

**BOARD OF BAR COMMISSIONERS**  
**January 31, 2003 MEETING MINUTES**  
**Bar Center**  
**Albuquerque, New Mexico**

<b>MEMBERS PRESENT:</b>	Henry A. Alaniz Colin C. Alcott Daniel J. Behles David M. Berlin B. Paul Briones Robert D. Castille James H. Dawdy, Jr. Virginia R. Dugan Jane Shuler Gray Richard L. Kraft	Daniel J. O'Brien Craig A. Orraj Melanie Patten Albert L. Pitts Donald C. Schutte Linda C. Stocky Mary T. Torres Charles J. Vigil Elizabeth E. Whitefield Carolyn A. Wolf
<b>MEMBERS ABSENT:</b>	Dennis E. Jontz Monica M. Ontiveros	
<b>OTHERS PRESENT:</b>	John Bannerman Kris Becker Briggs Cheney Elizabeth Derrico Maggie Gombos Christine Halter Dennis Harwick Jennifer Lewin	Alan Malott Gaelle McConnell Anita Otero Roy Reynolds Madonna Rutherford Bob Sabin Steve Schoen Joyce Stowers

**1. Welcome and Introduction of Board Members**

President Alcott welcomed and introduced the new Board members as follows: Henry Alaniz, David Berlin, Craig Orraj, Melanie Patten, Al Pitts, and Linda Stocky.

**2. Approval of December 6<sup>th</sup> Meeting Minutes**

Commissioner Torres made a motion to approve the December 6<sup>th</sup> meeting minutes, and Commissioner Dugan seconded. Legal Assistants Division Liaison Linda Stocky requested changes to the minutes under 23A as follows: delete "which will affect the hourly billing rates for both" in the fourth line, and delete "Registered" in the fifth line. Both changes were approved, and the motion passed.

**3. Finance Committee Report**

Secretary-Treasurer Dugan reported on the following discussion and action taken at the Finance Committee meeting held prior to the Board meeting:

- A. The budget deficit may be as much as \$20,000 by year-end. Funds would be drawn from cash reserves.
- B. Brandon Haines and Greg Cashman from Meyners + Company were in attendance to provide an overview of the 2002 audit scheduled to begin in March.
- C. The CLE budget will be revised and presented to the committee for approval at the March meeting.
- D. Madonna Rutherford will bring a new draft of the Education Policy to the Board for approval at the March meeting.
- E. All bar dues waivers were approved.

- F. The monthly mortgage payment was discussed. Paying the mortgage in full by 2008 would require monthly payments of \$18,211 while paying the mortgage by 2011 would require monthly payments of \$13,276. Commissioner O'Brien made a motion to pay \$16,300 as budgeted. Commissioner Alaniz seconded, and the motion passed with ten ayes and eight nos.
- G. The committee recommended the signing of ten CLE contracts with the Professional Education Group speakers bureau for a total of \$99,000. Commissioner Wolf made a motion to accept the recommendation of the committee. Commissioner Alaniz seconded, and the motion passed with two nos.
- H. The committee recommended negotiation/mediation with State Bar endorsed MBNA to allow \$100,000 from Wells Fargo for Annual Convention sponsorship. Commissioner Wolf moved to approve the recommendation. Commissioner Vigil seconded, and the motion passed.

#### **4. Acceptance of Financials**

Commissioner Wolf made a motion to accept the November 2002 financials. Commissioner Briones seconded, and the motion passed.

#### **5. Update of Appeal to NLRB**

President Alcott provided information and background for the new commissioners on the union and the Bar's appeal to the NLRB on jurisdictional grounds. He informed the Board that the Bar had received no news regarding the status of the appeal.

#### **6. Update on ABA Operational Survey**

Elizabeth Derrico with the ABA Division for Bar Services provided a summary of the work that she, Jennifer Lewin (also with the ABA) and Dennis Harwick (E.D. of the Kansas Bar) had conducted in preparation for the on-site visit they had just completed. She reported that they had surveyed and met with all staff to learn about each person's daily activities. Feedback indicated that employees were hopeful and positive with regard to steps that have been taken to rectify some of the organization's problems. Ms. Derrico cautioned the Board that some employees believe more transparency is needed. While the end result of actions taken by management may not be in question, lack of knowledge as to what changes would occur and when they would occur was an issue. She also recommended that the Board not make a hasty decision in replacing the executive director and that the Board wait to receive the ABA's report. Ms. Derrico urged the Board to allow the new executive director to organize the staff. Additionally, the ABA will provide instruments for program evaluation, and she advised that long-range planning drive resource planning. She further stated that it is the Board's responsibility to determine how resources should be allocated. Ms. Derrico informed the Board that preliminary recommendations would be provided in mid-March, and the formal report would be provided in April.

#### **7. Management Oversight Committee Report**

Management Oversight Committee Chair Mary Torres reminded the Board that the committee was formed after Cheryl Bruce's resignation. Commissioner O'Brien reported on discussions from the employee round table held on January 24<sup>th</sup> that he facilitated. The discussion followed viewing of the professionalism program that was used for attorneys in 2002. Staff expressed that they are overworked because programs have been added without sufficient added resources. The committee had originally planned in the next round table to ask staff to provide suggestions for program revision or elimination, but decided to revisit the idea due to the ABA's recommendations. Ms. Derrico urged the Board to not set the precedent of becoming involved in processes. The Board is responsible for setting policy and allocating resources for programs. Management should deal with workloads and processes.

Pursuant to Board Policy 1.2, the Board went into Executive Session to discuss the vacancy for the communications director.

Following the Executive Session, Commissioner Briones made a motion to adopt the Management Oversight Committee's recommendation to leave hiring decisions, including a new communications director, to the interim executive director. The motion passed with one no.

#### **8. Approval of Client Protection Fund Payout**

CAAP Manager Gaelle McConnell referred to the handout listing the claimants and amount of claims made from June through the end of December. She reported that staff labor time was deducted from the fund balance and it was therefore lower than anticipated. Commissioner Torres made a motion to pay the total \$24,789.04 in claims, the difference of the \$9,152.24 remaining in the fund to be paid from cash reserves. Commissioner Behles seconded, and the motion passed with President Alcott breaking the tie of nine ayes and nine nos.

#### **9. Update on ANLIR Financial Status**

Briggs Cheney and John Bannerman, representing the Lawyers Professional Liability (LPL) Committee, provided the history of the Bar's endorsements of professional liability carriers since the 1980s. They reminded the Board that in the spring of 2002, ANLIR's rating fell from an A to B-. In October, the committee decided to terminate the endorsement at the first possible date allowed by the contract. They reported that their original intention was to request that the Board give the committee permission to negotiate an earlier termination; however, recent events changed the focus of the committee's request. Reciprocal of America (ROA), ANLIR's sister company and reinsurer, entered into voluntary receivership with the state of Virginia on January 28th. On January 30<sup>th</sup>, ANLIR entered into voluntary receivership with the state of Tennessee to protect its assets. Discussion followed regarding appropriate notice to members. Maggie Gombos informed the Board that both ANLIR and the broker, Carroll and Associates, sent letters to members.

Mr. Cheney conveyed the Committee's request for funds to hire a certain consultant to advise the committee. Commissioner Briones made a motion to hire consultant Jane Taylor (lawyer and actuary) for a maximum of \$2,500 to advise the LPL Committee. Commissioner Torres seconded, and the motion passed. Further discussion noted the loss of ANLIR funding for the State Bar's Risk Management Hotline, and Commissioner Wolf made a motion to continue the hotline for one month for a cost of approximately \$350. Commissioner Behles seconded, and the motion passed. The Board also gave the Executive Committee authority to proceed with the LPL Committee on decisions that need to be made prior to the next Board meeting.

#### **10. Discussion of Amicus Brief in Support of ABA Suit Against FTC**

Immediate Past President Torres reported that most State Bars support the ABA suit against the FTC and requested the Board's support at this time, so that she can notify the ABA at the Midyear Meeting. Commissioner Wolf made a motion to approve joining in the suit, and Commissioner Briones seconded. Commissioner Schutte noted that he did not understand the brief or what the Board was being asked to approve. Following discussion, the motion failed with a vote of nine to five. Commissioner Torres asked for clarification of what to report to the ABA. Commissioner Dawdy made a motion for Commissioner Torres to tell the ABA that the Board declined to take any action on the matter, and the motion passed.

#### **11. Appointments to Internal BBC Committees**

President Alcott provided a handout of the internal BBC committee appointments (attached as Exhibit A) and announced the chairs of each committee.

## **12. Appointments to Center for Civic Values IOLTA Grant Committee**

President Alcott reported that two appointments needed to be made to the Center for Civic Values IOLTA Grant Committee for three-year terms, and that Michelle Giger, President and CEO of the Center for Civic Values, requested the Board's reappointment of Kim Griffith. Patricia Hoxsie, the public member appointee, was unable to serve another term, and President Alcott asked for recommendations for the appointment of a non-lawyer public member. Commissioner Berlin stated that he serves on the Center for Civic Values Board and volunteered to research options for the appointment and make a recommendation to President Alcott.

## **13. Presentation from Membership Services Advisory Committee**

Alan Malott, Chair of the Membership Services Advisory Committee, presented for the Board's approval the "Guidelines and Procedures for Member Benefits Programs," which were adapted from similar ABA Guidelines and Procedures. Prior to the Board's approval, he requested an amendment to number 5 under Program Guidelines deleting the phrase "and should not duplicate or compete with existing benefits and services." Commissioner Torres made a motion to approve the Guidelines and Procedures with the amendment to number 5. Commissioner Whitefield seconded, and the motion passed. Mr. Malott further stated that the committee is researching options for other credit card companies and noted that the Bar's contract with MBNA expires the end of this year. The contract renews automatically unless we notify MBNA otherwise, and if we want to terminate the contract, notice needs to be given in June. He added that the committee wants to expand the membership programs and that every program that comes up for renewal is looked at and compared with other programs, and the guidelines assist the committee and the Board.

## **14. President's Report/Executive Committee Report**

President Alcott reported on the following:

- A.** Judicial Nominating Commissions have operated more professionally and more courteously in areas outside of Albuquerque. He selects members based on geography, practice area, political affiliation, etc.

## **15. President-elect's Report**

President-elect O'Brien had nothing further to report.

## **16. Interim Executive Director's Report**

Interim Executive Director Christine Halter reported on the following:

- A.** She participated in judging the state competition of the We the People program at the capitol building in Santa Fe on December 14<sup>th</sup>. Chris de Lara of the Young Lawyers Division was also on the panel led by Chief Justice Patricio Serna.
- B.** She participated in the January 18<sup>th</sup> meeting of the Young Lawyers Division and offered a proposal by a consultant who would manage the fundraising aspect of the Lawyers Leadership Training Institute.
- C.** She and Madonna Rutherford assisted the Albuquerque Bar as cosponsor of the annual Judicial Reception. They also attended the preceding CLE presented by the Federal Court regarding e-filing.
- D.** The State Bar Web redesign launch is scheduled for late February, and marketing in the *Bar Bulletin* is underway.

## **17. Reports from Internal Divisions**

### **A. Administration/HR**

Director of Administration/HR Madonna Rutherford reported on the position openings within the organization – three in the Communications Division, one in the Referral and Public Service Division to be funded by a Lawyers Care grant, and one opening in the Membership Services Division since Jenny Oram accepted a position in Court Regulated Programs. The division is busy processing dues as the February 3<sup>rd</sup> deadline approaches.

### **B. CLE/CLE Advisory Committee**

Commissioner Wolf reported that the first meeting of the committee to be held in two years was held yesterday. The committee will meet again prior to the March BBC meeting. Director of CLE Roy Reynolds thanked the committee for its assistance.

### **C. Communications**

Interim Executive Director Christine Halter reported that she had screened the resumes of applicants for the Director of Communications position and would be conducting interviews the following week. A hiring decision would be made by the end of February. In the interim, Assistant Director of Publications Diana Sandoval and Webmaster Veronica Cordova share the duties of the former director. The new director will make staffing decisions for the other open positions after assessing the needs of the division.

### **D. Membership Administration**

Director of Membership Administration and Support Division Maggie Gombos reported that practice sections were very active this year and new officers had been identified. Section, committee and division 2002 annual reports were distributed at the meeting. A committee sign up by e-mail was very successful and attracted numerous volunteers. Section and division chairs were invited to an orientation session scheduled for February 21<sup>st</sup> to cover such leadership topics as “What makes an organization effective?” The Lending Library has acquired 25 new items. She has increased the marketing of membership services by developing new brochures and plans to utilize a PowerPoint presentation of membership services on an ongoing basis in the lobby of the Bar Center.

### **E. Court Regulated Programs**

Court Regulated Programs Director Anita Otero reported that the MCLE Web site allows attorneys to look up the status of credit compliance; however, annual reports will continue to be mailed. Three years of transcripts will soon be made available online. She reported that she reviews 600-900 courses per year. Credits are posted weekly and 40% of all credits are reported in December.

## **18. Annual Convention Report**

Madonna Rutherford recommended holding the July BBC meeting in Albuquerque on the Tuesday prior to Annual Convention. Commissioner Dawdy made a motion to have the meeting on Tuesday in Albuquerque. With no second, the motion failed. President Alcott suggested canceling the July meeting. Commissioner Wolf moved to delegate the decision regarding when to hold the meeting to the Executive Committee. Commissioner Briones seconded, and the motion passed.

