

**BOARD OF BAR COMMISSIONERS
FEBRUARY 27, 2009 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:

Henry A. Alaniz
Gary D. Alsup
Erika Anderson
Daniel J. Behles
David M. Berlin
Mary Chicoski
Andrew J. Cloutier
Dominic E. Dutton
Kay L. Homan
Richard M. Jacques

Danny W. Jarrett
Twila B. Larkin
Craig A. Orraj
R. David Pederson
Jessica A. Perez
Wesley O. Pool
Stephen S. Shanor
Hans Voss
Carolyn A. Wolf

MEMBERS ABSENT:

Carla C. Martinez
J. Brent Moore

OTHERS PRESENT:

The Hon. Charles W. Daniels
Kris Becker
Ian Bezpalko
Joe Conte
Veronica Cordova

Kasey Daniel
Rob Koonce
Christine Morganti
Richard Spinello
Madonna Vandeventer

1. Swearing-in of New Commissioners

Supreme Court Justice Charles W. Daniels swore-in the following new commissioners:

First Bar Commissioner District: Erika Anderson
Second Bar Commissioner District: R. David Pederson
Fifth Bar Commissioner District: Wesley O. Pool
2009 Division Representatives: Mary Martha Chicoski, Young Lawyers Division Chair
Kay L. Homan, Paralegal Division Liaison

J. Brent Moore, a representative in the Third Bar Commissioner District, was unable to attend the meeting.

2. Appointment of Commissioner to First Bar Commissioner District

A vacancy was created in the First Bar Commissioner District due to Alan Malott's appointment to a judgeship. A notice was published in the *Bar Bulletin* and the following submitted letters of interest and resumes and were invited to the meeting to address the Board:

- A. John A. Bannerman
- B. Thomas R. Briones
- C. Gerald G. Dixon
- D. James C. Ellis
- E. Jessica M. Hernandez
- F. Mark D. Jarmie
- G. George C. Kraehe
- H. Georgene Louis
- I. Orlando Lucero
- J. Ramona C. Martinez
- K. Patrick L. McDaniel
- L. Shelley B. Mund
- M. Hilary A. Noskin
- N. Raynard Struck

Commissioner Shanor made a motion to vote by secret ballot selecting the candidate who obtains the simple majority. If no simple majority results from the first round of ballots, ballots will be distributed again with the top five candidates. If no simple majority results, a third round of ballots will be distributed containing the top two candidates, and this process will continue until a candidate receives the simple majority. The motion was seconded and it passed. Commissioner Orraj made a motion to have the candidates sequestered and that only the candidate addressing the Board at that time be allowed in the room; the motion was seconded and it passed. Commissioner Cloutier made a motion to amend the voting procedure to allow each commissioner to vote for up to two candidates on the first ballot and then follow the remainder of the procedure. The motion was seconded and it passed with one nay.

Following five votes by secret ballot, Raynard Struck was appointed to the Board to fill the vacancy in the First Bar Commissioner District until the next regular election of commissioners.

3. Approval of December 12, 2008 Meeting Minutes

Commissioner Larkin made a motion to approve the December 12, 2008 meeting minutes as submitted; the motion was seconded and it passed.

4. Finance Committee Report

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

- A. Accepted the December 2008 pre-audit financials and executive summaries;
- B. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C. Finalized a new lease and administrative services contract with MCLE;
- D. Discussed overpayments of dues and decided not to refund overpayments that are less than \$10;
- E. Discussed the mileage reimbursement rate for the Board and recommended changing from the IRS rate to the State rate pursuant to the Rules Governing the Bar, effective this date. The Board discussed whether it had an obligation to reimburse the Bar, and the Finance Committee recommended authorizing President Alaniz to discuss the issue with the Court and to request a rule change to permit reimbursement at the IRS rate. Commissioner Cloutier made a motion to approve the recommendation and the motion passed. Commissioner Wolf made a motion to refer the staff mileage reimbursement rate to the Personnel Committee to make a recommendation to the Board and the motion was seconded. Commissioner Dutton requested a friendly amendment to the motion for the staff mileage reimbursement rate to continue at the IRS rate until the Personnel Committee makes a recommendation. The amendment was accepted and the motion passed;
- F. Reported that the Bar car lease expires at the end of July, and the options are to pay off the mileage, purchase the vehicle or trade it in for a new one; the committee will make a recommendation at that time;
- G. Discussed the purchase of a new tape backup system for the State Bar data, as the current one does not meet capacity; three proposals were submitted, and the committee recommended accepting the proposal by Lighthouse for \$8,600, which would be a non-budgeted expense for 2009; Commissioner Voss made a motion to accept the Lighthouse proposal for \$8,600 and the motion passed;
- H. Reported that the State Bar's investments will be moved from the current investor at Wells Fargo to another investor; the new investor informed the Bar that the current investment policy is too restrictive for smaller banks, and the committee authorized Secretary-Treasurer Voss and Madonna Vandeventer to discuss the issue with the new investor and to bring any amendments to the investment policy to the Executive Committee; and
- I. Pursuant to the ABA Operational Assessment, which recommended aligning check signing authority with contracting authority, the Finance Committee decided to amend

the Bar's internal policies to align the amount for checks, contracts and proposals to \$6,000.

5. Acceptance of Financials

Secretary-Treasurer Voss made a motion to accept the December 2008 pre-audit financials; the motion was seconded and it passed.

6. Fee Waiver Requests

Secretary-Treasurer Voss reported on the fee waiver requests for the Board's consideration. A list of those requesting fee waivers was included in the materials, and copies of the affidavits for those requesting fee waivers was made available at the meeting for review. Secretary-Treasurer Voss made a motion to approve the fee waiver requests for those who met the criteria and for those who did not complete their applications, their approval is contingent upon completion of the applications within 90 days; the motion was seconded and it passed.

7. Bylaws/Policies Committee Report and Recommendations

Chair David Berlin reported on the February 13th meeting and requested the Board's approval of the following:

A. Intellectual Property Section Bylaw Amendment

The IP Section requested an amendment to its bylaws to incorporate a new section 2.5, Non-Voting Associate Members, to allow for non-voting associate members to join the section. The IP Section was created last year and nine other sections have this provision in their bylaws. The committee recommended approval of the bylaw amendment. Commissioner Berlin made a motion to approve the amendment and the motion passed.

B. Videoconferencing Policy

At the December meeting, the Board requested the Bylaws/Policies Committee to draft a policy for use of the videoconferencing equipment, and the committee recommended approval of the policy. The Board requested amendments as follows: permitting the host the option of extending the hours beyond 7 p.m. at a previously agreed upon rate; removing the wording regarding sections and committees having priority booking; changing the rate from \$70 to \$150 per hour for non-admitted attorneys; adding a cancellation clause that if a booking is cancelled within 15 days or less, there will be a charge of one hour's usage; and allowing the host offices to rollover any unused time up to a maximum of 36 hours for one year. A contract will be drafted for the law firm hosts to be reviewed by the committee and approved by the Executive Committee, if finalized prior to the May 15th meeting. Commissioner Berlin made a motion to approve the policy with the amendments and for the Executive Committee to approve the contract, and the motion passed.

