

**BOARD OF BAR COMMISSIONERS
SEPTEMBER 24, 2020 MEETING MINUTES
Virtual Meeting via Go to Meeting**

MEMBERS PRESENT:

Erin M. Atkins	Yolanda K. Hernandez
Allison Block-Chavez	David P. Lutz
Aja N. Brooks	Carla C. Martinez
Daniel J. Behles	Mitchell Mender
Ernestina R. Cruz	Joseph F. Sawyer
Gerald G. Dixon	Benjamin I. Sherman
Michael Eshleman	Lucy H. Sinkular
Judge Kevin L. Fitzwater (ret.)	Constance G. Tatham
Connie J. Flores	Elizabeth J. Travis
Parker B. Folse	Carolyn A. Wolf
Tomas J. Garcia	

MEMBERS ABSENT: None

OTHERS PRESENT:

Jeff Albright	Pam Moore
Kris Becker	Rebecca Mulcahy
Ian Bezpalko	David Powell
Denise Chanez	Stormy Ralstin
Leon Howard	Richard Spinello
Evann Laird	

I. CALL TO ORDER

A. Approval of June 19, 2020 Meeting Minutes

Commissioner Sinkular made a motion to approve the June 19, 2020 Meeting Minutes as submitted; the motion was seconded and it passed.

B. Approval of July 27, 2020 Special Meeting Minutes

Commissioner Wolf made a motion to approve the July 19, 2020 Special Meeting Minutes as submitted; the motion was seconded and it passed. Commissioner Martinez abstained from the motion since she was not in attendance.

II. STRATEGIC PLANNING

A. 2021 Proposed State Bar Budget Presentation

The 2021 Proposed Budgets for the State Bar, Senior Lawyers Division and Young Lawyers Division were included in the materials. Secretary-Treasurer Wolf reported that the Finance Committee reviewed and recommended approval of the State Bar Budget and made a motion to approve the 2021 Budget with one small change to the YLD Budget regarding the line items to increase the amount of the judicial clerkships by \$1,000 and take the \$1,000 from the travel budget. She noted that revenues are under from the previous year, but expenses will be offset by COVID-19 as well.

Executive Director Richard Spinello reported that it is a fairly standard budget this year and there are no major issues to discuss. The Budget is a \$60,000 deficit budget due to the two Board designated net assets. Director of Finance David Powell highlighted the changes from 2020 to 2021; he noted a change to line 32 for the commissioner district annual events; all districts receive \$1,000 to coordinate an annual event in their district and there are eight districts, not seven, so the total needs to be increased by \$1,000; the increase will come from member services and outreach on line 52. When we took over the Legal Specialization Program, we

received \$30,000 for that program and the Board approved making it a Board designated net asset for the new Legal Specialization Program. We are expecting to have start-up costs in 2021 and are proposing that we use \$30,000 of the Board designated net assets for that program. The Board also designated net assets for the database infrastructure upgrade, and we are expecting some final completion costs in 2021 and are proposing that we use Board designated net assets of \$30,000 for the completion of that project. Following a vote, the motion passed.

B. Intercompany Discussion

Executive Director Richard Spinello reported on the proposed intercompany five-year repayment plan that was included in the materials. The Bar Foundation Board tabled the discussion and decided to have the new Board discuss it next year. When we looked at the intercompany debt and the current plan and how it had evolved from 2016, it became clear that while we are keeping the intercompany amount about the same and the Bar Foundation is paying its current expenses and getting a portion of the that forgiven over time, we are not really attacking the million dollars that had built up between 2013 and 2016. The proposed new plan is for the State Bar to forgive an additional significant amount of the debt over a period of time, so that would allow the Bar Foundation to start paying down the principal of the million dollars.

