

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

September 20, 2024

BOARD MEMBERS PRESENT: Ted Schmidt, President, Tucson; Sam Saks, President-Elect, Tempe; Doreen McPaul, Vice President, Gilbert; 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; Chloe Woods, Phoenix; Public Governors Robyn Austin, Tucson, Cedric Dave, Chandler, and Cortez Smith, Casa Grande; At-Large Governors, Marcus Reinkensmeyer (for Dave Byers), Phoenix; Dean Marc Miller, Tucson and Justice Kathryn King, Court Liaison, Phoenix.

BOARD MEMBERS WITH EXCUSED ABSENCES: Heather Baker-Mushkatel, Sun City; Mike Baumstark, Scottsdale; Mignonne Hollis, Sierra Vista; Henry Whitmer, Prescott.

STAFF: Genna Barela, Manager of Board Operations, Noah Coakley, Chief of Staff/DEI Director, 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; Lisa Panahi, General Counsel; Amy Rehm, Deputy Chief Bar Counsel; Maret Vessella, Chief Bar Counsel.

GUESTS: George Chen; Professor Jess Findley; Melissa Ho, ABA Delegate.

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 and hearing nothing moved on to the next agenda item.

President's Report – Ted Schmidt

- Recognized Jessica Lanum and gave her bio, congratulated her for having the Highest Score for the February Bar Exam and presented her with a plaque.
- Recognized George Chen, ABA Delegate, thanked him for his service and presented him with a plaque.
- Spoke of working with Dean Miller, Professor Thomas Mauet and Meghan on a major project at University of Arizona
 - Constructing a new, state-of-the-art teaching courtroom at the Law School
 - Will be sending invitations to the ribbon cutting on October 18th at 5:00
- Awards
 - Congratulated Ted Eigo and staff on winning the Bronze Tabby award;

- Congratulated the State Bar for winning the Arizona Judicial Branch Strategic Agenda Access to Justice Award.
- Gave a recap of the Retreat
 - Showed the Practice 2.0 YouTube video starring Henry Whitmer
 - We as the Board of Governors are good emissaries for the Bar with the public and with other legal entities
- National Conference of Bar President's Meeting in Chicago
 - He, CEO Joel England President-Elect Sam Saks, and Vice President Doreen McPaul attended the Conference with the main focus of promoting and protecting the Rule of Law
 - Ms. McPaul enjoyed networking with the diverse group of section leaders and affinity bar leaders
 - Encouraged to attend ABA Midyear Meeting at the Sheraton
- Artificial Intelligence in Law
 - Encouraged Board to read Mitch Jackson's book and gave link to his website
- Advancement & Improvement Committee
 - Member Satisfaction Survey results used to move forward regarding improvement of programs
- Discipline Survey - President Schmidt is very pleased with the program under Judge Montgomery's leadership
- BLS Task Force
 - Met Monday led by Jennifer Rebholz, Chair, with the purpose to focus on improving certification process as we want more attorneys to become certified
 - We need to better educate the public that the program exists
- Rule of Law Task Force
 - Includes Chief Justice Timmer, , Dean Miller and an elite group of several others. Expect to have recommendations within six months.
- ABC Phone Bank
 - Showed a clip from the phone bank, as well as the ABC 15 video advertisement. This is a great group of volunteers and President Schmidt encourages the Board to participate when possible.
- BLI Retreat
 - President Schmidt expressed that Noah Coakley is doing a great job with this program.
- Attended Stroke for Justice Paint Night along with CEO Joel England. This was a great, fun and well-attended program. (Photo of Pres. Schmidt and Mr. England displaying artwork shown).

CEO/ED's Report – Joel England

- Introduced Jennifer Rebholz, who spoke about an opportunity for more socialization among out-of-town Board members. Ms. Rebholz announced that she will be hosting a dinner On October 17th and invited out-of-towners to attend in an effort to help form a social connection.

- Recognized Nicole Kaseta, Lawyer Regulations Intake Bar Counsel, for being the Bar's Employee of the Quarter. Mr. England related how Ms. Kaseta worked hard to help clear out cases while consistently maintaining a great attitude.
- Introduced Genna Barela, the new Manager of Board Operations. Genna has been with the Bar since November, 2022 and was formerly Roberta Tepper's "right hand" particularly with planning and organizing the annual Convention. Mr. England extolled Genna saying she is smart, confident, cares and has great attention to detail. He says she is an example of the Bar growing leaders.
- Attended the Senior Leadership Retreat, which is currently held every two years but may change to every year. Mr. England thanked Dean Miller for providing the Scottsdale space.
 - Main focus of Retreat was reviewing the Retention Working Group's recommendations regarding bringing in and retaining great employees. Ideas ranged from evaluation process, employees perks and professional development. Decision on recommendations to be announced at October townhall.

ABA House of Delegates

- ABA Delegate, George Chen, attended the Annual House of Delegates Meeting in Chicago in August and gave a report on the meeting:
 - The HOD had a 2-day meeting to discuss and vote on resolutions regarding various topics. There were 45 resolutions discussed at the Meeting.
 - Mr. Chen extended thanks to General Counsel Lisa Panahi and CEO Joel England for educating the Delegates on *Keller*, which dictates which resolutions we can vote on.
 - Mr. Chen reported on six resolutions:
 - No. 506 – multiple projects regarding Women in the Profession, including "Excluded and Alone," a report on research on Native American female attorneys. The findings were adopted.
 - No. 515 - encourages employers to provide pay transparency.
 - No. 516 – supports 2 bills designed to better protect judges;
 - No. 520 – proposed by Young Lawyers to encourage more participation in Bar by giving billable hour credits (like with *pro bono*) based on Bar service;
 - Military Personnel – create and adopt program to allow non-military spouses to practice in current state where spouse is stationed;
 - Bar Application Process – request that victims of domestic violence not be required to answer whether they were a party to a lawsuit.

