

LAWYERS AS LEGISLATORS:

Attorneys Serving in the Nevada Senate and Assembly

BY PATRICIA D. CAFFERATA, ESQ.

As the 80th Legislative Session gets underway in Carson City, 13 attorneys are adding their contributions to the Nevada Legislature's work; this group includes six senators and seven assemblypersons.¹

Nevada Lieutenant Governor Kate Marshall is presiding over the Senate as part of her official duties during her first legislative session. Marshall is the fourth woman and the third lawyer to serve as President of the Senate. She views her role during the legislative session as that of a facilitator, tasked with maintaining decorum in the Senate and moving the agenda along smoothly by following procedures in a fair and equitable manner.

Five other lawyers in the legislature are serving as senators: Nicole Cannizzaro, Dallas Harris, James Ohrenschall, Keith Pickard and Melanie Scheible. The majority of these senators are Democrats; Pickard is the only Republican lawyer serving in either house. All five of our lawyer/senators represent districts in Clark County. Three out of the five have prior legislative experience—Cannizzaro previously served in the Senate, while Ohrenschall and Pickard served in the Assembly; Harris and Scheible are both serving their freshman terms.

The six lawyers in the Assembly are all Democrats from Clark County. Jason Frierson is serving as Speaker of the Assembly. Shea Backus and Lesley Cohen are Assemblywomen, and Edgar Flores, Ozzie Fumo and Steve Yeager are Assemblymen. Cohen, Flores, Frierson, Fumo and Yeager have all served at least one term in the Assembly; this is Backus' first term as an Assemblywoman.



NEVADA ATTORNEYS BRING DIVERSITY AND VARIED EXPERIENCES TO THE LEGISLATURE

Senators

The backgrounds and past experiences of Nevada's attorney/senators give them interesting and diverse points of view to bring to their work. For example, Marshall's paternal grandfather emigrated from Mexico to America 100 years ago, giving her an understanding and appreciation of the opportunities our nation offers to everyone. In an effort to share those opportunities, she served in the Peace Corps in Kenya for two years, teaching high school commerce, English and religion. Another international traveler, Scheible spent a summer



in Uganda following her first year in law school. Funded by a law school grant, she worked for a nonprofit organization that successfully sued the Ugandan government, overturning a law that violated the rights of people within the Uganda's LGBTQ community. Pickard is another legislator who gained experience through helping others. He and his wife Margaret spent time volunteering at their church's addiction recovery program for youth between the ages of 12 to 18.

Some of the lawyers now serving as senators received some relevant experience long before becoming legislators themselves. Cannizzaro's first experience in the Nevada Legislature occurred during law school, while serving as a legal extern for a firm working on behalf of the Las Vegas Chamber of Commerce. The Las Vegas native attended the University of Nevada, Reno on a Millennium Scholarship and was the first in her family to earn a college degree. Ohrenschall is also a Las Vegas native and received his introduction to the legislature in a different way. His mother served in the Assembly before he was elected—to her legislative seat. Harris had some familiarity with politics before taking on her new role. She worked as a policy fellow at a D.C.-based non-profit focusing on telecommunication policy; there, she lobbied the Federal Communications Commission and Congress on issues including the modernization of the Lifeline Assistance program, broadband privacy and closing the digital divide.

Assemblymen and Assemblywomen

The backgrounds and experiences of Nevada's attorney/assemblypersons also tell stories of diversity and community involvement. Frierson, now serving his second term as Speaker, became the first African-American Speaker of the Assembly during the last session. Backus is an enrolled member of the Cherokee Nation, and she

interned for the Department of Justice, Office of Tribal Justice, in Washington, D.C. during law school. Fumo, a seasoned trial lawyer, has selected state and federal juries in numerous trials during his 20-year legal career. Cohen dedicates some of her free time to the Legal Aid Center of Southern Nevada, and expresses her concern for animals by volunteering with a Las Vegas organization that works hard to connect homeless Greyhounds with forever families. Flores has a desire to help shape positive futures for children and teens, and he has been mentoring young people for more than 15 years.

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Nevada Senators

Kate Marshall, Lieutenant Governor;
President of the Senate



Party: Democrat
Represents: Nevada
Practice: Lieutenant Governor of Nevada
Birthplace: California
Law School: Berkley School of Law

Nicole Cannizzaro



Party: Democrat
Represents: Clark County, District 6
Practice: Deputy District Attorney
Birthplace: Nevada
Law School: William S. Boyd School of Law

Dallas Harris



Party: Democrat
Represents: Clark County, District 11
Practice: Public Utilities Commission
Birthplace: Nevada
Law School: George Washington University Law School

James Ohrenschall



Party: Democrat
Represents: Clark County, District 21
Practice: Deputy Public Defender
Birthplace: Nevada
Law School: William S. Boyd School of Law

Keith Pickard



Party: Republican
Represents: Clark County, District 20
Practice: Nevada Family Law Group, LLC
Birthplace: California
Law School: William S. Boyd School of Law

Melanie Scheible



Party: Democrat
Represents: Clark County, District 9
Practice: Deputy District Attorney
Birthplace: California
Law School: Columbia Law School, New York



State Assembly

Jason Frierson

Speaker of the Assembly



Party: Democrat
Represents: Clark County, District 8
Practice: Deputy District Attorney
Birthplace: California
Law School: William S. Boyd School of Law

Shea Backus



Party: Democrat
Represents: Clark County, District 37
Practice: Backus, Carranza & Burden
Birthplace: Nevada
Law School: Sandra Day O'Connor College of Law at Arizona State University

Lesley Cohen



Party: Democrat
Represents: Clark County, District 29
Practice: Private practice
Birthplace: New York
Law School: DePaul University College of Law in Illinois

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THE IMPACT OF A LEGAL EDUCATION ON LEGISLATIVE ENDEAVORS

Scheible told *Nevada Lawyer* that good policy-making is created by legislators from a variety of

backgrounds and that a wide cross-section of experiences is important for decision-makers when creating good public policy. While this statement is undoubtedly true, all of the attorneys in the Nevada Legislature believe that during a legislative session a legal background is an incredible asset to the work they do as senators and members of the Assembly. A vast majority of the lawyers emphasized their ability to interpret the language of the law, giving them the ability to read through legislation with an understanding of both the law and the ways a piece of legislation may be interpreted by the courts. They said that this is very useful when making decisions about bills.

