



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
Monterey, CA
June 23, 2010**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on June 23, 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
Frank Flaherty
Elana Graham
Bruce Hahn
Gregg Kamer
Alan Lefebvre
Vincent Ochoa
Bruce Shapiro
Mason Simons
John White (ex officio)

Via Teleconference:

Amber Candelaria
Larry Digesti
Jenny Hubach

State Bar staff present:

Kimberly Farmer
Gale Skala
Rob Bare
David Clark
Marc Mersol
Lisa McGrane
Jennifer Smith

Guests:

Elizabeth Brickfield
Richard Scotti
Adrianne Cox
John Shook
Eddie Keller
Brienne Houldsworth, via teleconference

CALL TO ORDER

The meeting was called to order by President Kathleen J. England at 1:24 pm, 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 April 14, 2010.

PUBLICATIONS REPORT

It was moved, seconded and approved to reappoint Walter Fey to the Publications Committee for a three year term commencing October 1, 2010.

It was moved, seconded and carried to approve the following officers of the Publications Committee for a one year term commencing June 1, 2010.

Chair: David Neidert

Vice Chair: Ismail Amin

Jennifer Smith gave a synopsis on the proposed Author Agreement that was prepared and approved by the Publications Committee. The Board asked for another review of the agreement. Ms. England appointed Connie Akridge and Amber Candelaria to work with Jennifer Smith to review, in particular, the intellectual property rights portion of the Author Agreement and bring back to the Board for approval in August.

NEVADA LAWYER EDITORIAL BOARD REPORT

ACCESS TO JUSTICE COMMISSION REPORT

CONTINUING LEGAL EDUCATION REPORT

LAW RELATED EDUCATION REPORT

ADMISSIONS DEPARTMENT REPORT

PROGRAMS AND SERVICES REPORT

FEE DISPUTE ARBITRATION COMMITTEE REPORT

It was moved, seconded and approved to reappoint Peter M. Angelo for a one year term as the Regional Chair of the Fee Dispute Arbitration Committee, Las Vegas Panel C commencing May 1, 2010.

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

Richard McConnell

Reno Panel

Bert Wuester

Las Vegas Panel C

It was moved, seconded and approved to transfer of Keith Loomis from the Carson City Panel to the Reno Panel of the Fee Dispute Arbitration Committee commencing May 1, 2010.

It was moved, seconded and approved to appoint the following volunteers to the Fee Dispute Arbitration Committee commencing July 1, 2010 for a three year term.

Janice Casarotto

Jeffrey Posin

Nathaniel Reed

Trina M. Dahlin

Douglas Ritchie

DISCUSSION/ACTION ITEMS

FINANCIAL REPORT/INVESTMENT COMMITTEE: MARC MERSOL

Marc Mersol provided an overview of the financial status of the State Bar of Nevada. Mr. Mersol also provided a review of the five year dues cycle that began in 2005. An analysis of the original five year projections vs. the actual fiscal performance of the last few years clarifies why the State Bar is doing better than projected. Expenses have been much lower than anticipated. It was moved, seconded and approved to accept the financial report.

Briene Houldsworth of Houldsworth Russo & Co. provided a synopsis on the 2009 audit report of the State Bar of Nevada and the Nevada Bar Foundation. It was moved, seconded and approved to accept the 2009 audit report.

It was moved and seconded and carried to approve the recommendation by the Audit Committee to require any changes to executive director compensation be communicated by the Board of Governors directly to the State Bar of Nevada's payroll personnel.

CLIENTS' SECURITY FUND: JOHN SHOOK, EDDIE KELLER

John Shook, Chair of the Clients' Security Fund Committee, reported on the status of the Clients' Security Fund (CSF). The CSF voted to bring eight items (noted below) to the Board of Governors for approval.

After discussion by the Board it was moved, seconded and carried to approve items two, three, four, five, six and seven. The items that require Supreme Court Rule changes will be presented to the Board in an ADKT at the August Board meeting.

