

BOARD OF BAR COMMISSIONERS
February 16, 2007 MEETING MINUTES
Bar Center, Albuquerque, NM

MEMBERS PRESENT: Henry A. Alaniz
Gary D. Alsup
Erika E. Anderson
Daniel J. Behles
Beatrice J. Brickhouse
Andrew J. Cloutier
Carolyn L. Cochran
Virginia R. Dugan
Dominic E. Dutton
Richard M. Jacquez

Danny W. Jarrett
Dennis E. Jontz
Sandra E. Nemeth
Craig A. Orraj
Jessica A. Perez
Donald C. Schutte
Stephen S. Shanor
Hans William Voss
Carolyn A. Wolf

MEMBERS ABSENT: David M. Berlin
Carla C. Martinez
Monica M. Ontiveros

OTHERS PRESENT: Kris Becker
Joe Conte
Patricia Galindo
Elizabeth Garcia
Rob Koonce

Christine Morganti
The Honorable Patricio M. Serna
Richard Spinello
Madonna Vandeventer

1. Swearing-in of New Commissioners

Supreme Court Justice Patricio Serna conducted the swearing-in of the following new commissioners: First Bar Commissioner District: Danny W. Jarrett of Albuquerque; Fourth Bar Commissioner District: Gary D. Alsup of Clayton; Sixth Bar Commissioner District: Andrew J. Cloutier of Roswell; 2007 Division Representatives: Erika E. Anderson, Young Lawyers Division Chair; and Carolyn L. Cochran, Paralegal Division Liaison.

2. Approval of December 15, 2006 Meeting Minutes

Commissioner Dugan moved to approve the December 15, 2006 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 Steve Shanor 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. Reviewed and approved the New Mexico State Bar Foundation 2007 Budget;
- C. Reviewed and approved dues waiver requests for those who met the criteria; one of the applicants brought up the issue of HIPPA, and the committee referred the issue to in-house counsel Richard Spinello; the committee approved for Secretary-Treasurer Shanor to review and approve any fee waiver requests received before the next meeting and the board will ratify those requests at the April meeting;
- D. Discussed a request from the Appleseed Foundation for support in the amount of \$5,000 to help the organization continue its work until more funds can be raised;

Appleseed also requested funds from the Equal Access to Justice Campaign and the Pro Hac Vice funds; the request was tabled until it is determined whether other funds were granted to Appleseed;

- E. Approved the audit RFP and selected dates to review the proposals received (REDW's contract expires at the end of 2007); staff will obtain the approved auditors list from the state; and
- F. Discussed the large size of the Finance Committee and the difficulty obtaining a quorum and decided to refer it to the Bylaws/Policies Committee to review the policy and make a recommendation at the April meeting.

4. Acceptance of Financials

Commissioner Alaniz moved to accept the December 2006 pre-audit financials; the motion was seconded and it passed.

5. Proposal Regarding Publishing Cartoons in Bar Bulletin

The Board of Editors approved a proposal to include cartoons on a monthly basis in the *Bar Bulletin* and staff requested the approval of the Board of Bar Commissioners before proceeding. Commissioner Cloutier made a motion to approve the proposal and the motion was seconded. However, following discussion regarding member sensitivity about lawyer jokes/cartoons, a straw poll vote was taken and the motion failed by a vote of four to eight.

6. Bylaws/Policies Committee Report

In the absence of Chair David Berlin, Commissioner Don Dutton reported on and requested the Board's approval of the following:

- A. Amendment to State Bar Bylaws, Article IX, Committees & Sections, Section 9.1, Sections, to Coincide with the Section Bylaws to Allow Non-Attorneys to Join Sections**

At the December meeting, the Board approved an amendment to the Elder Law Section bylaws to allow non-attorneys to join the section. Several sections have requested this and the Board requested the Bylaws/Policies Committee to amend the State Bar Bylaws to coincide with the section bylaws. Thirty days' notice is required prior to approval of the below bylaw amendment and a vote will be taken at the April meeting.

Section 9.1 Sections.

The Board shall create such sections within the State Bar as it shall deem advisable, or at the recommendation of the membership. A member of the State Bar who recognizes such a need shall submit to the Board the following for approval: 1) a petition signed by a minimum of 50 members; 2) proposed dues amount - charter members (petitioners) will automatically be assessed initial dues; 3) draft bylaws; and 4) the names of nine persons to serve as an initial board of directors from whom two shall be designated a chair and budget officer. Such sections shall be open to all members of the State Bar and non-voting associate members as specified in relevant section bylaws and shall be governed by policies established by the Board.

- B. Revised E-Blast Policy Regarding Section Usage Guidelines**

Following the Board's approval of the revised e-blast policy at the December meeting, there was some confusion among the sections with regard to the amendments. The guidelines were re-revised to clarify the language and to include committees and divisions as well as sections, and the committee recommended approval of the below revision:

E-mail correspondence sent by SBNM staff to all members of a particular section, committee or division will be at the discretion of the ~~section~~ chair of said section, committee or division with the approval of the executive director or designee.

Commissioner Wolf made a motion to approve the revised section usage guidelines of the e-blast policy; the motion was seconded and it passed.

C. Revisit Adding an Out-of-State Member to the Board of Bar Commissioners

At the November meeting, the Board discussed an e-mail poll that was conducted to ascertain interest in adding an out-of-state member to the Board. The Board requested the Bylaws/Policies Committee to review the responses and make a recommendation. The committee decided to appoint Commissioner David Berlin to serve as a liaison from the First Bar Commissioner District to the out-of-state members and to provide information, meeting agendas, meeting summaries, etc., for input from the out-of-state members.

Commissioner Dutton made a motion to appoint Commissioner Berlin as the liaison to the out-of-state members on a trial basis; the motion was seconded and it passed.

7. Public Law Section Bylaw Amendment

The Public Law Section requested the below bylaw amendment to allow a board member to serve as chair more than once. Other sections have made the same amendment to their bylaws.

Article VII, Section 7.2, CHAIR. The Chair-Elect shall automatically succeed to the office of Chair. He/she shall serve a term of one (1) year ~~and may not again accede to that office.~~ In the event the office of Chair-Elect shall be vacant, then a Chair shall be elected in the manner set forth in Section 7.1.

Commissioner Wolf made a motion to approve the bylaw amendment; the motion was seconded and it passed.

8. Pro Hac Vice Committee Report and Grant Recommendations

Richard Spinello reported on the February 15th Pro Hac Vice Committee meeting and requested the Board's approval of the committee's recommendations for distribution of the funds collected as part of the Pro Hac Vice registration process in the amount of \$102,000. The recommendations were to award grants to the following legal services providers: Legal FACS, New Mexico Center on Law and Poverty, Enlace Comunitario, Law Access New Mexico, Native American Protection and Advocacy, Catholic Charities, Senior Citizens' Law Office, Advocacy Inc., and Central New Mexico Community College. Commissioner Schutte made a motion to approve the recommendations; the motion was seconded and it passed.

9. Membership Services Committee Recommendation

The Membership Services Committee recommended that the Board approve the addition of EsqSites123.com to the Alliance Program. The company provides an affordable way for attorneys to create, edit and maintain Web sites without the assistance of a computer programmer. Information about the costs, discounts to members and royalty to the State Bar was included in the materials. Commissioner Wolf made a motion to approve the recommendation; the motion was seconded and it passed.

10. Committee on Women and the Legal Profession Request for New State Bar Award

Patricia Galindo and Elizabeth Garcia presented the Committee on Women and the Legal Profession's request to add the below award to the State Bar Annual Awards:

Outstanding Advocacy for Women Award

This award recognizes attorneys who have distinguished themselves during the prior year by providing legal assistance to women who are underrepresented or underserved or by advocating for causes that will ultimately benefit and/or further the rights of women. The award is intended to reflect the goals of the Committee on Women and the Legal Profession, which will make recommendations to the Board of Bar Commissioners for selection. The award is not necessarily given annually.

Commissioner Alaniz made a motion to approve the addition of the new award to the State Bar annual awards and for the committee to review the nominations received and make a recommendation as to the recipient. The motion was seconded and it passed.

11. President's Report

A. Discussion of Judicial Nominating Commissions

The Governor sent a letter to the UNM School of Law and copied the State Bar regarding his plans to sue the Fifth Judicial District Nominating Commission for sending only one name to him for appointment. Dean Scarnecchia responded to Governor Richardson's letter explaining the judicial nominating commission process. President Jontz explained the Bar's role in the process, and it was decided that the Bar should not be involved or respond to the letter.

