



**MINUTES OF THE MEETING  
OF THE BOARD OF GOVERNORS**  
May 23, 2007

A Regular Meeting of the Board of Governors of the State Bar of Nevada was convened on May 23, 2007 at the State Bar of Nevada, Las Vegas, NV at 9:04 am.

**The following members were in attendance:**

Rew Goodenow, President  
Nancy Alf, President – Elect  
Bruce Beesley, Vice President  
Vince Consul, Immediate Past President  
Connie Akridge  
James Bradshaw  
Kathleen England  
Cam Ferenbach  
Francis Flaherty  
Dara Goldsmith  
Gregg Kamer  
Bradley Kenny  
Richard Morgan  
Bridget Robb Peck  
Bryan Scott  
Robert Witek

**State Bar Staff Present:**

Kimberly Farmer  
Gale Skala  
Marc Mersol  
David Clark

**Guests**

Martha Ford, Auditor, Piercy Bowler Taylor & Kern  
David Amesbury







## **1. CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by President Rew Goodenow at 9:04 am and a quorum was declared.

## **2. CONSENT ITEMS**

The Board of Governors agreed that item 3: Report of the Director of Admissions and item 8: Report of the Diversity Committee should be removed from the Consent Agenda. The remainder of the following Consent Agenda items were accepted or approved unanimously, as follows:

### Approval of Minutes of March 7, 2007 and April 13, 2007

It was noted that Connie Akridge and Dara Goldsmith were in attendance at the March 7, 2007 Board of Governors meeting. The minutes will reflect this change.

### Report of Director of Operations and Education

To re-appoint the following attorneys to the Editorial Board for a 3 year term: Anne Wellborn, Kathe Berning, Hon. Robert Johnston and Stephen Smith.

To appoint the following officers to the Editorial Board effective June 2007: Beau Sterling, Chair, Kathe Berning, Chair-elect, Scott Wasserman, Vice-chair, Lisa Wong Lackland, 2<sup>nd</sup> Vice-chair.

### Report of Director of Finance and Information Systems

### Report of Fee Dispute Committee

That the following attorneys be appointed for a 3-year term effective May 2007: James Oronoz and Richard Crane (mediations only).

That the following non attorney be appointed for a 3-year term effective May 2007: Dale Heidel.

That the following committee members be reappointed for another 3-year term effective May 2007.

Brad Peterson, Las Vegas Panel B  
M. Nelson Segel, Las Vegas Panel C  
Richard Cornell, Reno Panel  
David Hamilton, Reno Panel  
Paul Matteoni, Reno Panel  
Mark Solomon, Reno Panel

That the following Regional Chair will be reappointed for another one year term effective May 2007; CiCi Cunningham.

### Report of Law Related Education

That the following individuals will be appointed to the Advisory Commission on Law Related Education: Chelsie Campbell and Stephanie Hartman.

That the Bylaws for the Advisory Commission on Law Related Education be amended to create an Honorary Trustee designation.

### Report on Lawyer Referral and Information Service

That the following attorney be appointed to the Lawyer Referral and Information Service for a 3 year term effective June 2007: R. Kait McLendon Kent.

That the following organizations receive funds from the Public Service/Law Related Activities Grant.



| <b>Organization</b>                 | <b>Amount Awarded</b> |
|-------------------------------------|-----------------------|
| Boys & Girls Club-Targeted Re-entry | \$1,000               |
| CCBA/Trial by Peers                 | \$8,500               |
| CCLS/Rural Community Legal Services | \$9,600               |
| CCLS/Surrogate Parenting Program    | \$5,000               |
| VARN/Spanish Divorce Clinic         | \$5,300               |
| Northeastern Nevada CASA            | \$5,000               |
| Senior Citizens Law Project         | \$9,500               |
| WCBA/Survival Guide for Teens       | \$4,000               |
| WLS/Homeless Prevention             | \$8,000               |
| WLS/ Immigration Program            | \$1,000               |

#### Report Ethics & Professional Responsibility Committee

### **3. REPORT OF DIRECTOR OF ADMISSIONS**

Mr. Goodenow shared that he had spoke with Rick Trachok about the vacancy on the Board of Bar Examiners due to the resignation of Kristina Pickering. Mr. Trachok indicated that David Frederick was a highly qualified candidate. Patrice Eichman shared with the Board some of the history of the Board of Bar Examiners and the different positions that the Bar Examiners have on their Board. After discussion of the candidates, it was moved, seconded and approved to appoint David Frederick to the Board of Bar Examiners (note: Cam Ferenbach abstained).

### **4. REPORT OF THE DIVERSITY COMMITTEE**

Mr. Scott gave a report on the recent Diversity Committee meeting that was held April 16, 2007. Mr. Scott shared the results from the diversity survey that was included in the Bar Dues packets.

