



13 Lucky Lawyers in the State Legislature 2021

BY PATRICIA D. CAFFERATA, ESQ.

On Friday, November 13, 2020, 10 attorneys were certified as elected to the Nevada Legislature, joining midterm senators James Ohrenschall, Keith Pickard and Melanie Scheible for a total of 13 lucky lawyers serving in the 2021 Legislative Session.

In 2019, Nevada was the first state to have a majority of women serving in its legislature. In 2021, this trend continued and increased with more than 60 percent of the seats currently filled by women. Of the 63 seats in the Assembly and Senate, 38 are filled by women and 25 by men. As to the lawyers, more than half of the five attorneys in the Senate are women, including the presiding officer of the Senate, Lt. Governor Kate Marshall. The 2021 Legislative Session is the second session in which she will preside over the Senate.

Moreover, the first woman to serve as Majority Leader in the Nevada Senate is Nicole Cannizzaro, who is in her second session as the Majority Leader. In addition to Cannizzaro, the other lawyers in the Senate are Dallas Harris, Ohrenschall, Pickard and Scheible. All of these senators have prior Senate experience, and Ohrenschall and Pickard served in the Assembly before being elected to the Senate in 2018.

The lieutenant governor and the senators share some interesting commonalities. Cannizzaro, Harris and Ohrenschall were born in Las Vegas, while Marshall, Pickard and Scheible were born in California. As to their educations, Harris and Ohrenschall graduated from the University of Nevada, Las Vegas, while Cannizzaro, Ohrenschall and Pickard received their J.D. degrees from the William S. Boyd School of Law.

In the Assembly, the eight lawyers are evenly split between women and men. They include Speaker Jason Frierson, Lesley Cohen, Venicia Considine, Edgar Flores, Elaine Marzola, Rochelle Nguyen, David Orentlicher and Steven Yeager.

All the lawyers in the Legislature represent districts from Clark County and are members of the Democratic Party, except for Pickard, a Republican. Although they all currently reside in Clark County, four of them lived in Washoe County at least at some time during their lives. Cannizzaro, Frierson and Cohen graduated from the University of Nevada, Reno; Scheible grew up in Reno; and Marshall lives in Washoe County.

STATE SENATORS



Kate Marshall,
Lieutenant Governor and
President of the Senate

Born: California

Family: Husband, Elliott Parker,
and two daughters

Education: University of
California, Berkley, B.A. double
major in English and Political Science; U.C. Berkley
School of Law, California, J.D.

Political Party: Democratic

Electoral History: Nevada State Treasurer, elected
2006 and reelected 2010; ran unsuccessfully for
Secretary of State 2014; elected Lt. Governor 2018

Recreation: Hiking, reading and knitting (inspired
by her mother and grandmother)



Nicole Cannizzaro
Majority Leader

Born: Nevada

Family: Husband, Nate Ring

Education: University of
Nevada, Reno, B.A., Business
Administration; William S. Boyd

School of Law, J.D.

Current Law Practice: Deputy District Attorney,
Clark County

Political Party: Democratic

Electoral History: Senate District 6, elected 2016
and reelected 2020; Majority Leader 2019 and 2021

Recreation: Reading, CrossFit and playing with
her three dogs

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History and Connections to Legislature

This article is *Nevada Lawyer* magazine's fifth in a series on the "Lawyers in the Legislature." The first article appeared in February 2013. At that time, two of the current legislators, then-Assemblymen Frierson and Ohrenschall, were featured in that article. Both hold different positions today. Then, Frierson was the Assistant Majority Leader, but lost his reelection campaign in 2014. Reelected in 2016, 2018 and 2020, Frierson, the first African American Speaker of the Assembly in Nevada, is serving his third term as speaker in 2021.

The longest-serving lawyer in the current Legislature is Ohrenschall, originally elected to the Assembly in 2004 and reelected to the Assembly every election until 2018, when he was elected to the state Senate. He is the current chair of the Senate Legislative Operations and Elections Committee.

Assemblywoman Cohen mentioned one of her biggest accomplishments in the 2019 session happened after the 2017 session. She chaired the Interim Committee on Senior Citizens, Veterans, and Adults with Special Needs, which introduced 11 bills in the 2019 session. Ten of those bills passed into law. Further, when the chair of the Health and Human Services Committee stepped down during the 2019 session, she was asked to take his place. Despite becoming chair in the middle of session with the usual legislative deadlines pending, the committee met all deadlines and passed its bills, many of which were sent to the governor for signature and approval.

