

1 still have so many, you know, timesheets behind. So  
2 this is not four, five hours work. It would  
3 literally take me days to finish this. I want to  
4 heads up to you guys. I'm going to stay overnight,  
5 you know, as much as I can. And I remember to the Supreme Court  
6 like 10:45, like really late, close to 11:00 o'clock  
7 that night, and then I also following send a text  
8 message and to Leah Ballard.

9 Q. Okay. And let me screen share again here.  
10 Panel has previously seen this. This is subsumed  
11 within the State Bar's Exhibit 13 that's been  
12 admitted, page 20. Do you see that?

13 A. Correct.

14 Q. Okay. Tell the panel, what are we looking  
15 at here?

16 A. So you see on the top, what happened is this  
17 is the text message from Jim. He copy, that was 26  
18 morning 5:35 or 25 a.m., because the night before, on  
19 25th, like what I said, I send him, you know, send  
20 Jim and Shahana a text message. So he did not  
21 respond to me until Tuesday.

22 So what he simply did is grab my text  
23 message, which states, "Hi Jim and Shahana, want to  
24 update to both of you." The whole text message, he  
25 copied that and then texted to another message group

1 to me, Shahana, Kim Stewart, and Leah Ballard to ask  
2 her how did this happen, you know. And he mention  
3 the failure to enter the timesheets holding up our  
4 bill. That is, you know, our lifeblood. And this  
5 cannot repeat itself, period. That's what he said.

6 Q. Okay. And what did -- what did she go on to  
7 say?

8 A. And the first part of the message actually  
9 from Leah Ballard, and she said, "Mr. Jimmerson, it's  
10 my complete failure. I got myself overwhelmed and  
11 did not communicate that. I have gotten unorganized  
12 and made a large mess. I take the responsibility for  
13 it. I am willing to work to clean it up and help get  
14 it in order to the best of my ability. I apologize  
15 and it will not happen again."

16 And Mr. Jimmerson respond back and say, "I  
17 don't like the concealment. You never told me you  
18 were 'overwhelmed' or behind. You hid it from me.  
19 You have done a poor job. I am not certain what I am  
20 going to do. The lack of candor is the most  
21 alarming. We cannot have that."

22 And she respond, she say, "I understand."  
23 And after that she mention about the checks for the  
24 building need to be paid.

25 Q. And did you also communicate directly with

1 Miss Ballard about the timesheets?

2 A. I did.

3 Q. Let me direct your attention to the next  
4 page here, State Bar Exhibit 13, page 22. What is  
5 the panel looking at here?

6 A. So this is the text message I mentioned. On  
7 Monday night, November 25, I send a text message to  
8 Jim and Shahana, I also send a separate text message  
9 to Leah Ballard, and that was 10:48 p.m. so I said,  
10 "Leah, I found out there are still a lot of  
11 timesheets did not enter. I thought you said you  
12 almost finished all the times and only missing few  
13 days. But there are a lot did not enter."

14 And she send me back the next day,  
15 November 26th, early morning she said, "Hi Amanda.  
16 I'm sorry to leave you with so much. I didn't  
17 realize they were so many timesheets not entered. To  
18 be honest I got so overwhelmed. My personal life has  
19 fallen apart and my husband is causing me a lot of  
20 problems. He is divorcing me. It's over really dumb  
21 stuff that is not even true, but there isn't anything  
22 I can do. I'm not sure if I should just put my  
23 resignation in and quit at the law firm. I really  
24 have made a mess. I got so disorganized and I got  
25 stuff working on the building stuff with all the

1 failures of the phone system and all that. I feel  
2 unprepared and completely failed. I'm not sure what  
3 to do at this point."

4 Q. Okay. So at this point she's told you that  
5 she's fallen behind. Did you have another  
6 conversation with Mr. Jimmerson?

7 A. Yes. After I read that, and also at the  
8 same time I saw Jim's text message with Leah, that  
9 happened almost at the same time. And after that,  
10 reading all that, I need to call Jim.

11 So I call him and then told him exactly on  
12 the text message and told him, told the timesheets  
13 not entered. And, you know, and we -- I'm going to  
14 stay late as much as I can and everything. And what  
15 happened is I got on the phone and he told me, yes,  
16 please, because bills are very important. I know we  
17 don't have that much time, but, Amanda, do not rush.  
18 Accuracy is number one in my book. So you have to  
19 make sure everything is correct. I say, you know me,  
20 you know, I've been with you so long, I know you, I  
21 know my work, so I will make sure I stay up, make  
22 sure I finish everything.

23 So I got off the phone with him, and I went  
24 to continue do the timesheet. And what happened is  
25 when I need to enter the payment, I realized some



1 regular clients should already have a payment with  
2 forwarding the tabs. With tab is our billing system.  
3 And I was like, that's weird, he should always pay,  
4 or she should already pay, and that's why I bring my  
5 alert to take a look at the banking accounts, and so  
6 I did.

7 And first thing I check is cash daily.  
8 That's, you know, anybody check, you go there to  
9 check. And when I open, I saw it's only November 11,  
10 it's 10th or 11th were there, and they were nothing  
11 else after. So and then I went to the bank. We do  
12 have all the transactions there, but cash daily was  
13 not made after November 11th.

14 So I call Jim back right away. I say, Jim,  
15 cash daily was not even being created and it's not  
16 reconciled. I don't have the time to get into it  
17 right now, I need to finish the bill. I really want  
18 to let you know. That's what I told him.

19 Q. And how did he react?

20 A. He was completely shocked. He was like, I  
21 cannot believe what I'm hearing right now. He -- I  
22 mean, I know him for 12 years. I never seen him like  
23 this upset. And he was shocked. He was speechless.  
24 He was like, I cannot believe this. And I said, Jim,  
25 it's true. November 11th, after that there's no

1 timesheet. Even there's no cash daily being created.

2 And he's like, I remember because that's  
3 another change of my life chapter because he told me,  
4 Amanda, I need you back. I need to bring you back.  
5 I cannot have this. My book is not reconcile. I  
6 need you to be back. And not only he offer me the  
7 back, he told me, I'm willing to pay you this amount,  
8 so please come back.

9 Q. Okay. And did he raise your salary?

10 A. He did.

11 Q. Okay. And how so?

12 A. He -- I was -- I was paid \$18 per hour  
13 before November 7, and that day he offered me 50,000.

14 Q. Okay. So pretty significant salary  
15 increase?

16 A. Correct.

17 Q. Okay. Were there any other increases to  
18 your salary in any respect?

19 A. Yes. We do have a yearly bonus, and that's  
20 normally, it's like hand out like August, September.  
21 And so I did get a bonus last year as well.

22 Q. And did Mr. Jimmerson tell you why he was  
23 willing to give you a raise to bring you back?

24 A. Yeah, he told me, you know, I'm willing to  
25 pay you way more salary. And, you know, last year I

1 make 15,000 as a bonus, as a bonus as a bookkeeper,  
2 and because he needs me to help him reconcile, you  
3 know, he needs a bookkeeper can do her job, and it's  
4 very -- like all the account reconcile is the most  
5 serious and important thing for him.

6 And I understand why he would need such a  
7 thing as almost double my salary to just have me come  
8 back because he knows never have an issue when I was  
9 there, you know. So I think that's, in my opinion,  
10 why he would put me up.

11 And so I talk with my fiance, you know, and  
12 then, now is my husband, and, you know, and luckily  
13 my daughter was doing better with the whole  
14 therapist, you know, so we would be able to work  
15 something out and financial help, you know, so I  
16 accept the job at the spot right there.

17 Q. Okay. And how did you feel when you looked  
18 and saw that the daily cash reports had not been  
19 created?

20 A. I mean, me personally feeling, I was really  
21 angry, I was, because I trained that girl with  
22 everything. Not only train her, I test her. I make  
23 sure every step I train her, she understood and she  
24 passed my test, and she knows what to do.

25 And not only that, I did not quit on

1 November 7, I mean salary-wise I didn't get paid  
2 after that day, but I'm worrying, I was worrying, and  
3 I did, stayed contact with her.

4 And every time, sometimes she text me like  
5 dinnertime. Without delay I respond right away. And  
6 I never say no. She says, can you call me? I said,  
7 Yes, sure, I'm calling you right now. Because I  
8 don't really look at, like I said, Jimmerson Law Firm  
9 is not just a workplace, it's a family. And I still  
10 stay contact with Jim after November 7th. I still  
11 hang out with the family, you know.

12 And for me, when I look at the cash daily  
13 was not create, it hurt. It hurt me because it hurt  
14 my work, what I built, and I was shocked to see it  
15 myself.

16 Q. Okay. So let's move on into the start of  
17 the next week. What was your next communication with  
18 Miss Ballard? Let me screen share here.

19 A. That's December 2nd, I believe.

20 Q. I'm showing the panel what is State Bar  
21 Exhibit 13, page 23. Do you see that?

22 A. Correct.

23 Q. Okay. What is this document?

24 A. She send a text message because she knew the  
25 whole last week she did not even work from

1 November 25th. I step in and help and stay overnight  
2 and whole two days. And then Mr. Jimmerson stay  
3 really late to get me the pre-bills. And we still  
4 make it and send it out before Thanksgiving, so he --  
5 she knew how much work I really helped.

6 And so she start to send me a text message  
7 Monday when she went to work at 8:32. She say, "Hi  
8 Amanda wanted to thank you for helping so much. I  
9 wanted you to know I am giving my notice here. I  
10 haven't told them yet, but I am typing it up and  
11 giving it to time. This is more than I can  
12 certainly -- clearly handle and it's really an  
13 unhappy environment. I think it's better if I go  
14 somewhere else. I hope you had a happy Thanksgiving.  
15 On top of everything I'm very sick, and so I may go  
16 home. I hope you can tell them not to work. I will  
17 help find someone if they need it. And this is just  
18 too much for me."

19 Q. Okay. Did you agree that it was too much of  
20 a job for her, as it turned out?

21 A. When I first read it, I'm like, really? I  
22 help -- I help the whole week, previous week, and you  
23 are telling me you just went to work and you're going  
24 home, and you're telling me it's too much. No, it's  
25 not. If she did everything and does everything and

1 follow instruction -- I train her. I mean, honestly,  
2 clearly, apparently it's not too much for me. I was  
3 surviving there for almost two years, so it's not too  
4 much work.

5 So that moment and also she told me she  
6 said, "I hope you can tell them no to the work," and  
7 that really I feel disgust that because she simply  
8 tell me they are going to ask me to come back, I need  
9 to turn them down, and that's what she's telling me  
10 in the text message.

11 So I did not agree anything she say there,  
12 and I did not respond. What I did is I screenshot  
13 the text message. I need to protect Jim. I need to  
14 protect the overall firm, my second family. So I  
15 send that text message to Jim and Kim Stewart, and  
16 she did not know Jim already hired me back on the  
17 spot, so I don't want to communicate with her.

