



The State Bar of California

Regulation and Discipline Committee Teleconference

Open Session Minutes
Thursday, July 21, 2022
3:41 p.m.–4:19 p.m.

Time Meeting Commenced: The Regulation and Discipline Committee meeting commenced in open session at 3:41 p.m.

Time Meeting Adjourned: 4:19 p.m.

Chair: Hailyn Chen

Committee Coordinator: Louisa Ayrapetyan

Members Present: José Cisneros, Juan De La Cruz, Ruben Duran, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings

Members Absent: Mark Broughton, Sean SeLegue

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. SeLegue joined during the conducting of Business.

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. The following comment was provided to the committee:

1. Nick Migliaccio
 - a. Asked to have their public comments from the Board Executive Committee meeting (dated 7-21-2022) be reiterated for this meeting.
 - i. Public comments are regarding the Long Beach Bar Association's ability to expand their jurisdiction to include mandatory fee arbitration (MFA) matters originating in Orange County or involving Orange County-based attorneys. States that Los Angeles County has 7 local programs that provide MFA services. In contrast, Orange County only has 1 program, provided by the Orange County Bar Association. States that the Orange County border is 3 miles from the Long Beach Bar Association's office and that Orange County courts are less than 30 miles away. Migliaccio provided a letter to the Regulation and Discipline Committee on July 14, explaining the benefits of permitting the Long Beach Bar Association the

jurisdiction to handle MFA claims in Orange County. Largest benefit, Magliaccio states, would be increased public access to justice. Claims the Long Beach Bar Association's mission statement is always the increase of public access to justice. Claims that there can be no detriment in permitting Orange County individuals with fee disputes the ability to access multiple MFA programs. Program would provide cheaper filing fees, fee waivers, diverse panel of free volunteers, and geographic proximity. Respectfully requests that the Board of Trustees consider and approve their new rules, inclusive of portions included in their July 14 letter, to handle matters originating in Orange County.

I. CHAIR'S REPORT

Chair Chen provided an oral report.

II. CONSENT

A. Approval of May 19, 2022, Open Session Minutes

Moved by Duran, seconded by De La Cruz

Ayes – (6) Cisneros, De La Cruz, Duran, Shelby, Sowell, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Broughton, SeLegue

Motion carries.

B. Request for Approval of Proposed Revisions to Long Beach Bar Association's Mandatory Fee Arbitration Rules

RESOLVED, that the Regulation and Discipline Committee approves the Long Beach Bar Association's revised Rules of Procedure for Fee Arbitrations, in the form presented as Attachment A, as being in compliance with Business and Professions Code sections 6200–6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs; and it is

FURTHER RESOLVED, that the Regulation and Discipline Committee approves the Long Beach Bar Association's Rules for Voluntary Fee Mediation, in the form presented as Attachment B, as being in compliance with Business and Professions Code sections 6200–6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs.

Moved by Stallings, seconded by Duran

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

Noes – (0)
Abstain – (0)
Absent – (1) Broughton

Motion carries.

III. BUSINESS

A. Request for Approval for Publication of Formal Advisory Ethics Opinion 2022-208

Presenter(s): Randall Difuntorum, Program Director, Office of Professional Competence
Erika Doherty, Managing Attorney, Office of Professional Competence

Motion withdrawn.

B. Proposed Amendment to Rule 3.513 Regarding Mandatory Fee Arbitration Service; Receipt; Dates: Request to Circulate for Public Comment

Presenter: Isabel Liou, Attorney, Office of Professional Competence

RESOLVED, that the Regulation and Discipline Committee hereby authorizes for a 30-day public comment period the proposed revision to rule 3.513 of the Rules of the State Bar of California, attached here as Attachment A; 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 changes.

Moved by Cisneros, seconded by De La Cruz

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

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

C. Proposed Update on SB 211 Case Processing Standards

Presenter(s): Yun Xiang, Chief Mission Officer
George Cardona, Chief Trial Counsel

Presentation and Discussion only.

Chair Chen stated that pursuant to Government Code section 11126(c)(2) the committee will move into closed session to discuss the closed session agenda.

CLOSED SESSION

I. CONSENT

- A. Approval of May 19, 2022, Closed Session Minutes**
**Closed pursuant to Government Code § 11126(c)(2).*

II. BUSINESS

- A. Rule of Procedure 2201: Case Status Update**
**Closed pursuant to Government Code § 11126(c)(2).*

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