



The State Bar of California

Minutes

Committee on Special Discipline Case Audit

October 28, 2021

12:00 p.m.–2:00 p.m.

Zoom Webinar

Time meeting commenced: 12:04 p.m.
Time meeting adjourned: 1:53 p.m.
Chair: José Cisneros
Members present at roll call: Mark Broughton, Hailyn Chen, Ruben Duran, Melanie Shelby
Members absent: Sean SeLegue
Also present: George Cardona, Randall Difuntorum, Melanie Lawrence, Robert Retana, Richard Schaffler, Leah Wilson
Committee coordinator: Louisa Ayrapetyan

I. CHAIR'S REPORT

A. Roll Call

Mr. Cisneros called the meeting to order at 12:04 p.m. Roll call was taken, and a quorum was established.

B. Call for Public Comment

Chair, José Cisneros called for public comment, inquiring as to whether there were person(s) in attendance who wished to comment on any agenda item. There were no members of the public in attendance who wished to speak on any agenda item.

II. APPROVAL OF MINUTES OF SEPTEMBER 27, 2021

A motion was made by Ruben Duran, seconded by Melanie Shelby, that the September 27, 2021, meeting minutes be approved.

Ayes: (4) Broughton, Chen, Duran, Shelby

Noes: (0)

Absent: (1) SeLegue

III. APPROVAL OF MINUTES OF OCTOBER 12, 2021

A motion was made by Ruben Duran, seconded by Mark Broughton, that the October 12, 2021, meeting minutes be approved.

Ayes: (4) Broughton, Chen, Cisneros, Duran

Noes: (0)

Abstain: (1) Shelby

Absent: (1) SeLegue

IV. BUSINESS

A. Discussion Regarding Attorney Conduct Issues and Client Trust Account Rules

Randall Difuntorum from the Office of Professional Competence gave a brief overview on three areas that are regulated by the Rules of Professional Conduct and State Bar Act.

1. Prompt disbursement to a client of funds held in trust that a client is entitled to receive.
2. Lawyer threats to withdraw from representation as a response to a client's disciplinary complaint against a lawyer.
3. Failure to communicate.

Mr. Difuntorum also provided options for action such as education and rule and statutory changes. Mr. Difuntorum also suggested the idea of issuing an ethics opinion on Business and Professions Code section 6090.5

Presentations on Training for Chief Trial Counsel Staff and Special Deputy Trial Counsel

Melanie Lawrence from the Office of Chief Trial Counsel (OCTC) gave a brief overview on the work that is being done to increase training for OCTC staff. Robert Retana from the Office of General Counsel also briefly talked about training for special deputy trial counsel.

After a brief discussion the committee recommended that training on client trust account be mandatory for special deputy trial counsel.

Presentation on Third Party Managed Accounts

Richard Schaffler presented to the committee an overview of third-party managed accounts as an idea for the members to consider. Following a brief discussion, Mr. Schaffler provided the outline for the committee's report. The committee also engaged in discussion regarding malpractice insurance and whether or not to make this mandatory. The committee's recommendation is to include language in the report that addresses the question of malpractice insurance for the Board to discuss at its November meeting.

Closed Session

Chair, José Cisneros stated that pursuant to Government Code section 11126(a)(1) and 11126(c)(2) the committee will move into closed session to discuss audit of closed Office of

Chief Trial Counsel files. The committee returned to open session and reported that there was no action to report.

ADJOURN