



The State Bar of California

OPEN SESSION

AGENDA ITEM

54-114 JULY 2021

BOARD EXECUTIVE COMMITTEE III.D

DATE: July 22, 2021

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

FROM: Melanie Shelby, Appointments Liaison, Board Executive Committee
Brandon Stallings, Appointments Liaison, Board Executive Committee

SUBJECT: California Board of Legal Specialization – Annual Appointment of Officers and Members

EXECUTIVE SUMMARY

The California Board of Legal Specialization (CBLS) includes seven members, with up to two public members, all of whom are appointed by the State Bar Board of Trustees.

For the upcoming year, the CBLS will have two vacancies, in addition to the appointment of two officer positions. The State Bar received nine applications for appointment to the vacant positions, one letter of interest for the chair position, and one letter of interest for the vice-chair position. This agenda item recommends the reappointment of Mark A. Lester for an additional one-year term so that he may serve as chair, and the appointment of Natalie P. Vance to the position of vice-chair. The Appointments Liaisons also recommend the appointment of Michael T. O'Halloran to fill the remaining vacant position.

BACKGROUND

The CBLS recommends program rules and provides guidance on policies and protocols for certification of specialists; develops testing and legal education criteria for specialists; and advises the Board of Trustees on the establishment of specialty fields. The CBLS consists of seven members, up to two of whom may be nonattorney public members.

There are two vacancies for the upcoming 2021–2022 State Bar year. The CBLS has prioritized the following criteria when considering appointments: (1) prior volunteer experience, particularly experience drafting and grading specialist examinations; (2) having a range of specialties represented, including representation for each of the three largest specialty areas (Estate Planning, Trust & Probate Law; Family Law; and Workers’ Compensation Law); and (3) allowing for diverse representation to the extent possible, including race, ethnicity, gender, sexual orientation, and geographic region.

A chronological list of the State Bar’s appointments of members to the CBLS for the last five years is included as Attachment A.

DISCUSSION

As with all of the State Bar’s subentities, it is important to ensure members of the CBLS represent diverse perspectives and experiences. Below is a table describing the demographic characteristics of the current CBLS roster.

2020–2021 California Board of Legal Specialization Demographics*

Member	Location	State Bar Volunteer History	State Bar Legal Specialization Area	Race/ Ethnicity	Gender– Gender Identity	Sexual Orientation	Identifies as Person with Disability	Age Group	Veteran Status
Chair Robert Hershenson (Public Member)	Van Nuys			White	M– Cisgender	Heterosexual	No	40–49	No
Vice-Chair Mark A. Lester	Camarillo	Estate Planning, Trust & Probate Law Advisory Commission	Estate Planning, Trust & Probate Law	White	M	-	No	60–69	No
Norma L. Acosta	San Jose	Workers’ Compensation Law Advisory Commission	Workers’ Compensation	Hispanic/ Latino	F	-	No	50–59	No
Jeffrey T. Hammerschmidt	Fresno	Criminal Law Advisory Commission	Criminal Law	White	M– Cisgender	Heterosexual	No	60–69	No

Member	Location	State Bar Volunteer History	State Bar Legal Specialization Area	Race/ Ethnicity	Gender– Gender Identity	Sexual Orientation	Identifies as Person with Disability	Age Group	Veteran Status
Avi Levy	Los Angeles	Family Law Section	Family Law	-	-	-	-	-	-
Natalie P. Vance	Sacramento	Legal Malpractice Law Advisory Commission	Legal Malpractice Law	-	-	-	-	-	-
Jake Yoon (<i>Public Member</i>)	Inglewood	Workers' Compensation Law Advisory Commission		-	-	-	-	-	-

*Responses to the demographic questionnaire were optional, and entries not received are represented by a hyphen ("-").

OFFICER VACANCIES

Current vice-chair and attorney member Mark A. Lester has submitted a letter of interest for reappointment to the CBLS and appointment to the chair position. Attorney member Natalie P. Vance has submitted a letter of interest for appointment to the vice-chair position.

It is recommended that (1) Mark A. Lester be reappointed to the CBLS for a one-year term and appointed to the chair position; and (2) Natalie P. Vance be appointed to the vice-chair position, for a one-year term. Mr. Lester is currently the vice-chair on the CBLS, is the most tenured CBLS member, and has previously served as member and chair of the Estate Planning, Trust & Probate Law Advisory Commission. From the current CBLS roster and applicants for appointment, he is the only certified specialist in estate planning, trust & probate Law, the second largest specialization area. His ongoing service indicates his commitment to public protection and the legal specialization program. Ms. Vance has previously served as member and chair of the Legal Malpractice Law Advisory Commission. She is also a regular volunteer at her local bar associations to speak on topics related to legal ethics.

MEMBER VACANCIES

At the conclusion of the March 19 submission deadline, the State Bar received the following applications for appointment to the CBLS. The one CBLS member who is terming out is a public member. As noted above, there is no firm requirement for the number of public members on CBLS. Rather, CBLS may have up to two public members. All applications received were from attorneys; no nonattorneys applied for appointment to CBLS this year.

