



MESSAGE FROM THE PRESIDENT

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

PROFESSIONAL "RITE OF PASSAGE"

While reading the book "Alexander Hamilton" by Ron Chernow, I was drawn to two excerpts. The first was written by Alexander Hamilton:

"But now... I am deeply engaged in the study of law, the attaining of which requires the sacrifice of every pleasure [and] demands unremitting application...."

A second passage also resonated with me, because in 1782 our founding father had to take a bar exam:

"By July, just six months after starting his self-education, he passed the bar exam and was licensed as an attorney who could prepare cases before the New York State Supreme Court."

The bar exam is a rite of passage, allowing one to cross the courtroom bar from observing to participating. The rite requires legal studies before demonstrating one's knowledge by examination. It seems especially cogent that a bar exam was required in 1782, knowing that same professional requirement continues in 2017.

Nevada held its most recent bar exam rite in July. Over Labor Day weekend, the Nevada Board of Bar Examiners spent their personal time without pay grading those exams. After they complete grading, they will then spend days verifying the accuracy of the exam to insure that all participants had the best opportunity to pass. Afterward, they must then immediately turn their attention to reviewing the proposed exam

questions for the February 2018 bar exam. After preparing the exam questions for the February 2018 bar, members of the Board of Bar Examiners will work on exam questions for the July 2018 bar exam.

The criteria to become a member of the Board of Bar Examiners are designed to insure that the best candidates are selected. Members are chosen based on their academic achievements, standing in the legal community, areas of practice corresponding to subjects on the Nevada bar exam, demonstration of understanding of the bar exam process, and last but not least, the ability to spend a great deal of time and effort writing, grading and scoring.

The Board of Bar Examiners consists of 14 members and, as terms expire, seeks applicants. Their membership includes the chairman of the board, Richard Trachok. He has devoted over 26 years to protecting the Nevada public by having competent lawyers.

What is the importance of a bar exam? We have a profession, instead of a job, for principally three reasons:

1. Professionals are persons who possess and use a special body of ordered learning;
2. They use this ordered learning primarily in the service of others; and
3. They use their learning under discipline primarily of their own group.

In addition, lawyers hold professional status in part because they belong to a self-regulating guild, one that administers its own discipline. The keystone to the legal profession is passing a test to insure that candidates have a special body of knowledge they can competently use to serve others and meet the standards required of the profession, as determined by the community of lawyers.

The totality of lawyers constitutes an important agency in the rule of law. Besides the executive, legislative and judicial branches of our government, lawyers in their collective, as a bar, constitute in effect a fourth arm of government. As members of an honorable profession, we must assure those joining this profession are up for the challenge!

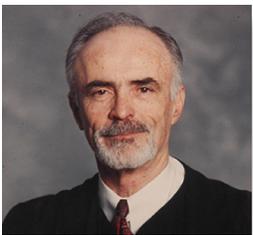
Recently, the Nevada Board of Bar Examiners has received challenges and suggestions to make the bar exam easier or to switch to the Uniform Bar Exam.¹ While the Board of Bar Examiners looks for the most competent lawyers, some critics have responded to Nevada's recent lower passing rate by questioning how the board members are selected.

The goal is to find persons who possess academic achievement, who practice in the desired areas of law, who possess character, who demonstrate ethics, who possess experience and who are also willing to work hard for no pay. The Board of Governors has recently opened up the application process for all of the bar's committees and boards, and we encourage interested members to apply. We are working to attract more diverse members to become exam graders—those persons selected to assist board members read and score bar exams. Becoming a grader is an excellent step towards becoming a member of the Board of Bar Examiners.

The challenge is to not only uphold the profession and ensure the protection of the public, but also to ensure that our profession continues to act as the fourth protective arm of our state and country. The Nevada bar owes a *thank you* to all the members of the Nevada Board of Bar Examiners for their hard work addressing these challenges.

ATTORNEY SPOTLIGHT:

Judge Peter I. BREEN



In November, I want to highlight Judge Peter I. Breen's contributions to Nevada's rule of law. He was appointed to

Department 7 of Nevada's Second Judicial District Court in 1973. Breen is a third-generation Nevadan, and both his father and grandfather served as judges as well. Breen became a senior judge in 2006, and has served on the bench for more than 40 years; the Nevada Supreme Court recently recognized Breen's long career of judicial service by honoring him with an award presented this past March.

During his judicial service, Breen became the first judge to preside over the district's first felony adult drug court. According to the Online Nevada Encyclopedia, Breen was "... an innovator and a major influence in establishing the first of Nevada's specialty courts: the Washoe County Adult Drug Court; the Diversion Court for criminal offenders whose crimes are attributable to drug addiction or alcoholism; and the first Mental Health Court in Nevada."

