



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

54-116 JULY 2021

BOARD EXECUTIVE COMMITTEE III.F

DATE: July 22, 2021

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

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

SUBJECT: Client Security Fund Commission – Annual Appointment of Members and Officers

EXECUTIVE SUMMARY

This agenda item seeks approval of recommendations for the appointment of chair, vice-chair, and two attorney members of the Client Security Fund Commission (CSFC). After consideration of the applications received, and the recommendations of the existing members of the commission, the appointments liaisons recommend the re-appointment of Jordan Wright for an additional one-year term so that he may serve as chair, and the appointment of Melanie O'Day to the position of vice-chair. The appointments liaisons also recommend the appointment of Fenglan Liu and Kristen Pofahl to fill the attorney member vacancies. These recommendations are consistent with the commission's recommendations.

BACKGROUND

The Client Security Fund (CSF) reimburses victims who have lost money or property due to theft or an equivalent dishonest act committed by a California attorney acting in a professional capacity. To administer the CSF, the Board of Trustees established the Client Security Fund Commission. At its meeting on June 3, 2021, the commission voted to recommend the appointment of Jordan Wright to the position of chair, and Melanie O'Day to the position of vice-chair. The commission further resolved to recommend the appointment of Fenglan Liu and Kristen Pofahl to fill the attorney member vacancies.

In this review, and historically, when reviewing applications for appointment, the State Bar has not only sought diversity in professional background, but also in gender/gender identity, age, race, ethnicity, geographic region, sexual orientation, disability, and life experience. The State Bar also considers proven commitment to volunteer work or a strong indication of capacity or desire for making the expected time commitment to the commission. Another important consideration has been whether an applicant's work or life experience would be helpful in making determinations on applications to the CSF, especially if an area of experience is lacking among the current membership.

DISCUSSION

APPOINTMENT OF OFFICERS

We recommend the appointment of Jordan Wright to the position of chair of the commission, and Melanie O'Day to the position of vice-chair.

Jordan currently serves as a public member and vice-chair of the commission. Jordan has been a successful member of the commission since 2018, and his term is scheduled to conclude in September 2021. This would be a re-appointment for an additional year so that Jordan can serve as chair. He is an experienced policy analyst, legislative aide, and local political expert. His decade and a half of governmental service includes work in both the California State Legislature and the San Bernardino County Board of Supervisors. Currently, he is a Senior Administrative Analyst for a large not-for-profit health care plan. Jordan has served on several appointed boards and commissions. He holds a master's degree in public policy from Claremont Graduate University. He has been a dedicated and reliable member of the commission, and his knowledge and experience within the public sector provide a relevant perspective when evaluating applications.

Melanie currently serves as an attorney member. Melanie has been a successful member of the commission since 2020, and her term is scheduled to conclude in September 2024. She is an attorney who works for the Financial Industry Regulatory Authority (FINRA) in Los Angeles where she conducts investigative exams of securities brokers and works with FINRA lawyers to determine which charges to pursue and what restitution might be appropriate. Although she does not practice law in her current position, Melanie's work has prepared her for reviewing applications for reimbursement and applying the rules for fund eligibility. Melanie is also an active volunteer with multiple organizations, including the American Bar Association (ABA), the Junior League, and the LA Conservancy. Melanie's work as a financial regulator demonstrates her commitment to helping victims of fraud and makes her an asset to the commission.

APPOINTMENT OF ATTORNEY MEMBERS

We also recommend the appointment of Fenglan Liu and Kristen Pofahl to fill two attorney member vacancies.

Fenglan Liu is a sole practitioner with her office in Arcadia, California. She specializes in immigration, criminal defense, and family law. Fenglan is president of the Greater San Gabriel Valley Safe Community Foundation and participates in many volunteer community events through the organization. She also helps to cook for the homeless on weekends. Fenglan states that she wants to make California a better place and to protect the public from attorney

misconduct. Fenglan has been a licensed attorney in China for over 30 years and practices in both China and the U.S. Her work in China consists primarily of criminal defense work, while her work in the U.S. focusses mainly on immigration law. She is bilingual in Chinese and English.

Kristen Pofahl is an attorney with Dependency Legal Services. She is based in Solano County. Kristen says that she is interested in serving on the commission because she believes in doing what is right. She upholds the rules of ethics and believes that a person should be able to trust their lawyer. Kristen states that she is able to be nonbiased in her decision-making and is able to work well with others to come to an agreement on reaching a fair decision. She currently represents children and works with families struggling with drug addiction, homelessness, mental health issues, and trauma. Kristen states that to do this she has to have compassion, empathy, and patience, and be open to different resolutions. Kristen's job exposes her to many different people from different backgrounds, which allows her to view things from many different angles. Kristen managed her own practice prior to becoming a Dependency Legal Services lawyer. She has experience in estate planning as well as family law.

DEMOGRAPHIC CHARACTERISTICS

As with all of the State Bar's subentities, it is important to ensure members of the CSFC represent diverse perspectives and experiences. Below is a chart describing the demographic characteristics of the commission with the current and proposed new members.

First Name	Last Name	Location	Practice Setting	Race/ Ethnicity	Gender Identity	Sexual Orientation	Identifies as a Person with Disability	Veteran Status
CURRENT MEMBERS								
Joseph	Dimino	Mission Viejo	Public	White	M	--	--	Yes
Melanie	O'Day	Los Angeles	Nongovernmental Legal Services	White	F	--	No	No
Jordan	Wright	San Bernardino	Public	--	M	--	--	--
PROPOSED NEW MEMBERS								

First Name	Last Name	Location	Practice Setting	Race/ Ethnicity	Gender Identity	Sexual Orientation	Identifies as a Person with Disability	Veteran Status
Fenglan	Liu	Arcadia	Solo Practitioner	Asian	F	Heterosexual	No	No
Kristen	Pofahl	Fairfield	Public Sector Attorney	White	F	Heterosexual	--	No

“--” denotes where a member did not state demographic information.

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 approve the appointment of the following new members to serve on the Client Security Fund Commission for a four-year term commencing at the close of the September 2021 meeting of the Board, and concluding at the close of the September 2025 meeting of the Board:

1. Fenglan Liu to serve as an attorney member of the Client Security Fund Commission; and
2. Kristen Pofahl to serve as an attorney member of the Client Security Fund Commission.

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approve the recommendation to appoint the following members to serve as chair and vice-chair of the Client Security Fund Commission:

1. Jordan Wright to serve as chair of the Client Security Fund Commission. To effectuate this appointment, the Board Executive Committee recommends that Jordan be reappointed for an additional one-year term commencing at the close of the September 2021 meeting of the Board, and concluding at the close of the September 2022 meeting of the Board; and
2. Melanie O'Day to serve as of vice-chair of the Client Security Fund Commission to commence at the close of the September 2021 meeting of the Board, and concluding at the close of the September 2022 meeting of the Board.

Should the Board 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, approves the recommended appointments for members and officers of the Client Security Fund Commission as set forth in this agenda item.

ATTACHMENT(S) LIST

None