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Board of Governors
State Bar of Nevada
In Care Of: Kimberly K. Farmer, Executive Director
Via E-Mail to Kimberlyf@nvbar.org

Re: President's Message in May Edition of *Nevada Lawyer*

Honorable Members of the Board of Governors:

This letter is in reference to the May 2014 "Message From the President" contained in the *Nevada Lawyer*. I strongly protest the tone and content of that article. This body's Bylaws and Policy provide, in pertinent part, as follows:

Policy 3

The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar....

The President's "message" asserts that the federal government will owe an apology to the State of Deseret, apparently because of Federal Court involvement in rulings that favor same-sex marriage. The State of Deseret was a provisional state in the United States, proposed in 1849 by settlers from The Church of Jesus Christ of Latter-day Saints, which if realized would have encompassed much of the present state of Nevada. It was never recognized by the federal government. My questions are:

1. Does the State Bar of Nevada recognize the State of Deseret?
2. Does the State Bar of Nevada take the position that the federal government owes this unrecognized provisional state, or its surrogates, an apology because of litigation or rulings favoring same-sex marriage?

The message also states as unqualified fact that sexual preferences aren't overt and are about behavior. This ranks right up there with "the earth is flat." This assertion is controverted by science, behavioral

professionals, and gay individuals like me. Believe me, sexual orientation is innate. To have my Bar President suggest otherwise in the official publication of this organization is insulting. My question is:

1. Does the State Bar of Nevada take the position that sexual orientation is merely about behavior?

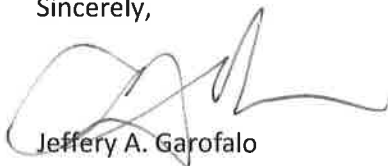
If the answer to my questions is "no," then the President's message violates Policy 3. Indeed, the entire article is a poorly written and cavalier hit piece that is 1) not informational, and 2) replete with the President's personal opinions that are not adopted by the Board. It is not labeled as an editorial and does not present both sides of the issue. This is all the more troubling because the President is the Bar's official spokesperson.

I request that the Board take immediate action to publicly disavow the commentary from its President. Additionally, his next message should clarify that the opinions expressed are his alone, and that he violated policy in espousing them.

Additionally, please consider this a formal objection, pursuant to Board policy, to the use of State Bar funds to disseminate the President's personal opinions. I request that the Board take actions consistent with its written policy to evaluate the use of Board funds for this purpose, and confirm that no further expenditures will be made in furtherance of the President's personal opinions, including expenses incurred to publish and distribute the *Nevada Lawyer*.

Thank you for your attention to this issue.

Sincerely,



Jeffery A. Garofalo