



The State Bar of California

Board Executive Committee Teleconference

Open Session Minutes
Thursday, March 24, 2022
10:01 a.m.–10:49 a.m.

Time Meeting Commenced: The Board Executive Committee meeting commenced in open session at 10:01 a.m.
Time Meeting Adjourned: 10:49 a.m.
Chair: Ruben Duran
Committee Coordinator: Louisa Ayrapetyan
Members Present: Hailyn Chen, José Cisneros, Sonia Delen, Ruben Duran, Arnold Sowell, Brandon Stallings
Members Absent: None

OPEN SESSION

ROLL CALL

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

CALL FOR 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 comment was provided to the Board Executive Committee:

1. Julian Sarkar, California Attorney:
 - Mr. Sarkar provided comments opposing the State Bar's proposed fee increase and also its claims that the fee increases caused by the diversity, equity, and inclusion.
2. David Carr, California Attorney:
 - Mr. Carr provided comments opposing the proposed change to Business and Professions Code section 6007 that is on the proposed legislative agenda. This proposal would allow the functional equivalent of imposing discipline without many of the traditional due process protections afforded by the Supreme Court precedent and State Bar Court precedent.

3. Pete Bennett, Member of the Public:

- Mr. Bennett provided comments regarding personal matters.

I. CHAIR'S REPORT

No report.

II. CONSENT

A. Approval of Open Session Minutes from January 20, 2022, Meeting

Moved by Cisneros, seconded by Stallings.

Ayes – (5) Chen, Cisneros, Delen, Sowell, Stallings

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

III. BUSINESS

A. Approval of 2022 Legislative Priorities

Presenters: Donna S. Hershkowitz, Chief of Programs & Legislative Director
Bridget Fogarty Gramme, Deputy Chief of Programs

1. **RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority securing an annual inflationary adjustment to the mandatory portion of the licensing fees; and it is
2. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority increasing the funding available to use for efforts to improve diversity, equity, and inclusion in the legal profession; and it is
3. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority seeking amendments to the Vehicle Code to authorize investigators in the Office of Chief Trial Counsel to access DMV photos; and it is
4. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority increasing public protection by amending section 6007(c)(2) of the Business and Professions Code to allow involuntary inactive enrollment where an attorney has caused or is causing substantial harm to their clients or the public and there is a reasonable probability both that OCTC will prevail on the underlying misconduct matter and that the attorney will be subject to an actual suspension of 12 months or more; and it is

5. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority pursuing changes needed to implement Client Trust Account Protection Program, including enhancing the reporting from banks, requiring attorneys to have compliance reviews conducted by independent CPAs, and authorizing audits of client trust accounts based on risk assessments and random selection; and it is
6. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority earmarking the \$5 legal services opt out for a strategic funding initiative to improve access to legal services for low-income Californians, instead of simply allocating the new funding pursuant to the IOLTA formula; and it is
7. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority creating a loan repayment assistance program to improve recruitment and retention of legal aid lawyers; and it is
8. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority clarifying that Lawyer Assistance Program funds may be used for the statutorily required outreach and education about substance use issues, as well as for wellness, mental health, behavioral health, cognitive decline and other similar issues; and it is
9. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees direct staff to take a support position on AB 1733 in its current form and as further amended in a manner generally consistent with its current form and the State Bar's Strategic Plan; and it is
10. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees delegate to staff, in consultation with the Board's Legislative Liaisons, and as informed by feedback from relevant stakeholders where appropriate, the authority to determine the appropriate strategy, method, and timing in which to pursue the above legislative priorities; and it is
11. **FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees delegate to staff the authority to take action on pending legislation in between Board of Trustees meetings, so long as the position is consistent with the State Bar's Strategic Plan, the action is taken in consultation with the Board's Legislative Liaisons, and staff report back at the next Board meeting on actions taken between meetings.
12. **FURTHER RESOLVED**, that staff return to the Board at the May meeting with revisions to Attachment A of the present agenda item.

Moved by Delen, seconded by Stallings.

Ayes – (5) Chen, Cisneros, Delen, Sowell, Stallings

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

ADJOURN