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Graphic Design:

Georgina Corbalan

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Send address changes to:
Nevada Lawyer, State Bar of Nevada
3100 W. Charleston Blvd., Suite 100,
Las Vegas, NV 89102

Ph: (702) 382-2200 Fax: (702) 385-2878 www.nvbar.org

NOTE FROM THE ISSUE EDITOR

BY CHAD D. OLSEN, ESQ.

Longtime "First Amendment champion" Mark A. Hinueber stated that "the duty to zealously represent your client does not fade in the face of conflict, be it an external one of harsh public opinion or a struggle against one's own inner voice." "The Conspirator, from A Legal Perspective," *Nevada Lawyer*, April 2011, at 50; see also Jane Ann Morrison, "Longtime RJ counsel, First Amendment champion Hinueber dies," *Las Vegas Review-Journal*, Aug. 23, 2018, available at <https://www.reviewjournal.com>. As attorneys, we must guard against First Amendment threats, even threats to individuals with different or unpopular views. The First Amendment's protections are "not confined to the expression of ideas that are conventional or shared by a majority." *Stanley v. Georgia*, 394 U.S. 557, 566 (1969).

The First Amendment mandates protection to all; it unites us under the banner of protecting and accepting our differences. Whether conservative or liberal, religious or atheist, or none of the above, when it comes to free speech, a threat to one of us is a threat to all of us. The First Amendment presupposes that "one's beliefs should be shaped by [his or her] mind and ... conscience rather than coerced by the State." This is the "heart" and "philosophy of the First Amendment, and it is the article of faith that sets us apart from most nations in the world." *Abood v. Detroit Board of Education*, 431 U.S. 209, 234-35 (1977); *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 73 (1973). Indeed:

...it is not forward thinking to force individuals to "be an instrument for fostering public adherence to an ideological point of view [they] fin[d] unacceptable." [citation omitted]. It is forward thinking to begin by reading the First Amendment as ratified in 1791; to understand the history of authoritarian government as the Founders then knew it; to confirm that history since then shows how relentless authoritarian regimes are in their attempts to stifle free speech; and to carry those lessons onward as we seek to preserve and teach the necessity of freedom of speech for the generations to come. *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2379 (2018) (Kennedy, J., concurring).

We at *Nevada Lawyer*, hope you will enjoy this month's First Amendment issue. Even for those of us who do not see ourselves as First Amendment practitioners, let us be "forward thinking" in our understanding of the First Amendment. **NL**

CHAD OLSEN is an attorney at Payne & Fears LLP. He focuses his practice on business and employment litigation, construction defects and insurance coverage.



Your NOW is not your FOREVER.

— John Green, *Turtles All the Way Down*

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