



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
State Bar of Nevada, Fallon, NV
August 19, 2009**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on August 19, 2009 at 10:48 p.m.

The following members were in attendance:

Kathleen J. England, President
Cam Ferenbach, President Elect
Connie Akridge, Vice President
James Bradshaw
Amber Candelaria
Larry Digesti
Frank Flaherty
Elana Graham
Bruce Hahn
Jenny Hubach
Alan Lefebvre
Vincent Ochoa
Mason Simons
John White

State Bar Staff Present:

Rob Bare
David Clark
Patrice Eichman
Kimberly Farmer
Marc Mersol
Gale Skala

Guests:

Laura Granier
Ryan Works

1. CALL TO ORDER

The meeting was called to order by President Kathleen J. England at 10:50 p.m. and a quorum was present.

2. CONSENT ITEMS

The following Consent Agenda items were accepted or approved unanimously.

Approval of Minutes

It was moved, seconded and approved to approve the amended minutes of June 10, 2009; June 11, 2009 and July 27, 2009.

Finance Report, Marc Mersol

Admissions Report, Patrice Eichman

Fee Dispute Arbitration Committee, Georgia Taylor

It was moved, seconded and approved to appoint the following volunteers for a three year term beginning August 2009 to the Fee Dispute Arbitration Committee.

Todd Leventhal, Las Vegas Panel C
Terri MacTaggart, Las Vegas Pane C

It was moved, seconded and approved to reappoint the following members for a three year term beginning as shown to the Fee Dispute Arbitration Committee.

Dee Newell, Las Vegas Panel A (August)
Raymond Oster, Reno Panel (August)
Troy E. Peyton, Las Vegas Panel A (September)
Jorge Ramirez, Las Vegas Panel A (August)
Richard Scotti, Las Vegas Panel B (August)

It was moved, seconded and approved to reappoint the following as State Chair and Regional Chairs for a one year term effective August 2009.

Luke Puschnig, State Chair
Paul Eisinger, Regional Chair; Las Vegas Panel B
John C. Hope, Jr, Regional Chair; Reno Panel
Todd Kennedy, Regional Chair; Las Vegas Panel A

Access to Justice Commission, Kristina Marzec

DISCUSSION / ACTION ITEMS

3. PUBLICATIONS REPORT, JENNIFER SMITH

Jennifer Smith reported on the proposal of the State Bar of Nevada having a Facebook page. The online resource could be used to distribute news and information about the bar and its services, and in addition act as a place for members to connect with the bar and each other. The concern of staff time being used to monitor the site in order that conversations are not inappropriate was discussed. Kathy England requested that Jennifer Smith do a business plan that would cover all the issues of concern for being on Facebook.

Jennifer Smith reported that the Editorial Board had received an application from Gregory Shannon applying to be a member of the Editorial Board. At present, there are 14 members on the Board with a maximum membership of 15. The Board asked that the vacancy again be advertised to the members before the Board of Governors makes a decision concerning Mr. Shannon's application.

Jennifer Smith gave a synopsis of the current non competition agreement the State Bar of Nevada has with LexisNexis. The Nevada Jury Instructions publication is on hold due to this past agreement. LexisNexis had agreed to propose an agreement concerning this publication.

It was moved, seconded and approved for David Clark to file a declaratory relief action against LexisNexis. Mr. Clark will research the legal options to publish the Jury Instructions Manual.

It was moved, seconded and approved to approve the new publications project for a Guardianship Manual.

4. REPORT OF EXECUTIVE DIRECTOR, KIMBERLY FARMER

Kimberly Farmer gave a synopsis of her request for an additional staff member in the accounting/IT department. It was moved, seconded and approved to approve the hiring of an accounting/IT clerk staff member and to amend the 2009 budget to reflect this new position.

Ms. Farmer reviewed the Admissions Expense Revenue analysis. The Admission department has been operating at a net expense in 2008, 2009 and in future projections. The Board asked that Connie Akridge, liaison for the Board of Bar Examiners, will work with the Board of Bar Examiners regarding the cost of the admissions function.

It was moved, seconded and approved to authorize the filing of the suspension list as adjusted to the Court.

Kimberly Farmer reviewed the policy in the Board of Governors bylaws concerning a section seeking approval from the Board before submitting an Amicus Brief. It was suggested by the Board of Governors that it be stated in the policy the brief must not violate Keller rules and the brief is a collaborative effort by all parties.

5. YOUNG LAWYER SECTION REPORT, LAURA GRANIER

Laura Granier reported on the recent activities of the Young Lawyers Section. The Young Lawyers Section is hoping to expand the Goldilocks program. The section is now on Facebook and is pleased with the response they have been getting from their members.

The section would like approval from the Board of Governors to have a mini trial academy at the State Bar annual convention. The Board suggested the move forward with the mini trial by working closely with the annual convention planning committee.

The Young Lawyers Section has requested that they have a formal seat on the Board of Governors as a voting member or an ex officio. The Board asked that the Young Lawyers Section submit a formalized proposal regarding this request.

