BOARD OF BAR COMMISSIONERS
FEBRUARY 26, 2010 MEETING MINUTES
Bar Center, Albuquerque, NM

MEMBERS PRESENT:	Henry A. Alaniz Gary D. Alsup Erika Anderson Daniel J. Behles David M. Berlin Roxanna M. Chacon Martha Chicoski Andrew J. Cloutier Dominic E. Dutton Michelle Lujan Grisham	Danny W. Jarrett J. Brent Moore Hilary A. Noskin R. David Pederson Jessica A. Perez Wesley O. Pool Stephen S. Shanor Deborah R. Tope Hans Voss
MEMBERS ABSENT:	Twila B. Larkin Raynard Struck Carolyn A. Wolf	
OTHERS PRESENT:	Kris Becker Ian Bezpalko Joe Conte Veronica Cordova Kasey Daniel The Honorable Charles W. Daniels John Feldman	Dennis Jontz Rob Koonce Christine Morganti Richard Spinello Howard Thomas Madonna Vandeventer

1. Swearing-in of New Commissioners

Supreme Court Justice Charles W. Daniels swore-in the new commissioners as follows: Michelle Lujan Grisham and Hilary Noskin, First Bar Commissioner District; Roxanna M. Chacon, Seventh Bar Commissioner District; and Deborah R. Tope, Paralegal Division Liaison.

2. Approval of December 9, 2009 Meeting Minutes

Commissioner Dutton made a motion to approve the December 9, 2009 meeting minutes as submitted; the motion was seconded and it passed.

3. Finance Committee Report

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

A. Accepted the December (pre-audit) 2009 and January 2010 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 mileage reimbursement rate was reduced to the state rate of $.32/mile for the State Bar staff and the Board and that the per diem rates were increased to $95 for in-state and $135 for Santa Fe;
D. Discussed moving to a cash reporting system so that the Board can better see the cash trends throughout the year and recommended entering into a consulting contracting with REDW in the amount of $12,000 to change the accounting system over to a cash

reporting system; Commissioner Cloutier made a motion to approve entering into a contract with REDW to provide those services and to authorize him to execute the contract, and the motion passed.

4. Acceptance of Financials

Commissioner Cloutier made a motion to accept the December 2009 (pre-audit) and January 2010 financials and executive summaries; the motion was seconded and it passed.

5. Fee Waiver Requests

Secretary-Treasurer Cloutier 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 were available at the meeting for review. He reported that there were several new requests for fee waivers this year. Commissioner Behles requested that the income requirement be reviewed periodically. Commissioner Cloutier made a motion to approve all of the requests that were approved in the past and any that can be verified by commissioners and that all new requests be required to supply tax and/or medical information for their first year and the motion was seconded. Following discussion regarding whether to request tax and/or medical information, it was pointed out that the form states "upon request" regarding medical and tax records and that everyone for this year would fall under the motion, since the rule cannot be changed mid-year. Following a vote, the motion failed. Commissioner Dutton made a motion to approve all that sent in the appropriate information and complied with the requirements without requesting medical or tax records and that they be forwarded to the three regulatory entities; the motion was seconded and it passed.

Commissioner Dutton made a motion to send the forms and certification to the Bylaws and Policies Committee for possible revisions for 2011, and the motion passed.

6. Approval of Resolution to Amend and Restate the State Bar 401(k) Plan

A resolution for restatement of the Bar's 401(k) Plan was included in the materials, which is required in order to comply with changes in ERISA laws. Following discussion regarding the purpose of having to restate the resolution, Commissioner Dutton made a motion to have a trustee report to the Executive Committee on the resolution and to authorize the Executive Committee to take action pursuant to the information provided. The motion was seconded and it passed.

7. 2012 National High School Mock Trial Program

President Shanor requested volunteers to serve on a committee for the 2012 National High School Mock Trial Program and to establish a course of action for fundraising. Commissioners Alaniz, Berlin, Perez, Voss and Tope volunteered to serve on the committee.

8. UNM Law School Student Loan Program

John Feldman, Director of Career and Student Services for the UNM School of Law, presented a proposed loan program for UNM Law School students to take bar exam prep courses, which cost between $2,000 and $3,000. He proposed that the State Bar work with the US NM Federal Credit Union to guarantee notes for the students, and he estimated that five or six students would take advantage of this program. Following discussion, Commissioner Cloutier made a motion to commit $25,000 to purchase a CD through the credit union for the guarantee and request the Bylaws and Policies Committee to draft a policy for the program and the motion was seconded. Commissioner Perez requested a friendly amendment to the motion to commit $10,000 for a pilot program for the July bar exam, and the motion passed, as amended. In order to have the program in place for the July bar exam, the policy will be e-mailed to the Board for a vote, and if the vote is not unanimous, the policy will be placed on the agenda for the April Board meeting for discussion at the meeting.

9. Bylaws and Policies Committee Report and Recommendations

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

A. Proposed Amendment to State Bar Bylaws, Article IV, Section 4.3, Vacancies

The committee discussed a proposed amendment to Article IV, Section 4.3, Vacancies, to allow the president to appoint an internal nominating committee to review applicant submissions, interview and present final candidates to the full Board, but the amendment did not pass; the committee determined that a policy should be drafted instead for the Board's consideration, which was distributed at the meeting. Following discussion, Commissioner Behles made a motion to approve the policy, and the motion passed with one nay.

