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Case No. _____

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Kym S. Cushing, Esq.
Nevada Bar No. 4242
24 Hummingbird Way
Henderson, NV 89014
Petitioner

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REINSTATEMENT OF
KYM CUSHING
BAR NO. 4242.

CASE SUMMARY FOR RECORD ON APPEAL

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1 **Rules of Professional Conduct.**

2 The Formal Hearing Panel which recommended that Cushing be
3 suspended from the practice of law concluded that he violated the following
4 Rules of Professional Conduct (“RPC”):

- 5 1. RPC 3.4(c) (Fairness to Opposing Party or Counsel: Knowingly
6 disobeying an obligation under the rules of a tribunal);
7 2. RPC 8.1(a) (Bar Admission and Disciplinary Matters: Knowingly
8 making a false statement or material fact); and
9 3. RPC 8.4(c) (Misconduct: Engaging in conduct involving dishonesty,
10 fraud, deceit or misrepresentation).

11 **3. Summary of the Recommendation.**

12 The Reinstatement Panel recommended that Cushing should be reinstated
13 to the practice of law.

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

1 The Reinstatement Panel also recommended that Cushing be required to
2 pay all costs associated with his reinstatement proceedings as required by
3 Supreme Court Rules, including administrative costs of \$2,500 required in
4 reinstatement matters pursuant to SCR 120 (Costs) and the actual costs of the
5 disciplinary proceeding, within ninety (90) days of issuance of an Order
6 reinstating him to the practice of law.

7 DATED this 6th day of June, 2022.

8 **STATE BAR OF NEVADA**
9 Daniel M. Hooge, Bar Counsel

10 *Phillip J. Pattee*
11 By: [Phillip J. Pattee \(Jun 6, 2022 09:01 PDT\)](#)
12 Phillip J. Pattee, Assistant Bar Counsel
13 Nevada Bar No. 4021
14 3100 W. Charleston Blvd., Suite 100
15 Las Vegas, Nevada 89102
16 (702) 382-2200
17 Attorney for State Bar of Nevada
18
19
20

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FILED

JAN 21 2022

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

1 Kym Samuel Cushing
2 Nevada Bar #4242
3 24 Hummingbird Way
4 Henderson, NV 89014
5 (702) 271-7679
6 kymcushing01@gmail.com
7 Petitioner *in propria persona*

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

10 IN THE MATTER OF THE PETITION OF
11
12 KYM SAMUEL CUSHING,
13
14 Nevada Bar No.: 4242
15
16 Petitioner.

SUPREME COURT OF NEVADA
CASE NO.:

STATE BAR OF NEVADA
CASE NO.

SCR 116 PETITION FOR REINSTATEMENT

17
18 Petitioner Kym Samuel Cushing ("Cushing"), appearing *in propria persona*,
19 respectfully submits this SCR 116 petition¹ and attached affidavit which is
20 incorporated herein by reference (see Exhibit "6") in support of his reinstatement to
21 the practice of law and states as follows:
22
23
24
25
26
27

28 ¹ A supplemental brief containing additional facts supporting Cushing's petition will be filed in short order.

- 1 1. Cushing obtained his license to practice law in Nevada in 1991 and has been
2 continuously licensed and engaged in the practice of law in Nevada through the
3 date of his suspension.
4
- 5 2. The bar grievance initiating this action was filed by Cushing's former New York-
6 based law firm, Wilson Elser, at a time when both were heavily involved in
7 contentious litigation in New York state court and federal court in Nevada over
8 employment issues.
9
- 10 3. Wilson Elser filed its grievance seven days after Cushing resigned from the firm,
11 when it discovered he had been hired by Lewis Brisbois, Wilson Elser's main
12 competition, and that he had also obtained agreements from his clients to go
13 with him to his new firm.
14
- 15 4. The original bar complaint contained only allegations involving employment-
16 related issues between Cushing and his former firm.
17
- 18 5. Approximately six months into the bar's year-long investigation, without any
19 prior notice, the bar filed an amended complaint greatly increasing the size of
20 complaint.
21
22
23
24
25
26
27
28

1 6. The new allegations contained in the amended complaint relate to Cushing's
2 communications with bar counsel, Janeen Isaacson,² which primarily occurred
3 during their one short meeting which took place one day after the grievance was
4 filed.
5

6 7. Neither the original nor the amended complaint contain allegations of
7 wrongdoing related to the actual practice of law. There are no allegations of
8 malpractice or complaints by any of Cushing's clients, the judiciary or fellow
9 lawyers concerning Cushing's performance as a lawyer.
10
11

12 8. Cushing has never been the subject of any prior disciplinary action.

13 9. On January 31, 2020, the Supreme Court of Nevada entered an order suspending
14 Cushing from the practice of law for nine months. (See Exhibit "1").
15

16 10. Cushing has fully complied with the terms and conditions of the disciplinary
17 order which required him to do the following:
18

19 **A. "Cushing shall participate in the NLAP and comply with any treatment**
20 **recommendations..."**

21 1) After receiving the Supreme Court's order, Cushing met with Larry Espidero,
22 Director of NLAP, and signed a one-year contract which required Cushing
23
24
25

26 ² Isaacson resigned from her position at the state bar shortly after the hearing. Her assistant, Virginia Hightower, who
27 co-authored the state bar's brief with Isaacson, also resigned from the state bar's office of bar counsel. It is understood
28 the panel chair, Robert Caldwell, was removed from the list of potential panel members and no longer participates in
any hearing panels.

1 meet in group sessions, submit to random drug and urine tests at any time,
2 including random breathalyzer tests.

3
4 2) Cushing fully complied with NLAP's contract. He passed every random drug
5 tox screen, urine test and breathalyzer test without exception.

6
7 3) Mr. Espidero subsequently misplaced the original signed contract. Cushing
8 willingly agreed to sign another contract mirroring the terms of the original
9 contract – even though the duration of the new contract expanded from one
10 year to two years. Cushing agreed to this one-year extension. Cushing again
11 passed every random drug tox screen, urine test and breathalyzer without
12 exception.

13
14
15 4) Mr. Espidero informed Cushing last year he submitted all paperwork
16 documenting Cushing's successful participation in NLAP directly to the State
17 Bar. It is assumed the bar will produce these records in due course.

18
19 5) *Cushing completely stopped drinking alcohol on March 28, 2018 and has been alcohol-free*
20 *ever since – with no relapses.*

21
22 6) Although not required in the supreme court's order, in addition to his regular
23 NLAP sessions, Cushing also attended weekly AA meetings at the Camel
24 Club. He continues to attend weekly AA meetings and plans to continue
25 attending these meetings for the foreseeable future.

26
27 / / /

1 **B. “[Cushing] shall complete an anger management program approved by**
2 **the State Bar...”**

- 3 1) Cushing successfully completed an approved 8-hour anger management
4 program provided by the North American Learning Institute. **See Exhibit**
5 **“2.”**
6

7 **C. “[Cushing shall] complete 10 CLE credits in addition to the annual**
8 **requirement, with at least 5 of those additional CLE credits in the area of**
9 **substance abuse...”**

- 10 1) Cushing completed 72.5 total general CLE credits, 60 credits above the
11 annual requirement. **See Exhibit “3.”**
12
13 2) Cushing completed 22.75 CLE credits in the area of substance abuse and bias.
14 **See Exhibit “3.”**
15
16 3) Although not specifically required, Cushing also completed 23.00 credits in
17 the area of ethics. **See Exhibit “3.”**

18 **D. Additionally, Cushing shall pay the costs of the disciplinary proceedings,**
19 **including \$2,500 under SCR 120, within 30 days from the date of this order.**

- 20 1) Cushing has paid the state bar \$7,500 representing his estimate of the costs
21 of the prior disciplinary proceeding. **See Exhibit “4.”**
22
23 2) Cushing will pay any outstanding balances owed in this matter once the state
24 bar informs him the amount of any outstanding balance, if any.
25
26 3) Cushing did not pay these costs within 30 days of the disciplinary proceeding
27 for reasons which will be explained in subsequent briefing.
28

1 11. Cushing has not engaged in, or attempted to engage in, the unauthorized practice
2 of law during the period of his suspension. Since the date of his suspension,
3 Cushing has not worked and remains unemployed as of this date. **See affidavit**
4 **of Kym Samuel Cushing attached to this petition.**

5
6 12. Copies of Cushing's 2019 and 2020 federal tax returns that are attached to this
7 petition document the sources of his income during this period. Cushing's
8 income derived exclusively from non-law related sources. **See Exhibit "5."**

9
10 13. Cushing's term of suspension ended on November 30, 2020.

11
12 14. Cushing did not seek reinstatement until this date for reasons he will address in
13 subsequent briefing.

14
15 Cushing has paid all costs, has fully complied with the Court's suspension order, and
16 respectfully requests that this matter be referred to the Southern Nevada Disciplinary
17 Board to commence a reinstatement proceeding, so that Cushing may demonstrate that
18 he has the moral qualifications, competency, and learning in law required for admission
19 to practice in this state, and that his resumption of the practice of law will not be
20

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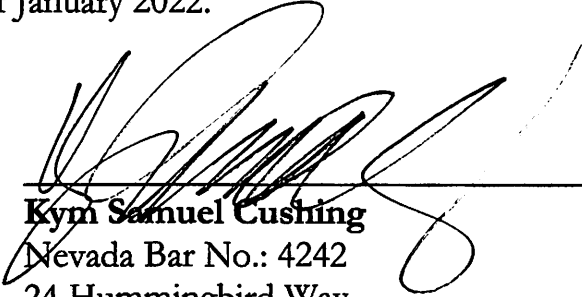
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1 detrimental to the integrity and standing of the bar, the administration of justice, or to
2 the public interest, and that he is fit to resume the practice of law.
3

4 DATED this 19th day of January 2022.

5
6
7 
8 **Kym Samuel Cushing**

9 Nevada Bar No.: 4242

10 24 Hummingbird Way

11 Henderson, NV 89104

12 (702) 271-7679 (cell)

13 kymcushing01@gmail.com

14 Petitioner *in propria persona*
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EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KYM S. CUSHING, BAR NO. 4242.

No. 78367

FILED

JAN 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Kym S. Cushing be suspended for nine months, with conditions on his ability to seek reinstatement, based on violations of RPC 3.4(c) (fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(a) (disciplinary matters), and RPC 8.4(c) (misconduct).

We employ a deferential standard of review with respect to the hearing panel's findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, *see generally Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 102, 294 P.3d 427, 428 (2013). In contrast, we review de novo a disciplinary panel's conclusions of law and recommended discipline. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Cushing committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We defer to the panel's findings of fact in this matter as they are supported by substantial evidence and are not clearly erroneous. Cushing wrote himself three checks from his law firm's operating account and deposited them into his personal bank account. When his law firm confronted him about the

checks, he lied and stated he was reimbursing himself for payment he made to an expert witness and gave them an address for the expert, which was a property Cushing was renting, and a phone number for the expert, which was the number for Cushing's friend and pro bono client. When the law firm confronted him about the lies, he stated that he wrote the checks to cover gambling losses. At the law firm's request, Cushing then resigned.

Thereafter, Cushing misrepresented the reason for his resignation to a prospective employer. When the State Bar petitioned to have Cushing temporarily suspended, his attorney opposed the petition on Cushing's behalf, stating that Cushing was struggling with a gambling addiction. Cushing later admitted that he does not have a problem with gambling and only told his law firm that he did in an effort to save his job. In denying the petition to temporarily suspend Cushing, this court directed Cushing to report to Nevada Lawyers Assistance Program (NLAP) and comply with treatment recommendations. Cushing entered the NLAP program but failed to comply with its treatment recommendations from July 4 to August 21, 2018. Lastly, Cushing was dishonest with the State Bar during the disciplinary matter by falsely asserting that (1) he was not misrepresenting why he left his former law firm to clients and prospective employers; (2) his delay in reporting to NLAP was caused by NLAP administrators; (3) he had returned a loaner car to the dealership, when it had been repossessed by the dealership; and (4) his personal car was still being repaired when it had been repaired already. Thus, we agree with the

panel's conclusions that the State Bar established by clear and convincing evidence that Cushing violated the above-listed rules.¹

While Cushing argues that his failure to comply with NLAP treatment recommendations cannot be a violation of RPC 3.4(c) because it did not involve his representation of a client, nothing in RPC 3.4(c) limits an attorney's duty to comply with court orders and rules to when the attorney is representing a client. Thus, we conclude RPC 3.4(c) may apply outside of an attorney's representation of a client. Additionally, a screening panel did not need to consider the allegation that Cushing had violated RPC 3.4(c) before the State Bar could amend the pending disciplinary complaint to include that violation and Cushing's due process rights were not violated because he had notice of the amended complaint and an opportunity to oppose the allegation that he had violated RPC 3.4(c). Lastly, because the order imposing conditions on Cushing's practice of law stated that it was our final decision in the matter and "[a]ny further proceedings involving Cushing shall be docketed as a new matter," *In re Discipline of Cushing*, Docket No. 75149 (Order Denying Petition and Imposing Conditions on Continued Practice, March 6, 2018), Cushing's violation of that order was

¹To the extent Cushing argues the panel could not determine without a handwriting expert's testimony that he had signed his name differently on the signature line and the endorsement line for each check he wrote himself from his firm's operating account, we conclude an expert's testimony was unnecessary as the signatures were markedly different. Further, while Cushing argues a letter he wrote to his car dealership concerning the loaner car that was overdue could not establish a violation of RPC 8.4(c), we need not consider this issue because the panel did not conclude that Cushing violated RPC 8.4(c) by writing the letter, and instead, only relied on the letter as evidence to support an aggravating circumstance (submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing).

properly brought before this court through the underlying disciplinary proceeding.

In determining the appropriate discipline, this court weighs four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). Although this court determines the appropriate discipline de novo, SCR 105(3)(b), the hearing panel's recommendation is persuasive, *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2011).

Cushing violated duties owed to the legal system (failure to comply with a court order) and the profession (disciplinary matters and misconduct). Substantial evidence supports the panel's findings that Cushing's mental state was intentional and that his misconduct harmed the public and the legal profession and potentially harmed his pro bono client.² The baseline sanction for Cushing's conduct, before consideration of aggravating and mitigating circumstances, is disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 5.11(b) (Am. Bar Ass'n 2017) (providing that disbarment is appropriate when "a lawyer engages in any [noncriminal] intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice").

²Cushing conceded at the disciplinary hearing that involving his pro bono client in his attempt to cover up his fraudulent checks exposed the pro bono client to potential harm.

The record supports the panel's findings of seven aggravating circumstances (dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, submission of false statements and other deceptive practices during the disciplinary hearing, refusal to acknowledge the wrongful nature of conduct, and substantial experience in the practice of law) and two mitigating circumstances (absence of prior disciplinary record and personal and emotional problems). While Cushing asserts additional mitigating circumstances should apply and that certain aggravating circumstances were wrongly applied, the record does not support those arguments.

Considering all of the factors, including Cushing's personal and emotional problems, we agree with the panel that a downward deviation from the baseline sanction of disbarment is appropriate with certain conditions on Cushing seeking reinstatement. Thus, we conclude the recommended discipline serves the purpose of attorney discipline. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession).

Accordingly, we hereby suspend attorney Kym S. Cushing from the practice of law in Nevada for nine months from the date of this order.³ Before seeking reinstatement, Cushing shall participate in the NLAP and comply with any treatment recommendations; complete an anger management program approved by the State Bar; and complete 10 CLE credits, in addition to the annual requirement, with at least 5 of those

³To the extent the parties' additional arguments are not addressed herein, we conclude they do not warrant a different outcome.

additional CLE credits in the area of substance abuse. Additionally, Cushing shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Pickering C.J.
Pickering

Gibbons J.
Gibbons

Hardesty J.
Hardesty

Parraguirre J.
Parraguirre

Stiglich J.
Stiglich

Cadish J.
Cadish

Silver J.
Silver

cc: Chair, Southern Nevada Disciplinary Board
Kym S. Cushing
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court

EXHIBIT 2

Certificate of Completion

This certifies that the person named below has completed an
8 Hour Anger Management Class

COURSE FOR ANGER ANGER MANAGEMENT CLASS

Kym S. Cushing

24 Hummingbird Way, Henderson, NV 89014

Date of Birth: 03/19/1959

Date of Course Completion: 11/26/2020

Certificate Number: 426114

Mr. Robert A. Williams, Course Instructor
Certified Anger Management Specialist (CAMS-1)
Certified Domestic Violence Specialist (CDVS-1)
(888) 338-8855 | certificate@courseforanger.com



Verify the authenticity of this certificate by
visiting: NALearning.org/Verify

COURSE FOR ANGER

ANGER MANAGEMENT CLASS

Anger Management Class Enrollment Verification Letter

Student: Kym S. Cushing
Location: Henderson, NV
Course: 8-hour Anger Management Class
Enrollment Date: November 2, 2020
Student ID: 586339

This letter serves as notification that Kym S. Cushing enrolled in the 8-hour Anger Management Class on November 2, 2020.

I am the course instructor and hold a Bachelor's Degree from the University of Florida. I am credentialed as a Certified Anger Management Specialist (CAMS-1), Certified Domestic Violence Specialist (CDVS-1), and a member of the National Anger Management Association (NAMA), the Association of Domestic Violence Intervention Programs (ADVIP), and a fellow member of The American Association of Anger Management Providers (AAAMP).

I have authored or co-authored educational materials which have reached tens of thousands of students. My writings have been acknowledged by, and received approval from, Federal and State Departments for use in court-required educational programs. Thousands of certificates verifying successful completion of programs I have written are widely accepted by most U.S. Court Judicial Districts.

I have worked in the non-profit sector for over a decade and have been a featured speaker at the National Department of Justice Offender Transition Conference and the AFCPE Military Conference. I have held positions on the board of directors of the Personal Finance Employee Education Foundation, National Financial Literacy Foundation, and the Florida JumpStart Coalition. I hold additional certifications from AFCPE, ICFE, NCHEC, and the U.S. Department of HUD. I have active memberships with NADCP, NAADAC, and APPA.

If you require any further information regarding the participation of Kym S. Cushing in the Anger Management Class, please send an email to help@nlearning.org or call the number below.

Best,



Mr. Robert A. Williams, Course Instructor
Certified Anger Management Specialist (CAMS-1)
Certified Domestic Violence Specialist (CDVS-1)
help@nlearning.org | (888) 338-8855





KSC <kymcushing01@gmail.com>

Anger Management Class payment confirmation

1 message

North American Learning Institute <notification@mail.nalearning.org>

Mon, Nov 2, 2020 at 3:46 PM

To: kymcushing01@gmail.com

**Anger Management Class payment confirmation**

Kym,

Thank you for your purchase! This email serves as your proof of payment toward the 8-hour Anger Management Class. Please keep this email for your records.

Payment details

Cardholder: Kym Cushing

Payment amount: \$45.00

Confirmation #: 5759429872

Payment date: 11/02/2020

You may access your course at any time by following the steps below:

Step 1: Visit the login page at <https://nalearning.org/login/anger>

Step 2: Enter your username and password. If you have forgotten your username and/or password you can recover your login credentials by visiting <https://nalearning.org/login/forgot>

Step 3: Click the "Log In" button

Step 4: Click the "Continue" button to resume your course

ROA Page 018

Feel free to reply to this email or text us at (407) 906-6254 with any questions you may have. Thank you for choosing North American Learning Institute and we hope you enjoy the course.

Thanks,

North American Learning Institute

[CourseForAnger.com](https://courseforanger.com)

help@courseforanger.com

You are receiving this email notification because you have an active student profile with North American Learning Institute. Your profile settings indicate that you would like to receive updates and alerts to this email address. If you prefer not to receive notifications by email, or would like to change the email address associated with your profile, you may update your profile settings by replying to this email or logging in at <https://nlearning.org/login>.

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EXHIBIT 3

CLE COMPLETED COURSE LIST

LEXVID

<u>Course</u>	<u>Credits</u>	<u>Ethics</u>	<u>Substance / Bias</u>
Adam Walsh Act: Family-Based Immigration Petitions	1.00		
America's Opioid Epidemic & the Law	1.00		
An Attorney's Guide to Online Defamation and Website Removal	.50		
Authentication of Handwriting	1.00		
Being an Ethical Lawyer on the Internet	1.00	1.00	
Chapter 7: The Initial Consult	1.00		
Closing the Loop on Diversity Efforts by Creating an Inclusive Environment / Competency and the Practice of Law	1.00	1.00	
Common Issues in Wrongful Convictions with Innocence Project	1.00		
Copyright Law Overview	1.00		
Dealing with the Media: What Lawyers Ethically Can and Can't Say	1.00	1.00	
Don't Give Up 5 Minutes Before The Miracle	1.00		1.00
Ethical Issues Related to Cyber-security and Data Privacy	1.00	1.00	

Ethical Rules and Pitfalls for Bankruptcy Practitioners	1.00	1.00	
Ethics & Privilege Issues: Witnesses	1.25	1.25	
Examination of Altered Documents	1.00		
Examining the Ethical Ebb of E-Discovery	1.00	1.00	
Gambling: The Secret Addiction	1.00		1.00
Homeowners' Associations: Basics & Recurring Legal Issues	1.00		
Introduction of the Examination Of Altered Documents	1.00		
Mediation Advocacy for Litigators: What You Need to Know for a Successful Mediation	1.00		
Motion Practice in Civil Litigation: Drafting & Advocacy (pt. II)	1.00		
Perils and Pitfalls of Do it Yourself IP	.50		
Preparing Clients for Deposition: an Investment in Performance	1.00		
Pretty Little Liars: Dealing with the Dishonest Client	1.00	1.00	
Respect in the Workplace – The Legal Landscape of Harassment, Bias & Discrimination in the Workplace (pt. II)	1.75	1.75	1.75

Running on Empty: Legal Professional Burnout (and How To Refuel)	1.00	1.00
Running on Empty: The Epidemic Of Professional Burnout	1.00	1.00
Solo & Small Practice Management Series: Formation	1.00	
Solo & Small Practice Management Series: Operation	.50	
Solo & Small Practice Management Series: Technology (pt. II)	1.00	
Speedwriting: From Brain to Brief In a Hurry	.50	
Stress & Substance Abuse in the Legal Profession	1.00	1.00
Supreme Court Roundup – 2016	1.50	
Supreme Court Roundup – 2017	1.00	
Supreme Court Roundup – 2018	1.50	
The 14 th Amendment: Transforming American Democracy	1.00	
The Consequences of Bias in Litigation	1.00	1.00
The Effects of Criminal Convictions on Military Personnel	1.00	
The Impaired Lawyer: A Call for Action	.50	.50

The Law of Fiduciary Duties in the 21 st Century	1.00		
Title IX Update	1.00		
Trade Dress: Protecting the Look and Feel of Products, Packaging and Places of Business	1.00		
Update on Family Separation Law With the ACLU	1.00		
Update on Non-Compete Agreements	1.50		
Will Bias Cost You Your Next Case?	1.00	1.00	
Which Hours are Billable	1.00	1.00	
<u>TOTAL:</u>	44.50	12.00	7.75

ACCESS MCLE, LLC

Advocate Emptor in the 21 st Century	1.00	1.00
Concerns for the Solo and Small Practitioner	1.00	1.00
Conflicts of Interest for the for the Business Attorney	1.00	1.00
Criminal Mitigation: Pre-Plea and Pre-Sentencing Strategies	1.00	
Elimination of Bias in Today's Legal Profession	1.00	1.00
How to Use Social Media in Your Practice	1.00	1.00

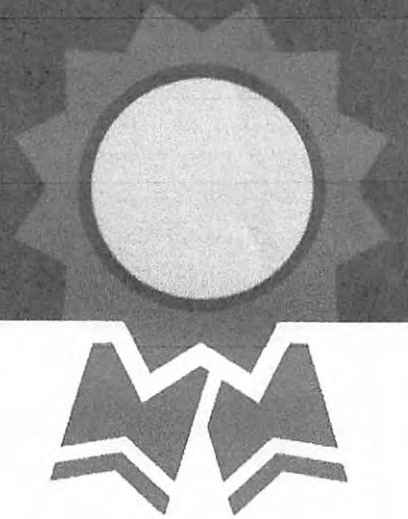
Implicit Bias in the Legal Profession	1.00	1.00	
Legalizing Marijuana – Rules For Lawyers	1.00	1.00	
Mindfulness for the Modern Lawyer	1.00		1.00
Proficiency and Professionalism	1.00	1.00	
Rules Governing Client Relationships	1.00	1.00	
Substance Abuse – the Impaired Lawyer	1.00		1.00
The Basics of Mediation Every Attorney Should Know	1.00		
Unconscious Bias in the Legal Profession	1.00	1.00	
<u>TOTAL:</u>	14.00	10.00	2.00

NEVADA LAWYER CLE

Chronic Stress and the Practice of Law	1.00		1.00
Holistic Mental Health for Lawyers	1.00		1.00
How to Recognize When It's Time to Get Support	1.00		1.00
Identifying and Handling Attorney Stressors: The Path to Health and Well-Being in the Legal Profession	1.00		1.00

Navigating Ethical Midfields in Personal Injury Litigation	1.00	1.00	
The Brain Disease of Addiction	1.00		1.00
<u>TOTAL:</u>	<u>6.00</u>	<u>1.00</u>	<u>5.00</u>
Anger Management	8.00		8.00
<u>TOTAL:</u>	<u>8.00</u>		<u>8.00</u>
<u>GRAND TOTAL:</u>	<u>72.50</u>	<u>23.00</u>	<u>22.75</u>

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Adam Walsh Act: Family-Based Immigration Petitions
was completed.

Course Number 49603
Member Name Kym Cushing
Bar Number 4242
Date of Completion 08/25/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
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nevadacleboard@sbcglobal.net

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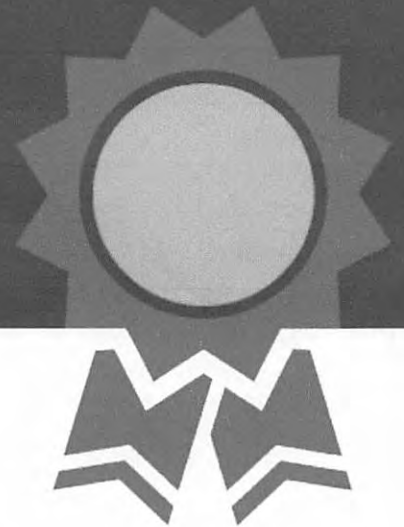
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San Diego, CA | info@lexvidservices.com | 877.327.1226

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lexdirectcle.com

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
America's Opioid Epidemic & the Law
was completed.

Course Number 32501

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/29/2019

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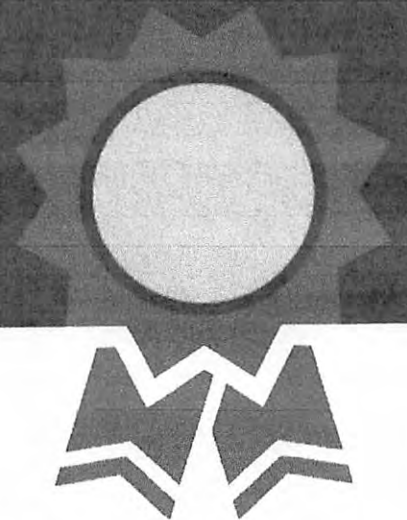
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Certificate of CLE Program Completion



This certificate certifies that

An Attorney's Guide to Online Defamation and Website
Removal

was completed.

Course Number	49568
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	03/05/2020

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.50 General

CLE Provider Information: Nevada #0

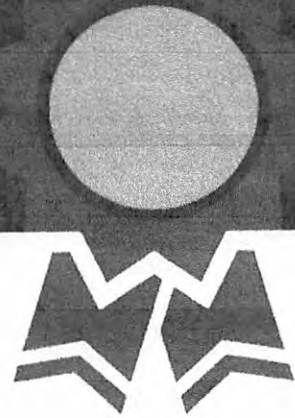
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Authentication of Handwriting
was completed.

Course Number 49591
Member Name Kym Cushing
Bar Number 4242
Date of Completion 12/21/2021

STATE OF ACCREDITATION

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nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

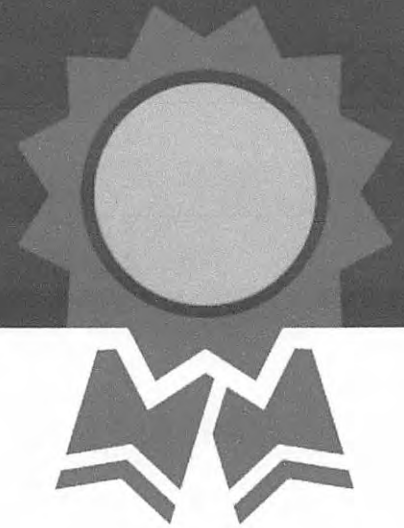
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This certificate certifies that
Being an Ethical Lawyer on the Internet
was completed.

Course Number	22226
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	08/05/2019

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

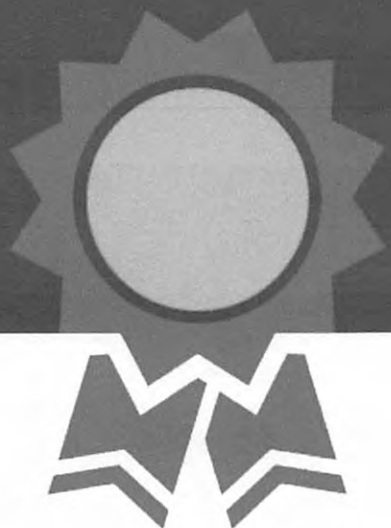
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This certificate certifies that
Chapter 7: The Initial Consult
was completed.

Course Number 49613

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/03/2020

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1.00 General

CLE Provider Information: Nevada #0

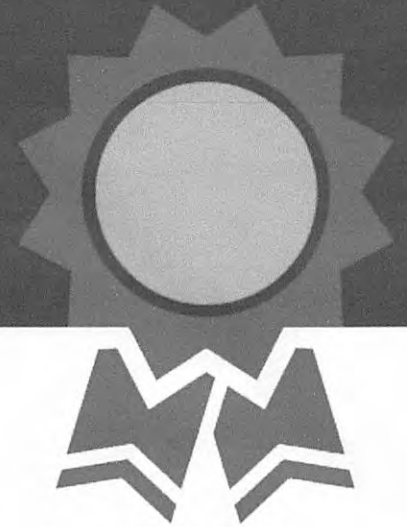
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This certificate certifies that

Closing the Loop on Diversity Efforts by Creating an
Inclusive Environment / Competency and the Practice of
Law

was completed.

Course Number

49571

Member Name

Kym Cushing

Bar Number

4242

Date of Completion

12/17/2021

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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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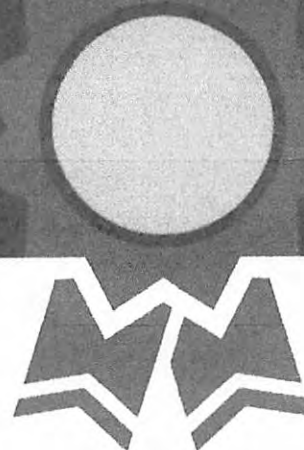
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Certificate of CLE Program Completion



This certificate certifies that
Common Issues in Wrongful Convictions with Innocence
Project
was completed.

Course Number 49596

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/14/2020

STATE OF ACCREDITATION

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1.00 General

CLE Provider Information: Nevada #0

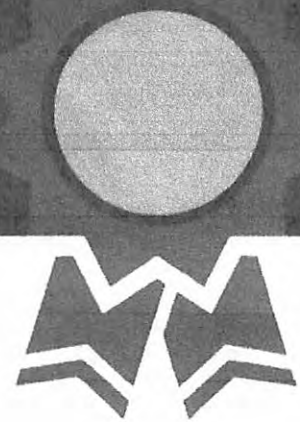
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Program Completion**



This certificate certifies that
Copyright Law Overview
was completed.

Course Number 49587

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/21/2021

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Nevada

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1.00 General

CLE Provider Information: Nevada #0

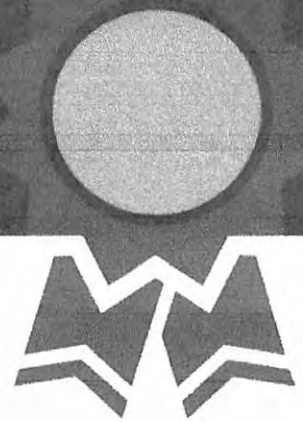
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This certificate certifies that
Dealing with the Media: What Lawyers Ethically Can and
Can't Say
was completed.

Course Number 49588

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/20/2021

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CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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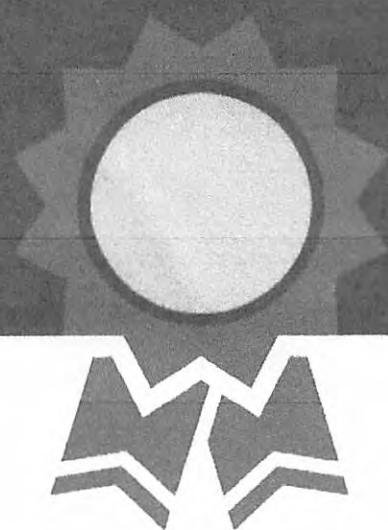
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Certificate of CLE Program Completion



This certificate certifies that
Don't Give Up 5 Minutes Before the Miracle
was completed.

Course Number 49617
Member Name Kym Cushing
Bar Number 4242
Date of Completion 07/28/2020

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1.00 General

Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

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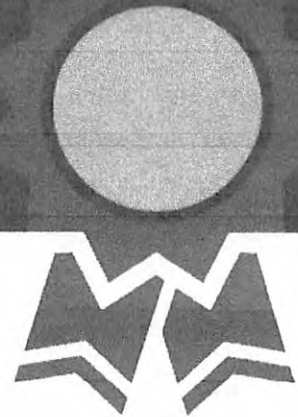
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Certificate of CLE Program Completion



This certificate certifies that
Ethical Issues Related to Cybersecurity and Data Privacy
was completed.

Course Number 49597

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/21/2021

STATE OF ACCREDITATION

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CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

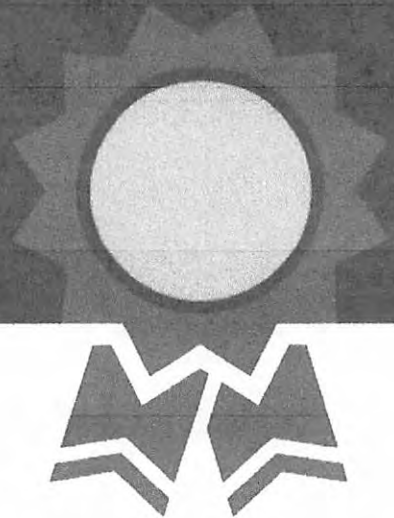
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Ethical Rules and Pitfalls for Bankruptcy Practitioners
was completed.

Course Number 49604
Member Name Kym Cushing
Bar Number 4242
Date of Completion 12/29/2021

STATE OF ACCREDITATION

Nevada

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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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This certificate certifies that
Ethics & Privilege Issues: Witnesses
was completed.

Member Name Kym Cushing

Bar Number 143335

Date of Completion 07/29/2019

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

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1.25 General (Participatory)

Including 1.25 Ethics

CLE Provider Information: California #14350

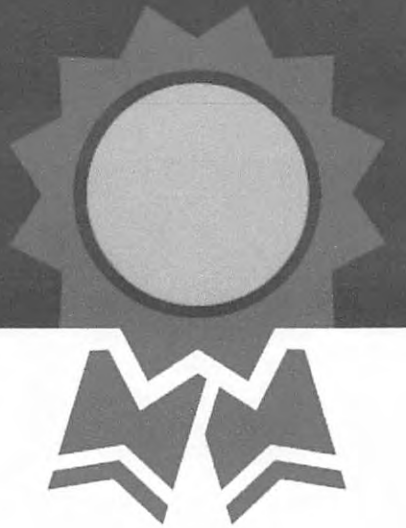
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Examination of Altered Documents
was completed.

Course Number 49600

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/24/2020

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

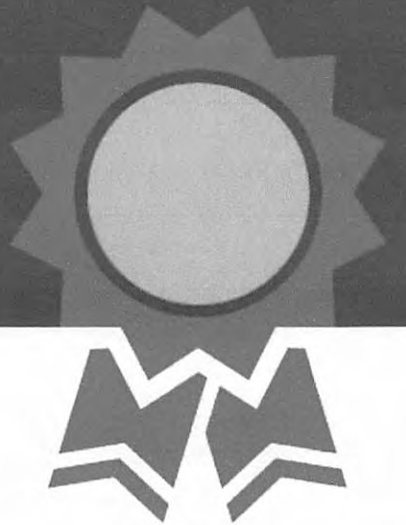
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This certificate certifies that
Examining the Ethical Ebb & Flow of E-Discovery
was completed.

Course Number 49573

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/27/2020

STATE OF ACCREDITATION

Nevada

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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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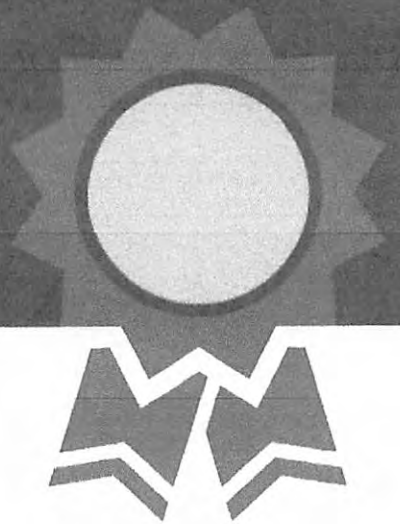
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Certificate of CLE Program Completion



This certificate certifies that
Gambling: The "Secret" Addiction
was completed.

Course Number 102541
Member Name Kym Cushing
Bar Number 4242
Date of Completion 01/14/2022

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General


Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

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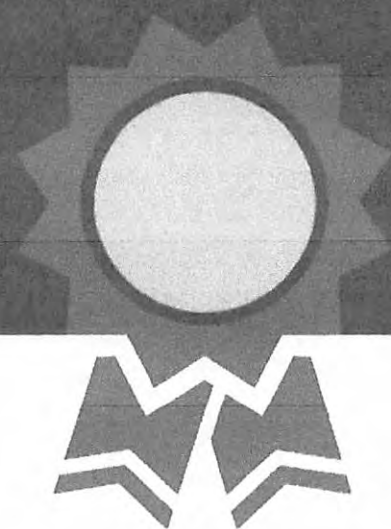
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Certificate of CLE Program Completion



This certificate certifies that
Homeowner's Associations: Basics & Recurring Legal
Issues
was completed.

Course Number 23323

Member Name Kym Cushing

Bar Number 4242

Date of Completion 11/22/2019

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

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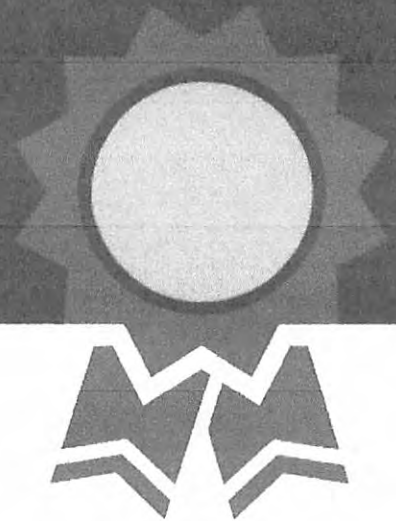
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Certificate of CLE Program Completion



This certificate certifies that
Mediation Advocacy for Litigators: What You Need to
Know for a Successful Mediation
was completed.

Course Number 49602

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/30/2021

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1.00 General

CLE Provider Information: Nevada #0

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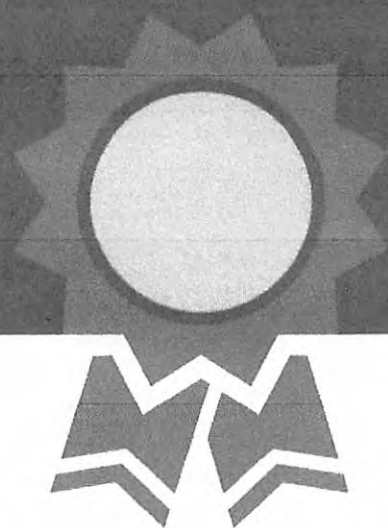
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Certificate of CLE Program Completion



This certificate certifies that
Motion Practice in Civil Litigation: Drafting & Advocacy -
Part II
was completed.

Course Number 49611

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/29/2021

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

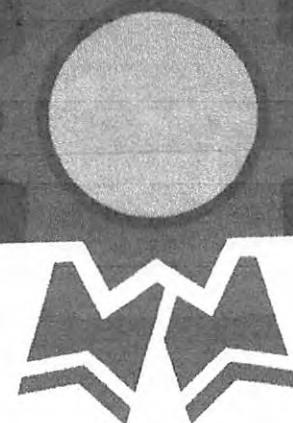
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**Certificate of CLE
Program Completion**



This certificate certifies that
Perils And Pitfalls Of Do-It-Yourself IP
was completed.

Course Number 49572
Member Name Kym Cushing
Bar Number 4242
Date of Completion 12/23/2021

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

.50 General

CLE Provider Information: Nevada #0

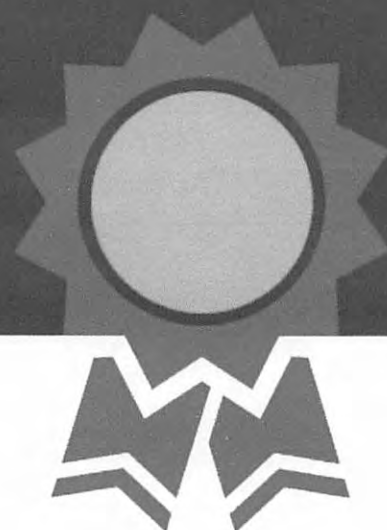
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Preparing Clients for Deposition: An Investment in
Performance

was completed.

Course Number

49590

Member Name

Kym Cushing

Bar Number

4242

Date of Completion

08/06/2020

STATE OF ACCREDITATION

Nevada

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1.00 General

CLE Provider Information: Nevada #0

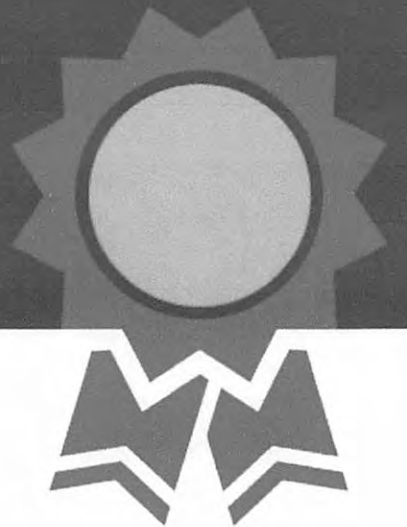
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lexdirectcle.com

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Pretty Little Liars: Dealing with the Dishonest Client
was completed.

Course Number 32537

Member Name Kym Cushing

Bar Number 4242

Date of Completion 11/22/2019

STATE OF ACCREDITATION

Nevada

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CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

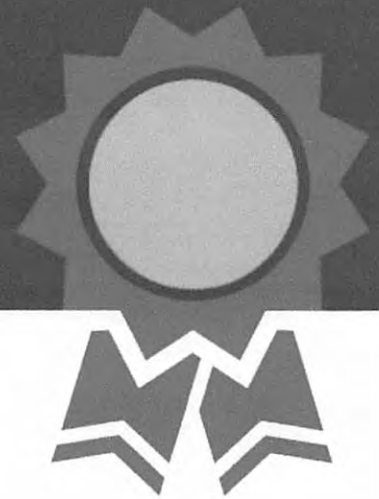
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Respect in the Workplace - The Legal Landscape of
Harassment, Bias, & Discrimination in the Workplace -
Part II

was completed.

Member Name Kym Cushing

Bar Number 143335

Date of Completion 07/29/2019

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CLE Provider Information: California #14350

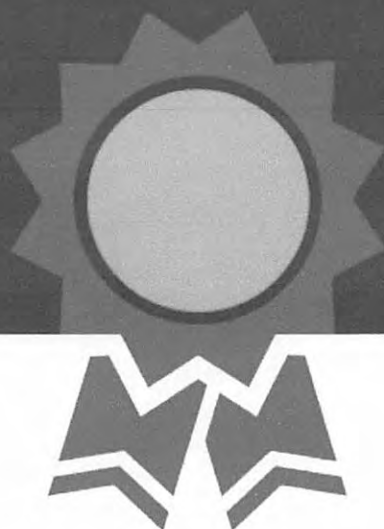
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Running on Empty: Legal Professional Burnout (And How to Refuel)

was completed.

