

AGENDA ITEM

November 10 - Board of Trustees – October 12, 2013 Minutes

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF TRUSTEES MEETING

SAN JOSE, CALIFORNIA

SATURDAY, OCTOBER 12, 2013

The Board of Trustees of The State Bar of California convened in open session at 9:45 am at the Fairmont San Jose, Crystal Room, 170 South Market Street, San Jose, CA 95113, on Saturday, October 12, 2013, Patrick M. Kelly presiding.

The following members of the Board of Trustees were present: Alec Y. Chang, Michael G. Colantuono, Nancy Fineman, Karen Goodman, Craig Holden, Loren Kieve, Dennis Mangers, Pearl Mann, Gwen Moore, Gretchen Nelson, David Pasternak, Luis J. Rodriguez, Mark Shem, Christopher Todd and David Torres.

The following members of staff were present: Starr Babcock, Resty Buenavidez, Dina DiLoreto, Joseph Dunn Mary Lavery Flynn, Dina Goldman, Francisco Gomez, Teri Greenman, Robert A. Hawley, Jayne Kim, Laurie Meloch, Gayle Murphy, Sonja Oehler, Cathy Torney, Peggy Van Horn, Colin Wong and Ginnie Yee.

Also present: Jennifer Wada, the Bar's legislative advocate and Esperanza Ross.

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.

- 30 President Kelly thanked all for a stellar year and said that he would remember everyone as the most wonderful group of people that he had ever worked with.
- 41/42 Mr. Dunn reported that as of September 30, 2013, there were 2,599 Client Security Fund Cases resolved and 262 cases currently in process. Mr. Dunn explained that "In Process" includes cases where a Notice of Intention to Pay has been issued or a Tentative Decision was calendared for Client Security Fund Commission review.
- Mr. Dunn advised that as of September 30, 2013 the amount of CSF Claims paid was \$8,430,213 with \$2,226,023 in process with a total payout amount of \$10,656,236.

Mr. Dunn introduced Esperanza Ross who reported on the status of the Civics Learning and Engagement initiative, which is a statewide judicial branch leadership group appointed by the Chief Justice to promote civics literacy in California's schools. The committee includes representatives of all three levels of the California courts, the State Bar and local bar associations, as well as local and state education organizations that are also actively supporting the effort.

Ms. Ross described several 2012-13 legislative initiatives related to civic education: AB 137 (Buchanan) - Instructional Quality Commission required to receive input from civics learning experts when history-social science frameworks are revised (signed by the governor on September 6, 2013); SB 696 (Block) - Project-based assessment (rather than paper-to-pencil) to measure civics learning objectives for grades 1-12 (2-Year Bill); and SB 619 (Yee) - Civil Service Employees Civics Orientation (2-Year Bill).

Ms. Ross described The California Task Force on K-12 Civic Learning, that was created by the Chief Justice of California and State Superintendent of Public Instruction and is charged with exploring and elevating the status of civic learning and engagement in California's curriculum, instructional practices, professional development for teachers, student testing, accountability systems, existing infrastructure, and partnerships with the community and business. Ms. Ross noted that the Task Forces would conduct state meetings, six regional meetings and issue a Final Report in July 2014.

Ms. Ross spoke about "Civitas" a legislative proposal to improve Civics Learning and Engagement in Grades 9-12; preparing students to become more responsible Californians; piloting new college, career, and civic life (C3) Frameworks in the History-Social Science Standards; Piloting project-based assessments for consideration and an Annual Performance Index. The project would be piloted in 10 school districts, including charter schools. It would be an opt-in, non-mandatory for a period of three years; and as a condition of receiving funding, participants required to integrate C3 Framework and Assessment.

Ms. Ross described an Adult Civic Education budget initiative that would be funded pursuant to Education Code section 84830, that provides for two-year planning and implementation grants to regional consortia of community college districts and school districts for the purpose of developing regional plans to better serve the educational needs of adults -- basic understanding of the federal, state and local government and civic learning and engagement.

