



MINUTES
BOARD OF GOVERNORS MEETING
Carson City, NV
January 24-25, 2018

A meeting of the Board of Governors of the State Bar of Nevada was convened on January 24-25, 2018.

The following members were in attendance:

Gene Leverty, President
Richard Pocker, President-Elect
Paul Matteoni, Vice President
Bryan Scott, Immediate Past President
Jeff Albregts
Paola Armeni
Julie Cavanaugh Bill
Doug Clark
Eric Dobberstein
Richard Dreitzer
Jack Howard
Cathy Mazzeo
Ann Morgan, 1/25/18
Kari Stephens
Ryan Works

State Bar staff present:

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

Guests:

Chris Newbold
Marc Picker

JANUARY 24, 2018

CALL TO ORDER

President Gene Leverty called the meeting to order with a quorum present at 4:40 pm .

Strategic Planning kickoff

Chris Newbold with ALPS presented a synopsis of his recent interviews with Board members regarding a strategic plan. Mr. Newbold highlighted comments by those interviewed:

Areas where the State Bar has improved:

- Board members understand the mission statement of the State Bar and continue to focus on applying the statement.
- Discipline backlog
- Works well with the Court
- Handling of the State Bar budget

Areas that the State Bar can improve:

- Digital Media
- Engage membership
- Well-being of attorneys
- Consistency of discipline
- Diversity

Mr. Newbold presented different options regarding strategic planning. The consensus of the Board was to adopt a three year plan. The Board will continue the strategic planning discussion at a date to be determined.

ADJOURN

The meeting was adjourned at 5:40 pm.

January 25, 2018

CALL TO ORDER

President Gene Leverty called the meeting to order with a quorum present at 8:00 am

PRESIDENT'S REPORT

Mr. Leverty presented an overview of the 2018 Annual Meeting in Chicago encouraging sponsorships. He then provided an overview of the the 2017 Annual Report of the State Bar.

DISCUSSION

Mandatory Professional Liability Insurance (PLI)

Gene Leverty gave an overview of the PLI Taskforce activities and the recent survey conducted of all actively licensed attorneys. An ADKT was prepared that seeks a rule change to require all attorneys engaged in in the practice of law in Nevada to have a minimal professional liability insurance in the amount of \$250,000 per occurrence/\$250,000 annual aggregate.

Eric Dobberstein discussed specifics of managing such a program if enacted including:

- Maintenance of insurance will be subject to proof of compliance upon a random audit; and
- Failure to maintain malpractice insurance will result in a \$200 fine and suspension. Reinstatement may be made upon filing verification of compliance.

It was moved, seconded and carried to approve the submission of the proposed ADKT and for the Executive Committee to decide the timing of submitting this ADKT to the Court.

CONSENT AGENDA

Approved: Minutes for November 8, 2017

Approved Attorney Resignation

Mary P. Birk
Steven T. Densley
Byron E. Francis
John F. Kadlec
Marie A. Mitchell
Timothy P. O'Brien
Patricia S. Waldeck

Approved Contracts

Gaming Law Conference: NP Red Rock LLC

APPOINTMENTS

Section Appointments- Approved

Construction Law Section

Chair: Michael Wadley
Vice Chair: Eva Segerblom
Treasurer: Alex Flangas
Secretary: Brent Gunson

Energy, Utilities & Communications Law Section

Kari Stephens abstained from voting on the EUCL Section appointment
Chair: Lucas Foletta
Vice Chair: Sam Crano
Treasurer: Kyle Stephens
Secretary: Debrea Terwilliger

Entertainment Law Section

Chair: Russell Christian
Vice Chair: David Kahn
Treasurer: Matt Pruitt
Secretary: Harry Reynolds

Intellectual Property Law Section

Chair: Stephanie Buntin
Vice Chair: Bhavishi Patel
Treasurer: Zack Gordon
Secretary: Dick Schulze

Litigation Section

Secretary: John Gutke

LGBT Section

Chair Elect: Kevin Kampschorr
Vice Chair: Bhavishi Patel
Secretary: Travis Clark

Solo & Small Practice Section

Vice Chair: Kristina Holman
Secretary: Leah Martin

Advertising 2017 Annual Report - Approved

Memorandum of Understanding NLAP Therapists- Approved

New Member Benefit: Front Office Staff-Reno - Approved

REPORTS

Nevada Center Civic Engagement/We the People

Marc Picker presented an overview report on the We the People program and the involvement of Nevada Center for Civic Education.

