



**BOARD OF GOVERNORS MEETING  
Carson City, NV  
January 24 and January 25, 2017**

A meeting of the Board of Governors of the State Bar of Nevada was convened on January 24, 2017.

**The following members were in attendance on January 24 and January 25, 2017:**

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  
Dan Hamilton  
Jack Howard  
Paul Matteoni  
Ann Morgan  
Ryan Russell  
Kari Stephens  
Ryan Works

**State Bar staff present:**

Kimberly Farmer  
Gale Skala  
Lisa Dreitzer  
Marc Mersol  
Stan Hunteerton  
Shelley Young

**Guest:**

Rew Goodenow  
Jeff Conner  
Marc Picker  
Elana Graham  
Brian Kunzi, telephonic

**January 24, 2017**

**CALL TO ORDER**

President Bryan Scott called the meeting to order with a quorum present at 1 pm.

**CONSENT AGENDA**

Approved: Minutes for December 1, 2016.

Approved Attorney Resignations

Lucy Anthony	Philip Goldstein
Victor John Austin	Thomas Green
Charles Bischoff	Robert Hull
Glenn Carter	Daniel Ingrassia
Carl Eurenus	Kelly LaFave

**Contracts**

Approved: Brazos Hall, Austin Texas

**Appointments**

Approved

Entertainment Law Section: following slate of officers for a one year term ending January 2018:

Chair: Howard Siegel  
Vice Chair: Russell Christian  
Secretary: David Khan  
Treasurer: Matthew Pruitt

Construction Law Section: following slate of officers to a one year term ending December 2017:

Chair: Carolyn Renner  
Vice Chair: Michael Wadley  
Secretary: Alex Flangas  
Treasurer: Eva Segerblom

Litigation Law Section: following slate of officers to a one year term ending December 2017:

Chair: Tracy DiFillippo  
Vice Chair: Maximiliano Couvillier III  
Secretary: David Carroll  
Treasurer: Shannon Pierce

Approved

Following New TIP Mentors:

Ashlie L. Surur	Hall, Jaffe & Clayton, LLP	Las Vegas
Clay R. Treese	The law Office of Clay R. Treese	Las Vegas
Daniel R. Page	Clark County Special Public Defender	Las Vegas
David J. Freeman	Holland & Hart	Las Vegas
Israel "Ishi" L. Kunin	Kunin Law Group	Las Vegas
Jacqueline M. Bluth	Clark County District Attorney's Office	Las Vegas
Jeffrey B. Setness	Fabian VanCott	Las Vegas
Jennifer M. Clemons	Clark County District Attorney's Office	Las Vegas
Keith D. Williams	Patti, Sgro, Lewis & Roger	Las Vegas

Kristin A. Schuler-Hintz	McCarthy Holthus	Las Vegas
Linda N. Daykin	Law Office of Linda Nagy Daykin	Reno
Michael D. Stein	Snell & Wilmer, LLP	Las Vegas
Michelle N. Fleck	Clark County District Attorney's Office	Las Vegas
P. Sterling Kerr	Law Offices of P. Sterling Kerr	Henderson
Peter D. Navarro	Holland & Hart	Las Vegas
Ravi N. Bawa	Clark County District Attorney's Office – Juvenile Division	Las Vegas
Shann D. Winesett	Pecos Law Group	Henderson
Sharla S. Hales	Sharla S. Hales, Esq.	Minden
Sonia I. Church Vermeys	Brownstein Hyatt Farber Schreck	Las Vegas

Approved

For appointment as Las Vegas Panel B Regional Chair for a one-year term.

Name	Effective Date
Brandon McCoy	January 2017

Reno panel member Karl Smith now resides in Las Vegas. The Fee Dispute Arbitration Committee respectfully requests that he be transferred to Las Vegas Panel A; his appointment expires April 2017.

Name	Effective Date
Karl Smith (Reno panel member)	January 2017

For a three-year appointment to the Fee Dispute Arbitration Committee.

