

SECTION SPOTLIGHT

Board of Governors Approves Formation of Cannabis Law Section

BY RIANA DURRETT, ESQ.

In September 2019, the State Bar of Nevada's Board of Governors approved the formation of the Cannabis Law Section. While this may seem like a natural result of Nevada's legalization of medical and adult-use cannabis sales, approval of the section didn't happen overnight.

Here is a summary of how we got here and what to expect going forward:

HOW WE GOT HERE

In March 2016, several attorneys petitioned the Board of Governors for approval of a Marijuana Law Section. These attorneys were already involved in representing cannabis businesses and saw the benefit of a bar section to the practice area. However, that petition was ultimately denied.

Undeterred and committed to the creation of a bar section to enhance the role and skill of lawyers engaged in the practice of cannabis law, Alicia Ashcraft and Maggie McLetchie refiled. Tisha Black, founder and partner at Black and LoBello and president of the Nevada Dispensary Association, suggested expanding the scope to include hemp, also a burgeoning market that often requires legal counsel for licensing and compliance. This time the efforts to form a section succeeded!

In the period prior to approval of the section, the legal framework for cannabis in Nevada changed significantly. The industry saw a change in regulatory agencies in 2017, several rounds of regulatory rulemaking, two legislative sessions, a Nevada Supreme Court case and passage of the 2018 Federal Farm Bill legalizing hemp. Many cannabis businesses relied heavily on their attorneys during these changes.



Aariel Williams (from left), Chenelle Jackson and Taylor Hammer, members of the Cannabis Law Society at the William S. Boyd Law School at UNLV, took part in a discussion about Nevada's cannabis industry with the State Bar of Nevada's Cannabis Law Section's executive committee – Tisha Black, Margaret McLetchie, Riana Durrett, Alicia Ashcraft and Dave Colvin – on November 5, 2019. The law school students were able to learn about cannabis law from attorneys and leaders in Nevada's cannabis industry.

WHO IS INVOLVED?

In addition to many esteemed members of the Nevada bar who signed onto the petition, the Executive Board includes:

Alicia Ashcraft, chair — For more than 20 years, Ashcraft has represented corporate and business clients engaged in highly regulated industries in Nevada before a multitude of agencies and municipalities. She represents and guides clients through corporate, regulatory and governmental processes to actualize their entrepreneurial vision. From previous experience, serving as

the chair of the Administrative Law Section for five years, Ashcraft saw how important the support of a bar section is to practice area, especially an emerging, ever-evolving area of the law.

Tisha Black, vice chair — Black has been practicing in the areas of corporate and real estate law for nearly 25 years. She enjoys all manner of law related to small and mid-size business finance, structure, operation, mergers and sale. Her practice also includes transactional work related to land acquisition, development, construction, leasing and sales. Black has been working in this area since 2013. When the licenses were conditionally awarded, the industry operators had no guide post for best practices. Accordingly, in 2016, Black established the Nevada Dispensary Association with an owner-operator client. She was interested in doing the same for the legal practitioners in this area.

Maggie McLetchie, treasurer — When McLetchie was at the ACLU of Nevada, the organization was involved in the efforts to create a statutory scheme to allow for medical marijuana businesses. This change was necessary to allow Nevada medical marijuana patients to exercise their state constitutional rights to use marijuana as medicine. McLetchie's diverse background includes not only the ACLU but also

corporate litigation work for a firm in California. She pursued creation of the Cannabis Law Section due to the ever-changing landscape for cannabis law and the particular challenges of the industry. McLetchie has found that professional services from attorneys are especially important to help businesses remain compliant.

David Colvin, secretary — In addition to his private practice, Colvin has been general counsel to the Las Vegas Paiute Tribe for 24 years, where he advises the tribe in all aspects of its government and businesses. Colvin felt it was important for all aspects of the cannabis arena to be represented in the state bar setting. He brings a unique tribal perspective to the Cannabis Law Section.

Riana Durrett, ex officio member — Durrett practiced in criminal, immigration and family law for five years, licensed in both Nevada and California, prior to beginning work with the Nevada Dispensary Association in January 2015. She found the legal developments in the cannabis industry to be engaging and the work representing the industry, voicing its policy concerns, to be rewarding. Durrett joined the effort to create a cannabis law section to help coordinate collaboration among attorneys in this field.

