



State Bar of Nevada
Bylaws of the Board of Governors

Article 1: NAME

1.1 The name of this organization shall be the "State Bar of Nevada" (State Bar).

Article 2: KIND OF ENTITY

2.1 *Kind of Entity* (SCR 76) See Appendix: Public Corporation; Powers.

Article 3: PURPOSES AND POWERS

3.1 *Purposes and Powers* (SCR 76) See Appendix: Public Corporation; Powers. The purposes and powers of the State Bar are:

- (a) to govern the legal profession in Nevada as provided in NRS 7.275(1) and under the exclusive jurisdiction and control of the Supreme Court of Nevada;
- (b) to advance the science of jurisprudence;
- (c) to improve the administration of justice;
- (d) to promote reform in the law and in judicial procedure;
- (e) to uphold the honor, integrity, professionalism and dignity of the profession of law;
- (f) to apply its knowledge and experience in the field of law to the promotion of the public good;
- (g) to enhance the professional competence and ethical conduct of members of the Bar;
- (h) to improve the availability of competent legal services to all segments of the community;
- (i) to seek fulfillment of the obligations of the legal profession in the courts and in the community;
- (j) to advance public understanding of the law, the system of justice and the role of lawyers;
- (k) to encourage higher and better education for members of the profession and to provide educational programs for lawyers to understand the particular nuances of Nevada law and to maintain and enhance the skills of practicing lawyers, thus providing to the public quality services in the legal profession (S. Ct. April 6, 1990 Order re: CLE);
- (l) to fix and determine the qualifications for admission to the practice of law in this State;
- (m) to administer an attorney disciplinary system;
- (n) to make contracts; (NRS 7.275(2)(a)) and (SCR 76(2))
- (o) to own, hold, use, manage and deal in and with real and personal property; (NRS 7.275(b)) and (SCR 76(2))
- (p) to do all other acts incidental to the foregoing or necessary or expedient for the administration of its affairs and the attainment of its purposes. (NRS 7.275(2)(c)) and (SCR 76(2))

Article 4: BOARD OF GOVERNORS

4.1 *Members of the Board of Governors* (SCR 81(1)) See Appendix: Board of Governors. (SCR 81, SCR 90).

4.2 *Composition* (SCR 81(2)) The Dean of the William S. Boyd School of Law and Past Presidents serve as ex officio non-voting members of the Board.

- 4.3 *Terms.* (SCR 81(3)) See Appendix: Board of Governors.
- 4.4 *Elections* (SCR 81-84) See Appendix: Board of Governors.
- 4.5 *Duties of the Board of Governors* (SCR 85) See Appendix: Board of Governors.
- 4.6 *Powers of the Board of Governors* (SCR 86) See Appendix: Board of Governors.
- 4.7 *Operational responsibilities of the Board of Governors* The Board of Governors shall:
- (a) establish and periodically review the mission of the State Bar and set clear goals for accomplishment;
 - (b) adopt rules, regulations, and bylaws as deemed appropriate;
 - (c) adopt and periodically review policies and other necessary documents for the operations of the State Bar;
 - (d) select and evaluate the performance of the executive director;
 - (e) provide oversight and direction to the executive director to ensure that effective management practices are followed;
 - (f) approve the annual operating budget;
 - (g) Set and approve investment policy in accordance to SCR86(11);
 - (h) ensure the establishment of a system for equitable and effective hiring, evaluation, compensation, and termination of employees;
 - (i) monitor and evaluate the effectiveness of the State Bar;
 - (j) ensure an adequate working environment for staff members;
 - (k) establish committees to make recommendations to the Board of Governors and help carry out responsibilities;
 - (l) delegate authority to the staff through the executive director;
 - (m) appoint chairs and members to committees;
 - (n) delegate to the executive director the responsibility for all administrative functions.
- 4.8 *Officers of the State Bar* (SCR 90) See Appendix: Board of Governors.
- 4.9 *Presiding officer* The President shall also serve as the official spokesperson for the State Bar or may designate a spokesperson. (SCR 90(4)), See Appendix: Board of Governors.
- 4.10 *Ex officio members of the Board of Governors* All past presidents, Dean of the William S. Boyd School of Law and chair from the Board of Bar Examiners of the State Bar of Nevada shall be non-voting, ex officio members of the Board of Governors. The immediate past President, Dean of the William S. Boyd School of Law and chair from the Board of Bar Examiners shall be reimbursed by the State Bar for any travel expenses incurred in attending Board meetings in accordance with the reimbursement policy for all Board members.
- 4.11 *Representing Attorneys before State Bar Boards, Panels, Committees, and Commissions* Board members shall not represent anyone with adverse actions to any administrative interests of the State Bar.
- 4.12 *Judicial Campaigns* The members of the Board must refrain from public involvement in judicial campaigns and appointments that in any way identifies them as members of the Board, officers of the State Bar or otherwise representing the State Bar of Nevada.

Article 5: MEETINGS OF THE BOARD OF GOVERNORS

- 5.1 *Regular and special meetings* (SCR 87, SCR 97). See Appendix: Meetings of the Board of Governors.
- 5.2 *Emergency meetings* When the President 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 Board meeting.

- 5.3 *Notice* all regular meetings shall be preceded by written notice delivered via U.S. mail or electronically to Board members stating location, date and time of meeting and delivered at least three days in advance of the meeting.
- 5.4 *Place* (SCR 87(4)) See Appendix: Meetings of the Board of Governors.
- 5.5 *Quorum* (SCR 87(5)) Participation by telephone or video conference shall constitute "presence" of a member of the Board of Governors for the purposes of establishing a quorum and conducting business. See Appendix: Meetings of the Board of Governors.
- 5.6 *Annual Meeting* (SCR 94) See Appendix: Meetings of the Board of Governors.
- 5.7 *Agenda* The agenda of each meeting of the Board of Governors may include those topics requested by any governor or the Executive Director. Governors desiring to submit an item to be included on a meeting agenda should submit it to the President or Executive Director on a timely basis.
- 5.8 *Voting* At all meetings of the Board of Governors, each member of the Board of Governors is entitled to one vote per matter presented for vote. The affirmative vote of the majority of the Board of Governors present shall be the act of the Board of Governors. Voting by proxy shall not be allowed.
- 5.9 *Elections* If there is only one nominee for an office, the nominee is deemed elected without balloting. When there is more than one nominee for an office, balloting for election will be as follows: the President appoints, an election proctor, an ex-officio member of the Board of Governors along with the Executive Director. If additional nominations have been made that are not on the printed ballot, those names must be written on the ballot. Each member, including the President must vote for one nominee only. The President must provide his/her ballot to the election proctor to hold in abeyance pending the vote tally from the other members. Only in the event of a tie vote is the President's ballot examined by the proctor and then counted before the vote results are announced. The person receiving the majority of the votes is elected. In the case of a member who is participating via teleconference he or she shall transmit his or her vote via e-mail or a text message to the Executive Director or election proctor. While the preference is e-mail, if a member has no access to e-mail they can convey their vote telephonically to the Executive Director or election proctor. Voting by proxy is not allowed.
- 5.10 *Robert's Rules of Order* (SCR 94(4)) See Appendix: Meetings of the Board of Governors.

Article 6: COMMITTEES

- 6.1 *Robert's Rules of Order* The conduct and voting at any committee meetings are to be governed by the most recent edition of Robert's Rules of Order.
- 6.2 *Quorum* At committee meetings, the presence of a majority of committee members shall constitute a quorum for transaction of any committee business. Participation by telephone or videoconference shall constitute "presence" of a member of the committee for the purpose of establishing quorum and conducting business.
- 6.3 *Standing Committees* Standing committees of the Board of Governors shall include:
- (a) *Executive Committee* This committee shall be composed of the president, president-elect, vice-president, and at least two other governors appointed by the president.
- The responsibilities of this committee shall be to:
1. act on behalf of the Board of Governors between regular meetings of the Board within the authority delegated to it by the Board;
 2. meet regularly with the executive director to discuss and consider operational matters;
 3. exercise oversight and give direction to the executive director as appropriate;
 4. recommend to the Board of Governors changes in policy and new policies to facilitate State Bar operations;
 5. make appropriate investment recommendations to the Board of Governors as necessary.
- (b) *Audit Committee* This committee shall be composed of at least three members of the Board of Governors appointed by the president.

The responsibilities of this committee shall be to:

1. recommend to the Board of Governors the independent auditor to be employed;
2. evaluate the performance of the independent auditor;
3. set the scope of the annual audit;
4. receive and review the annual independent audit;
5. recommend and monitor any special audits that might be required;
6. review accounting and control functions.

- (c) *Investment Committee* This committee shall be composed of at least three members of the Board of Governors appointed by the president.

The responsibilities of this committee shall be to:

1. review and recommend to the Board the investment policy of State Bar funds;
2. monitor performance of the investment of State Bar funds;
3. make appropriate investment recommendations to the Board of Governors as necessary.

- (d) *Budget Committee* This committee shall be composed of at least three members of the Board of Governors appointed by the president.

The responsibilities of this committee shall be to:

1. recommend the adoption of the operating budget for approval by the Board of Governors;
2. recommend the budget amendments for approval by the Board of Governors;
3. monitor the implementation of the operating budget.

- (e) *Personnel and Compensation Committee* This committee shall consist of at least three members of the Board of Governors appointed by the president.

The responsibilities of this committee shall be to:

1. review employee compensation and benefit plans for the State Bar;
2. recommend to the Board of Governors changes in the compensation plan as required;
3. recommend to the Board of Governors the annual budget for compensation and employee benefits;
4. make other recommendations to the Board of Governors as necessary.

- 6.4 *Special Committees* The Board by resolution may create committees other than standing committees. In establishing such a committee, the Board shall set forth the responsibilities of the committee and approve committee chair and committee members.

Article 7: SECTIONS

- 7.1 *Policy* It is the policy of the State Bar to encourage the formation of sections of active members for the purposes of improving their professional skills and to provide a means for other active members to improve professionalism in their areas of practice. The State Bar recognizes that sections of active members interested in a particular field of law may provide a valuable service to the profession and the public by:

- (a) increasing the knowledge of active members of the State Bar in certain fields of law;
- (b) recognizing and discussing means for improving the law in certain fields;
- (c) publishing materials and scholarly articles regarding fields of the law;
- (d) recommending changes in the administration of justice in certain fields of the law in accordance with the policies of the State Bar.
- (e) drafting or proposing to support or oppose the adoption of legislation by the Nevada State Legislature.

- 7.2 *Creation or discontinuance* The Board of Governors may establish sections as it deems necessary or advantageous for members interested in particular areas of practice. The Board of Governors may terminate any section if its function is considered unnecessary in carrying out the objectives of the State Bar, or may consolidate the functions of sections to better accomplish such objectives.

7.3 *Function* The function of a section shall be to investigate, discuss and evaluate trends and activities in its emphasized areas of practice and make recommendations to the Board of Governors as appropriate.

7.4 *Composition of Sections* A section shall consist of not less than 20 active members. Any Nevada licensed attorney who is a member in good standing with the State Bar may be a member of any section, regardless of primary areas of practice or interest, upon paying the membership dues as required by the section and as approved by the Board of Governors. Sections shall elect officers (Chair, Vice Chair, Secretary and Treasurer) who serve on the Executive Committee of the section. Professors of any tenure at any university or college in Nevada with law degrees may be "Honorary Section Members" upon payment of the same dues as other Section Members. Honorary Section Members shall have the same rights as Section Members.

Membership shall be reviewed one year after the Section has been formed to confirm they meet the minimum of 20 active members required to form the section. The section will be notified of any deficiency and be given one year to cure. If membership remains under the required minimum at 12/31 of the following year and are unable to pay the administrative fee, the Board of Governors shall consider whether to sunset the section and disburse section funds.

7.5 *Formation Procedure* At least five active members may make written application to the Board of Governors to form a section. The application shall:

- (a) identify at least 20 persons who are active members of the State Bar of Nevada and in good standing who are willing to join and become members of the proposed section;
- (b) designate with specificity the practice constituency area or field of law for which formation of the section is being proposed;
- (c) state the immediate and long-range goals of the proposed section, including any goals with respect to providing continuing legal education;
- (d) have attached a copy of the proposed bylaws for the governance of the section;
- (e) identify the persons who are proposed to serve as initial officers of the section.

7.6 *Section Operations* A section shall be semiautonomous but shall always be under the authority of the Board of Governors. A section is authorized to keep bylaws, which must not conflict with the bylaws of the State Bar. The Board of Governors must approve any amendments to a section's bylaws. A current copy of the bylaws of each section and any amendments thereto shall be filed with the executive director.

7.7 The State Bar will assess and collect section dues at the same time that bar membership dues are collected. The Board of Governors must approve dues for each section. Each section's receipts and expenditures are handled by the Bar and accounted for in the section's monthly financial statements provided by the State Bar. No section may maintain a separate bank account.

7.8 *Section Budgets* Each year a section shall submit its proposed budget to the Board of Governors for approval. Section revenues shall rollover from one year to the next.

7.9 *Continuing Legal Education* Each section shall have the goal to provide continuing legal education in the field of law or area of practice emphasized by the section. However, each section must communicate all continuing education activities through the CLE department of the State Bar regardless of whether they are working in conjunction with the bar or are acting independently, so as to avoid duplicate programming

7.10 *Adoption of Legislative Positions* A section may propose to support or oppose the adoption of legislation by the Nevada State Legislature only on the following limited terms. A section's position on legislation must (1) relate closely and directly to the administration of justice; (2) involve matters which are not political and as to which evaluation by lawyers would have particular relevance if not related closely and directly to the administration of justice; or (3) come within the section's special expertise and jurisdiction. Any proposed legislative position must be adopted by the section pursuant to those procedures set forth in the section's bylaws, as previously approved by the Board of Governors.

