

**MEETING OF THE  
BOARD OF GOVERNORS  
OF THE  
STATE BAR OF ARIZONA  
September 24, 2021  
Phoenix, AZ**

BOARD MEMBERS PRESENT: Jennifer Rebholz, President, Phoenix; President-elect, Jessica Sanchez, Mesa; Vice President, Benjamin Taylor, Phoenix; Secretary-Treasurer, Phoenix; Ted Schmidt, Tucson; Diandra Benally, Fountain Hills; Sandra Bensley, Tucson; Sharon Flack, Prescott; Kelsi Lane, Phoenix; Leticia Marquez, Tucson; Robert McWhirter, Phoenix; John Moody, Phoenix; David Rosenbaum, Phoenix; Eric Ruchensky, Flagstaff; D. Christopher Russell, Sierra Vista; Samuel Saks, Phoenix; Jimmie Dee Smith, Yuma; Public Members: Robyn Austin, Tucson; Mignonne Hollis, Sierra Vista; Jonathan Martone, Paradise Valley; and Anna Thomasson, Paradise Valley; At-Large Members David Byers, Phoenix; Lori Higuera, Phoenix; and Doreen McPaul, Window Rock.

EXCUSED ABSENCES: Gaya Shanmuganatha, Young Lawyers Division, Phoenix, and Board Advisor Denis Fitzgibbons, Casa Grande

UNEXCUSED ABSENCE: Hector Figueroa, Payson

OTHERS PRESENT: Deanna Commack, Executive Assistant; Sarah Corpening, Membership Administrator & Services Manager; Tim Eigo, Editor, *Arizona Attorney Magazine*; Joe Hengemuehler, Chief Communications Officer; Joel England, CEO/Executive Director; Janee Garcia, Bar Counsel; Kathy Gerhart, Chief Financial Officer; Nick Gustin, Project Management Office Director; Rick Palmatier, Deputy General Counsel; Lisa Panahi, General Counsel; Amy Rehm, Deputy Chief Bar Counsel; Carrie Sherman, Director of Board Operations; Roberta Tepper, Chief Member Services Officer; Karen Van Allen, Administrative Assistant; Maret Vessella, Chief Bar Counsel; Rachel Williams, Human Resources Manager; Supreme Court Liaison Hon. James Beene, Phoenix; Leah Won on behalf of Dean Marc Miller, UA Law School, Tucson; Victoria Ames on behalf of Interim Deans Adam Chodorow and Zachary Kramer, ASU Law School, Phoenix.

GUESTS: Ellen Carroll; Professor Tammi Walker; Lonnie Williams

President Jennifer Rebholz called the virtual Board meeting to order at 8:32 a.m.

**Call to the Public** – Jennifer Rebholz

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

**President's Report** – Jennifer Rebholz

- Continue to meet with affinity and county bars (along with CEO Joel England) to exchange information. The response has been positive; there are bars that are not active at this time.
- Made appointments to the Board of Legal Specialization's Advisory Commissions
- Presented at the kickoff of the Bar Leadership Institute (BLI), which was held virtually again this year

- 2022 Convention planning already underway; co-chairs are Jessica Hernandez and Hon. Frankie Jones
- Supreme Court denied Bar's petition recommending one hour of mandatory diversity and inclusion (D&I) training each year; studying whether Bar can offer as free annual CLE in support of its social justice, bias and inclusion initiatives.
- Termed out on Arizona Bar Foundation's Board. Governors will make a three-year appointment at its December meeting; encouraged Board members to consider this opportunity.

### **CEO's Report** – Joel England

- Continuing outreach to affinity and county bars along with President Rebholz
- Conducting one-to-one virtual meetings with Board members
- Also presented during the BLI kickoff on September 11
- Completed review of every staff job description; employed market compensation data in making appropriate adjustments
- Held annual mandatory staff D&I training. Presenter attorney Tim Overton used images in his effective program. Secretary/Treasurer Ted Schmidt recommended that the presentation be given to the Board.
- Met with the Phoenix Legal Action Network, International Rescue Committee, Arizona Department of Economic Security and the Arizona Bar Foundation to discuss how to support Afghan refugees in Arizona.
- Pursuant to the Board's August decision, the wind down of the Find-A-Lawyer program is on track for December completion.

### **Mark Harrison Memorial 10-Minute Topics** – Robert McWhirter

- *"The People" in American Diversity and Religion*

### **Social Justice, Bias and Inclusion (SJB) Issues** – Joel England, Lonnie Williams, Professor Tammi Walker, Ellen Carroll

#### **Member Survey**

- Dr. Walker spoke about the development of the survey.
  - Key questions she started with: What does the Bar want to know and what is the Bar going to do with this information?
  - Lonnie Williams: Original intent of the survey was to collect data.
- Impossible to survey an entire population; would need 100% response rate
  - Bar demographics results would not be diagnostic, but assumptions could be drawn from the aggregate data.
  - The data would provide an opportunity to learn from the diverse experiences of the members and could assist in developing programming.
- Additional survey questions discussed included responder's age, years in and areas of practice, definitions of the terminology.

