

# PRESIDENT'S MESSAGE

## The Right to Feel Secure



BY JULIE CAVANAUGH-BILL, PRESIDENT, STATE BAR OF NEVADA

**Greetings all – as your new president, I have had the privilege to meet and work with many of you, and I look forward to meeting many more bar members over the course of the next year. Being the first president from Nevada’s rural districts in more than 25 years, a quick introduction is in order.**

The previous rural Nevadan who held the position of bar president was the late Hon. Andrew J. Puccinelli, who served from 1998-99. I’m looking forward to following in his footsteps and reminding the attorneys of our state just how meaningful and rewarding it can be to practice law in Nevada’s rural areas.

A little bit about me – I was born and raised in Iowa, and graduated from the University of Iowa Boyd School of Law in 1998 (yes, another “Boyd!”). I then practiced in Minnesota at Winthrop & Weinstine, P.A., where I engaged in commercial litigation and served as interim general counsel to the Prairie Island Mdewakanton Sioux Indian Community while engaging in extensive pro bono work on indigenous rights cases in the U.S. and internationally. I moved to Nevada in 2002 to work with the non-profit Western Shoshone Defense Project in Crescent Valley before taking the Nevada Bar Exam and becoming licensed here in 2009.

I now own and manage the Cavanaugh-Bill Law Offices in Elko, serving both tribal and non-tribal communities, and individuals in cases ranging from employment and civil rights, criminal defense, family law, and child welfare, along with continued pro bono work on indigenous rights issues. I am currently a solo practitioner, but I have had up to three associates previously working in our offices. (And I’m always looking for good attorneys if anyone out there is interested in practicing in the rurals!) I have served in many volunteer capacities in my professional career and joined the bar’s Board of Governors as its rural representative in 2013.

Having worked most of my adult life in social justice and human rights cases, I’ve seen first-hand the impact that any deprivation of rights can have on our families and communities. This issue of *Nevada Lawyer* takes a look at various aspects of Nevada law that relate to the U.S. Constitution’s Fourth Amendment. That right focuses on our need to be secure – security for our physical selves, our belongings, and our homes. During my career as an attorney, I’ve had the privilege to represent traditional indigenous elders, including Western Shoshone grandmothers, Mary and Carrie Dann, as they stood to protect their ancestral and treaty land rights in Nevada, and I understand what that security meant to them.

Each month, I will share this column with a rural practitioner or member of the judiciary to “spotlight” the significant work being done in these

parts of Nevada – this month I invited Kirsty Pickering to share some of her experiences with the Fourth Amendment in White Pine County, where large-scale drug trafficking is fairly common, as it contains the hub between I-50 (from California) and I-93 (from Las Vegas).

I also want all members of our bar to feel secure in the fact that your leadership continues to work hard to serve you. I want to thank our Immediate Past President Paola Armeni for her exemplary service to the bar and the many presidents before her.

The bar is currently in year two of our three-year strategic plan developed by the Board of Governors. This plan includes three measurable goals:

1. Enhancing the well-being and health of the legal profession to both serve our members and to protect the public interest. This work includes our newly adopted Creed of Civility.
2. Providing member benefits to assist in the achievement of professional excellence and service to our clients and communities. For this goal, we encourage all members to become involved in the bar’s work – such as joining a section or bar committee. Volunteer opportunities can be found at [www.nvbar.org](http://www.nvbar.org).
3. Developing and enhancing relationships within the legal profession to identify and work to eliminate barriers in the legal profession and advance diversity and inclusion. This work includes supporting pipeline projects and recognizing firms in their leadership of diversity, equity, and inclusion programs.

Along with those goals, I’ve set an important personal goal for myself to highlight and build upon the opportunities for attorneys in Nevada’s rural areas and engage practitioners and the judiciary on addressing the current shortage of attorneys in the vast, open judicial districts of rural Nevada. Such was the purpose of a recent Rural Practice Summit. On this issue, or any other issue germane to our work as a state bar, I invite you to let me know if you have questions and ideas for improvement. Please email me at [president@nvbar.org](mailto:president@nvbar.org). Thank you.

# SPOTLIGHT ON THE RURALS:

## The Fourth Amendment and Criminal Activity Afoot

BY KIRSTY PICKERING, ESQ.

A significant amount of Fourth Amendment issues I handle in rural Nevada involve the trafficking of controlled substances, with Ely perceived as being on “the road less travelled.” Generally, these issues include a stop for speed – given that speed limits change from 70 mph to 35 mph with little notice – followed by the words “criminal activity afoot,” meaning allegations of suspicious activity, including circumstances with a sole driver, air fresheners in a vehicle, the presence of religious deities, and unusual travel plans.

Officers then take the driver into a patrol vehicle and start questioning their travel plans, while a K-9 arrives – attempting to keep the ticket portion of the stop within a reasonable time. If the K-9 alerts, the police conduct a search.

We succeeded in suppressing 15 pounds of cocaine that was seized from a secret compartment in a vehicle after two officers took more than 60 minutes to search the vehicle using crow bars and secret cameras. The driver was unlawfully held and then arrested beyond the 60-minute threshold. A motion to suppress was filed, the district court granted the motion, and the Nevada Supreme Court upheld the order.

Now, law enforcement has since changed tactics and no longer holds the occupants of a vehicle while they search, but instead the officers release occupants into the community while another member of law enforcement follows them. A search warrant is applied based on the “criminal activity afoot” standard, and then the vehicle is searched. Usually, the occupants are arrested shortly after a successful search, as they are under a watchful eye.

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