



The State Bar of California

AGENDA ITEM

JULY 10 – Minutes Approval – May 13, 2021, Meeting, Open Session

Regular Meeting of the Board of Trustees
Zoom

Open Session Minutes
Thursday, May 13, 2021
1:00 p.m.–

Commencement: The Board meeting commenced in Open Session at 11:02 a.m. The Board moved to Closed Session at 11:04 a.m. The Board returned to Open Session at 1:02 p.m.

Adjournment: 3:22 p.m.

Secretary: Sarah L. Cohen

Chair: Sean SeLegue

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

Members Absent: Christine Gonong

PUBLIC COMMENTS None

10 MINUTES

Open Session Minutes – January 22, 2021
Open Session Minutes – March 19, 2021
Open Session Minutes – April 23, 2021

Moved by Cisneros, seconded by Delen.

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

Absent – Gonong

Motion carries and minutes adopted.

30 CHAIR'S REPORT – *oral report*

30-1 Approval of Revised Board Committee, Liaison and Special Assignments - *withdrawn*

RESOLVED, that the Board of Trustees ratify the attached revised 2020–2021 Board of Trustees Committee Assignments and 2020–2021 Board of Trustees Liaison and Special Assignments.

40 STAFF REPORTS

41 Executive Director – *oral report waived*

41-1 Report from Executive Director - *informational*

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

50 CONSENT AGENDA

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

- 1. For online training module, with: InfoPro Learning**
- 2. For July 2021 Bar exam testing site, with: Sheraton Mission Valley San Diego**
- 3. For July 2021 Bar exam testing site, with: Sheraton Gateway Los Angeles**
- 4. For July 2021 Bar exam testing site, with: Hilton Los Angeles Culver City**
- 5. For July 2021 Bar exam testing site, with: Crowne Plaza Burlingame**
- 6. For October 2021 First-Year Law Students' exam and Legal Specialization exam testing site, with: Hilton Los Angeles Culver City**
- 7. For October 2021 First-Year Law Students' exam and Legal Specialization exam testing site, with: Crowne Plaza Burlingame**
- 8. For translation services, with: Language Line Solutions**
- 9. For Case Management System (CMS) support and enhancements, with: Polyrific, LLC**
- 10. For Information Technology Management Services, with: RPR Impact, LLC**

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

50-2 Report of Action Taken by Audit Committee on behalf of Board of Trustees on April 28, 2021, Regarding Annual Financial Statement Audit Pursuant to Business and Professions Code Section 6145(a) Including Legal Services Trust Fund Report Under Business and Professions Code Section 6222: (1) Presentation by Independent Auditor,

Macias Gini & O'Connell; (2) Review of Financial Statements; and (3) Authorization for Submission by Staff to California Legislature and Supreme Court

RESOLVED, that the Board of Trustees hereby affirms the action taken by the Board Audit Committee on April 28, 2021, when it received and reviewed final draft of audited financial statements and audit reports and adopted a resolution directing staff to file the audited financial statements and audit reports for fiscal year ended December 31, 2020, with the Legislature and Supreme Court on behalf of the Board of Trustees, as it is authorized to do.

50-3 Receipt and Filing of Annual Discipline Report Pursuant to Business and Professions Code Section 6086.15 – *informational*

50-4 Annual Recommendation to California Supreme Court for Suspension of Licensees Delinquent in Payment of License Fees, Penalties or Costs

RESOLVED, that the Board of Trustees forward to the Supreme Court of California the names of those licensees to be suspended from the practice of law in California for failing to pay State Bar fees, penalties, or costs on or before June 30, 2021, and hereby:

(a) finds that State Bar staff performed the ministerial functions for determining that each person who is to be recommended to the Supreme Court of California for suspension due to nonpayment of fees is licensed by the State Bar of California;

(b) concludes that State Bar staff determined that each such person failed to fully pay fees, penalties, and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9, and 6141 of the Business and Professions Code;

