

AGENDA ITEM

MARCH 10 - Board of Trustees – February 10, 2012 Minutes

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF TRUSTEES MEETING

LOS ANGELES, CALIFORNIA

FRIDAY, FEBRUARY 10, 2012

The Board of Trustees of The State Bar of California convened at 12:05 p.m. in open session in the Board Room of the State Bar's Los Angeles offices, 1149 South Hill Street, Los Angeles, California, 90015, on Friday, February 10, 2012 Jon B. Streeter presiding.

The following members of the Board of Trustees were present: Lowell Carruth, Alec Y. Chang, George O. Davis, Samson Elsbernd, Clark Gehlbach, Karen M. Goodman, Cheryl L. Hicks, Craig Holden, Patrick M. Kelly, Loren Kieve, Wells Lyman, Dennis Mangers, Gwen Moore, Gretchen Nelson, Luis J. Rodriguez, Heather Linn Rosing and Mark Shem.

The following members of staff were present: Starr Babcock, Resty Buenavidez, Laila Bartlett, Randy Difuntorum, Joseph Dunn, Mary Lavery Flynn, Francisco Gomez, Teri Greenman, Robert A. Hawley, Jayne Kim, Bob McPhail, Gayle Murphy, 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 Trustees held on Friday, November 4, 2011, in Los Angeles, California, hereby are approved as written.

RESOLVED, that the minutes of the special meeting of the Board of Trustees on Wednesday, December 21, 2011, in San Francisco and Los Angeles California and by conference call, hereby are approved as written.

RESOLVED, that the minutes of the regular meeting of the Board of Trustees held on Thursday, January 6, 2012, in San Diego, California, hereby are approved as written.

All members listed on the slip voted yes.

- 30 Mr. Streeter reported that since the last meeting of the Board of Trustees he had focused on the court funding initiative with the assistance of Joseph Dunn and the Chairs of the Open Courts Coalition, including a justice rally held in Los Angeles and an upcoming rally in San Francisco. Mr. Streeter stated that he continues to convene a regular meeting with the presidents of the local bars to get information out about court funding to lawyers throughout the state. Mr. Streeter expressed his pleasure in the progress OCTC has made in the backlog and that it has helped to restore public confidence in the Bar's discipline system. Mr. Streeter also noted the important milestone in implementing the Board governance transition and thanked everyone involved, particularly Patrick Kelly. Lastly, Mr. Streeter announced that he was considering the scope of work and charge for a Pre-Admission Practical Skills Requirement Task Force and that he welcomed any suggestions.
- 41/42 Mr. Dunn introduced the new Executive Director of the State Bar Foundation, Sonia Gonzales, who spoke about the need to raise the profile of the Foundation in order to increase awards and visibility.
- Jennifer Wada, the State Bar's legislative advocate, who reviewed State Bar bills of interest.
- Mr. Dunn thanked President Streeter for taking time out of his schedule to attend receptions in Los Angeles and San Francisco to thank OCTC staff for their work on the backlog. Mr. Dunn reported on the monthly staff meetings, stating that staff has been supportive of management's efforts to "Raise the Bar." He concluded with a report on the roll out of the pending internal reorganization.
- 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 asked to comment.
- 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.
- 54-111 RESOLVED, following publication for comment and no comments having been received, and upon recommendation of the Board Committee on Operations, that the Board of Trustees of the State Bar of California hereby adopts the proposed revisions to the State Bar of California's Conflict of Interest Code for Designated Employees, in the form attached hereto and made a part hereof.

54-131

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:

Norman Elfstrom (#60347): Waive member's 2012 Inactive membership fees in the amount of \$115.

Bruce Singman (#58317): Waive half 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.

Marci Moore (#169627): Waive member's 2012 Inactive membership fees in the amount of \$115.

