



**MINUTES OF THE MEETING  
OF THE BOARD OF GOVERNORS  
Carson City, NV  
January 20, 2011**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on January 20, 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  
Larry Digesti  
Frank Flaherty  
Elana Graham  
Jenny Hubach  
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

**Guests:**

Ryan Works

The meeting was called to order by President Cam Ferenbach at 8:40 a.m., there being a quorum present.

### **PRESIDENT'S REPORT, CAM FERENBACH**

Cam Ferenbach reported on a proposal Assemblyman Horne plans to present during the Nevada legislative session regarding judicial campaign contributions.

Mr. Ferenbach discussed the request by Clark County for a representative from the State Bar to serve on a screening committee that will interview applicants requesting to be appointed as ombudsman to coroner inquests. Mr. Ferenbach recommended and the Board agreed that a staff member from the Office of Bar Counsel be appointed to serve on the screening committee.

### **EXECUTIVE DIRECTOR'S REPORT, KIMBERLY FARMER**

Kimberly Farmer reported the State Bar's current staffing vacancies. Ms. Farmer provided an update concerning the 2012 Annual Meeting. At present, Ms. Farmer and Connie Akridge are negotiating a contract with the Hotel Del Coronado. It was moved seconded and carried that the Board would review the final contract and approve the contract via an email vote.

Ms. Farmer reported that the contract with UNLV for the July 2011 bar exam is being finalized. It was moved, seconded and approved to delegate the final approval of the UNLV contract to the Executive Committee with the stipulation that the agreement does not exceed \$25,000.

### **DISCUSSION ITEMS**

The Board discussed the following questions using the generative discussion process, no action items came from the discussion.

***Question: Should the State Bar establish a disaster relief committee? If so, on what areas of disaster relief should be the committee focus?***

After the general discussion of the importance of this issue, the Board directed Kimberly Farmer to work with staff to develop a contingency planning document for the State Bar of Nevada to ensure continuity of its operations. It is the Board's expectation that the lessons learned from this process will enable the Bar to provide guidance and suggestions to its members and law firms for their own disaster planning.

***Question: What process should the State Bar follow when appointing members to the Board of Bar Examiners?***

Cam Ferenbach gave some history regarding the Board of Bar Examiners and how vacancies are presently filled. Rick Trachok, Chair of the Board of Bar Examiners, also gave a synopsis of the process and procedures the Board of Bar Examiners and noted that the Board of Bar Examiners usually fills a vacancy with someone who is presently a grader. Mr. Trachok emphasized how important it is to have an individual with a solid commitment to the bar exam process. Mr. Trachok suggested that the next time there is an opening for grader the Bar will advertise the opening.

***Question: How do we get more members involved in the different opportunities that the State Bar offers?***

Kimberly Farmer reported that staff oversees the committee goals and objectives and terms of the committee members. Staff typically manages the overall mix of the various committees to promote a diverse committee make-up. The Board directed staff to take an active role to make sure committees have a mix of new members and experienced committee members. They also determined that Board members need to take a more active role in recruiting members to apply for committee openings.

**APPOINTMENTS****Discipline Panels**

It was moved, seconded and approved to reappoint Karl Armstrong to the Southern Discipline Board for a three year term commencing January 31, 2011.

It was moved, seconded and approved to appoint Bernard Zadrowski as Vice Chairman of the Southern Discipline Board for a one year term commencing January 29, 2011.

It was moved, seconded and approved to reappoint the following members to the Southern Discipline Board for a three year term:

<u>Name</u>	<u>Effective Date</u>
Shelly Krohn	January 31, 2011
Gary Branton	January 31, 2011
Bryan Cox	January 31, 2011
A. Maria Maskall	January 31, 2011
David Fischer	March 5, 2011
Shann Winesett	March 5, 2011
Alan Sachs	March 31, 2011
Larry Bertsch	March 31, 2011

**Clients' Security Committee**

It was moved, seconded and approved to reappoint Jennifer Henry for a three year term to the Clients' Security Fund commencing February 1, 2011.

It was moved, seconded and approved to reappoint John Shook as chair and Edwin Keller as vice chair for a one year term to the Clients' Security Fund commencing March 1, 2011.

