



The State Bar of California

OPEN SESSION

AGENDA ITEM

50-8 SEPTEMBER 2022

BOARD EXECUTIVE COMMITTEE III.A

DATE: September 22, 2022

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

FROM: Louisa Ayrapetyan, Board Secretary, Office of the Executive Director

SUBJECT: Approval of Annual Appointment of Officers and Members of State Bar Subentities

EXECUTIVE SUMMARY

This agenda item presents the candidates recommended for appointment to the Committee of Bar Examiners (CBE) and Lawyer Assistance Program Oversight Committee (LAPOC) for the 2022–2023 committee year.

BACKGROUND

Each year, the State Bar recruits for diverse candidates, including lawyers and nonlawyers, to serve on various State Bar committees. The State Bar is most effective when membership of its committees represents the rich racial, ethnic, geographic, and professional diversity of Californians. In May 2022, Board appointments staff launched an extensive recruitment campaign targeting nonprofit and community-based organizations, as well as local and affinity bar associations. Due to the specialized nature of the provisions for CBE, appointments staff reached out to the California Lawyers Association, as well as the American Bar Association's Young Lawyers Division, to fill vacancies on the CBE and LAPOC. Multimodal outreach efforts were employed, including direct email and paid social media campaigns.

A description of each committee's charge and composition, along with appointment recommendations, is provided in the Discussion section of this memo.

On September 8, 2022, coordinators of each subentity met with Board Appointments Liaison Melanie Shelby to present their recommended candidates for appointment.

DISCUSSION

COMMITTEE OF BAR EXAMINERS

The committee is comprised of 19 members; 10 attorney members are appointed by the Supreme Court and three public members each are appointed by the governor, Senate Rules Committee, and the Speaker of the Assembly. The Supreme Court's appointments are to include at least one judicial officer and at least one attorney who was admitted to the State Bar within the last three years. To assist the Supreme Court in identifying members for appointments, rule 9.4 of the California Rules of Court requires the State Bar to nominate candidates for the Supreme Court's consideration. Among other requirements, the Board of Trustees must submit a list of nominated candidates to the Supreme Court that identifies, if possible, at least three candidates for each open position. CBE terms are for four years, and members may apply for reappointment. Members can serve a maximum of three terms.

Appointment of Judicial Officer and Newly Admitted Attorney Member

Two terms subject to Supreme Court appointment are scheduled to become vacant in September 2022; specifically, the positions filled by the judicial officer and the recently admitted attorney. Twelve applications were received for these vacancies: one for the judicial officer position; and 10 for the newly appointed attorney position. Of those received, only nine candidates qualified for the vacancy slated for a newly licensed attorney.

Staff conferred with current CBE officers to review the pool of candidates and to make a recommendation to the Board's Appointments Liaison to fill the two vacancies. There was only one judicial officer candidate; she is recommended for appointment accordingly. Of the applications received for the newly licensed member, the CBE recommended Ashley Silva-Guzman for appointment. The list below also includes, in rank order, alternates for the newly licensed attorney vacancy:

Judicial Officer

1. Hon. Amy Guerra

New Attorney Member

1. Ashley Silva-Guzman

Alternate Members

1. Nikta (Nikki) Allamito
2. Andrew Angeles
3. Joachim Ro

4. Tia Gonzalez

The Board's Appointments Liaison has reviewed and is in support of the committee's recommendations.

LAWYER ASSISTANCE PROGRAM OVERSIGHT COMMITTEE

The LAPOC oversees the operation of the Lawyer Assistance Program 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 committee. The committee 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.

Appointment of New Member to LAPOC

Three applications were received for one vacancy; the vacant position should be filled by a licensed mental health professional with knowledge and expertise in identification and treatment of substance abuse and mental illness. The committee delegated the review of applications for the vacancy to a working group consisting of the committee chair and program supervisor.

Staff conferred with the working group to review the pool of candidates and to make a recommendation to the Board's Appointments Liaison to fill the one vacancy. After its review of the candidate pool and LAPOC needs, the LAPOC recommended the following candidate and list of alternates:

New Member

- Elise M. Yenne, PhD

Alternate Members

- Ashley Massimino, PsyD
- Christina Salazar

The Board's Appointments Liaison has reviewed and is in support of the committee's recommendations.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RECOMMENDATIONS

Should the Board Executive Committee concur in the proposed action, passage of the following resolution is recommended:

Committee of Bar Examiners

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees nominates the following candidates as presented in Attachment A, to a four-year term, to the Supreme Court of California, from which the Supreme Court will appoint two new members to the Committee of Bar Examiners: (1) judicial officer: Hon. Amy Guerra; and (2) new lawyer: Ashley Silva-Guzman, commencing at the close of the September 2022 meeting of the Board of Trustees on September 22–23, 2022, and expiring at the close of the meeting on September 24–25, 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees directs staff to prepare a list of the candidates so nominated by the Board of Trustees at its meeting on September 22, 2022, and submit it to the Supreme Court of California for consideration on behalf of the Board of Trustees.

