

DAVID J. PASTERNAK'S CANDIDATE STATEMENT FOR TREASURER

My fellow Board Members,

I am proud of and thoroughly committed to our profession, this Board, and the State Bar. As detailed below, I believe that my lengthy and diverse record of leadership and service would be of great value to the Bar in fulfilling the four specified responsibilities that we adopted at our January meeting for the position of Treasurer.

Chair of the Audit Committee

First, we decided that the Treasurer serves as the Chair of the Audit Committee. That responsibility requires at least two attributes: financial experience and knowledge, and leadership.

During my over 30 years of bar experience, among many other things, I have served as an officer and President of the largest local bar association in the country (the Los Angeles County Bar Association) and one of the two largest legal services providers in Southern California (Bet Tzedek Legal Services). I have been a member of the Board of Governors of the Beverly Hills Bar Association, and am the only Trustee who has been a member of the Judicial Council. From those varied roles, I have an acute understanding of the financial operation of a non-profit, public entity such as the State Bar.

I also have successfully managed two law firms for well over 20 years.

More importantly, during the last 30 years, most of my law practice experience has been serving as a Court-appointed Receiver and Provisional Director. I am now the Provisional Director of four profitable corporations with varied businesses and total annual income of approximately \$40 million, and also Special Counsel for another corporation through its provisional director (retired Los Angeles Superior Court Judge Terry Friedman). I have overseen and chaired the Board of Directors of companies as large as Wickes Furniture Company, which I sold through a receivership for over \$70 million. I am constantly operating multiple businesses and hundreds of real properties in dozens of receiverships, and routinely oversee forensic accounting investigations and deal with complex tax issues. I am now negotiating with the IRS to resolve an almost \$20 million tax claim, and in another matter received a \$12 million refund from the IRS in a complex international transfer tax matter. I was Receiver at the request of the California Attorney General of the non-profit post-Northridge earthquake corporation that former Insurance Commissioner Chuck Quackenbush misused for his personal purposes, and successfully resolved its tax issues with the Franchise Tax Board so that the remaining millions of dollars could go to the California Earthquake Authority.

The contents of the State Bar's financial reports will be changing during the next year as the result of its acquisition of the Los Angeles building and its new role there as both an owner and landlord. I am well versed with those financial responsibilities and statements from my service as the Receiver of countless office buildings (as large as the Long Beach World Trade Center, which is still the largest office building in that city) and many other commercial real estate properties.

More importantly, in these many professional roles, I regularly review, question and report about monthly, annual and special financial statements and reports and business plans. It is a major component of my "day job".

Chair or Vice Chair of PPDB

We also decided that the Treasurer will serve as Chair or Vice Chair of PPDB. This role again requires financial knowledge and leadership, but adds the component of knowledge and experience with the State Bar's many programs and activities.

We all know that the State Bar's discipline program is at the core of its public protection responsibility, and accordingly accounts for most of its annual budget. I understand the operation and necessary Board oversight of its discipline program from my membership on RAD this year.

But, I also know the importance of the Bar continuing and expanding its many other permissible activities. I have been an active member of the Senior Lawyers Task Force, and initiated and formed the successful Los Angeles County Bar Association Senior Lawyers Section. I am also an active member of the Steering Committee of the Open Courts Committee, and have encouraged adequate court funding through that and many other activities during the last 30 years. I have been a member of the Commission on Access to Justice for a number of years, and know that legal services funding is of paramount importance to the citizens and residents of the State of California.

I will continue to encourage, support, and attempt to initiate efforts to expand the State Bar's limited role to fulfill these important programs and initiatives within its limited responsibility of public protection.

Board Gatekeeper Regarding Budget and Fiscal Matters

The third and fourth specified responsibilities of the Treasurer are intertwined: Consult with the Executive Director and CFO and report to the Board regarding matters involving the budget and internal financial controls; and take primary responsibility for ensuring the Board's attention to the Bar's fiscal position, budget, audit reports, and stewardship of Bar assets to ensure protection of the public.

I prefer a less wordy summary: Gatekeeper for budget and fiscal matters. The Treasurer is the primary liaison between the Board and the staff for budget and fiscal matters. The Treasurer needs to consult regularly with the senior staff, primarily Joe and Peggy, about the State Bar's fiscal and budget issues, and make sure that the Board is fully and adequately informed and understands those issues. The Treasurer serves as the primary communication vehicle between the staff and the Board for those matters.

