



The State Bar of California

Regular Meeting of the Board of Trustees Teleconference

Open Session Minutes
Thursday, September 22, 2022
1:03 p.m.–4:02 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 1:03 p.m. The Board moved into closed session at 4:02 p.m. The Board did not return to open session on Thursday, September 22, 2022.

Time meeting Adjourned: 4:02 p.m.

Chair: Ruben Duran

Board Secretary: Louisa Ayrapetyan

Members Present: Hailyn Chen, José Cisneros, Juan De La Cruz (joined late), Ruben Duran, Sean SeLegue, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

Members Absent: Mark Broughton

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Duran. Roll call was taken and a quorum was established.

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:

1. Todd Hill:
 - Todd Hill expressed concerns with the appointment of a paid consultant working for the State Bar of California and the potential of a conflict of interest.

10 MINUTES

Approval of July 21–22, 2022, Open Session Minutes

Approval of August 25, 2022, Open Session Minutes

Moved by Stallings, seconded by Cisneros

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, SeLegue, Shelby, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Minutes adopted.

30 CHAIR'S REPORT

Chair Duran provided an oral report.

The following resolutions were presented and voted on by the Board of Trustees:

RESOLVED, that the Board of Trustees adopt the following resolution of appreciation to outgoing member Sonia Delen:

WHEREAS, Sonia Delen, member of the Board of Trustees, served this Board and the State Bar of California with devotion and distinction;

WHEREAS, Sonia Delen, member of the Board of Trustees, served this Board and the State Bar of California with extraordinary commitment to carrying out the mission of public protection, including access and diversity and inclusion, and served the Board and the State Bar selflessly and with constancy; and it is

FURTHER RESOLVED, that the Board of Trustees hereby expresses to Sonia Delen, member of the Board of Trustees, its sincere appreciation for her admirable accomplishments and efforts expended on behalf of the public we serve.

Moved by Stallings, seconded by De La Cruz

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

RESOLVED, that the Board of Trustees appoints Gregory E. Knoll to serve as a member of the Finance Committee, effective September 22, 2022.

Moved by Stallings, seconded by Shelby

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

40 STAFF REPORTS

41-1 Report from Executive Director

Executive Director Leah Wilson provided an oral report.

50 CONSENT AGENDA

50-1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

50-2 Adoption of State Bar Court Judge Pay Schedule

RESOLVED, that the Board of Trustees adopts the State Bar Court judge pay schedule included as Attachment A, as described herein.

50-3 Adoption of Employee Pay Schedule

RESOLVED, that the Board of Trustees approves the 2022 employee pay schedule included as Attachment A, as described herein.

50-4 Approval of 2022 Quarter Two Board and Management Travel Expense Report

RESOLVED, that the Board of Trustees approve the second quarter of 2022 Board and management travel expense report in the form presented this day before the Board, for the three months ended June 30, 2022, as certified by the chief financial officer, and on file with the San Francisco office of the State Bar.

50-5 Approval of 2022 Quarter Two Investment Report

RESOLVED, that upon recommendation of the Finance Committee, the Board of Trustees approves the 2022 Second Quarter Investment Report in the form presented this day before the Board, for the six months ended June 30, 2022, as certified by the chief financial officer and filed with the San Francisco office of the State Bar.

50-6 Approval of Licensee Requests for Adjustment of Fees, Penalties, and Charges

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approves the fee adjustments for the State Bar licensees as presented this day and on file in the San Francisco office of the State Bar.

50-7 Proposed Amendment to Rule 3.513 Regarding Mandatory Fee Arbitration Service; Receipt; Dates: Return from Public Comment and Request for Adoption

RESOLVED, that the Board of Trustees, hereby approves and adopts amendments to rule 3.513 of the Rules of Procedure of the State Bar of California, provided as Attachment A, effective September 22, 2022.

50-8 Approval of Annual Appointment of Officers and Members of State Bar Subentities

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, 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.

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.

50-9 Approval of Annual Appointment of State Bar Member to the Judicial Council of California

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, reappoint Maxwell Pritt to the Judicial Council of California for a three-year term to commence on September 22, 2022, and to expire September 14, 2025, or until further order of the Board, whichever occurs earlier.

50-10 Approval of California Indian Legal Services Appointment of State Bar Representative to the Board of Trustees

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves the appointment of Judge Christine Williams to the California Indian Legal Services Board of Trustees for a three-year term commencing on September 22, 2022, and expiring on September 21, 2025.

Moved by Knoll, seconded by Stallings

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

700 MISCELLANEOUS

701 Final Report and Recommendations of the Ad Hoc Commission on the Discipline System

Presenters: Brandon Stallings, Vice-Chair, Board of Trustees
Lisa Chavez, Director, Office of Research & Institutional Accountability

RESOLVED, that the Board of Trustees receives the Ad Hoc Commission on the Discipline System Report and Recommendations; and it is

FURTHER RESOLVED, that the Board of Trustees issues the Report and Recommendations for a 60-day public comment period.

Moved by De La Cruz, seconded by Cisneros.

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

702 Report on Attorney Supervision & Assistance Supervision Strategies Tool

Presenters: Bridget Gramme, Deputy Chief of Programs
Melanie Lawrence, Program Director, Office of Professional Support & Client Protection

Discussion only.

703 Client Trust Account Protection Program: Return from Public Comment and Request for Approval

Presenter: Randall Difuntorum, Program Director, Office of Professional Competence
Kelsey Lyles, Principal Program Analyst, Office of Research & Institutional Accountability

Should the Board of Trustees concur in the proposed action on proposed new Rule of Court 9.8.5 and proposed amended rule 1.15 of the Rules of Professional Conduct, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, following consideration of public comments received, adopts proposed new Rule of Court 9.8.5 as set forth in Attachment A, and adopts proposed amended rule 1.15 of the Rules of Professional Conduct as set forth in Attachment B and directs

staff to submit these proposed rules to the Supreme Court of California with a recommendation that they be approved.

