

AGENDA ITEM

NOVEMBER 10 – Board of Trustees – May 18, 2018, Open Minutes [CORRECTED]

The State Bar of California
BOARD OF TRUSTEES MEETING
Thursday, May 17, 2018 – Friday, May 18, 2018

180 Howard Street
Board Room, 4th Floor
San Francisco, CA

The Board of Trustees of the State Bar of California convened its meeting in closed session on Thursday, May 17, 2018, at 4:36 p.m. at the State Bar of California, 180 Howard Street, Board Room, 4th Floor, San Francisco, Michael Colantuono presiding. Closed session adjourned at 5:10 p.m. The Board reconvened in closed session on Friday, May 18, 2018, at 9:02 a.m. at the State Bar of California, 180 Howard Street, Board Room, 4th Floor, San Francisco, Michael Colantuono presiding. Closed session adjourned at 10:52 a.m. Open session convened at 11:00 a.m., and the meeting adjourned at 1:04 p.m.

The following members of the Board of Trustees were present: James Fox, Renee LaBran, Jason Lee, Debbie Manning, Joanna Mendoza, Joshua Perttula, Sean SeLegue, Brandon Stallings, Alan Steinbrecher and Todd Stevens

The following members of the Board of Trustees were not present: Mark Broughton, Hailyn Chen, Stacie Spector, Todd Stevens

The following members of the staff were present: Carolina Almarante, Thomas Chin, Sarah Cohen, Antonia Darling, Randall Difuntorum, Justin Ewert, Rebecca Farmer, Suzanne Grandt, Kevin Harper, Donna Hershkowitz, Vanessa Holton, Hatem Khalek, Ellen Louie, Dag MacLeod, Margarita Manalo, Steven Moawad, Ron Pi, Leah Wilson.

The meeting was called to order. The roll call was taken. A quorum was established.

Chair Colantuono called for public comment, inquiring whether there were persons in attendance who wished to make public comment. There was none.

10 Minutes

March 9, 2018 – open minutes

April 16, 2018 – open minutes

The minutes were deemed approved.

30 – Chair’s Report – Oral Report

Michael Colantuono touched on the following topics in his oral report: (1) Chair and Vice Chair selection process – those interested must inform Supreme Court of interest; (2) Financial good news – clean audit, move towards compliance focus, recruitment for Chief Financial Officer; (3) Internal initiatives – workload report completed, lateral transfers from State Bar Court to Office of Chief Trial Counsel to make available resources for discipline work, staff newsletter; (4) Malpractice Insurance Working Group – in progress; (5) Appendix I sub-entity review – in progress; (6) Tech and the Law – working with Professor Henderson; (7) Discipline metrics; (8) Privacy concerns re discipline documents on web; (9) Need for fee increase to support OCTC – dialogue with Legislature, something for next year; (10) Unauthorized practice of law and multi-lingual outreach at ICE detention centers; (11) The Other Bar – fee bill language; (12) CMS implantation; (13) Fingerprinting – encourage self-reporting; (14) New Rules of Professional Conduct implementation; (15) Access to Justice – assessment needed; (16) Diversity – data collection; (17) California Lawyers Association – move to Sacramento, extension of staff leaseback, September conference with California Judges Association; (18) California Bar Examination (CBX) initiatives – California Job Analysis study in progress, Productive Mindset Intervention for July 2018 CBX.

40 – Staff Reports

41 Executive Director

Leah Wilson, with the assistance of Ellen Louie, debuted through a power point presentation Smart Sheets, a digital platform to track State Bar compliance with Strategic Plan goals and objectives.

1. Written Report from Executive Director – informational

2. Dashboards – informational

50 Consent Agenda

Consent Item 54-141, Licensee Requests for Adjustment to Fees and Penalties, has been withdrawn. Consent Items 50-3, 54-143 and 54-144 were pulled from Consent for discussion. Consent Items 50-1, 50-2, 54-111, 54-112, 54-131, 54-132, 54-133, 54-142 and 54-181 were deemed approved.

