

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

October 18, 2024

BOARD MEMBERS PRESENT: Ted Schmidt, President, Tucson; Sam Saks, President-Elect, Tempe; Kelsi Lane, Secretary/Treasurer, Phoenix; Diandra Benally, Fountain Hills; Jena Decker-Xu, Phoenix; Louis Fidel, Tucson; Denis Fitzgibbons, Casa Grande; Amy Hernandez, Tucson; David Johns, Flagstaff; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Globe; David Rosenbaum, Phoenix; Christopher Russell, Sierra Vista; Christina Poletti, YLD President, Phoenix; Jimmie Smith, Yuma; Benjamin Taylor, Board Advisor, Phoenix; Public Governors Robyn Austin, Tucson, Cedric Dave, Chandler, and Cortez Smith, Casa Grande; At-Large Governors, Marcus Reinkensmeyer (for Dave Byers), Phoenix; and Justice Kathryn King, Court Liaison, Phoenix.

BOARD MEMBERS WITH EXCUSED ABSENCES: Denis Fitzgibbons, Casa Grande; Doreen McPaul, Vice President, Gilbert; Dean Marc Miller, Tucson, and Chloé Woods, Phoenix.

STAFF: Genna Barela, Manager of Board Operations, Deanna Commack, Executive Assistant; Joel England, CEO/Executive Director; Joe Hengemuehler, Chief Communications Officer; Jessica Iennarella, Chief Financial Officer; Lori Maxwell, CIO; Darla Neill, Administrative Assistant to BOG; Trish McCarty, HR Director; Richard Palmatier, Assistant General Counsel; Amy Rehm, Deputy Chief Bar Counsel; Maret Vessella, Chief Bar Counsel.

GUESTS: Brittany Baer-Turner, paralegal, public comment.

**Call to Order** – Ted Schmidt

President Schmidt called the meeting to order at 8:30 a.m.

**Call to the Public** – Ted Schmidt

President Schmidt made a Call to the Public at which time Brittany Baer Turner was recognized. Ms. Turner is a paralegal and expressed frustration with being unable to find an attorney to represent her regarding a personal issue.

**President's Report** – Ted Schmidt

- President Schmidt provided an update on the CLE seminar, “The Bar, the Rule of Law and Keller,” which he and General Counsel Lisa Panahi held in Phoenix and Tucson. He reported no additional complaints from senior attorneys following the seminar.
- CEO Joel England, President Ted Schmidt and fellow board members Robyn Austin and Amy Hernandez attended the Southern Arizona Legal Aid Volunteer Recognition Lunch in Tucson last Friday.
- President Schmidt will attend the Supreme Court’s leadership conference next week in Flagstaff and receive Supreme Court award, along with Bar Public Service Manager Fabi

Perez and Public Relations Manager Taylor Tasler, for Bar's Phone Bank and Legal Clinic access to justice efforts.

- Showed the Tolleson YouTube video regarding community outreach.
- Reminded everyone of the ribbon cutting ceremony at the University of Arizona at 5:30 p.m. today. President Schmidt will provide a recap at the next meeting.

### **CEO/ED's Report** – Joel England

- CEO Joel England provided an update on the Quarterly Town Hall meeting which was held this week. He related that President Schmidt was a guest speaker, along with Anton Gunn, who is an international speaker, best-selling author, and consultant. Mr. Gunn is a former Presidential senior advisor and the world's leading expert on Socially Conscious Leadership.
- Recognized Employee of the 3rd Quarter, Wendy Macias, Continuing Legal Education Assistant. Mr. England related that Mr. Gunn had asked the question "what do people want?" to which the answers are (1) people who demonstrate care; (2) are willing to help; and (3) are trustworthy. Mr. England expressed that Wendy encompasses all these traits.
- Mr. England gave an update regarding the Retention Working Group regarding some of their recommendations which are mostly internal, such as personal and professional development, amenities, etc.
- Gave an update on the Goldwater Petition:
  - We filed a Petition in agreement with the Court;
  - Goldwater Institute responded on October 15<sup>th</sup> with a request for a stricter definition of germaneness.

### **ACTION/VOTE**

- *Keller* Refund Request – Joel England
  - Attorney Ann Haralambie submitted a written challenge for processing a *Keller* refund;
  - Calculations indicate a refund of \$1.78;
  - Options include arbitration or providing the refund. Submitting a refund does not acknowledge a violation, as we do not believe we violated *Keller*;
  - Presented to the Board for discussion regarding whether to submit a refund or arbitrate.
    - Executive Committee recommended the refund;
    - Discussion regarding how often these requests occur; to which Mr. England responded not much, perhaps a couple times a year ordinarily although one time we prepared an Amicus Brief regarding 40 requests;
    - It was recommended that we explain the math calculations to Ms. Haralambie so that she does not feel enflamed.

