



The State Bar *of California*

AGENDA ITEM

SEPTEMBER 10 – Thursday, July 11, 2019, Open Session Minutes

Open Session Minutes
Regular Meeting of the Board of Trustees

State Bar of California
845 South Figueroa Street
Board Room, 2nd Floor
Los Angeles, California

Thursday, July 11, 2019
12:30 p.m.

Time meeting commenced: 12:48 p.m. (Meeting commenced in Open Session, went immediately into Closed Session, and reconvened in Open Session immediately thereafter at 1:58 p.m.)

Time meeting adjourned: 5:00 p.m.

Chair: Jason Lee

Secretary: Sarah Cohen

Members present: Mark Broughton, Hailyn Chen, Juan De La Cruz, Ruben Duran, Debbie Manning, Joanna Mendoza, Sean SeLegue, Brandon Stallings, Alan Steinbrecher

Members joined in progress: Sonia Delen

Members absent: Renée LaBran, Joshua Perttula

Public Comment: See summary below.

Faith Tomlin: Ms. Tomlin, intern at Center for Public Interest Law (CPIL), expressed support on behalf of CPIL for the work undertaken by the State Bar's Task Force on Access Through Innovation of Legal Services and the request to circulate its tentative recommendations for public comment (Item #701).

10 Minutes

April 9, 2019 - Open Session Minutes – Adopted by unanimous consent

April 22, 2019 - Open Session Minutes – Adopted by unanimous consent

May 17, 2019 - Open Session Minutes – Adopted by unanimous consent

30 Chair's Report – *oral report*

40 Staff Reports

41 Executive Director

1. Report from Executive Director - *informational*

50 Consent Agenda - Collectively Deemed Approved by Unanimous Consent, except roll call vote.

50-1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

1. For Enhancement to Odyssey System, with: Tyler Technologies, Inc.
2. For Oracle Cloud Annual Licensing, with: Oracle America Inc.
3. For Multi-Function Devices Leasing & Maintenance, with: Konica Minolta Business Solutions
4. For Exam Delivery Services, with: STAT Delivery Services
5. For February 2021 Bar Examination Testing, with: Oakland Marriott City Center
6. For July 2021, Bar Examination Testing, with: Oakland Marriott City Center
7. For February 2021 Bar Examination Testing, with: Ontario Convention Center
8. For July 2021 Bar Examination Testing, with: Ontario Convention Center

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

50-2 Report of Action Taken by Executive Director Approving Specified Contracts Pursuant to Business and Professions Code Section 6008.6

1. For California Justice Gap Study, with: NORC at the University of Chicago
2. For IOLTA Bank Certification & Compliance, with: Delta Consulting Boston
3. For Legal Aid Community Facilitation & Coordination, with: Legal Aid Association of California (LAAC)
4. For Bar Card Manufacturing and Mailing, with: SoftFile
5. For OCTC Case File Auditing, with: Alyse Lazar
6. For Government Affairs & Legislative Representation, with: Wada Government Relations

WHEREAS, the contracts listed herein required execution before the next regularly scheduled meeting of the Board of Trustees; and

WHEREAS, on June 15, 2019, the Executive Director, after consultation with and approval by the designated committee for advising the Executive Director on such matters, approved said contracts; it is hereby

RESOLVED, that the Board of Trustees affirms the action taken by the Executive Director on behalf of the Board.

54-111 Commission on Judicial Nominees Evaluation - Annual Appointment and Reappointment of Members, Officers and Alternates - *pulled from consent*

RESOLVED, that the Board of Trustees approve reappointment of the following members to the 2020 Commission on Judicial Nominees Evaluation (JNE); each for a one-year term commencing on February 1, 2020, and expiring in April 2021 at the close of the last business meeting of the 2020 JNE Commission, or until further order of the Board of Trustees, whichever occurs earlier; and it is

