

**BOARD OF BAR COMMISSIONERS
OCTOBER 24, 2025 MEETING MINUTES
State Bar Center, Albuquerque, NM
In Person and Zoom**

MEMBERS PRESENT:

Erin M. Atkins	Jessica A. Perez
Daniel J. Behles	Lauren Riley
Aja N. Brooks	Joseph F. Sawyer
Sean M. FitzPatrick	Steven S. Scholl
Parker B. Folse	Simone M. Seiler
Tomas J. Garcia	Lucy H. Sinkular
Chrystian Gonzalez	Meryl Sutton
David P. Lutz	Elizabeth J. Travis
Dylan O'Reilly	

MEMBERS ABSENT:

Allison Block-Chavez
Connie Flores
Mitchell L. Mender
Brett Phelps
Andréa Salazar
Olga Serafimova

OTHERS PRESENT:

Laura Bassein	Jerry Miller
Kris Becker	Pam Moore
Judge Carl J. Butkus	Stormy Ralstin
Stefanie Davis	Richard Spinello
Bill Kramer	Justice Julie J. Vargas

I. CALL TO ORDER

A. Approval of July 31, 2025 Meeting Minutes

Commissioner Sawyer made a motion to approve the July 31, 2025 Meeting Minutes; the motion was seconded and it passed.

II. STRATEGIC PLANNING

A. Review Rule 24-101(A) NMRA, Rules Governing the NM Bar, Objective #6, Encourage and Assist in the Delivery of Legal Services to all in need of those services

President Brooks reported that the Board completed its review of objectives 1-5 of the rule and will be tackling the remainder of the objectives starting with #6, and she asked for input from the Board. Commissioner Atkins stated that the Board honed in on this objective during strategic planning, and the use of AI to help the public was made a big part of the Strategic Plan for the next three years. She also noted that Justice Vargas will be speaking with the Board about alternative pathways which also plays into this objective. Pro Bono is also an area that we can focus on; around 50 percent of our members aren't doing it, so she would like to see us to do a push for the importance of providing pro bono. Paralegal Division Liaison Meryl Sutton stated that NM Legal Aid is sending specific cases out, and they have a pool of attorneys that take cases. Rural practitioners have enough difficulty that they don't want to burden them with taking on cases. Their challenge is trying to find ways to make pro bono more accessible. NM Legal Aid is discussing using their grant money to buy laptops for the

self-help centers in courthouses to try to be more accessible. There was a question about liability insurance, and General Counsel Ralstin replied that the State Bar has a liability policy that covers volunteer attorneys participating in State Bar events. Commissioner Atkins suggested letting members know that the State Bar has insurance to cover them for this work.

Commissioner Seiler stated that it would be nice to have legal answers for people who need help in different areas; we might get more participation if people can jump in and do something when they have time. Commissioner Behles stated that a lot of pro bono funding comes from the government, so how do we comply with our DEI obligation without risking our funding. Meryl Sutton stated that NM Legal Aid has been pressured to scale back on DEI. President Brooks asked for more discussion on this objective at the December meeting and for commissioners to think about more ways to expand our service.

A. Strategic Planning Committee Report re: 2026-2028 Three-Year Strategic Plan

Strategic Planning Committee Chair Block-Chavez was unable to attend the Board meeting, so President Brooks reported on this item. The plan was provided to the Board at the July meeting, but due to time constraints, the Board didn't have a chance to discuss it and appointed a special committee to review the plan. The committee met on September 23 to look at all the parts of the plan and realized that the AI section was missing, so that section will be integrated into the plan. The committee requested some edits to the plan and will be meeting again on November 18 to finalize it for the December meeting.

III. ACTION ITEMS

A. Executive Session

Commissioner Atkins made a motion to go into executive session and invited Bar Foundation Past President Judge Butkus to attend the session; the motion was seconded and it passed.

The Board adjourned the Executive Session for a presentation by Justice Vargas. Following the presentation, Commissioner Travis made a motion to go back into executive session; the motion was seconded and it passed.

B. 2026 BBC Officer Elections (Secretary-Treasurer and President-Elect)

At the July meeting, Commissioner Sinkular was nominated for the position of President-Elect, and Commissioner Garcia was nominated for the position of Secretary-Treasurer for 2026. No other nominations were received. Commissioner Behles made a motion to elect Commissioners Sinkular and Garcia by acclamation; the motion was seconded and it passed.

