

# Executive Director's Message

By Kimberly Farmer,  
Executive Director, State Bar of Nevada



## Changes in the Office of Bar Counsel

Since the position was established in 1979, 10 individuals have served the State Bar of Nevada as Bar Counsel. This month, the bar bids congratulations and farewell to the tenth Bar Counsel, Rob Bare, newly elected District Court Judge for Department 32. We wish him well in his future endeavors.

This month, we'll also welcome our 11<sup>th</sup> Bar Counsel, David Clark, to his new position within the State Bar of Nevada. Previously, he's worked as Assistant Bar Counsel and as General Counsel for the state bar, with a total of 10 years of employment with the state bar. In addition, he served a six-month term as Acting Bar Counsel, giving him firsthand experience in the role. We're pleased to announce David Clark's promotion, and look forward to working with him as Bar Counsel.

The Office of Bar Counsel fills several critical functions for the state bar. The department is tasked with the mission of overseeing attorney discipline. This is one of the core functions of the state bar. The department handles thousands of grievance complaints every year. For example, in 2009, the state bar received approximately 1,900 complaints. Of those 1,900 complaints, 293 became open files that were presented to a disciplinary board screening panel. From January 1 to October 31, 2010, the Office of Bar Counsel received 1,448 complaints and, of those, 336 became open files. Seventy-eight formal hearings were conducted in 2010.

In addition to responding to grievance complaints, the Office of Bar Counsel also provides ethics guidance to bar members through its Ethics Hotline (1-800-254-2797), created under Rob Bare's guidance. Prior to establishing the hotline in the mid-1990s, the bar was receiving, on average, approximately 2,500 complaints annually.

The Ethics Hotline permits attorneys the ability to speak with a colleague to discuss ethical issues, and to receive answers to questions regarding Nevada's Rules of Professional Conduct. Each day, one of the attorneys working in the Office of Bar Counsel is assigned the task of answering the hotline and addressing caller concerns. It's an important and useful resource for our members, which has helped attorneys avoid malpractice claims, fee disputes and bar complaints. I encourage you to use it.

As evidenced by the creation of the hotline, the Office of Bar Counsel is continually seeking ways to support the members of the bar. For example, Bar Counsel presents CLEs on a regular basis, assists in the transition of client files when an attorney dies or becomes disabled and publishes articles in *Nevada Lawyer* on ethical practice tips (see page 38).

The department has a number of goals for 2011 and beyond, including:

- Implementing a new discipline database to manage cases;
- Increasing the number of investigations and prosecutions of unauthorized practice of law cases;
- Establishing and implementing an intake function in the Office of Bar Counsel; and
- Finalizing written policies and procedures for practice takeover of deceased, disabled or disciplined attorneys.

In the February issue of *Nevada Lawyer*, David Clark will share his thoughts about these upcoming improvements to the Office of Bar Counsel. Please join us in welcoming David to his new role. ■