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**STATE OF NEVADA
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The Interplay Between *Strickland's* Deficient Performance Prong and the Rules of Professional Responsibility

Date: August 28, 2020

Time: 12:00 pm – 1:00 pm

How: Microsoft Teams Video Conferencing

Credit: 1 ethics credit.

Materials: The meeting link and materials will be sent in advance of the program date.

Registration: Please email jarrod.hickman@dids.nv.gov to register.

Faculty: John Lambrose, Adjunct Professor of Appellate Advocacy, University of Nevada, Las Vegas – Boyd School of Law.

Presentation Description:

In *Strickland v. Washington*, the Supreme Court of the United States set forth a two-pronged analysis for courts faced with a claim of Ineffective Assistance of Counsel as mandated by the Sixth Amendment. In short, the claimant must prove that her lawyer's performance during the prosecution was deficient and that because of the deficiency she was prejudiced. The claimant must prove both prongs to obtain relief. This presentation will only deal with the deficient performance prong.

Deficient performance, under *Strickland* and the cases following it, is not a concrete legal concept and has been construed broadly. However, the accused lawyer is afforded a presumption in her favor that is difficult to overcome. The courts will look at standardized rules and regulations promulgated by entities like the American Bar Association (nationally) and our own rules and standards, adopted by the Nevada Supreme Court.

This presentation will briefly review pertinent model rules (relevant to the practice of criminal law) and compare and contrast those rules with a lawyer's general Sixth Amendment duties to perform effectively. It will examine certain instances in which the model rules overlap and help to inform the lawyer regarding Sixth Amendment "effectiveness".