



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
State Bar of Nevada
Las Vegas, NV**

April 14, 2010

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on April 14, 2010.

The following members were in attendance:

Kathleen J. England, President
Cam Ferenbach, President Elect
Connie Akridge, Vice President
Bruce Beesley, Immediate Past President
James Bradshaw
Amber Candelaria
Larry Digesti
Frank Flaherty
Elana Graham
Bruce Hahn
Jenny Hubach
Gregg Kamer
Alan Lefebvre
Vincent Ochoa
Bruce Shapiro
Mason Simons
John White (ex officio)

State Bar staff present:

Rob Bare
David Clark
Kimberly Farmer
Marc Mersol
Gale Skala

Guests:

Ryan Works
Robert Freeman
Dan Polsenberg
Richard Scotti

CALL TO ORDER

The meeting was called to order by President Kathleen J. England at 10:52 a.m., there being a quorum present.

The following consent items were moved, seconded and approved.

APPROVAL OF MINUTES

It was moved, seconded and carried to approve the amended minutes of February 14, 2010.

PUBLICATIONS REPORT

NEVADA LAWYER EDITORIAL BOARD REPORT

It was moved, seconded and approved to approve the following changes to the bylaws of the Editorial Board.

- That the bylaw 2.02 "Executive Committee" be changed so that the position of "second vice chair" becomes "immediate past chair."
- That bylaw 2.07 "Nonparticipation" be changed by replacing the phrase "pass a vote" to "approve a motion."

It was moved, seconded and approved to approve the Author Agreement. All authors shall be required to sign and return a copy of this agreement prior to publication of submitted works.

It was moved, seconded and approved to approve Kristen Simmons as a new member to the Editorial Board for a three year term commencing May 1, 2010.

It was moved, seconded and approved to reappoint the following members to the Editorial Board for a three year term commencing June 1, 2010.

Hon. Robert Johnston
Lisa Wong Lackland
Steve Smith
Heidi Parry Stern
Richard Williamson

It was moved, seconded and approved to the following individuals to serve as officers of the Editorial Board for a one year term commencing on June 23, 2010.

Chair: Lisa Lackland
Chair-Elect: Mark Hineuber
Vice-Chair: Patty Cafferata
Immediate Past Chair: Scott Wasserman

FEE DISPUTE ARBITRATION COMMITTEE REPORT/CLIENT SECURITY FUND

It was moved, seconded and approved to reappoint Robert Johnston as the Regional Chair to the Fee Dispute Arbitration Committee for a one year term commencing May 1, 2010.

It was moved, seconded and approved to reappoint the following members for a three year term to the Fee Dispute Arbitration Committee commencing the May 1, 2010.

Dale W. Heidel	Las Vegas Panel A
Robert Marshall	Las Vegas Panel C
N. Nelson Segel	Las Vegas Panel C
Leland Luffy	Las Vegas Panel C
Richard Cornell	Reno Panel
David Hamilton	Reno Panel
Paul Matteoni	Reno Panel

ACCESS TO JUSTICE COMMISSION

CLE REPORT

DISCUSSION ITEMS

CLIENTS' SECURITY FUND

After discussion of the request to amend Supreme Court Rule 6.1 to read *Payment of civil sanctions to fund pro bono programs, libraries or the State Bar of Nevada's Clients' Security Fund*, it was moved seconded and approved to table the matter.

FINANCIAL REPORT

Marc Mersol provided an overview of the financial status of the State Bar of Nevada. He also discussed information and technology aspects and reported that the goal to migrate each department to the new database (Centro) is almost complete. The Board requested that Mr. Mersol prepare a dues analysis/history for the June Board meeting.

It was moved, seconded and approved to approve the financial report.

REPORT OF THE EXECUTIVE DIRECTOR

Kimberly Farmer gave a brief overview of the discipline department's request for additional staffing then handed the discussion over to Bar Counsel. Rob Bare discussed the request for additional staffing in the Office of Bar Counsel – an attorney and a paralegal. It was moved, seconded and approved to approve the additional staffing request, and that the 2010 budget be adjusted accordingly (\$210,000 expense).

Kimberly Farmer provided a synopsis on the Admissions Department expenses. The admissions function has run at a deficit for the past three years, with projections showing this deficit continuing to rise. An analysis of revenues and expenses is required. Ms. Farmer discussed the plan for a workgroup comprised of 2 members from the Board of Bar Examiners and 2 members from the Board of Governors to review revenues and expenses.

Kimberly Farmer reported on the upcoming issues that will be presented during the ABA Day in Washington, DC. Cam Ferenbach will meet with Nevada's Senators and Representatives to discuss the issues brought forth by the ABA. It was moved, seconded and approved to support the ABA issues -- legal services funding reauthorization and increased funding for legal services. Alan Lefebvre abstained from voting.

