

AGENDA ITEM

54-142 JULY 2016

DATE: July 14, 2016

TO: Members, Planning and Budget Committee
Members, Board of Trustees

FROM: Membership Liaisons
Danette Meyers
Terrance Flanigan
Brandon Stallings

SUBJECT: Member Request for Adjustments to Fees and Penalties

EXECUTIVE SUMMARY

Members may request that adjustments be made to their membership fees and penalties. Title Two, Rule 2.16 (H) of the Rules of the State Bar states that the Board reserves the right for good cause grant requests for waivers that were denied by staff and to consider all other requests for waivers. This item consolidates several member requests for which the Board's Membership Liaisons have determined that good cause exists to recommend fee adjustments.

Board members with questions or concerns may contact Dina DiLoreto, 415/538-2121 or dina.diloreto@calbar.ca.gov

BACKGROUND

Rule 2.16 of Title Two of the Rules of the State Bar of California provides for waiver of annual membership fees and penalties. Rule 2.16 (C) specifies three circumstances where staff may grant a member's request for waiver of up to \$1,000 in annual membership fees and penalties for the year in which they are due. These circumstances are that 1) the member serves full-time as a magistrate, commissioner, or referee for a state or federal court of record, 2) the member is a retired judge who accepts assignments from the Chief Justice in the assigned judges' program of the Administrative Office of the Courts, or 3) the member's total gross annual household income from all sources is \$20,000 or less, in which case the waiver is 50% of the annual membership fees.

Rule 2.16 (H) provides that the Board of Trustees reserves the right for good cause 1) to grant requests for waivers denied by staff and 2) to consider requests that fall outside of staff's

authorization for granting a waiver of fees and penalties. Traditionally, Board members who are appointed as Membership Liaisons have reviewed the waiver requests that come under Rule 2.16 (H) and have made recommendations to the board committee and the Board of Trustees where the Liaisons determined that good cause exists to make fee adjustments.

In assessing what constitutes good cause for purposes of determining whether or not the Board of Trustees should grant a fee waiver, the member's justifications for a fee waiver should be weighed against the public policy reasons for imposing annual membership fees. The primary public policy reason for imposing State Bar membership fees is to provide funding for an effective attorney regulatory system that protects the public and eases the burdens on the courts. The system is funded **solely** through the imposition and collection of annual fees. For this reason, membership fee waivers should not be granted as a matter of course, but rather should be limited to extraordinary, compelling and exigent situations where the member did not contribute to the cause of the failure to pay full fees.

DISCUSSION

The following members have requested adjustments to their annual State Bar membership fees. Staff has reviewed these requests and established that they do not meet the qualifications for staff waivers (See Rule 2.16 (C)), or that the amounts are greater than \$1,000. The requests that are less than \$1,000 have been reviewed and denied by staff, and the member(s) have appealed to the Membership Liaisons. The Liaisons have determined that good cause exists to recommend adjustments.

Stacy Anne Armato (#244059) Admitted September 25, 2006. Current status is Active. Member has no current balance. Member requests a waiver of her 2016 late payment penalty. Member's request is based on her claim that she mailed her payment on time. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Laura Barnard (#174919) Admitted December 9, 1994. Current status is Active. . Member has a balance of \$530. Member requests a waiver of her 2016 license fees and late payment penalty. Member's request is based on medical hardship. Member has not received a Board waivers in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Leslie Miriam Cole (#134636) Admitted June 14, 1988. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Hyrum Kamaka Hunt (#222110) Admitted December 2, 2002. Current status is Active. Member has a current balance of \$530. Member requests a waiver of his 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member has received 1 Board waiver in the past 8 years. Member has submitted a letter of explanation and financial declaration.

Jacob Goldner (#100576) Admitted December 1, 1981. Current status is Active. Member has a credit balance of \$45. Member requests late fee scaling for 2016. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Chiquita Hartman (#155878) Admitted December 16, 1991. Current status is Active. Member has a balance of \$605. Member requests a payment arrangement and the Inactive license rate for 2016. Member's request is based on financial and medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration, Transfer to Inactive form and supporting documentation.

