A regular meeting of the Board of Governors of the State Bar of Nevada was convened on December 7, 2011.

The following members were in attendance:

Connie Akridge, President
Frank Flaherty, President-Elect
Alan Lefebvre, Vice President
Cam Ferenbach, Immediate Past President
Elizabeth Brickfield
Larry Digesti
Eric Dobberstein
Elana Turner Graham
Gene Leverty
Paul Matteoni
Richard Pocker
Bryan Scott
Richard Scotti
Mason Simons
Rick Trachok (ex-officio)
David Wall
John White (ex-officio)

State Bar staff present:
Kimberly Farmer
Gale Skala
David Clark
Marc Mersol
Jennifer Smith

Guests: via phone
Paola Armeni
Dara Goldsmith
The meeting was called to order by President Connie Akridge at 10:30 a.m. there being a quorum present.

**EXECUTIVE DIRECTOR'S REPORT, KIMBERLY FARMER**

Kimberly Farmer provided a synopsis on the revised Author Agreement presented by authors of the special feature scheduled for the February 2012 *Nevada Lawyer*. The *Nevada Lawyer* Editorial Board submitted the author’s custom agreement to Board of Governors for approval. It was moved, seconded and carried to permit the authors of this feature to retain any copyright. The Board discussed the policy of the *Nevada Lawyer* with respect to final approval of article edits. It is the policy of the *Nevada Lawyer* that the *Nevada Lawyer* has final approval of all edits to articles and that final edits are not submitted to authors for approval. It was moved, seconded and approved to support the policies of the *Nevada Lawyer* with respect to the editorial process. Bryan Scott abstained from voting.

Kimberly Farmer reported on the Transitioning into Practice (TIP) program. A Supreme Court order sets forth a pilot TIP program. One of the steps to prepare for the pilot is for the Board to submit a list of mentors to the Supreme Court for approval. Because the mentor schedule does not coincide with Board meetings Ms. Farmer asked that the Board conduct this approval process via an email review and approval process. It was moved, seconded and carried to conduct an email review and approval process for TIP mentor applicants.

**PRESIDENT'S REPORT, CONNIE AKRIDGE**

Connie Akridge reported the status on the 2012 Annual Convention. The convention will be held at the Del Coronado Hotel in Coronado, CA. June 27-30, 2012.

**DISCUSSION ITEMS**

The Board discussed the following question using the generative discussion process.

*Could/should the Board of Governors take on a scheduled pro bono activity to promote pro bono?*

It has been suggested that the Board of Governors plan a Board pro bono activity. The Board did not schedule a Board of Governors pro bono activity during this discussion. But some thoughts and ideas that were brought up during the discussion included:

- Will the Board be able to inspire members to take more pro bono cases by the Board setting the example and reporting on their efforts?
- Perhaps the Board could host an *Ask a Lawyer* night.
- Board members could submit their pro bono activities to include in an article in the *Nevada Lawyer*.

**REPORTS**

*Nevada Law Foundation, Dara Goldsmith*

Dara Goldsmith provided a synopsis of the 2010 yearly audit report for the Nevada Law Foundation (NLF). She noted that during the 2010 calendar year, sixteen organizations statewide were funded in the total amount of $1,650,000. The goal for this year is to be able to provide more funding to organizations. Ms. Goldsmith thanked the Board for their support.
Nevada Bar Foundation Review, Dara Goldsmith

Dara Goldsmith provided an overview on the current Bylaws and Articles of the Nevada Bar Foundation (NBF). Currently the NBF is classified as a private foundation. Ms. Goldsmith pointed out that being classified as a private foundation is less attractive to potential donors. She also noted that being classified as a private foundation can result in the imposition of various taxes. Connie Akridge asked that the Nevada Bar Foundation Trustees review the NBF’s Bylaws and Articles and status (private or public foundation).

Young Lawyers Section, Paola Armeni

Paola Armeni provided highlights of the Young Lawyers Section (YLS) activities. Ms. Armeni requested approval for additional funds to the 2012 YLS budget because YLS member dues will not cover 2012 budgeted expenses. The YLS expenses are projected higher in 2012 due to the trial academy that is presented at the annual convention and revisions to the Goldilocks program.

APPOINTMENTS

Member Benefits and Services Committee

It was moved, seconded and approved to reappoint the following members for a two year term commencing December 2011.
Bret Whipple
Doug Clark
Shawn Pearson

Section Committee

It was moved, seconded and approved to appoint the following slate of officers and committee chairs and co-chairs to the Intellectual Property section serving a one year term effective November 2011.
Linda Norcross, Chair
Charles Lombino, Vice Chair
Laura Bielinski, Secretary
Derek Jamison, Treasurer
Membership Chair, Richard Newman
Membership Co-Chair, Elda Sidhu
Legislative/Substantive Chair, Seaton Curran
Legislative/Substantive Co-Chair, Chad Miller
CLE Chair, Dick Schulze
CLE Co-Chair, Kim Cooper

Frank Flaherty abstained from voting.

