

**BOARD OF BAR COMMISSIONERS
FEBRUARY 29, 2008 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:

Henry A. Alaniz	Twila B. Larkin
Gary D. Alsup	Alan M. Malott
Daniel J. Behles	Carla C. Martinez
David M. Berlin	J. Brent Moore
Andrew J. Cloutier	Craig A. Orraj
Dominic E. Dutton	Jessica A. Perez
Nancy G. English	Stephen S. Shanor
Robin Gomez	Hans William Voss
Richard M. Jacquez	Carolyn A. Wolf
Danny W. Jarrett	

MEMBERS ABSENT:

Dennis E. Jontz
Sandra E. Nemeth
Monica M. Ontiveros

OTHERS PRESENT:

Mary Ann Baker-Randall	Kate Mulqueen
Kris Becker	Richard Spinello
Chief Justice Edward L. Chavez	Norman Thayer
Joe Conte	Howard Thomas
Rob Koonce	Madonna Vandeventer
Christine Morganti	

1. Swearing-in of New Commissioners

Chief Justice Edward L. Chavez swore in the following new commissioners:

First Bar Commissioner District: Twila B. Larkin
Alan M. Malott
Fifth Bar Commissioner District: Nancy G. English
2008 Division Representatives: J. Brent Moore, Young Lawyers Division Chair
Robin Gomez, Paralegal Division Liaison

2. Approval of November 30, 2007 Meeting Minutes

Commissioner Wolf made a motion to approve the November 30, 2007 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 Vice President Steve Shanor reported on the Committee's discussion and recommendations as follows:

- A. Approved the November 30, 2007 meeting minutes;
- B. Accepted the December 2007 pre-audit financials and executive summaries;
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file and found no discrepancies;
- D. Recommended approval of increasing coverage limits for the Bar's insurance policies as follows: Hartford (building) from \$3.4 to \$5 million; Hartford (contents) from \$1.075 to \$1.5 million; Umbrella coverage from \$2 to \$3 million; Axis (D & O) from \$1 to \$3 million; National Casualty Company (libel/slander) from \$1 to \$3 million; and Auto (medical) from \$5,000 to \$10,000; the increased coverage limits will cost approximately \$15,000; staff will also obtain a quote for insurance for general counsel and report to the Board at the May meeting; Commissioner Berlin made a motion to approve the increases;

- Commissioner Malott requested a friendly amendment to increase the building coverage limit to \$6 million; the amendment was accepted and the motion passed;
- E. Recommended approval of an expenditure in the amount of \$3,000 to repair the Bar's heating and cooling system; Commissioner Malott made a motion to approve the expenditure and the motion passed;
 - F. Approved closing a dormant 401(k) account at Wells Fargo with a balance of \$87; Commissioner Martinez made a motion to approve closing the account and the motion passed; and
 - G. Discussed charges on the Bar's sweep accounts in the amount of approximately \$28,000 for 2007 for all accounts that are maintained by the Bar. Commissioner Alaniz, Executive Director Joe Conte and Madonna Vandeventer will meet with Wells Fargo Bank to discuss the Bar's banking and whether the sweep accounts are of any benefit to the Bar; they will also instruct the bank to charge the fees back to each of the entities for which the Bar maintains accounts.

4. Acceptance of Financials

Copies of the December 2007 pre-audit financials were included in the materials. Vice President Shanor reported that revenues are under budget by three percent and expenses are under budget by six percent resulting in \$234,000 in lost assets. Commissioner Perez made a motion to accept the financials, and the motion passed.

5. Fee Waiver Requests

Vice President Shanor reported on the fee waiver requests for the Board's consideration. Copies of the affidavits for those requesting fee waivers were included in the materials. The Finance Committee discussed the form and recommended having a check-off box to waive HIPAA so that the information may be provided to the Disciplinary Board as well as a check-off box to indicate capability to practice law. The Committee also recommended taking a more concentrated look at what constitutes a hardship and discussed requiring a tax return be submitted. Commissioner Berlin made a motion to form a committee to study the fee waiver form; the motion was seconded and it passed. Commissioners Wolf, Cloutier, Martinez and Berlin volunteered to serve on the committee.

There was a discussion as to whether to table the approval of the fee waivers until the committee makes a recommendation regarding the form; however, the Board decided to proceed since the requests were already submitted. Commissioner Wolf made a motion to approve all of the fee waiver requests. Commissioner Cloutier requested an amendment to the motion to reject one because it did not contain a sworn affidavit; Commissioner Wolf accepted the amendment contingent upon a sworn affidavit being submitted; the motion was seconded and it passed with one commissioner abstaining from the vote.

6. Bylaws/Policies Committee Report

Chair David Berlin reported on the Committee's January 31st meeting and requested the Board's approval of the following:

A. State Bar and Section Bylaws Regarding Student and Non-Attorney Members

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, to include that language. Following the Board 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 it, but its position remained the same. At the November meeting, the Board voted against the amendment. The Committee took a look at the State Bar Bylaws pertaining to student members and referred back to the bylaw governing paralegals; specifically, Article II, Section 2.6, Paralegal Member, which precludes paralegals from voting

outside of such division, and determined that no changes to the Bylaws were necessary. Article II, Section 2.6, provides as follows:

Section 2.6 Paralegal Member.

A paralegal who qualifies under Article VIII, Section 8.3 of these Bylaws as amended, shall be entitled to membership in the Paralegal Division in accordance with the Bylaws and Standing Rules governing that division. *A member of the Paralegal Division shall not have voting privileges outside such division and shall not be eligible to hold an elective or appointed State Bar office.* The provisions of Section 2.1 through 2.5 of this Article II of these Bylaws are not applicable to paralegal members. Any and all 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.

Following discussion, Commissioner Alaniz made a motion to have the Committee amend the Bylaws to make paralegals and law students voting members; Commissioner Behles requested a friendly amendment to the motion to remove the prohibition that they cannot vote from the Bylaws so that each entity may decide. Commissioner Alaniz accepted the amendment, and the motion passed. Commissioner Alaniz made a motion to request that the Supreme Court amend the Rules to change the number of bar commissioners from 21 to 22 and to make the paralegal member a voting member of the Board; the motion was seconded. Commissioner Malott asked Ms. Gomez whether the paralegals want a vote on the Board, and Ms. Gomez replied that it was not expected nor requested at this time. The motion was called to question, and following a vote, the motion failed.

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

The Committee discussed whether sections and committees can and are creating policy without Board approval and amended the State Bar Bylaws to reflect that they cannot create policy without Board approval. The amendments were e-mailed to the Board following the Committee's meeting on January 31 in order to meet the 30-day notice requirement. The Board discussed whether sections can lobby without approval of the Board and determined that they cannot without prior approval of the Board pursuant to Section 11.5 of the Bylaws. Commissioner Dutton made a motion to approve the amendments and it passed. Additionally, he requested that a letter be sent to the sections and committees informing them of the amendments and reminding them of the bylaw regarding lobbying.

C. Proposed Amendments to Solo and Small Firm Practitioners Section Bylaws

The Section Board requested amendments to its Bylaws; specifically, Article I, Identification, to change the name of the section to Solo and Small Firm Section; and Article VII, Elections, to allow the chair to serve more than one term. The Committee recommended approval. Commissioner Behles made a motion to approve the amendments, and the motion passed.

D. Amendments to Inclement Weather Policy

Executive Director Joe Conte recommended amendments to the Inclement Weather Policy as follows and the Committee recommended approval of the amendments:

"The State Bar will follow the Second Judicial District Court regarding delays and closures due to inclement weather. Accordingly, if the Court announces a two-hour delayed schedule, SBNM business hours for that day will be 10:00 am until 5:00 pm, and all SBNM staff should report to work no later than 10:00 am, regardless of individual flex schedule start time. Any further decision to delay or to close will be at the discretion of the executive director or his/her designee.

Commissioner Wolf made a motion to approve the amendments, and the motion passed.

7. Recommendations for the 2008 Pro Hac Vice Grants

PLSD Director Mary Ann Baker-Randall reported on the February 19th Pro Hac Vice Committee meeting and requested the Board's approval of the recommendations for the 2008 grants to the legal service providers throughout the state totaling \$120,000. She noted that \$190,000 was requested from 11 entities and three requests were denied. Commissioner Dutton asked how the entities were selected, and Ms. Baker-Randall stated that the committee selected entities that have a history of doing civil legal services work and providing services to low-income New Mexicans. The committee favored those entities with projects that were innovative and that met the priorities within the state plan as well as serve a wide geographic area.

Commissioner Shanor asked whether any consideration had been given to the statewide pro bono projects set up in the judicial districts. Richard Spinello reported that the Access to Justice Commission is going to request that the State Bar fund a position for a centralized statewide referral component for the local judicial district pro bono committees. Executive Director Joe Conte reported that he was asked to meet with Nan Nash and Clay Campbell to discuss the second judicial district pro bono committee's struggle with how to staff the committee, since Albuquerque is such a large area, and their proposal to have that coordinated through the State Bar. He informed them that he thought the Board would be agreeable to funding such a position provided that it was a statewide coordinator and not just Albuquerque. The funding issues that have been discussed include the Board awarding the pro hac vice funds to the Bar Foundation to distribute to the local pro bono committees or fund a position for an intake coordinator to assist the pro bono districts with their cases. He noted that there are other funding options, in addition to pro hac vice, including IOLTA and funds from the Civil Legal Services Commission.

Following discussion, Commissioner Behles made a motion to honor the committee's work this year and approve the recommendations for the pro hac vice grants. The motion was seconded and it passed. Commissioner Shanor recommended that the Board consider funding the district pro bono projects with the 2008 pro hac vice funds.

