



# MESSAGE FROM THE PRESIDENT

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

## FINAL THOUGHTS AND FAREWELL

*"How lucky I am to have something that makes saying goodbye so hard."*

I am very proud of being the 89th president of the State Bar of Nevada. Since this is my last column, I wanted to share some of my final thoughts about goals, successes, failures, positives-from-failures and my hopes for the future of our profession.

My initial goals, printed in my first president's message last July, included celebrating the Rule of Law and the role lawyers play supporting it. It is fantastic the Nevada Lawyer Editorial Board picked up the theme and now has a regular column on the Rule of Law, curated by Patricia D. Cafferata. We are also celebrating the Rule of Law at our Annual Meeting in Chicago from July 11 to 14, so join us! Our Rule of Law and the important role our profession plays simply cannot be celebrated in just one year!

In my first message, I observed that many do not appreciate the important role lawyers have played in the Rule of Law since our country was founded. For that reason, I have highlighted each month an attorney or judge, recognizing their contributions to our Rule of Law. There are so many more I wish I could highlight, such as each of the past recipients of the state bar's Presidential Award, including Peter Chase Neumann, Hon. Procter R. Hug, Jr. and the deserving recipient of the 2018 Presidential Award, William E. Peterson.

I also set forth in my first article the goal of progressing with state bar taskforces' work. The insurance taskforce recommended that the Board of Governors propose establishing mandatory malpractice insurance with limits of \$250,000/\$250,000. The Board of Governors accepted the recommendation and will submit the proposed rule change (ADKT) to the Nevada Supreme Court. I am proud of the Board of Governors for taking this stand to protect the public and the honor of our profession.

Nevada is not alone in considering minimum malpractice insurance requirements. Idaho now requires it, Oregon has done so for decades, and Washington and California have taskforces considering the adoption of mandatory malpractice insurance.

I appeared before the Washington taskforce on March 28 and I am scheduled to appear before the California taskforce on June 4 concerning the steps taken by the Nevada taskforce.

The taskforce on trust accounts recommended establishing a random trust account audit program, to further the bar's mission to protect the public and to protect the honor of our profession. Based on this recommendation, the Board of Governors voted to submit a proposed ADKT to the Nevada Supreme Court. Despite the considerable effort of the taskforce, the board and staff, on May 8, 2018, the Nevada Supreme Court denied the ADKT. In its short opinion it wrote, "the Board of Governors has not demonstrated that the proposed amendment to SCR 78.5 is appropriate." During the hearing process, members of the court recognized that the Office of Bar Counsel already has the authority to conduct trust account and financial audits of law firms, and counseled that such audits should be expanded. Members of the court expressed that the bar must establish guidelines concerning trust accounts. The bar has moved forward with establishing the requested trust guidelines.

We can all be very proud of how the State Bar of Nevada, the Nevada Bar Foundation and Nevada attorneys pulled off the 2018 National High School Mock Trial Championship (NHSMTTC) in Reno, May 9 to 12. The 2018 NHSMTTC Steering Committee, chaired by Paul Matteoni and vice-chaired by Connie Akridge, with the unbelievable assistance of Executive Director Kimberly Farmer and Deputy Executive Director Lisa Dreitzer, did an amazing job in raising funds and pulling off the event that showcased how Nevada does things, first-class. The support of the Nevada legal community was simply outstanding. The National Board was concerned that we might not have enough attorneys to judge, but not only did we surprise them, they stated they have never had such amazing support from a legal community. We did it together and should be proud.

I can't touch on everything attempted or accomplished by the Board of Governors in the past year, but its members worked diligently. Besides board meetings, they participated in committees, sections and taskforces. We had taskforces on random trust audits, mandatory malpractice insurance (now considering whether bonding should be required of trustees), unauthorized practice of law (after U.S. Supreme Court case of *North Carolina State Board of Dental Examiners vs. FTC*, 574, US \_\_, 2015) and,

# ATTORNEY SPOTLIGHT:

## HON. MICHAEL A. CHERRY



### JUSTICE, NEVADA SUPREME COURT

Each month, I call attention to the contributions made by lawyers who have played an important role in the Rule of Law. In June, we spotlight Justice Michael Cherry, who will be honored by the Nevada Bar Foundation at a special brunch event taking place at the State Bar of Nevada's Annual Meeting in Chicago on Friday, July 13. Ticket sales to that brunch will be used to help fund access to justice efforts in coming years, so please join us or consider making a donation to help an important cause that Cherry has supported in his nearly 12 years serving on the Nevada Supreme Court.

