

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President Gloria J. Sturman on August 23, 2002, at 9:00 a.m. at the Fallon Convention Center in Fallon, Nevada.

The following members of the Board of Governors were in attendance:

Gloria J. Sturman	President
N. Patrick Flanagan III	President-Elect
Ann Price McCarthy	Vice President
John H. Mowbray	Immediate Past President
Nancy L. Allf		
Bruce T. Beesley		
James W. Bradshaw		
Vincent A. Consul		
Kathleen J. England		
Rew R. Goodenow		
Bridget Robb Peck		
John P. Schlegelmilch		
Steven B. Wolfson		

STATE BAR STAFF MEMBERS PRESENT:

Allen W. Kimbrough
Rob Bare
Christopher T. Boadt
Marc Mersol
Audrey Bath

GUESTS:

Hon. Barbara Buckley
Wayne Pressel
Hon. John Ocegüera
Cecilia Rosenauer

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 9:02 a.m. by President Gloria Sturman and a quorum was declared.

2. CONSIDER MATTERS RELATED TO LAWYER REFERRAL AND INFORMAL SERVICE

Cecilia Rosenauer of Reno, Chair of the Lawyer Referral and Information Service (LRIS) Committee, met with the Board to discuss matters relating to the work of the Committee and the operation of the State Bar's LRIS. She described the history of our LRIS and discussed with the Board changes in process, including the formation of "experience panels" and potential expansion of the hours of operation. Ms. Rosenauer acknowledged receipt of the letter from the Board's Task Force on LRIS sent under Mr. Consul's signature outlining the relationship between the Board and the LRIS Committee. Staff was requested to provide statistical information on the operations of the LRIS at the October 30 meeting.

3. APPROVAL OF MINUTES OF PRIOR MEETING OF BOARD OF GOVERNORS

The minutes of the meeting of the Board held on June 12, 2002 were revised to replace the words "Prepaid Expenses" with "Accounts Payable" in paragraph 3 thereof and with that correction approved unanimously.

4. REPORT OF CONTINUING LEGAL EDUCATION DIRECTOR

Christopher Boadt, Director of Continuing Legal Education, reported to the Board on various matters. He discussed the financial performance of his department to date and stated his belief that the department would be at least at "break even" by year end.

Mr. Boadt reported that the 2002 Annual Meeting appears to have generated a \$12,000 deficit. He and President Sturman shared plans for the 2003 Annual Meeting in New Orleans.

Mr. Boadt also described the new online CLE programs being developed in conjunction with the West LegalEd Center and the benefits to be gained from such undertaking.

He also advised the Board that the department would shortly begin sharing a full-time staff person with the Communications Department and that a search for the right candidate was underway.

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

The Board expressed its appreciation to Mr. Boadt and his staff for the excellent work done on the 2002 Annual Meeting and to Mr. Boadt personally for his direction of the video tribute to Justice Cliff Young (which will hopefully be rebroadcast).

There followed a general discussion of the CLE calendar of programs for the remainder of 2002.

5. REPORT ON ACTIONS AND RECOMMENDATIONS OF OPERATIONS COMMITTEE

President Sturman led the Board in a review of the minutes of the prior meetings of the Operations Committee and responded to questions.

The Board ratified the appointment of Richard Barrows of Elko to the Fourth Judicial District Judicial Selection Committee.

6. REPORT OF CONTROLLER

Controller Marc Mersol presented the financial statements for the State Bar as of June 30, 2002, which he stated was meeting projections. He thereafter responded to questions from the Board.

He also responded to the question previously raised by Ms. Alf regarding the level of Accounts Payable at May 31 being higher than last year, which he attributed to posting errors and timing of the payment of bills.

