

**Supreme Court Board of Legal Document Preparers**

Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room 230  
10:00 a.m. – 2:00 p.m.

**April 18, 2005**

**Regular Session Meeting Minutes**

**Members Present:**

Carol L. Wells  
Nancy Swetnam  
Mary Carlton  
Vellia M. Piña  
Dr. Roger Hartley  
J. Ward Sturm  
Susan C. Vasquez  
Virlynn Tinnell  
Donald F. Steward

**AOC Staff Present:**

Linda Grau  
David Stone  
Jeffrey Yocum

**Members Present Telephonically:**

Margaret Kleinman

**Members Absent:**

Judge Roland J. Steinle

**Call to Order**

Judge Steinle has provided a proxy and duties of Acting Chair for this meeting to Nancy Swetnam. The meeting was called to order by Nancy Swetnam at 10:08 a.m.

**Review and Approval of Meeting Minutes**

*Regular and Executive Session Minutes from February 28, 2005*

*Regular and Executive Session Minutes from March 21, 2005*

*Regular and Executive Session Minutes from March 30, 2005*

Due to technical difficulties, the draft minutes could not be distributed to the Board Members for review in advance of the meeting. The draft minutes were distributed to the Board and Program staff recommends review and approval be deferred until the May 23rd meeting.

*Review and discussion of Arizona Code of Judicial Administration § 7-208 (H)(1)(g).*

**Executive Session**

Nancy Swetnam made a **motion** to move into Executive Session. J. Ward Sturn seconded the motion. The motion passed. **LDP-05-099**

## **End of Executive Session**

### **Administrative Issues**

*Update regarding electronic 2005 renewal application process.*

Program staff provided an update regarding the electronic 2005 renewal application process. The renewal form is now available online via a link on the LDP Program website. Notices were sent out to make everyone aware of the online application and to provide a reminder of the May 6th deadline. Thus far there have been no technical difficulties with the online application. The process is working very efficiently.

*Subcommittee report regarding Board roles and responsibilities.*

The subcommittee report and recommendation regarding the Board's roles and responsibility policy was discussed. Discussion occurred regarding professional association service and whether a Board member can serve simultaneously as an officer of a profession association and as a member of the Board of Legal Document Preparers. Further, the Board discussed whether a recused Board member must leave an associated Executive Session. Nancy Swetnam provided a review of the practice of a number of other statewide Boards and Commissions. The Board discussed a recused member not participating in Executive Session if they recuse themselves on a particular matter. Further, the Board discussed a recused member remaining present during a Regular Session review of an associated matter but that the recused member would not participate in any Regular Session discussion.

Dr. Roger Hartley **moved** that the Board adopt the Policies and Procedures for Board Members, with the effective date of May 1, 2005, with the amendment that we have discussed as to Item G-2-D on page 5, regarding recusals, and Item 7, Professional Associations, on page 3, to leave as worded. The motion was seconded. The motion passed. **LDP-05-100**

*Update on the public comment regarding the pending State Bar of Arizona Petition to amend Arizona Supreme Court.*

Nancy Swetnam relayed an observation made by Dave Byers, Administrative Director of the Courts, regarding the Board's Public Comment addressing the pending Petition. Mr. Byers advised Ms. Swetnam that, as written, an Attorney could, theoretically, be disbarred and apply to be a Legal Document Preparer the following month, and the Board could approve. The Board discussion brought out that there are a number of checks and balances in the current system, and that each application is handled on a case by case basis.

*Discussion regarding Board of Legal Document Preparer vacancies and recruitment.*

Program staff advised two Board members; Susan Vasquez and Margaret Kleinman are not seeking reappointment at the end of their terms on June 30, 2005. A recruitment announcement and the Board member application have been circulated and posted on the Judicial Branch and LDP Program websites. Board members are encouraged to actively participate in the recruitment process.

### **Status Report Regarding 2005 Examination**

*Update regarding adopted amendments to Arizona Code of Judicial Administration § 7-208 related to the 2005 examination and 2005-2006 renewal.*

The Board discussed the adopted amendments to ACJA § 7-208 approved by the Court on April 7, 2005. The Board discussed the Court's inclusion of language which specifically incorporates the content specifications for the examination.

