

MEETING
OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA
June 14, 2011

Westin La Paloma, Tucson, Arizona
Phoenix, AZ

BOARD MEMBERS PRESENT: Alan P. Bayham, Jr., President, Phoenix; Joseph A. Kanefield, President-Elect, Phoenix; Amelia Craig Cramer, First Vice President, Tucson; Whitney Cunningham, Second Vice President, Flagstaff; Richard T. Platt, Secretary-Treasurer, Florence; Theodore Campagnolo, Phoenix; Bryan Chambers, Globe; Richard D. Coffinger, Glendale; Michael J. Crawford, Tucson; Tom Crowe, Phoenix; Diane L. Drain, Phoenix; Jana Flagler, Bisbee; H. Leslie Hall, Phoenix; Christopher Jensen, Prescott; Lisa Loo, Tempe; Maricela Meza, Young Lawyers Division, Tucson; Dee-Dee Samet, Tucson; Jimmie Dee Smith, Yuma; Public Members: Frank Barriga, Glendale; Alexander B. Jamison, Scottsdale; Meredith Peabody, Prescott; John J. Sullivan, Sahuarita; At-Large Members: Jennifer J. Burns, Tucson; Mike Baumstark, Phoenix; Virginia Herrera-Gonzales, Mesa and Ex-Officio Members: Raymond A. Hanna, Immediate Past President, Prescott; Dean Lawrence Ponoroff.

EXCUSED ABSENCE: Ex-Officio: Dean Shirley Mays, Phoenix;

OTHERS PRESENT: Nina Benham, Board Services Specialist; Patty Berg, Human Resources Director; Hon. Robert M. Brutinel, Supreme Court Liaison; Lisa Deane, Member Services Director; Carolyn de Looper, BLS/MCLE Administrator; Tim Eigo, Editor, *Arizona Attorney*; Tony Finely, new Board member; Betty Flores, Sections and Practice Resource Supervisor; John Furlong, General Counsel/Deputy Director; Melissa Ho, new Board member; Audrey Jennings, new Board member; Jack Levine, new Board member; Kathleen Lundgren, Government Relations Administrator; Ann Leslie, Executive Assistant; Sharon Ng, new Board member; Edward F. Novak, Attorney at Law; Christine Oxford, Controller; Edward Parker, Ethics Counsel; John Phelps, CEO/Executive Director; Sam Saks, new Board member; Pat Sallen, Director Special Services and Ethics/Deputy General Counsel; Carrie Sherman, Director of Board Operations; Geoffrey Trachtenberg, new Board member; Alex Vakula, new Board member; Maret Vessella, Chief Bar Counsel and Angela Woolridge, AWLA Liaison.

The State Bar of Arizona Board of Governors held its annual meeting on June 14, 2011.

PRESIDENT'S REPORT

President Alan P. Bayham called the meeting to order at 2 pm and welcomed the newly elected members of the Board of Governors, as well as Tony Finley and Audrey Jennings, the newest public members.

President Bayham reported that The Missouri Bar is hosting The National Summit on Defending Merit Selection and all Bars are invited to participate. The keynote speaker is Former U.S. Supreme Court Justice Sandra Day O'Connor. Board Officer Whitney Cunningham will participate on behalf of the State Bar.

President Bayham reminded everyone about the free convention CLE seminar on the new Medical Marijuana Law and its effect on criminal and labor law.

CEO/EXECUTIVE DIRECTOR'S REPORT

CEO/Executive Director John Phelps thanked everyone that has served on the Board and bid a fond farewell to those that are leaving. He reported that the new Board members had already participated in an orientation program.

RULES COMMITTEE REPORT

Chair Bryan Chambers reported on the three items requiring action:

R-11-0009—Proposed reply to comment received in response to the State Bar's rule petition R-11-0009, which proposes amendments to Rules 5(c) and 6(e) of the Arizona Rules of Civil Procedure to authorize electronic service of post-complaint filings in civil actions.

Coming as a motion from the Rules Committee, the Board voted unanimously to submit the proposed reply to the comment to the rule petition to the Supreme Court for its consideration.

R-11-0012—Proposed State Bar comment to Amended Rule Petition R-11-0012 which revises a petition filed in January 2011 to amend Supreme Court Rule 124 to accommodate the implementation of AZTurboCourt, a statewide electronic filing system.

Coming as a motion from the Rules Committee, the Board voted to submit the proposed comment to the amended rule petition to the Supreme Court for its consideration.

