

**BOARD OF BAR COMMISSIONERS
FEBRUARY 24, 2023 MEETING MINUTES
State Bar Center, Albuquerque, NM
In Person and Zoom**

MEMBERS PRESENT:	Erin M. Atkins Daniel J. Behles Allison H. Block-Chavez Aja N. Brooks Rosenda Chavez-Lara Sean M. FitzPatrick Connie J. Flores Parker B. Folse Tomas J. Garcia Damon J. Hudson David P. Lutz	Mitchell Mender Jessica A. Perez Linda Sanders Joseph F. Sawyer Steven S. Scholl Simone M. Seiler Benjamin I. Sherman Lucy H. Sinkular Elizabeth J. Travis Carolyn A. Wolf
MEMBERS ABSENT:	Brett Phelps Olga Serafimova	
OTHERS PRESENT:	Kris Becker Jennifer Brannen Hon. Carl Butkus Amy Jaeger Bill Kramer	Pam Moore David Powell Stormy Ralstin Richard Spinello Hon. Briana Zamora

I. CALL TO ORDER

A. Welcome New Board Members and Introductions

President Sherman welcomed the new board members and introductions were made.

B. Swearing-in of President-Elect Erin M. Atkins

NM Supreme Court Justice Briana Zamora attended the meeting to conduct the swearing-in of President-Elect Erinna M. "Erin" Atkins.

C. Swearing-in of New Commissioners

Justice Briana Zamora also conducted the swearing-in of the new commissioners as follows:

Rosenda Chavez-Lara – Third and Sixth Judicial Districts
Damon J. Hudson – Young Lawyers Division Chair
Jessica A. Perez – Seventh and Thirteenth Judicial Districts
Steven S. Scholl – Second Judicial District
Simone M. Seiler – Seventh and Thirteenth Judicial Districts

D. Approval of December 14, 2022 Meeting Minutes

Commissioner Seiler made a motion to approve the December 14, 2022 meeting minutes; the motion was seconded and it passed.

II. STRATEGIC PLANNING

A. Executive Committee / Senior Staff Retreat Report

President Sherman reported on the items discussed at the retreat, including the Bar and Bar Foundation relationship; the Annual Meeting, Case Summaries, Bar Commissioners as brand ambassadors; and the Client Protection Fund Commission's request regarding random audits of trust accounts. On the random audit issue, it was decided to compile questions from the committee members and submit them to the CPF Commission and the Disciplinary Board to obtain more information.

B. 2023-2025 Three-Year Strategic Plan

Executive Director Spinello reported that the 2023-2025 Three-Year Strategic Plan approved by the Board at the last meeting was included in the materials, and there were no changes to the document from the last meeting. He'll be updating the plan and incorporating some of the things that were discussed during the retreat, including case summaries and the Annual Meeting. He reviewed the document with the entire staff at the January staff meeting. Commissioner Wolf noted that the case summaries came out of the Membership Survey and we should let the membership know.

III. ACTION ITEMS

A. Legal Specialization Commission Appointment

There was a vacancy on the Legal Specialization Commission, and a notice was published in the Bar Bulletin. One letter of interest was received from Kyle Harwood requesting reappointment. Commissioner Sinkular made a motion to reappoint Kyle Harwood for another three-year term; the motion was seconded and it passed.

B. Medical Review Committee Appointment of Chair

The chair position was vacant on the State Bar's Medical Review Committee, and a notice was published in the Bar Bulletin. Two letters of interest were received from Will Mount and Howard Thomas. Following discussion and a vote by secret ballot, Howard Thomas was appointed as chair of the Committee.

