



**MINUTES  
BOARD OF GOVERNORS MEETING  
Minden, NV  
August 30-31, 2017**

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A meeting of the Board of Governors of the State Bar of Nevada was convened on August 30, 2017.

**The following members were in attendance:**

Gene Leverty, President  
Richard Pocker, President-Elect  
Paul Matteoni, Vice President  
Bryan Scott, Immediate Past President  
Jeff Albrechts  
Paola Armeni  
Doug Clark  
Eric Dobberstein  
Richard Dreitzer  
Cathy Mazzeo  
Ann Morgan  
Ryan Russell (8/31 only)  
Kari Stephens  
Ryan Works

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
Lisa Dreitzer  
Marc Mersol  
Stan Hunterton

**Guests:**

David Schaper  
Jenny Hubach  
Frank Flaherty  
Rew Goodenow  
Rick Trachok

**August 30, 2017**

**CALL TO ORDER**

President Gene Leverty called the meeting to order with a quorum present at 4:15 PM.

**REPORTS**

Diversity Report -- Bryan Scott presented an overview of previous diversity survey results. Mr. Scott has sought assistance from the specialty bars in providing their membership lists to the state bar. Mr. Scott recommended and the Board supported including a survey of race, ethnicity and practice areas on the state bar's annual license renewal forms.

**Section Roll Call, Section Liaisons**

Gene Leverty asked each section liaison to report on section activities, with focus on each section's activities to with respect to community service programs. Mr. Leverty reminded the Board liaisons to assist in recruiting section members to volunteer for the 2018 National Mock Trial Conference.

**ADJOURN**

The meeting was adjourned at 5:00 pm.

**August 31, 2017**

**CALL TO ORDER**

President Gene Leverty called the meeting to order with a quorum present at 8:30 am.

**PRESIDENT'S REPORT**

Gene Leverty presented an overview of the recent meeting that he, Kim Farmer and Rick Pocker had with Chief Justice Cherry. Mr. Leverty gave a synopsis of his plans for his upcoming Presidential year highlighting his emphasis on the annual meeting's rule of law theme.

**CONSENT AGENDA**

Approved: Minutes for June 28, 2017 as corrected.

Approved Attorney Resignation

Kristi Saylor

Contract

Approved: Royle Printing

Section Appointments

Approved: ADR for a one-year term ending July 2018:

Chair: Gayle Nathan

Vice Chair: Margaret Crowley

Treasurer: Stephen Smith

Approved: Probate & Trust Law Section for a two-year term ending August 2019:

Chair: Michelle Rafferty

Vice Chair: Dana Dwiggin

Secretary: Julia Gold

Treasurer: Rob Telles.

Approved: Revised Nevada High School Mock Trial Rules

**REPORTS**

Professional Liability Insurance Taskforce Report -- Gene Leverty reported on the recent meeting of the Professional Liability Insurance Taskforce.

Discipline Report -- Stan Hunterton reported on the recent activities in the Office of Bar Counsel (OBC).

**HEARINGS COMPLETED:**

<b>2017</b>	<b>Total Respondents</b>	<b>Total Grievants</b>	<b>Total Grievants Over 6 Months from Investigation Opened</b>
January	7	10	9
February	3	4	4
March	11	19	18
April	7	25	24
May	9	29	27
June	10	23	23
July	9	24	22
August (scheduled)	5	10	10

**INTAKE:**

<b>Grievances Pending in Intake</b> (0 Grievances over ninety (90) days old)	
January 2015	100
January 2017	81
February 2017	90
March 2017	100
April 2017	124
May 2017	113
June 2017	76
July	67

**MATTERS IN INVESTIGATION:**

<b>Grievances in Investigation</b>		
	<b>Grievances</b>	<b>Grievances Pending over 6 months</b>
July 2014	538	377
January 2015	441	283
January 2016	243	89
January 2017	79	6
February 2017	73	8
March 2017	109	12
April 2017	90	4
May 2017	110	2
June 2017	119	10
July 2017	139	8