Course Number

32521

Member Name

Kym Cushing

Bar Number

4242

Date of Completion

07/25/2019

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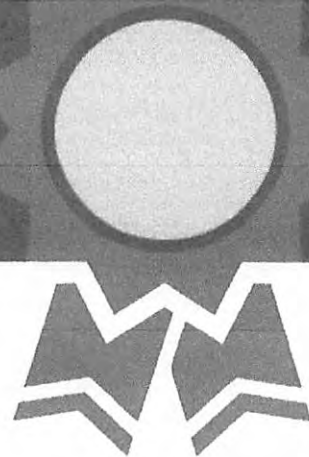
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Course Number 49576
Member Name Kym Cushing
Bar Number 4242
Date of Completion 08/09/2020

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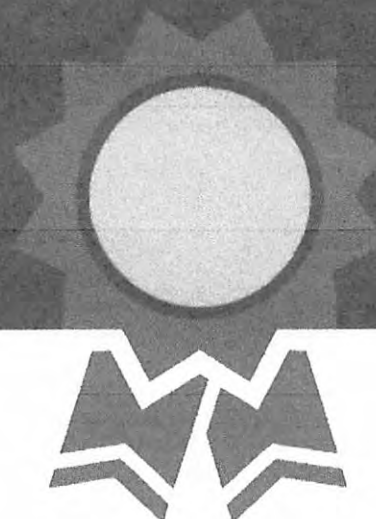
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was completed.

Course Number 49575
Member Name Kym Cushing
Bar Number 4242
Date of Completion 01/19/2022

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Course Number 49570

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/19/2022

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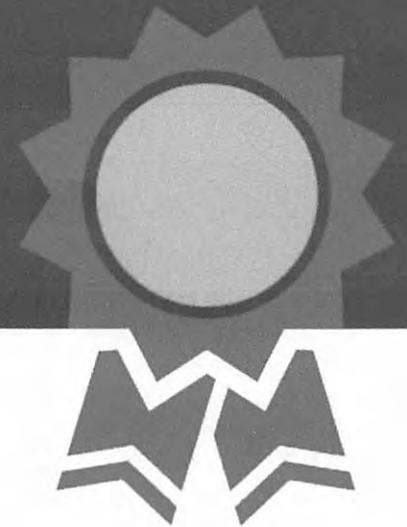
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Speedwriting: From Brain to Brief in a Hurry
was completed.

Course Number 49593

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/11/2020

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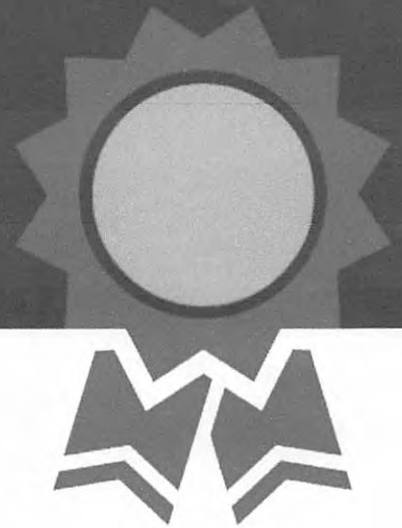
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This certificate certifies that
Stress & Substance Abuse in the Legal Profession
was completed.

Course Number 33823

Member Name Kym Cushing

Bar Number 4242

Date of Completion 04/23/2019

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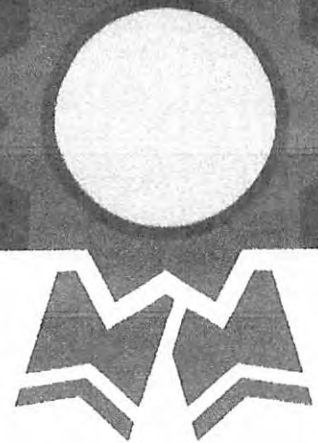
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Course Number 49609
Member Name Kym Cushing
Bar Number 4242
Date of Completion 01/16/2022

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was completed.

Course Number 49592
Member Name Kym Cushing
Bar Number 4242
Date of Completion 08/10/2020

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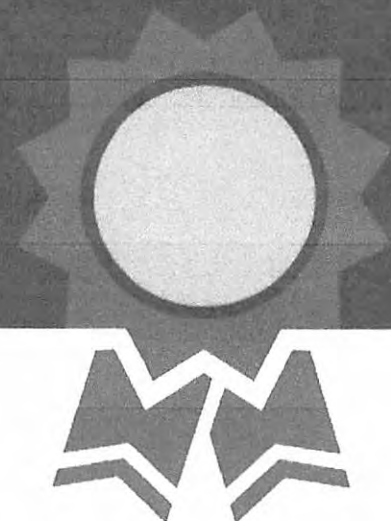
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Course Number 23339

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/29/2019

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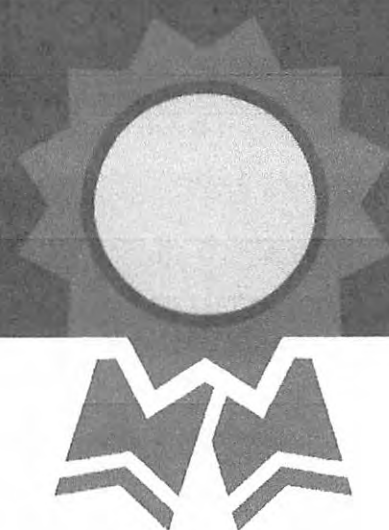
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This certificate certifies that
Supreme Court Update: 2016-2017 Term
was completed.

Course Number 32515

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

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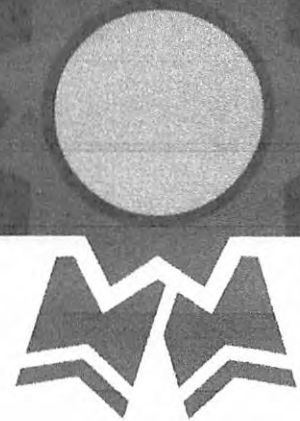
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Course Number	49605
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	12/21/2021

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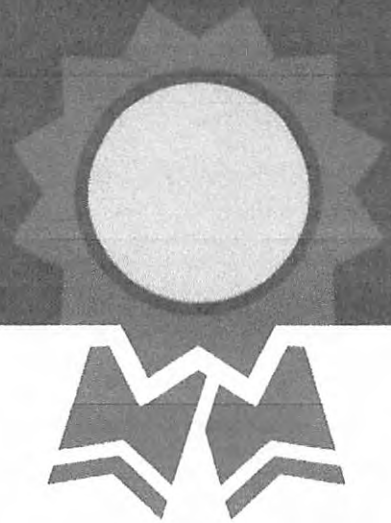
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The 14th Amendment, Transforming American
Democracy
was completed.

Course Number 32519

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/25/2019

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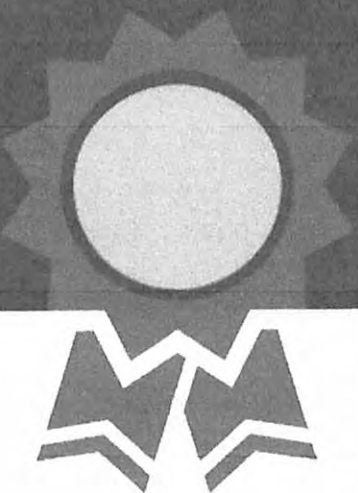
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Course Number 49579

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/27/2020

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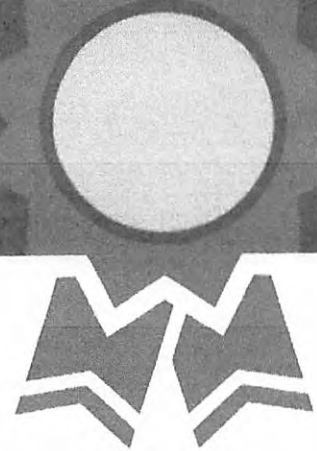
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was completed.

Course Number 49599
Member Name Kym Cushing
Bar Number 4242
Date of Completion 08/15/2020

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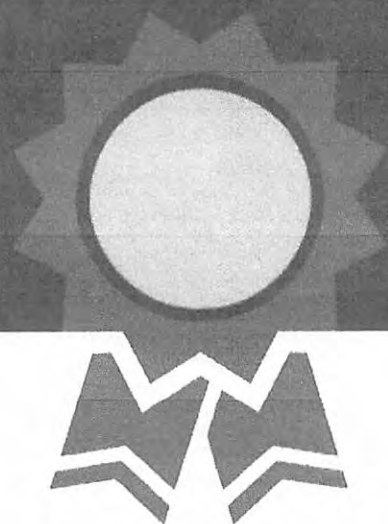
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was completed.

Course Number 49574
Member Name Kym Cushing
Bar Number 4242
Date of Completion 01/14/2022

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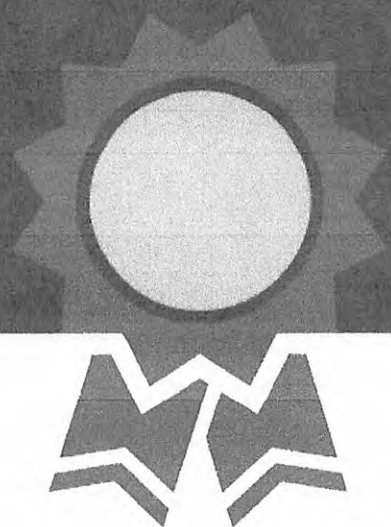
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The Law of Fiduciary Duties in the 21st Century
was completed.

Course Number 32539

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

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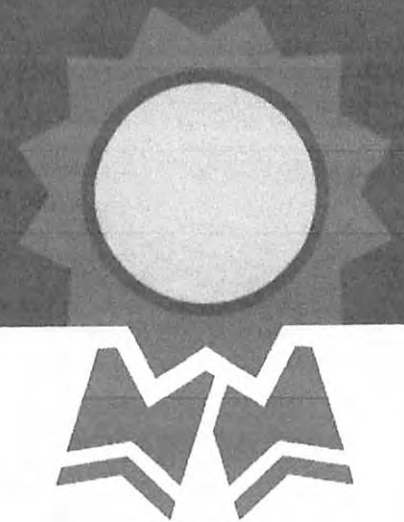
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**Trade Dress: Protecting the Look and Feel of Products,
Packaging, and Places of Business
was completed.**

Course Number	49584
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	08/09/2020

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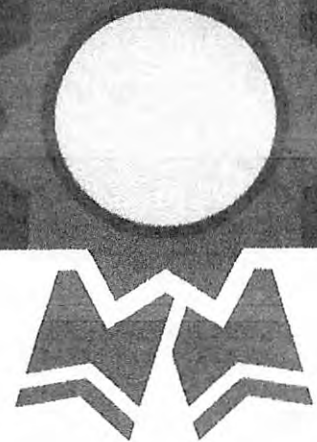
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This certificate certifies that
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was completed.

Course Number 49598

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/14/2022

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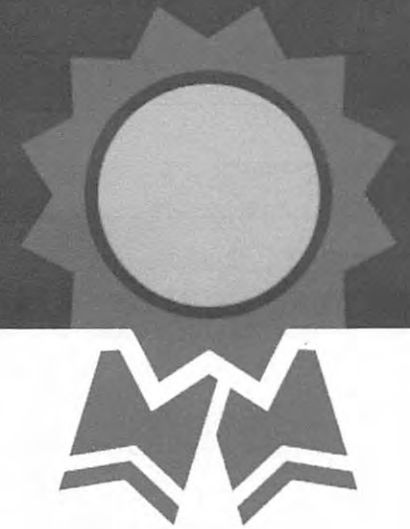
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Course Number 49592

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/10/2020

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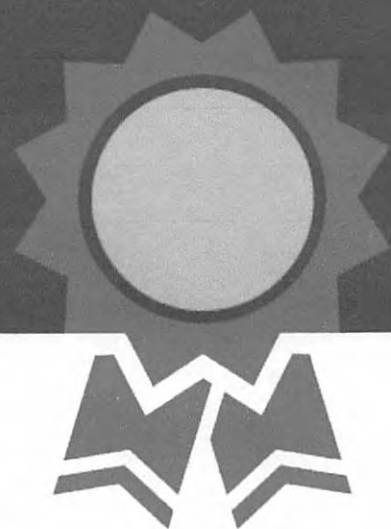
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Course Number 49615

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/16/2022

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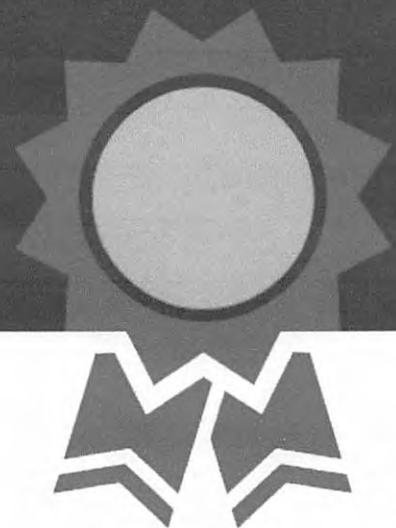
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Will Bias Cost You Your Next Case?
was completed.

Course Number 32543

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

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KSC <kymcushing01@gmail.com>

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1 message

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To: Kym Cushing <kymcushing01@gmail.com>

Tue, Dec 7, 2021 at 10:26 PM

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Henderson, NV 89014
United States

Ship To Address

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Henderson, NV 89014
United States

Order Details

Payment Number	100067734
Cart Total	\$270.00
Amount Paid	\$270.00
Balance Due	\$0.00

Individual Orders

Type	Item	Price	Qty	Total
	Kym Cushing			
Product	Identifying and Handling Attorney Stressors Download	\$45.00	1	\$45.00
Product	Chronic Stress and the Practice of Law Download	\$45.00	1	\$45.00
Product	Navigating Ethical Minefields in Personal Injury Litigation Download	\$45.00	1	\$45.00
Product	The Brain Disease of Addiction Download	\$45.00	1	\$45.00

ROA Page 072

Product	How to Recognize When It's Time to Get Support Download	\$45.00	1	\$45.00
Product	Holistic Mental Health for Lawyers Download	\$45.00	1	\$45.00
Individual Cart Total:				\$270.00

If you have any questions regarding your order, please contact us at memberservices@nvbar.org.

Sincerely,

State Bar of Nevada

State Bar of Nevada

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Las Vegas, NV 89102

(702) 382-2200 | memberservices@nvbar.org

IDENTIFYING AND HANDLING ATTORNEY STRESSORS: THE PATH TO HEALTH AND WELL-BEING IN THE LEGAL PROFESSION

ONE HOUR A.A.MH CLE CREDIT

Please select from either "true" or "false" the answer that best corresponds to each of the following statements.

1. Like the stereotypical lawyer represented in the media, a majority of most of American attorneys can be, unfortunately, classified as workaholics.
☐ True ☒ False 750%
2. Of the six key dimensions for maintaining attorney wellness as identified by the task force, financial independence is the most important.
☐ True ☒ False
3. Open bars and alcohol-centric events at firms and bar associations disenfranchise certain groups of lawyers and demote otherwise healthy, stress-relieving activities.
☒ True ☐ False
4. Lawyers with mental illness exhibit symptoms and have diagnoses prior to entering law school.
☐ True ☒ False
5. The "work hard, play hard" mantra discourages young lawyers from actively seeking treatment for substance abuse issues.
☒ True ☐ False
6. Presenting the ethical implications of untreated mental illness or substance abuse are effective deterrents for scaring attorneys into receiving help.
☐ True ☒ False
7. While the majority of lawyers do not have a mental health or substance use disorder, many lawyers at best feel ambivalent about their work.
☒ True ☐ False
8. While lawyers suffer from higher levels of anxiety and depression than the rest of the population, most enter law school with these mental health issues.
☐ True ☒ False
9. More than one-tenth of lawyers have reported suicidal thoughts at some point during their careers.
☒ True ☐ False
10. Well-being is an indispensable part of a lawyer's duty of competence.
☒ True ☐ False
11. A majority of law students are encouraged to ask for help when they need it.
☐ True ☒ False
12. It is not uncommon for law firms to foster competitive rather than cooperative workplace atmospheres.
☒ True ☐ False
13. According to the task force, expressing frustration or anger through social media is a productive way to vent stress.
☐ True ☒ False
14. Taking on a pro bono case outside your practice area is a good way to foster intellectual growth—a component of overall well-being.
☒ True ☐ False

Test 53 | IDENTIFYING AND HANDLING ATTORNEY STRESSORS

THREE EASY STEPS TO CLE CREDIT – \$45

- 1) Read the article on pages 14-15.
- 2) Answer the quiz questions on page 17. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

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Law Firm/Organization _____
Address 24 Hummingbird Way
State/Zip Henderson, NV 89014
NV Bar Number (Required) 4242

MAIL CHECK PAYMENT TO:

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Chronic STRESS and the Practice of Law

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Whether a situation is a "stressor" depends on a person's own perception.
☒ True ☐ False
2. Hyperarousal of the limbic system's "fight or flight" response can result in chronic stress.
☒ True ☐ False
3. Identify the psychological or emotional symptoms of chronic stress (mark all that apply):
 - a. Memory problems
 - b. Inability to concentrate
 - ☒ c. Making astute judgment calls
 - d. Seeing only the negative
 - e. Anxious or racing thoughts
4. Which of the following are physical symptoms of stress? (Mark all that apply.)
 - a. Hyperactivity or excess energy
 - ☒ b. Aches and pains
 - ☒ c. Diarrhea or constipation
 - ☒ d. Chest pain, rapid heartbeat
 - ☒ e. Loss of sex drive
5. Which of the following are behavioral symptoms of stress? (Mark all that apply.)
 - ☒ a. Eating more or less
 - ☒ b. Sleeping too much or too little
 - ☒ c. Procrastinating or neglecting responsibilities
 - ☒ d. Using alcohol, cigarettes or drugs to relax
 - e. Getting up early to exercise
6. Which of the following are symptoms of depression? (Mark all that apply.)
 - a. High energy and motivation
 - ☒ b. Feelings of worthlessness, hopelessness and/or pessimism
 - ☒ c. Irritability, restlessness, or being slowed down
 - ☒ d. Trouble sleeping or sleeping too much
 - ☒ e. Thoughts about suicide or dying
7. Which of the following are symptoms of anxiety? (Mark all that apply.)
 - ☒ a. Always feeling angry and lacking patience
 - ☒ b. Dramatic mood swings (emotional flipping)
 - ☒ c. Feel like crying for no apparent reason
 - d. Underlying anxiety, apprehension or fear
 - ☒ e. You feel like you are under pressure all the time
8. Working excessively can be a symptom of a negative coping mechanism for stress.
☒ True ☐ False
9. People in denial will not be angry or resentful if you try to talk to them about negative coping mechanisms.
True ☒ False
10. Reliance on alcohol for stress relief, if taken to extremes, can result in alcoholism.
☒ True ☐ False
11. Reacting to stressors immediately will reduce your levels of chronic stress.
True ☒ False
12. Procrastination is a good way to reduce your stress level as you put off troublesome tasks to a later date.
True ☒ False
13. Exercise is beneficial for reducing stress as your body releases endorphins, which trigger positive feelings in the body.
☒ True ☐ False
14. Meditation is helpful in controlling your stress and developing more control over your thoughts.
☒ True ☐ False
15. Chronic stress will have no effect on you if you just ignore it.
True ☒ False
16. Volunteering to help someone is one positive way to deal with stress.
☒ True ☐ False
17. Staying up all night to work is a good way to deal with stress.
True ☒ False
18. Do you know of any attorneys who have had serious personal or professional problems from alcohol abuse?
☒ Yes ☐ No
19. Talking to a mental health professional can help you with dealing with chronic stress.
☒ True ☐ False
20. Seeking assistance from a medical professional can provide assistance with anxiety and depression, as there are medications available to help with those symptoms.
☒ True ☐ False

**THREE EASY STEPS
TO CLE CREDIT – \$45**

- 1) Read the article on pages 12-15.
- 2) Answer the quiz questions on page 17. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

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Navigating Ethical Minefields in Personal Injury Litigation

BY LAUREN CALVERT, ESQ.



Personal injury attorneys and insurance defense attorneys are often characterized in a not-so-flattering light. Sometimes they are portrayed to the public as greedy or unscrupulous. The importance of ethics in personal injury law is obvious to those practicing in the field. Failure to navigate ethical pitfalls unique to personal injury carries potential harm to the lawyer and client alike, and undermines public respect for, and confidence in, our profession.

Potholes for Plaintiff's Counsel

Retainer Agreements

A written retainer agreement, executed by the parties, is mandatory in contingent fee cases. The retainer agreement defines the scope of the engagement, and vague terms can lead to ethical dilemmas. If the engagement does not include resolving liens of healthcare providers or giving tax advice as to the recovery, that should be made explicit. When representing several clients in the same matter, counsel should address waiver of potential or existing conflicts, including what will happen where multiple clients have differing settlement demands.

It is unethical for an attorney to include in the retainer agreement a provision granting the attorney full and absolute discretion and authority to settle the case upon terms decided by the attorney. The decision to settle belongs to the client.¹ A general relinquishment of the right by the client in favor of the lawyer creates a conflict that violates the attorney's fiduciary duty to the client. The attorney has a duty to consult with the client about settlement and explain the matter to the extent necessary to permit the client to make an informed decision.

Use of Non-Lawyers

It is commonplace for administrative staff, law clerks and paralegals to conduct significant prelitigation work within

personal injury firms. However, conducting initial client consultations, deciding whether the representation should be accepted, negotiating clients' claims with the insurance company (which includes making legal arguments in support of the clients' position), signing demand letters and serving as the clients' sole contact in the firm constitute the practice of law. These tasks cannot be performed by a non-attorney.²

Third-Party Litigation Funding

In mass tort claims involving personal injury and product liability, expenses to prosecute the claim can be substantial. In such cases, counsel may need to personally borrow funds for litigation costs. This is permissible.³ The attorney must agree to be responsible for the repayment of the loan, interest and associated reasonable fees. Repayment of the loan may not be contingent on the success of the litigation for which the loan is obtained, and the client must give written consent prior to counsel taking the loan.

Duties to Lienholders

An attorney who represents an injured party in a personal injury case owes a duty of loyalty to that client. However, once the case is settled, if there are lienholders or interested third parties, the attorney's duty is then split between the client and the interested third parties.⁴ In situations where the client does not want the attorney to pay the lienholders, this split duty can become precarious rather quickly.

When the client instructs the lawyer not to pay a third party who appears to have a cognizable interest in the funds, there is a dispute concerning their respective interests in the funds. In that situation, the lawyer is ethically obligated not to decide who prevails in the dispute, although counsel may ethically attempt to mediate a consensual settlement between the client and third party. If the parties do not readily agree to a resolution, the lawyer is ethically obligated to keep the portion of the funds in dispute separate until resolved. As a result,

Navigating Ethical Minefields in Personal Injury Litigation

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Counsel is required to obey his or her client's instruction to not pay a lienholder.
True ☒ False
2. Medical liens can result in an attorney having ethical duties running in favor of someone other than the lawyer's client.
☒ True False
3. A contingent fee agreement should include a provision whereby the client authorizes his or her attorney to settle the client's matter for any amount the attorney determines is reasonable without further oral or written authorization.
True ☒ False
4. When the insured and the insurer have opposing legal interests, Nevada law requires insurers to fulfill their contractual duty to defend their insureds by allowing insureds to select their own independent counsel and paying for such representation.
☒ True False
5. An insurer-appointed attorney may not disclose to the insurer protected information learned during the representation that might tend to defeat coverage.
☒ True False
6. The insurer is entitled to an unredacted copy of an insured's case file from the insurance-appointed defense attorney.
True ☒ False
7. The insurer may have a right to demand protected adverse information from the policyholder under a duty to cooperate clause in the contract of insurance, which the insured's attorney could not otherwise reveal.
☒ True False
8. No matter how angry a client becomes, an attorney may not release settlement funds to the client until the settlement check has cleared in the lawyer's trust account.
☒ True False
9. Plaintiff's counsel need not attempt to negotiate a client's medical lien if requesting a reduction of the lien would cause the medical provider to no longer provide treatment on liens.
True ☒ False
10. In fulfilling its ethical obligations, defense counsel should include in settlement agreements indemnification provisions by which the plaintiff's lawyer promises to hold the defendant or the insurer harmless and to indemnify them against any claims that the plaintiff should have paid out of the settlement proceeds.
True ☒ False
11. An attorney may use his or her own funds to "cover" a bounced settlement check.
True ☒ False
12. Plaintiff's counsel may charge a contingency fee for obtaining a client med pay, so long as the amount is not unreasonable.
☒ True False
13. In the absence of a conflict, insurance-appointed counsel represents both the insured and the insurer and has duties of confidentiality and care to both as co-clients.
☒ True False
14. Conducting initial client consultations and negotiating with claims adjusters can be done by non-attorneys so long as the matter is pre-litigation.
True ☒ False
15. Repayment of a third-party loan to fund litigation expenses may not be contingent on the success of the litigation for which the loan is obtained.
☒ True False
16. Lawyers have ethical duties to affirmatively seek to discover third parties with an interest in settlement funds.
True ☒ False
17. It is ethical for defense lawyers to seek indemnity provisions from plaintiffs' lawyers in settlement agreements because of the insurance-appointed counsel's duty of zealous advocacy.
True ☒ False
18. The mere assertion of a "claim" by a general, unsecured creditor is not an "interest" in the settlement funds themselves in the hands of the plaintiff's lawyer.
☒ True False
19. A written retainer agreement, executed by the parties, is mandatory in contingent fee cases.
☒ True False
20. The liability insurer and its policyholder cannot contractually stipulate that the insurer will control the defense and settlement of the case because that would impinge on defense counsel's duty of loyalty to the insured.
True ☒ False

THREE EASY STEPS
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- 1) Read the article on pages 21-23.
- 2) Answer the quiz questions on page 25. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

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ROA Page 080

The Brain Disease of Addiction

BY DR. MEL POHL, M.D.

Addiction, or “Substance Use Disorder,” as it is termed by the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), is a chronic, progressive and potentially fatal brain disease. The brain is composed of 100 million cells and is in charge of virtually all human functioning – what we do, say, think, remember, decide, all our actions, emotions, sensations and so much more. The brain is divided into several parts – the two areas of focus for this discussion are the frontal lobe (thoughts and executive function) and the midbrain (reptile brain), which contains the limbic system (survival functions and emotions.)

In defining addiction, certain symptoms and characteristics are the hallmark of the disease process. Craving is one symptom of addiction and is defined as having the desire for the drug or behavior when it is absent. Tolerance occurs when the body accommodates to the substance with chronic use, and the substance has less effect on the body over time, despite an increase in the dosage (this is the condition when a person can “hold his/her liquor” without appearing intoxicated). Physical dependence occurs when the body has changed so much after regular use of the substance, that it is not normal without the substance, and the person will experience withdrawal (the opposite effect of the drug).

The most common reasons people use substances are to feel good (reward) or to escape from feeling bad (relief). Everyone wants to feel good and avoid bad feelings – that’s human nature. What happens in the brain with addiction is the person feels *so good* and gets so much relief that he/she pursues this “improved state,” despite the fact that over time, bad things happen and well-being is lost. The drug works so well it develops survival salience, which means that the person’s brain thinks and feels like

it needs the drug to survive – even more than food, water, sleep or sex. This state results in the pathological pursuit of reward and/or relief.

Loss of control is another key symptom that occurs for an addicted person, essentially because of a brain short-circuit, so that one drink inevitably leads to 10 and a binge, a DUI, broken promise or squandered paycheck. Cutting back does not work very well to treat addiction, because of this loss of control phenomenon. Optimal treatment is abstinence from all mood-altering drugs with the aid of outside resources such as treatment.

The other defining characteristic of addiction is continued use despite consequences. In other words, addicts continue to use even though their job is on the line, relationships are jeopardized, finances are wrecked and self-esteem is down at the bottom of a deep dark well.

The Brain Disease of Addiction

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. The brain is composed of ____ million cells.
A. 1 B. 100 C. 19 D. 10
2. Addiction or "Substance Use Disorder" as it is termed by the DSM 5, is a chronic, progressive and potentially fatal brain disease.
True False
3. The function of the frontal lobe of the brain is:
A. Creativity B. Emotions C. Thoughts and executive function D. Survival
4. ____ occurs when the body has changed so much after regular use of the substance, that it is not normal without the substance.
A. Loss of control B. Physical dependence C. Tolerance D. Craving
5. The most common reasons people use substances are to feel good or to escape from feeling bad.
True False
6. Cutting back works well in treating addiction.
True False
7. Continued use despite consequences and loss of control are two characteristics of addiction.
True False
8. Most-used substances leading to addiction include:
A. Alcohol and other depressants
B. Stimulants
C. Opioids
D. All of the above
9. There is no one-size-fits-all for treatment, and not all forms of treatment are appropriate for everybody.
True False
10. The levels of formal treatment available through the treatment industry are:
A. Inpatient levels B. Outpatient levels
C. Supportive living D. All of the above
11. Medications to treat addiction are, at best, an adjunct to the overall treatment of addiction.
True False
12. For an addict, drug usage is only approximately ____ percent of the problem.
A. 2 B. 25 C. 5 D. 10
13. The Substance Abuse and Mental Health Services Administration (SAMSHA) defines recovery as: "A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential."
True False
14. Addressing the ____ percent is the difference between abstinence and recovery.
A. 98 B. 75 C. 95 D. 90
15. Some of the underlying principles of recovery include:
A. Willingness B. Surrender
C. Honesty D. All of the above
16. According to one study, 21-35 percent of U.S. lawyers meet criteria for substance use disorder with alcohol being the most prevalent.
True False
17. Potential problems for lawyers that put them at risk for addiction include:
A. Isolation B. Stress
C. Competition D. All of the above and more
18. Data shows that ____ are effective tools in recovery from addiction.
A. Gym workouts B. 12-step programs
C. Happy hours D. Vacations
19. Addiction is a chronic health condition.
True False
20. Dr. Mel Pohl encourages attorneys to read this article with an eye toward how to take better care of themselves and their family.
True False

THREE EASY STEPS
TO CLE CREDIT – \$45

- 1) Read the article on pages 24-28.
- 2) Answer the quiz questions on page 29. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

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ROA Page 083

How to Recognize When It's Time to Get Support

BY JACENT WAMALA, LICENSED
MARRIAGE AND FAMILY THERAPIST

Seeking support for mental health concerns has traditionally been seen as taboo. **With the current political climate, social justice concerns, and transitioning out of a global pandemic, lawyers are in a season of potentially facing unique challenges and may need to seek support now more than before.** It is safe to say that for many, there have been unprecedented stressors present over the last year. The ability to have objective eyes on one's situation helps know when to get the support needed to make a highly stressful profession sustainable. This article will also address the main reasons why people utilize therapy, ways to cope, and how to identify a therapist that is a good fit.

Have you ever felt overwhelmed with too much on your plate? Have you wondered how you were going to manage it all? Perhaps you have isolated yourself or been paralyzed and unmotivated to do the things you used to love. These types of behaviors, thoughts, and feelings are indications of anxiety and depression. Learning to process anxiety and depression are the two main reasons people attend therapy sessions.

The most prevalent causes of concern for clients entering therapeutic

services because of anxiety include hypervigilance, irritability, restlessness, lack of concentration, racing thoughts, unwanted thoughts, fatigue, or sweating.

Depressive symptoms include insomnia or sleeping too much; slowed thinking, speaking, or body movements; feelings of worthlessness or guilt; fixating on past failures or self-blame; unexplained physical problems, such as back pain or headaches; angry outbursts, irritability, or frustration, even over small matters; feelings of sadness, tearfulness, emptiness, or hopelessness.

Both depression and anxiety are on a spectrum. On one end of the spectrum, dwelling on the past leads to sadness,

which over time can cause depression. Being down or feeling sad is not the same as depression.

"An estimated 17.3 million adults in the United States had at least one major depressive episode" (NIMH, 2019). Replaying situations and scenarios wishing you "shoulda, coulda, woulda" done differently and so on is called rumination. This behavior is a key indicator of an individual dealing with a depressive episode. Depression leads to a sort of paralysis. Often when someone is depressed, they have trouble literally moving or attending to basic functions because of this paralysis.



How to Recognize When It's Time to Get Support

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Two main reasons people go to therapy:
a. eating disorders and stress
b. relationships and anxiety
c. anxiety and depression
d. mindfulness and stress
2. Anxiety and stress are the same thing.
a. True
b. False
3. Depression and being down are the same thing.
a. True
b. False
4. It's best to get support as soon as you notice typical functioning is being impaired or effected.
a. True
b. False
5. Which of the following is not a symptom of anxiety?
a. lack of concentration
b. lethargy
c. hypervigilance
d. racing thoughts
6. Racing thoughts is a symptom of depression.
a. True
b. False
7. There are more than 3 million cases of anxiety a year.
a. True
b. False
8. Which of the following is a symptom of both anxiety and depression?
a. irritability
b. sleeping too much
c. slowed thinking
d. self-blame
9. Anxiety and depression are on opposite ends of a spectrum.
a. True
b. False
10. Rumination is:
a. spreading rumors
b. recalling childhood memories
c. replaying situations over and over in your mind
d. angry outbursts
11. Secondary trauma is witnessing direct trauma.
a. True
b. False
12. Finding a therapist too early is not helpful.
a. True
b. False
13. Practicing awareness helps a person know what is going on in their body and mind.
a. True
b. False
14. One of the greatest misconceptions is that people have to manage their life concerns alone.
a. True
b. False
15. Secondary trauma is an indirect exposure to trauma through a firsthand account or narrative of a traumatic event.
a. True
b. False
16. Difficulty self-regulating is one sign it is time to see a therapist or get support.
a. True
b. False
17. Journaling is one _____ to help you work through feelings and traumatic experiences.
a. tool
b. strategy
c. exercise
d. all of these answers
18. Mindfulness is a form of meditation.
a. True
b. False
19. The therapeutic intervention called grounding is different than mindfulness.
a. True
b. False
20. Two great indicators that a therapist is a good fit are the therapist listens and understands, and you have a sense of hopefulness shortly after working with the therapist.
a. True
b. False

How to Recognize When It's Time to Get Support

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- 1) Read the article on pages 20-21.
- 2) Answer the quiz questions on page 23. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

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ROA Page 086

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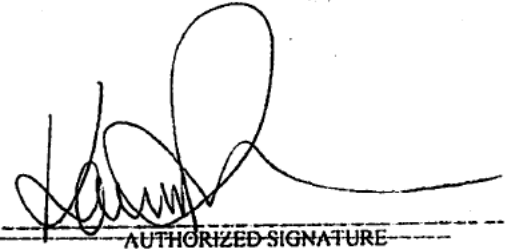
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EXHIBIT 5

Filing status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶

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HENDERSON, NV 89014 ☐ You ☐ SpouseForeign country name Foreign province/county Foreign postal code If more than four dependents, see inst. and ✓ here ☐Standard Deduction ☐ Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent ☐ Spouse itemizes on a separate return or you were dual-status alienAge/Blindness You: ☐ Were born before January 2, 1955 ☐ Are blind Spouse: ☐ Was born before January 2, 1955 ☐ Is blindDependents (see instructions):
(1) First name Last name (2) Social security no. (3) Relationship to you (4) ✓ if qualifies for (see inst.):
Child tax credit Credit for other dependents
X

Standard Deduction for - • Single or married filing separately, \$12,200 • Married filing jointly or Qualifying widow(er), \$24,400 • Head of household, \$18,350 • If you checked any box under Standard Deduction, see instructions.	1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
	2a	Tax-exempt interest	2a	
	3a	Qualified dividends	3a	
	4a	IRA distributions	4a	
	c	Pension and annuities.	4c	
	5a	Social security benefits	5a	
	6	Capital gain or (loss). Attach Schedule D if required. If not required, check here	6	
	7a	Other income from Schedule 1, line 9	7a	7,035.
	b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your total income	7b	7,035.
	8a	Adjustments to income from Schedule 1, line 22	8a	
	b	Subtract line 8a from line 7b. This is your adjusted gross income	8b	7,035.
9	Standard deduction or itemized deductions (from Schedule A)	9	24,400.	
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A	10		
11a	Add lines 9 and 10	11a	24,400.	
b	Taxable income. Subtract line 11a from line 8b. If zero or less, enter -0-	11b	0.	

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12a	Tax (see inst. Check if any from Form(s): <input type="checkbox"/> 8814 <input type="checkbox"/> 2 <input type="checkbox"/> 4972 <input type="checkbox"/> 3 <input type="checkbox"/>	12a	0.
b	Add Schedule 2, line 3, and line 12a and enter the total.	12b	0.
13a	Child tax credit or credit for other dependents	13a	
b	Add Schedule 3, line 7, and line 13a and enter the total.	13b	
14	Subtract line 13b from line 12b. If zero or less, enter -0-	14	0.
15	Other taxes, including self-employment tax, from Schedule 2, line 10	15	
16	Add lines 14 and 15. This is your total tax .	16	0.
17	Federal income tax withheld from Forms W-2 and 1099	17	
18	Other payments and refundable credits:		
a	Earned income credit (EIC) NO	18a	
b	Additional child tax credit. Attach Schedule 8812	18b	
c	American opportunity credit from Form 8863, line 8	18c	
d	Schedule 3, line 14	18d	
e	Add lines 18a through 18d. These are your total other payments and refundable credits	18e	
19	Add lines 17 and 18e. These are your total payments	19	0.
20	If line 19 is more than line 16, subtract line 16 from line 19. This is the amount you overpaid	20	0.
21a	Amount of line 20 you want refunded to you . If Form 8888 is attached, check here <input type="checkbox"/>	21a	
Direct deposit? See instructions.	b Routing number <input type="checkbox"/> c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d Account number		
22	Amount of line 20 you want applied to your 2020 estimated tax	22	
Amount You Owe	23 Amount you owe. Subtract line 19 from line 16. For details on how to pay, see instructions	23	
	24 Estimated tax penalty (see instructions)	24	

• If you have a qualifying child, attach Sch. EIC

• If you have nontaxable combat pay, see instructions.

Refund

Direct deposit?
See instructions.

**Amount
You Owe****Third Party
Designee**

(Other than
paid preparer)


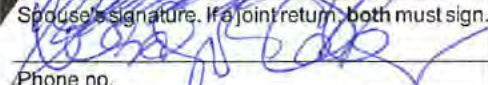
Do you want to allow another person (other than your paid preparer) to discuss this return with the IRS? See inst. ☐ Yes. Complete below. ☒ No

Designee's name	Phone no.	Personal identification number (PIN)

**Sign
Here**

Joint return?
See instructions.
Keep a copy for
your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return?	Your signature	Date	Your occupation	If the IRS sent you an ID Protection PIN, enter it here (see inst.)
		2/4/20	CURRENTLY UNEMPL	
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	If the IRS sent your spouse an ID Protection PIN, enter it here (see inst.)
		2/4/20	CURRENTLY UNEMPL	
	Phone no.	Email address		

**Paid
Preparers
Use Only**

Preparer's name	Preparer's signature	Date	PTIN	Check if: <input type="checkbox"/> 3rd Party Designee <input type="checkbox"/> self-employed
Firm's name	Phone no.	Firm's EIN		
Firm's address				

Go to www.irs.gov/Form1040 for instructions and the latest information.

Form 1040 (2019)

SCHEDULE 1
(Form 1040 or 1040-SR)

Department of the Treasury
Internal Revenue Service

Additional Income and Adjustments to Income

▶ Attach to Form 1040 or 1040-SR.
▶ Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2019

Attachment
Sequence No. 01

Name(s) shown on Form 1040 or 1040-SR

KYM S CUSHING & WENDY

Your social security number

At any time during 2019, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency? ☐ Yes ☒ No

Part I Additional Income

1	Taxable refunds, credits, or offsets of state and local income taxes	1	
2a	Alimony received	2a	
b	Date of original divorce or separation agreement (see instructions) ▶		
3	Business income or (loss). Attach Schedule C	3	
4	Other gains or (losses). Attach Form 4797.	4	
5	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	5	
6	Farm income or (loss). Attach Schedule F.	6	
7	Unemployment compensation	7	7,035.
8	Other income. List type and amount ▶	8	
9	Combine lines 1 through 8. Enter here and on Form 1040 or 1040-SR, line 7a	9	7,035.

Part II Adjustments to Income

10	Educator expenses	10	
11	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	11	
12	Health savings account deduction. Attach Form 8889	12	
13	Moving expenses for members of the Armed Forces. Attach Form 3903	13	
14	Deductible part of self-employment tax. Attach Schedule SE	14	
15	Self-employed SEP, SIMPLE, and qualified plans	15	
16	Self-employed health insurance deduction	16	
17	Penalty on early withdrawal of savings	17	
18a	Alimony paid	18a	
b	Recipient's SSN ▶		
c	Date of original divorce or separation agreement (see instructions) ▶		
19	IRA deduction	19	
20	Student loan interest deduction	20	
21	Tuition and fees. Attach Form 8917	21	
22	Add lines 10 through 21. These are your adjustments to income. Enter here and on Form 1040 or 1040-SR, line 8a	22	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 1 (Form 1040 or 1040-SR) 2019

(3)

ROA Page 092

2019 Child Tax Credit and Credit for Other Dependents Worksheet

<p>1. Number of qualifying children under 17 with the required social security number: <u>X</u> \$2,000. Enter the result.</p>	1																							
<p>2. Number of other dependents, including qualifying children who are not under 17 or who do not have the required social security number: <u>1</u> X \$500. Enter the result.</p> <p>Caution. Don't include yourself, your spouse, or anyone who is not a U.S. citizen, U.S. national, or U.S. resident alien. Also, don't include anyone you included on line 1.</p>	2	500																						
<p>3. Add lines 1 and 2.</p>			3	500																				
<p>4. Enter the amount from Form 1040 or 1040- SR, line 8b, or Form 1040- NR, line 35.</p>	4	7,035																						
<p>5. 1040 and 1040- SR filers. Enter the total of any -</p> <ul style="list-style-type: none"> • Exclusion of income from Puerto Rico; and • Amounts from Form 2555, lines 45 and 50 and Form 4563, line 15. <p>1040- NR filers. Enter -0-.</p>	5	0																						
<p>6. Add lines 4 and 5. Enter the total.</p>			6	7,035																				
<p>7. Enter the amount shown below for your filing status.</p> <ul style="list-style-type: none"> • Married filing jointly - \$400,000 • All other filing statuses - \$200,000 	7	400,000																						
<p>8. Is the amount on line 6 more than the amount on line 7?</p> <p><input checked="" type="checkbox"/> No. Leave line 8 blank. Enter -0- on line 9.</p> <p><input type="checkbox"/> Yes. Subtract line 7 from line 6. If the result isn't a multiple of \$1,000, increase it to the next multiple of \$1,000. For example, increase \$425 to \$1,000, increase \$1,025 to \$2,000, etc.</p>	8																							
<p>9. Multiply the amount on line 8 by 5% (.05). Enter the result.</p>			9	0																				
<p>10. Is the amount on line 3 more than the amount on line 9?</p> <p><input type="checkbox"/> No. You cannot take the child tax credit or credit for other dependents on Form 1040 or 1040- SR, line 13a, or Form 1040- NR, line 49. You also can't take the additional child tax credit on Form 1040 or 1040- SR, line 18b, or Form 1040- NR, line 64. Complete the rest of your Form 1040, Form 1040- SR, or Form 1040- NR.</p> <p><input checked="" type="checkbox"/> Yes. Subtract line 9 from line 3. Enter the result. Go to Line 11.</p>	10	500																						
<p>11. Enter the amount from Form 1040 or 1040- SR, line 12b, or Form 1040- NR, line 45.</p>			11	0																				
<p>12. Add the following amounts from:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Schedule 3, line 1 or 1040-NR line 46</td> <td style="width: 10%; text-align: center;">+</td> <td style="width: 30%; border-bottom: 1px solid black;"></td> <td style="width: 10%; text-align: center;">Form 5695, line 30*+</td> <td style="width: 10%; border-bottom: 1px solid black;"></td> </tr> <tr> <td>Schedule 3, line 2 or 1040-NR line 47</td> <td style="text-align: center;">+</td> <td style="border-bottom: 1px solid black;"></td> <td>Form 8910, line 15**</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>Schedule 3, line 3</td> <td style="text-align: center;">+</td> <td style="border-bottom: 1px solid black;"></td> <td>Form 8936, line 23</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>Schedule 3, line 4 or 1040-NR line 48</td> <td style="text-align: center;">+</td> <td style="border-bottom: 1px solid black;"></td> <td>Schedule R, line 22</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table> <p style="text-align: right;">Enter the total.</p>			Schedule 3, line 1 or 1040-NR line 46	+		Form 5695, line 30*+		Schedule 3, line 2 or 1040-NR line 47	+		Form 8910, line 15**		Schedule 3, line 3	+		Form 8936, line 23		Schedule 3, line 4 or 1040-NR line 48	+		Schedule R, line 22		12	0
Schedule 3, line 1 or 1040-NR line 46	+		Form 5695, line 30*+																					
Schedule 3, line 2 or 1040-NR line 47	+		Form 8910, line 15**																					
Schedule 3, line 3	+		Form 8936, line 23																					
Schedule 3, line 4 or 1040-NR line 48	+		Schedule R, line 22																					
<p>13. Subtract line 12 from line 11.</p>			13																					
<p>14. Are you claiming any of the following credits?</p> <ul style="list-style-type: none"> • Mortgage interest credit, Form 8396. • Adoption credit, Form 8839. • Residential energy efficient property credit, Form 5695, Part I. • District of Columbia first-time homebuyer credit. Form 8859. <p><input checked="" type="checkbox"/> No. Enter -0-.</p> <p><input type="checkbox"/> Yes. If you are filing Form 2555, enter -0-. Otherwise, complete the Line 14 Worksheet, later, to figure the amount to enter here.</p>	14	0																						
<p>15. Subtract line 14 from line 13. Enter the result.</p>			15	0																				
<p>16. Is the amount on line 10 more than the amount on line 15?</p> <p><input checked="" type="checkbox"/> Yes. Enter the amount from line 15. See the TIP below.</p> <p><input type="checkbox"/> No. Enter the amount from line 10.</p>	16	0																						

This is your child tax credit and credit for other dependents.