Moved by Cisneros, seconded by Stallings.

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

Should the Board of Trustees concur in the proposed action on Title 2, Division 1, proposed new rule 2.5 of the State Bar Rules, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, following consideration of public comments received, adopts Title 2, Division 1, proposed new rule 2.5 of the State Bar Rules as set forth Attachment C; and it is

FURTHER RESOLVED, that the approval of Title 2, Division 1, proposed new rule 2.5 of the State Bar Rules is subject to the California Supreme Court’s approval of proposed new Rule of Court 9.8.5 without any material revisions; and it is

FURTHER RESOLVED, that the effective date of Title 2, Division 1, proposed new rule 2.5 of the State Bar Rules would be the effective date of proposed new Rule of Court 9.8.5 if the California Supreme Court approves proposed new Rule of Court 9.8.5 without any material changes.

Moved by Cisneros, seconded by Shelby.

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

704 Discussion of Options for Amendments to Rule 9.7 of the California Rules of Court: Annual Civility Pledge

Presenters: Randall Difuntorum, Program Director, Office of Professional Competence
Erika Doherty, Managing Attorney, Office of Professional Competence

Discussion only; however, the Board directed staff to bring option two as a request to circulate for public comment at its November meeting.

708 Closing the Justice Gap Working Group Dissolution

Presenter: Bridget Gramme, Deputy Chief of Programs

RESOLVED, that the Board of Trustees expresses deep appreciation for the members of the Closing the Justice Gap Working Group; and it is

FURTHER RESOLVED, that, in light of the restrictions imposed by AB 2958, the Closing the Justice Gap Working Group is hereby dissolved.

Moved by Stallings, seconded by Shelby.

Ayes – (9) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

709 Approval of 2022 Midyear Budget Variance Report (Including Q2 Financial Report), Projection, and Proposed Budget Amendment

Presenter: Aracely Montoya-Chico, Chief Financial Officer

RESOLVED, that the Board of Trustees upon the recommendation of the Finance Committee, approves the 2022 Midyear Budget Variance Report (including Q2 Financial Report), Projection, and Proposed Budget Amendment in the form presented this day before the Board, for six months ended June 30, 2022, as certified by the chief financial officer and filed with the San Francisco office of the State Bar.

Moved by SeLegue, seconded by Sowell.

Ayes – (8) Chen, Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (2) Broughton, Shelby

Motion carries.

Chair Duran stated that pursuant to Government Code section 11126(c)(17), Government Code section 11126(a)(1) and 11126(c), Government Code section 11126(a), and Government Code section 11126(e)(1) the Board will move into closed session to discuss the closed session agenda.

CLOSED SESSION

1000 MINUTES

Approval of July 21–22, 2022, Closed Session Minutes

Approval of August 25, 2022, Closed Session Minutes

7000 MISCELLANEOUS

7001 Update on Collective Bargaining

**Closed pursuant to Government Code § 11126(c)(17).*

7002 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files

**Closed pursuant to Government Code § 11126(a)(1) and 11126(c).*

7003 *Los Angeles Times v. State Bar of California* (California Supreme Court Case No. S269401 (filed June 17, 2021))

**Closed pursuant to Government Code § 11126(e)(1).*

7004 Discussion Regarding Executive Director Performance Evaluation

**Closed pursuant to Government Code § 11126(a).*

ADJOURN

Regular Meeting of the Board of Trustees
Teleconference

Open Session Minutes
Friday, September 23, 2022
9:03 a.m.–1:51 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:03 a.m. The Board moved into closed session at 11:23 a.m. The Board returned to open session at 1:50 p.m.

Time meeting Adjourned: 1:51 p.m.

Chair: Ruben Duran

Board Secretary: Louisa Ayrapetyan

Members Present: Mark Broughton, Hailyn Chen (joined late), José Cisneros, Juan De La Cruz, Ruben Duran, Sean SeLegue, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

Members Absent: None

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Duran. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Duran stated that this is a continuance of the September 22, 2022, meeting and therefore no call for public comment was made.

705 Annual Discipline Report Review and Approval Timeline

Presenters: Yun Xiang, Chief, Mission Advancement & Accountability Division
Lisa Chavez, Director, Office of Research & Institutional Accountability

RESOLVED, that the Board of Trustees will review, evaluate, and approve the Annual Discipline Report due annually on October 31; and it is

FURTHER RESOLVED, that the Board of Trustees approves the procedures the State Bar will follow in its production of the Annual Discipline Report due October 31, 2022.

Moved by Cisneros, seconded by Shelby.

Ayes – (8) Cisneros, De La Cruz, Knoll, Sowell, SeLegue, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (2) Broughton, Chen

Motion carries.

706 Office of Chief Trial Counsel Performance Metrics

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

707 SB 211 Case Processing Standards Development Update

Presenters: Yun Xiang, Chief, Mission Advancement & Accountability Division
George Cardona, Chief Trial Counsel

Presentation and Discussion only.

Chair Duran stated that pursuant to Government Code section 11126(c)(17), Government Code section 11126(a)(1) and 11126(c), Government Code section 11126(a), and Government Code section 11126(e)(1) the Board will move into closed session to discuss the closed session agenda.

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**Closed pursuant to Government Code § 11126(e)(1).*

7004 Discussion Regarding Executive Director Performance Evaluation

**Closed pursuant to Government Code § 11126(a).*

OPEN SESSION

The Board returned to open session and reported that there is no action to report from closed session, with the exception that in the LA Times case the Board heard a briefing from the general counsel and provided direction.

ADJOURN