6. NINTH CIRCUIT LAWYER REPRESENTATIVE NOMINEES

It was moved, seconded and approved to appoint Ann Morgan as the Lawyer Representative of the Ninth Circuit for the Northern Division. It was moved, seconded and approved to appoint Joan Wright as the Lawyer Representative of the Ninth Circuit for the Rural Counties.

7. NEVADA LAW FOUNDATION

Kathleen England reported on the status of the Nevada Law Foundation (NLF). The NLF was due to respond to a request sent by the Board of Governors the week of August 10, 2009. As of today (August 19, 2009), the Board had not received their response.

Kathleen England and Cam Ferenbach had a teleconference with Chief Justice Hardesty. Chief Justice Hardesty thought the Board should continue to work with the NLF trustees allowing them to respond to inquiries and follow-up and that December may be an outside decision date. It was also suggested that the Board subcommittee hold an additional joint meeting with the NLF.

The Board asked Ms. Akridge and Mr. Ferenbach will look the proposals the state bar has received regarding options for managing the IOLTA funds to determine if these are viable options.

8. SECTION REPORTS

It was moved, seconded and approved to appoint the following officers to the Elder Law Section.

Chair: Karen Winters

Chair-Elect: Noel Palmer Simpson

Secretary: Elizabeth Brickfield

Treasurer: Nancy Sollinger

It was noted that Cam Ferenbach abstained from voting.

The Tax Law Section has requested approval of T. Augustas Claus as Vice Chair for a term of one year. The Board of Governors deferred action on this request until their next meeting. The Board has requested information on how active the Tax Law Section has been the past few years and to review the terms of officers of the section.

It was moved, seconded and approved to approve the formation of the Energy, Utilities and Communications Law section. The initial Executive Committee members are:

Douglas Brooks, Tammy Cordoza, Curt Ledford, Dan Rease, Frederic Schmidt, Robert Bruce, Kathleen Drakulich, Craig Newby, Michael Saunders and Suzanne Stark.

It was noted that Connie Akridge abstained from voting.

Now that the section liaisons have been appointed, the Board will seek a report from each liaison at future Board meetings.

9. COMMITTEE REPORTS

Marc Mersol reported on the 2009 proposed revised budget. It was moved, seconded and approved to approve the 2009 proposed revised budget. Kimberly Farmer and Marc Mersol suggested that in the 2010 budget that the Family Law be budgeted in the Family Law Section budget (not the CLE budget as it now appears). The Board also requested that Mr. Mersol create a line item that separately depicts employment benefits and taxes.

10. REPORT OF PRESIDENT, KATHLEEN J. ENGLAND

Ms. England reported to the Board on the status of the 2010 annual convention in Monterey, CA. The 2010 annual convention planning committee members will be Jenny Hubach, Laura Granier, and Larry Digesti. There will be an additional member assigned to the planning committee from the CLE committee of the state bar.

It was moved, seconded and approved to appoint Jenny Hubach to the Board of Continuing Legal Education (CLE) as the Board liaison, term ending December 31, 2009. It was moved, seconded and

approved to appoint Judge Bridget Robb Peck to fill the vacancy on the Board of CLE, term ending December 31, 2010. It was moved, seconded and approved to appoint Judge Bridget Robb Peck as the chair of the Board of CLE, term ending December 31, 2009.

It was moved, seconded and approved to amend the Policies of the bylaws of the State Bar of Nevada to include the following:

The Executive Director is authorized to execute contracts on behalf of the State Bar consistent with the approved budget for obligations less than \$10,000.00. Contracts obligating the State Bar to amounts greater than \$10,000.00 or in excess of one year will require the approval of the Board of Governors.

It was moved, seconded and approved to waive Section 10.1 (Amendment), notice of proposed amendments to the bylaws.

Kathleen England gave a synopsis of Rob Bare's intent to run for judicial office. Ms. England requested that Mr. Bare submit to the Board a letter outlining steps he will take to prevent any conflict or appearance of impropriety.

11. REPORT OF DEPUTY BAR COUNSEL/GENERAL BAR COUNSEL, DAVID CLARK

The Board of Governors went into Executive Session at 3:00 pm and returned to an open session at 3:30 pm.

David Clark reported that there will be a public hearing regarding the State Bar's petition to amend SCR 106.5 on September 1, 2009 at 4:00 pm.

12. REPORT OF BAR COUNSEL, ROB BARE

Rob Bare reported the statistics for the discipline department. The Board has requested that Mr. Bare review the discipline stats and provide an analysis of trends in discipline, with a report to the Board in October.

It was moved, seconded and approved to reappoint Julien Sourwine as Vice Chair of the Northern Disciplinary Board for a one year term ending August 31, 2010.

It was moved, seconded and approved to appoint Darren Lemieux to the Northern Disciplinary Board for a three year term commencing August 19, 2009.

It was moved, seconded and approved to accept the resignations of the following attorneys:

James McGettrick
Jeanne Marie Davila
Cynthia Sully
Melissa Campbell
Christopher Mulvaney

ADJOURNMENT

There being no new business before the Board, the meeting was adjourned at 3:40 p.m.