President Cruz reported for those who were not in attendance at Bar Foundation meeting, her concern is related to the free CLE and the fact that staff is going to be bringing a proposal for the reimbursement of the free CLE by the State Bar to the Foundation. We do not have a sense of what the total amount is at play and what the reimbursement will be at this time but should have a better understanding once we receive the proposal from staff at the December meeting. The Bar Foundation Board determined that the new Bar Foundation Board should decide the issue, and while we do not necessarily want to burden the new Board with this debt, it seemed like they should be the ones to decide how to handle it. Commissioner Behles noted that we also do not want to burden the Foundation with a million-dollar debt to pay off when they are just starting out and doing fundraising. It would enhance the fundraising efforts of the Foundation if we could forgive the debt over a period of time in whatever amount we can legitimately forgive without impacting the Bar's ability to fund its other programs. Commissioner Martinez stated she has concerns about committing both boards in lieu of COVID to the five-year plan, so she would like to see several different options.

President Cruz stated that we need to get a handle on the intercompany debt and be very proactive in putting together options for consideration by the Foundation Board, so that the new Foundation Board can hit the ground running in terms of reviewing the proposed options and plans with us. We will be better positioned in early 2021. Director of Finance David Powell stated that staff was requested by the Foundation Board to develop some different options to present to the Foundation Board, and those same options will be presented to the BBC. Some of those options will be based on different repayment terms, so that we are not locking into five years, and also change the forgiveness and repayment amount.

C. Communications Plan Update

Director of Communications and Member Services Director Evann Laird reported on the following:

1. Elevator Pitches

In follow up from the Strategic Planning Retreat last fall, the Board had asked for assistance in communicating with constituents, so she developed elevator pitches to answer questions that Board members might receive; they will be seasonal and the ones for this meeting were mostly on leadership and the elections, as well as the diversity and wellness initiatives. For the December meeting, they will be on regulatory licensing updates as well as the value of bar membership. She also reported that a new person was hired in the Communications Department who will be responsible for digital marketing to include email marketing, social media and website maintenance.

2. Logos

The discussion of a new logo for the State Bar came about as part of the discussion for the new AMS. Rebranding is a huge undertaking and very costly, so we thought this would be an opportunity to have a new logo with the AMS and new website. Our internal graphic designer came up with various ideas, and we looked at other bar association logos to see what the themes and trends were, and a lot of

other bar associations had columns or scales. They narrowed them down to two, which were included in the materials. President Cruz reported that there was a discussion of the logos during the Executive Committee meeting and the committee's feedback was that they wanted other proposed logos.

Suggestions from the Board included adding the words "established in" before 1886, capitalizing or mixed caps and small caps in the State Bar of New Mexico, changing the scales and the color, removing the columns, and keeping it New Mexico centric. Director of Communications and Member Services Evann Laird stated that if we do not move forward with one of the proposed options, we would need to contract with an outside design firm and the cost would be at least \$20,000 to \$30,000. This is an opportunity to change the logo with the AMS and roll out of the new website. We could tweak them in some way and present options for refreshing our current logo but keeping a lot of the design characteristics.

Commissioner Atkins stated that we do not know what is going to happen with COVID this fall and made a motion to table the discussion to the spring; the motion was seconded. President Cruz clarified that there is going to be a lot of effort put into the redesign and staff's recommendation is a good one to do it now, because if it will be expensive to do later. Commissioner Atkins amended her motion to keep the old logo at this time and allow staff to present some minor changes to it, such as color, and the amendment was accepted. Commissioner Sinkular stated that she is against the motion because if there is any possibility for staff to handle this without the expense of an outside firm she would like to give staff the freedom to come up with some additional options. President Cruz asked for a friendly amendment to the motion and have staff rework the existing logo and come up with some additional proposed logo designs in light of the feedback they have received, and the amendment was accepted. If none of the options are accepted at that time, then the Board would need to decide if it wants to budget for it next year for 2022.

Commissioner Atkins restated the motion to stay with the current logo and staff will bring us some new updates and versions of the current outline for the December meeting and not spend any money for an outside contractor, and if it needs to be approved sooner, authorize the Executive Committee to make the decision, and the motion was seconded. Following a vote, the motion passed. President Cruz asked for the proposed revisions to be circulated via email and then have members provide their feedback, so that any adjustments can be made prior to the December meeting.

