



The State Bar of California

OPEN SESSION

AGENDA ITEM

54-142 JULY 2021

FINANCE COMMITTEE II.A

DATE: July 1, 2021

TO: Members, Finance Committee
Members, Board of Trustees

FROM: Juan De La Cruz, Board of Trustees
Sonia Delen, Board of Trustees
Ruben Duran, Board of Trustees

SUBJECT: Approval of Licensee Requests for Adjustment of Fees, Penalties, and Charges

EXECUTIVE SUMMARY

Licensees may request adjustments to their license fees and penalties. Staff are empowered to approve or deny requests based on certain factors delineated in the rules. Title Two, Rule 2.16 (h) of the Rules of the State Bar states that the Board of Trustees reserves the right for good cause to grant requests for waivers that were denied by staff and to consider all other requests for waivers outside the scope of staff's authority. Each year, staff convene an informal working group of Board members to assist in developing the recommendations on such requests. This agenda item identifies which licensee requests the working group has determined to have good cause to recommend fee adjustments and which the group recommends denying

Board members with questions or concerns may contact Dina DiLoreto, 415-538-2121 or dina.diloreto@calbar.ca.gov

BACKGROUND

Rule 2.16 of Title Two of the Rules of the State Bar authorizes the waiver of annual license fees and penalties in defined circumstances. Rule 2.16 (c) specifies three circumstances where staff may grant a licensee's request for waiver of up to \$1,000 in annual licensing fees and penalties for the year in which they are due: (1) the licensee serves full-time as a magistrate, commissioner, or referee for a state or federal court of record; (2) the licensee is a retired judge

who accepts assignments from the Chief Justice in the assigned judges' program; or (3) the licensee's total gross annual household income from all sources is \$20,000 or less, in which case the waiver is 50 percent of the annual license fees.

Rule 2.16 (d)–(g) also allow staff to grant waivers for licensees serving in the National Guard or in one of the military reserve units for at least 30 days, judicial officers who are leaving office, inactive licensees over 70 years of age, and licensees enrolled in the State Bar of California Pro Bono Practice Program.

Rule 2.16 (h) reserves to the Board of Trustees the authority, for good cause: (1) to grant requests for waivers denied by staff; and (2) to consider requests that fall outside of staff's authorization for granting a waiver of fees and penalties. Traditionally, a small group of Board members volunteer to meet with staff, review the waiver requests that come under rule 2.16 (h), and then make recommendations to the Board and appropriate Board committee on whether good cause is present to grant the waiver requests. After confirming with the chair of the Finance Committee that this structure for consideration of waiver requests remained acceptable, staff secured Trustees Juan De La Cruz, Sonia Delen, and Ruben Duran, as the Board volunteers. All three Trustees have served in this capacity in prior years.

In assessing what constitutes good cause for purposes of determining whether or not the Board should grant a fee waiver, the licensee's justifications for a fee waiver should be weighed against the public policy reasons for imposing annual license fees. The primary public policy reason for imposing State Bar license fees is to provide funding for an effective attorney regulatory system that protects the public. The system is funded solely through the imposition and collection of annual fees. For this reason, license fee waivers should not be granted as a matter of course, but rather should be limited to extraordinary, compelling, and exigent situations.

DISCUSSION

The following table lists all 18 requests for waivers considered by the informal working group, along with the recommendations of the group to grant or deny the request. The 18 waiver requests fall into two categories: (1) requests that are outside staff's authority to grant because they exceed \$1,000 or do not meet the parameters of rule 2.16 (c); and (2) appeals of requests within staff's authority to consider but which staff denied. The working group's recommendations are based on their review of the full request and supporting information provided by the requesting attorney. For the Finance Committee and the Board, the following table summarizes the requests only at a high level. The table is organized to first list those waiver requests recommended for approval by the informal working group, then to list those waiver requests recommended for partial approval, and finally to list those recommended for denial.

