

Bar Counsel Report

In Re: MITCHELL WRIGHT
Bar No.: 5835
Case No.: 86427
Filed: 06/13/2023

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Northern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Mitchell Wright. Under the agreement, Wright admitted to violating RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.16 (declining or terminating representation), and SCR 115 (notice of change of license status; winding down of practice) and agreed to a six-month-and-one-day suspension to run concurrent with the suspension imposed in In Re Discipline of Wright, No. 85495, 2023 WL 1446812 (Nev. Jan. 12, 2023) (Order Approving Conditional Guilty Plea Agreement).

Wright has admitted to the facts and violations as part of his guilty plea agreement. The record therefore establishes that he violated the above-cited rules by failing to advance a client's matter while Wright was in good standing and thereafter failing to inform the client that he was administratively suspended and that a counterclaim was filed against the client, resulting in a default and sanctions being entered against the client.

The issue for this court is whether the agreed-upon discipline sufficiently protects the public, the courts, and the legal profession. See *In re Discipline of Arabia*, 137 Nev. 568, 571, 495 P.3d 1103, 1109 (2021) (stating the purpose of attorney discipline). In determining the appropriate discipline, we weigh 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).

Wright knowingly violated duties owed to his client (diligence and communication). His client, the profession, and the legal system were injured or potentially injured. The baseline sanction for his misconduct, before considering aggravating and mitigating circumstances, is suspension. See Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.42 (Am. Bar Ass'n 2017) (providing that suspension is appropriate when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client"); Standard 7.2 ("Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system."). The record supports the panel's findings of two mitigating circumstances (personal or emotional problems and cooperative attitude toward disciplinary proceeding). Additionally, the record supports the two aggravating circumstances (pattern of misconduct and substantial experience in the practice of law), which were included in the conditional guilty plea agreement and orally found at the hearing. Having considered the four factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend Mitchell Wright from the practice of law in Nevada for six months and one day from January 12, 2023, the effective date of the suspension in *In Re Discipline of Wright*, No. 85495, 2023 WL 1446812 (Nev. Jan. 12, 2023) (Order Approving Conditional Guilty Plea Agreement), with the suspensions running concurrently. As a result, Wright must apply for reinstatement before resuming the practice of law in Nevada. See SCR 116(1). Wright shall also pay the costs of the disciplinary proceedings, including \$2,500 under SCR 120, within 30 days from the date of this order. The State Bar shall comply with SCR 121.1. It is so ORDERED.

In Re: BRIAN J. SMITH
Bar No.: 11279
Case No.: 86497
Filed: 06/16/2023

ORDER IMPOSING TEMPORARY SUSPENSION AND REFERRING ATTORNEY TO DISCIPLINARY BOARD

Bar counsel has filed a petition under SCR 111(4) informing this court that attorney Brian J. Smith has been convicted of reckless driving causing substantial bodily harm, a felony under NRS 484B.653(9), and driving under the influence, a misdemeanor under NRS 484C.400(1).

Smith self-reported the convictions as required by SCR 111(2).

When a petition filed under SCR 111(4) establishes that an attorney has been convicted of a "serious crime," this court is required to suspend the attorney pending a disciplinary proceeding and refer the attorney to the appropriate disciplinary board.¹ SCR 111(7) ("Upon the filing with the supreme court of a petition with a certified copy of proof of the conviction, demonstrating that an attorney has been convicted of a serious crime, the court shall enter an order suspending the attorney ... pending final disposition of a disciplinary proceeding ..."); SCR 111(8) ("Upon receipt of a petition filed under subsection 4 of this rule, demonstrating that an attorney has been convicted of a serious crime, the supreme court shall, in addition to suspending the attorney in accordance with the provisions of subsection 7 of this rule, refer the matter to the appropriate disciplinary board ..."). Under SCR 111(6), a felony is a "serious crime." Smith's conviction for reckless driving causing substantial bodily harm—a felony—thus requires a suspension and referral.

