



Minutes  
Board of Governors Meeting  
April 29, 2015  
Reno, NV

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on April 29, 2015.

**The following members were in attendance:**

Elana Turner Graham, President  
Larry Digesti, President- Elect  
Bryan Scott, Vice President  
Paola Armeni  
Julie Cavanaugh-Bill  
Eric Dobberstein  
Richard Dreitzer  
Troy Isaacson  
Daniel Hamilton  
Gene Leverty  
Paul Matteoni  
Ann Morgan  
Richard Pocker  
Ryan Russell  
Kari Stephens  
Ryan Works  
Rick Trachok

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
David Clark  
Brian Kunzi  
Lisa Dreitzer  
Marc Mersol  
Shelley Young

**Guests:**

Jordan Davis  
Gina MacLellan  
Cotter Conway

## **CALL TO ORDER**

President Elana Graham called the April 29, 2015 meeting to order at 11:00 am with quorum present.

## **PRESIDENT'S REPORT**

Elana Graham reported on the status of recent complaints filed against the Office of Bar Counsel.

## **YOUNG LAWYERS SECTION REPORT**

Jordan Davis presented highlights of the recent activities of the Young Lawyers Section (YLS). The YLS is working with Nevada Legal Services to create a handbook for Disaster Relief responses.

The Sixth Annual Trial Academy will take place at the State Bar Annual Meeting in Seattle July 9-11, 2015. Mr. Davis requested help from the Board of Governors to encourage young attorneys to attend the trial academy. After discussing different options, it was moved, seconded and carried to approve the following:

- A letter from the Board of Governor will be sent to firms encouraging firms to send their young attorneys to the trial academy.
- A 10% discount will be offered to all members who register for the academy before June 1, 2015.
- Three scholarships will be awarded, one each to a member from Clark County, a member from Washoe County/Carson City and a member from the rural counties. The scholarships will be randomly selected at the Grand Opening of the State Bar building in Las Vegas on June 1, 2015.

## **DISCUSSION**

### Trends in Bar Admissions

Rick Trachok discussed the different components of the current Nevada Bar Exam. The exam consists of eight essay questions, one MPT and the MBE. Mr. Trachok also presented a synopsis of upcoming trends in the Bar Admission process, specifically the Uniform Bar Exam (UBE).

The UBE is written and administered by the National Conference of Bar Examiners (NCBE). It is comprised of three parts: the Multi Essay Exam (MEE), Multistate Performance Test (MPT) and the Multistate Bar Exam (MBE). Critics of the UBE express concern that moving to the UBE will result in the loss of local control and the lack of testing of the laws of a particular jurisdiction.

Mr. Trachok also reported on the controversy about the July 2014 MBE scores being lower than they had been in several years. The NCBE basically blamed the law schools stating the applicants were "less able" than in the past. This saga is still ongoing and it will be interesting to see how it impacts the relationship between the NCBE, the ABA and law school deans, as well future state adoptions of the UBE.

The question of reciprocity or admission by motion in Nevada is always on the table. Mr. Trachok and the members of the Board of Bar Examiners are not in favor of granting reciprocity in Nevada. Mr. Trachok mentioned the Department of Justice's decision that applications asking about an applicant's mental health status violates ADA. The Board of Bar Examiners will make sure we are in compliance with this issue.

Mr. Trachok spoke about the lack of security currently at the Nevada Bar Exam. It was moved, seconded and carried to appoint a taskforce chaired by Dean Gould to study the most effective way to make sure the Bar Exam is safe. The Executive Committee is authorized to approve the proposal that the taskforce submits to accomplish this goal.

### Washoe County Bar Association

Cotter Conway, Vice President of the Washoe County Bar Association (WCBA) highlighted the goals of WCBA. The main focus is encouraging new attorneys to join the county bar.

## **EXECUTIVE DIRECTOR REPORT**

- 3100 West Charleston

Kim Farmer presented a PowerPoint on the new building with before and after pictures. Ms. Farmer reviewed the status of the building budget.

- 600 East Charleston

Ms. Farmer reviewed the Letter of Intent (LOI) to purchase 600 East Charleston. Ms. Farmer gave a synopsis on the proposed counter proposal terms received from our broker, Mike Dunn, Cushman & Wakefield/Commerce Commercial.

It was moved, seconded and carried to present a counter offer of \$1.4 million. If the buyer presents another offer, it was moved, seconded and carried to authorize the Executive Committee manage further negotiations.

- 2016 Annual Meeting

Kim Farmer presented a proposal from the Hilton Waikoloa on the Big Island of Hawaii for the 2016 Annual Meeting. It was moved, seconded and carried to approve the contract with the Hilton Waikoloa Village as the site of the 2016 Annual Meeting.

