

Approval of Appointments

General Counsel

KEVIN C. POWERS
CHIEF LITIGATION COUNSEL
LEGISLATIVE COUNSEL BUREAU
LEGAL DIVISION

**PROFESSIONAL EMPLOYMENT WITH
LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION, 1996-2020**

CHIEF LITIGATION COUNSEL

2011-2020

Represented legislative branch and its officers and employees and briefed and provided oral arguments in litigation before the Nevada Supreme Court and other state and federal courts.¹

Advised and provided legal opinions to legislative branch and its officers and employees on federal, state and local legal issues, including the constitutionality of legislation, the separation of powers in state government, and the balance of power between state government and local governments.²

Provided testimony on legal issues in the Senate and Assembly before the Committees of the Whole.³

Served as committee counsel to standing committees and interim committees, including Senate and Assembly Standing Committees on Legislative Operations and Elections, Senate Standing Committee on Commerce and Labor, and Assembly Select Committee on Energy.

Supervised and reviewed the work product of LCB Legal Division attorneys and provided legal training regarding the professional standards and responsibilities of legislative lawyers. *See, e.g., Kevin C. Powers, Inside the World of the Legislative Lawyer*, Nevada Lawyer Vol. 10, No. 7, at 7 (July 2002).

Served as member of the Nevada Supreme Court's Committee to Review, Update and Revise the Nevada Rules of Civil Procedure and Other Associated Court Rules, *Admin. Docket No. 522* (2017-2018).

¹ *See, e.g., Comm'n on Ethics v. Hansen*, 134 Nev. 304 (2018); *Degraw v. Eighth Jud. Dist. Ct.*, 134 Nev. 330 (2018); *SFR Inv. Pool 1, LLC v. Bank of N.Y. Mellon*, 134 Nev. 483 (2018); *Doe v. Legislature*, 133 Nev. 763 (2017); *City of Fernley v. State Dep't of Taxation*, 132 Nev. 32 (2016); *Cortez Masto v. Gypsum Resources, LLC*, 129 Nev. 23 (2013); *Sandpointe Apts., LLC v. Eighth Jud. Dist. Ct.*, 129 Nev. 813 (2013); *Clean Water Coalition v. M Resort, LLC*, 127 Nev. 301 (2011); *Comm'n on Ethics v. Hardy*, 125 Nev. 285 (2009); *Miller v. Burk*, 124 Nev. 579 (2008); *Heller v. Legislature*, 120 Nev. 456 (2004); *Nev. Mining Ass'n v. Erdoes*, 117 Nev. 531 (2001); *Bd. of Trustees of Glazing Health & Welfare Tr. v. Chambers*, 941 F.3d 1195 (9th Cir. 2019); *Charleston v. Nevada*, 423 F.Supp.3d 1020 (D. Nev. 2019); *Gypsum Res., LLC v. Cortez Masto*, 671 F.3d 834 (9th Cir. 2011); *Nev. Comm'n on Ethics v. Carrigan*, 564 U.S. 117 (2011).

² *See, e.g., Assembly Journal*, 76th Reg. Sess., at 546-53 (April 11, 2011); *Senate Journal*, 76th Reg. Sess., at 627-33 (April 11, 2011); *Senate Journal*, 26th Spec. Sess., vol. 6, at 335-50 (Feb. 28, 2010); *Senate Journal*, 75th Reg. Sess., vol. 4, at 4934-36 (May 21, 2009); *Senate Journal*, 74th Reg. Sess., vol. 3, at 3301-03 (May 16, 2007); *Senate Journal*, 21st Spec. Sess., vol. 1, at 227-32 (Dec. 1, 2004); *Senate Journal*, 21st Spec. Sess., vol. 1, at 64-77 (Nov. 29, 2004); *Senate Journal*, 21st Spec. Sess., vol. 1, at 36-38 (Nov. 12, 2004).

³ *See, e.g., Hearings on S.B. 1 before Assembly Committee of the Whole*, 30th Spec. Sess. (Oct. 13-14, 2016); *Senate Journal*, 26th Spec. Sess., vol. 6, at 263-68 (Feb. 27, 2010); *Senate Journal*, 24th Spec. Sess., vol. 1, at 56-59 & 64-67 (June 27, 2008).