Lawyer Assistance Program Oversight Committee

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approves the appointment of Dr. Elise Yenne of the Lawyer Assistance Program Oversight Committee as presented in Attachment B, for a four-year term, commencing at the close of the September 2022 meeting of the Board of Trustees on September 22–23, 2022, and expiring at the close of the meeting on September 24–25, 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approves the list of alternate members to the Lawyer Assistance Program

Oversight Committee as presented in Attachment B, each for a four-year term if a vacancy is created due to a midterm resignation.

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

Committee of Bar Examiners

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, recommends the following candidates as presented in Attachment A, be nominated to a four-year term, to the Supreme Court of California, from which the Supreme Court will appoint two new members to the Committee of Bar Examiners: (1) judicial officer: Hon. Amy Guerra; and (2) new lawyer: Ashley Silva-Guzman commencing at the close of the September 2022 meeting of the Board of Trustees on September 22–23, 2022, and expiring at the close of the meeting on September 24–25, 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, directs staff to prepare a list of the candidates so nominated by the Board of Trustees at its meeting on September 22, 2022, and submit it to the Supreme Court of California for consideration on behalf of the Board of Trustees.

Lawyer Assistance Program Oversight Committee

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves the appointment of Dr. Elise Yenne of the Lawyer Assistance Program Oversight Committee as presented in Attachment B, for a four-year term, commencing at the close of the September 2022 meeting of the Board of Trustees on September 22–23, 2022, and expiring at the close of the meeting on September 24–25, 2026, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves the list of alternate members to the Lawyer Assistance Program Oversight Committee as presented in Attachment B, each for a four-year term if a vacancy is created due to a midterm resignation.

ATTACHMENTS LIST

- A.** Committee of Bar Examiners Roster of Current Members and Proposed Members
- B.** Lawyer Assistance Program Oversight Committee Roster of Current Members and Proposed Members

**Committee of Bar Examiners Roster of Current Members
and Proposed Members**

First Name	Last Name	Attorney Member	Public Member	Term Expiration
Current Composition				
Incoming Chair, Paul	Kramer	✓		September 2024
Incoming Vice-Chair, Dr. Michael	Cao		✓	October 2024
Alex	Chan	✓		September 2025
Bethany	Peak	✓		September 2025
David	Torres	✓		September 2023
Dolores	Heisinger		✓	October 2023
Don	Wilcoxson		✓	October 2023
Esther	Lin	✓		September 2025
Hon. James	Herman	✓		September 2025
Hon. Shelly	Torrealba	✓		September 2022
James	Bolton, PhD		✓	October 2025
James	Efting	✓		September 2024
Kareem	Gongora		✓	October 2025
Larry	Kaplan		✓	October 2022
Michael	Iseri	✓		September 2022
Robert	Brody	✓		September 2024
Vincent	Reyes		✓	January 2023
Proposed New Judicial Officer				
Hon. Amy	Guerra	✓		September 2026
Proposed New Member				
Ashley	Silva-Guzman	✓		September 2026
Proposed Alternates				
Nikta (Nikki)	Allami	✓		--

First Name	Last Name	Attorney Member	Public Member	Term Expiration
Andrew	Angeles	✓		--
Joachim	Ro	✓		--
Tia	Gonzalez	✓		--

-- Denotes not applicable unless a vacancy is created due to a midterm resignation, at which point an alternate would be selected to fill that vacancy.

**Lawyer Assistance Program Oversight Committee Roster of Current
Members and Proposed Members**

First Name	Last Name	Attorney Member	Public Member	Term Expiration
Current Composition				
Chair, Justin	Delacruz	✓		September 2023
James	Heiting	✓		September 2023
Martin	Williams		✓	September 2023
Philip	Spiegel		✓	September 2024
Tracy	LeSage	✓		Confirming term with appointing authority (Governor)
Heather	Benton	✓		September 2026
Proposed New Members				
Dr. Elise	Yenne, PhD		✓	September 2026
Proposed Alternates				
Ashley	Massimino, PsyD		✓	--
Christina	Salazar		✓	--

-- Denotes not applicable unless a vacancy is created due to a midterm resignation, at which point an alternate would be selected to fill that vacancy.