

**Advancement & Improvement Committee**

State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016

November 20, 2024  
2:30 p.m.  
State Bar of Arizona Office

**Minutes**

**MEMBER ATTENDANCE:**

**P = present in person; T = present telephonically; Z= present via Zoom A= absent.**

<b>Barry Wong, Chair = P</b>	<b>Nicholis Faussette = P</b>
<b>Benjamin Taylor, Co-Chair = Z</b>	<b>David Keys-Nunes = P</b>
<b>Lina Alavarez = P</b>	<b>Kristin Larish = Z</b>
<b>Hon Geoffrey Balon = A</b>	<b>Aaron Moskowitz = P</b>
<b>Nicholas Boca = P</b>	<b>Jim O’Sullivan = A</b>
<b>Joan Bundy = Z</b>	<b>Bijal Patel-Weintraub = Z</b>
<b>David Cantor = P</b>	<b>Benjamin Reeves = Z</b>
<b>Sandra Etherton = P</b>	<b>Jobi Teague = A</b>
<b>Jacob Faussette = P</b>	<b>Chuck Thomson = P</b>
<b>Christine Whalin = P</b>	<b>Gregory James Benson Jr = P</b>

**OTHER ATTENDEES:**

**Guests:**

- **James B. Morse Jr.** Judge, Arizona Court of Appeals, Division One, Chair, Arizona Supreme Court Committee on Character and Fitness
- **Aaron Nash**, Director of Certification and Licensing Division, Supreme Court of Arizona
- **Mariann Nystrom**, Attorney Admissions Manager, Certification and Licensing Division, Supreme Court of Arizona

**State Bar Staff:** Taylor Tasler & Fabiola Perez

**Minutes taken by:** Taylor Tasler

## Call to order

Called to Order by Barry Wong, Chair

Time: 2:35 p.m.

### 1. Roll Call

Staff liaison Taylor Tasler took attendance.

### 2. Approval of September, Meeting Minutes

**Motion to approve:** Nicholas Boca

**Second:** Christine Whalin

**Motion with amendments passed:** Ms. Etherton would like Action Items from the previous meeting (9/18/2024) added to the 10/29 minutes. Both Ms. Alvarez and Ms. Etherton would like the minutes expanded, including bullet points on each item discussed during the meeting.

### 3. Arizona Supreme Court Committees on Character & Fitness and Examinations

- Introduction of **James B. Morse Jr.** Judge, Arizona Court of Appeals, Division One, Chair, Arizona Supreme Court Committee on Character and Fitness. **Aaron Nash**, Director of Certification and Licensing Division, Supreme Court of Arizona. **Mariann Nystrom**, Attorney Admissions Manager, Certification and Licensing Division, Supreme Court of Arizona. Invited to discuss the Arizona Supreme Court Committee on Character & Fitness and Examinations to get an idea of their process is, after the issue of timeliness was raised during a previous meeting.
- Hon. Morse provides an overview of Character & Fitness responsibilities. Tasked with making sure every applicant meets their burden and that they have the adequate care of fitness to serve as an attorney in Arizona. Processes individuals that do not have any issues quickly, within four months. Most delays are due to applicants not responding to requests for information or having serious matters. Requires hearings or inquiries involving committee members. Applicants can check the status of their application online. There is no reason for them not to respond promptly.
- Ms. Nystrom explains applications are confidential under Rule 37 of the Arizona Rules of the Supreme Court. Cannot confirm or deny applicants' submissions, creating communication. A waiver is available on the website for applicants to release their confidential information.
- Committee Character and Fitness vs Committee on Exams. Exams is in charge of the Bar Exam. Getting applicants into the exam, administering the exam, and doing post-exam activities such as grading and petitions for review. Character and Fitness is responsible for other aspects. In 2022, 573 individuals were recommended for the practice of law; in 2023, the number surged to 856, a 49% increase. Streamlined the process.
- Character and Fitness process: This is the final step in the licensing process. Where they make sure all the rule requirements have been met. Requirements:

Passing the bar exam or certified as an admission on motion (AOM) or uniform bar exam transfer applicant. Passing NPRE score (Arizona requires a score of 85), must Complete the Arizona law class, the final step is character and fitness review. Delays could be attributed to any of these requirements not being met.

