



The State Bar of California

Regular Meeting of the Board of Trustees Teleconference

Open Session Minutes
Thursday, January 20, 2022
11:15 a.m.–5:08 pm.

Time meeting Commenced: The Board meeting commenced in open session at 11:15 a.m. The Board moved to closed session at 12:30 p.m. The Board returned to open session at 2:11 p.m.

Time meeting Adjourned: 5:08 p.m.

Chair: Ruben Duran

Secretary: Louisa Ayrapetyan

Members Present: Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Ruben Duran, Christine Gonong, Sean SeLegue¹, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

Members Absent: None

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Duran. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Duran called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board:

1. Karen Thomas Stefano, Consumer Protection Policy Center: Ms. Stefano provided comments in support of the Closing the Justice Gap Working.
2. Lucy Ricca, Director of Policy and Programs at the Stanford Center on the Legal Profession and a member of the Closing the Justice Gap Working Group: Ms. Ricca provided comments in support of the Closing the Justice Gap Working Group.
3. Tom Gordon, Executive Director of Responsive Law, a national nonprofit organization: Mr. Gordon provided comments in support of the Closing the Justice Gap Working Group.

¹ Trustee SeLegue joined the meeting late.

10 MINUTES

Open Session Minutes: November 18–19, 2021

Moved by Cisneros, seconded by Delen.

Ayes – (10) Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) SeLeague

Minutes adopted.

30 CHAIR'S REPORT

Chair Duran provided an oral report.

30-1 RESOLVED, that the Board of Trustees ratify the attached revised 2021–2022 Board of Trustees liaison and special assignments.

Moved by Stallings, seconded by Shelby.

Ayes – (10) Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) SeLeague

Motion carries.

40 STAFF REPORTS

41 Executive Director

41-1 Report from Executive Director

Executive Director Leah Wilson provided an oral report.

50 CONSENT AGENDA

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

1. For Information Technology Management Services, with: RPR Impact, LLC
2. For 2022 Case Management System Support and Nonproprietary Enhancements, with: Polyrific, LLC
3. For 2022 Case Management System Proprietary Enhancements, with Tyler Technologies, Inc.
4. For Audio/Visual infrastructure Improvements, with: Golden Star Technology, Inc.
5. For .NET Application Developer, with: Software Management Consultants, Inc.

6. For Inspection of Law Schools, with: Heather Georgakis
7. For Legal Aid Community Facilitation and Coordination, with: Legal Aid Association of California
8. For Facilitation of Strategic Planning, with: Lucas Public Affairs, Inc.
9. For Services to Increase Access to Justice, with: California Access to Justice Commission

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

50-2 Report of Action Taken by Board Executive Committee Approving Specified Contract Pursuant to Business and Professions Code Section 6008.6

1. For 2021 Case Management System Support and Enhancements, with: Polyrific, LLC

WHEREAS, the contract listed herein required execution before the next regularly scheduled meeting of the Board of Trustees; and

WHEREAS, on December 10, 2021, the Board Executive Committee, approved said contract; it is hereby

RESOLVED, that the Board of Trustees affirms the action taken by the Board Executive Committee on behalf of the Board.

50-3 Amendment to Rules 5.65, 5.337, and 5.345 of the Rules of Procedure (Discovery): Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee, hereby approves and adopts rules 5.65, 5.337, and 5.345 of the Rules of Procedure of the State Bar of California, attached hereto as Attachments A, C, and E respectively.

50-4 Approval of Revised Requirement for Proof of COVID-19 Vaccination or Negative COVID-19 Test Requirement for February 2022 Bar Examination

This agenda item was pulled from the consent agenda for a separate discussion.

RESOLVED, that the Board of Trustees revises the policy adopted on December 10, 2022, to instead provide: All February 2022 California Bar Examination test-takers shall provide one of the following:

- Proof of full COVID-19 vaccination in advance of the examination, or
- Proof of negative results from a PCR test for COVID-19 taken within 48 hours of the start time and date of the exam, or
- Proof of negative results from an antigen test for COVID-19 taken within 24 hours of the start time and date of the exam; and it is

FURTHER RESOLVED, that State Bar staff, in consultation with the Board admissions liaison, may update this policy based on changes to emerging health information and state and county

public health orders, consistent with the Board policy to require that COVID-19 safeguards be employed at all test sites, regardless of the numbers of testtakers; and it is

FURTHER RESOLVED, that State Bar staff shall develop the necessary procedures to administer this policy.

Moved by Cisneros, seconded by Stallings.

*Ayes – (3) Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings
Noes – (0)*

Abstain – (1) Toney

Absent – (1) SeLeague

Motion carries.

54-111 Recommendation for Appointment of Member, California Board of Legal Specialization

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.

54-112 Recommendation for Appointment of Member, Lawyer Assistance Program Oversight Committee

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.

54-121 Amendments to the Client Security Fund Rules Regarding Electronic Service: Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee, approves and adopts the proposed amendments to Client Security Fund rules 3.440 and 3.445 as detailed in Attachment A.

54-181 Approval of 2021 Q4 Board and Management Travel Expenses Report

RESOLVED, that the Board of Trustees approve the fourth quarter of 2021 Board and management travel expense report in the form presented this day before the Board, for the three months ended December 31, 2021, as certified by the chief financial officer, and on file with the San Francisco office of the State Bar.

