

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

**High Country Conference Center
August 19, 2022
Flagstaff, AZ**

BOARD MEMBERS PRESENT: Jessica Sanchez, President, Mesa; Benjamin Taylor, President-Elect, Phoenix; Sam Saks, Secretary/Treasurer, Tempe; Diandra Benally, Fountain Hills; Sandra Bensley, Tucson; Sharon Flack, Prescott; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Payson; Jennifer Rebholz, Board Advisor, Phoenix; David Rosenbaum, Phoenix; Eric Ruchensky, Flagstaff; Public Governors Cedric Dave, Chandler, and Mignonne Hollis, Sierra Vista; At-Large Governors Dave Byers, Phoenix, and Doreen McPaul, Window Rock; Ex-Officio Governor Dean Marc Miller, UA Law School.

EXCUSED ABSENCES: Ted Schmidt, Vice President, Tucson; Jenna Decker-Xu, Phoenix; Denis Fitzgibbons, Casa Grande; Kelsi Lane, Phoenix; Leticia Marquez, Tucson; D. Christopher Russell, Sierra Vista; Jimmie Dee Smith, Yuma; YLD President Nicholas Brown, Phoenix; Public Governors Robyn Austin, Tucson, and Jonathan Martone, Paradise Valley; At-Large Member Mike Baumstark.

STAFF: Deanna Commack, Executive Assistant; Joel England, CEO/Executive Director; Joe Hengemuehler, Chief Communications Officer; Lori Maxwell, Chief Information Officer; Lisa Panahi, General Counsel; Carrie Sherman, Director of Board Operations; Roberta Tepper, Chief Member Services Officer; Maret Vessella, Chief Bar Counsel; Rachel Williams, HR Director.

GUESTS: Hon. William Montgomery, Arizona Supreme Court Liaison; Victoria Ames, ASU College of Law Liaison; Leah Won, UA College of Law Liaison.

President Jessica Sanchez called the Board meeting to order at 12:48 p.m.

Call to the Public – Jessica Sanchez

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

President's Report – Jessica Sanchez

- Attended:
 - the National Conference of Bar Presidents Meeting in Chicago August 4-6; excellent programming; potential State Bar Convention speaker identified
 - the House of Delegates Meeting immediately following also in Chicago August 7-9; appointed by the Board to serve as an At-Large Delegate for this meeting; no major debates regarding the proposed Resolutions

CEO's Report – Joel England

- Thank you for attending the Retreat.

Survey re: Legal Ethics – Joel England

- Received a request from a law professor in Toronto to survey our members on legal ethics
- **MOTION:** After a brief discussion, David Rosenbaum moved, Eric Ruchensky seconded and the motion carried unanimously to approve the circulation of the proposed survey on legal ethics.
- The Communications Team is to determine when to release the survey so it does not complete with any other approved surveys.

Program Review Working Group – Sharon Flack

- The Executive Council asked the Working Group to look at malpractice insurance for Active Members and LPs; according to the fees statements only 86% have coverage
- Gathered data from the ABA; Idaho and Oregon are the only two jurisdictions with mandatory coverage; 22 jurisdictions don't require their members to disclose anything about whether they have coverage; Arizona does and that is included on the website
- Working Group's recommendation:
 - 1) educate the public and members about the importance of having coverage
 - 2) engagement/fee agreements should disclose whether the attorney has coverage
 - The Executive Council suggested that only those attorneys who do not have coverage be required to inform their potential clients accordingly
- **MOTION:** Sam Saks moved, David Rosenbaum seconded and the motion carried unanimously to direct staff to 1) draft a proposed Rule change for the Rules Review Group to consider and 2) develop a public relations campaign as recommended.

Consent Agenda – Jessica Sanchez

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

- **MOTION:** David Rosenbaum moved, John Moody seconded, and the motion to approve the Consent Agenda passed unanimously:
 - a) Approval of June 27, 2022 Board Meeting Minutes
 - b) Approval of Resignations in Good Standing
 - c) Approval of Resignations in Lieu of Reinstatement
 - d) 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.)
 - e) Approval of Summary Suspension – Failure to Complete Professionalism Course
 - f) Extension Request of Pilot Mentor Program

Finance and Audit Committee – Joel England

- CEO provided 2Q update on financials. Projecting surplus over that budgeted largely due to higher than expected CLE revenue.

State Bar Bylaws – Lisa Panahi

- The bylaws are to be reviewed every three years

- President Rebholz had appointed a Bylaws Review Working Group which has completed its charge; proposed changes reviewed by the Executive Council
- Proposed modifications are non-substantial; most significant change is Bylaw 9.09 regarding prohibition of “teleconferencing” at Board meetings (suspended since the onset of the pandemic); proposed new 9.09:
 - “Virtual Attendance. Participation and voting remotely shall be permitted at any meeting of the Board designated as a virtual or hybrid meeting by the president, or with consent of the president.”
- Thirty-day notice required prior to the Board voting on bylaw changes; vote at September meeting

Adjournment: John Moody moved, David Rosenbaum seconded, and the motion carried unanimously to adjourn the meeting at 1:05 p.m.

Respectfully submitted,

Sam Saks
Secretary/Treasurer