

Board Meeting Minutes 10/17/01

Board Meeting Minutes

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President John H. Mowbray on October 17, 2001, at 9:00 a.m. in the California Room of the Eldorado Hotel and Casino in Reno, Nevada.

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

John H. Mowbray President
Gloria J. Sturman President-Elect
Nancy L. Alf
Bruce T. Beesley
Vincent A. Consul
Kathleen J. England
Dara J. Goldsmith
Rew R. Goodenow
Ann Price McCarthy
Bridget Robb Peck
John P. Schlegelmilch
Steven B. Wolfson
Dean Richard Morgan, Ex Officio

STATE BAR STAFF MEMBERS PRESENT:

Allen Kimbrough
Rob Bare
Christopher Boadt
Patrice Eichman
Marc Mersol
Audrey Bath

GUESTS:

Joel Santos
Marshal Willick
Richard Trachok
Thomas R. C. (Spike) Wilson II
David Amesbury
Stephen V. Novacek
Vernon E. Leverty

1. CALL TO ORDER

The President led the Board in a moment of silence in honor of Vice President Patrick Flanagan who is recuperating from an accident and expressed the Board's best wishes for his recovery and speedy return to meetings of the Board.

2. APPROVAL OF THE MINUTES OF THE JUNE 28 AND AUGUST 17, 2001 MEETINGS OF THE BOARD OF GOVERNORS

The minutes of the August 17, 2001 meeting of the Board of Governors and the Revised

Minutes of the June 28, 2001 meeting of the Board of Governors were approved unanimously.

3. CONSIDER APPOINTMENTS TO PROFESSIONAL RESPONSIBILITY AND CONDUCT COMMITTEE AND REPORT OF COMMITTEE

Marshal Willick, Chair of the Standing Committee on Professional Responsibility and Conduct, appeared and shared with the Board the currently dormant status of the Committee and his goals for its revitalization, including the addition of new committee members. The Board agreed to assist in these revitalization efforts. Sam Stone, Richard I. Dreitzer and Michael J. Warhola were appointed to fill three vacancies on the Committee. The Board expressed its appreciation to Mr. Willick for his service.

4. REPORT OF ADMISSIONS DEPARTMENT

The Board was joined by Richard Trachok, Chair of the Nevada Board of Bar Examiners. Mr. Trachok, Director of Admissions Patrice Eichman, and the Board engaged in a review of the 2001 Bar Examination, including the pass rate and the regrade process. Discussion was had regarding a desire to administer the Bar Examination more than once a year and the requisite increase in staffing required to accomplish such a goal.

Upon motion made and seconded, the Board determined (on a divided vote) to advise the Supreme Court that the Board was in favor of retaining the current procedure of regrading examinations falling between a score of 74.5 and 75.5.

The President thanked Mr. Trachok, the Board of Bar Examiners, and its related committees for their extraordinary service to the Bar.

Mr. Trachok presented Board Member Kathleen England with an award in recognition of her many years of service as Chair of the Moral Character and Fitness Committee.

Bar Counsel was asked to investigate whether there were any studies or other information available showing a correlation between performance on a bar examination and disciplinary actions.

Dean Morgan responded to questions regarding the fields of study of graduates of the Boyd School of Law in comparison to their passing rates on the 2001 Bar Examination.

5. REPORT OF THE MEMBER SERVICES COMMITTEE

Mike Davidson, Chair of the Member Services Committee, reported to the Board that the Committee continues to seek a new health care insurer and is presently evaluating group plans. The Committee is working with a broker, but no formal agreement has been suggested at this time.

The Committee's recommendation that the State Bar contract with LegalStaff.com for the creation of a career center on the Bar's website was approved unanimously.

The Executive Director reported that negotiations were ongoing with LEXIS-NEXIS regarding a global sponsorship arrangement.

6. REPORT OF COMMISSION ON MULTIJURISDICTIONAL PRACTICE

Thomas R. C. (Spike) Wilson II, Chair of the Supreme Court Commission on Multijurisdictional Practice (AMJP@), appeared before the Board of Governors to present a status report. He advised that three public hearings had been held in September and early October in Elko, Las Vegas and Reno, and that there was significant input and participation. Mr. Wilson stated that two additional meetings of the Commission would be held on October 24 and November 15, and that the final report of the Commission will be delivered to the Supreme Court prior to December 1.

7. CONSIDER REVISIONS TO FAMILY LAW SECTION BYLAWS

Board Member Ann Price McCarthy, Chair of the Family Law Section, requested approval of certain amendments to the Bylaws of the Section. Having corrected a typographical error in Section 4.1 thereof, the Board unanimously approved the Bylaws as amended.

8. CONSIDER FUNDING REQUEST FROM CLIENT SECURITY FUND COMMITTEE

David Amesbury, Chair, and members Steve Novacek and Gene Leverty of the Client Security Fund Committee met with the Board to discuss the current status of the Fund and the need for additional funds in order to satisfy current extraordinary claims. The Committee members reviewed written materials previously provided to the Board concerning the level of contributions to the Fund in Nevada versus other jurisdictions and the current policies regarding the payment of claims in our state.

