



**Minutes
Board of Governors Meeting
January 21, 2014
Carson City, NV**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened at 9:07 am on January 21, 2014.

The following members were in attendance:

Alan Lefebvre, President
Elana Turner Graham, President-Elect
Larry Digesti, Vice President
Frank Flaherty, Immediate Past President
Paola Armeni
Elizabeth Brickfield
Julie Cavanaugh-Bill
Eric Dobberstein
Richard Dreitzer
Daniel Hamilton
Gene Leverty
Paul Matteoni
Ann Morgan
Richard Pocker
Ryan Russell
Bryan Scott
Richard Scotti

Guests:

Jeff Connor
Judge Bridget Rob Peck

State Bar staff present:

Kimberly Farmer
Gale Skala
David Clark
Lisa Dreitzer
Marc Mersol
Angela Washington

CALL TO ORDER

President Alan Lefebvre called the meeting to order at 9:00 am with a quorum present.

YOUNG LAWYERS SECTION REPORT

Jeff Connor reported on the most recent activities of the Young Lawyers Section highlighting the following activities.

- The YLS Section is partnering with Nevada Legal Services to complete a disaster preparedness handbook.
- The YLS is hosting a CLE on Substance Abuse in early 2014
- The YLS formed a committee to assist in moving support of an Appellate Court.

PRESIDENT'S REPORT

Annual Meeting Sponsorships

Alan Lefebvre provided a progress report on the 2014 Annual Convention in Newport Beach, CA. He requested that the Board of Governors help support the convention by acquiring sponsors.

DISCUSSION

Justice League of Nevada

Alan Lefebvre discussed the Nevada Bar Foundation as the designated entity for the management of IOLTA program. This change would take management the IOLTA program from the Justice League of Nevada. The Board discussed the need for clearer direction on the SCRs with respect to granting IOLTA funds. It was moved, seconded and carried to approve the recommendation to the Supreme Court that the Nevada Bar Foundation be the designated entity of the IOLTA program and for the transition to be completed by September 30, 2014 or within 30 days after a Supreme Court Rule change. Elana Turner Graham and Richard Scotti abstained from voting.

Board of Continuing Legal Education Appointment

Bryan Scott gave an overview on the Nevada Board of Continuing Legal Education (NBCLE) and the current openings on the CLE Board of Trustees. Currently two individuals are seeking reappointment and there is one open slot on the CLE Board of Trustees. Judge Bridget Robb Peck discussed matters that have come to light with the on the CLE Board and the reappointments. After discussion, it was moved, seconded and carried to appoint Frank Flaherty to fill the open slot on the CLE Board of Trustees for a three year term ending December 31, 2016 and to defer the reappointments until the April 2014 Board of Governors meeting.

Bryan Scott abstained from voting. Alan Lefebvre, Paola Armeni, Richard Dreitzer and Gene Leverty agreed to be members of a taskforce that will interview any applicants' seeking appointment to the CLE Board of Trustees.

Substance Abuse CLE

After discussion of the proposed revision to the Rule changing the current Addiction, Abuse and Mental Health (AAMH) CLE requirement in Nevada from 1 hour every three years to .5 hour each year, it was moved, seconded and carried to reaffirm to the Court the original suggested AAMH CLE requirement of one hour of AAMH CLE each year.

REPORTS

Database

Marc Mersol provided an overview and history on the Bar's database. The State Bar was notified by our

current Association Management Solution (AMS) provider, InReach, that they would be ending services for all bars currently using their product. RFPs were sent out for AMS and Case Management Systems (CMS).

- A CMS system to support discipline, fee dispute, client security fund - approval of a contract with NewDawn Technologies.
- An AMS system to support licensing, cash management, sections, committees, TIP, System Administration - approval of contract with GLSolutions.

It was moved, seconded and carried to approve contracting with NewDawn Technologies and GLSolutions.

Facilities

Kim Farmer outlined the upcoming steps on the tenant improvement for 3100 W. Charleston – timing and decision points. It was moved, seconded and carried to approve the authorization of the Executive Committee to negotiate final terms of a construction loan with one of the financial institutions submitting a rate sheet with the understanding there is no prepayment penalty.

After discussing whether selling or leasing is the best option for the current State Bar building at 600 E. Charleston, it was moved, seconded and carried to authorize the Executive Committee to hire a broker and giving the broker authority to list the property for \$2.3 million.

