

August 25, 2005
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 on August 25, 2005 at the Hilton Garden Inn in Elko, Nevada.

The following members were in attendance:

| | | | |
|----------------------|-----|--------------------------|----------------|
| Vincent A. Consul | ... | President | |
| Rew R. Goodenow | ... | President-Elect | |
| Nancy L. Alf | ... | Vice President | |
| Ann Price McCarthy | ... | Immediate Past President | |
| Constance L. Akridge | | | |
| Bruce T. Beesley | | | |
| James Bradshaw | | | |
| Michael Buchana | | | |
| Cam Ferenbach | | | |
| Francis Flaherty | | | |
| Dara J. Goldsmith | | | |
| Gregory J. Kamer | | | |
| Bradley L. Kenny | | | |
| Bridget Robb Peck | | | |
| William C. Turner | | | (by telephone) |
| Robert W. Witek | | | |

MEMBERS ABSENT:

Kathleen J. England
Richard Morgan

STATE BAR STAFF PRESENT:

Allen W. Kimbrough
Rob Bare
Marc Mersol

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the President at 8:45 a.m. and a quorum was declared. Mr. Consul welcomed the Board to Elko and discussed plans for the day.

2. PRESENTATION ON PARLIAMENTARY PROCEDURE

The Executive Director made a presentation to the Board on issues of parliamentary procedure, based on a program he attended at the recent meeting of the National Association of Bar Executives conducted by a certified professional parliamentarian.

The Board discussed whether or not the names of Board members voting on a divided issue should be disclosed publicly. Upon motion made and seconded, the Board voted unanimously that the minutes should reflect a summary of positions, the number of votes yea and nay, and any abstentions. No public disclosure of the vote of a particular member would be included; however, an individual member would be free to advise others of their own vote.

The Board voted 14-1 to ask staff to develop an historical "motion log" that would contain all action items voted on by the Board arranged by topic to the extent possible.

3. CONSIDER BOARD PROTOCOLS AND EVALUATIONS

President Consul presented the Board with proposed guidelines, protocols and evaluation forms (based on forms prepared by the Washington State Bar Association).

With respect to Governor Responsibilities, the final item ("Refrain from endorsement of political candidates) was deleted and the prior item was revised to read, "Participate in the appointment of Bar members to various Boards and committees."

As to the Discussion Protocols Evaluation Form, the Board deleted two items ("Use the parking lot..." and "Use caution with e-mail..."). Otherwise, the list of responsibilities and forms were adopted unanimously.

4. CONSENT ITEMS

The Board agreed that the following items should be removed from the list of Consent Items: 4, 6, 7, 11, and 12. The remainder of the Consent Items were accepted or approved unanimously, as follows:

- Report of Director of Finance and Information Systems and Financial Statements as of June 30, 2005
- Appointments to Fee Dispute Arbitration Committee
- Report of Director of Admissions
- Report of Director of Bar Services

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Item 4 (Minutes of June 22, 2005 Meeting). Corrections were made in Section 17 of the Minutes pertaining to State Bar finances, and the Minutes were thereafter approved unanimously.

Item 7 (Disciplinary Boards). Scott Smith and Gerald Waite were reappointed as attorney members of the Southern Board with terms expiring August 31, 2008.

Jeffrey Albregts and John Shook were reappointed as alternate attorney members of the Southern Board with terms expiring August 31, 2008.

Bridget Branigan was redesignated as an attorney member of the Southern Board.

Scott Freeman, Stephen Osborne, and Thomas Susich were reappointed to the Northern Board with terms expiring August 31, 2005.

Matthew Sharp was redesignated as an attorney member of the Northern Board.

Item 11 (Report of Director of Operations and Education). The Board unanimously approved the request for continuation of the agreement with West LegalEd Center.

Item 6 (Report of Young Lawyers Section). The Board ratified the selection of the following officers for the Section, as proposed by its Executive Council:

| | |
|--------------------|----------------------------------|
| Jennifer Hilsabeck | Chair-Elect |
| Jasmine Mehta | Secretary |
| Rory Goode | Southern District Council Member |
| Tabitha F. Keetch | Budget Director |

Mr. Ferenbach abstained from the vote as to Ms. Mehta.

Item 12 (Suspension of Members for Non-Payment of Dues). The Board approved the list of proposed suspensions and requested that staff include the clerks of the bankruptcy courts, justice courts, and municipal courts in the distribution list.

5. CONSIDER REPORT OF FINANCE COMMITTEE

President-Elect Goodenow, Chair of the Finance Committee, presented the recommendation of the Committee that the proposed Revised 2005 Operating Budget for the State Bar be approved. Such approval was done unanimously.

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The Board also voted unanimously that the operating budget should be available on the State Bar website, that "pie charts" showing revenues and expenses be included in a future issue of *Nevada Lawyer*, and that the report of independent auditors also be made accessible.

6. CONSIDER REPORT OF TASK FORCE ON NEVADA LAWYER

In Executive Session, the Board received the report of the Task Force on *Nevada Lawyer* from its chair, Vice President Alf. The recommendation of the Task Force that the publication of the magazine be returned to the offices of the State Bar was adopted unanimously.

7. CONSIDER FORMATION OF STATE BAR COMMITTEE ON JUDICIAL INDEPENDENCE

President Consul outlined his vision for the formation of a new State Bar committee on judicial independence, and the Board concurred in the decision to do so.

8. CONSIDER APPOINTMENTS TO STANDING COMMITTEE ON JUDICIAL ETHICS AND ELECTION PRACTICES

The Board reappointed the following to terms ending December 31, 2007: Valerie Cooney, Thomas Patton, and Kathleen Paustian. Ms. Alf abstained as to Ms. Paustian.

The Board changed the terms of the following to expire December 31, 2007: Christine Munro and Dan Reaser. Mr. Ferenbach abstained as to Mr. Reaser.

Michael A. Pintar was appointed to a term ending December 31, 2006.

Patrick Byrne, Steven Day, and Janiece Marshall were appointed to terms ending December 31, 2007.

9. CONSIDER APPOINTMENTS OF NINTH CIRCUIT REPRESENTATIVES

Robert Eisenberg of Reno and John Krieger and Kathleen Paustian of Las Vegas were appointed by the Board to three-year terms as Ninth Circuit representatives.

10. CONSIDER SPONSORSHIP REQUEST FROM NEVADA LEGAL SERVICES

The Board declined the use of the State Bar logo on the NevadaLawHelp.org website sponsored by Nevada Legal Services, based in part on the recommendations of the Lawyer Referral and Information Service Committee. However, the Board requested that the Committee work with Nevada Legal Services to achieve an appropriate policy.

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11. CONSIDER SPECIAL BAR EXAMINATION FOR LICENSED ATTORNEYS

The Board continued its discussion of the potentiality of a limited Nevada bar examination for experienced attorneys admitted in other states. A motion to postpone indefinitely failed by a vote of 5-8. It was suggested that a task force be formed that would include representatives of the Board, the Board of Bar Examiners and other interested parties, and that the Chief Justice should be consulted on this issue.

Further discussion was postponed to the October 19, 2005, meeting by a vote of 10-3.

12. CONSIDER MATTERS REGARDING INCREASE IN ACTIVE MEMBER DUES

President Consul and Executive Director Kimbrough provided a report to the Board on the status of the "white paper" and subsequent town hall meetings to be done prior to the filing of an ADKT petition seeking the increases in dues and fees previously discussed.

It was anticipated that the white paper would be mailed in September and the town hall meetings held in early October. The draft ADKT petition will be presented for the Board's consideration at the October 19 meeting and filed shortly thereafter, in order to afford the Court time to act on it prior to year end.

13. REPORT OF BAR COUNSEL

Mr. Bare made an oral report to the Board in supplementation of his written report and discussed with the Board proposed new rules regarding disbarment and reinstatement.

20. REPORT OF EXECUTIVE DIRECTOR

Mr. Kimbrough made an oral report to the Board in supplementation of his written report.

21. REPORT OF THE PRESIDENT-ELECT

Mr. Goodenow made general comments and presented to the Board a request from Washoe Legal Services for a letter in support of their efforts to have the Washoe County Commission allocate certain filing fees to them to support children's and domestic violence issues. The Board by general consensus directed the Executive Director to prepare such a letter, and to offer a similar letter to Clark County Legal Services should they so desire.

23. REPORT OF THE PRESIDENT

Mr. Consul reported to the Board on various matters related to the 2006 Annual Meeting, including that Dennis Cakebread of

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Cakebread Cellars would be unable to attend and that he was hoping to provide a "dine around" for attendees on Thursday night, as there is no social event until 9:00 p.m.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Vincent A. Consul
President

Allen W. Kimbrough
Executive Director