



MINUTES
BOARD OF GOVERNORS MEETING
Harrah's Hotel and Casino, Reno, NV
April 10, 2013
9:30 – 4:30 pm

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on April 10, 2013.

The following members were in attendance:

Frank Flaherty, President
Alan Lefebvre, President-Elect
Elana Graham, Vice President
Connie Akridge, Immediate Past President
Paola Armeni
Larry Digesti
Eric Dobberstein
Gene Leverty
Paul Matteoni
Ann Morgan
Richard Pocker
Nancy Rapoport
Bryan Scott
Richard Scotti
Rick Trachok
David Wall

State Bar staff present:

Kimberly Farmer
Laura Gould
Gale Skala
Marc Mersol
Lisa McGrane
Jennifer Smith

The meeting was called to order by President Frank Flaherty at 9:50 am there being a quorum present.

PRESIDENT'S REPORT

Frank Flaherty reported on the legislative session and the status of specific bills of interest to the State Bar that are before the legislature. Mr. Flaherty also provided an overview on ABA Day in Washington. The Nevada delegation will meet with Nevada's Congressional delegation to lobby on the following issues:

Core Issues:

- Legal Services Corporation Funding
- Judicial Resources

Alternative Issues:

- Access to Counsel and Due Process in Immigration

It was moved, seconded and carried to authorize Nevada's delegation to lobby on the Core and Alternative Issues.

EXECUTIVE DIRECTOR'S REPORT

Kim Farmer reported on the activities that will take place during Law Week. The LRE Consortium chaired by the State Bar was instrumental in coordinating the Law Week activities. The Legislature is scheduled to read into the record a Proclamation recognizing Law Day and the LRE Consortium. Ms. Farmer also reported on the staff positions currently open at the State Bar.

GENERATIVE DISCUSSION ITEMS

The Board discussed the following question using the generative discussion process.

Does the Lawyers Concerned for Lawyers (LCL) program meet the growing needs of Nevada's attorneys suffering from substance abuse, addiction and mental health issues?

Points of Discussion

- Does the current program adequately track data concerning its participants (types of addiction, attorney demographics, recidivism rates, etc.)?
- Is the program "alcohol-centric" and do the current program services meet the needs of the participants?
- Is the current program structure sustainable in future years?

After much discussion recognizing the great work of those in the LCL program, President Flaherty appointed a work group chaired by Larry Digesti charged with reviewing the current LCL program and the future needs of the program.

EXECUTIVE SESSION

The Board entered into Executive Session at 11:00 am and broke for lunch at 12:06 pm. The Board entered back into Executive Session at 1:15 pm and concluded the Executive Session at 3:05 pm.

ACTION ITEMS

Financials February 2013

Marc Mersol presented a report on the financial status of the State Bar. It was moved, seconded and carried to accept the 2013 February Financial report.

Social Media Proposal

Jennifer Smith gave an overview of the proposal to expand the State Bar's social media presence by adding accounts to be moderated by State Bar staff. The two social media outlets to be added are:

- LinkedIn: www.linkedin.com / Twitter: www.twitter.com

It was moved, seconded and carried to approve the addition of two social media outlets, LinkedIn and Twitter.

Lawyer Referral & Information Grants

It was moved, seconded and carried to approve the following 2013 Lawyer Referral & Information Grants. Elana Graham abstained from voting.