Discipline

Alan Lefebvre gave a synopsis on the recent meeting concerning the State Bar discipline panels. David Clark, Bar Counsel presented the most recent statistics from the Office of Bar Counsel. Alan Lefebvre, Elana Graham, Larry Digesti, Paola Armeni, Richard Pocker and David Clark were appointed to serve on a discipline review taskforce. The taskforce will review the current process, policies and procedures of the discipline function.

Mock Trial Exploratory Committee

Ann Morgan gave an overview of what is involved if Nevada hosted the National High School Mock Trial Competition in 2017, 2018, or 2019. No action was taken at this time.

ACTION ITEMS

Financial Report

Marc Mersol reviewed the financials ending December 31, 2013.

The Board entered into recess at 12:45 pm and reconvened the meeting at 4:05 pm

ALPS Partnership

Kim Farmer presented an update on the proposed partnership between ALPS and the State Bar.

It was moved, seconded and carried to approve the agreement between ALPS and the State Bar upon making agreed amendments to the contract.

Judicial Ethics and Election Appointments

It was moved, seconded and carried to approve the following appointments to the Standing Committee on Judicial Ethics and Election Practices.

Christopher Cannon Paul Connaghan Frank Toddre II

It was moved, seconded and carried to approve the following reappointments to the Standing Committee on Judicial Ethics and Election Practices. Eric Dobberstein abstained from voting.

Laurie Diefenbach Bill Hammer

Support of ONE Campaign through CLE

It was moved, seconded and carried to approve the following in support of ONE Campaign through CLE.

Offer \$40 Discount (price of 1 CLE credit hour) for Each Pro Bono Case Accepted – or – For Every \$100 Donated

- Members may choose from any .mp3 download or video contained in the bar's CLE online library at www.nvbarcle.org.
- Coupon codes will be given to the legal service providers for distribution to a lawyer who takes a case or donates; coupon codes will be unique to the legal service. The number of \$40 coupons given is unlimited; for example, a lawyer accepting 12 pro bono cases could get 12 coupons for \$40. However, the coupon may only be used once per order.
- Coupon excludes: live seminars, audio CDs and articles for credit – all which involve staff resources.

October Special – Support Pro Bono Week

- Using the same conditions that apply above, coupon amount is increased to \$80 for the entire month. A unique coupon code will be developed for this special offer.

Limited Offer for Legal Service Provider Staff Attorneys

- In support of the new abuse/addiction/mental health CLE requirement, the State Bar of Nevada will offer 50% off to staff attorneys who select from one of the bar's online .mp3 or video programs which qualify for the new credit requirement.

Civility Taskforce - Oath

It was moved, seconded and carried to approve the proposed ADKT changing SCR 73 to read as follows:

"I will conduct myself in a civil and professional manner, whether dealing with clients, opposing parties and counsel, judicial officers or the general public, and will promote the administration of justice."

Nevada Lawyer Assistance Program

It was moved, seconded and carried to appoint Kristine Kuzemka as the NLAP Chair.

EXECUTIVE SESSION

The Board entered into Executive Session at 4:50 pm and concluded the Executive Session at 5:10 pm

CONSENT AGENDA

Approved Minutes of November 2013

Approved 2013 Engagement of Auditors, Barnard, Vogler & Co.

Approved ABA Model Rules ADKT

Approved Contract for LaJolla Beach and Tennis Club

APPOINTMENTS

Fee Dispute Arbitration Committee

Approved appointment of Amanda Cowley as regional Chair, Las Vegas Panel A for a one year term beginning January 2014. Approved appointment of John Hope as regional Chair, Reno/Rural for a one year term beginning January 2014.

Approved reappointment for a three-year term:

Dane Anderson	Reno	January 2014
John Boyer	LVC	January 2014
Adam Breeden	LVB	January 2014
Margo Chernysheva	LVA	January 2014
Richard Dreitzer	LVC	January 2014
Duane Frizell	LVC	January 2014
Archie McRimmon	LVB	January 2014
Randall Tindall	LVB	January 2014
Todd Bader	Reno	March 2014
Richard Blower	Reno	March 2014
Ken Brown	CC	March 2014
Hector Carbajal	LVB	March 2014
Scott Davis	LVB	March 2014
Steven Day	LVC	March 2014
Don Dees	Reno	March 2014
John Doyle	Rural	March 2014
J. Rusty Graf	LVB	March 2014
David Liebrader	LVA	March 2014
Mike Pavlakis	CC	March 2014
Esther Rodriguez	LVA	March 2014
Kevin Ryan	Reno	March 2014
Karl Smith	Reno	March 2014
Eric Stovall	Reno	March 2014

