

Board Meeting Minutes 3/24/00

**Board Meeting Minutes**

President Ann Bersi opened the meeting at 9:30 a.m. in the State Bar of Nevada Office in Las Vegas with the following members of the Board of Governors present:

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  
Tom Pitaro  
John Schlegelmilch  
Gloria Sturman  
Coe Swobe

**EX OFFICIO MEMBERS PRESENT:**

Richard Morgan

**STAFF MEMBERS PRESENT:**

Rob Bare  
Wayne Blevins  
Chris Boadt  
Esmeralda Castaneda  
Patrice Eichman  
Pami Kowal  
Marc Mersol

**SPECIAL GUESTS:**

Brian Chally  
Steve Caruso  
Lynn Kirsch  
Karen Peterson  
Rachelle Resnick  
Kathryn Stryker Wirth

**1. APPROVAL OF THE MINUTES OF THE JANUARY 26,  
1999 MEETING**

The minutes of the January 26, 1999, meeting were revised by correcting the fourth paragraph of Agenda Item 9 REPORT OF FEE DISPUTE COMMITTEE. The name of an appointee, "Craig Seegmiller" was corrected to read "Clark Seegmiller".

A motion was made and seconded to approve the minutes of January 26, 1999, meeting as revised. The motion passed.

## 2. DISCUSSION OF THE FAMILY LAW SECTION

Kathryn Stryker Wirth, Chair of the Family Law Section, gave a report of the activities of the Section. Wirth sought direction from the Board of Governors regarding how the Section should proceed in the implementation of NRS 125B.070 that directs the State Bar of Nevada to recommend changes in the child support formulas.

A motion was made and seconded to continue the practice adopted in 1996: The Board of Governors delegates the responsibility of the review of the child support statutory issues to the Family Law Section with the understanding that the section will spend its own funds, rather than State Bar of Nevada funds, to complete the project and that the report would be reviewed by the Board of Governors before it would be presented to the Nevada Legislature. The motion passed.

## 3. DISCUSSION OF BUDGETED FUNDS FOR INVESTITURE CEREMONIES

In recent years, the State Bar of Nevada has been asked to assist in defraying catering and facility rental expenses for receptions held in conjunction with the investiture ceremonies of judges. The State Bar's assistance included contacting law firms for contributions to host these receptions. The Board concluded that, rather than soliciting contributions from law firms, the State Bar should

allocate a specific amount within the annual operating budget for this purpose.

A motion was made and seconded to approve an allocation in the annual operating budget of the State Bar in the amount of \$750 for state court and \$1000 for federal court investiture ceremonies. The motion passed.

## 4. DISCUSSION OF SUPREME COURT ADMINISTRATIVE DOCKET HEARING SCHEDULED FOR MARCH 30, 2000

Karen Peterson, Chair of the Board of Bar Examiners, reported that the BBE was considering petitioning the Supreme Court of Nevada to revise the term limit provision for members of the BBE. The Board suggested that this matter may require further discussion and a motion was made and seconded requesting that the President appoint a committee to meet with representatives of the BBE to discuss the term limit matter. The motion passed. President Bersi appointed Dan Polsenberg, Neil Galatz and John Schlegelmilch as members of this committee. The motion passed.

Peterson also gave a report on the proposed revisions to SCR 49.5 Student Practice, SCR 72.5 Admission of Law Faculty Members and SCR 69 Passing grade; admission by court. Peterson sought to inform the Board of Governors of these proposed changes.

A motion was made and seconded to support the petition of the Board of Bar Examiners on these matters and the motion passed.

## 5. DISCUSSION OF STATE BAR OF NEVADA ANNUAL FEES FOR JUDGES

The Board discussed whether it should petition the Nevada Supreme Court to revise Supreme Court Rule 98 to create a federal judiciary membership classification. In October 1997, the Board voted to eliminate the separate membership category for judges and placed judges in the same category as other members of the State Bar.

After considerable discussion, a motion was made to petition the Supreme Court of Nevada to create a voluntary membership category for federal judges requiring an annual fee of \$250 for active membership in the State Bar.

Thomas F. Pitaro moved to amend the motion to make the State Bar of Nevada a voluntary bar. Pitaro's motion was seconded but did not pass. The original motion was then reiterated; the motion was seconded and passed.

## 6. COMMUNICATIONS DEPARTMENT REPORT

Brian Chally, Chair of the Publications Committee, and Pami Kowal, Director of Communications, gave a report on the operations of the Communications Department. The Committee suggested that the efficiency of the Department might be improved by outsourcing the "laying-in" of the Nevada Lawyer and the solicitation of advertisers. It was also mentioned that the Committee was discussing a proposal to reduce the number of issues of the Nevada Lawyer from twelve to eleven per year.

A motion to add \$1,500 to the Communications Budget was made. The motion was not seconded. The Board decided this matter required further research and the matter will again be addressed at the next Board of Governors meeting in May.

## 7. REPORT OF RETREAT TASK FORCE COMMITTEE

Ann Bersi reported that the Retreat Task Force Committee surveyed members of the State Bar of Nevada to seek their input on goals the Board of Governors established to accommodate the Bar's mission.