2020 JNE Commission – Recommended Second-Year Class		
REAPPOINTED PUBLIC (non-lawyer) MEMBERS		CITY
1.	Kalian, Susan	Carlsbad
REAPPOINTED FORMER JUDICIAL OFFICER		
2.	Hon. Chirlin, Judith C. (ret.)	Pasadena
REAPPOINTED LAWYER MEMBERS		CITY
3.	Brandt, Robert C.	Los Angeles
4.	Danitz, Brian	Burlingame
5.	Diallo, Souleymane P.	Riverside
6.	Hoffman, Adam W.	San Francisco
7.	Johnson, Arwen R.	Los Angeles
8.	Kristovich, Bethany	Los Angeles
9.	Mathews-Davis, Alana D.	Sacramento
10.	Sapoznikow, Michael	Sacramento
11.	Seastrom, Brian G.	Newport Beach
12.	Sheik, Mani	San Francisco
13.	Yuen, Tammy Mui	Oakland

2020 JNE Commission – Recommended Third-Year Class		
REAPPOINTED PUBLIC (non-lawyer) MEMBERS		CITY
14.	Cody, Lisa	Claremont
15.	Conn, Carole	San Francisco
REAPPOINTED LAWYER MEMBERS		CITY
16.	Alexander, Daniel	Los Angeles
17.	Carrillo, Sarah J.	Sonora
18.	El-Amamy, Reema M.	Los Angeles
19.	Hammon, Patrick M.	Palo Alto
20.	Michalski, James W.	La Mirada
21.	Traicoff, Kristin	Sacramento
22.	Triano, Martin F.	Berkeley
23.	Tsai, Jeffrey E.	San Francisco

FURTHER RESOLVED, that the Board of Trustees approve appointment of the following officers to the 2020 Commission on Judicial Nominees Evaluation (JNE) for a one-year term commencing at the close of the last business meeting of the 2019 JNE Commission in April 2020, and expiring at the close of the last business meeting of the 2020 JNE Commission in April 2021, or until further order of the Board of Trustees, whichever occurs earlier; and it is

2020 JNE Commission – Recommended Vice-Chair (Third-Year)		
REAPPOINTED LAWYER MEMBER		CITY
24.	Ngai, Stella	Oakland

2020 JNE Commission – Recommended Chair (Fourth-Year)		
REAPPOINTED LAWYER MEMBER		CITY
25.	Singh, Aminder	Oakland

FURTHER RESOLVED, that the Board of Trustees approve appointment of the following new members and alternates to the 2020 Commission on Judicial Nominees Evaluation (JNE); each for a one-year term commencing February 1, 2020, and expiring at the close of the last business meeting of the 2020 JNE Commission in April 2021, or until further order of the Board of Trustees, whichever occurs earlier.

2019 JNE Commission – Recommended First-Year Class		
NEW PUBLIC (non-lawyer) MEMBER		CITY
1.	Hemann, Pamela	Pasadena
2.	Kelty, Melissa	Santa Barbara
NEW FORMER JUDICIAL OFFICER MEMBER		
3.	Hon. Robert Oliver (ret.)	Fresno
NEW LAWYER MEMBERS		CITY
4.	Crook, Jamie	San Francisco
5.	El-Hajj, Jeffrey	San Jose
6.	Lee, Tiffany	Palo Alto
7.	Manning, Jill	San Francisco
8.	McMeel, Meghan	San Francisco
9.	Palmer, Justin	Long Beach
10.	Pierce, Thomas	San Francisco
11.	Radogna, Anthony	Irvine
12.	Reif, Judith	Los Angeles
13.	Yoo, Donald	Los Angeles
NEW ALTERNATES		CITY
1.	Orozco, Augustin	Los Angeles
2.	Allender, Daniel	Los Angeles
3.	McCall, Christina	Oakland
4.	Margolis, Donald	Oakland
5.	Dostart, Zachariah	La Jolla
6.	Dominguez, Carlos	Los Angeles
7.	Hammer, Jeffrey	Los Angeles
8.	Riemer, Maria	Riverside

Moved by Mendoza, Seconded by Stallings.

Yes – Chen, De La Cruz, Delen, Manning, Mendoza, SeLegue, Stallings, Steinbrecher

No – N/A

Abstain – Mark Broughton (recused)

Motion passes.

