



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS**
August 30, 2007

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on August 30, 2007 at the State Bar of Nevada at 9:05 am.

The following members were in attendance:

Nancy Alf, President
Bruce Beesley, President-Elect
Connie Akridge
Larry Digesti
Cam Ferenbach
Francis Flaherty
Dara Goldsmith
Elana Hatch
Gregg Kamer
Bridget Robb Peck
Bryan Scott
John White
Robert Witek

By Phone:

Bill Turner

State Bar Staff Present:

Rob Bare
Chris Boadt
David Clark
Patrice Eichman
Kimberly Farmer
Marc Mersol
Gale Skala

Guests

Suzan Baucum
Justice Michael Douglas
Ed Kainen
Jasmine Mehta, Young Lawyers Section

1. CALL TO ORDER

The meeting was called to order by President Nancy Allf at 9:05 am and a quorum was declared.

2. CONSENT ITEMS

The Board of Governors agreed that item numbers 3, 5, 7, 8 should be removed from the Consent Agenda. The following Consent Agenda items were accepted or approved unanimously, as follows:

Approval of Minutes of June 27, 2007

Appointment to Standing Committee on Judicial Ethics and Election Practices

Patrick G. Byrne, Valerie G. Cooney, Steven L. Day, Janiece S. Marshall, Christine S. Munro, Kathleen M. Paustian, and Dan R. Reaser were approved to be reappointed to the Standing Committee on Judicial Ethics and Election Practices for a one year term beginning January 1, 2008.

Report of Law Related Education

3. REPORT OF DIRECTOR OF ADMISSIONS

Patrice Eichman gave the Board highlights of the Admissions report. Ms Eichman explained the proposed changes for rule SCR 49. The rule changes primarily cover the limited practice and arbitration rules and are intended to eliminate the “paper shuffle” that takes place between the SBN and the Clerk of the Supreme Court. It was moved and approved to recommend the changes to the Clerk of the Supreme Court.

4. REPORT OF FEE DISPUTE COMMITTEE/CLIENT SECURITY FUND

It was moved and approved to appoint Nathaniel J. Reed for a three-year term effective August 2007 to the Fee Dispute Committee Las Vegas Panel C.

The following attorneys were approved to be reappointed to the Fee Dispute Committee for another three-year term effective August 2007:

Lee A. Drizin	Las Vegas Panel A
Roger Harada	Reno Panel
Zachariah Larson	Las Vegas Panel C
Christopher Van Dyck	Carson City Panel
Clark Vellis	Reno Panel

It was moved and approved to reappoint the following Regional Chairs to the Fee Dispute Committee for another one-year term effective August 2007:

John C. Hope, Jr.	Reno Panel
Paul F. Eisinger	Las Vegas Panel B
Rena G. Hughes	Las Vegas Panel A

It was moved and approved to reappoint Jon S. Greene to the Clients' Security Fund for a three-year term effective August 2007.

Dara Goldsmith, the liaison to the Clients' Security Fund Committee (CSF), shared information with the Board from the last Committee meeting. The CSF has asked for the Board to interpret and clarify

the CSF Rules of Procedure. The CSF committee has received claims from clients who used paralegals or attorneys who are not licensed in Nevada. The CSF asked for clarification on the question should the CSF accept claims on attorneys who are not licensed in Nevada. Ms. Goldsmith noted that the CSF was established to protect clients who have been injured by licensed attorneys in Nevada. It was moved, seconded and approved that the CSF Rules of Procedure indicate that the CSF would accept claims only from clients who have received services from a licensed Nevada attorney in good standing with the SBN or by an attorney who was admitted by *pro hac vice* at the time services were rendered.

Cam Ferenbach asked if the SBN could make federal and immigration attorneys register with the SBN. This would have to be approved by the legislature. Nancy Alf appointed David Clark, Cam Ferenbach and Dara Goldsmith to study what other states have done regarding this issue. They will report their findings to the Board at the December meeting.

Dara Goldsmith also reported the request by the CSF for added monies to make it through the number of claims they have in 2007. It is anticipated that the CSF will have over a million dollars in claims and will not have enough money for all their claims this year. The Board discussion centered on the policy that the CSF noting that the CSF is not an insurer, and that while the fund works to compensate those clients, we cannot compensate every claim. Thus it was moved, seconded and approved to keep the CSF as budgeted in 2007; thus no additional funds from the SBN will be provided to the CSF at this time.

