



MINUTES
BOARD OF GOVERNORS MEETING
Las Vegas, NV
November 8, 2017

A meeting of the Board of Governors of the State Bar of Nevada was convened on November 8, 2017.

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
Ryan Russell
Kari Stephens
Ryan Works

State Bar staff present:

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

Guests:

Rew Goodenow
Chris Newbold
Robert Eglet
Karl Riley
Elana Graham
Connie Akridge

CALL TO ORDER

President Gene Leverty called the meeting to order with a quorum present at 9:45 am.

PRESIDENT'S REPORT

Gene Leverty presented an overview of the annual meeting's rule of law theme and discuss various promotion ideas for the annual meeting.

SUCCESSION PLANNING

Kim Farmer reviewed the new publication, *Succession Planning in Nevada, 2017 Edition*. Ms. Farmer discussed how the Succession Planning Guide in Nevada is a resource book to help attorneys close their practice or plan for an unexpected medical crisis or death. Ms. Farmer gave a synopsis of how the state bar will let members know the guide is available, i.e. family law conference, section leaders and CLE programs.

STRATEGIC PLAN

Kim Farmer spoke about the 2013-2018 Strategic Plan of the State Bar. Ms. Farmer requested that Board members review the current Strategic Plan. A taskforce was formed to develop a draft of a new strategic plan. Members of the taskforce are Ann Morgan, Richard Dreitzer, Julie Cavanaugh Bill, Jeff Albregts, Richard Pocker and Gene Leverty.

DISCUSSION

Professional Liability Insurance (PLI) Taskforce

Gene Leverty reported on the recent meeting of the PLI taskforce.

The PLI Taskforce recommended the following:

- (1) Require all attorneys engaged in the practice of law (not government or corporate counsel) to carry a minimum insurance policy of \$250,000 per claim/\$250,000 annual aggregate. Attorneys must use Insurance carriers authorized to transact legal professional liability insurance in Nevada and who agree to report any lapse or termination of the policy to the state bar.
- (2) Make mandatory disclosure to clients the amount of insurance coverage the attorney has prior to engaging in representation.

Robert Eglet presented his views regarding requiring mandatory PLI. Mr. Eglet recommended that if the state bar does not make PLI mandatory, a disclosure should be in the attorney fee agreement noting that the attorney does not carry malpractice insurance.

Chris Newbold, ALPS, reported on the status of states that currently require attorneys to carry Professional Liability Insurance.

After much discussion, it was moved, seconded and carried to approve the recommendation of the taskforce that attorneys engaged in the practice of law (not government or corporate counsel) carry a minimum insurance policy of \$250,000 per claim/\$250,000 annual aggregate. Before submitting an ADKT to the Court reflecting this motion, a survey requesting the opinion of state bar members will be conducted.

It was moved, seconded and carried that an alternative plan can be proposed during the petition process that mandates that if an attorney does not carry professional liability insurance, he/she must disclose such in writing to clients.

Reciprocity

Ann Morgan gave a synopsis of the recent taskforce meeting on reciprocity. The following ADKTs are before the Board for review and approval to revise the Supreme Court Rules regarding certifications:

- Elimination of certification for State Bar of Nevada staff not licensed in Nevada (SCR 49.6)
- Elimination of certification for Nevada Attorney General staff (SCR 49.8)
- Addition of a certification of attorney spouses of active military.

It was moved, seconded and carried to approve the ADKT proposing certification of attorney spouses of active military.

It was moved, seconded and carried to table the ADKT proposing elimination of certification for Nevada Attorney General staff and State Bar of Nevada staff not licensed in Nevada.

SCR 214 CLE

Kim Farmer reviewed the proposed ADKT eliminating the SCR 214 (1)(d) provisions that exempts active members 70 and over from fulfilling CLE requirements. A draft petition was prepared after the Board approved moving forward in August 2016. Subsequently the Board directed tabling the submission of this ADKT. Ms. Farmer asked for the Board's direction regarding whether to submit the ADKT to the Court. It was moved, seconded and carried to table the submission of the ADKT.

DISCIPLINE REPORT

Stan Hunterton reported on the progress the Office of Bar Counsel (OBC) has made in the backlog cases. Mr. Hunterton noted that 74 orders have been received from the Supreme Court since January 2017.

Mr. Hunterton gave an overview of the training sessions with the individuals currently "chairing" disciplinary hearings on the amendments to the disciplinary Rules of Procedure. OBC has also created an ABA Standards training manual for the panels.

