



**BOARD OF GOVERNORS MINUTES**  
**January 17-18, 2024**

A meeting of the Board of Governors of the State Bar of Nevada was convened on January 17 -18, 2024.

**The following members were in attendance:**

Julie Cavanaugh-Bill, President  
Richard Dreitzer, President-Elect  
Kari Stephens, Vice President  
Paola Armeni, Immediate Past President  
Seth Adams  
Terry Coffing  
Andrew Craner  
Pat Leverty  
Catherine Mazzeo  
Marisa Rodriguez  
Alex Velto  
Dean Leah Grinvald, Ex-Officio  
Maggie Lambrose  
Holly Parker  
Will Sykes

**State Bar staff present:**

Manny Botello  
Lisa Dreitzer  
Kimberly Farmer  
Dan Hooge  
Sydney Lisy, via Zoom  
Marc Mersol, via Zoom

**Guests, via Zoom:**

Alicia Ashcraft  
Brian Blackman  
John Desmond  
Barbara Buckley  
Joan Howarth  
Lynn Fulstone  
Ellsise Lucero  
Deborah Merritt

## **JANUARY 17, 2024**

### **PRESIDENT'S REPORT**

State Bar President, Julie Cavanaugh-Bill opened the BOG meeting by providing an overview the 2024 Bar Conference in Santa Fe, New Mexico. Cavanaugh-Bill also provided highlights from the state bar's 2023 Annual Report.

### **CONSENT AGENDA**

It was moved, seconded, and carried to approve consent agenda items.

- Minutes November 2, 2023
- Resignations
- D&O and Cyber Insurance Policy
- Section Appointments/Bylaws
  - Litigation Section
  - Business Law Section
  - Administrative Law Section
  - Young Lawyers Section
- Annual Meeting Speaker Agreement

### **REPORTS/ACTION**

#### Financial Report

Finance Director Marc Mersol provided a financial report through November 30, 2023. Regarding revenue, Mersol reported revenues are \$304,632 higher than projected in the following areas:

- Interest income is \$216,874
- Pro Hac fees are \$45,316
- Publications/Nevada Lawyer is \$31,861
- Discipline Fines/Fees are \$42,400
- CLE overall is \$34,020

Mersol noted that expenses are \$82,196 lower than budgeted. The departments contributing to this savings are:

- Transitioning Into Practice: \$23,892
- Discipline: \$47,787
- Administration: \$57,523

It was moved, seconded and carried to accept the November 30, 2023, financial report.

#### Office of Bar Counsel Report

Bar Counsel Daniel Hooge presented discipline statistics covering intake, investigations, and hearings. The OBC aims to keep active cases under 250. This goal allows for about half of cases (125) to be in investigations and half (125) split between intake, screening, and hearing. Cases initially dipped in 2020 and 2021 but bounced back in 2022 and settled into a case load hovering around 200.

Hooge noted that consistency and efficiency continue as the two principal goals of the OBC. Efficiency and consistency rates continue at healthy levels. There were fewer suspensions (10) than the five-year average

(21.2), but more reprimands (14 to 8.4) and average disbarments (5 to 4.2). Bar Counsel believes improved consistency, education, and awareness reduced recidivism and new misconduct. Improved efficiency also allows the OBC to intervene before the respondent repeats or aggravates the misconduct.

## **EXECUTIVE SESSION**

The BOG entered Executive Session at 2:30 p.m. and concluded the session at 3:00 p.m.

### Supervised Practice Taskforce Report

The Board heard a report from the Supervised Practice Taskforce, comprised of John Desmond (chair), Barbara Buckley, Dean Leah Grinvald, Joan Howarth, Deborah Merritt, and Lynn Fulstone. Admissions Director Sydney Lisy was also present. The taskforce was appointed by the Nevada Supreme Court along with a testing taskforce. The taskforce's charge is to study issues and concerns arising from the methodology and administration of the bar examination and licensing procedures for attorneys in Nevada.

Desmond reported that work is still in the development and planning stages with the basic concept to move to a three-part plan for licensing in Nevada including:

- A Nevada Foundational Law Exam;
- A Nevada Lawyering Performance Exam; and
- A supervised practice requirement that will include practice under student or candidate practice rules, to be completed during law school or in time currently spent doing bar review.

## **APPOINTMENTS**

The Board approved the following appointments:

*TIP Mentors* – 3-year term:

Athar Haseebullah  
Timothy Kuhls  
Genevieve Romand

*Discipline Boards North and South* – 3-year term:

Barth Aaron  
Marilee Cate  
Sarah Montalvo  
Eric Stoval  
Michael Sullivan  
Marc Cook  
Alan Freer  
Thomas Sheets  
Reed Werner  
Brian Catlett

*Clients' Security Fund Committee* – 3-year term

Jocelyn Cortez  
Kevin Sutehall  
Mark Thome, Laymember

*Standing Committee on Judicial Ethics – 2-year term*

Homero Gonzalez  
Rost Olsen  
Lance White

*Standing Committee on Judicial Discipline – 4-year term*

Richard Dreitzer stepped out of the room during the Board discussion and abstained from voting.  
Karl Armstrong  
Bill Hammer, Alternate  
Patricia Halstead

*Commission on Judicial Selection Temporary Member --*

Terry Coffing stepped out of the room during the Board discussion and abstained from voting.  
Claudia Aguayo

**PUBLIC COMMENT**

Each meeting the BOG sets aside time public comments. Nevada lawyer Leslie J. Shaw attended the public comment portion of the meeting and provided the Board with comments covering the discipline process.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 5:00 pm.