| Organization | Project Name | \$ Requested | \$ Awarded |
|---|---|---------------------|-------------------------------|
| Project REAL | Play by the Rules | \$15,000 | \$15,000 |
| Project REAL | Your Day in Court | \$14,000 | \$14,000 |
| SNSLP | Helping Emergency Legal Problems (HELP) Line | \$33,600 | \$33,600 |
| SNSLP | Senior Legal Education and Advocacy Training (SEAT) | \$40,000 | \$40,000 |
| NLS | Mortgage Foreclosure/Consumer Law Unit | \$9,176.97 | \$9,176.97 |
| A-Tech | Legal Studies Program | \$2,181.60 | \$2,181.60 |
| Asian American Advocacy Clinic | Deferred Action for Childhood Arrivals (DACA) | \$2,250 | \$2,250 |
| LACSN | Program Materials | \$10,409 | \$10,409 |
| LACSN | Case Management System | \$50,552.56 | \$50,552.56 |
| 2 nd Judicial District Court Law Library | Computers | \$15,000 | \$15,000 |
| CCLF | Trial by Peers | \$13,500 | \$13,500 |
| Northeastern NV CASA | Northeastern NV CASA | \$10,000 | \$10,000 |
| UNR Nevada Mock Trial Competitors | Nevada Mock Trial Competitors | \$23,760 | \$11,880 |
| NFCE | People's Law School | \$6,050 | \$6,050 |
| NV Disability Advocacy & Law Center | NV Disability Advocacy & Law Center – Medicaid | \$15,000 | \$15,000 |
| RMIC | Correction and Prevention of Innocent People Wrongfully Convicted in Nevada | \$25,000 | \$25,000 |
| WCBF | Middle School Survival Guide | \$10,000 | \$10,000 |
| YLS Disaster Relief Committee | Handbook for Disasters in Nevada | \$1,500 | \$1,500 |
| Client Security Fund | Reserve Fund Donation | \$20,000 | \$20,000 |
| Diversity Committee | Scholarships | \$30,000 | \$10,000 annually for 3 years |
| Total Requested | | \$346,980 | \$335,100 |

Admissions Budget Request

Laura Gould explained the need for an Admissions Department software upgrade to allow admissions to accept electronic bar exam applications. Ms. Gould requested the 2013 Budget be adjusted to purchase customized admissions software. It was moved, seconded and carried to approve the purchase of customized admissions software and to adjust the 2013 budget by \$25,000.

Bylaws

Frank Flaherty discussed Article 5 and Article 7 of the Board of Governors Bylaws and the proposed changes. Mr. Flaherty requested that the Board waive notice of the Bylaw changes so they could be considered at this meeting. It was moved, seconded and carried to waive notice of the proposed Bylaw changes.

Proposed Revision

5.2 Emergency meetings When the Present determines that a matter requires immediate attention of the Board, an emergency meeting, teleconference or video conference call may be called with a 24-hour notice to members of the Board. Notice must indicate the subject matter to be considered. Emergency meetings shall consider only the matters for which notice is given. Minutes from the emergency meeting must be approved at the next Board meeting. The President may also seek Board approval on an urgent matter via an email vote of the Board, Minutes from email vote must be approved at the next Board meeting.

It was moved, seconded and carried to approve the proposed amendment change to Article 5.2 of the State Bar of Nevada Bylaws.

Proposed Revision

7.11 Amicus Curiae Briefs

After much discussion on the proposed amendment to Bylaw 7.11 Amicus Curiae Briefs, it was moved, seconded and carried to postpone action on revisions to Article 7.11.

Family Law Section Amicus Curiae

The Family Law Section (FLS) was contacted by the Supreme Court to consider the submission of two *amicus curiae* briefs for two cases. The FLS asked for the Board's approval to proceed with the briefs. It was moved, seconded and carried to authorize the Family Law Section to submit the *amicus* briefs with the understanding the FLS must provide the Board with a draft for Board approval prior to submission to the Court and if the FLS is not able to provide a draft, they must seek an extension from the Supreme Court. In addition, if there is not a consensus from the section regarding the briefs, the Board requests that the FLS provide the diverse viewpoints in the brief.

Probate and Trust Amicus Curiae

At the February 2013 meeting the Board of Governors gave approval to the Probate and Trust Section to research and prepare an *amicus* brief. The Section's request indicated that the brief would be submitted to the Board for approval prior to filing with the Court. The section has submitted a draft and is requesting the approval.

It was moved, seconded and carried to approve the filing of the *amicus curiae* by the Probate and Trust Section.

REPORTS

Young Lawyers Section

Paola Armeni gave an update on the current activities of the Young Lawyers Section (YLS). Ms. Armeni noted that the Compensation Survey conducted by the YLS will be published in the June edition of the Nevada Lawyer. The YLS is also finalizing a disaster relief plan for Nevada attorneys in the event that there is a FEMA declared disaster.

Analysis of ABA Model Rules Report

○ Admission by Motion Report

The ABA recently amended the ABA Model Rules. Frank Flaherty appointed a taskforce (Larry Digesti, Richard Scotti, David Clark, Lisa McGrane and Kim Farmer) to review the model rules. Mr. Flaherty also asked the Board of Bar Examiners (BBX) to review the newly revised ABA model Rule for Admission. The taskforce and the BBX did not deem it necessary to amend Nevada's Rules based on the newly revised ABA Model Rules admission by motion.

