



# The State Bar of California

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## **OPEN SESSION**

## **AGENDA ITEM**

**50-10 NOVEMBER 2022**

## **BOARD EXECUTIVE COMMITTEE IV.A**

**DATE:** November 17, 2022

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

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

**SUBJECT:** Approval of Corrected Term of Member and Reappointment of Chair to the  
Lawyer Assistance Program Oversight Committee

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## **EXECUTIVE SUMMARY**

This agenda item requests that the Board Executive Committee recommend that the Board of Trustees to approve corrected term dates for Heather Benton and reappoint Justin Delacruz to serve as chair of the Lawyer Assistance Program Oversight Committee.

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## **BACKGROUND**

In October 2022, appointments staff discovered that Lawyer Assistance Program Oversight Committee (LAPOC) member Heather Benton's term dates were incorrect on the resolution presented to the Board Executive Committee's January 2022 meeting, as well as on her acceptance letter, and that Chair Justin Delacruz had not technically been reappointed as chair to LAPOC when his term as chair expired in January 2021, although Mr. Delacruz has continued to serve in that capacity on LAPOC since that time. Both issues were due to clerical errors.

This agenda item requests that the Board Executive Committee recommend that the Board approve a number of corrections to address these issues including: (1) correcting Heather Benton's original term end date; and (2) retroactively reappointing Justin Delacruz as chair from January 2021 to January 2022, and again reappointing Mr. Delacruz to serve as chair from November 2022 to November 2023.

## **DISCUSSION**

### **HEATHER BENTON'S APPOINTMENT**

At its [January 20–21, 2022](#), Board of Trustees meeting, Ms. Benton was appointed to fill a vacancy created due to a midterm resignation. The resolution presented to the Board Executive Committee and the Board incorrectly stated that Ms. Benton's term would end September 2023 instead of September 2024; her acceptance letter also noted the incorrect term end date.

### **JUSTIN DELACRUZ'S REAPPOINTMENT AS CHAIR**

At its [January 24, 2020](#), meeting, Justin Delacruz was appointed chair of the LAPOC. Mr. Delacruz was appointed to a four-year term as a member and subsequently named chair of LAPOC for a one-year term, ending in January 2021. Mr. Delacruz's reappointment as chair for 2021 was not brought back to the Board Executive Committee or the Board of Trustees for approval, although Mr. Delacruz currently sits as the LAPOC chair.

### **DISCOVERY OF INCONSISTENCIES AND STAFF CONSIDERATIONS**

In October 2022 appointments office staff discovered the discrepancies when preparing for the 2023 appointments cycle.

#### **Heather Benton**

Regarding Ms. Benton, Board Executive Committee is asked to recommend that the Board approve Ms. Benton's corrected term date ending September 2024, rather than September 2023.

#### **Justin Delacruz**

Regarding Mr. Delacruz, the Board Executive Committee is asked to recommend that the Board reappoint Ms. Delacruz as chair of LAPOC from January 2021 to January 2022, and that Mr. Delacruz be reappointed as chair from November 2022 to November 2023.

If approved, staff will send out amended appointment letters that clarify Ms. Benton's membership length and Mr. Delacruz's reappointment as chair.

Staff discussed these issues with the Board appointments liaison, Brandon Stallings and Melanie Shelby. The appointments liaisons are in support of rectifying both errors.

### **FISCAL/PERSONNEL IMPACT**

None

### **AMENDMENTS TO RULES**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

Goal 4. Protect the Public by Engaging Partners

## **RECOMMENDATIONS**

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

**RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees reaffirm Heather Benton's term end date as September 2024, retroactively reappoint Justin Delacruz as LAPOC chair from November 2021 to November 2022, reappoint Justin Delacruz as LAPOC chair from November 2022 to November 2023; and it is

**FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees direct staff to notify the above members of their adjusted term dates.

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

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee reaffirm Heather Benton's term end date as November 2024, retroactively reappoint Justin Delacruz as LAPOC chair from November 2021 to November 2022, reappoint Justin Delacruz as LAPOC chair from November 2022 to November 2023; and it is

**FURTHER RESOLVED**, that the Board of Trustees direct staff to notify the above members of their adjusted term dates.

## **ATTACHMENT LIST**

None