

AGENDA ITEM

54-131 MAY 9 2014

DATE: April 22, 2014

TO: Members, Member Oversight Committee
Members, Board of Trustees

FROM: Member Liaisons
David Torres
Joanna Mendoza
Michael Colantuono

SUBJECT: Members' Requests for Adjustments to Fees and Penalties

EXECUTIVE SUMMARY

Members may request that adjustments be made to their membership fees and penalties. Title Two, Rule 2.16 (H) of the Rules of the State Bar states that the Board reserves the right for good cause grant requests for waivers that were denied by staff and to consider all other requests for waivers. This item consolidates several member requests for which the Board's Membership Liaisons have determined that good cause exists to recommend fee adjustments.

Board members with questions or concerns may contact Dina DiLoreto, 415/538-2121 or dina.diloreto@calbar.ca.gov

BACKGROUND

Rule 2.16 of Title Two of the Rules of the State Bar of California provides for waiver of annual membership fees and penalties. Rule 2.16 (C) specifies three circumstances where staff may grant a member's request for waiver of up to \$1,000 in annual membership fees and penalties for the year in which they are due. These circumstances are that 1) the member serves full-time as a magistrate, commissioner, or referee for a state or federal court of record, 2) the member is a retired judge who accepts assignments from the Chief Justice in the assigned judges' program of the Administrative Office of the Courts, or 3) the member's total gross annual household income from all sources is \$20,000 or less, in which case the waiver is 50% of the annual membership fees.

Rule 2.16 (H) provides that the Board of Trustees reserves the right for good cause 1) to grant requests for waivers denied by staff and 2) to consider requests that fall outside of staff's authorization for granting a waiver of fees and penalties. Traditionally, Board members who are appointed as Membership Liaisons have reviewed the waiver requests that come under Rule 2.16 (H) and have made recommendations to MOC and the Board of Trustees where the Liaisons determined that good cause exists to make fee adjustments.

In assessing what constitutes good cause for purposes of determining whether or not the Board of Trustees should grant a fee waiver, the member's justifications for a fee waiver should be weighed against the public policy reasons for imposing annual membership fees. The primary public policy reason for imposing State Bar membership fees is to provide funding for an effective attorney regulatory system that protects the public and eases the burdens on the courts. The system is funded **solely** through the imposition and collection of annual fees. For this reason, membership fee waivers should not be granted as a matter of course, but rather should be limited to extraordinary compelling, exigent situations where the member did not contribute to the cause of the failure to pay full fees.

ISSUE

Do the Board Committee on Member Oversight (MOC) and the Board of Trustees agree with the recommendations of the Membership Liaisons that good cause exists to grant the requests for fee adjustments for the State Bar member(s) listed below? MOC and the Board of Trustees may deny or agree **in whole** or **in part** with any of the recommendations.

DISCUSSION

The following member(s) have requested adjustments to their annual State Bar membership fees. Staff has reviewed these requests and established that they do not meet the qualifications for staff waivers (See Rule 2.16 (C)), or that the amounts are greater than \$1,000. The requests that are less than \$1,000 have been reviewed and denied by staff, and the member(s) have appealed to the Member Liaisons. The Liaisons have determined that good cause exists to recommend the adjustments.

Veronica B. Aragon (#282668) Admitted June, 2012. Current status is Active. Member has a balance of \$520. Member requests late fee scaling and a waiver of the late payment penalty for a total waiver of \$195. Member's request is based on financial hardship . Member has not received a waiver in the past. Member has submitted a letter of explanation and a financial declaration.

Linda Candler (#181805) Admitted March 18, 1996. Current status is Active. Member has a balance of \$100. Member requests a waiver of the \$100 late payment penalty. Member's request is based on circumstances beyond her control. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Andrew Cross (#267844) Admitted December 7, 2009. Current status is Active. Member has a balance of \$520. Member requests a waiver of the 2014 license fees and late payment penalty in the amount of \$520. Member's request is based on financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation and a financial declaration.

Danyel Driscoll (#220344) Admitted July 3, 2002. Current Status is Inactive. Member has no outstanding balance. Member requests a waiver of the \$100 late payment penalty. Member's request is based on medical and financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Daniel Goodstein (#97579) Admitted May 29, 1981. Current status is Active. Member has a current balance of \$520. Member requests a waiver of his 2014 licensing fees and late payment penalty in the amount of \$520. Member's request is based on financial hardship. Member has received a waiver for the past 6 years. Member has submitted a letter of explanation and a financial declaration.

Benjamin Eisenberg (#281013) Admitted December 6, 2011. Current status is Active. Member has a current balance of \$520. Member requests a waiver of the \$100 late payment penalty. Member's request is based on circumstances beyond his control. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Ruth Holloway-Garcia (#148526) Admitted December 4, 1990. Current status is Active. Member has no outstanding balance. Member requests late fee scaling and a waiver of the late payment penalty for a waiver in the amount of \$195. Member's request is based on financial and medical hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Melissa Harnett (#164309) Admitted June 2, 1993. Current status is Inactive. Member has a current balance of \$175. Member requests a waiver of her 2014 license fees and late payment penalty in the amount of \$175. Member's request is based on financial and medical hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation, a financial declaration and supporting documentation.

