

AGENDA ITEM
NOVEMBER 10 - Board of Trustees – July 20, 2012 Minutes

THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF TRUSTEES MEETING
SAN FRANCISCO, CALIFORNIA
FRIDAY, July 20, 2012

The Board of Trustees of The State Bar of California convened at 10:35 a.m. in open session in the Board Room of the State Bar's San Francisco offices, 180 Howard Street, San Francisco, California, 94105, on Friday, July 20, 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, Jeannine English, Nancy Fineman, Clark Gehlbach, Karen Goodman, Cheryl L. Hicks, Craig Holden, Patrick M. Kelly, Loren Kieve, Wells Lyman, Dennis Mangers, Pearl Mann, Gretchen Nelson, Gwen Moore, Luis J. Rodriguez and Heather Linn Rosing.

The following members of staff were present: Starr Babcock, Saul Bercovitch, Resty Buenavidez, Laila Bartlett, Randy Difuntorum, Joseph Dunn, Dina DiLoreto, Mary Lavery Flynn, James Fox, Francisco Gomez, Teri Greenman, Robert A. Hawley, Jayne Kim, Gayle Murphy, Sonja Oehler, Cathy Torney, Peggy Van Horn, Colin Wong and Larry Yee.

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, May 11, 2012 in San Francisco, California, hereby are approved as written.

All members listed on the slip voted yes.

President Streeter congratulated the new Board of Trustees Officers:

President-Elect – Pat Kelly;
 Treasurer-Elect – Gretchen Nelson; and
 Vice-President-Elect – Luis Rodriguez

Moreover, he expressed that the Board of Trustees has been a great group to work with and that he was looking forward to wonderful leadership from the new officers.

Mr. Streeter said that he had greatly enjoyed the President's Diner the prior night at the Claremont Country Club; he had been touched and humbled by the group's toasts and the nice things that were said and that he felt privileged to have served. He said that what the candidates, in their candidate statements, had expressed about the group and about the President's role in providing guidance, was true. He said that the chemistry among the Board, the camaraderie and fellowship, was reflective of the great professional respect they had for each other. Mr. Streeter said that he was proud of all that they had accomplished together and thanked the Trustees for confirming this at the dinner.

The President continued and addressed business items that would eventually come before the Board

1. Mr. Streeter explained that Chief Justice Tani Cantil-Sakauye received the Strategic Evaluation Report on May 25 which is an in depth review of the work of the Administrative Office of the Courts (AOC). The Strategic Evaluation Committee (SEC) was appointed by Chief Justice in March 2011 to conduct an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency.

Mr. Streeter stated that he had been encouraged by the leaders in the judicial branch to submit comment and that the deadline to submit comment was 5:00 p.m., Sunday, July 22, 2012. Mr. Streeter stated that he would submit comment, but did not yet have a finished product and therefore could not circulate it to the Board of Trustees before submission. However, Mr. Streeter promised that he would circulate his comments when completed and wanted to describe his intended approach.

Mr. Streeter explained that the Strategic Evaluation Report is highly critical of the AOC and that calls for dramatic restructuring and reduction of the AOC functions and for immediate adoption. Mr. Streeter said that the risk is a rush to judgment because some Judges are applying pressure for extreme professional changes without much public airing. Mr. Streeter said that he would suggest caution and a carefully considered public vetting. Mr. Streeter stated that his comment would be process oriented, as it is a delicate issue. Mr. Streeter said that nevertheless, the State Bar's mission includes protection of equal access and fair administration of justice and the Bar is adjunct to the Supreme Court. Consequently, the State Bar must do the right thing for citizens of California because any changes made would affect users of the courts and the public.

2. Mr. Streeter noted another issue that could surface at the next Board meeting related to the Fee Bill process. He reported that the Bar has been working hard for a smooth passage of the bill and to date has had great success because of the increased level of confidence in the Discipline and Admissions processes. He said that he hoped to get the fee bill approved without conditions and that he would consult with President-Elect Kelly until the fee bill process culminates in early September.

However, he also noted that there is a possibility that conditions could be attached to the fee bill related to both open and closed meeting rules (which would be before the Board Operations Committee in October) and IOLTA funding.