Upon adoption of a legislative position, the section shall present the proposed legislative position to the Board of Governors for review. If the Board of Governors approves of the legislative position

taken by the section, the section may take the legislative position and may assert that the legislative position is endorsed by the State Bar generally or the Board of Governors.

If, on the other hand, the Board of Governors disapproves of the legislative position taken by the section, the section shall not take a position on such matter.

If the Board of Governors does not expressly disapprove of the section's position, or fails to take any action on the section's legislative position, 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. Under such circumstances, the legislative action taken by the section shall be clearly identified as the legislative position of the section and not that of the State Bar or the Board of Governors. A legislative position statement of a section to a legislative body must, as a preamble, contain the following disclaimer in capital letters and underlined:

This position is being presented only on behalf of the (____) Section of the State Bar of Nevada. This position should not be construed as representing the position of the Board of Governors or the general membership of the State Bar. The (____) Section, which takes this position, is a voluntary section of (____) members composed of lawyers practicing in a specified area of law.

This position is taken as a result of a vote of (____) to (____) of the executive committee of the (____) Section, which is the governing body of that section. No approval or disapproval of the general membership of this section has been obtained.

This disclaimer shall be included in all written materials submitted and filed before the presentation of testimony with the clerk of the committee or subcommittee before which testimony is to be presented. Additionally, the disclaimer must be read at the beginning of oral testimony before a committee or subcommittee.

If the general membership of the section has approved the section's position, paragraph 2 of the disclaimer may be omitted.

- 7.11 *Amicus Curiae Briefs* A section that wishes to file *amicus curiae* brief with any court must obtain prior approval from the Board and/or Executive Committee. The President may appoint a member/s of the Board of Governors to review amicus requests and final briefs.

The Board and/or the Executive Committee may authorize *amicus* briefs only when such briefs involve questions relating to the regulation of the profession, improving the administration of justice, or improving the quality of legal services. The subject matter must relate to the mission/practice focus of the section.

Section requests to file an amicus brief When a section seeks to file an *amicus* brief it must state whether it is filing upon its own volition or at invitation from the court. The section must obtain prior approval from the Board and/or the Executive Committee. The request must be in writing and include a synopsis of the question involved and the posture of the case. The section may present conflicting points of view in the *amicus* brief. The request must include a statement noting when the section authorized the brief according to the section's bylaws and a list of all individuals participating in writing the brief. The section may be required to obtain an extension of time from the court to obtain required approvals.

Approvals of an amicus brief The section must provide the completed brief (or near final draft) for review and approval by the Board and/or Executive Committee. In its introduction, the *amicus* brief must clearly state that the section is speaking on its own behalf and not on behalf of the State Bar. The section may be required to obtain an extension of time from the court to obtain required approvals.

7.12 *Limitations; Specific Activities Not Authorized* The section may not:

- (1) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (2) Support or oppose, in an election, candidates for public office;
- (3) Use section funds to support or oppose any political campaign

Sections may request an exemption by the Board of Governors to the list above.

Article 8: EXECUTIVE DIRECTOR

8.1 The Executive Director, appointed by and acting under the supervision of the Board, is the principal administrative officer of the Bar. The Executive Director also serves as secretary of the corporation. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: hiring, managing and terminating bar personnel; negotiating and executing contracts; collecting debts owed to the bar and assigning debts for collection as deemed appropriate; and acquiring (through purchase or lease), managing and disposing of any personal property related to the bar's operations, within the budget approved by the Board. The Executive Director will attend all meetings of the Board; will keep the Board informed of all agenda items with appropriate background information and staff or committee reports; and will keep a record of the proceedings of all such meetings. The Executive Director is responsible for preparing an annual budget for the Board's Budget Committee. The Executive Director performs other duties as directed by the Board.

8.2 *Absence of the Executive Director* In the absence or incapacity of the Executive Director, the Board of Governors will designate the person succeeding to the responsibilities of authority of the Executive Director and who shall have the responsibility and authority of the Executive Director provided in this section. In an emergency, the President will designate the person succeeding to the responsibilities and authority of the Executive Director pending approval by the Board of Governors.

Article 9: INDEMNIFICATION

9.1 *Indemnification of Directors and Officers*

- (a) *Generally* The State Bar shall provide indemnification to qualified indemnities for liability arising out of qualified actions. A qualified indemnitee is a person who is or was an officer, member of the Board of Governors, member of the staff of the State Bar, or is serving at the request or appointment of the State Bar as a member of any board, committee or subcommittee. A qualified action is an action in good faith within the course and scope of the authority expressly or impliedly delegated by applicable Supreme Court Rule, policy adopted by the Board of Governors or by the executive director within his or her authority. Each qualified indemnitee who is party to, or is threatened to be made a party to, or is involved in any threatened, pending or completed claim, action, suit, or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that the indemnitee or a person of whom the indemnitee is a legal representative, is or was a member of the Board of Governors or officer of the State Bar or a member of a board, committee or sub-committee of the State Bar formed by the Board of Governors, shall be defended, indemnified and held harmless by the State Bar to the fullest extent legally possible under the laws of the State of Nevada, as amended from time to time, against all expenses, liability, and losses (including but not limited to attorneys' fees, judgments, fines, and amounts paid in settlement) reasonably incurred or suffered by the indemnitee in connection therewith. Such right of indemnification shall be a contract right that may be enforced by the indemnitee.
- (b) *Cumulative Right* Such right of indemnification shall not be exclusive of any other right which such member of the Board of Governors, officer, or representative may have or hereafter acquire, and without limiting the generality of such statement, each shall be entitled to his or her respective rights of indemnification under any agreement, provision of law, or otherwise, as well as his or her rights under this section of these bylaws.
- (c) *Insurance* The Board of Governors may cause the State Bar to purchase and maintain insurance to protect the State Bar against employee theft and on behalf of any person who is a member of

the Board of Governors, officer, employee, or agent of the State Bar, or is serving at the request of the State Bar as a member of a committee, board, or sub-committee against any liability or theft against such person and incurred in any such capacity or arising out of such status, whether or not the State Bar would have the power to defend and indemnify such person against such liability.

Article 10: AMENDMENT

10.1 *Amendment of Bylaws* Any proposed amendment of the Bar's Bylaws requires that the Board be provided with notice and a copy of the proposed amendment at the Board meeting immediately preceding the Board meeting at which the Board votes on the proposed amendment unless two-thirds of the entire Board waives the notice requirement. The Bar's Bylaws may be amended by affirmative vote of a majority of the entire Board at any regular meeting or at any special meeting of the Board called for that purpose.

Dates approved or revised:

Approved	December 10, 2008
Revised and Approved	March 4, 2009
Revised and Approved	August 18, 2009
Revised and Approved	August 18, 2010
Revised and Approved	October 13, 2010
Revised and Approved	December 8, 2010
Revised and Approved	April 10, 2013
Revised and Approved	July 24, 2013
Revised and Approved	September 15, 2016



State Bar of Nevada

Appendix

Supreme Court Rules Pertaining to the State Bar Bylaws

PUBLIC CORPORATION; POWERS

1. The State Bar of Nevada, a public corporation heretofore created by statute, shall govern the legal profession in this state, subject to the approval of the Supreme Court. The state bar is under the exclusive jurisdiction and control of the Supreme Court and is an association of persons now or hereafter regularly licensed to practice law in the State of Nevada.
2. The state bar has perpetual succession and a seal and it may sue and be sued. It may, for the purpose of carrying into effect and promoting its objectives, make contracts, own, hold, use, manage and deal in and with real and personal property, subpoena witnesses for the purpose of aiding in cases of discipline, suspension or disbarment, or application for admission, and do all other acts incidental to the foregoing or necessary or expedient for the administration of its affairs and the attainment of its purposes. (SCR 76)

Continuation as public corporation; powers; rules of Supreme Court

1. The State Bar of Nevada, a public corporation heretofore created by statute, is hereby continued under the exclusive jurisdiction and control of the Supreme Court.
2. The State Bar of Nevada has perpetual succession and a seal and it may sue and be sued. It may, for the purpose of carrying into effect and promoting its objectives:
 - (a) Make contracts.
 - (b) Own, hold, use, manage and deal in and with real and personal property.
 - (c) Do all other acts incidental to the foregoing or necessary or expedient for the administration of its affairs and the attainment of its purposes.
3. Rules for the government of the State Bar of Nevada shall be made by the Supreme Court pursuant to NRS 2.120. (NRS 7.275)
(Added to NRS by 1963, 385)

BOARD OF GOVERNORS

Election of members; term

1. The board of governors shall hold office until their successors are elected and qualified as hereinafter provided.
2. The board of governors of the state bar shall be composed of 15 members to be elected as follows:
 - (a) Nine members shall be elected from district No. 1, which shall consist of Clark County;
 - (b) One member shall be elected from district No. 2, which shall consist of the counties of White Pine, Elko, Eureka, Churchill, Lander, Humboldt, Lyon, Lincoln, Douglas, Mineral, Nye, Esmeralda, Pershing and Storey;
 - (c) One member shall be elected from district No. 3, which shall consist of Carson City; and
 - (d) Four members shall be elected from district No. 4, which shall consist of Washoe County.
 - (e) The members of the board of governors shall be elected for two-year terms. No attorney may serve on the board of governors for more than a lifetime total of eight years, unless elected as vice president, president-elect or president, in which case the lifetime limit would be eleven

years. The time served in filling a partial term created by a vacancy shall not be included in computing the eight-year lifetime limit. If elected vice president, president-elect or president, the term of office shall extend, without reelection, through the officer's presidential year.

3. Only active members of the state bar who reside in Nevada and have an official address pursuant to Rule 79 in the respective counties as provided in subsection (2) above, are eligible to be elected as a governor there from. (SCR 81)

Nominations; mailing of ballots; vacancies

1. Within 30 days prior to each annual meeting of the state bar, members of the board of governors shall be elected as provided for in this rule and in Rule 81. An election shall be held in each district where there are enough nominations for governor to constitute a contested race.
2. Nominations for governors shall be by petition signed by at least five members entitled to vote for such nominees. The election shall be by ballot. The ballot shall be distributed to those entitled to vote at least 60 days prior to the ensuing annual meeting. In other respects the election shall be as the board of governors shall direct.
3. Only active members of the state bar who are residents of Nevada and have an official address pursuant to Rule 79 in the respective counties, as provided in Rule 81(2), shall be entitled to vote for the governor or governors therefrom.
4. Vacancies on the board of governors shall be filled by the Supreme Court by appointment. (SCR 82) [As amended; effective February 9, 2011.]

Nominating petitions for governors: Form; date of filing; determination of sufficiency

1. Nomination for the office of governor from any district shall be in writing and substantially in the same form for all districts, which form shall be prepared by the executive director of the state bar, published in the bar journal, and posted on the bar's web site. Additional forms shall be available from the bar upon request.
2. Nominating petitions shall be certified in the manner prescribed by such forms, and shall be filed in the office of the state bar not later than 75 days nor earlier than 90 days prior to the annual meeting of the state bar.
3. Any number of nominating petitions on behalf of a nominee may be filed, but when such nominee has been nominated by five members entitled to vote for such nominee, all signatures in excess of five may be disregarded. The executive director of the state bar is empowered to determine when a nominee is nominated. (SCR 83) [As amended; effective March 12, 2003.]

Voting for board of governors: Preparation of voting list; mailing, voting, custody and counting of ballots

1. All active members of the state bar, who reside in Nevada and who are in good standing 75 days prior to the annual meeting of the state bar, shall be entitled to vote for governors of the state bar at the next-ensuing election. Each such member must have an official address pursuant to Rule 79 in the county in which that member is entitled to vote, as provided in Rule 82(3). The executive director of the state bar shall immediately prepare a voting list of all active members entitled to vote, such list to be open to inspection by members of the state bar. Copies may be furnished to members upon paying the cost of transcribing or printing the same.
2. Not less than 60 days prior to the annual meeting of the state bar the executive director shall prepare ballots and prepare and distribute the same to each active member of the state bar. The ballots shall contain the names of the nominees for only the local governor or governors. In any case where it is satisfactorily made to appear to the executive director that a member entitled to vote has not for any reason received a ballot, or that such ballot has been lost or destroyed, the executive director shall furnish a new ballot to the member.
3. The executive director shall provide the ballots in such forms as the executive director deems best, in order to facilitate the distribution and counting of the ballots.
4. The member shall cast a vote and the executive director shall provide for the return of ballots, not less than 30 days prior to the date of the annual meeting. The vote shall be cast in the manner provided by the executive director, which allows for the counting and validation of ballots.
5. The executive director shall have the custody of the ballots after they are voted, until the ballots are counted. The executive director shall maintain any paper ballots received in a locked receptacle

designated for district. Any ballot submitted in a locked receptacle designated for district. Any ballot submitted in a format not provided by the executive director will not be counted.

6. The ballots shall be counted within the 30 days prior to the ensuing annual meeting of the state bar and validated by a neutral third party. The executive director shall certify the result to the president and shall thereafter announce the vote and declare the persons receiving the highest number of votes for the respective offices, or if an uncontested election, provide the names of nominated candidates for governors of the state bar for the ensuing year, commencing upon their taking the oath of office, following the election of officers, at the annual meeting. (SCR 84)
[As amended; effective February 9, 2011.]

