

**BOARD OF BAR COMMISSIONERS  
JULY 26, 2024 MEETING MINUTES  
State Bar Center, Albuquerque, NM  
In Person and Zoom**

<b>MEMBERS PRESENT:</b>	Erin M. Atkins Daniel J. Behles Allison H. Block-Chavez Aja N. Brooks Rosenda Chavez-Lara Sean F. FitzPatrick Connie J. Flores Tomas J. Garcia David P. Lutz Mitchell Mender Jessica A. Perez	Brett Phelps Andréa Salazar Joseph F. Sawyer Steven S. Scholl Simone M. Seiler Olga Serafimova Benjamin I. Sherman Lucy H. Sinkular Meryl Sutton Randy Taylor Elizabeth J. Travis
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**MEMBERS ABSENT:** Parker B. Folse

<b>OTHERS PRESENT:</b>	Kris Becker Sonya Bellafant Ian Bezpalko Hon. Carl Butkus Bill Kramer Pam Moore	David Powell Stormy Ralstin Julie Sandoval Richard Spinello Marcia Ulibarri Celeste Valencia
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**I. CALL TO ORDER**

**A. Approval of May 17, 2024 Meeting Minutes**

Commissioner Block-Chavez made a motion to approve the minutes; the motion was seconded and it passed.

**II. STRATEGIC PLANNING**

**A. Review Rule 24-101(A) NMRA, Rules Governing the NM Bar, Objective #4, Be Cognizant of the Needs of Individual and Minority Members of the Profession, Including the Full and Equal Participation of Minorities and Women in the State Bar of New Mexico and the Profession at Large**

Abby Lewis, the State Bar's new Equity in Justice Attorney, presented the EIJ Program mission and initiatives, which were included in the materials. She noted the program's adaptability as laws and needs will change and evolve. The program's mission is to aid in developing a legal profession in New Mexico that is both representative and reflective of the people of New Mexico, and it's a collaborative, inclusive effort. There are three focus areas, which include working with the standing committees, developing tools and resources around the legal profession in New Mexico, and working internally with staff and resources.

President Atkins noted inquiries from members about opportunities to obtain the EIJ credit, and she informed them that there will be many opportunities, including at the Annual Meeting. Following discussion, President Atkins asked commissioners to review the questions in the materials for discussion at the October meeting, specifically what it means to have equitable participation and if we are addressing that. Commissioner Brooks asked about being cognizant of the needs of individual and minority members and whether there should be an explanation of that to ensure that we are understanding and including minorities in the profession and ensuring that our profession is diverse.

**B. 2023-2025 Three-Year Strategic Plan**

Executive Director Spinello reported that we'll be working with President-Elect Brooks on scheduling a full Board retreat next year to develop the next three-year plan. We will be looking at the next phase of the case summaries and are exploring an app for the membership that may become more of the way we communicate with our members rather than our website, and we hope to have a plan of action for that by the end of the year.

**A. ACTION ITEMS**

**A. 2025 BBC Officer Elections**

President Atkins requested nominations for the 2025 Officers. Commissioner Brooks nominated Commissioner Block-Chavez for President-Elect; Commissioner Sherman seconded and the motion passed. No other nominations were received. Commissioner Block-Chavez nominated Commissioner Sinkular for Secretary-Treasurer; Commissioner Garcia seconded and the motion passed. No other nominations were received, so the officers will be elected by acclamation at the October meeting.

**B. Request of New Mexico Immigrant Law Center to Award CLE Credit for Pro Bono Attorneys Pursuant to Rule 18-204(C)(1) NMRA**

An application was received from the New Mexico Immigrant Law Center to award CLE Credit for pro bono attorneys. General Counsel Ralstin reported that this request is pursuant to Rule 18-104(C)(1) NMRA, and the Board approved one credit for every three hours of work, which is what the Immigrant Law Center requested. Commissioner Sinkular made a motion to approve the request; the motion was seconded and it passed.

**IV. COMMITTEE REPORTS**

**A. Executive Committee Report**

President Atkins reported on the following:

1. A request was received from NM Youth and Government for funding for their National Judicial Competition, and the committee approved a donation of \$1,000.
2. A request was received from the Teen Court of Lea County, and the committee approved a donation of \$1,000.
3. The committee met on July 15 to review and approve the agenda for this meeting.

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

**A. Finance Committee Report**

The Finance Committee met prior to the meeting, and Secretary-Treasurer Block-Chavez reported on the following:

1. Approved the May 17, 2024 Finance Committee minutes and the BBC and Bar Foundation Joint Audit Committees Meeting;
2. Reviewed the June 2024 Financials; Secretary-Treasurer Block-Chavez reported on the highlights in the revenues and expenses and made a motion out of the committee to accept the June 2024 Financials; the motion was seconded and it passed;
3. Reviewed the CPF, ATJ, JLAP, YLD and SLD Second Quarter 2024 Financials for the Board's information. Executive Director Spinello reported on the ATJ Fund; at the midway point of the year, there is \$2.7 million in that fund and that amount includes the first payment of the grant money of \$755,000, and the additional \$755,000 will be disbursed at the end of the year. The money has been building because the interest rates have been increasing, but we expect that they'll eventually

start to decrease. Some of the money needs to be set aside for emergencies, but this is a lot of money to be holding onto. Commissioner Block-Chavez made a motion to authorize Executive Director Spinello to schedule a meeting with the Court to discuss options for the IOLTA funds; the motion was seconded and it passed.