D. Strategic Plan Timeline

Executive Director Richard Spinello reported that there were not any updates to the current strategic plan timeline document included in the materials. There was one follow up item regarding the redistricting and how we're going to handle the upcoming election. The redistricting maps and a document outlining the election notice and options were included in the materials. The proposed revisions to the redistricting rules were sent to the Court, but we have not received notice of their approval at this time. Pursuant to our bylaws, notice of the vacant seats needs to be provided to the membership by September 30, so we need to determine how to proceed with the upcoming board elections. General Counsel Stormy Ralstin reported on the options. Pursuant to a question as to whether we can suspend our bylaws, the bylaws require that we notice the members, not that we have to accept nominations for all of the positions.

Following a recess, Executive Director Richard Spinello reported that we have an indication from the Clerk's office that the proposed redistricting rules have been approved by the Court and they will be in place on January 1, so we should move forward and if that changes, they will let us know. We will get confirmation of the Court's decision before the 30th, but we won't receive any more information today.

Commissioner Sinkular made a motion to provide notice of only the open positions and attach the draft rule, and in the event that we learn otherwise from the Court, then the Board would authorize the Executive Committee to take the appropriate action necessary for the election; the motion was seconded and it passed.

III. ACTION ITEMS

A. **Executive Session**

Commissioner Sinkular made a motion to go into executive session; the motion was seconded and it passed.

B. **Annual Review of Sections and Committees**

Pursuant to Article IX, Section 9.4, of the State Bar Bylaws, all sections and committees are scheduled for review every five years and may petition the Board to continue the section or committee. Additionally, pursuant to Section 9.3, sections and committees are required to submit an annual report by December 31 or they will be placed on the sunset list for review the following year. The following sections and committees were scheduled for sunset this year or did not submit an annual report for 2019:

1. Bankruptcy Law Section
2. Elder Law Section
3. Ethics Advisory Committee
4. Family Law Section
5. Natural Resources, Environmental and Energy Law Section
6. Prosecutors Section
7. Public Law Section
8. Solo and Small Firm Section
9. Trial Practice Section

Director of Communications and Member Services Evann went through the list of which sections were up for review and which ones were on the list for not submitting their annual reports. All of the sections and committees that submitted reports are active, with the exception of the Trial Practice Section, and staff have been working with the section and will let the Board know if they continue to have issues. Commissioner Wolf made a motion to continue all of the above sections and committees for an additional five years; the motion was seconded and it passed.

IV. COMMITTEE REPORTS

A. **Executive Director Evaluation and Compensation Committee Report**

President Cruz reported that there are two policies related to the Executive Director evaluation and compensation process. Pursuant to those policies, the president of the State Bar is to assemble an evaluation and compensation committee no later than the second quarter of the year and that was accomplished in June. The committee was comprised of the president, president-elect, immediate past president and two non-officer Board members, and the members, in addition to President Cruz, are Commissioners Martinez, Dixon, Brooks and Folse. The committee is required to evaluate the executive director no later than the third quarter, and that process has been completed. She outlined the process and reported that the committee voted on recommendations regarding the evaluation process, which were reported to and approved by the full board during the executive session. In connection with the compensation process, the committee reviewed comparable salaries from other bar associations and the National Association of Bar Executives (NABE) salary survey and will provide a recommendation regarding the executive director compensation to the Board for approval at the December meeting.

B. **Committee on Diversity in the Legal Profession Report on the Status of Minority Attorneys in New Mexico**

President Cruz reported that the Committee on Women and the Legal Profession met with the Supreme Court in August and the Committee on Diversity in the Legal Profession met with the Court the day prior to the Board meeting to present their reports. We informed the Court that the Board would be reviewing the reports and recommendations more thoroughly, and the committees will be presenting the results at a CLE in October.

Committee on Diversity in the Legal Profession Co-Chairs Denise Chanez and Leon Howard attended the meeting to report on the fourth decennial report, the first of which was done in 1988. They noted that the report

is dedicated to former committee member Raymond Hamilton who passed away last year. The survey was sent out to all members and focus groups were conducted, both in person and virtually. They also gathered statistical data from various groups, including the AOC, the Disciplinary Board, UNM Law School, the BBE, and the State Bar. The response rate to the survey was 15.5 percent, which exceeded their expectations. The version in the materials is 95 percent complete because some of the data is still being analyzed. The full report and presentation by Gabe Sanchez with American Decisions will take place on October 30.

