

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

February 17, 2023

BOARD MEMBERS PRESENT: Jessica Sanchez, President, Mesa; Benjamin Taylor, President-Elect, Phoenix; Ted Schmidt, Vice President, Tucson; Sam Saks, Secretary/Treasurer, Tempe; Diandra Benally, Fountain Hills; Sandra Bensley, Tucson; Jena Decker-Xu, Phoenix; Denis Fitzgibbons, Casa Grande; Sharon Flack, Prescott; Kelsi Lane, Phoenix; Leticia Marquez, Tucson; Robert McWhirter, Phoenix; John Moody, Phoenix; Preston Pollock, Globe; Jennifer Rebholz, Board Advisor, Phoenix; David Rosenbaum, Phoenix; Eric Ruchensky, Flagstaff; D. Christopher Russell, Sierra Vista; Jimmie Dee Smith, Yuma; Public Governors Robyn Austin, Tucson, Cedric Dave, Chandler, Mignonne Hollis, Sierra Vista; At-Large Governors Mike Baumstark, Scottsdale, and Doreen McPaul, Gilbert; Ex-Officio Members Dean Stacy Leeds, ASU College of Law, Phoenix, and Dean Marc Miller, UA College of Law, Tucson.

BOARD MEMBERS WITH EXCUSED ABSENCES: YLD President Nicholas Brown and At-Large Governor David Byers, both of Phoenix.

BOARD MEMBERS WITH UNEXCUSED ABSENCES: Public Member Jonathan Martone, Paradise Valley.

STAFF: Deanna Commack, Executive Assistant; Justin Dudenhoefer, I.T. Support Specialist; Joel England, CEO/Executive Director; Kathy Gerhart, Chief Financial Officer; Joe Hengemuehler, Chief Communications Officer; Trish McCarty, HR Director; 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: Hon. William Montgomery, Arizona Supreme Court Liaison; Lean Won, UA College of Law.

Call to Order – Jessica Sanchez

President Sanchez called the meeting to order at 8:33am.

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:
 - NCBP Midyear Meeting in New Orleans; discussion of lawyers becoming more active in civic engagement
 - Supreme Court luncheon for a judicial delegation from Hungary
 - AAABA event honoring Past President Lisa Loo
 - Lunch with Justice William Montgomery

- Invitation to attend Los Abogados event where President Sanchez will be recognized
 - Friday, February 24; 5:30pm to 8:30pm; Arizona Latino Arts and Cultural Center in downtown Phoenix
- February/Valentine's Day
 - Asked for a moment of silence to honor those who are loved and may have been lost

CEO's Report – Joel England

- Introduced new HR Director Trish McCarty
- Attended:
 - same events as President Sanchez
 - Legal Services Corporation's America's Partner for Equal Justice event where pro bono honors were awarded
- Ongoing 1-1 meetings with legislators
- Staff annual performance reviews underway

Mark Harrison Memorial 10-Minute Topics – Robert McWhirter

Mr. McWhirter presented on "Where Do Juries Come From?"

Appointments Committee – Ted Schmidt

Summarized procedures Committee undertakes: applications are assigned out; references contacted; candidates screened through Lawyer Regulation Office; applications shared with Board for feedback prior to Committee meeting; Committee members share brief written reports on their assigned candidates prior to voting at its meeting.

Arizona Supreme Court Committee on Character and Fitness – Public Member

- Six applications received; each candidate interviewed by Committee.
- Committee recommends the following ranked candidates for the Board's submission to the Court which makes the ultimate selection:

➤ Ms. Krist-Anah Watkins, Cochise County Attorney's Office	7 votes
➤ Mr. P. Gregg Curry, Ankura	6 votes
➤ Mr. Derek Andersen, Tiffany Bosco PA	5 votes
- **MOTION:** Motion made, seconded and carried unanimously to submit the slate to the Arizona Supreme Court for its consideration to fill one public member position on its Committee on Character and Fitness.

Board of Legal Specialization – Law School Representative

- One application received; candidate vetted.
- Committee recommends the following candidate for the Board's submission to the Court which makes the ultimate selection:
 - Heather Spielmaker, Assistant Dean of Career Development at the UA Law School
- **MOTION:** Motion made, seconded and carried unanimously to submit the application of Heather Spielmaker to the Arizona Supreme Court for its consideration to fill the law school representative position on the Board of Legal Specialization.