DISCIPLINE STATISTICS

HEARINGS COMPLETED:

2017	Total Respondents	Total Grievants	Total Grievants Over 6 Months from Investigation Opened
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	5	9	9
September	6	6	4
October	5	22	21
November Scheduled	7	19	17

INTAKE:

Grievances Pending in Intake	
January 2015	100
January 2017	81
February 2017	90
March 2017	100
April 2017	124
May 2017	113
June 2017	76
July 2017	67
August 2017	56
September 2017	57
October 2017	81

2 Grievances over ninety (90) days old

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	106	14*

* Of the fourteen (14) matters in investigation older than six (6) months, four (4) matters are general matters opened to monitor pending criminal convictions 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.

PROSECUTION/PENDING HEARING:

	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	87	46	17
September	75	38	9
October	71	45	16

Kim Farmer presented an overview of the proposed ADKT's 444 and 525. The public hearing regarding ADKT 444 (SCR111 Criminal Conviction) and ADKT 525 (SCR116 Reinstatement) was held on Monday, November 6, 2017. Because of questions and comments from the Court, and at their request, the proposed rule changes were revised. It was moved, seconded and carried to authorize the Executive Committee to review the final draft of the supplement to the ADKT's. Upon the Executive Committee approval, the supplements to ADKT 444 and 525 will be submitted to the Court.

REPORTSNational Mock Trial Competition

Paul Matteoni reported on the upcoming National Mock Trial Competition in Reno scheduled May 10-12, 2018. Mr. Matteoni highlighted that the program will require approximately 300 volunteers for the competition.

Diversity

Bryan Scott presented an overview of the Demographic Initiative (DI). State Bar staff has programmed the DI

questions into the license renewal system. This initiative will be communicated to the members in Nevada Lawyer, e-newsletter and through the Bar's social media outlets.

Past Presidents Club

Gene Leverty gave a synopsis of the proposed Past Presidents Club. This Club will consist of past presidents of the State Bar.

Young Lawyers Section Report

Karl Riley presented an overview of the recent events of the Young Lawyers Section (YLS). The membership of YLS has risen to over 800 members.

EXECUTIVE SESSION

The Board entered Executive Session at 11:25 am and concluded at 12:15 pm.

ACTION ITEMS

Financial Report

Marc Mersol reviewed the financial operations as of September 2017. It was moved, seconded and carried to accept the September 30, 2017 Financial Operations report.

Mr. Mersol presented the 2018 proposed budget. It was moved, seconded and carried to approve the proposed 2018 budget.

Kim Farmer discussed the designated funds and grant process of Lawyer Referral and Information Service (LRIS) grant program. After discussion it was moved, seconded and carried to cease the LRIS granting program for 2018.

Tenant Lease

Kim Farmer presented an overview of the tenants in the building. Two tenants are set to move out of 3100 West Charleston in the next year. Ms. Farmer noted that she is currently interviewing brokers to lease the space (Suite 210, aka the pediatrician and Suite 204, aka the eye doctor). Ms. Farmer gave an overview of the necessary tenant improvements (TI) for both spaces before leasing.

It was moved, seconded and carried authorize the Executive Committee to approve a tenant broker for marketing and leasing suites 204 and 210 and to approve TIs as recommended.

Random Trust Accounts Audit

Richard Dreitzer reviewed the recommendations of the Trust Account Audit taskforce. Kim Farmer gave a synopsis of the survey noting that comments range from full support to concerns over costs and process. At the time of the Board meeting, the survey was not closed. Upon discussion, it was moved, seconded and carried to table the proposed ADKT.

Fee Dispute Arbitration Rules of Procedure

Lisa Dreitzer discussed the proposed amendments to the Fee Dispute Arbitration Rules of Procedure which:

- (1) Limit the number of members on the Committee to 150; and
- (2) Establish lifetime term limits of 12 years.

It was moved, seconded and carried to approve the proposed amendments to the Fee Dispute Arbitration Rules of Procedure.

Personal Injury Specialization Rules

Gene Leverty presented to the proposed amendments to the Personal Injury Specialization Rules. The proposed changes are:

- Break the current rules into three separate sections: organizational structure, qualifications and recertification. This is just an administrative fix for us and will make it easier for applicants to find important information.

- Clarify the testing process will happen only one time per each calendar year, in the fall. We simply do not have the demand or resources to accommodate more testing. This is in section IV(F).
- Redraft section V(M) for purposes of clarity. We are adding bullets to ensure the specifications are readily understandable. Additionally, we are lowering the number of times substitutions can be used as there is an interpretation of the rules which could allow for too many substitutions.

