The State Bar of Arizona Board of Governors held a regular meeting on November 18, 2011.

8:30-9 a.m. Staff/Board meet and greet.

**President’s Report**—President Joseph A. Kanefield called the meeting to order at 9 a.m. and welcomed everyone. President Kanefield stated that the Rules Committee’s reports will be handled differently going forward. The items will be presented one month and non-controversial items will go on the consent agenda the following month. If any Governor wants to discuss a Rules Committee proposal, they may take it off the consent agenda for further vetting.

**CEO/Executive Director Report**—CEO/Executive Director John Phelps introduced Mohit Mehta, an evening student at the Thunderbird School of Global Management. Mr. Mehta attended Arizona State University and has an economics degree. He is in a special program in which students volunteer to assist non-profit organizations’ boards with specific initiatives. Mr. Mehta is working the Board’s Strategic Planning Committee to establish metrics for the goals captured in the long-range plan. Mr. Phelps stated:

- Finalization of the 2012 Budget – Information this month; December vote.
- First floor renovation is progressing with no apparent disruption to service at the Bar.
- The CEO Report has a different format to align with the Strategic Plan.
- Communications and Government Affairs Division received two 2011 NABE Luminary Awards for Best Website Design and Best Special Publication (2010 SBA Annual Report).

**Strategic Planning**—

**MCLE Review**—Tom Crowe reported on the final report. Based on the survey results the MCLE Task Force recommends the following: 1) regulations for certified legal specialists be changed to allow specialists to carry-forward CLE hours. Further, the task force recommends that specialists be permitted to carry forward five hours of CLE in the member’s area of specialty. Of those five hours, a maximum of three hours may be in the area of professional responsibility; 2) The State Bar Board of Governors considers the administrative implications of changing the annual membership fee deadline and the MCLE affidavit of Compliance deadline to coincide. Once this information is compiled the Board of Governors may wish to entertain the option of petitioning the Supreme Court for the appropriate rule change. Dee-Dee Samet requested that these recommendations be circulated amongst the membership for comment.

**Diversity**—Chair Lisa Loo - no report at this time.

**Consent Agenda**—President Kanefield asked if anything should be taken off the Consent Agenda and hearing nothing, the Board voted to approve the following: a) Approval October 21, 2011 Board of Governors Meeting Minutes; b) Approval of Juvenile Law Section Bylaws Revisions; c) Approval of Resignations in Good Standing; d) 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. S. Ct.; e) Proposed Petition to Amend Rule 56, Ariz. R. Civ. P.; f) Proposed Petition to Amend Rule 42, ER 5.5(d), Ariz. R. S. Ct. in Good Standing; g) Proposed Petition to Amend Rule 8 (c), Ariz. R. Civ. P.; h) Technology Committee Charter.

**Appointments Committee**—Chair Richard Platt presented the committee’s recommendations:

- Arizona Foundation for Legal Services & Education Board of Directors - the Board of Governors voted to reappoint the two incumbents – Rodney Glassman (Waste Management, Tucson) and Faith Klepper (Solo Practitioner, Phoenix)— to a second, but final, three-year term.
The motion also included the following language which was added to the incumbents’ reappointment letters: “We [Governors] urge you to devote particular attention during your service on the Board of the Foundation to its fundraising, development, and revenue generation operations.”

Uniform Bar Exam—Chief Justice Rebecca White Berch phoned into the Board meeting. She reported that the UBE is prepared and coordinated by the National Conference of Bar Examiners. Each state sets its own passing score, but once a passing score is achieved successful exam completion is portable to other UBE states. Not all states are the same. Arizona would continue to run its own Character and Fitness process as well as determine the passing score. The Court could also assess candidates’ knowledge of jurisdiction-specific content through a separate requirement (e.g. six-hour course currently required of admission on motion candidates). Justice Berch stated that the legal profession is one of the last that doesn’t have a national exam. The Chief Justice answered Board questions regarding the UBE and its impact if passed. This item is set for vote at the December Board meeting. Members’ comments continue to be collected.

Legislative Update—Lobbyist Janna Day reported that in the recent election, Sen. Russell Pearce was recalled. This was an historical event as it is the first recall ever for an Arizona legislator. Sen. Steve Pierce is the new Senate President. Andy Biggs retained his position as Majority Leader. The Majority Whip position was filled by Rep. Frank Antenori from Tucson. Ms. Day reported that she, Mr. Phelps, and CCO Rick DeBruhl have met with Senators Adam Driggs and Andy Biggs. Additionally, Ms. Day reported that she met with Representative Cecil Ash and asked him to sponsor the Bar’s Elder Law and Mental Health measure to include terminology from the Department of Veteran Affairs adding a fourth class of acutely disabled as to veteran issues. A prior amendment recommendation from the section had been approved by the Board and would be consolidated with the new language.

Access to Justice Task Force—Chair Todd Lang reported on the work of the Task Force and its final report to the Board. Mr. Lang stated that Congress has made substantial budget cuts to the Legal Services Corporation’s funding: a total of $56M and $1.6M in Arizona. The report includes recommendations to revise rules to allow:

- mandatory pro bono work within the civil appointment system that includes a buy-out provision;
- allow more limited representation;
- allow retired attorneys to provide volunteer legal services to approved legal services organizations;
- a proposal to capture a percentage of civil filing fees;
- modification to the dues check-off program;
- recommended distribution of the $400,000 earmarked by the Board for access to justice initiatives.