In regards to IOLTA, Mr. Streeter explained that it has been suggested that the Bar evaluate its commitments with Wells Fargo because Wells Fargo's IOLTA rates are low and lag behind banks in the Leadership Bank Group, which pay double. Mr. Streeter advised that a meeting was set, but that he was not sure if the bank would be responsive or what the legislative attitude would be if the rates were not raised. Mr. Streeter said that he would keep the Board informed.

3. Lastly, Mr. Streeter also noted that a memorial resolution for Don Mike Anthony, a recently passed former member of the Board, would be presented at the end of business. The resolution to adjourn the meeting in his honor would recognize Mr. Anthony's service to the Board and the legal profession.

41/42 Mr. Dunn congratulated the successful Board Officer candidates as well as those who were not.

He introduced Jennifer Wada, our legislative advocate who reported on bills of interest to the State Bar. Ms. Wada advised that we are nearing the end of summer recess and the sprint to the finish on August 31. She reported that we are on the alert for "gut-and-amend," a practice during the final days of a legislative session in which the entire contents of a bill are stripped out and replaced with something new. AB 2685 – State Bar Fee Bill is progressing through the legislature in "clean" form and is currently on the senate floor.

Mr. Dunn expressed his hope that it "gets out that way." Despite the State Bar's fee bill's current "clean" status, there are always ongoing discussions on a variety of issues and there is always a threat interrelated with our dues bill. This time it is IOLTA and the open meeting procedures.

He advised that he had intended to have John Chiappetta, Budget Director, report on the status of the internal "re-org." However, in the interest of time, he had asked Mr. Chiappetta to distribute a memorandum detailing the status of the re-org to the Board.

Mr. Dunn advised that since the June 21 Supreme Court's remand order of twenty-four cases, there has been much discussion and that he and Chief Trial Counsel, Jayne Kim, are conducting a thorough analysis of the applicable Standards for Attorney Sanctions for Professional Misconduct and re-focusing on the primary purposes of discipline (protection of the public, the courts and legal profession). The Bar will continue to re-assess and re-evaluate discipline across the board.

The Discipline Standards, which provide guidance to the Office of the Chief Trial Counsel and the State Bar Court, were adopted in 1986 to achieve greater consistency in disciplinary sanctions for similar offenses and to identify the factors which may appropriately be considered for imposing discipline on an attorney.

A review of the standards had been scheduled for 2010, but was put on hold pending the management changes at that time. A wholesale review will now be undertaken to identify needed amendments and these will come before the Regulation Admissions and Discipline Committee and the full Board.

Mr. Dunn advised that on Tuesday, July 17, the State Bar sent MCLE audit letters to 2,600 attorneys, directing them to log course completion information online. They are being asked to submit actual certificates of attendance, either by mail or by fax. He stated that the Bar would not be surprised if some cannot satisfy the audit letters.

Mr. Dunn congratulated Peggy Van Horn, Chief Financial Officer, and her staff for their efforts on these audits.

He reported on the creation of a Research & Development (R & D) Task Force on Legal Services Funding that was formed because, with recent deep cuts to legal services funding, there is a need for a new legal services vision, as the current model is from the 1960's. The group's first meeting was Tuesday, July 10, in Sacramento, and the Task Force will continue to meet to explore various funding sources / models. Mr. Dunn stated that he and Mary Lavery Flynn are the State Bar representatives on the Task Force.

Mr. Dunn alerted the Board that Jayne Kim's office would be working to develop closer relationships with other regulatory bodies up and down the state, to focus on how the different agencies (law enforcement, civil, criminal, business, investigative and others) in the state can coordinate and combine their efforts to address a range consumer fraud. Mr. Dunn advised that there would be a role for the Board in this effort.

He advised that he would like to reintroduce the practice of an annual dinner with the Commission on Judicial Performance, as they are a sister regulatory body in the judicial branch.

