

**MEETING OF THE  
BOARD OF GOVERNORS  
OF THE  
STATE BAR OF ARIZONA**

**April 18, 2025**

BOARD MEMBERS PRESENT: Ted Schmidt, President, Tucson; Samuel J. Saks, President-Elect, Tempe; Doreen N. McPaul, Vice-President, Gilbert; Christina Poletti, YLD President, Scottsdale; David J. Johns, Flagstaff; Preston L. Pollock, Globe; D. Christopher Russell, Sierra Vista; Amy P. Hernandez, Tucson; Robert J. McWhirter, Phoenix; Robyn M. Austin, Public Member, Tucson; Cedric Dave, Public Member, Chandler; Mike Baumstark, At-Large Member, Scottsdale; Heather Baker-Muschkatel, Sun City; Louis S. Fidel, Tucson; Denis M. Fitzgibbons, Casa Grande; Kelsi Lane, Secretary-Treasurer, Tempe; David B. Rosenbaum, Phoenix; Jimmie Dee Smith, Yuma; Benjamin Taylor, Ex-Officio Member, Phoenix; Mignonne Hollis, Public Member, Sierra Vista; and John W. Moody, Phoenix.

BOARD MEMBERS WITH EXCUSED ABSENCES: Jena Decker-Xu, Phoenix; Dean Stacy Leeds, Ex-Officio Member, ASU; Cortez W. Smith, Public Member, Casa Grande; Diandra Day Benally, Fountain Hills; David K. Byers, At-Large Member, Scottsdale; Chloé Woods, Phoenix; Interim Dean Jason Kreag, Ex-Officio Member, UofA

STAFF: Joel England, CEO/Executive Director; Jessica Iennarella, Chief Financial Officer; Joe Hengemuehler, Chief Communications Officer; Lori Maxwell, Chief Information Officer; Trish McCarty, HR Director; Lisa Panahi, Chief Legal and Compliance Officer; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel; Genna Barela, Manager of Board Operations; Deanna Commack, Executive Assistant; Riley McLaughlin, BOG Administrative Assistant; Amy Rehm, Deputy Chief Bar Counsel; and Patricia Seguin, Legal Services Manager.

GUESTS: Robert Burghart, Janna Day, Jennifer Fite, John Graham, Patience Huntworth, Jack Lunsford, Jennifer Rebholz, Danny Shapiro, Campanella White

**1. Call to Order** – Ted Schmidt

President Schmidt called the meeting to order at 8:34 a.m.

**2. Call to the Public** – Ted Schmidt

President Schmidt made a Call to the Public and hearing nothing, moved on to the next item on the agenda.

**3. President's Report** – Ted Schmidt

- Member Services Update and Ethics Discussion in Yuma on February 28th with Maret and Amy
- President Schmidt, Joel, Amy, and Maret will attend a 50-year celebration for Aspey Watkins & Diesel at the Lowell Observatory in Flagstaff on June 17th and share a CLE presentation.
- President Schmidt updated the Board on Rule of Law and the BLS Task Force which is becoming a working group with the leadership of Jennifer Rebholz
- Attended Western States Bar Conference with Joel April 4th- 6th.
- Returned last week from ABA Day in Washington D.C. with CEO England – informed the

Board of funding concerns for legal aid.

- President Schmidt presented a Legal Services Clinic event hosted by the Fitzgibbons Law Firm on April 5th.
- President Schmidt shared congratulations to the Arizona Attorney magazine team for the special issue, *Her Honor's Legacy: Sandra Day O'Connor* as it won the Silver Award in the 2025 Azbee Awards of Excellence in the category Print – Special Issue or Supplement.
- College of Law Practice Management- The College is a professional, educational, and honorary association dedicated to the improvement of the law practice management and to the enhancement of the professional quality of and public respect for the law. Membership in the College is by invitation to honor those individuals who have proven to their peers, their employers, the bar, the bench, and the public through performance related to law practice management that they: have the highest professional qualifications and ethical standards.
  - President Schmidt recognized Roberta Tepper, Chief Member Services Officer, on her induction as a Fellow in February
- President Schmidt, President-Elect Samuel Saks, and Joel England attended the Arizona Supreme Court retreat in Tucson on April 17th.
- President Schmidt has written an Op-Ed piece “Law Day Is a Call to Action: Defend the Rule of Law,” in recognition of Law Day on May 1st.
- Joe Hengemuehler last day on April 18th, President Schmidt shared his appreciation and congratulations as Mr. Hengemuehler continues his career at Arizona Media Association

