



**MINUTES OF THE MEETING  
OF THE BOARD OF GOVERNORS**  
March 5, 2008

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on March 5, 2008 at the State Bar of Nevada in Las Vegas, NV at 9:15 am.

**The following members were in attendance:**

Nancy Alf, President  
Bruce Beesley, President-Elect  
Kathleen England, Vice President  
Connie Akridge  
Larry Digesti  
Cam Ferenbach  
Dara Goldsmith  
Elana Hatch  
Gregg Kamer  
Bridget Robb Peck  
Bryan Scott  
Bill Turner  
John White  
Robert Witek  
Stephanie Allen

**By Phone:**

James Bradshaw  
Francis Flaherty  
Rew Goodenow

**State Bar Staff Present:**

Rob Bare  
David Clark  
Kimberly Farmer  
Marc Mersol  
Gale Skala

**1. CALL TO ORDER**

The meeting was called to order by President Nancy Alf at 9:15 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 January 24, 2008

Report of Fee Dispute Committee/ Clients' Security Fund

It was moved, seconded and approved to approve the singular amendment to the Bylaws D.8 of the Fee Dispute Arbitration Committee.

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

Michael Sanders, Lew Brandon, Jr., Layne Butt, Michael Golden, Thomas Rondeau, Esther Rodriguez and David Liebrader to the Las Vegas Panel A

Hector Carbajal II, Scott Davis, and J. Rusty Graf to the Las Vegas Panel B

Steven Anderson, Tom Bader, Richard Blower, Don Dees, Marta Presti, Karl Smith, Kevin Ryan, and Eric Stovall to the Reno Panel.

Mike Pavlakis and Ken Brown to the Carson City Panel

John Doyle to the Rural Panel

It was moved, seconded and approved to appoint Steven Day to the Las Vegas Panel C for a three year term effective March 2008.

It was moved, seconded and approved to reappoint Jeffrey Kump as Regional Chair of the Fee Dispute Arbitration Committee for a one year term effective March 2008 to the Rural Panel.

It was moved, seconded and approved to reappoint Edwin Keller, Jr. to the Clients' Security Fund Committee for a three year term effective March 2008.

**3. REPORT OF THE YOUNG LAWYER'S SECTION**

Stephanie Allen of the Young Lawyer's Section reported on the latest activities of the Young Lawyer's Section. Cam Ferenbach and Connie Akridge reported positive feedback from the Midyear Meeting of the State Bar that took place on February 23, 2008.

**4. REPORT OF DIRECTOR OF OPERATIONS AND EDUCATION**

Christopher Boadt provided the results of the staff generated survey concerning the Bridge the Gap CLE program. Mr. Boadt explained some of the survey questions and how they relate to both new attorneys as well as practicing attorneys. He indicated that the CLE committee will host focus group meetings in Las Vegas and Reno. The goal is to provide the results of the focus groups to the Board at the June meeting. Mr. Boadt indicated that the cost to run the focus groups by professionals would run approximately \$5,000. It was moved, seconded and approved to fund a \$5000 allowance that will allow the focus groups to be

run by a professional in efforts to accurately assess the Bridge the Gap program.

Dara Goldsmith informed the Board that there is an option of taking Amtrak from the Burbank Airport to Santa Barbara for the Annual meeting in June 2008. Mr. Boadt will follow up on this option with more details and at the Board's suggestion market to members how easy it is to get to Santa Barbara.

#### **5. REPORT OF DIRECTOR OF FINANCE**

Marc Mersol explained the financial report of the Nevada Bar Foundation. It was noted that the Bar Foundation grants run on a different fiscal year than the State Bar's calendar year budget. The Board requested that Mr. Mersol breakdown the Foundation's financial report in future budgets to depict employee travel separately from program related travel.

The Board also reviewed the State Bar financial report and reaffirmed that the yearly building reserve designation be reported as of January 1 each year.

#### **6. REPORT OF LAW RELATED EDUCATION**

Bridget Robb Peck reported some concerns that had happened with the Mock Trial event. Ms. Farmer indicated that an error had been made by the State Bar and Mock Trial staff in initially reporting the Mock Trial winners.

#### **7. SUPREME COURT COMMISSION UPDATES**

Ms. England reported the progress of the Article 6 Commission. The Commission will be making recommendations concerning the judicial discipline process. There will be a subcommittee to evaluate the current process on judicial performance.

Ms. England gave the history on the issue of sealing Court records. In the past there were no state statutes dealing with this issue. There is now a set of rules that went into effect January 1, 2008. The Commission on Preservation Access and Sealing of Court Records has been asked by the Court to continue their work in order that they may find how best to implement these rules.

#### **8. COMMITTEE REPORTS**

**Senior Lawyer Committee** -- Gregg Kamer gave a report on the progress of the Senior Lawyer Subcommittee. It was moved, seconded and approved to approve a Senior Lawyer Section of the State Bar of Nevada. The initial goals of the section include:

- Encouraging solo practitioners to create practice wills
- Transition planning for lawyers
- Development of resource list of senior lawyers to work with the State Bar on programs geared towards senior lawyers
- Develop a plan that will change our language so that when we think of a senior lawyer we think of experience rather than age.

