

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

January 23, 2026

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; Jena Decker-Xu, Phoenix; Cedric Dave, Public Member, Chandler; Heather Baker-Mushkatel, Sun City; Justice Kathryn King, Supreme Court Liaison, Phoenix; David B. Rosenbaum, Phoenix; Jimmie Dee Smith, Yuma; Mignonne Hollis, Public Member, Sierra Vista; D. Christopher Russell, Secretary-Treasurer, Sierra Vista; Russell Duerksen, Chino Valley; David K. Byers, At-Large Member, Scottsdale; Louis S. Fidel, Tucson; Denis M. Fitzgibbons, Casa Grande; J. Damon Ashcraft, Phoenix; Rebecca Baker, Phoenix; Jack Lunsford, Phoenix; Thomas Ryan, Chandler; Robert J. McWhirter, Phoenix; Preston L. Pollock, Globe; Chloé Woods, Phoenix; Rachel Romaniuk, YLD President, Chandler; Mary Helen Maley Maynard, Senior Lawyers Division President.

BOARD MEMBERS WITH EXCUSED ABSENCES: Ted Schmidt, Tucson; Cortez Smith, Public Member, Casa Grande; Interim Dean Jason Kreag, Ex-Officio Member, UofA; Dean Stacy Leeds, Ex-Officio Member, ASU; John Graham, Scottsdale.

STAFF: Joel England, CEO/Executive Director; Jessica Iennarella, Chief Financial Officer; Tim Eigo, Chief Communications Officer; Roberta Tepper, Chief Member Services Officer; Trish McCarty, HR Director; Jessica Fotinos, General Counsel, Maret Vessella, Chief Bar Counsel; Amy Rehm, Deputy Chief Bar Counsel; Genna Barela, Manager of Board Operations; Deanna Commack, Executive Assistant; Nick Gustin; Director of Project Management; Chris Wyatt, IT Lead.

GUESTS: Chief Justice Timmer. Judge Anni Hill Foster, Abby Raddatz, Marquita Brazil, Janna Day.

1. Call to Order and Summary of Agenda – President Sam Saks

President Saks called the meeting to order at 9:17 a.m.

Bob McWhirter has been appointed to the Indigent Defense Study Advisory Committee. Former State Bar Present Jessica Sanchez has been appointed to Superior Court in Maricopa County.

2. Call to the Public – President Saks

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

3. Senior Lawyer Division President Introduction – President Saks

President Saks welcomed new Board member Mary Helen Maley Maynard. Ms. Maley Maynard thanked the Board and expressed appreciation that senior lawyers now have representation. She noted ongoing efforts to streamline Rule 38 to make pro bono certification more accessible for retired and inactive attorneys and highlighted collaboration with Judges Kreamer and Thumma through the Access to Justice Committee. She also briefly reported on other Senior Lawyer Division initiatives.

4. CEO's Report – CEO Joel England

CEO England reported that annual performance reviews for the organization's employees are underway and will be completed by the end of the month, after which the merit salary increase process will begin.

He and President Saks will attend the National Conference of Bar Presidents in San Antonio. Topics include AI and the rule of law. This is an opportunity to exchange ideas with other bars to support continued growth.

CEO England also announced the new SharePoint site for the Board of Governors. The State Bar is finalizing testing, with plans to introduce the site at the February Board meeting.

4. Consent Agenda –President Saks

President Saks asked if there were any matters that needed to be removed from the Consent Agenda and hearing none:

- a) Approval of Resignations in Good Standing
- b) Approval of Resignations in Lieu of Reinstatement
- c) Approval of Reinstatement of Member(s) suspended for Non-Compliance with Annual Membership Fees and/or Rule 43, Ariz. R. Sup. Ct.)
- d) October and December 2025 Board Meeting Minutes

MOTION to approve the Consent Agenda by: Denis Fitzgibbons

Seconded by: Louis Fidel

Motion passed.

6. Policy Manual Working Group – Doreen McPaul and Jessica Fotinos

Doreen McPaul reported that the workgroup held its first meeting and completed an initial review of the policy manual. She noted that the manual contains more than 120 policies, many of which are undated, and some have not been reviewed since 2014. Staff are undertaking significant work to update and clarify these materials.

