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Effective Contract Drafting: Indentifying the Building Blocks of **Contracts**

Lori D. Johnson University of Nevada, Las Vegas -- William S. Boyd School of Law

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EFFECTIVE CONTRACT DRAFTING: IDENTIFYING THE BUILDING BLOCKS OF CONTRACTS

BY PROF. LORI D. JOHNSON, ESQ.

Many lawyers, particularly those who do not practice transactional law on daily basis, become anxious when a client approaches them with a request to draft a contract. The skills required to mold a client's handshake deal into a well-drafted, enforceable contract are often overlooked in legal education. The oversight can leave practitioners feeling out of their elements. However, by using a few basic building blocks and appropriate drafting techniques, any lawyer can successfully draft a basic contract.

What are the Building Blocks of a Contract?

A well-drafted contract uses a variety of legal structures to create duties and obligations between parties. These core duties and obligations have been identified as the "substantive" or "business" provisions of the contract. The legal structures that create these duties and obligations become the building blocks of the contract; they fall into several basic categories, including:

- 1. Covenants;
- 2. Conditions;
- 3. Representations; and
- Warranties.

Often, new lawyers are exposed only to the results of the ineffective drafting of this type of provision, leaving them unsure how to effectively build a contract from the ground up. A clear understanding of how each of these building blocks functions within a contract is critical to successful drafting.

Covenants

Covenants constitute the most important provisions of any contract. Covenants provide the means by which parties obligate themselves and others to undertake certain performances. At their core, covenants consist of a promise to act (or not to act) in a certain way in the future. The party receiving a promise of performance becomes the holder of a "right" to that particular performance.² The party holding the right has the ability to bring an action for a breach of the covenant founded upon the opposing party's failure to perform as required.

Therefore, covenants provide the primary means by which the lawyer creates the duties the parties to a contract wish to enforce. As such, it becomes particularly important to carefully and effectively draft these provisions. While drafters may be tempted to use words such as "must" or "will" to indicate duties, the most effective way to create an obligation is to use the word "shall." Despite the popular movement toward reducing the use of "legalese" in legal writing, in the context of contract drafting, "shall" remains the most effective language choice to express the concept that a party "has a duty to" undertake a certain performance.

An example of a well-drafted covenant to perform would require that the "tenant *shall* pay rent on the first Thursday of every month." Covenants can be drafted in both the positive and negative, and are typically reciprocal. For example, one party is often obligated to pay, while the other is obligated to perform. It is important not to overlook the obligations of the party making payment and to clearly provide reciprocal covenants. Additionally, covenants need not be confined to one particular section of the contract. Rather, they are often scattered throughout the contract and organized by subject matter (i.e., payment obligations, performance obligations, indemnities, etc.).

Conditions

Frequently, the business deal negotiated by the parties will provide for conditional obligations. Specifically, the client will request that she only be obligated to perform an obligation if a

certain set of circumstances exists. For example, a client may not wish to be obligated to close on a real estate transaction until an inspection has been performed and approved.

The most effective way to provide for such conditional obligations is to draft them using an "if/then" structure. The use of the term "must" in drafting a condition can assist in clearly distinguishing a conditional obligation from a covenant. In contrast to a conditional obligation, covenants must be performed regardless of the existence of any particular circumstances. An example of an effectively drafted condition might provide that "If the property passes inspection, then the buyer must provide a deposit within 10 business days."

The drafter should remember that the condition and the related obligation go hand in hand. Although they may be included in separate sections of the contract, "every condition must include an obligation." Drafters may also consider using a condition to provide parties with flexibility. For example, a contract could provide that, upon the occurrence of a certain set of circumstances, a party "may" (rather than must) undertake some action. This structure provides the parties with discretion when appropriate.

