

BOARD OF BAR COMMISSIONERS
January 28, 2005, MEETING MINUTES
Bar Center, Albuquerque, NM

MEMBERS PRESENT:	Henry A. Alaniz Daniel J. Behles David M. Berlin Roxanna M. Chacon Craig A. Orraj Virginia R. Dugan Jane Shuler Gray Richard M. Jacquez	Dennis E. Jontz Damon P. Martinez Linda A. Murphy Daniel J. O'Brien Monica M. Ontiveros Jessica A. Perez Albert L. Pitts Charles J. Vigil
MEMBERS ABSENT:	Abigail P. Aragon Beatrice J. Brickhouse B. Paul Briones	Robert D. Castille Donald C. Schutte Stephen S. Shanor
OTHERS PRESENT:	Kris Becker Leigh Anne Chavez Joe Conte Briggs Cheney Eric Jeffries Rob Koonce	David Levin Justice Pamela B. Minzner Anita Otero Carol Skiba Richard Spinello Madonna Vandeventer

1. Commissioner Orientation/Overview of Staff Departments

The Board toured the State Bar Center and received an overview of staff departments and programs.

2. Swearing-in of New Commissioners

The following were elected and/or re-elected to the Board for three-year terms and those in attendance were sworn-in by Supreme Court Justice Pamela B. Minzner:

First Bar Commissioner District – Beatrice J. Brickhouse
Third Bar Commissioner District – Robert D. Castille (uncontested)
Fourth Bar Commissioner District – Abigail P. Aragon (uncontested)
Sixth Bar Commissioner District – Jane Shuler Gray (uncontested)
Seventh Bar Commissioner District – Richard M. Jacquez (uncontested)
2005 Division representatives: Roxanna M. Chacon, Young Lawyers Division Chair
Daniel J. Behles, Senior Lawyers Division Delegate
Linda A. Murphy, Paralegal Division Liaison

3. Committee Reports

Copies of annual reports received for the State Bar's committees were included in the materials. President Vigil requested committees to also appear before the Board to present reports during the year, and the following committee reports were presented at the meeting:

- A. Eric Jeffries reported on the Historical Committee** noting articles the committee has done and encouraged commissioners to submit stories/articles regarding New Mexico history or deceased members for consideration by the committee. President Vigil suggested that the committee present a lunch program at the Annual Meeting in Ruidoso in September.

- B. **David Levin reported on the Alternative Methods of Dispute Resolution Committee** noting that the committee had one chair for over 20 years and is comprised of several lawyer and non-lawyer members. The committee has worked with the Lawyer Assisted Mediation Program in Schools (LAMPS), studied various policies with the Legislature, and drafted and approved an ADR Procedures Act for which committee members will advocate as individuals. The committee has had ongoing discussions regarding whether to change from a committee to a section. The committee also held a conference last April and is planning a program at convention. He noted that the committee meets quarterly and invited commissioners to attend.
- C. **Leigh Anne Chavez reported on the Technology Utilization Committee** noting that the committee had attempted to resurrect the electronic filing initiative and has offered assistance to the Supreme Court's committee on technology to implement and provide training for e-filing.
- D. **Briggs Cheney reported on the Lawyers Professional Liability Committee** noting that the committee did more outreach last year to educate State Bar members about risk management, drafted articles for the *Bar Bulletin* and participated in Bridge the Gap in the fall. The committee also sent a draft rule proposal regarding Limited Liability Corporations to the NM Supreme Court, which would permit New Mexico lawyers to practice law as limited liability corporations.

4. Update on ABA Approval of House Resolution 108 Requiring Lawyers to Report Malpractice Insurance Status

Briggs Cheney provided an update on ABA House Resolution 108 regarding mandatory malpractice insurance disclosure. He reported that the Lawyers Professional Liability Committee met with the chairs of the Client Relations and Law Office Management Committees and the Solo & Small Firm Practitioners Section to discuss the resolution and make a recommendation for the Board's consideration. He stated that all three of the committees have differing opinions and concerns regarding the resolution and requiring mandatory disclosure. The LPL Committee will continue to pursue options and ways to address the concerns raised and report back to the Board.

5. Approval of December 17, 2004 Meeting Minutes

Commissioner Alaniz made a motion to approve the December 17, 2004 meeting minutes as submitted; the motion was seconded and it passed.

6. Finance Committee Report

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

- A. Reviewed the pre-audit year-end financials;
- B. Reviewed the accounts receivable aging report as well as the executive director's travel reimbursements and credit card file;
- C. Reviewed and approved fee waivers of the 2005 bar dues for those who met the criteria;
- D. Approved the addition of Law Access New Mexico to the list of legal services organizations that qualify for a bar dues discount;
- E. Denied a request from a deceased member's spouse for a partial refund of the 2004 bar dues;
- F. Denied a request to lower the inactive fee for members who receive the Bar Bulletin electronically.
- G. Recommended approval of a non-budgeted item in the amount of \$400 to assist with funding for the ABA National Client Protection Organization Workshop to be

held in Santa Fe on April 1; Commissioner O'Brien made a motion to approve the expenditure; the motion was seconded and it passed; and

- H. Recommended approval of a non-budgeted item to proceed with building and equipment improvements to the State Bar Center in the maximum amount of \$300,000; Commissioner O'Brien made a motion to proceed with the expenditure for the building improvements; the motion was seconded and it passed; staff will research financing options and conduct an e-mail poll for the Board's approval.

Commissioner O'Brien made a motion to accept the Finance Committee report; the motion was seconded and it passed.

7. Acceptance of Financials

Commissioner Alaniz made a motion to accept the November 2004 Financials; the motion was seconded and it passed.

8. Executive Session

Pursuant to State Bar Bylaws, Article IV, Section 4.5d, Commissioner Berlin made a motion for the Board to go into Executive Session; the motion was seconded and it passed.

9. Executive Session Report

In open session, the Board reported that no action was taken in Executive Session.

10. Discussion of Reciprocity Comments

At the December Board meeting, the Board requested the draft reciprocity rule be sent to the membership for comment. Comments were directed to commissioners according to bar commissioner districts, and all of the comments received were distributed at the meeting. Commissioners also reported on and summarized the comments received from members in their districts. The comments reflected that the membership is split with regard to reciprocity. Carol Skiba reported that the Board of Bar Examiners also wanted time to obtain input from the membership and will discuss the comments at their March 5th meeting. Following discussion, the Board decided not to take a position with regard to reciprocity, but to send a letter to the Supreme Court with the draft rule, the comments received from the membership, information on the pro and con arguments, and to offer to conduct a referendum if requested by the Court.

11. Employment and Labor Law Section Bylaw Amendment

The Employment and Labor Law Section requested approval of a Bylaw amendment as follows:

- 8.4 RETIRING CHAIR.** At the end of his/her term of office, the retiring Chair shall become a ~~non-voting~~ member of the Board for a term of one (1) year.

Three other sections requested Bylaw amendments prior to the meeting as follows:

- A. **Health Law Section** - increase the board composition from nine to 10 members;
- B. **Natural Resources, Energy and Environmental Law Section** - add a representative of the UNM Law School faculty to the board composition for a one-year term;
- C. **International and Immigration Law Section** - suspend the requirement for a nine-member board and allow five board members through the end of the year.

Commissioner Berlin made a motion to approve all of the Section Bylaw amendments; the motion was seconded and it passed.

12. Bylaws/Policies Committee Report

Chair David Berlin reported on the January 26th Bylaws/Policies Committee meeting and requested the Board's approval of the following. Copies of the amended Policies and Bylaws were distributed at the meeting.

- A. Amendments to Editorial Policy – amendments were made to the policy as follows: add a liaison to the Board of Editors from the Board of Bar Commissioners appointed by the President of the State Bar, amend *Bar Bulletin* content to exclude articles and letters, add a Web site Readers' Forum, amend the grievance procedure, paid advertising/notices and brochures sections. An additional amendment was requested to the "Brochures" section removing the sentence "Attorneys and law firms are prohibited from placing their names on SBNM brochures." The committee recommended approval of the amendments.

President Vigil appointed Commissioner Berlin as the liaison to the Board of Editors and requested the Board of Editors to submit a proposal for another forum for articles and letters.
- B. New Policy Regarding Committees – the committee recommended approval of a new policy which sets forth basic guidelines for all State Bar committees to follow.
- C. Amended Section Bylaws, Article X, Section Finances and Budgets, regarding end-of-year funds – the committee recommended approval.
- D. Web Advertising Policy – a question arose as to whether banner ads should be permitted on the Web site; the committee recommended not allowing banner ads on the Web site, but the Board tabled a decision on this item to the April meeting.
- E. Affiliate Membership – correspondence was received from a non-member requesting consideration of opening up the affiliate membership to non-lawyers; the committee recommended that the request be declined.
- F. *Bar Bulletin* – a request was received regarding offering the online version of *Bar Bulletin* for a reduced fee and for non-members; the committee recommended that the request be declined.
- G. Amendments to State Bar Bylaws, Article II, Section 2.7, Honorary Judicial Members, and Section 2.8, Law Student Members, as follows:

Section 2.7 Honorary Judicial Members.

All circuit court of appeals judges, district court judges, bankruptcy judges, probate, magistrate, full-time magistrates of the United States who reside in New Mexico, and all full-time judges of tribal courts who have an LL.B. or J.D. degree and who reside in New Mexico or exercise jurisdiction in New Mexico shall be honorary members of the State Bar with the same rights and privileges as active status members. Honorary members shall not pay any license fees and may not engage in the private or public practice of law.

Article 2.8 Law Student Members.

A law student studying law at any level at an ABA-accredited law school may become a member of the State Bar of New Mexico. Membership includes online access to the *Bar Bulletin*, membership in the Young Lawyers Division (YLD) and practice sections (maximum of two per year), and participation in State Bar committees. Student membership in

the State Bar does not constitute a license to practice law. Student members of sections and committees are non-voting positions. The annual fee shall be determined and fixed by the Board prior to January of each calendar year.