Mr. Dunn reported that since June 1, 2012, when he had ordered that all of the documents on the State Bar's website that are not accessible to persons with disabilities be removed from the website until they have been remediated, including the State Bar Sections historical documents, he and others have received calls. He explained that this issue has been under discussion for a number of years and that it is a legal risk to continue to maintain that which is not ADA compliant. He added that the Bar needs one standard for vetting documents; consequently, the Bar cannot utilize multiple vendors. He concedes that this has caused some friction with the Section's leadership.

Mr. Dunn spoke regarding the efforts being made by the State Bar and the Chief Justice to get Civic Education back into the school system and possibly tweak school curriculum, civic education and civic engagement.

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.

54-131 RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby approves the fee adjustments for the State Bar member(s) as noted below:

Ernest Amador (#108165) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500, contingent on member transferring to Inactive status

Meira Amster (#217252) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Tahnya Ballard (#133169) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Joe Balzer (#225012) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Denice Barnes (#196125) State Bar grants member a waiver of the late payment penalty in the amount of \$30

Denise Blasband (#149123) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$115

Constance Brigham (#90771) State Bar grants member a waiver of the late payment penalty in the amount of \$100

John Brosky (#75443) State Bar grants member a waiver of the late payment penalty in the amount of \$100 and grants member 6 month extension to pay the remaining balance of \$400

Tristram Buckley (#187754) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Jennifer Carroll (#276044) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Patrick Cremin (#133402) State Bar waives 2012 licensing fees and late payment penalty in the amount of \$500

Lawrence N. Daniels (#114275) State Bar waives 2012 licensing fees and late payment penalty in the amount of \$500

Carmen Delgado (#195116) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Brandyn DeLynne (#110569) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty, in the amount of \$355

Julie L. Dupre (#176689) State Bar waives 2012 licensing fees and late payment penalty in the amount of \$500

Robert T. Durbrow (#53445) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Steven Erisch (#258993) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Allan Fanucchi (#268767) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Christopher Fong (#273595) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Julia Friedlander (#165767) State Bar grants member a waiver of the late payment penalty in the amount of \$100

Bradford Friedman (#160069) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty, in the amount of \$365

Peter Goodman (#97059) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty, in the amount of \$385

Thomas Gray (#212453) State Bar grants member a waiver of the late payment penalty in the amount of \$100

Anuj K. Gupta (#246609) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty, in the amount of \$385

Noreen Guregian (#279227) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Amy Gurvey (#87419)) State Bar grants member a waiver of the late payment penalty in the amount of \$30

Julie Gustavson (#139060) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Krishna Haney (#229652) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$470, contingent on member transferring to Inactive status

Rockell Hankin (#66100) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Amy Harrington (#194771) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Richard Hatzler (#40201) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Jennifer Healey (#235602) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Zachary Hedling (#276345) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Anna Henry (#153211) State Bar grants member a waiver of the late payment penalty in the amount of \$100

David W. Hess (#150753) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$300

Moton Holt (#32891) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Ansley Q Hyman (#35636) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Jessie Johnston (#281210) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

John Kearney (#31749) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Alice Keel (#35641) State Bar grants member a waiver of the late payment penalty in the amount of \$100

William A. Kent (#52111) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Steven Kimmel (#82085) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Tamela King (#182632) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Serge Kohan (#229605) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$145

Deirdre M. Kraft (#179539) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Marion Landau (#110816) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$145

Heidi Levine (#120827) State Bar grants member a partial waiver of the 2012 licensing fees in the amount of \$72.50

Janette Lewis (#90417) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty in the amount of \$385

Sharon Maier (#144910) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$375

Ralph McCarthy (#27352) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

James R. Miller (#104710) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Steve R. Mittleman (#54153) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Angela Mogin (#153920) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Ernest R. De La Mora (#186310) State Bar grants member a waiver of the late payment penalty in the amount of \$100

Paul Morantz (#51183) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Kimberly Nakamaru (#279299) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

John Ohnstad (#196242) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$300

Michael Paul (#276709) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Aliza Podwol (#270176) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Michelle Principato (#165450) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Jeff Randolph (#194126) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Sarvenaz Sazegar (#251542) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

James Schmidt (#173651) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Roy Schoenberg (#48631) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$145

Karyn Shatzkin (#149104) State Bar grants member a waiver of the late payment penalty in the amount of \$30

