



MINUTES
BOARD OF GOVERNORS MEETING
Carson City, NV
January 19, 2016
January 20, 2016

A meeting of the Board of Governors of the State Bar of Nevada was convened on January 19 and 20, 2016.

The following members were in attendance:

Larry Digesti, President
Bryan Scott, President Elect
Gene Leverty, Vice President
Elana Turner Graham, Immediate Past President
Paola Armeni
Kimberly Buchanan
Julie Cavanaugh Bill
Eric Dobberstein
Richard Dreitzer
Troy Isaacson (January 20, 2016 session)
Paul Matteoni
Ann Morgan
Richard Pocker
Ryan Russell
Kari Stephens
Ryan Works

State Bar staff present:

Kimberly Farmer
Gale Skala
Lisa Dreitzer
Marc Mersol
Shelley Young
Stan Hunterton

Guest via teleconference:

Dan Waite

JANUARY 19, 2016 CALL TO ORDER

President Larry Digesti called the meeting to order with quorum present at 3:50 pm.

DISCUSSION

CLE Board, State Bar Response Report

Larry Digesti gave a synopsis of the Supreme Court December 8, 2015 public hearing on ADKT 0499 and the Nevada Board of Continuing Legal Education (NVCLE) Business Plan. Specific issues/questions by the Court included:

- CLE exemption for attorneys over 70 years old
- CLE buyout
- CLE Specialization
- Exemptions for providers
- NVCLE Board reserves
- Administrative Expenses
- Governance

Kim Farmer reviewed highlights of the joint meeting on December 28, 2015 between the state bar's CLE Board Taskforce and the NVLCE Board. The purpose of the meeting was to discuss specific questions presented by the Court during the public hearing. Two additional items were discussed

- Discipline/CLE Suspensions
- Substance Abuse

The Board suggested the CLE Board Taskforce review the issue regarding exemption for attorneys over 70 years old. And that they seek viewpoints from the attorneys through surveys, section discussions, Nevada Lawyer articles, etc.

Larry Digesti discussed changing the CLE requirement in the area of substance abuse, addictive disorders and/or mental health to an annual requirement rather than once every 3 years. It was moved, seconded and carried to submit an ADKT seeking to change the CLE requirement substance abuse, addictive disorders and/or mental health to a one 1 annual requirement.

There being no further business before the Board, the meeting was adjourned at 5:20 pm.

JANUARY 20, 2016 RECONVENE AND CALL TO ORDER

President Larry Digesti called the meeting to order with quorum present at 8:40 am.

DISCIPLINE REPORT

Overview -- Stan Hunterton reviewed the progress made in the Office of Bar Counsel (OBC) and the focus for 2016. He provided a synopsis of the panel training conducted in late 2015 covering the application of the ABA Standards for Imposing Lawyer Sanctions. Mr. Hunterton also reported that there is a policy now in place to respond to Judges who file a complaint.

Fees -- In previous years the state bar recovered approximately less than one half of its direct costs for disciplinary proceedings. None of the overhead costs were recovered. This prompted a look into how OBC might become better at recovering these fees and place more of the burden on lawyers who violate the rules. The OBC presented different methods as to cost recovery.

The Board wants to explore this further and asked the OBC to work with a taskforce to develop recommendations. The following members will be members of a taskforce: Bryan Scott, chair, Paola Armeni, Richard Dreitzer, Gene Leverty, Julie Cavanaugh-Bill and Ryan Works.

Discipline Reappointments -- It was moved seconded and carried to approve the following attorneys for a three year reappointment commencing 12/31/15

Southern Disciplinary Panel

Daniel Royal
Daniel Waite
Jason Gerber

Northern Disciplinary Panel

Bruce Hahn

PRESIDENT'S REPORT

Supreme Court Meeting Overview -- Larry Digesti reviewed the agenda for the Court meeting.

ACTION ITEMS

12/31/15 Financial Report

Marc Mersol reviewed the 2015 Financial Report. It was moved, seconded and carried to accept the 12/31/15 Financial Report.

Proceeds from 600 East/Loan Payoff

The State Bar office at 600 East Charleston was sold in December 2015. The Board considered the use of funds from the sale of the 600 East building to pay down the note on 3100 West Charleston and further discussed options including using funds from either the Dues Designated Fund or the Operating Reserve to pay off the note or to carry note to term.

It was moved, seconded and carried to use the funds from the sale of 600 East Charleston and funds from the Dues Designated Fund to pay off the balance due on 3100 West Charleston loan.

Proposed Changes to Fee Dispute Bylaws

Dan Waite highlighted the proposed changes to the Fee Dispute Arbitration Program and the suggested change to SCR 86(12).

