

**BOARD OF BAR COMMISSIONERS
December 11, 2019 MEETING MINUTES
NM Supreme Court, Santa Fe, NM**

MEMBERS PRESENT:	Erin M. Atkins Allison Block-Chavez Aja N. Brooks (phone) Ernestina R. Cruz Gerald G. Dixon Sean M. FitzPatrick Judge Kevin L. Fitzwater (ret.) Parker B. Folse Jared G. Kallunki David P. Lutz	Carla C. Martinez Clara Moran Wesley O. Pool Lynette Rocheleau Benjamin I. Sherman Lucy H. Sinkular Constance G. Tatham Elizabeth J. Travis (phone) Carolyn A. Wolf
MEMBERS ABSENT:	Mick I. R. Gutierrez Joseph F. Sawyer Bradford H. Zeikus	
STAFF PRESENT:	Kris Becker Evann Laird Pam Moore Chris Morganti	David Powell Stormy Ralstin Richard Spinello
OTHERS PRESENT:	Ian Bezpalko Tomas Garcia Amanda Salazar	

I. CALL TO ORDER

A. Approval of October 25, 2019 Meeting Minutes

Commissioner Kallunki made a motion to accept the October 25, 2019 meeting minutes with the removal of Evann Laird from those in attendance; the motion was seconded and it passed.

II. STRATEGIC PLANNING

A. Amended Three-Year Strategic Plan

The three-year Strategic Plan was developed at the retreat in September, and the Board requested two changes at the October meeting to add statewide to rural outreach and out-of-state member outreach. The revised plan was included in the materials for the Board's information. The Board requested that it be reviewed at every meeting.

III. ACTION ITEMS

A. Approval for State Bar Recognition of ATJ Commission at the Legislature and Reception in Santa Fe

President-Elect Cruz proposed recognition for the ATJ Commission at the Legislature and to present certificates of recognition to each of the ATJ Commissioners to thank them for all of their work on the

statewide strategic plan and Justice for All initiative and to hold a reception for them. An application was submitted to the Legislature to use the Rotunda for the ceremony and we proposed three dates—January 23, 28 and February 4 and we are waiting to hear back from them. Commissioner Atkins made a motion to approve the presentation of the certificates and a reception for the ATJ Commission; the motion was seconded and it passed.

B. Appointment of Member from Fifth Bar Commissioner District

No nomination petitions were received for the open position in the Fifth Bar Commissioner District, so a notice was sent out to members in that district to fill the vacancy through December 31, 2020. A letter of interest was received from Donald Schutte. Commissioner Atkins made a motion to appoint Donald Schutte through December 31, 2020; the motion was seconded and it passed.

C. Appointment of Member to New Mexico Legal Aid Board for a Three-Year Term

There was an open position on the New Mexico Legal Aid Board for a three-year term, so a notice was published in the *Bar Bulletin*. A letter of interest was received from the current member James C. Martin. Commissioner Sinkular made a motion to appoint James Martin; the motion was seconded and it passed.

D. Supreme Court Board, Committee and Commission Liaison Appointments

Commissioners volunteered to serve as liaisons to the Supreme Court Boards, Committees and Commissions, and the roster will be sent to the Supreme Court, which will notify the chairs of the boards, committees and commissions.

E. 2020 Internal Committees Sign-up Sheet

A sign-up sheet for the 2020 Internal Committees was distributed for commissioners to volunteer to serve.

F. Creation of Past Presidents Committee

Executive Director Richard Spinello requested the Board to consider creating a Past Presidents' Committee to involve the past presidents more than just at the annual Past Presidents' Dinner. The officers have reached out to them from time to time for their institutional knowledge and obtain advice on issues and to assist with the retreat. The creation of this committee would formalize their involvement in the Bar. The immediate past president would chair the committee. Commissioner Cruz noted that the committee would only serve in an advisory capacity to the Board. Commissioner Wolf made a motion to approve the creation of the committee; the motion was seconded and it passed.

G. Annual Review of Sections and Committees Pursuant to the State Bar Bylaws (Article IX, Section 9.4)

Pursuant to the State Bar Bylaws, the below committee, board and sections were scheduled for review this year, and all submitted petitions for continuance. Commissioner Fitzwater made a motion to continue all of the sections, committee and board for an additional five years; the motion was seconded and it passed.

Committee:	Alternative Dispute Resolution Committee (ADR)
Board:	Board of Editors
Sections:	Appellate Practice
	Business Law
	Intellectual Property Law
	Real Property, Trust & Estate
	Trial Practice

H. Executive Session

The Board went into executive session to discuss a personnel matter. In open session, Commissioner Wolf made a motion to approve the executive director's contract for a three-year term; the motion was seconded and it passed.

IV. BBC COMMITTEE REPORTS

A. Executive Committee Report

President Dixon reported that the Executive Committee met on December 4 to review and approve the meeting agendas.

B. Finance Committee Report

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

1. Approved the October 24, 2019 Meeting Minutes;
2. Reviewed the October 2019 State Bar Financials; Secretary-Treasurer Martinez made a motion to accept the October 2019 financials and the motion passed;
3. Reported that there were no challenges received to the 2020 Budget Disclosure;
4. A request was received from the Southern Christian Leadership Conference of New Mexico to sponsor the keynote speaker, former American Bar Association President Juan Thomas, for their annual Martin Luther King, Jr. Luncheon; Secretary-Treasurer Martinez made a motion to approve a sponsorship in the amount of \$1,000 and the motion passed;
5. Reviewed carryover requests from the Animal Law Section; Elder Law Section; Real Property, Trust and Estate Section; and Tax Section, and the committee recommended approval of all carryover requests; Secretary-Treasurer Martinez made a motion to approve the requests and the motion passed; and
6. Reported on the 2020 licensing renewal; we went live on October 1 for inactive members and on November 12 for active members; to date, we have received 1,165 active and 720 inactive licensing renewals; there are 3,300 members who are currently noncompliant for MCLE.

C. Policy and Bylaws Committee Report and Recommendations

The Policy and Bylaws Committee met on December 4 at 3 p.m. and Chair Wolf reported on the following:

1. Amendments to State Bar Bylaws, Article IX, Sections, Committees and Commissions

Several amendments were made to Section 9.1, Sections, of Article IX to be consistent with the Section Bylaws Template, including: Membership, Board Membership and Officers; Relationship between the State Bar and Sections; and Section Funds. Thirty days' notice of bylaw amendments is required prior to approval, so a vote will be taken at the February Board meeting.

2. Section Bylaws Template

The committee reviewed and recommended approval of the Section Bylaws template which will provide consistency in all of the various sections' bylaws, but gives sections control over their board composition. Commissioner Wolf made a motion to approve the Section Bylaws template and the motion passed.

C. Special Committee Charged with Reviewing Solo and Small Firm Section's Request to Become a Division Update

Chair Wolf reported that the committee appointed a subcommittee to meet with the Solo and Small Firm Section Board and that the Section Board postponed the meeting until next year.

D. Regulatory Committee Update

Chair Liz Travis reported on Legal Specialization. She stated that there have been several email discussions with section chairs and staff will be meeting with the chairs and sharing a progress report for the new program. The committee will have a town hall early next year. We have also received emails from current specialists regarding their certifications expiring and a letter was sent out clarifying that they could not be grandfathered into a new program. Commissioner Cruz stated that the committee was contacted by a member who was not in favor of the testing aspect and she asked what options might be available for practitioners who have many years in practice. General Counsel Stormy Ralstin stated that long-term practitioners can assist in developing the test and then they wouldn't have to take it. Chair Travis pointed out that there have been positive comments received as well, and she reminded the Board that it rejected the original plan and asked for testing to be included, which pushed the timeline back, so the committee will now need to go back to the original plan. Commissioner FitzPatrick stated that testing is a good idea and that the Board wanted to make the old program better and to give it more merit. Following discussion, Commissioner Sinkular made a motion to continue with the original plan including testing and additionally look at the feasibility of a second track to specialization, which might not require testing, and report back to the Board with a recommendation at the February meeting; the motion was seconded and it passed.

With regard to MCLE, the new draft self-study rule that will benefit the NM Medical Review Board and others has been drafted and will be sent to the Supreme Court before the end of the year. MCLE compliance for 2019 must be completed by December 31. As of December 9, there were 3,300 active attorneys who still needed to complete their credits.

F. Member Services Committee Report

Chair Moran reported that the committee held its first meeting on November 19 and discussed the Bar Commissioner District Events and that there is confusion with members not knowing what BBC district they are in, so the committee requested staff to research overlapping the BBC districts with the judicial districts. Membership Services and Programs Manager Stephanie Wagner presented the 2020 Member Services Marketing Plan for the Board's information. Executive Director Richard Spinello announced that Ms. Wagner accepted another job offer and her last day with the State Bar will be December 20.

V. INFORMATIONAL ITEMS

A. Public Law Section Update

Chair Amanda Salazar attended the meeting to provide an update on the Public Law Section. She noted that the section has changed a lot in the last year and has many new lawyer members. The section encourages law students to go into public law when they graduate. The section also presents the annual Public Lawyer of the Year Award and holds a Procurement Code Institute.

B. President Report

President Dixon reported on the following:

1. BBC Election Results--Commissioner Sinkular was re-elected to a three-year term and Tomas Garcia was elected to a one-year term in the First Bar Commissioner District; Commissioner Wolf was re-elected to a three-year term in the Third Bar Commissioner

District; and Commissioner Lutz was re-elected and Connie Flores was elected to three-year terms in the Seventh Bar Commissioner District.

2. He attended the Chaves County Bar lunch meeting on November 18.
3. He attended the CLE Cuba Trip November 8-11; it was well attended and he noted that the experience and programming were excellent.
4. He chaired 14 Judicial Nominating Commission Balancing Committees this year.
5. A vacancy existed on JPEC, so a notice was sent out and he sent a letter to the Supreme Court nominating three members.
6. Innovation Team (ODR, Business Courts and LLT); Chief Justice Nakamura requested that he continue to chair the Complex Litigation/Business Courts Committee.

C. President-Elect Report

President-Elect Cruz reported on the following:

1. 2020 Board Meeting Dates—February 7, April 17 and 18, June 18 (Santa Fe, in conjunction with the Annual Meeting; Finance on the 17th, September 25 (Finance on the 24th), and December 9 (Supreme Court).
2. 2020 Annual Meeting in Conjunction with the Judicial Conclave—June 17-20, Santa Fe; we received 40 proposals for breakout sessions and will be meeting to select them soon. We had met a couple of times with Senior Justice Barbara Vigil and Justice David Thomson to plan the joint plenaries for Thursday afternoon of the conference.
3. JLAP Meeting Report—the officers met with Briggs Cheney and Pam Moore and decided to create a Wellness Committee, separate from JLAP, with Ms. Moore's assistance.
4. Judicial Clerkship Update—the program will be modeled after the Arturo Jaramillo Summer Clerkship Program but this will be for second year students; December 20 is the launch date with a deadline in February, and they anticipate having the first six students placed in the Courts next summer.
5. The officers will meet with the Supreme Court on the 2020 Budget following the Board meeting.

D. Executive Director Report

Executive Director Richard Spinello's written report was included in the materials. He noted that the LLT Committee is not making a recommendation on LLT in New Mexico at this time, and the outsourced *Bar Bulletin* is going well and the old printing equipment will be removed before the end of the year.

E. Bar Commissioner Division / District / Supreme Court Liaison Reports

1. Senior Lawyers Division
2. Young Lawyers Division
3. Paralegal Division
4. Bar Commissioner Districts
5. Supreme Court Board, Committee, Commission Liaison Reports

Commissioner Pool reported that his district participated in pro bono week. Commissioner Atkins reported that there will be a Christmas party in Alamogordo on December 17, and Commissioner Folse reported that the Chaves County Bar held a legal fair with New Mexico Legal Aid.

VI. OTHER BUSINESS

A. Presentation of Outgoing Commissioner Plaques

President Dixon presented awards to commissioners with terms expiring this year and thanked them for their service, including: Paralegal Division Liaison Lynette Rocheleau, Sean M. FitzPatrick from the First Bar Commissioner District, and Wesley O. Pool from the Fifth Bar Commissioner District. Mick I. R.

Gutierrez from the Seventh Bar Commissioner District also had a term that expired, but he was not in attendance. President-Elect Cruz presented a gift to President Dixon in appreciation for his service as president this year.

B. New Business / Adjourn

There being no new business, Commissioner Pool made a motion to adjourn the meeting at 2:30 p.m.; the motion was seconded and it passed.