

MINUTES OF THE BOARD OF GOVERNORS' MEETING
OF THE STATE BAR OF NEVADA
DECEMBER 3, 1999
LAS VEGAS, NEVADA

President Ann Bersi opened the meeting at 9:30 a.m. in the Board Room at the State Bar Offices.

Ann Bersi.....President
Dan Polsenberg.....President-Elect
John Mowbray.....Vice President
Vince Consul
Mike Davidson
Patrick Flanagan
Neil Galatz
Rew Goodenow
Alan Lefebvre
Ann McCarthy
Tom Pitaro
John Schlegelmilch
Gloria Sturman
Coe Swobe

STAFF MEMBERS PRESENT:

Ruth Adams
Rob Bare
Wayne Blevins
Marc Mersol

SPECIAL GUESTS:

Bob Crowell (via telephone)
Lynn Kirsch representing Young Lawyers Section
Rachelle Resnick, Wayne Pressel & Chuck Short representing the Clark
County Family Law Self-Help Center

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1. APPROVAL OF THE MINUTES OF THE OCTOBER 20, 1999 MEETING

Two corrections were noted to the minutes: Pg. 4, Item 7, second paragraph, first two lines should read: A motion was made to request the Justice Court to establish a rule to specifically prohibit non-lawyers from appearing in court. Pg. 8, Item 14, last line: change capital "C" on conduct to lower case "c".

A motion was made and seconded to approve the minutes of the October 20,1999, meeting of the Board of Governors with the changes noted above. The motion passed unanimously.

2. FINANCIAL OPERATIONS REPORT

Marc Mersol gave a report of the financial operations. The finances of the State Bar are in excellent condition.

3. CONSIDER ADOPTION OF THE 2000 ANNUAL OPERATING BUDGET

Wayne Blevins went through the proposed 2000 annual budget, department by department. He mentioned that the proposed budget projections were conservative.

A discussion was held regarding the professionalism initiative, noting that the media campaign (billboards) contract

runs through December with SRPR. Until further determination can be made with regard to the initiative, \$200,000, will be left in the budget for budget year 2000. It was suggested that perhaps some of the LRIS designated purpose fund reserves could be used for the purpose of the professionalism outreach, which would release general operating funds for other purposes. Gloria Sturman and Dan Polsenberg will discuss this proposal with the LRIS Committee at its December meeting.

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The Admissions Department is making an effort to collect the annual fees owed on SCR 42 applications for those cases that are still active from previous years. Projected revenues should be increased by approximately \$50,000 from this effort for 1999.

The Board of Bar Examiners has requested that consideration be given to adding another person to the Admissions staff. However, at this time, Bar administration believes that an additional person is not necessary and therefore the position is not included in the proposed budget. If during the course of the coming year circumstances change to warrant consideration of adding a staff member to Admissions, it will be addressed at that time.

The Discipline Department has an increase in its annual budget due to the addition of an attorney position to prosecute those violators of the unauthorized practice of law statute.

The increase in capital expenditures is due mainly to a large increase in fees from the software company with which the State Bar contracts to maintain database upgrades. Also, a fax server for the LRIS Department is being purchased which can also be used for mass faxing to the general membership.

It was noted that the pie chart that was included with the budget showed that twenty-five percent of State Bar expenditures is devoted to protecting the public.

It was moved and seconded to approve the proposed 2000 Annual Operating Budget as presented in the amount of \$3,442,618. The motion passed unanimously.

4. REPORT ON FAMILY LAW SELF-HELP CENTER

Rachelle Resnick, Director of the Clark County Family Law Self-Help Center gave a presentation on the status of the center since its opening in May of 1999.

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5. DISCUSSION OF UPL LEGISLATION PROPOSED BY NEVADA ADVOCACY FOR LEGAL TECHNICIANS

Bob Crowell joined the meeting via telephone to discuss with the Board the appropriate legislative strategy on this issue. Discussion was centered upon the definition of the "Unauthorized Practice of Law" proposed by Nevada Advocacy for Legal Technicians (NALT). After careful consideration, the Board determined that it does not support the legislation proposed by NALT. It was moved, seconded and unanimously approved that Bob Crowell will inform Assemblyman Jerry Claborn that the Board opposes the definition of the practice of law proposed by NALT and that the Supreme Court of Nevada will be asked to define what constitutes the practice of law in Nevada. Further, Rob Bare, Bar Counsel, was asked to prepare a definition and a proposed amendment to Supreme Court Rule 189. Bare will report his analysis to the Board of Governors at its next regular meeting on January 26, 2000 for review and consideration.

