

AGENDA ITEM

November 10 - Board of Trustees – October 13, 2013 Minutes

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF TRUSTEES MEETING

SAN JOSE, CALIFORNIA

SUNDAY, OCTOBER 13, 2013

The Board of Trustees of The State Bar of California convened in open session at 8:01 am at the Fairmont San Jose, Crystal Room, 170 South Market Street, San Jose, CA 95113, on Sunday, October 13, 2013, Luis J. Rodriguez presiding.

The following members of the Board of Trustees were present: Michael Colantuono, Glenda Corcoran, Dan Dean, Nancy Fineman, Hernán D. Vera, Craig Holden, Miriam A. Krinsky, Dennis Mangers, Pearl Mann, Joanne Mendoza, Gwen Moore, David Pasternak, 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.

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 Mr. Rodriguez welcomed the new Board of Trustees and spoke about his leadership style, explaining how he values team members' opinions and wants to share and provide leadership opportunities.

Mr. Rodriguez recalled that when he was in law school he had been impressed with "The Best and the Brightest," an account by journalist David Halberstam of the Kennedy White House. Mr. Rodriguez noted that the title came from a line in an article that Halberstam had written about the Kennedy Administration. The phrase referred to President John F. Kennedy's "whiz kids"—leaders of industry and academia brought into the Kennedy administration. Mr. Rodriguez said that the coming year would prove that this Board was unquestionably made up of the best and brightest.

30 1 - 3 All items under the President's Report are ratified by the President's announcement which is notice to the Board. The following items on the agenda were deemed unanimously ratified.

30-1 RESOLVED, that the Board hereby affirms the attached Board Committee Assignments for the 2013-2014 Board year.

30-2 RESOLVED, that the Board hereby affirms the attached Board Liaison Assignments for the 2013-2014 Board year.

30-3 RESOLVED, that the Board affirms that all regularly scheduled meetings of the Board be held as listed on the attached meeting schedule.

41/42 Mr. Dunn, Executive Director, called on Vice-President Craig Holden to give a report on the status of the planning for the Board Planning Retreat. Mr. Holden advised that January Planning Retreat would take place on Friday and Saturday January 10-11 in Newport Beach at The Newport Beach Marriott. He said that staff and he were planning a productive session and that he would very much like the Trustees' input. Mr. Holden asked that suggestions for topics be submitted to him prior to the November 14, 2013, Board meeting.

Mr. Dunn introduced Mr. Steve Mazer who reported on the status of the 845 Figueroa construction. Mr. Mazer reported that interior construction was in process and that installation of furniture and equipment would occur in December with the actual "move in" set for late December 2013 / January 2014.

Mr. Dunn introduced Mr. Hawley who informed the Board that negotiations with the union were ongoing and he hoped to have a contract before the Board at their November meeting. Mr. Hawley advised that the current contract expires December 31, 2013.

Mr. Dunn noted that the governor had signed SB 345 (Evans), the annual "fee bill," which also included language that would increase funding for legal services and allow the State Bar to take part in the California Franchise Tax Board's Intercept Program for outstanding fines and fees due to the State Bar. Mr. Dunn explained that the recovered amounts would go to legal services, though the amounts were less certain due to the nature of the Intercept Program.

Mr. Dunn reported that AB 1159 (Gonzalez), which helps protect the undocumented community from unscrupulous professionals providing immigration reform services, was also signed. Mr. Dunn thanked Mary Flynn, Jennifer Wada, Larry Yee and President Rodriguez for their assistance in this very difficult process.

Mr. Dunn advised that AB 888 (Dickinson), which proposed to give the State Bar greater ability to pressure individuals engaged in the unauthorized practice of law, had been vetoed by the governor. However, Mr. Dunn noted, AB 1024 (Gonzalez), which allows applicants, who are not lawfully present in the United States to be admitted as an attorney, was signed by the governor.

Mr. Dunn stated that the State Bar would follow up on unauthorized practice of law legislation and on any issues raised by the passage of AB 1159. He also noted that there might be a return version of AB 296, which was an attempt to make it easier for attorneys, who are also military spouses, to be able to practice in California shortly after being transferred here.

Mr. Dunn also advised the Trustees that the State Bar would reserve spot bills to ensure that suitable vehicles for any needed legislation would be available at a later date.

Mr. Dunn advised the Board that the Task Force on Sections would be on hiatus during the 2013-14 Board year, but that there would be quarterly communications between the Sections and President Rodriguez.

Mr. Dunn advised the Board that the Planning, Program Development Budget Subcommittee would be succeeded by a "Budget Working Group," comprised of staff and Trustees Michael Colantuono and Heather Rosing.

Mr. Dunn informed the board that the Bar's external relations initiative was ongoing and that the State Bar was in communication with the foreign ministries in Mexico and Central America who had asked that AB 1159 communications regarding immigration services originate in the home countries.

Mr. Rodriguez 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, except 50 – 1 which was removed from the consent agenda and acted on separately.

