BOARD OF BAR COMMISSIONERS
MARCH 7, 2025 MEETING MINUTES
State Bar Center, Albuquerque, NM
In Person and Zoom

MEMBERS PRESENT:	Erin M. Atkins Allison H. Block-Chavez Aja N. Brooks Sean M. FitzPatrick Connie J. Flores Parker B. Folse Tomas J. Garcia David P. Lutz Dylan O'Reilly	Jessica A. Perez Brett Phelps Lauren Riley Andréa Salazar Joseph F. Sawyer Simone M. Seiler Olga Serafimova Lucy H. Sinkular Elizabeth J. Travis
MEMBERS ABSENT:	Daniel J. Behles Mitchell Mender Steven S. Scholl Meryl Sutton	
OTHERS PRESENT:	Kris Becker Ian Bezpalko Judge Carl Butkus Stefanie Davis Bill Kramer	Jerry Miller Pam Moore Stormy Ralstin Richard Spinello Celeste Valencia

I. CALL TO ORDER

A. In Memoriam

1. Moment of Silence

President Brooks called the meeting to order and spoke about the Remembrance for Director of Finance David Powell that was held prior to the meeting. She asked the Board to take a moment of silence and asked commissioners to share any comments or stories.

2. In Tribute - Finance Committee Report

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

a. Approved the December 11, 2024 Meeting Minutes;
b. Reviewed the 2024 Year-End Financials. Executive Director Spinello reported that we have about a $41,000 surplus and the overage will automatically go into the reserves. Secretary-Treasurer Sinkular made a motion out of committee to accept the 2024 Year-End Financials, and the motion passed;
c. Provided the Finance Committee Policy/Mission and the Financial Policies;
d. Reported that the Bar Foundation approved a payment of $50,000 to the State Bar towards the intercompany debt;
e. Reported on the 2025 Licensing Renewals; $2,140,000 has been collected in active licensing fees and $175,400 in inactive fees; late fee are at $65,000 and there are 684 attorneys who are non-compliant either for license fees, MCLE or both, of which 135 are non-compliant for the EIJ credit;
f. New Business

i. Secretary-Treasurer Sinkular reported that Executive Director Spinello had recommended that the overage of $41,000 be allocated to the Capital Reserve Fund, since capital outlay is going to be over budget due to the security upgrades this year. Secretary-Treasurer Sinkular made a motion out of the Finance Committee to approve the recommendation, and the motion passed.
ii. Executive Director Spinello reported that he has signed the engagement letter with the auditors, and we're going to try to stay on track with that; and
iii. We will be working with the triage CPA on the ACH / Recurring Payments Report, which will be sent out once it's finalized.

B. Welcome and Introductions

President Brooks welcomed new Board members Lauren Riley, YLD Chair, and Dylan O'Reilly, Out-of-State District Commissioner, and introductions were made.

C. Approval of December 11, 2024 Meeting Minutes

Commissioner Block-Chavez made a motion to approve the December 11, 2024 Meeting Minutes; the motion was seconded and it passed.

II. <u>STRATEGIC PLANNING</u>

A. Review Rule 24-101(A) NMRA, Rules Governing the NM Bar, Objective #5, Improve the Relations Between the Legal Profession and the Public

President Brooks reported that this is a strategic planning year and as a part of our strategic plan, the Board decided to review the rule and each of the 10 objectives at every Board meeting. At the December meeting, the Board started its discussion of objective #5, and the Board talked about civics, constitution day, the importance of education on the three branches of government, and the rule of law, lawyers being more visible and addressing attacks on the judiciary. A lot of things have transpired since our last meeting, and this will be added as an item for the retreat.

Commissioners agreed that educating the public is something we should do to help New Mexicans learn how the State Bar assists them, whether its through civics education or something else. Most of what the public sees are complaints about the bad lawyers, and we can provide education on the rule of law and civility. There are very clear ways we're serving the public through LREP and MMH, and pro bono is part of that. We can do more to make sure the public aware of the Foundation's programs. Executive Director Spinello stated that there will be a compilation of the topics we've discussed to this point for the retreat.

A. Executive Order Re: Ending Illegal Discrimination and Restoring Merit-Based Opportunity

A memo from General Counsel Stormy Ralstin, the Executive Order, a Chart of the executive orders that affect charitable nonprofits, a Statement from the New Mexico Supreme Court, and a Statement from President Aja N. Brooks were included in the materials. President Brooks provided a timeline of what transpired since this order came down on January 21 and stated that we are going to be discussing this as part of strategic planning. General Counsel Ralstin stated that it's broad and confusing. Part of the order has been stayed by a federal judge; we just aren't sure which part has been stayed. We have the attention of the ABA, so if bar associations are targeted with an audit, then we have some assistance with our reply. There was a question as to how it applies to state bars that don't receive federal funding. General Counsel Ralstin stated that's a big question, and in the meantime, we will continue to monitor it and make efforts towards protecting whatever we need to protect. President Brooks stated that she and President-Elect Block-Chavez attended the ABA NCBP Midyear Meeting last month, and it was a huge topic at the conference.

