

October 20, 2004

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 October 20, 2004, at the Northern Nevada Bar Center, Reno, Nevada.

The following members were in attendance:

Ann Price McCarthy	...	President
Vincent A. Consul	...	President-Elect
Rew R. Goodenow	...	Vice President
N. Patrick Flanagan III	...	Immediate Past President
Constance Akridge		
Nancy L. Allf		
James Bradshaw		
Kathleen J. England		
Cam Ferenbach		
Dara J. Goldsmith		
Gregory J. Kamer		
Richard Morgan		
Bridget Robb Peck		
John P. Schlegelmilch		
Bruce I. Shapiro		
William C. Turner		

The following members were absent:

Bruce T. Beesley

STATE BAR STAFF PRESENT:

Allen W. Kimbrough

Rob Bare

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Audrey Bath

Mae Flennoy

Marc Mersol

GUESTS PRESENT:

William Brett Kandt

Victoria Coolbaugh

Richard Trachok

Andy Thomas

Sally Zola

Robert Perry

Merrilyn Marsh

Matt Sharp

Victoria Riley

Jasmine Mehta

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1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the President at 9:04 a.m. and a quorum was declared. The President welcomed Mr. Kamer to his first Board meeting.

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

The Minutes of the August 20, 2004 meeting of the Board were approved as presented.

3. REPORT ON ACTIONS AND RECOMMENDATIONS OF THE OPERATIONS COMMITTEE

The Minutes of and actions taken in the meetings of the Operations Committee on September 20, September 24 and October 13, 2004 were approved unanimously.

4. REPORT OF DIRECTOR OF FINANCE AND INFORMATION SYSTEMS

Director Marc Mersol presented the financial statements for the State Bar and the Nevada Bar Foundation as of August 31, 2004 and responded to questions regarding same.

The financial reports were approved unanimously.

5. REPORT OF YOUNG LAWYERS SECTION

Jasmine Mehta presented an oral report regarding the activities of the Section and responded to questions from the Board regarding same.

6. CONSIDER MATTERS RELATED TO ACCESS TO JUSTICE SECTION

The Executive Director reported to the Board on the status of memberships in the newly approved Section.

The tabulations of the mandatory pro bono reporting forms for 2003 were distributed to the Board and discussed. The Board was advised that a machine-scorable instrument would be used for the 2004 form.

7. CONSIDER MATTERS RELATED TO INTELLECTUAL PROPERTY SECTION

The Board approved the formation of a new Intellectual Property, its proposed Bylaws and slate of initial officers.

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8. CONSIDER REPORT OF STATE BAR DELEGATE TO ABA HOUSE OF DELEGATES

The Board reviewed the written report of Margo Piscevich regarding the 2004 Annual Meeting of the American Bar Association.

9. CONSIDER MATTERS RELATED TO COMMISSION ON JUDICIAL DISCIPLINE

The Board reappointed James S. Beasley as a member and Wayne Chimarusti as an alternate member of the Commission with terms ending January 2009.

Mr. Kamer announced to the Board his desire to resign as an alternate member of the Commission, which was accepted by the Board. The Board then appointed C. W. (Bill) Hoffman to fill his unexpired term (to May 14, 2007).

10. CONSIDER MATTERS RELATED TO COMMISSION ON JUDICIAL SELECTION

The Board reappointed David R. Grundy and Ann Bersi to the Commission on Judicial Selection with terms expiring January 2009.

11. CONSIDER MATTERS RELATED TO SOUTHERN NEVADA DISCIPLINARY BOARD

The Board reappointed Howard Miller as Chair of the Southern Board for a term ending October 2005.

12. CONSIDER MATTERS RELATED TO FEE DISPUTE ARBITRATION COMMITTEE

With Ms. Alf abstaining, the Board reappointed Rea Melanson, CPA, as a lay member of Las Vegas Panel A for a term ending October 2007.

The Board appointed Corby D. Arnold as an attorney member of Las Vegas Panel A for a term ending October 2007.

13. CONSIDER MATTERS RELATED TO CLIENT SECURITY FUND COMMITTEE

The Board appointed the following persons to the Committee for terms ending October 2007:

Thomas L. Stringfield
Trip Barthel (non-attorney)

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Shari Thomas (non-attorney)

14. CONSIDER ISSUES RELATED TO NORTHERN NEVADA BAR CENTER

The Executive Director reported to the Board on the status of the final items needed to complete the NNBC and expressed his appreciation to the staff for the handling of the dedication ceremony and reception on the preceding day. Mr. Kimbrough also provided the Board with a financial analysis of the estimated final costs of the building and contents.

