



Minutes
Board of Governors Meeting
July 9, 2014
Newport Beach, CA

A regular meeting of the Board of Governors of the State Bar of Nevada was convened at 12:36 pm on July 9, 2014.

The following members were in attendance:

Alan Lefebvre, President
Elana Turner Graham, President-Elect
Larry Digesti, Vice President
Paola Armeni
Elizabeth Brickfield
Julie Cavanaugh-Bill
Eric Dobberstein
Richard Dreitzer
Frank Flaherty
Daniel Hamilton
Gene Leverty
Paul Matteoni
Ann Morgan
Richard Pocker
Ryan Russell
Richard Scotti
Bryan Scott

Guests:

Troy Isaacson

State Bar staff present:

Kimberly Farmer
Gale Skala
David Clark
Lisa Dreitzer
Marc Mersol

CALL TO ORDER

President Alan Lefebvre called the meeting to order at 12:36 pm with quorum present.

PRESIDENT'S REPORT

Alan Lefebvre welcomed newly elected Board of Governor, Troy Isaacson.

EXECUTIVE DIRECTOR REPORT

Kimberly Farmer presented an overview on the progress of the build out of 3100 W. Charleston and the sale of 600 E. Charleston.

Ms. Farmer reviewed the general contractor's agreement as reviewed and revised by the bar's attorney in this matter and Richard Scotti, Eric Dobberstein and Paul Matteoni. Board members Richard Scotti, Eric Dobberstein and Bryan Scott will provide final recommendations to the agreement. It was moved, seconded and carried to charge the Executive Committee with approval of the final agreement.

Marketing efforts are continuing regarding the sale of 600 East Charleston. Even though the downtown market activity seems to have slowed down, 600 East Charleston remains on the short list as one of the best options currently available in the near downtown market.

DISCIPLINE REPORT AND DISCUSSION

Taskforce and Rules of Discipline Procedure

David Clark reported on the recent meetings of the Discipline Taskforce. The Taskforce requested Board approval of the Rules of Discipline Procedure. Highlights include:

Rules of Discipline Procedure

- Early meetings between the parties and the Hearing Panel chair to review issues of settlement, discovery, and scheduling the matter for formal hearing.
- Requiring both parties to disclose witnesses and documents prior to the hearing and stipulating to the admission of uncontested documents in order to expedite the hearing.
- Dedicated screening panels to facilitate processing cases through investigation to either dismissal or hearing.

Changes to Procedures Requiring Rules Changes

- Eliminate Informal Hearings. Given that Letters of Reprimand are now public, confidential proceedings are unnecessary and streamlining the hearings process to single type of hearing allows for greater efficiencies in administration.
- Require a Concurrence of 3-2. The Taskforce felt this change reflected current practices while still requiring Bar Counsel to prove its case.
- Reduce the Size of Hearing Panels. Reducing the size of hearing panels will streamline scheduling and reduce the burden on volunteer panel members.
- Change the Standard of Review. A significant number of state supreme courts review the recommended sanction de novo, but the findings of fact under an abuse of discretion standard, recognizing that the hearing panel is in a better position to examine the evidence and the witness' credibility. The Taskforce feels this may speed up the Supreme Court's review and wants to offer this proposed change to the Court.

After reviewing the proposed changes to the rules, it was moved, seconded and carried to approve the Rules of Discipline Procedure upon deletion of Rule 17b.

Discipline Backlog

David Clark discussed the current discipline backlog. Mr. Clark gave an overview on the steps the discipline department has taken to reduce the backlog. It was moved, seconded and carried authorize the Executive Committee to approve a plan (including funding) to affect a reduction to zero discipline cases in the prosecution stage that are older than 6 months. And that this reduction in discipline matters is accomplished no later than July 1, 2015. Additionally the Office of Bar Counsel will provide a monthly status report to the Board.

REPORTS

Mock Trial Exploratory Committee

Kimberly Farmer gave a synopsis on the Mock Trial Exploratory Committee. The Committee was formed to explore the feasibility of bringing the National Mock Trial Competition to Nevada in 2017. Paul Matteoni addressed the issue giving the pros and cons of bringing the competition to Nevada. The Board requested that the Exploratory Committee review options for obtaining funding for this program, including seeking feedback and commitments from the sections on financial support.

