

December 13, 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 December 13, 2006 at Harrah's Hotel in Reno, NV.

The following members were in attendance :

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| Rew Goodenow | President |
| Nancy Allf | President – Elect |
| Vince Consul | Immediate Past President |
| Constance Akridge | |
| James Bradshaw | |
| Cam Ferenbach | |
| Francis Flaherty | |
| Kathleen England | |
| Dara Goldsmith | |
| Gregg Kamer | |
| Bradley Kenny | |
| Richard Morgan | |
| Hon. Bridget Robb Peck | |
| Bryan Scott | |
| Robert Witek | |

State Bar Staff Present:

Wayne Blevins
Gale Skala
Rob Bare
Marc Mersol
Patrice Eichman

Member of the Young Lawyers Section in attendance:

Jennifer Hilsabeck
Jasmine Mehta

Guests present:

Gary Peck
Lee Rowland
Joey Turco
Rich Siegel

1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by President Rew Goodenow at 10:00 am and a quorum was declared.

2. REPORT OF EXECUTIVE DIRECTOR SEARCH COMMITTEE AND CONSIDER APPOINTMENT OF EXECUTIVE DIRECTOR

President Goodenow thanked members of the Executive Director Search Committee for their commitment to the Executive Director Search process. Goodenow summarized for the Board of Governors the process of the Executive Director Search Committee and was now pleased to present Kimberly K. Farmer as their unanimous choice to the Board. Goodenow explained the compensation package that the committee had approved for Farmer. The Board then convened in Executive Session. Emerging from executive session, the Board of Governors voted unanimously to appoint Kimberly K. Farmer as the Executive Director of the State Bar of Nevada. The beginning employment date would be determined soon.

3. CONSENT ITEMS

The Board of Governors agreed that items 3, 6, 7 and 10 should be removed from the Consent Agenda. The remainder of the following Consent Agenda were accepted or approved unanimously, as follows:

Report of Director of Admissions

Report of Director of Operations and Education

Report of Law Related Education

Consider New Officers for the Intellectual Property Section

4. APPROVAL OF MINUTES OF OCTOBER 18, 2006 MEETING

Cam Ferenbach asked that we correct the Report on Judicial Independence and Accountability by deleting the second sentence. Rew Goodenow asked that we add the additional pro bono winners that helped Bill Terry with the Caramagno legal cases. Goodenow asked that it be noted that the Discussion of Online Voting in BOG Elections and the Discussion on Reviewing the Present Compensation Plan are being held over for further discussion at a later date. It was noted that the spelling of Michael Row's name should be corrected to Michael Rowe. It was moved and approved that upon corrections being made, the minutes be approved.

5. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS

It was moved and approved to approve the Finance Report.

6. REPORT OF THE CLIENTS' SECURITY FUND AND FEE DISPUTE COMMITTEE

It was moved and approved to approve Carolyn M. Broussard to the Las Vegas Panel C for a three-year term effective December 2006. It was moved and approved to reappoint Nathan Gibbs, Brian Kunzi, Anthony Ruggiero to the Las Vegas Panel C; Craig Burkett, Darrell Faircloth, Charles Hilsbeck, Andrea Nichols, Richard Teichner to the Reno Panel; Marie Martin-Kerr to the Carson City Panel; John Lambert, Todd Plimpton, Virginia Shane to the Rural Panel for another three-year term effective December 2006.

Before approving the Clients' Security Fund *Rules of Procedure*, the Board would like David Amesbury to attend the next Board meeting to clarify the Payment of Claims section of the *Rules of Procedure* and the retainer agreement with Wanderer and Wanderer.

7. CONSIDER APPOINTMENTS TO THE STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

Kathy England expressed her concerns that committee openings were not being advertised thoroughly. Rew Goodenow explained that the Executive Committee was putting together a yearly calendar which should help in avoiding this problem in the future.

It was moved and approved to re-appoint Sallie Armstrong, Gordon DePaoli, Michael Pinter, and Bruce Shapiro to the Standing Committee on Judicial Ethics and Election Practices effective January 2007 for a two-year term.

8. DISCUSSION OF THE ATTORNEY OATH

Rew Goodenow introduced the attendees from the ACLU. Goodenow gave a review of what had transpired between the Board and the ACLU. Gary Peck of the ACLU shared his concerns about the Attorney Oath and the wording of "I will support the Constitution and government of the United States and of the State of Nevada". Lee Rowland of the ACLU and a newly admitted attorney in Nevada said that she believed the present oath to be unconstitutional. She felt by signing the Oath it clearly raises potential conflict with her responsibility to zealously advocate on behalf of the ACLU and others. Rob Bare, Bar Counsel, spoke on the issue and did agree that it might be time to examine the wording of the Attorney Oath adding he felt civility rules should be added. Bridget Robb Peck stated that changing the Oath was not something the Board of Governors could accomplish, but that it had to be done by the Supreme Court.