Duties of board of governors

1. Until further order of the court or amendment of these rules, the board of governors shall be charged with the executive functions of the state bar and the enforcement of the provisions of Rules 49 to 204, inclusive.
2. Annually, the board of governors shall have prepared a statement showing the total amount of receipts and expenditures of the state bar for the 12 months preceding. The statement shall include a management representation letter from an accounting firm and a report from the state bar's accounting department reflecting additional detail in categories that have only broad classifications, and shall be promptly certified by the treasurer to the chief justice of the Supreme Court.
3. The board of governors shall conduct an annual meeting of the state bar at a time and place to be designated by the board, as provided in Rules 94 and 95. At the annual meeting reports of the proceedings by the board of governors since the last annual meeting, reports of other officers and committees and recommendations of the board shall be received. Matters of interest pertaining to the state bar and the administration of justice may be considered and acted upon.
4. The board of governors shall develop internal audit controls consistent with guidelines set by the Supreme Court.
5. The board of governors shall adopt regulations governing travel and expenses paid for state bar officials and employees consistent with guidelines set by the Supreme Court.
6. The board of governors shall establish and adhere to a policy relating to purchases of supplies, equipment and services consistent with guidelines set by the Supreme Court. (SCR 85)
[As amended; effective May 6, 1990.]

Powers of board of governors

1. The board of governors, in the name of the state bar, shall have the power to maintain a commercial banking account or savings account, or both, to deposit therein funds of the state bar, and invest funds of the state bar as in paragraph 11 hereof provided, and to make appropriations and disbursements from such funds to pay all necessary expenses for effectuating the purposes of Rules 49 to 204, inclusive, but no member of the board shall receive any other compensation than his necessary expenses connected with the performance of his duties as a member of the board.
2. The board of governors shall have the power to establish, publish and maintain a bar journal and to pay necessary expenses in connection with the same.
3. The board of governors shall have the power to receive membership fees, bar application fees, advertising revenue and subscription fees in connection with publication of the bar journal, and other fees in connection with the administration of the state bar, and shall promptly deposit the same in a state bar commercial or savings account or invest as provided in paragraph 11 hereof.
4. The board of governors shall have the power to appoint such committees, officers and employees as it may deem necessary or proper, and fix and pay salaries and necessary expenses.
5. Subject to the laws of this state and the Supreme Court Rules, the board of governors shall have the power to formulate and declare rules and regulations necessary or expedient for the carrying out of Rules 49 to 204, inclusive, and shall fix the time and place of the annual meeting of the state bar, or special meetings thereof.
6. With the approval of the Supreme Court, the board shall have the power to formulate and enforce rules of professional conduct for all members of the state bar in this state.
7. Subject to Rules 49 to 75, inclusive, the board of governors shall have the power to govern the admission of members to the practice of law in this state.
8. The board of governors shall have the power to issue a recommended minimum fee schedule.

9. The board of governors shall have the power to aid in the advance of science of jurisprudence and in the improvement of the administration of justice, to promote reform in the law and in judicial procedure, to uphold and elevate the standard of honor, of integrity and of courtesy in the legal profession, to encourage higher and better education for membership in the profession, and to promote a spirit of cordiality and true friendship among the members of the bar.
10. The board of governors shall have further powers in the administration of the state bar as provided in Rule 76.
11. In addition to commercial banking or savings accounts, the board of governors shall have the power to invest surplus funds in any of the following investments:
 - (a) Time certificates of deposit;
 - (b) Bonds and debentures of the United States, the maturity dates of which shall not extend more than 10 years from the date of purchase;
 - (c) Bills and Notes of the United States Treasury, the maturity date of which is not more than 10 years from date of purchase;
 - (d) Obligations of the United States Postal Service or the Federal National Mortgage Association, the maturity date of which is not more than 10 years from the date of purchase;
 - (e) Bonds of federal agencies, where underwritten by or payment is guaranteed by the United States.
12. The board of governors shall have the power to establish a committee for resolving fee disputes between attorney and client, and to make attorney arbitration of fee disputes mandatory. Any fee dispute system implemented by the board of governors shall provide that, except where the fee agreement has been established in a continuing relationship, if there is no written agreement between the attorney and the client, the attorney shall bear the burden of proof of all facts, and the attorney shall be entitled to receive no more than reasonable value of services for the work completed; or, if the failure to complete the work was caused by the client, for the work performed. There shall be a right to de novo review in the district court of all awards arising out of any fee dispute system implemented pursuant to this rule. (SCR 86)
 [Added; effective May 27, 1970; amended effective January 2, 1996.]

Officers of the state bar: Election, selection, terms and duties

1. The officers of the state bar, who shall be members of the board of governors, shall be a president, a president elect and a vice president. There shall also be appointed annually by the board of governors an executive director and treasurer who need not be members of the board of governors. The executive director and treasurer positions may be filled by the same person. As used in these rules, the term "executive secretary" means the executive director.
2. The officers of the state bar shall be elected from the membership of the board of governors by the governors. The officers shall be a president, a president-elect and a vice-president. The president-elect and vice-president shall be elected at the annual meeting. After serving one year the president-elect succeeds the president and shall become president at the next annual meeting following his or her election as president-elect. In the event of a vacancy in the office of president-elect the vice-president shall assume the office of president-elect but otherwise the term of vice-president shall expire after a one-year term.
3. The officers of the state bar shall continue in office until their successors are elected and qualify.
4. The president shall preside at all meetings of the state bar and of the board of governors. In the event of the president's absence or inability to act, the president elect shall preside. Other duties of the president, president elect and vice president and the duties of the executive director and the treasurer shall be such as the board of governors may prescribe. (SCR 90)
 [As amended; effective March 8, 1990.]

Statement of purpose

The president-elect shall be elected annually by the board of governors based upon the needs of the people of the State of Nevada, the needs of the legal community, and the perceived talents that a board member may offer if elected as an officer of the board of governors, without regard to seniority or to regionalism. This statement of purpose must be referred to at each election. (SCR 90.5)
 [Added; effective May 6, 1990.]

MEETINGS OF BOARD OF GOVERNORS

Regular, special meetings; quorum

1. The regular meetings of the board of governors shall be held quarterly on notice given by the executive secretary. A regular and a business meeting shall be held during the annual meeting, and an additional meeting shall be held to cover the budget.
2. If necessary, the president may call a special meeting of the board of governors. Upon written request of five governors filed with the executive secretary requesting the president to call a special meeting of the board of governors and setting forth the need for such meeting, the president shall within 5 days thereafter call such meeting. If the president for any reason fails or refuses, for a period of 5 days after request therefore, to call a special meeting, the executive secretary or some other person designated by the governors requesting the special meeting, shall call the meeting if necessity for the meeting has been shown. The date fixed for such meeting shall not be less than 5 days nor more than 10 days from the date of such call.
3. Notice of a special meeting shall be signed by the executive secretary or by the person designated by the governors in their call. The notice shall set forth the day and hour of the meeting and the place for holding the same. Any business may be presented for consideration at such special meeting. Such notice must be given to each governor, unless waived by him. A written waiver signed by any governor shall be equivalent to notice as herein provided. Notice to governors not waiving as aforesaid shall be in writing and may be communicated by telegraph, or by letter through the United States mail in the usual course, addressed in either case to each of the governors at his law office address. Notice by telegraph shall be filed with the telegraph carrier for transmission at least 3 days, and notice by mail shall be deposited in the United States post office at least 5 days, before the date fixed for the special meeting.
4. Meetings of the board of governors shall be held at such place or places within or without the State of Nevada as shall be designated by the board or, in the absence of such designation by the board, as shall be designated by the president.
5. At meetings of the board of governors the presence of a majority of governors shall constitute a quorum for the transaction of any business of the board, except that less than a quorum may adjourn from day to day. (SCR 87)
[As amended; effective May 6, 1990.]

Special meetings of the state bar

1. Special meetings of the state bar may be held at such times and places as are designated by the board of governors and may be called:
 - (a) By the executive secretary, upon a majority vote of the board of governors present at any meeting of the board;
 - (b) By the executive secretary, upon written request of three members of the board of governors; or
 - (c) By the executive secretary, upon written request of 25 active members of the state bar.
2. If the executive secretary does not act upon a request within 5 days after its receipt, the special meeting may be called by any active members of the state bar designated by the board of governors or the required number thereof, or by the required number of active members of the state bar making request therefore.
3. Special meetings may consider only such matters as are set forth in the call of the meeting; but the board of governors may call special meetings of the state bar to consider generally all or any legislation to be introduced or pending before the legislature, or awaiting executive approval.
4. Notice of a special meeting shall state the time and place of holding of such meeting, and shall be given to the members of the state bar by mail at least 5 days prior to such meeting. The notice shall state generally the matters to be considered at the special meeting and shall be signed by the executive secretary, or in case of his failure to act, by any other person designated as hereinabove specified. (SCR 97)

Annual meeting

1. The board of governors shall conduct an annual meeting presided over by the president of the state bar between January 1 and December 1 of each year at any place within or without the State of

Nevada, the exact date and exact location to be determined by an order of the board of governors made at least 60 days prior to the date of such annual meeting.

2. Notice of the annual meeting shall state the time and place for the holding of such meeting, and shall be given the members of the state bar by mail at least 30 days prior to such meeting.
3. Thirty active members of the state bar shall constitute a quorum at any annual or special meeting of the state bar, but for the purpose of canvassing the ballots at any annual meeting 20 active members of the state bar may constitute a quorum.
4. Proceedings at any meeting of the state bar shall be governed by Roberts' Rules of Order.
5. The order of business at annual and special meetings, unless changed by the board of governors, or temporarily changed by vote of members of the state bar while in session, shall be as follows:
 - First—Call to order.
 - Second—Appointment of canvassing boards.
 - Third—Report of the treasurer.
 - Fourth—Report of the board of governors.
 - Fifth—Report of the canvassing boards and declaration of the results of election.
 - Sixth—Administration of oaths to governors elect.
 - Seventh—Report of special committees appointed by the board of governors.
 - Eighth—Report of sections of the state bar.
 - Ninth—Unfinished business.
 - Tenth—New business.
 - Eleventh—Adjournment.
6. The board of governors shall provide a suitable program for each annual meeting of the state bar and shall organize the format of the meeting to assure that there is maximum participation by a broad spectrum of the bar. Every reasonable effort shall be made to make the annual meeting self-supporting. At the annual meeting, reports of the proceedings by the board of governors since the last annual meeting, reports of other officers and committees, and recommendations of the board of governors shall be received. Matters of interest pertaining to the state bar and the administration of justice may be considered, debated and acted upon at the annual meeting.
7. The reports of the several sections of the state bar, special committee reports submitted by the board of governors, and all matters of interest pertaining to the state bar and the administration of justice may be considered, debated and acted upon at the annual meeting.
8. The board of governors may order any question upon which action has been taken at the annual meeting referred to a vote of the entire membership of the state bar.
9. Those present at an annual meeting may, by a two-thirds vote, order the board of governors to take a referendum upon any of such matters presented or acted upon at such meeting. Whenever the board of governors is ordered to take a referendum, or whenever the board of governors orders any question referred to a vote of the entire membership of the state bar, the executive secretary shall prepare a questionnaire containing the matters upon which such vote is to be taken, and such questionnaire shall be submitted by the executive secretary to each member, in such form that each member can vote thereon and return the same to the executive secretary. (SCR 94)

[As amended; effective December 27, 1993.]



State Bar of Nevada

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State Bar of Nevada

Policies

Bylaws of the Board of Governors

Policy 1: CONFLICT OF INTEREST

1.1 The Conflicts of Interest Policy for the State Bar of Nevada establishes certain standards regarding conflicts of interest for the following persons who are elected, appointed, or serve in an ex officio capacity (hereinafter, "Covered Persons"):

1. Members elected to the Board of Governors of the State Bar of Nevada.
2. Members appointed by the Board of Governors to any Committee, Panel and/or Board of the State Bar of Nevada.
3. Members elected to a leadership position on a State Bar of Nevada Section.
4. Staff and employees of the State Bar of Nevada.

This Policy is intended to supplement, but not replace, any applicable state or federal laws or regulations applicable to the State Bar of Nevada or its members, as well as the Nevada Rules of Professional Conduct and any other ethical rules or obligations governing Nevada lawyers.

Conflicts of Interest

1. A Covered Person is required to exercise powers and discharge duties in the interest of the State Bar of Nevada and not in the Covered Person's own interest or in the interest of another entity or Related Person.
2. A Covered Person is expected to exercise reasonable diligence in identifying and disclosing any conflict of interest, if the Covered Person, or to the actual knowledge of the Covered Person, a Related Person or entity is either (a) a party to, or (b) has a beneficial interest in, or (c) is so closely linked to a transaction, gift or favor which is of such significance to the Covered Person, as to create a reasonable expectation that such circumstances would exert an influence on the Covered Person's judgment if called upon to vote upon, approve or enter into such a transaction.
3. A "Related Person" is defined as:
 - a. A spouse or domestic partner and any and all individuals related to a Covered Person or their spouse or domestic partner by blood or marriage.
 - b. Any entity of which the Covered Person is a fiduciary, director, general partner, agent or employee, or any entity under the control of such an entity.
 - c. Any individual who is a general partner, principal, employer, employee or client of a Covered Person.

4. A Covered Person shall disclose any conflicting interest to the Executive Director of the State Bar of Nevada and the officer or chairperson immediately presiding over the business of the Bar to which the conflict may relate.
5. After disclosure of a conflict (or learning of the existence of a conflict involving a Covered Person that is undisclosed), the Executive Director and the officer or chairperson in question shall determine the appropriate remedy for the conflict and shall communicate this resolution to the Covered Person.
6. The representation, by a Covered Person, of any person or entity with interests that are adverse to the State Bar of Nevada is deemed a conflict for purposes of this policy.

Policy 2: ABA HOUSE OF DELEGATES

- 2.1 *Selection* Nominations for the House of Delegates for the American Bar Association (ABA) must be in writing. The applicants must file a volunteer application with the Executive Director. Election of an ABA delegate must be conducted by vote of the Board of Governors. The ABA delegates will be elected from the state at large and the term of office is two years. ABA delegates must be in-state active members of the Bar. The Board must fill a vacancy in the office of ABA delegate due to a delegate's resignation, death or any other reason in the same manner as provided for board members.
- 2.2 *Voting* Each delegate to the ABA House of Delegates, as a condition of election, must vote substantially consistent with any position or direction of the Board of Governors.
- 2.3 *Expenses* The State Bar of Nevada will reimburse State Bar delegates to the ABA House of Delegates their individual expenses in attending the ABA annual and mid-year meetings. Expenses subject to reimbursement under this section do not include those reimbursed by the ABA to individual delegates, and are limited to an amount established by the Board of Governors. Bar reimbursement of delegate expenses must not exceed each delegate's proportionate share of the total amount established by the Board of Governors each year.

