

June 16, 2004

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 June 16, 2004, in the Sovereign Room of Loews Coronado Bay Resort in Coronado, California.

The following members were in attendance:

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

The following members were absent:

John A. Curtas

STATE BAR STAFF PRESENT:

Allen W. Kimbrough

Rob Bare

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Christopher Boadt

Marc Mersol

Audrey Bath

Mae Flennoy

GUESTS PRESENT:

Constance Akridge

Martha Ford

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the President at 12:03 p.m. and a quorum was declared. The Board was reminded to use the reimbursement forms provided in the agenda book for this meeting.

2. APPROVAL OF MINUTES OF PRIOR MEETING OF BOARD OF GOVERNORS

The Minutes of the Meeting of May 12, 2004 were reviewed by the Board. It was noted that the Immediate Past President was not present for the meeting, and that additional guests David Grundy and Robert Reis should have been included. Additionally, the word "million" was added to Section 4, paragraph 1 of the Minutes.

With those corrections, the Minutes were approved unanimously.

3. REPORT ON ACTIONS AND RECOMMENDATIONS OF OPERATIONS COMMITTEE

The Board approved the actions of the Operations Committee taken at its June 9, 2004 meeting.

4. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS

Director of Finance and Information Systems Marc Mersol presented the financial condition of the State Bar at April 30, 2004, and responded to questions regarding same. He also presented financial information regarding the Client Security Fund and the Nevada Bar Foundation.

5. CONSIDER REPORT OF AUDIT AND INVESTMENT COMMITTEE

Martha Ford of Piercy Bowler Taylor & Kern, the State Bar's new outside auditors, presented the audited financial statements of the State Bar and the Nevada Bar Foundation as of December 31, 2003. Ms. Goldsmith, Chair of the Audit and Investment Committee, presented the recommendation of the Committee that the audit be accepted. The President noting that all monies had been accounted for, led the Board in approving the audited financial statements unanimously.

6. REPORT ON 2004 ELECTION OF BOARD OF GOVERNORS

Executive Director Allen Kimbrough presented an oral report in supplementation of the written materials and responded to questions regarding same. He noted that new Board member Constance Akridge and returning Board members

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Cam Ferenbach and Bruce Shapiro would be provided with an orientation at the State Bar offices in July.

7. CONSIDER APPOINTMENT OF STATE BAR DELEGATE

There being no additional applicants, Margo Piscevich was reappointed as the State Bar's Delegate to the American Bar Association House of Delegates for a two-year term ending in August, 2006.

8. CONSIDER MATTERS RELATED TO LEGAL ASSISTANTS DIVISION

Mr. Beesley reported that the Supreme Court was still being polled regarding their views on the subject of legal assistant certification. Mr. Goodenow noted that a fiscal impact statement would need to accompany any proposal for the potential creation of such a program. The matter was thereafter postponed for further consideration at the August 20 meeting of the Board.

9. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE

The Executive Director presented the report of the Committee, and the Board approved the Committee's nominations for the statewide Access to Justice Awards, which will be presented at a luncheon in Reno on November 3:

Public Lawyer	Attorney General Brian Sandoval
Solo Practitioner	Dave Kladney
Small Firm	Ecker & Kainen (Ed Kainen)
Medium Firm	Sinai, Schroeder, Mooney, Boetsch, Bradley & Pace (James Pace)
Large Firm	Gordon & Silver
Lawyer of the Year	Dave Kladney

10. CONSIDER MATTERS RELATED TO VOLUNTEER ATTORNEYS FOR RURAL NEVADA

The Board having previously referred this matter to the Lawyer Referral and Information Service Committee, Ms. Goldsmith presented its report recommending that the State Bar not provide the additional \$40,000 sought by VARN.

The Board engaged in a lengthy discussion of this subject. Mr. Schlegelmilch challenged a number of the

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assumptions made by the LRIS Committee and stressed the importance of the requested funds for VARN's basic survival. Questions were also raised regarding the future viability of the organization once the \$50,000 in emergency funding was exhausted.

The Board approved the \$40,000 one-time payment to VARN on a divided vote.

11. CONSIDER MATTERS RELATED TO COMMISSION ON LAWYER ADVERTISING

The Board discussed the written report of the Executive Director and elected Mr. Turner as the proposed Chair of the Commission. In Executive Session, the Board heard a report from Bar Counsel Bare on certain litigation matters related to the subject. Thereafter, Mr. Bare was requested to prepare an ADKT petition seeking the formation of the Commission by the Supreme Court.

12. CONSIDER MATTERS RELATED TO ENVIRONMENTAL LAW AND NATURAL RESOURCES SECTION

The Board appointed Paul J. Adras of Las Vegas as Chair of the Section.

13. CONSIDER APPOINTMENTS TO STANDING COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

The Board appointed Kim Irene Mandelbaum and Michael A. Pintar to the Standing Committee on Professional Responsibility and Conduct for three year terms ending June 2007.