C. Service and Independent Contractor Agreements

President Brooks reported that this item came out of the Executive Committee meeting at which there was a conversation about our CFO and Executive Director Spinello's decision to contract with CLA for outsourced accounting services. The committee discussed whether contracts above \$30,000 need to be approved by the Board pursuant to our policy. Executive Director Spinello stated that in his view, there is a difference between the contracts that were discussed when we set that policy and when we are transitioning from a staff member to an outsourced contract, and he considered this to be under his purview. He discussed the timing that went into the decision to enter into the outsourced contract, which initiated with discussions with CLA after David Powell's passing. After several months, he determined that it wasn't working out with the in-house CFO, and he made the decision to move to an outsourced CFO and contracted with CLA. He added that the timing was affected by the concern that we will be bringing in a lot of revenue with licensing and CLE in the next few weeks, so this is an important time for the accounting department, and we were unable to catch-up with the accounting work and financial reporting.

The Executive Committee wanted to make sure we weren't in conflict with our financial policies and asked for the outsourced CFO contract to be provided to the Board. Executive Director Spinello mentioned that there are other contracts over \$30,000, including the Annual Meeting and janitorial contracts, as well as service contracts that could go over multiple years. Commissioner Sinkular made a motion to ratify the contracts included in the materials that have already been entered into and refer the contracting policy to the Policy and Bylaws Committee for review and a recommendation for any amendments, and the motion was seconded.

Commissioner Behles questioned whether the outsourced CFO will be ongoing. Executive Director Spinello stated that CLA will be at the State Bar for 30 days to assess everything. The initial assessment will cost approximately \$30,000, and then they'll determine what we'll need going forward and their fee will be approximately \$10,000 per month. The maximum estimated amount would be \$140,000, and it's a month-to-month contract with a 30-day cancellation for either party. Commissioner Behles asked if we're going to be over for accounting services for the year. Executive Director Spinello estimated that we'll be close to what we were paying the former CFO, but he did not have a full estimate of the costs. Following discussion, the motion passed.

D. 2026 Budget Presentation

Chair Sinkular reported that the Finance Committee received a detailed presentation on the 2026 Budget. YLD Chair Lauren Riley reported that the main modification from the division's budget from last year to this year was an additional \$3,000 for member outreach for a total of \$67,100.

Executive Director Spinello reviewed the 2026 Budget and went through the revenues and expenses. It's a \$4 million budget and it's balanced. He noted that the licensing went from \$2.1 to \$2.4 million, and he budgeted a 3 percent increase for next year. He noted that for Annual Meeting, we previously budgeted the same amount in revenues and expenses for a break-even. This year, there was a \$20,000 expense and he wants to get away from looking at Annual Meeting expenses over revenue as a loss and start budgeting an amount to support Annual Meeting, and he included \$25,000 in next year's budget. BBC travel and conferences was increased to \$60,000 next year. The Western States Bar Conference will be in Hawaii, and he would like to include Past Presidents Tina Cruz and Carla Martinez, since their years were disrupted and they were unable to do any travel. He reviewed the spreadsheet with the shared costs and in-kind support split between the State Bar and Bar Foundation based on ownership of the Bar Center Building. He reviewed the capital outlay projects budgeted for next year, including upgrades to the auditorium and security enhancements. Commissioner Behles reported that the SLD requested \$25,000 for their budget, which is the same amount as last year. Commissioner Sinkular made a motion out of the Finance Committee to accept the 2026 Budget, and the motion passed.

E. 2026 Proposed Standing Committees

Commissioner Sinkular made a motion to approve the 2026 standing committees; the motion was seconded and it passed.

F. One Appointment to the Access to Justice Fund Grant Commission

There was one vacancy on the Access to Justice Fund Grant Commission, and the following submitted letters of interest. The applications and a recommendation from the Commission were included in the materials.

1. Carter Beckworth
2. Chelsey E. Pelzman
3. Barbara Ryan
4. Jensen N. Wallace

Following a vote by secret ballot, Chelsey Pelzman was elected to the ATJ Fund Grant Commission for a three-year term.

G. Request from the Federalist Society for Accredited CLE Provider Status

A request was received from the Federalist Society to become an accredited CLE provider. General Counsel Ralstin reported that in order to apply for accredited provider status, they have to run courses through our MCLE for three years. They have done several programs through us and have completed all the requirements. Commissioner Garcia made a motion to approve the request; the motion was seconded and it passed.

IV. COMMITTEE REPORTS

A. Executive Committee Report

President Brooks reported on the following:

1. The Executive Committee approved via email a sponsorship in the amount of \$1,000 for the NM Women's Bar Association Annual Henrietta Pettijohn Awards Reception; and
2. The committee met on October 14 to approve the agenda for this meeting.