Roy Reynolds informed the Board that Chief Justice Maes agreed to the judicial institute containing the Justice's annual conference and a judicial strategic planning conference which would involve planning with attorneys. The State Bar will pay for transportation, meals and hotel for 61 judges with sponsorship funds. In exchange, Chief Justice Maes will require them to clear their dockets for the dates of the Annual Convention. Mr. Reynolds informed the Board that he has been working with Southwest Airlines to receive a discount for flying the group to Tucson en masse. Commissioner Torres questioned whether the Board had approved subsidizing more than mileage/airfare. Commissioner Dawdy questioned our paying for judges and queried what the consequences would be of not meeting the goal of 1,100 attendees this year. The next Annual Convention Planning Committee meeting was scheduled for Friday, February 7<sup>th</sup>, at 4 pm.

**19. Reports from Divisions**

**A. Young Lawyers Division**

Commissioner Alaniz reported for Young Lawyers Division Chair Melanie Patten that officer elections had been held, and Morris Chavez is now chair-elect and Roxanna Chacon is now vice president.

**B. Senior Lawyers Division**

Senior Lawyers Division Chair Steven Schoen thanked the Board for its support of the division. He announced that the section currently has approximately 1500 members and its main programs are the Bill Kitts Mentor Program and the KOB call-in show that answers an average of 200 calls per month. The division recently published a booklet containing instructions on how to close a law office. The division's goal for 2003 is to expand the mentorship program.

**C. Legal Assistants Division**

Legal Assistant Division Liaison Linda Stocky distributed the division's budget to the Board. She reported that Division Past-Chair Sandra Byer is chairing an ad hoc committee that is considering changing the name of the Division from "Legal Assistants Division" to "Paralegal Division." This name change would reflect current accepted terminology (paralegal) for the level of education and training that Division members must achieve. Joyce Stowers is a member of the ad hoc committee.

**20. New Business**

President Alcott advised the Board that no social event would be held following this meeting, but that a reception would be held in March. All staff will be invited to attend.

He requested that agenda items be submitted to him or Interim Executive Director Christine Halter two weeks prior to each meeting.

It was announced that the first professionalism course would be presented on February 22<sup>nd</sup>.

There being no further business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS  
MARCH 28, 2003 MEETING MINUTES  
Bar Center  
Albuquerque, New Mexico**

<b>MEMBERS PRESENT:</b>	Henry A. Alaniz Colin C. Alcott Daniel J. Behles David M. Berlin B. Paul Briones Robert D. Castille James H. Dawdy, Jr. Virginia R. Dugan Daniel J. O'Brien	Monica M. Ontiveros Craig A. Orraj Melanie Patten Linda C. Stocky Mary T. Torres Charles J. Vigil Elizabeth E. Whitefield Carolyn A. Wolf
<b>MEMBERS ABSENT:</b>	Jane Shuler Gray Dennis E. Jontz Richard L. Kraft	Albert L. Pitts Donald C. Schutte
<b>OTHERS PRESENT:</b>	Kris Becker Bob Cochnar Nick Gentry Maggie Gombos Christine Halter	Roy Reynolds Madonna Rutherford Bob Sabin (by phone) Sarah Singleton Joyce Stowers

**1. Approval of January 31<sup>st</sup> Meeting Minutes**

Commissioner Torres made a motion to approve the January 31, 2003, meeting minutes, and the motion passed.

**2. Finance Committee Report**

Secretary-Treasurer Dugan reported on the following discussion and action taken at the Finance Committee meeting held prior to the Board meeting:

- A. The committee recommended approval of the Educational Assistance Policy with the addition of the word "collectively" at the beginning of the sentence, "Maximum reimbursement is limited to the amount the Board approves in the annual budget." Commissioner Wolf made a motion to approve the recommendation of the Finance Committee and the motion passed.
- B. The committee recommended approval of reimbursement to Board members of mileage and two days per diem for the board meeting in Tucson at the Annual Convention. Commissioner Wolf made a motion to approve the recommendation of the Finance Committee and the motion passed.
- C. The committee recommended approval of resuming quarterly publications of the *Bar Journal* due to significant savings using the periodical rate. Three Journals could be produced in 2003. Commissioner Wolf made a motion to increase the Communications budget and allow the printing of the third Journal in 2003 and the motion passed.
- D. The committee recommended approval of a maximum of \$2500 to be used in advertising the open executive director position. Commissioner Torres made a motion to accept the recommendation and the motion passed.

Commissioner Alaniz made a motion to accept the Finance Committee report and the motion passed.

### **3. Acceptance of Financials**

Commissioner Wolf made a motion to accept the December 2002 financials and the motion passed.

### **4. Reports from Divisions**

#### **A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that the division conducted mock interviews at the law school in March; has arranged to conduct a bar exam review for students with Carla Lopez, chair of the prep exam program; presented a program at the law school for law clerks; will attend a meet and greet in Las Cruces on Saturday with the Texas YLD; and will conduct a board meeting at Annual Convention.

#### **B. Senior Lawyers Division**

Senior Lawyers Division Delegate Dan Behles reported that the SLD would be cosponsoring a program at Annual Convention this year that addresses issues related to aging clients; announced that Chair Steven Schoen was taking an active role on the board; and announced that more women are active in SLD this year than in others.

#### **C. Legal Assistants Division**

Legal Assistants Division Chair Linda Stocky reported that their board approved by unanimous vote the ad hoc committee's recommended name change to paralegal from legal assistant. The matter will be sent to all members of LAD for vote and comment.

### **5. Update on ABA Operational Survey**

President Alcott summarized a memo from the ABA and highlighted some of their initial observations. He advised the Board that the final report is due the end of April. Discussion followed regarding whether the report would contain observations as contained in the memo or whether it would contain more specific recommendations. President Alcott and Commissioner Torres, Chair of the Management Oversight Committee, will direct Elizabeth Derrico to include more specific recommendations in the final report.

### **6. Update on Justice Franchini's Client Protection Task Force**

President Alcott reported that the task force approved a short-term solution for reinstating the client protection fund as follows: The fund will be reinstated immediately and administered in the same manner as before the fund's closing. Cash reserves would fund the program contingent upon prior Supreme Court approval of a \$15 assessment per member in 2004. Commissioner O'Brien made a motion to reinstate the program now and pay claims from reserves contingent on the Supreme Court's directive for a \$15 assessment in 2004 from which reserves would be repaid. The motion passed with one no.

### **7. Update on ANLIR Receivership**

Lawyers Professional Liability Committee Chair Bob Sabin informed the Board of the problems between the Virginia and Tennessee receivers regarding payment to creditors in the ANLIR and ROA receivership situation. Virginia favors ROA insureds since ROA is the first level reinsurer. ANLIR changed reinsurance companies in early 2002 and did not notify the State Bar Lawyers Professional Liability Committee until midyear. Tennessee has appealed and Jane Taylor, the consultant hired by the State Bar, is monitoring the situation. Mr. Sabin mentioned that Gen Re, the previous reinsurance company, might have some responsibility for the 15 to 20 outstanding claims in New Mexico. If Tennessee obtains nothing from either the Virginia receiver or Gen Re, \$12 million in assets will be available to pay \$53 million in claims.

Mr. Sabin informed the Board that consultant Jane Taylor had not charged for services rendered to the State Bar. Therefore, the \$2500 that the Board allocated at the January 31<sup>st</sup> meeting for consultant services was still available. A question arose with regard to tail insurance. ALPS is offering to treat State Bar former ANLIR insureds as its own insureds by charging 80% of their premium for tail coverage for the first year of retirement and decreasing in years thereafter. Another question arose regarding liability of the insurance company endorser. Mr. Sabin stated that the Virginia State Bar researched this matter and found there to be no liability.

## **8. Management Oversight Committee Report**

### **A. February 19<sup>th</sup> Management Oversight Committee Meeting**

Management Oversight Committee Chair Torres reported that the most recent staff issue e-mailed to the committee was received on February 19<sup>th</sup>. The length of time necessary to keep the committee in place was discussed. Chair Torres informed the Board that the committee would be in place until the new executive director is hired. She also stated that it is not the committee's intent to micromanage and that, unless staff report matters to the level of discrimination, concerns will be directed to the interim executive director.

### **B. March 14<sup>th</sup> Staff Roundtable**

Commissioner O'Brien reported that Annual Convention was one of the main issues discussed at the roundtable. Staff complained that the event has not been profitable and consumes a great deal of their time. There was also discussion regarding lack of clarity of the organization's mission statement.

### **C. Severance Agreement**

President Alcott advised the Board that Nick Gentry sent him a letter regarding Executive Director Cheryl Bruce's departure, specifically the way in which it was disclosed to the membership. President Alcott asked Immediate Past President Torres to summarize the circumstances regarding the resignation of Executive Director Cheryl Bruce for Mr. Gentry and the new commissioners. Following discussion, Commissioner Behles made a motion for the minutes summary published in the *Bar Bulletin* to include the total amount of severance paid to Ms. Bruce in the amount of \$43,806.32. The motion passed. Madonna Rutherford noted that all non-budgeted items are included in the audit, and that the amount would also be published in the *Bar Bulletin's* 2004 budget disclosure document.

## **9. Approval of Amendments to Business Law Section Bylaws**

Maggie Gombos reported that the Business Law Section requested amendments to Sections 6.4 and 6.5 of their bylaws to clarify that notice of board of directors meetings could be provided by using e-mail. Commissioner Behles made a motion to approve the amendments and the motion passed.

## **10. Appointment to DNA-People's Legal Services, Inc., Board**

Interim Executive Director Christine Halter reported that there are two vacancies on the DNA-People's Legal Services, Inc., Board, and that the Executive Director of DNA, Anna-Marie Johnson, requested the reappointment of Judge Peggy Nelson. Ms. Johnson also made recommendations for Jack Clough's replacement. Following discussion, the Board decided to publish an ad in the *Bar Bulletin* in order to broaden the selection. The item was tabled until the May 30<sup>th</sup> meeting.

## 11. President's Report/Executive Committee Report

- A. President Alcott reported on the Executive Director Selection Committee meeting held on March 30<sup>th</sup>. The committee discussed the salary for the Executive Director in addition to the three most important job requirements, which included HR/staff management experience, communication and financial/budgetary knowledge. The committee also determined that the executive director should be employed by a two-year contract that includes a termination clause. President Alcott asked for volunteers to develop a contract, and Commissioners Vigil and Castille volunteered. The committee also developed a job announcement to be placed with several publications and organizations, including the *Albuquerque Journal*, *ABA Journal*, ABA Division for Bar Services, *New Mexico Business Journal*, Anderson School of Management, the *Bar Bulletin* and on the Bar's website. The job announcement was distributed to the Board and following discussion regarding listing the salary range, it was decided to request salary requirements instead. Commissioner Torres made a motion to approve the job announcement with the amendment, and the motion passed with one no to leave "as is."
- B. The Soldiers and Sailors Civil Relief Act was reinstated by Order of New Mexico Supreme Court on March 27, 2003. **A copy of the rule is attached behind these minutes.** In conjunction with this action, the Public Legal Education Committee (PLEC) is airing radio PSAs encouraging the public to call the State Bar for referrals.
- C. Utah and Colorado have passed mirror reciprocity agreements for multijurisdictional practice.
- D. One of his goals for this year is to establish an advanced CLE program in partnership with the UNM School of Law for general practitioners. He would not request that MCLE track the credits and intends to analyze the staffing needs prior to proceeding.
- E. The Executive Committee conducted the following business since the January Board meeting:
  - Authorized the Lawyers Professional Liability consultant to draft a letter on Colin's behalf to the Tennessee receivers of ANLIR requesting information and cooperation. The letter proved unnecessary due to an appeal and claim filed by the Tennessee Department of Commerce.
  - Approved continued funding for an indefinite amount of time to the State Bar's risk management hotline.
  - Developed a building access policy for contractors of lessees and affiliates of the State Bar and temporary employees of the State Bar.**A copy of the policy is attached behind these minutes.**

Commissioner Wolf made a motion to ratify the action of the Executive Committee and the motion passed.

## 12. President-elect's Report

President-elect O'Brien reported that attending the Western States Bar Conference was a valuable experience during which he learned of many wonderful programs conducted by other bars.

## 13. Interim Executive Director's Report

Interim Executive Director Christine Halter reported on the following:

- A. She and the new director of communications, Bob Cochnar, reorganized the Web site back to the Communications Division from the Administration Division. Mr. Cochnar

also restructured a few of the positions in the division giving a few employees new responsibilities.

- B. She has responded to journalists with regard to the ANLIR situation and the termination of the Client Protection Fund. The ABA's Standing Committee on Client Protection will be visiting on May 5<sup>th</sup> to provide recommendations as to how the fund might be re-established and administered.
- C. The Web redesign was launched February 28<sup>th</sup> and a special insert was included in the March 6<sup>th</sup> *Bulletin*.
- D. She is working with Gini Silva of the Albuquerque Bar to coordinate Law Day activities. Gerry Spence will be the keynote speaker at the luncheon.