8. Bar Commissioner Districts Committee Report

Chair Steve Shanor reported on the February 20th meeting. He noted that the committee is a good representative group comprised of commissioners and non-commissioners. The committee reviewed the current composition of the Board, membership population statistics and historical information of how the districts were originally determined. The committee discussed whether changes were necessary and whether this was the appropriate time to look at this issue, since the Board is attempting to obtain some regulatory authority. The committee decided to proceed and will talk with their constituents and discuss at local bar meetings to obtain input.

9. Disciplinary Board Meetings Report

President Orraj reported that the State Bar has an administrative contract with the Disciplinary Board to collect dues and provide accounting services. President Orraj, Executive Director Joe Conte and Madonna Vandeventer met with Disciplinary Board member Paul Fish, Ann Taylor and Virginia Ferrara to discuss their questions regarding the State Bar's accounting practices and increase in fees, at which time they decided to do their own accounting in the future. However, they requested that State Bar continue collecting the disciplinary fee for them on the dues form.

The Bar's position is that the agreement covers both the accounting services and dues collection, and if one part of the agreement is terminated, then it terminates all parts of the agreement, including the dues collection. Joe Conte followed up after the meeting by e-mail confirming that the service agreement was terminated as of May 1. Paul Fish responded and stated that the date of termination had not been determined. The rules governing the bar require the State Bar to collect the disciplinary dues; however, the Board could ask the Court for a rule change. Joe Conte added that the accounting services amounts to approximately \$500 per month. President Orraj met with Disciplinary Board Chair Bill Shoobridge and he stated that Paul Fish was not the chair of the Disciplinary Board nor did he have the authority to sever the service agreement. Following discussion, the Board determined that the agreement had been terminated and that the Court should be informed of the termination.

Commissioner Malott made a motion to authorize President Orraj to draft a letter to the Disciplinary Board, with a copy to the Supreme Court, confirming that the Disciplinary Board had terminated the agreement and that pursuant to the rule, the State Bar is required to collect dues at a reasonable rate, and that we would be willing to work with them to negotiate a rate for the service fee. Commissioner Martinez requested a friendly amendment to the motion to give President Orraj considerable leeway in drafting the letter. Commissioner Malott accepted the amendment; the motion was seconded and it passed. Commissioner Martinez suggested that, in addition to copying the Court on the letter, President Orraj should contact or send a separate letter to Chief Justice Chavez first to notify him of the situation.

10. President's Report

President Orraj reported on the following:

A. Supreme Court Meetings

He reported on meetings with the Supreme Court justices in an attempt to keep them informed about the State Bar's projects and activities.

B. Report on HJR 5

He reported that the HJR 5 Legislation, which would enable judges to serve an extra year on the bench before having to run in the retention election, passed in the House, but it did not get to the Senate due to lack of time; the process will need to begin sooner next year.

C. NCBP Midyear Meeting in Los Angeles

He, President-elect Alaniz and Joe Conte attended the Midyear Meeting in Los Angeles.

D. State Bar Video Project

He presented the State Bar video which highlights what the State Bar does to the Board and stated that he plans to bring it to local bar meetings. There was also a suggestion to show it during CLE programs.

E. Annual Meeting/Sponsorships

This item was tabled to the May meeting.

F. BBC Internal Committee and Supreme Court Boards/Committees Liaison Appointments

The appointments to the boards and committees were included in the materials.

11. Executive Director's Report

Executive Director Joe Conte's report and the February State Bar Newsletter were included in the materials. He reported that the public education campaign "Know the Law Before the Law Knows You" is almost finished. The DVD will answer frequently asked questions for high school juniors and seniors transitioning into adulthood and resources will be available on the Web site. The Committee on Diversity is beginning its work on the third study of minorities in the profession to be finalized in 2009, and the Leadership Training Institute kicked-off in March with 22 students. He reminded the Board to read the newsletter noting that it is a helpful resource of projects and programs on which staff is working.

12. Board of Bar Examiners Meetings

President Orraj reported that at the November meeting, a regulatory proposal was passed by the Board to try to obtain more regulatory functions, one of which was to obtain full appointing authority for the regulatory boards. However, no discussions were held with the Board of Bar Examiners or other

regulatory boards prior to the request being sent to the Supreme Court, and as a result, the Board received some criticism. He will meet with the Board of Bar Examiners to discuss the proposal and how the State Bar can obtain more regulatory authority.

13. State Bar Strategic Plan

Due to lack of time, this item was tabled to the May meeting.

14. Equal Access to Justice Campaign Report

EAJ Campaign Director Kate Mulqueen presented a report and update on the campaign. She reported that EAJ raises money from attorneys and distributes it to the legal services agencies and providers to deliver legal services to the poor. The providers include NM Legal Aid, NM Center on Law and Poverty, DNA People's Legal Services and Law Access New Mexico, and by participating in EAJ, they give up their right to also fundraise. She noted that EAJ has an administrative budget of only 17 percent while most agencies have a budget of 20 percent. She noted that there was only one month remaining to raise \$55,000 in order to reach their goal of \$250,000. She also noted that she had 100 percent participation from the Disciplinary Board and Supreme Court and that she would like to see 100 percent participation from the Board.

15. Fair Judicial Elections Committee

General Counsel Richard Spinello reported on a workshop that he attended on Effective Judicial Campaign Oversight Committees, at which concerns were raised regarding mandatory state bars establishing and appointing these types of committees. The national model is to set up unofficial committees through voluntary bars or other non-governmental entities with the idea of meeting free speech with more free speech. A mandatory bar's connection to state government prohibits it from setting up an unofficial committee. This creates a risk of being sued over the First Amendment and free speech issues as raised in the United States Supreme Court Case of *Republican party of Minn. v. White*. In addition there are national groups suing entities that have established official committees. In addition to the free speech issue, they are attacking the pledges, promises and commitments clauses and the financial restrictions contained in Judicial Codes. The Board asked what the State Bar's liability would be and directed staff to look into whether the committee could be covered under the same insurance as our publications. Mr. Spinello stated that a committee should exist in New Mexico, but not as a committee of the State Bar.

The Board asked Norm Thayer whether it is important that the committee be a committee of the State Bar and Mr. Thayer stated that it is crucial to the work of the committee. Following discussion, the Board determined that no action was necessary at this time and directed President Orraj to appoint the additional members to the committee that were approved at the November meeting.

16. Bar Commissioner Districts and Division (SLD, YLD and PD) Reports

Due to lack of time, the bar commissioner reports were tabled to the May meeting. Paralegal Division Chair Robin Gomez presented the Division's checks for support of the Annual Meeting and Equal Access to Justice Campaign.

17. 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.

18. New Business

State Bar ABA Delegate Chuck Vigil's Midyear Meeting Report was included in the materials.

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

**BOARD OF BAR COMMISSIONERS
MAY 9, 2008 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Daniel J. Behles Nancy G. English Robin Gomez Richard M. Jacquez Danny W. Jarrett Dennis E. Jontz Alan M. Malott	Carla C. Martinez J. Brent Moore Sandra E. Nemeth Monica M. Ontiveros Craig A. Orraj Jessica A. Perez Stephen S. Shanor Hans William Voss
MEMBERS ABSENT:	David M. Berlin Andrew J. Cloutier Dominic E. Dutton	Twila B. Larkin Carolyn A. Wolf
OTHERS PRESENT:	Kris Becker Ian Bezpalko Joe Conte Rob Koonce Christine Morganti	Jim Noel Richard Spinello Howard Thomas Madonna Vandeventer

1. Approval of February 29, 2008 Meeting Minutes

Commissioner Alsup made a motion to approve the February 29, 2008 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 Jessica Perez reported on the committee's discussion and recommendations as follows:

- A. Approved the February 29, 2008 meeting minutes;
- B. Accepted the March 2008 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 \$75,834 was collected from the dues form from pro bono contributions for legal services providers; the committee recommended donating \$11,000 to the Equal Access to Justice Campaign in order to meet their annual goal, and having the Pro Hac Vice Committee make a recommendation as to how to distribute the remainder of the funds; Secretary-Treasurer Perez made a motion to approve the committee's recommendation, and the motion passed.
- E. Reported on the sweep accounts (cash from funds is placed in overnight accounts to earn interest and re-deposited the next day) with Wells Fargo Bank; if all accounts are swept, then the cost to sweep is more than the interest earned, so it was decided to turn off the sweep on some of the accounts with lower balances; and
- F. Recommended purchasing a malpractice insurance policy for general counsel from Executive Risk Indemnity Inc. with a premium of \$2,500 and a liability coverage limit of \$1,000,000; Secretary-Treasurer Perez made a motion to approve purchasing the policy, and the motion passed.

3. Acceptance of Financials

Copies of the March 2008 financials were included in the materials. Secretary-Treasurer Perez reported that revenues are over by five percent and expenses are over by eight percent as of the end of March. Commissioner Martinez made a motion to accept the financials and the motion passed.

4. Acceptance of 2007 Audit

Raymond Ziegler and Chin-Chieh Yeh presented the highlights of the 2007 consolidated audit for the State Bar and Bar Foundation to the Finance Committee. The auditors found no significant issues to report and issued a clean opinion. Commissioner Alsup made a motion to accept the audit and the motion passed. Secretary-Treasurer Perez reported that pursuant to new auditing standards that took effect in 2007, REDW spent more time than expected on the audit and is requesting an increase in their hours from 250 to 330 beginning in 2007. The additional hours would result in a 34 percent increase over three years. The Finance Committee recommended that the Board approve the increase for 2008 and 2009, but not for 2007. The increase equates to \$9,000 more per year, which is still less than the bids received from the other companies. Commissioner Alaniz made a motion to not increase REDW's hours for 2007, but to increase the hours to 82 for 2008 and 78 for 2009; the motion was seconded and it passed. Commissioner Malott abstained from the vote due to his relationship with Meyners + Co.

