

**BOARD OF BAR COMMISSIONERS
JANUARY 21, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico**

MEMBERS PRESENT:

Henry A. Alaniz	Lisa B. Riley
Colin C. Alcott	Mark J. Riley
B. Paul Briones	Jennifer Schouman
Stephen E. Doerr	R. Tracy Sprouls
Virginia R. Dugan	John S. Stiff
David N. Hernandez	Mary T. Torres
A. Drew Hoffman	Charles J. Vigil
J. Kevin Kiser	Elizabeth E. Whitefield
Richard L. Kraft	Carolyn A. Wolf
Daniel J. O'Brien	Wayne C. Wolf
Monica M. Ontiveros	

MEMBERS ABSENT: Jacquelyn Archuleta-Staehlin

OTHERS PRESENT:

Kris Becker	Maggie Gombos
Cheryl Bruce	Madonna Rutherford
Joe Conte	Joyce Stowers

1. APPROVAL OF DECEMBER 10, 1999, MEETING MINUTES

Commissioner Torres made a motion to approve the December 10, 1999, meeting minutes. Commissioner Whitefield seconded, and the motion passed.

2. PRESIDENT'S REPORT

President Doerr announced his appointments to the Board's internal committees, and a list of the committee assignments was circulated. He also reported on his appointment of a new standing committee, entitled "Committee on Committees," which has been charged to evaluate current standing committees and to make recommendations to the Board on continuing, restructuring or eliminating any of the Bar's standing committees.

A. Announcement of Appointment of 401K Trustee

President Doerr reported that Bar member Tracy Ahr had been appointed as the third Trustee to serve with Commissioners Torres and Hoffman as 401K Trustees. Commissioner Torres reported on the Trustees' meeting held on January 20th. Former Trustee Tom Toevs provided background information on the 401K plan and activities for the new Trustees, and they reviewed contribution information and discussed responsibilities. The Trustees agreed to meet quarterly, with the staff assistance of Madonna Rutherford. Commissioner Torres reported that the Trustees plan to conduct annual staff meetings and to invite a financial planner to assist employees in managing their accounts.

B. Report on Meeting with Supreme Court

President Doerr reported that the 2000 budget was approved at the December meeting with the Supreme Court, and that the Professionalism Proposal was also discussed with the Court.

C. Report on CAAP

President Doerr reported that he and Executive Director Cheryl Bruce discussed the Consumer Attorney Assistance Program (CAAP) at a meeting with the Chief Justice and representatives of the Disciplinary Board in early January. He noted that the Disciplinary Board remains concerned about confidentiality issues and overlapping responsibilities. He and Cheryl will meet with the Disciplinary Board in February, and the Chief Justice asked that the Bar postpone hiring the CAAP Coordinator until after that meeting and the Disciplinary Board's concerns were addressed.

D. Report on UPL (Unauthorized Practice of Law) Matters

1. *State of New Mexico v. Financial & Estate Planning International, Inc.*

President Doerr reported that Stuart Stein had won an injunction in his lawsuit against Financial & Estate Planning International, Inc. The company was ordered to refund money to New Mexico clients. President Doerr asked Executive Director Cheryl Bruce to write a letter to Stuart Stein thanking and commending him for keeping the State Bar apprised and for his efforts on this case.

2. Ohio State Bar's Request to Cosponsor UPL Recommendation

President Doerr reported that the Ohio State Bar has requested the State Bar support and cosponsor its recommendation to the ABA regarding effective UPL procedures and enforcement by all state and local bar associations. Commissioner Alcott made a motion to support the recommendation. Commissioner Torres seconded, and the motion passed.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Cheryl Bruce reported on the following:

- A. New staff positions:
 - 1. CAAP attorney to be hired in March, after the State Bar reaches agreement with the Disciplinary Board regarding the program;
 - 2. Hiring of a Director of the restructured Membership Administration and Support Division is pending;
 - 3. LREP has two vacancies which will be filled in the next few weeks;
 - 4. Hiring of the half-time Associate Executive Director is pending; and,
 - 5. A TVI Intern has been on assignment in Lawyers Care and LREP, at no cost to the State Bar.
- B. She has taken over the supervision of Court Regulated Programs (Legal Advertising, Legal Specialization and MCLE), which, over the past two years, has been under Madonna Rutherford's supervision.
- C. Madonna Rutherford is attending the UNM Human Resources Training/Certification Program, to provide her with the necessary training to administer the Bar's human resources responsibilities.

4. APPROVAL OF FINANCIALS

Commissioner Torres made a motion to accept the November 1999 financials. Commissioner O'Brien seconded, and the motion passed.

5. APPROVAL OF AMENDMENTS TO BYLAWS AND RULE 24-101

Commissioner Ontiveros reported that the Ad Hoc Committee to Review the Report and Recommendations of the Minority Task Force met with Art Jaramillo and recommended adopting Option 2 with minor revisions (draft amendments in the form of "Option 1 and Option 2" to Bylaws and Rule 24-101 were provided to the Board at the December meeting). The draft of the amended Option 2 was handed out to the Board for review. Commissioner Ontiveros reported that the Rule and Bylaws amendments are aspirational and do not create specific obligations of the Board or the State Bar. Commissioner Torres made a motion to accept the Committee's recommendation. Commissioner Riley seconded, and the motion passed. With the required notice for amending the Bylaws and Rule 24-101 having been provided, the Board of Bar Commissioners will vote on the proposed amendments at the March meeting. Commissioner Ontiveros also reported that the Ad Hoc Committee recommended re-establishing the Committee on Minorities in the Profession, a standing committee of the State Bar; and that Henry Narvaez has been invited to chair the Committee.

6. APPROVAL OF MEMBERSHIP LIST POLICY

President Doerr reported that the State Bar has been conservative about the release of membership data in the past and that the Board has been asked to consider changing the current policy to allow for the sale of membership data in electronic format. Commissioner Vigil suggested publishing an overview of the proposed policy changes in the *Bar Bulletin* in order to solicit input from the membership. Executive Director Cheryl Bruce reported that she had researched and reviewed policies from more than 15 other state and local bars, and that all but four allow electronic data release. She further noted her concern that once the user/purchaser has an electronic list, the State Bar will have little control of how the information is used subsequent to the approved mailing, but she noted that users will be required to sign an agreement agreeing to a one-time use. The Board reviewed the draft Membership List Agreement and approved the content pending final discussion of the issue at the March meeting. Commissioner Stiff reported that at the December meeting of the Solo and Small Firm Practitioners Section, certain members expressed concerns regarding the Bar's policy on electronic distribution of the membership list and supported the Bar's release of the entire membership database in electronic format to any Bar group requesting use of the list. Commissioner Briones suggested adding language to the Membership List Agreement to specify that a breach of the agreement would result in the State Bar filing a lawsuit in the Bernalillo County District Court, and the Board agreed to add the language to the agreement. Commissioner Alaniz made a motion not to amend the Membership List Policy, not allowing for electronic release. Commissioner Ontiveros seconded, but following a vote by the Board, the motion failed. Following further discussion, the Board decided that a notice requesting comments of the proposed policy would be published in the *Bar Bulletin*, and the Board would discuss possible amendments to the membership list policy and agreement at the March meeting, after considering any comments from the membership.

7. REPORT ON STATUS OF PROFESSIONALISM PROPOSAL

President Doerr reported that immediately following the officers' meeting with the Supreme Court in December, the Court revised the Board's proposal for the MCLE rule change to add the professionalism requirement, and eliminated the existing one-hour ethics credit and substituted that requirement with two hours of professionalism credits. The Court then published the proposed rule amendments in the *Bar Bulletin*, requesting comment by the membership. President Doerr reported that the Court has received approximately 12 letters commenting on the rule changes, and at the request of the MCLE Board, extended the comment period until early February. At the suggestion of the Chief Justice and in an effort to address the concerns of the MCLE Board, President Doerr and Executive Director Cheryl Bruce will meet with the MCLE Board on February 4th to discuss the proposed rule changes.

Commissioner Mark Riley suggested that the Court add a definition of professionalism to the proposed MCLE rule on the professionalism requirement. President Doerr asked whether the Board endorsed the recommendation and would support writing a letter to the Court addressing the professionalism definition and the Court's proposed elimination of the ethics requirement. The Board then discussed the quality of ethics programs currently offered by New Mexico CLE providers and possible variations of the mandatory ethics requirement. Commissioner Torres made a motion to write a letter to the Supreme Court, urging the Court to adopt the professionalism proposal as it was originally submitted by the Board, which included a definition of professionalism, keeping the one-hour ethics requirement, and suggesting that the State Bar work with the Court and the MCLE Board to revise the rule. Commissioner Hoffman seconded, and the motion passed. The Board further discussed revamping the MCLE ethics requirement, perhaps making it a separate, concentrated program.

8. DISCUSSION OF CHANGING BAR YEAR

President Doerr explained that the Bar currently operates on a Bar year, from Annual Convention to Annual Convention, which does not coincide with the calendar year and the Bar's annual budget. The timeline creates overlap with the budget preparation and Annual Convention, the Audit and dues collection. Several Sections have asked for a change to a calendar year to make it easier for their budgeting process, since the current chairs operate under the previous chair's budget until January. The auditors have indicated that by changing to a calendar year, there would be some cost savings to the Bar. President Doerr noted that if the Bar changes to a budget/calendar year, the Bar year would be from January 1 to December 31st, thus affecting the terms of the Board of Bar Commissioners, the Sections and Committees. President Doerr outlined the issues to be considered, including the timing of the Annual Convention and the swearing-in of Officers and Commissioners, which could be conducted at the Supreme Court or at a private ceremony. He further noted that the Annual Convention Restructure Committee is looking into changing the Annual Convention from the fall to summer, which would be easier on staff, since the Convention currently conflicts with the budget process. Cheryl Bruce noted that a change to a calendar year would require revisions to the Bylaws and Rules regarding the annual meeting. President Doerr reported that the other option considered was changing to a fiscal year, from July 1 through June 30, but such a change would require that the dues be prorated, which would be costly and difficult on staff. Commissioner Whitefield made a motion to adopt the change from a Bar year to a calendar year. Commissioner Vigil seconded. Following further discussion and a vote by the Board, the motion passed by majority vote, with two Commissioners voting in opposition to the motion.

9. DISCUSSION OF COURT REGULATED PROGRAM ADMINISTERED BY STATE BAR

President Doerr explained that the Legal Advertising Committee's account has been carried by the State Bar for several years, and the Committee now has an outstanding debt to the Bar. The Disciplinary Board, which oversees the Committee, is disputing the debt amount. The administration of the Legal Advertising Committee has operated in the red for the last four years, and the Bar and Disciplinary Board Audits of the past three years have reflected the debt. President Doerr explained that the Disciplinary Board was unclear about the debt balance and reports that their financial statements were not clear. Madonna Rutherford provided documentation for the beginning of 1999 showing a deficit of \$27,000 due to the State Bar. In an effort to understand the debt and the inability of the Legal Advertising Committee to cover their expenses, the Disciplinary Board recently reviewed the operations, administrative and direct costs of the program. The Disciplinary Board then requested a fee increase for advertisements from the Supreme Court to enable the Committee to better cover actual direct costs, and both the Disciplinary Board and the Court agreed that the Bar's costs to administer the program were reasonable. The Court recently approved the fee increase; however, the current debt to the State Bar is \$34,000 (as of November 1999 financials); however, the Disciplinary Board has made no decision regarding payment to the Bar. Commissioner Whitefield, also a member of the Disciplinary Board, suggested that the amount be shared between the Disciplinary Board and the State Bar. Following further discussion by the Board, no action was taken.

10. DISCUSSION OF STATE BAR'S WEB SITE, SURVEYS, AND MULTIDISCIPLINARY PRACTICE

A. Web Site

President Doerr asked for comments and suggestions on the State Bar's Web site. Commissioner Stiff expressed concern regarding the "members only section." He explained that the I.D. and password requirements to enter the "members only section" are confusing. Following discussion by other Commissioners, the Board suggested rewording the entry requirements to change the "user name" to "user number" and to also make the instructions larger. Executive Director Cheryl Bruce reported that the instructions could be made clearer, and further welcomed any further suggestions, to enable the staff to make the site more user-friendly.

B. Surveys

Draft membership survey questions were handed out. President Doerr explained that surveys will be used in a variety of formats, including publishing survey questions in the Bar's publications, on the Web site, and surveying target groups by telephone, fax or mail. The budget for membership surveys for 2000 is \$7,500. Commissioner Stiff suggested having more general questions, rather than specific ones. Commissioner Vigil suggested adding more space for comments and making the answers multiple choice or "yes" and "no"-type questions. The Board agreed that there would be a larger response for short answer questions. Cheryl Bruce explained that the format/design for the surveys would be modified, and that the purpose of distributing the draft questions was to solicit input from the Board on ideas and to generate discussion regarding what information the Board wanted to ask of the membership to facilitate strategic planning and better membership services. The Board then discussed whether the Board or a committee should review the surveys as they are developed, and President Doerr asked for volunteers to serve on a survey committee with the staff and Brian Sanderoff. Commissioner Briones volunteered to serve on the committee.

The Board then briefly discussed plans to offer Web site design services to members, which would need to be coordinated with the Legal Advertising Committee.

C. MDP (Multidisciplinary Practice)

President Doerr reminded the Commissioners that they should be meeting with local bars and other groups to get membership input for discussion of the Multidisciplinary Practice (MDP) issue by the Board at the March Board meeting.

11. FINANCE COMMITTEE REPORT

Secretary-treasurer Alcott reported that, at the January 21st meeting, the Finance Committee:

- A. Approved the December 10, 1999, Committee minutes;
- B. Reviewed and approved the November financials;
- C. Discussed the accounts receivable;
- D. Reviewed credit card expenses and approved an additional credit card for use by the Building Manager of the State Bar;
- E. Approved a non-budgeted expenditure of \$700 for miscellaneous expenses related to the Town Hall Meeting, scheduled for May 4, 2000, in Taos;
- F. Reviewed and approved seven (7) fee waiver requests;
- G. Reviewed and approved the 2000 budget for Special Projects, Inc.; and,
- H. Heard a presentation from Brandon Haines of Meyners + Co. regarding the timeline for the 1999 Audit.

Commissioner Torres made a motion to accept the report. Commissioner O'Brien seconded, and the motion passed.

12. DIVISION REPORTS

A. YOUNG LAWYERS DIVISION

Young Lawyers Division Chair Henry Alaniz reported on the following:

1. The status of the special election for "chair-elect";
2. The YLD Board meeting held in December;
3. Plans for a new leadership training program;
4. Re-organizing the geographic membership regions for the YLD Board;
5. Revising the Bylaws to change the way officers are elected;
6. The Chair of the AIDS Law Panel was invited by the ABA YLD to do a presentation on the AIDS Program at the Spring AOP (Affiliate Outreach Program—a regional meeting of ABA YLD groups); and,
7. The second YLD Newsletter will be published in February.

B. LEGAL ASSISTANTS DIVISION

Legal Assistants Division Chair Jennifer Schouman reported on the following:

1. The LAD Board met earlier in the week;
2. The Certified Legal Assistant Exam was moved to May;
3. The results of the LAD survey; and,
4. The Division's request for acceptance of their 2000 Budget (included in the Board's meeting materials). Commissioner Whitefield made a motion to accept the LAD 2000 budget. Commissioner Hernandez seconded, and the motion passed.

President Doerr noted that Ms. Schouman has agreed to serve on the Annual Convention Planning Committee.

C. SENIOR LAWYERS DIVISION

Senior Lawyers Division Delegate Wayne Wolf reported on the following:

1. The Division is currently without a board, and membership interest in serving on the SLD Board is minimal;
2. The chair-elect of the Division resigned, and the Board did not hold an annual election for officers;
3. A meeting is scheduled for February 11th to elect officers and to discuss the future of the Division; and,
4. Paul Robinson, Chair of the Real Estate Section of the ABA Senior Lawyers Division, has proposed that SLD pursue supporting several of the projects undertaken by the ABA Real Estate Section.

13. REPORT ON STATUS OF SENIOR LAWYERS DIVISION BOARD

As reported by SLD Delegate Wayne Wolf, Maggie Gombos reported that the Senior Lawyers Division is meeting on February 11th to: elect officers; appoint a delegate to the Board of Bar Commissioners;

identify possible collaborative projects; and discuss the future of the Division. There was a suggestion to publish a notice in the *Bar Bulletin* for interest in the Division, but the Board took no formal action on the suggestion.

14. NEW BUSINESS

- A. Reception for Retired Court of Appeals Judge Thomas Donnelly.** President Doerr reported that he and the Executive Director had been contacted by Norman Thayer, who suggested having a reception to honor retired Court of Appeals Judge Donnelly. President Doerr noted that the State Bar cosponsors a reception for new judges and perhaps should consider sponsoring receptions or another appropriate function honoring retiring or outgoing judges. Several Commissioners expressed concern about setting a precedent by having a one-time only reception for Judge Donnelly and not for other retiring or outgoing judges. Madonna Rutherford noted that Judge Donnelly changed his address in the database and may have moved out of state. The Board discussed the various options and the judge's probable interest in attending. Commissioner Torres suggested having a reception for all judges in Taos in conjunction with the Bench and Bar Conference, with special recognition for Judge Donnelly, such as a plaque or an award. President Doerr suggested holding a function in the Judge's honor at the Bar Center, since Albuquerque attorneys may not attend if the function was held in Taos. President Doerr requested that Executive Director Cheryl Bruce contact Norman Thayer and Judge Michael Bustamante, Co-chair of the Bench and Bar Relations Committee, regarding a reception for Judge Donnelly, and suggest to both that the State Bar would assist in cosponsoring a reception to honor retired Judge Donnelly at the Bar Center or in conjunction with the Bench and Bar Conference in Taos.
- B. Leadership Conference.** President Doerr reported that the annual Leadership Conference was tentatively scheduled for March 31st. President Doerr requested suggestions for variations in the format from previous years. Commissioner Carolyn Wolf suggested more breakout discussions, and Commissioner Torres suggested holding the Conference in conjunction with the March Board meeting.