**PROSECUTION/PENDING HEARING:**

	<b>Total Grievants</b>	<b>Total Respondents</b>	<b>Total Respondents Over 6 months from Complaint</b>
July 2014	415	114	71
January 2015	268	89	61
January 2016	140	69	61
January 2017	123	59	23
February 2017	152	65	54
March 2017	149	62	57
April 2017	110	44	22
May 2017	107	48	19
June 2017	108	52	23
July 2017	82	42	15

**DISCUSSION**

ADKT 526, Amendments to Rule of Professional Conduct 8.4 -- Gene Leverty gave a synopsis on objections to the proposed amendment to the Rule of Professional Conduct 8.4(g). Rick Pocker also presented an overview regarding the dissenting opinions on the proposed rule, stating the pending ADKT is so vague and violative of the First Amendment that its enforcement will almost certainly be challenged in the courts. Rew Goodenow discussed recent discussions and comments from the American Bar Association on Model Rule 8.4.

After discussion, it was moved, seconded and carried to withdraw ADKT 526 In the matter of amendments to the Rule of Professional Conduct 8.4. Voting against the motion was Ann Morgan, Paul Matteoni and Ryan Works.

Ninth Circuit Split – The Board discussed the proposed legislation to split the Ninth Circuit Court of Appeals. Rew Goodenow discussed early action by the Board of Governors (2006) opposing a split. It was moved, seconded and carried to reaffirm the Board’s earlier position on a split the Ninth Circuit Court of Appeals.

ABA Update -- Rew Goodenow gave a report on the recent activities at the Annual Meeting of the ABA House of Delegates.

Reciprocity Taskforce -- Ann Morgan reported on the recent taskforce meeting. The meeting focused on reviewing information related to the Supreme Court Commission on Multijurisdictional Practice and the rules governing limited practice in Nevada. Ms. Morgan discussed the taskforce recommendations. It was moved, seconded and carried to approve the following changes to the limited practice certification rules and submission of an ADKT proposing the changes:

- Eliminate exception for certain attorneys employed by the State Bar of Nevada (SCR 49.6)
- Eliminate the exception for certain deputy attorneys general (SCR 49.8)
- Separate In-house/Government Counsel (SCR 49.10) – Split this rule, creating a rule for certification for limited practice of attorneys employed by the government and a rule for those employed as in-house counsel.
- Increase the In-house Counsel (SCR 49.10) Annual Fee – Increase recertification fee for in-house counsel to \$1,000 annually for those certified under SCR 49.10.

- Add Military Spouse Exemption to the Limited Practice Certifications -- Provide for a limited practice certification of up to 4 years to allow spouses to practice law in Nevada if a spouse is stationed in Nevada.

#### Mandatory Trust Account Audit Taskforce

Richard Dreitzer presented an overview of the most recent Mandatory Trust Account Audit Taskforce. Mr. Dreitzer Discussed pros and cons of conducting random trust account audits and the procedures the bar could follow if such a program was implemented. After discussion, it was moved, seconded and carried to proceed with the development of a random trust account program. And that staff be directed to prepare an ADKT for final Board approval.

#### Building Report, Leases

Kim Farmer presented on an overview of the tenant on the second floor who is selling her practice to Nevada Eye Physicians. Ms. Farmer reviewed the current lease agreement and the requests of the new tenant. It was moved, seconded and carried to direct Kim Farmer to negotiate a new agreement and the terms of the lease.

Kim Farmer also provided a synopsis of the Pediatrician tenant on the second floor who is not renewing their lease when it expires November 2017. Ms. Farmer presented leasing options. It was moved, seconded and carried to proceed to lease this space to a new tenant. Board members volunteering to assist in this process are Bryan Scott, Eric Dobberstein, Cathy Mazzeo and Jeff Albregts.

#### **EXECUTIVE SESSION**

The Board entered Executive Session at 10:50 am and concluded at 12:00 pm.

