

BOARD OF BAR COMMISSIONERS
January 27, 2006 MEETING MINUTES
The Lodge at Cloudcroft, Cloudcroft, NM

MEMBERS PRESENT:

| | |
|-------------------------------|---------------------|
| Henry A. Alaniz | Carla C. Lopez |
| Abigail P. Aragon | Sandra E. Nemeth |
| Daniel J. Behles | Monica M. Ontiveros |
| David M. Berlin | Craig A. Orraj |
| Beatrice J. Brickhouse | Jessica A. Perez |
| Robert D. Castille (by phone) | Donald C. Schutte |
| Virginia R. Dugan | Stephen S. Shanor |
| Dominic E. Dutton | Hans W. Voss |
| Jane Shuler Gray | Charles J. Vigil |
| Dennis E. Jontz | |

MEMBERS ABSENT:

Richard M. Jacquez
Bonita Ortiz
S. Carolyn Ramos

OTHERS PRESENT:

| | |
|---------------|---------------------------|
| Tony Alvarado | Christine Morganti |
| Kris Becker | Justice Patricio M. Serna |
| Joe Conte | Richard Spinello |
| Rob Koonce | Madonna Vandeventer |

1. Approval of December 9, 2005 Meeting Minutes

Commissioner Alaniz made a motion to approve the December 9, 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 Henry Alaniz reported on the Committee's discussion and recommendations as follows:

- A.** Accepted the November 2005 financials and executive summary;
- B.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C.** Approved fee waivers for those who met the criteria in addition to one military waiver for a member currently serving in Iraq;
- D.** Discussed the discount on dues for legal services providers and appointed a subcommittee to review and make a recommendation at the April meeting; Commissioners Ontiveros and Nemeth and PLSD Director Richard Spinello volunteered to serve;
- D.** Discussed the status of the contract with Court Regulated Programs and reported that a meeting has not yet been scheduled; Commissioner Alaniz will attempt to schedule a meeting with Andy Schultz, the new chair of the MCLE Board to negotiate a new contract;
- E.** Reported that the loan with Wells Fargo Bank has not yet been completed and the original loan rate of 5.75 percent had not been locked in and the new rate is currently 6.25 percent; Executive Director Joe Conte and Commissioner Alaniz will meet with the Bank next week to try to resolve; Mr. Conte reported that he met with Ironstone Bank last week and they are interested in doing business with the Bar; the Board requested that the loan documents not be signed until further options are pursued.

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

3. Acceptance of Financials

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

4. Approval of Bylaws/Policies Committee Report

The Bylaws/Policies Committee met on January 13 and Chair David Berlin reported on the meeting and requested the Board's approval of the following:

- A. **New Reserve Policy** – the Finance Committee referred the policy back to the committee to determine the amount of reserves. The committee recommended leaving the policy as originally drafted with a maximum amount of reserves not to exceed one million dollars. The Finance Committee recommended tabling this item until after the meeting with Wells Fargo Bank.
- B. **New Whistleblower Policy** – the committee developed a proposed policy for the State Bar, modeled after the State's policy, which was distributed at the meeting. Commissioner Berlin made a motion to approve the policy; the motion was seconded and it passed.
- C. **Bylaw Amendment to Article II, Section 2.9, Affiliate Membership** – people are signing up for the affiliate membership and paying the fee and assuming they're automatically licensed members of the State Bar. The committee proposed the following amendment to the Bylaws for which 30 days' notice is required prior to approval. A vote will be taken at the April meeting.

The State Bar recognizes as affiliates, without the rights and privileges of membership, members of the legal profession not licensed to practice law in New Mexico, but who are licensed to practice law in another state and are in good standing in active or inactive status in all jurisdictions in which they are licensed. An affiliate membership is not a license to practice law in New Mexico. Affiliate members may be furnished copies of State Bar publications and may be entitled to attend and participate, without the right to vote or hold office, in those meetings and activities conducted by the State Bar and of its component parts or sections. The annual fee shall be determined and fixed by the Board prior to January of each calendar year.

- D. **Bylaw Amendment to Article IV, Section 4.1, Board Composition** – pursuant to the Bylaws, the Paralegal Division pays for the liaison to attend BBC meetings; however, the Division did not budget for four meetings outside of Albuquerque this year and is requesting assistance with funding, which would require a Bylaw change. The committee proposed the following Bylaw amendment for which 30 days' notice is required prior to approval. A vote will be taken at the April meeting.

The Board of Bar Commissioners is created as the governing board of the State Bar. The Board shall have 21 Bar Commissioners (hereinafter referred to as "Commissioners" or "members of the Board") consisting of nineteen (19) Bar Commissioners elected from districts established by the Supreme Court, the Chair of the Young Lawyers Division and the Delegate from the Senior Lawyers Division. The chair of the Paralegal Division or its designee, shall sit as a liaison member to the board. The Paralegal Division liaison to the Board of Bar Commissioners will be

reimbursed for Board meeting expenses in accordance with the policy governing Commissioners. Any and all other expenses incurred by the Paralegal Division shall be the responsibility of the Paralegal Division, and the New Mexico State Bar will not be responsible for said expenses or for reimbursing the Paralegal Division for any said expenses. The chair of the Paralegal Division or its designee, shall have a non-voting position on the Board and will not be included in determining whether or not a quorum of the Board exists for any meeting. The Board has perpetual succession and may use a common seal. The immediate past president shall be a voting member of the Board for a period of one year.

5. Pro Hac Vice Subcommittee Report

A subcommittee was formed at the December meeting to review the Pro Hac Vice guidelines and application form presented by Kathleen Brockel and Kim Posich. David Berlin reported on the subcommittee's January 18th meeting and distributed the revised guidelines and application form for the Board's approval. Commissioner Berlin made a motion to approve the guidelines and application form; the motion was seconded and it passed. The subcommittee will meet again on March 21 to review the grant applications from the civil legal services providers and make recommendations for distribution of the funds in the approximate amount of \$75,000 for the Board's consideration at the April meeting.

6. Disciplinary Rules Subcommittee Report

A subcommittee was formed at the December meeting to review the proposed Disciplinary Rule change to allow for discovery in all cases presented by Stuart Stein. David Berlin reported that the subcommittee met on January 18 and decided to add a representative of the Disciplinary Board to provide some guidance on the rules and disciplinary process. Sasha Siemel, the new chair of the Disciplinary Board, was appointed to the subcommittee as a non-voting member. The subcommittee will meet again on January 31 to discuss and develop a plan of action regarding Mr. Stein's request.

7. Appointments to Access to Justice Commission

Two vacancies exist on the Access to Justice Commission for three-year terms. A notice was published in the *Bar Bulletin* and Kathleen Brockel, Thomas Olson, Melissa Reeves, and Tina Sibbitt submitted letters of interest. Following a vote by secret ballot, Kathleen Brockel and Thomas Olson were appointed to the Access to Justice Commission for three-year terms.

8. American Bar Association (ABA) Midyear Meeting Agenda

The ABA Midyear meeting agenda was included in the materials.

9. New Award/Recognition Requests

A. Committee on Women Statewide Award Request

The Committee on Women requested that this item be tabled to the April meeting in order to further research and develop its proposal for the new award.

B. State Bar Award/Recognition

Correspondence from the Supreme Court requesting an award or recognition for Artie Pepin was included in the materials. Executive Director Joe Conte suggested that certificates or acknowledgements of appreciation be given at other times of the year, rather than just at the Annual Meeting when the annual awards are presented.

10. Section/Committee Annual Reports

Annual reports received from sections and committees were included in the materials. Membership and Communications Director Christine Morganti reported that even though sections and committees are required by the State Bar Bylaws to submit an annual report to the Board, not all of them submitted a report. President Dugan requested that this be discussed during the Board retreat/strategic planning session.

11. President's Report

President Dugan reported on the following:

A. Annual Meeting Planning Committee

The Annual Meeting was originally scheduled for the Tamarron Resort in Durango, Colorado, but due to extra charges for meeting space and transportation and the difficulty in obtaining a contract, other options are being pursued in downtown Durango at the Doubletree as well as in Taos.

B. January 12th Meeting with Arizona Bar

Chief Justice Bosson, President Dugan and Executive Director Joe Conte met with the Arizona Bar on January 12th to discuss common issues, such as reciprocity, legal services, etc. It was a historical meeting, as it was the first meeting with another state bar, and President Dugan recommended continuing and expanding with other states.

12. Executive Director's Report

Executive Director Joe Conte's Report was included in the materials. He also reported on the State Bar's 118th's Birthday Celebration and successful Resume Networking Party with law students and law firms, which was cosponsored by the law school. The Client Protection Fund Commission is being formed and the State Bar has two appointments to make to the Commission. Planning has begun for the CLE at Sea Cruise this year and this year's cruise will be the Easter Caribbean the week after Thanksgiving. He also reported that the Casemaker Contract has been signed and magistrate and probate rules will be added. The scheduled launch date is this summer.

Justice Serna reported on the National Consortium on Racial & Ethnic Fairness in the Courts 18th Annual Meeting scheduled for April 25-28 in Albuquerque. The consortium began with only three states and has grown to 33 states. He reported that he was president for the last two years and the conference was held in Atlanta, Georgia; Washington, D.C.; and Detroit, MI, in previous years. The consortium is being held this year in conjunction with the State Tribal Judicial Consortium, and the theme is "Healing our Past: Braiding Justice Across Cultures." He invited the commissioners to attend.

13. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Daniel J. Behles reported that welcome letters were sent out to new members who qualified as members of the division for which the criteria are 55 years old and 25 years of practice. The division is looking at significant changes to its bylaws, including changing the number of directors on the board, which is currently 18, and the requirement for a quorum, since it's been difficult to obtain a quorum for its meetings. The current bylaws also require that amendments to the bylaws be made at the division's annual meeting held at the State Bar annual meeting, which is not practical

since not all of the members attend the annual meeting. The Division anticipates having those changes for the Board's approval at the April meeting.

B. Young Lawyers Division

Young Lawyers Division Chair Carolyn Ramos reported that the YLD in Brief insert published in December summarized the Division's activities over the past year. She reported that the Division is planning on two members for the public interest law fellowship this year. Mo Chavez and Roxanna Chacon secured Santa Fe for the ABA Rocky Mountain Conference at the Inn and Spa at Loretto in March, and they are asking Governor Richardson to attend. Steve Hattenback, Craig Orraj and Art Jaramillo will be speaking and participating in the program. The Division will send two or three board members to attend ABA YLD seminars in Chicago, Portland, Hawaii and Baltimore. The resume party with YLD OWLS and the Commission on Professionalism was a success. The Division is planning for the Law Day call-in program with locations in Las Cruces, Farmington, Roswell and Albuquerque. The Division is also working on an ABA Junior Judges program for fourth graders, which assists them in making difficult decisions and choices, as well as with Dismas House to provide life skills training programs each month. A professional clothing drive will be held at the annual meeting.

C. Paralegal Division

Due to the absence of Paralegal Division Liaison Bonita Ortiz, no report was presented.

14. New Business

The Natural Resources, Energy & Environmental Law Section requested bylaw amendments to Article VI, Board of Directors, regarding the UNM Law School faculty representative being appointed by the Board, rather than the Dean, and adding a representative of the student body of UNM Law School appointed by the Board for a one-year term. Commissioner Orraj made a motion to approve the amendments; the motion was seconded and it passed.

There being no further business, the meeting was adjourned at 11:50 a.m., at which time the Board held a long range planning/strategic planning session. Facilitator Tony Alvarado provided an overview of the session.

BOARD OF BAR COMMISSIONERS
April 21, 2006 MEETING MINUTES
Bar Center, Albuquerque, NM

| | | |
|-------------------------|------------------------|-------------------|
| MEMBERS PRESENT: | Henry A. Alaniz | Carla C. Lopez |
| | Daniel J. Behles | Sandra E. Nemeth |
| | David M. Berlin | Craig A. Orraj |
| | Beatrice J. Brickhouse | Bonita Ortiz |
| | Robert D. Castille | Jessica A. Perez |
| | Virginia R. Dugan | S. Carolyn Ramos |
| | Dominic E. Dutton | Donald C. Schutte |
| | Richard M. Jacquez | Hans W. Voss |
| | Dennis E. Jontz | Charles J. Vigil |

MEMBERS ABSENT: Monica M. Ontiveros
Stephen S. Shanor

| | | |
|------------------------|-----------------------|----------------------|
| OTHERS PRESENT: | A. Brent Bailey | Orlando Lucero |
| | Kris Becker | Cisco McSorley |
| | Leigh Anne Chavez | Christine Morganti |
| | Chien Chih | Suzanne Odom |
| | Joe Conte | Walter R. Parr |
| | Mark A. Filosa | Homer Robinson |
| | Patricia Galindo | Sarah M. Singleton |
| | George F. Heidke | Richard Spinello |
| | Felissa Garcia Kelley | Madonna Vandeventer |
| | Rob Koonce | Rosario D. Vega-Lynn |
| | Albert J. Lama | Ray Ziegler |

1. Approval of January 27, 2006 Meeting Minutes

Commissioner Berlin made a motion to approve the minutes. Commissioner Lopez noted that she was not listed under members present; the minutes will be amended to reflect her being present. The motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Accepted the February 2006 financials and executive summary;
- B.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C.** Approved a fee waiver request;
- D.** Reported that Secretary-Treasurer Alaniz, Executive Director Joe Conte and Madonna Vandeventer met with representatives from Wells Fargo Bank; the changes that will be implemented from the meeting are as follows: 1) the \$300,000 loan request that was made last year will be switched to a line of credit that the State Bar can borrow against at 2.5% below prime, 2) the State Bar will be purchasing a machine from Wells Fargo that will allow staff to process all deposits on sight, and 3) all accounts at Wells Fargo have been put back into sweep accounts that will earn a better interest rate. The Committee suggested that staff hold all checks deposited for at least two months and that the auditors be contacted regarding control issues with the new machine. Additionally, the State Bar will maintain its current relationship with Wells Fargo and will not pursue changing banks at this time.

- E. Received a request from the YLD for extra funds for two new programs and to cover the loss of funds from the Rocky Mountain Regional Conference held in Santa Fe last month; the committee recommended approving \$1,200 for the two new programs and tabling the request for an additional \$3,300 to be addressed at the July meeting in Taos after the YLD further studies its budget. Commissioner Jontz made a motion to approve the additional funds; the motion was seconded and it passed.
- F. Recommended approval of management's request to open a checking account for the Public and Legal Services Department; Commissioner Dutton made a motion to approve the request; the motion was seconded and it passed.
- G. Recommended approval of a new mileage reimbursement policy requiring staff to submit a request for reimbursement within 10 days of the end of each month at the current IRS rate; Commissioner Vigil made a motion to approve the policy; the motion was seconded and it passed.
- H. Recommended approval for funding from the State Bar in the amount of \$1,700 for Tonya Noonan Herring to attend an upcoming Client Protection Fund Conference in Vancouver; the Vice Chair of the new Client Protection Fund Commission will also attend, and those expenses will be covered by the funds remaining in the account from previous years. Commissioner Vigil made a motion to approve the funding in the amount of \$1,700 for Ms. Herring to attend the conference; the motion was seconded and it passed.
- I. Recommended approval of a request to purchase a DVD/CD duplicator for \$2300 + tax. The machine will be used to produce DVDs and CDs for internal and external entities. These entities will be charged and will produce additional revenue for the State Bar. Commissioner Berlin made a motion to approve the purchase; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Berlin made a motion to accept the February 2006 Financials; the motion was seconded and it passed.

4. Acceptance of 2005 Audit and Management Letter

Ray Ziegler and Chien Chih from REDW presented the 2005 Consolidated Financial Audit and management letter. The audit received a clean opinion with a growth of \$326,000 in net assets (equity) and a decrease in cash and cash equivalents of \$120,000. Public support and revenue increased by \$250,000, and expenses increased by approximately \$200,000. Membership services and programs expenses increased due to annual convention. Two items were noted in the management letter that need improvement regarding Timeslips documentation and standardized forms. Commissioner Berlin made a motion to accept the 2005 audit and management letter; the motion was seconded and it passed.

5. Pro Hac Vice Subcommittee Grant Recommendations

A subcommittee was formed at the December meeting to review the Pro Hac Vice guidelines and application form and to make recommendations for recipients of the grant funds in the amount of \$72,000. The subcommittee met on March 29 and Chair David Berlin presented the subcommittee's recommendations to provide grants to six organizations (see list attached). Commissioner Berlin made a motion to accept the recommendations; the motion was seconded and it passed. Letters will be sent to the recipients and to the Supreme Court.

6. Appointment to Judicial Standards Commission

The Board makes two appointments to the Judicial Standards Commission. One vacancy exists on the Commission and a notice was published in the *Bar Bulletin* soliciting interest. The following submitted letters and also attended the meeting to address the Board:

- A. A. Brent Bailey
- B. Mark A. Filosa
- C. Felissa Garcia Kelley
- D. Albert J. Lama
- E. Walter R. Parr
- F. Rosario D. Vega-Lynn

Following a vote by secret ballot, Albert J. Lama was appointed to the Judicial Standards Commission for a four-year term.

7. Board of Bar Commissioners Appointments from the Fourth and Sixth Bar Commissioner Districts

Two vacancies exist on the Board of Bar Commissioners in the Fourth and Sixth Bar Commissioner Districts, due to Abigail Aragon's and Jane Shuler Gray's appointments to judgeships. A notice was published in the *Bar Bulletin*, and the following submitted letters of interest for the Fourth Bar Commissioner District:

- A. Gary D. Alsup
- B. Oneida L. L'Esperance
- C. Sarah M. Montoya

Following a vote by secret ballot, Gary D. Alsup was appointed to the Board to represent the Fourth Bar Commissioner District. No letters were received for the Sixth Bar Commissioner District; however, former Commissioners Al Pitts and Rick Kraft expressed interest. Commissioner Dutton reported that Al Pitts was applying for a judgeship. Commissioner Vigil made a motion to appoint Rick Kraft; the motion was seconded and it passed. The terms of both positions will run until the next regular election of the Board.

8. Technology Committee's Request to Adopt a Resolution to Advance Statewide Electronic Court Filing

Leigh Anne Chavez requested that the Board adopt the Technology Committee's Resolution to Advance Statewide Electronic Court Filing. The committee would like to advance the concept by obtaining the State Bar's support at this time. Commissioner Jontz made a motion to adopt the resolution and forward it to the Supreme Court informing the Court that the Board supports the committee's effort. The motion was seconded and it passed. Commissioner Jontz made a motion that in support of the resolution, if there is an opportunity to lobby the state legislature for funding the committee be authorized to do so following the State Bar's rules on lobbying; the motion was seconded and it passed.