18 Q. Okay. And did Ms. Ballard resign from the  
19 firm?

20 A. Yes. So, I mean, well, I heard from Kim  
21 Stewart is they call Miss Ballard on that day after  
22 receive my text message and then accept her  
23 resignation.

24 Q. Okay. When you returned to work, did you  
25 have a discussion with Mr. Jimmerson about what you'd

1 be doing?

2 A. Yes. That was the first thing. And we talk  
3 about it, you know, first thing I can return is  
4 December 1st, so I did. That morning I drop my purse  
5 in my office, the first thing is I grab my notepad  
6 and print out all my findings and I went to Jim's  
7 office and we have like two, three hours meeting.

8 Q. Okay. And tell us about that meeting.

9 A. I mean, I grab everything. I got to have --  
10 I have more time the previous week to check more in  
11 the banking account. So I print out the things I  
12 have questions. So I went to him and I told him, I  
13 say, Mr. Jimmerson, like what I told you the previous  
14 week on the phone, cash daily was not created. So I  
15 need to go back and create and record everything and  
16 to record in the cash daily.

17 But I have this three transactions on the  
18 trust account. They are even number. And that  
19 would -- that already flap me, so I need to know what  
20 happened, you know. And I didn't have time to  
21 continue reconciling everything, that's why I brought  
22 it and I asked him about it.

23 Q. Did it seem important to Mr. Jimmerson that  
24 you would be reconciling the trust account?

25 A. Yes. I mean, when I told him about -- when

1 I told him about three transaction, he was shocked.  
2 And he was like, Amanda, I really need you to find  
3 out, like, what happened. Really need to treat this  
4 as a first priority, okay, because, you know, you  
5 need to reconcile everything. It's trust account we  
6 are talking about, okay. It's clients' money we are  
7 talking about. So please, you know me, so please  
8 just treat this as a first priority and, you know,  
9 make sure you reconcile and let's meet again.

10 Q. Okay. Was Mr. Jimmerson shocked to find out  
11 that there were no cash reports prepared at all  
12 following the November 11 date?

13 A. He was. And that morning I actually grabbed  
14 the binder from his desk. I said, can I have the  
15 binder? And that was the last thing on the top,  
16 because the most recent date we always keep on the  
17 top of the binder, and that was November 11. And I  
18 was like, yeah.

19 And then he asked, Are you sure she did not  
20 create? I said, I'm pretty sure because it's Excel  
21 spreadsheet. If she did not just print it, I would  
22 know because in the spreadsheet how I work is  
23 individual tab. Every day is one tab for the whole  
24 year. So the last most recent tab is November 11th.  
25 So there's no way she could create them and not print



1 it out because it was -- it didn't exist yet.

2 Q. Okay. So there was no tabs showing  
3 November 12, 13 and really through the end of  
4 November that you could see that she had created on  
5 the Excel spreadsheet?

6 A. Yeah, that's why I -- that's why I was  
7 shocked, too.

8 Q. Okay. And Mr. Jimmerson was shocked to hear  
9 that was well?

10 A. Yes.

11 Q. Okay. What about otherwise, you know,  
12 tracking deposits and credit to the trust account.  
13 Had she been doing that?

14 A. No. There were payments -- there were  
15 payments made by credit card by clients was never  
16 moved to the corporate account. And they would check  
17 out deposit, I would assume sometimes, and she was  
18 not there. The runner would have to make the deposit  
19 and was never transferred either. So that's how I  
20 know she didn't reconcile it.

21 Q. Okay. And was that a surprise to  
22 Mr. Jimmerson as well?

23 A. Yes. And he was so shocked. I never see  
24 him -- I never see him like that. He -- when I told  
25 him about this, and all the big mess, the more I dig

1 in, the more mess. And I never see him being this  
2 upset. Because like I previous said, one thing about  
3 him is honesty is everything.

4 So when he find out, she hide it all this  
5 time from him, he was so upset. He was so  
6 disappointed. He was so upset. He was shocked, most  
7 of all. And he told me, I check with her every day  
8 if client is paying. I check with her. I make sure  
9 everything is good. I say, I know because that's how  
10 you train me, so I know. I believe you. This is how  
11 you train me previously when I worked, first worked  
12 there, so I know. And that's how I feel, you know,  
13 he was shocked, he was disappointed. And I never  
14 seen him upset.

15 Q. Had she ever told you that she had not been  
16 preparing the daily cash reports?

17 A. No. That's why I was shocked on  
18 November 25th and 26th when I find out, especially  
19 when I open, all the conversation, I mean, he contact  
20 me most -- she contact almost every single day. I  
21 mean, 7th, 12th, 13, 14, 18, 19, 20. A lot of days.  
22 Almost every day. And she never once mention she was  
23 overwhelmed, she was behind, she couldn't communicate  
24 with Jim, because if she did, my reaction, I would  
25 reach out to Jim right away, say, Do you want me to

1     come back? And I know he would say without anything,  
2     Amanda, come back because I don't want anything, you  
3     know, happen.

4           Q. Did you find that he had a sense of relief  
5     knowing that you were back and you'd help him out?

6           A. Yes. And, I mean, on the conversation 26th,  
7     on November 26th when he offered me the job, and I  
8     actually put him on the phone so I can talk to my  
9     husband now, my fiance back then, and my daughter,  
10    because I want her to be in part of my decision, you  
11    know, I could tell, because I put him on speaker, I  
12    could tell he was nervous. I can hear breathing, you  
13    know. So when I talk with my husband and then I went  
14    back and I accept the job, and he was relieved.

15           And also on December 3rd, after I talking  
16    with him, I promise him, Jim, you have my word, I'll  
17    reconcile, okay. I'll make sure, I will dig in and  
18    find out what happened, what went wrong, okay. You  
19    have my word. And right there I see he start to calm  
20    down a little bit.

21           And he told me, Just please make sure every  
22    dine, one penny cannot miss. You have to reconcile  
23    the whole thing, okay, because trust account means  
24    everything for attorney. He again repeat that, which  
25    I heard many times when I worked for him. So, you

1 know, that's why I gave him the promise. That's why  
2 I feel like I need to ensure, assure that he  
3 understand I would do the job. I'll make sure it got  
4 done, and then he feel a little relief. And we also  
5 met couple times after that. Every time I make a  
6 progress, I would tell him as well.

7 Q. Okay. And did you get the trust account  
8 reconciled by the end of the month?

9 A. Yeah, by the end of December, December 27th.

10 Q. Okay. And was there any money missing after  
11 you finished that reconciliation?

12 A. No. Every penny, you know, reconciled.

13 Q. Okay. And since then have the books been  
14 maintained and kept in order?

15 A. Yes.

16 Q. Okay. And is that a process that  
17 Mr. Jimmerson stays in touch with you about  
18 regularly?

19 A. Yes. And actually now he's, like before he  
20 was always serious, I mean, but I can tell now, you  
21 know, we're not only meeting twice or once a month,  
22 we are meeting weekly basis now. You know, we go  
23 through the accounts, and I just take actual step in  
24 more and telling him every little thing, you know. I  
25 want to stay on the top of it because what happened

1 was an error, was a mistake, we fix it. And going  
2 forward we have to make sure everything, nothing  
3 happened, and that's why we treat this seriously.

4 Q. Okay. Did there come a point where  
5 Mr. Jimmerson informed you that he received a  
6 grievance from the State Bar?

7 A. Yes. We had --

8 Q. Sorry, it sounds like somebody's phone is  
9 ringing.

10 Thank you, Mr. David.

11 My question was did there come a point where  
12 Mr. Jimmerson informed you that he had received a  
13 grievance from the State Bar?

14 A. Yes. It was March 2020, and we received in  
15 the mail. And I remember that was March 12 we got  
16 it, and it was dated March 10.

17 Q. Okay. Did you find that he took that  
18 seriously?

19 A. Yes. I was the first reading that letter  
20 and because I'm the office manager, so I open all the  
21 law firm mail and I read it. I mean, when I read the  
22 letter, I couldn't believe I was reading it. I  
23 almost fell out of the chair. And this is how fast I  
24 react: I grab the letter, run to Jim, he was meeting  
25 with one of the paralegal. I said, Jim, I need to

1 talk with you. So we close the door, I show him the  
2 letter, and he read it. I mean, he was speechless,  
3 when he read the letter. I never see him that upset.

4 Q. Did he tell you to send any information to  
5 the Bar in response to that letter?

6 A. He did.

7 Q. What did he tell you to do?

8 A. He told me, Amanda, I know our books are  
9 clean, reconciled, because we did it, okay. We did  
10 all the work. And so I need you right now, just drop  
11 everything you do, send a response, okay, to Louise  
12 Watson, yeah, and then show her what's the balance  
13 right now in our system, what's the balance right now  
14 in our trust account, okay, and show her exactly they  
15 would be matching.

16 Q. Okay. Did he tell you to hold any  
17 information back from the State Bar related to your  
18 trust account?

19 A. No, he did not.

20 Q. Okay. And at this point in time on  
21 March 12, had the trust account already been  
22 reconciled?

23 A. Yes.

24 Q. Okay. So he didn't ask you to do a  
25 reconciliation in response to this letter from the

1 State Bar?

2 A. No, no, no. We actually have more money in  
3 the trust account because sometimes when client make  
4 a credit card payment, the merchant fee is we have to  
5 transfer back to the account, so we actually have I  
6 believe like 70 or \$90 over. So I even tell  
7 Mrs. Watson that --

8 Q. Okay.

9 A. -- as well.

10 Q. And then ultimately did you help  
11 Mr. Jimmerson put together a more complete  
12 response --

13 A. Yes.

14 Q. -- to the State Bar?

15 A. Yes. I remember this is what he told me on  
16 that day: After I send the response, in a couple  
17 hours he pull me into the office. He goes, Amanda, I  
18 know they haven't asked, okay, but I don't know if  
19 they are going to or not after we send this morning  
20 the letter email response, but I need you to pull  
21 something which shows all the transactions clearly  
22 from November 1st 'til current what's been in, what's  
23 been out and dispersion. I need you to do that. Can  
24 you try to figure it out to do that.

25 Q. Okay. And did you do that?

1           A.     Yes, I did.

2           Q.     Screen share for our panel members. This is  
3 part of State Bar Exhibit 13, starts at page 25. I  
4 turned it so we can see it correctly. What am I  
5 looking at here, Miss Kahn?

6           A.     So this is the spreadsheet I made using the  
7 Excel spreadsheet program. And every column, like  
8 first is the exhibit I mark it so I will be able to  
9 attach supporting document to show not only just my  
10 words. You know, I show like exactly a copy, we have  
11 payment or we receive anything, you know, so I could  
12 attach it. That's why I create an exhibit.

13                     And I have exactly date. That date would  
14 match the transaction at the bank. And next one I  
15 have a credit or deposit. And then I have the debit  
16 and transfer. And because on the bank you cannot see  
17 who make the money and why you take out the money, so  
18 I put description on there. And balance is daily  
19 balance exactly match at the bank statement, exactly  
20 to the dot to the penny.

