

**BOARD OF BAR COMMISSIONERS  
MAY 17, 2024 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  
Connie Flores  
Parker B. Folse  
Tomas J. Garcia  
David P. Lutz  
Mitchell Mender  
Jessica A. Perez  
Brett Phelps  
Andréa Salazar  
Simone M. Seiler  
Olga Serafimova  
Benjamin I. Sherman  
Lucy H. Sinkular  
Meryl Sutton  
Randy Taylor  
Elizabeth J. Travis

**MEMBERS ABSENT:** Rosenda Chavez-Lara  
Sean F. FitzPatrick  
Joseph F. Sawyer  
Steven S. Scholl

**NMSBF MEMBERS PRESENT:** Judge Carl Butkus  
**(Joint Executive Session)** Stefanie Davis  
Gerald G. Dixon  
Stephanie Wagner

**OTHERS PRESENT:** Kris Becker  
Ian Bezpalko  
Hon. Carl Butkus  
Stefanie Davis  
Gerald G. Dixon  
Torie Jacobus  
Bill Kramer  
Joey Montoya  
Pam Moore  
Judge David Murphy  
David Powell  
Stormy Ralstin  
Richard Spinello  
Susan Simons

**I. CALL TO ORDER**

**A. Joint Executive Session with NM State Bar Foundation Board**

An Executive Session of the joint State Bar and Bar Foundation Boards was held to discuss a personnel issue.

**B. Executive Session**

An Executive Session was held to discuss litigation.

**C. Approval of February 23, 2024 Meeting Minutes**

Commissioner Seiler made a motion to approve the February 23, 2024 Meeting 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**

Judge David Murphy, Chair of the Commission on Equity and Justice, and Torri Jacobs, Executive Director of the AOC's Statewide Equity, Inclusion and Justice Program, were invited to introduce the work of the Commission to the Board. Chair Murphy reported that the mission of the Commission is to improve the justice system by eliminating biases and inequalities, and their main objective is to ensure that all have access to the justice system. Their main workgroups include: the education committee, which made a recommendation that each attorney is required to take one hour of DEI education; the pipeline committee, which is working on how judges are elected and they've expanded the criteria for judges to demonstrate empathy; the policy committee is looking at personal pronouns, jury instructions, forms, and training; and the courthouse committee, which is examining how people access our courthouses and ensuring that the artwork reflects the makeup of the community. Executive Director Jacobus reported that her role is to ensure that every member receives fair and adequate representation. She is educating the AOC employees and doing special trainings for all new judges and all law clerks in the 13 judicial districts. She's also working with the Board of Bar Examiners, the Judicial Standards Commission, and the Disciplinary Board. She wants to embed an equity lens into everything they do.

Following the presentation, President Atkins asked commissioners to review the discussion questions in the materials, which will be discussed at the next meeting. She also introduced Abby Lewis, the State Bar's new Equity in Justice Attorney. Commissioner Travis stated that it's confusing because the lawsuit seems to be about universities, but she is seeing a lot of articles directed to law firms about DEI, and she asked for information on this to be compiled for the July Board meeting. President Atkins asked General Counsel Ralstin and Abby Lewis to put together a bullet point list of what we're doing and how it connects back to what others are doing. Commissioner Serafimova stated that the Santa Fe Inn of Court had a presentation on this, and she'll forward the materials from that presentation to the Board.

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

Executive Director Spinello reported that there haven't been any changes to the plan since last October. This meeting marks the halfway point for the Strategic Plan, and he reviewed the progress made with all of the goals. The only area not completed involves the relationship with the public, which is the next objective in the rule that the Board will be covering at a future meeting. We are in the process of compiling the various types of Annual Meeting models and will set up a meeting of the Annual Meeting Committee once that has been completed.

## III. ACTION ITEMS

### A. **Appointment to ABA House of Delegates**

There was one open position on the ABA House of Delegates, and the following submitted letters of interest:

1. Don Anque
2. Scott A. Ludlow
3. H. Nicole Werkmeister

Following a vote by secret ballot, H. Nicole Werkmeister was appointed to the ABA House of Delegates for a two-year term.

