



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS**
May 21, 2008

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on May 21, 2008 at the Northern Nevada Bar Center in Reno, NV at 9: 30 a.m.

The following members were in attendance:

Nancy Alf, President
Bruce Beesley, President-Elect
Kathleen England, Vice President
Connie Akridge
Larry Digesti
Cam Ferenbach
Francis Flaherty
Bridget Robb Peck
John White

By Phone:

Dara Goldsmith
Elana Hatch
Gregg Kamer
Robert Witek

State Bar Staff Present:

Rob Bare
Christopher Boadt
David Clark
Kimberly Farmer
Marc Mersol
Gale Skala

Guests:

Jasmine Mehta
Bruce Lawson via phone
Joseph Haberman

1. CALL TO ORDER

The meeting was called to order by President Nancy Allf at 10:05 a.m. and a quorum was present.

2. CONSENT ITEMS

The following Consent Agenda items were accepted or approved unanimously by the Board of Governors, as follows:

Approval of Minutes of March 5, 2008 and April 7, 2008

It was moved, seconded and carried to approve the minutes of March 5, 2008 and April 7, 2008 as amended.

Finance Report

It was moved, seconded and carried to approve the March 31, 2008 financial statements.

Admissions Report

Publications Report

It was moved, seconded and carried to approve the e-newsletter content policy.

Report of Fee Dispute Committee/ Clients' Security Fund

It was moved, seconded and approved to approve the appointment of Betty J. Ruark for a three-year term effective May 2008 to the Fee Dispute Arbitration Committee, Las Vegas Panel C.

It was moved, seconded and approved to appoint the following attorneys to the Fee Dispute Arbitration Committee for a three-year term effective May 2008:

Miriam Roberts	Las Vegas Panel C
Veronica Sisinger	Las Vegas Panel C
Craig Kidwell	Rural Panel

It was moved, seconded and approved to reappoint the following members to the Fee Dispute Arbitration Committee for a three-year term effective May 2008:

Alan Buttell	Las Vegas Panel A
Daniel Royal	Las Vegas Panel A
Charles Tucker	Las Vegas Panel B
Blaine Cartlidge	Reno Panel
Michael Langton	Reno Panel
Kathleen Breckenridge	Reno Panel

It was moved, seconded and approved to reappoint the following Regional Chairs for an additional one-year term effective May 2008:

CiCi Cunningham	Las Vegas Panel C
Robert Johnston	Carson City Panel

Law Related Education Report

Access to Justice Commission Report

3. CLE Report

Kathleen England reported on the CLE committee meeting. The main topics of discussion during the meeting were offering CLE online via web cast and the improvement of the Bridge the Gap program.

The West Legal Education contract is due for renewal. Mr. Boadt will report the status of the renewal to the Board at the June meeting. Ms. England explained the different online provider options and what each of them had to offer. Elana Hatch spoke about the possibilities of the State Bar offering online CLE and how it will help us grow into the future for our members. The CLE committee will

present their recommendation to the Board at the June meeting.

Mr. Boadt reported on the Bridge the Gap survey. At the recommendation of Kathy England, Mr. Boadt spoke with the UNR Center for Design Research and Analysis. The proposal calls for a review of the results of the online survey that staff prepared and supplementing it with a more comprehensive web survey. The proposal exceeds the approved \$5000 expense. It was moved, seconded and approved to grant up to \$8000 for the Bridge the Gap survey that will be conducted by UNR. Due to timing of this research project, the Bridge of the Gap program has been rescheduled to January 2009.

4. COMPENSATION COMMITTEE

The Board of Governors went into Executive Session to discuss this report.

5. INVESTMENT COMMITTEE

Joseph Haberman from Northern Trust provided an overview of Northern Trust and the benefits to the State Bar if investments are managed by Northern Trust. Bruce Beesley inquired if our investments would be covered by insurance. Mr. Haberman explained how all of our investments would be covered by FDIC insurance along with supplemental insurance held by Northern Trust. Dara Goldsmith reported on the process the Investment Committee undertook as they evaluated brokerage firms and banks to determine the best approach to placing State Bar investments. Ms. Goldsmith indicated that at the conclusion of the research, the Committee recommends Northern Trust to hold State Bar investments.