Policy 3: MEDIA RELATIONS

- 3.1 The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar. The President may also designate a spokesperson for the State Bar. If public appearances or statements by the chairperson or other officer or member of any bar committee are deemed necessary, prior authority must be obtained in advance from the President.

Policy 4: COMMUNICATIONS

- 4.1 *General Policy* Communications of the Bar and its constituent groups and entities, including printed material and electronic communications, should be germane to the law, lawyers, the practice of law, the courts and the judicial system, legal education and the Bar in its role as a mandatory membership organization. Communications, other than permitted advertisements, should advance public understanding of the law, legal ethics and the professionalism and collegiality of the bench and Bar.

- 4.2 *Editorial Policy* The Board of Governors may approve editorial standards for Bar communications submitted by the *Nevada Lawyer* Editorial Board or the Publications Committee and material permitted by the Bar to be included in its communications concerning such matters as advertising, political communication, profanity and obscenity, letters to the editor, use of artwork, photographs and illustrations, story placement, headlines and scheduling, advertising content and rates and similar topics.
- 4.3 *Campaign Advertisements* Judicial candidates and candidates for the Board of Governors may advertise at standard charges in *Nevada Lawyer*, but partisan political advertising is not allowed. Partisan political announcements or endorsements will not be accepted for publication as letters to the editor or feature articles.
- 4.4 *Membership Surveys and Questionnaires*
- (a) A survey to specific groups of the membership from bar staff, sections or others must have the prior approval of the Executive Director.
 - (b) A section may survey its own membership without prior approval.
- 4.5 *Directed Communication with Constituency* - Board members may communicate directly with members of their constituencies. Communications may be disseminated in any media form. Mailing lists will be provided at no cost to the Board member for such communications.
- (a) Communications shall include the following statement at the beginning of the document in no smaller than a 10 point font, "Message from Your Board of Governor. This message is sent to you as a personal opinion from your representative Board of Governor and may not represent the positions or views of the State Bar of Nevada Board of Governors."
 - (b) Communication that express personal opinion must clearly state the collective decision of the Board of Governors, if there is one, in addition to the opinion. In this instance, the communication must include a disclaimer stating, "The content of this communication is the personal opinion of the author and not that of the Board of Governors."
 - (c) Communications may not include decisions reached or opinions expressed during executive session.
 - (d) A copy of any communication sent to members by Board members will be kept by the Executive Director of the State Bar of Nevada.
- This addition to the communications policy was approved and added to the policies by the Board of Governors on December 7, 2011.*

Policy 5: SECTIONS

- 5.1 *Purpose* Sections are an integral and important part of the Bar. Sections are intended to provide Bar members who share particular interests an opportunity to develop and improve skills and to provide a forum for communication and action in matters of common interest.
- 5.2 *Formation* At least five active members may make written application to the Board of Governors to form a section. The application shall:
- (a) identify at least 20 persons who are active members of the State Bar of Nevada and in good standing who are willing to join and become members of the proposed section;
 - (b) designate with specificity the practice constituency area or field of law for which formation of the section is being proposed;
 - (c) state the immediate and long-range goals of the proposed section, including any goals with respect to providing continuing legal education;

- (d) have attached a copy of the proposed bylaws for the governance of the section;
- (e) identify the persons who are proposed to serve as initial officers of the section.

5.3 *Bylaws* Sections are governed by the Bylaws adopted by the Board. Sections may propose and the Board may approve, modified bylaws commensurate with the section's needs.

5.4 *Finances* The Bar will assess and collect section dues at the same time that bar membership dues are collected. The Board must approve the dues for each section. Each section should set dues at an appropriate level to pay for programs and activities. No section may maintain a separate bank account. Each section's receipts and expenditures are handled by the Bar and accounted for in the section's monthly financial statement provided by the Bar. Interest on section accounts accrues to the Bar's General Fund and is used to offset the administration for the sections. Section programs that utilize additional staff time for programs or services (i.e. CLE or administration) shall be charged an additional fee as set forth by the Board of Directors.

5.5 *Donations* Sections may make donations to charitable causes only with the prior approval of the Executive Director. The Executive Director will allow such donations only on a showing by the prospective donor that the donation of section funds to the charitable entity is related to the purposes for which the section exists as set forth in the section's bylaws.

5.6 *Administrative Services* Special services of the Bar, such as publications or product development, may be made available at cost to sections upon notification to the Bar.

5.7 *Continuing Legal Education Activities* The Bar is the informational clearinghouse for the CLE activities of each section. Each section should advise the Bar's CLE Department of any proposed CLE activities at the earliest possible date and in accordance with timelines established by the CLE Committee.

5.8 *CLE Event Co-sponsorship with Bar* If a section decides to seek co-sponsorship for a CLE event, it is encouraged to first contact the Bar's CLE Department. If the CLE Department is unavailable to co-sponsor the seminar event, the section then may seek co-sponsorship with other organizations. The CLE Committee, with approval of the Board of Directors, will establish policies for Bar co-sponsorship of section CLE events. These policies will address issues such as event revenues and expenses, topic, speakers, date and location.

Policy 6: COMMITTEES

6.1 *Standing and Special Committees* Standing or special committees of the Bar or officer of those committees may be appointed or discharged by the President or the Board.

6.2 *Committee Responsibilities* Committees are established so that members can study issues within the committees' charge and make recommendations to the Board. This charge outlines the committee's ongoing general activities as well as specific issues to be considered for the year. Committees may also recommend issues to the Board to be included in the charge at any time.

6.3 *Membership* All members of standing committees must be active or inactive members of the Bar. The Board shall appoint or reappoint members to a committee. The Board will solicit member preference for serving on committees throughout the year. The Board appoints members to fill vacancies that occur throughout the year. These vacancies occur because members resign or are unable to participate fully in the committee. Nominations for committee appointment must be submitted using

the committee volunteer form. The Board will appoint the chair and vice-chair of the committee in consultation with the committee. Term limits vary from committee to committee.

Policy 7: FINANCIAL MATTERS

7.1 *General Policy* All funds paid to the Bar will be received by the Executive Director acting for and on behalf of the Bar in a checking account or accounts with a commercial bank or financial institution. The Executive Director will make all disbursements from such accounts. The Board's Budget Committee and the Investment Committee will adopt the policy governing the investment, reinvestment, sale, conversion or other disposition of funds of the Bar, subject to the approval of the Board.

7.2 *Audits* The books of account of the Bar must be audited at least annually, unless otherwise directed by the Board.

7.3 *Borrowing*

(a) The President and the Executive Director acting for and on behalf of the Bar, are authorized and empowered:

- (1) To borrow from any bank, or other lending agency, on the terms agreed on between the officer and the lender and approved by the Board, a sum deemed prudent and necessary to effectuate the mission of the Bar.
- (2) To execute and deliver to any lender or other depository, the promissory note or notes or renewals thereof of the Bar at rates of interest and on terms as may be agreed on.
- (3) To mortgage, pledge or encumber and deliver to the lender, as security for the payment of loans, any savings of the Bar, regardless of form, on deposit with the lender.
- (4) To execute and deliver to any lender any financing statements, security agreements or other instruments in writing, of any kind or nature, that may be necessary to complete a financial transaction.
- (5) To draw on or endorse to any lender the savings on deposit or to dispose of the proceeds there from as may be deemed advisable.
- (6) To perform other acts and to execute and deliver to any lender other documents as may be deemed reasonable, necessary or proper.

(b) The President and the Executive Director, acting for and on behalf of the Bar, are also authorized and empowered to execute and deliver documents to any lender to memorialize or otherwise complete any borrowing or other financial transaction that has been previously authorized by the Board of Governors.

7.4 *Check Signatures* Cash disbursements of \$2,000 or more require two signatures. The Executive Director and officers are authorized signatories on State Bar accounts.

7.5 *Contractual Contracts* The Executive Director is authorized to execute contracts on behalf of the State Bar consistent with the approved budget for obligations less than \$10,000.00. Contracts obligating the State Bar to amounts greater than \$10,000.00 or in excess of one year will require the approval of the Board of Governors. *This policy was approved and added to the policies by the Board of Governors on August 18, 2009.*

7.6 *Annual Budget* The Executive Director will develop a draft annual budget for review and approval by the Budget Committee. The Budget Committee will submit its recommendation for final approval to the Board.

7.7 *Approval by Board of Governors* After the annual budget is adopted, the Board must approve a substantive programmatic change not anticipated or included in the budget.

7.8 *Operating Account* The Operating Account will maintain cash sufficient to assure fulfillment of obligations to the membership. The account will be used to sustain an acceptable level of operation and continue service to the membership if the standard level of operations is interrupted by unforeseen events. It is also used to offset the effects of an operational reversal until expenditures can be adjusted and to fund specific future capital enhancements and improvements in the operation of the Bar.

7.9 *Reserve Funds* Separate reserve funds will be established and maintained as Board-authorized reserve funds, defined as follows:

- (a) *Operating Reserve Fund* Established and maintained within the annual budget to assure continued operation of the Bar in the event of a non-dues revenue reversal or a catastrophic event. Operating reserves are set at 10% of annual operating expenses.
- (b) *Building Reserve Fund* established as a fund to set aside capital for the eventual purchase of Las Vegas facilities. Building reserves have been set as a \$500,000 annual contribution.
- (c) *LRIS Restricted Fund* Contributions to this fund come from the LRIS program. Annual contributions come from the revenues less expenses. LRIS restricted funds are used to grant monies in the Public Service Pro Bono Grant Program. Annual grant formula is set at 5% of restricted LRIS funds from previous years plus 50% of LRIS revenues less expenses for the prior calendar year.
- (d) *Dues Reserve* Planning for the most recent dues increase, which took effect on January 1, 2006, incorporated the concept of a five year dues cycle. The amount of the dues increase was set in anticipation of increasing cash flow sufficient to cover anticipated growing expenses from January 1, 2006, through December 31, 2011. It was anticipated that the State Bar would be in a revenue neutral position year end 2008 and begin drawing on reserves in the last years of the 5 year cycle. Revenues are projected and expenses are budgeted consistent with this five year dues cycle concept.

During the earlier years of the dues cycle, the amount by which annual revenues exceed annual expenses are accumulated in a "Dues Reserve." Funds in the Dues Reserve are available during the later years of the dues cycle, when it may be necessary to budget annual expenses in excess of annual revenues. Allocating funds to the Dues Reserve provides: (1) documentation of how well the bar is doing in budgeting and (2) a measure of its financial performance, with the goal of not raising dues for at least five years from January 1, 2006.

7.10 *Investment Policy* This statement of the investment policy has been adopted by the Board of Governors of the State Bar of Nevada to provide guidelines for the investment of funds held by the organization.

This policy is set forth for purposes of managing investment risk and to optimize investment returns and maintenance of liquidity. The investment policy shall be managed within the parameters outlined by Supreme Court Rule 86.11. This Policy and any amendments to it must be authorized by action of the Board of Governors.

- (a) *Investment Committee* The Investment Committee is involved in the management of State Bar of Nevada investment funds. Members of the Investment Committee include two members of the Board of Governors appointed by the President of the State Bar, the chair of the Budget and Finance Committee as a liaison, and one at-large committee member.
- (b) *Reviews* On a semiannual basis, or as deemed necessary, the Investment Committee will review the mix of investments for surplus funds to ensure the funds are managed in a fiscally sound manner and to achieve the highest return on investments within the parameters set forth by the

Board of Governors. The Investment Committee shall report to the Board of Governors semi-annually.

- (c) *In-house Management/Investment Manager* The Board of Governors, through the Investment Committee, may charge State Bar staff to invest funds according to the investment plan set forth by the State Bar Investment Policy. Or the Investment Committee may, with approval by the Board of Governors, contract with an investment manager for professional investment services. The selection of the investment manager shall be the subject of a request for proposal procedure every three years. The investment manager will monitor the various investment alternatives and select securities which best meet the State Bar's overall, long-term goals.
- (d) *Investment Criteria* Investment funds may be placed in:
 - (1) Commercial banking or savings accounts
 - (2) Certificates of deposit
 - (3) Bonds and debentures of the United States, the maturity dates of which shall not extend more than 10 years from the date of purchase
 - (4) Bills and Notes of the United States Treasury, the maturity date of which is not more than 10 years from date of purchase
 - (5) Obligations of the United States Postal Service or the Federal National Mortgage Association, the maturity date of which is not more than 10 years from the date of purchase;
 - (6) Bonds of federal agencies, where underwritten by or payment is guaranteed by the United States.

7.11 *Investment Management* The Executive Director is authorized and directed to deposit, sell, convert or withdraw cash on deposit in excess of that required for current operations and to invest those funds in accordance with the Bar's reserve and investment policy using expert advice and assistance as he or she may require. The Investment Committee will review the investment portfolio at least annually, using expert advice and assistance as it may require.

7.12 *Expense Reimbursements* Bar employees and members of the Board of Governors or any other special task force or committees named by the Board of Governors will be reimbursed for their expenses in accordance with this policy when acting in their official capacities. Expenses of spouses or guests will not be reimbursed except as specifically approved by the Board of Governors. The Bar must receive requests for expense reimbursement no later than 5 days after the expense has been incurred. If an expense reimbursement form is not submitted within 5 days after the meeting, it must be submitted not later than 45 days after year-end and include justification as to why it was not timely submitted. If these two requirements are not met, reimbursement will not be paid. Supporting documentation in the form of original receipts or copies of original receipts must be submitted with all requests for reimbursement of expenses while acting on official bar business.