14. CONSIDER APPOINTMENTS TO NORTHERN AND SOUTHERN NEVADA DISCIPLINARY BOARDS

The Board (with Mr. Wolfson abstaining) reappointed the following persons to the Southern Board for terms ending June 2007: George Cromer, Lauren Diefenbach, Eric Dobberstein, Edward Hanigan, Martin Kravitz, James Lisowski, Janeice Marshall, Sandra Pomerenze, Ann Pongracz, Nicholoas Santoro, Jay Siegel, and Paul Wommer. The Board reappointed alternate attorney member Edward Bernstein to a three-year term expiring June 2007.

The Board reappointed the following persons to the Northern Board for terms ending June 2007: Theodore Beutel, John B. Mulligan, Kevin P. Ryan, Richard P. Schulze III, and Roger B. Whomes. The Board reappointed the following persons to the Northern Board for terms ending in July 2007: Linda N. Daykin, Christian L. Moore, Julien G. Sourwine, and JoLee M.

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The Board elevated Kelley A. Keiper and Dan Reaser from the alternate attorney panel to the Northern Board with Mr. Ferenbach abstaining.

15. CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE

A motion to remove Mark J. Pollack, a lay member of Las Vegas Panel A, as a member of the Committee at the request of the Office of Bar Counsel was postponed to the August 20 meeting.

The Board (with Mr. Wolfson abstaining) appointed M. Nelson Segel to Las Vegas Panel C for a term expiring June 2004.

The Board reappointed Luke Puschnig as State Chair of the Committee for a term ending June 2005.

The Board reappointed the following persons to terms ending June 2007:

Bert E. Wuester	Las Vegas Panel C
Patricia Klos (lay member)	Reno Panel
Richard McConnel (lay member)	Reno Panel

The Board discussed the mandatory nature of the fee dispute arbitration process, with the President raising questions regarding the prosecution of State Bar members who do not participate in the process. It was determined that this matter would receive further consideration at the August 20 meeting and that Mr. Puschnig would be invited to attend.

16. CONSIDER CERTAIN PERSONNEL MATTERS

In Executive Session, the Board discussed certain personnel policies and procedures with the Executive Director. Mr. Wolfson left the meeting during this discussion. Thereafter, the Board approved certain changes to those procedures.

17. CONSIDER MATTERS RELATED TO CLIENT SECURITY FUND COMMITTEE

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The Board reappointed David C. Amesbury as Chair of the Client Security Fund Committee for a one-year term ending June 2005.

18. REPORT OF DIRECTOR OF ADMISSIONS

The Board reviewed the statistical information provided by Director of Admissions Patrice Eichman and noted that 868 exams would be given in 2004 in February and July. Dean Morgan expressed his satisfaction with the new February exam.

19. REPORT OF DIRECTOR OF CONTINUING LEGAL EDUCATION

Director of CLE Christopher Boadt gave a report on the events and number of registrations for the 2004 Annual Meeting and noted that over \$60,000 in corporate and law firm donations had been received in support of the convention activities.

Mr. Boadt also mentioned plans for the 2005 Annual Meeting in Santa Fe, noting that there were no plans for a golf tournament, which led to some discussion among the members of the Board.

Mr. Board also advised the Board that, under the sponsorship of West LegalEd, Arthur Miller would be presenting a program for the State Bar in Las Vegas in December at no cost to us.

20. REPORT OF BAR COUNSEL

In Executive Session the Board discussed pending and potential litigation against the State Bar.

Outside Executive Session, the Board reviewed the statistical information furnished by Bar Counsel.

21. REPORT OF EXECUTIVE DIRECTOR

Mr. Kimbrough made comments in supplementation of his written report to the Board and responded to questions regarding same.

22. CONSIDER INFORMATIONAL ITEMS

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The Board conducted a discussion on the issues raised by the report of the Progressive Leadership Alliance of Nevada regarding contributions to the election efforts of members of the Supreme Court. The Board on a divided vote agreed to place further discussion of this matter on the August 20 agenda.

23. ELECTION OF OFFICERS

The Board unanimously elected the following officers for the 2004-2005 bar year:

Vincent A. Consul	President-Elect
Rew R. Goodenow	Vice President
Allen W. Kimbrough	Secretary and Treasurer

24. REPORT OF PRESIDENT-ELECT

President-Elect McCarthy reported to the Board regarding her recent attendance at the Jackrabbit Bar Conference.

The Board ratified Ms. McCarthy's selection of meeting dates and locations, and ratified her appointments to Board committees and liaison assignments.

25. REPORT OF PRESIDENT

President Flanagan summarized the activities and accomplishments of the State Bar during the 2003-2004 bar year.

On behalf of the Board, Ms. McCarthy presented a pair of diamond earrings to Caroline Flanagan in appreciation for her tireless devotion to the work of the State Bar.

Mr. Kimbrough presented Mr. Flanagan with a proclamation from Governor Kenny Guinn naming June 16, 2004, as "N. Patrick Flanagan III Day" in Nevada.

26. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:20 p.m.

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Respectfully submitted,

N. Patrick Flanagan
President

Allen W. Kimbrough
Executive Director