Cherry was first elected to the Nevada Supreme Court in 2006, following several years of service in judicial positions and a long career in private practice. He began his Nevada legal career in 1970 as a Deputy Clark County Public Defender, before becoming a partner in the law firms of Manos & Cherry and later Cherry, Bailus & Kelesis. He was elected to the Eighth Judicial District Court in November 1998, prior to his election to the Nevada Supreme Court in 2006. He served as Chief Justice of the court in 2012 and 2017. He will retire from the court when his term ends in January 2019.

Notably Cherry was named as special master of the MGM Grand hotel fire litigation in 1981, and in 1983 he assumed the duties of special master of the Las Vegas Hilton fire litigation. As special master, Cherry served as liaison between plaintiffs' attorneys, defense attorneys and the court during these multi-million dollar cases. His work as special master gained him nationwide recognition, and the procedures he established are now a part of most mass-disaster litigation. **NL**

last but not least, on reciprocity. The taskforce on reciprocity is fully studying the effect reciprocity and the Uniform Bar Exam (UBE) might have on the practice of law in Nevada, including community service: something the states which adopted reciprocity and the UBE have failed to do. I owe each governor listed in the *Nevada Lawyer* masthead (restored as of July 2017) appreciation for his or her fantastic participation and hard work this year. Thank you to my excellent Executive Committee: Richard Pocker, Paul Matteoni, Eric Doberstein, Ann Morgan and Paola Armeni. The bar has some outstanding talent and I know that, going forward, the bar is in good hands.

We strove to present to you the issues facing the Nevada bar not only in the *Nevada Lawyer*, but also in the eNews blasts, on the website and by holding 34 meetings with Nevada law firms. We also held additional meetings with the District Attorney offices in Las Vegas and Reno, and the Public Defender and alternate Public Defenders' offices; we attended the Nevada Justice Association annual meeting, met with the specialty bars, had each governor report on the status of the sections to which they are assigned and had meetings with corporate counsels. We wanted everyone to know not only the issues, but how the Nevada bar had worked on them. For example, we worked with the Nevada Board of CLE (a separate entity not governed by the Board of Governors) to assist members in easily paying their annual CLE dues. The bar works transparently, and one only need contact a governor to learn more.

With heartfelt gratitude I thank the bar's Executive Director, Kimberly Farmer, for her guidance, support and professionalism. We are so fortunate to have Kim, as she is a star among executive directors. I will miss her guidance; she always provided support, even if she disagreed. Kim went with me to many of my 34 meetings with law firms around Nevada. I learned so much and received great ideas during those visits. Gale Skala, thank you for your great assistance in making reservations, meetings, telephone conferences and schedules, always with the cutest smirk and sweetest notes. Gale does so much; I can't imagine the bar without her. Lisa Dreitzer, thank you for your considerable talents providing reports, working with taskforces and tackling the extra duties to support the 2018 High School Mock Trial Championship. Jennifer Smith-Pulsipher, publications manager, thank you for your guidance, research and editing on my president's messages and other articles. Additional thanks to Marc Mersol, Shelley Young, Mary Jorgensen, Vanessa Dalton and Theresa Freeman. I also extend thanks to the Office of Bar Counsel and everyone else in our bar offices, as they are always willing to do the hard work and are dedicated professionals.

I thank my law firm for covering for my constant absences—tough on a small four-lawyer law firm. I thank my son and now senior partner, Patrick Leverty, for being supportive of my presidency. I hope to be as supportive for him when he becomes president of the Nevada Justice Association in October. Finally, I thank my wife, Gretchen, for understanding that being the best president I could be was my year's dedication, but that will all change July 12!

Like Bryan Scott, 88<sup>th</sup> president, who leaves the board in July, I have one more year of service as the immediate past president. Then I will join Bryan on our new Past Presidents' Council. Farewell, and thank you for allowing me to serve.