KEEPING PACE AND GOING FORWARD

A Cannabis Law Section is timely because Nevada is marching on when it comes to regulation of cannabis sales. The Nevada Legislature created a Cannabis Compliance Board and Cannabis Advisory Commission inspired by Nevada's world-renowned Gaming Control Board and Commission. The William S. Boyd School of Law published a law journal article on the legal issues surrounding public consumption and approved a cannabis law student association. These developments are just highlights of an industry that demands attorneys with a variety of skills and backgrounds. Nevada is fortunate that so many well-qualified and experienced advocates have been drawn to the fast-paced and complicated, but often rewarding fields of cannabis law. The Cannabis Law Section is planning a CLE presentation on cannabis law later in 2020, so watch for updates on the state bar's website.

RIANA DURRETT, executive director of the Nevada Dispensary Association, graduated with a bachelor of arts degree in political science from the University of Nevada, Las Vegas in 2005 and graduated from William S. Boyd School of Law in 2008. Durrett coordinates legislative and policy agendas for the cannabis industry and is responsible for researching and responding to various issues that impact dispensaries in Nevada. Durrett sits on the Board of the Nevada Taxpayer Association, serves as outside counsel to McLetchie Law, and serves as Ex Post Officio member to the Cannabis Law Section.



PRO BONO *Honor Roll*

The State Bar of Nevada Board of Governors and the Nevada Supreme Court Access to Justice Commission extend a special thanks to attorneys who generously accepted cases or participate in an Ask-A-Lawyer through the Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, Volunteer Attorneys for Rural Nevadans (VARN) or Washoe Legal Services.
One case can change many lives – www.onepromisenevada.org.

Attorneys who accepted new pro bono cases:

Enrique R. Acuna	Lance C. Earl	William M. Noall
Alyssa Aklestad	Dayvid J. Figler	David O'Mara
Jennifer Anderson	Margaret G. Foley	Jason Onello
Aaron A. Aquino	Richard V. Foster	Maren Parry
Lawrence Balanovsky	Peter J. Goatz	Jessica Prunty
Audrey Beeson	Vanessa S. Goulet	Dan F. Polsenberg
Ginger Bredemeier	Kevin L. Hernandez	Mahna Pourshaban
Elizabeth Brickfield	Anna Helen	Abigail J. Scham
Janice Brown	Karabachev	John F. Schaller
Craig G. Bourke	Jay A. Kenyon	Corey Schmutz
Michael P. Carman	Dawn M. Lozano	Joel Z. Schwarz
Stephen A. Davis	Charlie H. Luh	Damian Sinnott
Alexis M. Duecker	Kari T. Molnar	Abraham Smith
Andrew P. Dunning	Andrew D. Moore	Marshal S. Willick

Attorneys who participated in Ask-A-Lawyer, Lawyer in the Library or other clinics:

Alyssa Aklestad	James W. Fox	Christopher J. Phillips
W. West Allen	Sabrina Shaw Gibson	Lawrence R. Phillips
Mary E. Bacon	Alex Ghibaudo	Shaina Plaksin
Elizabeth J. Bassett	Vanessa S. Goulet	Michaelle D. Rafferty
Elizabeth M. Bittner	Marjorie A. Guymon	Jennifer M. Richards
Craig G. Bourke	Rochelle Harding-Roed	Aaron P. Richter
Brianna Bower	David G. Hermann	Sophia A. Romero
Sarah Bradley	Jeremy B. Hilsabeck	Michael V. Roth
Elizabeth Brickfield	Crislove Igeleke	Beverly J. Salhanick
Amy E. Buchanan	Kristina M. Janusz	John M. Samberg
Christopher D. Carr	Gabrielle D. Jones	Arturo Sanchez
Ebru Cetin	Michael Kind	Glenn Schepps
Radha Chanderraj	John L. Krieger	Erik C. Severino
Benjamin B. Childs	Han G Lee	Gary R. Silverman
Jonathan Chung	Patricia Lee	Tehan Slocum
Peter Cladianos III	Angela J. Lizada	Peter Smith
Melissa Corral	Colton T. Loretz	James E. Smyth
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William P. Curran	Cliff W. Marcek	Ethan D. Thompson
Audrey Damonte	Bryan K. Martin	Natalia Vander Laan
Alice S. Denton	Augusta A. Massey	Christopher Walther
Shirley A. Derke	Luke W. Molleck	L. Justin. Watkins
Damon K. Dias	Sarah M. Molleck	Joseph G. Went
Frank A. Ellis	Brian H. Nelson	Jill K. Whitbeck
Robert C. Fleming	Jeremy J. Nork	Shannon R. Wilson
Paxton A. Flemming	Jason Onello	Meng Zhong
Cherie E. Fletter	Maren Parry	Chuck Zumpft
Sheri Ann Forbes	Jessica K. Peterson	

BOLD honors multiple cases accepted and/or sessions conducted within the month.

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