There being no additional new business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
MARCH 31, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico**

MEMBERS PRESENT:	Henry A. Alaniz	Monica M. Ontiveros
	Colin C. Alcott	Lisa B. Riley
	B. Paul Briones	Mark J. Riley
	John H. Clough	Jennifer Schouman
	Stephen E. Doerr	R. Tracy Sprouts
	Virginia R. Dugan	John S. Stiff
	David N. Hernandez	Mary T. Torres
	A. Drew Hoffman	Charles J. Vigil
	J. Kevin Kiser	Elizabeth E. Whitefield
	Richard L. Kraft	Carolyn A. Wolf

MEMBERS ABSENT: Jacquelyn Archuleta-Staehlin
Daniel J. O'Brien

OTHERS PRESENT:	Kris Becker	Maggie Gombos
	Cheryl Bruce	Madonna Rutherford
	Joe Conte	Bob Sabin
	Jim Crouch	Joyce Stowers

1. APPROVAL OF JANUARY 21, 2000, MEETING MINUTES

Commissioner Torres made a motion to approve the January 21, 2000, meeting minutes. Commissioner Lisa Riley seconded, and the motion passed.

2. PRESIDENT'S REPORT

A. Announcement and Introduction of Senior Lawyers Division Delegate

President Doerr welcomed Jack Clough as the new Chair of the Senior Lawyers Division and Delegate to the Board of Bar Commissioners.

B. Overview of Leadership Conference

President Doerr noted that the Leadership Conference would start at 2 p.m. and that all Commissioners were assigned to breakout groups.

C. Reschedule June Meeting

President Doerr explained that there is a conflict with the June 16th Board meeting. The Board agreed on June 23rd as the alternate date. The meeting will start at 11 a.m., and the Finance Committee will meet prior to the Board meeting. The Strategic Planning Committee and 401K Trustees meetings may be held the day before.

D. American Inns of Court Award Nominations

President Doerr reported that the Board had been invited to nominate for the American Inns of Court Professionalism Award for the Tenth Circuit. Nominations had been solicited from the

membership through the *Bar Bulletin*, and Bill Federici's nomination was the only one received. President Doerr then handed out a roster of New Mexico members of the American Inns of Court, and asked the Board to review the list and to advise him of any suggestions for recommendations.

E. Western States Overview

President Doerr noted that information on various State Bars in the Western States Bar Conference was included in the meeting packets. He explained that Commissioner Mark Riley sent a letter questioning the use of mandatory dues to send delegates to the Conference in Hawaii, which could possibly be perceived as a boondoggle by the membership. He noted that the Board needs to assess the necessity and importance of the conference. The letter from Commissioner Riley and background information was passed out. President Doerr explained that in the past, two officers and the Executive Director attended the Western States Bar Conference, but in the 2000 budget, the Board approved for three officers and the Executive Director to attend. Commissioner Riley mentioned that he did not remember the conference in Hawaii being discussed. Commissioner Torres stated that, during the budget presentation in October, she reported on the conference to the Board. President Doerr added that the Western States Bar Conference is an extremely beneficial and educational conference, and that New Mexico is always the least represented state at the Western States Bar Conference. He also noted that some of the budget for the ABA Meetings was shifted to the Western States Conference budget. Commissioner Riley asked for the total spent on the trip, and Executive Director Cheryl Bruce stated that the cost was approximately \$1,200 per person. Commissioner Torres noted that Commissioner Riley might have discussed his concerns privately with the officers. Commissioner Wolf asked to move on with the meeting. President Doerr concluded that he would obtain more information on the conference for discussion at another meeting.

F. Pre-Paid Legal Services Complaint

President Doerr explained that a bar member was upset about a solicitation by a representative of Pre-paid Legal Services. He then provided background regarding the member's complaint to the Unauthorized Practice of Law Committee, and the member's subsequent dissatisfaction regarding how the complaint was handled. Maggie Gombos explained that the solicitation involved a marketing representative, rather than an attorney, and that the committee determined that the solicitation was not an unauthorized practice of law matter. The Board then discussed whether the matter might be considered by the Legal Advertising Committee or the Disciplinary Board. Commissioner Kraft questioned the authority of the Disciplinary Board if the representative was not a lawyer. The Commissioners determined that since members of the organization are attorneys, they should be made aware of these kinds of solicitations. Commissioners Carolyn Wolf and Lisa Riley volunteered to talk with the bar member and address his concerns. Commissioner Kraft asked whether the brochure constituted unauthorized practice of law. Commissioner Whitefield suggested sending it to the Legal Advertising Committee and the Disciplinary Board for their review. Commissioner Clough questioned whether it was appropriate for the Board to do anything about the complaint. Commissioner Whitefield moved for the Bar to obtain more information for the May meeting. Although there was no second to the motion and no formal action, President Doerr suggested sending letters to the Disciplinary Board, the UPL Committee, the Legal Advertising Committee and the Supreme Court and to notify the bar member that the Board was looking into the matter and that the Legal Advertising Committee and the Disciplinary Board would be contacted for their input.

G. Announcement of Appointment of 401K Trustee

President Doerr reported that Drew Hoffman had resigned as a 401K Trustee due to a conflict with his new employer. Commissioner Torres suggested Commissioner Sprouls as the third

member of the 401K Trustees, as it would be helpful to have a board member with pension knowledge. Commissioner Sprouls agreed to serve.

H. Executive Committee Meeting Report

President Doerr reported that the Executive Committee met on March 22nd to discuss several matters, including: 1) issues pertaining to the Bar's liability insurance for programs to be discussed with the Board at a later date, if necessary; ANLIR malpractice insurance plan; how to handle the MDP discussion; modifications to the composition of the proposed Professionalism Commission; and, the Associate Executive Director position.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Cheryl Bruce reported on the following:

- A. Commissioners were acknowledged for participating in and assisting with the Leadership Conference;
- B. Feedback was requested on BBC Newsletter. Commissioners responded favorably to keep it the same;
- C. Personnel changes:
- D. The Town Hall meeting will not be held in Taos, as the Chief Justice felt that Taos was not the best location for this type of meeting;
- E. The next Board meeting will be held on May 4th in Taos prior to the Bench and Bar Conference. Commissioners not planning to stay for the Bench and Bar Conference won't need hotel reservations, but for those planning on staying need to make their own reservations and they would be responsible for Friday night.
- F. The reception for Judge Donnelly will also be held the evening of Thursday, the 4th, in Taos;
- G. With regard to the Annual Convention, the new hotel in Ruidoso that was supposed to be finished in the summer has had some delays and now won't be finished until October 1st. Staff has reserved room blocks in three other hotels, but with the convention starting on the 5th, staff needs direction on what to tell the members about the new hotel. Commissioner Lisa Riley suggested disclosing the information about the completion date and letting the members decide on their own.
- H. The new Bar Foundation will be holding a black tie dinner at the convention, which will replace the Past Presidents' Dinner.
- I. The Law School and State Bar partnership is going well. The law school has committed to assist with the Annual Convention again this year, and Henry Alaniz will report on the YLD projects with the law school.
- J. Judge Bustamante had prostate cancer surgery, and Dean Desiderio had hip replacement surgery and is doing well.
- K. President Doerr, Mary Torres and she participated in the law firm managing partner luncheon yesterday. Eight managing partners attended, and they discussed the Annual Convention and MDP. There was a suggestion for another meeting at the Annual Convention.
- L. She will be meeting with Alan Varela of the Hispanic Bar Association, and she and President Doerr are meeting with the Twelfth Judicial District Bar in May. She's still working on setting up a meeting with the Women's Bar and would also like to meet with Grants or Gallup Bar and the Belen Bar. Commissioner Briones asked if she would contact Commissioners when she will be coming to their area.
- M. Alan Torgerson's term is up on the ABA House of Delegates. Notice is running for the vacancy in the *Bar Bulletin*, and the appointment will be made at the May meeting. She noted that the State Bar does not pay for any expenses of the delegate.

4. APPROVAL OF FINANCIALS

Commissioner Hernandez made a motion to accept the 1999 December “pre-audit” and February 2000 financials. Commissioner Torres seconded, and the motion passed.

5. APPROVAL OF AMENDMENTS TO BYLAWS AND RULE 24-101

Commissioner Mark Riley, Chair of the Bylaws and Policy Committee, reviewed the amendments to the Bylaws and everything was in compliance. Notice of the Bylaw amendments proposed by the Minority Task Force was given at the January meeting and the Board needs to approve them. Commissioner Whitefield made a motion to approve the amendments to the Bylaws. Commissioner Torres seconded, and the motion passed.

6. APPROVAL OF MEMBERSHIP LIST POLICY

President Doerr summarized the current policy and comments received from members in response to a notice published in the *Bar Bulletin* requesting input on the Bar releasing the membership list in either label or electronic format. Commissioner Lisa Riley asked how the response compared to other surveys the Bar has done. Executive Director Cheryl Bruce responded that a survey had not been done, but that the comments received were in response to the notice in the *Bulletin* and that those who responded felt strongly about their position. She further noted that all of the label requests are reviewed and approved by her; and that, pursuant to policy, the types of requests approved include CLE seminar mailings, law firm announcements, section and committee mailings, and membership services mailings of approved endorsed vendors and providers.

Commissioners then revisited the two policy options presented at the January and March meetings. Commissioner Wolf moved to approve the policy option allowing electronic distribution to members and Bar-related groups. The Board also discussed providing members an option of requesting that their name be excluded from general mailings. The Board asked staff to draft an “opt-out” form to provide members several “opt-out” options, for discussion at the May meeting.

7. ANLIR COMMITTEE REPORT

Robert Sabin and Jim Crouch, representing the ANLIR-SBNM Lawyers Malpractice Insurance Committee, provided an overview of the State Bar’s endorsements of professional liability insurance programs. The purpose of the discussion scheduled centered around the existing endorsement with ANLIR. Mr. Crouch reported on recent problems and conflicts and several other states have either given notice of intent to terminate contracts or notice of non-renewal. Virginia has given one year’s notice, and has demanded to have management address major issues of concern. Mr. Crouch indicated that Tennessee will give similar notice. The SBNM Malpractice Insurance Committee recommended to the Board that the State Bar of New Mexico send a letter similar to Virginia’s, giving a year’s notice, and allowing time for the committee to consider options.

Commissioners inquired about claims history and the likelihood that ANLIR would raise premiums. Mr. Sabin assured the Board that the Committee is looking for long-term relationships where New Mexico attorneys will be treated fairly, and the Committee will make appropriate and timely recommendations to the Board. Commissioner Clough made a motion to accept the recommendation of the Committee. Commissioner Wolf seconded, and the motion passed.

8. APPROVAL OF FULL-TIME ASSOCIATE EXECUTIVE DIRECTOR POSITION

President Doerr reported that a new position was created in the 2000 budget for a half-time Associate Executive Director, but there is a need to make the position full-time. He reported that the Executive Committee had reviewed and approved the job description drafted by Cheryl Bruce, and Colin Alcott

reported that the Finance Committee unanimously approved funding for the full-time position with an annual salary of \$45,000-\$55,000. Commissioner Mark Riley requested an explanation on how the position would be covered. Colin Alcott asked Cheryl Bruce to summarize the line items and amounts to cover the position that had been discussed by the Finance Committee. Commissioner Riley then inquired about the ability to fund the position in 2001 and beyond. Ms. Bruce outlined several revenue and restructure options that would cover the position. Commissioner Alcott moved to approve the full-time position, and Commissioner Ontiveros seconded. Commissioner Briones asked for an explanation on what job responsibilities the Executive Director would perform with addition of the Associate. Commissioner Kraft asked to amend the motion for Cheryl to delegate and not continue working so many hours. Commissioner Wolf inquired regarding the title "Deputy" versus "Associate," and Cheryl explained that most other Bars use Assistant or Associate rather than Deputy Director. Commissioner Mark Riley asked about hiring an outside versus inside candidate, and the Board discussed whether they should be involved in the search process and whether there was a need for new blood and new ideas. Commissioners Alaniz and Hernandez were in favor of Cheryl handling the hiring. Ms. Bruce suggested that a two-three member screening committee might serve in an advisory capacity to work with her in reviewing the semi-finalists. President Doerr reiterated that the Board committee would help with the screening of the semi-finalists, and that Cheryl would do the interviewing and make the final decision. Commissioner Torres made a motion for President Doerr to appoint at least three people to assist in the screening process. Commissioner Hernandez seconded, and the motion passed.

9. APPROVAL OF REQUEST TO GIVE MEMBERSHIP LABELS TO FIRST JUDICIAL DISTRICT BAR

The First Judicial District Bar Association requested that the State Bar provide labels of their membership free of charge for mailings to the local bar association. Commissioner Wolf made a motion to give the labels to the First Judicial District Bar Association free of charge on a one-time use only basis. Commissioner Ontiveros seconded, and the motion passed.

10. APPROVAL OF LENDING LIBRARY POLICY

Executive Director Cheryl Bruce reported that the Membership Lending Library was conceived three years ago to offer books and resources to the members free of charge. The Solo Section has been responsive to the library's needs and has contributed several books to the lending library. Staff asked for the Board's direction on the primary principle or purpose of the library. Roger Eaton and the Law Office Management Committee recommend that the library be for the purpose of law office management and client relations, and that books which qualify for CLE credit should not be part of the library. If self-study CLE resources are offered, the library would then compete with CLE, and the principle purpose of the library is to offer resources free of charge without credit. Commissioner Alcott made a motion to endorse the purposes outlined above, and that staff would handle appropriate internal policies and procedures. Commissioner Hoffman seconded, and the motion passed.

11. APPROVAL OF COMPUTER LAB

Executive Director Cheryl Bruce reported that representatives of the Technology Utilization Committee and staff have been working to set-up a computer lab to be used by the CLE Division, the Technology Utilization Committee, vendors and the Legal Assistants Division to provide hands-on training and software demonstrations. West Publishing Company has provided the computers free of charge, and CLE will cover the cost of upgrades. Most of the use will be computer courses and vendor demonstrations. Commissioner Alcott asked that the Bar staff obtain competitive bids for the upgrades.

**12. REQUEST TO FILE AMICUS BRIEF IN STEIN APPEAL
(State of New Mexico v. Financial & Estate Planning International, Inc.)**

President Doerr reported Mr. Stein notified the Bar that a judgment has been entered in the case referenced above. He also requested that the State Bar and others file an amicus brief supporting the holding of the judge in the case. Orlando Lucero, Chair of the Unauthorized Practice of Law (UPL) Committee, indicated the UPL Committee may want to participate in filing a brief. As Board approval is necessary for UPL to participate, President Doerr recommended asking UPL what they want to do and why, then fax polling the Board. Commissioner Mark Riley made a motion to send a letter to the UPL Committee and then let the Executive Committee decide the issue. Commissioner Hernandez seconded, and the motion passed.

13. APPROVAL OF "ATTORNEY PAGES" ON BAR'S WEB SITE

Executive Director Cheryl Bruce reported plans to add attorney pages on the Web site. These pages would generate non-dues revenue at an annual fee \$100 per page, and would be both a member benefit and a public service. She noted that a possible conflict exists with the Legal Specialization Board, however, as it did with practice area listings in the *Bench & Bar Directory*. Commissioner Whitefield suggested that if legal specialists are highlighted with an icon, the Specialization Board may agree to the attorney pages; and she moved to take the concept to the Specialization Board for their input. Commissioner Clough seconded, and the motion passed. Executive Director Cheryl Bruce will schedule a meeting with the Specialization Board, and Commissioners Torres, Whitefield and Mark Riley agreed to serve on the committee.

14. DISCUSSION AND REQUEST FOR AMENDMENT TO MEMBERSHIP DIRECTORY POLICY ON WEB SITE

At the October Board meeting, the Board approved publishing membership data on the Bar's Web site in a "member only access" format. Staff requested that the Board reconsider its policy regarding access to the public. Commissioner Sprouls asked whether members could opt-out of being listed on the Web site, and staff explained that opt-out requests are presently honored. Commissioner Ontiveros made a motion to approve public access with an opt-out option for members. Commissioner Alaniz seconded, and the motion passed.

15. REPORT ON STATUS OF PROFESSIONALISM PROPOSAL

President Doerr reported that the Supreme Court had approved the creation of a Commission on Professionalism, in principle, but was considering options regarding membership composition. When the Executive Committee discussed composition at their meeting in March, they suggested that more district judges, attorneys and lay people be added to the Commission. President Doerr also reported that the Supreme Court had requested that the MCLE Board review the proposed professionalism amendments to the MCLE Rules, and that they work with the Board of Bar Commissioners to submit a final recommendation on the professionalism requirement to the Court. He noted that the MCLE Board would likely recommend one credit hour of professionalism credit annually, instead of the two hours recommended by the State Bar. The MCLE Board also did not support including a definition of professionalism in the rules, since none of the other rules include definitions. President Doerr asked the Board of Bar Commissioners if they wanted to reconsider the original proposal of a two-hour requirement, to enable the two Boards to submit a joint recommendation to the Court. The Board was unanimous in support of the original two-hour requirement, and they authorized President Doerr and Cheryl Bruce to meet with the MCLE Board pursuant to the Supreme Court's request that the MCLE Board work with the State Bar in a final review of the proposed rule amendments.

16. REPORT ON CAAP AND PROGRAM ADMINISTERED BY STATE BAR

A. Report on CAAP

President Doerr reported that there have been a series of with the Disciplinary Board regarding the Consumer Attorney Assistance Program (CAAP). Joyce Stowers and Cheryl Bruce explained they were very impressed with the three applicants they interviewed for the position. Pursuant to a previous agreement, Virginia Ferrara reviewed the finalists' names and will assist with the training of the CAAP Coordinator. Cheryl added that one of the applicants was offered the position and will start next week.

