

# AGENDA ITEM

54-131 MAR

**DATE:** February 15, 2012

**TO:** Members, Member Oversight Committee  
Members, Board of Trustees

**FROM:** Member Liaisons  
George Davis  
Nancy Fineman  
Mark Shem

**SUBJECT:** Members' Requests 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](mailto: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 two 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 two circumstances are that 1) the member serves full-time as a magistrate, commissioner, or referee for a state or federal court of record, or 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.

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 MOC 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, exigent situations where the member did not contribute to the cause of the failure to pay full fees.

## **ISSUE**

Do the Board Committee on Member Oversight (MOC) and the Board of Trustees agree with the recommendations of the Membership Liaisons that good cause exists to grant the requests for fee adjustments for the State Bar member(s) listed below? MOC and the Board of Trustees may deny or agree **in whole** or **in part** with any of the recommendations.

## **DISCUSSION**

The following member(s) 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 Member Liaisons. The Liaisons have determined that good cause exists to recommend the adjustments.

**Paulo A. Almeida** (#279168) Admitted December 1, 2011. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on financial hardship. Member has never received a hardship waiver. Member has submitted a letter of explanation and a financial declaration.

**Dagny Andreassen** (#51837) Admitted January 5, 1972. Current status is Inactive. Member has a balance of \$115. Member requests a waiver of her 2012 membership fees. Member's request is based on financial hardship due to limited income. Member has received a hardship waiver for the past 5 years. Next year her fees will automatically be waived because she is on Inactive status and over 70 years of age, per Rule 2.16(F). Member has submitted a letter of explanation, a financial declaration, and documents in support of her letter.

**Marci Moore** (#169627) Admitted January 12, 1994. Member is currently on Inactive status. Member is requesting a waiver of her 2012 membership fee in the amount of \$115. Member's request is based on a medical hardship due to cancer, which has left her permanently disabled. Member has received a medical hardship waiver for the past 4 years. Member has submitted a letter of explanation, a financial declaration and a letter from her doctor.

**David Bekhour** (#249261) Admitted June 5, 2007. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on medical hardship. Member has received a hardship waiver for the past 2 years. Member has submitted a letter of explanation, a financial declaration, and a letter from his doctor.

**Larry G. Bryngelson** (#140756) Admitted June 7, 1989. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on medical hardship. Member has received a hardship waiver for the past 2 years. Member has submitted a letter of explanation, a financial declaration and a letter from the Department of Veteran Affairs.

**Elissa Eckman** (#127666) Admitted June 17, 1987. Current status is Active. Member has a balance of \$400. Member requests a waiver of her 2012 membership fees. Member's request is based on financial hardship. Member has received a hardship waiver for the past 3 years. Member has submitted a letter of explanation, a financial declaration and statements from the Social Security Administration.

**Susan Holland** (#122399) Admitted February 4, 1986. Current status is Active. Member has a balance of \$400. Member requests a waiver of her 2012 membership fees. Member's request is based on medical and financial hardship. Member received a hardship waiver in 2011. Member has submitted a letter of explanation, a financial declaration and documents in support of her letter.

**Frank C. Lincoln** (#151684) Admitted December 31, 1990. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on financial and medical hardship. Member received a hardship waiver in 2011. Member has submitted a letter of explanation, a financial declaration and documents in support of his letter.

**Glen Patterson** (#87562) Admitted October 22, 1979. Current status is Inactive. Member has a balance of \$115. Member requests a waiver of his 2012 membership fees. Member's request is based on medical and financial hardship. Member has received a hardship waiver for the past 22 years. Member has submitted a letter of explanation, a financial declaration and documents in support of his letter.

**J. Gregg Riehl** (#102162) Admitted December 1, 1981. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on medical hardship. Member has received a hardship

waiver for the past 3 years. Member has submitted a letter of explanation, a financial declaration, and documents in support of his letter.

**M. Jeffrey Speno** (#58799) Admitted January 25, 1974. Current status is Active. Member has a balance of \$400. Member requests a waiver of his 2012 membership fees. Member's request is based on a medical hardship. Member has received a hardship waiver for the past 3 years. Member has submitted a letter of explanation and a financial declaration.

**Richard Stegman** (#29619) Admitted June 10, 1959. Current status is Active. Member has a balance of \$400. Member requests the 25% scaled Active rate and a waiver of the \$100 late fee, after the February 1, 2012 scaling deadline. Member's request is based on medical and financial hardship. Member has been allowed to pay the scaled fee after the deadline in prior nonconsecutive years. Member has submitted a letter of explanation and a financial declaration.

