

**BOARD OF BAR COMMISSIONERS  
February 7, 2020 MEETING MINUTES  
State Bar Center, Albuquerque, NM**

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| <b>MEMBERS PRESENT:</b> | Erin M. Atkins<br>Allison Block-Chavez<br>Aja N. Brooks<br>Daniel J. Behles<br>Ernestina R. Cruz<br>Gerald G. Dixon<br>Judge Kevin L. Fitzwater (ret.)<br>Connie J. Flores<br>Parker B. Folse<br>Tomas J. Garcia | Yolanda K. Hernandez<br>Jared G. Kallunki (phone)<br>David P. Lutz<br>Carla C. Martinez<br>Clara Moran<br>Joseph F. Sawyer (phone)<br>Donald C. Schutte<br>Benjamin I. Sherman<br>Lucy H. Sinkular<br>Carolyn A. Wolf |
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| <b>MEMBERS ABSENT:</b> | Constance G. Tatham<br>Elizabeth J. Travis |
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| <b>STAFF PRESENT:</b> | Kris Becker<br>Evann Laird<br>Pam Moore<br>Chris Morganti | David Powell<br>Stormy Ralstin<br>Richard Spinello |
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| <b>OTHERS PRESENT:</b> | Senior Justice Barbara J. Vigil |
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**I. CALL TO ORDER**

**A. Welcome and Introductions**

President Cruz welcomed the new commissioners to the Board and introductions were made.

**B. Approval of December 11, 2019 Meeting Minutes**

Commissioner Sherman made a motion to approve the December 11, 2019 meeting minutes as submitted; the motion was seconded and the motion passed.

**C. Swearing-in of New Commissioners**

New Mexico Supreme Court Senior Justice Barbara J. Vigil attended the meeting to conduct the swearing-in of the new and re-elected commissioners as follows:

Tomas J. Garcia, First Bar Commissioner District  
Lucy H. Sinkular, First Bar Commissioner District  
Donald C. Schutte, Fifth Bar Commissioner District  
Connie J. Flores, Seventh Bar Commissioner District  
Yolanda K. Hernandez, 2020 Paralegal Division Liaison  
Allison Block Chavez, Young Lawyers Division Chair  
Daniel J. Behles, 2020 Senior Lawyers Division Delegate

## **II. STRATEGIC PLANNING**

### **A. Review of Three-Year Strategic Plan**

Executive Director Richard Spinello reported that the Strategic Plan will become a tracking document in order to track our progress.

### **B. Association Management Software Recommendation**

Director of Finance David Powell provided the highlights of the process for recommending the new association management software vendor and the features of the recommended system, Euclid Technology. He noted that support is a big part of this new system and is critical to its success. Minimum customization will be needed and functionality was one of the main reasons that Euclid was recommended. The implementation cost is \$150,000 which is a one-time fee and some training is included in the implementation and some training is included in the subscription costs. The ongoing costs of the top three vendors were similar and Euclid was in the middle at \$70,000, which is the same amount that we pay for our current software vendor. Commissioner Sinkular made a motion to adopt the recommendation and proceed with Euclid; the motion was seconded and it passed.

## **III. ACTION ITEMS**

### **A. Report to the NM Supreme Court of the Ad Hoc Licensed Legal Technicians Workgroup**

Executive Director Richard Spinello reported that the Licensed Legal Technicians Workgroup presented four recommendations to the Supreme Court, which adopted all of the recommendations as follows. The Court is creating further task forces and committees to implement the recommendations.

1. Recruit qualified attorneys to New Mexico targeting rural areas with UBE transfers.
2. Implement a court navigators program.
3. Implement a rural law opportunity program.
4. Further study regarding licensing non-lawyers to perform limited legal work.

The Court requested a Board member to serve on a committee to implement recommendations 1 and 3 and Commissioner Sawyer, who is the chair of the Statewide/Rural Outreach Committee, will serve on the Rural Law committee. The Court has also appointed President Cruz to the LLT Committee. Commissioner Brooks made a motion to send recommendations 1 and 3 to the Statewide/Rural Outreach Committee; President Cruz requested a friendly amendment to send all four recommendations to the committee; the amendment was accepted. The motion was seconded and it passed with the amendment.

## **IV. COMMITTEE REPORTS**

### **A. Finance Committee Report**

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

1. Approved the December 11, 2019 Meeting Minutes;
2. Reviewed the 2019 Year-End State Bar Financials; Secretary-Treasurer Wolf made a motion to accept the 2019 Year-End financials and the motion passed; Commissioner Martinez inquired about the possibility of establishing a reserve fund for Bar Center repairs and improvements, and during subsequent discussion it was noted that a reserve policy was drafted several years ago, but it was never approved by the Board; Director of Finance David Powell stated that a Bar Center Reserve would be characterized as Board Designated Net Assets in the financials and that establishing a long-term capital outlay

plan is a common method used to establish a reserve; the issue was referred to the Bar Center Committee;