The Board discussed application fees for new applicants and for renewals. Nancy Swetnam suggested it may be time to review the fee schedule to determine if the revenue is covering costs.

The Board discussed the status of the examination study guide and the format of the draft. The Board also discussed the minimum passing score, 67 out of a possible 100 points, and the statistical process used by HZ Assessments to derive the passing score. Nancy Swetnam suggested adding language to the reference list of the study guide to indicate all answers can be found within the incorporated reference materials. The Board discussed an exam content nondisclosure statement for candidates to sign at the exam.

The Board discussed how the exam should be administered and how many times it should be offered. The Board also discussed whether a small group should take the exam first in order to gauge if there are any problems with the test.

Virlynn Tinnell **moved** that, based on information that has been presented by HZ Assessments and statistical analysis of the two forms of the examination that are currently provided in compliance with the recent amendments to § 7-208. It is recommended that the Board approve the passing score of 67 of 100 questions. The motion was seconded by Susan Vasquez. The motion passed. **LDP-05-101**

Nancy Swetnam **moved** that the Board approve for approval and publication of the examination candidate study guide, incorporating the adjustments requested by the Board. J. Ward Sturm seconded the motion. The motion passed. **LDP-05-102**

Margaret Kleinman left the meeting.

## **Certification and Eligibility**

The following requests for CE credit have been presented for Board review and consideration.

1. AZCLDP Kelley Dowdle is requesting 2 hours of faculty credit for preparing and presenting a continuing education opportunity entitled “Notary Public” on March 12, 2005 for the AAIP Show Low Chapter. This request is consistent with the Board policy regarding continuing education.
2. “Evidence” presented by the Arizona State University College of Law from August 2004 to December 2004 - 4 hours
3. “Criminal Procedure” presented by the Arizona State University College of Law from August 2004 to December 2004 - 3 hours
4. “Creditor/Debtor Relations” presented by the Arizona State University College of Law from August 2004 to December 2004 - 3 hours
5. “Advanced Insurance” presented by the Arizona State University College of Law from August 2004 to December 2004 - 3 hours
6. “Micro Economics” presented by Arizona Western College from August 2004 to December 2004 – 3 hours.
7. “Public Speaking” presented by Arizona Western College from August 2004 to December 2004 – 3 hours.
8. “Principles in Real Estate” presented by Westford College School of Real Estate from December 2004 to February 2005. AZCLDP Jeanne Lien is requesting the Board consider and grant 10 hours of continuing education credit for her participation in 90 hours of course work on 18 different topics.
9. “How May I Help You? What I Need to Know about UPL” presented by the Arizona Paralegal Association on July 13, 2004 - 1 hour, including 1 hour of ethics.
10. “Legal - Case Laws” presented by attorney Wendy Ehrlich for Cadden Community Management on April 6, 2005 - 2 hours
11. “Understanding the Power of DNA Analysis for Paternity, Family Law and Criminal Law” presented by Chromosomal Laboratories, Inc. on April 21, 2005 - 3 hours.

12. "Training for Electronic Filing of Bankruptcy Pleadings" presented on an ongoing basis throughout Arizona by the United States Bankruptcy Court, District of Arizona - 1.5 hours.
13. "Survey of World Art", presented by Arizona Western College, August 2004 to December 2004;
14. "Homeowners Association Legal Seminar" presented by Ekmark & Ekmark, L.L.C. on March 31, 2005 - 4 hours, including 1 hour of ethics.
15. "Insurance Claims" presented by Western Assurance on April 7, 2005 - 4 hours.