Patricia Shepard (#245833) State Bar grants member a partial waiver of her 2012 licensing fees and late payment penalty in the amount of \$355

Jack Smolens (#49194) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

James Stanley (#97990) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$145

Jo Ann Stipkovich (#72827) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Gary Summers (#160190) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$145

Richard VaVerka (#40327) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Don Vincent (#63084) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Glen S. Umeda (#159528) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Dorinda Vassigh (#245727) State Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Jennifer Ling-Pei Wang (266519) Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

Robin Von Welzig (#39830) State Bar grants member a waiver of the late payment penalty in the amount of \$100

David Whalen (#226418) State Bar grants member a partial waiver of his 2012 licensing fees and late payment penalty in the amount of \$385

Thomas A. Wilder (#224405) State Bar grants member a waiver of the 2012 licensing fees and late payment penalty in the amount of \$500

Debra Young (#117263) State Bar grants member a partial waiver of the 2012 licensing fees and late payment penalty in the amount of \$385, contingent on member transferring to Inactive status

Michele Zugnoni (#259785) Bar allows member to pay the scaled Active rate in the amount of \$300 and waives the late payment penalty in the amount of \$100

54-132 RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby approves the 25th Annual Report of the California Board of Legal Specialization for the period January 1, 2011 through December 31, 2011, and directs that the report be transmitted to the California Supreme Court as required by section 21.0 of the Rules Governing the State Bar of California Program for Certifying Legal Specialists.

54-133 RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby approves the revisions made to the bylaws of the International Law Section and restatement of the full text following approval of such amendments, in the form attached.

54-161 RESOLVED, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby receives with thanks the Commission on Judicial Nominees Evaluation 2011 Activities and Statistical Report, and orders it filed.

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

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board of Trustees hereby approves the procedure for conducting the Annual Performance Evaluation of the Executive Director, consistent with the item before the Board Committee and Board this date.

All members listed on the roll call slip voted yes.

112 Upon motion made, seconded and unanimously adopted, it was resolved that:

WHEREAS the Board of Trustees is undergoing governance changes to enhance and ensure that public protection is the highest priority in the licensing, regulation and discipline of attorneys; and

WHEREAS the State Bar's mission, vision and goals have supported a justice system reflecting the diversity of the State and the elimination of bias in the profession;

NOW, THEREFORE, IT IS RESOLVED, that the Board of Trustees hereby reaffirms its commitment to and support of effective policies and activities to enhance access, fairness and diversity in the legal profession and the elimination of bias in the practice of law, consistent with limitations on the expenditure of mandatory dues.

All members listed on the roll call slip voted yes.

113 A report was provided of action taken on June 13, 2012, by the Board Committee on Operations on Behalf of the Board between regular meetings. At that meeting, the Committee had directed staff to transmit to the Supreme Court for its approval (1) the new and amended Rules of Professional Conduct previously adopted by the Board and (2) a range of options with regard to the commentary to the new and amended rules.

All members, except George Davis and Gwen Moore, had been present on June 13, and all members present, except Clark Gehlbach, had voted to approve the following resolution. Mr. Gehlbach voted no.

RESOLVED that the Operations Committee, acting on behalf of the Board of Trustees between meetings, directs staff to transmit the previously adopted new and amended Rules of Professional Conduct of the State Bar of California to the Supreme Court with a request that they be approved by the Court but that Staff is also authorized to present to the Court a range of options with regard to the comments portion of the proposed rules, including (1) adoption of the rules and the comments, (2) adoption of the rules only, without the comments, (3) adoption of the rules only, leaving it to the Bar to publish the comments for guidance in the form of users' notes, or (4) a suggestion that the Court, on a rule-by-rule basis, follow any of the preceding three approaches that is most suitable and appropriate to the rule in question; and it is

FURTHER RESOLVED that by adopting this Resolution, it is the intention of the Operations Committee, acting on behalf of the Board of Trustees between meetings, to facilitate the process by which the new and amended Rules of Professional Conduct of the State Bar of California are presented for adoption to the Supreme Court and to provide Staff maximum flexibility in that process so that the burden on the Court is minimized and the rules may be adopted at the earliest opportunity; and it is

FURTHER RESOLVED that by adopting this Resolution, it is not the intention of the Operations Committee to disavow, reject or withdraw the Board of Trustees' prior adoption of the comments portion of the rules in 2010, but rather, as Staff finds it appropriate, to allow Staff to present the rules for adoption to the Supreme Court in a manner that focuses on the rules themselves rather than on the comments about the rules, thereby minimizing any potential confusion over whether adoption of the rules by the Court necessarily requires the Court to adopt and give its imprimatur to the comments.