21           Q.     Okay. So did you create this spreadsheet or  
22 did Mr. Jimmerson?

23           A.     I mean, I create according to what he want.

24           Q.     Okay.

25           A.     He want, like I previous say, he want



1 something clearly shows so we have draft after draft  
2 until like this is the version satisfy him. And we  
3 thought even the Bar ask, he wants everything clearly  
4 shows from November 1st to the current. At that time  
5 it was March 2020, and that's what I did.

6 Q. Okay. So he indicated to you that he wanted  
7 to voluntarily give this information to the State  
8 Bar?

9 A. Yes.

10 Q. Okay. Now, when you were putting this  
11 together, did you hold back or delete any entries to  
12 or from the trust account?

13 A. No. I mean, everything credit, deposit and  
14 debit transferring, those two column, and the daily  
15 balance, you see everything match with the bank  
16 statement. And this is what Mr. Jimmerson told me  
17 when he asked me to create this, too. He say,  
18 Amanda, you know me. I'm honest man, okay. So you  
19 do not hide anything. You reconcile already, all  
20 right. I need you to exactly expand in the  
21 spreadsheet how you reconcile. You do not cover up  
22 anything. You cannot delete anything. You need to  
23 make sure you put everything how you reconcile there,  
24 and that's what I did.

25 And that's why you probably -- I mean, when

1 I look at three transaction, and a lot of times how I  
2 reconcile it is I have to grab whatever the payment  
3 coming in so I can credit there, the debits, right.  
4 And that's why I put like there on the Exhibit 13  
5 40,000 was being transferred and what's that for. So  
6 sometime you are going seeing the client's payment is  
7 partial because I need to reconcile one at a time.  
8 That's what I did.

9 MR. YOUNG: Mr. Chair, I'm going to object  
10 at this time to the witness' testimony. We've given  
11 her extreme latitude. I think she's outside the  
12 scope of mitigation and/or character witness, and  
13 this is getting into the substance of the complaint,  
14 which Mr. Jimmerson's already been found in violation  
15 of. And based on our time constraints today, I'd ask  
16 that we conclude with this witness.

17 CHAIRMAN EDWARDS: Mr. Gilmore?

18 MR. GILMORE: So I've got about five minutes  
19 left with her. One of the mitigating factors is  
20 full, free disclosure to the State Bar. I'm just  
21 confirming that Mr. Jimmerson went out of his way  
22 above and beyond to provide information to the Bar.  
23 I'm not here to go through the three transactions  
24 with her.

25 CHAIRMAN EDWARDS: Okay. Please try to wrap

1 it up as quickly as you can.

2 MR. GILMORE: Understood.

3 BY MR. GILMORE:

4 Q. What are the various exhibits that we see  
5 listed on this document?

6 A. Would you repeat that question?

7 Q. Sure. The two columns, there's one that  
8 says "Exhibit" and then there's a number. Do you see  
9 that?

10 A. Yes.

11 Q. Okay. What is all of that in reference to?

12 A. It's reference to the supporting document I  
13 have. So after this spreadsheet, I also attach what  
14 exhibit shows what document to expand the  
15 description.

16 Q. Okay. So not only did Mr. Jimmerson provide  
17 the Bar with the reconciliation, he provided them all  
18 of the underlying documentation to support that  
19 reconciliation?

20 A. Correct. Nothing hide.

21 Q. Okay. Looking back on all this, how do you  
22 feel this has impacted Mr. Jimmerson?

23 MR. YOUNG: I'm going to object as to  
24 speculation.

25 MR. GILMORE: She's had direct communication

1 with him about this.

2 MR. YOUNG: Again, I think it goes to  
3 speculation as to what she -- she can't possibly  
4 testify as to what, how this has impacted  
5 Mr. Jimmerson. Mr. Jimmerson can testify to that  
6 later.

7 CHAIRMAN EDWARDS: I'll overrule, but,  
8 Mr. Gilmore, please keep this short.

9 MR. GILMORE: Understood.

10 THE WITNESS: I'm going to keep it short. I  
11 mean, since March 2020, he got the letter. If you  
12 have to say there are few people can observe how he  
13 feel, I'm one of them. Because depends on how many  
14 hours he work in the office. I spend, besides Carol  
15 Jimmerson, his wife, I think I spend the most time  
16 with him. So I clearly know what kind of stage he's  
17 in and what this have impact him.

18 And not only that is he's a great man. And  
19 I feel like part of, if I did not leave, okay, if I  
20 did not quit, this won't happen. And that's why I  
21 cannot see anything happen on this man because he  
22 have been suffering all this months. He has lost  
23 sleep because of this. He has been not eating good  
24 because of this. Because he be in practice so many  
25 years. 12 years I know him.

1           Now the Bar is question about his honesty,  
2   his cover up, all that. And bother him when he  
3   receive the October, the complaint. I read it. I  
4   brought it to him. And he was so devastated and  
5   upset. I never see this man like that. In the whole  
6   past year I always think he was a beast. Nothing can  
7   turn him down. Nothing.

8           But until last year, I saw him. And he  
9   cries so many times, just me and him. I have to  
10   close the law firm office, the door, and pat on his  
11   shoulder and say, Jim, just cry. I know you're  
12   upset. I know you're upset. I know, but just cry.  
13   I'm here. Because he cannot tell the whole law firm  
14   what happened, he only have me.

15          So I try to be supportive and there. Ever  
16   time he told me, Amanda, this sick. This I'm  
17   stomach, so sick. I cannot eat, I cannot sleep  
18   because I worry about all this 45 years what I have  
19   been built, it's going to be ruined. And watching  
20   him like that, it make me upset because just think  
21   about this, if I did not leave, this won't happen.

22          So I feel like, I know, he told me it's not  
23   your fault, but I feel like it's my fault. Because  
24   if I did not leave, it did not happen when I was  
25   there. It did not happen again after I return. So I

1 feel it's my fault. And then I told him, I say, we  
2 will fight this. We'll go through this. And he --  
3 it has been suffering him so much.

4 MR. GILMORE: Thank you. No further  
5 questions, Chairman.

6 CHAIRMAN EDWARDS: The State Bar?

7 MR. YOUNG: Great. Thank you.

8 CROSS-EXAMINATION

9 BY MR. YOUNG:

10 Q. Miss Kahn, you had testified that before you  
11 came back to the office, or at least right after you  
12 had came back to the office after Ms. Ballard left  
13 that you dug into the books; is that correct?

14 A. Yes.

15 Q. Okay. And one of the things that you had  
16 mentioned were there were three transfers that stuck  
17 out to you that were even amount transfers; is that  
18 correct?

19 A. Yes.

20 Q. Did you notice that those transfers appeared  
21 to be improper?

22 MR. GILMORE: Objection, argumentative.

23 MR. YOUNG: It's not argumentative.

24 CHAIRMAN EDWARDS: Overruled. Please answer  
25 the question.

1           THE WITNESS: I think that's why I brought  
2 to Jim's attention as a bookkeeper that even numbers,  
3 and that why I brought to his attention. That's why  
4 I talked to him. I need to find out what happened.

5 BY MR. YOUNG:

6           Q. And based on your training and experience as  
7 Mr. Jimmerson's bookkeeper, is that common to have  
8 even amount transfers in the law office?

9           A. That's not common. And that's why I caught  
10 my eye and that's why I brought to his attention  
11 right away immediately.

12          Q. Okay. Did Mr. Jimmerson admit to you that  
13 he's the one that transferred those three transfers?

14          A. He did. And I also look at the banking  
15 account, so I was able to see who make that transfer,  
16 and that's I confirm with him because I need to find  
17 out what happened and why.

18          Q. Did he admit to you that he made those  
19 transfers without having the benefit of the cash  
20 reports?

21          A. This is what he told me: I thought we  
22 received the money, and I haven't had my cash daily  
23 report, so I thought the money was there for me to  
24 transfer because I know some client make the  
25 payments. And that's what he told me.

1           Q.     And did he transfer -- did he tell you that  
2                 specifically he transferred one of the transfers to  
3                 his operating account and then to his payroll account  
4                 so he could make his payroll on November 22nd?

5           A.     Well, I mean, as a bookkeeper I would know  
6                 that because I see the transaction, and that's what I  
7                 also read myself as well.

8           Q.     Okay. Would you disagree that on  
9                 November 21st the payroll account was insufficient in  
10                balance to make the payroll disbursements on  
11                November 22?

12          A.     Yes, and I saw that on the transaction. And  
13                 I even asked Mr. Jimmerson, and that's what he told  
14                 me, I thought the client made the payment. Because  
15                 in the past what happened is if we don't have enough  
16                 money in the corporation account, we have building  
17                 accounts money we can transfer and we have his  
18                 personal account we can transfer, we have his other  
19                 company we can transfer.

20                 So that's why I said, Why didn't you do  
21                 that? And told me, Because I thought the client  
22                 would pay, because it happened in the past. We need  
23                 the money to cash flow and we borrow from other  
24                 companies. And but in that case he did not know he  
25                 didn't have enough. He thought he already receive



1     those payments.

2           Q.     So the prior history within the firm is if  
3     there's not enough money in the payroll account, to  
4     borrow from the other accounts; is that correct?

5           A.     When you say from other account, you mean  
6     from law firm account or from his personal account or  
7     his transportation account? Because he had enough in  
8     other transportation account or building account that  
9     always is a different bank.

10          Q.     Okay. And is this the only time he's  
11     borrowed money from the trust account?

12          A.     I'm not quite understand when you say  
13     "borrow."

14          Q.     Well, you had mentioned that if the payroll  
15     account was short, he would borrow money from other  
16     accounts in the past.

17          A.     I say if --

18          Q.     Correct? Wait, correct?

19          A.     No.

20          Q.     That is what you testified to, yes?

21          A.     No. I said if he doesn't have enough  
22     account from the payroll in the past, if we are low  
23     on the cash flow, we could borrow from his other  
24     business accounts and or his personal account.

25          Q.     Okay. And do you dispute the fact that in

1     this case the cash flow was low in the payroll  
2     account and as a result he borrowed from his trust  
3     account in this particular case?

4           A.     He transferred from the trust account  
5     because he thought the client paid money because --

6           Q.     Isn't that the definition of borrowing?

7           A.     No, it's not. I don't believe so. And one  
8     thing is I do -- I don't know if previous I explain.  
9     The trust fund, I don't know how other lawyer firm  
10    works, but our law firm, we not only have clients  
11    trust fund in the trust account, we also have the  
12    payments client make from the credit card system,  
13    because the credit card system it directly sync,  
14    connect with the trust account. So every time when  
15    the client make the credit card payment, it will be  
16    deposit automatic in the trust fund. So the trust  
17    account is not only clients' money.

18           So at this statement I don't think "borrow"  
19    should be the word, because it's the three transfer  
20    because at that time we do have portions is the  
21    clients' payment.

22           Q.     At that time -- at that time Mr. Jimmerson  
23    made these three transfers, did he -- was it  
24    necessary for him to obtain anybody else's approval  
25    to make those transfers?

1           A.     He did what he could at that time. And, I  
2     mean, my reconcile prove that it's not all that  
3     amount.

