



Minutes
Board of Governors Meeting
September 24-25, 2015
Elko, Nevada

A meeting of the Board of Governors of the State Bar of Nevada was convened on September 24, 2015 and on September 25, 2015.

The following members were in attendance:

Larry Digesti, President
Bryan Scott, President Elect
Elana Turner Graham, Immediate Past President
Paola Armeni
Kimberly Buchanan
Julie Cavanaugh Bill
Eric Dobberstein
Richard Dreitzer
Troy Isaacson
Paul Matteoni
Ryan Russell
Kari Stephens
Ryan Works

State Bar staff present:

Kimberly Farmer
Gale Skala
Marc Mersol
Lisa Dreitzer
Shelley Young
Brian Kunzi

Guest:

Jenny Hubach
Mark Sullivan
David Schaper
Alina Kilpatrick

SEPTEMBER 24, 2015

CALL TO ORDER

President Larry Digesti called the meeting to order on September 24, 2015 at 3:36 pm with quorum present.

PRESIDENT'S REPORT

Larry Digesti welcomed Kimberly Buchanan, the newest member of the Board of Governors. Mr. Digesti presented a review of the recent road trip visiting the rural judges. Larry Digesti, Bryan Scott, Gale Skala and Kimberly Farmer met with judges in Fallon, Winnemucca and Elko. The group reviewed current programs that the State Bar offers to members such as Lawyers Concerned for Lawyers and the new Short Trial program.

DISCUSSION

○ **Nevada Board of Continuing Legal Education Business Plan**

The Board of CLE submitted ADKT 0499 to the Supreme Court in July 2014. The Supreme Court then established the Blue Ribbon Commission (BRC) to further study the proposed amendments. The BRC also asked the Board of CLE to develop a business plan for operations.

Jenny Hubach and Mark Sullivan presented an overview of the Board of CLE's business plan including:

- Governance
- Financial Overview
- Technology
- Provider Funding
- Human Resources

At the conclusion of the overview presentation, the Board entered into discussion. The chair of the Board of Governors CLE Board Taskforce, Paul Matteoni provided a synopsis of observations of the Taskforce on the CLE Board business plan.

- The Taskforce supports a plan that seeks to improve the quality of CLE programs offered, increase attorney compliance with MCLE requirements and transfer the financial impact of program administration from attorneys to the providers who ultimately profit from educational course offerings provided;
- The Taskforce was concerned that with the transition to a provider based model, attorneys may unintentionally be affected through increased fees;
- The business plans does not address steps to increase attorney MCLE compliance;
- The plans does not outline cost-control measures to ensure operational expenses can be met absent penalty fees;
- The plan does not cover allocation or use of excess reserves;
- The Taskforce had concerns that adequate operational and management oversight is in place to carry through the execution of the transition; and
- Suggestions that a governance model be implemented consistent with similar programs operating under the auspices of the Supreme Court and State Bar. Including term limits for Board members.

It was moved, seconded and carried to present the Board's review and recommendations on the business plan to the Board of CLE. Bryan Scott and Richard Dreitzer abstained from voting.

SEPTEMBER 25, 2015

CALL TO ORDER

President Larry Digesti called the meeting to order on September 25, 2015 at 8:13 am with quorum present.

DISCUSSION

- **UPL Enforcement**

Larry Digesti reviewed the concerns regarding the enforcement of the Unlawful Practice of Law. The Office of Bar Counsel has not initiated any UPL enforcement actions in over one year. Mr. Digesti suggested a taskforce be formed to study the Bar's policies on enforcement of UPL.

- **Guests**

Alina Kilpatrick, President of Elko County Bar Association, thanked the Board of Governors for coming to Elko. Ms. Kilpatrick noted how much she appreciated the help from OBC with respect to handling the files of a recently deceased attorney.

- **YLS Report**

Paola Armeni presented a report regarding the Young Lawyers Section indicating that the section is very supportive of the trial skills program.