#### **14. Reports from Internal Divisions**

##### **A. Administration/HR**

Director of Administration/HR Madonna Rutherford reported that 213 members had not paid bar dues compared to the normal count of 80 who have not paid by this time every year. She noted staff recently hired for the following positions: receptionist/secretary for the referral and public service division, paralegal funded by Lawyers Care grant, director of communications, staff attorney for LREP and membership services administrative assistant. Current open positions include: LREP managing attorney and designer/editor in communications.

##### **B. CLE**

Director of CLE Roy Reynolds reported that mailing brochures with a good deal of advance notice remained a challenge. He is developing a national program on terrorism with Senator Pete Domenici for next fall and hopes to include President Bush, Vice President Cheney and Secretary of Defense Donald Rumsfeld.

##### **C. Referral and Public Service**

Director of Referral and Public Service Director Joyce Stowers reported that Lawyers Care Referral is providing attorneys and judges outside of Albuquerque for the Dialogue on Freedom Program on Law Day. Additionally, the YLD will be conducting a call-in on May 3<sup>rd</sup> in Albuquerque, Las Cruces and Farmington.

##### **D. Communications**

Director of Communications Bob Cochnar provided a written report and outlined several goals for the division. First, he plans to increase advertising revenue so that State Bar publications come closer to breaking even financially. Second, Mr. Cochnar intends to make the publications more presentable and include more fascinating content. In addition, he plans to broaden the readership beyond those in the legal profession. Finally, he will strengthen the relationship among the bench, bar and media by reviving the statewide Bench-Bar-Media Conference.

##### **E. Membership Administration**

Director of Membership Administration Maggie Gombos provided handouts that included section, division and committee membership statistics as well as committee objectives. She reported that there have been many new volunteers to committees this year and that section membership has slightly increased. In contrast, the Law Office Management and Technology Utilization Committees have not seen an increase in numbers and have not been very active. She is seeking assistance from the LAD.

## **15. Annual Convention Committee Report**

Roy Reynolds distributed the Annual Convention budget and Bob Cochnar provided the program insert for the *Bar Bulletin*. Mr. Reynolds informed the Board that the strategic planning sessions to be held between attorneys and judges would coincide well with Chief Justice Maes' work on the Governor's Blue Ribbon Strategic Planning Task Force. Chief Justice Maes is unable to close the courts on the dates of convention, but will call all of the chief judges to enlist their attendance. Mr. Reynolds is developing a Corporate Advisory Committee to assist in fundraising for sponsorships.

Immediate Past President Mary Torres made a motion to change the evening of the Past Presidents' Dinner to Wednesday and to combine it with the Chief Judges' Council Dinner. The motion passed.

Commissioner Whitefield made a motion to eliminate the golf tournament Thursday morning (since strategic planning sessions between attorneys and judges are scheduled at that time) and the motion passed.

Commissioner O'Brien made a motion to hold the Board meeting on Saturday afternoon and the motion passed.

Commissioner Briones made a motion to decrease the cost of the continental breakfasts to \$15 per person inclusive of tax and gratuity. The motion passed.

## **16. Commission on Professionalism Report**

Commission on Professionalism Co-chair Mary Torres reported that Supreme Court Justice Bosson is the new co-chair of the Commission and that the Commission has many new members this year. Subcommittees will be meeting soon and a more substantial report will be provided in May.

## **17. ABA House of Delegates Midyear Meeting Report**

Highlights of topics discussed at the ABA House of Delegates Midyear Meeting as reported by ABA Delegate Sarah Singleton are as follows: due process and terrorism, asbestos claims, federal judge salaries and breaking their link to Congress, guidelines for defense counsel for death penalty cases; and the Civil Rights Tax Relief Act. A copy of the full report was included in the March 28, 2003, board materials.

## **18. New Business**

There being no new business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS  
MAY 30, 2003 MEETING MINUTES  
Bar Center  
Albuquerque, New Mexico**

**MEMBERS PRESENT:**

Henry A. Alaniz	Monica M. Ontiveros
Colin C. Alcott	Craig A. Orraj
David M. Berlin	Melanie Patten
B. Paul Briones	Donald C. Schutte
James H. Dawdy, Jr.	Linda C. Stocky
Virginia R. Dugan	Mary T. Torres
Dennis E. Jontz	Charles J. Vigil
Richard L. Kraft	Elizabeth E. Whitefield
Daniel J. O'Brien	Carolyn A. Wolf

**MEMBERS ABSENT:**

Daniel J. Behles  
Robert D. Castille  
Jane Shuler Gray  
Albert L. Pitts

**OTHERS PRESENT:**

Kris Becker	Christine Halter
Gwenn Bolling	Chris Joseph
Sandy Byer	Nick Noeding
Greg Cashman	Anita Otero
Bob Cochnar	Madonna Rutherford
Maggie Gombos	Richard Spinello
Brandon Haines	Joyce Stowers

**1. Approval of March 28<sup>th</sup> Meeting Minutes**

Commissioner Torres made a motion to approve the March 28, 2003, meeting minutes. Legal Assistants Division Liaison Linda Stocky requested an amendment to the minutes under 4(C) to add "vote and" preceding comment, and the motion passed with the amendment.

**2. Finance Committee Report**

Secretary-Treasurer Dugan reported on the following discussion and action taken at the Finance Committee meeting held prior to the Board meeting:

- A.** Accepted the March 2003 SBNM and SPPJ Financials and Executive Summary.
- B.** Decided to pay \$9150 from cash reserves to complete the State Bar's \$10,000 commitment to this year's CCV mock trial competition. Only \$850 had been collected in donations remitted with membership dues payments. The committee also decided to request financial statements for subsequent requests.
- C.** Tabled remodeling requests until 2004 budget process.
- D.** Transferred approval of the revised travel policy to the Policy and Bylaws Committee.

Commissioner Vigil made a motion to accept the Finance Committee report and the motion passed.

**3. Acceptance of Financials**

Commissioner Torres made a motion to approve the March 2003 Financials and the motion passed.

#### **4. Acceptance of 2002 Audit and Management Letter**

Brandon Haines and Greg Cashman provided a PowerPoint presentation on the 2002 Audit and highlighted the following:

- A.** Fewer than five adjustments were made to journal entries.
- B.** The financial statement presentation was changed this year due to new regulations requiring consolidation of non-profit entries. Therefore, the State Bar and Special Projects' financial statements were consolidated, eliminating transfers between entities.
- C.** State Bar assets and cash have decreased slightly in recent years.
- D.** State Bar liquidity is fairly healthy with the ratio of assets to liabilities being greater than one to one. However, working capital has decreased.
- E.** Dues revenues have been flat since the dues increase for the Bar Center in 1995.
- F.** Non-dues revenues increased in 2001 and 2002 due to CLE's sponsorship of Annual Convention.
- G.** Membership services expenses increased from 33% in 2000 to 40% in 2002 mainly due to the Web site upgrade and the professionalism course.
- H.** Cash Reserves have decreased, due in part to an increase in money due from affiliates.
- I.** Special Projects' assets have decreased slightly since 2000; however the organization owns 37% of the Bar Center.
- J.** Special Projects' liquidity has decreased from \$1 of assets to cover \$.74 of liabilities in 2001 to \$1 of assets in 2002 to pay for \$1.22 of liabilities.
- K.** CLE revenues decreased from over \$600,000 to \$500,000 with expenses close to \$700,000 both years. The loss for 2002 totaled \$165,862.
- L.** Plans to mitigate liquidity problems for 2003 include eliminating the \$70,000 sponsorship of Annual Convention and having filled the CLE director position.
- M.** Management letter comments cited lack of documentation of CLE Division internal procedures and use of temporary, non-bonded employees for on-site CLE registration. Complete turnover in CLE staff resulted in a loss of institutional knowledge.

Commissioner Wolf made a motion to accept the 2002 Audit and Management Letter and the motion passed.

#### **5. Reports from Divisions**

##### **A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that there were nine volunteers who assisted with Law Day; Jeff Albright and Kim Middlebrooks received plaques for their service to YLD; Brown Bag luncheons were held in Las Cruces, Farmington and Santa Fe; and that she, Mo Chavez and Roxanna Chacon attended the ABA/YLD Spring Conference in New Orleans.

##### **B. Senior Lawyers Division**

In the absence of Senior Lawyers Division Delegate Dan Behles, Joyce Stowers handed out the Lawline-4 Program statistics and reported that there is a core group of people who volunteer their time for every program.

##### **C. Legal Assistants Division**

Sandy Byer, chair of the Legal Assistants Division ad hoc Name Change Committee, reported that 95% of the division's membership voted in favor of changing the name of the division to "Paralegal Division" of the State Bar of New Mexico. The Division proposed the following:

- 1) name change of the Division by revising Rule 24-101(B)(3) NMRA 1995
- 2) revisions to the Rules Governing Legal Assistant Services, Rules 20-101 through 20-114 NMRA 1981 to change the designation to "paralegal," clarify the definition of "paralegal," and to establish certain qualifications for "paralegals."

Ms. Byer requested that an official letter requesting the proposed changes be sent to the Supreme Court from the State Bar president and interim executive director. Commissioner O'Brien made a motion to approve and recommend the proposals to the Supreme Court. Commissioner Dawdy inquired as to what provisions were made for legal assistants who don't meet the new rules, but continue to be active. Joyce Stowers stated that the information was included in the bylaws of the Division and was not necessary to include it in the rules. Commissioner O'Brien amended the motion to send proposal 1 with the addition of page 5 on proposal 2. The motion passed. Commissioner Dawdy noted for the record that he did not believe it to be necessary or advisable to exclude legal assistants with experience who do not otherwise qualify.

Reconsideration of the proposals as amended was requested and granted as the proposed change to Proposal 1 would require another vote of the LAD membership before moving forward. The agenda item was reconsidered and further discussion resumed regarding allowing fewer members in the Division than meet the definition. Currently, to be qualified to join the Legal Assistants Division, one must have attained a certain level of education or have successfully completed an exam. After further discussion President-elect O'Brien made a motion recommending the submission of Proposal I as originally presented. The motion failed. Additional issues were brought out and President-elect O'Brien was asked to work with Sandy Byer, Linda Stocky, Joyce Stowers, and the Committee to clarify and possibly revise the proposals.

## **6. Update on ABA Operational Survey**

President Alcott reported that he had just received the final report and recommendations from the ABA, which was due in April, and that the report will be submitted to the Management Oversight Committee to make recommendations at the July meeting. Commissioners Wolf and Dawdy requested that copies of the report be distributed to the entire Board. Due to the confidential nature of the report, Linda Stocky volunteered to make the copies and they were handed out to the commissioners at the meeting and mailed to those not in attendance. Commissioner Wolf made a motion for the Management Oversight Committee to review the report and make recommendations at the July Board meeting, and the motion passed.

## **7. Executive Director Search Committee Report**

President Alcott reported that 274 resumes were received for the Executive Director position, and that a proposal from an executive search company was considered and rejected. He further reported that the resumes were sorted based on experience and salary and narrowed down to 100, which the committee reviewed and evaluated using a grading sheet. Based on those scores and discussion regarding the candidates, the committee decided on 15 finalists. Pursuant to Board Policy 1.2, the Board went into Executive Session to review and discuss the list of 15 finalists and to determine the salary for the position. President Alcott announced that a special meeting would be held on Saturday, June 21<sup>st</sup>, at 9 a.m. to conduct interviews of the finalists and select an Executive Director. He noted that there were no funds budgeted for the special meeting and asked commissioners to voluntarily not request reimbursement to attend the meeting. The Board discussed whether to conduct telephone interviews and whether to pay travel expenses for the out-of-state candidates. Commissioner Jontz made a motion to have the Executive Director Selection Committee conduct in-person interviews of all 15 candidates and determine five finalists to be interviewed by the Board. President Alcott requested an amendment for the Board to interview six finalists, if necessary, and the motion passed. Commissioner Jontz made a motion to pay the travel expenses for all of the out-of-state candidates and for staff to make all of the travel arrangements in order to control the expenses, and the motion passed.

President Alcott reported that Commissioners Vigil and Castille were working on the contract for the Executive Director, and that approval of the contract would be placed on the June 21<sup>st</sup> special meeting agenda.

## **8. Update on Client Protection Fund**

President Alcott informed the Board that the final report and recommendations from the ABA consultation (conducted by the chair and counsel for the ABA's Standing Committee on Client Protection) would be received in the near future. He also stated that he was waiting for Justice Franchini's directive to take the proposal to the Supreme Court to reinstate the Client Protection Fund as previously administered. The Court's approval of a \$15 per member assessment for 2004 would reinstate the fund immediately. The State Bar is not currently accepting claims.

## **9. Annual Convention Committee Report**

Commissioner Dugan, co-chair of the Annual Convention Planning Committee, reported that the committee met on May 6<sup>th</sup> to discuss the significant expenses related to the convention and whether to proceed. The committee decided to cancel the convention, but later learned that the cancellation fees were higher than the loss to proceed. With this new information, the committee decided to go forward with the convention on a much smaller scale, consolidating all activities into one hotel and hiring a private fundraiser to assist with obtaining sponsorships. The committee also decided to fund the expenses for 17 judges, instead of 55 as originally planned. With income from the sponsorships and exhibitors, it is anticipated that expenses will not exceed revenues.