○ Practice Pending Admission

The Board's ABA Model Rules Taskforce considered the newly revised ABA Model Rule regarding admission to the

bar for foreign attorneys. The taskforce did not recommend revisions to Nevada's Rules to allow for practice pending admission..

CONSENT AGENDA

It was moved, seconded and carried to approve the following consent agenda items.

Minutes of February 2013

Resignations of the following attorneys:

Richard Ralston
H. Christian Bode

Online Publication Disclaimer

Contracts

- UNLV Contract July Bar Exam
- Business Owners and Workers Compensation Policies

Appointments

Disciplinary Board

Approved reappointment of Carolyn Vaught for a three year term commencing January 2013.

Fee Dispute Arbitration Committee

Approved appointment of Ara Shirinian as Regional Chair, Las Vegas Panel C for a one year term effective April 2013.

Approved the following attorneys for reappointment as Regional Chair for a one year term:

Jeff Kump, Rural, effective March 2013
Robert Johnston, Carson City, effective May 2013
Peter Angulo, State Chair, effective June 2013
Robert Gerard, Las Vegas Pane C, effective June 2013

Approved the following attorneys for reappointment for a three year term:

| | |
|---|--|
| Michael Bohn, LVB, effective March 2013 | Dale Heidel, LVA, effective May 2013 |
| Thomas Coyle Jr., Rural, effective March 2013 | Robert Marshall, LVC, effective May 2013 |
| Eric Dobberstein, LVB, effective March 2013 | M.Nelson Segel, LVC, effective May 2013 |
| Patrick McKnight, LVB, effective March 2013 | Trina Dahlin, CC, effective June 2013 |
| Greta Muirhead, LVA, effective March 2013 | Jeffrey Posin, LVA, effective June 2013 |
| Bruce Schupp, LVA, effective March 2013 | Nathaniel Reed, LVB, effective June 2013 |
| David Stanton, Rural, effective March 2013 | Douglas Ritchie, CC, June 2013 |
| Stewart Wilson, Rural, effective March 2013 | Richard McConnell, Reno, June 2013 |
| Richard Cornell, Reno, effective May 2013 | Bert Wuester, LVC, June 2013 |
| David Hamilton, Reno, effective May 2013 | |

Approved the following attorneys for a three year term commencing April 2013

| | |
|----------------------|---------------------|
| Darren Lemieux, Reno | Royi Moas, LVC |
| Justin Watkins, LVB | Brian Pezzillo, LVA |

Clients' Security Fund

Approved Janet Pancoast as Chair, effective February 2013 and Jeffrey Posin as Vice Chair, effective June 2013 for

another one year term. Approved Courtney Levery effective March 2013.

Nevada Lawyer Editorial Board

Approved the following reappointments ending June 2015.

Erin Barnett

Hon. Robert J. Johnston

Kristen Simmons

Steven Smith

Richard Williamson

John Zimmerman

Approved Laury Macauley for a three year term commencing April 2013.

Approved the following slate of officers for a one year term commencing July 2013.

Michael Saunders, Chair

Rich Williamson, Chair Elect

Erin Barnett, Vice Chair

Patty Cafferata, Immediate Past Chair

Section Appointments

Approved the following slate of officers for the Family Law Section to a two year term ending March 2015.

Michael Kattelman, Chair

Katherine Provost, Vice Chair

Kristine Brewer, Secretary

Dixie Grossman, Treasurer

ABA House of Delegates

Approved reappointment of Rew Goodenow for a two year as the representative to the ABA House of Delegates commencing August 2013.

Abstain

Gene Levery, Richard Pocker, Paul Matteoni abstained from voting on consent agenda appointments.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 4:56 pm.

Email Vote of the Board of Governors, May 24, 2013

It was moved, seconded and carried to approve a \$15,500 Lawyer Referral and Information grant to the Access to Justice Commission budget for the “One Promise Nevada” campaign.

Email Vote of the Board of Governors, May 29, 2013

It was moved, seconded and carried to approve the Family Law Section’s amicus brief for filing in Druckman v. Ruscitti.

