MEETING OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA
Hybrid
March 25, 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; and Public Member Anna Thomasson, Paradise Valley.

BOARD MEMBERS ON ZOOM: Jessica Sanchez, President-Elect, Mesa; Ted Schmidt, Secretary-Treasurer, Tucson; Sharon Flack, Prescott; Leticia Marquez, Tucson; John Moody, Phoenix; David Rosenbaum, Phoenix; Eric Ruckensky, Flagstaff; D. Christopher Russell, Sierra Vista; Sam Saks, Tempe; YLD President Gaya Shankumuganatha, Phoenix; Jimmie Dee Smith, Yuma; Public Members Robyn Austin, Tucson, and Mignonne Hollis, Sierra Vista; At-Large Member David Byers, Phoenix, Lori Higuera, Phoenix, and Doreen McPaul, Window Rock; Board Advisor Denis Fitzgibbons, Casa Grande; Dean Marc Miller, UA Law School, Tucson.

EXCUSED ABSENCE: Jonathan Martone, Paradise Valley

UNEXCUSED ABSENCES: Diandra Benally, Fountain Hills

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; Carrie Sherman, Director of Board Operations; Roberta Tepper, Chief Member Services Officer; Karen Van Allen, Administrative Assistant; 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, Michael Simes

President Jennifer Rebholz called the hybrid Board Meeting to order at 8:38 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
- Welcomed the Board’s new Court Liaison, Justice William Montgomery
- Attended:
Frank X. Gordon, Jr. Award celebration/reception; the State Bar and Bar Foundation were honored for their collective effort on the Arizona Attorneys Respond COVID Hotline

Arizona Judicial Council Meeting on March 24, 2022
- Discussion about how to move forward at the end of the pandemic
- Guidelines for which hearings will be in person and which will be virtual

Legislation: Both SB 1565 and SB 1566 have moved to the House
- Met with multiple elected officials since the February Board Meeting
- Testified before the House Judiciary Committee
- Will be discussing legislation later in the agenda

Last chance to RSVP to attend the AZ Asian-American Bar Association’s Gala on April 21; three seats available

Convention
- April 29, 2022 is the deadline to turn in hotel reservations and event forms
- Board Meeting will begin at 8:00 a.m. on June 27, 2022

Board Elections: Reminder to vote; uncontested elections
- District 3: Gila, Graham, Greenlee Counties—one seat
- District 6: Maricopa County—three seats
- District 8: Pinal County—one seat

Board of Governors: Public Member
- One opening to replace Anna Thomasson; candidate can live anywhere in Arizona
- Application deadline is March 30; no applications have been received
- Please solicit applications from qualified individuals that might be interested

Annual Awards
- Deadline for nominations is March 31, 2022
- Reach out if you know someone that would qualify for an award in a category

Bar Leadership Institute: President-elect Jessica Sanchez and Vice President Benjamin Taylor attended this conference
- Training for future Bar leaders
- What it means to be a leader

CEO’s Report – Joel England
- Also welcomed Justice William Montgomery, the Board’s new Court Liaison
- Spoke about a new position and employee in Communications, Allison “Tat” Tatnall, Videographer/Social Media Operative
  - her role will be to tell the Bar’s story; help to understand the value of what the Bar is doing
  - urged Board members to share the video links that they will receive
- Work continues with Bar leaders in conjunction with the ABA to determine common core initiatives that measure how Bar associations are doing; report should be ready by summer or fall.
- Attended a meeting of the Arizona Commission on Access to Justice
➢ Discussion of Rule 38
➢ How to incentivize attorneys to do pro bono work

- Internally: Annual performance review process has been completed; determining merit increases
- Legislation: This has been the primary activity in the last few weeks; will discuss later in the agenda.

**Mark Harrison Memorial 10-Minute Topics** – Robert McWhirter

*The 19th Amendment: Making America into Herself*

**Finance and Audit Committee** – David Rosenbaum and Kathy Gerhart

Redlined version of the Financial Policies and Processes Manual were summarized. Main modifications included:

- Reserve Policy updates
- Investment Policy updated based on recommendations from Vanguard
- Delineated between a contract and a purchase
- Allows flexibility in actions that can be taken
- Added background checks

**MOTION:** Kelsi Lane moved, Sam Saks seconded, and the motion to accept the amendments to the Financial Policies and Processes Manual carried unanimously.

**Consent Agenda** – Jennifer Rebholz

Hearing no request to have any items removed from the Consent Agenda:

Robert McWhirter moved, Sandra Bensley seconded, and the motion to approve the Consent Agenda passed unanimously.

a) Approval of February 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) Approval of Reinstatement of Member(s) Suspended for Non-Compliance with Annual Membership Fees and/or Trust Account Compliance (Rule 32(c)(10) and/or Rule 43, Ariz. R. Sup. Ct.)

**Bar-Related Legislation Status Report** – Joel England

- SB 1565: About making the Bar voluntary
  - Passed out of the Senate
  - Scheduled for House committee Monday; talking with House members
  - Then possibly to Floor
- SB 1566: Regarding discipline
  - Scheduled to be heard
  - Could be in same situation as SB 1565
- Janna Day
  - Need to get through the Committee hurdle this coming week
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

• Joe Hengemuehler: Please let CEO England or him know if you speak to a lawmaker; it helps to coordinate the Bar’s efforts.

**ABA House of Delegates Midyear Meeting Report** – Lori Higuera

• The virtual meeting was held in February and had over 24,000 registrants
• Board Officers were elected including President-elect Mary L. Smith
• 24 House Resolutions were voted on at the meeting
  ➢ The Bar’s five Delegates meet in advance of each HOD meeting with CEO England and General Counsel Lisa Panahi to review the Resolutions with regard to Keller
  ➢ Therefore determined that the Delegates could vote on only six Resolutions
  ➢ None of the 24 Resolutions would have affected the State Bar of Arizona

• Coordinating Group on Practice Forward
  ➢ Clearing house with resources created to provide guidance to legal practitioners on how to move forward post COVID
  ➢ Link to resources can be added to Bar Associations’ websites

**Social Justice, Bias and Inclusion Working Group** – Elena Nethers

• The member survey was approved by the Bar’s partner in this effort - University of Arizona
  ➢ Next step: send it to a small test group to gauge actual time to complete the survey
  ➢ Board members, in the test group, encouraged to complete the survey and provide feedback

**Adjournment:** 10:10 a.m.

Respectfully submitted,

Ted A. Schmidt
Secretary/Treasurer