

# **OPEN SESSION AGENDA ITEM**

## **54-114 NOVEMBER 2018 Board Executive III. D.**

**DATE:** November 15, 2018

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

**FROM:** Rodney Low, Senior Program Analyst, Office of Access & Inclusion

**SUBJECT:** Legal Services of Northern California (LSNC)  
Reappointment of State Bar Representatives to Board of Directors

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### **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. 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). These Guidelines further allow for an individual to serve beyond the six year maximum if good cause is shown, such as lack of eligible candidates from the service area.

Under the bylaws of Legal Services of Northern California ("LSNC"), the LSNC Board of Directors is authorized to have 36-39 members; and the State Bar is to appoint twenty attorneys to their board. The members serve staggered terms. Two current LSNC Board members, James Wright and Amelia Burroughs, completed their first three-year term on September 1, 2018. They are both eligible for reappointment. Cheryl Carl also completed a three-year term on September 1, 2018. She previously served as a State Bar representative on the LSNC Board from 1993 to 1999. Even though she has previously served more than six years on the LSNC Board, it is requested that the Board approve her reappointment under the other good cause exception, as discussed below.

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### **BACKGROUND**

LSNC is a nonprofit legal services program whose focus includes preservation of housing, health care, job protection, family law, special education, and serving vulnerable populations. LSNC serves 23 counties in Northern California with eight office locations in Sacramento, Auburn, Chico, Eureka, Redding, Ukiah, Vallejo and Woodland. The LSNC bylaws specify the numbers of Board members to be appointed to represent the different counties in their service area.

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 recommendations. 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. Individuals previously appointed by the State Bar may be reappointed under certain circumstances.

The State Bar Board Book sets forth the requirements for appointments at Tab 5.2, 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).

At its September Board meeting, the LSNC board recommended the reappointment of James Wright, Amelia Burroughs, and Cheryl Carl. Their current terms expired on September 1, 2018. If approved, it is recommended that their new terms commence on November 16, 2018, and expire on August 31, 2021. Because Mr. Wright and Ms. Burroughs have only served one three-year term, they are both eligible for reappointment. Ms. Carl previously served on the LSNC Board from 1993-1999. She was reappointed by the State Bar Board of Trustees to a three-year term in November, 2015.

## **DISCUSSION**

To ensure appropriate representation of their expansive service area, the bylaws of LSNC categorize their board positions into classifications representing the different geographic areas in which particular board members must reside or practice. For the three attorneys recommended for reappointment, these classifications are:

**James G. Wright**, Class B – This class of directors shall consist of three persons who practice or reside in Yolo County. Mr. Wright practices in Yolo County. Before he retired in 2012, Mr. Wright practiced as an attorney in service to the County of Sacramento for 25 years, most recently a litigation counsel for child protective services in Sacramento County. He also served as a public defender in Yolo County for over 10 years and was a legal aid attorney for Contra Costa Legal Services for 2 years. His breadth of experience is extremely helpful to the Board. He also performs pro bono legal work twice a week at the LSNC office in Yolo County.

**Amelia Burroughs**, Class G – This class of directors shall consist of five persons who practice or reside in Humboldt, Mendocino, Lake or Del Norte Counties. Ms. Burroughs resides in Humboldt County and is a partner at a private law firm. Ms. Burroughs is an active LSNC Board member and was recognized as Public Justice Foundation's 2011 Trial Lawyer of the Year, a Rising Star for Northern California in 2011 and 2012, and as a Northern California Super Lawyer in 2013 and 2014. Her firm, Jansen Malloy LLP, received this year's Pro Bono Publico Award. LSNC values Ms. Burroughs participation on the Board.

**Cheryl Carl**, Class D – This class of directors shall consist of five persons who reside in Placer, Amador, Calaveras, Nevada, Sierra, or El Dorado Counties. Cheryl Carl is an elder law specialist in private practice in Placer County. She provides many hours of pro bono services to senior citizens in the rural service areas. She received the Placer County Bar Association Pro Bono Award in 2012.

Cheryl Carl previously served as a LSNC Board member from 1993 to 1999. She was reappointed by the State Bar of California Board of Trustees in November, 2015, to a three-year term. The Board Book policy on reappointment limits service as a member of the Board of Directors of legal services programs to six years, absent good cause, such as a lack of eligible candidates from the service area.

In the counties Ms. Carl represents, there are approximately 2,639 active attorneys. LSNC historically has had great difficulty in finding attorneys with the requisite skills and ability who desire to provide legal aid services in some of these northernmost counties. In fact, LSNC changed its bylaws in 2011 to permit members who had already served six years on the Board to reapply after sitting out at least one term, precisely because it experienced such difficulty finding Board members in these rural service areas.<sup>1</sup> This change in LSNC's bylaws does not impact the State Bar's policy, described above, which disfavors reappointment after two terms or six years of service absent good cause. The Bar's policy, however, identifies the lack of eligible candidates as a good cause justification for an exception to this policy. LSNC believes strongly that Ms. Carl's background, her desire to provide pro bono services, and her extensive experience as a member of LSNC, establishes she has the requisite skill and ability to serve this community, and LSNC's historic inability to attract good candidates to represent the geographic area provides the necessary good cause to reappoint Ms. Carl.