The Treasurer needs to identify and learn about any budget or fiscal issues that the Board should address, or should anticipate. This year, with Gretchen's able assistance, we understand that the Client Security Fund is such an issue, and the Treasurer needs to stay on top of that looming issue during the coming year.

As Treasurer, I would meet regularly with Peggy and Joe, and review the Bar's financial reports and any pending or looming fiscal or budget issues. I would request that any financial reports or projections provided to Joe simultaneously be provided to the Treasurer, and would review them in detail.

According to the recent complementary State Auditor's report, during the three calendar years from 2010 - 2012, the State Bar entered into 1,084 contracts totaling \$112.7 million. With the recent acquisition and development of the Los Angeles

office building, I suspect those numbers are increasing and not decreasing. The Treasurer needs to share responsibility with Joe and Peggy to make sure that there are not any surprises regarding any of those many contracts.

Leadership

The Treasurer is one of only three State Bar officers. As I have already identified, many of the Treasurer's now designated roles require leadership.

I respectfully believe that my long record of leadership and service demonstrate my leadership abilities. During that service, I have worked for as long as over 30 years on countless boards, committees and projects with Pat and many other former State Bar Presidents. They have been among my many mentors. From them and other superb lawyers, I have learned that effective leadership requires collaboration and establishing a consensus. I value the camaraderie of the current Board, and intend to do everything that I can to maintain it. We work hard and have serious and weighty responsibilities. But we also should enjoy our time together.

I am extremely proud to be serving on this Board, and even prouder to be serving as the first Trustee appointed by the Supreme Court. I hope that you will give me the opportunity to continue next year in the role of your Treasurer.

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Los Angeles, California 90067-2523
Telephone: 310. 553.1500
Fax: 310. 553.1540
E-mail: djp@paslaw.com

PERSONAL AND PROFESSIONAL INFORMATION

Date of Birth: March 5, 1951
Married: Cynthia F. Pasternak
Children: Gregory (March 24, 1981)
Kevin (February 23, 1990)
Matthew (August 9, 1993)

B.A. (Political Science), Cum Laude, UCLA 1973
J.D., Cum Laude, Loyola University 1976

1976 - 1979 CALIFORNIA DEPARTMENT OF CORPORATIONS
Staff Counsel, Enforcement Division

1979 - 1980 CALIFORNIA DEPUTY ATTORNEY GENERAL
Business and Tax Section

1980 - 1993 TYRE KAMINS KATZ & GRANOF, A Law Corporation
(managing partner (formerly TYRE & KAMINS)
1989 - 1991)

1993 - Present PASTERNAK, PASTERNAK & PATTON, A Law
Corporation (formerly APPLETON, PASTERNAK &
PASTERNAK, A Law Corporation)

Civil Litigation and Receivership Practice

United States District Court Mediator (former Los Angeles
Superior Court Mediator, Municipal Court Judge Pro Tem
and JASOP Settlement Officer)

BAR ACTIVITIES

AMERICAN BAR ASSOCIATION (1976 - Present)

American Bar Association Fellow

Southern California State Co-Chair (2011 - Present)

Coordinating Committee on Gun Violence
Member (1997 - 1999)
Chair (1999 - 2002)
House of Delegates Select Committee (2000 - 2001)
Judicial Administration Division
(1981 - 1992)
Litigation Section (1976 - Present)
1999 Midyear Meeting Advisory Committee (1998 - 1999)
Standing Committee On Independence of the Judiciary
Member (2005 - 2009)
Young Lawyers Division
Citizenship Education Committee
Vice-Chair (1985 - 1986)
Member (1984 - 1985, 1986 - 1987)
Affiliate Assistance Program Vice-Chair (1985 - 1986)
Host Committee Co-Chair for Spring 1987 Meeting in Beverly
Hills

CALIFORNIA STATE BAR

First Supreme Court Appointment to Board of Trustees (2012 -
Present)
MCLE Standing Committee (1990 - 1994)
Provider Approval Subcommittee Chair (1991)
Litigation Section Dinner Chair (1988)
State Bar Task Force On Lawyer Education (1988 - 1989)
Bench Bar Coalition (1996 - 1999)

LOS ANGELES COUNTY BAR ASSOCIATION (1976 - Present)

