



# The State Bar of California

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## AGENDA ITEM

### **MAY 10 – Minutes Approval – March 18-19, 2021, Meeting**

Regular Meeting of the Board of Trustees

Zoom

Open Session Minutes

Friday, March 19, 2021

9:00 a.m. –

**Open Session Commencement:** 9:03 a.m. Moved into closed session at 12:07 p.m.

**Open Session Adjournment:** 12:45 p.m.

**Secretary:** Sarah L. Cohen

**Chair:** Sean SeLegue

**Other Members Present:** Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Christine Gonong, Joshua Perttula, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

**Members Absent:** None

**PUBLIC COMMENTS** – see attachment

## **10 MINUTES**

Open Session Minutes – January 22, 2021

*Minutes tabled for inclusion of public comments.*

## **30 CHAIR'S REPORT - *oral***

## **40 STAFF REPORTS**

**41 Executive Director**

**Report from Executive Director - *informational***

*All items on the consent agenda were voted on as proposed and approved.*

## **50 CONSENT AGENDA**

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

1. For offsite document storage, with: Iron Mountain
2. For enhancement of grant management software application, with: Tiffany Woon
3. For February 2022 Bar Exam testing site, with: Marriott Business Center-Oakland
4. For July 2022 Bar Exam testing site, with: Marriott Business Center-Oakland
5. For inspection of law schools, with: Heather Georgakis
6. For Oracle support services, with: Sierra-Cedar, Inc.

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

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

1. For February 2021 Bar Exam testing site, with Sheraton Gateway Los Angeles
2. For February 2021 Bar Exam testing site, with Sheraton San Diego Mission Valley
3. For February 2021 Bar Exam testing site, with Crowne Plaza Hotel Burlingame
4. For February 2021 Bar Exam testing site, with DoubleTree Westside Culver City

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

**WHEREAS**, on February 16, 2021, the Board Executive Committee approved said contracts; it is hereby

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

### **50-3 Report of Action Taken by Board Executive Committee Approving Priorities for Competitive Grants to Legal Services Organizations to Fund Provisionally Licensed Lawyers** Updated 2017–2022 Strategic Plan Rev. 3: 4.a.

**RESOLVED**, that the Board Executive Committee, acting on behalf of the Board of Trustees under its delegated authority, approves the priorities, rubric, and distribution plan for 2021–2022 Provisionally Licensed Lawyer Grants as described herein.

### **50-4 Annual Report on the Use of Outside Counsel for 2020 – *informational*** Updated 2017–2022 Strategic Plan Rev. 3: 3.a., 3.b.

**50-5 Receipt and Filing of Annual Lawyer Assistance Program Oversight Committee Report Pursuant to Business and Professions Code Section 6238**

**RESOLVED**, that the Board of Trustees receive and file the Lawyer Assistance Program 2020 Annual Report.

**50-6 Receipt and Filing of Biennial Diversity Report Pursuant to Business and Professions Code Section 6001.3(c)**

Updated 2017–2022 Strategic Plan Rev. 3: 4.g., 4.h., 4.i., 4.j., 4.k., 4.l., 4.m., 4.n., 4.o.

**RESOLVED**, that the Board of Trustees receive and file the Diversity, Equity, & Inclusion Plan: 2021–2022, Biennial Report to the Legislature.

**50-7 Proposed Technical Amendment to Rule 2.53 Governing Minimum Continuing Legal Education (MCLE) Requirements for New Licensees: Request to Circulate for Public Comment**

**RESOLVED**, that the Board of Trustees approve circulating revised Rule 2.53, as set forth in Attachment A, for a public comment period of 30 days.

**54-111 American Bar Association: Annual Appointment of Delegates**

Updated 2017–2022 Strategic Plan Rev. 3: 1.a.

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, reappoints Esther Lin as a State Bar delegate to the American Bar Association (ABA) House of Delegates, contingent upon Ms. Lin being in good standing with the ABA, for a two-year term effective at the conclusion of the 2021 ABA Annual Meeting and expiring at the conclusion of the 2023 ABA Annual Meeting, or until further order of the Board, whichever occurs earlier.

**54-112 Judicial Council of California: Annual Appointment of State Bar Members**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoint David Fu to the Judicial Council of California for a three-year term to commence on September 15, 2021, and to expire on September 14, 2024, or until further order of the Board, whichever occurs earlier.

**54-113 Review Committee of the Commission on Judicial Nominees Evaluation: Annual Appointment of Chair**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints Jody Nuñez 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 2021 meeting of the Board of Trustees, 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.

#### **54-114 Commission on Judicial Nominees Evaluation: Change in Term Structure and Appointment of Co-Vice-Chair**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves technical revisions to the Board of Trustees Policy Manual and State Bar Rules, as shown on the attachments to this agenda item, to convert the Commission on Judicial Nominees Evaluation's (JNE) three one-year term structure into a one three-year term structure effective immediately, such that the terms of the current commissioners will automatically convert to a three-year term commencing on the effective date of their original appointment to the JNE Commission; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints Adam Hofmann and Alana Arcurio to serve as Co-Vice-Chairs of the 2021 Commission on Judicial Nominees Evaluation (JNE), each for a one-year term commencing at the close of the last business meeting of the 2020 JNE Commission on April 24, 2021, and expiring at the close of the last business meeting of the 2021 JNE Commission on April 23, 2022, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints Adam Hofmann to serve as Vice-Chair of the 2021 Commission on Judicial Nominees Evaluation (JNE) for a term commencing immediately upon resignation of Alana Arcurio as Co-Vice-Chair during the 2021 JNE Commission year and expiring at the close of the last business meeting of the 2021 JNE Commission.

