

MINUTES OF THE BOARD OF GOVERNORS MEETING
OF THE STATE BAR OF NEVADA
August 14, 1999
ELKO, NEVADA

President Ann Bersi opened the meeting at noon in a meeting room in the Red Lion Inn in Elko, Nevada, with the following members of the Board of Governors present:

Ann Bersi.....President
Dan Polsenberg.....President-Elect
John Mowbray (via telephone).....Vice President
Vince Consul (via telephone)
Michael Davidson
Patrick Flanagan
Neil Galatz (via telephone)
Rew Goodenow
Alan Lefebvre
Ann McCarthy
Tom Pitaro (via telephone)
John Schlegelmilch
Gloria Sturman
Coe Swobe

EX OFFICIO MEMBERS PRESENT:

Andy Puccinelli

STAFF MEMBERS PRESENT:

Ruth Adams
Rob Bare
Wayne Blevins

SPECIAL GUESTS:

Stacie Brown (via telephone)
Chief Justice Robert Rose

August 14, 1999

MINUTES OF THE BOARD OF GOVERNORS MEETING

1. APPROVAL OF THE MINUTES OF THE June 16, 1999 MEETING

A motion was made and seconded to approve the minutes of the June 16, 1999, meeting of the Board of Governors as presented. Item #6. Consider Recommendations of the Specialization Committee, was amended and the following sentences were inserted just preceding the final sentence of this section: "Nevada attorneys who practice exclusively as public lawyers are exempted from the professional liability insurance provision. The motion passed." The minutes were approved as amended.

2. REPORT FROM CHIEF JUSTICE ROSE

Chief Justice Rose offered a comprehensive report on the current status of activities at the Supreme Court of Nevada.

3. BOARD OF GOVERNORS' MEETING EXPENSES AND PAST PRESIDENTS' DINNERS

Wayne Blevins reported that the System of Internal Controls previously approved by the Board of Governors was being implemented. These controls provide for the authorization of reimbursement for reasonable travel expenses for lodging, meals and incidentals if an employee or other individual is traveling on behalf of the State Bar of Nevada and the travel is approved by a supervisor. Transportation expenses are reimbursed on the basis of coach class airfare and automobile mileage at the existing reimbursable rate approved for federal income tax purposes. Reimbursement of personal expenses, non-business related expenses or alcoholic beverages is prohibited. The Board conducted a lengthy discussion regarding the current practice of reimbursing members of the Board of Governors for expenses incurred associated with attendance at meetings of the Board. A motion was made and seconded to continue the current procedure for reimbursing members of the Board of Governors for expenses associated with meetings of the Board. The motion passed.

A motion was made and seconded to reimburse members of the Board of Governors for each night's lodging while attending the Annual Meeting, rather than the current practice of reimbursing the Board for one night's lodging during the Annual Meeting. The motion was amended to reimburse members of the Board of Governors for two night's lodging at the Annual Meeting. The motion failed.

In further comment about Board meeting expenses, a motion was made and seconded that members of the Board of Governors should be required to pay their own meal expenses associated with their attendance at meetings of the Board. The motion failed.

President Ann Bersi requested that, before taking action on matters related to the Past-Presidents' Dinner held at the Annual Meeting, she would like to make a recommendation to the Board at a subsequent meeting. This procedure was acceptable to the Board.

4. CONSIDER REQUEST OF NEVADA DISTRICT JUDGES' ASSOCIATION

The Nevada District Judges' Association requested that the State Bar of Nevada allocate \$1,000 for the purpose of assisting in deferring the operational costs associated with the conduct of Judicial Summit 2000 to be held May 9-13, 2000. A motion was made and seconded to accommodate this request and passed.

5. CONSIDER JOINT OPERATING AGREEMENT WITH THE CLE BOARD

A motion was made and seconded to appoint a committee to explore the possibility of developing a joint operating agreement between the State Bar of Nevada and the Board of Continuing Legal Education. The motion passed. President Bersi appointed Dan Polsenberg, Rew Goodenow, Gloria Sturman and John Schlegelmilch to the committee, with Polsenberg serving as chair. Bar staff will provide support/information as required.

6. CONSIDER APPOINTMENT OF ADVISORY COMMITTEE FOR REVISION OF THE NEVADA RULES OF CIVIL PROCEDURE

A motion was made and seconded to appoint a bench-bar committee to revise the Nevada Rules of Civil Procedure. A motion was made and seconded to appoint those individuals designated in Neils Pearson's letter of July 9, 1999 to Dan Polsenberg. Those people are: Niels L. Pearson, Chair, Daniel F. Polsenberg, Vice Chair, Leland E. Backus, Ann Bersi, Larry R. Hicks, Kristine Pickering, John Bailey, Harold B. Thompson, Jim Crockett, Peter Bernard, John O'Brien, Bill Bradley, Allan Earl, Pat Cashill, Carl Tobias – Professor at UNLV Law School, The Honorable Phillip Pro - Nevada District Court, The Honorable Jim Mahan - Eighth Judicial District Court, Thomas W. Biggar, Discovery Commissioner, The Honorable Deborah Schumacher - Second Judicial District Court and The Honorable William A. Maupin - Nevada Supreme Court. The motion passed. It was further moved and seconded to allocate up to \$2,000 for meeting expenses of the committee during 1999. The motion passed.