President (1997 - 1998)
President-Elect (1996 - 1997)
Senior Vice President (1995 - 1996)
Vice President and Treasurer (1994 - 1995)
Executive Committee (1983 - 1985, 1994 - 1998)
Board of Trustees (1983 - 1985; 1989 - 1991, 1994 - 1998)
Delegate to American Bar Association
House of Delegates (1986 - 1987, 1999 - Present)
Litigation and Prejudgment Remedies Sections
Alternative Dispute Resolution Section Executive Committee
(1993 - 1996)
Litigation Section (Executive Committee, 1987 - 1996)
Chair (1994 - 1995)
Vice-Chair (1993 - 1994)
Treasurer (1992 - 1993)
Secretary (1991 - 1992)
Seminar Chair (1989 - 1990)

Program Chair (1988 - 1989)
Senior Lawyers Division
Chair (2008 - 2009)
Vice-Chair (2007 - 2008)
Executive Committee (2009 - 2010)
Ad Hoc Committee On Gun Control
Chair (1993 - 1994)
Ad Hoc Committee On Changing Economics of the Practice of Law
1993 - 1994)
Ad Hoc Committee On Taxation of Services
Chair (1991)
Ad Hoc Committee To Study Court Unification
Chair (1991 - 1993)
ABA Relations Committee
Co-Chair (1986 - 1987)
Member (1987 - 1995)
Bicentennial of the Constitution Committee
Co-Chair (1984 - 1988)
Member (1988 - 1991)
Dinner Chair (1989)
Continuing Legal Education Advisory Board (Rutter Committee)
(1982 - 1984, 1986 - 1988, 1989 - 1991)
Chair (1988 - 1989)
Continuing Legal Education Planning Committee
Chair (1989 - 1992)
Member (1988 - 1989, 1992 - 1993)
Domestic Violence Project 25th Anniversary Committee
Co-Chair (2011)
Guns & Violence Committee
Chair (1999 - 2000)
Member (1994 - 1999, 2000 - 2003)
Homeless Committee (1988 - 1994)
Judicial Evaluation Committee (1986, 1988, 1990)
Judicial Profiles Committee
Chair (1998 - 1999)
Member (1999 - 2000)
Juvenile Courts Task Force
Chair (1997)
Member (1997 - 2002)

Los Angeles County Bar Association Foundation
Assistant Secretary (1994 - 1995)
Life Fellow
Member Benefits Committee (1983 - 1984)
Minority Employment Committee

Co-Chair (1985 - 1986)
Member (1986 - 1988)
Nominating Committee (1984, 1990, 1993, 1997)
Pacific Rim Committee (1996 - 1998)
Ron George Dinner Committee Chair (2005 - 2006)
Senior Lawyers Committee
Chair (2006 - 2007)
State Courts Committee (1991 - 1995)
Telephone Law and Motion Advisory Committee
Vice-Chair (1983 - 1987)
Trial Jurist Award Committee (1993)

LOS ANGELES COUNTY BAR ASSOCIATION BARRISTERS

President (1984 - 1985)
President-Elect (1983 - 1984)
Secretary/Treasurer (1982 - 1983)
Executive Committee (1981 - 1985)
Settlement Officer Program Committee
Chair (1979 - 1981)
Member (1981 - 1982)
Public and Professional Education Committee
Member (1979 - 1981, 1982 - 1983)
Chair (1981 - 1982)

BEVERLY HILLS BAR ASSOCIATION (1976 - Present)

Board of Governors (1982 - 1984; 1988 - 1992)
Committee on the Judiciary
Chair (1992 - 1994)
Litigation Committee
Assistant Chair (1980 - 1981, 1987 - 1988)
Chair (1981 - 1983)
Law and Motion Judges Dinner
Chair (1984 - 1985)
Long Range Planning Committee (1988 - 1989)
Nominating Committee (1989)
Program Chair (1985 - 1986)
Resolutions Committee (1981 - 1993)
Vice-Chair (1987 - 1989)
Chair (1989 - 1990)

Chaired 1990 Delegation to State Bar Convention

ASSOCIATION OF BUSINESS TRIAL LAWYERS (1980 - Present)

Membership Chair (1983 - 1984)
Board of Governors (1985 - 1987)
Nominating Committee (1987)

BREAKFAST CLUB (1984 - Present)

CALIFORNIA ACCESS TO JUSTICE COMMISSION

Member (2009 - Present)

CHANCERY CLUB (1996 - Present)

Treasurer (2009 - 2010)

Secretary (2010 - 2011)

