

**MEETING OF THE  
BOARD OF GOVERNORS  
OF THE  
STATE BAR OF ARIZONA**

**October 20, 2023**

BOARD MEMBERS PRESENT: Benjamin Taylor, President, Phoenix; Ted Schmidt, President-Elect, Tucson; Sam Saks, Vice President, Tempe; Doreen McPaul, Secretary/Treasurer, Gilbert; Heather Baker-Mushkatel, Phoenix; Diandra Benally, Fountain Hills; Sandra Bensley, Tucson; Denis Fitzgibbons, Casa Grande; David Johns, Flagstaff; Kelsi Lane, Tempe; Leticia Marquez, Tucson; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Globe; David Rosenbaum, Phoenix; Christopher Russell, Sierra Vista; Jessica Sanchez, Board Advisor, Mesa; Elizabeth Schmitt, Phoenix; Jimmie Smith, Yuma; Henry Whitmer, Prescott; Public Governors Robyn Austin, Tucson, Cedric Dave, Chandler, Mignonne Hollis, Sierra Vista, Cortez Smith, Casa Grande; At-Large Governors Mike Baumstark, Scottsdale, and Dave Byers, Phoenix; Dean Stacy Leeds, ASU College of Law.

BOARD MEMBERS WITH EXCUSED ABSENCES: Jena Rae Decker-Xu, Phoenix; Dean Marc Miller, UA College of Law.

STAFF: Tim Eigo, Editor of *Arizona Attorney*; Joel England, CEO/Executive Director; Kathy Gerhart, Chief Financial Officer; Joe Hengemuehler, Chief Communications Officer; Jessica Iennarella, Deputy CFO; Lori Maxwell, Chief Information Officer; Trish McCarty, HR Director; Darla Neill, Board Administrative Assistant; Lisa Panahi, General Counsel; Carrie Sherman, Director of Board Operations; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel.

GUESTS: Victoria Ames, ASU College of Law; Leah Won, UA College of Law; Justice William Montgomery, Arizona Supreme Court Liaison, Phoenix; David Case and Brent Nelson, Probate & Trust Law Section; Janna Day, Lobbyist.

**Call to Order** – Benjamin Taylor

President Taylor called the meeting to order at 9:15 a.m.

**Call to the Public** – Benjamin Taylor

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

**President's Report** – Benjamin Taylor

- President Taylor thanked the Board members for participating in the Annual Meet & Greet. The Bar has a very competent staff and it's a great chance to meet those individuals who are supporting the Bar's mission every single day.
- Attended:
  - NABA-AZ Seven Generations Dinner in September
  - Black Bar Scholarship Banquet in September
  - Investiture of Hon. Anni Hill Foster on October 6

- The Courts' Leadership Conference and AJC Meeting in Flagstaff last week, including Justice Timmer's presentation. Publicly thanked the Court for the invitation.
- Lawyer Wellness T.F. Meeting
- Reminders:
  - No Board meeting in November
  - December Board meeting is Friday the 1<sup>st</sup>
  - Board Holiday Reception at Anna Thomasson's home Thursday, November 30

### CEO/ED's Report – Joel England

- Attended:
  - Black Bar Scholarship Banquet – President Taylor honored
  - Ongoing budget and benefits meetings and 1-1s with Board members
  - Preparation for 2024 legislative session with Bar's and Court's lobbyists
  - Annual staff training regarding anti-harassment and security completed
  - Middle Management Leadership Training held; DISC Assessments done
  - Media Boot Camp; educated 14 journalists on how to obtain State Bar records and what public records are accessible/available
- Staff Engagement Survey results received; senior leadership will be reviewing feedback
- COS/DEI hired – Noah Coakley will start in early November. Mr. Coakley has worked for the DOJ and was an Assistant U.S. Attorney in the Phoenix office and prior to that he worked in the DOJ Civil Rights Division

### Lawyer Wellness Proposals – Kelsi Lane and Roberta Tepper

- Continuation of discussion regarding selection of a lawyer wellness component/program
- ASU/Bar proposal – “AZJLAP” - presented last month by Dean Leeds
- Four additional proposals were received and reviewed by the Task Force
- Task Force Chair Lane indicated that Tava Health was the Task Force's top recommendation
- Ms. Lane explained that the Opportunity Fund would provide funding for the selected lawyer wellness services; the fund is to be utilized to support/implement new innovative programs as they arise
- **MOTION:** Jimmie Smith made a motion that no lawyer wellness programs be funded at this time, but the motion died for the lack of a second.
- **MOTION:** After comparing the proposals, and after much discussion, Jessica Sanchez moved, and Bob McWhirter seconded, to approve the AZJLAP proposal and to provide \$200K/year in funding for three years.
- **AMENDED MOTION:** Ms. Sanchez then amended her motion to commit to funding up to two years and to reexamine the program/services at that point, and for the Board to receive periodic updates on the services being provided and the program. The motion as amended carried over five dissents and one abstention.

### Appointments Committee – Sam Saks

- Chair Saks presented the Appointments Committee's report/recommendations to fill attorney and non-attorney seats on the following Arizona Supreme Court committees.