Ms. Chanez noted that the Committee on Women and the Legal Profession prepared their own report and it covers gender, which the Supreme Court requested, so the Diversity Committee deferred to that committee and their report is the comprehensive report on gender issues. The Committee on Diversity report focused on women of color because they felt that was an important piece of the diversity report. One of the things that the report will conclude is that there were substantial strides towards diversity in the New Mexico judiciary over the last 10 years, but the bar passage rates for UNM have declined in the last 10 years.

Co-Chair Leon Howard reported on the recommendations included in the report, which were broken down into three categories—fighting discrimination and increasing awareness, increasing diversity, and fostering inclusivity, and they included a fourth category of administrative recommendations. One of the recommendations is a supplemental report to look at a few issues—women attorneys of color, LGBTQ and intersectionality attorneys who experience greater obstacles and discrimination. Another recommendation is for the State Bar to create a position dedicated to diversity efforts. He noted that the committee's role has expanded over the last 10 years and since the last survey, the committee has taken on several other programs and the work continues to grow. They are concerned about the continuity of the committee and the recommendations being carried out, so it would be helpful to have someone who is completely devoted to these efforts.

Commissioner Garcia asked whether the data included in the report for the bar passage rates is just related to UNM graduates. Ms. Chanez stated that is correct but that only pertains to the passage rates since that's what the previous reports focused on. The other sections include non-UNM graduates and they have the data, so it could be easily included.

C. Committee on Women and the Legal Profession Gender Diversity Report and Executive Summary

Committee on Women and the Legal Profession Co-Chair Jeff Albright and committee member Rebecca Mulcahy attended the meeting to report on the Gender Diversity Report. Mr. Albright chairs the committee with Patty Galindo. He has been on the committee for over 20 years and has been co-chair two or three times. The subcommittee met several times and worked diligently on the recommendations, which were presented by Judge Fashing to the Supreme Court. Ms. Mulcahy reported that some of the recommendations are immediate and some are to be worked on in the coming year. One of their goals is to create an action plan on their recommendations for the following year. They are hoping to coordinate with Gabe Sanchez at American Decisions to have additional focus groups to delve into some of the areas that they didn't have time for earlier in the year. Their recommendations are divided into four categories—1) challenges with personal and professional obligations, which include best practice recommendations for private practice as well as government, sandwich generation issues and they would like to do an additional focus group in this area this year; 2) gender and racial bias and discrimination; 3) mentorship and leadership opportunities; and 4) barriers to employment opportunities.

They are considering an article for the Bar Bulletin to write up the historical perspective; there was an executive summary that reviewed what Judge Singleton put together 30 years ago and provided the five-year update afterward. They're committed to the report not taking another 30 years to implement the recommendations. Judge Fashing is committed to taking the lead on the training of judges and staff.

President Cruz noted that the Board approved a change to the title of the Wellness Committee to the Well-Being Committee which Commissioner Carla Martinez chairs, and we would welcome a member of the Committee on Women and the Committee on Diversity on that committee. Commissioner Martinez asked about the Diversity Committee's recommendation to create a staff position at the State Bar on diversity. Mr. Albright stated that it is a great idea, and he thinks having a dedicated person focused on this would be an asset to the State Bar and the committees.

Commissioners Behles asked if we want to approve a preliminary report of the Diversity Committee if the report is going to change. President Cruz stated that they are just waiting on some additional data from the AOC, but the recommendations are final, and they need the Board's approval at this time because they will be presenting the report at their annual CLE.

Commissioner Sinkular made a motion to accept the Committee on Diversity in the Legal Profession report as presented and the motion was seconded. Commissioner Travis asked what it means that the Board accepts the report and whether the Board is agreeing to implement all of the recommendations. Executive Director Richard Spinello clarified that the Board can accept the report, but due to the scope of the recommendations, it would be impossible to approve all of them at this time, since some have money attached to them, some are long-term, and some are going to be required to go through committees. By accepting the report in general, that will allow us to move forward and delve into the recommendations and determine how we're going to move forward. This is the first step in the collaborative effort with the committees. Commissioner Fitzwater, BBC Parliamentarian, clarified that accepting the report is just accepting the committee's work and then the Board can take it and consider it. Following a vote, the motion passed.