R-11-0001—Proposed State Bar comment to Rule Petition R-11-0001 (Petition to Amend Rule 31(d), Ariz. R. S. Ct.) Mr. Chambers reviewed the history indicating that two extensions had been filed previously. Mr. Ed Novak and Mr. Edward Parker presented opposite views. The Rules Committee voted unanimously to recommend that the Board of Governors file a comment in opposition to the Petitioners' Compromise Language for Petition to Amend Rule 31(d).

Coming as a motion from the Rules Committee, the Board voted in favor of filing a comment in opposition to the Petitioners' Compromise Language for Petition to Amend Rule 31(d).

RECEIPT AND CERTIFICATION OF ELECTION TELLERS REPORT

Joe Kanefield moved and Whitney Cunningham seconded and the motion carried unanimously to receive and certify the 2011 Election Tellers Report for District 2, 6 and 8.

The newly elected Board members are: District 2 (Yavapai County)—Alex B. Vakula; District 6 (Maricopa County) – Richard D. Coffinger (incumbent); Tom Crowe (incumbent); Diane L. Drain (incumbent); Melissa S. Ho; Jack Levine; Lisa S. Loo (incumbent); Sam Saks; Geoffrey M. Trachtenberg; and District 8 (Pinal County) – Richard T. Platt (incumbent). Sharon Ng will automatically serve as a voting member of the Board during her year as president of the Young Lawyers Division.

ELECTION OF 2011-2012 OFFICERS

Pursuant to Rule 32(f)(2), Ariz. R. S. Ct., the president-elect automatically becomes president and the first vice president automatically becomes president-elect at the conclusion of the annual meeting. The Board congratulated Joseph A. Kanefield on his ascension to the presidency and Amelia Craig Cramer on becoming president-elect of the State Bar of Arizona for 2011-2012 year.

Richard Platt moved, and Amelia Craig Cramer seconded the nomination of Whitney Cunningham as First Vice President. No other nominations were received. Nominations were closed. The Board voted unanimously to elect Whitney Cunningham as First Vice President.

Joe Kanefield moved and Dee-Dee Samet seconded the nomination of Richard T. Platt as Second Vice President. No other nominations were received. Nominations were closed. The Board voted unanimously to elect Richard T. Platt as Second vice President.

SECRETARY/TREASURER POSITION

The Board discussed the open position of Secretary/Treasurer and the following nominations were accepted:

Amelia Craig Cramer moved and Ted Campagnolo seconded the nomination of Bryan B. Chambers for Secretary/Treasurer.

Jana Flagler moved and Virginia Herrera-Gonzales seconded the nomination of Lisa Loo for Secretary/Treasurer.

Jim Smith moved and Dee-Dee Samet seconded the nomination of Michael J. Crawford for Secretary/Treasurer.

Each candidate gave a speech regarding their platform and their personal qualifications. After all candidates gave their presentation they were asked to leave the room and the Board went into Executive Session. Upon reconvening in Open Session, the Board members voted by secret ballot. John F. Phelps, CEO/Executive Director, and Richard T. Platt, Secretary/Treasurer, counted the ballots. It was announced that Bryan B. Chambers won the majority vote and would be the Secretary/Treasurer for 2011-2012.

Photo Session –
Return to Open Session 4:10 pm

CONSENT AGENDA

President Bayham asked if there was anything to be removed from the agenda, having heard nothing:

John Sullivan moved and Ted Campagnolo seconded and the motion carried unanimously to approve the consent agenda: Approval of May 20, 2011 Board of Governors Meeting Minutes; Approval of Resignations in Good Standing Ariz. Sup Ct. Rule 32 (c)(11)(C); Approval of Reinstatement to Practice of Members Suspended for Non-Compliance with

MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.); Approval of Reinstatement to Practice of Member(s) Suspended for Non-Compliance with Annual Membership Dues and/or Trust Account Compliance (Rule 32(c)(10) and or Rule 43, Ariz. R. Sup. Ct.); Approval of Suspensions for non-payment of 2011 dues, as amended; and, Approval of Section Bylaws: Criminal Justice and Real Property.

FEE WAIVERS

Membership Administration Services Manager Carolyn de Looper summarized three members' requests for complete waivers of their annual dues for 2011, or a waiver of the late fee assessment, or both.

Richard Platt moved and Chris Jensen seconded and motion carried unanimously to ratify the action of the Board officers granting the three requests.

CHIEF BAR COUNSEL REPORT

Chief Bar Counsel Maret Vessella reported on the history of Discipline on the Web (DOTW) and staff's recommendation to the Discipline Oversight Committee regarding the modification of information posted on the State Bar's website for the "Find a Lawyer" feature. Proposals were sent out for comment to respondents' counsel (15 that appear regularly). Recommendations regarding DOTW modifications will be presented at the September meeting.