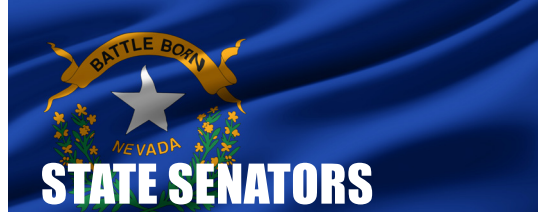
Recently, Lt. Governor Marshall learned her cousin, Manuel Joseph King, represented Lyon County in the Assembly from 1920 to 1922. When asked about her experience as the presiding officer, she stated, "I have great respect for the process. When the process is honored, it provides the space for people to disagree and engage in meaningful discourse without breaking down into nonproductive argument."

Some Lawyers' Notable Backgrounds

The lawyers in the Nevada Legislature come from a variety of backgrounds, allowing them to bring their experience to the discussions in their committees and on the floor of their respective houses. Before law school, Pickard worked as a licensed contractor and real estate developer from 1993 to 2011. Earlier in his life, he served at the Osaka Mission in Japan for the Church of Jesus Christ of the Latter-Day Saints. In 2020, his wife, Margaret, was elected to the Eighth Judicial District Court, Family Division, Department V. Pickard, proud of his wife's recent election, reports he enjoys hearing about her days in court and getting her inside view from the bench.

In 2020, Yeager's wife, Bitu, was also elected to the bench in the Eighth Judicial District Court, Department 1. Pleased with her success, he specifically mentioned her election when discussing the information to be included in this article. In the interim, Yeager served on the Committee to Consult with the Director and was honored to be part of the process to select the new legislative director, Brenda Erdoes.

Likewise, the other Assembly members have interesting backgrounds. For example, when Nguyen was in law school, she co-founded the Public Interest Law Association. The association's goal is to raise awareness of public interest work and opportunities available to law students. She is the first Democratic Asian American and Pacific Islander to serve in the Nevada Legislature. During the 2019 Session, she co-founded the first Asian American Pacific Islander (AAPI) Legislative Caucus in Nevada. The caucus arranged the celebration of Asian Culture Day during the 2019 Session on May 18, 2019.



Dallas Harris
Chair, Growth and
Infrastructure Committee

Born: Nevada
Family: Wife and 8-year-old son
Education: University
of Nevada, Las Vegas,

B.A. Psychology and B.A. Computer
Science; Claremont Graduate University,
California, M.A. Public Policy; George
Washington University Law School,
Washington, D.C., J.D.

Current Law Practice: Of Counsel,
Davison Van Cleve

Party: Democratic

Electoral History: Senate District 11,
appointed 2018 and elected 2020

Recreation: Tennis, Tae Kwon Do (second-
degree black belt)



James Ohrenschall
Chair, Legislative Operations
and Elections Committee

Born: Nevada
Family: Wife, Riana Durrett,
and two sons

Education: University of
Nevada, Las Vegas, B.A. Economics;

William S. Boyd School of Law, J.D.

Current Law Practice: Deputy Public
Defender, Juvenile Division

Party: Democratic

Electoral History: Senate District 21, elected
2018; Assembly District 12, elected 2006,
2008, 2010, 2012, 2014 and 2016



Keith Pickard

Born: California
Family: Wife, Margaret, seven
children, four grandchildren,
two older brothers and a
twin brother

Education: Brigham Young

University, Utah, B.S. Construction
Management; William S. Boyd School of Law, J.D.

Current Law Practice: Nevada Family Law
Group LLC (owner) specializing in complex
divorce, child custody, and parental
relocation disputes and real estate law

Political Party: Republican

Electoral History: Senate District 20, elected
2018; Assembly District 22, elected 2016

Recreation: Shooting, reading, woodworking
and finish carpentry, cooking and family

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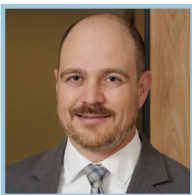
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On the other hand, Orentlicher brings his medical education and experience to the legislative process. He received his medical degree from Harvard Medical School and practiced medicine before he graduated from Harvard's Law School. Further, even though he is a freshman legislator, he has in-depth knowledge of the legislative process, having served in the Indiana House of Representatives between 2002 and 2008.

Assembly Members' Observations on their Legal Education

Naturally, having a legal education and experience assists lawyers in being effective and successful in the Legislature. For example, Considine said, "The legislative and statutory interpretation class at Boyd School of Law has been helpful to me in reviewing and in planning the bills I hope to get passed." She worked in the Consumer Rights Project at Legal Aid Center of Southern Nevada, especially when consumer protection programs, including the foreclosure mediation program, were created and modified. This experience allowed her to be involved in the legislative process and gave her the opportunity to provide input on legislation. She believes this experience gave her a good foundation to begin the 2021 session.

Marzola mentioned how legislation impacts the lives of Nevadans, and she sees it as her job to apply the law made in Carson City to her clients. She expects her legal training will help her to ask thoughtful questions, evaluate the many sides of an issue and reach a compromise on proposed legislation. She believes her studies of constitutional law and other legal foundation classes will be useful. "Having learned how to think like a lawyer will be helpful during my first legislative session," she said.

