

# AGENDA ITEM

**NOVEMBER 10**

[Minutes of the Board of Trustees Special Meeting for the Election of the 2015-2016 State Bar Officers - July 24, 2015]

## **THE STATE BAR OF CALIFORNIA**

### **MINUTES**

#### **BOARD OF TRUSTEES SPECIAL MEETING**

#### **FOR THE ELECTION OF THE 2015-16 STATE BAR OFFICERS**

#### **LOS ANGELES**

**FRIDAY, JULY 24, 2015**

The Board of Trustees of the State Bar of California convened in a Special Meeting for the Election of the 2015-16 Officers of The State Bar of California, pursuant to section 6021 of the Business and Professions Code, at the call of the President and upon written notice thereof, in the State Bar Board Room, 845 S. Figueroa Street, Los Angeles, CA, at 8:01 am., on Friday, July 24, 2015, Craig Holden presiding.

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

The following members of staff were present: Dina Goldman, Teri Greenman, Robert Hawley, Ginnie Yee and Larry Yee.

*Also present was Bridget Fogarty Gramme, Assistant Administrative Director, Center for Public Interest Law.*

The roll-call vote was taken and the President announced the special meeting for the election of the Officers of The State Bar of California for the 2015-16 year.

Mr. Holden explained the format of the election: The President election would be first, followed by the Vice President election and then the Treasurer election.

He stated that the candidates for President would be permitted a five minute opening statement, followed by a question and answer session conduct by the President. Candidates would be permitted a 3-minute closing statement. The order of opening and closing statements would be by lot. The same order would be followed for the question and answer session with the candidates taking turns on answering the question first. The candidate going first would have two minutes to respond. The other candidate would be given one minute to respond to the same question. The order would be reversed for the closing statements.

Mr. Holden explained that the candidates for Vice President and Treasurer would be given the option to choose either a three minute opening or closing statement. A question and answer

session would follow the opening statement. If no candidate elects an opening statement, lots would be drawn to determine the order of answering questions, with the candidates taking turns on answering the question first. The candidate going first would have two minutes to respond. The other candidate would be given one minute to respond to the same question. After the question and answer session, any candidate who did not make an opening statement, would make a closing statement.

Mr. Holden announced the candidates for the 2015-16 State Bar Board of Trustees officers: President, David Pasternak and Heather Rosing; Vice-President, Michael Colantuono and James Fox; and Treasurer, Joanna Mendoza and Danette Meyers.

Following the question and answer session for each election, written ballots coded for attribution were distributed.

*Ms. Fogarty Gramme objected to the written ballots for voting. Mr. Holden stated that there would be an opportunity for her to speak following the balloting.*

Votes were cast, and the ballots collected by the Secretary and Bar staff. The Secretary and staff proceeded to a private room to tally the ballots after each officer election.

After conferring with the Secretary and staff, Mr. Holden announced the results for each officer position. President, David Pasternak; Vice-President, James Fox; and Treasurer, Danette Meyers.

Mr. Holden announced that the votes cast would be available upon request and thanked all of the candidates for their participation.

The special meeting for the election of officers is adjourned at 9:45 am.

*At the commencement of the July 24, 2015 regular meeting of the Board of Trustees, Ms. Fogarty Gramme provided the following public comment:*

*"I understand this is the first contested election for the Board of Trustees President office since the Board amended its open meeting rules to prohibit officer elections by secret ballot in 2013. Rule 6.54(b). As CPIL commented during the formal rulemaking process in November 2012, and again in April 2013, the use of a secret ballot is not consistent with the Bagley-Keene Open Meeting Act, with which the Board is required to comply pursuant to Business and Professions Code § 6026.7. Bagley-Keene requires that state agencies' actions be taken openly, and deliberation must be conducted openly pursuant to Government Code section 11120. This includes officer elections.*

*The Board's use of a written ballot today violates this provision of Bagley-Keene. In CPIL's formal comments in 2013, we cited an Attorney General's opinion confirming this point. I urge you to consider this testimony today and to cast your votes in public as required by Bagley-Keene."*

*As was reflected in the minutes for the July 24, 2015 regular meeting of the Board of Trustees, Mr. Holden responded that the votes for the election of the 2015-2016 officers are available for public view and to please see Ginnie Yee, Office of the Secretary.*