

Board Meeting Minutes **06/27/01**

Board Meeting Minutes

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President Daniel F. Polsenberg on June 27, 2001, at 12:35 p.m. in the Granite Chief Room of the Resort at Squaw Creek in Lake Tahoe, California.

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

Daniel F. Polsenberg President
John H. Mowbray President-Elect
Gloria J. Sturman Vice President
Nancy L. Alif
Bruce T. Beesley
Vincent A. Consul
Michael D. Davidson
Calvin R.X. Dunlap
N. Patrick Flanagan III
Neil G. Galatz
Ann Price McCarthy
John P. Schlegelmilch
William C. Turner
Steven B. Wolfson
Dean Richard Morgan, Ex Officio

STATE BAR STAFF MEMBERS PRESENT:

Rob Bare
Audrey Bath
Esmeralda Castaneda
Allen Kimbrough
Marc Mersol

1. CALL TO ORDER AND INTRODUCTIONS

2. APPROVAL OF THE MINUTES OF THE MAY 9, 2001 MEETING OF THE BOARD OF GOVERNORS

The minutes of the May 9, 2001 meeting of the Board of Governors were approved as amended by the addition of the word "to" on page 5 thereof under item 12.

3. REPORT OF COMMISSION ON MULTIJURISDICTIONAL PRACTICE

President-elect John Mowbray, Chair of the Commission, directed the Board's attention to the memo dated June 21, 2001 and entitled "MJP Issues and Concerns," which was submitted to the American Bar Association's Commission on Multijurisdictional Practice. The Board expressed its desire to enhance the flow of information from the ABA. It was agreed that the State Bar would copy the Board members on all ABA e-mails related to multijurisdictional practice issues.

Ann McCarthy made a motion to require our representative to the ABA House of Delegates (currently Margo Piscevich) to report to the Board of Governors twice a year at

its August and March meetings. The motion passed.

4. REPORT OF BENCH/BAR COMMITTEE

John Schlegelmilch reported to the Board that the Committee's report had been submitted to the Supreme Court of Nevada and that the Committee was currently awaiting the appointment of additional members to the Committee.

5. REPORT OF FAMILY LAW SECTION

Ann McCarthy was pleased to report that the Family Law Section was close to publication of its Family Law Practice Manual and noted that the "CLE at Sea" event scheduled for September 2001 was focused on family law.

6. REPORT OF CONSUMER PROTECTION COMMITTEE

Assistant Bar Counsel David Clark presented the State Bar's annual status report on the Unauthorized Practice of Law Initiative (UPL). He cited family, immigration and estate law issues as the Bar's biggest concerns. Discussion followed among Board members with all in agreement that the Bar should continue to vigorously pursue and eliminate the unauthorized practice of law. Mr. Clark was commended for his excellent work on behalf of the Bar.

7. CONSIDER APPOINTMENTS TO THE BOARD OF TRUSTEES OF THE NEVADA LAW FOUNDATION

The names of Curtis Coulter and Matthew Sharp were submitted to the Board by the Nevada Law Foundation for consideration for a vacancy on the Foundation's Board of Trustees. Additionally, the Foundation requested the reappointment of Tom Traicanti, Rich Myers, and W. Randall Mainor for an additional term.

It was noted that these vacancies on the Nevada Law Foundation Board of Trustees were not advertised in Nevada Lawyer in accordance with previously established policy, and a motion was made to make an interim appointment to the vacant position, subject to advertisement and solicitation of candidates from the general bar membership as quickly as possible. The motion failed.

The Board then agreed that these positions be advertised in the next issue of Nevada Lawyer and the appointments deferred to the August 17 meeting of the Board of Governors.

8. CONSIDER APPOINTMENT OF ATTORNEY-ALTERNATES TO COMMISSION ON JUDICIAL DISCIPLINE

Steve Wolfson and Neil Galatz abstained from the discussion of or vote on this matter. The Commission on Judicial Discipline requested that the Board of Governors ratify that the appointment of Wayne Chimarusti and Karl W. Armstrong as attorney-alternates on the Commission were effective in cases arising prior to January. Upon motion made and seconded, the Commission's request was approved.

9. CONSIDER APPOINTMENT TO THE STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

A decision was made to advertise the vacancy on the Standing Committee on Judicial Ethics and Election Practices in the next available Nevada Lawyer for action at the August 17 meeting of the Board of Governors.

10. CONSIDER APPOINTMENTS TO NORTHERN AND SOUTHERN NEVADA DISCIPLINARY BOARDS

A motion was made, seconded and approved to re-appoint the following volunteer attorney members of the Nevada Disciplinary Boards whose terms were to expire June 30, 2001:

Southern: George Cromer; Eric Dobberstein; Martin Kravitz; James Lisowski; Janiece Marshall; Sandra Pomrenze; Ann Pongracz; Nicholas Santoro; Jay Siegle; Paul Wommer; Ed Bernstein (Alternate); Edward Hanigan (Alternate); and Howard Miller (Alternate). The terms for these positions will run through June 30, 2004.