C. New Mexico Legal Aid VAP Application for Accredited Provider Status for Awarding Self Study Credit

An application was received from the NM Legal Aid VAP for Accredited Provider Status for Awarding Self Study Credit. General Counsel Ralstin noted that there was also an application from the NM State Bar Foundation Legal Service Providers, which include LREP and the Modest Means Helpline. All three of those programs share a common pool of volunteer attorneys, so if the Board approves one of them to give credit to the volunteer attorneys, it would be good to approve all of them, so that all attorneys in the programs receive credit. They are all using the standard form, which allows one general self-study credit for three hours of pro bono work. These will be the first pro bono credit applications, and when an attorney completes their work through the VAP, LREP or the MMH, the programs will file the credits for the attorney. Commissioner Atkins made a motion to approve both applications; the motion was seconded and it passed.

D. NM State Bar Foundation Legal Service Providers LREP and MMH Application for Awarding Self Study Credit

See previous agenda item.

IV. COMMITTEE REPORTS

A. Executive Committee Report

President Sherman reported that the committee met on February 13 and discussed the following:

1. The committee reviewed and approved the agenda for this meeting;
2. There were two liaison vacancies on the Supreme Court Boards and Committees. The committee appointed Commissioner Wolf to the UJI – Civil Committee and Commissioner Chavez-Lara to the Children’s Court Rules Committee;
3. A request was received from Attorney General Raul Torrez regarding providing training for attorneys for the people affected by the Hermit’s Peak/Calf Canyon Fires in northern New Mexico. He informed the AG’s office that the State Bar had previously provided training to attorneys to assist with FEMA and he provided the list of attorneys who had completed the training, and informed them that the YLD was also active in this initiative. The Board discussed that since members in northern New Mexico are already working with those affected by the fires, there isn’t any further action that needs to be taken at this time, other than provide additional training, if requested.

Commissioner Atkins made a motion to ratify the action taken by the Executive Committee; the motion was seconded and it passed.

B. Finance Committee Report

The Finance Committee met prior to the Board meeting and Secretary-Treasurer Aja Brooks reported on the following:

1. Approved the December 14, 2022 Meeting Minutes;
2. Discussed the reimbursement for CLE provided to members in 2022 for CLE content provided at the Annual Meeting and two additional CLE programs and recommended reimbursing the Bar Foundation in the amount of \$135,247.20. Secretary-Treasurer Brooks made a motion out of committee to approve the reimbursement to the Bar Foundation in the amount of \$135,247.20 to be booked on the 2022 financials, and the motion passed;
3. Reviewed the 2022 Year-End Financials; Director of Finance Powell provided the highlights in the revenues and expenses. Secretary-Treasurer Brooks made a motion out of committee to accept the 2022 Year-End Financials, and the motion passed;
4. First Meeting Requirements:
 - a. The committee reviewed the Finance Committee Policy/Mission;
 - b. Reviewed the recurring Annual Electronic Payments and recommended approval; Secretary-Treasurer Brooks made a motion out of committee to approve the ACH Recurring Payments and the motion passed.
5. Provided an update on the 2023 Licensing Renewal; as of this date, 7,400 members are compliant, 457 members are noncompliant; 1,740 inactive members have paid their inactive licensing fee and 130 are unpaid; there were 748 inactive fee waiver requests; and 632 members are noncompliant for MCLE, and the deadline is February 1;
6. Reported that the 2022 Audit has begun and the auditors will be ready to present in May; the motion out of committee was to hold a joint meeting of the State Bar and Bar Foundation Audit Committees at the May 12th meeting; and
7. Provided the CPF, ATJ and JLAP 2022 Year-End Financials for informational purposes only.

C. Policy and Bylaws Committee Report

Policy and Bylaws Committee Chair Sinkular reported that the committee met on February 7 to discuss New Mexico Legal Aid’s new procedure for filling vacancies on their board, which was referred to the committee by the BBC in October. Chair Sinkular made a motion out of committee to send a letter to NM Legal Aid that the Board will generally give deference to entities to which the Board of Bar Commissioners makes appointments, but going forward, the Board requested that all applicants and supporting materials considered by NM Legal Aid

be provided to the BBC in making its decision, and the motion passed. The committee also decided to create a policy outlining the appointment process and include that the Board will give deference to all entities to which it makes appointments.