3. First Meeting Requirements
  - a. Reviewed the Finance Committee Policy and Mission;
  - b. Reviewed and approved the annual recurring electronic payments schedule;
  - c. Recommended approval of an intercompany payment in the amount of \$90,500 from the NM State Bar Foundation to the State Bar for the shared costs of the organizations; Secretary-Treasurer Wolf made a motion to approve the intercompany payment and the motion passed.
4. Received a donation request from the Cottonwood Classical Preparatory School for their We the People Team to travel to Washington, D.C. for the nationals and recommended a donation of \$1,000; Secretary-Treasurer Wolf made a motion to approve the donation and the motion passed;
5. Reviewed the Client Protection Fund, Access to Justice Fund and Judges and Lawyers Assistance Program 2019 Year-End financials;
6. Requested that the Board designate \$36,217.29 of net assets for the Legal Specialization Program start-up costs; Secretary-Treasurer Wolf made a motion to approve the request and the motion passed;
7. Recommended approval to update the signers on the State Bar Bank Accounts to remove Scotty Holloman and Wesley Pool, renew Commissioners Dixon and Martinez and Executive Director Richard Spinello, and add Commissioner Wolf; Secretary-Treasurer Wolf made a motion to approve updating the signers and the motion passed;
8. Provided an update on the 2020 Licensing; there are currently 408 active and 138 inactive attorneys outstanding as of February 4; the late fee applies at this time;
9. Reported that preliminary work on the audit has been completed and the auditors will be at the State Bar the last two weeks of this month conducting field work and will present the audit results at the April meeting; and
10. Director of Finance David Powell will be offering a training on understanding financials for any commissioners who are interested.

## **B. Executive Committee Report**

President Cruz reported on the following Executive Committee meetings:

1. The committee met on January 9 to review the opinion piece published in the Albuquerque Journal Business Outlook and discuss the Bar's response to the members showing the value of membership in the State Bar, which will be published in the *Bar Bulletin* and a copy sent to the writer.
2. The committee met again on January 29 to review and approve the meeting agendas.

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

Thirty days' notice of amendments to the State Bar Bylaws, Article IX, Section 9.1, Sections, was provided at the December meeting. Policy and Bylaws Committee Chair Ben Sherman made a motion to approve the amendments and the motion passed.

## **D. Regulatory Committee Report**

1. Legal Specialization Update

At the December meeting the Board requested the committee to explore the possibility of a second track without testing for more experienced members. The committee contacted the ABA and other states with Legal Specialization programs and none of the states that responded offer a completely test free track. They also met with several sections who had a generally positive response to the testing component. Additionally, a non-testing track to specialization exists for those who help create the test. Based on its research and analysis, the committee recommended

proceeding with the original proposed program to include testing. Commissioner Sinkular made a motion to approve the recommendation and the motion passed.

## 2. MCLE Update

As of this week, there are 1,045 attorneys who are non-compliant for MCLE. The committee is starting the process of aligning the MCLE and licensing compliance deadlines into one rule proposal to submit to the Supreme Court. A self-study rule has been sent to the Supreme Court that would allow the inclusion of other experiential learning with a few dedicated agencies, including the NM Medical Review Commission.

### **E. Wellness Committee Report / Creation of Standing Committee**

Chair Carla Martinez reported that the Wellness Committee is comprised of a diverse group of members based on geographics, practice area and type. The committee met in January and determined that having the judiciary's support is critical to launching a wellness program, so Senior Justice Barbara Vigil and Judge Henry Alaniz were invited to join the committee, as well as Bill Slease with the Disciplinary Board, the BBE and the UNM School of Law, to broaden the scope of the committee. The committee will be conducting a needs assessment of the membership. She noted that the committee was formed as an internal committee, but since it now includes external members, it needs to be a standing committee. Commissioner Sinkular made a motion for the committee to be a standing committee; the motion was seconded and it passed.

### **F. Insurance Review Committee Report**

Judge Fitzwater and Commissioner Lutz reported that the Insurance Review Committee met to review the policies and coverages for the State Bar and the Bar Foundation. The general sense is that the current insurance and coverage is more than adequate. The committee had some questions for the broker and will meet with him next month prior to the policies being renewed.

## **IV. INFORMATIONAL ITEMS**

### **A. President Report**

President Cruz reported on the following:

1. The Supreme Court approved the Judicial Clerkship Program which was modeled after the Arturo Jaramillo Clerkship Program. Commissioner Block-Chavez was instrumental in developing the program and putting together the materials. There are nine applications for six positions, and President Cruz reported that she is working on fundraising for the program, which is for 2Ls. There will be a boot camp for post-graduation clerkships and they will recruit mentors for post graduates.
2. Supreme Court Senior Justice Barbara Vigil requested more focus on ATJ, so an ATJ Day at the Legislature was held on January 23. Commissioner Block-Chavez was instrumental in setting up the function at the Legislature and writing the resolution that Representative Moe Maestas presented to the State Bar and ATJ Commission at the Roundhouse. She asked the Bar Center Committee to look at space in the Bar Center to establish some type of permanent recognition for ATJ.
3. The 2020 Board meeting dates are as follows: April 17 and 18, June 18 (Eldorado Hotel, Santa Fe, in conjunction with the Annual Meeting; the Finance Committee may meet on the 17<sup>th</sup>), September 25, and December 9 (Supreme Court, Santa Fe).
4. The rosters for the 2020 Board Internal Committees and the Liaisons to Supreme Court Boards, Committees, and Commissions were included in the materials.