B. January 26th Officers' Retreat

The officers held a retreat on January 27 and President Jontz reported on the following:

- *Popejoy* – He requested staff to research whether the *Popejoy* decision could be reversed or whether the Bar could be relieved of some of the requirements. The total cost to the Bar is approximately \$40,000, which includes \$10,000 for the certified audit to the budget disclosure, which may not be necessary. Staff will work with the auditors to determine how the Bar can comply with *Popejoy* in a more efficient manner.
- Supreme Court Relationship – The Bar needs to keep the communications open with the Court and make the Bar available to the Court as a resource. He suggested inviting the Supreme Court to a couple of Board meetings per year and the receptions following the meetings.
- Supreme Court Appointments (regulatory functions) – He met with Chief Justice Chavez and discussed increasing the Bar's role in the regulatory process. He proposed that the State Bar president, with the approval of the Board, make appointments to the Board of Bar Examiners, Disciplinary Board and MCLE Board. He also proposed that a rule change be made to include voting rights for liaisons and non-exclusion of liaisons in meetings of those boards and committees. A draft Liaison Protocol was included in the materials.
- Non-Partisan Judicial Elections – There wasn't adequate time to get a bill introduced through the interim judiciary committee by the deadline for this year's Legislative Session. The Board discussed retention elections versus non-partisan elections with the potential for the need to have run-off elections, recruitment and term limits and suggested appointing a study group to meet and discuss these issues prior to the 2008 Legislative

Session. President Jontz, Commissioners Alaniz, Cloutier, Dutton, Jacquez, and Voss volunteered to serve. Commissioner Shanor made a motion to approve the formation of the study group consisting of the foregoing and anyone else that President Jontz would like to appoint; the motion was seconded and it passed.

- Fair Judicial Campaign Committee Appointments – There was some criticism regarding the lack of diversity on the committee, and additional members will be appointed. Another notice was published in the *Bar Bulletin* soliciting members and President Jontz requested commissioners to assist in recruiting members to serve.
- Reciprocity - The State Bar Annual Meeting will include a roundtable discussion on reciprocity. The law school is preparing an article on reciprocity to be published in the *Bar Bulletin* prior to the Membership Survey being sent out.
- Issues Facing the Profession Committee – A notice was published in the *Bar Bulletin* soliciting members for a new committee to discuss and bring hot issues to the Board. He also requested that commissioners obtain input from their districts regarding important issues and report to the Board at each meeting.
- Presidential Committee Appointments – With the current process of allowing committee chairs and members to continue if express an interest in continuing, there isn't much of a role or need for the State Bar president to be involved in making appointments to committees. He drafted a letter to send to each of the committee chairs and committee members asking them to evaluate the committees in order for the president to have more impact on the appointments and for future presidents to use in making their committee appointments.
- Electronic Filing – The Board passed a resolution last year in support of electronic filing, and he informed Chief Justice Chavez that the Bar may consider assistance with funding.
- Casemaker/Compilation Commission - The Compilation Commission has a copyright on the annotations and local rules, and Casemaker has been unable to obtain that data, which the Commission sells to other providers. President Jontz is now a member of the Commission and will research whether or not the Commission can copyright the material.
- Past Presidents' Dinner – In response to a letter sent to the past presidents regarding whether or not to hold the traditional dinner at the Annual Meeting, several past presidents requested that the dinner format continue. President Jontz emphasized the importance of attendance by all of the commissioners at the Annual Meeting.
- Responding to Judicial Criticism – The current resolution adopted by the Board last year only permits the president to make a general statement in a letter to the editor; however, the Albuquerque Journal will not publish letters unless they are directly related to a specific person/issue. Following discussion, Commissioner Wolf made a motion to allow President Jontz and the Executive Committee to respond to specific attacks on a case-by-case basis; the motion was seconded and it passed.

12. Executive Director's Report

Executive Director Joe Conte's written report was included in the materials. He also reported on his meeting with Paul Biderman, Director of the Institute of Public Law, regarding creating practice manuals. He met with the Family Law Section Board which expressed an interest in assisting and he'll also meet with other sections. He participated in a focus group meeting with other bar executives at the NABE Midyear Meeting in Miami, and they discussed holding regional Bar Leadership Institutes. He proposed a four-corner institute with Arizona, Colorado and Utah for the fall. The ABA would attend and speak with the boards about governance, strategic

planning and other issues. He also reported that he and President Jontz will be visiting local bars in southern New Mexico April 16-18.

13. Division Reports

A. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles provided a report on the activities of the division, including the oral history project and the KOB TV call-in program, and he invited and encouraged commissioners to participate in both projects.

B. Young Lawyers Division

Young Lawyers Division Chair Erika Anderson reported that the Division met on January 20, and discussed the following projects and programs: Junior Judges Program, which is expanding to Santa Fe and Las Cruces; Choose Law, a program of the ABA for high school students; resuming the brown bag lunches with federal and state judges; increasing attendance by young lawyers at the Annual Meeting; continuing life skills training at Dismas House; UNM mock interviews; continuing to fund the Homeless Legal Clinic in Albuquerque and Las Cruces; fellowships to law students for summer public interest work; and the Law Day call-in. She also noted that the Division had a great presence at the ABA/YLD Midyear Meeting in Miami, and that she and Roxanna Chacon have been invited to speak at the Rocky Mountain Regional Conference on bringing diversity to YLD.

C. Paralegal Division

Paralegal Division Liaison Carolyn Cochran reported that the Division held its annual meeting and board meeting on February 3 and discussed the following goals: increasing attendance at the Annual Meeting; providing high quality, inexpensive CLE for paralegals and attorneys; continuing the task force on professional development which monitors and studies paralegal trends on a national level regarding licensing, mandatory membership, etc. She also reported that the Division hosted the first annual Paralegal Division Institute in December with 90 attendees, and that they are planning a dinner in August to celebrate the Division's 12th anniversary.

14. Bar Commissioner District Reports

President Jontz requested that commissioners from every bar commissioner district report on the activities and issues in each of their districts at Board meetings, which will begin with the April meeting.

15. Section, Committee and Division Annual Reports

Pursuant to the State Bar Bylaws, sections, committees and divisions are required to provide annual reports to the Board. A list of the sections, committees and divisions that provided annual reports was included in the materials, and the full reports were posted on the Web site.

16. New Business

A. Family Law Section Bylaw Amendment

The Family Law Section requested a bylaw amendment to add back into its bylaws a YLD liaison and one representative from the UNM School of Law student body as non-voting members. It was reported that all other sections having voting members.

Following discussion, Commissioner Shanor made a motion to refer the bylaw amendment to the Bylaws/Policies Committee for a recommendation at the April meeting. The motion was seconded and it passed.

There being no further business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
APRIL 27, 2007 MEETING MINUTES
Supreme Court Building, Santa Fe, NM**

MEMBERS PRESENT: Henry A. Alaniz
Gary D. Alsup
Erika E. Anderson
David M. Berlin
Andrew J. Cloutier
Carolyn L. Cochran
Danny W. Jarrett
Dennis E. Jontz
Richard M. Jacquez

Carla C. Martinez
Sandra E. Nemeth
Craig A. Orraj
Monica M. Ontiveros
Jessica A. Perez
Donald C. Schutte
Stephen S. Shanor
Hans William Voss
Carolyn A. Wolf

MEMBERS ABSENT: Daniel J. Behles
Beatrice J. Brickhouse
Virginia R. Dugan
Dominic E. Dutton

OTHERS PRESENT: Kris Becker
Joe Conte
Rob Koonce

Christine Morganti
Richard Spinello
Madonna Vandeventer

1. Approval of February 16, 2007 Meeting Minutes

Commissioner Cloutier moved to approve the February 16, 2007 meeting minutes as submitted. The motion was seconded by Commissioner Perez and it passed.

2. Finance Committee Report

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

- A. Reviewed accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- B. Reviewed and approved CLE's revised budget for 2007 and approved opening an investment account;
- C. Received the auditor's report from REDW. There was an increase in net assets. Revenues are increasing, but expenses are growing at a faster rate. This is the last year for the financial audit; will complete budget audit in the fall. Commissioner Cloutier made a motion to accept REDW audit and financial report, and the motion passed;
- D. Reviewed the audit RFP that will be sent out on May 15; the contract will now be a multi-year; appointed a committee to review the RFP language and the requirements of *Popejoy*; Commissioners Martinez, Cloutier and Voss and Madonna Vandeventer volunteered to serve on the committee, and staff will contact Sarah Singleton to assist with the review; and
- E. Recommended approval for the purchase of a new refrigerator in the amount of \$2,300 for the Professional Development Center to store drinks and food for meetings and seminars. Commissioner Wolf made a motion to approve the purchase; the motion was seconded and it passed.

3. Acceptance of Financials

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

4. Fee Waiver Requests

The Board considered six fee waiver requests. Commissioner Berlin made a motion to approve all of the requests; the motion was seconded and it passed.

5. Non-Partisan Judicial Elections Report and Discussion

Committee Chair Alaniz reported on the status of the Non-Partisan Judicial Elections Committee. He reported that Supreme Court Rule 24 speaks to the Board's role in that the Board has a responsibility to communicate commissioners' views to the Legislature, executive and judicial branch. This subject will be debated at the State Bar Annual Meeting, with the ultimate question being whether non-partisan elections for the judiciary would be beneficial to the public. The committee discussed the pros and cons of non-partisan elections during a meeting with Representative Al Park, including appointment and retention, that the state Constitution does not provide for run-off elections and the likelihood of removing politics from the process. The committee hopes to continue studying the issue and have legislation introduced in the 2009 session. Twelve states have some form of non-partisan judicial elections.

6. Section Activities

Joe Conte presented a request from the Business Law Section to partner with organizations outside of CLE for a program. Section bylaws specify that State Bar Sections must partner with the Center for Legal Education for programs. The Board discussed variances to this requirement, including under what circumstances sections might be permitted to work outside of the Bar, staff resources, finances, branding and quality control. The Board discussed that if a section disagrees with a decision by CLE not to partner with another group or do a section program, an appeals policy should be in place. Commissioner Shanor made a motion to have the Bylaws and Policies Committee review the issue; the motion was seconded and it passed.

