



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
Las Vegas, NV
April 6, 2011**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on April 6, 2011.

The following members were in attendance:

Cam Ferenbach, President
Connie Akridge, President-Elect
Frank Flaherty, Vice President
Kathleen England, Immediate Past President
James Bradshaw
Elizabeth Brickfield
Amber Candelaria
Larry Digesti
Frank Flaherty
Elana Turner Graham via phone
Bruce Hahn
Jenny Hubach
Alan Lefebvre
Hon. Vincent Ochoa
Bryan Scott
Richard Scotti
Mason Simons
Rick Trachok (ex-officio)
John White (ex-officio)

State Bar staff present:

Kimberly Farmer
Gale Skala
Emily Akerberg
David Clark
Laura Gould
Marc Mersol
Lisa McGrane
Lori Wolk

Guests:

Bob Cerceo
Ed Kainen
Romeo Perez
Chris Reade
Ryan Works

The meeting was called to order by President Cam Ferenbach at 9:00 a.m., there being a quorum present.

PRESIDENT'S REPORT, CAM FERENBACH

Cam Ferenbach reported on the status of the Bar's appointment to the Clark County Coroner's Inquest Committee. Phil Pattee, Assistant Bar Counsel, is the State Bar of Nevada's representative on the committee.

Mr. Ferenbach provided a synopsis on the recent lawsuit that was filed against the State Bar.

The Board discussed ADKT 461 (In the matter of the amendment or repeal of court rule 7.27), a public hearing will be held on April 13, 2011.

Mr. Ferenbach reported on issues that he and Connie Akridge will discuss during ABA Day in Washington. It was moved, seconded and carried to advocate support for-- Legal Services Funding and legislation -- Tax Intercept for Crime Victim Restitution and Court Fees.

EXECUTIVE DIRECTOR'S REPORT, KIMBERLY FARMER

Kimberly Farmer reported that she is currently in the process of receiving quotes for business owners and workman's comp insurance.

DISCUSSION ITEMS

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

Should members be required to submit email addresses to the State Bar?

Board members noted that there are members who do not have email address or those who do not regularly check their emails. Some Board members thought we could help our members get to where they need to be with such a requirement. Other Board members thought that the Bar is just not ready to require email addresses from members. It was noted that perhaps rural members do not have strong Internet connections – the Board's rural member indicated that Internet connectivity is not an issue. A Board member asked if the bar could supply email addresses to members if they did not have their own address. Bar staff indicated that this would require significant staff time to manage. One suggestion was to require disclosure of email addresses as an incremental step with the eventual goal of requiring members to submit an email address.

The Board came to no consensus on this issue but asked staff to prepare an ADKT for review at the next meeting with the intent that the discussion would continue.

Should members be required to pass a test at the end of a CLE presentation in order to receive credit? Should the full records of CLE attendance of members be open to the public?

The Board briefly discussed these items and agreed with the CLE Committee's report on these matters. Overall, the CLE Committee disagreed with the blanket statements made by a member's online article suggesting that testing is required because CLE in Nevada was inadequate and that

attorneys are just taking CLE to fulfill their CLE requirements. The Committee and the Board did not accept the assumptions put forth that Nevada CLE was of poor quality. The Board agreed that overall State Bar CLE programming as well as competitor CLE programming within Nevada varied, but overall was successful. They recognized that while there will always be individuals who only meet the minimum requirements of CLE, this is by no means a fair representation of our membership as a whole, which includes many attorneys that go above and beyond when obtaining their CLE credits.

CLE records made public – The article called for CLE records to be made public. It was noted in the article that the public deserves to know the post-law-school education of the lawyers they seek to hire, therefore CLE attendance records for every member of the bar should be made open to public inspection. The Board and the CLE Committee were once again in agreement noting that

- There is no correlation between attendance at CLE seminars and a lawyer's ability to serve competently.
- The public may erroneously draw conclusions from the type of CLE seminars taken. For example, if the public sees an attorney attended an ethics CLE they might assume he or she had difficulty dealing with ethical issues. Conversely, a member of the public might choose to retain an attorney for services solely based upon the fact they had taken a particular CLE program, even if this were not an area of practice in which the attorney is competent.

The Board agreed with the consensus of the CLE Committee -- that this article brings to light the need to continue to produce strong, engaging, educational programs that provide attorneys useful tools and knowledge they can apply to their practice.

Should SCR 78 be expanded to require professional liability insurance of all attorneys in private practice?

The Board discussion covering this question included the following comments – If the Bar requires mandatory insurance we would need to conduct an informal audit to see what members are paying. We would need to think about what our members have in terms of coverage and what, if any, the minimum coverage requirement would be. The Bar probably would need to provide an insurance option if insurance became mandatory. Would government attorneys need to have coverage, or those who do not represent clients be required to have coverage? Clients can find information on insurance on the required biographical data form and on the Bar's website.

Overall the Board saw little benefit to the public or members if the Bar required professional liability insurance of all attorneys in private practice.

The Admissions function is running at a deficit -- should bar exam fees be raised?

The Board had the following comments regarding this question -- Does the admission function need to run as a revenue neutral program. The Bar needs to determine if the admissions function should pay for itself or if members' dues dollars (or other revenue sources) supplement the function.

The Bar runs into risks with increasing exam fees too high because as students increase their debt due to rising law school tuition rates, they may think twice about coming to Nevada to practice if the exam rates are too high. Does the bar exam rate add to this already burdensome debt load? Should the Bar subsidize the bar exam? If the Bar does not subsidize the bar exam and exam fees are raised what is the impact on the new lawyers? If the fee was raised we should take care to stay within the range of the neighboring states.

After the general discussion the Board asked staff to prepare an ADKT reflecting a fee increase with

the intent to further discuss this issue.

APPOINTMENTS

Discipline Panels

It was moved, seconded and carried to reappoint the following attorneys for a three year term to the Southern Nevada Disciplinary Board.

David Liebrader	Effective May 21, 2011
Joel Mann	Effective May 21, 2011
Hector Carbajal	Effective June 22, 2011
James Christensen	Effective June 22, 2011
Lary Lamoreaux	Effective June 22, 2011
J. Rusty Graf	Effective June 22, 2011
Michael Mersch	Effective June 22, 2011
Peter Angulo	Effective June 22, 2011

It was moved, seconded and carried to reappoint the following attorneys for a three year term to the Northern Nevada Disciplinary Board.

John Echeverria	Effective June 22, 2011
Michael Pintar	Effective June 22, 2011
John Schlegelmilch	Effective June 22, 2011
Matthew Sharp	Effective June 22, 2011
Thomas Stockard	Effective June 22, 2011

It was moved, seconded and carried to appoint Lance White for a three year term to the Northern Nevada Disciplinary Board effective April 13, 2011.

It was moved, seconded and carried to appoint lay member Sam Robnett for a three year term to the Northern Nevada Disciplinary Board effective April 13, 2011.

Lawyer Referral and Information Committee

It was moved, seconded and carried to appoint Marisa Guarino as Vice Chair of the Lawyer Referral and Information Committee effective April 6, 2011.

Publication Committee

It was moved, seconded and carried to appoint Craig Henderson for a three year term to the Publications Committee effective April 6, 2011.

Nevada Lawyer Editorial Board

It was moved, seconded and carried to reappoint the following members to the Nevada Lawyer Editorial Board for a three year term effective June 1, 2011.

Patty Cafferata
Scott McKenna
Michael Saunders
Beau Sterling
Scott Wasserman

It was moved, seconded and carried to appoint the following officers to the Nevada Lawyer Editorial Board for a one year term effective June 22, 2011.

Mark Hineuber, Chair
Patty Cafferata, Chair Elect

Michael Saunders, Vice Chair
Lisa Lackland, Immediate Past Chair

Fee Dispute Arbitration Committee

It was moved, seconded and carried to reappoint Robert Johnston as Panel Chair, Carson City for a one year term to the Fee Dispute Arbitration Committee effective May 2, 2011.

It was moved, seconded and carried to reappoint the following attorneys to the Fee Dispute Arbitration Committee for a three year term effective May 2, 2011.

Kathleen Breckenridge	Reno Panel
Alan Buttell	Las Vegas Panel A
Blaine Carlidge	Reno Panel
Michael Langton	Reno Panel
Miriam Roberts	Las Vegas Panel C
Daniel Royal	Las Vegas Panel A
Betty Ruark (lay)	Las Vegas Panel C
Veronica Sisinger	Las Vegas Panel C
Charles Tucker (lay)	Las Vegas Panel B

It was moved, seconded and carried to appoint the following attorneys to the Fee Dispute Arbitration Committee for a three year term effective April 6, 2011.