Accordingly, we suspend attorney Brian J. Smith from the practice of law in Nevada pending a disciplinary proceeding and refer him to the Southern Nevada Disciplinary Board for a hearing to determine "the extent of the discipline to be imposed." SCR 111(8).

It is so ORDERED.²

In Re: JASON L. LOPEZ
Bar No.: 7796
Case No.: 86236
Filed: 06/09/2023

ORDER DENYING REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to deny suspended attorney Jason L. Lopez's petition for reinstatement.

In 2018, we suspended Lopez for two years, with all but the first six months and one day stayed, *In re Discipline of Lopez*, No. 73894, 2018 WL 1129809 (Nev. Feb. 23, 2018) (Order Approving Conditional Guilty Plea), and later imposed the remainder of the suspension following his failure to comply with the conditions of the stayed suspension, *see In re Discipline of Lopez*, No. 78511, 2019 WL 5109623 (Nev. Oct. 11, 2019) (Order of Suspension). We also previously denied Lopez's first petition for reinstatement. *In re Reinstatement of Lopez*, No. 82172, 2021 WL 2328476 (Nev. June 7, 2021) (Order Denying Reinstatement). Based on our de novo review, we agree with the hearing panel that Lopez has not met his burden in seeking reinstatement. *See* SCR 116(2); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de novo).

Like the hearing panel, we conclude that Lopez failed to meet his burden to demonstrate by clear and convincing evidence that he complied with the terms of his prior disciplinary order as he failed to pay the ordered costs. SCR 116(2)(a). Lopez also did not show that he "has abstained from the use of alcohol" for the past year as he was convicted of DUI in February 2021, and one of his witnesses at the reinstatement hearing testified that Lopez continued to drink. SCR 116(2)(c) (generally requiring an attorney seeking reinstatement to prove that they have "abstained from the use of [drugs or] alcohol" for a year if drugs or alcohol were a factor in the misconduct).

We also conclude that Lopez did not demonstrate by clear and convincing evidence that he recognizes the wrongfulness and seriousness of his misconduct, SCR 116(2)(d), or that he "has the requisite honesty and integrity to practice law," SCR 116(2)(f). His testimony at the reinstatement hearing minimized certain actions that led to his suspension and evinced a continued disregard of the law. He also failed to demonstrate that he did not commit any other professional misconduct during his period of suspension as he failed to report his DUI conviction to the State Bar as required by SCR 111(2). SCR 116(2)(e). And Lopez does not assert that he has "present[ed] good and sufficient reason why [he] should nevertheless be reinstated." SCR 116(2).

We therefore approve the panel's recommendation and deny Lopez's petition for reinstatement.³ Lopez shall pay the costs of the reinstatement proceeding, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already.

It is so ORDERED.

In Re: BYRON BERGERON
Bar No.: 7598
Case No.: SBN22-00264
Filed: 04/05/2023

PUBLIC REPRIMAND

To Byron Bergeron:

On June 8, 2022, you attempted to use the Employee metal detector entrance at the Washoe County District Court building at One South Sierra Street. One of the Security Personnel asked you to show your badge that indicated you were allowed to use the Employee entrance. You did not show the badge and, therefore, the Security Person directed you to use the General Public entrance.

In response, you became verbally abusive including using the term "bitch" which the Security Person believed to be directed at her personally, and telling her to "speak English" because you believed her to be only gesturing and not verbally directing you.⁴

Once you were through the security entrance and waiting for the elevators, you were heard saying the word "bitch" while waiting for the elevators. You contend you did not direct the statement at anyone and were commenting on the situation because you were afraid that you would be late for court. You do acknowledge that the comments could be understood as directed at security personnel.

