

**MEETING OF THE  
BOARD OF GOVERNORS  
OF THE  
STATE BAR OF ARIZONA  
Hybrid  
April 22, 2022  
Phoenix, AZ**

BOARD MEMBERS PRESENT: Jennifer Rebholz, President, Phoenix; Benjamin Taylor, Vice President, Phoenix; Sandra Bensley, Tucson; Hector Figueroa, Payson; Kelsi Lane, Phoenix; Robert McWhirter, Phoenix; Eric Ruchensky, Flagstaff; and Public Member Anna Thomasson, Paradise Valley.

BOARD MEMBERS ON ZOOM: Jessica Sanchez, President-Elect, Mesa; Ted Schmidt, Secretary-Treasurer, Tucson; Diandra Benally, Fountain Hills; Sharon Flack, Prescott; Leticia Marquez, Tucson; John Moody, Phoenix; D. Christopher Russell, Sierra Vista; President Gaya Shanmuganatha, Phoenix; Jimmie Dee Smith, Yuma; Public Members Robyn Austin, Tucson, and At-Large Member David Byers, Phoenix, Lori Higuera, Phoenix, and Board Advisor Denis Fitzgibbons, Casa Grande; Dean Marc Miller, UA Law School, Tucson.

EXCUSED ABSENCE: Jonathan Martone, Paradise Valley; David Rosenbaum, Phoenix; and Sam Saks, Tempe

UNEXCUSED ABSENCES: Mignonne Hollis, Sierra Vista and Doreen McPaul, Window Rock

STAFF/OTHERS PRESENT/ON ZOOM: Deanna Commack, Executive Assistant; Joel England, CEO/Executive Director; Kathy Gerhart, Chief Financial Officer; Joe Hengemuehler, Chief Communications Officer; Lori Maxwell, Chief Information Officer; Elena Nethers, Director of Diversity, Equity and Inclusion; Lisa Panahi, General Counsel; Patricia Seguin, Legal Services Manager; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel; Rachel Williams, Human Resources Director; Supreme Court Liaison Hon. William Montgomery, Leah Won, UA College of Law, Tucson; Victoria Ames on behalf of Interim Deans Chodorow and Kramer, ASU College of Law, Phoenix.

GUESTS: Janna Day and Michael Farrell

President Jennifer Rebholz called the hybrid Board Meeting to order at 8:42 a.m.

**Call to the Public** – Jennifer Rebholz

President Rebholz made a Call to the Public and hearing nothing, moved on to the next item on the agenda.

**President's Report** – Jennifer Rebholz

- Recognized two outgoing Board members who will be unable to attend the June Convention; presented special mementos to:
  - Gaya Shanmuganatha, YLD President

- Anna Thomasson, Public Governor since 2015; has been appointed to the Arizona Judicial Council so her involvement in the legal community will continue; thank you for opening your home to us and hosting our annual holiday party; your service on the HR committee brought a great public perspective
- Attended:
  - Western States Bar Conference March 30 to April 2
    - The State Bar of Arizona continues to set the bar high with respect to innovation and diversity
    - Several states have instituted Bar Leadership Institute programs modeled after ours
    - Hearing all the positive feedback on our organization made her very proud.
  - Appellate Investiture of Hon. Angela Paton on April 8
  - Virtual ABA Day
    - Thank you to Jessica Sanchez for stepping in and to Joel England and Joe Hengemuehler for handling and doing such a good job.
  - AAABA 2022 Annual Scholarship Awards & Installation Banquet
    - Amazing event with a large number of attendees; two judges honored
    - Judge Tang spoke regarding his immigrant story
    - The late Judge Rosa Mroz was honored; her husband spoke regarding how community and outreach were so important to her
    - Very moving event
- Convention
  - April 29, 2022 is the deadline to turn in hotel reservations and event forms
  - Convention registration is waived for Public and At-Large Governors
  - Check the Convention Policy in your materials
  - Board Meeting will begin at 8:00 a.m. on June 27, 2022
  - Make sure to request your complimentary luncheon tickets
  - Also make sure to place your order for a Convention polo

