

Board Meeting Minutes

MINUTES OF THE BOARD OF GOVERNORS' MEETING
OF THE STATE BAR OF NEVADA
JANUARY 26, 2000
CARSON CITY, NEVADA

President Ann Bersi opened the meeting at 9:00 a.m. at the Glen Eagles Restaurant in Carson City, Nevada.

Ann Bersi.....President
Dan Polsenberg.....President-Elect
John Mowbray.....Vice President
Mike Davidson
Cal Dunlap
Patrick Flanagan
Neil Galatz
Rew Goodenow
Alan Lefebvre
Ann McCarthy
Richard Morgan
Andy Puccinelli
John Schlegelmilch
Gloria Sturman
Coe Swobe

STAFF MEMBERS PRESENT:

Ruth Adams
Rob Bare
Wayne Blevins
Chris Boadt
Patrice Eichman
Pami Kowal
Marc Mersol

SPECIAL GUESTS:

Bob Crowell
Brett Kandt representing Young Lawyers Section
George McCabe representing SRPR

JANUARY 26, 2000
MINUTES OF THE BOARD OF GOVERNORS' MEETING

1. APPROVAL OF THE MINUTES OF THE DECEMBER 3, 1999 MEETING

A motion was made and seconded to approve the minutes of the December 3, 1999, meeting of the Board of Governors. The motion carried.

2. PRESIDENT'S REPORT

President Ann Bersi reported that the Retreat Task Force of the Board met to clarify the eight long range planning goals developed at the Board's retreat last fall. A survey regarding these goals was posted on the State Bar's web site and was also mailed to every member of the State Bar. The survey asked members to rank the goals in the order of importance to the member and requested comments from members about the goals. The Task Force will bring its recommendations for future action to the Board.

Bersi also reported that three applications for the Local/Specialty Block Grant Program had been approved. The successful organizations included: Northern Nevada Bankruptcy Bar (Pro bono program for the U.S. Bankruptcy Court to assist low income persons - \$1,000), Nevada Foundation for Consumer Education (People's Law School Series 2000 - \$2,550) and Washoe County Bar Association (Annual Bar Leadership Workshop - \$2,000). More applications are anticipated and will be reviewed early this spring. The program is also being expanded to include the various sections of the State Bar and they have been invited to submit a grant application. The program is off to a great start and it is hoped that more organizations will participate in the future.

The Board convened in Executive Session to discuss pending litigation.

3. DISCUSSION OF PROFESSIONALISM INITIATIVE

There was a lengthy discussion regarding this issue and how the State Bar might better inform the public. The Professionalism Committee recommended that the current public information campaign continue through the 2000 fiscal year; that the methodology be shifted to a more human/local approach regarding the contributions that attorneys are making within their communities; that the budgeted amount of \$200,000 remain unchanged; that the Committee have an active role in overseeing the campaign with the understanding that progress reports about the campaign be given at future meetings of the Board of Governors.

A motion was made and seconded to accept the Professionalism Committee's recommendations, but to hold the paid campaign activities for thirty days to continue to measure response from members of the bar.

Further discussion on the issue included the suggestion that approximately \$5,000 be allocated to conduct research that would serve as a benchmark to measure the effectiveness of the program.

The motion was restated to: 1) Fund the program for one year, after which it will be reconsidered; 2) change the focus to a more local/human approach, with ideas for paid media to be brought before the Board for consideration; 3) budget \$200,000 including the block grant program and the mock trial program; 4) give the Professionalism Committee an active role in overseeing the campaign with regular reports to the Board; 5) hold any action on this initiative for 30 days to evaluate any additional responses received from the membership; and, 6) conduct research/opinion polls of the membership and the public. The motion was seconded and carried.

4. DISCUSSION OF TOPICS TO BE CONSIDERED IN MEETING WITH SUPREME COURT

After careful consideration, the topics to be discussed with the Supreme Court at the afternoon

meeting will include: Revisions to SCR 42 (Gloria Sturman); law faculty admissions, status of appellate practice manual, block grants and the professionalism initiative (Ann Bersi); unauthorized practice of law (Rob Bare); business courts proposal (Rew Goodenow); attorney specialization (Ann McCarthy); joint education program with the Court and how the panel system is working (Dean Morgan); re-examination of CLE providers (Neil Galatz); and SCR 191 and the access to justice foundations (Pat Flanagan).

5. CONSIDER REQUEST OF OHIO STATE BAR ASSOCIATION REGARDING UNAUTHORIZED PRACTICE OF LAW RESOLUTION

It was noted that the Business Law Section of the ABA voted to oppose this because a vote for this is a vote against multi-disciplinary practice. It was also suggested that the Board might want to consider the views of bar's delegates to the ABA. A motion was made and seconded to table this issue. The motion failed. A second motion was made and seconded to approve the attached resolution of the Ohio State Bar Association. The motion passed.

6. REPORT OF BAR COUNSEL

Unauthorized Practice of Law – Rob Bare, Bar Counsel, discussed a proposed definition of the practice of law that could be included in a Supreme Court Rule and suggested that a committee be appointed to study the Rule and make a recommendation to the Board. Bob Crowell agreed that it might be more appropriate to include a definition of the practice of law in a Supreme Court Rule, rather than in legislation to be considered by the Nevada Legislature.

A motion was made and seconded to defer this subject to a committee appointed by the Board for further study of Bare's report and make a recommendation to the Board regarding whether this should be pursued through legislation or a Supreme Court Rule, which the Committee is to draft. The motion passed unanimously.

Board members appointed to the Committee included: John Schlegelmilch, Neil Galatz and Rew Goodenow. Rob Bare and Bob Crowell will attend meetings of the Committee and act as resource professionals.