Enter this amount on Form 1040 or 1040-SR, line 13a; or Form 1040-NR, line 49.

You may be able to take the **additional child tax credit** on Form 1040 or Form 1040- SR through line 18b, or Form 1040- NR, line 64, only if you answered "Yes" on line 16 and line 1 is more than zero.

- First, complete your Form 1040 or 1040- SR through line 18a (also complete Schedule 3, line 11) or Form 1040- NR through line 63 (also complete line 67).
- Then, use Schedule 8812 to figure any additional child tax credit.

Prepared for	KYM S CUSHING WENDY [REDACTED]	
Tax Summary	Gross Income \$ 7,035 Adjusted Gross Income \$ 7,035 Total Deductions \$ 24,400 Total Taxable Income \$ 0 Total Tax \$ 0 Total Payments \$ 0 Refund Amount \$ 0 Amount You Owe \$ 0	
Make check payable to	United States Treasury	
Mailing Address	Since you are filing your return electronically and you chose to use an electronic signature, you do not mail your return.	

Instructions

STEP 1 - Once your e-filed return has been accepted, you will receive an e-mail

STEP 2 - Keep a copy

Print a copy of the return for your records.

Please attach a copy of each W-2, W-2G, 1099G and 1099R to your return.



KYM S CUSHING
WENDY

Tax Return Signature/Consent to Disclosure
On-Line Self Select PIN without Direct Debit

Perjury Statement

Under penalties for perjury, I declare that I have examined this return, including any accompanying statements and schedules and, to the best of my knowledge and belief, it is true, correct, and complete.

Consent to Disclosure

I consent to allow my Intermediate Service Provider, transmitter, or Electronic Return Originator (ERO) to send my return to IRS and to receive the following information from IRS: a) an acknowledgement of receipt or reason for rejection of transmission; b) an indication of any refund offset; c) the reason for any delay in processing or refund; and, d) the date of any refund.

I am signing this Tax Return and Electronic Funds Withdrawal Consent, if applicable, by entering my Self Select PIN below.

Taxpayer's PIN: **67630**
Taxpayer's Date of Birth:
Taxpayer's Prior Year Adjusted Gross Income: **0.**
Taxpayer's Prior year PIN
Taxpayer's Electronic Filing PIN
Spouse's PIN: **67631**
Spouse's Date of Birth:
Spouse's Prior Year Adjusted Gross Income: **0.**
Spouse's Prior year PIN
Spouse's Electronic Filing PIN

Date: **03/27/2020**

KYM S CUSHING
WENDY F. [REDACTED]

2020

**Tax Return Signature/Consent to Disclosure
On-Line Self Select PIN without Direct Debit**

Perjury Statement

Under penalties for perjury, I declare that I have examined this return, including any accompanying statements and schedules and, to the best of my knowledge and belief, it is true, correct, and complete.

Consent to Disclosure

I consent to allow my Intermediate Service Provider, transmitter, or Electronic Return Originator (ERO) to send my return to IRS and to receive the following information from IRS: a) an acknowledgement of receipt or reason for rejection of transmission; b) an indication of any refund offset; c) the reason for any delay in processing or refund; and, d) the date of any refund.

I am signing this Tax Return and Electronic Funds Withdrawal Consent, if applicable, by entering my Self Select PIN below.

Date:

Taxpayer's PIN: [REDACTED]
Taxpayer's Date of Birth: 0.
Taxpayer's Prior Year Adjusted Gross Income:
Taxpayer's Prior year PIN
Taxpayer's Electronic Filing PIN
Spouse's PIN: [REDACTED]
Spouse's Date of Birth: 0.
Spouse's Prior Year Adjusted Gross Income:
Spouse's Prior year PIN
Spouse's Electronic Filing PIN

2020 Federal Tax Return Filing Instructions

FOR THE YEAR ENDING
December 31, 2020

Prepared for	KYM S CUSHING WENDY [REDACTED]	
Tax Summary	Gross Income Adjusted Gross Income Total Deductions Total Taxable Income Total Tax Total Payments Refund Amount Amount You Owe	\$ 33,494 \$ 33,194 \$ 24,800 \$ 8,394 \$ 520 \$ 905 \$ 385 \$ 0
Make check payable to	United States Treasury	
Mailing Address	Department of the Treasury Internal Revenue Service Ogden, UT 84201-0002	

Instructions

STEP 1 - Sign and date Form 1040

STEP 2 - Assemble what you need to mail

Attach any schedules and forms behind Form 1040 in order of the Attachment Sequence Number shown in the upper right corner of the schedule or form. If there are supporting statements, arrange them in the same order as the schedules or forms they support and attach them last. Do not attach correspondence or other items unless required to do so. Attach a copy of each W-2, W-2G, and 2439 to the front of Form 1040. Also attach Form(s) 1099-R or 1099-G if tax was withheld.

STEP 3 - Mail Form(s)

Mail Form 1040 and associated documents to the address above.

Retain the proof of mailing to avoid a late filing penalty.

We recommend you use one of these methods to send your 1040:

- U.S. Postal Service certified mail.

If you are not mailing to an address with a post office box, you may also use certain private delivery services (PDS) designated by the IRS to meet the 'timely mailing as timely filing' rule for tax returns. Go to [IRS.gov/PDS](https://www.irs.gov/PDS) for current list of designated services. For the IRS mailing addresses to use if you're using PDS, go to [IRS.gov/PDSstreetAddresses](https://www.irs.gov/PDSstreetAddresses).

CONTINUED ON NEXT PAGE

KYM·S CUSHING

WENDY [REDACTED]

2020 Federal Filing Instructions Continued

Instructions

STEP 4 -- Keep a copy

Print a copy of the return for your records.

Please attach a copy of each W-2, W-2G, 1099G and 1099R to your return.

1040 Department of the Treasury - Internal Revenue Service (99) 2020 OMB No. 1545-0074 IRS Use Only *Do not write or staple in this space.*

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent.

Your first name and middle initial **KYM S** Last name **CUSHING** Your social security number [REDACTED]

If joint return, spouse's first name and middle initial **WENDY** Last name [REDACTED] Apt. no. [REDACTED]

Home address (number and street). If you have a P.O. box, see instructions. **24 HUMMINGBIRD WAY** State **NV** ZIP code **89014**

City, town, or post office. If you have a foreign address, also complete spaces below. **HENDERSON** Foreign postal code [REDACTED]

Foreign country name [REDACTED] Foreign province/state/country [REDACTED]

At any time during 2020, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency? ☐ Yes ☒ No

Standard Deduction ☐ Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent ☐ Spouse itemizes on a separate return or you were dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1956 ☐ Are blind Spouse: ☐ Was born before January 2, 1956 ☐ Is blind

Dependents (see instructions):

(1) First name	Last name	(2) Social security no.	(3) Relationship to you	(4) Child tax credit	Credit for other dependents

If more than four dependents, see instr. and check here ☐

Attach Sch. B if required.

Standard Deduction for -

- Single or Married filing separately, \$12,400
- Married filing jointly or Qualifying widow(er), \$24,800
- Head of household, \$18,650
- If you checked any box under Standard Deduction, see instructions.

1	Wages, salaries, tips, etc. Attach Form(s) W-2.		13,167.
2a	Tax-exempt interest		
3a	Qualified dividends		
4a	IRA distributions		
5a	Pensions and annuities		
6a	Social security benefits		
7	Capital gain or (loss). Attach Schedule D if required. If not required, check here		
8	Other income from Schedule 1, line 9		20,327.
9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income		33,494.
10	Adjustments to income:		
a	From Schedule 1, line 22	10a	
b	Charitable contributions if you take the standard deduction. See instr.	10b	300.
c	Add lines 10a and 10b. These are your total adjustments to income		300.
11	Subtract line 10c from line 9. This is your adjusted gross income		33,194.
12	Standard deduction or itemized deductions (from Schedule A)		24,800.
13	Qualified business income deduction. Attach Form 8995 or Form 8995-A		
14	Add lines 12 and 13		24,800.
15	Taxable income. Subtract line 14 from line 11. If zero or less, enter -0-		8,394.

KBA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2020)

16	Tax (see instructions). Check if any from Form(s) <input type="checkbox"/> 8814 <input type="checkbox"/> 2 <input type="checkbox"/> 4972 <input type="checkbox"/> 3	16	838.
17	Amount from Schedule 2, line 3	17	
18	Add lines 16 and 17	18	838.
19	Child tax credit or credit for other dependents	19	
20	Amount from Schedule 3, line 7	20	318.
21	Add lines 19 and 20	21	318.
22	Subtract line 21 from line 18. If zero or less, enter - 0-	22	520.
23	Other taxes, including self-employment tax, from Schedule 2, line 10	23	
24	Add lines 22 and 23. This is your total tax	24	520.
25	Federal income tax withheld from:		
a	Form(s) W-2	25a	905.
b	Form(s) 1099	25b	
c	Other forms (see instructions)	25c	
d	Add lines 25a through 25c	25d	905.
26	2020 estimated tax payments and amount applied from 2019 return	26	
27	Earned income credit (EIC)	27	
28	Additional child tax credit. Attach Schedule 8812	28	
29	American opportunity credit from Form 8863, line 8	29	
30	Recovery rebate credit. See instructions	30	
31	Amount from Schedule 3, line 13	31	
32	Add lines 27 through 31. These are your total other payments and refundable credits	32	
33	Add lines 25d, 26, and 32. These are your total payments	33	905.
Refund	34 If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you overpaid	34	385.
	35a Amount of line 34 you want refunded to you . If Form 8888 is attached, check here <input type="checkbox"/>	35a	385.
Direct deposit? See instructions.	b Routing number XXXXXXXXXXXXXXXXXXXX c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d Account number XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
	36 Amount of line 34 you want applied to your 2021 estimated tax	36	
Amount You Owe	37 Subtract line 33 from line 24. This is the amount you owe now	37	
For details on how to pay, see instructions.	Note: Schedule H and Schedule SE filers, line 37 may not represent all of the taxes you owe for 2020. See Schedule 3, line 12e, and its instructions for details.		
	38 Estimated tax penalty (see instructions)	38	

Third Party Designee Do you want to allow another person to discuss this return with the IRS? See instructions ☐ Yes. Complete below. ☒ No

Designee's name Phone no. Personal identification number (PIN)

Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.	Your signature	Date	Your occupation CURRENTLY UNEMPL	If the IRS sent you an ID Protection PIN, enter it here (see inst.)
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation OFFICE ASSISTANT	If the IRS sent your spouse an ID Protection PIN, enter it here (see inst.)
	Phone no.	Email address		

Paid Preparer's Use Only	Preparer's name	Preparer's signature	Date	PTIN	Check if: <input type="checkbox"/> Self-employed
	Firm's name	Phone no.			
	Firm's address	Firm's EIN			

Go to www.irs.gov/Form1040 for instructions and the latest information.Form **1040** (2020)

SCHEDULE 1
(Form 1040)

Department of the Treasury
Internal Revenue Service

Additional Income and Adjustments to Income

▶ Attach to Form 1040, 1040-SR, or 1040-NR.
▶ Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2020

Attachment
Sequence No. 01

Name(s) shown on Form 1040, 1040-SR, or 1040-NR

KYM S CUSHING & WENDY

Your social security number

Part I Additional Income

1	Taxable refunds, credits, or offsets of state and local income taxes	1	
2a	Alimony received	2a	
b	Date of original divorce or separation agreement (see instructions) ▶		
3	Business income or (loss). Attach Schedule C	3	
4	Other gains or (losses). Attach Form 4797.	4	
5	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	5	
6	Farm income or (loss). Attach Schedule F	6	
7	Unemployment compensation	7	20,327.
8	Other income. List type and amount ▶	8	
9	Combine lines 1 through 8. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 8.	9	20,327.

Part II Adjustments to Income

10	Educator expenses	10	
11	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	11	
12	Health savings account deduction. Attach Form 8889	12	
13	Moving expenses for members of the Armed Forces. Attach Form 3903	13	
14	Deductible part of self-employment tax. Attach Schedule SE	14	
15	Self-employed SEP, SIMPLE, and qualified plans	15	
16	Self-employed health insurance deduction	16	
17	Penalty on early withdrawal of savings	17	
18a	Alimony paid	18a	
b	Recipient's SSN ▶		
c	Date of original divorce or separation agreement (see instructions) ▶		
19	IRA deduction	19	
20	Student loan interest deduction	20	
21	Tuition and fees deduction. Attach Form 8917.	21	
22	Add lines 10 through 21. These are your adjustments to income. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 10a.	22	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 1 (Form 1040) 2020

SCHEDULE 3
(Form 1040)

Department of the Treasury
Internal Revenue Service

Additional Credits and Payments

▶ Attach to Form 1040, 1040-SR, or 1040-NR.

▶ Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2020

Attachment
Sequence No. **03**

Name(s) shown on Form 1040, 1040-SR, or 1040-NR

KYM S CUSHING & WENDY

Your social security number

Part I Nonrefundable Credits

1	Foreign tax credit. Attach Form 1116 if required	1	
2	Credit for child and dependent care expenses. Attach Form 2441	2	
3	Education credits from Form 8863, line 19	3	
4	Retirement savings contributions credit. Attach Form 8880	4	318.
5	Residential energy credits. Attach Form 5695	5	
6	Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	6	
7	Add lines 1 through 6. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 20.	7	318.

Part II Other Payments and Refundable Credits

8	Net premium tax credit. Attach Form 8962	8	
9	Amount paid with request for extension to file (see instructions)	9	
10	Excess social security and tier 1 RRTA tax withheld	10	
11	Credit for federal tax on fuels. Attach Form 4136	11	
12	Other payments or refundable credits:		
a	Form 2439.	12a	
b	Qualified sick and family leave credits from Schedule(s) H and Form(s) 7202	12b	
c	Health coverage tax credit from Form 8885	12c	
d	Other:	12d	
e	Deferral for certain Schedule H or SE filers (see instructions)	12e	
f	Add lines 12a through 12e.	12f	
13	Add lines 8 through 12f. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 31	13	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 3 (Form 1040) 2020

DO NOT
FILE

Department of the Treasury
Internal Revenue Service▶ Attach to Form 1040, 1040-SR, or 1040-NR.
▶ Go to www.irs.gov/Form8880 for the latest information.**2020**
Attachment
Sequence No. 54

Name(s) shown on return

KYM S CUSHING & WENDY

Your social security number

You **cannot** take this credit if **either** of the following applies.

- The amount on Form 1040, 1040-SR, or 1040-NR, line 11, is more than \$32,500 (\$48,750 if head of household; \$65,000 if married filing jointly).
- The person(s) who made the qualified contribution or elective deferral (a) was born after January 1, 2003; (b) is claimed as a dependent on someone else's 2020 tax return; or (c) was a student (see instructions).

- Traditional and Roth IRA contributions, and ALE account contributions by the designated beneficiary for 2020. Do not include rollover contributions.
- Elective deferrals to a 401(k) or other qualified employer plan, voluntary employee contributions, and 501(c)(18)(D) plan contributions for 2020 (see instructions).
- Add lines 1 and 2.
- Certain distributions received after 2017 and before the due date (including extensions) of your 2020 tax return (see instructions). If married filing jointly, include both spouses' amounts in both columns. See instructions for an exception.
- Subtract line 4 from line 3. If zero or less, enter -0-
- In each column, enter the smaller of line 5 or \$2,000.
- Add the amounts on line 6. If zero, stop; you can't take this credit.
- Enter the amount from Form 1040, 1040-SR, or 1040-NR, line 11*.
- Enter the applicable decimal amount from the table below.

	(a) You	(b) Your spouse
1		
2		636
3		636
4		
5	0	636
6	0	636
7		636
8	33,194	

If line 8 is -		And your filing status is -		
Over -	But not over-	Married filing jointly	Head of household	Single, Married filing separately, or Qualifying widow(er)
Enter on line 9 -				
—	\$19,500	0.5	0.5	0.5
\$19,500	\$21,250	0.5	0.5	0.2
\$21,250	\$29,250	0.5	0.5	0.1
\$29,250	\$31,875	0.5	0.2	0.1
\$31,875	\$32,500	0.5	0.1	0.1
\$32,500	\$39,000	0.5	0.1	0.0
\$39,000	\$42,500	0.2	0.1	0.0
\$42,500	\$48,750	0.1	0.1	0.0
\$48,750	\$65,000	0.1	0.0	0.0
\$65,000	—	0.0	0.0	0.0

Note: If line 9 is zero, stop; you can't take this credit.

- Multiply line 7 by line 9.
- Limitation based on tax liability. Enter the amount from the Credit Limit Worksheet in the instructions.
- Credit for qualified retirement savings contributions. Enter the smaller of line 10 or line 11 here and on Schedule 3 (Form 1040), line 4.

* See Pub. 590-A for the amount to enter if you claim any exclusion or deduction for foreign earned income, foreign housing, or income from Puerto Rico or for bona fide residents of American Samoa.

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Form 8880 (2020)

Credit Limit Worksheet - Keep For Your Records

Name **KYM S CUSHING & WENDY**

SSN

Credit Limit Worksheet - Form 8863 - Line 19

Nonrefundable Credit Worksheet

1. Enter the amount from Form 8863, line 18 1. _____
2. Enter the amount from Form 8863, line 9 2. _____
3. Add lines 1 and 2 3. _____
4. Enter the amount from:
Form 1040 or 1040-SR, line 18 4. _____
5. Enter the total of your credits from:
Schedule 3 (Form 1040), lines 1 and 2, and Schedule R, line 22 5. _____
6. Subtract line 5 from line 4 6. _____
7. Enter the smaller of line 3 or line 6 here and on Form 8863, line 19 7. _____

Credit Limit Worksheet - Form 8880, line 11

1. Enter the amount from Form 1040, 1040-SR, or 1040-NR, line 18. 1. 838.
2. **Form 1040 or 1040-SR filers:** Enter the total of your credits from Schedule 3, lines 1 through 3, and Schedule R, line 22.
Form 1040-NR filers: Enter the total of your credits from Schedule 3, line 1 through 3 2. 0.
3. Subtract line 2 from line 1. Also enter this amount on Form 8880, line 11. But if zero or less, **stop**; you can't
take the credit - don't file this form 3. 838.

FILE

KYM-S CUSHING & WENDY
Recovery Rebate Credit Worksheet- Line 30

1. Can you be claimed as a dependent on another person's 2020 return? If filing a joint return, go to line 2.		
<input checked="" type="checkbox"/> No.	Go to line 2.	
<input type="checkbox"/> Yes.	You can't take the credit. Stop here. Don't complete the rest of this worksheet and don't enter any amount on line 30.	
2. Does your 2020 return include a valid social security number (defined under Valid social security number, earlier) for you and, if filing a joint return, your spouse?		
<input checked="" type="checkbox"/> Yes.	Skip lines 3 and 4, and go to line 5.	
<input type="checkbox"/> No.	If you are filing a joint return, go to line 3.	
If you aren't filing a joint return, Stop you can't take the credit. Don't complete the rest of this worksheet and don't enter any amount on line 30.		
3. Was at least one of you a member of the U.S. Armed Forces at any time during 2020, and does at least one of you have a valid social security number (defined under Valid social security number, earlier)?		
<input type="checkbox"/> Yes.	Your credit is not limited. Go to line 5.	
<input type="checkbox"/> No.	Go to line 4.	
4. Does one of you have a valid social security number (defined under Valid social security number, earlier)?		
<input type="checkbox"/> Yes.	Your credit is limited. Go to line 5.	
<input type="checkbox"/> No.	Stop here. You can't take the credit. Don't complete the rest of this worksheet and don't enter any amount on line 30.	
5. If your EIP 1 was \$1,200 (\$2,400 if married filing jointly) plus \$500 for each qualifying child you had in 2020, skip lines 5 and 6, enter zero on lines 7 and 16, and go to line 8. Otherwise, enter:		
<ul style="list-style-type: none"> \$1,200 if single, head of household, married filing separately, qualifying widow(er), or if married filing jointly and you answered "Yes" to question 4, or \$2,400 if married filing jointly and you answered "Yes" to question 2 or 3 		5. _____
6. Multiply \$500 by the number of qualifying children under age 17 at the end of 2020 listed in the Dependents section on page 1 of Form 1040 or 1040-SR for whom you either checked the "Child tax credit" box or entered an adoption taxpayer identification number		6. _____
7. Add lines 5 and 6		7. <u>0</u>
8. If your EIP 2 was \$600 (\$1,200 if married filing jointly) plus \$600 for each qualifying child you had in 2020, skip lines 8 and 9, enter zero on lines 10 and 19, and go to line 11. Otherwise, enter:		
<ul style="list-style-type: none"> \$600 if single, head of household, married filing separately, qualifying widow(er), or if married filing jointly and you answered "Yes" to question 4, or \$1,200 if married filing jointly and you answered "Yes" to question 2 or 3 		8. _____
9. Multiply \$600 by the number of qualifying children under age 17 at the end of 2020 listed in the Dependents section on page 1 of Form 1040 or 1040-SR for whom you either checked the "Child tax credit" box or entered an adoption taxpayer identification number		9. _____
10. Add lines 8 and 9		10. <u>0</u>
11. Enter the amount from line 11 of Form 1040 or 1040-SR		11. <u>33,194</u>
12. Enter the amount shown below for your filing status:		
<ul style="list-style-type: none"> \$150,000 if married filing jointly or qualifying widow(er) \$112,500 if head of household \$75,000 if single or married filing separately 		12. <u>150,000</u>
13. Is the amount on line 11 more than the amount on line 12?		
<input checked="" type="checkbox"/> No.	Skip line 14. Enter the amount from line 7 on line 15 and the amount from line 10 on line 18.	13. _____
<input type="checkbox"/> Yes.	Subtract line 12 from line 11.	13. _____
14. Multiply line 13 by 5% (0.05)		14. _____
15. Subtract line 14 from line 7. If zero or less, enter - 0-		15. <u>0</u>
16. Enter the amount, if any, of the EIP 1 that was issued to you (before offset for any past-due child support payment). You may refer to Notice 1444 on your tax account information at IRS.gov/Account for the amount to enter here		16. <u>0</u>
17. Subtract line 16 from line 15. If zero or less, enter - 0-. If line 16 is more than line 15, you don't have to pay back the difference		17. <u>0</u>
18. Subtract line 14 from line 10. If zero or less, enter - 0-		18. <u>0</u>
19. Enter the amount, if any, of EIP 2 that was issued to you. You may refer to Notice 1444-B or your tax account information at IRS.gov/Account for the amount to enter here		19. <u>0</u>
20. Subtract line 19 from line 18. If zero or less, enter - 0-. If line 19 is more than line 18, you don't have to pay back the difference		20. <u>0</u>
21. Recovery rebate credit. Add lines 17 and 20. Enter the result here and, if more than zero, on line 30 of Form 1040 or 1040-SR		21. <u>0</u>

1 **AFFIDAVIT OF KYM SAMUEL CUSHING**

2 I, Kym Samuel Cushing, having been duly sworn, hereby state and declare under
3
4 penalty of perjury:

- 5 1. I am the petitioner in this bar action. The statements contained in the attached
6 SCR 116 petition for reinstatement are true and correct except for those few
7 statements which are noted as being based on information and belief.
8
9 2. A true and correct copy of the Supreme Court of Nevada's January 31, 2020,
10 order suspending me from the practice of law for nine months is attached to this
11 petition for reinstatement as **Exhibit "1."**
12
13 3. A true and correct copy of the certificate documenting my successful completion
14 of an 8-hour anger management class is attached to this petition for
15 reinstatement as **Exhibit "2."**
16
17 4. True and correct copies of certificates of completion documenting my
18 participation in continuing legal education courses are attached to this petition
19 for reinstatement as **Exhibit "3."**
20
21 5. As of this date, I have completed 72.50 hours of general continuing legal
22 education credits, 23.00 hours of ethics credits, and 22.75 hours of substance
23 abuse, bias, and stress management credits. *See also* **Exhibit "3."**
24
25 6. Not long after the supreme court's suspension order, I subscribed to various
26 legal news sites so I could keep up to date on legal trends, new cases as well as
27
28

1 new and/or modified court policies and procedures. Since February 2020, I have
2 read:

3
4 a. Every single published decision issued by the Supreme Court of Nevada.

5 b. Every single published decision issued by Ninth Circuit Court of Appeals.

6 In my opinion, federal judges are the “cardinals of the judiciary.” Their
7 written decisions are works of art. Even if I did not agree with the
8 outcome, I nevertheless found the contrary arguments persuasive, well-
9 reasoned and exhaustively researched. *See e.g., LA Alliance for Human Rights,*
10 *et al. v. City of Los Angeles, et al.* LA CV 20-02291-DOC-(KESx) (C.D. Cal.
11 2021), a 110-page decision/order (later vacated and remanded by the
12 Ninth Circuit).

13
14
15 c. Every single published decision issued by the Second Circuit Court of
16 Appeals (New York, et al.)

17
18 d. Every monthly edition of *The Nevada Lawyer*, including all notices and
19 updates issued by the State Bar of Nevada, the Supreme Court of Nevada,
20 and the Eighth Judicial District.

21
22
23 7. I have not read / studied so many cases from so many diverse fields since law
24 school. I believe I have kept myself sufficiently informed as to the current state
25 of the law, new cases, legal trends, and new and/or modified court policies and
26 procedures such that I could resume practicing law with no difficulty.

1 8. A true and correct copy of a cashier's check in the amount of \$7,500 payable to
2 the State Bar of Nevada is attached to this petition for reinstatement as "Exhibit
3 4."

5 9. I successfully completed my two-year contract with NLAP including passing
6 every random drug tox screen, urine test and breathalyzer test. I never failed a
7 single test. NLAP's Director, Larry Espidero, told me he sent all paperwork
8 documenting my successful participation and completion in the NLAP program
9 directly to bar counsel. I assume bar counsel will provide these documents to the
10 panel.
11

12
13 *10. March 28, 2018 is the date I completely stopped drinking alcohol. I have suffered no relapses*
14 *and have remained alcohol-free since that time.*
15

16 11. Although not required by the supreme court's order, I also attended AA meetings
17 at the Camel Club (intersection of Sunset Blvd. and Eastern Ave.) at least once
18 a week and will continue attended AA meetings for the foreseeable future.
19

20 12. Since the date of my suspension, I have not been engaged in the practice of law
21 in any capacity. In fact, I have been unemployed (by choice) during this period.
22 I also do not have any offers of employment.
23

24 13. True and correct copies of my filed federal income tax returns for the years 2019
25 and 2020 are attached to this petition for reinstatement as "Exhibit 5" which
26 document the sources of my income.
27

1 14. I am by nature a very private person. I do not even subscribe to any social media
2 sites, I never have. Explaining why I did not timely pay the costs ordered by the
3 supreme court (even though I had the funds to do so) requires that I publicly
4 disclose very private information, thoughts, and opinions which I am reluctant
5 to do out of fear they will be used against me at the hearing. But I have no choice
6 as I swore to tell truth. I refuse to lie or create some false narrative, and I hope
7 my statements below will not negatively affect my petition for reinstatement:
8
9

10
11 a. First, since I suddenly found myself unemployed for the first time in 45
12 years -- and knowing I would continue to be unemployed for at least the
13 next nine months -- I decided to save what money I had to pay bills and
14 provide for my family, my wife and three children.
15

16 b. Second, while this matter was ongoing, my former firm, Wilson Elser, and
17 I were engaged in heated, protracted employment litigation in New York
18 state court as well as federal court here in Nevada. Wilson Elser was
19 holding on to almost \$350,000 of my money – money that I had already
20 earned which it refused to pay. I was not sure when or if I would ever get
21 that money, so I chose to be very fiscally conservative and cut out all
22 unnecessary expenditures.
23
24

25
26 c. Finally, the main reason I did not timely pay these costs stems from my
27 experience with the state bar's discipline system, how it conducted the
28

1 investigation, the irregularities which occurred during the hearing, and in
2 particular, the conduct of the assistant bar counsel who prosecuted this
3 case.
4

5 15. It was the absolute worst experience of my life. Nothing even remotely compares
6 to what I experienced, what I endured. At the end, it felt as if I had been
7 physically and mentally violated in the worst conceivable way.
8

9 16. My former firm's intentional interference in this bar action, a non-party with no
10 standing, was pervasive, all-encompassing, and it infected the entire process.
11 Wilson Elser, again a non-party with no standing -- was allowed to conduct
12 discovery, file motions to exclude evidence, file motions in *limine* -- all with the
13 express approval of bar counsel and the panel chair.¹ This was not *The State Bar*
14 *v. Kym Cushing*, bar action, it was *The State Bar and Wilson Elser v. Kym Cushing*,
15 two plaintiffs against one defendant.
16
17
18

19 18. Some glaring examples²:
20
21
22

23 ¹ It was widely known at the time that Wilson Elser interfered in this bar action so it could ensure
24 Cushing received the harshest punishment possible, so it could then use that punishment against
25 Cushing in his lawsuit against the firm. Copies of motions and briefs filed in this bar action, including
26 the court reporter's transcripts of the proceedings made their appearance in the New York action in
27 record time.

28 ² Numerous examples of corruption, improper collusion, improprieties, and abuses are documented
in appellant's opening brief, reply brief and motion for reconsideration. I challenge anyone to read
these three briefs and then try and justify the supreme court's decision.

- 1 a. There is no legal justification to support bar counsel's written
2 demand that before I file my private action against Wilson Elser, I
3 had to first get her approval over the wording of the complaint.
4 And if I did not get her approval, additional charges of misconduct
5 would be added to the bar complaint. Bar counsel has no authority
6 to prevent someone from filing a private, personal lawsuit, or force
7 someone to vet the language of a complaint through her or give her
8 veto power over the wording of an outside personal complaint.
9
10 b. This one -- of numerous examples -- of prosecutorial abuse
11 demonstrates the extent of bar counsel's improper collusion with
12 non-party Wilson Elser, which freely and actively participated in
13 this action. Bar counsel agreed to assist Wilson Elser, not the state
14 bar, in this action to lessen Wilson Elser's potential exposure in
15 Cushing's lawsuit against his former firm. Bar Counsel betrayed her
16 oath of office, abused her authority, and used her position to not
17 further the interests of justice or the state bar, but to help a non-
18 party get what it wanted.
19
20 c. Despite having the legal obligation to prepare the complete record
21 for the supreme court's review, bar counsel "failed" to include this
22
23
24
25
26
27
28

1 written document in the official record. I had to do it, and her
2 demand was eventually added to the official record.
3

4 d. No legal justification exists to support bar counsel's last-minute
5 written motion demanding that I undergo an immediate
6 comprehensive psychiatric in-patient examination – in retaliation
7 for me not agreeing to her request for a fourth hearing continuance.
8 This motion remains part of the public record and is easily available
9 by simply clicking a mouse, so anyone who looks will discover that
10 a state bar attorney claimed I was mentally unstable and needed
11 immediate psychiatric intervention.³ Because of this false motion
12 (which was denied by the panel chair), the panel chair, at the
13 beginning of each day, questioned me about my mental status, my
14 ability to comprehend what was going on, if I had taken drugs, etc.
15 These were the first questions the panel heard at the start of each
16 day.
17
18
19
20
21
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23
24

25
26
27 ³ I have had my share of disagreements with opposing counsel over the years, but this action is so over-the-top and
28 outrageous, it defies explanation. Can you imagine the consequences if this motion had been filed in federal court? I
am quite confident the author of such a motion would require the immediate assistance of counsel to get out of jail.

1 e. Abusing court procedures, *e.g.*, filing retaliatory motions based on
2 completely false claims would never be tolerated in any court. What
3 bar counsel did here was simply obscene.
4

5 f. Bar counsel again “failed” to include her motion as part of the
6 official record. I provided it and it eventually included in the official
7 record.
8

9 g. There is no legal justification to support non-party Wilson Elser’s
10 active interference in this bar action and, at the same time, prevent
11 me from even discussing Wilson Elser, its actions, its motivations,
12 or the circumstances which led up the filing of the grievance.
13 Wilson Elser was given free rein to essentially take over and direct
14 this bar action, yet I was not permitted to object to anything
15 concerning the firm’s actions, not even allowed to discuss at all.
16
17
18

19 19. I was a successful trial attorney for 28 years. I tried over 110+ jury trials in both
20 state and federal court. I only lost twice. I know how trials should be conducted.
21 I know my way around a courtroom. I know how judges should act. I know how
22 counsel should conduct themselves both in trial and during discovery. I know
23 the rules of evidence and civil procedure.
24
25

26 20. Naïvely, I believed I was entitled to a fair hearing before a neutral panel, one that
27 was free from outside interference. That did not happen.
28

1 21. The primary reason I did not timely pay the costs ordered by the supreme court
2 is that by the time the hearing concluded, I no longer wanted to be a lawyer and
3 I never wanted to be associated with the State Bar of Nevada ever again. The
4 thought of being associated again with this state bar made me sick. No lawyer
5 should ever experience what I went through. As noted earlier, I felt as if I had
6 been continuously physically and mentally violated in the worst conceivable way.
7 I lost my faith in the judicial system.

10 22. I have since moved on. I cannot change the past and dwelling on this experience
11 serves no useful purpose. I choose to look forward and not ruminate over what
12 happened. I accept what happened, and accept the fact that I cannot change the
13 past, so I am moving forward with a more positive outlook.

16 23. I am sure the bar will use my statements against me to try and show a failure to
17 accept responsibility for my actions or that I have not shown sufficient remorse.
18 I hope not. They are my personal feelings. Nevertheless, let me make this
19 perfectly clear: I accepted – and continue to accept -- complete responsibility for
20 my previous actions, just like I did in my one and only meeting with bar counsel
21 the day after the grievance was filed. *See* affidavit of Assistant Bar Counsel Dean
22 Pattee who was also present at my one – and only – meeting with bar counsel.

25 24. I sincerely regret what I did. I am sorry for my misconduct. I acknowledge that
26 my wrongful actions were the impetus for this bar action. Had I acted like I
27

1 should have, no bar action would have ever been filed. So, regardless of my
2 personal feelings and opinions about the disciplinary process itself and those who
3 participated in it, I acknowledge and admit that my misconduct would have
4 resulted in a bar action anyway and that the supreme court would have
5 disciplined me.
6

7
8 25. The stated goal of attorney discipline is not to punish the attorney, but to protect
9 the public. Nevertheless, my misconduct resulted in severe punishment. My legal
10 career is in shambles, I lost all my clients, I lost my job, my reputation is ruined,
11 and I suffered tremendous financial losses. I believe I have been punished
12 enough.
13

14
15 26. Regarding protecting the public, I have learned my lesson, and it was a hard
16 lesson to learn. I will never do anything that endangers the public or causes
17 someone to complain about my actions. This I promise.
18

19 27. In connection with protecting the integrity of the bar and the legal profession, I
20 say the same. I will never again do anything that disparages the integrity of the
21 state bar or the legal system. This I also promise.
22

23 28. I will be 63-years old on March 19, 2022. I could have easily walked away from
24 everything and just retired from practicing law. But I eventually came to the
25 realization that I needed to give back. I have all this knowledge and experience
26
27

1 and it would be such a waste to not share what I know or what I have learned
2 over the years. I need to give back to the community.
3

4 29. I will never again work for a firm. I will also never be a solo practitioner. Instead,
5 I would like to spend my remaining days assisting those in need of legal assistance.
6 I would like to volunteer full time at the Legal Aid Center of Southern Nevada
7 and do pro bono work, or work for other similar organizations which provide
8 legal assistance to those who cannot afford an attorney.
9

10 30. I have already signed up for attorney-training classes at the Legal Aid Center of
11 Southern Nevada and, with your blessing, look forward to starting this new
12 chapter in life.
13

14 Further your affiant sayeth not.
15

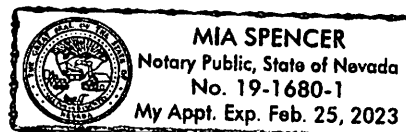
16
17 Dated this 20th day of January 2022.
18

19
20
21 Kym Samuel Cushing
22 NV Bar no.: 4242
23

24 State of Nevada
25 County of Clark

26 Signed and sworn to (or affirmed)
27 before me on 01/20/2022

28 by Kym Samuel Cushing
Notary Signature





FILED

JAN 31 2022

STATE BAR OF NEVADA

BY: [Signature]
OFFICE OF BAR COUNSEL

Case Nos.: SBN22-00022

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

IN RE: PETITION FOR REINSTATEMENT)
KYM S. CUSHING,)
Nevada Bar No. 4242)
Petitioner.)

**ORDER APPOINTING
HEARING PANEL CHAIR**

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

1. Gary Pulliam, Esq., Chair

DATED this 31 day of January, 2022.

SOUTHERN NEVADA DISCIPLINARY BOARD

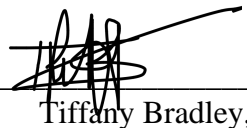
By: Dana P. Oswalt
Dana P. Oswalt (Jan 31, 2022 11:39 PST)
Dana Oswalt, Esq.
Nevada Bar No. 12061
Vice-Chair, Southern Nevada Disciplinary Board

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **ORDER APPOINTING HEARING PANEL CHAIR** was served by electronic mail to:

1. Gary A. Pulliam, Esq., (Panel Chair): pulliam.gary@gmail.com
2. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
3. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

DATED this 1st day of February 2022.

By: 
Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

FEB - 1 2022

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: SBN22-00022

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE:
PETITION FOR REINSTATEMENT

KYM S. CUSHING
Nevada Bar No. 4242,
Petitioner.

**NOTICE OF TELEPHONIC INITIAL
CASE CONFERENCE**

PLEASE TAKE NOTICE, the telephonic Initial Case Conference in the above-entitled matter is set for **Friday, February 25, 2022, at 10 a.m.**

The State Bar conference call number is 1-877-594-8353, participant passcode is 46855068#.

Dated this 1st day of February 2022.

STATE BAR OF NEVADA
Daniel M. Hooge, Bar Counsel

Phillip J. Pattee

By: Phillip J. Pattee (Feb 1, 2022 12:51 PST)

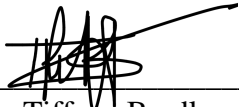
Phillip J. Pattee, Assistant Bar Counsel
Nevada Bar No. 4021
3100 W. Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382-2200

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **NOTICE OF**
3 **TELEPHONIC INITIAL CASE CONFERENCE** was served by electronic mail to:

- 4 1. Gary A. Pulliam, Esq., (Panel Chair): pulliam.gary@gmail.com
5 2. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
6 3. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

7 DATED this 1st day of February 2022.

8 By: 
9 Tiffany Bradley, an employee of
10 the State Bar of Nevada.
11
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25



FILED

FEB 28 2022

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

Case No.: SBN22-00022

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE:)
PETITION FOR REINSTATEMENT)
)
KYM S. CUSHING)
Nevada Bar No. 4242,)
Petitioner.)
)

SCHEDULING ORDER

Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), on Friday, February 25, 2022, at 10:00 a.m., Gary A. Pulliam, Esq., the Formal Hearing Panel Chair, met telephonically with Phillip J. Pattee, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada, and Petitioner, Kym S. Cushing, to conduct the Initial Case Conference in this matter.

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

The parties agreed to the following:

1. The parties consent to service by electronic means of all documents pursuant to SCR109(2), NRCPP 5, and DRP 11(b)(3) with the understanding that **all documents need to be submitted by 5:00 p.m. to be file stamped timely.**

2. The parties stipulate that venue is proper in Clark County, Nevada.

3. The Formal Hearing for this matter is hereby set for **one (1) day starting at 9:00 a.m. on April 27, 2022**, and shall take place virtually through ZOOM video conference.

1 **4.** On or before **March 4, 2022, at 5:00 p.m.**, the State Bar of Nevada's initial
2 disclosures shall be served on all parties. The documents provided by the State Bar shall be bates
3 stamped with numerical designations. *See* DRP 17 (a). All documents need to be submitted by
4 5:00 p.m. to be file stamped timely.

5 **5.** On or before **March 14, 2022, at 5:00 p.m.**, Petitioner's initial disclosures shall be
6 served on all parties. The documents provided by the Petitioner shall be bates stamped with
7 alphabetical exhibit designations. *See* DRP 17 (a). All documents need to be submitted by 5:00
8 p.m. to be file stamped timely.

9 **6.** On or before **March 23, 2022, at 5:00 p.m.**, the parties shall file and serve any
10 Motions. *See* DRP 15. All documents need to be submitted by 5:00 p.m. to be file stamped timely.

11 **7.** On or before **March 28, 2022, at 5:00 p.m.**, the parties shall serve a Final
12 Designation of witnesses expected to testify and exhibits expected to be presented at the Formal
13 Hearing in this matter, pursuant to SCR 105(2)(d), DRP 17(a) and DRP 21.

14 All documents disclosed shall be bates stamped, the State Bar will use numerical exhibit
15 designations and Petitioner will use alphabetical exhibit designations, pursuant to DRP 17. All
16 documents need to be submitted by 5:00 p.m. to be file stamped timely.

17 **8.** **On April 20, 2022, at 3:00 p.m.**, the parties shall meet telephonically with the Panel
18 Chair for the Pre-hearing Conference. Any pending issues, including Motions will be addressed at
19 the Pre-hearing Conference. **The parties shall use the State Bar conference bridge (877) 594-**
20 **8353 and the passcode is 46855068#.**

21 Pursuant to DRP 23, at the Pre-hearing conference (i) the parties shall discuss all matters
22 needing attention prior to the hearing date, (ii) the Chair may rule on any motions or disputes
23 including motions to exclude evidence, witnesses, or other pretrial evidentiary matter, and (iii) the
24
25

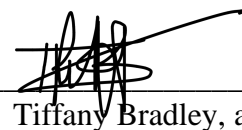
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **SCHEDULING**
3 **ORDER** was served by electronic mail to:

- 4 1. Gary A. Pulliam, Esq., (Panel Chair): pulliam.gary@gmail.com
5 2. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
6 3. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

7 DATED this 28th day of February 2022.

8
9 By: _____



Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

MAR. - 1 2022

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE:)
PETITION FOR REINSTATEMENT)
KYM S. CUSHING)
Nevada Bar No. 4242,)
Petitioner.)

**STATE BAR OF NEVADA'S INITIAL
SUMMARY OF EVIDENCE AND
DISCLOSURE OF WITNESSES FOR
REINSTATEMENT HEARING**

PLEASE TAKE NOTICE that the following is an initial list of witnesses and initial summary of evidence which may be offered against Petitioner at the time of the Formal Reinstatement Hearing, in the above-entitled matter.

A. Documentary Evidence

Attached hereto is the State Bar's Exhibit List of proposed date-stamped exhibits being submitted to Petitioner via Email.

1. Any and all documentation contained in the State Bar of Nevada's files including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding reinstatement file number SBN22-00022.

2. Any and all documentation contained in records of the State Bar of Nevada regarding Respondent's licensure, compliance with reporting requirements, and disciplinary history.

The State Bar reserves the right to supplement this list as necessary.

