

AGENDA ITEM

54-141 MEMBER REQUEST FOR ADJUSTMENTS TO FEES AND PENALTIES JULY 2017

DATE: June 26, 2017

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

FROM: Membership Liaisons
Danette E. Meyers
Brandon N. Stallings
Alan Steinbrecher

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.

Eleanor M. Donohue (#118682) Admitted June 11, 1985. Current status is Not Eligible. Member has a balance of \$380.50. Member requests a waiver of her current outstanding balance. Member's request is based on financial and medical hardship. Member has not received a Board waiver in the past. Member has submitted a letter of explanation and a financial declaration.

Sandra Stern Feldman (#126612) Admitted December 11, 1986. Current status is Active. Member has no current balance. Member requests a waiver of the late payment penalty. Member's request is based on not receiving any notice of her license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

John Robert Fries (#182056) Admitted June 3, 1996. Current status is Active. Member has a balance of \$100. Member requests a waiver of the late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

James J. Goodwin (#99310) Admitted December 1, 1981. Current status is Active. Member has no current balance. Member requests a waiver of the late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Alyssa Bliss-Greenberg (#181897) Admitted April 18, 1996. Current status is Inactive. Member has no current balance. Member requests a waiver of the late payment penalty. Member's request is based on not receiving any notice of her license fees being due.

Member has not received a Board waiver in the past. Member has submitted a letter of explanation

Lindsey Marie Hansen (#299875) Admitted December 3, 2014. Current status is Active. Member has a balance of \$512. Member requests a waiver of her 2017 license fees. Member's request is based on financial hardship. Member has received 1 Board waiver in the past. Member has submitted a letter of explanation and a financial declaration.

Howard Edward Hirsch (#56277) Admitted June 29, 1973. Current status is Active. Member has a balance of \$512. Member requests a waiver of the late payment penalty. Member's request is based on his belief that the firm he worked at for a period of 3 weeks between Dec 2016 and January 2017 would be paying his license fees. The firm claims that they did agree to pay his fees upon hiring him, however when he was terminated in January 2017 he was told that they would not be paying his license fees. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Elizabeth Kennard Kiessling (#274615) Admitted December 1, 2010. Current status is Active. Member has a balance of \$512. Member requests a waiver of her 2017 late payment penalty. Member's request is based on unique circumstances. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Benjamin A. Lewis (#308497) Admitted January 13, 2016. Current status is Inactive. Member has no current balance. Member requests a waiver of his 2016 late payment penalty. Member's request is based on his claim that he did not receive his 2016 fee statement. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Eric Todd Lieberman (#103004) Admitted June 16, 1982. Current status is Inactive. Member has no current balance. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Scott Howard Linden (#190920) Admitted December 2, 1997. Current status is Active. Member has a balance of \$3,019. Member requests a waiver of his 2017 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. Member has submitted a letter of explanation, financial declaration and supporting documentation.

Jonathan Ma (#312773) Admitted December 2, 2016. Current status is Active. Member has a balance of \$512. Member requests a waiver of his late payment penalty. Member's request is based on not receiving his fee statement in the mail. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Rachel Mehlsak (#292311) Admitted December 3, 2013. Current status is Inactive. Member has a balance of \$185. Member requests a waiver of her 2017 late payment penalty. Member's request is based on her claim that she did receive notice that her 2017 fees were due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Judy Unkyung Paik (#230988) Admitted June 1, 2004. Current status is Not Eligible. Member has a balance of \$470. Member requests a waiver of her outstanding balance.

Member's request is based on financial hardship . Member has not received a Board waiver in the past. Member has submitted a letter of explanation and financial declaration.

Michael Polin (#130463) Admitted December 14, 1987. Current status is Active. Member has no current balance. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Robin Russell (#82761) Admitted November 29, 1978. Current status is Active. Member has a balance of \$175. Member requests a waiver of her late payment penalty. Member's request is based on not receiving any notice of her license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Brad J. Safon (#149188) Admitted December 4, 1990. Current status is Active. Member has no current balance. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Julia T Segal (#226079) Admitted July 7, 2003. Current status is Inactive. Member has no current balance. Member requests a waiver of her late payment penalty. Member's request is based on not receiving any notice of her license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Robert Bradley Sevier (#145013) Admitted December 13, 1989. Current status is Inactive. Member has no current balance. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Andrew Shack (#161691) Admitted December 14, 1992. Current status is Active. Member has no current balance. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Madonna Rose Shannon (#127134) Admitted December 11, 1986. Current status is Active. Member has a balance of \$512. Member requests a waiver of her 2017 late payment penalty. Member's request is based on medical hardship and her claim that she did not receive notice that her 2017 fees were due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Margaret N. Sherwood (#52954) Admitted June 20, 1972. Current status is Active. Member has a balance of \$587. Member requests the Inactive license rate for 2017, which would result in a waiver of her current balance due to the fact that she is over 70 years of age. Member's request is based on medical hardship. Member has not received a Board waiver in the past. Member has submitted letters of explanation and supporting documentation.

Daniel Stevenson (#146742) Admitted June 13, 1990. Current status is Active. Member has no current balance. Request is made by member's assistance on his behalf. Member requests a waiver of his late payment penalty. Member's request is based on not receiving any notice of his license fees being due. Member has not received a Board waiver in the past. Member has submitted a letter of explanation.

Edith Jean Walters (#262730) Admitted April 14, 2009. Current status is Active. Member has no current balance. Member requests a waiver of her recently paid balance in the amount of \$2,710.37. Member's request is based on financial hardship. Member has not received a Board waiver in the past. Member has submitted a letter of explanation and financial declaration.

FISCAL/PERSONNEL IMPACT

This item contains 24 recommendations for a total financial impact of \$4,752.50. If the recommended adjustments in Attachment A are approved, the year to date fiscal impact will be \$4,752.50.

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