

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

June 11, 2024

BOARD MEMBERS PRESENT: Benjamin Taylor, President, Phoenix; Ted Schmidt, President-Elect, Tucson; Sam Saks, Vice President, Tempe; Doreen McPaul, Secretary/Treasurer, Gilbert; Heather Baker-Mushkatel, Phoenix; Diandra Benally, Fountain Hills; Denis Fitzgibbons, Casa Grande; Amy Hernandez, Tucson; David Johns, Flagstaff; Kelsi Taylor Lane, Phoenix; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Globe; Christopher Russell, Sierra Vista; Jessica Sanchez, Board Advisor, Mesa; Elizabeth Schmitt, YLD President, Phoenix; Jimmie Smith, Yuma; Henry Whitmer, Prescott; Public Governors Robyn Austin, Tucson, Cedric Dave, Chandler, Mignonne Hollis, Sierra Vista, and Cortez Smith, Casa Grande; At-Large Governors, Mike Baumstark, Scottsdale and Dave Byers, Phoenix; Dean Stacy Leeds, Phoenix.

BOARD MEMBERS WITH EXCUSED ABSENCES: Jena Decker-Xu, Phoenix; Leticia Marquez, Tucson; Dean Marc Miller, Tucson; David Rosenbaum, Phoenix.

STAFF: Deanna Commack, Executive Assistant; Joel England, CEO/Executive Director; Tim Eigo, Editor, *Arizona Attorney Magazine*; Joe Hengemuehler, Chief Communications Officer; Jessica Iennarella, Chief Financial Officer; Lori Maxwell, CIO; Trish McCarty, HR Director; Tom McCauley, ACAP; Lisa Panahi, General Counsel; Amy Rehm, Deputy Chief Bar Counsel; Carrie Sherman, Director of Board Operations; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel.

GUESTS: Dr. Ernest Calderón, Phoenix; Janna Day, Phoenix; Louis Fidel, Tucson; Dr. Shannon Portillo; Tempe.

Call to Order – Benjamin Taylor

President Taylor called the meeting to order at 1:04 p.m. in the Komatke B/C Rooms at the Sheraton Grand at Wild Horse Pass Resort & Spa in Phoenix.

Call to the Public – Benjamin Taylor

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

President's Report – Benjamin Taylor

- Welcomed:
 - Louis Fidel, District 5 Governor-Elect
 - Amy Hernandez, District 5 Governor appointed by the Arizona Supreme Court
 - Christina Poletti, YLD President-elect (absent)
 - Chloé Woods, District 6 Governor-Elect
- Access to Justice Committee and Advancement & Improve Committee Update
 - Both appointed and first meetings are being scheduled

CEO/ED's Report – Joel England

- Announced the departure of Director of Board Operations Carrie Sherman who is ending a 36-year career with the State Bar of Arizona. Shared a Powerpoint containing well wishes from many past presidents with whom she worked over the years.

Nominating Committee – Jessica Sanchez

- Described the process undertaken to publicize, recruit and interview Board members seeking to serve as one of the following Board officers: president-elect, vice president and secretary-treasurer.
- President-elect Ted Schmidt will automatically ascend to the presidency at the close of the Annual Meeting/Convention.
- Recommended the following slate of candidates:
 - President-elect Sam Saks
 - Vice President Doreen McPaul
 - Secretary-Treasurer Kelsi Lane

MOTION: Cedric Dave moved, Cortez Smith seconded and the motion carried unanimously to elect the 2024-2025 Board officers as presented.

BREAK: Photos of the 2024-2025 Executive Council and the Board of Governors were taken.

Appointments Committee – Sam Saks

- ABA House of Delegates
 - Recommended three candidates in ranked order for two Delegate positions:
 - Ms. Melissa Ho, Microchip Technology Inc.
 - Dr. Ernest Calderón, Calderón Law Offices
 - Mr. George Chen, Bryan Cave Leighton Paisner LLP

MOTION: Jimmie Smith moved, Diandra seconded and the motion carried unanimously to reappoint Dr. Ernest Calderón as a State Bar ABA Delegate.

