

**BOARD OF BAR COMMISSIONERS
OCTOBER 24, 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 F. FitzPatrick
Parker B. Folse
Tomas J. Garcia
David P. Lutz
Mitchell Mender
Jessica A. Perez | Brett Phelps
Andréa Salazar
Joseph F. Sawyer
Steven S. Scholl
Simone M. Seiler
Benjamin I. Sherman
Lucy H. Sinkular
Meryl Sutton
Randy Taylor
Elizabeth J. Travis |
| MEMBERS ABSENT: | Connie J. Flores
Olga Serafimova | |
| OTHERS PRESENT: | Kris Becker
Ian Bezpalko
Judge Carl Butkus
Kasey Daniel
Gerald G. Dixon
Torri Jacobus
Bill Kramer | Abby Lewis
Pam Moore
David Powell
Stormy Ralstin
Bill Slease
Richard Spinello |

I. CALL TO ORDER

A. Approval of July 26, 2024 Meeting Minutes

Commissioner Brooks made a motion to approve the July 26, 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

The excerpt of the rule with objectives, discussion questions and the proposed changes to Rule 24-101(A) NMRA were included in the materials. Torri Jacobus, Executive Director of the AOC's Statewide Equity, Inclusion and Justice Program, and Abby Lewis, Equity and Justice Attorney for the State Bar, attended the meeting. President Atkins reminded the Board that at the last meeting it was agreed that the language in this objective of the rule would be reviewed, and Commissioner Brooks met with Ms. Jacobus and Ms. Lewis to review the language; specifically, the phrase "be cognizant" because as a bar we're being more than just cognizant of the needs of individual and minority members.

B. Definition of Diversity

Related to the discussion on this topic, an email was received from a member in El Paso with concerns about the Arturo Jaramillo Law Clerk Program in response to an ad in the Bar Bulletin soliciting employers to participate in the program; the email and ad were included in the materials. Executive Director Spinello explained that there are two clerkship programs—the Arturo Jaramillo Law Clerk Program, which is administered by the State Bar’s Committee on Diversity, and the Judicial Clerkship Program, which is administered by the Supreme Court, and he discussed the history of the programs.

Following the Board discussion on both topics, Commissioner Sinkular made a motion to go into executive session; the motion was seconded and it passed. Commissioner Scholl requested an amendment to the motion to include Executive Director Spinello, General Counsel Ralstin, and the Bar Foundation President Jerry Dixon and Immediate Past President Judge Carl Butkus in the executive session; the motion was seconded and it passed.

In open session, General Counsel Ralstin stated the four motions that were approved by the Board in executive session as follows:

1. The first motion was to leave the Arturo Jaramillo Summer Clerkship Program verbiage in both the ad and on the website as is with the exception that the program will no longer be limited to UNM students.
2. The second motion was to have staff meet with the Court to discuss the Court’s taking ownership of the Judicial Clerkship Program.
3. The third motion was to send the definition of diversity and the diversity policy, as well as the proposed amendments to the rule, to the Policy and Bylaws Committee and the Committee on Diversity for review and recommendations regarding the wording.
4. The fourth motion was to respond to the member who had emailed the State Bar regarding the ad for the Arturo Jaramillo Summer Clerkship Program in the Bar Bulletin thanking him for his comments and letting him know that the issue was considered at a regular meeting of the Board and that we disagree with his understanding of the description of our program.

All of the motions passed unanimously.

C. 2023-2025 Three-Year Strategic Plan

Executive Director Spinello reported that the one core goal that we haven’t tackled yet is organizing our efforts as it relates to responsibilities concerning the public, and we’ll be focusing on that at our next meeting as we start to consider the public portion of Rule 24-101(A) NMRA.

III. ACTION ITEMS

A. 2025 BBC Officer Elections

At the July meeting, Commissioner Block-Chavez was nominated President-Elect, and Commissioner Sinkular was nominated Secretary-Treasurer for 2025; no other nominations were received. Commissioner Brooks made a motion to elect Commissioner Block-Chavez as President-Elect and Commission Sinkular as Secretary-Treasurer by acclamation for 2025, and the motion passed unanimously.