**JANUARY 18, 2024**

The meeting of the Board of Governors of the State Bar of Nevada was re-convened on January 18, 2024.

**REPORTS/ACTION**

Business Partners/Member Benefits

State bar staff conducted a review of the bar's member benefits/ business partners. The Board reviewed the comprehensive evaluation of the bar's business partners (including usage rates and contract terms). After discussion, it was moved, seconded and carried to approve the continuation of the following business partners:

- ABA Retirement Funds – Employer-sponsored retirement plans
- ALPS – Legal malpractice insurance
- CALM – App designed for wellness
- Career Center – Job posting site
- CLIO – Cloud-based legal software
- Fastcase – Legal research
- Insurance Marketplace – Insurance programs, health, dental, disability
- LawPay – Credit card processing

It was moved, seconded and carried to approve the addition of a new business partner:

- Smith.ai – Virtual receptionists, outreach campaigns, and web chat services

It was moved, seconded and carried to discontinue from the state bar member benefit the following programs:

- Avis/Budget – Vehicle rentals
- Front Office Staff – Answering service
- LawClerk – Free lance lawyers and virtual associates
- Ruby – Virtual receptionist

#### DEI Report

In partnership with the University of Nevada Grant Sawyer Center for Justice Studies, the Board recently surveyed Nevada attorneys about their issues and attitudes regarding diversity, equity, and inclusion. The Grant Sawyer Center prepared its findings which can be found online. President-elect Richard Dreitzer summarized the report to the Board.

Dreitzer noted the report provided some guidance for future action steps that might further the Board's access and opportunity initiatives. Action steps include:

- Work closely with the Young Lawyers Section to develop programs related to education and mentoring.
- Maintain partnerships with other organizations to continue dialogues and programming around access and opportunity.
- Assess the role and effectiveness of state bar programs, looking at the level of member engagement and effectiveness of specific programs as they relate to access and opportunity.
- Improve the process to increase member demographic self-reporting.
- Develop a strategy to recruit a diverse pool of volunteers on boards and committees.
- Evaluate diversity of TIP mentors; expand recruitment to develop a diverse pool of mentors.
- Work with the National Judicial College to identify programs that promote pathways to the bench.
- Continue working on pipeline programs that provide opportunities such as the high school mock trial program or other programs offered through Boyd.

#### New Legislation re Pro Hac Vice in Nevada and ICWA Matters

The Nevada Legislature enacted AB 444, which impacts pro hac vice admissions in Nevada, particularly in child custody proceedings involving Native American children under the Indian Child Welfare Act (ICWA). The Board discussed this bill and its effect on the state bar. Primarily, the state bar will need to adjust its procedures for pro hac vice applications under the ICWA and set a fee structure to comply with the new legal framework. Upon review and discussion, it was moved, seconded and carried to approve submission of an ADKT seeking to amend the rules to waive the pro hac vice fees in ICWA matters.

#### Rural Practice Workgroup, Proposed ADKT

The state bar's Rural Practice Workgroup has been working to identify issues affecting the shortage of attorneys practicing in rural Nevada and potential solutions. One specific issue is the lack of attorneys practicing in rural district attorney and public defender offices, where attorney staffing levels have consistently gone unmet.

The workgroup convened to discuss this identified problem. Workgroup members cited the two-year limitation on out-of-state attorneys practicing under a limited practice license as a barrier. After discussion, it was moved, seconded and carried to approve the proposed ADKT seeking a rule amendment to SCR 49.1(7)(a). The amendment seeks to eliminate the 2-year cap on limited practice for out-of-state attorneys practicing under the limited practice rules for rural district attorney and rural state public defender offices.

## **REPORTS**

The BOG extends its thanks to Brian Blackman, Family Law Section vice-chair; Alicia Ashcraft, Cannabis Law Section chair; and Ellsie Lucero, Nevada Latino Bar Association president for providing thoughtful and informative reports on section and affinity bar activities.

## **ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 12:00 pm.

## **VIA EMAIL VOTE**

**January 31, 2024** It was moved, seconded and approved to support ADKT 615 Repeal and Replacement of Nevada Electronic Filing and Conversion Rules filed by the Director and State Court Administrator of the Courts.

### **February 7, 2024**

It was moved, seconded and carried to approve the final language and to submit the ADKT to amend SCR 42 to allow the bar to waive fees for pro hac vice admissions in Indian Child Welfare Act (ICWA) cases.

### **February 29, 2024**

It was moved, seconded and carried to approve to renew the lease with Leverty and Associates to lease an office in suite 200 for a 2-year to term commencing on March 1, 2024. Pat Leverty abstained from voting.

### **February 29, 2024**

It was moved, seconded and carried to approve the lease assignment for suite 208 to Reese Ring Velto. Alex Velto abstained from voting

### **February 29, 2024**

It was moved, seconded and carried to approve the Family Law Executive Council request to pursue the Nevada Supreme Court's rehearing of its published opinion in *Falconi v. District Court*, Case No. 85195. The rehearing request must include an introduction stating the section is speaking on its own behalf and not on behalf of the State Bar.