Representations and Warranties

be effective and

Representations and warranties provide parties to a contract the ability to verify information related to the transaction. Representations are drafted as assertions of fact as of a certain date, typically the date of the signing of the contract. For example, a representation might provide that "the property is not subject to any liens." The party receiving the representation must justifiably rely on the information. The recipient party must have no knowledge that the information is false at the time the representation is made. Representations may cover a broad range of topics concerning the subject matter of the contract, but should not include any future-looking assertions.

The drafting of a warranty mirrors that of a representation. Therefore, drafters typically provide that parties both "represent and warrant" the relevant information. The difference between these two building blocks is that a warranty is an assertion of truth, regardless of the knowledge of the party receiving the warranty. Thus, a breach of warranty claim is typically easier to prove than a claim for misrepresentation, as the recipient party's knowledge of the warranty's truth or falsity need not be proven.⁹

With regard to drafting representations and warranties, a lawyer should always consider their client's role. If the client is providing the representations and warranties, the lawyer should consider limiting the information provided to the client's actual knowledge. This protects the client from the risk of unknown or latent problems. If the client is the recipient of the representations and warranties, the lawyer should consider drafting them as broadly as possible, without qualification.

Tips for Effective Drafting

In addition to the appropriate use of contract building blocks, drafting style issues impact the effectiveness of a contract. Specifically, avoiding the use of passive voice can enhance clarity and precision in a contract. Particularly with regard to covenants, an active sentence structure helps clearly identify the party obligated to perform. For example, rather than a covenant providing "rent is to be paid on the first of every month," a more effectively drafted covenant would read "tenant shall pay rent to the landlord on the first of every month." In this more active sentence structure, the obligated party is clearly identified, and comes first in the provision, providing emphasis. Similarly, representations and warranties should clearly identify the party providing the information being relied upon.

The use of a "plain English" style can also assist in enhancing a contract's clarity. The use of active voice is one aspect of a "plain English" style. The avoidance of arcane phrases, use of short sentences and appropriate tabulation of complex or lengthy provisions are other key elements to consider. As clients are most frequently non-lawyers, lawyers should strive to draft "provisions that are clear and conspicuous to non-lawyers." Doing so helps eliminate ambiguity and improves the effectiveness of each building block included in the contract.

Conclusion

While many more pages could be written about the process of converting a client's handshake deal into an enforceable contract, a successful transactional lawyer must clearly understand and utilize the fundamental building blocks of a contract. Any attorney can begin to draft effective transactional documents by applying these basic tips, along with appropriate organization, legal research and careful consideration of the client's needs and concerns.

CLE QUIZ ON PAGE 26

- 1 Thomas R. Haggard & George W. Kuney, Legal Drafting in a Nutshell 51 (3d ed. 2007); Tina L. Stark, Drafting Contracts: How and Why Lawyers Do What They Do 41 (2007).
- 2 Stark, supra note 1, at 23.
- 3 Kenneth A. Adams, A Manual of Style for Contract Drafting, 22-25 (2004).
- 4 Id.
- 5 Stark, supra note 1, at 26.
- 6 Id. at 134.
- 7 Id. at 26.
- 8 Id. at 12.
- 9 *Id.* at 13.
- 10 George W. Kuney, The Elements of Contract Drafting 16 (2d ed. 2006).
- 11 Id.



PROFESSOR LORI D. JOHNSON teaches in the Lawyering Process Program at UNLV's William S. Boyd School of Law, focusing on legal writing, research, skills and transactional drafting. Prior to joining the faculty at Boyd, Johnson practiced at Snell & Wilmer L.L.P., and Winston & Strawn, LLP, specializing in the areas

of real estate, commercial finance and financial litigation. She earned her B.A. from Notre Dame and her law degree from Northwestern University School of Law.

1 HOUR CLE CREDIT

EFFECTIVE CONTRACT DRAFTING:IDENTIFYING THE BUILDING BLOCKS OF CONTRACTS

Answer true or false for each question.