A law professor, Orentlicher teaches and writes about many issues that come before the Legislature, including healthcare cost containment, end-of-life medical decisions and reproductive decisions. He also teaches constitutional law, and he believes this will be helpful in ensuring that proposed legislation satisfies constitutional standards. In his course on healthcare advocacy, students pair up with a legislator to prepare bill drafts on health care law topics.

Speaker Pro Tempore Yeager stated all his law school classes were beneficial in their own ways. He mentioned that in the 2019 Session the Legislature even considered a bill that touched on the *Rule against Perpetuities*. He said, "All [my] legal work, both civil and criminal, has been helpful to me as the Chair of the Judiciary Committee."

Some Assembly Members' Expectations for the 2021 Session

Marzola is looking forward to learning the process of law-making and expects her legal training will be a helpful foundation on all the bills that come before her committees, no matter the subject.

Orentlicher notes that the U.S. Supreme Court is reconsidering its protection for freedom of religion claims in *Fulton v. City of Philadelphia*, 140 S. Ct., 1104 (2020), cert. granted, a case involving religious objections to foster care placement with same-sex couples. The court's decision could expand on its holding in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. ___ (2020), and affect a broad range of laws that affect religious practice, including those adopted because of COVID-19. Indeed, the *Roman Catholic Diocese* decision has already led the Ninth Circuit to strike down Governor Steve Sisolak's directive limiting gatherings when applied to houses of worship. *Calvary Chapel Dayton Valley v. Sisolak* 140 S. Ct. 2603 (2020).

ASSEMBLY MEMBERS



Jason Frierson
Speaker

Born: California
Family: Wife, Abbie, one son and one daughter
Education: University of Nevada, Reno, B.S. Health

Science; William S. Boyd School of Law, J.D.

Current Law Practice: Clark County Deputy District Attorney, Juvenile Division

Political Party: Democratic

Legislative History: Assembly District 8, elected in 2010, reelected in 2012, lost reelection in 2014, elected in 2016, 2018 and 2020.

Speaker of Assembly in 2017, 2019 and 2021

Recreation: Family, fishing, travel and bass guitar



Lesley Cohen
Chair, Revenue Committee

Born: New York, grew up in Las Vegas

Family: Grandmother, mother and sister

Education: University of

Nevada, Reno, B.A. Political Science; DePaul University, College of Law, Illinois, J.D.

Current Law Practice: Nevada Defense Group, specializing in family law

Political Party: Democratic

Electoral History: Assembly District 29, appointed in 2012, lost reelection in 2014, elected in 2016, and reelected in 2018 and 2020

Recreation: Guide walker for Achilles Las Vegas, a running group for the visually impaired



Venicia Considine

Born: New York

Family: Husband, Kenn Merrill, and daughter, Sydney

Education: University of Nevada, Las Vegas, B.A. American History and M.A.

American Western History; William S. Boyd School of Law, J.D.

Current Law Practice: Legal Aid Center of Southern Nevada, director of Development and Community Relations; previously practiced in the Consumer Rights Project for seven years

Political Party: Democratic

Electoral History: Assembly District 18, elected 2020

Recreation: Movies, books, libraries and traveling

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Finally, Yeager anticipates that the Legislature will address the consequences of the Nevada Supreme Court decision in *Anderson v. Eighth Judicial District Court*, 135 Ad. Op. 42 (2019). That decision requires a jury trial for misdemeanor domestic violence cases. He stated that most of the justice and municipal courts are not physically or procedurally set up to impanel a jury to try defendants. Consequently, the Legislature will have to address this decision.

This year, Nevada will be lucky when the current 13 fortunate lawyers are in the Legislature. These attorneys bring a wealth of knowledge and a variety of experiences to their legislative service that will benefit Nevada and its residents.

For additional information about lawyers in the Legislature, see the following issues of Nevada Lawyer: February 2019, 2017, 2015 and 2013.

PATRICIA D. CAFFERATA,

a former member of the Nevada Lawyer Editorial Board, was elected to the Nevada Assembly (1980-1981), as State Treasurer (1983-1987), and District Attorney of Lander County (1995-1996).



Edgar Flores

Chair, Government Affairs Committee

Born: Nevada

Family: Parents, two brothers

Education: University of Nevada, Las Vegas, B.A. English; William S. Boyd School of Law, J.D.

Current law practice: Gonzalez and Flores Law Firm, specializing in personal injury, immigration and family law

Party: Democratic

Electoral History: Assembly District 28, elected in 2014, and reelected in 2016, 2018 and 2020



Elaine Marzola

Born: Brazil

Family: Husband, Diwaldo Salado, son, Troy, mother and twin brothers

Education: University of Nevada, Las Vegas, B.A. Women's Studies; Thomas M. Cooley Law School, Michigan, J.D.

