

AGENDA ITEM

NOVEMBER 10 - Board of Trustees – October 10, 2015 Open Minutes

THE STATE BAR OF CALIFORNIA

OPEN MINUTES

BOARD OF TRUSTEES MEETING

ANAHEIM, CALIFORNIA

October 10, 2015

The Board of Trustees of The State Bar of California convened in open session at 8:00 am, at the Anaheim Marriott, Elite Ballroom, 700 West Convention Way, Anaheim, CA, on Saturday, October 10, 2015, Craig Holden presiding.

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

The following members of staff were present: Dina DiLoreto, Dina Goldman, Teri Greenman, Vanessa Holton, Pat Lee and Elizabeth Parker.

Also present: The Honorable Marguerite Downing, Chair, Mentoring Task Force

The roll-call vote was taken, and upon motion made, seconded and unanimously adopted, it was

All members listed on the slip voted yes, except Ms. Krinsky who had left the meeting.

30 President Holden expressed gratitude to Pam Wilson, State Bar Senior Director of the Office of Education, for a successful Annual Meeting.

President Holden presented legislative proclamations to outgoing Trustees David Pasternak and David Torres.

President Holden thanked the Board of Trustees and State Bar staff for their support and efforts on his behalf during his term on the Board and his presidency

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. Qian Bjornbak and Jeffrey P. Lustman provided comment.

Ms. Bjornbak spoke about the need for a cultural difference program (for MCLE credit) to instruct attorneys on how to address cultural differences in the global work environment. Ms. Bjornbak noted that this could be modeled on an ABA International Law Section program entitled Managing Cross-Cultural Fires Between Asian Culture and Western Culture.

Jeffrey P. Lustman addressed the board about the discipline system and provided written materials as part of the public comment moment.

42 Elizabeth Parker gave a brief overview of her first weeks as Executive Director. Ms. Parker stated that she had been making efforts to orient herself with the diverse components of the State Bar.

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 and set, subject to SB 387 becoming law and effective January 1, 2016, the annual membership fee for active members in 2016 at \$430 and the annual membership fee for inactive members at \$155; and it is

FURTHER RESOLVED, that the total Keller deduction for the 2016 annual membership fee be set at \$10, which includes \$5 for legislative activities under Business and Professions Code section 6140.05 and \$5 for activities in the Bar Relations and Elimination of Bias programs; and it is

FURTHER RESOLVED, that for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$40 deduction from the annual membership fee be provided to each member who elects not to have this amount allocated to support nonprofit organizations that provide free legal services to persons of limited means; and it is

FURTHER RESOLVED, that the penalties imposed on delinquent 2016 annual membership fees be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED that the penalties on delinquent 2015 annual membership fees for all members, other than new admittees, billed on or after December 20, 2014 be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED, that said penalties in the preceding paragraphs be assessed on February 2, 2016; and it is

FURTHER RESOLVED, that the reinstatement penalties for members to terminate suspension for nonpayment of accrued fees, penalties, and/or costs be set at \$100; and it is

FURTHER RESOLVED, that the membership fees for new members admitted in 2016 be set as follows: fees of \$430 for those admitted between January 1 and May 31, 2016 and \$215 for those admitted between June 1 and November 30, 2016; and it is

FURTHER RESOLVED, that late payment penalties for new members admitted in 2016 be assessed and set on the 46th day from the invoice date as follows: \$100 for those admitted between January 1 and May 31, 2016, and \$50 for those admitted between June 1 and November 30, 2016; and it is

FURTHER RESOLVED, that the MCLE noncompliance fee be set at \$75 and the reinstatement fee to terminate MCLE inactive enrollment be set at \$200 for 2016; and it is

FURTHER RESOLVED, that the interest on assessed costs for reimbursement to the Client Security Fund be set at 10% annually calculated from the date of disbursement as set forth by the Board, pursuant to Business and Professions Code §6140.5(c); and it is

FURTHER RESOLVED, that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20% of the amount ordered refunded to the client or \$1,000 whichever is greater.

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

RESOLVED, that pursuant to California Rule of Court 9.31 and the Rules of the State Bar, that the Board of Trustees hereby authorizes that those members of MCLE Compliance Group 2 who were audited and who do not bring themselves into compliance with their MCLE Audit requirements by October 30, 2015, be enrolled as inactive members of the State Bar of California and placed on "Not Eligible to Practice" status, effective October 31, 2015; and it is

FURTHER RESOLVED, that the Board of Trustees hereby authorizes staff to remove a member from administrative inactive status once the member has provided proof of compliance and paid all noncompliance fees.

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

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

The Board of Trustees adopted the Mentoring Task Force report and requested that The Honorable Marguerite Downing, Chair, work on implementation of the task force recommendations with incoming State Bar President David Pasternak and the 2015-2016 Board of Trustees.

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

703 Ms. Parker stated that because Senate Bill 387 requires that the State Bar contract with the California State Auditor for a financial audit, including an audit of the Bar's financial statement, internal controls, and relevant management practices, and to develop and implement a workplace plan for its discipline system and conduct a public sector compensation and benefits study, staff needs to look at resource allocations generally and specifically those associated with implementing the Task Force on Admissions Regulation Reform recommendations. Staff will conduct its analysis and come back to the board with recommendations.

TABLED - Commission for the Revision of the Rules of Professional Conduct of the State Bar of California – New Appointment

The Board adjourned its meeting at 8:45 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, The State Bar of California, 845 S. Figueroa St., 2nd Floor, Board Room, Los Angeles, CA 90017, on Friday, March 11, 2016, at a time to be determined.