C. Confidential Material Policy and Bylaw Amendment to Article IV, Section 4.2c

The ABA Operational Assessment recommended adopting a Confidentiality Policy for the Board. The Employee Handbook already contained a Confidential Material Policy for staff, so that policy was amended to include the Board, and the committee recommended approval. Commissioner Berlin made a motion to approve the amended policy and the motion passed. An amendment was also made to the State Bar Bylaws, Article IV, Section 4.2(c), Removal of Officers and Commissioners. Thirty days' notice is required prior to approval, so a vote will be taken at the May meeting.

D. Anti-Trust Policy

The ABA Operational Assessment recommended adopting an Anti-Trust Policy. A new policy was drafted for the Board and staff and the committee recommended approval. Commissioner Berlin made a motion to approve the policy and the motion passed.

E. Magistrate Judges/Access to Casemaker

Magistrate judges requested access to Casemaker and the committee recommended that they receive it free of charge. Following discussion, Commissioner Berlin made a motion to provide Casemaker to all magistrate, municipal and probate judges free of charge. Following a vote of eight to eight, President Alaniz broke the tie in favor of the motion, and the motion passed.

8. Annual Awards Committee Report and Recommendations

The Annual Awards Committee met on February 10th and Chair Dan Behles reported on the committee's recommendations for the Bar's annual awards. He explained that fewer awards would make each one more meaningful, and many of the awards were duplicative. Commissioner Behles made a motion to reduce the number of awards to seven with an additional optional president's award; the motion was seconded and it passed.

9. Recommendations for the 2009 Pro Hac Vice Grants

The Pro Hac Vice Committee met on February 19th and Chair David Berlin reported on the committee's recommendations for the 2009 grant recipients. The committee denied one request because it did not meet the requirements of the State Plan and recommended distributing \$177,972 to the following 11 legal service providers: Advocacy Inc.; ACLU; Catholic Charities; DNA People's Legal Services; Enlace Comunitario; Legal FACS; Native American Disability Law Center, Inc.; New Mexico Legal Aid; and Pegasus Legal Services for Children. Commissioner Berlin made a motion to approve the committee's recommendations for the 2009 grant recipients; the motion was seconded and it passed.

10. Dues Increase Task Force Report

The Dues Increase Task Force met prior to the Board meeting and Chair Hans Voss reported on the committee's discussion and recommendations. The committee recommended asking the Court to support an annual dues increase of zero (0) to five (5) percent to be determined by the Board annually during the budgeting process to help fund State Bar programs and possibly the Client Protection Fund and to also ask the Court to support charging the Federal judges bar dues, as New Mexico is the only state that does not charge Federal judges dues. President Alaniz will send a letter first asking to be put on the Court's agenda to discuss these issues. Commissioner Voss made a motion to approve the recommendations; the motion was seconded and it passed.

11. Discussion Regarding Unauthorized Practice of Law

Commissioner Shanor has received complaints from members about non-licensed attorneys coming into New Mexico from El Paso and taking depositions in New Mexico cases of New Mexico witnesses and not getting admitted pro hac vice. He would like to have a rule in place that makes them subject to pro hac vice. He also expressed concern over the number of times an attorney can get admitted pro hac vice noting that one attorney got admitted 11 times in one year. Commissioner Shanor made a motion to put together a task force to look at pro hac vice and the recurring problem of unauthorized practice of law. Commissioner Dutton requested that the task force also look at firms who have one attorney admitted under pro hac vice and then another attorney in the firm appears in court; the motion was seconded and it passed. General Counsel Richard Spinello stated that the Court will be supportive of this task force and may want to have a representative. Former UPL Chair Orlando Lucero should also be invited to serve. Commissioners Larkin, Jacquez, Voss, Jarrett, Alsup, Pool and Berlin volunteered to serve on the task force.

12. President's Report

President Alaniz reported on the following:

A. BBC Internal Committee and Supreme Court Board/Committee Appointments

Appointments to the BBC internal committees (Finance, Executive, Bylaws/Policies, Personnel and Annual Awards) and the Supreme Court Boards and Committees were made in December and the rosters were included in the materials.

B. Disciplinary Board Update

In follow up from the meeting with Chief Justice Chavez regarding the collection of disciplinary fees, Paul Fish, Disciplinary Board Chair, sent a letter outlining the terms of the meeting and the agreement between the State Bar and the Disciplinary Board for the collection of the fees. The State Bar will collect the disciplinary fees and send a check or do an electronic transfer to the Disciplinary Board by the 15th of each month and will invoice the Disciplinary Board two percent of the fees collected.

C. 2009 Annual Meeting

The programming for the 2009 Annual Meeting, which will be held July 9-12 at the new Buffalo Thunder Resort in Pojoaque, is coming together and the brochure will be published in the April 6th Bar Bulletin as an insert.

D. Summit

The first summit with the regulatory boards was held in December at the Supreme Court and will continue on a quarterly basis. At the end of the year, the regulatory boards will meet with the Court again to report on the progress that has been made.

E. Local Bar Meetings

He attended local bar meetings and spoke to members in Raton and Taos and is also meeting with civic groups on these visits. He also attended the NCBP Midyear Meeting in Boston, the National Hispanic Bar Association meeting, as well as the Paralegal Division, MCLE Board, Client Protection Fund, and several section and committee meetings.

13. Executive Director's Report

The State Bar February Newsletter was included in the materials. Executive Director Joe Conte distributed copies of the State Bar staff newsletter *The Scoop* for which he wrote an article on the economy, and copies of the Bar's current demographics were also distributed.

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

Due to possible time constraints, President Alaniz had requested commissioners to provide written reports if they had something to report at the meeting. YLD Chair Martha Chicoski distributed a report highlighting the division's activities, including the ABA/YLD Midyear Meeting in Boston, the UNM/YLD Mock Interview Program, the ABA/YLD Public Service Award, the Children's Court Mentorship Program, Wills for Heroes, and Junior Judges.

15. Section, Committee and Division Annual Reports

Pursuant to the State Bar Bylaws, sections, committees and divisions are required to provide annual reports to the Board, and the full reports have been posted to the Bar's Web site at:

http://www.nmbar.org/AboutSBNM/Committees/comm_annualrpts_08.html for committees

<http://www.nmbar.org/AboutSBNM/sections/Sectiondocs/annualreports08.html> for sections

<http://www.nmbar.org/AboutSBNM/divisions.html> for divisions

16. New Business

- A. President Alaniz reported that Chief Justice Chavez contacted him and asked him to speak before the Legislature on behalf of the Court in support of electronic filing and assistance with funding for fees, but he did not have the Board's authority nor would he have been able to obtain the Board's authority with such short notice. The Board had approved a resolution in support of electronic filing in 2006 but did not support assistance with funding. The bylaws permit lobbying, but there is a process that needs to be followed first. Following discussion, Commissioner Wolf made a motion for the Bylaws and Policies Committee to review the current lobbying provisions in the bylaws and to make recommendations for a more effective and efficient process and response by the State Bar.
- B. General Counsel Richard Spinello reported that the rule dealing with malpractice insurance was published in the *Bar Bulletin* soliciting comments and commissioners should direct their constituents to forward formal comments to the Court.
- C. Veronica Cordova reported that she had been contacted by a non-member requesting the *Bar Bulletin* electronically. There is currently not an established fee for non-members to receive the electronic version and she requested that the Board determine a fee. Commissioner Wolf made a motion to refer the issue to the Bylaws/Policies Committee to make a recommendation for the Board's consideration; the motion was seconded and it passed.

