

## Board Meeting Minutes **08/17//01**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President John H. Mowbray on August 17, 2001, at 9:35 a.m. in the Dublin Room of the Carson Valley Inn in Minden, Nevada.

The following members of the Board of Governors were in attendance:

John H. Mowbray . . . . . President  
Gloria J. Sturman . . . . . President-Elect  
N. Patrick Flanagan III . . . . . Vice President  
Nancy L. Alif  
Bruce T. Beesley  
Vincent A. Consul  
Dara J. Goldsmith  
Rew R. Goodenow  
Ann Price McCarthy  
Bridget Robb Peck  
John P. Schlegelmilch  
William C. Turner  
Steven B. Wolfson  
Dean Richard Morgan, Ex Officio

### STATE BAR STAFF MEMBERS PRESENT:

Allen Kimbrough  
Rob Bare  
Marc Mersol  
Audrey Bath

### 1. CALL TO ORDER

### 2. APPROVAL OF THE MINUTES OF THE JUNE 27, JUNE 28 AND JULY 12, 2001 MEETINGS OF THE BOARD OF GOVERNORS

The minutes of the June 27, 2001 meeting of the Board of Governors were approved unanimously.

The minutes of the June 28, 2001 meeting of the Board of Governors were approved as amended to reflect the attendance of Rew Goodenow.

The minutes of the July 12, 2001 meeting of the Board of Governors were approved unanimously.

Questions were raised regarding the waivers of notice for the June 28 and July 12 meetings with Dean Morgan noting that such waivers should be in writing and signed by all members of the Board of Governors.

### 3. REPORT OF COMMISSION ON MULTIJURISDICTIONAL PRACTICE

President Mowbray reported that the Supreme Court of Nevada had re-constituted the State Bar's Commission under its aegis and had appointed Justice Nancy Becker as its liaison to the new Supreme Court Commission on Multijurisdictional Practice. Thomas R. C. (Spike) Wilson II of Reno was named to chair the Commission, and three members of the state judiciary will be added shortly.

It is anticipated that the Commission will hold a series of public hearings throughout the state prior to drafting a written report with recommendations for submission to the Supreme Court prior to year end.

#### 4. REPORT OF YOUNG LAWYERS SECTION

Joel Santos, Chair of the Young Lawyers Section (YLS), gave an oral report to the Board on the recent activities of the Section. He announced that the YLS Executive Council would hold a planning retreat on Friday, September 14 at which time it expected to focus on three goals: (1) increasing membership and participation, (2) developing more interaction with the Boyd School of Law, and (3) originating new activities and programs.

Prior to presenting the slate of 2001-2002 YLS officers and members of the Executive Council, Mr. Santos noted that Brett Kandt (nominee for Chair-Elect) had resigned and was moving out of the country. Thereafter, on motion made and seconded, the Board unanimously ratified the selection of Steven Caruso, Joel Santos, Brett Kandt, and Elizabeth Whitney as members of the YLS Executive Council and the election of the following officers: Joel Santos, Chair; Brett Kandt, Chair-Elect; and Shawn Pearson, Secretary.

Mr. Santos was thanked by the Board for the excellent work done by the YLS in furtherance of the principles and goals of the State Bar.

#### 5. ANNUAL REPORT OF PUBLIC LAWYERS SECTION

The written Annual Report of the Public Lawyers Section was reviewed by the Board. A discussion ensued regarding the use of the State Bar website to provide the various sections and committees with an opportunity to both communicate with their own membership or to provide information for the public or other members of the profession.

#### 6. REPORT OF MEMBER SERVICES COMMITTEE

In the absence of Chair Mike Davidson, Bruce Beesley gave the report of the Member Services Committee.

Mr. Beesley stated that efforts were underway to find a new group health care provider for members of the State Bar to replace the non-performing Health Agencies of the West.

Mr. Beesley also presented the Committee's recommendation that the State Bar enter into an affinity credit card agreement with MBNA for a "State Bar of Nevada MasterCard," noting that royalties would be paid to the State Bar for the use of the cards with all marketing and promotional costs borne by MBNA. The recommendation was approved

unanimously.

**7. CONSIDER APPOINTMENT OF CHAIR OF COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT**

Marshal Willick was unanimously selected to chair the Standing Committee on Professional Responsibility and Conduct, effective August 30, 2001.

Mr. Willick was requested to appear at the future meetings of the Board to report on the work of the Committee beginning with the meeting of October 17 in Reno. It was also noted that there were vacancies on the Committee that needed to be filled and requested that they be advertised in the next issue of Nevada Lawyer.

**8. CONSIDER APPOINTMENT OF LAWYER REPRESENTATIVES TO NINTH CIRCUIT**

Andrew P. Gordon and Laurel E. Davis were appointed by the Board to three-year terms as lawyer representatives to the Ninth Circuit Conference. The Board thanked Nancy Allf and Von Heinz for their service in this capacity.