#### Diversity Considerations

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)."

LSNC provides legal services to consumers in 23 northern California counties. Currently, its board has 23 members. Of those 23 members, 70% are female, 30% are male, 78% are Caucasian, 17% are Hispanic, and 5% is Asian. Of the 13 attorney members of the board, 62% are female, 38% are male, 85% are Caucasian, and 15% are Hispanic. All but one of the attorney board members are State Bar appointments.

Mr. Wright is being considered for a board position representing Yolo County. He is Caucasian, male, and over 65 years of age. U.S. Census Bureau data for 2016 estimates that the population of Yolo County is 48.8% male and 51.2% female, with approximately 1.1% over the age of 65. According to this data, the racial composition is 83.5% Caucasian, 1.4% African American, .9% Native American, and 5.9% Asian. The Hispanic population is estimated to be 31.2%.<sup>2</sup>

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<sup>1</sup> LSNC Board By-laws, Section 3.04 reads, "Any person shall be eligible to serve again as a director when a period of three (3) years has passed after his or her term expired."

<sup>2</sup>

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_16\\_5YR\\_DP05&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_5YR_DP05&prodType=table)

Ms. Burroughs is being considered for a board position representing Humboldt, Mendocino, Lake and Del Norte Counties. She is Caucasian and female. U.S. Census Bureau data for 2016 estimates that, for these counties, the averages of the population are: male 51.2%, female 48.8%, Caucasian 81.6%, African American 1.7%, Native American 5.3%, Asian 2.9%, and Hispanic 16.8%.<sup>3</sup>

Ms. Carl is being considered for a board position representing Placer, Amador, Calaveras, Nevada, Sierra, and El Dorado Counties. Ms. Carl is Caucasian and female. U.S. Census Bureau data for 2016 estimates that, for these counties, the averages of the population of all six counties are: male 50.1%, female 49.9%; Caucasian 89%, African American 1.3%, Native American 1.35%, Asian 2.6%, Hispanic 10.28%.<sup>4</sup>

Each of these individuals are uniquely qualified to serve as State Bar appointments to LSNC based on their legal experience and connection to the communities they serve. However, staff also notes that because LSNC wishes to reappoint these members, they did not request the State Bar to issue a press release to solicit additional candidates who could potentially add to the diversity of the Board.

The recommendation letter from Gary Smith, LSNC Executive Director, including the current LSNC Board demographics and the resumes for the three attorney board members recommended for reappointment, are attached.

James Wright, Amelia Burroughs, and Cheryl Carl's terms ended on September 1, 2018. Their reappointment term should commence on November 16, 2018, and expire on August 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 Board of Trustees approve the following resolution:**

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<sup>3</sup> Id.

<sup>4</sup> Id.

**RESOLVED**, that the Board of Trustees approve the reappointment of James G. Wright, Amelia Burroughs, and Cheryl Carl to the Board of the Directors of the Legal Services of Northern California, each for a second three-year term, commencing November 16, 2018, and expiring August 31, 2021, or until further order of the Board, whichever occurs earlier.

#### **ATTACHMENTS LIST**

- A.** Recommendation Letter from Legal Services of Northern California
- B.** Demographics of LSNC Board of Directors
- C.** Resume for James G. Wright; Resume for Amelia Burroughs; Resume for Cheryl Carl

## Attachment A: Letter of Recommendation from Legal Services of Northern California



October 12, 2018

Via electronic mail  
[Rodney.Low@calbar.ca.gov](mailto:Rodney.Low@calbar.ca.gov)

Rodney Low  
Senior Program Analyst  
Office of Access and Inclusion  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

Re: Reappointment of three LSNC Attorney Board Members

Dear Rodney:

The Executive Committee of the Board of Directors of Legal Services of Northern California, Inc., has recommended the re-appointment by the State Bar of the following three attorney members of the LSNC Board to a second three year term: Amelia Burroughs, Cheryl Carl, and James Wright.

Amelia Burroughs has been an active representative on the Board from LSNC's Redwood region (Humboldt and Del Norte counties). Her law firm, Jansen Malloy LLP, received this year's Pro Bono Publico Award at the Redwood office's annual Pro Bono Gala on October 5<sup>th</sup> in Eureka, recognizing the many contributions the firm and its attorneys have made to Redwood's low-income clients. Jim Wright, who retired after a distinguished career as an attorney in government service, spends two days each week as a pro bono volunteer in LSNC's Yolo County office, and he is a contributing member on a number of LSNC Board committees. Cheryl Carl, an elder law specialist from LSNC's Motherlode region (Placer, Amador, Calaveras, El Dorado, Nevada and Sierra counties), has provided countless hours of pro bono services to senior clients in LSNC's rural service areas. LSNC's Board enthusiastically recommends all three members for State Bar re-appointment.