9. Committee on Women and the Legal Profession Request for Survey

Co-chairs Patricia Galindo and Suzanne Odom requested the Board's approval to send an online survey regarding family leave policies to all members of the State Bar. The results of the survey will assist the committee in collecting information to draft model leave policies and make recommendations to members of the State Bar through their quarterly Ask Pat column in the *Bar Bulletin*. The survey would be administered via e-mail and link to the online survey provider, Survey Monkey, used by the Board of Editors in their 2005 survey. Commissioner Berlin made a motion to approve the survey request; the motion was seconded and it passed.

10. Unauthorized Practice of Law Statute Changes

The Client Relations Committee requested the Board's approval to move forward with the UPL statute changes that were started and approved by the Board in 2004. Hector Balderas is sponsoring the Bill, but Orlando Lucero wanted to bring it to the attention of the Board again this year and provide an update on the status of the Bill. In 2005 the committee introduced the Bill that 1) created a definition of the practice of law; and 2) created various exceptions for

specific trade groups, including but not limited to realtors, mortgage counselors, mediators, car dealers; and 3) developed remedies and penalties. The Bill was presented and passed in the House last year, but died in the Senate due to lack of time. The committee didn't reintroduce it this year in the short session, but would like to move forward and present it again in 2007. The Board discussed concerns regarding the numerous exceptions and requested that they be given an opportunity to review and compare the current statutes with the new changes. Commissioner Lopez made a motion to table the item to the July meeting and provide the Board with the current statutes; the motion was seconded and it passed.

11. NM Coalition for Justice Request for State Bar to Endorse ABA's Ten Principles of a Public Defense Delivery System

Sarah Singleton and Homer Robinson requested that the BBC endorse the ABA's Ten Principles of a Public Defense Delivery System which were previously approved by the ABA in 2002. A video was shown to the board of former chief public defender, Phyllis Subin, speaking on the issues of inadequate representation of poor people in our state and the importance of an independent public defense delivery system. The 10 principles are bedrock goals that an independent system must have. Commissioner Jontz made a motion to pass a resolution stating that the State Bar supports/endorse the ABA's Ten Principles of a Public Defense Delivery System; the motion was seconded and passed with two nays and one abstention.

12. Legal Services and Programs Committee Request for Legislative Funding

Sarah Singleton reported on the Legal Services and Planning Committee's request for approval to attend interim legislative committee meetings to propose more funding for legal aid providers. She noted that only 20 percent of what is actually needed for the poor in New Mexico is being met, and that administration of justice is an appropriate type of lobbying for a mandatory bar. Expenses would be minimal and could be itemized on the budget disclosure statement so that members could challenge. Four million dollars will be requested and would be used for civil legal services to the poor. The funds would go to the Civil Legal Services Commission to be distributed as grants. Commissioner Vigil made a motion to approve the committee's request to lobby the Legislature at its next session; the motion was seconded and it passed.

13. Request to Cosponsor Resolution for Diversity Pipeline Proposal

A resolution and report to encourage the ABA to work with other legal groups to improve diversity in the educational pipeline to the legal profession were included in the materials. Commissioner Vigil reported that the resolution will be presented to the ABA House of Delegates at the Annual Meeting in August and requested the Board to cosponsor the resolution. Commissioner Ramos made a motion to cosponsor the resolution; the motion was seconded and it passed.

14. Membership Services Committee Recommendation Regarding Long-Term Care Insurance

Membership & Communications Director Christine Morganti presented the Membership Services Committee's recommendation for a broker to provide long-term care insurance and requested the Board's approval of adding Aon to the Alliance Program. Commissioner Behles made a motion to approve the request to add Aon to the membership services programs; the motion was seconded and it passed.

15. Approval of Bylaws/Policies Committee Report

The Bylaws/Policies Committee met on March 31 and Chair David Berlin reported on the meeting and requested the Board's approval of the following:

- A. Bylaw Amendment to Article II, Section 2.9, Affiliate Membership** – thirty days' notice of the following bylaw amendment was provided at the January meeting, and the committee recommended approval:

The State Bar recognizes as affiliates, without the rights and privileges of membership, members of the legal profession not licensed to practice law in New Mexico, but who are licensed to practice law in another state and are in good standing in active or inactive status in all jurisdictions in which they are licensed. An affiliate membership is not a license to practice law in New Mexico. Affiliate members may be furnished copies of State Bar publications and may be entitled to attend and participate, without the right to vote or hold office, in those meetings and activities conducted by the State Bar and of its component parts or sections. The annual fee shall be determined and fixed by the Board prior to January of each calendar year.

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

- B. Bylaw Amendment to Article IV, Section 4.1, Board Composition** – thirty days’ notice of the following bylaw amendment was provided at the January meeting, and the committee recommended approval:

The Board of Bar Commissioners is created as the governing board of the State Bar. The Board shall have 21 Bar Commissioners (hereinafter referred to as “Commissioners” or “members of the Board”) consisting of nineteen (19) Bar Commissioners elected from districts established by the Supreme Court, the Chair of the Young Lawyers Division and the Delegate from the Senior Lawyers Division. The chair of the Paralegal Division, or its designee, shall sit as a liaison member to the board. The Paralegal Division liaison to the Board of Bar Commissioners will be reimbursed for Board meeting expenses in accordance with the policy governing Commissioners. Any and all other expenses incurred by the Paralegal Division shall be the responsibility of the Paralegal Division, and the New Mexico State Bar will not be responsible for said expenses or for reimbursing the Paralegal Division for any said expenses. The chair of the Paralegal Division, or its designee, shall have a non-voting position on the Board and will not be included in determining whether or not a quorum of the Board exists for any meeting. The Board has perpetual succession and may use a common seal. The immediate past president shall be a voting member of the Board for a period of one year.

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

- C. Membership Data and Email Services Policies and Section/Division Email Usage Guidelines** – amendments were made to the current policies and guidelines for sections and divisions were added; the committee recommended approval of the new proposed policy and guidelines.

Commissioner Behles made a motion to approve the amendments and new guidelines; the motion was seconded and it passed.

- D. Sunset Policy for Sections/Committees** – in follow-up from the retreat in January, a recommendation was made to develop a sunset policy for sections and committees; the committee will have a proposed policy for the Board’s consideration at the July meeting. A recommendation was also made for commissioners to serve as liaisons and attend meetings of the sections and committees; a sign-up sheet was distributed at the meeting.

- E. Bylaw Amendment to Article II, Section 2.3** – the Supreme Court requested a bylaw amendment to address noncompliance of professional liability insurance reporting. The committee presented the following amendment for which thirty days' notice is required prior to approval. The amendment will be voted upon at the July meeting.

"Active members whose dues are received after the first day of February will be assessed a late payment penalty of one hundred dollars (\$100.00). Active members who fail to disclose professional liability insurance coverage information after the first day of March will be assessed a late disclosure penalty of one hundred dollars (\$100.00).

16. NM Appleseed Foundation Report

Cisco McSorley presented an overview of the New Mexico Appleseed Foundation. Harvard Law School began an outreach program in the early 90's for lawyers to try and solve grassroots problems. Eighteen offices have been opened around the country and one will be added soon in New Mexico. The national network provided \$100,000 for staffing and startup costs, but the Foundation has constraints of time and money. He anticipates raising money by tapping large law firms for volunteers to fund local appleseed networks and provide pro bono work for the Kellogg Foundation to research how to fund and implement new projects. Projects of the Foundation include the No Child Left Behind Act, which contains civil rights provisions for children and parents, but it has never been implemented; the Institute of Public Law at UNM will research how funds can go to minorities. The Foundation is also working on a financial literacy project and planning to put on a symposium to bring together financial, legal and consumer communities. Publicity will be provided for the State Bar's volunteer efforts with the Foundation and an awards banquet will be planned for later in the year to reward lawyers, financial institutions and schools for their efforts with the projects.

He requested approval to send an e-mail blast or a mailing to members announcing the programs and requesting volunteers. The notice will not include any fundraising requests. Commissioner Vigil made a motion to send either one free e-mail blast or provide labels free of charge for a mailing that will not include fundraising; the motion was seconded and it passed.

17. President's Report

President Dugan reported on the following:

A. NLRB Decision

The NLRB has ruled that the State Bar is exempt from Board jurisdiction as a political subdivision under Section 2(2) of the Act. Commissioner Vigil made a motion to publish a notice in the *Bar Bulletin* directing members to the Web site for the entire decision; the motion was seconded and it passed.

B. March 17th Executive Committee Meeting

• **Client Protection Fund Commission Appointments**

The Executive Committee met on March 17 and appointed Hank Kelly and Dan O'Brien to the newly created Client Protection Fund Commission of the Supreme Court.

• **Wells Fargo Loan**

This item was reported on during the Finance Committee report.

- **Status of Court Regulated Programs Contract**

The contracts are still being negotiated and revisions made; one of the changes requested was that the term of the contract be for one year, rather than three years as proposed by the State Bar. Commissioner Behles requested that administrative fees for the collection of Legal Specialization dues be discussed prior to the next dues cycle.

C. NCBP Midyear Meeting

President Dugan, President-elect Jontz and Executive Director Joe Conte attended the NCBP Midyear Meeting in Chicago.

D. Western States Bar Conference

The officers and Executive Director Joe Conte attended the Western States Bar Conference in San Diego. The conference is a good opportunity to discuss issues and what's going on in other state bars; President Dugan noted that New Mexico appears to be ahead of most other state bars.