D. Bar Leader Recruitment Committee

Bar Leader Recruitment Committee Chair Atkins stated that she would like to help the Board connect with members who are involved in bar service. She would like each board member to sign up for one section with the goal to introduce ourselves to the chairs and make those connections. The sections provide updates at the Board meetings, but reaching out to them will help them know who to contact when they have an issue or need our assistance, and they can also provide assistance to the Board in soliciting applicants for the Board's appointments. Commissioner Travis stated that the section chairs are already busy and may not be receptive to a mentorship and suggested maybe contacting past chairs. Chair Atkins stated that her intent is purely a way to make connections and it's not a mentorship. Commissioner Sinkular suggested including all board members in case board members know a particular member, not just chairs, and geographic location in the list to be circulated to the Board. More volunteers were requested to serve on the committee, and Commissioners Sawyer, FitzPatrick, Hudson, Travis and Perez volunteered.

V. INFORMATIONAL ITEMS

A. Elder Law Section Update

Elder Law Section Chair Amy Jaeger and Chair-Elect Jennifer Brannen attended the meeting to provide an update on the section. The section developed a two-year plan to bring awareness of elder law to law students, and the event was a success with 20 students attending. Their board meets the first Friday of every month at noon, and the meetings are open to all section members. At their board meetings, they do some planning and then have a presentation on the trends in elder law.

B. Sections and Committees 2022 Annual Reports

Pursuant to the State Bar Bylaws, the sections and committees are required to submit an annual report to the Board, and the reports are on the State Bar's website. The Member Services Committee is also charged with reviewing the annual reports.

C. Professional Programs Group 2023 Roadshow Reminder / Update

PPG Director Pamela Moore previously reported on the 2023 Roadshow at the December meeting and was asked to provide a reminder and update. Their goal is to travel around the state and meet with as many legal professionals as they can. Every program in the Professional Programs Group has information and resources to assist members and the roadshow includes an overview of the programs. The last one was supposed to be held in Las Cruces, but it was held virtually due to the weather and lunch was provided for those in person at the courthouse in Las Cruces. They are traveling to Farmington in March and Alamogordo in the fall. In August, they're doing a webinar for the out-of-state attorneys, and will pass along information as more trips are confirmed.

D. State Bar President Report

President Sherman reported on the following:

1. The officers met with the Supreme Court on December 14, 2022 following the Board meeting on the state of the State Bar and the 2023 Budget. The meeting went well and we continue to maintain a good relationship with the Supreme Court. The Court was very pleased with the State Bar and to hear that Executive Director Spinello's contract was renewed.
2. He chaired Balancing Committee meetings for the Third and the Eleventh Judicial Nominating Commissions.

3. He met with UNM Law School Dean Camille Carey to discuss having a back-to-law school track, which she was receptive to, and some of the law school professors will be participating in the programming.
4. Commissioners Scholl, Brooks and he were invited to speak at the H. Vearle Payne American Inn of Court. They received good feedback and answered a lot of questions about what the Bar does and how they could reach out to members. Judge Butkus stated that he's a member of the Inn of Court and noted that there were questions after the presentation and suggested they speak at another meeting next year.
5. The Annual Meeting will be held at the Hyatt Regency Tamaya, July 27-29. The keynote speaker is Anthony Thompson, Professor at New York University School of Law and author of the book *Dangerous Leaders*. The Indian Law and Employment Law Sections will be having tracks, in addition to the back-to-law school track, equity in justice and law practice management tracks.
6. He attended the National Conference of Bar Presidents Midyear Meeting in New Orleans. He met several other bar leaders and they talked about similar issues in their associations.
7. 2023 Meeting Schedule—February 24, May 12, July 27 (Hyatt Regency Tamaya, in conjunction with the Annual Meeting), October 13, December 6 (Santa Fe, in conjunction with new officer swearing-in ceremony and reception).
8. He attended the February 8th Bar Foundation Board Meeting and plans to attend the rest of their meetings.

