



**MINUTES OF THE MEETING
OF THE BOARD OF GOVERNORS
Reno, NV
October 13, 2010**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on October 13, 2010.

The following members were in attendance:

Cam Ferenbach, President
Connie Akridge, President-Elect via telephone
Frank Flaherty, Vice President
Kathleen England, Immediate Past President
James Bradshaw
Elizabeth Brickfield
Amber Candelaria via telephone
Larry Digesti
Elana Graham Turner
Bruce Hahn
Jenny Hubach
Alan Lefebvre
Richard Scotti
Mason Simons
John White

State Bar staff present:

Kimberly Farmer
Gale Skala
Emily Akerberg
Rob Bare
David Clark
Laura Gould
Marc Mersol
Lisa McGrane

Guests:

Justina Caviglia
Andrew Mierins
Ann Morgan

The meeting was called to order by President Cam Ferenbach at 8:08 am, there being a quorum present.

PRESIDENT'S REPORT, CAM FERENBACH

Cam Ferenbach reported on the status of Ballot Issue I and media presentations regarding this ballot item.

EXECUTIVE DIRECTOR'S REPORT, KIMBERLY FARMER

Kimberly Farmer reported on the current employee staffing. All open employee positions at the State Bar have been filled. Ms. Farmer also reported that the Nevada Law Foundation submitted a list of financial institutions that provide interest rates on IOLTA accounts pursuant to the revised Supreme Court rules. Ms. Farmer asked that the Board authorize the Executive Committee to approve the D&O quote and policy when it is completed. It was moved and seconded to authorize the Executive Committee to approve the policy as long as the premium is not 25% higher than our current premium.

Ann Morgan, Vice Chair of the Board of Bar Examiners, gave a synopsis of the July 2010 bar exam.

DISCUSSION ITEMS

The Board discussed the following questions using the generative discussion process, no action items came from the discussion.

- *Are the advertising rules effective? Should they be expanded to cover Internet advertising and/or social networking?*
- *Additional thoughts regarding a mentor program that would replace the traditional offering of Bridge the Gap?*
- *Should the state bar propose a 1 hour substance abuse CLE requirement to further the mission of Lawyers Concerned for Lawyers?*
Judge Bridget Robb Peck, Board of CLE chair, reported the concerns on the idea that a CLE on substance abuse become a mandatory CLE requirement. Coe Swobe, Chair of Lawyers Concerned for Lawyers discussed the importance of educating all attorneys on substance abuse. The Board will continue to consider programs that address substance abuse issues.
- *In efforts to increase attendance at the state bar convention, should the state bar promote moving the CLE compliance deadline from December 31 to June 30; or move the annual convention to a date later in the year?*

APPOINTMENTS

Discipline Panels

It was moved, seconded and approved to appoint Bruce Shapiro for a three year term beginning October 1, 2010 to the Southern Nevada Disciplinary Board.

Publications Committee

It was moved, seconded and approved to appoint Jon Hokanson to the Publications Committee for a three year term beginning October 1, 2010.

Clients' Security Fund Committee

It was moved, seconded and approved to appoint Harvey Gruber to the Clients' Security Fund Committee for a three year term beginning October 1, 2010.

Fee Dispute Arbitration Committee

It was moved, seconded and approved to reappoint the following volunteers to the Fee Dispute Arbitration Committee for a three year term beginning October 1, 2010.

Joanna Grigoriev – Panel C
Rea Melanson – Panel A
Dan Waite – Panel A

It was moved, seconded and approved to appoint the following volunteers to the Fee Dispute Arbitration Committee for a three year term beginning October 1, 2010.

Michael Lee- Panel B
Debbie Leonard- Panel A
Vicky Thimmesch Oldenburg- Carson City Panel

Jim Bradshaw abstained from voting due to his working association with an applicant.

Member Benefits and Services Committee

It was moved, seconded and approved to appoint the following volunteers to the Member Benefits and Services Committee for a two year term beginning November 1, 2010.

John Krieger
Patrick King
Angela Nakamora
Kait McLendon Kent

It was moved, seconded and approved to appoint the following volunteers to the Member Benefits and Services Committee for a one year term beginning November 1, 2010.

J. Douglas Clark
Bret Whipple
Shawn Pearson
Greg Gemignani

Cam Ferenbach will appoint a Board liaison to the Member Benefits and Services Committee.

Continuing Legal Education Committee

It was moved, seconded and approved to appoint Kenneth D'Alessandro to the CLE Committee for a three year term beginning November 1, 2010.