18. Executive Director's Report

Executive Director Joe Conte's written report and the March State Bar Newsletter were included in the materials. He reported that he was asked to serve on the Appleseed Foundation, but that he is reluctant to fundraise in his position. The Equal Access to Justice Board is still negotiating the new structure of the board. They would like 11 board seats and five board seats for the State Bar. Commissioners Jontz, Berlin and Orraj volunteered to work with EAJ on a proposal. He also reported that the National Consortium on Racial and Ethnic Fairness in the Courts conference, for which Justice Serna requested the Bar's assistance, will be held next week.

19. Division Reports

A. Senior Lawyers Division

Senior Lawyer Division Delegate Dan Behles reported on a social event to be held on April 28 at the Petroleum Club to kick off an oral history project led by Anita Miller to make audio and perhaps video recordings of senior lawyers. He also reported on bylaw amendments that the division is proposing and requested the Board's approval of an exception allowing the division board to give division members 30 days' notice of bylaw amendments at any time, rather than 30 days prior to the division's annual meeting. Commissioner Berlin made a motion to approve the request; the motion was seconded and it passed. The proposed changes will be sent to the division membership and presented to the Board for approval at the July meeting.

B. Young Lawyers Division

Young Lawyers Division Chair Carolyn Ramos reported on the ABA/YLD Rocky Mountain Regional Conference held in Santa Fe last month and stated that the Division suffered a huge loss because of lack of attendance. The Division volunteers at Dismas House and is involved with a Junior Judges Program for fourth and fifth graders on making choices, facing consequences, delinquency, etc. Division representatives attended the ABA Midyear Meeting in Chicago; four attended on scholarships. The Law Day Call-in Program is scheduled for April 29 with call-ins to be held in Albuquerque, Las Cruces, Farmington and Roswell. The Division is trying to obtain more student participation in the UNM/YLD mentor program.

C. Paralegal Division

Paralegal Division Liaison Bonita Ortiz thanked the Board for passing the bylaw amendment to fund the liaison to attend Board meetings. She reported that the Division met after the Board's retreat in January to set goals and objectives for the Division to parallel those set by the Board of Bar Commissioners. She developed a written report for the Board (see attached).

20. Section/Committee Annual Reports

The NM Medical Review Commission annual report was included in the materials. Chair Richard Civerolo noted in the written report that NM Medical Review Commission panel volunteers from the medical profession receive continuing education credits, \$50 and mileage reimbursement to serve in the 2-3 hour hearings. Mr. Civerolo recommended that pro bono credit be given to attorney volunteers who serve on the panels. Commissioner Vigil made a motion to refer the recommendation to the Legal Services and Planning Committee; the motion was seconded and it passed.

21. New Business

- A.** Judge Alan Torgerson is the Bar's appointee to the ABA House of Delegates, and the position expires at the conclusion of the Annual Meeting in August. The ABA requested that a new delegate be appointed by the end of next month. Commissioner Alaniz made a motion to publish a notice in the *Bar Bulletin* soliciting interest; the motion was seconded and it passed. The appointment will be made by e-mail poll, since the next Board meeting isn't until July.
- B.** A silent auction to benefit EAJ will be held again this year during the Annual Meeting in Taos and monetary donations are being accepted this year to help defray costs.

There being no further business, the meeting was adjourned at 4:30 p.m.

BOARD OF BAR COMMISSIONERS
July 20, 2006 MEETING MINUTES
Taos Convention Center, Taos, NM

MEMBERS PRESENT:

| | |
|------------------------|---------------------|
| Henry A. Alaniz | Sandra E. Nemeth |
| Gary D. Alsup | Monica M. Ontiveros |
| Daniel J. Behles | Craig A. Orraj |
| David M. Berlin | Bonita Ortiz |
| Beatrice J. Brickhouse | Jessica A. Perez |
| Virginia R. Dugan | Donald C. Schutte |
| Dominic E. Dutton | Stephen S. Shanor |
| Dennis E. Jontz | Charles J. Vigil |
| Richard L. Kraft | Hans W. Voss |
| Carla C. Lopez | |

MEMBERS ABSENT:

Richard M. Jacquez
S. Carolyn Ramos

OTHERS PRESENT:

| | |
|-----------------|---------------------|
| Kris Becker | Meredith McBurney |
| Joe Conte | Christine Morganti |
| Michael Hely | Richard Spinello |
| Rosalie Fragoso | Norman Thayer |
| Rob Koonce | Madonna Vandeventer |
| Jay Mason | Deyonna Young |

1. Approval of April 21, 2006 Meeting Minutes

Commissioner Jontz made a motion to approve the April 21, 2006, 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 Henry Alaniz reported on the Committee's discussion and recommendations as follows:

- A.** Accepted the May 2006 financials and executive summary;
- B.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C.** Reported that the new contracts with Court Regulated Programs have been finalized and are signed and that all services have been transferred with the exception of the phones, which will soon be completed;
- D.** Approved a fee waiver for a member who met the criteria;
- E.** Reported that the line of credit with Wells Fargo Bank is available at one-half percent below prime;
- F.** Discussed items for the 2007 budget, including officer travel to the Jackrabbit Bar Meeting, Web site redesign and iMIS upgrades, new carpeting for the Bar Center, and holding the Leadership Training Institute every other year, instead of annually;
- G.** Commissioner Orraj expressed interest in going out of state for an Annual Meeting and requested approval of a non-budgeted item for funding in the amount of \$1,000 to cover attendance at the 10th Circuit Court Meeting in Colorado Springs in September, and to conduct a site visit for a future Annual Meeting; Commissioner Vigil made a motion to approve the request; the motion was seconded and it passed;

- H. Tabled a request for an electronic message board for the Bar Center in order for staff to research further;
- I. Discussed whether investments should be more aggressive and recommended continuing with conservative investments in mostly CDs;
- J. CLE Director Rob Koonce presented a proposal to switch from LegalSpan to Knowledge Credenza and purchase software in the amount of \$42,000 to provide online programs; Commissioner Berlin made a motion to approve the proposal and purchase the software; the motion was seconded and it passed; and
- K. Recommended approval of the Client Protection Fund budget for 2007; Commissioner Vigil made a motion to approve the budget; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Jontz made a motion to accept the February 2006 financials; the motion was seconded and it passed.

4. State Bar/Better Business Bureau Mediation and Arbitration Program Report

Commissioner Jontz reported on the joint State Bar/BBB mediation and arbitration program and requested the Board's approval to increase the limits from \$10,000 to \$25,000 so that more disputes can be mediated. CLE will provide training for lawyers to be arbitrators/mediators. Commissioner Berlin made a motion to approve the increase in limits to \$25,000; the motion was seconded and it passed.

5. Equal Access to Justice Report

See Bar Foundation minutes.

6. Request to Cosponsor American Bar Association Resolution Prohibiting Discrimination

The Board was asked to co-sponsor an ABA Resolution stating: The American Bar Association urges federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. The resolution will be presented to the ABA House of Delegates at the Annual Meeting in August. State Bar members Michael Healy and Deyonna Young spoke about the importance of the resolution and requested the Board's support. Executive Director Joe Conte noted that the Committee on Diversity supported the resolution. Commissioner Vigil made a motion to support the resolution; the motion was seconded and it passed.

7. Board of Bar Commissioners Appointment

A vacancy was created on the Board in the Third Bar Commissioner District due to the resignation of Bob Castille, who moved to Oregon. A notice was published in the *Bar Bulletin* and the following submitted letters of interest, which were included in the materials:

- A. Benjamin Allison
- B. Alfred J. Martin, Jr.
- C. J. Brent Moore
- D. Philip Saltz
- E. David K. Thomson
- F. Carolyn A. Wolf

Following a vote by secret ballot, Carolyn A. Wolf from the Third Bar Commissioner District was elected to the Board for the remainder of the year.

8. Disciplinary Rules Subcommittee Report

Disciplinary Rules Subcommittee Chair David Berlin reported on the June 9th meeting with Stuart Stein and requested the Board's approval of the subcommittee's report and recommendations. The subcommittee reviewed the disciplinary process and rules in New Mexico and compared them with other states and recommended that no changes be made to the Disciplinary Rules. Commissioner Vigil made a motion to approve the report and recommendations; the motion was seconded and it passed.

9. Approval of State Bar Bylaw Amendment to Article II, Section 2.3

Bylaws/Policies Committee Chair David Berlin reported that the committee had scheduled a meeting for June 30 to develop a Sunset Policy for Sections/Committees and to discuss board composition, but it did not have a quorum. He requested the Board's approval of the following bylaw amendment for which the thirty days' notice requirement was provided at the April meeting:

Bylaw Amendment to Article II, Section 2.3 – the Supreme Court requested a bylaw amendment to address noncompliance of professional liability insurance reporting as follows:

"Active members whose dues are received after the first day of February will be assessed a late payment penalty of one hundred dollars (\$100.00). Active members who fail to disclose professional liability insurance coverage information after the first day of March will be assessed a late disclosure penalty of one hundred dollars (\$100.00)."

Commissioner Berlin moved to approved the Bylaw amendment to Article II, Section 2.3; the motion was seconded and it passed.

10. Unauthorized Practice of Law Statute Changes

Orlando Lucero was unable to attend the meeting, so this item was tabled.

