



The State Bar of California

OPEN SESSION

AGENDA ITEM

54-111 JANUARY 2022

BOARD EXECUTIVE COMMITTEE III.A

DATE: January 20, 2022

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

FROM: Melanie Shelby, Appointments Liaison, Board Executive Committee

SUBJECT: Recommendation for Appointment of Member, California Board of Legal Specialization

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 current 2021–2022 State Bar year, the CBLS has one vacancy. The Board previously approved appointment of a member to fill this vacancy; however, the applicant was unable to fulfill the appointment requirements. The State Bar received eight other applications for appointment in the 2021–2022 State Bar year. This agenda item recommends the appointment of Michael David Lee to fill the vacant position.

BACKGROUND

The CBLS recommends program rules and provides guidance on policies and protocols for certification of specialists in specified subject matter areas; 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.

In July 2021, the Board approved the appointment of Michael O'Halloran to fill a seat on CBLS. The appointment was for a four-year term commencing at the close of the Board's September 2021 meeting. Prior to commencing his term, Mr. O'Halloran stepped down from CBLS, leaving a vacancy to be filled. 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 and 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.

Because the application period that led to Mr. O'Halloran's appointment closed somewhat recently, on March 19, 2021, CBLS considered the other candidates who had applied, and recommend that the Board make an off-cycle appointment of Michael David Lee, to fill the term vacated by Mr. O'Halloran.

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 that members of the CBLS represent diverse perspectives and experiences. Below is a table describing the demographic characteristics of the current CBLS roster.

2021–2022 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 Mark A. Lester	Camarillo	Estate Planning, Trust & Probate Law Advisory Commission	Estate Planning, Trust & Probate Law	White	M	–	No	60–69	No
Vice-Chair Natalie P. Vance	Sacramento	Legal Malpractice Law Advisory Commission	Legal Malpractice Law	–	–	–	–	–	–

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
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
Avi Levy	Los Angeles	Family Law Section	Family 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 (“–”).

MEMBER VACANCY

Upon learning that the member appointed by the Board in July, for a term commencing in September, would no longer be able to sit on the CBLS, the CBLS reviewed the eight other applications received during the initial application period. The seat that is now vacant was last occupied by a public member. However, there is no requirement that any number positions be occupied by public members, only a cap of two on the total number of public members that may be appointed. Having received applications only from attorney members, the Board was comfortable appointing an attorney member to that seat when it named Mr. O’Halloran in July. With that attorney stepping down before taking his position on CBLS, CBLS once again recommends that an attorney be appointed to fill the vacant position. The table below describes the demographic characteristics of the applicants.

**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
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 David Lee be appointed as member of the CBLS for a four-year term. Mr. Lee is a certified specialist in bankruptcy law and private sector attorney in San Jose. He has prior volunteer experience with the legal specialization program having served on the Bankruptcy Law Working Group to the CBLS. In addition to his legal specialization, Mr. Lee's practice background in three of the State Bar's 11 legal specialization areas, bankruptcy, estate planning, and taxation, brings an important perspective to the CBLS. Neither bankruptcy nor taxation are represented on the current CBLS, and the CBLS will lose its certified specialist in estate planning, trust and probate, when the current chair concludes his term in 2022. Mr. Lee's inclusion will allow for geographic and practice diversity, contributing to increased representation of the state and our legal specialization areas. In light of the time that has passed since he submitted his application, Mr. Lee was contacted by Legal Specialization staff and confirmed that if appointed by the Board of Trustees, he would fill the term vacated by Mr. O'Halloran.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

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 appoint Michael David Lee as a member of the California Board of Legal Specialization as member, to fill the remainder of the term vacated, for a term commencing immediately 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, appoint Michael David Lee as a member of the California Board of Legal

Specialization as member, to fill the remainder of the term vacated, for a term commencing immediately 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*