



## THE STATE BAR OF CALIFORNIA

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### **Lawyer Assistance Program Oversight Committee**

#### **OPEN SESSION MINUTES Tuesday, March 20, 2018**

The Lawyer Assistance Program Oversight Committee convened in open session by conference call at 9:00 a.m. on Tuesday, March 20, 2018 at the State Bar of California, and was chaired by Stewart Hsieh.

The following members of the Oversight Committee were present: Andrew Besser, Larry Chung, Justin Delacruz, Tracy LeSage, and Terry Lewis.

The following members of the Oversight Committee were not present: Robert Burchuk, Kellie Condon, and Philip Spiegel

The following members of staff were present: Jennifer Cantore, Michelle Harmon and Donna Hershkowitz.

The roll-call vote was taken.

Mr. Hsieh called for public comment, inquiring as to whether there were persons on the telephone who wished to comment on the agenda.

There was no public comment.

#### **Consent**

Minutes from December 9, 2017 and January 5, 2018 were unanimously approved with a roll call vote.

#### **Business**

##### **A. Pilot Program to Replace Evaluation Committees**

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that,

- 1) The motion approved at the December 2017 LAP Oversight Committee meeting to eliminate the Evaluation Committee process extend to ADP participants as well as non-ADP participants;
- 2) The elimination of the Evaluation Committee process and its replacement by the Pilot Process outlined in this agenda item are contingent on the Clinical Rehabilitation



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Coordinator, Program Supervisor, or both being licensed clinicians. If only one of the two is a licensed clinician, the perspective of the licensed clinician in the decisions and recommendations outlined in this agenda item shall prevail. If either the Clinical Rehabilitation Coordinator or Program Supervisor are not licensed clinicians, LAP may contract with a licensed clinician to participate in this process.

### **B. Policy on Transfer of Excess Funds Pursuant to Bus. and Prof. Code Section 6140.9**

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the LAP OC recommends that the Board of Trustees adopt the following policy to implement the provisions of Business and Profession Code section 6140.9:

- 1) To ensure there are sufficient funds available to fully support LAP, the amount available for transfer shall be calculated by adding to the prior year's reserve balance the budgeted revenues for the current year, and then subtracting the following: a) the amount of budget expenses and indirect costs; 2) the funds necessary to meet targets for growth and program enhancement and improvement, and implement the current LAP Strategic Plan or any successor plan; and 3) an amount necessary to maintain the year end reserve balance at 25% of operating expenditures.
- 2) In determining the funds necessary to meet targets for growth and program enhancement and improvement, and implement the current LAP Strategic Plan or any successor plan, the Chief Financial Officer, or his or her designee, shall consult with the LAP Oversight Committee or its designee.
- 3) No funds be transferred until December 31, 2020, after the Appendix I review is considered by the Board and a determination is made with respect to LAP's continued relationship with the State Bar of California, and the LAP is reasonably able to estimate the anticipated costs associated with targeted program growth, enhancement and modification.

### **C. Funding of Transition Assistance Services**

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Lawyer Assistance Program Oversight Committee approves funding of the Transition Assistance Services (consisting of two individual and two career counseling sessions) as a related, but essential, non-treatment program.

There was no closed session.

The Lawyer Assistance Program Oversight Committee adjourned its meeting at 9:17 a.m.