11. Fair Judicial Elections Committee Request

Norman Thayer reported on Chief Justice Bosson's request for the Bar to appoint a Fair Judicial Elections Committee to monitor and educate judicial candidates about the requirements of the Code of Judicial Conduct and educate the public about ethics expected from candidates. The creation of the committee would be advertised and the State Bar President would assist in appointing members to create a diverse committee. Mr. Thayer drafted a proposed resolution for the Board's approval setting up the committee and approving the statement of purposes and principles. The Board expressed concerns about policing public comment and the committee going to the press as well as the appearance of supporting certain candidates and not others. Mr. Thayer stated that the committee would be similar to a peer review committee. The Board requested amendments be made to the resolution to include only licensed attorneys and judicial candidates, remove the public comment portion and for the terms of the members to be one year. Commissioner Dutton made a motion to table the creation of the committee in order for Mr. Thayer to redraft the resolution and bring it back to the Board for further consideration at the September meeting. The motion was seconded and it passed.

12. Discussion Regarding Electronic Filing

Justice Petra Maes was unable to attend the meeting, so this item was tabled.

13. President's Report

President Dugan reported on the following:

A. Arizona and Utah Bar Conventions

She attended the Arizona and Utah Bar Conventions and found the CLE programs to be very good.

B. Jackrabbit Bar Meeting

She also attended the Jackrabbit Bar Meeting in Wyoming last month and stated that the programming was better than it had been in previous years and recommended sending more representatives in the future. She noted that it will be held in New Mexico in two years.

C. Executive Committee Report Regarding Fair Judicial Elections Committee

The Executive Committee met to discuss the formation of a Fair Judicial Elections Committee and approved the formation of the committee in concept.

D. Appoint Membership Survey Subcommittee

Due to lack of time, this item was tabled.

E. Welcome New Board of Bar Commissioner Members

She welcomed Gary Alsup from the Fourth Bar Commissioner District and Rick Kraft from the Sixth Bar Commissioner District who were appointed to replace Abigail Aragon and Jane Shuler Gray through the remainder of the year.

14. Executive Director's Report

Executive Director Joe Conte's written report and the June State Bar Newsletter were included in the materials. He noted that Casemaker is ready to go and will be launched during the Annual Meeting.

15. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles reported on the activities of the Division, including the oral history project for which they are in the process of selecting subjects and participants. He requested the Board's approval of amendments to the Senior Lawyers Division Bylaws, which were included in the materials. Commissioner Berlin moved to approve the amendments; the motion was seconded and it passed.

B. Young Lawyers Division

Young Lawyers Division Chair Carolyn Ramos was unable to attend meeting, but provided a written report on the activities of the Division, which is attached to the minutes.

C. Paralegal Division

Paralegal Division Chair Bonita Ortiz distributed a written report on the activities of the Division, which is attached to the minutes.

16. New Business

Commissioner Berlin made a motion to go into Executive Session to discuss Executive Director Joe Conte's annual performance review. The motion was seconded and it passed.

There being no further business, the meeting was adjourned.

BOARD OF BAR COMMISSIONERS
September 15, 2006 MEETING MINUTES
Tucumcari Convention Center, Tucumcari, NM

| | | |
|-------------------------|--|--|
| MEMBERS PRESENT: | Henry A. Alaniz Gary D. Alsup Daniel J. Behles David M. Berlin Beatrice J. Brickhouse Virginia R. Dugan Dominic E. Dutton Richard M. Jacquez Dennis E. Jontz | Richard L. Kraft Monica M. Ontiveros Craig A. Orraj Bonita Ortiz S. Carolyn Ramos Donald C. Schutte Stephen S. Shanor Carolyn A. Wolf |
| MEMBERS ABSENT: | Carla C. Lopez Sandra E. Nemeth Jessica A. Perez | Charles J. Vigil Hans W. Voss |
| OTHERS PRESENT: | Kris Becker Joe Conte Rob Koonce | Christine Morganti Richard Spinello Madonna Vandeventer |

1. Approval of July 15, 2006 Meeting Minutes

Commissioner Berlin made a motion to approve the July 15, 2006, meeting minutes as submitted; the motion was seconded and it passed.

2. Finance Committee Report

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

- A.** Accepted the July 2006 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C.** Reviewed the 2007 State Bar, SLD and YLD Budgets; there was a significant increase in the SLD budget due to the new oral history project the Division is undertaking, and the YLD budget increased by one percent;
- D.** Recommended funding in the amount of \$7,200 to revamp the audio system in the auditorium to come out of reserves; Commissioner Dutton made a motion for the expenditure; the motion was seconded and it passed;
- E.** Reported that the line item for capital improvements for new furniture and computer updates may run short at year-end, and the committee recommended drawing \$100,000 from the reserve account, rather than the line of credit; and
- F.** Discussed concerns regarding the longevity of the printing press and will look into purchasing a used press from GSI for \$100,000.

3. Acceptance of Financials

Commissioner Berlin made a motion to accept the July 2006 financials; the motion was seconded and it passed.

4. Approval of 2007 Budget Worksheet

The Finance Committee met the day prior to the Board meeting on the 2007 budget worksheet and recommended approval. Executive Director Joe Conte reported that the budget includes the \$339,000 from MCLE sanction funds for the Client Protection Fund, which will be used as

needed. He projected \$50,000 in claims for the 2007 budget. The budget also includes the Web site redesign and iMIS upgrade and new carpeting for the worn areas in the Bar Center in the amount of \$78,950. He also noted that the Client Attorney Assistance Program (CAAP) was moved from the Bar Foundation and is now under the State Bar. Commissioner Orraj made a motion to approve the 2007 budget; the motion was seconded and it passed. The auditors will begin the budget audit next week.

5. Approval of Bylaws/Policies Committee Report

Chair David Berlin reported on the August 31st Bylaws/Policies Committee meeting and requested the Board's approval of the following:

A. Modifications to the Travel Policy as follows:

When travel requires overnight stay and prior written approval of the Executive Director has been granted, actual expenses will be ~~reimbursed as follows~~ predetermined before actual travel, and are in lieu of per diem:

1. Actual Lodging (Conference hotel or less expensive hotel unless authorized prior to travel); number of nights will be predetermined through the budgeting cycle.

Commissioner Berlin made a motion to approve the amendments to the Travel Policy; the motion was seconded and it passed.

B. New internal procedure for usage of the American Express card as follows (informational only):

"In the event the American Express credit card is used for Board, YLD or SLD family member(s)' travel, an invoice request form must be prepared and given to Accounting for tracking."

C. New Proposed Vehicle Usage Policy

Commissioner Berlin reported that the Bar's insurance company requested that the Board pass a policy for use of the State Bar vehicle that was purchased in July. Commissioner Berlin made a motion to approve the policy; the motion was seconded and it passed.

D. Amendments to State Bar Bylaws, Article IX, Section 9.4, Annual Review of Sections and Committees

The Board requested the committee to develop a Sunset Policy for sections and committees; however, the State Bar Bylaws address sections and committees and the committee recommended amendments to Article IX, Section 9.4 for which thirty days' notice is required prior to approval. A vote will be taken at the November meeting. Commissioner Alaniz requested that the sunset provision be included in all of the section bylaws as well.

6. Nomination of 2007 Board of Bar Commissioners Officers

President Dugan requested nominations for the 2007 Board officer positions of Secretary-Treasurer, Vice President and President-elect. Commissioner Dutton nominated Steve Shanor for Secretary-Treasurer; Commissioner Shanor nominated Henry Alaniz for Vice President; and Commissioner Berlin nominated Craig Orraj for President-elect. All of the nominees were elected by acclamation.

7. Fair Judicial Elections Committee Request

At the July meeting, Norman Thayer presented a proposed resolution for the creation of a Fair Judicial Elections Committee. The Board requested amendments be made to the resolution including the removal of wording regarding criticism of a group other than lawyers and removing publication of criticism of lawyers. The revised resolution and statement of purposes and principles were included in the materials. Commissioner Alaniz made a motion for the formation of the committee. The motion was seconded, but there was confusion regarding the two resolutions. Following discussion, Commissioner Jontz requested an amendment to the motion to adopt Resolution A with changes to the second page regarding the committee membership, which shall include no more than nine members to be balanced and representative of the state with members from each of the bar commissioner districts to be appointed by the President. Commissioner Ramos requested an additional amendment to the motion to remove paragraph four from the Resolution and to correct the typo regarding the president, rather than the chair, making the appointments. Commissioner Alaniz accepted the amendments and the motion passed. Executive Director Joe Conte noted that this committee would be handled the same as the other standing committees with funds for expenses to come out of the committee budget pool.

8. President's Report

A. Appoint New Chair of Personnel Committee

Due to Bob Castille's move to Oregon and resignation from the Board, President Dugan requested nominations for a new chair of the Personnel Committee. Commissioner Berlin made a motion to appoint Jessica Perez; the motion was seconded and it passed.

B. Appoint Membership Survey Subcommittee

President Dugan requested volunteers to serve on the Membership Survey Subcommittee. Commissioners Orraj, Berlin and Wolf volunteered and Christine Morganti stated that Membership Services Committee Chair Karen Kilgore and Systems Manager Chris Baum also expressed an interest in serving on the committee.

9. Executive Director's Report

Executive Director Joe Conte's Report and the August State Bar Newsletter were included in the materials. He also reported that the new logo for the State Bar is almost ready to launch. He has made presentations on Casemaker to several local bars around the state; members want annotations and the case law to go back further in history. A reception/reunion will be held on November 15 for the UNM Summer Law Clerk Program participants to commemorate the program's 15th year.