- Only attorneys with specialized training can draft basic contracts.
- 2. Covenants are among the most important building blocks of an effective contract.
- 3. A party receiving a promise of performance in a contract becomes the holder of a "right" to that particular performance.
- 4. An effective covenant can be drafted using the terms "will" or "must."
- 5. A well-drafted covenant uses the term "shall" to obligate a party to perform.
- A condition to an obligation requires certain circumstances to exist before the obligated party is required to perform.
- 7. The use of an if/then structure is the most effective way to draft a conditional obligation.

- 8. It is appropriate to draft representations concerning future-looking information.
- 9. A breach of warranty claim is typically easier to prove than a claim for misrepresentation.
- 10. If your client is providing representations and warranties in a contract, they should always be drafted in a broad, unqualified manner.
- 11. The use of passive voice can enhance clarity and precision in a contract.
- 12. One of the hallmarks of a "plain English" style of drafting is the use of short sentences.
- 13. The use of arcane legal terms and jargon can lead to ambiguity in a contract.
- 14. An effective transactional lawyer must carefully consider the client's needs and concerns.

CERTIFICATION: This self-study activity has been approved for one hour of continuing legal education credit by the Nevada Board of Continuing Legal Education.

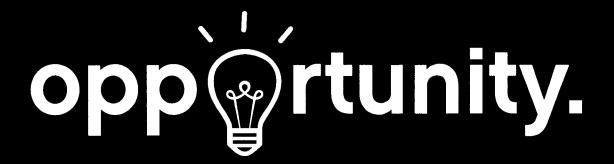
THREE EASY STEPS TO CLE CREDIT – \$40 TEST 24 EFFECTIVE CONTRACT DRAFTING

1) Read the article on pages 24-25 2) Answer the quiz questions above. Each question has only one correct answer.

3) Mail completed form and a \$40 processing fee to: STATE BAR OF NEVADA
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OCTOBER 20-26, 2013

The Nevada Supreme Court Access to Justice Commission and the State Bar of Nevada join the American Bar Association in the Annual Celebration of Pro Bono Service.



Thursday, October 10

Domestic Violence in Rural Nevada, Know the Issues and Getting Involved 1:30 p.m. – 3:30 p.m., via Interactive TV with simultaneous broadcast to Elko and Churchill counties. Sponsored by Volunteer Attorneys for Rural Nevadans and University of Nevada Cooperative Extension

Friday, October 11

Basics of Representing Abused and Neglected Children
Free CLE Training for Attorneys Only!
1:30 p.m. - 4:30 p.m.

For more information or to register, please contact Melanie Kushnir at mkushnir@lacsn.org
Sponsored by William S. Boyd School of Law and Legal Aid Center of Southern Nevada

Tuesday, October 15

Senior Safety Fair 9 a.m. – Noon East Las Vegas Senior Center

This community event will provide education and awareness to seniors on avoiding becoming a victim of

crime and scams. The event will include a fashion show hosted by Clark County Coroner Mike Murphy with participation by LV Metro, City of LV Fire Dept., NV Energy and SW Gas whose employees will demonstrate official public service worker uniforms and badges in order to promote personal safety in the home. Pro Bono attorneys will be available to provide legal info. For more information, please email rblood@snslp.org

Sponsored by Southern Nevada Senior Law Program, City of Las Vegas, and SALT Council (Seniors and Law Enforcement Together)

Legal Rights of Immigrant Victims of Domestic Violence, Sexual Assault and Other Crime 8 a.m. – 5 p.m.

Elko County Chamber of Commerce, Elko, NV Sponsored by Volunteer Attorneys for Rural Nevadans, the Nevada Network Against Domestic Violence and Catholic Charities of Northern Nevada

Wednesday, October 16

Estate Planning Seminar &
Document Preparation
9:30 a.m. – 11 a.m.
530 S. Las Vegas Blvd., South, Suite 310
For more information, please email rblood @snslp.org.
Sponsored by Southern Nevada Senor Law Program

Debt Collection Seminar

1:30 p.m. – 3 p.m.