B. Discussion Regarding Program Administered by State Bar

President Doerr explained that the Legal Advertising Committee is among three court regulated programs administered by the State Bar. As of the December financials, the Disciplinary Board was in debt to the State Bar for approximately \$35,154.59. The Disciplinary Board requested splitting the amount with the State Bar. The Finance Committee recommended approval of splitting the debt, and Commissioner Hoffman moved to accept the Finance Committee's recommendation. Commissioner Hernandez seconded, and the motion passed

17. REPORT AND DISCUSSION ON RECOMMENDATIONS OF AWARDS REVIEW COMMITTEE

Commissioner Wolf, chair of the Annual Awards Review Committee, reported on the Committee's recommendations. President Doerr recommended tabling the discussion, and asked Commissioners to send any comments on the Committee's recommendations to Cheryl Bruce by April 14th and the Board will make decisions on the annual awards at the May meeting.

18. REPORT AND RECOMMENDATIONS OF ANNUAL CONVENTION RESTRUCTURE COMMITTEE

This item was tabled to the May meeting.

19. REPORT ON PRELIMINARY RECOMMENDATIONS OF BOARD'S CLIENT PROTECTION FUND RESTRUCTURE COMMITTEE

This item was tabled to the May meeting.

20. DISCUSSION OF MDP (Multidisciplinary Practice)

Commissioners Sprouls, Kraft and Briones reported on their efforts to meet with local bar members regarding MDP, and the Board reviewed other comments received on MDP in response to the notice in *Bar Bulletin*. Since the ABA Commission modified its recommendations, President Doerr recommended not making a decision on the ABA's recommendations until final recommendations are made.

ABA Delegate Briggs Cheney suggested inviting the Supreme Court to participate in the next discussion, since the New Mexico Supreme Court would ultimately decide MDP practices in New Mexico. Commissioner Mark Riley commented regarding the analogy of MDP to the medical profession and HMO's. The Board agreed to table the discussion and consideration of a recommendation until the May meeting. President Doerr will invite the Chief Justice and any other judges the Chief suggests to participate in that meeting.

21. DISCUSSION OF STATUS OF BUSINESS LAW SECTION

This item was tabled to the May meeting.

22. APPOINTMENT OF CCV LIAISON

President Doerr explained that David Hernandez' term as liaison to the Center for Civic Values had expired. He asked for volunteers, and Commissioner Stiff volunteered to serve as liaison.

23. FINANCE COMMITTEE REPORT

Secretary-Treasurer Colin Alcott reported on the March 30th meeting of the Finance Committee, as follows:

- A. There is approximately one and one-half million in cash reserves, and the organization is in a very stable financial condition;
- B. The financials were reviewed;
- C. The end of the year balance sheet indicates a good cash balance, which is higher now due to the collection of bar dues; and,
- D. The Finance Committee rejected the offer from Howard Johnson's lawyer to settle for one-half of the account receivable.

24. DIVISION REPORTS

A. YOUNG LAWYERS DIVISION

1. Bylaws Amendments

YLD Chair Henry Alaniz explained that the YLD Bylaws need to be amended in order for the election of officers to match the reallocation of districts. He noted the basic change addresses the election of officers. Previously officers were elected by the membership, and the proposed amendments provide that the officers would be elected by the YLD Board. Commissioner Torres moved to accept the proposed amendments to the YLD Bylaws. Commissioner Hernandez seconded, and the motion passed. This discussion met the 30-day notice requirement, and the vote on the Bylaws amendments would be scheduled for the May meeting.

Commissioner Alaniz also reported that Al Park was elected chair-elect of the YLD Board; the YLD is working with Peter Winograd on cooperative law school activities and projects; and brown bag lunches around the state are becoming increasingly popular.

B. LEGAL ASSISTANTS DIVISION

Legal Assistants Division Chair Jennifer Schouman reported that the Division currently has 209 members and they are in the renewal process. The Division is doing brown bag CLE's in Roswell, Santa Fe, and Albuquerque.

C. SENIOR LAWYERS DIVISION

Senior Lawyers Division Delegate Jack Clough reported that he is trying to stimulate interest in people who qualify for the Division, the Division wants to become involved with the Mentor Program, and the Division Board is looking for project ideas.

25. REPORT ON DISABILITY INSURANCE PROGRAM

This item was tabled to the May meeting.

26. NEW BUSINESS

There being no additional new business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
MAY 4, 2000, MEETING MINUTES
KACHINA LODGE, TAOS, NEW MEXICO**

MEMBERS PRESENT:	Colin C. Alcott B. Paul Briones John H. Clough Stephen E. Doerr Virginia R. Dugan David N. Hernandez Richard L. Kraft Daniel J. O'Brien	Mark J. Riley Jennifer Schouman R. Tracy Sprouls Mary T. Torres Charles J. Vigil Elizabeth E. Whitefield Carolyn A. Wolf
MEMBERS ABSENT:	Henry A. Alaniz A. Drew Hoffman J. Kevin Kiser	Monica M. Ontiveros Lisa B. Riley John S. Stiff
OTHERS PRESENT:	Gwenn Bolling Cheryl Bruce Joe Conte Madonna Rutherford	

1. APPROVAL OF MARCH 31, 2000, MEETING MINUTES

Commissioner Hernandez made a motion to approve the March 31, 2000, meeting minutes. Commissioner Whitefield seconded, and the motion passed.

2. PRESIDENT'S REPORT

President Doerr reported the following:

A. Professionalism – Recent Activity and Decision of Court

The Supreme Court approved the MCLE professionalism credit for two hours annually, pending publication and comments from the membership. In addition, the Court approved the establishment of a Commission on Professionalism.

B. Status of Stein Appeal and Unauthorized Practice of Law (UPL) Committee's Decision to File Amicus Brief

The UPL Committee has not yet decided whether to file an Amicus Brief in the Stein appeal.

C. Follow-up on Pre-Paid Legal Services Complaint

A letter was sent to the Disciplinary Board and the Legal Advertising Committee regarding the complaint about a solicitation for business at the site of a car accident by Pre-Paid Legal Services. The Legal Advertising Committee responded and expressed interest in the issue and how it would affect the rules. Commissioner Whitefield reported that the Disciplinary Board plans to address the issue at its next meeting.

D. Public Confidence Meeting with Chief Justice

Chief Justice Minzner, AOC Director John Greacen, Joey Moya, President Doerr and Cheryl Bruce met to discuss public confidence issues and the status of recommendations stemming from the Joint Committee on Public Confidence and the Task Force on Public Confidence. The group discussed initiating one or two feasible projects per year, and State Bar officers will meet with the Court during the Bench and Bar Conference to discuss collaboration and follow-up on implementation of the recommendations.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Cheryl Bruce reported the following:

A. Personnel

A new receptionist has been hired; Lawyers Care has one part-time position vacancy; and the process for hiring an Associate Executive Director is underway.

B. Rose Garden in Honor of Kay Davenport

In lieu of contributions and in keeping with the family's request, a rose garden was planted in front of the Bar Center in memory of longtime employee Kay Davenport.

C. Audit

The Audit has been completed, and the Auditors have forwarded the Audit financials and draft management letter to the Finance Committee.

D. Bench and Bar Conference

Registration for this year's conference is approximately 125, including speakers, which is a significant drop in attendance from previous years. Chief Justice Zlacket from Arizona is the keynote speaker for the conference, and a reception honoring Judge Donnelly will be held on Friday, May 5th.

E. 2000 Annual Convention Planning

The Annual Convention Planning Committee, chaired by Commissioner O'Brien, is meeting regularly and working with staff on plans for the 2000 Annual Convention in Ruidoso.

F. American Inns of Court Professionalism Award Nominations

American Inns of Court Professionalism Award nominations were submitted by the Bar on behalf of Judge Rudy Apodaca and Justice William Federici; Commissioner Vigil also submitted a nomination on behalf of Bruce Hall.

4. APPROVAL OF FINANCIALS

Commissioner Sprouls moved to accept the March 2000 financials. Commissioner O'Brien seconded, and the motion passed.

5. NOTICE OF AMENDMENTS TO BYLAWS

Commissioner Riley distributed and explained draft amendments to the Bylaws to accomplish moving the Bar to a calendar year. This discussion served as the 30-day notice, with a vote on the proposed amendments scheduled for the June 23rd Board meeting.

6. APPROVAL OF AMENDMENTS TO MEMBERSHIP LIST POLICY

A. Opt-Out Procedure

Cheryl Bruce discussed the opt-out form requested at the March meeting, and subsequent staff discussions to accommodate a membership opt-out. She noted that an opt-out form to be distributed to every member, as requested by the Board at the March meeting, would cost an estimated \$10,000-\$15,000, not including labor. Alternatively, the staff recommended publishing regular announcements in the *Bar Bulletin* to inform members of their options with regard to the membership mailing list and its distribution. Commissioner Sprouls suggested adding language to the announcement that tells members they will be included in all membership list distributions unless the Bar is notified otherwise. Commissioner Wolf made a motion to accept the staff recommendation. Commissioner Dugan seconded, and the motion passed.

B. Electronic Option for Endorsed Vendors

Cheryl Bruce pointed out that in light of the Bar's contracts with endorsed vendors which require the Bar to provide membership lists free of charge or at a reduced rate, staff recommended providing electronic membership lists to endorsed affinity vendors at no cost and electronic lists to endorsed vendors at a 50 percent discount. Commissioner Hernandez made a motion to accept the staff recommendation, but to provide the membership list to qualified vendors for \$50 instead of at a 50 percent discount. Commissioner Alcott seconded, and the motion passed with Commissioner Wolf voting against the motion.

C. Distribution of Membership Lists to Local Bar and Voluntary Bars

At the March meeting, the Board approved a motion to provide the First Judicial District Bar Association mailing labels of all members in the District at no charge for a one-time use only. On two occasions since the March meeting, Cheryl Bruce reported that similar requests had been received from other Bar groups. Staff proposed that the Board adopt a policy to address such requests. After discussion, a motion was made by Commissioner Wolf to provide one free list annually to local and voluntary bars, and a 50 percent discount on all subsequent requests, in exchange for the requesting organization to provide the State Bar with their membership list. Commissioner Briones seconded, and the motion passed.

D. Judicial Receptions

Commissioner Torres reported that friends of Judge Rudy Apodaca were sponsoring a luncheon in honor of the Judge's retirement, and that she had contacted the Bar to print and mail the invitations and to prepare tickets. After discussion regarding whether the Board should adopt a specific policy regarding State Bar sponsorship of retirement functions for retiring judges, Commissioner Wolf made a motion to table the discussion until staff could draft a policy. Commissioner Sprouls seconded, and the motion passed. The Board further directed Cheryl Bruce to work with Commissioners Briones, Vigil and Wolf to develop a policy to present at the June or August Board meeting. Commissioner Whitefield made a motion to honor Commissioner Torres' request for State Bar assistance with the luncheon honoring Judge Apodaca, not to exceed \$150. Commissioner Hernandez seconded, and the motion passed with six opposed.

E. Political Mailings

The Board discussed making the Bar's membership list available for political campaigns. A motion was made by Commissioner Sprouls, and seconded by Commissioner Wolf, to deny providing mailing labels for any political campaign. The motion failed. Commissioner Torres made a motion to allow the use of labels by any lawyer candidate. The motion, seconded by Commissioner Alcott, failed. Commissioner Briones made a motion to deny labels for use in a county commission race. The motion was seconded by Commissioner Wolf, and passed with four opposed. The Board further instructed the Executive Director to make decisions regarding mailing labels for political races on a case-by-case basis, and to bring individual requests to the Board, as needed.

7. APPROVAL OF APPOINTMENT OF STATE BAR'S REPRESENTATIVE TO THE ABA HOUSE OF DELEGATES

Seven applicants submitted letters of interest for the State Bar's representative to the ABA House of Delegates for a two-year term. Commissioner O'Brien asked to be excused from the discussion and left the room. A secret ballot vote was taken by the Board, and Rondolyn O'Brien received the majority of votes. Her term will begin at the conclusion of the ABA meeting in July.

8. APPOINTMENT TO COMMUNITY AND INDIAN LEGAL SERVICES BOARD

Nominees were solicited for an appointment to the Native American component of the Community and Indian Legal Services, Inc., Board for a two-year term. Four members indicated interest, and after a secret ballot vote, Theodore W. Barudin was selected for the appointment.

9. APPROVAL OF MDP (MULTIDISCIPLINARY PRACTICE) RECOMMENDATION

President Doerr reported that the revised recommendation of the ABA MDP Commission stipulates that each state's Supreme Court would have to adopt enforcement procedures. With the ABA House of Delegates scheduled to vote on MDP in July at the annual meeting, President Doerr reminded the Board of the need to provide guidance on the State Bar's position to the ABA Delegates. Commissioner Riley voiced his opposition to voting in favor of the MDP recommendations and shared a draft resolution for the ABA Delegates to take to the ABA House of Delegates. Justice Franchini reported that the Supreme Court respects the recommendations of the Board of Bar Commissioners, and that the Court would seek the Board's recommendation on MDP. President Doerr suggested that a task force be appointed to make recommendations on MDP and to develop any specific amendments to the Code of Professional Conduct for New Mexico. Commissioner Torres made a motion to adopt the Riley resolution. Commissioner Alcott seconded, and the motion passed. Commissioner Clough then moved to create a Task Force on MDP to be limited to lawyer members. The motion was seconded by Commissioner Torres and passed. Several Commissioners suggested that Commissioner Riley serve as Chair of the Task Force, and he accepted the assignment. President Doerr noted that he and staff would work with Commissioner Riley on the Task Force membership composition and the specific Task Force objectives.

10. REPORT AND RECOMMENDATIONS OF BOARD'S ANNUAL CONVENTION RESTRUCTURE COMMITTEE (TABLED AT MARCH MEETING)

The Board's Annual Convention Restructure Committee, chaired by Commissioner Torres, met several times to discuss restructuring the Annual Convention. Commissioner Torres presented the Committee's final recommendations, which are attached to the minutes as Attachment "A." Commissioner Alcott made a motion to approve moving the annual convention from fall to summer for the 2001 Convention. Commissioner Sprouls seconded, and the motion passed unanimously. The Board discussed site options for the summer 2001 Convention. Commissioner Briones made a motion to hold the 2001 Convention at the Tamarron Resort in Durango, Colorado. Following Commissioner Clough's second to the motion, the Board approved Tamarron as the site for the 2001 Annual Convention. The Board then discussed the Committee's recommendation to keep afternoons open for activities during annual convention. Executive Director Cheryl Bruce reported that Professional Development Director Steve Meilleur opposed the recommendation and suggested offering at least one program in the afternoon. Commissioner Torres requested that the Board accept all of the committee's recommendations. Commissioner Alcott made a motion to keep afternoons open during annual conventions, beginning with the 2000 Convention in Ruidoso. Commissioner Briones seconded, and the motion passed. Commissioner Alcott then moved to adopt the remaining Committee recommendations. Commissioner Hernandez seconded, and the motion passed unanimously.

11. REPORT ON RECOMMENDATIONS OF AWARDS REVIEW COMMITTEE (TABLED AT MARCH MEETING)

Commissioner Wolf, Chair of the Board's Awards Review Committee, presented the Committee's recommendations regarding annual awards (see Attachment "B"). Regarding the Committee's recommendation on the YLD Professionalism Award, Commissioner Torres moved to change the title of

the YLD Professionalism Award to the "Young Lawyer of the Year Award," as suggested by the Committee but to add "Outstanding" to the award. Commissioner Briones seconded, and the motion passed. In Commissioner Alaniz' absence, Cheryl Bruce noted his support of allowing the YLD to submit nominations for the Outstanding Young Lawyer of the Year Award. Commissioner Torres made a motion to allow the YLD to submit nominations for the award. Commissioner Kraft seconded Commissioner Torres' motion, and the motion passed. With those modifications, Commissioner Alcott motioned to accept the remaining recommendations of the Awards Review Committee. The motion was seconded by Commissioner Sprouls, and the motion passed.

12. APPROVAL OF TASK FORCE ON QUALITY OF LIFE RECOMMENDATIONS

Commissioner Kraft reported on the recommendations of the Task Force on Quality of Life, which was established near the end of his term as president. A motion was made by Commissioner Clough to accept the final recommendations of the Task Force, contingent on budget availability. Commissioner Hernandez seconded the motion. Commissioner Torres moved to amend the motion by deleting spiritual/religious references in the Quality of Life Award criteria. The motion passed, with Commissioner Wolf noting her objection to the deletion of spiritual/religious references in the award criteria.

13. REPORT ON PRELIMINARY RECOMMENDATIONS OF BOARD'S CLIENT PROTECTION FUND RESTRUCTURE COMMITTEE (TABLED AT MARCH MEETING)

President Doerr reported on the preliminary recommendations of the Board's Client Protection Fund Restructure Committee, noting that the specific recommendation regarding the State Bar supporting the Client Protection Fund with an annual \$25,000 budget commitment had been submitted to the Finance Committee. The Committee agreed to consider the recommendation during the 2001 budgeting process. President Doerr noted that action was not required by the Board at this meeting, and that the Restructure Committee's final recommendations would be presented to the full Board for approval at the June meeting.

14. DISCUSSION OF STATUS OF BUSINESS LAW SECTION (TABLED AT MARCH MEETING)

President Doerr reported that the current membership of the Business Law Section is 150, and that the Section is currently without a board or any leadership. President Doerr offered to work with Albert Mitchell Jr. "Scooter" of Tucumcari to propose various options regarding the future of the Section. He also volunteered to serve with Mr. Mitchell on the Section Board until a new Board of Directors is elected.

15. FINANCE COMMITTEE REPORT

Secretary-treasurer Alcott reported on the following action of the Finance Committee at its May 4th meeting. The Committee:

- A. Approved March minutes and financials;
- B. Received the Audit financial statements and management letter, which contained no significant problems;
- C. Discussed non-Board membership, and agreed that the Committee should have a non-Board member;
- D. Rejected a settlement offer from Howard Johnson's attorney, and decided to instruct the Bar's collection attorney to pursue a hearing or default judgment against Howard Johnson;
- E. Opposed a sliding scale fee for Bar Center room rentals;
- F. Approved management's recommendation that an advisory committee should be appointed to review upgrade options for the Bar's computers;
- G. Reviewed the credit card file and found it in order;
- H. Discussed the State Bar's investment policy and directed staff to prepare a draft policy based on a review of similar policies of comparable associations and nonprofits;
- I. Agreed to add a Bar Foundation time study line item to track staff time devoted to the new State Bar Foundation; and,
- J. Reviewed the accounts receivable breakdown that had been requested at a previous meeting.

