



# BAR COMMUNITY

## BOARD OF GOVERNORS NOVEMBER MEETING REVIEW

Below are highlights from the November 18, 2005, State Bar Board of Governors meeting. Meetings typically are held monthly at the Arizona Bar Center in Phoenix. To see the complete minutes, go to [www.myazbar.org/AZBarInfo](http://www.myazbar.org/AZBarInfo) and click on "Board of Governors."

- ▶ President Helen Perry Grimwood called the meeting to order.
- ▶ President Grimwood reported on the new rule at the Supreme Court requiring Petitions for rule changes to be received by December 1, which would allow the rule changes to go into effect the following January.
- ▶ President Grimwood reported that she was actively meeting with legislators along with Christine Thompson, Director of Government Relations.
- ▶ Teresa Schmid, Executive Director, reviewed with the board the Executive Director's Report. Ms. Schmid reported on the Arizona Foundation for Legal Services & Education's recent additional grants to: Community Legal Services; DNA Peoples Legal Services; SALA; Tucson Advocacy Project.
- ▶ Ms. Schmid introduced Matt Silverman, Senior Director of Communications; Tim Eigo, Editor of *Arizona Attorney*; and Randy Warner, Editorial Board Chair; reporting that the 2005 Guide to Member Services brochure won the International MarCom Platinum Award. Gold awards went to three specific issues of the *Arizona Attorney*.
- ▶ In addition, Ms. Schmid reviewed the "On the Horizon" portion of the report, which is dedicated to giving the board advance notice of emerging issues that may become significant to the Bar in the future but do not yet require action by the board.
- ▶ Chas Wirken, on behalf of the Committee on Procedures for Judicial Performance Review, reported on the two petitions pending to amend the Rules of Procedure for Judicial Performance Review. Comments are due on November 21.
- ▶ The board voted unanimously to support Petition number R-05-0011, pending the proposed modifications by the Supreme Court's Committee on Rules for Procedure for JPR that would allow judges to address their ratings at an initial JPR Commission meeting and the JPR Commission would then vote on the matter at a later meeting; and oppose Petition number R-05-0014.
- ▶ The board voted unanimously to oppose Petition number R-05-0014 as written and to amend the comment to add that the Bar recognizes that there may be opportunities to improve the JPR system to provide the voting public with meaningful information as they go to the polls.
- ▶ Finance Committee—Dues Sub-Committee Report—Ray Hanna, Chair of the Dues Sub-Committee, reported on the revised proposal. The proposal looks at three categories of membership: over 70, Inactive and Retired. Attachment "Appendix A—Summary and Chart of Dues Sub-Committee Proposal" is the summary of the Dues Sub-Committee's Proposal and summary spreadsheet dated November 3, 2005. The board voted to approve the proposal as submitted by the Finance Committee and the Finance Committee's Dues Sub-Committee. The board further voted to allow lawyers over 70 to have retired status regardless of age and to be able to do pro bono work without being an active member of the Bar.
- ▶ The board voted to approve a 2005 Holiday Bonus for employees in the amount of \$150. The board voted unanimously to amend the proposal to include Teresa Schmid, Executive Director, in the 2005 Holiday Bonus of \$150.
- ▶ The board voted unanimously to accept the Finance Committee's proposal as written to approve the 2006 Holiday Bonus for State Bar staff in the amount of \$150 for each staff member, which would add \$15,000 to the 2006 Budget.
- ▶ The board unanimously approved the Human Resources Committee and Finance Committee's proposal to fund the 401(k) match for the 2006 year at a cost of approximately \$15,000.
- ▶ Mr. Hanna reported on a letter from Linda B. Grau, Programs and Investigations Unit Manager of the Supreme Court, requesting on behalf of Nancy Swetnam, funding for the Legal Document Preparers' Program in the amount of \$55,783, which would provide continued support for two investigative positions.
- ▶ Audit Committee Report—Frank Barriga, Chair, reported on the Finance Committee and Audit Committee's proposal to retain the same audit firm of Miller, Allen Co. PC. The board voted unanimously to accept the recommendation of the Finance Committee and Audit Committee's Proposal.
- ▶ Ed Novak, Chair of the Professionalism Task Force, reported on the pending rule petition originally filed in August. After discussion, the board voted to accept the amended petition to include the recommended change to Rule 31(a)(2)(c)(1) "conduct unbecoming a member of the bar." Joe Kanefield and Steve Sherick abstained from voting.
- ▶ Client Protection Fund, John Balentine, reported on the Client Protection Fund's request to modify the Client Fund Declaration of Trust to increase the per-lawyer limit from \$100,000 to \$150,000. The board voted unanimously to approve the recommendation of the Committee.
- ▶ Kristine Fox, President, Arizona Women Lawyers Association, reported on the activities of the organization. The nomination of Roxana Bacon for the Margaret Brent Award is under way, and they are currently collecting letters of support. December 5 is the deadline for submission.
- ▶ Jeff Jacobson, Young Lawyers Division (YLD), President, provided an overview of the Wills for Heroes program with invited guests from the Phoenix Fire Department and the 100 Club Executive Director, Sharon Knutson-Felix.
- ▶ Amelia Craig Cramer, Chair of the Tucson Building Task Force, reported that the task force needs assessment determined the footage requirements could be reduced to 2,700 square feet. There is nothing available downtown Tucson available for purchase. The task force determined that they will lease and have three properties for the task force to tour for consideration.
- ▶ The board recognized Donald W. Carson and presented him with a crystal award in appreciation for all his efforts as a public member of the board from 2003–2005.
- ▶ The board recognized Justice Andrew Hurwitz and presented him with a plaque in appreciation for all his efforts as liaison to the board from the Supreme Court.
- ▶ The board voted to approve the formation of the Task Force on Landlord/Tenant Laws to study the current issues surrounding this topic.
- ▶ Larry McVey, Chief Financial Officer, reported on the September 2005 financial statements and reviewed with the board the budget process that will come before the board for a vote in December.
- ▶ Jim Smith, Chair of the Discipline Oversight Committee, reviewed the committee's difficulty in meeting the Court's guidelines concerning

