A regular meeting of the Board of Governors of the State Bar of Nevada was convened on January 20, 2011.

The following members were in attendance:

Cam Ferenbach, President
Connie Akridge, President-Elect
Frank Flaherty, Vice President
Kathleen England, Immediate Past President
James Bradshaw
Elizabeth Brickfield
Larry Digesti
Frank Flaherty
Elana Graham
Jenny Hubach
Hon. Vincent Ochoa
Bryan Scott
Richard Scotti
Mason Simons
Rick Trachok (ex-officio)
John White (ex-officio)

State Bar staff present:
Kimberly Farmer
Gale Skala
Emily Akerberg
David Clark
Laura Gould
Marc Mersol
Lisa McGrane

Guests:
Ryan Works
The meeting was called to order by President Cam Ferenbach at 8:40 a.m., there being a quorum present.

PRESIDENT’S REPORT, CAM FERENBACH
Cam Ferenbach reported on a proposal Assemblyman Horne plans to present during the Nevada legislative session regarding judicial campaign contributions.

Mr. Ferenbach discussed the request by Clark County for a representative from the State Bar to serve on a screening committee that will interview applicants requesting to be appointed as ombudsman to coroner inquests. Mr. Ferenbach recommended and the Board agreed that a staff member from the Office of Bar Counsel be appointed to serve on the screening committee.

EXECUTIVE DIRECTOR’S REPORT, KIMBERLY FARMER
Kimberly Farmer reported the State Bar’s current staffing vacancies. Ms. Farmer provided an update concerning the 2012 Annual Meeting. At present, Ms. Farmer and Connie Akridge are negotiating a contract with the Hotel Del Coronado. It was moved, seconded and carried that the Board would review the final contract and approve the contract via an email vote.

Ms. Farmer reported that the contract with UNLV for the July 2011 bar exam is being finalized. It was moved, seconded and approved to delegate the final approval of the UNLV contract to the Executive Committee with the stipulation that the agreement does not exceed $25,000.

DISCUSSION ITEMS
The Board discussed the following questions using the generative discussion process, no action items came from the discussion.

Question: Should the State Bar establish a disaster relief committee? If so, on what areas of disaster relief should be the committee focus?

After the general discussion of the importance of this issue, the Board directed Kimberly Farmer to work with staff to develop a contingency planning document for the State Bar of Nevada to ensure continuity of its operations. It is the Board’s expectation that the lessons learned from this process will enable the Bar to provide guidance and suggestions to its members and law firms for their own disaster planning.

Question: What process should the State Bar follow when appointing members to the Board of Bar Examiners?

Cam Ferenbach gave some history regarding the Board of Bar Examiners and how vacancies are presently filled. Rick Trachok, Chair of the Board of Bar Examiners, also gave a synopsis of the process and procedures the Board of Bar Examiners and noted that the Board of Bar Examiners usually fills a vacancy with someone who is presently a grader. Mr. Trachok emphasized how important it is to have an individual with a solid commitment to the bar exam process. Mr. Trachok suggested that the next time there is an opening for grader the Bar will advertise the opening.

Question: How do we get more members involved in the different opportunities that the State Bar offers?

Kimberly Farmer reported that staff oversees the committee goals and objectives and terms of the committee members. Staff typically manages the overall mix of the various committees to promote a diverse committee make-up. The Board directed staff to take an active role to make sure committees have a mix of new members and experienced committee members. They also determined that Board members need to take a more active role in recruiting members to apply for committee openings.
APPOINTMENTS

Discipline Panels

It was moved, seconded and approved to reappoint Karl Armstrong to the Southern Discipline Board for a three year term commencing January 31, 2011.

It was moved, seconded and approved to appoint Bernard Zadrowski as Vice Chairman of the Southern Discipline Board for a one year term commencing January 29, 2011.