B. Proposed Amendment to State Bar Bylaws, Article V, Section 5.5, Extension of Commissioner Terms

The committee discussed a proposed amendment to Article V, Section 5.5, Extension of Commissioner Terms, to extend the positions of secretary-treasurer and vice president provided that the commissioner has participated in at least one election following their initial appointment or election to the Board, but the amendment did not pass, and the committee recommended keeping the bylaw as is. Following discussion, no action was taken by the Board.

C. Proposed Policy Regarding Officers, Directors and BBC Participating in Judicial Elections

The committee discussed the Board and staff participating in judicial elections and determined that a policy should be drafted prohibiting the use of official titles and/or State Bar resources, but permitting participation as long as they act in their personal capacity. Commissioner Berlin made a motion to approve the policy and the motion passed.

10. Po Hac Vice Committee Report and Grant Recommendations

Chair Berlin reported on the February 16th meeting and requested the Board's approval of the committee's recommendations for the 2010 grant recipients in the amount of $199,988. Commissioner Berlin made a motion to approve the committee's recommendations, and the motion passed.

11. Jiffy Committee Report and Update

Dennis Jontz, the Board's appointee to the Jiffy Committee, provided a report and update on the Report and Recommendations of the Public Access Subcommittee to the Jiffy Committee, which was included in the materials. He requested the Board's endorsement of the minority position argument in opposition to the continued application of the current bulk records policy contained in Section VII (D) (2) of the report. He explained that the Jiffy Committee will vote on the report and go through each of the recommendations individually before sending it to the Supreme Court for approval. Commissioner Berlin questioned whether the request should be forwarded to the Governmental Affairs Committee. General Counsel Richard Spinello stated that the issue falls within the authorized activities identified in Section 11.2 of the State Bar Bylaws. Commissioner Cloutier made a motion to recommend supporting endorsement of the position as outlined in Section VII (D) (2); Commissioner Voss requested a friendly amendment to endorse the position subject to approval by the Governmental Affairs Committee. The motion was seconded and it passed unanimously, as amended.

12. ALPS/MEWA Discussion and Request for Approval of Feasibility Study

Executive Director Joe Conte reported on the Multi-Employer Welfare Association (MEWA), a third party insurer which provides health insurance to members through ALPS, and stated that the first step is to conduct a feasibility study. The Finance Committee discussed the study and recommended conducting

a survey of the membership through Survey Monkey to ascertain interest first and talking with the Wyoming and Idaho State Bars, which have both gone through ALPS to offer this benefit to their members. ALPS will be invited to the April meeting to make a presentation and provide additional information to the Board.

13. Appoint a Dues Form Committee

President Shanor requested volunteers to serve on a committee to review the dues form and fee structure and make recommendations for possible revisions for 2011. Commissioner Noskin, Chacon and Dutton volunteered to serve on the committee.

14. Appoint a Mentorship Program Committee

President Shanor requested volunteers to serve on a committee to develop a proposal and rule changes for a mandatory mentorship program for new admittees, which would replace the professionalism requirement. Commissioners Anderson, Chacon, Grisham, Moore and Tope volunteered to serve on the committee.

15. Appoint a Bar Center Wall of Honor Committee

President Shanor requested volunteers to serve on a committee to discuss and make a recommendation regarding a Wall of Honor to honor members who have made significant contributions to the State Bar. Commissioners Alaniz, Pederson and Jarrett volunteered to serve on the committee.

16. Governmental Affairs Committee Report

Chair Henry Alaniz reported on the January 22nd meeting of the Governmental Affairs Committee (GAC) and stated the committee will have more opportunity to have an impact during the longer Legislative Session next year. He reported that an e-mail was sent to the Governmental Affairs Committee during the meeting on the Board's endorsement of the minority position argument contained in the Jiffy Report and Recommendations discussed under agenda item 11, and that he had received unanimous consent from the committee.

17. Casemaker Report and Discussion

This item was tabled to the April meeting.

18. Discussion of 2010 Initiatives

This item was tabled to the April meeting.

19. President's Report

President Shanor attended and reported on the NCBP Midyear Meeting in Orlando, meetings with Chief Justice Chavez, Justice Bosson and Justice Daniels, and the First and Second Judicial District Court Nominating Commissions. The 2010 BBC Internal Committee Appointments were included in the materials. The 2010 Board meetings are as follows: April 30 (Roswell), July 15 (Ruidoso in conjunction with the Annual Meeting July 15-17), September 24, November 5, and December 8 (Santa Fe).

20. Executive Director Report

Executive Director Joe Conte reported on and distributed the Bar's demographics and statistics.

21. State Bar Newsletter and Department Reports

The February State Bar Newsletter was included in the materials.

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

Commissioners and division representatives reported on meetings and activities in their districts and divisions. Paralegal Division Chair Debbie Tope reported that the Division increased its usual donations to the Bar and presented checks for $2,000 for the Annual Meeting, $2,000 for EAJ and $1,000 for the NM State Bar Foundation. The YLD Report was distributed at the meeting and provided highlights of the Division's activities in 2009, including the Voices Against Violence Service Project, Toys for Tots Program and UNM Law School Mock Interview Program, as well as upcoming projects, including the Albuquerque Thunderbirds networking event and the ABA/YLD Fall 2010 Conference in Santa Fe.

23. State Bar Strategic Plan

President Shanor requested the Board to review the Bar's Strategic Plan prior to the April 30th Board meeting at which the Plan will be discussed.

24. 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 are posted on the State 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

25. New Business

There being no new business, the meeting was adjourned at 4 p.m.