530 S. Las Vegas Blvd. S., Suite 310

For more information, please email rblood@snslp.org.

Sponsored by Southern Nevada Senior Law Program

Thursday, October 17

Estate Planning Seminar &
Document Preparation
9:30 a.m. – 11 a.m.
530 S. Las Vegas Blvd., S., Suite 310
For more information, please email rblood@snslp.org.

For more information, please email rblood@snslp.org Sponsored by Southern Nevada Senior Law Program

Health Care Directives and You 10 a.m. – 1 p.m.

West Charleston Library, 6301 W. Charleston Blvd., Las Vegas NV 89146

Co-Sponsored by Nevada Legal Services and the Southern Nevada Senior Law Program

Friday, October 18

Family Law Support Luncheon FREE for Pro Bono Attorneys with Open Cases! Noon – 1 p.m.

For further details or to RSVP contact Sasha Hinkel at shinkel@lacsn.org or (702) 386-1070 ext. 1422 Sponsored by Legal Aid Center of Southern Nevada

Saturday, October 19

Ask-A-Lawyer 10 a.m. - 4 p.m.

Meadowood Mall (5000 Meadowood Mall Cir, Reno, NV)
For more information, contact Renee Kelly at: rkelly@nlslaw.net or (775)334-3051
Sponsored by Nevada Legal Services

Monday, October 21

CLE Double Feature: Poverty Simulation Ethics CLE and the Basics of Landlord Tenant Law and Public Benefits 10 a.m. – 4 p.m. UNLV Student Union, 4505 South Maryland Parkway, Las Vegas, Nevada

This is a two-part seminar with an interactive two-hour poverty simulation scheduled from 10 a.m. – 12 p.m., followed by a three-hour general credit CLE from 1 p.m. - 4 p.m. on landlord tenant law and public benefits law. Both sessions are FREE to attorneys and law students; non-attorneys may attend for \$50. Participating attorneys will receive 2 ethics CLE credits for the morning session and 3 general CLE credits for the afternoon session. Participants may register and attend either one or both sessions by contacting creed@nlslaw.net. Lunch will be served between sessions for those participating in both sessions. 5 CLE Hours pending (includes 1 Ethics credit)

***Please register by Thursday October 17, 2013. Check-in begins at 9:30 a.m. on Monday October 21 for the morning session and 12:30 p.m. for the afternoon session.

Sponsored by Nevada Legal Services

2013 Champions of Justice Luncheon -Honoring Judge Michael Montero, 6th Judicial District Court 11:30 a.m. – 1:30 p.m. Peppermill Resort & Spa Casino, Tuscany Ballroom, Reno, Nevada

continued on page 30

NATIONAL PRO BONO CELEBRATION OCTOBER 20-26, 2013 continued from page 29

Single Ticket Purchase: \$50, Table Purchase: \$750 For more information and reservations, contact Renee Kelly at: rkelly@nlslaw.net or (775) 334-3051

Presented by Nevada Legal Services

*Sponsorship & Advertisement Opportunities Available

Spanish Family Law Class 3 p.m. – 5 p.m.

For further details and to register, contact Melanie Kushnir at mkushnir@lacsn.org.

Sponsored by William S. Boyd School of Law and

Legal Aid Center of Southern Nevada

Tuesday, October 22

Foreclosure Ask-A-Lawyer Program 9 a.m. – Noon

For details about this program at the Regional Justice Center in downtown Las Vegas, please contact Melanie Kushnir at mkushnir@lacsn.org.

Sponsored by Legal Aid Center of Southern Nevada

Poverty Simulation CLE 9 a.m. – Noon (Check In at 8:30 a.m.)

