

**BOARD OF BAR COMMISSIONERS  
JULY 14, 2011 MEETING MINUTES  
Buffalo Thunder Resort, Pojoaque, NM**

**MEMBERS PRESENT:**

Erika Anderson  
Deborah A. Armstrong  
David M. Berlin  
John P. Burton  
Roxanna M. Chacon  
Martha Chicoski  
Andrew J. Cloutier  
Ernestina R. Cruz  
Dominic E. Dutton  
Michelle Lujan Grisham

Kay L. Homan  
Danny W. Jarrett  
Twila B. Larkin  
Brigitte U. Lotze  
J. Brent Moore  
Jessica A. Perez  
Wesley O. Pool  
Raynard Struck  
Hans Voss

**MEMBERS ABSENT:**

Hilary A. Noskin  
R. David Pederson  
Stephen S. Shanor

**OTHERS PRESENT:**

Kris Becker  
Ian Bezpalko  
Matt Bone  
Joe Conte  
Veronica Cordova  
Christine Morganti

Kate Mulqueen  
Richard Spinello  
Howard Thomas  
Madonna Vandeventer  
Pat Wilkins

**1. Approval of April 29, 2011 Meeting Minutes**

Commissioner Moore made a motion to approve the April 29, 2011 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 Erika Anderson reported on the committee's discussion and recommendations as follows:

- A. **2010 Audit Report** – Pat Wilkins and Matt Bone with Clifton Gunderson presented the 2010 audit and management letter; Commissioner Anderson made a motion to accept the 2010 audit and management letter, and the motion passed;
- B. Reviewed the accounts receivable aging report as well as the directors' reimbursements and credit card file; accounts receivables total \$5,000 and staff will decide whether to write them off; for those that are delinquent more than 90 days, no services are provided;
- C. Discussed the purchase of a new Bar car; the previous Bar car was five years old and in need of \$2,000 in repairs and maintenance; the financing will be at 2.4 percent over five years and the payments will be approximately the same as the lease payments for the previous vehicle; the committee recommended approval of the purchase and financing for the purchase, rather than lease, of the new vehicle; Commissioner Anderson made a motion to approve the purchase of the new Bar Car and the motion passed; the expenditure will be a non-budgeted item for 2011; and
- D. Received an update on the budget disclosure and the issue of Clifton Gunderson being unable to certify the budget projections; Commissioner Cloutier and the auditors have discussed how the Board can proceed and instead of having an audited budget disclosure, Clifton Gunderson will brief the Board on any areas that they determine

should be considered for budget disclosure. There is a question as to whether this will satisfy the *Popejoy* requirements and if the Bar should ask the court for relief from the requirements. Commissioner Cloutier will draft a proposed template for the Board's consideration at the September meeting.

### **3. Acceptance of Financials**

Commissioner Voss made a motion to accept the May 2011 financials; the motion was seconded and it passed.

### **4. Executive Committee Report**

President Pérez reported on the following:

- A. May 27<sup>th</sup> meeting regarding the following:**
- Following the April meeting at which the Board approved proceeding with Fastcase, pursuant to the Legal Research Committee's recommendation, and notifying Casemaker that the Bar would not be renewing its contract, the committee had discussions with both Casemaker and Fastcase. Following the discussions, the committee approved entering into a contract with Fastcase. The contract with Casemaker expires July 31 and Fastcase will launch August 1.
  - Due to the timing of Board meetings and the awards being presented at the annual meeting, the Annual Awards Committee recommendations were presented to and approved by the Executive Committee.

### **5. Executive Session**

The Board went into executive session to discuss the executive director's contract. Commissioner Grisham made a motion to approve the action taken in executive session; the motion was seconded and it passed.

### **6. Bylaws and Policies Committee Report and Recommendations**

Chair David Berlin reported on the June 20<sup>th</sup> meeting regarding the following:

#### **A. Policy Regarding Dues Form Contributions and Grants from the Bar Foundation**

At the April meeting, the Board directed the committee to draft a policy for dues form contributions and determine whether the State Bar will be a pass-through agency for entities that also fund legal services or whether it wants to give money directly to those in need, in addition to funding EAJ and its four providers, if at all. The Bar Foundation would also like to provide grants and the committee reviewed draft requirements for those grants. The Supreme Court entered an Order requesting the ATJ Commission to consider if any of the funding sources can be combined, how the funding application process can be streamlined, and how programs can coordinate efforts and collaborate more efficiently and provide its recommendations within six months, so the committee tabled this item until the report is received.

#### **B. Sections Cosponsoring Programs with CLE**

Some sections are not following their bylaws and cosponsoring programs with CLE pursuant to their bylaws, and the committee discussed how to enforce this provision, including charging sections that do not cosponsor programs with CLE for staff time; the committee requested staff to research administrative costs and tabled this item to the next meeting.

**C. Children’s Law and Elder Law Sections Bylaw Amendment Requests**

The Children’s Law and Elder Law Sections requested amendments to their bylaws to add a student member and the committee recommended approval. Commissioner Berlin made a motion to approve the requests, and the motion passed.

**D. Online Elections**

The committee received a report on online elections for the BBC, YLD, SLD and State Bar Sections and recommended approval. In order to be able to conduct online elections, the bylaws need to be amended, and the committee presented the proposed amendments. Thirty days’ notice is required prior to approval, so the amendments will be voted on at the September meeting. Notice is not required for YLD, SLD and State Bar Sections bylaw amendments, so the committee recommended that they be amended to conform with the State Bar bylaw amendments, once approved, without further action by the Board.