Commissioner Torres made a motion to accept the Finance Committee report. The motion was seconded by Commissioner O'Brien and passed. Cheryl Bruce asked for the Board's input on whether to invite Meyners+ Co. to the June meeting to discuss the 1999 Audit. She encouraged the Board to allow the audit team to make a short presentation. Following discussion, the Board agreed to hear a short presentation on limited issues, allowing the auditors to address specific questions.

16. DIVISION REPORTS

A. Young Lawyers Division

In YLD Chair Henry Alaniz' absence, Cheryl Bruce announced that the YLD is planning a leadership training program, and that the May call-in program was successful. She also requested a vote on the proposed YLD Bylaws amendment in order to amend the way officers are elected to the YLD Board. Commissioner Torres made a motion to approve the amendments. The motion was seconded by Commissioner Hernandez and passed.

B. Legal Assistants Division

LAD Liaison Jennifer Schouman reported that the Legal Assistants Division's CLE review course would be held the weekend of May 5th.

C. Senior Lawyers Division

SLD Delegate Jack Clough reported that the Division will meet at the end of June.

17. REPORT ON DISABILITY INSURANCE PROGRAM (TABLED AT MARCH MEETING)

Cheryl Bruce reported on the highlights of a status report on the Bar-endorsed disability insurance program.

18. NEW BUSINESS

A. Equal Access to Justice

Cheryl Bruce requested guidance from the Board on a State Bar-sponsored event for EAJ at the 2000 Annual Convention. Following discussion, the Board directed Ms. Bruce to notify EAJ that the Bar would be willing to cosponsor an event with EAJ if EAJ takes the lead in planning and coordinating the event and if the event would not require significant State Bar staff time. The Board agreed to sponsor such an event, but not during the Annual Convention. Commissioner Wolf volunteered to serve as the Board's liaison to work on a cosponsored fundraising activity.

There being no additional new business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
JUNE 23, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico**

MEMBERS PRESENT:	Jacquelyn Archuleta-Staehlin Colin C. Alcott B. Paul Briones John H. Clough Stephen E. Doerr David N. Hernandez A. Drew Hoffman J. Kevin Kiser Richard L. Kraft	Daniel J. O'Brien Monica M. Ontiveros Lisa B. Riley Mark J. Riley John S. Stiff Mary T. Torres Charles J. Vigil Elizabeth E. Whitefield Carolyn A. Wolf
MEMBERS ABSENT:	Henry A. Alaniz Virginia Dugan	Jennifer Schouman R. Tracy Sprouls
OTHERS PRESENT:	Cheryl Bruce Joe Conte Roger Eaton David Freedman Maggie Gombos Brandon Haines Al Park	Tonya Herring Steve Meilleur Madonna Rutherford Joyce Stowers Rex Throckmorton Carolyn White Bill Head (by phone)

1. APPROVAL OF MAY 4, 2000, MEETING MINUTES

Commissioner Torres made a motion to approve the May 4, 2000, meeting minutes with a correction to item 6D, changing \$50 to \$150. Commissioner O'Brien seconded, and the motion to approve the amended minutes passed.

2. PRESIDENT'S REPORT

A. Supreme Court Committees

President Doerr reported that the Supreme Court Committees occasionally hold meetings in locations around the state. He suggested that the Court keep the Bar informed of where meetings may be scheduled so that Commissioners in these locations can attend the meetings and welcome these groups to their communities. He has requested that the Administrative Office of the Courts Director notify the Executive Director of meetings scheduled in other locations, and that the Executive Director then notify Bar Commissioners about meetings scheduled in their communities.

B. Pro Se in New Mexico

President Doerr and Executive Director Cheryl Bruce reported that there are members in the southeastern part of the state who strongly oppose pro se representation. These members also oppose the development and distribution of pro se forms. The Executive Director suggested that this matter be discussed in more detail at a future meeting.

C. MDP (Multidisciplinary Practice) Task Force Status Report

President Doerr reported that he and Task Force Chair Mark Riley are considering appointments to the Task Force. He noted that he supports having Task Force meetings in outlying areas and suggested a possible survey to get feedback. He further noted that the mission of the Task Force is to submit recommendations to the Supreme Court, and that the Task Force will not seek Board approval to bring these recommendations forward.

Commissioner Riley mentioned that the American Bar Association's attempts to modify the MDP Commission's recommendations are projected to fail when the matter comes before the ABA House of Delegates at the annual meeting in July. He noted that the New York State Bar strongly opposes MDP and the amendments to the Commission's recommendations, and that most other states appear to oppose the recommendations.

Commissioner Vigil asked why the MDP report will go directly to the Supreme Court. President Doerr responded that the report will be presented as MDP Task Force recommendations, **not** as State Bar or Board of Bar Commissioners recommendations. He explained that the recommendations will be presented to the Board prior to submitting the recommendations to the Court, and the Board's position on the Task Force recommendations would be noted when the Task Force recommendations are submitted to the Court.

D. Voluntary Bar Luncheon

President Doerr reported on a luncheon he and Executive Director Cheryl Bruce hosted at the Bar Center for presidents and other leaders of voluntary bars. Items discussed included: 1) maintaining a central calendar to prevent scheduling conflicts; 2) State Bar assistance and services; 3) pre-convention seminar opportunities; and, 4) other partnership opportunities.

3. 1999 AUDIT AND MANAGEMENT LETTER

Brandon Haines from the Meyners + Co. audit team reported that the State Bar received a clean opinion on both the 1999 State Bar and Special Projects, Inc. Audits. He noted that there were no reportable items in the internal control and operations, and that the financial statements fairly presented the financial positions of the State Bar and Special Projects at December 31, 1999. He presented a summary of key points contained in the audit package, concluding that the Bar ended the 1999 year with an increase in cash. Mr. Haines also reported that Special Projects' assets remained flat in accordance with the purpose of the organization. Executive Director Cheryl Bruce noted that the clean opinion for Special Projects would also be recorded in the Special Projects' June 23, 2000 meeting minutes.

Mr. Haines then summarized the auditors' suggestions reflected in the management letter, noting that the comments were intended to improve procedures and strengthen internal control. He reported that management had so noted the suggestions and had responded with plans for improving procedures. Commissioner Clough asked if the Board needed to take action regarding the audit report. President Doerr explained the action necessary, and Commissioner Alcott made a motion to accept the audit report. Commissioner Torres seconded, and the motion passed unanimously.

4. EXECUTIVE DIRECTOR'S REPORT

Executive Director Cheryl Bruce began her report by introducing the newly hired Associate Executive Director, Carolyn White. Her report included the following:

- A. She attended the ANLIR Professional Liability Board of Directors meeting, and noted there were several particular matters of interest to the New Mexico endorsement, including discussion regarding the Bar's ANLIR broker and an expected rate increase. Ms. Bruce assured the Board that she would continue to work with the Bar's professional liability insurance committee in evaluating and monitoring issues that affect the Bar's professional liability insurance endorsement.
- B. She reported on the status of developing the Member Finder online membership directory and the Attorney Pages, and noted that the Bar had entered into a contract with Oso Grande/New Mexico Technet to develop the necessary programming. Commissioner Hernandez asked for clarification on the charge for an Attorney Page, and Ms. Bruce replied that the annual fee would be \$100. Commissioner Kiser requested confirmation of the Board's vote on Attorney Pages. Ms. Bruce responded that the Board had discussed the issue at several meetings, and at the last meeting had instructed management and an Ad Hoc Committee of the Board to discuss plans for Attorney Pages with the Legal Specialization Board. She reported that the Board's Ad Hoc Committee and the Legal Specialization Board had come to an agreement. President Doerr then asked the Board for confirmation of their support of proceeding with the development of the Member Finder and Attorney Pages options on the Bar's Web site. Joe Conte explained the plans for the Member Finder service, noting that the listing would be free for all members; the \$100 cost annually would be for an expanded Attorney Page that would be available as an option to members to use as a relatively inexpensive marketing tool. Cheryl Bruce noted that there would be a different rate for firms who want a page or a hot link, based on the number of attorneys in the firm. Commissioner Torres made a motion to approve the Attorney Pages and fees as outlined. Commissioner Stiff seconded, and the motion passed. Commissioner Kiser suggested additional discussion of this issue at a future meeting, particularly regarding firm charge.
- C. The Law Office Management Assistance Program (LOMAP) is scheduled as a retreat in Socorro at New Mexico Tech on August 4th;
- D. The Strategic Planning Committee met on June 22 and is considering recommendations and changes to the Plan which would impact the 2001 budget;
- E. President Doerr recently appointed members to the Task Force on Electronic Communication;

- F. President Doerr, with the assistance of Art Jaramillo and others, is working on locating a chair for the new standing Committee on Minorities in the Profession;
- G. She and President Doerr have met twice with Rondolyn O'Brien regarding collaborative projects with the Women's Bar Association. President Doerr is also working to refocus the work of the Bar's Committee on Women in the Profession; and Mrs. O'Brien, who is involved in women's programs at the national level, is assisting President Doerr in identifying new projects and new members to serve on this committee;
- H. The Membership Services Division is coordinating marketing efforts and identifying ways to manage and promote membership services more effectively;
- I. The Bench and Bar Directory will be printed in July and is scheduled for distribution to the membership in early August. President Doerr selected the cover art, which is a photograph of the Bar Center;
- J. Voluntary contributions from members to the New Mexico fire relief special account have reached approximately \$8,000, and these funds were distributed to the Red Cross of New Mexico fire relief fund. More than 70 volunteers offered pro bono legal assistance, and the Young Lawyers Division worked with FEMA to establish a legal hotline and to coordinate legal assistance on-site in Los Alamos;
- K. The Bar is now partnering with KOBTV to provide free legal assistance through a monthly call-in program. The relationship with KOBTV will, hopefully, enable the State Bar to coordinate future PSA's, co-sponsorships, etc. Commissioner Torres suggested that the Bar pursue a call-in program with El Paso television stations to serve the southern part of the state.
- L. The Bar is designing and hosting Web sites for several voluntary bars. Voluntary bars are also being encouraged to participate in pre-convention CLE activities;
- M. She has been appointed to chair the National Association of Bar Executives Forum on Public and Community Education;
- N. Representatives hoping to establish a Japanese Bar Association recently met with Ms. Bruce and Virginia Ferrara;
- O. Commissioner Stiff was commended for his contributions to the NM Defense Attorneys Newsletter; and,
- P. Commissioner Vigil and his wife will host a reception following the August Board meeting.

5. EXCEPTION TO BOARD OF EDITORS POLICY

Communications Director Joe Conte asked that the Board of Bar Commissioners approve a one-time exception on the term limits for the Board of Editors to allow current members to retain their positions through the end of 2000. Commissioner Torres made a motion to approve the exception, as requested. Commissioner O'Brien seconded, and the motion passed.

6. EXECUTIVE SESSION

The Board went into Executive Session to discuss a personnel matter.

7. APPROVAL OF APPOINTMENTS TO JUDICIAL STANDARDS COMMISSION

During discussion of the Board's appointment to the Judicial Standards Commission (Commission), President Doerr advised that Commissioner Clough had expressed interest in being appointed to the Commission, and that if the Board perceived a conflict, Mr. Clough had offered to resign as the Senior Lawyer Division representative to the Board of Bar Commissioners. President Doerr commended Commissioner Clough for his contributions to the Senior Lawyers Division and the Board of Bar Commissioners, and expressed his support of Commissioner Clough remaining in those positions.

The following candidates submitted resumes and expressed interest in the appointment to the Commission:

- A. Brent Bailey
- B. Kathleen Brandt
- C. John H. Clough
- D. Roger Copple
- E. Mark Filosa
- F. Michael T. Murphy
- G. Martin Pearl
- H. Norman Thayer

President Doerr invited discussion on the candidates for the appointment to the Commission. Commissioner Whitefield noted her support of Kathleen Brandt. Commissioners were asked to vote by secret ballot, and Kathleen Brandt received the majority votes.

8. APPOINTMENTS TO IOLTA GRANTS COMMITTEE

Ms. Bruce summarized the purpose of the IOLTA Grants Committee, and noted that the following candidates had submitted their interest in the position:

- A. Kim Griffith
- B. David Kelsey

Commissioner Wolf noted the phone calls she had received in support of Kim Griffith. Following a vote by secret ballot for the lawyer position, Kim Griffith was elected by majority vote.

President Doerr then asked for suggestions for non-lawyer candidates for the public position on the Iolta Grants Committee, since no applications were submitted. Commissioner Clough suggested Patricia Hoxsie, and Commissioner Briones suggested Lynette Justice. Cheryl Bruce will contact Ms. Hoxsie and Ms. Justice regarding their interest in and willingness to serve, and the Board authorized President Doerr to appoint one of the two nominees to the position.

9. APPROVAL OF AMENDMENTS TO BYLAWS

The proposed amendments to the Bylaws address the change from a Bar year to a Calendar year. Commissioner Alcott confirmed that notice of the proposed changes was given at the May meeting. Commissioner Torres moved to approve the amendments to the Bylaws. The motion

was seconded by Commissioner Alcott. President Doerr asked for a roll call vote, and approval of the proposed changes was unanimous. Cheryl Bruce noted that amendments to the Rules Governing the Bar to make the Rules consistent with the Bylaws would be made and submitted to the Supreme Court for approval.

10. DISCUSSION OF CLE

In an effort to educate the new members of the Board on CLE, its mission, management and philosophical direction, President Doerr gave a capsule history of the Board's prior philosophical directives regarding continuing legal education, and introduced Steve Meilleur, Director of Professional Development for the Center for Legal Education (CLE). President Doerr reported that the program is successfully fulfilling its directive of being a profit center, and he raised the issue of how to best utilize the surplus. President Doerr raised the question of whether some of the funds might further the work of the new State Bar Foundation and its mission of improving the public's perception of the legal profession. Mr. Meilleur noted that CLE is working with the UNM Law School to develop web-based CLE offerings, and they are exploring possible partnerships with outside companies that would have the capital to fund a project of this kind.

Commissioners' comments and suggestions on how best to utilize CLE surplus were as follows:

1) Commissioner Clough supported CLE revenue going back to the Center to support programming; 2) Commissioner Wolf suggested investing in technology in order to keep the edge in the marketplace; 3) Commissioner Alcott suggested the Board consider putting excess surplus into cash reserves in case of unusual or unexpected circumstances such as the *Popejoy* litigation; and, 4) Commissioner Whitefield asked how much money would be necessary to keep the Center in a financial position to continue being proactive and self-supported. Mr. Meilleur responded that Board input and discussion were welcomed, and that CLE has emphasized building partnerships with other organizations and voluntary bars.

President Doerr questioned why CLE charges for seminars if the financials reflect that the Center is approximately \$250,000 strong, and noted the question is an example of the philosophical discussion the Board needs to have. Mr. Meilleur responded that the CLE price per credit hour is the lowest in the marketplace and that the Center is making money on volume rather than the cost of the product. President Doerr suggested that the Board revisit this subject at a future Board meeting.

11. APPROVAL OF COMMITTEE ON COMMITTEES REPORT

President Doerr introduced Rex Throckmorton, Chair of the Committee on Committees, and explained that he had been invited to report on the recommendations of the Committee. Mr. Throckmorton acknowledged the contributions of Committee members Jim Bruin, Rick Kraft, Richard Rowley and Alan Torgerson. He explained that the Committee approached its task strictly from a business point of view and explored the following three questions in relation to each standing committee: 1) Is the committee still functioning; 2) Is the committee serving a useful purpose; and, 3) If the committee is retained, is it similar in purpose or function with another entity and is consolidation a good option. If the answers to questions 1 and 2 were "no," the Committee on Committees recommended eliminating the committee in question. If the answers to questions 1 and 2 were "yes," then question 3 was examined.

Mr. Throckmorton reviewed each recommendation contained in the Committee on Committee's report.

President Doerr commended Mr. Throckmorton and the Committee for their hard work on a difficult task. The Board then discussed the best way to notify and solicit input on the recommendations from the standing committees that were being recommended for elimination or consolidation. President Doerr reminded the Board that committees had not yet been involved in the process. Commissioner Torres asked if the Board should vote on the recommendations or wait until notifying the committees. Commissioner Riley reminded the Board that, according to the Bylaws, the President has the authority to determine which committees should exist. Commissioner Riley made a motion to give preliminary approval to the Committee's recommendations, subject to notification of the standing committees affected and that final action be taken at the August 11th Board meeting. Commissioner Ontiveros seconded the motion, and the Riley motion passed. President Doerr and the Executive Director will notify the Committee Chairs of the recommendations and will solicit comments for the Board's consideration at the next meeting.

12. APPROVAL OF CLIENT PROTECTION FUND CLAIMS

Client Protection Fund Committee Chair Bill Head joined the meeting by teleconference. President Doerr requested an explanation of why the material in the Board packet was marked "confidential." Mr. Head replied that information on individuals and their claims is considered confidential and that the information is marked accordingly.

Commissioner Wolf moved to accept the Committee's recommendations on claim reimbursements as outlined in the Committee's June 12th memorandum. Commissioner Ontiveros seconded, and the motion passed. Commissioner Torres moved to amend the motion, accepting the Committee's recommendations with the exception of claim #7. Commissioner O'Brien seconded the motion, but the motion failed. Commissioner Hoffman moved to approve claim #7. The motion was seconded by Commissioner Briones and carried.

13. CLIENT PROTECTION FUND PROGRAM

President Doerr asked the Board to discuss the 2001 funding for the Client Protection Fund Program and to determine a recommendation for direction to the Finance Committee for the budgeting process. He explained that the Client Protection Fund Ad Hoc Committee's preliminary recommendation is for the State Bar to fund this program at \$25,000. President Doerr posed the question of whether the amount should be supported out of operating funds or from an annual assessment to the membership. Commissioner Hernandez suggested that it be funded through an assessment of \$5.00 per member. Following lengthy discussion regarding assessment versus operating funds, as well as disclosure to the members, Commissioner Torres moved to recommend that the Finance Committee consider funding the 2001 Client Protection Fund through operating funds rather than through an assessment. Commissioner Hoffman seconded the motion, and the motion passed with three nay votes. The Board noted that the annual amount of funding should be reconsidered each year.