7. Bylaws/Policies Committee Report

Committee Chair David Berlin reported on the March 29th meeting and requested the Board's approval of the following:

A. Amendment to State Bar Bylaws, Article IX, Committees & Sections, Section 9.1, Sections, to Coincide with the Section Bylaws to Allow Non-Attorneys to Join Sections

Section 9.1 Sections.

The Board shall create such sections within the State Bar as it shall deem advisable, or at the recommendation of the membership. A member of the State Bar who recognizes such a need shall submit to the Board the following for approval: 1) a petition signed by a minimum of 50 members; 2) proposed dues amount - charter members (petitioners) will automatically be assessed initial dues; 3) draft bylaws; and 4) the names of nine persons to serve as an initial board of directors from whom two shall be designated a chair and budget officer. Such sections shall be open to all members of the State Bar and non-voting associate members as specified in relevant section bylaws and shall be governed by policies established by the Board.

Commissioner Berlin made a motion to amend Section 9.1 as stated and the motion passed.

B. Amendment to Finance Committee Policy

At the February Board meeting, President Jontz expressed concern regarding the size of the committee and the frequent difficulty obtaining a quorum and requested the Bylaws/Policies Committee review the current composition of the Finance Committee and make a recommendation. The committee recommended adding an absenteeism clause. The Board discussed the non-Board member position and whether the absenteeism clause related to the at-large or all of the positions, and whether the vacant positions would be filled. Commissioner Wolf made a motion to send the policy back the Bylaws/Policies Committee for further review and amendments; the motion was seconded and it passed.

C. Family Law Section Bylaw Amendments

Commissioner Berlin made a motion to adopt the amendments to the Article VI of the section bylaws regarding liaison positions to make that provision consistent with other section bylaws; the motion was seconded and it passed.

D. Section Election Process

Commissioner Berlin made a motion to adopt the amendments to Article VII of the section bylaws to expedite and simplify the section elections process; the motion was seconded and it passed.

E. Amendment to State Bar Bylaws, Article IX, Section 9.3, Reports of Sections and Committees

Article IX, Section 9.3, of the State Bar Bylaws were amended to include that any State Bar committee that does not submit an annual report by December 31 will be subject to sunset pursuant to Section 9.4 of the bylaws. Thirty days' notice is required prior to approval, and a vote will be taken at the July meeting.

8. Sections/Committees Selected to Sunset

Pursuant to Article IX, Section 9.4, of the State Bar Bylaws, Annual Review of Sections and Committees, Commissioner Berlin made a motion to sunset the Client Relations Committee; the motion was seconded and it passed. Commissioner Berlin made a motion to continue the Indian Law Section, and the motion passed. President Jontz will send a letter informing the chairs of the decisions.

9. Out-of-State Member Liaison Report

Commissioner Berlin reported on communications with out-of-state members. He sent an e-mail to all active, out-of-state members, and received feedback on concerns as follows:

- Reciprocity – Out-of-state members favor reciprocal licensing;
- CLE – difficult to obtain professionalism credit since few states have this requirement;
- Many in the military requested dues fee waivers. Reservists who have been activated are waived; waivers for all military personnel will be explored.

10. Personnel Committee Report

Committee Chair Jessica Perez reported on the March 28th meeting and requested the Board's approval of the following:

A. Amendment to Inclement Weather Policy

Commissioner Perez made a motion to amend the inclement weather policy to follow the Second Judicial District, rather than Albuquerque Public Schools, for weather-related closings; the motion was seconded and it passed.

B. Domestic Partner Benefits

Commissioner Perez made a motion to adopt the new policy offering domestic partnership benefits to State Bar staff; the motion was seconded and it passed.

11. Appointment to Access to Justice

The Board appointed Michelle Giger to the Access to Justice Commission to fill a term expiring December 2008.

12. Appointments to DNA–People’s Legal Services, Inc., Board

The Board appointed Diandra D. Benally and Richard C. Wade to the DNA-People’s Legal Services, Inc., Board for two-year terms.

13. Fair Judicial Elections Committee

President Jontz announced that he has added Sandra Barnhart Y Chavez, Virginia Dugan, Hillary Noskin, and Rose Fragoso to the committee.

14. State Plan for Providing Civil Legal Aid to Low Income New Mexicans

The Board received a revised version of the State Pan for Providing Civil Legal Aid and was requested to approve the plan and recommend that the NM Supreme Court also approve the plan. Commissioner Wolf made a motion to approve the plan and recommend it to the Court; the motion was seconded and it passed.

15. Pro Hac Vice Reports

The Board received annual grant reports from the 2006 Pro Hac Vice Grant award recipients, including Legal FACS, Law Access, DNA-People’s Legal Services, NM Center on Law and Poverty, Senior Citizens’ Law Office, and the Native American Disability Law Center.

16. President’s Report

President Dennis Jontz reported on the following:

- He attended the Western States Bar Conference, where he was able to hear former Colorado Justice Rebecca Love Kourlis speak on advancement of the judicial system. She will speak at the Bar’s Annual Meeting on judicial reform. He also reported on the progress of the Judicial Advancement Committee, the purpose of which is to address ways to make litigation more efficient.
- He and Executive Director Joe Conte toured southern New Mexico, where he visited members in Hobbs, Roswell, Carlsbad, Alamogordo and Las Cruces over the course of three days. Topics discussed at these local meetings included:
 - Non-partisan judicial elections
 - Fair Judicial Elections Committee
 - Reciprocity
 - State Bar having a larger role in regulatory functions
- Planning for the Annual Meeting is coming together very well. Debate topics at the statutory portion of the meeting will include tort reform, reciprocity, and non-partisan elections. He also reported making personal phone calls to increase attendees and sponsors and requested the courts to vacate trials scheduled during the convention if the attorney would like to attend.

17. Executive Director’s Report

Executive Director Joe Conte reported on activities, outreach, meetings and projects from February through April and reviewed highlights of the State Bar newsletter prepared by senior staff. He requested approval to send a letter to the Disciplinary Board regarding including a link to disciplinary history on the members’ attorney finder Web pages to the Disciplinary Board’s Web site. Commissioner Wolf made a motion to send the letter to the Disciplinary Board; the motion was seconded and it passed. He noted that the Board meeting materials will be available online in the future unless commissioners request a hard copy.

18. 2008 Annual Meeting Report

President-Elect Craig Orraj reported that the 2008 Annual Meeting will be held at the Fairmont Scottsdale Princess, July 17-20, 2008. The resort is a five star property and the room rate of \$149 per night has been secured.

19. Division Reports

A. Senior Lawyers Division

SLD Delegate Dan Behles was absent and therefore no report was given for the Senior Lawyers Division.

B. Young Lawyers Division

YLD Chair Erika Anderson reported on the following:

- Junior Judges program in ABQ teaches grade school students how to make smart decisions. Will expand throughout the state to Las Cruces, SF and Grants;
- Choose Law program in middle schools and high schools encourages students to choose law as a profession. Partnering with HBA and UNM. Targeting end of May or fall;
- Law Day call-in in ABQ, Farmington, Roswell and Las Cruces this weekend;
- Summer Fellowships - awarded \$3,000 each to two student interns for unpaid positions in public interest law;
- Continuing Dismas House Life Skills Program;
- Held second YLD/UNM mentor social at a bowling alley; conducted mock interviews at UNM and met with UNM SBA president to discuss more involvement with law students;
- Conferences: ABA YLD conference next week in Montreal; Rocky Mountain Regional Conference - Roxanna and Erika gave a presentation on diversity; attended a conference in Oklahoma City and spoke on membership;
- Many YLD members applied for ABA board positions that are funded through the ABA and she will report at next meeting on those selected;
- Held brown bag lunches with federal lunches ABQ and Las Cruces;
- Encouraging YLD to attend Annual Meeting – 50 YLD signed up for rebate; they will be holding a reception Friday night at Annual Meeting;
- Activating FEMA for ABA - tornado relief for Clovis. Helpline will be set up by PLSD;
- Published YLD In Brief in Bar Bulletin; and
- Budget is on track.

C. Paralegal Division

Chair Carolyn Cochran submitted a written report and told the Board that the Division would send an e-blast to members stating that the Annual meeting registration discount expires May 1. The Division held two successful CLEs in March, one on Land Use in Albuquerque and one on Family Law in Las Cruces with the Rosner Chavez Law Firm. She also reported that the Division's FOCUS newsletter was published earlier in the month. Patricia McMillan resigned her position as Chair-elect. Robin Gomez has agreed to run and a special election will be held; ballots will be mailed next week and the results will in the end of May.

20. New Business

President Jontz requested an E-blast to members extending the early registration deadline for the Annual Meeting, and offering to waive cancellation fees for members who have registered and then are required to be in trial during the Annual Meeting.