- Actual character and fitness process: Three stages. First Phase- Applicant fills out an application; references are sent out. Second Phase - Review of application, supporting documentation, references, etc. Draft letters asking for additional information or missing information, as well as draft notes for the committee or Ms. Nystrom to review. Any application that comes back clean can be approved, that is about 60% of them. If it can't be approved, can request independent psychology evaluation or additional information or inquiry can be requested by the committee. Streamlined process by only doing an inquiry if the committee believes they are likely to pass them instead of doing formal hearing. Tried to take the inquiry step out of the process.
- Barry request discussion about timeline – Nystrom says it depends on what is in the file. What slows them down: Incomplete applications and missing documentation. Lack of supporting documents like reference contact information or criminal matters, fingerprints, etc. All requirements are in the applicant's instructions and on the application. Deficiency notices are issued for missing information. Applicants have 30 days to rectify deficiencies. Sometimes, references fail to respond. In that case, dual notices are sent out to references, and if they do not reply within a week, a second email will be sent to the employer. If, after two attempts, there is still no response, then they reach out to the applicant and let them know the employer has not responded. Do not require ass references to come back.
- Applicant-related delays. Incomplete applications delay processing. Failure to respond to additional information letters within 30 days leads to applications being abandoned if there is no response after a grace period. Focus is shifted to compliant applicants. Eventually, the application will expire.
- What they've done to streamline the process: Locked down the application, can no longer move forward if you do not provide needed documentation. Expanded intake process includes immediate check, including Arizona Law check and NPRE check. Applicants are notified of any issues early on. Designated weekly time to process "clean files." Reduces backlog caused by minor issues like parking tickets. Approve files daily. Took a big-picture approach. Brought on part-time investigators to help with workload. New software system, references are sent out weekly now. Conduct Q&A sessions before the bar exam. Law school presentations to educate future applicants.
- Thompson – Is there anything that can be removed from the process to speed it up without compromising the work? Hon. Morse believes sometimes it is difficult to gather all committee members to sit down for a 3-hour hearing, but he understands why it is necessary. Also, in favor of eliminating the applicant's residence information.
- Confidentiality is necessary because the process can get extremely personal, and applicants must know the information will be kept confidential. The court found the leading cause of denial is candor/ honesty and failure to disclose.

- Idea posed by Faussette and Cantor is to give applicants the option to waive confidentiality to speed up the process.
- 99% of the time, an independent psychological evaluation is sent out for substance abuse. Supreme Court has issued guidelines on how the committee needs to address substance abuse.
- Ms. Nystrom asks for any additional suggestions/questions to be sent to her by email. Staff liaison Taylor Tasler will provide that email.

#### 4. State Bar Website Issues, Remake/Redesign

- David Cantor and Nicholas Boca provided a presentation on their proposed website redesign.
- The current State Bar of Arizona site has navigation issues;
  - No dropdowns
  - Overly complex subcategories:
    - Public: 8 subcategories, 28 bullet points
    - Legal profession: 8 subcategories, 52 bullet points
    - Licensing compliance: 7 subcategories, 29 bullet points
    - News publications: only goes back to 2020
- Comparison to California's State Bar website
  - More organized with four nav bars and six sub nav bars
  - Quick links available for easy access
  - Issues with loading times noted
- Prototype of improved Arizona State Bar website
  - Features eight nav bars with dropdowns
  - Membership model, sections, committees, and resources
  - Incorporates elements from New York's site as a model
  - Efficient use of existing resources
  - Focusing on user-friendly design and accessibility
- Proposed contacting the New York Bar about obtaining their wireframe for free or at a cost. Meet with State Bar webmasters to figure out how to make it work. Ms. Etherton brings concerns about NYSB not being a good website. Mr. Faussette thinks it is a good starting point to make addressing other concerns regarding the website easier. Ms. Etherton brings up the need to understand how the SBA runs its website, its current use, and what the committee wants to improve on. Cantor, Whalin, and Faussette suggest working on both simultaneously.
- Discussion on product development approach. Focus on the minimum viable product (MMP) rather than the most viable product (MVP). Consider putting it in a staging environment for initial testing.
- Key-Nunes says the State Bar website is not very functional for attorneys. The framework presented is a good starting point. Good approach by pulling from multiple resources.
- Members of the committee expressed concerns about using the survey to guide its course of action due to low response rate (nearly 11%) and it not representing the views of the entire Bar membership. Would rather focus on what the committee can do with the actionable information in the survey.
- Ms. Alvarez worries about simply moving forward with the amount of information on the website. Wants to look at what is functional and what isn't.