14. REPORT ON 2000 ANNUAL CONVENTION

Dan O'Brien, Chair of the Annual Convention Planning Committee, provided an update on plans for the convention in Ruidoso, October 5 -7, 2000.

15. REPORT ON EQUAL ACCESS TO JUSTICE FUNDRAISING EVENT

David Freedman, representing the Equal Access to Justice (EAJ) Board, requested the Board's approval of EAJ holding a raffle in conjunction with the 2000 Annual Convention. He noted that EAJ has worked with the State Bar in the past during its Annual Convention. Since all of the proceeds from the Thursday night dinner will go to the State Bar Foundation this year, EAJ is seeking another event to raise funds during convention. EAJ's proposal is to conduct a raffle and to hold the drawing at the Friday night dinner dance. EAJ further requested the Bar cover the cost of printing the raffle tickets. Commissioner Torres moved to adopt EAJ's proposal to assist with the raffle. The motion was seconded by Commissioner O'Brien and passed.

16. PROFESSIONALISM COMMISSION APPOINTMENTS

Executive Director Cheryl Bruce asked the Board for recommendations for two lawyer members and two public members for President Doerr's consideration for appointment to the Commission on Professionalism. She noted that letters of interest had been received from Larry Zamzok and Mark Filosa. The Board recommended that a notice of solicitation should be published in the *Bar Bulletin*. Ms. Bruce added that recommendations of non-lawyer (public) members are particularly needed. The Board suggested contacting the Chamber of Commerce or other appropriate organizations regarding possible public members to serve on the Commission. Emma Jean Cervantes of Las Cruces was suggested for consideration. President Doerr will send appointment letters to those members identified in the Supreme Court Order.

Ms. Bruce also updated the Board on the status of the Supreme Court's approval of the amendments to the MCLE Rule. She noted that the MCLE Board has until July 5th to respond to the Supreme Court on any further concerns of the Rule amendments by that Board.

17. REPORT FROM THE FINANCE COMMITTEE

Secretary-treasurer Alcott reported on the following action of the Finance Committee at its June 23rd meeting. The Committee:

- A. Reviewed and approved the April Financials;
- B. Approved a \$200 sponsorship of the Federal Judicial Center Workshop for Bankruptcy Judges;
- C. Reviewed a draft investment policy and will discuss the policy again at the next meeting;
- D. Discussed the computer upgrade request and accepted the recommendation of the Computer Committee to roll over the remaining two years of existing leases into a new lease for the purchase of a Citrix System;
- E. Recommended sending thank you letters to those individuals and law firms who made monetary donations to the Los Alamos fire relief fund; and,
- F. Discussed the pros and cons of issuing an RFP for the annual State Bar Audit, and the Committee will continue its discussion at the next meeting. President Doerr asked for Rex Throckmorton's input on whether or not to retain Meyners + Co. as the State Bar's Auditors. Mr. Throckmorton responded that it is a good idea to review the choice of auditors periodically, but cautioned regarding the expense in changing companies. He suggested that accountants on the Finance Committee can offer valuable perspectives on whether or not charges and quality of the current auditor are appropriate.

Commissioner Torres moved to accept the Finance Committee's report. Commissioner Hernandez seconded, and the motion passed unanimously.

18. ACCEPTANCE OF FINANCIALS

Commissioner Whitefield made a motion to accept the financials. Commissioner O'Brien seconded the motion, and the motion passed unanimously.

19. REPORTS FROM DIVISIONS

A. Young Lawyers Division

Al Park, representing the Young Lawyers Division in place of Henry Alaniz, reported on the Young Lawyers Division work with FEMA to provide legal assistance programs for the Los Alamos fire victims.

B. Senior Lawyers Division (SLD)

Commissioner Clough reported that the Senior Lawyers Division Board had reviewed its Bylaws and the Sale of Law Practice Rule. He distributed a copy of the proposed revisions to the Bylaws to change the terms for SLD Board members from two years to three years, and to eliminate term limits in order to keep greater participation. He then briefed the Board on the background of the Rule on the Sale of the Law Practice, noting that the Rule had previously been sent to the Court but had been returned to the Senior Lawyers Division to consider comments received when the Court published the Rule for comment. Commissioner Clough requested the Board's approval of both the Rule and the amended Bylaws. Commissioner Wolf moved to approve the amendments to the Bylaws, as submitted, and the Sale of Law Practice Rule. Commissioner Alcott seconded. Due to the concern of new Board members who did not feel they had sufficiently reviewed the proposed Rule, Commissioner Torres moved to withdraw the portion of the motion related to the Sale of Law Practice Rule to allow further review and a vote at the next meeting. Commissioner Briones seconded the motion. The Board then voted to approve the amendments to the Bylaws, and the motion to vote on the Sale of a Law Practice Rule at the next meeting also carried. The Board requested that Sylvain Segal come to the next Board meeting to discuss the proposed Sale of a Law Practice Rule.

B. Legal Assistants Division

There was no report from the Legal Assistants Division.

20. REPORT ON BAR SURVEY RESULTS

Due to time constraints, this item was tabled and will be rescheduled for discussion at the next meeting.

21. REPORT ON LOMAP

Law Office Management Committee Chair Roger Eaton reported on the upcoming Law Office Management Assistance Program Retreat, scheduled for August 4-5th in Socorro. The Committee is also producing a CLE video on financial management, which hopefully will be completed by the August 4th conference in Socorro. Ms. Bruce advised Board members to watch their mail for the LOMAP registration brochure.

22. OTHER BUSINESS

There being no new business, the meeting was adjourned.

BOARD OF BAR COMMISSIONERS
August 11, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico

MEMBERS PRESENT:	Henry A. Alaniz Colin C. Alcott B. Paul Briones John H. Clough Stephen E. Doerr Virginia Dugan David N. Hernandez A. Drew Hoffman Richard L. Kraft	Daniel J. O'Brien Monica M. Ontiveros Mark J. Riley Jennifer Schouman R. Tracy Sprouls John S. Stiff Mary T. Torres Charles J. Vigil Carolyn A. Wolf
MEMBERS ABSENT:	Jacquelyn Archuleta-Staehlin J. Kevin Kiser	Lisa B. Riley Elizabeth E. Whitefield
OTHERS PRESENT:	Kris Becker Gwenn Bolling Cheryl Bruce Carol Clifford Joe Conte Steve Meilleur	Madonna Rutherford Sylvain Segal Joyce Stowers Todd Wertheim Carolyn White

1. APPROVAL OF JUNE 23, 2000, MEETING MINUTES

Commissioner Torres made a motion to approve the June 23, 2000 meeting minutes. Commissioner Clough seconded the motion, and the minutes were approved.

2. PRESIDENT'S REPORT

- A. Appointment of Public Members to IOLTA Grants Committee
President Doerr referred to his July 24, 2000 letter to Patricia Hoxie appointing her to a three-year term on the IOLTA Grants Committee.
- B. Task Force on Electronic Communication
President Doerr reported that the purpose of the task force is to come up with a plan for electronic filing for both the state and federal courts so that the procedure is the same in both. Chief Justice Pamela Minzner and Chief Judge John Conway have agreed to serve on the task force chaired by Dennis Jontz. President Doerr has asked the task force to expedite recommendations to then be turned over to a working committee for implementation.
- C. MDP (Multidisciplinary Practice) Task Force Status Report
President Doerr reported that he and Mark Riley, Chair of the MDP Task Force, had discussed possible appointments to the task force. President Doerr postponed further discussion until Commissioner Riley, who was not yet present, could provide an update.
- D. Other
President Doerr called Commissioner's attention to the new patio furniture donated by the Jones Firm, and expressed appreciation to the firm for the gift to the Bar Center.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Cheryl Bruce reported the following:

- A. The new *Bench & Bar Directory* was completed and mailed to all active members. She complimented President Doerr for his selection of the cover art, a photograph of the Bar Center. She commended Joe Conte and the Communications staff for their exceptional efforts. In response to Commissioner Hernandez' inquiry regarding the status of an electronic membership directory, Ms. Bruce responded that the Member Finder section would be available on the web site within a few weeks.
- B. Regarding the 2001 proposed budget, staff presented the Finance Committee with a proposed balanced budget, and reported that the auditors had nearly completed their review of the budget.
- C. The Strategic Planning Committee has been working hard revising the strategic plan, particularly in connection with items that affect the 2001 budget. These items will be detailed later in the Strategic Planning Committee's report.
- D. President Doerr and Commissioner Hernandez attended the National Conference of Bar Presidents annual meeting, and several staff members attended the National Association of Bar Executives meeting in New York at the beginning of August.
- E. Ms. Bruce plans to attend an ANLIR board meeting at the end of August, pursuant to the ANLIR board and management's determination that the executive directors and committee chairs of the endorsing state bars attend their meetings several times per year.
- F. Plans are progressing to equip the computer lab with additional computers to provide an opportunity for hands on computer and software training for bar members.
- G. Management is in the process of renegotiating the LREP grant with the State Agency on Aging.
- H. Commissioner Vigil and his wife were thanked for hosting the board reception at their home.
- I. Commissioners were reminded to make hotel reservations for Annual Convention.
- J. The timeline for officer election was outlined, as follows. With the bar year now being a calendar year, officers will be nominated at the October meeting and voting will take place at the November meeting.
- K. The Employee Handbook, which provides guidelines and procedures for Human Resources and staff, is in the final stages of revision and is scheduled to be submitted to Commissioner Torres and other members of Board's review committee for presentation to the Board at the October meeting.
- L. Compliments were extended to Joyce Stowers, Tonya Herring and other staff for their efforts in restructuring the Lawyers Care Referral Program and implementing the new CAAP (Consumer/Attorney Assistance Program). Both programs are receiving a number of calls, and the Lawyers Care Referral Program is bringing in anticipated revenue through the \$25 client referral fee.
- M. The Communications Division is working on new partnerships and revenue by providing assistance and production for a number of voluntary groups, including sections, Women's Bar and others.
- N. Management has updated the personnel salary matrix, which examines comparable organizations to determine a mean and range for each of the bar's staff positions.
- O. The Executive Director is meeting with every staff member to provide staff an opportunity to discuss issues and to provide suggestions, etc., in an informal meeting.
- P. Commissioner Monica Ontiveros and Alan Varela, the current president of the Hispanic Bar Association, are the new co-chairs of the new Minorities in the Profession Committee as a result of the task force recommendations. Art Jaramillo continues to consult and assist in setting up the new committee.
- Q. President Doerr and the Executive Director met recently with Rondolyn O'Brien regarding direction and projects for the Committee on Women in the Profession. Pursuant to outreach to the Women's Bar Association, the committee will also work collaboratively

with the Women's Bar on the planned tribute to the first 100 women in the profession in early 2001.

- R. The new State Bar Foundation is now operative and the foundation is seeking fellows to support its public confidence projects.

4. APPROVAL OF JUDICIAL RECEPTION POLICY

Ms. Bruce reminded the Board of their discussion regarding the need for a policy that would provide guidance on handling receptions for retiring judges. Commissioners Vigil, Briones and Wolf volunteered to work with staff to draft a policy for consideration by the full Board. She recommended that the Board further examine and discuss the Bar's position on this issue. Commissioner Vigil requested that Ms. Bruce read the draft policy and asked for Board direction on whether the State Bar should pay for mailing costs and other related reception expenses. Commissioner Torres noted her support for covering the costs of mailings. Ms. Bruce reminded the Board that some judges may wish to mail to the full membership and this would incur a significant cost. Mr. Vigil asked if the Board wanted the Bar to accept every request or on a case-by-case basis. Ms. Bruce suggested that if such a reception were held in conjunction with another Bar event, the cost could more easily be absorbed. President Doerr requested a straw vote regarding whether the State Bar should adopt a policy of any kind. The majority voted for no policy. Commissioner Torres made a motion to table adoption of a judicial reception policy. Commissioner Hernandez seconded, and the motion passed.

5. REPORT FROM THE STRATEGIC PLANNING COMMITTEE

Strategic Planning Committee Chair Mary Torres distributed copies of the revised Strategic Plan and provided an overview of the work of the committee. She walked Commissioners through the revised plan, reporting on the current status of each plan objective and describing the proposed revisions and additions to the original plan.

Ms. Bruce commented that any revisions requiring expenditures had been accounted for in the proposed 2001 budget. President Doerr invited reaction to the proposed plan revisions. Commissioner O'Brien suggested that the Board discuss the proposed amendments but not vote on each individually. He added that the focus of the discussion should be on the items that affect the 2001 budget.

President Doerr asked that the Board discuss whether to designate CLE surplus toward any programs to benefit the membership. The Strategic Planning Committee's proposal is to use surplus to subsidize the cost of annual convention. The other suggestion discussed proposed using surplus to subsidize the cost of the mandatory professionalism course.

Steve Meilleur, CLE Director, offered his perspective, identifying two areas for consideration related to the Strategic Planning Committee's proposals regarding use of CLE's working capital: 1) Subsidizing annual convention may not accomplish the goal of getting more members to attend. He noted that price discounting in 2001 would then create an expectation for 2002; and 2) Working capital may better be utilized to develop new programs and technology that will benefit all members, and he proposed that investing in program development would perhaps serve the mission in a more productive way over the long run.

Ms. Rutherford reminded Commissioners that the exact amount of surplus would fluctuate pending outstanding liabilities to be paid through the remainder of the year.

Commissioner Riley asked for comment on the connection between members' perception of the new professionalism course and discounts on annual convention registration, noting that the membership may interpret that the revenue generated from the professionalism course would be used to subsidize convention costs. Ms. Bruce clarified that the \$10 per member estimated revenue for the professionalism course would support the operations and activities of the new Commission on Professionalism. Commissioner Alcott responded that there had been in-depth discussions in both the Strategic Planning Committee and the Finance Committee regarding discounts on the professionalism course, but after realizing that subsidizing the registration cost for the course would only save each member \$10, both

committees focused on using the funds in a more dynamic way to test the viability of the annual convention. He noted that the proposal is for a one-time activity to determine if there is a measurable increase in convention participation. Commissioner Wolf added that unless this subsidy results in at least a 50-percent increase in annual convention attendance, the convention should be eliminated as an annual function. Discussion continued regarding the pros and cons of a one-time discount for convention registration and returning to the usual registration fee in subsequent years versus support of investing CLE surplus back into CLE program development. Commissioner Hernandez reminded the Board that the historical purpose of the convention is CLE and fellowship. He added that if the price of the convention is reduced, the Bar would, in effect, be subsidizing the cost of CLE.

President Doerr suggested the Board return the discussion to the overall recommendations of the Strategic Planning Committee. Commissioner Hernandez made a motion to approve the recommendations, and Commissioner Alaniz seconded. The following amendments and discussion regarding specific recommendations were as follows:

1. Commissioner Wolf suggested using the word "increase" rather than "continue" in connection with legal services programs under Goal IV.
2. Commissioner Hoffman suggested that Law Day support, noted as a new objective under Goal VI, number 4, include assistance to the Albuquerque Bar Association for the Law Day luncheon costs. Ms. Bruce explained that the State Bar already sponsors the Albuquerque Bar's luncheon since YLD funds have historically been budgeted to support the luncheon. The purpose of the proposed new programs for 2001 is to develop greater statewide outreach.

Commissioner Clough moved to amend the motion to vote on Goal I, number 4 – the CLE surplus issue -- separately from the remainder of the recommendations. Commissioner Kraft asked if the Task Force on Improving Public Confidence in Lawyers should be named under Goal IV. Ms. Bruce responded that the committee's proposed new objective referring to "public confidence programs" encompasses the recommendations of the task force; however, she suggested amending number 2 under Goal IV to specifically mention the task force. Commissioner Hernandez amended his motion to reflect this change.

President Doerr called for a vote on the amendment to treat Goal I, number 4, separately. The motion to amend failed with nine nays. President Doerr returned to the original motion to approve the entire package of Strategic Planning Committee recommendations, including the allocation of CLE surplus funds. The motion passed with five nays. (Note: The allocation regarding CLE funds will also be recorded in the minutes of the Special Projects, Inc. Board meeting.)

6. REPORT OF THE FINANCE COMMITTEE

A. 2001 Budget

Finance Committee Chair Colin Alcott presented a detailed overview of the Finance Committee's 2001 budget recommendations. He noted that, not only is the draft a balanced budget, the most current version included a surplus. Individual budget line items requiring Board approval to facilitate completion of the budgeting process were identified as follows:

1. Attorney web pages. A two-tiered pricing structure is proposed to charge \$15.00 per attorney per year to link an attorney or firm web site with the State Bar site, and \$100.00 per attorney per year for the Bar to create and maintain an attorney or firm page with a link to the Bar web site.
2. Professionalism. There is projected revenue of \$57,000 resulting from the \$10 registration fee per attorney for the mandatory professionalism course to support the work and related expenses of the Commission on Professionalism.
3. Western States Bar Conference. President Doerr presented the explanation for budgeting for four officers to attend the Western States Bar Conference in Hawaii, noting that the conference presents a valuable opportunity to obtain information regarding the programs and activities of the other western states' bar associations, which is particularly useful to prepare, educate and train the bar leadership. Commissioner Riley expressed concern regarding the precedence of sending all four

officers to a meeting in Hawaii and the potential criticism that might result. Following discussion, President Doerr made a motion to send four officers, the Executive Director and the Director of Communications to the 2001 Western States Bar Conference. Commissioner Alaniz seconded, and the motion passed with two nays. Commissioner Alcott added that the Finance Committee had requested that staff decrease the staff travel expenses by 15 percent, but the Executive Director had reduced the overall staff travel/training and education expenses by 25 percent in the latest draft of the budget.

