



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
State Bar of Nevada, Reno, NV
December 9, 2009**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on December 9, 2009.

The following members were in attendance:

Kathleen J. England, President
Cam Ferenbach, President Elect
Connie Akridge, Vice President
Bruce Beesley, Immediate Past President
James Bradshaw
Amber Candelaria
Larry Digesti
Frank Flaherty
Elana Graham
Bruce Hahn
Jenny Hubach
Vincent Ochoa
Mason Simons
John White (ex officio)

Via telephone:

Gregg Kamer
Alan Lefebvre
Bruce Shapiro

State Bar staff present:

Rob Bare
David Clark
Kimberly Farmer
Emily Ihrke
Marc Mersol
Gale Skala

Guests:

David O'Mara

CALL TO ORDER

The meeting was called to order by President Kathleen J. England at 9:20 a.m., there being a quorum present.

CONSENT ITEMS

The following consent items were moved, seconded and approved.

FINANCE REPORT

PUBLICATIONS REPORT

ACCESS TO JUSTICE COMMISSION REPORT

DISCUSSION / ACTION ITEMS

APPROVAL OF MINUTES

It was moved, seconded and carried to approve the amended minutes of October 21, 2009.

CLIENT SECURITY FUND REPORT AND FEE DISPUTE ARBITRATION COMMITTEE

Kimberly Farmer gave an overview of the Client Security Fund report. In 2006, ABA services provided a Program of Assistance and Review (PAR) review. The PAR review resulted in the 2006 ABA Report on the Client Security Fund. The Board queried whether this report is still current, thus the Board, through an action motion, directed that a letter be sent to the ABA Center on Professional Responsibility, Division of Client Protection Services regarding the 2006 ABA Report on the Client Security Fund to determine if an update to the 2006 report is warranted.

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

Carolyn Broussard	Las Vegas Panel C	December 1, 2009
Craig Burkett	Reno Panel	December 1, 2009
Darrell W. Faircloth	Reno Panel	December 1, 2009
R. Nathan Gibbs	Las Vegas Panel C	December 1, 2009
John Lambert	Rural Panel	December 1, 2009
Marie Martin-Kerr	Carson City Panel	December 1, 2009
Andrea Nichols	Reno Panel	December 1, 2009
Todd A. Plimpton	Rural Panel	December 1, 2009
Virginia Shane	Rural Panel	December 1, 2009
Richard Teichner	Reno Panel	December 1, 2009
Stephanie Copper Herdman	Las Vegas Panel B	January 1, 2010
Terry McConnell	Las Vegas Panel C	January 1, 2010
Lawrence Mittin	Las Vegas Panel B	January 1, 2010
Robert Reade	Las Vegas Panel B	January 1, 2010
Kelly Swanson	Las Vegas Panel B	January 1, 2010
Michael C. Van	Las Vegas Panel B	January 1, 2010
Shann D. Winesett	Las Vegas Panel C	January 1, 2010

It was moved, seconded and approved to appoint the following members to the Fee Dispute Arbitration Committee for a three year term commencing December 1, 2009. It was noted that by appointing Mr. Brenske, he will not be involved in the fee dispute disclosed in his application. (Ms. England abstaining due to her professional relationship with Mr. Brenske)

David Salmon Las Vegas Panel A

William R. Brenske

Las Vegas Panel C

ADMISSIONS REPORT

The Board discussed the issue of the revenue and expenses of the admissions function. The admissions function has been running at an increased deficit for the past two years and is budgeted to run a deficit of \$200,000 in 2010. A report regarding history and projections for revenue and expenses of the admissions function will be provided to the Board at the February meeting.

REPORT OF THE YOUNG LAWYERS SECTION

David O'Mara reported on the recent activities of the Young Lawyers Section. Mr. O'Mara noted that the annual suit drive was very successful as well as the Goldilocks program. The YLS is planning a trial skills academy to be held as one of the tracts at the state bar annual meeting.

REPORT OF PRESIDENT

In addition to her written report Kathleen England gave a synopsis of the recent trip that she and Kimberly Farmer had made to Elko, NV.

SCR 217 Ms. England reported on the public hearing that was held regarding the proposed changes to SCR 217. As authorized at the last Board meeting, the state bar submitted minor changes to the ADKT.