(c) ascertains that State Bar staff have sent to each such person, at their address of record with the State Bar of California, two months' written notice of their delinquency which included notice of section 6143 of the Business and Professions Code;

(d) and recommends to the Supreme Court of California that each such person's State Bar license be suspended, which would suspend them from the practice of law in the State of California, effective July 1, 2021, until such time as they may be reinstated, upon the payment of the delinquent fees, penalties, or costs and of such additional fees, penalties, or costs as may have accrued at the time of such payment; and it is

FURTHER RESOLVED, that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, State Bar staff is authorized and directed to notify the Clerk of the Supreme Court of California of the name of any licensee of the State Bar who, by proper remittance and prior to the effective date of the Supreme Court of California order of suspension based hereon, pays to the State Bar fees, penalties, or costs in the amount in which they are delinquent; and to notify the Clerk of the Supreme Court of California of the consequent withdrawal of the Board of Trustees' recommendation for suspension; and it is

FURTHER RESOLVED, that for the purpose of modifying the recommendation to the Supreme Court of California for suspension for nonpayment of fees, penalties, or costs, State Bar staff is authorized and directed to change the data as to status or the amounts of delinquency of any licensee and to notify the Clerk of the Supreme Court of California accordingly of the consequent modification of the Board of Trustees' recommendation for suspension.

50-5 Annual Recommendation Regarding Licensees Not in Compliance with Minimum Continuing Legal Education (MCLE) Requirements

RESOLVED, pursuant to California Rule of Court 9.31 and the Rules of the State Bar, that the Board of Trustees hereby authorizes that those attorneys in MCLE Compliance Groups 1, 2, and 3 who do not bring themselves into compliance with their MCLE requirements by June 30, 2021, be enrolled as inactive and placed on "Not Eligible to Practice" status, effective July 1, 2021; and it is

FURTHER RESOLVED, that the Board of Trustees hereby authorizes staff to remove individual attorneys from inactive status once they have provided proof of compliance and paid all outstanding noncompliance fees.

50-6 Annual Recommendation Regarding Licensees Not in Compliance with Fingerprinting Requirements

RESOLVED, pursuant to California Rule of Court 9.9.5 and the Rules of the State Bar, that the Board of Trustees hereby authorizes that those attorneys subject to the June 30, 2021, final fingerprinting deadline, who do not bring themselves into compliance with fingerprinting requirements by June 30, 2021, be enrolled as inactive and placed on Not Eligible to Practice status, effective July 1, 2021, and it is

FURTHER RESOLVED, that the Board of Trustees hereby authorizes staff to remove individual attorneys from inactive status once they have submitted proof of compliance.

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

RESOLVED, that the Board of Trustees approves the proposed technical amendment to rule 2.53 governing Minimum Continuing Legal Education (MCLE) requirements for a new license.

54-111 Proposed Revisions to State Bar Rule 3.66 Regarding Legal Services Trust Fund Commission Term of Appointments: Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees amends State Bar rule 3.662, as set forth in Attachment A.

54-141 Annual Review of Debt Collection Efforts and Approval of Proposed Debt Collection Policy

Updated 2017–2022 Strategic Plan Rev. 3: 2.d., 3.e.

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee approves the recommended revised collection practices, and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee adopts the new Collection Policy for Delinquent Debt.

54-142 Licensee Requests for Adjustment of Fees, Penalties and Charges

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.

54-181 Q1 2021 Approval of Board and Management Travel Expense Report

RESOLVED, that the Board of Trustees approve the first quarter of 2021 Board and Management Travel Expenses in the form presented this day before the Board, for the three months ended March 31, 2021, as certified by the Chief Financial Officer, and on file with the San Francisco office of the State Bar.

Moved by Duran, seconded by De La Cruz.

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

Noes – n/a

Absent – Gonong

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

112 Approval of Additions to 2021 Legislative Priorities

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

The staff recommended resolution was bifurcated into two motions.