A courtroom is a place for intellectual and orderly resolution of conflicts. Decorum and civility are required to "maintain respect for the institution of the court and the rule of law so that people need not feel that they must resort to brute force, mob action, street brawls, or domestic disturbances in order to seek and obtain justice." *Office of Disciplinary Counsel v. Breiner*, 89 Haw. 1671 1731 969 P.2d 1290 (Haw. 1999). Such decorum and civility must be maintained within the courthouse facility as well because a lawyer's conduct impacts the public's confidence in the profession. *See In Re Torgensen*, 870 N.W.2d 602, 616 (Minn. 2015). Uncivil or combative behavior towards any courthouse employee is destructive to the public's perception of the integrity of the judicial process.

Nevada Supreme Court Rule 73 provides that an attorney "will conduct myself in a civil and professional manner, whether dealing with client, opposing parties and counsel, judicial officers or the general public." Your combative, uncivil behavior towards courthouse personnel violated SCR 73. You knew of your obligations pursuant to SCR 73. Your misconduct caused injury to the integrity of the profession and the public's perception of acceptable behavior by members of the legal profession.

Pursuant to Standard 7.2 of the ABA Standards for Imposing Lawyer Sanctions the appropriate sanction for your misconduct is suspension.

However, the Panel considers your cooperative attitude with the disciplinary proceeding, acceptance of responsibility, and expressed remorse for your misconduct mitigating factors that warrant a downward deviation to imposition of a Public Reprimand. The Panel expressly finds that similar misconduct in the future will most likely warrant imposition of an actual suspension.

In light of the foregoing, you are hereby PUBLICLY REPRIMANDED and ordered to (i) complete six additional Continuing Legal Education credits in the area of Ethics within

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six months of the issuance of the Panel's Order in this matter and (ii) pay SCR 120 Costs, comprised of \$1,500 plus the hard costs of the disciplinary proceeding within 30 days of the issuance of the Panel's Order in this matter.

In Re: K. ALEXANDRA MONACO
Bar No.: 9253
Case No.: SBN22-00219
Filed: 06/06/2023

PUBLIC REPRIMAND

To K. Alexandra Monaco:

On or about May 27, 2021, a Client retained you to file a U-Visa application on his and his wife's behalf. The basis for the U-Visa was a crime committed against the Clients' child. The Client agreed to pay \$6,500 for the representation.

Based on the Clients' initial meeting with you and your in-office interpreter, he understood that: (1) it was your responsibility to obtain a copy of the police report and that it would take about three months; (2) he would get a work permit in one year; and (3) that the U-Visa process could take between four and five years. You submit that you did not make these representations to the Client and there is no written document substantiating either side's understanding on these issues.

The Clients paid \$2,000 when they initially retained you and agreed to pay \$500 monthly until the full amount was paid. For seven successive months (July 2021 to March 2022) the Clients paid \$500 each month towards the total fee of \$6,500.

You deposited the Clients' \$2,000 payment into your operating account on or about May 28, 2021. The funds were not transferred to a Client Trust Account. None of the subsequent payments were transferred to a Client Trust Account.

Between June 2021 and January 2022, your office prepared initial drafts of the U-Visa Petition and collected some relevant documents from the Clients. Between June 2021 and January 2022, you did not request the Police Report necessary for the U-Visa petition and did not communicate to the Client that you needed him to acquire the report.

At a January 2022 meeting with you and your in-office interpreter, you asked the Client to obtain a copy of the police report. The Client thought you had already obtained the police report. The Client retrieved a copy of the police report on January 28, 2022, and delivered it to you on February 1, 2022.

On February 15, 2022, the Client asked your office status for the status of the certification request to the Las Vegas Metropolitan Police Department ("LVMPD"), if there was anything else needed of him, and what his outstanding balance was. The Client followed up with your office three times between March 8 and March 28, 2022, about his outstanding balance but did not receive the requested information.

You reported to the State Bar that, on March 3, 2022, you sent a Certification request to LVMPD regarding the underlying matters that supported the Clients' U-Visa application. However, LVMPD has no record of receiving your request. You did not follow-up on the request to LVMPD for the next eight weeks.