**Fee Dispute Arbitration Committee**

It was moved, seconded and approved to appoint the following members to the Fee Dispute Arbitration Committee for a three year term commencing January 20, 2011.

Dane Anderson	Las Vegas, Panel A
I. Kristine Bergstrom	Las Vegas, Panel A
John Boyer	Las Vegas, Panel C
Adam Breeden	Las Vegas, Panel B
Margo Chernysheva	Las Vegas, Panel A
Richard Dreitzer	Las Vegas, Panel C
Robert Frizzell	Las Vegas, Panel C
Heather Groover	Las Vegas, Panel B
Randall Tindall	Las Vegas, Panel B

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

<u>Name</u>	<u>Regional Panel</u>	<u>Effective Date</u>
James Copenhaver	Rural Panel	January 3, 2011
Steven Day	Las Vegas, Panel C	January 3, 2011
Robert Gerard	Las Vegas, Panel B	January 3, 2011
Archie McRimmon (lay member)	Las Vegas, Panel B	January 3, 2011
Steven Anderson (lay member)	Reno	March 1, 2011

Tom Bader	Reno	March 1, 2011
Richard Blower	Reno	March 1, 2011
Layne J. Butt	Las Vegas, Panel A	March 1, 2011
Don Dees (lay member)	Reno	March 1, 2011
John Doyle	Rural Panel	March 1, 2011
Michael Golden	Las Vegas, Panel A	March 1, 2011
Jeffrey Kump	Regional Chair	March 1, 2011
	Rural Panel	
Mike Pavlakis	Carson City	March 1, 2011
Karl Smith	Reno	March 1, 2011
Hector Carbajal, II	Las Vegas, Panel B	March 1, 2011
Scott Davis	Las Vegas, Panel B	March 1, 2011
J. Rusty Graf	Las Vegas, Panel B	March 1, 2011
Esther Rodriguez	Las Vegas, Panel A	March 1, 2011
Ken Brown (lay member)	Carson City	March 1, 2011
David Liebrader	Las Vegas, Panel A	March 1, 2011
Kevin Ryan	Reno	March 1, 2011
Eric Stovall	Reno	March 1, 2011

**Member Benefits**

It was moved, seconded and approved to appoint the following officers to the Member Benefits Committee for a two year term commencing January 1, 2011:

- Angela Nakamura, Chair
- John Krieger, Vice Chair

Hon. Vincent Ochoa abstained from voting due to his acquaintance with one of the nominated officers.

**LRIS**

It was moved, seconded and approved to appoint Richard Dreitzer to the Lawyer Referral and Information Committee for a three year period ending June 30, 2014.

**Construction Law Section**

It was moved, seconded and approved to appoint the following officers for a one year term commencing December 31, 2010.

- Caryn Tijsseling, Chair
- Andrea Pressler, Vice Chair
- Michael Kimmel, Secretary
- Debra Peirushka, Treasurer

**Judicial Discipline**

It was moved, seconded and approved to reappoint Karl Armstrong for a three year term commencing January 22, 2011 to the Judicial Discipline Commission. It was moved, seconded and approved to reappoint Carl (Bill) Hoffman as Mr. Armstrong’s alternate to the Judicial Discipline Commission for a three year term commencing January 22, 2011.

Hon. Vincent Ochoa abstained from voting due to his professional relationship with an applicant.

**ACTION ITEMS**

**November 30, 2010 Financials**

Marc Mersol gave a synopsis of the financial report of the State Bar of Nevada ending November 30, 2010.

### **Section Reports for Action**

Family Law Specialization Exam – It was moved, seconded and approved to take this issue off the table. It was moved, seconded and approved to award certificates to only those Family Law Specialists that have passed or will pass the specialization exam, noting the date the member passed the exam on the certificate. The certificate will be issued annually upon the Family Law Specialist's registration with the State Bar.

Animal Law Section – It was moved, seconded and carried to approve the application to form an Animal Law Section. President Ferenbach appointed Jenny Hubach as the Board liaison for the Animal Law Section.