EXECUTIVE DIRECTOR REPORT

- **Trends/Challenges to Mandatory Bars**

Kimberly Farmer presented an overview of the recent activity regarding legal and legislative challenges to unified bars. Ms. Farmer noted that North Dakota is fighting a challenge to their mandatory status from a federal lawsuit seeking to deunify the bar due to the bar's stand on a recent ballot measure. Earlier this year the Supreme Court of Arizona appointed a taskforce to review the governance and structure of the State Bar of Arizona. Ms. Farmer highlighted the fact that more and more states are seeing challenges from the state courts and other entities.

DISCIPLINE REPORT

- **Statistics**

Brian Kunzi reported on the status of the discipline backlog. Mr. Kunzi reviewed the investigations in process as well as prosecutions. Mr. Kunzi noted that the total number of grievances have decreased. Mr. Kunzi gave a synopsis on the proposed change to Disciplinary Rules of Procedure. Mr. Kunzi suggested Rule 39 read as follows

(a) Rendering of decision. The hearing panel shall render a written decision within thirty (30) days of the conclusion of the hearing, unless post-hearing briefs are allowed by the panel or ordered by the chair pursuant to a request from either party, in which event the decision shall be rendered within sixty (60) days of the conclusion of the hearing. A decision to impose or recommend discipline as defined in SCR 102 by a five-member panel requires the concurrence of four (4) members of the panel. A decision to impose discipline by consent pursuant to SCR 113 by a three-member panel as set forth in

DRP 5 requires the concurrence of two (2) members of the panel.

(b) Contents of decision. The decision shall be signed by the panel chair and include findings of fact; conclusions of law; statement of rule violations for each count; findings of aggravating and mitigating factors as set forth in SCR 102.5; and recommended discipline including terms of probation or conditions, if applicable. The written decision is to include such analysis as is necessary to support the recommended discipline based upon the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the applicable aggravating or mitigating factors as provided in the American Bar Association Standards for Imposing Lawyer Sanctions.

(c) Preparation of decision. The panel chair may request proposed findings be prepared by one of the parties at the discretion of the panel chair. In the event proposed findings are to be prepared by one of the parties, a post-hearing conference shall be held, in person or by telephone, between the chair and the parties to discuss any matters reasonably necessary to assist in the preparation of the written decision in conformance with the standards set forth in this rule.

(d) Filing and service. The decision shall be filed with bar counsel's office and served pursuant to SCR 109(1).

It was moved, seconded and carried to adopt the proposed change to Rule 39 upon omitting paragraph (c) and making paragraph (d) paragraph (c). Troy Isaacson abstained from voting.

Kimberly Farmer requested the addition of a part-time administrative coordinator. This person will primarily handle support to the Discipline Panel Chairs. It was moved, seconded and carried to approve the addition of a part-time administrative coordinator.

Discipline Appointments

It was moved, seconded and carried to approve the following appointments and reappointments (Troy Isaacson abstained from voting).

Reappointment:

Ronald Noonan, 3 year term, commencing July 31, 2015

Chair, Jeff Posin, ending July 31, 2016

Vice Chair, George Kelesis, ending July 31, 2016

New Appointments for a 3 year term commencing September 2015:

Southern Panel

Russell Marsh

Amber Adams

Jay Bloom

Northern Panel

Zelalem Bogale

ACTION ITEMS

Financial Report, August 2015

Marc Mersol presented an overview of the August 2015 financials for the State Bar.

Audit Report

Mr. Mersol reviewed the 2015 audit process and noted that the State Bar passed the audit and received no management points. The auditor, David Schaper of Bernard Vogler presented the independent auditors report for the State Bar of Nevada. Mr. Schaper explained the audit process and the responsibility of the auditors. According to the audit report, the financial statements of the State Bar for the year ended December 31, 2014 present fairly in all material respects, the financial position of the State Bar in accordance with accounting principles generally accepted in the United States. It was moved, seconded and carried to accept the 2014 audit report.