50-1 Approval for Specified Contracts Pursuant to Business and Professions Code Section 6008.6: (1) For California Bar Examination Sites, with: Santa Clara Convention Center; (2) For Government Affairs and Legislative Representation, with: Wada Government Relations, LLC; (3) For Study of Online Delivery of Legal Services, with: Legal Evolution, PBC

This item requests approval to execute contracts for goods or services with a value in excess of \$50,000.

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

50-2 Financial Resolution to Update Authorized Bank Account Signatories

The Board of Trustees periodically adopts a resolution identifying the State Bar's various bank accounts and delegating authority to certain State Bar employees to initiate cash transfers, sign checks, and buy and sell securities. This resolution must be amended to remove authorized signers who are retired or terminated and add new signatories for business continuity.

RESOLVED, that authority heretofore granted to persons to sign transfer orders and checks upon the various State Bar accounts and to have access to any State Bar safe deposit box is hereby resolved and it is

FURTHER RESOLVED, that each bank in which the State Bar maintains an account or safe deposit box shall be furnished a copy of this resolution and be notified that the Executive Director, Chief Financial Officer, Director of General Services, Chief Administrative Officer and Director of Human Resources, who are now so authorized to purchase and sell securities, sign withdrawal orders, transfer orders and checks, to order the deposit or withdrawal of monies in the Local Agency Investment Fund, and authorize transfer of funds from one State Bar account to another State Bar account are as follows:

Leah Wilson, Executive Director
Steve Mazer, Chief Administrative Officer
Kevin Harper, Interim Chief Financial Officer
Mayte Diaz, Director of General Services
Vacant, Director of Human Resources

For checks drawn on a commercial account:

- a) Any single check of \$75,000 or more requires the manual signature of any two of the authorized persons.
- b) (b) Any single check less than \$75,000 may be processed through a check signing machine utilizing a signature plate engraved with the name of the Executive Director.
- c) Transfer of funds from one State Bar bank account to another State Bar account may be approved by any two of the authorized persons.
- d) Wire transfers to non-State Bar accounts must be processed on-line and require approval of any two of the authorized persons. Manual wire transfers, requested in person at a bank branch are prohibited.

Authority is hereby granted to any two of the above persons to open cash accounts for the State Bar of California at securities brokerage firms and to place orders in such accounts to purchase and sell securities.

Transfer of funds from one State Bar account to another State Bar account, whether requested by telephone, internet, fax, orally or in writing requires the signature of any two of the authorized persons.

In addition, for checks drawn on the Los Angeles commercial account

- a) Any single check less than \$3,000 requires the signature of one of the following:

Steve Mazer, Chief Administrative Officer
Donna Hershkowitz, Chief Programs Officer
Vacant, Director of Human Resources
Tammy Campbell, Program Manager Supervisor, State Bar Court Admissions
Michelle Cramton, Program Manager II, State Bar Court Admissions

- b) Any single check of \$3,000 or more requires the signature of any two of the
above listed persons.

54-111 Judicial Council, Annual Appointment of Members

The State Bar appoints four lawyer members to the Judicial Council, with the members serving staggered three-year terms. The term of current member Patrick M. Kelly expires on September 14, 2018. Mr. Kelly has re-applied for the position. No new applications were received. Board Executive Committee Appointments Liaison Todd Stevens has found the candidate to be qualified to be reappointed to the Judicial Council for a second three-year term. The Board Executive Committee is set to meet on Thursday, May 17, and will consider this item at that time. The recommendation of the Board Executive Committee will be submitted to the full Board for action on May 18, 2018, when the full Board is set to meet.

RESOLVED, that the Board of Trustees appoint Patrick M. Kelly to the Judicial Council, as one of the four State Bar members, for a three-year term to commence on September 15, 2018, and expire on September 14, 2021, or until further order of the Board, whichever occurs earlier.