#### **ACTION ITEMS**

##### Financial Report/Audit

Marc Mersol then reviewed the Financial Operations as of July 31, 2017. Mr. Mersol highlighted net revenue for main operations is higher than anticipated. It was moved, seconded and carried to accept the July 31, 2017 Financial Operations report.

Auditor David Schaper, Barnard Vogler and Co. and Marc Mersol presented an overview of the 2016 Audit Report. The Audit Committee moved and the Board approved acceptance of the 2016 Audit Report. After the audit report presentation, the Board entered Executive Session with the auditor at 1:00 pm and concluded at 1:15 pm.

##### Appointments

Rick Trachok, chair of the Board of Bar Examiners (BBX) presented an overview of the BBX recruiting and appointment process and the role of BBX members.

It was moved, seconded and carried to re-appoint Dawn Ellerbrock to the Board of Bar Examiners for a three-year term commencing October 1, 2017. Ryan Russell abstained from voting.

It was moved, seconded and carried to re-appoint Lori Story, Dr. Gregory Brown and Dr. Michael Levy to the Character & Fitness Committee for a three-year term commencing September 30, 2017.

##### We the People/James Madison Legacy Project

Ms. Dreitzer reviewed the history of the We the People program and the escalating program costs. She

provided a proposed 2018 budget that allowed for continued support of the program with reduced expenses. It was moved, seconded and carried to approve the 2018 We the People proposed budget.

The Board reviewed applications received for the We the People District Coordinator appointments. It was moved, seconded and carried to appoint the following volunteers for a one-year term ending June 2018 -- Deborah Berger, Zelalem Bogale, Trent Harper, Will Hull, Hannah Jackson, Marc Picker, Michael Vannozi.

Lisa Dreitzer discussed the 2015 agreement with the Center for Civic Education (CCE) to support the research project – the James Madison Legacy Project (JMLP). JMLP research is structured over three academic years (cohorts). The state bar is currently in cohort two, which is set to end September 2017. The CCE seeks state bar support through the last cohort. Concerns regarding staff time to support this program were discussed with the CCE. It was agreed that the state bar will complete the research aspect of the JMLP program – ending Spring 2018. But that the state bar will withdraw from teacher professional development trainings in the summer of 2018. It was moved, seconded and carried to approve the proposed support to the JMLP with cessation of state bar involvement Spring 2018.

#### Bar Card Proposal

Kim Farmer presented the proposal from the Member Services Department to discontinue issuance of annual bar cards upon attorney license renewal. It was recommended to issue a new undated card with the 2018 license renewals with the expectation that this card would be used going forward. Also, inactive members will not be issued bar cards. It was moved, seconded and carried to approve the proposal of Member Services Department rolling out the updated new card to all active members with their 2018 license renewal.

#### Sections

- Entertainment Law Section -- It was moved, seconded and approved to grant law school student membership in the section at an annual dues rate of \$10. Law students who elect to join the section will be deemed “honorary members”.
- Tribal Law Section -- It was moved, seconded and carried to sunset the Tribal Law Section that was originally founded in February 2015 and that section carryover funds be donated to the Nevada Bar Foundation.
- Animal Law Section -- It was moved, seconded and carried to sunset the Animal Law Section that was originally founded in January 2011. And that section carryover funds be donated to the rescue group -- Noah’s Animal House (split evenly between Reno and Las Vegas facilities).

#### **ADJOURN**

There being no further business before the Board, the meeting was adjourned at 2:45 pm.

#### **SEPTEMBER 14, 2017 EMAIL VOTE NOMINEE TO THE NEVADA RIGHT TO COUNSEL COMMISSION**

Via an email vote on September 14, 2017 the Board nominated the following individuals to the Nevada Right to Counsel Commission:

#### **Nominated -- attorneys from counties with more than 100,000 people**

- JoNell Thomas
- Anne Traum
- Randall Pike

**Nominated – attorneys from counties with less than 100,000 people**

- Laura Fitzsimmons
- Steffanie Foster
- Brad Johnston

**Nominated – attorneys who represent racial or ethnic minorities**

- Erika Ballou
- Susan Bush
- Damion Dias