It was moved, seconded and approved to appoint the following slate of officers and committee chairs and co-chairs to the Administrative Law section serving a one year term effective November 2011.
John Griffin, Chair
Shane Young, Vice Chair
Shawn Elicegui, Secretary
Alicia Ashcraft, Treasurer

It was moved, seconded and approved to appoint the following Executive Committee members to the Real Property section.
Chris Childs, two year term effective November 2011
Elizabeth Fielder, three year term effective November 2011
Mandy Shavinsky, four year term effective November 2011

It was moved, seconded and approved to appoint the following slate of officers and at-large members to the
Environmental and Natural Resources section serving a one year term effective November 2011.
Linda Bullen, Co-Chair
Therese Ure, Co-Chair
Laura Schroeder, Secretary
David Hornbeck, Treasurer
Thomas Woodworth, At-large member
Chris Mixson, At-large member
Karen Peterson, At-large member
Tom Wilczek, At-large member
Paul Matteoni and Elizabeth Brickfield abstained from voting.

Fee Dispute Arbitration Committee
It was moved, seconded and carried to approve the following reappointments to the Fee Dispute Arbitration Committee for a three year term effective December 2011.
Robert Apple, LV Panel A
Morton Friedlander, LV Panel A
Robert Tarte, LV Panel B
Amanda Cowley, LV Panel A
Michael Federico, LV Panel C
Paul Gaudet, LV Panel B
Gregory Gordon, LV Panel B
Robert Gower, LV Panel C
David Jones, LV Panel C
Bryan Lewis, LV Panel C
Henry Rawlings, LV Panel C
Brian Shapiro, LV Panel A
Sgt. Victor Vigna (lay member), LV Panel C

It was moved, seconded and approved to appoint Joseph Went to the Fee Dispute Arbitration Committee for a three year term effective December 2011.

Clients’ Security Fund
It was moved, seconded and approved to appoint the following Chair and Vice Chair to the Clients’ Security Fund for a one year term.
Janet Pancoast, Chair, effective January 2012
Jeffrey Posin, Vice Chair, effective March 2012

Discipline Panels
It was moved, seconded and approved to appoint Richard Litt to Southern Nevada Disciplinary Board for a three year term effective December 12, 2011.

It was moved, seconded and approved to remove Scott L. Smith from the Southern Nevada Disciplinary Board effective December 7, 2011.

Lawyer Advertising Committee
It was moved, seconded and approved to appoint Taylor Randolph to the Southern Nevada Advertising Committee for a two year term effective December 2011.

Publications Committee
It was moved, seconded and carried to approve Howard Siegel and Mark Rouse to the Publications Committee for a three year term effective January 2012.
Advisory Commission on the Administration of Justice

It was moved, seconded and approved to reappoint Larry Digesti and Phillip Kohn for an additional two year term to the Advisory Commission on the Administration of Justice effective December 2011. Larry Digesti abstained from voting.

Standing Committee on Judicial Ethics

It was moved, seconded and approved to reappoint Patrick Byrne, Steven Day and Carla Higginbotham for an additional two year term on the Standing Committee on Judicial Ethics commencing January 2012. It was moved, seconded and approved to appoint the following attorneys as members of the Standing Committee on Judicial Ethics for a two year term commencing January 2012.

Kevin Briggs
Laurie Diefenbach
Bill C. Hammer

Standing Committee on Transitioning into Practice

It was moved, seconded and approved to appoint the following attorneys to the Standing Committee on Transitioning into Practice. The committee will determine which members will be appointed initially for only one year with a lifetime term of nine years in order that the committee members serve staggered terms.

Paola Armeni
Dara Goldsmith
Gregory Kamer
Ruth Miller
John Steffen
Thomas Stockard

Character and Fitness Committee

It was moved, seconded and approved to reappoint the following members for an additional three year term to the Character and Fitness Committee effective November 2011.

Lori Story
Kevin Kelly
Dr. Gregory Brown
Dr. Michael Levy

ACTION ITEMS

October 2011 Financials/2012 Budget

Marc Mersol reported on the October 2011 financial report. Mr. Mersol presented the 2012 proposed budget. It was moved, seconded and carried to fund the Young Lawyers Section 2012 budgeted shortfall. Larry Digesti abstained.

It was moved, seconded and carried to approve the proposed 2012 budget.

Investment Committee

The report of the Investment Committee was tabled until January 2012.
Amendment to Policies – Communications

It was moved, seconded and carried to approve the following subsection 4.5 to the Policy 4: Communications of the Bylaws of the Board of Governors.

4.5 Directed Communication with Constituency - Board members may communicate directly with members of their constituencies. Communications may be disseminated in any media form. Mailing lists will be provided at no cost to the Board member for such communications.

(a) Communications shall include the following statement at the beginning of the document in no smaller than a 10 point font, "Message from Your Board of Governor. This message is sent to you as a personal opinion from your representative Board of Governor and may not represent the positions or views of the State Bar of Nevada Board of Governors."

(b) Communication that express personal opinion must clearly state the collective decision of the Board of Governors, if there is one, in addition to the opinion. In this instance, the communication must include a disclaimer stating, "The content of this communication is the personal opinion of the author and not that of the Board of Governors."

(c) Communications may not include decisions reached or opinions expressed during executive session.

(d) A copy of any communication sent to members by Board members will be kept by the Executive Director of the State Bar of Nevada.

Lawyer Advertising Yearly Report

It was moved, seconded and carried to approve the Lawyer Advertising Yearly Report scheduled to be submitted to the Supreme Court.

CONSENT AGENDA

It was moved, seconded and carried to approve the agenda items under the consent agenda.

- Minutes of October 2011
- LaJolla Beach and Tennis Club Contract
- Attorney Resignations -- Lennie N. Gee and William A. Hehn.

EXECUTIVE SESSION

The Board entered into Executive Session at 2:45 pm and concluded the Executive Session at 3:10 pm.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 3:10 pm.