

OPEN SESSION AGENDA ITEM

54-113 NOVEMBER 2018 Board Executive III. C.

DATE: November 15, 2018

TO: **Members, Board Executive Committee
Members, Board of Trustees**

FROM: Rodney Low, Sr. Program Analyst, Office of Access & Inclusion

SUBJECT: California Indian Legal Services (CILS),
Reappointment of State Bar Representative to Board of Directors

EXECUTIVE SUMMARY

Periodically, the State Bar of California is called upon to appoint State Bar representatives to the Boards of certain multi-county, federally funded legal services programs in California. The State Bar Board Book sets forth Guidelines for Appointment of State Bar Representatives to Boards of Directors of Programs Funded by the Legal Services Corporation. These Guidelines allow individuals to serve a maximum of six years (through successive terms of either two or three years).

Under the bylaws of California Indian Legal Services ("CILS"), the State Bar appoints four California licensed attorneys to the CILS Board of Directors. The individuals serve staggered terms. One current CILS Board member previously appointed by the State Bar, Joe Ayala, will complete his first three-year term on December 31, 2018. CILS requests the reappointment of Mr. Ayala to the CILS Board, for an additional three-year term.

BACKGROUND

CILS is a nonprofit legal service program whose mission is to protect and advance Indian rights, foster Indian self-determination, and facilitate tribal nation building. CILS offers representation in cases that involve issues unique to Native Americans.

Pursuant to federal regulations of the Legal Services Corporation (45 C.F.R. § 1607 et seq.), the State Bar of California makes appointments to multi-county, federally funded legal services organizations upon their request and recommendation. As part of the appointments process, the State Bar is in a position to help individual organizations reach out to a larger and more diverse pool of attorneys which in turn allows the organizations to attract stronger candidates, and ultimately ensures the organizations have better governance and are more effective delivering legal services to low income Californians

The State Bar Board Book sets forth the requirements for appointments at Tab 5.3, Article 6, Section 5, "Guidelines for Appointment of State Bar Representatives to Boards of Directors of Programs Funded by the Legal Services Corporation." The guidelines provide protocols for programs to request appointments, require publication of vacancies for a set time, conduct outreach to ensure diversity, and set forth a policy for reappointments, which states:

It is the policy of the State Bar not to consider for reappointment any member who has served on a board for two (2) terms or six (6) years, whichever is greater, unless the reappointment is required to continue the term of any officer, in which case a member may be reappointed for a period of time sufficient to allow completion of the term of office, or for other good cause, such as lack of eligible candidates from the service area.

(Article 6, Guidelines for Appointment of State Bar Representatives to Boards of Directors of Programs Funded by the Legal Services Corporation, Section 5, Reappointments).

Because Mr. Ayala has only served one three-year term, he is eligible for reappointment to an additional three-year term.

DISCUSSION

At the its September board meeting, the CILS Board voted to request and recommend the reappointment of attorney Joe Ayala. Mr Ayala was appointed by the State Bar Board of Trustees to the CILS Board on November 19, 2015. And will complete his first three-year term on the CILS Board on December 31, 2018. As discussed above, Mr. Ayala is eligible for reappointment to a second three-year term. Because CILS wishes to reappoint Mr. Ayala, CILS did not request the State Bar to issue a press release to solicit additional candidates.

The recommendation letter from Dorothy Alther, CILS Executive Director, including the current CILS Board demographics and Mr. Ayala's resume, are attached.

Mr. Ayala is a Deputy Legislative Counsel for the State of California His experience brings needed expertise in areas of law that impact the CILS community. His duties have included managing a division of 20 attorneys that practice criminal, environmental, natural resources, education, gaming and probate law, all matters that affect Native American Tribes. CILS benefits from his fiscal knowledge, as well as his management and legislative experience. He is also a member of La Raza Lawyers' Association.

The State Bar Board Book Article 6, Section 4: Legal Services Boards, Diversity Outreach states, "Appointments to Legal Services Boards shall be made so as to ensure diversity among the State Bar's appointees and reasonably reflect the population of the areas served by the program, as provided by 45 C.F.R. section 1607.3(c)."

CILS is a statewide organization. Its board has a total of 11 members; however, only 10 seats are currently filled. Of those 10 members, 6 are Native American, 3 are Caucasian, and 1 is Hispanic. Of the attorney members of the board, 2 are Native American, 2 are Caucasian, and 1 is Hispanic. As of 2017, U.S. Census Bureau data estimates that the percentage of the American Indian and Alaska Native population in California is 1.6%.¹ According to the results of a five-year attorney survey conducted in 2017 by the State Bar's Office of Research and Institutional Accountability, the percentage of American Indian attorneys in California was about

¹ <https://www.census.gov/quickfacts/ca>

1% of active attorneys, or approximately 1,900 people.² This data demonstrates the difficulty in recruiting for Native American attorneys for service on the CILS board.

CILS bylaws require that seven of the board members be Native American in ethnicity. As noted above, there are currently six Native Americans serving on the Board. CILS is contemporaneously recruiting for a Board member to fill a vacancy and meet the requirements of their bylaws.

Although Mr. Ayala is not Native American, he is qualified to serve as a State Bar reappointment based on his legal experience, connection to the community served by CILS, and prior service on the CILS Board.

Joe Ayala's term will expire on December 31, 2018. His reappointment term should commence on January 1, 2019 and expire on December 31, 2021.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 4. Support access to justice for all California residents and improvements to the state's justice system.

Objective: None

RECOMMENDATION

It is recommended that the Board Executive Committee and the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approve the reappointment of Joe Ayala to the California Indian Legal Services Board of Directors for a three-year term commencing on January 1, 2019 and expiring on December 31, 2021.

ATTACHMENT(S) LIST

- A.** Letter of Recommendation from California Indian Legal Services
- B.** Demographics of CILS Board of Directors
- C.** Resume of Joe Ayala

² <http://www.calbar.ca.gov/Portals/0/documents/reports/ORIA/Survey-2017.pdf>

Attachment A: Letter of Recommendation from California Indian Legal Services



CALIFORNIA INDIAN LEGAL SERVICES

BISHOP • ESCONDIDO • EUREKA • SACRAMENTO

Principal Office

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www.calindian.org ~ contactCILS@calindian.org

Dorothy Alther, Executive Director

October 3, 2018

Via E-mail at: Rodney.Low@calbar.ca.gov

Rodney Low, Senior Program Analyst

Office of Access & Inclusion

State Bar of California

180 Howard Street

San Francisco, CA 94105

Re: CILS Board Demographics & Reappointment of J. Ayala

Dear Mr. Low:

Per your request, please find listed below our current governing board's profile.

<u>Name</u>	<u>Ethnicity</u>	<u>Gender</u>	<u>Geography</u>	<u>Type of Practice</u>
Victorio Shaw	Native American	M	Davis	Federal Indian Law
Jessica Goodrow	Native American	F	Covelo	Not an Attorney
Jessica Warne	Native American	F	Sacramento	Federal Indian Law, Real Estate
Andre Cramblit	Native American	M	Arcata	Not an Attorney
Mark Romero	Native American	M	Santa Ysabel	Not an Attorney
Mercedes Amavisca	Native American	F	Santa Ysabel	Not an Attorney
Sheila Quinlan	Caucasian	F	San Diego	Criminal Defense/Immigration
Joe Ayala	Hispanic	M	Sacramento	CA Deputy Legislative Counsel
John Hueston	Caucasian	M	Newport Beach	Corporate Law
Cary Lowe	Caucasian	M	San Diego	Land Use/Environmental

There is currently one vacancy for a Northern California community representative trustee seats. CILS is soliciting and accepting applications.

Cary Lowe is a hold over until a new applicant is vetted and appointed (recruitment and interviewing currently in process).

Our Board is recommending the following attorney re-appointment:

Joe Ayala

CILS will benefit from Mr. Ayala's fiscal knowledge, vast management and legislative experience that he would bring as a trustee on our Board.

Mr. Ayala was recommended for re-appointment at our September 8, 2018 Board meeting.

If you should have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

Dorothy Alther
Executive Director

Attachment B: Demographics of CILS Board of Directors

CALIFORNIA INDIAN LEGAL SERVICES Board Member Demographics

	State Bar Attorneys	Clients	Other	Total
Male	3	1	2	6
Female	1	2	1	4
Total	4	3	3	10
Caucasian	3	0	0	3
Hispanic	1	0	0	1
Black	0	0	0	0
Asian	0	0	0	0
Native American	0	3	3	6
Total	4	3	3	10

Attachment C: Resume of Joe Ayala

JOE AYALA

925 L St., Ste. 700, Sacramento, CA
(916) 341-8246 (W)

EXPERIENCE

OFFICE OF THE LEGISLATIVE COUNSEL, SACRAMENTO, CA

Principal Deputy Legislative Counsel II: Duties involve managing a division of 20 attorneys of the OLC that practice criminal, environmental, natural resources, education, gaming, and probate law, state and local government, public health and taxation. Confer with executive management on office-wide policies related to the operation of the office, including hiring and promotional decisions and strategic planning. Train and evaluate the performance of supervisors of the division. Review and approve drafts of legal opinions rendered to public officials involving the subject areas of law practiced by the division.

Acting Chief Deputy	(11/11 to 5/12)
Principal Deputy II	(11/09 to present)
Principal Deputy I	(11/02 to 11/09)
Deputy	(6/88 to 11/02)

OFFICE OF THE STATE ATTORNEY GENERAL, SACRAMENTO, CA

Legislative Advocate: Duties included reviewing, developing, and recommending bill proposals within subject matter jurisdiction of the Divisions of Civil Law and Public Rights of the office, including matters affecting Native American tribes. Researched and prepared background statements on sponsored bill proposals for author and legislative committee staff. Developed and implemented legislative strategy, including negotiating amendments, identifying witnesses, and soliciting support or opposition among legislators for bills. Developed and presented legal and policy positions of the office on legislation before legislators and at committee hearings. Drafted letters for signature of the Attorney General requesting approval or veto of legislation. Advised Chief Deputies and the Attorney General on status of sponsored bills.

(11/99-10/01)

EDUCATION

LOYOLA LAW SCHOOL, LOS ANGELES, CA
Juris Doctorate degree conferred June 1987.

POMONA COLLEGE, CLAREMONT, CA
Bachelor of Arts degree in Government conferred May 1984.

VOLUNTEER

CALIFORNIA INDIAN LEGAL SERVICES CORP	
Member, Board of Trustees	(12/15 – present)

ELK GROVE UNIFIED SCHOOL DISTRICT –AMERICAN INDIAN EDUCATION PROGRAM
Parent Committee Member (11/12 – 5/15)

NATIONAL LATINO PEACE OFFICERS ASSOCIATION-SACRAMENTO
Treasurer (12/08 - 12/11)

SACRAMENTO COUNTY SUPERIOR COURT, SMALL CLAIMS DIVISION
Judge Pro Tempore (12/02 - 12/09)

LA RAZA LAWYERS ASSOCIATION-SACRAMENTO
Member (6/88-present)

BAR ADMISSION

California 1988

http://www.legislativecounsel.ca.gov/attorney_bio/24

Joe Ayala

925 L Street
Sacramento, California 95814
Office: (916) 341-8246
joe.ayala@legislativecounsel.ca.gov

Joe Ayala, who joined the office in 1987, manages a branch of the office that handles laws relating to criminal law, family law, juveniles, courts, gaming, public health and social services, health and care facilities, insurance and health care coverage, professions and vocations, vehicles, and workers' compensation.

Mr. Ayala has represented the office and lectured in Ukraine in 2011 and in Armenia in 2014 as part of the Professional Fellows Program administered by the nonprofit American Councils for International Educational organization, which is funded by the U.S. Department of State.

He previously managed a division of the office that handled the areas of air resources, elementary and secondary education, fish and game, harbors and navigation, hazardous materials, postsecondary education, public resources, public utilities, solid waste, vehicles, and water.

In 2000 and 2001, Mr. Ayala took the opportunity to serve as a legislative advocate for the Office of the State Attorney General. In that role, he represented the Office of the State Attorney General on legislation relating to Indian law and gaming, civil rights, tobacco regulation, health quality enforcement, and other civil law matters enforced by that office.

Mr. Ayala received his J.D. from Loyola Law School. He received his undergraduate degree from Pomona College.

Mr. Ayala is a member of the California State Bar. He is also a member of La Raza Lawyers' Association.