

May 8, 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 May 8, 2002, at 9:40 a.m. in the Washoe B & C Rooms of Harrah's in Reno, Nevada.

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
Nancy L. Allf		
Bruce T. Beesley		
Vincent A. Consul		
Michael D. Davidson		
Kathleen J. England		
Dara J. Goldsmith		
Rew R. Goodenow		
Ann Price McCarthy		
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
Patrice Eichman
Marla Hockfeld
Marc Mersol

GUESTS:

John Bartlett
James Bradshaw
Tom Brooker
David Dahan (by telephone)
Joel Santos

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Richard Trachok (by telephone)

1. CALL TO ORDER AND INTRODUCTIONS

The President called the meeting to order at 9:40 a.m. and welcomed the members of the Board to Reno. Mr. Mowbray acknowledged Vice President Patrick Flanagan's attendance.

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

The amended minutes of the meeting of the Board of Governors on February 8, 2002, were further amended to correctly reflect the participation (with disclaimer) of Mr. Wolfson in the discussions and vote regarding the appointment of the member of the Judicial Selection Commission.

The minutes of the meeting of the Board held on March 20, 2002 were amended to reflect Ms. Allf's abstention from approval of the minutes of February 8 in paragraph 2 thereof and to delete the reference to the American Association of Matrimonial Attorneys from paragraph 19.

3. REPORT OF CONTROLLER

Controller Marc Mersol presented his report of the financial condition of the State Bar as of March 31, 2002, and responded to questions from the Board.

4. CONSIDER REPORT OF AUDIT COMMITTEE

The Audit Committee presented the audited financial statements of the State Bar as of December 31, 2001. Tom Brooker of Kafoury Armstrong & Co., partner in charge of the audit, was present to explain the findings of the auditors and to respond to questions. Upon motion made and seconded, the audit was accepted by the Board unanimously.

5. CONSIDER MATTERS RELATED TO BOARD OF BAR EXAMINERS

Richard Trachok, Chair of the Board of Bar Examiners (BBX), was present via telephone to report to the Board on matters of mutual interest. The Supreme Court having clarified the terms of the members of the BBX, it was noted that the next appointment to be made by the Board would occur in October 2003.

Mr. Trachok also discussed with the Board the Court's express desire to have a February bar examination in place by 2004. He

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requested that the BBX and the Board form a small joint task force to examine how this could be appropriately accomplished. The Board approved the formation of the task force and named President-Elect Sturman as its representative. Mr. Trachok will represent the BBX, and staff support will be provided by Director of Admissions Patrice Eichman and the Executive Director.

6. CONSIDER REPORT OF MEMBER SERVICES COMMITTEE

Mike Davidson, Chair of the Member Services Committee, reported on the current status of group health insurance plans to be offered to members of the State Bar. David Dahan, a principal of Orgill-Singer, participated by telephone and explained the nature of the plans proposed by Anthem Blue Cross, which would be co-brokered by Orgill-Singer of Las Vegas and Scott Kulla of Reno. Mr. Dahan responded to questions from the Board on these arrangements. The Board approved the following: (1) the designation of Orgill-Singer and Scott Kulla as brokers for the State Bar-endorsed plan, and (2) the approval of Anthem Blue Cross as the insurance carrier.

The most recent proposal from Lexis-Nexis for a global relationship with the State Bar was considered. Ms. McCarthy, Chair of the Family Law Section, objected to portions of the Agreement which could limit the ability of the Section to obtain sponsorships from other vendors for its programming. Several motions related to this matter failed for lack of a second. A motion made and seconded to approve the Agreement and authorizing the Executive Director to negotiate the most favorable arrangement for the Family Law Section failed on a divided vote. Subsequently, a motion made and seconded to approve the Agreement provided that the language of Section 3.4 thereof was mirrored in Section 3.7 (pertaining to the Section) and permitting the Executive Director to reduce the amount of compensation if necessary was approved on a divided vote.