B. 2025 Proposed Budget Presentation

Director of Finance Powell presented the proposed 2025 Budget, which included a 1.7 percent increase in licensing, upgrades to security for the building, MCLE course approval fees from \$50 to \$75 for non-accredited MCLE providers, fully digital Bar Bulletin, which will result in a savings of \$100,000. He noted that there is a \$300,000 increase in compensation, which includes two new FTE positions for Communications and an AV Person for IT, a

couple of promotions, and an enhanced benefit package for staff—upgraded dental and covered vision, and a 6 percent match with our 401K plan, reduced the allocation for employees between the Bar Foundation and State Bar from 13 percent to 10 percent to the Bar Foundation. Mini budgets were included for line items with more detail in them.

Incoming YLD Chair Lauren Riley presented the 2025 YLD Budget to the Finance Committee. The amount stayed the same, but they moved some line items around. SLD requested an additional \$1,500 in their 2025 Budget for a joint social event. It's a balanced budget, so we're not trying to use any past earnings. Executive Director Spinello noted that 58 percent of our budget is for staff salaries and benefits, which is comparable to other bar associations.

The Finance Committee recommended approval of the 2025 Budget. Secretary-Treasurer Block-Chavez made a motion out of the Finance Committee to approve the 2025 Budget as presented, and the motion passed.

C. 2025 Proposed Standing Committees

Pursuant to the new standing Committees Policies, President-Elect Brooks reviewed the eight standing committees, the committee chairs, maximum number of members, and the rosters, which were included in the materials. The smallest committee has 8 members and the largest has 20 members. The Historical Committee revised their mission, which was also included. Executive Director Spinello stated that the policies are silent on non-attorney co-chairs, but they allow the Board to appoint co-chairs to the committees. The LPLIC has co-chairs, and the ADR Committee has a proposed co-chair who is a non-attorney. Following discussion, Commissioner Sherman made a motion to approve the standing committees as listed, to permit the ADR Committee to have a non-attorney co-chair, the LPLIC to have co-chairs, the Committee on Women to have 21 members, and the Historical Committee's new mission statement; the motion was seconded and it passed.

C. Two Appointments to Client Protection Fund Commission

There were two vacancies on the Client Protection Fund Commission, and two letters of interest were received from current commissioner Judge Linda Vanzi and Ellen Leitzer, which were included in the materials, as well as a recommendation from the Commission. Commissioner Phelps made a motion to reappoint Judge Vanzi and appoint Ellen Leitzer to the CPF Commission; the motion was seconded and it passed.

D. Restatement of 401(k) Plan

General Counsel Ralstin reported that Sentinel Group, the plan administrator for the State Bar and Bar Foundation 401(k) Plan, is in the process of restating the plan to move it to their standard plan document and to bring the plan into compliance with the 2024 provisions of the Secure 2.0 Act. As part of this process, both boards must adopt resolutions approving the amended 401(k) plan, which will be effective January 1, 2025. The plan documents were reviewed by management and uploaded to the Board dashboards on the website for review. Commissioner Sherman made a motion to approve the resolution; the motion was seconded and it passed.

IV. COMMITTEE REPORTS

A. Executive Committee Report

President Atkins reported that the committee met on October 15 and discussed the agendas for the meeting.

B. Annual Meeting Committee Report

Co-Chairs Brooks and Block-Chavez reported on the Annual Meeting Committee. Bar Foundation President Dixon suggested including representatives from the YLD and SLD on the committee. We reached out to Bryan Stevenson for next year's Annual Meeting and are looking at holding it at Sandia Resort. Executive Director Spinello stated that the Supreme Court is interested in doing a joint conclave in 2026, since they had already set the conclave for next year, and they may be interested in holding their quarterly meeting (formerly the Chief Judges' Council Meeting) at our Annual Meeting next year.