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

**BOARD OF BAR COMMISSIONERS
JULY 12, 2007 MEETING MINUTES
Inn of the Mountain Gods, Mescalero, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Erika E. Anderson David M. Berlin Beatrice J. Brickhouse Andrew J. Cloutier Carolyn L. Cochran Virginia R. Dugan Dominic E. Dutton Richard M. Jacquez Danny W. Jarrett	Dennis E. Jontz Carla C. Martinez Sandra E. Nemeth Craig A. Orraj Monica M. Ontiveros Jessica A. Perez Donald C. Schutte Stephen S. Shanor Hans William Voss Carolyn A. Wolf
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MEMBERS ABSENT: Daniel J. Behles

OTHERS PRESENT:	Judge Christina Armijo Mary Ann Baker-Randall Kris Becker Ian Bezpalko Joe Conte Elege Harwood (by phone)	Rob Koonce Christine Morganti Terry Revo Richard Spinello Madonna Vandeventer
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CONSENT ITEMS

1. **Approval of April 27, 2007 Meeting Minutes**
2. **Acceptance of Financials**
3. **Executive Director's Report**
4. **Division Reports**
 - B. **Young Lawyers Division**
 - C. **Paralegal Division**

Commissioner Berlin made a motion to approve/accept consent agenda items 1 – 4B and C; the motion was seconded and it passed. Commissioner Dugan made a motion to remove the Senior Lawyers Division report from the consent items; the motion was seconded and it passed.

A. Senior Lawyers Division

Senior Lawyers Division Chair Terry Revo thanked the Board for the funding for the oral history project and reported that the Division is focusing on interviewing members who are older or who have health problems. Justice Petra Maes, Justice Gene Franchini, Mel Robins and John Robb have been interviewed to date, and the Division will conduct at least three more interviews this year. Mr. Revo also requested the Board's approval for the Division to support an ABA resolution which will be presented for approval at the ABA Annual Meeting in August. The resolution requested bar associations and courts to encourage lawyers to plan for law practice contingencies by designating in advance another lawyer who is willing to assume the lawyer's practice. Commissioner Orraj made a motion to approve the request; the motion was seconded and it passed. Commissioner Orraj suggested that Mr. Revo speak with ABA Delegates Mary Torres and Chuck Vigil for their support as well.

5. Executive Session

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. In open session, President Jontz reported that the Board deferred a decision on a salary increase for Executive Director Joe Conte until the ABA Salary Survey for executive directors is received.

6. Finance Committee Report

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

- A. Approved the April 27, 2007 meeting minutes;
- B. Accepted the May 2007 financials and executive summaries;
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- D. Reported that the lease on the State Bar vehicle resulted in a savings of \$1,358 over a one-year period;
- E. Approved the audit RFP for a one-year contract with the option of extending it two years; the RFP will be sent out on July 20 and proposals will be due September 20;
- F. Reported that the Lawyer Referral for the Elderly Program received a \$90,000 grant from the NM Civil Legal Services Commission to provide enhanced LREP services to New Mexico seniors; a new, full-time LREP staff attorney and an administrative clerk will be hired;
- G. The Finance Committee will meet on September 27 to review the 2008 Budget, which will be presented to the Board for approval at the September 28 meeting; the disclosure document will be printed on November 12 and challenges will be due December 12;
- H. Reported that the Bar Center building will be paid off in 2009, rather than 2008, with 32 payments remaining; and
- I. Reported on the usage of an additional \$106,000 of cash reserves in 2006 dealing with fixed assets and actual revenues from dues late fees, CLE administrative support, directory sales, and PDC room rentals, and actual expenses for legal fees, *Bar Bulletin* labor, postage and delivery and PLSD support.

7. Bylaws/Policies Committee Report

Chair David Berlin reported on the June 22nd meeting and requested the Board's approval of the following:

A. Amendment to State Bar Bylaws, Article IX, Section 9.3, Reports of Sections and Committees

The committee discussed the annual report requirement for sections and committees and decided to add all of the sections and committees that did not submit an annual report by December 31 to the sunset list. The State Bar Bylaws were amended to include this provision for which thirty days' notice was provided at the April meeting.

B. Amendments to Section Bylaws, 10.3 Section Activities

At the April 27th meeting, the Board discussed whether sections are in violation of their bylaws if they want to work with outside groups to cosponsor programs. The Board referred it to the Bylaws/Policies Committee to review section 10.3 of the section bylaws and make a recommendation. The committee recommended approval of the following amendments:

Section 10.3 CONTINUING LEGAL EDUCATION. All programs must be co-sponsored with the State Bar Center for Legal Education and ~~must be approved by the Board of Bar Commissioners or its delegate~~ before announcement or advertisement of the program. The Chair shall announce a CLE Liaison to work with the CLE Director for development of programs. Should CLE decline a program, the section may appeal to the Board of Bar Commissioners.

C. Amendments to Finance Committee Composition

Pursuant to the Board's request, the Bylaws/Policies Committee reviewed the composition of the Finance Committee and added an absenteeism clause to the policy. The Board referred it back to the committee for further amendments regarding the non-Board member and clarification as to whether the absenteeism clause related to the at-large or all of the positions and whether, once the positions are vacated, new members are appointed by the president. The committee made further amendments and requested approval of the revised policy.

D. Amendments to Committee Policy Adding an Absenteeism Clause

Staff proposed an amendment to the current committee policy adding an absenteeism clause. The Bylaws/Policies Committee recommended additional amendments and requested the Board's approval of the revised policy.

E. Amendment to YLD Bylaws

YLD requested approval of an amendment to the YLD Bylaws, Article VI, to define absences and the Bylaws/Policies Committee recommended approval of the below amendment:

Section 6.6. Forfeiture of Position. If a Director is absent except for reasons occasioned by physical or mental disability from three (3) consecutive Board of Directors meetings or is absent for a total of four (4) Board of Directors meetings in any term year, his or her term shall terminate immediately. For purposes of Section 6.6, "absence" from a meeting shall be defined as attendance for less than fifty (50) percent of the meeting, whether in person or telephonically, provided that at least thirty (30) days advance notice of such meeting was given. The position vacancy shall be filled pursuant to Section 6.1.

F. Amendment to Web Advertising Policy

Staff recommended that advertising not be permitted on the State Bar Web site and the Bylaws/Policies Committee recommended amending the current policy to reflect that change as follows:

"Advertising will not be permitted on the State Bar of New Mexico Web site with the exception of the attorney firm finder, the products and services directory and the alliance program (companies that provide products and discounts to State Bar members)."

G. Amendments to State Bar Bylaws, Article XIII, Appointments, Section 13.1

The rules of the newly created Access to Justice Commission, the Civil Legal Services Commission and the Client Protection Fund Commission require the State Bar to make appointments to those commissions, and the appointments have been incorporated into the State Bar Bylaws for which thirty days' notice is required prior to approval. A vote will be taken at the September meeting.

H. Amendments to Health Law Section Bylaws

The Health Law Section requested changes to its section bylaws regarding student board members, and the Bylaws/Policies Committee recommended approval of the amendments.

I. Amendment to Natural Resources, Energy & Environmental Law Section Bylaws

The Natural Resources, Energy and Environmental Law Section requested approval of a bylaws revision. The section's bylaws contained a provision allowing student members to join the section and was created before the State Bar began offering a student membership. The proposed revision eliminates the discrepancies that existed between the section and the State Bar student memberships, and the committee recommended approval of the amendment. Following discussion, Commissioner Wolf moved to table the item to the September meeting and refer it to the Bylaws/Policies Committee for further review.

Commissioner Berlin made a motion to approve items A through H with the exception of item G, and the motion passed.

8. Appointment to Civil Legal Services Commission

One vacancy existed on the Civil Legal Services Commission. A notice was published in the *Bar Bulletin*, and Cindy Gray and George Kraehe submitted letters of interest which were included in the materials. Following a vote by secret ballot, Cindy Gray from Farmington was appointed to the Civil Legal Services Commission for a three-year term.

9. Family Law Section Survey Request

Chair Elege Harwood presented the Family Law Section's survey and requested the Board's approval to survey the entire membership regarding understanding family law and resources available to broaden their understanding. Following discussion, Commissioner Wolf made a motion to approve the survey; the motion was seconded and it passed. Commissioner Cloutier expressed concern regarding other sections wanting to survey the membership and requested that the subject line of the e-mail be such that those who do not practice family law may delete the e-mail without opening it.

10. Discuss Bigby Auditorium Plaque

Executive Director Joe Conte reported that he has received more than a dozen complaints regarding the wording on the Bigby plaque outside of the Auditorium being offensive to women. Mr. Bigby passed away in 1999, and it is unknown whether or not his donation was conditional on the wording of the inscription on the painting of his wife. Staff researched the original wording for the plaque and found other potential inscriptions in the file from 1992. Following discussion, Commissioner Wolf made a motion to attempt to contact Mr. Bigby's daughter to inquire about changing it to one of the alternatives; the motion was seconded, but failed with a vote of eleven to seven.

11. President's Report

President Jontz reported on the following:

A. Regulatory Issues

He reminded the Board that he requested the Supreme Court to look at the State Bar having more to do with regulatory issues and asked for the Board's support of this effort. He noted that there should be more than one appointment on commissions that have to do with the regulation of law, and he would like to present a resolution for the Board's approval at the September meeting.

B. Annual Meeting

He reminded the Board that the Annual Meeting is the focal point of the State Bar and requested more involvement and leadership by the Board during the Annual Meeting this year. He reported that attendance was at a near record of over 600.