4           MR. YOUNG: I'm going to object as  
5     nonresponsive at this time.

6     BY MR. YOUNG:

7           Q.     Did the transfers --

8           CHAIRMAN EDWARDS: Mr. Young, I think the  
9     point's been made.

10          MR. YOUNG: All right. Great. Thank you.

11     BY MR. YOUNG:

12          Q.     What -- after you had come back as of  
13     December 27th, what safeguards had Mr. Jimmerson put  
14     in place to prevent, him specifically, withdrawing  
15     money from his trust account to borrow and pay when  
16     funds are low in other accounts?

17          A.     I mean, that's why I say previously. When I  
18     work for him almost two years before November 7th,  
19     Mr. Jimmerson never make the transfer. And you can  
20     check all the bank record. I was the one. And after  
21     I return, I was the one to make the transfer, except  
22     for one on December 20th when I told him later on  
23     December 27 he hit a wrong button. And that shows I  
24     was the only one transferring the money out of the  
25     trust account to the corporate. So he doesn't need

1 to touch the trust account.

2 And we make sure every month we have the  
3 bill and everything we both discuss and went through  
4 so every penny would match. And that's why to  
5 current our trust account is reconciled, and that's  
6 why Louise Watson only can find those three  
7 transactions in November when I was not there.

8 And she even pulled the record the whole  
9 year afterwards and still reconcile. Even can check  
10 right now, it's reconciled. And, you know, I plan to  
11 stay at the law firm as long as possible 'til, you  
12 know, whenever I can, and I promise everything will  
13 be reconciled.

14 Q. What happens when you leave the law firm  
15 again?

16 A. I cannot say if I leave the law firm again,  
17 I mean, unless Jim will fire me and I would leave. I  
18 mean, it depends on do you want to fire me? That  
19 will be the question.

20 MR. YOUNG: I have no further questions.  
21 I'll pass the witness.

22 CHAIRMAN EDWARDS: Mr. Gilmore?

23 MR. GILMORE: No follow-up.

24 CHAIRMAN EDWARDS: Okay. Miss Hanson, any  
25 questions for the witness?

1 COMMISSIONER HANSON: No, I'm fine. Thanks.

2 CHAIRMAN EDWARDS: Mr. David?

3 COMMISSIONER DAVID: Yeah, I do.

4 EXAMINATION

5 BY COMMISSIONER DAVID:

6 Q. What familiarity do you have with the legal  
7 ethics involving a trust account, if any? And the  
8 answer may be none, but that's fine. I just want to  
9 clarify this.

10 A. Sorry, I think the speaker is not clear.

11 Q. Okay. Is this better?

12 A. Yes.

13 MR. GILMORE: Yes.

14 BY COMMISSIONER DAVID:

15 Q. I just moved closer to the microphone. What  
16 I'm asking is how familiar are you with the  
17 limitations placed upon trust accounts based upon the  
18 rules of legal ethics?

19 A. I mean, as a bookkeeper and as the training  
20 knowledge I have previous years, I fully understand  
21 the trust account knowledge, and that's why we have  
22 been not only, I mean I'm not only saying with my  
23 words, I put in action. And that's why all the, when  
24 I'm, as of bookkeeper of Jimmerson Law Firm, and with  
25 what happened in 2019 and what we have been applied

1 to the action, we take this seriously.

2 Q. I'm not asking that. There are some very  
3 specific rules in what an attorney should be doing  
4 with their trust accounts. Have you ever taken any  
5 classes in this?

6 A. Oh, yes. Yes.

7 Q. In legal ethics?

8 A. Yes, I do. And then --

9 Q. Okay.

10 A. -- also not long ago, I believe is at the  
11 beginning of 2020, I also, because I take a part  
12 of -- I'm office manager at the Jimmerson Law Firm so  
13 I also arrange all the attorneys' CLE training class.  
14 So there was one section regarding the trust fund, so  
15 I also went ahead and read all that to make sure,  
16 especially what happened with this State Bar  
17 complaint --

18 Q. Okay.

19 A. -- so I make sure I fully understand.

20 Q. Okay. That's exactly what I was asking  
21 about. Okay. Thank you.

22 CHAIRMAN EDWARDS: Okay. Miss Kahn, thank  
23 you for your testimony. We appreciate it.

24 THE WITNESS: Thank you so much. Thank you.

25 MR. GILMORE: Thank you.

1 All right. My next witness, James M.  
2 Jimmerson. He's obviously in a different room  
3 because we invoked the witness exclusion, so two  
4 minutes, bathroom break, I'll grab him and we'll keep  
5 going?

6 CHAIRMAN EDWARDS: Okay.

7 COMMISSIONER DAVID: I need to make a  
8 request. I have to leave by 5:00 today.

9 MR. HOOGE: Mr. Chair, could I follow up  
10 with that as well? I know that the State Bar spent  
11 30 to 45 minutes on closing. Respondent's already  
12 had an hour and a half the previous day. We've spent  
13 an hour with this witness. We've got three more  
14 witnesses, from what I understand.

15 I'd ask for some reasonable time  
16 limitations. I think the panel needs at least  
17 an hour to deliberate, probably more. I would  
18 like a rebuttal closing, and if, you know, we're  
19 going to take an hour for each witness, there's  
20 just -- there's no way we're going to get all this  
21 done.

22 CHAIRMAN EDWARDS: Mr. Gilmore?

23 MR. GILMORE: I don't expect his son to go  
24 more than ten minutes. I will certainly make sure  
25 Mr. Jimmerson himself is within the timeframe, and

1 Judge Bare. Mr. Jimmerson I'll make sure, 20, 30  
2 minutes at the most. He's covered the substance,  
3 we're not here to cover the substance, I just need to  
4 go through the mitigating factors with him, Judge  
5 Bare and then time for closings.

6 So, yes, I'm mindful and I will continue to  
7 strive to make sure we move as fast as we can and  
8 respectful of everybody's time here. I certainly  
9 don't have any reason to want us past 5:00.

10 CHAIRMAN EDWARDS: Mr. Gilmore, can you give  
11 us a hard stop when we can expect your witnesses to  
12 be done?

13 MR. GILMORE: Let's see, I want to say 3:45.  
14 That's three more witnesses, hour and a half.

15 COMMISSIONER DAVID: That doesn't work.

16 MR. GILMORE: You tell me, I suppose, and I  
17 will work backwards based on your guidance. So  
18 obviously at the end of the day we want to make sure  
19 the panel members, however, have as much time as you  
20 need, because I don't want to shortchange any of you.  
21 So you tell me what guidance in terms of how much  
22 time you want to deliberate and we will work  
23 backwards accordingly, and say maybe five to  
24 ten minutes on closings for each side.

25 MR. KENNEDY: Well, maybe a little longer



1     than ten minutes.

2                 MR. GILMORE:   So, I mean, Mr. David, it  
3     sounds like you want to be able to start deliberating  
4     by 4:00 o'clock.   Is that fair?

5                 COMMISSIONER DAVID:   That would be the  
6     latest, I would think.   We need at least an hour for  
7     that and it needs to be done by 5:00.

8                 MR. GILMORE:   So then if we want to be  
9     deliberating by 4:00, it sounds like we want to be  
10    starting closings by 3:30.   That's 30 minutes between  
11    our side and the Bar so that you have the ability  
12    starting at 4:00 o'clock.   Does that work?

13                CHAIRMAN EDWARDS:   That sounds reasonable.  
14    Acceptable to the Bar?

15                MR. HOOGE:   Yeah, that works.   Thank you.

16                CHAIRMAN EDWARDS:   Okay.   All right.  
17    Two-minute break and we'll see you back here shortly.  
18    Thank you.

19                MR. GILMORE:   Okay.

20                         (A recess was taken.)

21                CHAIRMAN EDWARDS:   We are back on the  
22    record.   Mr. Gilmore?

23                MR. GILMORE:   My next witness, James M.  
24    Jimmerson, if the court reporter would please swear  
25    him in.

1 Thereupon--

2 JAMES M. JIMMERSON

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

5 DIRECT EXAMINATION

6 BY MR. GILMORE:

7 Q. Please state your name for the record.

8 A. James M. Jimmerson.

9 Q. Okay. If you would introduce yourself to  
10 the panel please.

11 A. I'm James M. Jimmerson. I'm my father's  
12 oldest son. I'm a practicing attorney. I was first  
13 licensed in the state of New York in the summer of  
14 2011, and was subsequently licensed in the state of  
15 Nevada in the summer of 2012. I've been practicing  
16 with my father for approximately five years. My  
17 other practice involved working with Nick Santoro as  
18 well as in house for the Sugar Factory restaurant.

19 Q. Okay. And how long have you been at  
20 Jimmerson Law?

21 A. As I said, a total of about five years. I  
22 spent some time early on when we returned back from  
23 New York, I worked as a New York attorney for a few  
24 years at Winston & Strawn. I returned to Las Vegas  
25 and worked with my father for about a year and a

1 half, and then about three and a half years ago I  
2 rejoined the firm.

3 Q. Okay. And why did you rejoin the firm?

4 A. Because I'm the best lawyer I can be around  
5 him.

6 Q. Okay. Tell the panel here a little bit  
7 about what it's like to work at Jimmerson Law.

8 A. It's not easy. We work hard. We have very,  
9 very complex matters sometimes. We've got clients  
10 that have real needs, and we deliver our best  
11 possible performance for each and every one of them.  
12 We handle a wide range of cases.

13 I spend more time in civil division and  
14 across the street in federal court. My dad spends  
15 more time probably in family court. But that,  
16 regardless of where we're actually practicing, you  
17 know, we run the gamut with the types of matters and  
18 the types of clients that we represent.

19 Q. Okay. Tell the panel a little bit about  
20 your dad as a lawyer.

21 A. He's an outstanding attorney. And growing  
22 up listening to him speak about the law, speak about  
23 what he does, you don't come away ignorant of what  
24 he's doing. And there's certain things that just by  
25 being around, understanding that he's probably

1 forgotten a little about certain parts of the law,  
2 certainly family law, than I'll ever know.

3 But that he is someone who will have his pet  
4 cases. Chisholm versus Redfield, it was a decision  
5 that the Supreme Court held that repeated breach of  
6 the contract can be enjoined, and certain things like  
7 that where you understand that this is someone who  
8 takes their craft seriously, who takes their  
9 profession seriously, and, you know, unlike so many  
10 of the billboard lawyers that you see, you know, he  
11 leads by example. He is not someone who is just a  
12 face, he's the real deal.

13 Q. Do you see him as a mentor?

14 A. I do.

15 Q. How so?

16 A. Well, as I said, I came back to my father's  
17 firm not because I didn't have anywhere else to go, I  
18 was general counsel to Sugar Factory restaurant  
19 group, but I recognized that I was the best possible  
20 lawyer I could be by working with my father. He and  
21 I work wonderfully together.