Commissioner Sinkular made a motion to accept the report of the Committee on Women and the Legal Profession; the motion was seconded and it passed. The next steps are for staff to look at the recommendations and determine the assignments to the respective committees, so that we can start implementing the recommendations.

D. Finance Committee Report

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

1. Approved the June 19, 2020 Meeting Minutes;
2. Reviewed and recommended approval of the 2021 Proposed State Bar Budget, which was approved in Agenda Item II, Strategic Planning;
3. Recommended acceptance of August 2020 State Bar Financials; Secretary-Treasurer Wolf made a motion to accept the financials and the motion passed;
4. Recommended approval of a request to pursue a new corporate credit card with no fees or interest since it will be paid in full every month; the process will be simpler to add and remove people to the card and it would be in the corporation name, and not personally guaranteed by the individual cardholders; Secretary-Treasurer Wolf made a motion to approve the request and the motion passed;
5. Recommended approval of a request from staff for a blanket carry forward of the sections' dues from this year to next year due to COVID and the sections not being able to hold activities this year, and the committee approved the request for this year only; Secretary-Treasurer Wolf made a motion to approve the request and the motion passed; and
6. Reviewed the Client Protection Fund, Access to Justice and the Judges and Lawyers Assistance Program Second Quarter 2020 Financials, which were provided for informational purposes only.

E. Executive Committee Report

President Cruz reported that the committee met on September 14 to review the agenda and discuss the proposal regarding the intercompany plan. There was no formal action taken by the committee at that meeting.

F. Policy and Bylaws Committee Report and Recommendations

Policy and Bylaws Committee Chair Ben Sherman reported on the following:

1. Revision to Section Bylaws Template

The committee recommended an amendment to the Section Bylaws template, which was previously approved by the Board, to Section 1.2, Purpose, to change from promoting the objectives of the State Bar to the objectives of the section. Chair Sherman made a motion to approve the amendment, and the motion passed.

2. Revisions to Section Bylaws

The committee reviewed and recommended approval of 17 sections' bylaws, which were included in the materials. The purpose and composition provisions were tailored to each particular section. Chair Sherman made a motion out of the committee for a blanket approval of all of the sections' bylaws, and the motion passed.

3. Revisions to State Bar Bylaws

Chair Sherman went through the changes to the bylaws, most of which came from the redistricting rule changes. One additional change needs to be made in Section 4.4e to reflect that out-of-state members shall vote for the out-of-state district commissioner, rather than in the First Bar Commissioner District. Commissioner Behles noted that the language in the rule states address of record, rather than principal place of practice, so those need to be consistent. Executive Director Richard Spinello noted that is a new term, and the bylaws predate that language.

Regarding the amendment to Section 5.2 regarding the election of the officers, language was added for the President-Elect to become President in the following year. President Cruz asked whether the amendment is still inconsistent with Rule 24-101 and there is potential for a conflict where the president is not properly elected. Chair Sherman stated that because the rule defers to the bylaws, they felt that provision satisfies the conflict. Executive Director Richard Spinello noted that we are trying prevent a contested election for president, so that when the officer reaches the president-elect position and we have invested the amount of time and expense to get the officers through the officer track, we do not want to lose that officer in a contested election. President Cruz asked whether we want to also prevent a contested election for President-Elect. Chair Sherman stated that committee only addressed the election of the president, but if the Board decides that they want the Secretary-Treasurer to be the only elected position, then the committee can look at that as well. Commissioner Atkins stated that there could be an issue where there is an officer that may not be the best lineage for the Bar and asked if there is a removal provision in in the bylaws in case they are not fulfilling their duties. Executive Director Richard Spinello stated we do have a removal provision and the only position that our current bylaws protect is the president, so in order to protect the Secretary-Treasurer or President-Elect, then the Policy and Bylaws Committee would need to take that up at a future meeting. Following discussion, President Cruz recommended having the committee flesh the issues out a little more and come back to the Board in the future, but this amendment could be voted on at this time.

Chair Sherman made a motion out of committee to adopt all of the revisions to the State Bar Bylaws, consistent with the Rule amendments, and with the additional amendment to Section 4.4e, with the exception of Article VI, Section 1, regarding the President of the Bar Foundation to be part of the State Bar Executive Committee which will be voted on separately, and the motion passed.