the processing of formal cases. There was discussion regarding filing a petition for rule change prior to December 8 (new Court deadline for filing potential rule changes). The board decided not to file at this time but to have the committee continue to review the current proposal with input from other interested parties.

#### **Standing Committee Reports & Liaison Reports**

- ▶ No reports from the following committees: Human Resources; Member Services; Long Range Plan; Rules.
- ▶ No reports from the following Liaison groups: Arizona Foundation for Legal Services & Education; Federal Bar Association; Arizona Judicial Counsel.
- ▶ The meeting adjourned.

### **CHANGES FOR RETIRED, INACTIVE OR OVER 70**

The State Bar has filed a petition with the Arizona Supreme Court to change dues and MCLE requirements for retired and inactive members, and to eliminate the “over 70” exemption from dues and MCLE now automatically available to members over age 70.

The proposal:

- Changes the MCLE and fee requirements necessary for retired or inactive members to regain active status.
- Lowers dues for retired members.
- Redefines retired membership to distinguish retired from inactive status.
- Eliminates the age-based exemption from dues and MCLE requirements for active lawyers over age 70. All members will pay dues based on their membership category, not their age, and all active members must meet MCLE requirements.

A chart clarifying the proposed changes and the petition are posted on [www.myazbar.org](http://www.myazbar.org).

The Board of Governors recommended these changes for a variety of reasons, including:

- It establishes a more equitable distribution of membership dues among all active members.
- It reduces the financial burden on retired members.
- It recognizes the changing demographics of the profession, as older lawyers work more in their later years.
- It improves the profession and protects the public through ongoing MCLE for all practicing lawyers.

