

**October 8, 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 October 8, 2003, at the Golden Phoenix Hotel & Casino in Reno, Nevada.

The following members were in attendance:

N. Patrick Flanagan III	...	President
Ann Price McCarthy	...	President-Elect
Vincent A. Consul	...	Vice President
Nancy L. Alf		
Bruce T. Beesley		
James W. Bradshaw		
John A. Curtas		
Kathleen J. England		
Cam Ferenbach		
Rew R. Goodenow		
Richard Morgan		
Bridget Robb Peck		
John P. Schlegelmilch		
Bruce I. Shapiro		
Steven B. Wolfson		

The following members were absent:

Gloria J. Sturman  
William C. Turner

**STATE BAR STAFF PRESENT**

Allen W. Kimbrough  
Rob Bare  
Audrey Bath  
Chris Boadt

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Patrice Eichman

Mae Flennoy

Marc Mersol

**GUESTS**

John Fowler

Andrew Gordon

M. Ann Morgan

Shawn Pearson

Margo Piscevich

Richard Trachok

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**1. CALL TO ORDER AND INTRODUCTIONS**

The meeting was called to order by the President at 9:02 a.m. and a quorum was declared. Mr. Flanagan welcomed new Director of Communications Mae Flennoy to the Board meeting.

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

The minutes of the August 22, 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 September 10 and September 26, 2003 meetings and ratified same.

**4. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS**

Marc Mersol, Director of Finance and Information Systems presented the financial condition of the State Bar as of August 31, 2003, and expressed his opinion that we should reach year-end with a \$100,000 excess of revenues over expenses as contemplated by the revised 2003 Operating Budget.

Mr. Mersol also advised the Board that he projected \$1.5 million as the cash on hand at year end, and responded to questions regarding these issues.

The Board accepted the financial statements as presented.

**5. REPORT OF COMPENSATION AND PERSONNEL COMMITTEE**

Kathleen J. England, Chair of the Compensation and Personnel Committee, presented the Committee's proposed revised language for Section 5.16.5 of the Employee Handbook dealing with parental leave. The revisions were approved by the Board on a divided vote.

**6. REPORT ON RENO OFFICE BUILDING**

The President presented a report on efforts to locate a northern Nevada home for the State Bar's offices and a conference center. The Board was joined for this discussion by Eric Bennett of CB Richard Ellis, the broker for the State Bar, and

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Kevin Burr of Tanamera Properties, the owner of the building in the South Meadows area under review as a possible site.

The Board held a lengthy discussion regarding the pros and cons of purchasing the building and alternatives to doing so.

Following the handling of other business the Board returned to this issue. Upon motion made and seconded, the Board (on a divided vote) determined that it would not proceed with the outright purchase of the property located at 9456 Double R Boulevard, but that it would authorize a \$10,000 non-refundable option be placed on said property for ninety (90) days. In the interim a committee composed of the non-Clark County members of the Board would review alternative sites and explore other possibilities for the proposed expanded office. A final decision on this matter will be made at the December 5 meeting.

**7. REPORT OF STATE BAR DELEGATE TO ABA HOUSE OF DELEGATES**

Former President Margo Piscevich, the State Bar's representative to the American Bar Association's House of Delegates, made an oral report to the Board regarding recent actions of the House and current and future issues facing the ABA.

**8. REPORT OF BOARD OF BAR EXAMINERS**

Richard Trachok, Chair of the Board of Bar Examiners, and Patrice Eichman, Director of Admissions (joined by M. Ann Morgan, a member of the BBX), presented a report on the work of the Board and requested the support of the Board of Governors on several issues.

The Board of Governors agreed to support an ADKT Petition to be filed by the BBX seeking the expansion of the BBX by two persons. The Board also approved an increase in fees paid to non-BBX member graders of the bar examination from \$1.50 per answer book to \$5.00 per answer book.

Mr. Trachok also reported that a Lawyer Admissions Assessment Committee is being formed composed of Mr. Trachok, Bob Cox, Tom Beatty, and Karen Peterson.

**9. CONSIDER MATTERS RELATED TO COMMITTEE ON MODEL PATTERN JURY INSTRUCTIONS**

Andrew Gordon, Chair of the Committee on Model Pattern Jury Instructions, gave a status report to the Board regarding the plan of action for his committee. He reported that significant work had been done by third parties on the criminal instructions and that those persons were now involved with the Committee. The civil instructions subcommittee is still being formed.

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The Board appointed the following persons as members of the Committee: Neil G. Galatz (Las Vegas), David N. Frederick (Las Vegas), Steven J. Klearman (Reno), and Phillip W. Bartlett (Reno).

**10. REPORT OF BUSINESS LAW SECTION**

John P. Fowler, Chair of the Business Law Section of the State Bar, presented a request for revision of the Section's Bylaws to permit the holding of an annual meeting of the Section apart from the Annual Meeting of the State Bar. The request was approved by the Board.

**11. CONSIDER MATTERS RELATED TO COMMITTEE ON FUNCTIONAL EQUIVALENCY**

The Board appointed Pamela Lawson and Chris William Davis, both of Las Vegas, as members of the Committee on Functional Equivalency.

**12. REPORT OF YOUNG LAWYERS SECTION**

Shawn Pearson, Chair of the Young Lawyers Section, gave an oral report regarding the recent activities of the Section. As requested the Board ratified the appointments of the following persons to the Section's Executive Council: Jasmine K. Metha (Carson City); Megan Barker Bowen and Angela V. Langlotz (Reno); Stephanie Hardie and Jennifer Sloan Hilsabeck (Las Vegas).