Location: TBA

For more information and to register, contact Renee Kelly at: <u>rkelly@nlslaw.net</u> or (775) 334-3051 Sponsored by Nevada Legal Services

Landlord/Tenant & Public Benefits CLE 1 pm - 4 pm

For more information and to register, contact Renee Kelly at: rkelly@nlslaw.net or (775) 334-3051. Sponsored by Nevada Legal Services

Wednesday, October 23

Landlord/Tenant Ask-A-Lawyer Program *Pro bono attorneys are needed to provide brief consultations to unrepresented litigants with landlord/tenant issues.

10 a.m. - Noon and 1 p.m. - 3 p.m.

To volunteer or for more information, contact Sara Feest at sfeest@lacsn.org.

Sponsored by Legal Aid Center of Southern Nevada

All Day Self Help Clinic

10 a.m. - Noon

Nevada Legal Services Office (204 Marsh Avenue, 3rd Floor)

For more information and to register, contact Renee Kelly at: rkelly@nlslaw.net or (775) 334-3051. Sponsored by Nevada Legal Services

2013 Champions of Justice Awards – Honoring Senate Majority Leader, Harry Reid 11:30 a.m. – 1:30 p.m.

Las Vegas Country Club

Single Ticket Purchase: \$75, Table Purchase: \$750 For more information and reservations, contact Carmela Reed at creed@nlslaw.net or (702) 386.0404, ext. 140.

Presented by Nevada Legal Services

*Sponsorship & Advertisement Opportunities Available.

Volunteer of the Month Program Presentation **Noon – 1 p.m.**

Civil Judges Meeting, Regional Justice Center, Department XI

To nominate a colleague or for more information, contact Melanie Kushnir at mkushnir@lacsn.org.

Pro Bono Celebration Week Ask-A-Lawyer Event

* Pro bono attorneys are needed to provide FREE 15 – 30 minute consultations in all areas of civil law.

9 a.m. - 11:30 a.m.

East Las Vegas Community Senior Center (250 N. Eastern Ave.)

To volunteer, contact Sara Feest at sfeest@lacsn.org. Sponsored by Legal Aid Center of Southern Nevada

Divorce Class

4 p.m. - 6 p.m.

For more information, please contact Melanie Kushnir at mkushnir@lacsn.org.

Sponsored by William S. Boyd School of Law and Legal Aid Center of Southern Nevada

Bankruptcy Class

6:30 p.m. - 8:30 p.m.

For more information, please contact Melanie Kushnir at mkushnir@lacsn.org.

Sponsored by William S. Boyd School of Law and Legal Aid Center of Southern Nevada

Thursday, October 24

Lawyer at the Court Clerk's Office at Second Judicial District Court (75 Court Street, Reno, NV) 10 a.m. – 4 p.m.

Sponsored by Nevada Legal Services

Family Law Ask-A-Lawyer Program

* Pro bono attorneys are needed to provide brief consultations to pro se family court litigants. 2 p.m. – 5 p.m.

To volunteer or for more information, contact Sara Feest at sfeest@lacsn.org.

Sponsored by Legal Aid Center of Southern Nevada

Legal Aid Fair, Carson City and Douglas County 9 a.m. – 4 p.m.

Carson City Nugget, Carson City, NV

Sponsored by Volunteer Attorneys for Rural Nevadans

Children's Attorney Project (CAP) New Volunteer Orientation
Free Training for Attorneys Only!
8:30 a.m. – 9:30 a.m.

To sign-up or for more information, contact Sara Feest at sfeest@lacsn.org.

Sponsored by Legal Aid Center of Southern Nevada

Tuesday, October 29

Legal Remedies and Immigrant Victims of Domestic Violence

1:30 p.m. - 3:30 p.m.

Consolidated Agencies of Human Services, Hawthorne, NV

Sponsored by Volunteer Attorneys for Rural Nevadans

Wednesday, October 30

Legal Remedies and Immigrant Victims of Domestic Violence

1:30 p.m. - 3:30 p.m.