Commissioner Berlin reported on a request from a law student to join the State Bar as a law student member, and he will respond to the request and provide notification of the ABA-accreditation requirement.

Thirty days' notice of the Bylaw changes was provided to the Board at this meeting and a vote will be taken at the April meeting.

Commissioner O'Brien made a motion to approve the amended Editorial Policy, new Committee Policy, amendments to the Section Bylaws (effective December 31, 2004), and the committee's recommendations regarding the Bar Bulletin and affiliate membership. The motion was seconded and it passed.

13. President's Report

President Vigil reported on the following:

A. Lawyers Assistance Committee Insurance Policy Update

Pursuant to the new D & O insurance policy requirements, insurance coverage was obtained to cover the volunteers of the Lawyers Assistance Program.

B. BBC Internal Committees Roster

A roster of the BBC Internal Committees for which commissioners signed up at the December meeting was included in the materials.

14. Executive Director's Report

Executive Director Joe Conte's written report was included in the materials. He also reported on the following:

- A.** Common Cause is pursuing legislation to have appellate judicial races funded by public contributions and State Bar sections were contacted to relay this information;
- B.** The 2004 CLE at Sea Cruise was quite successful and a 2005 program is being planned with limited availability;
- C.** He and President-elect Virginia Dugan attended Chief Justice Bosson's State of the Judiciary address to the Legislature on January 20; and
- D.** The 2005 Professionalism Program with the Lawyers Assistance Committee on substance abuse and addiction is scheduled to debut on February 25.

15. Report on Twelfth Judicial District Bar Association Meeting

Due to the absence of Commissioner Shanor, this item was tabled to the April meeting.

16. Division Reports

A. Young Lawyers Division

YLD Chair Roxanna Chacon reported that four Division Board members will attend the ABA Midyear Meeting in Salt Lake City and one will attend the ABA regional meeting in Denver next month. YLD is sponsoring an ABA Law School meeting on March 5 for

high school/law school students at UNM. The next Division Board meeting is scheduled for March 19 in Las Cruces and El Paso YLD members are invited to attend.

B. Senior Lawyers Division

SLD Delegate Dan Behles reported on the KOB call-in program which handles over 200 calls per month. The next call-in program is scheduled for February 16, and the next Division Board meeting is scheduled for March 17. SLD is planning another CLE program during the Annual Meeting in Ruidoso in September.

C. Paralegal Division

Paralegal Division Liaison Linda Murphy reported that the Division's Annual Report was included in the materials. The Division co-sponsored a CLE program and held its annual meeting on January 22 with 30 members in attendance; the Division is planning CLE programs throughout the year in various locations around the state. The first Board meeting for the year will be held February 12 and the Division is planning a meet and greet reception with State Bar staff in March.

17. Section Legislative Advocacy Compliance

Membership and Communications Director Christine Morganti reported on section legislative advocacy compliance for the following sections:

A. Family Law Section

The Family Law Section Board met on January 21 and voted to support legislation of an amended Guardian Ad Litem Statute, Section 40-4-8. The section board notified section members and the Board of Bar Commissioners on December 17 of its intent.

B. Taxation Section

The Taxation Section Board participated in a poll on January 24 and voted unanimously to contact the New Mexico Taxation and Revenue Department regarding the department's draft of proposed amendments to Section 7-1-73 of the New Mexico Statutes Annotated 1978 ("NMSA"). The section is advocating that the legislation should exclude from "willful counsel" counseling against fraud.

18. New Business

Commissioner Berlin noted that volunteers were still needed for the February 19 and 20 High School Mock Trial Program.

Commissioner Martinez thanked Joe Conte and Madonna Vandeventer for representing the State Bar at a reception in on January 14 in Las Cruces in recognition of the Third Judicial District Judges for their assistance in opening the State Bar's satellite office in Las Cruces. The reception was cosponsored by the Dona Ana County Bar, NM Hispanic Bar and State Bar.

There being no further business, the meeting was adjourned at 4:10 p.m.

BOARD OF BAR COMMISSIONERS
April 7, 2005, MEETING MINUTES
Bar Center, Albuquerque, NM

MEMBERS PRESENT:

Henry A. Alaniz	Dennis E. Jontz
Abigail P. Aragon	Damon P. Martinez
Daniel J. Behles	Linda A. Murphy
David M. Berlin	Daniel J. O'Brien
Beatrice J. Brickhouse	Monica M. Ontiveros
B. Paul Briones	Jessica A. Perez
Robert D. Castille	Albert L. Pitts
Roxanna M. Chacon	Donald C. Schutte
Craig A. Orraj	Stephen S. Shanor
Virginia R. Dugan	Charles J. Vigil
Jane Shuler Gray	

MEMBERS ABSENT:

Richard M. Jacquez

OTHERS PRESENT:

Kris Becker	Christine Morganti
Joe Conte	Anita Otero
Briggs Cheney	Renae Richards-Charney
Laura Fashing	Richard Spinello
Patricia Galindo	Bill Stratvert
Tonya Herring	Madonna Vandeventer
Rob Koonce	

1. Approval of January 28, 2005 Meeting Minutes

Commissioner Berlin made a motion to approve the January 28, 2005 meeting minutes as submitted; the motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Reviewed the February 2005 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report and recommended a change to the Accounts Receivable Policy to not charge interest to governmental agencies, as governmental agencies do not typically pay interest and the amounts that accrue monthly are written off; Commissioner Berlin made a motion to amend the policy to not charge interest to governmental agencies; the motion was seconded and it passed;
- C.** Reviewed and approved fee waivers of the 2005 bar dues for those who met the criteria;
- D.** Recommended denial of refunding 2005 dues for two attorneys who paid active dues but went inactive because of MCLE non-compliance; Commissioner Berlin made a motion to deny the refunds and direct the Bylaws/Policies Committee to develop a policy for the Board's consideration; the motion was seconded and it passed;
- E.** Recommended tabling two requests to send a representative to the Jackrabbit Bar Meeting in June and a representative to the Hispanic National Bar Meeting in October in order for staff to research costs; Commissioner Berlin made a motion to table the requests; the motion was seconded and it passed;

- F. Recommended denial of requests to fund scholarships for the NCBP Annual Meeting and the ABA's Environmental Law Minority Fellowship Program; the Finance Committee will discuss setting up a special line item for these types of requests during the 2006 budgeting cycle; Commissioner Berlin made a motion to deny the requests; the motion was seconded and it passed;
- G. Reviewed the executive director's travel reimbursements and credit card file; and
- H. Reported on a non-budgeted item in amount of \$730 for the purchase of a PDA for Executive Director Joe Conte so that he can keep in contact with the Board and staff when he is out of the office.

Commissioner O'Brien made a motion to accept the Finance Committee report; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Berlin made a motion to accept the February 2005 Financials; the motion was seconded and it passed.

4. Executive Session

Pursuant to State Bar Bylaws, Article IV, Section 4.5d, the Board went into Executive Session.

5. Executive Session Report

In open session, President Vigil reported that the Board approved a new contract for Executive Director Joe Conte.

6. Personnel Committee Report

The Personnel Committee met prior to the Board meeting and Chair Bob Castille reported on the items discussed by the committee:

- A. Comp Time Policy - the committee discussed adopting a new comp time policy. The item was tabled in order for the committee to review the city's policy and use as a model in drafting a policy for the Board's consideration.
- B. Flex Time - the committee recommended approval of a one-half hour lunch for employees pursuant to department director's approval and adequate staff coverage until close of business. Commissioner Berlin made a motion to approve the recommendation; the motion was seconded and it passed.
- C. Prorating Holidays/Leave for Part-time Employees - the committee recommended a change to the Employee Handbook to redefine the definitions of full and part-time employees; full-time is defined as 40 hours per week and part-time is less than 40 hours per week. Commissioner Berlin made a motion to approve the new definitions; the motion was seconded and it passed. The committee also discussed and recommended prorating holidays/leave for part-time employees in order to compensate for leave at the percentage of hours worked. Following discussion, the Board tabled this item to the May meeting in order for the committee to research further.
- D. Deferred Compensation Policy - the committee discussed a new proposed policy for deferred compensation for senior management staff. The item was tabled to the May meeting in order for staff to research ERISA rules and 401K contributions.

- E. Remembrance of Pope John Paul Half-day Leave - several state and city offices decided to close for the afternoon of April 8 in remembrance of Pope John Paul. Due to such short notice of the closure and meetings scheduled at the Bar Center that day, the committee recommended not closing the Bar Center.

7. Bylaws/Policies Committee Report

- A. Amendments were made by the Bylaws/Policies Committee to the State Bar Bylaws, Article II, Section 2.7—Honorary Judicial Members to include probate and magistrate judges, and Section 2.8—Law Student Members to include language for an ABA-accredited law school.

Thirty days' notice of both amendments was provided to the Board at the January meeting. Following discussion, the Board tabled Section 2.7—Honorary Judicial Members to the May meeting in order for the committee to research further.

Commissioner Berlin made a motion to approve Section 2.8—Law Student Members; the motion was seconded and it passed.

- B. Web Advertising Policy – a question arose as to whether banner ads for lawyers and law firms should be permitted on the Web site. The committee recommended they should not be allowed at the January meeting, but the Board tabled a decision to the May meeting. Commissioner Berlin made a motion to not allow lawyers or law firms to purchase banner ads on the Bar's Web site; the motion was seconded and it passed.
- C. Other - Children's Law Section Bylaw Amendment - the section requested a Bylaw amendment to allow for proxy voting. Following discussion, Commissioner O'Brien made a motion to reject the section's request; the motion was seconded and it passed.