Current Law Practice: Marzola & Ruiz Law Group, LPPC, specializing in personal injury, family law, bankruptcy and criminal record sealing

Political Party: Democratic

Electoral History: Assembly District 21, elected 2020

Recreation: Family, yoga, meditation and travel



Rochelle Nguyen

Chair, Health and Human Services Committee

Born: Washington state

Family: Husband, Matt Lay, son, Henry and daughter, Hannah,

father, Thang Nguyen, father-in-law, Dale Lay, and dog, Neil

Education: University of Puget Sound, Washington, B.A. Comparative Sociology; William S. Boyd School of Law, J.D.

Current Law Practice: Nguyen & Lay, specializing in criminal defense

Political Party: Democratic

Electoral History: District 10, appointed in 2019 and elected 2020



David Orentlicher

Born: Washington, D.C.

Family: Wife, Judy, children, Cy and Shay

Education: Brandeis University, Massachusetts, B.A., Economics; Harvard

Medical School, Massachusetts, M.D.; Harvard Law School, J.D.

Current Law Practice: UNLV, William S. Boyd School of Law and director UNLV Health Law Program

Political Party: Democratic

Electoral History: District 20, elected 2020; and Indiana House of Representatives (2002-2008)

Recreation: Reading, writing and Cajun dancing



Melanie Scheible

Chair, Judiciary Committee

Born: California, grew up in Reno

Family: Father, mother and two sisters

Education: Stanford

University, California, B.A. Public Policy; Columbia Law School, New York, J.D.

Current Law Practice: Deputy District Attorney, Clark County, Criminal Trial Division

Political Party: Democratic

Electoral History: Senate District 9, elected 2018



Steven Yeager

Speaker Pro Tempore

Chair, Judiciary Committee

Born: Minnesota

Family: Wife, Bitia Yeager

Education: University of Michigan, B.A. History and

Spanish with high distinction; Cornell Law School, J.D. cum laude

Current Law Practice: Partner, Battle Born Injury Lawyers, specializing in personal injury and premises liability

Political Party: Democratic

Electoral History: Assembly District 9, elected in 2016, reelected in 2018 and 2020

Recreation: Running, reading, writing and traveling

Committee Assignments 2021

SENATE COMMITTEE MEMBERS (2021):

Chair and vice chair positions listed first, followed by Democrats, majority party members, in alphabetical order, followed by the Republican, minority party member:

Commerce and Labor Committee:

Scheible, member
Pickard, member

Finance Committee:

Cannizzaro, member

Government Affairs Committee:

Ohrenschall, vice chair

Growth and Infrastructure Committee:

Harris, chair
Pickard, member

Health and Human Services Committee:

Harris, member

Judiciary Committee:

Scheible, chair
Cannizzaro, vice chair
Harris, member
Ohrenschall, member
Pickard, member

Legislative Operations and Elections Committee:

Ohrenschall, chair
Cannizzaro, member

Natural Resources Committee:

Scheible, vice chair

ASSEMBLY COMMITTEE MEMBERS (2021):

Commerce and Labor Committee:

Considine, member
Flores, member
Frierson, member
Marzola, member

Education Committee:

Flores, member
Marzola, member
Nguyen, member

Government Affairs Committee:

Flores, chair
Considine, member

Growth and Infrastructure Committee:

Yeager, member

Health and Human Services Committee:

Nguyen, chair
Orentlicher, member

Judiciary Committee:

Yeager, chair
Nguyen, vice chair
Cohen, member
Orentlicher, member

Legislative Operations and Elections Committee:

Frierson, member

Natural Resources:

Cohen, vice chair

Revenue Committee:

Cohen, chair
Considine, member
Orentlicher, member
Yeager, member

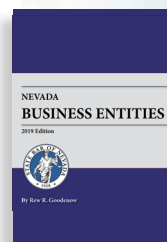
Ways and Means Committee:

Frierson, member

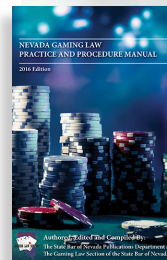
BOOKS FROM THE BAR



The State Bar of Nevada has several reference publications available to meet the needs of Nevada attorneys, from comprehensive guides to compilations of templates in a variety of practice areas.



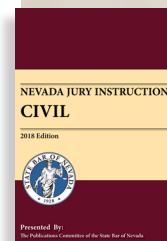
Nevada Business Entities - 2019 EDITION



Nevada Gaming Law Practice and Procedure Manual



Contract Templates for Nevada Attorneys



Nevada Jury Instructions: Civil - 2018 EDITION

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