22 He has given me so many -- practice pointers  
23 wouldn't be the word to describe it, but he makes  
24 sure that I am doing what I need to do and that we  
25 are doing the best we possibly can. And that because

1 I like to think that he and I have a few things in  
2 common, that we feed off of, that we see, you know,  
3 cases, you know, similarly but not necessarily  
4 identical. I think that helps our clients, and I  
5 really do believe it.

6 The example I would give is that he can't  
7 play a game called Catch Phrase at Thanksgiving with  
8 our family on the same team because we're able to  
9 basically run through the board before anyone else  
10 can. In many way we can be on the same wavelengths,  
11 and I think that that is one of the many reasons why  
12 I enjoy practicing law.

13 Q. Do you feel in some ways you became a lawyer  
14 because of him?

15 A. Oh, yeah.

16 Q. Okay. Do you find that he's an absentee  
17 owner or is he there and active in the practice?

18 A. He is active in the practice every day. And  
19 no one would confuse him for an absentee owner. He  
20 works just as hard, if not harder, than every single  
21 person at the office. Even when he's on vacation,  
22 you know, this guy will put together an email, okay,  
23 that's 14 paragraphs long, okay, sent from an iPhone.  
24 I mean, this is someone who isn't just resting on his  
25 laurels, they put in the time, they deliver the best

1 possible performance and work product that he can.

2 Q. Okay. Tell the panel about your dad as a  
3 dad.

4 A. What can I say, he's my dad. He's the best  
5 dad anyone could want. He instilled in me a sense of  
6 hard work, a requirement that in order to succeed in  
7 life we need to work hard. I was obligated or  
8 required to get a full-time job in high school, not  
9 because it was required because there was a financial  
10 need, but because that was what he did when he was in  
11 high school, is what he wanted me to do because it  
12 taught us responsibility.

13 My approach towards life has been guided by  
14 his, you know, the commitment to doing things for  
15 good, that's taking the extra time, making sure you  
16 do it right, and without him I wouldn't be the person  
17 I am today.

18 Q. Do you have children?

19 A. I do. Twin boys.

20 Q. Do you -- do you try to replicate him as a  
21 dad with yourself as a parent?

22 A. I do. I recall fondly certain memories I  
23 have, and that I'd come home and he'd be in his  
24 office working, and we'd be watching a movie  
25 together. And when we start talking about what's

1 going on at school and my life, what's going on, you  
2 know, at his job, and it was in those, it was in  
3 those quite moments, you know, that you really get to  
4 know, you know, someone beyond just the  
5 disciplinarian or the individual who's, you know, the  
6 paterfamilias, if you will, but who he is as a  
7 person, and I've modeled my parenting on the way I  
8 was raised.

9 Q. Okay. You understand you're here today  
10 because a grievance has been brought against your  
11 dad?

12 A. I'm aware.

13 Q. Okay. In your observations, how has this  
14 proceeding impacted him?

15 A. It's been devastating. This is someone who  
16 takes pride in doing things the right way. This is  
17 something that he -- I don't know if there's been  
18 anything else that I've seen where he is trying to  
19 demonstrate his commitment to doing things the right  
20 way.

21 I will say that this is something that,  
22 regardless of what this panel decides, he'll never be  
23 the same, you know. This is in many ways a  
24 life-altering, life-changing experience, and  
25 certainly one that, you know, will never be

1 forgotten. Its impact is here to stay.

2 Q. You find that he's taking it serious?

3 A. It's an understatement. This is -- he is  
4 working as hard as he possibly can to appropriately  
5 respond. This is not a case where it's we have to  
6 compete to win. This is his personal practice. He  
7 takes this incredibly seriously. I've not seen him  
8 be this serious about anything else in that same --  
9 he's treated this process with the appropriate care  
10 and attention it deserves.

11 Q. Okay. I want to touch on, and it's a  
12 sensitive subject, but I feel like it may be more  
13 appropriate for you than him. Was there a family  
14 event that impacted you and your dad in 2019?

15 A. Yes. I believe you're referring to the  
16 death of my brother, Jacob.

17 Q. Okay. And when did he pass?

18 A. He passed in April. His heart was delivered  
19 to the organ recipients on April 8th.

20 Q. Okay. How has that impacted your dad since  
21 then, the moment in time?

22 A. He's forever changed. Immediately it was  
23 like an anvil from the sky. It affected him  
24 tremendously for the months thereafter. You know, I  
25 don't know, you know, there's nothing -- you don't



1 get past it, but it was, it was like a thunderbolt to  
2 him, and he's never been the same.

3 Q. How about you?

4 A. Jacob, he and I were separated by eight  
5 years, but I didn't have the best relationship with  
6 my younger brother, Chad. I always had a better  
7 relationship with Jacob. And I would come home from  
8 school, and that was when Jacob and I really got to  
9 know each other well, and we developed a really,  
10 really strong bond.

11 In the summer and fall of 2010, when the  
12 great recession hit and my start date was delayed, I  
13 came back to Las Vegas, and that was when Jacob and I  
14 spent every night together. I saw in him a lot of  
15 me. I saw in him someone with a very, very bright  
16 future, and that future was taken away.

17 Q. Okay. Was there an event that occurred on  
18 November 13 of 2019?

19 A. Yes.

20 Q. Okay. What happened on November 13th of  
21 2019?

22 A. The Nevada Donor Network graciously honored  
23 my brother by including him on their annual Rose  
24 Parade float. And in so doing, a picture, what they  
25 call a floragraph, basically a picture with flowers,

1 of my brother was put together. And it takes a  
2 number of months to put it together. And it was on  
3 November 13th that there was a final effort to put  
4 the last flowers on my brother's floragraph, and it  
5 was a ceremony for him where the family and close  
6 friends would assist in putting those last flowers on  
7 the floragraph of my brother.

8 Q. Okay. And was your dad involved in that  
9 process?

10 A. He was. Nevada Donor Network had met at our  
11 firm a number of times in the weeks and months  
12 leading up to that ceremony. It was important that  
13 we, you know, understand the process to get it right.  
14 But it was not something that just happened, it was  
15 something that was planned and took an awful lot of  
16 my father's and my mother's attention.

17 Q. Okay. And then what about on January 1 of  
18 2020?

19 A. That was the Rose Parade.

20 Q. Okay.

21 A. That was when we saw my brother again.

22 Q. Okay. Is there anything else you'd like to  
23 tell this panel about your dad as they have to  
24 decide, you know, what discipline, if any, to impose  
25 on him?

1           A.     If there's one thing that I learned from my  
2     father it is that you must be honest. You must tell  
3     the truth. You must be faithful with him, not just  
4     in our everyday dealings but certainly in the law  
5     practice. I tell every one of my clients, I can live  
6     with a bad fact, I can't live with a client that will  
7     not tell me the truth.

8                     And I get that from my father. I get the  
9     commitment to that honesty and the commitment to  
10    being truthful from him. He led by example and he  
11    continues to lead by example. I think that that is  
12    somebody that this panel needs to understand that  
13    this man is an honorable man. He's an honest man.  
14    And I would respectfully request that they take that  
15    into consideration when they deliberate.

16                   MR. GILMORE: Nothing further from me,  
17    Chairman.

18                   CHAIRMAN EDWARDS: For the Bar?

19                   MR. YOUNG: No questions from the Bar.

20                   CHAIRMAN EDWARDS: Miss Hanson, any  
21    questions?

22                   COMMISSIONER HANSON: No, I'm good.

23                   CHAIRMAN EDWARDS: Mr. David, any questions?

24                   COMMISSIONER DAVID: No questions.

25                   CHAIRMAN EDWARDS: Okay. Mr. Jimmerson,

1     thank you for your testimony.

2             THE WITNESS:   Thank you.

3             MR. GILMORE:   All right.   My next witness is  
4     Mr. Jimmerson, Sr.   Mr. Chairman, do you want him  
5     sworn in again or act as if he's still under oath?

6             CHAIRMAN EDWARDS:   Just for the record let's  
7     go ahead and swear him in again please.

8             MR. GILMORE:   Debbie, if you would please do  
9     so.

10    Thereupon--

11                             JAMES J. JIMMERSON  
12    was called as a witness by the Respondent, and having  
13    been first duly sworn, testified as follows:

14                             DIRECT EXAMINATION

15    BY MR. GILMORE:

16             Q.     Okay.   Can everybody hear him okay?

17                     Okay.   Mr. Jimmerson, you understand the  
18    panel has deliberated and found that you violated  
19    Rule of Professional Conduct 1.15?

20             A.     I do.

21             Q.     Okay.   I want to start with your mental  
22    state, which is the next element to this that the  
23    panel has to be thinking about.   The Bar has  
24    maintained that you knew that you didn't know that  
25    you had money in trust in 2019 when the three

1 transactions were made. Do you recall that statement  
2 by the Bar?

3 A. I remember several statements, yes.

4 Q. Okay. Do you agree with that?

5 A. I do not.

6 Q. Okay. Starting with the first of the three  
7 transactions in November 2019, did you know that the  
8 clients had not, in fact, paid the money when you  
9 made and initiated those three transfers?

10 A. I did not.

11 Q. Okay. Did you believe the clients had paid  
12 and that the money was there to disburse from the  
13 trust?

14 A. Exactly so.

15 Q. Okay. And why is that?

16 A. Because of several factors. As I testified  
17 on last week, first I want to say thank you for your  
18 time and attention to all three board members and to  
19 opposing counsel as well.

20 I didn't -- I wasn't alerted to it. I had  
21 no reason to believe the money was not present.  
22 First, I know the clients. The billings I know are  
23 sizeable. And one of the things I want to correct,  
24 because I think the State Bar counsel has a  
25 misunderstanding, October 20th is the end of a cycle

1 that began September 21 through October 20th, and the  
2 20th of the month, that's changed, you know, if you  
3 have a Thanksgiving that come late or early, but it's  
4 the 20th of the month, month in month out.

5 So the bills that went out, October 20th  
6 bills, they were in the clients' hands before  
7 November 1. So the bills that are collected are for  
8 fees that are earned as of October 20th. So that's  
9 why we talk in terms of the fees we earned. It's not  
10 because Miss Ballard didn't prepare timesheets in  
11 November for the December billing, but it's because  
12 the moneys were earned for work prior to and  
13 including October 20th of 2019. So the bills are  
14 earned, that's number one.

15 Number two, the bills are set. And why do I  
16 know that? Because I personally review every single  
17 bill, even if it's matters that I am not principally  
18 responsible for, I am the reviewing partner that  
19 reviews every bill.

20 This is not an easy thing. These bills will  
21 take six to eight hours a day to review one month's  
22 billing for every single one, and that's where you  
23 make judgments, typically writing balance off things,  
24 checking things, double-checking any mistakes you  
25 might think are present. The point is to be fair to

1 the client. So that was in place by that date.

2 So starting November 7th, which was the  
3 first day, or November 8th, the first day that  
4 Miss Ballard was flying solo, you know, after  
5 Miss Kahn had returned home, I knew the clients and  
6 the cases that are going on, Mr. Vance, we heard the  
7 name of Cashman, Vance, Curtis and many others.  
8 Large bills, sizable bills because they're intensive  
9 work, a lot is going on, very active cases.