ACTION ITEMS

Financial Report

Marc Mersol provided a detailed report of the financials ending May 31, 2014 along with the 2014 Revised Budget. It was moved, seconded and carried to approve the 2014 Revised Budget.

Conflict of Interest Policy

Richard Dreitzer outlined the revised version of the Conflict of Interest Policy. It was moved, seconded and carried to approve the revised Conflict of Interest Policy as amended by the Board.

LGBT Section Legislative Agenda

The LGBT Section requested Board of Governors adoption of a resolution or position supporting marriage equality in the State of Nevada. SJR 13 proposes to amend the Nevada Constitution to require the recognition of all marriages, regardless of gender.

The Board took no action on this matter. According the State Bar of Nevada Bylaws when the Board of Governors takes no action, the section may, as a section, seek to influence the legislation if and only to the extent that all such efforts and activities of the section to influence the legislation are funded entirely from the voluntary dues of its section members, and not through any funds obtained from the State Bar of Nevada through its imposition of mandatory dues.

Nevada Bar Foundation Appointments

Kimberly Farmer presented an update on the Nevada Bar Foundation. On June 19, 2014, the Court amended SCR 216 regarding the size and composition of the NBF Board of Trustees to include 6 appointments by the Court and 5 appointments by the Board of Governors.

It was moved, seconded and carried to reappoint the following members to the Nevada Bar Foundation for a two year term beginning July 9, 2014.

Constance Akridge
Ann Bersi
Gene Leverty
Richard Pocker

It was moved, seconded and carried to appoint James Bradshaw to the Nevada Bar Foundation for a two year term beginning July 9, 2014. Gene Leverty and Richard Pocker abstained from voting.

US District Court Lawyer Representative

The three-year term of three lawyer representatives expire following the Ninth Circuit Conference in August. Thus there will be three open positions. Applications were submitted to Chief Judge Gloria Navarro and forwarded to the Board.

It was moved, seconded and carried to appoint Doreen Spears Hartwell and Sheri Thome in the Southern Division for a three year term expiring August 2017.

It was moved, seconded and carried to appoint Alice Campos Mercado in the Northern Division for a three year term expiring August 2017.

Elizabeth Brickfield abstained from voting.

Personal Injury Specialization

Gene Leverty provided a status update on the process of developing a Personal Injury Specialization. The draft was published in the E-Newsletter for comment. Mr. Leverty sought and received feedback from the Litigation Section, the Nevada Justice Association and the Las Vegas Defense Lawyers.

It was moved, seconded and carried to approve the Personal Injury Specialization as amended by the Board. Richard Scotti abstained from voting.

EXECUTIVE SESSION

The Board entered into Executive Session at 4:36 pm and concluded the Executive Session at 4:58 pm.

CONSENT AGENDA

Approved Minutes of May 2014

Bryan Scott abstained from voting.

Approved - Nevada Civil Practice Manual- Editors

Appointed as editors for the Nevada Civil Practice Manual:

Tracy DiFillippo
Kevin Stolworthy
Connor Flynn
Michelle Alarie
J.D. Lowry
Clark Thiel
Kristina Weller

Approved – ABA House of Delegates

Reappointment of Dan Polsenberg for a two year term beginning August 2014.

Approved – Amended Suspension List

CONTRACT

Approved – LaJolla Beach and Tennis Club

SECTIONS

Animal Law

Approved revisions to the Animal Section Bylaws:

- 1) The Officers of the Section are now limited to the Chairperson, Vice-Chairperson, Treasurer, and Secretary;
- 2) The officers will serve for two (2) year terms, rather than one (1) year terms, but are still capped at eight (8) years;
- 3) Language regarding a council consisting of any members other than the Section Officers has been deleted;
- 4) The Council/Officers now have the ability to appoint members-at-large to assist with responsibilities not covered by the four officer positions.