Theresa Santos	Las Vegas Panel B
Kevin Sutehall	Las Vegas Panel C
Bob Valdez (lay)	Las Vegas Panel A

Commission on Judicial Selection

It was moved, seconded and carried to appoint Timothy Sutton as a temporary member to the Commission on Judicial Selection in the Fifth Judicial District.

Section Appointments

It was moved, seconded and carried to appoint the following officers for a two year term to the Insurance and Health Law Section effective January 2011. Connie Akridge and Elizabeth Brickfield abstained from voting.

Lynn Fulstone, Chair
Matthew Milone, Vice Chair
Patrick Leverty, Secretary
William Ginn, Treasurer

It was moved, seconded and carried to appoint the following officers for a one year term to the Environmental and Natural Resources Section effective January 2011. Elizabeth Brickfield abstained from voting.

Linda Bullen, Chair
Doug Cannon, Vice Chair
Therese Ure, Secretary-Treasurer

It was moved, seconded and carried to appoint the following officers for a one year term to the Bankruptcy Law Section effective February 2011.

Laurel Davis, Chair
Jim Shea, Vice Chair
Jennifer Arledge, Secretary
Richard Holley, Treasurer

It was moved, seconded and carried to appoint the following officers for a two year term to the Family Law Section effective March 2011.
Bob Cerceo, Chair
Mike Kattelman, Vice Chair

ACTION ITEMS

Financial Report Year End 2010

Marc Mersol presented the 2010 year end financial report to the Board of Governors. Mr. Mersol also gave a synopsis of the February 2011 month end financials.

Investment Committee

Marc Mersol presented the Investment Committee report to the Board. It was moved, seconded and carried to approve the report of the Investment Committee.

Annual Meeting BOG Stipend Budget Adjustment

It was moved, seconded and carried to approve the budget adjustment of an additional \$20,230 to the Board of Governors travel budget.

Diversity Committee Initiatives, Romeo Perez

Romeo Perez gave an overview of the proposed initiatives of the Diversity Committee.

Mission Statement

- To promote cultural competence in the profession
- To increase diversity within the membership and leadership of the State Bar of Nevada and the profession.
 - Support and encourage opportunities for current and aspiring attorneys from underrepresented groups
 - Raise awareness of the benefits of diversity.

It was moved, seconded and carried to approve the mission statement of the Diversity Committee.

Diversity Scholarship Application

The Diversity Committee received a one-time donation of \$30,000 from the Lawyer Referral and Information Service grant program. The donation will provide two \$5,000 scholarships every year for three years.

It was moved, seconded and carried to approve the Diversity Scholarship application. The Board asked that the Diversity Committee include added points to applicants who are graduates of Nevada high schools.

Annual Diversity Luncheon

The Diversity Committee hosted their first annual luncheon in January. The luncheon was a great success as the participants shared ideas for coordinating diversity efforts. It was moved, seconded and carried to authorize the continuation of the annual Diversity Luncheon.

Committee Membership

The Committee requested expansion of the Committee's membership to include three additional members from northern Nevada who represent specialty bars in the north or who practice in areas with clientele from diverse backgrounds.

It was moved, seconded and carried to approve the addition of up to three members from northern Nevada.

Lawyer Referral & Information Service (LRIS)

2011 Grant Applications

The LRIS Committee reviewed applications for the LRIS Public Service Grant Program. Below are the grants the committee carried to receive funds from the LRIS Public Service Grant Program.

