12/5/19 & deposited 12/9/19	Ex 13 pp.145, 162 Ex 26 p.201
Jessica Spielman \$772.50 credit card payment made 12/11/19 & deposited 12/13/19	Ex 13 pp.145, 165 Ex 26 p.201
Lorena Baker \$300 credit card payment made 12/13/19 & deposited 12/17/19	Ex 13 pp.145, 167 Ex 26 p.201
Jenna Kraft \$250 credit card payment made 12/16/19 & deposited 12/18/19	Ex 13 pp.145, 170 Ex 26 p.201
Patricia Curtis \$20,600 credit card payment made 12/20/19 & deposited 12/24/19	Ex 13 pp.145, 177 Ex 26 p.201
Re: Jay Nady	
12/19/19 – transfer of \$10,000 from IOLTA to corp a/c	Ex 26 p. 201 Ex 27 p. 1478
Respondent statement that \$10,000 transfer represented earned fees from Nady	Ex 13 p.28
Invoice Respondent provided in support of transfer	Ex 13 p. 227-228
Re: \$15,000 transfer to family trust	
12/20/19 – transfer made from IOLTA to Jimmerson Family Trust a/c	Ex 26 p.201 Ex 33 p.34
12/27/19 – transfer made from corp a/c to IOLTA to replace the funds transferred to Jimmerson Family Trust	Ex 27 p.1480 Ex 26 p.201

ABA Guidelines for Discipline

The panel should answer each of the following questions:¹

What ethical duty(ies) did the lawyer violate?

Check all duties and circle all rule violations that apply

- A Duty to a Client? RPCs 1.1-.4, 1.6, 1.7-.13, 1.15, 2.2, 3.7, 5.4(c), 6.3
- A Duty to the Public? RPCs 8.2, 8.4(b),(c)
- A Duty to the Legal System? RPCs 3.6, 3.9, 4.1-.4, 8.2, 8.4(d),(e),&(f)
- A Duty to the Legal Profession? RPCs 1.2, 1.5, 1.14, 1.16, 5.4, 5.5, 5.6, 7.1-.5, 8.1, 8.3

Key Evidence for Factual Findings _____

What was the lawyer's mental state?

- Intentional
- Knowingly
- Negligent

Key Evidence for Factual Findings _____

What was the extent of injury caused by the lawyer's misconduct?

- Serious or Potentially Serious Injury
- Injury or Potential Injury
- Little or No Injury

Key Evidence for Factual Findings _____

Based upon your Findings above what is the baseline sanction?

ABA Standard (e.g., 4.12) _____

- Disbarment
- Suspension
- Reprimand
- Admonition²

¹ "The standards do not account for multiple charges of misconduct. The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations; it might well be and generally should be greater than the sanction for the most serious misconduct. Either a pattern of misconduct or multiple instances of misconduct should be considered as aggravating factors." ANNOTATED STANDARDS FOR IMPOSING LAWYER SANCTIONS (2014).

² Pursuant to SCR 102, attorney discipline in the State of Nevada does not include an admonition or private reprimand. If the panel finds a violation with the requisite mental state and injury to warrant an admonition it should consider either a Letter of Reprimand (SCR 102(5)-(7)), which is public, or a Letter of Caution (SCR 102(8)).

Aggravating and Mitigating Circumstances

“A baseline sanction under any given Sanctions Standard can be adjusted upward or downward depending on the weight [Panels] assign to the mitigating or aggravating factors in a given case.” Also, Panels should “weigh the strength of aggravating and mitigating factors against each other when both are present in a case.”³

These aggravating circumstances may justify an increase in the degree of discipline:

<input type="checkbox"/> prior disciplinary offenses	<input type="checkbox"/> dishonest or selfish motive	<input type="checkbox"/> a pattern of misconduct	<input type="checkbox"/> multiple offenses
<input type="checkbox"/> bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders	<input type="checkbox"/> submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing	<input type="checkbox"/> refusal to acknowledge the wrongful nature of conduct	<input type="checkbox"/> vulnerability of victim
<input type="checkbox"/> substantial experience in the practice of law	<input type="checkbox"/> indifference to making restitution	<input type="checkbox"/> illegal conduct, including that involving the use of controlled substances	

These mitigating circumstances may justify a decrease in the degree of discipline:

<input type="checkbox"/> absence of a prior disciplinary record	<input type="checkbox"/> absence of a dishonest or selfish motive	<input type="checkbox"/> mental disability or chemical dependency including alcoholism or drug abuse	<input type="checkbox"/> delay in disciplinary proceedings
<input type="checkbox"/> personal or emotional problems	<input type="checkbox"/> inexperience in the practice of law	<input type="checkbox"/> interim rehabilitation	<input type="checkbox"/> imposition of other penalties or sanctions
<input type="checkbox"/> timely good faith effort to make restitution or to rectify consequences of misconduct	<input type="checkbox"/> full and free disclosure to disciplinary authority or cooperative attitude toward proceeding	<input type="checkbox"/> remorse	<input type="checkbox"/> remoteness of prior offenses
<input type="checkbox"/> character or reputation	<input type="checkbox"/> physical disability		

Key Evidence for Factual Findings _____

³ ANNOTATED STANDARDS FOR IMPOSING LAWYER SANCTIONS, Standard 9.0 (2014).

Disciplinary Panel Handbook

From the Office of Bar Counsel



STATE BAR OF NEVADA

February 22, 2018

Contents

Preface	4
How to Use this Book	5
Duties of Disciplinary Panel Members.....	6
Types of Discipline	7
Discipline a Formal Hearing Panel Can Recommend to Nevada Supreme Court/SCR 102	7
Discipline Which a Formal Hearing Panel May Directly Impose.....	7
Dismissal.....	7
Note	7
Costs.....	8
Case Law Recently Cited by Nevada Supreme Court	9
ABA Standards Recently Cited by Nevada Supreme Court.....	10
Generally.....	10
Failure to Preserve the Client’s Property.....	10
Diligence.....	10
Competence	11
Failure to Maintain Personal Integrity.....	12
Duties Owed to the Profession.....	12
Aggravation and Mitigation / SCR 102.5.....	13
Aggravation.....	13
Mitigation.....	13
Not Aggravating or Mitigating	14
American Bar Association: Annotated Standards for Imposing Lawyer Sanctions	15
Purpose and Nature of Sanctions	15
1.1 Purpose of Lawyer Discipline Proceedings.....	15
1.2 Public Nature of Lawyer Discipline	15
1.3 Purpose of These Standards	15

Sanctions	16
2.1 Scope	16
2.2 Disbarment	16
2.3 Suspension	16
2.4 Interim Suspension.....	16
2.5 Reprimand.....	17
2.6 Admonition.....	17
2.7 Probation.....	17
2.8 Other Sanctions and Remedies	17
2.9 Reciprocal Discipline.....	17
2.10 Readmission and Reinstatement.....	18
Factors to Be Considered in Imposing Sanctions.....	18
3.0 Generally.....	18
Violations of Duties Owed to Clients.....	18
4.1 Failure to Preserve the Client’s Property	18
4.2 Failure to Preserve the Client’s Confidences	19
4.3 Failure to Avoid Conflicts of Interest	19
4.4 Lack of Diligence.....	20
4.5 Lack of Competence	21
4.6 Lack of Candor.....	21
Violations of Duties Owed to the Public.....	22
5.1 Failure to Maintain Personal Integrity.....	22
5.2 Failure to Maintain The Public Trust	23
Violations of Duties Owed to the Legal System	23
6.1 False Statements, Fraud, and Misrepresentation	23
6.2 Abuse of the Legal Process	24
6.3 Improper Communications with Individuals in the Legal System	25
7.0 Violations of Duties Owed as a Professional.....	26
8.0 Prior Discipline Orders.....	26
Selected Rules of Professional Conduct.....	28
RPC 1.1: Competence.....	28
RPC 1.3: Diligence	28

RPC 1.4: Communication.....	28
RPC 1.5: Fees	28
RPC 1.6: Confidentiality of Information.....	30
RPC 1.7: Conflict of Interest: Current Clients	31
RPC 1.8: Conflict of Interest: Current Clients: Specific Rules	31
RPC 1.9: Duties to Former Clients	32
RPC 1.15: Safekeeping Property	32
RPC 3.1: Meritorious Claims and Contentions	33
RPC 3.2: Expediting Litigation.....	33
RPC 3.3: Candor Toward the Tribunal.....	34
RPC 3.4: Fairness to Opposing Party and Counsel.....	34
RPC 4.2: Communication With Person Represented by Counsel	35
RPC 5.3: Responsibilities Regarding Non-lawyer Assistants	35
RPC 5.5: Unauthorized Practice of Law	36
RPC 8.1: Bar Admission and Disciplinary Matters	36
RPC 8.2: Judicial and Legal Officials	36
RPC 8.4: Misconduct.....	36
Reinstatement.....	38
Supreme Court Order Required	38
Burden of Proof.....	38
Standard of Proof.....	38
Elements Required for Reinstatement	38
Index of Common Violations and Corresponding Rule of Professional Conduct	39
Keyword Index	41

Preface

This handbook seeks to assist panel members and parties during disciplinary hearings. It is not meant to be a comprehensive explanation of ethics rules and procedures in Nevada. Instead, it is intended to be a quick reference to relevant case law, Supreme Court-mandated rules and the American Bar Association's standards for imposing sanctions upon attorneys.

The handbook provides explanations regarding the duties of panel members and the types of disciplinary actions that are available. It also contains information on the types of discipline that may be imposed, and options that panel members can utilize even when they conclude dismissal of charges is appropriate.

The State Bar of Nevada – particularly the Office of Bar Counsel – gratefully acknowledges the ABA for granting its permission to re-print excerpts of its 598-page Annotated Standards for Imposing Lawyer Sanctions.

How to Use this Book

This handbook references selected ethics rules, Nevada Supreme Court rulings and ABA standards that are regularly seen in disciplinary matters. It does not contain every possible rule or ethics standard that could pertain to various cases. Primary sources should be referenced if information, not contained here, is needed.

The intent of this handbook is to provide a resource for panel members and parties during actual disciplinary hearings. Information that can be quickly assessed includes:

1. Types of discipline and related costs;
2. Case law and ABA standards recently cited by the Nevada Supreme Court;
3. Rules of Professional Conduct that are most likely to be charged; and
4. Requirements mandated for Reinstatement Hearings.

Information contained herein can be referenced in the Table of Contents or the Keyword Index. As noted above, primary sources can be consulted for more rules and rulings, as this publication was never intended to be all-inclusive. The Office of Bar Counsel routinely references sources – including the Rules of Professional Conduct, Supreme Court Rules, and ABA’s Standards for Imposing Lawyer Sanction – during disciplinary hearings.

The handbook provides explanations regarding the duties of panel members and the types of disciplinary actions that are available. It also contains information on the types of discipline that may be imposed and options that panel members can utilize even when they conclude dismissal of charges is appropriate.

The State Bar of Nevada – particularly the Office of Bar Counsel – gratefully acknowledges the ABA for granting its permission to re-print excerpts of its Annotated Standards for Imposing Lawyer Sanctions.

Recommended Use: Digital Format

The state bar recommends utilizing this document in digital PDF format. It contains a number of interactive features to enhance efficiency and readability. Features include:

- Interactive, clickable Table of Contents that will jump readers to a desired page
- Interactive bookmarks panel that allows the contents to be browsed quickly; bookmarks will also jump users to desired contents’ locations.
- Full-text search: use the “find” feature (Ctrl+f) to quickly search for specific words and phrases
- Interactive indices: page numbers can be clicked to jump to content location.

Duties of Disciplinary Panel Members

The Disciplinary Panel members serve the integral purpose of considering the evidence presented by the Office of Bar Counsel and the respondent attorney for a particular grievance, and applying the guidance of the Nevada Supreme Court and the Standards for Imposing Sanctions to arrive at an appropriate response to that evidence. Such response might, ultimately, be dismissal of the matter, ordering certain types of discipline be imposed, or recommending to the Nevada Supreme Court that particular discipline should be imposed.

The primary duty of a disciplinary panel member on a Screening Panel is to consider whether a matter should be dismissed or whether it warrants issuance of a Letter of Reprimand, or may warrant a greater sanction. For a matter that would proceed to a formal hearing or be dismissed, the panel members consider the evidence presented and determine if it is sufficient to potentially prove a violation of the Rules of Professional Conduct. For the issuance of a Letter of Reprimand, the panel members consider the evidence presented and determine if it is sufficient to warrant the issuance of a Letter of Reprimand and whether such discipline is appropriate given the totality of the circumstances.

The primary duty of a disciplinary panel member in a formal hearing is to serve as the finder of fact in the disciplinary matter. This means the panel member must consider the documents presented to it and the testimony of the witnesses at the hearing. Considering testimony includes measuring the credibility of the witnesses. The panel members also arrive at conclusions of law and decisions, or recommendation, for discipline. The Nevada Supreme Court regards the conclusions and recommendations from the panel members as advisory in matters that are submitted to it; it gives deference to the panel members' findings of fact.

The chair of any type of panel is a disciplinary panel member with additional particularized duties. These duties include monitoring and managing the pre-hearing procedures in disciplinary matters, issuing written Orders, ruling on evidentiary objections at pre-hearing conferences and formal hearings, and executing any written discipline issued by the panel and/or the Findings of Fact, Conclusions of Law and Recommendation to be submitted to the Nevada Supreme Court.

The particularized duty of the layperson panel member on any type of panel is to provide a "common person" perspective to the consideration of the evidence.

Types of Discipline

Discipline a Formal Hearing Panel Can Recommend to

Nevada Supreme Court /SCR 102

1. Disbarment (which is irrevocable).
2. Suspension of more than six months (Reinstatement Hearing required).
3. Suspension up to six (6) months (Reinstatement Hearing not required).
4. Public Reprimand, with or without conditions, including restitution and/or a fine.

Discipline Which a Formal Hearing Panel May Directly Impose

1. Public Reprimand if submitted with a Conditional Guilty Plea pursuant to SCR 113 (Discipline by Consent).
2. Letter of Reprimand, with or without a fine up to \$1,000, and with or without conditions, including restitution. A Letter of Reprimand is public; it is no longer confidential or unpublished.