**Sandra Wayne** (#195445) Admitted June 4, 1998. Current status is Active. Member has a balance of \$400. Member requests a waiver of her 2012 membership fees. Member's request is based on medical hardship. Member has not received a hardship waiver in the past. Member has submitted a letter of explanation, a financial declaration, and documents in support of her letter.

#### **FISCAL / PERSONNEL IMPACT:**

This is the second Membership Liaisons recommendation submitted for membership year 2012. This item contains three recommendations. If the recommended adjustments below are approved, the year to date fiscal impact will be \$2,760.00

#### **RULE AMENDMENTS:**

There are no rule amendments

#### **BOARD BOOK IMPACT:**

There is no impact on the Board Book

#### **RECOMMENDATION**

The Membership Liaisons believe there is good cause to grant the following fee adjustments as discussed above.

**Paulo A. Almeida** (#279168) Grant member an extension until September 1, 2012 to pay his membership fees and waive member's late payment penalty in the amount of \$100

**Dagny Andreassen** (#51837) Waive member's 2012 Inactive membership fees in the amount of \$115

**David Bekhour** (#249261) Waive member's 2012 Active membership fees in the amount of \$400

**Larry G. Bryngelson** (#140756) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Elissa Eckman** (#127666) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Susan Holland** (#122399) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Frank C. Lincoln** (#151684) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Glen Patterson** (#87562) Waive member's 2012 Inactive membership fees in the amount of \$115

**J. Gregg Riehl** (#102162) Waive member's 2012 Active membership fees in the amount of \$400

**M. Jeffrey Speno** (#58799) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Richard Stegman** (#29619) Allow member to pay the scaled 2012 Active membership fee in the amount of \$300 after the February 1, 2012 deadline, with payment due by May 1, 2012 to avoid late payment penalty

**Sandra Wayne** (#195445) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

## PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Member Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that the Member Oversight Committee recommends that the Board approve the fee adjustments for the following State Bar member(s) as noted below:

**Paulo A. Almeida** (#279168) Grant member an extension until September 1, 2012 to pay his membership fees and waive member's late payment penalty in the amount of \$100

**Dagny Andreassen** (#51837) Waive member's 2012 Inactive membership fees in the amount of \$115

**David Bekhour** (#249261) Waive member's 2012 Active membership fees in the amount of \$400

**Larry G. Bryngelson** (#140756) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Elissa Eckman** (#127666) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Susan Holland** (#122399) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Frank C. Lincoln** (#151684) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Glen Patterson** (#87562) Waive member's 2012 Inactive membership fees in the amount of \$115

**J. Gregg Riehl** (#102162) Waive member's 2012 Active membership fees in the amount of \$400

**M. Jeffrey Speno** (#58799) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Richard Stegman** (#29619) Allow member to pay the scaled 2012 Active membership fee in the amount of \$300 after the February 1, 2012 deadline, with payment due by May 1, 2012 to avoid late payment penalty

**Sandra Wayne** (#195445) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

## **PROPOSED BOARD OF TRUSTEES RESOLUTION:**

Should the Board concur with the Member Oversight Committee's recommendation, the following resolutions would be in order:

**RESOLVED**, that upon the recommendation of the Member Oversight Committee, the Board hereby approves the fee adjustments for the following State Bar member(s) as noted below:

**Paulo A. Almeida** (#279168) Grant member an extension until September 1, 2012 to pay his membership fees and waive member's late payment penalty in the amount of \$100

**Dagny Andreassen** (#51837) Waive member's 2012 Inactive membership fees in the amount of \$115

**David Bekhour** (#249261) Waive member's 2012 Active membership fees in the amount of \$400

**Larry G. Bryngelson** (#140756) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Elissa Eckman** (#127666) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Susan Holland** (#122399) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Frank C. Lincoln** (#151684) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Glen Patterson** (#87562) Waive member's 2012 Inactive membership fees in the amount of \$115

**J. Gregg Riehl** (#102162) Waive member's 2012 Active membership fees in the amount of \$400

**M. Jeffrey Speno** (#58799) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty

**Richard Stegman** (#29619) Allow member to pay the scaled 2012 Active membership fee in the amount of \$300 after the February 1, 2012 deadline, with payment due by May 1, 2012 to avoid late payment penalty

**Sandra Wayne** (#195445) Waive 50% of member's 2012 Active membership fees in the amount of \$200 with payment of balance due within 10 days of notice, to avoid late payment penalty