Exhibit#	Document	Bates Stamped
1.	Formal Hearing Packet	<i>will be produced prior to hearing</i>
2.	Affidavit of Prior Discipline	<i>will be produced at the time of hearing</i>
3.	Supreme Court Order of Suspension Filed January 31, 2020	SBN 001-006
4.	State Bar of Nevada Complaint re: Grievance File OBC18-0190. Filed March 14, 2018	SBN 001-009
5.	Findings of Fact, Conclusions of Law and Recommendation Grievance File OBC18-0190. Filed March 13, 2019.	SBN 001-023
6a.	Formal Hearing transcript dated December 12, 2018.	SBN 001-148
6b.	Formal Hearing transcript dated December 13, 2018.	SBN 001-086
7.	Petition for Reinstatement dated January 21, 2022	SBN 001-116

The State Bar incorporates by reference all documents identified by Respondent in these matters.

B. Witnesses and Brief Statement of Facts

1. Petitioner may testify about the facts and circumstances regarding his suspension and his petition for reinstatement, continuing legal education efforts and general physical and mental health, related to his fitness to resume the practice of law. Petitioner is expected to provide testimony regarding the facts and circumstances regarding SBN22-00022.

2. Janeen Isaacson, Esq., may offer testimony regarding her communications and interactions with the Petitioner.

3. Noelle Swanson Berg, Esq., may offer testimony regarding her communications and interactions with the Petitioner.

4. Daniel Sanchez-Behar, Esq., CA Bar No. 233563, may offer testimony regarding his communications and interactions with the Petitioner.

1 5. Kimberly Farmer, may offer testimony regarding her communications and
2 interactions with the Petitioner.

3 6. Christopher Ouellette, an investigator with the State Bar of Nevada Office of Bar
4 Counsel, may offer testimony regarding records obtained by the State Bar of Nevada,
5 Petitioner's discipline and licensure history and communication with the Petitioner.

6 Dated this 1st day of March 2022.

7 **STATE BAR OF NEVADA**
8 Daniel M. Hooe, Bar Counsel

9 
10 By: _____

11 Phillip J. Pattee, Assistant Bar Counsel
12 Nevada Bar No. 4021
13 3100 W. Charleston Boulevard, Suite 100
14 Las Vegas, Nevada 89102
15 (702) 382-2200
16
17
18
19
20
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22
23
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25

1 **CERTIFICATE OF SERVICE**

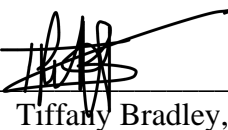
2 The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR**
3 **OF NEVADA'S INITIAL SUMMARY OF EVIDENCE AND DISCLOSURE OF**
4 **WITNESSES FOR REINSTATEMENT HEARING** was served by electronic mail to:

5 1. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com

6 2. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

7 DATED this 1st day of March 2022.

8
9 By: _____



Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

MAR - 7 2022

STATE BAR OF NEVADA
BY: [Signature]
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
)
)
KYM S. CUSHING,)
)
Nevada Bar No. 4242)
Petitioner)
_____)

ORDER APPOINTING
FORMAL HEARING PANEL

IT IS HEREBY ORDERED that the following members of the Southern Nevada Disciplinary Board have been designated as members of the formal hearing panel in the above-entitled action. The hearing will be convened on the 27th day of April 2022 starting at 9:00 a.m. via Zoom Video Conferencing.

1. Gary Pulliam, Esq., Chair;
2. P. David Westbrook, Esq.
3. Dr. Jo Ken McBeath, Laymember

DATED this 4th day of March, 2022.

SOUTHERN NEVADA DISCIPLINARY BOARD

By: Russell E. Marsh
Russell E. Marsh (Mar 4, 2022 12:14 PST)

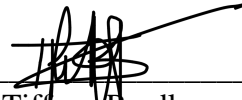
Russell E. Marsh, Esq.
Nevada Bar No. 11198
Chair, Southern Nevada Disciplinary Board

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies a true and correct copy of the foregoing **ORDER**
3 **APPOINTING FORMAL HEARING PANEL** was served by electronic mail to:

- 4 1. Gary Pulliam, Esq. (Panel Chair): pulliam.gary@gmail.com
5 2. P. David Westbrook, Esq. (Panel Member): westbrpd@clarkcountynv.gov
6 3. Dr. Jo Ken McBeath (Laymember): jkmcbeath@outlook.com
7 4. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
8 5. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

9 DATED this 7th day of March 2022.

10 By: 
11 Tiffany Bradley, an employee of
12 the State Bar of Nevada.
13
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FILED

MAR 14 2022

STATE BAR OF NEVADA

BY: 

OFFICE OF BAR COUNSEL

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

**IN RE:
PETITION FOR REINSTATEMENT
KYM S. CUSHING**

Case No: SBN22-00022

**NEVADA BAR NO. 4242,

PETITIONER.**

**KYM S. CUSHING'S INITIAL SUMMARY
OF EVIDENCE AND DISCLOSURE OF
WITNESSES FOR REINSTATEMENT
HEARING**

PLEASE TAKE NOTICE that the following is an initial list of witnesses and initial summary of evidence which may be offered by petitioner, Kym S. Cushing ("Cushing") at the time of the formal reinstatement hearing, in the above-entitled matter.

A. Documentary Evidence

Attached hereto is Cushing's exhibit list of proposed date-stamped exhibits being submitted to the State Bar of Nevada via hand-delivery.

1. All documentation contained in the State Bar of Nevada's files, including but not limited to correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding reinstatement file number SBN22-00022.

2. All documentation, including appellate briefing, indexes, and appendixes, contained in the State Bar of Nevada's files that were submitted and/or filed by either Cushing or the state bar in connection with the underlying bar action (Sup. Ct. Case no. 78367).

<u>Exhibits</u>	<u>Document</u>	<u>Bates Stamped</u>
A.	Kym S. Cushing's Petition for Reinstatement (w/o exhibits) – exhibits attached to the petition are being produced separately	KSC 0001-0008
B.	Nevada Supreme Court's Jan. 31, 2019 Order	KSC 0001-0006
C.	Affidavit of Kym Samuel Cushing	KSC 0001-0019
D.	NLAP Final Report documenting Cushing's successful completion of NLAP program	<i>State Bar will produce as this report was sent directly to the state bar</i>
E.	Completed CLE Course Credits By Year	KSC 0001-0005
F.	2022 CLE Certificates of Completion	KSC 0001-0015
G.	2021 CLE Certificates of Completion	KSC 0001-0010
H.	2020 CLE Certificates of Completion	KSC 0001-0017
I.	2019 CLE Certificates of Completion	KSC 0001-0010
J.	2022 CLE Certificates of Completion (5 SBN)	KSC 0001-0018
K.	Cert. of Completion of 8 Hour Anger Mgmt. Class	KSC 0001-0004
L.	Copy of \$7,500 Cashier's Check (prior hrg. costs)	KSC 0001-0001
M.	Copy of \$718.64 Cashier's Check (prior hrg. costs)	KSC 0001-0001
N.	Supplemental Brief	KSC 0001-0019
O.	2019 and 2020 Federal Tax Returns	KSC 0001-0016

1 Cushing reserves the right to use any exhibits admitted into evidence in the underlying bar
2 action for any purpose he deems necessary, including, but not limited to, impeachment / cross-
3 examination of witnesses, rebuttal, opening statement, and closing argument.

4 Cushing also reserves the right to use any portion of the Formal Hearing transcripts (dated
5 Dec. 12-13, 2018) for any purpose he deems necessary, including, but not limited to, impeachment /
6 cross-examination of witnesses, rebuttal, opening statement, and closing argument.
7

8 **B. Witnesses and Brief Statement of Facts**

- 9 1. Cushing will likely offer testimony about the facts and circumstances regarding his nine-
10 month suspension, his petition for reinstatement, his successful completion of NLAP's
11 program, including passing all random drug, tox screen and breathalyzer tests, his past and
12 current participation in regular weekly AA meetings, his quickly approaching four-year
13 anniversary of being alcohol-free (with zero relapses), his successful completion of all the
14 Supreme Court's conditions for reinstatement as outlined in the Court's Jan. 31, 2019 order,
15 including his continuing legal education efforts to keep up-to-date on the current state of
16 Nevada law, published case decisions as well as current judicial and courtroom policies and
17 procedures, his activities during his suspension, his past and current state of mind, his
18 personal thoughts, feelings and expressions of remorse and regret, and his general physical
19 and mental health related to his fitness to resume the practice of law.
20
21 2. Cushing may also, should he deem it necessary, offer testimony about the facts and
22 circumstances of his prior employment at Wilson Elser, including events and circumstances
23 during his last few years at the firm, more particularly, the events and circumstances during
24 2017-2018, and how they contributed to his state of mind, physical and mental health.
25
26
27
28

3. Wendy Francys Walker Cushing, petitioner's wife, may offer testimony about her knowledge of the facts and events leading up to her husband's suspension and how those events affected her husband's physical, mental, and emotional health, and the current state of his mental, emotional and physical health related to his fitness to resume the practice of law.
 4. Steven L. Day, Esq. may offer testimony about his interactions and experiences with Cushing including his opinions regarding Cushing's honesty, integrity, and his fitness to resume the practice of law.
- Cushing reserves the right to designate additional witnesses.

C. Possible Rebuttal Witnesses

1. Should the state bar call former Asst. Bar Counsel Janeen Isaacson, Esq. to testify for the state bar at the reinstatement hearing, and should he deem it necessary, Cushing may, on cross-examination or rebuttal, testify about the facts, events and circumstances of the state bar's almost year-long investigation, including the conduct of former Asst. Bar Counsel Isaacson, as well as facts, events and circumstances documenting Wilson Elser's intentional interference in the underlying bar matter, including the hearing itself and following the hearing, as well as the facts, events, circumstances and conduct of former Panel Chair Robert J. Kolesar, Esq. before, during and after the hearing.
2. Should the state bar call Noelle Berg, Esq. to testify for the state bar at the reinstatement hearing, and should he deem it necessary, Cushing may testify about the facts, circumstances, events concerning Noelle Swanson Berg, Esq. that preceded the filing of the grievance, her failure to take responsibility for her own actions, facts concerning her actual motivations, her role in the firm's decision to drastically cut Cushing's compensation, her actions and conduct in getting Cushing fired from Lewis Brisbois, (Cushing's employer after Wilson Elser), as

1 well as Noelle Berg and David Eisen's statements to Jana Lubert, Esq., General Counsel for
2 Lewis Brisbois.

3 Dated this 13th day of March 2022.
4

5
6 *Kym S. Cushing*

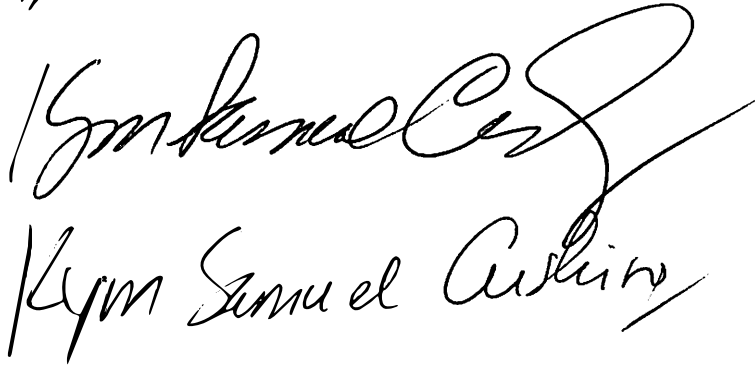
7 Kym S. Cushing
8 Nevada Bar No.: 4242
9 24 Hummingbird Way
10 Henderson, NV 89014
11 (702) 271-7679
12 kymcushing01@gmail.com
13
14
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on a true and correct copy of the foregoing KYM S.
CUSHING'S INITIAL SUMMARY OF EVIDENCE AND DISCLOSURES OF
WITNESSES FOR REINSTATEMENT HEARING and was served via hand-delivery only
to:

State Bar of Nevada
3100 W. Charleston Blvd.
Las Vegas, NV 89014

March 14, 2002


Kym Samuel Cushing

1 Kym Samuel Cushing
2 Nevada Bar #4242
3 24 Hummingbird Way
4 Henderson, NV 89014
5 (702) 271-7679
6 kymcushing01@gmail.com
7 Petitioner *in propria persona*

8 **STATE BAR OF NEVADA**

9 **SOUTHERN NEVADA DISCIPLINARY BOARD**

10 **IN THE MATTER OF THE PETITION OF**
11 **KYM SAMUEL CUSHING,**
12
13 **Nevada Bar No.: 4242**
14 **Petitioner.**

SUPREME COURT OF NEVADA
CASE NO.:

STATE BAR OF NEVADA
CASE NO.

15
16 **SCR 116 PETITION FOR REINSTATEMENT**

17
18 Petitioner Kym Samuel Cushing ("Cushing"), appearing *in propria persona*,
19 respectfully submits this SCR 116 petition¹ and attached affidavit which is incorporated
20 herein by reference (**see Exhibit "6"**) in support of his reinstatement to the practice
21 of law and states as follows:
22
23
24
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26

27
28 ¹ A supplemental brief containing additional facts supporting Cushing's petition will be filed in short order.

- 1 1. Cushing obtained his license to practice law in Nevada in 1991 and has been
2 continuously licensed and engaged in the practice of law in Nevada through the
3 date of his suspension.
4
- 5 2. The bar grievance initiating this action was filed by Cushing's former New York-
6 based law firm, Wilson Elser, at a time when both were heavily involved in
7 contentious litigation in New York state court and federal court in Nevada over
8 employment issues.
9
- 10 3. Wilson Elser filed its grievance seven days after Cushing resigned from the firm,
11 when it discovered he had been hired by Lewis Brisbois, Wilson Elser's main
12 competition, and that he had also obtained agreements from his clients to go
13 with him to his new firm.
14
- 15 4. The original bar complaint contained only allegations involving employment-
16 related issues between Cushing and his former firm.
17
- 18 5. Approximately six months into the bar's year-long investigation, without any
19 prior notice, the bar filed an amended complaint greatly increasing the size of
20 complaint.
21
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1 6. The new allegations contained in the amended complaint relate to Cushing's
2 communications with bar counsel, Janeen Isaacson,² which primarily occurred
3 during their one short meeting which took place one day after the grievance was
4 filed.
5

6 7. Neither the original nor the amended complaint contain allegations of
7 wrongdoing related to the actual practice of law. There are no allegations of
8 malpractice or complaints by any of Cushing's clients, the judiciary or fellow
9 lawyers concerning Cushing's performance as a lawyer.
10
11

12 8. Cushing has never been the subject of any prior disciplinary action.

13 9. On January 31, 2020, the Supreme Court of Nevada entered an order suspending
14 Cushing from the practice of law for nine months. (See Exhibit "1").
15

16 10. Cushing has fully complied with the terms and conditions of the disciplinary
17 order which required him to do the following:
18

19 **A. "Cushing shall participate in the NLAP and comply with any treatment**
20 **recommendations..."**

21 1) After receiving the Supreme Court's order, Cushing met with Larry Espidero,
22 Director of NLAP, and signed a one-year contract which required Cushing
23

24 _____
25
26 ² Isaacson resigned from her position at the state bar shortly after the hearing. Her assistant, Virginia Hightower, who
27 co-authored the state bar's brief with Isaacson, also resigned from the state bar's office of bar counsel. It is understood
28 the panel chair, Robert Caldwell, was removed from the list of potential panel members and no longer participates in
any hearing panels.

1 meet in group sessions, submit to random drug and urine tests at any time,
2 including random breathalyzer tests.
3

4 2) Cushing fully complied with NLAP's contract. He passed every random drug
5 tox screen, urine test and breathalyzer test without exception.
6

7 3) Mr. Espidero subsequently misplaced the original signed contract. Cushing
8 willingly agreed to sign another contract mirroring the terms of the original
9 contract – even though the duration of the new contract expanded from one
10 year to two years. Cushing agreed to this one-year extension. Cushing again
11 passed every random drug tox screen, urine test and breathalyzer without
12 exception.
13

14 4) Mr. Espidero informed Cushing last year he submitted all paperwork
15 documenting Cushing's successful participation in NLAP directly to the State
16 Bar. It is assumed the bar will produce these records in due course.
17

18 5) *Cushing completely stopped drinking alcohol on March 28, 2018 and has been alcohol-free*
19 *ever since – with no relapses.*
20

21 6) Although not required in the supreme court's order, in addition to his regular
22 NLAP sessions, Cushing also attended weekly AA meetings at the Camel
23 Club. He continues to attend weekly AA meetings and plans to continue
24 attending these meetings for the foreseeable future.
25
26

27 ///

1 **B. “[Cushing] shall complete an anger management program approved by**
2 **the State Bar...”**

- 3 1) Cushing successfully completed an approved 8-hour anger management
4 program provided by the North American Learning Institute. **See Exhibit**
5 **“2.”**
6

7 **C. “[Cushing shall] complete 10 CLE credits in addition to the annual**
8 **requirement, with at least 5 of those additional CLE credits in the area of**
9 **substance abuse...”**

- 10 1) Cushing completed 64.25 total general CLE credits, 52.00 credits above the
11 annual requirement. **See Exhibit “3.”**
12
13 2) Cushing completed 21.50 CLE credits in the area of substance abuse and bias.
14 **See Exhibit “4.”**
15
16 3) Although not specifically required, Cushing also completed 19.25 credits in
17 the area of ethics. **See Exhibit “3.”**

18 **D. Additionally, Cushing shall pay the costs of the disciplinary proceedings,**
19 **including \$2,500 under SCR 120, within 30 days from the date of this order.**

- 20 1) Cushing has paid the state bar \$7,500 representing his estimate of the costs
21 of the prior disciplinary proceeding. **See Exhibit “4.”**
22
23 2) Cushing will pay any outstanding balances owed in this matter once the state
24 bar informs him the amount of any outstanding balance, if any.
25
26 3) Cushing did not pay these costs within 30 days of the disciplinary proceeding
27 for reasons which will be explained in subsequent briefing.
28

1 11. Cushing has not engaged in, or attempted to engage in, the unauthorized practice
2 of law during the period of his suspension. Since the date of his suspension,
3 Cushing has not worked and remains unemployed as of this date. **See affidavit**
4 **of Kym Samuel Cushing attached to this petition.**
5

6 12. Copies of Cushing's 2019 and 2020 federal tax returns that are attached to this
7 petition document the sources of his income during this period. Cushing's
8 income derived exclusively from non-law related sources. **See Exhibit "5."**
9

10 13. Cushing's term of suspension ended on November 30, 2020.
11

12 14. Cushing did not seek reinstatement until this date for reasons he will address in
13 subsequent briefing.
14

15 Cushing has paid all costs, has fully complied with the Court's suspension order, and
16 respectfully requests that this matter be referred to the Southern Nevada Disciplinary
17 Board to commence a reinstatement proceeding, so that Cushing may demonstrate that
18 he has the moral qualifications, competency, and learning in law required for admission
19 to practice in this state, and that his resumption of the practice of law will not be
20

21 / / /

22 / / /

23 / / /

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26 / / /

1 detrimental to the integrity and standing of the bar, the administration of justice, or to
2 the public interest, and that he is fit to resume the practice of law.

3
4 DATED this 19th day of January 2022.

5 **Kym Samuel Cushing**

6 Kym Samuel Cushing

7 Nevada Bar No.: 4242

8 24 Hummingbird Way

9 Henderson, NV 89104

10 (702) 271-7679 (cell)

11 kymcushing01@gmail.com

12 Petitioner *in propria persona*

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KYM S. CUSHING, BAR NO. 4242.

No. 78367

FILED

JAN 31 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Kym S. Cushing be suspended for nine months, with conditions on his ability to seek reinstatement, based on violations of RPC 3.4(c) (fairness to opposing party and counsel: knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(a) (disciplinary matters), and RPC 8.4(c) (misconduct).

We employ a deferential standard of review with respect to the hearing panel's findings of fact, SCR 105(3)(b), and thus, will not set them aside unless they are clearly erroneous or not supported by substantial evidence, *see generally Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 102, 294 P.3d 427, 428 (2013). In contrast, we review de novo a disciplinary panel's conclusions of law and recommended discipline. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Cushing committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). We defer to the panel's findings of fact in this matter as they are supported by substantial evidence and are not clearly erroneous. Cushing wrote himself three checks from his law firm's operating account and deposited them into his personal bank account. When his law firm confronted him about the



checks, he lied and stated he was reimbursing himself for payment he made to an expert witness and gave them an address for the expert, which was a property Cushing was renting, and a phone number for the expert, which was the number for Cushing's friend and pro bono client. When the law firm confronted him about the lies, he stated that he wrote the checks to cover gambling losses. At the law firm's request, Cushing then resigned.

Thereafter, Cushing misrepresented the reason for his resignation to a prospective employer. When the State Bar petitioned to have Cushing temporarily suspended, his attorney opposed the petition on Cushing's behalf, stating that Cushing was struggling with a gambling addiction. Cushing later admitted that he does not have a problem with gambling and only told his law firm that he did in an effort to save his job. In denying the petition to temporarily suspend Cushing, this court directed Cushing to report to Nevada Lawyers Assistance Program (NLAP) and comply with treatment recommendations. Cushing entered the NLAP program but failed to comply with its treatment recommendations from July 4 to August 21, 2018. Lastly, Cushing was dishonest with the State Bar during the disciplinary matter by falsely asserting that (1) he was not misrepresenting why he left his former law firm to clients and prospective employers; (2) his delay in reporting to NLAP was caused by NLAP administrators; (3) he had returned a loaner car to the dealership, when it had been repossessed by the dealership; and (4) his personal car was still being repaired when it had been repaired already. Thus, we agree with the



panel's conclusions that the State Bar established by clear and convincing evidence that Cushing violated the above-listed rules.¹

While Cushing argues that his failure to comply with NLAP treatment recommendations cannot be a violation of RPC 3.4(c) because it did not involve his representation of a client, nothing in RPC 3.4(c) limits an attorney's duty to comply with court orders and rules to when the attorney is representing a client. Thus, we conclude RPC 3.4(c) may apply outside of an attorney's representation of a client. Additionally, a screening panel did not need to consider the allegation that Cushing had violated RPC 3.4(c) before the State Bar could amend the pending disciplinary complaint to include that violation and Cushing's due process rights were not violated because he had notice of the amended complaint and an opportunity to oppose the allegation that he had violated RPC 3.4(c). Lastly, because the order imposing conditions on Cushing's practice of law stated that it was our final decision in the matter and "[a]ny further proceedings involving Cushing shall be docketed as a new matter," *In re Discipline of Cushing*, Docket No. 75149 (Order Denying Petition and Imposing Conditions on Continued Practice, March 6, 2018), Cushing's violation of that order was

¹To the extent Cushing argues the panel could not determine without a handwriting expert's testimony that he had signed his name differently on the signature line and the endorsement line for each check he wrote himself from his firm's operating account, we conclude an expert's testimony was unnecessary as the signatures were markedly different. Further, while Cushing argues a letter he wrote to his car dealership concerning the loaner car that was overdue could not establish a violation of RPC 8.4(c), we need not consider this issue because the panel did not conclude that Cushing violated RPC 8.4(c) by writing the letter, and instead, only relied on the letter as evidence to support an aggravating circumstance (submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing).

properly brought before this court through the underlying disciplinary proceeding.

In determining the appropriate discipline, this court weighs four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating or mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). Although this court determines the appropriate discipline de novo, SCR 105(3)(b), the hearing panel’s recommendation is persuasive, *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2011).

Cushing violated duties owed to the legal system (failure to comply with a court order) and the profession (disciplinary matters and misconduct). Substantial evidence supports the panel’s findings that Cushing’s mental state was intentional and that his misconduct harmed the public and the legal profession and potentially harmed his pro bono client.² The baseline sanction for Cushing’s conduct, before consideration of aggravating and mitigating circumstances, is disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 5.11(b) (Am. Bar Ass’n 2017) (providing that disbarment is appropriate when “a lawyer engages in any [noncriminal] intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer’s fitness to practice”).

²Cushing conceded at the disciplinary hearing that involving his pro bono client in his attempt to cover up his fraudulent checks exposed the pro bono client to potential harm.

The record supports the panel's findings of seven aggravating circumstances (dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders, submission of false statements and other deceptive practices during the disciplinary hearing, refusal to acknowledge the wrongful nature of conduct, and substantial experience in the practice of law) and two mitigating circumstances (absence of prior disciplinary record and personal and emotional problems). While Cushing asserts additional mitigating circumstances should apply and that certain aggravating circumstances were wrongly applied, the record does not support those arguments.

Considering all of the factors, including Cushing's personal and emotional problems, we agree with the panel that a downward deviation from the baseline sanction of disbarment is appropriate with certain conditions on Cushing seeking reinstatement. Thus, we conclude the recommended discipline serves the purpose of attorney discipline. *See State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (recognizing that the purpose of attorney discipline is to protect the public, courts, and the legal profession).

Accordingly, we hereby suspend attorney Kym S. Cushing from the practice of law in Nevada for nine months from the date of this order.³ Before seeking reinstatement, Cushing shall participate in the NLAP and comply with any treatment recommendations; complete an anger management program approved by the State Bar; and complete 10 CLE credits, in addition to the annual requirement, with at least 5 of those

³To the extent the parties' additional arguments are not addressed herein, we conclude they do not warrant a different outcome.



additional CLE credits in the area of substance abuse. Additionally, Cushing shall pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Chair, Southern Nevada Disciplinary Board
Kym S. Cushing
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada
Admissions Office, U.S. Supreme Court

1 **AFFIDAVIT OF KYM SAMUEL CUSHING**

2 I, Kym Samuel Cushing, having been duly sworn, hereby state and declare under
3
4 penalty of perjury:

- 5 1. I am the petitioner in this bar action. My Nevada bar number is #4242. The
6 statements contained in SCR 116 petition for reinstatement are true and correct
7 except for those few statements which are noted as being based on information
8 and belief.
9
10 2. A true and correct copy of the Supreme Court of Nevada's January 31, 2020,
11 order suspending me from the practice of law for nine months is attached to the
12 petition for reinstatement as **Exhibit "1."**
13
14 3. A true and correct copy of the certificate of completion (no. 426114 --
15 November 26, 2020) for the 8-hour anger management course called *Course for*
16 *Anger / Anger Management Class* documenting my successful completion of an 8-
17 hour anger management class is attached to the petition for reinstatement as
18 **Exhibit "2."**
19
20 4. True and correct copies of certificates of completion documenting my
21 participation in continuing legal education courses are attached to the petition
22 for reinstatement as **Exhibit "3."**
23
24 5. As of this date, I have completed 72.50 hours of general continuing legal
25 education credits (52.50 hours above the supreme court's requirement); 23.00
26
27
28

1 hours of ethics credits, and 22.75 hours of substance abuse, bias, and stress
2 management credits (17.75 hours above the supreme court's requirement). *See*
3 **Exhibit "3."**
4

5 6. Following the supreme court's suspension order, I subscribed to various legal
6 news sites, including *Justia*, so I could keep up to date on legal trends, new cases
7 as well as new or modified court policies and procedures. Since February 1, 2020,
8 I have read:
9

- 10 a. Every published decision issued by the Supreme Court of Nevada.
- 11 b. Every published decision issued by Ninth Circuit Court of Appeals. In my
12 opinion, federal judges truly are the "cardinals of the judiciary." Federal
13 circuit court decisions are works of art. Even if I didn't agree with the
14 outcome, I nevertheless found the arguments persuasive, well-reasoned
15 and exhaustively researched. *See e.g., LA Alliance for Human Rights, et al. v.*
16 *City of Los Angeles, et al.* LA CV 20-02291-DOC-(KESx) (C.D. Cal 2021),
17 a 110-page decision and order (later vacated and remanded by the Ninth
18 Circuit).
19 c. Every published decision issued by the Second Circuit Court of Appeals
20 (New York, etc.)
21
22
23
24
25
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27
28

1 d. Every monthly edition of *The Nevada Lawyer*, *The Clark County Communique*,
2 as well as all notices and updates issued by the State Bar of Nevada, the
3 Supreme Court of Nevada, and the Eighth Judicial District.
4

5 7. I have not read so many cases involving so many diverse fields since I was in law
6 school. I believe I have kept myself sufficiently informed as to the current state
7 of the law, new cases, legal trends, and new and/or modified court policies and
8 procedures such that I could resume practicing law with no difficulty.
9

10 8. A true and correct copy of a cashier's check in the amount of \$7,500 payable to
11 the State Bar of Nevada was attached to the petition for reinstatement as
12 "Exhibit 4."
13

14 9. I successfully completed my two-year contract with NLAP including passing
15 every random drug tox screen, urine test and breathalyzer test. I never failed a
16 single test. NLAP's Director, Larry Espidero, told me he sent all paperwork
17 documenting my successful participation and completion in the NLAP program
18 directly to the state bar. I assume bar counsel will provide these documents to
19 the panel as I was not provided a copy of this document.
20
21
22

23 10. *March 28, 2018 is the date I completely stopped drinking alcohol. I have suffered no relapses*
24 *and have remained alcohol-free since that time.*
25

26 11. Although not required by the supreme court's order, I also attended – and
27 continue to attend – AA meetings (primarily at the Camel Club located at
28

1 intersection of Sunset Blvd. and Eastern Ave.) at least once a week and will
2 continue to do so for the foreseeable future.
3

4 12. Since the date of my suspension, January 31, 2020, I did not engage in the
5 practice of law in any capacity. In fact, I was not employed at all, either full-time
6 or part-time (by choice) during this period. I do not have any offers of
7 employment.
8

9 13. True and correct copies of my filed federal income tax returns for the years 2019
10 and 2020 are attached to the petition for reinstatement as **"Exhibit 5."** These
11 tax returns document the sources of my non-law related income for those two
12 years.
13

14 14. I am by nature a very private person. I have never had a Facebook account, an
15 Instagram account, a Twitter account, or any other similar type of social media
16 accounts. I do have a LinkedIn account under my name that I rarely use, and
17 when I do, it is usually in the context of researching employment opportunities.
18

19 15. There was one requirement I did not timely complete (which I recently did
20 complete): the payment of costs. Explaining why I did not timely pay the costs
21 ordered by the supreme court requires that I publicly disclose very personal,
22 private thoughts and opinions which I am reluctant to do out of concern they
23 might somehow be used against me at the reinstatement hearing. But I have no
24 choice as I swore to tell truth and I will not lie or create some false narrative; I
25
26
27
28

1 sincerely hope my statements on this subject will not negatively affect my petition
2 for reinstatement:
3

4 A. First, since I suddenly found myself unemployed for the first time in 45 years
5 -- and knowing I would continue to be unemployed for at least the next nine
6 months -- I decided to save what money I had to pay bills and provide for
7 my family, my wife and three children.
8

9 B. Second, during the pendency of this bar action, my former firm, Wilson Elser,
10 and I were engaged in heated, protracted employment litigation in New York
11 state court as well as federal court here in Nevada. Wilson Elser was holding
12 on to a substantial amount of my earnings, money I had previously earned,
13 but refused to pay. I was not sure when or if I ever would get that money, so
14 I chose to be fiscally conservative and cut out all unnecessary expenditures.
15
16

17 C. Finally, this year-long disciplinary process affected me so profoundly, so
18 negatively, that when it was over, to put it bluntly, I no longer wanted to be
19 a lawyer or even practice law. Throughout this bar action, I raised serious
20 concerns about how the state bar conducted its investigation, the prejudicial
21 interference and irregularities that occurred during the hearing itself, as well
22 as the numerous documented instances of serious prosecutorial misconduct.
23 All my objections, all my attempts to stop, all my attempts to even address
24 and/or document on the record instances of prejudicial outside interference
25
26
27
28

1 and improper collusion were ignored. An attorney charged with misconduct
2 has the guaranteed right to fair hearing before a neutral panel that is free from
3 outside interference. That never happened, not even close.
4

5 16. My long ordeal with the state bar's disciplinary system was the absolute worst
6 experience of my professional life. When it was over, it felt as if I had been
7 physically and mentally violated in the worst conceivable way.
8

9 17. My former firm's intentional interference in this bar action, a non-party with no
10 standing, was so pervasive, so prejudicial, it infected the entire process. This
11 firm, again a non-party, participated in discovery, filed motions to exclude
12 evidence, filed motions in *limine*, voiced objections during the hearing itself – all
13 with the express approval and consent of bar counsel and the panel chair.¹ This
14 bar action was not *in re the matter of Kym Samuel Cushing*, it was more like civil
15 litigation: *The State Bar and Wilson Elser v. Kym Cushing*, two plaintiffs (Wilson
16 Elser and the State Bar) versus one defendant (me).
17
18
19
20
21
22

23
24 ¹ The record clearly documents how and why Wilson Elser purposefully interfered in this Nevada bar
25 action. Wilson Elser's goal: 1) control the nature, scope, and direction of the bar's investigation, 2) get
26 rid of any damning evidence that could potentially be used against the firm; and 3) make sure I received
27 the harshest punishment possible so Wilson Elser could use that punishment as a defense in the
28 wrongful termination suit. Someone from the state bar sent copies of all the motions, oppositions,
reply briefs generated in this bar action, including the panel's factual and legal findings as well as copies
of the court reporter's transcripts of the proceedings to Wilson Elser for its use in New York.

1 18. Two quick examples documenting bar counsel's prejudicial misconduct:²

2 A. In July 2019, bar counsel provided me with a written settlement proposal. A
3
4 few of the terms were completely unjustified and outrageous: I had to get bar
5 counsel's permission before I filed a wrongful termination lawsuit against
6 Wilson Elser. I had to provide bar counsel with an opportunity to vet /change
7 the wording of any wrongful termination I may file against my former firm.
8 It was implied that if I didn't, additional misconduct charges would be added
9 to the bar complaint against me. That's called extortion, and it's a crime. No
10 bar counsel has the power or legal right to prevent an attorney from filing a
11 personal lawsuit, or demand to vet the language of any complaint before it is
12 filed or charge the attorney with misconduct if he didn't agree to the state
13 bar's terms. Bar counsel was promoting and protecting the interests of Wilson
14 Elser. What was soon become a pattern, bar counsel "failed" to include this
15 written settlement proposal as part of the official record, despite her statutory
16 obligation to do. I had to produce it and it was included in the record.
17
18
19
20
21

22 B. A few days before the hearing, bar counsel asked that the hearing be
23 continued a fourth time. I would not agree and told her I was ready and
24
25
26

27 ² The record contains numerous other examples of improper collusion, outside interference and
28 prosecutorial abuses.

1 anxious to proceed. Bar counsel then called Larry Espidero, director of
2 NLAP, and asked him to state in writing that I was incompetent and required
3 immediate emergency in-patient psychiatric intervention. Espidero refused
4 and called me to warn me about bar counsel's strange request. Bar counsel
5 tried again, this time calling one of my medical care providers. He also refused
6 and called to warn me about bar counsel's demand. Having failed twice, she
7 then filed a demand before the panel chair, who also refused her request.
8 There can be no better example of prosecutorial abuse than this. Bar counsel's
9 obscene and completely unjustified request for immediate psychiatric
10 intervention remains in the public domain and can be easily accessed by
11 simply clicking a mouse. Anyone who looks will learn that an official lawyer
12 from the State Bar of Nevada claimed I was incompetent and needed
13 immediate emergency inpatient psychiatric intervention.³ Bar counsel again
14 failed to include any documents related to this incident in the official record.
15 I had to provide them.

16
17
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19
20
21
22 19. These are some of the examples of serious prosecutorial abuses bar counsel
23 committed in her official capacity.

24
25
26
27 ³ I have had my share of disagreements with opposing counsel over the years, but this action is so over-the-top and
28 outrageous, it defies rational explanation.

1 20. My former firm's pervasive, prejudicial, and improper interference in this bar
2 action and its collusion with bar counsel violated basic due process guarantees.
3 The panel chair's absolute refusal to allow me to object -- or even challenge --
4 Wilson Elser's actions destroyed my right to hearing free from outside
5 interference.
6

7
8 21. I was a successful trial attorney for over 28 years. I tried over 110+ jury trials in
9 both state and federal court. I only lost twice. I know my way around a
10 courtroom. I know how trials should be conducted. I know how judges should
11 act. I know how counsel should comport themselves both in trial and during
12 discovery. I know the rules of evidence and civil procedure.
13

14
15 22. The primary reason I did not timely pay the costs ordered by the supreme court
16 is that by the time the hearing concluded, I no longer wanted to be a lawyer and
17 I never wanted to be associated with the State Bar of Nevada ever again. The
18 thought of being associated again with this state bar made me sick. As noted
19 earlier, I felt as if I had been physically and mentally violated in the worst
20 conceivable way. I had lost all faith in the judicial system.
21

22
23 23. It took me a while, but I eventually decided I need to move on. I cannot change
24 the past and dwelling on this experience serves no useful purpose. I choose to
25 look forward and not ruminate over these past events. I accept what happened
26
27

1 and accept the fact that I cannot change the past, so I am moving forward with
2 a more positive outlook.

3
4 24. It is possible bar counsel might use some of my statements describing my
5 experiences with the state bar's disciplinary system against me to show a failure
6 to accept responsibility for my actions or that I have not shown sufficient
7 remorse. I hope not. They are my personal feelings and opinions.
8

9 25. Nevertheless, let me make this perfectly clear: I accepted -- and continue to
10 accept -- complete responsibility for my previous actions, just like I did during
11 my only meeting with bar counsel that took place one day after the grievance was
12 filed.
13

14 26. I sincerely regret what I did. I am sorry for my misconduct. I acknowledge that
15 my wrongful actions were the impetus for this bar action. Had I acted like I
16 should have, no bar action would have ever been filed. So, regardless of my
17 personal feelings and opinions about the disciplinary process itself and those who
18 participated in it, I acknowledge and admit that my misconduct would likely have
19 resulted in a bar action anyway and that the supreme court would likely have
20 imposed some sort of discipline.
21

22 27. The stated goal of attorney discipline is not to punish the attorney, but to protect
23 the public. Even so, my misconduct resulted in severe punishment. My legal
24 career is in shambles. I lost all my clients. I lost my job(s). My reputation is ruined.
25
26
27
28

1 and I suffered tremendous financial losses. I believe I have been punished
2 enough.
3

4 28. Regarding protecting the public, I have learned my lesson, and it was a hard one
5 to learn. I will never do anything that endangers the public or causes someone to
6 complain about my conduct. This I promise.
7

8 29. In connection with protecting the integrity of the bar and the legal profession, I
9 say the same. I will never again do anything that disparages the integrity of the
10 legal system. This I also promise.
11

12 30. I will be 63-years old on March 19, 2022. I could have easily just walked away
13 from everything and retired from practicing law altogether. But I eventually came
14 to the realization that I needed to give back. My experience and knowledge
15 gained over the last thirty years should be put to good use. It would be such a
16 waste not to share what I know or what I have learned over the years.
17
18

19 31. If the panel recommends the reinstatement of my law license, and if the supreme
20 court affirms, I would like to utilize this unique opportunity and privilege --
21 coming at this time in my life -- to focus my practice in a somewhat different
22 direction, one where the goal isn't how much money I can make, but rather,
23 where I can be of most help. Doing volunteer work, working at the Legal Aid
24 Center of Southern Nevada, assisting those less fortunate and who cannot afford
25 a private attorney, helping people desperately trying to keep their homes from
26
27
28

1 foreclosure, and those facing evictions from their apartments, helping the elderly,
2 etc.
3

4 32. Having watched the whole COVID-19 experience from the sidelines and now
5 witnessing one country's illegal, unjustified, and immoral invasion of a
6 neighboring country, something not seen since World War II, compels me to
7 take this course of action with no time to waste. I would like to volunteer at the
8 Legal Aid Center of Southern Nevada and do *pro bono* work, or work for other
9 similar organizations that provide legal assistance to those who need it. To be
10 truly effective in this endeavor, my Nevada law license must be reinstated, and
11 with your blessing, I look forward to starting this new chapter in my life.
12
13

14 Further your affiant sayeth not.
15
16

17 Dated this 20th day of March 2022.
18

19 *Kym Samuel Cushing*
20

21 _____
22 Kym Samuel Cushing
23 NV Bar no.: 4242
24
25
26
27
28

1 Kym Samuel Cushing
2 Nevada Bar #4242
3 24 Hummingbird Way
4 Henderson, NV 89014
5 (702) 271-7679
6 kymcushing01@gmail.com
7 Petitioner *in propria persona*

8 **STATE BAR OF NEVADA**

9 **SOUTHERN NEVADA DISCIPLINARY BOARD**

10 **IN THE MATTER OF THE PETITION OF**
11 **KYM SAMUEL CUSHING,**
12
13 **Nevada Bar No.: 4242**
14 **Petitioner.**

SUPREME COURT OF NEVADA
CASE NO.:

STATE BAR OF NEVADA
CASE NO.

15
16 **SCR 116 PETITION FOR REINSTATEMENT**

17
18 Petitioner Kym Samuel Cushing (“Cushing”), appearing *in propria persona*,
19 respectfully submits this SCR 116 petition¹ and attached affidavit which is incorporated
20 herein by reference (see Exhibit “6”) in support of his reinstatement to the practice
21 of law and states as follows:
22
23
24
25
26
27

28 ¹ A supplemental brief containing additional facts supporting Cushing’s petition will be filed in short order.

1. Cushing obtained his license to practice law in Nevada in 1991 and has been continuously licensed and engaged in the practice of law in Nevada through the date of his suspension.
2. The bar grievance initiating this action was filed by Cushing's former New York-based law firm, Wilson Elser, at a time when both were heavily involved in contentious litigation in New York state court and federal court in Nevada over employment issues.
3. Wilson Elser filed its grievance seven days after Cushing resigned from the firm, when it discovered he had been hired by Lewis Brisbois, Wilson Elser's main competition, and that he had also obtained agreements from his clients to go with him to his new firm.
4. The original bar complaint contained only allegations involving employment-related issues between Cushing and his former firm.
5. Approximately six months into the bar's year-long investigation, without any prior notice, the bar filed an amended complaint greatly increasing the size of complaint.

1 6. The new allegations contained in the amended complaint relate to Cushing's
2 communications with bar counsel, Janeen Isaacson,² which primarily occurred
3 during their one short meeting which took place one day after the grievance was
4 filed.
5

6 7. Neither the original nor the amended complaint contain allegations of
7 wrongdoing related to the actual practice of law. There are no allegations of
8 malpractice or complaints by any of Cushing's clients, the judiciary or fellow
9 lawyers concerning Cushing's performance as a lawyer.
10
11

12 8. Cushing has never been the subject of any prior disciplinary action.

13 9. On January 31, 2020, the Supreme Court of Nevada entered an order suspending
14 Cushing from the practice of law for nine months. (See **Exhibit "1"**).
15

16 10. Cushing has fully complied with the terms and conditions of the disciplinary
17 order which required him to do the following:
18

19 **A. "Cushing shall participate in the NLAP and comply with any treatment**
20 **recommendations..."**

21 1) After receiving the Supreme Court's order, Cushing met with Larry Espidero,
22 Director of NLAP, and signed a one-year contract which required Cushing
23
24
25

26 ² Isaacson resigned from her position at the state bar shortly after the hearing. Her assistant, Virginia Hightower, who
27 co-authored the state bar's brief with Isaacson, also resigned from the state bar's office of bar counsel. It is understood
28 the panel chair, Robert Caldwell, was removed from the list of potential panel members and no longer participates in
any hearing panels.

1 meet in group sessions, submit to random drug and urine tests at any time,
2 including random breathalyzer tests.

3
4 2) Cushing fully complied with NLAP's contract. He passed every random drug
5 tox screen, urine test and breathalyzer test without exception.

6
7 3) Mr. Espidero subsequently misplaced the original signed contract. Cushing
8 willingly agreed to sign another contract mirroring the terms of the original
9 contract – even though the duration of the new contract expanded from one
10 year to two years. Cushing agreed to this one-year extension. Cushing again
11 passed every random drug tox screen, urine test and breathalyzer without
12 exception.
13

14
15 4) Mr. Espidero informed Cushing last year he submitted all paperwork
16 documenting Cushing's successful participation in NLAP directly to the State
17 Bar. It is assumed the bar will produce these records in due course.
18

19 5) *Cushing completely stopped drinking alcohol on March 28, 2018 and has been alcohol-free*
20 *ever since – with no relapses.*

21
22 6) Although not required in the supreme court's order, in addition to his regular
23 NLAP sessions, Cushing also attended weekly AA meetings at the Camel
24 Club. He continues to attend weekly AA meetings and plans to continue
25 attending these meetings for the foreseeable future.
26

27 / / /

1 **B. “[Cushing] shall complete an anger management program approved by**
2 **the State Bar...”**

- 3 1) Cushing successfully completed an approved 8-hour anger management
4 program provided by the North American Learning Institute. See Exhibit
5 “2.”
6

7 **C. “[Cushing shall] complete 10 CLE credits in addition to the annual**
8 **requirement, with at least 5 of those additional CLE credits in the area of**
9 **substance abuse...”**

- 10 1) Cushing completed 72.5 total general CLE credits, 60 credits above the
11 annual requirement. See Exhibit “3.”
12

- 13 2) Cushing completed 22.75 CLE credits in the area of substance abuse and bias.
14 See Exhibit “3.”

