

AGENDA ITEM

54-141 MAY 2016

DATE: May 6, 2016

TO: Members, Planning and Budget Committee
Members, Board of Trustees

FROM: Membership Liaisons
Danette Meyers
Terrance Flanigan
Brandon Stallings

SUBJECT: Member Request 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 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.

Richard Alan Clegg (#211213) Admitted December 7, 2000. Current status is Not Eligible, Resignation Pending. Request is made on behalf of member by his sister, Karen Jarussi. Member requests a waiver of his 2016 license fees. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member's sister and colleague/friend have submitted letters of explanation and supporting medical documentation.

Angela Jean Clifford (#253778) Admitted December 7, 2007. Current status is Active. Member requests a waiver of her 2016 late payment penalty. Request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Peter James Coniglio (#27261) Admitted December 19, 1956. Current status is Active. Member has a balance of \$605. Member requests the Inactive license rate for 2016. Member's request is based on the fact that he is retired, has closed his law practice and did not receive his fee statement until March 27, 2016. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Lovely Aminder Dhillon (#165914) Admitted September 23, 1993. Current status is Inactive. Member has a balance of \$530. Member requests the Inactive license rate for 2016. Member's request is based on the fact that she does not practice law in California and on her mistaken belief that the due date was February 15, 2016. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Steven A. Erich (#258993) Admitted December 2, 2008. Current status is Active. Member has a balance of \$530. Member requests a waiver of his 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member has received 2 Board waivers and 1 staff waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Frederick S. Fields (#36354) Admitted January 12, 1965. Current status is Active. Member has a balance of \$100. Member requests a waiver of his 2016 late payment penalty. Member's request is based on his claim that his firm never gave him his fee statement. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Robert Fink (#76394) Admitted December 21, 1977. Current status is Active. Member has a balance of \$605. Member requests the Inactive license rate for 2016. Member's request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Andrew Lee Gradman (#277237) Admitted June 14, 2011. Current status is Active. Member has a balance of \$100. Member requests a waiver of his \$100 late payment penalty. Member's request is based on his mistaken belief that he met the income requirements for fee scaling. Once he discovered his error he notified the State Bar and sent in the \$95 difference. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Amy Weissbrod Gurvey (#87419) Admitted September 20, 1979. Current status is Inactive. Member has a balance of \$185. Member requests a waiver of her 2016 license fees and late payment penalty. Request is based on medical hardship. Member has received 1 Board waiver and 4 staff waivers in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Denise Mayo Harle (#275561) Admitted March 1, 2011. Current status is Inactive. Member has a balance of \$375. Member requests the Inactive license rate for 2016 and a waiver of her late payment penalty. Member's request is based on her claim that she mailed her Transfer to Inactive form and payment of the Inactive license fee on time. Member has not received a Board waiver in the past 5 years. Member has submitted a letter of explanation.

Matthew Edward Hocker (#188546) Admitted June 9, 1997. Current status is Inactive. Member has a balance of \$375. Member requests the Inactive license rate for 2016. Member's request is based on his claim that his Transfer to Inactive form and payment were late due to a procedural change at the Post Office. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

Jeremiah Joseph House (#240570) Admitted December 5, 2005. Current status is Active. Member requests a waiver of his 2016 license fees. Member's request is based on financial and medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Kristen R. Ingebretsen (#233219) Admitted December 1, 2004. Current status is Active. Member has a balance of \$240. Member requests a waiver of her 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member

has received 1 Board waiver in the past 8 years. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Serge Daniel Kohan (#229605) Admitted December 26, 2003. Current status is Inactive Member has a balance of \$185. Request is made by member's wife on behalf of member. Member requests a waiver of his 2016 license fees and late payment penalty. Member's request is based on financial and medical hardship. Member has received 4 Board waivers in the past 8 years. Member has submitted a letter of explanation and financial declaration.

Jaye Lyn Ryan-Maas (#195039) Admitted May 28, 1998. Current status is Presumed Deceased. Request is made on behalf of member's family by her ex-husband who has been appointed Special Administrator of the Law Practice. Special Administrator requests a waiver and refund of member's 2016 license fees. Request is based on member's death in January of 2016. Member has not received a Board waiver in the past 8 years. Special Administrator has submitted a letter of explanation and supporting documentation.

Bruce Ogden Mann (#92822) Admitted May 30, 1980. Current status is Active. Member has a balance of \$245. Member requests late fee scaling and a waiver of his late payment penalty. Request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Mari Elaine Metcalf (#240922) Admitted December 7, 2005. Current status is Active Member has a balance of \$195. Member requests late fee scaling and a waiver of her late payment penalty. Request is based on member's claim that her fee scaling declaration and payment were late because she had to attend a funeral. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Regena Ruth Rosati (#239096) Admitted December 9, 2005. Current status is Active. Member has a balance of \$530. Member requests a waiver of her 2016 late payment penalty. Request is based on family emergency. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Ilana Lisa Spector (#211713) Admitted December 7, 2000. Current status is Active. Member has a balance of \$530. Member requests the Inactive license rate and a waiver of her late payment penalty for 2016. Request is based on member's claim that she was pre-occupied with the death of her father. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation and supporting documentation.

Jeff Thom (#83071) Admitted November 29, 1978. Current status is Inactive. Member requests a waiver of his 2016 late payment penalty. Request is based on medical hardship. Member has not received a Board waiver in the past 8 years. Member has submitted a letter of explanation.

FISCAL/PERSONNEL IMPACT

This item contains 20 recommendations for a total financial impact of \$5,460. If the recommended adjustments in Attachment A are approved, the year to date fiscal impact will be \$10,210.

RULE AMENDMENTS

There are no rule amendments

BOARD BOOK IMPACT

There is no impact on the Board Book

BOARD COMMITTEE RECOMMENDATIONS

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

- A.** Member Liaisons' Proposed Fee Adjustments