Name	Regional Panel	Effective Date
Tina Zhang	LVC	January 2017

Approved

Dan Polsenberg and Tracy DiFillippo to the ABA National Caucus of the State Bar Associations. Dan Polsenberg to the ABA House of Delegates for a two year term ending August 2018.

Approved

2016 Annual Advertising Report

**PRESIDENT'S REPORT**

Bryan Scott presented an overview of the joint meeting with the Supreme Court. Mr. Scott highlighted issues that he believed would be discussed during the meeting.

Mr. Scott spoke about the upcoming annual meeting in Austin, Texas at the end of June 2017.

**EXECUTIVE DIRECTOR REPORT**

Kimberly Farmer gave an overview on the 2016 State Bar Annual Report.

**REPORTS**

- Nevada Center for Civic Engagement/ We the People

Marc Picker, President of the Nevada Center for Civic Engagement (NVCCE) gave a synopsis and history of this newly formed organization. Mr. Picker discussed that the Center has applied for a 501(c) (3) with the

intent to provide civics programs to students statewide. The Center has begun filing applications with foundations and other organizations which provide grants for educational purposes. Mr. Picker reviewed the goals of the Center, with management of the We the People program being one of the NVCCE main goals. The NVCCE hopes the state bar will turn over management of the program to the NVCCE.

Upon further discussion between Board members asked that staff review the proposal and report back to the Board with recommendations.

## **DISCUSSION**

- Bar Exam Process

Brian Kunzi presented an overview of the Admissions department operations as it relates to the bar exam and application process. Mr. Kunzi spoke of his concerns regarding the growing cost of administrating the exam. The increase in special accommodations requires additional needed space to administer the exam.

- Malpractice Insurance

The Board discussed issues regarding attorneys caring malpractice insurance. Elana Graham reviewed the process Oregon implemented regarding mandatory malpractice insurance for attorneys. It was moved, seconded and carried to form a taskforce to study pros and cons of a mandatory malpractice insurance requirement for Nevada attorneys. Members of the taskforce are Connie Akridge, Doug Clark, Elana Graham, Gene Leverty, and Eric Dobberstein.

- Avvo

Kimberly Farmer presented a synopsis of Avvo's business model and provided highlights of the meeting the Executive Committee had with Josh King, Chief Legal Officer, Avvo.

- Reciprocity – Military Spouses/Limited Practice Admission

The Military Spouse J.D. Network has proposed that Nevada join its network of states that provides a provisional or temporary admission to attorney spouses of active military personnel. Kimberly Farmer outlined the proposal. A taskforce was formed to study proposal and also to study the pros and cons of reciprocity. Members are: Ann Morgan, chair, Julie Cavanaugh Bill, Gene Leverty, Paola Armeni, Richard Dreitzer, Rick Pocker and Dan Hamilton.

## **Adjourned**

There being no further business before the Board, the meeting was adjourned at 4:45 pm.

## **January 25, 2017**

### **CALL TO ORDER**

President Bryan Scott called the meeting to order with a quorum present at 9:15 am.

Bryan Scott discussed the materials the Board of Governors received from the Nevada Board of CLE. Jenny Hubach, chair of the Nevada Board of CLE was unable to attend the Board meeting. Thus presentation by Ms. Hubach will be an April Board of Governors meeting agenda item.

### **REPORTS**

- Young Lawyers Section

Jeff Conner, Chair of the Young Lawyers Section (YLS), presented an overview of recent YLS activities. Due to recent storms in Reno, YLS has focused on disaster planning by staying in contact with individuals involved with Disaster Legal Services at the ABA. Mr. Connor stated that the Trial Academy preparation is in full swing

and planning for this year is going accordingly. YLS is also working with students at Boyd Law School to determine whether law students are interested in developing a mentorship program between YLS and Boyd.

**DISCIPLINE REPORT**

Stan Hunterton reported on the status of the Office of Bar Counsel (OBC) and the progress on the discipline backlog.

