



**MINUTES
BOARD OF GOVERNORS MEETING
Pahrump, NV
October 12, 2011**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on October 12, 2011.

The following members were in attendance:

Frank Flaherty, President-Elect
Alan Lefebvre, Vice President
Cam Ferenbach, Immediate Past President
James Bradshaw
Elizabeth Brickfield
Eric Dobberstein
Elana Turner Graham
Gene Leverty
Paul Matteoni
Richard Pocker
Bryan Scott
Richard Scotti
Mason Simons
John White (ex-officio)

State Bar staff present:

Kimberly Farmer
Gale Skala
Emily Akerberg
David Clark
Laura Gould
Kristina Marzec
Lisa McGrane
Marc Mersol
Jennifer Smith

Guests: via phone

Scott Mahoney
Tom Beatty

The meeting was called to order by President-Elect Frank Flaherty at 9:00 a.m. there being a quorum present.

EXECUTIVE DIRECTOR’S REPORT, KIMBERLY FARMER

Kim Farmer reported on the progress of the TIP (Transitioning into Practice) Program. An outline of the program including frequently asked questions was sent to the Supreme Court to provide more details on the TIP program. Upon approval of the Court, the TIP program will begin in 2012 with the 2011 new admittees.

APPOINTMENTS

Publications

It was moved, seconded and approved to reappoint Walter Fey to the Publications Committee for a three year to expire in June 2014.

Section Appointments

It was moved, seconded and carried to approve the following slate of officers for a three year term to the Energy, Utilities and Communication Law Section effective July 2011.

- Chair: Fred Schmidt
- Vice Chair: Dan Reaser
- Secretary: Susanne Stark
- Treasurer: Kathleen Drakulich

Elizabeth Brickfield abstained from voting.

It is moved, seconded and approved to approve the following slate of officers to the Probate and Trust Section for a two year term effective September 2011.

- Chair: Mark Solomon
- Vice Chair: Brent Keele
- Secretary: Elizabeth Brickfield
- Treasurer: Tim Riley

Jim Bradshaw and Elizabeth Brickfield abstained from voting.

Fee Dispute Arbitration Committee

It was moved, seconded and approved to appoint Denise Mikrut as the Regional Chair of the Las Vegas Panel C for a one year term effective October 2011.

It was moved, seconded and approved to reappoint Todd Kennedy as the Regional Chair of the Las Vegas Panel A for a one year term effective October 2011.

It was moved, seconded and approved to reappoint the following volunteers for a three year term to the Fee Dispute Arbitration Committee.

S. Brent Vogel	Las Vegas Panel A	Effective August 2011
Raymond McKay	Las Vegas Panel C	Effective September 2011
Philip Dabney	Las Vegas Panel A	Effective October 2011
Robert Ebinger	Las Vegas Panel B	Effective October 2011
Kurt Faux	Las Vegas Panel B	Effective October 2011
Nicholas Frey	Reno	Effective October 2011

Marianne Gatti	Las Vegas Panel C	Effective October 2011
Jack Hegeduis, Sr.	Las Vegas Panel C	Effective October 2011
James Laughton, Jr.	Reno	Effective October 2011
Keith Loomis	Reno	Effective October 2011
David Morris	Reno	Effective October 2011
Jeremiah Pendleton	Las Vegas Panel B	Effective October 2011
E. Paul Richitt	Las Vegas Panel B	Effective October 2011
Lawrence Rouse	Las Vegas Panel B	Effective October 2011
Thomas Tanksley	Las Vegas Panel B	Effective October 2011
Ronald Warren	Carson City	Effective October 2011
Sandra O. Wilson	Reno	Effective October 2011
Jarold Young	Reno	Effective October 2011
E. Brent Bryson	Las Vegas Panel C	Effective October 2011
Edward Coleman	Las Vegas Panel C	Effective October 2011
Margaret Crowley	Reno	Effective October 2011
Bryan Dixon	Las Vegas Panel C	Effective October 2011
Philip Gerson	Las Vegas Panel C	Effective October 2011
Katherine Gordon	Las Vegas Panel C	Effective October 2011

It was moved, seconded and approved to appoint the following volunteers for a three year term to the Fee Dispute Arbitration Committee commencing October 2011.

Tamer Botros	Las Vegas Panel B
Augusta Massey	Las Vegas Panel C
Jill Northway	Las Vegas Panel C
Brandon Phillips	Las Vegas Panel A

Diversity Committee

It was moved, seconded and approved to reappoint the following volunteers for a one year term to the Diversity Committee commencing October 2011.

Kathleen Bergquist
 Augusta Massey
 Janet Belcove-Shalin

Law Related Education Committee

It was moved, seconded and approved to appoint Dean John White, Sue Davis and James Kenyon for a two year term to the Law Related Education Committee commencing October 1, 2011.

It was moved, seconded and approved to approve changing the name listed of the Advisory Commission on Law Related Education to the Law Related Education Committee.

Discipline Panels

It was moved, seconded and approved to appoint attorney Daniel Ivie for a three year term to the Southern Nevada Disciplinary Board commencing October 17, 2011.

It was moved, seconded and approved to appoint lay member William Holland for a three year term to the Southern Nevada Disciplinary Board commencing October 17, 2011.

It was moved, seconded and approved to appoint attorney Caren Jenkins for a three year term to the Northern Nevada Disciplinary Board commencing October 17, 2011.

It was moved, seconded and approved to appoint lay members Timothy Meade and Karen Pearl for a three year term to the Northern Nevada Disciplinary Board commencing October 17, 2011.

Temporary Member on the Judicial Selection Commission

It was moved, seconded and approved to appoint Andrew Mierins as a temporary member of the Judicial Selection Commission.

Standing Committee on Ethics and Professional Responsibility

It was moved, seconded and approved to appoint Shawn Harpen for a two year term to the Standing Committee on Ethics and Professional Responsibility Committee commencing November 1, 2011.

ACTION ITEMS

Financials

Marc Mersol reported on the financial operations and information systems. Mr. Mersol gave of an overview of the financial report ending August 31, 2011.

Standing Committee on Ethics and Professional Responsibility

David Clark gave an overview of the current process used by the Standing Committee on Ethics and Professional Responsibility (SCEPR) when drafting an opinion. Under the Supreme Court Rule 225, the Committee is only required to provide the request and hypothetical facts to Bar Counsel and the chairs of the Disciplinary Boards. Over the years the Committee has informally altered its practice and circulates the committee's draft opinion to the Discipline Boards and the Board of Governors for review. The Office of Bar Counsel then has a chance to comment on the conclusions rather than just the facts. Mr. Clark does not feel that there needs to be any change in the rule or process at this time. The bar appreciates the extra efforts the SCEPR takes to ensure the work of the committee is thorough.

It was moved, seconded and approved to support the SCEPR process.

LRIS/LRE Funding Proposal

It was brought to the attention of the LRIS Committee that three of the Nevada Bar Foundation's Law Related Education programs are in jeopardy if funding is not obtained due to budget cuts to the Center for Civic Education funding for fiscal year 2012.

The LRIS Committee voted to approve funding to the Nevada Bar Foundation (NBF) in the amount of \$77,276 which will cover the LRE program costs for 2012. The money will be distributed on a quarterly, as needed basis, with the expectation that the NBF will continue to explore other funding sources.

It was moved, seconded and approved to approve funding \$77,276 from the LRIS designated fund to the Nevada Bar Foundation for support of the 2012 LRE programming.

Section Listserve Requests

The Young Lawyers Section (YLS) has requested that the listserv be changed from opt in to an opt out set-up. YLS believes this will bolster the participation of section members, increasing the value and benefit of the service.

It was moved, seconded and approved to approve the proposed change of the YLS listserv from opt in to an opt out set-up.

The Real Property Section has requested a change in the listserv policies to allow confidential postings. The present listserv policy requires posts to list contact information on all messages.

It was moved, seconded and approved to reaffirm the listserv policy requiring contact information on all listserv posts.

Fee Dispute – Awards, Judgment

In approximately 10% of all fee dispute decisions rendered, the attorney will refuse to reimburse the client for the amount enumerated in the decision. If the attorney has signed a binding arbitration agreement, the policies for the Fee Dispute Arbitration Committee state that the regional chair may ask a Committee member to initiate suit on behalf of the client. Historically, few committee members volunteer to file suit against another attorney for a number of valid reasons. However, there are a few committee members who do so regularly, especially in egregious cases and when it involves an attorney who is frequently the subject of fee dispute complaints. The Board discussed this practice -- members taking on fee dispute clients and obtaining fees and reimbursements when agreeing to assist clients to take an arbitration award to judgment.

There was some concern regarding this practice thus it was moved, seconded and approved to table this discussion in order to obtain more information on the matter.

CONSENT ITEMS

Minutes of August 2011

It was moved, seconded and approved to approve the minutes of the August 2011 Board of Governors meeting.

UNLV Contract for Bar Exam

It was moved, seconded and approved to approve the contract with UNLV for the 2012 February Bar Exam.

Attorney Resignation

It was moved, seconded and approved to approve the resignation of Brian D. Cochran.

IOLTA Compliance

It was moved, seconded and approved to approve the list of members who are in non compliance of the IOLTA rules.

EXECUTIVE SESSION

The Board entered into Executive Session at 2:33 pm and concluded the Executive Session at 3:30 pm.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 3:30 pm.