### B. **Appointment to Judicial Standards Commission**

There was one open position on the Judicial Standards Commission, and the following submitted letters of interest. A recommendation was also received from the Commission.

1. Eric Dixon

2. Todd Farkas
3. Jeanne H. Quintero
4. Michael Rueckhaus
5. Howard R. Thomas
6. Kevin C. Timken

Following a vote by secret ballot, Howard R. Thomas was appointed to the Judicial Standards Commission for a four-year term.

**C. National Academy of Continuing Legal Education Request to Waive the Three-Year Accreditation Requirement Pursuant to Rule 18-203(A)(1)(B) NMRA**

General Counsel Ralstin reported that the National Academy of CLE requested to be recognized as an accredited provider in New Mexico and that the three-year accreditation requirement be waived. They have provided courses for several years which New Mexico attorneys have taken; under the old rule, attorneys were able to self-report, which they can no longer do under the new rule. The Regulatory Programs Department proposed that they be put on a probationary period for one year and pay the maximum amount to be an accredited provider this year and next year, and if they do not report timely during that probationary period, their accredited provider status would be revoked. Commissioner Behles made a motion to waive the three-year requirement for the National Academy of CLE subject to the conditions outlined; the motion was seconded and it passed.

**D. Request to Award CLE Credit to Arbitrators for the Fee Arbitration Program**

General Counsel Ralstin reported on the Regulatory Programs Department request to award CLE credit to arbitrators for the Fee Arbitration Program, which is a free service to the public and attorneys that provides a way to resolve fee disputes between attorney and their clients. Arbitrators spend an average of five hours per fee dispute. The recommendation is for one hour of general credit be awarded for each arbitration completed. Commissioner Sherman made a motion to approve the recommendation; the motion was seconded and it passed.

**IV. COMMITTEE REPORTS**

**A. Executive Committee Report**

President Atkins reported on the following Executive Committee meetings:

1. March 8<sup>th</sup> Meeting – Discussed litigation which was previously discussed during the Executive Session.
2. April 15<sup>th</sup> Meeting:
  - a. Reviewed the licensing late fee waiver requests and approved staff's recommendations.
  - b. Approved a sponsorship of \$1,000 for the UNM SOL Golf Classic.
3. May 6<sup>th</sup> Meeting – Reviewed and approved the meeting 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.

**B. Finance Committee Report**

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

1. Approved the February 23, 2024 Meeting Minutes;
2. The auditors presented the 2023 Combined Financial Audit to the joint Audit Committees of the State Bar and Bar Foundation; it was a clean audit and there were no issues. Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to accept the 2023 Combined Financial Audit, and the motion passed;

3. Reviewed the highlights of the revenues and expenses in the April 2024 Financials; Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to accept the April 2024 Financials, and the motion passed;
4. The Bar Foundation approved an intercompany payment of \$112,000 towards the debt, and the payment is reflected in the financials;
5. Provided an update on the new accounts payable service Bill.com and reported that our insurance coverage is sufficient if Bill.com gets hacked; and
6. Reviewed the CPF, ATJ, JLAP, YLD and SLD First Quarter 2024 Financials provided for informational purposes only.

### **C. Policy and Bylaws Committee / Bylaw Amendments**

Chair Sinkular reported on the amendments to the Bylaws pursuant to the new Committees Policies approved by the Board in December. The amended Bylaws were emailed to the Board on April 1 in order to meet the 30-day notice requirement for Bylaw changes. Chair Sinkular made a motion out of the committee to approve the amendments to the Bylaws, and the motion passed.

