



**BOARD OF GOVERNORS MINUTES
August 29-30, 2023**

A meeting of the Board of Governors of the State Bar of Nevada was convened on August 29 -30, 2023.

The following members were in attendance:

Julie Cavanaugh-Bill, President
Richard Dreitzer, President-Elect
Kari Stephens, Vice President
Paola Armeni, Immediate Past President
Seth Adams
Jeffrey Albregts
Terry Coffing
Andrew Craner
Pat Leverty
Cathy Mazzeo
Marisa Rodriguez
Dean Leah Grinvald, Ex-Officio
Maggie Lambrose
Holly Parker
Will Sykes
Alex Velto, via Zoom

State Bar staff present:

Manny Botello
Lisa Dreitzer
Kimberly Farmer
Dan Hooge
Brad Lewis
Marc Mersol

Guests

Caleb Green, via Zoom
Therese Shanks, via Zoom
Maggie O'Flaherty, via Zoom

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AUGUST 29, 2023

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PRESIDENT'S REPORT

State Bar President, Julie Cavanaugh-Bill opened the BOG business meeting and thanked BOG members and staff for their active participation in the BOG Workshop held earlier in the day.

REPORTS/ACTION

Office of Bar Counsel Report

Bar Counsel Daniel Hooge presented discipline statistics covering intake, investigations, and hearings. The OBC aims to keep active cases under 250. This allows for about half (125) in investigations and half (125) split between intake, screening, and hearing. The OBC works efficiently with active cases below 250. They are within that range.

In addition to this information, recently the OBC developed a system to track types of grievances filed and discipline imposed parsed by firm size (solo, small firm, large firm and location).

INVESTMENT COMMITTEE REPORT

The Investment Committee (Andrew Craner, Pat Leverty, Cathy Mazzeo) reviewed the Committee's recommendations to the Investment Policy. They also recommended continuing with Northern Trust Securities as the bar's investment advisor. It was moved, seconded and carried to accept the recommendations of the Investment Committee.

SCIENCE AND TECHNOLOGY SECTION

The Board reviewed the bylaws and officers and the request to form a new section. It was moved, seconded and carried to approve the Science and Technology Section and bylaws and officers as submitted.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 4:35 pm.

AUGUST 30, 2023

A meeting of the Board of Governors of the State Bar of Nevada was convened on August 30, 2023.

PRESIDENT'S REPORT

State Bar President, Julie Cavanaugh-Bill opened the Board meeting by introducing our newest Board members. Cavanaugh-Bill also acknowledged our immediate Past-President Paola Armeni for her leadership over the past year.

CONSENT AGENDA

Richard Dreitzer, Board liaison to the Board of Bar Examiners requested the LaJolla Beach and Tennis Club contract be pulled off the consent agenda for discussion. It was moved, seconded, and carried to approve the other consent agenda items:

- Attorney resignations and suspensions
- Section Bylaws and Officers – Section Officers for the Alternative Dispute Resolution Section, Labor and Employment Section, Young Layers Section and the Creditors Bar Section. Bylaws for the Intellectual Property Section.
- Contract -- Family Law Section's annual meeting venue, Harvey's Resort.

DISCUSSION -- CONTRACT

The Board expressed concern over the increasing costs for the Board of Bar Examiners meetings at the LaJolla Beach and Tennis Club. After discussion, the Board asked Richard Dreitzer to communicate the Board's concerns to the chair of the Board of Bar Examiners. It was moved, seconded and carried to approve the contract for the Board of Bar Examiners 2024 meetings at the LaJolla Beach and Tennis Club. Patrick Leverty abstained from voting.

REPORTS/ACTION

Financial Report

Finance Director Marc Mersol provided a financial report through July 31, 2023. Highlights included a review of state bar's cash and cash equivalents at \$9,482,402. Most of these funds are designated for specific purposes, including the Operating Designated Fund, Building Capital Maintenance Fund, section carry forwards, Client's Security Fund, Dues Designated Fund, and Program Development Designated Fund. Mersol also discussed department and program variances, noting that revenues for the general fund were over projections and operating expenses were under projections. It was moved, seconded and carried to accept the July 21, 2023 financial report.

