



**Minutes – Board of Governors Meeting
December 1, 2020
Via Zoom Meeting**

A meeting of the Board of Governors of the State Bar of Nevada was convened on December 1, 2020.

The following members were in attendance:

Eric Dobberstein, President
Ann Morgan, President-Elect
Paola Armeni, Vice President
Paul Matteoni, Immediate Past President
Jeff Albreghts
Seth Adams
Julie Cavanaugh Bill
Doug Clark
Terry Coffing
Andrew Craner
Richard Dreitzer
Gene Leverty
Joel Locke
Catherine Mazzeo
Kari Stephens
Brittnie Watkins

State Bar staff present:

Kimberly Farmer
Lisa Dreitzer
Marc Mersol
Manny Botello
Dan Hooge

Guests:

Dean Hamilton
Nakia Jackson-Hale
Augusta Massey

CALL TO ORDER

President Eric Dobberstein called the meeting to order with a quorum present at 9:05 am. Mr. Dobberstein addressed the Board and welcomed everyone.

BOARD BOOK CLUB DISCUSSION

The Board discussed the book, *How to be an Antiracist*, by Ibram X. Kendi.

CONSENT AGENDA

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

- August 31, 2020 Meeting Minutes
- Directors & Officers/Cyber Security Insurance
- Member Benefits/Business Partners Contracts
- Section Appointments
- Resignations

DISCUSSION

Unclaimed/Unidentifiable Funds:

Kimberly Farmer provided the Board an overview of issues relating to unclaimed/unidentifiable funds in attorney trust accounts, noting that the Supreme Court Rules are silent on this issue. Dan Hooge shared information on Nevada's statutes covering unclaimed funds and statistics on how other states handle unclaimed funds. He provided the Board an in-depth look at the types of funds that a rule change would cover.

It was moved, seconded, and carried to petition the Supreme Court seeking to amend Nevada Rule of Professional Conduct 1.5 to allow for the remittance of unclaimed or unidentified property in a lawyer's client trust account to the Nevada Bar Foundation.

Annual Meeting:

The Board discussed the concerns related to the Annual Meeting in 2021 with the COVID-19 health crisis still being a big unknown as we move into 2021.

REPORTS

Blue Ribbon Committee on Diversity and Inclusion Report:

Ann Morgan recapped the Affinity Bar Roundtable meeting and informed the Board that all the Affinity Bars are taking steps to advance the agenda of diversity, equality and inclusion. Kimberly Farmer provided the Board an overview of the different reports included in the materials including the demographics report. Ms. Farmer discussed the benefits of conducting an expanded demographics survey designed to seek input on work experiences and other information from minority attorneys.

It was moved, seconded, and carried to approve a Demographic Survey to be conducted by an independent firm.

Office of Bar Counsel Report:

Dan Hooge presented the report and statistics covering matters in the Office of Bar Counsel.

LVNBA Report:

Augusta Massey provided the Board an overview of the goals and objectives of the Las Vegas Chapter of the National Bar Association.

William S. Boyd School of Law:

Dean Hamilton provided the Board and update on activities at the Boyd School of Law. Specifically, he provided updates on the Justice Michael Douglas Pre-Law Fellowship.

FINANCIAL REPORT

Marc Mersol presented a summary of the state bar's Financial Report for October 31, 2020. Marc Mersol also presented the proposed 2021 operating budget to the Board and suggested revisions to financial policies

It was moved, seconded, and carried to accept the October 31, 2020 financial report.

It was moved, seconded, and carried to approve the 2021 operating budget.

It was moved, seconded, and carried to amend the second signature and depreciation policy.

The Board discussed the designated funds held on the state bar's balance sheet. It was moved, seconded, and carried to set the Dues Designated Fund at \$2 million.

After much discussion on ideas for use of the designated funds, the Board agreed to bring the issue back to the to the Budget Committee for further consideration on the allocation of the designated funds. The designated funds are to be used to develop programs and initiatives that promote the goals in the state bar's strategic plan.

ACTION ITEMS

ADKT ADR Rule Changes:

Dan Hooge highlighted the proposed changes to the Supreme Court rules governing compensation for arbitrators and mediators, judge pro tempore and adjustments to the cap on attorney fees awarded in the court annexed arbitration program.