5. REPORT OF LAWYER REFERRAL AND INFORMATION COMMITTEE

Kimberly Farmer informed the Board that LRIS has been managing its process better, thus following up on funds that are owed to LRIS. This process has brought in additional income for LRIS. Lynn Etkins shared the progress of implementing experience panels to LRIS. LRIS has implemented the LRIS experience panels as a move towards applying for ABA certification. The Board would like further discussion concerning the benefit to LRIS, and limitations on use of the LRIS restricted funds if the LRIS becomes ABA certified.

6. REPORT OF ACCESS TO JUSTICE COMMISSION

Bridget Robb Peck discussed the Access to Justice Report and clarified some of the wording in the report.

7. REPORT OF NEVADA LAW FOUNDATION IOLTA

Suzan Baucum and Justice Douglas discussed the history on the IOLTA program and the ADKT supported by the Nevada Law Foundation and the Access to Justice Commission. The ADKT seeks to amend SCR 217 from and “opt out” provision to a “comprehensive IOLTA program” which would provide for attorney participation by all attorneys licensed in Nevada. Bridget Robb Peck shared her concern that the issue should be brought to the membership for comment and input. The SBN will notify the members via the e-newsletter and the Nevada Lawyer and hold public hearings to receive member input. The matter was tabled until the October meeting.

8. REPORT OF THE YOUNG LAWYER'S SECTION

Jasmine Mehta, Chair of the Young Lawyers Section, shared highlights of her written report. It was moved, seconded and approved to appoint the following officers of the YLS:

Jasmine Mehta, Chair
Stephanie Allen, Chair elect
Laura Granier, Secretary

It was moved, seconded and approved that Jeremy R. Reichenberg will fill the Rural Nevada Executive Council Member due to the resignation of Michael Reitzell. Let it be noted that Cam Ferenbach abstained from voting.

Ms. Mehta shared some history on the ABA FEMA service. Maren Parry and Micheline Fairbank attended the FEMA training. Maren Parry has volunteered to do a "how to" book on the ABA FEMA service.

Bruce Beesley will work with the YLS to help with planning and participation in the Midyear meeting for the State Bar of Nevada.

There were some concerns voiced about the *Wills for Heroes* program. The Board feels it would be worthwhile to offer this service to members of the National Guard, military personal, however they were concerned that other public service personnel may not be in the low income category and perhaps this program could be targeted to those in need. Additionally the Board was concerned over professional liability matters with respect to the wills.

The Goldilocks presentations were discussed noting that it is important bring the presentations to diverse schools throughout Clark County and Washoe County. The YLS Section and the Diversity Committee will work to bring this program these schools.

9. REPORT OF THE FAMILY LAW SECTION

Ed Kainen spoke about Family Law Specialization process. The Family Law Section recommends amending the standards for Board Certified Specialization in Family Law. It was moved, seconded and approved to make the suggested changes to the standards for Board Certification in family law.

10. REPORT OF OPERATIONS AND EDUCATION

Christopher Boadt gave an overview of the status of both the CLE/Publications department and the *Nevada Lawyer*. The Board questioned Mr. Boadt regarding distribution of the *Nevada Lawyer* and suggested it be sent to government agencies as well as the local newspapers. Mr. Boadt will provide a distribution list at the October meeting.

Mr. Boadt explained in detail the proposed addendum to the contract from 1986 for the publication of the Nevada Civil Practice Manual. The Publications Committee is requesting approval of the Nevada Civil Practice Manual Online Addendum. It was moved, seconded and so approved.

Mr. Boadt gave an overview of the finances of this year's Annual Convention. The SBN did not meet its contracted room block. According to the attrition clause the contract, the SBN owes Squaw Creek money. It was moved and approved to negotiate the best deal concerning this issue. Mr. Boadt will report back to the Board at the October meeting.

11. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS

Marc Mersol provided an overview of the SBN Quarterly Financial Report. Mr. Mersol also covered the history of the alliance between the SBN and Rate Search Inc. Mr. Mersol received a letter in a recent statement from Rate Search stating that Rate Search was unable to confirm three of the SBN certificate of deposits. It was moved, seconded and approved to appoint a committee to research this issue and secure the SBN assets held with Rate Search. The committee members are Bruce Beesley, Bridget Robb Peck, and Connie Akridge. It was moved, seconded and approved to empower the Executive Committee of the Board of Governors to make decisions concerning this issue between Board meetings.

It was moved, seconded and approved to have a subcommittee to investigate the criminal process of this issue. The committee members will be Larry Digesti, Bob Witek and Bill Turner.

Connie Akridge was in touch immediately with Carmody and MacDonald, a law firm in St. Louis, MO where the headquarters of Rate Search is located. It was moved, seconded and approved to engage Carmody and MacDonald in this matter with approval of a \$15,000 budget for the retainer and initial fees.

