

Board Meeting Minutes **5/10/00**

President Ann Bersi opened the meeting at 10:00 a.m. in the Board Room of the Chamber of Commerce building located at 1 E. First Street in Reno. The following members of the Board of Governors were in attendance:

Ann Bersi.....President  
Dan Polsenberg.....President-Elect  
John Mowbray.....Vice President  
Vince Consul  
Mike Davidson  
Cal Dunlap  
Patrick Flanagan  
Rew Goodenow  
Ann McCarthy  
John Schlegelmilch  
Gloria Sturman  
Coe Swobe

STAFF MEMBERS PRESENT:

Rob Bare  
Patty Blakeman  
Wayne Blevins  
Chris Boadt  
Esmeralda Castaneda  
Marc Mersol

SPECIAL GUESTS:

Tom Brooker  
Victoria Orze  
Jeff Rodefer  
Joel Santos

1. APPROVAL OF THE MINUTES OF THE MARCH 24, 2000 MEETING

The minutes of the March 24, 2000, meeting were revised by adding the name of Vince Consul to the list of board members present and by correcting the third paragraph of Agenda Item 5 DISCUSSION OF STATE BAR OF NEVADA ANNUAL FEES FOR JUDGES. The paragraph was corrected to read as follows:

“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.”

A motion was made and seconded to approve the minutes of the March 24, 2000, meeting as revised. The motion passed.

## 2. CONSIDER RECOMMENDATIONS OF THE GAMING LAW SECTION.

Jeff Rodefer, Senior Deputy Attorney General, presented a proposed list of appointments to the Section's Executive Committee and a proposed budget. Rodefer is attempting to activate the Gaming Law Section and proposed the following members to the Section's Executive Council:

Term of Three Years:

Jeffrey Rodefer, Chairperson

Mark A. Clayton, Vice-Chairperson

Andrew G. Burnett

Lisa S. Miller-Roche

Term of Two Years.

Luis M. Dorn

Michael G. Alonso

Kimberly R. Maxson

Term of One Year.

Keith E. Kizer

Anthony N. Cabot

A motion was made and seconded to approve Rodefer's proposed budget. The motion passed.

A motion was made and seconded to approve the appointments of Gaming Law Section's Executive Council. Then motion passed.

## 3. CONSIDER ACCEPTANCE OF THE ANNUAL AUDIT FOR 1999

The Audit Committee of the Board of Governors presented a report on the 1999 annual audit. Tom Brooker, a representative of the independent audit firm of Kafoury & Armstrong, was present to address the Board's questions. Brooker noted that a management letter, designed to suggest areas of improvement, was not necessary for the 1999 audit and that the accounting records of the State Bar were in good order.

Marc Mersol, Director of Finance/MIS of the State Bar of Nevada, reported that it was likely that the Board of Governors could consider either reducing or eliminating the mortgage on the Bar's office building located at 600 E. Charleston in approximately two years. It was also noted that there may be a need to expand the office facilities within the next five years. After a brief discussion of some of the financing options, it was determined that the Mortgage Committee would continue to study this matter and would make a recommendation to the Board of Governors within the next six months.

A motion was made and seconded to approve the acceptance of the 1999 Annual Audit Report. The motion passed.

## 4. FINANCIAL OPERATIONS REPORT

Marc Mersol offered a financial operations report of the State Bar through March 31, 2000.

## 5. CONSIDER RECOMMENDATIONS OF THE RETREAT TASK FORCE COMMITTEE

The Retreat Task Force Committee presented programmatic recommendations for achieving the goals set by the Board at its retreat last Fall. In October 1999, the Board of Governors met to discuss future plans for the State Bar of Nevada and developed general goals to be implemented. A survey was dispatched to active members of the Bar asking them to rank the goals in the order of importance to them. The Committee then assessed the members' responses and condensed the goals to the following three: Uphold and Elevate the Standards of Honor, Integrity and Courtesy in the Legal Profession; Improve the Administration of Justice; and Provide Outstanding Service to the Members of the Bar. At this meeting the Board of Governors by consensus adopted the three goals. President Ann Bersi called a special meeting of the Board of Governors to fully discuss the Committee's recommendations to be held on May 24, 2000 at the Las Vegas office. Bersi designated President Elect Dan Polsenberg as facilitator of this special meeting.

## 6. REPORT ON MEMBERS RESPONSES TO MANDATORY MALPRACTICE INSURANCE

The Board reviewed the members' responses to a mass fax notice informing members that the Board of Governors was considering petitioning the Supreme Court to require active members of the Bar to carry malpractice insurance. The responses varied from support to extreme opposition to the concept of mandatory malpractice insurance. Wayne Blevins noted that this was the highest number of responses ever received from members regarding a proposal of the Board of Governors. Rob Bare, Bar Counsel, reported that he received numerous telephone calls from members of the bar regarding mandatory malpractice insurance and that they were all in opposition to the proposal.

A motion was made and seconded to request that the Malpractice Insurance Committee review the members' responses and explore other options. The motion passed.

## 7. REPORT ON ALPS REGARDING REPAYMENT OF SURPLUS

Victoria Orze, General Counsel for the Attorney Liability Protection Society, reported on its plans for demutualization and surplus repayment. At the end of 1999, ALPS reached a surplus that exceeded its \$10,000,000 cap. ALPS prepared a demutualization plan, which includes repayment of contributed surplus to its members. The plan has been submitted to the Montana Insurance Commissioner for review and comments. It is anticipated ALPS will do its final review of the plan and submit it to policyholders for approval before June of this year.