A motion was made and seconded to authorize the Task Force Committee to develop a strategic plan that would include programmatic proposals to facilitate the four prioritized goals affirmed by the members of the State Bar. These goals are as follows: (1.) Uphold and Elevate the Standards of Honor, Integrity and Courtesy in the Legal Profession; (2) Improve the Public Understanding About the Law, the Legal System and the Lawyer Within that System; (3) Improve the Administration of Justice; (4) Provide Outstanding Service to the Members of the Bar. The motion passed.

## 8. CONSIDER PROPOSED AMENDMENTS TO SUPREME COURT RULES TO ESTABLISH A PROGRAM OF ATTORNEY SPECIALIZATION IN NEVADA

Ann McCarthy, Chair of the Specialization Committee, presented a proposed program to adopt a plan that would facilitate the implementation of attorney specialization in Nevada within selected areas of

practice. This plan would recognize those certifying organizations that have been accredited by the American Bar Association and other such agencies approved by the Board of Governors.

A motion was made and seconded to propose the attached amendments to SCR 196(4) and SCR 198. The motion passed.

#### 9. PROPOSED AMENDMENTS TO SUPREME COURT RULE 189 (UNAUTHORIZED PRACTICE OF LAW)

Neil Galatz gave a report of the UPL Rule Drafting Committee and presented a proposed rule that defines the practice of law.

A motion was made and seconded to petition the Supreme Court of Nevada to revise SCR189 to include a definition of the practice of law. The motion passed.

Members of the board expressed concern regarding possible conflicts between Supreme Court Rule 42 and the proposed SCR 189. A motion was made and seconded to ask the SCR 42 Committee and the UPL Rule Drafting Committee, to conduct a joint meeting to review the relationship between the two rules. The motion passed.

#### 10. REPORT OF HEALTH INSURANCE COMMITTEE

Alan Lefebvre, Chair of the Health Insurance Committee, presented a report of the findings of the Committee. A motion was made and seconded to solicit independent insurance brokers for a possible group plan for members of the Bar. The motion passed.

#### 11. REPORT OF MALPRACTICE INSURANCE COMMITTEE

Neil Galatz, Chair of the Malpractice Insurance Committee, offered a report noting that the Committee is recommending that each active member of the State Bar of Nevada be required to obtain mandatory malpractice insurance with single minimum limits of \$500,000. Exemptions to the mandatory malpractice insurance would be offered to public lawyers and judges who do not engage in private practice. Those public lawyers or law faculty members who handle no more than five matters per year or have an income from the small private practice of less than a specified dollar amount could petition for exemption.

A motion was made and seconded to inform all active members of the State Bar of Nevada that the Board of Governors is considering petitioning the Supreme Court to enact a new Supreme Court rule which would require mandatory malpractice insurance. Active members of the Bar are to be informed through a mass fax and an article is to be placed in the Nevada Lawyer and on the web site regarding the Board's intentions. The committee will then review the members' responses and study the matter further. The motion passed.

#### 12. REPORT OF THE BUILDING MORTGAGE COMMITTEE

The Building Mortgage Committee reported that it is currently researching interest rates and will

explore the options for permanent financing for the office building at 600 E. Charleston. It was also noted that the future need for additional office space may exceed the space that is available in the current facility. The owner of the property that adjoins the State Bar property to the south will be approached to discuss either a purchase option or first right of refusal on that piece of property.

### 13. REPORT OF THE YOUNG LAWYERS' SECTION

Lynn Kirsch and Steve Caruso of the Young Lawyers Section reported on the current activities of the Section. The Board commended the Young Lawyers Section on its outstanding efforts within the legal profession and the outreach commitment to the entire community.

### 14. CONSIDER APPROVAL OF THE 2000 ANNUAL MEETING BUDGET

A motion was made and seconded to approve the 2000 Annual Meeting Budget as presented. The anticipated revenue will approximate \$113,835 and the total expenses are projected to be \$109,943. The motion passed.

### 15. CONSIDER APPROVAL OF THE LEGAL ASSISTANTS DIVISION 2000 BUDGET

A motion was made and seconded to approve the Legal Assistants Division 2000 Budget as presented. Total revenues are projected to be \$5,650 and expenses are estimated at \$3,150. The motion passed.

### 16. CONSIDER APPOINTMENTS OF FEE DISPUTE ARBITRATION COMMITTEE

The following individuals were appointed to the Fee Dispute Arbitration Committee, Las Vegas Panel A: Joyce E. Borkenhagen, Dianna DeBeau-Hegeduis, Kirk D. Hendrick and Leslie A. Nielsen.

### 17. FINANCIAL OPERATIONS REPORT

Marc Mersol, Director of Finance/MIS, presented the financial statement of the State Bar through January. It was mentioned that the annual audit for 1999 would be presented at the meeting of the Board of Governors in May.

### 18. REPORT OF BAR COUNSEL

Rob Bare, Bar Counsel, presented a report of the contemporary activities of the Ethics Department and offered an analysis of the current disciplinary statistics. Bare also reported on the status of current litigation.

### 19. REPORT OF EXECUTIVE DIRECTOR

Wayne Blevins, Executive Director, reported on current activities and noted that those functions related to the implementation of SCR 42 and the issuance of certificates of good standing had been moved to the Administrative Department. Blevins also noted that the new contract with SRPR reflected an increase in the retainer from \$2,000 per month to \$3,000 per month, but that the number of hours had been increased proportionately.

The meeting of the Board adjourned at 3:15 p.m.

Approved:

Wayne Blevins Ann Bersi  
Executive Director President