



**MINUTES
BOARD OF GOVERNORS MEETING
Lake Tahoe, NV
July 24, 2013
12:00 – 4:30 pm**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on July 24, 2013.

The following members were in attendance:

Frank Flaherty, President
Alan Lefebvre, President-Elect
Elana Graham, Vice President
Connie Akridge, Immediate Past President
Paola Armeni
Elizabeth Brickfield
Larry Digesti
Eric Dobberstein
Daniel Hamilton
Gene Leverty
Paul Matteoni
Ann Morgan
Richard Pocker
Bryan Scott
Richard Scotti
Hon. Mason Simons
David Wall

Guests:

Richard Dreitzer
Ryan Russell
Kendelea Works
Michael Davis
David Shoper

State Bar staff present:

Kimberly Farmer
Gale Skala
Marc Mersol
Lisa Dreitzer

The meeting was called to order by President Frank Flaherty at 12:56 pm there being a quorum present.

Executive Session

The Board entered into Executive Session at 1:00 pm and concluded the Executive Session at 1:40 pm.

PRESIDENT'S REPORT

Frank Flaherty discussed Resolution 108 and 10B that is before the 2013 August meeting of the ABA House of Delegates. The Resolutions address judicial conduct and disqualification procedures. No action was taken.

Frank Flaherty and Kim Farmer gave a status update on the purchase of the building at 3100 W. Charleston Blvd. The purchase and sale agreement was submitted to the Seller. Ms. Farmer requested approval from the Board for expenses that will arise during the due diligence period (appraisal, surveys, building assessment). It was moved, seconded and carried to approve expenses up to \$31,000. And if expenses exceed the approved amount, the Executive Committee is authorized to approve additional funds.

EXECUTIVE DIRECTOR'S REPORT

Ms. Farmer reported on the *One Nevada* campaign for Access to Justice. Ms. Farmer also presented an overview of the 5-year strategic vision for the State Bar of Nevada.

GENERATIVE DISCUSSION ITEMS

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

Can Board of Governors serve as TIP Mentors, if they so desire?

After much discussion the Board determined that at this time Board members could not serve as mentors.

Must a section seek approval from the Board of Governors when responding to the Supreme Court request for public comment on an administrative docket matter?

Currently there is no provision in the Board policies or the State Bar Bylaws that require sections to seek Board approval on comments to ADKT's. It was moved, seconded and carried to create a taskforce review this question. Ann Morgan and Elizabeth Brickfield agreed to be members of the taskforce.

Should the Board of Governors revise its process for Legislative positions (by sections or the Board)?

Frank Flaherty reviewed the current process with the Board. It was determined that the Board would discuss this matter at a later meeting.

ACTION ITEMS

2012 Audit Report

Michael Davis and David Shoper of Banard, Vogler and Co. presented the 2012 audit report to the Board of Governors. Both the State Bar of Nevada and the Nevada Bar Foundation received an unqualified audit opinion. The Board and auditors entered into Executive Session at 2:08 pm and concluded the Executive Session at 2:30 pm.

Investment Committee

Marc Mersol gave a status report of the Investment Committee. The Investment Committee recommended amendment to the current investment policy to changing investment reports to the Board to semiannually. It was moved, seconded and carried to change the current investment policy to read as follows:

On a semiannual basis, or as deemed necessary, the Investment Committee will review the mix of investments for surplus funds to ensure the funds are managed in a fiscally sound manner and to achieve the highest return on investments within the parameters set forth by the Board of Governors. The Investment Committee shall report to the Board of Governors semiannually.

Revised Budget 2013

Marc Mersol gave an overview of the 2013 revised budget. It was moved, seconded and carried to approve the 2013 revised budget.

Bylaws Amendment – Amicus Curiae

The Board considered a bylaw revision to the current bylaw 7.11 Amicus Curiae Briefs. It was moved, seconded and carried to approve the suggested changes to the current bylaw 7.11 noting that the sections may present conflicting point of views in the Amicus Brief. The amended bylaw reads as follows:

7.11 Amicus Curiae Briefs A section that wishes to file *amicus curiae* brief with any court must obtain prior approval from the Board and/or Executive Committee. The President may appoint a member/s of the Board of Governors to review amicus requests and final briefs.

The Board and/or the Executive Committee may authorize *amicus* briefs only when such briefs involve questions relating to the regulation of the profession, improving the administration of justice, or improving the quality of legal services. The subject matter must relate to the mission/practice focus of the section.

Section requests to file an *amicus* brief When a section seeks to file an *amicus* brief it must state whether it is filing upon its own volition or at invitation from the court. The section must obtain prior approval from the Board and/or the Executive Committee. The request must be in writing and include a synopsis of the question involved and the posture of the case. The section may present conflicting points of view in the *amicus* brief. The request must include a statement noting when the section authorized the brief according to the section's bylaws and a list of all individuals participating in writing the brief. The section may be required to obtain an extension of time from the court to obtain required approvals.