The Board meeting at the convention will be on Saturday at noon, and the Finance Committee meeting will be on Friday at 7 a.m. Commissioners Whitefield and O'Brien volunteered to assist with the golf tournament. Commissioner Dawdy made a motion to not have a Board meeting during the convention in Tucson due to the expenses outweighing the benefit, but the motion failed for lack of a second. Commissioner Dawdy made a motion to waive Commissioner reimbursement for travel to Tucson to attend the Board meeting, but the motion failed for lack of a second. It was determined that individual commissioners would decide whether or not to request reimbursement.

## **10. Executive/Management Oversight Committee Report**

Pursuant to Board Policy 1.2, the Board went into Executive Session to discuss this agenda item.

## **11. Executive Session**

Pursuant to Board Policy 1.2, the Board went into Executive Session.

## **12. Executive Session Report**

The Board instructed Nick Noeding to act on its behalf regarding a specific personnel matter. Due to attorney-client privilege, no further report was given.

## **13. Approval of Annual Awards**

Commissioner Whitefield, Chair of the Annual Awards Committee, reported on the committee's recommendations for the 2003 annual awards as follows:

Courageous Advocacy  
Distinguished Bar Service

Distinguished Bar Service – Non-Lawyer  
Seth D. Montgomery Distinguished Judicial Service  
Outstanding Contribution

Randolph "Dolph" Barnhouse  
Michael T. Murphy  
Joyce Stowers  
Edwina Logan Hambor (posthumously)  
Justice Gene E. Franchini  
Daniel J. Behles  
Michael F. Hacker  
Ronald E. Holmes  
Thomas J. Budd Mucci  
Jason Neal

Outstanding Contribution to People with Disabilities	Albert T. Gonzales, Sr. Ann T. Sims
Outstanding Judicial Service	Judge Anne Kass
Outstanding Local Bar	Colfax-Union County Bar
Outstanding Program	Consumer Debt Workshop
Outstanding Young Lawyer of the Year	Roxanna M. Chacon
Professionalism	William S. Dixon (posthumously) Richard L. Gerding
Quality of Life – Lawyer	Charles W. Daniels
Quality of Life – Legal Employer	NM Environmental Law Center Swaim, Schrandt & Davidson, P.C.
Robert H. LaFollette Pro Bono	Albert W. Schimmel, III

Commissioner Dawdy moved to approve the committee's recommendations, and the motion passed.

#### **14. Appointment to DNA-People's Legal Services, Inc., Board**

Commissioner Alcott requested a motion to appoint two members to the DNA-People's Legal Services, Inc., Board. Commissioner Torres made a motion to reappoint Judge Peggy J. Nelson. Commissioners Briones, Ontiveros and Whitefield stated their support of Peggy L. Bird. Commissioner Torres amended her motion to appoint Peggy L. Bird and reappoint Judge Nelson to the DNA-People's Legal Services, Inc., Board, and the motion passed.

#### **15. Approval of Proposed Revision to Solo and Small Firm Practitioners Section Bylaws**

Maggie Gombos reported that the membership of the Board of Directors of the Solo and Small Firm Practitioners Section had been expanded from nine to twelve elected positions, but the additional positions have been vacant in past years. The section board requests approval of a bylaw amendment to return the board structure to nine elected positions. Commissioner O'Brien made a motion to approve the bylaw revision to Article VI for the Solo and Small Firm Practitioners Section Board to include nine elected positions, and the motion passed.

#### **16. Approval of Proposed Revision to All Section Bylaws**

Maggie Gombos reported that pursuant to Article VI, Section 6.2, of the Section Bylaws, the standard section board is comprised of nine elected positions for three-year terms, the past chair and a representative appointed by the YLD for a one-year term. Due to difficulty filling the YLD Section Liaison positions in the past, she suggested allowing each board or chair to appoint a YLD Liaison. Commissioner Torres suggested tabling this item in order for YLD Chair Melanie Patten to discuss the proposed bylaw revision with the YLD Board.

#### **17. Commissioner James H. Dawdy, Jr., Agenda Items**

##### **A. Constituent Communication**

Commissioner Dawdy expressed the desire to communicate with members in his bar commissioner district and the entire membership. He requested that the Board consider a means of doing so.

##### **B. Bar Bulletin**

Periodically publishing Commissioners' e-mail addresses in the *Bar Bulletin* or devoting a portion of the State Bar Web site to Commissioners' reports were a couple of Commissioner Dawdy's recommendations to communicate with members. Should Commissioners' reports be posted on the Web site, Commissioner Dawdy requested that the *Bar Bulletin* inform members of those reports.

##### **C. Report from Bar Examiners Meeting**

The Board of Bar Examiners has welcomed his attendance since he has acted as the Board of Bar Commissioner's liaison. The most recent meeting included

a discussion on whether or not to have a bar exam and questioning whether it tests competency or limits the number of lawyers.

**D. Annual Convention Concerns**

Commissioner Dawdy had no further comments since this agenda item was previously discussed.

**18. President's Report**

In response to Commissioner Dawdy's concerns, President Alcott suggested that Commissioner Dawdy attend local bar meetings and speak to his constituents when at court. President Alcott had no further report in addition to previously discussed agenda items.

**19. President-elect's Report**

President-elect O'Brien had no report in addition to previously discussed agenda items.

**20. Interim Executive Director's Report**

Interim Executive Director Christine Halter informed the Board that reporters continue to periodically contact her regarding the State Bar's lack of a Client Protection Fund. Ms. Halter also reported on her local bar visit to the Twelfth Judicial District Bar Association. She made a presentation encouraging members to attend Annual Convention and demonstrated how to use new features of the redesigned Web site.

**21. Reports from Internal Divisions**

**A. Administration/HR**

Ms. Rutherford reported that a little more than 50 attorneys were suspended for nonpayment of Bar dues. Approximately 84 new admittees were sworn in on May 5<sup>th</sup> and a few more had joined since then. She also informed the Board that staff would begin next month developing the 2004 budget.

**M. Rutherford**

**B. CLE**

Mr. Reynolds was not in attendance.

**R. Reynolds**

**C. Referral and Public Service**

Ms. Stowers previously gave her report in the Special Projects meeting.

**J. Stowers**

**D. Communications**

Mr. Cochnar reported that the Communications Division would return to full staffing early next week. There had been two open positions and two staff had been on medical leave. He informed the Board that the *Bar Journal* would be printed at the end of June. The issue would feature a Q&A with Chief Justice Petra Jimenez Maes, an update on New Mexico legislative issues, the Annual Convention preview and a quality of life survey among other articles. It would contain 11-12 pages of ads generating more revenue than previous issues of the *Journal*. He stated that the *Bar Bulletin* would be designed in a more reader-friendly format over the next few weeks and that the *Bench and Bar Directory* was on schedule to meet its September 1<sup>st</sup> deadline.

**R. Cochnar**

**E. Membership Administration**

Ms. Gombos announced that Mary Datwyler began working as the Membership Services administrative assistant eight weeks ago and is now instrumental in organizing Annual Convention. She reported that the practice sections have been very active and there had been 19 board and committee meetings in May. Sections are also developing budget proposals. The Quality of Life Committee had developed a survey that would be included as a tear-out sheet in the *Bar Bulletin*, posted on the Web site, and distributed at various events such as the Judicial Conclave, the Annual Convention and Bar Center seminars.

**M. Gombos**

**F. Court Regulated Programs**

**A. Otero**

Ms. Otero reported that the Rules for Legal Specialization are undergoing a complete overhaul and that the proposed revisions would be published in the *Bar Bulletin* in June. Two new specialty areas that have been added are local government and Indian law. She informed the Board of two vacancies on the Board of Legal Specialization and requested recommendations to fill them. The Legal Advertising Committee is in the process of paring down its rules so that they are user-friendly. This committee also has two vacancies; they meet 16 times per year on every third Monday. MCLE suspended only 25 attorneys in May from greater than 900 attorneys in non-compliance as of February. Ms. Otero informed the Board the MCLE board would be meeting at Annual Convention.

**22. Commission on Professionalism Report**

Co-chair of the Commission on Professionalism Mary Torres reported that the Commission had met the previous day. Guest speakers Justice Pamela Minzner and Steve Doerr, first co-chairs of the Commission, provided historical background as to the Commission's creation and purpose. The meeting included some strategic planning and uncovered a few funding issues to be discussed at a later date.

**23. New Business**

There being no new business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS  
JULY 12, 2003 MEETING MINUTES  
Loews Ventana Canyon Resort  
Tucson, Arizona**

<b>MEMBERS PRESENT:</b>	Henry A. Alaniz Colin C. Alcott Daniel J. Behles Robert D. Castille Virginia R. Dugan Jane Shuler Gray	Richard L. Kraft Craig A. Orraj Melanie Patten Linda C. Stocky Mary T. Torres Charles J. Vigil
<b>MEMBERS ABSENT:</b>	David M. Berlin B. Paul Briones * James H. Dawdy, Jr. Dennis E. Jontz * Daniel J. O'Brien *	Monica M. Ontiveros Albert L. Pitts Donald C. Schutte Elizabeth E. Whitefield * Carolyn A. Wolf
<b>OTHERS PRESENT:</b>	Kris Becker Sandy Byer Bob Cochnar Joe Conte Maggie Gombos Christine Halter	Kay Homan Walter Keller Madonna Rutherford Joyce Stowers Jini Wimmer

\* The above commissioners were participating in other State Bar convention activities and arrived after the close of the meeting.

**1. Approval of May 30<sup>th</sup> and June 21<sup>st</sup> 2003 Meeting Minutes**

Commissioner Torres made a motion to approve the May 30<sup>th</sup> and June 21<sup>st</sup> 2003 Meeting Minutes. Commissioner Behles noted that he was not present for the meeting and requested an amendment under members present. The motion passed with the amendment.

**2. Finance Committee Report**

Secretary-Treasurer Dugan reported on the following discussion and action taken at the Finance Committee meeting the day before the Board meeting:

- A.** Accepted the May 2003 Financials and Executive Summary.
- B.** Approved the accounts receivable.
- C.** Discussed funding for the Commission on Professionalism and recommended tabling it to the September Special Projects meeting.
- D.** Advised that the Risk Management Hotline increased from \$112 to \$125 per hour.
- E.** Discussed Lawyers Care Referral Program proposal to offer attorneys a membership to the referral program and an attorney page on the State Bar Web site for a fee of \$100 per year; Commissioner Torres made a motion to approve the proposal and the motion passed.
- F.** Tabled approval of communications advertising position until the new Executive Director evaluates staff and the need for the position.
- G.** Discussed student bar membership per proposal included in Finance Committee materials; the students would receive online access to publications and the membership dues would contribute to the general fund. Commissioner Torres made a motion to approve the student bar membership, and the motion passed.
- H.** Discussed reimbursement for Jack Lovell's airfare to interview for the Executive Director position. Commissioner Behles made a motion to reimburse Mr. Lovell, and the motion passed.

### **3. Acceptance of Financials**

Commissioner Torres made a motion to accept the May 2003 Financials and the motion passed.

### **4. Executive Director Status**

President Alcott introduced Joe Conte as the new Executive Director and announced that Mr. Conte officially begins work on July 21<sup>st</sup>.

### **5. Reports from Divisions**

#### **A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that 20 young lawyers joined them for the Annual Convention; she suggested appointing a young lawyer to the Annual Convention Planning Committee. Commissioner Torres made a motion to include a YLD representative on the committee, and the motion passed. The division plans to assist with the Bridge the Gap CLE Program in the fall.

#### **B. Senior Lawyers Division**

Senior Lawyers Division Delegate Dan Behles reported that the convention seminars coordinated by the SLD were very well attended.

#### **C. Legal Assistants Division**

Legal Assistants Division Chair Linda Stocky presented the revised version of the "Resolution of the Legal Assistants Division of the State Bar of New Mexico Regarding Proposed Name Change and Other Legal Assistant Rules Revisions." Commissioner Torres made a motion to approve the revised version, and the motion passed. The proposal will be presented to the NM Supreme Court for final approval.

### **6. Update on Client Protection Fund**

President Alcott reported that a letter would be sent from Justice Franchini to the NM Supreme Court after Annual Convention requesting reinstatement of the Client Protection Fund as previously approved by the Board. Terms of the immediate reinstatement include a \$15 assessment per State Bar member and administration of the fund including a cap of \$2,500 on claims.

### **7. Executive Committee Report**

President Alcott informed the Board that the Executive Committee held a teleconference on June 4<sup>th</sup> regarding the CLE Director Roy Reynolds. The committee also held a meeting on July 7<sup>th</sup> to discuss the possibility of canceling convention due to a voluntary evacuation of residents near the Loews Ventana Canyon Resort resulting from the Aspen Forest Fire in Tucson. The State Bar had been assured that business would return to normal on July 8<sup>th</sup>.

### **8. Approval of Proposed Revision to All Section Bylaws**

This item was tabled to the September meeting.

### **9. President's Report**

President Alcott reported on his goals for the new Executive Director through the end of the year:

- A.** Get the CLE Division back on track, reduce losses and break even at year-end.
- B.** Review the ABA's organizational assessment, conduct his own organizational assessment and provide recommendations at the September meeting for staged implementation.

**10. President-elect's Report**

President-elect O'Brien was not present; therefore, no report was provided.