**9. CONSIDER APPOINTMENTS TO THE FEE DISPUTE ARBITRATION PANELS**

Lee A. Drizin, Esq. was unanimously appointed as a new member of the Fee Dispute Arbitration Committee, Las Vegas Panel A.

The following seven names were unanimously reappointed to serve on the Fee Dispute Arbitration Committee, Reno Panel: attorneys Richard F. Cornell, David H. Hamilton, William Harrison, Paul A. Matteoni and Jenny Hubach; and lay members Patricia Kios and Richard McConnell.

Roger R. Harada and Clark V. Vellis were unanimously appointed to fill vacancies on the Reno Panel.

**10. CONSIDER ABA RESOLUTION ON BANKRUPTCY ATTORNEY LIABILITY**

Rew Goodenow advised the Board concerning the action of the American Bar Association House of Delegates in opposition to the enhanced attorney liability provisions of the Bankruptcy Code currently under Congressional debate (S.420/H.R. 333).

Upon motion made and seconded, the Board approved support of the ABA position and requested that a formal Resolution be signed by the President and forwarded to the House/Senate Conference Committee.

**11. CONSIDER ADOPTION OF BOARD REIMBURSEMENT POLICIES AND PROCEDURES**

The Board, upon motion made and seconded, unanimously adopted the new Reimbursement Policies and Procedures for the Board of Governors as presented.

**12. CONSIDER REPAYMENT OR EXTENSION OF MORTGAGE**

The Board considered the recommendation of the Mortgage Committee that the

mortgage on the State Bar offices at 600 East Charleston in Las Vegas be retired as soon as practicable. Controller Marc Mersol gave input regarding the financial condition of the State Bar and the gap existing between our current investments and the mortgage interest expense. Upon motion made and seconded, the Board approved the recommendation on a divided vote.

It was suggested that the State Bar obtain a line of credit of at least \$200,000 to cover any cash flow shortfalls that might occur prior to year end.

#### 13. CONSIDER MIDYEAR BUDGET REVIEW AND ADJUSTMENTS

The Executive Director and the Controller presented a midyear review of the State Bar Budget and proposed that a revised Budget be adopted to better reflect the actual experience to date and more informed projections for the remainder of the year.

The proposed Revised Budget was adopted unanimously.

#### 14. REPORT OF CONTROLLER

The Controller reviewed with the Board the Statement of Financial Condition as of June 30, 2001 and responded to questions regarding future revenue potential and other topics.

#### 15. REPORT OF THE CLE DEPARTMENT

The Board then considered the written report of Chris Boadt, Director of Continuing Legal Education, it being additionally noted that the 5th Edition of the Nevada Civil Practice Manual would be published in October.

The Board considered the recommendation of Mr. Boadt and the Executive Director that the State Bar hold a Midyear Meeting each year at which sections and committees could meet in a central location combined with a CLE ethics program. By consensus the Board agreed that the staff could proceed with planning for this event.

Plans for the 2002 Annual Meeting in Hawaii were discussed.

#### 16. REPORT OF ADMISSIONS DEPARTMENT

The Executive Director presented comments in addition to the written report of Director of Admissions Patrice Eichman. The administration of the 2001 State Bar Examination went well with slightly over 600 examinees.

The Board was advised that the bar examination results would be released on Friday, October 5, with swearing-in ceremonies for new admittees to be held on Wednesday, October 17 in Reno and on Friday, October 19 in Las Vegas with the respective county bar associations hosting receptions following the ceremonies.

#### 17. REPORT OF BAR COUNSEL

In Executive Session Bar Counsel Rob Bare discussed with the Board pending litigation matters involving the State Bar and issues related thereto.

Mr. Bare advised the Board that John Cotton had resigned as a member of the Southern Nevada Disciplinary Board.

On motion made and seconded (as amended) the Board authorized the President to discuss informally with Chief Justice A. William Maupin the Board's desire to amend its currently pending ADKT petition asking for revisions to SCR 199 (Firm Names) to reflect the Board's desire to substitute ABA Model Rule 7.5 for current SCR 199.

The Board deferred action on new SCR 106.5 (Lawyers Concerned for Lawyers) to the October 17 meeting.

The Board engaged in a general discussion regarding SCR 191 relating to pro bono services and access to justice.

#### 18. REPORT OF EXECUTIVE DIRECTOR

The Executive Director distributed copies of the report of the State Bar's delegate to the ABA House of Delegates, Margo Piscevich.

Mr. Kimbrough also reviewed the with Board his written report and responded to questions.

#### 19. REPORT OF THE PRESIDENT

President Mowbray shared with the Board his priorities for the 2001-2002 bar year, including increased involvement on a national level, a closer working relationship with the Supreme Court, closer working relationships with local and county bars, and increased member services and member participation.

Mr. Mowbray presented a commemorative copy of the Nevada Lawyer cover featuring the inaugural graduating class of the William S. Boyd School of Law at UNLV to Dean Richard Morgan.

#### 20. ADJOURNMENT

The meeting was adjourned at 2:45 p.m. Respectfully submitted,

John H. Mowbray Allen W. Kimbrough  
President Executive Director