



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS**
October 22, 2008

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on October 22, 2008 via video conference at 9:15 a.m.

The following members were in attendance:

Bruce Beesley, President
Kathleen England, President Elect
Cam Ferenbach, Vice President
Nancy Alf, Immediate Past President
Connie Akridge
Larry Digesti
Frank Flaherty
Dara Goldsmith
Gregg Kamer
Alan Lefebvre
Bridget Robb Peck
Bruce Shapiro
John White
Robert Witek

State Bar Staff Present:

Rob Bare
David Clark
Patrice Eichman
Kimberly Farmer
Marc Mersol
Gale Skala
Jodi McKenzie

Guests:

Stephanie Allen
Margo Piscevich
Judge Robert Johnston

1. CALL TO ORDER

The meeting was called to order by President Bruce Beesley at 9:15 am and a quorum was present.

2. CONSENT ITEMS

The following Consent Agenda items were accepted or approved unanimously by the Board of Governors.

Approval of Minutes of August 27, 2008

It was moved, seconded and carried to approve the minutes of August 27, 2008.

Finance Report

Admissions Report

It was moved, seconded and approved to reappoint Mark Wenzel for a three year term to the Board of Bar Examiners effective October 2008.

It was moved, seconded and approved to reappoint Kevin Kelly, Lori Story, Dr. Gregory Brown and Dr. Michael Levy for a three year term to the Character and Fitness Committee effective October 2008.

Report of Fee Dispute Committee/ Clients' Security Fund

It was moved, seconded and approved to appoint Edward Coleman for a three year term to the Fee Dispute Committee, Las Vegas Panel C, and effective October 2008.

It was moved, seconded and approved to appoint the following volunteers for a three year term to the Fee Dispute Committee effective October 2008.

E. Brent Bryson	Las Vegas Panel C
Bryan D. Dixon	Las Vegas Panel C
Philip S. Gerson	Las Vegas Panel C
Katherine Gordon	Las Vegas Panel C
Margaret Crowley	Reno Panel

It was moved, seconded and approved to reappoint the following members for an additional three year term to the Fee Dispute Arbitration Committee effective October 2008.

Philip Dabeny	Las Vegas Panel A
Ronald Warren	Las Vegas Panel A
James Wilkerson, Sr	Las Vegas Panel A
Robert Ebinger	Las Vegas Panel B
Kurt Faux	Las Vegas Panel B
Jeremiah Pendleton	Las Vegas Panel B
E. Paul Richitt, Jr.	Las Vegas Panel B
Lawrence Rouse	Las Vegas Panel B
Thomas Tanksley	Las Vegas Panel B
Marianne Gatti	Las Vegas Panel C
Jack Hegeduis, Sr.	Las Vegas Panel C
Nicolas Frey	Reno Panel
James Laughton, Jr.	Reno Panel
David Morris	Reno Panel
Sandra O. Wilson	Reno Panel
Jarold Young	Reno Panel
Keith Loomis	Carson City Panel

It was moved, seconded and approved to appoint James Oronoz for a three year term to the Clients' Security Fund Committee effective October 2008.

It was moved, seconded and approved to reappoint Lawrence E. Mitten for an additional three year term to

the Clients' Security Fund Committee effective October 2008.

Law Related Education Report

3. CLE REPORT

Kimberly Farmer reported on the status of the Bridge the Gap survey. The survey results are scheduled to be delivered November 3, 2008. Upon review of the survey results, a subcommittee of the CLE Committee will make recommendations on the seminar.

The CLE Committee recommends entering into a one year contract with LegalSpan as the platform for the State Bar's alternative delivery program. This will be in addition to live seminars and is one way that the State Bar can offer CLE to the rural counties. It was moved, seconded and approved to enter into a one year contract with LegalSpan.

After discussion concerning the term limits of the CLE Committee members set forth in the Supreme Court rule governing the committee, it was moved, seconded and approved that the members of the committee whose terms had expired in June 2008, will now expire in June 2009. It was moved, seconded and approved to extend the term limit of John Albrecht until 2010. Bruce Beesley will discuss the action of the Board regarding CLE term limits with Chief Justice Gibbons at their meeting in November.

4. ACCESS TO JUSTICE COMMISSION REPORT

Justices Hardesty and Douglas request the Board of Governors to amend the State Bar mailing list policy to allow banks which have been identified by the Commission as offering a preferred interest rate on IOLTA funds to purchase the mailing list on a one time basis. It was moved, seconded and approved to allow banks offering a higher interest rate on IOLTA funds the option to purchase the mailing list. It will be noted to the following banks that they must mention the rate they are offering on IOLTA funds, the banks are not to share the list with any other entity and the mailing list is offered only once a year. Currently the banks offering preferred interest rates are:

Bank of Nevada
First Independent Bank
Irwin Union Bank
Nevada State Bank
U.S. Bank.

5. YOUNG LAWYERS SECTION REPORT

Stephanie Allen gave a status report on what activities the Young Lawyers Section has been offering. Ms. Allen reported on the compensation survey. Jasmine Mehta will compile the data from the survey and send it to the members of the section.

6. VACANCY STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

It was moved, seconded and approved to reappoint the following attorneys for a two year term to the Standing Committee on Judicial Ethics and Election Practices effective December 2008.

Michael Pintar
Bernard Zadrowski

7. SECTION REVIEW

Kimberly Farmer reported on the sections of the State Bar. It was moved, seconded and approved to approve the bylaws for the following sections.