MOTION: After discussion, Kelsi Lane moved, Doreen McPaul seconded and the motion carried unanimously to appoint Melissa Ho as a State Bar ABA Delegate.

- Board of Legal Specialization
 - Recommended four candidates in ranked order for four certified specialists positions:
 - Mr. Jeffrey M. Neff, Udall Law Firm LLP
 - Mr. Eric C. Averkamp, Averkamp Law
 - Ms. Phoebe Moffatt, Sacks Tierney PA
 - Mr. Omer Ramiro Gurion, Gurion Legal
 - Recommended Jeffrey M. Neff (above) to serve as the 2024-2026 BLS chair

- Recommended three candidates in ranked order for two non-certified specialists positions:
 - Ms. Jennifer Mary Settles, Law Office of Jennifer M. Settles
 - Ms. Kristin Gentile White, Law Office of Kristin Gentile White PC
 - Ms. Denae Kalli Suchy, Maricopa County Public Defender's Office
- Recommended two candidates in ranked order for four public member positions:
 - Mr. Aaron Howard, Howard Wealth Advisors
 - Dr. Lewis Brownlee, MCCC/D/Professor

MOTION: Sam Saks moved, Henry Whitmer seconded and the motion carried unanimously to forward the BLS nominees as presented to the Arizona Supreme Court for its consideration and ultimate appointment. Noted that recruitment will continue to fill the remaining two public member seats and that of a law school representative.

- City of Peoria Judicial and Public Defender Advisory Board
 - Recommended three candidates in ranked order for two positions:
 - Ms. Denae Kalli Suchy, Maricopa County Public Defender's Office
 - Mr. Blake Moscatello, Moscatello Group, PLLC
 - Ms. Kristin Gentile White, Law Office of Kristin Gentile White PC

MOTION: Sam Saks moved, John Moody seconded and the motion carried unanimously to forward the Peoria JPDAB nominees as presented to the Peoria Mayor for his consideration and the Peoria City Council's ultimate appointment of two candidates.

- City of Tempe Judicial Advisory Board
 - Recommended three candidates in ranked order for two positions:
 - Ms. Amanda S. Chua, Attorney at Law
 - Hon. (ret.) James J. Sampanes, City of Phoenix Law Department, City Prosecutor's Office
 - Mr. Scott M. Blum, Maricopa County Attorney

MOTION: Sam Saks moved, John Moody seconded and the motion carried unanimously to forward the Tempe JAB nominees as presented to the Tempe Mayor for his consideration and the Tempe City Council's ultimate appointment of two candidates.

- Client Protection Fund Board of Trustees
 - Recommended two candidates in ranked order for one position:
 - Mr. Gregg R. Woodnick, Woodnick Law PLLC
 - Mr. Blake Moscatello, Moscatello Group, PLLC

MOTION: Sam Saks moved, John Moody seconded and the motion carried unanimously to reappoint Gregg Woodnick to the Client Protection Fund Board of Trustees.

ABA House of Delegates – Benjamin Taylor

- Per policy one of the Board's five ABA Delegates is a lawyer member of the Board
- Diandra Benally is completing her first two-year term and is seeking reappointment
- No other Board member applied; there were no nominations from the floor

MOTION: Cedric Dave moved, Sam Saks seconded and the motion carried unanimously to reappoint Diandra Benally as “the Board’s ABA Delegate.”