It was moved, seconded and approved to engage Northern Trust to manage the investments of the State Bar upon completion of the Investment Committee's follow-up on specific questions being satisfactorily answered. Confirm the mechanisms that are in place for the State Bar to verify that the funds have been invested; what can the State Bar do to personally verify with the banks that the funds are invested; and a satisfactory review of the insurance policies held by Northern Trust. The Board also directed the Investment Committee to conduct regular spot checks of investments in addition to the annual review of the portfolio.

6. ORAL REPORTS

Article 6 Commission

Kathleen England reported on the evaluation committee that was formed by the Article 6 Commission. Ms. England is the chair of the evaluation committee which will incorporate a judicial evaluation performance process. Professor Richardson of the commission will be attending the annual convention and will address the Board of Governors at their meeting.

Young Lawyers Section

Jasmine Mehta reported on the events that the Young Lawyers Section has been involved. Ms. Mehta attended the ABA/YLD spring conference in Washington, DC. She was impressed with the Diversity Summit and recommends Michael Brandwein as an excellent speaker on the subject.

7. COMMITTEE APPOINTMENTS POLICY

David Clark reported on the committee appointment policy and presented a draft committee application. It was suggested that discipline be defined on the application form. It was moved, seconded and approved to make the following changes on the application form. The suggested changes are to; define discipline; to revise the confidential disclosure line on the application to indicate that the application will be given to the committees and the Board of Governors for review and to remove wording that refers to time with respect to when discipline was received.

The Board determined that there should be a separate form for non attorneys. The non attorney form will be submitted to Board in June for approval.

It was moved, seconded and approved that if an attorney or non attorney failed to disclose discipline he/she would be disqualified from serving on any State Bar committee.

The Board also suggested that a database be kept on those who apply for committees at the State Bar.

8. APPOINTMENTS

Ethics and Professional Responsibility

It was moved, seconded and approved to appoint Bradley Richardson and Angela Dows to the Ethics and Professional Responsibility Committee effective June 2008.

Temporary Member on Commission of Judicial Selection

It was moved, seconded and approved to appoint Steve Wolfson as the temporary member of the Judicial Selection Committee.

Article 6 Commission

Kathleen England reported that the subcommittee of the Judicial Commission needs an additional attorney volunteer. It was moved, seconded and approved to recommend Gregg Kamer to fill the vacancy.

Indigent Defense Selection and Appointment Committee

Larry Digesti reported on the Indigent Defense subcommittee indicating the committee needs additional members. Mr. Digesti recommends that a member from Clark County, Washoe County and the rural counties sit on the committee. The Board determined that they would seek applications from members for the State Bar appointment to the Indigent Defense Selection and Appointment Committee and make an appointment at the next Board meeting.

The Board then discussed the issue of having a pool of members who are interested in filing various volunteer positions. It was suggested that a list of members be developed from members who have indicated that they are interested in serving on a variety of committees. It was moved, seconded and approved to develop a list of members who have indicated an interest in serving on special committees that arise during the year.

Frank Flaherty suggested adding an additional line on the application indicating that the State Bar has appointments periodically that are on a short term basis. It was moved, seconded and approved to add an additional line on the application form stating that information.

9. CONSTRUCTION LAW SECTION

It was moved, seconded and approved to approve the Construction Law Section application.

The following have been approved as officers of the section.

Paul Matteoni – Chair

James Berchtold – Chair Elect

Andrea Pressler – Secretary

Caryn Tijsseling – Treasurer

10. ONLINE DISCIPLINE POLICY

Rob Bare reported on the online discipline. Mr. Bare had surveyed other states to discover that most states do post discipline online. It was moved, seconded and approved to report discipline online in the membership directory.

It was moved, seconded and approved that the online discipline report will go back 5 years.

It was moved, seconded and approved that discipline for inactive and deceased attorneys will be listed and go back 5 years and that no addresses will be listed for inactive or deceased attorneys.

It was moved, seconded and approved to include information from attorneys on malpractice insurance in the online member directory. The record will include a disclaimer that the information is current at the date the attorney submitted the information to the State Bar.

On another note, it was suggested that the attorney biographical data form include information regarding the attorney's malpractice insurance coverage. The Board directed Rob Bare to develop an ADKT for approval by the Board reflecting this information.

11. LAWYER REFERRAL AND INFORMATION SERVICE COMMITTEE

Kimberly Farmer reported on the recommendations of the Lawyer Referral and Information Service Committee (LRIS) regarding the Public Service Grants. In addition to recommended grants, the committee also recommends that the ungranted funds in 2008 be set aside for use in 2009, rather than be placed back in the LRIS reserve account.