The first recommendation is to sunset the Board Members' Attendance and Voting by Telephone policy. The Working Group recommends discontinuing this practice, noting that it previously allowed two call-in meetings per year but provisions in the bylaws regarding virtual meetings as well as current technology have rendered the policy unnecessary.

MOTION to sunset policy by: Doreen McPaul

Seconded by: Damon Ashcraft

Motion passed.

The Working Group's second recommendation is to sunset the Board Meeting Attendance Policy, which currently allows removal of a member after three unexcused absences. Doreen McPaul noted that attendance expectations are already addressed during orientation and do not require a separate policy. President Saks clarified that the bylaws provide general authority for removal, if ever necessary. Jena Decker-Xu asked how removal would be handled without a defined standard, while President Saks emphasized that such action is rare and reserved for extreme circumstances. Damon Ashcraft expressed concern about eliminating the benchmark, preferring a defined rule to avoid ambiguity. Rachel Romaniuk added that the Young Lawyers Division uses a two-unexcused-absence standard and supported retaining an attendance policy.

MOTION to sunset policy by: D. Christopher Russell

Seconded by: Thomas Ryan

Motion failed.

The Working Group's third recommendation is to combine the State Bar Policy on State Bar Representation and Responsibilities Related to Non-State Bar Entities and Bar Representation and Responsibilities Related to Arizona Supreme Court Ad Hoc Committees and Task Forces. Jessica Fotinos explained that these two existing policies govern appointments to external entities (one for court-related entities and one for non-state bar entities), and the workgroup recommends consolidating them into a single policy since the processes are similar. She noted that the updated version streamlines language, includes both the Supreme Court and Administrative Office of the Courts, renames the former Scope and Operations Committee to the Executive Council, and maintains necessary safeguards such as confirming appointees' good standing. Jessica Fotinos emphasized that these appointments typically require quick action and should be managed at the executive level. The policy is to be renamed Policy on Nominating or Appointing State Bar Representatives to Arizona Supreme Court and Other Non-State Bar Entities.

MOTION to update and consolidate policies by: D. Christopher Russell

Seconded by: Jimmie Smith

Abstention: David Rosenbaum

Motion passed.

The fourth policy presented was the State Bar of Arizona Board of Governors – Authorized Agent for Service of Process, with a recommendation that the policy not include a form signed by each Governor, but that the policy should stand alone, and any form by which a Governor is to sign off for authorization is to be a separate document. The updated policy authorizes General Counsel to serve as the statutory agent and accept service on behalf of the Board when necessary. Jessica Fotinos noted that the language needed updating to clearly identify the types of matters involved, such as civil lawsuits, court appearances, and subpoenas. The policy is to be renamed State Bar of Arizona Authorized Agent for Service of Process.

MOTION to update policy by: D. Christopher Russell

Seconded by: Damon Ashcraft

Motion passed.

7. Supreme Court on Innovation Programs– Chief Justice Timmer, Judge Anni Hill Foster, Dave Byers, Abby Raddatz, Marquita Brazil

Chief Justice Timmer, joined by Judge Anni Hill Foster, Abby Raddatz, and Marquita Brazil, provided an overview of the Administrative Office of the Courts' work on legal services innovation and Alternative Business Structures (ABS). They emphasized the Court's continued focus on expanding access to justice, noting Arizona's unique elimination of ER 5.4 and the resulting growth in ABS entities, Legal Paraprofessionals, document preparers, and community justice workers. Updates were also provided on the Government Law Admission Program and Arizona Lawyer Apprentice Program, both designed to bolster the legal workforce, particularly in underserved communities. Justice Timmer highlighted the Court's regulatory duty of consumer protection and encouraged continued collaboration with the State Bar.

Judge Foster explained the ABS program structure, oversight mechanisms, and the importance of compliance. She noted the absence of comprehensive data to date on number of people served but reported ongoing efforts to study program viability and refine regulatory requirements, including

compliance-lawyer expectations for certain ABS structures. Presenters acknowledged the growth of ABS in areas such as personal injury and mass tort, with some entities remaining inactive or surrendering licenses. They emphasized that the Court continues to monitor potential risks, including unauthorized practice of law, insufficient supervision, and referral-based business models that may not deliver meaningful legal services.