KEVIN C. POWERS
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LEGAL DIVISION

SENATE LEGAL COUNSEL AND BILL DRAFTING ADVISER CHIEF LITIGATION COUNSEL	2006-2011
SENIOR PRINCIPAL DEPUTY LEGISLATIVE COUNSEL CHIEF LITIGATION COUNSEL	2005-2006
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL LITIGATION COUNSEL	2001-2005
SENIOR DEPUTY LEGISLATIVE COUNSEL LITIGATION COUNSEL	1999-2001
DEPUTY LEGISLATIVE COUNSEL	1996-1999

OTHER PROFESSIONAL EMPLOYMENT

JUDICIAL LAW CLERK & STAFF ATTORNEY UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES, CALIFORNIA	1995
JUDICIAL LAW CLERK & STAFF ATTORNEY OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT, AKRON, OHIO	1993-1995

PROFESSIONAL ORGANIZATIONS

UNIFORM LAW COMMISSIONER NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	2006-Present
BAR OF THE UNITED STATES SUPREME COURT	2006-Present
BAR OF THE UNITED STATES NINTH CIRCUIT COURT OF APPEALS	2001-Present
BAR OF THE UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA	1998-Present
STATE BAR OF NEVADA	1998-Present
STATE BAR OF OHIO	1993-Present

EDUCATION

UNIVERSITY OF CINCINNATI COLLEGE OF LAW, CINCINNATI, OHIO J.D. MAY 1993, Graduated with Honors UNIVERSITY OF CINCINNATI LAW REVIEW, STAFF MEMBER 1991-1992 American Jurisprudence Award in Constitutional Law 1990 International Academy of Trial Lawyers Award 1992 Timothy Walker Founders Scholarship (full tuition academic merit award)	1990-1993
YOUNGSTOWN STATE UNIVERSITY, YOUNGSTOWN, OHIO B.A. POLITICAL SCIENCE JUNE 1990, Graduated Summa Cum Laude Youngstown State Foundation Scholarship (full tuition academic merit award) Youngstown State Social Sciences Award 1990 (highest graduating G.P.A. in Social Sciences Department)	1986-1990

Legislative Counsel

Bryan J. Fernley

Education

University of Utah Law School, Salt Lake City, UT
Juris Doctor, May 2005

University of Utah, Salt Lake City, UT
Bachelor of Arts, Political Science, May 2002

Bar Admissions

- State of Nevada; United States District Court, District of Nevada (2006)
- State of Utah; United States District Court, District of Utah (2005)
- State of Wisconsin; United States District Court, Western District of Wisconsin (2011)

Experience

State of Nevada, Legislative Counsel Bureau

Senior Principal Deputy Legislative Counsel, July 2015-present

- Draft and review bills, regulations and legal opinions
- Codify and review the codification of titles of the Nevada Revised Statutes
- Counsel for the Senate Committee on Revenue and Economic Development and the Assembly Committee on Taxation during the 2017 and 2019 Legislative Session
- Counsel for the Senate Committee on Commerce, Labor and Energy during the 2017 Legislative Session
- Counsel for the Senate Committee on Commerce and Labor during the 2019 Legislative Session
- Counsel for the Legislative Committee on Energy during the 2015-2016, 2017-2018 and 2019-2020 interim periods

Principal Deputy Legislative Counsel, July 2011-July 2015

- Draft and review bills, regulations and legal opinions and codify titles of the Nevada Revised Statutes
- Counsel for the Senate Committee on Revenue and Economic Development and the Assembly Committee on Taxation during the 2013 and 2015 Legislative Sessions

Senior Principal Deputy Legislative Counsel, April 2009-July 2011

- Draft bills, regulations and legal opinions and codify titles of the Nevada Revised Statutes
- Counsel for the Senate Select Committee on Economic Growth and Employment during the 2011 Legislative Session

Deputy Legislative Counsel, November 2005-April 2008

- Draft bills, regulations and legal opinions and codify titles of the Nevada Revised Statutes

State of Nevada, Office of the Attorney General

Deputy Attorney General, April 2008-April 2009

- Represented state agencies in administrative hearings and advised state agencies on compliance with the Open Meeting Law, Public Records Law, Administrative Procedures Act and other state and federal laws.