Administrative Law
Bankruptcy

Environmental and Natural Resources
Probate and Trust

It was moved, seconded and approved to approve the officers listed below for the Probate and Trust Section.

John E. Dawson	Chair
J. Douglas Clark	Vice-Chair
Brent Keele	Secretary
Mark Solomon	Treasurer

It was noted that Cam Ferenbach abstained from voting.

The Technology section is not active, nor does the section have officers or bylaws. No members of the section have expressed interest in becoming active in the section. It was moved, seconded and approved to retire the Technology section and transfer the section's carryover balance to the general fund.

In July 2007, The Board placed the Access to Justice Section on temporarily inactive status. It was moved, seconded and approved to retire the Access to Justice Section and transfer the carryover balance to the general fund. This amount will be included in the 2009 Access to Justice Commission budget.

8. HISTORY COMMITTEE

Judge Robert Johnston reported to the Board the recent status of the History Committee. He noted that nothing has been done recently to advance this project. Judge Johnston recommends that the State Bar organize a committee of members who would be interested in compiling the history of the State Bar. Judge Johnston reminded the Board that in order to accumulate and compile the history, there is a financial component. Bruce Beesley will invite members to join this committee. Board member Dara Goldsmith will serve as the Board liaison to the committee.

9. COMMITTEE REPORTS

- Committee Ethics and Professional Responsibility

It was moved, seconded and approved to appoint the following new officers to the Ethics and Professional Responsibility Committee. Their terms will expire December 2009.

Jeff Stempel	Chair
David Merrill	Vice Chair

- Bylaws Committee

Connie Akridge discussed the progress the Bylaws Committee had made in revising the bylaws. The revised bylaws will include appendices for State Bar policies and procedures. Presented in this discussion for information purposes were policy changes to the bylaws. Final recommendations by the committee will be brought to the Board for approval.

10. REPORT OF PRESIDENT ELECT

Kathleen England reported on a recent site visit to Monterey, CA. Monterey is the location of the 2010 annual convention.

11. REPORT OF THE PRESIDENT

ABA Delegate Report Margo Piscevich reported on the annual meeting of the ABA House of Delegates. Ms. Piscevich recommended that the State Bar take a position on the proposed amendment of Model Rule 1.10 dealing with conflicts of interest. This discussion during the annual House of Delegates meeting was tabled until February 2009 at the midyear meeting of the House of Delegates. The State Bar of Nevada gave Margo Piscevich a plaque that acknowledged her years of service as the State Bar Delegate to the ABA House of Delegates.

Nevada Law Foundation Bruce Beesley reported on the Nevada Law Foundation (NLF). The concern of the Board is that the Nevada Law Foundation has not reported any progress on the action plan submitted to the NLF in January 2008. It was moved, seconded and approved that the Executive Committee of the Board of Governors draft a letter to the NLF requesting a progress report on the action plan. The Executive Committee will request input from the Court before sending the letter.

Reciprocity Rule Bruce Beesley discussed the rule change that was passed in Arizona granting lawyers admission to practice in Arizona if there is reciprocity. It was suggested by the Board that we present this matter to the members for discussion via a point/counterpoint article in the *Nevada Lawyer*.

Legal Services Legal Service providers have asked the Board of Governors to consider an alternative dues structure for legal service attorneys, reducing their dues. Board members noted a concern over this request; specifically where do you draw the line, and will this present issues with other attorneys in the public sector. The Board will research salary levels of legal service providers and other issues.

The Board discussed the letter addressed to Bruce Beesley from Lissa Treadway, the chair of the Legal Assistant Division. Ms. Treadway would like to set a goal to see a legislative definition of a paralegal passed.

12. REPORT OF DEPUTY BAR COUNSEL

David Clark introduced Jodi McKenzie, coordinator for the State Bar advertising review committee. Mr. Clark and Ms. McKenzie discussed the draft of the first Annual Report on Lawyer Advertising that the Board of Governors is required to submit on December 31, 2008. The final report will be submitted to the Board for approval at the December 2008 meeting.

David Clark reported the status on the rate search investigation.

It was moved, seconded and approved to appoint Adam Bult to the Southern Lawyer Advertising Advisory Committee for a two year term effective November 2008. It was noted that Connie Akridge abstained from voting.

13. REPORT OF BAR COUNSEL

The Southern Nevada Disciplinary Board has reached its capacity of members at this time. Therefore Brandon McCoy was denied appointment to the Southern Nevada Disciplinary Board and will be sent an letter of explanation.

It was moved, seconded and approved to reappoint Conrad Claus to the Southern Nevada Disciplinary Board for a fourth and final term expiring October 31, 2011.

It was moved, seconded and approved to accept the resignation of Robert Edd Lee.

There was an open discussion regarding the practice of the discipline department concerning reporting attorneys to state and federal authorities who have stolen monies from their clients. The Board directed Bar Counsel to report attorneys to state and federal prosecutors when an attorney has stolen money.

14. REPORT OF EXECUTIVE DIRECTOR

Kimberly Farmer discussed proposed changes to Supreme Court Rule 42 and SCR 106.5 Lawyers Concerned for Lawyers program with additional noted change to rule 106.5. The rule should read members of the Board of Governors. It was moved, seconded and approved to prepare an ADKT for each rule change and submit to the Court for approval.

ADJOURNMENT

There being no new business before the Board the meeting was adjourned at 2:50 p.m.