5. Fee Waiver Requests

Three fee waiver requests were received, and copies of the affidavits were included in the materials. Commissioner Alsup made a motion to approve the three waiver requests for those who met the criteria, with the exception of one, contingent upon completion of the form. Madonna Vandeventer reported that the fee waiver form committee met and discussed proposed changes to the form and will have a recommendation for the July Board meeting.

6. Bylaws/Policies Committee Report

In the absence of Chair David Berlin, Commissioner Perez reported on the committee's April 23rd meeting and requested the Board's approval of the following:

A. Amendments to State Bar Bylaws Article II, Section 2.6, Paralegal Member, and Section 2.8, Law Student Members

At the February meeting, the Board requested the committee to amend the State Bar Bylaws to remove the prohibition against paralegals and student members voting at section and committee meetings. Thirty days' notice is required prior to approval, so a vote will be taken at the July meeting.

B. Review Honorary Judicial Membership

We received a request from Ben Barker, a retired gentleman in Florida, who had applied to volunteer for the Southwest Intertribal Court of Appeals. He wanted to know if that qualifies him for the honorary judicial membership, and whether the full-time requirement to practice in tribal court could be waived. Pursuant to Rule 24-105, the volunteer judge must: 1) be full-time; 2) have an LL.B. or J.D.; and (3) reside in NM or exercise jurisdiction in NM. Since that would require a rule change, the committee determined that a letter be sent to him rejecting his request and advising him that he can appeal to the Supreme Court.

C. Guidelines for Fundraising Events Held at the Bar Center

Atkinson & Kelsey requested use of the Bar Center to hold a fundraising event for Elizabeth Whitefield. The State Bar does not have a policy prohibiting this type of function, but staff had concerns that members may think that the State Bar is endorsing her, and requested guidance

from the committee on future requests. The committee developed guidelines for fundraising events held at the Bar Center, which will be incorporated into the Bar Center Rental Agreement. Commissioner Perez made a motion to approve the guidelines and the motion passed.

7. Approval of Creation of Public Legal Education Commission

Pursuant to Article IX, Section 9.5, of the State Bar Bylaws regarding Commissions, a document setting forth the terms of the Public Legal Education Commission was e-mailed to the Board on April 8 in order to meet the thirty-day notice requirement. Commissioner Jontz made a motion to approve the creation of the commission; the motion was seconded and it passed. The Board had previously approved for the Public Legal Education Committee to be sunset upon the creation of the commission.

8. Appointment to Judicial Standards Commission

A vacancy existed on the Judicial Standards Commission for a four-year term. A notice was published in the *Bar Bulletin*, and the following submitted letters of interest, which were included in the materials. Jim Noel, Executive Director of the Judicial Standards Commission, attended the meeting to provide background information on the commission and requested the board to consider the following factors in making its decision: geographic representation, diversity and practice area.

- A. William J. Arland
- B. Eric D. Dixon
- C. Harvey Fruman
- D. Nicholas R. Gentry
- E. J. D. Herrera
- F. Calvin Hyer, Jr.
- G. Julie Anne Mead
- H. Rosemary L. Maestas-Swazo
- I. E. W. Shepherd
- J. Michael Schwarz
- K. Norman S. Thayer

Commissioner Jontz made a motion for the Board to continue voting until there was a majority of those present at the meeting; the motion was seconded and it passed. Following a vote by secret ballot, Rosemary Maestas-Swazo was elected to the Judicial Standards Commission for a four-year term.

9. Appointment to American Bar Association House of Delegates

A vacancy existed on the ABA House of Delegates for a two-year term. A notice was published in the *Bar Bulletin*, and Charles J. Vigil submitted a letter requesting reappointment. Commissioner Alsup made a motion to reappoint Charles J. Vigil to the ABA House of Delegates for an additional two-year term.

10. Approve Annual Awards Committee Recommendations

The Annual Awards Committee met on May 6 and Commissioner Alaniz reported on the committee's recommendations for this year's annual awards as follows. The awards will be presented during the Annual Meeting at the Fairmont Scottsdale Princess in Scottsdale, Arizona.

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| Distinguished Bar Service – Non-Lawyer Award | Carolyn L. Cochran |
| Justice Pamela B. Minzner Professionalism Award | Thomas D. Haines, Jr. (posthumously) |
| | Michael Schwarz |
| Justice Pamela B. Minzner Outstanding Advocacy for Women Award | Ann F. Badway |
| Outstanding Contribution Award | Ian Bezpalko |
| | James T. Reist |
| | Julie J. Vargas |
| | Marjorie C. Jones |

Outstanding Contribution to People with Disabilities Award
Outstanding Judicial Service Award
Outstanding Local Bar Award
Outstanding Program Award

Outstanding Committee Award

Outstanding Young Lawyer of the Year Award

Quality of Life – Legal Employer Award
Robert H. LaFollette Pro Bono Award
Seth D. Montgomery Distinguished Judicial Service Award

Dennis M. Drucker
Judge Celia Foy Castillo
San Juan County Bar Association
Chaves County Bar Association
Law Day Program
Committee on Women and the
Legal Profession
Marcus J. Rael, Jr.
Vincent J. Ward
Peacock Myers, P.C.
Matthew T. Byers
Judge A. Joseph Alarid
Judge Lynn Pickard

Commissioner Behles made a motion for the Annual Awards Committee to consider reducing the number of awards given each year to make them more meaningful; the motion was seconded and it passed. Commissioner Shanor commented that the awards are a way of getting people involved and showing the Bar's appreciation to members and non-members. Commissioner Jontz commented that the awards presentation is an important event to the recipients and attendees. Commissioner Alaniz made a motion to approve the recommendations of the Annual Awards Committee. Commissioner Voss requested a friendly amendment to the motion to separate out Judge Celia Foy Castillo. Commissioner Alaniz accepted the amendment; the motion was seconded and it passed. The motion to approve all of the recommendations with the exception of Judge Castillo was seconded and it passed. Commissioner Alaniz made a motion to approve the award for Judge Castillo; the motion was seconded and it passed. Commissioner Voss abstained from the vote.

11. Technology Committee Request to Survey Members

Technology Committee Co-Chair Ian Bezpalko presented the committee's request to send an online survey to members to assess computer usage and to utilize the information obtained to determine how the committee can assist them. The survey will be sent via e-mail through a company called Survey Monkey, which costs \$19.95 per month. Commissioner Malott made a motion to approve the committee's request to survey the membership; the motion was seconded and it passed.

12. Executive Session

Commissioner Alaniz made a motion for the Board to go into Executive Session to discuss the executive director's contract; the motion was seconded and it passed.

13. Review and Approve State Bar Strategic Plan

The strategic plan, which contains one, three and five-year goals, was developed by directors with staff's input last year and revised at the officers' and directors' retreat in November. Commissioner Malott made a motion to approve the strategic plan; the motion was seconded and it passed. Executive Director Joe Conte reported that the directors are meeting on June 17 and will review the document again to determine the status of the one-year goals.

14. Bar Commissioner Districts Committee Report

Chair Steve Shanor reported on the April 23rd Bar Districts Committee meeting. The committee members obtained input from their constituents and local bars and recommended that no changes in the composition of the districts be made at this time. He noted that the Second Bar Commissioner District, consisting of Cibola, McKinley, San Juan and Valencia Counties, may be an area to look at in the future, but the committee recommended that one commissioner for that district is sufficient at this time. Commissioner Shanor made a motion to accept the committee's report and recommendations; the motion was seconded and it passed.

15. President's Report

President Orraj reported on the following:

A. Voluntary/Local Bar Meetings/BBE/Media Appearances

He has visited with several local and voluntary bars, including the Albuquerque Bar and NMDLA, to build relationships between those bar associations and the State Bar. He also met with the Board of Bar Examiners and was interviewed by FOX News, which aired on the 9 p.m. news, to get the Bar and its programs recognized.

B. Bar Leadership Institute/Western States Bar Conference

Secretary-Treasurer Jessica Perez noted that BLI was a very informative conference and a great networking opportunity. Vice President Shanor reported that the Western States Bar Conference was a great resource for leaders in nearby states.

C. ABA Day in Washington, D.C.

He and Executive Director Joe Conte attended ABA Day in Washington, D.C., last month at which every state is represented. They met with all of the New Mexico Legislators and Congressmen to talk about the contracts for legal services, which have been cut in recent years.

D. Letters to Membership

He reported on his letters to the membership in the *Bar Bulletin* regarding where the dues are distributed and that \$215 is a bargain for all of the benefits members receive.

E. Quarterly Report and Meetings with NM Supreme Court

The Supreme Court is pleased with operations at the State Bar and are open to requests from the Bar. The Court is also in favor of holding a summit of all of the governing boards.

16. Lawyers Professional Liability Committee Meeting

President Orraj reported that pursuant to the new rule requirement to provide mandatory disclosure of professional liability insurance on the dues form, 76% of members reported that they have malpractice insurance. The Supreme Court has requested input as to the next step, which could include conducting more research, drafting a mandatory disclosure to the public rule, or requiring mandatory insurance coverage. The Lawyers Professional Liability Committee has been tasked with developing a recommendation for the Board's consideration.

17. Disciplinary Board Update

Correspondence was included in the materials from President Orraj to the Disciplinary Board stating that the administrative services contract had been terminated and a reply from former Disciplinary Board Chair William Shoobridge stating that the contract had not been terminated. The Board discussed the next step. Commissioner Shanor stated that the Bar should reiterate its position that the contract was terminated and meet with the Disciplinary Board to try to negotiate a new contract. President Orraj requested volunteers to serve on a committee to meet with the Disciplinary Board. Commissioners Behles, English, Malott, Voss and President Orraj volunteered.

