

Board Meeting Minutes 01/17/02

Board Meeting Minutes

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President John H. Mowbray on January 17, 2002, at 9:05 a.m. at Glen Eagles Bar and Grill in Carson City, Nevada.

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

John H. Mowbray President
Gloria J. Sturman President-Elect
Nancy L. Alf
Bruce T. Beesley
Vincent A. Consul
Michael D. Davidson
Kathleen J. England
Dara J. Goldsmith
Rex R. Goodenow
Ann Price McCarthy
Richard Morgan
Bridget Robb Peck
John Paul Schlegelmilch
William C. Turner
Steven B. Wolfson

STATE BAR STAFF MEMBERS PRESENT:

Allen W. Kimbrough
Rob Bare
Chris Boadt
Patrice Eichman
Marla Hockfeld
Marc Mersol
Audrey Bath

GUESTS:

Joel Santos
Adrienne Yeung

1. CALL TO ORDER AND INTRODUCTIONS

The President welcomed the Board members and guests. Gloria Sturman gave an invocation.

2. APPROVAL OF MINUTES OF DECEMBER 7, 2001 MEETING OF THE BOARD OF GOVERNORS

The minutes of the December 7, 2001 meeting of the Board of Governors, as amended, were approved unanimously.

3. REPORT OF YOUNG LAWYERS SECTION

Joel Santos, Chair, and Adrienne Yeung, Executive Council member, appeared on behalf of the Young Lawyers Section. They presented the proposed 2002 Budget for the Section. Concerns were raised by members of the Board regarding travel-related items in the budget as presented, and the original motion to approve the YLS Budget was defeated.

Discussion was had regarding the State Bar's policy against section and committee reimbursements for travel to the 2002 Annual Meeting in Hawaii, but the Board also considered a possible exception for the YLS. It was requested that the YLS Executive Council reconsider this issue and present a proposal to the Board at its March meeting. Thereafter, the 2002 YLS Budget was approved after deleting the Hawaii travel item.

4. STATE BAR LEADERSHIP FORUM

The Executive Director reported on plans for the first State Bar Leadership Forum to be held on Friday, February 22 in Las Vegas. Plans include an orientation for section and committee representatives, as well as a "town hall" meeting with the Board of Governors open to all members. It is anticipated that this event will expand in 2003 to a midyear business meeting for the State Bar and its sections and committees.

5. ELDER LAW SECTION

The Board ratified the Elder Law Section's choice of new officers as follows: Harriet H. Roland, Chair; Henry Cavallera, Chair-Elect; Kim Boyer, Secretary; and Elyse Tyrell, Treasurer.

6. CONSIDER APPOINTMENTS TO PROFESSIONAL RESPONSIBILITY AND CONDUCT COMMITTEE

The Board appointed Shelley D. Krohn and Marc H. Rubinstein, both of Las Vegas, to two-year terms on the Standing Committee on Professional Responsibility and Conduct. Board Member Goldsmith abstained from the vote as to Ms. Krohn.

7. CONSIDER APPOINTMENTS TO SOUTHERN AND NORTHERN NEVADA DISCIPLINARY BOARDS

The Board appointed the following five (5) alternate attorney panelists to the Southern Nevada Disciplinary Board: Bridget A. Branigan, Gary G. Branton, Shelley D. Krohn, Aurora M. Maskall and Kenneth R. Myers. Board Member Goldsmith abstained from the vote as to Ms. Krohn.

The Board approved changing the designation of current alternate laymember panelist John Blink to laymember panelist on the Southern Nevada Disciplinary Board, replacing the late Michael Arcieri.

The Board also approved the reassignment of Linda Dakin from alternate attorney member to attorney member of the Northern Nevada Disciplinary Board and

acknowledged the retirement of Edward Moran from that Panel.

8. CONSIDER REQUEST FROM LEGAL ASSISTANTS DIVISION

The Board deferred indefinitely consideration of the certification program proposed by the Legal Assistants Division and suggested the need for further study. Bar Counsel was requested to meet with representatives of the Division to that end.

9. CONSIDER ISSUES RELATED TO LITIGATION FINANCE INDUSTRY

The Board appointed a Task Force to be chaired by Kathleen England and composed of Rew R. Goodenow, Ann Price McCarthy and Nancy Allf.

The Task Force was requested to study the impact on Nevada's lawyers of the growing litigation finance industry and to report to the Board at a subsequent meeting.

10. CONSIDER REQUEST OF CLIENT SECURITY FUND COMMITTEE

The request of the Client Security Fund for the appointment of a new committee member was deferred to the March meeting of the Board.

11. REPORT OF CONTROLLER

The Controller reviewed with the Board the financial condition of the State Bar as of November 30, 2001.