54-112 Compensation Policy

This item proposes adoption of a Compensation Policy for the State Bar, whereby the State Bar will conduct a study of staff compensation and benefits every five years beginning in 2022, in order to ensure that its compensation practices are aligned with those of comparable public agencies, and are sufficient to recruit and retain a highly qualified workforce.

RESOLVED, that the Compensation Policy included as Attachment A is adopted.

54-131 Report and Filing of the 2017 Annual Report – California Board of Legal Specialization

Since 1987, the California Board of Legal Specialization (CBLs) has submitted an annual report describing the State Bar's program for certifying legal specialists. Attached is the 2017 Annual Report for the Programs Committee's approval to submit to the Board of Trustees.

RESOLVED, that the Board of Trustees receives and accepts the 2017 Annual Report of the California Board of Legal Specialization and direct staff to post the report on the State Bar's website.

54-132 Annual Recommendation to the Supreme Court of California for Suspension of Licensees Delinquent in Payment of State Bar Fees, Penalties and Costs

Pursuant to the provision of Business and Professions Code section 6143, the Board of Trustees, on an annual basis, recommends to the Supreme Court of California the suspension of licensees who have not fully paid State Bar annual fees, penalties or costs. This suspension recommendation is for years 2017 and 2018, and proposes that licensees who have not paid by July 2, 2018, be suspended by order of the Supreme Court of California effective July 3, 2018.

RESOLVED, that the Board of Trustees forward to the Supreme Court of California the names of those licensees to be suspended from the practice of law in California for failing to pay State Bar fees, penalties or costs on or before July 2, 2018, and hereby:

- (a) finds that State Bar staff performed the ministerial functions for determining that each person who is to be recommended to the Supreme Court of California for suspension due to nonpayment of fees is licensed by The State Bar of California;
- (b) concludes that State Bar staff determined that each such person failed to fully pay fees, penalties and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9 and 6141 of the Business and Professions Code;
- (c) ascertains that State Bar staff have sent to each such person, at his or her address of record with the State Bar of California, two months' written notice of his or her delinquency which included notice of section 6143 of the Business and Professions Code;
- (d) and recommends to the Supreme Court of California that each such person's State Bar license be suspended, which would suspend them from the practice of law in the State of California, effective July 3, 2018, until such time as he or she may be reinstated, upon the payment of the delinquent fees, penalties, or costs and of such additional fees, penalties, or costs as may have accrued at the time of such payment; and it is

FURTHER RESOLVED, that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, State Bar staff is authorized and directed to notify the Clerk of the Supreme Court of California of the name of any

licensee of the State Bar who by proper remittance (e.g., credit card accepted by the State Bar, cashier's check, money order, bank certified check, or wire transfer), and prior to the effective date of the Supreme Court of California order of suspension based hereon, pays to the State Bar fees, penalties or costs in the amount in which he or she is delinquent; and to notify the Clerk of the Supreme Court of California of the consequent withdrawal of the Board of Trustees' recommendation for suspension; and it is

FURTHER RESOLVED, that for the purpose of modifying the recommendation to the Supreme Court of California for suspension for nonpayment of fees, penalties, or costs, State Bar staff is authorized and directed to change the data as to status or the amounts of delinquency of any licensee and to notify the Clerk of the Supreme Court of California accordingly of the consequent modification of the Board of Trustees' recommendation for suspension.

54-133 Annual Recommendation Regarding Licensees In MCLE Non-Compliance

Pursuant to California Rules of Court, rule 9.31, State Bar staff are proposing to administratively enroll all licensees in MCLE Compliance Group 2 (last names H-M) who have not complied with the MCLE requirement by July 2, 2018, as involuntary inactive and place them on "Not Eligible to Practice" status, effective July 3, 2018. In addition, staff are proposing to enroll as involuntarily inactive any other Group 1, Group 2, or Group 3 attorneys who were granted extensions of time for a prior period and who have not complied by their extended deadlines. This agenda item also seeks the Board's authorization for staff to remove attorneys from involuntary inactive status once the attorney has provided proof of compliance and payment of all non-compliance fees.