6. REPORT OF YOUNG LAWYERS' SECTION

Lynn Kirsch, Chair of the Young Lawyers' Section, gave the report of the Section, and requested approval of its proposed budget for 2000. Kirsch reported that Lawsuits Day didn't go as well as hoped, due to lack of publicity.

The Board asked the section to continue its annual essay contest for the school district, promoting it as the "Roger Foley Essay Contest".

It was moved, seconded and unanimously passed, to approve the proposed Young Lawyers' Section budget for 2000.

7. MORTGAGE ON STATE BAR OFFICE BUILDING

It was noted that the note on the mortgage for the State Bar office building is due in 2002. A committee was appointed to research the best way to handle this matter. Committee members are Neil Galatz (chair), Pat Flanagan, Gloria Sturman, Alan Lefebvre and Coe Swobe.

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8. CONSIDER APPOINTMENT TO JUDICIAL DISCIPLINE COMMISSION

After careful consideration of all applicants for this position, it was moved, seconded and approved to appoint James S. Beasley to fill the unexpired term of Valerie Cooke.

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

It was moved, seconded and unanimously approved to reappoint the existing committee members to another term. In order to stagger the terms, the following committee members' terms will expire in 2001: Karl W. Armstrong, Phillip W. Bartlett, Janice J. Brown, Richard L. Davenport, George W. Foley and Richard W. Horton. The remainder of the committee members, C. Stanley Hunterton, R. Gardner Jolley, John J. McCune, Thomas E. Perkins, Thomas R. Sheets and Steven Wolfson will have terms that expire in 2002.

10. DISCUSSION OF PETITION OF THE BOARD OF CONTINUING LEGAL EDUCATION

The CLE Board's Petition to the Supreme Court for an increase in dues and fees was discussed. A question was posed regarding whether the reinstatement fee increase from \$25 to \$250 applied to those individuals who voluntarily went on inactive status with the CLE Board. Dan Polsenberg indicated that this increase was directed at those who had been suspended from the practice of law by the CLE Board for failure to comply with the CLE requirements. Polsenberg did indicate that before any final decision was reached, the CLE Board would clarify the language of this particular fee increase.

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11. REPORT OF HEALTH INSURANCE COMMITTEE

Alan Lefebvre gave a report on this Committee's action since the last Board meeting. The Committee has met with insurance brokers who offer various types of health insurance plans. The Committee recommends that before any further action can be taken on this issue, a survey of our membership needs to be conducted and the Committee asked the Board for approval of mass faxing such a survey. Following further discussion, it was moved, seconded and unanimously approved to mass fax a medical insurance survey to active members of the State Bar.

12. CONSIDER APPOINTMENTS TO FEE DISPUTE ARBITRATION COMMITTEE

It was moved, seconded and approved (with one abstention) to reappoint those individuals recommended by the chairs of the three Fee Dispute Arbitration panels for an additional three years. Reappointments are: RENO PANEL - Nicholas Frey, Sandra Wilson and John Mulligan; LAS VEGAS PANEL A - Robert M. Apple, Trevor Atkin, William F. Buchanan; and, LAS VEGAS PANEL B - Robert W. Cottle, Mort Friedlander, Michael J. Keahey, Lynn

Kirsch, Robert D. Tarte.

13. REPORT OF BAR COUNSEL

Rob Bare gave the report for Bar Counsel, which included the discipline status report. Bare reported that due to Richard Pocker being elevated to Chair of the Southern Nevada Disciplinary Board, there now exists a vacancy for the vice chair position. The names of those eligible for the appointment were discussed and it was moved, seconded and approved to appoint Dan Albrechts to the position.

14. REPORT OF EXECUTIVE DIRECTOR

The State Bar is preparing to post information regarding all active members on the web site. This information will include: business address, phone, fax, bar number, and date of admission.

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The Board of Governors convened an executive session to discuss pending litigation and personnel matters.

The Board reconvened in open session and adjourned at 2:30 p.m.

Approved:

Wayne Blevins
Executive Director

Ann Bersi
President