

**BOARD OF BAR COMMISSIONERS
FEBRUARY 23, 2024 MEETING MINUTES
State Bar Center, Albuquerque, NM
In Person and Zoom**

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| MEMBERS PRESENT: | Erin M. Atkins Daniel J. Behles Allison H. Block-Chavez Aja N. Brooks Rosenda Chavez-Lara Sean M. FitzPatrick Connie Flores Parker B. Folse Tomas J. Garcia David P. Lutz Mitchell Mender | Brett Phelps Andréa Salazar Joseph F. Sawyer Steven S. Schöll Simone M. Seiler Olga Serafimova Benjamin I. Sherman Lucy Sinkular Meryl Sutton Randy Taylor |
| MEMBERS ABSENT: | Parker B. Folse Elizabeth J. Travis | |
| OTHERS PRESENT: | Kris Becker Ian Bezpalko Hon. Carl Butkus Stefanie Davis Bill Kramer Tia Marks | Pam Moore David Powell Stormy Ralstin Richard Spinello Justice Michael E. Vigil |

I. CALL TO ORDER

A. Welcome New Board Members and Introductions

President Atkins welcomed the new Board members and introductions were made.

B. Swearing-in of New Commissioners

New Mexico Supreme Court Senior Justice Michael E. Vigil attended the meeting to conduct the swearing-in of the new commissioners as follows: Andréa Salazar, First Judicial District; Randy Taylor, Young Lawyers Division Chair, and Meryl Sutton, Paralegal Division Liaison.

C. Approval of December 6, 2023 Meeting Minutes

Commissioner Sinkular made a motion to approve the December 6, 2023 Meeting Minutes; the motion was seconded and it passed.

II. STRATEGIC PLANNING

A. Review of Objective #3, Promote and Support the Needs of All Members, Rule 24-101(A) NMRA, Rules Governing the NM Bar

The objectives in Rule 24-101(A) NMRA and discussion questions for objective 3 - Promote and Support the Needs of All Members, were included in the materials. Commissioner Garcia reiterated his previous request that the review of the objectives should be referred to the Policy and Bylaws Committee or the Board should create a Strategic Planning Committee, because this is a significant undertaking for this size group. President Atkins replied

that it is every board member's obligation to understand and discuss the objectives in the rule and make sure that the rule is mirroring everything that we're doing, and the Board previously voted to review it with the entire Board. Commissioners discussed whether there is a differentiation between the "legal profession" contained in objective 2 and the "members" noted in objective #3. Commissioners also discussed small firm health care insurance, and General Counsel Ralstin provided information on MEWA—Multi Employee Working Association.

A. Executive Committee and Senior Staff Retreat Report

President Atkins reported on the January 26th Executive Committee and Senior Staff Retreat. They received a media presentation from Myra Aguilar with Telemundo Nuevo Mexico. She provided information on terminology and tips on how to talk with the media, and it was an excellent presentation. They had an in-depth discussion on the current state of the legal profession with the drop in membership and how to energize and meet the needs of the legal community. They also discussed the Annual Meeting and possible keynote speakers. They discussed upgrades to the Bar Center, including the video wall in the Auditorium and a buildout of the former Print Shop. They reviewed a bill that was introduced by Antonia Roybal-Mack during the Legislative Session regarding IOLTA trust accounts. They also received an update from General Counsel Ralstin on the Mandatory Bar Litigation.

B. Mandatory Bar Litigation Update

General Counsel Ralstin reported on the memo that was included in the materials on mandatory bar litigation and provided an overview for the Board. The materials provide a history of the litigation and an update on the current litigation regarding mandatory bars.

D. 2023-2025 Three-Year Strategic Plan

Executive Director Spinello reported on the Strategic Plan included in the materials. There weren't any changes to the plan since the last meeting. President Atkins inquired about the Annual Meeting Committee. Executive Director Spinello responded that staff was asked to put together several different types of models of Annual Meetings with cost projections, and we'll schedule a meeting of the committee once we've completed that work.

