

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 In the matter of Amendments to SCR 81)
3 regarding the board of governors;
4 election of members; term.

ADKT NO.:

0519

FILED

SEP 27 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

7 **PETITION**

8 The Board of Governors of the State Bar of Nevada ("State Bar") hereby
9 petitions this Court to amend SCR 81 regarding the election of members to the
10 Board of Governors and the lifetime limit for which a Governor may serve. The
11 State Bar respectfully requests this Court increase the term for which a Governor
12 may be elected from two years to three and to increase the lifetime limit from
13 eight years to 12 years, unless elected as vice president, president-elect or
14 president, in which case, the lifetime term would be 15 years.

15 The proposed rule, as amended, is attached hereto in its entirety as Exhibit A.

16 **DISCUSSION**

17 The Board of Governors is responsible for the fiduciary and strategic
18 development of the State Bar, an organization that oversees more than 10,000
19 attorneys licensed in this State. They engage in generative discussions focusing on
20 the problems and opportunities faced by the profession and develop policy to
21 further the State Bar's mission and carry out the goals set forth in its strategic
22 plan.

23 Since the enactment of the State Bar Act of 1957, the State Bar has benefited
24 from the leadership of a 15-member Board of Governors¹ charged with the
25

¹ SCR 400 repealed and replaced with SCR 81 in 1965.

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1 executive functions of the State Bar and the enforcement of the provisions set
2 forth in Supreme Court Rule. From 1965 to 1990, Governors stood for re-election
3 every two years with no lifetime limit of service. The provisions under this Rule
4 theoretically allowed each Board member duly re-elected by his or her
5 constituency to serve until reaching a position of leadership, including the
6 presidency of the State Bar.

7 In 1990, Supreme Court Rule 81 was amended, implementing for the first time,
8 a six-year lifetime limit of service.² The Rule was amended again in 1996 to
9 increase the lifetime limit to eight years³.

10 Since that time, the State Bar has enjoyed gender diversity on its Board of
11 Governors, including eight female presidents since 1996, a steady progression of
12 new representation, and contested elections. However, the lifetime limit for
13 service has capped the ability for qualified Governors to serve in leadership
14 positions.

15 The role of the governing body for unified state bars is fairly consistent from
16 state to state, including oversight of admission and regulatory functions,
17 management of the bar's fiduciary responsibilities, and the review and
18 development of programs and policy to further the bar's mission. Additionally,
19 although the size of the governing bodies varies from state to state, a majority of
20 the unified bars surveyed include a governing board elected for three year terms,
21 with no lifetime limit of service if re-elected. A unified bar association
22 comparison is attached as Exhibit B.

23 Attorneys elected to the Board of Governors are immersed in the governance
24 process and are quickly introduced to issues affecting Nevada practitioners and

25 ² ADKT 131

³ ADKT 245

1 their clients and the national trends reshaping the profession. Governors serve on
2 Board taskforces and committees to explore future policy issues. They also rotate
3 as liaisons to State Bar committees and sections and act as a conduit to relay
4 information directly, listen to concerns, and work together to improve the practice
5 of law. They often face a steep learning curve and the knowledge needed to
6 effectively govern is accumulated over time.

7 Rather than eliminating lifetime terms altogether, the Board of Governors
8 proposes an amendment which would increase the lifetime limit to 12 years. This
9 amendment would provide for the continuity the Board seeks and would give
10 Governors a greater chance to become President if re-elected to office and voted
11 among his or her fellow Governors to serve in a leadership position.

12 Additionally, the Board of Governors respectfully requests this Court to
13 increase the terms of elected service from two to three years, similar to the
14 appointed terms of the Board of Bar Examiners and its subcommittees⁴ and the
15 State Bar's northern and southern disciplinary boards⁵.

16 The State Bar requests this time period be extended to provide individual
17 Governors more opportunity to become immersed in the State Bar's governance
18 and strategic development before standing for re-election. This includes service on
19 Board subcommittees and taskforces, as liaisons to State Bar sections and
20 committees, and participation in long-term policy discussions.