**MOTION** by Robert McWhirter to send a letter and the refund, second by Mignonne Hollis, Motion passes.

- Special Constitutional Appointments Committee – Joel England
  - Mr. England advised that Governor Hobbs' office requested applications for the nominees for the Commission on Appellate Court Appointments due to Justice Brutinel's departure.

- Recommends having a special meeting on November 1, 2024, to take up appointments and vote, giving the Committee time for due diligence to review applications, perform background checks, etc.
- The Court wants as many recommendations as possible, so the Board is encouraged to get lots of applications.
  - Advertised via *eLegal* as well as a mass e-mail message;
  - Joel will send an email to the Board regarding the Court's specific needs and criteria;
  - David Johns abstains as his wife, Jill, is an applicant;
  - Jim Smith expressed that he is completely against this as it eliminates going through the Committee. He feels the Governor wants to have more of "her people" on the Committee;
  - Mr. England explained that the special meeting will not circumvent the Committee; it will be handled as normal, just expedited;
  - Dave Byers advised that in the event of a vacancy, the Governor can appoint someone to be confirmed next session;
  - Trial Court committees have many vacancies, particularly in Pima and Pinal Counties;
  - The purpose of a special November meeting would be regarding the Commission on Appellate Court Appointments; the December meeting would include Trial Court Committees, as usual.

**MOTION** by Robert McWhirter to call a special November 1<sup>st</sup> meeting for the purpose of voting on nominees for the Commission on Appellate Court Appointments to send to Governor Hobbs and the Senators, seconded by Mignonne Hollis, one opposed, Motion carries.

#### **CONSENT AGENDA** – Ted Schmidt

- Approval of September 20, 2024, Board Meeting Minutes
- Approval of Resignations in Good Standing
- Resignation in Lieu of Reinstatement
- 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.)

**MOTION** by Robert McWhirter, second by Louis Fidel to approve the Consent Agenda, Motion passes unanimously.

#### **INFORMATION**

##### **Wellness Program Update** – Dean Stacy Leeds

- Dean Leeds reported that an Advisory Board has been created and she distributed a list of the Board Members and Advisory Committee members
- Needs an expert on mental health, as all but two have been confirmed

- Preferably a current law student or recent graduate
- The Board has adopted ByLaws
- Next thing to do is draft a job description for the CEO position
  - Regarding credentials, would prefer a J.D. but will accept Counselor, mental health background
  - Salary will be \$125,000 - \$130,000 depending on the pool of applicants
  - Plan to hold interviews in December
- The Legal Professional Wellness Program is a resource for substance use, mental health, and general wellness support.

#### **Rule of Law Task Force Update** – Joe Hengemuehler

- The Task Force has met three times so far and will run until February
- They are working hard to find ways attorneys can protect and promote the rule of law
- Have invited special guests to share their thoughts, including the Founder of the O'Connor Institute
- Currently involved in the collection phase
  - YLD involvement
  - Cross-poll think group with Justice Timmer's Communication Group
  - Civility
  - Free CLE
- Plan to present list of recommendations no later than February.

#### **Mark Harrison Memorial 10-Minute Topics** – Robert McWhirter

- Mr. McWhirter gave an interesting presentation entitled "Rights, Runnymede and the Rule of Law" regarding the Magna Carta.

#### **Future Board Events** - Ted Schmidt

- Special November 1<sup>st</sup> meeting regarding Special Constitutional Appointments for Appellate Court
- Tucson – December 5 and 6
  - December 5<sup>th</sup> at 3:00 p.m. Bench and Bar Event will include a presentation by an expert on digital evidence, AI and deep fakes
  - Holiday reception following – good opportunity to engage with Courts
- Board meeting on December 6<sup>th</sup>

#### **Correspondence/Reports** - Ted Schmidt

- September 20, 2024, Pima County Bar Foundation Gala Letter
- Senior Lawyers Division Petition to Amend Rule 32(e)
- 2023 Financial Statements
- October 7, 2024, Executive Council Minutes

## **FINAL COMMENTS**

- President Schmidt indicated there has been concern regarding the Board becoming detached due to hybrid meetings, hence the dinner last night at Jennifer Rebholz's house
- Next year, he is making it mandatory for all Board members to attend at least 2 meeting in person
- CEO England has been attending Budget meetings and HR Subcommittee meetings and will report on both at the next meeting
- CEO England is continuing to reach out to members for one-on-one meetings
- David Byers advised that the presiding Judicial Judge is retiring.

**MOTION** by Robert McWhirter to adjourn the meeting, seconded by Cortez Smith,

**MEETING ADJOURNED** at 9:35 a.m.