Domestic Violence Intervention, Fallon, NVSponsored by Volunteer Attorneys for Rural Nevadans

Federal Court Ask-A-Lawyer Program

*Pro bono attorneys are needed to provide FREE consultations to unrepresented individuals with open cases in Federal Court or those contemplating filing in Federal Court.

2 p.m. - 5 p.m.

To volunteer or for more information, contact Sara Feest at sfeest@lacsn.org. Program is offered quarterly. Advance registration required. Sponsored by Legal Aid Center of Southern Nevada

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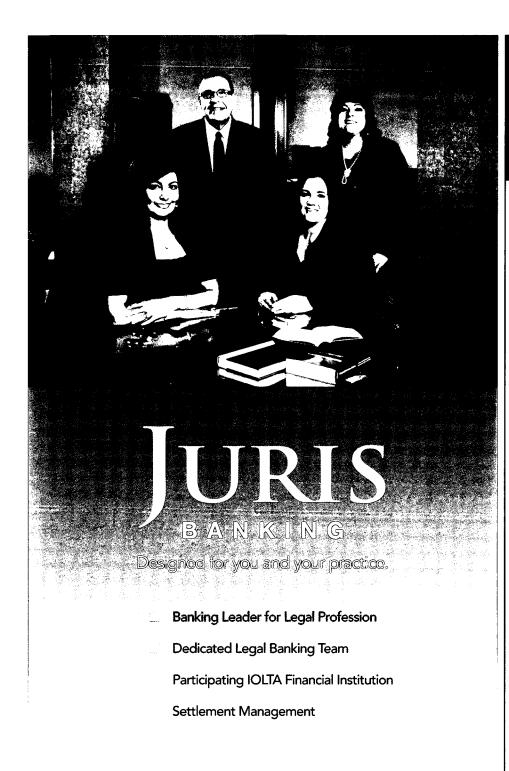
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JUDICIAL PROFILE

HONORABLE DEBORAH SCHUMACHER

BY CHRISTINA ALBERTS, **PUBLICATIONS SPECIALIST**

When she graduated from the University of Notre Dame Law School and began her career, Second Judicial District Family Court Judge Deborah Schumacher did not have her heart set on a career in family law; instead, she specialized in civil cases - the opposite side of the legal spectrum. But when Schumacher decided to adopt a child, her journey through the adoption process piqued her interest in family law.

The first time Schumacher requested a position as a hearing master, "it took a lot of verbal persuasion," on her part. Thanks to her persistence she became a part-time hearing master in 1992. She held that position, as well as a full-time position with McDonald, Carano, Wilson, McCune, Frankovich & Hicks, until 1997, when she was elected to the family court bench.

Know your Rules

Attorneys entering Schumacher's courtroom should be well-versed in the rules of evidence, and must know how to use those rules properly. One of Schumacher's pet peeves: not filing discovery in a timely fashion. "[It's to the attorney's disadvantage] if I don't have time to read everything," Schumacher explains. She also suggests attorneys "be prepared. Be honest about facts and legal weaknesses."

Memorable Cases

In her more than 10 years on the bench, Schumacher has seen a variety of cases, many of which have been

memorable, including a case involving a girl who lived under a bridge for six months before authorities in Reno found her and placed her in foster care. When the young lady appeared before Schumacher, she made an unforgettable request: she asked if the judge could send her to Bishop Manogue Catholic High School. She explained that her foster siblings attended Bishop Manogue but that her foster parents could not afford to send her too, and she wanted to know if the judge could help her.