#	Name	Bar #/Admission Year	Status	Request/Comments	Working Group Recommendations
1.	Mitchell Dawson	53390/1972	Inactive	Attorney has a current balance of \$432.60. Request made on behalf of attorney by spouse. Attorney requests the inactive license fee for 2021 based on medical hardship.	Granted
2.	Truc-Lin Ngoc	219656/2002	Active	Attorney has no current balance. Attorney requests waiver of the \$100.00 late-payment penalty based on family hardship.	Granted
3.	Katie Rosen	236223/2005	Active	Attorney has no current balance. Attorney requests waiver of the \$100.00 late-payment penalty based on attorney's claim that no notice was received of license fees being due.	Granted
4.	Todd Krauss	187991/1997	Active	Attorney has no current balance. Attorney requests waiver of the \$100.00 late-payment penalty based on medical hardship.	Granted
5.	Colette Karam	273742/2010	Active	Attorney has no current balance. Attorney requests waiver of the \$100.00 late-payment penalty based on financial hardship.	Granted
6.	Zuny Ramos	161114/1992	Active	Attorney has no current balance. Attorney requests the inactive license fee for 2021 based on medical hardship.	Granted – contingent on attorney transferring license to Inactive status
7.	Amy W. Gurvey	87419/1975	Inactive	Attorney has no current balance. Attorney requests waiver or reduction of license fees based on financial and medical hardship.	Granted partial – 50% of 2021 license fees
8.	Evan Kopelson	163895/1992	Inactive	Attorney has a current balance of \$212.40. Attorney requests a waiver of current balance based on financial hardship.	Granted partial – 50% of current balance

#	Name	Bar #/Admission Year	Status	Request/Comments	Working Group Recommendations
9.	Rosemary Cook	104143/1982	Not Eligible	Attorney has a current balance of \$3,436.20 (\$1,195.00 in license fees and \$2,241.20 in discipline costs). Attorney requests waiver of past-due license fees and penalties in the amount of \$1,195.00s based on financial hardship.	Granted partial – 50% of license fees
10.	Teresa A. Bonillas	316907/1990	Active	Attorney has a current balance of \$615.00. Attorney requests waiver of 2021 license fees and late-payment penalty based on financial hardship.	Granted partial – 50% of current balance
11.	Azra Hot	247575/2006	Active	Attorney has no current balance. Attorney requests waiver or reduction of 2021 license fees and waiver of the \$100.00 late-payment penalty based on medical and family hardships.	Granted partial – late fee only
12.	Samara Weiner	225318/2003	Active	Attorney has a current balance of \$228.75. Attorney requests late-fee scaling. Attorney's request is based on financial hardship and claim that no notice was received of license fees being due.	Granted partial – late fee scaling only
13.	June Teecher	22119/1951	Active	Attorney has a current balance of \$596.25. Attorney requests waiver of current balance based on financial hardship.	Denied
14.	Angelique Pui-Ka So	263364/2009	Active	Attorney has no current balance. Attorney requests a waiver of the \$100.00 late-payment penalty based on claim that no notice was received of license fees being due.	Denied
15.	David M. Levine	333594/2021	Active	Attorney has no current balance. Attorney requests a waiver of the \$100.00 late-payment penalty. Attorney's request is based on claim of not being given a My State Profile access code in a timely manner.	Denied

#	Name	Bar #/Admission Year	Status	Request/Comments	Working Group Recommendations
16.	Rachael Luxenberg	277144/2011	Not Eligible	Attorney has a current balance of \$1,703.00. Attorney requests waiver or reduction of current balance based on financial hardship.	Denied
17.	Michael Stephenson	49801/1971	Active	Attorney has a current balance of \$100.00. Attorney requests a waiver of the \$100.00 late-payment penalty based on claim that no notice was received of license fees being due.	Denied

FISCAL/PERSONNEL IMPACT

This item contains 12 recommendations for a waiver or adjustment of fees for a total financial impact of \$2,457.35. If the recommended adjustments are approved, the year-to-date fiscal impact will be \$4,352.10.

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

None – core business operations

RECOMMENDATIONS

Should the Finance Committee concur in the proposed action, passage of the following resolution is recommended:

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

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee approves the fee adjustments for the State Bar licensees as presented this day, and on file in the San Francisco office of the State Bar.

ATTACHMENT(S) LIST

None