Commissioner FitzPatrick stated that it's the Board's responsibility to present some options and recommended that we come up with the top three priorities for the money to present to the Court, including reducing liabilities or putting the money somewhere where it pays dividends in the future to manage costs for the Bar.

President Atkins made a motion to stay the communication with the Court and have the Finance Committee address this at their next meeting and discuss three options; the motion was seconded and it passed.

Commissioner Sherman asked for the ATJ Fund rules. General Counsel Ralstin stated the ATJ Fund Grant Commission was created by an Order, which is silent regarding the fund, and there are no rules for the Commission. The Supreme Court directed us to create a Commission, and the Commission does the RFP process and determines how to distribute the money. There was a question as to whether the ATJ Fund Grant Commission should weigh in on the discussion. Commissioner Sherman requested a friendly amendment to have the chair of the ATJ Fund Grant Commission attend the next Finance Committee meeting. Following discussion, the motion passed to have the Finance Committee discuss this issue further at their October meeting with the friendly amendment to invite the chair of the ATJ Fund Grant Commission and any others that would be relevant to the discussion to that meeting.

#### **C. Joint Meeting of the State Bar and Bar Foundation Executive Committees Report**

President Atkins reported on the July 15<sup>th</sup> joint meeting of the State Bar and Bar Foundation Executive Committees. The committees discussed the importance of supporting the Bar Foundation and the Golf Classic. She and Bar Foundation President Dixon sent a letter to the Boards requesting sponsorships and team sign ups, and she encouraged commissioners to ask their firms, other firms and organizations to support the golf tournament. Judge Butkus added that the meetings have been productive, and the committees discuss important and relevant topics for both boards.

#### **D. Member Services Committee Report**

The Member Services Committee met on July 12, and the committee's report and recommendations were included in the materials. The Member Services Committee is tasked with reviewing the sections' and committees' mission statements and determined all of them are performing work consistent with their mission statements, except for the Historical Committee, which does historical lunch presentations; their mission statement includes publication of articles, so staff will address this with the committee.

In follow up from the last meeting, staff reached out to the Trial Practice Section members to determine interest in serving on the board and establishing a plan to resume meetings and activities. Only three responses were received, two from out-of-state members and one new lawyer, and the bylaws require 10 members. The motion out of the committee is to dissolve the Trial Practice Section, and the motion passed. President Atkins recommended asking Commissioner FitzPatrick to reach out to the two out-of-state members who expressed interest to let them know that there is another group for them to join—the NM Trial Lawyers Association. Pursuant to our policy, the section's funds of approximately \$10,000 would revert back to the State Bar's general fund. The committee's recommendation is to reach out to the NM Trial Lawyers Association to discuss using some of the remaining section's funds to cosponsor an event that would support trial practice activities.

The other group was the Legal Services and Programs Committee, and staff reached out to its members to determine interest in continuing to serve on the board and establishing a plan to resume meetings and activities. Two responses were received, both acknowledging that the work the committee used to do is now being done by the AOC and ATJ. The motion out of the committee is to dissolve the Legal Services and Programs Committee, and the motion passed. The committee also discussed using the committee funds to sponsor stipends for the

annual ABA/NLADA Equal Justice Conference and creating a mechanism or way to continue the annual stipend without having to form a committee for that purpose, either through the BBC awards committee or the ATJ Commission. The committee also recommended publishing a notice thanking the committee members for their service.

Commissioner Brooks stated that we need to be very thoughtful how we determine who gets to attend that conference, and people who are involved in the legal services community should be able to provide input. Executive Director Spinello stated that there's never been a budget for this; the money for the conference came out of the committee budget pool at the request of the committee. The previous stipends for the conference for the past three years were \$1,200 or less. Executive Director Spinello stated that we have the donation/contribution policy from which people could request funding. Commissioner Brooks noted that we need to get the information out about how to apply for funds. Executive Director Spinello stated that we could tell the ATJ Commission that we have \$1,000 each year to send someone to the conference. Commissioner Travis said the Member Services Committee will discuss how to communicate that to the ATJ Commission before the conference next year. President Atkins made a motion to publish a notice in the Bar Bulletin thanking the members for their service as well as send them a certificate for their service; the motion was seconded and it passed.

#### **E. Annual Awards Committee Report**

The 2024 Annual Award recipients were included in the materials. Chair Mitch Mender made a motion out of the committee to approve the committee's recommendations, and the motion passed. The awards will be presented at a ceremony during the Annual Meeting.

### **V. INFORMATIONAL ITEMS**

#### **A. New Mexico Legal Aid Update from Executive Director**

Sonya Bellafant, the Executive Director of NM Legal Aid, attended the meeting to introduce herself to the Board and reported on NMLA's work and strategic planning. She distributed a quarterly dashboard of projects and discussed that they'll be taking a new look at their intake system and will be taking VAP on the road. They are facing staffing challenges due to burnout from domestic violence work and housing issues, and they're seeing a ripple effect in the community. They are looking at expanding their consumer practice group. Their immediate needs include relocating their Las Vegas office and finding a larger space in Gallup.