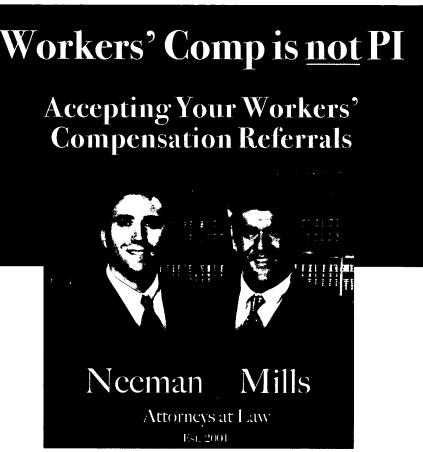
Schumacher was impressed by the request and the young lady's resolve. "I see a lot of people who cannot resolve their problems," she said. She added that, too often, she sees those without strong determination turning to drugs and other addictions in an attempt to deal with their problems. Schumacher agreed to help and found a donor who paid the teen's tuition. The young lady went on to attend the University of Nevada, Reno and became a domestic violence counselor helping others in circumstances similar to her own. "[She was] so amazingly able to overcome her situation with grace and grit," Schumacher said.

Pro Se Litigants

One challenge Schumacher faces on a constant basis is that of dealing with litigants who want to represent themselves. As Schumacher explained, often pro se litigants are not the best advocates for themselves; they often do not fully understand the legal system. Adding to the difficulties is the fact that, in Schumacher's opinion, the system is inherently flawed. "The legal system was set up for real estate disputes," she explained. "I don't believe anyone would design this system for interpersonal problems."

Outside Interests

Away from the courtroom, Schumacher's primary interest is her 3-year-old granddaughter. She also enjoys quilting, hiking and the study of neuropsychology.



Jeffrey S. Neeman & Jason D. Mills

Workers' Compensation cases involve numerous statutory and regulatory issues not encountered in a personal injury case. These issues pose serious pitfalls for not only your client, but also your own professional liability. Let our skilled Workers' Compensation team handle your clients' Workers' Compensation claims.

If your Workers' Comp referral also involves a PI case, and you prefer to keep the PI case at your firm, we will handle the Workers' Comp claim only.



HON R ROLL

The State Bar of Nevada Board of Governors and the Access to Justice Commission extend a special thanks to the following attorneys who generously accepted cases in July 2013, through the Legal Aid Center of Southern Nevada, Washoe Legal Services, Nevada Legal Services and Volunteer Attorneys for Rural Nevadans.

Randall Adams Norman Allen Nancy Amens Bradley Anderson Brian Anderson **Courtney Anderson** Paola Armeni **Cindy Armentrout** Nikki Baker Ashley Balducci Ursula Barboza Jim Barnes **Eunice Beattie** Neil Beller Rayna Brachmann Deanna Brinkerhoff William Brown Josh Buck Ryan Campbell Sarah Carrasco Robert Cassity Sarah Chavez Wavne Chimarusti Kevin Christensen James Claflin Jr. Diana Cline **Lorien Cole Alison Colvin** Paul Connaghan Sarah Hardy-Cooper Chaka Crome Martin Crowley Jordan Davis Laura Deeter Michael DeLee John Delikanakis **Shirley Derke** Kevin Diamond Thomas Donaldson

Angela Dows Kerry Eaton Deborah Elsasser Marc Fox David Freeman R. Duane Frizell Denise Gallagher Nancy Moss Ghusn A. Kent Greene Blakely Griffith Marjorie Guymon Steven Handelin Karen Hanks Stephen Harris Irene Hart Nancy Heimerle Jamié Henry Kristen Hill John Hooks **Dennis Hough** Carrie Hurtik Elizaveta Ivanova Terry Johnson Cassandra Jones Justin Jones Kristin Kaminski Jason Kuller Bryce Kunimoto Israel "Ishi" Kunin Sunny Kwon Jason Lather James Leavitt Cecilia Lee Michael Lee Michael Lehners Chan Lengsavath **Andrew List** Joel Locke Beth Luna

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Attorneys that participated in clinics, Ask-A-Lawyer, Small Business Project:

Courtney Anderson Eunice Beattie Robert Blau Craig Bourke Linda Bowman Koren Bovd James Claflin Jr. Lesley Cohen

Seaton Curran Richard Frankoff Rodolfo Gonzalez Edmund J. Gorman Bill Hammer Rena Hughes Gabrielle Jones Michael Marr

Augusta Massey Corrine Murphy Richard Newman Susan Noyce Maren Parry Katherine Provost Juan Rodriguez Soraya Veiga

BOLD honors multiple cases accepted and/or sessions conducted within the month.