**Investment Subcommittee** -- Mr. Ferenbach gave report of the progress of the Investment Subcommittee. The Board requested that the committee report to the Board quarterly. It was moved, seconded and approved to approve the Investment Policy Statement as presented. Ms. Farmer gave a synopsis on the investment brokers that the Committee is interviewing to manage the investments of the State Bar. It was moved, seconded and approved to designate the Executive Committee to decide on the investment advisor if such a recommendation occurs prior to the next Board meeting.

#### **9. COMMITTEE VACANCY – POLICY REVIEW**

Mr. Clark reported on the policy of State Bar Committee/Board appointments. At the present time,

there is no official policy of record. It was moved, seconded and approved for staff to review the matter and recommend a policy for the State Bar. The present committee application will be revised in order that it clearly states if you fail to disclose any discipline, the applicant maybe disqualified.

Staff and chairs will prepare qualifications and guidelines for committee members serving on various State Bar committees. These guidelines will be sent to Bridget Robb Peck, Bruce Beesley, Connie Akridge and Bill Turner for feedback.

**Judicial Selection Committee Vacancy** – It was moved, seconded and approved to remove individuals who have had discipline matters from the list of those seeking an appointment to the present opening on the Judicial Selection Committee. The Board considered applications to this committee. It was noted that the vacancy must be filled from the rural counties. It was moved, seconded and approved to appoint Thomas Stockard as a permanent member of the Judicial Selection Committee.

**Discipline Online** – The Board discussed the issue of listing lawyer discipline on the State Bar's online member directory. The Board instructed staff to examine the issue and present a process and procedures to the Board that will list attorney discipline on the State Bar website.

#### **10. REPORT OF THE PRESIDENT – NANCY ALLF**

- **President's Media Interviews** -- Ms. Allf reported to the Board she will not conduct media interviews if the interview appears improper due to her candidacy.
- **Emeritus Attorney Pro Bono Program ADKT** -- The Board expressed concern over the insurance requirement and CLE requirements for those participating in the program. These concerns will be communicated to the Access to Justice Commission who will administer the program. It was moved, seconded and approved to approve the Emeritus Attorney Pro Bono program ADKT.
- **Nevada Law Foundation/Mandatory IOLTA Rule** -- Ms. Allf gave a status report on the mandatory IOLTA rule and the Nevada Law Foundation (NLF). Mr. Digesti had concerns about the NLF being able to access a person's IOLTA account information. Mr. Beesley reported on his meeting with Suzan Baucum and Paul Elcano. Mr. Beesley indicated that the NLF has begun initial steps to address the issues reported to the Nevada Law Foundation Report.
- **Rate Search** -- Mr. Clark reported on the status of the Rate Search investigation. Mr. Clark indicated that our attorney suggests the State Bar continue with discovery through the end of May. The Board would like Mr. Clark to keep them abreast on the status of the investigation and expenses that relate to the investigation. The Board indicated that it is important to keep a handle on expenses related to recovery of our losses. It was moved, seconded and approved to approve a budget adjustment authorizing attorney fees on the Rate Search investigation. Ms. Goldsmith requested that future budgets be prepared with a line item for attorney fees.
- **Resolution Regarding Adoption of Rules on Temporary Practice by Foreign Lawyers** -- Mr. Clark explained this issue to the Board. Ms. Allf will speak with Chief Justice Gibbons about this matter to determine the Court interest in this resolution.
- **2008 American Inns of Court Circuit Professionalism Award in the Ninth Circuit** -- Ms. Robb Peck will write a nomination letter for Judge McKibben to receive this award.

#### **11. REPORT OF DEPUTY BAR COUNSEL – DAVID CLARK**

It was moved, seconded and approved to appoint Michael Lowry to the Southern Standing Lawyer Advertising Advisory Committee. It was moved, seconded and approved to appoint Steven Klearman to the Northern Standing Lawyer Advertising Advisory Committee.

Mr. Clark gave a report concerning the Katrina rule which could be adopted as a modified version of the Model Rule as RPC 5.5B. Ms. Allf will speak with Chief Justice Gibbons to determine the Court's interest in this matter.

**12. REPORT OF BAR COUNSEL – ROB BARE**

It was moved, seconded and approved to reappoint the following non-attorney members to the Northern Disciplinary Board for a three year term commencing April 1, 2008.

- Dale Edwards
- Robert Larkin
- Ty Levin
- Kelly Marshall

It was moved, seconded and approved to reappoint Alan Sachs and Larry Bertsch to the Southern Nevada Disciplinary Board for a three year term commencing March 31, 2008.

It was moved, seconded and approved to appoint the following members to the Southern Nevada Disciplinary Board for a three year term commencing April 1, 2008.

- Angela Dows
- Shann Winesett
- Aaron Christensen
- David Fischer

It was moved, seconded and approved to accept the resignation of Patricia Lee Van Den Broeke.

It was moved, seconded and approved for Bar Counsel to draft a letter which will be signed by Ms. Allf to the sections of the State Bar of Nevada reflecting that if they wish to do an Amici Curiae, there will be a disclaimer that the State Bar is not endorsing their participation.

**13. REPORT OF EXECUTIVE DIRECTOR – KIMBERLY FARMER**

Ms. Farmer explained the position of Programs and Services Coordinator. It was moved, seconded and approved this new position. Ms. Farmer gave a status report on the compensation survey; a final report will be presented to the Board in May. Ms. Farmer announced the hiring of Kristina Marzec as the new Access to Justice Coordinator.

**14. ADJOURNMENT**

There being no new business before the Board the meeting was adjourned at 3:00 p.m.