

**BOARD OF BAR COMMISSIONERS  
FEBRUARY 25, 2022 MEETING MINUTES  
Hybrid Meeting – In Person and Zoom**

**MEMBERS PRESENT:** Erin M. Atkins Mitchell Mender (Zoom)  
Daniel J. Behles Jessica A. Perez  
Allison H. Block-Chavez Brett Phelps  
Aja N. Brooks Linda Sanders  
Catherine A. Cameron Joseph F. Sawyer  
Sean M. FitzPatrick Simone M. Seiler (Zoom)  
Connie J. Flores (Zoom) Olga Serafimova (Zoom)  
Tomas J. Garcia Benjamin I. Sherman  
Robert Lara (Zoom) Lucy H. Sinkular  
David P. Lutz (Zoom) Elizabeth J. Travis (Zoom)  
Carla C. Martinez (Zoom) Carolyn A. Wolf

**MEMBERS ABSENT:** Parker B. Folse

**OTHERS PRESENT:** Kris Becker (Zoom) David Powell  
Ian Bezpalko (Zoom) Samuel Roybal  
Hon. Carl Butkus Stormy Ralstin  
Evann Laird Bill Slease  
Pam Moore Richard Spinello  
Amanda Parker Chief Justice Michael E. Vigil  
Morgan Pettit

**I. CALL TO ORDER**

**A. Welcome New Board Members and Introductions**

The new commissioners were welcomed and introductions were made.

**B. Swearing-in of President-Elect Benjamin I. Sherman**

NM Supreme Court Chief Justice Michael E. Vigil attended the meeting to swear-in President-Elect Benjamin Sherman, who was unable to be sworn-in in December.

Chief Justice Vigil provided remarks on the Legislative Session and the judicial salaries recommendation. He requested the State Bar to send a letter to the Governor in support of the salary increase initiative for all judges. The governor has 21 days from the Legislative Session to sign or veto it. Justice Shannon Bacon will be the new Chief Justice on April 15.

**C. Swearing-in of New and Re-Elected Commissioners**

Chief Justice Michael Vigil swore-in the new and re-elected commissioners as follows:

Olga Serafimova - First Judicial District  
Allison H. Block-Chavez – Second Judicial District  
Tomas J. Garcia - Second Judicial District  
Brett Phelps - Fourth and Eighth Judicial District  
Catherine A. Cameron – Seventh and Thirteenth Judicial District  
Joseph F. Sawyer - Eleventh Judicial District

Sean M. FitzPatrick - Out-of-State District  
Jessica A. Perez – Young Lawyers Division Chair  
Linda Sanders – Paralegal Division Liaison

Simone M. Seiler from the Seventh and Thirteenth Judicial District wasn't present for the swearing-in.

**D. Approval of December 8, 2021 Meeting Minutes**

Commissioner Sinkular made a motion to approve the minutes; the motion was seconded and it passed.

**II. STRATEGIC PLANNING**

**A. Leadership Retreat Report**

President Wolf reported that a leadership retreat was held on January 28. The first part of the retreat was with the Executive Committee and the MOU between the Bar Foundation and the State Bar and a couple of other items were discussed and the second part was with the internal committee chairs. Items discussed were the agendas for the BBC meetings, standing committees and BBC relationship with those committees, and the Judicial Clerkship Program. She had a conversation with Denise Chanez, Co-chair of the Diversity Committee, and the committee is willing to continue overseeing the Judicial Clerkship Program with staff's assistance.

**B. Membership Survey Committee Report / Draft Survey**

President Wolf reported that a Membership Survey will be conducted this year. The last one was done in 2011 and the last compensation survey was done in 2017, so some compensation questions will be included. Director of Communications and Member Services Evann Laird reported that the survey will include questions about how COVID-19 has affected the practice of law and how members are feeling about the profession, their career, personal life, and what they find the most important. Questions from the Supreme Court and the Well-Being Committee, as well as demographic questions will be included. Commissioner Sinkular made a motion to authorize the Membership Survey Committee to finalize and approve the survey; the motion was seconded and following discussion, the motion passed. Commissioners were requested to send comments back to the committee before their next meeting on March 8.

**C. 2020-2022 Strategic Plan Final Report**

Executive Director Spinello reported on the 2020-2022 Strategic Plan Final Report included in the materials. He noted that the report didn't list all of the accomplishments since those were included in the timeline, but it focused on a few issues left for the next plan. He noted that the plan was reviewed at every Board meeting and that most of the plan was accomplished in the last three years.

**III. ACTION ITEMS**

**A. Intercompany Payment Recommendation**

Director of Finance David Powell reported on the intercompany payment for the shared costs for the occupancy and overhead for the building between the Bar Foundation and the State Bar. He noted that when the intercompany payable was previously discussed, the boards were the same, but now they are separate so the boards have to agree on the amount of the payment pursuant to the MOU. The Bar Foundation met and recommended an intercompany payment of \$125,000. Judge Butkus said that the Foundation Board looked at the financials thoroughly and they came to the conclusion that the amount was reasonable. Commissioner Atkins made a motion to approve the \$125,000 intercompany payment; the motion was seconded and it passed.