On April 25, 2022, the Client contacted you to express frustration with a lack of communication and movement on the filing of the U-Visa application. He terminated the representation. You replied to the termination request stating

that none of the fees paid would be returned to the Clients because most of the work had already been done, however the Clients' U-Visa application was not yet finalized or filed. When the Client terminated the representation, you had substantially less in your operating account than the \$6,500 that the Clients had paid.

Violations of the Rules of Professional Conduct

You had a duty to safekeep the funds paid by the Client in a Client Trust Account, withdrawing them only when earned, pursuant to RPC 1.15 (Safekeeping Property). You knowingly violated the duty when you failed to deposit, and hold, the Client's funds related to the U-Visa Petition until reasonably earned. Specifically, you never deposited the fees into a Client Trust Account and did not correlate any quantity of work performed on the Clients' behalf with the transfer, or use, of such fees to yourself. Your client was injured by your conduct because he paid a significant sum and did not receive the agreed upon filed petition or any benefit from your work.

You also had a duty to (i) reasonably consult with the client about the means by which the client's objectives are to be accomplished, (ii) promptly comply with reasonable requests for information, and (iii) explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, pursuant to RPC 1.4 (Communication). You negligently violated this duty when you (i) believed you had verbally informed the Client but failed to actually meaningfully and timely inform him of his obligation to collect information for the petition, (ii) failed to respond to the Client's attempts to communicate in March 2022, and (iii) failed to reasonably inform the Client of what to expect during the pendency of the petition. Your client was minimally injured by your conduct because of the anxiety and delay caused.

Sanction Factors

Pursuant to Standard 4.12 of the ABA Standards for Imposing Lawyer Sanctions, the appropriate baseline sanction for your failure to safekeep the Client's property is suspension. However, the Panel considers (i) your absence of a dishonest motive (SCR 102.5(2)(b)), (ii) your free and full disclosure to the disciplinary authority and cooperative attitude towards the proceeding (SCR 102.5(2)(e)), and (iii) the imposition of conditions (SCR 102.5(2)(l)). In particular, those conditions are:

- (i) remove all language regarding a non-refundable or "earned upon receipt" fee in all future fee agreements; and
- (ii) For one year after the Public Reprimand is issued, you shall:
 - a. deposit all fees into a Client Trust Account and disburse fees only as earned;
 - b. maintain general and client-specific ledgers which record when fees are earned, and therefore disbursed, for each client; and
 - c. on a monthly basis, submit the ledgers to the Office of Bar Counsel to confirm compliance with the foregoing conditions.

You have also agreed to return \$3,000 to the Client.

A downward deviation from the imposition of a suspension to the issuance of a Public Reprimand is appropriate because of the mitigating factors.

In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.15 (Safekeeping Property) and RPC 1.4 (Communication) and are hereby PUBLICLY REPRIMANDED, required to comply with the foregoing conditions, and required

to pay \$1,500 plus the hard costs of this proceeding within 60 days of the issuance of the Findings of Fact, Conclusions of Law and Order in this matter.

In Re: JOSEPH W. HOUSTON, II
Bar No.: 1440
Case No.: SBN22-00250
Filed: 06/12/2023

PUBLIC REPRIMAND

To Joseph W. Houston, II:

On April 19, 2023, a Formal Hearing Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel unanimously accepted the Conditional Guilty Plea and concluded that you should be issued a Public Reprimand for a violation of Rule of Professional Conduct (“RPC”) 1.16 (Declining or Terminating Representation).