18. Executive Director's Report

Executive Director Joe Conte reported that the American Bar Association will be conducting an operational assessment on June 5 and 6 to review all of the Bar's programs and services and assess where the Bar is now compared to five years ago. The ABA will be sending a survey to the Board for input. Mr. Conte also reported that an internal management team was formed and is comprised of middle management that will report on the activities in all of the departments. The group developed a bi-monthly staff newsletter called "The Scoop," which the Bar's editor, Dorma Seago, designs and coordinates and includes a spotlight on staff. He also reported that the MCLE contract is up at the end of the year and the Board will need to discuss whether to renew the contract or look at the space for our own purposes.

19. Review and Discuss State Bar/BBC Policies

The State Bar/BBC Policies were included in the materials for the Board's information.

20. Client Protection Fund Annual Report and Letter to Supreme Court on Funding

General Counsel Richard Spinello reported on the Client Protection Fund 2007 Annual Report and letter to the Supreme Court regarding funding for the CPF. The CPF Commission is concerned that it started with \$339,000 in MCLE sanction fees when it was established in December of 2006 and has not received any further funding from MCLE sanction fees. The Commission contacted the MCLE Board and the MCLE Board directed the Commission to the Supreme Court. The fund paid out \$13,000 in claims in 2007 and to date, \$11,000 has already been paid out and there are \$65,000 pending in claims for 2008. Mr. Spinello reported that Client Protection Fund Commissions around the country are establishing reserves. The Board discussed the need to establish reserves and have a permanent source of funding. President Orraj and Executive Director Joe Conte will meet with MCLE Board Chair Bill Brancard to discuss funding for the CPF.

21. Limited License Admittee Membership

Past President Rex Throckmorton sent a message to President Orraj asking whether the Bar had considered making an exception for inactive senior members of the Bar to provide pro bono services. The Access to Justice Commission adopted a rule, for the Supreme Court's consideration, and are negotiating some final details with the Board of Bar Examiners (BBE). Mr. Throckmorton reviewed the rule and does not believe the rule will benefit attorneys in New Mexico, as they must still pay fees and satisfy MCLE requirements. ATJ Commission Chair Sarah Singleton suggested that the Board look at the definition of inactive status. General Counsel Richard Spinello drafted proposed changes to Rule 15-301.2, Legal Services Provider Limited Law License for Emeritus and Non-Admitted Attorneys, which would allow inactive attorneys to provide pro bono services, which were distributed at the meeting for the Board's consideration. The Board suggested that the rule be sent to the BBE for discussion at their next meeting. Mr. Spinello noted that the rule that was sent to the Supreme Court deals with the BBE, and this rule deals with the Disciplinary Board. Following discussion, the Board decided to meet with both the BBC and the Disciplinary Board to discuss amending the definition of inactive status and what role the State Bar wants to have with limited licenses. Executive Director Joe Conte will draft a proposal to present to the BBE and the Disciplinary Board.

22. Bar Commissioner Districts and Divisions (SLD, YLD and PD) Reports

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

23. Annual Meeting (Scottsdale, AZ)

- A. Per Diem**
- B. Sponsorships**
- C. Attendance/Events**
- D. Promotion**

President Orraj reported that 170 rooms have been booked at the Fairmont Scottsdale Princess and that only 80 rooms are remaining in the block. Approximately \$20,000 has been raised in sponsorships. Additional promotions will go in CLE at a Glance in the May 19th *Bar Bulletin*, ENews and on the Web site. The Bar is covering three nights' hotel, registration and travel for the Board.

24. New Business

There being no further business, the meeting was adjourned at 5:15 p.m.

BOARD OF BAR COMMISSIONERS
July 17, 2008 MEETING MINUTES
Fairmont Scottsdale Princess
Scottsdale, Arizona

MEMBERS PRESENT:

Henry A. Alaniz	Twila B. Larkin
Gary D. Alsup	Alan M. Malott
Daniel J. Behles	J. Brent Moore
David M. Berlin	Sandra E. Nemeth
Dominic E. Dutton	Monica M. Ontiveros
Nancy G. English	Craig A. Orraj
Robin Gomez	Jessica A. Perez
Richard M. Jacquez	Stephen S. Shanor
Danny W. Jarrett	Hans William Voss
Dennis E. Jontz	Carolyn A. Wolf

MEMBERS ABSENT:

Andrew J. Cloutier
Carla C. Martinez

OTHERS PRESENT:

Mary Ann Baker-Randall	Mary Lynne Newell
Kris Becker	Richard Spinello
Joe Conte	Howard Thomas
Rob Koonce	Madonna Vandeventer
Christine Morganti	

1. Approval of May 9, 2008 Meeting Minutes

Commissioner Malott made a motion to approve the May 9, 2008 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 Jessica Perez reported on the committee's discussion and recommendations as follows:

- A. Approved the May 9, 2008 meeting minutes;
- B. Accepted the May 2008 financials and executive summaries;
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- D. At the last meeting, it was reported that REDW spent more time on the audit than they had estimated due to the new auditing standards that took effect in 2007 and requested an increase in their hours from 250 to 330 beginning in 2007. The Finance Committee recommended an increase for 2008 and 2009, but not for 2007, and President-elect Alaniz met with REDW to discuss the Bar's position. Commissioner Berlin made a motion to approve the committee's recommendation, and the motion passed.
- E. Received a request from the American Bar Association GP Solo Section for a sponsorship for its meeting which will be held in Santa Fe in the fall, and the committee recommended matching the Bar's Solo Section contribution up to \$500; Commissioner Dutton made a motion to approve the recommendation for the sponsorship up to \$500, and the motion passed;
- F. Recommended purchasing a table in the amount of \$750 for the Albuquerque Bar Association's Roast of John Cooney, a past president of the Bar; Commissioner Wolf made a motion to approve purchasing the table, and the motion passed; and

- G. Discussed the trend of utilizing next year's revenues to cover the current year's expenses, which began in 2003 when it was decided to use the cash surplus for upgrades to the Bar Center; the cash surplus has varied from \$273,000 to \$29,000, and options to curb the trend were discussed.

3. Acceptance of Financials

Copies of the May 2008 financials were included in the materials. Commissioner Jarrett made a motion to accept the financials and the motion passed.

4. Approval of Revised Fee Waiver Forms

The revised fee waiver forms were included in the materials. The forms were amended with the addition of language stating that the applicant understands and agrees that any information on the application may be shared with the Supreme Court, Disciplinary Board, Board of Bar Examiners and MCLE, as there was concern that some members are still practicing, but may not be mentally competent to do so. The requirement to have the form notarized was removed and replaced with language certifying that the answers given are true and complete. Commissioner Berlin made a motion to approve the revised forms; the motion was seconded and it passed.

5. Executive Committee Report

President Orraj reported that the Executive Committee did not have an opportunity to meet regarding the limited license admittee rule, pursuant to the Board's discussion at the May meeting regarding changing the definition of inactive status. The Court published a proposed limited law license rule 15-301.2, published in the June 20th special issue of the Bar Bulletin, for emeritus and non-admitted attorneys wishing to work for qualified legal services providers, and requested a recommendation from the Board. With all of the various types of limited licenses available, including public employees, legal services provider, law professors, and pro hac vice, there are a lot of inconsistencies in the rules and the rules are difficult to track. It would be beneficial for the limited license admittees to be members of the Bar. Following discussion, Commissioner Alaniz made a motion to recommend to the Supreme Court that limited license admittees be members of the Bar and to make all of the rules consistent. Commissioner Wolf requested a friendly amendment to the motion that it pertain only to the particular rule which the Court requested input. Commissioner Alaniz accepted the amendment and the motion passed with one commissioner opposed.

6. Bylaws/Policies Committee Report

Chair David Berlin reported on the committee's July 10th meeting and the following items:

A. Amendments to State Bar Bylaws Article II, Section 2.6, Paralegal Member, and Section 2.8, Law Student Members

At the February meeting, the Board requested the committee to amend the State Bar Bylaws to remove the prohibition against paralegals and student members voting at section and committee meetings; the amendments are attached behind Tab 6A. Thirty days' notice of a bylaw amendment was provided at the May meeting. Chair Berlin stated that the committee had no recommendation with regard to these bylaw amendments. The Board decided to vote on the two bylaw amendments separately. Commissioner Alsup made a motion to approve the amendment to Section 2.6, Paralegal Member, and the motion passed. Commissioner Behles made a motion to approve the amendment to Section 2.8, Law Student Member, and the motion passed.

B. Natural Resources, Energy and Environmental Law Section Bylaw Amendments

The section requested amendments to its bylaws, Article X, Section 10.1, Section Finances, regarding an increase its carryover funds. The committee tabled the item in order to obtain

information from the section as to why it is requesting the carryover increase and will have a recommendation for the Board at the September meeting.

C. Intellectual Property Law Section Bylaw Amendments

The section requested amendments, Article II, Section 2.4; Article V, Section 5.6; Article VI, Sections 6.2d and 6.8, adding a student board member and allowing for e-mail voting. The committee made additional amendments to the bylaws to allow student members from any accredited law school, not just UNM, and to include a similar organization, in addition to IP Matters. Commissioner Dutton made a motion to approve the amendments, and the motion passed.

D. Proxy and E-mail Voting

Prior to the last Board meeting, a question arose as to whether the Board had a provision for proxy and e-mail voting. There is currently no provision in the bylaws for proxy or e-mail voting and the committee was requested to research and make a recommendation to the Board. The committee discussed proxy and e-mail voting for the Board and did not recommend amending the bylaws to allow for proxy or e-mail voting.

7. Executive Session

The Board went into Executive Session to discuss personnel and litigation matters. President Orraj reported in open session that the Board renewed Executive Director Joe Conte's contract for another three years.

8. Membership Services Committee Recommendation

The Membership Services Committee recommends that the Board approve the addition of Affiniscap credit card processing services to the Alliance Program. The committee reviewed proposals from five companies and believes that Affiniscap offers the best rates as well as provides services specifically for attorneys. Earned fees are deposited directly into the firm's operating account and unearned fees are deposited into its trust account. Processing fees are deducted only from the operating account. Commissioner Malott made a motion to approve the recommendation and add Affiniscap to the Alliance Program; the motion was seconded and it passed.

9. Pro Hac Vice Committee Report and Recommendation

David Berlin reported that the Pro Hac Vice Committee met on July 10th to discuss how to distribute the funds collected from the dues form from pro bono contributions in the amount of \$66,000. The committee did not have a quorum, so no recommendation was made. Following discussion, Commissioner Shanor made a motion to place the funds into the Pro Hac Vice fund for distribution to the legal services providers next year; the motion was seconded and it passed.

10. President's Report

President Orraj reported on the following:

A. Meeting with MCLE Chair Bill Brancard

He met with Bill Brancard and discussed keeping the communication open among all of the regulatory boards and informed him of the summit proposed to the Supreme Court for a meeting to be held in the fall.

B. Annual Meeting

Attendance for the annual meeting was where anticipated, at approximately 300 attendees. He noted that it was an opportunity to highlight the State Bar to the members and encouraged commissioners to attend plenaries and keynote addresses and to meet and greet members at registration and receptions.

C. Quarterly Report to Supreme Court

The second quarterly report was included in the materials. He noted that the reports have been well-received by the Court.

E. Out-of-State Bar Conventions

He attended the Texas and Arizona Bar Conventions and noted that they make a profit on their annual meetings and we will explore how they accomplish that.

11. President-Elect Report

President-elect Alaniz reported on the following:

A. Jackrabbit Bar Conference

He attended the conference last month in Snowbird, Utah. He noted that the conference will be held in Santa Fe next year and that Virginia Dugan will be the chair.

B. BBC Survey

A survey will be sent to the commissioners in the next couple of weeks regarding where and how meetings are run as well as input on issues that should be addressed in 2009. President-Alaniz requested 100 percent participation on the survey.

C. Other

He met with representatives from Buffalo Thunder Resort, the location for the 2009 annual meeting, and received a \$5,000 sponsorship for this year's annual meeting. He also reported that the National Hispanic Bar Convention will be held here in 2009.

12. Review and Approve Governance Section of Strategic Plan

The governance section of the Strategic Plan was included in the materials. President Orraj stated that staff has expectations of the Board, and this section of the plan contains goals and objectives pertaining to the Board. He requested commissioners to review the plan and determine whether it needs any amendments prior to approval at the September meeting.

13. Client Protection Fund Update

General Counsel Richard Spinello reported on the Client Protection Fund meeting with the Supreme Court at which a permanent source of funding was requested for the CPF. The Court authorized a \$210,000 transfer from MCLE sanction funds to the CPF and established a \$50,000 line item in the MCLE budget annually for the fund.

14. Executive Director's Report

Executive Director Joe Conte reported that the ABA Organizational Assessment conducted in June was a five-year follow-up assessment and the ABA representatives met with commissioners, staff, sections and committees to obtain input. The report is expected in August. The directors' held a retreat last

month and reviewed the strategic plan, which will be reviewed again during the officers' and directors' retreat in November. The June State Bar Newsletter was included in the materials and commissioners were encouraged to read it.

15. Bar Commissioner Districts and Divisions (SLD, YLD and PD) Reports

Due to lack of time, only the divisions reported on their activities. Senior Lawyers Division Delegate Dan Behles reported that the Division has completed 15 oral histories, and the Division is formalizing an annual award (gold lapel pin) to judges who have served 25 years on the bench. Young Lawyers Division Chair Brent Moore reported that the Division has held two Wills for Heroes events and they are planning an event at the State Bar. The Division is also holding a reception next week for the Summer Law Clerk Program. Paralegal Division Chair Robin Gomez reported that the Division held a successful DUI seminar with CLE for paralegals and they are planning their Paralegal Institute in December. The Division also organized a community project of collecting gently used clothes for those in need who are returning to the business world.

16. New Business

General Counsel Richard Spinello reported that a request was received for the State Bar to support a resolution recommending that the City of Santa Fe provide free transportation to all Santa Fe voters on election day. Following discussion, the Board took no action on the request.

There being no further business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
SEPTEMBER 12, 2008 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Daniel J. Behles David M. Berlin Andrew J. Cloutier Nancy G. English Robin Gomez Richard M. Jacquez Danny W. Jarrett	Dennis E. Jontz Twila B. Larkin J. Brent Moore Sandra E. Nemeth Craig A. Orraj Jessica A. Perez Stephen S. Shanor Hans William Voss
MEMBERS ABSENT:	Dominic E. Dutton Alan M. Malott Carla C. Martinez	Monica M. Ontiveros Carolyn A. Wolf
OTHERS PRESENT:	John Bannerman (by phone) Kris Becker Joe Conte Matthew Coyte	Christine Morganti Richard Spinello Madonna Vandeventer

1. Approval of July 17, 2008 Meeting Minutes

Commissioner Alaniz made a motion to approve the July 17, 2008 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 Jessica Perez reported on the committee's discussion and recommendations as follows:

- A. Approved the July 17, 2008 meeting minutes;
- B. Accepted the July 2008 financials and executive summaries;
- C. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- D. Discussed a maintenance proposal to repair the stucco on the east side of the Bar Center due to overspray of the sprinklers in the amount of \$1,795 plus tax, and recommended approval; Commissioner Jontz moved to approve the expenditure for the maintenance, and the motion passed;
- E. Discussed concerns with the broker that handles the State Bar and affiliates' investments at Wells Fargo Bank and recommended moving those investments from the brokerage side to the investment side of Wells Fargo; the committee recommended exploring the Bar's options and not renewing the CDs that will mature prior to the October meeting; Commissioner English moved to approve the recommendation, and the motion passed.

3. Acceptance of Financials

Commissioner Perez made a motion to accept the July 2008 financials and the motion passed.

4. Approval of 2009 Budget Worksheet

Secretary-Treasurer Perez deferred to President-elect Alaniz to present the 2009 Budget Worksheet. He reported that there is a projection of operational revenues in the amount of \$2,324,390 and a projection of expenses in the amount of \$2,276,835 indicating a profit from operations of approximately \$48,000. Once the cash disbursements are added, it is a zero cash flow budget.

President-elect Alaniz reported on a proposal to refinance the Bar Center up to \$800,000 for seven years to cover the current mortgage on the building, accounting software and teleconferencing equipment, and previously purchased building and computer upgrades. The purpose of the refinance will help to insure that the Bar no longer uses the next year's dues to pay for current expenses and to build cash reserves. He also requested that Madonna Vandeventer revise the financial statements to indicate where the Bar is at on a month-to-month basis. Commissioner Jontz made a motion to approve the proposal to refinance the Bar Center up to \$800,000; the motion was seconded and it passed. President-elect Alaniz noted that the budget will need to be revised because of this change and requested approval to give the Finance Committee the authority to adjust the budget and submit it to the auditors. Commissioner Perez made a motion to approve the request; the motion was seconded and it passed.

The Board discussed the fact that there hasn't been a dues increase in several years and decided to form a committee to make a proposal to the Supreme Court for a dues increase within the next year.

5. Lawyers Professional Liability Committee Recommendation

Lawyers Professional Liability Committee Chair John Bannerman presented the committee's recommendation and proposed rule regarding mandatory disclosure for the Board's consideration. Correspondence from Mr. Bannerman, the proposed rule, a Q & A that addressed many of the questions that were brought up during the process, minority report on alternative language and a chart of other state's mandatory insurance rules were included in the materials. Mr. Bannerman reported that Chief Justice Chavez asked the committee to draft a rule requiring attorneys to inform their clients whether or not they have malpractice insurance. The committee drafted Rule 16-104(C), which would require attorneys to inform their clients in writing if, at the time of engagement, they do not have professional liability insurance with limits of at least \$100,000 per claim and \$300,000 in the aggregate.

The Board discussed concerns with the rule, including those attorneys who cannot be insured, either because they cannot afford it or their claim experience prevents them from being able to obtain insurance. Commissioner Jontz expressed a concern that the larger law firms may be self insured up to a certain amount before their coverage applies, which could be construed as their being uninsured for the mandatory amounts. The Board also expressed concern with the high deductible and coverage limits. Commissioner Behles expressed concern with providing pro bono assistance and requested language be incorporated into the rule that it doesn't apply unless and until a fee is charged. Following discussion, Commissioner Berlin made a motion to form a committee to create a list of the Board's concerns for the LPL Committee to address and incorporate into the rule; the motion was seconded and it passed. Commissioners Alaniz, Alsup, Behles and Berlin volunteered to serve on the committee.

6. Bylaws/Policies Committee Report

Chair David Berlin reported on the committee's September 9th meeting and requested the Board's approval of the following:

A. Natural Resources, Energy and Environmental Law Section Bylaw Amendments

At the July meeting, the committee tabled a request from the NREEL Section requesting amendments to its bylaws, Article X, Section 10.1, Section Finances, to allow for additional carryover at year-end. The committee met with the section chair to ascertain the reason for the request. The chair reported that the section did not want to have to request additional carryover from the executive director every year and requested that it be allowed to carry over one year's worth of dues, which is approximately \$5,000; the committee recommended denying the section's request and not allowing the additional carryover. Commissioner Berlin moved to approve the committee's recommendation and the motion passed.