#### **4. CEO's Report** – Joel England

- CEO England followed President Schmidt's farewells to Joe Hengemuehler as he departs from SBA on April 18th.
  - Joe Hengemuehler spoke to the Board and expressed his gratitude for the organization.
- CEO England reported the status of efforts to oppose petition, with the support of the Foundation, Supreme Court Access to Justice Committee, Attorney Regulation Committee, a supporting letter from past Board of Governor Presidents of the State Bar including the present BOG President, Ted Schmidt. Chief of Staff & Director of Community Impact, Noah Coakley, is working with other Bar organizations.
  - Lisa Panahi later presented to the Board during agenda item 10., the Proposed Comment to R-25-0001 Petition to Amend Rule 23, Ariz. R. S. Ct.
- CEO England informed the Board of the new equipment changes made to the SBA Boardroom. Thanks to Lori Maxwell's team and other IT members for making those improvements happen and run smoothly.
- CEO England updated the Board on the progress of Elections – Monday April 21st emails will be sent out to eligible voting members, eVoting will remain open for 2 weeks and will close voting on May 5th. Certification of the Election results will be presented at the BOG meeting on May 16th.

#### **5. Mentorship Program** – Jennifer Fite, Camp White

Campanella White, Mentor Program Manager, presented at the Arizona Leadership Bar Program. Two mentorship programs were reviewed.

- The **One to One** offers a structured 12- or 6-month curriculum-based mentorship, with participants matched through a submission form. Mentees must be licensed attorneys; mentors must have at least five years of experience and no disciplinary actions. Monthly updates are required, and CLE credit is granted upon completion.
- The **Lawyer Down the Hall** program is a 3-month, issue-specific mentorship available to practicing attorneys at any experience level. Mentors must also have five years of experience and a clean disciplinary record. Matching is conducted via submission forms for both programs.

#### **6. Consent Agenda** – Ted Schmidt

President Schmidt asked if there were any matters that needed to be removed from the Consent Agenda and hearing nothing,

**MOTION** to approve the Consent Agenda: Sam Saks

Seconded by: Mignonne Hollis

Unanimous.

- a) Approval of January 17, 2025, Board Meeting Minutes
- b) Approval of February 21, 2025, Board Meeting Minutes
- c) Approval of Resignations in Good Standing
- d) Resignations in Lieu of Reinstatement
- e) Approval of Reinstatement of Member(s) suspended for Non-Compliance with Annual Membership Fees and/or Trust Account Compliance (Rule 32(c)(10) and/or Rule 43, Ariz. R. Sup. Ct.)
- f) Reinstatement to Practice of Member Suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)
- g) Keller Refund Policy
- h) Proposed Comment to R-25-0010, Petition to Amend Rule 19.1, Ariz. R. Crim. P.
- i) Proposed Comment to R-25-0013, Petition to Amend Rule 31.10, Ariz. R. Crim. P. and Rule 13, Ariz. R. Civ. App. P.
- j) Proposed Comment to R-25-0014, Petition to Amend Rule 32.16, Ariz. R. Crim. P.
- k) Proposed Comment to R-25-0016, Petition to Amend Rule 31.23, Ariz. R. Crim. P.
- l) Proposed Comment to R-24-0057, Petition to Amend Rule 4.1(i) of the Rules of Civil Procedure for the Superior Courts of Arizona; Rule 41(j) of the Rules of Family Law Procedure; Rule 113(b) of the Justice Court Rules of Civil Procedure; Rule 5(b), Rules of Small Claims Procedure
- m) Proposed Comment to R-25-0002, Petition to Amend Rule 2(b)(1), Ariz. R. P. for Special Actions
- n) Proposed Comment to R-25-0012, Petition to Amend Rule 31.20, Ariz. R. Crim. P. and Rule 22, Ariz. R. Civ. App. P.
- o) Proposed Comment to R-25-0029, Petition to Amend ERs 1.16 and 3.3, Rule 42, Ariz. R. Sup. Ct.

