

August 22, 2003

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President N. Patrick Flanagan III on August 22, 2003, at the Tonopah Convention Center in Tonopah, Nevada.

The following members were in attendance:

N. Patrick Flanagan III	...	President	
Ann Price McCarthy	...	President-Elect	
Vincent A. Consul	...	Vice President	
Gloria J. Sturman	...	Immediate Past President	
Nancy L. Allf			
Bruce T. Beesley			
James W. Bradshaw			
Kathleen J. England			
Cam Ferenbach			
Rew R. Goodenow			
Richard Morgan			
Bridget Robb Peck			
John P. Schlegelmilch			
Bruce I. Shapiro			
William C. Turner			(by telephone)
Steven B. Wolfson			

The following members were absent:

John A. Curtas
Dara J. Goldsmith

STATE BAR STAFF PRESENT

Allen W. Kimbrough
Rob Bare
Marc Mersol

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 9:15 a.m. by the President, who welcomed the new and returning members of the Board.

2. APPROVAL OF MINUTES OF PRIOR MEETING OF BOARD OF GOVERNORS

The minutes of the June 18, 2003, meeting of the Board were approved.

3. REPORT ON ACTIONS AND RECOMMENDATIONS OF OPERATIONS COMMITTEE

The Board reviewed the actions and recommendations of the Operations Committee contained in the minutes of its August 13, 2003 meeting and ratified same.

4. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS

Mr. Mersol reviewed with the Board the financial condition of the State Bar as of June 30, 2003 and noted that there are overall favorable balances existing.

Mr. Mersol also presented the financial condition of the Nevada Bar Foundation (Center for Law Related Education) and responded to questions regarding same.

5. REPORT OF BUDGET COMMITTEE

Mr. Goodenow, Chair of the Budget Committee, presented the Midyear Budget Review and the recommendation of the Committee that the 2003 Revised Operating Budget as presented be adopted. The recommendation was approved unanimously.

6. REPORT OF COMPENSATION AND PERSONNEL COMMITTEE

Ms. England, Chair of the Compensation and Personnel Committee, and the Executive Director presented the recommendations of the Committee regarding the adoption of a new compensation scheme for the State Bar, as well as employee job descriptions, evaluative materials, and a new Employee Handbook.

The Board unanimously approved the new compensation system with a requested clarification that no changes can be made to the salary ranges without the express approval of the Board and that the Board has no role in awarding individual merit

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increases to the employees.

Ms. England reviewed the newly revised Employee Handbook with the Board and pointed out the numerous changes from the current Employee Policies and Procedures. The Board approved the Employee Handbook with the exception of Section 5.16.5 (concerning maternity leave). As to that Section, the Committee was asked to revise it to include adoption and paternity leave and report back to the Board at the October meeting.

The Board approved the Job Descriptions and Evaluative Materials as presented.

7. REPORT OF AUDIT AND INVESTMENT COMMITTEE

The Audit and Investment Committee recommended to the Board that in the interests of caution the association's current auditors, Kafoury Armstrong & Co., be replaced for the next three years with a new accounting firm. This recommendation was approved by the Board, and the Committee will solicit requests for proposals.

8. REPORT ON LONG-TERM CONTRACTS BETWEEN STATE BAR AND THIRD PARTIES

The Board reviewed the current status of long-term contracts between the State Bar and third parties. It was determined that it would be useful to have a written policy regarding which contracts require Board approval and which do not, and development of such a policy was referred to the Operations Committee for action.

9. CONSIDER MATTERS RELATED TO LEGAL ASSISTANTS DIVISION

The Executive Director reported that the Legal Assistants Division is no longer seeking a grant from the general revenues of the State Bar for its 2003 programs.

10. CONSIDER MATTERS RELATED TO THE GAMING LAW SECTION

The Board (on a divided vote) ratified the recommendations of the Executive Committee of the Section and reappointed or appointed the following persons to membership on the Executive Committee: Jeffrey R. Rodefer, Mark A. Clayton, A. G. Burnett, and Darlene Caruso.

The Board appointed Mr. Goodenow to act as co-Board Liaison to the Section together with Mr. Wolfson in order to aid the section in its work.

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The Board further discussed whether a request to the Section to divert some of its revenues from its annual golf tournament to the law related education programs of the State Bar in addition to scholarships at the Boyd School of Law.

11. CONSIDER MATTERS RELATED TO COMMITTEE ON MODEL PATTERN JURY INSTRUCTIONS

The Board was advised that there had been insufficient applicants to permit the appointment of the Committee at this time and the matter was deferred to the October 8 meeting.

12. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE

The President discussed with the Board the current status of the Access to Justice Committee and its goals and activities, noting that the Committee had no bylaws or terms of its members at the present time. The Board engaged in a lengthy discussion regarding the Committee's mission and how it was being fulfilled. The Board then referred the matter of Bylaws and member terms to the Committee on Committees for action and recommendations.

13. CONSIDER MATTERS RELATED TO NEVADA COMMISSION ON JUDICIAL SELECTION

The Board was advised that there had been no applications for the opening on the Commission on Judicial Selection and that the position would continue to be advertised.