It was moved, seconded and approved to approve the contracts of the Texas Station and the Santa Fe Station as the Las Vegas sites for the July bar exam.

REPORT OF DEPUTY BAR COUNSEL/GENERAL COUNSEL

David Clark gave a synopsis covering outside litigation matters. Mr. Clark also reported on enforcement and prosecution of the unauthorized practice of law (UPL). Mr. Clark provided suggested changes to UPL enforcement process and will present suggested changes to our current practices to the Board at a future date.

REPORT OF BAR COUNSEL

Rob Bare provided a report regarding how the discipline department might be able to provide more services to our members.

It was moved, seconded and approved to approve the reimbursement of attorney G. Dallas Horton for services rendered in regards to the practice take over after the passing of Brian McCarthy.

It was moved, seconded and approved to reappoint Candace Carlyon to the Southern Disciplinary Board for a three year term commencing April 14, 2010. It was moved, seconded and approved to reappoint James Oronoz to the Southern Disciplinary Board for a three year term commencing June 1, 2010.

It was moved, seconded and approved to reappoint Gregory Livingston to the Northern Disciplinary Board for a three year term commencing April 14, 2010. It was moved, seconded and approved to reappoint Craig Denney and R. Kait McClendon Kent to the Northern Disciplinary Board for a three year term commencing June 1, 2010.

It was moved, seconded and approved to reappoint the following non attorney members to the Southern Disciplinary Board for a three year term commencing June 1, 2010.

Carrie Taylor
Richard Vaughan

It was moved, seconded and approved to appoint the following attorneys to the Southern Disciplinary Board for a three year term commencing April 14, 2010.

Ellen Bezan
Melanie Muldowney
Paul Puschnig
Alex Fugazzi
Keen Ellsworth
Dan Waite
Zachary Redman
Robert Eaton
Lance Hendron
Jen Sarafina
Robert Goldstein
Adam Vander Heyden
Michael Oh
Stephen Titzer
Michael Root

Gregg Kamer abstained from voting.

It was moved, seconded and approved to appoint the following attorneys to the Northern Disciplinary Board for a three year term commencing April 14, 2010.

Gregory Brower
Trina Dahlin
Scott Hoffman
Lance White
William O'Mara
Richard Williamson
Tina Russom

It was moved, seconded and approved to approve lay members Harvey Weatherford and Lewis Bright to the Southern Disciplinary Board for a three year term commencing April 14, 2010.

It was moved, seconded and approved to approve the following laymembers to the Northern Disciplinary Board for a three year term commencing April 14, 2010.

John White
Julie Hoffman
Devon Feher
Steve Boucher
George Furman

It was moved, seconded and approved to approve and accept the resignation and direct the Executive Director's affidavit be modified to reflect that the State Bar confirms that Mr. Neilsen is current for the purpose of resigning.

It was moved, seconded and approved to approve the following resignations.

Eleanor Minsky
Ronald Platner
Judith Berman
Melvin Hutson
Susan Whitney
William Raymond
Janet Richmond

BOARD COMMITTEES/WORKGROUP REPORTS

Specialization Workgroup

Cam Ferenbach reported on the workgroup recommendations:

- That the fees for specialist registration remain unchanged.
- That a new field be added to the Find A Lawyer search page to permit users to select from a drop down menu of all specializations recognized by the State Bar of Nevada.
- That a certificate be issued annually upon registration renewal to the Family Law specialists.

It was moved, seconded and approved to table the recommendations of the workgroup. The Board asked Bruce Shapiro and Mason Simons to discuss with the Family Law Section the validity of the Family Law specialization test and what support the Board could provide to make the process more successful.

Practice Takeover Workgroup

Bruce Beesley gave a synopsis of the purposed ADKT which ensures the protection of the public and an attorney's client base should the attorney become unavailable to practice through death, disability, disappearance, suspension or disbarment. It was moved, seconded and approved to approve the ADKT as presented.

Demographics Workgroup

Kathleen England gave a synopsis of the current contract with UNR Center for Research Design and Analysis.

Technology Workgroup

Gregg Kamer reported to the Board the progress of the Technology Workgroup.

Facilities Workgroup

Kimberly Farmer reported on options in regards to limited space in the Las Vegas office. The approval of the two new staff positions has presented a significant space issue in the Las Vegas offices. Ms. Farmer has looked at the prospect of renting space in Las Vegas with one option being the Nevada Law Foundation building. After discussion, the Board suggested that consideration be given to hiring the new positions in Reno and or to transfer some staff to the Reno office.