III. ACTION ITEMS

A. Appointments to New Mexico Legal Aid Board

NM Legal Aid had two open positions in the First and Third Congressional Districts. Following a vote by secret ballot, Luz Valverde from the First Congressional District was reappointed and Joy Applewhite from the Third Congressional District was appointed to the New Mexico Legal Aid Board for three-year terms. Commissioner Garcia abstained from voting.

B. Appointment of Standing Committee Chairs

Executive Director Spinello reported that the chair for the standing committees were included in the materials pursuant to the new committees policies approved by the Board in December. Staff will be implementing the new policies throughout the year and will notify the chairs once they're appointed. Commissioner Block-Chavez noted that the policies don't allow co-chairs unless there is a reason for them. Executive Director Spinello stated that there was an exception for ADR because one of the co-chairs is an arbitrator, and the Professional Liability and Insurance Committee had asked if they could appoint a co-chair last year and we are requesting to grandfather them in, since they made the request under the previous policies. Commissioner FitzPatrick stated that he would like to step back from the Well-Being Committee and asked if anyone would like to be co-chair or serve on the committee please contact him. Commissioner Sherman made a motion to approve the appointment of the committee chairs; the motion was seconded and it passed.

C. Discuss Transitioning Legal Specialization Commission

General Counsel Ralstin reported that the Legal Specialization Commission has completed the task assigned to it. It created two paths—one for members to create an exam and one for members to get specialized through other established exams such as an ABA program. All of the national certifications are listed on our website. Since the Commission has completed its work, the recommendation is that it be dissolved. If we receive a specialty request,

then the Board could create a special committee to evaluate those applications. President Atkins requested that the Commission members be recognized for their service with a letter or certificate. Commissioner Sinkular made a motion to dissolve the Legal Specialization Commission; the motion was seconded and it passed.

D. Supreme Court Board and Committee Liaison Appointments to the Children’s Court Rules Committee and the UJI - Civil Committee

Commissioners FitzPatrick and Chavez-Lara were appointed as liaisons to the UJI – Civil Committee and the Children’s Court Rules Committee, and the Supreme Court subsequently appointed them as full members of those committees and requested the Board to appoint new liaisons. Commissioner Taylor volunteered to serve as the liaison to the UJI – Civil Committee, and Commissioner Salazar volunteered to serve as the liaison to the Children’s Court Rules Committee. Commissioner Sawyer asked if anyone wanted to swap him for the UJI – Criminal Committee, and Commissioner Phelps volunteered to serve as the liaison to that committee since he isn’t serving on any others.

IV. COMMITTEE REPORTS

A. Executive Committee Report

President Atkins reported that the Executive Committee met on February 12 and reviewed and approved the agenda for the meeting.

B. Finance Committee Report

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

1. Approved the December 6, 2023 Meeting Minutes;
2. Reviewed the 2023 Unaudited Year-End Financials; Director of Finance Powell reported on the highlights in the revenues and expenses. Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to accept the 2023 unaudited year-end financials, and the motion passed;
3. First Meeting Requirements:
 - a. Reviewed the Finance Committee Policy/Mission, which is provided to the committee at the beginning of the year for informational purposes only;
 - b. Reviewed a list of the Recurring / ACH Payments included in the materials; Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to approve the 2024 Recurring / ACH payments, and the motion passed.
4. Discussed the Intercompany Payment from the Bar Foundation to the State Bar; in follow up from the last meeting, Director of Finance Powell prepared a chart of payments from the Bar Foundation to the State Bar that included cash payments and reduction of the debt for services; there has been a significant decrease in that debt since 2019. The Foundation discussed an additional payment towards the intercompany debt at their January meeting, but tabled it due to possible funding issues for the MMH during the Legislative Session, and they will discuss it again at their April Board meeting;
5. Discussed Bill.com, a new accounts payable service to which we are transitioning. It’s a more efficient process, it syncs with our accounting software and allows for an electronic approval. In follow up to questions at the Bar Foundation Board meeting in January regarding the security of our information if Bill.com gets hacked, General Counsel Ralstin is discussing whether we need additional insurance with our insurance broker and will report back once we receive an answer from him;
6. The committee discussed updating the check signers on all bank accounts and recommended eliminating all of the previous signers and adding Executive Director Spinello and Secretary-Treasurer Block-Chavez, which requires a new resolution for the bank. Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to approve the recommendation, and the motion passed;
7. Reviewed the CPF, ATJ and JLAP 2023 Year-End Financials for informational purposes only;