J. Ward Sturm made a **motion** that items 1, 9 and 12 be approved for continuing education credit. Virlynn Tinnell seconded the motion. The motion passed. **LDP-05-103**

Nancy Swetnam made a **motion** the items 14 and 15 be deferred until the next meeting. Carol Wells seconded the motion. The motion passed. **LDP-05-104**

Carol Wells made a **motion** to approve items 2, 3, 4, 5, 8, 10, and 11 for continuing education credit. Dr. Roger Hartley seconded the motion. The motion passed. **LDP-05-105**

Carol Wells made the **motion** to deny items 6, 7 and 13. J. Ward Sturm seconded the motion. The motion passed. **LDP-05-106**

The following is an addendum to the requests for CE credit, which have been presented for Board review and consideration.

1. AZCLDP Carol Aragon-Montgomery is requesting 2 hours of faculty credit for preparing and presenting a 1 hour continuing education opportunity entitled "ALTCS/AHCCCS Program Overview and Planning" on January 20, 2005. Ms. Aragon-Montgomery is requesting three hours total for this first event and the same credit three hours of credit for a second event scheduled for May 3, 2005. It is recommended the Board grant three hours for the January 20, 2005 event and, pursuant to the CE Policy, deny faculty credit for the May 3, 2005 event.
2. "2004 Estate Planning Strategies" presented by Edward Jones on June 9, 2004 in Sedona – 3 hours.
3. "Tax, Legal, and health Care Concerns for the Elderly Client" presented by Edward Jones on July 14, 2004 in Sedona – 3 hours.
4. "S Corp Formation and Organization" presented by the Arizona Society of

Practicing Accountants on December 15, 2004 – 3 hours

5. “Life Insurance, Estate Taxes, and Succession Planning” presented by Edward Jones in Sedona on November 10, 2004 – 3 hours
6. “Wealth Strategies Using the Tax Exempt Trust” presented by Columbus Life Insurance Company on October 7, 2004 - 1 hour
7. “Study Guide Review” presented by Arizona CLDP Legal Seminar Group on April 23, 2005 in Tucson and April 30, 2005 in Phoenix – 2 hours.
8. “Buyer Brokerage/Agency Law” presented by the Arizona School of Real Estate and Business on December 31, 2004 – 3 hours.
9. “Contract Law – Case Study” presented by the Arizona School of Real Estate and Business on December 31, 2004 – 3 hours.
10. “Wealth Transfer Strategies” presented by Columbus Life Insurance Company on October 7, 2004 - 1 hour
11. “Legal - Case Laws” presented by attorney Wendy Ehrlich for Cadden Community Management on April 6, 2005 - 2 hours
12. “Family and Divorce Mediation” presented by Ross-Lieberman Training Center on September 20-24, 2004 - 5 hours, including 1 hour of ethics.
13. “Divorce Mediation Training” presented by Coast to Coast Mediation Center on October 14-18, 2004 - 5 hours, including 1 hour of ethics.
14. AZCLDP Carla Lief has requested one hour of credit for her participation in the National Association of Legal Assistants certified legal assistant examination in July of 2004.

Nancy Swetnam made a **motion** to approve item 1 for three hours of continuing education credit. Dr. Roger Hartley seconded the motion. The motion passed. **LDP-05-107**

Virlynn Tinnell made a **motion** to approve items 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13 for continuing education credit. Dr. Roger Hartley seconded the motion. The motion passed. **LDP-05-108**

Virlynn Tinnell made a **motion** to deny item 14. J. Ward Sturm seconded the motion. Susan Vasquez recused. Nancy Swetnam voted “No”. The motion passed. **LDP-05-109**

Nancy Swetnam made a **motion** to approve item 7, subject to the following conditions:

1. The provider will be required to put in the written material that are given to applicants who are taking the class, that
2. The student must provide their own study guide.
3. There must be a disclaimer that the Arizona Supreme Court Legal Document Preparer Program and the Board of Legal Document Preparer are not ensuring that participation in the program guarantees passage of the exam, and that attendance at this study guide review is not required in order to take the exam.
4. The Arizona Supreme Court Legal Document Preparer Program and the Board of Legal Document Preparers do not endorse this program.
5. Instructor is required to announce to the class all the above listed items.

