



**MINUTES**  
**BOARD OF GOVERNORS MEETING**  
**Las Vegas, NV**  
**December 5, 2012**

A regular meeting of the Board of Governors of the State Bar of Nevada was convened on December 5, 2012.

**The following members were in attendance:**

Frank Flaherty, President  
Alan Lefebvre, President-Elect  
Connie Akridge, Immediate Past President  
Paola Armeni  
Larry Digesti  
Eric Dobberstein  
Gene Leverty  
Paul Matteoni  
Ann Morgan  
Richard Pocker  
Bryan Scott  
Richard Scotti  
David Wall

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
David Clark  
Marc Mersol  
Lori Wolk

**Guests:**

Jeremy Reichenberg, via telephone  
Robert Kim, via telephone  
Nathan Sosa, via telephone  
Michael Buckley

The meeting was called to order by President Elect Alan Lefebvre at 9:31am there being a quorum present.

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### **EXECUTIVE DIRECTOR'S REPORT**

Kim Farmer reported on the status of the ADKT amending SCR 210. The ADKT would make mandatory one CLE credit each year in the area of substance abuse, addiction and/or mental health disorders. The Supreme Court has approved amending SCR 210 making mandatory one CLE credit every three years in the area of substance abuse, addiction and/or mental health disorders.

### **APPOINTMENTS**

#### **Commission on Judicial Selection**

It was moved, seconded and carried to appoint Richard Sears as a temporary member to the Commission on Judicial Selection for the Seventh Judicial District.

It was moved, seconded and carried to reappoint Valerie Cooney for a four year term as a permanent member to the Commission on Judicial Selection.

It was moved, seconded and carried to appoint Gregory Kamer for a four year term as a permanent member to the Commission on Judicial Selection.

#### **Commission on Judicial Discipline**

It was moved, seconded and carried to reappoint Wayne Chimarusti to the Commission on Judicial Discipline for a four year term.

It was moved, seconded and carried to appoint Laurence Irwin as an alternate member to the Commission on Judicial Discipline.

#### **Standing Committee on Judicial Ethics and Election Practices**

It was moved, seconded and carried to reappoint the following attorneys for a two year term to the Standing Committee on Judicial Ethics and Election Practices.

Eric Dobberstein  
Robert Martin  
Michael Pagni  
G. David Robertson  
Bernard Zadrowski

Eric Dobberstein abstained from voting.

It was moved, seconded and carried to appoint Janette Bloom for a two year term to the Standing Committee on Judicial Ethics and Elections Practices.

## **REPORTS**

### Young Lawyers Section

Jeremy Reichenberg gave an overview of the current activities of the Young Lawyers Section. The Section hosted Project Salute for the first time in November. The Law-suits clothing drive was a great success again this year.

Mr. Reichenberg gave a status update on the membership of YLS. The section is currently looking for ways to increase their membership. He also presented a report on the proposed 2013 budget for YLS.

## **ACTION ITEMS**

### October 31, 2012 Financials

Marc Mersol presented the financial report as of October 31, 2012. Mr. Mersol then gave an overview and highlights of the proposed 2013 budget for the State Bar of Nevada. It was moved, seconded and carried to approve the proposed 2013 budget.

### Investment Committee

Marc Mersol gave an overview of the State Bar of Nevada investments noting that it is the recommendation of the State Bar Investment Committee to continue to invest through Northern Trust Securities. It was moved, seconded and carried to approve to accept the report and recommendations of the Investment Committee.

### Audit Committee

Marc Mersol reported that the State Bar solicited proposals for auditors for the 2012 Audit. Approximately 30 CPA firms were contacted and 4 were given an RFP package. The Audit Committee is recommending that the State Bar engage the Reno CPA firm named Banard Vogler and Co. The firm has a strong reference and clientele list which includes working with the Supreme Court of Nevada. It was moved, seconded and carried to accept the report and recommendation of the Audit Committee.

### Bankruptcy Section: Amicus Curiae

The Bankruptcy Section accepted an invitation from the Supreme Court of Nevada to file an Amicus Curiae brief in the Weinstein v. Fox appeal currently before the Court. It was moved, seconded and carried to approve filing the Amicus Curiae brief by the section.

### Legislation: Business Law Section

Robert Kim, Chairman of the Business Law Section, provided a summary of the proposed legislative initiatives, as recommended by the Executive Committee of the Business Law Section.

Upon discussion of each proposed amendment, it was moved, seconded and carried for approval and endorsement by the State Bar the following proposed amendment changes as noted.

NRS 78.135 – section may assert that the position is endorsed by the state bar and the section.

NRS 78.139 - section may assert that the position is endorsed by the state bar and the section.

NRS 86- section may assert that the position is endorsed by the state bar and the section.

NRS 92A.390 - section may assert that the position is endorsed by the state bar and the section.

These amendments will be sent to section members for review and comment.

It was moved, seconded and carried that the section shall present the proposed changes to NRS 82/NRS 695B.050 as a position solely of the section. The Board asked the section to seek review from the Insurance Commissioner. If the Insurance Commissioner supports the proposed changes, they may assert that the legislative position is endorsed by the State Bar as well.

It was moved, seconded and carried to deny the proposed changes to NRS 78.585/NRS 86.505. The section may not take a position on this matter. Note: the Section later clarified this position, the Board supported the position (see email vote, December 14, 2012).

### Animal Law Section

Nathan Sosa updated the Board on the proposed Legislative changes to NRS 41.740. It was moved, seconded and carried to deny the proposed changes to NRS 41.740. The section may not take a position on this matter.

### Electronic Document Imaging

The Members Services department requested approval to scan and maintain all existing and future membership files electronically, purging all original documents. In addition the department is requesting approval of the contract submitted by Guardian Document Imaging, Inc. to allow scanning, electronic storage and purging of all existing membership files.

It was moved, seconded and carried to approve both the scanning and maintaining of existing and future membership files and the contract allowing the process to be done.

### Section Policies – CLE, Books

A Policies and Procedures Manual for Sections will be submitted to the Board of Governors. Kim Farmer gave an overview of the CLE proposal seeking to formalize CLE revenue split with sections and also the Publications Profit Sharing Incentive Policy.

It was moved, carried and approved to approve the proposed CLE revenue split and the Publications Profit Sharing Incentives policy.

## **DISCUSSION ITEMS**

### Facilities

Kim Farmer gave a status report on the Azure building. The Facilities Committee recommends canceling the Purchase and Sale Agreement or the Azure property. It was moved, seconded and carried to support the Facilities Committee recommendation.

## **EXECUTIVE SESSION**

The Board entered into Executive Session at 1:00 pm and concluded the Executive Session at 3:15 pm

## **CONSENT AGENDA**

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

### **Minutes of October 2012**

**Access to Justice Commission Speakers Bureau** – approved formal adoption of a Public Speakers Bureau, administered through the Access to Justice Director, to launch in January 2013.

**Lawyer Advertising Yearly Report** – approved the 2012 Lawyer Advertising Yearly Report to be submitted to the Supreme Court of Nevada.

**Contracts** – approved the following contracts.

- LaJolla Beach and Tennis Club
- LRIS Software Contract
- Destination Tahoe Meetings & Events

### **Sponsorship Opportunities**

Approved additional revisions to the E Newsletter Content Policy

## Appointments

Disciplinary Board – approved reappointment of Sheila Romero to the Northern Advertising Committee

Fee Dispute Arbitration Committee – approved for a three year reappointment effective December 2012:

David Salmon-Las Vegas Panel A  
William Brenske-Las Vegas Panel C  
Carolyn Broussard, Las Vegas Panel C  
R. Nathan Gibbs, Las Vegas Panel C  
Craig Burkett, Reno  
Darrell Faircloth, Reno  
Andrea Nichols, Reno  
Richard Teichner, Reno  
John Lambert, Rural  
Todd Plimpton, Rural  
Virginia Shane, Rural

Approved for a three year appointment effective December 2012 – Ricardo Ehmann, Las Vegas Panel B

TIP Mentor – approved the following attorneys as mentors on the Transitioning into Practice Standing Committee

Sean Anderson	Jennifer Kissel-Morales
Robert Angres	Joseph Kistler
Trevor Atkin	Michael B. Lee
Melissa Beutler	Jim Leslie
Bo Bingham	Michele LoBello
Michael Bohn	Hon. William Maddox
Louis Bubala	Don Martin
Ernest Buche, Jr.	Sean McGuinness
James Bureau	Alexandra McLeod
Sarah Carrasco	Janice Michaels
Scott Chapman	Becky Pintar
Sigal Chattah	Dennis Prince
Matthew Christian	Wade Rabenhorst
Sean Claggett	Jordan Savage
Summer Clarke	Jay Schuttert
Noreen DeMonte	Adam Smith
Nicholas Drakulich	Ariel Stern
Matthew Forstadt	Kirby Wells
Jeffrey Garofalo	Robert Werbicky
Paul Georgeson	Jason Williams
Paul Gregory Giordano	Ryan Works
Michael Haight	Anthony Wright
Karen Hanks	Bernard Zadrowski
Craig Hendricks	

## Member Benefits and Services

Approved for a two year term – Angela Ochoa, Lesley Cohen and Kait Flochini

Approved Officers:

Chair – J. Douglas Clark

Vice Chair – Lesley Cohen

### Tax Law

Approved the following slate of officers:

Michael Kearney, Chair  
Russell Bowler, Vice Chair  
Andrew Glendon, Secretary  
Donald Ross, Treasurer

### Intellectual Property

Approved the following slate of officers:

Charles Lombino, Chair  
Laura Bielinski, Vice Chair  
Derek Jamison, Secretary  
Erin Lewis, Treasurer

### Adjournment

There being no further business before the Board, the meeting adjourned at 3:55 pm.

## Board of Governors

### Email Votes

#### **Email Vote of the Board, December 14, 2012**

Robert Kim, chairman, Business Law section clarified the Board's concern regarding proposed changes to NRS 78.585/NRS 86.505. Upon clarification, President Frank Flaherty asked for an email vote requesting the Board to amend the motion passed by the Board on December 5, 2012, denying the Business Law Section's proposal, to provide that rather than denying the proposal, the Board of Governors approves the section presenting the proposal to the Legislature as the position of the of the Business Law Section of the State Bar of Nevada. It was moved, seconded and carried to approve the endorsement of the Business Law Section for the proposed changes to NRS 78.585/NRS 86.505 to the Legislature.

#### **Email Vote of the Board, January 8, 2013**

The Commission on Judicial Selection has begun the process to fill the vacancy in the Second Judicial District Court, Department 10. Pursuant to Article 6, Section 20, Subsection 4(c) of the *Constitution of the State of Nevada*, the Board of Governors of the State Bar of Nevada will appoint a temporary member of the Commission on Judicial Selection. The appointee must be a member of the State Bar and reside in the judicial district in which the vacancy occurs.

It was moved, seconded and carried to appoint Graham Galloway as a temporary member to the Commission on Judicial Selection for the second Judicial District.

#### **Email Vote of the Board, February 1, 2013**

Mr. James Seymour, President, New York State Bar Association, has asked the State Bar of Nevada to be a cosponsor to a resolution that is being presented to the ABA House of Delegates during the 2013 ABA Midyear meeting. The resolution is calling on federal elected officials to adequately fund the federal courts and the Legal Services Corporation.

It was moved, seconded and carried to cosponsor the resolution that is being presented by the NYSBA at the House of Delegates during the ABA Midyear meeting.

## **Email Vote of the Board, February 13, 2013**

At the December Board of Governors meeting, Ann Morgan made a motion to streamline the discipline process by initiating changes to Supreme Court Rules via ADKT petition, but because the details of the motion were not readily ascertainable at that time, she agreed to allow Bar Counsel and the Executive Committee to reduce her motion to writing and forward it to the Board via email.

February 13<sup>th</sup> email vote - It was moved that the Board of Governors direct the Office of Bar Counsel to draft an ADKT petition on an expedited basis to accomplish the following purposes:

- amend SCR 103 to allow disciplinary panel vice chairs to designate hearing panels chairs and hearing panels, which will result in prompt appointment of hearing panel chairs to resolve discovery and other pre-hearing issues and expedite processing of cases;
- amend SCR 105 (2) (b) to require appointment of a hearing panel chair within 30 days of an answer and thus eliminate an “indefinite” period from the hearing timeline concerning appointment of hearing panel chairs;
- amend SCR 105.5 to accord with the amendment to SCR 103;
- amend SCR 113 to accord with the amendment to SCR 103;
- amend SCR 116 to accord with the amendment to SCR 103.

It is further moved that the Board of Governors delegate to the Executive Committee the authority to approve the draft ADKT petition prepared by the Office of Bar Counsel in accordance with this motion for prompt execution by the President and filing with the Nevada Supreme Court.