Approved for a three-year appointment:

Z. Kathryn Branson	LVA	January 2014
Michael Chapman	Reno	January 2014
Howard Roitman	LVC	January 2014
Joseph Sanford	LVB	January 2014

Southern and Northern Discipline Panels

Approved for reappointment:

Bryan Cox	Term ending January 2017
David Fischer	Term ending March 2017
Shann Winesett	Term ending March 2017
George Kelesis as Vice Chair	Term ending August 2014

Approved for appointment:

John Bragonje	Term ending January 2017
Harvey Gruber	Term ending January 2017
Howard Roitman	Term ending January 2017
Joshua Hicks	Term ending January 2017

Lawyer Advertising

Approved reappointment of Michael Lowry as Chair – term ending March 2016

Approved reappointment of Adam Stokes – term ending February 2016

Approved reappointment of Walter Sullivan – term expires April 2016

Approved appointment of Howard Roitman – term ending February 2016

Commission on Judicial Selection

Approved reappointment of Jasmine Mehta for a four year term-ending January 2018

TIP Mentor Appointments

Approved the following:

Name	Firm/Organization
Adam Clarkson	Fuller Jenkins Clarkson
Brian Rutledge	Clark County District Attorney
Bryan Dixon	Dixon Law Group
Charles Zumpft	Brooke Shaw Zumpft
Daniel Hayward	Laxalt & Nomura, Ltd.
Dennis Gutwald	Brownstein Hyatt Farber Schreck
Eunice Beattie	Gordon Silver
Frank Spees	Spees & Spees
J. Colby Williams	Campbell & Williams
Jeffrey Rugg	Brownstein Hyatt Farber Schreck
Jennifer Noble	Washoe County District Attorney
Karla Butko	Karla K. Butko, Ltd.
Kristin Erickson	Washoe County District Attorney
Marjorie Guymon	Goldsmith & Guymon, P.C.
Mark Krueger	Office of the Carson City District Attorney
Mary Brown	Brown Law Offices
Matthew Grode	Gibbs Giden Locher Turner Senet
Robin Holseth	Wood Smith Henning & Berman, LLP
Roy Nelson	Drummond & Nelson
Sandra DiGiacomo	Clark County District Attorney
Sara Cope	Christensen James & Martin
Steve Waters	Clark County District Attorney
Steven Don Bennion	Black & LoBello
Tamara Beatty-Peterson	Brownstein Hyatt Farber Schreck
Thomas Hubert	City of Henderson
Tom Ryan	Lewis Roca Rothgerber
William Coulthard	Kemp, Jones & Coulthard, LLP
William Zychlewicz*	Armstrong Teasdale LLP
Wm Randolph Patton	Patton & Kiraly, PC
George Mallo	Contracted with Malco Ent. of Nevada
Mark Thierman	Thierman Law Firm
Travis Barrick	Gallian Welker & Beckstrom, LC

Lawyer Referral & Information

Approved Howard Roitman to a three year term ending June 2017. Approved the following officers:

Marisa Guarino, Chair

Kait Flocchini, Vice Chair

ADJOURN

There being no further business before the Board, the meeting was adjourned at 5:13 pm.

Email Vote of the Board of Governors, February 21, 2014

It was moved, seconded and carried to propose that a change to the Nevada Rules of Professional Conduct be placed before the Nevada Supreme Court for its consideration, on its administrative docket:

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law. Notwithstanding any other provision of these rules, a lawyer shall not be in violation of these rules or subject to discipline for engaging in conduct, or for counseling or assisting a client to engage in conduct, that by virtue of a specific provision of Nevada state law and implementing regulations is either (a) permitted, or (b) within an affirmative defense to prosecution under state criminal law, solely because that same conduct, standing alone, may violate federal law.

The petition being placed before the Nevada Supreme Court, by the the State Bar Governors is not an endorsement of Chapter 453A – Medical Use of Marijuana, as revised by the 2013 Legislature.

Ann Morgan, Larry Digesti, and Bryan Scott abstained from voting.