

**August 24, 2006**

**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 on August 24, 2006 at The Red Lion Inn in Winnemucca, NV.

**The following members were in attendance :**

Nancy Allf	President – Elect
Bruce Beesley	Vice President
Constance Akridge	
Cam Ferenbach	
Francis Flaherty	
Kathleen England	
Bradley Kenny	
Hon. Bridget Robb Peck	
Bryan Scott	
Bill Turner	
Robert Witek	

**The following participated by phone:**

Rew Goodenow	President
Vince Consul	Immediate Past President
Dara Goldsmith	
Gregg Kamer	

**State Bar Staff Present:**

Wayne Blevins  
Gale Skala  
Rob Bare  
Christopher Boadt  
Marc Mersol

**Member of the Young Lawyers Section in attendance:**

Micheline Fairbank

**Guest present:**

Justice James Hardesty

**Guest by Phone:**

Hon. Brent Adams

**1. CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by President – Elect Nancy Allf at 9:05 am and a quorum was declared. President Rew Goodenow was recognized on the phone.

**2. CONSENT ITEMS**

The Board of Governors agreed that items 2, 4 and 7 should be removed from the list of Consent items. The remainder of the following Consent Items were accepted or approved unanimously, as follows:

**3. Report of Director of Admissions**

Statistics of the July Bar Exam.

**5. Report of Lawyer Referral and Information Services**

Statistics on the number of referrals for June and July 2006. Enclosed was a copy of the proposed TV advertisement for LRIS.

**6. Report of Fee Dispute Arbitration Committee**

Raymond Oster was appointed for a three year term effective August 2006. Harvey Hudgins, Todd Kennedy, Dee Newell, Troy Peyton, Jorge Ramirez, David Riddle, and Richard Scotti were reappointed to the Fee Dispute Arbitration Committee. Paul Eisinger, John C. Hope, Jr. and Rena G. Hughes were reappointed as Regional Chairpersons to another one-year term effective August 2006.

**8. Report of Gaming Law Section**

Mark Clayton, Dennis Gallagher, Bryan Wright and Jeff Rodefer were appointed to serve three-year terms on the Executive Committee of the Gaming Law Section.

**3. APPROVAL OF THE MINUTES OF JUNE 21, 2006 BOARD OF GOVERNORS MEETING**

It was moved and seconded that the Board of Governors recognizes that the absence of Hon. Bridget Robb Peck and Bryan Scott from the previous Board of Governors meeting was an excused absence.

It was noted that there is a typo under #17 of the minutes. This will be corrected.

Vince Consul requested that we change the number of attorneys in attendance at the annual meeting from 223 to the actual number of 400 in attendance including family members.

It was moved and seconded to approve the minutes.

**4. REPORT OF THE DIRECTOR OF OPERATIONS AND EDUCATION**

It was moved and approved that the action items under sections G and H would be referred to Wayne Blevins, Executive Director of the State Bar of Nevada for appropriate action.

**5. REPORT OF THE CLIENTS' SECURITY FUND COMMITTEE**

Cam Ferenbach was questioning under Old Business about the status of the restitution efforts. This was clarified that David Amesbury will write a proposal addressing this issue for the October 2006 Board meeting. The report was then unanimously approved.

**6. DISCUSSION OF LAWYER ADVERTISING RULES**

After considerable discussion at the Board meeting in June, Rob Bare volunteered to submit the following to the Board in a subsequent meeting:

- A minority report
- A majority report
- A comparison table of the Nevada rules, the ABA model rules with comments and annotations, and the SCLA recommended rules
- Three potential alternate versions of concurrent review

Justice James Hardesty was present at this meeting. He talked in detail about the above mentioned materials as well as the work the Lawyer Advertising Commission had done over the last year. He urged the Board to be pro active in this campaign. He mentioned concerns that he thought the Board might have for example:

- Capability to enforce the rules
- Registering complaints from fellow attorneys
- Fees required for concurrent review
- Concern about prior restraint on attorneys

Justice Hardesty urged the Board to submit proposed rules that would prohibit Nevada attorneys from placing ads that are false, misleading or deceptive.

After a lengthy discussion among Board members, it was moved and approved that the following actions be taken:

-Bar Counsel to prepare for the President's review and signature an ADKT recommending that Rule 7.2 be amended to delete subparagraphs (3) and (f).

- Submit both the minority and majority Board reports to the Supreme Court
- Conduct a budget review regarding the cost of enforcing these rules; should additional staff be required, would a graduated fee be an option relating to the size of the advertisement.
- Authorize a Committee to be comprised of Bruce Beesley, Gregory Kamer, Bill Turner, Rob Bare, and staff member Kristina Marzec to schedule a meeting with Justice Hardesty to discuss ways to harmonize the SCLA proposal and other potential proposals with the Board's minority and majority reports and find ways to address what may be a unified proposal that may be acceptable to all concerned.

#### **7. CONSIDER APPROVAL OF PAYMENT OF INVESTIGATIVE SERVICES**

It was moved and approved to that the Board approve the payment of the Cook & Roos invoice for the Investigative Services.