Celia Renee Hawkins (#150063) Admitted December 4, 1990. Current status is Active. Member has a balance of \$245. Member requests late fee scaling and a waiver of the late payment penalty for 2016. Member's request is based on family and medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Amy Elizabeth Howard (#218976) Admitted March 22, 2002. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2016 license fees and late payment penalty. Member's request is based on family and financial hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration, and supporting documentation.

Deirdre Kraft (#179539) Admitted December 6, 1995. Current status is Inactive. Member has a balance of \$185. Member requests a waiver of her 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member has received 2 Board waivers in the past 8 years. Member has submitted a letter of explanation and financial declaration.

Nathan Joseph Marchese (#275642) Admitted March 19, 2011. Current status is Active. Member has a balance of \$530. Member requests either a full or partial waiver of his 2016 license fees and late payment penalty. Member's request is based on financial hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and financial declaration.

Sara Mahdavi (#245791) Admitted July 9, 1977. Current status is Active. Member has no current balance. Member requests a waiver of the 2016 late payment penalty. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Anthony Vincent Nizetich (#23454) Admitted July 31, 1952. Current status is Active. Member has a balance of \$100. Member's request is made by member's wife on behalf of member. Member requests a waiver of the 2016 late payment penalty. Member's request is based medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

John A O'Keefe (#85809) Admitted May 31, 1979. Current status is Inactive. Member has a balance of \$430. Member requests the Inactive license rate for 2016. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Emalie Monarrez Ortega (#74872) Admitted June 28, 1977. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2016 license fees and late payment penalty. Request is based on financial and medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted letter of explanation, financial declaration, and supporting documentation.

Ben Michael Rishwain (#42569) Admitted January 9, 1969. Current status is Active. Member has a balance of \$100. Member requests a waiver of his 2016 license fees and late payment penalty. Member's request is based on his claim that the payment was mailed on time. Member has not received a Board waivers in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Lita Reid (#195153) Admitted May 30, 1998. Current status is Inactive. Member has a balance of \$530. Request is made on behalf of member by her daughter. Member requests the Inactive license rate for 2016. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Requestor attempted to have her mother resigned from the Bar, but family members cannot file for resignation on a member's behalf. Requestor has submitted a letter of explanation and Power of Attorney documents.

Katarzyna Rogers (#298979) Admitted December 2, 2014. Current status is Active. Member has a balance of \$50. Member requests a waiver of the 2016 late payment penalty. Member's request is based on her claim that she made an honest mistake. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Mary Shumate (#183930) Admitted December 2, 1996. Current status is Active. Member has a balance of \$530. Member requests the Inactive license rate for 2016. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Kyle Wagner Smith (#277501) Admitted August 3, 2011. Current status is Inactive. Member has a balance of \$345. Member requests the Inactive license rate for 2016 and a waiver of the 2016 late payment penalty. Request is based on family hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Maureen Sweeney (#225915) Admitted June 16, 2003. Current status is Inactive. Member has a balance of \$530. Member requests either the Inactive license rate, including the late payment penalty, for 2016 or alternatively, a full or partial waiver of her current balance. Member's request is based on financial hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and financial declaration.

Salvatore Tarantino (#135096) Admitted June 20, 1988. Current status is Active. Member has a balance of \$530. Member requests the Inactive license rate for 2016. Member's request is based on his claim that he made an honest mistake. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Shauna Sheffield Walton (#134485) Admitted June 14, 1988. Current status is Active. Member has no current balance. Member requests a waiver of her 2016 late payment penalty. Request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Jennifer Kelly Whipple (#196795) Admitted November 23, 1998. Current status is Active. Member has no current balance. Member requests a waiver of the \$100 late payment penalty. Member's request is based on her claim that she did not receive her fee statement. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

FISCAL/PERSONNEL IMPACT

This item contains 22 recommendations for a total financial impact of \$4,430. If the recommended adjustments in Attachment 1 are approved, the year to date fiscal impact will be \$9,180.

RULE AMENDMENTS

There are no amendments

BOARD BOOK IMPACT

There is no impact on the Board Book

BOARD COMMITTEE RECOMMENDATIONS

The Planning and Budget Committee recommends that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approve the fee adjustments for the State Bar members as presented this day before the Board, and on file in the San Francisco office of the State Bar.

ATTACHMENT(S) LIST

- A. Member Liaisons' Proposed Fee Adjustments