14. CONSIDER MATTERS RELATED TO STANDING COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

The Board discussed the reappointment of Marshal Willick as Chair of the Standing Committee on Professional Responsibility and Conduct and determined that Mr. Willick would not be reappointed as Chair or as a member of the Committee.

The Board appointed Richard Barrows, Susan Quig Terry, Craig Roecks, and William Werner as members of the Committee for two-year terms ending August 2005.

15. CONSIDER MATTERS RELATED TO STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

The Board appointed Christine Munro to a position on the Standing Committee on Judicial Ethics and Election

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Practices.

16. CONSIDER SUSPENSION OF MEMBERS FOR NON-PAYMENT OF DUES

The Executive Director provided the Board with a current list of those members whose dues remained unpaid following receipt of the notices required by SCR 98. The Board unanimously approved the suspension from the practice of law of those members and authorized the President to execute the Order regarding same.

17. REPORT ON ETHICS 2000 COMMITTEE

Mr. Wolfson, Chair of the Ethics 2000 Committee, and Bar Counsel reported to the Board regarding the work of the Committee, including the upcoming public hearings scheduled for Reno and Las Vegas in October. Mr. Bare distributed the current draft of all the affected Rules for the Board's review and comment.

18. CONSIDER RESIGNATION OF RALPH J. BAVARO

The Board approved the resignation of Ralph J. Bavaro and authorized Bar Counsel to present same to the Supreme Court for action.

19. CONSIDER APPOINTMENTS TO FEE DISPUTE ARBITRATION COMMITTEE

The Board appointed the following Regional Chairs for the Fee Dispute Arbitration Committee:

Rena Hughes	Las Vegas Panel A
Paul Eisinger	Las Vegas Panel B

The Board reappointed Richard Scotti to Las Vegas Panel B, and appointed Jorge A. Ramirez and Dee Newell as members of Las Vegas Panel A.

20. CONSIDER MATTERS RELATED TO CLIENTS SECURITY FUND COMMITTEE

The Board appointed Martina Jacarino and Sean Patterson as members of the Client Security Fund Committee. As these appointments would increase the size of the Committee beyond that authorized by its Bylaws, the Committee was requested to revise its Bylaws and present them to the Board at its October 8 meeting.

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21. CONSIDER MATTERS RELATED TO LAWYER REFERRAL AND INFORMATION SERVICE

The Executive Director elaborated on the written report presented on behalf of the Lawyer Referral and Information Service and noted that the LRIS hours of operation would soon be increased.

22. REPORT OF DIRECTOR OF ADMISSIONS

The Board reviewed the written report of the Director of Admissions and discussed matters related to the July 2003 Nevada Bar Examination.

23. REPORT OF DIRECTOR OF CONTINUING LEGAL EDUCATION

The Board approved the revised Bylaws of the CLE Committee and the Bylaws for the new CLE Publications Committee.

24. REPORT OF BAR COUNSEL

Mr. Bare reported to the Board on various pending matters and was thanked by the Board for his and his staff's diligence in handling bar complaints.

The Board engaged in a lengthy discussion regarding the current state of lawyer advertising in Nevada. A motion was made that the State Bar fund a study of lawyer advertising to determine whether such advertisements actually aid in the selection of an attorney and subsequently consider what could be done to curtail the most troublesome advertising within the proscriptions of the anti-trust laws and First Amendment rights and that substantial State Bar funds be devoted to this effort.

Bar Counsel was requested to survey other states to glean their approach to egregious lawyer advertising and what options might be available to the State Bar and to report to the Board of his findings at the October 8 meeting. Following further discussion, the motion was tabled.

25. REPORT OF EXECUTIVE DIRECTOR

Mr. Kimbrough reported to the Board on various administrative issues and discussed with the Board his meetings with officials of the Attorneys Liability Protection Society (ALPS) regarding the tremendous increase in legal malpractice claims in Clark County. The Board approved exploring potential amelioration of this situation via the combined efforts of the Executive Director, Bar Counsel and the Director of Continuing Legal Education.

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Mr. Kimbrough was asked by the Board to prepare an article describing all Board meetings for the next available issue of *Nevada Lawyer* following the meeting and to indicate the presence and absence of Board members therein.

26. REPORT OF PRESIDENT-ELECT

Ms. McCarthy announced that the 2005 Annual Meeting would be held June 22-25, 2005, in Santa Fe, New Mexico at the La Fonda and St. Francis Hotels.

27. REPORT OF PRESIDENT

Mr. Flanagan requested that the Board move its March meeting to March 5 from March 12 in order to permit attendance by Bar officers at the annual ABA Bar Leadership Institute.

He also discussed plans for the 2004 Annual Meeting in San Diego, including speakers and CLE topics.

28. INFORMATIONAL REPORTS

The Executive Director called the Board's attention to the various items provided as information for the Board.

29. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

N. Patrick Flanagan

President, State Bar of Nevada

Allen W. Kimbrough

Executive Director