112

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Board Committee on Operations the Board adopts the State Bar of California 125 Plan amended and restated in the form before the Board this date, which plan is hereby adopted and approved; and it is

FURTHER RESOLVED, that upon the recommendation of the Board Operations Committee the Board authorizes the Deputy Executive Director to act on behalf of the Board to execute the plan on behalf of the State Bar of California effective on and after December 31, 2011; and it is

FURTHER RESOLVED, that upon the recommendation of the Board Operations Committee the Board authorizes the Deputy Executive Director to take any and all actions to execute and deliver such documents as may be necessary and appropriate to effect the forgoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable laws.

All members listed on the roll call slip voted yes.

113

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board of Trustees authorizes the creation by the President of a Pre-Admissions Practical Skills Requirement Task Force.

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 the revisions made to the bylaws of the Law Practice Management & Technology Section and restatement of the full text following approval of such amendments, in the form attached.

All members listed on the roll call slip voted yes.

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

RESOLVED, pursuant to California Rule of Court 9.31 and the Rules of the State Bar, and upon recommendation of the Member Oversight Committee, that the Board of Trustees hereby authorizes that those members of MCLE Compliance Group 3 who were audited and who do not bring themselves into compliance with their MCLE requirement by February 15, 2012, shall be enrolled as inactive members of the State Bar of California and placed on "Not Eligible to Practice" status, effective February 16, 2012; and it is

FURTHER RESOLVED, that the Board of Trustees hereby authorizes staff to remove a member from administrative inactive status once the member has provided proof of compliance and paid all noncompliance fees.

All members listed on the roll call slip voted yes.

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

RESOLVED, that upon the recommendation of the Board Planning, Program Development, and Budget Committee, the Board hereby adopts the proposed Five-Year Strategic Plan in the form attached subject to non-substantive technical amendments.

All members listed on the roll call slip voted yes.

143 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 2012-2014 State Bar Budget in the form attached to these minutes as Attachment A and made a part hereof.

All members listed on the roll call slip voted yes except Clark Gehlbach who voted no.

The Board went into closed session at 1:50 p.m. and those other persons present left the meeting.

The Board resumed open session at 2:00 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. Item number 6011 (Appointment of New Fee Arbitrators) had been withdrawn at the Nominations and Appointments Committee.

- 6012 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints David A. Bradlow, San Francisco, member, Bankruptcy Law Advisory Commission, effective immediately, for a term expiring at the close of the 2014 State Bar Annual Meeting (i.e., September 14, 2014), or until further order of the Board whichever occurs earlier.
- 6013 RESOLVED, upon recommendation of the Nominations and Appointments Committee, that the Board hereby appoints Lawrence Doyle, Sacramento, member, Committee on Professional Responsibility and Conduct, effective immediately, replacing Barbara McAuliffe, Fresno, resigned, for the remaining portion of Ms. McAuliffe's term, i.e., October 13, 2013, or until further order of the Board, whichever occurs earlier.
- 6014 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints W. Davis Smith, San Diego, member, Council on Access and Fairness, effective immediately, replacing Susan Liebson, Los Angeles, resigned, for the remaining portion of Ms. Liebson's term (i.e., October 14, 2012) or until further order of the Board, whichever occurs earlier.
- 6015 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints James I. Ham, Los Angeles, member, Board of Directors of California Indian Legal Services, for a three-year term, commencing on December 16, 2011, and expiring December 15, 2014, or until further order of the Board, whichever occurs earlier.
- 6016 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints the following to the Law School Council, each for a term effective immediately and expiring upon the final day of the 2014 State Bar Annual Meeting (i.e., September 14, 2014), or until further order of the Board, whichever occurs earlier: Genie deFreitas, Dean, Honolulu School of Law, replacing Dean Robert Carp; Jeffrey Brand, Dean, University of San Francisco School of Law, replacing Dean Kevin Cole; and Bryant Garth, Dean, Southwestern School of Law, replacing Dean Allen Easley.

The Board resumed open session at 2:10 p.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, the State Bar's Los Angeles offices, 1149 South Hill Street, Los Angeles, California, 90015, on Friday, March 2, 2012 at a time to be determined.