On November 30, 2021, C.W. filed a complaint for divorce against J.W. (hereinafter “Grievant”). On November 31, 2021, Grievant met with JOSEPH W. HOUSTON (hereinafter “Respondent”) for an initial consultation and paid a \$250.00 consultation fee. Grievant was told that Respondent’s retainer was \$5,000.00 and that he charged \$400.00 per hour. On December 2, 2021, Grievant mailed Respondent a \$5,000.00 check to retain him for legal services. On December 7, 2021, Grievant emailed Respondent to confirm receipt of the \$5,000.00 check and inquired about executing a retainer. Respondent stated that the retainer agreement would be prepared and ready for his signature the next time Grievant visited his office. Grievant never visited Respondent’s office again because on, about, or between December 2021 and April 2022, Grievant and C.W. reconciled their differences and decided to stay together.

On April 19, 2022, C.W. filed a Notice of Voluntary Dismissal. That same day, Grievant sent Respondent a copy of the Notice asking him to explain what that meant. On May 2, 2022, Respondent explained that the Court dismissed the case and offered to discuss the matter if he wished to pursue the divorce at any time. On May 12, 2022, Grievant emailed Respondent and stated that the divorce is no longer going forward and requested an accounting of the time billed, as well as a refund of any remaining funds from the \$5,000.00 retainer. On May 18, 2022, Respondent informed Grievant that he accepted the case on a flat fee basis and that he was not willing to provide a refund. Grievant believes that there was a complete misunderstanding of the \$5,000.00 being a flat fee.

On May 23, 2022, and May 29, 2022, Grievant emailed Respondent repeating his request for an accounting and a refund. On June 7, 2022, Grievant filed a complaint against Respondent with the State Bar. On June 13, 2022, the State Bar sent a Letter of Investigation (“LOI”) to Respondent. After receiving the State Bar’s LOI, Respondent sent Grievant an invoice for attorney’s fees and issued a partial refund of \$1,295.00 on June 14, 2022. The invoice showed that Respondent billed Grievant for 9.25 hours at a rate of \$400.00 per hour. On June 20, 2022, Grievant disputed the invoice Respondent provided and requested an additional \$800.00 refund. On June 24, 2022, Respondent agreed to issue an additional refund of \$500.00.

RPC 1.16 (Declining or Terminating Representation) states, in pertinent part, that “[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice

to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.” You refused to provide Grievant with a refund until the State Bar sent you an LOI. Under ABA Standard 7.2, suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system. This type of ethical breach caused potential injury to Grievant.

The Panel unanimously found that your substantial experience in the practice of law was an aggravating factor. See SCR 102.5(1)(i). The Panel also unanimously found that the following mitigating factors applied: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; and (4) full and free disclosure to disciplinary authority or cooperative attitude toward proceeding. See SCR 102.5(2). Based upon the aggravating and mitigating factors listed above, the Panel unanimously agreed that a downward deviation from the baseline sanction – ABA Standard 7.2 – was warranted.

In light of the foregoing, you are hereby PUBLICLY REPRIMANDED for violating RPC 1.16 (Declining or Terminating Representation). In addition, pursuant to SCR 120(3), you shall pay a \$1,500.00 fee plus the hard costs of the instant proceedings. You shall make such payment no later than thirty (30) days after receiving a billing from the State Bar.

In Re: MARK K. SMALLHOUSE
Bar No.: 7520
Case No.: SBN22-00323
Filed: 02/28/2023

LETTER OF REPRIMAND

To Mark K. Smallhouse:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rule 1.3 (Diligence) and Rule 1.4 (Communication) of the Nevada Rules of Professional Conduct (“RPC”).

You served as Resident Agent for a particular corporation, BTI, and were tasked with filing its annual list of officers. In May 2020, BTI paid you \$800 to renew the annual list and business license, just as you had in the past. You admit that you received the electronic transfer of funds and email requesting the filing, but your office was closed because of the COVID-19 precautions and they were overlooked. The annual list was never filed and BTI’s license was officially revoked.

In July 2021, after learning of the revocation, BTI requested that you cure the delinquency with the Nevada Secretary of State. On August 31, 2021, you agreed to reinstate BTI’s status but again failed to do so. You attribute this failure to the confusion of moving your office from Reno to Utah during that time period.