It was moved, seconded and approved to set aside the ungranted funds for the 2009 grant cycle and to approve the LRIS committee grant recommendations and with the following exceptions.

Washoe County Law Library – The LRIS committee recommended \$1900; the Board adjusted this amount to approve the total requested amount of \$9700 with the provision that the Washoe County Law Library will provide us with a list of the books purchased along with a detailed account of the monies spent.

Clark County Legal Services (CCLS) – The Board approved \$125,000 as a pledge to fund the CCLS training room. This pledge carries the requirement that CCLS provide details of projected expenses and subsequent accounting of expenditures. Upon receipt of this information the pledge will be honored. In addition the State Bar would receive proper recognition somewhere in the new building.

The Board thought the LRIS grant application and reporting was not specific enough therefore directed the LRIS Committee to develop a more comprehensive grant application and reporting form. Mr. Beesley suggested that Dara Goldsmith be an additional liaison to the LRIS committee.

12. REPORT OF THE PRESIDENT ELECT

History Committee

Judge Johnston has requested financial help from the State Bar to help with his role as historian of the State Bar. The Board determined that a History Committee would be appropriate to determine an action plan and budget to assist Judge Johnston in developing the State Bar history.

ADKT/ Audio in the Courts

Bruce Beesley reported on the ADKT and Supreme Court hearing regarding adopting a uniform rule to govern telephonic and audiovisual participation in Nevada Courts. Mr. Beesley would like the Courts in the rural counties to have this capability. It was moved, seconded and approved to support the adoption of a uniform rule and procedures for telephonic or audiovisual participation in civil, criminal and family law cases.

13. REPORT OF THE PRESIDENT

Annual Meeting

Nancy Alf reported on the status of the annual convention in June.

Western States Bar Conference

Ms. Alf reported on the Western States conference that she, Bruce Beesley and Kathleen England attended in March.

State Bar Mentoring Program

Ms. Allf gave some history on the mentoring program. No action was taken at this time.

ABA Delegate Vacancy

The position of ABA delegate of the State Bar is open. It was moved, seconded and approved to advertise this position in the e-newsletter.

14. REPORT OF DEPUTY BAR COUNSEL – DAVID CLARK

David Clark reported on the status of the Rate Search investigation.

It was moved, seconded and approved to accept the resignation of Wayne Nicholson, non attorney member, from the Southern Standing Lawyer Advertising Advisory Committee.

15. REPORT OF BAR COUNSEL – ROB BARE

Rob Bare reported the resignation of Robert Earl McCarthy. The initial resignation was denied by the Supreme Court. It was moved, seconded and approved to allow Mr. Bare to do a short pleading withdrawing the resignation request of Robert Earl McCarthy.

Concerning the Southern Nevada Discipline Panel, Mr. Bare recommends that the Board appoint only two additional members at this time. It was moved, seconded and approved to appoint David Liebrader and Joel Mann for a three year term effective June 2008 to the Southern Nevada Discipline Panel.

Francois Jacobs has applied to be appointed to the Northern Nevada Discipline Panel. Ms. Jacobs is inactive at this time and does not reside in Nevada. It was moved, seconded and approved to deny the application of Ms. Jacobs. Mr. Bare will send a letter to Ms. Jacobs indicating the reasons of the denial.

It was moved, seconded and approved to grant the resignations of Walter Tarantino and Ethan Hasenstein.

15. REPORT OF EXECUTIVE DIRECTOR – KIMBERLY FARMER

Kimberly Farmer reported on the status of the remittance of member bar dues. Ms. Farmer also reported on the current staff changes.

Ms. Farmer reported on the distribution of the dues check-off funds. In the past the dues check off funds were distributed to the Washoe County Access to Justice Foundation and the Eighth Judicial District Pro Bono Foundation who would in turn distribute the funds. Both foundations are currently inactive. It was moved, seconded and approved to direct the dues check off funds directly to the end-users. There is no change to the distribution, but the distribution would go directly to the entities rather than the foundations.

- Rural counties – 100% to Volunteer Assistance for Rural Nevadans
- North counties – 50% to Washoe Legal Services; 25% to Senior Law Project; 25% to Nevada Legal Services
- Southern counties – 50% to Clark County Legal Services; 25% Las Vegas Senior Law Project; 25% Nevada Legal Services

ADJOURNMENT

There being no new business before the Board the meeting was adjourned at 4:50 p.m.