Budget Committee Report

The Budget Committee (Richard Dreitzer, Jeff Albregts, Terry Coffing and Kari Stephens) discussed state bar budget projections for the next five years. Currently the organization is in a very strong fiscal position with over \$6,000,000 in surplus cash and investments. However, long-term trends of flat revenues combined with growing expenses show an eventual negative cash flow from operations.

The Budget Committee discussed the projections and provided views covering long-term plans. Upon examining the projections it was moved, seconded and carried to develop a plan to obtain a balanced budget by 2028 by incrementally increasing revenue sources and decreasing expenses. The Administrative Designed Fund will be used to support the organization in negative cash flow years until the balanced Operating Budget is obtained.

IDEA Grant Committee Report

The IDEA Grant Committee (Seth Adams, Jeff Albregts, Kari Stephens and Alex Velto) provided an overview of the 2023 IDEA Grant guidelines, procedures and processes. Topics discussed included: IDEA Grant Guideline revisions; application and reporting form revisions; and the duplication of grant concept between IDEA Grants and Nevada Bar Foundation Grants. After consideration of these matters, it was moved, seconded and carried to revise the IDEA Grant Guidelines for the 2023 grant cycle including:

- Language added to clarify the IDEA Grants program:
 - 'USE OF FUNDS' section stating funds may not be used for ideological purposes;
 - 'TYPES OF GRANTS' section to further clarify the type and expectation of programs for which the IDEA Grants were intended.
- Application and reporting form revisions - multi-year grant option removed from application.

The Board noted that criteria for grants for IDEA Grants and Foundation Grants are virtually identical and have fundamentally the same stated intent and purpose. Merging these two grant programs would provide one grant clearinghouse for grantees, many of whom apply for both grants and some of whom have received funding from both programs. It was moved, seconded and carried to approve the Committee proposal to eliminate the IDEA Grant program and to annually transfer IDEA Grant funds over to the Nevada Bar Foundation (NBF) for granting in the Foundation Grant program. The IDEA Grant program would cease after the 2023 grant cycle. The State Bar will provide the NBF annually with funding to support Foundation Grants. For the 2024 Foundation Grant cycle, It was moved, seconded and carried to provide \$100,000 for Foundation Grants.

WELLNESS PROGRAMS

The Board considered a revised proposal for the addition of a new member benefit program focusing on lawyer wellbeing. The program, Unmind, provides daily wellbeing and mood tracking services, and recommended wellbeing videos, guided meditation, and written materials based on user needs. While this program supports Goal 1 of the Board's Strategic Plan, enhancing lawyer well-being for lawyers and other professionals in the legal community, the Board did not approve moving forward with the proposal. The Board did support continuing the CALM app as a member benefit for 2024.

The Board considered a request to open the state bar's wellness therapy benefits to the Paralegal Division. After discussion the Board decided not to extend this benefit to non-attorney Division members.

RURAL TASKFORCE REPORT

The Rural Practice Taskforce has been examining options to combat a need for civil and criminal attorneys in our rural communities and asked the Board to consider an out-of-the box initiative: limited practice for out-of-state lawyers practicing in our rural communities without sitting for the Nevada bar examination. By providing opportunities to licensed attorneys in good standing from other jurisdictions, we might address the shortage of attorneys practicing in civil and criminal arenas. This proposal would allow for limited practice in Nevada counties of 100,000 people or less so long as the attorney has established a rural office or works for a rural law firm or government entity and represents clients residing in a rural county. A draft rule amendment covered:

- Amendments to SCR 49.1(1)(d) to state that limited practice certification is available to anyone employed by a law firm or a government agency providing legal services in a county whose population is fewer than 100,000 persons.
- Amendments to SCR 49.1(1)(e) to allow for limited practice certification to attorneys who establish a physical office location in a county whose population is fewer than 100,000 persons.
- SCR 49.1(4) further clarifies that the attorney shall not represent a client residing in a county whose population is greater than 100,000.
- Amendments to SCR 49.1(7) to remove the 2-year limitation on practice for those practicing under Rule 49.1(1)(d) and 49.1(1)(e).

The Board discussed the proposed and mirrored concerns raised by some taskforce members but took no action as none was requested.