Approvals of an *amicus* brief The section must provide the completed brief (or near final draft) for review and approval by the Board and/or Executive Committee. In its introduction, the *amicus* brief must clearly state that the section is speaking on its own behalf and not on behalf of the State Bar. The section may be required to obtain an extension of time from the court to obtain required approvals.

Family Law Section – Amicus Brief

The Family Law Section has requested approval to file an *amicus* brief with the Nevada Supreme Court in the matter of the estate of Doan v. Wilkerson. It was moved, seconded and carried to approve filing the *amicus* brief by the Family Law Section. And that the final draft will be presented to the Board for approval. The draft will be reviewed by Richard Pocker and Ryan Russell.

TIP Program

The Standing Committee on Transitioning into Practice (TIP) requested approval of the ADKT submitting a 2013 report to the Court and permanently establishing the TIP program. It was moved, seconded and carried to approve submission of the ADKT and the 2013 Supplemental report to the Court. Paola Armeni abstained from voting.

ABA Model Rules

The ABA Model Rules Taskforce was charged with the task of reviewing recent amendments to the ABA Model Rules to determine if Nevada Supreme Court Rules and the Nevada Rules of Professional Conduct should be revised based on the amended ABA Model Rules. It was moved, seconded and carried to approve amendments to NRPC 1.0, 1.6, 1.18 and 4.4. An ADKT will be prepared and submitted to the Board for final approval.

Law Related Education-Mock Trial Exploratory Committee

The Mock Trial Subcommittee requested the formation of an exploratory committee to look into the feasibility of hosting a future National Mock Trial Competition in Nevada. The subcommittee also requested that two members of the Board sit on the exploratory committee. It was moved, seconded and carried to approve the formation of a Mock Trial Exploratory Committee. Ann Morgan and Paul Matteoni agreed to be on the committee.

REPORTS

Young Lawyers Section

Kendelee Works reported on the recent activities of the Young Lawyers Section. YLS is trying to generate revenue and meet member demand by providing additional CLE opportunities. It was moved, seconded and carried to approve the following slate of officers:

- Chair and Southern District Representative: Kendelee Works
- Chair Elect and Northern District Representative: Matt Digesti
- Northern District Representatives: Jeffrey Conner and Jordan Davis
- Southern District Representatives: Layke Stolberg, Michael Lee, Eric Pepperman
- Carson City Representative: Scott Lachman
- Immediate Past President and Rural Representative: Jeremy Reichenberg
- Ex Officio Budget Director: Dylan Ciciliano

CONSENT AGENDA

Minutes of April 2013

Resignations of the following attorneys:

Tina Tran
Jean Mischel
Greg Frank Janson

Suspensions

Approved amended suspension list.

Publications-Policy Changes

Approved recommended changes by the Publications Committee to their Committee Policies and Procedures.

Sections

- Insurance and Health Law Bylaws – approved amendments to bylaws
- Litigation Section Bylaws- approved amendments to bylaws
- Gaming Law Section Policies and Procedures- approved formation of Amicus Brief Standing Committee

Contracts

- Hyatt Regency – 2014 Annual Convention
- LaJolla Beach & Tennis Club
- Admissions - Examsoft Worldwide
- Xerox Contract

Appointments

Disciplinary Board

Approved reappointment of the following volunteers for a three year term:

Southern Board

Clark Seegmiller ending October 2016

Carole Kennedy ending August 2016

Northern Board

John Echevarria – Vice Chair ending August 2014

Stephen Kent ending October 2016

Michael Large ending August 2016

Lance Maiss ending August 2016

Lawyer Advertising Committee

Approved reappointment of the following volunteers for a two year term:

Southern Board

Joseph Wirth ending June 2015

Northern Board

James Barnes, Chair ending June 2015

Carrie Parker ending June 2015

Hal Taylor ending June 2015

Approved appointments of the following volunteers for a two year term:

Southern Board

Justin Alper ending August 2015

Mark Coburn ending August 2015

Northern Board

Alicia Johnson ending August 2015

Fee Dispute Arbitration Committee

Approved the reappointment of the following volunteer for a three year term effective August 2013

Name	Regional Chair
John C. Hope	Reno

Approved the reappointment of the following volunteers for a three year term effective August 2013

Name	Regional Panel
David Doto	LVA
Lee Drizin	LVA
Roger Harada	Reno
Lawrence Lermusiaux	LVB
Robert Schumacher	LVC
David Stahl	LVA
Jason Stoffel	LVB
Clark Vellis	Reno
Carl Weller	LVC

Approved the following volunteers for a three year appointment effective August 2013

Name	Regional Panel
Justin Alper	LVB
Tahnaya Ballard	CC
Joy Clark	LVA

Clients' Security Fund

Approved Clifton Usher for a three year term ending July 2016.