4. Client Protection. Originally budgeted for a \$25,000 expense, the committee recommended that the current balance of approximately \$45,000 in the Client Protection Fund is assurance that there will be adequate funds to carry the program through 2001. The Finance Committee, therefore, recommended eliminating the \$25,000 line item.
5. Law Day. Based on staff recommendations for new Law Day programs for 2001, a \$3,000 line item was added to the 2001 budget to cover development and implementation of the new programs. Commissioner Torres moved to approve \$3,000 for Law Day program expenditures. Commissioner O'Brien seconded, and the motion passed unanimously.
6. Voluntary Bar Outreach. Based on 2000 outreach and expenses, \$600 was added to cover outreach and meeting expenses related to activities with voluntary bars.
7. Public Confidence. \$6,500 was proposed by management to fund partnership programs to continue efforts to address public confidence in 2001.
8. Attorney Compensation Study. \$5,000 was budgeted to conduct a new attorney salary survey in 2001.

Commissioner Hernandez made a motion to approve funding proposed for Voluntary Bar Outreach, Public Confidence and the Attorney Compensation Study. Commissioner Briones seconded, and the motion passed unanimously.

Commissioner O'Brien asked for clarification on whether the Board's earlier approval of the Strategic Planning Committee's recommendations included moving \$70,000 from CLE funds, which are part of the Special Projects, Inc. budget, into the State Bar budget for the 2001 annual convention. Ms. Bruce responded that the Strategic Plan recommendation regarding subsidy to the annual convention did not identify a specific amount. Commissioner O'Brien moved to approve the recommendation with the addition that \$70,000 be moved from the Special Projects' budget and added to the State Bar revenue to subsidize the annual convention. Commissioner Torres seconded. Commissioner Riley asked if the Board was acting on the Special Projects budget at this time. Commissioner Alcott responded that since the two boards are interlocking, this action would be recorded in both corporations' records. The motion passed with four nays.

9. Staff raises and adjustments.
 - a. Spot bonuses. The Finance Committee recommended approving the Executive Director's request to establish a \$5,000 "spot bonus pool" to allow the Executive Director to recognize exceptional talent or contributions by staff members throughout the year. Ms. Bruce reiterated that the additional bonus options should be a morale booster and would increase productivity. Commissioner O'Brien moved to approve the spot bonus funding. Commissioner Torres seconded, and the motion passed unanimously.
 - b. Salary matrix and salary adjustments. Ms. Bruce reported that after updating the salary matrix, she proposed increasing several salaries to bring specific positions to appropriate levels. The Finance Committee

recommended allocating the requested \$8,500 to adjust staff salaries pursuant to the Executive Director's request. Commissioner Riley asked for these positions to be identified. Ms. Bruce suggested that in order to avoid going into executive session to discuss personnel issues, the salary matrix be passed around to interested Commissioners. Commissioner Torres moved to approve the \$8,500 request, and Commissioner O'Brien seconded. The motion passed with one nay.

- c. Raises. After extensive discussion regarding the percentage amount for staff raises in 2001, the Finance Committee agreed on 4 percent raises, to be handled at the discretion of the Executive Director. Commissioner Torres moved to approve the Finance Committee's recommendation of 4 percent raises, and President Doerr seconded. The motion passed unanimously.
10. Long Range Planning Retreat. After forgoing a retreat in 2000, the Finance Committee proposed a \$5,500 expense to hold a long-range/strategic planning retreat in 2001.
11. Young Lawyers Division. YLD brought forward a budget that added programs, and still resulted in a reduced bottom line. The Finance Committee recommended approval of the YLD budget of \$28,600.

Commissioner Torres moved to approve the requested expenditures for the Long Range Planning Retreat and the YLD programs. Commissioner Alaniz seconded, and the motion was approved.

Commissioner Alcott concluded the budget discussion by noting that a line-by-line review misses an overview of the big picture regarding the changes in the State Bar's budget from year to year, and he invited Commissioner Sprouls to explain further. Commissioner Sprouls suggested that, in the future, the Board should first look at the changes in major categories, such as overall increases in personnel costs and direct labor, which are spread throughout the budget in various line items. Commissioners Sprouls and Ontiveros volunteered to work with the Accounting staff to prepare analyses of the 2002 budget that will show the percentages of increases or decreases in major categories.

B. Investment Policy

The Finance Committee will continue its work to finalize the draft investment policy for full board approval at an upcoming meeting. The committee also asked Commissioner Stiff to participate in this effort.

C. Audit Requests for Proposals

Secretary-Treasurer Alcott invited Commissioners O'Brien and Torres to present pros and cons regarding going out for bid for auditors. Commissioner O'Brien expressed his support of considering a new audit firm to benefit from a fresh look and fresh ideas. He added that while cost alone is not sufficient reason to change auditors, the process might result in a better price. He also proposed that the Request for Proposals include the requirement of a three-year contract to avoid significant cost increases after the first year.

Commissioner Torres voiced her opposition to issuing an RFP because Meyners+Company has consistently provided an excellent audit and their institutional knowledge regarding *Keller* and *Popejoy* requirements is invaluable. She added that Meyners sends a different audit team each year which provides a fresh look. Finally, Ms. Torres noted that the staff time and effort required to prepare the RFP, to go through the review process, and in bringing a new auditor up to speed would represent extensive time and labor costs to the organization.

Commissioner O'Brien made a motion to proceed with a three-year contract audit RFP. Commissioner Ontiveros seconded the motion. The motion passed with two nays.

D. Professionalism Conference

Mr. Alcott reported that the Finance Committee recommended approval of a non-budgeted travel request for \$3,000 to send the President and the Executive Director to a professionalism conference in Savannah, Georgia, in mid-October. President Doerr explained that attendance would provide important information to assist in developing the State Bar's new Commission on Professionalism. He further suggested that Chief Justice Minzner be invited to attend, and if the Supreme Court did not have sufficient funds to pay her expenses, that the Bar offer to provide some assistance. Commissioner Torres moved to approve the \$3,000 request. Commissioner O'Brien seconded, and the motion passed unanimously.

E. Dues Waivers

The Finance Committee considered a member's request to amend the dues waiver policy, but recommended not revising the policy. Commissioner Hernandez moved to approve the committee's recommendation. Following a brief discussion and Commissioner Torres' second to the motion, the motion passed.

F. Howard Johnson

Mr. Alcott reported that the Howard Johnson case had been resolved in the Bar's favor.

7. ACCEPTANCE OF FINANCIALS

Commissioner Alcott reported that the committee had reviewed the June financials and recommended acceptance. Commissioner Torres made a motion to accept the financials. Commissioner Hernandez seconded, and the motion passed unanimously.

8. REPORT AND FINAL RECOMMENDATIONS FROM CLIENT PROTECTION FUND AD HOC COMMITTEE

President Doerr reported that the Client Protection Fund Ad Hoc Committee had met several times and at their final meeting reaffirmed the preliminary recommendations which were presented to the Board at the June 23rd meeting. As a reminder, President Doerr summarized the recommendations, as follows: Claims will be limited to a maximum of \$2,500 per claim; the Bar should maintain \$25,000 in the fund to continue the program; and, the State Bar's standing committee on Client Protection Fund will be eliminated and Bar staff will process claims and bring to the Board of Bar Commissioners for approval. President Doerr noted that after the April claim payments, the fund will have a balance of approximately \$45,000.

At the final meeting of the Ad Hoc Committee, the committee discussed various issues regarding malpractice insurance and requested that a task force or committee review the following issues and report back to the Board, and if appropriate, that the Board then refer recommendations to the Supreme Court. President Doerr reported that he has requested the Bar's standing committee on professional liability insurance, to study and report on the following issues: 1) should malpractice insurance be a mandatory requirement for all licensed New Mexico attorneys; 2) should the State Bar consider a "captive" insurance program; 3) should the Supreme Court require mandatory reporting by lawyers confirming their malpractice insurance coverage; and, 4) should the Supreme Court require mandatory disclosure by lawyers on their letterhead stating whether or not they have malpractice insurance and the limits of coverage.

Commissioner O'Brien moved to approve the Client Protection Fund Ad Hoc Committee's recommendations to: 1) maintain an annual fund of \$25,000; and, 2) cap claims at \$2,500 per claim. Commissioner Riley seconded the motion, and it passed unanimously.

Regarding the charge to the professional liability committee to consider the malpractice insurance issues identified above, Ms. Bruce stated that Justice Franchini indicated that the Supreme Court would be interested in receiving the Board of Bar Commissioner's recommendations on these issues. President Doerr took a straw vote regarding the charge to the Professional Liability Committee to study and report on the four specific issues described above, and the Board expressed unanimous support.

9. APPROVAL OF ANNUAL AWARD RECIPIENTS

Ms. Bruce distributed the list of the Annual Awards Committee's recommendations. Commissioner Wolf reported on the recommendations and the reasons for the committee's selections. The committee specifically requested exceptions to the awards' criteria as follows: 1) increase the number of Outstanding Judicial Service Awards to two; 2) increase the Professionalism Awards to three; and, 3) allow Commissioner Kraft to be eligible for the Quality of Life Award. Commissioner Vigil moved to approve the exceptions. Commissioner Torres noted that a sitting Commissioner cannot receive a State Bar award. Cheryl Bruce clarified that there is no such policy prohibiting a commissioner from receiving an award, although historically, commissioners have been excluded. Recognizing the conflict, Commissioner Kraft suggested that he not be considered for an award. Commissioner O'Brien seconded the motion made by Commissioner Vigil, and the motion passed. Commissioner Briones made a motion to accept additional nominees. Commissioner Riley argued that new nominees should not be accepted. Regarding the nominee for the Outstanding Young Lawyer of the Year Award, Commissioner Alaniz reported that the YLD Board's nominee had not been submitted by the deadline for accepting nominees, but that their nominee was an exceptional young lawyer, and he apologized for submitting the nominee late. Commissioner Wolf further noted that the committee was in favor of approving the YLD Board's nominee. Commissioner Briones made a motion to allow an exception to approve the recommended Young Lawyers Division nominee for the Outstanding Young Lawyer of the Year Award. Commissioner Wolf seconded, and the motion passed. Commissioner Torres made a motion to delete The Women's Bar as a recipient of an Outstanding Contribution Award since they received an award the previous year. Commissioner Briones seconded the motion, and it passed. Commissioner Torres made a motion to approve the committee's recommendations as modified by previous votes. Commissioner Briones seconded, and the motion passed unanimously. Since there had been no nominees for the Distinguished Bar Service Lawyer Award, President Doerr asked for nominees from the floor. There being none, the award will not be presented in 2000.

10. REPORT ON MEMBERSHIP SERVICES

Ms. Bruce distributed the membership services report, prepared by Membership Administration and Support Division Director Maggie Gombos. Ms. Bruce noted that the report identifies Bar- endorsed services and the number of participants. Ms. Bruce added that she had directed the division to expand marketing efforts and communication regarding membership services and programs to encourage increased membership participation in these programs.

A. Cancellation of Health Insurance

Ms. Bruce stated that the endorsed health insurance company is terminating its contract with the State Bar at year-end, and that Health Agencies of the West would look at other possibilities for an alternative endorsement.

11. REPORT FROM THE MULTI-DISCIPLINARY PRACTICE (MDP) TASK FORCE

Commissioner Riley provided an update on activities of the task force, noting that there had been an excellent response to the request for members. He commented that members are still needed from the Carlsbad and Farmington areas. Commissioner Torres suggested Lyle Wood from Las Cruces, and Commissioner Briones suggested Larry Thrower from Farmington. Mr. Riley asked that these two names be put on the "hold list" for consideration pending confirmation of other members invited to participate on the task force.

12. DISCUSSION ON CLE

President Doerr stated that the agenda item had been placed on the agenda before the Strategic Planning Committee addressed the issue of the CLE surplus, and that since this topic had been thoroughly covered under agenda item 5, there was no need to consider the matter further.

13. DISCUSSION ON LOBBYING POLICIES AND POSSIBLE ACTIVITIES

President Doerr reported that he had been contacted by Judge Brack for the State Bar to consider lobbying to support an increase in funding for the Guardian Ad Litem Fund. President Doerr explained

that if the Bar decided to lobby for this issue, the Board would need to consider the policy requiring prior disclosure to the membership and possible *Keller* challenges from the membership. Ms. Bruce explained the constraints of lobbying pursuant to the *Keller* case. She further noted that any proposed lobbying activity for 2001 would need to be disclosed in the budget disclosure document which would be published in October. She added that since sections have "voluntary" funds, they can lobby as long as they follow policies and procedures with regard to notification to their members and the Board of Bar Commissioners. Commissioner Briones moved to refer Judge Brack's request to the Children's Law and Family Law Sections for their consideration. Commissioner Riley seconded, and the motion passed unanimously.

14. REPORT ON STATUS OF COMMITTEE ON COMMITTEES

President Doerr provided an update on the status of the Committee on Committees recommendations presented to the Board at the June meeting. With the exception of three, letters were sent to all committee chairs regarding the Committee on Committees recommendations. The letter requests that written comments regarding the recommendations be submitted for the Board's consideration at the October meeting. Ms. Bruce confirmed that the remaining three committee chairs would be notified in ample time to allow responses and comments for the Board's discussion at the October meeting.

15. REPORT ON THE 2000 ANNUAL CONVENTION

Carolyn White and Cheryl Bruce provided an update on activities planned for the convention in Ruidoso. Ms. White sought and received input from Commissioners regarding luncheon programs.

16. REPORT ON COMMISSION ON PROFESSIONALISM AND MCLE RULE

With President Doerr's departure from the meeting, President-elect Hernandez requested a report on this item from the Executive Director. Ms. Bruce reported that the Supreme Court had approved the Commission on Professionalism, and final approval of the amendments to the MCLE rules was still pending.

17. REPORTS FROM DIVISIONS

A. Young Lawyers Division

1. Report on Leadership Training Program

YLD Chair Henry Alaniz reported on the exemplary work of the Leadership Training Planning Commission, noting that the commission is making significant progress in planning the program, which would be debuted in the fall of 2001. Mr. Alaniz asked Rick Kraft, chair of the Leadership Training Program Planning Commission, to report on the status of program planning. Commissioner Kraft reported that the commission has been working to develop mission and vision statements for this unique Bar program. Commission members represent proven leaders within the profession, including Chief Justice Pamela Minzner, Alan Torgerson, Art Jaramillo, Rondolyn O'Brien and others. The goal of the program is to prepare selected bar members for leadership positions including judgeships and State Bar, community, government and public service leadership positions, etc. The first program will be debuted in the fall of 2001 with a class of 25. The commission is developing criteria for selection and scholarships; determining the program curriculum; and finalizing the budget.

2. Budget and Election

Commissioner Alaniz continued the YLD report by describing the division's 2001 budget, noting that the Leadership Training Program is budgeted at \$4,000, but the overall YLD 2001 budget has decreased by \$2,000 from the 2000 budget. Mr. Alaniz announced that Al Park resigned as YLD Chair-elect because he is running for a seat on the state legislature. Bryan Biedscheid from Santa Fe is the new Chair-Elect.

B. Senior Lawyers Division

1. Sale of Law Practice Rule

SLD Chair John Clough introduced Sylvain Segal, Chair of an SLD committee that drafted the Sale of Law Practice Rule. Mr. Segal distributed copies of the amended Rule and discussed the proposed changes. The changes reflect options for retirement, relocation, and change in

specialty, etc. Commissioner Wolf moved to approve the proposed amendments and to forward the revised Rule to the Supreme Court. Commissioner Alcott seconded, and the motion passed.

C. Legal Assistants Division

In the absence of LAD Chair Jennifer Schouman, Commissioner Dugan reported that Christine Wilson will serve as chair of the division for 2001 and that a special election for the position of chair-elect will be held this fall.

18. REVIEW OF STATE BAR SURVEY RESULTS

Ms. Bruce reviewed responses to the membership survey questions posted on the Web site. She noted that the questions had been posted on the site for 90 days and that a new set of questions would be posted on the site shortly. Commissioner Ontiveros requested that the web site survey questions be provided to the Board.

19. REPORT ON LOMAP

Ms. Bruce reported that the State Bar's first annual Law Office Management Assistance Program (LOMAP), originally scheduled as a retreat for the first week of August, had been cancelled due to low registration numbers. Ms. Bruce suggested that the low registration was likely due to the time of year, the location at New Mexico Tech in Socorro, and the fact that some entities that should have been involved in the planning had not been invited to participate. She concluded that the LOMAP planning committee and staff would review the issues and make every effort to reschedule the LOMAP in late fall or early winter.

20. REPORT ON ABA MORATORIUM TO HALT EXECUTIONS

On behalf of the Center for Civic Values, Carol Clifford and Todd Wertheim made a presentation regarding the ABA death penalty moratorium. Mr. Wertheim, who also serves as Co-Chair of the Criminal Defense Lawyers Death Penalty Committee, asked the Board to consider appointing a task force to examine the American Bar Association Death Penalty Moratorium. President Doerr explained the State Bar's constraints under *Keller* regarding taking positions on ideological issues. Ms. Bruce suggested that the Criminal Law Section and other voluntary bar groups may wish to participate in a study group to provide a cross-section of viewpoints. Ms. Clifford reported that five state bars have considered the ABA's moratorium, and she offered to collect the information to share with the Board.

Rather than making a definitive decision at this meeting regarding the appointment of and charge to a State Bar task force, President Doerr suggested that Mr. Wertheim and Ms. Clifford obtain input from the Criminal Law Section, Prosecutors Section, Public Defenders, Legal Services and Programs Committee, and other appropriate groups regarding the administration of justice issues and interest in participating in a study group or task force and report back to the Board of Bar Commissioners at its October meeting.

21. OTHER BUSINESS

There being no new business, Commissioner Hernandez moved to adjourn the meeting.

SPECIAL PROJECTS, INC.
August 11, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico

MEMBERS PRESENT:	Henry A. Alaniz Colin C. Alcott B. Paul Briones John H. Clough Stephen Doerr Virginia Dugan David N. Hernandez Carolyn A. Wolf Richard L. Kraft	Daniel J. O'Brien Monica M. Ontiveros Mark J. Riley R. Tracy Sprouls John S. Stiff Mary T. Torres A. Drew Hoffman
MEMBERS ABSENT:	Jacquelyn Archuleta-Staehlin J. Kevin Kiser	Lisa B. Riley Elizabeth E. Whitefield
OTHERS PRESENT:	Cheryl Bruce Joe Conte Madonna Rutherford Kris Becker	Gwenn Bolling Steve Meilleur Joyce Stowers Carolyn White

1. APPROVAL OF JUNE 23, 2000 MINUTES

Commissioner O'Brien moved to approve the minutes of the June 23, 2000 minutes. Commissioner Hoffman seconded, and the motion passed.