#### **7. Program Review Working Group** – Preston Pollock, Roberta Tepper

Program Review Working Group completed their charge of the review of 17 groups, 12 groups will have no changes, 4 groups will sunset, and 1 group will make an adjustment to their mission. One group will be merged with an existing committee.

**MOTION:** Sam Saks  
Seconded by: Christina Poletti  
Unanimous.

**8. Appointments Committee** – Doreen McPaul

Doreen McPaul conducted interviews with the four candidates for the Public Member position.

**BREAK** The Board took a 15-minute recess.

**EXECUTIVE SESSION:** President Ted Schmidt motioned, Sam Saks seconded, and the motion carried unanimously at 10:35 a.m. The Board reconvened in Open Session at 10:44 a.m.

**MOTION** to approve the ranking in order of merit, of the following three candidates to send to the Arizona Supreme Court for final appointment of the two open public member positions: Robert McWhirter

Seconded by: Chris Russell  
Unanimous.

Cedric Dave  
John Graham  
Jack Lunsford

**9. Rules Review Committee** – David Rosenbaum

- a) Proposed New Criminal Jury Instruction and Updates to Current Instructions
  - The Criminal Jury Instructions Committee proposed changes to the Arizona Criminal Revised Jury Instructions during its Fall 2024 and Spring 2025 meetings, including:
    - Preliminary Criminal #16: Revised to address juror questions more clearly.
    - Standard Criminal #52: Removed requirement that juror questions be signed.
    - Statutory Instructions 4.04 & 4.05: Renamed to better contrast their content.
    - Statutory Instructions 12.04 & 13.08: Updated to reflect recent statutory amendments.
    - Statutory Instructions 14.30.01 & 14.30.02: Added to implement a newly enacted statute.

**MOTION** to approve new Criminal Jury Instructions by Robert McWhirter  
Seconded by: Sam Saks  
Unanimous.

- b) Proposed New Civil Jury Instruction – Standard Adult Guardianship
  - Senate Bill 1291 now requires notifying protected individuals of their right to a jury trial in certain guardianship cases, prompting the Arizona State Bar to form a task force to develop jury instructions for such trials.

**MOTION** to approve new Civil Jury Instructions by Sam Saks  
Seconded by: Chris Russell  
Unanimous.

- c) Proposed Comment to R-25-0005, Petition to Amend Rules 4, 16 and 23, Ariz. R. Civ. App. P.; Rules 31.6, 31.15 and 31.21, Ariz. R. Crim. P.; and Rule 609, Ariz. R. Juv. P.
  - Petition proposes to amend various civil, criminal, and juvenile court appellate rules to provide that if the Supreme Court grants a petition for review, later merits briefing will occur sequentially rather than simultaneously.

**MOTION** to approve Proposed Comment to R-25-0005 by Robert McWhirter

Seconded by: Sam Saks

Unanimous.

- d) Proposed Comment to R-25-0019, Petition to Amend Rule 15, Ariz. R. P. Eviction Actions
  - Petition proposed to amend Rule 15 of the Rules of Procedure for Eviction Actions to add three grounds for relief from eviction judgements and order, to make the Rule consistent with Rule 60 of the Arizona Rules of Procedure and to add a mandatory stay during the three-day decision period for emergency matters.