Organization	Program Name	Amount Awarded
Legal Aid Center of Southern Nevada	Law Clerks for Pro Bono Placement – 1 year project	\$32,000
VARN	Domestic Violence Rural Immigrant Integration Project	\$15,000
VARN	Bridge funding for domestic violence intake specialist	\$30,000
Clark County Law Foundation request #1	Trial by Peers	\$17,000
Clark County Law Foundation request #2	Trial by Peers new database tracking system, Support equipment for staff (smartphone, laptop, wireless card) and computer (see last table for explanation)	\$1,000
Nevada Legal Services request # 1	Tribal Court Advocate Training	\$20,000
Nevada Legal Services request #2	Legal Aid On the Air weekly radio program	\$13,000
Project REAL	2 nd Edition of Play by the Rules textbook, Court tours	\$25,000
Tru Vista	Public information and education	\$1,500
Nevada Bar Foundation	Travel for LRE competitions	\$3,000
Senior Citizens Law Project	Community outreach, technology upgrade	\$30,700
SAFE of Washoe County	Implementation of donor management system	\$3,090
SAFE of Douglas County	Videos to promote SAFE	\$3,000
Washoe County Law Library	Purchase and update print and online legal reference collection	\$18,900
Washoe County Bar Association	Now That You're 18 publication	\$12,000
Washoe County Senior Law Project	One year subscription to Westlaw	\$5,493
State Bar Diversity Committee	Scholarship program	\$30,000
Total Approved by Committee		\$260,683
Total Remaining		\$332,164

The LRIS Committee approved a \$5,000 annual scholarship to the winning statewide Mock Trial Team to use for travel to nationals, training or other expenses incurred by the representative from Nevada. These funds will be managed by the Law Related Education department.

The LRIS Committee approved a one-time donation of \$46,000 to establish a Client Security Reserve Fund.

It was moved seconded and carried to approve the LRIS grant recommendations of the LRIS Committee.

Other Action

Supplemental Grant Request

The LRIS Committee asked for and received a supplemental grant request from SAFE of Washoe County. The LRIS Committee approved an additional grant of \$18,810 to cover non-personnel expenses for the full year, with the expectation that salaries will be funded by another source.

It was moved, seconded and carried to approve the supplemental grant to SAFE of Washoe County in the amount of \$18,810.

Grants to Legal Service Providers

After grants were approved there were funds still available, the LRIS Committee recommended that \$200,000 be distributed to the state’s legal service providers. The Board adjusted the distribution percentages presented by the committee and increased the amount initially recommended by the LRIS Committee.

It was moved, seconded and carried to grant \$262,354 to the legal service providers, distributed using the percent formula below.

District	Percent	Distribution
Legal Aid Center of Southern Nevada	58.5%	\$153,477.09
Washoe Legal Services	13.5%	\$ 35,417.79
Nevada Legal Services	11.7%	\$ 30,695.42
Senior Law Project of Las Vegas	7%	\$ 18,364.78
VARN	6.3%	\$ 16,528.30
Senior Law Project of Washoe County	3%	\$ 7,870.62
Total Distribution	100%	\$262,354.00

Member Benefits and Services

It was moved, seconded and carried to approve the partnership with Meridian One to offer FedEx Advantage as a member benefit.

Mentor Program

Kimberly Farmer reported on the status of the proposed Mentor program. The program is intended to replace the current Bridge the Gap program for newly admitted attorneys. It was moved, seconded and carried to support the pilot Mentor program to begin in 2012.

REPORTS

Young Lawyers Section Report

Ryan Works reported on the most recent activities of the Young Lawyers Section (YLS). The section activities include a compensation survey, the recently activated listserv and the section’s support of the ABA Spring Conference May 12-14, 2011 in Las Vegas.

Family Law Section, Bob Cerceo, Ed Kainen

After hearing a report by Bob Cerceo and Ed Kainen the Board took the following action.

It was moved, seconded and carried to issue a certificate to all Family Law Specialists including those grandfathered in at the onset of the program. The certificate will be issued annually upon the Family Law Specialist's registration with the State Bar.

It was moved, seconded and carried to create a section on nvbar.org that lists attorneys who are specialists in the specialization categories recognized by the state bar.

CONSENT AGENDA

Minutes of January 2011

It was moved, seconded and approved to amend the minutes and include them in the June agenda for approval.

Resignations

It was moved, seconded and carried to approve the resignations of:

Gregory Sherwood
Edward Goergen
Owen Porterfield
Kristin Carveth

ADKT Amendments

It was moved, seconded and carried to approve the submission of the ADKT that amends SCR 78.5, SCR 216 through SCR 220.5, Clients' IOLTA.

EXECUTIVE SESSION

The Board entered into Executive Session at 1:32 p.m. and concluded the Executive Session at 2:45 p.m.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 2:45 pm