### **CEO's Report** – Joel England

- Also thanked Gaya Shanmuganatha and Anna Thomasson for their service on the Board
- Recognized the Employee of the Quarter Jim Lee, Senior Bar Counsel – he has been with the State Bar for 31 years.
- Staff Appreciation event and Town Hall was held on April 11 – after the Town Hall employees watched a movie together; thanked President-Elect Jessica Sanchez for attending.
- Attended Western States Bar Conference March 30 to April 2
- Engaged in search for consultant/expert to do a race and diversity study with regard to the lawyer discipline process.
- Virtual ABA Day
  - There are three legal aid agencies in Arizona and federal funding for the Legal Services Corporation is important for them to continue; Bar leaders and staff talk to congressional partners about the good work that the agencies do

- Discipline Oversight Committee: looked into the handling of a lawyer discipline matter; Committee Members were very satisfied with the information that was provided by staff; staff continues to do the right thing for the right reason.
- AAABA 2022 Annual Scholarship Awards & Installation Banquet
  - Great turnout and wonderful event

Agenda Items Taken Out of Order

**Appointments Committee** – Benjamin Taylor

- Board of Governors, Public Member Position – The following candidates were interviewed by the Board:
  - Ms. Teresa Welborn
  - Mr. Mike Baumstark
  - Mr. Cedric Dave

**Executive Session 9:57 a.m. – 10:22 a.m.:** Board Members met in executive session in person and via Zoom to discuss the public member candidates.

**MOTION:** Robert McWhirter moved, Hector Figueroa seconded, and the motion to accept the recommendations of the Appointments Committee carried by a vote of 13 to 6. The nominees will be submitted to the Supreme Court for its selection in the following ranked order: Mr. Cedric Dave, Ms. Teresa Welborn and Mr. Mike Baumstark.

- Board of Legal Specialization (BLS) – Lawyer and Public Members
  - Certified Specialist – two positions; recommended slate:
    - Ms. Wendi Sorensen
    - Mr. Stephen Weiss
    - Ms. Stephanie Ireland
    - Mr. James Cross

**MOTION:** Jessica Sanchez moved, Robert McWhirter seconded, and the motion to accept the recommendations of the Appointments Committee and send all four names as ranked to the Supreme Court for its consideration passed unanimously.

- Non-Specialist – one position; recommended slate:
  - Mr. DeVaughn Robinson
  - Ms. Cynthia Braun
  - Mr. Michael Goldberg

**MOTION:** Robert McWhirter moved, Ted Schmidt seconded, and the motion to accept the recommendations of the Appointments Committee and send all three names as ranked to the Supreme Court for its consideration passed unanimously.

- Public Member – one position
  - Mr. Cedric Dave
  - Ms. Teresa Welborn

**MOTION:** Robert McWhirter moved, Sharon Flack seconded, and the motion to accept the recommendations of the Appointments Committee and send the two names as ranked to the Supreme Court for consideration passed unanimously.

**Mark Harrison Memorial 10-Minute Topics** – Robert McWhirter  
*It's a Grand Ole Flag – Flags, Protest, and the First Amendment*

**Legislative Update** – Joel England

- Janna Day
  - Day 100 was on Tuesday; both chambers have to agree to extend; might be mid-May until sine die
  - Reminder that over the past many years all Bar-supported bills have passed unanimously; Bar entities work diligently to provide bills that are ready for Legislative action, e.g., LLC Act
- SB 1565: About making the Bar voluntary
  - Hasn't moved in a month
  - Has enough opponents that it probably won't move
- SB 1566: Regarding discipline
  - A little movement on this one – an amendment to remove damages portion and a few other tweaks were made
  - Continue to work with Democrats and a handful of Republicans that are opposed to both bills
- Jennifer Rebholz: Please let CEO England, Janna Day or her know if you speak to a lawmaker; it helps to coordinate the Bar's efforts.

**Awards Working Group** – Benjamin Taylor

The Working Group recommends that the following nominees be honored with the following awards at the June convention:

- a) Award of Appreciation (non-lawyer): Raising Special Kids
- b) Award of Special Merit: Know Your Rights Committee, Maricopa County Office of the Public Defender and Maricopa County Library District
- c) Diversity and Inclusion Leadership Award: Hon. Frankie Jones, Phoenix Municipal Court
- d) Hon. John R. Sticht Disability Achievement Award: Donna Powers, Arizona Center for Disability Law
- e) James A. Walsh Outstanding Jurist Award: Hon. Kyle Bryson, Arizona Superior Court in Pima County
- f) Mark I. Harrison Excellence in Mentorship Award: Cynthia Choate, Law Office of Choate and Wood
- g) Member of the Year Award: David Dodge, David D. Dodge, PLC
- h) Michael C. Cudahy Criminal Justice Award: Elizabeth Burton Ortiz, Arizona Prosecuting Attorneys Advisory Council

