

Board of Governors Meeting Highlights
October 19, 2018

The State Bar of Arizona Board of Governors held its regular meeting October 19, 2018, in Phoenix at the State Bar Offices.

The Board and staff held their annual Meet and Greet from 8:30 a.m. to 9:00 a.m.

President Jeffrey Willis called the Board meeting to order at 9:00 a.m.

Call to the Public – President Willis made a Call to the Public and, hearing nothing, moved to the next agenda item.

CEO/ED Report – John Phelps

- Mr. Phelps took this opportunity to introduce Employee of the Second Quarter Christina Desaubin, Member Services Administrator, and Employee of the Third Quarter Lisa Chamberland, Payroll Administrator. Award nominations come from their peers for their exceptional work in their given areas.

Executive Session – 9:05 a.m.

- President requested a motion to move to Executive Session to discuss the CEO search.
 - Tyler Carrell moved, Hector Figueroa seconded and the motion carried unanimously to go into Executive Session.
 - Staff remaining in the room: CEO/ED John Phelps, General Counsel Lisa Panahi and Board Services Specialist Nina Benham.
 - **MOTION:** John Gordon moved, Tyler Carrell seconded and the motion carried to move to open session at 9:25 a.m.

Open Session – 9:25 a.m.

- **MOTION:** Benjamin Taylor moved, Sharon Flack seconded and the motion carried over one dissent to set a Special Meeting of the Board of Governors on November 9, 2018, at 8:30 a.m. and to suspend Bylaw 9.09 so virtual attendance is authorized for this Special Meeting only. The Special Meeting is being called to conduct interviews of the finalists for the CEO position.

10 Minute Topic: “Building up to Brown v. Bd.” – Robert McWhirter and Jessica Sanchez

- Mr. McWhirter and Jessica Sanchez presented on “We the People”.

President’s Report – Jeffrey Willis

- Participated in the BLI Retreat/Kickoff in Tubac the weekend following the September Board meeting. The BLI celebrates twelve years in existence. Four current Board members are BLI graduates. The BLI program is supported by Elena Nethers, the Bar’s Diversity & Outreach Advisor.
- Attended, with John Phelps, the annual SBA/Pima County Bar Association’s reception on October 9th at the Z Mansion.
- Plan to attend the Arizona Judicial Council meeting in Flagstaff on October 25th.
- Senior Lawyers Task Force met yesterday with Hector Figueroa serving as Liaison.
- Dee-Dee Samet announced that President Willis had been elected to the American College of Trial Lawyers, and the Board offered its congratulations.

CEO/ED Report (continued) – John Phelps

- Human Resources Director Gayle Jackson had given notice and the Board recognized and thanked her for her contributions at the September Board meeting. Ms. Jackson will be departing the end of the month. Qualified candidates have been interviewed and a smooth transition is expected.
- Attended, along with President Willis, the State Bar/Pima County Bar networking event.
- Attended the NABA-AZ Seven Generations Awards Dinner & Silent Auction, Black Bar Hayzel B. Daniels Scholarship Gala and Los Abogados Hispanic Bar Associations Gala. The State Bar was recognized by the NABA-AZ for its Bar Leadership Institute.
- Sections on task after summer hiatus
- Staff working on department budgets; 2019 draft budget to the Board in November
- Convention planning is underway

Appointments Committee – Chair Lori Higuera

Arizona Commission on Judicial Conduct

- The Commission has one true vacancy on the ACJC and the term is six years. The Board of Governors makes this appointment.
- The Appointments Committee screened and vetted five new applications and two previous applications. The Appointments Committee ranked them in the following order for the Board's consideration:
 - Ms. Denise K. Aguilar, Aguilar Law Office PLLC
 - Ms. Kristy K. Perkins, Maricopa county Attorney's Office
 - Mr. Hesam "Sam" Alagha, Herman Goldstein Law Firm
- **MOTION:** Coming as a Motion from the Appointments Committee, seconded by Denis Fitzgibbons and carried unanimously to appoint Ms. Denise K. Aguilar to the ACJC.

City of Glendale Judicial Selection Advisory Board

- The Commission has one true vacancy on the City of Glendale (JSAB) and the term is three years. The Glendale City Council makes this appointment from the Board's slate of nominations.
- The Appointments Committee screened and vetted two new applications. The Appointments Committee found both candidates to be qualified. Since the Committee is asked to provide three nominations per opening, the Committee recommends that the Board nominate both candidates to the Glendale City Council for its consideration in filling the "State Bar seat" on Glendale's JSAB. The two candidates are:
 - Ms. Ana Botello, Federal Public Defender's Office
 - Ms. Magdalena Osborn, Lovitt & Touche Inc.
- **MOTION:** Coming as a Motion from the Appointments Committee, seconded by Tyler Carrell and carried unanimously to recommend to the Glendale City Council both candidates listed above for its consideration.

DNA-People's Legal Services Inc. Board of Directors

- The Board of Directors has two true vacancies and the terms are four years. The Board of Governors makes the appointments.
- The Appointments Committee screened two new applications and four previous applications. The Committee recommends the following four qualified candidates for the Board's consideration in order to make two appointments. The candidates are:
 - Ms. Nancy L. White, Steptoe & Johnson LLP
 - Ms. Virjinya R.A. Torrez, AAG Pascua Yaqui Tribe
 - Mr. Jordan J. Christensen, Salt River Legal Services
 - Mr. David J. Ouimette, Dickinson Wright PLLC

- **MOTION:** Dee-Dee Samet moved, Dave Byers seconded and the motion carried unanimously to appoint Ms. Nancy L. White and Ms. Virjinya R.A. Torrez to serve on the DNA-People’s Legal Service Board of Directors for a term of four years.