Mandatory Trust Accounts Audit Taskforce

Richard Dreitzer reviewed the findings of the Taskforce including comments received from survey participants. Some of the primary concern was the disruption of practice during the audit period, expenses related to the audit process, confidentiality, and the methodology for random selection of lawyers and firms for audit. The Board highlighted how important it is to educate attorneys on issues regarding trust accounts.

It was moved, seconded and carried to approve the submission of the proposed ADKT and for the Executive Committee to decide the timing of submitting this ADKT to the Court.

Discipline Report

Stan Hunterton reviewed the latest statistics of the Office of Bar Counsel (OBC). Mr. Hunterton reported OBC is currently researching the process used by other states regarding publicizing discipline matters and fees owed by attorneys.

Office of Bar Counsel Statistics:

Investigation Stage: While the number of grievances being reviewed at "intake" at any given time remains fairly constant, between 50-150, we have been able to substantially reduce the cases in "investigation" from 441 to 92 over the last three years. This has been accomplished by adding staff (attorneys and paralegals), implementing procedures to review cases early and often, and reviewing matters prior to the completion of the investigation to determine if early assignment to an assistant bar counsel is merited.

MATTERS IN INVESTIGATION:	Grievances	Grievances Pending over 6 months
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
August 2017	142	12
September 2017	121	9
October 2017	106	14
November 2017	98	12
December 2017	92	11*

* Of the eleven (11) matters in investigation older than six (6) months, one (1) matter is going to be consolidated for a probation breach; five (5) matters are general matters opened to monitor pending criminal convictions in order to file the required 111 Petitions; two (2) matters were opened on suspended attorneys to subpoena bank records and monitor transactions as required by the Supreme Court; and three (3) matters have additional matters pending disbarment at the Supreme Court.

Prosecution/Pending Hearing: Matters in this category have been screened for formal hearing and a Complaint has been filed.

	Total Grievants	Total Respondents	Total Respondents Over 6 months from Complaint
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
August 2017	87	46	17
September 2017	75	38	9
October 2017	71	45	16
November 2017	55	35	9
December 2017	59	39	12

National High School Mock Trial Championship

Paul Matteoni presented an update on the status of the National Mock Trial Competition taking place in Reno, May 10-12, 2018.

CLE Board

Kim Farmer reviewed the Court Order approving the MCLE Board business plan for the transition to a

provider-based model. Ms. Farmer noted that the MCLE Board's implementation of the Order varies from the language stated in the Court Order. The MCLE Board has sought clarification from the Court of the Court Order.

Reciprocity

Ann Morgan presented an overview of the latest meeting of the Reciprocity Taskforce. The Taskforce discussed no limitation for those holding a limited certification as in-house counsel and the need to determine if all terms of those with limited license certifications are being met or if compliance can be monitored. Recommendations covering in-house counsel certifications are before the Board of Governors:

Amend SCR 49.10 Limited practice of attorney's employed in government or as in-house counsel to:

- Increase the application fee for those seeking certification to \$1,240 and that if the attorney applies to take the Nevada bar exam within two years, the bar exam fee will be waived.
- Require those certified under this rule to complete mandatory disclosures that are required of active attorneys.

It was moved, seconded and carried to Increase the application fee for those seeking certification to \$1,240 and that if the attorney applies to take the Nevada bar exam within two years, the bar exam fee will be waived.

It was moved, seconded and carried to require those certified under SCR 49.10 to complete mandatory disclosures that are required of active attorneys.

ACTION ITEMS

Financial Report

Marc Mersol reviewed the financial operations as of December 31, 2017. It was moved, seconded and carried to accept the December 31, 2017 Financial Operations report.

Appointments

Temporary Member to the Commission on Judicial Selection

It was moved, second and carried to appoint *Rost C. Olsen* as a Temporary Member to the Commission on Judicial Selection.

Permanent Member to the Commission on Judicial Selection

It was moved, seconded and carried to appoint *Jasmine Mehta* as a Permanent Member to the Commission on Judicial Selection for a one year term ending December 31, 2018.