10. Division Reports

A. Senior Lawyers Division

The Senior Lawyers Division 2007 proposed budget was included in the materials and was approved under the State Bar Budget item. Chair Dan Behles reported that the interviewer training for the oral history project is scheduled for October.

B. Young Lawyers Division

The Young Lawyers Division 2007 proposed budget was included in the materials and was approved under the State Bar Budget item. Chair Carolyn Ramos reported on the activities of the Division, including the professional clothing drive, domestic violence workshops at Dismas House for Women, Junior Judges Program, and the Public Interest Fellowships.

She also requested approval of amendments to the YLD Bylaws to Article IV, Section 4.7, Referendum, to allow for electronic voting, and an amendment to Article V, Section 5.1, Number, Tenure, Qualification and Vacancies, regarding division board officers aging out, since the upcoming chairs will have aged out prior to their service on the YLD Board. Commissioner Wolf made a motion to approve Section 4.7, Referendum, to allow for electronic voting; the motion was seconded and it passed. Discussion ensued regarding Section 5.1 and the fact that the State Bar Bylaws as well as the Supreme Court Rules would need to be changed in order for them to continue to be members of the Division. There was also discussion as to whether the ABA YLD Bylaws use age 36 or 37. Following discussion, Commissioner Kraft made a motion to table the item and refer it to the Bylaws/Policies Committee to review further and to draft the necessary changes for approval at the November meeting. The YLD will send a letter to the Supreme Court regarding the rule change.

C. Paralegal Division

The Paralegal Division report was included in the materials. Chair Bonita Ortiz reported that the Division is focusing on education per the telephone survey of members and is also setting up a task force to look at mandatory regulation and licensing in NM; the Division is also planning a full day Paralegal Institute in December.

11. 2007 Board of Bar Commissioners Meeting Schedule

The 2007 Board of Bar Commissioners meeting schedule is as follows: February 16, April 27, July 13 in Ruidoso, September 28 (Budget Worksheet meeting), November 2, and December 14.

12. Board of Bar Commissioners Election Schedule

Nine positions are up for election this year in the First, Third, Fourth, Sixth and Seventh Bar Commissioner Districts. The deadline for nomination petitions is October 23, the ballots will be mailed out to the membership on November 3, and the election will be held on November 30.

13. New Business

- A.** Kathleen Brockel from Law Access New Mexico reported on the legislative funding effort for access to justice. She stated that they can only assist about 20 percent of those eligible for their services and are seeking state appropriations. The Center on Law & Poverty and Law Access New Mexico are asking newspaper editors to write editorials in support of the legislative funding request and are also asking attorneys around the state to look for the editorials and to send letters in support of the funding effort. The areas of the state where key legislators reside are their main focus. She requested the Board's support with the media efforts and to send letters to the key legislators. Commissioner Jontz made a motion to support the legislative funding effort for access to justice. Ms. Brockel stated that she and Justice Chavez will be making a presentation to the Legislative Finance Committee on October 25 in Santa Fe and requested that someone from the Board attend. President Dugan and Executive Director Joe Conte will attend.
- B.** Executive Director Joe Conte reported that the draft agreement between EAJ and the State Bar for administrative services has been finalized, and he requested three volunteers to serve on the Equal Access to Justice Nominating Committee, which will appoint members to the EAJ Board. Commissioners Berlin, Orraj and Alaniz volunteered to serve on the nominating committee.

There being no further business, the meeting was adjourned at 12:20 p.m.

BOARD OF BAR COMMISSIONERS
November 2, 2006 MEETING MINUTES
Roswell Convention & Civic Center, Roswell, NM

MEMBERS PRESENT:

| | |
|------------------------|-------------------|
| Henry A. Alaniz | Craig A. Orraj |
| Daniel J. Behles | Bonita Ortiz |
| David M. Berlin | Jessica A. Perez |
| Beatrice J. Brickhouse | S. Carolyn Ramos |
| Virginia R. Dugan | Donald C. Schutte |
| Richard M. Jacquez | Stephen S. Shanor |
| Richard L. Kraft | Charles J. Vigil |
| Carla C. Martinez | Hans William Voss |
| Sandra E. Nemeth | Carolyn A. Wolf |
| Monica M. Ontiveros | |

MEMBERS ABSENT:

Gary D. Alsup
Dominic E. Dutton
Dennis E. Jontz

OTHERS PRESENT:

| | |
|-------------------|---------------------|
| Kris Becker | Rob Koonce |
| Leigh Anne Chavez | Richard Spinello |
| Joe Conte | Madonna Vandeventer |

1. Approval of September 15, 2006 Meeting Minutes

Commissioner Vigil made a motion to approve the September 15, 2006, meeting minutes. Commissioner Wolf noted that she wasn't included under Members Present and requested that she be added. The motion was seconded and it passed with the amendment.

2. Finance Committee Report

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

- A.** Accepted the September 2006 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C.** Reported that the employee health insurance was budgeted at a seven percent increase in 2007 and it will actually increase by 11.7 percent, which the Bar will cover and which will result in an additional \$10,000 in costs;
- C.** Executive Director Joe Conte requested approval for Justice Serna to attend the presentation of Arturo Jaramillo's Spirit of Excellence Award for his diversity efforts; the award will be presented during the ABA Midyear Meeting in Miami on February 10; Commissioner Vigil made a motion to approve the request for funding up to \$1,000 to come out of the committee budget pool; the motion was seconded and it passed;
- D.** The committee recommended approval of the purchase of a 61-inch plasma television in the amount of \$3,400 for the lobby of the Bar Center to use as the sign for meeting designations; Commissioner Vigil made a motion to approve the purchase; the motion was seconded and it passed;
- E.** Discussed the draft 2007 Dues and Licensing Form which was distributed at the meeting; the Finance Committee recommended the following changes:

- The Disciplinary Board fees be set apart from the State Bar fees and that there be a distinction that it is not a State Bar fee;
- Change the name of the dues forms to "State Bar and Supreme Court Dues/Licensing Form," since the Bar collects data for the Court;
- The committee recommended not collecting the Board of Legal Specialization fees in 2007;
- Tabled a request from the Appleseed Foundation to be included on the dues form and created a subcommittee to review the dues form and draft a policy with regard to contributions under sections 5 and 6 for the 2008 dues form.

Commissioner Vigil made a motion to approve the changes to the dues form and the creation of the subcommittee; the motion was seconded and it passed; and

- F. The committee reviewed the fee waiver affidavit forms and recommended the following changes:
- The Legal Service Discount affidavit be changed to reflect if an attorney is employed by any 501(c)(3) corporation they could apply; in addition, the amount to qualify for the 50% discount was changed from \$25,000 to \$30,000 and the 25% discount was changed from between \$25,000 and \$30,000 to between \$30,000 to \$40,000.
 - In the Affidavit of Military Mobilized Reservists, item 3 was removed having any dollar qualifying amount on the form;
 - The hardship Affidavit Fee Waiver qualifying amount was changed from \$25,000 to \$30,000.

Commissioner Berlin made a motion to approve the changes to the fee waiver affidavit forms; the motion was seconded and it passed.

3. **Acceptance of Financials**

Commissioner Shanor made a motion to accept the September 2006 financials; the motion was seconded and it passed.

4. **Approval of 2007 Dues and Licensing Form**

See item E of the Finance Committee report above.

5. **Approval of Bylaws/Policies Committee Report**

Chair David Berlin reported on the September 28th and October 26th Bylaws/Policies Committee meetings and requested the Board's approval of the following:

- A. **Amendments to YLD Bylaws, Article II, Section 2.1, Membership, and Article V, Section 5.1, Number, Tenure, Qualification and Vacancies; State Bar Bylaws, Article VIII, Section 8.1, Young Lawyers Division; and the Rules Governing the NM Bar, Section B(1), Young Lawyers Division**

At the September meeting, the Board directed the Bylaws/Policies Committee to address the issue of the incoming chairs aging out of the YLD Board. The bylaw amendments were e-mailed to the Board on September 29 to meet the thirty days' notice requirement. A letter was sent to the Supreme Court by the YLD regarding the rule change. Commissioner Berlin made a motion to approve the amendments to the YLD and State Bar Bylaws contingent upon the Supreme Court's approval of the rule change; the motion was seconded and it passed.

- B. **Amendments to State Bar Bylaws, Article IX, Section 9.4, Annual Review of Sections and Committees**

The Board requested the committee to develop a Sunset Policy for sections and committees; however, the State Bar Bylaws address sections and committees and the

committee recommended approval of amendments to Article IX, Section 9.4, to include a sunset clause. Thirty days' notice was provided for the bylaw amendments at the September meeting. Commissioner Berlin made a motion to approve the bylaw amendments; the motion was seconded and it passed.

C. Revised Vehicle Usage Policy

This policy was approved by the Board at the September meeting for use of the State Bar vehicle purchased in July; however, Executive Director Joe Conte requested amendments to the policy. The policy was redrafted by the committee to clarify insurance coverage for use of the Bar car and to include personal and rental vehicles and was distributed at the meeting. An additional change was requested to the last sentence regarding violation of the policy. Commissioner Berlin made a motion to approve the revised policy with the amendment; the motion was seconded and it passed.

D. Discussion Regarding Board Composition and Adding an Out-of-State Member

An e-mail poll of the out-of-state members was conducted to ascertain interest in adding an out-of-state member to the Board. The item was tabled for further review by the Bylaws/Policies Committee.