Annual Meeting Report

Richard Dreitzer announced that the 2023 state bar annual meeting in New York City was a success. With more than 230 attorneys and another 135 guests in attendance, this was the most attended conference in the past 15+ years. Meeting highlights were:

- The location provided us access to national speakers like Neal Katyal and Ari Melber, who were also rated as two of the top three CLE sessions.
- The format of the conference schedule also changed this year, providing more time for networking events (which are cited as the top reason for attorneys attending the conference) and time to see the sights in NYC.
- This was also the first year that the conference schedule, speaker information, and CLE materials were hosted on an app. The app was installed by 225 users and viewed 7,655 times during the event.
- As we anticipated, New York was also expensive. For the first time, the bar paid rental fees for our CLE and reception locations within the hotel, and we were hit with labor and AV expenses that well exceeded our usual amounts.
- Looking to 2024 in Santa Fe, there are some good takeaways, such as the schedule format, that the Planning Committee may want to look at replicating.

Stipend Report and Proposal

Kari Stephens provided a report on the BOG's stipend program. The bar implemented a stipend program in 2021 aimed at encouraging attorneys who have not typically attended the annual bar conference to experience the event. Stipends have been primarily aimed at attracting leaders from our sections, county bar associations, and members of our affinity bars. Stipend recipients have tended to be younger in age than our typical attendees (mid-40's as compared to an average age of 52 at this year's conference) and are also more likely to be female, as compared to a slightly higher percentage of men. This year, minority bars received 13 stipends; by comparison, 36 attendees at the 2023 conference were non-white.

After discussion it was moved, seconded and carried to move forward with the stipend program for the 2024 annual conference in Santa Fe, NM with a budget of \$88,500. The program guidelines are:

- Encourage the sections and bar associations to send a member who has not previously attended a bar conference.
- Offer one \$1500 stipend to each state bar section
- Offer minority bars, local bars, and the UNLV Boyd Student Bar Association two stipends of \$1500 each.

EXECUTIVE SESSION

The BOG entered Executive Session at 11:30 a.m. and concluded the session at 12:15 p.m.

APPOINTMENTS

The Board approved the following appointments:

Nevada Lawyer Editorial Board

3-year term: Jessica Perlick

1-year term: Chair-Elect – Michael Morton

Ninth Circuit Lawyer Representative

Kelsey Stegal

Gil Kahn

Mark Weisenmiller

Holly Parker abstained.

TIP Mentors– 3-year term

5 new mentors

28 mentors reappointed

Terry Coffin Abstained

TIP Standing Committee:

Stephen Shulman

Board of Indigent Defense Services

3-year term -- Angela Cook

DISCUSSION

Practice Takeover

Daniel Hooge discussed a practice takeover matter that is pending with the Office of Bar Counsel pursuant to SCR 118. Recently an immigration attorney died without a succession plan for his solo practice. Therefore over 1,000 client files must be reviewed, and clients contacted. While the OBC has an attorney willing to step in to close the practice it is anticipated he will need support staff to assist in closing the practice. After discussion it was moved, seconded and carried to allocate a budget not to exceed \$30,000 to support, if necessary, the attorney and staff to close the practice. Requests for funds shall be approved by the Board prior to allocation to the practice takeover.

ADKT 0611 AND ADKT 0445

Brad Lewis, Access to Justice Director provided an overview of ADKT 0611. The Access to Justice Commission advanced this petition related to limited practice rules for law school graduates. The rule is limited to Nevada legal aid providers approved by the Commission and is designed to build a hiring pipeline for legal aid. It was moved, seconded and carried to support ADKT 0611.

Lewis also provided a summary of ADKT 0445. With some regularity, indigent clients of legal aid lack the basic financial resources relevant to their legal issues such as transportation to legal aid offices, the court, or proper courtroom attire. Currently NRPC 1.8(e) prohibits lawyers from providing financial support to clients except for certain litigation or court costs. The proposed amendment allows legal aid organizations to provide modest financial assistance to clients. The petition, submitted by Access to Justice Commission. It was moved, seconded and carried to support ADKT 0446

REPORTS

The BOG extends its thanks to the Washoe County Bar President, Therese Shanks and Las Vegas National Bar Association Treasurer, Caleb Green for providing thoughtful reports on county and affinity bar activities. The BOG also appreciates the report on attendance at the American Bar Association Annual meeting by the Boyd School of Law Student Bar Association President, Maggie O'Flaherty

Our mission is to govern the legal profession, to serve our members, and to protect the public interest.

PUBLIC COMMENT

The BOG allotted time for member comments. Richard Kahut provided general comments to the Board..

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 3:45 pm.

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