

June 12, 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 John H. Mowbray on June 12, 2002, at 9:15 a.m. at the Hilton Waikoloa Village on the Big Island of Hawaii.

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

John H. Mowbray	President
Gloria J. Sturman	President-Elect
N. Patrick Flanagan III	Vice President
Dan Polsenberg	Immediate Past President
Nancy L. Allf		
Bruce T. Beesley		
Vincent A. Consul		
Michael D. Davidson		
Kathleen J. England		
Dara J. Goldsmith		
Rew R. Goodenow		
Ann Price McCarthy		
Dean Richard Morgan		
Bridget Robb Peck		
John P. Schlegelmilch		
William C. Turner		
Steven B. Wolfson		

STATE BAR STAFF MEMBERS PRESENT:

Allen W. Kimbrough
Rob Bare
Christopher T. Boadt
David Clark

GUESTS:

Justice Deborah A. Agosti

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James W. Bradshaw (Governor-elect)

1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the President at 9:15 a.m. On behalf of the Board of Governors, Ms. England presented Mr. Mowbray with a koa wood gavel to be used during the meeting and to be retained as a memento of his service.

2. APPROVAL OF MINUTES OF PRIOR MEETINGS OF BOARD OF GOVERNORS

The Minutes of meetings of the Board of Governors held on February 8, 2002 (as amended), March 20, 2002 (as amended), and May 8, 2002, were approved unanimously.

Assistant Bar Counsel David Clark was asked to investigate whether a complaint for the unauthorized practice of law had been filed against an applicant for a bar committee.

3. REPORT OF CONTROLLER

The Board examined the financial condition of the State Bar as of April 30, 2002. Ms. Allf raised a question regarding the Prepaid Expenses for the similar period in 2001 being approximately \$100,000 less than in 2002. The Controller was asked to investigate this matter and report to the Board at the August 23 meeting.

The Board also discussed the shortfall in revenues from the Admissions Department and expressed its appreciation to the accounting staff of the State Bar for their diligent work.

4. APPEARANCE BY JUSTICE DEBORAH A. AGOSTI

Chief Justice-Elect Deborah Agosti of the Supreme Court of Nevada met with the Board to discuss several matters of mutual interest. Justice Agosti expressed the Court's appreciation for the Board's good work and for the level of bench-bar cooperation currently present in the state.

She additionally expressed the concerns of the Court (and on behalf of government lawyers and judges) regarding potential

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meetings of the State Bar held outside the United States, and the Board engaged in a dialogue with her on this subject.

The Board also discussed the importance of publicizing to the membership the cost savings effected by holding the 2003 Annual Meeting of the State Bar in New Orleans versus West Coast locations (e.g., Seattle).

5. CONSIDER REQUEST OF SUPREME COURT JURY IMPROVEMENT COMMISSION

The Board unanimously approved the request of the Jury Improvement Commission for a \$500 grant to be used to publish the Commission's final report. This grant is to come from the Restricted Fund of the State Bar.

6. CONSIDER MATTERS RELATED TO BOARD OF BAR EXAMINERS

The Board reviewed the Order implementing changes to SCR 49 (Moral Character and Fitness Committee) and noted that its first appointment would not occur until 2004.

7. CONSIDER MATTERS RELATED TO LAWYER REFERRAL AND INFORMATION SERVICE

Mr. Consul, Chair of the Board's LRIS Task Force, reported on the work of the Task Force and the subsequent meeting of the LRIS Committee at which the Task Force's conclusions were presented to a mixed reaction. He reported that the Task Force was unanimous that all funds of the State Bar (including those generated from the LRIS) could only be expended by the Board of Governors, as well as that certain tasks should be undertaken by the LRIS Committee immediately (as contained in the written report of the Task Force behind Tab 7 of the Agenda Book), including a review of the ABA's Program of Assistance and Review report and consideration of ABA accreditation for the State Bar's LRIS.

The Board engaged in a lengthy discussion regarding the history of the LRIS situation and potential solutions. Upon motion made and seconded, the Board voted unanimously to continue the existence of the Task Force, to approve the contents of the Report of the Task Force, and to request a draft policy statement regarding the LRIS to be presented at the August 23 meeting of the Board.