B. Discussion of Strategic Planning Retreat

President Brooks reported that we will be starting our third three-year Strategic Plan at the Board Retreat, which will be held at Hotel Encanto in Las Cruces, May 15-17. She hopes that we will also be able to do a

CLE and networking event similar to the previous retreat in Las Cruces, and Commissioners Flores and Lutz have agreed to assist with planning the event. Commissioners Atkins and Block-Chavez and she met with Judge Strickland and talked about a partnership with the Southern New Mexico Bar Association. The Strategic Plan is in the materials, and everything is still very relevant; the timeline and what has been completed is very helpful. She talked about the facilitator Dr. Everette Hill who is also facilitating the Bar Foundation Retreat. He will be sending out a survey to the Board prior to the retreat to help plan the agenda.

C. 2023-2025 Three-Year Strategic Plan

See above.

III. ACTION ITEMS

A. Appointment of One Commissioner to Vacancy in the Third and Sixth Judicial Districts

A vacancy existed in the Third and Sixth Judicial Districts due to Rosenda Chavez-Lara appointment to a judgeship. Two members applied for the vacancy, and letters of interest from Chrystian J. Gonzalez and Jannette Mondragón were included in the materials. Following a vote by secret ballot, Chrystian J. Gonzalez was appointed to the Board through the end of the year.

B. Appointment of Commissioner Director to NM State Bar Foundation Board

A vacancy existed on the NM State Bar Foundation Board due to Rosenda Chavez-Lara's appointment to a judgeship. President Brooks requested a volunteer to serve on the Board, and Commissioner FitzPatrick volunteered. Commissioner Block-Chavez made a motion to appoint Commissioner FitzPatrick to the Bar Foundation Board; the motion was seconded and it passed.

C. Appointment of BBC Liaison to Supreme Court's UJI – Civil Committee

Andréa Salazar was appointed liaison to the Supreme Court's UJI – Civil Committee; however, her schedule conflicted with the meeting schedule. President Brooks requested a volunteer to serve on the committee. Commissioner Serafimova volunteered to serve as the interim liaison until the Board votes on a permanent liaison at the May meeting. Commissioner Garcia made a motion to appoint Commissioner Serafimova as the interim liaison to the UJI – Civil Committee and vote on a liaison at the May meeting; the motion was seconded and it passed.

D. Contribution / Donation Request for Meryl Sutton to Attend the Equal Justice Conference

A request was received from Meryl Sutton to assist with her expenses for the Equal Justice Conference in the amount of $1,000. Executive Director Spinello stated that the Member Services Committee discussed this last year when it recommended sunsetting the Legal Services and Programs Committee and decided to discuss it with the ATJ Commission regarding putting a process in place to request funding for this conference. In the meantime, these requests can come through our policy, and this request is consistent with our policy. Commissioner Sawyer made a motion to approve the request in the amount of $1,000; the motion was seconded and it passed.

D. Committee on Diversity in the Legal Profession Request to Add a Co-Chair and to Appoint Kristin Love and Helen Padilla as Co-Chairs

President Brooks reported that she is currently serving on the Committee on Diversity. At the end of 2023, the Board put policies into place with a provision that co-chairs can be created upon the showing of good cause. Helen Padilla stepped into the chair role when Denise Chanez and Leon Howard stepped down. It's a very busy, working committee and historically the committee has had co-chairs, and Ms. Padilla needs assistance chairing it this year. Commissioner Seiler made a motion to approve the request; the motion was seconded. Commissioner Block-Chavez spoke against having co-chairs and stated that just being a busy committee isn't good cause. Commissioner FitzPatrick stated that he didn't think good cause has been shown in this case and suggested adding language upon approval by the Board. Following discussion and a vote, the motion passed. Executive Director Spinello stated that the Member Services Committee is going to review the policies again once they've been in place for a year. Commissioner FitzPatrick made a motion to take the good cause language back to the Member Services Committee; the motion was seconded and it passed.

IV. COMMITTEE REPORTS

A. Executive Committee Report

President Brooks reported that the Executive Committee met on February 18 to review and approve the agenda for this meeting. She also reported that we will be hosting the Jackrabbit Bar Conference in New Mexico next year.

B. Policy and Bylaws Committee Report

Chair FitzPatrick reported that the definition or statement of diversity was discussed by the Board two meetings ago and sent to the Policy and Bylaws Committee and the Committee on Diversity in the Legal Profession along with diversity statements from other bar associations. The Committee on Diversity met and submitted a draft statement, and the Policy and Bylaws Committee had a thoughtful discussion and made some suggested edits to the statement, both of which were included in the materials. Since then, the Supreme Court issued a statement on diversity, so the Board will be discussing this further at the Strategic Planning Retreat in May.