## 8. REPORT ON 2000 ANNUAL MEETING

Chris Boadt, Director of CLE, reported on the status of the State Bar of Nevada Annual Meeting in San Francisco, June 21-24, 2000. Boadt reported that the number of registrants for this year's meeting appears to be higher than previous years. He reported that the room block at the Mark Hopkins Hotel was sold out; however, room rates are being negotiated with neighboring hotels.

The Board of Governors recessed for lunch with the Washoe County Bar Association and reconvened at 1:00 p.m.

## 9. REPORT OF BAR COUNSEL

Rob Bare reported on the activities of the Ethics Department and presented departmental statistics through April, 2000. Bare noted that several Southern and Northern Nevada Discipline Board appointments expire later this year. He submitted the names of the individuals whose terms expire and recommended that they be re-appointed for a second term.

A motion was made and seconded to approve one new appointment and the re-appointments of the attorney members to the Northern and Southern Disciplinary Board. The motion passed.

A motion was made and seconded to approve the re-appointments of the lay members to the Northern and Southern Discipline Board. The motion passed. The following members were thus appointed accordingly:

### RE-APPOINTMENTS THROUGH 2/28/03

#### Southern Attorney Members

Lynn Kirsch

Edward Miley

Mark Wood

#### Northern Attorney Members

Kenneth Caldwell

Donald Christensen

Valerie J. Cooney

P. Mark Ghan

Laurence Irwin

Louis Ling

### RE-APPOINTMENTS THROUGH 8/08/03

#### Southern Attorney Members

John Bertoldo

John Cotton

David Grauman

Kristina Holman

Charles Huff

Paul Larsen

Steven Smith

William Turner

#### Southern Laymember

George Lyford

#### Northern Attorney Members

Patrick Fagan

Patrick Kinney

Charles Murphy

Thomas Patton

#### Northern Laymembers

Roy Arthurs

Susan Gaub

John LaTourette

Donald Muckel

Paul Sanker

RE-APPOINTMENTS THROUGH 10/31/03

Southern Attorney Member

Fred Berkley

NEW APPOINTMENT (Alternate attorney member)

Bruce Leslie

The motion passed.

The Board reviewed a draft version of the petition to be filed in the Supreme Court of Nevada regarding the Board's decision to create a federal judiciary membership category in the dues structure of Supreme Court Rule 98. The Board decided to remove exhibit #2 of the proposed petition.

Bare presented a brief status report on the proposed definition of the unauthorized practice of law, SCR 189. The Board then entered into a discussion of the proposed rule. It was determined that a final decision would be delayed and the matter was referred back to the UPL Committee for further analysis and study. A full report of the UPL Committee and the joint SCR42/UPL Committee will be forthcoming at the June meeting of the Board of Governors.

10. REPORT OF THE YOUNG LAWYERS SECTION

Joel Santos, a representative of the Young Lawyers Section, presented a report on the recent activities of the Section. Santos further reported that the Section was working in conjunction with the Young Lawyers Division of the American Bar Association in the refinement and revision of the Coming of Age booklet. The Board applauded the Section for its dedication to outreach to members of the community.

The Board convened in executive session at 3:15 p.m. to discuss pending litigation. The Board reconvened in open session at 3:35 p.m.

11. CONSIDER APPOINTMENT OF STATE BAR REPRESENTATIVE TO AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES

A motion was made and seconded to appoint Margo Piscevich as the State Bar of Nevada representative to the American Bar Association House of Delegates. The motion passed.

12. CONSIDER APPOINTMENT OF CHAIR OF LRIS COMMITTEE

A motion was made and seconded to affirm President Bersi's re-appointment of Cecelia Rosenauer as Chair of the LRIS Committee. The motion passed.

13. REPORT OF THE INSURANCE COMMITTEE

Discussion on this agenda item was delayed until the June meeting of the Board of Governors.

14. CONSIDER APPOINTMENT OF BOARD OF GOVERNORS' LIAISON TO THE SECOND

## JUDICIAL DISTRICT ACCESS TO JUSTICE FOUNDATION

A motion was made and seconded to appoint Rew Goodenow as the Board of Governors' Liaison to the Second Judicial District Access to Justice Foundation. The motion passed.

## 15. CONSIDER APPOINTMENT TO FEE DISPUTE ARBITRATION COMMITTEE

A motion was made and seconded to appoint Ara Shirinian as a member of Panel A of the Las Vegas Panel of the Fee Dispute Arbitration Committee. The motion passed.

## 16. REPORT OF EXECUTIVE DIRECTOR

Wayne Blevins reported that the nominating process for Board of Governors was completed and that ballots would be mailed on May 8, 2000. President Bersi announced that she had appointed a Canvassing Board including Young Lawyer Section representatives, Steve Caruso, Roger Madsen and Sandra Turner, who will monitor the ballot counting process on June 16, 2000 and certify the results of the election.

Blevins also reported that Pami Kowal had resigned her position as Director of Communications and accepted a position with another firm. Patty Blakeman has been employed as the new Director of Communications for the State Bar of Nevada and her first day of employment will be May 15, 2000. Blakeman brings considerable experience, skill and insight to this position and is a welcome addition to the State Bar Management Team.

The meeting of the Board of Governors adjourned at 3:50 p.m.

Approved:

Wayne Blevins Ann Bersi  
Executive Director President