

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

**January 19, 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; Sandra Bensley, Tucson; Jena Decker-Xu, Phoenix; Denis Fitzgibbons, Casa Grande; David Johns, Flagstaff; Kelsi Lane, Tempe; Leticia Marquez, Tucson; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Globe; David Rosenbaum, Phoenix; 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; At-Large Governors, Mike Baumstark, Scottsdale; and Dave Byers, Phoenix; Dean Stacy Leeds, Ex-Officio, ASU College of Law.

BOARD MEMBERS WITH EXCUSED ABSENCES: Dean Marc Miller, UA College of Law; Public Member Cortez Smith, Casa Grande.

STAFF: Noah Coakley, Chief of Staff/DEI Director; Joel England, CEO/Executive Director; Nick Gustin, Director of Project Management; Joe Hengemuehler, Chief Communications Officer; Jessica Iennarella, Chief Financial Officer; Trish McCarty, HR Director; Darla Neill, Board Administrative Assistant; Kendra Owens, Membership Administration Services Manager; 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: Victoria Ames, ASU College of Law; Janna Day, Lobbyist; Joe Ducey, ABC15; Justice William Montgomery, Arizona Supreme Court Liaison, Phoenix; Fabiola Perez, Public Service Center Manager (PSCM); Carol Rose, former PSCM/Public Relations Manger; Brian Sloan, Attorney; Taylor Tasler, Public Relations Manager.

**Call to Order** – Benjamin Taylor

President Taylor called the meeting to order at 9:15 a.m.

**President's Report** – Benjamin Taylor

- Joe Ducey from ABC15 has been an important strategic partner with the State Bar in expanding access to justice initiatives
  - His “Let Joe Know” call-in live TV segment has provided an excellent avenue for Arizona’s legal consumers to connect directly to lawyer volunteers to get answers to their legal questions
  - Mr. Ducey is retiring and was invited to the Board meeting to be recognized and to thank him for his efforts over these past years
  - President Taylor presented Mr. Ducey with a memento. Mr. Ducey expressed his pleasure in partnering with the Bar in serving over 2,000 Arizona legal consumers and thanked the Bar for the recognition.

### **Call to the Public** – Benjamin Taylor

- President Taylor made a Call to the Public at which time Mr. Brian Sloan was recognized. Mr. Sloan has been a DUI defense attorney for 19 years. He recounted his 2016 experience with the Bar concerning a disciplinary matter. He expressed his concern that the process was not fair. Ms. Vessella, the Chief Bar Counsel, offered to sit down with him and discuss the matter.

### **President's Report Continued** – Benjamin Taylor

- The Bar will be standing up a Committee on Access to Justice
  - Announcement soon to publicize volunteer positions
- Attended:
  - AI Summit December 11<sup>th</sup>
  - AJC Meeting December 14
    - Justice Timmer gave a shout out to the State Bar for its recent lawyer wellness initiative
  - Memorial service for Supreme Court Justice Sandra Day O'Connor
  - Collaborative Bar holiday event
  - Biannual Admissions Ceremony at Supreme Court January 9
  - Greater Phoenix Chamber Legislative Kickoff Event January 11
    - Janna Day is working to set meeting with Governor Hobbs
- The Executive Council concurred with a member's inquiry and directed the Probate Law Section and the Civil Jury Instructions Committee to develop Arizona Jury Instructions for Probate Jury Trials. Those Instructions will be submitted to the Board in the future for approval.

### **CEO/ED's Report** – Joel England

- Employee of the 4<sup>th</sup> Quarter
  - Natalie Hughes, Administrative Assistant, Lawyer Regulation Office. Ms. Hughes was unable to attend but will be invited back next month.
- Employee of the Year
  - Richard "Rick" Palmatier, Deputy General Counsel. Mr. Palmatier is a team player, helping with many projects throughout the organization. He never says "no." He took over the administration of the Wills for Heros program. Mr. Palmatier expressed his gratitude to the Board for the recognition and says his job is both fun and important.
- Congratulations to Mignonne Hollis and Sandra Bensley for being reappointed by the Arizona Supreme Court as a Public Governor and a District 5 Governor, respectively, of the Board.
- Currently involved in evaluation season for internal staff
- There have been recent parking lot break-ins
  - Reviewing security footage
  - Enhancing security camera coverage and foot patrols by the security guard
- Attended many of the events President Taylor mentioned

**Mark Harrison Memorial 10-Minute Topics** - Bob McWhirter

- Bob McWhirter gave a presentation entitled *A Man's Home is His Castle": Origins of the Fourth Amendment.*

**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:** Bob McWhirter moved, Mignonne Hollis seconded and the motion to approve the Consent Agenda carried unanimously.