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

RESOLVED, that following a period of public comment and no comments being received, and upon the recommendation of the Regulation, Admissions and Discipline Oversight Committee, the Board hereby approves the proposal for new California Rule of Court 9.___ regarding admission, new California Rule of Court 9.24 and new State Bar rule 2.36 regarding suspension, and renumbering existing State Bar rule 2.36 as rule 2.40 and State Bar rule 2.37 as rule 2.45, in the form attached, and directs staff to transmit the proposal to the California Supreme Court for consideration and final action; and it is

FURTHER RESOLVED, that the effective date of new State Bar rule 2.36 and renumber of existing rule 2.36 as 2.40 and existing rule 2.37 as 2.45 is dependent on the effective date of the California Supreme Court's approval and adoption of proposed new California Rule of Court 9.24.

All members listed on the roll call slip voted yes.

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

RESOLVED, that following a period of public comment and no comments being received and upon the recommendation of the Regulation, Admissions and Discipline Oversight Committee, the Board hereby approves proposed amendments to California Rule of Court 9.22 and State Bar rule 2.34, in the form attached, and directs staff to transmit the proposal to the California Supreme Court for consideration and final action; and it is

FURTHER RESOLVED, that the effective date of the amendments to State Bar rule 2.34 is dependent on the effective date of the California Supreme Court's approval and adoption of the proposed amendments to California Rule of Court 9.22.

All members listed on the roll call slip voted yes.

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

RESOLVED, that upon the recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board hereby approves the procedure for conducting the Annual Performance Evaluation of the Chief Trial Counsel, consistent with the item before the Board Committee and Board this date.

All members listed on the roll call slip voted yes.

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

RESOLVED, that following public comment and no comments being received, and upon the recommendation of the Member Oversight Committee, the Board hereby approves the proposal for new State Bar Rule 2.16 (C) (3) (c), in the form attached, that would provide for a 50% waiver of membership fees for attorneys whose total gross annual household income from all sources is \$20,000 or less, effective immediately.

All members listed on the roll call slip voted yes.

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

RESOLVED, following consideration of public comments received and upon the recommendation of the Member Oversight Committee, the Board hereby adopts the amendment to Pro Bono Practice Program Rules 3.325 - 3.330, in the form of Attachment A, effective immediately.

All members listed on the roll call slip voted yes.

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

RESOLVED, following consideration of public comments received and upon the recommendation of the Member Oversight Committee, the Board hereby adopts the amendment to Pro Bono Practice Program Rule 3.327, in the form of Attachment A, effective immediately.

All members listed on the roll call slip voted yes.

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

RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby recommends that the Board approve the CYLA Mission and Charge as noted below.

CALIFORNIA YOUNG LAWYERS ASSOCIATION (CYLA) CHARGE

The charge of CYLA is to:

- A. Advise the Board of Trustees on strategies to make the State Bar and CYLA continually relevant and beneficial to young lawyers in California.
- B. Promote the interests of young lawyers in California.
- C. Be responsible for programs, services, professional development and trend analysis, to assist young lawyers in becoming respected and successful members of the State Bar, keeping both CYLA and the State Bar ahead of the curve.
- D. Develop communication strategies that engage young lawyers in California.
- E. Create and continually strengthen outreach efforts to the barristers' organizations throughout the State and across the country.
- F. Assist the State Bar in the administration and implementation of its programs and responsibilities.
- G. Develop and implement regular public service projects that utilize the skills of the state's young lawyers and that would measurably benefit the public.