Dismissal

1. Letter of Caution (a dismissal with cautionary language regarding conduct or disciplinary rules).
2. Dismissal.

Note

1. As of September 3, 2015, there are no Private Reprimands.
2. As of December 27, 2016, all discipline is published.

Costs

Effective June 4, 2017, Supreme Court Rule 120 (Costs) was amended by the Nevada Supreme Court to impose the following *mandatory* Administrative Costs with the imposition of discipline:

- Disbarment: \$3,000
- Suspension: \$2,500
- Reprimand: \$1,000

The foregoing Administrative Costs shall not include:

1. Reporter's Fees;
2. Investigation Fees;
3. Witness Expenses;
4. Service Costs;
5. Publication Costs; and
6. Any other fees or costs deemed reasonable by a hearing panel and allocable to the proceeding.

Case Law Recently Cited by Nevada Supreme Court

In determining appropriate discipline, four factors shall be considered: the duty violated; the lawyer's mental state; the potential or actual injury caused by the lawyer's misconduct; and the existence of aggravating or mitigating factors.

In Re Discipline of Lerner, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

When imposing discipline on an attorney who is not licensed in this state, penalties must be tailored accordingly. Such penalties may include public reprimands; a temporary or permanent injunction on future admission, including *pro hac vice* admission; injunctive relief; contempt sanctions; fines; and payment of disciplinary proceeding costs.

Discipline of Droz, 123 Nev. 163, 168. 160 P.3d 881 885 (2007).

The panel's findings must be supported by clear and convincing evidence.

SCR 105(2)(e); *In Re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

The findings and recommendations of a disciplinary board hearing panel, though persuasive, are not binding on the Nevada Supreme Court.

In Re Stuhff, 108 Nev. 629, 633, 837 P.2d 885 (1992).

The automatic review of a panel decision recommending public discipline is conducted *de novo*, requiring the exercise of independent judgment by the Nevada Supreme Court.

In Re Schaefer, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001); *In Re Stuhff*, 108 Nev. 629, 837 P.2d 885 (1992).

The purpose of attorney discipline is to protect the public, the courts and the legal profession, not to punish the attorney.

State Bar of Nevada vs. Claiborne, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

ABA Standards Recently Cited by Nevada Supreme Court

Generally

When imposing a sanction for lawyer misconduct, the following factors should be considered:

- a. The duty violated;
- b. The lawyer's mental state;
- c. The potential or actual injury caused by the lawyer's misconduct; and
- d. The existence of aggravating or mitigating factors.

ABA Standards For Imposing Lawyer Sanctions, Standard 3.0.

Failure to Preserve the Client's Property

Absent aggravating or mitigating circumstances:

Disbarment is generally appropriate when a lawyer knowingly converts client property and caused injury or potential injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.11.

Suspension is generally appropriate when a lawyer knows or should know that he or she is improperly dealing with client property.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.12.

Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.13.

Diligence

Absent aggravating or mitigating circumstances:

Disbarment is generally appropriate when:

- a. A lawyer abandons the practice and causes serious or potentially serious injury to a client;
- b. A lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

- c. A lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.41.

Suspension is generally appropriate when:

- a. A lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
- b. A lawyer engages in a pattern of neglect which causes injury or potential injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.42.

Competence

Absent aggravating or mitigating circumstances:

Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.51.

Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows that he or she is not competent, and causes injury or potential injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.52.

Reprimand is generally appropriate when a lawyer:

- a. Demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or
- b. Is negligent in determining whether he or she is competent to handle a legal matter and causes injury to potential injury to a client.

ABA Standards For Imposing Lawyer Sanctions, Standard 4.53.

Failure to Maintain Personal Integrity

Absent aggravating or mitigating circumstances:

Disbarment is generally appropriate when:

- a. A lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or
- b. A lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

ABA Standards For Imposing Lawyer Sanctions, Standard 5.11.

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

ABA Standards For Imposing Lawyer Sanctions, Standard 5.12.

Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.

ABA Standards For Imposing Lawyer Sanctions, Standard 5.13.

Duties Owed to the Profession

Absent aggravating or mitigating circumstances, suspension generally is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

ABA Standards For Imposing Lawyer Sanctions, Standard 7.2.

Aggravation and Mitigation / SCR 102.5

Aggravating and mitigation circumstances may be considered in deciding what sanction to impose, and may be admitted into evidence at a disciplinary hearing.

Aggravation

1. Aggravating circumstances may justify an increase in the degree of discipline imposed:
 - a) Prior disciplinary history;
 - b) Dishonest or selfish motive;
 - c) A pattern of misconduct;
 - d) Multiple offenses;
 - e) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders;
 - f) Submission of false evidence, false statement, or other deceptive practices during a disciplinary hearing;
 - g) Refusal to acknowledge the wrongful nature of conduct;
 - h) Vulnerability of victim;
 - i) Substantial experience in the practice of law;
 - j) Indifference to making restitution;
 - k) Illegal conduct, including the use of controlled substances.

Mitigation

2. Mitigating circumstances may justify a reduction in the degree of discipline imposed:
 - a) Absence of a prior disciplinary record;
 - b) Absence of a dishonest or selfish motive;
 - c) Personal or emotional problems;
 - d) Timely good faith effort to make restitution or rectify consequences of misconduct;
 - e) Full and free disclosure to disciplinary authority or cooperative attitude toward proceeding;
 - f) Inexperience in the practice of law;
 - g) Character and reputation;
 - h) Physical disability;
 - i) Mental disability or chemical dependency, including alcoholism or drug abuse, when:

- 1) There is medical evidence that the Respondent is affected by chemical dependency or a mental disability;
 - 2) The chemical dependency or mental disability caused the misconduct;
 - 3) The Respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
 - 4) The recovery arrested the misconduct and recurrence of that misconduct is unlikely;
- j) Delay in disciplinary proceedings;
 - k) Interim rehabilitation;
 - l) Imposition of other penalties or sanctions;
 - m) Remorse;
 - n) Remoteness of prior offenses.

Not Aggravating or Mitigating

3. Factors which should not be considered as either aggravating or mitigating include:
 - a) Forced or compelled restitution;
 - b) Agreeing to a client's demand for improper behavior;
 - c) Withdrawal of grievance against the lawyer;
 - d) Resignation prior to completion of disciplinary proceedings;
 - e) Grievant's recommendation as to sanction
 - f) Failure to injured client to complain.

American Bar Association:

Annotated Standards for Imposing Lawyer Sanctions

Purpose and Nature of Sanctions

1.1 Purpose of Lawyer Discipline Proceedings

The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely properly to discharge their professional duties to clients, the public, the legal system, and the legal profession.

1.2 Public Nature of Lawyer Discipline

Upon the filing and service of formal charges, lawyer discipline should be public in cases of disbarment, suspension, and reprimand. Only in cases of minor misconduct, when there is little or no injury to a client, the public, the legal system, or the profession, and when there is little likelihood of repetition by the lawyer, should private discipline be imposed.

1.3 Purpose of These Standards

These standards are designed for use in imposing a sanction or sanctions following determination by clear and convincing evidence that a member of the legal profession has violated a provision of the Model Rules of Professional Conduct (or applicable standard under the laws of the jurisdiction where the proceeding is brought). Descriptions in these standards of substantive disciplinary offenses are not intended to create grounds for determining culpability independent of the Model Rules. The Standards constitute a model, setting forth a comprehensive system for determining sanctions, permitting flexibility and creativity in assigning sanctions in particular cases of lawyer misconduct. They are designed to promote: (1) consideration of all factors relevant to imposing the appropriate level of sanction in an individual case; (2) consideration of the appropriate weight of such factors in light of the stated goals of lawyer discipline; (3) consistency in the imposition of disciplinary sanctions for the same or similar offenses within and among jurisdictions.

Sanctions

2.1 Scope

A disciplinary sanction is imposed on a lawyer upon a finding or acknowledgement that the lawyer has engaged in professional misconduct.

2.2 Disbarment

Disbarment terminates the individual's status as a lawyer. Where disbarment is not permanent, procedures should be established for a lawyer who has been disbarred to apply for readmission, provided that:

- 1) no application should be considered for five years from the effective date of disbarment; and
- 2) the petitioner must show by clear and convincing evidence:
 - a) successful completion of the bar examination, and
 - b) compliance with all applicable discipline or disability orders or rules; and
 - c) rehabilitation and fitness to practice law.

2.3 Suspension

Suspension is the removal of a lawyer from the practice of law for a specified minimum period of time. Generally, suspensions should be for a period of time equal to or greater than six months, but in no event should the time period prior to application for reinstatement be more than three years. Procedures should be established to allow a suspended lawyer to apply for reinstatement, but a lawyer who has been suspended should not be permitted to return to practice until he has completed a reinstatement process demonstrating rehabilitation, compliance with all applicable discipline or disability orders and fitness to practice law.

2.4 Interim Suspension

Interim suspension is the temporary suspension of a lawyer from the practice of law pending imposition of final discipline. Interim suspension includes:

- a) suspension upon conviction of a "serious crime" or,
- b) suspension when the lawyer's continuing conduct is or is likely to cause immediate and serious injury to a client or the public.

2.5 Reprimand

Reprimand, also known as censure or public censure, is a form of public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice.

2.6 Admonition

Admonition, also known as private reprimand, is a form of non-public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice.

2.7 Probation

Probation is a sanction that allows a lawyer to practice law under specified conditions. Probation can be imposed alone or in conjunction with a reprimand, an admonition or immediately following a suspension. Probation can also be imposed as a condition of readmission or reinstatement.

2.8 Other Sanctions and Remedies

Other sanctions and remedies which may be imposed include:

- a) restitution,
- b) assessment of costs,
- c) limitation upon practice,
- d) appointment of a receiver,
- e) requirement that the lawyer take the bar examination or professional responsibility examination,
- f) requirement that the lawyer attend continuing education courses, and
- g) other requirements that the state's highest court or disciplinary board deems consistent with the purposes of lawyer sanctions.

2.9 Reciprocal Discipline

Reciprocal discipline is the imposition of a disciplinary sanction on a lawyer who has been disciplined in another jurisdiction.

2.10 Readmission and Reinstatement

In jurisdictions where disbarment is not permanent, procedures should be established to allow a disbarred lawyer to apply for readmission. Procedures should be established to allow a suspended lawyer to apply for reinstatement.

Factors to Be Considered in Imposing Sanctions

3.0 Generally

In imposing a sanction after a finding of lawyer misconduct, a court should consider the following factors:

- a) the duty violated;
- b) the lawyer's mental state;
- c) the potential or actual injury caused by the lawyer's misconduct; and
- d) the existence of aggravating or mitigating factors

Violations of Duties Owed to Clients

4.1 Failure to Preserve the Client's Property

Absent aggravating or mitigating circumstances, upon application of the factors set out in 3.0, the following sanctions are generally appropriate in cases involving the failure to preserve client property:

4.11

Disbarment is generally appropriate when a lawyer knowingly coverts client property and causes injury or potential injury to a client.

4.12

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

4.13

Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

4.14

Admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client.

4.2 Failure to Preserve the Client's Confidences

Absent aggravating or mitigating circumstances, upon application of the factors set out in 3.0, the following sanctions are generally appropriate in cases involving improper revelation of information relating to representation of a client:

4.21

Disbarment is generally appropriate when a lawyer, with the intent to benefit the lawyer or another, knowingly reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

4.22

Suspension is generally appropriate when a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

4.23

Reprimand is generally appropriate when a lawyer negligently reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed and this disclosure causes injury or potential injury to a client.

4.24

Admonition is generally appropriate when a lawyer negligently reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed and this disclosure causes little or no actual or potential injury to a client.

4.3 Failure to Avoid Conflicts of Interest

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving conflicts of interest:

4.31

Disbarment is generally appropriate when a lawyer, without the informed consent of client(s):

- a) engages in representation of a client knowing that the lawyer's interests are adverse to the client's with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to the client, or
- b) simultaneously represents clients that the lawyer knows have adverse interests with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to a client; or

- c) represents a client in a matter substantially related to a matter in which the interests of a present or former client are materially adverse, and knowingly uses information relating to the representation of a client with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to a client.

4.32

Suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client.

4.33

Reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially affected by the lawyer's own interests, or whether the representation will adversely affect another client, and causes injury or potential injury to a client.

4.34

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the representation of a client may be materially affected by the lawyer's own interests, or whether the representation will adversely affect another client, and causes little or no actual or potential injury to a client.

4.4 Lack of Diligence

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in representing a client:

4.41

Disbarment is generally appropriate when:

- a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42

Suspension is generally appropriate when:

- a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
- b) a lawyer engages in a pattern of neglect causes injury or potential injury to a client.

4.43

Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

4.44

Admonition is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.

4.5 Lack of Competence

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to provide competent representation to a client:

4.51

Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

4.52

Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

4.53

Reprimand is generally appropriate when a lawyer:

- a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or
- b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client

4.54

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.

4.6 Lack of Candor

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases where the lawyer engages in fraud, deceit, or misrepresentation directed toward a client:

4.61

Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potentially serious injury to a client.

4.62

Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

4.63

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client.

4.64

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in failing to provide a client with accurate or complete information, and causes little or no actual or potential injury to the client.

Violations of Duties Owed to the Public

5.1 Failure to Maintain Personal Integrity

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or in cases with conduct involving dishonesty, fraud, deceit, or misrepresentation.

5.11

Disbarment is generally appropriate when:

- a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or
- b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

5.12

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

5.13

Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.

5.14

Admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer's fitness to practice law.

5.2 Failure to Maintain The Public Trust

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving public officials who engage in conduct that is prejudicial to the administration of justice or who state or imply an ability to influence improperly a government agency or official:

5.21

Disbarment is generally appropriate when a lawyer in an official or governmental position knowingly misuses the position with the intent to obtain a significant benefit or advantage for himself or another, or with the intent to cause serious or potentially serious injury to a party or to the integrity of the legal process.

5.22

Suspension is generally appropriate when a lawyer in an official or governmental position knowingly fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.

5.23

Reprimand is generally appropriate when a lawyer in an official or governmental position negligently fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.

5.24

Admonition is generally appropriate when a lawyer in an official or governmental position engages in an isolated instance of negligence in not following proper procedures or rules, and causes little or no actual or potential injury to a party or to the integrity of the legal process.

Violations of Duties Owed to the Legal System

6.1 False Statements, Fraud, and Misrepresentation

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit, or misrepresentation to a court:

6.11

Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

6.12

Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes adverse or potentially adverse effect on the legal proceeding.

6.13

Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

6.14

Admonition is generally appropriate when a lawyer engages in an isolated instance of neglect in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding.

6.2 Abuse of the Legal Process

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists:

6.21

Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

6.22

Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

6.23

Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.