Mr. Scott recommended that the Diversity Committee be made a standing committee. Ms. Peck expressed the fact that there was a lack of geographic diversity on the committee. Mr. Scott acknowledged this and wants to recruit others from Washoe County and the rural areas. It was moved, seconded and approved to make the Diversity Committee a standing committee.

There was discussion concerning the lack of accessibility to the Courts for individuals with disabilities. Mr. Scott asked if the SBM has an interest in supporting the Nevada Disability Advocacy & Law Center in their initiatives with the court accessibility issues. Mr. Scott suggested that he get more information and then discuss it further at a future meeting.

### **5. REPORT OF AUDIT COMMITTEE**

Martha Ford of Piercy Bowler Taylor & Kern presented the Board the audit report for the year ending 2006. It was moved, seconded and approved to accept the audit report for the State Bar of Nevada and the Nevada Law Foundation.

Ms. Goldsmith discussed the work of the auditor and the Audit Committee's recommendation to retain Piercy Bowler Taylor & Kern another year as auditor of the State Bar of Nevada. The motion was made, seconded and approved to retain Piercy Bowler Taylor & Kern for the 2007 year-end audit.

### **6. REPORT OF CLIENT SECURITY FUND**

Ms. Akridge spoke about the Wanderer and Wanderer contract and the changes that the committee has recommended. After discussion of the contract, it was moved, seconded and



approved to accept the Wanderer and Wanderer agreement as revised. Ms. Akridge will present the approved agreement to Wanderer and Wanderer. David Amesbury shared with the Board the changes that were made to the Client Security Fund Rules of Procedure. Mr. Amesbury explained the proposed amendments. It was moved, seconded and approved to accept the amended rules and procedures noting that if the Client Security Fund wanted to award more than the maximum amount outlined in the rules, it will need to be approved by the Board of Governors.

## **7. REPORT ON ACCESS TO JUSTICE COMMISSION**

Ms. Etkins explained that the Access to Justice Commission had authorized a statewide legal needs assessment which will assist the commission in developing a strategic plan. The Supreme Court had pledged up to \$25,000 for the survey. The commission is asking the State Bar of Nevada to pledge an additional \$25,000. The proposed amount will be taken from Lawyer Referral Restricted funds. It was concluded that Ms. Etkins will bring the proposal before the Lawyer Referral Committee at their next scheduled meeting for their recommendation.

## **8. TEMPORARY MEMBER FOR THE COMMISSION ON JUDICIAL SELECTION**

Ms. Alf abstained from any discussion of the candidates. The following candidates were nominated: Linda Lewis and Ossie Fumo. After discussion, it was moved, seconded and approved to approve Linda Lewis to fill the Temporary Member position on the Commission on Judicial Selection.

## **9. REPORT SCR 42 TASKFORCE**

Ms. Peck gave an update on the meeting of the SCR 42 Taskforce. Ms. Peck acknowledged that the taskforce did not have a chance to review the ADKT prepared by Bar Counsel and would like to defer this to the June meeting. Ms. Peck reviewed the new policy of the State Bar of Nevada regarding attorneys admitted with limited licenses. An 'S' will be added to the end of each member's bar number who is admitted with a limited license. Upon approval of the ADKT, the taskforce will have completed their task, thus will be disbanded.

After a lengthy discussion concerning persons from out of state practicing arbitration in Nevada, it was concluded that the SBN is not ready to move forward on this subject. Bar Counsel was asked to conduct a survey of what other states have in place regarding arbitration. Bar Counsel will also seek the opinion of the ADR section of the SBN.

## **10. REPORT OF THE YOUNG LAWYERS SECTION**

The Young Lawyer's Section did offer a report.

## **11. WORK STUDY REPORTS**

### **Constituent Communications**

Ms. Akridge summarized the results of the committee meeting. It was moved, seconded and approved to provide an email forum for Board members to send emails to their constituents summarizing significant issues presented at the Board meetings. The emails would originate from the SBN with any feedback from constituents being shared with the entire Board.

### **Document Retention**

Mr. Flaherty indicated that the taskforce is working on developing document retention policies, with particular care in developing policies for retaining electronic copies.

### **Law Practice Management**

Mr. Kamer gave a report on the telephone conference that the committee held. Mr. Kamer acknowledged that there is more work to be done and they need to be pro active. Mr. Kamer



advised that when the new committees/taskforces for 2007-2008 are formed, there should be a taskforce on law office management. Ms. Alf indicated she will have a recommendation on committee appointments at upcoming meetings for this taskforce as well as a taskforce charged with reviewing issues that related to attorney trust accounts and professional wills.