- Responses are anonymous; questions can be skipped; open-ended question at end of survey for comments/feedback/etc.
- Best way to roll out the survey and the number of reminders to complete it would be determined if survey approved.
  - Determining factor is buy in, not time required to take survey.
  - Lonnie Williams suggested that the survey go out with a cover email that includes a request from the State Bar, two law schools, and the Supreme Court.
  - Have the ability to send reminders
- Enlist firm/agency leaders to encourage their colleagues to complete the survey.
- Next steps:
  - Have pilot group (perhaps Governors and SJB I Task Force members) take the survey to determine approximate time it takes to complete it
  - Submit the survey to the Bar's partner in this effort, the University of Arizona, for authorization by its Review Board
  - Finalize written agreement between the Bar and the UA regarding ownership of the data, it's confidentiality, how its transmitted, etc.
- **MOTION:** Secretary/Treasurer Ted Schmidt moved, President-elect Jessica Sanchez seconded, and the motion carried by a vote of 19-1 to approve the dissemination of the member survey re SJB I issues as amended.

#### Collecting Additional Demographic Information

- Reviewed current demographic information requested by the Court (admission packet) and the Bar (dues statement, pop ups upon member account login, etc.).
- Considered proposed additional demographic information to request from members; don't ask "yes" or "no" questions but identify what you want to know.
- After discussion, agreed that Dr. Walker's expertise is needed to fine-tune the wording of the proposed requested additional demographic information.
- Work with Americans with Disabilities to have a common definition
- **MOTION:** David Rosenbaum moved, Mignonne Hollis seconded and the motion carried by a vote of 19-1-1 to have Dr. Walker rework the wording of the additional demographics questions and to give the Board's Executive Council the authority to finalize the project.

#### Posting Bar Membership and Leadership Demographics on the Website

- Discussion regarding whether to post the Bar's demographics on the website; include demographics of the leadership as well?
- Discussion regarding how the data would be displayed; post aggregate.
- **MOTION:** Doreen McPaul moved, Diandra Benally seconded, and the motion carried by a vote of 18-1-1 to post the Bar's membership and leadership demographics on the website.

#### Appointments Committee – Benjamin Taylor

##### Client Protection Fund Board of Trustees

- One position; Governors appoint; candidate criteria: lawyers and judges admitted at least

10 years but for this particular position members in Maricopa County are precluded from applying (Declaration of Trust allows for a maximum of two lawyer-trustees from any one county; there are two trustees currently serving from Maricopa County).

- Committee screened five applications and recommended the two candidates who received votes, in fact, tying with the same number of votes:
  - Mr. Luke Brown, Brown and Wohlford PLLC
  - Mr. Josh Estavillo, UA Office of General Counsel
- **MOTION:** Doreen McPaul moved, John Moody seconded, and the motion carried unanimously to vote for one of the two candidates. Board members cast votes for their top choice. Mr. Estavillo received the highest number of votes and was appointed by the Governors to serve on the Client Protection Fund Board of Trustees.

#### Committee on Character and Fitness (C&F) – Public Members

- Two positions; Supreme Court requests three nominations per opening; five candidates considered after the sixth candidate, who was due to receive his bar license within two weeks, was therefore screened for a lawyer opening on the C&F Committee.
- Recommended public member candidate slate to submit to the Supreme Court:
  - Mr. Freddie Dobbins, Jr., Salt River Project
  - Ms. Leslie Blue, Leslie Blue Financial
  - Ms. Cherdell Singleton, Salt River Project
  - Mr. Anthony Molina, Red Lobster
  - Mr. John Rivadeneyra, Salt River Project
- **MOTION:** Chris Russell moved, Jonathan Martone seconded, and the motion carried by a vote of 16-1-1 to submit the public member candidate slate as presented, with the votes each candidate received from the Appointments Committee, to the Arizona Supreme Court for its consideration and ultimate appointment to fill two positions on the C&F Committee.