To comment on these proposed changes, send your comments either to the Arizona Supreme Court during its public comment period (which will likely begin in January) or to the State Bar via e-mail to [president@azbar.org](mailto:president@azbar.org) or U.S. mail to the State Bar.

PROFESSIONAL VOLUNTEER OPPORTUNITIES

The State Bar Appointments Committee is currently accepting applications from *active and judicial members in good standing* to fill the following upcoming vacancies. Application forms are due at the State Bar office by February 27, 2006, and can be obtained by calling Carrie Sherman at the Arizona Bar Center at (602) 340-7201 or Suzanne Pease at the Bar's Tucson office at (520) 623-9944. An application can also be downloaded from the Bar's Web site—[www.myazbar.org](http://www.myazbar.org) (refer to *Appointment Committee News*).

WEB DISCIPLINE UPDATE

The State Bar soon will publish online certain lawyer discipline information. Before that information is made public, however, members will be allowed one opportunity to review their public disciplinary record (if one exists). Those records will be posted on the Bar's Web sites, [www.azbar.org](http://www.azbar.org) and [www.myazbar.org](http://www.myazbar.org).

The publication decision was made by the Board of Governors at its February 18, 2005, meeting.

Members have until January 31, 2006, to review their own personal online record and verify its accuracy. Several weeks later, accurate discipline information will be published through the "Member Finder" and "Find a Lawyer" sections of the Web sites. To review your record, go to [www.myazbar.org/checkmyactivity](http://www.myazbar.org/checkmyactivity). Sign in and notify us if you believe anything is not accurate. The Bar will review your comments and correct inaccuracies.

The Bar will post the contact information it has on record on the Bar's Web sites, and thus it is imperative that you not provide personal information such as a residential address or telephone number. Contacting the Bar and providing accurate, reliable and nonpersonal information is your responsibility.

Please also inform us of changes to your address, phone and e-mail. If you are a peace officer, justice, judge, commissioner, public defender or prosecutor as defined in A.R.S. § 13-2401, you must identify yourself as such to the Bar and provide office addresses and telephone numbers for our publication purposes.

If you have technical question or problems with the Web page, call (602) 340-7281. If you have Lawyer Regulation process questions, call (602) 340-7353.

Conflict Case Committee

Application Deadline—  
Monday, February 27, 2006

**Purpose:** Committee members timely process, investigate and prosecute all aspects of disciplinary cases involving a member of the State Bar's Board of Governors, State Bar staff, a Supreme Court Disciplinary Hearing Officer or a member of the Court's Disciplinary Commission. Although the committee consists of eleven members, each member works independently on the matter(s) to which he/she is assigned.

**Openings:** One. Committee member David L. Sandweiss (Sole Practitioner; Phoenix) is completing an unexpired term and is eligible to apply to serve a full three-year term. The other Committee members are: Douglas F. Behm (Jennings Strouss & Salmon PLC, Phoenix); Timothy J. Burke, Fennemore Craig PC, Phoenix); Michele M. Feency, Mohr, Hackett, Pederson, Blakley & Randolph, PC, Phoenix); J. Vincent Gonzales, Nirenstein, Ruotolo & Gonzalez PLC, Scottsdale); Andrew F. Halaby, Snell & Wilmer, LLP, Phoenix); Michael R. Palumbo, Jennings Strouss & Salmon PLC, Phoenix); Donald M. Peters, Miller LaSota & Peters, Phoenix); Comm. Wesley E. Peterson, Maricopa County Superior Court, Mesa); Thomas M. Ryan, Treon Aguirre & Newman PA, Phoenix); and Gary L. Stuart, Sole Practitioner, Phoenix).

**Candidate Criteria/Requirements:** Open to active and judicial members in good standing. Former members of the Board of Governors, Supreme Court Disciplinary Hearing Officer panel and Disciplinary Commission shall be eligible for appointment only after a four-year absence from the Board, Court position or Commission. Newly appointed Committee members attend an orientation/training session.

**Term:** Three years.