

**MEETING OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA**

December 12, 2025

BOARD MEMBERS PRESENT: Samuel J. Saks, President, Tempe; Doreen N. McPaul, President-Elect, Gilbert; Kelsi Lane, Vice President, Tempe; David J. Johns, Flagstaff; Amy P. Hernandez, Tucson; Cedric Dave, Public Member, Chandler; Cortez W. Smith, Public Member, Casa Grande; Heather Baker-Mushkatel, Sun City; Justice Kathryn King, Supreme Court Liaison, Phoenix; David B. Rosenbaum, Phoenix; Mignon Hollis, Public Member, Sierra Vista; Russell Duerksen, Chino Valley; Louis S. Fidel, Tucson; J. Damon Ashcraft, Phoenix; Rebecca Baker, Phoenix; Preston L. Pollock, Globe; Thomas Ryan, Chandler; Chloé R. Woods, Phoenix; Jena Decker-Xu, Phoenix; Jimmie Dee Smith, Yuma; Robert J. McWhirter, Phoenix; David K. Byers, At-Large Member, Scottsdale; Denis M. Fitzgibbons, Casa Grande; D. Christopher Russell, Secretary-Treasurer, Sierra Vista; Ted Schmidt, Tucson; John W. Graham, Scottsdale; Jack Lunsford, Phoenix; Dean Stacy Leeds, Ex-Officio Member, ASU.

BOARD MEMBERS WITH EXCUSED ABSENCES: Rachel Romaniuk, YLD President, Chandler; Interim Dean Jason Kreag, Ex-Officio Member, UofA.

STAFF: Joel England, Chief Executive Officer; Noah Coakley, Chief of Staff & Director of Community Impact; Tim Eigo, Chief Communications Officer; Jessica Iennarella, Chief Financial Officer; Trish McCarty, HR Director; Lori Maxwell, Chief Information Officer; Amy Rehm, Deputy Chief Bar Counsel; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel; Jessica Fotinos, General Counsel; James Lee, Senior Bar Counsel; Steve Little, Senior Bar Counsel LOMAP; Suzanne Porter, Bar Counsel; Genna Barela, Manager of Board Operations; Richard Palmatier Jr., Assistant General Counsel; Patricia Seguin, Legal Affairs Manager, Karen Oschmann, Client Protection Fund Administrator; Caitlin Kelly, Program Coordinator; Shaniece Brazwell, Administrative Assistant III, Member Services; Octavius Garrett, Accounting Manager; Amanda Malcolm; Accountant I; Jessica Burns, Accountant II; Tamara Duenas, Senior Accountant; Mike Vallone, Procurement and Facilities Director; Jessica Burns, Senior Accountant; and Jason Kvidahl, Payroll Administrator.

GUESTS: Christopher Walker, Ashley Fritz, Austin Soszynski, Spencer Dickson, Teran Porter, Chris Welch, Mark Zinman, Joe Kanefield, and Jim Jecker from Exhibit One.

1. Call to Order

President Saks called the meeting to order at 9:00 a.m. President Saks thanked Genna Barela and Robert J. McWhirter for the holiday party.

2. Call to the Public

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

3. CEO's Report

Joel England introduced Jessica Fotinos, the new general counsel. He gave recognition to:

- Employee of the Quarter: Shaniece Brazwell

- Team of the Quarter: the finance team, consisting of Jessica Iennarella, Octavius Garrett, Jason Kvidahl, Jessica Burns, Tamara Duenas, Amanda Malcom, Mike Vallone

4. Consent Agenda

President Saks asked if there were any matters that needed to be removed from the Consent Agenda. Section d) Indian Law Section: Affiliate Membership; Bylaws; and Awards Update was removed.

- a) Approval of Resignations in Good Standing
- b) Approval of Reinstatement of Member(s) suspended for Non-Compliance with Annual Membership Fees and/or Rule 43, Ariz. R. Sup. Ct.)
- c) Approval of Reinstatement of Member(s) suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)
- ~~d) Indian Law Section: Affiliate Membership; Bylaws; and Awards Update~~
- e) Proposed Petition to Amend Rule 51, Ariz. R. Fam. L. P.
- f) Proposed Petition to Amend Rules 44.1 and 44.2, Ariz. R. Fam. L. P.
- g) Antitrust Law Section Sunset Section

MOTION to approve the revised Consent Agenda made by Jenna Decker-Xu
 Seconded by Cedric Dave
 Motion carried unanimously.

Healthy discussion was had with respect to the membership data for the Indian Law Section (ILS).