## **DISCIPLINE REPORT**

Brian Kunzi presented an overview of the “Discipline Performance Standards and Deadlines for Prosecution of Complaints.” Mr. Kunzi emphasized that the primary role of the Office of Bar Counsel is to protect the public by imposing discipline on lawyers who have failed to discharge their professional duties. Mr. Kunzi highlighted critical tasks that have been identified within the three stages of the handling of a grievance-intake, investigation and prosecution.

David Clark reviewed the status of the discipline cases. The Board requested that the Office of Bar Counsel (OBC) simplify their status charts and asked for the status of all unresolved cases. It was moved, seconded and carried to require a report from the Office of Bar Counsel that includes the following. Troy Isaacson abstained.

- Name of case or case number
- Date matter was brought to intake
- Date sent to prosecution
- Number of grievants
- Brief explanation of Rule violation

## **ACTION ITEMS**

### 2015 Financial Report

Marc Mersol presented an overview of the financial operations as of February 2015.

### New Section – International Law

Kim Farmer reviewed the proposal submitted for a new International Law Section. It was moved, seconded and carried to approve the International Law section with annual dues of \$25. It was moved, seconded and carried to approve the following officers.

Wilbur Roadhouse, Chair

Richard Trachok II, Vice Chair (North)

Michael Buckley, Vice Chair (South)

Peter Ashman, Secretary

Theodore Williams, Treasurer

### ADKT 0503

Elana Graham handed over the Chair to Larry Digesti for this discussion. Kim Farmer presented an overview of ADKT 0503, amendment to SCR 42: *Pro Hac Vice* Fees and NRPC 5.5A: Extra-Judicial Matters. In February 2015, the Board of

Governors submitted an ADKT to the Court which would increase *pro hac vice* fees from \$550 to \$800 and renewal fees from \$500 to \$800.

The Court held a public hearing in April 2015 asking the State Bar to file a supplement addressing questions that were presented at the public hearing. For the Board's consideration is a Supplemental Report to the Court and Amended Rule Proposal which would:

- Increase *pro hac vice* application and renewal fees from \$550 to \$800 and \$500 to \$800 respectively and
- Increase Annual Reporting fees pursuant to NRPC 5.5A from \$150 to \$300; and
- Formally allocate \$75 from each *pro hac vice* application and renewal to the Nevada Bar Foundation for distribution to Nevada legal service providers.

It was moved, seconded and carried to approve the ADKT 0503, amendment to SCR 42 and NRPC 5.5A. Elana Graham abstained from voting.

#### Lawyer Referral and Information Service Grants

Elana Graham handed the chair to Larry Digesti for this discussion. Kim Farmer reviewed the Lawyer Referral and Information Service (LRIS) grants that the LRIS committee approved. It was moved, seconded and carried to approve the following LRIS grants. Elana Graham abstained from voting.

Organization	Project Name	\$ Requested	\$ Awarded
LACSN	Technology/Infrastructure Upgrade	\$30,000	\$28,000
SNSLP	Technology Upgrade	\$27,780	\$25,780
Project REAL	Your Day in Court	\$10,000	\$9,700
Rocky Mountain Innocence Center	Correction and Prevention of Innocent People Wrongfully Convicted in Nevada	\$20,000	\$15,000
Nevada Disability Advocacy & Law Center	Disability Rights Workshops	\$10,000	\$5,000
Lyon County CASA	Recruit, train and monitor volunteers	\$7,500	\$7,500
Boyd School of Law	Alternative Spring Break	\$1,455	\$1,455
<b>Total</b>		<b>\$106,735</b>	<b>\$92,435</b>

#### CLE

Section CLE Policy -- Kim Farmer gave a synopsis on the proposed changes to the Section CLE Policy. The proposal outlines the services provided by staff to support the section CLE programming, reduces the administrative fee and percentage of gross revenue, and eliminates the minimalist option due to its lack of popularity.

It was moved, seconded and carried to charge only an administrative fee to sections as noted below.

1 to 5 hours CLE -- \$500                      5.5 to 7.5 hours CLE -- \$1,000

CLE Learning Management System -- The vendor hired to create and provide ongoing support to the CLE store is discontinuing business operations. It was moved, seconded and carried to approve a contract with Peach New Media and a 2015 budget revision.

CLE Credit Hour Pricing -- It was moved, seconded and carried to approve the offering of CLE programs at \$45 per credit hour and a resulting 2015 budget revision in CLE revenue.

#### APPOINTMENT: PERSONAL INJURY SPECIALIZATION BOARD

The Board of Governors is asked to appoint four volunteer attorneys to the governing board for the newly approved Personal Injury Specialization. Gene Leverty presented an overview of the interviews conducted by Board members. It was moved, seconded and carried to appoint James Carroway, Richard Harris, Jay Kenyon, and Denise McCurry to the Personal Injury Specialization Board.

#### Nevada Lawyer Editorial Policy

It was moved seconded and approved to the language to the Nevada Lawyer Letters to the Editor Policy: The Editorial Board has the authority to publish or decline to publish letters to the editor. All letters become the property of the Nevada Lawyer and may be republished in print or electronic forms. Unpublished letters will neither be returned nor acknowledged.

