



MESSAGE FROM THE PRESIDENT

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

THE LAND OF OPPORTUNITY

Welcome to the real property law edition of *Nevada Lawyer*! What I know about real estate law could not, without significant exaggeration, fill this 900-word column. But, I do know that when it comes to real estate in Nevada, there is one immutable truth; Nevada has lots of it. Despite our meager contribution to the votes cast in the electoral college, Nevada is one of the nation's largest states in geographic area, most of it breathtaking in its austere beauty, and populated (however sparsely) by an immensely interesting mix of independent people. The opportunity and charm of the Old West are very much alive in rural Nevada.

Upon my arrival in Nevada decades ago (as a refugee from Cleveland by way of the U.S. Army), I was woefully ignorant regarding the complexity of rural Nevada. When entrusted with the position of U.S. Attorney, I came to regard the rural counties as the "land of challenges." At the time, most of Nevada's land was owned by the federal

government, and being the federal landlord's top law enforcement official meant that I was approached by a diverse parade of interested rural stakeholders. I entertained visits from Native American tribal leaders, military officers sent on briefing missions about "federal projects" that do not appear in a Rand McNally road atlas, the predecessors to the Cliven Bundy crew, U.S. Department of Justice lawyers that were allegedly experts in the issues surrounding Nevada's federal lands (who generally never saw much of Nevada beyond the Foley Building and the Golden Nugget), several rival political factions from Nye County, and of course, the dedicated federal law enforcement officers who worked in our rural parks and communities. It is an understatement to say there was quite a bit happening out there.

And there still is. In my private practice years, I came to see the rurals as more like the "land of adventures." My wife, a Nevadan with deep family roots in the rurals (her great uncle, Michael "Jack" Diskin, was Nevada's Attorney General in the 1920s and 1930s), regularly transported me on ambitious road trips all over the state, introducing me to Lehman Caves, the harrowing "jail" in Lincoln County and the long, lonely stretches of highway best experienced under the endless expanse of stars that blankets the night sky. The Amargosa Valley meetings I attended while serving on the Nevada Test Sites' Community Advisory Board were always lively affairs, attended by committed citizens with a deep and understandable concern about the quality and stability of the water table. Their issues were our issues, whether we from the urban areas recognized it or not.

Since joining the state bar's Board of Governors, my view of the rurals has evolved to where I now regard it as "the land of opportunity," especially for our profession and those seeking to meet the unmet legal needs of rural residents everywhere. Those familiar with the study and work of the Access to Justice Commission will be cognizant of the enormous challenges in providing legal representation in small communities separated by great distances, with a tiny contingent of resident attorneys. The economic conditions in rural Nevada do not make things any easier. Fortunately, there are ways the legal profession can help to meet this challenge, well beyond writing a check now and then, which will at the same time better the quality of the profession.

For a host of reasons, not least of which was the hangover effect of the Great Recession, many of Nevada's young lawyers are off to slow starts in their careers and professional development. After the stimulation and sense of promise experienced in law school, a stark menu of enervating tasks centered on reviewing electronic discovery, drafting meet and confer letters and sitting in the gallery during trial waiting for a research assignment hardly motivates the soul of the aspiring legal warriors. There are only so many big-city prosecutors' jobs, and the usual gray-haired suspects seem to attract the juicier trial assignments. That's when the "land of opportunity" beckons. For the price of a tank of gas or two, young lawyers can set for themselves a path of learning and experience that will save them from the frustration of becoming that 50-something "litigator" who has never made an opening statement

or closing argument to a real live jury. To paraphrase Horace Greely, “go rural, young person and grow up with your country.”

Don't sell the opportunities short. Among the sagebrush, rocks and rills you will find impressive, high-powered lawyering of the finest variety like that of Julie Cavanaugh-Bill and her young colleague, Ashley Biehl, in Elko. (Each of them is destined to be writing this column in a few years.) They are respected community leaders and make a huge difference in bringing quality justice to the rural counties. For those interested in government public service, each rural county has its own District Attorney, many of which conveniently permit the maintenance of a private practice in addition to the public responsibilities of the office, which include an immersion course in public sector management and the wise exercise of power. Just ask Steve Evenson or Bill Cooper. Rural District Attorneys offices have been especially prolific incubators and force multipliers for rising Nevada political stars. Aspiring criminal defense warriors need not wait around for the right case to walk into their Henderson office; just take an appointed case in the rurals. And modern day “circuit riding,” to use the phrase from Abraham Lincoln's time, has its unique benefits beyond the gradual mastery of legal skills. Establishing a presence in a community that truly needs and appreciates one's talents allows one to “feel good, while doing good.” And economically speaking, it worked out alright for Abraham Lincoln.

For those who are still skeptical or unpersuaded by the example of Abraham Lincoln, I invoke one of my own favorite sages, Al Pacino. As Michael Corleone reminds us in “The Godfather, Part III,” “our rivals grow strong on what we leave behind.” From a purely competitive perspective, ignoring the vast market represented by middle class and rural consumers of the legal services is bad business, as well as bad public policy. When challenge and opportunity meet, the creative among us find ways to make that encounter a step forward for us all. **NL**

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