Proposed Amendment to Opportunity Reserve – Doreen McPaul

- This Reserve allows for the possibility of:
 - Special projects
 - Innovation
 - Mission-driven undertakings
 - Unexpected emergencies
- The Finance and Audit Committee recommends a fifth use of Opportunity Reserve funds – respondent attorney’s fees/costs should the State Bar not prevail in the respective discipline case
- Concern about depleting the fund; the current balance is \$2.2M
- Rare that the LRO does not prevail before the Presiding Disciplinary Judge/panel
- The FAC would approve any such payments from the Reserve

MOTION: After discussion, Doreen McPaul moved, Bob McWhirter seconded and the motion carried unanimously to approve the addition of paying a respondent attorney’s costs/fees should the State Bar be sued for recovery of those costs.

Consent Agenda - Benjamin Taylor

- President Taylor asked if there were any matters that needed to be removed from the Consent Agenda and hearing nothing,

MOTION: Sam Saks moved, Cedric Dave seconded and the motion carried unanimously to approve the Consent Agenda:

- Approval of May 17, 2024 Board Meeting Minutes
- Approval of Resignations in Good Standing
- Approval of Resignations in Lieu of Reinstatement
- Approval of Summary Suspensions for Non-Compliance with Annual Membership Fees and/or Trust Account Compliance

Discipline System Survey Update – Dr. Shannon Portillo

MOTION: Sam Saks moved, Cedric Dave seconded and the motion carried unanimously to move into Executive Session. Kelsi Lane moved, Sam Saks seconded and the motion carried unanimously to reconvene in Open Session.

MOTION: Kelsi Lane moved, Heather Baker-Mushkatel seconded and the motion carried unanimously to retain Dr. Portillo's report but to direct the Discipline System Oversight Committee to make recommendations on how to provide guidance on providing the affinity bar associations with the survey results, and how to collect more demographic data from the members.

Legislative Update - Janna Day

- Session's end is in sight – Governor and Legislature have come to an agreement on the budget and spreadsheets are being circulated today
- Senate Judiciary Committee recommending a full Senate vote on attorneys Karen Smith (Arizona Justice Project) for the Commission on Appellate Court Appointments and Javier Torres (DOJ) for the Maricopa Trial Court Commission
- SB1214 (CLE) was signed by the Governor; all other Bar-related bills are dead
- SCR regarding judicial retention system – still to be determined whether it is added to the ballot
 - Raises the no votes for removal of a judge by the Judicial Performance Review Commission from 50% plus 1 to 60% plus 1

Wellness Services Update – Dean Stacy Leeds

- New board has met twice
 - Slate of three candidates to expand size of board
 - Advisory Committee – Five; includes one student from each law school
- Close to finalizing bylaws

Convention Update - Roberta Tepper

- Approximately 800 registrants to date; lower than in the past but expecting on-site registrations
- Brown vs. Board of Education traveling exhibit a must see; loaned items from state archives included; don't miss the Fireside Chat
- Senior Lawyers Breakfast and Friday lunch sold out
 - Conference call with keynote Benjamin Crump to finalize presentation

Recognition of Outgoing Board Members – Benjamin Taylor

- Those present recognized and thanked the outgoing Board members for their outstanding service to Arizona's legal, and greater, community
 - Comm. Sandra Bensley, District 5 Governor
 - Leticia Marquez, District 5/Pima and Santa Cruz Counties
 - Jessica Sanchez, District 6/Maricopa County
 - Elizabeth Schmitt, YLD President

Recognition of Outgoing President Benjamin Taylor By Staff – Joel England

- Presented a "coffee table" book capturing the president's year in photos

Recognition of President Benjamin Taylor on Behalf of the State Bar of Arizona and the Board of Governors – Ted Schmidt

- Presented a memento to President Taylor on behalf of the association and its governing board
- Those present thanked President Taylor for his outstanding service to Arizona's legal, and greater, community

Correspondence/Reports

- Executive Council Minutes May 3, 2024
- Board of Governors' – Primary Convention Events
- 2024-2025 Board/Executive Council Meeting Schedule

ADJOURNED at 4:30 p.m.

Respectfully submitted,

Doreen N. McPaul
Secretary/Treasurer