Jill Henderson (#166400) Admitted December 3, 1996. Current status is Active. Member has a current balance of \$40. Member requests a waiver of the \$100 late payment penalty. Member's request is based on work load and her payment history. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Matthew Hocker (#188546) Admitted June 9, 1997. Current status is Active. Member has a current balance of \$100. Member requests a waiver of the \$100 late payment penalty. Member's request is based on circumstances beyond his control. Member has not received a waiver in the past. Member has submitted a letter of explanation and supporting documentation.

Louis Jack (#141387) Admitted July 7, 1989. Current status is Active. Member has a current balance of \$100. Member requests a waiver of the \$100 late payment penalty. Member's request is based on medical hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation and supporting documentation.

Judith Jecmen (#141387) Admitted December 18, 1974. Current status is Active. Member has a current balance of \$375. Member requests the Inactive license fee for 2014 and a waiver of the late payment penalty, for a total waiver of \$375. Member's request is based on medical and financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Deirdre Kraft (#179539) Admitted December 6, 1995. Current status is Inactive. Member has a current balance of \$175. Member requests a waiver of the 2014 license fees and late payment penalty in the amount of \$175. Member's request is based on medical and financial hardship. Member has received 1 waiver in the past 6 years. Member has submitted a letter of explanation and a financial declaration.

Scott Linden (#190920) Admitted December 2, 1997. Current status is Active. Member has a current balance of \$520. Member requests a waiver of the 2014 license fees and late payment penalty in the amount of \$520. Member's request is based on medical and financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Matthew Maniscalco (#180094) Admitted December 8, 1995. Current status is Active. Member has a current balance of \$520. Member requests the Inactive license rate for 2014 and waiver of the late payment penalty, for a total waiver of \$375. Member's request is based on his assertion that he attempted to pay his fees online but was unable to due to his foreign address. Member has not received a waiver in the past. Member has submitted a letter of explanation. Staff has submitted documentation showing member's activity on My State Bar Profile.

Eric O'Connor (#223244) Admitted December 11, 2002. Current status is Inactive. Member has a current balance of \$520. Member requests the Inactive license rate for 2014 and a waiver of the late payment penalty for a total waiver of \$375. Member's request is based on him being only 1 day late before he contacted the Bar. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Glen Patterson (#87562) Admitted October 22, 1979. Current status is Inactive. Member has a current balance of \$175. Member requests a waiver of 2014 license fee and late payment penalty in the amount of \$175. Member's request is based on medical and financial hardship. Member has had 6 waivers in the past 6 years. Member has submitted a letter of explanation and supporting documentation.

Patrick Pearce (#135618) Admitted October 5, 1988. Current status is Not Eligible. Member has a current balance of \$3,435. Member requests a waiver of his current balance. Member's request is based on financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation and a financial declaration.

Kristina Pravica (#231932) Admitted August 7, 2004. Current status is Active. Member has a current balance of \$240. Member requests a waiver her 2014 license fees and late payment penalty in the amount of \$520. Member's request is based on medical and financial hardship. Member has received 5 waivers in the past 6 years. Member has submitted a letter of explanation, a financial declaration and supporting documentation.

Oscar Rosenbloom (#69334) Admitted June 24, 1976. Current status is Active. Member has a current balance of \$195. Member requests late fee scaling and a waiver of the late payment penalty for a total waiver of \$195. Member's request is based on family hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Vince Winters (#136944) Admitted December 7, 1988. Current status is Active. Member has a current balance of \$520. Member requests a waiver of the late payment penalty in the amount of \$100. Member's request is based on circumstances beyond his control. Member has not received a waiver in the past. Member has submitted a letter of explanation.

Debra Benci-Woodward (#192607) Admitted December 10, 1997. Current status is Active. Member has a current balance of \$195. Member requests late fee scaling and a waiver of the late payment penalty for a total waiver of \$195. Member's request is based on financial hardship. Member has not received a waiver in the past. Member has submitted a letter of explanation and a financial declaration.

FISCAL / PERSONNEL IMPACT

This is the first Membership Liaisons recommendation submitted for membership year 2014. This item contains 22 recommendations for a total financial impact of \$5,600. If the recommended adjustments below are approved, the year to date fiscal impact will be \$7,165.

RULE AMENDMENTS

There are no rule amendments

BOARD BOOK IMPACT

There is no impact on the Board Book

RECOMMENDATION

The Membership Liaisons believe there is good cause to grant the following fee adjustments as discussed above.