10 So I know their paying. I had worked with  
11 them the last year, sometimes longer, the last many  
12 months. So I had acknowledge about their payment  
13 history, whether they -- I'm also on constant contact  
14 with them, I mean, almost daily sometimes. And what  
15 you were saying, and particularly if it's a large  
16 bill, when I can expect your payment. They all pay  
17 within 10 to 20 days of the billing dates. So if  
18 they got it on, you know, the 28th of October, you  
19 can expect the bill by the 15th of November. So  
20 that's number one.

21 Number two, Miss Ballard, who I was checking  
22 with, she started on her own on the 7th but I was  
23 talking to her because she started roughly on  
24 October 20th or 21st. I knew the whole billing cycle  
25 because she went through it with Amanda, but

1 beginning her solo flight and talking to her either  
2 on a daily basis or virtually every day on a daily  
3 basis because she was new, because I knew that she's  
4 now alone, and I did provide her Amanda to talk to  
5 her every day, but also talking to her, are the  
6 clients paying? Yes. Are we okay financially? Yes.  
7 Are there any concerns? Yes. Not -- no. Are you  
8 getting your timesheets in? Yes. Are the lawyers  
9 getting to you the timesheets? Sometimes you got to  
10 kick the lawyer's butt to get their timesheets on  
11 time. So those are things I'm asking literally on a  
12 daily basis.

13 I had no reason to believe that the money  
14 was not there, and that's why I said in good faith,  
15 my testimony last week, I would say I knew, that was  
16 my mistake, but I knew that fees were earned, I knew  
17 that they had been billed, and I made the mistake,  
18 regrettably, to my everlasting chagrin that the  
19 moneys had been paid.

20 Q. Okay.

21 A. I was never advised that they weren't paid.  
22 I mean, to the extent that these three transfers were  
23 out of sync, never advised they didn't match received  
24 funds. There's no borrowing here. That phrase is a  
25 cheap shot.



1 Q. Okay. In terms of the daily cash reports,  
2 how important to you are those in your practice?

3 A. Well, to me, especially being a busy lawyer,  
4 they're quite important. I rely upon them greatly,  
5 like I rely upon the quality of the men and women who  
6 work with our firm. They're not going to work for  
7 me, they work with us. We're a partnership. We're a  
8 team.

9 Q. Okay. And you didn't have those in the  
10 three transfers that are at issue in November that  
11 occurred; is that correct?

12 A. I did not. I testified last week, as  
13 Ms. Kahn testified today, they enter on the 10th or  
14 11th.

15 Q. Okay.

16 A. 2019.

17 Q. So in sum, you had, in your belief, that  
18 money was there to transfer from trust in November?

19 A. Yes, sir.

20 Q. Okay. Let's talk about the Jay Nady  
21 transfer from December. Do you recall that?

22 A. I do.

23 Q. Okay. Did you know that you couldn't take  
24 that money from trust, as the panel has found here  
25 today?

1           A.     The answer is no. I'm going to make one  
2     factual correction. Amanda Kahn, K-a-h-n, the lady  
3     who just testified a few minutes ago, is the one who  
4     did that transfer, not me, okay. And she only made  
5     the transfer after I got the approval from the client  
6     beforehand, both of which you know because I  
7     testified to that, and also because Mr. Nady came  
8     here and testified about the same.

9           So the answer is no, I didn't know it was in  
10    any way improper. He authorized it. And then if you  
11    want to go one step further, these records are before  
12    you. The corporate account where that money was  
13    transferred to from the IOLTA trust account to the  
14    Jimmerson Law Firm corporate account had sufficient  
15    funds, quite large funds. 40, 50, \$60,000 in it.  
16    There was no need for me to take the money out of  
17    trust to borrow. The accounts were very hefty by  
18    December 20th, and the money just sat there as part  
19    of overall funds.

20          Q.     Okay. So you believed you could take the  
21    money after speaking to Mr. Nady; is that fair?

22          A.     I absolutely do. And, listen, one thing I  
23    want to make very clear. I apologize for my being  
24    here to the three of you. Ira David is a strong  
25    lawyer and mediator, okay. I apologize to Tom

1 Edwards. I don't know Miss Hanson but I know as a  
2 second year law student, she's been taking  
3 constitutional law, criminal cases, and criminal law  
4 and the like.

5 I'm apologizing to you and to opposing  
6 counsel that I'm even here, that I have allowed  
7 myself to be here. It's not representative of who I  
8 am, and it's not representative of the quality and  
9 care of my law firm.

10 So to answer your question, I not only do  
11 not believe it's proper, I accept the findings. I  
12 would submit that while you find the finding, I think  
13 a client has the right to direct how his money be  
14 used. And as Miss Watson said, she did not think  
15 that to be a violation.

16 But make no mistake, I defer to you. I  
17 defer to the Bar. And I'm here at this stage  
18 accepting the adverse finding and urging the panel to  
19 make an appropriate finding of a letter of caution  
20 because as the debate before this hearing started  
21 last week was between letter of caution and public  
22 reprimand.

23 Q. Okay. And we'll touch on that a little bit  
24 more, but before I get there, let's talk about the  
25 final \$15,000 transfer from late December. Do you

1 recall that?

2 A. Of course I do.

3 Q. Okay. Did you know that you were moving  
4 money from your trust account to your personal  
5 account?

6 A. Not then. I learned seven days later. I  
7 hit the wrong button. And you look, and you saw it,  
8 you look at the chart of accounts on your computer  
9 when you go online, and you, whatever bank you have,  
10 whatever bank accounts you have are right on top of  
11 each other. The name is corporate trust, and  
12 corporate -- and corporate trust account. So they're  
13 on top of each other. I simply hit the wrong button.  
14 It's the first time it's ever happened.

15 And if I could, I would like to say this is  
16 an advocacy case, so State Bar is pushing for, you  
17 know, suspension, disbarment. This case is not that.  
18 I know this panel believes the same way. So are we  
19 going to rush this guy with a public reprimand, does  
20 he not get it, or are we going to let him with a  
21 punishment with a letter of reprimand -- of  
22 admonishment, what we call letter of caution, and all  
23 of the misery, it's gone in the last six months.  
24 Their choice. I defer to you how it should be.

25 But the comment that I think is most

1 insensitive, most speculative was when opposing  
2 counsel said, Maybe he used it for Christmas  
3 presents. Okay, let me show him something.

4 Q. Let's clear that up. We can do that pretty  
5 quickly. I'm going to share screen here with the  
6 panel. We are looking at what is marked as  
7 Exhibit 33 for the State Bar, and I'm on page 34.  
8 Mr. Jimmerson, what is this statement for?

9 A. Okay. Look at it. It says Nevada State  
10 Bank. When the State Bar sent their subpoena out  
11 February 2 or 3 or 4 of 2020, they subpoenaed every  
12 one of my accounts at Nevada State Bank. They didn't  
13 get my accounts at Wells Fargo, they didn't get my  
14 accounts at Bank of America, but they got all,  
15 whatever there were, 13, 15 accounts at Nevada State  
16 Bank, including my business accounts with Executive  
17 Limousine, Valley Transportation, Integrity Taxi,  
18 other businesses that my wife and I own. And they  
19 got all the nine accounts at Nevada State, the law  
20 firm. They also got my personal account that is a  
21 joint account with my wife and my family trust.

22 So look at the account. James Jimmerson and  
23 Carol Jimmerson and Jimmerson Family Trust. So this  
24 is Jim and Carol's personal account, all right. Now  
25 let's go look to where the deposit hits.

1 Q. Okay.

2 A. From the IOLTA account to my account, the  
3 very first time and only time it's ever happened in  
4 my entire adult life. Okay, so then look at the  
5 date, 12-20.

6 Q. And that's right here.

7 A. \$15,000. Right. That is the deposit of,  
8 the IOLTA deposit that I mistakenly hit the wrong  
9 button. I meant to take it from the company's, the  
10 law firm's corporate account into my personal  
11 account.

12 Q. Okay.

13 A. 7217 into 1525. So you see the 15,000 right  
14 there, online transfer from my IOLTA account, and we  
15 have a reference number, I think those are, okay.

16 Q. Okay.

17 A. But here's the point I want to make, okay.  
18 Look at the balances.

19 Q. And that's what I'm going to draw your  
20 attention to. So we're looking at the third page of  
21 this statement. It's State Bar Exhibit 33, page 36.  
22 We see the balance now in light of that transfer on  
23 the 20th is \$17,714.63, correct?

24 A. Right. And before that, those 2,000 and  
25 change, \$2,600.

1 Q. Okay. Now, do we see the balance change  
2 between December 20 and December 27th?

3 A. No. The money stays there because I didn't  
4 know I had taken it from the IOLTA account. I didn't  
5 know it. And I didn't need the money. I didn't need  
6 it for Christmas presents. I didn't use it for  
7 Christmas presents.

8 You know, I don't know if I offended the  
9 State Bar, counsel. I mean, why would they take --  
10 really, it's just we got honest disagreements. That  
11 was a cheap shot. You don't say that about maybe he  
12 used it for Christmas presents when you have that  
13 document right in front of you and know that he  
14 didn't even touch the account.

15 Q. Okay. Now we see there was a transaction on  
16 the 27th. And if we go back you see a reference  
17 there for \$2,452?

18 A. Yeah, it's my reoccurring payment for my  
19 homeowners association where my wife and I live, it  
20 comes out the 27th of 28th of every month.

21 Q. Okay. But if you wanted to, because the Bar  
22 questioned why you didn't return the money from this  
23 account, was the money there that you could have  
24 returned?

25 A. Absolutely.

1 Q. Okay.

2 A. Absolutely.

3 Q. Now you mentioned that you intended to pull  
4 the money from your operating account; is that  
5 correct?

6 A. From the corporate trust -- corporate  
7 account, yes.

8 Q. Okay.

9 A. What I call corporate account, yes.

10 Q. Let's pull up what is the State Bar  
11 Exhibit 27. Okay, this is State Bar Exhibit 27, page  
12 1478. Just for the record, Mr. Jimmerson, is this  
13 the corporate account that you just referenced?

14 A. It is. 27 years.

15 Q. Okay. I'm going to go to the daily balances  
16 here. On December 20th, which was the date of the  
17 subject transaction, what is the total balance in  
18 that account?

19 A. \$40,752.45.

20 Q. Okay. So it might be an obvious question,  
21 but was there more than \$15,000 in this account that  
22 you were able to transfer --

23 A. Yes.

24 Q. -- to yourself?

25 A. And we, since the account transfers are from



1 IOLTA to trust account -- excuse me, IOLTA to  
2 corporate account, we transferred it back from the  
3 corporate account to IOLTA account in December for  
4 15,000. And that was the day we learned of it  
5 because we finished Christmas, you know, if you  
6 remember that year, Christmas was on a Friday, and so  
7 we came to work and there maybe on Saturday.