54-112 Review Committee of the Commission on Judicial Nominees Evaluation - Annual Appointment of Members and Officer

RESOLVED, that upon recommendation of the Board Executive Committee, the Board of Trustees approve the appointment of David George as Chair of the Review Committee of the Commission on Judicial Nominees Evaluation, for a one-year term, commencing at the close of the September 2019 meeting of the Board of Trustees on September 19-20, 2019, and expiring at the close of the September 2020 meeting of the Board of Trustees on September 17-18, 2020, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that upon recommendation of the Board Executive Committee, the Board of Trustees approve the appointment of Jody Nuñez to fill the position of past member of the Commission on Judicial Nominees Evaluation on the Review Committee of the Commission on Judicial Nominees Evaluation, for a three-year term, commencing at the close of the September 2019 meeting of the Board of Trustees on September 19-20, 2019, and expiring at the close of the September 2022 meeting of the Board of Trustees or until further order of the Board of Trustees, whichever occurs earlier.

54-113 Client Security Fund Commission - Annual Appointment of Members and Officers

RESOLVED, that the Board of Trustees approve the recommendation to extend the term of Shanae S. Buffington for one year and to appoint her to the position of Chair of the Client Security Fund Commission, for the 2019-2020 committee year; and it is

FURTHER RESOLVED, that the Board of Trustees approve the recommendation to appoint Robert C. Bowman, Jr., to the position of Vice-Chair of the Client Security Fund Commission, for the 2019-2020 committee year; and it is

FURTHER RESOLVED, that the Board of Trustees approve the recommendation to appoint Douglas J. Hartsough as an attorney member of the Client Security Fund Commission, for a four-year term beginning in the 2019-2020 committee year.

54-114 California Board of Legal Specialization - Annual Appointment of Members and Officers – *pulled from consent*

RESOLVED, that the Board of Trustees approve the appointments of Aurelio Torre and Robert Hershenson as Chair and Vice-Chair, respectively, of the California Board of Legal Specialization, each for a one-year term effective at the start of the 2019-2020 State Bar year; and it is

FURTHER RESOLVED, that the Board of Trustees approve the appointments of Norma L. Acosta, Jeffery T. Hammerschmidt, Avi Levy, and Natalie P. Vance to the California Board of Legal Specialization as members for four-year terms effective at the start of the 2019-2020 State Bar year.

Moved by Mendoza, Seconded by Stallings.

Yes – Chen, De La Cruz, Delen, Manning, Mendoza, SeLegue, Stallings, Steinbrecher

No – N/A

Abstain – Mark Broughton (recused)

Motion passes.

54-115 Committee on Professional Responsibility and Conduct - Annual Appointment of Members, Officers and Alternates

RESOLVED, that the Board of Trustees approve the appointment of the following new members and officers to serve on the Committee of Professional Responsibility and Conduct (COPRAC) beginning in the 2019-2020 committee year:

Officers

Stephen Bundy, Chair (2020)
Dena Roche, Vice-Chair (2020)

Member Appointments

1. Kenneth Bacon
2. Sarah Banola
3. Brandon Krueger

Alternate Member Appointments

1. Joel Mark
2. Balpreet Paino
3. Gerald Knapton

54-116 Legal Services Trust Fund Commission - Annual Appointment of Members

RESOLVED, that upon recommendation of the Board Executive Committee, the Board of Trustees approve appointment of James Meeker and Zahirah Mann as attorney members, and Will Boschelli, Erin Lewellen, and Robert Planthold as public members,

for one, four-year term, commencing at the close of the September 2019 meeting of the Board of Trustees, and expiring at the close of the September 2023 meeting of the Board of Trustees.

54-117 Council on Access and Fairness (COAF) - Annual Appointment of Members and Officers

RESOLVED, that the Board of Trustees approve the appointment of Heather Anderson-Hayes, Ryan Harrison, Kristin Rosi, and Gonzalo "Sal" Torres as COAF members for one, four-year term to commence at the close of the September 2019 meeting of the Board of Trustees, and expiring at the close of the September 2023 meeting of the Board of Trustees.