It was moved, seconded, and carried to seek rules changes that would increase the cap on compensation for arbitrators and mediators to \$150 per hour with a maximum of \$2,500 per case and for judges pro tempore to \$200 per hour with a maximum of \$3,000 per case. To also seek amendments for the cap on attorneys' fees awarded in the court annexed arbitration program to \$10,000, and to ask the Court to consider an amendment to NRCP 68 to invoke offer of judgment penalties in court-annexed arbitration proceedings.

ADKT Standing Committee on Ethics and Professional Responsibility:

Lisa Dreitzer highlighted the proposed Supreme Court Rule changes from the Standing Committee on Ethics and Professional Responsibility.

It was moved, seconded, and carried to approve the proposed amendments that would remove the "process" language from Court Rule and replacing it with Rules of Procedure that outline the process for requesting an advisory opinion, how the Committee evaluates and screens requests, and the process for soliciting public comment prior to formally publishing an opinion. The proposed amendments also establish lifetime term limits for service on the Committee at 12 years.

ADKT BOG Elections / Annual Meeting:

Kimberly Farmer highlighted the proposed changes concerning Board of Governors elections and timing of the Annual Meeting.

It was moved, seconded, and carried to approve submission of a petition seeking to amend Nevada Supreme Court Rules to remove process-oriented language, reflect current practice, and untie Board of Governors election timeframes from the annual meeting.

Tenant Buildout Proposal:

Kimberly Farmer provided the Board and overview of the buildout proposal for the vacant tenant spaces at the 3100 West Charleston building.

It was moved, seconded, and carried to approve the budget to develop plans for spec suites for vacant tenant spaces.

CLE Board/Northern Nevada Bar Center:

Kimberly Farmer provided the board an overview of the bar's proposal to the Nevada Board of Continuing Legal Education to lease office space from the state bar at the Northern Nevada Bar Center

It was moved, seconded, and carried to approve submission of the plan to the Nevada Board of Continuing Legal Education.

APPOINTMENTS

The Board approved the following appointments:

CLE Board:

Richard Dreitzer, one-year term expiring December 31, 2021

Andrew Mierens, three-year term expiring December 31, 2023

Commission on Judicial Discipline:

Donald Christiansen, four-year term expiring December 31, 2024

Standing Committee on Judicial Ethics:

Audrey Beeson, two-year term expiring January 31, 2023

Susan Bush, two-year term expiring January 31, 2023

Patrick Chapin, two-year term expiring January 31, 2023

Elissa Luzaich, two-year term expiring January 31, 2023

Nicole Ting, two-year term expiring January 31, 2023

Richard Dreitzer abstained.

State of Nevada Judicial Selection Commission:

Gregory Kamer, four-year term ending December 31, 2024

The Board of Workers' Compensation Specialization:

Dalton Hooks

three-year term ending December 31, 2024

Standing Committee on Ethics and Professional Responsibility:

Appointed to two-year terms ending September 30, 2022

Melissa Brown

Alan Freer

Joe Garin

Josh Gilmore

Paul Hejmanowski
Brett Kandt

Appointed to a one-year term ending January 1, 2022

Chair: Brett Kandt

Vice Chair: Melissa Brown

Southern & Northern Nevada Disciplinary Boards:

It was moved, seconded, and carried to approve the slate of applicants to a three-year term ending December 31, 2023.

Barth Aaron

Marilee Cate

Sara Montalvo

Eric Stovall

Michael Sullivan

Marc Cook

John Bragnonje

Alan D. Freer

Christopher Lalli

Thomas R. Sheets

Jeffrey Sloane

Joseph G. Went

Reed Werner

Non-Attorney

Timothy Meade

Brian Catlett

Nicholas Kho

Appointed to a one-year term ending December 31, 2021

Chair: Eric Stovall

Vice Chair: Kendra Bertschy

VIA Email Vote on December 22, 2020

It was moved, seconded and carried to authorize the Real Property Section to file the amicus brief in Editha Salvador v. Countrywide Home Loans Inc.; Bank of America, N.A. (BANA); Mortgage Electronic Registration Systems, Inc. (MERS); Quality Loan Service Corporation; and Bank of New York Mellon, F/K/A Bank of New York