**INTAKE:**

<b>Grievances Pending in Intake</b>	
July 2014	150
January 2015	100
January 2016	99
January 2017	81 (oldest grievance in intake opened Oct. 2016)

**INVESTIGATION:**

<b>Grievances Pending Investigation</b>		
	Grievances	Grievances over 6 months
July 2014	538	371
January 2015	441	283
January 2016	243	89
January 2017	79	6

**PENDING HEARING:**

<b>Matters Pending Hearing</b>			
	Grievances	Matters (Respondents)	Of Matters (Respondents) Pending – those over 6 months
July 2014	415	114	71
January 2015	268	89	61
January 2016	92	-	27
January 2017	123	59	23

The Board reviewed the proposed Practice Takeover Guidelines. It was moved, seconded and carried to approve the Practice Takeover Guidelines and Attorney Application form with the proposed amendments that state each applicant must have a million dollar or higher malpractice insurance policy and have no prior discipline.

It has in the past been the policy of the OBC not to stipulate to an attorney resignation if there is discipline pending. Mr. Hunterton is asking that the Board to approve a policy allowing certain attorneys with discipline pending to resign. Mr. Hunterton reviewed the suggested standards to be applied when considering resignation with discipline pending. It was moved, seconded and carried to approve the proposed policy to permit resignation with discipline pending.

**ABA Model Rule 8.4 (g)**

Stan Hunterton presented an overview of the amended ABA Model Rule 8.4 (g) concerning harassment and discrimination as professional misconduct. The Model Rule 8.4 has been amended to include a subsection (g) as follows:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Rew Goodenow discussed the pros and cons of the amendment to ABA Model Rule 8.4. It was moved, seconded and carried to direct staff to prepare a draft ADKT to amend Nevada Rules to parallel ABA Model Rule 8.4. The Board will review the draft ADKT at the April 2017 Board meeting.

**Disciplinary Panel Appointments**

It was moved, seconded and carried to appoint the following members to the Southern Disciplinary Panel:

Amanda Brookhyser  
Joelyne Gold  
Dana Oswald  
Sarah Smith  
Dawn Throne

It was moved, seconded and carried to approve the following members for reappointment to the Southern Disciplinary Panel.

Robert Caldwell  
Sigal Chattah  
Oliver Pancheri  
William Holland  
Kellie Rubin

It was moved, seconded and carried to approve the reappointment of Stephen Kent to the Northern Disciplinary Panel.

**2016 FINANCIAL REPORT**

Marc Mersol reviewed the Financial Operations as of December 31, 2016. It was moved, seconded and carried to accept the 2016 year-end financial operations report.

**ACTION ITEMS**

**Commission on Judicial Discipline**

It was moved, seconded and carried to reappoint Don Christensen as an alternate member for a three year term to the Commission on Judicial Discipline.

**Commission on Judicial Selection- Temporary Appointment**

It was moved, seconded and carried to appoint Trevor Atkins and Janine Prupas as temporary members to the Commission on Judicial Selection.

Gene Leverty abstained from voting.

Business Law Section Legislative Initiative

The Business Law Section requested approval to support the legislative position outlined in BDR 7-71. It was moved, seconded and carried that the section may assert that the positions discussed are endorsed by the section only.

NLAP Ageement

Kimberly Farmer discussed the departure of Dr. Mansky, formerly the Nevada Lawyer's Assistance Program provider. After assessing the program goals and interviewing potential providers to conduct needed service, it was moved, seconded and carried to approve a Memorandum of Understanding with edits to contract with Larry Espadero, LADC with Strategic Behavioral Health to provide NLAP clinical services, effective January 2017.

Gaming Law Section Agreement

The Gaming Law Section (GLS) had discussions with Casino Essentials and proposed merging the GLS' annual Bank Secrecy Act (BSA) Conference with Casino Essentials 3-day conference held annually in August. Casino Essentials proposed making GLS a diamond level sponsor of the annual conference. In exchange, the GLS logo would appear on all forms of advertising as well as conference materials and signage. In turn, Casino Essentials would pay the GLS a fee.

It was moved, seconded and carried to approve the proposed agreement between the Gaming Law Section and Casino Essentials for a 2017, 2018 and 2019.

**Adjourned**

There being no further business before the Board, the meeting was adjourned at 4:35 pm.