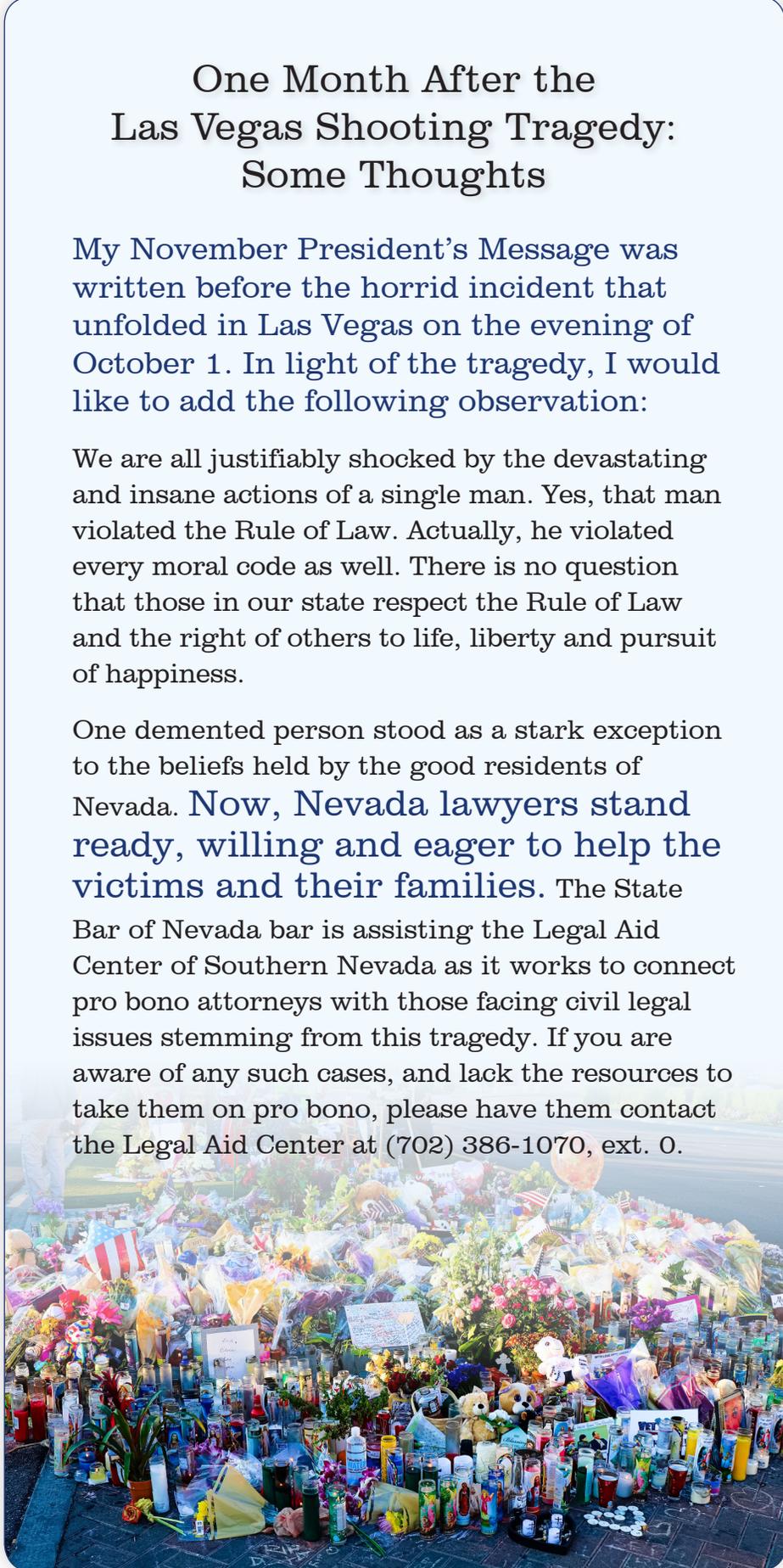
For more information about the accomplishments of Judge Breen, I encourage you to explore the oral history interviews conducted with Breen, courtesy of the Nevada Legal Oral History Project, available through the University of Nevada, Reno's digital collections website. **NL**

One Month After the Las Vegas Shooting Tragedy: Some Thoughts

My November President's Message was written before the horrid incident that unfolded in Las Vegas on the evening of October 1. In light of the tragedy, I would like to add the following observation:

We are all justifiably shocked by the devastating and insane actions of a single man. Yes, that man violated the Rule of Law. Actually, he violated every moral code as well. There is no question that those in our state respect the Rule of Law and the right of others to life, liberty and pursuit of happiness.

One demented person stood as a stark exception to the beliefs held by the good residents of Nevada. **Now, Nevada lawyers stand ready, willing and eager to help the victims and their families.** The State Bar of Nevada bar is assisting the Legal Aid Center of Southern Nevada as it works to connect pro bono attorneys with those facing civil legal issues stemming from this tragedy. If you are aware of any such cases, and lack the resources to take them on pro bono, please have them contact the Legal Aid Center at (702) 386-1070, ext. 0.



1. The Uniform Bar Exam (UBE) is coordinated by the National Conference of Bar Examiners and is uniformly administered, graded and scored by user jurisdictions, and results in a portable score that can be transferred to other UBE jurisdictions.