6.24

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

6.3 Improper Communications with Individuals in the Legal System

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving attempts to influence a judge, juror, prospective juror or other official by means prohibited by law:

6.31

Disbarment is generally appropriate when a lawyer:

- a) intentionally tampers with a witness and causes serious or potentially serious injury to a party, or causes significant or potentially significant interference with the outcome of the legal proceeding; or
- b) makes an ex parte communication with a judge or juror with intent to affect the outcome of the proceeding, and causes serious or potentially serious injury to a party, or causes significant or potentially significant interference with the outcome of the legal proceeding; or
- c) improperly communicates with someone in the legal system other than a witness, judge, or juror with the intent to influence or affect the outcome of the proceeding, and causes significant or potentially significant interference with the outcome of the legal proceeding.

6.32

Suspension is generally appropriate when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication is improper, and causes injury or potential injury to a party or causes interference or potential interference with the outcome of the legal proceeding.

6.33

Reprimand is generally appropriate when a lawyer is negligent in determining whether it is proper to engage in communication with an individual in the legal system, and causes injury or potential injury to a party or interference or potential interference with the outcome of the legal proceeding.

6.34

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in improperly communicating with an individual in the legal system, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with the outcome of the legal proceeding.

7.0 Violations of Duties Owed as a Professional

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

7.1

Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

7.2

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

7.3

Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

7.4

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the lawyer's conduct violates a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.

8.0 Prior Discipline Orders

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving prior discipline.

8.1

Disbarment is generally appropriate when a lawyer:

- a) intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or
- b) has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.2

Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.3

Reprimand is generally appropriate when a lawyer:

- a) negligently violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or
- b) has received an admonition for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

8.4

An admonition is generally not an appropriate sanction when a lawyer violates the terms of a prior disciplinary order or when a lawyer has engaged in the same or similar misconduct in the past.

*Adapted from *Annotated Standards for Imposing Lawyer Sanctions* ©2015 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any or portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.*

Selected Rules of Professional Conduct

RPC 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RPC 1.3: Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

RPC 1.4: Communication

- a) A lawyer shall:
 - 1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these Rules;
 - 2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - 3) Keep the client reasonably informed about the status of the matter;
 - 4) Promptly comply with reasonable requests for information; and
 - 5) Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

RPC 1.5: Fees

- a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:
 - 1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

- 2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
 - 3) The fee customarily charged in the locality for similar legal services;
 - 4) The amount involved and the results obtained;
 - 5) The time limitations imposed by the client or by the circumstances;
 - 6) The nature and length of the professional relationship with the client;
 - 7) The experience, reputation, and ability of the lawyer or lawyers performing the services; and
 - 8) Whether the fee is fixed or contingent.
- b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.
- c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in writing, signed by the client, and shall state, in boldface type that is at least as large as the largest type used in the contingent fee agreement:
- 1) The method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal;
 - 2) Whether litigation and other expenses are to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated;
 - 3) Whether the client is liable for expenses regardless of outcome;
 - 4) That, in the event of a loss, the client may be liable for the opposing party's attorney fees, and will be liable for the opposing party's costs as required by law; and
 - 5) That a suit brought solely to harass or to coerce a settlement may result in liability for malicious prosecution or abuse of process.

Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

RPC 1.6: Confidentiality of Information

- a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraphs (b) and (d).
- b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - 1) To prevent reasonably certain death or substantial bodily harm;
 - 2) To prevent the client from committing a criminal or fraudulent act in furtherance of which the client has used or is using the lawyer's services, but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take suitable action;
 - 3) To prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services have been or are being used, but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take corrective action;
 - 4) To secure legal advice about the lawyer's compliance with these Rules;
 - 5) To establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
 - 6) To comply with other law or a court order.
 - 7) To detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.
- d) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent a criminal act that the lawyer believes is likely to result in reasonably certain death or substantial bodily harm.

RPC 1.7: Conflict of Interest: Current Clients

- a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - 1) The representation of one client will be directly adverse to another client; or
 - 2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
 - 1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - 2) The representation is not prohibited by law;
 - 3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - 4) Each affected client gives informed consent, confirmed in writing.

RPC 1.8: Conflict of Interest: Current Clients: Specific Rules

- a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
 - 1) The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - 2) The client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
 - 3) The client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- ...
- e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- 1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- 2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

RPC 1.9: Duties to Former Clients

- a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:
 - 1) Whose interests are materially adverse to that person; and
 - 2) About whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;
 - 3) Unless the former client gives informed consent, confirmed in writing.
- c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - 1) Use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - 2) Reveal information relating to the representation except as these Rules would permit or require with respect to a client.

RPC 1.15: Safekeeping Property

- a) A lawyer shall hold funds or other property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. All funds received or held for the benefit of clients by a lawyer or firm, including advances for costs and expenses, shall be deposited in one or more identifiable bank accounts designated as a trust account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property in which clients or third persons hold an interest shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after termination of the representation.

- b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.
- c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.
- d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
- e) When in the course of representation a lawyer is in possession of funds or other property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or other property as to which the interests are not in dispute.

RPC 3.1: Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

RPC 3.2: Expediting Litigation

- a) A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- b) The duty stated in paragraph (a) does not preclude a lawyer from granting a reasonable request from opposing counsel for an accommodation, such as an extension of time, or from disagreeing with a client's wishes on administrative and tactical matters, such as scheduling depositions, the number of depositions to be taken, and the frequency and use of written discovery requests.

RPC 3.3: Candor Toward the Tribunal

- a) A lawyer shall not knowingly:
 - 1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - 2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - 3) Offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

RPC 3.4: Fairness to Opposing Party and Counsel

A lawyer shall not:

- a) Unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- b) Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- c) Knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- d) In pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

- e) In trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or
- f) Request a person other than a client to refrain from voluntarily giving relevant information to another party unless:
 - 1) The person is a relative or an employee or other agent of a client; and
 - 2) The lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

RPC 4.2: Communication With Person Represented by Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

RPC 5.3: Responsibilities Regarding Non-lawyer Assistants

With respect to a non-lawyer employed or retained by or associated with a lawyer:

- a) A partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- b) A lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- c) A lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - 1) The lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - 2) The lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

RPC 5.5: Unauthorized Practice of Law

- a) General rule. A lawyer shall not:
 - 1) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
 - 2) Assist another person in the unauthorized practice of law.

RPC 8.1: Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- a) Knowingly make a false statement of material fact; or
- b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.

RPC 8.2: Judicial and Legal Officials

- a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.
- b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

RPC 8.4: Misconduct

It is professional misconduct for a lawyer to:

- a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d) Engage in conduct that is prejudicial to the administration of justice;

- e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Reinstatement

Supreme Court Rule 116

Supreme Court Order Required

An attorney suspended for more than six months may not practice law unless reinstated by order of the Nevada Supreme Court.

Burden of Proof

The attorney seeking reinstatement has the burden of proof.

Standard of Proof

Clear and convincing evidence.

Elements Required for Reinstatement

The attorney must prove that:

- 1) He or she has neither engaged, nor attempted to engage, in the unauthorized practice of law during the period of suspension;
- 2) Any physical or mental disability or infirmity existing at the time of suspension has been removed;
- 3) If alcohol or other drug abuse was a causative factor in his or her misconduct, the attorney has:
 - a. Pursued appropriate treatment;
 - b. Has abstained from the use of alcohol or other drugs for a stated period of time, generally not less than a year; and
 - c. Is likely to continue to abstain from alcohol or drugs;
- 4) He or she recognizes the wrongfulness and seriousness of the misconduct resulting in the suspension;
- 5) He or she has not engaged in any other professional misconduct since the suspension;
- 6) Notwithstanding the conduct for which the attorney was disciplined, he or she has the requisite honesty and integrity to practice law; and
- 7) He or she has kept himself or herself informed about recent developments in the law and is competent to practice.

If above criteria is not demonstrated by clear and convincing evidence, the attorney must present a good and sufficient reason why he or she should be nevertheless reinstated.

Index of Common Violations and Corresponding Rule of Professional Conduct

Violation:	Rule of Professional Conduct:	Page:
Failing to adequately represent client	1.1 Competence	28
Failing to pay attention to client/case	1.3 Diligence	28
Failing to keep client informed	1.4 Communication	28
Failing to communicate with client		
Failing to consult with client		
Failing to provide client with information		
Charging unreasonable fee or expense	1.5 Fees	28
Failing to communicate fee to client		
Revealing confidential information (advertent or inadvertent)	1.6 Confidentiality of Information	30
Concurrent conflict of interest	1.7 Conflict of Interest: Current Clients	31
Conducting business transactions with clients	1.8 Conflict of Interest: Current Clients: Specific Rules	31
Providing financial assistance to client		
Conflict involving substantially related matter to former client	1.9 Duties to Former Clients	32
Use of information related to representation of former clients to disadvantage of former clients		
Stealing	1.15 Safekeeping Property	32
Client trust account		
Funds held for third parties		
Disputed funds in lawyer's possession		
Frivolous claims	3.1 Meritorious Claims and Contentions	33
Failing to move case/claim forward	3.2 Expediting Litigation	33
Disagreements with client regarding administrative/tactical matters		
Making/Failing to correct false statements	3.3 Candor Toward the Tribunal	34
Failing to disclose adverse legal authority to tribunal		
Disclosure of client's criminal/fraudulent conduct related to the proceeding		
Failing to disclose material known facts		

Violation:	Rule of Professional Conduct:	Page:
Obstructing access to evidence Altering/Destroying/Concealing/Falsifying evidence False testimony Bribing Knowingly disobeying an obligation under rules of tribunal Frivolous discovery requests Failing to comply with a legally proper discovery request Expressions of personal opinions/knowledge Allusions to irrelevant matters Suppressing relevant evidence	3.4 Fairness to Opposing Counsel	34
Communicating with someone represented by counsel	4.2 Communication with Person Represented by Counsel	35
Failing to supervise a non-lawyer Non-lawyer's violation of lawyer's professional obligations	5.3 Responsibility Regarding Non-Lawyer Assistants	35
Practicing law when not licensed	5.5 Unauthorized Practice of Law	36
Failing to cooperate with disciplinary authority	8.1 Bar Admission and Disciplinary Matters	36
False statements regarding judicial/legal officials	8.2 Judicial and Legal Officials	36
Violations of Rules of Professional Conduct Criminal Acts Lying Influencing/Bribing government officials Professional Misconduct	8.4 Misconduct	36

Keyword Index

ABA Standards	10, 15
abandonment of client/practice	10, 20, 28
abuse of legal process	33
abuse of the legal process	24
admonition	17
aggravation	13
bar admission	36
candor	21, 34
client confidences	<i>See confidentiality</i>
client's property	18
client's property	32
communication	28
competence	11, 21, 28
confidentiality	10, 19, 30
conflicts of interest	19, 31, 32
cooperation with state bar investigation	36
costs	8
diligence	10, 20, 28, 33
disbarment	7, 10, 16
discipline	
reciprocal	<i>See reciprocal discipline</i>
types of	7
dismissal (of complaint)	7
expediting litigation	33
false statements	23
fees	28
fraud	23
harm or potential harm to client/public	10
improper communications	25
intent (of lawyer)	10, 12
judicial officials	36
legal officials	36
misconduct	36
misrepresentation	23
mitigation	13
negligence (of lawyer)	10, 11
non-lawyers	35
opposing party or counsel	34, 35
personal integrity	12, 22
prior discipline	26
probation	17
professional duties	12, 26
public trust	23

readmission	18, 38
reciprocal discipline	7, 17
reinstatement.....	<i>See</i> readmission
reprimand.....	10, 17
retainer agreement	29
safekeeping.....	10, 18, 32, <i>See also</i> client's property
sanctions.....	15, 16, 17, 18
standard of proof.....	9
Supreme Court of Nevada case law.....	9
suspension	7
types of discipline	<i>See</i> discipline, types of
unauthorized practice of law.....	36

EXHIBIT Y

EXHIBIT Y



Employment Application

"The Company is an Equal Opportunity Employer. Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence, and termination. All applications will be considered only on the basis of the applicant's knowledge, skills, and ability to perform the essential functions of the position, with or without reasonable accommodation. It is our established policy to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, pregnancy, gender, sexual orientation, age, national origin, physical or mental disability, military or veteran status, genetic information, citizenship status, or any other protected classification, in accordance with applicable federal, state, and local laws."

Applicant Information

Full Name: BALLARD LEAH B Date: 10/2/2019
Last First M.I.

Address: 356 S. LISBON ST.
Street Address

HENDERSON NV 89015
City State ZIP Code

Phone: 702 281 6896 Email: leah.l.ballard2@gmail.com

Date you can start: 10/12/2019 Social Security No.: [REDACTED] Desired Salary: \$ 55,000-60,000 PER YEAR

Referred By: DARRO Are you 18 years if age or older? yes

Position Applying for: Bookkeeper / HR

Are you Employed Now? YES NO If yes, may we contact your present employer? YES NO

Have you ever worked for this company? YES NO If yes, when? _____

Have you ever been convicted of a felony? YES NO

If yes, explain: _____

Education

High School: CAAPARRAL H.S. Address: LAS VEGAS NV

From: 1998 To: 2002 Did you graduate? YES NO Diploma: GENERAL

College: GRANTHAM University Address: LEAUXA KANSAS

From: 2012 To: 2016 Did you graduate? YES NO Degree: BUSINESS ADMINISTRATION

Other: Signal School of Excellence - Officer School Address: FT GORDON GEORGIA

From: 2011 To: 2012 Did you graduate? YES NO Degree: BASIC OFFICER COURSE

Professional References

Please list three professional references.

Full Name: JENNIFER PALOMINO Relationship: (702) 499-5879
Company: ARMY NATIONAL GUARD Phone: SUBORDINATE
Address: Dependable - Timely & negative

Full Name: ROSEANNE GUILLENETTE Relationship: COLLEAGUE
Company: MGM GRAND / ARIA Phone: (702) 271-3127
Address: She is awesome. Great attitude - Very strong person. Hard worker

Full Name: DAVE WOOD Relationship: SUPERVISOR
Company: LOCAL 525 - PLUMBERS & PIPEFITTERS Phone: (702) 338-5587
Address: Professional easy to work with very dependable very timely

All Previous Employment (list from most recent) (10 years) explain employment gaps

Like working w/ her & allowed to say anything & negative

Company: ERICKSON INTERNATIONAL Phone: (702) 303-9749
Address: 3135 MARCO ST. LV NV 89115 Supervisor: DON FISK
Job Title: CONTROLLER/PURCHASING MGR Starting Salary: \$100,000 PER YEAR Ending Salary: \$100,000 PER YEAR
Responsibilities: AP/AR, payroll, inventory, personnel mgmt, purchasing, PROPERTY MANAGEMENT
From: APR 2019 To: CURRENT Reason for Leaving: THERE ARE MANY DISSENTS EMPLOYEES HAVE TO HAVE BEEN CHANGE TO VEHICLES & OTHER PEOPLE. BAD BUSINESS PRACTICE FROM CEO.
May we contact your previous supervisor for a reference? YES NO THE CFO WORKS REMOTE, SHE ALWAYS SEE THE RAMIFICATIONS OF HER DECISIONS.