- H. Encourage and promote pro bono work.
- I. Identify and encourage young attorneys to become active participants in the administration and governance of the State Bar and make specific recommendations to the Board of Trustees for increasing their participation.
- J. Comment and advise on issues of relevance and importance to young lawyers in California.
- K. Screen applicants and make recommendations to the Board of Trustees for recipients of the annual Jack Berman Award of Achievement.
- L. CYLA will provide regular reports to the Member Oversight Committee There will be a permanent place on the board committee agenda for CYLA reports and updates.

All members listed on the roll call slip voted yes.

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

RESOLVED, that the Board of Trustees authorizes the executive director or designee to systematically transfer the State Bar's OPEB assets from Wells Fargo Bank to the CalPERS/CERBT-Conservative Strategy Portfolio; and it is

FURTHER RESOLVED, that the Board of Trustees authorizes that the executive director or designee to make all future OPEB ARC contributions to the CalPERS/CERBT-Conservative Strategy Portfolio, via quarterly transfers; and it is

FURTHER RESOLVED: that the Investment Subcommittee and the Board Planning, Program Development & Budget Committee annually review and evaluate the OPEB investment in order to determine more favorable investment options.

All members listed on the roll call slip voted yes.

The Board went into closed session at 11:29 a.m. and those other persons present left the meeting.

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 except Item 6016 which was removed from the consent agenda.

- 6011 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby reappoints the following as members of the Legal Aid Society of Orange County Board of Directors, each for a three-year term commencing and expiring as indicated or until further order of the Board, whichever occurs earlier: Andrew Krastins, Long Beach, for a term commencing June 1, 2012, and expiring June 1, 2015; and Cynthia J. Waterson, Tustin, for a term, commencing July 1, 2012, and expiring July 1, 2015.
- 6012 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 commencing at the close of the State Bar Annual Meeting on October 14, 2012, and expiring upon the final day of the 2015 State Bar Annual Meeting on October 11, 2015, or until further order of the Board, whichever occurs earlier: Frank Wu, Dean, University of California Hastings College of the Law, to replace Dean Kevin Johnson; and Penelope Bryan, Dean, Whittier Law School, Tom Campbell, Dean, Chapman University College of Law, and Elizabeth Rinkskopf Parker, Dean, University of the Pacific McGeorge School of Law to replace Deans Bryant Garth, Drucilla Ramey and Steven Smith.
- 6013 RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints Craig Holden, Los Angeles, to serve as an Appointed Director, Center for Civic Education Board of Directors, for a one-year term, effective at the close of the 2012 State Bar Annual Meeting, i.e., October 14, 2012, and expiring at the close of the 2013 State Bar Annual Meeting, 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 Philip M. Spiegel, Sherman Oaks, and Robert Burchuk, Woodland Hills, members, Lawyer Assistance Program Oversight Committee, each for a term commencing January 1, 2013, and expiring December 31, 2016, or until further order of the Board, whichever occurs earlier;; and it is
- FURTHER RESOLVED, that Board reappoints Philip Belleville, Los Angeles, Chair, of said committee, for a term commencing January 1, 2013, and expiring December 31, 2013, or until further order of the Board, whichever occurs earlier.

6015

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board of Trustees hereby appoints the following fee arbitrators to the State Bar Fee Arbitration Department, each for a term commencing July 20, 2012, and expiring December 31, 2012:

| Name | County | Bar Number |
|---------------------|---------------|-------------------|
| Carichoff, Robert | Sacramento | 211066 |
| Dunsay, Richard | Monterey | 36810 |
| Gerstl, Hugo | Monterey | 37927 |
| Gorton, Jacqueline | Marin | 152367 |
| Greene, Jennifer | Santa Cruz | 197969 |
| Groven, Sandra | Marin | 198205 |
| Hall, Gary | Placer | 42851 |
| Harrington, Michael | Riverside | 160026 |
| Holben, Donald | San Diego | 108401 |
| Larabee, Dale | San Diego | 50962 |
| Munteer, Carlyle | Monterey | 133632 |
| Noya, Ronald | San Diego | 77603 |
| Saydeh, Michael | San Diego | 90124 |
| Schoen, William | Marin | 46325 |
| Snoke, Laura | Los Angeles | 100598 |
| Thomas, Joan Mann | Marin | 51096 |
| Williams, Michael | San Diego | 95594 |
| Wold, W. Bruce | Marin | 58146 |
| Clarkson, Bill | Contra Costa | Layperson |

All members listed on the roll call slip voted yes.