## **IV. COMMITTEE REPORTS**

### **A. Executive Committee Report**

President Wolf reported that the committee met on February 15 and discussed the following:

1. The committee reviewed and approved the BBC Agenda for this meeting.
2. The committee received and reviewed licensing and MCLE waiver requests.
3. The committee also discussed a request to give MCLE self-study credit for work performed by attorneys who are members of LREP's referral panel and provide pro bono legal services. The committee sent it back to staff for further research and information.

Commissioner Atkins 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 Board meeting, and Secretary-Treasurer Atkins reported on the following:

1. Approved the December 1, 2021 Meeting Minutes;
2. Reviewed the 2021 Unaudited Year-End Financials; Secretary-Treasurer Atkins made a motion to accept the financials and the motion passed;
3. First Meeting Requirements:
  - a. Reviewed the Finance Committee Policy/Mission
  - b. Reviewed and recommended approval of the Annual Electronic Payments spreadsheet; Secretary-Treasurer Atkins made a motion to approve the annual electronic payments and the motion passed.
4. Reviewed the CPF, ATJ and JLAP 2021 Year-End Financials, which were provided for informational purposes only;
5. Received an update on the 2022 Licensing Renewal; there are currently 7,049 active members compliant for licensing and 795 remain unpaid; 1,582 inactive members are compliant and 317 members are unpaid; 743 inactive fee waivers have been received and 150 are still outstanding. For MCLE, 6,722 members are compliant and 892 are noncompliant.
6. Received an update on the 2021 Audit; the auditors will present the audit to the committee before the next board meeting, and a Doodle poll will be sent out for May 17 and 18; the entire Bar Foundation Board is their Audit Committee, so they will be included as well.

### **C. Policy and Bylaws Committee Report**

Co-Chair Sherman reported that the committee had its first meeting on February 8, and he and Commissioner Sinkular are co-chairing the committee this year. The committee reviewed its to do list for the year and because of the changes to the bylaws approved last year, it needs to review the section bylaw template again. One of the issues is the YLD representative that the YLD appoints to every section. All sections have them as a voting member, except for the Solo and Small Firm Section. There is a meeting scheduled on April 14 with Jessica Perez on behalf of the YLD and Deian McBryde on behalf of the Solo and Small Firm Section to review the issue. The other issue the committee will be addressing in the section bylaw template is lobbying. Co-Chair Sherman was contacted by a personal injury attorney regarding out-of-state PI firms practicing in New Mexico; the committee is looking at the Rules of Professional Conduct regarding this issue. The committee will also be looking at the section carryover policy and the Supreme Court Board and Committee liaisons.

### **D. Special Committee on Diversity and Gender Recommendations Report**

Chair Aja Brooks reported that the committee met on February 8 with the chairs of the Diversity Committee and Committee on Women to review the recommendations and the tracking sheet. Equity in Justice Manager Dr. Amanda Parker has been meeting with the committees.

## **V. INFORMATIONAL ITEMS**

### **A. Bankruptcy Law Section Update**

Chair Samuel Roybal attended the meeting virtually to provide an update on the Bankruptcy Law Section. It's an active section and the members tend to be members for a long time. They put on their Institute and found a way to make it very cost-effective for their members; they held it via Zoom and hosted a reception at Commissioner Behles' home. They had seven or eight practitioners retire the past year and they try to put on at least one social event a year that the section sponsors. They appreciate the services the Bar provides for CLEs since trying to coordinate that on their own is difficult and time-consuming. They would like to use CLE if they are able to discount it for their members.

### **B. Equity in Justice Program Overview**

Dr. Amanda Parker reported on the Equity in Justice Program. She outlined the four basic goals of recruiting, educating, sustaining, and research. She reported on the two CLE programs they've done on equity in justice and there will be three more coming up. She said that board members can get involved by making connections and trying to get a full picture of what needs to be done. The State Bar of California is interested in the program and contacted Executive Director Spinello for information.

### **C. BBC District Events Presentation**

Member Services Manager Morgan Pettit reported on the district engagement guide and went through her presentation. She is planning to meet with all of the commissioners to assist with planning an event in their district. The budget is \$1,200 for each of the districts.

### **D. Sections and Committees Annual Reports**

All of the annual reports were received from the sections and committees, except the Business Law Section, which will automatically be added to the sunset list this year; all of the report are available on the BBC Dashboard.

### **E. State Bar President Report**

President Wolf reported on the following:

1. A letter was sent out to the sections regarding the suspension of lobbying, and no comments from the sections have been received.
2. The officers met with the Supreme Court on the 2022 Budget following the December 8<sup>th</sup> Board meeting; the Court approved the budget and it was a good meeting.
3. She chaired two Balancing Committee meetings for the Third and Metro Court Judicial Nominating Commissioners. One new judge was added in Bernalillo County in this year's Legislative Session.
4. The next Board meeting will be combined with a full Board Retreat in Las Cruces on May 20-21; the remainder of the Board meetings are scheduled for August 11 at the Hyatt Regency Tamaya Resort in conjunction with the Annual Meeting, October 21 at the Bar Center in Albuquerque, and December 14 at the Supreme Court in Santa Fe;
5. Annual Meeting update – Keynote Speaker Desmond Meade will be speaking about voting rights and criminal justice reform, and there will be programs on implicit bias and microaggressions and a plenary on cannabis. There will be an Appellate Court Forum with the dean of the law school and Public Law Sections are also holding their annual institutes during the annual meeting.
6. Past Presidents' Committee – the Board previously approved the creation of the committee, which was to be chaired by the immediate past president; however, Commissioners Martinez and Cruz thought it would be better if the current president chaired the committee. Commissioner Brooks made a motion to approve that change; the motion was seconded and it passed.

