



---

**BOARD OF GOVERNORS MEETING**

**Austin, TX**

**June 28, 2017**

A meeting of the Board of Governors of the State Bar of Nevada was convened on June 28, 2017.

**The following members were in attendance:**

Bryan Scott, President  
Gene Leverty, President Elect  
Richard Pocker, Vice President  
Larry Digesti, Immediate Past President  
Paola Armeni  
Julie Cavanaugh Bill  
Doug Clark  
Eric Dobberstein  
Richard Dreitzer  
Daniel Hamilton  
Jack Howard  
Paul Matteoni  
Ann Morgan  
Ryan Russell  
Ryan Works

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
Lisa Dreitzer  
Stan Hunteerton  
Shelley Young

**Guest:**

Jeff Albregts  
Jenny Hubach  
Frank Flaherty

**CALL TO ORDER**

President Bryan Scott called the meeting to order with a quorum present at 8:30 am.

**PRESIDENT’S REPORT**

Bryan Scott presented an overview of the Jackrabbit Bar Conference in Santa Fe, NM. Mr. Scott highlighted the programs at the conference he thought would be of interest to the State Bar of Nevada. Mr. Scott also reviewed the public hearing on the ADKT petition regarding the terms of the Board of Governors.

**CONSENT AGENDA**

Approved: Minutes for April 12, 2017

Approved Attorney Resignations -- Thomas Apocotos, John Bowers, Stephen Sand

Approved: We the People Committee Rules of Procedure

Approved: Officers of Public Lawyers Section

Chair: Brett Kandt Vice-Chairman: Sarah Bradley

Secretary: Melissa Flatley

Executive Council Members-At Large: Leslie Admir and, Amy Crowe, Jill Davis, Michael Oh

Contracts -- Approved:

- o 2018 Annual Meeting - Drake Hotel
- o Bar Exam - UNLV
- o Hartford Insurance

**REPORTS**

Board of Continuing Legal Education

Jenny Hubach and Frank Flaherty were present to discuss recent developments with the MCLE Board. Ms. Hubach presented an overview of the meeting between the Supreme Court and members of the MCLE Board. She also presented an overview of administrative expenses and status of the reserve accounts. Ms. Hubach noted that the goal is to depend more on sponsor fees rather than late fees from members to meet their budget. Right now, a significant portion of the MCLE Board revenue comes from late fees.

Board members asked questions about the budget and administrative expenses and expressed concern over the late fee revenue budget. The Board requested that the MCLE Board provide more details and specifics regarding the rollout and schedule of the new provider plan, communications to the members, and impact the new business plan will have on lawyers and providers.

Discipline Report

Stan Hunterton presented the status of the Office of Bar Counsel (OBC) and the progress on the discipline backlog. Mr. Hunterton gave a synopsis of the manual that OBC is scheduled to publish to provide panel members a concise guide to the discipline rules. Mr. Hunterton also highlighted proposed changes in the Disciplinary Rules of Procedure. It was moved, seconded and carried to approve the revisions to the Disciplinary Rules of Procedure.

Mr. Hunterton reviewed the current ADKT petitions pending before the Court -- ADKT 444 (In the Matter of the Amendment of Supreme Court Rule 111), ADKT 525 (In the Matter of Amendments to Supreme Court Rule 116) and ADKT 526 (In the Matter of Amendments to Rule of Professional Conduct 8.4).

Mr. Hunteerton presented an overview of the practice takeover policy approved at the January 2017 Board meeting. The State Bar ran information in the E-News and on the website seeking applications. It was moved, seconded and carried to appoint Jeffrey Burr & Associates on the practice takeover panel. The discipline report showed the status of the Office of Bar Counsel and the progress on the discipline backlog.

**GRIEVANCES IN INVESTIGATION**

	Grievances	Grievances Pending over 6 months
July 2014	538	377
January 2015	441	283
January 2016	243	89
January 2017	79	6
February 2017	73	8
March 2017	109	12
April 2017	90	4
May 2017	110	2

**PROSECUTION/PENDING HEARINGS**

	Total Grievants	Total Respondents	Total Respondents Over 6 months from Complaint
July 2014	415	114	71
January 2015	268	89	61
January 2016	140	69	61
January	123	59	23
February	152	65	54
March	149	62	57
April	110	44	22
May	107	48	19

Discipline Panel Appointments -- It was moved, seconded and carried to approve the following disciplinary panel appointments. Richard Dreitzer and Eric Dobberstein abstained from voting.

Southern Panel:

Katlyn Brady  
 Rhonda Long  
 Mandy McKeller  
 Vincent James  
 Roger Meertins  
 Dee Maresso-Newell  
 Nick Miller  
 Robert Valdez

Northern Panel:

Katherine Lyon  
 Brian Duyffrin

Approved Slate of Officers:

Southern Chair: Luke Puschnig  
 Northern Chair: Douglas Rands  
 Southern Vice Chair: Dawn Lozano  
 Northern Vice Chair: Caren Jenkins

**DISCUSSION**

- Taskforce Report on Trust Account Audits -- Richard Dreitzer presented an overview of the recent taskforce meeting on random trust account audits. The Taskforce will continue researching this matter, reporting to the Board with a recommendation later.
- Advertising Review Taskforce Report -- Gene Leverty gave a synopsis of the Advertising Review Taskforce meeting. He highlighted the proposed amendments to NRPC 7.1 and 7.2. It was moved, seconded and carried to approve the ADKT petition that outlines the amendments to the Court.

**ACTION ITEMS**

Financial Report-2017 Revised Budget

Marc Mersol presented the proposed revised 2017 budget. It was moved, seconded and carried to approve the 2017 Revised Budget.

LRIS Grants

It was moved, seconded and carried to approve grants to the following projects through the Lawyer Referral and Information Grant Program.

<b>Organization</b>	<b>Project Name</b>	<b>LRIS Committee Recommendation</b>
Boyd School of Law	2017 Alternative Spring Break	\$2,959.25
Washoe Legal Services	IT Infrastructure Improvement	\$5,299.99
Nevada Legal Services	NLS Technology Upgrade	\$10,000
Southern Nevada Senior Law Program	Moving Forward	\$11,000
Boyd School of Law Kids' Court	Kids' Court School Immigration Program	\$5,500
Advanced Technologies Academy	Learning Today to Defend Tomorrow	\$1600
State Bar of Nevada Diversity Committee	Diversity Scholarship	\$3,140.76
VARN – 2	Bridge Funding for DV Victim Assistance Project	\$5,500
Nevada Disability Advocacy & Law Center	Access Justice Education Program	\$5,000
	<b>Total Granted</b>	<b>\$50,000</b>

Clients' Security Fund (CSF)

Ryan Works reported on the recent meeting of the Clients' Security Fund Committee. Mr. Works presented a review of the Committee discussion highlighting the Committee's recommendation of accepting claims regarding Robert Graham, and changes to the CSF Rules of Procedure and Reserve Policy.

It was moved, seconded and carried to approve the following revisions to the Rules of Procedure and CSF Reserve policy:

- Reduce the minimum reserves to \$50,000.
- Lien Assignment: Claimants must give a lien assignment when paid through the Fund to allow

- CSF to recover from 3<sup>rd</sup> parties.
- The statute of limitations for filing a claim changed to 4 years after the date the claimant knew, or should have known, of the dishonest conduct of the attorney.

#### Memorandum of Understanding

It was moved, seconded and carried to approve the Memorandum of Understanding between the State Bar of Nevada and Kristine Kuzemka that sets forth the services Ms. Kuzemka provides for the Lawyers Concerned for Lawyers Program and the Nevada Lawyer Assistance Program.

#### ADR Section, Chris Beecroft, Jr. Fund

The Alternative Dispute Resolution Section of the State Bar of Nevada requested approval to establish a fund to honor former ADR Commissioner Chris Beecroft, Jr. The ADR Section will pledge \$10,000 to establish the fund. It was moved, seconded and carried to approve the Memorandum of Understanding between the ADR Section of the State Bar and the University of Nevada, Las Vegas Foundation setting up the Chris Beecroft Jr. Fund.

#### Suspension List

It was moved, seconded and carried to approve the revised Suspension List.

### **TASKFORCE REPORTS**

- Reciprocity Taskforce -- Paola Armeni presented statistics on members who are admitted in Nevada under Supreme Court Rules for limited practice in Nevada and multijurisdictional practice rules. Julie Cavanaugh-Bill gave an overview of the Character and Fitness process in reciprocal admissions in other jurisdictions.
- Mandatory Malpractice Insurance Taskforce -- Gene Leverty reported on the recent discussions at the Mandatory Malpractice Insurance Taskforce meeting. Mr. Leverty discussed goals the taskforce plans for future meeting that include review of mandatory reporting requirements, and other models for a mandatory malpractice insurance program.

### **APPOINTMENTS**

Young Lawyers Section -- Approved Slate of Officers for a one-year term:

Chair: Jordan Davis      Chair-Elect: Scott Lachman

Gaming Law Section: Approved for a three-year term ending May 31, 2020:

Lou Dorn, Scott Scherer, Gregory Gemignani, Erica Okerberg

Insurance and Health Law Section: Approved for a one-year term ending June 2018:

President: Kelly S. McIntosh      Vice President: Thomas A Vallas

Treasurer: Tyson E. Hafen      Secretary: Daniel Heitdke

Membership/CLE: James M. DeVoy IV.

Fee Dispute Arbitration Committee -- Approved for a three-year term expiring April 2020.

Donald Lowrey, Lisa Daniels, Mark Brandenburg, Mandy McKellar

Approved -- Reappointment for one-year term: Regional LVC Chair – Ara Shirinian

Approved: Reappointment for three-year term, Richard Dreitzer abstained from voting:

Dane Anderson  
Todd Bader  
Z. Kathryn Branson  
Ken Brown  
Margo Chernysheva  
Steven Day  
Don Dees  
Richard Dreitzer  
Duane Frizell  
J. Rusty Graf

David Liebrader  
Archie McRimmon, Jr  
Don Paradiso  
Esther Rodriguez  
Eric Stovall  
Theresa Santos  
Karl Smith  
Kevin Sutehall  
Brenda Weksler

Lawyer Representative – Approved the following as Lawyer Representatives to the Ninth Circuit for a three-year term expiring August 2020:

Southern Division – Daniel Albrechts and Kathryn Newman  
Northern Division – Leslie Bryan Hart

Ann Morgan abstained from voting.

Mock Trial Committee

Approved for a two-year term commencing June 2017:

Thomas Boley  
Kathryn Brady  
Don Christensen

Andrew Craner  
Lori Plater

Approved for a two-year term retroactive to September 2016:

Valerie Bayard de Volo  
Kevin Diamond  
Sarada Toomey

Approved for one year:

Chair: Don Christensen

Nevada Lawyer Editorial Board -- Approved for a three-year term commencing July 2017:

Patricia Cafferata, Chad Olsen, Scott Wasserman

Approved for a one-year term commencing July 2017:

Chair – Leon Mead                      Chair-Elect – Lary Macauley  
Vice Chair – Kristen Simmons      Immediate Past Chair – Greg Shannon

Publications Committee --Approved for a three-year term commencing July 2017:

Akke Levin, Benjamin Miller, Chandeni Sendall, Thomas Boley, Duane Frizell, Mandy McKellar

Clients' Security Fund -- Approved commencing July 2017:

Janet Pancoast, Chair – one-year term      Harvey Gruber, Vice Chair – one-year term  
Jeffrey Sloane – three-year term

Continuing Legal Education -- Approved for a three-year term commencing July 2017:  
 Lauren Calvert, Kym Samuel Cushing, Christine Guerci-Nyhus, Lisa Daniels

Approved for a one-year term July 2017:  
 Chair, Andrew Mierins Vice Chair, Melanie Muldowney

Transitioning into Practice- TIP Mentors -- Approved for a two-year term commencing July 2017:

Amanda Brookhyser	Donald Lomoljo
Matthew Dushoff	Michael McKelleb
Amy Feliciano	Bert Mitchell
Robert Flummerfelt	Maria Nutile
Jennifer Fornetti	Carrie Parker
Thomas Friedman	Wayne Pederson
Blake Gross	Lawrence Ruiz
James Keller	Chad Thopmpson
Mark Krueger	Heather Zana
Kristine Kuzemka	

Transitioning into Practice- TIP Committee -- Approved for a two-year term commencing July 2017:  
 Ruth Miller, Rachel Donn, Stephen Shulman

Approved - Reappointments

William	Carrico
Roger	Cram
Greg	Gilbert
Mark	Henness
Steven	Lioizzi, Jr.
Elizabeth	Mercer
Ronald	Reynolds
Jeffrey	Rogan
Charles	Spann
Kendeleee	Works
Jeremy	Alberts
Steven	Baker
Thomas	Beko
Alexander	Chen

Brenda	Erdoes
Robert	Erquiaga
Alan	Freer
Gabriel	Grasso
Dawn	Hooker
Evan	James
Gayle	Kern
Gregory	Kraemer
Risa	Lang
Christopher	Pandelis
James	Puzey
Brenda	Weksler
Donald H.	Williams

We the People Committee

Approved for a one-year term commencing July 2017:  
 Judge Elissa Cadish, Co-Chair, Marc Picker, Co-Chair, Jennifer Arledge and Lyn Beggs

Approved for a two-year term commencing July 2017:  
 Dixie Grossman, Adele Karoum, Judy Prutzman, Kevin Speed and Judge Alan Tiras

Nevada Bar Foundation Trustee

Approved for a two-year term commencing July 2017:  
 Connie Akridge, Ann Bersi, Mark Brandenburg and Kelley Jones

Standing Committee on Ethics and Professional Responsibility

Appointed- Shannon Nordstrom for a two-year term commencing July 2017.

Reappointed- Shawn Harpen for a two-year term commencing November 2017 and Denise Bradshaw for a two-year term commencing July 2017.

ABA House of Delegates -- Reappointed Tracy DiFillippo to the ABA House of Delegates for a two-year term commencing August 2017.

**EXECUTIVE SESSION**

The Board entered Executive Session at 2:45 pm and concluded at 3:40 pm.

**ELECTION OF OFFICERS**

It was moved, seconded and carried to approve the following slate of officers to the Board of Governors commencing June 29, 2017.

President-Elect: Richard Pocker

Vice President: Paul Matteoni

**ADJOURN**

There being no further business before the Board, the meeting was adjourned at 3:50 pm.