The Board requested that the State Bar publish a "pie chart" of revenues and expenditures of the State Bar in a future issue of Nevada Lawyer once the audited financials for 2001 have been prepared.

It was requested by the President that a CD-ROM containing data on every member of the State Bar be provided to participants at the State Bar Annual Meeting in June 2002. The President, Rew Goodenow, and the Controller will work together on this project.

12. REPORT OF ADMISSIONS DEPARTMENT

The Director of Admissions advised the Board that the 2002 Bar Examination would be held July 30-August 1, 2002. She indicated that more than 550 application packets had been requested and mailed out as of mid-January 2002.

The Board and the Director engaged in a discussion regarding the feasibility of adding a February Bar Examination in Nevada. The Director reported that this was being studied by her staff and the Board of Bar Examiners, and it was agreed that the fiscal impact to the State Bar should be a major consideration in this decision.

The Board appointed a Task Force to work cooperatively with the Board of Bar Examiners

on this and other matters of mutual concern. The Task Force will be chaired by President-Elect Gloria Sturman and be composed of Board Members Kathleen England, Richard Morgan, Bridget Robb Peck, Bill Turner and Steve Wolfson. The Director indicated that the Board of Bar Examiners would welcome this approach.

The Director also reported to the Board on the matter currently before the Supreme Court brought by Adam Stokes, an unsuccessful applicant from the July 2001 Bar Examination, seeking the regrading of a portion of his exam. The Board requested that the staff provide them with copies of Mr. Stokes's petition and the response submitted by the Board of Bar Examiners.

13. REPORT OF CONTINUING LEGAL EDUCATION DEPARTMENT

The Director of Continuing Education reported to the Board regarding the work of his department and the upcoming 2002 Annual Meeting of the State Bar in Hawaii.

He also commented favorably on the development of new State Bar publications, including three treatises (on Professional Responsibility, Insurance Law, and Evidence) to be authored by Professor Jeffrey Stempel of the UNLV Boyd School of Law.

14. REPORT OF COMMUNICATIONS DEPARTMENT

The Board discussed with the Director of Communications concerns raised regarding objections to a recent article in Nevada Lawyer concerning Chapter 40 and construction defect litigation. The Board encouraged the Publications Committee to allow the publication of an article in response to the previously published one, while affirming the need for editorial independence of the magazine. The President agreed to respond specifically to the particular member's concerns.

The Board approved the formation of a Speakers Bureau as proposed.

The Board ratified the selection of the following officers for the Publications Committee: John Bartlett, Chair; Christine Munro, Vice Chair; Adrienne Yeung, Secretary.

15. CONSIDER REQUEST OF COMMISSION ON JUDICIAL SELECTION

The Board considered the request of Ron Titus, as Secretary of the Nevada Commission on Judicial Selection, for the appointment of a Clark County attorney as a temporary member of the Commission (for the purpose of considering upcoming judicial vacancies). The Board directed the Executive Director to send a notice by facsimile to the members of the State Bar residing in Clark County as soon as possible and agreed that the Board would reconvene by conference telephone call during the week of February 4 to make its selection.

16. REPORT OF BAR COUNSEL

Bar Counsel reported to the Board in general terms on pending litigation matters and advised that the Gardner matter had been set for oral argument at the Ninth Circuit on

February 13.

He also reported on the progress being made by his staff to complete a survey of other states' fee dispute programs. The survey was comprised of a number of questions, including rules of procedure, whether programs are mandatory, and whether discipline could be imposed for non-compliance. He anticipated that the results would be received and compiled for presentation at the next meeting of the Board.

He further reported on the ongoing efforts of his office to enjoin a purported lawyer referral service in the Reno area.

Bar Counsel discussed with the Board the Discipline Statistical Report as of December 31, 2001, and provided supplemental information on action by the Supreme Court on pending matters in January.

17. REPORT OF EXECUTIVE DIRECTOR

The Executive Director expanded on his written report to the Board and brought to the Board's attention the new procedures to be implemented in connection with the election of members of the Board of Governors per the Supreme Court Rules.

18. REPORT OF PRESIDENT

The President reported to the Board that by order of the Supreme Court, the Report of the Commission on Multijurisdictional Practice had be set for a period of public comment that would end on March 25. The Commission would thereafter have sixty (60) days in which to provide those comments and its own analysis to the Court. Thereafter, the Court will consider the Commission's proposed changes to the Supreme Court Rules.

19. ADJOURNMENT

The meeting was adjourned at 11:58 a.m.

Respectfully submitted,

John H. Mowbray, President

Allen W. Kimbrough, Executive Director