Northern: Theodore Beutel; Dan Bowen; Curtis Coulter; Steve Klearman; Paul Matteoni; John Mulligan; Kevin Ryan; Richard Schulze; and Roger Whomes. The terms for these positions with the exception of Mr. Klearman will run through June 30, 2004. Mr. Klearman's second term expired May 30, 2001 and his final term will run through May 30, 2004.

A motion was made, seconded and approved for the Transfer Appointment of Lauren Diefenbach, formerly of the Northern Nevada Disciplinary Board Panel, to the Southern Nevada Disciplinary Board Panel. Her term as an alternate attorney member will run through June 30, 2004.

A motion was made, seconded and approved for the following four New Appointments to the Northern Nevada Disciplinary Board: Jay Sourwine as an attorney-member, JoLee Wickes as an alternate attorney-member, Christian Moore as an alternate attorney-member, and Linda Daykin as an alternate attorney-member.

The appointment of a Northern Panel Vice Chair to fill the vacancy left by new Board of Governors' member Bridget Robb Peck was deferred at this time.

11. CONSIDER APPOINTMENT TO THE COMMITTEE ON MORAL CHARACTER AND FITNESS

A motion was made, seconded and approved to appoint Lori M. Story to fill the vacancy on the Committee on Moral Character and Fitness.

12. CONSIDER APPOINTMENT TO COMMITTEE ON FUNCTIONAL EQUIVALENCY

A motion was made, seconded and approved to appoint Andrew G. Burnett to fill the vacancy on the Committee on Functional Equivalency.

13. CONSIDER APPOINTMENT TO COMMITTEE ON FEE DISPUTE ARBITRATION

A motion was made, seconded and approved to appoint Bert Wuester Jr. to fill the vacancy in Las Vegas Panel A for the Fee Dispute Arbitration Committee.

14. CONSIDER CORRECTION TO ACCESS TO JUSTICE AWARDS

A motion was made, seconded and approved to ratify the corrected list of nominees for the 2001 Access to Justice Pro Bono Awards, to reflect the Access to Justice Committee's selection of the law firm of Jimmerson Hansen of Las Vegas.

15. DISCUSSION OF CERTIFICATION STANDARDS FOR THE LEGAL ASSISTANTS DIVISION

Merrilyn Marsh spoke to the Board members about the Paralegal Certificate Program. Concerns were expressed concerning the financial impact of the certification process on the State Bar.

Further discussion on certification standards was tabled until a subsequent Board meeting. Dara J. Goldsmith was appointed as the Board's liaison to the Legal Assistants Division and the Lawyer Referral and Information Service Committee.

16. REPORT OF CONTROLLER

Marc Mersol, Controller, presented his report to the Board, including the financial statements for the periods ending April 30 and May 31, 2001.

17. REPORT OF BAR COUNSEL

The Board met in Executive Session to receive a report from counsel regarding pending litigation.

Petitions incorporating the Board's requested changes to SCR 191 and SCR 199 have been filed. The petition regarding term limits for various Bar-related entities will be filed shortly after the meeting.

The matter of the Lawyers Concerned for Lawyers exclusionary rule is still pending.

18. REPORT OF EXECUTIVE DIRECTOR

Allen Kimbrough announced the results of the recent Board of Governors' elections, at which time Gloria J. Sturman, N. Patrick Flanagan III, Vincent A. Consul, Rew R. Goodenow and John P. Schlegelmilch were reelected to the Board. New members of the Board will be Kathleen J. English, Dara J. Goldsmith and Bridget Robb Peck.

Allen bid farewell to outgoing Executive Assistant Esmeralda Castaneda, who has moved to California, and welcomed incoming Executive Assistant Audrey Bath, who has relocated to Nevada from Pennsylvania.

Allen briefly discussed the tentative plans for the August Board of Governors meeting to be held August 17, 2001 at the Carson Valley Inn in Minden. Board members will be traveling to Minden late Thursday afternoon and will be having dinner together at the Carson Valley Country Club in Gardnerville.

19. REPORT OF THE PRESIDENT

President Dan Polsenberg gave a summary the year's activities and expressed his appreciation to the Board and the staff for their good work.

20. ELECTION OF OFFICERS OF THE BOARD OF GOVERNORS

John H. Mowbray was named President by automatic succession. The following officers of the Board of Governors were elected by acclamation: Gloria J. Sturman as President-Elect, N. Patrick Flanagan III as Vice President, and Allen W. Kimbrough, Executive Director, as Secretary and Treasurer.

Mr. Mowbray expressed special thanks to retiring Board members Cal Dunlap, Neil Galatz and Dan Polsenberg. He then presented a chair and engraved glass piece from the Board of Governors to outgoing President Polsenberg in appreciation for his service.

21. MATTERS FOR 2001-2002 BAR YEAR

Mr. Mowbray shared with the Board his vision for the 2001-2002 bar year.

There being no further business to come before the Board, the meeting was adjourned at 4:13 p.m. Respectfully submitted by:

Daniel F. Polsenberg, President

Allen W. Kimbrough, Executive Director