



BOARD OF GOVERNORS MEETING
Las Vegas, NV
December 1, 2016

A meeting of the Board of Governors of the State Bar of Nevada was convened on December 1, 2016.

The following members were in attendance:

Bryan Scott, President
Larry Digesti, Immediate Past President
Paola Armeni
Kimberly Buchanan
Julie Cavanaugh Bill
Doug Clark
Eric Dobberstein
Richard Dreitzer
Dan Hamilton
Jack Howard
Paul Matteoni
Ann Morgan
Richard Pocker
Ryan Russell
Kari Stephens
Ryan Works

State Bar staff present:

Kimberly Farmer
Gale Skala
Lisa Dreitzer
Marc Mersol
Stan Hunteerton

Guest:

Lynn Fulstone
Scott Lachman
David Schaper

CALL TO ORDER

President Bryan Scott called the meeting to order with a quorum present at 10:00 am.

PRESIDENT'S REPORT

Bryan Scott presented an overview of the Board meeting emphasizing a few important dates. Mr. Scott identified the highlights of the recent site visit to Austin, Texas, destination of the Annual meeting in 2017.

Kimberly Farmer reminded Board members that the lease of one building tenant expires in 2017. The issue of what to do with the space when the tenant moves will be discussed at a future Board meeting.

DISCUSSION

Dues Check-off

Kimberly Farmer discussed the current license fee statements and the check-off box. Currently the pro bono contribution on the statement is an opt-in provision. The Access to Justice Commission discussed at their recent meeting changing the pro bono contribution to an opt-out provision. The Board did not vote on a change at this time.

Fee Suspensions Categories

Kimberly Farmer gave an overview of the Fee Suspension Categories. It has been brought to Ms. Farmer's attention that there is concern regarding the suspension of inactive members for not paying their dues. Before suspending an inactive member, the Board would like to make sure that the state bar and a Board member make every attempt to reach the individual.

Avvo

Avvo has become one of the leading websites where consumers go to find information about attorneys. The Executive Committee has arranged to meet with Avvo's legal counsel in early January to discuss fees related to consumers using Avvo.

Amicus Brief

Ann Morgan reported on an instance where a homeowner sued the attorney who represented the Homeowners Association when the ruling did not go in favor of the homeowner. The concern with this ruling is attorneys representing homeowners associations could be sued when a matter is not resolved in the homeowner's favor. Ann Morgan requested the state bar submit an Amicus Brief in support of the petition for review. It was moved, seconded and carried to submit an Amicus Brief in support of a petition for review in Dezzani v. Kern on behalf of the State Bar of Nevada.

DISCIPLINE REPORT

Stan Hunterton presented an overview of the Office of Bar Counsel report. Mr. Hunterton reported on the progress the department has made on the backlog of cases. He expects the department will complete most cases within six months.

Mr. Hunterton reviewed the resignation process, specifically resignation with discipline pending. A report will be prepared for the Board to consider the policy of accepting resignations with discipline pending.

Bryan Scott has asked Mr. Hunterton to provide the following stats on attorney restitution.

- How much restitution was requested by the Discipline Panel
- How much restitution was approved by the Court

- How much has been collected
- What is the remaining balanced to be paid
- If the attorney has not paid in full by the agreed date, is he/she discipline suspended

OBC at a Glance

As of October 31, 2016 there were 58 matters/respondents (124 grievances files) in prosecution phase, of those 16 were over six months old. In comparison, in July 2014, there were 114 matters/respondents (415 grievance files) were in prosecution stage, of those 71 were over 6 months old.

YOUNG LAWYERS SECTION

Scott Lachman presented an overview of recent activities of the Young Lawyers Section (YLS). With the success of the Goldilocks program, YLS is hoping to expand the program to Elko and Humboldt counties. Mr. Lachman reviewed the YLS proposed budget noting that membership is down and therefore so is revenue.

ACTION ITEMS

Clients' Security Fund

Kimberly Farmer reviewed the current Clients' Security Fund (CSF) reserve policy. CSF is funded through a \$25 per attorney annual license fee assessment and also a portion of all *pro hac vice* applications and renewal fees. The Clients' Security Fund committee submits the following proposal for approval.

- Provide \$50,000 in funding from its reserves to the bar's Nevada Lawyer Assistance Program
- Suspend for one year, the \$25 contribution made from each attorney license fee to the Fund.

It was moved, seconded and carried to approve the proposal. Doug Clark abstained from voting.

Financial Report

- Audit Report

David Schaper of Barnard, Vogler, Inc presented an overview of the 2015 audit process and the results. The auditors have issued an "Unmodified Opinion" on the financial statements. The Audit Committee recommends the Board of Governors accept the results of the audit. The entire staff was excused in order that the Board could speak directly to the auditor. It was moved, seconded and carried to accept the Audit of the 2015 Financial Statements of the State Bar of Nevada.

- 2017 Annual Budget

Marc Mersol presented the 2017 proposed budget. The Budget Committee recommended the Board of Governors approve the 2017 proposed budget. It was moved, seconded and carried to approve the 2017 proposed budget.