Company: U.S. ARMY NATIONAL GUARD Phone: (7AS) 240-8657
Address: WRC, SILVERADO RANCH PKWY Supervisor: JASON RAPP (MAJ)
Job Title: CAPTAIN - NETOPS OFFICER Starting Salary: E-1 Ending Salary: O3 (CAPTAIN)
Responsibilities: NETWORK MAINTENANCE, MISSION PLANNING & LOGISTICS, PERSONNEL MGMT
From: 10/2017 To: 4/2019 Reason for Leaving: Went from full time to part time
May we contact your previous supervisor for a reference? YES NO

enlisted in 2009

Company: LOCAL 525 - Plumbers & Pipefitters Phone: (702) 338-5587
 Address: 700 N. LAMB BLVD W NV Supervisor: DAVE WOOD
 Job Title: SPECIAL PROJECTS ADMINISTRATOR Starting Salary: \$58,000 Ending Salary: \$62,000 PER YEAR
 Responsibilities: payroll, PER Capita, fringe benefits, member services, roll out
 From: 12/2016 To: 4/2018 Reason for Leaving: INCREASE in pay & more opportunity
 May we contact your previous supervisor for a reference? YES NO

Company: CCSD - EL DORADO H.S. Phone: (702) 799-7200
 Address: 1137 N. Linn Ln W NV Supervisor: Francis HARRIS
 Job Title: TEACHER - CHEMISTRY Starting Salary: \$40,000 Ending Salary: \$40,000
 Responsibilities: educate children, progress report, IEP, College Prep
 From: 2/15 To: 12/2016 Reason for Leaving: pregnancy - new baby
 May we contact your previous supervisor for a reference? YES NO Please attach resume to reflect employment for past 10 years.

Company: MGM INTERNATIONAL (MGM & AREA) Phone: (702) 590-7111
 Address: 3799 S. LAS VEGAS BLVD W NV 89109 Supervisor: Stephanie Ferry
 Job Title: COCKTAIL SERVER Starting Salary: \$11.68 tips Ending Salary: \$15.30 + tips
 Responsibilities: GUEST SERVICE, Bottle SERVICE, CREATE POSITIVE EXPERIENCE, \$ transactions
 From: 06/2005 To: 11/2019 Reason for Leaving: left to finish school & pursue other opportunity
 May we contact your previous supervisor for a reference? YES NO Please attach resume to reflect employment for past 10 years.

JJJ00595

General

Subjects of Special Study or Research Work

Masters of Business Admin - currently
Signal Communications for Military

Job Related Skills (typing, Software Programs, etc.)

SAGE - AP/AR Inventory/PAYROLL TEAM MEMBER
Microsoft Office Crystal Viewer Logistic Database
(FKO, SIDPEERS, CATS etc)

Authorization and Signature

JB I certify that the facts contained in this application (and accompanying resume, if any) are true and complete to the best of my knowledge. *JB* I understand that any false statement, omission, or misrepresentation on this application is sufficient cause for refusal to hire, or dismissal if I have been employed, no matter when discovered by the Company.

JB I understand that any employment is conditioned on a background check. *JB* I authorize the Company, to thoroughly investigate all statements contained in my application or resume, and I authorize my former employers and references to disclose information regarding my former employment, character and general reputation to the Company, without giving me prior notice of such disclosure. In addition, I release the company, any former employers and all references listed above from any and all claims, demands or liabilities arising out of or related to such investigation or disclosures.

JB I understand and agree that nothing contained in this application, or conveyed during any interview, is intended to create an employment contract. I further understand and agree that if I am hired, my employment will be "at will" and without fixed term, and may be terminated at any time, with or without cause and without prior notice, at the option of either myself or the Company. No promises regarding employment have been made to me, and I understand that no such promise or guarantee is binding upon the Company unless made in writing.

JB If I am offered employment I agree to submit to a medical examination and drug test before starting work. If employed, I also agree to submit to a medical examination or drug test at any time deemed appropriate by the Company and as permitted by law. I consent to such examinations and tests, and I request that the examining doctor disclose to the Company the results of the examination, which results shall remain confidential and segregated from my personnel file. *JB* I understand that my employment or continued employment, to the extent permitted by law, is contingent upon satisfactory medical examinations and drug test, and if I am hired a condition of my employment will be that I abide by the Company's Drug and Alcohol Policy.

I understand that filling out this form does not indicate there is a position open and does not obligate the Company to hire. If hired, I agree to abide by all Company work rules policies and procedures. The Company retains the right to revise its policies or procedures, in whole or in part, at any time.

Signature:

J. Balkus

Date:

10/2/19

EXHIBIT Z

EXHIBIT Z

Date 10/2
Time 11:30 AM
Email

Weakness - Talks a lot.
Comes on strong

Leah Ballard

Human Resources manager
Henderson, NV 89015
leahballard58_ckm@indeedemail.com
702-281-6896

To be appointed to a position where I can apply my skills from my education in Business Administration and experience to better serve the citizens of Nevada.

Authorized to work in the US for any employer

Strengths - Cognizant of others
pleasant work environment
needed

Jing
Office

Can work under pressure
military taught her how to be good
under pressure

2 weeks in summer for guard
Fast learner
Has used quick books

Current employer taught led

Work Experience

Assistant controller

Erickson International - Las Vegas, NV
February 2019 to Present

Accounts payable and account receivable
cost of goods sold
employees payroll
vendor and item maintenance
inventory control
facility management
personnel management

Army National Guard Signal officer

Army national guard - Las Vegas, NV
March 2005 to Present

United States Nevada Army National Guard

Exercised supervisory responsibility over networks, equipment, and personnel. I also supervise over; housekeeping, work details, maintenance, and construction projects in the company areas

Coordinated with maintenance support units for use of training facilities

Prepared logistic and personnel reports

Managed 144 Personnel and \$30 million dollars worth of Signal equipment

Conducted the preliminary investigation and prepared reports when platoon personnel were involved in accidents.

Performed maintenance platoon training and operations; discusses with and advises the commander on matters pertaining to training and operations

Additional duties included; Environmental Officer, Family Readiness Group, and Safety Officer

Special projects administrator

Local 525 plumbers and pipefitters - Las Vegas, NV
December 2016 to March 2018

Facilitate market recovery program, handling of member payments, adjust and establish member records, data entry, use of Microsoft office products, deposit and Track reciprocity payments, letter writing, merchandise sales, filing, scanning, etc.

Teacher

Clark County School District CCSD - Las Vegas, NV
December 2014 to August 2016

JJJ00598

TEACHER, CHEMISTRY, ELDORADO HIGH SCHOOL-CLARK COUNTY SCHOOL DISTRICT

- Completed parent and student counseling
- Enforcement of rules and disciplinary action
- Lectured and discussed concepts
- Prepared material for presentations and lessons
- Graded tests and drafted progress reports
- Kept records of student activities in accordance with laws and school policies
- Taught 11 and 12 students
- Created and implemented innovative lessons
- Instructed students with disabilities
- Created progress reports for parents
- Recorded educational, social, and development milestones
- Used open communication with parents and children

Cocktail Server and Bartender

MGM Resorts International - Las Vegas, NV

June 2005 to November 2014

COCKTAIL SERVER/LOUNGE SERVER, MGM GRAND HOTEL AND CASINO- MGM INTERNATIONAL

- Coordinated set up, service, and cleanup of private functions
- Welcomed and ensured guests received personalized service and attention throughout any/all events/service
- Engaged guests and provided detailed information on menu
- Took accurate orders while maximizing sales using got techniques and products' knowledge
- Monitored guest experience and ensured consistent highest standard service at all times
- Adhered to the company's daily "opening" and "closing" procedures
- Ensured designated areas are properly stocked before each shift
- Ensure the accurate collection of payment for all served products and sold merchandise
- Maintained cleanliness in assigned and other areas as instructed throughout and at the end of every shift

Education

Master's in Business administration

Grantham University - Lenexa, KS

Present

Bachelor of Science in Business Administration

Grantham University - St. Louis, MO

2016

Signal officer in Leadership

Officer Candidate School-United States Army - Seattle, WA

January 2010 to September 2011

Skills

ARTICULATE (6 years), Network Management (4 years), Microsoft Office (7 years), Comptia A+ (2 years), Comptia security+ (2 years), Payroll (3 years), Administrative Duties (6 years), Quickbooks, Outlook (8 years), Human Resources (3 years), Benefits Administration (3 years), Employee Relations, compensation, HR, HRIS, Kronos, Accounts Payable, Accounts Receivable, Bookkeeping, Budgeting, Excel, Microsoft Excel,accounting

Military Service

Branch: Army

Service Country: United States

Rank: Captain

JJJ00599

March 2005 to Present

Commendations:

- Army achievement medal (2)
- Superior unit award
- Service awards (2)
- Army commendation medal

Certifications and Licenses

Driver's License

Additional Information

SKILLS

- Draft detailed logistics reports
- Articulate and concise writing ability
- Public speaking and briefing higher command
- Use of Microsoft Office 2000, Microsoft Office XP, Microsoft Office 1997, Internet Explorer, MS Excel, MS Word, MS FrontPage, MS Access, MS Project, MS Site Server, MS Visio, Outlook Express, Adobe Photoshop, Outlook, PowerPoint, TurboTax
- Time management
- Critical thinking

LEADERSHIP

- July 2015 to Present-Commander-Modular Military Occupation Specialty Training Company, 421st Regional Training Institute, 991st Multifunctional Brigade-As the commander of a company going through an accreditation process, I have been tasked with coordinating the training events, classes, unit and family functions, as well as updating and evaluating my staff, and leading Soldiers in our mission of training students in Signal Military Occupations and creating a Standard Operating Procedure for adhering to the Signal Center of Excellence Accreditation Requirements.
- June 2013 to July 2015-Executive Officer/Operations Officer-Bravo Company, 422 Expeditionary Signal Battalion, 991st Multifunctional Brigade- As second in command of a 144 person unit, I was tasked with the coordination of all training events and exercises. I was responsible for the safety and quality training of all Soldiers and the maintenance of the facilities needed for training. Some of the exercises included; live fire range exercises, Signal missions at multiple locations, classes and field training.
- September 2011 to June 2013-Platoon Leader and Maintenance Officer-Bravo Company, 422nd Expeditionary Signal Battalion, 991st Multifunctional Brigade-This position provided me with experience training subordinates and with facility maintenance and coordination between units for event usage.

Candidate Application Questi...

How many years of Bookkeeping experience do you have?

4

How many years of Quickbooks experience do you have?

5

How many years of Law Office experience do you have?

JJJ00600

0

What is the highest level of education you have completed?

Bachelor's

Are you willing to undergo a background check, in accordance with local law/regulations?

Yes

Please describe in 1-2 sentences. How is your previous experience relevant to this role? Why are you a good fit for this job?

I am able to learn very quickly and be successful

In many different and uncommon situations. I have an upbeat attitude and I try to think of alternatives and outside the box approaches.

JJJ00601

EXHIBIT AA

EXHIBIT AA



Employment Application

"The Company is an Equal Opportunity Employer. Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence, and termination. All applications will be considered only on the basis of the applicant's knowledge, skills, and ability to perform the essential functions of the position, with or without reasonable accommodation. It is our established policy to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, pregnancy, gender, sexual orientation, age, national origin, physical or mental disability, military or veteran status, genetic information, citizenship status, or any other protected classification, in accordance with applicable federal, state, and local laws."

Applicant Information

Full Name: CRUZ Nicole D Date: 10/1/19
Last First M.I.

Address: 1545 Wigwam Parkway
Street Address Apartment/Unit #

Henderson NV 89074
City State ZIP Code

Phone: 702 934 0073 Email BORI.BOR@yahoo.com

Date you can start: ASAP Social Security No.: _____ Desired Salary: \$ 20 hr.

Referred By: _____ Are you 18 years if age or older? yes

Position Applying for: Legal Assistant / Assistant

Are you Employed Now? YES NO If yes, may we contact your present employer? YES NO

Have you ever worked for this company? YES NO If yes, when? _____

Have you ever been convicted of a felony? YES NO

If yes, explain: _____

Education

High School: Brea Olinda Address: _____

From: 2007 To: 2008 Did you graduate? YES NO Diploma: High School

College: UCLA Address: _____

From: 2011 To: 2012 Did you graduate? YES NO Degree: Paralegal Degree

Other: _____ Address: _____

From: _____ To: _____ Did you graduate? YES NO Degree: _____

Professional References

Please list three professional references.

Full Name: Maria Sanchez Relationship: manager
Company: Harris Personal Injury Phone: 714-261-2134
Address: Excellent Employee Great Attendance Always early

Full Name: Jessica Hernandez Relationship: _____
Company: Harris Personal Injury Phone: CO-Worker
Address: _____

Full Name: Emily Baker (Attorney) Relationship: CO-Worker
Company: Harris Personal Injury Phone: _____
Address: Great asset - will not disappoint very dependable.

All Previous Employment (list from most recent) (10 years) explain employment gaps

Company: Harris Law Firm Phone: _____
Address: _____ Supervisor: Maria
Job Title: Case manager Starting Salary: \$ 25 hr Ending Salary: \$ 28 hr.

Responsibilities: _____
From: 2016 To: Present Reason for Leaving: military PCS

May we contact your previous supervisor for a reference? YES NO

Company: Brian Villa Personal Injury Phone: _____
Address: _____ Supervisor: Mark Rosalez
Job Title: Paralegal Starting Salary: \$ 19 hr Ending Salary: \$ 23 hr.

Responsibilities: _____
From: 2012 To: 2016 Reason for Leaving: _____

May we contact your previous supervisor for a reference? YES NO

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____ Starting Salary:\$ _____ Ending Salary:\$ _____
Responsibilities: _____
From: _____ To: _____ Reason for Leaving: _____
May we contact your previous supervisor for a reference? YES NO

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____ Starting Salary:\$ _____ Ending Salary:\$ _____
Responsibilities: _____
From: _____ To: _____ Reason for Leaving: _____
May we contact your previous supervisor for a reference? YES NO Please attach resume to reflect
 employment for past 10 years.