Motion #1: **RESOLVED**, that the Board of Trustees upon recommendation of the Board Executive Committee approve the submission of letters of support on behalf of the State Bar for ~~AB 1487~~, AJR 12, and SB 770.

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

Noes – n/a

Absent – Gonong

Motion carries.

Motion #2: **RESOLVED**, that the Board of Trustees upon recommendation of the Board Executive Committee approve the submission of letters of support on behalf of the State Bar for AB 1487.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Perttula, Shelby, Stallings, Toney

Noes – n/a

Recused – Sowell

Absent – Gonong

Motion carries.

700 MISCELLANEOUS

701 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

Presenter: Steve Mazer, Chief of Administration

1. For July 2021 Bar exam remote proctoring licenses, with: ExamSoft Worldwide, Inc.
2. For October 2021 Legal Specialization exam remote proctoring licenses, with: ExamSoft Worldwide, Inc.

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

Moved by Cisneros, seconded by Perttula.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Duran, Perttula, Sowell, Stallings

Noes – Toney

Recused – Delen

Abstain – Shelby

Absent – Gonong

Motion carries.

702 Strategic Plan Status Report – *informational*

Presenter: Donna Hershkowitz, Interim Executive Director

703 Discussion of Biennial Diversity Report Pursuant to Business and Professions Code Section 6001.3(c) – *informational*

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.

Presenter: Elizabeth Hom, Program Manager, Office of Access & Inclusion

704 State Bar Metrics Report – *informational*

Presenter: Donna Hershkowitz, Interim Executive Director
Lisa Chavez, Program Director, Office of Research & Institutional Accountability

705 Proposed State Bar Rule 3.453 Governing Client Security Fund Payment Plans for Nondisbarred and Nonresigned Licensees: Return from Public Comment and Request for Approval

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

Presenter: Gagan Kaur, Assistant General Counsel, Office of General Counsel

RESOLVED, that the Board of Trustees approve the Client Security Fund rule 3.453 of The State Bar of California for its permanent adoption as set forth in Attachment A.

Moved by Cisneros, seconded by Toney.

Ayes – Broughton, Chen, Cisneros, Delen, Duran, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – De La Cruz, Gonong, Perttula

Motion carries.

706 Proposed Revised Accredited Law School Rules: Return from Public Comment and Request for Approval

Presenter: Audrey Ching, Program Director, Office of Admissions
Natalie Leonard, Principal Program Analyst, Office of Admissions

RESOLVED, that the Board of Trustees approves the proposed revised Rules for Accreditation of California Law Schools as set forth herein in Attachment B and it is

FURTHER RESOLVED, that these rules shall become effective on January 1, 2022, and that all accredited law schools must be required to demonstrate full compliance no later than January

1, 2024. Schools seeking full accreditation as of January 1, 2022, should be required to demonstrate compliance with these newly effective rules in order to achieve accreditation.

FURTHER RESOLVED, that Office of Admissions report back to the Board of Trustees on steps taken to standardize site cost visits and to keep the Board informed of any substantial cost for unexpected developments.

Moved by Stallings, seconded by Delen.

Ayes – Broughton, Cisneros, Delen, Duran, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – Chen, De La Cruz, Gonong, Perttula

Motion carries.

707 Closing the Justice Gap Working Group: Addition of Members

Updated 2017– 2022 Strategic Plan Rev. 3: 4.d.10

Presenters: Donna Hershkowitz, Interim Executive Director
Randall Difuntorum, Program Director, Office of Professional Competence

RESOLVED, that the Board of Trustees authorizes the expansion of the Closing the Justice Gap Working Group with the addition of up to five new slots, and delegates to the chair of the working group the authority to appoint up to five additional members, in consultation with the Board appointment liaisons.

Moved by Cisneros, seconded by Shelby.

Ayes – Broughton, Cisneros, Delen, Duran, Shelby, Sowell, Stallings

Noes – n/a

Abstain – Toney

Absent – Chen, De La Cruz, Gonong, Perttula

Motion carries.