- **MOTION:** Cedric Dave moved, Bob McWhirter seconded, and the motion carried unanimously to forward the following nominations to the Court for its consideration and ultimate appointment to fill positions on its committees:
  - Arizona Supreme Court Committee on Character and Fitness – Public Members
    - Ms. April Snow, Business Manager, Snow Carpio & Weekley
    - Ms. Cathie Sylvester, Retired School Principal
  - Arizona Supreme Court Committee on Character and Fitness – Lawyer Members
    - Ms. Alane Breland, Salt River Pima Maricopa Indian Community
    - Hon. (ret.) Richard T. Platt, RT Platt Law PLLC
  - Arizona Supreme Court Committee on Examinations - Lawyer Members
    - Mr. E. Scott Dosek, Dosek Law Firm
    - Mr. Thomas Collins, Clean Elections Commission

**Proposed Amendment to Civil RAJI Punitive Damages Instruction No. 4** – Diandra Benally

- Rules Review Committee considered amendments to the civil RAJIs which would make them consistent with the law and approved the proposal before the Board.
- **MOTION:** Diandra Benally moved, Bob McWhirter seconded and the proposed amendments to RAJI Personal Injuries Damages No. 4 carried unanimously.

**Probate and Trust Law Section Proposed Legislation** – David Case, Brent Nelson, Janna Day and Joe Hengemuehler

- Joe Hengemuehler introduced two bills for the Board’s consideration
  - Technical corrections in eight separate statutes in Title 14
  - And a proposed new statute re: Qualified Spendthrift Trusts
- Messrs. Case and Nelson of the Probate and Trust Law Section provided an overview and responded to questions about the proposed legislation
- Lobbyist Janna Day spoke to the process of securing a sponsor and shepherding the legislation to a successful outcome
- **MOTION:** Bob McWhirter moved, Denis Fitzgibbons seconded, and the motion to endorse the two pieces of legislation and to authorize Janna Day to engage legislators and work towards the successful passage of the two bills carried over four dissents.

**Consent Agenda** – Benjamin Taylor

President Taylor asked if there were any matters that needed to be removed from the Consent Agenda and hearing nothing,

**MOTION:** Mignonne Hollis moved, Cortez Smith seconded, and the motion carried unanimously to approve the Consent Agenda:

- Approval of September 22, 2023 Board Meeting Minutes
- Approval of Resignations in Good Standing
- Approval of Reinstatement of Member(s) Suspended for Non-Compliance with Annual Membership Fees and/or Trust Account Compliance

**Mark Harrison Memorial 10-Minute Topic** – Bob McWhirter

Mr. McWhirter presented on *America Becoming Herself*.

### **Finance and Audit Committee** – Mignonne Hollis and Jessica Iennarella

- Budget Update
  - HR Subcommittee Chair Sandra Bensley briefed the FAC on the personnel package it had approved. The benefits package is moving forward to meet open enrollment deadlines.
  - Previewed first draft of the budget which is showing a \$344K surplus excluding section activity. In compliance with the Budget Guidelines Memorandum.
- Auditor Selection Update
  - Finance and Audit Committee completed the RFP for a CPA firm providing audit and tax services. Could have renewed with current firm for another five years or selected new firm. Finance voted to go back to the prior auditors, Eide Bailly, for the next five years.

### **Strategic Planning Working Group** – Kelsi Lane

- The Working Group has been meeting on a “refresh” of the Bar’s Strategic Plan which included the Board’s discussions and input at the July Retreat.
- Chair Lane drew attention to the four overarching Strategic Priorities in the Board’s materials, redlined and ready for a vote at the December 1 Board meeting.

### **Convention** – Roberta Tepper and Jessica Iennarella

- 2023 Financials Recap – Deputy CFO Jessica Iennarella provided a summary:
  - 674 registrants (excluding comps)
  - \$536K revenues (\$511K budgeted)
  - \$412K expenses (\$556K budgeted)
  - \$95K net surplus projected when final accounting completed
  - Difficult to pinpoint a trend since the Convention was last held in Tucson in 2017.
- 2024 Convention - Chief Member Services Officer Roberta Tepper
  - Currently in the process of hiring a Convention Planner
  - President Taylor has appointed Hon. Brian Furuya, Arizona Court of Appeals, Division One, as Convention Chair
  - 1<sup>st</sup> Working Group meeting held
  - Sections – self-motivated and already planning their programs
  - Advertising/sales team working on sponsors; last year’s exhibitors have right of first refusal
  - Speakers:
    - Information on speakers is being gathered, including speakers related to Brown v. Board of Education decision, as 2024 is 70<sup>th</sup> Anniversary of decision.

### **Discipline Survey and Discipline Data Collection Update** – Maret Vessella

- Contract signed with ASU
- Dr. Portillo has drafted the Perception Survey and it could be pushed out the first week of December

**Correspondence/Reports**

- Executive Council Minutes September 11, 2023

**ADJOURN**

- **MOTION:** Sam Saks moved, Cedric Dave seconded and the motion to adjourn at 11:41 a.m. carried unanimously.

Respectfully submitted,

Doreen McPaul  
Secretary/Treasurer