Reappointments to the Standing Committee on Judicial Ethics

It was moved, seconded and carried to reappoint the following attorneys for a two-year term commencing January 2018 to the Standing Committee on Judicial Ethics.

Christopher Cannon

Paul Connaghan

Patricia Halstead

Bill Hammer

Cassandra Jones

Frank Toddre II

Fee Dispute Arbitration Committee

It was moved, seconded and carried to appoint the following applicants to the Fee Dispute Arbitration Committee for a three-year term.

- | | |
|--------------------|-------------------|
| Tamer Botros | Augusta Massey |
| Christopher Cannon | David Morris |
| Margaret Crowley | Michael McDonald |
| Bryan Dixon | Timothy Meade |
| Kurt Faux | Raymond Patterson |
| Morton Friedlander | Douglas Rowan |
| Robert Gower | Joel Selik |
| Eliot Held | Robert Tarte |
| Jack Hegeduis | Joseph Went |
| Bryant Hendriksen | Reed Werner |
| Troy Isaacson | Sandra Wilson |
| Kristofer Leavitt | Stephanie Zinna |
| Alex LeVeque | |

Clients' Security Fund

It was moved, seconded and carried to appoint the following attorneys for a three-year term to the Clients' Security Fund.

- Reed Werner
- Miriam Rodriguez
- Kirk Brennan
- Mark Thome

TIP Mentors

It was moved, seconded and carried to appoint the following attorneys for a two-year term as a TIP Mentor.

Mark	Albright
Bill	Bradley
Melissa	Brown
Jared	Christensen
Jordan	Flake
Stan	Johnson
David	Koch

Eleissa	Lavelle
Emily	McFarling
Christopher	Mixson
Binu	Palal
Robert	Shields
Thomas	Winner

It was moved, seconded and carried to reappoint the following attorneys for a two-year term as a TIP Mentor.

Scott M.	Abbott
Robert M.	Adams
John	Albrecht
Betsy	Allen
Peter M.	Angulo
Karl W.	Armstrong

Shea A.	Backus
ElizaBeth	Beyer
Shirley	Blazich
I. Scott	Bogatz
Kurt	Bonds
Jeff	Braun

Darren	Brenner
Michael R.	Brooks
Michael E.	Buckley
Barbara E.	Buckley
Susan	Bush
Thomas	Carroll
Dawn M.	Cica
Barry E.	Clarkson
Aileen E.	Cohen
Richard F.	Cornell
Lucinda L.	Coumou
Andrew	Craner
Adam	Davis
Jill Carol	Davis
Alex	De Castroverde
John P.	Desmond
Joshua M.	Dickey
Blake	Doerr
Thomas E.	Drendel
Benjamin	Durham
Bryce	Earl
Phillip	Emerson
John ("Tim")	Fattig
Kurt	Faux
Thomas H.	Fell
Andrew	Gabriel
Rew R.	Goodenow
Ross	Goodman
Harvey	Gruber
Bill C.	Hammer
Alycia	Hansen
Sarah	Hardy-Cooper
Marjorie L.	Hauf
Eric D.	Hone
Matthew L.	Johnson

Edward	Kainen
Todd E.	Kennedy
Kevin P.	King
Brian	Kochevar
John	Krieger
Andre	Lagomarsino
Robert S.	Larsen
Charlie	Luh
Benjamin	Lund
Robert C.	Maddox
Michael L.	Matuska
Kathleen	McConnell
D G	Menchetti
Paul	Michaelson
Billie-Marie	Morrison
David J.	Mortensen
John H.	Mowbray
Farhan	Naqvi
Andrea	Nichols
Michael A.	Olsen
David	Olshan
Jonathan B.	Owens
Taleen R.	Pandukht
Kathleen M.	Paustian
C. Nicholas	Pereos
Daniel F.	Polsenberg
Frank M.	Ponticello
Maizie	Pusich
Paul C.	Ray
Nathan	Reinmiller
Andrew	Rempfer
Jennifer	Roberts
Miriam E.	Rodriguez
Michael D.	Rounds

