

March 20, 2002

MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS (AMENDED)

A regular meeting of the Board of Governors of the State Bar of Nevada was convened by President John H. Mowbray on March 20, 2002, at 9:40 a.m. at the office of the State Bar of Nevada, Las Vegas, Nevada.

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

John H. Mowbray	President
Gloria J. Sturman	President-Elect
N. Patrick Flanagan III	Vice President (by telephone)
Nancy L. Alf		
Bruce T. Beesley		
Vincent A. Consul		
Michael D. Davidson		
Kathleen J. England		
Dara J. Goldsmith		
Rew R. Goodenow		
Ann Price McCarthy		
Richard Morgan		
Bridget Robb Peck		
William C. Turner		
Steven B. Wolfson		

STATE BAR STAFF MEMBERS PRESENT:

Allen W. Kimbrough
Rob Bare
Marc Mersol

GUESTS:

James O'Reilly
Margo Piscevich
Joel Santos (by telephone)

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by President John Mowbray at 9:40 a.m. Mr. Mowbray welcomed the members of the Board and guests.

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

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

The minutes of the January 17, 2002 meeting of the Board of Governors were approved unanimously.

The minutes of the February 8, 2002 meeting of the Board of Governors were considered. Section 2 thereof was amended to reflect that Mr. Wolfson also abstained from the discussion and consideration of the appointments and from the vote.

3. REPORT OF STATE BAR DELEGATE TO AMERICAN BAR ASSOCIATION

Margo Piscevich, the State Bar's representative in the ABA's House of Delegates, gave the Board an oral report in supplementation of her written summary of the action of the House at its February meeting in Philadelphia and responded to questions from the Board. In particular, Ms. Piscevich reported that the ABA Commission on Multijurisdictional Practice would present its final report to the House at the ABA Annual Meeting in August.

4. REPORT OF CONTROLLER

Controller Marc Mersol presented the unaudited financial statements of the State Bar for the year ended December 31, 2001, and responded to questions regarding same. Mr. Mersol also reviewed with the Board the financial statements for the month ending January 31, 2002.

5. REPORT OF YOUNG LAWYERS SECTION

Joel Santos, Chair of the Young Lawyers Section, appeared by telephone and provided the Board with an update on the recent and future activities of the Section, including Law Day and the Associate Compensation Survey.

The Board revisited issues relating to the Section's 2002 Budget first discussed at the January 17 meeting of the Board. Mr. Santos reiterated the Section's request that an exception be made to the Board's policies regarding the 2002 Annual Meeting and that it be allowed to fund travel expenses of up to \$9000 for its Executive Council to attend the Annual Meeting of the State Bar in June 2002 in

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Hawaii. There was significant discussion among the members of the Board regarding this matter.

A motion made and seconded to permit the \$9000 travel expense failed on a divided vote. A subsequent motion to allow a total expenditure of \$6,750 (9 members at \$750) passed on a divided vote.

The Board further engaged in a discussion regarding the relationship between the Board and the YLS (and other sections). A task force was appointed with Ms. England as Chair and Messrs. Flanagan, Beesley and Turner as members to study this issue and report to the Board at a subsequent meeting.

6. CONSIDER REQUEST OF ELDER LAW SECTION TO FILE BRIEF *AMICUS CURIAE*

James O'Reilly appeared before the Board to seek permission to file a brief *amicus curiae* in the matter of State of Nevada v. Ullmer. Following a discussion among the Board and Mr. O'Reilly, the Board voted unanimously to thank the Elder Law Section for bringing this matter to the Board but denied approval of the Section's request.

7. REPORT OF COMMITTEE ON COMMITTEES

Mr. Wolfson, Chair of the Committee on Committees reported on the recent work of his committee. He expressed the appreciation of the Committee to Audrey Bath, Executive Assistant to the Executive Director, for her invaluable assistance in cataloguing the members of the various State Bar committees and sections and their terms of office. While still a work in progress, this will enable the State Bar to set up a "tickler system" to notify of the need for appointments well in advance of their due dates.

The Board suggested that Uri Clinton, President of the local chapter of the National Bar Association, could be useful in encouraging minority participation in the work of the State Bar, and Mr. Wolfson agreed to contact Mr. Clinton for that purpose.

A general discussion was had regarding the functioning of other committees of the Bar, and Mr. Wolfson and the Executive Director responded to questions regarding same.

8. REPORT OF CLARK COUNTY FAMILY LAW SELF-HELP CENTER

Rachelle Resnick and Pam Hatty of the Clark County Family Law Self-Help Center appeared before the Board and gave a written and oral update to the Board regarding their activities and recent innovations, including the availability of all forms on the Center's website.

9. REPORT OF MEMBER SERVICES COMMITTEE

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Mike Davidson, Chair of the Member Services Committee, gave an oral report regarding the on-going projects of the Committee. He noted that Anthem Blue Cross is finalizing a proposal for group health insurance for consideration by the Board prior to its next scheduled meeting. Additionally, the MBNA credit card program is proceeding, as is the global agreement with Lexis-Nexis.

10. CONSIDER APPOINTMENT OF VICE-CHAIR TO STANDING COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

The Board appointed Dennis Kennedy of Las Vegas as Vice-Chair of the Standing Committee on Professional Responsibility and Conduct.

