

AGENDA ITEM

MARCH 10 – BOARD OF TRUSTEES – DECEMBER 12, 2016 OPEN MINUTES

THE STATE BAR OF CALIFORNIA

OPEN MINUTES BOARD OF TRUSTEES MEETING SAN FRANCISCO, CALIFORNIA DECEMBER 12, 2016

The Board of Trustees of The State Bar of California convened in Open Session at 10:57 am at The State Bar of California, 180 Howard Street, Board Room, 4th Floor, San Francisco, California, Monday, December 12, 2016, James Fox Presiding.

The Following Members of The Board of Trustees were Present: Janet Brewer, Mark Broughton, Michael Colantuono, Terrance Flanigan, Renée LaBran, Jason Lee, Joanna Mendoza, Danette Meyers, Richard Ramirez, Sean M. SeLegue (by phone until 12:25 and subsequently in person), Brandon Stallings, Alan Steinbrecher and Todd Stevens.

The following member of the Board of Trustees was absent: Glenda Corcoran,

The following members of Staff were present: Saul Bercovitch, Francisco Gomez, Vanessa Holton, Dag Macleod, Elizabeth Parker and Leah Wilson.

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

Michael Mullen, a member of the Office of Education staff, spoke on behalf of Service Employees International Union about the Reduction in Force (RIF) program.

Mr. Mullen said that the union believed that the 20 week RIF severance was inadequate, and asked the Board of Trustees to consider making the severance period 26 weeks.

Mr. Mullen expressed that most employees considering the RIF had done so because they felt that their future at the State Bar was unclear. He indicated that the pending Classification and Compensation study had also contributed to uncertainty amongst staff.

Mr. Mullen continued, stating that the current 20-week RIF program added only four weeks to the sixteen week severance period required by the Memorandum of Understanding, while eliminating the State Bar's duty to provide outplacement assistance.

Lastly, Mr. Mullen noted that it was the Employment Development Department that would determine whether employees participating in the RIF program would be granted unemployment insurance eligibility.

30 -1 Proposed Amendments to Multi-Year Board Meeting Schedule for 2016-17 and 2017-2018

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

RESOLVED, that the Board of Trustees amends the regularly scheduled meetings of the Board as listed on Attachment A.

All members listed on the slip voted yes.

50 All items on the consent agenda were presented to the Board, and no objection being raised thereto, the following items on the consent agenda were deemed unanimously adopted.

54-121 Antitrust Analysis of COPRAC Opinion

RESOLVED, following the publication for public comment and consideration of the comments received, review by the Office of the General Counsel, and upon the recommendation of the Standing Committee on Professional Responsibility, and the Board Committee on Regulation and Discipline Oversight, the Board of Trustees approves the publication of proposed Formal Opinion Interim No. 12-0006, in the form attached.

701 2017 Membership Fee Statement

NOT FOR ACTION

702 Council of State Bar Sections: Consideration of Options for Separation

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees hereby authorizes the President of the State Bar (and/or his designees) and the officers of the Council of Sections (and/or their designees) to engage jointly in discussions with staff of the Legislature and California Supreme Court regarding options for the separation of the Sections from the State Bar.

FURTHER RESOLVED, that upon his consideration, the President will advise the Board of his designees.

Supreme Court Trustee designee – James Fox
Assembly Trustee designee – Richard Ramirez
Elected Trustee designee – Danette Meyers

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

703 Implementation of Workforce Planning Recommendations

NOT FOR ACTION

704 Five-year Member Survey

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Chair and Vice-Chair of the Committee on Stakeholders, Access to Justice and Appointments the Board of Trustees direct the Office of Research and Institutional Accountability to conduct the Five-Year Membership Survey and compile the results for use at the Board January Planning meeting.

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

705 Proposed Rules re: Closed Inquiries

NOT FOR ACTION

706 Reporting Relationship of the Chief Trial Counsel

NOT FOR ACTION

707 State Bar of California's Conflict of Interest Code for Designated Employees, Proposed Revisions – Request for Public Comment

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board Executive Committee authorizes staff to make available for a 30 day public comment period, the proposed revisions to the State Bar of California's Conflict of Interest Code for Designated Employees in the form attached here; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as an endorsement of the proposed item.

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

The Board adjourned its meeting at 2:12 pm and went into Closed Session to discuss Classification and Compensation pursuant to Government Code section 11126(c) (17).

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 Thursday, March 9 & 10, 2017, at a time to be determined.