

**May 14, 2003**

**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 by President Gloria J. Sturman on May 14, 2003, at Harrah's Hotel and Casino, Reno, Nevada.

The following members were in attendance:

Gloria J. Sturman	...	President
N. Patrick Flanagan	...	President-Elect
Ann Price McCarthy	...	Vice President
Nancy L. Allf		
Bruce T. Beesley		
James W. Bradshaw		
Vincent A. Consul		
Kathleen J. England		
Dara J. Goldsmith		
Rew R. Goodenow		
Richard Morgan		
Bridget Robb Peck		
John P. Schlegelmilch		
William C. Turner		(by telephone)
Steve Wolfson		

STATE BAR STAFF:

Allen W. Kimbrough  
Rob Bare  
Marc Mersol  
Audrey Bath

GUESTS:

Shawn G. Pearson  
Elizabeth Whitney

**May 14, 2003**

**MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS**

1. **CALL TO ORDER AND INTRODUCTIONS**

President Sturman called the meeting to order at 9:15 a.m. and welcomed the Board members to Reno. She also reviewed the schedule for the day, including the Washoe County Bar Pro Bono Luncheon.

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

The Minutes of the meeting of the Board of Governors on March 14, 2003, were approved unanimously. The President reported that she had followed up on the Marshal Willick incident per the Board's direction.

3. **REPORT OF AUDIT AND INVESTMENT COMMITTEE**

Dara Goldsmith, Chair of the Audit and Investment Committee, presented the Committee's report recommending acceptance of the audited financial statements for the State Bar for the year ended December 31, 2002. Tom Brooker of Kafoury Armstrong & Co., partner in charge of the audit, was present to present the findings of the auditors and respond to questions from the Board.

Following a discussion of various aspects of the audit, the Board voted unanimously to accept it and commended Mr. Brooker and his staff for their good work on the Bar's behalf.

4. **REPORT ON ACTIONS AND RECOMMENDATIONS OF OPERATIONS COMMITTEE**

Ms. Sturman elaborated on various matters contained in the written report of the recent meetings of the Operations Committee.

5. **REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS**

Marc Mersol, Director of Finance and Information Systems, provided the Board with reports on the year-to-date financial condition of the State Bar, the Client Security Fund, and the Nevada Bar Foundation. Mr. Mersol responded to questions from the Board. Thereafter, the Board voted unanimously to accept the financial statements as presented.

6. **REPORT OF MEMBERS SERVICES COMMITTEE**

Bridget Robb Peck, Chair of the Member Services Committee, presented to the Board a proposal from Martindale-Hubbell for an affiliation with the State Bar. Ms. Peck and Executive Director Allen Kimbrough responded to questions from the Board regarding the proposal and it was approved unanimously thereafter.

The Board also discussed whether a "tech show" was feasible for the State Bar to undertake in conjunction with its annual meeting or otherwise.

**May 14, 2003**

**MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS**

7. **REPORT ON 2003 ELECTION OF BOARD OF GOVERNORS**

The Executive Director reported on the status of the on-going elections for members of the Board of Governors and advised the Board that the ballots would be counted on Monday, May 19. Mr. Kimbrough also responded to questions from the Board on various issues related to the election.

8. **CONSIDER MATTERS RELATED TO COMMISSION ON PATTERN JURY INSTRUCTIONS**

The President discussed with the Board the request of the Chief Justice (who was unable to attend the Board meeting due to a prior commitment) that the State Bar become more involved in the development process for new civil and criminal pattern jury instructions. It was pointed out that other efforts are already underway (including some by the State Bar's CLE Committee). The Board agreed that it would be worthwhile for the State Bar to coordinate all efforts in this regard and that the matter would be considered at the next meeting of the Board.

9. **CONSIDER PETITION FOR ESTABLISHMENT OF PREPAID LEGAL SERVICES ORGANIZATION**

Bar Counsel Rob Bare advised the Board regarding the pending petition by Caldwell Legal Services for the establishment of a prepaid legal services enterprise in Nevada and the comments that the State Bar intended to make in conjunction with same pursuant to SCR 42.5.

10. **CONSIDER APPOINTMENTS TO ACCESS TO JUSTICE COMMITTEE**

The Board appointed William Brett Kandt and Kelley-Anne Keiper as members of the Access to Justice Committee.

11. **CONSIDER APPOINTMENT TO CLIENTS' SECURITY FUND COMMITTEE**

The Board considered a request for an appointment to the Client Security Fund Committee but determined that the position needed to be re-advertised and an appointment made at the August meeting of the Board.

12. **CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE**

The Board of Governors appointed the following attorney members to the Fee Dispute Arbitration Committee to serve on the panel indicated for terms expiring as indicated:

Michael A. Kristof	Las Vegas A	May 2006
Dawn R. Throne	Las Vegas A	May 2006
William J. Taylor	Las Vegas C	May 2006

and the following lay members:

May 14, 2003

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

Steven Goldstein	Las Vegas A	May 2006
Bruce H. Breslow	Reno	May 2006

The following attorney and lay members of the Committee were retroactively reappointed to Las Vegas Panel C for terms expiring as indicated with Ms. Goldsmith abstaining:

Shari Thomas (lay)	March 2004
Wolfe Thompson	March 2004
George J. Barlow	October 2005
George T. Bochanis	October 2005
Robert E. Marshal	October 2005
William Buchanan	January 2006
Mary Kaye LeDouceur (lay)	January 2006
Clark Seegmiller	January 2006
Ara H. Shirinian	May 2006
Paul F. Eisinger	June 2006
CiCi Cunningham (as Chair)	March 2004

The following former members of the Committee whose terms had expired more than three years prior were appointed as indicated with Ms. Allf abstaining:

Brad Englert	Las Vegas A	May 2006
Rena Hughes	Las Vegas A	May 2006
Leland E. Lutfy	Las Vegas C	May 2006
Wm. "Lew" Wolfbrandt	Las Vegas C	May 2006
Howard Rothman	Las Vegas C	May 2006
George G. Trachtman	Las Vegas C	May 2006
Robert G. Johnston	Carson City	May 2006
as Chair		May 2004
Patrick Fagan	Carson City	May 2006

13. REPORT ON MATTERS RELATED TO JUDICIAL CANON 4(c)

The Board reviewed the ADKT Petition filed by Justice Nancy Becker and Judge Michael Douglas seeking the changes to Judicial Canon 4(c) approved by the Board at its August 2002 meeting.