- a) Approval of December 1, 2023 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
- e) Proposed Amendments to the Family Law Section Bylaws
- f) Proposed Amendments to the Immigration Law Section Bylaws
- g) Fee Waiver Denials
- h) Approval of 2022-2023 Summary Suspensions for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)

**Finance and Audit Committee** - Doreen McPaul and Jessica Iennarella

- 2023 Yearend Update
  - As of November 30<sup>th</sup>, financial statements, operating surplus of \$1,795K relative to a budgeted surplus of \$381K.
  - Actual revenues of \$17,313K exceed budget by \$171K. CLE revenues represent majority of positive variance.
  - Actual expenses of \$15,518K less than budget by \$1,243K. Couple of permanent variances include less than anticipated legal fees and costs associated with learning management system.
- Anticipate will end year with \$1,294K surplus relative to a budgeted surplus of \$222K.
- Financial statements will be produced for year-end in two phases. First set will have normal month-end procedures. Second set will have year-end adjustments needed for GAAP compliance.

**Petition to Amend Rules 32(b) and (c), Ariz. R. Sup. Ct.** - Lisa Panahi

- Goldwater Institute has filed a petition with the Supreme Court
  - Eliminates membership dues for non-regulatory functions
    - A draft Comment will be voted on in April
  - Board discussed Petition.
    - Bar's mission comes from the Court. Bar's activities consistent with that mission. Bar's actions are consistent with Keller
    - Talking points were requested.

### **Legislative Update** – Joe Hengemuehler and Janna Day

- Legislative session began January 8
- To date no bills have been filed to bifurcate or abolish the Bar; however SB 1145 introduced by Senator Anthony Kern would prohibit the Court and Bar from impeding political speech rights of attorneys or their clients (a reintroduction of a similar 2023 bill that failed to pass the House by one vote)
- Still searching for a sponsor for the Spendthrift Trust Bill introduced previously; meeting with Representative (and attorney) Neal Carter to discuss.
- Have requested a meeting with the Governor

### **Lawyer Wellness Services Update** - Joel England

- Met with President Benjamin Taylor, Chief Justice Brutinel, Vice Chief Justice Timmer, Justice Montgomery, Dean Leeds and others.
  - Discussed the Court's support for and appointments to the new nonprofit entity focused on wellness of legal professionals.

### **DEI Update** – Jessica Sanchez

- Jessica Sanchez advised that we are waiting on the results of the Discipline Survey
- Will be bringing at next meeting a proposed anti-harassment policy and accompanying procedures to address claims from the members. The Board and organization have such instruments.

### **Convention Update** – Roberta Tepper

- New Coordinator started this month; 10 years of experience as a meeting planner and working with hotels
- Announced that Benjamin Crump (Floyd Family defense attorney) is the keynote at Friday's June 14 Awards Luncheon.

### **HR Subcommittee Update** – Sandra Bensley

- CEO's annual review in process
  - Board members will receive the survey; encouraged to complete and return it quickly

### **Announcement** - Chris Russell

Mr. Russell commented that Roberta Tepper and Ted Schmidt are rock stars in Cochise County for promoting collaboration with the newly formed county bar by offering an in-person CLE on March 26<sup>th</sup> in Sierra Vista. Everyone is very excited about it.

### **Correspondence/Reports**

- November 17, 2023 Executive Council Minutes
- Court's Reappointment of Public Governor

**MOTION:** Chris Russell moved, Mignonne Hollis seconded and the motion to adjourn the meeting at 10:58 a.m. carried unanimously.

Respectfully submitted,

Doreen McPaul  
Secretary/Treasurer