MOTION to request ILS to add law student affiliate membership; update the bylaws for readability, reorganization, renumbering and consistency of terms, shortening the terms, clarifying resignation procedure, updating meetings, authorizing the executive council to continue to function if it loses members, adding legal paraprofessionals; and assisting law school graduates who are interested in working in Indian law with monetary assistance related to the bar exam and character and fitness made by Christopher Russell.

Seconded by Mignonette Hollis
 Motion carried unanimously.

5. Lawyer Apprentice Program

Dave Byers presented. Part of the State Bar of Arizona’s current strategic plan is to increase the accessibility of legal services for all Arizonans. The State Bar of Arizona also collaborates with partner legal organizations to improve the provision of legal services. Arizona ranks 49th in the number of lawyers per population. Across the country, many states have a passage score of 260. Arizona’s bar exam passage score is 270. The Arizona Lawyer Apprentice Program (ALAP) allows law school graduates who score between 260 and 269 to practice for public agencies across the state. They are also allowed to practice in private firms in rural Arizona, in counties with a population of fewer than 600,000 from the most recent census. There is a 24-month supervisory period, and the apprentice has to work under the supervision of an attorney with five years or more experience. After two years, if the supervising attorney attests that the apprentice is “capable of practicing,” the Committee on Character and Fitness will consider admission to the practice of law in Arizona. Apprentices are subject to the same disciplinary requirements as licensed attorneys. Forty-four ALAP licenses have been issued to date. There are 40 active apprentices practicing and three passed the Bar exam with a score of 270 or higher. Because of other grants received, Dave Byers requested bar funds that were previously allocated for use in the first

two years of the ALAP be extended for use in subsequent years of the ALAP.

MOTION to approve to extend \$130,000 funding for two additional years starting July 2026 made by David Rosenbaum

Seconded by Rachel Romaniuk

Motion carried unanimously.

6. Finance & Audit Committee

a) 2026 Operating Budget

Jessica Iennarella presented the 2026 Operating Budget which has been approved by the Finance & Audit Committee, as well as the Executive Council. The Budget as presented meets budget memorandum requirements. Details include:

- Budgeted surplus of \$156K excluding section activity.
- Revenue is \$19,141K excluding section activity – 1.7% increase over 2025's budget & 3.1% increase over 2025's projected actuals.
- Expenses are \$18,985K excluding section activity – 2.3% increase over 2025's budget & 5.3% increase over 2025's projected actuals.
- Section activity is net deficit of \$135K.
- Net budgeted surplus is \$21K.

MOTION to approve the 2026 Operating Budget made by Kelsi Lane

Seconded by Mignonne Hollis

Motion carried unanimously.

b) Capital Budget (2026-2030)

Jessica Iennarella presented the five-year capital budget which has been approved by the Finance & Audit Committee, as well as the Executive Council. Budget is in line with targeted average. Most significant project is upgrade of CLE center in Phoenix office.

MOTION to approve the 2026 budget made by Russell Duerksen

Seconded by Mignonne Hollis

Motion carried unanimously.

7. Appointments Committee

a) Arizona Supreme Court Committee on Examinations

Kelsi Lane presented. She discussed that there has been difficulties related to recruitment of applications for nomination for an appointment to the Committee on Examinations, and encouraged Board members to assist with recruitment efforts. She made an unofficial recommendation to nominate Mr. Gregory Larson.

MOTION to nominate Mr. Larson made by Robert J. McWhirter

Seconded by Mignonne Hollis

Motion carried unanimously.

8. Appointments to the Arizona Bar Foundation for Legal Services & Education Board of Directors

President Saks presented. David Rosenbaum's term is expiring and will be rotating off. Mignonne Hollis, Heather Baker-Mushkatel, and Kelsi Lane currently serve on the Foundation Board. Heather and Mignonne are eligible for reappointment. Russell Duerksen volunteered as a rural member of the Board to serve on the Foundation's Board of Directors.

MOTION to reappoint Mignonne Hollis for a second term; motion to reappoint Heather Baker-Mushkatel for her first full term; motion to appoint Russell Duerksen for his first full term made by Christopher Russell

Seconded by J. Damon Ashcraft

Motion carried unanimously.

Recess: The board took a 5-minute break.

9. Rules Review Committee

David Johns presented. Proposed Petitions taken out of order.

- a) Proposed Petition to Amend Ariz. R. Civ. P. and Adopt New Rule 7.5
Building on the success of Rule 26(d), this is a refined expedited dispute-resolution rule—now requiring submission of the underlying discovery request or amended pleading—and recommends extending it to motions to amend, motions to compel or for sanctions, subpoena disputes between parties, and preservation requests, along with conforming rule amendments.

MOTION to approve Proposed Petition to Amend Ariz. R. Civ. P. and Adopt New Rule 7.5 made by Louis Fidel

Seconded by David Rosenbaum

Motion carried unanimously.