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

**BOARD OF BAR COMMISSIONERS
MAY 15, 2009 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:

Henry A. Alaniz	Twila B. Larkin
Gary D. Alsup	Carla C. Martinez
Erika Anderson	J. Brent Moore
Daniel J. Behles	Craig A. Orraj
David M. Berlin	R. David Pederson
Mary Chicoski	Jessica A. Perez
Andrew J. Cloutier	Wesley O. Pool
Dominic E. Dutton (by phone)	Stephen S. Shanor
Kay L. Homan	Hans Voss
Richard M. Jacques	

MEMBERS ABSENT:

Danny W. Jarrett
Carolyn A. Wolf

OTHERS PRESENT:

Kris Becker	Christine Morganti
Ian Bezpalko	Richard Spinello
Joe Conte	Howard Thomas
Veronica Cordova	Madonna Vandeventer
Rob Koonce	Jana Walker

1. Approval of February 27, 2009 Meeting Minutes

President Alaniz noted that Brent Moore was not at the meeting and should be removed from the list of commissioners who were sworn in by Justice Daniels at the meeting. Commissioner Shanor made a motion to approve the February 27, 2009 meeting minutes with the amendment; the motion was seconded and it passed.

2. Finance Committee Report

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

- A. Accepted the March 2009 financials and executive summaries;
- B. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file; and
- C. Reported that credit card fees are less for online payments and recommended only permitting credit card payments to be made online; Commissioner Behles made a motion to approve the recommendation and the motion passed.

3. Acceptance of Financials

President Alaniz reported on the revised format for the financial statements with the new accounting software. The Finance Committee and the Board now receive summarized financials along with detailed financials and the summarized financials will be used to portray a clearer picture of where the Bar stands at any given time. He noted that additional adjustments still needed to be made, but we will now have a better prediction of the Bar's financial status at year end. Commissioner Martinez made a motion to accept the financials; the motion was seconded and it passed.

4. Acceptance of 2008 Audit

Commissioner Voss reported that the auditors presented the 2008 audit report to the Finance Committee and that the audit received an unqualified opinion. Commissioner Cloutier made a motion to accept the audit; the motion was seconded and it passed.

5. Fee Waiver Requests

Commissioner Voss made a motion to approve two fee waiver requests received for the Board's consideration; the motion was seconded and it passed.

6. Bylaws/Policies Committee Report and Recommendations

Chair David Berlin reported on the April 13th meeting and requested the Board's approval of the following:

A. International and Immigration Law Section Bylaw Amendments

The International and Immigration Law Section requested amendments to its bylaws to add a provision for a law student member and the committee recommended approval. Commissioner Berlin made a motion to approve the bylaw amendments and the motion passed.

B. Public Law Section Bylaw Amendments

The Public Law Section requested amendments to its bylaws to add a public member back on its board, which it had eliminated in 2004, and the committee recommended approval. Commissioner Berlin made a motion to approve the bylaw amendments and the motion passed.

C. Bar Bulletin Cost for Electronic Version to Non-Members

The Board tabled this item from the February meeting and requested the committee to determine a price for the electronic version of the Bar Bulletin for non-members for the Board's consideration. The price for the subscription had previously been set at \$125 and the committee recommended that the price remain the same at \$125, whether electronic or hard copy, for non-members, as there are fixed costs associated with the production of the publication. Following discussion, Commissioner Berlin made a motion to approve the recommendation requiring non-members to pay \$125 for the electronic subscription of the *Bar Bulletin* and the motion passed with one nay and one abstention.

D. State Bar Bylaw Amendments to Article IV, Section 4.2 and 4.3

The term of office for commissioners, which commences January 1, was not spelled out in the bylaws and there was inconsistency with a board vacancy term which runs through the election date of November 30 and the actual commissioner term which runs through December 31, so amendments were proposed to those two sections of the bylaws, and the committee recommended approval. The same amendments will need to be made to the Rules Governing the Bar with the Court's approval. Thirty days' notice of State Bar Bylaw amendments is required prior to approval; in order to meet the 30-day notice requirement, the amendments were e-mailed to the Board on April 14 and the committee recommended approval. Commissioner Berlin made a motion to approve the bylaw amendments and the motion passed. Commissioner Martinez questioned partial terms and whether they were in addition to the three three-year terms. The Board referred the issue back to the committee to address and make a recommendation for the Board's consideration.

E. State Bar Bylaw Amendment to Article XIII, Section 13.1

Rule 23-106 allows the Board to appoint a liaison to each standing, special or temporary committee for a term of one year. General Counsel Richard Spinello suggested that the list of all of the committees be removed from the State Bar Bylaws, since they are listed in the rule and this will eliminate the need to amend the bylaws each time a new committee is added or

removed. Thirty days' notice of State Bar Bylaw amendments is required prior to approval; in order to meet the 30-day notice requirement, the amendments were e-mailed to the Board on April 14 and the committee recommended approval. Commissioner Berlin made a motion to approve the bylaw amendment and the motion passed.

F. Discuss Bylaws Regarding Lobbying

At the February meeting, the Board discussed lobbying before the Legislature and asked the committee to review the current provision in the bylaws regarding lobbying and to make recommendations for a more effective and efficient response by the State Bar. The committee recommended that the Board appoint a committee to monitor bills and advise the Board whether to support or oppose them. The committee also recommended that the Board appoint one or more Legislators to the committee who would assist with locating bills that would be relevant to the Board and the membership. Following discussion regarding the committee's charge and the lobbying requirements, the Board referred this item back to the committee to discuss further.

G. Discuss Mailing Extracts and Birth Dates

John Edward, a disability insurance provider and participant in our Member Benefits Program, requested that member birth dates be included in the extracts that we provide for his mailings, so that he can send targeted messages to people of different ages. The committee recommended not approving this request. Following discussion, Commissioner Berlin made a motion to not provide birth dates or age ranges to any entity and the motion passed with two nays. The Board requested the committee to review the Membership Data Policy with all of the exceptions and make any necessary revisions to the policy for the Board's consideration.

H. State Bar Bylaw Amendment to Article IV, Section 4.2c

The ABA Operational Assessment recommended adopting a Confidentiality Policy for the Board; the policy was approved at the February meeting and an amendment was also made to the State Bar Bylaws, Article IV, Section 4.2c, adding a violation of a fiduciary duty to the definition of cause. Thirty days' notice was provided at the February meeting and the committee recommended approval. Commissioner Berlin made a motion to approve the amendment and the motion passed.

7. Appointments to DNA People's Legal Services Board

Two vacancies existed on the DNA People's Legal Services Board for two-year terms. A notice was published in the *Bar Bulletin*, and the following submitted resumes and letters of interest:

- A. Theodore W. Barudin
- B. Diandra Benally
- C. Jennifer Lee Bradley

Following a vote by secret ballot, Theodore W. Barudin and Jennifer Lee Bradley were appointed to the DNA People's Legal Services Board for two-year terms.

