

MEETING  
OF THE  
BOARD OF GOVERNORS  
OF THE  
STATE BAR OF ARIZONA  
October 29, 2010

Boardroom  
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; Mike Baumstark, alternate for David K. Byers, Phoenix; Theodore Campagnolo, Phoenix; Bryan Chambers, Globe; Richard D. Coffinger, Glendale; Michael J. Crawford, Tucson; Tom Crowe, Phoenix; Stephen M. Dichter, 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; Virginia Herrera-Gonzales, Mesa; and Ex-Officio Members: Gary Stuart, on behalf of Dean Paul Schiff Berman, Tempe; Paula Nailon, on behalf of Dean Lawrence Ponoroff; Hon. Dave Cole on behalf of Dean Shirley Mays, Phoenix; Raymond A. Hanna, Immediate Past President, Prescott and Hon. Justice John Pelander, Supreme Court Liaison.

OTHERS PRESENT: Nina Benham, Board and Member Services Specialist; Patty Berg, Human Resources Director; Janna Day, Lobbyist; Carolyn DeLooper, BLS/MCLE Administrator; Tim Eigo, Editor, *Arizona Attorney*; John Furlong, General Counsel/Deputy Director; Pat Giallanza, Public Relations Specialist; Tom Johnson, Chief Financial Officer; Kathleen Lundgren, Administrator Government Relations; James McDougall, Elder and Mental Health Section; I. Godwin Otu, Diversity Director; Christine Oxford, Controller; Sat Patel, Network Administrator; John Phelps, CEO/Executive Director; Amy Rehm, Deputy Chief Bar Counsel; Melissa Riner, AWLA Liaison Maria Salapska, St. Thomas More Society, Phoenix; Pat Sallen, Ethics Counsel; Carrie Sherman, Director of Board Operations; Geoffrey Sturr, Client Protection Fund; Kathleen Waugh, AWLA; and Karen Weigand, Client Protection Fund Administrator.

President Alan Bayham called the meeting to order at 8:30 a.m. and the board moved into Executive Session.

**EXECUTIVE SESSION:** 8:30 – 9:05 am  
**OPEN SESSION:** 9:05 am

John Sullivan moved and Jennifer Burns seconded the motion to approve the CEO/ED Process for 2010 as amended. Motion carried unanimously.

## PRESIDENT'S REPORT

President Bayham reported that the new changes in the disciplinary system continue to be implemented. He attended the Arizona Judicial Council meeting which focused on modifications to the child support guidelines and the ongoing study of probate court matters.

President Bayham announced that Amelia Craig Cramer will chair a joint State Bar of Arizona and Arizona Foundation for Legal Services & Education task force. The focus will be to restructure the Bar's relationship with the Foundation for both organizations' benefit.

## CEO/EXECUTIVE DIRECTOR

John Phelps summarized the major initiatives on which staff are working. He announced that Public Relations Specialist Pat Giallanza was selected by the staff as Employee of the Month for her work on standardizing the Bar's brand. The Communications Department was recognized by the National Association of Bar Executives Communications Section with its Luminary Award for Excellence in Special Publications for the new admittee DVD "Welcome to Arizona's Legal Community". Diversity Director I. Godwin Otu was selected to serve on the Society for Human Resources Management's Diversity and Inclusion Task Force, a group charged with the development of national standards on diversity-related issues. The Bar's lobbyist, Janna Day, was recognized by The Capitol Times as one of the "Top 5 Women Lobbyists."

### **Strategic Planning—**

- **MCLE Review**— Tom Crowe reported that names of potential members of the planned study group are being collected.
- **Discipline Guidelines**—Richard Platt reported that a meeting will be arranged with the Supreme Court to discuss the proposed guidelines.
- **Positive Things Lawyers Do**—CCO Rick DeBruhl reported that weekly press releases issued by the Communications Department highlight the positive work that lawyers do.
- **Mission Statement**—Ted Campagnolo reported that the Long-Range Planning Committee met and will have a proposal to the Board in November for information and a vote in December. The committee voted to add "and access to justice" at the end of the mission statement.
- **Diversity**—Lisa Loo updated the Board on various meetings she has had to coordinate diversity-related programs/services in the legal community, hoping those involved can combine efforts and share information.
- **Section Management Policies Review** – General Counsel John Furlong reported that, at the request of the Board's officers, this issue has been added to the strategic agenda. Recommendations will be made regarding the maintenance and management of the various Bar groups.

## **LEGISLATIVE UPDATE**

Janna Day reported on the potential turnover in the House and Senate Election Day. The Law School for Legislators Program is planned for Thursday, January 6 with the Hon. Sandra Day O'Connor as the keynote luncheon speaker. She is working with the ADR, Probate and Trust, Elder Law and Mental Health Sections on proposing new legislation to make technical corrections to previously enacted legislation.

## **ELDER LAW AND MENTAL HEALTH SECTION**

James McDougall presented the proposed statutory changes to ARS Titles 14 and 36.

Whitney Cunningham moved, Dick Coffinger seconded and the motion carried to authorize Janna Day, Lobbyist to move forward seeking comments from potentially concerned stakeholders. Joe Kanefield abstained.

## **COMMUNICATIONS DEPARTMENT**

Chief Communications Officer Rick DeBruhl gave the Board a preview of the new public member web site and presented highlights of the Economics of the Practice of Law Survey.

## **CONSENT AGENDA**

Tom Crowe requested that the minutes be amended to show that he was in attendance at the September 24, 2010 meeting of the Board.