RESOLVED, pursuant to California Rule of Court 9.31 and the Rules of the State Bar, that the Board hereby authorizes that those attorneys in MCLE Compliance Groups 1, 2 and 3 who do not bring themselves into compliance with their MCLE requirements by July 2, 2018, be enrolled as inactive and placed on "Not Eligible to Practice" status, effective July 3, 2018; and it is

FURTHER RESOLVED, that the Board hereby authorizes staff to remove individual attorneys from inactive status once they have provided proof of compliance and paid all noncompliance fees.

54-141 Licensee Requests for Adjustment to Fees and Penalties – *WITHDRAWN*

54-142 2018 Q1 Financial Statement Report, Investment Report and Client Security Report

In adherence with the State Bar's Fiscal Policies and Procedures, the Office of Finance has prepared the financial report for the 1st quarter of 2018 for the Board's review. This financial report consists of three separate reports: Financial Statement Report, Investment Report, and Client Security Fund Report.

RESOLVED, that the Board of Trustees approve the 2018 First Quarter Financial Statement Report, Investment Report, and Client Security Fund Report for the three months ended March 31, 2018, in the form this day before the Board, as presented by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

54-145 Collections Policy Review

Attorneys subject to State Bar discipline are required to pay the cost of that discipline, and are also required to reimburse the Client Security Fund for payments made to victims who were harmed by their conduct. The State Bar's efforts to collect this debt has been met with limited success; while attorneys whose discipline falls short of disbarment are required to pay outstanding debt to regain active status, those who are disbarred or resign with charges pending have little incentive to do so. The State Bar has undertaken various collections efforts, and has not conducted a regular evaluation of those efforts. This item requests that the Finance and Planning Committee and the Board of Trustees: 1) adopt a policy to evaluate annually the effectiveness of the various collections methods used to recover funds from disciplined attorneys; and 2) direct staff to report to the Board the results of the evaluation, as well as any changes recommended as a result of the evaluation.

RESOLVED, that the Board of Trustees adopt a policy to annually evaluate the effectiveness of efforts to collect debt owed by attorneys subject to discipline, as specified in the attached new section 12 for the Office of Finance Policies and Procedures Manual; and it is

FURTHER RESOLVED, that the Board of Trustees will conduct its first review of the collections program no later than its December 2018 meeting.

54-181 Annual Financial Statement Audit

This is a report of action taken on April 26, 2018 by the Board Audit Committee Chair and Vice Chair to receive and approve filing of the Audited Financial Statements for year ended December 31, 2017. Business and Professions (B&P) Code sections 6145, 6031.5(a), and 6222, require the statements to be sent by April 30 of each year to the Board of Trustees, the Chief Justice of the Supreme Court, and the Assembly and Senate Committees on Judiciary.

It is recommended that the Board affirm the filing of the State Bar's audited statements and related auditor's reports for the year ended December 31, 2017 with the State Legislature and the Supreme Court. It is further recommended that the Board authorize publication of the Statement of Expenditures of Mandatory Fees for the year ended December 31, 2017 when the 2019 annual billing statements are mailed to licensees by posting the statement and related auditor's report on the State Bar's Web site together with notice of the posting in the December 2018 issue of the California Bar e-Journal.