- 15 3) Although not specifically required, Cushing also completed 23.00 credits in
16 the area of ethics. See Exhibit “3.”
17

18 **D. Additionally, Cushing shall pay the costs of the disciplinary proceedings,**
19 **including \$2,500 under SCR 120, within 30 days from the date of this order.**

- 20 1) Cushing has paid the state bar \$7,500 representing his estimate of the costs
21 of the prior disciplinary proceeding. See Exhibit “4.”
22

- 23 2) Cushing will pay any outstanding balances owed in this matter once the state
24 bar informs him the amount of any outstanding balance, if any.
25

- 26 3) Cushing did not pay these costs within 30 days of the disciplinary proceeding
27 for reasons which will be explained in subsequent briefing.
28

11. Cushing has not engaged in, or attempted to engage in, the unauthorized practice of law during the period of his suspension. Since the date of his suspension, Cushing has not worked and remains unemployed as of this date. See affidavit of Kym Samuel Cushing attached to this petition.

12. Copies of Cushing's 2019 and 2020 federal tax returns that are attached to this petition document the sources of his income during this period. Cushing's income derived exclusively from non-law related sources. **See Exhibit "5."**

13. Cushing's term of suspension ended on November 30, 2020.

14. Cushing did not seek reinstatement until this date for reasons he will address in subsequent briefing.

Cushing has paid all costs, has fully complied with the Court's suspension order, and respectfully requests that this matter be referred to the Southern Nevada Disciplinary Board to commence a reinstatement proceeding, so that Cushing may demonstrate that he has the moral qualifications, competency, and learning in law required for admission to practice in this state, and that his resumption of the practice of law will not be

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/ / /

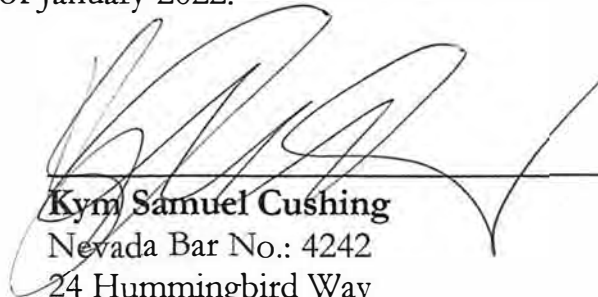
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1 detrimental to the integrity and standing of the bar, the administration of justice, or to
2 the public interest, and that he is fit to resume the practice of law.
3

4 DATED this 19th day of January 2022.

5
6
7 

8 **Kym Samuel Cushing**

9 Nevada Bar No.: 4242

10 24 Hummingbird Way

11 Henderson, NV 89104

12 (702) 271-7679 (cell)

13 kymcushing01@gmail.com

14 Petitioner *in propria persona*
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COMPLETED CLE COURSE CREDITS BY YEAR

2022 – LEXVID

<u>Course</u>	<u>General</u>	<u>Ethics</u>	<u>Substance/Bias</u>
A Lawyer's Guide to the New Cannabis Market	1.00		
Animal Law	1.00		1.00
Bankruptcy Basics	1.00		
Everything You Always Wanted to Know About Impaired Lawyers (But Were Afraid to Ask)	1.25		1.25
Gambling: The Secret Addiction	1.00		1.00
Hot Topics in Commercial Leasing	1.50		
How to Recognize When It's Time to Get Support	1.00	1.00	
Practicing Ethically During COVID-19	1.00	1.00	
Presentence Investigation (PSI) Report Critique	1.00		
Solo/Small Practice Mgmt. Series: Operations	.50		
Solo/Small Practice Mgmt. Series Pt. 2: Technology	1.00		
Title IX Update	1.00		
The Impaired Lawyer: A Call for Action	.50		.50
Update on Family Separation Law with ACLU	1.00		
Which Hours are Billable?	1.00	1.00	

TOTAL:	12.75	3.00	3.75
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2022 – CLARK COUNTY BAR ASSOCIATION CLE CREDITS

Identifying and Handling Stressors: The Path to Health and Well-Being in the Legal Profession	1.00		1.00
Chronic Stress and Practice of Law	1.00		1.00
Navigating Ethical Minefields in Personal Injury Litigation	1.00	1.00	
The Brain Disease of Addiction	1.00		1.00
How to Recognize When It's Time To Get Support	1.00		1.00
Holistic Mental Health for Lawyers	1.00		1.00

TOTAL:	6.00	1.00	5.00
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2021 -- LEXVID

<u>Course</u>	<u>General</u>	<u>Ethics</u>	<u>Substance/Bias</u>
Authentication of Handwriting	1.00		
Closing the Loop on Diversity Efforts...	1.00	1.00	
Copyright Law Overview	1.00		
Dealing with the Media...	1.00	1.00	
Ethical Issues Related to Cybersecurity...	1.00	1.00	
Ethical Rules and Pitfalls For Bankruptcy...	1.00	1.00	

Mediation Advocacy for For Litigators	1.00
Motion Practice in Civil Litigation	1.00
Perils and Pitfalls of Do- It-Yourself IP	.50
Supreme Court Update 2017-2018	1.00

TOTAL:	9.50	4.00
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2021 – Anger Management

Anger management Course	8.00	8.00
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TOTAL:	8.00	8.00
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2020 -- LEXVID

<u>Course</u>	<u>General</u>	<u>Ethics</u>	<u>Substance/Bias</u>
Adam Walsh Act: Family-Based Immigration	1.00		
An Attorney's Guide to Online Defamation	.50		
Chapter 7: The Initial Contact	1.00		
Common Issues in Wrong- Ful Convictions	1.00		
Don't Give Up 5 Minutes Before the Miracle	1.00	1.00	
Examination of Altered Documents	1.00		
Examining the Ethical Ebb	1.00	1.00	

& Flow of E-Discovery

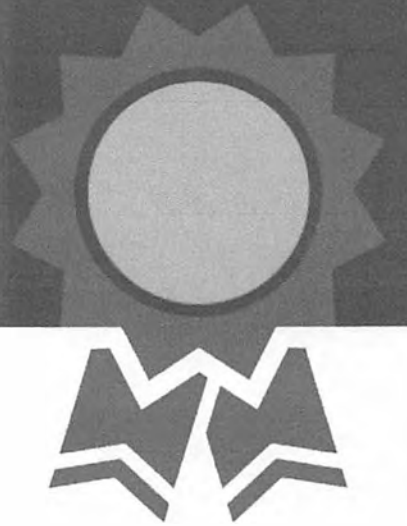
Preparing Clients for Deposition	1.00	
Solo/Small Practice Mgmt. Series: Formation	1.00	
Speedreading: From Brain to Brief in a Hurry	.50	
Supreme Court Update: 2016-2017	1.00	
The Consequences of Bias In Litigation	1.00	1.00
The Effect of Criminal Convictions on Military...	1.00	
The Law of Fiduciary Duties in the 21 st Century	1.00	
Trade Dress: Protecting the Look And Feel of Products...	1.00	
Update on Non-Compete Agreements	1.50	
Will Bias Cost You the Next Case	1.00	1.00
<hr/>		
TOTAL:	16.50	4.00

2019 -- LEXVID

<u>Course</u>	<u>General</u>	<u>Ethics</u>	<u>Substance/Bias</u>
America's Opioid Epidemic / Law	1.00		1.00
Being an Ethical Lawyer on The Internet	1.00	1.00	
Ethics/Privilege Issues: Witnesses	1.25	1.25	
Homeowner's Associations: Basics & Recurring Legal Issues	1.00		

Pretty Little Liars: Dealing with The Dishonest Client	1.00	1.00	
Respect in the Workplace – The Landscape of Harassment, Bias, & Discrimination in Workplace	1.75		1.75
Running on Empty: Legal Pro- fessional Burnout (and How to Refuel)	1.00		1.00
Stress & Substance Abuse in the Legal Profession	1.00		1.00
Supreme Court Roundup -- 2016 Term	1.00		
The 14 th Amendment, Transforming American Democracy	1.00		
TOTAL:	11.00	3.25	4.75
GRAND TOTAL:	64.25	19.25	21.50

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
A Lawyer's Guide to the New Cannabis Market
was completed.

Course Number 49586

Member Name Kym Cushing

Bar Number 4242

Date of Completion 02/12/2022

STATE OF ACCREDITATION

Nevada

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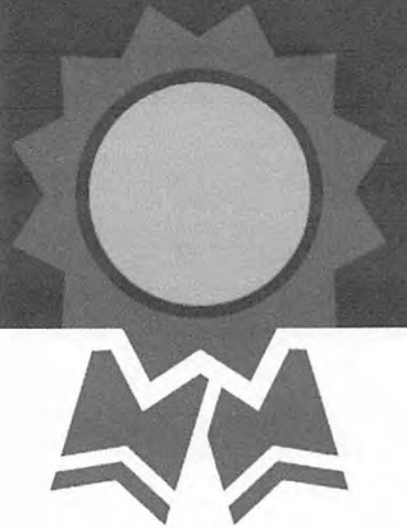
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ROA Page 180

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Animal Law: General Overview and Legal Trends
was completed.

Course Number 49578

Member Name Kym Cushing

Bar Number 4242

Date of Completion 02/12/2022

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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Bankruptcy Basics
was completed.

Course Number	40569
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	01/28/2022

STATE OF ACCREDITATION

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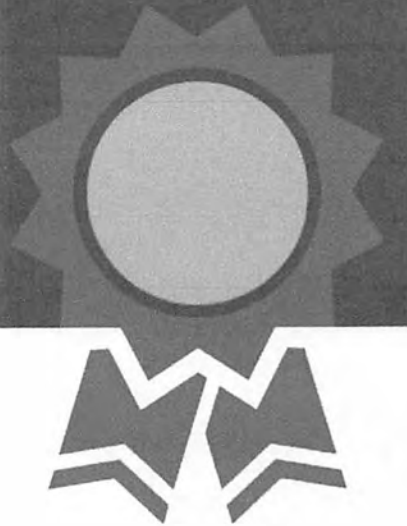
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Document Fraud in Probate Cases
was completed.

Course Number 49583

Member Name Kym Cushing

Bar Number 4242

Date of Completion 02/12/2022

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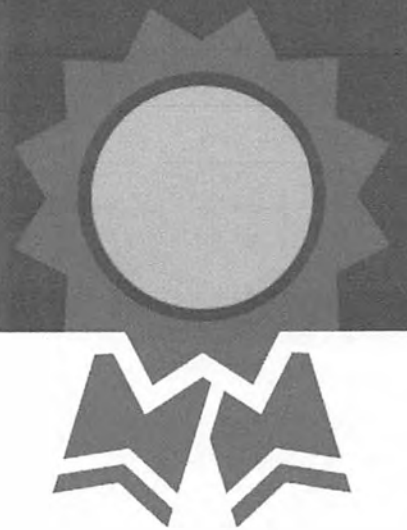
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Everything You Always Wanted to Know About Impaired
Lawyers (but were afraid to ask)
was completed.

Member Name

Kym Cushing

Bar Number

143335

Date of Completion

03/08/2022

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

CREDITS RECEIVED

1.25 General (Participatory)

Including 1.25 Competence Issues

CLE Provider Information: California #14350

LexVidServices

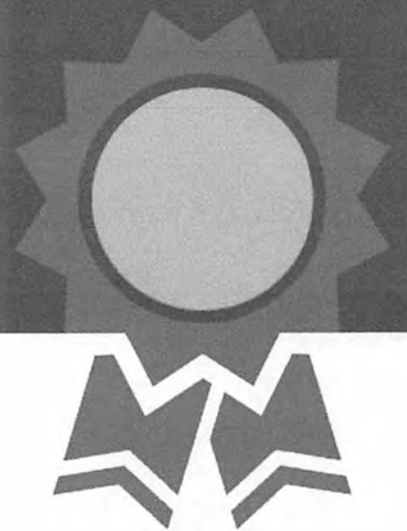
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ROA Page 184

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Gambling: The "Secret" Addiction
was completed.

Course Number 102541

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/14/2022

STATE OF ACCREDITATION

Nevada

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1.00 General

Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

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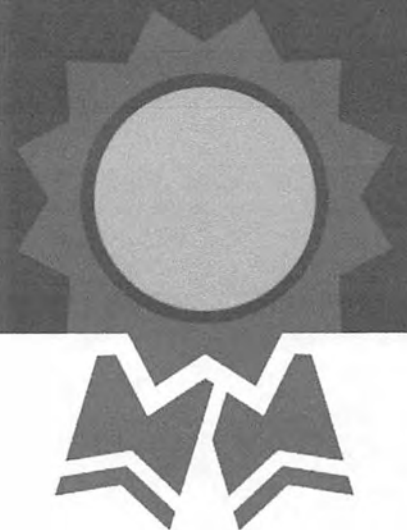
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ROA Page 185

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Hot Topics in Commercial Leasing
was completed.

Course Number 49606

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/08/2022

STATE OF ACCREDITATION

Nevada

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1.50 General

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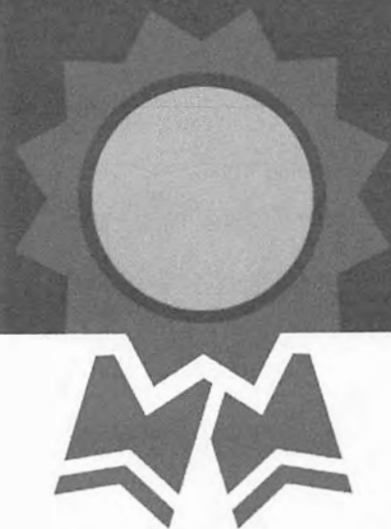
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Legal Issues Faced by Craft Breweries - Update
was completed.

Course Number 49595

Member Name Kym Cushing

Bar Number 4242

Date of Completion 02/13/2022

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1.00 General

CLE Provider Information: Nevada #0

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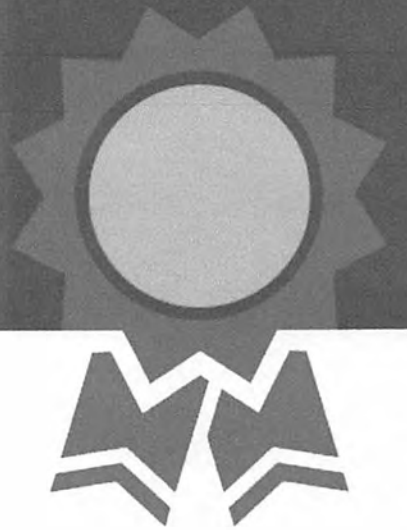
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Practicing Ethically During COVID-19
was completed.

Course Number 102551

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/08/2022

STATE OF ACCREDITATION

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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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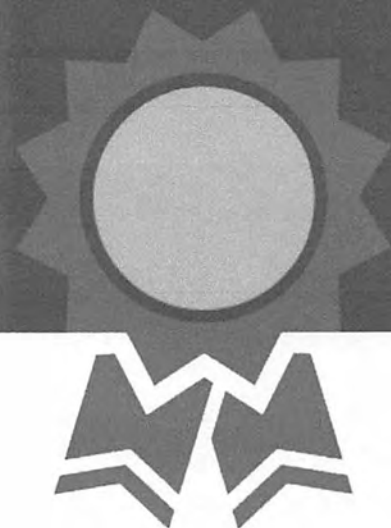
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Presentence Investigation (PSI) Report Critique
was completed.

Course Number 49601

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/08/2022

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1.00 General

CLE Provider Information: Nevada #0

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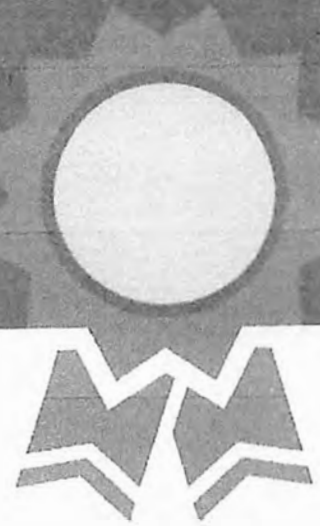
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ROA Page 189

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Solo and Small Law Practice Management Series Part 2:
Technology
was completed.

Course Number	49570
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	01/19/2022

STATE OF ACCREDITATION

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CLE Provider Information: Nevada #0

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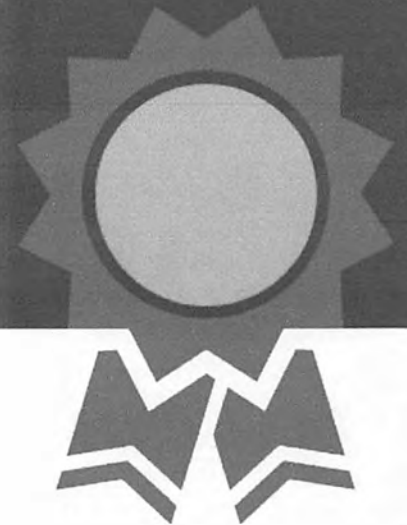
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ROA Page 190

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
The Impaired Lawyer: A Call for Action
was completed.

Member Name Kym Cushing

Bar Number 143335

Date of Completion 01/14/2022

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

CREDITS RECEIVED

1.00 General (Participatory)

Including 1.00 Competence Issues

CLE Provider Information: California #14350

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ROA Page 191

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Title IX Update
was completed.

Course Number 49609
Member Name Kym Cushing
Bar Number 4242
Date of Completion 01/16/2022

STATE OF ACCREDITATION

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1.00 General

CLE Provider Information: Nevada #0

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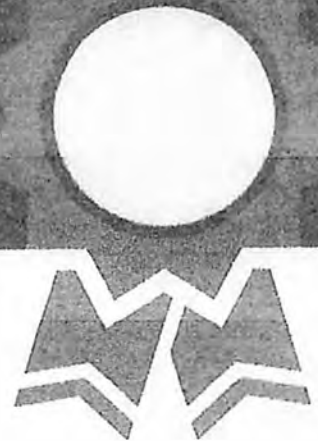
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ROA Page 192

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Update on Family Separation Law with the ACLU
was completed.

Course Number 49598

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/14/2022

STATE OF ACCREDITATION

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1.00 General

CLE Provider Information: Nevada #0

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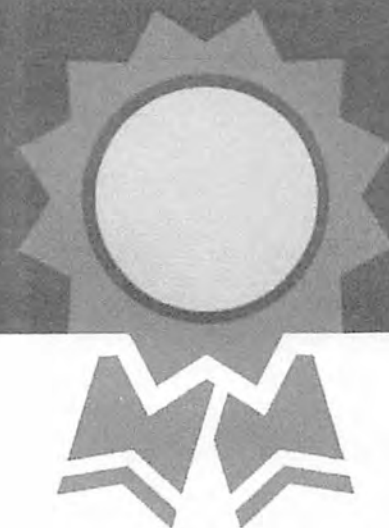
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ROA Page 193

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Which Hours are Billable?
was completed.

Course Number 49615

Member Name Kym Cushing

Bar Number 4242

Date of Completion 01/16/2022

STATE OF ACCREDITATION

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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Authentication of Handwriting
was completed.

Course Number 49591

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/21/2021

STATE OF ACCREDITATION

Nevada

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1.00 General

CLE Provider Information: Nevada #0

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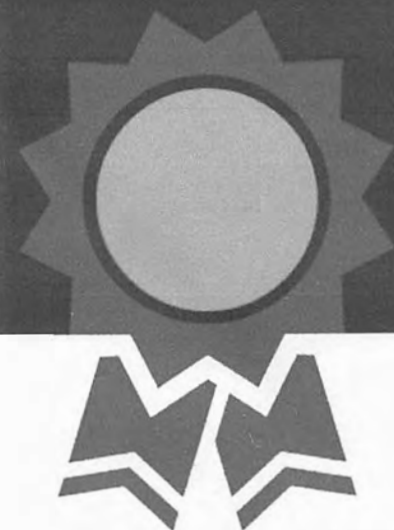
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joshua@lexdirect.com

KSC - 0001

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Closing the Loop on Diversity Efforts by Creating an
Inclusive Environment / Competency and the Practice of
Law

was completed.

Member Name

Kym Cushing

Bar Number

143335

Date of Completion

12/17/2021

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

CREDITS RECEIVED

1.00 General (Participatory)

Including 1.00 Elimination of Bias in the
Legal Profession

CLE Provider Information: California #14350

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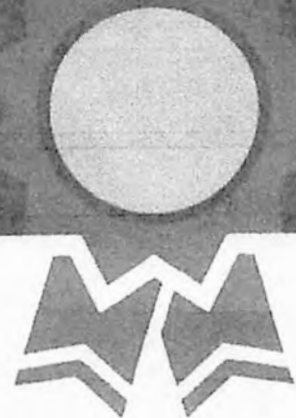
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KSC - 0002
ROA Page 197

LexVidServices
**Certificate of CLE
Program Completion**



This certificate certifies that
Copyright Law Overview
was completed.

Course Number 49587

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/21/2021

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
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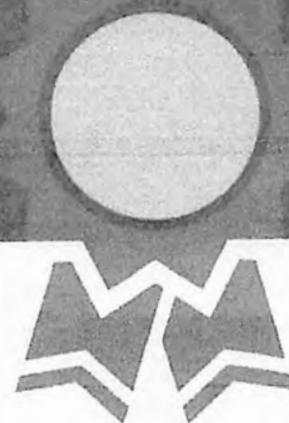


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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Dealing with the Media: What Lawyers Ethically Can and
Can't Say
was completed.

Course Number 49588

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/20/2021

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CLE Provider Information: Nevada #0

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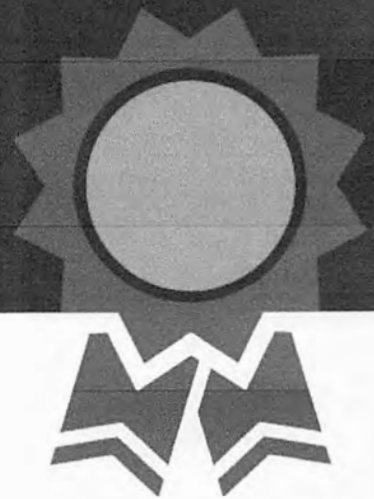
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LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Ethical Issues Related to Cybersecurity and Data Privacy
was completed.

Course Number	49597
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	12/21/2021

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
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1.00 General

Including 1.00 Ethics

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KSC - 0005

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Ethical Rules and Pitfalls for Bankruptcy Practitioners
was completed.

Course Number 49604

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/29/2021

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
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1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

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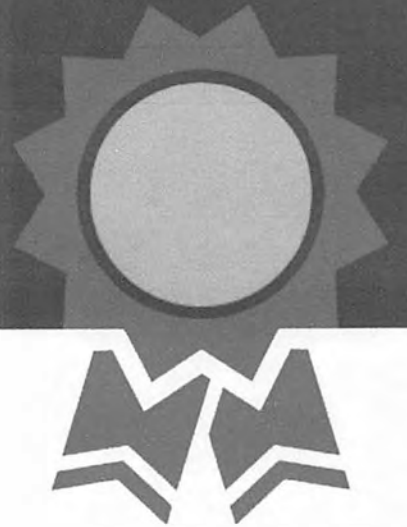
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ROA Page 201

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Mediation Advocacy for Litigators: What You Need to
Know for a Successful Mediation
was completed.

Course Number 49602

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/30/2021

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
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CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

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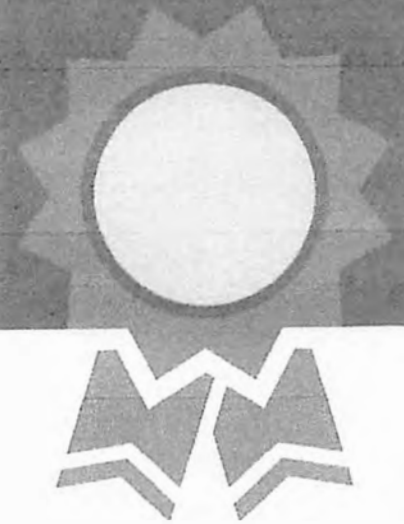
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ROA Page 202

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Motion Practice in Civil Litigation: Drafting & Advocacy -
Part II
was completed.

Course Number	49611
Member Name	Kym Cushing
Bar Number	4242
Date of Completion	12/29/2021

STATE OF ACCREDITATION

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ROA Page 203

LexVidServices
**Certificate of CLE
Program Completion**



This certificate certifies that
Perils And Pitfalls Of Do-It-Yourself IP
was completed.

Course Number 49572

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/23/2021

STATE OF ACCREDITATION

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.50 General

CLE Provider Information: Nevada #0

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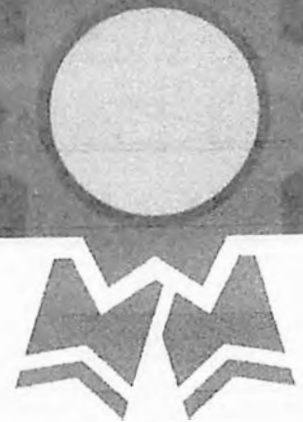
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LexVidServices
**Certificate of CLE
Program Completion**



This certificate certifies that
Supreme Court Update: 2017-2018 Term
was completed.

Course Number 49605

Member Name Kym Cushing

Bar Number 4242

Date of Completion 12/21/2021

STATE OF ACCREDITATION

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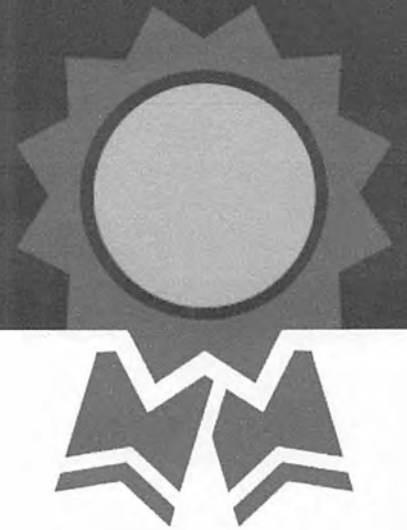
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ROA Page 205

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Adam Walsh Act: Family-Based Immigration Petitions
was completed.

Course Number 49603

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/25/2020

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457 Court Street, 2nd Floor
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TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

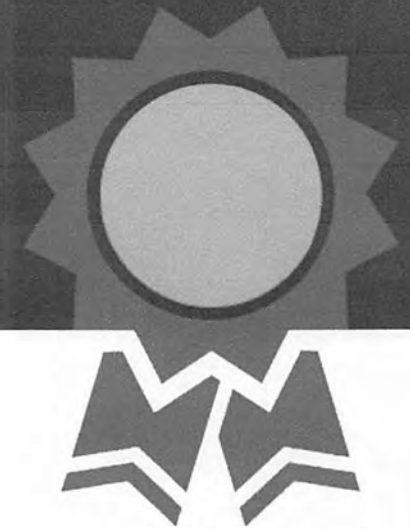
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 **LexDirectCLE**
lexdirectcle.com

KSC - 0001
ROA Page 207

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

An Attorney's Guide to Online Defamation and Website
Removal
was completed.

Course Number 49568

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

.50 General

CLE Provider Information: Nevada #0

LexVidServices

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 LexDirect CLE
lexdirectcle.com

KSC - 0002
ROA Page 208

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Chapter 7: The Initial Consult
was completed.

Course Number 49613

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/03/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

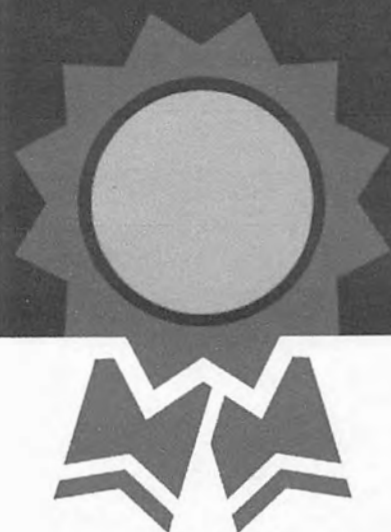
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0003
ROA Page 209

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Common Issues in Wrongful Convictions with Innocence
Project

was completed.

Course Number

49596

Member Name

Kym Cushing

Bar Number

4242

Date of Completion

08/14/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
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nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

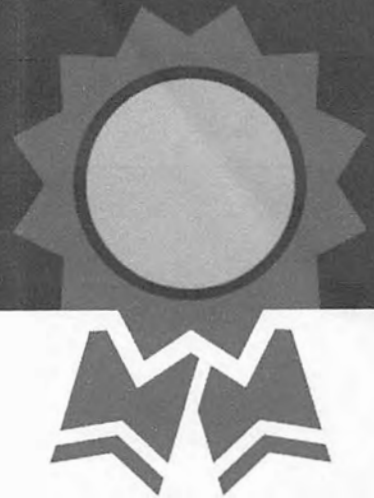
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0004
ROA Page 210

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Don't Give Up 5 Minutes Before the Miracle
was completed.

Course Number 49617

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/28/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

LexVidServices

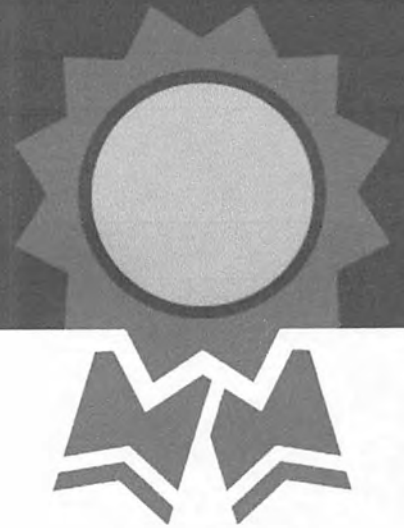
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 **LexDirect CLE**
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KSC - 0005

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Examination of Altered Documents
was completed.

Course Number 49600

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/24/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
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nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

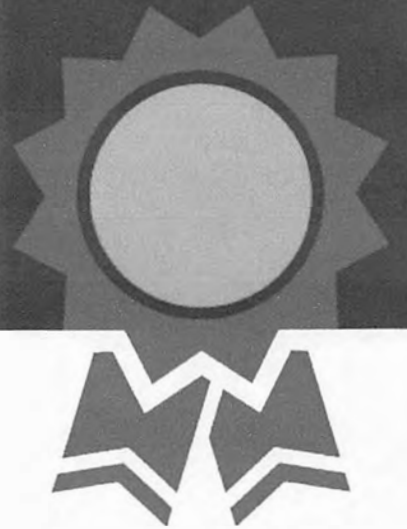
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
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 LexDirect CLE
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KSC - 0006
ROA Page 212

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Examining the Ethical Ebb & Flow of E-Discovery
was completed.

Course Number 49573

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/27/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
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nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

LexVidServices

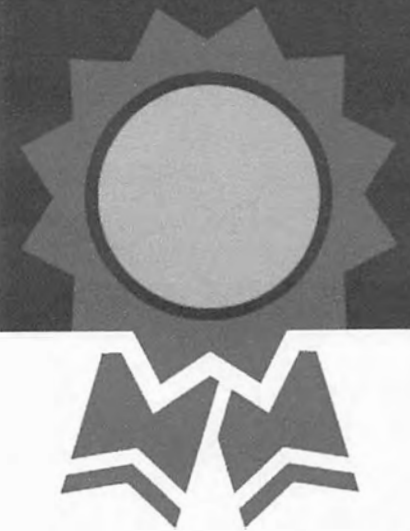
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 LexDirectCLE
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KSC - 0007
ROA Page 213

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Preparing Clients for Deposition: An Investment in
Performance
was completed.

Course Number 49590

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/06/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

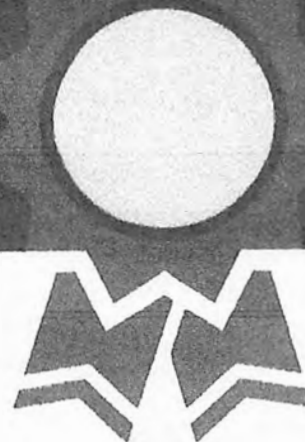
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KSC - 0008
ROA Page 214

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Solo & Small Practice Management Series: Formation
was completed.

Course Number 49576
Member Name Kym Cushing
Bar Number 4242
Date of Completion 08/09/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

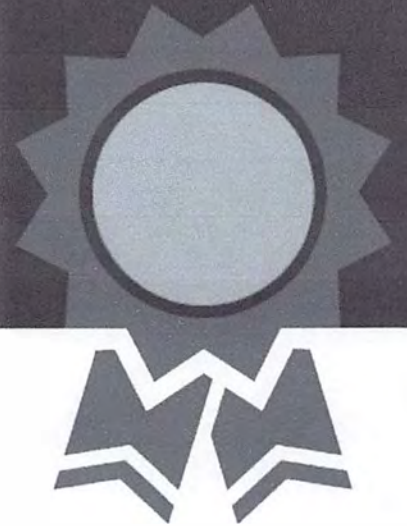
San Diego, CA | info@lexvidservices.com | 619.527.1225

LEXVID
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 **LexDirect**
lexdirect.com

KSC - 0009
ROA Page 215

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Speedwriting: From Brain to Brief in a Hurry
was completed.

Course Number 49593

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/11/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

.50 General

CLE Provider Information: Nevada #0

LexVidServices

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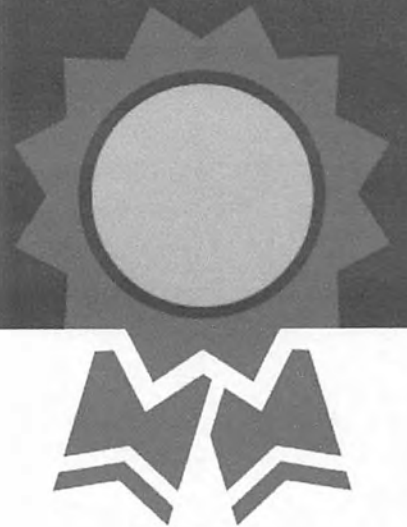
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 LexDirect CLE
lexdirectcle.com

KSC - 0010

ROA Page 216

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Supreme Court Update: 2016-2017 Term
was completed.

Course Number 32515

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

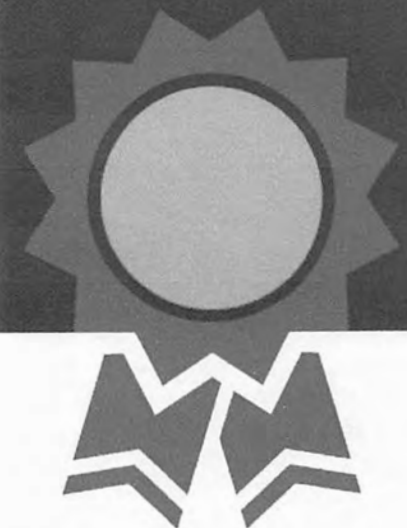
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LEXVID
lexvid.com

 **LexDirectCLE**
lexdirectcle.com

KSC - 0011
ROA Page 217

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
The Consequences of Bias in Litigation
was completed.

Course Number 49579

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/27/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

LexVidServices

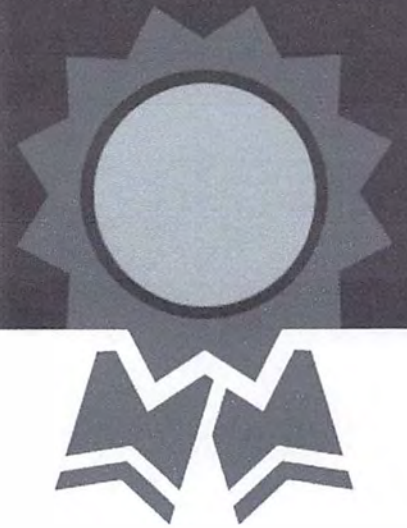
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 LexDirect CLE
lexdirectcle.com

KSC - 0012
ROA Page 218

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
The Effect of Criminal Convictions on Military Personnel
was completed.

Course Number 49599

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/15/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
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CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

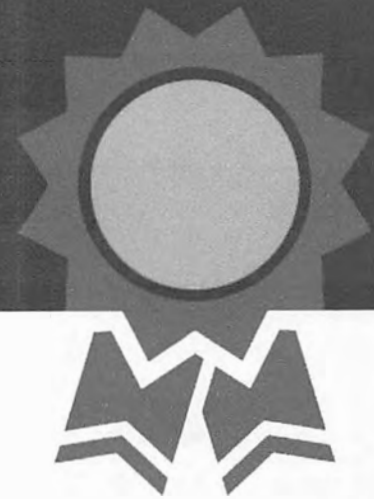
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KSC - 0013
ROA Page 219

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
The Law of Fiduciary Duties in the 21st Century
was completed.

Course Number 32539

Member Name Kym Cushing

Bar Number 4242

Date of Completion 03/05/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
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nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

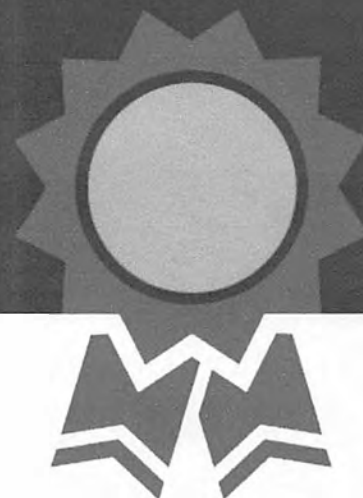
San Diego, CA | info@lexvidservices.com | 877.327.1226

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lexvid.com

 **LexDirect CLE**
lexdirectcle.com

KSC - 0014

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Trade Dress: Protecting the Look and Feel of Products,
Packaging, and Places of Business
was completed.

Course Number 49584

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/09/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

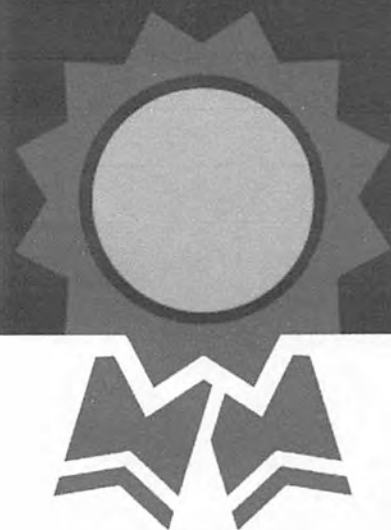
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0015

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Update on Non-Compete Agreements
was completed.

Course Number 49592

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/09/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.50 General

CLE Provider Information: Nevada #0

LexVidServices

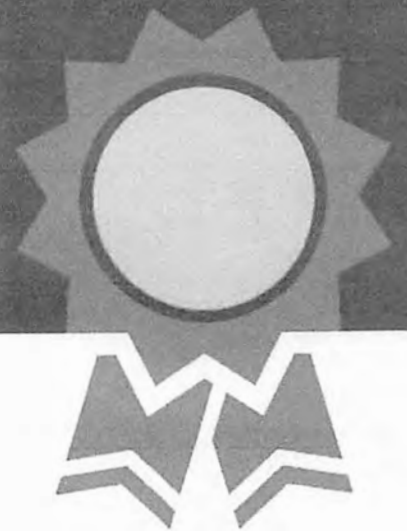
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirectCLE
lexdirectcle.com

KSC - 0016
ROA Page 222

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Will Bias Cost You Your Next Case?
was completed.

Course Number 32543
Member Name Kym Cushing
Bar Number 4242
Date of Completion 03/05/2020

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

LexVidServices

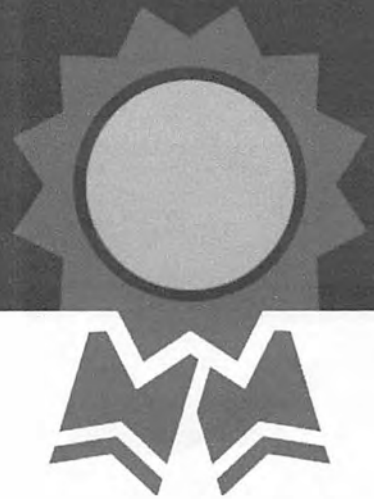
San Diego, CA | info@lexvidservices.com | 877.325.1226

LEXVID
lexvid.com

 **LexDirect CLE**
lexdirectcle.com

KSC - 0017
ROA Page 223

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
America's Opioid Epidemic & the Law
was completed.

Member Name Kym Cushing

Bar Number 143335

Date of Completion 07/29/2019

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

CREDITS RECEIVED

1.00 General (Participatory)

CLE Provider Information: California #14350

LexVidServices

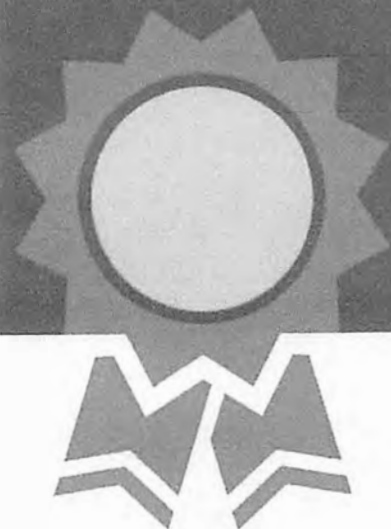
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0001

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Being an Ethical Lawyer on the Internet
was completed.

Course Number 22226

Member Name Kym Cushing

Bar Number 4242

Date of Completion 08/05/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

LexVidServices

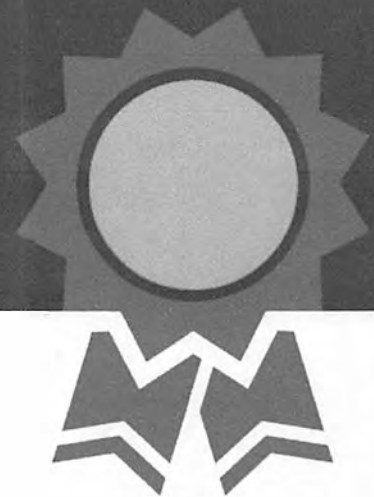
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0002
ROA Page 226

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Ethics & Privilege Issues: Witnesses
was completed.

Member Name Kym Cushing

Bar Number 143335

Date of Completion 07/29/2019

REPORTING STATE

California

State Bar of California
Office of Certification
180 Howard Street
San Francisco, CA, 94105-1639
TEL: 888-800-3400
mcle@calbar.ca.gov

CREDITS RECEIVED

1.25 General (Participatory)

Including 1.25 Ethics

CLE Provider Information: California #14350

LexVidServices

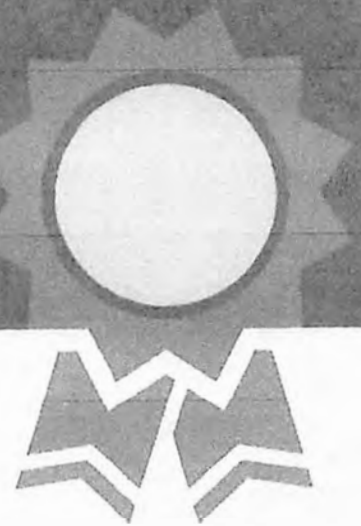
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 **LexDirectCLE**
lexdirectcle.com

KSC - 0003

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Homeowner's Associations: Basics & Recurring Legal
Issues
was completed.

Course Number 23323
Member Name Kym Cushing
Bar Number 4242
Date of Completion 11/22/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

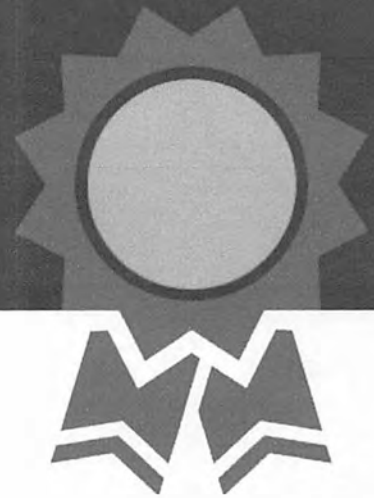
San Diego, CA | 1-800-368-8888 | 619-592-1125

LEXVID
lexvid.com

LexDirect
lexdirect.com

KSC - 0004
ROA Page 228

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Pretty Little Liars: Dealing with the Dishonest Client
was completed.

