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# NOTE FROM THE ISSUE EDITOR

BY ELIZABETH FIELDER, ESQ.

As is repeated many times in this *Nevada Lawyer* issue, marijuana is illegal under federal law. As a result, this issue would be incomplete without referencing Comment [1] to Rule 1.2 of the Nevada Rules of Professional Conduct (RPC). Comment [1] was adopted by the Nevada Supreme Court in May 2014 following a petition by the Board of Governors in response to the arrival of medical marijuana. It provides:

A lawyer may counsel a client regarding the validity, scope, and meaning of Nevada Constitution Article 4, Section 38, and NRS Chapter 453A, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and statutes, including regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.

Since Comment [1], and at the Supreme Court's direction, the Board of Governors filed supplemental briefing with the court addressing whether additional action is necessary in view of Comment [1], and the related Nevada and federal laws. While the Board of Governors is not recommending a change to Comment [1], it is recommending an additional RPC rule change and other guidance. Attorneys practicing in the medical marijuana area will want to follow these developments.

The articles that follow are intended to provide legislative insights and history about medical marijuana in Nevada, and to address just some of the many issues medical marijuana is creating (and will continue to create) for Nevada lawyers. **NL**

**ELIZABETH FIELDER** is a Santa Clara University Law School graduate in her 23rd year of legal practice. Elizabeth focuses her practice on commercial real estate and business transactional work, including the purchase, sale, development, financing and leasing of real estate and assets, along with a wide range of related matters (CC&Rs, easements, foreclosure, eviction, entity formation and opinions). She can be reached at (775) 224-2666 or [elizabeth@fielderlawltd.com](mailto:elizabeth@fielderlawltd.com).