C. Other State Bar Annual Meetings

He attended the Texas and Arizona Bar Annual Meetings last month. He noted that the Texas Bar Annual Meeting consisted of all track programming and Arizona didn't have any dinners and was similar to the format of our Annual Meeting.

D. Jackrabbit Bar Conference

He reported that the Jackrabbit Bar Conference is a conference of the western bar associations. He noted that Commissioner Dugan will be chair in 2009 and the conference will be held in New Mexico.

12. 2008 Annual Meeting/Site Visit Report

President-elect Craig Orraj reported on the site visit to the Fairmont Scottsdale Princess and plans for the 2008 Annual Meeting. He reported that it is a beautiful resort destination with many activities and reasonable room rates at \$149. He also reported on the CLE & Sand trip planned for the last week in November of 2008 to Tulum, Mexico. It is an all-inclusive resort for \$155/person per night.

13. Popejoy Report

Commissioner Carla Martinez reported on the meeting/discussion regarding the *Popejoy* requirements and the audit RFP. She, Commissioner Cloutier, Richard Spinello, Madonna Vandeventer and Executive Director Joe Conte reviewed the requirements of and the caseholdings related to *Popejoy* and had a discussion with Sarah Singleton, and it was decided to leave the requirements as is.

14. Issues Facing the Profession Committee Report

President Jontz reported that he appointed a committee to identify issues facing the profession. The committee prepared a report, which was included in the materials, for the Board's review and consideration.

15. Judicial Reform/Advancement Committee Report

President Jontz reported that he appointed a committee to look at judicial reform. Pat Sullivan is the chair and the committee met several times and has been working hard. The report and proposed rule is part of the hot topics to be debated/discussed during the Annual Meeting.

16. Supreme Court Boards and Committees Liaison Reports

Commissioners reported on meetings and activities of the Supreme Court Boards and Committees on which they serve as liaisons. It was noted that none of the liaison positions are voting and President Jontz stated that he will request the Court to make them voting positions.

17. Bar Commissioner District Reports

Commissioner Berlin reported that he scheduled a meeting with the 35 out-of-state members attending the Annual Meeting to discuss and ascertain their needs from the State Bar. Commissioner Cloutier reported that the Fifth Judicial District Nominating Commission again sent only one name to the Governor for selection despite the recent ruling by the Supreme Court.

18. New Business

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

**BOARD OF BAR COMMISSIONERS
SEPTEMBER 28, 2007 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Erika E. Anderson Daniel J. Behles David M. Berlin Beatrice J. Brickhouse Andrew J. Cloutier Carolyn L. Cochran Virginia R. Dugan	Dominic E. Dutton Dennis E. Jontz Carla C. Martinez Sandra E. Nemeth Craig A. Orraj Jessica A. Perez Stephen S. Shanor Hans William Voss Carolyn A. Wolf
MEMBERS ABSENT:	Richard M. Jacquez Danny W. Jarrett Monica M. Ontiveros	
OTHERS PRESENT:	Mary Ann Baker-Randall Kris Becker Cristen Conley Joe Conte Rob Koonce Rebecca Liggett	Christine Morganti Brian Pori Richard Spinello Phyllis Subin Madonna Vandeventer

CONSENT ITEMS

1. **Approval of July 12, 2007 Meeting Minutes**
2. **Acceptance of July Financials**
3. **Division Reports**
 - A. **Senior Lawyers Division**
 - B. **Young Lawyers Division**
 - C. **Paralegal Division**

Commissioner Dugan made a motion to approve/accept consent agenda items 1 – 3; the motion was seconded and it passed.

ACTION ITEMS

4. **Executive Session**

Commissioner Berlin made a motion to go into Executive Session to discuss a personnel issue. The motion was seconded and it passed.

5. **Finance Committee Report**

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

- A. Approved the July 12, 2007 minutes;
- B. Accepted the July 2007 financials and executive summaries;
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;

- D. Reviewed the audit RFPs and interviewed three firms: Meyners + Co., Atkinson and Company, and REDW, and recommended REDW; and
- E. Reviewed the 2008 Budget and evaluated the reduction in cash reserves and discussed the mortgage on the Bar Center. The Bar has been paying \$16,300 per month in order to pay off the mortgage early in January of 2009, and the committee recommended reverting to the loan amount of \$15,000 per month, which will result in the mortgage being paid off in 37 months, or October of 2011, and a savings of \$30,000 in mortgage payments. Commissioner Cloutier made a motion to reduce the mortgage payment immediately; the motion was seconded and it passed.

6. Approval of 2008 Budget Worksheet

Secretary-Treasurer Steve Shanor reported on the significant changes in revenues and expenses for the 2008 Budget Worksheet as follows:

Revenues:

- Forecast a four percent decrease in revenues (\$90,000);
- Change in administrative fees to begin charging CLE for general counsel and executive director support;
- Auditorium rentals decreased due to loss of UNM evening classes;
- Decreased *Bar Bulletin* revenues to make revenues more in line with 2006;
- LTI revenue (bi-annual program); and
- \$79,000 for the Client Protection Fund is no longer in State Bar Budget.

Expenses:

- BBC operational expenses increased as a result of the increase in travel (the mileage reimbursement rate increased from .33 to .485, and three nights at the Scottsdale Princess for the Annual Meeting);
- Decrease in audit due to REDW's bid;
- Added new category for general counsel under State Bar;
- Decrease in professional development center due to loss of UNM evening classes; and
- Eliminated the Summer Law Clerk in the amount of \$6,000; the first-year law student hired by the Bar this year left for a better opportunity and it was decided that a law firm or agency may be a better opportunity for a law student than the State Bar; the \$6,000 was transferred to building improvements and upgrades.

Commissioner Alaniz made a motion to approve the 2008 Budget Worksheet; the motion was seconded and it passed.

7. Auditor Selection

The Finance Committee reviewed the audit RFPs submitted and interviewed the following three firms: Atkinson and Co., Meyners + Co., and REDW. Atkinson's proposal was for \$67,700, Meyners + Co. was for \$54,720, and REDW was for \$36,960. The committee noted that the only discrepancy between the two firms that had previously done the Bar's audit, Meyners + Co., and REDW, was the amount of hours proposed. The committee decided to recommend REDW. Commissioner Alaniz made a motion to accept the committee's recommendation to award the audit contract to REDW for one year with a two-year option; the motion was seconded and it passed. Commissioner Martinez abstained from the vote.

8. Approval of 2008 Dues and Licensing Form

The 2008 Dues and Licensing Form was distributed at the meeting. The new Supreme Court requirement that attorneys must provide a street address was included on the form. It was noted that the Bar will keep the address confidential, if requested by the member and if the address is different from the address of record. Executive Director Joe Conte requested a change to the due date to January 1, rather than February 1, as that is the date when the late fee goes into effect. Commissioner Wolf made a motion to approve the dues form with the change; the motion was seconded and it passed.

9. Bylaws/Policies Committee Report

Chair David Berlin reported on the September 17th meeting and requested the Board's approval of the following:

A. Amendments to Division Bylaws and Committee Policy

At the July meeting, the Board approved an amendment to add an appeals provision to the section bylaws 10.3, Continuing Legal Education, regarding cosponsorships with CLE on programs. The change was also incorporated into the Young Lawyers and Senior Lawyers Divisions Bylaws and the Committee Policy, and the committee recommended approval of the proposed amendments. Commissioner Berlin made a motion to approve the amendments and the motion passed.

B. Amendment to State Bar Bylaws, Article IX, Section 9.1, Sections, and Section 9.2, Committees

At the July meeting, the Board requested the Bylaws/Policies Committee to review those sections bylaws containing provisions for student members and clarify whether student members can vote at section meetings. The committee determined that only attorneys should vote at section and committee meetings and amended the State Bar Bylaws, Article IX, Section 9.1, Sections, and Section 9.2, Committees (see amendments attached behind Tab 9B). Thirty days' notice is required prior to approval, so a vote will be taken at the November meeting. Following approval by the Board, staff will amend all of the section bylaws containing provisions for student members to make them consistent and comply with the bylaw amendment.

C. Amendment to State Bar Bylaws, Article IX, Section 9.5, Commissions

The committee discussed whether the State Bar can create a commission and how to involve the Supreme Court in that process. At the request of General Counsel Richard Spinello, a proposed bylaw amendment was distributed at the meeting. Thirty days' notice is required prior to approval, so a vote will be taken at the November meeting. The Board discussed the difference between committees and commissions and the purpose of a commission. President-elect Orraj stated that he wants to focus on public outreach during his year and that non-lawyers can be appointed to commissions. He stated that he would like to make the Public Legal Education Committee a commission, and in order to make it more effective, it needs non-lawyers and their resources. The Board requested amendments regarding an explanation of the purpose/charge, proposed makeup of the commission with generic positions, chair, terms, time period of the commission, and to provide the Board with 30 days' notice prior to the creation of a commission. Chair Berlin will incorporate the changes and the revised bylaw will be forwarded to the Board prior to the next meeting.