#### **54-141 Q4 Financial Statement Report, Investment Report, Client Security Fund Report**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, the Board of Trustees approves the 2020 Fourth Quarter Financial Report in the form presented this day before the Board, for the 12 months ended December 31, 2020, as certified by the Chief Financial Officer and filed with the San Francisco office of the State Bar.

#### **54-142 2022–2026 Five Year Financial Projection**

Updated 2017–2022 Strategic Plan Rev. 3: 3.k.

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee accepts the 2022–2026 Five-Year Financial Projection.

#### **54-181 Q4 Board and Management Travel Expenses**

**RESOLVED**, that the Board of Trustees approve the fourth quarter of 2020 Board and Management Travel Expenses in the form presented this day before the Board, for the three months ended December 31, 2020, as certified by the Chief Financial Officer, and on file with the San Francisco office of the State Bar.

*Moved by Cisneros, seconded by Shelby.*

*Ayes – Broughton, Chen, Cisneros, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Toney*

*Absent – De La Cruz, Stallings*

*Noe – n/a*

*Motion carries.*

## **100 REPORTS OF BOARD COMMITTEES**

*The member presenter is presumed to be the “mover” of the recommended action. No second is required because the motion is brought by the committee.*

### **110 Board Executive Committee**

#### **115 Approval of Addition to 2021 Legislative Priorities**

Updated 2017–2022 Strategic Plan Rev. 3: 4.a.

**Staff Presenter on behalf of Committee Chair:** Linda Katz, Principal Program Analyst,  
Office of Research & Institutional  
Accountability

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee approves adding support for additional funding for the Equal Access Fund to the State Bar’s 2021 legislative priorities.

*Ayes – Broughton, Chen, Cisneros, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Toney*

*Absent – De La Cruz, Stallings*

*Noe – n/a*

*Motion carries.*

## **700 MISCELLANEOUS**

#### **701 Status Update on Recommendations to Address Disparities in the Discipline System**

Updated 2017–2022 Strategic Plan Rev. 3: 2.b.

**Presenters:** Dag MacLeod, Chief, Mission Advancement & Accountability Division  
Lisa Chavez, Program Director, Office of Research & Institutional Accountability

**RESOLVED**, that staff will continue its work on projects that address disparities in the discipline system and provide an update to the State Bar of Trustees at its July 2021 meeting.

*Moved by Duran, seconded by Stallings.*

*Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Stallings, Toney*  
*Noe – n/a*

*Motion carries*

**702 Proposed State Bar Rule 3.453 Governing Client Security Fund Payment Plans for Nondisbarred and Nonresigned Licensees: Request for Emergency Adoption as an Interim Rule and Request to Circulate for Public Comment for Later Adoption as a Permanent Rule**  
Updated 2017–2022 Strategic Plan Rev. 3: 2.d.

**Presenters:** Suzanne Grandt, Assistant General Counsel, Office of General Counsel  
Gagan Kaur, Assistant General Counsel, Office of General Counsel

**RESOLVED**, that the Board of Trustees, having determined pursuant to Rule 1.10(C) of the Rules of The State Bar of California that an emergency justifies an immediate adoption as an interim Rule without public comment, hereby adopts this new Client Security Fund Rule 3.453 of the State Bar of California, attached hereto as Attachment A.

**FURTHER RESOLVED**, that the Board of Trustees authorizes staff to make available for a 30-day public comment period the proposed new Client Security Fund Rule 3.453 of the State Bar of California for later adoption as a permanent Rule, attached hereto as Attachment A.

*Moved by Stallings, seconded by Duran.*

*Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Stallings*  
*Noe – Toney*

*Motion carries*

**703 State Bar Metrics Report – *informational***

**Presenters:** Donna S. Hershkowitz, Interim Executive Director  
Lisa Chavez, Program Director, Office of Research & Institutional Accountability

**704 Approval of Planned Updates to the State Bar Website to Implement Recent Rule Changes Addressing Public Licensee Information and Required Reporting**  
Updated 2017–2022 Strategic Plan Rev. 3: 2.g.

**Presenters:** Teresa Ruano, Principal Program Analyst, Office of Strategic Communications & Stakeholder Engagement

**RESOLVED**, that the Board of Trustees hereby approves the planned updates to the State Bar public website regarding the display of and search of attorney profile information in accordance with State Bar Rule 2.2.

*Moved by Duran, seconded by Cisneros.*

*Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Stallings, Toney*  
*Noe – n/a*

*Motion carries.*

**705 Discussion Regarding the Appointment of the State Bar Executive Director –**  
*informational*

**Presenters:** Ruben Duran, Executive Director Search Committee  
Arnold Sowell, Jr., Executive Director Search Committee

### **Public Comment Attachment**

Thursday, March 18, 2021 – no public comment

Friday, March 19, 2021 – 2 public comments

The following list reflects the names, titles, and organizations of the individuals as they identified themselves at the meeting or on Zoom and makes no distinction as to whether the individual was speaking on their own behalf or on behalf of the identified organization.

1. **Kirstin Jensvold-Rumage, Student Intern, University of San Diego School of Law, Center for Public Interest Law:** Recommended thorough assessment of attorney discipline system.
2. **Thomas Coleman, Legal Director, Spectrum Institute:** Addressed Agenda item 115 (approval of addition to 2021 legislative priorities), Goal 4 (access to legal services for low and moderate income people), proposing a work group on access to legal services for probate conservatees and proposed conservatees.