14. REPORT OF THE YOUNG LAWYERS SECTION

**May 14, 2003**

**MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS**

Elizabeth Whitney, Chair, and Shawn Pearson, Chair-Elect, of the Young Lawyers Section appeared before the Board. Ms. Whitney provided the Board with a report on the recent activities of the Section, including the Rocky Mountain AOP Conference in Las Vegas and Law Week functions. The YLS planning meeting for 2003-2004 will be held on July 18, 2003.

The Board then considered the YLS Budget for 2003. There was discussion regarding reducing the travel portion of the budget. Upon motion made and seconded, the Budget was approved on a divided vote.

Ms. Whitney was thanked by the Board for her year of service as YLS Chair and her good efforts on behalf of the State Bar during that time.

15. **CONSIDER MATTERS RELATED TO LAW RELATED EDUCATION**

The Board reviewed the written report of LRE Coordinator Marcia Stribling and Mr. Kimbrough responded to questions regarding same.

The Board then considered a request from the LRE Commission that language be added to SCR 191(1)(a) to specifically recognize law related education activities as a means for compliance the Rule's aspirational goals. The Board determined that action on this item would be deferred to its August 2003 meeting.

The Board unanimously approved a budget amendment that would transfer \$5,000 from the Restricted Fund to the Nevada Bar Foundation for funding a portion of the *We the People* Summer Institute.

16. **REPORT ON 75<sup>th</sup> ANNIVERSARY CELEBRATION**

Ms. Sturman reported to the Board on the successful gala dinners held in Reno and Las Vegas in commemoration of the State Bar's 75<sup>th</sup> Anniversary. Ms. Peck led the Board in expressing its appreciation to the President for her tireless work in connection with the Diamond Jubilee Celebration.

17. **REPORT ON LAWYER ADVERTISING**

The Board discussed the "advertorial" pages recently run in *Nevada Woman* magazine without disclaimer and the potential for confusion among the public regarding same.

18. **REPORT ON 2003 ANNUAL MEETING**

The Board was briefed on various matters related to the upcoming 2003 Annual Meeting in New Orleans.

**May 14, 2003**

**MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS**

19. **CONSIDER REVISIONS TO SCR 98 (Fees and Penalties)**

Mr. Kimbrough presented his draft of the ADKT Petition needed to achieve the Board's decisions of March 14 regarding a single category of Inactive membership, an increase in Inactive dues, and an increase in fees charged for delinquent dues payments.

Ms. Sturman requested that the Petition be amended to clarify that the category of "Exempt Active" would not be affected by the requested revisions to SCR 98. A motion to approve the Petition as revised passed unanimously, and the President was authorized to execute it on behalf of the State Bar.

20. **REPORT OF ADMISSIONS DEPARTMENT**

The Board reviewed the order establishing the February bar examination beginning in 2004, as well as statistics provided regarding the July 2003 exam. It was also called to the Board's attention that SCR 72.5 had been amended to provide for permanent admission to the Bar for certain employees of the National Judicial College and related entities.

21. **APPOINTMENT TO THE JUDICIAL DISCIPLINE COMMISSION**

The Board appointed Gregory Kamer as an attorney alternate to the Nevada Judicial Discipline Commission.

22. **REPORT OF BAR COUNSEL**

In Executive Session Mr. Bare discussed the status of various pending and potential litigation matters with the Board.

Mr. Bare also advised the Board that his department was increasing its investigation of advertising complaints and taking steps to assure compliance with the Supreme Court Rules regarding same.

Mr. Bare also responded to questions regarding the reinstatement by the Supreme Court of Norman Reed, a convicted felon.

23. **REPORT OF EXECUTIVE DIRECTOR**

Mr. Kimbrough commented on several matters contained in his written report, including construction to alleviate the pool of rocks in the Las Vegas office atrium and the new State Bar website.

24. **REPORT OF PRESIDENT-ELECT**

President-Elect Flanagan expressed his hopes for the 2003-2004 bar year and reminded Board members of the People to People legal and cultural exchange to Ireland set for October 14-24, 2003.

25. **REPORT OF PRESIDENT**

Ms. Sturman advised the Board that work is being done to nominate Judge Howard McKibben for an award given by the American Inns of Court that would be filed by June 30.

She then led the Board in a discussion of permissible lobbying by the State Bar and stated that the Board should seriously address this matter before the 2005 session of the Nevada Legislature.

She also noted that many states are re-visiting their unauthorized practice of law statutes at this time and that Nevada may wish to consider doing so as well.

Ms. Sturman encouraged the members of the Board to register for and attend the 2003 Annual Meeting and stated that the Board meeting in New Orleans would be held on Wednesday, June 18, 2003 from 10:00 a.m. to 3:00 p.m.

26. **ETHICS 2000**

Ethics 2000 Chair Steve Wolfson and Mr. Bare reported on the recent activities of the Committee and stated that the Committee's goal was to have a recommendation to the Supreme Court by November, 2003.

27. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:02 p.m.

Respectfully submitted,

Gloria J. Sturman  
President

Allen W. Kimbrough  
Executive Director