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

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, that upon the recommendation of the Board Committee on Operations, and subject to SB 345 becoming law and effective January 1, 2014, the Board hereby sets the annual membership fee for active members in 2014 at \$420 and the annual membership fee for inactive members at \$145; and it is

FURTHER RESOLVED, that the total Keller deduction for the 2014 annual membership fee be set at \$10, which includes \$5 for legislative activities under Business and Professions Code section 6140.05 and \$5 for activities in the Bar Relations and Elimination of Bias programs; and it is

FURTHER RESOLVED, that for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$30 deduction from the annual membership fee be provided to each member who elects not to have this amount allocated to support nonprofit organizations that provide free legal services to persons of limited means; and it is

FURTHER RESOLVED, that the penalties imposed on delinquent 2014 annual membership fees be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED that the penalties on delinquent 2013 annual membership fees for all members, other than new admittees, billed on or after December 19, 2012 be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED, that said penalties in the preceding paragraphs be assessed on February 4, 2014; and it is

FURTHER RESOLVED, that the reinstatement penalties for members to terminate suspension for nonpayment of accrued fees, penalties, and/or costs be set at \$100; and it is

FURTHER RESOLVED, that the membership fees for new members admitted in 2014 be set as follows: fees of \$420 for those admitted between January 1 and May 31, 2014 and \$210 for those admitted between June 1 and November 30, 2014; and it is

FURTHER RESOLVED, that late payment penalties for new members admitted in 2014 be assessed and set on the 46th day from the invoice date as follows: \$100 for those admitted between January 1 and May 31, 2014, and \$50 for those admitted between June 1 and November 30, 2014; and it is

FURTHER RESOLVED, that the MCLE noncompliance fee be set at \$75 and the reinstatement fee to terminate MCLE inactive enrollment be set at \$200 for 2014; and it is

FURTHER RESOLVED, that the interest on assessed costs for reimbursement to the Client Security Fund be set at 10% annually calculated from the date of disbursement as set forth by the Board, pursuant to Business and Professions Code §6140.5(c); and it is

FURTHER RESOLVED, that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20% of the amount ordered refunded to the client or \$1,000 whichever is greater.

RESOLVED, that upon the recommendation of the Committee on Operations, the Board of Trustees hereby approves the proposal for new rule of court 9.4 as set forth herein as Attachment 1, and directs staff to transmit the proposal to the Supreme Court of California for consideration and final action; and it is

FURTHER RESOLVED, that the transmittal to the Supreme Court state that the Board encourages the Supreme Court's consideration of the option to include the words "civility" or "professionalism," as suggested by the public comment, but that the Board does not endorse or oppose these changes.

All members present and recorded on the roll-call slip voted yes.

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

RESOLVED, following publication for comment and having considered the comments received, and upon the recommendation of the Board Committee on Operations, the Board of Trustees adopt the proposed modifications to the Standards for Attorney Sanctions for Professional Misconduct in the form attached hereto as Attachment A, effective January 1, 2014.

All members present and recorded on the roll-call slip voted yes.

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

RESOLVED, following publication for comment and consideration of the comments received, and upon recommendation of the Board Committee on Operations, that the Board of Trustees hereby approves the proposed revisions to the Rules of the State Bar, Title 2, Div. 4, in the form attached as Attachment A, effective July 1, 2014; and it is

FURTHER RESOLVED, following publication for comment and consideration of the comments received, and upon recommendation of the Board Committee on Operations, that the Board of Trustees hereby approves the proposed revisions to the Rules of the State Bar, Title 3, Div. 5, in the form attached as Attachment B, effective July 1, 2014; and it is

FURTHER RESOLVED, that upon recommendation of the Board Committee on Operations the Board of Trustees hereby refers the proposed changes to Rule of Court 9.31 to staff for further analysis and development of a proposal for consideration by the Member Oversight Committee and the Board of Trustees at a future meeting.

All members present and recorded on the roll-call slip voted yes

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

RESOLVED, that following a period of public comment and consideration of the public comment received, and upon the recommendation of the Board Committee on Operations, the board hereby adopts the Task Force Phase I proposals for a competency training requirement; and it is

FURTHER RESOLVED, that the Board hereby directs that the public comment received be forwarded to the Implementation Committee, when it is appointed, to be fully vetted during the implementation phase.

All members present and recorded on the roll-call slip voted yes.

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

RESOLVED, that the Board hereby approves the creation of a special committee to devise an implementation plan for the Phase I final proposals of the Task Force on Admissions Regulation Reform; and it is

FURTHER RESOLVED, that the Implementation Committee shall be chaired by Jon Streeter, Chair, Task Force on Admissions Regulation Reform; and it is

FURTHER RESOLVED, that President Rodriguez may appoint the Implementation Committee members at the time of receiving a recommended list of appointees from Chairman Streeter.

All members present and recorded on the roll-call slip voted yes.

The Board adjourned its meeting at 10:15 am.

The Board may meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or, if no such meeting be called, at the State Bar offices, 180 Howard Street, San Francisco, CA 94105, on Friday, November 15, 2013, at a time to be determined.