The Board authorized Goodenow to appoint a committee to study the Attorney Oath which is required by SCR 73 and decide whether a professionalism component should be added. The committee will examine the Oath and its constitutionality along with an historical analysis of its wording. The committee will report back to the Board at the March 7th meeting.

9. REPORT OF THE YOUNG LAWYER'S SECTION

Jennifer Hilsabeck gave a report on the recent and planned events of the Young Lawyer's Section. The YLS is hosting the 2007 Rocky Mountain Regional Young Lawyers Conference in Las Vegas on March 2-4, 2007. Hilsabeck invited the Board to attend the conference. Hilsabeck explained that the YLS is planning on implementing the "Choose Law: A Profession for All". Vince Consul expressed his hope that more Young Lawyers would become involved in the Section. Bridget Robb Peck suggested that the wording of advertising for the Golf tournaments, etc. should be clearer. Goodenow asked Peck to suggest guidelines for the YLS concerning advertising on future fundraisers.

10. CONSIDER ADOPTION OF 2007 ANNUAL BUDGET

Marc Mersol presented the proposed 2007 Annual Budget for consideration. After considerable discussion and revision, it was moved and approved to adopt the 2007 Proposed Annual Budget showing the amount of total revenue to be \$6,567,280 and total expenditures to be 5,766,624.

11. REPORT ON JUDICIAL INDEPENDENCE AND ACCOUNTABILITY

Cam Ferenbach gave a report on the status of Judicial Independence and Accountability. Ferenbach felt the mission of the committee would be to improve administration of justice and engage groups making unwarranted attacks on the judiciary. Vince Consul had submitted the names of the persons who had previously been willing to serve on the Judicial Independence Committee. Cam will contact those members and examine the issue further, reporting back to the Board at a future date.

12. CONSIDER RESOLUTION HONORING JUDGE MICHAEL R. GRIFFIN

The Board revised the resolution and then approved it. This resolution will be made a part of the permanent record of these minutes and presented to Judge Griffin.

13. REPORT ON THE DIVERSITY COMMITTEE

Bryan Scott reported on the first meeting of the Diversity Committee. There were 10 people in attendance with another 7 who had expressed interest in being involved in the committee. Scott shared with the Board several ideas that had been discussed during the meeting. A voluntary questionnaire on ethnic diversity has been distributed with the annual Bar dues packets. It was also mentioned that the State Bar's diversity

efforts should also reach out to those who are physically disabled. Scott would like to invite Jasmine Mehta from the YLS to join the committee as a member from Reno. Dean Morgan offered assistance from members of the UNLV faculty.

14. CONSIDER SUSPENSION OF MEMBER FOR NON-PAYMENT OF DUES

It was reported that the member appearing on the petition was attempting to develop a dues payment plan. The Board tabled this matter until the January, 2007, meeting.

15. REPORT OF THE PRESIDENT

Rew Goodenow asked that the Board approve Bridget Robb Peck and Harriet Cummings for reappointment to the MCLE Board of Continuing Legal Education Committee for another three-year term. In addition, the Board of CLE would like to appoint Rich Barrows to a two-year term. It was moved and approved.

Goodenow gave a report concerning the meeting he had with the Nevada Supreme Court concerning the ADKT that expressed Judge Adams' viewpoints concerning the Nevada Code of Judicial Conduct.

Goodenow gave a status report on the Carl Lovell files. After discussion, it was moved and approved that Goodenow, Dara Goldsmith and Rob Bare have the authority to handle the files as they deem fit. The Board asked them to report back on the status of the files at the January meeting.

16. REPORT OF THE PRESIDENT-ELECT

Nancy Allf had no report at this time.

17. REPORT OF BAR COUNSEL

Rob Bare gave an oral report regarding the status on the Lawyer Advertising ADKT. It was filed with the Nevada Supreme Court on November 20, 2006. Bill Turner along with staff prepared an Executive Summary that will appear in the December issue of the Nevada Lawyer.

It was moved and approved to accept the resignation of Richard C. Rife, Esq.

It was moved and approved that J. Rusty Graf be redesignated to the primary attorney panel for the Southern Discipline Board. It was moved and approved that Richard Hill be appointed for the alternate attorney panel for the Northern Board of Discipline.

EXECUTIVE SESSION

18. REPORT OF THE EXECUTIVE DIRECTOR

Wayne Blevins had no report at this time.

ADJOURNMENT

The meeting was adjourned at 3:50 p.m.