7. REPORT OF PUBLICATIONS COMMITTEE

John Bartlett, Chair of the Publications Committee, appeared before the Board to report on the work of his committee and to respond to questions and comments from the Board. Several suggestions aimed at improving the look and content of *Nevada Lawyer* were given by members of the Board to Mr. Bartlett and Director of Communications Marla Hockfeld.

8. CONSIDER APPOINTMENT OF CHAIR OF PROBATE AND TRUST SECTION

The selection of John E. Dawson as Chair of the Probate and Trust Section was ratified by the Board.

9. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE

The Board appointed Rebecca Rivenbark of Reno and Joseph L. Ward of Carson City as members of the Access to Justice Committee.

The proposed Pro Bono Survey form was approved, but Mr. Goodenow, Board Liaison to the Committee was requested to

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consider certain revisions to the Survey form prior to its being distributed (by blast facsimile) to the members of the State Bar.

10. CONSIDER APPOINTMENT OF STATE BAR DELEGATE TO ABA HOUSE OF DELEGATES

Margo Piscevich of Reno was reappointed as the State Bar's delegate to the American Bar Association House of Delegates for a two-year term commencing at the adjournment of the ABA Annual Meeting in 2002.

11. EMPLOYEE RECOGNITION

Bar Counsel Rob Bare acknowledged the contributions of legal assistant Jacquie Belmont, who is retiring on June 1, and presented Ms. Belmont with a gift. The Board joined in thanking Ms. Belmont for her years of service to the State Bar, and Ms. Belmont responded with her appreciation for her time at the State Bar and its leadership.

11. REPORT OF NORTHERN NEVADA DISCIPLINARY BOARD

James Bradshaw of Reno, Chair of the Northern Nevada Disciplinary Board, reported on the work of his group, as well as expressing a need for better education in ethics for younger lawyers. Mr. Bradshaw suggested that the State Bar might want to consider providing sample engagement letters online and offering additional law practice management courses for CLE credit.

12. REPORT OF YOUNG LAWYERS SECTION

Joel Santos of Reno, Chair of the Young Lawyers Section of the State Bar, presented his report to the Board. He noted successful Law Week-related events, including Law Suits Day, a golf tournament (benefitting the Make-A-Wish Foundation), Race Judicata, and poster and essay contests. He stated that new members of the YLS Executive Council were currently being sought. He also reported on his efforts to arrange for the canvassing boards required by SCR 84(6) to oversee the counting of the ballots from the Board of Governors election.

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

The Executive Director discussed with the Board the current discrepancy that exists between SCR 81 and Board Bylaws Section 3.2 as it affects the composition of the Board in general and in particular the division of seats between Clark and Washoe Counties (Districts 1 and 4). Mr. Kimbrough presented his analysis of the distribution of the attorney population between the two subject districts and recommended that the Board seek to amend SCR 81 to reflect nine (9) members from District 1 and four (4) members from District 4. On motion made and seconded, the Board approved this recommendation.

On motion made and seconded, the Board approved a reconsideration of the prior vote and postponed consideration of the matter

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to the June 12 meeting of the Board. Mr. Goodenow, Mr. Schlegelmilch, and Mr. Kimbrough were requested to review this matter and provide additional information to the Board at that time.

14. REPORT ON BOARD OF GOVERNORS ELECTION

The Executive Director reported on the status of the on-going election for members of the Board of Governors from Districts 1 and 4. He expressed his concern at the cost of the State Bar's policy of providing a blast facsimile for each candidate. The Board discussed other potential means for allowing candidates access to the membership (e.g., providing a forum in *Nevada Lawyer*). Upon motion made and seconded, the Board directed the staff to cease the blast fax program beginning with the 2003 election.

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

The President expressed to the Board his concerns regarding the failure of members to timely notify the State Bar following a change of address. The Board concurred that strengthening SCR 79 would be appropriate (by a divided vote) and instructed Bar Counsel to prepare a Petition to the Supreme Court to implement a thirty-day deadline for notification and adding a fine for failure to timely notify.