- Ms. Etherton suggests having a requirements meeting. Creates requirements process and get a website development team in to consult.
- Ms. Whalin asks about getting the information from IT team. Joel says IT team can come in and answer questions on the technical side.
- Send staff liaison Ms. Tasler questions for the State Bar IT team by December 4th for the December 18th meeting.
- Mr. Taylor suggests taking this to the Board of Governors once the Committee completes the design and framework of the website.

**5. AIC Action Items on Member Survey**

- Did not discuss due to time. Will move to December 18<sup>th</sup> Agenda meeting.

**CALL TO THE PUBLIC**

Chair Barry Wong made call to the public. No public members in attendance.

**Meeting adjourned by:** Chair Barry Wong at 4:18 p.m.

## **AIC Member Actionable Items from 2023 Member Survey and Website Improvements**

### **Summary:**

#### **Website Improvements:**

1. User-Friendly Design:
  - Improve navigation, aesthetics, and mobile responsiveness.
  - Reorganize links for easier access and clarity.
  - Optimize attorney search features and ensure accurate listings of areas of practice.
2. Transparency:
  - Timely updates for reports, minutes, and public meeting schedules.
  - Clearer labels and descriptions for features like professional discipline checks.
  - Removal of outdated links and low-value content.
3. Content Improvements:
  - Better organization of sections for the public and legal professionals.
  - Simplify the CLE (Continuing Legal Education) section for quick access to relevant information.

#### **Service Enhancements:**

1. Stress and Wellness Resources:
  - Partner with wellness companies to offer discounts on gyms, counseling, and meditation apps.
  - Provide virtual stress-relief resources, such as yoga and breathing exercises.
  - Sponsor health and wellness panels at Bar conventions.
2. Support for Members:
  - Offer free or low-cost CLEs tailored to local laws and regulations.
  - Develop a mentor/mentee program to improve law practice management.
  - Address work-life balance with resources like childcare options.
3. Diversity and Inclusion:
  - Increase connections among diverse members.
  - Provide visibility for diverse identities in member profiles and public-facing directories.
4. Improved Communication:

- Enhance outreach efforts to increase participation in surveys and feedback collection.
- Engage members in outlying areas through coordinated visits and phone calls.

**Professional Standards:**

1. Civility and Ethics:
  - Address declining civility and professionalism in the legal community with clear reporting mechanisms for misconduct.
  - Introduce ethical guidelines to regulate attorney advertising and practice claims.
2. Quality Assurance:
  - Conduct random audits on compliance with professional responsibility rules, especially advertising laws.

**Strategic Priorities:**

1. Eliminate low-value services and focus on high-impact areas like the website and CLE programs.
2. Analyze the budget allocation for various services to redirect resources efficiently.
3. Proactively address challenges facing the legal profession to maintain relevance and trust.

**Member Submissions:**

- **Sandra Etherton**

**Actionable items:**

- Because the services having the highest value to members are the website and CLE (see Survey pp.viii and xvi), I think we should concentrate on making advancements and improvements in these two services.
- Following that logic, it makes sense to eliminate the services having the lowest value. Unfortunately, those were not expressly ranked, and the appendix was not included in the report so there's no way to look at the verbatim comments to get a sense of the lowest-value services. The data responses for Questions 37-38 presented on pp. 52-61 should be distilled and better presented to show which are the least-used and arguably least-valued newsletters. Need better transparency and insight into the data. The people who did the analysis should be questioned about this.
- It would be most helpful to show how much of the Bar's budget is spent on each service so that, if there are outliers, for example if the least-valued are the most

expensive, those services can be eliminated and resources diverted to more valuable services.

