

AGENDA ITEM

NOVEMBER 10 - Board of Trustees – September 21, 2015 Minutes

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF TRUSTEES MEETING SAN FRANCISCO, CA

MONDAY, SEPTEMBER 21, 2015

The Board of Trustees of The State Bar of California convened in open session at 10:28 am at The State Bar of California, 180 Howard Street, Board Room, 4th Floor, San Francisco, CA, Craig Holden presiding.

The following members of the Board of Trustees were present: Janet Brewer, Michael Colantuono, Glenda Corcoran, Terrance Flanigan, James Fox, Miriam Krinsky, Renee LaBran, Dennis Mangers, Joanna Mendoza, Danette Meyers, Gwen Moore, David Pasternak and David Torres

The following members of staff were present: Dina DiLoreto, Dina Goldman, Francisco Gomez, Kelli Evans, Teri Greenman, Robert Hawley, Steve Mazer, Elizabeth Parker, Leah Wilson, Pam Wilson, Ginnie Yee and Larry Yee.

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.

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

Glenda Corcoran entered the meeting at 10:30 am. Terrance Flanigan entered the meeting at 10:40 am. Gwen Moore entered the meeting at 11:04 am.

Mr. Holden called for public comment, inquiring as to whether there were persons in attendance who wished to comment on a particular item on the agenda.

Mark Ressa, Co-Chair of the Council of State Bar Sections addressed the Board of Trustees to request the he be considered for appointment to the District 1 board seat vacated by Dan Dean.

- 30-1 Approval of Amendments to 2015-2016 Calendar was deferred to the October 11, 2015, board organizational meeting. Trustees were asked to let staff know whether they could attend the 2016 Planning meeting if it was rescheduled to coincide with the Conference of Chief Justices (CCJ) in Monterey. The tentative dates were January 31 through February 2, 2016. Mr. Holden advised that President-elect Pasternak would inquire with the Chief Justice regarding opportunities for Trustees to meet in Monterey with the Chief Justices.

- 30-2 President Holden presented a resolution honoring Robert A. Hawley for his years of service to the State Bar of California which was adopted by unanimous vote of the Board of Trustees of the State Bar of California.

Robert A. Hawley, Board of Trustees of the State Bar of California, Resolution

WHEREAS, The members of the Board of Trustees of the State Bar of California express our heartfelt thanks to Robert A. Hawley for his decades of dedication to the State Bar and his impressive accomplishments in legal education, attorney ethics, attorney regulation, labor-management relations and human resources; and

WHEREAS, Robert A. Hawley has helped build and lead the nation's largest State Bar in many capacities over the last three decades, working at the State Bar as a law clerk and in its discipline, general counsel and human resources offices, and serving as the deputy executive director, senior executive for labor and employment, deputy trial counsel, chief assistant general counsel, acting secretary to the Board of Trustees and acting executive director; and

WHEREAS, Robert A. Hawley has assisted a multitude of California attorneys through his oversight of the State Bar's Office of Professional Competence, and through his work with the Committee on Professional Responsibility and Conduct as its chair and special advisor; and

WHEREAS, Robert A. Hawley has helped educate attorneys and law students for more than two decades by teaching continuing education courses in legal ethics and seminars and classes in professional responsibility; and

WHEREAS, Robert A. Hawley has for years modeled the highest standards of integrity and honesty in carrying out his duties at the State Bar, and has provided the Board of Trustees and senior staff with sage counsel on a wide array of important and challenging issues; and

WHEREAS, The members of the State Bar Board of Trustees express lasting approbation for Robert A. Hawley's assiduous efforts and tireless work ethic, as well as his unique and wicked sense of humor; and now, therefore, be it

RESOLVED, That the members of the State Bar Board of Trustees hereby memorialize our most profound appreciation of Robert A. Hawley for his unparalleled work to improve the legal profession and the regulation of attorneys and to further the State Bar's mission of public protection.

- 50 All items on the consent agenda were presented to the Board, and no objection being raised thereto, the following item on the consent agenda was deemed unanimously adopted.
- 50-1 RESOLVED, that the Board of Trustees approve the proposed amendments to the committee application form as well as the associated amendments to the Board Book that appear in this item.

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

RESOLVED that the Board of Trustees address the District 1 Board of Trustees vacancy by:

1. Engaging in open recruitment to solicit candidates;
2. Appointing an advisory committee to process and to vet candidates; and
3. Taking action at its October 2015 meeting.

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

702 The exceptions to CalPERS 180 day wait period to contract with Retirees Robert Hawley and Denise Teraoka were moved together.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees adopts the resolution set forth in Attachments B for Robert Hawley and Denise Teraoka; and it is

FURTHER RESOLVED, that the Board of Trustees waives Section 6 (Policy Restricting Former Members of the Board of Trustees and the Senior Managers Designated by the Executive Director from Doing Business with the State Bar); Article 3 (Contracts); Tab 17 (Control Policies & Procedures), as applied to Robert A. Hawley for good cause, as discussed this date; and it is

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

703 Grant to Fund Legal Services Programs in Rural Areas – **WITHDRAWN**

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

RESOLVED, that the Board of Trustees appoints Executive Director Elizabeth Parker to serve as Secretary and Executive Director replacing Acting Secretary Robert A. Hawley, effective with this action.

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

Items 705 – 716 were discussion items and no action was taken.

The Board adjourned its open session and President Holden announced at 1:38 pm that the board was going into closed session pursuant to Business and Professions Code § 6026.5(a), for consultation with counsel concerning pending or prospective litigation.

The following members of the Board of Trustees were present for closed session: Janet Brewer, Michael Colantuono, Glenda Corcoran, Terrance Flanigan, James Fox, Miriam Krinsky, Renee LaBran, Dennis Mangers, Joanna Mendoza, Danette Meyers, Gwen Moore, David Pasternak and David Torres

The following staff was present: Dina Goldman, Teri Greenman, Robert Hawley, Jayne Kim, Elizabeth Parker, Leah Wilson, Ginnie Yee and Larry Yee.

The Board of Trustees closed session was adjourned and the Trustees went into executive closed session at 3:02 pm and all others present left the room.

The Board returned to open session and adjourned their meeting at 4:26 PM.

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, Board Room, 4th Floor, San Francisco, California, November 20, 2015, at a time to be determined.