

**MEETING OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA
Hybrid
March 25, 2022
Phoenix, AZ**

BOARD MEMBERS PRESENT: Jennifer Rebholz, President, Phoenix; Benjamin Taylor, Vice President, Phoenix; Sandra Bensley, Tucson; Hector Figueroa, Payson; Kelsi Lane, Phoenix; Robert McWhirter, Phoenix; and Public Member Anna Thomasson, Paradise Valley.

BOARD MEMBERS ON ZOOM: Jessica Sanchez, President-Elect, Mesa; Ted Schmidt, Secretary-Treasurer, Tucson; Sharon Flack, Prescott; Leticia Marquez, Tucson; John Moody, Phoenix; David Rosenbaum, Phoenix; Eric Ruckensky, Flagstaff; D. Christopher Russell, Sierra Vista; Sam Saks, Tempe; YLD President Gaya Shanmuganatha, Phoenix; Jimmie Dee Smith, Yuma; Public Members Robyn Austin, Tucson, and Mignonne Hollis, Sierra Vista; At-Large Member David Byers, Phoenix, Lori Higuera, Phoenix, and Doreen McPaul, Window Rock; Board Advisor Denis Fitzgibbons, Casa Grande; Dean Marc Miller, UA Law School, Tucson.

EXCUSED ABSENCE: Jonathan Martone, Paradise Valley

UNEXCUSED ABSENCES: Diandra Benally, Fountain Hills

STAFF/OTHERS PRESENT/ON ZOOM: Deanna Commack, Executive Assistant; Joel England, CEO/Executive Director; Kathy Gerhart, Chief Financial Officer; Joe Hengemuehler, Chief Communications Officer; Lori Maxwell, Chief Information Officer; Elena Nethers, Director of Diversity, Equity and Inclusion; Lisa Panahi, General 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 Director; Supreme Court Liaison Hon. William Montgomery, Leah Won, UA College of Law, Tucson; Victoria Ames on behalf of Interim Deans Chodorow and Kramer, ASU College of Law, Phoenix.

GUESTS: Janna Day, Michael Simes

President Jennifer Rebholz called the hybrid Board Meeting to order at 8:38 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

- Welcomed the Board's new Court Liaison, Justice William Montgomery
- Attended:

- Frank X. Gordon, Jr. Award celebration/reception; the State Bar and Bar Foundation were honored for their collective effort on the Arizona Attorneys Respond COVID Hotline
- Arizona Judicial Council Meeting on March 24, 2022
 - Discussion about how to move forward at the end of the pandemic
 - Guidelines for which hearings will be in person and which will be virtual
- Legislation: Both SB 1565 and SB 1566 have moved to the House
 - Met with multiple elected officials since the February Board Meeting
 - Testified before the House Judiciary Committee
 - Will be discussing legislation later in the agenda
- Last chance to RSVP to attend the AZ Asian-American Bar Association’s Gala on April 21; three seats available
- Convention
 - April 29, 2022 is the deadline to turn in hotel reservations and event forms
 - Board Meeting will begin at 8:00 a.m. on June 27, 2022
- Board Elections: Reminder to vote; uncontested elections
 - District 3: Gila, Graham, Greenlee Counties—one seat
 - District 6: Maricopa County—three seats
 - District 8: Pinal County—one seat
- Board of Governors: Public Member
 - One opening to replace Anna Thomasson; candidate can live anywhere in Arizona
 - Application deadline is March 30; no applications have been received
 - Please solicit applications from qualified individuals that might be interested
- Annual Awards
 - Deadline for nominations is March 31, 2022
 - Reach out if you know someone that would qualify for an award in a category
- Bar Leadership Institute: President-elect Jessica Sanchez and Vice President Benjamin Taylor attended this conference
 - Training for future Bar leaders
 - What it means to be a leader

CEO’s Report – Joel England

- Also welcomed Justice William Montgomery, the Board’s new Court Liaison
- Spoke about a new position and employee in Communications, Allison “Tat” Tatnall, Videographer/Social Media Operative
 - her role will be to tell the Bar’s story; help to understand the value of what the Bar is doing
 - urged Board members to share the video links that they will receive
- Work continues with Bar leaders in conjunction with the ABA to determine common core initiatives that measure how Bar associations are doing; report should be ready by summer or fall.
- Attended a meeting of the Arizona Commission on Access to Justice

- Discussion of Rule 38
- How to incentivize attorneys to do pro bono work
- Internally: Annual performance review process has been completed; determining merit increases
- Legislation: This has been the primary activity in the last few weeks; will discuss later in the agenda.

Mark Harrison Memorial 10-Minute Topics – Robert McWhirter

The 19th Amendment: Making America into Herself

Finance and Audit Committee – David Rosenbaum and Kathy Gerhart

Redlined version of the Financial Policies and Processes Manual were summarized. Main modifications included:

- Reserve Policy updates
- Investment Policy updated based on recommendations from Vanguard
- Delineated between a contract and a purchase
- Allows flexibility in actions that can be taken
- Added background checks

MOTION: Kelsi Lane moved, Sam Saks seconded, and the motion to accept the amendments to the Financial Policies and Processes Manual carried unanimously.

Consent Agenda – Jennifer Rebholz

Hearing no request to have any items removed from the Consent Agenda:

Robert McWhirter moved, Sandra Bensley seconded, and the motion to approve the Consent Agenda passed unanimously.

- a) Approval of February 25, 2022 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 MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)
- e) Approval of Reinstatement of Member(s) 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.)

Bar-Related Legislation Status Report – Joel England

- SB 1565: About making the Bar voluntary
 - Passed out of the Senate
 - Scheduled for House committee Monday; talking with House members
 - Then possibly to Floor
- SB 1566: Regarding discipline
 - Scheduled to be heard
 - Could be in same situation as SB 1565
- Janna Day
 - Need to get through the Committee hurdle this coming week

- Reminder that over the past many years all Bar-supported bills have passed unanimously; Bar entities work diligently to provide bills that are ready for Legislative action, e.g., LLC Act
- Joe Hengemuehler: Please let CEO England or him know if you speak to a lawmaker; it helps to coordinate the Bar's efforts.

ABA House of Delegates Midyear Meeting Report – Lori Higuera

- The virtual meeting was held in February and had over 24,000 registrants
- Board Officers were elected including President-elect Mary L. Smith
- 24 House Resolutions were voted on at the meeting
 - The Bar's five Delegates meet in advance of each HOD meeting with CEO England and General Counsel Lisa Panahi to review the Resolutions with regard to Keller
 - Therefore determined that the Delegates could vote on only six Resolutions
 - None of the 24 Resolutions would have affected the State Bar of Arizona
- Coordinating Group on Practice Forward
 - Clearing house with resources created to provide guidance to legal practitioners on how to move forward post COVID
 - Link to resources can be added to Bar Associations' websites

Social Justice, Bias and Inclusion Working Group – Elena Nethers

- The member survey was approved by the Bar's partner in this effort - University of Arizona
 - Next step: send it to a small test group to gauge actual time to complete the survey
 - Board members, in the test group, encouraged to complete the survey and provide feedback

Adjournment: 10:10 a.m.

Respectfully submitted,

Ted A. Schmidt
Secretary/Treasurer