#### **8. CONSIDER RECRUITMENT PLAN FOR THE POSITION OF EXECUTIVE DIRECTOR**

Wayne Blevins shared with the Board the most recent discussions with the Executive Director Search Committee. It was moved and approved to accept the Recruitment Plan and the budget. The Board made some advertising suggestions; i.e. advertising in non-profit associations such as ASAE, NABE and the ABA weekly journal.

#### **9. CONSIDER SUSPENSION OF MEMBERS FOR NON-PAYMENT OF DUES**

It was moved and approved to suspend the eighteen members of the State Bar of Nevada for the non payment of dues. Wayne Blevins explained the fee structure for reinstatement presently in effect. After discussion, the Board agreed to retain the present policy of doubling the delinquent fees for reinstatement.

#### **10. CONSIDER THE CORPORATE CONDUCT GUIDELINES AND CONFLICT OF INTEREST POLICY**

It was moved and approved that Exhibit 3 be approved by the Board of Governors. Upon approving this policy, the following changes to the policy must be made:

- the last line should read: *The Executive Committee of the Board of Governors shall operate as a committee to insure the proper application and implementation of this policy.*

- the following bullets will be added to the Policy;
  - Disclose, in writing, if the Board member is related to another Board member or any staff member by blood, marriage or domestic partnership.
  - Disclose, in writing, if the Board member is involved in any business or other professional relationship with any staff member.
- the Policy shall be reviewed annually

**11. APPOINTMENT OF LAWYER REPRESENTATIVES TO THE NINTH CIRCUIT COURT OF APPEALS**

It was moved and approved that the following attorneys will be representatives to the Ninth Circuit Court of Appeals.

John Murtha will replace Jennifer Smith of Reno and Elissa Cadish will replace Karen Winckler of Las Vegas.

Wayne Blevins will send a letter to Chief Judge Phillip Pro advising him of the new representatives.

**12. CONSIDER INQUIRY OF KEVIN SEWELL**

This was discussed during EXECUTIVE SESSION.

**13. REPORT OF THE PRESIDENT**

Rew Goodenow had no report at this time.

**14. REPORT OF THE PRESIDENT-ELECT**

Nancy Allf gave a report of the progress of the Nevada Lawyer. She thanked Chris Boadt, his staff as well as Wayne Blevins for making this all come together. She asked the Board of Governors to consider approving \$500 towards a plaque for Ann Wellborn. Nancy acknowledged the time and hard work that Ann has contributed to the success of the magazine.

It was moved and approved that the State Bar of Nevada contribute \$500 for a plaque recognizing Ann Wellborn.

**15. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS**

Cam Ferenbach, a member of the Finance Committee, spoke about the 2006 revised budget and shared with the Board what the Committee had discussed at their last meeting. It was moved that the Board of Governors approve the 2006 revised operating budget.

Wayne Blevins spoke to the Board about the parking situation at the State Bar of Nevada Las Vegas office. Blevins noted that \$15,000 was included in the revised budget to cover the remaining uncovered spaces in the rear parking lot. The revised 2006 Budget was approved.

**16. REPORT OF BAR COUNSEL**

Rob Bare gave a report on the circumstances surrounding Joseph Caramagno. It was reported that he is now in a rehabilitation facility in California. The Board thanked Rob for his successful involvement in this matter.

Rew Goodenow reported to the Board that he has retained the firm of Gordon and Rees in the Audrey Bath matter if deemed necessary. After discussion of this matter, it was moved and unanimously approved.

It was moved and approved to reappoint Howard Miller as Chair of the Southern Nevada Disciplinary Board for the remainder of his term which expires on June 30, 2007.

It was moved and approved to appoint Julien Sourwine as Vice Chair of the Northern Nevada Disciplinary Board.

It was moved and approved to appoint Clark Vellis to the primary attorney member panel of the Northern Nevada Disciplinary Board.

**17. PROPOSED ADKT TO AMEND SCR 49.1**

It was moved and approved to approve the Petition to amend SCR 49.1 and 49.5 regarding limited practice for clinical law faculty and law students.

**18. CONSIDER APPLICATION FOR RESIGNATION OF ATTORNEY  
KEITH R. EDWARDS**

It was moved and approved to accept the application for resignation of Keith R. Edwards.

**19. REPORT OF THE EXECUTIVE DIRECTOR**

Wayne Blevins announced to the Board of Governors it was necessary to appoint a temporary member to the Judicial Selection Commission. The person appointed to this position must be a resident of the First Judicial District. The State Bar of Nevada has sent out an announcement to members in this district requesting that they return their application no later than September 15, 2006. It was moved and approved that the Board of Governors will conduct a teleconference on September 19, 2006 at noon. They will select a member to be appointed at that time.

Hon. Brent T. Adams participated in the Board meeting by telephone. Judge Adams shared with the Board of Governors his viewpoints on the petition filed with the Supreme Court concerning the Nevada Code of Judicial Conduct. Judge Adams would like to amend the Code to prohibit judges and judicial candidates from personally soliciting or personally accepting campaign contributions. After discussion, the Board of Governors voted that the State Bar of Nevada would not join in the petition offered by Judge Adams. Rob Bare was asked to send a letter to the Nevada Supreme Court reflecting this position.

## **ADJOURNMENT**

The meeting was adjourned at 3:45 p.m.