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

Chair Travis reported that the Member Services Committee met and conducted an annual review of the sections and standing committees. The three actions the Board can take in the annual review process are to continue the section or committee, continue the section or committee with some conditions/suggestions, or they can dissolve the committee. The recommendations regarding the two sections and one committee are as follows:

- Animal Law Section – the section is doing well and adjusted their activities to meet their smaller size. The recommendation was that the section be continued as is. Chair Travis made a motion to approve the recommendation, and the motion passed.
- Trial Practice Section – the section is dormant and was not active most of 2023 and has had difficulty with a quorum for several years. The recommendation is to allow them to continue for one more year with several conditions, including: establish a board, meet with a quorum, develop a plan of activities for 2025, and not collect dues for 2025; and if they don't meet those conditions, then the section would be dissolved. Chair Travis made a motion out of the committee to approve the recommendation, and the motion passed.
- Legal Services and Programs Committee – the committee is dormant; they met twice in 2023, but only two people attended. The recommendation is to poll members on whether they're interested in serving and determine projects they want to work on. Chair Travis made a motion out of the committee to approve the recommendation and defer a vote to the July meeting. The motion passed.

The committee also recommended dissolving the Board of Editors, which hasn't been active in several years, and establishing a new Communications Advisory Committee. Chair Travis made a motion out of the committee to approve the recommendation, and the motion passed.

## **V. INFORMATIONAL ITEMS**

### **A. Prosecutors Section Update**

Prosecutors Section Chair Joey Montoya provided an update on the section. They have 132 members in the section and they awarded a scholarship last month and will be awarding another one in the fall. They're working on a law school event; last year they did a lunch and learn and talked about what they do as prosecutors, and they need help getting an event set up this year with the law school. Commissioner Sherman stated that he's on the alumni board and offered to help him with the event. They're also working on a DA Conference and will be presenting the Prosecutors Excellence Award to Emilie Edmonds this year.

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

Due to time constraints, this item was tabled to the July meeting.

### **C. President Report**

President Atkins reported on the following:

1. She attended the Western States Bar Conference. Executive Director Spinello led a breakout session of small bar associations at the conference, and he also won the best Hawaiian shirt contest. She presented him with a coffee table book on the history of Hawaiian shirts. There was a program on the Legal Technicians. The Alaska Bar, which is the model for the LLT, served on a panel with the Chief Justice of Arizona. Commissioner Lutz reported that he and Commissioner Sherman serve on the LLT Committee that is studying this, and every state is looking at this.
2. She was invited to attend an online Foundations Summit: Building the Bridge from Law School to Practice put on by the people who set the standards for the ABA accreditation for law schools, and they were the think-tank breakout group for what law schools should be teaching and the importance of teaching practical work as opposed to theoretical law practice and how to modify the pathways to becoming an attorney.
3. She will be attending the National Center for State Court's Legal Deserts Summit next week, the Jackrabbit Bar Conference in Carson City, Nevada, the following week, and the Texas State Bar Annual Meeting in June. She will also be attending the 2024 NCBP Annual Meeting in Chicago in August with President-Elect Block-Chavez, and she was invited to speak on a DEI panel.
4. She was invited to speak at the 2024 Judicial Conclave, and the speech will focus on the connection between the judiciary and the State Bar, and we will have a table at the conference.
5. Past President Mary Torres is hosting a reception at her home after the July 26<sup>th</sup> Board meeting, and we're inviting the justices, judges and past presidents, and she encouraged commissioners to attend.
6. The Annual Meeting will be held on October 25 at the State Bar Center. The BBC meeting will be held on the 24<sup>th</sup> with the Past Presidents' Dinner at the Aquarium that evening. Commissioner Behles offered to host a reception for the Board the day before the BBC meeting on Wednesday evening, the 23<sup>rd</sup>. With the Board members and the Court, we can have 100 in-person registrants and we're expecting 500 online. She met with Justice Thomson, and he had wanted us to partner with the Conclave this year, but we were too far along with the planning, so he would like to do a joint conference next year, and we're having roundtable sessions with the judges this year.