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____ Starting Salary:\$ _____ Ending Salary:\$ _____
Responsibilities: _____
From: _____ To: _____ Reason for Leaving: _____
May we contact your previous supervisor for a reference? YES NO Please attach resume to reflect
 employment for past 10 years.

General

Subjects of Special Study or Research Work

Job Related Skills (typing, Software Programs, etc.)

Clid, Needles, ~~File~~ Filevine, Hubstaff

Authorization and Signature

MC I certify that the facts contained in this application (and accompanying resume, if any) are true and complete to the best of my knowledge. MC I understand that any false statement, omission, or misrepresentation on this application is sufficient cause for refusal to hire, or dismissal if I have been employed, no matter when discovered by the Company.

MC I understand that any employment is conditioned on a background check. MC I authorize the Company, to thoroughly investigate all statements contained in my application or resume, and I authorize my former employers and references to disclose information regarding my former employment, character and general reputation to the Company, without giving me prior notice of such disclosure. In addition, I release the company, any former employers and all references listed above from any and all claims, demands or liabilities arising out of or related to such investigation or disclosures.

MC I understand and agree that nothing contained in this application, or conveyed during any interview, is intended to create an employment contract. I further understand and agree that if I am hired, my employment will be "at will" and without fixed term, and may be terminated at any time, with or without cause and without prior notice, at the option of either myself or the Company. No promises regarding employment have been made to me, and I understand that no such promise or guarantee is binding upon the Company unless made in writing.

MC If I am offered employment I agree to submit to a medical examination and drug test before starting work. If employed, I also agree to submit to a medical examination or drug test at any time deemed appropriate by the Company and as permitted by law. I consent to such examinations and tests, and I request that the examining doctor disclose to the Company the results of the examination, which results shall remain confidential and segregated from my personnel file. MC I understand that my employment or continued employment, to the extent permitted by law, is contingent upon satisfactory medical examinations and drug test, and if I am hired a condition of my employment will be that I abide by the Company's Drug and Alcohol Policy.

I understand that filling out this form does not indicate there is a position open and does not obligate the Company to hire. If hired, I agree to abide by all Company work rules policies and procedures. The Company retains the right to revise its policies or procedures, in whole or in part, at any time.

Signature: 

Date: 10/1/19

EXHIBIT BB

EXHIBIT BB

Notary Strengths - very organized
on time
people person
asks lots of questions
working remotely

pre-lit uncc i. litigation experience.
Weaknesses - Delegating time
Takes on more than
she should.

vacations OTO kay

NICOLE CRUZ



BORI.BOR@YAHOO.COM



702.934.0073

NOTARY PUBLIC FOR THE
STATE OF NEVADA

SOFTWARE:
VILEVINE
HUBSTAFF
CLIO

OBJECTIVE

Obtain a position as a Case Manager at a growing company that allows career advancement through use of administrative, clerical and managerial skills for mutual growth and success.

SKILLS

EXPERIENCE

PRE-LIT CASE MANAGER/HARRIS PERSONAL INJURY 2016-PRESENT

COMPLETING ALL INTAKE(S), SENDING LETTERS OF REPRESENTATION, SENDING OUT PRESERVATION LETTERS, COORDINATING AND ASSISTING WITH MEDICAL TREATMENT, COLLECTING MEDICAL RECORDS, PROVIDING EXCELLENT COMMUNICATION WITH LAWYERS VIA CASE (S)

PARALEGAL/BRIAN VILLA PERSONAL INJURY 2012 - 2016

Providing excellent customer service, drafting legal documents & E-filing through the courts, handled large volume case loads, medical notification, representation letters, and all facets of pre-litigation.

EXECUTIVE ASSISTANT/MINDTOUCH 2011 - 2012

Supported law firm's senior partner, researching legal documents for LLC's, S Corps, C Corps, limited partnerships and other entities. Handled accounts payable and receivable, prepared bank deposits, controlled inventory, and maintained equipment and technology

I'm exceptional on being organized, meeting deadlines, accurate and efficient.

EDUCATION

PARALEGAL ASSOCIATES DEGREE
UCLA, CA

BA/ BUSINESS ADMINISTRATION
UCLA, CA

LEADERSHIP

Lead the organization of our 2017 fundraiser to help the hurricane disaster of Puerto Rico. (Raised over 250,000)

EXHIBIT CC

EXHIBIT CC

10:08



L Ballard >

I will thanks. I have to get the attorney hours finished and all that done. Then I will have the checks cut for the building. I am hoping to do it all by end of day tomorrow

I have to get money transferred. I can transfer money from the trust to the operating Acct without asking him if it's money that's for monthly fees right?

Or do I have to ask for single transfer?

No u can't. All the bills still have to wait until Jim review and final. That won't be done until at the end of the month.

And everything u do, have to ask him.

It has to Be done now. The holiday screws it up

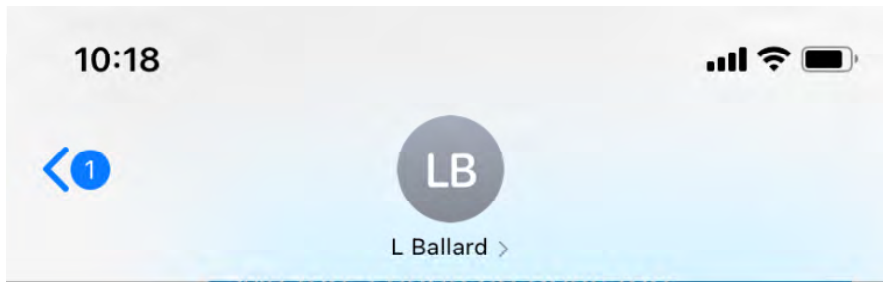
You need to do the spreadsheet and have him review. And ask him what to do. How much money you need for each account in the building.



iMessage



JJJ00609



me too. I hope he does too.

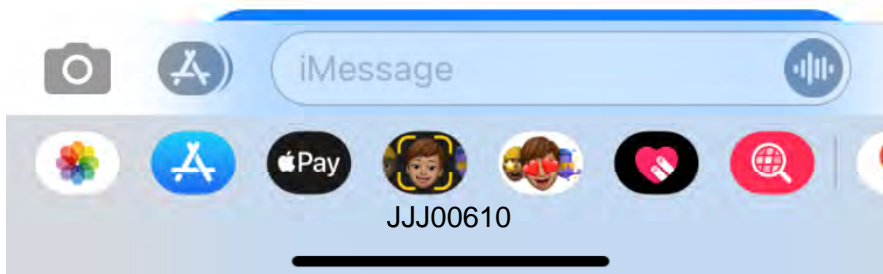
Nov 25, 2019, 10:48 PM

Leah, I found out there are still a lot of timesheets didn't enter. I thought you said you almost finished all the times. Only missing few days. But there are a lot didn't enter.

Nov 26, 2019, 5:50 AM

Hi amanda. I'm sorry to leave you with so much. I didn't realize there were so many timesheets not entered. To be honest I got so overwhelmed. My personal life has fallen apart and my husband is causing me a lot of problems. He is divorcing me. It's over really dumb stuff that is not even true, but there isn't anything I can do. I'm not sure if I should just put my resignation in and quit at the law firm. I really have made a mess. I got so disorganized and I got stuff working on the building stuff with all the failures of the phone system and all that. I feel unprepared and completely failed. I'm not sure what to do at this point

Sorry for the early text



ROB BARE
CURRICULUM VITAE

150 Las Vegas Boulevard North #1812
Las Vegas, NV 89101
RobBare32@gmail.com
(702) 909-7732
(702) 250-3392 (c)

EDUCATION

Pennsylvania State University, State College, PA, B.A., Pre-Law (Highest Distinction), 1985
University of Pittsburgh School of Law, Pittsburgh, PA, J.D., 1988
The Judge Advocate General's School, Charlottesville, VA, 1989
National Judicial College, Special Court Jurisdiction, Advanced, Reno, NV 2007
National Judicial College, General Court Jurisdiction, Reno, NV 2010

ADMISSIONS TO PRACTICE LAW

Pennsylvania, 1989 (Inactive)
United States Army Court of Military Review, 1989
Nevada, 1993
United States District Court, District of Nevada, 1996
United States Supreme Court, 1997
United States Court of Appeals for the Ninth Circuit, 1998

LEGAL EXPERIENCE

JUDICIAL

Judge. Eighth Judicial District Court, Clark County, NV, Department 32
(January 3, 2011 to January 3, 2021) Civil/Criminal Court.

Elected in November 2010. Re-elected in November 2014.

Judge. Las Vegas, NV, Municipal Court, Department 6
(January 1, 2007 to July 1, 2007) Criminal Court.

Unanimously appointed by Mayor Oscar Goodman and the Las Vegas City Council to fill the unexpired term of Judge Abbi Silver until the general election.

BAR COUNSEL TO THE STATE BAR OF NEVADA

Bar Counsel. State Bar of Nevada (August 1993 to January 2011, with exception of Municipal Judicial term).

Chief attorney for the State Bar of Nevada (Beginning in 1995). Responsibilities included prosecution of all aspects of the attorney professional discipline process in the state of Nevada for both the northern and southern regions; hearings from the informal to the formal level; Continuing Legal Education speaker; supervisory duties over a ten-member staff, including three (3) attorneys and four (4) Certified Legal Assistants.

- Tried or presented to conclusion approximately 870 hearings on behalf of the State Bar of Nevada before either the Southern or Northern Nevada Disciplinary Boards.
- Presented a total of fifteen (15) matters to the en banc Nevada Supreme Court, including disciplinary cases and administrative docket hearings.

HIGHLIGHTS OF SEVENTEEN YEAR TENURE AS BAR COUNSEL

Ethics Hotline: Personally and professionally responsible for establishing what now, for years, has been known as the “Ethics Hotline” maintained by the Office of Bar Counsel at the State Bar of Nevada. The genesis of the Ethics Hotline began in 1994 after recommendation by me to the Board of Governors of the State Bar, and since then has evolved into an incredibly important aspect of the services offered by the State Bar. I am extremely proud that literally thousands upon thousands of attorneys have utilized the hotline over the years in order to practice better, and at times, avoid ethical pitfalls. The practical application of the Ethics Hotline is now described by the State Bar as follows: “Nevada-licensed attorneys with questions regarding their professional responsibilities can contact the Office of Bar Counsel for informal guidance during any business day. Each day, a State Bar attorney is assigned to take calls from Nevada-licensed attorneys with questions about their professional responsibilities. Although the Office of Bar Counsel makes every effort to return all calls by the end of the day, our attorneys try to take calls as they come in or, if a message is left, to call back within an hour.” During my time as Bar Counsel, I personally fielded and answered thousands of calls.

ADKT 370 “E2K” Complete Overhaul of Supreme Court Rules 150-203.5 Adopting the Nevada Rules of Professional Conduct: With oversight and direction from the Supreme Court of Nevada, and specific appointment by the Board of Governors of the State Bar of Nevada, I served as the Reporter to the committee tasked with review of each and every rule of professional conduct or ethics rule. This resulted in a lengthy submission to the Supreme Court, after numerous committee meetings and public hearings in 2003-2004, which dissected and ultimately

led to the adoption of the current version of the Nevada Rules of Professional Conduct. As Reporter, the pleading submitted and filed with the Supreme Court was my responsibility. Further, along with select committee members, I presented the petition to the en banc Supreme Court in Carson City, NV. This effort, in ADKT 370, affectionately referred to as “Ethics 2000”, resulted in transforming the prior set of Supreme Court Rules into the Nevada Rules of Professional Conduct, which have essentially been in place as of the effective date May 1, 2006. Significant changes as a result of this effort were the establishment of interpretive guidelines as to how the Rules of Professional Conduct should be applied, as well as substantive changes concerning lawyer fees, confidentiality, duties to prospective clients, conflict waivers, sex with client prohibition and disqualification and screening in hiring of lawyers.

NRS 7.285 Unlawful Practice of Law: Initiation of Civil Action by State Bar of Nevada:

Personally and professionally instrumental, following lobbying efforts and presentation to both the Nevada Assembly and Nevada Senate, in what is now the entirety of NRS 7.285, Unlawful Practice of Law. With approval from the Board of Governors for the State Bar of Nevada and the Unauthorized Practice of Law Committee of the State Bar, I presented multiple live witnesses to the Nevada Legislature in Carson City, NV. These witnesses had been victimized by business-like predators engaged in the unauthorized practice of law. This resulted in the current version of NRS 7.285, which includes recidivist provisions, and perhaps most importantly, Section 3, which specifically provides that the State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

SCR 106.5(4) Lawyer Wellness Program, Limited Use Policy: Personally and professionally responsible for the recommendation and draft of what is now SCR 106.5(4) Limited Use Policy, which states in relevant part that all information obtained by the Lawyers Concerned for Lawyers Program, or as a result of voluntary services sought from the Nevada Lawyer Assistance Program, including the initial report and any subsequent report to the program thereafter, shall be confidential and shall not be admissible in any State Bar disciplinary, admission, administrative, or other State Bar proceeding. My idea for this vitally important rule, which allows attorneys affected by drug and alcohol abuse to get help without fear of disciplinary exposure, was actually taken from what is now Army regulation 600-85, a United States Army provision which I was familiar with in my time in the service, likewise known in the Army as the Limited Use Policy, which enables soldiers to get help with drug and alcohol abuse without retribution.

Lawyer Advertising: As Bar Counsel, I played a prominent role in the development of what is now a full set of lawyer-advertising Rules of Professional Conduct.

SCR 102(1) Irrevocable (Permanent) Disbarment: After some time of prosecuting cases as Bar Counsel to the State Bar, I formed an opinion that an option that should be available to both Disciplinary Panels and ultimately the Supreme Court, in appropriate cases, is permanent disbarment. After recommendation to the Board of Governors and approval by them, and adoption by the Supreme Court, ultimately an irrevocable disbarment became an option pursuant to SCR 102(1).

Attorney Specialization: Played an integral role in the drafting of and presentation to the Nevada Supreme Court of what now are Attorney Specialization Rules of Professional Conduct, which allows Nevada attorneys to communicate specialty areas of practice, provided the Certifying Organization has approved and certain conditions precedent are met. Over the years, this effort has resulted in Nevada lawyers having the ability to be approved as specialists in the areas of business bankruptcy, child welfare, civil trial advocacy, criminal trial advocacy, elder law, estate planning law, family law, personal injury and workers' compensation.