8. Board of Editors Meeting Report and Request for Survey

Commissioner Berlin reported on the March 4 Board of Editors (BOE) meeting and request to conduct a survey of the membership. At the January Board meeting, the Board revised the Editorial Policy to exclude articles and letters from the *Bar Bulletin* and requested the BOE to present a proposal for a new Bar publication/forum for articles and letters. The BOE requested that it be allowed to conduct a membership survey to determine what type of publication the membership wants. The results of the survey will assist the BOE in drafting a proposal for the Board's consideration. Per State Bar policy, the Board needs to approve survey requests. Commissioner Briones made a motion to approve the BOE's request to conduct a survey of the membership conditioned upon approval of the survey; the motion was seconded and it passed.

9. Approval of New Alliance Program Participant

The Membership Services Committee requested the Board's approval of the addition of Real Time Sites, an Albuquerque Web development company, to the Alliance Program. Commissioner O'Brien made a motion to approve the request for the addition of Real Time Sites as a new membership service alliance program participant; the motion was seconded and it passed.

10. Approval of Client Protection Fund Recommendation

Client Attorney Assistance Program Managing Attorney Tonya Herring reported on six claims made to the Client Protection Fund, five of which were made against attorney Alan Whitehead and more claims are expected against him. Commissioner Schutte made a motion to approve the recommendations to pay the six claims and inform the District Attorney's Office in Farmington of the claims against Mr. Whitehead. The motion was seconded and it passed.

11. Update on Unauthorized Practice of Law Statute Amendments

Amendments to UPL Statutes 36-2-27 and 36-2-28 drafted by the UPL Subcommittee and approved by the Board were submitted to the Legislature. Additional amendments were made by the House Judiciary Committee and approved. The revised statutes were distributed at the meeting. The amendments failed to pass in the Senate due to lack of time. The subcommittee hopes to reintroduce the amendments at the next appropriate Legislative session.

12. Compensation Survey

A draft compensation survey was included in the materials. Executive Director Joe Conte reported that he will be working with Brian Sanderoff to finalize the survey and invited comments from the Board.

13. Committee Reports

President Vigil requested committees to appear before the Board to present reports, and the following committee chairs provided reports at this meeting:

A. Lawyers Assistance Committee

Chair Bill Stratvert reported on the Lawyers Assistance Program and explained the process when they receive a call regarding an attorney. He noted that the program has a 24-hour hotline and is completely confidential. They hold monthly 12-step programs and also give presentations to organizations statewide, including the Women's Bar Association and the Inns of Court. The committee worked with the Bar to develop and present this year's Professionalism Program, which was taped in front of a live audience in February.

B. Committee on Women and the Legal Profession

Co-chairs Laura Fashing and Patricia Galindo reported that the committee will soon be republishing a Domestic Violence Resource Card reformatted in a smaller version and in a bilingual format. As with the first edition, the cards will be distributed to shelters and legal resource hotlines in Bernalillo and Sandoval counties. The committee is also publishing on a quarterly basis an "Ask Pat" column, which is based on articles dealing with gender or women. The committee is updating the information in the publication "Gender Equality in the Courts" and supported legislation during the 2005 session that would require future statutes to be written in gender neutral terms. The SLD asked the committee to cosponsor a speaker series at the law school about women's issues.

C. Public Legal Education Committee

Chair Renae Richards-Charney reported that the public legal education brochures are being updated and reprinted. The committee also hopes to secure funding through member Elena Moreno Sparks' fundraising efforts in order to publish the pamphlets in a larger print and translated into Spanish. The committee received 109 entries statewide this year for the High School essay contest, and the three finalists will be recognized at the Albuquerque Bar's Law Day Luncheon on May 2.

14. Update on Malpractice Insurance Reporting/Certification to Supreme Court

Briggs Cheney provided an update on mandatory malpractice insurance disclosure/certification to the Supreme Court. The Lawyers Professional Liability (LPL) Committee met with the chairs of the Client Relations and Law Office Management Committees and the Solo & Small Firm Practitioners Section to discuss the resolution. All three of the committees had differing opinions and concerns regarding the resolution and requiring mandatory disclosure. The Supreme Court requested a rule requiring mandatory disclosure. Rather than a rule change, the LPL Committee developed two proposed orders, one which discloses the information to the public and one which

does not. The trust fund portion of the dues form could serve as a tool to collect the information, but there needs to be some form of penalty for non-disclosure. Following discussion, the Board requested that the LPL Committee finalize the two proposed orders and provide the pros and cons of each in addition to reviewing monetary penalties for non-disclosure for the Board's consideration at the May meeting.

15. President's Report

President Vigil reported on the following:

A. NCBP Midyear Meeting and Western States Bar Conference

He, President-elect Dugan and Executive Director Joe Conte attending the NCBP Midyear Meeting in February and the officers and Joe Conte attended the Western States Bar Conference in March.

B. 2005 Professionalism Program

The 2005 professionalism program entitled "Lawyers Concerned for Lawyers" with the Bar's Lawyers Assistance Committee debuted on February 25 and was very successful with over 100 attendees statewide.

C. Legal Specialization Board Letter to Supreme Court

A letter was sent to the Supreme Court by the Legal Specialization Board regarding the proposal to move MCLE under the State Bar and was included in the materials.

D. Update on Common Cause Request Regarding Support of Judicial Public Financing Bill

The Common Cause legislation to have appellate judicial races funded by public contributions did not pass in the Senate due to lack of time.

E. Equal Access to Justice Meeting

Met with EAJ to discuss bringing the campaign under the Bar Foundation.

F. National Client Protection Organization April 1 Workshop

He, Commissioner O'Brien and Joe Conte attended the April 1 Workshop on Client Protection.

G. May BBC Meeting

The May BBC meeting in Taos will be held on Friday and a strategic planning session will be held on Saturday morning at which the Bar's mission and goals will be revisited.

H. Update on Financing for Building

The Bar refinanced its existing loan through Wells Fargo Bank at an interest rate of 5.75 percent over the remaining seven years in order to complete all of the building improvements. Mick Rich with Mick Rich Contracting presented a proposal to repair the auditorium roof with several solutions and a recommendation to conduct an engineering study to determine the best possible solution. No action was taken by the Board.

I. Other

The draft reciprocity rule, comments, and information on the pro and con arguments were forwarded to the Supreme Court with the offer to conduct a referendum if requested by

the Court. The Court sent a response thanking the Bar for drafting the rule and providing the information, but did not request a survey be conducted at this time. The letter to Chief Justice Bosson will be published in the *Bar Bulletin* to update the membership on the issue.

16. Executive Director's Report

Executive Director Joe Conte's Report and the March Newsletter/2005 Annual Report were included in the materials. He reported on the Diversity Conference scheduled for April 30 with a presentation by Margaret Montoya with the Law School on Cultural Competency and the Leadership Training Institute scheduled for August, September and November. He also reported that Mike Grecco, President-elect of the ABA, was invited to speak at the Annual Meeting in September.

17. Report on Twelfth Judicial District Bar Association Meeting

Commissioner Steve Shanor reported on the Twelfth Judicial District Bar Association's January 11th meeting regarding the concerns of members in that bar commissioner district regarding communication and adequate representation on the Board from that district. Members of that bar association don't feel as though they are aligned with Lea, Chaves and Eddy counties and requested that the Sixth Bar Commissioner District be reconfigured or that a special district be created for them. Following discussion, Commissioner Shanor volunteered to attend meetings of the Twelfth Judicial District Bar Association on a quarterly basis to keep members apprised of Bar activities and issues.

18. Division Reports

A. Young Lawyers Division

Young Lawyers Division Chair Roxanna Chacon reported that the YLD Board held a meeting in Las Cruces and a mixer with the El Paso YLD on April 2. The Law Day call-in is scheduled for May 7 in Farmington, Albuquerque, Las Cruces and Roswell. Board members will be attending the Spring ABA Meeting in Miami in May during the dates of the Board of Bar Commissioners meeting. YLD is sponsoring a luncheon program on depositions at the Second Judicial District Court on April 27. YLD is also sponsoring a fellowship in the amount of \$3,000 for law students performing summer internships in otherwise unpaid public interest or government positions.

B. Senior Lawyers Division

Senior Lawyer Division Delegate Dan Behles left the meeting prior to presenting a report.

C. Paralegal Division

Paralegal Division Liaison Linda Murphy left the meeting prior to presenting a report.

Action Needed: None

19. New Business

Commissioner Briones made a motion to send a plaque to Commissioner Jim Dawdy for his service on the Board of Bar Commissioners during his term of 2002 - 2004. A plaque had not been presented with the remainder of the outgoing commissioner plaques in December, since Mr. Dawdy had resigned from the Board in November of 2004. The motion was seconded and it passed.

There being no further business, the meeting was adjourned at 4:55 p.m.

BOARD OF BAR COMMISSIONERS
May 20, 2005, MEETING MINUTES
Alpine Village Suites, Taos Ski Valley, NM

MEMBERS PRESENT: Henry A. Alaniz
Abigail P. Aragon
Daniel J. Behles
David M. Berlin
Beatrice J. Brickhouse
B. Paul Briones
Robert D. Castille
Virginia R. Dugan
Jane Shuler Gray
Richard M. Jacquez

Dennis E. Jontz
Damon P. Martinez
Daniel J. O'Brien
Craig A. Orraj
Jessica A. Perez
Albert L. Pitts
Donald C. Schutte
Stephen S. Shanor
Charles J. Vigil

MEMBERS ABSENT: Roxanna M. Chacon
Linda A. Murphy
Monica M. Ontiveros

OTHERS PRESENT: Kris Becker
Joe Conte
Briggs Cheney

Christine Morganti
Richard Spinello
Madonna Vandeventer

1. Approval of April 7, 2005 Meeting Minutes

Commissioner O'Brien made a motion to approve the April 7, 2005 meeting minutes as submitted; the motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Reviewed the March 2005 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report as well as the executive director's travel reimbursements and credit card file;
- C.** Recommended the approval of the purchase of three additional PDAs for department directors, if there are adequate funds remaining after the completion of the building improvements; Commissioner Orraj made a motion to approve the purchase of the three additional PDAs in addition to the monthly fees of \$50 for each PDA; the motion was seconded and it passed;
- D.** Received an update on the building improvements; a core sample of the auditorium roof was taken to determine whether the problem with the popping and cracking sounds is architectural or engineering;
- E.** Received a report on the State Bar satellite office in Las Cruces and recommended approving its continuation; Commissioner Orraj made a motion to approve the continuation of the satellite office in Las Cruces until it is no longer feasible; the motion was seconded and it passed. Commissioner Martinez requested that an informal committee will be formed to create more awareness about and ways to utilize the satellite office; the Board will discuss the structure of the committee at the July meeting; and
- F.** Reviewed the programming for the Jackrabbit Bar Meeting in June and decided not to send a representative.

Commissioner Orraj made a motion to accept the Finance Committee report; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Orraj made a motion to accept the March 2005 Financials; the motion was seconded and it passed.

4. Acceptance of 2004 Audit and Management Letter

The 2004 audit and management letter prepared by REDW were included in the materials. Two very minor items were noted regarding capital lease reporting and timeslips. A report will be presented by REDW at the July meeting. Commissioner Orraj made a motion to accept the 2004 Audit and Management Letter; the motion was seconded and it passed.

5. Approval of Request to Change the Bar's 401K Administrator

Commissioner Jontz, the Board's designee to the 401K Advisory Committee, reported that he, Madonna Vandeventer and Tracy Ahr met with Patty Padon regarding the Bar's 401K administrator and recommended changing from Bisys to Pattison Pension Specialists, Inc. The change will result in a considerable savings to the Bar and more investment options will be made available by the new administrator. Commissioner O'Brien made a motion to approve the change effective July 1; the motion was seconded and it passed.

6. Personnel Committee Report

The Personnel Committee met on May 16 and Chair Robert Castille reported on the committee's discussion and recommendations as follows:

- A.** Exempt Employee Leave Policy - the committee drafted a new policy which was distributed at the meeting for all exempt employees modeled after the City of Albuquerque's managerial leave policy. The policy provides exempt employees with time off for working exorbitant hours for projects (e.g., Annual Meeting), at the Executive Director's discretion, to be used within thirty (30) days, unless otherwise approved. Commissioner Castille made a motion to approve the new policy; the motion was seconded and it passed. The Board requested that it be provided with an annual report as to the number of days granted per year.
- B.** Deferred Compensation Policy - the committee discussed a new proposed policy for deferred compensation for senior management staff; this item was tabled so that the committee could pursue options with the new 401K administrator.
- C.** Prorating holidays/leave for part-time employees - at the April meeting, the committee recommended prorating leave time for part-time employees; however, the Board referred this item back to the committee to review further. Following further review, the committee recommended that part-time employees will be paid leave only for those hours they are normally scheduled to work while on PTO or on regularly scheduled holidays. Commissioner Castille made a motion to approve the committee's recommendation. Following a vote by the Board, the motion passed. The Employee Handbook will be amended in the appropriate sections with this new language.

7. Bylaws/Policies Committee Report

The Bylaws/Policies Committee met on May 16 and Chair David Berlin reported on the committee's discussion and recommendations as follows:

- A.** State Bar Bylaws, Article II, Section 2.7—Honorary Judicial Members. At the April meeting, the committee recommended amending the section to include probate and magistrate judges; however, the Board referred the amendment back to the committee to review further. Following further review, the committee

recommended not including probate and magistrate judges (non-lawyers) as honorary members of the Bar, which would cost the Bar \$11,666 per year to provide the *Bar Bulletin* and *Directory* free of charge. Commissioner Berlin made a motion to approve the recommendation; the motion was seconded and it passed.

- B. Bar Dues Refund Policy - At the April meeting, the Board directed the Bylaws/ Policies Committee to draft a new policy regarding the denial of refunding 2005 dues for two attorneys who paid active dues but went inactive because of MCLE non-compliance. The committee recommended approval of the following policy:

"It shall be the policy of the Board to not refund bar dues once they have been paid. The Board reserves the right to exercise its discretion on a case-by-case basis."

Commissioner Berlin made a motion to approve the new policy; the motion was seconded and it passed.

- C. E-blast Policy - The committee recommended the following amendments to the e-blast policy: the State Bar will provide two free e-blasts per year for not-for-profit law-related organizations, not allow e-blasts for any outside commercial entities, and not sell the database to any entities. Commissioner Berlin made a motion to approve the amendments; the motion was seconded and it passed.
- D. Editorial Policy - David Berlin was appointed to the Board of Editors as a liaison. Liaisons don't typically have votes; however, the committee was asked to review the policy and make a recommendation regarding whether the position should be a voting or non-voting position. The committee recommended that the position should remain a non-voting liaison position. Commissioner Berlin made a motion to approve the recommendation; following a vote by the Board, the motion failed. The policy will be revised to add an additional member to the Board of Editors making the BBC member a voting member.

8. Approval of Board of Editors Survey of Members

At the April 7 meeting, the Board approved the Board of Editors' request to survey members via e-mail regarding the type and content of a new publication, pursuant to the Board's approval of the final draft of questions contained in the survey. The draft survey was distributed at the meeting. Commissioner Martinez requested an additional question be added regarding willingness to pay an increase in fees for a new publication. Commissioner Behles made a motion to approve the survey with the additional question; the motion was seconded and it passed.

9. Lawyers Professional Liability Committee Report, Proposed Supreme Court Orders and Recommendations Regarding Mandatory Insurance Disclosure

The Lawyers Professional Liability (LPL) Committee developed two proposed orders regarding mandatory malpractice insurance disclosure, one which discloses the information to the public and one which does not. At the April meeting, the Board requested the LPL Committee to finalize the two proposed orders and provide the pros and cons of each in addition to reviewing monetary penalties for non-disclosure for the Board's consideration at the May meeting. Briggs Cheney presented the orders and the pros and cons for each. He reported that several states have something in place similar to what is being proposed by the committee. He noted that process shouldn't be rushed and should be done in two steps, with the first step to collect the information and the next step to disclose in some form to the public. He suggested using a form similar to the trust fund certificate to collect the information with fines imposed for non-disclosure. The Board discussed concerns of public disclosure, i.e. difficulty obtaining insurance, minimum insurance coverage limits, and the cost to solo and small firms. Following discussion, Commissioner O'Brien made a motion to approve the LPL Committee's recommendation to submit the order

requiring the collection of malpractice insurance information from members without public disclosure. Commissioner Shanor made a motion to amend order to include statement of non-disclosure. The motion was seconded and it passed. A letter will be sent with the order informing the Supreme Court of the various ramifications and concerns about mandatory disclosure. Commissioner Briones made a motion to also include in the letter a recommendation that the Pro Hac Vice Rule be amended to require out-of-state attorneys to disclose to the Court whether or not they have malpractice insurance. The motion was seconded and it passed.

10. Approval of Client Protection Fund Recommendations

Public and Legal Services Director Richard Spinello reported on and requested the Board's approval of recommendations to pay two claims made to the Client Protection Fund. Commissioner Behles made a motion to approve the recommendations to pay the two claims; the motion was seconded and it passed.

11. Appointments to DNA - People's Legal Services Board

Pursuant to the State Bar Bylaws, the Board appoints two members to serve on the DNA - People's Legal Services Board for two-year terms. A notice was published in the *Bar Bulletin* and the two current board members, Judge Peggy Nelson and Peggy Bird, submitted letters requesting they be reappointed to the board. Commissioner O'Brien made a motion to reappoint Judge Peggy Nelson and Peggy Bird; the motion was seconded and it passed.

12. Membership and Communications Department Report

Membership & Communications Director Christine Morganti provided an update on the activities and projects of the department. She noted that the *Bench and Bar Directory* will be mailed the first week of July, and that the cover art was by Carl Gorman. A presentation to the Board on the Web site will be scheduled before the end of the year. The most popular topics in the Lending Library are on solo practice and lawyer trust accounts. The Bill Kitts Mentor Program was revamped last year with the mentors now being listed by geographic location and practice area on the Web site and printed as an insert in the *Bar Bulletin*. A suggestion was made to send an e-mail to the volunteers to track and determine whether the new system is more effective than the previous system of having to contact the State Bar for a mentor. The staff insert will be reprinted and published in the May 30 *Bar Bulletin* and the BBC insert will be published every January.

13. President's Report

President Vigil reported on the following:

A. May 17th Equal Access to Justice Meeting

A meeting was held with the Equal Access to Justice (EAJ) Board to discuss bringing the campaign under the Bar Foundation. The board is interested in becoming part of the Bar Foundation, which would undertake the fundraising for EAJ and would administer and distribute the funds to the legal services providers.

B. Correspondence from Judge Alan Torgerson regarding reciprocity

A letter was included in the materials from Judge Alan Torgerson regarding the Board's handling of the reciprocity issue. President Vigil met with Judge Torgerson to discuss his concerns, and he expressed an interest in becoming more involved with the State Bar and the Board.

C. Update on Roy Reynolds Lawsuit

A Notice of Appeal was filed in the Court of Appeals by counsel for Roy Reynolds in the lawsuit against the State Bar.

D. Other

The Board was invited by the Supreme Court to hold a meeting at the Supreme Court Building in Santa Fe; the October 28 meeting will be held at the Supreme Court.

14. Executive Director's Report

Executive Director Joe Conte's report was included in the materials. He also reported on the following: Justice O'Connor cannot attend the Annual Meeting in Ruidoso; a staff retreat will be held on June 13 on verbal encounters, time management and emotional intelligence; applications are being accepted for the Leadership Training Institute; and the Conference on Commonality was a success with 50 participants.

15. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles reported that the Board met on May 19 and is planning a program at the Annual Meeting; the KOB program averages 150-200 calls per call-in; and the Division would like to cosponsor a program with YLD on intergenerational issues/conflicts in law firms, as those issues affect both young and senior lawyers.