7. DISCUSSION OF PARALEGAL CERTIFICATION PROGRAM

Bob Crowell suggested that the Board consider recommending the creation of a state certification program to license legal assistants. A motion was made, seconded and passed to appoint a committee consisting of Board members and representatives of the Legal Assistant's Division of the State Bar to study other states' models of accreditation and report back to the Board at the March 24, 2000 meeting. Committee members are Dan Polsenberg, Pat Flanagan, Gloria Sturman, Marilyn Marsh and two other designees from the Legal Assistants Division. Rob Bare will serve as the staff liaison and resource.

8. REPORT OF YOUNG LAWYERS SECTION

Brett Kandt of the Young Lawyers Section gave a report on the section's activities. Some of the programs the Young Lawyers are working on for 2000 include Law Week, which will be in May; the 2000 salary survey; a poster/essay contest in the schools and the reprinting of the Coming of Age booklet. Kandt indicated that the section would like the entire booklet to appear on the Bar's web site under the section's link and Wayne Blevins indicated that doing so would not be a problem. It was also noted that funding for the reprinting of the Coming of Age booklet would come from State Bar funds.

Kandt also requested approval of a new Young Lawyers' Section letterhead. It was moved, seconded and unanimously approved.

9. REPORT OF FEE DISPUTE COMMITTEE

Michael Davidson reported on his committee's recommendations regarding the selection of lay members on the Fee Dispute Committee. It was noted that the Fee Dispute Committee will propose amendments to the Fee Dispute Committee rules and possibly the Supreme Court Rules that govern the committee. However, until that can be accomplished, Davidson suggested that the Board adopt aspirational goals for State and Regional panel chair implementation.

After a brief discussion it was moved, seconded and unanimously approved to adopt Davidson's recommendations. The aspirational goals are: 1) each lay person who wishes to be considered for appointment should provide a resume and be interviewed by the regional chair. Lawyers who wish to be considered are also to submit a resume and should have three years of experience in private practice; 2) the state chair is to implement a training procedure to educate arbitrators concerning the rules of the Committee and the rules governing attorney's fees; 3) for fee disputes involving criminal, domestic and personal injury representation and are in excess of \$5,000, one of the attorney arbitrators should be a practitioner in the area which is the subject of the dispute, if possible.

The Board discussed whether William F. Buchanan should be considered a lay member on the Committee since, while not licensed in Nevada, he is a licensed attorney in Indiana. After a brief discussion, it was determined that Mr. Buchanan would remain a lay member of the Fee Dispute Arbitration Committee.

The recommendation was made to appoint Clark Seegmiller to the Fee Dispute Las Vegas Panel A. It was so moved, seconded and approved.

There was also a brief discussion concerning a reported backlog on fee dispute cases. Michael Davidson was asked to discuss the matter with Geoff Roullard and report back to the President.

10. STATUS REPORT OF ATTORNEY SPECIALIZATION PROJECT

Ann McCarthy gave an update on the initiative to allow attorney specialization in Nevada. The committee reviewing this matter will be prepared to make recommendations to the Board of Governors in the near future. Proposed rules to facilitate Specialization in Nevada will likely be submitted to the Supreme Court for consideration this summer.

It was moved, seconded and unanimously approved to send McCarthy to Tucson for the ABA Specialization Conference in April.

11. CONSIDER APPOINTMENT OF CHAIR TO ACCESS TO JUSTICE COMMITTEE

The Access to Justice Committee has recommended that the Honorable Connie Steinheimer be appointed as Chair of the Committee. It was so moved, seconded and unanimously approved.

12. FINANCIAL REPORT

It was moved, seconded and approved to adopt a

budget amendment for office building capital expenditures in the amount of \$30,000.

The subject of whether revenue from SCR 42 should be allocated in the Admissions or Administration budget was discussed and will be examined and evaluated from an accounting perspective.

13. APPOINTMENTS TO PUBLICATIONS COMMITTEE

It was moved, seconded and approved to appoint John Bartlett and James E. Berchtold to the Publications Committee.

14. CONSIDER ADOPTION OF SECTION BUDGETS

It was moved, seconded and carried to approve the Family Law Section Budget. Ann McCarthy gave a brief update on the section's activities, which included authoring the Family Practice Manual, and working with Lexus to develop a CD-Rom of family law forms used in Nevada.

It was moved, seconded and approved to table discussion of the Administrative Law Section and Probate and Trust Section budgets until a later meeting.

The Board of Governors convened an executive session to discuss an SCR 104 complaint. Reconvening in open session, the President announced that the Board found the complaint to be without merit.

15. REPORT OF EXECUTIVE DIRECTOR

Wayne Blevins reported that an election for the Board of Governors would be conducted in the next few months and nominating petitions will appear in the March issue of the Nevada Lawyer. There will be four Board positions up for election in Clark County — Alan Lefebvre, Mike Davidson, Tom Pitaro, and outgoing Board member Ann Bersi. There is one vacancy in Washoe County — Coe Swobe, who is not eligible for re-election.

Blevins and Swobe gave an update on the Veterans' Memorial Project. The newly completed memorial is located in front of the State Bar office in Las Vegas and a dedication ceremony will be held on February 21, 2000 at 10:30 a.m. Many state dignitaries and representatives of veteran-related organizations will be invited to attend. The construction of this flagpole memorial was made possible through a generous donation from The E.L. Cord Foundation.

The Board adjourned at noon, to reconvene at the Supreme Court Courtroom at 2:30 p.m.

Approved:
Wayne Blevins, Executive Director
Ann Bersi, President