C. Annual Awards Committee Report

In the absence of Annual Awards Committee Chair Mitch Mender, Commissioner Atkins reported that the committee met on February 24 and reviewed the awards criteria and amended the language in the notice and Jotform platform to request additional information and examples be provided to assist the committee with its review of the nominations.

V. INFORMATIONAL ITEMS

A. Report / Update on the Judicial Wellness Program (JWELL)

Judicial Wellness Program (JWELL) Manager Sandra Engel attended the meeting to report on and provide an update on the program which started in August 2020 in response to an ABA Survey that asked about stressors. Isolation and burnout were the top two and decision making, so they decided to separate the Lawyers Assistance Program from JWELL. Professional Programs Director Pam Moore noted that they get about a 50 percent open rate on their eblasts, and the roadshows are also very well received from the judges in the state.

B. President Report

President Brooks reported on the following:

1. She and President-Elect Block-Chavez attended the Midyear Meeting in Phoenix last month. The topic of the conference was the Executive Order targeting bar associations. One of the breakout sessions was on public statements, which was useful in drafting our statement. She attended lawyer licensure and rule of law programs, and they hosted the NM delegation breakfast.

2. She was a panelist at the Black Law Student Association's Black History Month Event and did an interview on Black History Month with KOB-TV.

3. She serves on the ATJ Portal Workgroup. Law Help NM is the website where different legal information is available to the public; civil legal services used to be in charge of this website and her understanding is that they're no longer maintaining it. They have five workgroups, and she's on the trust and intermediary team, which will be compiling a report for the Court. Executive Director Spinello is on the structural workgroup.

4. She attended the state of the judiciary at which Chief Justice Thomson addressed the legislature.

5. There will be a Leadership Summit on May 2 at the State Bar, which will bring together leaders from voluntary bar associations. They will also be offering it as a hybrid, so she encouraged commissioners to attend.

6. There will be a Staff Appreciation Event / Brunch at the Bar on July 10, and commissioners will be making the food for the brunch. There will also be a showing of the Annual Meeting keynote speaker movie “Just Mercy” for staff that day, and the Board is also invited to that.

7. She provided an update on the litigation.

8. The Annual Meeting is scheduled for July 31-Aug. 2 at Sandia Resort and Casino. We’ve been marketing the keynote speaker Bryan Stevenson, and she met with Laura Bassein on the breakout sessions. We have a BBC Annual Meeting Committee that met last year, and we will be scheduling another meeting of the committee soon.

C. NM State Bar Foundation President Report

NM State Bar Foundation President Stefanie Davis reported that the Bar Foundation Board met on February 24, and the Board will be doing a Strategic Planning Retreat on April 24. They were excited with the success of last year’s golf tournament and are looking forward to continuing their fundraising efforts through the golf tournament and other events this year. They’re also looking at creating a fellows program for past donors and leaders in the community to contribute on an ongoing basis to the Foundation. They just hired a development director who is starting on March 5 and will assist the Board raise its profile and do fundraising events to continue the great work of the Foundation.

D. Executive Director Report

Executive Director Spinello reported that his report was in the materials. He added that Justice Vargas indicated that the Court was interested in forming a commission to explore alternative pathways to the Bar Exam, and they invited him to serve on it. They had their first meeting and everything is on the table; they’re looking at an alternative pathway to the bar exam to become an attorney in NM, and they’re looking at several other states that have similar programs.

E. State Bar Representative Reports

1. Senior Lawyers Division

SLD Delegate Dan Behles wasn’t able to attend the meeting, so SLD Chair Jocelyn Torres submitted the Division’s January meeting minutes for the Board’s information.

2. Young Lawyers Division

YLD Chair Lauren Riley submitted a written report, which was included in the materials. They had mock interviews in January and a Wills for Heroes event two weeks ago, and she gave a shout out to Commissioner Lutz for his assistance with the Wills for Heroes event.

3. Paralegal Division

Paralegal Division Chair Meryl Sutton wasn’t able to attend the meeting, but submitted a written report, which was included in the materials.

4. District Bar Events

Commissioner Atkins reported that they are having a pro bono event in Chapparal, and the Third Judicial District is assisting them.

Commissioner Flores thanked President Brooks for agreeing to come to Las Cruces on March 21.

5. Bar Commissioner Districts Reports / Supreme Court Board and Committee Liaison Reports

No reports were provided.

VI. OTHER BUSINESS

A. New Business

Commissioner Block-Chavez reported on the Committee on Women's request that the Board establish the Justice Pamela B. Minzner Outstanding Women's Advocacy Award. The committee had given the award for many years, but with the new policy, committees cannot give out their own awards. It's an award that looks back to the previous calendar year and is for recipients who advocated for women's rights. Commissioner Atkins made a motion to approve the creation of the award; the motion was seconded and it passed.

B. Adjourn

There being no new business, Commissioner Atkins made a motion to adjourn the meeting at 3:37 p.m.; the motion was seconded and it passed.