Email Vote of the Board of Governors, June 7, 2013

It was moved, seconded and carried to approve the reappointments of the following disciplinary panel members.

| NAME | TERM | FIRST APPOINTED |
|----------------------|-----------------|-----------------|
| | | |
| Gregory Brower | 1 st | 2010 |
| Trina Dahlin | 1 st | 2010 |
| Scott Hoffman | 1 st | 2010 |
| Gregory Livingston | 2 nd | 2007 |
| William O’Mara | 1 st | 2010 |
| Tina Russom | 1 st | 2010 |
| Richard Williamson | 1 st | 2010 |
| Ellen Bezian | 1 st | 2010 |
| Candace Carlyon | 2 nd | 2007 |
| Robert Eaton | 1 st | 2010 |
| Alex Fugazzi | 1 st | 2010 |
| Robert Goldstein | 1 st | 2010 |
| Lance Hendron | 1 st | 2010 |
| Melanie Muldowney | 1 st | 2010 |
| Michael Oh | 1 st | 2010 |
| Paul “Luke” Puschnig | 1 st | 2010 |
| Zachary Redman | 1 st | 2010 |
| Jen Sarafina | 1 st | 2010 |
| Dan Waite | 1 st | 2010 |
| Steve Boucher | 1 st | 2010 |
| Devon Feher | 1 st | 2010 |
| George Furman | 1 st | 2010 |
| Julie Hoffman | 1 st | 2010 |
| Lewis Bright | 1 st | 2010 |
| Harvey Weatherford | 1 st | 2010 |

| NAME | TERM | FIRST APPOINTED |
|----------------------------------|-----------------|-----------------|
| Craig Denney | 2 nd | 2007 |
| Rachel Flocchini | 2 nd | 2007 |
| Jeff Albregts, chair appointment | | 2002 |
| George Kelesis | 1 st | 2010 |
| Marek Bute | 1 st | 2010 |
| F. Thomas Edwards | 1 st | 2010 |
| Kenneth Hogan | 1 st | 2010 |
| James Oronoz | 2 nd | 2007 |
| Jeffrey Posin | 1 st | 2010 |
| Gary Pulliam | 1 st | 2010 |
| Frank Toddre, II | 1 st | 2010 |
| Donna Wittig | 1 st | 2010 |
| Noel Anschutz | 2 nd | 2007 |
| Christine Needham | 2 nd | 2007 |
| Randall Scott | 2 nd | 2007 |
| Carrie Taylor | 2 nd | 2007 |
| Robert Valdez | 1 st | 2010 |
| Richard Vaughn | 2 nd | 2007 |

Email Vote of the Board of Governors, June 13, 2013

It was moved, seconded and carried to authorize, subject to this Board's approval of the final draft, the Real Property Section to file an amicus brief concerning a real property issue in response to Judge Tao's invitation.

Emergency Meeting, June 19, 2013

An emergency meeting of the Board of Governors of the State Bar of Nevada was convened on June 19, 2013. The Board received notice of the meeting with two agenda items, admissions ADKT and Facilities Committee Report. Board members participated via video-conference and teleconference.

The meeting was called to order by President Frank Flaherty at 5:30 pm there being a quorum present.

ADKT President Flaherty reviewed the admissions ADKT. It was moved, seconded and carried to approve submission of a petition to the Supreme Court in the matter of the amendment of Supreme Court Rules 52, 53, 55, 56; and addendum 1.

Facilities Committee Report The Facilities Committee reported on the building they toured, 3100 West Charleston and recommended purchase of the building.

It was moved, seconded and carried to direct the Facilities Committee to seek advice with respect to the tax implications of the bar receiving rental income.

It was moved, seconded and carried to submit a Letter of Intent on the 3100 West Charleston building for \$2.75 million and to authorize the Executive and Facilities Committees to negotiate incremental increases to this offer, if necessary, not to exceed \$3.2 million. Upon execution of the Purchase and Sale agreement if any issues come to light during the due diligence period the issues will be brought to the Board for consideration.

Email Vote July 9m 2013

It was moved, seconded and carried to authorize the Facilities and Executive Committees to submit a counter offer on the 3100 West Charleston building at \$3.3 million with authority to go to \$3.4 million if necessary; provided, any counteroffers shall specify that the purchase is contingent upon an appraisal, conducted by an appraiser selected by the State Bar, valuing the property at an amount equal to or greater than any State Bar offer accepted by the Seller.