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 the day before the Board meeting, and Chair Sinkular reported on the following:

1. Approved the July 30, 2025 Meeting Minutes;
2. Reviewed the July and August 2025 Financials; Executive Director Spinello reviewed the August financials and noted that the balance sheet balances, and he provided some highlights in the revenues and expenses. There is a breakdown of the Annual Meeting revenue and expenses. Compensation is a little under, but some of that has been taken up with the outsourced CFO. Furniture & Equipment was over budget due to a software upgrade which resulted in the replacement of some computers. Commissioner Sinkular made a motion out of the Finance Committee to accept the July and August 2025 Financials, and the motion passed. There was a question about the CFO, and Executive Director Spinello's decision to contract with CLA; see discussion above under III.C.
3. The committee received a presentation on the 2026 Budget Presentation; see above under Strategic Planning.
4. Under new business, there was a discussion regarding sweep accounts for the Bank of Albuquerque account that holds the ATJ Grant Fund / IOLTA revenue; the information will be sent to the committee to review the information further.

C. Policy and Bylaws Committee Report

Policy and Bylaws Committee Chair FitzPatrick reported that the committee met on October 9 to discuss liaisons to Supreme Court Boards and Committees, and he presented the two motions from the committee. The first motion is to recommend to the Supreme Court for the Board to appoint a voting member on the Board of Bar Examiners who would also be authorized to serve as the liaison. Chair FitzPatrick made a motion out of the committee to approve the recommendation, and the motion passed. The second motion is to recommend to the Supreme Court to allow BBC liaisons to the Supreme Court boards and committees to vote and be included in all discussions and report information back to the BBC, as appropriate. Chair FitzPatrick made a motion out of the committee to approve the recommendation; following discussion and a vote, the motion passed.

V. INFORMATIONAL ITEMS

A. Supreme Court's Alternative Pathways Committee Presentation

Commissioner Brooks reported that she serves on the Supreme Court's Alternative Pathways Committee and welcomed Justice Vargas. Justice Vargas provided a presentation on alternative pathways and reported on the challenges facing the legal profession, including the inequity of licensure processes, spread of legal deserts, and misalignment of legal education, licensure and law practice. Twenty percent of the US population lives in rural areas and only two percent of small law practices are located in rural areas. New Mexico has at least three counties with no active attorneys. As of July, 13 states have enacted, or are considering, innovative pathways to licensure and others are exploring what may work for them. She reviewed the programs for Oregon, which has the largest program, South Dakota, and Utah. In New Mexico, the Supreme Court formed the Alternative Pathways Committee, and they have been asked to make a recommendation by next summer whether to adopt a program. They've obtained a grant from the National Center for State Courts to assist with the work, and the committee received input from the other states. The committee believes the Oregon model is the most appropriate for New Mexico. Even if the court adopts an alternative pathway, the bar exam will still be an option. The court is currently amending its CLE rules for lawyers practicing five years or less to require tracks on law office management and practical application of doctrinal law with other tracks to be developed.

B. BBC Election Update

President Brooks reported that there will be elections in the Second Judicial District and the Third and Sixth Judicial Districts. No nomination petitions were received for the Seventh and Thirteenth, Eleventh or Twelfth Judicial Districts, so a notice will be published for those vacancies, and the Board will make those appointments at the December meeting.

C. President Report

President Brooks reported on the following:

1. She attended the NCBP Annual Meeting in Toronto with Commissioner Block-Chavez.
2. She spoke at the New Admittee Swearing-in Ceremony in September.
3. She spoke at the 12th Judicial District Bar Conference.
4. She attended the 2025 NM State Bar Foundation Golf Classic which raised \$16,500 for the Foundation.
5. She attended the 2025 UNM Distinguished Achievement Awards Dinner, and YLD Chair Lauren Riley received the Alumni Promise Award. She thanked Commissioners Riley and Behles for coordinating and hosting the Fall Gathering Event.
6. Tomlin Matter update; she reported that the case was dismissed, and she sent thank you notes to Spencer Edelman and his associate.

D. Tentative 2026 BBC Meeting Schedule

The 2026 proposed Board meeting dates were included in the materials, and commissioners were asked to let staff know of any conflicts.

E. 2026 BBC Internal Committees

The current internal committees roster was included in the materials, and a sign-up sheet was distributed for commissioners to volunteer for the 2026 internal committees.

F. 2026 Supreme Court Board and Committee Liaisons

The current list of Supreme Court Board and Committee liaisons was included in the materials, and the list will be emailed following the meeting requesting volunteers to serve as liaisons to the boards and committees for 2026.