Course Number 32537

Member Name Kym Cushing

Bar Number 4242

Date of Completion 11/22/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Ethics

CLE Provider Information: Nevada #0

LexVidServices

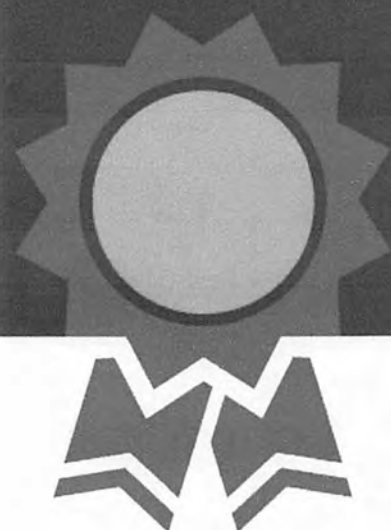
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0005

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Respect in the Workplace - The Legal Landscape of
Harassment, Bias, & Discrimination in the Workplace -
Part II

was completed.

Course Number 23332

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/29/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.50 General

Including 1.50 Ethics

CLE Provider Information: Nevada #0

LexVidServices

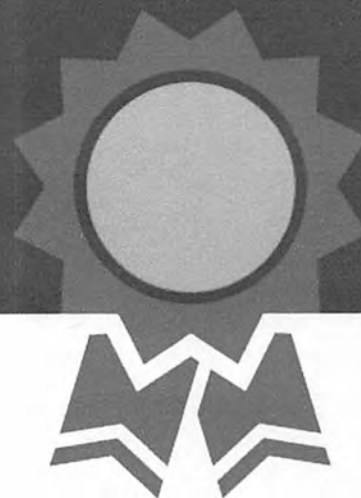
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirectCLE
lexdirectcle.com

KSC - 0006
ROA Page 230

LexVidServices Certificate of CLE Program Completion



This certificate certifies that

Running on Empty: Legal Professional Burnout (And How to Refuel)

was completed.

Course Number 32521

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/25/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

LexVidServices

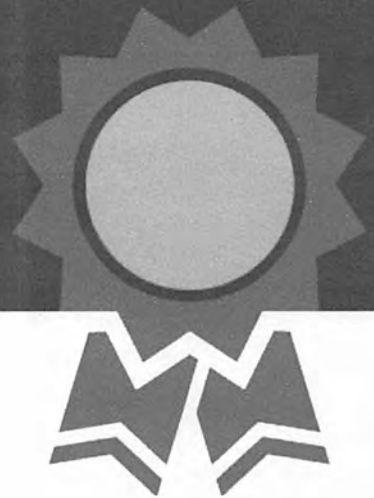
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 LexDirect CLE
lexdirectcle.com

KSC - 0007

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Stress & Substance Abuse in the Legal Profession
was completed.

Course Number 33823

Member Name Kym Cushing

Bar Number 4242

Date of Completion 04/23/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

Including 1.00 Substance Abuse

CLE Provider Information: Nevada #0

LexVidServices

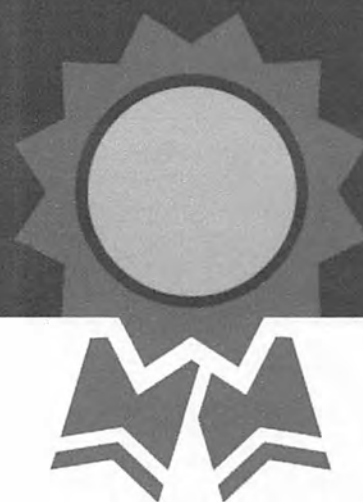
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 **LexDirectCLE**
lexdirectcle.com

KSC - 0008

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
Supreme Court Roundup - 2016 Term
was completed.

Course Number 23339

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/29/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.50 General

CLE Provider Information: Nevada #0

LexVidServices

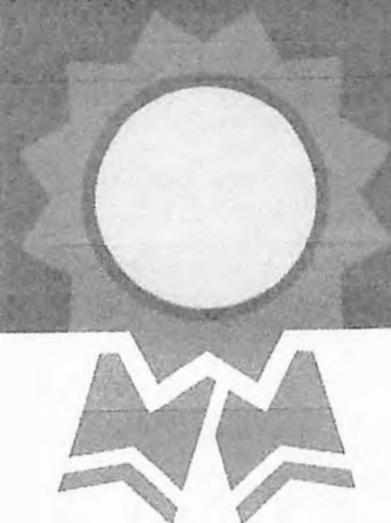
San Diego, CA | info@lexvidservices.com | 877.327.1226

LEXVID
lexvid.com

 **LexDirectCLE**
lexdirectcle.com

KSC - 0009

LexVidServices Certificate of CLE Program Completion



This certificate certifies that
The 14th Amendment, Transforming American
Democracy
was completed.

Course Number 32519

Member Name Kym Cushing

Bar Number 4242

Date of Completion 07/25/2019

STATE OF ACCREDITATION

Nevada

Nevada Board of Continuing Legal Education
457 Court Street, 2nd Floor
Reno, NV, 89501
TEL: 775-329-4443
nevadacleboard@sbcglobal.net

CREDITS RECEIVED

1.00 General

CLE Provider Information: Nevada #0

LexVidServices

San Diego, CA | info@lexvidservices.com | 617-527-1225

LEXVID
LexVid.com

LexDirect
lexdirect.com

KSC - 0010
ROA Page 234



KSC <kymcushing01@gmail.com>

Order Confirmation

1 message

SBN <memberservice@nvbar.org>
To: Kym Cushing <kymcushing01@gmail.com>

Tue, Dec 7, 2021 at 10:26 PM

Order Confirmation

#10387193

12/8/2021

Dear Kym Cushing:

Thank you for your order. Your Order Details are below.

Bill To Address

Kym Cushing
24 Hummingbird Way
Henderson, NV 89014
United States

Ship To Address

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KSC - 0001

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IDENTIFYING AND HANDLING ATTORNEY STRESSORS: THE PATH TO HEALTH AND WELL-BEING IN THE LEGAL PROFESSION

ONE HOUR A.A.MH CLE CREDIT

Please select from either "true" or "false" the answer that best corresponds to each of the following statements.

1. Like the stereotypical lawyer represented in the media, a majority of most of American attorneys can be, unfortunately, classified as workaholics.
☐ True ☒ False > 50%
2. Of the six key dimensions for maintaining attorney wellness as identified by the task force, financial independence is the most important.
☐ True ☒ False
3. Open bars and alcohol-centric events at firms and bar associations disenfranchise certain groups of lawyers and demote otherwise healthy, stress-relieving activities.
☒ True ☐ False
4. Lawyers with mental illness exhibit symptoms and have diagnoses prior to entering law school.
☐ True ☒ False
5. The "work hard, play hard" mantra discourages young lawyers from actively seeking treatment for substance abuse issues.
☒ True ☐ False
6. Presenting the ethical implications of untreated mental illness or substance abuse are effective deterrents for scaring attorneys into receiving help.
☐ True ☒ False
7. While the majority of lawyers do not have a mental health or substance use disorder, many lawyers at best feel ambivalent about their work.
☒ True ☐ False
8. While lawyers suffer from higher levels of anxiety and depression than the rest of the population, most enter law school with these mental health issues.
☐ True ☒ False
9. More than one-tenth of lawyers have reported suicidal thoughts at some point during their careers.
☒ True ☐ False
10. Well-being is an indispensable part of a lawyer's duty of competence.
☒ True ☐ False
11. A majority of law students are encouraged to ask for help when they need it.
☐ True ☒ False
12. It is not uncommon for law firms to foster competitive rather than cooperative workplace atmospheres.
☒ True ☐ False
13. According to the task force, expressing frustration or anger through social media is a productive way to vent stress.
☐ True ☒ False
14. Taking on a pro bono case outside your practice area is a good way to foster intellectual growth—a component of overall well-being.
☒ True ☐ False

Test 53 | IDENTIFYING AND HANDLING ATTORNEY STRESSORS

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- 1) Read the article on pages 14-15.
- 2) Answer the quiz questions on page 17. Each question has only one correct answer.
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Chronic STRESS and the Practice of Law

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Whether a situation is a "stressor" depends on a person's own perception.
☒ True ☐ False
2. Hyperarousal of the limbic system's "fight or flight" response can result in chronic stress.
☒ True ☐ False
3. Identify the psychological or emotional symptoms of chronic stress (mark all that apply):
 - a. Memory problems
 - b. Inability to concentrate
 - ☒ c. Making astute judgment calls
 - d. Seeing only the negative
 - e. Anxious or racing thoughts
4. Which of the following are physical symptoms of stress? (Mark all that apply.)
 - a. Hyperactivity or excess energy
 - ☒ b. Aches and pains
 - ☒ c. Diarrhea or constipation
 - ☒ d. Chest pain, rapid heartbeat
 - ☒ e. Loss of sex drive
5. Which of the following are behavioral symptoms of stress? (Mark all that apply.)
 - ☒ a. Eating more or less
 - ☒ b. Sleeping too much or too little
 - ☒ c. Procrastinating or neglecting responsibilities
 - ☒ d. Using alcohol, cigarettes or drugs to relax
 - e. Getting up early to exercise
6. Which of the following are symptoms of depression? (Mark all that apply.)
 - a. High energy and motivation
 - ☒ b. Feelings of worthlessness, hopelessness and/or pessimism
 - ☒ c. Irritability, restlessness, or being slowed down
 - ☒ d. Trouble sleeping or sleeping too much
 - ☒ e. Thoughts about suicide or dying
7. Which of the following are symptoms of anxiety? (Mark all that apply.)
 - ☒ a. Always feeling angry and lacking patience
 - ☒ b. Dramatic mood swings (emotional flipping)
 - ☒ c. Feel like crying for no apparent reason
 - d. Underlying anxiety, apprehension or fear
 - ☒ e. You feel like you are under pressure all the time
8. Working excessively can be a symptom of a negative coping mechanism for stress.
☒ True ☐ False
9. People in denial will not be angry or resentful if you try to talk to them about negative coping mechanisms.
True ☒ False
10. Reliance on alcohol for stress relief, if taken to extremes, can result in alcoholism.
☒ True ☐ False
11. Reacting to stressors immediately will reduce your levels of chronic stress.
True ☒ False
12. Procrastination is a good way to reduce your stress level as you put off troublesome tasks to a later date.
True ☒ False
13. Exercise is beneficial for reducing stress as your body releases endorphins, which trigger positive feelings in the body.
☒ True ☐ False
14. Meditation is helpful in controlling your stress and developing more control over your thoughts.
☒ True ☐ False
15. Chronic stress will have no effect on you if you just ignore it.
True ☒ False
16. Volunteering to help someone is one positive way to deal with stress.
☒ True ☐ False
17. Staying up all night to work is a good way to deal with stress.
True ☒ False
18. Do you know of any attorneys who have had serious personal or professional problems from alcohol abuse?
☒ Yes ☐ No
19. Talking to a mental health professional can help you with dealing with chronic stress.
☒ True ☐ False
20. Seeking assistance from a medical professional can provide assistance with anxiety and depression, as there are medications available to help with those symptoms.
☒ True ☐ False

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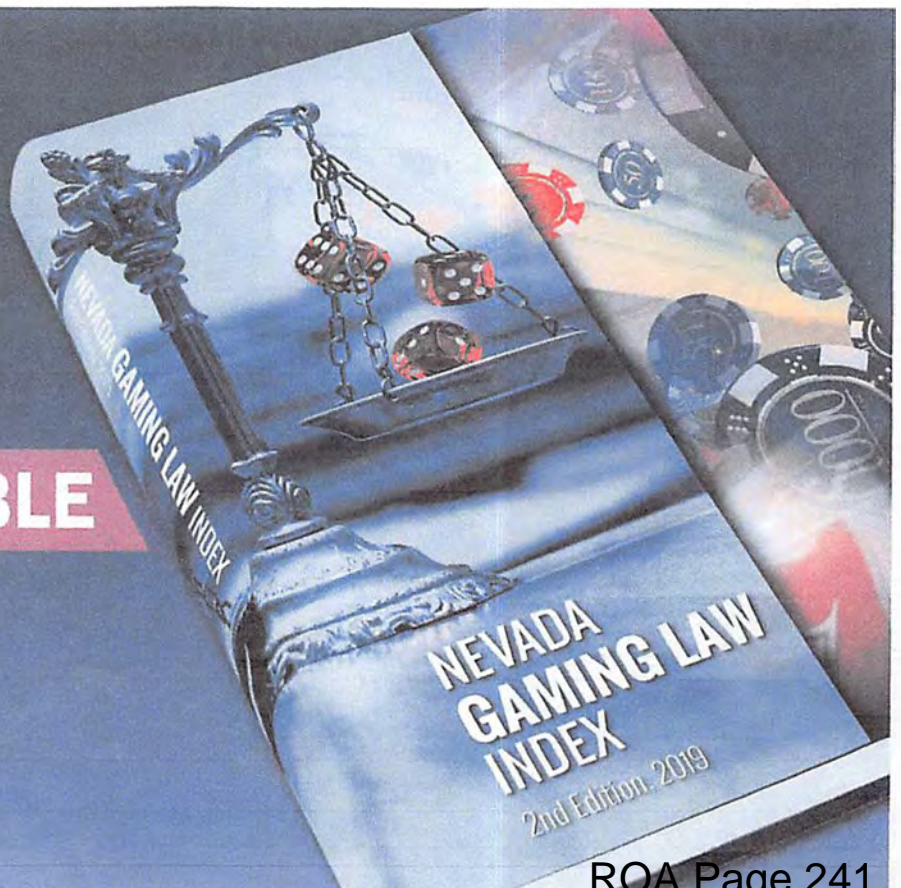
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ROA Page 241

KSC - 0006

Navigating Ethical Minefields in Personal Injury Litigation

BY LAUREN CALVERT, ESQ.



Personal injury attorneys and insurance defense attorneys are often characterized in a not-so-flattering light. Sometimes they are portrayed to the public as greedy or unscrupulous. The importance of ethics in personal injury law is obvious to those practicing in the field. Failure to navigate ethical pitfalls unique to personal injury carries potential harm to the lawyer and client alike, and undermines public respect for, and confidence in, our profession.

Potholes for Plaintiff's Counsel

Retainer Agreements

A written retainer agreement, executed by the parties, is mandatory in contingent fee cases. The retainer agreement defines the scope of the engagement, and vague terms can lead to ethical dilemmas. If the engagement does not include resolving liens of healthcare providers or giving tax advice as to the recovery, that should be made explicit. When representing several clients in the same matter, counsel should address waiver of potential or existing conflicts, including what will happen where multiple clients have differing settlement demands.

It is unethical for an attorney to include in the retainer agreement a provision granting the attorney full and absolute discretion and authority to settle the case upon terms decided by the attorney. The decision to settle belongs to the client.¹ A general relinquishment of the right by the client in favor of the lawyer creates a conflict that violates the attorney's fiduciary duty to the client. The attorney has a duty to consult with the client about settlement and explain the matter to the extent necessary to permit the client to make an informed decision.

Use of Non-Lawyers

It is commonplace for administrative staff, law clerks and paralegals to conduct significant prelitigation work within

personal injury firms. However, conducting initial client consultations, deciding whether the representation should be accepted, negotiating clients' claims with the insurance company (which includes making legal arguments in support of the clients' position), signing demand letters and serving as the clients' sole contact in the firm constitute the practice of law. These tasks cannot be performed by a non-attorney.²

Third-Party Litigation Funding

In mass tort claims involving personal injury and product liability, expenses to prosecute the claim can be substantial. In such cases, counsel may need to personally borrow funds for litigation costs. This is permissible.³ The attorney must agree to be responsible for the repayment of the loan, interest and associated reasonable fees. Repayment of the loan may not be contingent on the success of the litigation for which the loan is obtained, and the client must give written consent prior to counsel taking the loan.

Duties to Lienholders

An attorney who represents an injured party in a personal injury case owes a duty of loyalty to that client. However, once the case is settled, if there are lienholders or interested third parties, the attorney's duty is then split between the client and the interested third parties.⁴ In situations where the client does not want the attorney to pay the lienholders, this split duty can become precarious rather quickly.

When the client instructs the lawyer not to pay a third party who appears to have a cognizable interest in the funds, there is a dispute concerning their respective interests in the funds. In that situation, the lawyer is ethically obligated not to decide who prevails in the dispute, although counsel may ethically attempt to mediate a consensual settlement between the client and third party. If the parties do not readily agree to a resolution, the lawyer is ethically obligated to keep the portion of the funds in dispute separate until resolved. As a result,

Navigating Ethical Minefields in Personal Injury Litigation

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Counsel is required to obey his or her client's instruction to not pay a lienholder.
True ☒ False
2. Medical liens can result in an attorney having ethical duties running in favor of someone other than the lawyer's client.
☒ True False
3. A contingent fee agreement should include a provision whereby the client authorizes his or her attorney to settle the client's matter for any amount the attorney determines is reasonable without further oral or written authorization.
True ☒ False
4. When the insured and the insurer have opposing legal interests, Nevada law requires insurers to fulfill their contractual duty to defend their insureds by allowing insureds to select their own independent counsel and paying for such representation.
☒ True False
5. An insurer-appointed attorney may not disclose to the insurer protected information learned during the representation that might tend to defeat coverage.
☒ True False
6. The insurer is entitled to an unredacted copy of an insured's case file from the insurance-appointed defense attorney.
True ☒ False
7. The insurer may have a right to demand protected adverse information from the policyholder under a duty to cooperate clause in the contract of insurance, which the insured's attorney could not otherwise reveal.
☒ True False
8. No matter how angry a client becomes, an attorney may not release settlement funds to the client until the settlement check has cleared in the lawyer's trust account.
☒ True False
9. Plaintiff's counsel need not attempt to negotiate a client's medical lien if requesting a reduction of the lien would cause the medical provider to no longer provide treatment on liens.
True ☒ False
10. In fulfilling its ethical obligations, defense counsel should include in settlement agreements indemnification provisions by which the plaintiff's lawyer promises to hold the defendant or the insurer harmless and to indemnify them against any claims that the plaintiff should have paid out of the settlement proceeds.
True ☒ False
11. An attorney may use his or her own funds to "cover" a bounced settlement check.
True ☒ False
12. Plaintiff's counsel may charge a contingency fee for obtaining a client med pay, so long as the amount is not unreasonable.
☒ True False
13. In the absence of a conflict, insurance-appointed counsel represents both the insured and the insurer and has duties of confidentiality and care to both as co-clients.
☒ True False
14. Conducting initial client consultations and negotiating with claims adjusters can be done by non-attorneys so long as the matter is pre-litigation.
True ☒ False
15. Repayment of a third-party loan to fund litigation expenses may not be contingent on the success of the litigation for which the loan is obtained.
☒ True False
16. Lawyers have ethical duties to affirmatively seek to discover third parties with an interest in settlement funds.
True ☒ False
17. It is ethical for defense lawyers to seek indemnity provisions from plaintiffs' lawyers in settlement agreements because of the insurance-appointed counsel's duty of zealous advocacy.
True ☒ False
18. The mere assertion of a "claim" by a general, unsecured creditor is not an "interest" in the settlement funds themselves in the hands of the plaintiff's lawyer.
☒ True False
19. A written retainer agreement, executed by the parties, is mandatory in contingent fee cases.
☒ True False
20. The liability insurer and its policyholder cannot contractually stipulate that the insurer will control the defense and settlement of the case because that would impinge on defense counsel's duty of loyalty to the insured.
True ☒ False

Navigating Ethical Minefields in Personal Injury Litigation

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- 2) Answer the quiz questions on page 25. Each question has only one correct answer.
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ROA Page 244

KSC - 0009

Addiction, or “Substance Use Disorder,” as it is termed by the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), is a chronic, progressive and potentially fatal brain disease. The brain is composed of 100 million cells and is in charge of virtually all human functioning – what we do, say, think, remember, decide, all our actions, emotions, sensations and so much more. The brain is divided into several parts – the two areas of focus for this discussion are the frontal lobe (thoughts and executive function) and the midbrain (reptile brain), which contains the limbic system (survival functions and emotions.)

The most common reasons people use substances are to feel good (reward) or to escape from feeling bad (relief). Everyone wants to feel good and avoid bad feelings – that’s human nature. What happens in the brain with addiction is the person feels *so good* and gets so much relief that he/she pursues this “improved state,” despite the fact that over time, bad things happen and well-being is lost. The drug works so well it develops survival salience, which means that the person’s brain thinks and feels like

The other defining characteristic of addiction is continued use despite consequences. In other words, addicts continue to use even though their job is on the line, relationships are jeopardized, finances are wrecked and self-esteem is down at the bottom of a deep dark well.

The Brain Disease of Addiction

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. The brain is composed of _____ million cells.
A. 1 B. 100 C. 19 D. 10
2. Addiction or "Substance Use Disorder" as it is termed by the DSM 5, is a chronic, progressive and potentially fatal brain disease.
True False
3. The function of the frontal lobe of the brain is:
A. Creativity B. Emotions C. Thoughts and executive function D. Survival
4. _____ occurs when the body has changed so much after regular use of the substance, that it is not normal without the substance.
A. Loss of control B. Physical dependence C. Tolerance D. Craving
5. The most common reasons people use substances are to feel good or to escape from feeling bad.
True False
6. Cutting back works well in treating addiction.
True False
7. Continued use despite consequences and loss of control are two characteristics of addiction.
True False
8. Most-used substances leading to addiction include:
A. Alcohol and other depressants
B. Stimulants
C. Opioids
D. All of the above
9. There is no one-size-fits-all for treatment, and not all forms of treatment are appropriate for everybody.
True False
10. The levels of formal treatment available through the treatment industry are:
A. Inpatient levels B. Outpatient levels
C. Supportive living D. All of the above
11. Medications to treat addiction are, at best, an adjunct to the overall treatment of addiction.
True False
12. For an addict, drug usage is only approximately _____ percent of the problem.
A. 2 B. 25 C. 5 D. 10
13. The Substance Abuse and Mental Health Services Administration (SAMSHA) defines recovery as: "A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential."
True False
14. Addressing the _____ percent is the difference between abstinence and recovery.
A. 98 B. 75 C. 95 D. 90
15. Some of the underlying principles of recovery include:
A. Willingness B. Surrender
C. Honesty D. All of the above
16. According to one study, 21-35 percent of U.S. lawyers meet criteria for substance use disorder with alcohol being the most prevalent.
True False
17. Potential problems for lawyers that put them at risk for addiction include:
A. Isolation B. Stress
C. Competition D. All of the above and more
18. Data shows that _____ are effective tools in recovery from addiction.
A. Gym workouts B. 12-step programs
C. Happy hours D. Vacations
19. Addiction is a chronic health condition.
True False
20. Dr. Mel Pohl encourages attorneys to read this article with an eye toward how to take better care of themselves and their family.
True False

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KSC – 0012

How to Recognize When It's Time to Get Support

BY JACENT WAMALA, LICENSED
MARRIAGE AND FAMILY THERAPIST

Seeking support for mental health concerns has traditionally been seen as taboo. With the current political climate, social justice concerns, and transitioning out of a global pandemic, lawyers are in a season of potentially facing unique challenges and may need to seek support now more than before. It is safe to say that for many, there have been unprecedented stressors present over the last year. The ability to have objective eyes on one's situation helps know when to get the support needed to make a highly stressful profession sustainable. This article will also address the main reasons why people utilize therapy, ways to cope, and how to identify a therapist that is a good fit.

Have you ever felt overwhelmed with too much on your plate? Have you wondered how you were going to manage it all? Perhaps you have isolated yourself or been paralyzed and unmotivated to do the things you used to love. These types of behaviors, thoughts, and feelings are indications of anxiety and depression. Learning to process anxiety and depression are the two main reasons people attend therapy sessions.

The most prevalent causes of concern for clients entering therapeutic

services because of anxiety include hypervigilance, irritability, restlessness, lack of concentration, racing thoughts, unwanted thoughts, fatigue, or sweating.

Depressive symptoms include insomnia or sleeping too much; slowed thinking, speaking, or body movements; feelings of worthlessness or guilt; fixating on past failures or self-blame; unexplained physical problems, such as back pain or headaches; angry outbursts, irritability, or frustration, even over small matters; feelings of sadness, tearfulness, emptiness, or hopelessness.

Both depression and anxiety are on a spectrum. On one end of the spectrum, dwelling on the past leads to sadness,

which over time can cause depression. Being down or feeling sad is not the same as depression.

"An estimated 17.3 million adults in the United States had at least one major depressive episode" (NIMH, 2019). Replaying situations and scenarios wishing you "shoulda, coulda, woulda" done differently and so on is called rumination. This behavior is a key indicator of an individual dealing with a depressive episode. Depression leads to a sort of paralysis. Often when someone is depressed, they have trouble literally moving or attending to basic functions because of this paralysis.



How to Recognize When It's Time to Get Support

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Two main reasons people go to therapy:
a. eating disorders and stress
b. relationships and anxiety
c. anxiety and depression
d. mindfulness and stress
2. Anxiety and stress are the same thing.
a. True
b. False
3. Depression and being down are the same thing.
a. True
b. False
4. It's best to get support as soon as you notice typical functioning is being impaired or effected.
a. True
b. False
5. Which of the following is not a symptom of anxiety?
a. lack of concentration
b. lethargy
c. hypervigilance
d. racing thoughts
6. Racing thoughts is a symptom of depression.
a. True
b. False
7. There are more than 3 million cases of anxiety a year.
a. True
b. False
8. Which of the following is a symptom of both anxiety and depression?
a. irritability
b. sleeping too much
c. slowed thinking
d. self-blame
9. Anxiety and depression are on opposite ends of a spectrum.
a. True
b. False
10. Rumination is:
a. spreading rumors
b. recalling childhood memories
c. replaying situations over and over in your mind
d. angry outbursts
11. Secondary trauma is witnessing direct trauma.
a. True
b. False
12. Finding a therapist too early is not helpful.
a. True
b. False
13. Practicing awareness helps a person know what is going on in their body and mind.
a. True
b. False
14. One of the greatest misconceptions is that people have to manage their life concerns alone.
a. True
b. False
15. Secondary trauma is an indirect exposure to trauma through a firsthand account or narrative of a traumatic event.
a. True
b. False
16. Difficulty self-regulating is one sign it is time to see a therapist or get support.
a. True
b. False
17. Journaling is one _____ to help you work through feelings and traumatic experiences.
a. tool
b. strategy
c. exercise
d. all of these answers
18. Mindfulness is a form of meditation.
a. True
b. False
19. The therapeutic intervention called grounding is different than mindfulness.
a. True
b. False
20. Two great indicators that a therapist is a good fit are the therapist listens and understands, and you have a sense of hopefulness shortly after working with the therapist.
a. True
b. False

How to Recognize When It's Time to Get Support

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- 2) Answer the quiz questions on page 23. Each question has only one correct answer.
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ROA Page 250

KSC - 0015

Holistic Mental Health for Lawyers

BY LORNA LIZOTTE, M.A.

For first-year law students, the normal rate of depressive symptoms can quadruple by the third year to 40 percent, when stress levels elevate as they prepare for graduation, the bar exam, and employment within a firm or as a solo practitioner. In a recent *Law Crossing* article, attorney Andrew Sparkler said, "To admit that you are depressed [in law school], to yourself or to others... is a weakness and if you're in a shark tank of hyper-aggressive folks around you, you'd be hesitant to expose it because why would you fess up to anyone that you have a problem?"¹ Perhaps some students also don't realize or are unwilling to acknowledge the problem. It is not uncommon for new, as well as aspiring, attorneys to turn to alcohol and substance use to adapt to the demands of the profession at a rate equal to those who have practiced more than 20 years.

The level of stress-induced depression and anxiety associated with becoming a lawyer is only exceeded by that of practicing law. In 2016, the American Bar Association (ABA) Commission on Lawyer Assistance Programs surveyed nearly 13,000 practicing attorneys to find that as much as 36 percent were classified as problem drinkers and 19-28 percent were struggling with stress, anxiety or depression.

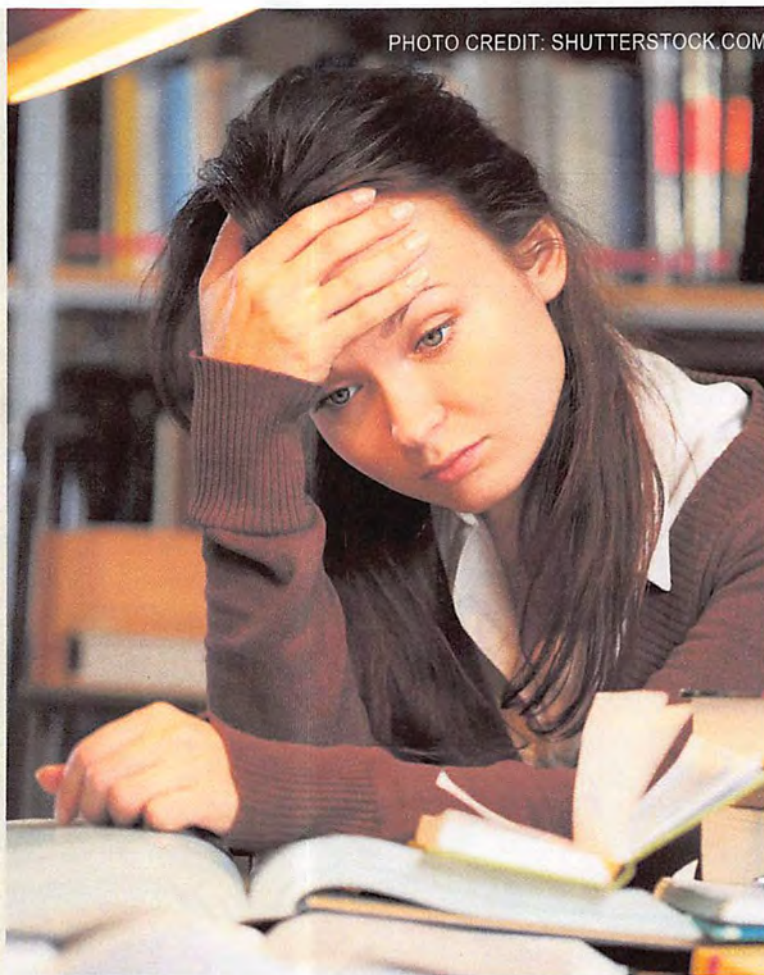


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The Journal of Addiction Medicine published an article, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, and noted a "widespread belief that attorneys experience substance use disorders and other mental health concerns at a high rate."² This article helped to facilitate the paradigm shift among state bar associations across the country to further address the holistic health care needs of attorneys.

The State Bar of Nevada has proactively taken steps to address lawyer well-being since the 1980s. The Lawyers Concerned for Lawyers (LCL) program was formed about 35 years ago, and today it remains a resource for Nevada attorneys seeking confidential assistance from a fellow lawyer. Since 2014, the state bar has provided clinical assistance through the Nevada Lawyer Assistance Program (NLAP) with services to attorneys suffering from abuse, addiction and/or mental health issues. Attorneys voluntarily seeking an assessment for addiction disorder issues may obtain one confidentially and at no charge. Mental health services, including three free therapy sessions, are also available from licensed counselors statewide. These services are a benefit to members who may be dealing with a difficult or stressful life situation affecting their ability to practice. Attorneys can request information about these services by calling (866) 828-0022.

Recognizing that confidentiality is a key to attorneys seeking help, the state bar successfully petitioned the Supreme Court to amend Rule 106.5. The court's order, issued in March 2019, clarifies the confidentiality of all information obtained by LCL or NLAP.

Another way the bar has increased the support of attorneys' mental health is through education. Nevada is one of

Please complete the following quiz by selecting the most accurate response/answer to the statements and questions below:

1. Third-year law students may experience a 40 percent rate of depressive symptoms.
☒ a. True
☐ b. False
2. Depression causes feelings of sadness and/or a loss of interest in activities once enjoyed.
☒ a. True *True*
☐ b. False
3. A recent study by the American Bar Association Commission on Lawyer Assistance Programs found that under 10 percent of lawyers struggle with stress, anxiety or depression.
☐ a. True
☒ b. False
4. Nevada's Lawyers Concerned for Lawyers program has been a peer-support resource for more than 30 years.
☒ a. True
☐ b. False
5. Lawyers enrolled in the Nevada Lawyer Assistance Program can expect to receive:
☐ a. A free confidential evaluation
☐ b. Recommendation for treatment
☐ c. Ongoing support
☒ d. All of the above
6. Nevada lawyers seeking help dealing with a difficult or stressful life situation can take advantage of three complimentary therapy sessions.
☒ a. True
☐ b. False
7. A few years ago, Nevada became one of the first states to require one-hour of CLE in the area of substance abuse, addiction and mental health.
☒ a. True
☐ b. False
8. Providing services that encourage _____, _____ and minimization of discriminatory practices will promote a more productive and effective law workforce.
☐ a. Fast food meals, obsessive behavior
☐ b. Heavy workloads, little personal time
☒ c. A reduction in workplace stress, increased focus in self-care
9. The State Bar of Nevada supports lawyer well-being in several ways including the following programs:
☐ a. LCL
☐ b. NLAP
☐ c. Therapy benefit
☒ d. All of the above
10. Adding billable hours to a lawyer's workload is one way to foster a more balanced life.
☐ a. True
☒ b. False
11. A law firm can affect change in lawyers' mental health through education and promotion of coping skills and positive behaviors that result in well-being.
☒ a. True
☐ b. False
12. Firms can demonstrate a good-faith effort to support the mental well-being of its lawyers by:
☐ a. Implementing mental health policies and procedures
☐ b. The actions of its leadership
☐ c. Cultivating an environment of trust and support
☒ d. All of the above
13. The mission of a behavioral health-oriented program should be to assess, measure and implement improvements in the systems and processes that affect the quality of holistic care and services provided to attorneys.
☒ a. True *True*
☐ b. False

**THREE EASY STEPS
TO CLE CREDIT – \$45**

- 1) Read the article on pages 22-24.
- 2) Answer the quiz questions on page 25. Each question has only one correct answer.
- 3) Send completed quiz along with this form and \$45 processing fee.

Name

Kym Samuel Tushing

Law Firm/Organization

Address

24 Hummingbird Way

State/Zip

Henderson, NV 89014

NV Bar Number (Required)

4242

MAIL CHECK PAYMENT TO:

State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102

Check Number:

already paid

FAX CREDIT CARD PAYMENT TO: (702) 463-5730

Notice: do not send credit card payment info via regular or electronic mail.

Please bill my

☐ VISA

☐ MC

☐ AMEX

☐ DISCOVER

Name on card:

Billing Address (if different from above):

Signature:

Card #:

Exp:

Sec. Code:

3 or 4 digit code on credit card

Articles for CLE credit are valid up to the end of the third calendar year after publication or until a rule change renders the article outdated, whichever comes first.



State Bar of Nevada, Intellectual Property Section
Is Pleased to Announce

The Annual Intellectual Property Law Conference

October 18, 2019, 8:30 AM to 5:00 PM, Thomas & Mack Moot Courtroom, Boyd School of Law

The event will be headlined by John Cabeca,
Director of the Silicon Valley U.S. Patent and Trademark Office

Other guest speakers include :

- Professor Marketa Trimble of the UNLC William S. Boyd School of Law
- Lara Pearson from BrandGEEK
- Matthew Francis from Brownstein Hyatt Farber Schreck
- Dick Schulze from Holland & Hart LLP
- Efrat Kasznik, President of the Foresight Valuation Group
- Douglas R. Nemec from Skadden Arps Slate Meagher & Flom
- ... and other guest speakers

Pending approval:

7.0 Nevada CLE hours including 1.0
hours of Ethics CLE credit
across the line (California)

Register at: members.NVBar.org

Certificate of Completion

This certifies that the person named below has completed an
8 Hour Anger Management Class

COURSE FOR ANGER ANGER MANAGEMENT CLASS

Kym S. Cushing

24 Hummingbird Way, Henderson, NV 89014

Date of Birth: 03/19/1959

Date of Course Completion: 11/26/2020

Certificate Number: 426114

Mr. Robert A. Williams, Course Instructor
Certified Anger Management Specialist (CAMS-1)
Certified Domestic Violence Specialist (CDVS-1)
(888) 338-8855 | certificate@courseforanger.com



KSC - 0001

COURSE FOR ANGER

ANGER MANAGEMENT CLASS

Anger Management Class Enrollment Verification Letter

Student: Kym S. Cushing
Location: Henderson, NV
Course: 8-hour Anger Management Class
Enrollment Date: November 2, 2020
Student ID: 586339

This letter serves as notification that Kym S. Cushing enrolled in the 8-hour Anger Management Class on November 2, 2020.

I am the course instructor and hold a Bachelor's Degree from the University of Florida. I am credentialed as a Certified Anger Management Specialist (CAMS-1), Certified Domestic Violence Specialist (CDVS-1), and a member of the National Anger Management Association (NAMA), the Association of Domestic Violence Intervention Programs (ADVIP), and a fellow member of The American Association of Anger Management Providers (AAAMP).

I have authored or co-authored educational materials which have reached tens of thousands of students. My writings have been acknowledged by, and received approval from, Federal and State Departments for use in court-required educational programs. Thousands of certificates verifying successful completion of programs I have written are widely accepted by most U.S. Court Judicial Districts.

I have worked in the non-profit sector for over a decade and have been a featured speaker at the National Department of Justice Offender Transition Conference and the AFCPE Military Conference. I have held positions on the board of directors of the Personal Finance Employee Education Foundation, National Financial Literacy Foundation, and the Florida JumpStart Coalition. I hold additional certifications from AFCPE, ICFE, NCHEC, and the U.S. Department of HUD. I have active memberships with NADCP, NAADAC, and APPA.

If you require any further information regarding the participation of Kym S. Cushing in the Anger Management Class, please send an email to help@nlearning.org or call the number below.

Best,



Mr. Robert A. Williams, Course Instructor
Certified Anger Management Specialist (CAMS-1)
Certified Domestic Violence Specialist (CDVS-1)
help@nlearning.org | (888) 338-8855





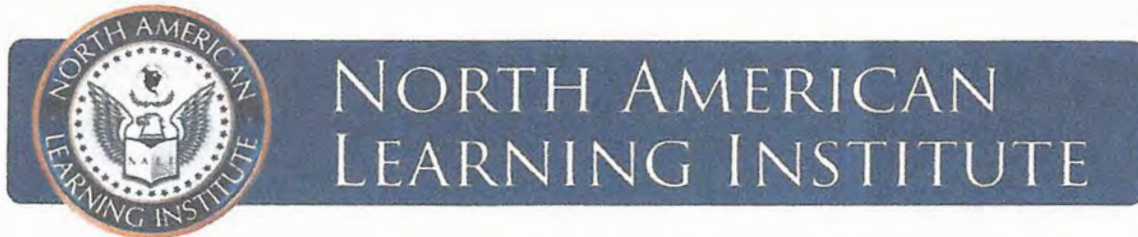
KSC <kymcushing01@gmail.com>

Anger Management Class payment confirmation

1 message

North American Learning Institute <notification@mail.nalearning.org>
To: kymcushing01@gmail.com

Mon, Nov 2, 2020 at 3:46 PM



Anger Management Class payment confirmation

Kym,

Thank you for your purchase! This email serves as your proof of payment toward the 8-hour Anger Management Class. Please keep this email for your records.

Payment details

Cardholder: Kym Cushing
Payment amount: \$45.00
Confirmation #: 5759429872
Payment date: 11/02/2020

You may access your course at any time by following the steps below:

Step 1: Visit the login page at <https://nalearning.org/login/anger>

Step 2: Enter your username and password. If you have forgotten your username and/or password you can recover your login credentials by visiting <https://nalearning.org/login/forgot>

Step 3: Click the "Log In" button

Step 4: Click the "Continue" button to resume your course

ROA Page 257
KSC - 0003

12/7/21, 10:16 PM

Gmail - Anger Management Class payment confirmation

Feel free to reply to this email or text us at (407) 906-6254 with any questions you may have. Thank you for choosing North American Learning Institute and we hope you enjoy the course.

Thanks,

North American Learning Institute

CourseForAnger.com

help@courseforanger.com

You are receiving this email notification because you have an active student profile with North American Learning Institute. Your profile settings indicate that you would like to receive updates and alerts to this email address. If you prefer not to receive notifications by email, or would like to change the email address associated with your profile, you may update your profile settings by replying to this email or logging in at <https://nalearning.org/login>.

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ROA Page 258
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0009 0006774 0024

Pay



****\$7,500.00****

****Seven Thousand Five Hundred and 00/100 Dollars****

To The
Order Of

NEVADA STATE BAR

RE: KYM CUSHING NV BAR # 4242

Remitter (Purchased By): KYM S CUSHING

Bank of America, N.A.
PHOENIX, AZ

Not-Negotiable
Customer Copy
Retain for your Records

457002931720



Cashier's Check

No. 0830535704

Notice to Purchaser: In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

91-170/1221

Date 11/18/21 12:15:34 PM

NAZ

GREEN VALLEY/PEBBLE

0009 0006774 0024

Pay



****\$7,500.00****

****Seven Thousand Five Hundred and 00/100 Dollars****

To The
Order Of

NEVADA STATE BAR

RE: KYM CUSHING NV BAR # 4242

Remitter (Purchased By): KYM S CUSHING

Bank of America, N.A.
PHOENIX, AZ


AUTHORIZED SIGNATURE

⑈0830535704⑈ ⑆122101706⑆ 457002931720⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. ■ HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Cashier's Check - Customer Copy

No. 0829922611

Void After 90 Days

91-170/1221

Date 01/27/22 12:33:16 PM

NAZ

GREEN VALLEY

0900 0007611 0108

Pay



Seven Hundred Eighteen and 74/100 Dollars

To The
Order Of STATE BAR OF NEVADA
#4242

Remitter (Purchased By): KYM S CUSHING

Bank of America, N.A.
PHOENIX, AZ

****\$718.74****

Not-Negotiable
Customer Copy
Retain for your Record

457002931720

00-53-3364B 06-2019

P

ROA P ~~USE~~ 2001

1 Kym Samuel Cushing
2 Nevada Bar #4242
3 24 Hummingbird Way
4 Henderson, NV 89014
5 (702) 271-7679
6 kymcushing01@gmail.com
7 *In pro per*

8
9 **STATE BAR OF NEVADA**
10 **SOUTHERN NEVADA DISCIPLINARY BOARD**

11 **IN THE MATTER OF THE PETITION**
12 **OF**

13 **KYM SAMUEL CUSHING,**

14 **Nev. Bar no.# 4242**

15 **Petitioner.**

16 **SUPREME COURT OF NEVADA**
17 **CASE NO.**

18 **STATE BAR OF NEVADA**
19 **CASE NO. SBN22-00022**

20 **KYM SAMUEL CUSHING'S SUPPLEMENTAL BRIEF**
21 **IN SUPPORT OF HIS PETITION FOR REINSTATEMENT**

22
23 Petitioner, Kym Samuel Cushing ("Cushing"), respectfully submits this supplemental brief in
24 support of his Supreme Court Rule 116 petition for reinstatement to the practice of law. The contents
25 of his previously filed petition for reinstatement and affidavit are incorporated herein by reference as
26 though fully set forth.

27 **SECTION ONE**

28 **SCR 116 PETITION FOR REINSTATEMENT**

Cushing incorporates his previously filed SCR 116 petition for reinstatement and affidavit in
this section as though fully set forth. In his petition, Cushing provided evidence to document his full
compliance with the supreme court's January 31, 2019, order for readmission to the practice of law.

To summarize:

1. Cushing fully complied with all NLAP treatment recommendations and testing requirements. Larry Espidero, Director of NLAP, submitted paperwork directly to the state bar documenting Cushing's successful participation in the NLAP program. The original NLAP contract contained a one-year participation term. Cushing subsequently voluntarily agreed to participate for another year (total two years). [The state bar has possession of this document.]
2. Cushing *passed every single drug tox screen, urine test, alcohol, and breathalyzer test without exception*. These tests were all performed on a random basis without any prior notice.
3. In addition to participating in NLAP's program, and although not required by the supreme court's order, Cushing voluntarily attended AA meetings on a regular basis, typically twice a week. He still attends AA meetings at least once a week and will continue to do so for the foreseeable future.
4. *Cushing completely stopped drinking alcohol almost 4 years ago on March 28, 2018 and has experienced no relapses.*
5. Cushing completed an approved 8-hour anger management course.
6. The supreme court's order required Cushing to complete 10 CLE credits in addition to the annual requirement with at least five of those additional CLE credits in the area of substance abuse. Cushing has exceeded these requirements:
 - 64.25 general CLE credits (52.25 credits above the annual requirement)
 - 19.25 CLE credits in the area of substance abuse
 - 21.50 CLE credits in the area of ethics (not required in the court's order)
7. To keep current with the state of the law, legal trends, new regulations, etc., Cushing subscribed to an online subscription service called JUSTIA, a company that publishes all new state and federal court decisions. Cushing's subscription included all Nevada Supreme Court published decisions, published decisions from the Ninth Circuit Court of Appeals (western

1 United States) and the Second Circuit Court of Appeals (New York Connecticut, etc.).
2 Cushing has read every single decision published by these courts in the last two years. He
3 continues to do so today. Cushing has not read so many cases from so many different areas
4 of the law since he was in law school.