Currently LSNC has 23 total Board members. There are 13 attorney members, with a demographic breakdown as follows:

5 males (4 White, 1 Latino; one of the white males has significant physical disabilities)

8 females (7 White, 1 Latina; one of the white females is a member of the LGBTQ community)

As we have discussed, LSNC is committed to recruiting and maintaining a Board (and staff) which reflects the diversity of its client population. LSNC's long-time Board President, Kevin Johnson, was the first Latino dean of a public law school in California, and is a nationally recognized expert in civil rights and immigration law. He is absolutely committed to diversity

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A Legal Services Corporation Program



and inclusion not only in LSNC's Board and staff composition, but in its delivery of services as well.

While our client-eligible Board composition is significantly more diverse than our attorney membership, unfortunately there are some significant structural impediments to our ongoing efforts to diversify the attorney members. Our by-laws require that our attorneys have proportionate representation from across our twenty-three county service area. Most of our counties are extremely rural, with very few attorneys in private practice, and indeed according to some recent surveys some of LSNC's counties have no attorneys of color at all. Another recent survey revealed that at least one of LSNC's counties has no Spanish-speaking attorneys at all.

These local demographics are simply more specific reflections of the more general structural problem, which is the relative lack of diversity in the State Bar as a whole. Indeed, the percentage of LSNC's attorney Board membership with respect to gender (62% women) is actually substantially greater than the percentage of women in the State Bar overall (40.6% women), and the percentage of attorneys of color on LSNC's Board (15%) is only 5% less than the percentage of people of color in the State Bar overall (20%).

Notwithstanding, these structural challenges, LSNC remains strongly committed to increasing the diversity of our attorney Board composition. For this and other reasons, the LSNC Board is now in the process of considering potential changes to our by-laws which will facilitate our ability to recruit and retain additional Board members from parts of our service area where a more diverse pool of attorneys work and reside (e.g., Sacramento County). We will keep the State Bar advised of these developments in our organizational structure.

Thank you very much for your consideration of these three attorney Board member re-appointments.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Gary F. Smith', with a stylized, flowing script.

Gary F. Smith  
Executive Director

## Attachment B: Demographics of LSNC Board of Directors

### LEGAL SERVICES OF NORTHERN CALIFORNIA Board Member Demographics

	State Bar Attorneys	County Bar Attorneys	Clients	Other	Total
<b>Male</b>	5		2		7
<b>Female</b>	7	1	8		16
<b>Total</b>	12	1	10		23
<b>Caucasian</b>	10	1	7		18
<b>Hispanic</b>	2		2		4
<b>Black</b>	0		0		0
<b>Asian</b>	0		1		1
<b>Native American</b>	0		0		0
<b>Total</b>	12	1	10		23



**Attachment C: Resume for James G. Wright; Resume for Amelia Burroughs; Resume for Cheryl Carl**

James G. Wright  
P.O. Box 1019  
Davis, CA 95617  
jgord23@hotmail.com  
(530) 758-6206 H  
(530) 220-3366 C  
CA State Bar No. 051862

Work Experience

County of Sacramento 1987-2012

Attorney IV

10 Years litigation counsel child protective services  
8 Years litigation general counsel Sheriff Sacramento  
8 Years debt and tax collection, bankruptcy advice  
4 personnel advice and litigation various departments

County of Yolo 1976-1987

Assistant Public Defender

Chief Trial Assistant

Representation of indigents charged with major  
Felonies, oversight of newer assistants.

Contra Costa Legal Services 1974-1976 Pittsburg, CA Legal

Aid Attorney

Indigent advice and representation in landlord-tenant,  
debt collection, government benefits and consumer rights

City of Scottsdale, Arizona 1972-1974

Assistant to City Attorney,  
Public Works related matters

Philadelphia Legal Services 1971-1972

Vista volunteer staff counsel in Front Street office,  
Landlord-tenant, consumer rights, etc.

Community Experience

Many years service on the governing board of a small non-profit religious  
Corporation.

Legal Services of Northern California, Woodland Office 2013-present

Volunteer counsel, mostly debt matters about 4 hours per week.