It was moved, seconded and carried to approve the proposed amendments to the Personal Injury Specialization Rules

Workman's Compensation Specialization

The Nevada Justice Association is seeking the approval from the Board of Governors to implement a Workers' Compensation Specialization. Gene Leverty outlined the proposed rules and regulations of the Workers' Compensation Specialization. Upon making the following amendments to the rules and regulations, it was moved, seconded and carried to approve Workers' Compensation Specialization program.

- Applicants must have handled a minimum of fifty (50) contested workers' compensation hearings before a Nevada Department of Administration Appeal Officer.
- Each specialist must complete ten (10) or more hours per year at one or more CLE activities that meet the standards stated in Section VII.

Clients' Security Fund

Ryan Works presented an overview of the recent Clients' Security Fund (CSF) meeting. Mr. Works highlighted the summary of claims by former clients of Robert Graham.

Temporary Member to Judicial Selection

It was moved, seconded and approved to appoint Michael Large as a temporary member to the Judicial Selection Commission. Ann Morgan abstained from voting.

CONSENT AGENDA

Approved: Minutes for August 30-31, 2017 as corrected.

Approved Attorney Resignation

Margaret Gerbner
Ragnhild Reif

Approved Contracts

Board of Bar Examiners, La Jolla
Avis Budget Group
D&O Navigators Insurance

APPOINTMENTS

Section Appointments

Appellate Litigation Section - Approved

Chair: Anjali Webster

Vice Chair: Paul Ray

Treasurer: Jordan Smith

Secretary: Abraham Smith

Northern Member-at-Large: Adam Hosmer-Henner

Rural Member-at-Large: David Neidart

Southern Member-at-Large: Marshal Willick

ADR Section – Approved

Secretary: David Clayson

Paralegal Division – Approved
Southern District Board Member: Carl Morrison

Probate & Trust Section - Approved
Chair: Michaelle D. Rafferty
Vice Chair: Dana Dwiggin
Treasurer: Julia Gold
Secretary: Rob Telis

Fee Dispute Arbitration Committee

Approved: Three Year Term

Name	Effective Date
Mark Alden	August 2017
Peter Angulo	August 2017
Veronica Barisich	August 2017
Susan Brackney	August 2017
Kathleen Breckenridge	August 2017
Thomas Dillard	August 2017
Dianne Drinkwater	August 2017
Lewis Etcoff	August 2017
John Hope	August 2017
Kevin Kirkendall	August 2017
James Kohl	August 2017
Susan Krenzien	August 2017
Michael Langton	August 2017
Robert Larsen	August 2017
Akke Levin	August 2017
Evan Needham	August 2017
Mike Pavlakis	August 2017
Miriam Roberts	August 2017
Miriam Rodriguez	August 2017
Dan Royal	August 2017
Lane Swainston	August 2017
Janet Trost	August 2017
Charles Tucker	August 2017
Sheila Van Duyne	August 2017
S. Brent Vogel	August 2017
Nancy Yarbrough	August 2017
Cortney Young	August 2017

Officers approved:

State Chair	Peter Angulo	August 2017	August 2018
Reno/Rural Regional Chair	John Hope	August 2017	August 2018
Carson City Regional Chair	Mike Pavlakis	August 2017	August 2018

Advisory Commission for the Administration of Justice

It was moved, seconded and carried to approve Paola Armeni and Christine Brady for a two-year term to the Advisory Commission for the Administration of Justice.

Sentencing Commission

It was moved, seconded and carried to approve Dennis Cameron and Tegan Machnich for a two-year term to the Nevada Sentencing Commission.

Board of Continuing Legal Education

It was moved, seconded and carried to approve Richard Dreitzer for a three-year term expiring December 31, 2020.

We the People District Coordinator

It was moved, seconded and carried to reappoint Trey Delap expiring June 2018.

Standing Committee on Ethics and Professional Responsibility

It was moved, seconded and carried to appoint James Murphy for a two-year term.

ADJOURN

There being no further business before the Board, the meeting was adjourned at 3:45 pm.

VIA EMAIL VOTE, November 28, 2017

It was moved, seconded and carried to approve the Nevada Family Law Section sending out the proposed letter that informs the Senators of the FLS opposition to Section 1309 of the House Ways and Means Committee's version of the Tax Cuts and Jobs Bill of 2017, which ends the alimony tax deduction.