Approved following slate of officers for a two year term ending May 2016:

Chairperson: Kathy McCarthy
Vice-Chairperson: Melissa Roose
Secretary: Jill Davis
Treasurer: Jennifer Braster

Gaming Law

Approved amended bylaws to the Gaming Law Section

Approved new members of the Executive Committee for a two year term ending May 2016:

Maren Parry
Jennifer Roberts

Approved reappointments of the Executive Committee for a three year term ending May 2017

Michael Bonner
John Godfrey
Lou Dorn
Scott Scherer

Labor and Employment

Approved the following slate of officers:

Chair: James Kemp
Vice Chair: Deanna Brinkerhoff
Secretary: Kristina Gilmore
Treasurer: Peter Navarro

Approved amended bylaws of the Labor and Employment Section

Approved Amicus Brief Standing Committee Policy and Procedures, the section plans to:

(a) post the Amicus Brief Standing Committee Policy and Procedures to its portion of the State Bar's website; (b) call for nominations and appoint Committee members; and (c) notify the Nevada Supreme Court of the Committee's creation.

Public Lawyers Section

Approved the following slate of officers:

Chair: Brett Kandt

Vice Chair: Tina Russom

Secretary: Sarah Bradley

Solo and Small Firm

Approved amended bylaws to the Solo and Small Firm Section

APPOINTMENTS

Fee Dispute Arbitration Committee

Approved reappointment for a three year term:

Name	Regional Panel	Effective Date
Susan Brackney	Reno	June 2014
Kevin Kirkendall	LVA	June 2014
James Kohl	LVC	June 2014
Susan Krenzien	LVA	June 2014
John Moran III	LVB	June 2014
Evan Needham	LVB	June 2014
Miriam Rodriguez	LVB	June 2014
Janet Trost	LVA	June 2014
Shadd Wade	LVB	June 2014
Mark Alden	LVC	August 2014
Jason Bach	LVC	August 2014
Tom Dillard	LVC	August 2014
Lewis Etcoff	LVC	August 2014
Geoffrey Potts	LVC	August 2014
Lane Swainston	LVC	August 2014
Sheila Van Duyne	Reno	August 2014
S. Brent Vogel	LVA	August 2014
Joanna Wares	LVB	August 2014
Nancy Yarbrough	LVB	August 2014
Sally Zola	Carson City	August 2014

Approved for a three year term:

Name	Regional Panel	Effective Date
Jack Fleeman	LVC	June 2014
Robert Larsen	LVA	June 2014
Antony Santos	LVB	June 2014
Cortney Young (lay member)	Reno	June 2014

Approved for reappointment for a one year term:

Name	Regional Chair	Effective Date
Peter Angulo	State Chair	June 2014
Robert Gerard	LVB	June 2014
John Hope	Reno/Rural	August 2014

Southern Nevada Lawyer Advertising

Approved - Michel Santos for a two year term ending August 2016.

TIP Mentors

Approved the following attorneys to serve as TIP mentors:

Mike Pavlakis, Janet Pancoast, Teresa McKee, James Greene, Laura Stubberud, Frances Forsman, Patricia Halstead, Jen Sarafina, John Wendland, Douglas Duesman, Frank Flaherty, Marcie Ryba, Maren Parry, Susan Myers, Richard Hill, Jay Siegel, Theresa Ristenpart, Stephen Balkenbush, Marie Cleveland and Juan Rodriguez

RESIGNATIONS

Approved the following attorney resignations:

Scott B. Clark

James David Salo

Lynde Selden IIM.

Marcia McCormick

ELECTION OF OFFICERS

The following Slate of Officers was elected to the State Bar of Nevada Board of Governors for a term ending July 2015.

President: Elana Turner Graham

President-elect: Laurence Digesti

Vice President: Bryan Scott

ADJOURN

There being no further business before the Board, the meeting was adjourned at 5:15 pm.

Email Vote, August 4, 2014

Via an email vote on August 4, 2014, with a quorum voting, it was moved, seconded and carried to decline the offer to purchase 600 E. Charleston made by RF Development with no counter-offer. Further that we advise our broker to communicate to RF Development that we will entertain another offer for the entire Nevada Board of Governor's consideration at its September 23, 2014 meeting.