

**BOARD OF BAR COMMISSIONERS
JANUARY 28, 2011 MEETING MINUTES
Bar Center, Albuquerque, NM**

MEMBERS PRESENT:

Erika Anderson	Kay L. Homan
Deborah A. Armstrong	Danny W. Jarrett
David M. Berlin	Brigitte U. Lotze
John P. Burton	Hilary A. Noskin
Roxanna M. Chacon (by phone)	R. David Pederson
Martha Chicoski	Jessica A. Perez
Andrew J. Cloutier	Wesley O. Pool
Ernestina R. Cruz	Raynard Struck
Dominic E. Dutton	Hans Voss
Michelle Lujan Grisham	

MEMBERS ABSENT:

Twila B. Larkin
J. Brent Moore
Stephen S. Shanor

OTHERS PRESENT:

Kris Becker	Kate Mulqueen
Joe Conte	Richard Spinello
Veronica Cordova	Madonna Vandeventer
Rob Koonce	Jill Anne Yeagley
Christine Morganti	

1. State Bar/Departmental Tour

Commissioners toured the departments and met the staff of the State Bar.

2. Swearing-in of New Commissioners

Second Judicial District Court Chief Judge Ted Baca swore-in the new commissioners as follows: Martha Chicoski, First Bar Commissioner District; Deborah A. Armstrong, Third Bar Commissioner District; Brigitte U. Lotze, Fourth Bar Commissioner District; Ernestina R. Cruz, Young Lawyers Division Chair; John P. Burton, Senior Lawyers Division Delegate; and Kay L. Homan, Paralegal Division Liaison.

3. Approval of December 6, 2010 Meeting Minutes

Commissioner Jarrett made a motion to approve the December 6, 2010 meeting minutes. Commissioner Cloutier requested amendments on page 3 to item 7C, Proposed UPL Legislation, to add "only" before the Attorney General and remove "and the State Bar." The motion was seconded and it passed with the amendments.

4. Finance Committee Report

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

- A.** Accepted the November 2010 financials and executive summaries;
- B.** Reviewed the accounts receivable aging report as well as the directors' reimbursements and credit card file;
- C.** Discussed and recommended moving the Bar's line of credit and mortgage with Wells Fargo to the USNMFCU, since the credit union is now willing to waive the closing costs of \$3,000; Commissioner Anderson made a motion to move the line of credit and mortgage

to the USNMFCU to finance the balance of the loan and to authorize the officers to sign the loan documents, and the motion passed;

- D. Reviewed carry over requests from the Elder Law, Immigration Law, Prosecutors, Solo and Small Firm and Taxation Sections for upcoming projects and programs and recommended approval; Commissioner Anderson made a motion to approve the requests and the motion passed.

5. Acceptance of Financials

Due to the conversion of banks and outsourcing of payroll, the November 2010 financials and executive summaries were distributed at the meeting. Secretary-Treasurer Anderson reported that revenues exceeded expenses through November and the numbers for December will be even better. Commissioner Grisham made a motion to accept the financials; the motion was seconded and it passed.

6. Fee Waiver Requests

Secretary-Treasurer Anderson reported on the fee waiver requests for the Board's consideration. Copies of letters for those requesting fee waivers were available at the meeting for review. Durkin Manning attended the meeting to discuss the Board's decision regarding fee waivers. He stated that he has received fee waivers for 25 years and provided information about his family background and medical problems. He stated that he has a limited amount of time to live and would like to die as a member of the State Bar. He requested that the Board reinstitute the medical exemption that was eliminated last year. The rule states that fees may be waived for an extreme individual hardship. The Board discussed whether granting a fee waiver would mean that the Board is judging fitness to practice. Commissioner Cloutier made a motion to deny all fee waiver requests, with the exception of the military fee waiver requests; the motion was seconded and it passed. He noted that those who were not granted a fee waiver may appeal to the Supreme Court. Commissioner Pool made a motion to waive the late fee for the fee waiver requests that were denied and to notify them that if they go inactive, their fee waivers will be granted; the motion was seconded and it passed. Commissioner Cloutier made a motion to approve the inactive fee waiver requests and permit them to remain on inactive status until they apply for active status; the motion was seconded and it passed.

7. Executive Committee Report

President Perez reported on the December 14th meeting regarding inactive status fee waivers. She stated that when the Board eliminated fee waivers, it did not intend to eliminate the inactive fee waiver from the dues form, so the committee approved reinstating inactive fee waivers for members 75 years of age or older and who have practiced 25 years or more. The committee met again on December 27 regarding the Bar Center roof replacement to discuss the additional information obtained by Commissioner Pool. The committee approved proceeding with All American at a cost of \$66,000. Commissioner Dutton made a motion to ratify the action taken by the Executive Committee; the motion was seconded and it passed.

8. Bylaws and Policies Committee Report and Recommendations

Chair David Berlin reported on the January 20th meeting regarding the following:

A. Proposed Bylaw Amendment to Article XII, Indemnification of Officers and Directors

The Board voted to approve insurance coverage for section directors, officers and committee chairs at the July meeting, and the Bar's insurance company requested an amendment to the bylaws in order to provide for that coverage. Thirty days' notice of the amendment to Article XII was provided at the December meeting, and the committee recommended approval. Commissioner Berlin requested an amendment to include divisions and made a motion to approve the bylaw amendment with that change and the motion passed.