It was moved, seconded and approved to reappoint the following members to the Southern Discipline Board for a three year term:

<table>
<thead>
<tr>
<th>Name</th>
<th>Effective Date</th>
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</thead>
<tbody>
<tr>
<td>Shelly Krohn</td>
<td>January 31, 2011</td>
</tr>
<tr>
<td>Gary Branton</td>
<td>January 31, 2011</td>
</tr>
<tr>
<td>Bryan Cox</td>
<td>January 31, 2011</td>
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<tr>
<td>A. Maria Maskall</td>
<td>January 31, 2011</td>
</tr>
<tr>
<td>David Fischer</td>
<td>March 5, 2011</td>
</tr>
<tr>
<td>Shann Winesett</td>
<td>March 5, 2011</td>
</tr>
<tr>
<td>Alan Sachs</td>
<td>March 31, 2011</td>
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<tr>
<td>Larry Bertsch</td>
<td>March 31, 2011</td>
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</tbody>
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Clients’ Security Committee

It was moved, seconded and approved to reappoint Jennifer Henry for a three year term to the Clients’ Security Fund commencing February 1, 2011.

It was moved, seconded and approved to reappoint John Shook as chair and Edwin Keller as vice chair for a one year term to the Clients’ Security Fund commencing March 1, 2011.

Fee Dispute Arbitration Committee

It was moved, seconded and approved to appoint the following members to the Fee Dispute Arbitration Committee for a three year term commencing January 20, 2011.

<table>
<thead>
<tr>
<th>Name</th>
<th>Regional Panel</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dane Anderson</td>
<td>Las Vegas, Panel A</td>
<td></td>
</tr>
<tr>
<td>I. Kristine Bergstrom</td>
<td>Las Vegas, Panel A</td>
<td></td>
</tr>
<tr>
<td>John Boyer</td>
<td>Las Vegas, Panel C</td>
<td></td>
</tr>
<tr>
<td>Adam Breeden</td>
<td>Las Vegas, Panel B</td>
<td></td>
</tr>
<tr>
<td>Margo Chernysheva</td>
<td>Las Vegas, Panel A</td>
<td></td>
</tr>
<tr>
<td>Richard Dreitzer</td>
<td>Las Vegas, Panel C</td>
<td></td>
</tr>
<tr>
<td>Robert Frizzell</td>
<td>Las Vegas, Panel C</td>
<td></td>
</tr>
<tr>
<td>Heather Groover</td>
<td>Las Vegas, Panel B</td>
<td></td>
</tr>
<tr>
<td>Randall Tindall</td>
<td>Las Vegas, Panel B</td>
<td></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Regional Panel</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Copenhaver</td>
<td>Rural Panel</td>
<td>January 3, 2011</td>
</tr>
<tr>
<td>Steven Day</td>
<td>Las Vegas, Panel C</td>
<td>January 3, 2011</td>
</tr>
<tr>
<td>Archie McRimmon (lay member)</td>
<td>Las Vegas, Panel B</td>
<td>January 3, 2011</td>
</tr>
<tr>
<td>Steven Anderson (lay member)</td>
<td>Reno</td>
<td>March 1, 2011</td>
</tr>
</tbody>
</table>
It was moved, seconded and approved to appoint the following officers to the Member Benefits Committee for a two year term commencing January 1, 2011:
Angela Nakamura, Chair
John Krieger, Vice Chair

Hon. Vincent Ochoa abstained from voting due to his acquaintance with one of the nominated officers.

LRIS

It was moved, seconded and approved to appoint Richard Dreitzer to the Lawyer Referral and Information Committee for a three year period ending June 30, 2014.

Construction Law Section

It was moved, seconded and approved to appoint the following officers for a one year term commencing December 31, 2010.
Caryn Tijsseling, Chair
Andrea Pressler, Vice Chair
Michael Kimmel, Secretary
Debra Peirushka, Treasurer

Judicial Discipline

It was moved, seconded and approved to reappoint Karl Armstrong for a three year term commencing January 22, 2011 to the Judicial Discipline Commission. It was moved, seconded and approved to reappoint Carl (Bill) Hoffman as Mr. Armstrong’s alternate to the Judicial Discipline Commission for a three year term commencing January 22, 2011.

Hon. Vincent Ochoa abstained from voting due to his professional relationship with an applicant.

ACTION ITEMS

November 30, 2010 Financials
Marc Mersol gave a synopsis of the financial report of the State Bar of Nevada ending November 30, 2010.
**Section Reports for Action**

Family Law Specialization Exam – It was moved, seconded and approved to take this issue off the table. It was moved, seconded and approved to award certificates to only those Family Law Specialists that have passed or will pass the specialization exam, noting the date the member passed the exam on the certificate. The certificate will be issued annually upon the Family Law Specialist’s registration with the State Bar.

