



MESSAGE FROM THE PRESIDENT

BY RICHARD POCKER, ESQ., PRESIDENT, STATE BAR OF NEVADA

SOMEDAY IT WILL BE PLEASING TO REMEMBER

Welcome to the June issue of *Nevada Lawyer*, devoted to the recent groundbreaking changes to the Nevada Rules of Civil Procedure. For decades, half of the practicing attorneys in Nevada have wondered how we could change state court to be more like federal court, and the other half insisted that such a change would destroy forever Nevada's unique style of justice. Predictably, neither side of the debate prevailed, and I will leave it to our talented contributing authors this month to explain and analyze more thoroughly the impact of the new rules.

Not that I am a stranger to the rule-changing process and the smoke-filled rooms in which such changes used to be debated and drafted. My name used to grace many of the rosters of local rules-drafting committees, despite the evidence that my suggestions were routinely rejected. (Who knew how strongly federal defenders would disapprove of a rule requiring the national anthem to be sung before the commencement of every federal jury trial?) Nonetheless, my persistence has occasionally been rewarded. One of my proposed rule changes in family practice has gained traction: the ban on usage of the words "narcissist" and "bipolar" in any family court motion, response or order. That rule would apply whether the object of the term is the client's spouse, opposing counsel or a presiding judge.

And, in the interest of indulging man's natural search for meaning, I have addressed in this column over the past year a host of useful "rules" relevant to our practices, ranging from the Kennedy Rule on the locus of power and sensuality and the

"Tombstone" Rules of adversarial lawyering, to the guidance of Japanese self-help books (useful if you still need to move out of your parents' basement), and the wisdom espoused in Bob Dylan's masterpiece *Maggies' Farm* — oh, and my sentimental favorites the Beach Boys Rules, the Carly Simon Rules and the Stevie Wonder Rules. As western outlaw Butch Cassidy so famously proclaimed, before you can start the knife fight, "we need to decide on the rules." And we, as lawyers, are not limited to just breaking the rules, we have dispensation to make them, as well!

This is not to suggest that our system of rules and procedures is not to be taken seriously, my ingrained irreverence notwithstanding. The dispensation of justice and success as a lawyer each depend on not just **having** rules, but actually understanding and applying them. In the part of his life that wasn't musical or controversial enough to make it into the Broadway production, Alexander Hamilton advised his young legal protégés to master the rules of court procedure, declaring them to be the keys to ultimate success as a lawyer. Contrast that with the advice dispensed by his legal rival Aaron Burr, who cautioned his own associates to keep written communication to a minimum. "What is written—remains," he declared. Just another reason Burr never made it on the \$10 bill instead of Hamilton! But, as usual, I digress.

This will be my final President's Message, written a mere 60 days before I hand over the presidential reins to Paul Matteoni and end my eight years of service on the State Bar of Nevada's Board of Governors. Despite recent changes to the

Supreme Court Rules extending term limits for the governors, I chose not to seek another term on the board, seeking instead to demonstrate the sincerity of my invitation to my fellow Nevada lawyers to exercise at the highest levels their rights to participate in the responsibility of professional self-governance.

Those of you who have been kind enough to have read (or at least skimmed) my prior 11 messages know that I have a penchant for irreverence, (almost) always aimed at provoking the discussion of familiar problems or topics from different perspectives. Sometimes it works. Sometimes it doesn't. But I have always considered it a privilege to have this space in which to expound on the subjects for which I hold the most "reverence;" the honor, power and responsibility associated with membership in our profession.

All of you will be in the best of hands as the state bar and our profession weather the challenges and pressures of the next few years. Our new state bar president, Paul Matteoni, is an

accomplished, talented and creative lawyer, with perhaps the widest and deepest understanding of the diverse array of lawyers that make up the State Bar of Nevada. And, as you know, he personally knows **everyone**. And I do mean "everyone." (Moreover, my recent test results from 23 and Me contain a footnote indicating that 87 percent of living humans are genetically related to Paul Matteoni. That's influence!)

Paul will have the help of a talented board, which reflects a cross-section of attorneys performing at the highest levels of our profession, each armed with the knowledge and respect of their peers. As an Army officer, U.S. attorney, congressional chief counsel and supervisor of lawyers in elite private law firms, I was blessed with the opportunity to manage and work with hundreds of exceptional people, and I can attest that the executive director and state bar staff upon which Paul and the board depend are among the most gifted professionals with whom I have ever served.

Sentimentality has never been my strong suit. (All right, well maybe the preference for Carly Simon albums.) Nearly 50 years ago at the University of Virginia, I belonged to the Jefferson Literary and Debating Society, a slightly anachronistic collection of self-styled Southern gentlemen and women dedicated to intellectual, political and literary debate, and public speaking, fueled largely by Southern Comfort and youthful confidence. Conscious of the admonition that all glory is fleeting, the society's motto and parting blessing to its members upon graduation was "Haec Olim Meminisse Iuvabit," roughly translated from Latin in Virgil's *Aeneid* as "someday it will be pleasing to remember these things." So it will be when I remember the years that you allowed me to serve our Nevada legal community.

Which brings us to the final Stevie Wonder Rule: When it is time to go, go with the treasured and sometimes bittersweet memories of "Yester-me, Yester-you, Yesterday." **NL**

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