

AGENDA ITEM

MARCH 10 – Board of Trustees – January 26, 2017 Open Minutes

THE STATE BAR OF CALIFORNIA

OPEN MINUTES

BOARD OF TRUSTEES MEETING

SAN DIEGO, CALIFORNIA

January 26, 2017

The Board of Trustees of the State Bar of California convened in open session at 6:00 pm at the San Diego Sheraton Hotel & Marina, Catalina Room, 1380 Harbor Drive, San Diego, Thursday, January 26, 2017, 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 SeLegue, Stacie Spector (arrived at 7:15 pm), Brandon Stallings, Alan Steinbrecher and Todd Stevens.

The following members of staff were present: Francisco Gomez, 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.

There was no public comment.

- 121 Proposal to Revise Voluntary Resignation Form

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees, upon the recommendation of the Committee on Regulation and Discipline, adopts the revised Voluntary Resignation Form as set forth in Attachment B, effective upon adoption.

All members present and recorded on the roll-call slip voted yes, except Ms. Spector who arrived at 7:15 pm.

122 Proposal for Closed Inquiries

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that Board of Trustees, upon the recommendation of the Committee on Regulation and Discipline, approve the policy of Member Records and Compliance to exclude from Complaint Check Certificates of Standing any and all allegations of misconduct against a member closed as an inquiry in the Intake phase, prior to investigation.

All members present and recorded on the roll-call slip voted yes, except Ms. Spector who arrived at 7:15 pm.

701 Separation of Sections from the State Bar in Context of 2017 Fee Bill

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that, in continuing consultation with the Supreme Court, the Board of Trustees authorize State Bar leadership to negotiate with the Legislature and Governor provisions in the 2017 Fee Bill, which will have as a central feature the separation of the Sections from the State Bar; and it is

FURTHER RESOLVED, that State Bar leadership seek to include provisions in the 2017 Fee Bill that will ensure that the sixteen State Bar Sections are assisted to move into a free-standing unified entity; that a special relationship between the State Bar and the Sections be established, enabling collection of Sections' membership dues and such other support as may be appropriate; that the Bar be authorized to explore the transfer of intellectual property and reserve funds held on behalf of the Sections and such other support as may be useful to a successful separation, while keeping in mind the obligation to maintain as a priority the licensing, regulatory and disciplinary responsibilities of the State Bar; and it is

FURTHER RESOLVED, that the Board of Trustees instructs staff to prepare an analysis of the fiscal and personnel impact of separation of the Sections from the Bar, along with a transition plan which prioritizes the licensing, regulation and discipline responsibilities of the State Bar, and report back to the Board to action and adoption.

All members present and recorded on the roll-call slip voted yes, except Ms. Spector who arrived at 7:15 pm.

702 Adoption of the 2017 Budget

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees hereby adopts the 2017 Budget in the form presented to the Board this day including the following change from the January 16, 2017, Budget approved by the Executive Committee:

- LAP reimbursement to be effectuated in a two-step process, with the Client Security Fund reimbursing the Lawyer Assistance Program in 2016 and the Consolidate General Fund reimbursing the Client Security Fund in 2017.

RESOLVED, that the Board of Trustees hereby authorizes staff to make technical adjustments and corrections to the 2017 Budget prior to submitting it to the Legislature and Supreme Court on February 15, 2017.

All members present and recorded on the roll-call slip voted yes, except Ms. Mendoza who voted no. Janet Brewer, Mark Broughton, Michael Colantuono and Sean SeLegue abstained on the portion of the budget related to Legal Specialization.

703 Workforce Planning

NOT FOR ACTION

704 Update to Executive Rules & Regulations

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board directs staff to revise the State Bar's Policy for housing allowances and relocation expenses to align with the requirements in the state law that are applicable to managerial employees.

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

The Board adjourned its meeting at 8:00 pm and went into Closed Session to discuss:

1. 7001 Collective Bargaining
Closed Pursuant Government code § 11126(c) (17)
2. 7002 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) (1) and Government Code § 11126 (e) (1).
3. 7003 Layton v. State Bar Case No. BC615241 (L.A. Super. Ct., filed Mar. 28, 2016)*
*Closed pursuant to Business and Professions Code § 6026.5 (a) (1) and Government Code § 11126 (e) (1).
4. 7004 Oehler v. State Bar Case No. BC610699 (L.A. Super. Ct., filed Feb. 17, 2016)*
*Closed pursuant to Business and Professions Code § 6026.5 (a) (1) and Government Code § 11126 (e) (1).
5. 7005 Noonan v. State Bar Case No. BC625085 (L.A. Super. Ct., filed June 24, 2016)*
*Closed pursuant to Business and Professions Code § 6026.5 (a) (1) and Government Code § 11126 (e) (1).
6. 7006 Sander v. State Bar*
*Closed pursuant to Business and Professions Code § 6026.5 (a) (1) and Government Code § 11126 (e) (1).

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.

Figuerola Street, Board Room, 2nd Floor, Los Angeles, CA 90017, on Thursday, March 9 & 10, 2017, at a time to be determined.