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

Bar Foundation President Judge Carl Butkus reported that Jerry Dixon was elected Vice President and Stefanie Davis was elected Secretary-Treasurer. Commissioner Brooks was the president last year, and the Foundation is in the process of amending the bylaws to add the immediate past president as an officer and an officer track similar to the Bar where the terms of the officers are extended. There are three new BBC members—Commissioners Block-Chavez, Mender and Travis; Commissioners Sinkular and Brooks carried over. Three non-BBC members carried over—Jerry Dixon, Stephanie Wagner and Stefanie Davis. A consultant is being hired to help with fundraising and assist with hiring a development director. Regarding the EAJ merger, Judge York was to mediate in December, but that was canceled by EAJ. The Board will also be discussing the MOU and a fundraising event at the Annual Meeting.

## **G. Executive Director Report / 2021 Year-End Report**

Executive Director Spinello reported on the 2021 year-end report included in the materials, which will be sent to the Supreme Court. He provided an overview of the BBC Dashboard at the new commissioner orientation and asked commissioners to inform him if they saw anything that should be added. It is only accessible to Board members and will show up on the dashboard once they're logged in.

General Counsel Ralstin reported that the Family Law practice area is very close to forming a Legal Specialization Committee. Fourteen applications were received for members to create the exam. The group is working with a psychometrician and will meet in the summer to develop the exam.

## **H. State Bar Representative Reports**

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

Senior Lawyers Division Delegate Dan Behles reported that the SLD meets every two months and their new chair is Charles Gurd. The Division has asked if they can shift some of their budget to some succession planning work, since they won't be traveling this year. Susan Page made a request of the Division to consider creating a new class of license. She suggested a pro bono active license classification, which would limit the allowable activities of the pro bono licensee if they certify that they weren't engaging in anything that was remunerative. She proposed the fee for the new classification could be the same as the inactive license fee. Once the Division votes on it, he'll bring the request to the Board.

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

Young Lawyers Division Chair Jessica Perez reported that they had their first meeting on January 15 and they meet about every other month. They sent three delegates to the ABA YLD Midyear Meeting in February; they actually had five representatives at the conference with Shasta Inman and Lauren Riley who have separate positions with the ABA. They were only one of three states that had a full delegation. They did a Wills for Heroes event in Rio Rancho, and they're planning to do three or four more this year. They held the UNM School of Law Mentorship Mock Interviews the end of January and that was well attended by volunteers and students. The YLD Fellowship Application was sent out and the deadline is the end of March.

### **3. Paralegal Division**

Paralegal Division Liaison Linda Sanders reported that they had their first meeting on January 8. She was intending to be chair-elect of the division this year, but Emalee Atencio resigned for personal reasons, so she is now the chair. They're holding a special election to fill the chair-elect position and today is the deadline for candidates to submit their declarations. They intend to complete the election in March, so they have a sitting chair-elect for their next meeting on April 2. They had several events supporting the YLD with their Wills for Heroes and are working closely with the YLD on all of their events. They're also working with the Volunteer Attorney Pool on a new opportunity with interpreters for teleclinics; they have quite a few bilinguals and are coordinating those statewide. They have also had a lot of paralegals sign up for the Eviction Clinics.

4. Bar Commissioner Districts

Commissioner Lutz reported that Commissioner Lara asked him to inform the Board that he would like to do a Wills for Heroes event when the Board is in Las Cruces for the retreat in May.

5. Supreme Court Board and Committee Liaison Reports

Commissioner FitzPatrick reported on the Civil Jury Instructions Committee and that the committee is redrafting the civil jury instructions. It's a big undertaking and he is happy to be serving on the committee.

Commissioner Atkins reported on the Code of Judicial Conduct Committee and they're looking at whether a judge can receive free or reduced fee representation from a lawyer before the Judicial Standards Commission, and they're trying to structure some commentary about the issue.

6. ABA House of Delegates Report

ABA Delegate Bobbie Batley was not in attendance, so no report was provided.

## VI. OTHER BUSINESS

### A. **New Business**

Commissioner Sinkular made a motion to approve sending the letter to the Governor regarding the Judicial Salaries Initiative. The letter will be signed by the President and it will say that the Board voted at this meeting to support the initiative. The motion was seconded and it passed with two abstentions.

### B. **Adjourn**

There being no further new business, Commissioner Garcia made a motion to adjourn the meeting at 4:10 p.m.; the motion was seconded and it passed.