7. CONSIDER MIDYEAR BUDGET REVIEW AND ADJUSTMENTS

Rew Goodenow, Chair of the Budget Committee, presented the Midyear Budget Review to the Board, together with the proposed Revised Budget for the year 2002. He noted that admissions revenue was down roughly \$43,000, that the salary numbers had been adjusted to reflect new employees. The Budget Committee recommended approval of the Revised Budget, which the Board approved unanimously.

The Board also approved increasing Administration revenue by \$20,000 to reflect income anticipated from filings under new SCR 199.1 (registration of multi-state law firms).

8. CONSIDER SUPREME COURT RULE GOVERNING RESIDENCE OF MEMBERS

The Board reconsidered the issue of what address should constitute the "residence" of the membership (i.e., should it be their official SCR 79 address or their home - if different) for purposes of voting in State Bar elections. Mr. Schlegelmilch expressed concerns that using the SCR 79 address might deplete the number of voters in the rural counties, as many members reside in a rural county and work in a non-rural one. Others raised questions regarding out of state attorneys and other issues. The Board deferred further consideration of this matter to its October 30 meeting and later asked the Operations Committee to discuss in the meantime.

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

9. REPORT OF EIGHTH JUDICIAL DISTRICT PRO BONO FOUNDATION

Mr. Consul introduced the Board to the topic of pro bono activities on the part of Nevada's lawyers. He welcomed The Hon. Barbara Buckley, Executive Director of Clark County Legal Services and Wayne Pressel, Executive Director of Nevada Legal Services, who were accompanied by the Hon. John Ocegüera.

Ms. Buckley and Mr. Pressel discussed with the Board the lack of adequate performance by Nevada attorneys in fulfilling the aspirational goals of SCR 191. She discussed various methods attempted by legal services providers to obtain additional volunteers, as the participation rate is currently at 8%.

The need for assistance from the State Bar in general and the Board of Governors in particular was expressed. Suggested ideas for improving performance included allowing judges to directly solicit pro bono volunteers, mandatory reporting of pro bono hours, collection by the State Bar of a \$500 annual fee in lieu of pro bono service, linkage of lawyer referral panels to pro bono, expanding the roster of family law specialists, and establishing mandatory pro bono service (previously rejected).

Following a lengthy discussion of these issues, a motion was made by Ms. Alf and seconded by Ms. Peck to prepare and file an ADKT petition requesting the Court to establish mandatory reporting of pro bono activities by every member of the State Bar. The motion passed on divided vote.

The Board unanimously approved a motion that the Standing Committee on Judicial Ethics and Election Practices be notified of the Board's desire that Canon 4(C) be revised to permit the active solicitation of pro bono participation by judges.

On a motion made by Ms. Alf and seconded by Ms. Peck, the Board on a divided vote approved the addition of a line on the State Bar's Committee Application Form seeking information about the applicant's pro bono service in the previous 36 months.

Mr. Beesley moved that the State Bar dues invoice include an opportunity for members to pay \$500 in lieu of pro bono service. [The motion passed.....]

10. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE

It was announced that the 2002 Access to Justice Summit would be held on Friday, October 11 and that the annual Awards Luncheon would occur on October 30 in conjunction with the Board's next meeting and the Reno bar admissions ceremony.

The Board affirmed its dedication to the continuing efforts to provide better access to justice for all Nevadans.

11. REPORT ON NEW SUPREME COURT RULES RELATED TO MULTI-JURISDICTIONAL PRACTICE

Mr. Mowbray reported on the new Supreme Court Rules enacted in July arising out of the work of the Supreme Court Commission

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

on Multijurisdictional Practice. Mr. Kimbrough reviewed the forms that have been created to put the Rules into effect, and Mr. Bare commented on their future enforcement.

12. REPORT ON MEMBER BENEFITS

Mr. Kimbrough gave an oral report on the State Bar's member benefit partners in supplementation of the written reports provided in the Board's agenda book.

13. CONSIDER REQUEST TO PUBLISH STATEWIDE LEGAL DIRECTORY

The Board unanimously declined to participate in the publishing of a statewide legal pictorial directory as proposed by McGraw-Hill and Mr. Kimbrough was instructed to so advise the proponent.