- i) Outstanding In-House Counsel of the Year Award: Mona M. Sone, Goodwill of Central and Northern Arizona and Goodwill of Monocacy Valley, Inc.
- j) Sharon A. Fullmer Legal Aid Attorney of the Year Award: Nina Targovnik, Community Legal Services
- k) Tom Karas Criminal Justice Award: Lori L. Voepel, Beus Gilbert McGroder

**MOTION:** Jessica Sanchez moved, John Moody seconded, to accept the recommendations of the Awards Working Group. Robert McWhirter proposed changing the Tom Karas Criminal Justice Award recommendation and present the award to a different recipient. After discussion, the Board voted unanimously to approve the Awards Working Group's recommended 2022 slate of annual award winners as presented.

**Certification of the 2022 Board of Governors Election Results** – Jennifer Rebholz  
Congratulations to the candidates who were elected.

**MOTION:** Robert McWhirter moved, Anna Thomasson seconded, to certify the 2022 Board election results. Motion passed unanimously with 3 abstentions.

**Rule 38 – Law School Professors** - Roberta Tepper

With regard to law professors previously certified under Rule 38 and who had their certification grandfathered in under the new version of Rule 38, their noncompliance with the requirement for annual fee payments for 2020 and 2021, and their noncompliance for the 2020-21, and 2021-22 CLE years, will be forgiven. They will have to pay annual fees for 2022, but the late fee will be waived. They will have to comply with the MCLE requirements starting with the 2022-23 CLE year.

**MOTION:** Sharon Flack moved, Robert McWhirter seconded, to accept the recommendation from the Executive Council. Motion passed unanimously.

**Consent Agenda** – Jennifer Rebholz

David K. Byers requested item (h) be removed from the Consent Agenda.

**MOTION:** Eric Ruchensky moved, Robert McWhirter seconded, and the motion to approve the Consent Agenda passed unanimously.

- a) Approval of March 25, 2022 Board Meeting Minutes
- b) Approval of Resignations in Good Standing
- c) Approval of Resignations in Lieu of Reinstatement
- d) Approval of Reinstatements of Members Suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)
- e) Fee Waiver Denials
- f) Proposed Comment to R-22-0006, Petition to Amend Rule 14, Ariz. R. Fam. L. P.
- g) Proposed Comment to R-22-0007, Petition to Amend Rule 77, Ariz. R. Fam. L. P. and Add New Rule 77.1

**Rules Review Committee** – Chris Russell

- Proposed Comment to R-21-0045, Petition to Amend Rules 16.3, 18.3, 18.4, 18.5, Ariz. R. Crim. P.; Rules 16, 47, Ariz. R. Civ. P.; Rule 134, Ariz. R. Justice Ct. Civ. P.; and Rule 12, Ariz. R. P. Eviction Actions

**MOTION:** Ted Schmidt moved, Eric Ruchensky seconded, and the motion to approve the filing of the proposed comment passed unanimously.

- Proposed Comment to R-22-0009, Petition to Amend the Arizona Rules of Supreme Court to Add New Rule 124

**MOTION:** Dave Byers moved, Robert McWhirter seconded, and the motion passed unanimously to approve the filing of the proposed comment with the change of replacing the word “denied” with the word “continued”.

**Social Justice Task Force Initiatives** – Elena Nethers

- The member survey has been approved and will be sent to the Board as the agreed upon test group next week.

**Strategic Planning Working Group** – Joel England

- Senior Leaders met recently and looked at our Cascade tool; currently not where he wants to be with data integrity.
- Senior Leaders will be meeting offsite for a retreat in May; will work on updating Cascade tool and provide a status report on the Strategic Plan to the Board in the future.

**Litigation Against Mandatory Bars** – Lisa M. Panahi

- Three petitions for certiorari, asking the Court to look at *Keller* and the constitutionality of the integrated bar, were recently denied by the U.S. Supreme Court.
- However, other similar litigation is still working its way through the federal court system. Our office will continue to monitor and report significant updates.

**Adjournment:** Bob McWhirter moved, Kelsi Lane seconded, and the motion carried unanimously to adjourn the meeting at 12:14 p.m.

Respectfully submitted,

Ted A. Schmidt  
Secretary/Treasurer