12. REPORT OF THE FINANCE COMMITTEE

Cam Ferenbach reviewed the revised 2007 budget with the Board members. Marc Mersol provided highlights about adjustments and bottom line figures of the budget. It was noted that net revenue is ahead of budget and this is after paying off the mortgage on the Reno building. It was moved, seconded and approved to approve the revised budget.

13. COMMITTEE REPORTS

Report of Diversity Committee

Bryan Scott offered an overview of the Diversity Committee and the progress the Committee has made. There was discussion on the proposal that the Nevada Supreme Court allow persons who want to work for the Clark County Public Defender's office be able to defer the taking of the Bar exam similar to what the rural counties and other entities do under Nevada Court Rule 49.1. The Board suggested that Mr. Scott invite someone from Clark County and Washoe County Public Defender's office to a Board meeting in order that questions could be asked and therefore clarification of the proposal. Nancy Alf asked Bob Witek and Larry Digesti to meet with Bryan Scott regarding this issue.

14. DISCUSSION OF LAWYER REPRESENTATIVE, U.S. DISTRICT COURT

It was moved and approved to appoint Nancy Koppe to fill the vacancy for lawyer representative to the United States District Court, District of Nevada.

15. REPORT OF THE PRESIDENT

Nancy Alf shared the highlights of the planning meeting on August 29, 2007. The meeting validated how important it is to involve the Past Presidents of the SBN. It was suggested that the Annual Convention committee and the Senior Lawyer Committee invite a Past President to attend their meetings.

Ms. Alf reiterated the fact that we need to involve the rural members in CLE as well as other future functions of the Bar. It was suggested to share some of these concerns at the Board meeting with the Supreme Court in January. It was also suggested that the Board develop an agenda of issues that may come before the next legislative session.

The Board agreed that one of the goals for the Bar was to find a new building. We have outgrown our present building on Charleston Blvd. Kimberly Farmer and Bryan Scott will work together to begin the preliminary process of accessing a new site for the State Bar.

Ms. Alf requested that the Board members be sure to fill out their evaluation forms that are in their Board book.

16. REPORT OF DEPUTY BAR COUNSEL

David Clark gave overview of the status of the Advertising committee. It was moved, seconded and approved to appoint the following applicants to the Advertising Committee for a two-year term beginning September 1, 2007.

Southern Committee- Attorneys:

Joice Bass, Bruce Flammey, Daniel Ivie, Cory Jones, Lary Lamoreux, Charles Lombino, Edward Miley, Richard Myers, Howard Needham, Dirk Ravenholt, Eduardo San Miguel and Clark Seegmiller.
Southern Committee – Non-Attorney
Mysty Cain

Northern Committee – Attorneys
John Calvert, Curtis Coulter, Jenny Hubach, Peter Chase Neumann, and John Oakes
Northern Committee – Non-Attorneys
Douglas Smith

There are no chairs of the committees. Mr. Clark felt that the chairs will evolve when the committees meet. It was moved, seconded and approved that the Executive Committee of the Board will ratify the chairs.

17. REPORT OF BAR COUNSEL

Rob Bare shared the latest discipline status report. Mr. Bare reported that Office of Bar Counsel is current with their cases.

It was moved, seconded and approved to appoint laymember Edward A. Anderson to the Southern Disciplinary Board for a three-year term beginning September 1, 2007.

It was moved, seconded and approved to reappoint Bruce Shapiro and Edward Miley to a three-year term beginning September 1, 2007.

It was moved, seconded and approved to appoint the following attorneys to the Southern Disciplinary Board for a three-year term beginning September 1, 2007.

Gina Corena
Michael Bohn

It was moved, seconded and approved to appoint the following attorneys to the Northern Disciplinary Board for a three-year term beginning September 1, 2007.

Michael Large
Lance Maiss

It was moved, seconded and approved to accept the resignation of Attorney Patrick Sean McGovern.

18. REPORT OF EXECUTIVE DIRECTOR

Kimberly Farmer gave an overview of the most recent staff changes noting that there is an updated staff flow chart in the Board book.

Ms. Farmer shared the status on the Compensation and Benefits Study. The State Bar has hired Fox Lawson & Associates to do the study. The draft market survey plan and survey instrument will be presented to the committee for review and approval in early September. It is estimated that the process will begin in October with final results completed in January 2008.

Ms. Farmer reported on the status of the membership management software – Bar Alliance. Bar Alliance has agreed to provide us the software and convert our data on a test basis at no charge. We will then be able to review any concerns.

ADJOURNMENT

There being no further business before the Board the meeting was adjourned at 3:00 pm