SCR 105.5 Diversion and Mentoring: Played an integral role in what became SCR 105.5 Diversion and Mentoring Program. Here, as an alternative to, or in conjunction with disciplinary sanctions, an attorney deemed eligible by the appropriate disciplinary board panel may participate in an approved diversion and/or mentoring program, designed to assist with or improve management or behavior problems that resulted in, or are expected to result in, minor misconduct.

Justice Nancy Saitta's Professionalism Summits: Honored to have been asked by then Justice of the Supreme Court Nancy Saitta to lead in the creation of a number of professionalism summits, 2005-2007, which were ethics programs conducted under the direction of Justice Saitta and sponsored by the State Bar of Nevada, the Clark County Bar Association, the Washoe County Bar Association, the Nevada Justice Association, and lawyers and law firms throughout the state of Nevada.

Gardner v. State Bar of Nevada, 284 F.3d 1040 (2002): Sole counsel for the State Bar of Nevada and all its Board of Governors. Following argument at the US District Court level and to the Ninth Circuit Court of Appeals, the case resulted in a reported decision from the United States Court of Appeals, Ninth Circuit. The Court upheld the State Bar of Nevada's efforts to publicize to and to educate the public concerning our system of justice, the role of lawyers, and to make the law work for everyone. In relevant part, the Ninth Circuit found that the work of the State Bar to foster public understanding of the adversary nature of law is vital to the Bar's function. The court went on to find that in our real world, lawyers are not merely a necessity, but a blessing. (Emphasis added).

AUTHORED PUBLICATIONS

Nevada Lawyer. November 2008. "Operational Law."

Nevada Lawyer. November 2006. "Civilian Lawyers Defending Military Personnel at a Trial by Court-Martial."

Nevada Lawyer. January 2006. "The Professional Independence of a Lawyer."

Nevada Lawyer. November 2005. "State Bar Counsel Reflects on JAG Career."

Nevada Lawyer. June 2005. "Top 10 Bar Complaints and How to Avoid Them."

Nevada Lawyer. January 2002. "Lawyers who Serve their Country."

Nevada Lawyer. September 1996. "Some Thoughts on Ethics and Lawyer Advertising."

Nevada Lawyer. December 1995. "Avoid Business Transactions with Clients...But if you must, Know the Rules."

Nevada Lawyer. November 1995. "Look at the Less Serious Side of Bar Discipline: The Names have Been Changed."

US ARMY JUDGE ADVOCATE GENERAL'S CORPS

Senior Defense Trial Lawyer. (Captain) U.S. Army Judge Advocate General's Corps, Trial Defense Service, Fort Irwin, California (May 1991 to August 1993).

Attorney Responsible for managing all defense functions for clients stationed at Fort Irwin and all of southern California, including:

Criminal Accused Trial Representation. Represented as the trial attorney and assigned other lawyers to represent soldiers accused of criminal offenses at Court-Martial proceedings. This included all stages of the Court-Martial process: formal preliminary investigation, extensive motion practice (including written briefs) in front of the military judge, and in-court trial advocacy before military juries.

Supervisor, Trainer, Rater. Supervised two (2) criminal defense lawyers and two (2) paralegals. Supervisory duties included primary responsibility for staff training in all aspects of client representation. Prepared written ratings (Officer Evaluation Reports) for the two (2) other attorneys in the office.

- * Selected for Senior Defense Lawyer position in first tour of duty.
(This position is usually given to a Major or senior Captain).

Trial Defense Lawyer. U.S. Army Judge Advocate General's Corps, Trial Defense Service, Fort Ord, California (October 1989 to May 1991).

Represented clients accused of criminal offenses and facing trial by Court-Martial. Carried an average case load of 25 concurrent Court-Martial clients. Deployed with units from Fort Ord to Panama from December 19, 1989 to February 6, 1990, in removal of General Noriega from Panama; advised commanders of various legal aspects of armed conflict scenario.

As a lawyer in the Judge Advocate General Corps, I have:

- Tried approximately 150 jury and bench trials representing clients accused of murder, attempted murder, rape, larceny, aggravated assault, and various other serious alleged felony cases.
- Litigated approximately 100 hearings concerning the command's attempts to discharge a soldier for alleged administrative misconduct.

Speaking/Instructor Experience in the Military of Notable Mention. Speaker and instructor at the Judge Advocate General's School, Charlottesville, VA, 1990. Instructed students on operational law, as well as ethics and professional responsibility.

**TEACHING AND INSTRUCTION EXPERIENCE/ATTENDANCE AT RELEVANT
EDUCATIONAL SEMINARS**

- Adjunct Professor at Community College of Southern Nevada, which became the College of Southern Nevada, teaching Legal Research from 2001-2009. Instructor within College's Paralegal Studies Program teaching substantive law and legal ethics to college students two semesters per year. Total of sixteen semesters.
- Speaker at various Bridge the Gap Continuing Legal Education Programs, beginning in 1993, held in both Las Vegas, NV and in Reno, NV, sponsored by the State Bar of Nevada, provided to new admittees to the Nevada State Bar. One to two hours, depending on curriculum, per year. Topic: Ethics and Professional Responsibility.
- Speaker at various Annual Meetings of the State Bar of Nevada, held in various locations throughout the United States, in capacity as Bar Counsel to the State Bar of Nevada. Topic: Ethics and Professional Responsibility. 1994-2010.
- Speaker at various conventions, held in various locations within the United States and in Canada, sponsored by the Nevada Trial Lawyers Association (NTLA), which became the Nevada Justice Association (NJA), in capacity as Bar Counsel to the State Bar of Nevada. Topic: Ethics and Professional Responsibility. 1994-2010.
- Speaker and Continuing Legal Education Instructor to attorney and non-attorney members of the Federal Public Defender's Office held in both Las Vegas, NV and in Reno, NV, in capacity as Bar Counsel to the State Bar of Nevada. Various times, 1994-2007. Topic: Ethics and Professional Responsibility.
- Speaker and Continuing Legal Education Instructor to attorney and non-attorney members of various law firms, including McDonald Carano, at both their Las Vegas, NV and Reno, NV offices, in capacity as Bar Counsel to the State Bar of Nevada. Various times, 1994-2010. Topic: Ethics and Professional Responsibility.
- Speaker at various luncheon meetings held by the Southern Nevada Association of Women Attorneys (SNAWA), held in Las Vegas, NV, in capacity as Bar Counsel to the State Bar of Nevada. 1994-2010. Topic: Ethics and Professional Responsibility.
- Speaker and Continuing Legal Education Instructor at various annual Family Law seminars sponsored by the State Bar of Nevada in the State Bar's Family Law section, in both Tonopah, NV and Ely, NV, in capacity as Bar Counsel to the State Bar of Nevada. 1994-2010. Topic: Ethics and Professional Responsibility, specifically applied to Family Law matters.
- Attendee and occasional Presenter at National Organization of Bar Counsel (NOBC) meetings held in conjunction with the American Bar Association Annual and Semi-Annual meetings, held in various locations throughout the United States, in capacity as Bar Counsel to the State Bar of Nevada. 1994-2009. Topic: Ethics and Professional Responsibility.

- Attendee and Graduate of Special Court Jurisdiction: Advanced, Two-Week Course at the National Judicial College, Reno, NV, in capacity as Municipal Court Judge. An intense training given to lower court judges, including Ethics instruction relevant to the canons of judicial ethics. 2007.
- Instructor at State Bar of Alabama Annual Convention, held in Destin, FL, 2008. Topic: Ethics and Professional Responsibility, with primary focus on the ethics of lawyer advertising.
- Attendee and Graduate of General Court Jurisdiction Two-Week Course at the National Judicial College, Reno, NV, in capacity as District Court Judge. An intense training given to District Court judges, including Ethics instruction relevant to the canons of judicial ethics. 2011.
- Attendee at State Bar of Nevada 2011 Annual Meeting, Kauai, HI. June 2011. Continuing Legal Education seminar. This included 5.5 credit hours of Ethics.
- Attendee at Nevada Justice Association' 35th Annual Convention, San Francisco, CA. September 2011. This included 2 credit hours of Ethics.
- Attendee at Advanced Family Law Seminar, sponsored by the State Bar of Nevada, Las Vegas, NV. December 2011. This included 2 credits hours of Ethics.
- Attendee at Nevada Judicial Leadership Conference, sponsored by the Nevada Administrative Office of Courts, Las Vegas, NV. May 2012. This included 5.5 credit hours of Ethics.
- Instructor to Young Lawyers at the Trial Academy, sponsored by the State Bar of Nevada, San Diego, CA. June 2012. Hands-on, individualized instruction, as a District Judge, to lawyers, covering all aspects of the litigation and trial process. This included 12.5 hours of instruction.
- Attendance at the 84th Annual Meeting of the State Bar of Nevada, San Diego, CA. June 2012.
- Attendance at the 36th Annual Convention of the Nevada Justice Association (NJA), San Diego, CA. October 2012. This included 2 credit hours of Ethics.
- Presenter and Ethics Continuing Legal Education Provider at event sponsored by the Washoe County Bar Association, entitled "Preventing Nevada Legal Malpractice", Reno, NV. March 2013. This included 4 credit hours of Ethics instruction.
- Attendee at Ethics in Trial and Appellate Practice seminar, sponsored by the State Bar of Nevada, Las Vegas, NV. February 2013. This included 5 credit hours of Ethics.
- Attendee at Evidence in a Courtroom Setting seminar, sponsored by the National Judicial College (NJC). May 2013. This included 2.5 credit hours of Ethics.
- Instructor to Young Lawyers at the Trial Academy, sponsored by the State Bar of Nevada, Lake Tahoe, NV. July 2013. Hands-on, individualized instruction, as a District Judge, to lawyers, covering all aspects of the litigation and trial process. This included 17.5 credit hours of instruction.

- Instructor, along with attorney F. Lee Bailey, at the Organization of Bar Investigators Tenth Anniversary Seminar, Las Vegas, NV, October 2013.
- Instructor at Las Vegas Defense Lawyers seminar, “Civil Trial Practice Tips”, Las Vegas, NV. January 2014.
- Attendee at Inn of Court seminar, “The Wrong Man: Witness Identification”. February 2014.
- Attendee at District Court Judge training on Medical Malpractice cases. April 2014.
- Attendee at State Bar of Nevada 2014 Annual Meeting. July 2014.
- Attendee at National Judicial College seminar, “Today’s Justice: The Historic Bases”. July 2014.
- Attendee at Nevada Justice Association (NJA) Annual Convention/Seminar. October 2014. This included 2 credit hours of Ethics.
- Instructor at seminar sponsored by the State Bar of Nevada, “Ethics and Practice Tips in Trial and Appellate Practice”. October 2014. This included 6 credit hours of Ethics instruction.
- Attendee at the State Bar of Nevada, Young Lawyers Section, 2015 Annual Meeting. July 2015.
- Attendee at Nevada Justice Association 39th Annual Convention. October 2015. This included 2 credit hours of Ethics.
- Attendee at State Bar of Nevada seminar, “Top 10 Ethical Pitfalls for Nevada Attorneys”. April 2016. This included 3 credit hours of Ethics.
- Attendee at Supreme Court of Nevada seminar, “Nevada Judicial Leadership Summit”. April 2016. This included 4 credit hours of Ethics.
- Attendee at Nevada Justice Association (NJA) 40th Annual Convention/Seminar. September 2016. This included 2 credit hours of Ethics.
- Instructor at Nevada Justice Association seminar, “Ethics”. February 2017. This included 8 credit hours of Ethics instruction.
- Instructor at event sponsored by the Nevada Attorney General’s Office, “Ethics in Litigation”. May 2017. This included 3 credit hours of Ethics instruction.
- Attendee at National Judicial College seminar, “Conducting the Trial”. June 2017. This included 1.5 credit hours of Ethics.
- Attendee at Nevada Justice Association (NJA) 41st Annual Convention/Seminar. October 2017. This included 1 credit hour of Ethics.
- Attendee at State Bar of Nevada seminar, “To Report or Not to Report, Save a Life”. November 2018.
- Instructor at Supreme Court of Nevada seminar, “2019 Nevada Limited Jurisdiction Judges, Winter Seminar”. January 2019. Instructed approximately 100 lower court judges on how to make an effective record to better substantiate court orders on appeal.

- Attendee at Eighth Judicial District Court seminar, “Judges Advance”. February 2019. This included 1.5 credit hours of Ethics.
- Attendee at Supreme Court of Nevada, Nevada District Judges Conference. May 2019. This included 2 credit hours of Ethics.
- Instructor at Nevada Justice Association seminar held at the Boyd School of Law, “Elements of Nevada Legal Theories”. In attendance were lawyers and law students. September 2019.
- Instructor at Nevada Justice Association seminar, “Entertaining Elements of Nevada Legal Theories”. November 2019.
- Attendee at State Bar of Nevada seminar, “Dealing with Adversity”. June 2020. This included 1 credit hour of Ethics.
- Attendee at Supreme Court of Nevada seminar, “Ethics – Judges as Bosses”. August 2020. This included 1 credit hour of Ethics.
- Attendee at Eighth Judicial District Court AB 236 Training. September 2020.

LEGAL MALPRACTICE CASES ASSIGNED TO ME AS DISTRICT JUDGE (2011-2021)

A-10-627470-C - Company sued its former attorneys for alleged malpractice. After extensive motion practice, parties ultimately settled their case (after Defendants' motion to enforce the settlement agreement was granted).

A-11-650047-C – Personal Injury attorney's former client sued for malpractice after she received a smaller settlement than expected. Parties settled at the arbitration stage.

A-13-677618 - Former client sued her divorce attorney for malpractice. Parties stipulated to settle their case just after discovery commenced.

A-17-756039-C - Company sued its former attorney alleging that he had a conflict of interest due to ownership in a competing company. Defendant never appeared resulting in Plaintiff obtaining a default judgment.

A-17-759347-C - An elderly couple sued their former attorneys alleging that they stole their property and overbilled them.

A-17-760737-C - Several financial companies sued multiple firms alleging they failed to diligently represent them in their Nevada cases. The case included extensive motion practice.

A-17-763982-C – Doctor sued his former business attorney based on myriad of malpractice allegations. Numerous pre-trial motions.

A-18-768688-C - Plaintiffs sued their former construction defense attorney. Parties stipulated to dismiss their case.

A-18-785751-C - Attorney sued his former clients for breach of contract (representation on multiple properties on HOA foreclosure cases) and Defendant counterclaimed for legal malpractice. After some motion practice, parties stipulated to dismiss the case.

A-18-786655-C - Plaintiff is an inmate convicted of murder along with his father. Plaintiff alleged that attorney committed legal malpractice for failing to represent him after non-payment. Defendant's motion to dismiss was granted and that order was affirmed by the Nevada Supreme Court.

A-19-792712-C - Plaintiff sued his former personal injury attorney. Complaint was never served and thus the case was dismissed.

A-19-797290-C - Plaintiffs (estate and the widow) sued their attorney (who drafted the trust document in question) for malpractice alleging that the trust document incorrectly deprived them of their ownership of certain property.

A-19-799229-C - Plaintiff sued her former personal injury attorney. Parties stipulated to dismiss the case.

PROFESSIONAL ASSOCIATIONS

Pennsylvania State Bar (Admitted 1989) (Inactive)

State Bar of Nevada (1993- Present)

National Organization of Bar Counsel (1993-2010)

Clark County Bar Association (1994-2020)

NOTABLE PROFESSIONAL AWARDS/RATINGS

- Recipient of the Pro Bono Award of Judicial Excellence, presented by the Legal Aid Center of Southern Nevada (2014)
- Martindale-Hubbell – AV Preeminent (The highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for the legal expertise, communication skills, and ethical standards by their peers.)

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN RE: DISCIPLINE OF)
4 JAMES J. JIMMERSON, ESQ.)
5 NEVADA BAR NO. 0264)
6)
7 _____)

Case No. _____

8
9
10
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

)
VOLUME III

)
RECORD OF DISCIPLINARY PROCEEDINGS,
PLEADINGS AND TRANSCRIPT OF HEARING

20 Daniel T. Young, Esq.
21 Nevada Bar No. 11747
22 State Bar of Nevada
23 3100 W. Charleston Blvd., Ste. 100
24 Las Vegas, NV 89102
25 Counsel for the State Bar of Nevada

James J. Jimmerson, Esq.
Nevada Bar No. 0264
Dennis L. Kennedy, Esq.
Nevada Bar No. 1462
Joshua P. Gilmore, Esq.
Nevada Bar No. 11567
8984 Spanish Ridge Ave.
Las Vegas, NV 89148

INDEX

Description	Page Nos.	Vol. No.
Answer Filed December 10, 2020	ROA Page 000038- 000046	I
Certificate of Service- Record on Appeal Dated July 20, 2021	ROA Page 000560	I
Complaint, Declaration of Mailing, and State Bar of Nevada's Peremptory Challenges Filed October 7, 2020	ROA Page 000001- 000012	I
Findings of Fact, Conclusions of Law, and Recommendation After Formal Hearing Filed June 21, 2021	ROA Page 000550- 000559	I
Notice of Filing Emails Filed April 23, 2021	ROA Page 000456- 000492	I
Notice of Formal Hearing Filed February 4, 2021	ROA Page 000070- 000071	I
Notice of Telephonic Initial Case Conference Filed January 4, 2021	ROA Page 000049- 000050	I
Order Filed December 2, 2020	ROA Page 000035- 000037	I
Order After Pre-Hearing Conference Filed April 28, 2021	ROA Page 000519- 000523	I
Order Appointing Formal Hearing Panel Filed January 29, 2021	ROA Page 000068- 000069	I
Order Appointing Hearing Panel Chair Filed January 4, 2021	ROA Page 000047- 000048	I
Reply in Support of Respondent's Motion for Approval of Conditional Guilty Plea Filed April 14, 2021	ROA Page 000371- 000433	I

1	Respondent's Expert Disclosures February 26, 2021	ROA Page 000072- 000099	I
2			
3	Respondent's Final Disclosures Filed March 12, 2021	ROA Page 000114- 000121	I
4			
5	Respondent's Initial Disclosures Filed January 28, 2021	ROA Page 000061- 000067	I
6	Respondent's Motion for Approval of Conditional Guilty Plea	ROA Page 000156- 000251	I
7	Filed March 26, 2021		
8	Respondent's Motion to Dismiss Count II in the State Bar's Complaint	ROA Page 000013- 000020	I
9	Filed November 2, 2020		
10	Respondent's Motion to Dismiss with Prejudice and/or For Other Relief	ROA Page 000443- 000455	I
11	Filed April 22, 2021		
12	Respondent's Objections to the State Bar's Summary of Evidence and Disclosures of Witnesses for Formal Hearing	ROA Page 000359- 000363	I
13	Filed April 13, 2021		
14	Respondent's Opposition to State Bar of Nevada's Motion in Limine to Exclude Expert and Expert Report	ROA Page 000302- 00358	I
15	Filed April 9, 2021		
16	Respondent's Supplemental Disclosures	ROA Page 000100- 000107	I
17	Filed February 26, 2021		
18	Respondent's Trial Brief	ROA Page 000493- 000501	I
19	Filed April 23, 2021		
20	Scheduling Order	ROA Page 000051- 000054	I
	Filed January 14, 2021		
	State Bar of Nevada's Memorandum of Costs	ROA Page 000540- 000549	I
	Filed June 1, 2021		

1	State Bar of Nevada's Motion in Limine to Exclude Expert Testimony and Expert Report Filed March 26, 2021	ROA Page 000122- 000155	I
2			
3	State Bar of Nevada's Objection to Respondent's Exhibits Filed April 13, 2021	ROA Page 000364- 000366	I
4	State Bar of Nevada's Opposition to Respondent's Motion for Approval of Conditional Guilty Plea Filed April 7, 2021	ROA Page 000252- 000301	I
5			
6	State Bar of Nevada's Opposition to Respondent's Motion to Dismiss Cunt II in the State Bar's Complaint Filed November 17, 2020	ROA Page 000021- 000034	I
7	State Bar of Nevada's Reply to Respondent's Opposition to State Bar of Nevada's Motion in Limine to Exclude Expert Testimony and Expert Report Filed April 13, 2021	ROA Page 000367- 000370	I
8			
9	State Bar of Nevada's Trial Brief Filed April 23, 2021	ROA Page 000502- 000518	I
10			
11	State Bar's Final Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed March 11, 2021	ROA Page 000108- 000113	I
12			
13	State Bar's Initial Summary of Evidence and Disclosure of Witnesses for Formal Hearing Filed January 20, 2021	ROA Page 000055- 000060	I
14	State Bar's Response to Respondent's Objections to the State Bar's Proposed Witnesses and Exhibits Filed April 16, 2021	ROA Page 000434- 000442	I
15			
16	Stipulation and Order Admitting Exhibits 1, 10-13, 17-18, 26-28, 33, 42-46, Y, Z, AA, BB, and CC; and Sealing Exhibits 10-13, 18, 26-28, 33, 44, and 46 Filed April 29, 2021	ROA Page 000524- 000528	I
17			
18	Supplement to Respondent's Trial Brief Filed May 18, 2021	ROA Page 000529- 000539	I
19			
20			

TRANSCRIPTS & EXHIBITS

Description	Page Nos.	Vol. No.
Transcript of Proceedings Held on April 30, 2021	ROA Page 000561- 000838	II
Transcript of Proceedings Held on May 13, 2021	ROA Page 003494- 003674	III
State Bar's Exhibit 1	ROA Page 000839- 000874	II
State Bar's Exhibit 2	ROA Page 000875- 000881	II
State Bar's Exhibit 10- SEALED	ROA Page 000882- 000888	II
State Bar's Exhibit 11- SEALED	ROA Page 000889- 000891	II
State Bar's Exhibit 12- SEALED	ROA Page 000892- 000896	II
State Bar's Exhibit 13-SEALED	ROA Page 000897- 001446	II
State Bar's Exhibit 17	ROA Page 001447- 001448	II
State Bar's Exhibit 18- SEALED	ROA Page 001449- 001463	II
State Bar's Exhibit 26- SEALED	ROA Page 001464- 001696	II

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

State Bar's Exhibit 27- SEALED	ROA Page 001697- 003212	II
State Bar's Exhibit 28- SEALED	ROA Page 003213- 003418	II
State Bar's Exhibit 33- SEALED	ROA Page 003419- 003461	II
State Bar's Exhibit 42	ROA Page 003462- 003463	II
State Bar's Exhibit 43	ROA Page 003464	II
State Bar's Exhibit 44- SEALED	ROA Page 003465- 003466	II
State Bar's Exhibit 45	ROA Page 003467	II
State Bar's Exhibit 46- SEALED	ROA Page 003468	II
State Bar's Exhibit 49	ROA Page 003469- 003470	II
State Bar's Exhibit 50	ROA Page 003471- 003472	II
State Bar's Exhibit 51	ROA Page 003473- 003515	II
Respondent's Exhibit Y	ROA Page 003516- 003521	II
Respondent's Exhibit Z	ROA Page 003522- 003526	II
Respondent's Exhibit AA	ROA Page 003527- 003532	II

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Respondent's Exhibit BB	ROA Page 003533- 003535	II
Respondent's Exhibit CC	ROA Page 003536- 003538	II
Respondent's Exhibit DD	ROA Page 003539- 003549	II

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA)
) Case No.
 Complainant,) OBC20-0163
)
 vs.)
)
 JAMES J. JIMMERSON, ESQ.,)
)
 Respondent.)
)



FORMAL HEARING OF JAMES J. JIMMERSON, ESQ.
VOLUME II

Taken at the State Bar of Nevada Via Zoom Videoconference
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada

On Thursday, May 13, 2021
At 1:01 p.m.

Reported by: Deborah Ann Hines, CCR #473, RPR

1 Appearances (via Zoom videoconference):

2 Commission Panel:

3 THOMAS EDWARDS, ESQ.
4 Panel Chairman

5 IRA DAVID, ESQ.
6 Panel Member

7 ANNE HANSON
8 Laymember

9 For the Complainant:

10 DANIEL YOUNG, ESQ.
11 - and -
12 DANIEL HOOGE, ESQ.
13 Bar Counsel
14 State Bar of Nevada
15 3100 W. Charleston Boulevard
16 Suite 100
17 Las Vegas, NV 89102
18 (702)382-2200

19 For the Respondent:

20 DENNIS KENNEDY, ESQ.
21 - and -
22 JOSHUA P. GILMORE, ESQ.
23 Bailey Kennedy
24 8984 Spanish Ridge Avenue
25 Las Vegas, NV 89148
26 (702)562-8820
27 dkennedy@baileykennedy.com
28 jgilmore@baileykennedy.com

29 Also Present:

30 ROB BARE

31 KRISTI FAUST
32 Hearing Paralegal

33

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESPONDENT WITNESSES	PAGE
AMANDA KHAN	
Direct Examination By Mr. Gilmore	250
Cross-Examination By Mr. Young	291
Examination by Commissioner David	298
JAMES M. JIMMERSON	
Direct Examination By Mr. Gilmore	303
JAMES J. JIMMERSON	
Direct Examination By Mr. Gilmore	313
Cross-Examination By Mr. Hooge	341
Redirect Examination By Mr. Gilmore	354
ROB BARE	
Direct Examination By Mr. Gilmore	357
Cross-Examination By Mr. Hooge	372
Redirect Examination By Mr. Gilmore	384

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Complainant's		
50	ABA guidelines for Discipline	250
51	Discipline Handbook	250
Respondent's		
DD	Curriculum Vitae of Rob Bare	357

1 CHAIRMAN EDWARDS: Okay. We are back on the
2 record. Mr. Gilmore, your witness please.

3 MR. GILMORE: And just a housekeeping
4 matter, Mr. Chairman, before we get started. Last
5 week the -- Kristi for the State Bar circulated two
6 documents that I think should be marked as exhibits.
7 The first one is the ABA discipline, ABA guidelines
8 for discipline. I think we should -- assuming the
9 Bar has no objection, mark that next in line for the
10 Bar, which would be State Bar Exhibit 50. And then
11 the Bar also sent around via email the discipline
12 handbook. So I'd ask to have that marked as State
13 Bar Exhibit 51.

14 CHAIRMAN EDWARDS: Mr. Hooge, any objection?

15 MR. HOOGE: No. No objection.

16 CHAIRMAN EDWARDS: And are those the right
17 numbers?

18 MR. GILMORE: I checked, and Mr. Young I
19 guess can confirm. It looked like the last document,
20 which was the index, was marked as Exhibit 49, if I'm
21 correct.

22 MR. YOUNG: And I believe that to be correct
23 also.

24 CHAIRMAN EDWARDS: Okay. Those will be
25 admitted.

1 (Thereupon Complainant's Exhibit
2 50 and 51 were admitted into
3 evidence.)

4 MR. GILMORE: Okay. Thank you, Chairman.
5 And if the court reporter will swear in the witness
6 please.

7 Thereupon--

8 AMANDA KAHN

9 was called as a witness by the Respondent, and having
10 been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. GILMORE:

13 Q. All right. Good afternoon. Please state
14 your name for the record.

15 A. Amanda Kahn.

16 Q. Okay. Miss Kahn, if you would, introduce
17 yourself to the panelists.

18 A. Yes. Hi, everyone. My name is Amanda Kahn,
19 and I was born and raised in China. I went to a
20 college to get a degree to be a teacher. I was
21 teacher for many years in China, and I moved into USA
22 in 2009 to marry my first husband. And when I came
23 here, I was brand new and I got my first job as a
24 Chinese tutor.

25 I Google online and there was an ad. I went

1 to have interview and found out that was
2 Mr. Jimmerson. He was looking for a Chinese tutor
3 for his daughter, so I interview and he hire me on
4 the spot, and I was her Chinese tutor for several
5 months.

6 And then his wife, Carol Jimmerson, reach
7 out to me, because they really liked me for who I am
8 and what kind of person I am, and she wanted to hire
9 me as a bookkeeper at Executive Limousine Company.
10 So I went there and I work for couple months. And
11 there was a preschool in town open, so I left
12 Executive Limousine Company and I worked as a
13 preschool teacher for three years.

14 In 2013 I find out I was pregnant, so I
15 can't deal with the young kids anymore, so I left
16 there and I reach out to Carol and I say, I ask her
17 if she still hire, you know, bookkeeper accounting
18 staff, and she hire me on the spot. She loved what I
19 did there previously, and so I work for her for over
20 five years. And I moved to Mr. Jimmerson's law firm
21 in 2018, August, and since then I was his bookkeeper.

22 Overall I would say a little over eight
23 years I was his bookkeeper, no matter Executive or
24 law firm, I was his bookkeeper. And I'm really proud
25 of what I'm doing. And I take pride in what I'm

1 doing. And I think I'm pretty good at what I'm
2 doing, and that's why I still have a job right now.

3 And I got remarried to my husband last year
4 in December. My daughter is seven years old. And
5 also I became American citizen last year, and I think
6 I'm pretty much stuck here in the U.S. And that's
7 pretty much my life in the past 20 years.

8 Q. Okay. And if you would, tell the panel what
9 does it entail to be the bookkeeper for
10 Mr. Jimmerson's law firm?

11 A. I think a good bookkeeper is you have to,
12 like your boss is not there to do simple job. I
13 mean, example, Mr. Jimmerson is a lawyer, and his
14 focus should be, you know, fighting for clients, you
15 know, argue at court and attend trial, preparation,
16 meeting, you name it.

17 And that's why I think as a bookkeeper is a
18 supporter to make sure I reconcile, you know, every
19 books at the law firm to be correct and document
20 everything, so when he needs it I can be there and I
21 can help him to share that burden, that admin part, I
22 can be there, and that's why I think the bookkeeper.

23 Q. So tell us a little bit like what does it
24 entail on your tracking activity for Mr. Jimmerson's
25 client trust account?

1 A. Like regarding the trust account, when I
2 take over on the law firm bookkeeper, the previous
3 girl told me, who trained me, it's very important
4 that is like if the client decides to retain
5 Mr. Jimmerson or the law firm and they have to pay a
6 money to retain, and that's called retainer payment.
7 So that money would sit in the trust account.

8 And then every time we would transfer out,
9 you know, make a payment, you know, forward the
10 invoice, the invoice, the work, we earn and we bill
11 it and then we would pay ourselves and otherwise
12 we'll leave it there.

13 Q. Last time the panel heard a bit about what
14 are called daily cash reports. Are you familiar with
15 that phrase?

16 A. Yes.

17 Q. Okay. If you would, tell the panel what is
18 a daily cash report for the Jimmerson Law Firm.

19 A. Cash -- because every company, especially
20 law firm, we have probably like eight, nine different
21 accounts. We have corporation account and we have
22 trust account, we have savings account, we have
23 payroll account, and we have all other, sometimes
24 like similar than trust account but it's we don't,
25 you know, want to accumulate the interest so the

1 client put, whatever, the settlement money there, you
2 know, from selling the house, we have it separate.
3 And also we have other corporate accounts there.

4 So every day my job is I need to make sure
5 report all the transaction, depositing, debit out,
6 what kind of check I cut, all the transfers between
7 accounts, I need to record there, so that way he will
8 have exact knowledge of, you know, showing clearly
9 what's being out, what's being in. And then it's
10 very important to keep that update to him daily.

11 Q. Okay. And do you currently prepare daily
12 cash reports for Mr. Jimmerson?

13 A. I do.

14 Q. Okay. And for as long as you've been the
15 bookkeeper for his firm, has that been one of your
16 tasks?

17 A. Yes. You know, I was the only part I was
18 gone was like not even less than a month.

19 Q. And having worked for Mr. Jimmerson, how
20 important are those daily cash reports then?

21 A. It's very important. I mean, like I said,
22 you guys, you know, all lawyers obviously, and
23 everybody have busy life. And so for him to
24 understand everything was being how much is the
25 balance, everything, keep the payments on that cash

1 daily report a lot.

2 Q. Okay. Having worked with him for many
3 years, do you find that he takes the responsibility
4 to manage the client trust account seriously?

5 A. Yes, he does.

6 Q. Okay. Why do you say that?

7 A. Because like we set up meetings monthly,
8 sometimes every two weeks. I mean every day when I
9 finish a cash report, I would, you know, he always
10 set a binder right next to his desk next to his
11 computer, and he would check it daily. And when I
12 put it there, I don't just leave it, I tell him, Hey,
13 I finish the daily, I put it in the binder, here you
14 go.

15 And then he either he's in the hearing, he
16 would check it later in the day, and we would go
17 through it monthly. Every time, like, for example,
18 if we have bills from the previous month, we finish,
19 we generate the bill, we send it to client, and how
20 much we can transfer for the trust account, we would
21 have a meeting, go over that as well.

22 So he takes everything serious. And before
23 when he asked me to take over the law firm
24 bookkeeping job, he told me, Make sure every dollar
25 you need to be clear on the trust account. That's

1 the most important thing for a lawyer who has a law
2 firm. And so since then I treat it as everything
3 right now --

4 Q. Okay.

5 A. -- most important thing.

6 Q. And do you feel like he's felt that way
7 throughout the entire time you've known him?

8 A. Yes.

9 Q. Okay. How often would you sit down and
10 discuss the cash reports with Mr. Jimmerson?

11 A. I mean, I would track that man down. I
12 mean, he has so much position job in the law firm,
13 but every time I put the cash report there, I always
14 check, track him down, say, Hey, by the way, this --
15 this client pay, this client pay, I deposit it, I
16 need to cut his check.

17 And every time, besides the time he's on
18 vacation, he always manually sign every check we cut
19 out. And if he's not at the law firm, we have a
20 stamp. I would physical take a picture, say, Hey,
21 Jim, this is the one I'm going to stamp. Is it okay?
22 I will never do anything until he text me back and
23 say, Yes, you've got my approval. And I would print
24 that text message and staple with the check I cut.
25 So that shows how serious he take care of his money.

1 Q. Okay. More generally, how do you perceive
2 him as a boss?

3 A. Jim Jimmerson, I don't really look at him as
4 my boss, I look at him as a family, as a mentor. He
5 have taught me so much in the past 12 years I know
6 him. I mean, I been so close to his family. I have
7 great relationship with all his children.

8 And one thing, you know, the most tragedy
9 happen to all of us is last year in COVID, a lot of
10 us lost a lot of good friends and we face a lot of
11 difficulty. My daughter have to stay home the whole
12 entire life -- you know, whole year.

13 And one thing about Jim is we close up to
14 public like almost two months. He purchased all the
15 paper towel, toilet paper for all the staff. And he
16 sent out the email weekly to remind everybody, You
17 need to stay home. He care about all of us. Anybody
18 need paper towel or toilet paper, ask Amanda, we have
19 plenty at the law firm.

20 An example, I couldn't even find everywhere
21 to cut my hair. The whole town was locked down. You
22 know what he did? He asked his personal barber to
23 come to the law firm, and still protect all of us,
24 you know, and remain the safety and have his own
25 barber to give all of us haircut, and then he pay for

1 all of them.

2 Even the car detailer. I couldn't wash my
3 car, and he asked his guy to come to the law firm in
4 the garage and wash everybody's car every two weeks
5 for the whole entire time, and again he pay all of
6 that. We have ten staff there. And not only that,
7 he purchased, you know, the vitamins for all the
8 staff.

9 And at this point I can't say he just the
10 boss. He's like family to us. We are a small firm,
11 and everybody care about each other's health. And,
12 you know, I even asked Mr. Jimmerson, because I lost
13 my dad this year, he passed away because of cancer,
14 and I asked Jim, I say, I got married last year and
15 I'm going to have a reception, can you walk me down
16 the aisle and hold me and as my father. And that
17 shows what kind of good man he is.

18 And, you know, and one thing I can say, that
19 man is honest man, because an example, if I hire
20 anybody in the interview as the office manager, they
21 will ask me how you get along with Mr. Jimmerson.
22 What do you need to pay attention, you know. I would
23 say, you know what, everybody is human being.
24 Everybody make mistake, but one thing will tick him
25 off is you lie about it, you hide about it, you not

1 honest about it, and that's what tick him off.

2 Because as 12 years I working with him, I
3 know nothing but being honest. And I'm like that. I
4 think that's why we get along because we really treat
5 honesty as number one. And that's why I say, you
6 know, he is very ethical man. Not only just a word,
7 of 12 years I known him, I can say he is an ethical
8 man. Ethics means everything to him, matters to him.
9 Because the way he talk to other people and when he
10 find out things was hiding, dishonest, he's upset
11 about it. He's strict to other people about it. And
12 that's what I would say about how I think about Jim
13 Jimmerson.

14 Q. Okay. Going back to 2019, was there a
15 period of time where you wanted to step away from the
16 firm?

17 A. Yes. Unfortunately my personal matters is
18 my first husband, my ex-husband, the father of my
19 daughter, he had a fallout in September 2019. So he
20 trying to kill himself and trying to kill his mother.
21 It's the whole lawsuit. Mr. Jimmerson actually
22 helped me with the lawsuit, and his son as well.

23 And again, they write off a lot of bill of
24 mine, so pretty much that's like the whole, you know.
25 And then I feel like at that moment I have to step

1 down, and that's why I went to Jim, I told him, I
2 say, I'm sorry, I have to step down because my
3 daughter witnessed her own father try to kill
4 himself. And I think as a mother I need to spend
5 more time with her. And with the financial, you
6 know, so I could do that, just being part time some
7 job but, you know, at the moment I was full-time mom.

8 I told him I have to step down. And he was
9 really understanding about it and that's why I feel
10 great because he treat -- he tell me family comes
11 first. You do have to do what you do. And I told
12 him this notice can go from 30 days to six months. I
13 will never leave left you dry until we hire someone
14 and to fully train someone, then I would take leave.

15 Q. Was it hard to step away as being the firm's
16 bookkeeper?

17 A. I mean, mentally, yes, because I don't treat
18 Jimmerson Law Firm as a place I work, I treat it as
19 my family. I mean, think about you have to leave
20 your second family, how would you feel? I feel I
21 have to cut that, you know, attach. It's hard.

22 Q. Okay. And I don't want to go into the
23 details, but a woman named Leah Ballard was hired to
24 replace you, right?

25 A. Correct.

1 Q. Okay. And did you, after leaving the firm
2 and finish training her, keep in touch with
3 Miss Ballard?

4 A. Yes. Mostly almost every day, I have to
5 say.

6 Q. Okay. And why did you do that?

7 A. I mean, after training -- after training her
8 two and a half weeks, I, you know, and she's fully
9 trained, and I also create instruction manual book,
10 it's a whole binder of everything, and I train her
11 and make sure she's okay. And then I told her, and I
12 also told Mr. Jimmerson, I say, even November 7 was
13 my last day, you know, she told me she's got it a
14 hundred percent. And I told her, I say, anything you
15 are not sure what to do or any emergency come up,
16 just ask me, no matter what time, your conversation
17 or communication, anything, text, call, it's not
18 limited, you know, for me here. You can reach me
19 anytime.

20 Q. I'd like to present, I'm going to share
21 screen here, what's been previously marked and
22 admitted as Exhibit CC. Miss Kahn, do you see that
23 in front of you?

24 A. Yes, I do.

25 Q. Okay. What is the panel looking at here?

1 A. So this is what I mentioned is after I left
2 November 7, this is one of the screenshot, I prove
3 that I continue remain the conversation and
4 communication with her. And she was asking me, she
5 said, "I have to get money transferred. I can
6 transfer money from the trust to the operating
7 account without asking him if it's money that's for
8 monthly fees, right? Or do I have to ask for single
9 transfer?"

10 I, when I read that, I'm like, "No, you
11 cannot. All the bills still have to wait until Jim
12 review and final. That won't be done until at the
13 end of the month. And everything you do, have to ask
14 him."

15 Q. Okay. And why were you conveying that to
16 her?

17 A. Because I previous trained her how important
18 of the trust accounts, and it's a serious matter. So
19 when she ask me that question, I need to confirm and
20 re-ensure she understand.

21 Q. And had Mr. Jimmerson at some point told you
22 to make sure you communicate with him before money is
23 transferred from trust?

24 A. Yes.

25 Q. Okay. And why? What would he convey to you

1 as why that was necessary?

2 A. Because like the previously, he treat trust
3 account very seriously. And, you know, so it's very
4 important, I mean, between the lawyer and bookkeeper
5 to have that conversation and communication to make
6 sure everything done correctly. And that was being
7 done for the whole time, I mean before the
8 November 7, after I come back December of 2019,
9 that's always been the way. That's how we
10 communicate. And that's the most important thing to,
11 as a bookkeeper, all the accounts.

12 Q. Okay. Did you convey to Miss Ballard how
13 important the trust account was to Mr. Jimmerson?

14 A. Yes. I mean, that's the first thing I train
15 her, actually. Before I even train her anything,
16 that's the first thing I train her. What's trust
17 account, what's the importance of a trust account,
18 and how you need to record everything.

19 Q. Okay. Did there come a point in time where
20 you learned that Miss Ballard had fallen behind in
21 her work?

22 A. No, not during the whole -- not the whole
23 time I was gone, not until November 25th.

24 Q. Okay. Tell us what happened on
25 November 25th.

1 A. So in the morning of November 25th, I
2 remember I was still on the way to attend my personal
3 hearing regarding my ex-husband to the law firm. And
4 Mr. Jimmerson gave me a call, so I answer and he tell
5 me, he said, Amanda, today is the 25th. I still
6 haven't had my pre-bills. And when I heard that, I
7 was like, what?

8 Because normally, I mean, to explain, 25th
9 it should be the time Mr. Jimmerson has the pre-bills
10 and he can review it, sign every single one of them,
11 make all the changes needed, okay, and then he would
12 give back to the bookkeeper, which is me or Leah, by
13 the next day. And then we would make the changes on
14 the computer and send out one by one. It's a big
15 process every month, okay.

16 And so by then I know was behind. And he
17 told me, he said Leah have told him, or the office
18 manager back then, Kim Stewart, and that majority
19 time just need help to enter the costs and then
20 generate, which I call a wrap up the pre-bills and
21 give to him. I said, yeah, no problem. That will
22 take me five, six hours. I can do that. I can help,
23 because he told me that Leah went in that Monday,
24 25th, and left, only work for half an hour because,
25 you know, she had been missing some time he told me,

1 and then also she didn't feel well that day.

2 So I said, no problem, I'm going to go in
3 for my hearing and then I'll grab whatever the costs
4 and then I will talk to you in person. So I did, and
5 I went inside, went in the law firm and I finish my
6 own hearing, and I went to see Jim. And we were
7 talking and he say, I really appreciate you help me.
8 You know, you know how important the pre-bill. I
9 say, Yeah, like your own word, it's our bloodline, we
10 need to have, you know, every month. And I say I can
11 definitely help.

12 So I grab everything, all the costs, you
13 know, the printout, all the copies on her desk, Leah
14 Ballard's desk, and then I have to hit the road,
15 because that is Thanksgiving week. I was going down
16 to San Diego to spend the Thanksgiving with my fiance
17 at the time, his family.

18 So what happened is when I got to San Diego
19 at the nighttime, and I open the computer, you know,
20 I get ready to type in all the costs, and I say, wait
21 a minute, all the times, the timesheets from attorney
22 were not entered. That's not what Jim told me.

23 So immediately I send a text message to
24 Mr. Jimmerson, and Shahana is a paralegal at the law
25 firm, and I send a text message tell them, you know,