Chair Sherman asked for discussion on Article VI, Section 6.1, regarding the proposed language for the President of the Bar Foundation to serve on the Executive Committee of the State Bar. Chair Sherman noted that the Foundation Board made the qualification that the State Bar President would be a non-voting member of the Foundation Executive Committee, so that might be something that the Board wants to consider should the Board decide that the Foundation President serve on the Executive Committee.

Following discussion and arguments for and against having the President of the Bar Foundation on the Executive Committee of the State Bar, Commissioner Sinkular made a motion to adopt Section 6.1 as modified, and add that the President of the NM State Bar Foundation shall be a non-voting member of the Executive Committee and may be excluded from deliberation as may be needed at the discretion of the president, and the motion was seconded. Following a vote, the motion failed.

4. Reserve Fund

The Board tasked the committee with developing a reserve policy for two purposes, one for a general rainy-day fund for an unforeseen financial crisis and the other for building improvements and equipment, and not to include a dollar amount. The committee reviewed a draft reserve policy from

2005 that was never adopted by the Board, as well as reserve policies of other state bars, and the committee determined that the policy from 2005 was the most comprehensive. The committee will have the proposed policy for the Board's consideration at the December meeting for use during next year's budgeting cycle.

G. Regulatory Committee Report

Regulatory Committee Chair Travis reported on the following:

1. Licensing Renewal Streamlining

Executive Director Richard Spinello and General Counsel Stormy Ralstin met with the Court to discuss a joint project with the Court to streamline MCLE requirements with licensing; currently, there are two sets of deadlines and fees and they discussed merging them. The proposed merger of MCLE with the licensing deadlines requires a couple of rules to be changed and the goal would be to have the rule revisions finalized by February or March of next year, so that the rule changes could be published and the new process would be effective in 2022. General Counsel Stormy Ralstin outlined the changes to the rules to align both the deadlines and the fee structure. She noted that there are other rules that will need to be modified as well, including the section on withdrawal. Commissioner Travis made a motion out of the committee to authorize the staff to work on this joint project with the Court, and the motion passed.

2. Update on Self-Study Rule

The Board was approached by the NM Medical Review Committee last year to approve self-study credit for participation on commissions. Amendments were made to Rule 18-201 NMRA, which were included in the materials, and the rule was published for comment. The comments received requested clarification and more specificity. General Counsel Stormy Ralstin stated that we had intentionally left it vague because we weren't sure exactly what was going to apply. The Court asked us to look at it and build in more about the process and provide examples of what was likely to be approved. Those changes have been made and are back with the Court, and they informed us that they would try to have them approved by the end of the year.

3. Update on Legal Specialization Commission / Appointment of Commission Members

The deadline for applications for the Legal Specialization Commission was September 14, and seven applications were received, which is the number specified for the Commission composition. She and staff reviewed the applicants and recommended appointing all of them. Commissioner Travis made a motion to appoint all seven applicants to the Commission by acclamation, and the motion passed. The Commission will discuss whether attorneys who have a certain set of very prestigious qualifications would be required to take the test in New Mexico to be certified.

H. Member Services Committee Report

Commissioner Atkins reported that the committee met and had a brainstorming meeting. They reviewed the Strategic Plan and are trying to come up with ways to address some of the goals, including engaging members through social media and structuring opportunities for members. The committee is trying to figure out how to show the value of membership in the State Bar and came up with a roadmap of all the ways that members can get involved. They are also looking at virtual options and would like to create an app, which is a long-term goal because of the cost.

I. Special Committee on Sections Report

Special Committee on Sections Chair Sinkular reported that the committee was created to learn from the section leadership and members how the State Bar can meet their needs and assist them in meeting their members' needs. The committee met on September 2 and will be conducting roundtables with the section chairs. The committee will reconvene in November and they hope to be able to provide some recommendations for the Board's consideration in December. When the work of the special committee is concluded, it will fold over into the work of the Member Services Committee, so that they can continue to improve upon things at that point.

President Cruz reported that during the Executive Committee meeting, she mentioned a concern she had with the number of members on the Committee on Women and the Legal Profession, which is close to 100, and the difficulties that come into play when you have committees of that size. So, the Executive Committee would like the Special Committee on Sections to look at the larger committees to ensure that they are running efficiently and have a good number of participants but not something as astronomical as 100 members.

J. Wellness Committee Report

The report on the activities of the Wellness Committee was included in the materials. Chair Martinez reported that the committee hadn't met since March 6, and the focus at that point was to create a survey to determine the needs of our members to decide how we were going to roll out programs. Then COVID hit and the committee met in July and decided not to move forward with the survey and to start instituting some things right away with regard to COVID. They formed three subcommittees focused on short term, long term and the judiciary. They have added members to the committee and have representation from the judiciary, the law school, the regulatory agencies—the Disciplinary Board, the Board of Bar Examiners, and the Judicial Standards Commission, as well as JLAP and the Board of Bar Commissioners and have diversity amongst geography and practice. Once the subcommittees have all met, they'll schedule another meeting of the full committee. They will be discussing ideas of what they can do on a monthly basis and are launching a wellness web page on the State Bar's website.

JLAP Director Pam Moore is chairing the long-term subcommittee and the focus is more on why we created the Wellness Committee in New Mexico and looking at the overall health of the legal community, what is the issue and what we need to do to get to the solution. One of the things they talked about is creating a culture change in New Mexico when it comes to well-being, which is what the ABA CoLAP and the National Well-Being Task Force has engaged in for the last couple of years, to see how we can make it a healthier profession and what we need to do in New Mexico to make the long-term systemic changes. Sixty percent of our members are solo and small firm practitioners, so they are really taking a look at that group to see what we can do to make it a healthier legal community.

She also reported on the Judicial Wellness Subcommittee, which has met a few times and added participants, including a magistrate judge and representatives from the AOC and the JEC. She and Senior Justice Vigil will be making a presentation to the Supreme Court on October 14 regarding what they would like to put in place for the New Mexico judiciary, including meditation and a weekly email to judges. They've also started doing judicial roundtables and contacted other states with judicial wellness programs on how to create a stand-alone judicial wellness program. New York does articles that are specific to judges, which they will be repackaging for New Mexico, and they will be sent out to all of the judiciary starting in November with the first one on mindfulness.

JLAP is going to be offering some information via articles and a podcast on suicide this month. There have been several suicides of lawyers and judges this year, and she reached out to a local suicide expert in the community, who is known worldwide and she will be doing a podcast with him that will come out in October on self-harm.

Chair Martinez stated that when the Board approved the creation of the committee, it was called the Wellness Committee, but it seems more encompassing for the committee to be called the Well-Being Committee and requested that the name be changed. President Cruz noted that these committees are called Well-Being Committees on the national level. Commissioner Sinkular made a motion to change the name of the committee to the Well-Being Committee; the motion was seconded and it passed.

V. INFORMATIONAL ITEMS

A. Association Management Software Update

Director of Finance David Powell reported that we have made good progress since contracting with Euclid. The implementation started in June and we have completed the first and second phases of the project, which are the business systems evaluation and design, and we're now in the middle of the third phase, which is the data migration. Once that's complete, the next steps are training, testing, a full data pull, and then administrator

training. Once testing is finished and the final data pull is complete, we'll be on schedule for the new system to be online in late January or early February.

B. President Report

President Cruz reported on the following:

1. NCBP Virtual Annual Meeting

The NCBP Annual Meeting was held virtually at the end of August, and Commissioners Martinez, Wolf and Sherman participated. The programming was very helpful to bar leaders. She serves on the NCBP Program Committee, and the Midyear Meeting in February will be held virtually as well.

2. Annual Meeting and Member Appreciation Event

The Annual Meeting and Member Appreciation Event will be held the following day. A letter was included in the materials from award recipient Deborah Dungan who retired from the Supreme Court thanking the Board for recognizing her with the Professionalism Award. President Cruz went through the schedule and noted that she and Chief Justice Vigil will be providing live opening remarks and the first program is also live, and the rest of the programming was pre-recorded.