**11. Interim Executive Director's Report**

**A. Fundraising Report**

Interim Executive Director Christine Halter reported that the State Bar had secured \$11,000 in sponsorships, \$16,500 in exhibitor fees and \$3,200 in program advertising to fund Annual Convention.

**12. New Business**

Madonna Rutherford requested approval for both Joe Conte and Christine Halter to be signators so that either person would be able to sign on the State Bar account. She emphasized that the request was not for co-signators when a second signature was required, but to accommodate the absence of the other, and the request was approved. Madonna Rutherford also requested transition of the State Bar's credit card from Christine Halter to Joe Conte, and the request was approved.

**BOARD OF BAR COMMISSIONERS**  
**September 12, 2003 MEETING MINUTES**  
**Bar Center, Albuquerque, NM**

**MEMBERS PRESENT:**

Henry A. Alaniz	Dennis E. Jontz
Colin C. Alcott	Daniel J. O'Brien
Daniel J. Behles	Monica M. Ontiveros
David M. Berlin	Craig A. Orraj
B. Paul Briones	Melanie Patten
Robert D. Castille	Donald C. Schutte
James H. Dawdy, Jr.	Linda C. Stocky
Virginia R. Dugan	Charles J. Vigil
Jane Shuler Gray	Carolyn A. Wolf

**MEMBERS ABSENT:**

Richard L. Kraft  
Albert L. Pitts  
Mary T. Torres  
Elizabeth E. Whitefield

**OTHERS PRESENT:**

Kris Becker	Alan Malott
Joe Conte	Anita Otero
Steve Doerr (by phone)	Madonna Rutherford
Maggie Gombos	Joyce Stowers
Christine Halter	Jini Wimmer
Twila Larkin	

**1. Approval of July 12, 2003 Meeting Minutes**

Commissioner Wolf made a motion to approve the July 12, 2003, meeting minutes. Commissioner Jontz noted that he and Commissioners Briones, O'Brien and Whitefield were participating in other State Bar convention activities and requested an amendment to list them under members present. President Alcott requested a friendly amendment to reflect that those commissioners were participating in other State Bar convention activities and arrived after the close of the meeting. The amendment was accepted, and the motion passed.

**2. Finance Committee Report**

Secretary-Treasurer Dugan reported on the following discussion and action taken at the Finance Committee meeting the day prior to the Board meeting:

- A.** Reviewed the first draft of the 2004 budget which will be presented to the auditors the following week and to the full Board for approval at the October meeting;
- B.** Approved funding in the amount of \$17,870 for the Commission on Professionalism;
- C.** Denied a request from the Center for Civic Values (CCV) for \$20,000 to fund Mock Trial, which won't preclude the CCV from resubmitting a request for a portion of the \$7,000 from which all such programs will be funded in 2004;
- D.** Discussed the reorganization of the State Bar; and
- E.** Discussed a credit card for CLE, which was approved with monitoring.

Commissioner O'Brien made a motion to accept the Finance Committee report, and the motion passed.

### **3. Acceptance of Financials**

Commissioner Wolf made a motion to accept the July 2003 financials and the motion passed.

### **4. Executive Director's Report**

Executive Director Joe Conte reported the following:

- A.** During his first six weeks, he met with all staff and directors;
- B.** He has been reaching out to the legal community and meeting with local and voluntary bar representatives and will be meeting with all section chairs;
- C.** He has talked with most of the Board members individually and plans to visit with all Board members in the next couple of weeks;
- D.** He and Madonna Rutherford have been working on and succeeded in balancing the 2004 budget, which began with a \$249,000 deficit;
- E.** He and Christine Halter made a presentation to the Law School on the new Student Bar Membership; and
- F.** He and Christine Halter visited the local bar in Farmington in July incorporating the professionalism program with the trip. He plans to do the same in Raton in October and Carlsbad in November.

### **5. Executive Session**

Pursuant to Board Policy 1.2, the Board went into Executive Session.

### **6. Executive Session Report**

Commissioner Dawdy stated that he is very concerned about the types of matters that are discussed in Executive Sessions. The reorganization of the State Bar was not on the agenda, and therefore, commissioners were prevented from preparing for the meeting. He stated that all Board members should have had prior notice regarding the termination of two long-time, loyal employees. He also noted that the reorganization was not consistent with the ABA study's recommendations, and that the report was supposed to have been discussed by the Board. President Alcott stated that the Board was given the ABA report at the May meeting and it was decided to wait until the new Executive Director had been hired to take any action on the report. At the July meeting at which Commissioner Dawdy was not present, Executive Director Joe Conte was asked to review the report and provide his recommendations to the Board, which he did in this meeting's Executive Session. Commissioner Castille stated that due to the confidential nature of the personnel reorganization, no prior notice should have been given nor should the Executive Director's recommendations have been included in the materials. He believed that the matter was dealt with in a fair manner and should not have been discussed in open session, particularly since it is easy to surmise about whom personnel matters apply in such a small organization. He further stated that no hidden agenda prompted the above actions. Commissioner Behles noted that the Board previously discussed the issue of hiring and firing employees and decided that it was the decision of the Executive Director, not the Board.

### **7. Executive Committee Report**

President Alcott informed the Board that Communications Director Bob Cochnar had resigned. He also reported that the Executive Committee met on August 21<sup>st</sup> to discuss the budget for the *Bar Journal* and the fact that the summer issue cost \$24,000. This amount exceeds the 2003 budget of \$20,000 and depleted the budget for the remaining two issues. Due to the substantial financial impact to the Bar, the committee decided to discontinue the *Bar Journal* publication. The Board of Editors and staff are considering other options such as inserts in the *Bar Bulletin* and electronic distribution to notify the membership of important issues and information. Commissioner Behles made a motion to ratify the action taken by the Executive Committee, and the motion passed.

**8. Reports from Divisions**

**A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that Carla Lopez is working on the Bar Exam Review Program; Erika Anderson is coordinating the YLD Mentor Program with the Law School; the Division is assisting with the Bridge the Gap Program scheduled for November 7-8, and the Division is sponsoring the second annual Appellate Law Day in Las Cruces which includes visiting the high school, community college and the university.

**B. Senior Lawyers Division**

Senior Lawyers Division Delegate Dan Behles reported that the Lawline 4 program is very rewarding and is the type of activity that provides goodwill to the public while promoting such goodwill through the media.

**C. Legal Assistants Division**

Legal Assistants Division Liaison Linda Stocky reported that the Supreme Court approved the division's name change from Legal Assistants Division to Paralegal Division. The Order was signed on September 3<sup>rd</sup> and the Rules will be revised in November. Sandy Byer will be chairing the ad hoc implementation committee.

**9. Discussion of Client Protection Fund Recommendation**

Commissioner Schutte questioned the legality of the recommendation of the New Mexico Supreme Court's Task Force on the Client Protection Fund to be paid from the State Bar's general operating fund. He explained that "Our Articles of Incorporation specifically prohibit any member or private individual from securing any pecuniary gain incidentally or otherwise from funds of the Bar." Therefore, Commissioner Schutte stated that the recommendation of the task force to expend general funds for this purpose is prohibited. President Alcott noted that discussion of the fund would be on the October agenda after the officers meet with the Supreme Court at the end of September.

**10. Approval of Proposed Revision to All Section Bylaws**

Young Lawyers Division Chair Melanie Patten informed the Board that the division will not be meeting to discuss this item until November. Therefore, this item was tabled to the December Board meeting.

**11. Approval of Proposed Revision to Family Law Section Bylaws**

Twila Larkin, chair of the Family Law Section Bylaws Committee, presented the proposed revisions to the Family Law Section Bylaws, adopted by the section and submitted to the Board for approval as follows:

**A. Article VI. The Board of Directors**

**Section 6.2 Composition.** The Board shall be composed of:

- A. ~~Fourteen (14)~~ Twelve (12) persons elected for three (3)-year staggered terms, from whom the officers shall be elected;
- B. The last Retiring Chair; and
- C. ~~A representative appointed by the Young Lawyers Division from among its members, who shall serve for a term of one year.~~  
Liaisons: Liaisons shall be appointed as non-voting members, to be appointed by the Chair, in consultation with the Board, to serve for a term of one (1) year.

- B. Article VI. The Board of Directors**  
**Section 6.3 Quorum and Board Action.** A quorum at any meeting of the Board shall consist of ~~a majority~~ at least six (6) of the Board members, whether participating in person or by telephone. Action of the Board shall be by majority vote of those participating in a Board meeting, provided a quorum exists.
  
- C. Article VIII. Succession of Officers; Board Vacancies**  
**Section 8.3 Absenteeism.** If a Board Member fails to attend ~~six (6)~~ three (3) Board meetings within any year of his or her term, then the Chair shall automatically appoint a replacement subject to approval by the Board.
  
- D. Article XI. Revision of Bylaws**  
**Section 11.1 Revision of Bylaws.** These Bylaws may be amended by a majority vote of the Board, after publication and opportunity for comment. They shall become effective upon approval by the Board of Bar Commissioners.

Ms. Larkin explained that the section has had difficulty with attendance and obtaining a quorum at its meetings, due in part to the lack of attendance by YLD liaisons. Following discussion, Commissioner Alaniz made a motion to approve the Bylaw changes, and the motion passed .

## **12. Membership Services Committee Report**

Membership Services Committee Chair Alan Malott presented the following committee recommendations for approval:

- A.** MBNA Financial Services Products – Renew the endorsement with the following potential modifications: 1) telemarketing to members will cease and SBNM will no longer provide telephone numbers with mailing lists; 2) endorsed vendor fee for the Bar’s mailing list will be paid, ending the current free distribution; and 3) non-exclusivity clause will be eliminated.
  
- B.** AAA of New Mexico Group Membership Program – Approve the new member benefit consisting of discounted travel services and amenities.
  
- C.** GEICO Auto Insurance – Approve the new member benefit providing the State Bar with \$1 in revenue per inquiry call.
  
- D.** Men’s Wearhouse V.I.P. Corporate Program – Approve the new member benefit providing a 10% discount on all full price merchandise and rentals. (Staff is researching discounts offered by women’s clothing stores.)
  
- E.** ALLTEL Cellular Phone Service – Approve the new member benefit providing member savings (discounts on airtime and equipment) and royalties to the State Bar (\$20 for each activation and 2% of the access fees) with the provision that the guaranteed commitment of activations be reasonable.

President-elect O'Brien made a motion to remand the GEICO proposal back to the committee to ensure that the agreement does not include an endorsement or exclusivity clause, and the motion passed. Commissioner Behles made a motion to approve the recommendations regarding MBNA, AAA, the Men’s Wearhouse and to direct the committee to renegotiate the ALLTEL agreement as proposed. The motion passed.

## **13. Nominations for 2004 Officers**

- A.** Chuck Vigil was elected by acclamation to the office of President-elect.
- B.** Virginia Dugan was elected by acclamation to the office of Vice President.

- C. Paul Briones and Dennis Jontz were both nominated for the office of Secretary-Treasurer, and an election by secret ballot will be held at the October meeting.

**14. Board of Bar Commissioners Board Election Schedule**

The Board Election Schedule is as follows:

September 25	Election notice and vacancies published in <i>Bar Bulletin</i>
October 24	Deadline for nomination petitions
November 6	Article profiling candidates published in <i>Bar Bulletin</i>
November 7	Ballots mailed to the membership
December 1	Noon - Deadline for close of elections and ballots counted

**15. Bylaws/Policies Committee Report**

Commissioner Chuck Vigil, chair of the Bylaws/Policies Committee, will be scheduling a meeting in the next couple of weeks to conduct an overall review of the Bylaws and policies and to consider the proposed Annual Meeting amendments. Commissioner Schutte requested action be taken at this meeting on the Annual Meeting amendment so that planning could begin for next year. Commissioner O'Brien made a motion to approve the Bylaw amendment to Article III, Section 3.1 to read: "The Annual Meeting of the State Bar shall be held each year at such time and place as shall be fixed by the Board, provided however, the Annual Meeting shall not be held outside the State of New Mexico in successive years." Commissioner Behles noted that the Bylaws do not require the Annual Meeting to be held in connection with the Annual Convention. Commissioner Dawdy stated that no member had submitted agenda items to the Bar for the Annual Meeting in the last twelve years. Therefore, he requested a friendly amendment that the Annual Meeting not be held in conjunction with the State Bar Annual Convention. Commissioner O'Brien rejected the amendment, and the motion passed.

**16. Annual Convention Report**

President Alcott reported that the Annual Convention Committee met with Chief Justice Petra Maes on August 28<sup>th</sup> and asked Executive Director Joe Conte to provide a report on the financials. Mr. Conte reported that the State Bar lost \$134,600, which includes \$20,000 direct labor. He informed the committee that the Bar's deposit in the amount of \$7,500 had been received from the Westin, and that a letter was sent to Loews requesting a refund in the amount of \$52,000 in attrition charges. There were 299 attendees including guests, 214 of whom were paid registrants and 51 (34 speakers and 17 judges) were complimentary. President Alcott stated that the Supreme Court is not in favor of future conventions, as they benefit only a small percentage of the membership and are costly to the Bar. He presented five options for the Board's consideration as follows: (1) have a convention out-of-state; (2) have a convention in New Mexico; (3) hold a two-day, mini-convention in Albuquerque; (4) entertain Alan Varela's, (President of the National Hispanic Bar Association) proposal for a partnership program focused on diversity in the profession; or (5) discontinue Annual Convention. Commissioner Behles proposed a sixth option conducting both an in-state convention and an out-of-state meeting. President Alcott proposed retaining convention, but as a scaled-down, mini version. Commissioners Behles and Berlin expressed the need to have an annual event for members to obtain CLE credits. President Alcott reiterated that the Supreme Court does not want the Bar to subsidize convention, and the registration fee would need to be significantly increased from \$50-\$75 to \$200-\$300. Following discussion, a straw vote was taken, and the vote was unanimous in favor of holding a mini Annual Convention.