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16. REPORT OF STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

The Board considered the written quarterly report of Marshal S. Willick, Chair of the Standing Committee on Ethics and Professional Responsibility.

17. CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE

The Board of Governors appointed Alan Sachs as an attorney member of the Fee Dispute Arbitration Committee (Las Vegas Panel A) and Kevin Kirkendall and Robert M. Shaw as lay members of Las Vegas Panel A. The request to appoint Vera McCauley was deferred to a subsequent meeting of the Board.

Ms. Peck reported on the issue of potential rules requiring mandatory participation in the fee dispute process at the risk of disciplinary action. She stated that further study was needed and that it was hoped that a rough draft of the requisite revisions to the Fee Dispute bylaws and rules may be submitted at the June 12 meeting of the Board.

18. REPORT OF CONTINUING LEGAL EDUCATION DEPARTMENT

Christopher Boadt, Director of the Continuing Legal Education Department, reported to the Board on various issues, including the 2002 Annual Meeting in Hawaii and the dinner and video honoring retiring Justice Cliff Young. President Mowbray urged the Board members to assist in obtaining financial support for the Annual Meeting. Mr. Boadt also discussed issues regarding Annual Meeting policies concerning guest registrations.

19. RECONSIDER ABA CAMPAIGN TO SAVE THE STATE JUSTICE INSTITUTE

Upon reconsideration and a report from Mr. Goodenow regarding the potential impact on the National Judicial College, the Board voted to support a resolution to Congress setting forth the State Bar's objections to cuts in funding for the SJI and authorized the President to execute same.

20. CONSIDER MATTERS RELATED TO 75th ANNIVERSARY OF THE STATE BAR

President-Elect Sturman presented her initial ideas for the celebration of the 75th Anniversary of the State Bar (the "Diamond Jubilee"), which will occur in January, 2003. She requested and received the Board's approval to appoint an ad hoc committee to plan and carry out the events involved.

The Board approved a budget amendment in the amount of \$2500 to fund the work of the Diamond Jubilee Committee.

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21. REPORT OF BAR COUNSEL

Bar Counsel Rob Bare reported on various litigation matters of public record involving the State Bar, including the Ninth Circuit's denial of hearing *en banc* in the *Gardner* matter and the enjoining of a lawyer referral service in Reno.

22. REPORT OF EXECUTIVE DIRECTOR

Executive Director Allen Kimbrough gave an oral report to the Board in supplementation of his written report. He discussed with the Board the need for the appointment of the canvassing boards required by SCR 82(6) in connection with the election of the Board of Governors. The Board delegated to the President the power to appoint the two canvassing boards, one for District 1 and one for District 4.

23. INFORMATIONAL ITEMS

Various matters were reviewed, including the scheduled commencement of the Boyd School of Law, mandatory malpractice issues, and statistics from the American Bar Association on state bar membership.

24. CONSIDER MATTERS RELATED TO LAWYER REFERRAL AND INFORMATION SERVICE

The President expressed his concerns to the Board regarding the current posture of the Lawyer Referral and Information Service ("LRIS") Committee, including his attendance at the May 2 meeting of the LRIS Committee and the recent consultation provided by the ABA regarding the operation of the service. The LRIS Committee had requested clarification of its role with respect to oversight of the LRIS and the distribution of the net revenues generated (the State Bar Restricted Fund). A task force consisting of Ms. Sturman, Mr. Consul, Ms. Peck, and Mr. Wolfson (and Ms. Goldsmith as Board liaison) was appointed to review this situation and report back to the Board at its June 12 meeting.

The Board appointed Susan Sherrod of Las Vegas to a two-year term as a member of the LRIS Committee.

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25. REPORT OF PRESIDENT

The President reported to the Board on the recent rural Nevada tour undertaken by Mr. Mowbray, President-Elect Sturman, and the Executive Director. He shared with the Board some of the concerns of our rural members regarding bar services and access to justice issues.

26. ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,

John H. Mowbray
President

Allen W. Kimbrough
Executive Director