Item I – Amend Nevada SCR 6.1 to read *Payment of civil sanctions to fund pro bono programs, libraries or the State Bar of Nevada Clients' Security Fund. Not approved*

Item II – Amend SCR 42 to increase the pro hac vice fee by \$50 and direct that increase to the CSF. Approved

Item III – Amend Nevada SCR 86.5 to read *The board of governors shall maintain from dues paid by members of the state bar, voluntary contributions and any other sources which may become available, a clients' security fund for the purpose of providing reimbursement, in whole or in part, as a matter of grace and not of right, to persons who have sustained loss by reason of dishonest act of a member of the state bar, acting in his capacity as an attorney and counselor at law, in the nature of defalcation or embezzlement of money or the wrongful taking or conversion of money, property or other things of value, and shall provide for the administration of such fund. Approved*

Item IV – Amend SCR 86.5 to add a new subsection that provides for the provision of confidentiality. Approved

Item V – Amend SCR 86.5 to add a subsection that states, *"The Clients' Security Fund Members and bar staff shall be absolutely immune from civil liability for all acts in the course of their official duties."* Approved

Item VI – Modify SCR 86.5 to provide for subpoena powers to compel the attendance of witnesses to testify before the CSF or the production of books, papers and documents and administer oaths or affirmations to witnesses testifying or producing documents. Approved

Item VII – Resolution to form an Ad Hoc Advisory Committee to better the communication and coordination between entities of the state bar. Approved

Item VIII – Adopt a random audit program of lawyer trust accounts to protect clients from potential misappropriation of their property and in an attempt to more quickly detect and stop such losses. Not Approved

The Board advised Mr. Keller and Mr. Shook that the CSF is welcome to return to the Board with additional information and seek reconsideration regarding the items that were not approved.

It was moved, seconded and approved to appoint Jeffrey S. Posin to the Clients' Security Fund Committee for a three year term commencing June 23, 2010.

REPORT OF DEPUTY BAR COUNSEL/GENERAL COUNSEL: DAVID CLARK

It was moved, seconded and approved to appoint Frank Toddre to the Southern Nevada Advertising Committee commencing July 1, 2010.

David Clark briefly discussed the use State Bar of Nevada logo and noted a policy for logo usage would be presented to the Board in August.

David Clark briefly discussed the conflict of interest policy and noted that a process for implementing this policy will be presented to the Board in August. Connie Akridge volunteered to assist in the development of the process.

The Board entered into Executive Session at 4:00 p.m. and concluded the Executive Session at 4:40 pm

REPORT OF BAR COUNSEL, ROB BARE

It was moved, seconded and approved to reappoint Jeffrey Albregts as Chair to the Southern Nevada Disciplinary Board for a one year term commencing July 1, 2010.

It was moved, seconded and approved to appoint the following attorneys to the Southern Nevada Disciplinary Board for a three year term commencing July 1, 2010.

Frank Toddre, II
Marek Bute
Donna Wittig
George Kelesis
Robert Freeman
Gary Pulliam
Jeffrey Posin
Kenneth Hogan
William Kapalka
F. Thomas Edwards

It was moved, seconded and approved to appoint non attorney member Robert Valdez to the Southern Nevada Disciplinary Board for a three year term commencing July 1, 2010.

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

Noel Anschutz
Christine Needham
Randall Scott

It was moved, seconded and approved to reappoint the following attorneys to the Northern Nevada Disciplinary Board for a three year term commencing August 1, 2010.

Linda Daykin
Christian Moore
JoLee Wickes

Bruce Hahn abstained from voting.

It was moved, seconded and approved to appoint J. Thomas Susich as the Chair of the Northern Nevada Disciplinary Board for a one year term commencing July 1, 2010.

It was moved, seconded and approved to approve the resignation of Jeffrey Miller.

REPORT OF THE EXECUTIVE DIRECTOR: KIMBERLY FARMER

Kimberly Farmer reported on the recent staffing changes at the State Bar. Ms. Farmer provided a synopsis on the role of the human resource consultant who will provide training to staff on various topics such as staff development and hiring process and procedures and to consult with the executive director on HR regulations and other HR matters.

It was moved, seconded and carried to approve the contract of the LaJolla Beach and Tennis Club for the Admissions regrade meeting in October 2010 and April 2011.

It was moved, seconded and approved to renew the State Bar's Business Owners and Workers Comp insurance policies.

After discussion of discontinuing the member benefit offered by Clearline Financial Group the Board determined that this matter will be reviewed at the August meeting.

It was moved, seconded and approved to approve the fee suspension list.