### **Website:**

- The website needs a navigational and aesthetic overhaul, except that the logo can be retained.
- The navigation schema needs to be completely changed. See p. 49, question 37c data. For example:
  - A. The most popular links should be in the upper left hand or top nav bar(s), not buried below the fold or centered between other links.
  - B. Eliminate the half-page revolving ad on the homepage to free up space for navigation.
  - C. Alphabetize or find some logical order for nav links on public and professionals pages.
- The aesthetics (layout, font, colors) need to be changed, in part to indicate that the nav has been overhauled. See p. 50, question 37d data. Makes changes will help make the page more mobile friendly. The attorney search feature, at least, needs to be optimized for mobile viewing. See p. 50, question 37e and 37f data.
- The “check professional discipline” and “Legal Help - Need a lawyer” needs an overhaul
  - A. The “check professional discipline” needs to be labeled more accurately. For example, when I asked for the discipline history via the link for a certain lawyer, I got pushback from the Bar asking why I wanted to know. So, being a lawyer, I pushed back and said that it’s public info and why does the Bar need to know why I’m asking. Need transparency here.
  - B. The “check professional discipline” and “Legal Help - Need a lawyer” attorney listing needs to accurately state the " Areas Of Law" for a given practitioner. For example, as I mentioned in the first AIC meeting there are several lawyers claiming to practice patent prosecution who are not registered patent attorneys and therefore simply cannot practice patent prosecution. As another example, there are lawyers who claim to practice every area of law from A-Z, and we know they cannot be competent in all areas of law. Two ideas to fix this problem are to:
    - Limit the attorney to a choice of 1-5 areas of law from a set menu of general fields of law, similar to section names
    - Make it an ethics violation to state areas of law you do not currently practice in – the 1-5 areas can be updated whenever the attorney wants to
  - C. Revamp the “find a lawyer” page so that the results aren’t revolving after a person checks a lawyer’s bio. It’s frustrating to do a search, drill down, and then try to compare to another lawyer when the order of the search results has changed. Change the search fields to more useful criteria.
- The “public meeting” page needs to show all public meetings in calendar format. Until last month it showed only the Public Meeting of the Board of Legal Specialization, so I realize someone’s already improving this. Need to be able to search the calendar.



- Reports and minutes need to be posted in a timely fashion for the Bar, committees, and sections. Need to set a time deadline for what is timely. Several annual reports posted on the website are more than 2yrs old.
  - A. Dead and null links need to be removed. See for example the left and right arrows on the home page which lead to null pages.
  - B. Get rid of the Al Lee Gull. Useless and embarrassing = low-value.
- **Chuck Thomson** – Primarily serving AIC in his capacity as a member of the Executive Council of the SBA Senior Lawyer Division. Polled SLD EC members through its president.
- Should the SLD EC recommend that the Bar conduct another Member Satisfaction Survey? If YES, then what more or different information should the Bar collect?
  - A. On this question, a substantial majority of the SLD EC opposed the Bar conducting another Member Survey at this time. Comments included, “. . . not without a well-thought-out campaign beforehand to stimulate support and interest” and “consider offering a free seminar or fee reduction to entice greater participation.” A member of the EC in favor of a further survey suggested that it be “. . . limited to SLD members.”
- Should the SLD EC offer any comments on the Bar’s website? If YES, then what suggestions should be made?
  - A. On this question, a substantial majority opposed offering comments on the website; there were no substantive comments from the EC Members on this topic.
- **David Cantor, Nicholas Boca and Christine Whalin** – will bring ideas about website to Nov. 20<sup>th</sup> meeting.
  - **Student Loans:** Can we partner with a bank who is willing to pay off your student loan and get a subprime loan/mortgage loan to pay it off faster?
  - **Law practice management:** Mentor/Mentee program that would include everything about running a law practice
  - **Stress:** Yoga class videos, meditation videos, breathing exercises, etc. (all bite size – 10 minutes), all uploaded on the website for use for practitioners
  - **Balancing family and work:** Resources for day care, after school care programs on the website. Partner with daycare facilities across the valley with discounted rates and/or sign-up priority for practicing attorneys.
- **Geoffrey Balon**

**Actionable Items:**

- Develop a task force to reduce stress in lawyers’ lives
  - Partner with companies that specialize in wellness and stress reduction
  - Provide discounts to members who utilize the companies we partner with (gyms, meal prep services, counseling services, meditation apps, etc.)
  - Sponsor a panel of experts on how to reduce stress and promote health and wellness at the State Bar convention with a live streaming option.
- **Bijal Patel-Weintraub**
- Website:**

- A mobile friendly site should be high priority. Most members, particularly younger attorneys use their phones to quickly access information on the go. Accordingly a mobile site with fast load times, easily navigable and a good user interface would likely improve member engagement amongst the large number of attorneys who prefer mobile access.

**Member Engagement/Actionable Items:**

- Free/\$0 additional cost virtual CLEs live and available pre-recorded has the potential to improve engagement and satisfaction with the State Bar. The ABA and Federal Bar Assoc provide no cost CLEs but without an Arizona focus. Small firm and solo practitioners would benefit greatly from low/no cost CLEs tailored to AZ rules/regulations/law/best practices.