Kim G.	Rowe
Jeffrey Todd	Rue
David N.	Salmon
Robert M.	Salyer
Michael	Shannon
James	Smyth
David	Stephens
Steven E.	Tackes
Paul	Taggart
Eric K.	Taylor
William B.	Terry
Janet	Traut
Erika Pike	Turner
Travis K.	Twitchell
William R.	Urga
Michael C.	Van
Cassell	von Baeyer
Michael K.	Wall
Kristina	Weller
Darren J.	Welsh
Karie	Wilson
David J.	Winterton
Shayne	Wulterin
Mace	Yampolsky
Tina	Yan

Loren S.	Young
Brian F.	Zimmerman
Tom	Christensen
Justin	Clouser
Brad Michael	Johnston
Jack	Juan
Bryan A.	Lowe
E. Alan	Tiras
Laura	Browning
John Thayer	Clark
Peter	Dubowsky
Tracee	Duthie
Kevin	Hahn
Scott	Hoffmann
Tamela L.	Kahle
Daniel	Marks
Leah	Martin
Robert	McCoy
David	McElhinney
Leon	Mead
Lane	Mills
Kirsty	Pickering
Nicholas	Santoro
Richard	Segeberblom
Kristina	Wildeveld

Disciplinary Panels – North and South

It was moved, seconded and carried to reappoint the following members to the Disciplinary Panel for a three-year term.

Southern Panel:

- Ronald Bloxham, Esq.
- John Bragonje, Esq.
- Marc Cook, Esq.
- Bryan Cox, Esq.
- Harvey Gruber, Esq.
- Daniel Ivie, Esq.
- Christopher Lalli, Esq.

Steven Myhre, Esq.
Thomas Sheets, Esq.
Jeffrey Sloane, Esq.
Reed Werner, Esq.
Shann Winsett, Esq.
Mary Albregts (Lay Member)

Northern Panel:

Aaron Barth, Esq.
Sarah Almo, Esq.
Frederick Battcher, Esq.
Mark Beguelin, Esq.
Marilee Cate, Esq.
Matthew Digesti, Esq.
Edmund Gorman, Esq.
Eliot Held, Sr., Esq.
Joshua Hicks, Esq.
Christopher Rusby, Esq.
David Stanton, Esq.
Eric Stovall, Esq.
Michael Sullivan, Esq.
Timothy Meade (Lay Member)
Karen Pearl (Lay Member)

Jeff Albregts abstained from voting.

It was moved, seconded and carried to appoint the following to the Disciplinary Panel for a three-year term.

Kirk Brennan, Northern Panel
Robert Kelley, Southern Panel
Nicholas Kho, Southern Panel

Personal Injury Specialization Board

It was moved, seconded and carried to authorize the Executive Committee to interview the attorneys who have applied for the Personal Injury Specialization Board and to make the appointment to this Board.

Worker's Compensation Board

It was moved, seconded and carried to authorize the Executive Committee to interview the attorneys who have applied for the this Board and to make the appointment to this Board.

EXECUTIVE SESSION

The Board entered Executive Session at Noon and concluded at 12:11 pm.

ADJOURN

There being no further business before the Board, the meeting was adjourned at 12:15 pm.

VIA EMAIL VOTE: February 7, 2018

It was moved, seconded and carried to approve the Family Law Conference catering contract.

VIA EMAIL VOTE: March 13, 2018

It was moved, seconded and carried to approve the appointment of Jennifer Schwartz to The Advisory Committee to Study Laws Concerning Sex Offender Registration for a two year period.

VIA EMAIL VOTE: March 13, 2018

It was moved, seconded and carried to approve advocating on the following issues during 2018 ABA Day in Washington.

- **Funding for the Legal Services Corporation (LSC)**: LSC grantees provide civil legal aid to constituents who struggle to get by on incomes below or near the poverty line. ABA Day efforts last year helped achieve a \$385 million appropriation for LSC. This year the goal is to convince Congress to restore funding at least to the inflation-adjusted Fiscal Year 2010 level of \$482 million.
- **Public Service Loan Forgiveness**: The ABA supports the preservation of the federal Public Service Loan Forgiveness program (PSLF) as a vital source of immediate support to state, local, and tribal communities that enables them to provide critical services to their residents. The ABA opposes efforts to repeal or end the program, such as in H.R. 4508, PROSPER Act, absent any impact analysis or alternative strategy for addressing the underlying problem for which the program was created.