It was moved, seconded and carried to affirm the fee reinstatement policy and that reinstatement fees for the members listed in the Board book stand as provided for under the Supreme Court Rules for dues and late fees, and the Board policy for penalties with no reduction.

SECTIONS

It was moved, seconded and approved to appoint the following officers to the Elder Law Section for a one year term commencing July 1, 2010.

Noel Simpson – Chairperson

Elizabeth Brickfield – Chair Elect

Nancy Sollinger – Secretary

It was moved, seconded and approved to approve the reappointments of Vice Chair P. Gregory Giordano and Executive Committee member Sean McGuinness for a three year term to the Gaming Law Section commencing May 1, 2010.

It was moved, seconded and approved to reappoint the following officers to the Public Lawyers Section for a one year term commencing May 1, 2010.

Brett Kandt, Chair

Melanie Bruketta, Vice Chair

Mary Miller, Secretary

It was moved, seconded and approved to appoint the following Executive Council members to the Public Lawyers Section for a one year term commencing May 1, 2010.

Mark Ghan

Rusty Jardine

Cliff Jeffers

Paul Lipparelli

Marc Mersol reported on the status of the section listserve proposal. Marc Mersol and Lori Wolk worked with the section leaders to investigate establishing section listserve. Kathy England had a number of questions regarding the listserve Terms of Use. The Board took no action on this proposal and asked that Ms. England review the Terms of Use to amend the document to cover areas of concern and bring the proposal back to the Board in August.

ABA HOUSE OF DELEGATES

It was moved, seconded and approved to reappoint Daniel Polsenberg as the State Bar of Nevada ABA House of Delegates Representative for a two year term commencing at the conclusion of the ABA annual meeting in August 2010.

It was moved, seconded and approved to support the Amicus Brief the New York State Bar plans to file in the Fall of 2010 in D.C. Circuit Court regarding the Red Flag Rule.

NEVADA LAW FOUNDATION BOARD OF TRUSTEES

It was moved, seconded and approved to appoint the following applicants to the Nevada Law Foundation Board of Trustees to a one year term beginning June 30, 2010.

Julie Cavanaugh-Bill
Eleissa Lavelle
Marsha Kimble-Simms
Raymond Rodriguez
Garth Winckler

Elana Graham and Jim Bradshaw abstained from voting.

LAWYER REPRESENTATIVE OF THE NINTH CIRCUIT

It was moved, seconded and approved to appoint the following attorneys as Lawyer Representative of the Ninth Circuit.

James Patrick Shea
Lori C. Teicher
Margaret G. Foley

STANDING COMMITTEE ON ETHICS AND PROFESSIONALISM

It was moved, seconded and approved to appoint Mandy McKellar for a two year term on the Standing Committee on Ethics and Professionalism commencing June 24, 2010.

It was moved, seconded and approved to reappoint Jedediah Bodger for a two year term effective December 1, 2009 and Angela Dows effective May 1, 2010.

REPORT OF THE PRESIDENT: KATHLEEN J. ENGLAND

Kathleen England reported on the status of the demographics study. The original contract was to be completed by June 30, 2010. As indicated in Ms. England's written report, it was not possible to complete. It was moved, seconded and approved to extend at no cost the demographics study contract with the UNR Center for Research Design and Analysis.

REPORT OF PRESIDENT-ELECT: CAM FERENBACH

Cam Ferenbach provided a brief overview of his goals as upcoming president of the State Bar. Mr. Ferenbach reported that Adrienne Cox will facilitate the August Board meeting in Elko.

BOARD OF GOVERNORS ELECTION OF OFFICERS

The following individuals were nominated for the 2010-11 Officers of the Board of Governors.

Connie Akridge was nominated for President-Elect. It was moved seconded and approved to appoint Connie Akridge as 2010-11 President-Elect.

Frank Flaherty and Alan Lefebvre were nominated for Vice President. The Board conducted a ballot for the appointment to Vice President. Upon tally of votes Frank Flaherty was appointed 2010-11 Vice President.

THANK YOU TO KATHLEEN J. ENGLAND

Cam Ferenbach presented Kathy England with a gift from the Board and thanked her for her distinguished service as President of the State Bar of Nevada.

ADJOURNMENT

There being no new business before the Board the meeting adjourned 6:35 pm