**2021–2022 California Board of Legal Specialization Appointment Applicants and
Demographics***

Member	Location	State Bar Volunteer History	State Bar Legal Specialization Area	Race/ Ethnicity	Gender– Gender Identity	Sexual Orientation	Identifies as Person with Disability	Age Group	Veteran Status
Wesley H. Avery	Pasadena	California Board of Legal Specialization; Bankruptcy Law Advisory Commission	Bankruptcy Law; Business Bankruptcy Law	White	M– Cisgender	Heterosexual	No	60–69	Yes
Porsche Clarke	Santa Ana			Black or African-American	F– Cisgender	Pansexual	Yes	40–49	No
Michelle LaPena	Sacramento			American Indian or Alaska Native	F– Cisgender	Heterosexual	No	50–59	No
Michael David Lee	San Jose	Bankruptcy Law Working Group	Bankruptcy Law	Asian	M– Cisgender	-	No	30–39	No
John C. Lemacks II	Los Angeles	Legal Specialist Examination Developer	Immigration & Nationality Law	White, Hispanic/ Latino	M– Cisgender	Heterosexual, Pansexual	No	40–49	No
Daniel Lenhoff	Houston, TX			Hispanic/ Latino	M– Cisgender	Gay	-	30–39	No
Michael T. O'Halloran	San Diego	California Board of Legal Specialization; Bankruptcy Law Advisory Commission	Bankruptcy Law; Business Bankruptcy Law; Consumer Bankruptcy Law	White	M– Cisgender	Heterosexual	No	60–69	No

Member	Location	State Bar Volunteer History	State Bar Legal Specialization Area	Race/ Ethnicity	Gender– Gender Identity	Sexual Orientation	Identifies as Person with Disability	Age Group	Veteran Status
Lawrence Simons	Mission Hills	Bankruptcy Law Advisory Commission	Bankruptcy Law	White	M– Cisgender	-	No	50–59	No
Steve S. Zand	Encino		Family Law	Iranian-American	M– Cisgender	Heterosexual	-	50–59	No

*Responses to the demographic questionnaire were optional, and entries not received are represented by a hyphen (“-”).

It is recommended that Michael T. O’Halloran be appointed as member of the CBLS for a four-year term. Mr. O’Halloran is a certified specialist in bankruptcy law and solo practitioner in San Diego. He has prior volunteer experience with the legal specialization program having served on the Bankruptcy Law Advisory Commission to the CBLS. His inclusion allows for geographic and practice diversity, contributing to increased representation of the state and our legal specialization areas. Mr. O’Halloran’s background in bankruptcy, and his specialization in that area brings an important perspective to the CBLS.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None – core business operations

RECOMMENDATIONS

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

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees reappoint Mark A. Lester to the California Board of Legal Specialization, and appoint him as chair, each for a one-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2022 meeting of the Board of Trustees;

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees appoint Natalie P. Vance as vice-chair, for a one-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2022 meeting of the Board of Trustees; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees appoint Michael T. O'Halloran to the California Board of Legal Specialization as member, for a four-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2025 meeting of the Board of Trustees.

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 Board Executive Committee, reappoint Mark A. Lester to the California Board of Legal Specialization, and appoint him as chair, each for a one-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2022 meeting of the Board of Trustees;

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoint Natalie P. Vance as vice-chair, for a one-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2022 meeting of the Board of Trustees; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoint Michael T. O'Halloran to the California Board of Legal Specialization as member, for a four-year term commencing at the close of the September 2021 meeting of the Board of Trustees, and concluding at the close of the September 2025 meeting of the Board of Trustees.

ATTACHMENT LIST

- A. List of State Bar appointments of members to the CBLS in the last five years (by appointment year)

**LIST OF STATE BAR APPOINTMENTS OF MEMBERS
TO THE CBLS IN THE LAST FIVE YEARS**

(By Appointment Year)

#	State Bar Appointed Member	City	State Bar District	Type and Legal Specialization area (if any)	Appointment Year
1	Jake Yoon*	Inglewood	2	Public Member	2020
2	Norma L. Acosta*	San Jose	6	Attorney Member, Workers' Compensation Law	2019
3	Jeffrey T. Hammerschmidt*	Fresno	5	Attorney Member, Criminal Law	2019
4	Avi Levy*	Los Angeles	2	Attorney Member, Family Law	2019
5	Natalie P. Vance*	Sacramento	3	Attorney Member, Legal Malpractice Law	2019
6	Robert Hershenson*	Valencia	2	Public Member	2017
7	Cynthia Levin	Sunnyvale	6	Public Member	2017
8	Mark A. Lester*	Oxnard	2	Attorney Member, Estate Planning, Trust & Probate Law	2016
9	Neil Thakur	San Jose	6	Public Member	2016
10	Aurelio Torre	Santa Ana	4	Attorney Member, Appellate Law	2016

**current member*