C. Finance Committee Report

The Finance Committee met the day before the Board meeting, and Secretary-Treasurer Block-Chavez reported on the following:

1. Approved the July 26, 2024 Meeting Minutes;
2. Reviewed the September 2024 Financials and recommended approval; Secretary-Treasurer Block-Chavez made a motion out of the committee to accept the September 2024 Financials, and the motion passed;
3. Reviewed the CPF, ATJ, JLAP, YLD and SLD Third Quarter 2024 Financials, which were provided for the Board's information only; the ATJ Fund Grant Commission is sitting at \$3.5 million, and a special Finance Committee meeting to discuss options for that money will likely be scheduled before the December meeting; and
4. Received a presentation on the 2025 Proposed Budget, which was previously approved under Strategic Planning.

V. INFORMATIONAL ITEMS

A. BBC Election Results

President Atkins reported that there being no contested elections, all of the candidates were deemed elected by acclamation pursuant to the State Bar Bylaws. The results are as follows: Dylan O'Reilly, Out-of-State District; Commissioner Serafimova, First Judicial District; Commissioners FitzPatrick and Garcia, Second Judicial District; and Commissioner Phelps, Fourth and Eighth Judicial Districts. Lauren Riley will be the YLD Chair for 2025; Meryl Sutton will serve as the Paralegal Division Liaison again, and Dan Behles will serve as the SLD Delegate again next year. Commissioner Travis made a motion to certify the election results; the motion was seconded and it passed.

B. Professional Development Program (PDP) Update

PDP Program Director Bill Slease attended the meeting to provide an update on the program for the Board. It's a law practice management program and it's grown since its inception. They have self-assessments, checklists, coaching links, access to life coaches, and the Ethics Helpline. They're building how to programs next year for attorneys looking to round out or assist them with their practice. They're also doing monthly lunch and learns in conjunction with the LPLIC. The way lawyers are absorbing information seems to be in smaller bites, so they are recording several 10-15 minute segments. The CLE staff is working on the first one and will record another three or four on the best practices for trust accounting, difficult clients, etc. President Atkins noted that the department's roadshows were very valuable to the members.

C. President Report

President Atkins reported on the following:

1. NCBP Annual Meeting

She and Commissioner Block-Chavez attended the NCBP Annual Meeting in Chicago. She presented on a panel, and they hosted a breakfast with the NM Delegation. She was impressed by what we're doing compared to other bars and noted that we're very advanced.

2. New Admittee Swearing-in Ceremony

She attended and spoke at the new admittee swearing-in ceremony on September 30.

3. 2024 NM State Bar Foundation Golf Classic

She attended the 2024 NM State Bar Foundation Golf Classic.

4. 2024 Annual Meeting

She reviewed the Annual Meeting Schedule and noted that the poster is an original painting titled Sleeping Lady on the Mountain and was painted by a local artist from Alamogordo. Camille Vasquez is the keynote speaker, and President-Elect Brooks is presenting on Diversity, which will fulfill the EIJ credit requirement.

D. State Bar President-Elect Report

President-Elect Brooks reported on the following:

1. 2025 BBC Meeting Schedule—February 28, May 15-17 (in conjunction with a Strategic Planning Retreat in Las Cruces), July 31-August 2 (in conjunction with the Annual Meeting at Sandia Resort & Casino), October 24, December 3 or 10 (TBD by S. Ct., in conjunction with the new officer swearing-in and reception in Santa Fe). She noted that we anticipate collaborating with the southern bar on a district event during the retreat.
2. The new Officer Swearing-in will be at the Supreme Court followed by the President's Reception at the Inn & Spa at Loretto on December 11.
3. The current BBC Internal Committees roster was included in the materials, and a sign-up sheet was distributed for volunteers for the 2025 BBC Internal Committees.