#### **Health Care Release**

Mr. Witek shared the press release he had written with respect to the recent indictment of a Las Vegas attorney on conspiracy, fraud, money laundering and obstruction of justice. The Board made minor changes to the press release which will be issued to media outlets.

### **12. LAWYER ADVERTISING**

Ms. Farmer shared the methods the SBN is using to communicate to members about the change in the advertising rules. Ms. Farmer also discussed the internal procedures SBN staff is putting into place, including using the data management software developed the State Bar of Texas for tracking the lawyer advertising.

Bar Counsel presented the draft of the Advertising Operating Procedures to the Board for comment. The Board had minor changes to the procedures. The Board acknowledged that the new rules must be communicated to the members via email, *Nevada Lawyer*, and the SBN website. Bar Counsel will update the draft of the rules, send them out to the members for comment and have a final draft for the Board at the June meeting.

### **13. REPORT OF THE PRESIDENT**

#### **Jackrabbit and Annual Meeting**

Ms. Farmer encouraged Board members to attend the Jackrabbit Bar Conference which the SBN is hosting at Lake Tahoe. Mr. Goodenow spoke on the progress of the SBN Annual meeting and encouraged all members to attend.

#### **American Inns of Court**

Mr. Goodenow brought information to the Board about the American Inns of Court award nominations. Mr. Goodenow suggested Board members review the award criteria to determine if they wanted to nominate individuals.

#### **Legislative Update**

Mr. Goodenow gave an update on various bills and shared that AB 505 which changes the period for filing of declarations of candidacy for judicial offices was passed. Mr. Goodenow also encouraged members to contact their representatives to support SJR 2 which proposed to amend the Nevada Constitution to revise provisions relating to the selection of judges.

#### **Dues and CLE Waiver for Lawyers Deployed to Combat Zones**

Mr. Goodenow gave some history on the resolution from the ABA Section of Public Contract Law that encourages bar associations to adopt a policy that provides for the waiver of association dues for members of the armed forces. It was moved, seconded and approved to support this resolution.

#### **SCR 81**

Ms. Farmer provided an overview of this rule and provided a snapshot of the composition of the Board based on redistribution of the Board with respect to attorney populations. It was moved, seconded and approved to table this discussion until Dec. 2007 meeting.

#### **Mortgage Loan**

Mr. Goodenow spoke about the mortgage in the NNBC. It was moved, seconded and approved to pay off the mortgage.



Mr. Goodenow spoke about the retirement for Dean Morgan. It was moved, seconded and approved that a committee will purchase a gift for Dean Morgan not to exceed \$1000. The committee will be Kathy England and Nancy Alf.

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

Ms. Alf shared information on the American College of Trial Lawyers meeting on Federal judicial compensation which she attended in San Francisco. Ms. Alf suggested the SBN adopt a resolution in support of this initiative. It was moved, seconded and approved to support the Federal judge resolution calling for increased judicial salary. The Board suggested that we communicate this to our lobbyist Bob Crowell, additionally that the Board consider that a similar resolution might also be in order to increase state judge's salaries.

#### **15. REPORT OF BAR COUNSEL**

Mr. Clark gave a synopsis on Bar Counsel issues. It was moved, seconded and approved to reappointment the following attorneys to the Southern Disciplinary Board for a three year term beginning June 2007: Edward Bernstein, George Cromer, Lauren Diefenbach, Eric Dobberstein, Edward Hanigan, Martin Kravitz, James Lisowski, Janiece Marshall, Ann Pongracz, Nicholas Santoro, and Jay Siegel.

It was moved, seconded and approved to reappoint the following attorneys to the Northern Disciplinary Board for a three year term beginning June 2007: Theodore Beutel, John Mulligan, Kevin Ryan, Linda Daykin, Christian Moore and JoLee Wickes.

It was moved, seconded and approved to appoint James Oronoz to the Southern Board for a three year term beginning June 2007. And the following non attorney members to the Southern Disciplinary Board: Robert Sadler, Jack Kane, Carrie Taylor and Richard Vaughn. (note: Connie Akridge abstained).

It was moved, seconded and approved to appoint the following attorneys to the Northern Disciplinary Board: David Sarnowski, Craig Denney and R. Kait McLendon Kent.

It was moved, seconded and approved to accept the resignation of the following attorneys: Barbara Byrne, Dennis Healy and Brad Hilt.

#### **16. REPORT OF EXECUTIVE DIRECTOR**

Ms. Farmer gave an oral report. Ms. Farmer shared that dues suspensions will be brought to the Board at the June meeting. The State Bar will be sending out notices to attorneys who have not sent in their mandatory documents, with suspensions will be brought before Board in June

#### **ADJOURNMENT**

There being no further business before the Board the meeting was adjourned at 3:15 p.m.