Animal Law Section – It was moved, seconded and carried to approve the application to form an Animal Law Section. President Ferenbach appointed Jenny Hubach as the Board liaison for the Animal Law Section.

**Member Benefits Committee**

Kimberly Farmer reported on the proposal for a new member benefit called LawPay Merchant Account. It was moved, seconded and carried to approve LawPay Merchant as a member benefit subject to the completion of the State Bar’s internal contract review process.

**Fee Dispute Bylaw Amendments**

Lisa McGrane reported on the proposed changes to the bylaws of the Fee Dispute Arbitration Committee. It was moved, seconded and carried to approve the proposed amendments of the Fee Dispute Arbitration Committee Bylaws.

**SCR 42 ADKT**

Supreme Court Rule 42 was amended in 2002 to allow pro hac vice admittance to attorneys appearing before Nevada state boards, agencies and commissions. However, the Court excluded attorneys from applying pro hac vice in order to appear in private, contractual arbitrations or other alternative dispute resolution (ADR). Since that time, several factors have come to light supporting the inclusion of these attorneys in SCR 42, including, but not limited to:

- Misinterpretation of SCR 42 by many attorneys that there is no need to seek pro hac vice appointment.
- Widespread presence of ADR organizations in Nevada utilizing out-of-state attorneys.
- Federal regulations allowing out-of-state attorneys to participate in ADR proceedings before certain organizations.
- Movement by other jurisdictions to allow pro hac vice admittance for out-of-state attorneys participating in private, contractual ADR, either through changes to statutory code or through case law.

It was moved, seconded and carried to approve the amended ADKT regarding the admittance of out-of-state attorneys participating in private arbitrations.

**Annual Meeting BOG Stipend**

The Board discussed the stipend for Board members to attend the annual meeting in Kauai, HA. Currently Board members are reimbursed for expenses to attend the regular Board meetings. For the annual meeting they are provided a $500 stipend. It was moved, seconded and approved to reimburse all Board members for expenses incurred for attendance at Board meetings including the Board meeting held during the annual meeting.

**Compliance with SCR 217**

The Board discussed the new rule governing attorney trust accounts. It is proposed that active members who fail to meet the reporting requirements outlined in SCR 217.7 be notified of their noncompliance, in writing, by the State Bar, setting a compliance deadline. Upon the expiration the notification deadline (45 days from notification) the State Bar will notify the member of non-compliance and said member shall be suspended from membership in the State Bar, but may be reinstated upon filing the certificate of compliance and paying a fee of $200. The State Bar will forward the dollars for the fine to the Nevada Law Foundation. It was moved, seconded and approved to present an ADKT to the Court reflecting the non compliance proposal and allowing the Executive Committee to approve the ADKT.
Elana Turner Graham abstained from voting.

REPORTS

Young Lawyers Report
Ryan Works, Chair Young Lawyers Section, reported on the most recent activities of the section. The section is very involved in the planning of the ABA Spring Conference hosted in Las Vegas in 2011. They are also presently working on the Compensation Survey scheduled for later this year.

CONSENT AGENDA

Minutes of December 8, 2010
It was moved, seconded and approved to approve the minutes of December 8, 2010.

Contracts: Exam Software and LaJolla Beach and Tennis Club
It was moved, seconded and approved to approve both the Exam Soft and the LaJolla Beach and Tennis Club contracts.

E-newsletter
It was moved, seconded and approved to approve the recommended changes to the E-Newsletter content policy.

ADJOURNMENT
There being no new business before the Board, the meeting adjourned at 11:45 a.m.

Subsequent Actions of the Board of Governors

At the January 20, 2011 meeting of the Board of Governors, the Board directed two votes to be held:

The Board directed that a vote on the question of approving our agreement with the Hotel Del Coronado for the 2012 Annual Meeting be cast by e-mail. The email votes were due by Tuesday, January 25, 2011. Upon receiving a majority of yes votes, the agreement for the 2012 annual meeting at the Hotel Del Coronado, Coronado, CA, June 27–30, 2012 was approved.

The Board directed that the Executive Committee vote on the question of approving the final agreement with UNLV for the July 2011 bar exam. Upon receiving the final agreement, the Executive Committee, at their February 10, 2011 meeting, approved the UNLV contract.