Consent Agenda

- a) Approval of September 21, 2018 Board Meeting Minutes
- b) Approval of Resignations
 - i) Approval of Resignations in Good Standing
 - ii) Approval of Resignation in Lieu of Reinstatement
- c) Approval of Reinstatements
 - i) Approval of Reinstatements of Members Suspended for Non-Compliance with MCLE Requirements, Rule 45, Ariz. R. Sup. Ct.
 - ii) Approval of Reinstatement of Member(s) Suspended for Non-Compliance with Annual Membership Fee and/or Trust Account Compliance (Rule 32(c)(10) and/or Rule 43, Ariz. R. Sup. Ct.
- d) National Council for Children (NACC) AZ BLS Accreditation Application (2018)
- e) Ratification of SCAC Appointment
- President Willis asked if there was anything to be removed from the Consent Agenda, hearing nothing the following Motion was made:
- **MOTION:** Tyler Carrell moved, Jessica Sanchez seconded and the motion carried unanimously to approve the Consent Agenda.

Special Recognition and Presentation

- President Jeffrey Willis presented Erik Jon Foley with a memento for his exceptional efforts in receiving the highest score on the February Bar Exam.

Program Review Working Group – Chair John Gordon

- The Standing Bar Committee Guidelines were presented at the June meeting, are returning after including the Board of Governors’ suggested edits, and are up for a vote.
- The groups currently with a designation of Standing Committee are the Appointments Committee, Civil Practice and Procedure Committee, Criminal Practice and Procedure Committee, Family Law Practice and Procedure Committee, Civil Jury Instructions Committee and Criminal Jury Instructions Committee.
- After review and discussion of the Revised Guidelines that cover Committee meetings, specifically attendance, quorums and proxies, the following motion was made:
- **MOTION:** Dave Byers moved, Lori Higuera seconded and the motion to approve the proposed Standing Bar Committee Guidelines carried unanimously subject to striking the word “not” in item number 1 on page 10: “Committees do ~~not~~ have an established quorum.”

Amicus Curiae Participation – Fleck – Lisa Panahi, General Counsel

- Still waiting for a decision from the U.S. Supreme Court on the pending petition for certiorari. .
- A brief overview of amicus curiae was given.
- Before the Board for approval is the Revised Amicus Policy presented at the September Board meeting. The policy gives the president the authority to appoint a working group if the Bar was asked to consider amicus participation.
- **MOTION:** Dave Byers moved, Guy Testini seconded and the motion carried unanimously to approve the revised Amicus Policy as presented, which would authorize the president to appoint a working group.

Communications/Government Relations Division – Legislative Report – Rick DeBruhl

- Annual request for the members of the Board to provide their legislative districts and which elected official(s) they may personally know. This provides helpful information during the regular session.
- Review of the House and Senate races.

CLE Initiative – Lisa Deane and John Phelps

- The Court Rule states that the Bar is to develop and deliver CLE and to create the standards for CLE compliance. Proposal to pre-certify State Bar CLE making it easier for members to comply and record.
- Sections would have their CLE seminars reviewed/pre-certified.
- Safe harbor for members - would not need to worry about audits of State Bar CLEs and all credits would be posted to their online CLE tracking for them. No need to keep materials for an audit unless one wants the reference materials.
- Proposal does not require certification of other providers.
- Board consensus: John Phelps and Lisa Deane to come back to the Board with a proposal.

POLICY DISCUSSION

Legal Education and Admissions Standards – Panel comprised of: Hon. Rebecca White Berch, Moderator; Dean Marc Miller; Dean Doug Sylvester; David K. Byers and Professor Rob Williams.

- Stemming from a suggestion from Dave Byers, a panel was formed to hear from the law school deans about the national conversation about bar exams and associated issues having to do with how law schools identify and develop factors for success in practice.
- Former Chief Justice Berch, previously served as Chair of the ABA’s Section of Legal Education and Admissions to the Bar, and agreed to serve as moderator for this panel discussion.
- Panel discussed variety of current challenges and opportunities relating to law school and bar admissions processes and policies.

Finance and Audit Committee – Kathy Gerhart and Denis Fitzgibbons

- SBA Operating Surplus \$83K, \$107K favorable
- End of Year expected \$175-200K loss due to lack of dues penalties (more members are paying annual fees on time than in previous years thus fewer penalties are being assessed) and mission critical IT projects.
- Client Protection Fund (Q3) Financial Reports
 - \$196K Cash
 - \$2.4M CDR, Interest Rate .826%
 - \$242K claims paid to date in 2018

Announcement – Jennifer Rebholz is working with the Arizona Foundation for Legal Services & Education to update its Legends in Arizona Law series. To celebrate its 40th Anniversary the Foundation is working to interview 40 “legends” and add their legal histories to the collection. Asking for volunteers to do the interviews. The goal is to have this done by Convention time. Online there is a list that they want to grow with notable attorneys in Arizona to be interviewed.

NEXT MEETING: The Board voted to add a Special Meeting on November 9th starting at 8:30 a.m. to interview the CEO candidates.

Adjourned at 1:15 p.m.

Obituaries

To honor our members who have passed, a webpage has been created and will be posted at www.azbar.org/NewsEvents/InMemoriam.

Meeting Schedule – The Special Meeting of the Board will be held November 9, 2018 in Phoenix, Arizona. The full schedule is posted on the Bar’s website:
<http://www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule/>