G. NM State Bar Foundation President Report

President Davis had to leave the meeting, so Judge Butkus reported on the Bar Foundation. He attended the National Conference of Bar Foundations with President Davis, Liz Travis and Laura Bassein, and the conference was beneficial. The Philadelphia Bar is starting a portal project, and they offered to assist us if the Foundation Board agrees to take on the project. They appointed two subcommittees for the portal project and for the Strategic Plan. Commissioner Travis reported that we haven't received any interest in the at-large position on the Bar Foundation Board, and she asked the Board to help spread the word about the position.

H. Executive Director Report

Executive Director Spinello's written report was included in the materials. In addition, he reported that he and General Counsel Ralstin attended a meeting with Justice Vargas and Justice Bacon to discuss the Bridge the Gap Program and the money from the Disciplinary Board to start this program and another amount that would go into the ATJ Fund. We also discussed the portal project in which Justice Bacon is involved. He also noted that he was appointed Chair of a subcommittee for the Alternative Pathways to Licensure, and their task is to send up the supervising attorney and host employer requirements to the court. He invited commissioners Scholl and Travis to join the subcommittee based on their comments during Justice Vargas' presentation.

I. State Bar Representative Reports

1. Senior Lawyers Division

SLD Delegate Behles reported that the Division's In Memoriam Reception will be held on November 18, which will be streamed on YouTube, and he provided a list of attorneys who will be memorialized at this year's ceremony. He noted the struggle of the division in finding family members of the deceased attorneys. They send invitations for the reception to the funeral home, but they don't always get them to the out-of-town family.

2. Young Lawyers Division

YLD Chair Riley reported that they had a networking event and there were over 70 new lawyers there. Upcoming events include an ABA free answers clinic, Wills for Heroes and a Veterans Legal Clinic. They're also having a holiday networking event in December with law students.

3. Paralegal Division

Paralegal Division Liaison Sutton reported that they just celebrated their 30th anniversary with about 35 paralegals in attendance. They will be participating in the upcoming Wills for Heroes and Veteran's Clinic. They had their final law la palooza with NM Legal Aid and served over 100 clients, and she thanked the commissioners who assisted with that event. She also reported that Founding Paralegal Division Member Peggy Jones passed away, and they're looking at planting a tree on the State Bar grounds in her memory. Commissioner Atkins made a motion to refer the request to the Bar Center Committee; the motion was seconded and it passed. Ellice Goldstein is the chair-elect and will be the Paralegal Division Liaison to the Board next year.

4. District Bar Events

Commissioner Atkins reported on the 12th Judicial District Conference; even though it was virtual, they had about 60 attendees, and President Brooks spoke at the conference. They have a pro bono event at the courthouse on November 8 and are having a Christmas party on December 6; she invited commissioners to attend, and she'll be using some of the district event funds for that event.

Commissioner Gonzalez spoke about events in the Third and Sixth Judicial Districts; they are having a Christmas party in conjunction with the Southern NM Bar Association and the Federal Bar.

Commissioner Travis reported that the First Judicial District is having an event on November 14 for which they're using some of the district funds.

Commissioner Sawyer reported that the Eleventh Judicial District held an event on August 22 for James Monroe who passed away, and they used some of the district funds for that. He will be presenting on bar initiatives for the Farmington Bar Association.

President Brooks reported that the Ninth Judicial District held their ask a lawyer event, and Commissioner Mender was unable to attend since he was sick and has been in the hospital.

5. Supreme Court Board and Committee Liaison Reports

Commissioner Atkins reported that the Children's Rules Committee appointed some working groups, and she is involved in the subcommittee working on forms for children involved in the foster care system.

President Brooks reported that she serves on the Code of Professional Conduct Committee, and they have had discussions about the recording of calls and other rules.

Commissioner Garcia reported that he serves on the Rules of Evidence Committee, which sent an annual report to the court, and he talked about the recommendations sent to the court.

6. ABA House of Delegates Annual Meeting Report

A report on the ABA House of Delegates Annual Meeting was included in the materials. There was a discussion regarding the study that the ABA conducted regarding bar exam passage rates, noting lower overall rates for certain minority groups, but higher rates for first-time test-takers. Legal Well Being Director Pam Moore talked about a bar exam coaching program, and more information will be provided on that program.

VI. OTHER BUSINESS

A. New Business

President Brooks reported that she received a letter from the Supreme Court asking for nominations to the Judicial Performance Evaluation Commission and asked commissioners to send her names of members who might be interested in serving.

There being no further new business, Commissioners Atkins made a motion to adjourn the meeting at 5:08 p.m.; the motion was seconded and it passed.