Foundation for Natural Resources and Energy Law Trustees Council

- Two applications received; candidates vetted.
- Committee recommends the following candidate for the Board’s appointment to the FNREL Trustees Council:
 - Nancy Mangone, City of Glendale Attorney’s Office
- **MOTION:** Motion made, seconded and carried unanimously to appoint Nancy Mangone as the State Bar of Arizona’s representative on the FNREL Trustees Council.

Special Constitutional Appointments Committee – Ted Schmidt

Same procedures apply as those of Appointments Committee except SCAC members interview the candidates assigned to them pursuant to the Board’s previous direction.

Arizona Commission on Appellate Court Appointments (two positions)

- 46 applications received; two withdrawn
- Committee recommends the following candidates for the Board’s submission to the Governor of Arizona:

<u>APPLICANT</u>	<u>COUNTY</u>	<u>POLITICAL PARTY</u>
Mr. Daniel J. Adelman, Arizona Center for Law in the Public Interest	Maricopa	Democrat
Mr. Shar Bahmani, Sacks Tierney PA	Maricopa	Democrat
Hon. (ret.) David Derickson, David G. Derickson PLLC	Maricopa	Republican
Mr. Louis Diesel, Aspey Watkins & Diesel PLLC	Coconino	Democrat
Mr. E. Scott Dosek, Dosek Law Firm PLLC	Maricopa	Independent
Ms. Adriana Genco, Maricopa County Attorney’s Office	Maricopa	Republican
Mr. Bradley Jardine, Jardine Baker Hickman & Houston PLLC	Maricopa	Republican
Mr. Patrick McGroder, Beus Gilbert McGroder PLLC	Maricopa	Republican
Mr. Ryan Patterson, Thorpe Shwer PC	Maricopa	Democrat
Ms. Dianne Post, Attorney at Law	Maricopa	Democrat
Mr. James Rappaport, Pima County Attorney’s Office	Pima	Democrat
Ms. Carrie Rednour, Rednour Law Offices PLLC	Pima	Democrat
Hon. (ret.) Ronald Reinstein, Supreme Court of Arizona	Maricopa	Independent
Mr. Michael Sillyman, Attorney at Law	Maricopa	Democrat
Ms. Mary Ellen Simonson, Lewis Roca Rothgerber Christie LLP	Maricopa	Democrat
Ms. Karen Singer Smith, Arizona Justice Project	Maricopa	Democrat
Mr. Patrick Tighe, Snell & Wilmer LLP	Maricopa	Democrat
Mr. Lonnie Williams, Stinson LLP	Maricopa	Republican
Mr. Charles Wirken, Gust Rosenfeld PLC	Maricopa	Democrat

- **MOTION:** Motion made, seconded and carried over one dissent to submit the slate to the Governor of Arizona.

Maricopa County Commission on Trial Court Appointments – Supervisorial District 3

- 19 applications received; one withdrawn
- Committee recommends the following candidates for the Board’s submission to the Governor of Arizona:

APPLICANT

Mr. Kurt Altman, Kurt M. Altman PLC
Mr. Shar Bahmani, Sacks Tierney PA
Ms. Heather Baker-Mushkatel, Mushkatel Robbins & Becker PLLC
Ms. Heyleigh Crawford, Osborn Maledon PA
Hon. (ret.) David Derickson, David G. Derickson PLLC
Mr. E. Scott Dosek, Dosek Law Firm PLLC
Mr. Robert Pastor, Montoya Lucero & Pastor PA
Ms. Tiffani Lucero Pastor, Montoya Lucero & Pastor PA
Mr. Ryan Patterson, Thorpe Shwer PC
Mr. Robert Shely, Law Office of Robert W. Shely
Mr. Javier Torres, Stinson LLP

POLITICAL PARTY

Republican
Democrat
Democrat
Independent
Republican
Independent
Democrat
Democrat
Democrat
Democrat
Democrat

- **MOTION:** Motion made, seconded and carried unanimously to submit the slate to the Governor of Arizona.