11. CONSIDER APPOINTMENTS TO NORTHERN AND SOUTHERN NEVADA DISCIPLINARY BOARDS

To the Southern Nevada Disciplinary Board, the Board appointed Alan Sachs as an attorney member and Larry Bertsch as a lay member.

To the Northern Nevada Disciplinary Board, the Board appointed the following as lay members: David A. Clark, John L. Collachi, Jr., Kelly A. Marshall, Dale J. Edwards, Robert M. Larkin, Ty Levin.

12. CONSIDER APPOINTMENT TO CLIENT SECURITY FUND COMMITTEE

John Shook was appointed as a member of the Client Security Fund Committee. Ms. Goldsmith abstained from this vote.

13. CONSIDER APPOINTMENTS TO FEE DISPUTE ARBITRATION COMMITTEE

The Board appointed Ci Ci Cunningham as Chair of Las Vegas Panel C of the Fee Dispute Arbitration Committee.

The Board made the following appointments to Las Vegas Panel A: Lew Brandon, Jr., Layne J. Butt, Cynthia R. Desilets, Michael P. Golden, Matthew Manning, Thomas Rondeau, and Karl H. Smith.

The Board made the following appointments to the Reno Panel: Steve Anderson, Todd Bader, Richard Blower, Don Dees, and Marta Presti.

The Board made the following appointments to the Carson City Panel: Ken Brown and Mike Pavlakis.

The Board appointed John M. Doyle to the Rural Panel.

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14. REPORT OF CONTINUING LEGAL EDUCATION DEPARTMENT

The Board reviewed the written report on the 2002 Annual Meeting provided by CLE Director Christopher Boadt. The Board had a general discussion regarding methods for encouraging participation among younger lawyers and the judiciary in the Annual Meeting.

15. CONSIDER REQUEST FROM NEVADA LEGAL ORAL HISTORY PROJECT

The Board approved the request of the Nevada Judicial Historical Society for a grant of \$2,500 to be used as matching funds for the Nevada Legal Oral History Project with the funds to be taken from the LRIS Restricted Fund balance.

16. CONSIDER ABA CAMPAIGN TO SAVE THE STATE JUSTICE INSTITUTE

The Board considered the request of the American Bar Association seeking support to prevent the elimination of the State Justice Institute. A motion to disapprove failed, and a motion to defer to the May 8 meeting of the Board was approved. Mr. Goodenow was asked to investigate in the interim how the SJI may impact Nevada, particularly the National Judicial College in Reno.

17. REPORT OF BAR COUNSEL

Bar Counsel Rob Bare reported that the writ of certiorari filed by disbarred Nevada attorney J. Michael Schaefer had been denied by the Supreme Court of the United States on February 19.

The Board approved the application for resignation submitted pursuant to SCR 98(5) by Deborah Eileen Driggs-Calleros.

Mr. Bare discussed with the Board his survey of other states and the potential for disciplinary action to ensure participation in the fee dispute mediation process. Ms. Peck and Mr. Beesley were requested to review the applicable rules and provide suggested rule changes to the Board at its May 8 meeting.

Mr. Bare reviewed the current Statistical Report with the Board.

In Executive Session Mr. Bare reported to the Board regarding pending litigation matters.

18. REPORT OF EXECUTIVE DIRECTOR

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Executive Director Allen Kimbrough provided an oral report in supplementation of his written report and responded to questions from the Board.

19. GENERAL INFORMATIONAL ITEMS

Ann Price McCarthy, Chair of the Family Law Section reported on the success of the Section's recent annual meeting in Ely.

The Board was advised that the Incline High School team had won the state finals of the *We the People* competition and would be representing Nevada at the national competition to be held in Washington, DC, in May.

20. REPORT OF PRESIDENT

Mr. Mowbray reported to the Board regarding the status of the assumption of the duties and responsibilities of the Nevada Center for Law Related Education by the State Bar and encouraged the members of the Board to volunteer (or recruit volunteers) to serve as coaches for the state's high school mock trial and *We the People* teams.

Mr. Mowbray also reported to the Board on the success of the first Bar Leadership Forum held in Las Vegas on February 22. He noted that it was anticipated that this event would evolve into a midyear meeting for the State Bar (at which sections and committees could meet in addition to the leadership training) to be held in Reno in early 2003.

Mr. Mowbray announced that he, President-Elect Sturman, and the Executive Director would be touring the rural counties of the state April 8-11 for the purpose of meeting with State Bar members and hearing their needs and concerns.

He also encouraged the Board to recruit attendees for the 2002 Annual meeting, especially in light of the dinner honoring retiring Supreme Court Justice Cliff Young (for whom a video tribute is being prepared by the State Bar).

A 2001 Access to Justice Award was presented to Ann Price McCarthy.

Mr. Mowbray expressed to the Board his concerns regarding the Board's level of participation in or lack of enthusiasm for functions such as the recent First District Bar Association reception in Carson City. Mr. Mowbray urged the Board to consider such occasions as a part of their Board service in order to foster good will and build relationships throughout the state.

The Board discussed the current medical malpractice insurance situation and agreed unanimously that it would not be appropriate for the Board or the State Bar to involve itself in the issue.

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21. ADJOURNMENT

The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

John H. Mowbray
President

Allen W. Kimbrough
Executive Director