FURTHER RESOLVED, that the Board of Trustees extend the term of Judge Brenda Harbin-Forte for one year and approve the appointment of Judge Harbin-Forte as the Chair and Esther P. Kim as the Vice-Chair of COAF for the 2019-2020 COAF year and expiring at the close of the September 2020 meeting of the Board of Trustees.

54-118 Mandatory Fee Arbitrators - Appointment of New Fee Arbitrators

RESOLVED, that the Board of Trustees appoints the applicants whose names appear on the list attached hereto as Attachment A to the State Bar Mandatory Fee Arbitration Program, each for a term commencing July 11, 2019, and expiring December 31, 2019.

54-119 Correction - May 2019 Agenda Item - American Bar Association (ABA) House of Delegates - Annual Appointment of Members – *informational* Updated 2017-2022 Strategic Plan Rev. 2: 1.b.

54-141 Licensee Requests for Adjustment of Fees, Penalties and Charges

RESOLVED, that the Board of Trustees approve the fee adjustments for the State Bar licensees as presented this day before the Board, and on file in the San Francisco office of the State Bar.

54-142 Annual Adoption of Investment Policy - *withdrawn*

100 Reports of Board Committees

130 Programs Committee

131 Approval of Interest on Lawyers' Trust Accounts (IOLTA) Grant Distribution for 2020 Updated 2017-2022 Strategic Plan Rev. 2: 4.a.

Moved by De La Cruz, Seconded by Mendoza.

Yes – Broughton, Chen, De La Cruz, Delen, Manning, Mendoza, SeLegue, Stallings, Steinbrecher

No – N/A

Abstain – N/A

Motion passes.

700 Miscellaneous

701 State Bar Task Force on Access Through Innovation of Legal Services Report: Request to Circulate Tentative Recommendations for Public Comment Updated 2017-2022 Strategic Plan Rev. 2: 4.d.

Presenter: Randall Difuntorum, Program Manager

RESOLVED, that the Board of Trustees hereby authorizes a 60-day public comment period and a public hearing on the tentative recommendations of the Task Force on Access Through Innovation of Legal Services attached hereto as Attachment A; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed changes.

Moved by De La Cruz, Seconded by Steinbrecher.

Yes – Broughton, Chen, De La Cruz, Delen, Manning, Mendoza, Stallings, Steinbrecher

No – N/A

Abstain – N/A

Motion passes.

702 Malpractice Insurance Working Group: Approval of Implementation Plan and Cost Updated 2017-2022 Strategic Plan Rev. 2: 1.b.

Presenter: Linda Katz, Principal Program Analyst

RESOLVED, that the Board of Trustees direct staff to develop and disseminate a request for proposals for research regarding the risk to the public posed by attorneys who do not carry malpractice insurance, ~~as described above~~; and it is

FURTHER RESOLVED that the Board of Trustees direct staff to conduct additional research regarding options for providing legal malpractice insurance through ~~the State Bar and/or~~ legal services programs to attorneys who provide pro bono and low bono services outside the scope of the legal services program; ~~and it is~~

~~**FURTHER RESOLVED** that the Board of Trustees direct staff to develop improved model disclosure language for inclusion in Rule 1.4.2 of the Rules of Professional Conduct; and it is~~

~~**FURTHER RESOLVED** that the Board of Trustees direct staff to develop amendments to the State Bar Rules and California Rules of Court to require attorneys to report to the State Bar whether they have legal malpractice insurance; and it is~~

~~**FURTHER RESOLVED** that the Board of Trustees direct staff to make information regarding attorneys' malpractice insurance available on attorneys' public profiles, subsequent to approval by the Supreme Court of amendments to State Bar Rules and California Rules of Court requiring attorneys to report this information to the State Bar.~~

Friendly amendment by Mendoza, seconded by Steinbrecher, to remove ,“as described above” in first resolution, with assurance that staff would reach out to former MIWG member/s to further define and refine the scope of the RFP.

Moved by Steinbrecher, Seconded by Chen.

Substitute the roll call.

Motion passes.

703 Discussion of Legislative Analyst Office Report – *informational*

Presenters: Leah Wilson, Executive Director
John Adams, Chief Financial Officer

Adjourn