President Alcott requested that Commissioner O'Brien schedule an Annual Convention Committee meeting as soon as possible and asked for volunteers to serve on the committee; Commissioners Jontz, Berlin and Gray volunteered. Commissioner Patten noted that Jessica Perez is the YLD representative on the committee. Commissioner Wolf made a motion to direct the Annual Convention Committee to develop a plan for next year's convention, and the motion

passed. Commissioner Wolf made a motion to hold the Annual Meeting in conjunction with the Annual Convention, and the motion passed with one no vote. Commissioner Dawdy proposed holding the Annual Meeting of members at the Bar Center and offer lunch or the two-hour professionalism program free of charge, as members believe they have to pay the Annual Convention registration fee to be part of the Annual Meeting. President Alcott stated that the Annual Convention Committee would consider this request.

#### **17. Commission on Professionalism Report**

In the absence of Commission on Professionalism Co-chair Mary Torres, past co-chair Steve Doerr reported. Prior to his report, President Alcott provided information from the Finance Committee meeting regarding the Commission's 2004 budget request. The original request of \$62,870 included general meeting expenses, funding for four of the Commission's five subcommittees, financial assistance to local and voluntary bars in offering professionalism CLE programs, travel to conduct town hall meetings, public service announcements (PSAs), a mailing of the new Creed to active members and travel expenses to the National Conference on Professional Responsibility. The professionalism CLE program budget was also distributed. The estimated cost to provide one course to 2,300 members is \$91,426; projected revenue is \$149,500 at \$65 per person. The program cost does not include CLE's normal 30% margin normally factored in the price, as this was not acceptable to the Commission. The Finance Committee rejected several line items including funding for subcommittees, financial assistance to local/voluntary bars and PSAs. They will recommend that the Board in October grant \$17,870 to the Commission on Professionalism from the Bar's operational budget, rather than paying the Commission a predetermined amount per attendee.

After Mr. Doerr joined the meeting by phone, he provided the Board with specifics regarding the manner in which funds would be used. President Alcott informed him of the amount that would be granted to the Commission and President-elect O'Brien suggested that they request extra funding through the non-budgeted item process if and when it is needed.

Commissioner Dawdy made a motion to provide no funding for the Commission on Professionalism, but the motion was defeated.

#### **18. CLE Oversight Committee Report**

Committee Chair Carolyn Wolf introduced Jini Wimmer, interim director of CLE. Although CLE is currently operating with a \$160,000 loss, the committee believes that Ms. Wimmer has developed a good plan based on realistic numbers. Programming has begun for January through March of 2004 and Ms. Wimmer welcomes ideas for the remainder of the year. A partnership with the law school is under development; honorariums and revenue sharing details are yet to be determined.

#### **19. President's Report**

President Alcott stated that his report had previously been covered under other agenda items.

#### **20. President-elect's Report**

President-elect O'Brien presented the 2004 Board of Bar Commissioners meeting dates as follows: January 23, March 5, May 14, July 23, September 17, October 29, and December 10.

#### **21. September 13<sup>th</sup> Strategic Planning Retreat**

President-elect O'Brien reported that Jean Block would be the facilitator for the Strategic Planning Retreat, and that the first half of the day would be focused on the Board's roles and responsibilities, and the second half would be focused on short-term planning.

## **22. New Business**

Commissioner Dawdy distributed a Petition to the New Mexico Supreme Court to Modify Rule 24-101 NMRA 2002 from a Mandatory Bar to a Voluntary Bar Organization and informed the Board that the Petition was being filed with the Supreme Court.

**BOARD OF BAR COMMISSIONERS**  
**October 24, 2003 MEETING MINUTES**  
**Bar Center, Albuquerque, NM**

<b>MEMBERS PRESENT:</b>	Colin C. Alcott Daniel J. Behles David M. Berlin B. Paul Briones Robert D. Castille James H. Dawdy, Jr. Jane Shuler Gray	Dennis E. Jontz Richard L. Kraft Daniel J. O'Brien Melanie Patten Donald C. Schutte Linda C. Stocky Elizabeth E. Whitefield
<b>MEMBERS ABSENT:</b>	Henry A. Alaniz Virginia R. Dugan Monica M. Ontiveros Craig A. Orraj	Albert L. Pitts Mary T. Torres Charles J. Vigil Carolyn A. Wolf
<b>OTHERS PRESENT:</b>	Kris Becker Bob Conklin Joe Conte Christine Halter	Anita Otero Madonna Rutherford Joyce Stowers

**1. Approval of September 12, 2003 Meeting Minutes**

Commissioner Dawdy made a motion to approve the September 12, 2003 meeting minutes and the motion passed.

**2. Bylaws/Policies Committee Report**

In the absence of Bylaws/Policies Committee Chair Chuck Vigil, Commissioner Berlin reported that the committee met on October 8<sup>th</sup> and discussed the following policies: travel, mailing label/e-blasts, student/affiliate membership and grievance. Revisions to those policies will be on the agenda for the next meeting. The Bylaw amendment creating a parliamentarian was also discussed. President Alcott expressed concern over the authority of the parliamentarian to rule on and decide issues, which is in conflict with Robert's Rules. According to Robert's Rules, the chair has the final word on parliamentary procedure. The Board discussed the authority of the parliamentarian and determined that it is more of an advisory position to assist the chair with meetings and help them run more smoothly. The Board also determined that it could vote to overrule the parliamentarian. Commissioner Behles suggested an amendment to the Bylaw adding that the parliamentarian shall be appointed from the Board; however, following discussion, the Board did not feel that the amendment was necessary. Commissioner Behles made a motion to approve the Bylaw creating a parliamentarian, and the motion passed. President Alcott deferred the appointment of a parliamentarian to President-elect O'Brien to make in 2004.

**3. Election of Secretary-Treasurer**

Commissioner Briones announced that he was withdrawing his name from the Secretary-Treasurer election, and made a motion to appoint Commissioner Jontz by acclamation as Secretary-Treasurer of the Board for 2004; and the motion passed.

**4. Finance Committee Report**

In Secretary-Treasurer Dugan's absence, President Alcott reported on the following discussion and action taken at the Finance Committee meeting the day prior to the Board meeting:

- A. Recommended the purchase of a bar card machine so that printing of the cards can be done internally and no longer outsourced. The cost of the machine is \$3,000, and the cost of a bar card is \$5; the Committee pointed out that the machine will pay for itself in approximately three years. Commissioner O'Brien made a motion to purchase a bar card machine, and the motion passed.
- B. Reported that the computer hardware and software and accounting software divisions of Meyners + Company have formed two separate corporations called Lighthouse Business Information Solutions and Techvisions.
- C. Recommended conducting an audit RFP in 2004 for a three-year contract. Commissioner O'Brien will appoint a subcommittee to assist with the preparation of the RFP. The organization that is selected will conduct the 2004 audit and the 2005 budget.
- D. Reported that expenses are exceeding revenues for the *Bar Bulletin* and that the publication is being subsidized. The Committee discussed the ramifications of electronic distribution and will research other options.
- E. Reviewed and approved the Executive Director's credit card expenses.
- F. Reviewed the Bar's accounts receivables and noted that 98% are being collected.
- G. Recommended approving a write-off of the accounts receivables in the amount of \$4,526.12 for the insurance premiums paid for COBRA coverage when the former Director of LREP left the State Bar. The premiums were to be paid in return for contract services, which were not fully performed. Commissioner O'Brien made a motion to approve the write off, and the motion passed.

Commissioner Behles made a motion to accept the Finance Committee report and the motion passed.

## **5. Acceptance of Financials**

Commissioner Briones made a motion to accept the August 2003 financials and the motion passed.

## **6. Approval of 2004 Budget Worksheet**

Executive Director Joe Conte reported on the 2004 Budget Worksheet highlights as follows:

- A. \$11,000 was budgeted for public education programs to be distributed as follows: \$5,000 for the Center for Civic Values Mock Trial; \$5,000 for We the People; and \$1,000 for Dialogue on Freedom.
- B. \$50,000 was budgeted for the Client Protection Fund per the direction of the Supreme Court at the October 15<sup>th</sup> meeting with the officers. Commissioners expressed concern with regard to setting a precedent for future years. President Alcott stated that the agreement with the Court was for 2004 only and that other funding options will continue to be pursued. He further added that New Mexico was the only state without a client protection fund and that there would always be a need to fund it. Commissioners discussed the amount budgeted and suggested specifying up to \$50,000, since claims in previous years totaled only \$25,000 to \$30,000. Commissioner O'Brien made a motion to fund client protection up to \$50,000 with any remainder to revert back to the general operating fund at the end of 2004. The maximum amount of a claim will remain at \$2,500 per the guidelines established under the old fund. There was also discussion regarding methods to recoup money from the offending attorneys. Joyce Stowers stated that claimants pledge to cooperate in any action or proceedings taken by the State Bar against the offending attorneys. Commissioner O'Brien amended his motion to include that subrogation would be pursued and referred to the appropriate authorities, including the Disciplinary

Board and, if warranted, the District Attorney. The motion passed with the amendment.

- C.** \$60,000 for the Annual Convention was removed from the budget per the direction of the Supreme Court at the October 15<sup>th</sup> meeting with the officers. President Alcott stated that the Court's reasons for not approving a convention in 2004 were the financial losses suffered this year by the Bar, low attendance, and additional employee workload. He further explained that the Court wants the Bar to focus its efforts toward bolstering the Bench & Bar Conference; however, it was pointed out that the Bench & Bar Conference is an event of the CLE department, not the State Bar. There was a suggestion to publish an announcement in the *Bar Bulletin* to notify and obtain input from the membership as to the Court's decision. There was also a suggestion to contract the convention out to another organization. Christine Halter stated that she put out an RFP for meetings sites in Albuquerque and provided the Court with cost estimates showing a break-even convention. The Board discussed the vote taken at the September 12<sup>th</sup> meeting, as well as other meetings, in favor of Annual Convention and determined that it wanted to hold a convention in 2004. Madonna Rutherford noted that the budget would still be balanced if Annual Convention were included. She also reminded the Board that the Budget Disclosure will be published in the November 13<sup>th</sup> *Bar Bulletin* to give members an opportunity to challenge the budget, and if the budget changes, it will need to be republished. President Alcott informed the Board that the budget will be presented to the Court for approval on December 17<sup>th</sup>. Following discussion, Commissioner Kraft made a motion to put the Annual Convention back in the 2004 budget and include in the budget disclosure. The motion passed. President Alcott and President-elect O'Brien volunteered to communicate with the Court regarding the Board's decision prior to the budget disclosure being published.

Commissioner Behles made a motion to approve the 2004 budget with the adjustments and the motion passed.

## **7. Approval of 2004 Dues and Licensing Form**

Commissioners suggested adding contributions check offs in the amount of \$5 on the dues form for the Mock Trial, We the People and Dialogue on Freedom programs. Commissioner O'Brien made a motion to include all three programs in one line item under law related education with a blank line for the contribution amount. Commissioner Berlin requested an amendment to increase the contribution to \$10, and the motion passed. Madonna Rutherford stated that the Women's Bar Association requested a check off for a scholarship fund for UNM law students. President Alcott stated that the NM Lesbian and Gay Lawyers Association requested inclusion on the dues form. Commissioner O'Brien made a motion to approve the request, and the motion passed. President Alcott noted that the Supreme Court directed the Bar to not print the dues form until a decision is made on the Disciplinary Board's dues increase request.

## **8. President's Report**

### **A. Annual Convention**

See agenda item 6 above.

### **B. Client Protection Fund**

See agenda item 6 above.

**C. Commission on Professionalism**

President Alcott was appointed to fill the active lawyer member position on the Commission on Professionalism which was held by the late Joe Paone. The position is for a three-year term. He also reported that the Court did not make a decision at the October 15<sup>th</sup> meeting on the issue of whether the Commission on Professionalism is under the supervision of the State Bar or the Supreme Court.

**D. Deunification of the Bar**

The Supreme Court sent an Order to the State Bar requesting a response on or before October 29<sup>th</sup> to the Petition to the New Mexico Supreme Court to Modify Rule 24-101 NMRA 2002 from a Mandatory Bar to a Voluntary Bar Organization. See agenda item 11 below.

**E. Other**

President Alcott reported that Law Student Members are entitled to join committees, and he read the names of students he appointed to various committees.