AMELIA F. BURROUGHS  
730 Fifth Street, Eureka, California, 95501 *Phone* (707) 445-2071 *Fax* (707) 445-8305  
*E-mail* [aburoughs@janssenlaw.com](mailto:aburoughs@janssenlaw.com)

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## **EMPLOYMENT**

Janssen Malloy LLP 730 Fifth Street Eureka, California 95501 2011 -present	Partner
Janssen, Malloy, Needham, Morrison, Reinholtsen & Crowley, LLP 730 Fifth Street Eureka, California 95501 2007-2011	Associate
Lerach Coughlin Stoia Gellar Rudman & Robbins, LLP 655 W Broadway, Suite 1900 San Diego, California 92101 2004-2007	Associate
Milberg Weiss Bershad Hynes & Lerach, LLP 655 W Broadway, Suite 1900 San Diego, California 92101 2003-2004	Associate
Girard Gibbs & De Bartolomeo, LL 601 California Street, Suite 1400 San Francisco, CA 94108 2002-2003	Associate

## **EDUCATION**

University of the Pacific, McGeorge School of Law  
Sacramento, California  
Juris Doctor (with Great Distinction), 2002

California State University, Sacramento  
Sacramento, California  
B.A., History (with High Honors), 1999

### **MEMBERSHIPS**

California Women Lawyers  
Consumer Attorneys of California  
Humboldt County Bar Association  
California State Bar

### **AWARDS**

Public Justice Foundation's 2011 Trial Lawyer of the Year  
Consumer Attorneys of California's 2011 Consumer Attorney of the Year  
2011 Rising Stars for Northern California  
2012 Rising Stars for Northern California  
2013 Northern California Super Lawyers  
2014 Northern California Super Lawyers

### **PUBLICATIONS**

"Mythed It Again: Discovery Abuse and Federal Rule of Civil Procedure 26(b)(1)," 33 McGEORGE  
LAW REVIEW 75 (2002)

"The Mother of All Exemptions: Chapter 266 and California Jury Selection," 32 McGEORGE  
LAW REVIEW 765 (2001)

## **Cheryl L. Carl**

Attorney At Law  
PO Box 512  
Lincoln, CA 95648  
Telephone/Fax (916) 645-1310

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OBJECTIVE Board Membership Legal Services of Northern California,  
Mother Lode Region

### EXPERIENCE

#### **AttorneyAtLaw**

Areas of Practice: Wills, Trusts, Estate Planning, Civil Litigation  
LSNC Senior Legal Clinics in Lincoln and Auburn, California

- Conduct free 1/2 hour consultations with senior citizens; advise clients regarding wills, trusts, trust and estate planning, assist in determination of whether private attorney is required; provide referrals to specialists and other agencies.

#### **Legal Services of Northern California Board Member**

- Served two terms beginning 1993

#### **Paralegal**

Area of Practice: Family Law 8/1999-5/2000  
Sherrill Linker, Attorney at Law, 130 Maple Street, Auburn, California 95603,  
(530) 885-2398

- Conducted legal research; drafted pleadings, declarations and correspondence; prepared trial binders; prepared evidence for trial; filed documents with the court; maintained client records and status.

#### **Paralegal**

5/1990-6/1995

Areas of Practice: Civil Litigation; Wills, Probate; Family Law, Criminal Law  
Karl J. Schnetz, Attorney at Law, P.O. Box 57, Newcastle, California 95658,  
(916) 663-1100

- Conducted legal research; drafted pleadings, declarations and correspondence; conducted initial client interviews; prepared Wills; assisted in the administration of probate estates; maintained client records; prepared trial binders and folders; filed documents with the court; prepared evidence for trial; researched and prepared criminal defense motions; prepared questions for depositions and trials; prepared jury instructions; conducted investigations with other attorneys and law enforcement; supervised office staff and prepared billing statements.

Dispatcher-

9/1985-7/1988

Rocklin Police Department, Rocklin, California 95677

- Dispatched police, fire and ambulance in response to citizen calls; revised and updated the warrant system; ran criminal history checks for officers; entered record and report data into data base.

Protective Service Officer

4/1974-11/1984

Lawrence Livermore Laboratory, East Avenue, Livermore, California 94550

- Senior Communications Officer: dispatched officers in response to calls
- Field Training Officer: assisted in writing the field training manual; trained officers in the field and communications; sat on the interview oral board for new officers; maintained records; performed patrols on foot and in vehicle.

## EDUCATION

Lincoln Law School, Sacramento, California

- Student Body representative, 1994
- J.D., 1998

University of California, Sacramento, California

- Member of Phi Alpha Delta
- Member of Golden Key National Honor Society
- B.A., Government, 1990 cum laude

## AWARDS

- Recognized by the Placer County District Attorney's Office at the Elder Convention held October 2007 for outstanding efforts on behalf of senior citizens
- Placer County Bar Association 2012 Pro Bono Award

## INTERESTS

- Current Regent for the Daughters of the American Revolution Emigrant Trail Chapter
- Study of history
- Swimming, reading and crafts
- Study of the Bible