5. She is working with Senior Justice Vigil on a luncheon for women judges on Friday of the Annual Meeting.
6. A Past Presidents' Special Committee was created and will be chaired by immediate Past President Jerry Dixon; he will be sending a letter out to the past presidents to try to schedule a meeting before the April meeting.
7. Justice David Thomson requested that Ian Bezpalko continue to serve as the State Bar's representative to the JIFFY Committee, which is the Court's Technology Committee, and his request was approved.
8. The president chairs the balancing committees of the Judicial Nominating Commissions; the committee meets and selects potential commissioners and then the president sends the list of commissioners to the law school to confirm the individuals. The commissions are sometimes difficult to balance and there are issues with the process, so she would like to meet with the law school to try to resolve some of the issues and improve the process.

**B. Executive Committee Items to be Decided Before April Meeting**

President Cruz reported that there are two items that will need to be decided before the April meeting, so the Executive Committee will be meeting on the following:

1. Bench and Bar Directory Proposals
2. Client Protection Fund Commission Appointment

**C. Executive Director Report**

Executive Director Richard Spinello's written report was distributed at the meeting. He highlighted a couple of items—the Bank of America settlement money is coming to an end in June, and the AOC has agreed to work with the State Bar to continue the foreclosure assistance, via a proposed funding request - SB 162 which was introduced by Gerald Ortiz Y Pino for \$2,300,000 for expenditure in fiscal year 2021. He also reported on the JLAP therapy dog that the State Bar will be getting in the spring. JLAP Director Pam Moore explained the differences between a service and a therapy dog and the benefits of a therapy dog.

**D. Sections and Committees Annual Reports**

Pursuant to the State Bar Bylaws, all standing committees and sections are required to present annual reports to the Board, and the reports are posted on the State Bar's Website. If a section or standing committee does not submit an annual report by December 31, it is placed on the sunset list for the following year. Several did not submit reports last year and staff will research it to see if it was consistent with previous years. The Criminal Law Section did not meet at all last year or submit an annual report, so staff will discuss and make a recommendation.

**E. BBC District Events**

Executive Director Richard Spinello reported that the 2020 Budget includes \$1,000 for each of the outlying bar commissioner districts to hold an event for members in their districts, and the Communications and Member Services Department is available to assist commissioners with the planning of their events.

**F. Bar Commissioner Divisions / Districts / Supreme Court Liaison Reports**

1. Senior Lawyers Division

SLD Delegate Dan Behles reported that the new rule no longer requires age and years of practice for membership in the Division; it now states 55 years of age or 25 years of practice. The

Division is going to create packets and recruit new members. Their biggest program is the Memorial Scholarship Program which provides scholarships to law students in memory of lawyers who have passed away. They have developed a script for the oral history project, and are developing a publication on how to retire from the practice of law. Commissioner Martinez requested that a member of the Senior Lawyers Division be appointed to serve on the Wellness Committee.

2. Young Lawyers Division

YLD Chair Allison Block-Chavez reported that the Division had lunch with the Supreme Court Justices in January and they meet with the Second Judicial District Court quarterly. They are holding a Wills for Heroes event the end of February in Las Cruces and will be holding one in Carlsbad. They created a student loan forgiveness program committee and Lindsey Cutler will chair the committee. They are holding the Law Day Call-in on April 25 with centers in Farmington and Roswell.

3. Paralegal Division

Paralegal Division Chair Yolanda Hernandez reported that the Division is celebrating its 25<sup>th</sup> anniversary this year. They are holding a Law Day CLE on April 25, a CLE program on September 26 and their Annual Institute on December 4. The Division continues to support local pro bono events such as Wills for Heroes.

4. Bar Commissioner Districts

Commissioner Brooks reported that there will be a Law-la-Palooza event on February 27 at the Cesar Chavez Community Center.

5. Supreme Court Board, Committee, Commission Liaison Reports

Liaisons were just appointed for 2020 and most of the boards, committees and commissions haven't met yet.

## **VI. OTHER BUSINESS**

### **A. New Business**

1. Commissioner Block-Chavez requested an update on the member services plan since Stephanie Wagner's departure from the State Bar. Executive Director Richard Spinello reported that Evann Laird has been promoted to the Director of Communications and Member Services and is in the process of hiring another coordinator in addition to Morgan Pettit. They conducted a section chair orientation in January and the first SCD Digest highlighting the activities of sections, committees and divisions went out in January and is planned for quarterly. The department is committed to continuing the SCD Marketing plan.
2. General Counsel Stormy Ralstin provided an update on the Solo and Small Firm Section's request to become a division. The subcommittee offered to meet with the section last year, but the section wasn't prepared to meet before the end of the year. The section is prepared to meet now and has invited the subcommittee to attend their March 17<sup>th</sup> meeting.

### **B. Adjourn**

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