Upon discussion, a taskforce was formed to consider the proposed changes to the Fee Dispute Bylaws and report recommendations to the Board at the April meeting. Members of the taskforce are Paola Armeni, Paul Matteoni, Gene Leverty and Richard Pocker.

Break

The meeting broke for lunch at noon for a joint meeting with the Supreme Court. The Board reconvened at 3:45 p.m.

Commission on Judicial Ethics Appointment

It was moved, seconded and carried to appoint Cassandra Jones to the Standing Committee on Judicial Ethics for a two year term commencing January 1, 2016. Eric Dobberstein, Paola Armeni and Richard Pocker abstained from voting.

Personal Injury Board of Specialization

Gene Leverty reviewed the applications for the Board of Personal Injury Specialization. All qualified candidates were interviewed via teleconference. It was moved, seconded and carried to appoint Michael Pintar for a two year appointment.

ABA House of Delegates

Kim Farmer presented a synopsis on the proposed resolutions that will be before the ABA House of Delegates at the ABA Midyear meeting in San Diego. The Board is asked to consider both Resolution 105 and Resolution 113 so that we may direct the state bar's ABA Delegates as to how to vote.

Resolution 105

The Commission on The Future of Legal Services seeks adoption of ABA Model Regulatory Objectives for the Provision of Legal Services by the ABA House of Delegates. The adoption of the Model would (1) create a framework to help courts assess existing regulatory framework and (2) identify and implement regulations related to legal services beyond the traditional regulation of the legal profession.

Resolution 113

This Resolution from the Standing Committee on Lawyer Referral and Information Service, et.al. seeks adoption of rules establishing a new evidentiary privilege for confidential communication between a client and a lawyer referral service for the purpose of retaining a lawyer or obtaining legal advice from a lawyer. Members of the state bar's LRIS Committee considered this Resolution. Those responding support the Resolution.

It was moved, seconded and carried to support Resolution 113. The Board did not support Resolution 105.

EXECUTIVE SESSION

The Board entered into Executive Session at 4:14 pm and concluded at 4:36 pm.

CONSENT AGENDA

Approved: Minutes of November 2015

Approved: Advertising Advisory Committees' Annual Report

APPROVED ATTORNEY RESIGNATIONS

Lisa Elaine Bitten

Janice Kay Dearman

James Eugene Fitzgerald

Nancy Killeen

Courtney Mitchell
Forest Morgan
Sarah Vance
Jeffrey Wilcox

APPOINTMENTS

Transition into Practice Mentor

Approved for TIP Mentor appointment:

Jeremy Alberts
Steven Baker
Thomas Beko
Alexander Chen
Brenda Erdoes
Robert Erquiaga
Alan Freer
Gabriel Grasso
Dawn Hooker
Evan James
Gayle Kern
Gregory Kraemer
Risa Lang
Christopher Pandelis
James Puzey
Brenda Weksler
Donald H. Williams

Approved for TIP Mentor reappointment:

Travis Barrick
Eunice Beattie
Steven Don Bennion
Karla Butko
Adam Clarkson
Sara Cope
William Coulthard
Sandra DiGiacomo
Bryan D. Dixon
Matthew Grode
Dennis Gutwald
Marjorie Guymon
Daniel Hayward
Robin Holseth

Thomas Hubert
Mark Krueger
Roy Nelson
Jennifer P. Noble
Wm. Randolph Patton
Tamara Peterson (Beatty)
Jeffrey Rugg
Brian Rutledge
Frank Spees
Mark Thierman
Steve Waters
Charles Zumpft
William Zychlewicz

Section Appointments - Approved

Elder Law Section

Chair: Keith Tierney (reappointment)
Vice Chair: Homa Woodrum
Secretary/Treasurer: Nancy Solinger

Construction Law Section

Chair: Casey Quinn
Vice Chair: Carolyn Renner
Secretary: Eva Segerblom
Treasurer: Michael Wadley

Entertainment Law Section

Chair: Matthew Pruitt
Vice Chair: Howard Siegel
Secretary: David Kahn
Treasurer: Russell Christian

Advertising Advisory Committee

Approved: Michael Lowry, Chair One-year term, effective March 2016.

Clients' Security Fund

Approved:
Janet Pancoast, Chair One-year term, effective February 2016.
Harvey Gruber, Vice Chair One-year term, effective February 2016.
Courtney Leverty, Attorney Member Three-year term, effective March 2016.
Jason Stoffel, Attorney Member Three-year term, effective retroactively to November 2015.

Fee Dispute Arbitration

Approved for a three year term commencing January 2016:
Maya Clark
James Murphy

There being no further business before the Board, the meeting was adjourned at 4:50 pm.