Cohen, Flores and Backus all agreed that their legal backgrounds would help them negotiate and reach compromises with other legislators. Yeager pointed out that lawyers tend to be analytical and detail-oriented, resulting in better legislation. In addition, he said that much of being a lawyer is about problem-solving and that the legislature is also about identifying problems and finding ways to solve them. Harris expressed the link between a legal career and serving on the legislature extremely well. "Being a lawyer is all about carrying interests other than your own," she wrote. "We are uniquely suited to serve."

LESSONS FROM THE LEGISLATURE

No matter their expectations, nearly every attorney in the legislature was surprised by some aspect of his or her participation in a legislative session. One of the things that most astonished Cannizzaro is the sheer volume of legislation drafted and considered during each legislative session; the legislature only meets for 120 days—a very small window of time to process more than a thousand different pieces of legislation. Cohen was surprised to learn how accessible the legislature is to Nevada citizens and how much influence those citizens can have on the legislative process. Fumo admitted to being surprised by how many people utilize that accessibility and are really paying attention to what's going on during the legislative sessions. Yeager also got a pleasant surprise. He said that, as high as his expectations were regarding the legislative staff, staffers exceeded them by remaining consistently committed to helping legislators and working long hours in stressful environments to make sure the process stays on schedule. On yet another positive note, Pickard said he was surprised at the reduced bipartisanship he observed in 2017, compared to what he'd seen during his lobbying experience in 2015.



ATTORNEY ACCOMPLISHMENTS

Lawyers in the legislature have already made positive changes in the lives of Nevada residents, some of which they are especially proud.

Last session, Cannizzaro sponsored eight bills that passed with bipartisan support and were signed into law by Governor Brian Sandoval. In particular, she is proud to have sponsored Senate Bill (SB) 253, establishing the Nevada Pregnant Workers' Fairness Act. The act was designed to provide reasonable accommodations for working women who are trying to become pregnant, are pregnant or have returned to work after giving birth.

Pickard is always pleased when he can use his position as a senator to create better conditions for Nevada families. During the 2017 session, the family law attorney worked to make lasting improvements to family law and child support that he believes will make life better for Nevada families for decades to come. Pickard also has the distinction of having passed more bills in that session than any other freshman Republican.

Ohrenschall made a difference in the lives of children and families as well, by sponsoring Assembly Bill (AB) 162. Signed into law in 2009, AB 162 requires certain insurance plans to cover important treatments and therapies for children on the autism spectrum. "Through the years," he said, "I have heard from countless families who have benefited greatly from this legislation."

During the 2017 session, Cohen's proposed bill requiring veterans to receive preference when applying for state jobs became a law, making things a bit easier for veterans who sometimes have a hard time adjusting to civilian life and finding jobs after leaving the military.

Because of their familiarity with the law, attorneys in the legislature are extremely well placed to have a positive impact on the way our courts function. During his time as a legislator, Fumo introduced a bill that allowed for the expansion of the jury pool in Clark and Washoe counties. Prior to the bill becoming law, potential jurors were only selected from power bills and Department of Motor Vehicle registration records. They are now also drawn from unemployment records and voter registration rolls.

Yeager says his proudest accomplishment was chairing the Judiciary Committee in a way that highlighted the best the legislature had to offer. The committee spent hours hearing hundreds of bills, and Yeager welcomed all viewpoints to the table in a respectful way, even when faced with contentious issues. He also worked hard to ensure that the bills passed out of committee had bipartisan support.

MOVING AHEAD IN 2019

This year, Nevada's legal community will once again be well represented by the lawyers elected and appointed to the legislature. These individuals travelled diverse and unique paths to reach their seats in the Senate and Assembly, where they continue to work to improve life for those who call Nevada home. "It's a great feeling," Harris told *Nevada Lawyer* shortly after learning of her new role as a senator. "I'm looking forward to rolling up my sleeves and seeing exactly how much we can get done together for Nevada." **NL**

1. Attorney Rochelle Nguyen was appointed to the Nevada Assembly on Dec. 19, 2018.

State Assembly

Edgar Flores



Party: Democrat
Represents: Clark County, District 28
Practice: Private practice
Birthplace: Nevada
Law School: William S. Boyd School of Law

Ozzie Fumo



Party: Democrat
Represents: Clark County, District 21
Practice: Pitaro & Fumo
Birthplace: Virginia
Law School: Whittier College School of Law in California

Steven Yeager



Party: Democrat
Represents: Clark County, District 9
Practice: Battle Born Injury Lawyers
Birthplace: Minnesota
Law School: Cornell Law School



PATTY CAFFERATA is the past chair of the *Nevada Lawyer* Editorial Board. The first elected office she held was as a member of the Nevada Assembly representing District 25 (1981-1982). When the voters elected her State Treasurer, she became the first woman elected to any constitutional office in Nevada. Subsequently, she has served as district attorney of Lincoln (1992), Lander (1995-1996) and Esmeralda (2000-2003 and 2010) counties.