

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

FEB 04 2019

ELIZABETH A. BROWN
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 Supreme Court Rule ("SCR") 81 regarding the
10 election of members to the Board of Governors and the lifetime limit for which a
11 governor may serve. This petition serves as a renewed request to ADKT 0519 and
12 seeks to increase lifetime term limits from eight years to twelve years and extend
13 the term for which a governor may serve from two years to three years.

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

15 **DISCUSSION**

16 On September 27, 2016, the State Bar petitioned the Court to amend SCR 81 to
17 allow every member of the Board of Governors, if re-elected to office and voted
18 into a leadership position by his or her fellow Governors, to continue serving until
19 reaching the office of President. The 2016 petition cited among its reasons for the
20 proposed amendments, the complexity and nature of the issues before the Board
21 which require leadership gained through years of service.

22 Following the June 8, 2017 public hearing, the State Bar submitted an amended
23 petition to the Court, reducing the lifetime term limit requested in the earlier petition
24 from twelve years (15 years if elected as vice president, president-elect or president)
25 to eight years (11 years if elected into one of the leadership positions). This adopted

19-05218

1 compromise provided immediate leadership opportunities for elected Board
2 members who would have termed off and time for the State Bar to reevaluate the
3 Court's concerns regarding geographic, gender and ethnic diversity on the State
4 Bar's governing body. The amendment has provided greater opportunity to serve
5 but has not resolved the issue at hand.

6 The State Bar's original petition noted that the lifetime limits imposed under
7 SCR 81 have precluded qualified governors from potentially serving in leadership
8 positions. Over the past ten years, three governors who had been duly re-elected
9 were termed out prior to reaching the office of the presidency. Had the Court not
10 adopted the amended petition in 2017, the potential existed for another five
11 governors to term out prior to reaching a leadership position (if re-elected). This
12 included male and female elected representatives from northern, southern and rural
13 Nevada.

14 Under the current amended rules, governors are still subject to reaching their
15 lifetime years of service prior to being eligible to serve as president. Of the 15
16 elected governors currently serving, three governors, if re-elected, would reach their
17 lifetime term limits before ascending to a leadership position. This includes a
18 governor from rural Nevada; the last time this geographic area was represented in
19 the presidency was in 1998.

20 The number of governors retained in office has been and will continue to
21 fluctuate depending on the governor's willingness to continue his or her service to
22 the state bar and the discretion of the governor's voting constituency. Since 2010,
23 there have been contested elections in at least one voting district; this trend is not
24 expected to change. In fact, three governors were not re-elected to serve during the
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1 2018 voting cycle and over the past 15 years, seven governors were not retained in
2 their re-election bids.

3 The State Bar maintains that the election process should serve as the mechanism
4 for how long a governor may remain in office. Of the 15 surveyed sister state unified
5 bar associations, 12 have no lifetime limits for service. The State Bar's proposed
6 amendment does not suggest elimination of a term limit, but rather, gives each
7 elected member an opportunity to serve in a leadership position prior to terming
8 out.

9 Additionally, the Board of Governors respectfully requests this Court to increase
10 the terms of elected service from two to three years, consistent with the appointed
11 terms of the Board of Bar Examiners and its subcommittees¹ and the State Bar's
12 northern and southern disciplinary boards². The State Bar requests this time period
13 be extended to provide individual Governors more opportunity to become immersed
14 in the State Bar's governance and strategic development before standing for re-
15 election. This practice is also consistent with other unified bar associations, 11 of
16 which have either three- or four-year terms.

17 A comparison of unified state bar governing bodies is attached as Exhibit B.
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19 CONCLUSION

20 We ask the Court for its renewed consideration of ADKT 0519. The proposed
21 amendments seek to create a culture of "ready now" leaders to face the issues before
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24 ¹ Members are appointed to the Board of Bar Examiners for three-year terms; there is no limit on
the number of terms an attorney may serve; SCR 49 and 207 respectively.

25 ² Appointments are made by the Board of Governors for three-year terms, for a lifetime total of
nine years; SCR 103.

1 the State Bar and will provide for greater mentoring opportunities for new
2 governors while maintaining a continuity of leadership.

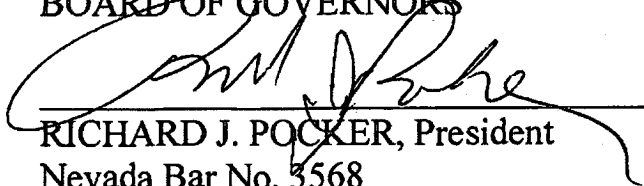
3 There will be no changes to the process to run for election and positions on the
4 State Bar's Board of Governors are not guaranteed. Governors would continue to
5 stand for re-election and must be voted among their fellow board members to serve
6 as vice president, president-elect or president.

7 Board members invest a considerable amount of volunteer time – away from
8 their clients, partners and families – to provide service to the State Bar and its
9 members. We ask the Court to support their individual investments into this
10 organization by providing them with the opportunity to lead.

11 The State Bar respectfully requests the Court's expedited review of this matter,
12 pursuant to Nevada Rules on the Administrative Docket, Section 4.2 so it can be
13 reflected in the nominating petitions for the 2019 elections. Petitions are filed March
14 28 through April 3, 2019. An effective date of March 15, 2019 is requested in this
15 regard.

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17 Respectfully submitted this 1st day of February 2019.

18 STATE BAR OF NEVADA
19 BOARD OF GOVERNORS

20 

21 RICHARD J. POCKER, President
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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 [~~eleven~~] fifteen years. The time served in filling a partial term created by a vacancy shall not be included in computing the [~~eight~~]twelve-year lifetime limit. If elected vice president, president-elect or president, the term of office shall extend, without reelection, through the officer's presidential year.

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.

1 **EXHIBIT B**

2 **Comparison of Unified State Bar Governing Bodies**

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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 ³
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

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25 ³ After reaching the six-year lifetime limit, an attorney may be re-elected for two additional two-year terms after one intervening term.

STATE BAR OF NEVADA



February 1, 2019

Chief Justice Mark Gibbons
Nevada Supreme Court
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RE: ADKT 0519 – Renewed Request Regarding Board of Governor Elections

Dear Chief Justice Gibbons:

The State Bar of Nevada is petitioning this Court to consider a proposed amendment to SCR 81 regarding the election of members to the Board of Governors. This renewed request to the previously considered ADKT 0519 would increase the lifetime limit a governor would serve if reelected from eight years to twelve years and extend the term for which a governor may serve from two years to three years.

The Board of Governors respectfully requests expedited review of this matter so that the Court's decision may be reflected in the nominating petitions for the 2019 elections. An effective date of March 15, 2019 is requested in this regard.

On behalf of the Board of Governors, I thank the Court for its consideration. I am available to provide further information as requested.

Respectfully,

A handwritten signature in cursive script, appearing to read "Kimberly K. Farmer".

Kimberly K. Farmer
Executive Director

cc: Elizabeth Brown