7.13 *Eligible Expenses* Eligible reimbursable expenses while on official business include the following:

- (a) *Out-of-State Travel* Out-of-state travel for Board members will be reimbursed for those persons and meetings set forth in the Bar's annual budget or as otherwise approved by the Board of Governors. Employees must obtain prior approval of the Executive Director prior to traveling out-of-state.
- (b) *Board of Governors Travel* Board members will be reimbursed for expenses incurred for attendance at Board meetings, including the Board meeting held during the annual meeting as set forth in the Bar's annual budget.
- (c) *Transportation* Use of a personal automobile is reimbursed at the allowable IRS rate. Airfare is reimbursed at the actual cost of coach fare. Actual cost of taxi, bus or other public transportation is reimbursable. Actual cost of car rental at economy car rate when other transportation is not readily available.

- (d) *Lodging* Actual cost for a moderately priced, double-occupancy room, except when the location of the meeting or conference requires other arrangements. Receipts for lodging must be attached to the reimbursement form.
- (e) *Meals* Reimbursement for meals will be made at actual cost of the meal provided that it meets the standard of reasonableness. Meals purchased for members of the Bar or other persons in the course of official bar business will be reimbursed at actual cost with submission of receipts and an explanation provided it meets the standard of reasonableness. Official dinners, meetings or banquets of the Bar which eligible persons and their spouses or guests are expected to attend will be paid for by the Bar and, if not, will be eligible for reimbursement.
- (f) *Miscellaneous Costs* Telephone, postage, office expense, registration fees and other legitimate business expenses will be reimbursed at actual cost with submission of receipts or an explanation of the business purpose of the expense.

Policy 8: LEGISLATION AND PUBLIC POLICY

8.1 *Guidelines* Bar legislative or policy activities must be reasonably related to any of the following subjects: Regulating and disciplining lawyers; improving the functioning of the courts including issues of judicial independence, fairness, efficacy and efficiency; making legal services available to society; the education, ethics, competence, integrity and regulation of the legal profession; issues involving the structure and organization of federal, state and local courts in or affecting Nevada; issues involving the rules of practice, procedure and evidence in federal, state or local courts in or affecting Nevada; or issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Nevada.

8.2 *Legislative Process* Because of the nature of the legislative process, the Board retains the right to sponsor or take positions on appropriate legislation. In so doing, the Board will make a reasonable effort to do the following:

Encourage as wide a participation of the membership as possible in formulating positions on legislative issues; inform members, especially sections and committees, of the Bar's legislative positions; respect divergent opinions of subgroups within the legal profession; provide assistance to Bar sections and committees; and avoid committing Bar funds to issues that are divisive or result in creating factions within the profession.

8.3 *Committees and Sections* Any committee or section wishing to sponsor legislation or take a position on any rule or public policy issue will inform the Board of Governors of the exact nature of the legislation proposed. A copy of the bill, proposed rule or policy will be presented for consideration and approval of the Board. A committee or section of the Bar may not represent to the legislature or any individual, committee or agency thereof, a position or proposal or any bill or act, as the position of that committee or section of the Bar without the majority approval of the members of that committee or, in the case of a section, the executive committee and the prior approval of the Board, except as follows:

- (a) *Adoption of Legislative Positions* A section may propose to support or oppose the adoption of legislation by the Nevada State Legislature only on the following limited terms. A section's position on legislation must (1) relate closely and directly to the administration of justice; (2) involve matters which are not primarily political and as to which evaluation by lawyers would have particular relevance if not related closely and directly to the administration of justice; or (3) come within the section's special expertise and jurisdiction. Any proposed legislative position must be adopted by the section pursuant to those procedures set forth in the section's bylaws, as previously approved by the Board of Governors.

Upon adoption of a legislative position, the section shall present the proposed legislative position to the Board of Governors for review. If the Board of Governors approves of the legislative position taken by the section, the section may take the legislative position and may assert that the legislative position is endorsed by the State Bar generally or the Board of Governors.

If, on the other hand, the Board of Governors disapproves of the legislative position taken by the section, the section shall not take a position on such matter.

If the Board of Governors does not expressly disapprove of the section's position, or fails to take any action on the section's legislative position, 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. Under such circumstances, the legislative action taken by the section shall be clearly identified as the legislative position of the section and not that of the State Bar or the Board of Governors. A legislative position statement of a section to a legislative body must, as a preamble, contain the following disclaimer in capital letters and underlined:

This position is being presented only on behalf of the (____) Section of the State Bar of Nevada. This position should not be construed as representing the position of the Board of Governors or the general membership of the State Bar. The (____) Section, which takes this position, is a voluntary section of (____) members composed of lawyers practicing in a specified area of law.

This position is taken as a result of a vote of (____) to (____) of the executive committee of the (____) Section, which is the governing body of that section. No approval or disapproval of the general membership of this section has been obtained.

This disclaimer shall be filed before the presentation of testimony with the clerk of the committee or subcommittee before which testimony is to be presented. Additionally, the disclaimer must be read at the beginning of any oral testimony before a committee or subcommittee.

If the general membership of the section has approved the section's position, paragraph 2 of the disclaimer may be omitted.

- (b) *Amicus Curiae Briefs* A section that wishes to enter an *amicus curiae* appearance before any court must obtain prior approval from the Board. The request must be in writing and must include a synopsis of the question involved, the posture of the case, the position to be taken in the *amicus* appearance, and the anticipated cost of appearing *amicus curiae* including lawyer fees, if any. The question involved must directly or substantially affect admission to the practice of law, discipline of members of the bench or bar, the method selecting members of the judiciary or other questions of substantial interest to the State Bar or section. If the Board approves the filing of an *amicus curiae* appearance by a committee, the Bar will pay any costs for the appearance.

8.4 Objections to Use of Bar Dues A member of the Bar who objects to the use of any portion of the member's Bar dues for activities he or she considers promotes or opposes political or ideological causes may request the Board to review the member's concerns to determine if the Board agrees with the member's objections. Member objections must be in writing and filed with the Executive Director of the Bar. The Board will review each written objection received by the Executive Director at its next scheduled Board meeting following receipt of the objection. The Board will respond through the Executive Director in writing to each objection. The Board's response will include an explanation of the Board's reasoning in agreeing or disagreeing with each objection.

8.5 *Refund* If the Board agrees with the member's objection, it will immediately refund the portion of the member's dues that are attributable to the activity, with interest paid on that sum of money from the date that the member's fees were received to the date of the Bar's refund. The statutory rate of interest will be used. If the Board disagrees with the member's objection, it will immediately offer the member the opportunity to submit the matter to binding arbitration between the Bar and the objecting member.

Policy 9: CONTINUING LEGAL EDUCATION

9.1 *Self-Supporting Philosophy* The entire CLE function will be operated out of the Bar's general fund, but must be generally self-supporting or as nearly so as possible, with seminar registration fees fixed accordingly. However, because some seminars and publications cannot break even individually, prices for other seminars and publications may be fixed to provide a generally self-supporting CLE function. Except as otherwise provided herein, participating members of the Bar will not receive compensation for services on behalf of CLE, beyond a modest memento or other recognition and payment of expenses within Board guidelines.

9.2 *Reduced and Complimentary Registrations* Complimentary admission to CLE seminars is available to lawyer CLE Committee members. Complimentary admission does not include the cost of lunch or other fee-based activities held in conjunction with a CLE seminar.

9.3 *Expenses of Speakers and Planners* CLE seminar speakers and planners will be admitted free to the seminar and receive seminar materials without charge. CLE seminar speakers and planners are eligible for reimbursement for necessary travel expenses subject to the Bar's travel reimbursement policies.

Policy 10: MEMBER SERVICES

- 10.1 *Administrative Services* Administrative services, such as mailing lists and labels will be provided to member and nonmember groups at the cost of providing the service or product following guidelines set forth by the Board. Priority is given to official bar business.
- 10.2 *Member Benefits* Providers of Bar-sponsored member benefits may use the Bar's logo in their advertising and promotional material with the prior approval of the Executive Director. They may also indicate approval or endorsement by the Board in such material if the Board has approved or endorsed the program. Inactive membership status does not affect the eligibility of a member for bar-sponsored programs.
- 10.3 *Military Dues* Member (active, inactive) of the state bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than sixty days in any calendar year, and who is deployed or stationed outside the United States shall be exempt from the payment of membership fees upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the state bar offices on or before March 1 of the year for which the exemption is requested. Eligible members must apply every year they wish to claim an exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member.
This policy was approved and added to the policies by the Board of Governors on March 4, 2009.

Policy 11: LAWYERS CONCERNED FOR LAWYERS

- 11.1 *Lawyers Concerned for Lawyers Program* (SCR 106(5)) The Lawyers Concerned for Lawyers program is a voluntary program created by the Board of Governors to assist lawyers who are suffering from a psychological disorder or impairment, or a drug, alcohol, gambling, or other addictive compulsive disorder.
- Individuals, who make a good faith report to the Lawyers Concerned for Lawyers program, and the coordinator, agents or employees of the Lawyers Concerned for Lawyers program, shall be absolutely immune from civil liability. No action may be predicated upon the filing of a good faith report with the Lawyers Concerned for Lawyers program or any action taken in connection with such a filing by the coordinator, agents, or employees of the Lawyers Concerned for Lawyers program.
- All information obtained by the Lawyers Concerned for Lawyers program including the initial report and any subsequent information provided to the program thereafter, shall be confidential and shall not be admissible in any State Bar disciplinary, admission, administrative, or other State Bar proceeding.

Policy 12: DISCIPLINE

- 12.1 *The Discipline Process* **Grievances** must be submitted in writing to the State Bar. They can be submitted by mail, e-mail using the State Bar of Nevada's online complaint submission form, hand delivered, or faxed.
- All grievances are reviewed by Bar Counsel within one to two business days. If Bar Counsel is going to be unavailable, he/she designates another attorney in the Office of Bar Counsel to review the incoming grievances.
- The following may happen upon review of an initial grievance.

- (a) If the grievance has no factual basis or does not constitute misconduct, the complaint will be dismissed and the grievant will be notified in writing.
- (b) A file can be opened immediately. An open grievance file is defined as a file in which a case number is assigned and the matter must be presented to a Screening Panel of the Northern or Southern Disciplinary Board pursuant to SCR 105(1)(a). Once a file is opened, the grievance will be forwarded to the attorney who generally is given two weeks to provide a response. Once the response is received from the attorney, it usually is forwarded to the grievant for a reply. The grievant also is given two weeks to reply. Further investigation is conducted as needed, and the matter then be presented to a screening panel as soon practicable.
- (c) If the grievance needs further investigation prior to deciding whether to open a file, the grievance will be forwarded to the attorney who is given two weeks to respond. Once the response is received by the attorney, it is then forwarded to the grievant for a reply. The grievant is also given two weeks to reply. After a second review by Bar Counsel, the grievance will then either be:
 - (1) Dismissed; or
 - (2) Opened. If a file is opened, it usually occurs within six to eight weeks of the receipt of the initial grievance. Since the investigation is typically completed at this point, it can be presented to a screening panel.

The Screening Panel can vote for:

- (a) Dismissal
- (b) A Letter of Caution, which essentially is a “better practice letter.” This is a dismissal of the disciplinary matter with language cautioning the attorney regarding his or her conduct so the same situation does not occur again. This letter is authored and issued by Bar Counsel or another attorney in his office.
- (c) Private Reprimand and a fine of up to \$1000 and/or restitution. This is issued by the Screening Panel
 - (1) The attorney has the right to appeal the reprimand before an informal or formal hearing panel. The appeal period is fourteen days.
 - (2) Informal hearings consist of a panel of three members which can result in the reprimand being upheld, dismissed, or dismissed with cautionary language. This hearing is usually convened within two months of the screening panel’s decision.
 - (3) Formal Hearings consist of a panel of five members and can result in either a dismissal or any form of discipline. This hearing is usually convened within two months.
- (d) Formal Hearing
 - (1) Formal Complaint filed by Bar Counsel and heard before a panel of five members or, if the parties stipulate to a conditional guilty plea, a panel of three members. The complaint is almost always filed within one week of the screening. The Respondent has twenty days to answer the complaint. The hearing generally takes place within two months of the answer being filed. The Formal Hearing panel has the option of rendering its decision at the time of the hearing or rendering a written decision within thirty days.
 - (2) Record on Appeal is sent to the Nevada Supreme Court for panel recommendations resulting in a contested public reprimand, suspension or disbarment. This must be submitted by Bar Counsel within thirty days of the entry of the panel’s decision. Once submitted to the Supreme Court, the final order is usually entered within three to six months.

12.2 *Criminal Convictions* Pursuant to Supreme Court Rule 111, upon being advised of a **conviction** of a crime other than a misdemeanor traffic violation not involving the use of a controlled substance, Bar Counsel has the duty to obtain a certified copy of the conviction or other evidence of conviction and file a petition with the Supreme Court.

(a) *Monitoring Possible Convictions* Based upon good relations with the bar, our office learns of attorney arrests from judges, district attorneys, criminal defense attorneys and other lawyers. Our office has taken a pro-active approach in monitoring possible convictions. Additionally, an online search of the newspapers in Reno and Las Vegas with key words such as "attorney," "lawyer," and "arrest" is performed regularly to see if any arrests have been made.

(b) *Pending Criminal Matters* Once an arrest and subsequent criminal complaint is discovered, the Office of Bar Counsel requests the complaint and police report to determine the facts underlying the criminal allegations.

The Office of Bar Counsel takes a "wait and see" approach on some of the criminal cases by simply monitoring the case through its conviction. Examples here are misdemeanors for domestic violence or driving under the influence.

In other matters, a discipline file is immediately opened. The key to opening these files is whether any of the criminal allegations stem from the practice of law and/or the lawyer using his status in the community to commit the crime. Opening a file is of great significance to a lawyer, as their response to the State Bar could also be used in their pending criminal case.