National Association for Law Placement (NALP)

- Dean Miller gave a presentation regarding the NALP report and explained statistics regarding Arizona's lawyer shortage. Dean Miller gave the Court credit for its vision and collaboration with law schools.
 - Spoke briefly regarding ALAP and expressed that he is very proud of the program
 - Announced new Bar exam which he believes will prove to be a brilliant step forward. Questions and discussions ensued.

ACTION/VOTE

Lawyer Apprenticeship and Rural Lawyer Programs and Partnership with Law School

- Marcus Reinkensmeyer gave a presentation explaining both the Arizona Legal Apprenticeship Program (ALAP) and Rural Legal Internship Program
 - Requested funding from the State Bar of \$65K per year for two years to support the ALAP and up to \$50K for one year for the Rural Lawyer Program.
 - Funding to be taken from the Opportunity Reserve
 - ASU Professor Jess Lindley spoke in support of the programs
 - Interest from employers is exciting

MOTION by Cedric Dave to initially provide funding for both programs as requested, seconded by Cortez Smith; Motion passed unanimously.

- Note: Chris Russell, Finance Chair, advised that the proposal passed the Finance Committee unanimously
- Vice-President Doreen McPaul advised that she works with 22 tribes and would be happy to connect them with a staff person.

Client Protection Fund

- Karen Oschmann presented a request for approval to exceed the Fund's per-attorney claim cap.
 - The Fund's per-attorney cap for claims filed against attorneys Todd & Cari Nolan was reached in May 2023. One Nolan claim that would have been approved was submitted by the claimant in 2022 but due to miscommunication, was not received by Fund staff until it was resent in 2024.
 - CPF Declaration of Trust Rule 13(A) details the per claimant and per-attorney claim caps of \$100,000 and \$250,000, respectively, and states the following: "The Trustees are authorized to exceed these limits only in extraordinary circumstances and only by unanimous vote of all Trustees and the approval of the Board of Governors."
 - Barring the administrative issue, this claim would have been approved in the amount of \$11,050 in 2023. The completed claim form was not received by Fund staff until it was resent by the claimant in 2024.
 - On August 14, 2024, the Trustees unanimously voted to approve the claim in the amount of \$11,050 and unanimously agreed to seek Board of Governors approval to exceed the cap.

MOTION made by Cortez Smith to approve exceeding the cap, second by David Johns, Motion passes unanimously.

Presentation of 2025 Budget Guidelines Memo

- Purpose is to establish minimum parameters of budget for approval.
- 2025 Memo similar to 2024 with two changes:

- Removed language regarding SLD;
- No longer removing section revenue when capping personnel costs at 60% of revenue since staff spend significant time on section activities.
- Bottom line surplus still requires the removal of all section activity.

MOTION by Bob McWhirter to approve the memo as presented, second by Cortez Smith, Motion passes.

BREAK at 10:30 a.m.; Meeting Reconvened at 10:46 a.m.

Update on Goldwater Petition – Joel England and Lisa Panahi

- The Court continued their decision until December.
 - They did not accept the Goldwater language but suggested their own amendment, which focused on application of *Keller* to all Bar activities.
 - The proposed change is consistent with our current practice of applying *Keller* to everything.
 - Comments due on Court's amended language by October 1st.
 - Need a delegation from the Board to the Executive Council on whether to file a comment.
 - General Counsel Lisa Panahi explained the new 9th Circuit case which found the Oregon State Bar violated the free association rights of a member.
- President Schmidt and Lisa Panahi plan to engage SLD based on *Keller* concerns from online community discussions.

MOTION made by Cedric Dave to delegate to the Executive Council, second by Benjamin Taylor, motion passes.

Consent Agenda

- a) Approval of July 26, 2024 Board Meeting Minutes
- b) Approval of Resignations in Good Standing
- c) Approval of Resignations in Lieu of Reinstatement
- d) 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.)
- e) Reinstatement to Practice of Member Suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)

MOTION by Bob McWhirter to approve the items on the Consent Agenda, second by Cortez Smith, Motion passes.

INFORMATION

Mark Harrison Memorial 10-Minute Topics – Robert McWhirter

Bob McWhirter gave an interesting and informative presentation entitled “The Polls, Electoral College and Nebraska.”

Discipline System Oversight Committee – Maret Vessella

- Chief Bar Counsel Maret Vessella gave a presentation regarding the results of the Discipline Survey which included the following topics:
 - Recap of the perception survey;
 - DSOC recommendations;
 - Education;
 - Outreach;
 - Data collection and analysis;
 - Priority Action Items; and
 - Future Action Items.
- President Schmidt congratulated Ms. Vessella and Deputy Chief Bar Counsel Amy Rehm on their great work. He also expressed his appreciation of support received from Justice Montgomery.

Correspondence/Reports

President Schmidt presented the following items for the Board’s information;

- July 15, 2024 Executive Council Minutes
- August 16, 2024 Executive Council Minutes
- September 9, 2024 Executive Council Minutes

MEETING ADJOURNED at 11:25 a.m.

Respectfully submitted,

Kelsi Lane
Secretary/Treasurer