BOARD OF BAR COMMISSIONERS
MAY 16-17, 2025 MEETING MINUTES
Hotel Encanto, Las Cruces, NM
In Person and Zoom

MEMBERS PRESENT:

Erin M. Atkins
Allison H. Block-Chavez
Aja N. Brooks
Sean M. FitzPatrick
Connie J. Flores
Tomas J. Garcia
Chrystian Gonzalez
David P. Lutz
Mitchell L. Mender
Jessica A. Perez
Brett Phelps
Lauren Riley
Andréa Salazar
Joseph F. Sawyer
Steven S. Scholl
Lucy H. Sinkular
Elizabeth J. Travis

MEMBERS ABSENT:

Daniel J. Behles
Parker B. Folse
Dylan O'Reilly
Olga Serafimova
Simone M. Seiler
Meryl Sutton

OTHERS PRESENT:

Laura Bassein
Kris Becker
Judge Carl J. Butkus
Andrew Cloutier
Stefanie Davis
Jerry Dixon
Dr. Everette Hill
Bill Kramer
Kim McNulty
Jerry Miller
Pam Moore
Stormy Ralstin
Richard Spinello
Celeste Valencia
Stephanie Wagner

I. CALL TO ORDER

A. Approval of March 7, 2025 Meeting Minutes

Commissioner Block-Chavez made a motion to approve the March 7, 2025 Meeting Minutes; the motion was seconded and it passed.

II. ACTION ITEMS

A. Appointment to Civil Legal Services Commission

One vacancy existed on the Civil Legal Services Commission. A letter of interest was received from Judge Donna Connolly who currently chairs the ATJ Fund Grant Commission. Commissioner Atkins made a motion to appoint Donna Connolly to the Civil Legal Services Commission for a three-year term; the motion was seconded and it passed.

B. Appointment of Young Lawyer Delegate to ABA House of Delegates

One vacancy existed on the ABA House of Delegates for the Young Lawyer Delegate. A letter of interest was received from MarlaRose Gridley. Commissioner Atkins made a motion to appoint MarlaRose Gridley as the Young Lawyer Delegate to the ABA House of Delegates for a two-year term; the motion was seconded and it passed.

C. Member Services Committee Report and Recommendation re: Standing Committee Policies

Member Services Committee Chair Liz Travis reported that the Board asked the committee to look at the Committees Policy regarding committee chairs and the good cause language. The committee met and recommended amending the language "upon a showing of good cause" to "upon request." Commissioner Travis made a motion out of the committee to approve the recommendation, and the motion passed.

D. Committee on Women and the Legal Profession Request to Add a Co-Chair to the Committee and Appoint Patricia Galindo as Co-Chair

Commissioner Block-Chavez spoke about the need for co-chairs for the Committee on Women and the Legal Profession, and she requested that the Board approve appointing Patricia Galindo as co-chair. Commissioner Block-Chavez made a motion to approve Patricia Galindo as the co-chair of the committee; the motion was seconded and it passed.

E. Funding Request from Youth & Government, YMCA of Central NM for National Judicial Competition

The YMCA of Central NM Youth & Government requested a contribution of $1,000 to assist with funding for 13 students to attend the National Judicial Competition. Commissioner Scholl made a motion to approve the funding request in the amount of $1,000; the motion was seconded and it passed.

F. Finance Committee Report and Acceptance of January, February and March 2025 Financials

Chair Sinkular introduced the new Director of Finance Kim McNulty. The Finance Committee met the day before the Board meeting and reviewed the January, February and March 2025 Financials, which were prepared in part by the outsourced CPA and completed by Director of Finance McNulty.

Executive Director Spinello reviewed the highlights. He noted that on the Statement of Financial position, there is a due to the Judicial Clerkship Program. We budgeted $30,000 for that program; there was a request from the Court to increase the stipend amount and number of stipends, and he worked with the Court to secure the additional funds needed from the ATJ Fund. There was a transfer of $100,000 from the ATJ Fund to cover a five-year period with an additional $20,000 per year, the program will now be funded at $50,000 per year (the original $30k plus the additional $20k). On the Statement of Activities, the licensing season is almost complete. We collected 99 percent of the active licensing fees and 95 percent of the inactive licensing fees. Late fees are at $200,000 and we're continuing to collect those, so there should be a surplus in that line item. There were 1,204 members who were late for licensing, MCLE or both, and 136 members' names were sent to the Court for non-compliance, of which 33 were non-compliant for the EIJ credit. Chair Sinkular made a motion out of the committee to accept the January, February and March 2025 Financials, and the motion passed.

The 2025 recurring ACH payments document was completed and included in the materials. The Finance Committee reviewed the payments and recommended approval. Chair Sinkular made a motion out of committee to approve the recommendation, and the motion passed.

Executive Director Spinello reported that the audit is underway. It's typically completed in May but had to be pushed back. The Finance Committee and Bar Foundation Board will be meeting on July 30 during the Annual Meeting, so we'll schedule a joint Audit Committee meeting and presentation by the auditors that day.

Executive Director Spinello reported that the Board of Bar Examiners (BBE) presented a check in the amount of $100,000 to the State Bar Lawyer Assistance Program (LAP), in recognition of the work done by the LAP for the BBE. This was the first allocation from the BBE to the LAP. A thank you letter signed by President Brooks will be sent to the BBE.

III. <u>STRATEGIC PLANNING</u>

A. Discussion Topics / Rule of Law and Equity and Inclusion

President Brooks reported that there were two strategic planning issues that the Board discussed at previous meetings regarding its role in Rule 24-101. The two topic areas were: 1) the rule of law and, 2) equity and inclusion. Reference materials on those two issues were provided for the Board's information.

