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In regard to tax revolt, Washoe DA not allowed to rep individuals

Guest column

Dick Gammick

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Recently, there have been a few Incline Village residents who have inappropriately blamed the district attorney's office for decisions made concerning the property tax issue.

First of all the district attorney, regardless of who is in the office, does not have the authority to dismiss such claims and does not control the purse strings. The Nevada Rules of Professional Conduct which are put out by the Nevada Supreme Court dictate how all Nevada attorneys will ethically conduct their practice. In pertinent part the rules state "A lawyer shall abide by a client's decision concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued. A LAWYER SHALL ABIDE BY A CLIENT'S DECISION WHETHER TO SETTLE A MATTER." The clients in the current lawsuits are the Washoe County Assessor and the Board of County Commissioners. The district attorney SHALL abide by the decisions of the assessor and the board of county commissioners; it is not optional or discretionary. As to the payment of any county funds, that comes under the exclusive

authority of the board of county commissioners.

The feeling of a few citizens is that the district attorney's office is not protecting the interests of the citizens. These lawsuits are civil in nature since they involve a disagreement over money. Under state law, the district attorney represents specified clients in civil matters to include various agencies and boards, the board of county commissioners being primary. The district attorney is not allowed to represent individuals except in very narrowly defined instances, such as child welfare.

However, the district attorney does represent the citizens and the public in criminal matters, which we have done vigorously, in cases like Bergna (murder of his wife), Higgs (murder of wife, State Controller Kathy Augustine), Jackson (driving under the influence of marijuana which resulted in the death of a Reno police officer), Peck and Vanisi (each for the murder of a police officer) and Mack (murder of his wife and the ambush of a judge), just to name a few.

Richard A. Gammick is the Washoe County District Attorney.

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