



**Minutes  
Board of Governors Meeting  
November 3, 2021**

A meeting of the Board of Governors of the State Bar of Nevada was convened on November 3, 2021.

**The following members were in attendance:**

Ann Morgan, President  
Paola Armeni, President-Elect  
Seth Adams  
Jeff Albregts  
Doug Clark  
Terry Coffing  
Andrew Craner  
Richard Dreitzer  
Gene Leverty  
Joel Locke  
Catherine Mazzeo  
Marisa Rodriguez  
Kari Stephens  
Sara Gordon, ex officio  
Rick Trachok, ex officio

**State Bar staff present:**

Lisa Dreitzer  
Kimberly Farmer  
Dean Gould  
Dan Hooge  
Marc Mersol  
Gale Skala

**Guests:**

Jeff Rodefer

## **CALL TO ORDER/PRESIDENT'S REPORT**

President Ann Morgan called the meeting to order with a quorum present at 10:00 a.m.

## **PRESIDENT'S REPORT**

Ms. Morgan introduced Jeff Rodefer, Chairman of Functional Equivalency Committee and Dean Gould, Director of Admissions.

Ms. Morgan reviewed the highlights of a recent meeting with Chief Justice Hardesty and Kimberly Farmer. The meeting included a discussion covering the proactive steps the state bar should take to ensure all state bar activities are germane to the state bar mission and Supreme Court Rules.

Chief Justice Hardesty also provided information on a forthcoming ADKT to change the judicial filing date for 2022. The ADKT seeks to amend the Nevada Code of Judicial Conduct Rule 4.2 (C) and (C)(3) to comport with the Nevada Legislature's anticipated amendments to NRS 23.177 relating to declaration of candidacy in elections. If the Legislature passes the proposed amendment to NRS 293.177 during the special session related to reapportionment, judges or judicial candidates will be limited in their ability to engage in campaign financing for candidates. Chief Justice Hardesty proposes the court consider a one-time modification to NCJC 4.2 (C) and (C) (3). After discussion on this proposed ADKT the board took no action.

Ms. Morgan reviewed the revisions to the state bar strategic plan noting the goals and objectives in the plan are germane to the mission of the state bar. It was moved, seconded, and carried to approve the 2021-2023 strategic plan as presented.

Paola Armeni presented an overview of the new plan for a Trial Skills Academy. The Trial Skills Academy will replace the Trial Academy that traditionally was held in conjunction with the annual conference. The program will be available annually rotating between southern and northern Nevada. The Las Vegas Trial Skills Academy will launch in April 2022.

## **REPORTS**

### **Admissions Report**

Rick Trachok, Chair of the Board of Bar Examiners, presented an overview of the Supreme Court Rules governing admissions and bar exam applications. Mr. Trachok and the Board of Governors engaged in a productive conversation on the policy and procedures of the Board of Bar Examiners, Character and Fitness Committee, Functional Equivalency Committee, and Special Accommodations Committee. Mr. Trachok discussed the composition of the admissions committees and importance of diversity among committee members.

Mr. Trachok presented an overview of the latest trends with the bar exams nationwide. Several states are studying the exam process to learn how they can better ensure applicants are being adequately tested on their knowledge of the law.

Mr. Trachok discussed the goals and objectives of the bar exam study currently taking place. This study is to learn whether the Multistate Bar Exam (MBE) is a valid measure of minimum competence. The study is designed to assess what relationship, if any, exists between performance as a beginning lawyer and performance on the MBE.

Jeff Rodefer, chair of the Functional Equivalency Committee reviewed specific policies and procedures of the committee.

### Gaming Law Section Report

Mr. Rodefer provided an overview of activities of the Gaming Law Section. He has chaired the Gaming Law Section since 2000. The section produces the annual Gaming Law Conference which is one of the premier gaming law events across the country. The section developed the Nevada Gaming Law Practice and Procedure Manual and produces a yearly magazine, *Nevada Gaming Lawyer*. And recently, the section has started publishing a quarterly newsletter. The section has donated thousands of dollars to annually fund a Gaming Law Section Scholarship to benefit the L.L.M. program for Gaming Law and Regulation at Boyd. It has also donated thousands to the Faiss Lecture Series at Boyd, the Gaming Moot Court competition at Boyd, and is cosponsor the Boyd's *Gaming Law Journal*.

### William S. Boyd School of Law

Sara Gordon, Interim Dean of the William S. Boyd School of Law, presented the latest statistics for the Boyd School of Law. Dean Gordon highlighted the bar exam pass rate of Boyd students as well as the employment rate among Boyd students. She also provided an overview of newly added classes and the immigration clinic. Dean Gordon emphasized what a great year it has been for the law school.

### **EXECUTIVE SESSION**

The board entered Executive Session at 1:25 pm and concluded the session at 1:45 p.m.

### **CONSENT AGENDA**

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

- Minutes -- September, and October 2021
- Solo and Small Firm Bylaws Revisions
- Young Lawyers Section Bylaws Revisions
- Resignations
- Lease, Suite 110
- Contracts
  - Memorandum of Understanding NLAP Provider
  - Admissions Contracts
    - February 2022 Bar Exam, South Point Casino
    - July 2022 Bar Exam, Suncoast Casino
    - April 2022, September Bar Exam Writing/Regrade Meeting, LaJolla Beach Club
  - Family Law Annual Meeting, March 2022
    - Mammoth Catering

### **REPORTS**

#### Executive Director Report

Kimberly Farmer presented an overview of the MCLE program which is now managed by the state bar. Ms. Farmer reviewed revenue the MCLE program receives from the MCLE annual \$40 fee charged to active attorneys.