8. Approval of Public Legal Education Commission Bylaws

PLEC Chair Craig Orraj reported on the newly created Public Legal Education Commission, which was approved by the Board last year and replaced the Bar's Public Legal Education Committee. He stated that PLSD Director Kasey Daniel assisted with putting the Commission together and it met on May 7. The Commission has a big representation of constituents from the New Mexico education community, including the State Public Education Department, Albuquerque Public Schools, Rio Rancho Public Schools, and UNM School of Law. The Commission will be focusing on connecting the State Bar's youth legal education programs with the larger New Mexico education community. The Bylaws have not yet been finalized by the Commission, but they will be brought to the Board for approval once they are finalized.

9. Board of Bar Examiners Bar Passage Strategic Plan

Jana Walker, Vice President of the Board of Bar Examiners, presented a report and update on the Board of Bar Examiner's Bar Passage Strategic Plan. She noted that there have been improvements in bar exam passage rates but there are still some who don't have high passage rates and those include Hispanics, Native Americans and African Americans. The plan applies to all, not just minorities and the three goals are to provide: 1) access to bar exam prep courses; 2) bar exam passage mentoring; and 3) information access about passing the exam, mentoring and scholarships. The BBE held a joint forum with the State Bar, sections, law school and voluntary bar associations last fall and they would like to hold another in mid-August. The BBE would like to discuss partnering with the Bar on an interactive bar exam strategy workshop and they have also talked with the law school about offering bar exam prep courses.

10. Litigation Update

The Board went into executive session to discuss the lawsuit against the State Bar.

11. Videoconferencing Update

President-elect Shanor reported that the videoconferencing policy has been approved and the contract for the host sites is almost finalized. The committee reviewed options for expanding the number of laptops and decided to proceed with the original proposal that had been approved by the Board. There have been difficulties in finding host firms in Farmington and Las Vegas, but it is hoped that it will be in place by October or November.

12. Client Protection Fund Annual Report

The 2009 Client Protection Fund Annual Report was included in the materials. Commissioner Voss presented the highlights of the report noting that the fund was set up to reimburse clients for the dishonest conduct of attorneys and claims are reimbursed up to \$10,000. He stated that \$88,000, funded through MCLE sanction fees, was paid out in claims for 2008, which is a significant increase in claims from previous years, and the Commission is exploring future funding options.

13. President's Report

President Alaniz reported on the following:

A. ABA Day

He attended ABA Day in Washington, D.C., and met with the New Mexico Congressmen and Senators.

B. Local Bar Meetings/Roswell Law Day

He attended local bar meetings in Taos, Las Vegas, Carlsbad, Alamogordo and Chaves County, as well as the Chaves County Law Day celebration, in addition to Rotary, Kiwanis and Civitan clubs in Albuquerque, Corrales and Taos.

C. Mock Trial Regional and National Competition

He attended the regional mock trial competition in Albuquerque and the national mock trial competition in Atlanta, and he invited Cibola High School, the team that won the regional competition and competed in Atlanta to the Board meeting to make a presentation to the Board. The team was coached by Commissioner David Berlin.

He attended several other conferences, banquets and meetings, including the Western States Bar Conference, NM Black Lawyers Conference, the MALSA Fighting for Justice Banquet and the UNM

School of Law Barrister's Ball, in addition to a presentation to the Paralegal Division, and meetings with the Compilation Commission, EAJ and the Second Judicial District Court regarding the Juvenile Mentor Program.

14. Executive Director's Report

Executive Director Joe Conte reported that the annual awards committee is meeting next week and that not many nominations had been received. The Jackrabbit Bar Conference, a conference of the smaller mountain states, will be held the first weekend in June and there will be a staff appreciation day at the zoo on June 15, and commissioners were invited to attend both of those. The directors will hold a retreat in August to review the strategic plan again and discuss the direction of their departments. He reminded the Board that the Bar covers two nights' hotel, mileage and registration for the annual meeting. The State Bar April Newsletter was included in the materials.

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

YLD Chair Martha Chicoski reported on projects and programs of the YLD including: Wills for Heroes, Children's Court Mentor Program, Ask-a-Lawyer Call-in Program, Voices Against Violence Program, and the Junior Judges Program.

SLD Delegate Dan Behles reported that the Division is organizing a CLE program that focuses on computer literacy for senior lawyers and they are also going to be doing a video presentation of the oral history project at the annual meeting.

Paralegal Division Liaison Kay Homan reported that the Division is assisting the YLD with the Wills for Heroes Project and the Division's membership is increasing by 4-5 new members each month; the Division is also conducting Brownbag Lunch CLE programs in Albuquerque, Santa Fe and Roswell for attorneys and paralegals.

Commissioner Orraj reported on the Disciplinary Board meeting that he attended. He noted that the Disciplinary Board discussed the unauthorized practice of law issue and whether or not they should handle UPL, since they only deal with disciplinary issues. The Disciplinary Board feels that UPL falls more within the jurisdiction of the attorney general and district attorney's offices.

16. New Business

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

**BOARD OF BAR COMMISSIONERS
JULY 9, 2009 MEETING MINUTES
Buffalo Thunder Resort, Pojoaque, NM**

MEMBERS PRESENT:

Henry A. Alaniz
Erika Anderson
Daniel J. Behles
David M. Berlin
Martha Chicoski
Andrew J. Cloutier
Dominic E. Dutton
Kay L. Homan
Richard M. Jacquez
Danny W. Jarrett

Twila B. Larkin
Carla C. Martinez
J. Brent Moore
Craig A. Orraj
R. David Pederson
Jessica A. Perez
Stephen S. Shanor
Raynard Struck
Hans Voss
Carolyn A. Wolf

MEMBERS ABSENT:

Gary D. Alsup
Wesley O. Pool

OTHERS PRESENT:

Kris Becker
Ian Bezpalko
Joe Conte
Veronica Cordova
Kasey Daniel

Rob Koonce
Christine Morganti
Richard Spinello
Howard Thomas
Madonna Vandeventer

1. Approval of May 15, 2009 Meeting Minutes

Commissioner Shanor made a motion to approve the May 15, 2009 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 Hans Voss reported on the Committee's discussion and recommendations as follows:

- A. Accepted the May 2009 financials and executive summaries;
- B. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file; and
- C. Approved the 2010 budget calendar;
- D. Discussed providing assistance to NMDLA, due to the illness of their executive director, with their database, newsletter and any other support they may need; Commissioner Voss made a motion to provide support and bill NMDLA for our services, and the motion passed;
- E. Reported that spouse travel is not covered and the committee will look into ways the Bar may be able to cover some of the costs, e.g. using frequent flyer miles for spouses, and will bring a proposal to the Board for consideration; and
- F. Reported that President Alaniz was authorized to sign a loan through Wells Fargo for \$800,000, and that the Bar may only need to borrow \$500,000 since the Board decided to lease, rather than purchase, the videoconferencing equipment; the loan will be repaid over five years, instead of eight, so the payment and amortization will be less than was anticipated.

3. Acceptance of Financials

Commissioner Voss made a motion to accept the May 2009 financials; the motion was seconded and it passed.

4. Bylaws/Policies Committee Report and Recommendations

Chair David Berlin reported on the June 25th meeting and requested the Board's approval of the following:

A. Commissioner Terms/Partial Terms/Proposed Bylaw Amendment to Article IV, Section 4.2, Terms of Office, 4.2a, Length of Terms

At the May Board meeting, the Board approved bylaw amendments regarding spelling out that a commissioner's term commences January 1 and spelling out that a commissioner's term to fill a vacancy runs through December 31. There was a question as to whether partial terms count towards the three consecutive three-year terms and asked the committee to review the bylaw regarding terms and make a recommendation. The committee proposed the following change for which thirty days' notice is required prior to approval, so a vote will be taken at the September meeting.