Nevada Law Foundation Ms. England reported that the Nevada Law Foundation has hired ALPS Foundation Services to oversee the IOLTA program. Quarterly reports will be provided to the State Bar. Ms. England thanked the Board for their work with the NLF Board of Trustees on the IOTLA program.

CONTINUING LEGAL EDUCATION REPORT

In addition to her written report, Emily Ihrke reported on the activities of the CLE department. Ms. Ihrke reported that the CLE program has introduced alternative methods of providing CLE to our members, such as on demand programs via the Internet and satellite delivery of programs to rural locations. Gregg Kamer requested that Ms. Ihrke provide the Board with some history and statistics on the CLE program.

FINANCIAL REPORTS

Finance Committee Marc Mersol provided an overview of the proposed 2010 budget. Cam Ferenbach suggested that the Board review the Lawyer Referral and Information Service (LRIS) designated fund policy. A designated funds workgroup was formed to investigate the LRIS grant and designated fund formula along with review of issues relating to creation of a designated fund category for the moneys in the Client Security Fund. Members of the workgroup are Frank Flaherty, Cam Ferenbach, Connie Akridge, Larry Digesti and Marc Mersol.

It was moved, seconded and carried to approve the 2010 budget. Amber Candelaria abstained from voting on this financial item.

Investment Committee Kimberly Farmer provided a synopsis of the State Bar investment policy and investments as reviewed by the Investment Committee.

Compensation and Personnel Committee It was noted that no staff salary increases will be discussed at this meeting and that the 2010 budget does not have funds allocated for staff merit or cost of labor increases. The Committee will be meeting at a later date to study these issues and will have a report at the February 2010 Board meeting. It was requested that the 2008 compensation study be provided to the Board for reference at the next Board meeting.

Gregg Kamer explained the Executive Director's analysis and plan presented to the Committee to hire an additional staff member for the Client Security Fund/Fee Dispute department. Kimberly Farmer discussed the significant increased number of filings in the fee dispute and client security fund programs. And that this added workload has created a backlog and has not allowed time to fully support the committees or to develop practices using technology. It was moved, seconded and approved to add the additional staff position and amend the

budget to reflect the salary and benefits of the new position.

BOARD COMMITTEES/WORKGROUP REPORTS

Workgroup Reports

Facilities Workgroup Kimberly Farmer provided a report from the Facilities Committee. The consensus of the Board is to gather more information on space needs in order that a decision can be made concerning what options might to handle our immediate needs as well as future needs of the state bar. Mason Simons was appointed to this workgroup.

Conflict of Interest Workgroup David Clark provided a synopsis of the workgroup report. It was moved, seconded and carried to approve the conflict of interest policy. This policy will be sent annually to Board members, committee members and section officers for review and sign-off.

Practice Takeover Workgroup Bruce Beesley highlighted the topics being considered in an effort to make the issue of practice takeover for unavailable attorneys more efficient and consistent, including potential rule changes and development of a designated fund.

Loan Modification Workgroup Connie Akridge provided the Board with an oral report concerning issues related to loan modifications and the practice of law. At this point there is no action required by the Board regarding this matter.

Technology Workgroup Gregg Kamer gave an overview of the activities of the Technology Workgroup indicating that an overhaul of the state bar website is a priority.

Demographic Workgroup Kathleen England reported on the objectives of the workgroup. It was moved, seconded and approved to amend the budget to approve up to \$15,000 to conduct a member demographic study.

Liaison Reports/Section Reports

Board of Continuing Legal Education Liaison Report Jenny Hubach reported the proposed changes to the rules regulating the CLE Board and CLE requirements.

It was moved, seconded and carried to reappoint the following members to the Board of Continuing Legal Education. Jenny Hubach abstained from voting as she was up for nomination.

- Jenny Hubach, Board of Governors member, 3 year term commences January 1, 2010.
- Harriett Cummings, 3 year term, commences January 1, 2010
- Judge Bridget Robb Peck, as chair, 3 year term commences January 1, 2010.