Ms. Farmer provided a report outlining the current benefits provided to attorneys through the state bar and presented a copy of the new member benefit brochure that will go to newly admitted attorneys. This information is also on the state bar website and will be regularly posted via social media. The member benefit program focuses on assisting lawyers in their practice and relates directly to the bar's mission to serve our members.

Ms. Farmer provided an overview of the results of a vendor survey state bar staff conducted. This vendor survey sought information on the commitment to diversity, equity and inclusion employed by state bar vendors and business partners. Information was compiled from 25 identified vendors, representing a wide variety of services provided on behalf of the organization. Of these vendors 76% have programs or initiatives that aim to increase equity or inclusion among its employees

Ms. Farmer reported on the latest activities of the Access to Justice Commission (AJC), specifically highlighting the Nevada's activities centered around Pro Bono week in October. She outlined the success of the dues check-off promotion which increased check-off dollars by 65% since 2019. Funds from the dues check-off go directly to legal aid organizations and fund law related education programs. Ms. Farmer provided information on the IOLTA rates noting that AJC sets the IOLTA rates. She reported that 18 of the 31 IOLTA institutions are at the leadership level paying over the 0.65% rate set by the AJC.

## **REPORTS**

### Office of Bar Counsel

Dan Hooze presented the latest statistics of the Office of Bar Counsel and discussed recent Supreme Court Orders relating to attorney discipline. He discussed the new database the OBC uses noting that it is a system that allows staff to track cases efficiently.

Mr. Hooze reviewed the proposed rule changes of the *Discipline Rules of Procedure*. It was moved, seconded, and carried to approve the proposed changes of the *Discipline Rules of Procedure*.

## **ACTION ITEMS**

### 2022 Annual Budget

On behalf of the Budget Committee, Joel Locke provided an overview of the proposed 2022 state bar operating budget. The Budget Committee indicated the 2022 operating budget presents a budget that allows for activities and programs that are germane to the mission of the state bar.

Mr. Locke discussed the Budget Committee's recommendation to eliminate the MCLE \$40 annual fee beginning in 2022. This recommendation reflects the administrative transition of Nevada Board of Continuing Legal Education (MCLE) functions to the state bar. The \$40 annual fees were implemented to support the freestanding operations of the MCLE Board. Efficiencies have been achieved by folding the administrative aspects of MCLE compliance within the state bar's budgetary framework. After discussion relating to the overall budget, it was moved, and carried to approve the Budget Committee's recommendation to eliminate the MCLE \$40 annual fee.

Marc Mersol presented specifics of the proposed 2022 budget highlighting line items in the budget that pertain to the mission of the state bar and program initiatives. It was moved and carried to approve the Budget Committee's recommendation to approve the proposed 2022 budget.

### Program Development Grant Committee

Andrew Craner reported on the Program Development Grant Committee application from the Northern Nevada Women Lawyers Association (NNWLA). Upon discussion of the grant application, it was moved, seconded, and carried to grant \$25,000 to the NNWLA to be used as the endowment for a scholarship program that funds the cost of the LSAT prep courses.

#### Nevada Lawyer's Assistance Program (NLAP) Therapy Benefit

Kimberly Farmer discussed the proposal to expand the lawyer well-being program by providing access to the NLAP therapy benefit to Boyd law school students. This proposal provides for expansion of a program that falls within the state bar's strategic plan. After much discussion, it was moved, seconded, and carried to approve expanding the NLAP therapy benefit to Boyd law school students.

#### Client's Security Fund (CSF)

Doug Clark provided an overview of the *Trustee's Final Report and Order Approving Trustee's Payment of Final Compensation from the Bankruptcy Court in the Robert Graham Bankruptcy*. The CSF paid out CSF funds to claimants in the Graham matter. The board discussed whether the funds each CSF claimant received from the Bankruptcy Court should be turned over to the CSF under the subrogation agreement signed by each claimant. Or should the board allow for special dispensation for these claims since the victims have not been fully compensated by the CSF or the Bankruptcy Court's distribution. It was moved, seconded, and carried to approve special dispensation from the subrogation agreement for the claimants who received CSF funds in the Graham matter.

#### Unclaimed Funds Procedure

The Nevada Supreme Court issued an order amending the *Rules of Professional Conduct* to allow for remittance of unclaimed or unidentified funds in an interest-bearing client trust account to the State Bar of Nevada's Clients' Security Fund.

The state bar drafted instructions for Remitting Unclaimed/Unidentified Funds and developed an Unclaimed/Unidentified Remittance Report & Certification form. It was moved, seconded, and carried to approve the implementation/process for unclaimed/unidentified funds to the Clients' Security Fund.

#### **APPOINTMENTS**

It was moved, seconded, and carried to appoint Dr. Warren Seeds and Ms. Janet Blumen to the Character and Fitness Committee.

It was moved, seconded, and carried to appoint the following members to the Executive Committee of the Appellate Litigation Section.

Chair: Ann Traum

Chair-Elect: Marilee Cates

Secretary: Deborah Westbrook

Treasurer: Jordan Smith

There being no further business before the Board, the meeting was adjourned at 4:45 pm.