MEETING OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA
June 23, 2015
Phoenix, AZ

BOARD MEMBERS PRESENT: Richard Platt, President, Coolidge; Bryan B. Chambers, President-Elect, Globe; Lisa S. Loo, First Vice President, Phoenix; Alex Vakula, Second Vice President, Prescott; Richard D. Coffinger, Glendale; Diane L. Drain, Phoenix; Brian Y. Furuya, Flagstaff; Patrick Greene, Tombstone; Steven A. Hirsch, Phoenix; Melissa S. Ho, Phoenix; James B. Penny, Tucson; Jennifer Rebholz, Phoenix; Samuel Saks, Phoenix; Dee-Dee Samet, Tucson; Jimmie Dee Smith, Yuma; Erik J. Stone, Young Lawyers Division; Jeffrey Willis, Tucson; Public Members: Tony Finley, Tucson; Audrey R. Jennings, Scottsdale; Meredith Peabody, Prescott; and At-Large Members: and Paul Senseman, Phoenix; Ex-Officio Members: Whitney Cunningham, Immediate Past President; and Dean Marc Miller, Tempe.

EXCUSED ABSENCES: Hon. David G. Derickson, Phoenix; Geoffrey Trachtenberg, Secretary-Treasurer, Phoenix; At-Large Members: David K. Byers, Phoenix and Lori Higuera, Phoenix; Ex-Officio Members: Dean Shirley Mays, Phoenix and Dean Douglas Sylvester, Tucson.

OTHERS PRESENT: Nina Benham, Board Services Specialist; Lisa Deane, Chief Member Services Officer; Carolyn de Looper, Membership Admin & Services Manager; John Furlong, General Counsel/Deputy Director; Gayle V. Jackson, Human Resources Director; Ann Leslie, Executive Assistant; John Phelps, CEO/Executive Director; Patricia Seguin, Legal Services Manager; Carrie Sherman, Director of Board Operations; George Schader, Information Technology Manager; Pat Sallen, Director, Special Services and Ethics-Deputy General Counsel; Maret Vessella, Chief Bar Counsel and Court Liaison Hon. Ann A. Scott Timmer, Phoenix.

- GUESTS: New board members: Tyler J. Carrell, YLD President (2015-2016), Phoenix; Denis M. Fitzgibbons, Casa Grande and Public Member: Anna C. Thomasson, Phoenix

President Richard Platt called the meeting to order at 1:05 p.m.

PRESIDENT'S REPORT
- Introduced Board members-elect who will begin service following the end of Convention: Denis Fitzgibbons, Casa Grande; Tyler Carrell, YLD President, Phoenix; and Public Member Anna C. Thomasson, Phoenix.

CEO/ED REPORT – John Phelps
- Conducted an orientation that morning for the three new Board members.
- Updated the Board on Convention registrations. At Friday’s Awards Luncheon, former Arizona Governor Raúl H. Castro will be honored posthumously with a lifetime achievement award and his daughter, Beth Castro, will be present to accept it.
• Planning for the July Board Retreat continues. A panel of rural attorneys from around the state will discuss the delivery of legal services in rural Arizona.
• Maret Vessella, Chief Bar Counsel, has been appointed to the ABA Standing Committee on Professional Discipline.
• State Bar Directory – Mr. Phelps stated that the Bar is moving toward an online Bar Directory and will not produce a printed version beginning with the 2016-2017 Bar year. Staff is reviewing methods of making the front part of the directory, which contains information on the courts, legal organizations, professional services, etc., available and easily accessible.
  ➢ The Board discussed at length the topic, including advertising income and cost recovery.
  ➢ Pros and cons were discussed, including the delivery system and concern about making it very easy for membership to get another attorney’s contact information quickly.
  ➢ Each year from the time the directory is printed to the next year there are approximately 7K address and firm changes. This takes a substantial amount of staff time and a product that is out of date the day it is printed.
• Bryan Chambers has applied for judgeship and there are three applicants for the opening. The Governor will appoint after completing their process of vetting.