Section 4.2 Terms of Office.

Subsection 4.2a. Length of Terms.

Commissioners shall be elected to terms of three years and shall hold office until their successors are elected or appointed and qualified. No Commissioner shall be elected to more than three consecutive three-year terms or serve more than 10 consecutive years.

B. Recommendation Regarding Lobbying

Pursuant to the Board's request at the May meeting for the committee to discuss this item further, the committee recommended putting a Legislative Committee in place to look at and discuss general, rather than specific, issues and have the Board delegate issues that it would like the committee to discuss and follow through in the Legislature. Examples of relevant bills from the last legislative session were included in the materials. Commissioner Berlin made a motion to approve the committee's recommendation to form a Legislative Committee, and the motion passed. President Alaniz requested volunteers to serve on the committee, and Commissioners Jarrett, Pederson, Berlin, Anderson, Struck, Perez, Dutton, Voss and Shanor volunteered.

C. Amendments to Email Services and Membership Data Policies

At the May meeting, the committee reviewed a request from one of the Bar's Member Benefits Program providers to include member birth dates in the extracts that we provide for his mailings, so that he could send targeted messages to people of different ages. The committee recommended and the Board approved not providing birth dates or age ranges and the policies were amended to reflect that. The Board requested the committee to review the policies for any other exceptions or inconsistencies regarding data requested/provided, and the committee recommended the following changes: 1) define "User" as all individuals or entities, excluding the Supreme Court, lower courts, and the Supreme Court's divisions or any entity that is governed by the rules of the Supreme Court (a separate policy will be drafted for the courts); 2) spell out that membership data includes names and addresses of record only; and 3) add an acknowledgement to user that members may opt out of email services and list sales; Commissioner Berlin made a motion to approve the amendments to the policies and the motion passed.

D. Bar Center Rental Rates

Commissioner Perez reported that at the Sandoval County Bar meeting, some members complained about the new policy of charging a room rental fee for court-ordered mediations. It was noted that the fee is \$50 per room and the fee will help defray some of the Bar's direct costs. Following discussion, the Board took no action.

5. President's Report

President Alaniz reported on the following:

- A. He and the officers are meeting with the Supreme Court on July 15 to discuss a dues increase, the mileage reimbursement issue, and requiring Federal judges to pay bar dues.
- B. He met with three of the five justices and stated that the Court is pleased that the Bar is speaking more with the public and is very pleased with Executive Director Joe Conte and the direction of the Bar.
- C. He attended the State Bar of Texas and Utah State Bar Annual Meetings.
- D. He also attended the Jackrabbit Bar Conference at Bishop's Lodge in Santa Fe last month.

6. President-Elect's Report

President-elect Shanor reported on the following:

- A. The installation of the videoconferencing is in progress. Host sites have been secured in Las Cruces and Roswell and the Bar is still looking for a host site in Farmington. The launch date is planned for late fall and all of the bugs should be worked out by the first of the year.
- B. He has appointed the UPL Task Force and will be scheduling a meeting prior to the September Board meeting. He appointed only one commissioner because the task force will be reporting back and making recommendations to the Board. The members are Joey Moya, Eric Darnell, David Chacon, Lisa Pullen, Jessica Hernandez and Commissioner Wesley Pool.
- C. He and President Alaniz attended the Judicial Compensation Commission meeting and noted that the Commission is in a long line of others who will be requesting funding from the Legislature.
- D. The 2010 Annual Meeting will be held July 15-17 at the Inn of the Mountain Gods, and the CLE at Sea will be an Alaskan Cruise the week of June 11-18.

7. Executive Director's Report

Executive Director Joe Conte reported on the following:

- A. He stated that New Mexico hosted the Jackrabbit Bar Conference, a consortium of the smaller mountain states, since Virginia Dugan was the Chancellor this year. There were 27 attendees and the programming was well received. Speakers for the program included Arturo Jaramillo, Justice Petra Maes, Sarah Singleton, Tom Chavez, and a theatrical performance by Judge Lang, Peter Kierst and Paul Ford.
- B. He met with the president of the NMDLA to determine what support and assistance the Bar could provide the organization due to the illness of its executive director.
- C. PLSD received a grant from Aging & Long Term Services for \$224,000 over four years and also applied for a federal grant in the amount of \$100,000.

8. Bar Commissioner Reports

Commissioners provided reports on local bar and other meetings and projects and activities in their districts. SLD Delegate Dan Behles reported that the oral history project will be shown throughout the annual meeting. Paralegal Division Liaison Kay Homan reported that the division is having a dialogue with Judge Nash to assist with the pro se litigant project through ATJ, and that the Governor proclaimed August 26 as Paralegal Day. YLD Chair Martha Chicoski reported that the ABA/YLD awarded a \$900.00 subgrant to the division for the Voices Against Violence Project and selected Santa Fe as the site for the 2010 National ABA/YLD Fall Conference. The division presented the Junior Judges project to five elementary schools on July 9 and will cosponsor the Justice for All Ball with EAJ again in the fall.

9. Executive Session

The Board went into executive session to discuss the executive director's annual review.

10. New Business

There being no further business, the meeting was adjourned.

**BOARD OF BAR COMMISSIONERS
SEPTEMBER 11, 2009 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Erika Anderson Daniel J. Behles David M. Berlin Martha Chicoski Andrew J. Cloutier Dominic E. Dutton Kay L. Homan	Twila B. Larkin Carla C. Martinez R. David Pederson Jessica A. Perez Wesley O. Pool Stephen S. Shanor Raynard Struck Hans Voss Carolyn A. Wolf
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MEMBERS ABSENT:	J. Brent Moore Danny W. Jarrett Craig A. Orraj
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OTHERS PRESENT:	Kris Becker Joe Conte Veronica Cordova Kasey Daniel Rob Koonce	Christine Morganti Richard Spinello Howard Thomas Madonna Vandeventer
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1. Approval of July 9, 2009 Meeting Minutes

Commissioner Cloutier made a motion to approve the July 9, 2009 meeting minutes and the motion was seconded. Commissioner Struck noted that he wasn't listed in the members present and requested that he be added; and the motion passed with the amendment.

2. Finance Committee Report

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

- A. Accepted the July 2009 financials and executive summaries;
- B. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C. Received a presentation from Wells Fargo Bank on the services provided and the bank fees charged and decided to consolidate the bank accounts, which will save the State Bar a considerable amount in bank fees; and
- D. Reported on the refinance of the State Bar building and received the financing options available from Wells Fargo; following discussion, President Alaniz made a motion to proceed with the refinance of the building in the amount of \$800,000 over eight years at a variable interest rate, which is currently at five percent and there is no penalty to switch to a fixed rate if the interest rate fluctuates too much, and that he be authorized to sign the note, and the motion passed.

3. Acceptance of Financials

Commissioner Voss reported that total revenues are \$1.9 million and that total expenses are \$1.2 million, resulting in revenues over expenses of \$770,000; he noted that we have used \$100,000 of the line of credit in order to have sufficient cash flows through the end of the year and that the Finance Committee decided to keep the line of credit. Commissioner Voss made a motion to approve the July 2009 financials and the motion passed.