14. CONSIDER PENDING AND PROPOSED ADKT FILINGS

The Board approved the filing of ADKT petitions relating to SCR 79 (address of member) and SCR 79 (composition of Board of Governors). Mr. Mowbray suggested that the next dues invoice be revised in an attempt to capture the members' areas of practice, fax numbers, and email addresses.

15. REPORT OF YOUNG LAWYERS SECTION

The Board ratified the selection of Molly Anderson, Andrew Craner, and Tamara Gaspin as members of the Young Lawyers Section Executive Council.

16. REPORT ON 75TH ANNIVERSARY CELEBRATION (STATE BAR DIAMOND JUBILEE)

The President reported on the planning in progress for the 75th Anniversary of the State Bar in 2003 and advised the Board that the gala dinners would be held in May in Reno and Las Vegas.

17. CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE

The Board appointed the following persons as attorney members of the specified Fee Dispute Arbitration panels:

Kathleen Murphy	Las Vegas Panel C
S. Brent Vogel	Las Vegas Panel A
Denise Mikrut	Las Vegas Panel C
Peter M. Angulo	Las Vegas Panel C

Additionally, the Board appointed the following lay members as indicated:

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

Diane F. Fearon	Las Vegas Panel C
Karen Whelan	Las Vegas Panel C
Sarah "Sally" Zola	Carson City Panel

Several Board members expressed concerns regarding the concentration of members of the panels in a single law firm and requested that staff work to ensure that no two members of the same law firm be placed on the same arbitration "team."

18. CONSIDER APPOINTMENTS TO NORTHERN AND SOUTHERN NEVADA DISCIPLINARY BOARDS

The Board appointed the following persons as alternate attorney panelists for the Southern Nevada Disciplinary Board:

Jeffrey R. Albreghts	Steven M. Altig
John Shook	Scott Smith
Gerald Waite	

Mr. Wolfson did not participate in the discussion or vote with respect to this matter.

The Board appointed Diane Fearon as an alternate lay member panelist for the Southern Board.

The Board appointed Francis Flaherty as an attorney panel member for the Northern Nevada Disciplinary Board and appointed the following as alternate attorney panel members:

Scott Freeman	Stephen Osborne
Cecilia Rosenauer	Tom Susich

19. REPORT OF BAR COUNSEL

In Executive Session, Bar Counsel Rob Bare reported to the Board on pending litigation matters.

In regular session, Mr. Bare commended Assistant Bar Counsel David Clark for his work on the *Hagendorf* matter. He also advised the Board that the brief *amicus curiae* in *Palmer v. Pioneer Inn* had been filed in accordance with the Supreme Court's request. It was also confirmed that the State Bar would only file such briefs in situations where the Court requested same.

Mr. Bare also reviewed with the Board the Discipline Statistical Report for July 2002.

20. REPORT OF EXECUTIVE DIRECTOR

Mr. Kimbrough discussed various matters with the Board arising from his written report. He also gave a general report regarding

August 23, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

his and the President's meeting with Rick Trachok, Chair of the Board of Bar Examiners, regarding needed fees increases and the February bar exam.

21. REPORT OF PRESIDENT

President Sturman reminded the Board about the new schedule of meetings (in particular, the change of the March meeting to the 14th). She also described the process to be followed for advising the Clark County Manager of potential State Bar members on any justice of the peace selection committee to be formed in the future (i.e., that the position would be advertised and the full Board would meet by telephone to approve the slate).

She also requested that articles proposed for *Nevada Lawyer* be submitted for peer review before being published. Ms. Sturman additionally advised the Board that the New York State Bar Association had filed suit to prevent the application of new financial privacy disclosure laws to attorneys (who are already subject to rules of confidentiality).

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Gloria J. Sturman
President

Allen W. Kimbrough
Executive Director