3. Bar Exam Webinar Letter to Bar Applicants

President Cruz, President-Elect Martinez and YLD Chair Block-Chavez prepared a letter that the BBE sent out to the bar applicants regarding a bar exam webinar to inform the applicants of the resources available through the State Bar.

4. Judicial Clerkship Program

The interview process was completed on September 12 and there are eight applicants. Several judges and all five Supreme Court justices have indicated an interest in participating in the program. Once we hear back from the tax accountant as to whether we can accept donations through the Bar Foundation, she will begin fundraising for the program.

5. Other – Bar Exam Update

President Cruz, Commissioner Sherman and Executive Director Richard Spinello sat on a task force regarding alternative ways to be able to practice in case the bar exam was not able to be administered due to COVID. The bar exam was administered on September 19 and Board of Bar Examiners Executive Director Sophie Martin reported that there were remarkably few issues, and they are starting to plan for administering the exam in 2021.

C. President-Elect Report

President-Elect Martinez reported on the following:

1. 2021 BBC Meeting Dates—February 5; April 16 (Audit); June 9-10 (Finance and BBC; Annual Meeting 10-12, Eldorado Hotel, Santa Fe); September 10 (Budget); December 8 or 9 (TBD by the Supreme Court)
2. There will be a 2021 Executive Committee Strategic Planning Session on November 20, and she will be working with staff on the agenda.

D. Executive Director Report

Executive Director Richard Spinello's written report was included in the materials. He noted that Bill Slease is leaving the Disciplinary Board as Chief Disciplinary Counsel, and the State Bar hired him to assist with the Professional Practice Program and he will start on January 4.

E. State Bar Representative Reports

1. Senior Lawyers Division

Senior Lawyers Division Delegate Dan Behles reported that the Division won't be able to spend all of their money this year due to COVID. Their largest budget item is for the law student scholarships in memory of deceased members, which will be awarded at a virtual ceremony on November 17.

2. Young Lawyers Division

Young Lawyers Division Chair Allison Block-Chavez reported that they're working to make most of their programs virtual; they've done lunches with judges, Fit to Practice, and Constitution Day, and the Mentorship Program is also going virtual. The Division is also finalizing plans for their Ask-a-Lawyer Call-in Program in October.

3. Paralegal Division

Paralegal Division Chair Yolanda Hernandez reported that the Division currently has 127 active and 11 inactive members, and the Division held its annual meeting and board meeting virtually on September 19. The Division will be sponsoring a CLE on Trial Preparation which will provide three hours of credit free of charge, and they provided all of their members with gift cards in lieu of the canceled 25th Anniversary dinner.

4. Bar Commissioner Districts

President Cruz reported on upcoming judicial vacancies, and she is going to be trying to organize a virtual CLE in her district.

5. Supreme Court Board, Committee, Commission and Liaison Reports

- a. Commissioner Sawyer reported that he was appointed to the Supreme Court's Ad Hoc Committee for Attorney Recruitment and Retention, which is looking at three options for attracting attorneys to work in rural areas in New Mexico. The options include a UBE transfer program, a loan forgiveness program and a rural law opportunity program. He was appointed to the UBE Transfer Subcommittee, and they are looking at doing a low-cost survey to attorneys in rural areas to see why they chose to come back or to go to a rural area and use that information to try to recruit attorneys to come to those rural areas.

He also reported that he will be scheduling another meeting of the Statewide/Rural Outreach Committee to report on the Ad Hoc Committee's initiatives and to continue the progress and discussions from their first meeting. Commissioner Martinez stated that having sat on the Board of Bar Examiners and having some perspective of discussions about district attorney's offices in the rural areas, she would be happy to be involved in those discussions with the committee.

- b. Commissioner Travis reported that the Disciplinary Board is having extra meetings because the Chief Disciplinary Counsel is leaving. For the first couple of months, they had a lot of complaints and it's now back down to a normal number; they haven't issued a report for this quarter yet, but she expects to receive it in October and will provide it for the December meeting materials.

6. ABA House of Delegates Report

The ABA House of Delegates representative was not in attendance, so there was no report.

VI. OTHER BUSINESS

A. New Business

B. Adjourn

There being no new business, Commissioner Dixon made a motion to adjourn the meeting at 4:50 p.m.; the motion was seconded and it passed.