4. Approval of 2010 Budget Worksheet

The Finance Committee met prior to the Board meeting on the 2010 Budget Worksheet, which was e-mailed to the Board prior to the meeting. Commissioner Voss noted the highlights and reported that the budget is balanced with an increase in dues of five percent. Commissioner Voss made a motion to approve the 2010 Budget Worksheet with the five percent dues increase; the motion was seconded and it passed with the amendments.

5. Bylaws and Policies Committee Report and Recommendations

Chair David Berlin reported on the September 3rd meeting and requested the Board's approval of the following. The attachments for items B, C and D were e-mailed following the Bylaws and Policies Committee meeting.

A. Commissioner Terms/Partial Terms/Proposed Bylaw Amendment to Article IV, Section 4.2, Terms of Office, 4.2a, Length of Terms

At the May Board meeting, the Board approved bylaw amendments regarding spelling out that a commissioner's term commences January 1 and spelling out that a commissioner's term to fill a vacancy runs through December 31. There was a question as to whether partial terms count towards the three consecutive three-year terms and the committee was asked to review the bylaw regarding terms and make a recommendation. The below amendments were proposed at the July meeting for which thirty days' notice was required prior to approval. Commissioner Berlin made a motion to approve the amendments to Article II, Section 4.2a, and the motion passed.

Section 4.2 Terms of Office.

Subsection 4.2a. Length of Terms.

Commissioners shall be elected to terms of three years and shall hold office until their successors are elected or appointed and qualified. No Commissioner shall be elected to more than three consecutive three-year terms or serve more than 10 consecutive years.

B. Committees and Sections Scheduled for Sunset

Pursuant to the sunset provision in the State Bar Bylaws requiring that a petition to continue a section or committee be submitted, the following committees and sections were scheduled for sunset this year. The committee reviewed all of the petitions and past histories of the committees and sections and recommended continuing all of them. Commissioner Berlin made a motion to continue all six of the committees and sections for another five years, and the motion passed.

Committees:

ADR Committee

Board of Editors

Committee on the Delivery of Legal Services to People with Disabilities

Sections:

Appellate Practice Section

Business Law Section

Real Property, Trust and Estate Section

C. Membership Data and Email Services Policy for the Courts

The committee recommended that a separate email services and membership data policy be drafted for the courts, which was distributed at the meeting. Amendments were requested to numbers 2, 4, 5 and to move the last sentence to the beginning of the policy as the introduction. Commissioner Berlin made a motion to approve the proposed policy with the amendments, and the motion passed.

D. International and Immigration Law Section Proposed Bylaw Amendments

The International and Immigration Law Section requested amendments to its bylaws to change its name to Immigration Law Section. Commissioner Berlin made a motion to approve the bylaw amendments regarding the name change, and the motion passed.

6. Personnel Committee Report and Recommendations

Chair Jessica Perez reported on the September 8th meeting and requested the Board's approval of the following new policies, which were e-mailed following the Personnel Committee meeting:

A. Domestic Abuse Leave Policy

Pursuant to a new law passed by the NM Legislature on domestic violence, employers need to give employees leave if they or a family member has been involved in domestic violence. Commissioner Perez made a motion to approve the new proposed policy and the motion passed.

B. Compensation Policy

Pursuant to the new Lilly Ledbetter Fair Pay Act, the Bar should have a policy on how it administers its pay structure and bonus policy. Commissioner Perez made a motion to approve the new proposed policy and the motion passed.

C. Complaint Resolution Involving Department Director/Supervisor

The Bar has a policy for complaints involving the executive director, but does not have one for complaints involving department directors or supervisors. The committee tabled this policy to the next meeting in order to further research and review other complaint resolution policies.

D. Communicable Disease Policy

With the H1N1 virus and other possible illnesses, the Bar needs to take precautions to prevent staff and anyone entering the building from becoming infected. Commissioner Perez made a motion to approve the new proposed policy and the motion passed.

7. Board of Bar Commissioners 2010 Officer Nominations

President Alaniz requested nominations for the 2010 Board officer positions of Secretary-Treasurer, Vice President and President-elect. Commissioner Cloutier nominated Carla C. Martinez for the office of Secretary-Treasurer; Commissioner Voss made a motion to close the nominations and the motion passed; Commissioner Dutton nominated Hans Voss to the office of Vice President; Commissioner Behles made a motion to close the nominations and the motion passed; Commissioner Anderson nominated Jessica A. Perez to the office of President-elect. Commissioner Berlin made a motion to close the nominations and the motion passed. All of the nominees for the 2010 officer positions were elected by acclamation.

8. Public Legal Education Commission Report and Approval of Bylaws

In the absence of Chair Craig Orraj, PLSD Director Kasey Daniel reported on the Commission and requested the Board's approval of the commission's bylaws which were included in the materials. She noted that there are several influential people serving on the Commission from the Department of Education, APS and Rio Rancho Schools. Over 6,000 students and 150 attorneys have signed up to participate in Constitution Day. She went through the bylaws and an amendment was requested to the last sentence of Section 2, Number and Term of Office, changing the word from "an" to "two" additional three year terms. Commissioner Berlin made a motion to approve the bylaws, as amended, and the motion passed.

9. EAJ Committee Report

President Alaniz reported on the committee's discussions with the EAJ Board regarding the merger. He noted that EAJ signed a three-year contract with the State Bar in 2006 and at the end of the three years, EAJ was to have merged with the State Bar. He stated that they have not been able to reach an agreement and that he extended the contract for one year in order to further discuss the merger with EAJ.

10. Legislative Committee Report

The Legislative Committee, chaired by President Alaniz, met on September 3. Chair Alaniz reported that the committee is developing guidelines to empower it to be able to react quickly on issues that come before the Legislature. One of the issues that came up recently was funding for the judiciary with its budget cuts, and a letter to the editor was published resulting in a tremendous response. Chair Alaniz requested approval of a request to support funding for the Civil Legal Services Commission. Commissioner Pederson made a motion to approve the request; the motion was seconded and it passed unanimously. A letter will be sent to the Legislature in support of the funding.

11. UPL Task Force Report

The UPL Task Force, chaired by President-elect Shanor, met on September 10. Chair Shanor reported that the committee is comprised of members from the Disciplinary Board, Board of Bar Examiners, MCLE, a practitioner from out-of-state, a litigator from Albuquerque and Commissioner Wesley Pool. The committee will address the problem among non-attorneys and attorneys not admitted in New Mexico and hopes to have a preliminary report and recommendations for the Board's consideration by mid-2010.

12. Vacancy in Seventh Bar Commissioner District

A letter of resignation was received from Richard M. Jacquez whose term runs through 2010. With only one meeting remaining before the election, it was decided not to fill the vacancy at this time, since it will be filled during the regular election of commissioners.

13. BBC Election Schedule

The BBC election schedule was included in the materials. Seven commissioners' terms are expiring at the end of the year and a notice will be published in the *Bar Bulletin* for their positions. The ballots will be mailed out on October 30 and the election will be held on November 30.