The Board and Bar Counsel commented on the importance of this Committee and its role in reassuring members of the public in situations of defalcation, while recognizing that the work of the Committee and the uses of the Fund are not well known by the general membership of the State Bar. It was also recognized that the Committee should be encouraged to pursue claims against the miscreants or their estates in order to recoup claims paid from the Fund.

The President requested that Board Member Dara Goldsmith (a former member of the Committee) review the Committee's Bylaws in an effort to clarify its powers and responsibilities. The Budget Committee was asked to review the financial issues related to the Fund's need for additional resources.

9. REPORT OF YOUNG LAWYERS SECTION

Joel Santos, Chair of the Young Lawyers Section of the State Bar appeared before the Board and gave a report on the recent and upcoming activities of the Section. Mr. Santos advised that the Executive Council of the Section had selected Elizabeth Whitney of Reno as Chair-Elect and Henna Rasul of Carson City as a District Representative on the Executive Council. The Board unanimously ratified these appointments.

10. CONSIDER APPOINTMENTS AND ADJUSTMENTS TO NORTHERN AND SOUTHERN NEVADA DISCIPLINARY BOARDS

The Board made the following appointments for one-year terms: Richard Pocker as Chair and Daniel Albregts as Vice Chair of the Southern Nevada Disciplinary Board and James Bradshaw as Chair of the Northern Nevada Disciplinary Board.

The Board unanimously voted to transfer Southern Nevada Disciplinary Board member Rusty Jardine to the Northern Nevada Disciplinary Board at his request. Mr. Jardine's term will expire in October, 2002.

Northern Nevada Disciplinary Board alternate attorney member JoLee Wickes was re-designated to full attorney member status on that Disciplinary Board.

11. CONSIDER REAPPOINTMENTS TO THE CONTINUING LEGAL EDUCATION COMMITTEE

The following members of the Continuing Legal Education Committee were unanimously reappointed by the Board for an additional three-year term: John Albrecht, William Brunson, Bryan Clark, Elana Hatch, Jenny Hubach and Cookie Olshein. Board Member John Schlegelmilch dissented from this vote.

12. CONSIDER APPOINTMENT OF MEMBER OF CONTINUING LEGAL EDUCATION COMMITTEE (PLANNING TEAM B)

The Board appointed David Neidert of Reno to fill the vacancy on planning team B of the CLE Committee.

13. CONSIDER APPOINTMENT OF EX-OFFICIO MEMBER OF THE CONTINUING LEGAL EDUCATION COMMITTEE

Mace Yampolsky was unanimously appointed as an ex-officio member of the CLE Committee. The Director of Continuing Legal Education was requested to revise the Bylaws of the CLE Committee to reflect the ex-officio status of such members.

14. REPORT OF THE CONTINUING LEGAL EDUCATION DEPARTMENT

Christopher Boadt, Director of Continuing Legal Education, reported on the recent activities of his department, including financial results for the year to date and new publications.

Mr. Boadt presented a draft budget to the Board for the 2002 Annual Meeting of the State Bar in Hawaii. The Board unanimously approved the draft budget.

Mr. Boadt and the Executive Director also recommended reimbursement policies and procedures for the 2002 Annual Meeting covering the payment of travel expenses for Board members, staff members, speakers, sections and committees. The Board unanimously adopted the recommendations of the staff with respect to these matters.

15. REPORT OF CONTROLLER

The Executive Director presented the Financial Reports of the State Bar as of August 31 and September 30, 2001, and responded to questions from the Board regarding same.

16. REPORT OF BAR COUNSEL

Bar Counsel Rob Bare appeared before the Board and reported on the activities of his department.

Action on new SCR 106.5 (relating to Lawyers Concerned for Lawyers) was deferred to the December 7 meeting of the Board and Mr. Bare was asked to make further revisions to the proposed rule.

Mr. Bare reviewed with the Board the most recent Statistical Report and noted changes

occurring since it was prepared.

Mr. Bare reported on pending litigation in general terms and no privileged matters were discussed.

Having noted that proposed revisions to SCR 199 (Firm names) had been referred to the Supreme Court Commission on MJP, the Executive Director was asked to communicate to the Commission the position of the Board taken at the August 17, 2001, meeting in Minden in support of the adoption of ABA Model Rule 7.5 in lieu of the current SCR 199.

17. REPORT OF EXECUTIVE DIRECTOR

Executive Director Allen Kimbrough advised the Board regarding recent events at the State Bar, including the retirement of the mortgage on the State Bar headquarters in Las Vegas. Mr. Kimbrough advised the Board that a fee suspension order would be issued immediately for those with unpaid 2001 bar dues. Mr. Kimbrough further reported on the preliminary discussions between the State Bar and the Center for Law Related Education in which an increased role of the State Bar in such efforts was being discussed.

18. REPORT OF PRESIDENT

Mr. Mowbray expressed his appreciation to the members of the Supreme Court Commission on MJP and especially its Chair, Thomas R. C. Wilson II, for the expeditious manner in which the Commission's charge was being fulfilled.

19. ADJOURNMENT

The meeting was adjourned at 2:38 p.m. Respectfully submitted,

John H. Mowbray Allen W. Kimbrough
President Executive Director