



MESSAGE FROM THE PRESIDENT

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

IN THE ARENA

Welcome to the “Sports Law” edition of *Nevada Lawyer*! While analogies to the sporting world are not my usual method of communication with my fellow attorneys (okay, so I have quoted a “Rocky” movie or two), the world of sports is a fitting metaphor for the practice of law. Sports are defined by “competition.” So too are the practice, development and administration of law.

Let’s dispense with the competition based on money, social status or material possessions. There is nothing especially “lawyerly” about those things; doctors, investment bankers and just about anyone else can play that game. Competition in the law has much more far-reaching consequences, and is essentially of three varieties.

The first variety is painfully familiar to lawyers and non-lawyers alike: trial before a jury of one’s peers. Competition and conflict are at the vital center of our adversarial system of justice, the encouragement of alternative dispute resolution notwithstanding. With the advent of civility measures, the courtroom has, thankfully, evolved into something equidistant between a professional cage fight and singing kumbaya around a campfire. But, at rock bottom, it is still a competition with winners, losers and decisions of great import.

The second variety of competition is the battle for professional distinction. Achieving that distinction is extraordinarily difficult—almost always the product of a struggle to set oneself apart from one’s peers. In fact, one of the greatest challenges we face in fashioning an environment that rewards “inclusivity” is that our profession is filled with individuals striving for exclusivity. The law attracts competitive personalities set on distinguishing themselves. The right balance needs to be reached if we are to insure that we do not destroy the assertive focus that has helped lawyers serve their clients and society so zealously and successfully in the past. Notably, when it comes to distinguishing oneself in the field of law, there are no trophies for mere participation. And, frankly, sending a few hundred dollars to a website in Uzbekistan in order to be listed in *Best Hungarian-American Criminal Defense Lawyers in North America* is not quite the same. (Full disclosure: I am Hungarian-American).

This brings me to the other competitive arena in the practice of law: the drive to be one of those to shape and mold the legal profession itself, in a society wherein that profession maintains enduring power and influence. Of late there is a long-overdue revival of interest in this competition, so critical to all of us and, by extension, all of American society. Lawyers here and across the nation have recognized that the practice of law faces challenges of a new and perplexing nature, which could change not only our day-to-day conduct and traditions as practitioners, but also our

ability to protect and enhance what is best about American society. Of all the contests in which members of the legal profession engage, this is the most urgent.

Fortunately, bar leadership is a team sport. To make sure these challenges are met, we need to field our best team: a team filled with experience; an instinct for effective public service; knowledge of the unique needs and aspirations of lawyers in all aspects of the practice; and the ability to resolve issues after serious, wide-ranging and spirited debate. I have had the distinct honor of working with such a team during my terms with the Board of Governors, and am very proud of the association with them and the work they have accomplished.

There is a tired, inaccurate myth that state bar leadership and politics are nothing more than student council for adults, populated by insider cliques who look out only for themselves. Whatever the ancient origin of this myth, it is certainly not true today. The colleagues with whom I have worked represent all incarnations of the legal profession, with decades of collective experience as solo practitioners, big firm lawyers, judges, prosecutors, city officials, statewide public officials, federal officials, high end criminal defense attorneys, public defenders, CJA panel attorneys, talented family lawyers, bankruptcy experts, legal aid attorneys, members of Nevada’s oldest firms, members of national and international law firms, and young lawyers with the courage to hang out their own shingles. Their commitment to public service is manifest, and their collective knowledge of what lawyers experience on a daily basis is invaluable.



WE KNOW HOW TO MAKE AN IMPACT

THEY MAKE THE IMPACT POSSIBLE

And significantly, these members were all selected by you, through our electoral process. This is democratically-selected diversity and talent of the highest order.

Under the leadership of my immediate predecessors, Gene Leverty and Bryan Scott, the board faced a series of issues that, although controversial, were unavoidable and deserving of our serious consideration. The courage these leaders demonstrated in considering and addressing difficult questions, inviting the comments and sense of the legal community when seeking potential solutions, and steering a board with wide-ranging opinions to a consensus or decision has earned them the respect of their peers, regardless of the substantive differences that may have arisen. Crucial dialogue regarding reciprocity, malpractice insurance, the management of trust accounts and the future of the legal profession began last year. And it will continue, hopefully with your participation.

All of this is not meant merely to thank my board colleagues, but also to renew my invitation to all of you to join the debate and search for solutions, regardless of where you stand on the issues. Pardon my allusion to a final sports analogy, but Theodore Roosevelt said it best more than a century ago, when he said, "It is not the critic who counts ... The credit belongs to the man who is actually in the arena." Just as no athlete ever trained to second guess from the side-lines, no lawyer ever endured law school with the intention of sitting out the big game. Welcome to the arena! **NL**

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