**7. Personnel Committee Report**

Chair Danny Jarrett reported on the July 6<sup>th</sup> meeting regarding the following:

**A. Telecommuting Policy**

The committee reviewed the State Bar of Arizona’s telecommuting policy and discussed whether to create a similar policy and determined that since not all of the staff could participate, it wasn’t appropriate for this organization.

**B. Educational Assistance Program Policy**

The committee discussed the Bar’s Educational Assistance Policy and requested amendments to separate out advanced degrees from individual courses and training; the revised policy will be presented to the Board at the September meeting.

**C. Gym Membership**

The committee discussed and recommended approving a gym membership benefit for staff of up to \$20 per month to be used at any gym. Commissioner Jarrett made a motion to approve the benefit and the motion passed.

**8. Committee on Diversity in the Legal Profession Plan of Action**

Following the completion of the Committee on Diversity in the Legal Profession’s third 10-year Report on Minorities in the Profession, the committee divided the recommendations among seven subcommittees, which developed strategies to accomplish the recommendations. Executive Director Joe Conte reported on the plan of action which was included in the materials and requested the Board’s approval on behalf of the committee. Commissioner Dutton made a motion to approve the plan of action; the motion was seconded and it passed.

**9. Governmental Affairs Committee (GAC) Report**

In the absence of Chair Steve Shanor, General Counsel Richard Spinello reported on the following:

**A. ADR Committee Request**

At the April 29<sup>th</sup> meeting, the Board received a request from the ADR Committee requesting the Board’s support to assist the Supreme Court with implementation of the recommendations contained in the Survey on the Status of ADR in NM. The Board referred the request to GAC, which met on May 2 and approved the request. A letter was sent to Chief Justice Charles Daniels notifying the Court of the Board’s support.

## **B. HM 71**

The House of Representatives passed HM71, a joint resolution requesting the State Bar to convene a task force to study how to incorporate the consideration and planning of a child's post-secondary education into the determination of a parent's child support obligation. The resolution was forwarded to GAC in May, but the committee didn't take any action at that time. Following discussion, Commissioner Cloutier made a motion to refer the resolution to the Supreme Court's Domestic Relations Task Force and to give President Perez the authority to make any appointments and offer any other assistance to the Task Force and to notify the Speaker's Office regarding such action; the motion was seconded and it passed.

### **10. Uniform Bar Examination Forum**

Board of Bar Examiners (BBE) Liaison Howard Thomas reported on and requested the Board's support for a Uniform Bar Examination Forum with the BBE, Supreme Court, law school, State Bar and any other interested groups. Mr. Thomas explained that the legal profession is the only profession that doesn't have a uniform exam. The scores are portable and may be used for admission in other jurisdictions. UBE jurisdictions set their own policy in terms of passage rate within the national standard, and each jurisdiction can tailor the exam to include questions that are relevant to their state. Character and fitness exams would continue to be conducted. Justice Serna has indicated that the Supreme Court is in favor of the forum as well as Dean Washburn. The event will occur in September in Santa Fe at the Supreme Court. Commissioner Berlin made a motion to support the forum; the motion was seconded and it passed.

### **11. Membership Survey Committee Report and Recommendations**

Membership Survey Committee Chair Jessica Pérez reported on the June 24<sup>th</sup> meeting and the committee's recommendations, which were included in the materials in addition to the topline results and key findings; the full survey results were posted on the Bar's Web site. She reported that the survey was conducted by Research & Polling and that a 20 percent response rate was received. The committee made recommendations regarding the following sections: NM Lawyer Insert, ENews, Web site, Judiciary, Reciprocity, Pro Hac Vice and Malpractice Insurance. Following discussion, the Board determined that the recommendations were more informational at this time and decided to proceed with the recommendation regarding appointing a Committee on the Judiciary. Commissioner Moore made a motion to reestablish the Fair Judicial Elections Committee, change the name to the Committee on the Judiciary and include responding to criticism of the judiciary to the committee's charge, and for the Board to study the other issues further; the motion was seconded and it passed.

### **12. Mentorship Program Update**

Bar Foundation Development Director Kate Mulqueen reported on the mentorship program. She stated that 120 new lawyers were sworn-in at the April ceremony and that 48 are enrolled in the program, 66 mentors have been vetted and approved by the Supreme Court and 30 mentors have been formally paired with new lawyers. Mentors and mentees are matched by geographic area and area of interest. It is anticipated that at least 100 new lawyers will be sworn-in at the September ceremony, so they need to recruit more mentors and she requested assistance from the Board.

### **13. President's Report**

President Pérez reported that she attended the State Bar of Arizona's Annual Meeting last month. She also highlighted the events and schedule for the annual meeting and noted that Governor Susana Martinez would be speaking on Friday.

**14. President-elect Report**

President-elect Voss reported that he conducted a site visit at The Hyatt Regency Tamaya Resort in Bernalillo and that we signed a contract with the Tamaya for the 2012 Annual Meeting.

**15. Executive Director Report**

Executive Director Joe Conte reported that there were over 400 registrants for the annual meeting; he also reported that there are nine seats up for election this year. The July State Bar Newsletter for the second quarter was included in the materials.

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

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

**17. New Business**

There being no new business, the meeting was adjourned.