B. Proposed Bylaw Amendment to Article II, Section 2.5, Voluntary Withdrawal

Kathleen Jo Gibson requested amendments to Article II, Section 2.5, Voluntary Withdrawal, to clarify the procedure and coincide with Supreme Court Rule 24-102 NMRA. The committee noted that the rules have not been amended yet, but once they are amended, the bylaws will be amended accordingly. Thirty days' notice is required prior to approval, so a vote will be taken at the April meeting.

C. Immigration Law Section Bylaw Amendment Request

The Immigration Law Section requested an amendment to its bylaws to change its board composition from five to seven elected members. The committee recommended approval. Commissioner Berlin made a motion to approve the amendment and the motion passed.

D. Discuss Publishing Notices for Local and Voluntary Bar CLE Programs

The committee discussed whether the Bar should publish notices in ENews for local and voluntary bar CLE programs and recommended approval of a new policy permitting them to do so. Commissioner Dutton made a motion to approve the policy. Following discussion, Commissioner Berlin made a motion to table the issue and refer it back to the committee for further discussion, and the motion passed.

9. Request for Executive Committee to Approve Pro Hac Vice Grant Committee Recommendations

Due to the timing of the Pro Hac Vice Grant Committee meeting and grant process, the committee requested that the Executive Committee be authorized to approve the committee's grant recommendations. Commissioner Berlin made a motion to approve the request and the action will be ratified by the Board at the April meeting; the motion was seconded and it passed.

10. Supreme Court Meeting Report and Update

Executive Director Joe Conte reported on the January 6th meeting with the Court on the following issues:

A. Mentorship Program

The Supreme Court authorized the Bar to begin implementation of the mentorship program and proceed with obtaining mentors. Kate Mulqueen and Marilyn Kelley visited the Utah State Bar to learn about their mentorship program. Mentors and mentees will receive 12 hours of MCLE credit. The program will begin in 2012 and those who take the bar exam this year will be subject to the rule. He requested commissioners to provide him with names of possible mentors for the program.

B. EAJ Update

After the Board informed EAJ of its decision not to merge, Tom Popejoy sent a letter to the Supreme Court asking it to mediate. The Court declined and scheduled a summit for April 6 with all of the legal service providers to discuss funding.

The BBC was then asked to mediate. The issues resulting in the decision not to merge were discussed and it was determined that mediation would not resolve the fundamental issues. Following discussion, Commissioner Berlin made a motion to deny the request to mediate; the motion was seconded and it passed unanimously.

11. President's Report

President Perez reported on the following:

A. 2011 BBC Internal Committee and Supreme Court Board/Committee Appointments

The appointments were included in the materials.

B. 2011 BBC Meeting Schedule – April 29, July 14 (Buffalo Thunder, Pojoaque), September 23, and December 7 (Supreme Court, Santa Fe)

C. Other

She and Executive Director Joe Conte had lunch with the new Disciplinary Board Executive Director William Slease and Chair Paul Fish, and she attended the state of the judiciary address given by Chief Justice Charles Daniels.

12. State Bar Strategic/Operational Plan

Following the Board retreat last month, amendments were made to the Bar's Strategic/Operational Plan. Due to lack of time, the amended plan was not presented.

13. Office of General Counsel Report

General Counsel Richard Spinello reported that former LREP attorney Chuck Noland began working part-time for the Office of General Counsel in January, and he will be assisting the Client Protection Fund Commission with investigations. He noted that the fund will cover part of his salary.

14. Lawyers Assistance Program Report

Jill Anne Yeagley reported on her responsibilities for the program, which is now housed at the State Bar. She stated that she has been working with the program for 10 years on a part-time basis and began working full-time this month. She stated that the program is a service to members and increasing awareness of the program is a high priority. The goal is to be able to head off attorneys' problems earlier. When the program first started, it focused strictly on alcohol and drug addictions, but it has expanded to include gambling, depression, stress and eating disorders. She will provide more educational programs and outreach and will be meeting with the sections, revamping the brochure and advertising. She thanked the Board for its support and acknowledged Bill Lang, Briggs Cheney and Bill Stratvert.

15. State Bar Bylaws

The State Bar Bylaws were included in the materials for the Board's information.

16. 2012 Mock Trial Update

Commissioner Voss reported on the fundraising efforts for the 2012 Mock Trial. He stated that the committee met recently and discussed contacts. Kate Mulqueen will be assisting the committee, and the deadline to raise the funds is November of this year.

17. Executive Director Report

Executive Director Joe Conte reported on staffing changes as follows: Kate Mulqueen is administering the mentorship program and coordinating staff trainings; Chuck Noland is working with the Ethics Advisory Committee and Client Protection Fund Commission; and Madonna Vandeventer is retiring in November. He has been meeting with the Federal Bar to request assistance with funding for the annual meeting. He was appointed secretary-treasurer of the Western States Bar Conference and his term runs through 2015; he and Kris Becker will be coordinating the annual conference for the next five years. He also reported that the membership survey is almost complete and Research & Polling is making the final edits.

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

Commissioners and division representatives reported on meetings and activities in their districts and divisions.

19. 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 were 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

20. New Business

- A. Commissioner Cloutier reported that the National Client Protection Fund has made a request for NM to serve as the host committee for its fall workshop in Santa Fe, which will involve staff time and assistance. Commissioner Dutton made a motion to approve the request; the motion was seconded and it passed.
- B. Executive Director Joe Conte reported on the proposed CLS funding cuts. The Legislative Finance Committee recommended a 3.5 percent cut and the Governor recommended a 50 percent cut. The Governor's recommendation was approved by the House Appropriations Committee and will be reviewed by the House Finance and Appropriations Committee. He requested commissioners to contact representatives of the House Finance and Appropriations Committee prior to their meeting.

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