

From: [Christian Schreiber](#)
To: [Wilson, Leah](#)
Subject: RE: Draft Report and Functional Matrix
Date: Friday, January 18, 2019 4:07:52 PM

Leah,

I am not sure how you intend to incorporate our comments into the draft report you circulated, but given the way in which this additional meeting was scheduled I hope the comments are reported to the full group. My participation on Tuesday may not be possible due to my work schedule, but I will try to participate in a vote on any final report.

It would be helpful to understand the process you have in mind for the review of this report at Tuesday's meeting. At the last meeting, we rejected the approach of "line editing" a document during the meeting. I assume the same will hold true for Tuesday.

As to the substance of the draft report, I believe it does not reflect the Working Group's will or accurately reflect what occurred over the five meetings.

At the last working group meeting, there was broad consensus around a finite number of recommendations. None of these were characterized either (a) by category; or (b) by "majority" or "minority" positions. I daresay no member of the Working Group could identify (and I am aware of no record) which member is in which group on any particular issue. The lone disagreement about the language of the recommendations that were actually adopted, by vote, concerned the use of the term "at this time." Thus, the very structure of the report does not accurately reflect what the Working Group decided. The draft contains extraneous recommendations, statements, and representations that were not part of the Working Group process.

Even the "Background" section of the report contains representations that were not presented to the Working Group, and which I believe are incomplete. For example, the draft report states, "Vacancies on the LSTFC resulting from term limits would ordinarily have been reviewed at the September meeting of the Board of Trustees. Instead, the Board, acting on staff recommendations, did not renew appointments to the LSTFC *given the initiation of a separate stakeholder engagement process.*" (Emphasis added.) This statement is, at best, incomplete, and at worst, inaccurate. The comments at our last meeting about appointments did not reflect that this decision was based on the work of the Working Group (if that is what is intended by "stakeholder engagement process"). Notably, the draft report notes that "size" was expressly considered by the Board of Trustees in September 2018 in its review of Appendix I, but I understood your position (as stated in the last meeting) to be that the Working Group was not convened to consider the size of the Commission. Perhaps this led to confusion in the outcomes reflected in the report. For example, the size of the Commission is discussed in both the "Majority" and "Minority" sections of the draft report, but the "Minority" report seems to make the same recommendation about size. Is the difference that the purported Minority view is to exclude the information about the size of groups in other states? Does that alter the recommendation? Or reflect a disagreement with what was presented?

Similarly, the section titled "Working Group Meetings" contains an incomplete summary of the

meetings. There were no minutes kept of these meetings, and the agendas are not specific enough to capture the Working Group's discussions or the comments made by presenters. Thus, this Section leaves the impression that we were presented with "Equity and impact analyses," but offers no context beyond the inclusion of a report (in the materials to be attached to the report) that is admittedly incomplete and/or inaccurate. The result is misleading.

As to the recommendations themselves, I will echo Justice Raye's point from the last meeting. I may agree with some of these recommendations, but that is a far cry from suggesting we were presented evidence relating to them. In my opinion, the time is past for certain recommendations – however worthy they may be – to be inserted now into a report of the Working Group. I am not prepared at this time to support a report based on the "sentiment" of the Working Group when the Working Group voted on specific items.

I appreciate the difficulty of the task in writing a report like this. However, based on this draft, I would not vote to approve this report, and do not believe the imprimatur of the Working Group belongs on a report that goes beyond what we decided.

Thank you for your efforts to put this together. I look forward to the next iteration.

Chris

From: Wilson, Leah <Leah.Wilson@calbar.ca.gov>
Sent: Friday, January 11, 2019 9:43 PM
To: Christian Schreiber <christian@osclegal.com>; Corey Friedman <CFriedman@dir.ca.gov>; Debbie Manning <Dymanning4@gmail.com>; Greg Fortescue <Gregory.Fortescue@jud.ca.gov>; Hon. Brad Seligman <bseligman@alameda.courts.ca.gov>; Kaylon Hammond <khammond@leadershipcounsel.org>; Wilson, Leah <Leah.Wilson@calbar.ca.gov>; Leora Gershenzon <leora.gershenzon@asm.ca.gov>; Lynn Martinez <lynnmartinez@lsnc.net>; Margaret Morrow <mmorrow@publiccounsel.org>; Margie Estrada <Margie.estrada@sen.ca.gov>; Norma Chavez-Peterson <norma@aclusandiego.org>; Presiding Justice Vance Raye <vance.raye@jud.ca.gov>; Richard Reinis <RReinis@thompsoncoburn.com>; Salena Copeland <scopeland@laaconline.org>; Sean SeLegue <Sean.SeLegue@arnoldporter.com>; Yvonne Mariajimenez <ymariajimenez@nlsia.org>
Subject: Draft Report and Functional Matrix

Hello:

Please see the attached draft LSTFC Stakeholder Working Group report. There are three hopefully self-explanatory recommendation sections in the report: Consensus, Majority, and Minority. The recommendations refer to several attachments, including an updated functional matrix. I have attached that matrix; please review the second tab, which includes only those functions where a change has been proposed to either staff, LSTFC, or Board roles. I have highlighted in yellow those areas of the matrix where consensus was not reached in my assessment. All other attachments will be sent to you for review on Monday.

Note that the draft report and updated functional matrix reflect my best effort to capture the sentiments of the Working Group. Feel free to edit the report in track changes and send those proposed edits directly to me. If you have comments or changes regarding the matrix it would be best to simply provide that feedback via email referring to the respective function and/or excel row. I will turn around another version of the report and matrix reflecting whatever comments I receive prior to the 1/22 call. To facilitate preparation of the next version, please try to send me your comments no later than 1/18.

Thank you,
Leah

Leah Wilson
Executive Director
[The State Bar of California](#) | 180 Howard St. | San Francisco, CA 94105
415.538.2257 | leah.wilson@calbar.ca.gov

Working to protect the public in support of the mission of the State Bar of California.
Please consider the environment before printing this email.