- October 2016 Financials

Marc Mersol reviewed the October 31, 2016 financials. It was approved, seconded and carried to accept the October 31, 2016 financials.

Commission on Judicial Selection

It was moved, seconded and carried to reappoint Gregory Kamer and Valerie Cooney to the Commission on Judicial Selection for a four year term commencing January 1, 2017.

Board of CLE Appointment

It was moved, seconded and carried to reappoint Frank Flaherty to the Board of Continuing Legal Education for a three year term commencing January 1, 2017.

Rocky Mountain Mineral Law Foundation Appointment

It was moved, seconded and carried to appoint Laura Granier to the Rocky Mountain Mineral Law Foundation for a three year term commencing January 2017.

Commission on Judicial Discipline

It was moved, seconded and carried to reappoint Bruce Hahn to the Commission on Judicial Discipline for a four year term commencing January 1, 2017.

Standing Committee on Judicial Ethics

It was moved, seconded and carried to reappoint Kelly Dove and Rob Martin to the Standing Committee on Judicial Ethics for a two year term commencing January 2017.

It was moved, seconded and carried to appoint Michael Bohn, John Funk, Rhonda Long and Jennifer Noble to the Standing Committee on Judicial Ethics for a two year term commencing January 2017. Eric Dobberstein abstained from voting.

EXECUTIVE SESSION

The Board entered into Executive Session at 1:41 pm and concluded at 1:50 pm.

CONSENT AGENDA

Approved: Minutes for September 14 and September 15, 2016.

Approved: Memorandum of Understanding between the Nevada Bar Foundation and the State Bar of Nevada outlining the support services to be delivered on an hourly/per project basis.

Approved: Update to Fee Dispute Rules of Procedure.

Approved Attorney Resignations

Mary Anne Decaria
David Honicky
Stephen Hopkins
James Nave
Lisa Napoli

James O'Reilly
Janet Rose
Thomas Wilson

Approved: Placing the Tribal Law Section on hiatus.

Contracts

Approved: LaJolla Beach and Tennis Club- April 2017 and September 2017

Approved: Directors and Officers Liability Policy

Appointments

Approved: Standing Committee on Transition into Practice reappointments for a two year term commencing December 2016.

- Dara Goldsmith, Chair
- John Steffen
- Hon. Thomas Stockard

Approved: Mock Trial Subcommittees and appointments for a 1 year term.

Training/Orientation Subcommittee –

Don Christensen, Chair
Stephanie Barker
Kevin Diamond

Rules/Dispute Subcommittee –

John Giordani, Former Mock Trial Coach
Mary Kandaras, Former Mock Trial Coach
David Watts-Vial, Former Mock Trial Committee Member

Approved: Fee Dispute Arbitration Committee reappointments for a three-year term:

Name	Regional Panel	Effective Date
Stephen Castronova	Reno	December 2016
Ira David	LVA	December 2016
Arun Gupta	LVA	December 2016
Siria Gutierrez	LVB	December 2016
Parish Heshmati	LVC	December 2016
Todd Kennedy	LVA	December 2016
Debbie Leonard	Reno	December 2016
Rea Melanson	LVA	December 2016
Michael Navratil	LVA	December 2016
Vicky Oldenburg	Reno	December 2016
C. Nicholas Pereos	Reno	December 2016

Approved: Southern Advertising Advisory Committee

Bennair Bateman Two-year term, effective November 2016.

Northern Advertising Advisory Committee

Dane Anderson Two-year term, effective retroactively to October 2016.
Linda Linton Two-year term, effective November 2016.
Laury Macauley Two-year term, effective November 2016.
Sheila Van Duyne Two-year term, effective December 2016.

Approved:

Energy, Utilities and Communications Law Section - following slate of officers appointed for a one year term ending September 2017 (Kari Stephens abstained from voting):

Chair: Douglas Brooks, NV Energy
Vice Chair: Lucas Foletta, McDonald Carano
Secretary: Debrea Terwilliger, Wilkinson Barker Knauer (former Treasurer)
Treasurer: Kyle Stephens, Southwest Gas

ADR Section - following slate of officers reappointed for a one year term ending July 2017:

Chair: Patrick Chapin
Vice Chair: William Hammer
Secretary: Barbara Johnston
Treasurer: William Turner

Solo & Small Practice Section - following slate of officers appointed for a two year term ending October 2018:

Chair: Jenny Hubach (former Treasurer)
Vice Chair: William Devine, Devine Law Firm
Secretary: Joe Gorman (former Chair)

Treasurer: Laura Stubberud (former Vice Chair)

Intellectual Property Section- following slate of officers be appointed to a one year term ending October 2017:

Chair: Lindsey Williams

Vice Chair: Stephanie Buntin, Howard & Howard

Treasurer: Dick Schulze, Holland & Hart

Secretary: Bhavishi Patel

Adjourned

There being no further business before the Board, the meeting was adjourned at 2:40 pm.

January 11, 2017 Via Email Vote

It was moved, seconded and carried to approve the amicus brief in the matter of Dezzani v. Kern and it's filing.