#### Auditor Engagement Letter

It was moved, seconded and carried to approve the Auditor Engagement Letter with the understanding that the report will be communicated in person with the Board of Governors.

#### **EXECUTIVE SESSION**

The Board entered into Executive Session at 6:00 pm and concluded the Executive Session at 6:15 pm.

#### **CONSENT AGENDA**

##### Approved Minutes of February 2015.

##### Contracts

Approved UNLV contract for the July Bar Exam

##### Resignations

Approved the following attorney resignations.

Grant Kevin Riley

Kirk Reynolds

Donna O. Yost

Pamela J. Paluga

Frank King

Robert A. Kimsey

Theodore F. Linn

Leslie Criswell

Kenneth J. Jordan

##### Appointments

###### ○ Board of Bar Examiners

Approved reappointment for a three year term commencing October 2015 – Judge Alvin Kacin and Robert Salyer

###### ○ Functional Equivalency Committee

Approved reappointment for a three year term commencing October 2015 – Judge Gloria Sturman and Chris Davis

###### ○ Continuing Legal Education Committee

Approved for a three year term effective June 2015 – Kevin Diamond and Pamela Lawson

Approved reappointment for a three year term effective June 2015 – Jack Burden, John Calvert, Micah Echols, Jennifer Gaynor, Arun Gupta, Andrew Mierins and Adam Pernsteiner

Approved the following officers for a one year term effective June 2015. Eric Dobberstein abstained from voting  
Chair, Andrew Mierins  
Vice Chair, Melanie Muldowney

###### ○ LRIS Committee Appointments

Approved the following officers for a one year term commencing June 2015  
Chair, Lance Hendron Vice Chair, Katherine Provost

○ Fee Dispute Arbitration

Approved for reappointment to a one-year term:

<b>Name</b>	<b>Regional Chair</b>	<b>Effective Date</b>
Ara Shirinian	LVC	April 2015
Mike Pavlakis	Carson City	May 2015
Peter Angulo	State Chair	June 2015
Robert Gerard	LVB	June 2015

Approved for reappointment to a three-year term:

<b>Name</b>	<b>Regional Panel</b>	<b>Effective Date</b>
Peter Ossowski	LVA	April 2015
Susan Splan	LVC	April 2015
Thomas Erwin	Reno	May 2015
Patrick Fagan	Carson City	May 2015
Wolfe Thompson	LVC	May 2015
Dawn Throne	LVA	May 2015
Brandon McCoy	LVB	June 2015
James Armstrong	LVB	June 2015
Dan O'Brien	LVB	June 2015
Michael Rowe	LVA	June 2015

○ Advertising Committee

Approved reappointment to the Southern Advertising Advisory:

Joseph Wirth	Two-year term, effective June 2015
Justin Alper	Two-year term, effective August 2015
Mark Coburn	Two-year term, effective August 2015.
Bennair R. Bateman	Two-year term, effective retroactively to November 2014

Approved reappointment to the Northern Advertising Advisory:

James I. Barnes (Chair)	One-year term, effective June 2015
Carrie Parker	Two-year term, effective June 2015
Hal Taylor	Two-year term, effective June 2015
Alicia Johnson	Two-year term, effective August 2015
Dane Anderson	Two-year term, effective retroactively to October 2014
Linda J. Linton	Two-year term, effective retroactively to November 2014
Laury Macauley	Two-year term, effective retroactively to November 2014
Sheila Van Duyne	Two-year term, effective retroactively to December 2014

Approved reappointment for a three year term commencing June 2015 – Katherine Provost, Nelson Segal and Gerald Welt

○ Nevada Lawyer Editorial Board

Approved for reappointment to a three year term commencing June 2015

Greg Shannon and Nancy Harkess

Approved the following Officers to a one year term commencing June 2015

Chair, Erin Barnet	Chair Elect, Greg Shannon
Vice Chair, Leon Mead	Immediate Past Chair, Rich Williamson

○ Discipline Board Appointments

Approved for reappointment for a three year term:

Peter Ossowski, effective April 2015, Southern Disciplinary Board

Lisa Hedaria, effective March 2015, Northern Disciplinary Board

Robert Bayer, effective June 2015, Northern Disciplinary Board

Approved for Southern Disciplinary Board appointment to a three year term:

Jordan Savage, effective June 2015

**Board of CLE Taskforce**

Richard Pocker and Eric Dobberstein presented a synopsis to the Board regarding the Board of CLE taskforce that met to review Supreme Court Rule 207. Mr. Pocker noted that Chief Justice Hardesty would like the Board of CLE to have a written policy on their process of approving CLE courses and sponsors.

**Adjourn**

There being no further business before the Board, the meeting was adjourned at 6:15 pm.