The State Bar did open a file on Lawrence Davidson when Davidson forged a judge's signature and misappropriated settlement funds. The State Bar filed an emergency petition for a temporary suspension, which was granted, while the U.S. Attorney was preparing a case for the grand jury for the forgery charge. The State Bar was able to secure disbarment by consent from Davidson prior to the federal government filing its case regarding the theft of client funds. The federal government even used the State Bar's formal hearing complaint in their criminal complaint.

(c) *Log of Pending Criminal Matters* Once the Office of Bar Counsel learns of an arrest, a log is created. These criminal cases are monitored every month by a paralegal/investigator and reported to Bar Counsel. Once a conviction occurs, the certificate of conviction is ordered.

(d) *Filing of the SCR 111 Petition with the Supreme Court* Once the petition is filed with the Supreme Court, the Supreme Court has routinely entered one of two orders.

(1) *Felony Conviction or Serious Crime* If the underlying crime is a felony or a crime less than a felony with the specific elements defined in SCR 111(6), then the attorney is immediately temporarily suspended by the Supreme Court and the matter is referred to the appropriate Disciplinary Board with the sole issue to be determined being the extent of discipline to be imposed. These orders usually come within thirty days of the petition being filed. A formal complaint is filed by the Office of Bar Counsel, followed by Respondent's answer and then a formal hearing is scheduled.

(2) *Misdemeanor Convictions* If the crime is a misdemeanor with none of the elements listed in SCR 111(6), then the Supreme Court enters an order requiring the Respondent to show cause why they should not receive a temporary suspension. Based on Respondent's response to the Show Cause Order, the court may refer the matter to a disciplinary board for any action it deems warranted or the Court may decline to refer the matter to the board. If the matter is referred to the board, a formal complaint is filed.

(e) *Grievance Concerning a Current Board of Governor Member* The Executive Director shall be immediately informed of the grievance. The Executive Director will then meet with the State Bar of Nevada President to have an independent attorney retained to act as special bar counsel in that matter only. If the grievance is concerning the President, then the Executive Director shall meet with the President Elect. *This addition to the discipline policy was approved and added to the policies by the Board of Governors on August 18, 2009.*

Special Bar Counsel shall review the grievance and decide how to procedurally address it, i.e. open file or treat it as a correspondence matter that does not need to be presented to a Screening Panel of the Disciplinary Board.

Once it is determined how to handle the matter, the Special Bar Counsel shall then notify the Respondent board of governor member that a grievance was received and have them address the allegations within ten (10) days.

The Office of Bar Counsel's standard operating procedure is to provide the grievant with a copy of the Respondent's response and provide them with an opportunity to reply within ten (10) days. However, it is not mandatory for the grievant to reply.

If it is determined that a file is to be opened, it must be presented to a Screening Panel before the Disciplinary Board pursuant to SCR 105.

If the file is not opened immediately but it is determined after an investigation that it should be opened, then the matter is presented to a Screening Panel before the Disciplinary Board pursuant to SCR 105.

If the matter is treated as a correspondence matter and dismissed, all parties must be informed of the dismissal.

The Office of Bar Counsel should be made available to assist the Special Bar Counsel with **procedural advice only**. The Office of Bar Counsel can also be utilized to schedule the hearings with the Disciplinary Board chair.

If the matter does proceed to a formal hearing, Special Bar Counsel shall represent the State Bar in all stages of the disciplinary process, including the appellate phase in the Supreme Court.

Policy 13: COMPLAINTS

Complaints against the State Bar; Officers; Board of Governors

The state bar often receives complaints against the state bar. The policy noted below involves complaints leveled at the Officers, Board of Governors or executive staff. It does not cover complaints against bar counsel as a result of a discipline activity; the processes for such complaints are directed by SCR 104.3.

Claims and complaints against the state bar are often times unsubstantiated or frivolous, although all are taken seriously and researched by the state bar general counsel. Claims and complaints against the state bar, officers, board of governors and staff are handled as follows.

Upon receipt of a complaint the general counsel immediately informs the executive director, president and Board of Governors. This notification includes:

- Nature of complaint
- Names and parties involved
- Opinion whether the complaint is frivolous
- Whether state bar insurance carrier is to be notified
- Steps taken to respond to complainant

General Counsel will also provide information regarding the response the Officers, Board of Governors and staff should make regarding such complaints. As a general rule of thumb, all inquires on the matter should be directed to the state bar's general counsel.

State Bar Officers and Board of Governors will be kept apprised of the status of the matter at the regular Board reports by the general counsel or when the situation warrants an update.

Policy 14: AMICUS BRIEF

The bylaws state that for a section to enter an amicus curiae appearance before any court, the section must obtain prior approval of the Board of Governors.

Amicus Curiae Briefs A section that wishes to file *amicus curiae* brief with any court must obtain prior approval from the Board and/or Executive Committee. The President may appoint a member/s of the Board of Governors to review amicus requests and final briefs.

The Board and/or the Executive Committee may authorize *amicus* briefs only when such briefs involve questions relating to the regulation of the profession, improving the administration of justice, or improving the quality of legal services. The subject matter must relate to the mission/practice focus of the section.

Section requests to file an amicus brief When a section seeks to file an *amicus* brief it must state whether it is filing upon its own volition or at invitation from the court. The section must obtain prior approval from the Board and/or the Executive Committee. The request must be in writing and include a synopsis of the question involved and the posture of the case. The section may present conflicting points of view in the *amicus* brief. The request must include a statement noting when the section authorized the brief according to the section's bylaws and a list of all individuals participating in writing the brief. The section may be required to obtain an extension of time from the court to obtain required approvals.

Approvals of an amicus brief The section must provide the completed brief (or near final draft) for review and approval by the Board and/or Executive Committee. In its introduction, the *amicus* brief must clearly state that the section is speaking on its own behalf and not on behalf of the State Bar. The section may be required to obtain an extension of time from the court to obtain required approvals.

The Board will look for the following information from a section seeking approval on an Amicus Brief.

The Board will ask for a report that includes:

- Due dates of the brief
- An overview of the issue
- The posture the section is taking
- The Nevada aspects / what are the Nevada specific issues the section is addressing
- What are the overarching public issues that this addresses
- List of section members working on the brief
- Assurances that there is not one person pushing a matter or no hidden agendas or conflicts
- A list of other legal organizations writing a brief on the same matter
- Approval of the sections executive committee
- Anticipated budget impact

The Board will want to ensure that it has:

- A record of the specifics and why the Board approved the brief (or not)
- That the Section/Board is not advocating for a particular party
- That there are Nevada specific matters addressed
- That the brief is a collaborative effort by the section (not just one person)
- Does not violate Keller restrictions

Policy 15: STATE BAR OF NEVADA LOGO

The State Bar of Nevada logo (below) is the organizational logo for the sole purpose and use by the State Bar of Nevada. Members of the State Bar of Nevada are not permitted to use the logo for any purpose.
October 2010



Policy 16: CLE AND PUBLICATIONS POLICIES FOR SECTIONS

Continuing Legal Education

The purpose of this policy is to encourage state bar sections to put on continuing legal education (CLE) programs, to identify the CLE department's role in partnering with sections for the purpose of CLE and to recognize and account for the bar's commitment of resources to CLE programming.

Program Description

The state bar supports sections that produce CLE programs by providing operational resources necessary for quality programming and marketing initiatives that promote attendance. This policy identifies the parameters between sections and the bar that must be present for CLE programming, while realizing expended resources.

SINGLE-DAY CLE EVENTS

A CLE event, occurring within one day, in which the content is organized by a state bar section.

The state bar will charge an administrative fee based on the chart below. The administrative fee is the responsibility of the section and may be paid using proceeds of the CLE event or from the section's existing budget.

# CLE Hours	Administrative Fee
1-5 hrs	\$500
5.5-7.5 hrs	\$1,000

Under this policy, the section will be responsible for expenses such as: room rental, food & beverage, speaker travel, speaker fees, audio visual and parking. The state bar CLE department will provide support for the program in the following ways:

- a. Marketing
- b. Registration management (*online and otherwise*)
- c. Registration fees
- d. Payment banking fees
- e. CLE application
- f. Coordinating speaker a/v and written material
- g. Securing the venue
- h. Coordinating food and beverage
- i. Proctoring and onsite support
- j. Provide recorded program for registrants unable to attend (*if applicable*)
- k. Budget management
- l. Event reconciliation
- m. Post-event attendee evaluation
- n. Use of NNBC for Reno seminars (*if available*)
- o. Use of classroom facilities in Las Vegas bar office (*if available*)

MULTI-DAY CLE EVENTS

A partnering agreement will be established on a case-by-case basis using standard calculations.

NOTICE: This policy does not apply to section CLE presentations made in conjunction with the State Bar of Nevada Annual Meeting.

PROFIT-SHARING INCENTIVE PUBLICATIONS PROGRAM

Incentives are provided for State Bar sections to assist in the proposal, creation, development and marketing of state bar book publications.

Qualification Guidelines:

In order to qualify for publishing incentives, the following standards must be met:

- The proposed publication must be targeted primarily toward members of a specific State Bar section, with a topic and focus related to that section's purpose and areas of interest.
- The majority of book contributions must come from members of the section. Section members contribute 75% or more of the publication's content.
- Section leadership provides an active role in identifying and recommending contributors for the publication in question, as well as provides a liaison to the Publications Committee to assist in the coordination of the product's development.
- The section must submit a proposed date for all section-submitted content to be delivered to the Publications Department. This deadline must be approved by the Publications Committee, and will be used by staff for the development of a complete publishing schedule.
- The section must agree to pay an administrative fee of \$4.20 per printed interior page, including front matter, table of contents, chapters, indexes, etc. Text pages are estimated at 350 words per page. The administrative fee includes proofreading, production, project administration, marketing, inventory management and sales fulfillment. The administrative fee will be treated as a direct expense of book production.

Incentives:

Once a section has met the qualification guidelines, the section is entitled to the following incentives:

- All section members will receive a 15% discount from the publication's full cover price when purchasing the publication from the State Bar.
- Once the direct production costs, including contractor's fees, indexing and printing costs, for the book have been recouped by the State Bar, the section shall receive a percentage of the net revenue as a funds transfer to the section's budget using one of the formulas below:
 - **On Time** - All materials delivered to state bar not later than the approved deadline: 50% (section)/50% (general bar) for the life of the publication.
 - **Past Deadline** - All materials delivered to state bar more than 90 days past deadline: 30% (section)/70% (general bar) for the first 12 months after launch; thereafter 50% (section)/50% (general bar) for the life of the publication.
 - **Early Delivery Bonus** - All materials delivered to state bar not later than 14 days prior to the approved deadline: 60% (section)/40% (general bar) for the first 12 months after launch; thereafter 50% (section)/50% (general bar) for the life of the publication.

Should the publication be updated or reprinted after the initial print run, the publishing costs for additional print runs must be recouped by the state bar before incentive funds can be received by the section.

Procedures:

- All contributions provided by section members for use in Publications Committee projects shall be owned and the copyright(s) registered by the State Bar of Nevada in accordance with the State

Bar Author Agreement. The Author Agreement(s) must be signed by all contributors prior to receipt of any incentive reward.

- The Publications Committee of the State Bar of Nevada is responsible for oversight and management of all publication products and projects. As such, the Publications Committee shall be responsible for providing the Board of Governors with recommendations related to publication projects, including project approval, pricing, disputes, etc.



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AN EXECUTIVE SUMMARY OF KELLER AND RELATED CASE LAW

Several Important court decisions have been issued since 1990, limiting the types of activities to which the State Bar of Nevada can be engaged. These cases, known as *Keller* and its progeny, address the appropriate use of mandatory bar dues for all State Bar activities and address appropriate procedures for addressing dissenting members' objections. This summary highlights the most important points that the courts have made in the development of the *Keller* doctrine.

I. ***KELLER v STATE BAR OF CALIFORNIA, 496 U.S. 1 (1990)***

The *Keller* doctrine originated from a U.S. Supreme Court opinion issued in 1990, which stated that the compelled association within a unified bar is justified by the State's interest in the following areas: (1) regulating the legal profession, and (2) improving the quality of legal services.

Essentially, *Keller* held that "[t]he State Bar may therefore constitutionally fund activities germane to these goals out of mandatory fees of all members." Furthermore, the court added that the State Bar "may not, however, in such manner, fund activities of an ideological nature which fall outside of these areas of activity."

The *Keller* court also provided the following test in order to assist bar associations when determining permissible expenditures – "whether the challenged expenditures are necessarily or reasonably incurred for the purpose of regulating the legal profession or 'improving the quality of the legal service available to the people of the state.'"

II. ***GIBSON v THE FLORIDA BAR, 906 F.2d 624 (11TH Cir. 1990)***

Gibson was one of the first courts to accept the strategy that if a state bar decides to be "*Keller*-pure" and offer its members a constitutional procedure for objecting to expenditures of their mandatory dues, then the court need not concern itself of any specific activity engaged in by the bar. In *Gibson*, the 11th Circuit has stated that when considering the constitutionality of a bar associations' objection resolution procedure, rebate procedures will be acceptable in lieu of an advanced deduction procedure. It is also okay for a bar association to require a dissenting member to object to specific activities. Finally, the *Gibson* court determined that a three-member arbitration panel (as the procedure for handling an objection member's dissent) is constitutionally acceptable.

II. ***THE FLORIDA BAR RE FRANKEL, 581 So.2d 1294 (Fla., 1991)***

The Florida Supreme Court found that the following six areas were permissible areas for actions by the Florida Bar: (1) Questions re disciplining attorneys; (2) Matters re improvement of court functioning; (3) Increasing legal services to society; (4) Regulating Trust accounts; (5) Education, ethics and integrity of the legal profession; and (6) Issues of: (a) great public interest; (b) that lawyers are trained to evaluate; (c) where the subject matter effects the rights of those involved in the judicial system.

