



**MINUTES  
BOARD OF GOVERNORS MEETING  
Las Vegas, NV  
December 7, 2011**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on December 7, 2011.

**The following members were in attendance:**

Connie Akridge, President  
Frank Flaherty, President-Elect  
Alan Lefebvre, Vice President  
Cam Ferenbach, Immediate Past President  
Elizabeth Brickfield  
Larry Digesti  
Eric Dobberstein  
Elana Turner Graham  
Gene Leverty  
Paul Matteoni  
Richard Pocker  
Bryan Scott  
Richard Scotti  
Mason Simons  
Rick Trachok (ex-officio)  
David Wall  
John White (ex-officio)

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
David Clark  
Marc Mersol  
Jennifer Smith

**Guests: via phone**

Paola Armeni  
Dara Goldsmith

The meeting was called to order by President Connie Akridge at 10:30 a.m. there being a quorum present.

### **EXECUTIVE DIRECTOR'S REPORT, KIMBERLY FARMER**

Kimberly Farmer provided a synopsis on the revised Author Agreement presented by authors of the special feature scheduled for the February 2012 *Nevada Lawyer*. The *Nevada Lawyer* Editorial Board submitted the author's custom agreement to Board of Governors for approval. It was moved, seconded and carried to permit the authors of this feature to retain any copyright. The Board discussed the policy of the *Nevada Lawyer* with respect to final approval of article edits. It is the policy of the *Nevada Lawyer* that the *Nevada Lawyer* has final approval of all edits to articles and that final edits are not submitted to authors for approval. It was moved, seconded and approved to support the policies of the *Nevada Lawyer* with respect to the editorial process. Bryan Scott abstained from voting.

Kimberly Farmer reported on the Transitioning into Practice (TIP) program. A Supreme Court order sets forth a pilot TIP program. One of the steps to prepare for the pilot is for the Board to submit a list of mentors to the Supreme Court for approval. Because the mentor schedule does not coincide with Board meetings Ms. Farmer asked that the Board conduct this approval process via an email review and approval process. It was moved, seconded and carried to conduct an email review and approval process for TIP mentor applicants.

### **PRESIDENT'S REPORT, CONNIE AKRIDGE**

Connie Akridge reported the status on the 2012 Annual Convention. The convention will be held at the Del Coronado Hotel in Coronado, CA. June 27-30, 2012.

### **DISCUSSION ITEMS**

The Board discussed the following question using the generative discussion process.

*Could/should the Board of Governors take on a scheduled pro bono activity to promote pro bono?*

It has been suggested that the Board of Governors plan a Board pro bono activity. The Board did not schedule a Board of Governors pro bono activity during this discussion. But some thoughts and ideas that were brought up during the discussion included:

- Will the Board be able to inspire members to take more pro bono cases by the Board setting the example and reporting on their efforts?
- Perhaps the Board could host an *Ask a Lawyer* night.
- Board members could submit their pro bono activities to include in an article in the *Nevada Lawyer*.

### **REPORTS**

#### **Nevada Law Foundation, Dara Goldsmith**

Dara Goldsmith provided a synopsis of the 2010 yearly audit report for the Nevada Law Foundation (NLF). She noted that during the 2010 calendar year, sixteen organizations statewide were funded in the total amount of \$1,650,000. The goal for this year is to be able to provide more funding to organizations. Ms. Goldsmith thanked the Board for their support.

**Nevada Bar Foundation Review, Dara Goldsmith**

Dara Goldsmith provided an overview on the current Bylaws and Articles of the Nevada Bar Foundation (NBF). Currently the NBF is classified as a private foundation. Ms. Goldsmith pointed out that being classified as a private foundation is less attractive to potential donors. She also noted that being classified as a private foundation can result in the imposition of various taxes. Connie Akridge asked that the Nevada Bar Foundation Trustees review the NBF's Bylaws and Articles and status (private or public foundation).

**Young Lawyers Section, Paola Armeni**

Paola Armeni provided highlights of the Young Lawyers Section (YLS) activities. Ms. Armeni requested approval for additional funds to the 2012 YLS budget because YLS member dues will not cover 2012 budgeted expenses. The YLS expenses are projected higher in 2012 due to the trial academy that is presented at the annual convention and revisions to the Goldilocks program.

**APPOINTMENTS**

**Member Benefits and Services Committee**

It was moved, seconded and approved to reappoint the following members for a two year term commencing December 2011.

Bret Whipple  
Doug Clark  
Shawn Pearson

**Section Committee**

It was moved, seconded and approved to appoint the following slate of officers and committee chairs and co-chairs to the Intellectual Property section serving a one year term effective November 2011.

Linda Norcross, Chair  
Charles Lombino, Vice Chair  
Laura Bielinski, Secretary  
Derek Jamison, Treasurer  
Membership Chair, Richard Newman  
Membership Co-Chair, Elda Sidhu  
Legislative/Substantive Chair, Seaton Curran  
Legislative/Substantive Co-Chair, Chad Miller  
CLE Chair, Dick Schulze  
CLE Co-Chair, Kim Cooper

Frank Flaherty abstained from voting.

It was moved, seconded and approved to appoint the following slate of officers and committee chairs and co-chairs to the Administrative Law section serving a one year term effective November 2011.

John Griffin, Chair  
Shane Young, Vice Chair  
Shawn Elicegui, Secretary  
Alicia Ashcraft, Treasurer

It was moved, seconded and approved to appoint the following Executive Committee members to the Real Property section.

Chris Childs, two year term effective November 2011  
Elizabeth Fielder, three year term effective November 2011  
Mandy Shavinsky, four year term effective November 2011

It was moved, seconded and approved to appoint the following slate of officers and at-large members to the

Environmental and Natural Resources section serving a one year term effective November 2011.

Linda Bullen, Co-Chair  
Therese Ure, Co Chair  
Laura Schroeder, Secretary  
David Hornbeck, Treasurer  
Thomas Woodworth, At-large member  
Chris Mixson, At-large member  
Karen Peterson, At-large member  
Tom Wilczek, At-large member

Paul Matteoni and Elizabeth Brickfield abstained from voting.

### **Fee Dispute Arbitration Committee**

It was moved, seconded and carried to approve the following reappointments to the Fee Dispute Arbitration Committee for a three year term effective December 2011.

Robert Apple, LV Panel A  
Morton Friedlander, LV Panel A  
Robert Tarte, LV Panel B  
Amanda Cowley, LV Panel A  
Michael Federico, LV Panel C  
Paul Gaudet, LV Panel B  
Gregory Gordon, LV Panel B  
Robert Gower, LV Panel C  
David Jones, LV Panel C  
Bryan Lewis, LV Panel C  
Henry Rawlings, LV Panel C  
Brian Shapiro, LV Panel A  
Sgt. Victor Vigna (lay member), LV Panel C

It was moved, seconded and approved to appoint Joseph Went to the Fee Dispute Arbitration Committee for a three year term effective December 2011.

### **Clients' Security Fund**

It was moved, seconded and approved to appoint the following Chair and Vice Chair to the Clients' Security Fund for a one year term.

Janet Pancoast, Chair, effective January 2012  
Jeffrey Posin, Vice Chair, effective March 2012

### **Discipline Panels**

It was moved, seconded and approved to appoint Richard Litt to Southern Nevada Disciplinary Board for a three year term effective December 12, 2011.

It was moved, seconded and approved to remove Scott L. Smith from the Southern Nevada Disciplinary Board effective December 7, 2011.

### **Lawyer Advertising Committee**

It was moved, seconded and approved to appoint Taylor Randolph to the Southern Nevada Advertising Committee for a two year term effective December 2011.

### **Publications Committee**

It was moved, seconded and carried to approve Howard Siegel and Mark Rouse to the Publications Committee for a three year term effective January 2012.

**Advisory Commission on the Administration of Justice**

It was moved, seconded and approved to reappoint Larry Digesti and Phillip Kohn for an additional two year term to the Advisory Commission on the Administration of Justice effective December 2011. Larry Digesti abstained from voting.

**Standing Committee on Judicial Ethics**

It was moved, seconded and approved to reappoint Patrick Byrne, Steven Day and Carla Higginbotham for an additional two year term on the Standing Committee on Judicial Ethics commencing January 2012. It was moved, seconded and approved to appoint the following attorneys as members of the Standing Committee on Judicial Ethics for a two year term commencing January 2012.

Kevin Briggs  
Laurie Diefenbach  
Bill C. Hammer

**Standing Committee on Transitioning into Practice**

It was moved, seconded and approved to appoint the following attorneys to the Standing Committee on Transitioning into Practice. The committee will determine which members will be appointed initially for only one year with a lifetime term of nine years in order that the committee members serve staggered terms.

Paola Armeni  
Dara Goldsmith  
Gregory Kamer  
Ruth Miller  
John Steffen  
Thomas Stockard

**Character and Fitness Committee**

It was moved, seconded and approved to reappoint the following members for an additional three year term to the Character and Fitness Committee effective November 2011.

Lori Story  
Kevin Kelly  
Dr. Gregory Brown  
Dr. Michael Levy

**ACTION ITEMS**

**October 2011 Financials/2012 Budget**

Marc Mersol reported on the October 2011 financial report. Mr. Mersol presented the 2012 proposed budget. It was moved, seconded and carried to fund the Young Lawyers Section 2012 budgeted shortfall. Larry Digesti abstained.

It was moved, seconded and carried to approve the proposed 2012 budget.

**Investment Committee**

The report of the Investment Committee was tabled until January 2012.

### **Amendment to Policies – Communications**

It was moved, seconded and carried to approve the following subsection 4.5 to the Policy 4: Communications of the Bylaws of the Board of Governors.

*4.5 Directed Communication with Constituency* - Board members may communicate directly with members of their constituencies. Communications may be disseminated in any media form. Mailing lists will be provided at no cost to the Board member for such communications.

- (a) Communications shall include the following statement at the beginning of the document in no smaller than a 10 point font, "Message from Your Board of Governor. This message is sent to you as a personal opinion from your representative Board of Governor and may not represent the positions or views of the State Bar of Nevada Board of Governors."
- (b) Communication that express personal opinion must clearly state the collective decision of the Board of Governors, if there is one, in addition to the opinion. In this instance, the communication must include a disclaimer stating, "The content of this communication is the personal opinion of the author and not that of the Board of Governors."
- (c) Communications may not include decisions reached or opinions expressed during executive session.
- (d) A copy of any communication sent to members by Board members will be kept by the Executive Director of the State Bar of Nevada.

### **Lawyer Advertising Yearly Report**

It was moved, seconded and carried to approve the Lawyer Advertising Yearly Report scheduled to be submitted to the Supreme Court.

### **CONSENT AGENDA**

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

- Minutes of October 2011
- LaJolla Beach and Tennis Club Contract
- Attorney Resignations -- Lennie N. Gee and William A. Hehn.

### **EXECUTIVE SESSION**

The Board entered into Executive Session at 2:45 pm and concluded the Executive Session at 3:10 pm.

### **ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 3:10 pm.