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

Bar Foundation President Dixon reported on the April 23<sup>rd</sup> meeting. The Modest Means Helpline received additional funding as requested. With the additional intercompany payment of \$112,000, he announced that the intercompany debt was reduced down to \$338,000, so they're making significant progress on that. He introduced Susan Simons, the outsourced fundraiser, and she reported on the fundraising activities planned for the year, including the golf tournament and raffle at the Annual Meeting.

### **E. Executive Director Report**

Executive Director Spinello's written report was included in the materials. The Communications Team will be presenting at the July meeting and our updated communication policies were included in the meeting packet. He met with the IT Team and included a list of current and future projects with his report. Pam Moore's PPG group is also doing some strategic planning, which will be presented at a future meeting. He had a lunch meeting with Justice Vargas a couple of weeks ago, and she asked him to serve on a new committee or commission that the Court is creating on alternate pathways to the bar exam. They also discussed a proposed CLE for volunteers who serve on the Judicial Nominating Commissions (JNC), and he updated the Board that while there were some legislative changes made to the JNC processes, the change for the State Bar to administer that program was not part of the changes. Lastly, we may be exploring with the Court for the State Bar to provide some assistance with attorneys who need assistance with succession planning.

### **F. ABA Day Report**

Commissioner Block-Chavez reported that she attended ABA Day in Washington, D.C. in April where bar leaders from around the country lobby the congressional delegation on issues. UNM Professor Gloria Valencia-Webber

who serves on the Legal Services Corporation Board also attended. They visited all five representatives and advocated for additional funding for legal services, which all of the delegation supported.

#### **G. Licensing Update**

General Counsel Ralstin reported that the suspension list was sent to the court. It contained 127 active attorneys on it who either didn't pay their licensing fee, didn't meet their MCLE compliance requirements, or both. The list contained the same number last year and there was some overlap.

#### **H. Roll of Attorneys Joint Project with Supreme Court**

General Counsel Ralstin reported that we're one of four agencies that maintain members' data and there are discrepancies because each entity is maintaining their own database, so we wanted to get a firm foundation of software that we could begin to invite other agencies to join. We're in the process of merging the data with the Supreme Court and by the end of next month, our system will be the official roll of attorneys for the state. We'll begin training next month, and the next step will be to invite the other entities to join.

#### **I. Client Protection Fund 2023 Annual Report**

General Counsel Ralstin reported that the CPF 2023 Annual Report was included in the materials for the Board's information.

#### **J. State Bar Representative Reports**

##### **1. Senior Lawyers Division**

SLD Delegate Dan Behles reported that the Division is continuing to refine a mechanism to locate deceased lawyers, so they can notify their families and colleagues and invite them to attend their Attorney Memorial Scholarship Ceremony.

##### **2. Young Lawyers Division**

YLD Chair Randy Taylor reported that they held a Wills for Heroes Event last week, and they have a request to do one in Chaves County and one in Las Cruces. The Young Lawyers Division sponsored a kickball team this year, and it connected a lot of attorneys from different areas that they hadn't seen before.

##### **3. Paralegal Division**

Paralegal Division Liaison Meryl Sutton had to leave the meeting early to attend Pro Bono Day in Ruidoso, so her report was emailed to the Board.

##### **4. District Bar Events**

Commissioner Seiler is planning two events for the 13<sup>th</sup> Judicial District--one at the Sandoval County Courthouse on May 31 and one in Valencia County on August 30. Commissioner Lutz reported that they also had an event and acknowledged Commissioner Chavez-Lara for handling a lot of the work on it.

##### **5. Bar Commissioner Districts Reports**

There were no bar commissioner district reports provided.

##### **6. Supreme Court Board and Committee Liaison Reports**

Commissioners Phelps reported that he attended the UJI-Criminal Jury Instructions Committee meeting. They are about to implement implicit bias jury instructions, and it was interesting to see the defense and prosecutor bar working together on that.

**VI. OTHER BUSINESS**

**A. New Business**

There was no new business.

**B. Adjourn**

Commissioner Sherman made a motion to adjourn the meeting at 4:00 p.m.; the motion was seconded and it passed.