- b) Proposed Petition to Amend Rules 79 and 80, Ariz. R. Sup. Ct.
The State Bar faces unnecessary costs and delays—private process service, barriers to filing pre-complaint protective orders, and trials set more than a year out—leaving the public inadequately protected from ongoing UPL risks.
In UPL matters, allowing State Bar staff examiners to serve documents and requiring trials to occur within 150 days—consistent with lawyer-discipline cases—would reduce unnecessary costs and delays and better protect the public from ongoing harm.

MOTION to approve Proposed Petition to Amend Rules 79 and 80, Ariz. R. Sup. Ct. and withdraw the portion amending Rule 31.1(c), made by D. Christopher Russell

Seconded by Mignonne Hollis

Motion carried unanimously.

c) Proposed Petition to Amend Rules 11(d) and 18(d), Ariz. R. P. Eviction Actions

The overarching rationale for these amendments is the now well-recognized magnitude of the social consequences that accompany an eviction judgment. Eviction frequently precipitates homelessness, inflicts severe and lasting harm on children, destabilizes families, and can even result in the loss of parental rights. These are among the most consequential outcomes associated with any civil proceeding that does not involve the loss of liberty.

Because the stakes are so substantial, a correspondingly higher level of procedural protection is warranted. The proposed rule changes constitute a calibrated upward adjustment to due process—one that remains fully compatible with the expedited nature of eviction proceedings yet meaningfully safeguards against erroneous or premature deprivations of housing.

Zona Law, Mark Zinman, Christopher Walker, and Ashley Fritz spoke in opposition to the Proposed Petition.

d) Proposed Petition to Amend Rule 15, Ariz. R. P. Eviction Actions

Rule 15 currently lacks several key grounds for relief that are available under Civil Rule 60, leaving eviction litigants with more limited procedural protections. The petition seeks to amend Rule 15 to incorporate the full set of Rule 60 grounds and to add an automatic stay during the three-day emergency-motion decision period. A similar petition filed in 2025 received the State Bar's support but was denied by the Supreme Court without explanation. Given increasing eviction rates and the large number of self-represented tenants, the CPPC believes the issue remains significant and recommends that the State Bar again pursue these amendments.

Rule 15 omits three critical Rule 60 grounds for relief—void judgments, satisfied or no-longer-equitable judgments, and a catch-all provision—leaving fewer avenues for correcting erroneous eviction outcomes. The petition would incorporate these grounds and require a brief stay of enforcement while emergency post-judgment motions are pending, preventing wrongful loss of possession while imposing only minimal delay if relief is ultimately denied.

Zona Law, Mark Zinman, Christopher Walker, and Ashley Fritz spoke in opposition to the Proposed Petition.

A robust discussion was held by the Board on both proposed petitions as relate to the Arizona Rules of Procedure for Eviction Actions, as well as the Supreme Court's prior consideration and denial of similar petitions in 2025. A suggestion was made that forming a task force with all interested parties to look at the issues presented in these two petitions might be a good idea.

MOTION to form a task force to study issues and proposed changes in these two eviction petitions made by J. Damon Ashcraft

Seconded by Kelsi Lane

Three opposed: Thomas Ryan, Jimmie Dee Smith, and Denis M. Fitzgibbons.

Motion carried.

10. Convention Silent Auction Recipient

Roberta Tepper presented. She requested that the Board select one of the three applicants to host and be the beneficiary of the silent auction at the 2026 Convention. The Board discussed the three applicants.

MOTION to select the Defenders of Children as the host and recipient for the silent auction at the 2026 Convention made by Mignonne Hollis.

Seconded by David Johns.

Thomas Ryan abstained. Motion carried.

11. Rule of Law Working Group

Joe Kanefield presented. He talked about coordination between the Arizona Supreme Court and State Bar of Arizona for hosting Rule of Law Day on February 12, 2026. The goal is to have events in all fifteen counties. The Arizona Supreme Court's event theme will be 250 Years of America. Other counties will be doing their own events at their respective court facilities. Oaths will be readministered at all the events.

12. State Bar of Arizona Q3 2025 Financial Reports

Jessica Iennarella reminded governors that 3rd quarter financial statements were included in Board packet.

13. Arizona Bar Foundation for Legal Services & Education – 20 Years of Giving

President Saks thanked the Arizona Bar Foundation for Legal Services & Education. The Foundation has raised \$3,035,000 for legal services as a result of the Giving Program, included with the dues process, adopted by the State Bar of Arizona in 2005. There is a check box for contribution to the Foundation on the annual dues statement.

14. ADJOURNED at 10:54 a.m.