E. Amendment to State Bar Bylaws, Article V, to add a Subsection 5.6g – Removal of Officers

Chair David Berlin reported that most boards have a removal clause; however, the Board of Bar Commissioners does not have one, so he drafted a new subsection for the removal of officers, which the committee approved and which was e-mailed to the Board prior to the meeting. Following discussion, the board requested that it include commissioners as well as officers. Thirty days' notice is required prior to approval, and a vote will be taken at the December meeting.

6. Personnel Committee Report

Chair Jessica Perez reported on the October 26th meeting and requested the Board's approval of the following:

A. Board of Bar Commissioners Election

At the September 28th Bylaws/Policies Committee meeting, the committee discussed whether a State Bar staff attorney could run in the election for a seat on the Board of Bar Commissioners. Following discussion, the committee determined that it would create a conflict as the Board oversees the Executive Director and is privy to confidential information. It was referred to the Personnel Committee to draft a policy to be included the Employee Handbook to not permit staff attorneys to run in the BBC election, and the committee recommended approval of the following policy:

“Due to a potential conflict, State Bar staff attorneys cannot run in the election for a seat on the Board of Bar Commissioners.”

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

B. Educational Assistance Program Policy

The committee was requested to review and clarify the current Educational Assistance Program Policy of the Employee Handbook, and recommended approval of the addition of a new sentence to the policy as follows:

“Directors have the discretion to use the funds for educational purposes only. All unused funds will revert to the general fund at the end of the year.”

Commissioner Perez made a motion to approve the amendment to the policy; the motion was seconded and it passed.

C. Paid Time Off and Unpaid Leave Policy

The committee was requested to review the current policy, and no changes were recommended.

7. Discussion Regarding Creation of a New Judicial Independence Committee

President Dugan reported on a dinner she, Commissioner Vigil and Executive Director Joe Conte attended with the ABA Commission on Judicial Independence to discuss what New Mexico was doing about judicial independence and for the Bar to consider creating a committee to respond to judicial criticism. The committee would provide resources designed to protect the independence of the judiciary, improve public understanding of and confidence in the judiciary, and promote the important of an accountable, efficient and effective judicial system. Following discussion, the Board determined that rather than create a committee, the State Bar president would be more appropriate to respond to judicial criticism. Commissioner Martinez made a motion for the State Bar president, with the advice and consent of the Executive Committee, to respond to criticism of the judiciary. The Board clarified that the purpose would be to respond to criticism of the judiciary as a whole, not individual criticisms. The motion was seconded and it passed.

8. President’s Report

President Dugan reported on the following:

A. Fair Judicial Elections Committee

The committee will be chaired by Norm Thayer, and a notice is being published in the *Bar Bulletin* soliciting members with a deadline of November 10. She will be appointing eight members, and a meeting will be scheduled prior to the December 15th meeting. A packet of information approved by the Board at the September meeting was sent to all judicial candidates. Commissioner Shanor noted the problem with judicial elections and the negative impact on the legal profession. He requested that the charge of the committee be revisited to include this role and authority for public comment. Executive Director Joe Conte will talk with Norm Thayer and have the committee discuss this issue and report back to the Board with a recommendation at the December meeting.

B. Swearing-in Ceremony for New Admittees on September 29

She attended and spoke about the State Bar at the September 29th swearing-in ceremony for new admittees in Albuquerque.

C. Supreme Court Budget Meeting/New Officers Swearing-in on December 13

The 2007 budget will be presented to the Court and the new officers will be sworn-in on December 13.

9. President-Elect’s Report

In the absence of President-elect Jontz, Executive Director Joe Conte reported on the following:

A. Commission on Lawyers Assistance Programs Conference in San Francisco

The Lawyers Assistance Committee budgeted for three people to attend the Commission on Lawyers Assistance Programs Conference in San Francisco last month, and Bill Stratvert, Briggs Cheney and President-elect Jontz attended.

B. Reception Following Swearing-in in Santa Fe on December 13

A reception following the new officer swearing-in in Santa Fe on December 13 will be held at the LewAllen Gallery at 5:30 p.m., and all commissioners are invited to attend.

C. BBC Reception on December 15

A reception following the December 15th Board meeting will be held at President-elect Jontz's home.

D. Officers Retreat in January

An officers' retreat will be held in Las Vegas, NM, on January 25-26, to assist the officers with future planning.

E. 2007 CLE at Sea Alaskan Cruise

The 2007 CLE at Sea will be an Alaskan Cruise and reservations are already being made. Leigh Anne Chavez questioned whether there are any other flight options available and Executive Director Joe Conte provided her with some options.

10. Annual Meeting Planning Committee Report

Executive Director Joe Conte reported on the site visit to Ruidoso and October 18th meeting of the Annual Meeting Planning Committee. He, President-elect Jontz and Kris Becker conducted a site visit on September 25 to finalize the schedule and events. The convention will begin on Thursday and run through Sunday morning. A special event is being planned at the Spencer Theater. He also reported that Justice Sandra Day O'Connor has agreed to be the keynote speaker. President-elect Jontz is anticipating 500 attendees and held a luncheon for past presidents at the Petroleum Club on October 20 to discuss and brainstorm about attendance at the Annual Meeting.

11. Executive Director's Report

Executive Director Joe Conte's written report was included in the materials. He reported that a reunion is being held for the UNM Summer Law Clerk Program participants to commemorate the program's 15th year at the Bar Center on Wednesday, November 15. He also reported that interviews are being conducted for the new Equal Access to Justice Campaign staff person.

12. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles reported on the oral history project and showed a clip of a videotape of John Robb. The audio will be transcribed and archived. The Division is obtaining a copy of an interview with Justice Maes from the ABA, so there are now two tapes for the project, and they intend on producing six or seven more this year and will then do a series to be housed at the Bar where members can view them. He noted that the last Division meeting for the year will be on December 14 with a reception following and he invited commissioners to attend.

B. Young Lawyers Division

Young Lawyers Division Chair Carolyn Ramos reported that the Division discussed the amendments to its bylaws and she thanked Commissioner Berlin and the Bylaws/Policies Committee for getting the amendments done so quickly. She, Roxanna Chacon and Mo Chavez attended and spoke at the Fall ABA YLD Meeting in Baltimore. The Bridge the Gap program is scheduled for November 17-18 and a lot of young lawyers will be teaching programs this year; they are targeting new admittees to attend. Ballots were mailed out for the two contested positions (Roxanna Chacon from Las Cruces and Roman Romero from Albuquerque), J. Brent Moore was re-elected by acclamation and no petitions were received for the Region 4 position.

C. Paralegal Division

Paralegal Division Chair Bonita Ortiz reported that the Division is involved in its elections for next year and that ballots have been mailed out to its members. The Division continues to update its Web page with current membership information and other items pertinent to the Division and is planning another edition of its newsletter in December. The Division is working on plans for its first Annual Paralegal Institute on December 11, which will be a full day of CLE targeted specifically for paralegals and will include a half-day of Legal Research; they're hoping to Webcast it to various locations around the state. A membership drive to correspond to the Paralegal Institute is also being planned.

13. 2007 Board of Bar Commissioners Meeting Schedule

The 2007 meeting schedule is as follows: February 16, April 27, July 13 (Ruidoso), September 28 (Budget Worksheet meeting), November 2, and December 14.

14. New Business

- A.** A report on malpractice insurance disclosure prepared by the Lawyers Professional Liability Committee was e-mailed to the Board prior to the meeting. Commissioner Vigil made a motion to approve the report; the motion was seconded and it passed. The report will be forwarded to the Supreme Court.
- B.** Executive Director Joe Conte reported that the Executive Committee approved a co-sponsorship for the Hispanic Bar Banquet on October 27 in the amount of \$1,000 and that the Diversity Committee contributed \$500, so the Bar purchased two tables for the banquet.

There being no further business, the meeting was adjourned at 3:00 p.m.

BOARD OF BAR COMMISSIONERS
December 15, 2006 MEETING MINUTES
Bar Center, Albuquerque, NM

| | | |
|-------------------------|---|--|
| MEMBERS PRESENT: | Henry A. Alaniz Gary D. Alsup Daniel J. Behles David M. Berlin Beatrice J. Brickhouse Dennis E. Jontz Richard L. Kraft Carla C. Martinez Sandra E. Nemeth | Monica M. Ontiveros Craig A. Orraj Bonita Ortiz Jessica A. Perez S. Carolyn Ramos Stephen S. Shanor Charles J. Vigil Hans William Voss Carolyn A. Wolf |
| MEMBERS ABSENT: | Virginia R. Dugan Dominic E. Dutton Richard M. Jacquez Donald C. Schutte | |
| OTHERS PRESENT: | Erika E. Anderson Cynthia Aragon Kris Becker Richard Brown Andrew J. Cloutier Carolyn L. Cochran Joe Conte Barbara Everage Judge Jane Shuler Gray | Michael Hall Kate Mulqueen Orlando Lucero Douglas Meiklejohn Christine Morganti Richard Spinello Norman S. Thayer Madonna Vandeventer |

1. Approval of November 2, 2006 Meeting Minutes

Commissioner Shanor moved to approve the November 2, 2006 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 Henry Alaniz reported on the Committee's discussion and recommendations as follows:

- A.** Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- B.** Discussed and recommended allocating funds for the State Bar to participate in the Summer Law Clerk Program; Commissioner Vigil made a motion to allocate \$6,000 to fund a summer law clerk position under the Bar Foundation for 2007; the motion was seconded and it passed;
- C.** Discussed the State Bar vehicle lease and that 80 percent is charged to the State Bar and 20 percent is charged to Executive Director Joe Conte with Mr. Conte paying for all of the gas expenses. Commissioner Shanor made a motion to allocate all of the lease funds to Mr. Conte for a tax refund; the motion was seconded and it passed.