Moved by Cisneros, seconded by De La Cruz.

Ayes – (10) Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) SeLeague

Motion carries.

700 MISCELLANEOUS

701 Discussion and Decision Regarding State Bar Board of Trustees and Subentity Members Proof of COVID-19 Vaccination or COVID-19 Negative Test Policy

Presenters: Steve Mazer, Chief Administrative Officer
Nicole Pereira, Assistant General Counsel, Office of the General Counsel

RESOLVED, that the Board of Trustees adopts a policy requiring all members of the State Bar Board of Trustees, all members of State Bar subentities, and all invited guests to Board and subentity meetings, to provide proof of full COVID-19 vaccination subject to medical and religious exemptions allowed under the law.

The specific procedures of the policy will be developed and administered by State Bar staff. Staff, in consultation with the Board chair, will have the authority to make changes as necessary to reflect updated public health directives.

Moved by Toney, seconded by Delen.

Ayes – (9) Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings, Toney

Noes – (1) Broughton

Absent – (1) SeLeague

Motion carries.

702 Request for Adoption of Interim Rules of Procedure Requiring Remote Court Proceedings Due to Omicron Variant

Presenters: Erika Doherty, Senior Attorney, State Bar Court

RESOLVED, that the Board of Trustees determines pursuant to rule 1.10(C) of the Rules of the State Bar of California that the Omicron variant surge requires authorization of Interim Rule 5.19 of the Rules of Procedure of the State Bar of California to authorize the State Bar Court to order State Bar Court proceedings scheduled to occur through April 1, 2022, to be conducted remotely; and it is

FURTHER RESOLVED, that the Board of Trustees, having determined pursuant to rule 1.10(C) of the Rules of the State Bar of California that an emergency justifies the Board of Trustees adopt rule 5.19 on an interim basis without public comment, hereby adopts Interim Rule 5.19 of the

Rules of Procedure of the State Bar of California as set forth in Attachment A (clean copy) effective January 20, 2022 through April 1, 2022.

Moved by Stallings, seconded by Sowell.

Ayes – (8) Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Shelby, Sowell, Stallings,

Noes – (0)

Abstain – (0)

Absent – (2) SeLegue, Toney

Motion carries.

Chair Duran stated that pursuant to Business and Professions Code section 6026.7(c), Government Code section 11126(e)(1), Government Code section 11126(a), Government Code section 11126(a)(1), and 11126(c)(2) the Board will move into closed session to discuss the closed session agenda.

CLOSED SESSION

1000 MINUTES

Closed Session Minutes: November 18–19, 2021

5000 CLOSED

5001 Approval for Contract Relating to the Preparation, Approval, Grading, or Administration of the California Bar Examination or the First-Year Law Students' Examination

1. For 2022 Bar Exam Delivery Services

**Closed pursuant to Business and Professions Code section 6026.7(c)(2).*

7000 MISCELLANEOUS

7001 Discussion Regarding Potential Litigation Concerning the July 2021 California Bar Examination

**Closed pursuant to Government Code section 11126(e)(1).*

7002 Evaluation of the General Counsel

**Closed pursuant to Government Code section 11126(a).*

7003 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files

**Closed pursuant to Government Code sections 11126(a)(1) and 11126(c)(2).*

7004 Evaluation of the Executive Director

**Closed pursuant to Government Code section 11126(a).*

OPEN SESSION

The Board returned to open session and reported that there is no action to report from closed session. The Board began its strategic planning session for the remainder of the meeting.

ADJOURN

Regular Meeting of the Board of Trustees
Teleconference

Open Session Minutes
Friday, January 21, 2022
9:06 a.m.–4:00 pm.

Time meeting Commenced: The Board meeting commenced in open session at 9:06 a.m. The Board moved to closed session at 9:09 a.m. The Board returned to open session at 11:10 a.m.

Time meeting Adjourned: 4:00 p.m.

Chair: Ruben Duran

Secretary: Louisa Ayrapetyan

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

Members Absent: Christine Gonong, Sean SeLegue

OPEN SESSION

ROLL CALL

The Board of Trustees was called to order by Chair Duran. Roll call was taken and a quorum was established.

PUBLIC COMMENT

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

Chair Duran stated that pursuant to Business and Professions Code section 6026.7(c), Government Code section 11126(e)(1), Government Code section 11126(a), Government Code section 11126(a)(1), and 11126(c)(2) the Board will move into closed session to discuss the closed session agenda.

1000 MINUTES

Closed Session Minutes: November 18–19, 2022

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5001 Approval for Contract Relating to the Preparation, Approval, Grading, or Administration of the California Bar Examination or the First-Year Law Students' Examination

1. For 2022 Bar Exam Delivery Services

**Closed pursuant to Business and Professions Code section 6026.7(c)(2).*

7000 MISCELLANEOUS

7001 Discussion Regarding Potential Litigation Concerning the July 2021 California Bar Examination

**Closed pursuant to Government Code section 11126(e)(1).*

7002 Evaluation of the General Counsel

**Closed pursuant to Government Code section 11126(a).*

7003 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files

**Closed pursuant to Government Code sections 11126(a)(1) and 11126(c)(2).*

7004 Evaluation of the Executive Director

**Closed pursuant to Government Code section 11126(a).*

OPEN SESSION

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ADJOURN