8. Provided an update on the licensing renewals; 7,463 active members and 2,622 inactive members have completed their licensing renewals, and 353 active and 463 inactive have not renewed their licenses at this time. For MCLE, there are 498 members who are non-compliant, and the deadline to complete their credits is February 1, but providers have until March 1 to report the credits. This is our third year with the new late fee rules, and the numbers are similar to this time last year.

V. INFORMATIONAL ITEMS

A. Indian Law Section Update

Indian Law Section Chair Tia Marks attended the meeting to provide an update on the activities of the section. One of their goals is to replenish their bar preparedness scholarship fund to help students who have a financial burden in preparing for the bar exam. Their goal for the scholarship fund this year is \$5,000. They also have the Karl E. Johnson Memorial Scholarship Fund. The section co-hosted an event with the Hispanic Bar Association last year and are hosting another event with the Indian Bar Association this year. They co-hosted an event with the Paralegal Division and are putting on an annual institute at which they present an attorney achievement award. The recipient last year was Tom Lubben and this year the awardee is Alan Taradash, posthumously, who was a long-standing member of the Indian Law Section and involved in several Indian law cases. They have approximately 1,600 members in the section. One thing they need is to create longevity in the information and filling the gaps in their history and procedures. She also wants to work on the logistical side of who they reach out to at the State Bar for assistance.

B. President Report

President Atkins reported on the following:

1. 39th Annual Black History Month Kickoff Brunch

She and Executive Director Spinello attended this event. Commissioner Brooks was the keynote speaker and the first woman from our local community to speak at this event. Previous speakers they've had at the event were Maya Angelou, Rosa Parks, Al Sharpton, etc. She read a poem to Commissioner Brooks entitled *Praise Song for the Day* by Elizabeth Alexander.

2. Rural Justice Initiative Clerkship Program Meeting

This is a new clerkship program and is funded by the Supreme Court. There are two judicial clerkships--one in Farmington and one in Clovis. The clerks get paid \$70,000 per year and receive benefits to work full-time in the district for two years. Alamogordo will potentially be the third district to get a judicial clerkship.

3. National Conference of Bar Presidents Midyear Meeting

She attended this conference in Louisville, Kentucky, February 1-3 along with Commissioners Block-Chavez, Taylor and Perez, and the programming was very good. They hosted a breakfast with the NM Delegation and Justice Thomson attended.

4. Judicial Nominating Commission Balancing Committees

She reported that we've had three Balancing Committee meetings in three weeks and two more are coming. She thinks it's a great experience and is enjoying serving on those.

5. Meeting with Justice Thomson re: Bench and Bar Conference

Executive Director Spinello, Mary Torres and she met with Justice Thomson about the Bench and Bar and discussed that we have to get back to doing a Bench and Bar Conference. Mary Torres generously offered to host a party at her home in Albuquerque following the July 26th Board meeting, and she encouraged commissioners to attend. We're going to look at doing a breakout and sit down with judges at the Annual Meeting, and hopefully do a joint Bench and Bar Conference next year during Commissioner Brook's year.

6. Other

She thanked everyone who attended the dinner at M'Tucci's Restaurant. Commissioner Behles offered his house for a party before the October Board meeting on Wednesday, October 23.

C. District Bar Events

President Atkins encouraged commissioners to book their district events now, so that she can calendar them and try to attend all of them. She also encouraged them to invite their district judges and informed them that there are funds budgeted for each district to put on an event. Justice Thomson will be chief in April and is very excited for us to collaborate with the bench and will encourage judges to attend. So, she asked commissioners to let us know once they're scheduled and we'll notify the Supreme Court.