CONSENT AGENDA
President Platt asked if anything was to be removed from the Consent Agenda, hearing nothing:
• MOTION: The Consent Agenda was unanimously approved:
  a) May 29, 2015 Board of Governors Meeting Minutes
  b) Approval of Resignations in Good Standing
  c) Approval of Reinstatement to Practice of Members suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)
  d) Approval of Suspensions for Non-Payment of Dues (Handout updated 6/23/15)
  e) Approval of Request for 2015 Annual Dues Waivers Requests/Late Fees
  f) Accreditation Renewal for the National Board of Trial Advocacy
  g) Proposed Reply to R-15-0004, Petition to Amend Rule 11, Ariz. R. Civ. P.

2015-2016 ELECTION OF OFFICERS
• Pursuant to Court rule, the president-elect automatically ascends to the office of president. The Board congratulated President Bryan Chambers (Gila County Attorney’s Office, Globe) in his new role.
• Pursuant to Court rule, the first vice president automatically ascends to the office of president-elect. The Board congratulated President-Elect Lisa Loo (Arizona State University, General Counsel’s Office, Tempe) in her new role.
• Jim Smith moved and Meredith Peabody seconded the nomination of Alex Vakula (The Vakula Law Firm PLC, Prescott) to serve as first vice president. No other nominations were made. Mr. Vakula was elected by acclamation and was congratulated by the Board.
• Jim Smith moved and Lisa Loo seconded the nomination of Geoffrey M. Trachtenberg (Levenbaum Trachtenberg PLC, Phoenix) to serve as second vice president. No other nominations were made. Mr. Trachtenberg was elected by acclamation and was congratulated by the Board.

Nominations for Secretary-Treasurer
• Steve Hirsch moved and Lisa Loo seconded the nomination of Jeffrey Willis (Snell & Wilmer LLP, Tucson) to serve as secretary-treasurer.
• No additional nominations were made.
• Richard Coffinger moved, Jim Smith seconded and the motion to close nominations for the secretary-treasurer position carried unanimously.
• Mr. Willis made brief remarks regarding his qualifications for the position.
• Mr. Willis was elected by acclamation and was congratulated by the Board.
• Photos of the new Board and Officers were taken.

RULES COMMITTEE – Chair Jeff Willis
• The Committee met and had three proposed Replies for consideration; two of which were already approved on the Consent Agenda. Remaining is the Proposed Reply to R-15-0023, Petition to Amend Rules 32, 41, 42 and 66 through 69, Ariz. R. Sup. Ct. which would direct lawyers to appropriately close or plan for closing their law practices.
• After discussion,
• MOTION: Coming from the Rules Committee, requiring no second, recommended approval of filing the Proposed Reply to R-15-0023, as submitted.
• VOTE: Passed over two objections.

APPOINTMENTS COMMITTEE – Chair Alex Vakula
• Appointments Committee Process and Guidelines
  ➢ The more broad issue is if the Appointments Committee should be provided criteria to rate applicants and how many candidates should be recommended to the Board.
  ➢ Also, should the judicial nominating commissions be handled differently than other openings?
  ➢ The Board agreed to consider these issues at its Retreat.
• Guidance re Advertising for Openings
  ➢ The Board discussed at length if the SBA should include in its advertising any reference to incumbency. This language has been removed from the judicial nominating commissions advertising.
  ➢ MOTION: Richard Coffinger moved to have Bar advertising reference an incumbent(s) in the judicial nominating commissions notices. The motion failed for the lack of a second.
  ➢ MOTION: Jim Smith moved to defer this discussion to the July 23-24 Board of Governors Retreat.
  ➢ VOTE: 9 -12 Motion failed.
  ➢ MOTION: Lisa Loo moved and Tony Finley seconded the motion to remove any reference to incumbency in all Bar [Appointments Committee-related] advertising.
➢ **VOTE:** 15-4. Motion passed.

- **ABA House of Delegates – future openings**
  ➢ In 2014 the Board voted to remove term limits for its four ABA Delegates.
  ➢ ABA Delegate Jim Smith noted that there are 525 members of the House and Delegates need to serve longer in order to move into ABA leadership positions.
  ➢ Whitney Cunningham favored term limits and suggested that criteria to evaluate their service be created.
  ➢ **MOTION:** Richard Coffinger moved and Dee-Dee Samet seconded the motion to follow the normal course and process to fill upcoming open seats.
  ➢ **VOTE:** Carried unanimously.