15. CONSIDER REVISIONS TO STATE BAR CONFERENCE ROOMS POLICY

The Board approved the staff's recommendations regarding revisions to the current policies on the use of State Bar conference rooms and facilities.

16. REPORT OF BAR COUNSEL

The Board accepted the resignation of Jane M. Haggerty.

Mr. Bare reviewed the statistical report as of September 30 with the Board and also reported on the ADKT hearing held on September 23.

17. CONSIDER MATTERS RELATED TO PUBLIC LAWYERS SECTION

William Brett Kandt, a member of the Section's Executive Council, expressed to the Board his desire to revitalize the Section through the creation of a newsletter and other means.

As there were deemed to be no active officers of the Section, the Board appointed Mr. Kandt as its chair, and Ms. Peck, as liaison to the Section, agreed to assist in revitalization efforts.

18. CONSIDER PENDING LITIGATION MATTERS

With Mr. Ferenbach absent from the room the Board discussed the *Herb Michel* matter with Bar Counsel and Ms. Alf, as special counsel.

19. REPORT OF EXECUTIVE DIRECTOR

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Executive Director Kimbrough gave an oral report in supplementation of his written comments. Mr. Kimbrough also discussed preliminary plans for the 2005 Midyear Meeting of the State Bar.

20. REPORT OF DIRECTOR OF CONTINUING LEGAL EDUCATION

Mr. Boadt provided the Board with a PowerPoint presentation on the 2005 Annual Meeting, the upcoming CLE calendar of programs, and the video being developed to honor Justice Deborah Agosti and responded to questions regarding same.

21. REPORT OF ADMISSIONS DEPARTMENT

Richard Trachok, Chair of the Board of Bar Examiners (BBX), reported to the Board on the July 2004 bar examination for which results were anticipated during the meeting. He engaged in a discussion with the Board regarding the grading of the exam, the pass rate, and other related issues.

Additionally, the Board and Mr. Trachok engaged in a dialogue regarding the potential for adding a “practicum” requirement to licensure. It was agreed that such action would require review by a Supreme Court commission and that the Board would support efforts in this regard.

The Board reappointed M. Kristina Pickering to a term on the Board of Bar Examiners ending October 2007.

The Board discussed the request by the Boyd School of Law for revisions to SCR 49.1 (limited practice by law school faculty) and the BBX’s opposition to it. Further discussion was postponed to the December 9 meeting of the Board.

22. CONSIDER MATTERS RELATED TO LEGAL ASSISTANTS DIVISION

Sally Zola, Chair of the Legal Assistants Division, and Merrilyn Marsh provided the Board with a status report regarding the certification proposal on which they are working. The Board instructed the LAD to work with Mr. Beesley (liaison) and Bar Counsel to formulate a concrete proposal for consideration at the December 9 meeting of the Board.

23. REPORT OF PRESIDENT-ELECT

Mr. Consul announced that he was resigning as the Board’s representative on the Eighth Judicial District Pro Bono Foundation’s Board and that his position would need to be filled at the December 9 meeting.

The Board also discussed whether it should have a liaison to Nevada Attorneys for Criminal Justice.

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24. REPORT OF PRESIDENT

The President discussed with the Board various issues, including the President's duties and responsibilities, judicial campaign conduct, law library restorations in Florida, and the evaluation process for the Executive Director as outlined in the October 13 minutes of the Operations Committee.

25. CONSIDER MISSION STATEMENT FOR THE STATE BAR

By a vote of 9-2, the Board adopted the following as the Mission Statement of the State Bar of Nevada:

Our Mission is to govern the legal profession, to serve our members, and to protect the public interest.

26. CONSIDER SUSPENSIONS FOR NON-PAYMENT OF DUES

The Executive Director presented a list of members ripe for suspension for non-payment of dues. The Board unanimously approved such suspensions and authorized the President to execute the applicable order.

27. CONSIDER HONORARY MEMBERSHIP FOR JOHN NOVAK

The Board considered a request by various members for the granting of an honorary State Bar membership to John Novak, a recent graduate of the Boyd School of Law who is terminally ill.

The Board voted unanimously to submit a petition to the Supreme Court seeking such honorary membership as soon as possible.

28. PRESENTATION BY NEVADA TRIAL LAWYERS ASSOCIATION

The Board was joined by NTLA members Andy Thomas, Bob Perry, and Matthew Sharp and NTLA staff members Victoria Riley and Victoria Coolbaugh for a discussion of current issues affecting the trial lawyers and attorneys in general, including the initiatives then on the general election ballot and a proposed initiative that would seek to limit the amount of attorneys' fees charged.

29. ADJOURNMENT

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There being no further business, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Ann Price McCarthy
President

Allen W. Kimbrough
Executive Director