Facilities

Kimberly Farmer reviewed the lease renewal of Quest, tenant at 3100 W. Charleston, whose lease expires on 1/31/16. The Facilities Taskforce recommends directing our property manager, Virtus, to submit a proposal to Quest with new lease terms. The proposal allows Virtus negotiating room. It was moved, seconded and carried to approve the recommendation of the Facilities Taskforce.

National Mock Trial – MOU

Kimberly Farmer reviewed the Memorandum of Understanding that outlines the agreement for shared resources between the State Bar and the Nevada Bar Foundation (NBF) for the 2018 National High School Mock Trial Championship being hosted by the State Bar and the NBF in Reno, NV. It was moved, seconded and carried to approve the Memorandum of Understanding.

Member Services

- License Fee Invoice Distribution

Member Services is requesting for the 2016 license renewal invoice cycle to mail postcards and using other notification tools rather than mailing notices. The postcard will have information allowing members to log into their online accounts, pay license fees, submit disclosures and if they would like, print their renewal packet. It was moved, seconded and carried to approve the proposed changed in the 2016 licensing renewal invoice distribution.

- Staffing

To decrease response time to member and non-member inquiries and to increase customer satisfaction, the Member Services department requests the addition of a part time Member Services assistant. It was moved, seconded and carried to approve a part time Member Services assistant.

LRIS Proposed Revisions to Standards and Rules

Kimberly Farmer gave a synopsis on the proposed revisions to the Standards and Rules for panel members of the Lawyer Referral and Information Services. It was moved, seconded and carried to approve the proposed revisions.

Appointments Character & Fitness Committee

It was moved, seconded and carried to appoint the following volunteers to the Character & Fitness Committee (Paul Matteoni abstained from voting).

Southern Panel: Ann Bersi, James E. Murphy

Northern Panel: Scott Hoffmann

It was moved, seconded and carried to reappoint Kelly Kevin for a three year term commencing January 2016.

Suspension List

It was moved, seconded and carried to approve the suspension list.

Executive Session

The Board entered into Executive Session at 11:12 am and concluded the Executive Session at 11:30 am.

CONSENT AGENDA

Approved Minutes of July 8, 2015

Approved Contracts:

- LaJolla Beach and Tennis Club
- UNLV for February 2016 Bar Exam
- Squaw Creek Resort – Jackrabbit Bar Conference

APPOINTMENTS

Fee Dispute Arbitration Committee

Approved for reappointment to a three-year term:

Name	Regional Panel	Effective Date
Neil Beller	LVC	October 2015
Laura Browning	LVA	October 2015
Dustin Dingman	LVC	October 2015
John Harper	LVC	October 2015
John Kelleher	LVC	October 2015
Glenn Meier	LVC	October 2015
Toby Yurek	LVC	October 2015

Approved for a three-year appointment to the Fee Dispute Arbitration Committee.

Name	Regional Panel	Effective Date	Other Committees, Boards, Panels, & Organizations
Stephanie Barker	LVC	September 2015	Litigation; Public Lawyers
Robert Guinta	LVB	September 2015	n/a
Thomas Murphrey	LVA	September 2015	n/a

Section Appointments

Approved **ADR Section** one year term ending August 2016:

- Chair: Patrick Chapin
- Vice Chair: Bill Hammer
- Secretary: Barbara Johnston
- Budget Officer: William Turner (reappointment)

Approved **International Law Section** one year term ending August 2016:

Chair: Wilbur Roadhouse
Vice Chair (North): Richard Trachok II
Vice Chair (South): Michael Buckley
Secretary: Richard Barrier
Treasurer: Theodore Williams

Approved **Litigation Section** appointed to a one year term ending September 2016:
Chair: Tracy DiFillippo
Vice Chair: Max Couvillier
Secretary: David Carroll
Treasurer: Shannon Pierce

Approved **Advisory Commission on Justice** appointed for a two year term ending December 2017
(Kimberly Buchanan abstained from voting):
Phil Kohn
Paola Armeni

There being no further business before the Board, the meeting was adjourned at 11:50 am.