The Executive Director was instructed to request attendance by Cecilia Rosenauer, Chair of the LRIS Committee, at the August 23 meeting.

8. CONSIDER SUPREME COURT RULE GOVERNING COMPOSITION OF BOARD OF GOVERNORS

The Board considered the written report of the Executive Director regarding the realignment of the composition of the Board of Governors based on the 2002 demographics of the State Bar, as presented by Messrs. Goodenow and Schlegelmilch. Upon motion made and seconded, the Board approved the concepts outlined in the report and requested that Bar Counsel prepare an ADKT petition revising SCR 81 for review by the Board at the August 23 meeting.

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The Board also discussed the issue of residency (i.e., office or home) in connection with this Rule and in conjunction with the following item regarding the Bylaws.

9. CONSIDER RATIFICATION OF BYLAWS OF THE BOARD OF GOVERNORS

The Board was asked to ratify the existing Bylaws of the Board of Governors. It was determined that this matter should be tabled and reconsidered at the August 23 meeting of the Board. Each Board member was encouraged to review the current Bylaws and provide comments to the Executive Director prior to July 15.

10. REPORT ON BOARD OF GOVERNORS ELECTION

The Board considered the written report of the Executive Director regarding the 2002 elections for members of the Board of Governors. James W. Bradshaw and John A. Curtas were newly elected, and Nancy Allf, Bruce Beesley, Bill Turner and Steve Wolfson were re-elected from their respective districts.

The Board expressed its appreciation to Mr. Davidson for his years of service on the Board, especially as Chair of the Member Services Committee.

11. CONSIDER REVISIONS TO SUPREME COURT RULE 79 (ADDRESS OF MEMBER)

On a divided vote, the Board approved the filing of an ADKT petition to amend SCR 79 in order to impose a time limit for changes of address by State Bar members and to provide a monetary penalty for failure to do so. Also on a divided vote, the Board directed Bar Counsel to include in the petition a requirement that each member certify annually his or her correct address and other contact information.

12. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE

The Board unanimously approved the Statewide Pro Bono Award winners as recommended by the Access to Justice Committee: Marilyn Romanelli (Solo Practitioner), Law Firm of Herb Santos, Jr. (Small Firm), Dyer Lawrence Cooney & Penrose (Medium Firm), Woodburn & Wedge (Large Firm), Gloria M. Navarro (Public Lawyer). Additionally, Marilyn Romanelli was named Attorney of the Year and a new Special Recognition was given to the Soroptomist International Club of Carson City.

13. REPORT OF GAMING LAW SECTION

The Board considered the written report from Jeff Rodefer, Chair of the Gaming Law Section, and ratified the Section's nominations to its Executive Committee and amendments to the Section's bylaws.

14. CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE

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The Board appointed James A. Kohl and Victoria L. Nelson of Las Vegas as attorney members of Las Vegas Panel C.

The Board appointed Earl (Jack) Terry, Jr. as a lay member of Las Vegas Panel A.

15. REPORT OF YOUNG LAWYERS SECTION

The Board accepted the written Annual Report of the Young Lawyers Section and expressed its appreciation to the Section for their outstanding work, in particular the *Goldilocks* video now available on the State Bar's website.

16. CONSIDER MATTERS RELATED TO CENTER FOR LAW RELATED EDUCATION

The Board reviewed the signed agreement between the State Bar and the Nevada Center for Law Related Education, and the President reported on the recent successes of the state *We the People* and High School Mock Trial teams from Nevada at the national level.

The Board approved the creation of the State Bar's Advisory Commission on Law Related Education and appointed the following at its initial members:

Kathryn E. Landreth, Chair	Jonathan Andrews
The Hon. Shelley Berkley	Stacie Brown
Michael Davidson	The Hon. Frankie Sue Del Papa
Robert P. Dickerson	Jason L. Earnest
Franny Forsman	Melanie Meehan-Crossley
Dean Richard J. Morgan	John H. Mowbray
The Hon. Philip M. Pro	James E. Rogers
Judith Simpson (<i>ex officio</i>)	Daniel Wong
The Hon. Gregg Zive	

The Board approved (with three dissenting votes) a grant of \$5000 from the Restricted Fund in support of the Summer Institute for teachers being co-sponsored by the State Bar and the Center for Civic Education.