Personnel and Compensation Committee

The Board entered into Executive Session at 2:40 p.m. and concluded the Executive Session at 3:30 pm

STANDING COMMITTEE ON ETHICS AND PROFESSIONALISM APPOINTMENTS

It was moved, seconded and approved to approve the following volunteers for appointment to the Standing Committee on Ethics and Professionalism.

Jennifer Lewkoski commencing May 1, 2010
Paul Hejmanowski commencing July 1, 2010
Joseph Garin commencing July 1, 2010

It was moved, seconded and approved to appoint Brad Richardson as Chair and Angela Dows as Vice Chair effective July 1, 2010.

Cam Ferenbach abstained from voting.

LAWYER REFERRAL AND INFORMATION SERVICE REPORT

It was moved, seconded and approved to award the following State Bar Lawyer Referral and Information Service Grants for 2010. Cam Ferenbach and Elana Graham abstained from voting.

Organization	Program Name	Amount Awarded
Legal Aid Center of Southern Nevada	Printing of rebranded brochures	\$23,460
Senior Citizens Law Project	Community outreach and technology upgrade	\$15,000
Project REAL	Play by the Rules	\$18,000
Clark County Law Foundation/CCBA	Trial by Peers	\$16,000
Washoe County Bar Association	Now That You're 18 publication	\$12,500
Special Advocates for Elders - Washoe	SAFE Program	\$3,560
Special Advocates for Elders - Douglas	SAFE Program	\$3,000
Asian Bar Association of Las Vegas	Language of Law Legal Workshops	\$6,300
American Civil Liberties Union of Nevada	One-Year Indigent Project to investigate and improve Nevada's indigent defense system	\$6,500
Nevada Foundation for Consumer Education	The People's Law School Handbook	\$6,050
Supreme Court of Nevada	Rural Courts Videoconferencing Project	\$28,472.56
Nevada Legal Service	Rural Nevada Pro Bono Enhancement	\$10,000
Total Approved		\$148,842.56

It was moved, seconded and approved to appoint Christopher Reade as Committee Chair of the Lawyer Referral and Information Service for a three year term commencing July 1, 2010.

It was moved, seconded and approved to appoint Natricia Tricano as Committee Vice Chair of the Lawyer Referral and Information Service for a three year term commencing July 1, 2010.

It was moved, seconded and approved to reappoint the following members for a three year term to the Lawyer Referral and Information Service Committee commencing July 1, 2010.

Eric Chandler
Kait McLendon Kent

It was moved, seconded and approved to appoint Lance Hendron to the Lawyer Referral and Information Service Committee for a three year term commencing May 1, 2010.

SECTION APPOINTMENTS/MEMBER BENEFIT UPDATE

It was moved, seconded and approved to appoint the following officers to the Labor and Employment Section for a one year term commencing April 14, 2010.

Chair: Carol Zucker
Vice Chair: Laura Thalacker
Secretary: Paul Trimmer
Treasurer: Jeffrey Winchester
Northern Nevada Committee Chair: Rebecca Bruch

Cam Ferenbach and Gregg Kamer abstained from voting.

It was moved, seconded and approved to appoint Audrey Damonte to the Executive Committee of the Tax Law Section for a two year commencing April 14, 2010.

Kimberly Farmer reported on our partnership with Bank of America (formerly MBNA). The State Bar entered this partnership in October 2001 to provide various financial service products to members at a discounted rate. Royalties were paid to the State Bar for each account opened. Bank of America elected to terminate the original contract and proposed a different agreement. This benefit has never been widely used by members and it was suggested that the bar let the agreement expire on April 30, 2010.

It was moved, seconded and approved to discontinue the partnership with Bank of America upon the agreement expiration date.

REPORT OF THE PRESIDENT

Kathleen England reviewed with Board members the request from James Ohrenschall regarding the July Bar Exam. It was moved, seconded and approved to grant Mr. Ohrenschall's request.

Bruce Beesley reported on the highlights of the Election workgroup.

The Board discussed whether ballots should be mailed this year in light of the fact that there as many candidates as there are open seats. It was moved, seconded and approved to continue with the 2010 Board of Governors election as planned. And to draft an ADKT to propose a rule change that will allow the State Bar to waive the ballot process if the number of persons on the ballot matches the number of open seats. Connie Akridge and James Bradshaw abstained from voting.

Dan Polsenberg, as the ABA House of Delegates representative for the State Bar of Nevada, reported to the Board on recent ABA activities.

ADJOURNMENT

Due to time limitations, the agenda was not completed. The outstanding business of the Board will be resumed at the next meeting of the Board. It was moved, seconded and approved to adjourn and reconvene at the call of the president.