2. ACCEPTANCE OF JUNE FINANCIALS

Madonna Rutherford presented the June financials. Commissioner Clough moved to accept the financials. Commissioner Hoffman seconded, and the motion passed.

3. PRO BONO AND REFERRAL DIRECTOR'S REPORT

Joyce Stowers reported on the following:

A. CAAP

The program is handling approximately 100 complaints per month. The Disciplinary Board continues to work closely with the program and is extremely pleased with the program.

B. Lawyers Care

The restructured program is receiving approximately 250 calls for referrals per month, many of which are generating revenue for the State Bar pursuant to the \$25 referral charge. Staff is also now able to make follow-up calls to lawyers so that they know these referrals are coming from the State Bar.

B. LREP

The fiscal year-end statistics submitted to the State Agency on Aging reported that 2,200 people had been served during the grant period. Negotiation with the State Agency on Aging for renewal of the LREP grant continues. During the interim, the State Bar will continue subsidizing the program.

4. BAR CENTER REPORT

Ms. Rutherford provided the June 2000 Bar Center report. Commissioner Sprouls questioned the profit of 30 percent for food and beverage. Commissioner Hernandez instructed Ms. Rutherford to show Bar Center expenses on the next report in order to present a more complete picture of the net result.

5. NEW BUSINESS

Pursuant to action approved by the State Bar's Board of Bar Commissioners at its August 11, 2000 meeting, \$70,000 of the CLE 2000 year-end operating surplus funds will be transferred to the 2001 State Bar budget to supplement the State Bar's Annual Convention educational programs. Commissioner Torres moved to approve the transfer of \$70,000 in 2000 CLE operating funds to the State Bar's 2001 budget. President Doerr seconded, and the motion passed.

There being no additional new business, Commissioner Hernandez adjourned the meeting.

**BOARD OF BAR COMMISSIONERS
OCTOBER 5, 2000, MEETING MINUTES
Best Western Swiss Chalet Inn
Ruidoso, New Mexico**

MEMBERS PRESENT: Henry A. Alaniz Richard L. Kraft
Colin C. Alcott Daniel J. O'Brien
B. Paul Briones Monica M. Ontiveros
John H. Clough Lisa B. Riley
Stephen E. Doerr John S. Stiff
Virginia R. Dugan Mary T. Torres
David N. Hernandez Charles J. Vigil
A. Drew Hoffman Elizabeth E. Whitefield
J. Kevin Kiser Carolyn A. Wolf

MEMBERS ABSENT: Jacquelyn Archuleta-Staehlin
Mark J. Riley
Jennifer Schouman
R. Tracy Sprouls

OTHERS PRESENT: Kris Becker Maggie Gombos
Gwenn Bolling Judge John Pope
Cheryl Bruce Madonna Rutherford
Carol Clifford Todd Wertheim
Joe Conte Carolyn White

1. Approval of August 11, 2000, Meeting Minutes

Commissioner Torres made a motion to approve the August 11, 2000, meeting minutes. Commissioner O'Brien seconded, and the motion passed.

2. President's Report

President Doerr reported on the following:

- A. The Executive Committee met to discuss the membership health insurance. The Bar's endorsed health insurance plan, used by approximately 89 members, will no longer be available after the end of the year. The Membership Services Committee will consider other options, and will make a recommendation regarding an endorsement in 2001.
- B. Tracy Sprouls has resigned as a 401K Trustee due to his resignation from the Board of Bar Commissioners.
- C. Two commissioners from the Sixth District are resigning: Tracy Sprouls, who moved to Albuquerque for his new job with the Rodey Firm; and Lisa Riley, who is expecting a baby and will resign at the end of the year. There will be an election to fill Tracy's unexpired two-year term, and the Board will make an appointment for Lisa's unexpired one-year term.
- D. The Audit RFP timeline was clarified, reflecting that the 2002 Auditor will be named by May 2001.
- E. The Chief Justice will swear-in new officers.

3. Executive Director's Report

Executive Director Cheryl Bruce reported the following:

- A. Convention registration numbers are low, with only 180 currently registered, which is half of what was budgeted.
- B. Communications staff has been busy, developing newsletters and designing web sites for several sections and voluntary bar associations.
- C. The State Bar was recognized by the Governor and Code of the West for its pro bono and financial relief efforts in May 2000; in addition, the American Red Cross presented a plaque to the State Bar in September at a luncheon honoring volunteer efforts.
- D. The Chief Justice and Greg Ireland, Chair of the Chief's Pro Se Task Force, invited Ms. Bruce to attend a national conference on pro se as part of a six-member New Mexico team.
- E. The BBC meeting calendar for 2001 was announced. Commissioners were asked to review the schedule and advise of any conflicts at the November meeting.
- F. The deadline for nominating petitions is October 30. Ballots will be mailed to the membership by November 9, and ballots will be counted on November 30. Three commissioners will be needed to assist with counting ballots.

4. Nomination of 2001 Officers of Board of Bar Commissioners

Secretary-Treasurer: Commissioner Alcott nominated Commissioner O'Brien. Commissioner Dugan seconded the nomination. Commissioner Torres made a motion to close nominations for Secretary-Treasurer. Commissioner Alaniz seconded, and the motion passed.

Vice President: Commissioner Alaniz nominated Commissioner Alcott. Commissioner Ontiveros seconded the nomination. Commissioner Torres made a motion to close nominations for Vice President. Commissioner Dugan seconded, and the motion passed.

President-Elect: Commissioner Vigil nominated Commissioner Torres. Commissioner Briones seconded the nomination. Commissioner Alcott made a motion to close nominations for President-elect. Commissioner Dugan seconded, and the motion passed.

5. Approval of Postponement of LOMAP (Law Office Management Assistance Program)

The Board was reminded that the August LOMAP Retreat was cancelled due to low registration numbers. Management and CLE staff met with LOMAP Committee Chair Roger Eaton regarding options for rescheduling before the end of the year, and staff polled the LOMAP Planning Committee regarding options for rescheduling. As a result of the feedback from the Planning Committee, and due to other anticipated conflicts, management and Roger Eaton recommend that the LOMAP be rescheduled for early 2001 and that funds for the 2000 conference be approved for carryover to early 2001. Ms. Bruce noted that there would be two LOMAP Conferences in 2001: one in the spring and one in the fall of 2001. Commissioner Whitefield made a motion to carryover the 2000 LOMAP funds to 2001. Commissioner Torres seconded, and the motion passed.

6. Approval of 2001 Budget

Secretary-Treasurer Alcott presented an overview of the 2001 budget, reminding the Board of the special items previously approved by the Board. He noted differences from the previous year's budget of greater or less than 10 percent or \$5,000 or more. Mr. Alcott concluded the presentation, reporting that the Bar is fiscally and financially responsible, and is currently looking at adopting an investment policy, due to the responsible efforts of staff.

Commissioner Dugan moved to approve the budget. Commissioner Torres seconded, and the motion passed. Commissioner Whitefield questioned the reporting of the Disciplinary Board expense relating to the Legal Advertising deficit, and Madonna Rutherford explained that the expense would be disclosed in the 2002 Budget Disclosure as a 2000 non-budgeted expenditure.

Commissioner Kraft suggested adding an explanation on the cover of the budget disclosure explaining that the State Bar is required to publish the disclosure document annually. The Board agreed and requested that the cover letter include the language: "Required Budget Disclosure."

7. Report from Finance Committee

Commissioner Alcott reported on the October 5th Finance Committee meeting, noting that the Committee:

- A. Reviewed and approved August meeting minutes;
- B. Reviewed and approved financials;
- C. Discussed the draft investment policy;
- D. Reviewed the audit RFP timeline and formed an Audit RFP Committee;
- E. Reviewed a request from the Administrative Office of the Courts for \$2,000 to pay the expenses for a Bar member to attend a Jury Summit Conference in 2001. The Committee agreed to pay the registration fee of \$225, and to request a report from the attendee following the conference;
- F. Reviewed the credit card statements and the Executive Director's expenses, and found nothing questionable; and
- G. Decided to solicit for a replacement firm to represent the State Bar in collection matters.

Commissioner Torres moved to approve the Finance Committee Report. Commissioner Alaniz seconded, and the motion passed.

8. Acceptance of Financials

Madonna Rutherford reported on the financials, noting that the Bar has strong cash reserves. Commissioner Torres moved to approve the financials. Commissioner O'Brien seconded, and the motion passed.

9. Election of Officers

With none of the nominated officer positions contested, an election was not necessary, and the candidates nominated were elected by acclamation.

10. Report on Health Insurance Endorsement

Maggie Gombos reported that Hanover, the State Bar-endorsed health insurance provider, will no longer provide health insurance for State Bar members. She explained that Health Agencies of the West has explored alternatives and is offering optional coverage to the current Hanover policyholders. Since association plans are generally no longer available due to the Health Insurance Portability and Accountability Act, the Executive Committee directed the Membership Services Committee to review the options and to report back to the Board at a future date regarding whether a State Bar endorsement of a health insurance would be beneficial.

11. Approval of Reappointments to Southern New Mexico Legal Services Board

President Doerr reported that notice of two vacancies on the Southern New Mexico Legal Services Board was published in the *Bar Bulletin*; however, no letters of interest were received. Ismael Alvarez,

Executive Director of Southern New Mexico Legal Services, requested that current members Ismael Camacho-Lopez and Elizabeth Gutierrez be reappointed to serve additional three-year terms. Commissioner Clough made a motion to reappoint Ismael Camacho-Lopez and Elizabeth Gutierrez. Commissioner O'Brien seconded, and the motion passed.

12. Approval of Recommendations of Committee on Committees

The recommendations of the Committee on Committees regarding the Bar's standing committees, reported to the Board at the October meeting, were presented for final action. Each recommendation was considered individually as follows:

Alternative Methods of Dispute Resolution Committee: The Committee on Committees recommended changing the committee to a section; however, Committee Chair Judge Brennan recommended that the committee be left as is. Commissioner Torres made a motion to follow the committee on committee's recommendation. Commissioner Alcott seconded. Commissioner Whitefield suggested that a committee that is active and wants to continue its work should be left alone. Following a vote by the Board, the motion failed.

ANLIR Professional Liability Committee: Commissioner O'Brien made a motion to maintain the Committee's current status. Commissioner Whitefield seconded, and the motion passed.

CLE Committee: Commissioner Torres moved to accept the recommendation to eliminate the committee. Commissioner Alcott seconded, and the motion passed.

Client Protection Fund Committee: Commissioner Torres moved to accept the recommendation to eliminate the committee. Commissioner Dugan seconded, and the motion passed.

Commission on Professionalism: Commission on Professionalism (the longtime standing committee; not the new Commission on Professionalism created by the New Mexico Supreme Court Order) agreed with recommendation to eliminate commission. Commissioner Torres moved to accept the recommendation to eliminate the commission. Commissioner O'Brien seconded, and the motion passed.

Committee on Legal Services to People with Disabilities: Committee disagreed with recommendation to incorporate into Legal Services and Programs Committee. Commissioner Torres made a motion to reject the recommendation to incorporate into the Legal Services to People with Disabilities in the Legal Services and Programs Committee. Commissioner Hernandez seconded, and the motion passed.

Disaster Response Team: Commissioner Torres made a motion to accept recommendation to eliminate the Disaster Response Team. Commissioner Alcott seconded, and the motion passed.

Fee Arbitration Committee: Committee Chair Alfred Sanchez agreed with the recommendation to eliminate the committee and offered several recommendations. Commissioner Torres made a motion to eliminate the standing committee and to modify the program as the staff and Chair recommended. Commissioner Alaniz seconded, and the motion passed.

Historical Committee: Judge Pope offered his perceptions on the Historical Committee and encouraged the Board to continue the committee. He also pointed out the committee's contributions, namely to the *Bar Journal* and the Century of Achievement Program in 1999. Commissioner Wolf expressed her disagreement with the Committee on Committee's recommendation to eliminate the Historical Committee, noting that history never ends and neither should the work of the committee. Commissioner Torres made a motion to reject the recommendation to eliminate the committee. Commissioner Alcott seconded, and the motion passed.

LOMAP Committee: Commissioner Torres made a motion to reject the Committee on Committees recommendation and not eliminate the committee. Commissioner Alcott seconded, and the motion passed.

Dental-Legal Review Committee: Maggie Gombos reported that there is currently no tracking of case outcomes. Commissioner Torres made a motion to table the decision on the committee in order for staff to meet with the New Mexico Dental Association to discuss the role of the committee and report back to the Board in November. Commissioner Alcott seconded, and the motion passed. Commissioner Hernandez suggested that in responding to Committee Chair Arthur Beach, we should ask for replacements for him since he is resigning. Staff contacted Rick Murray, the Executive Director for the Dental Association, who believes the committee is valuable.

Medical-Legal Liaison Committee: Responses were received from Richard Civerolo, Stephen Durkovich, and Victor Marshall protesting the Committee on Committees recommendation. Commissioner Torres made a motion to eliminate committee. Commissioner O'Brien seconded. Commissioner Whitefield stated that having trial lawyers participating in Bar issues is a good thing, and that abolishing the committee would be bad. Commissioners Torres and O'Brien expressed concern that the committee is conducting lobbying activities. Commissioner Whitefield made a motion to table the decision on the committee in order for staff to meet with the chair regarding the activities of the committee and report back to the Board in November. Commissioner Kiser seconded, and the motion passed.

Peer Assistance Committee: Commissioner Torres made a motion to adopt the recommendation of the Committee on Committees to incorporate into a new Consumer Protection Committee. Commissioner O'Brien seconded, and the motion passed.

Pro Bono and Referral Advisory Committee: Committee Chair Sarah Singleton disagreed with the Committee on Committees recommendation. Staff recommended leaving them a committee. Commissioner Wolf made a motion to accept the Committee on Committees recommendation and designate the Pro Bono Subcommittee of the Legal Services and Programs Committee to serve in an advisory capacity as needed. Commissioner Torres seconded, and the motion passed.

Technology Utilization Committee: The Board discussed the current Technology Committee and whether the committee is serving its purpose of providing technology information, training and education for the State Bar membership. Upon management's recommendation to continue the standing committee, Commissioner Whitefield made a motion to reject the recommendation to eliminate the committee, and to continue the standing committee. Commissioner Alaniz seconded, and the motion passed.

Unauthorized Practice of Law Committee: Commissioner Torres made a motion to accept the Committee on Committees recommendation to merge the committee into the Consumer Attorney Assistance Program (CAAP) within the new Consumer Protection Committee. Commissioner O'Brien seconded. Commissioner Stiff stated that there is a reason and need for this committee, and urged its continuation. Executive Director Cheryl Bruce clarified that moving the programs goals to the CAAP wouldn't diminish its need. Commissioner Stiff stated that he understood that, but believes UPL would be lost in CAAP and feels it should remain a standing committee. Commissioner O'Brien explained that the Board doesn't intentionally avoid UPL issues, but cannot render any binding sanctions or recommendations. President Doerr stated that the CAAP attorney will be able to facilitate the UPL Committee's work, and this alternative should be attempted. The Board went on to discuss that a new law is needed or the courts need to more clearly define UPL for the Board and others to take action. Ms. Bruce suggested working with the Attorney General's Consumer Protection Division on complaints, and Commissioner Whitefield suggested having a Task Force address the issue, which would include the courts and the District Attorneys. Following discussion, President Doerr called for a vote on the motion to incorporate UPL as a panel or subcommittee within the new Consumer Protection Committee. The motion passed with seven nays.

Web Site Advisory Committee: Commissioner Wolf made a motion to approve the Committee on Committees' recommendation to eliminate the committee. Commissioner O'Brien seconded, and the motion passed.

13. Approval of Creation of Task Force on Death Penalty Moratorium

At the August meeting, Todd Wertheim and Carol Clifford requested the Board's consideration of appointing a task force to study and make recommendations regarding the ABA moratorium on the death penalty. The Board requested that Mr. Wertheim and Ms. Clifford obtain additional information and solicit interest from voluntary bar groups. Mr. Wertheim and Ms. Clifford appeared before the Board to outline the results of their efforts. The Board discussed possible *Keller* issues relating to lobbying for an ideological issue and agreed that a task force to study the issue would not be problematic with regard to *Keller*, since the matter related to the "administration of justice." Commissioner Wolf made a motion to create a task force, and Commissioner Torres seconded the motion. A 12-month timeline was determined, and following a vote by the Board, the motion passed.

14. Approval of Cancellation of Risk Management Contract

The Virginia attorneys on contract to provide risk management consultation to the State Bar of New Mexico membership are no longer available. On behalf of the State Bar/ANLIR Professional Liability Insurance Committee, Ms. Bruce explained that while the Committee intended to request the Board's approval of terminating the contract, the Virginia attorneys who had been providing the service had resigned. She went on to explain that the Committee is considering risk management services, and the Board discussed the pros and cons of providing risk management services to New Mexico attorneys.

Ms. Bruce then reported on the recent developments regarding ANLIR, the Bar's endorsed professional liability insurance program, and reminded the Board that the Committee is continuing to evaluate options. She also reported that Virginia has decided to terminate their endorsement of ANLIR, which may affect the stability of the company to continue to provide insurance to lawyers. Ms. Bruce reminded the Board that she has attended several ANLIR board meetings at ANLIR's expense, and that she and the Committee would continue to monitor ANLIR's program.

15. Report from Multidisciplinary Practice (MDP) Task Force

Executive Director Cheryl Bruce reported for Commissioner Riley that all invitations to serve on the MDP Task Force had been sent, and the Task Force will have its first meeting soon. Due to the absence of Mark Riley, the report and discussion regarding MDP were tabled.