TIP Mentors

John Greene
Christine Burkhart
David Kahn
Laurence Irwin
Samuel Sue
Garrett Ogata
Jessica Hanson-Anderson
Wade M. Hansard
Dalton L. Hooks, Jr.
Richard K. Thompson
Douglas Gardner
Kenneth Jillson, Jr.
Martin Manke

Ann Morgan and Paul Matteoni abstained from voting.

Reappointments to Standing Committee on TIP

Approved the following attorneys for a two year reappointment ending December 2014

Dara Goldsmith
John Steffen
Thomas Stockard

Continuing Legal Education

Approved the following volunteers for a three year appointment ending June 2016

Jeremy Alberts
Heidi Parry Stern

LRIS Committee

Approved for a three year appointment ending June 2016
Russell Christian

Section Appointments

Approved the following:

Insurance and Health Law Section

Appointed to two-year terms ending May 2015:

Chair: Matthew Milone, Holland and Hart
Vice Chair: Patrick Leverty, Leverty & Associates Law
Secretary: Kelly McIntosh, Nutile Pitz & Associates
Treasurer: William Ginn, Leverty & Associates Law (re-elected)

Executive Committee Members:

CLE Subcommittee Chair: Tim Mulliner, Ballard Spahr
Membership Subcommittee Chair: Leland Faux, Faux Law Group

Bankruptcy Section

Appointed to one-year terms ending March 2014:

Chair: Dawn Cica, Lewis & Roca

Vice Chair: James Shea (re-elected), Shea & Carlyon

Secretary: James T. Leavitt

Treasurer: Oganna Atamoh (re-elected), Cotton Driggs Walch Holley Woloson & Thompson

Executive Committee Members:

Communications Chair: Robert Charles, Lewis & Roca

Education Co-Chair: Sarah Carrasco, Carrasco Law Practice

Education Co-Chair: Amy Tirre, Law Offices of Amy Tirre

Events Chair: Anne Loraditch, Bach Law Firm

Public Lawyers Section

Appointed to one-year terms ending May 2014:

Chair: Brett Kandt (re-elected), Nevada Prosecution Advisory Council

Vice Chair: Tina Russom (re-elected), Carson City District Attorney's Office

Sarah Bradley (re-elected), Nevada Attorney General's Office

Executive Council At-Large Members:

Mark Ghan (re-elected), Western Nevada College

Amy Crowe, Nevada Attorney General's Office

Paul Lipparelli (re-elected), Washoe County District Attorney's Office

Michael Oh (re-elected), City of Henderson

Gaming Law Section

Approved reappointed to a three-year term ending June 2016:

Vice Chair: P. Gregory Giordano, Lewis & Roca

Executive Committee Member: Sean McGuinness, Lewis and Roca

Elder Law Section

Approved for a two-year term ending June 2015:

Chair: Keith Tierney

Vice Chair: Laura Deeter, Kunin & Carman

Secretary: Hai Ling Chu, HLC Legal

Immediate Past Chair and Treasurer Pro-Tem: Nancy Sollinger

Labor and Employment Section

Approved for a one-year term ending June 2014:

Chair: Edwin Keller, Kamer Zucker Abbott

Vice Chair: James P. Kemp, Kemp & Kemp

Secretary: Rachel Silverstein, Fox Rothschild

Treasurer: Bryan Cohen (re-elected), Kamer Zucker Abbott

Family Law Section

Dixie Grossman resigned her position as Treasurer of the Family Law Section.

Sarah Hardy Cooper was elected to assume the role of Treasurer.

Nevada Jury Instructions – Civil Subcommittee

Approved the following:

Steve Klearman as Chair ending December 31, 2013

New members: Jim Crockett and Thomas Drendel

Justice League Board of Trustees

Approved the following Officers for 2013-14:

Dara Goldsmith, Chair

Nicole Lambolely, Vice Chair

Sharon McNair, Treasurer

Trevor Atkin, Secretary

Approved reappointments for a two year term ending June 2015:

Eleissa Lavelle

Dara Goldsmith

Approved appointment for a two year term ending June 2015:

Lorien Cole

U.S. District Court Lawyer Representative

Approved for a three year term ending August 2016:

Ogonna Atamoh

Anne Traum

Carol Davis Zucker

ELECTION OF OFFICERS

The following Slate of Officers was elected to the State Bar of Nevada Board of Governors for a term ending July 2014.

Alan Lefebvre, President

Elana Turner Graham, President Elect

Larry Digesti, Vice President

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 5:00 pm.