

# AGENDA ITEM

54-142 MAY 2015

**DATE:** April 14, 2015

**TO:** Members, Planning and Budget Committee  
Members, Board of Trustees

**FROM:** Membership Liaisons:  
Joanna Mendoza  
Terrance Flanigan  
Danette E. Meyers

**SUBJECT:** Member Requests for Adjustment to Fees and Penalties

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## 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 to 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](mailto:dina.diloreto@calbar.ca.gov)

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## 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 the board committee 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 and exigent situations where the member did not contribute to the cause of the failure to pay full fees.

## DISCUSSION

The following members 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 Membership Liaisons. The Liaisons have determined that good cause exists to recommend adjustments.

**Gregory Moffett Evans (#231574)** Admitted June 8, 2004. Current status is Inactive. Member has a balance of \$530. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on medical and financial hardship. Member has received 1 waiver in the past 7 years. Member has submitted a statement, financial declaration and supporting documentation.

**Anthony Theodore Giattina (#86929)** Admitted June 7, 1979. Current status is Active. Member has a balance of \$530. Member requests the Inactive license rate for 2015, which would result in his fees being waived because he is over 70, and a waiver of the late payment penalty, for a total waiver of \$530. Member's request is based on his unintentional late filing of the Transfer to Inactive form. Member has not received a waiver in the past 7 years. Member has submitted a statement.

**Julie Anna Glascott (#228845)** Admitted December 7, 2003. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2015 late payment penalty in the amount of \$100. Member's request is based on her good faith attempt to pay her dues online before the deadline. Member has not received a waiver in the past 7 years. Member has submitted a statement. State Bar staff has included a print out that shows member's activity on My State Bar Profile.

**William James Hardy (#49497)** Admitted June 29, 1971. Current status is Active. Member has a balance of \$605. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on financial hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement and financial declaration.

**Jack William Hornbeck (#39162)** Admitted December 23, 1966. Current status is Inactive. Member has a balance of \$530. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on the fact that he is not practicing law, and he received no legal fees in 2014. Member has not received a waiver in the past. Member has submitted a statement.

**Hyrum Kamaka Hunt (#222110)** Admitted December 2, 2002. Current status is Active. Member has a balance of \$530. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on financial and medical hardship. Member has received 1 waiver in the past 7 years. Member has submitted a statement, financial declaration, and supporting documentation.

**Serge Daniel Kohan (#229605)** Admitted December 26, 2003. Current status is Inactive. Member has a balance of \$185. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$185. Member's request is based on medical and financial hardship. Member has received 6 waivers in the past 7 years. Member has submitted a statement and financial declaration.

**Michael James Palmer (#42520)** Admitted January 9, 1969. Current status is Not Eligible to Practice for failure to pay Bar fees. Member has a balance of \$620. Member requests a waiver of his 2014 outstanding fees in the amount of \$620. Member's request is based on medical hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement and supporting documentation.

**Glen Robert Patterson (#87562)** Admitted October 22, 1979. Current status is Inactive. Member has a balance of \$185. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$185. Member's request is based on medical and financial hardship. Member has received 6 waivers in the past 7 years. Member has submitted a statement, financial declaration, and supporting documentation.

**Tracy Lynn Piasecki (#230634)** Admitted June 2, 2004. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2015 license fees in the amount of \$530. Member's request is based on medical and financial hardship. Member has received 5 waivers in the past 7 years. Member has submitted a statement, financial declaration and supporting documentation.

**Barry Gerald Rekoon (#144439)** Admitted December 11, 1989. Current status is Inactive. Member has a balance of \$0.00. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$185, which would result in a refund of the portion he already paid in the amount of \$117.50. Member's request is based on financial and medical hardship. Member has received 1 waiver in the past 7 years. Member has submitted a statement and financial declaration.

**Catherine S. Talbot (#145491)** Admitted December 11, 1989. Current status is Active. Member has a balance of \$530. Member requests late fee scaling and a waiver of her late payment penalty for a total waiver of \$195. Member's request is based on medical hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement and supporting documentation.

**June Elaine Teecher (#22119)** Admitted January 4, 1951. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on financial hardship. Member has received 5 waivers in the past 7 years. Member has submitted a statement and financial declaration.

**Lawrence Thomas Ullmann (#85691)** Admitted May 31, 1979. Current status is Active. Member has a balance of \$100. Member requests a waiver of his 2015 late payment penalty in the amount of \$100. Member's request is based on medical hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement and supporting documentation.

**Michael Erwin Waldorf (#41167)** Admitted December 21, 1967. Current status is Inactive. Member has a balance of \$530. Member requests a waiver of his 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on medical and financial hardship. Member has received 1 waiver in the past 7 years. Member has submitted a statement and financial declaration.

## **FISCAL / PERSONNEL IMPACT**

This item contains 15 recommendations for a total financial impact of \$5,610. If the recommended adjustments in Attachment 1 are approved, the year to date fiscal impact will be \$7,310.

## **RULE AMENDMENTS**

There are no rule amendments

## **BOARD BOOK IMPACT**

There is no impact on the Board Book

## **BOARD COMMITTEE RECOMMENDATION**

The Planning and Budget Committee recommends that the Board of Trustees approve the following resolution:

**RESOLVED**, that the Board of Trustees approve the fee adjustments for the State Bar members as presented this day before the Board, and on file in the San Francisco office of the State Bar.

## **ATTACHMENT(S) LIST**

1: Membership Liaisons' Proposed Fee Adjustments