Maricopa County Commission on Trial Court Appointments – Supervisorial District 5

- 4 applications received
- Committee recommends the following candidates for the Board’s submission to the Governor of Arizona:

APPLICANT

Ms. Brenda Munoz Furnish, William E. Morris Institute for Justice
Ms. Dianne Post, Attorney at Law
Mr. Patrick Tighe, Snell & Wilmer LLP

POLITICAL PARTY

Democrat
Democrat
Democrat

- **MOTION:** Motion made, seconded and carried unanimously to submit the slate to the Governor of Arizona without the Committee’s votes reflected in the Board Reporting Form.

Pima County Commission on Trial Court Appointments – Supervisorial District 1

- 7 applications received
- Committee recommends the following candidates for the Board’s submission to the Governor of Arizona:

APPLICANT

Ms. Amy Hernandez, Amy Hernandez Law PLLC
Mr. Joseph Kroeger, Snell & Wilmer LLP
Ms. Frances T. Lynch, Bache & Lynch
Mr. James Rappaport, Pima County Attorney’s Office
Ms. Carrie Rednour, Rednour Law Offices PLLC
Mr. John C. Smith, Gerald K. Smith and John C. Smith Law Offices, PLLC
Mr. Paul Willman, Willman Law Firm

POLITICAL PARTY

Independent
Independent
Democrat
Democrat
Democrat
Democrat
Democrat

- **MOTION:** Motion made, seconded and carried unanimously to submit the slate to the Governor of Arizona.

Finance and Audit Committee – Kathy Gerhart

- 2022 Total Estimated Cash Surplus - \$1,630,000
- Estimated surplus less Capital Reserve funding - \$1,505,958
- Funding will be based on final 2022 financial statements issued.
- Recommendation:
 - \$124,042 funded into Capital Reserve
 - 80% of surplus net of Capital Reserve funding - estimated at \$1,204,767 funded into Annual Fees Reserve
 - 20% - of surplus net of Capital Reserve funding - estimated at \$301,192 funded into Annual Opportunity Reserve
- **MOTION:** Motion was made, seconded and carried unanimously to approve the recommendation of the Finance and Audit Committee with regard to the 2022 Annual Cash Surplus Reserve Allocation.

Bar-Related Legislation – Joel England, Janna Day, Joe Hengemuehler

- SB 1092: discussed as January Board meeting; protects political speech; passed to House on 16-12-2 vote
- SB 1418: respondent could seek jury trial following discipline decision; dead – added to striker
- SB 1435: Arizona licensed attorneys do not have to belong to the State Bar of Arizona
- SCR 1026: amends Arizona Constitution (ballot referendum in 2024) to delete reference to State Bar of Arizona
- SB 1046: regarding arbitrators; passed to House
- State Bar coordinating with the Court on these
- Board members were urged to complete and return the form listing their legislative districts and whether they have cultivated relationships with legislators that could prove beneficial during the Session
- No March Board meeting; must be responsive to bills affecting the Bar; after discussion –
- **MOTION:** Motion was made, seconded and carried unanimously to authorize the Executive Council to develop positions on the bills affecting the State Bar of Arizona.

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:** Motion made, seconded, and carried unanimously to approve the Consent Agenda:
 - a) Approval of January 20, 2023 Board Meeting Minutes
 - b) Approval of Resignations in Good Standing
 - c) 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.)
 - d) Approval of Reinstatement of Member(s) Suspended for Non-Compliance with MCLE Requirements (Rule 45, Ariz. R. Sup. Ct.)

Information

- January 17, 2023 Executive Council Minutes
- February 6, 2023 Executive Council Minutes

Executive Session

The Board moved into Executive Session at 10:25 a.m. to address the CEO's performance review and returned to Open Session at 10:49 a.m.

HR Subcommittee Report – Sandra Bensley

- **MOTION:** Cedric Dave moved, Eric Ruchensky seconded and the motion carried unanimously to approve the HR Subcommittee's recommendation regarding the CEO's performance review and compensation.

Adjournment: 10:50 a.m.

Respectfully submitted,

Sam Saks
Secretary/Treasurer