50 - 1 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that authority heretofore granted to persons to sign transfer orders and checks upon the various State Bar accounts and to have access to the State Bar safe deposit box is hereby revoked; and it is

FURTHER RESOLVED that each bank in which the State Bar maintains an account or safe deposit box shall be furnished a copy of this resolution and be notified that the names of the members of the Board, the Executive Director, Deputy Executive Director, Chief Financial Officer, and Finance Managers, who are now so authorized to sign withdrawal orders, transfer orders and checks and authorize transfer of funds from one State Bar account to another State Bar account are as follows:

Joseph Dunn	Executive Director/Secretary
Robert A. Hawley	Deputy Executive Director
Peggy Van Horn	Chief Financial Officer
Christine Wong	Director of Finance/Controller
Ray Farrish	Finance Manager

Signatures required for various transactions are:
For checks drawn on a commercial account:

(A) Any single check of \$75,000.00 or more requires the manual signatures of any two of the positions listed above.

(B) Any single check less than \$75,000.00 may be processed through a check signing machine utilizing a signature plate engraved with the name of the Executive Director.

Authority is hereby granted to any two of the above persons to open cash accounts for the State Bar of California at securities brokerage firms and to place orders in such accounts to purchase and sell securities.

Authority is hereby granted to any two of the above persons to open cash accounts for the State Bar of California at securities brokerage firms and to place orders in such accounts to purchase and sell securities.

Transfer of funds from one State Bar account to another State Bar account, whether requested by telephone, internet, fax, orally or in writing requires the signature of any of the persons listed above.

In addition, for checks drawn on the Los Angeles commercial account:

(A) Any single check less than \$3,000.00 requires the signature of one of the following:

Steven Mazer	Director of Operations
Gilda Munoz	Director of Human Resources
Greg Shin	Director of Operations and Management, Admissions

(B) Any single check of \$3,000.00 or over requires the signature of any two of the above listed persons.

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

The following items on the consent agenda were deemed unanimously adopted.

50 - 2 RESOLVED, pursuant to Government Code, section 1062, that each member of the Board of Trustees is granted permission to leave the State of California at any time during the incumbency of the present Board and is authorized to remain absent from the state for a period longer than 60 days.

50 - 3 RESOLVED, that the Board hereby expresses its appreciation and thanks to the Office of Education for its diligent and devoted work in connection with the 2013 State Bar Annual Meeting in San Jose and its contribution in making this convention a highly successful one.

RESOLVED, that the Board hereby expresses its appreciation and thanks to CEB for cosponsoring the State Bar Luncheon on Thursday, October 10 and its contribution in making the 2013 State Bar Annual Meeting a highly successful convention.

RESOLVED, that the Board hereby expresses its appreciation and thanks to the State Bar's Business Law Section for cosponsoring the State Bar Breakfast on Friday, October 11 and its contribution in making the 2013 State Bar Annual Meeting a highly successful convention.

RESOLVED, that the Board hereby expresses its appreciation and thanks to the State Bar Sections and CYLA, CalBar Connect, St. Francis Vineyards, California Bar Foundation, and Thomson Reuters businesses, and Marsh U.S. Consumers for their gracious assistance in connection with the 2013 State Bar Annual Meeting and their contributions in making this convention a highly successful one.

50 - 4

RESOLVED, that the Board hereby receives with thanks and orders filed the Canvassing Board Certificates dated July 11, 2013, for the 2013 State Bar Board of Trustees election; and it is

FURTHER RESOLVED, that the following are declared elected as members of the Board of Trustees of The State Bar of California:

Daniel Dean	District 1
Joanna Mendoza	District 3

and it is

FURTHER RESOLVED, that the President is authorized at the 2013 State Bar Annual Meeting to report the receipt and filing of the certified count and to officially declare the results of the election.

50 - 5

WHEREAS, Patrick M. Kelly, President, and Alec Y. Chang, Karen M. Goodman, Loren Kieve, Dennis Mangers, Gwen Moore, Gretchen M. Nelson, members of the Board of Trustees, have served this Board and The State Bar of California with devotion and distinction; and

WHEREAS, it is appropriate that the minutes of this meeting officially record the warm gratitude and respect, both personal and professional, of their fellow Board members;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby expresses to Patrick M. Kelly, President, and Alec Y. Chang, Karen M. Goodman, Loren Kieve, Dennis Mangers, Gwen Moore, Gretchen M. Nelson, members of the Board of Trustees, its sincere appreciation for their admirable accomplishments and selfless efforts expended on behalf of the State Bar, and also expresses to them the high esteem and personal affection of their fellow members of the Board.

110 - 180 The Chairs and Vice-Chairs of the board committees were introduced by President Rodriguez and each spoke briefly about their committee.

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

RESOLVED, that the Board hereby approves the creation of a Board committee to provide oversight of UPL enforcement by the State Bar; and it is

FURTHER RESOLVED, that President Rodriguez present proposed committee appointments for the new committee to the Board of Trustees at their November 15, 2013 board meeting

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

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees hereby approves the creation of a special committee to study the Standards; and it is

FURTHER RESOLVED, that President Rodriguez present proposed committee appointments for the new committee to the Board of Trustees at its November 15, 2013 meeting.

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

The Board adjourned its meeting at 9:25 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.