**9. President-elect's Report**

**A. September 13<sup>th</sup> Strategic Planning Retreat**

Facilitator Jean Block's report from the September 13<sup>th</sup> retreat was included in the materials. One of the recommendations from the retreat was to conduct a membership survey to obtain input from our members as to their needs and wants in order to determine the Bar's focus. Mr. Conte reported that \$7,500 was included in the 2004 budget, and the survey will target a statistically valid sampling of the membership.

**B. Update on Annual Convention Refund Request**

President-elect O'Brien reported that the Bar's request for a refund of attrition charges paid to Loews Ventana Canyon Resort was denied.

**10. Executive Director's Report**

Executive Director Joe Conte reported the following:

- A.** He informed the Board that his reports will be written and included with the materials starting with the December meeting.
- B.** He handed out the Bar's organizational chart, which had been revised with the completion of the reorganization and merging of Communications and Membership Services into the Member and Public Resources Department. Commissioner Dawdy expressed concern with only one top person for all staff to contact and report to and stated that staff should be able to go the Board with a problem. He felt that the structure of the organizational chart prevents staff from being able to go beyond the Executive Director. Commissioner Dawdy made a motion for the organizational chart and employee handbook to include a schematic plan for staff to be able to report to the President or Executive Committee for recourse beyond the Executive Director, as the current grievance policy is inadequate. The motion failed for a lack of a second. President Alcott stated that he felt staff would contact the Board or the President if necessary and that the reporting order in the organizational chart would not prevent them from doing so. Commissioner Schutte inquired about the special committee that was appointed by Past President Torres to review the personnel handbook.

President Alcott explained that the committee was requested to wait until after the ABA survey had been completed and suggested that the Bylaws/Policies Committee review the handbook. He asked Commissioner Schutte to serve on the Bylaws/Policies Committee and requested the Committee to review the Grievance Policy, the Employee Handbook and the Executive Director Contract with regard to the power of limitation on the Board and the Executive Director. Commissioner Dawdy made a motion to have his comments included in the minutes regarding the grievance procedure. President Alcott explained that the minutes are not a transcript and traditionally do not include all of the opinions, ideas and thoughts of the commissioners. The motion failed for lack of a second.

- C. He has been negotiating a new contract with Lexis.
- D. He met with Dean Suellyn Scarnecchia and Herb Wright to discuss a partnership between the law school and the State Bar.
- E. He met with John Feldman regarding the loan repayment assistance program (LRAP).
- F. He attended the New Admittee Swearing-in Ceremony.
- G. He attended meetings of the Paralegal Division, MCLE Board, Commission on Professionalism and its subcommittees, Solo & Small Firm Section, YLD Mentor/Mentee Meet & Greet Reception, Children's Law Section, Ethics/Advisory Committee, and the Supreme Court meeting with the officers.
- H. He met with the chairs of the Indian Bar and Indian Law Section, the current and past chairs of the Hispanic Bar Association, the Executive Director and President of the Albuquerque Bar, and the Executive Director of Defense Lawyers Association.
- I. He facilitated a staff retreat on October 6<sup>th</sup> which was similar to the format for the Board's retreat.
- J. He visited with and brought the professionalism program to the Colfax/Union and Sandoval County Bars.

#### **11. Response to Petition to the New Mexico Supreme Court to Modify Rule 24-101 NMRA 2002 from a Mandatory Bar to a Voluntary Bar Organization**

President Alcott stated that it was unclear from the Court's Order whether the State Bar needed to respond. Commissioner O'Brien made a motion to file a response and Commissioner Jontz seconded. Commissioner Behles noted that it was not necessary for the Bar to respond since Commissioner Dawdy's Petition was only a request of the Supreme Court for a rule change. Commissioners expressed concern regarding filing a response, similar in nature to an amicus brief, and taking a position which may not be the position of the membership. Commissioner Jontz noted that the Supreme Court named the Bar as the Respondent and requested a response by October 29<sup>th</sup>. Commissioner Schutte suggested filing a procedural response to the Court that the Bar is mandatory pursuant to a Supreme Court ruling and neither the Petitioner nor the Bar has the standing to change the rule. The Supreme Court, by law and constitutional provisions, has the power to promulgate its rules; therefore, the Petition should be referred to the appropriate rules committee. Commissioner Dawdy stated that he did not file a certificate of service as to anyone being served and thought it would be sent to a committee. He too was surprised to see the caption that came from the Court naming the Bar as the Respondent. Following discussion, Commissioner Behles made a motion to adopt the Response to the Petition, as amended with Commissioner Schutte's comments. The motion passed with Commissioner Dawdy abstaining from the vote. Commissioner Gray made a motion for President Alcott to sign the Response on behalf of the Board, and the motion passed.

#### **12. Executive Session**

Pursuant to Board Policy 1.2, the Board went into Executive Session to discuss litigation.

**13. Executive Session Report**

President Alcott reported that a letter was received from former Communications Director Robert Cochnar regarding action taken with regard to his departure and a response was sent to him. Commissioner Whitefield made a motion for the Bylaws/Policies Committee to add an arbitration clause to the Employee Handbook and the motion passed.

**14. Executive Committee Report**

President Alcott reported that the Executive Committee met on September 25<sup>th</sup>, October 3<sup>rd</sup>, and October 22<sup>nd</sup> to discuss litigation and the Response to the Petition to the New Mexico Supreme Court to Modify Rule 24-101 NMRA 2002 from a Mandatory Bar to a Voluntary Bar Organization.

**15. Request for Assistance from Cuban American Bar Association**

The Board decided to not take any action on the Cuban American Bar Association's request for assistance based on *Keller* requirements for lobbying on political causes.

**16. Approval of 2004 Section Dues Increases**

Commissioner Behles made a motion to approve dues increases in the amount of \$5 for the Commercial Litigation, Employment and Labor Law, Health Law, Prosecutors, and Trial Practice Sections, and the motion passed.

**17. Commission on Professionalism Report**

Executive Director Joe Conte reported that the Commission on Professionalism met on October 16<sup>th</sup>. He notified the members that the amount budgeted for the Commission's expenses in 2004 was \$17,870. He reported that only 1,328 members had completed the Bar's professionalism program, but noted that there are multiple professionalism providers. The Education Subcommittee is planning the 2004 program with Tom Chavez, Director of the National Hispanic Center, as the facilitator. Mr. Chavez will discuss professionalism in the context of historical events in New Mexico. Justice Pamela Minzner and Stan Sager will be asked to facilitate with Mr. Chavez. Commissioner Dawdy questioned whether the Commission has been effective in improving professionalism. Mr. Conte stated that there is no mechanism to measure its effectiveness.

**18. Reports from Divisions**

**A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that she and Mo Chavez attended the new admittee swearing-in ceremony. Erika Anderson took over the mentorship program this year, and 50 mentors/mentees have signed up to participate and are being matched according to practice areas. The Division is also working on the Mock Interview Program, first year law student orientation, and Bridge the Gap on November 7 and 8. The Division is also working with the Law Student Members for assistance with the brown bag luncheons and the Homeless Legal Clinic.

**B. Senior Lawyers Division**

Senior Lawyers Division Delegate Dan Behles reported that the Division is working on expanding the CLE program that was done in conjunction with the Elder Law Section at the Annual Convention in Tucson. The program dealt with elderly issues and healthcare. Lawline 4 Call-in statistics were included in the materials.

**C. Paralegal Division**

Paralegal Division Liaison Linda Stocky reported that the Supreme Court had approved the name change for the Division, and that the Supreme Court has forwarded the proposed rule changes to the Compilation Commission for publication and comment. The Division is also cosponsoring a CLE program with the State Bar scheduled for November 1<sup>st</sup> in Albuquerque.

**19. Report from 2003 Annual Meeting of the American Bar Association and Meeting of the House of Delegates**

Sarah Singleton, the State Bar's ABA House of Delegates representative, provided a written report on discussion and action taken at the ABA Annual and House of Delegates Meetings.

**20. New Business**

Commissioner Briones suggested that the Bar plan an event that would provide better recognition for the annual award recipients and he volunteered to work with Commissioner Whitefield, Chair of the Annual Awards Committee.

**BOARD OF BAR COMMISSIONERS**  
**December 12, 2003, MEETING MINUTES**  
**Bar Center, Albuquerque, NM**

**MEMBERS PRESENT:**

Henry A. Alaniz	Craig A. Orraj
Colin C. Alcott	Melanie Patten
Daniel J. Behles	Albert L. Pitts
David M. Berlin	Donald C. Schutte
Virginia R. Dugan	Linda C. Stocky
Jane Shuler Gray	Mary T. Torres
Dennis E. Jontz	Charles J. Vigil
Richard L. Kraft	Elizabeth E. Whitefield
Daniel J. O'Brien	Carolyn A. Wolf

**MEMBERS ABSENT:**

B. Paul Briones  
Robert D. Castille  
James H. Dawdy, Jr.  
Monica M. Ontiveros

**OTHERS PRESENT:**

Kris Becker	Bonita Ortiz
Mo Chavez	Anita Otero
Joe Conte	Jessica Perez
Christine Halter Morganti	Madonna Rutherford
Kay Homan	Richard Spinello
Damon Martinez	Joyce Stowers

**1. BBC Election Results/Welcome and Introduction of New Commissioners**

The results of the 2003 Board of Bar Commissioners election are as follows:

First Bar Commissioner District – Henry A. Alaniz and Dennis E. Jontz  
Third Bar Commissioner District – Jessica A. Perez  
Fifth Bar Commissioner District – Stephen S. Shanor (uncontested)  
Seventh Bar Commissioner District – Damon Paul Martinez

The 2004 Division representatives on the Board will be Mo Chavez, Young Lawyers Division Chair; Kay Homan, Paralegal Division Liaison; and Daniel J. Behles, Senior Lawyers Division Delegate.

**2. Approval of October 24, 2003 Meeting Minutes**

Commissioner Torres made motion to approve the October 24, 2003 meeting minutes. Linda Stocky made an amendment to the Paralegal Division Report and the motion passed with the amendment.

**3. Finance Committee Report**

The Finance Committee met the day prior to the Board meeting and Secretary-Treasurer Dugan reported on the Committee's discussion and recommendations as follows:

- A.** Approved the October 2003 meeting minutes;
- B.** Reviewed and approved the October Financials and Executive Summary;
- C.** Reviewed the aging reports and approved sending a letter from our Secretary-Treasurer to those with outstanding balances prior to sending them to collection;

- D. Discussed the Annual Convention line item in the 2004 budget; the officers are meeting with the Supreme Court on December 17<sup>th</sup> and will explain that it will be removed from the budget. Executive Director Joe Conte reported that resources for the Annual Convention could be reallocated to reinstitute the Lawyers' Leadership Training Institute. Commissioner Kraft volunteered to chair the committee again and prepare a program proposal and budget for the Board's approval at the January meeting. YLD Chair Melanie Patten suggested having the Chair or a Board member of the Young Lawyers Division on one of the Institute panels. Commissioner Torres suggested that due to the extensive time and expense, perhaps the Board should consider doing the Institute every other year;
- E. Approved an extra day for staff over the holidays, closing the Bar Center the mornings of December 24<sup>th</sup> and December 31<sup>st</sup>;
- F. Reviewed and approved the Executive Director's credit card expenses;
- G. Reported that there was an additional charge to the budget disclosure document for Meyners + Co. to restructure the Timeslips allocations;
- H. Discussed an increase of 26 percent for the employee health insurance coverage with Lovelace; staff researched other options and Lovelace is still the least expensive; the Committee recommended renewing with Lovelace and covering the 26 percent increase for employees, which will increase the budget by \$8,200; Commissioner Torres made a motion to renew with Lovelace and cover the increase for employees and the motion passed;
- I. Reported that two budget challenges have been received; and
- J. Commissioner Wolf made a motion to go into Executive Session to discuss staff bonuses. Following the Executive Session, Commissioner Wolf made a motion to approve the staff bonus schedule and the motion passed.

Commissioner Torres made a motion to conduct an evaluation of Executive Director Joe Conte to be concluded by his one-year anniversary date of July 21<sup>st</sup> and the motion passed.

#### **4. Acceptance of Financials**

Commissioner Wolf made a motion to approve the October 2003 Financials and the motion passed.

#### **5. President's Report**

President Alcott reported on the following:

- A. The Supreme Court denied the Board's request to reconsider its decision with regard to canceling the 2004 Annual Convention and suggested the State Bar direct its efforts towards the Bench & Bar Conference. President-elect O'Brien and Commissioners Vigil and Dugan attended the Bench & Bar Relations Committee meeting and offered to assist with the planning and sponsorships for the Conference scheduled for November 4-6<sup>th</sup> at the Sheraton Old Town. Commissioner Torres suggested offering CLE updates at lower prices at the Conference and to consult with the new CLE Director. Commissioners discussed a summer CLE program separate from the Bench & Bar Conference and cosponsoring with the voluntary bars and sections.
- B. He appointed Richard Spinello to the Legal Advertising Committee.
- C. The Supreme Court had not yet made a decision with regard to Commissioner Dawdy's Petition for a rule change from a mandatory to a voluntary bar.
- D. A decision had not yet been received from the NLRB.
- E. President Alcott distributed plaques to the following commissioners whose terms had expired on the Board: Rick Kraft, Mary Torres, Carolyn Wolf, Melanie Patten and Linda Stocky.