D. Amendment to Finance Committee Policy

The auditors requested a provision for an Audit Committee be added to the State Bar policies, and the committee recommended approval of an amendment to the Finance Committee Policy for the committee to also act as an audit committee. Commissioner Berlin made a motion to approve the amendment to the policy and the motion passed.

E. Amendments to State Bar Bylaws, Article XIII, Appointments, Section 13.1

The rules of the newly created Access to Justice Commission, the Civil Legal Services Commission and the Client Protection Fund Commission require the State Bar to make appointments to those commissions, and the appointments have been incorporated into the bylaws behind Tab 9E, for which thirty days' notice was provided at the July meeting. Commissioner Berlin made a motion to approve the amendments and the motion passed.

10. Personnel Committee Report

Chair Jessica Perez reported on the September 17th meeting and requested the Board's approval of the following:

Revised Smoking at the Workplace Policy

The current policy was revised to comply with the new state law requirement which permits smoking at a reasonable distance from a public building, and the committee recommended approval of the following language: "Smoking is only permitted 15 feet from any building access." Commissioner Perez made a motion to approve the revised policy. Commissioner Martinez requested an amendment to the motion to amend the policy to include the words "at least" 15 feet from any building access. The amendment was accepted, and the motion passed.

11. Nomination of 2008 Board of Bar Commissioners Officers

President Jontz requested nominations for the 2008 Board officer positions of Secretary-Treasurer, Vice President and President-elect. Commissioner Berlin made a motion to nominate Commissioner Perez for Secretary-Treasurer; Commissioner Orraj made a motion to nominate Commissioner Shanor for Vice President; and Commissioner Martinez made a motion to nominate Commissioner Alaniz for President-elect. Commissioner Cloutier seconded the motions, and all of the nominees were elected by acclamation.

12. Reciprocity Rule

The Executive Summary on Reciprocity and proposed Reciprocity Rule were included in the materials. President Jontz noted that he has talked with members around the state and discussed several controversial issues, including reciprocity, with them. He stated that the Board's role is to engage members and get them thinking about important issues. Reciprocity helps the legal economics for New Mexico attorneys and helps clients by enabling attorneys to practice in different districts and courts; and that arguments against reciprocity are more applicable towards *pro hac vice*.

Commissioner Berlin requested an amendment to the proposed rule prior to the meeting making attorneys admitted pursuant to the rule subject to the same rules applicable to attorneys who take and pass the New Mexico bar exam, including IOLTA, pro bono and case assignments or appointments by the various judicial districts in the State of New Mexico. President Jontz stated that they would be subject to the same ethical and professional standards. A resolution in support of forwarding the proposed rule to the Supreme Court, with Commissioner Berlin's amendment incorporated, was distributed for the Board's approval. Various commissioners spoke for and against the reciprocity. Following discussion, Commissioner Nemeth made a motion to support the resolution; the motion was seconded and it passed.

13. State Bar Regulatory Involvement

President Jontz stated that he would like the State Bar to have more regulatory involvement and for the Supreme Court to delegate to the State Bar to make the appointments to the Supreme Court rules committees. A proposal with two regulatory recommendations was distributed to the Board for approval. The first recommendation is to request a modification to Rule 23-106 (E) NMRA to change the one liaison appointment by the Board of Bar Commissioners to a full member appointment for all of the following Supreme Court Standing Committees:

- Courts of Limited Jurisdiction
- Rules of Civil Procedure for the District Courts
- Appellate Rules Committee
- Rules of Evidence Committee
- Uniform Jury Instructions – Civil
- Uniform Jury Instructions – Criminal

- Rules of Criminal Procedure for the District Courts
- Children Court Rules
- Board Governing the Reporting of Judicial Proceedings
- Code of Judicial Conduct Committee
- Metropolitan Court Rules Committee

The second recommendation is to request a modification to Rule 23-106 (B) NMRA to allow the Supreme Court to issue a designation order which will require the Board of Bar Commissioners to make all future appointments to the following Supreme Court Standing Boards and Committees: Board of Bar Examiners, Disciplinary Board, MCLE, Board of Legal Specialization, and Code of Professional Conduct Committee.

President Jontz noted that in addition to Wisconsin, New Mexico is the only other state bar without regulatory functions. Since the Supreme Court is the final arbiter, it makes sense for the State Bar, rather than the Supreme Court, to appoint the committee members and collectively, the bar commissioners know most of the attorneys in the state, so the Board would be able to make an informed decision. The same process would be followed with regard to the business of the boards and committees and issues before those boards or committees would not come to the Board of Bar Commissioners. The Board would only be making the appointments. Following discussion, Commissioner Wolf made a motion to adopt the proposal with the two recommendations; the motion was seconded and it passed.

14. Children's Law Section Request

Chair Rebecca Liggett and Phyllis Subin requested the Board's approval of a Resolution Recognizing Juvenile Justice System Attorneys upon the 40th Anniversary of the U.S. Supreme Court's Decision In re Gault. Mr. Liggett noted that the decision changed the way children are brought before courts for delinquent offenses. She also noted that the Criminal Law Section endorsed the Resolution in addition to the Children's Law Section. Commissioner Alsup made a motion for the Board to adopt the resolution. Commissioner Cloutier stated that he supports recognizing attorneys, but cautioned the Board on taking a position on controversial issues. General Counsel Richard Spinello stated that *Keller* addresses these type of issues and this would be acceptable under *Keller*. Following discussion, the motion was seconded and it passed.

15. Sections/Committees Selected to Sunset

Pursuant to the new sunset provision in the State Bar Bylaws for inactive sections/committees, the Criminal Law Section and the Public Legal Education Committee were requested to appear at this meeting to petition the Board for continuance. A petition from PLEC Chair Cristen Conley was included in the materials. No petition was received from the Criminal Law Section.

PLEC Chair Cristen Conley stated that it is a little strange to require volunteers to justify the existence of a volunteer group. She thought the process was a little bit backwards for the care and feeding of volunteers. Ms. Conley touched on the highlights of her proposal stating that the two main services that the committee provides to the public are the high school essay contest and public education pamphlets. She stated that she did not know why a speakers bureau did not materialize. She also was not informed as to how the educational pamphlets were being distributed and the number of pamphlets that exist. She stated that Mr. Spinello met with the committee and asked its members to consider becoming a commission instead of a committee. Ms. Conley stated that the suggestion was well received by the committee. Commissioner Berlin made a motion to continue PLEC until President-elect Orraj's commission on public legal education is created. Several members of PLEC would be appointed to the commission. The motion was seconded and it passed.

Criminal Law Section Chair Brian Pori explained the difficulty that arose when the Prosecutors Section split off from their section, so the section is basically the NMCDLA of the State Bar. The section's main goals are to: 1) produce a newsletter to keep section members up-to-date on recent criminal cases; 2) hold CLE programs with prosecutors section; and 3) maintain a database of information for metro court summarizing police arrest practices. Mr. Pori requested the Board's approval to continue the section. Commissioner Dutton made a motion for the section to continue; the motion was seconded and it passed.

16. Board of Bar Examiners Request

Chair Raymond Hamilton sent a letter requesting the Board's approval of allowing the Board of Bar Examiners (BBE) to appoint a liaison to the Board of Bar Commissioners. In his letter, he stated that both boards have issues of mutual concern and it would be beneficial for the BBE to have a better understanding of the Board's position on those issues. President Jontz noted that Board meetings are open to the public and that anyone can attend. Following discussion, Commissioner Dugan made a motion to send a letter to the BBE letting them know that they can appoint a non-voting liaison to the Board of Bar Commissioners and that the liaison is welcome to attend all of the Board meetings. The motion was seconded and it passed. General Counsel Richard Spinello suggested appointing a working group of the Board of Bar Commissioners, the Board of Bar Examiners and the Disciplinary Board to discuss overlapping issues, but no action was taken at the meeting.

DISCUSSION/INFORMATIONAL ITEMS

17. President's Report

President Jontz reported on the following:

- **Legislative Activity**
He stated that all of the other state bars monitor the legislative process and discuss issues at regional bar conferences. He recommended appointing a committee to research what would be involved and determining items appropriate for lobbying under Rule 24 and to develop a proposal for the next meeting. Commissioner Dugan made a motion to appoint a Legislative Committee; the motion was seconded and it passed. Commissioners Anderson, Perez, Orraj and Richard Spinello volunteered to serve on the committee.
- **Local Bar Meetings**
He visited with local bars members in Grants and Gallup and the meetings were well-attended. He will be visiting Las Vegas and Raton in October and Santa Fe in November.
- **CLE at Sea Alaskan Cruise**
There were 80 attendees and they received good reviews.
- **NCBP Annual Meeting in San Francisco**
He noted that the programming was very good this year.
- **Utah State Bar Annual Meeting**
The Utah State Bar Annual Meeting was held in Sun Valley, Idaho. He noted that their meeting is very institutionalized and their attendance is between 300 and 400 every year.
- **Judicial Nominating Commissions**
He has appointed several nominating commissions over the last month, and Commissioner Shanor served on the Supreme Court Nominating Commission.
- **Judicial Advancement**
He reported that there was a misunderstanding about the draft report that was distributed at the Annual Meeting and that some members thought it was a final report. He hopes the committee will continue working on important issues.