WHEREAS, the Board Audit Committee Chair and Co-Chair are authorized to review the draft audited statements and direct staff to submit them to the Legislature and Supreme Court on behalf of the Board of Trustees;

AND WHEREAS, on April 26, 2018, the Board Audit Committee Chair and Co-Chair received the draft financial statements and directed staff to file the audited statements for year ended December 31, 2017, with the Legislature and Supreme Court; it is hereby

RESOLVED, that the Board of Trustees hereby affirms the action taken by the Board Audit Committee Chair and Co-Chair, on behalf of the Board; and it is

FURTHER RESOLVED, that upon the recommendation of the Audit Committee, the Board hereby receives the Annual Audited Financial Statements, the Statement of Receipts Collected and Expenditures of Sections, and the Statement of Expenditures of Mandatory Fees for the year ended December 31, 2017, and the accompanying independent auditor's reports, copies of which are attached hereto; and it is

FURTHER RESOLVED, that when the billing of the 2019 membership fees is mailed to licensees of the State Bar, staff is directed to post the Statement of Expenditures of Mandatory Fees for the year ended December 31, 2017 on the State Bar's Web site and to notify licensees of the posting in the December 2018 issue of the California Bar's e-Journal.

Items Removed from the Consent Agenda

50-3 Adoption of Policy on Transfer of Excess Lawyer Assistance Program Funds to Client Security Fund Pursuant to Business and Professions Code Section 6140.9

Chief of Programs Donna Hershkowitz presented.

As part of its efforts to identify additional funds available to support the Client Security Fund (CSF), the Legislature amended Business and Professions Code §6140.9, effective January 1, 2018, to allow excess funds in the Lawyer Assistance Program (LAP) budget to be transferred to support the needs of the Client Security Fund. Specifically, the statute was amended to provide: "Any excess funds not needed to support the [LAP] program, including reserve funds, may be transferred to fund the Client Security Fund established pursuant to Section 6140.5, provided there are sufficient funds available to fully support the program." At its March 3, 2018, meeting, the LAP Oversight Committee (Committee) evaluated the condition of the LAP fund, and the statutory authorization to transfer excess LAP funds to support CSF, and developed a recommended transfer policy for the Board's consideration. This agenda item recommends a policy to implement that provision.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that Section V of the Budget Policies and Procedures Manual be amended to include the following policy regarding the transfer of LAP reserves to support the Client Security Fund:

To ensure there are sufficient funds available to fully support LAP, annually, as part of the budget development process, the amount of LAP reserves 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: 1) the amount of budget expenses and indirect costs; 2) the funds necessary to meet targets for growth and program enhancement and improvement, and to 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 expenditure.

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 Executive Director, or his or her designee, shall consult with the LAP Oversight Committee or its designee.

Mendoza moved the item. Manning seconded. Substitution of the roll call. Motion carried.

Upon a second related motion made at the meeting, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees approve a one-time transfer of \$250,000 in excess funds in the Lawyer Assistance Program budget to support the needs of the Client Security Fund, as authorized by Business & Professions Code section 6140.9, effective January 1, 2018.

Fox moved the item. Mendoza seconded. Substitution of the roll call. Motion carried.

54-143 Investment Policy Revision

The State Bar's Investment Policy (Tab 4.4, Article 1, Sections 1 - 8 of the Board Book) requires that the investment policy be reviewed annually. This agenda item represents that annual review of the policy. Certain updates and improvements to the Investment Policy are proposed.

Upon a motion and seconded and adopted, it was

RESOLVED, that the Finance and Planning Committee directs staff to amend Board Book Tab 4.4, Article 1, Sections 1 to 8, to reflect the proposed changes, as revised by the Finance and Planning Committee at its meeting on Thursday, May 17, 2018, to assign the Chief Financial Officer responsibility for initiating an annual review of the Investment Policy.

LaBran moved the item. Stallings seconded. All members present and listed on the roll call slip voted yes, except SeLegue who abstained. Motion carried.

54-144 Lawyer Assistance Program Funds and Related Budget Amendment

This agenda item seeks to implement a recommendation from The State Bar of California 2018 Client Security Fund (CSF) Report; Board of Trustees approval is sought to modify the State Bar Reserve Policy to exclude CSF application payouts from the reserve calculation. Doing so will result in an additional \$1.5 million being made available for 2018 CSF application payments. In addition, this agenda item addresses the Lawyer Assistance Program (LAP) Fund balance, which was at 159% as of December 31, 2017, and is projected to total 154% by the close of this calendar year.

