



# MESSAGE FROM THE PRESIDENT

BY VERNON "GENE" LEVERTY, ESQ., PRESIDENT, STATE BAR OF NEVADA

## THE WINDS OF CHANGE

As the year progresses, occasionally I may use this message as a siren of possible changes affecting the legal profession in Nevada. Advocated changes include: adopting reciprocity, adopting the Uniform Bar Exam, reducing bar passage scores and allowing waivers for taking the bar exam. Nevada's lawyers participate in the decision-making process for these topics by attending hearings before the Nevada Supreme Court; these hearings will take place before any change is adopted.

Some changes, however, occur without hearings, silently altering our profession. For example, non-lawyers are moving into various service sectors traditionally exclusive to lawyers, and legal services are being commoditized at an ever-increasing rate. Internet providers of legal services, such as AVVO, LegalZoom and RocketLawyer, now share our world.

Staying informed about and adapting to changing legal trends requires awareness and discussion.

Evaluate internet legal services for yourself. Internet companies such as LegalZoom allow persons of very moderate means to obtain basic legal documents, such as wills. But, using forms without the aid of an attorney increases the risk of errors, undermining the users' goals.

Change is neither good nor bad. It often presents opportunities, but any change must be adopted with the preservation of the honor of the profession and the protection of the Nevada public in mind. The first question before adopting any change should be, "What is the cost of this change, and is it worth the price?"

I believe that the core question prompted by these changes is whether the practice of law is a business or a profession. The practice of law is both. If a lawyer fails to achieve financial success, the privilege of practicing in the profession will not be long-lived. I am concerned, however, that some practicing law now merely view being a lawyer as a business and not as participating in an honored profession.

Successful legal service business models exist that provide legal services as a business and uphold the legal profession. Entrepreneurs are proving adept at providing legal services to persons who cannot afford (or thought they could not afford) an attorney. However, my concern is that many are not providing their services for any purpose other than business and skirt the rules of our profession.

It is up to us to not only enforce the rules of our profession but to also encourage programs at the bar, non-profit or otherwise, that provide legal services to those not being served. Many state bars are encouraging programs that bring legal services at reduced costs, and we need to not only consider these programs but

also encourage our own entrepreneurs to take up the challenge of providing legal services to those who cannot fully afford an attorney. As an example, in the State of Utah, some young unemployed lawyers joined in a nonprofit corporation to provide legal services at reduced rates to persons not able to afford an attorney. We need to look at ways to encourage positive change that upholds the honor and duty of our profession.

Change is constant. Nevada lawyers must be fully informed and involve themselves in the decisions affecting our profession. Basic participation requires gathering information, holding discussions and taking a position for or against a proposed change. Every attorney in the State Bar of Nevada worked hard to become a member of the Nevada legal profession, so I encourage you all to engage in the discussion of possible changes to our profession before they are adopted.

One place to start might be providing feedback to the Board of Governors' task force, headed by Board of Governor member Ann Morgan, considering reciprocity. Allowing reciprocity would permit persons to be admitted to practice law in Nevada without passing the Nevada bar exam. The task force has been asked by persons on the task force to consider replacing the current bar exam in whole or in part with the Uniform Bar Exam (UBE), which is considered by some to be a form of reciprocity. The UBE scores are accepted for admission in other states.

However, there is more than one type of reciprocity, with several variables. The reciprocity task force must take its time to fully consider how implementation might affect the practice of law in Nevada and if implementation protects the Nevada public.

Any changes suggested by the reciprocity task force must be approved by the Board of Governors before presentation to the Nevada Supreme Court.

Whether we like it or not, each of us has a role to play in how the changes to our profession continue to evolve. Remember, even passive, do-nothing responses have consequences. While we may not debate each proposed change, we can all arm ourselves with knowledge regarding the possible evolutions and consider them carefully. If enough of us do so, we will together preserve the integrity and reputation of the legal profession in Nevada.

## ATTORNEY SPOTLIGHT:



Charlotte Hunter Arley

Each month, I want to call attention

to the significant contributions made by lawyers who have played an important role in the Rule of Law. In August, I am highlighting Charlotte Hunter Arley, one of Nevada's early female attorneys.

Her most famous case, the "Petticoat Trial," began on June 2, 1952 in Washoe County District Court. The case earned its nickname from the press because it was the first trial in Washoe County history in which both opposing attorneys were women. Despite facing discrimination, not only for being a woman but also for being Jewish, Arley persevered. We honor Arley for her showing others that female lawyers are vital participants in the Rule of Law.

For more information about the accomplishments of this Nevada attorney, I encourage you to explore the oral history interviews conducted with Arley, courtesy of the Nevada Legal Oral History Project, available through the University of Nevada, Reno's digital collections website. **NL**

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