B. Committees and Sections Scheduled for Sunset

Pursuant to the sunset provision in the State Bar Bylaws, the committee reviewed the petitions and past histories of the committees and sections scheduled for sunset and recommended continuing the Committee on Diversity in the Legal Profession, Law Office Management

Committee, Lawyers Professional Liability Committee, Bankruptcy Law Section, Employment and Labor Law Section, Taxation Section and Trial Practice Section for another five years. Commissioner Berlin moved to approve the recommendation and the motion passed. The Quality of Life Committee and the Commercial Litigation Section did not submit petitions and requested that they be sunset. Commissioner Berlin moved to approve sunsetting the Quality of Life Committee and Commercial Litigation Section and the motion passed.

The Criminal Law Section did not submit a petition, and the committee recommended granting a one-year probationary extension to the section with the following conditions: the section cannot collect dues for one year, and the 2009 Dues Form will indicate free membership in the section for the year; the section must hold at least four meetings with quorums and prepare minutes of those meetings, and it must produce a written plan for the use of its dues. If these conditions are not met, the section will automatically be sunset at the end of 2009. Matthew Coyte, Chair-elect of the Criminal Law Section, attended the meeting to notify the Board that Brian Pori, the section chair, has been ill and will be unavailable for a couple of months. He stated that he will try to ensure that the section complies with the conditions and that if they don't get organized, they will sunset themselves. Commissioner Berlin moved to approve the recommendation and the motion passed.

C. New Business

1) Amendment to State Bar Bylaws Article II, Section 2.2, Inactive Status Member

Distributed a bylaw amendment to provide the *Bar Bulletin* to inactive members free of charge electronically or a hard copy upon payment of a publication fee. Thirty day's notice is required prior to approval, so a vote will be taken at the October meeting.

2) Amendment to Business Law Section Bylaws

The Business Law Section requested an amendment to its bylaws to allow the chair to serve for more than one year; Commissioner Berlin moved to approve the amendment, and the motion passed.

3) Amendment to Natural Resources, Energy & Environmental Law Section Bylaws

The Natural Resources, Energy and Environmental Law Section requested an amendment to its bylaws regarding student membership; Commissioner Berlin moved to approve the amendment, and the motion passed.

7. Executive Session

The Board decided not to go into executive session to discuss the litigation discussed at the July meeting. General Counsel Richard Spinello reported that he met with Commissioners Malott and Berlin and that the insurance company has been put on notice of the lawsuit. Commissioner Berlin and Mr. Spinello drafted a motion for summary judgment, which will be presented to the court with an order dismissing the suit.

8. Nomination of 2009 Board of Bar Commissioners Officers

President Orraj requested nominations for the 2009 Board officer positions of Secretary-Treasurer, Vice President and President-elect. Commissioner Cloutier nominated Hans Voss to the position of Secretary-Treasurer, Commissioner Alaniz nominated Jessica Perez to the position of Vice President, and Commissioner Berlin nominated Steve Shanor to the position of President-elect. Commissioner Behles seconded the nominations, and all of the nominees were elected by acclamation.

9. Discussion Regarding Unauthorized Practice of Law Legislative Effort

General Counsel Richard Spinello reported that former UPL Committee Chair Orlando Lucero contacted him regarding proposed unauthorized practice of law legislation that he had previously introduced in the legislative session. There is no pending legislation. There is a current statute, but there isn't a clear definition of what constitutes UPL and there is not any enforcement. The Board asked whether there are any other states with current legislation and Mr. Spinello offered to research. Mr. Lucero would like to have the Board's support and assistance in lobbying the legislature before proceeding. The Board discussed whether to form a committee to work with Mr. Lucero or refer the issue to the Client Protection Fund Commission. Following discussion, Commissioner Berlin made a motion to have Mr. Spinello explore and discuss the issue with the Client Protection Fund Commission for the 2011 session; the motion was seconded and it passed.

10. President's Report

President Orraj reported on the following:

A. Know the Law Before the Law Knows You

The *Know the Law Before the Law Knows You* video was presented to the Board. President Orraj reported that the video and information for teens and young adults to assist them in understanding the legal consequences of adult decisions has been distributed to all New Mexico schools.

B. Local/Voluntary Bar Meetings

He will be meeting with members in the southeastern part of the state and visiting the Eddy, Lea and Curry-Roosevelt County Local Bar Associations this month and will be meeting with members in the southwestern part of the state in December.

C. Disciplinary Board Update re: Administrative Services Agreement

The subcommittee, comprised of President Orraj, Commissioners Behles, English, Voss and Malott, that was formed to negotiate a new administrative services agreement, met with the Disciplinary Board to present the Bar's proposal of a four percent administrative fee for fee collections, which is the percentage that the Bar charges other entities for such services. The Disciplinary Board requested a cost analysis to substantiate the four percent fee that was proposed and the cost analysis was provided to the Disciplinary Board. Once the Disciplinary Board responds and accepts the proposal, a new administrative services agreement will be provided to the Disciplinary Board.

D. Commission on Professionalism

The Court appointed Justice Bosson as co-chair of the Commission. The Commission met on August 26 and discussed the professionalism requirement. The Commission discussed the requirement and alternatives to improve the quality of the program and make it more relevant to various areas of practice. The Commission also discussed how the judiciary handles professionalism issues in their courtrooms and the lack of enforcement authority. Justice Bosson will discuss it at the Conclave.

E. Ruidoso Flooding

Commissioner Voss sent a letter from the State Bar regarding the resources available through the Bar to assist the victims of the recent flooding in Ruidoso.

F. Staff Events

He attended the staff picnic and Isotopes Game on August 22 and will be attending the staff retreat at Isleta Casino on September 22. He also attended the New Mexico Conference on

Aging awards ceremony at which LREP received the Public Service Award.

Veronica Cordova was presented with a gold watch in recognition and appreciation of 25 years of service to the State Bar.

11. President-Elect Report

President-elect Alaniz reported on the following:

A. NCBP Annual Meeting

He attended the NCBP Annual Meeting in New York and would like to bring one of the presenters to the Bar's Annual Meeting next year.

B. 2009 BBC Meeting Schedule (attached behind Tab 11)

Received the 2009 meeting dates as follows: February 27, May 8, July 9 (in conjunction with the Annual Meeting in Pojoaque), September 11, and December 4.

C. Other

He attended several meetings, including the Compilation Commission and Hispanic National Bar Association Steering Committee. He reported on the Board survey results and noted that he'll continue to focus next year on the relationship with the Supreme Court, increased regulatory functions, development of leaders for the officer track and opportunities for succession on the Board.

12. Review and Approve Governance Section of Strategic Plan

Commissioner Larkin made a motion to approve the governance section of the strategic plan and to implement the plan; the motion was seconded and it passed.

13. Executive Director's Report

Executive Director Joe Conte's report was included in the materials.

14. Bar Commissioner Districts and Divisions (SLD, YLD and PD) Reports

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

Commissioner Berlin reported that the Supreme Court approved the new Rule 24-109 requiring IOLTA accounts for client's funds. A list of banks with appropriate rates will be provided to members. The Center for Civic Values will provide the Supreme Court with a list of those in non-compliance, and the Court will suspend those in non-compliance.

15. 2008 BBC Election Schedule

The 2008 BBC election schedule, which includes a list of commissioners whose terms will be ending this year, was included in the materials. Eight positions will expire at the end of the year. Nomination petitions are due October 17 and the ballots will be mailed out to the membership on October 31.

16. New Business

A. Personnel Committee Report Re: Amendment to Employee Handbook Policy Regarding FMLA Leave

The Personnel Committee met on September 9 and Chair Perez reported that the committee reviewed and recommended approval of an amendment to the Family and Medical Leave Act

of the Employee Handbook to clarify that any prior years' frozen sick leave and PTO will run concurrently with FMLA leave. Commissioner Perez made a motion to approve the amendment and the motion passed.

B. Board of Bar Examiners Request Regarding Exam Strategies Offered in State Bar Workshops

Commissioner Jarrett presented a request from the Board of Bar Examiners. He reported that the BBE is putting together a project to focus on and provide assistance to repeat takers of the bar exam. Arizona has a similar program that is sponsored by the Arizona State Bar, and the BBE would like the Board's support in doing a program in New Mexico. Following discussion, the Board took no action on the request.

C. ABA Operational Assessment Report

The ABA Operational Assessment Report of the Bar's programs and operations was distributed to the Board prior to the meeting. The report commends the Board and staff on the progress made since 2003. Executive Director Joe Conte stated that the directors will review the report more thoroughly and look at specific recommendations and will work with the Bylaws and Policies Committee to bring any recommended policies to the Board for approval.

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

**BOARD OF BAR COMMISSIONERS
OCTOBER 24, 2008 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:

Henry A. Alaniz
Gary D. Alsup
Daniel J. Behles
David M. Berlin
Andrew J. Cloutier
Nancy G. English
Richard M. Jacquez
Danny W. Jarrett
Dennis E. Jontz
Twila B. Larkin

Alan M. Malott
Carla C. Martinez
J. Brent Moore
Sandra E. Nemeth
Craig A. Orraj
Monica M. Ontiveros
Jessica A. Perez
Hans William Voss
Carolyn A. Wolf

MEMBERS ABSENT:

Dominic E. Dutton
Robin Gomez
Stephen S. Shanor

OTHERS PRESENT:

John Bannerman
Kris Becker
Ian Bezpalko
Brenda Castello
Joe Conte
Kasey Daniel

Damon Ely
Kay Homan
Rob Koonce
Christine Morganti
Richard Spinello
Madonna Vandeventer

1. Videoconferencing Demos

The Bar budgeted for videoconferencing in 2009 and two companies are under consideration—Tandberg and LifeSize. Both companies attended the meeting and presented demos of their videoconferencing equipment. Ian Bezpalko, co-chair of the Technology Committee, has been involved with the process and reported that there are three main companies, including these two, offering videoconferencing from which they received demos. They also looked at Polycom and decided to focus on the other two companies. He reported on the benefits of each company and the costs. Following discussion, the Board requested that it be put back on the agenda for the December meeting and the proposals from the two companies be distributed prior to the meeting. The Board also requested information regarding how it's going to be paid for, who it is going to serve, and where the remote sites will be located. Commissioner Berlin made a motion to table the item to the December meeting; the motion was seconded and it passed.