Further attempts by BTI to communicate in October 2021 went unanswered.

In February 2022, BTI retained alternate counsel to serve as its registered agent, to file the annual list and to reinstate BTI’s business license with the State of Nevada.

In February 2022, BTI’s new counsel also sent you a letter requesting reimbursement for the Secretary of State filing

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she completed for BTI along with the \$800 payment the company remitted to you in May 2020 for a total of \$1,702.50. In April 2022, which was after you received the State Bar's letter of investigation in this disciplinary matter, you remitted the payment to BTI.

Violation of the Rules of Professional Conduct

Your conduct related to representation of the foregoing clients, violated Nevada Rules of Professional Conduct ("RPC") as follows:

RPC 1.3 (Diligence) for failing to promptly and diligently file your client's corporate documents;

RPC 1.4 (Communication) for failing to communicate with your clients concerning the corporate documents and their necessary filing.

Application of the ABA Standards for Imposing Lawyer Sanctions

Standard 4.42 of the ABA Standards for Imposing Lawyer Sanctions provides that "[s]uspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect causes injury or potential injury to a client." In this instance, you were aware of your obligation to diligently and promptly perform legal services for your client and timely communicate with it regarding those legal services. Your failure to fulfill your obligation had the potential to injure your client because its corporate status was revoked.

In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand, with the latter being the lowest form of discipline available. Taking into consideration your absence of prior discipline, your acceptance of responsibility for your misconduct, and your expressed remorse for the consequences of your misconduct the Panel finds that the lesser of the two sanction is appropriate.

Based upon the foregoing, you are hereby **REPRIMANDED** for your knowing violation of RPC 1.3 and RPC 1.4.

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

ENDNOTES:

1. For purposes of SCR 111, a "conviction" includes a guilty plea "regardless of ... whether a final judgment of conviction has been entered." SCR 111(1).
2. This order constitutes our final disposition of this matter. Any further proceedings involving Smith shall be docketed as a new matter.
3. We decline to adopt the hearing panel's recommendation to impose additional requirements before Lopez can reapply for reinstatement. See SCR 116(6) (providing that an attorney must wait one year after an adverse decision before filing a successive petition for reinstatement).
4. You had a Bluetooth headphone in one ear during the entire incident.

TIP

FROM THE BAR COUNSEL

Help Available in Changing Practice Areas

Are you thinking of changing your practice area, but you're worried that you will run afoul of the competency requirements? While it is fair to be worried, Rule of Professional Conduct 1.1 (Competence) contemplates that you do not need to be an expert in an area of law when you agree to represent a client.

Your competency is a combination of legal knowledge, skill, thoroughness, and preparation. Law school taught you how to identify the type of issue in the representation and the way to research the issue so that you understand it and all the related nuances. Law school also gave you the skills to analyze the issue once you have identified the applicable legal theories.

Comment 2 to ABA Model Rule 1.1 states "A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar." The lawyer only needs to have a plan on how to acquire the necessary knowledge or skill for the particular representation. To gain that information, you can supplement your general training using resources offered by the State Bar of Nevada, such as its nearly 100 on-demand continuing legal education courses or any of its seven published practice manuals. The American Bar Association also offers a plethora of courses and manuals. You can also access the state bar's Practice Management resources.

Lawyers more experienced in that area of law are also an excellent resource. The Nevada legal community is still fairly close-knit and collegial; more experienced attorneys are almost always willing to give pointers and guidance on areas of law that are unfamiliar to you. You can find a general mentor, associate with another attorney for a particular matter, or ask specific questions. It is your discretion to decide how much assistance you need to be competent for a particular representation.

Your law license allows you to practice in any area of the law. That is a unique gift that other professions do not offer. If you want to switch practice areas or add another area to your current practice, then make a plan and get to it!