Upon a motion and seconded and unanimously adopted, it was

RESOLVED, that that the 2018 Budget be amended to increase the budgeted expenses of the Client Security Fund by \$1,700,000.

FURTHER RESOLVED, that the Reserve Policy be revised to add the following sentence to Section C of the Reserve Policy:

“For purposes of the Minimum Reserve Target, operating expenses of the Client Security Fund shall exclude application payouts.”

SeLegue moved the item. Mendoza seconded. All members present and listed on the roll call slip voted yes. Motion carried.

100 Reports of Board Committees

130 Programs Committee [Chair Joanna Mendoza]

134 State Bar Awards Retirement

In March 2017, the Board of Trustees’ former Stakeholders, Access to Justice and Appointments Committee (Committee’s) took action to suspend all non-Sections State Bar awards for 2017. The Committee referred the issue of State Bar awards for 2018 and beyond to the 2017 Governance in the Public Interest Taskforce. The 2017 Taskforce report did not ultimately address the topic of awards. Instead, the Programs Committee Chair and Vice Chair, along with staff, have taken up the issue over the last several months, including the historic practice of issuing attorney service and participatory certificates. As a result of these efforts it is now recommended that State Bar awards and certificates for attorneys be permanently retired. Given the formal transition of the Sections to a standalone non-profit entity, a transition which included a number of awards, there are only seven formal State Bar awards impacted by this recommendation.

Upon presentation by the Programs Committee Chair, the Board adopted the following resolution:

RESOLVED, provided staff is able to identify other organizations that will assume responsibility for administration thereof, that all participatory attorney service certificates, and the following awards cease to be administered or funded by the State

Bar: Bernard E. Witkin Award, Diversity Awards, Educational Pipeline Recognitions, Loren Miller Legal Services Award, Aranda Award, Harry B. Sondheim Professional Responsibility Award, and the President's Pro Bono Award; and it is

~~**FURTHER RESOLVED**, that staff be directed to identify other organizations that might be interested in assuming responsibility for administration of retired awards and certificates.~~

Programs Chair Mendoza moved the item. No second needed on motions made by committee chairs. All members present and listed on the roll call slip voted yes, except Jason Lee and Brandon Stallings who voted no. Motion carried.

700 Miscellaneous

701 Confidentiality Rule: Return from Public Comment and Request for Approval

Steven Moawad presented.

OCTC proposes clarifying amendments to Rules of Procedure of the State Bar, rule 2302, governing confidentiality of investigations. OCTC proposes that rule 2302 be amended in several locations to clarify confidentiality obligations. Specifically, the rule should be amended to eliminate references to a waiver of confidentiality. This is consistent with the fact that information may be disclosed to specified individuals and entities, but the material remains confidential for all other purposes. OCTC also proposes that rule 2302 be amended to eliminate all references to the "President of the State Bar." Pursuant to rule 2101, OCTC has exclusive jurisdiction over State Bar discipline, and that rule 2302(e) be amended to expressly allow disclosure to a tenth category of persons, i.e., employees of a language interpretation or language translation company under contract with the State Bar to provide language translation or language interpretation services. The interpreter service would be contractually bound by a confidentiality clause. At the March 2018 meeting, the Regulation and Discipline Committee resolved to send out for public comment the proposed amendments to the Disclosure of Information rule. The close of public comment was April 30. No public comments were received during the 45-day public comment period.

Upon motion made and seconded and unanimously adopted, it was

RESOLVED, that following a 45-day public comment period, the Board of Trustees hereby adopts the amendments to the rules of Procedure of the State Bar, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the amendments to rule 2302 of the Rules of Procedure of the State Bar are effective immediately and will apply to all pending and future matters.

Mendoza moved the item. Stallings seconded. All members present and listed on the roll call slip voted yes. Motion carried.