Diversity Committee

It was moved, seconded and approved to appoint the following volunteers to the Diversity Committee for a two year term beginning November 1, 2010.

Romeo Perez
Adam Bult
Rene Valladares

It was moved, seconded and approved to appoint the following volunteers to the Diversity Committee for a one year term beginning November 1, 2010.

Janet Belcove-Shalin
Kathleen Berquist
Augusta Massey

It was moved, seconded and approved to include a representative from the UNLV Boyd School of Law to be on the Diversity Committee.

Temporary Member to the Commission on Judicial Selection

It was moved, seconded and approved to appoint John Mitchell Cobeaga as a temporary member to the Commission on Judicial Selection.

Advertising Committee

It was moved, seconded and approved to appoint Dane Anderson to the Northern Nevada Disciplinary Committee for a two year term beginning November 1, 2010.

It was moved, seconded and approved to appoint Nate Hendricks to the Southern Nevada Disciplinary Advertising Committee for a two year term beginning November 1, 2010.

City of Las Vegas Municipal Court Selection Committee

It was moved, seconded and approved to appoint Jeffrey Rugg to serve a one year on the City of Las Vegas Municipal Court Selection Committee.

ACTION ITEMS

Financial Report

Marc Mersol reported on the financial status of the State Bar as of August 31, 2010. Mr. Mersol also gave a synopsis of the Five Year Projections 2010-2015. Bruce Hahn reported the audit committee recommends the state bar retain their current auditors.

It was moved, seconded and approved to approve the invoice of payment to Mike Warhola, Dan Winder and Mary Groesbeck for the work they provided on the J.E. Ring Smith's client files with the confirmation from Elizabeth Brickfield that there is no estate.

Use of State Bar Logo

Lisa McGrane gave a synopsis on the filing of the State Bar logo as a trademark. The Board determined that State Bar members will not be given permission to use the state bar logo. Use of the State Bar logo shall only be used by the state bar, not individual members.

Bylaw Change

In consideration of the proposed bylaw change, it was moved, seconded and approved to waive the notice requirement regarding amending the bylaws of the State Bar.

It was moved, seconded and carried to approve the proposed bylaw change. The bylaw revision shall read:

- 5.9 *Elections* If there is only one nominee for an office, the nominee is deemed elected without balloting. When there is more than one nominee for an office, balloting for election will be as follows: each member is presented a ballot printed with the names of the nominees for the office. If additional nominations have been made that are not on the printed ballot, those names must be written on the

ballot. Each member, *including the President must vote for one nominee only. The President must provide his/her ballot to the election proctor to hold in abeyance pending the vote tally from the other members. Only in the event of a tie vote is the President's ballot examined by the proctor and then counted before the vote results are announced.* The person receiving the majority of the votes is elected. In the case of a member who is participating via teleconference he or she shall transmit his or her vote via e-mail to the Executive Director. While the preference is e-mail, if a member has no access to e-mail they can convey their vote telephonically to the Executive Director. Voting by proxy is not allowed.

Following a discussion of possible additional amendments to this section of the bylaws, the Bylaws Committee will consider the suggestion that more clarity is needed on the procedure for counting ballots and report back to the board.

Online Election

Lisa McGrane reported on the process of Board of Governors elections online vs. a paper ballot. It was moved, seconded and approved to submit an ADKT to the Supreme Court changing the rule allowing the Board of Governors elections to be conducted online.

Uncontested BOG elections

The current Supreme Court rule requires the State Bar of Nevada to hold annual elections for open Board of Governors positions. A proposed ADKT would allow exclusions to the Rule in years when the race for Governor is uncontested. It was moved, seconded and approved to submit an ADKT to the Supreme Court requesting a rule change.

REPORTS

Young Lawyers

Justina Caviglia reported on the Young Lawyers Section. The committee for the trial academy at the annual convention is starting to plan their programs.

EXECUTIVE SESSION

The Board entered into Executive Session at 11:00 a.m. and concluded the Executive Session at 11:55 a.m.

CONSENT ITEMS

Minutes of August 18, 2010

It was moved, seconded and approved to approve the minutes of August 18, 2010.

Publications Committee – Nevada Civil Practice Manual Agreement

It was moved, seconded and approved to approve a six month extension of the Nevada Civil Practice Manual LexisNexis agreement scheduled to expire in January 2011, extending until July 10, 2011.

Application of Resignation

It was moved, seconded and approved to approve the resignation of Roy L. Farrow.

ADJOURNMENT

There being no new business before the Board, the meeting adjourned at 12:29 pm.