6016

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints or reappoints, as the case may be, officers and members of the Section Executive Committees as set forth on the forms attached to the minutes and made a part hereof as Sections: 1 - Criminal Law Section Executive Committee; 2 - Environmental Law Section Executive Committee; 3 - Environmental Law Section Executive Committee; 5 - Solo and Small Firm Section Executive Committee; and 6 - Trusts and Estates Section Executive Committee; effective at the close of the 2012 State Bar Annual Meeting (October 14, 2012), or as indicated; each officer and member to serve a term expiring as indicated; or until further order of the Board, whichever occurs earlier.

All members listed on the roll call slip voted yes.

6016 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints or reappoints, as the case may be, officers and members of the Litigation Section Executive Committee as set forth on the forms attached to the minutes and made a part hereof as Section 4 - Litigation Section Executive Committee; effective at the close of the 2012 State Bar Annual Meeting (October 14, 2012), or as indicated; each officer and member to serve a term expiring as indicated; or until further order of the Board, whichever occurs earlier.

All members listed on the roll call slip voted yes except Samson Elsbernd who abstained.

6021 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints or reappoints, as the case may be, officers and members of the Standing and Special Committees as set forth on the forms attached to the minutes and made a part hereof; effective at the close of the 2012 State Bar Annual Meeting (October 14, 2012), or as indicated; each officer and member to serve a term expiring as indicated; or until further order of the Board, whichever occurs earlier.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6022 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby reappoints or appoints, as the case may be, the officers and members, as set forth on the attachment to the Board Committee Report, to the Commission on Judicial Nominees Evaluation (JNE Commission), each for a one-year term commencing February 1, 2013, and expiring in 2014 at the close of the last business meeting of the 2013 commission, or until further order of the Board whichever occurs earlier;; and it is

FURTHER RESOLVED, that should any member of the 2013 JNE Commission decline the appointment, or be unavailable to attend the mandatory Orientation meeting, that an available alternate selected from the Board's designated alternate list, attached, will be deemed appointed by the Board and will assume the term of the replaced member.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6023 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby appoints the following to the Review Committee of the Judicial Nominees Evaluation Commission, each for a term commencing and expiring as indicated, or until further order of the Board, whichever occurs earlier: Luis J. Rodriguez, Los Angeles, chair, for a term commencing at the close of the 2012 State Bar Annual Meeting (October 14, 2012) and expiring at the close of the 2013 State Bar Annual Meeting (October 13, 2013); and Carol Greenwald, Irvine, member, for a term commencing at the close of the 2012 State Bar Annual Meeting (October 14, 2012) and expiring at the close of the 2015 State Bar Annual Meeting (October 11, 2015).

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6024 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that, upon recommendation of the Nominations and Appointments Committee, the Board hereby ratifies the selection of Earl Warren Professor of Public Law and Former Dean of the University of California, Berkeley Law School, Jesse Choper as the recipient of the 2012 Bernard E. Witkin Medal.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6025 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby approves the 2012 recipients of The State Bar of California Diversity Awards:

| | | |
|------------------|---|---------------|
| Attorney: | Charlene Usher | Los Angeles |
| Law Firm: | Sedgwick, LLP | Los Angeles |
| Bar Association: | Bay Area Lawyers for Individual Freedom (BALIF) | San Francisco |

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6026 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby approves the selection of the UCLA Law Fellows Program for the 2012 State Bar of California Education Pipeline Award.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6027 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby approves the selection of Ana De Alba as the 2012 recipient of the Jack Berman Award.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6028 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby approves the selection of Melinda R. Bird for the 2012 Loren Miller Legal Services Award.