DOREEN SPEARS HARTWELL

BY CHRISTINA ALBERTS, **PUBLICATIONS SPECIALIST**



The very first pro bono case Doreen Spears Hartwell took definitely stayed with her; nearly 13 years later, she clearly remembers the client, a little girl she called "Amy," who was stuck in a kind of adoption limbo. Amy's birth parents were troubled people; they had been running a methamphetamine lab out of

their home and shortly after Amy's birth, both had been arrested. The Immigration and Naturalization Service was detaining Amy's father, and her mother vanished without a trace following her arrest and subsequent release. Amy was only a week old when she entered the foster care system. When Spears Hartwell met her, she was 18 months old and her foster family desperately wanted to adopt her. However, the family was unable to do so because of legal complications. Spears Hartwell, acting as a Children's Attorney Project lawyer, was able to effectively terminate the parental rights of Amy's birth parents, making it possible for her foster family to adopt her and become her true family.

"The family was so happy," Spears Hartwell recalled. "They were able to legally call Amy their own child."

The happy ending for Spears Hartwell's first pro bono case encouraged her to keep on taking pro bono cases from Legal Aid Center of Southern Nevada. Since 2000, Spears Hartwell has assisted in a variety of ways with many different types of cases: helping elders exploited while trying to get their homes back, assisting consumers cheated by companies and even helping a teenage mother reverse an adoption.

"There's nothing more rewarding than providing legal services to someone who cannot afford them," said Spears Hartwell. "It's an honor. They are the most appreciative clients."

Although pro bono work may take a little time, Spears Hartwell believes it is a sacrifice every attorney needs to make. "It's an obligation, a part of our practice," she explained. "Take one pro bono client. We took an oath to uphold the laws of the state of Nevada, to ensure justice is served to the extent individuals out there who don't have access to justice because of a lack of funds have a fighting chance.'

Spears Hartwell is a partner at Lionel Sawyer Collins' Las Vegas office: she has been with the firm since she was admitted to practice in 2000.

Clark County Bar Association Join a Committee!

Great networking opportunities!

Clark County Bar Center

James E. Rogers Building, 725 S. 8th Street, Las Vegas, NV 89101

Clark County Bar Association members are encouraged to actively participate in any of our three committees. Active member support provides diversity and enriches the services provided by our organization. Come share your enthusiasm for the profession!

CIIE Committee

Meets on the second Friday of the month from 12:00 to 1:00 p.m.*

Teach your colleagues! Use your administrative skills to produce a CLE seminar! You can teach what you already know or invite a colleague to make the presentation. If you produce 1-2 seminars a year, you can attend any CCBA CLE seminar at no charge.

New Lawyers Committee

Meets on the second Thursday of the month from 12:30 to 1:30 p.m.*

Were you admitted in the past five years? Do you want to develop your contacts? Then the New Lawyers Committee is for you. This committee hosts casual, social mixers and volunteer at larger bar events, like the Meet Your Judges Mixer and the New Admittees celebration. This committee also works throughout the year in support of various Boyd Law School events, including the client counseling and moot court competitions.

Publications Committee

Meets on the first Tuesday of the month from 12:00 to 1:00 p.m.*

Like to write about practical legal matters? Work on our award-winning publication! The Communiqué is a well-rounded journal highlighting practical issues for attorneys practicing in local, state, and federal courts.

*Dates and times are subject to change.

Not a CCBA Member? Join or renew today! Visit www.clarkcountybar.org or call us at (702) 387-6011.