2. Approval of September 12, 2008 Meeting Minutes

Commissioner Malott made a motion to approve the September 12, 2008 meeting minutes, and the motion was seconded. Commissioner Berlin requested an amendment to page 2, number 4, Approval of 2009 Budget Worksheet, to state that a committee was formed to make a recommendation for a dues increase, not to just explore an increase. Commissioner Cloutier requested an additional amendment to page 1 to remove the word "loss." The amendments were accepted and the motion passed.

3. Finance Committee Report

The Finance Committee met prior to the Board meeting, and Secretary-Treasurer Jessica Perez reported on the discussion and recommendations as follows:

- A. Approved the September 12, 2008 meeting minutes;
- B. Accepted the August 2008 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 2009 budget disclosure document will be e-mailed to the Finance Committee the following week and posted on the Web site after November 10.

4. Acceptance of Financials

Commissioner Perez made a motion to accept the September financials, and the motion passed.

5. Approval of 2009 Dues and Licensing Form

Due to the new rule changes, the draft 2009 Dues and Licensing Form was not finalized in time for the meeting. Commissioner Wolf made a motion to have the Executive Committee approve the form; the motion was seconded and it passed.

6. Bylaws/Policies Committee Report

Chair David Berlin reported on the committee's October 10th meeting and requested the Board's approval of the following:

A. Amendment to State Bar Bylaws, Article II, Section 2.2, Inactive Status Member

At the September meeting, the committee provided thirty days' notice of a bylaw amendment to provide the Bar Bulletin to inactive members free of charge electronically or a hard copy upon payment of a publication fee of \$125. Commissioner Berlin made a motion to approve the amendment, and the motion passed.

B. Amendments to Section Bylaws, Article X, Section 10.1, Section Finances; and State Bar Bylaws, Article IX, Section 9.1, Sections

The committee discussed sections' dues and the carryover amount and determined to amend the Section Bylaws and incorporate language into the State Bar Bylaws that sections may carry over one years' worth of dues beginning December 31, 2009, and requests for additional carryover will be directed to the Finance Committee and must include a plan and budget. The committee recommended approval of the Section Bylaws amendment; however, thirty days' notice of State Bar Bylaw amendments is required prior to approval, so a vote will be taken at the December meeting. Commissioner Berlin made a motion to approve the Section Bylaw amendments, and the motion passed.

C. New Proposed Internal Policy Regarding Print/Web Exclusions

The committee recommended approval of a new internal policy as follows:

State Bar members will no longer be given the option to exclude a listing from the print directory or from the Web. All public information will be disclosed to members and to the public through the print directory and the Web.

Commissioner Berlin made a motion to approve the new internal policy, and the motion passed.

D. Amendment to Email Services Policy

The committee recommended approval of an amendment to the Email Services Policy to provide email services at no cost to the courts (or assigned designee) for Access to Justice initiatives.

7. Personnel Committee Report

Chair Jessica Perez reported on the committee's October 10th meeting and requested the Board's approval of the following:

A. Revised Educational Assistance Policy

The committee recommended approval of the amended Educational Assistance Policy in the Employee Handbook. Following discussion, the Board requested additional amendments to the policy to clarify that books purchased as part of a course in furtherance of a degree or professional certification are the property of the employee. Commissioner Perez made a motion to approve the revised policy with the additional amendments, and the motion passed.

B. Amendment to PTO Policy

The committee amended the PTO Policy to permit employees to donate their PTO and frozen sick leave to other employees in the case of a serious illness and recommended approval. Commissioner Perez made a motion to approve the amendment, and the motion passed.

8. Lawyers Professional Liability Committee Update Regarding Proposed Rule

At the September meeting, the LPL Committee presented the committee's recommendation and proposed Rule 16-104(C) regarding professional liability insurance disclosure for the Board's consideration. The Board had some concerns and appointed a committee to develop a list of all of its concerns for the LPL Committee to address. The LPL Committee met on October 6th and discussed the Board's concerns and John Bannerman, Ian Bezpalko and Damon Ely attended the Board meeting to provide an update and request the Board's approval of the revised rule. The Board questioned whether all lawyers would need to notify their clients, and Mr. Bannerman clarified that only those lawyers that do not have insurance would need to notify their clients in writing. The Board questioned whose duty it is to report a lawyer in noncompliance with this rule, and Mr. Bannerman stated that the duty to report a lawyer to the Disciplinary Board for noncompliance is in the Code of Professional Responsibility. Executive Director Joe Conte asked whether this has been discussed with the Disciplinary Board and Mr. Bannerman stated that it hasn't yet, but he will talk with the Disciplinary Board before the rule is sent to the Supreme Court. Commissioner Moore requested a change to #5 in the rule to replace the word "required" with "specified."

Commissioner Jarrett questioned whether there is a step underway to require insurance and Mr. Bannerman stated that he is opposed to requiring insurance and that only one state has mandatory insurance. Following discussion, Commissioner Berlin made a motion to approve the revised rule with the amendment and forward it to the Supreme Court. The motion was seconded and it passed with two nays. Mr. Bannerman requested that the Q & A be published on the Bar's Web site once the rule is forwarded to the Supreme Court.

9. Compilation Commission Report

Compilation Commission Director Brenda Castello provided an update and report on the Commission. She stated that she wants to build a strong relationship with the State Bar. The Commission is becoming a more customer-service oriented agency. New Mexico is the only state that is self-publishing with integrated databases. The agency is subsidized to keep costs low. The One Source of Law CD is \$599, and it would cost \$1,200 without subsidies. She noted that the Commission has only five staff and that the editorial work is performed by contract attorneys. Conway Greene is the printer and they maintain the database in Cleveland. She noted that the Commission is the official publisher though and is here to serve and welcomes feedback. The Commission's plan is to distribute the laws to members by July 1 when the laws go into effect. She distributed a One Source DVD to the commissioners, which contains NM case law, Supreme Court and Court of Appeals, Federal Court, rules, forms and NMSA, and is updated four times per year. She requested the commissioners to provide feedback to her on the DVD.

10. President's Report

President Orraj reported on the following:

A. Disciplinary Board Update

The Disciplinary Board countered the Bar's proposal of four percent for collection of its dues with two percent. The Bar identified all of the services that it provides for the Disciplinary Board, which amount to over \$200,000. The Disciplinary Board believes the late fees that are collected on dues should cover the administrative charges and they should not be charged anything. President Orraj, Executive Director Joe Conte, Disciplinary Board Chair Paul Fish and Chief Disciplinary Counsel Virginia Ferrara met with Chief Justice Chavez to discuss and he will make a recommendation to the Supreme Court.

B. Discuss Disciplinary Board Appointment

This item was tabled to the December 12th meeting.

C. Summit

The summit with the Disciplinary Board, Board of Bar Examiners, Center for Civic Values, and MCLE Board will be held in the near future.

D. Alabama Center for Law and Civic Education

He and Executive Director Joe Conte attended a law-related education program for middle schools called "Play by the Rules," which is similar to the Bar's Know the Law Project.

11. President-Elect Report

President-elect Alaniz reported on the following:

A. Liaison Appointments to Supreme Court Boards and Committees

Prior to making the appointments, he will be sending a letter to the current liaisons regarding their meeting attendance and to ask whether voting would be important to their attendance and whether they would like to be reappointed.

B. Recommendations for Supreme Court Boards and Committees

Resumes are being obtained from those interested in serving on the Supreme Court Boards and Committees and will be forwarded to the Supreme Court along with a letter containing the Board's recommendations.

C. 2009 Annual Meeting

The Supreme Court will be on recess during the Bar's Annual Meeting and the justices may be unable to attend.

D. Other

His swearing-in will be held on December 10 and a reception will be held that evening at the National Hispanic Cultural Center in Albuquerque and all commissioners are invited to attend.

12. Executive Director's Report

Executive Director Joe Conte's report and State Bar September Newsletter were included in the materials.

13. Dues Increase Task Force Report

Chair Hans Voss reported on the first meeting of the task force created at the September meeting to request a dues increase. The meeting was held prior to the Board meeting and they did not have a quorum. He will try to schedule all future meetings around Board meetings.

14. Bar Commissioner Districts and Divisions (SLD, YLD and PD) Reports

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

Commissioner Jontz reported that he serves on and attends monthly meetings of the Court's JIFFY Committee and that an electronic filing pilot project in the 13th Judicial District will be coming in 2009, which may include a \$5 filing fee. He requested that he be included on the agenda for the December meeting to provide a report and update.

15. New Business

There being no further business, the meeting was adjourned at 5:15 p.m. Following the meeting, a reception was held at the Balloon Fiesta Museum which was well attended by the BBC, section chairs and chairs-elect, and committee chairs and chairs-elect.