16. New Business

- A.** Membership & Communications Director Christine Morganti presented the Indian Law Section's request to amend its bylaws to enable the chair to serve for more than one year. Commissioner Behles made a motion to approve the request; the motion was seconded and it passed.
- B.** The Membership Services Committee requested the Board's approval of the addition of the Employee Benefit Service Center as a new Membership Service Alliance Program participant. Commissioner O'Brien made a motion to approve the request; the motion was seconded and it passed.
- C.** Commissioner Damon Martinez announced his resignation from the Board, as he accepted a new position in Albuquerque and can no longer serve for the bar commissioner district that includes Las Cruces. A notice will be published in the *Bar Bulletin* to fill Commissioner Martinez' position for the remainder of the year.
- D.** Commissioner Berlin presented President Vigil with a plaque for the State Bar's support of and participation in the Center for Civic Values Mock Trial High School Program.

There being no further business, the meeting was adjourned at 2:55 p.m.

BOARD OF BAR COMMISSIONERS
September 22, 2005, MEETING MINUTES
Ruidoso Convention Center, Ruidoso, NM

MEMBERS PRESENT:

Henry A. Alaniz	Dennis E. Jontz
Abigail P. Aragon	Daniel J. O'Brien
Daniel J. Behles	Monica M. Ontiveros
David M. Berlin	Craig A. Orraj
B. Paul Briones	Jessica A. Perez
Robert D. Castille	Albert L. Pitts
Virginia R. Dugan	Donald C. Schutte
Mark A. Filosa	Stephen S. Shanor
Jane Shuler Gray	Charles J. Vigil
Richard M. Jacquez	

MEMBERS ABSENT:

Beatrice J. Brickhouse
Roxanna M. Chacon
Linda A. Murphy

OTHERS PRESENT:

Kris Becker	Christine Morganti
Kathleen Brockel	Richard Spinello
Joe Conte	Madonna Vandeventer
Rob Koonce	

President Vigil welcomed and introduced new Commissioner Mark Filosa from the Seventh Bar Commissioner District. Mr. Filosa replaced Damon Martinez and will serve through the end of the year.

1. Approval of July 15, 2005 Meeting Minutes

Commissioner Dugan made a motion to approve the July 15, 2005 meeting minutes as submitted; the motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Reviewed the July 2005 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report as well as the executive director's travel reimbursements and credit card file;
- C.** Recommended approval of a change to the travel policy to increase to the mileage reimbursement from \$.32 to \$.485 per mile pursuant to the IRS mileage rate and to adjust accordingly with rate fluctuations, effective Sept. 1, 2005; Commissioner Alaniz made a motion to approve the change; the motion was seconded and it passed; a question arose as to the effect of this change on the budget, and Madonna Vandeventer estimated that it could increase the budget by approximately \$10,000; and
- D.** Reviewed the print shop feasibility study and discussed future funding for repairs and improvements.

3. Acceptance of Financials

Commissioner Orraj reported that at the end of July, total revenues were over budget by two percent and total expenses were under budget by 11 percent and made a motion to accept the July 2005 Financials; the motion was seconded and it passed.

4. Approval of 2006 Budget Worksheet

The Finance Committee met on September 16 and unanimously approved the 2006 Budget Worksheet. Commissioner Orraj reported on the three major variances between the 2005 and 2006 budget including: the Annual Meeting was transferred from the State Bar to CLE, the Client Protection Fund was not included in the budget, and Casemaker or Fastcase online legal research was included in the budget. Commissioner O'Brien made a motion to approve the 2006 Budget Worksheet; the motion was seconded and it passed.

5. Executive Session

The Board went into Executive Session to discuss litigation and personnel issues.

6. Executive Session Report

In open session, the Board reported that it discussed pending litigation and formed a subcommittee to review and renegotiate the existing contracts with the Supreme Court entities and NM Defense Lawyers Association.

7. Approval of Legal Services & Programs Committee and Access to Justice Commission Proposal

At the July 15th Board meeting, the Board requested a specific proposal regarding the Legal Services & Programs Committee and Access to Justice joint Comprehensive Pro Bono Plan for NM. Kathleen Brockel and Richard Spinello presented the committee's recommendations noting that the ABA recently released its comprehensive study regarding pro bono efforts of lawyers in the United States, of which two thirds reported that they provide some level of pro bono services annually with 46 percent meeting the ABA's aspirational goal of providing at least 50 hours. The committee developed incentives that could encourage greater pro bono participation including free training and CLE credit for services provided, free malpractice insurance coverage related to pro bono representation, and discrete legal tasks rather than an entire representation. The pro bono plan also includes providing standardized forms and instructions, mediation/court alternatives, training and guidance to court staff and local bars about pro so representation and services, unbundled legal services and technology.

Ms. Brockel outlined the proposed rule changes in the pro bono plan that would be required. Rule 16-601 would require a lawyer aspire to render at least 50 hours of pro bono legal services per year or contribute financial support in the amount of \$500 to organizations that provide legal services to persons of limited means, or a combination of both pro bono hours and a financial contribution. Members of the judiciary and their staff would be exempt from the provisions of the rule. The provisions of the rule are aspirational, while the reporting requirements are mandatory. To facilitate the goals of the rule, the Chief Judges in each judicial district shall be charged with convening a local pro bono committee comprised of local attorneys, judges, legal service providers and other interested participants to develop a local pro bono plan to help meet the legal needs of the poor in the geographic area and report their progress to the Supreme Court. Rule 18-201(D) would provide for up to a maximum of four MCLE general credits for providing pro bono legal services.

Commissioner O'Brien made a motion to approve the committee's report and recommendations; the motion was seconded and it passed.

8. Approval of Bylaws/Policies Committee Report

Chair David Berlin reported on the August 26th Bylaws/Policies Committee meeting and requested the Board's approval of the following:

- A. **Revised Editorial Policy** - At the July 15th Board meeting, the committee was requested to review the policy for any discrepancies in the Board of Editors' authority. The committee made revisions to the policy changing the Board of Editors from an independent entity to a committee of the State Bar and subject to the State Bar Bylaws and policies pertaining to committees, in addition to including letters to the editor in the *Bar Bulletin*. The Board of Editors made additional revisions to the format and the revised policy was distributed at the meeting. Commissioner Berlin made a motion to approve the revised policy; the motion was seconded and it passed.
- B. **New Verification of Timesheets and Timeslips Policy** - Following the audit, the auditors recommended a new policy be adopted for directors to verify staff's timesheets/timeslips; the draft policy was included in the materials. Commissioner Berlin made a motion to approve the new policy; the motion was seconded and it passed.

9. Approval of Board of Editors' Proposal Regarding Quarterly Insert in *Bar Bulletin*

At the July 15th Board meeting, the Board requested the Board of Editors to submit a proposal regarding name, costs and other details for a quarterly insert in the *Bar Bulletin*, which was distributed at the meeting. The publication will be named "The New Mexico Lawyer," once staff determines that there is no copyright on the name, and will feature current and substantive legal issues. The cost will be approximately \$6,000 per year, which will be offset through advertising revenues. The anticipated start date is between January and April of 2006. Commissioner O'Brien made a motion to approve the proposal for a new quarterly insert in the *Bar Bulletin* to begin in 2006; the motion was seconded and it passed.

10. Approval of Client Protection Fund Recommendations

Public & Legal Services Director Richard Spinello reported on and requested the Board's approval of recommendations to pay four claims made to the Client Protection Fund. Commissioner Briones made a motion to approve the recommendations to pay the four claims; the motion was seconded and it passed.

11. Discussion of Casemaker and Fastcase Proposals Regarding Online Legal Research

President Vigil reported that he and Executive Director Joe Conte attended a meeting of the Compilation Commission on August 23 to discuss the Bar's proceeding with offering Casemaker online legal research to the membership. The Compilation Commission indicated that it would not be in competition with Casemaker because of the annotations they provide. An updated proposal was obtained from Casemaker following the July 15th Board meeting. A proposal was also submitted by Fastcase, which provides access to all 50 states. Casemaker has access to only 23 states and includes Texas, Colorado and Utah. The costs of both proposals are comparable and are approximately \$50,000. Following discussion, Commissioner Alaniz made a motion to appoint a committee to review both proposals from Casemaker and Fastcase and make a recommendation to the Board at the October meeting; the motion was seconded and it passed. President Vigil and Commissioners Alaniz, Behles, Dugan, O'Brien, Perez and Shanor volunteered to serve on the committee.

12. Appointments to New Mexico Legal Aid Board

New Mexico Legal Aid requested that the State Bar appoint four members to the NM Legal Aid Board of Directors (with one of the appointments being a member of the Indian Law Section). Correspondence from NM Legal Aid was included in the materials requesting the reappointment

of Stuart M. Bluestone and Elizabeth J. Gutierrez. Notices were published in the *Bar Bulletin* and sent to the Indian Law Section, and the following submitted letters of interest:

1. Stuart M. Bluestone
2. Gretchen Elsner
3. Paula Forney
4. Elizabeth J. Gutierrez
5. Lawrence A. Ruzow
6. Edna Frances Sprague
7. Marie Catherine Ward

Following discussion, Commissioner Filosa made a motion to reappoint Stuart M. Bluestone and Elizabeth J. Gutierrez; the motion was seconded and it passed. Commissioner Briones made a motion to appoint Lawrence A. Ruzow from the Indian Law Section; the motion was seconded and it passed. Commissioner Jontz made a motion to appoint Paula Forney. Commissioner O'Brien made a motion to appoint Edna Frances Sprague. Following a vote by the Board, Edna Frances Sprague was appointed. A letter will be sent to the NM Legal Aid Board, which will determine the terms of the four appointments.

13. Nomination of 2006 BBC Officers

President Vigil requested nominations for the 2006 Board officer positions. Commissioner Shanor nominated Henry Alaniz for Secretary-Treasurer, Commissioner Berlin nominated Craig Orraj for Vice President, and Commissioner Briones nominated Dennis Jontz for President-elect; all were elected by acclamation.

