

AGENDA ITEM - DRAFT
NOV 10 - Board of Governors July 22, 2011 Minutes

THE STATE BAR OF CALIFORNIA
MINUTES

BOARD OF GOVERNORS MEETING

SAN FRANCISCO, CALIFORNIA

FRIDAY, July 22, 2011

The Board of Governors of The State Bar of California convened in open session in the State Bar Board Room, 180 Howard Street, San Francisco, CA 94105, at 2:43 p.m. on Friday, July 22, 2011, William N. Hebert presiding.

The following members of the Board of Governors were present: James Aguirre, Lowell Carruth, Joseph Chairez, Alec Y. Chang, Laura N. Chick, William H. Gailey, Clark Gehlbach, Karen M. Goodman, Cheryl L. Hicks, Patrick M. Kelly, Loren Kieve, Micha Star Liberty, Wells Lyman, Dennis Mangers, Luis J. Rodriguez, Jon B. Streeter, and Michael Tenenbaum.

Angela J. Davis joined the meeting after the roll call.

The following members of staff were present: Starr Babcock, Resty Buenavidez, Joseph Dunn, Mary Flynn Lavery, Francisco Gomez, Teri Greenman, Robert A. Hawley, Gayle Murphy, Nancy McCarthy, Sonja Oehler, Cathy Torney, Peggy Van Horn, and Colin Wong.

Also present for portions of the meeting: Jennifer Wada

The roll-call vote was taken, and upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the roll-call vote will be substituted for the vote unless otherwise noted.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the minutes of the regular meeting of the Board of Governors held on Friday, May 13, 2011, in San Francisco, California, hereby are approved as written.

FURTHER RESOLVED, that the minutes of the special meeting of the Board of Governors held on Friday, June 17, 2011, in San Francisco, California and by conference call, hereby are approved as written.

All members listed on the slip voted yes.

30 Mr. Hebert, President, congratulated Jon Streeter, President Elect and welcomed the new members present. Mr. Hebert thanked staff for their assistance in organizing an MCLE event held at the State Bar's San Francisco offices on behalf of his firm, Calvo Fisher & Jacob, the Department of Interior and JAMS. Mr. Hebert reported on his attendance at various events including, a new admittee ceremony, an enrobing ceremony, a California Law Academy class, a "Your Legal Rights" radio program and several focus groups on the legal profession.

Mr. Hebert advised the Board that there would be one last meeting of the 2010-11 Board at the State Bar's September Annual Meeting and an organizational meeting of the 2011-2012 Board. He thanked the 2010-2011 Board and staff for all of their work during the past year.

41/42 Mr. Dunn reported that Mr. William Vickrey had wanted to be present at this Board meeting, but had to attend a meeting of the Judicial Council.

Mr. Dunn introduced Jennifer Wada, the State Bar's legislative advocate, who distributed a Key Legislators / Staff list to members of the Board and reviewed a list of State Bar bills of interest.

50 All items on the consent agenda were presented to the Board, and no objection being raised thereto, the following items on the consent agenda were deemed unanimously adopted.

51, 52, 53 51 - Financial Statement for the Quarter Ended June 30, 2011

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the financial statement for the quarter ended June 30, 2011, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

52 - Investment Report for the Quarter Ended June 30, 2011

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the investment report for the quarter ended June 30, 2011, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

53 - Client Security Fund Report for the Quarter Ended June 30, 2011

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the Client Security Fund report for the quarter ended June 30, 2011, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

54-141 RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the audited Statement of Expenditures of Mandatory Membership Fees for the year ended December 31, 2010, and the accompanying Report of the Independent Auditor, copies of which are attached hereto; and it is

FURTHER RESOLVED, that when the billing of the 2012 membership fees is mailed to members of the State Bar, staff is directed to post the Statement and Report on the State Bar's Web site and to notify members of the posting in the December 2011 issue of the State Bar's e-Journal.

54-151 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby extends the terms of the following members of the Legal Services Trust Fund Commission through the conclusion of the first full Commission meeting following State Bar Annual Meeting: David Hopmann, San Francisco, Co-Chair; Ellen Pirie, La Selva Beach, Vice Chair; and Kathleen A. Consolatti Meehan, Fresno.

111 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Board Operations Committee, the Board of Governors, approves the procedure for conducting the Annual Performance Evaluation of the Executive Director, consistent with the item before the Board Committee and Board this date; and it is

FURTHER RESOLVED, that the Board Operations Committee be chaired by the President in conducting the Executive Director's evaluation; and it is

FURTHER RESOLVED, that Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [the Executive Directors Annual Performance Evaluation] be amended consistent with the action taken here.

All members listed on the roll call slip voted yes.

114 The below report of action was presented to the Board; this action was taken by the Board Committee on Operations, on behalf of the Board, between regularly scheduled Board meetings.

This is a report of action taken on June 24, 2011, by the Board Committee on Operations, which is authorized to act on behalf of the Board of Governors between regular meetings of the board. At a special meeting by conference call, the Committee approved in principal proposed amendments to SB 163 (Evans) and authorized the Executive Director and the State Bar's Legislative Representative to represent the State Bar's approval and support to the Legislature.