Judge Foster also briefly discussed two pending proposals to the Arizona Code of Judicial Administration that related to ABSs.

Board members raised concerns and engaged in discussion regarding the extent to which ABS advances access to justice, the concentration of ABS in the personal injury sector, the challenges in rural legal deserts, and whether non-lawyer ownership alters incentives in ways that may affect consumer protection. Suggestions included exploring additional access-to-justice requirements, while others emphasized the importance of innovation and competition. Members also noted difficulties in measuring impact due to limited data. Chief Justice Timmer closed by thanking the Board for its candid dialogue, reiterating that the Court is closely monitoring program evolution, and noting upcoming leadership transitions within the oversight structure.

BREAK: The Board took a short recess from 10:49 a.m. and the meeting resumed at 11:13 a.m.

CEO England reported that the comment period for the ABS program code changes closes on February 16th and 17th, respectively, which is before the February Board meeting. CEO England requested approval from the Board for the Executive Council to approve a comment for filing so it can be transmitted to the Court before the deadline.

MOTION to approve Executive Council approving comment by: D. Christopher Russell
Seconded by: Chloé Woods
Motion passed.

8. Finance and Audit Committee – Jessica Iennarella and Chris Russell

Jessica Iennarella reported that the financial statements through November 2025 reflect an operating surplus of \$666,000 and an investment gain of \$2,102,000 resulting in a net change in assets of \$2,768,000. She noted that this update focuses primarily on operating results. The most recent forecast projects total revenue of \$19,120,000 and total expenses of \$18,565,000, yielding a net operational surplus of \$554,000, which is \$474,00 above budget. She explained that, consistent with prior years, financial statements will be issued in two rounds: the first close, which is now materially complete, will be released by the end of January, and the second, including all GAAP-compliant entries, will be finalized in early April. She added that the Finance & Audit Committee and subsequently the Board of Governors will vote in February on reserve funding based on available information, with execution occurring after the final close in April. Chris Russell noted that late fees totaled approximately \$500,000.

9. Legislative Update – Tim Eigo and Janna Day

Janna Day reported that the legislative session is progressing at a record-setting pace, with approximately 1,412 bills introduced, which is nearly double that of prior years. She noted that the Senate may reach a numbering limitation because House bills begin at 2,000. She described the session as challenging due to tax-form confusion, significant budget issues influenced by federal changes, and the political environment surrounding the re-election campaigns of State elected officials.

Janna Day provided an update on two State Bar-related bills introduced in the first week: SB 1039, which would require the State Bar to reimburse attorneys for lost wages and reputational harm if cleared of charges, and SB 1148, which would prevent the courts from delegating attorney discipline to outside organizations. Janna Day added that meetings with key Senate members, including the President of the Senate are scheduled this week. Janna Day also reported on a separate bill proposing the elimination of the Court of Appeals, Division Two, following litigation over statewide judicial elections.

10. Executive Session –HR Subcommittee

President Saks stated that there was no need to enter executive session. Preston Pollock encouraged attendees to use the remaining time to complete the CEO evaluation or to contact Genna Barela for the survey link, noting that the survey will close on Sunday.

11. Correspondence/Reports –President Saks

Provided in the Board meeting materials

- Save the Date – 2026 Board Retreat
 - July 23rd & 24th
 - Location Pending
- Access to Justice Legal Clinic on January 27th, 2026
 - Clinic for Family, Landlord/Tenant, Estate Planning, Criminal, Immigration, Employment, Bankruptcy/Collections, and Civil
- St. Vincent De Paul Legal Clinic on February 5th, 2026
 - Clinic on Living Wills and Durable POA
- National Conference of Bar Presidents
 - February 5th through February 7th
- Rule of Law Event on February 12th, 2026
- ABC15 Live Phone Bank on February 18th, 2026
 - Phone Bank for Family Law

ADJOURNED at 11:33 a.m.