8 Q. Okay. And just looking at these daily  
9 balances here, between December 20 and December 31,  
10 did you ever drop below \$15,000?

11 A. No, never. Which also explains why the Jay  
12 Nady money wasn't necessary either.

13 Q. Okay. So --

14 A. Wasn't needed to make a bill.

15 Q. And then just to clarify then, this is the  
16 account on the 20th where you intended to make the  
17 transfer from corporate account to your personal  
18 account not out of trust?

19 A. Yes, sir. This is the account that let us,  
20 the \$15,000 payment to my personal account as a draw.

21 Q. Okay. I want to switch to what is the next  
22 consideration that the panel needs to make, and that  
23 is client harm. Do you believe any clients suffered  
24 harm as a result of the transfers that are at issue?

25 A. Definitely not. They did not.

1 Q. Okay.

2 A. The Bar has claimed that they did.

3 Q. And we talked about hypothetical worst case  
4 scenarios. If hypothetically in November every  
5 client that you had money in trust for showed up and  
6 asked for their money, did you have alternative  
7 sources to make good on the money that was moved in  
8 November?

9 A. I did. One of the unexpected benefits of  
10 the overreaching subpoena was to subpoena at least  
11 the Nevada State Bank accounts that we had on file.  
12 And if you look at several account, Destination Las  
13 Vegas, Valley Transportation, Integrity Taxi, they  
14 were well over north of a hundred thousand dollars.

15 We're not a wealthy family, but all I will  
16 say to you is that never needed to, but if I ever  
17 needed to, if I ever recognized that the three draws  
18 were for a moment in time even one day short, I could  
19 have instead, I wouldn't done it, I would have simply  
20 taken my own other moneys, and if I needed it,  
21 deposit it to the accounts to make, the corporate  
22 trust account to -- the corporate account to make  
23 whatever payments I needed, you know, payroll,  
24 whatever, but deposit into my corporate account, the  
25 Jimmerson Law Firm corporate operating, operating

1 account and make the payments. I hope that's  
2 somewhat convincing efforts that I didn't know that  
3 the three transfers that I personally did would cause  
4 any overbalance.

5 MR. GILMORE: Okay. What I'd like to do,  
6 it's not been admitted, it's State Bar proposed  
7 Exhibit 25, if I can show that to Mr. Jimmerson. I  
8 don't know if there's any objection from the State  
9 Bar.

10 I guess more specifically if I can screen  
11 share it to everyone, I don't know if there's an  
12 objection. This is a bank statement that the State  
13 Bar subpoenaed associated with Destination Las Vegas,  
14 LLC.

15 THE WITNESS: That's just one of several  
16 accounts that Miss Watson --

17 MR. HOOGE: No objection.

18 THE WITNESS: Thank you, Counsel.

19 CHAIRMAN EDWARDS: It will be admitted.

20 BY MR. GILMORE:

21 Q. Okay. Thank you. I have brought up what is  
22 State Bar's Exhibit 25. I'm focusing on page 229.  
23 Mr. Jimmerson, what is this statement associated  
24 with?

25 A. This is a monthly statement that was

1 captured by Miss Watson of Destination Las Vegas,  
2 LLC, a company that's owned by myself. My wife and I  
3 own it together but it's technically under my own  
4 name. It is a destination company where we receive,  
5 you know, ceremonies, wedding requests or bachelor  
6 party or bachelorette party. It comes to this  
7 company, this company that arranges with our own  
8 companies, if we can.

9 If we don't have the equipment needed, we  
10 arrange with or farm the work out to other companies.  
11 So that's the business company. That's one business  
12 company that we have. And that balance was what,  
13 \$81,000 and something in November. I'd have to go  
14 back and look at it.

15 Q. Okay. And I switched over here to the daily  
16 balances for this particular month.

17 A. Yeah.

18 Q. Which is the month of November 2019,  
19 correct?

20 A. So you can see that the balances were  
21 running between 123,393 on November 4th, and I think  
22 the last statement, November 25th was 81,147. So,  
23 you know, pretty reasonable balances that are there  
24 for our and my use or my wife's use.

25 Q. Okay. And Miss Kahn testified that if you

1 have a need to take a loan out from another company  
2 to your law firm, you could do that. Do you recall  
3 that?

4 A. Of course.

5 Q. Okay. And in this scenario, would you have  
6 taken a loan from this entity if you knew that some  
7 of that money was not there to transfer?

8 A. Yes. Now, I might have used other accounts  
9 with other banks, but the nice thing about this, if  
10 you see this, is I can call Mr. Valdez at the Nevada  
11 State Bank and he'll make an automatic transfer over  
12 to the firm. I don't have them linked to transfer  
13 online because that's intentionally to have the  
14 checks and balances to keep it separate from the law  
15 firm operation.

16 Q. Okay. Did you bounce any checks in November  
17 of 2019?

18 A. No, sir.

19 Q. Okay. Did you have to delay making any  
20 payments to any clients or creditors in November or  
21 December of 2019?

22 A. No, sir.

23 Q. Okay. I want to move next to mitigating  
24 factors. Mr. Jimmerson, do you believe that you've  
25 acted with the absence of a dishonest or selfish

1 motive?

2 A. Yes, sir, I do.

3 Q. Okay. Why do you say that?

4 A. I think the board can make their own  
5 determination of who they're dealing with. I think  
6 that's when I was on the State Bar disciplinary  
7 committee that was what I thought was an important  
8 factor. Who am I dealing with. Try to get to know  
9 that person. I do think it's a disadvantage to me  
10 that we're not in person. I don't have a chance to  
11 shake Mr. David's hand, Mr. Edward's hand, or  
12 Miss Hanson's hand or they get to see me in the  
13 flesh.

14 But that being said, I've never hurt --  
15 never taken a client's dollar out of a trust account.  
16 I've never mishandled the money in the trust account.  
17 I appreciate, believe me, I appreciate that the  
18 transfers that I took on those three occasions, an  
19 11-day time period when Miss Ballard had failed me,  
20 and of course I wasn't aware of it, and I have no  
21 disrespect for her, I treat her with respect, but she  
22 hurt the company briefly.

23 No clients were ever hurt at all. And I  
24 understand the math for the moment in time that it  
25 was not there and the next day money, you know,

1 November 21st I withdraw the cash the next day. The  
2 other we talked about was eight days. I understand  
3 that, and that's why I'm being called on the carpet.  
4 It's my fault. Ultimately it's my responsibility  
5 this time. It's not Miss Ballard's, it's not  
6 Miss Kahn's, it's Jim Jimmerson's, so I get it.

7 I am glorified in an ironic way that  
8 Mr. Hooge called me the most open and honest  
9 respondent he's every dealt with, straightforward and  
10 honest again, he said. I'm not a sanctimonious  
11 person so I'm not going to call myself honest.  
12 That's something for this panel to decide, that's not  
13 for me to decide, but I believe I've walked the walk  
14 and shown that actions do speak louder than words.

15 Q. Okay. I won't share them with you because  
16 we've gone through it with Ms. Kahn and a little bit  
17 with you last time, but do you believe you attempted  
18 to take steps to address the bookkeeping errors as  
19 soon as they were brought to your attention?

20 A. Oh, I know we did. First if all, that's  
21 what led to the State Bar to dismiss it with  
22 prejudice of the second claim, because they were  
23 claiming that I wasn't -- didn't take remedial  
24 measures. I was not reasonable when I did. I wasn't  
25 reasonable in hiring someone, and that's all gone by

1 the by.

2 So there is an implication I think that  
3 follows from that, to use a legal term, the  
4 collateral estoppel that falls from that, was to give  
5 myself, hopefully, the benefit of doubt that I acted  
6 in a reasonable way.

7 I actually did, just to repeat, but I  
8 already testified to in this context, but when I  
9 learned about it on the morning, 5:00 o'clock in the  
10 morning on the 26th of November, I wrote to  
11 Miss Ballard and sent copies to everyone that the  
12 deception of, Jim, everything is all right. We've  
13 done the work. The moneys are coming in. They're in  
14 the account, everything is well. That repeatedly she  
15 said to me on those, I don't know, 11, 12, 13  
16 accounts, she missed so much time but she was at  
17 least there days 11, 12, 13 days in that 25-day time  
18 period that she was there, including all the  
19 holidays, I went back and scrutinized everything.

20 First we got the bills out. Secondly, we  
21 rectified the trust account. I had a lengthy meeting  
22 with Miss Kahn on the 3rd of December, and I gave her  
23 instructions on what needed to be done. And what  
24 needs to be done, if you read 1.15, and you know  
25 about trust accounts, is they're sacrosanct. I mean,



1 this is why the panel I'm sure felt strained to even  
2 find my hitting the wrong button to be a violation,  
3 or Jay Nady's, you know, statement in agreement that  
4 I could take the \$10,000 was a violation, because  
5 they're violations. I don't know about those two,  
6 but I'm just -- I understand it.

7 I'm here defending myself as earnestly and  
8 as forthrightly as I can, recognizing that I share --  
9 I own the responsibility for what happened, but what  
10 I did was completely innocent in the sense that I  
11 never had any intention to take money that didn't  
12 belong to me. I had, respectfully, plenty of money.  
13 And I would never harm a client. And I'm scrupulous  
14 about it.

15 Mr. David asked Ms. Kahn, did you take any  
16 classes? What did you learn about it? Well, not  
17 only did we take classes in January, attended by the  
18 whole Bar, I could teach the class about trusts now.  
19 You helped me. Mr. Kennedy has helped me. I've  
20 helped myself by doing this study. You know, it's  
21 like -- it's like you can't plead to God. You can't  
22 be too clean or too white. You always need to do the  
23 right thing.

24 That's why I don't fault opposing counsel  
25 for coming after me, even though I think that would

1 be unfair in their characterization of a cover-up  
2 because they know it didn't take place, blah, blah,  
3 blah. But I had their job. I know what they're  
4 doing. And they have to protect the public. But I,  
5 you don't need to worry about this, I protect the  
6 public. I protect my clients. They're my first duty  
7 and obligation.

8 Q. Okay. We've heard a little bit about your  
9 past credentials as a lawyer. I'm curious, do you do  
10 pro bono work?

11 A. I do.

12 Q. Okay. Tell the panel a little bit about the  
13 pro bono work that you do.

14 A. Every year you go to a huge luncheon at the  
15 Orleans in December for honoring firms and  
16 individuals who do pro bono work. You can opt out.  
17 You can pay money and save yourself the effort. I've  
18 never done that. I have been a recipient of the 50  
19 hour, hundred hour, greater hour award for 21 of the  
20 last 23 years. I've won virtually every award from  
21 the Nevada Supreme Court and the Clark Bar  
22 Association shortest one to lowest winner award of  
23 pro bono service. I do a great deal of pro bono  
24 service. It's a way to give back.

25 I also serve, as I mentioned to you, as a

1 settlement judge, that's how I know Mr. David, for  
2 the Supreme Court for 30 years since I was put on it  
3 initially by Cliff Young, later by Ron Parraguirre.  
4 So I give the time. Doesn't make me virtuous,  
5 doesn't make me better, it just means that I have an  
6 obligation that I recognize to give back to the  
7 public, give back to people who need lawyers because  
8 I've been graced with good results through a lot of  
9 mine, hopefully with ethics and integrity.