All members of the Board Committee were present, and the members voted unanimously to approve the following resolution:

RESOLVED, that the Board Committee on Operations, acting on behalf of the State Bar Board of Governors between meetings, hereby authorizes the State Bar Executive Director and the Legislative Representative to approve or support amendments to SB163 (Evans) that may include:

A one-time \$10 rebate to members;

An increase in the current voluntary allocation of funds to Legal Service activities from \$10 to \$20, for years 2012 and 2013;

A \$2 million shift from State Bar non dues revenue each year, for 2 years, to Legal Service activities unless extraordinary circumstances exist to prevent the shift in the second year.

121 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Regulation, Admissions and Discipline Oversight Committee, the Board hereby approves the proposed amendments to the *Admissions Rules* (Rules of the State Bar of California, Title 4. Division 1.) in the form attached hereto, effective the date of this action.

All members listed on the roll call slip voted yes.

122 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Board Committee on Regulation, Admissions & Discipline, the Board of Governors hereby approves the proposed policy set forth in Attachment A regarding 1) the online posting of a Consumer Alert and disclaimer on the member's State Bar profile page when either 15 or more cases of loan modification misconduct are included in a filed notice of disciplinary charges or loan modification misconduct (regardless of the number of cases) forms the basis, in whole or part, of a filed Business & Professions Code section 6007(c) petition, until the State Bar Court files a decision or order; and 2) the online posting of a Business & Professions Code section 6007(c) petition which relies on loan modification misconduct (regardless of the number of cases), and any response, until the State Bar Court files a decision or order; and it is

FURTHER RESOLVED, that upon the recommendation of the Board Committee on Regulation, Admissions & Discipline, the aforementioned policy shall be applicable to all notice of disciplinary charges and Business and Professions Code section 6007(c) petitions filed in the State Bar Court on or after the effective date of this policy.

All members listed on the roll call slip voted yes.

131 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Governors, following publication for comment and consideration of the comments received, and upon recommendation of the Board Committee on Member Oversight, hereby amends State Bar rule 2.16, subdivision (C), by deleting the [medical reason in provision (3)(a), the \$20,000 financial hardship reason in provision (3)(b), the staff error reason in provision (3)(e), the one-time only reason in provision (3)(f)] and directs staff to renumber provision (C)(3) in accordance with the amendment.

All members listed on the roll call slip voted yes.

132 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby approves a one-month Term Premium Holiday on State Bar sponsored Standard Insurance Group Disability Insurance policies.

All members listed on the roll call slip voted yes.

133 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby approves the addition of Mass Mutual and Mutual of Omaha as the carrier of the State Bar Long Term Care Insurance Program; and it is

FURTHER RESOLVED, that the Board hereby authorizes the chair of the Committee on Group Insurance Programs, or said designee, to approve the form of all documents necessary to implement the foregoing action of the Board, in consultation with the State Bar's Office of General Counsel.

All members listed on the roll call slip voted yes.

142 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Planning, Program Development and Budget, that the Board of Governors hereby adopts appropriations to the 2011 State Bar budget whereby a budget is established in the amount of \$2,790,000 in the 180 Howard Street Building Fund for additional capital improvements to 180 Howard Street, and \$2,790,000 is transferred from the General Fund for this purpose. This budget appropriation will be carried forward until such projects are complete.

All members listed on the roll call slip voted yes.

161 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Stakeholder Relations Committee the Board hereby adopts proposed revisions to Title 6 of the State Bar Rules, in the form attached as Exhibit A.

All members listed on the roll call slip voted yes.

The Board went into closed session at 3:15 p.m. and those other persons present left the meeting.

The Board resumed open session at 3:31 p.m.

The Board considered the appointments in closed session and the action taken is reported below.

The closed consent appointment agenda was presented to the Board and, no objection being raised thereto, all below consent matters were deemed unanimously adopted.

6011 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints the following candidates to the State Bar Fee Arbitration Department, each for a term commencing July 22, 2011 and expiring December 31, 2011, or until further order of the Board, whichever occurs earlier:

6011 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints the following candidates to the State Bar Fee Arbitration Department, each for a term commencing July 22, 2011 and expiring December 31, 2011, or until further order of the Board, whichever occurs earlier:

Name	County	Bar Number or Layperson
Bialack, Edward	Los Angeles	60580
Blozan, Leslie	Los Angeles	81481
Dean, Kristi	Los Angeles	117358
Fredrickson, Dennis	San Diego	31690
Garland, Robert	San Diego	165829
Harris, John M.	San Joaquin	66129
Harris, Leon R.	Kern	111073
Hoeflin, Richard	Ventura	61519
Karpel, Jeffrey	Los Angeles	42286
Seligman, Howard	San Joaquin	31448
Selik, Joel G.	San Diego	117383
Star, Robert Rocky	Los Angeles	72792
Wallace, Edward E.	Los Angeles	88268
Watson, Kandace	San Diego	195253
Fletcher, Ilene	Los Angeles	Layperson

6012 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints Mel Opotowsky, Riverside, Chair, Review Committee of the Commission on Judicial Nominees Evaluation, for a term effective at the close of the 2011 State Bar Annual Meeting, i.e., September 18, 2011, and expiring at the close of the 2012 State Bar Annual Meeting, i.e., October 14, 2012, or until further order of the Board, whichever occurs earlier.