Veronica B. Aragon (#282668) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Linda Candler (#181805) State Bar waives member's late payment penalties in the amount of \$100

Andrew Cross (#267844) State Bar waives member's 2014 licensing fees and late payment penalties in the amount of \$520

Danyel Driscoll (#220344) State Bar waives member's late payment penalty in the amount of \$100

Daniel Goodstein (#97579) State Bar waives member's 2014 licensing fees and late payment penalty in the amount of \$520

Benjamin Eisenberg (#281013) State Bar waives member's late payment penalty in the amount of \$100

Ruth Holloway-Garcia (#148526) State Bar waives member's late payment penalty in the amount of \$100

Melissa Harnett (#164309) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Jill Henderson (#166400) State Bar waives member's late payment penalty in the amount of \$100

Matthew Hocker (#188546) State Bar waives member's late payment penalty in the amount of \$100

Louis Jack (#141387) State Bar waives member's late payment penalty in the amount of \$100

Judith Jecmen (#141387) State Bar allows member to pay the Inactive rate for 2014 for a waiver in the amount of \$375

Deirdre Kraft (#179539) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Scott Linden (#190920) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Matthew Maniscalco (#180094) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$375

Eric O'Connor (#223244) State Bar waives 50% of member's 2014 license fees and late payment penalty in the amount of \$260

Glen Patterson (#87562) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Patrick Pearce (#135618) State Bar waives member's outstanding late fees and reinstatement penalty in the amount of \$600

Kristina Pravica (#231932) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Oscar Rosenbloom (#69334) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Vince Winters (#136944) State Bar waives member's late payment penalty in the amount of \$100

Debra Benci-Woodward (#192607) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Member Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Member Oversight Committee recommends that the Board approve the fee adjustments for the following State Bar member(s) as noted below:

Veronica B. Aragon (#282668) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Linda Candler (#181805) State Bar waives member's late payment penalties in the amount of \$100

Andrew Cross (#267844) State Bar waives member's 2014 licensing fees and late payment penalties in the amount of \$520

Danyel Driscoll (#220344) State Bar waives member's late payment penalty in the amount of \$100

Daniel Goodstein (#97579) State Bar waives member's 2014 licensing fees and late payment penalty in the amount of \$520

Benjamin Eisenberg (#281013) State Bar waives member's late payment penalty in the amount of \$100

Ruth Holloway-Garcia (#148526) State Bar waives member's late payment penalty in the amount of \$100

Melissa Harnett (#164309) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Jill Henderson (#166400) State Bar waives member's late payment penalty in the amount of \$100

Matthew Hocker (#188546) State Bar waives member's late payment penalty in the amount of \$100

Louis Jack (#141387) State Bar waives member's late payment penalty in the amount of \$100

Judith Jecmen (#141387) State Bar allows member to pay the Inactive rate for 2014 for a waiver in the amount of \$375

Deirdre Kraft (#179539) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Scott Linden (#190920) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Matthew Maniscalco (#180094) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$375

Eric O'Connor (#223244) State Bar waives 50% of member's 2014 license fees and late payment penalty in the amount of \$260

Glen Patterson (#87562) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Patrick Pearce (#135618) State Bar waives member's outstanding late fees and reinstatement penalty in the amount of \$600

Kristina Pravica (#231932) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Oscar Rosenbloom (#69334) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Vince Winters (#136944) State Bar waives member's late payment penalty in the amount of \$100

Debra Benci-Woodward (#192607) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

PROPOSED BOARD OF TRUSTEES RESOLUTION

Should the Board concur with the Member Oversight Committee's recommendation, the following resolutions would be in order:

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:

Veronica B. Aragon (#282668) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Linda Candler (#181805) State Bar waives member's late payment penalties in the amount of \$100

Andrew Cross (#267844) State Bar waives member's 2014 licensing fees and late payment penalties in the amount of \$520

Danyel Driscoll (#220344) State Bar waives member's late payment penalty in the amount of \$100

Daniel Goodstein (#97579) State Bar waives member's 2014 licensing fees and late payment penalty in the amount of \$520

Benjamin Eisenberg (#281013) State Bar waives member's late payment penalty in the amount of \$100

Ruth Holloway-Garcia (#148526) State Bar waives member's late payment penalty in the amount of \$100

Melissa Harnett (#164309) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Jill Henderson (#166400) State Bar waives member's late payment penalty in the amount of \$100

Matthew Hocker (#188546) State Bar waives member's late payment penalty in the amount of \$100

Louis Jack (#141387) State Bar waives member's late payment penalty in the amount of \$100

Judith Jecmen (#141387) State Bar allows member to pay the Inactive rate for 2014 for a waiver in the amount of \$375

Deirdre Kraft (#179539) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Scott Linden (#190920) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Matthew Maniscalco (#180094) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$375

Eric O'Connor (#223244) State Bar waives 50% of member's 2014 license fees and late payment penalty in the amount of \$260

Glen Patterson (#87562) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$175

Patrick Pearce (#135618) State Bar waives member's outstanding late fees and reinstatement penalty in the amount of \$600

Kristina Pravica (#231932) State Bar waives member's 2014 license fees and late payment penalty in the amount of \$520

Oscar Rosenbloom (#69334) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195

Vince Winters (#136944) State Bar waives member's late payment penalty in the amount of \$100

Debra Benci-Woodward (#192607) State Bar allows member to pay the scaled license fee for 2014 and waives the late payment penalty for a total waiver of \$195