1. Rule of Law

President Brooks stated that the more difficult part of our role is educating the membership about their role in the rule of law and educating the public about the rule of law.

Executive Director Spinello stated that we have always looked at this as an education piece, and there's an opportunity for the Bar to have a role in educating the public and the members by reengaging and reemphasizing to the members what it means to take the attorney oath. He's hoping that at the end of the retreat we'll have some elements of education for both adults and children, and that may be something in which the Bar Foundation may be able to assist. The State Bar's current strategic plan references organizing our efforts as it relates to our responsibilities concerning the public, but we haven't tackled that part yet. President Brooks stated that she hopes to have a collaborative effort with the Bar Foundation in achieving this. Commissioner Travis asked about having a Supreme Court justice swear-in the members again during the Annual Meeting.

Commissioner Sinkular reported that the rule of law was a big topic at the Western States Bar Conference and suggested developing some age or education appropriate presentations on rule of law for adults and children. We do have a responsibility with the public and a canned program would be much easier to teach. The Board discussed creating a citizens law school which the Oklahoma Bar does, and assistance from MMH and the sections and committees in developing videos to educate members and the public, developing positive messages about the good that attorneys are doing, and reinstituting Constitution Day.

YLD Chair Riley reported that the YLD has been working on and has had discussions about how to reinstitute Constitution Day, but they're concerned about what they would say without having an intro video or a curriculum. Commissioner Travis suggested reaching out to each of the districts to assist with the curriculum. Commissioner FitzPatrick suggested creating a committee to direct the Constitution Day project, and he volunteered to serve on it. Commissioner Scholl stated that he used to volunteer for that program, but it was discontinued due to Covid, so we just need to review and update the previous materials and resources. The YLD used to coordinate it with their members in reaching out to the schools in the districts. Following discussion, Commissioner FitzPatrick made a motion to create a special committee to address the rule of law, and it can include members and non-members; the motion was seconded. Following discussion and a vote, the motion passed.

Executive Director Spinello noted that there have been discussions about having members voluntarily retake the oath, and there was a law day project regarding this. At the Annual Meeting this year, we're working on opening-up the meeting with the attorney oath. He asked for the scope of the special committee to go a little further; he doesn't see in the rule a direct charge that the State Bar is responsible for defending or educating on the rule of law, and he would like to see a discussion on our role in that and possibly a rule change to expand on that. The committee should also address attacks on the judiciary and a PR campaign to educate the public about the good work attorneys are doing.

2. Equity and Inclusion

President Brooks reported that this topic stemmed from the Board's discussions of whether the language "be cognizant" in the rule needed to be strengthened. Additionally, a member complained about the Jaramillo Clerkship Program, and one of the things that came out of that discussion was whether there was a need for a definition of diversity. The Policy and Bylaws Committee requested input from the Committee on Diversity, and they developed a draft statement on diversity, which the Policy and Bylaws Committee edited, and both were included in the materials. President Brooks stated that the thought was that this would be our response if someone were to ask about our position. Executive Director Spinello stated that it's also to direct our in-house attorney with the Bar's efforts and help guide the program on equity and inclusion going forward.

The Board discussed whether to have a definition or a statement and to also consider potential litigation. The Wisconsin Bar was sued and had to change their definition of diversity. President Brooks stated that we were very thoughtful when we discussed this, and the statement is very broad. The key is to make it broad enough but not too specific to invite a complaint or challenge.

Commissioner Block-Chavez requested an amendment to the statement to remove the references to the ABA and to Rule 18-201 NMRA. Commissioner Atkins made a motion to approve the edited diversity statement by the Policy and Bylaws Committee with the removal of the references to the ABA and Rule 18-201 NMRA; the motion was seconded. Following discussion and a vote, the motion passed. Commissioner Atkins made a motion to notify the Committee on Diversity and the Committee on Women that the Diversity Statement was approved; the motion was seconded and it passed.

President Brooks stated that part of her concern when looking at the rule was the "be cognizant" language, and she had a conversation with Torri Jacobus about changing the wording, which would require a rule change. Tackling a rule change and inviting comment from the members at this time might not be the right time, and there needs to be some more thought put into it; to be cognizant means to be aware, and a better verb other than just knowing about it should be considered. There was consensus of the Board not to do anything with the wording at this time.

B. Executive Session

The Board went into Executive Session to discuss a personnel issue.

C. Strategic Planning Session

President Brooks welcomed and introduced Dr. Everette Hill, the facilitator for the strategic planning session. Dr. Hill reviewed the results of the survey sent to the Board prior to the retreat and provided an overview of the planning process. The Board and staff broke into workgroups to answer the question of what's the most important piece of work that needs to be done in each area identified in the survey and developed goals, objectives, action plans and timelines for the next three years. Following the retreat, Dr. Hill will compile the groups' work into a report with all of the information presented. The draft report will be sent to the Board and staff to ensure it accurately captures everything. Once the review is complete, he'll put it in final form, and the Board will vote on it at their next meeting in July.

D. New Business

Executive Director Spinello reported that the legal service providers had requested $2.8 million in the proposals submitted in response to the ATJ Grant Fund RFP. The Board previously approved distributing $1.8 million in grants for 2025. He indicated that each year the Commission has traditionally asked for an additional small amount of money to make their deliberations complete, and since this is the first year the Board has set the amount, he asked if the Board would permit him to increase the amount of money distributed if requested by the Commission. Commissioner Atkins made a motion to authorize Executive Director Spinello to increase the grant amount for the legal service providers up to $2 million; the motion was seconded. Following discussion and a vote, the motion passed.

E. Adjourn

There being further new business, the meeting was adjourned.