Virlynn Tinnell seconded the motion. The motion passed. **LDP-05-110**

The Board discussed the continuing education participation period. Linda Grau suggested that for this year, and this year only, that the participation period be extended until May 6, 2005, from the April 30<sup>th</sup> end date defined by the recent CE Policy amendment. Linda Grau relayed that she was contacted by one of the officers of AAIP late last week, indicating that they were intending on providing a study seminar on May 7, 2005, regarding the exam. Linda Grau recommended that the Board not extend pre-approval to that class or extend the deadline date for those participating, noting class attendances after the May 6<sup>th</sup> deadline could be attributed to next year's renewal.

Virlynn Tinnell made a **motion** that the May 7, 2005 class at AAIP not be approved for continuing education credit for CE credit during the 2004-05 certificate period, pursuant to the April 30<sup>th</sup> CE Policy deadline, but that it be approved for the 2005-06 continuing education. J. Ward Sturm seconded the motion. The motion passed. **LDP-05-111**

Nancy Swetnam made a **motion** to extend the CE participation period through May 6, 2005, for this certificate period only. Virlynn Tinnell seconded the motion. The motion failed. **LDP-05-112**

### **Review of Certification Applications**

Virlynn Tinnell made a **motion** that certification for Eric Schoeller, Miles Fisher, Bonita Burgoyne, Dennis Barnhart, Angelina Cervantes and Professional Legal Documents LLC, be deferred until the May 23, 2005 Board meeting, to allow program staff to request more information. Carol Wells seconded this motion. The motion passed. **LDP-05-112**

Nancy Swetnam made a **motion** that certification for Elaine Anghel, Richard Rochford and Donald Preuss be deferred until the May 23, 2005 meeting, due to the fact that these individuals have not provided information requested to complete the certification process,

and that the requested information be provided no later than close of business May 11, 2005. Virlynn Tinnell seconded the motion. The motion passed. **LDP-05-113**

Nancy Swetnam made a **motion** that Wendy Sara-Kralisz be granted initial certification, effective immediately. Virlynn Tinnell seconded the motion. The motion passed. **LDP-05-114**

Nancy Swetnam made a **motion** that Magdalena Laws and Maria Ortiz both be granted initial certification effective July 1, 2005, and that they be notified of the date and that starting before that would be a violation. Dr. Roger Hartley seconded this motion. The motion passed. **LDP-05-115**

Nancy Swetnam made a **motion** to grant Debra Pope initial certification, with an effective date to be determined by staff upon contacting Ms. Pope. J. Ward Sturm seconded the motion. The motion passed. **LDP-05-116**

Donald Steward left the Board meeting.

Nancy Swetnam made a **motion** to defer decision on Michael Disney's initial certification until the next board meeting for further review. Virlynn Tinnell seconded the motion. The motion passed. **LDP-05-117**

Vellia M. Piña made a **motion** that renewal of initial certification for the below listed applicants be deferred until the May 23, 2005 board meeting, pending receipt and processing of continuing education paperwork. Nancy Swetnam seconded the motion. The motion passed. **LDP-05-118**

Karen Cooley  
Michael Fisher  
Western Estate Planning (Michael Fisher)  
Ryan Gibson  
Kelli Peacock  
James Jennings  
Edna Gomez

Mary Carlton made a **motion** that renewal of certification for the below listed applicants be granted. Dr. Roger Hartley seconded the motion. The motion passed. **LDP-05-119**

Bruce Davidson  
Elizabeth Lloyd  
Lloyd Paralegal Service, LLC  
Tammy Dusharm

Nancy Swetnam made a **motion** that renewal of certification for Mary Carlton and Valley Docs, LLC. Mary Carlton recused. Carol Wells seconded the motion. The motion passed. **LDP-05-120**

Nancy Swetnam made a **motion** that renewal of certification for Carol Wells and Blackwood, LLC. Carol Wells recused. Mary Carlton seconded the motion. The motion passed. **LDP-05-121**

### **Call to the Public**

Lisa Perez-Leon thanked the board for a very informative meeting.

### **Adjourn**

A **motion** was made by J. Ward Sturm and seconded by Mary Carlton to adjourn. Motion passed. **LDP-05-122**. Meeting adjourned at 1:58 PM.