



NEVADA: EMBRACING THE PAST, LOOKING TO THE FUTURE

BY KELLEY K. HASSON, ESQ.

October 19, 2012: my children braced themselves for yet another boring ceremony. I, however, glowed with excitement as my sister, her family, my children and my father waited for me to utter the exciting words from Supreme Court Rule 73 Oath of Attorney, admitting me to the State Bar of Nevada. As I raised my hand and recited those words, I looked about to determine what sort of bar I had joined.

The statistical information provided by the State Bar of Nevada and the United States Census provided some idea of the Nevada bar's composition. As of the 2010 national census, the most recent, 10,996 attorneys had obtained admission to the State Bar of Nevada, whereas only 7,940 actively practice law for the 2,691,000 residents of the state. Not accounting for current population growth, there's one Nevada attorney per 339 Nevada residents. To put that in perspective, according to the 2010 U.S. Census and the listed number of attorneys admitted to the State Bar of California and Florida, the California active lawyer to resident ratio is 1:204 and Florida's is 1:191. Therefore, Nevada lawyers bear a greater duty to serve the populace, given the small percentage of the population we represent.

While looking left and right at the other admittees, the diversity I observed failed to conform to my statistical research. According to the 2010 statistics from the State Bar of Nevada, men comprise 70 percent of Nevada attorneys; but looking around that day, it certainly did not seem as if 70 percent of the admittees, or even Nevada state bar members in attendance were male. I observed, men, women, older people, younger people and those of different ethnic groups all standing in the new admittees area, ready to take their oaths. Excited young attorneys discussed their jobs, internships and bright expectations for the future. A few older or more experienced attorneys discussed the paths that had led them to Nevada and where they hope to go in their futures. All expressed excitement about the future and their lives in Nevada.

Pondering the current composition of the State Bar of Nevada led me to contemplate the bar's history. After 150 years of statehood, and even fewer years of existence for Nevada's state

bar, the bar has grown into to a diverse group of dedicated professionals, holding themselves to a higher standard of justice, ethics and professionalism.

The State Bar of Nevada traces its roots in the history of the state itself. The end of the Mexican American War in 1848 moved the area that would become Nevada into the United States of America's control. At first part of the Utah Territory, the discovery of the Comstock Lode silver created a population increase warranting a separation into its own territory in 1861. On October 31, 1864, while the northern and the southern parts of the U.S. fought over states' rights for self-determination versus a stronger federal government, Nevada gained statehood: ergo the "Battle Born State." Currently the seventh-largest geographical state in the union, Nevada enjoys approximate growth rates of 3.3 percent, according to the 2010 United States Census. Nevada's harsh climate created a strong independent people, willing to brave the desert conditions in order to make the desert bloom and the economy prosper.

Nevadans adopted libertarian laws, allowing people more freedom to divorce, marry and lawfully engage in acts shunned elsewhere, such as gambling and prostitution. Like all societies, the population increase created the necessity for more laws, law enforcement, interpretation and advocacy. Population growth and a need for peaceful governance led to the creation of the State Bar of Nevada.

Prior to its creation in 1928, the Nevada Bar Association helped organized attorneys, and facilitated camaraderie and ethical standards from 1911 to 1928. (Supreme Court of Nevada Rules Preamble Historical Notes, Frank Daykin (1979)). Currently, the Nevada Supreme Court regulates the Nevada bar by adopting rules and regulations concerning the licensing of attorneys and court procedures. Although the Nevada Supreme Court, or the historical equivalent, self-regulated since 1861, through Chapter 103 of the Laws of the Territory of Nevada, the Supreme Court of Nevada only officially began to regulate the Nevada state bar by the repeal of the State Bar Act in 1963. On August 11, 1965, the Nevada Supreme Court adopted rules regulating the Nevada state bar, which included the language of the Attorney Oath. On January 1, 1990, and again in March 2014, the Nevada Supreme Court adopted language altering the Attorney Oath.

The rules adopted by the Nevada Supreme Court originally grew from 24 in 1879, prior to regulating the Nevada state bar,

to the 253 we now enjoy. Each rule adopted sought to further civilize and serve the population. As Nevada attorneys, we agree to abridge our constitutional rights, such as freedom of speech, in order to encourage law, order and civility.

In 1991, the Nevada Supreme Court reprimanded a prosecutor who made disparaging remarks against a Nevada Supreme Court ruling. The Nevada Supreme Court held that, “When petitioner was admitted to practice law before the Nevada courts, the oath which he took recited that ‘I will support, abide by and follow the Rules of Professional Conduct as are now or may hereafter be adopted by the Supreme Court....’” (Rule 73, Nevada Supreme Court Rules (1991)). The First Amendment does not excuse him from that obligation, nor should it forbid the discipline imposed upon him by the Nevada Supreme Court. (*Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991)). Prior to 1991, the Nevada Supreme Court ruled that “a member of the bar, however, stands in a different position by reason of his oath of office and the standards of conduct which he is sworn to uphold,” and “nor does free speech give a lawyer the right to openly denigrate the court in the eyes of the public.” (*In re Raggio*, 487 P.2d 499, 87 Nev. 369 (Nev., 1971). *In re Maestretti*, 30 Nev. 187, 93 P. 1004 (1908); *In re Breen*, 30 Nev. 164, 93 P. 997 (1908)).

The Oath of Attorney stood out in my mind, as it included language looking to the future. As Nevada attorneys, we swore not just to follow current rules of the court, but also the “Rules of Professional Conduct as are now, or may hereafter, be adopted by the Supreme Court.” (Supreme Court Rule 73). On March 5, 2014, the Nevada Supreme Court altered the Oath of Attorney in ADKT 0492 to emphasize the dedication to civility in our profession towards clients, opposing counsel and the judiciary. This promise to honor future rules causes Nevada lawyers to

constantly educate themselves on changes in the law, and to prepare for the future.

After making the oath, we listened to wisdom provided by members of the State Bar of Nevada. One speaker admonished the new attorneys to always make time for family, for, at the end of the case, the clients walk away to their lives, and we must be sure to build our own lives while we practice the time-consuming service of law. Her words, that no amount of money will replace a loving spouse or loving children, deserving of your time, attention, and love, rang in my ears. Do not allow the practice of law to consume you to the point that you are no longer a person.

The highlight of the October 2012 Admission Ceremony was clearly the last speaker. One of the Nevada Supreme Court justices took the stage and loudly stated, “Hit it!” Music began playing over the loud speakers: “I got a feeling that tonight’s gonna be a good good night.” The Nevada Supreme Court justice then danced off the stage to the Black Eyed Peas’ hit song, inspiring us to embrace life, law, justice and the belief that we can, and will, make the world a better place. As we celebrate 150 years of statehood, we celebrate our past, present and hope for the future, just as the State Bar of Nevada embraces life, service, diversity and a general belief in the ability to make the world a better place. ■



KELLEY K. HASSON, admitted to practice law in Nevada in October 2012, focuses her solo practice on family, criminal, estate and civil litigation. She graduated from Levin College of Law in December 2008, having earned three book awards, and making the dean’s list multiple times, while supporting herself and three young children.

Hasson enjoys travel and seeking admission to additional jurisdictions; she currently enjoys admittance to 10 jurisdictions.