16. Report on 2000 Annual Convention

Associate Executive Director Carolyn White reported on the Annual Convention. Staff expressed concern regarding the low attendance. President Doerr expressed concern regarding the Friday afternoon professionalism course, and its conflict with the golf outing.

17. Acceptance of Employee Handbook

Management completed and submitted the proposed Employee Handbook to the Board's subcommittee for review. The subcommittee, chaired by Commissioner Torres, met on September 29th and made minor changes, and is recommending the Board's acceptance of the handbook. She stated that a copy of the handbook was included in the materials.

Commissioner Torres explained that all State Bar employees are at will employees, that any grievance against the Executive Director would go to the president of the Bar, and she further clarified that the Executive Director is the only employee authorized to enter into contracts. Ms. Torres further explained

that the annual leave accrual policy is being changed from a maximum of three weeks leave to five weeks for 15 or more years, four weeks for 10-15 years, and three weeks for 4-10 years.

Commissioner Ontiveros asked whether the Board needed to approve or accept the policy, and Commissioner Torres explained that the Board just needs to accept the policy, and that she just outlined the highlights and changes in the policy handbook. Commissioner Alaniz made a motion to accept the policy changes. Commissioner Hoffman seconded, and the motion passed.

Commissioner Wolf made a motion to accept the handbook effective October 1, 2000. Commissioner Alcott seconded, and the motion passed.

18. Report on Commission on Professionalism

The first meeting of the Commission on Professionalism is scheduled for November. On a related matter, President Doerr also reminded the Board that the 10th Circuit's Professionalism Award will be presented to Justice Federici on October 6th in Washington, D.C.

19. Report on Regional Bench and Bar Conference

Commissioner Lisa Riley reported on the regional Bench and Bar Conference, held in Carlsbad in August. She noted that approximately 100 lawyers and judges attended from Chaves, Eddy and Lea Counties, including all but one of the New Mexico appellate judges and justices. Commissioner Riley summarized the key issues of discussion during the conference, which primarily centered on "pro se" representation and distribution of forms. The Board discussed the pros and cons of the State Bar getting involved in or taking a position on the issue of "pro se." Ms. Bruce reminded the Board that "pro se" has been a topic of discussion on numerous occasions, but the Board has not yet taken any formal position regarding its support of or assistance to the "pro se" effort. While there was no motion, the Board further discussed how the State Bar could obtain input from the membership on "pro se" and related issues. President Doerr suggested contacting local bars. Other suggestions included notices in the *Bar Bulletin*, articles in the *Bar Journal* and letters to the editor.

This report and "pro se" discussion was followed by a general discussion regarding the assistance non-lawyers provide in using "pro se" forms and the obvious violations and concerns relating to: 1) the unauthorized practice of law; 2) the lack of authority to prosecute; 3) the Board's position, or lack thereof, on "pro se" representation and the unauthorized practice of law; and 4) whether the Bar should take a more proactive role in handling unauthorized practice complaints.

20. Reports from Divisions

A. Young Lawyers Division

Young Lawyers Division (YLD) Chair Henry Alaniz presented amendments to the YLD Bylaws and requested the Board's approval. Commissioner Torres made a motion to approve the amended Bylaws as submitted. Commissioner O'Brien seconded, and the motion passed.

Mr. Alaniz then reported the results of the YLD officer election as follows: Chair-elect--Bryan Biedscheid; Vice Chair--Dianna Luce.

B. Senior Lawyers Division

Senior Lawyers Division (SLD) Chair and BBC Liaison Jack Clough reported on a membership survey to assess senior lawyers' interest in the division. Executive Director Cheryl Bruce announced that Albuquerque attorney Brad Zeikus, a former president of the Albuquerque Bar Association, is interested in a leadership position in the SLD.

C. Legal Assistants Division

Due to the absence of Jennifer Schouman, there was no report from the Legal Assistants Division.

21. New Business

Executive Director Cheryl Bruce reminded the Board to welcome special guests to the Annual Convention, including the out-of-state presidents from Arizona, Oklahoma and Texas.

There being no further business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
NOVEMBER 17, 2000, MEETING MINUTES
Bar Center, Albuquerque, New Mexico**

MEMBERS PRESENT:

Henry A. Alaniz	Monica M. Ontiveros
Colin C. Alcott	Lisa B. Riley
Jacquelyn Archuleta-Staehlin	Mark J. Riley
B. Paul Briones	Jennifer Schouman
John H. Clough	John S. Stiff
Stephen E. Doerr	Mary T. Torres
David N. Hernandez	Charles J. Vigil
A. Drew Hoffman	Elizabeth E. Whitefield
Richard L. Kraft	Carolyn A. Wolf
Daniel J. O'Brien	

MEMBERS ABSENT:

Virginia R. Dugan
J. Kevin Kiser

OTHERS PRESENT:

Kris Becker	Maggie Gombos
Gwenn Bolling	Madonna Rutherford
Cheryl Bruce	Carolyn White
Joe Conte	Christiane Wilson

1. Approval of October 5, 2000, Meeting Minutes

Commissioner Torres made a motion to approve the October 5, 2000, meeting minutes. Commissioner O'Brien seconded, and the motion passed.

2. President's Report

President Doerr reported the following:

- A. He and Executive Director Cheryl Bruce attended the National Symposium on Legal Professionalism in Savannah. One of the critical issues explored at the symposium was the challenge of measuring the effectiveness of professionalism activities and if efforts are making a difference.
- B. The New Mexico Supreme Court is scheduled to review the State Bar's 2001 Budget at a meeting with the officers and Executive Director on November 29, 2000. The court will also swear in the new State Bar officers at that meeting. Ms. Bruce added that new Commissioners would be sworn in at the January 19, 2001 Board meeting.

3. Executive Director's Report

Executive Director Cheryl Bruce reported the following:

- A. Recent staff changes, including resignations and promotions, were presented;
- B. Annual bonuses for staff will be distributed by the second week in December;
- C. Planning is underway for the 2001 Annual Convention in Durango. There will be a separate CLE Convention Curriculum Planning Committee, in addition to the regular Convention Planning Committee. In addition to Board and staff members, several attorneys from Farmington are serving on the Planning Committee;

- D. An update on the Unauthorized Practice of Law Committee was provided. Staff assistance to the committee is now provided by the Attorney Coordinator of the Consumer/Attorney Assistance Program (CAAP), with oversight provided by Joyce Stowers, Director of Pro Bono and Referral Division, and the Executive Director; and,
- E. The Board was encouraged to act as ambassadors for the new professionalism requirement. Staff is developing an action plan for collaborative efforts by the State Bar, CLE and MCLE to promote the message about the requirement, course offerings, and the availability of the self-study video. Regular announcements will be published in the *Bar Bulletin*, CLE brochures, and MCLE mailings; and special letters will be sent to the membership, which will include the schedule of professionalism course offerings.

4. Review Challenges to the 2001 Budget

Secretary-Treasurer Alcott reported that there were no challenges to the 2001 Budget.

5. Report from the Finance Committee

Finance Committee Chair and Secretary-Treasurer Alcott reported on the following action from the November 20th Finance Committee meeting:

A. Investment Policy

Draft copies of the Investment Policy were distributed to the Board. Commissioner Alcott described the Finance Committee's plan to solicit members' comments on the draft policy by November 27th, and to then submit the policy to the State Bar's auditor, banker and 401k Trustee Tracy Ahr for review. The Finance Committee intends to then hold a special meeting by teleconference or to conduct a fax poll to approve the policy in early January 2001, with ratification by the full Board at the January 19th meeting.

Commissioner Riley inquired about repurchase agreements and whether such agreements would be an option for investment. Commissioner Wolf replied that repurchase agreements would be an option if appropriately collateralized. Commissioner Hoffman asked regarding the amount of funds to be invested. President Doerr responded that the State Bar funds total approximately \$600,000, plus approximately \$370,000 in Special Projects funds. He added that the first priority of the Investment Policy is to protect funds while getting a fair and reasonable return.

Commissioner Torres moved to approve the Finance Committee's plan to approve and implement the Investment Policy. Commissioner Alaniz seconded, and the motion passed.

B. RFP Committee

Mr. Alcott distributed copies of the Audit "Request for Proposal" (RFP) document, and announced that the "RFP" would be sent to several identified firms and would also be advertised in the Albuquerque and Santa Fe newspapers.

C. Preliminary Convention Financial Report

Madonna Rutherford reported that the 2000 Annual Convention preliminary financials reflect a \$15,000 net profit before direct labor costs. She further noted that direct labor costs historically range between \$25,000 and \$30,000.

D. 401k Report

Commissioner Torres reported on a recent meeting of the 401k Plan Trustees, and noted that new Trustee, Tracy Ahr, would be a valuable Trustee. She reported that the Trustees plan to submit recommendations about the 401k Plan to the Board in early 2001.

E. Accounts Receivable

The Finance Committee reviewed aged receivables and noticed that several were four to five months overdue. The Finance Committee voted to assess 1.5 percent per

month in late charges and approved a non-sufficient funds fee of \$25.00 for returned checks.

F. Collections

The Finance Committee is in the process of reviewing proposals to handle State Bar collections. The Committee requested additional information for review at the January 19, 2001 meeting and discussed the possibility of using multiple firms on a rotating basis.

G. Other

1. The Finance Committee approved a change to the 2001 travel budget (non-budgeted expenditure) to allow the Executive Director and the President-elect to attend a professionalism conference in San Diego in late March 2001.
2. The Finance Committee received a request to consider dues waivers for members with low income who provide pro bono legal services. The Committee agreed to fully review the request with supporting material at the January 19, 2001 meeting.

Commissioner Torres made a motion to approve the Finance Committee report. Commissioner Alaniz seconded, and the motion passed.

6. Acceptance of Financials

Secretary-Treasurer Alcott reported on the financials, noting the positive financial position of the State Bar. Commissioner Hernandez moved to accept the financials. Commissioner Hoffman seconded, and the motion passed.

7. Report on Dental and Medical Liaison Committees

President Doerr explained that in follow-up to the Committee on Committees' recommendations, the Chairs of both the Medical and Dental Liaison Committees were contacted regarding the committees' activities and the necessity to continue the committees. He noted that both committees are responsive and active when appropriate issues arise. Staff will review the committees further and will forward additional information to the Board as it becomes available.

8. Approval of Appointments to Supreme Court Boards and Committees

President Doerr invited Board members to volunteer to serve as liaisons to Supreme Court boards and committees. Following discussion, the following assignments were made:

Courts of Limited Jurisdiction – Carolyn A. Wolf
Rules of Criminal Procedure for District Courts – Colin C. Alcott
Rules of Civil Procedure for District Courts – Charles J. Vigil
Rules of Evidence – John S. Stiff
Uniform Jury Instructions-Civil – Daniel J. O'Brien
Uniform Jury Instructions-Criminal – To be designated at a later date
Appellate Rules – John Clough
MCLE Board – B. Paul Briones
Legal Advertising Committee – To be appointed by the President at a later date
Legal Specialization Board – Daniel J. O'Brien
Board of Bar Examiners – Mary T. Torres
Children's Court Rules – Richard L. Kraft

9. Discussion of Amendments to Bylaws Regarding Committee Appointments

Maggie Gombos reported that President Doerr had previously approved making committee appointments indefinite unless there is a resignation. The current State Bar Bylaws stipulate that the President shall make appointments to committees annually. Should the Board determine to officially amend the Bylaws to allow committee appointments to be indefinite unless a member resigns, this matter would need to be considered by the Board's Bylaws and Policy Committee and addressed by the Board at a later date.

10. Appointment of Trustee for State Bar's 401k Plan

President Doerr announced that, due to the resignation of Commissioner Tracy Sprouls, who was serving as a Trustee for the Bar's 401k Plan, the Board must appoint another Commissioner to serve as a Trustee. Commissioner Torres made a motion to appoint Dan O'Brien to serve in the position. Commissioner Alcott seconded, and the motion passed.

11. Appointment of Commissioner to Fill Vacancy in the 6th Bar Commissioner District

Due to the resignation of Lisa Riley as a Commissioner from the 6th Bar Commissioner District, to be effective December 31, 2000, President Doerr reported that the following two attorneys had expressed interest in filling the remainder of Commissioner Riley's unexpired term: Don Dutton of Ruidoso and Jane Shuler of Carlsbad. Following a vote by secret ballot, Jane Shuler was elected.

12. Approval of ANLIR Professional Liability Committee Recommendations

Bob Sabin, ANLIR/State Bar Professional Liability Committee Chair, joined the meeting by telephone. Mr. Sabin reported that he would draft basic questions related to malpractice insurance coverage for inclusion on the State Bar dues form. In addition, pursuant to an earlier directive by the Board, the committee will prepare an in depth membership survey relating to malpractice insurance to be reviewed and considered by the Board at a later date.

Regarding the interim contract for a risk management helpline and consultation services, the committee recommended entering into an interim contract with a new service, proposed and administered by Health Agencies of the West. President Doerr noted that the proposed interim contract would be for six months, during which time the committee would explore options for a long-term contract. Commissioner Wolf made a motion to approve the proposed interim contract. Commissioner Hernandez seconded, and the motion passed.

Mr. Sabin reported that Health Agencies of the West has been acting as the State Bar's broker for various professional liability services, including ANLIR. ANLIR will now be marketing its services directly, so if the State Bar continues its endorsement with ANLIR, the Bar will no longer be allowed to use Health Agencies of the West (HAOW) as the official broker. Consequently, the exclusive broker contract with HAOW must be altered. Mr. Sabin proposed amending the contract with Health Agencies of the West to provide a 30-day notice and to remove the "non-compete" clause. Commissioner Wolf made a motion to approve the committee's recommendation. Commissioner Hernandez seconded, and the motion passed.

13. Discussion Regarding Continuation of International and Immigration Law Section

Maggie Gombos reported that the International and Immigration Law Section currently has 30 members. Since the Section has been without leadership and has not conducted activities or issued an annual report for the past several years, she questioned whether the Section should be included on the dues form. Mr. Doerr suggested that since the Section is no cost to the Bar, the Section should continue. There was no further discussion on this issue.

14. Approval of 2001 Dues and Licensing Form

Copies of the dues form, with highlighted changes for 2001, were distributed to Board. Cheryl Bruce pointed out changes, and she also reminded the Board that the malpractice insurance questions, referenced in Item # 12 above, would be added. Commissioner Briones made a motion to alphabetize listings in all sections of the form. Commissioner Ontiveros seconded the motion, but the motion failed. Under the "voluntary dues and contribution" section, Commissioner Torres made a motion to list the State Bar Foundation first, Equal Access to Justice second and to alphabetize the remainder of the listings. Commissioner O'Brien seconded, and the motion passed.

15. Approval of Expansion of State Bar's Better Business Bureau Mediation Program

President Doerr reported that the program is getting good feedback and recognition, and that Dennis Jontz proposes that the dollar limit be increased from \$2,500 to \$5,000, and later to \$7,500. Mr. Jontz also recommends adding the option of binding arbitration. Commissioner Alcott made a motion to increase the limits and include the arbitration option. Commissioner Torres seconded, and the motion passed.

16. President-elect's Report

President-elect Hernandez circulated a committee sign-up sheet and invited Commissioners to indicate the committees on which they would like to serve. Mr. Hernandez announced that there would be an Annual Convention Curriculum Planning Committee, with Bryan Biedschied as Chair and Rick Kraft and Colin Alcott as members.

Mr. Hernandez announced that Board meetings would continue to be held on Fridays, with meetings of the Finance Committee to be held immediately prior to the Board meeting. He added that he plans to include social gatherings during his term, to be hosted by Board members.

17. Report from MDP Task Force

Chair Mark Riley reported that the task force would hold its first meeting in January 2001. He expressed his willingness to continue his work with the task force following the end of his term on the Board of Bar Commissioners, and that he will report on the work of the task force periodically.

18. Report on ABA Regional Meeting on Access to Justice

Commissioner O'Brien reported that he, along with Sarah Singleton and Chief Justice Pamela Minzner, represented New Mexico at the ABA regional meeting on access to justice. He noted that the New Mexico delegation in attendance at the meeting indicated their support of having legal services' providers approach the New Mexico Legislature for funding for legal services for the poor. He concluded by suggesting that the Board of Bar Commissioners consider recruiting members from the legal services community to serve on the Board.

19. Report on the Commission on Professionalism

President Doerr reported on the Commission's first meeting, and noted that the "blue ribbon" members of the Commission are working to adopt a definition of professionalism as well as goals and objectives.

20. Reports from Divisions

A. Young Lawyers Division (YLD)

Incoming YLD Chair Bryan Biedschied reported on the recent Division election and noted that the contested Board races show more interest in serving on the Division's leadership than in previous years. He concurred that YLD is far below budgeted expenditures, and he

suggested that the focus of the YLD budget should be on the value and benefits of the programs rather than dollar figures alone. Mr. Biedschied expressed his support of considering new programs modeled from other bars and the ABA. He concluded by reminding the Board of the YLD call-in scheduled for December 2nd.

B. Senior Lawyers Division (SLD)

SLD Chair and Board Delegate Jack Clough reported on a recent poll of SLD members regarding the structure of the Division. He reported that the poll did not result in a clear directive regarding whether SLD should remain a division or whether it should, alternatively, change to a section or committee. The Board did not proceed to take any action regarding the future status of SLD, so President Doerr suggested that SLD remain a division and that Jack Clough continue to attend Board meetings as the SLD representative until such time as the SLD holds an election and a new SLD Delegate is named to serve on the Board of Bar Commissioners.

C. Legal Assistants Division (LAD)

Chair Christiane Wilson reported that LAD will change its year to correspond to the State Bar's year. She noted that all of the LAD committees had chairs, which indicates improved member participation. Ms. Wilson then requested approval of amendments to the LAD Bylaws. Commissioner Wolf moved to approve the amendments to the LAD Bylaws; Commissioner Torres seconded, and the motion passed.

21. Executive Session

The Board went into Executive Session to discuss a personnel matter.

22. New Business

President Doerr expressed his appreciation for the opportunity to serve the State Bar as President.

There being no new business, the meeting was adjourned.