5
6 8. During his suspension, Cushing also read every issue of *The Nevada Lawyer*, the *Clark County*
7 *Communique* and all administrative orders issued by the Supreme Court of Nevada, the Nevada
8 Court of Appeals, the Eighth Judicial District, the Arbitration/Discovery Commissioners, and
9 the United States District Court for the District of Nevada.

10 9. Cushing has paid the costs of the disciplinary proceeding (\$7,218.74) which includes payment
11 of \$2,500 pursuant to SCR 120. Cushing also pre-paid \$1,000 pursuant to SCR 116 for the
12 costs of reinstatement. Cushing's explanation why he did not pay the disciplinary costs within
13 30 days of the order is addressed below.

14
15 10. Cushing has not engaged in, or attempted to engage in, the unauthorized practice of law during
16 the period of his suspension. Since the date of his suspension, Cushing has not worked in any
17 capacity and that status has not changed.

18
19 11. Cushing's term of suspension ended on November 30, 2020.

20 SECTION TWO

21 I. BACKGROUND AND CONTEXT

22 A. PRELIMINARY COMMENTS

23 The intended purpose of this supplemental brief is to provide the panel with some background
24 and context into the events that lead to Cushing's eventual resignation from Wilson Elser on February
25 9, 2018. This is not Cushing's attempt to relitigate the issues in the underlying bar action, nor is he
26 trying to excuse his actions.
27

1 As he stated numerous times in his petition for reinstatement, Cushing accepts – and continues
2 to accept – full and complete responsibility for his actions and misconduct. He understands his actions
3 were wrong and constituted misconduct for which he is profoundly sorry. He was suspended for nine
4 months and could not practice law – his chosen profession for almost thirty years. However, it took
5 Cushing almost two years to petition the supreme court for readmission for reasons which he
6 addresses in this brief. He sincerely hopes his comments and opinions – which are private and personal
7 – explaining why he delayed seeking reinstatement will not be viewed negatively or somehow be used
8 against him.
9

10 **B. INTRODUCTION**

11 For twenty-eight years, Cushing’s abilities and performance as a lawyer was never called into
12 question by anyone -- no letter to the state bar, no email, not even a single phone call. So, what
13 happened? Cushing didn’t just wake up one morning and say to himself, “Hey! Today I’m going to
14 write three checks on the local operations account and let the sparks fly!”
15

16 Before rendering judgment on Cushing’s character, integrity, and fitness to resume practicing
17 law, Cushing would like to provide the panel with some context and history behind his conduct --
18 actions that were completely out of character for him.
19

20 **C. EMPLOYMENT HISTORY**

21 Cushing obtained his license to practice law in Nevada in 1991 after graduating from
22 Southwestern University School of Law in Los Angeles, CA. Upon passing the Nevada bar
23 examination, Cushing began practicing civil insurance defense law at the firm of Edwards, Hunt &
24 Hale. Cushing eventually became a partner in the firm, which was subsequently known as Edwards,
25 Hale, Sturman & Cushing. Cushing worked at this firm for fourteen years -- from 1991 to 2005.
26
27
28

1 In 2005, his firm merged with Wilson Elser, a large national New-York based law firm that
2 was seeking a presence in Las Vegas. Cushing was instrumental in opening Wilson Elser's Las Vegas
3 office. Three years later, in 2008, the firm's equity partners voted to elevate Cushing to equity partner.

4 Cushing was the lead trial attorney in the Las Vegas office. He has tried over 110+ civil jury
5 trials in both state and federal court. He only lost twice. Wilson Elser advertised itself as a litigation
6 firm, its attorneys were not afraid to go to trial. This was true except for the Las Vegas office. For
7 reasons he still does not fully understand, of the appx. thirty lawyers in that office, Cushing was the
8 only one who ever went to trial.
9

10 **D. CUSHING EXCELS IN HIS NEW FIRM**

11 Cushing's \$3.5-\$4 million book of business soon became the backbone of the Las Vegas office.
12 Cushing was the oldest and most experienced attorney there. His business was almost three times that
13 of the next closest partner. Twelve associates, two partners, two of counsel, two paralegals and one
14 legal assistant comprised his legal team and they worked exclusively on his cases. Approximately 35%
15 of the office's yearly income derived solely from Cushing's book of business, one that was also entirely
16 portable.¹ Cushing's business was critical to the financial success of the office. Without his income,
17 the office would soon experience financial difficulties and would not be sustainable².
18
19
20
21

22 ¹ Cushing's received his work directly from companies, not from partners in other offices or from
23 insurance companies directly. His clients consisted primarily of Fortune 500 companies, and since
24 these businesses had large, self-insured retentions (deductibles – typically \$10 million or higher), they
25 also had the ability to choose their own counsel. If Cushing ever decided to change firms, his clients
could also choose to move their cases with him to his new firm.

26 ² Not long after Cushing left the firm, the Las Vegas office vacated its premier Class A 11th floor office
27 space in the downtown Bank of America building (that the firm had previously gutted and remodeled
28 at great expense) and moved to a much smaller second-floor strip mall space located south of town
above an ULTA Cosmetics store.

1 **E. FROM SUCCESS TO DYSFUNCTIONAL**

2 During his last five years at the firm, underperforming partners and associates challenged the
3 office's profitability. The office barely eked out a profit during his last years there. In addition, the
4 work itself as well as working in the office was steadily becoming increasingly challenging. Dysfunction
5 soon became the norm -- all due primarily to the conduct and actions of the former local managing
6 partner.³

7
8 Notwithstanding these difficulties, Cushing's business thrived, growing larger each new year
9 new clients and more new cases. The number of cases mishandled by other partners also grew. Many
10 of them were on the verge of malpractice, with the firm itself potentially exposed to costly monetary
11 sanctions. During Cushing's final years at the firm, the number of these "problem cases" caused by
12 the misconduct of other Las Vegas partners increased dramatically.

13
14 The firm's solution? Re-assign them all to Cushing with instructions to just "fix them."
15 Cushing was never giving the opportunity to say no. They just started showing up on his current case
16 list. This was his "reward" for being successful.

17 Some of these "problem" cases were indeed in serious in peril, *e.g.*, discovery issues, missed
18 deadlines, motions to compel, motions for sanctions, etc. Three of the cases were on the verge of
19 outright malpractice. Cushing's pleas for help went unanswered. All he had was himself and his team
20

21
22
23
24
25 ³ The managing partner during this dark period was an abusive alcoholic. This was common
26 knowledge among the employees as well as many local attorneys. He entered rehab twice, six weeks
27 each time -- at the firm's expense. Rehab only made things worse. His conduct, including the conduct
28 of his obsequious sycophant office manager, caused approximately eighty employees to quit during
this time, *including Cushing's own daughter who worked part-time as an office clerk.*

1 who suffered alongside him, working horrendous hours just trying to keep afloat and not sink into the
2 abyss.

3 The most serious of the problem cases, *Campo-Gil v. 7-Eleven, Inc, et al*, would later be the used
4 by the firm as its justification for taking drastic action against Cushing. The *Campo-Gil* case was facing
5 an upcoming evidentiary hearing⁴ to determine the amount of monetary sanctions the firm would have
6 to pay for egregious and inexcusable discovery abuses, violations of court orders, etc. The firm was
7 facing potential high six-figure monetary sanctions.
8

9 F. CUSHING'S HEALTH DETERIORATES

10 With the addition of these new cases, Cushing's case load got to the point where it could not
11 be sustained,⁵ and his physical and mental health began to deteriorate. In just his last year at the firm,
12 he lost 30 lbs. (going from a healthy 185 lbs. to an unhealthy 155 lbs.), even his hair started falling out
13 in clumps. His declining physical appearance was noticeable to anyone who knew him. *Cushing did not*
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20 ⁴ The evidentiary hearing lasted three months. Cushing was called as a witness by opposing counsel
21 and was *cross-examined for five grueling days*.

22 ⁵ Wilson Elser associates were expected to bill 2,100 hours and partners 1,700. Cushing typically billed
23 over 2,700+ hours each year. They were *real hours*, not inflated hours and his 98%-99% realization
24 rate proves it. Cushing's legal bills were paid at 98%-99%. All his legal bills were audited by
25 independent third-party legal billing review companies which have an incentive to cut legal bills, *i.e.*,
26 the more the bill is cut, the more money the company makes. If a legal bill contained a questionable
27 entry, it would be cut immediately and not paid. Many of Cushing's colleagues had realization rates in
28 the 50-60 percentile. Cushing's 98-99% realization was among the highest in the firm. His high
realization rate supports the legitimacy of his billing practices and supports the legitimacy of his long
working hours. During his last two years there, Cushing received the "Night Owl of the Office" award
which was given to him by the entire office because he was usually the last person to leave the office.

1 take a single day off during his last four years at the firm. He worked inside his downtown office every single
2 day for four years, typically working from 8:30 am to 10:00 pm, or later.⁶

3 G. ALCOHOL USE TURNS INTO ALCOHOL ABUSE

4 It was during this dark time – *and for the first time late in his life* – Cushing started drinking alcohol
5 to just get through the day. His consumption of alcohol increased dramatically during his last two
6 years at the firm. Cushing was a closet drinker. It is undisputed no one knew he drank, including his
7 wife or work colleagues. It is also undisputed Cushing's alcohol use never affected his clients, their
8 cases, legal activities, or anything related to the practice of law. It did, however, affect Cushing's mental
9 well-being and his judgment.
10

11 It is worth emphasizing that *six weeks after he resigned from Wilson Elser, Cushing*
12 *completely stopped drinking and has remained alcohol-free since that time. March 28, 2018,*
13 *was the last day Cushing tasted alcohol, a period of almost four years with zero relapses.*
14 *During his two-year contract with NLAP, Cushing passed every urine test, drug test and*
15
16
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20
21 ⁶ One will naturally wonder why Cushing didn't just pack up and move to a new firm. That's a question
22 Cushing has since asked himself many times. He could have easily found another job. Other firms had
23 been courting him for years. Obviously, if he could go back in time, he absolutely would have moved
24 to another firm. It took Cushing some time to figure out why he never left: 1) misplaced loyalty – he
25 helped open the Las Vegas office and wanted it to succeed; 2) loyalty to the people on his team -- he
26 knew he would never be able to take everyone on his team with him if he moved to another firm, and
27 he could not live with himself knowing he had abandoned members of his team -- his friends who
28 had also worked so hard alongside him; 3) he was so ridiculously busy he never had a meaningful
opportunity to strategize how or when to make such a move or what it would take to accomplish it –
he was busy dousing daily fires and it took tremendous effort to just get through each day; and 4)
probably the most significant reasons -- impaired judgment due to alcohol abuse, a precarious and
compromised mental state, undiagnosed clinical depression, and an inability to make informed,
rational decisions.

1 *breathalyzer test without exception – all of which were randomly administered during those*
2 *two years.*

3 H. JANUARY 4, 2018 – THE DAY CUSHING’S WORLD ENDED

4 Annual partner compensation at Wilson Elser is determined in a compensation meeting that
5 takes place during the first week of January. The partner meets with two partners from the firm’s New
6 York-based executive committee. Topics discussed typically included new business, new clients and
7 cases, profitability, etc. For thirteen years, *without exception*, Cushing received increases in his annual
8 compensation. Cushing was looking forward to this compensation meeting as his statistics exceeded
9 expectations in all categories, it had been one of his best years ever.

10
11 In the year leading up to this compensation meeting, Cushing had interacted positively with
12 every member of the firm’s executive committee. In fact, two months before this meeting, the firm’s
13 entire executive committee visited the Las Vegas office and publicly praised Cushing’s performance –
14 they referred to him up as a notable example, one that the other attorneys should emulate.

15
16 Compensation day arrived. Cushing was last on the schedule. Two executive committee
17 members had been assigned to manage Las Vegas. They were no ordinary executive committee
18 members: the first was the firm’s managing partner and the second was Noelle Berg,⁷ the firm’s general
19 counsel, the two top members of the firm’s executive committee. Even so, Cushing was looking
20 forward to reviewing his statistics and discussing his performance that year. Plus, since he was meeting
21

22
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24
25
26 ⁷ Cushing would later learn Noelle Berg was the person behind the firm’s decision to punish Cushing
27 Punish him for what? It took Cushing three weeks to find out.

1 with the two top players in the firm, this was his chance to get some desperately need help and have
2 a frank discussion about office issues.

3 As soon as he entered the room, Cushing instantly knew something was wrong. There were
4 no hellos or pleasantries. Instead, Berg immediately launched into a verbal attack shouting, "I don't
5 ever remember you apologizing to the firm for what you did!"⁸ Cushing was completely stunned. He
6 had absolutely no idea what she was talking about or what was happening.

7 Berg continued her tirade claiming Cushing's actions in the *Campo-Gil* case had caused the firm
8 to be exposed to a large malpractice action. Cushing was again dumbfounded. The *Campo-Gil* case was
9 closed and had been sent to storage eighteen months earlier. It was also one of the mishandled cases
10 *Berg herself* had insisted Cushing take over from another Las Vegas partner which he then won in
11 spectacular fashion, a win no one thought possible, a win that saved the firm from paying hundreds
12 of thousands of dollars in sanctions.

13 The *Campo-Gil* file was also massive: over 60,000 pages of documents, dozens of expert
14 depositions, and over fifty witness depositions. Once assigned the case, Cushing dropped everything
15 scheduled in his own cases and barricaded himself in a conference room for two weeks reading
16 everything in the file, trying to understand what had gone wrong as well as prepare for the upcoming
17 evidentiary hearing. He practically memorized the file during those two weeks, and at the end of those
18 two weeks, he was fully prepared and ready.

19 The evidentiary hearing took three months. It was by far the most difficult and challenging
20 case Cushing had ever handled. No one, including firm management expected a favorable result. In
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28 ⁸ Berg's exact words, seared into Cushing's memory.

1 fact, the firm expected to get sanctioned, the only question was how much over \$500,000 would it
2 have to pay. Against insurmountable odds, Cushing and his team prevailed and saved the firm from
3 incurring any monetary sanctions whatsoever. The day the judge issued her ruling, Berg called Cushing
4 to thank him and congratulate him on a job well done. The case was then closed and sent to storage.
5

6 At the compensation meeting that followed no long after the evidentiary hearing concluded,
7 the *Campo-Gil* case was briefly mentioned, but only in terms of how grateful the firm was for how it
8 had been handled. Eighteen months later, at this year-end compensation meeting, however, the *Campo-*
9 *Gil* case was the only topic of discussion.

10 Berg continued her tirade informing Cushing that his compensation was being slashed by one-
11 third and would continue to be cut in the same amount for the next two years until his salary was zero.
12 She then told him he would NOT be paid his already-earned \$250,000 distribution. Cushing had just
13 lost \$400,000 in 15 minutes. It took him a few more moments to also realize the firm was trying to
14 force him out.
15

16 To say Cushing was stunned would be a gross understatement. He was shocked to the core.
17 He couldn't understand what was happening. How could a closed case – one that Berg had specifically
18 demanded he take over and against all odds win – be the reason behind the firm's drastic action? The
19 meeting didn't last long, thankfully, because as soon as he left the meeting, Cushing became violently
20 ill, and remained ill for the rest of the day. Cushing felt like he had just fallen into a black hole.
21

22 Confounding his utter confusion, Cushing was never given a single document to read or
23 review, nothing explaining why the firm was taking such action, nothing explaining how a long-ago
24 closed case had allegedly caused this new problem, and more importantly, how he caused it. These
25 two New York partners brought nothing with them to his compensation meeting. They provided
26 Cushing with no documentation whatsoever, no notes, no papers, no graphs, no charts, nothing to
27
28

1 review, nothing to sign indicating his agreement or disagreement with the firm's actions, and Cushing
2 left the meeting with nothing.⁹

3 I. CUSHING DISCOVERS THE TRUTH

4 With no assistance from firm management, it took Cushing three weeks to figure out what
5 happened: Berg and another Wilson Elser partner, David Eisen ("Eisen"), both powerful management
6 committee partners, took it upon themselves to unilaterally reactivate the *Campo-gil* case a few months
7 earlier in response to a settlement and mediation demand from the client's excess insurance carrier.
8 Cushing was never notified about this new development. Neither Berg nor Eisen ever asked for
9 Cushing's assistance.
10

11 It is undisputed Cushing knew the intricate details of that case better than anyone in the firm.
12 He spent two solid weeks preparing for the evidentiary hearing and participated every day during the
13 three-month event. For some inexplicable reason, Berg and Eisen chose not to involve the person
14 who knew the case the best, the same person who, against all odds, prevailed in the same case eighteen
15 months earlier. Berg and Eisen decided to handle the settlement negotiations and mediation
16 themselves, and it apparently ended in disaster.
17

18 Cushing discovered that Berg and Eisen had lost, and it was apparently costly, yet completely
19 unrelated to Cushing's prior successful handling of the case. Berg and Eisen were woefully
20 underprepared for both the mediation and the settlement negotiations. Neither had Cushing's intimate
21

22
23
24 ⁹ Even the smallest of companies provide its employees with some documentation explaining the
25 reasons behind the company's actions. The employee usually gets a copy and typically signs the
26 document acknowledging he received it. There is usually a section where the employee can sign
27 indicating he disagrees with his employer's actions and wishes to appeal. Wilson Elser, a large national
28 AmLaw 100 law firm, provided Cushing with nothing. Cushing left that meeting with nothing -- not
a single piece of paper.

1 knowledge of the case or knew what had transpired during the three-month evidentiary hearing, and
2 quite candidly, neither had Cushing's skills or experience.¹⁰

3 To protect their jobs and prominent positions in the firm hierarchy, they concocted a fictitious
4 story to deflect blame for their loss to Cushing – blame him for everything, make him the fall guy.
5

6 Berg and Eisen are powerful members of the firm's New York-based executive committee.
7 Cushing was from a small branch office. He was expendable, and Berg and Eisen both knew firm
8 management would back them over Cushing. That's exactly what happened: the firm believed Berg
9 and Eisen over Cushing, and the firm punished Cushing.

10 The sacrifices Cushing had made over the last thirteen years to the alter of the firm, the missed
11 family vacations, the years he didn't attend his children's after school activities, all those years working
12 without a single day off, jeopardizing his health – none of that mattered. The firm considered him
13 garbage, expendable rubbish to be tossed out with the trash. Cushing was betrayed by the very firm
14 he had worked so hard for thirteen years to help become successful.
15

16 The four weeks that followed the compensation meeting are still a blur to Cushing. Abusing
17 alcohol to lessen the pain didn't help. Shock and betrayal led to disappointment and despair. Then
18 came anger, and eventually white-hot fury.
19

20
21
22 ¹⁰ Berg and Eisen had limited litigation experience. Berg dealt primarily with attorney/client conflict
23 issues within the firm and Eisen primarily handled employment matters. The *Campo-Gil* case was a
24 complicated high-exposure wrongful-death case which included claims for punitive damages. Cushing
25 was surprised these two attorneys tried to handle this new development themselves. It is doubtful
26 Eisen's diminutive stature and feckless personality caused the other side to tremble in fear as he
27 entered the room -- reminiscent of when Edward I of England (Edward Longshanks) refused to send
28 his son, the future Edward II, to meet with William Wallace and Scottish emissaries because the king
was afraid once Wallace and the Scottish emissaries saw the king's son, any fear the Scotts had of the
English would instantly vanish and become the impetus for an immediate Scottish invasion.

1 **J. THE PIVOTAL WEEK FOLLOWING CUSHING'S RESIGNATION FROM**
2 **WILSON ELSEER – THE THREE OPERATIONS CHECKS**

3 Cushing appealed the firm's decision to cut his compensation. The firm's response was a
4 perfunctory single sentence email denying his appeal. Then the firm stopped communicating with him.
5 This is the point in time where his frustration, anger, alcohol abuse and a diminished mental capacity
6 were at their worst. He needed to find a way to get the firm to take him seriously, something to get
7 the firm's attention, do something so the firm would be forced to deal with him, forced to
8 communicate with him. He still believed he could convince members of the executive committee the
9 truth of what happened.
10

11 In his diminished state of mind, and although it still makes no rational sense to him today,
12 Cushing devised a plan whereby the firm would have no choice but to deal with him: write checks on
13 the firm's local operations account,¹¹ but not send the accompanying attachments to the firm's
14 accounting department so the checks would not be honored. That would get the firm's attention and
15 the firm would then be forced to deal with him.
16

17 It is undisputed that as an equity partner and part owner of the firm, Cushing had authority to
18 write/sign operations checks. It is also undisputed Cushing had signed thousands of operations checks
19 during his time at Wilson Elser. For an operation check to clear the firm's bank, one also had to send
20 the check's attachments to the firm's accounting department so the information contained in the
21 attachments could be entered into the firm's accounting system which was linked to HSBC Bank's
22

23
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25
26 ¹¹ Each office had its own operations account that was linked to the firm's main bank, HSBC in
27 Manhattan. This account was used to pay local expenses like filing fees, Costco runs, etc.
28

1 system. If the information was not entered, HSBC would not clear the checks and they would be
2 returned.

3 Cushing knew this. That's why he purposefully did not send in the attachments. He knew the
4 checks would be rejected and then returned to the firm's accounting department which would result
5 in the firm contacting him. *Cushing never intended to take any firm money – ever.*¹² And as he knew would
6 happen, the checks were indeed rejected. No money ever left the firm's account. Cushing never
7 received any money from these checks.
8

9 The state bar introduced the HSBC banking records (six pages) into evidence at the hearing.
10 The banking records document exactly how HSBC bank characterized the check transactions as
11 “unauthorized lacking documentation.”¹³ “Fraud” is not mentioned anywhere in the banking records
12

13
14
15 ¹² Wilson Elser had almost \$300,000 of Cushing's own money at the time, money he could have
16 accessed. Any assertion Cushing was trying to steal money from the firm is false and no facts or
17 evidence exists to prove otherwise. Even the grievance filed by Berg/Wilson Elser doesn't make that
18 claim. It makes no logical sense for Cushing to risk criminal charges for theft when his own money
19 was at the same place he was allegedly trying to steal from. Even in his compromised state Cushing
20 knew that stealing money could potentially lead to the filing of criminal charges. And, as Cushing
21 testified at the hearing, if stealing money had been his intended goal, there were much more effective
22 ways to go about doing it. By not sending in the checks' attachments, the firm would automatically be
23 notified by HSBC, the checks would not clear, and the firm would be forced to communicate with
24 Cushing directly. And that's exactly what happened.
25

26 Regardless, Cushing knew at the time he had no legitimate reason to write the checks and by doing so,
27 he committed misconduct. He knew at the time he didn't have the authority to write them. He also
28 admitted to his misconduct at his first meeting with bar counsel. Cushing never backed away from
this admission and he continues to acknowledge his actions were wrong and constituted misconduct
on his part. He regrets doing it and feels great remorse. Cushing's plan worked, but only in the short
term. He later realized he had just handed Wilson Elser an excuse to go after Cushing's law license, a
potent weapon the firm used against Cushing with great effect.

¹³ The terms “fraud,” “fraudulent,” or “fraudulent transaction” are nowhere to be found in any of the
banking records. Even the grievance doesn't contain “fraud,” “fraudulent,” or “fraudulent transaction.”
it characterizes the transactions as “unauthorized.” In drafting the state bar's complaint, bar counsel
changed “unauthorized” to “fraudulent” and then went further by adding “fraudulent activity” and

1 and HSBC never characterized or considered the transitions “fraudulent” or somehow associated with
2 fraudulent activity. After three days of not responding to HSBC’s calls and emails to the firm, and
3 then another half-day or internal wrangling, the firm finally instructed HSBC to not honor the checks.
4

5 **K. THE WAR AGAINST CUSHING BEGINS**

6 After the firm denied his appeal regarding his compensation, Cushing resigned from Wilson
7 Elser on February 9, 2018. He was quickly hired by Lewis Brisbois as a partner. Lewis Brisbois is
8 Wilson Elser’s primary and most significant competitor. To Berg/Wilson Elser, Cushing’s lateral
9 move to the firm’s primary competitor was completely unacceptable, and he needed to be stopped.
10 Cushing could leave, but his clients and his business had to stay with the firm’s Las Vegas office for
11 obvious reasons.

12
13 Wilson Elser quickly created a dedicated war room in New York and embarked on a campaign
14 to prevent Cushing’s clients from transferring their cases to Lewis Brisbois. Twelve New York-based
15 partners were recruited to join in this effort.¹⁴ The New York-based strike team was effective in the
16

17
18 “fraudulent transactions” to describe these transactions. The only logical explanation for switching
19 these terms was an attempt to transform what happened into something more criminal, make them
20 seem more “criminal” in nature. The legal ramifications of “fraud” are much more serious than
21 “unauthorized” and the legal ramifications of participating in “fraudulent activity” are much worse,
sometimes even criminal. The supreme court did not address this issue in its suspension order.

22 ¹⁴ Cushing’s trial brief in the underlying bar action documents the extraordinary efforts employed by
23 Wilson Elser to accomplish its goal. One notable example: Upon learning Cushing had secured
24 agreements from his clients to move their business to Lewis Brisbois, Berg called Lewis Brisbois’
25 general counsel, Jana Lubert, three times in one week attempting to get Cushing fired from his new
26 firm. Lewis Brisbois’ general counsel did not know Berg and had never spoken with her before. Berg
told her Cushing was dangerous, he could not be trusted, he was an out-of-control alcoholic that
would soon be entering rehab out of state, he had embezzled firm money, his actions had seriously
damaged the Wilson Elser firm, and other false claims.

27 Even a non-lawyer knows a former employer can’t contact an ex-employee’s new employer and make
28 false statements about him to get him fired from his new job. Fortunately for Cushing, and

1 short term; however, once Cushing's clients discovered the actual truth behind Cushing's departure
2 from Wilson Elser and how Cushing had been treated by his former firm, his clients eventually pulled
3 their cases from not only Wilson Elser's Las Vegas office, but from the entire firm. And, as he
4 predicted, the Las Vegas office abandoned its premier 11th floor location in the downtown Bank of
5 America building (which prior to moving in, the firm had completely renovated at great expenses) and
6 moved to a second-floor strip mall located south of town above an ULTA Cosmetics store.

8 **II. CONCLUSION**

9 Cushing felt it was important to provide the panel with some context and history of the events
10 that led to his resignation from Wilson Elser, *not to excuse his actions, because they were admittedly wrong and*
11 *constituted misconduct on his part*, but to show how this was such an aberration in an otherwise blemish-
12 free twenty-eight-year legal career. It should also be noted that the misconduct allegations contained
13 in the state bar's complaint had nothing to do with the actual practice of law – no claims of legal
14 malpractice, no blown statutes, no attorney-client communication problems, no client-trust account
15 issues, no misconduct allegations whatsoever from any of Cushing's clients, or complaints from any
16 members of the public, fellow attorneys, or members of the judiciary. Rather, they stemmed from
17 Cushing's battle with his former employer and from some of the few communications Cushing had
18 with former bar counsel Janeen Isaacson.

25 unbeknownst to Berg, Lewis Brisbois' general counsel took detailed notes of her three conversations
26 with Berg. Her notes (which were admitted into evidence by Cushing in the bar action) document
27 Berg's false statements and false claims; these notes also show how, with each succeeding call, Berg
28 became increasingly more desperate and irrational.

1 Cushing's abuse of alcohol didn't help because, along with his insane work schedule, Cushing
2 was already on a downward spiral with no end in sight. It took something drastic for Cushing to finally
3 realize he needed help. Cushing had to hit rock bottom. Losing his job and being hit with a bar
4 complaint was what did it. It was only then that he finally realized he had serious problems and need
5 help. It took these drastic events for Cushing to finally stop his downward slide and begin the process
6 of moving forward in a more positive manner -- finally get the necessary help he needed for his then-
7 undiagnosed clinical depression issue and especially his abuse of alcohol.

9 The way forward was long and not easy. His misconduct caused harm to the legal profession
10 as a whole and to the integrity of the bar for which he is very sorry. Looking back now with a clear
11 head he still feels great shame, embarrassment, and remorse for his actions. He regrets what he did
12 and for the harm it caused, and he vows to never do anything that could ever harm clients, the bar, or
13 the legal profession.

15 Cushing could have petitioned for reinstatement well over a year ago. But he didn't. The reason
16 why he didn't is complicated. As should be obvious by now, his experience with the state bar's
17 disciplinary system was not a good one. But that occurred in the past, something he cannot change.
18 So, he moved on. Cushing took advantage of this long and unique break in his career, and turned it
19 into an opportunity to rest, recover, heal, reflect, and make some adjustments in his life.

21 Cushing viewed this break from work as a sort of sabbatical, an opportunity to take time off
22 from his usual occupation and do something completely different. So, he renovated his house, or
23 when professional help was required, he "supervised" the work. It all started with a new roof, which
24 lead to a complete second floor HVAC replacement (in the middle of August), which led to a host of
25 other projects including relandscaping, or in other words, all the projects he had ever wanted to do
26 but never had the time to do them.

1 Cushing has never shied away from hard work or physical labor. He's worked since he was
2 twelve years old. He worked his way through high school, college, and law school. He has been self-
3 sufficient since he was a teenager. He's worked hard his entire life and doing physical labor and
4 working outside can be very therapeutic. It was for him. It also gave him time to reflect over what
5 happened and how he could do better. It was a cathartic, cleansing experience, one that gave him great
6 satisfaction – especially knowing you created something that will last a long time.

8 It was during this time that Cushing decided to petition for reinstatement of his law license.
9 He was running out of things to repair or redo, and he was driving his wife crazy being home all the
10 time. Cushing likes to be productive and enjoys working. He would like to return to the practice of
11 law, but not entirely in the same manner as before. He feels a strong desire to help those less fortunate
12 and those who cannot afford a lawyer. Doing pro bono work is one of the things he would like to do
13 more of this time.

15 A few years before leaving Wilson Elser, Cushing received the firm's "Pro Bono Lawyer of
16 the Year" award because of his pro bono work. With COVID-19 affecting many people, especially
17 financially, there is a great need for attorneys to provide services for free. This is something Cushing
18 would like to do more of if he is fortunate enough to have his license reinstated. He would sincerely
19 appreciate the opportunity to use his considerable skills, knowledge, and experience for this purpose.

21 Respectfully submitted this 10th day of March 2022.

22 *Kym Samuel Cushing*

23 Kym Samuel Cushing
24 Nevada Bar No. 4242
25 24 Hummingbird Way
26 Henderson, NV 89014
27
28

KYM S CUSHING

WENDY

2020

**Tax Return Signature/Consent to Disclosure
On-Line Self Select PIN without Direct Debit**

Perjury Statement

Under penalties for perjury, I declare that I have examined this return, including any accompanying statements and schedules and, to the best of my knowledge and belief, it is true, correct, and complete.

Consent to Disclosure

I consent to allow my Intermediate Service Provider, transmitter, or Electronic Return Originator (ERO) to send my return to IRS and to receive the following information from IRS: a) an acknowledgement of receipt or reason for rejection of transmission; b) an indication of any refund offset; c) the reason for any delay in processing or refund; and, d) the date of any refund.

I am signing this Tax Return and Electronic Funds Withdrawal Consent, if applicable, by entering my Self Select PIN below.

Taxpayer's PIN:
Taxpayer's Date of Birth:
Taxpayer's Prior Year Adjusted Gross Income: 0.
Taxpayer's Prior year PIN
Taxpayer's Electronic Filing PIN
Spouse's PIN:
Spouse's Date of Birth:
Spouse's Prior Year Adjusted Gross Income: 0.
Spouse's Prior year PIN
Spouse's Electronic Filing PIN

Date:

2020 Federal Tax Return Filing Instructions

FOR THE YEAR ENDING
December 31, 2020

Prepared for	KYM S CUSHING WENDY [REDACTED]	
Tax Summary	Gross Income Adjusted Gross Income Total Deductions Total Taxable Income Total Tax Total Payments Refund Amount Amount You Owe	\$ 33,494 \$ 33,194 \$ 24,800 \$ 8,394 \$ 520 \$ 905 \$ 385 \$ 0
Make check payable to	United States Treasury	
Mailing Address	Department of the Treasury Internal Revenue Service Ogden, UT 84201-0002	

Instructions

STEP 1 - Sign and date Form 1040

STEP 2 - Assemble what you need to mail

Attach any schedules and forms behind Form 1040 in order of the Attachment Sequence Number shown in the upper right corner of the schedule or form. If there are supporting statements, arrange them in the same order as the schedules or forms they support and attach them last. Do not attach correspondence or other items unless required to do so. Attach a copy of each W-2, W-2G, and 2439 to the front of Form 1040. Also attach Form(s) 1099-R or 1099-G if tax was withheld.

STEP 3 - Mail Form(s)

Mail Form 1040 and associated documents to the address above.

Retain the proof of mailing to avoid a late filing penalty.

We recommend you use one of these methods to send your 1040:

- U.S. Postal Service certified mail.

If you are not mailing to an address with a post office box, you may also use certain private delivery services (PDS) designated by the IRS to meet the 'timely mailing as timely filing' rule for tax returns. Go to [IRS.gov/PDS](https://www.irs.gov/PDS) for current list of designated services. For the IRS mailing addresses to use if you're using PDS, go to [IRS.gov/PDSstreetAddresses](https://www.irs.gov/PDSstreetAddresses).

CONTINUED ON NEXT PAGE

KYM·S CUSHING

WENDY [REDACTED]

2020 Federal Filing Instructions Continued

Instructions

STEP 4 - Keep a copy

Print a copy of the return for your records.

Please attach a copy of each W-2, W-2G, 1099G and 1099R to your return.

16	Tax (see instructions). Check if any from Form(s) 1 <input type="checkbox"/> 8814 2 <input type="checkbox"/> 4972 3 <input type="checkbox"/>	16	838.
17	Amount from Schedule 2, line 3	17	
18	Add lines 16 and 17.	18	838.
19	Child tax credit or credit for other dependents.	19	
20	Amount from Schedule 3, line 7	20	318.
21	Add lines 19 and 20	21	318.
22	Subtract line 21 from line 18. If zero or less, enter - 0-	22	520.
23	Other taxes, including self-employment tax, from Schedule 2, line 10.	23	
24	Add lines 22 and 23. This is your total tax	24	520.
25	Federal income tax withheld from:		
a	Form(s) W-2	25a	905.
b	Form(s) 1099	25b	
c	Other forms (see instructions)	25c	
d	Add lines 25a through 25c	25d	905.
26	2020 estimated tax payments and amount applied from 2019 return	26	
27	Earned income credit (EIC)	27	
28	Additional child tax credit. Attach Schedule 8812	28	
29	American opportunity credit from Form 8863, line 8.	29	
30	Recovery rebate credit. See instructions	30	
31	Amount from Schedule 3, line 13	31	
32	Add lines 27 through 31. These are your total other payments and refundable credits	32	
33	Add lines 25d, 26, and 32. These are your total payments	33	905.
34	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you overpaid	34	385.
35a	Amount of line 34 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	35a	385.
b	Routing number XXXXXXXXXXXXXXXXXXXX		
c	Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
d	Account number XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
36	Amount of line 34 you want applied to your 2021 estimated tax	36	
37	Subtract line 33 from line 24. This is the amount you owe now Note: Schedule H and Schedule SE filers, line 37 may not represent all of the taxes you owe for 2020. See Schedule 3, line 12e, and its instructions for details.	37	
38	Estimated tax penalty (see instructions)	38	

• If you have a qualifying child, attach Sch. EIC

• If you have nontaxable combat pay, see instructions.

Refund

Direct deposit?
See instructions.

Amount You Owe

For details on how to pay, see instructions.

Third Party Designee

Do you want to allow another person to discuss this return with the IRS? See instructions

☐ Yes. Complete below. ☒ No

Designee's name

Phone no.

Personal identification number (PIN)

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.

Your signature

Date

Your occupation

CURRENTLY UNEMPL

If the IRS sent you an ID Protection PIN, enter it here (see inst.)

Spouse's signature. If a joint return, both must sign.

Date

Spouse's occupation

OFFICE ASSISTANT

If the IRS sent your spouse an ID Protection PIN, enter it here (see inst.)

Phone no.

Email address

Paid**Preparers****Use Only**

Preparer's name

Preparer's signature

Date

PTIN

Check if:

☐ Self-employed

Firm's name

Phone no.

Firm's address

Firm's EIN

Go to www.irs.gov/Form1040 for instructions and the latest information.

Form 1040 (2020)

SCHEDULE 1
(Form 1040)

Department of the Treasury
Internal Revenue Service

Additional Income and Adjustments to Income

▶ Attach to Form 1040, 1040-SR, or 1040-NR.

▶ Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2020

Attachment
Sequence No. 01

Name(s) shown on Form 1040, 1040-SR, or 1040-NR

KYM S CUSHING & WENDY

Your social security number

Part I Additional Income

1	Taxable refunds, credits, or offsets of state and local income taxes	1	
2a	Alimony received	2a	
b	Date of original divorce or separation agreement (see instructions) ▶		
3	Business income or (loss). Attach Schedule C	3	
4	Other gains or (losses). Attach Form 4797.	4	
5	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	5	
6	Farm income or (loss). Attach Schedule F.	6	
7	Unemployment compensation	7	20,327.
8	Other income. List type and amount ▶	8	
9	Combine lines 1 through 8. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 8.	9	20,327.

Part II Adjustments to Income

10	Educator expenses	10	
11	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	11	
12	Health savings account deduction. Attach Form 8889	12	
13	Moving expenses for members of the Armed Forces. Attach Form 3903	13	
14	Deductible part of self-employment tax. Attach Schedule SE	14	
15	Self-employed SEP, SIMPLE, and qualified plans.	15	
16	Self-employed health insurance deduction	16	
17	Penalty on early withdrawal of savings	17	
18a	Alimony paid	18a	
b	Recipient's SSN		
c	Date of original divorce or separation agreement (see instructions) ▶		
19	IRA deduction	19	
20	Student loan interest deduction	20	
21	Tuition and fees deduction. Attach Form 8917.	21	
22	Add lines 10 through 21. These are your adjustments to income. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 10a.	22	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 1 (Form 1040) 2020

SCHEDULE 3
(Form 1040)

Department of the Treasury
Internal Revenue Service

Additional Credits and Payments

▶ Attach to Form 1040, 1040-SR, or 1040-NR.

▶ Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2020

Attachment
Sequence No. **03**

Name(s) shown on Form 1040, 1040-SR, or 1040-NR

KYM S CUSHING & WENDY

Your social security number

Part I Nonrefundable Credits

1	Foreign tax credit. Attach Form 1116 if required	1	
2	Credit for child and dependent care expenses. Attach Form 2441	2	
3	Education credits from Form 8863, line 19	3	
4	Retirement savings contributions credit. Attach Form 8880	4	318.
5	Residential energy credits. Attach Form 5695	5	
6	Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	6	
7	Add lines 1 through 6. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 20.	7	318.

Part II Other Payments and Refundable Credits

8	Net premium tax credit. Attach Form 8962	8	
9	Amount paid with request for extension to file (see instructions)	9	
10	Excess social security and tier 1 RRTA tax withheld	10	
11	Credit for federal tax on fuels. Attach Form 4136	11	
12	Other payments or refundable credits:		
a	Form 2439.	12a	
b	Qualified sick and family leave credits from Schedule(s) H and Form(s) 7202	12b	
c	Health coverage tax credit from Form 8885.	12c	
d	Other:	12d	
e	Deferral for certain Schedule H or SE filers (see instructions)	12e	
f	Add lines 12a through 12e.	12f	
13	Add lines 8 through 12f. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 31	13	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 3 (Form 1040) 2020

DO NOT
FILE

ROA Page 290
KSC - 0007

Department of the Treasury
Internal Revenue Service▶ Attach to Form 1040, 1040-SR, or 1040-NR.
▶ Go to www.irs.gov/Form8880 for the latest information.

Name(s) shown on return

KYM S CUSHING & WENDY

Your social security number

You **cannot** take this credit if **either** of the following applies.

- The amount on Form 1040, 1040-SR, or 1040-NR, line 11, is more than \$32,500 (\$48,750 if head of household; \$65,000 if married filing jointly).
- The person(s) who made the qualified contribution or elective deferral (a) was born after January 1, 2003; (b) is claimed as a dependent on someone else's 2020 tax return; or (c) was a student (see instructions).

- Traditional and Roth IRA contributions, and ABLE account contributions by the designated beneficiary for 2020. Do not include rollover contributions.
- Elective deferrals to a 401(k) or other qualified employer plan, voluntary employee contributions, and 501(c)(18)(D) plan contributions for 2020 (see instructions).
- Add lines 1 and 2.
- Certain distributions received after 2017 and before the due date (including extensions) of your 2020 tax return (see instructions). If married filing jointly, include both spouses' amounts in both columns. See instructions for an exception.
- Subtract line 4 from line 3. If zero or less, enter -0-
- In each column, enter the smaller of line 5 or \$2,000.
- Add the amounts on line 6. If zero, stop; you can't take this credit.
- Enter the amount from Form 1040, 1040-SR, or 1040-NR, line 11*.
- Enter the applicable decimal amount from the table below.

	(a) You	(b) Your spouse
1		
2		636
3		636
4		
5	0	636
6	0	636
7		636
8	33,194	

If line 8 is -		And your filing status is -		
Over -	But not over-	Married filing jointly	Head of household	Single, Married filing separately, or Qualifying widow(er)
		Enter on line 9 -		
---	\$19,500	0.5	0.5	0.5
\$19,500	\$21,250	0.5	0.5	0.2
\$21,250	\$29,250	0.5	0.5	0.1
\$29,250	\$31,875	0.5	0.2	0.1
\$31,875	\$32,500	0.5	0.1	0.1
\$32,500	\$39,000	0.5	0.1	0.0
\$39,000	\$42,500	0.2	0.1	0.0
\$42,500	\$48,750	0.1	0.1	0.0
\$48,750	\$65,000	0.1	0.0	0.0
\$65,000	---	0.0	0.0	0.0

Note: If line 9 is zero, stop; you can't take this credit.

- Multiply line 7 by line 9.
- Limitation based on tax liability. Enter the amount from the Credit Limit Worksheet in the instructions.
- Credit for qualified retirement savings contributions. Enter the smaller of line 10 or line 11 here and on Schedule 3 (Form 1040), line 4.

7	
8	
9	X0.5
10	318
11	838
12	318

* See Pub. 590-A for the amount to enter if you claim any exclusion or deduction for foreign earned income, foreign housing, or income from Puerto Rico or for bona fide residents of American Samoa.

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Form 8880 (2020)

Credit Limit Worksheet - Keep For Your Records

Name **KYM S CUSHING & WENDY**

SSN

Credit Limit Worksheet - Form 8863 - Line 19

Nonrefundable Credit Worksheet

1. Enter the amount from Form 8863, line 18 1. _____
2. Enter the amount from Form 8863, line 9 2. _____
3. Add lines 1 and 2 3. _____
4. Enter the amount from:
Form 1040 or 1040-SR, line 18 4. _____
5. Enter the total of your credits from:
Schedule 3 (Form 1040), lines 1 and 2, and Schedule R, line 22 5. _____
6. Subtract line 5 from line 4 6. _____
7. Enter the smaller of line 3 or line 6 here and on Form 8863, line 19 7. _____

Credit Limit Worksheet - Form 8880, line 11

1. Enter the amount from Form 1040, 1040-SR, or 1040-NR, line 18. 1. 838.
2. **Form 1040 or 1040-SR filers:** Enter the total of your credits from Schedule 3, lines 1 through 3, and Schedule R, line 22.
Form 1040-NR filers: Enter the total of your credits from Schedule 3, line 1 through 3 2. 0.
3. Subtract line 2 from line 1. Also enter this amount on Form 8880, line 11. But if zero or less, stop; you can't
take the credit - don't file this form 3. 838.