E. NM State Bar Foundation President Report

NM State Bar Foundation Board President Judge Butkus reported on the February 8th Board meeting. The final report from the facilitator was received, and they're going to schedule a special meeting to talk about where we go from here with fundraising and CLE. In the last year, the Board finalized the MOU and the Bylaws and can now move forward with its goals. New funding for the MMH is still in the Legislature and we hope the funding for that program will be permanent. An Indemnification Committee was created to look at the clause in the MOU, and the Board hopes to have it finalized at the next meeting.

F. Executive Director Report

Executive Director Spinello's written report was included in the materials. He highlighted a couple of items, including the completion of a new staff annual review process that included individual and department goal setting. The member listing is going to be coming out soon; we may need to rethink that project in the future because we had difficulty finding a printer. An RFP was submitted for the oversight of the NM Medical Review Commission; this is the second RFP that we submitted for that program. Commissioner Atkins acknowledged and congratulated Executive Director Spinello for being selected as a "Who's Who in the Law 2023" by the Albuquerque Business First. He presented the State Bar Member Demographics for the Board's information, which will go live in the next week and will be updated daily.

G. State Bar Representative Reports

1. Senior Lawyers Division – Dan Behles

Senior Lawyers Division Delegate Dan Behles reported that the Division held their Attorney Memorial Scholarship Reception in November and there were 54 members memorialized. They had a board meeting in January and discussed how to identify members who have passed away; he asked commissioners to let the Division know if they learn of any members who have passed away. He also requested suggestions on members to interview for their oral history project.

2. Young Lawyers Division

Young Lawyers Division Chair Damon Hudson reported that they should have a full board shortly. There was a networking event in Las Cruces last night. One of the members is part of the Dona Ana County Bar and helped set up the event. They will soon have their first Law Clinic in Las Cruces and are planning to host four lunches with judges around the state this year. They're working on restarting the Homeless Clinics and are working with the Hispanic Bar Association to restart their Law Camp. They're hosting a Wills for Heroes event next week and have 65 people signed up and 20 volunteers. They're planning to do three or four more and are planning the Ask a Lawyer Call-in Program in May.

3. Paralegal Division

Paralegal Division Liaison Linda Sanders reported that are starting the year with 116 active members; they lost three members last year, but all of the other members renewed. They held their first meeting of the year with the annual meeting of their division on January 8 and they had a webcast with 80 members attending. They had two events so far, a one-hour ethics CLE and their first luncheon of the year on intake processes and conflict, and they had 53 attendees for that event. They're also supporting Wills for Heroes events and are putting on a half-day CLE in May.

4. Bar Commissioner Districts

Commissioner Atkins reported that the 12th Judicial District Pro Bono Committee won the VAP award this year and they're having a big presentation, but none of them are able to attend. It was a very successful, positive year with pro bono.

Commissioner Brooks reported that they have an event on March 14 called Protecting Places of Worship, and it's being put on by the City of Albuquerque's Office of Equity and Inclusion at the new Gateway Center. It's specific to places of worship who have been targeted for hate crimes.

5. Supreme Court Board and Committee Liaison Reports

Commissioner FitzPatrick reported that the UJI – Civil Committee made him a voting member of the committee.

Commissioner Chavez-Lara reported that she was appointed by the Supreme Court as a board member to the Children's Court Rules Committee, and she was elected secretary of the committee.

6. ABA House of Delegates Report – Bobbie Batley

Bobbie Batley, the State Bar's representative to the ABA House of Delegates, reported that the ABA has a midyear and annual conference. The House of Delegates meets during the ABA Conference and she attended the midyear meeting in New Orleans. She reported on the two resolutions that came before the House of Delegates regarding the LSAT and a Code of Judicial Conduct for the Supreme Court.

VI. OTHER BUSINESS

A. New Business

There was no new business.

B. Adjourn

Commissioner Wolf made a motion to adjourn the meeting at 3:52 p.m.; the motion was seconded and it passed.