

# AGENDA ITEM

**MARCH 10 - Board of Trustees – December 21, 2015 Open Minutes**

**THE STATE BAR OF CALIFORNIA**

**OPEN MINUTES**

**BOARD OF TRUSTEES MEETING**

**LOS ANGELES, CALIFORNIA**

**DECEMBER 21, 2015**

The Board of Trustees of The State Bar of California convened in open session at 10:35 am at the State Bar of California, 845 S. Figueroa Street, Board Room, 2<sup>nd</sup> Floor, Los Angeles, California, and via conference call, Monday, December 21, 2015, David Pasternak presiding.

The following members of the Board of Trustees were present: Janet Brewer, Michael Colantuono (phone), Glenda Corcoran (phone), Terrance Flanigan, James Fox (absent for roll call), Miriam Krinsky, Renée LaBran, Jason Lee, Dennis Mangers, Joanna Mendoza, Danette Meyers, Gwen Moore (absent for roll call), Brandon Stallings (phone), Todd Stevens and Hernán Vera.

The following members of staff were present: Dina Goldman, Francisco Gomez, Teri Greenman, Vanessa Holton, Elizabeth Parker and Leah Wilson.

Also present: Erin Joyce, Lita Abella and Arthur L. Margolis.

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 listed on the slip voted yes.

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

Erin Joyce (SEIU Attorney Unit Bargaining Team Member and Vice President, Los Angeles) and Lita Abella (SEIU Chapter President, Los Angeles) presented comments on the nomination of Chief Trial Counsel Jayne Kim.

Ms. Joyce and Ms. Abella noted that the Union had met with Legislators and board members to discuss their concerns about the re-appointment of Ms. Kim to a second term as Chief Trial Counsel. The Union did not believe that public protection had been a priority for Ms. Kim. They noted the negative public relations surrounding her nomination and requested that the board delay voting on the re-appointment until all questions had been answered.

Los Angeles attorney Arthur L. Margolis, member, Association of Discipline Defense Counsel and former Senior Trial Counsel for the State Bar, echoed the Union's concerns and requested that the board delay voting on Ms. Kim's reappointment.

The Board thanked Ms. Joyce, Ms. Abella and Mr. Margolis for their comments.

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Mr. Pasternak announced that under his appointment authority as President, he had appointed public member Tobi Inlender to the Rules Revision Commission. The original public member appointment, Mayor Aja Brown, was deemed to resign. Mr. Pasternak had conferred with Justice Edmon who believed that Ms. Inlender was amply qualified and would be a welcomed addition to the Commission.

Ms. Inlender served as Executive Director of the Center for Civic Mediation, providing mediation and conflict resolution and education services to communities and schools throughout Los Angeles County.

Prior to joining the Center for Civic Mediation, she was UCLA's Assistant Vice Chancellor for External Affairs and Executive Director of The UCLA Foundation. She directed strategic planning, policy development, human resources and oversight of the department responsible for the university's multi-dimensional relations with a wide range of external constituencies.

Ms. Inlender is a graduate of UCLA with a B.A. in political science. She holds an M.A. from the Hebrew Union College (HUC) Zelikow School of Jewish Nonprofit Management, where she received the Mariana Pfaelzer Award for Outstanding Academic Achievement.

Mr. Pasternak advised that he recently spoke at the Riverside Admissions Ceremony in collaboration with the Riverside County Bar Association. He noted that Approximately fifty new admittees were in attendance. Mr. Pasternak was extremely impressed with the ceremony wherein applicants were individually recognized along with their family members. Mr. Pasternak commended the Riverside County Bar Association for its ceremony.

Mr. Pasternak welcomed new District 1 Board of Trustees member Terry Wiley. Mr. Wiley was appointed to fill the District 1 vacancy at the November 20, 2015 Board of Trustees meeting.

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Ms. Parker announced that New York had recently passed an experiential training requirement for bar applicants. The new measures are outlined in a report to Chief Justice Lippman and the Court of Appeals issued by the Task Force on Experiential Learning and Admission to the Bar.

Referring to the Board's November 2014 adoption of the State Bar's Task Force on Admissions Regulation Reform proposed pre-admission competency training requirements, Ms. Parker concurred with Mr. Pasternak stating that that it was more important for California to get it right, rather than be the first to pass such requirements.

Ms. Parker said she has been working with staff to decide how best to implement the proposals. She noted that a delay in implementation was needed in order to undertake an in-depth cost analysis. Ms. Parker said she would report back to the board with further recommendations, possibly at the March Board meeting.

701 Item was withdrawn.

702 Ms. Parker announced her nomination of Jayne Kim for a second term (2016-2020) as Chief Trial Counsel.

Ms. Parker stated that she had carefully reviewed complaints raised by employees that included allegations of inadequate staffing levels for the Office of Chief Trial Counsel; an undue focus on less complex cases; quantity versus quality; the unsuccessful development of a new case management system; and an overly controlling management approach that had eliminated attorney discretionary decision making.

Ms. Parker also acknowledged that small firm and solo practitioners had expressed concerns that they had been more harshly treated due to Ms. Kim's efforts to standardize results.

However, Ms. Parker also noted that Ms. Kim had been responsible for several efforts to reform the Office of Chief Trial Counsel including improved backlog management, the establishment of an appeals unit and expanded training procedures. Ms. Parker stated that she believed that a change in leadership would be disruptive to the reform and public protection efforts made by Ms. Kim over the last several years.

Ms. Parker concluded by saying that she would address employee concerns about management style and staffing levels.

The Board went into closed session at 11:30 am and considered the following closed session items:

7001 Dunn v. State Bar Case No. BC563715 (L.A. Super. Ct., filed Nov. 13, 2014)\*  
\*Closed pursuant to Business and Professions Code § 6026.5(a).

7002 Re Open Item #702 Nomination of Chief Trial Counsel\*  
\*Closed pursuant to Business and Professions Code § 6026.5(d).

7003 Sander, et al v. State Bar, et al  
\*Closed pursuant to Business and Professions Code § 6026.5(a).

Mr. Fox joined the meeting at 12:22 pm

Mr. Vera left the meeting at 1:31 pm

Ms. LaBran left the meeting at 2:15 pm

The Board returned to open session at 2:38 pm

Upon motion made, seconded and unanimously adopted:

The Executive Director nominates Jayne Kim to a second term as Chief Trial Counsel.  
The Board appoints Jayne Kim to a second term as Chief Trial Counsel.

All members present and recorded on the roll-call slip voted yes with the exception of Joanna Mendoza who voted no.

The Board adjourned its meeting at 3:17 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, 845 S. Figueroa Street, Board Room, 2nd Floor, Los Angeles, CA 90017, on Friday, March 11, 2016, at a time to be determined.