**13. REPORT OF GAMING LAW SECTION**

The Board ratified the Gaming Law Section's selection of Jeffrey Rodefer as Chair and Mark Clayton as Vice-Chair.

**14. CONSIDER APPOINTMENT OF LAWYER REPRESENTATIVES TO NINTH CIRCUIT CONFERENCE**

The Board appointed Karen Winckler (Las Vegas) and Jennifer A. Smith (Reno) as new lawyer representatives to the Ninth Circuit. Mr. Ferenbach abstained from the discussion and vote as to Ms. Smith.

**15. CONSIDER MATTERS RELATED TO LAWYER ADVERTISING**

Rob Bare, Bar Counsel, reported to the Board regarding his office's investigation of regulation of lawyer advertising in other jurisdictions, and the Board discussed the potential reach of such regulations.

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Mr. Bare was instructed (on a divided vote) to prepare a proposed ADKT petition on the subject of lawyer advertising for review at the December 5 meeting. Mr. Wolfson abstained from the vote.

**16. CONSIDER APPOINTMENT OF CONTACT PERSON FOR JOINT COMMITTEE ON THE MODEL STANDARDS OF CONDUCT FOR MEDIATORS**

William C. Turner was appointed as the contact person for the ABA's Joint Committee on the Model Standards of Conduct for Mediators.

**17. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE COMMITTEE**

Rew Goodenow, one of the Board Liaisons to the Access to Justice Committee, presented the request of the Committee to become a Section, including its application and petitions signed by more than 20 members of the State Bar.

The Board approved the formation of the Section subject to approval by the Supreme Court of a transfer of the responsibilities set forth in SCR 191(3)(b) from the Committee to the new Section. On a divided vote, the Board further agreed that the new Section's proposed Bylaws could be revised to permit a category of non-lawyer associate membership.

**18. CONSIDER MATTERS RELATED TO NEVADA COMMISSION ON JUDICIAL SELECTION**

The Board appointed Arthur Mallory of Fallon as a permanent member of the Nevada Commission on Judicial Selection.

**19. REPORT OF ETHICS 2000 COMMITTEE**

Steven Wolfson, Chair of the Ethics 2000 Committee, gave an oral report to the Board regarding the work of the Committee, particularly the upcoming public hearings. He advised the Board that a final report should be done in time for the December 5 meeting of the Board.

**20. CONSIDER PROPOSED POLICY FOR REMOVAL OF COMMITTEE MEMBERS IN THE EVENT OF PUBLIC DISCIPLINE**

The Board approved a policy for the removal of committee members upon the imposition of public discipline, including temporary suspension.

**21. CONSIDER APPOINTMENT TO FEE DISPUTE ARBITRATION COMMITTEE**

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The Board appointed Todd Kennedy as a member of the Fee Dispute Arbitration Committee (Las Vegas Panel A).

**22. CONSIDER APPOINTMENTS TO DISCIPLINARY BOARDS**

The Board reappointed Howard Miller as Chair of the Southern Nevada Disciplinary Board (for a term ending October 31, 2004) and appointed Dan Albrechts as Vice-Chair for a term ending March 8, 2004. Additionally, the Board appointed Gary Branton to the Southern Board for a term ending October 2006.

The Board reappointed Shelly T. O'Neil to the Northern Nevada Disciplinary Board for a term expiring December 2006.

**23. CONSIDER MATTERS RELATED TO LAWYER REFERRAL AND INFORMATION SERVICE**

Following a presentation by Dara J. Goldsmith, Board Liaison, and the Executive Director, the Board approved the Public Service Grants Program as requested by the LRIS Committee.

The Board reappointed Gerald Welt, M. Nelson Segel, and Thomas Susich as members of the Committee.

**24. REPORT OF DIRECTOR OF CONTINUING LEGAL EDUCATION**

Christopher Boadt, Director of Continuing Legal Education, reported on the work of his department, including upcoming CLE events. He expressed dedication by his department and the CLE Committee to focusing CLE programs on members' needs.

**25. REPORT OF BAR COUNSEL**

Mr. Bare reported on the dismissal of an action against the State Bar based on a motion filed by Felicia Galati, First Assistant Bar Counsel and other matters related to his office.

**26. REPORT OF EXECUTIVE DIRECTOR**

Mr. Kimbrough gave an oral report to the Board in supplementation of his written report and responded to questions.

**27. REPORT OF PRESIDENT-ELECT**

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The President-Elect confirmed that the 2005 Annual Meeting of the State Bar would be held in Santa Fe, New Mexico on June 22-25 of that year. Ms. McCarthy reported that an optional activity would be a performance of the world-famous Santa Fe Opera.

**28. REPORT OF PRESIDENT**

The President reported on plans for the 2004 Annual Meeting in San Diego, including the keynote speakers, CLE events and social activities.

He requested that the Vice President report to the Board on the request by the Federal judiciary that the State Bar become involved in the *pro haec vice* applications in the Nevada Federal courts. Mr. Consul, Ms. Peck, and the Mr. Goodenow were asked to explore this issue further.

**29. INFORMATIONAL ITEMS**

Mr. Kimbrough called the Board's attention to various informational items included in the Agenda Book.

John Schlegelmilch, Board Liaison to the Client Security Fund Committee, made a status report on the work of that Committee, including the drafting of new Bylaws to add lay members and other changes.

Dean Richard Morgan reminded the Board of the investiture of new Ninth Circuit Judge Jay Bybee to be held on Friday, October 17 at the Boyd School of Law.

**30. 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