702 Letters of Inquiry: Return from Public Comment and Request for Approval

Steven Moawad presented.

OCTC proposes amending the Rules of Procedure of the State Bar to expressly authorize OCTC to transmit letters of inquiry to lawyers through the internet. The letters of inquiry would be confidentially posted on the lawyer's "My State Bar Profile" portion of the State Bar's website. Attorneys would receive notification via the private e-mail addresses that they have provided to the State Bar pursuant to California Rule of Court rule 9.9 (formerly rule 9.7).

At the March 2018 meeting, in Item III.D., the Regulation and Discipline Committee resolved to send out for public comment the proposed amendments to the letters of inquiry rules. The close of public comment was April 30. Three public comments were received during the 45-day public comment period.

Upon motion made and seconded and unanimously adopted, it was

RESOLVED, that following public comment and consideration of the comments received, the Board of Trustees hereby adopts the amendments to the rules of Procedure of the State Bar, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the amendments to rules 2409 and 5.104 of the Rules of Procedure of the State Bar are effective immediately and will apply to all pending and future matters.

Mendoza moved the item. Stallings seconded. Substitution of the roll call. Motion carried.

703 Attorney Fingerprint Update: (1) State Bar Rule Re Non-Compliance with Attorney Fingerprinting Requirement: Return from Public Comment and Request for Approval; and (2) State Bar Implementation of Proposed Rule of Court Re Fingerprinting Active Licensed Attorneys

This agenda item is divided into two parts. The first part summarizes the State Bar's efforts to seek public comment on a proposed State Bar Rule regarding the impact of non-compliance with attorney fingerprinting requirements. Staff recommends that the Board adopt the new State Bar Rule.

Suzanne Grandt presented on the first part.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees adopts the proposed State Bar Rule, as set forth in Attachment A.

Mendoza moved the item. Steinbrecher seconded. Substitution of the roll call. Motion carried.

The second part of this agenda items provides an overview of the work completed to date in preparation for fully implementing attorney fingerprinting requirements as required by the proposed California Rule of Court. Staff recommends that the Board authorize staff to implement future technical modifications to previously approved fee scaling policies as needed.

Carolina Almarante presented on the second part.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board of Trustees authorizes staff to make necessary modifications when implementing fee scaling policies in connection with attorney fingerprinting requirements.

Manning moved the item. Mendoza seconded. Substitution of the roll call. Motion carried.

704 Workload Study for Office of Chief Trial Counsel, State Bar Court and Office of Probation

Justin Ewert and Ron Pi made a power point presentation – informational.

705 Discipline System Metrics - – *WITHDRAWN*

706 Odyssey Case Management System Demonstration and Related Finance / Budget Issues

Hatem Khalek and Kevin Harper made a power point presentation – informational.

This agenda item provides an update to the Board of Trustees on the status of the Odyssey Case Management System implementation in the Office of Chief Trial Counsel, State Bar Court, and Office of Probation. In addition to a demonstration of the Case Management System to be provided at the meeting of the Board of Trustees, this report also provides an overview of adjustments that have been made to the project budget, in particular, the allocation of indirect costs to the project budget.

Chair Colantuono made the following announcements: (1) The next Board meeting is June 15, 2018, by teleconference; (2) Reporting out from closed session, Steven Moawad has asked the Board, and the Board has agreed, to withdraw his name from consideration as Chief Trial Counsel; Chief Deputy Trial Counsel Melanie Lawrence will become Chief Trial Counsel effective June 1, 2018; (3) the Chief Trial Counsel closed session item was a late and required a vote to add it to the agenda; Stallings moved the item, Fox seconded, substitution of the roll call; (4) the rationale for hearing the contracts item in closed session is that it relates to the preparation of the California Bar Examination, one of the enumerated grounds in the Business and Professions Code for an item in closed session.

The meeting adjourned at 1:04 p.m.