FILE

Recovery Rebate Credit Worksheet- Line 30

1. Can you be claimed as a dependent on another person's 2020 return? If filing a joint return, go to line 2.		
<input checked="" type="checkbox"/>	No. Go to line 2.	
<input type="checkbox"/>	Yes. You can't take the credit. Stop here. Don't complete the rest of this worksheet and don't enter any amount on line 30.	
2. Does your 2020 return include a valid social security number (defined under Valid social security number; earlier) for you and, if filing a joint return, your spouse?		
<input checked="" type="checkbox"/>	Yes. Skip lines 3 and 4, and go to line 5.	
<input type="checkbox"/>	No. If you are filing a joint return, go to line 3.	
If you aren't filing a joint return, Stop you can't take the credit. Don't complete the rest of this worksheet and don't enter any amount on line 30.		
3. Was at least one of you a member of the U.S. Armed Forces at any time during 2020, and does at least one of you have a valid social security number (defined under Valid social security number; earlier)?		
<input type="checkbox"/>	Yes. Your credit is not limited. Go to line 5.	
<input type="checkbox"/>	No. Go to line 4.	
4. Does one of you have a valid social security number (defined under Valid social security number; earlier)?		
<input type="checkbox"/>	Yes. Your credit is limited. Go to line 5.	
<input type="checkbox"/>	No. Stop here. You can't take the credit. Don't complete the rest of this worksheet and don't enter any amount on line 30.	
5. If your EIP 1 was \$1,200 (\$2,400 if married filing jointly) plus \$500 for each qualifying child you had in 2020, skip lines 5 and 6, enter zero on lines 7 and 16, and go to line 8. Otherwise, enter:		
• \$1,200 if single, head of household, married filing separately, qualifying widow(er), or if married filing jointly and you answered "Yes" to question 4, or		
• \$2,400 if married filing jointly and you answered "Yes" to question 2 or 3		5. _____
6. Multiply \$500 by the number of qualifying children under age 17 at the end of 2020 listed in the Dependents section on page 1 of Form 1040 or 1040-SR for whom you either checked the "Child tax credit" box or entered an adoption taxpayer identification number.		6. _____
7. Add lines 5 and 6		7. <u>0</u>
8. If your EIP 2 was \$600 (\$1,200 if married filing jointly) plus \$600 for each qualifying child you had in 2020, skip lines 8 and 9, enter zero on lines 10 and 19, and go to line 11. Otherwise, enter:		
• \$600 if single, head of household, married filing separately, qualifying widow(er), or if married filing jointly and you answered "Yes" to question 4, or		
• \$1,200 if married filing jointly and you answered "Yes" to question 2 or 3		8. _____
9. Multiply \$600 by the number of qualifying children under age 17 at the end of 2020 listed in the Dependents section on page 1 of Form 1040 or 1040-SR for whom you either checked the "Child tax credit" box or entered an adoption taxpayer identification number		9. _____
10. Add lines 8 and 9		10. <u>0</u>
11. Enter the amount from line 11 of Form 1040 or 1040-SR		11. <u>33,194</u>
12. Enter the amount shown below for your filing status:		
• \$150,000 if married filing jointly or qualifying widow(er)		
• \$112,500 if head of household		
• \$75,000 if single or married filing separately		12. <u>150,000</u>
13. Is the amount on line 11 more than the amount on line 12?		
<input checked="" type="checkbox"/>	No. Skip line 14. Enter the amount from line 7 on line 15 and the amount from line 10 on line 18.	
<input type="checkbox"/>	Yes. Subtract line 12 from line 11.	13. _____
14. Multiply line 13 by 5% (0.05)		14. _____
15. Subtract line 14 from line 7. If zero or less, enter -0-		15. <u>0</u>
16. Enter the amount, if any, of the EIP 1 that was issued to you (before offset for any past-due child support payment). You may refer to Notice 1444 on your tax account information at IRS.gov/Account for the amount to enter here		16. <u>0</u>
17. Subtract line 16 from line 15. If zero or less, enter -0-. If line 16 is more than line 15, you don't have to pay back the difference		17. <u>0</u>
18. Subtract line 14 from line 10. If zero or less, enter -0-		18. <u>0</u>
19. Enter the amount, if any, of EIP 2 that was issued to you. You may refer to Notice 1444-B or your tax account information at IRS.gov/Account for the amount to enter here		19. <u>0</u>
20. Subtract line 19 from line 18. If zero or less, enter -0-. If line 19 is more than line 18, you don't have to pay back the difference		20. <u>0</u>
21. Recovery rebate credit. Add lines 17 and 20. Enter the result here and, if more than zero, on line 30 of Form 1040 or 1040-SR		21. <u>0</u>

Filing status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶

Your first name and middle initial **KYM S** Last name **CUSHING** Your social security number [REDACTED]

If joint return, spouse's first name and middle initial **WENDY** Last name [REDACTED] [REDACTED] no.

Home address (number and street). If you have a P.O. box, see instructions. **24 HUMMINGBIRD WAY** Apt. no. **Presidential Election Campaign**

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). **RENDERSON, NV 89014** Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Foreign country name Foreign province/county Foreign postal code If more than four dependents, see Inst. and ☒ here ▶ ☐

Standard Deduction ☐ Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent ☐ Spouse itemizes on a separate return or you were dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1955 ☐ Are blind Spouse: ☐ Was born before January 2, 1955 ☐ Is blind

Dependents (see instructions):

(1) First name	Last name	(2) Social security no.	(3) Relationship to you	(4) <input checked="" type="checkbox"/> if qualifies for (see Inst.):
				Child tax credit
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>

Standard Deduction for -

- Single or married filing separately, \$12,000
- Married filing jointly or Qualifying widow(er), \$24,400
- Head of household, \$18,350
- If you checked any box under Standard Deduction, see instructions.

1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
2a	Tax-exempt interest	2a	
3a	Qualified dividends	3a	
4a	IRA distributions	4a	
c	Pension and annuities	4c	
5a	Social security benefits	5a	
6	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	6	
7a	Other income from Schedule 1, line 9	7a	7,035.
b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your total income	7b	7,035.
8a	Adjustments to income from Schedule 1, line 22	8a	
b	Subtract line 8a from line 7b. This is your adjusted gross income	8b	7,035.
9	Standard deduction or itemized deductions (from Schedule A)	9	24,400.
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A	10	
11a	Add lines 9 and 10	11a	24,400.
b	Taxable income. Subtract line 11a from line 8b. If zero or less, enter -0-	11b	0.

KBA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2019)

12a	Tax (see inst. Check if any from Form(s): 1 <input type="checkbox"/> 8814 2 <input type="checkbox"/> 4972 3 <input type="checkbox"/>)	12a	0.
b	Add Schedule 2, line 3, and line 12a and enter the total.	12b	0.
13a	Child tax credit or credit for other dependents	13a	
b	Add Schedule 3, line 7, and line 13a and enter the total.	13b	
14	Subtract line 13b from line 12b. If zero or less, enter - 0-	14	0.
15	Other taxes, including self-employment tax, from Schedule 2, line 10	15	
16	Add lines 14 and 15. This is your total tax.	16	0.
17	Federal income tax withheld from Forms W-2 and 1099	17	
18	Other payments and refundable credits:		
a	Earned income credit (EIC) NO	18a	
b	Additional child tax credit. Attach Schedule 8812	18b	
c	American opportunity credit from Form 8863, line 8	18c	
d	Schedule 3, line 14	18d	
e	Add lines 18a through 18d. These are your total other payments and refundable credits	18e	
19	Add lines 17 and 18e. These are your total payments	19	0.
Refund	20 If line 19 is more than line 16, subtract line 16 from line 19. This is the amount you overpaid	20	0.
21a	Amount of line 20 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	21a	
Direct deposit?	► b Routing number <input type="checkbox"/> c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
See instructions.	► d Account number		
22	Amount of line 20 you want applied to your 2020 estimated tax	22	
Amount You Owe	23 Amount you owe. Subtract line 19 from line 16. For details on how to pay, see instructions	23	
24	Estimated tax penalty (see instructions)	24	
Third Party Designee	Do you want to allow another person (other than your paid preparer) to discuss this return with the IRS? See inst.		
(Other than paid preparer)	<input type="checkbox"/> Yes. Complete below. <input checked="" type="checkbox"/> No		
Designee's name ►	Designee's Phone no. ►	Personal identification number (PIN) ►	
Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
Joint return? See instructions. Keep a copy for your records.	Your signature	Date 2/14/20	Your occupation CURRENTLY UNEMPL
	Spouse's signature. If a joint return, both must sign.	Date 2/14/20	Spouse's occupation CURRENTLY UNEMPL
	Phone no.	Email address	
Paid Preparers Use Only	Preparer's name	Preparer's signature	Date PTIN
	Firm's name ►	Phone no.	Check if: <input type="checkbox"/> 3rd Party Designee <input type="checkbox"/> self-employed
	Firm's address ►	Firm's EIN ►	

Go to www.irs.gov/Form1040 for instructions and the latest information.

Form 1040 (2019)

SCHEDULE 1
(Form 1040 or 1040-SR)

Department of the Treasury
Internal Revenue Service

Additional Income and Adjustments to Income

► Attach to Form 1040 or 1040-SR.

► Go to www.irs.gov/Form1040 for instructions and the latest information.

OMB No. 1545-0074

2019

Attachment
Sequence No. 01

Name(s) shown on Form 1040 or 1040-SR

KYM S CUSHING & WENDY

Your social security number

At any time during 2019, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency?

☐ Yes ☒ No

Part I Additional Income

1	Taxable refunds, credits, or offsets of state and local income taxes	1	
2a	Alimony received	2a	
b	Date of original divorce or separation agreement (see instructions) ►		
3	Business income or (loss). Attach Schedule C	3	
4	Other gains or (losses). Attach Form 4797.	4	
5	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	5	
6	Farm income or (loss). Attach Schedule F.	6	
7	Unemployment compensation	7	7,035.
8	Other income. List type and amount ►	8	
9	Combine lines 1 through 8. Enter here and on Form 1040 or 1040-SR, line 7a	9	7,035.

Part II Adjustments to Income

10	Educator expenses	10	
11	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	11	
12	Health savings account deduction. Attach Form 8889	12	
13	Moving expenses for members of the Armed Forces. Attach Form 3903	13	
14	Deductible part of self-employment tax. Attach Schedule SE	14	
15	Self-employed SEP, SIMPLE, and qualified plans.	15	
16	Self-employed health insurance deduction	16	
17	Penalty on early withdrawal of savings	17	
18a	Alimony paid	18a	
b	Recipient's SSN		
c	Date of original divorce or separation agreement (see instructions) ►		
19	IRA deduction	19	
20	Student loan interest deduction	20	
21	Tuition and fees. Attach Form 8917	21	
22	Add lines 10 through 21. These are your adjustments to income. Enter here and on Form 1040 or 1040-SR, line 8a	22	

KBA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule 1 (Form 1040 or 1040-SR) 2019

2019 Child Tax Credit and Credit for Other Dependents Worksheet

1. Number of qualifying children under 17 with the required social security number: X \$2,000. Enter the result.

1

2. Number of other dependents, including qualifying children who are not under 17 or who do not have the required social security number: 1 X \$500. Enter the result.

2

500

Caution. Don't include yourself, your spouse, or anyone who is not a U.S. citizen, U.S. national, or U.S. resident alien. Also, don't include anyone you included on line 1.

3. Add lines 1 and 2.

3

500

4. Enter the amount from Form 1040 or 1040-SR, line 8b, or Form 1040-NR, line 35.

4

7,035

5. 1040 and 1040-SR filers. Enter the total of any -

- Exclusion of income from Puerto Rico; and
 - Amounts from Form 2555, lines 45 and 50 and Form 4563, line 15.
- 1040-NR filers. Enter -0-.

5

0

6. Add lines 4 and 5. Enter the total.

6

7,035

7. Enter the amount shown below for your filing status.

- Married filing jointly - \$400,000
- All other filing statuses - \$200,000

7

400,000

8. Is the amount on line 6 more than the amount on line 7?



No. Leave line 8 blank. Enter -0- on line 9.



Yes. Subtract line 7 from line 6. If the result isn't a multiple of \$1,000,

increase it to the next multiple of \$1,000. For example, increase \$425 to \$1,000, increase \$1,025 to \$2,000, etc.

8

9. Multiply the amount on line 8 by 5% (.05). Enter the result.

9

0

10. Is the amount on line 3 more than the amount on line 9?



No. You cannot take the child tax credit or credit for other dependents on Form 1040 or 1040-SR, line 13a, or Form 1040-NR, line 49. You also can't take the additional child tax credit on Form 1040 or 1040-SR, line 18b, or Form 1040-NR, line 64. Complete the rest of your Form 1040, Form 1040-SR, or Form 1040-NR.



Yes. Subtract line 9 from line 3. Enter the result. Go to Line 11.

10

500

11. Enter the amount from Form 1040 or 1040-SR, line 12b, or Form 1040-NR, line 45.

11

0

12. Add the following amounts from:

- Schedule 3, line 1 or 1040-NR line 46 + _____ Form 5695, line 30* + _____
- Schedule 3, line 2 or 1040-NR line 47 + _____ Form 8910, line 15* + _____
- Schedule 3, line 3 + _____ Form 8936, line 23 + _____
- Schedule 3, line 4 or 1040-NR line 48 + _____ Schedule R, line 22 + _____

Enter the total.

12

0

13. Subtract line 12 from line 11.

13

14. Are you claiming any of the following credits?

- Mortgage interest credit, Form 8396.
- Adoption credit, Form 8839.
- Residential energy efficient property credit, Form 5695, Part I.
- District of Columbia first-time homebuyer credit, Form 8859.



No. Enter -0-.



Yes. If you are filing Form 2555, enter -0-. Otherwise,

complete the Line 14 Worksheet, later, to figure the amount to enter here.

14

0

15. Subtract line 14 from line 13. Enter the result.

15

0

16. Is the amount on line 10 more than the amount on line 15?



Yes. Enter the amount from line 15.

See the TIP below.



No. Enter the amount from line 10.

This is your child tax credit and credit for other dependents.

16

0

Enter this amount on Form 1040 or 1040-SR, line 13a; or Form 1040-NR, line 49.

You may be able to take the additional child tax credit on Form 1040 or Form 1040-SR through line 18b, or Form 1040-NR, line 64, only if you answered "Yes" on line 16 and line 1 is more than zero.

- First, complete your Form 1040 or 1040-SR through line 18a (also complete Schedule 3, line 11) or Form 1040-NR through line 63 (also complete line 67).
- Then, use Schedule 8812 to figure any additional child tax credit.

2019 Federal Tax Return Filing Instructions

FOR THE YEAR ENDING
December 31, 2019

Prepared for	KYM S CUSHING WENDY [REDACTED]																
Tax Summary	<table> <tr> <td>Gross Income</td> <td>\$ 7,035</td> </tr> <tr> <td>Adjusted Gross Income</td> <td>\$ 7,035</td> </tr> <tr> <td>Total Deductions</td> <td>\$ 24,400</td> </tr> <tr> <td>Total Taxable Income</td> <td>\$ 0</td> </tr> <tr> <td>Total Tax</td> <td>\$ 0</td> </tr> <tr> <td>Total Payments</td> <td>\$ 0</td> </tr> <tr> <td>Refund Amount</td> <td>\$ 0</td> </tr> <tr> <td>Amount You Owe</td> <td>\$ 0</td> </tr> </table>	Gross Income	\$ 7,035	Adjusted Gross Income	\$ 7,035	Total Deductions	\$ 24,400	Total Taxable Income	\$ 0	Total Tax	\$ 0	Total Payments	\$ 0	Refund Amount	\$ 0	Amount You Owe	\$ 0
Gross Income	\$ 7,035																
Adjusted Gross Income	\$ 7,035																
Total Deductions	\$ 24,400																
Total Taxable Income	\$ 0																
Total Tax	\$ 0																
Total Payments	\$ 0																
Refund Amount	\$ 0																
Amount You Owe	\$ 0																
Make check payable to	United States Treasury																
Mailing Address	Since you are filing your return electronically and you chose to use an electronic signature, you do not mail your return.																

Instructions

STEP 1 - Once your e-filed return has been accepted, you will receive an e-mail

STEP 2 - Keep a copy

Print a copy of the return for your records.

Please attach a copy of each W-2, W-2G, 1099G and 1099R to your return.



KYM S CUSHING
WENDY

**Tax Return Signature/Consent to Disclosure
On-Line Self Select PIN without Direct Debit**

Perjury Statement

Under penalties for perjury, I declare that I have examined this return, including any accompanying statements and schedules and, to the best of my knowledge and belief, it is true, correct, and complete.

Consent to Disclosure

I consent to allow my Intermediate Service Provider, transmitter, or Electronic Return Originator (ERO) to send my return to IRS and to receive the following information from IRS: a) an acknowledgement of receipt or reason for rejection of transmission; b) an indication of any refund offset; c) the reason for any delay in processing or refund; and, d) the date of any refund.

I am signing this Tax Return and Electronic Funds Withdrawal Consent, if applicable, by entering my Self Select PIN below.

Taxpayer's PIN: 67630
Taxpayer's Date of Birth: [REDACTED]
Taxpayer's Prior Year Adjusted Gross Income: 0.
Taxpayer's Prior year PIN
Taxpayer's Electronic Filing PIN
Spouse's PIN: 67631
Spouse's Date of Birth: [REDACTED]
Spouse's Prior Year Adjusted Gross Income: 0.
Spouse's Prior year PIN
Spouse's Electronic Filing PIN

Date: 03/27/2020



FILED

MAR 28 2022

STATE BAR OF NEVADA

BY: 
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE:)
PETITION FOR REINSTATEMENT)
KYM S. CUSHING)
Nevada Bar No. 4242,)
Petitioner.)

**STATE BAR OF NEVADA'S FINAL
SUMMARY OF EVIDENCE AND
DISCLOSURE OF WITNESSES FOR
REINSTATEMENT HEARING**

PLEASE TAKE NOTICE that the following is an final list of witnesses and initial summary of evidence which may be offered against Petitioner at the time of the Formal Reinstatement Hearing, in the above-entitled matter.

A. Documentary Evidence

Attached hereto is the State Bar's Exhibit List of proposed date-stamped exhibits being submitted to Petitioner via Email.

1. Any and all documentation contained in the State Bar of Nevada's files including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding reinstatement file number SBN22-00022.

2. Any and all documentation contained in records of the State Bar of Nevada regarding Respondent's licensure, compliance with reporting requirements, and disciplinary history.

The State Bar reserves the right to supplement this list as necessary.

Exhibit#	Document	Bates Stamped
1.	Formal Hearing Packet	<i>will be produced prior to hearing</i>
2.	Affidavit of Prior Discipline	<i>will be produced at the time of hearing</i>
3.	Supreme Court Order of Suspension Filed January 31, 2020	SBN 001-006
4.	State Bar of Nevada Complaint re: Grievance File OBC18-0190. Filed March 14, 2018	SBN 001-009
5.	Findings of Fact, Conclusions of Law and Recommendation Grievance File OBC18-0190. Filed March 13, 2019.	SBN 001-023
6a.	Formal Hearing transcript dated December 12, 2018.	SBN 001-148
6b.	Formal Hearing transcript dated December 13, 2018.	SBN 001-086
7.	Petition for Reinstatement dated January 21, 2022	SBN 001-116
8.	US Court of Appeals Docket & Order filed March 5, 2020. Case No. 20-80027	SBN 001-003
9.	US Court of Central District Order of Suspension filed May 28, 2020. Case No. 2:20-ad-00600-VAP	SBN 001-003
10.	US District Court of Nevada Order of Suspension filed October 12, 2021. Case No. 2:20-cv-00387-MMD	SBN 001-002
11.	Supreme Court of Nevada case no. 78367, Petition for Rehearing filed February 17, 2020	SBN 001-017
12.	Supreme Court of Nevada case no. 78367, Order Denying Rehearing filed March 23, 2020	SBN 001
13.	Respondent's Exhibit C – Affidavit of Kym Samuel Cushing Bates stamped KSC 0001-0019	SBN 001-019
14.	Respondent's Exhibit E – Completed CLE Course Credits by Year. Bates stamped KSC 001-0005	SBN 001-005
15.	Respondent's Exhibit J – 2022 CLE Certificates. Bates stamped KSC 001-0018	SBN 001-018
16.	Respondent's Exhibit K – Certification of Completion of 8 hour Anger Mgmt. Class. Bates stamped KSC 0001-0004	SBN 001-004
17.	Respondent's Exhibit N - Supplement Brief. Bates stamped KSC 0001-0019	SBN 001-019
18.	Respondent's Exhibit O – 2019 & 2020 Federal Tax Returns. Bates stamped KSC 0001-0016	SBN 001-016
19.	Respondent's Response to California's Bar Counsel's Report to Review Department Rfgarding [sic] Resignation; Declaration of Kym Samuel Cushing. Filed June 22, 2021.	SBN 001-019

The State Bar incorporates by reference all documents identified by Respondent in these matters.

1 **B. Witnesses and Brief Statement of Facts**

2 1. Petitioner may testify about the facts and circumstances regarding his
3 suspension and his petition for reinstatement, continuing legal education efforts and general
4 physical and mental health, related to his fitness to resume the practice of law. Petitioner is
5 expected to provide testimony regarding the facts and circumstances regarding SBN22-
6 00022.

7 2. Janeen Isaacson, Esq., may offer testimony regarding her communications and
8 interactions with the Petitioner.

9 3. Noelle Swanson Berg, Esq., may offer testimony regarding her communications
10 and interactions with the Petitioner.

11 4. Daniel Sanchez-Behar, Esq., CA Bar No. 233563, may offer testimony regarding
12 his communications and interactions with the Petitioner.

13 5. Kimberly Farmer, Executive Director of the State Bar, may offer testimony
14 regarding the State Bar's procedures and staffing changes.

15 6. Robert J. Caldwell, Esq., may offer testimony regarding his communications
16 and interactions with the Petitioner.

17 7. Christopher Ouellette, an investigator with the State Bar of Nevada Office of Bar
18 Counsel, may offer testimony regarding records obtained by the State Bar of Nevada,
19 Petitioner's discipline and licensure history and communication with the Petitioner.

20 Dated this 28th day of March 2022.

21 **STATE BAR OF NEVADA**
22 Daniel M. Hooge, Bar Counsel

23 *Phillip J. Pattee*

24 By: Phillip J. Pattee (Mar 28, 2022 14:55 PDT)

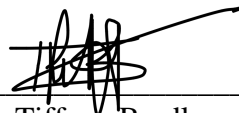
25 Phillip J. Pattee, Assistant Bar Counsel
 Nevada Bar No. 4021
 3100 W. Charleston Boulevard, Suite 100
 Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S FINAL SUMMARY OF EVIDENCE AND DISCLOSURE OF WITNESSES FOR REINSTATEMENT HEARING** was served by electronic mail to:

1. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
2. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org


DATED this 28th day of March 2022.

By: 
Tiffany Bradley, an employee of
the State Bar of Nevada.



FILED

APR 18 2022

STATE BAR OF NEVADA
BY: 
OFFICE OF BAR COUNSEL

Kym Samuel Cushing
24 Hummingbird Way
Henderson, NV 89014
(702) 271-7679 (cell)
kymcushing01@gmail.com

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE:
PETITION FOR REINSTATEMENT
KYM S. CUSHING

Case No: SBN22-00022

NEVADA BAR NO. 4242,
PETITIONER.

KYM S. CUSHING'S FINAL SUMMARY
OF EVIDENCE AND DISCLOSURE OF
WITNESSES FOR REINSTATEMENT
HEARING

PLEASE TAKE NOTICE that petitioner Kym S. Cushing submits this final list of witnesses and summary of evidence which may be offered by petitioner, Kym S. Cushing ("Cushing") at the time of the formal reinstatement hearing, in the above-entitled matter. **New additions are bolded.**

A. Documentary Evidence

Attached hereto is Cushing's exhibit list of proposed date-stamped exhibits being submitted to the State Bar of Nevada via hand-delivery.

1. All documentation contained in the State Bar of Nevada's files, including but not limited to, correspondence, emails, memorandums, text messages, notes, payments, invoices, bank records, receipts, billing entries and pleadings regarding reinstatement file number SBN22-00022.

2. All documentation, including appellate briefing, indexes, and appendixes, contained in the State Bar of Nevada's files that were submitted and/or filed by either Cushing or the state bar in connection with the underlying bar action (Sup. Ct. Case no. 78367).

<u>Exhibits</u>	<u>Document</u>	<u>Bates Stamped</u>
A.	Kym S. Cushing's Petition for Reinstatement (w/o exhibits) – exhibits attached to the petition are being produced separately	KSC 0001-0008
B.	Nevada Supreme Court's Jan. 31, 2019 Order	KSC 0001-0006
C.	Affidavit of Kym Samuel Cushing	KSC 0001-0019
D.	NLAP / PRN Reports / Final Report	KSC 0001-0039
E.	Completed CLE Course Credits by Year	KSC 0001-0005
F.	2022 CLE Certificates of Completion	KSC 0001-0015
G.	2021 CLE Certificates of Completion	KSC 0001-0010
H.	2020 CLE Certificates of Completion	KSC 0001-0017
I.	2019 CLE Certificates of Completion	KSC 0001-0010
J.	2022 CLE Certificates of Completion (5 SBN)	KSC 0001-0018
K.	Cert. of Completion of 8 Hour Anger Mgmt. Class	KSC 0001-0004
L.	Copy of \$7,500 Cashier's Check (prior hrg. costs)	KSC 0001-0001
M.	Copy of \$718.64 Cashier's Check (prior hrg. costs)	KSC 0001-0001
N.	Supplemental Brief	KSC 0001-0019
O.	2019 and 2020 Federal Tax Returns	KSC 0001-0016

1 Cushing reserves the right to use any exhibits admitted into evidence in the underlying bar
2 action for any purpose he deems necessary, including, but not limited to, impeachment / cross-
3 examination of witnesses, rebuttal, opening statement, and closing argument.

4 Cushing also reserves the right to use any portion of the Formal Hearing transcripts (dated
5 Dec. 12-13, 2018) for any purpose he deems necessary, including, but not limited to, impeachment /
6 cross-examination of witnesses, rebuttal, opening statement, and closing argument.
7

8 **B. Witnesses and Brief Statement of Facts**

- 9 1. Cushing will likely offer testimony about the facts and circumstances regarding his nine-
10 month suspension, his petition for reinstatement, his successful completion of NLAP's
11 program, including passing all random drug, tox screen and breathalyzer tests, his past and
12 current participation in regular weekly AA meetings, his quickly approaching four-year
13 anniversary of being alcohol-free (with zero relapses), his successful completion of all the
14 Supreme Court's conditions for reinstatement as outlined in the Court's Jan. 31, 2019 order,
15 including his continuing legal education efforts to keep up-to-date on the current state of
16 Nevada law, published case decisions as well as current judicial and courtroom policies and
17 procedures, his activities during his suspension, his past and current state of mind, his
18 personal thoughts, feelings and expressions of remorse and regret, and his general physical
19 and mental health related to his fitness to resume the practice of law.
20
21
- 22 2. Cushing may also, should he deem it necessary, offer testimony about the facts and
23 circumstances of his prior employment at Wilson Elser, including events and circumstances
24 during his last few years at the firm, more particularly, the events and circumstances during
25 2017-2018, and how they contributed to his state of mind, physical and mental health.
26
27
28

- 1 3. Wendy Francys Walker Cushing, petitioner's wife, may offer testimony about her knowledge
2 of the facts and events leading up to her husband's suspension and how those events affected
3 her husband's physical, mental, and emotional health, and the current state of his mental,
4 emotional and physical health related to his fitness to resume the practice of law.
5
6 4. Steven L. Day, Esq. may offer testimony about his interactions and experiences with Cushing,
7 including his opinions regarding Cushing's honesty, integrity, and his fitness to resume the
8 practice of law.
9 Cushing reserves the right to designate additional witness.

10 **C. Possible Rebuttal Witnesses**

- 11
12 1. Should the state bar call former Asst. Bar Counsel Janeen Isaacson, Esq. to testify for the
13 state bar at the reinstatement hearing, and should he deem it necessary, Cushing may, on
14 cross-examination or rebuttal, testify about the facts, events and circumstances of the state
15 bar's almost year-long investigation, including the conduct of former Asst. Bar Counsel
16 Isaacson, as well as facts, events and circumstances documenting Wilson Elser's intentional
17 interference in the underlying bar matter, including the hearing itself and following the hearing,
18 as well as the facts, events, circumstances and conduct of former Panel Chair Robert J.
19 Kolesar, Esq. before, during and after the hearing.
20
21 2. Should the state bar call Noelle Berg, Esq. to testify for the state bar at the reinstatement
22 hearing, and should he deem it necessary, Cushing may testify about the facts, circumstances,
23 events concerning Noelle Swanson Berg, Esq. that preceded the filing of the grievance, her
24 failure to take responsibility for her own actions, facts concerning her actual motivations, her
25 role in the firm's decision to drastically cut Cushing's compensation, her actions and conduct
26 in getting Cushing fired from Lewis Brisbois, (Cushing's employer after Wilson Elser), as
27

1 well as Noelle Berg and David Eisen's statements to Jana Lubert, Esq., General Counsel for
2 Lewis Brisbois.

3 Dated this 18th day of April 2022.
4

5
6 *Kym S. Cushing*

7 _____
8 Kym S. Cushing
9 Nevada Bar No.: 4242
10 24 Hummingbird Way
11 Henderson, NV 89014
12 (702) 271-7679
13 kymcushing01@gmail.com
14
15
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 18, 2022, a true and correct copy of the foregoing **KYM S. CUSHING'S FINAL SUMMARY OF EVIDENCE AND DISCLOSURES** OF WITNESSES FOR REINSTATEMENT HEARING and was served via **email to:**

Phillip J. Pattee, Esq (philp@nvbar.org)
Tiffany Bradley (tiffanyb@nvbar.org)

EXHIBIT D

**STATE BAR OF NEVADA
PRN REPORT**

Please check which stipulation this report fulfills:

☒ **Aftercare/Substance Abuse Counseling**

☐ **Psychiatric Report**

☐ **Mental Health professional**

Client Name: Kim Cushing

Report Date: 7/13/2020

Counselor Name Larry Espadero LADC 00318L

Facility Name Montevista Hospital

1. Diagnosis
Alcohol abuse

2. Treatment Plan (include target symptoms/problems, objectives, modality, frequency and progress to date.

AFTERCARE 2X MONTHLY
12 STEP MEETINGS 2X WEEKLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS 4X MONTHLY

3. Current Psychosocial Status (include current living situation, work, family, and community supports):
No issues

4. Any Significant Stressors or Adjustments Within Practice
None

5. Medications
Prozac
Trazodone

6. Start Date
06/27/18

KSC – 0001

Kim Cushing

7. Additional Comments:

No changes. Kim has attended all assigned groups in. Urine April, May and June urine screens were negative. Has been active in group and shown no resistance to the program during this period. No issues of denial and supportive of his peers in group.

He has completed all requirements in the PRN program and is released.

Larry Espadero

Signature of Counselor

**Address 7465 W. Lake Mead Blvd
Suite 224
Las Vegas Nevada 89128**

Phone 702-562-1230

KSC – 0002

**STATE BAR OF NEVADA
PRN REPORT**

Please check which stipulation this report fulfills:

X Aftercare/Substance Abuse Counseling

☐ **Psychiatric Report**

☐ **Mental Health professional**

Client Name: Kim Cushing

Report Date: 4/2/2020

Counselor Name Larry Espadero LADC 00318L

Facility Name Montevista Hospital

1. Diagnosis
Alcohol abuse

2. Treatment Plan (include target symptoms/problems, objectives, modality, frequency and progress to date.

**AFTERCARE 2X MONTHLY
12 STEP MEETINGS 2X WEEKLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS 4X MONTHLY**

3. Current Psychosocial Status (include current living situation, work, family, and community supports):
No issues

4. Any Significant Stressors or Adjustments Within Practice
None

5. Medications
Prozac
Trazodone

6. Start Date
06/27/18

KSC – 0003

Kim Cushing

7. Additional Comments:

No changes. Kim has attended all assigned groups in the last quarter. Urine screens were negative. Has been active in group and shown no resistance to the program during this period. No issues of denial and supportive of his peers in group.

Signature of Counselor

Address 5900 W. Rochelle Las Vegas Nevada 89103

Phone: 702-251-1377

KSC – 0004

**STATE BAR OF NEVADA
PRN REPORT**

Please check which stipulation this report fulfills:

- ☒ Aftercare/Substance Abuse Counseling
☐ Psychiatric Report
☐ Mental Health professional
-

Client Name: Kim Cushing

Report Date: 12/26/2019

Counselor Name Larry Espadero LADC 00318L

Facility Name Montevista Hospital

1. **Diagnosis**
 Alcohol abuse

2. **Treatment Plan** (include target symptoms/problems, objectives, modality, frequency and progress to date.

**AFTERCARE 2X MONTHLY
12 STEP MEETINGS 2X WEEKLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS 4X MONTHLY**

3. **Current Psychosocial Status** (include current living situation, work, family, and community supports):
 No issues

4. **Any Significant Stressors or Adjustments Within Practice**
 None

5. **Medications**
 Prozac
 Trazodone

6. **Start Date**
 06/27/18

KSC-0005

00008/0013


MONTEVISTA CD PHP

12/26/2019 9:42 AM FAX 7028763709

Kim Cushing

7. Additional Comments:

No changes. Kim has attended all assigned groups in the last quarter. Urine screens were negative. Has been active in group and shown no resistance to the program during this period. No issues of denial and supportive of his peers in group.


Signature of Counselor

Address 5900 W. Rochelle Las Vegas Nevada 89103

Phone: 702-251-1377

KSC – 0006

00009/0013

MONTEVISTA CD PHP

12/26/2019 9:42 AM FAX 7028763709

STATE BAR OF NEVADA
PRN REPORT

Please check which stipulation this report fulfills:

- ☒ Aftercare/Substance Abuse Counseling
☐ Psychiatric Report
☐ Mental Health professional
-

Client Name: Kim Cushing

Report Date: 10/1/2019

Counselor Name Larry Espadero LADC 00318L

Facility Name Montevista Hospital

1. Diagnosis
Alcohol abuse

2. Treatment Plan (include target symptoms/problems, objectives, modality, frequency and progress to date.

AFTERCARE 2X MONTHLY
12 STEP MEETINGS 2X WEEKLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS 4X MONTHLY

3. Current Psychosocial Status (include current living situation, work, family, and community supports):
No issues

4. Any Significant Stressors or Adjustments Within Practice
None

5. Medications
Prozac
Trazodone

6. Start Date
06/27/18

KSC - 0007

Kim Cushing

7. Additional Comments:

No changes. Kim has attended all assigned groups in the last quarter. Urine screens were negative. Has been active in group and shown no resistance to the program during this period. No issues of denial and supportive of his peers in group.


Signature of Counselor

Address 5900 W. Rochelle Las Vegas Nevada 89103

Phone: 702-251-1377

KSC - 0008

STATE BAR OF NEVADA
PRN REPORT

Please check which stipulation this report fulfills:

- ☐ Aftercare/Substance Abuse Counseling
☐ Psychiatric Report
☐ Mental Health professional

Client Name Kim Cushing

Report Date 7/1/2019

Counselor Name Larry Espadero LADC 003181

Facility Name Montevista Hospital

Start Date 06/27/18

Diagnosis
Alcohol abuse

1. Treatment Plan (include target symptoms/problems, objectives, modality, frequency, and progress to date.

AFTERCARE 2X MONTHLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS UP TO 4X MONTHLY
12 STEP MEETING 2X WEEKLY

2. Current Psychosocial Status (include current living situation, work, family, and community supports):

No issues

3. Any Significant Stressors or Adjustments Within Practice
None

KSC - 0009

Kim Cushing
Medications

Prozac
Trazodone

4. Additional Comments:

No changes. Kim has attended all assigned groups since his start in the program. Urine screens are negative. He has been active in group and shown no resistance to the program during this period. No issues of denial and supportive of his peers in group.

Larry Espadero
Signature of Counselor

Address 5900 W. Rochelle Las Vegas Nevada 89103

Phone: 702-251-1377

KSC - 0010

Montevista Hospital

5900 West Rochelle Avenue
Las Vegas, Nevada 89103

DATE: 4/1/2019

TO: Shelly/ Christine

State Bar of Nevada| Nevada Bar Foundation
Fax 702-463-5730

KSC - 0011

FROM:

Larry Espadero

PHONE NUMBER:

702-251-1377

FAX NUMBER:

702-876-3709

NUMBER OF PAGES INCLUDING COVER SHEET: 21

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KSC - 0012

+

STATE BAR OF NEVADA
PRN REPORT

Please check which stipulation this report fulfills:

- ☒ Aftercare/Substance Abuse Counseling
☐ Psychiatric Report
☐ Mental Health professional
-

Client Name Kim Cushing

Report Date 4/1/2019

Counselor Name Larry Espadero LADC 00318L

Facility Name Montevista Hospital

Start Date 06/27/18

Diagnosis
Alcohol abuse

1. Treatment Plan (include target symptoms/problems, objectives, modality, frequency, and progress to date.

AFTERCARE 2X MONTHLY
PRN SUPPORT GROUP 1X MONTHLY
URINE SCREENS UP TO 4X MONTHLY
12 STEP MEETING 2X WEEKLY

2. Current Psychosocial Status (include current living situation, work, family, and community supports):

No issues

3. Any Significant Stressors or Adjustments Within Practice
None

KSC - 0013

**Kim Cushing
Medications**

**Prozac
Trazodone**

4. **Additional Comments:**
Kim has attended all assigned groups for January, February and March. Urine screens are negative. He has been active in group and shown no resistance to the program during this period.

Larry Espadero
Signature of Counselor

Address 5900 W. Rochelle Las Vegas Nevada 89103

Phone: 702-251-1377

KSC – 0014



FILED

MAY 16 2022

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
OF KYM S. CUSHING,)
Bar No. 4242,)
Petitioner.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
RECOMMENDATION

The underlying Petition for Reinstatement came before a designated Formal Hearing Panel of the Southern Nevada Disciplinary Board ("Panel") at 9:00 a.m. on April 27, 2022, via a Zoom video-conferencing proceeding hosted by the State Bar of Nevada ("State Bar") from Las Vegas, Nevada.

The presiding Panel consisted of Chair Gary Pulliam, Esq., P. David Westbrook, Esq., and lay-member Dr. Jo Kent McBeath,

The State Bar was represented by Assistant Bar Counsel Phillip J. Pattee ("Pattee") and Tiffany Bradley, the State Bar's hearing paralegal. Kym Cushing ("Cushing") was present and represented himself.

The State Bar's Exhibits 1 through 19 and Cushing's Exhibits A through O were previously submitted. All exhibits were admitted into evidence without objection. The State Bar's Exhibit 1 contained the pleadings in this matter, including Cushing's reinstatement petition, and Exhibit 2 contained Cushing's licensure and disciplinary history.

ROA Page 325

1 At this hearing, the Panel heard testimony under oath from Cushing and Pattee.

2 The State Bar did not take a position regarding Cushing's reinstatement. The State
3 Bar stipulated that Cushing had complied with conditions which the Nevada Supreme Court
4 included in its Order which suspended Cushing from the practice of law.

5 The Panel, after hearing evidence and statements from the parties, deliberated and
6 unanimously concluded to recommend reinstatement of Cushing.

7 Based upon the pleadings filed, the testimony adduced at the hearing, the documents
8 admitted into evidence and the arguments presented, the Panel unanimously submits the
9 following Findings of Fact, Conclusions of Law, and Recommendations.

10 **FINDINGS OF FACT**

11 1. Cushing is now, and at all times pertinent herein was, a licensed attorney in the
12 State of Nevada. Cushing was first admitted to the State Bar of Nevada on or about
13 September 30, 1991.

14 2. Cushing previously maintained a law practice in Clark County, Nevada.

15 3. On January 21, 2020, the Nevada Supreme Court filed an Order which
16 suspended Cushing from the practice of law for nine (9) months, commencing from that date.
17 The underlying disciplinary matter had been heard by a panel of the Southern Nevada
18 Disciplinary Board.

19 4. Cushing filed his Petition for Reinstatement with the State Bar on or about
20 January 21, 2022.

21 5. Cushing had no prior professional discipline since becoming licensed to
22 practice law in Nevada.

23 ///

24 ///

25 ///

1 **CONCLUSIONS OF LAW**

2 1. The Southern Nevada Disciplinary Board has jurisdiction over Cushing and the
3 subject matter of these proceedings pursuant to Supreme Court Rule ("SCR") 116
4 (Reinstatement);

5 2. Venue for this matter is Clark County, Nevada; and

6 3. Cushing has demonstrated, by clear and convincing evidence, that he meets
7 the criteria necessary for reinstatement pursuant to SCR 116 (Reinstatement).

8 **DECISION AND RECOMMENDATION**

9 Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby
10 recommends that Cushing be **REINSTATED** to the practice of law in Nevada. Cushing
11 should be required to pay all costs associated with his reinstatement proceedings as required
12 by Supreme Court Rules, including administrative costs of \$2,500 required in reinstatement
13 matters pursuant to SCR 120 (Costs), and the actual costs of the disciplinary proceeding,
14 within ninety (90) days of issuance of the Order reinstating him to the practice of law.

15 DATED this 16th day of May, 2022.

16 *Gary A. Pulliam*
17 By: [Gary A. Pulliam \(May 16, 2022 12:08 PDT\)](#)
18 Gary A. Pulliam, Esq., Chair
19 Formal Hearing Panel
20 Southern Nevada Disciplinary Board

21 Respectfully submitted:
22 STATE BAR OF NEVADA

23 *Phillip J. Pattee*
24 [Phillip J. Pattee \(May 16, 2022 12:09 PDT\)](#)
25 By: Phillip J. Pattee, Assistant Bar Counsel
Bar No. 4021
3100 West Charleston Boulevard, Suite 100
Las Vegas, Nevada 89102
(702) 382- 2200
Attorney for the State Bar of Nevada



FILED

MAY 17 2022

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

Case No.: SBN22-00022

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

IN RE: PETITION FOR REINSTATEMENT)
OF KYM S. CUSHING,)
Bar No. 4242,)
Petitioner.)

STATE BAR OF NEVADA'S
MEMORANDUM OF COSTS

Description	Amount
Court Reporter Fee & Transcript Fee Hearing Held on April 27, 2022	\$700.00
SCR 120 costs	\$2,500.00
Check received January 21, 2022	-\$1,000.00
TOTAL DUE:	\$2,200.00

1. I am Assistant Bar Counsel with the State Bar of Nevada. I have personal knowledge of the above-referenced costs and disbursements expended.

2. The costs set forth above are true and correct to the best of my knowledge and belief and were necessary and reasonably incurred and paid in connection with this matter.

1 True and correct copies of invoices supporting these costs are attached to this
2 Memorandum of Costs.

3 3. As stated in the Findings of Fact, Conclusions of Law and Recommendation,
4 Respondent shall be ordered to pay the fees and costs of these proceedings within ninety
5 (90) days of receipt of the State Bar of Nevada's Memorandum of Costs in this matter
6 pursuant to Supreme Court Rule 120(1).

7 DATED this 17th day of May, 2022.

8
9 Respectfully submitted:
10 STATE BAR OF NEVADA
Daniel M. Hooe, Bar Counsel

11 *Phillip J. Pattee*

12 By: Phillip J. Pattee (May 17, 2022 12:10 PDT)

13 Phillip J. Pattee, Assistant Bar Counsel
14 Bar No. 4021
3100 West Charleston Boulevard, Suite 100
15 Las Vegas, Nevada 89102
(702) 382- 2200

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of the foregoing **STATE BAR OF NEVADA'S MEMORANDUM OF COSTS** was served by electronic mail to:

1. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
2. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

DATED this 17th day of May 2022.

By: _____



Tiffany Bradley, an employee of
the State Bar of Nevada.



Integrity Court Reporting
7835 S. Rainbow Boulevard
Suite 4-25
Las Vegas, NV 89139
(702)509-3121

Invoice

Number: 1967

Date: 5/2/2022

Bill To:

Louise Watson
State Bar of Nevada
3100 W. Charleston Boulevard
Suite 100
Las Vegas, NV, 89102

PAYMENT DUE UPON RECEIPT

Job Date	Witness Name	Case Name	Case No.
4-27-22	Kym Cushing	State Bar v Cushing	SBN22-00022

Description	Amount
Half Day Appearance Fee	\$100.00
Transcript - 80 Pages @ 7.50	\$600.00

5/02/2022 TB

Tax I.D. No. 01-0974768
Nevada Court Reporting Firm #069F

Total

\$700.00

Received By: _____

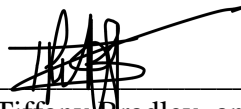
Received On: _____

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the foregoing **RECORD**
3 **ON APPEAL** was placed in a sealed envelope and sent by mail in Las Vegas, Nevada, postage
4 fully prepaid thereon for certified mail addressed to:

- 5 1. Kym S. Cushing, (Petitioner): kymcushing01@gmail.com
6 2. Phil J. Pattee, Esq., (Assistant Bar Counsel): philp@nvbar.org

7 DATED this 28th day of June 2022.

8 By: 
9 Tiffany Bradley, an Employee
of the State Bar of Nevada