Ms. Vessella reported that on June 10th the Attorney Discipline Probable Cause Committee met and considered 29 matters.

Ms. Vessella announced the hire of Bar Counsel Craig Henley, formerly a sole practitioner.

The 2010 Annual Report of the Office of Lawyer Regulation was previously distributed via email to the Board and has been posted on the web site.

FINANCE COMMITTEE/CFO REPORT

Finance Committee Chair Joe Kanefield reported on the Client Protection Fund Annual Report and the short Finance Committee meeting held prior to the annual meeting.

CFO Tom Johnson reviewed the status of the move of some staff to the first floor: awaiting three construction bids; plans to use Target for the Steelcase contract as a substantial amount of the furniture will be re-used; the addition of an ADA-compliant restroom, an estimated \$8,000 is included in the \$675,000 budget.

AD HOC COMMITTEE ON COORDINATION AND COMMUNICATION WITH THE ARIZONA FOUNDATION FOR LEGAL SERVICES & EDUCATION ("CCCF Committee")

Amelia Craig Cramer reported the Committee will not be meeting until August 26th.

Ms. Cramer stated that a sub-committee is looking at the State Bar's and the Foundation's respective professional liability insurance and health insurance to determine whether joint coverage is possible.

Whitney Cunningham reported on the negotiations of the lease agreement between the two organizations. Mr. Cunningham reviewed the recommended Third Amendment to Lease Agreement.

After discussion, Chris Jensen moved and Meredith Peabody seconded and motion carried to approve the Third Amendment to Lease Agreement.

HUMAN RESOURCES COMMITTEE REPORT

Chair John Sullivan reviewed the current Deferred Compensation Plan for senior management and the engagement of Marvin (Buckey) S. Swift, Jr. of Snell & Wilmer (pro bono) to review the plan to determine whether to keep it or write a new plan. The Committee voted to recommend retaining the Deferred Compensation Plan and allowing the CEO to recommend the inclusion of other executive staff. The Committee voted to write a new plan, asked Mr. Swift to assist with the drafting of it and the RFP for acquiring a new administrator for the plan. Mr. Sullivan also reviewed the vesting schedule changes. The 401(k) is also being reviewed.

Liaison Reports—

- **Arizona Foundation for Legal Services & Education**—Meredith Peabody gave thanks from Dr. Kevin Ruegg, CEO/ED of the Foundation, and President Christina Urias for the work and considerations on the Lease Agreement. Ms. Peabody stated that the Foundation is excited to have Joseph Kanefield as the keynote speaker for the Thursday Convention luncheon. Fox Restaurants again will host a fundraiser for the Foundation on June 28 at Stingray Sushi. The lunch is \$10 with all proceeds benefiting the AZFLS&E.
- **AWLA**—Angela Woolridge reported on: June 15 tour of the Supreme Court for school age students; June 16 Past President's Reception; June 17 Mary Ann Richey Breakfast during the Convention at which Paige Martin will receive the Sarah Herring Sorin Award.
- **Young Lawyers Division**—Maricela Meza reported on the YLD elections, noting that more people ran for election this year.
- **Arizona Asian American Bar Association**—Lisa Loo reported that Melissa Lin, a member of the Asian Bar's Board was also recently elected as secretary of the Young Lawyers' Division.
- **Los Abogados**—Virginia Herrera-Gonzales reported that members recognized former Governor Raul Castro's 95th birthday by celebrating with him.
- **Pima County Bar Association**—no report.
- **Native American Bar Association**—NABA-AZ's Annual Meeting will be held on June 17 at noon during the Bar convention; NABA-AZ's Annual Seven Generations Dinner will be held on September 24th.
- **East Valley Bar Association**—no report.
- **Mohave Bar Association**—no report.
- **Cochise County Bar** – no report.
- **Yavapai County Bar** – no report.
- **Law Schools** – no report.

BOARD RETREAT

The Board of Governor's annual retreat will be held July 21-22 in Flagstaff.

RECOGNITION OF OUTGOING MEMBERS OF THE BOARD

President Bayham recognized the service performed by public members: Frank Barriga, Alexander B. Jamison; Ex-Officio Member Dean Paul Schiff Berman; elected members: Ted Campagnolo, Stephen M. Dichter, H. Leslie Hall, Christopher W. Jensen and YLD President Maricela Meza.

RECOGNITION OF OUTGOING PRESIDENT ALAN P. BAYHAM, JR.

Joe Kanefield recognized President Bayham for his accomplishments and outstanding leadership. Gifts were presented from staff and the unified bar membership.

ADJOURN

There being no further business to come before the Board of Governors, the meeting adjourned.

Respectfully submitted,

Richard T. Platt
Secretary-Treasurer