Tax Law Section It was moved seconded and approved to appoint the following members as the Executive Committee of the Tax Law Section:

Robert Anderson, Chair
T. Augustas Claus, Vice Chair
Matthew Carling, Executive Committee
Russell Bowler, Executive Committee
Charles Cano, Executive Committee

Energy, Utilities and Communication Law Section It was moved, seconded and approved to appoint the following officers to the Energy, Utilities and Communication Law Section. Jim Bradshaw abstained due to his professional relationship with Kathleen Drakulich and Connie Akridge abstained due to her professional relationship with Bob Bruce.

Bob Bruce, Chair
Frederick Schmidt, Vice Chair
Susanne Stark, Secretary
Kathleen Drakulich, Treasurer

Probate and Trust Section It was moved, seconded and approved to appoint the following officers to the Probate and Trust Section. Cam Ferenbach abstained from voting due to his professional relationship with Elizabeth Brickfield.

J. Douglas Clark, Chair
Mark Solomon, Vice Chair
Brent Keele, Secretary
Elizabeth Brickfield, Treasurer

Intellectual Property Section It was moved, seconded and approved to appoint the following officers to the Intellectual Property Section. Amber Candelaria abstained from voting on the entire slate, her husband being one of the candidates.

Catherine Cary, Chair
Kimberly Cooper, Vice Chair
Linda Norcross, Secretary
Roland Tong, Treasurer

CLE Committee Chairs:
Bryce Earl
Laura Bielinski

Membership Committee Chairs:
Clarke Walton
Kelley Nyquist

Legislative Committee Chairs:
Jason Firth
Peter Ajemian

Environmental & Natural Resources Section It was moved seconded and approved to appoint the following officers to the Environmental & Natural Resources Section. Cam Ferenbach abstained from voting due to his professional relationship with Linda Bullen.

Rusty Jardine, Chair
Linda Bullen, Vice Chair
Doug Cannon, Secretary/Treasurer
At-large Executive Committee members:

Karen Peterson
Therese Ure
Laura Schroeder
Tom Wilczek

REPORT OF EXECUTIVE DIRECTOR

Texas Station Agreement It was moved, seconded and approved that the Bar enter into the Texas Station contract for the February 2010 bar exam. Amber Candelaria and Jenny Hubach were not present for this discussion and therefore did not cast a vote.

Fastcase Agreement Kimberly Farmer gave a synopsis on the status of the Fastcase member benefit. It was moved, seconded and approved to direct Kimberly Farmer to request Fastcase to extend our one-time option to allow termination for an additional year with the understanding if Fastcase does not grant the request, Ms. Farmer has the authority to move forward with terms of the current agreement.

Suspension It was moved, seconded and carried to suspend Douglas M. Borthwick for nonpayment of dues.

REPORT OF DEPUTY BAR COUNSEL/GENERAL COUNSEL

David Clark gave a status report on the Piercy Bowler litigation and then provided a synopsis of the annual report on lawyer advertising. It was moved, seconded and approved to approve the Annual Report on Lawyer Advertising. It was moved, seconded and approved to approve the ADKT petition regarding proposed changes to attorney advertising rules.

It was moved, seconded and approved to appoint Chet A. Glover as a member of the Southern Nevada Lawyer Advertising Committee.

REPORT OF BAR COUNSEL

Rob Bare presented his judicial campaign action plan which describes parameters he will follow as a candidate for office.

It was moved, seconded and approved to reappoint for a three year term commencing December 5, 2009 Joseph Chenin and Barbara Schell to the Southern Disciplinary Board.

It was moved, seconded and approved to reappoint the following attorneys to the Northern Disciplinary Board for a three year term commencing the date shown.

Richard Hill December 13, 2009

Shelly O'Neill December 1, 2009

BOARD APPOINTMENT STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

It was moved, seconded and approved to reappoint the following attorneys for a one year term commencing on January 1, 2010 to the Standing Committee on Judicial Ethics and Election Practices. Cam Ferenbach abstained from voting due to his professional relationship with Dan Reaser.

Patrick Byrne
Valerie Cooney
Steven Day
Janiece Marshall
Christine Munro
Dan Reaser

It was moved, seconded and approved to appoint Carla Higginbotham for a one year term commencing January 1, 2010 to the Standing Committee on Judicial Ethics and Election Practices. Jim Bradshaw abstained from voting as Ms. Higginbotham is a member of his firm.

ADJOURNMENT

There being no new business before the Board, the meeting was adjourned at 4:00 p.m.