D. NM State Bar Foundation President Report

In President Dixon's absence, Judge Butkus reported that the Foundation Board met last month and reviewed the year-end financials and received a report from the fundraiser on the fundraising activities planned for the year, including a golf tournament, an event at the Past Presidents' Dinner, and a raffle at the Annual Meeting. President Atkins reported that she talked with someone who offered to do a putt-putt golf tournament fundraising event for the Foundation, and she'll forward the contact information. She also mentioned that she was contacted by member Jonathan Miller who is a published novelist and photographer and has created a photo collaboration which he offered to sell at the Annual Meeting and donate the proceeds to the Foundation.

E. Executive Director Report

Executive Director Spinello's written report was included in the materials. He shared the virtual Resource Deskbook, which will be e-blasted to the membership next week. It has a lot of great information on the legal profession and the members. He also shared the BBC Insert, which came out in the Bar Bulletin last week. He also reported on the information on the NextGen Bar Exam included with his report. He and Commissioner Sherman attended a meeting with the BBE last year, and the Court just issued a press release, so the first year of the new bar exam will be July of 2027. There's an opportunity for the Bar to connect with the law school on this, so we'll want to monitor it and see how we can assist through our Professional Development Program and CLE.

Commissioner Brooks reported that the Diversity and Women's Committees discussed the departure of Amanda Parker and asked how the State Bar is going to proceed. Executive Director Spinello stated that we're planning on hiring an administrative level staff person to replace her and will bring in a subject matter expert as a consultant when we need assistance with programs or projects. Commissioner Brooks stated that she just wanted the Board to think about how to address it with members of the community, so it doesn't appear that we're taking a step back from that commitment.

F. State Bar Representative Reports

1. Senior Lawyers Division

SLD Delegate Dan Behles reported that they held their attorney memorial scholarship program in November and noted that they have consistently had difficulty finding deceased members' families. They miss a lot of information regarding the family and survivors of deceased attorneys, and they don't have that contact information. He asked the Board to help in the outlying areas getting that information and provide it to him or to the Bar, so they can create a database of people to contact for the memorial program.

2. Young Lawyers Division

YLD Chair Randy Taylor reported that the division had their first meeting in January and their next meeting is March 16. They held Mock Interviews at UNMSOL and a Fit2Practice Chocolate and Coffee 5K event in February; they're holding a Veterans Clinic on March 5 and another one in May. The Supreme Court approved amendments to Rule 24-101 NMRA to expand membership in the Young Lawyers Division to attorneys who have been in practice in any state for 10 years or less, regardless of age. So, they will be doing some outreach and publishing an ad to try to get more participation in their programs.

3. Paralegal Division

Paralegal Division Liaison Meryl Sutton reported that they had their annual meeting on January 6. One of her main focus areas is to increase pro bono efforts for the division members. They have three events coming up—Law La Palooza next week and the Peter Johnstone Mediation Fair in April, and they're trying to secure 20 paralegal volunteers for both of those events. She has been working with the Supreme Court and they have secured a Supreme Court tour and a luncheon with the justices in August for Division members. They've already started planning their annual symposium. Commissioner Taylor stated that he would like to hold a Wills for Heroes event during the symposium.

4. Bar Commissioner Districts

Commissioner Sinkular reported that the Second Judicial District is talking about doing something on EIJ with a district event.

Commissioner Chavez-Lara reported that she and Commissioners Lutz and Flores met with Judge Hofackit about bringing attorneys into the Sixth District and would like to see more involvement in the district. There is a luncheon on March 29 and he and Judge Perea will be attending; they have lightened their court caseload to get some attorneys there. They're also doing a Cinco de Mayo event on May 4. Commissioner Flores reported that the Southern Bar is growing and they are holding events, and she thanked Commissioner Chavez-Lara for her efforts.

5. Supreme Court Board and Committee Liaison Reports

No reports were provided.

VI. OTHER BUSINESS

A. New Business

President Atkins reported that the December Board meeting has been set for December 11, and will be held in conjunction with the new officer swearing-in ceremony and reception.

B. Adjourn

There being no further new business, Commissioner Sherman made a motion to adjourn the meeting at 3:50 p.m.; the motion was seconded and it passed.