



The State Bar of California

OPEN SESSION

AGENDA ITEM

54-112 JANUARY 2022

BOARD EXECUTIVE COMMITTEE III.B

DATE: January 20, 2022

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

FROM: Melanie Shelby, Appointments Liaison

SUBJECT: Recommendation for Appointment of Member, Lawyer Assistance Program Oversight Committee

EXECUTIVE SUMMARY

This item presents the candidate recommended for appointment to the Lawyer Assistance Program Oversight Committee to fill the one currently vacant position.

BACKGROUND

The Lawyer Assistance Program Oversight Committee oversees the operation of the Lawyer Assistance Program (LAP) as necessary to establish policies, practices, and procedures to support the goal of offering education and rehabilitative programs to attorneys, former attorneys, State Bar applicants and law students suffering from substance use and mental health disorders.

Pursuant to section 6231 of the Business and Professions Code, the Board of Trustees appoints six members to the twelve-member Committee. The Board's six appointees must include:

- Two members who are licensed mental health professionals with knowledge and expertise in the identification and treatment of substance abuse and mental illness,
- One member who is a physician with knowledge and expertise in the identification and treatment of alcoholism and substance abuse,
- One member of the board of directors of a statewide nonprofit organization established for the purpose of assisting lawyers with alcohol or substance abuse problems, which

- has been in continuous operation for a minimum of five years, and
- Two members who are lawyers, at least one of whom is in recovery and has at least five years of continuous sobriety.

Due to a recent resignation, the LAP Oversight Committee currently has a vacancy for an attorney member who is in recovery and has at least five years of continuous sobriety.

DISCUSSION

Due to a conflict with another appointment, a member of the LAP Oversight Committee had to resign in July of 2021. The vacancy was posted and promoted through the State Bar's social media accounts, and the current committee members were also encouraged to recommend candidates for the position. Four applications were received for consideration before the September 30, 2021 deadline.

When reviewing applications for appointment, the Committee not only seeks diversity in professional background but also in gender, age, race, nationality, ethnicity, geographic region, sexual orientation, disability, and life experience. The Committee also considers proven commitment to volunteer work or a strong indication of capacity or desire for making the expected time commitment to the work.

DEMOGRAPHIC CHARACTERISTICS

As with all of the State Bar's subentities, it is important to ensure members of the LAP Oversight Committee represent diverse perspectives and experiences.

CURRENT COMPOSITION OF COMMITTEE

First Name	Last Name	Identifies as in Recovery	Practice Setting	Race/ Ethnicity	Gender Identity	Sexual Orientation	Identifies as a Person with Disability	Veteran Status
Justin	Delacruz	Yes	Public Sector	Asian	M	Heterosexual	No	No
James	Heiting	Yes	Private Law Firm	White	M	Heterosexual	—	—
Tracy	LeSage	—	Public Sector	—	—	—	—	—
Stephanie	Patterson	—	Nonattorney (Psychiatric Nurse Practitioner)	Black or African American	F	Heterosexual	No	No

Philip	Spiegel	Yes	Nonattorney (Physician)	White	M	Heterosexual	No	No
Martin	Williams	–	Nonattorney (Psychologist)	White	M	Heterosexual	No	No

DEMOGRAPHIC INFORMATION PROVIDED BY COMMITTEE CANDIDATES

First Name	Last Name	Identifies as in Recovery	Practice Setting	Race/ Ethnicity	Gender Identity	Sexual Orientation	Identifies as a Person with Disability	Veteran Status
Heather	Benton	Yes	Public Sector	Black or African American	F	Bisexual	Yes	No
Jeffrey	Brockmeier	Yes	Public Sector	White	M	Heterosexual	–	Yes
Erin	Joyce	Yes	Private Law Firm	White	F	Heterosexual	No	No
William	Wall	Yes	Private Law Firm	White	M	Heterosexual	No	No

Taking all of this information into consideration, the Chair of the LAP Oversight Committee and the program supervisor reviewed all of the applications and recommended the appointment of Heather Benton, Esq. to fill this slot, finding that she would add diversity in the areas of race, sexual orientation, and disability status and would be an excellent addition to the LAP Oversight Committee. The recommended alternate is Jeffrey Brockmeier. After review, I concur with these recommendations.

Ms. Benton is a California attorney in practice for ten years. She is open in her application and in conversations with staff about her own recovery, and her work to help others who suffer from similar problems. She is an attorney with the State Compensation Insurance Fund and has extensive volunteer experience, including on the California Lawyers Association’s Board of Representatives. Ms. Benton writes in her statement of interest that as “a sober member of the bar and a person with an invisible disability, I know how important and crucial it is for lawyers to maintain their own mental and emotional health.” Along with this professional and personal experience, as detailed in the application attached, Ms. Benton also brings valuable diversity to the committee in a number of ways.

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 Heather Benton, Esq. as a member of the Lawyer Assistance Program Oversight Committee to fulfill the remainder of the term vacated, commencing immediately and concluding at the close of the September 2023 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 approves the recommended appointment to the Lawyer Assistance Program Oversight Committee as set forth in this agenda item.

ATTACHMENT LIST

None