#### **B. Communications Department Update**

Celeste Valencia, the Marketing and Communications Manager for the State Bar, introduced the Communications Department and reviewed the updated Communications Policies which were included in the materials. The Communications Policies outline what we can do internally and externally when we get requests to publish and advertise announcements, events, and activities. Executive Director Spinello explained the background for the development of the policies due to the number of requests we receive for email blasts and notices from the court and external groups.

#### **C. President Report**

President Atkins reported on the following:

1. Appointments to NM Risk Management Advisory Board and Foundation on Natural Resources and Energy Law

The position on the NM Risk Management Advisory Board is pending; Carla Martinez was previously appointed, but Risk Management informed us that she was serving in another capacity, so we're in the process of confirming her as our appointee. She appointed Ann Tripp to the Foundation on Natural Resources and Energy Law for a three-year term.

2. National Center for State Court's Legal Deserts Summit

She attended the Legal Deserts Summit with Justice Bacon, Justice Vargas, Twila Hoon, and Sonya Bellafant. They reviewed interactive maps on the states, and there are many areas in New Mexico that don't have any representation.

3. Jackrabbit Bar Conference

She attended the conference with Executive Director Spinello. The CLEs were excellent, and it was a very good conference.

4. Judicial Conclave

She was invited to speak at the Judicial Conclave this year, and it was a wonderful opportunity for her and the State Bar.

5. Texas State Bar Annual Meeting

She attended the Texas State Bar Annual Meeting. Their schedule was broken out by practice area, and it was very well attended. Camille Vasquez, the lawyer who represented Jonny Depp, was their keynote speaker and was well received and we have contracted with her to present our Keynote at the Annual Meeting.

6. Supreme Court CLEAR Meeting

She attended the Supreme Court CLEAR meeting. They are looking at legal reform and the future of the bar exam and alternatives.

7. 2024 Annual Meeting

She reviewed the schedule for the week, including the Finance Committee meeting with the Budget on Wednesday, the 23<sup>rd</sup>, followed by a reception at Dan Behles' house; the BBC meeting and Past Presidents' Dinner at the Aquarium on the 24<sup>th</sup>; and the Annual Meeting all day on the 25<sup>th</sup>. It will be a hybrid meeting with in-person and online attendees, and registration will open soon now that we have our keynote speaker.

8. Nevada State Bar Annual Meeting

She was invited to the Nevada State Bar Annual Meeting in Sante Fe but was unable to attend.

**D. NM State Bar Foundation President Report**

The Bar Foundation report was included in the materials. In the absence of Bar Foundation President Jerry Dixon and President-Elect Stefanie Davis who were attending the National Conference of Bar Foundations Annual Meeting, Judge Butkus reported on the Bar Foundation. We have received full funding for the Modest Means Helpline, and they received a record number of calls last month with over 1,700 calls. Commissioner Travis added that we all received the letter from President Dixon and President Atkins regarding the upcoming fundraising events for the Bar Foundation and offered to assist if commissioners aren't sure how to approach their constituents.

**E. Executive Director Report**

Executive Director Spinello's written report was included in the materials. He noted a couple of attachments, including the ATJ Fund Grant press release with the grants that were approved for the legal services providers. Also attached were the year-end reports on LREP and MMH for the Board's information, since only the Bar Foundation Board receives those, and he wanted the BBC to see how well those programs are doing. General Counsel Ralstin reported that as of today, we went live with the roll of attorneys joint database project with the New Mexico Supreme Court and AOC.

**F. State Bar Representative Reports**

1. Senior Lawyers Division

Due to time constraints, the SLD written report was included in the materials.

2. Young Lawyers Division

Due to time constraints, the YLD written report was included in the materials.

3. Paralegal Division

Due to time constraints, the PD report was included in the materials. Chair Meryl Sutton reported that the Division is looking for a chair-elect.

4. District Bar Events

Commissioners Seiler and Perez reported that they had a district event in the 7<sup>th</sup> and 13<sup>th</sup> Judicial Districts; they put on a legal clinic and had a huge turnout with judges and attorneys. Director of Operations Bill Kramer reminded everyone that the Member Services Department is available to assist commissioners with the District Events.

5. Bar Commissioner Districts Reports

Commissioner FitzPatrick reported that he served on the UJI Civil Committee; the Criminal and Civil UJI Committees were asked to draft implicit bias jury instructions, which have been drafted and sent to the Supreme Court; he noted that the discussions during the drafting of those instructions were interesting. Commissioner Phelps reported that he serves on the UJI Criminal Committee.

6. Supreme Court Board and Committee Liaison Reports

No reports were provided.

**VI. OTHER BUSINESS**

**A. New Business**

There was no new business.

**B. Adjourn**

Commissioner Sherman made a motion to adjourn the meeting at 3:12 p.m.; the motion was seconded and it passed.