**ARIZONA FOUNDATION FOR LEGAL SERVICES & EDUCATION BOARD OF DIRECTORS** – one seat

- One Board of Governors seat is open to serve on the AZFLS&E Board of Directors.
- Jennifer Rebholz has expressed interest in serving in this capacity. After discussion,
  ➢ By acclamation the Board voted unanimously to appoint Jennifer Rebholz to this position.

**STRATEGIC PLANNING COMMITTEE** – Chair Bryan Chambers

- Mr. Chambers reviewed the final draft of the 2015-2019 Strategic Plan that the Committee has worked on for two years and requested the Board’s approval.
- **MOTION:** Coming from the Strategic Planning Committee, requiring no second, recommended approval of the 2015-2019 Strategic Plan.
- **VOTE:** Passed unanimously.

**FINANCE AND AUDIT COMMITTEE** – Chair Dave Byers

The Committee did not meet in June, but will meet before the July Board Retreat. Provided today as information are the following documents from the auditors:

- b) AU260 letter – auditor’s communication with those charged with governance
- c) AU265 letter – auditor’s communication re internal control related matters

**2015-2016 Bar Year** – Bryan Chambers

- Referenced the Board of Governors’ and the revised Scope and Operations’ Committee meeting schedules in the materials.
- Noted the Standing Board Committee assignments.

**MEMBER LETTER**

- A member wrote the president expressing concern over lawyer advertising.
- President Platt recommended that this issue go to the Ethics Committee to study and look at redefining what should and should not be included in advertising. The Board concurred.
- Florida has more restrictive rules on advertising.
• Patricia Sallen reported that the State Bar’s Consumer Information and Education Task Force approximately ten years ago reviewed a variety of advertising-related issues. The final report had a number of recommendations but most were not accepted or adopted.

GOVERNANCE TASK FORCE – John Phelps
• The Board received the fourth draft of the Court’s Governance Task Force report, which contains a minority report by one of its members
• The Task Force meets again on July 8th and will consider that minority report.
• A Rule Change Petition will likely be filed in January 2016 and comments would be due in May, should the Board decide to comment on the petition.
• Bryan Chambers plans to ask the Board for permission to form a Committee to review the report.

LEGISLATIVE UPDATE
John Phelps reported that a proposed bill has been drafted to bifurcate the Bar’s functions. The proposal would keep the Bar intact but lawyers would only pay fees to cover regulatory functions. The proposal closely mirrors the Nebraska Bar model.

COUNTY BAR REPORTS/CORRESPONDENCE/INFORMATION
• MCBA Report
• ABA Board of Governors June 2015 Meeting, Summary of Action
• John J. Sullivan Celebration of Life Program and Family’s Thank You Email
• Wrap Up Reports of Bar Sections and Committees

RECOGNITION OF OUTGOING BOARD MEMBERS – President Platt and the Board recognized and thanked the following members for their outstanding service to the Board and the State Bar:
• Erik J. Stone, YLD President, Jones Skelton & Hochuli PLC, Phoenix
• Whitney Cunningham, Immediate Past President, Aspey Watkins & Diesel PLLC, Flagstaff

RECOGNITION OF OUTGOING PRESIDENT PLATT
• CEO John Phelps presented Richard Platt with a coffee table picture book, signed by the staff, which illustrated his service as a Board member and as State Bar president. He was also presented with a leather-bound book containing every issue of Arizona Attorney magazine during the past Bar year which feature his president’s columns.
• President Bryan Chambers presented a memento of appreciation on behalf of the State Bar to Mr. Platt.

OBITUARIES
To honor our members who have passed, a webpage has been created and will be posted at www.azbar.org/NewsEvents/InMemoriam.
ADJOURN
There being no further business to come before the Board of Governors, the meeting adjourned at 3:35 p.m.

Respectfully submitted,

Alex Vakula
Second Vice President