14. Approval of New Alliance Program Participant

The Membership Services Committee requested the Board's approval of the addition of TechnoLawyer, a weekly e-newsletter and archives, to the Bar's Alliance Program. Members may subscribe to the free subscription and obtain a free one-year subscription to archives, a \$65 per year value. Executive Director Joe Conte and PLSD Director Richard Spinello will negotiate the contract. Commissioner O'Brien made a motion to approve the request; the motion was seconded and it passed.

15. Approval of Employment and Labor Law Section Bylaw Amendment

The Employment and Labor Law Section requested a Bylaw amendment to allow any New Mexico citizen to be a member of the section and that only active members of the State Bar will be voting members. The Board requested the language be changed from "citizen" to "resident." Commissioner O'Brien made a motion to approve the request with the change; the motion was seconded and it passed.

16. Committee Reports

A. Committee on Diversity in the Legal Profession

Due to the absence of Arturo Jaramillo, no report was presented.

B. Quality of Life Committee

Vic Sizemore reported that he was asked to chair the Quality of Life Committee by former Chair Judge Black. He noted that the State Bar's Annual Meeting and Bench & Bar Conferences are well-attended by committee members. He reported that the committee held an outing on May 5 at the Hyatt Regency Tamaya Resort with low participation. The committee may plan another outing for 2006, possibly on a Friday afternoon, instead of a Saturday, to increase participation. The committee meets approximately three times a year with the next meeting scheduled for November.

17. President's Report

President Vigil reported on the following:

A. ALPS Meeting

He, President-elect Dugan and Executive Director Joe Conte attended a two-day conference on risk management issues in Montana sponsored by ALPS, a legal malpractice insurance carrier.

B. NCBP Annual Meeting

He, President-elect Dugan and Executive Director Joe Conte attended the National Conference of Bar Presidents (NCBP) Annual Meeting in Chicago last month.

18. Executive Director's Report

Executive Director Joe Conte's report and the July/August State Bar Newsletter were included in the materials. Mr. Conte also reported on the following:

- A.** He reminded the Board of the Silent Auction to benefit the Equal Access to Justice Campaign being held during the Annual Meeting on Friday, September 23;
- B.** The Annual Meeting posters were reinstated this year and will be distributed to each attendee; additional posters will be available for purchase at \$10;
- C.** An open house for the new admittees will be held at the Bar Center on September 30 and commissioners were invited to attend; and
- D.** The compensation survey will be completed by the end of the year.

19. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles reported that the Division was sponsoring a CLE seminar during the Annual Meeting in Ruidoso on conservatorship and guardianship and is planning another seminar in December at the Bar Center.

B. Young Lawyers Division

Due to the absence of Young Lawyers Division Chair Roxanna Chacon, no report was presented.

C. Paralegal Division

Due to the absence of Paralegal Division Liaison Linda Murphy, no report was presented.

20. 2005 Board of Bar Commissioners Election Schedule

The 2005 election schedule was included in the materials. Eight board positions will expire at the end of the year, and the deadline for nomination petitions is October 24.

21. New Business

There being no further business, the meeting was adjourned at 2:20 p.m.

BOARD OF BAR COMMISSIONERS
October 28, 2005, MEETING MINUTES
Supreme Court Building, Santa Fe, NM

MEMBERS PRESENT:

Henry A. Alaniz	Dennis E. Jontz
Abigail P. Aragon	Daniel J. O'Brien
David M. Berlin	Monica M. Ontiveros
B. Paul Briones	Craig A. Orraj
Beatrice J. Brickhouse	Jessica A. Perez
Robert D. Castille	Albert L. Pitts
Roxanna M. Chacon	Donald C. Schutte
Jane Shuler Gray	Stephen S. Shanor
Richard M. Jacquez	Charles J. Vigil

MEMBERS ABSENT:

Daniel J. Behles
Virginia R. Dugan
Mark A. Filosa
Linda A. Murphy

OTHERS PRESENT:

Kris Becker	Bonita Ortiz
Justice Edward L. Chavez	Christine Morganti
Joe Conte	Justice Patricio M. Serna
Kay Homan	Richard Spinello
Arturo L. Jaramillo	Madonna Vandeventer

1. Approval of September 22, 2005 Meeting Minutes

Commissioner Alaniz made a motion to approve the September 22, 2005 meeting minutes as submitted; the motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Reviewed the September 2005 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report, which shows that there are no significant accounts past due, as well as the executive director's travel reimbursements and credit card file;
- C.** Recommended approval of the 2006 Budget Disclosure Document; Commissioner Schutte made a motion to amend page 15 of the document regarding litigation to reflect that the State Bar will only incur the amount of the insurance deductible in the amount of \$10,000 should a judgment be rendered against the State Bar; Commissioner Orraj made a motion to approve the 2006 Budget Disclosure with the amendment; the motion was seconded and it passed; the document will be posted on the Web site with a notice in the *Bar Bulletin* and hard copies will be provided upon request; and
- D.** Reviewed the print shop feasibility study and reported that the press should last another 10 years.
- E.** Received a report on the subcommittee formed to review the four administrative contracts; Commissioner Alaniz outlined the subcommittee's recommendations for the Board. Commissioner Orraj made a motion for the subcommittee to move forward with negotiations of the contracts and present the final contracts to the Board; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Orraj reported that the revenues over expenses for the Annual Meeting will be approximately \$40,000 at the end of the year. Total revenues were over budget by seven percent and total expenses were under budget by 10 percent, resulting in a net of \$182,000 at the end of September. Commissioner O'Brien made a motion to accept the September 2005 Financials; the motion was seconded and it passed.

4. Approval of 2006 Dues and Licensing Form

The draft 2006 Dues and Licensing Form was included in the materials. Executive Director Joe Conte noted the redesign and inclusion of the mandatory disclosure of professional liability insurance section this year. A suggestion was made to separate the Publication Fee Waiver from the other types of fee waivers. Madonna Vandeventer noted that the First Judicial District Bar requested inclusion on the dues form this year, and that the Bar charges a four percent administrative fee to collect dues for all of the voluntary bar organizations. Commissioner Orraj made a motion to approve the 2006 Dues Form with the amendment; the motion was seconded and it passed. The forms will be mailed out to the membership on December 6.

5. Executive Session

There was no business to discuss in Executive Session, so one was not held.

6. Executive Session Report

Due to no Executive Session being held, no report was presented.

7. Approval of Bylaws/Policies Committee Report

Chair David Berlin reported on the October 24th meeting and requested the Board's approval of the following:

- A. New Reserve Policy** – a policy was obtained from the National Association of Bar Executives (NABE) for the committee's consideration; the committee revised the policy for the fund not to exceed one million dollars (\$1,000,000). The proposed policy was distributed at the meeting. Following discussion of the amount, the Board referred the policy to the Finance Committee to discuss with the Bar's auditors.
- B. New Whistleblower Policy** – the Finance Committee requested the auditors to develop a Whistleblower Policy; the committee will revise the policy and present it at the December meeting.
- C. Conflict of Interest Policy** – the committee reviewed a Conflict of Interest Policy from the Lancaster Bar Association and determined the Bar's current policy is acceptable.
- D. Bylaw Amendment to Article IV, Board of Bar Commissioners, Subsection 4.4d, Ballots** – the committee discussed online voting for the Board of Bar Commissioners' election and determined not to do at this time, so no bylaw amendment was necessary.
- E. Bylaw Amendment to Article IV, Board of Bar Commissioners, Subsection 4.5f, Quorum** – the Finance Committee referred this to the Bylaws/Policies Committee and the committee recommended an amendment to allow for agenda items to be voted upon after a quorum is lost. Thirty days' notice of a Bylaw amendment is required, so the amendment will be voted on at the December meeting.

8. Approval of Client Protection Fund Recommendation

Public & Legal Services Director Richard Spinello reported on and requested the Board's approval of a recommendation regarding a claim made to the Client Protection Fund. Correspondence regarding the claim was included in the materials. Commissioner Berlin made a motion to approve the recommendation to pay the claim; the motion was seconded and it passed.

9. Approval of Recommendation Regarding Online Legal Research Proposals from Casemaker and Fastcase

At the September 22nd meeting, a committee was formed to review the proposals from Casemaker and Fastcase online legal research and make a recommendation to the Board. The committee reviewed the proposals and recommended Casemaker. Casemaker links to exact statutes and is more user-friendly. The cost is approximately \$50,000 per year for the first five years; after five years, the cost will increase based on the rate of inflation. Commissioner Pitts made a motion to approve the recommendation to proceed with Casemaker as a membership service and Commissioner Shanor to negotiate the contract; the motion was seconded and it passed. Once the contract has been signed, it will take approximately nine months to implement.

10. American Bar Association (ABA) Report

Due to the absence of Judge Alan Torgerson, this item was tabled to the December meeting.

11. Committee on Diversity in the Legal Profession Report

Committee Chair Arturo Jaramillo reported on the Committee on Diversity in the Legal Profession and provided a brief history stated that it began as a standing committee in 1987 and was called the Committee on Minorities in the Legal Profession stemming from President Buck Cuddy's concern about the lack of diversity in the Bar. The committee produced a report in January of 1990 on the status of minorities in the profession. A number of recommendations were made and carried out, one of those being the Summer Law Clerk Program for first-year law students. A reunion for the law students and firms who participated over the last 15 years is being considered. An updated report was done in 1999, which demonstrated that there are more minorities in firms and government as well as greater diversification in leadership in the State Bar. Last year, the committee put on the first Conference on Commonality, which focused on what different cultures share with each other. The second conference held this year was on Cultural Competency and understanding how different people and cultures can bring different aspects to work together. The committee will also be considering whether to do a third updated minority report. Mr. Jaramillo added that anyone is welcome to serve on the committee and encouraged the commissioners to participate.