14. President's Report

President Alaniz reported on the following:

- A. He met with the Supreme Court to discuss the following issues: a dues increase, mileage reimbursement for commissioners and whether the Federal judges should be required to pay Bar dues. The Court approved up to a five percent dues increase annually and for the mileage reimbursement rate to be adjusted back to the state rate of \$.32/mile (commissioners do not need to reimburse the Bar for reimbursement paid to them at the IRS rate), and the Court did not address the issue regarding Federal judges paying Bar dues. The Court also approved a maximum assessment of \$15 for the Client Protection Fund.
- B. The Annual Meeting at Buffalo Thunder was well attended with over 400 attendees.
- C. He attended the following meetings/events: NCBP annual meeting in Chicago, Utah State Bar Annual Meeting, Chief Judges Dinner, local bar meetings in Tucumcari, Sandoval, San Juan and Santa Fe, Pecos Valley and Rio Grande Rotary Club, Judicial Compensation Commission, Judge Lang's reception, Board of Bar Examiners, Albuquerque Bar, Compilation Commission, and regulatory boards.

15. President-Elect's Report

President-elect Shanor will present a report at the meeting.

- A. He attended the directors' retreat in September and presented his initiatives which will be incorporated into the Strategic Plan.
- B. The officers' and directors' retreat is scheduled for November 12-14 at Bishop's Lodge.
- C. The videoconferencing equipment has been installed and he conducted a conference. Roswell and Las Cruces will be soon be set up and testing will begin in November with a launch date of January 4, and it will be marketed as a member benefit.
- D. The next Board meeting will be held at the Supreme Court Building in Santa Fe and will coincide with the swearing-in ceremony and reception.

16. Executive Director's Report

The August State Bar Newsletter was included in the materials, and directors reported on their department highlights.

17. Bar Commissioner and Division Reports

Commissioners reported on local bar meetings and upcoming events in their districts. SLD Delegate Dan Behles reported that the division had a successful annual meeting with more than 30 attendees, they are participating in a technology CLE and will hold a social for division members in December. YLD Acting Chair Martha Chicoski reported that the division participating in the Junior Judges program during the Annual Meeting in Santa Fe and Wills for Heroes in Ruidoso, sponsored a reception at the Hispanic National Bar Conference and is sponsoring a reception for new members the end of the month, as well as cosponsoring the Justice for All Ball with EAJ. Paralegal Division Liaison Kay Homan reported that the division is meeting in September to plan for 2010, it continues to provide local CLE programs and assist YLD with Wills for Heroes as notaries and witnesses, and is writing articles for the October NM Lawyer issue.

18. Rocky Mountain Mineral Law Foundation Annual Institute Report

A written report from Elizabeth Ryan, the Board's appointee to the Rocky Mountain Mineral Law Foundation, was included in the materials.

19. New Business

Commissioner Dutton reported that the NM Legal Aid Board informed him that they changed all of their board terms to three-year terms, so his term needed to be extended for an additional two years. Commissioner Cloutier made a motion to extend Commissioner Dutton's term for two years; the motion was seconded and it passed.

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

**BOARD OF BAR COMMISSIONERS
DECEMBER 9, 2009 MEETING MINUTES
Supreme Court Building, Santa Fe, NM**

MEMBERS PRESENT:

Henry A. Alaniz
Erika Anderson
David M. Berlin
Martha Chicosci
Andrew J. Cloutier
Dominic E. Dutton
Kay L. Homan
Danny W. Jarrett
Twila B. Larkin

J. Brent Moore
Craig A. Orraj
R. David Pederson
Jessica A. Perez
Wesley O. Pool
Stephen S. Shanor
Raynard Struck
Hans Voss
Carolyn A. Wolf

MEMBERS ABSENT:

Gary D. Alsup
Daniel J. Behles
Carla C. Martinez

OTHERS PRESENT:

Kris Becker
Joe Conte
Kasey Daniel
Michelle Lujan Grisham
Arturo Jaramillo

Christine Morganti
Richard Spinello
Howard Thomas
Madonna Vandeventer

1. Approval of September 11, 2009 Meeting Minutes

Commissioner Cloutier made a motion to approve the September 11, 2009 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 Hans Voss reported on the Committee's discussion and recommendations as follows:

- A. Accepted the October 2009 financials and executive summaries;
- B. Reviewed the accounts receivable aging report as well as the directors' travel reimbursements and credit card file;
- C. Reported that the staff health insurance coverage increased by 12.37 percent over last year, and the Bar's broker presented three alternatives; the Finance Committee recommended the Premier 2500 Plan with a \$500 deductible and 20 percent out-of-pocket expenses up to a maximum of \$2,500, in order for the Bar to continue to cover 100 percent for employees; Commissioner Voss made a motion to switch to the new plan, and the motion passed.

3. Acceptance of Financials

Commissioner Voss made a motion to accept the October 2009 financials; the motion was seconded and it passed.

4. Executive Committee Report

President Alaniz reported on the following:

- A. The Executive Committee met on October 21 regarding the YLD Chair position for 2010, and determined that the full Board needed to make a decision on the issue. Briana Zamora was due to succeed to the YLD chair position on January 1, 2009; however,

she received a judgeship and resigned from the YLD Board in December and was sworn-in to the Bench in January, at which time Martha Chicoski became acting chair. The YLD's interpretation of its bylaws is that, should the chair position become vacant, the chair-elect becomes acting chair and the next year becomes the chair. Bylaws and Policies Committee Chair David Berlin's interpretation of the bylaws is that Briana Zamora never took the office of chair, since she resigned from the YLD in December, and that Martha Chicoski would be serving two years as chair, which the bylaws do not permit. He stated that the YLD could request a bylaw change in order to permit her to serve two years. Following discussion, Commissioner Berlin made a motion for his interpretation of the bylaws to be adopted so that Martha Chicoski could not serve two years as chair; the motion was seconded, but it failed.

- B.** The Executive Committee was straw-pollled on November 18 regarding the National High School Mock Trial Program, which is considering holding the program in New Mexico in 2012. Commissioner Berlin asked whether the State Bar would support the program by committing to raise \$50,000 for the event. The Bar would be working in conjunction with the Center for Civic Values to raise the money needed and host the program. The Executive Committee was in favor of hosting the program, but did not feel that it could commit the Bar to raising the funds for the event without the Board's approval. Commissioner Voss made a motion for the State Bar to endorse holding the 2012 Mock Trial program in NM and to raise \$50,000 for the program. The motion was seconded. Madonna Vandeventer suggested putting a check-off on the dues form for contributions. Commissioner Cloutier recommended that the fundraising be conducted under the auspices of the Bar Foundation so that donations would be tax-deductible. PLSD Director Kasey Daniel expressed concerns regarding a possible conflict with the EAJ contract in that EAJ is the only entity that can fundraise to attorneys as well as the fact that PLSD is in a deficit having had their funding reduced for next year. Commissioner Berlin stated that CCV has committed to contributing approximately \$90,000 and the National Mock Trial Board will contribute \$25,000, so he asked for a commitment from the Bar for \$50,000 to be raised. Commissioner Voss amended his motion to commit to raise \$50,000 and if the total is not raised, then the State Bar will make up the difference. Following a vote, the motion passed with 11 in favor and four against.

5. Executive Session

The Board went into executive session to discuss a personnel issue.