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

6029 Upon motion made, seconded and unanimously adopted, it was

| | |
|---------------------------------------|--|
| Individual (Recently Admitted): | Mayte Santacruz Benavidez (Costa Mesa) |
| Individual (Recently Admitted): | Jonathan Kaiho (Tustin) |
| Individual (Limited Active Practice): | Clifford Anderson (Laguna Niguel) |
| Individual (Limited Active Practice): | Michelle de Blank (Palo Alto) |
| Individual (Law Firm): | Grace Carter (San Francisco) |
| Individual (Law Firm): | Leslie McAdam (Ventura) |
| Law Firm (Branch Office): | Snell & Wilmer Costa Mesa Office |
| Distinguished Pro Bono Service: | Ellen Eggers (Sacramento) |
| Distinguished Pro Bono Service: | Small Claims Project (Los Angeles) |

All members listed on the roll call slip voted yes except Lowell Carruth, Patrick Kelly, Luis Rodriguez and Heather Rosing who abstained.

The Board resumed open session at 11:45 a.m. and adjourned its July, 2012 meeting in honor of Don Mike Anthony and in so doing adopted the resolution set forth in his honor. Don Mike Anthony, who enjoyed a long career of service to the legal profession, passed away recently.

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

WHEREAS, Don Mike Anthony graduated from Occidental College and the University of California at Los Angeles School of Law and was thereafter admitted to practice law in the state of California in 1964; and

WHEREAS, Don Mike Anthony spent his entire career at the law firm of Hahn & Hahn in Pasadena, California where he was a litigator and Family Law Specialist certified by the California Board of Legal Specialization; and

WHEREAS, Don Mike Anthony was an associate of the American Board of Trial Advocates and a fellow of the American College of Trial Lawyers, the American Academy of Matrimonial Lawyers, and the International Academy of Matrimonial Lawyers; and

WHEREAS, the Southern California Chapter of the American Academy of Matrimonial Lawyers, which he served as President for the 2007-2008 term, named him its Person of the Year for 2011; and

WHEREAS, Don Mike Anthony served as a member of the Board and then as President of the Pasadena Bar Association in 1992-1993; and

WHEREAS, Don Mike Anthony served as a member of the Board and then as President of the Los Angeles County Bar Association in 2009-2010; and

WHEREAS, Don Mike Anthony served as a member of the Board and then as President of the Los Angeles County Bar Association Foundation in 1999-2000; and

WHEREAS, Don Mike Anthony served the American Bar Association as a member of its Commission on the Evaluation of Disciplinary Enforcement 1989-1992; and

WHEREAS, Don Mike Anthony served the American Bar Association as a member of its Standing Committee on Professional Discipline 1992-1995; and

WHEREAS, Don Mike Anthony served the American Bar Association as a member of its Joint Sub-Committee on Lawyer Regulation 1992-1995; and

WHEREAS, Don Mike Anthony served the State Bar of California as a Member of its Board 1984 -1987 and then as Vice President of its Board 1986-1987; and

WHEREAS, Don Mike Anthony served the State Bar of California as a member of its Client Security Fund Commission from 1989-1993 and then as its Chair; and

WHEREAS, Don Mike Anthony served as a member of the Executive Committee of the State Bar of California's volunteer State Bar Court 1980-1984; and

WHEREAS, Don Mike Anthony served as a member of the Review Department of the State Bar of California's voluntary State Bar Court 1980-1983; and

WHEREAS, Don Mike Anthony served as a member of the Judicial Council of California 1993-1996 and as a member of its Standing Advisory Committee on Family and Juvenile Law; and

WHEREAS, throughout his career, Don Mike Anthony served the legal profession, client interests and the public interest firmly committed to the administration of justice; and

WHEREAS, we are deeply saddened at the loss of Don Mike Anthony. Recognizing his contributions to the State Bar of California and the other organizations and his commitment to the administration of justice and particularly to bettering the legal profession through a rigorous discipline system, this July meeting of the Board of Governors is adjourned in his honor and memory with the adoption of this resolution.

All members listed on the roll call slip voted yes except George Davis, Gwen Moore and Mark Shem who had left the meeting.

The meeting of the Board of Trustees was adjourned at 11:50 a.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, the State Bar's Los Angeles offices, 1149 South Hill Street, Los Angeles, California, 90015, on Friday, November 16, 2012 at a time to be determined.