#### Committee on Character and Fitness (C&F) – Lawyer Members

- Five positions; Supreme Court requests three nominations per opening.
- The Board was informed that one previous applicant had withdrawn his application.
- The Committee had screened 27 applications and recommended the lawyer slate of 15 to submit to the Supreme Court:
  - Mr. Casey Ball, Arizona Attorney General's Office
  - Ms. Cynthia Braun, Bailey Law Firm
  - Ms. Amy Foster, Arizona Industrial Commission
  - Hon. (ret.) David Talamante, Solo Practitioner
  - Ms. Ashley Adams, Adams & Associates PLC
  - Ms. Leanne Titus, Feiwell & Hannoy PC
  - Mr. James Rappaport, Arizona Attorney General's Office
  - Ms. Julia Rogers, Lee Ciccarelli Law
  - Mr. Michael Goldberg, Goldberg Law Group
  - Mr. Jeremy Rovinsky, National Paralegal College
  - Mr. Joe Machado, Law Office of Joe L. Machado

- Ms. Lorraine Morey, Morey Law PLLC
- Mr. Troy Foster, The Foster Group
- Mr. Kevin Koelbel, East Valley Institute of Technology
- Mr. William Cawthon, Maricopa County Office of the Public Advocate
- **MOTION:** President-elect Jessica Sanchez moved, Doreen McPaul seconded, and the motion carried by a vote of 18-1 to submit the lawyer candidate slate as presented, with the votes each candidate received from the Appointments Committee, to the Arizona Supreme Court for its consideration and ultimate appointment to fill five positions on the C&F Committee.

#### Committee on Examinations – Lawyer Members

- Five positions; Supreme Court requests three nominations per opening.
- The Committee had screened 10 applications and recommended the lawyer slate of eight to submit to the Supreme Court:
  - Mr. Casey Ball, Arizona Attorney General’s Office
  - Ms. Leanne Titus, Feiwell & Hannoy PC
  - Ms. Amy Foster, Arizona Industrial Commission
  - Mr. James Rappaport, Arizona Attorney General’s Office
  - Mr. William Cawthon, Maricopa County Office of the Public Advocate
  - Mr. Brian Coffman, Arizona Attorney General’s Office
  - Ms. Erika Weiler, Schutt Law PLC
  - Ms. Mia Alexia Wesbrooks, Alexia Law Firm PLLC
- **MOTION:** David Rosenbaum moved, President-elect Jessica Sanchez seconded, and the motion carried by a vote of 18-0-1 to submit the lawyer candidate slate as presented, with the votes each candidate received from the Appointments Committee, to the Arizona Supreme Court for its consideration and ultimate appointment to fill five positions on the Exams Committee.

#### Finance and Audit Committee (FAC) – David Rosenbaum and Kathy Gerhart

- Each year the Board is presented with a Budget Guidelines Memorandum for approval. It outlines how staff is to construct the budget based on fees and non-fees income trends, best available data, various assumptions, etc. The Memorandum had been reviewed and approved by the FAC.
- Discussion included projecting a surplus that is partially based on COVID-related savings that will not be permanent.
- **MOTION:** President-elect Jessica Sanchez moved, Chris Russell seconded, and the motion carried unanimously to approve the 2022 Budget Guidelines Memorandum.

#### Consent Agenda – Jennifer Rebholz

- Hearing no request to have any items removed from the Consent Agenda:
  - a) Approval of August 27, 2021 Board Meeting Minutes
  - b) Approval of Resignations in Good Standing
  - c) Approval of Resignations in Lieu of Reinstatement
  - d) Approval of Reinstatements of Members Suspended for

Non-Compliance with Annual Membership Fees and/or Trust Account  
Compliance (Rule 32(c)(10) and/or Rule 43, Ariz. R. Sup. Ct.)

- **MOTION:** Anna Thomasson moved, Mignonne Hollis seconded, and the motion to approve the Consent Agenda passed by a vote of 16-0-1.

### **Status Reports**

- Delivery of Legal Services Implementation Team – Lisa Panahi
  - Eight Alternative Business Structures (ABS) are now licensed; four recommended ABSs are pending, and ten are pending review
  - Five Legal Paraprofessionals candidates passed the core subject matter in the Family Law exam, and their applications are being reviewed.
  - Dave Byers added that 40 sat for the first exam; 20 completed the exam; notable issues with ethics portion; 10-to-20 estimated to sit for next exam.
- Discipline on the Web Working Group – Chris Russell  
Clarity is needed about what information is available to the public; suggest creating a glossary for consumers and a radio button on the website.
- Legislative Update – Joe Hengemuehler  
Arranging meetings between President Rebholz, CEO England and key lawmakers.
- Social Justice, Bias and Inclusion Working Group – Roberta Tepper  
Nothing other than what was discussed/voted on during the earlier Policy Discussion.
- Strategic Planning Working Group – Sam Saks  
Group has met once. More information to follow.

**Adjourn:** **MOTION:** Bob McWhirter moved, Chris Russell seconded, and the motion carried unanimously to adjourn at 11:08 a.m.

Respectfully submitted,

Ted A. Schmidt  
Secretary/Treasurer