This committee’s recommendations will be voted upon at the December meeting of the Board.

Rules Committee—Chair Lisa Loo reported on the following:

a) Proposed Petition to Amend Rule 16 (g)(2), Ariz. R. Civ. P. (information)
b) Proposed Petition to Amend Rule 41, Ariz. R. Crim. P. (information)
   The board requested this be vetted at the next meeting and not put on the Consent Agenda.
c) Proposed Petition to Amend Rule 1 (M), Ariz. R. Protective Order Practice (information)
d) Proposed Petition to Amend Rule 31(d), Ariz. R. S. Ct. (information)
e) Proposed Comment to ABA Rule 1.10 re Ethics 20/20 (information/vote)
   The board voted unanimously to oppose the Proposed Amendment to ABA Model Rule 1.10, which would allow lawyers to undertake representations adverse to a current firm client so long as the matters are not “substantially related”. President Kanefield will relay the Board’s action in a letter to the ABA Commission on Ethics 20/20.
f) Rule 11-0030 Proposed Comment to Uniform Bar Exam (UBE)
   The board voted unanimously to delay filing the Proposed Comment until the December 16 Board
meeting at which time they will consider the responses of the membership and the appropriate action regarding the UBE.

g) R-10-0031 Petition to Amend ER 8.4, Rule 42, Ariz. R. S. Ct.
The board heard presentations by Jane Ross, representing the SOGI Committee, and Gary McCaleb, representing attorneys who filed an objection to the petition. The board voted to return this matter to the Rules Committee to examine the language to try to work with representatives who support and oppose the amendment and to try to come to a consensus regarding the language. Geoff Trachtenberg moved to withdraw the proposed petition. The motion failed for lack of a second. This matter returns to the Board in December.

Finance Committee—Chair Whitney Cunningham reported:
- The Finance Committee is evaluating the employees’ 401(k) plan.
- During the lease review it was discovered that the Foundation had less indemnity insurance than the lease requires (2M carried; 5M required).
- Annual dues statements will not be mailed and must be completed online.

Interim CFO Kathy Gerhart reported:
- The first draft of the 2012 budget was presented in a PowerPoint presentation showing trends and will be voted on in December.
- October Financials - For the ten months ending October 31, 2011, the Bar’s income statement, excluding sections, showed a surplus of $514,000 which is favorable to budget by $35,000, achieved as a result of $292,000 less in revenues and $257,000 less in expenses. The balance sheet continues to remain strong with the Bar having a net worth/net assets of $8,301,000.

Human Resources Committee—Chair John Sullivan, no report at this time.

Chief Bar Counsel Report—Ms. Vessella reported:
- Lucinda Crowley, who has been with the Bar for 7 ½ years, successfully completed the certified paralegal examination; she is one of 1,155 paralegals in the state to achieve this level of certification.
- The Attorney Discipline Probable Cause Committee will meet December 8.
- Maret has been invited to speak to the judges of the Maricopa Superior Court on December 2 regarding the new discipline process.

CCCF Committee nothing to report this month.

Liaison Reports—
- ABA House of Delegates — no report
- Arizona Asian American Bar Association – Lisa Loo reported:
  o Two members were elected to partnership in their respective firms: Melissa Ho and Bryce Suzuki.
  o Bryce Suzuki, Bryan Cave, was also named one a recipient of the National Asian Pacific American Bar Association (“NAPABA”) “Best Lawyers Under 40” award.
- Arizona Black Bar – no report
- Arizona Foundation for Legal Services & Education – no report
- Arizona Women Lawyers Association – Rhonda Barnes reported:
  o Kimberly Demarchi is the newly elected state President.
  o Southern Arizona Chapter will be electing officers on December 15; donations for Wings of Hope gladly accepted.
  o Maricopa County Chapter is looking for lawyer mentors; monthly luncheon on December 7.
Northern Arizona Chapter is being rebuilt.

**Los Abogados Hispanic Bar Association** – Virginia Herrera-Gonzales reported:
- Attorneys are being recruited for the December 1 Spanish-speaking “Lawyers on Call” to be televised on Univision 33. Callers’ questions about family law issues will be answered.

**Native American Bar Association** – no report

**Young Lawyers Division** – Nicole Severson and Erik Stone reported:
- December 3: annual holiday party for children residing at Sunshine Residential & Group Homes. December 9 breakfast: one-hour CLE with speaker Andrew Dudley, Chapter 13 Trustee.
- Pro Bono Project – Serving our Seniors provides estate planning for the elderly

**Committee/Section Reports**
- Animal Law Section – Dee-Dee Samet reported on the four-week series of free public seminars held at the Sandra Day O’Connor College of Law at Arizona State University.

**Geographical/County Bar Reports**
- PCBA – no report
- MCBA – Jack Levine reported that the improved *Maricopa Lawyer* was mailed out to 7,000 recipients.

**Law Schools** – no report

**Obituaries**—To honor our members who have passed, a Web page has been created and will be posted at http://www.azbar.org/NewsEvents/InMemoriam

**Strategic Planning Committee**—Chair Amelia Craig Cramer reported that the Committee continues its review of each action item under each goal in the long-range plan. The appropriate committee/section/staff to address the items are being identified. Recommendations will be given to the Board in April with a vote in May 2012.

**Meeting Schedule**—The next Board meeting will be held on December 16 at 8:30 a.m. The full schedule is posted on the Bar’s website: [www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule](http://www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule)