

**MEETING OF THE
BOARD OF GOVERNORS
OF THE
STATE BAR OF ARIZONA
June 13, 2017
Westin La Paloma Resort & Spa Tucson
Tucson, AZ**

BOARD MEMBERS PRESENT: Lisa Loo, President, Phoenix; Alex Vakula President-Elect, Prescott; Jeffrey Willis Vice President, Tucson; Brian Y. Furuya, Flagstaff; Secretary-Treasurer, Phoenix; Alexia Semlek, Young Lawyers Division; Richard D. Coffinger, Glendale; Hon. David G. Derickson, Phoenix; Diane L. Drain, Phoenix; Hector Figueroa, Payson; Denis M. Fitzgibbons, Casa Grande; Patrick Greene, Tombstone; Kenney F. Hegland, Tucson; Jennifer Rebholz, Phoenix; Samuel Saks, Phoenix; Dee-Dee Samet, Tucson; Jimmie Dee Smith, Yuma; Tucson; Public Members: Tony Finley, Tucson; Audrey R. Jennings, Scottsdale; John Gordon, Prescott; Anna C. Thomasson, Phoenix; and At-Large Members: David K. Byers, Phoenix; Lori Higuera, Phoenix; and Paul Senseman, Phoenix; Ex-Officio Members: Dean Marc Miller, Tucson; Geoffrey M. Trachtenberg, Immediate Past President; Dean Penny Willrich, Phoenix.

EXCUSED ABSENCES: Melissa S. Ho, Phoenix; Ex-Officio Member: Dean Douglas Sylvester, Phoenix

OTHERS PRESENT: Nina Benham, Board Services Specialist; Sarah Corpening, Membership Administrator & Services Manager; Lisa Deane, Chief Member Services Officer; Rick DeBruhl, Chief Communications Officer; Kathy Gerhart, Chief Financial Officer; Ann Leslie, Executive Assistant; Lisa Panahi, General Counsel; John Phelps, CEO/Executive Director; Amy Rehm, Deputy Chief Bar Counsel; Patricia Seguin, Legal Services Manager; Carrie Sherman, Director of Board Operations; and Court Liaison Hon. John Lopez, Phoenix.

GUESTS: Benjamin P. Taylor, Taylor & Gomez LLP; Jessica S. Sanchez, Tempe Union High School District; Pouria Paknejad, Smith Paknejad PLC; David Wm. Engelman, Engelman Berger PC; Tyler J. Carrell, Gallagher & Kennedy PA; Sara A. Siesco, Ely, Bettini, Ulman, Rosenblatt & Ozer; Robert J. McWhirter, The Law Offices of Robert J. McWhirter; Jason E. Cobb, Compass Fiduciary Group; YLD President: Daniel J. Mazza, Mazza Law Center

PRESIDENT'S REPORT – Lisa Loo

- Welcomed those present to the 2017 State Bar Convention and introduced the newly elected and appointed Board members:
 - District 6 (Maricopa County):
 - Benjamin P. Taylor, Taylor & Gomez LLP
 - Samuel Saks, Smith Paknejad PLC
 - Jessica S. Sanchez, Tempe Union High School District
 - Jennifer R. Rebholz, Law Offices of Farley Choate & Bergin
 - Pouria Paknejad, Smith Paknejad PLC
 - David Wm. Engelman, Engelman Berger PC
 - Tyler J. Carrell, Gallagher & Kennedy PA

- District 6 (Maricopa County) continued:
 - Sara A. Siesco, Ely, Bettini, Ulman, Rosenblatt & Ozer
 - Robert J. McWhirter, The Law Offices of Robert J. McWhirter
- District 8 (Pinal County): Denis Fitzgibbons
- Public Member: Jason E. Cobb, Compass Fiduciary Group
- YLD President: Daniel J. Mazza, Mazza Law Center
- At-Large Members:
 - Dave Byers/Mike Baumstark, AOC
 - Lori Higuera, Freeport-McMoRan Inc.
 - Paul Senseman, Policy Development Group
- Summarized changes in the manner in which the Board conducts business, as agreed upon at its 2016 Retreat, including:
 - moving policy discussions to the top of the monthly agendas
 - incorporating the Young Lawyer Division's Strategic Plan into the Bar's Strategic Plan
 - giving deference to the work and recommendations of the Bar's committees and other working groups
 - becoming more educated on the Bar's programs, services and activities
- Attended the American Law Institute May 22-24; the Bar president receives a complimentary membership during their tenure.
- Honored by the Arizona Asian American Bar Association on June 6.
- Applied to serve on the National Conference of Bar President's Executive Council, after being encouraged to do so, further elevating Arizona's influence within the national legal community.

CALL TO THE PUBLIC – President Loo made a Call to the Public. Board Member-Elect and Past YLD President Tyler Carrell publicly thanked outgoing Board Member Richard Coffinger for his support of the YLD over many decades, beginning with his election as State Bar YLD president in 1979.

CEO/ED REPORT – John Phelps

- Busy restructuring Bar entities and developing procedures and scheduling training in order to comply with the Supreme Court-directed Public Meetings Policy which takes effect August 1. The policy along with a pending Public Records Policy are a July Board Retreat topic.
- CLE full-court press with MCLE deadline the end of June.
- Pulling together final plans for CLE By the Sea, July 9-12 at the Del Coronado Hotel in San Diego.
- State Bar received national awards for its program on dementia within the legal profession from the National Association of Bar Executives and the Association for Continuing Legal Education.
- Public Service Center – plans for rollout continue; technology aspect has been the most challenging.
- Appointed to the ABA Commission for Bar Services.

CERTIFICATION OF ELECTION RESULTS – Lisa Loo

- **MOTION:** Alex Vakula moved, Hector Figueroa seconded and the motion carried unanimously to certify the results of the 2017 Board of Governors election as submitted by Votenet Solutions.

ELECTION OF BOARD OFFICERS – Lisa Loo

- Pursuant to Supreme Court Rule 32, promulgated and effective January 1, 2017, the number of Board officers has been reduced by one to a total of four.
- Pursuant to Supreme Court Rule 32(f), the president-elect automatically becomes president. Alex Vakula was congratulated on his ascension to the presidency.
- Pursuant to Supreme Court Rule 32(f), instead of automatic ascension the Board now elects a president-elect.
 - **MOTION:** Geoffrey Trachtenberg moved the nomination of Jeffrey Willis for the office of president-elect, seconded by Audrey Jennings.
 - As there were no other nominations, the nominations were closed.
 - The motion carried unanimously. Mr. Willis was congratulated on becoming president-elect.
- Nominations for vice president were then accepted.
 - **MOTION:** Hector Figueroa moved the nomination of Brian Furuya for the office of vice president, seconded by Sam Saks.
 - As there were no other nominations, the nominations were closed.
 - The motion carried unanimously. Mr. Furuya was congratulated on becoming vice president.
- Nominations for secretary-treasurer were then accepted.
 - **MOTION:** Geoffrey Trachtenberg moved the nomination of Lori Higuera for the office of secretary-treasurer, seconded by Diane Drain.
 - **MOTION:** Dee-Dee Samet moved the nomination of Hector Figueroa for the office of secretary-treasurer, seconded by Diane Drain.
 - As there were no other nominations, the nominations were closed.
 - Ms. Higuera and Mr. Figueroa addressed the Board regarding their qualifications for the officer position.
 - The candidates and staff were excused as the Board met in Executive Session to discuss the candidates, and then reconvened in Open Session.
 - **MOTION:** Geoffrey Trachtenberg moved, Audrey Jennings seconded and the motion carried unanimously to vote by secret ballot.
 - After the votes were tallied it was announced that Lori Higuera had been elected secretary-treasurer. She was congratulated on her election.
- Photos of the new Board and Executive Committee were taken.

CONSENT AGENDA – Lisa Loo

- Approval of May 19, 2017 Board Meeting Minutes
- Approval of Resignations in Good Standing
- Approval of Reinstatements of Member(s) Suspended for Non-Compliance with Annual Membership Dues and/or Trust Account Compliance (Rule 32(c)(10) and/or Rule 43, Ariz. R. Sup. Ct.

CONSENT AGENDA (continued)

- Dues and/or Late Fees Waiver Requests
- Approval of Suspensions for Non-Payment of Dues (updated 6/13/17)
- Proposed Reply to R-17-0016, Petition to Amend the Rules of Procedure for Eviction Actions
- Proposed Reply to R-17-0011, Petition to Amend Rule 38, Ariz. R. Sup. Ct.
- Proposed Reply to R-17-0006, Petition to Amend Rules 16, 16.1, 26.2, 38 and 38.1, Ariz. R. Civ. P.

Ms. Loo asked if any item needed to be removed from the Consent Agenda, hearing nothing,

- **MOTION:** Hector Figueroa moved, Paul Senseman seconded and the motion carried unanimously to approve the Consent Agenda.

FINANCE AND AUDIT COMMITTEE – Jeffrey Willis and Kathy Gerhart

- Updated Financial Policy Manual
 - CFO Gerhart summarized the revisions to the Manual.
 - **MOTION:** Coming as a motion from the F&A Committee requiring no second, the revised Financial Policy Manual as presented was unanimously approved.
- Lease With Arizona Foundation for Legal Services & Education
 - Mr. Willis reported that the Foundation's lease must be reviewed every two years.
 - The Foundation would like to reduce the square footage it occupies in the Bar building.
 - The F&A Committee has been negotiating with Foundation Board representatives on a new lease for the Foundation and presented them with two options:
 - 10 year lease with \$.50/square foot increase annually
 - 10 year lease with a one-time step up in rent at year 5
 - In order to keep the process moving, the F&A Committee requested authority to continue to negotiate and conclude a lease agreement with the Foundation.
 - **MOTION:** Diane Drain moved, Alex Vakula seconded and the motion carried unanimously to authorize the F&A Committee to continue to negotiate and conclude a lease agreement with the Foundation.

STRATEGIC PLANNING COMMITTEE – Alex Vakula

- Staff will continue to track the goals within the Strategic Plan and the Committee will update the Board periodically on the status of the goals.
- Recent ideas regarding new programs, services and activities submitted by Board members will continue to be studied by the Committee in the coming year under the leadership of new Chair Jeffrey Willis.

2017-2018 BAR YEAR – Alex Vakula

- The meeting schedules for the Board and the Executive Committee were noted.
- Plans for the Board's Annual Retreat, July 27 and 28 in Prescott are being finalized and will be shared soon. Theme focuses on the next generation of lawyers with several young lawyers presenting and also facilitating the Board's discussions.

RECOGNITION OF OUTGOING BOARD MEMBERS – Lisa Loo

- President Loo presented a memento to each of the following outgoing Board members thanking them for their outstanding service to the Board and the State Bar:
 - Richard Coffinger, District 6
 - Hon. David Derickson, District 6
 - Diane Drain, District 6
 - Tony Finley, Public Member
 - Melissa Ho, District 6 (recognized in absentia)
 - Audrey Jennings, Public Member
 - Alexia Semlek, YLD President
 - Geoffrey Trachtenberg, Past President

RECOGNITION OF OUTGOING PRESIDENT BY STAFF – John Phelps

CEO Phelps presented Lisa Loo with a personalized coffee table book signed by Bar staff which recapped her year as president. Board members were also encouraged to sign it.

RECOGNITION OF OUTGOING PRESIDENT ON BEHALF OF THE BAR – John

Phelps and Alex Vakula

CEO Phelps presented Lisa Loo with a leather bound book containing the *Arizona Attorney* magazines which featured the president's columns she authored during her year. Incoming President Alex Vakula presented Lisa Loo with a gift for her outstanding service to the Board and the State Bar. The Board gave her a standing ovation.

INFORMATIONAL REPORTS

- 2016 Division One of Arizona Court of Appeals Annual Report
- Bar Leadership Institute Group 1 Final Project – DV Report (“What Can the Law Do To Help Domestic Violence Victims?”)
- Bar Leadership Institute Group 2 Final Project – Bench Report (“Diversity on the Bench Resource List”)
- 2016-2017 Sections’ and Committee’s Wrap Up Reports

CEO Phelps noted that this is the first time that BLI graduates, on their own accord, have continued to serve the Bar by taking on a special research project.

ADJOURN

There being no further business to come before the Board of Governors, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

Brian Y. Furuya
Secretary/Treasurer