

AGENDA ITEM

54-142 JULY 2015

DATE: July 17, 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 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 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

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.

Falamak Abromson (#234662) Admitted December 2, 2004. Current status is Active. Member has a balance of \$530. Member requests late fee scaling and a waiver of his 2015 late payment penalty, for a total waiver in the amount of \$195. Member's request is based on his good faith attempt to pay his fees timely, online. Member has not received a waiver in the past 7 years. Member has submitted a statement and supporting documentation.

Lawrence E. Alioto (#38931) Admitted December 23, 1966. 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 not received a waiver in the past 7 years. Member has submitted a statement, a financial declaration, and supporting documentation.

Joe Scott Balzer (#225012) Admitted June 3, 2003. Current status is Active. Member has a balance of \$195. Member requests late fee scaling and a waiver of the 2015 late payment penalty, for a total waiver in the amount of \$195. Member's request is based on financial hardship. Member has received 3 waivers in the past 7 years. Member has submitted a statement and financial declaration.

Robert Ulrey Bokelman (#53187) Admitted December 13, 1972. Current status is Active. Member has a balance of \$530. Member requests the Inactive license rate for 2015 and a waiver of his 2015 late payment penalty, for a total waiver in the amount of \$530. Member's request is based on family hardship. Member has not received a fee waiver in the past 7 years. Member has submitted a statement and supporting documentation.

Kurt Stephan Bollin (#134578) Admitted June 14, 1988. Current status is Active. Member has a balance of \$530. Member requests late fee scaling and a waiver of his 2015 late payment penalty for a total waiver in the amount of \$195. Member's request is based on his good faith attempt to pay his fees online, timely. Member has not received

a waiver in the past 7 years. Member has submitted a statement and financial declaration.

Rita Maria Canales (#181778) Admitted March 9, 1996. 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 has received 6 waivers in the past 7 years. Member's request is based on medical and financial hardship. Member has submitted a letter of explanation and supporting documentation.

Ben D. Cooper (#97494) Admitted May 29, 1981. Current status is Inactive. Member has a balance of \$222.50. Member requests a waiver of his current balance in the amount of \$222.50. Member's request is based on his good faith attempt to transfer his status and pay his fees in a timely manner. Member has received 2 fee waivers in the past 8 years. Member has submitted a statement.

Courtland Wayne Creekmore (#182018) Admitted June 1, 1996. 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 hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement and a financial declaration.

Henri Martin Engle (#301351) Admitted December 12, 2014. Current status is Active. Member has a balance of \$195. Member requests late fee scaling and a waiver of his late payment penalty or alternatively a waiver of the late fee only in the amount of either \$195 or \$100 respectively. Member's request is based on his good faith attempt to pay the scaled license fees timely. Member has not received a waiver in the past year. Member has submitted a statement and financial declaration.

Steven A. Erisch (#258993) Admitted December 2, 2008. Current status is Active. Member has a balance of \$530. Member's original request, which was heard on our last conference call, was deemed insufficient and a request for more information was made. Member complied with that request. 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 not received a waiver in the past 7 years. Member has submitted a statement and a completed financial declaration, which was missing from previous request.

Chandra Huff Fredrick (#237310) Admitted June 15, 2005. 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 not received a waiver in the past 7 years. Member has submitted a statement and financial declaration.

Jena Jajo (#289771) Admitted June 3, 2013. Current status is Inactive. Member has a balance of \$435. Member requests a waiver of her 2015 license fees and late payment penalty in the amount of \$530. Member's request is based on medical and financial hardship. Member has not received a waiver in the past 2 years. Member has submitted a statement and financial declaration.

Steven Larry Kimmel (#82085) Admitted November 29, 1978. 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 hardship. Member has received 5 waivers in the past 7 years. Member has submitted a statement and financial declaration.

Ellin Vicki Palmer (#123485) Admitted June 10, 1986. Current status is Active. Member has a balance of \$530. Member requests late fee scaling and a waiver of her 2015 late payment penalty for a total waiver in the amount 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.

John Francis Peterson (#169452) Admitted December 1, 1993. Current status is Inactive. Member has a balance of \$375. Member requests a waiver of his current outstanding balance in the amount of \$375. Member's request is based on medical hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement, financial declaration, and supporting documentation.

Portia Fariza Petty (#224939) Admitted June 3, 2003. Current status is Active. Member has a balance of \$195. Member requests late fee scaling and a waiver of her 2015 late payment penalty for a total waiver in the amount 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.

Timothy Peter Prince (#151245) Admitted December 11, 1990. Current status is Active. Member has no outstanding balance. Member requests a waiver of his 2015 late payment penalty in the amount of \$100. Member's request is based on his good faith attempt to pay his fees timely. Member has not received a waiver in the past. Member has submitted a statement. Staff has included a copy of the envelope his payment arrived in, with the postmark date showing.

Ronald G. Ress (#58113) Admitted December 20, 1973. 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 his good faith attempt to pay his fees in a timely manner. Member has not received a fee waiver in the past. Member has submitted a statement and supporting documentation.

Linda Ross (#98226) Admitted May 29, 1981. Current status is Active. Member has no outstanding balance. Member requests late fee scaling and a waiver her 2015 late payment penalty for a total waiver in the amount of \$195. Member's request is based on her good faith attempt to pay her bar dues online, timely. Member has not received a waiver in the past 7 years. Member has submitted a statement and supporting documentation.

Sandra Masako Springer (#280527) Admitted December 5, 2011. Current status is Active. Member has no outstanding balance. Member requests late fee scaling and a waiver of the 2015 late payment penalty for a total waiver in the amount of \$195. Member's request is based on medical and financial hardship. Member has not received a waiver in the past. Member has submitted a statement, financial declaration, and supporting documentation.

Carl Theodore Voss (#164587) Admitted June 15, 1993. Current status is Active. Member has no outstanding balance. 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.

Maxine Leone Weksler (#124991) Admitted December 11, 1986. Current status is Active. Member does not have an outstanding balance. Member requests a waiver her 2015 late payment penalty in the amount of \$100. Member's request is based on her good faith attempt to pay her fees timely and financial hardship. Member has not received a waiver in the past 7 years. Member has submitted a statement.

FISCAL / PERSONNEL IMPACT

This item contains 22 recommendations for a total financial impact of \$5,237.50. If the recommended adjustments in Attachment 1 are approved, the year to date fiscal impact will be \$12,547.50.

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