6. Committee on Diversity in the Legal Profession Update Report and Recommendations

Arturo Jaramillo, Chair of the Committee on Diversity in the Legal Profession, presented the Status of Minority Attorneys in New Mexico Update – 1999-2009 and the committee's recommendations for the Board's approval. The Executive Summary of the report was included in the materials. He reported that this is the third decennial report on minorities in the profession and he thanked the Board for financing the report and for their support of the committee's work. While he was disappointed to see only a one percent increase in minorities in the profession, he was pleased to note that there is a higher awareness of diversity and much more tolerance and respect among the profession. The report also reflects a significant decrease in negative behavior. Some of the recommendations included continuing the initiative of recruiting lawyers coming out of law school and providing incentives to ensure that minority attorneys stay in New Mexico, more institutionalized networking and mentoring programs and working with law schools to expand on programs that encourage minorities to choose the legal profession. He encouraged commissioners to participate in the Summer Law Clerk Program, which is in its 20th year. He informed the Board that he has led the committee for 23 years and that he was tendering his resignation from the committee. The Board gave Mr. Jaramillo a standing ovation for his service. Commissioner Berlin made a motion to accept the report and recommendations; the motion was seconded and it passed.

7. Approval of Governmental Affairs Bylaws

The Governmental Affairs Committee (GAC) requested the Bylaws and Policies Committee to draft amendments to Article XI, Legislative Advocacy, of the State Bar Bylaws, to enable the committee to act quickly on issues before the Legislature. The amendments were approved by the GAC and e-mailed to the Board on November 4 in order to meet the 30-day notice requirement. Commissioner Berlin made a motion to approve the amendments. Commissioner Orraj requested a friendly amendment to the motion for the bylaw amendments to become effective at the end of the meeting, and Commissioner Berlin accepted the amendment. Commissioner Cloutier requested an amendment to the title of Section 11.6 to change the word "Legislative" to "Governmental," and the motion passed with the amendment.

8. Bylaws and Policies Committee Report and Recommendations

A complete review of the State Bar Bylaws was conducted for consistency and overlap, and Chair David Berlin reported on the amendments, which were approved by the Bylaws and Policies Committee on November 3, and e-mailed to the Board on November 4 in order to meet the 30-day notice requirement. An amendment was requested to Section 4.5a, Meetings, to replace the language regarding BBC meetings being called "approximately every six weeks" to "at regular intervals at least quarterly." An amendment was requested to Section 4.5, Subsection 4.5f, Parliamentarian, to include language that the Parliamentarian shall be a member of the BBC. An amendment was requested to Section 9.2, Committees, changing the language from "are funded" to "may be funded." An amendment was requested to Section 10.2, Public Statements by Sections, Committees, Divisions and Commissions, to include "commissions" in subsections a, b and c. Commissioner Berlin made a motion to approve the revised bylaws, with the additional amendments requested at the meeting, and the motion passed.

9. Appointment to Client Protection Fund Commission

One vacancy existed on the Client Protection Fund (CPF) Commission, and a notice was published in the *Bar Bulletin*. One letter of interest was received from the Commission's current appointee, Henry A. Kelly, requesting that he be reappointed for another term. Commissioner Dutton made a motion to reappoint Henry A. Kelly to the CPF Commission; the motion was seconded and it passed.

10. Approval of Public Legal Education Commission Resolution

PLEC Chair Craig Orraj reported on the work of the Commission and a proposed resolution supporting health education as a graduation requirement in NM public schools for the Board's approval. Following discussion, it was determined that the issue did not fall within 11.2 of the State Bar Bylaws, but that the resolution could be presented on behalf of the Commission, so no action was taken by the Board.

11. 2010 BBC Meeting Schedule

The 2010 BBC meetings were presented as follows: February 26, April 30, July 15, September 24, November 5 and December 8. President-elect Shanor made a motion to approve the 2010 meeting schedule; the motion was seconded and it passed.

12. Request for Executive Committee to Discuss BBC Meeting Agendas

President-elect Shanor explained that he would like to convene the Executive Committee prior to Board meetings to discuss items to be placed on the agendas, and he made a motion to allow the Executive Committee to meet for this purpose; the motion was seconded and it passed.

13. Elect New Secretary-Treasurer

Pursuant to the results of the BBC election, Carla C. Martinez, who had been elected Secretary-Treasurer at the November Board meeting, was not re-elected to the Board, so a new Secretary-Treasurer needed to be elected to fill the vacancy. Commissioner Pederson nominated Commissioner Drew Cloutier and Commissioner Cloutier was elected Secretary-Treasurer for 2010 by acclamation.

14. UPL Task Force Report

Chair Steve Shanor reported on the November 9th meeting stating that the task force held its second meeting and that there are a lot of issues to tackle, but they are moving forward and plan to hold quarterly meetings over the next year.

15. Disciplinary Board Report

Commissioner Orraj, the Bar's appointee to the Disciplinary Board, reported that the Disciplinary Board is showing a conjoined effort to work with the State Bar and that the Board is very fiscally responsible. He stated that he would welcome the opportunity to talk with the officers about the Disciplinary Board's ideas and practices.

16. President's Report

President Alaniz provided a report on meetings and conferences attended, including the CLE at Sea Cruise, the Oklahoma Bar Association Annual Meeting and the State Legislative Workshop. He noted that he visited every local bar association with the exception of Los Lunas and Las Cruces.

17. President-Elect's Report

President-elect Shanor reported on the following:

A. Supreme Court Boards and Committees Liaison Appointments/Reappointments

He requested commissioners to review the list and inform him of their interest in serving and/or continuing to serve as liaisons to the Supreme Court Boards and Committees.

B. BBC Internal Committee Appointments

A sign-up sheet for the internal committees of the Board was distributed at the meeting.

C. Officers' and Directors' Retreat

He reported that the officers and directors reviewed and updated the strategic plan that began in Commissioner Orraj's year.

18. Bar Commissioner and Division (SLD, YLD & PD) Reports

Commissioners and division representatives reported on meetings and activities in their districts and divisions. The Paralegal Division report and 2010 Budget was included in the materials, and Kay Homan reported that the Division budgeted \$2,000 for the annual meeting, \$2,000 for EAJ and \$1,000 to the NM State Bar Foundation. The YLD Report was distributed at the meeting and Martha Chicoski invited the Board to a reception on December 11 to thank volunteers and staff who helped with the YLD public service projects during the year.

19. Executive Director Report

Executive Director Joe Conte reported that the State Bar was named one of the top 10 best places to work by the *New Mexico Business Weekly*, and staff and commissioners attended a breakfast at which the State Bar was honored.

20. State Bar Newsletter and Department Reports

The November State Bar Newsletter was included in the materials.

21. Presentation of Outgoing Commissioner Plaques

President Alaniz presented plaques to commissioners with terms expiring this year as follows: Craig A. Orraj and Kay L. Homan. President-elect Shanor presented a plaque to President Henry A. Alaniz for his service as president this year.

22. New Business

- A. President Alaniz stated that he had a resolution drafted to rename the Bar Center after Justice Franchini. He spoke with Chief Justice Chavez regarding the idea and he wants the Bar to make sure that it is fair with everyone. He suggested setting up a committee to look into developing a Wall of Honor for those who have done a lot for the Bar.
- B. Commissioner Dutton reported that in follow-up to the discussion at the Finance Committee meeting regarding providing Casemaker free of charge to magistrate and municipal judges, he spoke with the AOC and their recommendation was to continue providing Casemaker free of charge to the municipal, rather than the magistrate, judges. Due to lack of time, this item was tabled to the February meeting for further discussion.

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