12. Discussion Regarding Judicial Notifications

Commissioner Shanor reported that judicial notices published in the *Bar Bulletin* don't always specify the judge and effective dates when civil and criminal judicial reassignments take place and that there is not enough notice given. There is a real concern about the practice and whether it is in compliance with the Supreme Court Rules. Following discussion, Commissioner Shanor volunteered to draft a letter to the Supreme Court requesting this be addressed by the Civil and Criminal Rules Committees.

13. President's Report

President Vigil reported on the following:

A. Annual Meeting Report

The Annual Meeting went well with over 300 attendees. The 2006 Annual Meeting will be held in Durango, July 20-22.

B. Judicial Nominating Commissions

The State Bar makes appointments to the Judicial Nominating Commissions balancing them with political parties, and he encouraged commissioners to serve on the commissions.

C. Commission on Professionalism/2006 Professionalism Programs

The Commission is planning two programs for 2006—one of which will be a two-hour program (one hour of professionalism and one hour of ethics) the end of February and the other will be a one-hour program on diversity in March.

D. Hispanic National Bar Association Convention in Washington, D.C.

He attended the Hispanic National Bar Association Convention in Washington, D.C., at which Attorney General Patricia Madrid and UNM Professor Margaret Montoya received awards.

E. Other

He reported that the only contested district for the Board of Bar Commissioners' election was the Third, and that no nomination petitions were received for the Seventh Bar Commissioner District vacancy. A notice will be published in the *Bar Bulletin* soliciting interest, and an appointment will be made at the December meeting.

14. Executive Director's Report

Executive Director Joe Conte's report was included in the materials. He reported that he will be attending ABA Day for new bar executive directors in Chicago next month.

15. Division Reports

A. Senior Lawyers Division

Due to the absence of Senior Lawyers Division Delegate Dan Behles, no report was presented.

B. Young Lawyers Division

Young Lawyers Division Chair Roxanna Chacon reported that there was one contested position for the YLD Election. The Division is sponsoring a Ski CLE in Santa Fe in March at the Inn at Loretto in conjunction with the regional ABA Conference. Seven division members attended the YLD Fall AOP, and three New Mexico appointments were made to ABA committees--Maggie Carr, Roxanna Chacon and Mo Chavez. Scholarships were awarded to Briana Zamora and Roman Romero to attend three ABA conferences. The ABA reception with officers and directors at El Pinto in August went well; the Division is planning a holiday party on December 15 at 6 p.m. at OPM and she invited commissioners to attend. She will attend the Texas YLD meeting in Texas next month.

C. Paralegal Division

Immediate Past Chair Kay Homan reported that the Division celebrated its ten-year anniversary and received a Proclamation from Governor Richardson declaring August 26, 2005, as Paralegal Day and held a reception at the Albuquerque Museum Sculpture Garden on August 27. She also reported that 14 paralegals attended the Annual Meeting

in Ruidoso, and the Division is working with CLE on a program for December 12 on Conservation Easements and another program in January. The Division is also revising the MCLE requirements for paralegals to conform to the requirements for attorneys.

Incoming Chair Bonita Ortiz reported that the focus for the Division next year will be on education for the new Supreme Court Rules and raising the level of expertise for paralegals. The Division is also planning to revisit the 2004 paralegal survey to ascertain the impact of the utilization of paralegals.

16. 2006 Board of Bar Commissioners Meeting Schedule

The 2006 meeting schedule is as follows: January 27, April 21, July 20, September 15, November 2 and December 15.

17. New Business

There being no further business, the meeting was adjourned at 4 p.m. Justice Patricio Serna provided a tour of the Supreme Court for the Board.

BOARD OF BAR COMMISSIONERS
December 9, 2005, MEETING MINUTES
Bar Center, Albuquerque, NM

MEMBERS PRESENT:	Henry A. Alaniz Abigail P. Aragon Daniel J. Behles David M. Berlin B. Paul Briones Robert D. Castille (by phone) Roxanna M. Chacon Virginia R. Dugan Mark A. Filosa	Richard M. Jacquez Dennis E. Jontz Linda A. Murphy Daniel J. O'Brien Monica M. Ontiveros Craig A. Orraj Jessica A. Perez Charles J. Vigil
MEMBERS ABSENT:	Beatrice J. Brickhouse Jane Shuler Gray Albert L. Pitts	Donald C. Schutte Stephen S. Shanor
OTHERS PRESENT:	Don Becker Kris Becker Kathleen Brockel Mo Chavez Joe Conte Rob Koonce Justice Pamela B. Minzner Christine Morganti Bonita Ortiz	David M. Pato Peter Pierotti Kim Posich Jim Reist Richard Spinello Judge Alan Torgerson Mary Torres Madonna Vandeventer Hans W. Voss

1. Swearing-in of New Commissioners

Justice Pamela B. Minzner swore-in the following new commissioners, whose terms begin January 1, 2006:

First Bar Commissioner District: Carla C. Lopez of Albuquerque
Second Bar Commissioner District: Sandra E. Nemeth of Grants
2006 Division Representatives: S. Carolyn Ramos, Young Lawyers Division Chair
Bonita Ortiz, Paralegal Division Liaison

Dominic E. Dutton of Ruidoso, representing the Sixth Bar Commissioner District, was unable to attend.

2. Approval of October 28, 2005 Meeting Minutes

Commissioner O'Brien made a motion to approve the October 28, 2005 meeting minutes as submitted; the motion was seconded and it passed.

3. Finance Committee Report

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

- A.** Reviewed the October 2005 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report, which shows that there are no significant accounts past due, as well as the executive director's travel reimbursements and credit card file;

- C. Reviewed an amended 2006 State Bar Budget to include the new mileage rate of \$.485/mile and adjustments for out-of-town travel in addition to an adjustment for Casemaker funding from one year to six months, since it will not be finalized until July;
- D. Reported that the deadline for budget challenges is December 13 and that no challenges have been received to date;
- E. Discussed the proposed Capital Reserves Policy and recommended referring it back to the Bylaws/Policies Committee to update the amount set aside for reserves; Commissioner Ontiveros made a motion for the Bylaws/Policies Committee to review and make a recommendation at the January meeting; the motion was seconded and it passed;
- F. Discussed reimbursement for the ABA delegate to attend out-of-state meetings and decided that reimbursement was not indicated at this time;
- G. Discussed sending a donation to the Louisiana State Bar Foundation for hurricane victims and decided not to recommend at this time; and
- H. Recommended approval of a cosponsorship in the amount of \$1,000 for the National Consortium on Racial & Ethnic Fairness in the Courts 18th Annual Meeting to be held in Albuquerque in April; Commissioner Orraj made a motion to approve the cosponsorship; the motion was seconded and it passed.

4. Acceptance of Financials

Commissioner Orraj reported that revenues were over budget by three percent and expenses were under budget by six percent as of the end of October. Commissioner O'Brien made a motion to accept the October 2005 Financials; the motion was seconded and it passed.

5. Approval of Bylaw Amendment

The Bylaws and Policies Committee presented the below Bylaw amendment to Article IV, Subsection 4.5f, Quorum, at the October meeting. Thirty days' notice of the amendment was provided at that time.

A quorum at any meeting of the Board shall consist of eleven (11) or more Commissioners. Action can only be taken at a meeting when a quorum is present. No official action at a meeting can be taken if less than eleven (11) Commissioners are present. However, once a quorum is lost, any remaining item on the agenda which was disseminated to all the Commissioners prior to the date of the meeting can be discussed and voted upon.

Commissioner Berlin made a motion to approve the Bylaw amendment; the motion was seconded and it passed.

6. Pro Hac Vice Fund Proposal

Kim Posich, Executive Director for the Center on Law & Poverty, and Kathleen Brockel with Law Access New Mexico, presented the guidelines and grant application developed by the Legal Services & Programs Committee pursuant to the newly created Pro Hac Vice Rule 24-106 NMRA. The guidelines set forth that a committee comprised of three to five people will review the grant applications/proposals and make recommendations to the Board of Bar Commissioners for distribution of the fund to civil legal service providers on an annual basis. The Board is to distribute the monies in the fund within one year from the date the fund was set up, which is January 20, 2006. The amount in the fund to date is \$71,500. The NM State Bar Foundation programs will not apply for the funds.

Commissioner Briones made a motion to approve the guidelines and grant application; the motion was seconded. Following a vote, the motion passed. The Board discussed the deadline for distribution and it was determined that the process will begin in January and be completed by the first quarter of 2006. Commissioner Behles made a motion to appoint a subcommittee to

review the guidelines and make recommendations to the Board; the motion was seconded and it passed. Commissioners Behles, Berlin and Nemeth volunteered to serve on the committee.

7. Proposed Disciplinary Rule Change

Stuart Stein informed the Board of his involvement with the Disciplinary Board resulting in a public reprimand and noted several problems he had discovered with the disciplinary process, including no opportunity to conduct discovery when charged with a complaint or file a brief for appeals, only getting a hearing to defend yourself, and using volunteers to act as counsel to the Disciplinary Board. He noted that in Florida, a judge in a different district hears each case and briefs are filed for appeals. Mr. Stein presented a proposed amendment to the Disciplinary Rules to assure the right of discovery to all accused attorneys in the disciplinary process. He requested the Board to cosponsor the rule change for the Supreme Court's consideration.

Following discussion, Commissioner Briones made a motion to appoint a subcommittee to study the issue and proposed rule change; the motion was seconded and it passed. President Vigil suggested contacting other bars to find out how the process works in other states. Commissioners Aragon, Berlin, Briones, Perez and Voss volunteered to serve on the committee.

8. Appointment to Board of Bar Commissioners

No nomination petitions were received for the Seventh Bar Commissioner District election. A notice was published in the *Bar Bulletin* and the following submitted letters of interest:

- A. John A. Darden
- B. Mick I. R. Gutierrez
- C. Hans William Voss
- D. David M. Pato
- E. John D. Watson

Following a vote by secret ballot, Hans W. Voss of Silver City was appointed to the Seventh Bar Commissioner District for a one-year term (the unexpired term of Commissioner Damon Martinez, which expires December 31, 2006).