18. Executive Director's Report

Executive Director Joe Conte's report and September State Bar Newsletter were included in the materials. He reported on the following:

- Strategic Plan – the draft plan was distributed to the Board; the directors held a retreat and took information from the mission and goals and also did some internal planning with the staff to develop operational plans over one, three and five years.
- He has been working on an ABA Judicial Evaluation Survey with President-elect Orraj and Mary Torres.
- He was asked by the ABA to conduct an organizational assessment of the New Hampshire State Bar in November.
- A staff retreat was held this month and the executive director and communications director from the Wisconsin State Bar came to present a program on "Creating Your Culture," which they presented at the NABE Annual Meeting in Hawaii last year.

19. Bar Commissioner District Reports

President Jontz requested that commissioners provide a report on issues in their districts at Board meetings. Commissioners reported that they discussed reciprocity with their constituents. President-elect Orraj reported that the new officer swearing-in ceremony will be held at the Supreme Court on December 12 and a reception will follow at the Governor's Mansion.

20. 2007 Board of Bar Commissioners Election Schedule

The 2007 BBC election schedule, which includes a list of commissioners whose terms will be ending this year, was included in the materials.

21. NM Medical Review Commission 2006 Annual Report

The NM Medical Review Commission 2006 Annual Report submitted by Richard Civerolo was included in the materials.

22. New Business

The Taxation Section requested an amendment to their bylaws for the chair and chair-elect to serve two consecutive terms. Commissioner Cloutier made a motion to approve the request. Commissioner Wolf noted that the amendment may be temporary, as the Bylaws/Policies Committee will be reviewing all of the section bylaws to make them consistent. The motion was seconded and it passed.

**BOARD OF BAR COMMISSIONERS
NOVEMBER 30, 2007 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Erika E. Anderson Daniel J. Behles Carolyn L. Cochran Virginia R. Dugan Dominic E. Dutton Richard M. Jacques	Danny W. Jarrett Dennis E. Jontz Carla C. Martinez Craig A. Orraj Jessica A. Perez Stephen S. Shanor Hans William Voss Carolyn A. Wolf
MEMBERS ABSENT:	David M. Berlin Beatrice J. Brickhouse Andrew J. Cloutier	Sandra E. Nemeth Monica M. Ontiveros
OTHERS PRESENT:	Mary Ann Baker-Randall Kris Becker Justice Richard C. Bosson Joe Conte Patricia Galindo Elizabeth Garcia Robin Gomez Kay Homan Rob Koonce	Stephen Kovach Christine Morganti Judge John Pope Richard Spinello Katie Terry Norman Thayer Howard Thomas Madonna Vandeventer

CONSENT ITEMS

1. Approval of September 28, 2007 Meeting Minutes

Commissioner Dutton made a motion to remove the minutes from the consent agenda; the motion was seconded and it passed. Commissioner Martinez requested amendments to the minutes to reflect that there was opposition to the reciprocity rule and regulatory proposal and to record the votes taken at the meeting in the minutes. The motion was seconded and it passed.

2. Acceptance of September Financials

3. Executive Director's Report and November State Bar Newsletter

4. Approval of Formation of New Intellectual Property Section

Pursuant to the State Bar Bylaws, Article IX, Section 9.1, Sections, proposed bylaws for the formation of a new Intellectual Property Section were included in the materials, and a petition signed by 50 active members was distributed at the meeting.

5. 2008 Board of Bar Commissioners Meeting Schedule

The 2008 Board meeting schedule is as follows: February 29, May 9, July 17 (in conjunction with the Annual Meeting in Scottsdale), September 12 (Budget Worksheet meeting), October 24, and December 12.

6. Approval of 2008 Client Protection Fund Budget

Commissioner Dutton made a motion to approve/accept consent agenda items 2 – 6; the motion was seconded and it passed.

ACTION ITEMS

7. Finance Committee Report

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

- A. Approved the September 27, 2007 minutes;
- B. Accepted the September 2007 financials and executive summaries; reported that the professional development center and *Bar Bulletin* advertising are under budget and the BBC line item is over budget due to increased annual meeting expenses and all of the officers attending national conferences (two officers are budgeted on a rotational basis for national conferences in next year's budget);
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- D. Recommended a new health insurance plan for the State Bar staff with increased co-pays of \$25/\$35/\$500 to help offset the 20 percent increase in health insurance costs; the new plan will cost an additional \$5,500 over the amount budgeted and will be taken from the personnel line item; Commissioner Alsup made a motion to approve the new health insurance plan for staff and to cover the additional cost of \$5,500; the motion was seconded and it passed;
- E. Discussed the D & O insurance policy and whether to increase the coverage limit from one million to two million and referred it to the Bylaws/Policies Committee and Commissioner Orraj to review with Farmers Insurance and provide a recommendation;
- F. Discussed a request to donate 50,000 frequent flyer miles of the State Bar to assist pro bono attorneys with travel expenses to the Immigration Court in El Paso and recommended approval; Commissioner Behles made a motion to approve the request; the motion was seconded and it passed; and
- G. Discussed a request to send members of the Fair Judicial Elections Committee to a judicial elections campaign workshop in Dallas in January; the Open Society Institute will cover the hotel and meal costs; Commissioner Dugan made a motion to cover airfare for two committee members and one additional staff member or officer; the motion was seconded and it passed.

8. Bar Commissioner District and Division Reports

Commissioners reported on local bar meetings, issues discussed and events and activities in their districts and divisions.

9. Appointment to Board of Bar Commissioners from the Fifth Bar Commissioner District

A vacancy was created in the Fifth Bar Commissioner District due to Don Schutte's appointment to a judgeship. A notice was published in the *Bar Bulletin*, and Nancy G. English submitted a letter of interest. Commissioner Alsup made a motion to appoint Nancy G. English for the remainder of Don Schutte's term through December 2008. The motion was seconded and it passed.

10. Appointment to Client Protection Fund Commission

A notice was published in the *Bar Bulletin* for one position on the Client Protection Fund Commission. Daniel J. O'Brien and Ronald T. Taylor submitted letters of interest. Following a vote by secret ballot, Daniel J. O'Brien was appointed to the Commission for a three-year term.

11. Appointments to New Mexico Legal Aid Board

A notice was published in the *Bar Bulletin* for three positions on the New Mexico Legal Aid Board. Two of the appointments are one-year terms and one appointment is a two-year term. One of the appointees needs to be a member of and recommended by the Indian Law Section. A notice was published in the *Bar Bulletin* and the following submitted letters of interest:

- A. Mark T. Baker (Indian Law Section recommendation)
- B. Claire Dickson
- C. Paula I. Forney
- D. Elizabeth J. Gutierrez
- E. Christopher S. Ray

Following a vote by secret ballot, Mark T. Baker with the Indian Law Section, Paula I. Forney and Elizabeth J. Gutierrez were appointed to the New Mexico Legal Aid Board.

12. Bylaws/Policies Committee Report

In Chair David Berlin’s absence, Commissioner Jessica Perez reported on the committee’s November 27th meeting and requested the Board’s approval of the following:

A. Amendment to State Bar Bylaws, Article IX, Section 9.5, Commissions

The Bylaws/Policies Committee discussed whether the State Bar can create commissions and how to involve the Supreme Court in that process. A proposed bylaw amendment was presented at the September meeting for which thirty days’ notice was required prior to approval. The Board requested amendments at the meeting and the revised bylaw was e-mailed to the Board following the meeting. Commissioner Perez made a motion to approve the bylaw amendment, and the motion passed.

B. Amendment to State Bar Bylaws, Article IX, Section 9.1, Sections, and Section 9.2, Committees

At the July meeting, the Board requested the Bylaws/Policies Committee to review those sections’ bylaws containing provisions for student members and clarify whether student members can vote at section meetings. The committee determined that only attorneys should vote at section and committee meetings and amended the State Bar Bylaws, Article IX, Section 9.1, Sections, and Section 9.2, Committees. Following the meeting, Kay Homan with the Paralegal Division expressed concern that the new bylaw amendment would preclude paralegals from voting at section and committee meetings and requested that it be revisited. The committee revisited the bylaw amendment and its position remained the same, as liaisons cannot vote at Board or other meetings. Commissioner Perez made a motion to approve the bylaw amendment.

Kay Homan and Carolyn Cochran spoke in opposition to the amendment stating that paralegals serve on several sections and committees and they would not want to participate if they could not vote. Executive Director Joe Conte added that our committees would be lost without paralegals and all of the work they do. Commissioner Behles suggested limiting it to students not being able to vote, but not paralegals. He noted that if the paralegals are being paid mileage to attend meetings, it’s inconsistent to not allow them to vote. Following a vote of five to eight, the motion failed.

C. Family Law Section Proposed Bylaw Amendment

The Family Law Section Board requested an amendment to their bylaws as follows to allow the chair to serve more than one term. (At the September meeting, the Board approved a similar amendment for the Taxation Section.)

7.2 CHAIR. The Chair-Elect shall automatically succeed to the office of Chair. He/she shall serve a term of one (1) year and may not again accede to that office. In the event the office of Chair-Elect shall be vacant, then a Chair shall be elected in the manner set forth in Section 7.1.

Commissioner Perez made a motion to approve the bylaw amendment, and the motion passed.