Joe Kanefield moved and Amelia Craig Cramer seconded the approval of the consent agenda to include the following: Approval of September 24, 2010 Board of Governors Meeting Minutes, as amended; Approval of Resignations in Good Standing; Approval of Reinstatements: Members Suspended for Non-Compliance with Ariz.Sup.Ct. Rule 32(c)(9) and/or Rule 43 (Annual Membership Dues and Trust Account Compliance); Approval of MCLE Reinstatement.

## **COMMUNICATIONS ADVISORY COMMITTEE**

### **NON-BAR ACTIVITIES POLICY**

The Non-Bar Activities Policy was presented and after a lengthy discussion:

Whitney Cunningham moved, Jim Smith seconded and the motion carried to send the policy back to the committee for redrafting and provided some suggested changes for consideration.

Attorney Maria Salapska, a member of the St. Thomas More Society, appeared before the Board to request permission to purchase a set of mailing labels for a one-time use to send out the announcement of the Red Mass, marking the start of the legislative year, which is

held annually. They have been provided these labels in the past and most recently were declined. After discussion,

Diane Drain moved, Richard Coffinger seconded and the motion carried to allow St. Thomas More Society to purchase one set of labels for the purposes of this mailing.

### **RULES COMMITTEE**

Chair Bryan Chambers presented the two rule petitions to be voted on in November: Petition to Amend Rule 55(a)(1), Arizona Rules of Civil Procedure regarding entry of default, and Petition to Amend Rule 38(h), Arizona Rules of the Supreme Court regarding admission on motion.

### **APPOINTMENTS COMMITTEE**

#### **Conflict Case Committee (one opening)**

Chair Whitney Cunningham reviewed the criteria and make up of the Conflict Case Committee (CCC) and presented the Appointment's Committee's recommendations to the Board of Governors for its consideration in making its one appointment to the CCC: Hon. John Lamb, Mr. Stephen Hopkins and Mr. Kip Micuda.

The Board voted unanimously to appoint the Hon. John Lamb to an unexpired term on the Conflict Case Committee.

### **FINANCE COMMITTEE REPORT**

Joe Kanefield reported that the draft budget for fiscal year 2011 will be presented in November and voted on at the December meeting. The committee approved the 2013 and 2014 hotel contracts for CLE by the Sea.

Chief Financial Officer Tom Johnson presented the financial statements noting that as of September 30, 2010, the Bar has a surplus of \$1,208,000 which is favorable to budget by \$283,000.

### **CHIEF BAR COUNSEL REPORT**

Amy Rehm, Deputy Chief Bar Counsel, reported that the Lawyer Regulation Division staff continue to make presentations statewide on the new discipline system. Chief Bar Counsel Maret Vessella met with new Presiding Disciplinary Judge William O'Neil to discuss disciplinary system changes. The number of intake lawyers who will handle live calls has increased to five, with two additional investigator positions currently being advertised.

The Division continues to dispose of cases within the current guidelines with an overall yearly compliance rate of 98%.

## **LUNCH – SPECIAL PRESENTATION**

President Bayham, on behalf of the Board, presented a briefcase to Cindy Aracely Villanueva, a 2010 graduate of the School of Law at the University of California at Los Angeles. She received the highest score on the July 2010 Bar Exam.

## **CLIENT PROTECTION FUND**

Board of Trustees Chair Geoffrey Sturr presented the 2010 Annual Report. This is the Fund's 50<sup>th</sup> anniversary. There have been 41 claims to date in 2010, with payouts totaling \$61,000.

## **LIAISON REPORTS**

- **AWLA**—No report.
- **Young Lawyers Division**—President Maricela Meza reported that the YLD continues to hold mixers once a month with other law-related groups.
- **Arizona Asian American Bar Association (AAABA)**— Lisa Loo noted that a case re-enactment provided by the National Asian Pacific American Bar Association will be presented at the annual Minority Bar conference. The AAABA co-sponsored a candidates' forum and Arizona members will attend the national Asian Pacific American Bar conference in Los Angeles.
- **Los Abogados**—No report
- **Black Bar** – No report
- **Pima County Bar Association**—Amelia Craig Cramer reported that the PCBA is sponsoring a joint event with doctors and has expanded its offering of CLEs to compliment those that the State Bar is sponsoring.
- **Native American Bar Association** – Ted Campagnolo reported on the election of NABA officers: President Patty Ferguson-Bohnee; Vice President Denten Robinson; Secretary Sheri Freemont; Treasurer Sonia Martinez.
- **Cochise County Bar** – Jana Flagler reported on the election of new officers, including former Board of Governors member Roger Contreras as Treasurer.
- **Gila and Graham/Greenlee County Bar** –Bryan Chambers reported on CEO John Phelps' well-received presentations in these rural counties.
- **Yavapai County Bar Association** – Christopher Jensen reported that lawyers practicing in the Verde Valley have started their own Bar association.
- **Professionalism Committee** – Ms. Cramer provided the Governors with a written report.
- **Disabilities Committee** – Meredith Peabody reported on the December 1 luncheon program entitled “If You Let Us Play: Sports, Disabilities, and the Impact of the Law”. The panel includes University of Oregon Golf Head Coach Casey Martin (PGA Tour, Inc. v. Martin), District Court Judge Lawrence O. Anderson, and Arizona Center for Disability Law attorney Jose de Jesus Rico.

**ABA Commission on Ethics 20/20** – Ethics Counsel Pat Sallen provided a status report on the ongoing review of the ethical rules by the ABA's commission. The study is focused in three areas: outsourcing of legal services; new technology; and in-bound foreign lawyers.

**ADJOURN**

There being no further business to come before the Board of Governors, the meeting adjourned at 12:20 p.m.

Respectfully submitted,

Richard T. Platt  
Secretary/Treasurer