- **David Keys-Nunes**

**Bar Improvement:**

- I'd like to find ways to increase connections between diverse members of the bar. Many of my friends who are attorneys from different minority groups often express feeling "other" in their office because they do not know many lawyers who share their identity. The SBA collects self-ID data in the member profile page. Is that data something members could elect to make publicly available by category such that it could be visible to other attorneys or the public? Members of minority communities might feel more comfortable with an attorney who shares their identity. Are the statistics of the diverse population of the bar published somewhere? What efforts has the bar made to increase/retain diversity within its membership?

- **Jim O'Sullivan**

**Website:**

- Add buttons on the Bar website welcome page that would allow Members to login and immediately proceed to either the attorney search or MCLE tracking pages, without having to otherwise navigate the menus.

**Bar Improvement:**

- Add a space on CLE evaluations to solicit any comments to improve the Bar

- **Joan Bundy**

**Improvements:**

- Ensuring that law firms do not have non-attorneys conducting the initial consultation without identifying in advance that the person doing so is not a licensed attorney in Arizona. [No one has introduced or discussed this one yet but I think it is CRITICAL to the public's trust in our profession!]
- Improving the civility and professionalism of the bench and bar (Mostly the bar! I have seen such a decrease in civility in the past 15 years in private practice that it makes me want to cry! The personal attacks and uber-aggressiveness are uncalled-for and counterproductive for their clients. There needs to be a clear route to reporting the worst offenders within their firm and then to the Court and/or bar if need be.).
- Vastly improved website including much quicker page loading times, much improved navigation and much more robust attorney search engine. Also it needs to be made uber clear (with a link on the home page) how to file a fee-dispute claim against an attorney versus an ethics complaint and the difference between the two.

### **Action Items:**

- Having the webmaster for the current iteration of the website explain how it is organized and is supposed to work and who set it up (if they know; if not maybe that person could speak too). We need to come up with a list of things that need to be fixed/addressed on it that affect functionality and/or image.
  - Whatever happened to the threatened audits? Could we have instituted random audits of how well attorneys and their law firms are generally complying with all of the rules of professional responsibility? Advertising laws in particular?
- **Lina Alvarez**

### **Website:**

- The CLE section emphasis is not on nuts & bolts issues but on trips/out of town CLE conferences. It feels more like advertising than improving your legal practice or finding relevant CLEs quickly.
- All the sections feel “noisy.” A lot is going on, categories could be better/more succinctly organized. The “for the public” section feels the same as the “for legal professionals” section. Neither one is particularly user-friendly because you still have to click around quite a bit to get to what you need, especially re: CLE hours, filing your certificate etc. It feels like it was designed by people who don’t use it.
- Looking at the website alone, I understand that attorneys or the public might wonder exactly what the role of the Bar is. No cohesive message for either section is apparent. Most consumers/clients coming to the State Bar page are there because they have a problem. Immediately addressing what role the Bar plays & the process would be more helpful. This is especially true given the new roles of legal paraprofessional & Alternative Business Structures. The Bar’s job, or so I always believed, was to assist attorneys, but also to inform and protect the public.

### **Action Items:**

- My perception of the Bar over the years has changed. I have not lost respect, but, especially in the past several years, I have begun to lose confidence it can address the significant challenges facing the legal practice and its institutions if it does not become more proactive. We have already discovered that “norms and customs” alone cannot protect our institutions without persistent & significant pushback on lines being crossed by practitioners with larger agendas than the protection of their clients. If the Bar itself does not set the parameters, who will? The complaint about “incivility” in the practice is too big of a catch-all. That term needs to be defined and understood before it can ever be appropriately addressed by the Bar. We need specific examples.
- In terms of the statistical sample we have, I also agree it is insufficient. If our outreach results in a 10% return, perhaps there is something wrong with our outreach. Further, those who actually respond give us insight into who we are not reaching. In a professional organization, being satisfied with leaving out over 85% of our mandated membership is simply not sustainable if the Bar wishes to remain relevant. Coordinated outreach in outlying areas, phone calls or meetings with smaller groups of attorneys or firms, asking these questions in

person is, for me, the gold standard. I don't want to talk to the representatives of firms who may have a skewed outlook of what their attorneys want, we need to talk to them or get their feedback in a more productive way. That is something I am more than willing to do or help coordinate. It is why I am here.