6013 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby reappoints Philip Belleville, Rolling Hills, Chair, Lawyer Assistance Program Oversight Committee, for a term commencing January 1, 2012, and expiring December 31, 2012, or until further order of the Board, whichever occurs earlier.

6014 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints to the Law School Council Dean Barbieri, John F. Kennedy University College of Law, and William A. Robertson, Empire College School of Law, for three-year terms commencing September 18, 2011, and expiring upon the final day of the 2014 State Bar Annual Meeting, or until further order of the Board, whichever occurs earlier.

6015 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoint Luis J. Rodriguez, Los Angeles, to serve as an Appointed Director, Center for Civic Education Board of Directors, for a one-year term, effective at the close of the 2011 State Bar Annual Meeting, i.e., September 18, 2011, and expiring at the close of the 2012 State Bar Annual Meeting, i.e., October 14, 2012, or until further order of the Board, whichever occurs earlier.

6016 RESOLVED, upon recommendation of the Volunteer Involvement Committee, that the Board hereby appoints to California Indian Legal Services (CILS) Cary D. Lowe, San Diego, to serve a three-year term commencing August 1, 2011 and expiring July 31, 2014, or until further order of the Board, whichever occurs earlier.

6017 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints or reappoints as the case may be officers and members of the Section Executive Committees as set forth on the forms attached to the minutes and made a part hereof; effective at the close of the 2011 State Bar Annual Meeting (September 18, 2011), or as indicated; each officer and member to serve a term expiring as indicated; or until further order of the board, whichever occurs earlier.

6021 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints or reappoints, as the case may be, the officers and members of the standing and special committees as set forth on the forms attached to the minutes and made a part hereof; effective at the close of the 2011 State Bar Annual Meeting (September 18, 2011), or as indicated; each officer and member to serve a term expiring as indicated, or until further order of the board, whichever occurs earlier.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6022 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby reappoints or appoints, as the case may be, the officers and members, as set forth on the attachment to the Board Committee Report, to the Commission on Judicial Nominees Evaluation (JNE Commission), each for a one-year term to begin February 1, 2012, and to expire in 2013 at the close of the last business meeting of the 2012 commission, or until further order of the Board whichever occurs earlier; and it is

FURTHER RESOLVED, that should any member of the 2012 JNE Commission decline the appointment, or be unavailable to attend the mandatory Orientation meeting, that an available alternate selected from the Board's designated alternate list, attached, will be deemed appointed by the Board and will assume the term of the replaced member.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6023 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement that the Board hereby approves the selection of Presiding Justice Joan Dempsey Klein as the recipient of the 2011 Bernard E. Witkin Medal.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6024 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby approves the recommendations for the 2011 State Bar of California Diversity Awards as follows:

Individual Attorney: Judge Vallera Johnson, San Diego
Law Firm: (Joint Award) Hanson Bridgett LLP and For People of Color Inc.
Bar Association: Asian Pacific American Bar Association of Silicon Valley

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6025 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby approves the selection of the Center for Youth Development through Law for the 2011 State Bar of California Education Pipeline Award.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6026 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby approves the recommendation that Emily Arnold-Fernandez receive the 2011 Jack Berman Award of Achievement.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6027 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby approves the selection of Sidney M. Wolinsky for the 2011 Loren Miller Legal Services Award.

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

6028 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby approve the selection of the 2011 President's Pro Bono Service Awards recipients as follows:

Individual (Solo):Judith Litzenberger (San Diego)
Individual (Solo): Jacqueline Brown Scott (San Francisco)
Individual (Recently Admitted): Fermin Valencia (Santa Ana)
Individual (Limited Active Practice): Ronald Eugene Blubaugh (Sacramento)
Individual (Law Student): Suesan Gerard (Los Angeles)
Law Firm: DLA Piper LLP (US)
Law Firm (Branch Office): Skadden, Arps, Slate, Meagher & Flom LLP, Los Angeles Office (Los Angeles)
Law Firm (Team of Lawyers):Cotchett, Pitre & McCarthy LLP Team (Burlingame)
Law Firm (Team of Lawyers): Loeb & Loeb Immigration/Asylum Pro Bono Team (Los Angeles)

All members listed on the roll call slip voted yes except Lowell Carruth, Alec Chang, William Gailey and Luis Rodriguez who had left the room.

The Board resumed open session at 3:31p.m. and the meeting was adjourned.

The Board may meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or, if no such meeting be called, at the Hyatt Regency Long Beach, Beacon Room A, 200 South Pine Avenue, Long Beach, California, on Saturday, September 17, 2011 at a time to be determined.