Vice-President (2011 - 2012)

President (2012 - 2013)

JUDICIAL COUNCIL OF CALIFORNIA

Member (2002 - 2005)

Steering Committee of SCA 3 Joint Subcommittee of Presiding
Judges and Court Administrators Standing Advisory
Committees (1993)

Trial Court Coordination Advisory Committee (1998 - 2000)

LOS ANGELES SUPERIOR COURT

AB 3820 Committee (1995 - 2001)

Ad Hoc Committee On Receiverships (1993 - 1995)

Ad Hoc Committee to Redraft Trial Delay Reduction Rules,
Civil Trials Manual, and Law and Discovery Policy Manual
(1993)

Bench and Bar Committee (1993 - 1998; 2002 - 2005)

Bench and Bar Council (1981 - 1982)

Bench/Bar Coalition (1995 - 1998)

Delegate - 1981 - 1997 California State Bar Conventions

Delegate - 1982 - 1987 American Bar Association Young Lawyers
Division Assemblies

Phi Alpha Delta Law Fraternity (1976 - 1990)

NINTH CIRCUIT COURT OF APPEAL

Lawyer Representative to Ninth Circuit Judicial Conference (2002
- 2005)

LAW SCHOOL ACTIVITIES

Associate Editor of Loyola Law Review (1975 - 1976)

Staff Member of Loyola Law Review (1974 - 1975)

Student Extern for Justice Clark E. Stephens of the California

Court of Appeal (1976)
Member of St. Thomas More Law Honor Society

SELECT PUBLICATIONS

Contributing Editor: Rutter California Practice Guide: Civil Procedure Before Trial

Contributing Editor: Attachment Chapter of Matthew Bender California Forms of Pleading and Practice

Co-author of "Casenote: United Housing Foundation, Inc. v. Forman," at 9 Loyola Law Review (L.A.) 206 (1975); "Wellenkamp v. Bank of America: Boon or Bane to the Consumer?," at No. 81-9 Los Angeles Daily Journal Report 3 (June 19, 1981); and "Creative Financing Revisited -- Waiting for the Other Shoe," at No. 82-6 Los Angeles Daily Journal Report 18 (March 19, 1982). Contributing editor of Matthew Bender California Practice Handbook Provisional Remedies. Author of numerous local bar association articles.

SELECT PRESENTATIONS

Lecturer and author of program materials re Litigation Developments at Beverly Hills Bar Association's Second and Third Annual Update of the Law Programs (1981 and 1982)
Lecturer and author of program materials for CEB "Recent Developments in Civil Procedure" Programs - 1984
Lecturer for CEB "Recent Developments in Civil Procedure" Programs - 1985 and 1986
Lecturer for numerous American Bar Association, State Bar, Los Angeles County Bar Association, Beverly Hills Bar Association, California Receivers Forum, and Association of Business Trial Lawyers Programs
Lecturer for The Rutter Group's 1988 Discovery and 1991 Summary Judgment Programs

OTHER ACTIVITIES AND INTERESTS

California Receivers Forum (Founding Co-Chair & Los Angeles/Orange County Chapter Board Member)
Chair, Los Angeles City Council Citizen's Committee on Smoking

(November 1983 - January 1984)
Bet Tzedek Legal Services
 President (2003 - 2004)
 Board of Directors (1996 - Present)
Jewish Federation Council of Greater Los Angeles
 Community Service Committee (1981 - 1982)
 Advanced Leadership Training (1984 - 1986)
 Camp JCA Board of Directors (1985)
 Group Services Subcommittee (1987 - 1988)
 Community Pillar Steering Committee (2008 - 2009)
Lawyers Alliance For World Security (1984 - 2001)
Law Center To Prevent Gun Violence (formerly Legal Community
 Against Violence)
 Steering Committee and Board of Directors (1995 - Present)
Los Angeles Pro Bono Council
 Judicial Coordination Committee Co-Chair (2005 - 2008)
Optimist Club of Pacific Palisades (1982 - 1985)
 Program Chair (1982 - 1983)
Stephen S. Wise Temple
 Board Member (2007 - 2012)
UCLA Alumni Association Governmental Relations Program
 (1983 - Present)
UCLA Order of the Blue Shield (2009 - Present)

AWARDS

Loyola Law School Board of Governors Award (2002)
Los Angeles County Bar Association Matthew S. Rae, Jr.
 Outstanding Section Leader Award (2007)