

**AGENDA ITEM**

**February 10 - Board of Governors – December 21, 2011 Minutes**

**THE STATE BAR OF CALIFORNIA**

**MINUTES**

**BOARD OF GOVERNORS MEETING  
SAN FRANCISCO & LOS ANGELES, CALIFORNIA  
& BY CONFERENCE CALL**

**WEDNESDAY, DECEMBER 21, 2011**

The Board of Governors of The State Bar of California convened at 3:58 p.m. in open session at 180 Howard Street, Room 8B, San Francisco, CA 94105, 1149 South Hill Street, Room 723, Los Angeles, CA 90015 and by conference on December 21, 2011 Jon B. Streeter presiding.

The following members of the Board of Governors were present: Lowell Carruth, Alec Y. Chang, Samson Elsbernd, Nancy Fineman, Clark Gehlbach, Karen M. Goodman, Craig Holden, Patrick M. Kelly, Dennis Mangers, Pearl Mann, Gwen Moore, Pearl Mann, and Mark Shem.

The following members of staff were present: Starr Babcock, Joseph Dunn, Francisco Gomez, Teri Greenman, Doug Hull, Gayle Murphy, Cathy Torney, Peggy Van Horn, Colin Wong and Larry Yee

Also Present: Michael Wagaman, outside consultant and demographer.

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.

Mr. Streeter called for public comment, inquiring as to whether there were persons in attendance who wished to comment on a particular item on the agenda. No one present requested comment.

- 30 Mr. Streeter thanked staff for its extraordinary effort in achieving an investigation backlog milestone of zero. Mr. Streeter also thanked Pat Kelly and Dennis Mangers for their great work on the coming January 2012 Planning Session. Mr. Streeter noted that the retreat would be an opportunity for the Board to confer outside of the confines of their usual meeting environment and to think outside the box. Mr. Streeter thanked John Chiappetta for the focused and crisp good start of the first meeting of the Discipline Metrics Task Force. Lastly, Mr. Streeter referenced the Public Service Announcement initiative that would be a tremendous endeavor and an excellent vehicle for the State Bar to remind the public of its important role in legal rights and the administration of justice.

Mr. Streeter asked the Board to affirm the following item under his President's report.

30-1           Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board affirms that all regularly scheduled meetings of the Board be held as listed on the attached meeting schedule.

All members listed on the slip voted yes.

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

RESOLVED, that upon the recommendation of Regulation, Admissions and Discipline Oversight Committee, the Board hereby adopts the proposed amendments to rule 5.30, subdivisions (A) and (C), Rules of Procedure of the State Bar, as set forth in Attachment C, following return from public comment.

All members listed on the slip voted yes.

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

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby amends Tab 7, Article 1, Section 1 of the Board Book to read as follows:

Section 1     Adoption and Amendment of Budget

The Board of Trustees shall adopt, by resolution, an annual expenditure budget for each budgetary fund of the State Bar. The Office of Finance shall ensure that no expenditure is incurred which would cause the total expenditures of any fund to exceed its adopted budget.

The Board of Trustees may, by resolution, amend any adopted budget, upon the recommendation of the Planning, Program Development, and Budget Committee.

Budgets lapse at the end of each fiscal year, except as provided below for project budgets. If the Board of Trustees adopts a multi-year budget, it shall adopt distinct budgets for each fiscal year within the budget period for each budgetary fund.

The Board of Trustees may adopt non-lapsing budgets for multi-year projects. Non-lapsing project budgets shall be identified as such in the adopting resolution.

The budgetary funds of the State Bar shall correspond to the accounting funds of the State Bar, as identified in Section 3, below, or to a combination of such funds. The relationship between budgetary funds and accounting funds shall be identified in the annual budget resolution.

All members listed on the slip voted yes.

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

RESOLVED, upon recommendation from the Board Committee on Planning, Program Development and Budget, that the Board hereby approves the adoption of the 2012 State Bar Budget in the form attached to these minutes as Attachment A and made a part hereof.

All members listed on the slip voted yes.

143 Under newly enacted California Statutes 2011, Chapter 417 (SB 163), effective January 1, 2012, the State Bar must provide for the transition of its governing board from the current 23-member Board of Governors to a 19-member Board of Trustees by October 2014. This transition includes gradually replacing in 2012, 2013, and 2014 the current 15 elected attorney-governors from the existing nine State Bar Districts with the election of six attorney-trustees from new districts based on California's six appellate court districts.

On December 21, 2011, at the meeting of the State Bar Board of Governors, a drawing was conducted using a Town Hall Bingo machine by Restoration Hardware to provide a statistically random sequence for the staggered elections in the six new State Bar Districts for electing the six attorney-members of the Board of Trustees in the new State Bar Districts under SB 163.

Balls numbered 1-6 were inserted into the machine. Ball number 1 was assigned to district 1, 2 to district 2, 3 to district 3, 4 to district 4, 5 to district 5 and 6 to district 6. The first two districts to have a corresponding ball drawn were assigned to have elections in 2012. The next two districts were assigned to have elections in 2013. The remaining districts were assigned to have elections in 2014. The order of the six numbers randomly drawn was:

<u>Order</u>	<u>Ball # / District</u>	<u>Year</u>
1	4	2012
2	5	2012
3	3	2013
4	1	2013
5	2	2014
6	6	2014

Based on the numbers drawn, the sequence for the 2012, 2013 and 2014 State Bar Board of Trustees elections will be as follows:

<u>2012</u>	<u>2013</u>	<u>2014</u>
District 4	District 3	District 2
District 5	District 1	District 6

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

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby adopts new State Bar Rule 6.31 providing for the sequence of staggered elections of the six attorney-members of the Board of Trustees in the new State Bar Districts under California Statutes 2011, Chapter 417 (SB 163)—which includes the sequence as determined by a random process at this meeting; and it is

FURTHER RESOLVED, State Bar Rule 6.31, as enacted, is effective January 1, 2012.

All members listed on the slip voted yes.

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

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with the amendment to the Solution Boost contract identified in the item before the Board this date, within the parameters set forth; and it is

FURTHER RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with the California Broadcasters Association contract identified in the item before the Board this date, within the parameters set forth; and it is

FURTHER RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with Midrange Support Group contract identified in the item before the Board this date, within the parameters set forth

All members listed on the slip voted yes except Nancy Fineman who abstained.

The meeting was adjourned at 4:26 p.m.

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 State Bar offices, 1149 South Hill Street, Los Angeles, CA 90015, on Friday, February 10, 2012, at a time to be determined.