24 ⁴ Members are appointed to the Board of Bar Examiners for three-year terms;
25 there is no limit on the number of terms an attorney may serve; SCR 49 and
207 respectively.

⁵ Appointments are made by the Board of Governors for three-year terms, for a
lifetime total of nine years; SCR 103.

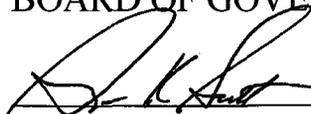
1 **CONCLUSION**

2 The Board of Governors has maintained with this Court a strong and
3 cooperative relationship resulting in significant changes and improvements to
4 Nevada's legal community. The amendments requested herein are offered as a
5 tool to further the objectives set forth to date, to provide for the growth and
6 continuity of existing Governors, and to afford those Governors who invest a
7 substantial amount of time and resources to volunteer their service to the State Bar
8 an opportunity to rise to a position of leadership.

9 The State Bar respectfully requests, pursuant to Nevada Rules on the
10 Administrative Docket, Section 4.2, that the Court make the proposed amendment
11 to SCR 81 so it can be reflected in the nominating petitions for the 2017 elections.
12 Furthermore, the State Bar requests the Court to extend the lifetime limit to
13 Governors currently serving so that they may benefit from a full 12 years of
14 service on the Board, subject to re-election.

15
16 Respectfully submitted this 23rd day of September 2016.

17 STATE BAR OF NEVADA
18 BOARD OF GOVERNORS

19 

20 _____
BRYAN K. SCOTT, President

21 Nevada Bar No. 4381

22 State Bar of Nevada

3100 W. Charleston Boulevard, Ste. 100

Las Vegas, NV 89102

(702) 382-2200

EXHIBIT A

Rule 81. Board of governors: Election of members; term.

1. The board of governors shall hold office until their successors are elected and qualified as hereinafter provided.

2. The board of governors of the state bar shall be composed of 15 members to be elected as follows:

(a) Nine members shall be elected from district No. 1, which shall consist of Clark County;

(b) One member shall be elected from district No. 2, which shall consist of the counties of White Pine, Elko, Eureka, Churchill, Lander, Humboldt, Lyon, Lincoln, Douglas, Mineral, Nye, Esmeralda, Pershing and Storey;

(c) One member shall be elected from district No. 3, which shall consist of Carson City; and

(d) Four members shall be elected from district No. 4, which shall consist of Washoe County.

3. The members of the board of governors shall be elected for ~~two~~three-year terms. No attorney may serve on the board of governors for more than a lifetime total of ~~eight~~ twelve years [unless elected as vice president, president-elect or president, in which case the lifetime limit would be fifteen years. Board members elected prior to the effective date of this amendment may continue to stand for reelection up to a total of twelve years or, if elected vice president, president-elect or president, a total of 15 years]. ~~The time served in filling a partial term created by a vacancy shall not be included in computing the eight-year lifetime limit, nor shall the eight-year lifetime limit preclude a member of the board who serves as president-elect during his or her eighth year from thereafter serving as president.~~

4. Only active members of the state bar who reside in Nevada and have an official address pursuant to Rule 79 in the respective counties as provided in subsection (2) above, are eligible to be elected as a governor therefrom.

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EXHIBIT B

Comparison of Unified State Bar Governing Bodies

State	Size of Board	Board Terms	Lifetime Term
Alaska	12	Three Years	None
Arizona	30	Three Years	None
California	16	Three Years	None
Georgia	Up to 150	Two Years	None
Hawaii	21	Two Years	None
Idaho	Five	Three Years	None
Kentucky	19	Two Years	Six years ⁶
Montana	20	Two Years	None
New Mexico	22	Three Years	10 years
Oregon	19	Four Years	None
Texas	46	Three Years	None
Utah	15	Three Years	None
Washington	17	Three Years	None
West Virginia	24	Three Years	None
Wyoming	13	Three Years	Six years

⁶ After reaching the six year lifetime limit, an attorney may be re-elected for two additional two-year terms after one intervening term.