17. REPORT OF CONTINUING LEGAL EDUCATION DEPARTMENT

The President expressed his appreciation for the Board's universal attendance at the Annual Meeting and gave an overview of the week's activities.

President-Elect Sturman reported on her site visit to New Orleans and preliminary plans for the 2003 Annual Meeting.

The Board engaged in a discussion regarding site selection for the annual meetings of the Bar, in particular the issue of holding a

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meeting of the State Bar outside the United States. This matter was referred to the Operations Committee for consideration and a recommendation to be presented to the Board at its August meeting.

The Board expressed its deep appreciation to CLE Director Chris Boadt for his exceptional work on the video tribute to retiring Justice Cliff Young.

18. SUPREME COURT COMMISSION ON MULTIJURISDICTIONAL PRACTICE

The President made comments regarding the history of the MJP issue in Nevada and on the Supplemental Report filed with the Supreme Court on May 28. He expressed the gratitude of the State Bar to Spike Wilson, Chair of the Supreme Court Commission on MJP, and to Phaedra Kalicki and Amanda Kay of the Supreme Court staff for their assistance in preparing the final version of the proposed new Supreme Court Rules as recommended by the Commission.

19. CONSIDER MATTERS FROM ABA ANNUAL MEETING AGENDA

The Board (at the request of Mr. Goodenow) reviewed matters to be considered by the ABA House of Delegates, as follows:

Report #100 (appearance as of right in Federal courts without local counsel): The Board voted to instruct its Delegate (Margo Piscevich) to oppose this matter.

Report #201(Commission on Multijurisdictional Practice): The Board requested that Ms. Piscevich present the position of the Supreme Court Commission but gave no instructions regarding her vote on particular parts of the report.

20. CONSIDER APPOINTMENT OF CHAIR OF NORTHERN NEVADA DISCIPLINARY BOARD

The Board appointed Patrick Fagan as Chair and Steven Klearman as Vice-Chair of the Northern Nevada Disciplinary Board.

21. REPORT OF BAR COUNSEL

At the request of Bar Counsel, Assistant Bar Counsel David Clark gave a report on the unauthorized practice of law (UPL) initiative begun by the State Bar in 2000 and the work of the Consumer Protection Committee, including a report on currently pending litigation. Mr. Clark and Mr. Bare noted that prevention of ethical violations was preferable and was being accomplished.

Mr. Wolfson led the Board in expressing thanks to Mr. Bare and his staff for their excellent work.

Mr. Bare announced that the Discipline Department had added a new employee in the Las Vegas office, Debra Bomasuto, as a legal secretary.

22. REPORT OF EXECUTIVE DIRECTOR

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Mr. Kimbrough gave an oral report to the Board in supplementation of his written report contained in the agenda book.

23. ELECTION OF OFFICERS

The Board unanimously elected the following officers for the 2002-2003 bar year:

N. Patrick Flanagan III	President-Elect
Ann Price McCarthy	Vice President
Allen W. Kimbrough	Executive Director and Treasurer

It was noted that the installation of officers and members of the Board of Governors would occur on Friday, June 14, during the dinner in honor of Justice Young.

24. REPORT OF PRESIDENT-ELECT

President-Elect Sturman presented the proposed schedule for meetings of the Board of Governors for 2002-2003, her appointments to the Board's committees, and her selections of section and committee liaisons from the members of the Board. These matters were ratified unanimously by the Board.

Ms. Sturman then presented outgoing President Mowbray with gifts from the members of the Board and expressed the gratitude of the Board and the Bar for his years of service.

25. REPORT OF PRESIDENT

Mr. Mowbray expressed his appreciation to the Board and to the staff of the State Bar for their work during the 2001-2002 bar year. He thereafter presented gifts to each Board member as a token of appreciation.

The meeting was adjourned at 12:40 p.m.

Respectfully submitted,

John H. Mowbray
President

Allen W. Kimbrough
Executive Director