10 Q. Okay. Have you lost sleep over all of this?

11 A. Yes.

12 Q. Okay. Do you feel embarrassed in any way  
13 about what happened?

14 A. Very. Very.

15 Q. Okay.

16 A. I want to apologize to the three of you, to  
17 all of you. I'll apologize to Mr. Hooge, Mr. Young.

18 Q. I'd like to present what are proposed  
19 Exhibits V and W that we had listed on our final  
20 disclosures.

21 A. Okay.

22 MR. GILMORE: I don't know if the Bar has  
23 any objection to that.

24 MR. HOOGE: What is that exhibit, Josh?

25 MR. GILMORE: So Exhibit V is the August 14,

1 2020 letter from the State Bar advising Mr. Jimmerson  
2 of the screening panel's recommendation, and then  
3 Exhibit W is the proposed letter of reprimand from  
4 the screening panel.

5 MR. HOOGE: Yeah, we would certainly object  
6 to that. Even mentioning them I think is grounds for  
7 a mistrial at this point.

8 MR. GILMORE: I disagree. The argument was  
9 made last time that the absolute minimum baseline the  
10 panel can consider is a suspension, that there's no  
11 way to deviate below that. And prior actions from a  
12 screening panel would certainly contradict argument  
13 we heard from Bar Counsel.

14 CHAIRMAN EDWARDS: Mr. Gilmore, that strikes  
15 me as a legal argument that you're free to make, but  
16 as far as factually admitting those into evidence,  
17 it's not appropriate, so I'm going to -- those  
18 exhibits will stay out.

19 MR. GILMORE: Okay.

20 BY MR. GILMORE:

21 Q. Mr. Jimmerson, you talked about a letter of  
22 caution. Do you recall that?

23 A. I do.

24 Q. Okay. I've made a representation to the  
25 panel that is part of a letter of caution. You would

1 be willing to also have them include reports by you  
2 related to your trust account. Would you be willing  
3 to do that?

4 A. Absolutely.

5 Q. Okay. And why is that?

6 A. Even though I'm separated by miles, I would  
7 say to the committee, as I've said I think twice  
8 before, you have to assess who you're judging. Does  
9 Mr. Jimmerson get it? Is he likely to be back here  
10 before us, or is he going to redouble his efforts to  
11 avoid that and to make sure nothing like that happens  
12 to his firm and that he doesn't have the kind of  
13 mistake that happened?

14 A good question was asked of what happens if  
15 Miss Kahn's not here. Well, the answer is err on the  
16 side of truth but verify. I'll never ever, ever make  
17 a transfer, even though it's done by necessity,  
18 without that assurance. You have to measure me as a  
19 respondent and you'll make your own decision of the  
20 quality of the person before you, whether or not I'm  
21 a truthful person, whether or not I'm a person that,  
22 you know, will keep his word.

23 But one way that I can hopefully explain to  
24 you, and what I think the State Bar would  
25 acknowledge, is my trust account wasn't an issue in

1 the previous 45 years. There wasn't an issue in the  
2 last two and a half years. The State Bar had their  
3 records shown, as Ms. Watson testified, by April and  
4 May of 2020, and didn't bring the complaint until  
5 October. They haven't asked for records after  
6 March 9th of 2020 to the present day about my trust  
7 account. Why? Because they do know I get it. They  
8 do know that I'm dealing with -- that they're dealing  
9 with a responsible individual getting a responsible  
10 and quality AV rated law firm who ethically is not  
11 sharing, who ethically is committed to doing the  
12 right thing, who is a leader in the Bar. But more  
13 than that it's somebody who really does do what he  
14 said.

15 So you can destroy my reputation I worked so  
16 hard to build with a public reprimand. Of course you  
17 can destroy it with a suspension or disbarment. But  
18 if you accept my testimony and my representations to  
19 you as a member of the Bar and officer of the court,  
20 as you all are, with the exception of Miss Hanson,  
21 and she soon will be, and congratulations to her, you  
22 know that I will not do that.

23 Mr. Young and Mr. Hooge know I will not be  
24 back. But I'm not a pelt or a scalp to be won here.  
25 You're dealing with real life consequences. And you

1 certainly have these last, you know, six or eight  
2 months extracted your pound of flesh, guys. You  
3 really have brought me to my knees. But I accept my  
4 responsibility. I don't flinch from it, and I will  
5 rise again to work with each of you, make you proud  
6 of me.

7 Q. Mr. Chairman, nothing --

8 A. So we would offer any number of years -- I  
9 didn't answer your question directly, we offer to the  
10 Bar, and I offer to the Bar, you can review my trust  
11 account to infinity, but, I mean, a reasonable time  
12 would be -- it's been, what, February of 2020, that's  
13 the last time that Miss Watson looked at my trust  
14 account. She didn't ask for future records. I  
15 provide them to you today.

16 What would be a reasonable time to consider  
17 reviewing my trust account, does he still get it? I  
18 think you know that I get it. But what? You can  
19 fill in the blank. One year? Two years?  
20 Three years? You can have an independent auditor.  
21 I've offered to pay a CPA to be an independent  
22 person. It can be whoever you'd like it to be to  
23 save Miss Watson the effort, for your comfort, if you  
24 wish, if you think it's necessary.

25 You know, you can say, Mr. Jimmerson, you

1 can take ten hours of CLE on trust accounts. I think  
2 you know that I get it. And I think you know that I  
3 appreciate the seriousness of those three  
4 transactions. Look, the mistake to make three  
5 transfers that did not have the money that should not  
6 have been transferred, I get it. But I believed the  
7 money was there or I would never take it, and as  
8 evidenced by the fact that it hasn't happened before  
9 or after.

10 And I accept the responsibility. You have  
11 truly my career, I hope to complete on an honorable  
12 note, in your hands. I thank you very much for your  
13 time and for donating your time, as we all do, for  
14 the public protection. And I'd thank opposing  
15 counsel as well. It's been a fight. I want it to be  
16 a fair fight. And thank you very much.

17 MR. GILMORE: Mr. Chairman, nothing further  
18 from me.

19 CHAIRMAN EDWARDS: From the Bar?

20 MR. HOOGE: Thank you. I'll be brief.

21 CROSS-EXAMINATION

22 BY MR. HOOGE:

23 Q. Mr. Jimmerson, when did you discover that  
24 those three transactions, the 40,000, 45 and 60,000  
25 didn't have the money, as you put it?



1           A.     The date for certain, Mr. Hooge -- is this  
2     Mr. Hooge who is speaking? I couldn't tell.

3           Q.     Yes. Mr. Hooge.

4           A.     Sorry. December 3rd would be the date that  
5     I know for certain that the money was not there.  
6     That's 2019, sir.

7           Q.     Okay. And the reason you didn't discover it  
8     until December 3rd was because you didn't identify  
9     any earned fees when you made those three  
10    withdrawals, correct?

11          A.     No. I didn't look for the earned fees, as I  
12    should have done. That's my mistake, because the  
13    fees were earned from the October 20 billings, they  
14    had been billed, the second element. The third  
15    element that they had been paid, that was my error.  
16    They had not been paid. That's the mistake that I  
17    made.

18          Q.     Well, my question is a little bit different.  
19    I'm talking about identifying the earned fees. As we  
20    looked at, you had 13 clients identified on one  
21    transaction, 10 on another. I'm asking when you made  
22    those withdrawals, you had not identified those  
23    clients yet; is that correct?

24          A.     I knew who the clients were because I'd been  
25    working with them, Mr. Hooge, on a daily basis, and I

1 had understood that they had paid, both in my  
2 communications with the clients directly, but as well  
3 as from the representation of Miss Leah Ballard.

4 Q. Okay. So is that a yes or a no?

5 A. I'm not sure I understand your question when  
6 you use the word -- I'm not fencing with you. You  
7 know I'm not that kind of guy. When you say identify  
8 the clients, no, I didn't identify who had paid and  
9 hadn't paid beyond the belief that they had all paid  
10 or paid sufficiently to pay the -- to make the  
11 transfer. And the reason we know you can count on  
12 that is because I'm never advised that the transfers  
13 are overstepping the funds in the account.

14 Q. Okay. Let me put it this way: You saw  
15 Denise Cashman paid \$36,000 at the end of November?

16 A. 27th, sir.

17 Q. For fees that you had invoiced?

18 A. Yes, sir.

19 Q. You also saw that you had already collected  
20 for those, from the trust account that didn't have  
21 the money on November 14th and November 21st. What  
22 I'm asking is that was split up into 30,000 and  
23 4,000 -- 31,000 and change and 4,000 and change. Did  
24 you identify that 30,000 -- 31,000 on November 14th  
25 when you withdrew that specifically for Denise

1 Cashman or was that after the fact?

2 A. That came after the fact, Mr. Hooge. As you  
3 heard Ms. Kahn testify, part of our work on  
4 December 3rd was to specifically identify that. I  
5 had believed that all the money had been paid,  
6 mistakenly of course.

7 Q. So the amounts themselves, the 40,000,  
8 45,000, 60,000, those flat numbers, round numbers,  
9 were not based on specific clients with specific  
10 amounts owed?

11 A. That's not true. That's not true. In fact,  
12 when you look at the numbers versus the amounts  
13 billed, they're very close, like within a few hundred  
14 dollars on some of them, okay. But you're right, I  
15 didn't know which clients had paid and didn't pay.  
16 For that I get to enjoy this process because of that  
17 lack of investigation, accepting Miss Ballard's  
18 report.

19 Q. Now, on -- you stated that you found out  
20 January 3rd, or, excuse me, December 3rd you said?

21 A. Yes, sir.

22 Q. Of 2019?

23 A. '19, yes, sir.

24 Q. And when you received a letter from Louise  
25 Watson, the first letter, I believe it was in

1 February?

2 A. March. Dated March 10. March 10, and I got  
3 it March 12, 2020.

4 Q. In that letter you didn't disclose any of  
5 those three transaction; is that correct?

6 A. No. In that letter I sent you back my  
7 current trust account for the last month or two to  
8 first put Miss Watson at ease that my trust account  
9 balanced to the penny, okay. And then when we  
10 responded more fully on April 21, I provided you  
11 everything, about 500 pages, which included  
12 everything that you needed to know.

13 Miss Watson didn't have to look at anything  
14 in terms of subpoena. I volunteered to provide  
15 everything, including an Excel spreadsheet. So I  
16 think every transaction was laid out, sir.

17 Q. Okay. So let me just go to the document  
18 here. This is -- are you seeing the letter?

19 A. I am, sir. And can you show me the date?  
20 Yes, sir, April 21. That's the letter I just  
21 referenced, sir.

22 Q. So that's the letter. Now, in this letter,  
23 in the body of the letter, you don't mention any of  
24 those three transactions, did you?

25 A. No, I didn't. I didn't know that was the