D. Discussion Regarding Quorums for Committees

The Bylaws/Policies Committee discussed the Committee Policy and whether the following language should be changed to a quorum vote of the entire committee membership or leave it as is: "Committee recommendations for consideration by the Board of Bar Commissioners shall be made by a majority of a quorum present." The committee decided to leave the language as is and added a new provision regarding e-mail voting as follows: If an e-mail vote is taken, then a majority of the full committee is required.

Commissioner Perez made a motion to approve the new provision, and the motion passed.

13. Personnel Committee Report

Chair Jessica Perez reported on the committee's November 27th meeting and requested the Board's approval of the revised Computer, Internet, Intranet and Online Services Policy and Record Retention and Disposal Policies, which were distributed at the meeting. Commissioner Perez made a motion to approve the revised policies, and the motion passed. The committee also discussed the 20 percent increase in health insurance costs for staff and discussed a Health Reimbursement Arrangement (HRA) with a deductible of \$2,500. The committee instead recommended approval of a new plan with increased co-pays of \$25/\$35/\$500 to help offset some of the expense to the Bar. Commissioner Perez made a motion to approve the new health insurance plan, and the motion passed.

14. Sections/Committees Selected to Sunset

Pursuant to the new sunset provision in the State Bar Bylaws, the Children's Law Section, Prosecutor's Section, Committee on Women and the Legal Profession and Historical Committee were requested to appear before the Board and submit petitions for continuance of their section or committee. Petitions from the Children's Law Section, Committee on Women and the Legal Profession and the Prosecutor's Section were included in the materials and a petition from the Historical Committee was distributed at the meeting. The following chairs/co-chairs made presentations for continuance of their section/committee:

Katie Terry, 2008 Children's Law Section Chair
Stephen Kovach, Prosecutor's Section Chair
Patricia Galindo and Elizabeth Garcia, Committee on Women and the Legal Profession Co-chairs
Judge John Pope, Historical Committee Co-chair

Following the presentations, Commissioner Alsup made a motion to continue the Children's Law Section, Commissioner Wolf made a motion to continue the Prosecutor's Section, Commissioner Orraj made a motion to continue the Committee on Women and the Legal Profession, and Commissioner Alaniz made a motion to continue the Historical Committee; the motions were seconded and passed unanimously.

15. Appointments to Supreme Court Boards and Committees

President-elect Orraj requested volunteers to serve as liaisons to the Supreme Court Boards and Committees for 2008. A list of the boards/committees and current liaisons was included in the materials, and President-elect Orraj stated that he would review and finalize the appointments following the meeting.

16. Appointments to Internal BBC Committees

President-elect Orraj requested volunteers to serve on the following BBC Internal Committees: Finance, Annual Awards, Bylaws/Policies, Personnel and CLE Advisory. A sign-up sheet was distributed at the meeting, and President-elect Orraj stated that he would review and finalize the appointments following the meeting.

17. Request to Rename Professionalism Award, Outstanding Advocacy for Women Award and the Leadership Training Institute in Honor of Justice Pamela B. Minzner

Justice Pamela Minzner was instrumental in establishing the Commission on Professionalism and the State Bar's Leadership Training Institute, and President Jontz requested the Board's approval of renaming the Professionalism Award and Leadership Training Institute in her honor. The Committee on Women and the Legal Profession also requested the Board's approval to rename the Outstanding Advocacy for Women Award after Justice Minzner. Commissioner Perez made a motion to rename the awards and Leadership Training Institute after Justice Minzner; the motion was seconded and it passed unanimously.

18. Fair Judicial Elections Committee 2007 Annual Report and Recommendations

Chair Norm Thayer presented the Fair Judicial Elections Committee's 2007 Annual Report, which was included in the materials, and requested the Board's approval of the committee's recommendations. One of the recommendations was to increase the committee from 13 to 15 members serving for three-year staggered terms. He noted that the committee intends to organize itself into panels of not less than five members each for the purposes of investigating complaints and recommending action to the full committee. Commissioner Alaniz made a motion to approve increasing the members to 15; the motion was seconded and it passed. The other recommendation was to authorize the committee in its discretion to publish its decisions made in response to complaints. Mr. Thayer noted that publication will serve an educational purpose and will also assist in persuading candidates to comply with the requirements of the Code of Judicial Conduct. Following discussion, Commissioner Shanor made a motion to authorize the committee to publish its decisions in response to complaints in newspapers; the motion was seconded and it passed. The committee will send a packet of information to all New Mexico media outlets and new judges and judicial candidates.

19. Discussion Regarding Redistricting the Board of Bar Commissioners Districts

There have been discussions regarding redistricting the Board of Bar Commissioners districts to be more in line with the current State Bar membership. President Jontz requested the Board's input as to whether it wanted to consider redistricting the districts, which would require a rule change. Commissioners questioned whether a change is necessary. Executive Director Joe Conte noted that the number of members per commissioner ranges from 80 to 393 and that 70 percent of members in the membership survey reported that they didn't know who represented them on the Board. He suggested maybe looking into assigning commissioners to different geographic areas in districts that are represented by more than one commissioner. Commissioner Alsup stated that there seems to be more of a problem with bar commissioner districts being different from judicial districts. Following discussion, Commissioner Wolf made a motion for President Jontz to appoint a committee to explore the issues of composition and distribution of the districts. The motion was seconded and it passed with two commissioners opposed to the motion. Commissioners suggested that the committee be geographically representative and include representatives from the trial and defense lawyers as well as non-commissioners.

20. Request to Review and Update Statement of Principles Relating to the Responsibilities of Attorneys and Psychologists and Their Inter-professional Relationships

The Attorney General's Office sent a letter requesting that the Board appoint a committee or refer to an existing committee the task of assisting the New Mexico Board of Psychological Examiners with reviewing and updating the Statement of Principles. The request was forwarded to Richard Civerolo, Chair of the Medical-Legal Liaison Committee, and Mr. Civerolo declined. Following discussion, Commissioner Dutton made a motion to refer the request to the Family and Children's Law Sections to review the request and provide input. The motion was seconded and it passed with one commissioner opposed to the motion.

21. Discussion Regarding Issues Facing the Profession Report

The Board received the Issues Facing the Profession report at the July meeting, and President Jontz requested input from the Board and comments/suggestions for any follow-up from the report. The

Board accepted the report and determined that no further action was necessary. President Jontz will send a letter and thank the committee for the report.

DISCUSSION/INFORMATIONAL ITEMS

22. President's Report

President Jontz reported on the following:

- He attended the Oklahoma Bar Convention and noted that it was a good conference;
- He and Executive Director Joe Conte visited the local bar associations in Las Vegas, Raton, Taos and Deming;
- He met with Chief Justice Chavez who informed him that the Supreme Court will not be addressing reciprocity this year; and
- The regulatory proposal was placed on the Court's agenda for the December 12th budget meeting.

23. Officers' and Directors' Retreat Report

The officers and directors held a retreat November 15-17 at Bishop's Lodge and President-elect Orraj reported on the meeting and informed the Board of his goals for 2008 which include: inreach (State Bar structure, staff and the Board), outreach (membership, local bar visits, State Bar video, Annual Meeting, law student and public outreach initiatives), and upreach (Supreme Court and regulatory functions).

24. Legislative Committee Report

At the September meeting, President Jontz appointed a Legislative Committee to discuss and research what would be involved in legislative monitoring and to determine items appropriate for lobbying under Rule 24 and report back to the Board. The committee, comprised of Commissioners Orraj, Anderson and Perez, Executive Director Joe Conte and General Counsel Richard Spinello, met on November 7 and reported that the consensus of the committee was that the Board should lobby the Legislature on behalf of the State Bar. The committee discussed whether to hire a full-time lobbyist if issues arose that would impact the legal profession. President Jontz stated that at a very minimum the Board needs a Legislator reporting to it what issues are being discussed and should be addressed by the Board. The committee will look into getting a Legislative representative and possibly scheduling a lunch with the lawyer legislators, and the State Bar will also purchase a subscription to the bill locator and receive legislative alerts.

25. Disciplinary Board Meeting Report

Executive Director Joe Conte reported on the November 8th meeting with Virginia Ferrara and Ann Taylor regarding the administrative services the Bar provides for the Disciplinary Board. The Disciplinary Board requested a breakdown of the hours worked and a description of the accounting services performed. The State Bar provides a service to the regulatory agencies and only bills them for direct costs. President Jontz noted that Rule 24 does not indicate that the Bar is a service organization. Mr. Conte requested direction from the Board and suggested that the administrative contract be reviewed.

26. American Bar Association Annual Meeting Report

A report on the ABA Annual Meeting submitted by State Bar Delegate Chuck Vigil was included in the materials.

27. Presentation of Outgoing Commissioner Plaques

Plaques were presented to commissioners with terms ending this year—Erika Anderson, YLD Chair; Carolyn Cochran, Paralegal Division Chair; and Virginia Dugan, First Bar Commissioner District.

28. New Business

- A. The Membership Services Committee requested the Board's approval of adding DHL and Sprint to the State Bar's Alliance Program. Commissioner Wolf made a motion to approve the request; the motion was seconded and it passed.

- B. The Real Property, Probate and Trust Section requested the Board's approval to change its name to Real Property, Trust and Estate Section. Commissioner Alaniz made a motion to approve the request; the motion was seconded and it passed.

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