**MOTION** to approve Proposed Comment to R-25-0019 by Chris Russell

Seconded by: Sam Saks

Unanimous.

- e) Proposed Comment to R-25-0020, Petition to Amend Rules 11(d) and 18(d), Ariz. R. P. Eviction Actions
  - Petition proposes to make a one-word revision to Rule 11(d) of the RPEA on continuances (“may” to “shall”); to make several revisions to the definition of “good cause” in Rule 18(d); and to add a non-exclusion list of “examples of good cause that may require a continuance” at the conclusion of Rule 18(d).

**MOTION** to approve Proposed Comment to R-25-0020 by David Johns

Seconded by: Sam Saks

Unanimous.

- f) Proposed Comment to R-25-0030, Petition to Amend Rule 36, Ariz. R. P. Protective Order; Rule 315, Ariz. R. P. Juv. Ct.; and Rule 901, Ariz. R. Evid.
  - Petition seeks to amend various rules to “create consistent and sufficient methods for litigants and courts to address AI-generated or substantially altered evidence across case types.” Petition at 3.

**MOTION** to approve Proposed Comment to R-25-0030 by Mignonne Hollis

Seconded by: Sam Saks

Unanimous.

#### **10. Comment to Rule 32 Petition** – Lisa Panahi

Lisa Panahi, Chief Legal and Compliance Officer, presented the Comment to Rule 32 Petition. This updated draft addresses the State Bar of Arizona’s mission and access to justice.

**MOTION** to approve the Proposed Comment to Rule 32 Petition by Robert McWhirter

Seconded by: David Rosenbaum

Unanimous.

**11. BLS Task Force** – Jennifer Rebholz

Jennifer Rebholz, Chair of the BLS Task Force, presented an update on the Task Force's work. The Task Force is composed of a diverse group of specialists, non-specialists, and public members. Its current focus includes increasing attorney participation in the Specialization Program, enhancing the value and appeal of certification, and raising public awareness and education about the program. To support these goals, Rebholz requested Board approval for opportunity funding—up to \$120,000 for marketing efforts and up to \$55,000 for a website update. She noted that these requests align with the funding previously approved by the FAC, which authorized up to \$120,000 from the opportunity reserve to enhance advertising and up to \$55,000 to update the website in coordination with other task forces.

**MOTION** to approve opportunity funding to the BLS Task Force for up to \$120,000 for marketing and up to \$55,000 for a website update

**By:** Jimmie Dee Smith

**Seconded by:** Mike Baumstark

**12. Legislative Update** – Joe Hengemuehler, Janna Day

Janna Day updated the Board on the status of the Ariz. Supreme Court and Legislation. There have been minimal changes to the Bar Bills since the February Board meeting. The Legislative Team, in collaboration with CEO England, drafted a letter in preparation for Governor Hobbs, which was subsequently signed by President Schmidt.

Janna Day reported that SB1435 (Attorney Discipline Compensation) passed the senate, passed the house, and is ready to go to the Floor on May 22nd. Janna is set to request a meeting with Governor Katie Hobbs. There is a 5-day window to file a response following May 22nd.

**13. Finance and Audit Committee** – Chris Russell, Jessica Iennarella

Year-end December 31, 2024, Financial Statements

- In February predicted a \$1,225K surplus. Final surplus ended at \$1,215K.
- Annual audit begins in May.

**14. Nominating Committee** – Benjamin Taylor

Benjamin Taylor updated the Board on the process of nominations. The email will be sent out on Monday April 21st, May 2nd is the deadline, May 5th questionnaires are due, and interviews will be held at the end of May, date TBD.

**15. Correspondence/Reports** – Ted Schmidt

Ted Schmidt reminded the Board to submit their orders for Convention shirt orders by April 25th and to confirm their Convention reservations for lodging.

**MOTION** to adjourn Chris Russell

Seconded by: Heather Baker-Mushkatel

**ADJOURNED** at 11:52 a.m.