



# The State Bar of California

---

## Regulation and Discipline Committee Teleconference

Open Session Minutes  
Thursday, March 24, 2022  
11:22 a.m.–1:58 p.m.

**Time Meeting Commenced:** The Regulation and Discipline Committee meeting commenced in open session at 11:22 a.m.  
**Time Meeting Adjourned:** 1:58 p.m.  
**Chair:** Hailyn Chen  
**Committee Coordinator:** Justin Ewert  
**Members Present:** Mark Broughton, José Cisneros, Juan De La Cruz, Ruben Duran, Sean SeLegue, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings

### OPEN SESSION

#### ROLL CALL

The Regulation and Discipline Committee was called to order by Chair Chen. Roll call was taken and a quorum was established.

#### CALL FOR PUBLIC COMMENT

Chair Chen called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. There was one member of the public who wished to speak on an agenda item. Pete Bennett provided public comment on a personal issue.

#### I. CHAIR'S REPORT

No report.

#### II. CONSENT

##### A. Approval of Open Session Minutes: January 20, 2022

*Moved by Duran, seconded by Cisneros.*

*Ayes – (7) Broughton, Cisneros, De La Cruz, Duran, Shelby, Sowell, Stallings*

*Noes – (0)*

*Abstain – (1) SeLegue*

*Absent – (0)*

*Motion carries.*

### III. BUSINESS

#### A. Proposed Amendments to Rules 5.127 and 5.155 of the Rules of Procedure: Request for Public Comment

**Presenter:** Erika Doherty, Projects Attorney, State Bar Court

**RESOLVED**, that the Regulation and Discipline Committee authorizes staff to make available for a 45-day public comment period, proposed amendments to rules 5.127 and 5.155 of the Rules of Procedure of the State Bar of California; and it is

**FURTHER RESOLVED**, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended Rules of Procedure of the State Bar of California.

*Moved by Stallings, seconded by De La Cruz.*

*Ayes – (8) Broughton, Cisneros, De La Cruz, Duran, SeLegue, Shelby, Sowell, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

#### B. Proposed Amendments to Rule 5.80 of the Rules of Procedure (Default Procedure for Failure to File Timely Response): Return from Public Comment and Request for Approval

**Presenter:** George Cardona, Chief Trial Counsel

**RESOLVED**, that the Regulation and Discipline Committee recommends that the Board of Trustees approve and adopt proposed rule 5.80 of the Rules of Procedure of the State Bar of California, attached here as Attachment A, effective as of April 4, 2022.

*Moved by Stallings, seconded by Duran.*

*Ayes – (8) Broughton, Cisneros, De La Cruz, Duran, SeLegue, Shelby, Sowell, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

**C. Proposed Amendments to Rule 5.21 of the Rules of Procedure (Limitations Period):  
Return from Public Comment and Request for Approval**

**Presenter:** George Cardona, Chief Trial Counsel

**RESOLVED**, that the Regulation and Discipline Committee recommends that the Board of Trustees approve and adopt proposed rule 5.21 of the Rules of Procedure of the State Bar of California, attached hereto as Attachment A, provided that subdivision G will remain unchanged, effective as of April 4, 2022.

*Moved by SeLegue, seconded by Stallings.*

*Ayes – (8) Broughton, Cisneros, De La Cruz, Duran, SeLegue, Shelby, Sowell, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

**D. Discussion on Application of Consumer Alerts Policy to Criminal Complaints Alleging Felony Charges**

**Presenter:** George Cardona, Chief Trial Counsel

Presentation and discussion only.

**E. Presentation on Preliminary Risk Assessment, Attorney Supervision & Assistance Redesign (ASAR) Project**

**Presenter:** Lori Meloch, Program Director, Office of Professional Support & Client Protection

Presentation and discussion only.

**F. Report on Random Audit of the Office of Chief Trial Counsel Files Closed Between March 1, 2020, and August 31, 2020, and Office of Chief Trial Counsel Response**

**Presenter:** George Cardona, Chief Trial Counsel

Presentation and discussion only.

**G. Review of Metrics Under Purview of the Regulation and Discipline Committee and the Discipline System Statistical Report**

**Presenter:** Lisa Chavez, Program Director, Office of Research & Institutional Accountability

Presentation and discussion only.

#### **H. Update on Plans to Address the Requirements Contained in SB 211**

**Presenter:** Lisa Chavez, Program Director, Office of Research & Institutional Accountability  
Ron Pi, Principal Program Analyst, Office of Research & Institutional Accountability

Presentation and discussion only.

Chair Chen stated that pursuant to Government Code section 11126(a)(1) and 11126(c)(2) the committee will move into closed session to discuss closed session minutes and Rule of Procedure 2201: case status update.

### **CLOSED SESSION**

#### **I. CONSENT**

**A. Closed Session Minutes: January 20, 2022**

**B. Rule of Procedure 2201: Case Status Update**

### **OPEN SESSION**

The committee returned to open session and reported that there is no action to report from closed session. No further discussion took place in open session.

### **ADJOURN**