The court also found the following three areas were not permissible areas for lobbying by the Florida Bar: Various children's rights; Welfare reform; and Benefits Legislation.

IV. SCHNEIDER v COLEGIO, 917 F.2d 620 (1st Cir. 1990), cert. den. 502 U.S. 1029 (1992)

In this case, the First Circuit held that it is not permissible for the bar to take a position that rests upon partisan views rather than lawyerly concerns. Consequently, the bar cannot use mandatory dues for lobbying on controversial bills to change the law in ways not directly linked to the legal profession or the judicial system.

Colegio also provides a list of acceptable activities that are chargeable even to dissenting members: (1) Lobbying regarding issues related to the core purpose of the bar association (budget appropriations for judges, increased salaries for government lawyers, positions against statutory limits on attorney advertising); (2) Attorney discipline; (3) Continuing Legal Education; (4) Admission of new attorneys; (5) Supervising law schools; (6) Increasing availability of legal services through Legal Aid; (&) Public education regarding legal services; and (8) Commentary on the function of the court system.

V. LEHNERT v FERRIS FACULTY ASSOCIATION, 500 U.S. at 519

In *Lehnert*, the U.S. Supreme Court addressed the question of what activities may be charged to dissenting members in a union, rather than a bar association. The *Lehnert* court concluded that chargeable activities must have three traits: (1) be germane to the core activity of the union; (2) be justified by the government's vital policy interest supported by mandatory membership in the union; and (3) not significantly add to the burdening of free speech that is inherent in the allowance of mandatory membership in the union. *Lehnert*, 500 U.S. at 519.

VI. ROMERO v COLEGIO ABOGADOS PUERTO RICO, 204 f.3d 291 (1ST Cir. 2000)

This case reaffirms two principles: (1) a unified bar can give financial support to core related bar activities and (2) members cannot be compelled to contribute to "ideological activities not 'germane' to the purpose for which the compelled association is justified." This case also raises a third issue as to whether compelled bar association dues may be used to fund non-ideological and non-germane activities. The big issue presented was whether the Association of lawyers, the *Colegio* could compel members to purchase group life insurance. The court felt the mandate violated the *Keller* doctrine but rather than declare the requirement to be unconstitutional, the court remanded the issue back to the Puerto Rico Supreme Court to certify the following question: "Is the *Colegio [the association]* . . . authorized to compel members to purchase life insurance coverage through the *Colegio* as a condition of membership in the Bar of Puerto Rico?"

The court also approved and reaffirmed the activity of charging members for social activities expenses because they are often diminimus, but also germane.



**State Bar of Nevada
Investment Policy Statement**

**Approved by Board of Governors
December 2008**

This statement of the investment policy has been adopted by the Board of Governors of the State Bar of Nevada to provide guidelines for the investment of funds held by the organization.

This policy is set forth for purposes of managing investment risk and to optimize investment returns and maintenance of liquidity. The investment policy shall be managed within the parameters outlined by Supreme Court Rule 86.11. This Policy and any amendments to it must be authorized by action of the Board of Governors.

Reviews -- On a semiannual basis, or as deemed necessary, the Investment Committee will review the mix of investments for surplus funds to ensure the funds are managed in a fiscally sound manner and to achieve the highest return on investments within the parameters set forth by the Board of Governors. The Investment Committee shall report to the Board of Governors semi-annually.

Investment Committee -- The Investment Committee is involved in the management of State Bar of Nevada investment funds. Members of the Investment Committee include at least three members of the Board of Governors appointed by the president of the State Bar. The responsibilities of the Investment Committee are to:

- Review and recommend to the Board of Governors the investment policy;
- Monitor the performance of the investment of State Bar funds;
- Make appropriate investment recommendations to the Board of Governors as necessary.

In-house Management/Investment Manager -- The Board of Governors, through the Investment Committee, may charge State Bar staff to invest funds according to the investment plan set forth by the State Bar Investment Policy. Or the Investment Committee may, with approval by the Board of Governors, contract with an investment manager for professional investment services. The selection of the investment manager shall be the subject of a request for proposal procedure every three years. The investment manager will monitor the various investment alternatives and select securities which best meet the State Bar's overall, long-term goals.

Investment Criteria

Investment funds may be placed in:

- Commercial banking or savings accounts
- Certificates of deposit
- Bonds and debentures of the United States, the maturity dates of which shall not extend more than 10 years from the date of purchase
- Bills and Notes of the United States Treasury, the maturity date of which is not more than 10 years from date of purchase
- Obligations of the United States Postal Service or the Federal National Mortgage Association, the maturity date of which is not more than 10 years from the date of purchase;
- Bonds of federal agencies, where underwritten by or payment is guaranteed by the United States.

March 29, 2010

Marc Mersol
State Bar of Nevada
600 E. Charleston Blvd.

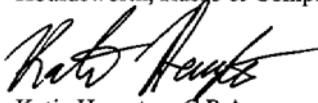
Dear Mr. Mersol:

The State Bar of Nevada requested support as to why the State Bar was not required to pay federal income taxes. Federal income tax is computed based on the calculated gross income. Per the Internal Revenue Code section 115(1), gross income does not include income derived from any public utility or the exercise of any essential governmental function. The State Bar of Nevada is a public corporation created by the statute to govern the legal profession in the State of Nevada under the exclusive jurisdiction and control of the Supreme Court of Nevada. Therefore, as a part of the State of Nevada government, the income from the State Bar of Nevada is derived from public utility and is determined not to be under requirement to pay federal income taxes.

Although we have interpreted the Internal Revenue Code, the Internal Revenue Service (IRS) provides a service free of charge to governmental agencies for which the IRS will issue a "government affirmation letter" describing that the governmental entity is exempt from Federal income tax and cites applicable Internal Revenue Code sections pertaining to the exclusion.

Very truly yours,

Houldsworth, Russo & Company, P.C.



Katie Hampton, C.P.A.
Principal

**HOULDSWORTH
RUSSO & CO., P.C.**
certified public accountants



State Bar of Nevada Committee Application (Attorney)

Application Type: I am an attorney applicant

Name:

Bar number:

Date admitted to State Bar of Nevada:

If admitted to other jurisdictions, please list state and year of admission:

Name of Committee appointments you seek:

Employer:

Email Address:

Phone Number:

Do you have any disciplinary matters pending?

If you have disciplinary matters pending, please explain:

Have you ever had a finding of discipline - public or private - in this or in any other jurisdiction?

If you have had a finding of discipline, please explain:

List any State Bar sections of which you are a member:

List pro bono activities including organizations and pro bono hours:

Fields in which you practice:

Please provide a brief statement indicating why you wish to serve on this committee and what you can contribute.

I do hereby waive any confidentiality and consent to disclosure to the Board of Governors and the Chair of the particular committee(s) of all discipline files and records in jurisdictions where I am or have been admitted to practice regarding any complaints filed against me, open or closed, pending or resolved for the limited purpose of considering my application in this appointment process.

I hereby acknowledge receipt of the State Bar of Nevada Conflict of Interest Policy and I agree to abide by its terms during the tenure of my appointment.

I request an advisory opinion to or a waiver from the conflict of interest policy.

Please attach your resume or biography.

All applications will be submitted online.



State Bar of Nevada Committee Application (Non Attorney)

Application Type: I am a non attorney applicant

Name:

Bar number:

Date admitted to State Bar of Nevada:

If admitted to other jurisdictions, please list state and year of admission:

Name of Committee appointments you seek:

Employer:

Email Address:

Phone Number:

Do you have any disciplinary matters pending?

If you have disciplinary matters pending, please explain:

Have you ever had a finding of discipline - public or private - in this or in any other jurisdiction?

If you have had a finding of discipline, please explain:

List any State Bar sections of which you are a member:

List pro bono activities including organizations and pro bono hours:

Fields in which you practice:

Please provide a brief statement indicating why you wish to serve on this committee and what you can contribute.

I do hereby waive any confidentiality and consent to disclosure to the Board of Governors and the Chair of the particular committee(s) of all discipline files and records in jurisdictions where I am or have been admitted to practice regarding any complaints filed against me, open or closed, pending or resolved for the limited purpose of considering my application in this appointment process.

I hereby acknowledge receipt of the State Bar of Nevada Conflict of Interest Policy and I agree to abide by its terms during the tenure of my appointment.

I request an advisory opinion to or a waiver from the conflict of interest policy.

Please attach your resume or biography.

All applications will be submitted online.

STATE BAR OF NEVADA COMMITTEES

- Advisory Commission on Law Related Education
- Board of Bar Examiners
- Character and Fitness
- Clients Security Fund
- Continuing Legal Education
- Fee Dispute
- Functional Equivalency
- Lawyer Referral and Information Service
- Nevada Lawyer Editorial Board
- Member Benefits
- Publications
- Northern Nevada Disciplinary Board
- Southern Nevada Disciplinary Board
- Lawyer Advertising Advisory Committee
- Standing Committee on Professional Responsibility and Ethics

The State Bar Board of Governors appoints members to the following:

- Nevada Commission on Judicial Selection
- Nevada Commission on Judicial Discipline
- Nevada Law Foundation
- Nevada Standing Committee on Judicial Ethics and Election Practices
- ABA House of Delegates

CHECKLIST
ANNUAL REVIEWS BY THE BOARD OF GOVERNORS

Designation of IOLTA foundation SCR 216

The Board of Governors, with the approval of the Supreme Court, shall designate a tax-exempt bar foundation for the purposes of providing legally-related services to the poor, to the victims of domestic violence, and to children protected by or in need of protection of the juvenile court; promoting or providing law-related educational programs for members of the public; and providing similar programs which qualify for tax-exempt status by the United States Internal Revenue Service under I.R.C. section 501(c)(3) or any additions thereto or amendments thereof. To carry out these purposes, the bar foundation may utilize the income accrued from interest-bearing clients' trust accounts (IOLTA funds) as authorized by Rules 216 through 221, and as the Supreme Court may otherwise order.

Investment Policy

The Investment Committee will review the mix of investments for surplus funds to ensure the funds are managed in a fiscally sound manner and to achieve the highest return on investments within the parameters set forth by the Board of Governors. The Investment Committee shall report to the Board of Governors quarterly.

Insurance Review

On an annual basis the Board of Governors will conduct an analysis of insurance coverage held by the State Bar of Nevada.

Contractual Obligations

The Board of Governors will review the list of all long-term contracts, over 2-years. The list will include vendor, obligations, costs, terms of contract and any other pertinent information.

BOARD OF GOVERNORS
PROPER NOTICE OF MEETINGS

Meeting Types	Notice	Quorum Location, Date and Time	Scope of Business
<u>Regular Meeting</u> Held quarterly, notice given by Executive Director. (SCR 87(1)).	By written notice delivered via U.S. mail or electronically to Board members stating location, date and time, at least three (3) day notice (BOG By-laws. § 5.3).	All meetings eight (8) members constitute a quorum. Discretion to hold meetings at a date, time and location, inside or outside of NV. (SCR 87(4); BOG By-laws. § 5.4).	Any business may be presented for consideration. (SCR 87(2); BOG By-laws. § 5.7)
<u>Special Meeting</u> Can be called by the President or five (5) members of the Board. (SCR 87(2)).	Notice must be signed by executive secretary or designee and delivered to each Board member at least five (5) days before fixed date. (SCR 87(3)).	All meetings eight (8) members constitute a quorum. Discretion to hold meetings at a date, time and location, inside or outside of NV. (SCR 87(4); BOG By-laws. § 5.4).	Any business may be presented for consideration. (SCR 87(2); BOG By-laws. § 5.7)
<u>Emergency Meeting</u> Can be called by the President when President determines the matter requires immediate attention of the Board. (BOG By-laws. (§§ 5.2, 5.5).	May be called with a 24 hour notice to Members of the Board. Notice must indicate the subject matter to be considered (BOG By-laws. § 5.2).	All meetings eight (8) members constitute a quorum. Discretion to hold meetings at a date, time and location, inside or outside of NV. (SCR 87(4); BOG By-laws. § 5.4).	Shall be considered only for the matters which notice was given.(BOG By-laws. § 5.2). Meeting can be in person, or via video or teleconference participation by some or all Board members
<u>Business Meeting</u> Shall be held at the annual meeting. (SCR 87(1)).	Shall be held at the annual meeting, Governed by SCR 94.	All meetings eight (8) members constitute a quorum. Discretion to hold meetings at a date, time and location, inside or outside of NV. (SCR 87(4)); BOG By-laws. § 5.4).	
<u>Budget Meeting</u> The same rule requires that an additional meeting be held to cover the budget. Rules are not clear whether a budget meeting is part of the annual meeting or may be convened independently. (SCR 87(1)).	This meeting can be handled as a regular or special meeting if not incorporated into the Annual meeting	All meetings eight (8) members constitute a quorum. Discretion to hold meetings at a date, time and location, inside or outside of NV. (SCR 87(4)); BOG By-laws. § 5.4).	



STATE BAR OF NEVADA
Board of Governors
Conflict of Interest Policy

Background

The Conflicts of Interest Policy for the State Bar of Nevada establishes certain standards regarding conflicts of interest for the following persons who are elected, appointed, or serve in an ex officio capacity (hereinafter, “Covered Persons”):

1. Members elected to the Board of Governors of the State Bar of Nevada.
2. Members appointed by the Board of Governors to any Committee, Panel and/or Board of the State Bar of Nevada.
3. Members elected to a leadership position on a State Bar of Nevada Section.
4. Staff and employees of the State Bar of Nevada.

This Policy is intended to supplement, but not replace, any applicable state or federal laws or regulations applicable to the State Bar of Nevada or its members, as well as the Nevada Rules of Professional Conduct and any other ethical rules or obligations governing Nevada lawyers.