3. Acceptance of Financials

Secretary-Treasurer Alaniz reported that there was a net asset increase in the October financials in the amount of \$154,00. Commissioner Vigil moved to accept the October 2006 Financials; the motion was seconded and it passed.

4. Appointment to NM Commission on Access to Justice

There was one vacancy on the NM Access to Justice Commission. A notice was published in the *Bar Bulletin*, and the following submitted letters of interest:

- A. Andrew S. Montgomery
- B. Susan E. Page
- C. Betsy R. Salcedo
- D. Tina R. Sibbitt

Following a vote by secret ballot, Andrew S. Montgomery was appointed to the Access to Justice Commission for a three-year term.

5. Appointments to NM Legal Aid Board

There were two vacancies on the NM Legal Aid Board, with one of the appointees being from the Indian Law Section. A notice was published in the *Bar Bulletin*, and the following submitted letters of interest:

- A. Claire Dickson
- B. Sean J. Flynn (Indian Law Section)
- C. Paula Forney
- D. Craig B. Fretwell
- E. Lawrence A. Ruzow (Indian Law Section)
- F. Betsy R. Salcedo
- G. John A. Trujillo

Following a vote by secret ballot, Sean J. Flynn, with the Indian Law Section, and Claire Dickson were appointed to the NM Legal Aid Board for one-year terms.

6. Appointments to Supreme Court Boards and Committees

President-elect Jontz appointed the following liaisons to the Supreme Court Boards and Committees for 2007:

- Courts of Limited Jurisdiction – Jessica A. Perez
- Rules of Criminal Procedure for District Courts – Donald C. Schutte
- Rules of Civil Procedure for District Courts – Andrew J. Cloutier
- Appellate Rules – Carolyn A. Wolf
- Rules of Evidence – David M. Berlin
- Uniform Jury Instructions-Civil – Hans William Voss
- Uniform Jury Instructions-Criminal – Gary D. Alsup
- Minimum Continuing Legal Education (MCLE) Board – Erika E. Anderson
- Legal Specialization Board – Monica M. Ontiveros
- Board of Bar Examiners – Beatrice J. Brickhouse
- Children’s Court Rules – Beatrice J. Brickhouse

7. Approval of Amendment to State Bar Bylaws

The Bylaws/Policies Committee presented an amendment to the State Bar Bylaws, Article IV, new subsection 4.2c, Removal of Officers and Commissioners, at the November meeting for which thirty days' notice was provided. Commissioner Orraj expressed concern regarding the number of commissioners required to sign a petition for the removal of a commissioner and requested that it be increased to five. He also expressed concern regarding a vote taken after a quorum has been achieved, as there are frequently fewer commissioners at the end of the meeting rather than at the beginning and requested it be amended to a vote of three-quarters of the full board. Commissioner Berlin made a motion to approve the new subsection with the amendments; the motion was seconded and it passed.

8. Update on Pro Hac Vice Fund and Reappoint Committee

Richard Spinello reported that \$72,000 was collected in pro hac vice fees in 2005, and that the Bar Foundation contributed \$8,000 for a total of \$80,000 in grants distributed to the legal services providers in 2006. He requested that the committee, which issues the RFP, reviews the grants, and makes recommendations to the full board for distribution of the funds, be reappointed for distribution of the funds collected in 2006. Commissioners Behles, Berlin and Nemeth volunteered, and Mr. Spinello will ask Judge Nan Nash to serve again this year.

9. Fair Judicial Elections Committee Report and Recommendation

Norm Thayer, Chair of the newly created Fair Judicial Elections Committee, provided a report on the first meeting of the nine-member committee held on December 14. The committee was created to uphold the Code of Judicial Conduct, which prohibits certain activities in campaigning. He noted that the committee does not have any enforcement authority and that it needs broader powers. He reported that the committee would like to change the existing resolution to allow comments and criticisms to be published and he may bring a proposal to the Board at a later time. He further noted that Fair Judicial Election Committees in most states have ongoing relationships with the media.

Judge Jane Shuler Gray and Richard Brown reported on the negative experiences that both of them endured during their recent campaigns in the Fifth Judicial District and the importance of educating the public year round. The Board discussed and recommended that the Fair Judicial Elections Committee pursue a legislative change for non-partisan elections. Mr. Thayer stated that he will discuss it with the committee and ask if they want to lobby the Legislature. The committee will send the resolution and purpose statement to all incumbents, candidates and campaign committees prior to the 2008 election requesting that they comply with them and the Code of Judicial Conduct .

10. Unauthorized Practice of Law Statute Changes

At the April Board meeting, Orlando Lucero provided an update on the ULP statute changes, which were drafted by the UPL Committee to clarify what constitutes unauthorized practice of law. The Board approved the changes in 2004 and authorized the committee to lobby the Legislature in 2005, at which time they were passed through the Senate Consumer and Public Affairs Committee but died in the House Judiciary Committee due to time constraints. The changes were not brought before the 2006 Legislative Session as it was a short session. He reported that there was a recent concern raised by the Public Law Section with regard to members of community groups speaking at public hearings. He met with Doug Meiklejohn, the Director of NM Environmental Law Center which represents many community groups, prior to the Board meeting and they agreed to a modification to subsection 3 to remove reference to a quasi-judicial or administrative proceeding. Mr. Lucero requested the Board's approval to reintroduce the changes in the 2007 Legislative Session, with the modification to subsection 3.

Following discussion, Commissioner Behles made a motion to authorize the UPL Committee to advocate for the legislation and represent that it has been approved by the Board of Bar Commissioners. Further, if any substantial changes are proposed, they will be presented to the Board's Executive Committee; the motion was seconded and it passed unanimously.

11. Amendment to Elder Law Section Bylaws

The Elder Law Section Board requested approval of a bylaw amendment to allow non-attorneys to join the section. Commissioner Kraft made a motion to approve the amendment; the motion was seconded and it passed. Several other sections have non-lawyer members, and the Board requested the Bylaws and Policies Committee to amend the State Bar Bylaws to coincide with the section bylaws.

12. Amendments to International and Immigration Law Section Bylaws

The International and Immigration Law Section Board requested approval of a bylaw amendment to reduce the number of nominating committee members and the number of signatures required on a petition submitted by a member who runs for office and is not selected by the nominating committee. Commissioner Wolf made a motion to approve the amendments; the motion was seconded and it passed. Executive Director Joe Conte reported that the section election process is very cumbersome for staff and requested the Bylaws and Policies Committee to review and try to simplify the process.

13. Reconsider Section E-blast Policy

At the April meeting, the Board approved an amendment to the State Bar bylaws prohibiting e-blasts containing certain content; however, Membership & Communication Director Christine Morganti requested it be returned to the way it was originally drafted, which just requires the chair's permission before sending e-blasts. Commissioner Berlin made a motion to approve the change; the motion was seconded and it passed.

14. Consider Section Carryover Requests

The section bylaws require the executive director's approval of carryover requests at year-end, and Executive Director Joe Conte reported on the sections requesting a carryover. Following discussion, Commissioner Berlin made a motion for the sections requesting a carryover to provide a specific amount and the reason for which the funds will be used for the Board's consideration at the next meeting; the motion was seconded and it passed.

15. NM Sentencing Commission Report

Michael Hall, Executive Director of the NM Sentencing Commission, and Cynthia Aragon, the Bar's representative on the Commission, provided an annual update and distributed a report on the activities and programs of the NM Sentencing Commission.

16. President's Report

Due to the absence of President Dugan, President-elect Jontz reported that no challenges were received to the budget disclosure and that the budget was presented to the Supreme Court on December 13. He also reported that the Court was receptive to potential relief from *Popejoy* and more regulatory functions given the statutory requirements of the State Bar.

17. Executive Director's Report

Executive Director Joe Conte's written report and the November 2006 State Bar Newsletter were included in the materials. He introduced Kate Mulqueen, the new Equal Access to Justice Campaign Director.

18. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Chair Barbara Everage reported on the Division's activities in 2006 as follows: the Division sent notification letters to attorneys who had qualified as members of the Division in 2005 and will qualify in 2006; the Division is continuing to staff the KOB – Lawline 4 Program for which the 2006 statistics were included in the materials; she thanked the Board for increasing funding for the Division's oral history project for which 10 members have been selected and one interview has already been conducted with John Robb; a reception will be held at the Bar Center on December 21 and the Elder Law Section and commissioners were invited to attend.

B. Young Lawyers Division

Young Lawyers Division Chair Carolyn Ramos reported on the activities and projects of the Division in 2006, and her written report is attached.

C. Paralegal Division

Paralegal Division Liaison Bonita Ortiz reported on the activities and projects of the Division in 2006, and her written report is attached.

19. Appointments to Internal BBC Committees

President-elect Jontz requested volunteers to serve on the following BBC Internal Committees: Finance, Annual Awards, Bylaws/Policies, and Personnel. A sign-up sheet was distributed at the meeting. President-elect Jontz appointed David Berlin as Parliamentarian for 2007.

20. Presentation of Outgoing Commissioner Plaques

President-elect Jontz presented plaques to outgoing commissioners Rick Kraft, Bonita Ortiz, Carolyn Ramos and Chuck Vigil.

21. New Business

There being no further business, the meeting was adjourned at 5 p.m.