9. Appointments to Center for Civic Values IOLTA Grant Committee

The Board makes two appointments, one lawyer and one non-lawyer, to the Center for Civic Values IOLTA Grant Committee for three-year terms. A notice was published in the *Bar Bulletin* and the following submitted letters of interest.

- A. Kim A. Griffith
- B. Tina R. Sibbitt
- C. David Thomson

Following a vote by secret ballot, Kim A. Griffith was reappointed to the Center for Civic Values IOLTA Grant Committee for a three-year term. No nominations were received for the public member appointment; however, David Berlin volunteered to contact Edward T. O'Leary, the current public member, to ascertain whether he is interested in being reappointed.

10. Appointments to Rocky Mountain Mineral Law Foundation

The Board makes one appointment to the Rocky Mountain Mineral Law Foundation for a three-year term. A notice was published in the *Bar Bulletin* and the following submitted letters of interest:

- A. Stuart R. Butzier
- B. David A. Stevens

Following a vote by secret ballot, Stuart R. Butzier was reappointed to the Rocky Mountain Mineral Law Foundation for a three-year term.

11. International and Immigration Law Section Bylaw Amendment

The International and Immigration Law Section requested several amendments to its Bylaws, including: reducing the number of board members from nine to five; changing from three to two-year staggered terms; requiring three instead of five board members to call a special meeting; requiring the request of two instead of three members to poll the board; and providing for removal from the board any member who fails to attend three instead of two successive meetings. Commissioner Behles made a motion to approve the amendments; the motion was seconded and it passed.

12. American Bar Association (ABA) Delegate Report

Mary Torres, the State of New Mexico ABA Delegate, provided an update on the activities of the ABA stating that she heads the New Mexico delegation, previously held by Roberta Cooper Ramo. Her three-year term began in August of 2004. She informed the Board that the ABA House of Delegates meets the Monday and Tuesday prior to the ABA Midyear and Annual Meetings. She serves on the standing committee which reviews and decides what issues go to the ABA, and she anticipates receiving more input from members by publishing the meeting agendas and reports in the *Bar Bulletin*. She reported that the ABA is a great resource of information and substantive materials and encouraged the commissioners to become more involved in the ABA and its committees. She requested an announcement be placed in the *Bar Bulletin* regarding ABA committee appointments.

Judge Alan Torgerson, Past President of the State Bar and the Bar's ABA Delegate, stated that the ABA deals with controversial issues and it would be helpful to go over the agendas with the Board before each meeting to obtain its input, so that he can speak to the ABA on their behalf. He noted that the ABA is open to all members and is a good networking opportunity and provides useful CLE programs. Judge Torgerson also spoke about expenses related to attending ABA meetings and that approximately \$1,500 - \$2,000 is not reimbursed by the ABA.

Judge Torgerson also discussed the Board's lack of taking a position and making a recommendation to the Supreme Court on the issue of reciprocity. He noted that over the years and during his tenure on the Board, it had studied and dealt with several controversial issues and it always took a position. Commissioner Behles spoke to the fact that the commissioners polled their constituents and each district was divided equally, so the Board felt that it could not be representative of the membership by taking a position in favor or against reciprocity. President Vigil explained the research and information gathered by Commissioner Jontz's committee that was charged with drafting a reciprocity rule. The rule and all of the information obtained was submitted to the Supreme Court. The Court decided to wait and see how well, or not, reciprocity is working in other states and to look at trends and issues that other states have faced. Commissioner Jontz stated that his committee was directed to write the best reciprocity rule possible, which it did. The problem was with the polling that was conducted and not making an effort to educate the membership about the merits of reciprocity, only the merits of the controversy. Judge Torgerson agreed that it was important to educate the membership about important issues being reviewed and decided by the Board. Additionally, he encouraged the Board to become involved with and attend Jackrabbit Bar Conferences, at which state bars discuss similar issues, and particularly the issue of reciprocity.

13. Committee Reports

A. Ethics Advisory Committee

Peter Pierotti and Jim Reist, co-chairs of the Ethics Advisory Committee, presented a report on the committee's activities. Mr. Pierotti informed the Board that he has chaired the committee since 1999 and has served on the committee since 1991. Mr. Reist became co-chair this year and has served on the committee since 1995. The committee

is composed of 15-20 members and added a law student from UNM Law School this year, and it meets one Saturday each month. The committee received 25 requests from New Mexico lawyers this year. Approximately eight inquired about the conduct of another lawyer, but the committee does not address those issues, only inquiries about one's own conduct, nor does it address questions regarding substantive law. The committee has issued three formal opinions this year, which can be accessed on Lexis and Westlaw.

B. Law Office Management Committee

Don Becker, chair of the Law Office Management Committee, reported that the committee has been very active. The committee is diverse and is composed of paralegals, legal administrators and attorneys statewide. The committee focused on Web site development this year and is also working with the Solo and Small Firm Practitioners Section developing a resource manual for lawyers who decide to become solo practitioners. The committee is also planning on developing one or two-hour programs each month, either with or without CLE credit.

14. Appointments to Supreme Court Committees and Boards

President-elect Dugan requested volunteers and appointed the following to serve as liaisons to the Supreme Court Committees and Boards:

Courts of Limited Jurisdiction – Jessica A. Perez
Rules of Criminal Procedure for District Courts – Donald C. Schutte
Rules of Civil Procedure for District Courts – Stephen S. Shanor
Appellate Rules – Robert D. Castille
Rules of Evidence – S. Carolyn Ramos
Uniform Jury Instructions-Civil – Hans W. Voss
Uniform Jury Instructions-Criminal – Abigail Aragon
Minimum Continuing Legal Education (MCLE) Board – Stephen S. Shanor
Legal Specialization Board – Monica M. Ontiveros
Board of Bar Examiners – Henry A. Alaniz
Children's Court Rules – Beatrice J. Brickhouse

15. Appointments to Internal BBC Committees

President-elect Dugan distributed a sign-up sheet and requested volunteers to serve on the following BBC Internal Committees: Finance, Annual Awards, Annual Meeting, Bylaws/Policies, and Personnel.

Pursuant to the Editorial Policy, the Board of Editors makes recommendations for Board positions to the Board of Bar Commissioners for approval. The Board of Editors received 11 applications for three positions and recommended Elizabeth Staley and Paul Bleicher to fill two attorney positions and Janet Blair to fill the one non-attorney position on the Board. Commissioner Briones made a motion to approve the recommendations; the motion was seconded and it passed.

16. Update on Casemaker

Executive Director Joe Conte reported that Commissioner Shanor is comfortable with the terms of the contract, but that we're waiting on what we can provide electronically. Mr. Conte suggested adding the ethics advisory opinions. As soon as the contract is signed, a postcard will be sent out to the membership informing them of the free legal research, which will be launched at the Annual Meeting in Durango in July. Bonita Ortiz asked if the Paralegal Division would have access to Casemaker and inquired as to the ability to share passwords with paralegals and office staff. Mr. Conte will discuss with Steve Shanor and Casemaker. President Vigil requested that the full Board be provided with the final contract to review once the contract negotiations have been completed.

17. President's Report

President Vigil reported that he appointed David Thomson of Santa Fe to the Disciplinary Board for a three-year term to replace Elizabeth Whitefield.

He also thanked the Board for his service as president and encouraged the Board to maintain its relationship with the Supreme Court, keeping it informed of the Bar's projects and issues on a regular basis and supporting issues that affect the judiciary. He also encouraged the Board to maintain its focus on and support of public legal services.

18. Executive Director's Report

Executive Director Joe Conte's Report and the State Bar October/November Newsletter were included in the materials. He noted that the CLE at Sea cruise was very successful with 92 people in attendance. Commissioners Alaniz, Berlin, Dugan, Jontz, and O'Brien attended. He reported that he went to Chicago last month for ABA Day, a seminar for new executive directors regarding how the ABA is structured and functions and interacts with the division for bar services. He also reported that the attorney compensation survey results should be completed by the end of the year.

19. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Daniel J. Behles reported that new directors were elected to serve on the board and that he was re-elected as the SLD Delegate for 2006 and looks forward to working with the Board of Bar Commissioners for another year. The KOB Call-in program handled over 2,000 calls this year; he noted that the number of calls was lower than last year, since the program was reduced from four to two hours each month. The Division is planning a CLE program at the Annual Meeting.

B. Young Lawyers Division

Young Lawyers Division Chair Roxanna Chacon reported that the Division held a Brownbag program on December 7 with Judges Black, Vazquez and Parker from the Federal Court, which was well-attended. They are planning more Brownbags next year and would like to hold a Federal Brownbag in Santa Fe. Joseph Sapien was elected to the contested position of director at large from the third district. YLD will hold a holiday mixer on December 15 at Sauce in Albuquerque and is hosting the ABA YLD Rocky Mountain Regional Conference and SKI-LE in Santa Fe, March 2-4.

C. Paralegal Division

Paralegal Division Liaison Linda Murphy noted that the Division's 2005 Annual Report was included in the materials as well as the 2006 Budget. The Division is in the process of receiving membership renewals and has approximately 130 members. They are working on an anniversary edition of the *Focus* newsletter and membership directory. The Division will host a holiday get-together on December 12 to which State Bar staff are invited to attend. They will be creating a records retention policy in 2006 and will hold their annual meeting in January.

20. 2006 Board of Bar Commissioners Meeting Schedule

The 2006 meeting schedule is as follows: January 27 (Cloudcroft), April 21, July 20 (Durango, CO), September 15 (Tucumcari), November 2 (Roswell), and December 15.

21. Presentation of Outgoing Commissioner Plaques

President Vigil presented the outgoing commissioner plaques to B. Paul Briones, Roxanna M. Chacon, Linda A. Murphy, and Daniel J. O'Brien. President-elect Dugan presented the outgoing president plaque to Charles J. Vigil.

22. New Business

There being no further business, the meeting was adjourned at 4:20 p.m.