Craig A. Orraj, President

Date: _____

ATTEST:

Joe Conte, Executive Director

Date: _____

**BOARD OF BAR COMMISSIONERS
DECEMBER 12, 2008 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Daniel J. Behles David M. Berlin Andrew J. Cloutier Dominic E. Dutton Robin Gomez Richard M. Jacques Danny W. Jarrett Dennis E. Jontz Twila B. Larkin	Alan M. Malott Carla C. Martinez J. Brent Moore Sandra E. Nemeth Craig A. Orraj Monica M. Ontiveros Jessica A. Perez Stephen S. Shanor Hans Voss Carolyn A. Wolf
MEMBERS ABSENT:	Nancy G. English	
OTHERS PRESENT:	Kris Becker Ian Bezpalko Joe Conte Veronica Cordova Kasey Daniel Kay Homan	Tina Kelbe Rob Koonce Christine Morganti Richard Spinello Madonna Vandeventer

1. Approval of October 24, 2008 Meeting Minutes

Commissioner Malott made a motion to approve the October 24, 2008 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 Jessica Perez reported on the Committee's discussion and recommendations as follows:

- A. Reviewed a Resolution to transfer the IT infrastructure and software to the Bar Foundation in order to receive significantly reduced rates on purchases and the committee recommended approval; Commissioner Alsup made a motion to approve the Resolution; the motion was seconded and it passed; and
- B. Reviewed the Administrative Contract with MCLE; MCLE requested a 30-day termination provision for the database services portion of the agreement; the committee recommended a two-year contract with a 60-day termination notice across the board plus a 10-percent escalator clause and a mutual confidentiality agreement; Commissioner Perez made a motion to approve a two-year contract for the lease and database services agreement with a 60-day termination clause across the board plus a 10-percent escalator clause and a mutual confidentiality agreement; the motion was seconded and it passed.

3. Acceptance of Financials

Commissioner Perez made a motion to accept the October 2008 financials; the motion was seconded and it passed.

4. Discuss Videoconferencing Proposals

Tandberg and LifeSize, the two videoconferencing companies being considered by the Bar, presented demos of their videoconferencing equipment at the October meeting. Commissioner Shanor reported

on and outlined the two proposals and addressed the Board's questions. He noted that the cost is comparable with both companies and is determined by the number of host sites. He recommended four host sites in Las Vegas, Farmington, Las Cruces and Roswell, which would be placed in law firms. There would be a total of 24 ports. If more than 24 ports are needed, then managed care service to provide for sufficient bandwidth capability can be purchased separately. If managed care isn't purchased, then a T1 line is needed, which LifeSize provides. Commissioner Shanor made a motion to enter into a lease with LifeSize without the optional managed care service and the motion was seconded. Following discussion regarding leasing versus purchasing the videoconferencing equipment, Commissioner Alaniz requested a friendly amendment to the motion to enter into a 36-month lease and that no action will be taken until the Bylaws/Policies Committee creates policies to be approved by the Executive Committee; Commissioner Shanor accepted the amendment and the motion passed with four nays.

5. Approval of Amendment to State Bar Bylaws, Article IX, Section 9.1

A. Amendment to State Bar Bylaws, Article IX, Section 9.1, Sections

The Board approved an amendment at the October meeting to the Section Bylaws regarding sections' dues and the carryover amount incorporating language that sections may carry over one year's worth of dues beginning December 31, 2009, and requests for additional carryover will be directed to the Finance Committee and must include a plan and budget. The same language was incorporated into the State Bar Bylaws, and thirty days' notice was provided at the October meeting. Commissioner Behles made a motion to approve the amendment to the State Bar Bylaws; the motion was seconded and it passed.

6. Appointment to Rocky Mountain Mineral Law Foundation

One vacancy existed on the Rocky Mountain Mineral Law Foundation for a three-year term. A notice was published in the *Bar Bulletin* and the following submitted a letters of interest and resumes, which were included in the materials.

- A. Stuart R. Butzier
- B. Elizabeth A. Ryan

Following a vote by secret ballot, Elizabeth A. Ryan was elected to the Rocky Mountain Mineral Law Foundation for a three-year term.

7. Appointments to Center for Civic Values IOLTA Grant Committee

Two vacancies, one lawyer and one non-lawyer, existed on the Center for Civic Values IOLTA Grant Committee for three-year terms. A notice was published in the *Bar Bulletin* and the following submitted letters of interest and resumes, which were included in the materials.

- A. Kim A. Griffith
- B. Edward T. O'Leary (non-lawyer)

Commissioner Berlin made a motion to appoint Kim A. Griffith and Edward T. O'Leary to the Center for Civic Values IOLTA Grant Committee for three-year terms; the motion was seconded and it passed.

8. Appointments to Access to Justice Commission

Two vacancies existed on the Access to Justice Commission for three-year terms. A notice was published in the *Bar Bulletin* and the following submitted letters of interest and resumes, which were included in the materials.

- A. Michelle Giger
- B. Dorene A. Kuffer
- C. Thomas W. Olson

Following a vote by secret ballot, Michelle Giger and Thomas W. Olson were elected to the Access to Justice Commission for three-year terms.

9. Appointments to New Mexico Legal Aid Board

Three vacancies (one three-year term and two one-year terms) existed on the New Mexico Legal Aid Board, with one of the appointments being 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 and resumes, which were included in the materials.

- A. Stuart M. Bluestone (Indian Law Section member/recommendation)
- B. Dominic (Don) E. Dutton
- C. Eric K. Gilbert
- D. Carlos Ibarra

Following a vote by secret ballot, Stuart M. Bluestone, Dominic E. Dutton and Carlos Ibarra were elected to the New Mexico Legal Aid Board for a three year and one-year terms, respectively.

10. JIFFY Committee Report

Commissioner Jontz reported on the JIFFY Committee and the electronic filing pilot project. He noted that some of the courts want to restrict what is available online. Judge Bustamante appointed a committee to look at access to court records, but the subcommittee hasn't made a decision yet. There will be a test electronic filing pilot project in the Third Judicial District. If the Legislature doesn't appropriate funding for electronic filing, then there are other funding sources, possibly through a vendor such as Lexis.

11. President's Report

President Orraj reported on the following:

A. Disciplinary Board

Pursuant to the meeting with Chief Justice Chavez regarding the administrative fees to collect the Disciplinary Board's dues and whether the State Bar could charge the Disciplinary Board four percent, the Supreme Court decided that the State Bar could charge two percent for this service.

B. Judicial Budget Crisis

Governor Richardson directed the judiciary to cut their budgets by five percent. Federal Judges don't pay bar dues and Chief Justice Chavez asked whether the State Bar could exempt state judges from paying bar dues, which would result in approximately a \$26,000 loss to the State Bar; however, federal judges don't have to be members of the State Bar. Chief Justice Chavez asked the Bar to research whether Federal judges are exempt in other states prior to making a determination of whether the requirement should be discontinued.

C. Summit Scheduled for December 18, 2008

The chairs and chair-elects of the Board of Bar Examiners, MCLE, Disciplinary Board and the Center for Civic Values have been invited to the summit with the Supreme Court next week. It is anticipated that the summit will promote conversations about the perceptions of each of the entities that have an effect on and regulate the profession.

D. Dreams Tulum

The CLE and Sand trip to Tulum was well-attended and the CLE programs were very good. He noted that those types of settings promote professionalism.

E. Inreach, Outreach, Upreach

Inreach: operational assessment from the ABA and organizational plan with objectives to track progress

Outreach: local bar visits and State Bar video informing members what they receive for their bar dues; "Know the Law Before the Law Knows You" educational video campaign for high school students; mandatory insurance and pro bono reporting

Upreach: improvements in communications with the Court through quarterly status reports and the first summit to be held next week

12. President-Elect Report

President-elect Alaniz reported on the following:

A. Supreme Court Boards and Committees Liaison Appointments/Reappointments

The appointments were included in the materials and commissioners were requested to sign up for committees and boards with vacancies.

B. Disciplinary Board Appointment

Craig A. Orraj was appointed to the Disciplinary Board for a three-year term.

C. BBC Internal Committee Appointments

A sign-up sheet was distributed at the meeting and appointments will be made following the meeting.

D. Officers' and Directors' Retreat

An officers' and directors' retreat was held last month at Buffalo Thunder Resort at which the ABA operational assessment was reviewed and the Bar's strategic plan and objectives were revisited and updated.

E. 2009 BBC Meeting Dates

The 2009 BBC meeting dates are as follows: February 27, May 8, July 9 in Pojoaque, September 11, and December 11--note date change from December 4).

F. Other

President-elect Alaniz also reported that he attended a YLD lunch, Solo Section meeting, Metro Court Nominating Commission, CLE in Tulum, and the budget meeting with the Supreme Court and swearing-in ceremony.

13. Executive Director's Report

Executive Director Joe Conte reported on the recent restructure, which eliminated two positions of Systems Manager and Facility Manager. The Bar's IT is now outsourced, and the facility management is divided into three parts among Veronica Cordova, Kris Becker and a part-time assistant.

14. Bar Commissioner Districts and Divisions (SLD, YLD and PD) Reports

Due to lack of time, this item was tabled.

15. Presentation of Outgoing Commissioner Plaques

President Orraj presented plaques to those commissioners with terms ending this year as follows: Dennis E. Jontz, Sandra E. Nemeth, Monica M. Ontiveros, Nancy G. English, YLD Chair J. Brent Moore,

Paralegal Division Liaison Robin Gomez. President-elect Alaniz presented a plaque to President Orraj for his service to the State Bar during 2008.

16. New Business

A. UNM Barrister's Ball

Student Bar Association President Leon Howard and Erin McSherry reported on the UNM Barrister's Ball to be held in March. The event is intended to unite the NM legal community by providing a formal social gathering through which students and the legal professionals can meet and interact. Mr. Howard informed the Board that any funds raised in excess of the cost of the event would be contributed towards the James Quinn Memorial Scholarship Fund. They requested the Bar's assistance with the event through a sponsorship in the amount of \$2,000 and the use of the Bar's database to advertise the event. Following discussion, the Board tabled the item and directed it to the Finance Committee to address at its next meeting in February.