Conflicts of Interest

1. A Covered Person is required to exercise powers and discharge duties in the interest of the State Bar of Nevada and not in the Covered Person’s own interest or in the interest of another entity or Related Person.
2. A Covered Person is expected to exercise reasonable diligence in identifying and disclosing any conflict of interest, if the Covered Person, or to the actual knowledge of the Covered Person, a Related Person or entity is either (a) a party to, or (b) has a beneficial interest in, or (c) is so closely linked to a transaction, gift or favor which is of such significance to the Covered Person, as to create a reasonable expectation that such circumstances would exert an influence on the Covered Person’s judgment if called upon to vote upon, approve or enter into such a transaction.
3. A “Related Person” is defined as:
 - a. A spouse or domestic partner and any and all individuals related to a Covered Person or their spouse or domestic partner by blood or marriage.
 - b. Any entity of which the Covered Person is a fiduciary, director, general partner, agent or employee, or any entity under the control of such an entity.
 - c. Any individual who is a general partner, principal, employer, employee or client of a Covered Person.
4. A Covered Person shall disclose any conflicting interest to the Executive Director of the State Bar of Nevada and the officer or chairperson immediately presiding over the business of the Bar to which the conflict may relate.

5. After disclosure of a conflict (or learning of the existence of a conflict involving a Covered Person that is undisclosed), the Executive Director and the officer or chairperson in question shall determine the appropriate remedy for the conflict and shall communicate this resolution to the Covered Person.
6. The representation, by a Covered Person, of any person or entity with interests that are adverse to the State Bar of Nevada is deemed a conflict for purposes of this policy.

I am in agreement with the above policy.

Print Name

Signature

Date

Approved by the Board of Governors July 2014



STATE BAR OF NEVADA
Request for Advisory Opinion or Waiver
Pertaining to the Board of Governors
Conflict of Interest Policy

For SBN Use Only

Date Rec'd _____

Reviewed by
Counsel _____

Reviewed by
Ex. Committee _____

Waiver issued Y N

Response _____

___ I am requesting an advisory opinion

___ I am requesting a waiver

Name: _____ Bar Number _____

Firm Name (if applicable): _____

Address _____

City _____ State _____ Zip _____ Contact Phone _____

State Bar board, committee, task force, or section related to this request:

This request is made under the State Bar Board of Governors Conflict of Interest Policy §1.2 and §1.3 (full policy available at www.nvbar.org):

1.2 This policy shall apply not only to all members of the Board of Governors, but also shall apply to all members of State Bar committees, task forces, and others in the State Bar governance structure, as well as to all State Bar employees. All references herein to the Board of Governors shall be construed also to refer to these additional individuals.

1.3 The Executive Committee of the Board of Governors shall operate as a compliance committee to insure the proper application and implementation of this policy. Requests for advisory opinions on and waivers of conflicts of interest shall be submitted through State Bar General Counsel for action by the Executive Committee

Please attach a narrative of the facts which form the basis of your potential conflict, and, where applicable, the basis upon which you believe a waiver is warranted.

Submit your request to General Counsel, State Bar of Nevada, 600 East Charleston Boulevard, Las Vegas, NV 89104.

Submitted by: _____ Dated: _____

Print



State Bar of Nevada
Board of Governors

CONFLICT OF INTEREST POLICY

FREQUENTLY ASKED QUESTIONS (FAQs)

Why Has The Board Of Governors Implemented This Policy?

The State Bar is under the exclusive jurisdiction and control of the Supreme Court of Nevada. It is charged with the mission to govern the legal profession, improve the administration of justice, and uphold the honor, integrity, professionalism and dignity of the profession of law. Given that public purpose, all persons who conduct the State Bar's business must act at all times in the best interests of the State Bar and not for personal or third-party gain or financial enrichment. This policy provides a level of transparency to allow the members, the court, and the public to gauge the State Bar's conduct of its business.

Who Does This Policy Apply To?

This policy applies to the Board of Governors of the State Bar of Nevada and its officers, employees, boards, committees, task forces, and sections.

Do I need to submit forms for multiple appointments?

Yes. Because different staff is involved in the administration of the many groups to which appointments are made, we ask you to submit a form for each appointment at the time you are first approved.

Does Subsection (J) Impact Partners Or Associates In My Firm?

No. The prohibition is specific to the covered member and does not impute disqualification to other members of the firm.

Does Subsection (J) automatically prohibit representing a party in a State Bar proceeding such as client protection, fee dispute, professional discipline, and admissions?

No. However, *a conflict waiver will be necessary in most circumstances*. Each waiver request will be considered on a case-by-case basis considering such factors as subject matter and the relative relationship between the two potentially conflicting obligations. Examples:

- A lawyer on the Law Related Education Committee who also wishes to represent a respondent in a discipline matter would need to request a conflict waiver, but that waiver will most likely be granted.

- The prohibition does not prevent a covered attorney from appearing as representative counsel before a State Bar proceeding *per se*, only if the client has an “adverse” action. For example, in a discipline hearing, the State Bar has an administrative interest as both prosecutor (office of Bar Counsel) as well as adjudicator (Discipline Board). A witness is not necessarily adverse to either Bar Counsel or the Hearing Panel. The same holds true for a Fee Dispute Arbitration since the interests of the State Bar are not adverse to either participant.

Does Subsection (J) Prohibit Representation In Outside Proceedings In Which The State Bar Is Participating?

No. The prohibition only concerns matters in which the State Bar participates pursuant to an “administrative function” (admissions, regulation, discipline) as defined by statute or court rule, rather than outside proceedings. Thus, a covered attorney could represent a creditor in a bankruptcy in which the State Bar is a competing creditor or prosecute a personal injury action on behalf of an attorney with pending discipline.

Is There A “Cooling Off” Period To The Conflicts Of Interest Policy?

No. The Conflict of Interest Policy only applies while the person is a covered member as defined under section 1.2. There is no required waiting period once that service ends.

Does The Conflict Of Interest Policy Prevent A Covered Person From Running For Political Office Or Engaging In Political Activities?

No. Nothing in the policy would prevent a person from such activities simply by virtue of their status as a covered member (*i.e.* they are not “Hatched” like federal employees). However, depending on the particular activities engaged in, such conduct might impact other prohibitions such as section (b) or the Rules of Professional Conduct in the case of an attorney.

What Constitutes “Indirect” Inducement To Provide Special Services Under Subsection (1.1(e))?

While this would be determined on a case-by-case basis, it would include granting special treatment in exchange for gifts to a family member or significant other or a benefit affected in another matter that is consideration for the special treatment in this matter.

If I Have A Conflict Can It Be Waived?

Yes, depending on the circumstances as discussed above. If you believe you may have a conflict and want an advisory opinion, or if you have a conflict and want to obtain a waiver from the State Bar, you can submit it on the appropriate form in care of State Bar General Counsel.

What If I Inadvertently Violate the Conflict of Interest Policy?

If it is suspected you have a conflict despite having signed the policy, the matter will be investigated by State Bar General Counsel and your appointment will likely be revoked. Failure to sign and return the policy (or request and obtain a waiver) will revoke your appointment.

Who Do I Contact If I Think I May Have A Conflict Of Interest or If I Have Questions About the Policy? You can call State Bar General Counsel at (702) 2382-2200 or (800) 254-2797 to discuss your particular situation.

Policy Regarding the Sale of Mailing Lists

The State Bar of Nevada maintains a database containing information about all of its members, including addresses, telephone numbers, fax numbers and email addresses. From time to time the State Bar is asked to provide some of this information to third parties for which the State Bar is compensated. The Board of Governors has determined that written policies governing this process would be desirable and has adopted the following guidelines to cover mailing list sales:

1. The State Bar will not provide telephone numbers, fax numbers or email addresses of its members to third parties under any circumstances.
2. The mailing list may otherwise be sold or provided to the following:
 - Sections and committees of the State Bar (free of charge.)
 - Local bar associations in Nevada (for non-CLE purposes)
 - Candidates for the offices of judge, district attorney or state attorney general
 - Candidates for the Board of Governors of the State Bar
 - Member benefit partners or endorsed vendors of the State Bar
 - Other law-related vendors in the discretion of the Executive Director
 - Non-profit legal services providers
3. The mailing list will **NOT** be sold to the following:
 - Continuing Legal education providers
 - Non-Legal vendors
 - Competing vendors of member benefit partners
 - Non-profit charitable organizations
 - Candidates for non-law-related partisan political office.
4. The mailing list may be provided on labels, on a diskette or in electronic format.
5. The mailing list may only be used once and any recipient will so agree in writing prior to the list being provided.
6. The document to be mailed must accompany the application for list purchase when submitted to the State Bar.
7. Fees to be charged for normal list sales:
 - \$.15/name for diskette or electronic format
 - \$.20/name for printed labels
8. Mailing lists will be provided free of charge to State Bar sections and committees.
9. Mailing lists will be provided to candidates for law-related offices, and legal services providers on a per name basis, up to a maximum of \$250.00.
10. Mailing lists will be provided to candidates for the Board of Governors for a minimum fee of \$25 or the cost of the media, whichever is greater. Per State Bar policy, the mailing list may only be used once.

ADOPTED by the Board of Governors on October 30, 2002.

Amended by the Board of Governors in 2003.



**Procedure for Investigation when a Complaint Concerning
the Office of Bar Counsel Staff is Received**

June 2012

SCR 104(3) states:

A grievance against bar counsel or bar counsel's staff shall be investigated at the direction of the President of the state bar and heard by the board of governors. A decision of the board of governors against Bar Counsel may be appealed to the Supreme Court under the Nevada Rules of Appellate Procedure.

This procedure covers complaints against Bar Counsel or the staff of the Office of Bar Counsel (OBC). Often a complaint is filed against the OBC if the grievant disagrees with the assessment of the OBC in not opening a discipline file or with the outcome of a discipline matter. In these cases the OBC has a review/appeal procedure that is handled by the OBC.

The state bar President investigates complaints against Bar Counsel or the OBC staff with respect to misconduct or unprofessional or unethical actions. Often a grievance against Bar Counsel or OBC staff is received by the OBC, Board members or Officers. Any grievance against Bar Counsel or the OBC Bar staff shall be submitted directly to the Executive Director and to the President.

Procedure:

1. Once it is determined that the grievance is a complaint against Bar Counsel or an OBC staff member and not a request to review a discipline decision, Bar Counsel is notified in writing that a grievance has been filed. Upon notice that there is a grievance against Bar Counsel or a member of the OBC, the OBC shall cease all communication with the grievant. At this point communication with the grievant shall be solely through the state bar President (or selected investigator) or Executive Director.
2. Bar Counsel shall deliver copies of the underlying grievance file to the President. The OBC shall fully cooperate with any investigation.
3. The President shall review the grievance and underlying grievance files. The President may appoint another state bar Officer, Member of the Board of Governors or outside counsel to investigate.

4. Within 10 days of receiving the grievance the President (or selected investigator) shall notify the grievant that a complaint has been received an investigation is underway.
5. The state bar President (or selected investigator) shall notify the respondent Bar Counsel or OBC staff member that a grievance was received. Unless additional time is allowed by the President, the respondent shall provide a written response to the complaint within 20 days of the President's request.
6. The President (or selected investigator) will provide the grievant with a copy of the respondent's response and provide the grievant with an opportunity to reply within 20 days of the notice. It is not mandatory for the grievant to reply.
7. Once the matter is investigated, it will be presented to the Board of Governors in executive session for disposition. The Board may conduct a hearing at its own discretion. Any action taken by the Board does not prevent the application of the Nevada Rules of Professional Conduct as appropriate by independent Bar Counsel.
8. Upon decision of the Board of Governors the President will communicate with the grievant regarding the disposition of the matter.

State Bar of Nevada



COPYRIGHT ASSIGNMENT AGREEMENT

Author Name: _____

Author Address: _____

Title of Work: _____

Journal Name: _____

Vol. _____ Issue No: _____ Season/month: _____ Year: _____

Effective Date: Thirty (30) days following delivery to and acceptance by Publisher of the final manuscript of the work.

The State Bar of Nevada (the "Publisher") and the Author agree as follows:

1. Author hereby grants and assigns to Publisher all right, title and interest in and to the Work, including all worldwide perpetual copyright in and to all means of expression by any method now known or hereafter developed, including electronic format. If Publisher does not publish the Work within two (2) years of the Effective Date, copyright shall revert back to the Author.
2. Publisher shall have the right to edit the Work (and any revisions or supplements thereto) including without limitation for purposes of compliance with *The Bluebook: A Uniform System of Citation*. Publisher shall also credit the Author as the author of the Work provided that no failure to provide such credit will be deemed a breach of this Agreement. Publisher agrees to take reasonable steps to cure any such failure prospectively following notice thereof from the Author.
3. Publisher hereby grants Author a royalty-free, limited license for the following purpose, provided the Work is always identified as having first been published by Publisher:
 - The right to make and distribute copies of all or part of the Work for use in teaching;
 - The right to use all or part of the material contained in the Work in a book by the Author, or in a collection of the Author's work;
 - The right to use and distribute the Work internally at the Author's place of employment, and for promotional and any other non-commercial purpose;
 - The right to use figures and tables for the Work for any purpose;
 - The right to make oral presentations of material from the Work;
 - The right to use and distribute the Work on the Author's Web site.

Such license shall be effective thirty (30) days after the Work is first published in the above-referenced Journal.

4. Author represents and warrants that the Work: (a) is the Author's original work and that Author has full power to enter into this Agreement; (b) does not infringe the copyright or property right of another; (c) contains no material which is obscene, libelous, defamatory or violates another's civil right, right of privacy, or is otherwise unlawful; and (d) has not been previously published, in whole or in part, except as follows: _____. Author shall indemnify and hold Publisher harmless against loss or expenses arising from breach of any such warranty.

Author Signature: _____ **Date:** _____

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