### **Member Benefits Committee**

Kimberly Farmer reported on the proposal for a new member benefit called LawPay Merchant Account. It was moved, seconded and carried to approve LawPay Merchant as a member benefit subject to the completion of the State Bar's internal contract review process.

### **Fee Dispute Bylaw Amendments**

Lisa McGrane reported on the proposed changes to the bylaws of the Fee Dispute Arbitration Committee. It was moved, seconded and carried to approve the proposed amendments of the Fee Dispute Arbitration Committee Bylaws.

### **SCR 42 ADKT**

Supreme Court Rule 42 was amended in 2002 to allow pro hac vice admittance to attorneys appearing before Nevada state boards, agencies and commissions. However, the Court excluded attorneys from applying pro hac vice in order to appear in private, contractual arbitrations or other alternative dispute resolution (ADR). Since that time, several factors have come to light supporting the inclusion of these attorneys in SCR 42, including, but not limited to:

- Misinterpretation of SCR 42 by many attorneys that there is no need to seek pro hac vice appointment.
- Widespread presence of ADR organizations in Nevada utilizing out-of-state attorneys.
- Federal regulations allowing out-of-state attorneys to participate in ADR proceedings before certain organizations.
- Movement by other jurisdictions to allow pro hac vice admittance for out-of-state attorneys participating in private, contractual ADR, either through changes to statutory code or through case law.

It was moved, seconded and carried to approve the amended ADKT regarding the admittance of out-of-state attorneys participating in private arbitrations.

### **Annual Meeting BOG Stipend**

The Board discussed the stipend for Board members to attend the annual meeting in Kauai, HA. Currently Board members are reimbursed for expenses to attend the regular Board meetings. For the annual meeting they are provided a \$500 stipend. It was moved, seconded and approved to reimburse all Board members for expenses incurred for attendance at Board meetings including the Board meeting held during the annual meeting.

### **Compliance with SCR 217**

The Board discussed the new rule governing attorney trust accounts. It is proposed that active members who fail to meet the reporting requirements outlined in SCR 217.7 be notified of their noncompliance, in writing, by the State Bar, setting a compliance deadline. Upon the expiration the notification deadline (45 days from notification) the State Bar will notify the member of non-compliance and said member shall be suspended from membership in the State Bar, but may be reinstated upon filing the certificate of compliance and paying a fee of \$200. The State Bar will forward the dollars for the fine to the Nevada Law Foundation. It was moved, seconded and approved to present an ADKT to the Court reflecting the non compliance proposal and allowing the Executive Committee to approve the ADKT.

Elana Turner Graham abstained from voting.

## **REPORTS**

### **Young Lawyers Report**

Ryan Works, Chair Young Lawyers Section, reported on the most recent activities of the section. The section is very involved in the planning of the ABA Spring Conference hosted in Las Vegas in 2011. They are also presently working on the Compensation Survey scheduled for later this year.

## **CONSENT AGENDA**

### **Minutes of December 8, 2010**

It was moved, seconded and approved to approve the minutes of December 8, 2010.

### **Contracts: Exam Software and LaJolla Beach and Tennis Club**

It was moved, seconded and approved to approve both the Exam Soft and the LaJolla Beach and Tennis Club contracts.

### **E-newsletter**

It was moved, seconded and approved to approve the recommended changes to the E-Newsletter content policy.

## **ADJOURNMENT**

There being no new business before the Board, the meeting adjourned at 11:45 a.m.

## **Subsequent Actions of the Board of Governors**

At the January 20, 2011 meeting of the Board of Governors, the Board directed two votes to be held:

The Board directed that a vote on the question of approving our agreement with the Hotel Del Coronado for the 2012 Annual Meeting be cast by e-mail. The email votes were due by Tuesday, January 25, 2011. Upon receiving a majority of yes votes, the agreement for the 2012 annual meeting at the Hotel Del Coronado, Coronado, CA, June 27– 30, 2012 was approved.

The Board directed that the Executive Committee vote on the question of approving the final agreement with UNLV for the July 2011 bar exam. Upon receiving the final agreement, the Executive Committee, at their February 10, 2011 meeting, approved the UNLV contract.