E. 2025 Supreme Court Board and Committee Liaisons

The current Supreme Court Board and Committee liaisons were included in the materials and will be emailed to the Board following the meeting requesting volunteers to serve as liaisons for 2025.

F. NM State Bar Foundation President Report

Bar Foundation President Jerry Dixon reported that the Foundation met August 22 and the last board meeting is scheduled for November 14. The Golf Classic was very successful with 72 players and brought in a net \$28,000 for the Foundation. The Annual Meeting raffle included four staycation raffles, each valued at a minimum of \$1,000, and tickets were \$100 each. The Foundation Board is working on a plan to hire an AED and a Development Director next year. He and President-Elect Stefanie Davis attended the National Conference of Bar Foundations in Chicago, and Judge Butkus was elected to the NCBF national board for a three-year term.

G. Executive Director Report

Executive Director Spinello's written report was included in the materials. He noted that the ABA conducts a Benchmarks Survey every two years on mandatory and voluntary bars, and he included the executive summary on mandatory bars and reviewed some of the highlights for the Board's information; the entire document will be posted to the BBC dashboard. He also included a report with pro bono data, which we collect each year as part of the licensing process and share with the statewide pro bono coordinator; we also sent the data to the ATJ Commission and Supreme Court, and the Court asked for additional data. He noted that half of our members are not reporting any pro bono hours or contributions, and another quarter are not meeting the 50 hours or \$500 donation goals, so three-quarters of our attorneys are not meeting the aspirational pro bono goals.

H. State Bar Representative Reports

1. Senior Lawyers Division

SLD Delegate Dan Behles submitted a written report for the materials, and he reported that the attorney in memoriam scholarship ceremony will be held on November 12, and he invited commissioners to attend.

2. Young Lawyers Division

YLD Chair Randy Taylor reported that the Division held Wills for Heroes Events, and they would like to coordinate an event at the law school. Lauren Riley will be sworn in next year as the new chair to the Division.

3. Paralegal Division

Paralegal Division Chair Meryl Sutton submitted a written report for the materials, and she reported that the Division has its annual institute on December 7; it will be completely virtual and is focused on cyber security in the legal profession. One of their VAP attorneys, Ronald Taylor, will be presented with the Robert H. LaFollette Award at the Awards Ceremony.

4. District Bar Events

Commissioner Mender reported that he tagged onto their district's pro bono event at which they present local bar awards, and it was successful event.

Commissioner Seiler reported that they are piggybacking onto the Valencia County Bar's event on December 6 and they're doing a CLE; it will be one hour on well-being and one hour on a DEI topic.

Commissioner Chavez-Lara reported that they have reached out to the judges in the Sixth Judicial District, but they haven't received a response yet. They had 87 people at their last legal clinic. Meryl Sutton was in Dona Ana in July at the community center, and their next one is November 17 at La Mesa. If they still have money, they'd like to do something for the attorneys and paralegals who volunteer every Saturday.

5. Supreme Court Board and Committee Liaison Reports

Commissioner Brooks reported that she's on the Code of Professional Conduct Committee, and this Board had previously discussed the Hermit Creek Fires, and there has been a federal settlement related to that, but there was a question that came to the committee for an expedited rule change to the IOLTA Rule to clarify the assignments. The committee discussed it and decided it was something that the Supreme Court needed to decide.

Commissioner Travis reported that the Disciplinary Board hired a new attorney following Jane Gagne's retirement. At the beginning of the year, the number of complaints were low, but they're getting more now and note that they have not had as many disbarments as they have previously had.

VI. OTHER BUSINESS

A. New Business

President Atkins reported that she was asked by Meryl Sutton to be the keynote speaker at the VAP luncheon the following week. She also reported that two retired senior lawyers from Alamogordo contacted her to donate a carved copper art piece to the State Bar.

B. Adjourn

There being no further new business, Commissioner Sherman made a motion to adjourn the meeting at 2:32 p.m.; the motion was seconded and it passed.