## **6. President-elect's Report**

### **A. Appointments to BBC Internal Committees**

President-elect O'Brien distributed a sign-up sheet for the following BBC Internal Committees: Finance, CLE Oversight, Strategic Planning, Annual Awards, Personnel and Communications. Madonna Rutherford noted that Tracy Ahr, the non-Board member on the Finance Committee, does not wish to continue to serve on the Committee. The Board discussed the difficulty for a non-Board member to keep informed about the Board and issues and decided not to fill that position at this time.

### **B. Appointment of Budget/Audit RFP Committee**

The Bar's contract with Meyners + Company expires July 2004. Pursuant to Board Policy, a budget/audit RFP needs to be conducted every three years. Commissioners Vigil, Jontz, Alaniz, Ontiveros and Behles volunteered to serve on and President-elect O'Brien will chair the Committee.

### **C. Appointment of Casemaker Committee**

Executive Director Joe Conte explained that Casemaker is an online legal research product out of Ohio. Some State Bars are offering the product as a member benefit and the cost is approximately \$10-15/member, which would cost the Bar approximately \$50,000 annually. Commissioner Wolf suggested referring the product to the Membership Services Committee to research and make a recommendation to the Board. Christine Halter Morganti stated that the Membership Services Committee needs volunteers to serve on it and requested commissioners to assist in enlisting members. Mr. Conte suggested contacting Membership Services Committee Chair Alan Malott to find out if he is interested in serving on the Casemaker Committee. Commissioners Wolf, Perez and Stocky volunteered to serve on and President-elect O'Brien will chair the committee.

### **D. Revised 2004 BBC Meeting Schedule**

The 2004 Bench & Bar Conference has been scheduled for November 4-6<sup>th</sup>, so the October 29<sup>th</sup> Board meeting has been moved to November 4<sup>th</sup>. The December 10<sup>th</sup> meeting has been moved to the 17<sup>th</sup>. The revised 2004 meeting schedule follows: January 23, March 5, May 14, July 23, September 17, November 4, and December 17. The Long Range Planning Retreat will be held in conjunction with the March or May meeting.

## **7. Executive Director's Report**

Executive Director Joe Conte provided a summary of his written report, which was included in the materials.

## **8. Executive Committee Report**

President Alcott reported that the Executive Committee met on October 27<sup>th</sup> and decided to accept a late ballot for the BBC Election.

## **9. Bylaws/Policies Committee Report**

Bylaws/Policies Committee Chair Chuck Vigil reported on the November 21<sup>st</sup> meeting and requested approval of the following bylaw and policy amendments:

- State Bar Bylaws, new Article 2.8—Law Student Membership and new Article 2.9—Affiliate Members. Commissioners requested an amendment to Article 2.9 substituting “State Bar” for “appropriate” publications and instead of setting the membership fee, the last sentence of both Bylaws will read as follows: “The annual fee shall be determined and fixed by the Board prior to January of each calendar year.” Thirty days’ notice of the Bylaw changes was given to the Board at this meeting and approval of the new Bylaws will be on the January 23<sup>rd</sup> meeting agenda.
- Section Bylaws, Article 10.1—Section Finances and 10.2—Budgets. The Bylaws were amended to provide for the Executive Director, rather than the Board of Bar Commissioners, to approve Section budgets. An additional amendment was requested at the end of Article 10.1 to add the following language: “The Executive Director, in his or her discretion, may grant the request.” Commissioner Dugan made a motion to approve the amendments to the Section Bylaws and the motion passed.
- Travel Policy. Commissioner Wolf amended the policy to clarify per diem and actual expenses. YLD Chair Melanie Patten requested an additional amendment to Section 8 regarding YLD attendance at ABA Conferences to replace “per diem (\$150 per person)” with “scholarship in an amount to be determined by the ABA.” Commissioner Kraft made a motion to approve the amendments to the Travel Policy and the motion passed.
- Mailing Labels/Email Agreements and Policy. The State Bar had been sending blast emails free of charge for any organization. The new policy provides for charging for email blasts at the same rate as mailing labels. Commissioner Torres expressed concern regarding charging a fee for this service to State Bar members. Executive Director Joe Conte suggested providing blast emails for other organizations in exchange for their membership lists. Commissioners were also concerned with providing blast emails for political campaigns. President Alcott requested that the policy be referred back to the Bylaws/Policies Committee to address the Board’s concerns and redraft for the January 23<sup>rd</sup> meeting.

## **10. Approval of We the People Program Proposal**

Executive Director Joe Conte reported on his discussion with Bob Leming, Executive Director of the Center for Civic Education, and proposal regarding the We the People Program. Commissioner Vigil made a motion to approve the proposal and the motion passed.

## **11. Discussion of Target Marketing for Bar-Related Mailings**

President-elect O’Brien reported that the Bar currently sends mailings to all members of the Bar and requested the Board’s assistance with target marketing. Membership lists for each district will be provided at the next meeting for commissioners to review and identify practice areas of their constituents. The dues form is also used to collect this information, but doesn’t provide a large response.

## **12. Request Regarding the Union/NLRB Appeal**

Commissioner Berlin reported that he took a poll of the trial lawyers regarding a mandatory/voluntary bar, and 60 percent are in favor of a mandatory bar, but are against the Bar’s appeal regarding a union. Commissioner Berlin made a motion for the Board to withdraw its appeal to the NLRB. Commissioner Wolf seconded, but following a vote of the Board, the motion failed. Commissioner Schutte explained that the Board is not anti-union, but voted for the appeal to determine the State Bar’s standing and whether it is a state agency.

### **13. Committee on Diversity Report**

Committee on Diversity Co-chair Mary Torres reported on plans for a one-day diversity conference scheduled for January 24, 2004, which will explore the common missions shared by voluntary and mandatory bar associations. Three representatives from each of the voluntary bar organizations have been invited to attend the conference. Participants will discuss the development of partnerships to better serve members and innovative ways of addressing the practical problems faced by new lawyers in solo and small firms.

### **14. Technology Utilization Committee Request**

Technology Utilization Committee member Dennis Jontz reported that the Committee met on November 18<sup>th</sup> and discussed efforts for e-filing in the State and Federal Courts. He stated that Chair Leigh Anne Chavez has determined that electronic filing will be the main task of the Committee. The state courts did a pilot project on electronic filing and most automation is funded by Court fees. He is also a member of the JIFFY Committee, which is a comprised of judges and lawyers and controls the expenditures of state court automation funds. The Committee attempted to draft a resolution raising filing fees to assist with funding for electronic filing; however, the Chief Justice is against raising filing fees and wants the Bar to assist the courts with lobbying the Legislature for electronic filing funding. Commissioner Jontz made a motion for the State Bar to support its members in assisting the courts in lobbying the Legislature for funding of state court electronic filing and the motion passed.

### **15. Committee on Delivery of Legal Services to People with Disabilities Request**

Due to Committee Chair Greg Trapp's inability to attend the meeting, this item was tabled to the January 23<sup>rd</sup> meeting.

### **16. Board of Editors Request Regarding Term Limits**

Christine Halter Morganti reported in the absence of Chair Robert Cates regarding the Board of Editors' request. She explained that with the elimination of the *Bar Journal*, it was decided not to fill four members' terms which expire the end of the year. The Board of Editors has requested that those positions remain and make an exception to the Editorial Policy to extend those four members' expired terms for another term. Following discussion, the Board referred the request to the Bylaws/Policies Committee to review the Editorial Policy and make a recommendation at the January 23<sup>rd</sup> meeting and extended the four members' terms until the Board makes a decision.

### **17. Business Law Section Request**

A letter was sent from Business Law Section Chair Leonard Katz requesting the Board's reconsideration of its policy on Section budget surpluses. Commissioner Torres made a motion to approve the Section's request to carry over reserve funds pursuant to a specific expenditure, and the motion passed.

### **18. Supreme Court Committees and Boards Liaison Appointments**

President-elect O'Brien appointed liaisons to the following Supreme Court Committees and Boards for 2004:

Courts of Limited Jurisdiction – Jessica A. Perez  
Rules of Criminal Procedure for District Courts – Donald C. Schutte  
Rules of Civil Procedure for District Courts – Charles J. Vigil  
Appellate Rules – Robert D. Castille  
Rules of Evidence – Craig A. Orraj  
Uniform Jury Instructions-Civil – Daniel J. O'Brien  
Uniform Jury Instructions-Criminal – Donald C. Schutte

Minimum Continuing Legal Education (MCLE) Board – B. Paul Briones  
Legal Specialization Board – Daniel J. Behles  
Board of Bar Examiners – Henry A. Alaniz  
Children’s Court Rules – James H. Dawdy, Jr.

**19. Center for Civic Values Board Liaison Appointment**

President-elect O'Brien reappointed David Berlin as liaison to the Center for Civic Values Board for a one-year term.

**20. Division Reports**

**A. Young Lawyers Division**

Young Lawyers Division Chair Melanie Patten reported that she attended a roundtable discussion at the UNM Law School for recipients of the Indian Law Certificate. They discussed a Bar Exam Preparation Program and the attendees didn't realize that the YLD had such a program. Bridge the Gap was held on November 7-8<sup>th</sup> and the Division held its December Board meeting in Las Cruces. The Division met with Dona Ana County Bar representatives Damon Martinez and Melissa Reeves and representatives from the Paralegal Division regarding CLEs in Las Cruces that they encourage young lawyers in that area to attend. Ms. Patten also reported that all but two of the section liaisons have been appointed and the Division is working on a newsletter. Three issues are planned for 2004 with the first in February as an insert in the *Bar Bulletin* and the other two are planned for May and September in conjunction with the new admittee swearing-in ceremonies. A Leaders to Leaders Luncheon is scheduled for December 16<sup>th</sup> with voluntary bar leaders to discuss collaboration and partnerships with those organizations. Canned good donations will be collected at the luncheon for the Roadrunner Foodbank.

**B. Senior Lawyers Division**

Senior Lawyers Division Delegate Dan Behles reported that he was re-elected as the Division's Delegate on the Board of Bar Commissioners for an additional year. He also reported on the success of the Lawline 4 Call-in program noting that over 2,000 public inquiries were received for the year. President-elect O'Brien requested program statistics, including the number of pro bono hours spent by members, for the budget meeting with the Supreme Court.

**C. Paralegal Division**

Paralegal Division Liaison Linda Stocky reported that the Division's Annual Report and Budget were included in the materials. She also reported that the proposed rules were published for comments in the November 27<sup>th</sup> *Bar Bulletin* with a deadline of December 19<sup>th</sup>, and their Board meeting is scheduled for December 16<sup>th</sup>.

Bonita Ortiz reported that the Paralegal Division prepared a compensation and benefits survey to be sent to all paralegals in New Mexico. She explained that there were no surveys conducted regarding New Mexico paralegals and the Division wanted to target New Mexico and include all paralegals in the survey. She said the Division plans to put the survey on the Web site and in the *Bar Bulletin* to save mailing costs. Since there is no licensing requirement for paralegals, they are not in a database, so an e-mail will be sent to attorneys requesting them to have their support staff complete the survey. President-elect O'Brien questioned whether there would be a problem with legal secretaries completing the survey, and Ms. Ortiz explained that they would be able to decipher paralegals from secretaries based upon the responses and the nature of the work performed. Commissioner Behles made a motion to approve the survey and for the State

Bar to absorb the cost of printing the survey on colored paper as an insert in the *Bar Bulletin* and the motion passed.

**20. New Business**

- A.** Christine Halter Morganti reported that according to the State Bar Bylaws, Sections that want to engage in Legislative advocacy need to notify the Board of Bar Commissioners of their intent to lobby and publish a notice to their members for comments in the *Bar Bulletin*. The Indian Law Section would like to support the Tribal State Judicial Consortium's request for funding from the New Mexico State Legislature in the upcoming session. The Section's support would be in the form of writing a letter to the Legislative Finance Committee and having section members testify during the 2004 session. The Section is meeting on January 9<sup>th</sup> and is required to have two-thirds of their membership in favor of lobbying. A compliance form showing that the Section followed proper procedure will be presented to the Board at the January meeting.
- B.** Madonna Rutherford reported that the Board had approved a discount for legal service organization attorneys who earn a certain amount. Sarah Singleton provided the State Bar with a list of qualifying New Mexico legal service organizations. Pegasus Legal Services for Children, a new legal services program that started up last year, requested that they be added to the list to qualify for a dues discount. Commissioner Behles made a motion to approve adding them to the list of legal service programs eligible to receive a dues discount.
- C.** President-elect O'Brien reported that Chief Justice Maes was invited to a Client Protection Forum in Naples, Florida, in June but cannot attend. Executive Director Joe Conte suggested covering the expenses of approximately \$2,000 to send a court representative to attend in Chief Justice Maes' place and one State Bar staff member. Commissioner Torres made a motion to approve the non-budgeted expenditure, and the motion passed. Commissioner Torres noted that the first part of the conference is on professionalism and suggested sending a member of the Commission on Professionalism. Mr. Conte requested clarification as to whether a Board member or staff member, preferably the administrator of the Client Protection Fund, would attend. Joyce Stowers responded that it would be more beneficial to use the funds to send Richard Spinello to the Pro Bono Conference instead and send a Board member to the Client Protection Forum. President-elect O'Brien tabled the decision regarding the expenditure for the Pro Bono Conference to the January meeting.