

February 23, 2005

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 February 23, 2005, at the Brewery Arts Center in Carson City, Nevada.

The following members were in attendance:

Ann Price McCarthy	...	President
Vincent A. Consul	...	President-Elect
Rew R. Goodenow	...	Vice President
N. Patrick Flanagan III	...	Immediate Past President
Constance Akridge		
Nancy L. Allf		
Bruce T. Beesley		
James Bradshaw		
Kathleen J. England		
Cam Ferenbach		
Dara J. Goldsmith		
Gregory J. Kamer		
Richard Morgan		
Bridget Robb Peck		
John P. Schlegelmilch		
Bruce I. Shapiro		

MEMBERS ABSENT:

William C. Turner

STATE BAR STAFF PRESENT:

Allen W. Kimbrough

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Rob Bare

Audrey Bath

Christopher Boadt

Marc Mersol

Gina MacLellan

GUESTS PRESENT:

Dora Djilianova

Edward Kainen

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the President at 8:30 a.m. and a quorum was declared. Ms. McCarthy reviewed with the Board the schedule for the remainder of the day.

2. CONSENT ITEMS

Board members requested the removal of items 5 and 12. The following items were thereafter approved by unanimous consent:

2. The Minutes of the December 9, 2004 meeting of the Board;
3. The Reports on the Financial Condition of the State Bar and the Nevada Bar Foundation as of December 31, 2004;
4. Report of the Young Lawyers Section;
6. Appointment of Jennifer Henry to Clients' Security Fund Committee;
7. Re-appointment of the following persons to the Fee Dispute Arbitration Committee:

Michael Sanders (lay)	Las Vegas Panel A
Lew Brandon, Jr	Las Vegas Panel A
Layne Butt	Las Vegas Panel A
Michael Golden	Las Vegas Panel A
Matthew Manning	Las Vegas Panel A
Thomas Rondeau	Las Vegas Panel A
Mike Pavlakis	Carson City Panel
Ken Brown (lay)	Carson City Panel
Steven Anderson (lay)	Reno Panel
Tom Bader	Reno Panel
Richard Blower	Reno Panel
Don Dees (lay)	Reno Panel
Marta Presti	Reno Panel
Karl Smith	Reno Panel
John Doyle	Rural Panel

and appointed the following members:

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F. Jonathan Farren	Las Vegas Panel A
David Liebrader	Las Vegas Panel A
Kevin Ryan	Reno Panel
Eric Stovall	Reno Panel

all for terms ending March 2008.

8. Appointment of John D. Hancock and Radha Chanderraj to the Lawyer Referral and Information Service Committee for terms ending February 2008.

9. Suspension of John E. "Ring" Smith and Kevin C. Sewell for non-payment of dues;

10. Approved applications for resignation by George B. Clifford, Michael M. Constantine, and Carolyn Jan Lord

11. Report of Executive Director;

13. Report of Director of Admissions;

14. Report of Director of Bar Services; and

15. Report of Director of Continuing Legal Education.

The following actions were taken on items removed from the Consent Agenda:

5. The Board felt that the removal of Valerie Cooney from the Committee on Ethics and Professional Responsibility was not warranted at this time and urged the Committee Chair, Dennis Kennedy, to reconsider his position after speaking with Ms. Cooney.

The Board approved the appointment of Zach Larson and David Merrill to the Committee for three-year terms ending February 2008.

12. Action on this item was deferred to the personal appearance of Edward Kainen, Chair of the Family Law Section.

3. CONSIDER REPORT OF CLIENTS' SECURITY FUND TASK FORCE

Mr. Kamer, Chair, presented the interim report of the Clients' Security Fund Task Force and the Board discussed same,

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including a comparison of Nevada's limits on amounts allowed to a single claimant and caps on the total to be expended per defalcating attorney.

A motion was made and seconded to (1) authorize staff to computerize the Clients' Security Fund records for current and past years, and (2) to survey the State Bar membership regarding willingness to support an increase in the Fund's resources via an increase in dues.

The motions were separated for debate, and the first motion was approved unanimously. The second motion and further consideration of this issue were postponed to the June 2005 meeting of the Board. The Task Force was asked to make its final report and recommendations at that time.

4. CONSIDER MANDATORY DISCLOSURE OF PROFESSIONAL LIABILITY INSURANCE

Mr. Schlegelmilch presented the recommendation of the Member Services Committee that SCR 79 be amended to require the mandatory disclosure to the State Bar of whether a member carries professional liability insurance. Following a discussion by the Board, the recommendation was approved with one dissent.

5. CONSIDER MATTERS RELATED TO LEGAL ASSISTANTS DIVISION

President-Elect Consul and Mr. Beesley reported to the Board regarding their recent conversations with the Division leadership. No action was taken by the Board.

6. CONSIDER MATTERS RELATED TO YOUNG LAWYERS SECTION

Dora Djilianova, a member of the Section's Executive Committee, gave an oral report in supplementation of the Section's written report to the Board. Ms. England expressed the thanks of the Board to the YLS for its many worthwhile projects, particularly its Martin Luther King, Jr. Day essay contest.

7. CONSIDER MATTERS RELATED TO LAWYERS CONCERNED FOR LAWYERS

The Board considered a request from Coe Swobe, Co-Chair of Lawyers Concerned for Lawyers, that a trust fund be established from which LCL could pay for consultations and some treatment of afflicted attorneys.

The Board determined after a lengthy discussion that all LCL funds should remain in the accounts of the State Bar utilizing a "Restricted Fund" concept. Staff was directed to use its best efforts to protect the confidentiality of the members on

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whose behalf payments were made to third parties.

8. CONSIDER REQUEST FOR FAMILY LAW CERTIFICATION PROGRAM

Edward Kainen, Chair of the Family Law Section, appeared and presented the Section's initial proposal regarding the establishment of a specialty certification in Family Law for Nevada practitioners. Following a lengthy discussion and input from Bar Counsel and the Executive Director, the Board granted provisional approval of the process being followed by the Section and requested that the Section return to the Board when all final details were ready for consideration.

9. CONSIDER *AMICUS CURIAE* BRIEF BY FAMILY LAW SECTION

The Board reviewed with Mr. Kainen the Order from the Supreme Court requesting an *amicus* brief be filed by the Family Law Section regarding certain issues related to child custody. The Board authorized the Section to proceed with the preparation of the brief for review by the Board at its March 30 meeting.

10. CONSIDER PARTICIPATION IN LEGISLATIVE PROCESS

President McCarthy shared with the Board various issues currently being considered by the Nevada Legislature, in particular AB 8 involving the potential for the unauthorized practice of law in the rural counties. The Board authorized the President to speak in opposition to this measure.

The Executive Director presented two issues to the Board arising from the law related education arena. First, a request to support the creation of a full-time social studies coordinator within the Department of Education and second being support of a joint resolution being introduced in furtherance of the goals of 2003's SB 309 (involving civic learning in Nevada).

The Board declined to support the social studies coordinator position by a vote of 6-7. The Board approved support of the resolution with one dissent.

11. REPORT OF PRESIDENT

The President and Board discussed potential matters to be discussed in the joint meeting with the Supreme Court later in the day.

12. ADJOURNMENT

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The meeting was adjourned at Noon.

Respectfully submitted,

Ann Price McCarthy
President

Allen W. Kimbrough
Executive Director