7. CONSIDER COALITION TO PURCHASE HEALTH INSURANCE FOR MEMBERS

The Board of Governors discussed the concern expressed by members of the bar regarding the difficulty of obtaining affordable health insurance. It was moved and seconded that a committee be appointed to study this issue. The motion passed. The committee will be Alan Lefebvre as chair, Dave Loreman and Gloria Sturman.

8. CONSIDER BANKING SERVICES FOR MEMBERS OF THE STATE BAR

The Board of Governors discussed the fact that members of the bar may not be fully informed regarding the banking services that are available to them in Nevada. It was suggested that a CLE seminar might be developed for ethics credit that would address the issue of trust accounts, other law office financial operations and the assistance that is available through Nevada banks. It was suggested that local banks be asked to host a reception after such a seminar where they could answer questions and display their services. A motion was made and seconded to recommend to the CLE Committee that an ethics seminar be developed that incorporates these ideas. The motion passed.

9. CONSIDER RESOLUTION REGARDING SPLIT OF NINTH CIRCUIT COURT OF APPEALS

It was moved and seconded to adopt a resolution in opposition to the proposed division of the Ninth Circuit Court of Appeals. The Resolution is attached and thereby incorporated into the minutes.

10. CONSIDER REQUEST TO CO-SPONSOR YLS SAFENEST FUNDRAISER

Stacie Brown of the Young Lawyers Section recommended that the State Bar of Nevada co-sponsor an event with the Young

Lawyers Division of the American Bar Association, in connection with the ABA Commission on Women in the Profession and the ABA Commission on Domestic Violence, to honor Nevada's First 100 Women Attorneys. This event is to be held in Las Vegas during the week of October 18, 1999. A motion was made, seconded and passed that the State Bar would co-sponsor the event through a contribution not to exceed \$2,000 to offset the expenses associated with the printing of the program brochure honoring Nevada's First 100 Women Attorneys.

A motion was made, seconded and passed to approve the officers and the members at large for the Young Lawyers Section executive council. The officers will be Lynn Kirsch as Chairperson, Brett Kandt as Vice Chairperson/Chair-Elect and Kirk Johnson as Secretary. Members at large will be Stephen Caruso and Adrienne Yeung in the Las Vegas area and Joel Santos in the Reno area.

11. FINANCIAL OPERATIONS REPORT – DESIGNATION OF 1998 LRIS FUND BALANCE

A brief report of current financial operations was presented. It was moved, seconded and unanimously passed to move \$128,043 from the undesignated fund balance to a special purpose fund to be used for the operation of the LRIS Dept. and other permitted purposes.

12. CONSIDER APPOINTMENT TO FEE DISPUTE ARBITRATION COMMITTEE

It was moved and seconded to approve the appointment of Brad Wilt to the Fee Dispute Arbitration Committee. During the discussion of the motion, it was suggested that perhaps members of the bar should have at least 8 years of experience in the practice of law before being appointed to the Fee Dispute Arbitration Committee. The motion failed. Ann Bersi will write Mr. Wilt to thank him for his interest and to invite him to apply to other State Bar boards and committees.

13. CONSIDER APPOINTMENT TO CLIENTS' SECURITY FUND COMMITTEE

It was moved, seconded and unanimously approved to appoint Dara J. Goldsmith as a member of the Clients' Security Fund Committee to fill the vacancy left by the resignation of Richard F. Scotti.

14. CONSIDER RECOMMENDATIONS OF THE ACCESS TO JUSTICE COMMITTEE

It was moved and seconded to adopt the recommendations of the Access to Justice Committee regarding the criteria for selecting the Pro Bono award recipients for 1999. The five categories for these awards are: Solo practitioner (1 attorney), Small law firm (2-5 attorneys), Medium law firm (6-15 attorneys), Large law firm (16+ attorneys), and Public law agency. The criteria for selection of the award in addition to the type of law firm is: Their contribution to the improvement of access to justice by demonstrating their commitment in devoting time and effort toward making the law work for everyone in the State of Nevada. In addition, one of the five above awardees should receive the "Access to Justice Award for Making the Law Work for Everyone." The criteria for this award is that it be one of the five awardees and that it exemplify extraordinary service to the Access to Justice by all members of our society. The motion passed.

15. REPORT OF BAR COUNSEL

Rob Bare offered a brief report regarding the operations of the Ethics Department. The number of complaints regarding the unauthorized practice of law have increased significantly in recent weeks. Since the State Bar is committed to protecting the public from those who would violate the statute, it is anticipated that more human resources may need to be dedicated to this effort. It was decided to put the Unauthorized Practice of Law on the agenda for the October meeting of the Board of Governors for further discussion and consideration.

16. EXECUTIVE DIRECTOR'S REPORT

Wayne Blevins offered a report on State Bar operations. The Board of Governors has scheduled a strategic planning retreat for September 10-11, 1999, at Mt. Charleston. The Nevada Supreme Court has scheduled an administrative docket hearing on

September 16, 1999, that may include a discussion on the revision of Judicial Canon 4C, the admission of Boyd School of Law faculty members and a revision of the student practice rule.

Approved:

Wayne Blevins
Executive Director

Ann Bersi
President