



The State Bar of California

Regular Meeting of the Board of Trustees Teleconference

Open Session Minutes
Thursday, November 17, 2022
12:16 p.m.–5:26 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 12:16 p.m.
Time meeting Adjourned: 5:26 p.m.
Chair: Ruben Duran
Board Secretary: Louisa Ayrapetyan
Members Present: Mark Broughton, Hailyn Chen (joined late), José Cisneros, (joined late), Ruben Duran, Greg Knoll (joined late), Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney
Members Absent: Juan De La Cruz, Sean SeLegue

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. Benjamin Kohn:
 - Benjamin Kohn expressed concerns regarding the testing accommodation procedures, timeline, and decision-making process.
2. Paul Kramer:
 - Paul Kramer expressed support for extending the pathway program for those who did not receive notice with a 2024 rather than a 2025 sunset date to provide sufficient time for those people to complete the requirements and be licensed. Paul Kramer also expressed concerns regarding the Board's public comment policy.
3. Carolin Shining:
 - Carolin Shining believes that the State Bar and the Board of Trustees should honor and acknowledge licensed attorneys and any pilot program for a nonpathway should be extended, continued, or discussed and given full vetting in the future.

4. Shontel Johnson:

- Shontel Johnson commented on agenda item 701 the recommendations to extend the original and expanded pathway program. Shontel Johnson requested that the Board include recommendations in the report to reopen the program for all original provisionally licensed lawyers that never participated at all before submitting it to the Supreme Court.

5. Jackie Gardina:

- Jackie Gardina spoke in support of agenda item 701, specifically in support of option 3. The State Bar's option 3 proposal would allow California to develop the necessary data missing from the Blue Ribbon Commission's deliberations, specifically a reliable measure of competence. This would allow the Board and the Supreme Court to make a more informed decision about an alternative pathway with the benefit of data specific to California. It will also allow the State Bar to ask the question whether the public is better protected by a score on a standardized exam or by new attorneys learning in a supervised setting.

6. Tyler G.:

- Tyler G. spoke in support of agenda item 701. Tyler G. also spoke about his experiences working as a provisionally licensed lawyer and the benefits of the pathway program.

7. Deborah Merritt:

- Deborah Merritt addressed the proposal to extend the provisional licensure programs. Deborah Merritt strongly supports the extension of both provisional licensure programs, and in particular extension of the original provisional licensed program to create a pilot program using supervised practice as a pathway to licensure.

8. Reann Pacheco:

- Reann Pacheco spoke for the Legal Aid Association of California. Reann Pacheco strongly supports the extension of the provisional licensure program and the extension of the sunset, however, believes that option 2 is not the best solution for many provisionally licensed lawyers.

9. NC:

- NC spoke on agenda item 701 and about her reasons for going to law school. NC requests that the Board consider tweaking the MPRE requirements for those who have not taken the MPRE and to now make that a requirement to continue in the program when it has not been before would have a detrimental effect on people.

10. Ray Hayden:

- Ray Hayden spoke on agenda item 701. Ray Hayden believes that the pathway program is a viable alternative to a pathway program, specifically staff's option 3 recommendations for the current participants to become fully admitted attorneys without having to sit for the bar exam. Ray Hayden further agrees with staff's recommendation to use the provisional licensure program as the pilot program in creating the nonexam pathway to admission.

11. Todd Hill:

- Todd Hill expressed a long-standing issue and concerns about the State Bar's potential conflicts of interest. Todd Hill further expressed concerns about the Peoples College of Law.

12. Zach Newman

- Zach Newman spoke on Agenda Item 708, noting that they and the Legal Aid Association of California worked with Staff and sought community input through the process of creating recommendations. They urged the Board to support the recommended changes.

13. Claire Solot

- Claire Solot spoke on the Legal Service Founders Network's public interest Bar fellowship and how the analysis of their program matches the results of the State Bar's survey. Mentioned that 95 percent of their fellows felt well supervised, 100 percent of hosts felt fellows increased capacity, and 90 percent would consider hiring graduates. Further, mentioned surveys of public interest firms that there is a need for lawyers passionate regarding public interest work. Claire S. strongly agrees with the State Bar's recommendation to extend the PLL program and consider it a pilot for an alternative pathway.

14. Susan Bakshian

- Susan Bakshian strongly supports the State Bar's recommendations on the provisionally licensed lawyer program, especially options that provide an alternative pathway. They believe that relying solely on an exam will not address disparities in diversity, costs of bar prep, and the legal services gap. They encouraged the Board to consider the Blue Ribbon Commission's discussions on a pilot program, and they stated that the California Lawyer's Association letter misrepresents the work of the BRC.

15. Eric Abrahmian

- Eric Abrahmian is a provisionally licensed lawyer and currently practices in civil litigation. Eric A. enrolled in the PLL program in December 2021. They stated that they felt the program was incomplete and wondered the State Bar's intention behind it. They outlined the ways in which they have proven competence and argued that the PLL program would be incomplete without a pathway to full licensure. Eric A. believes that the PLL is the State Bar's opportunity to lead, rather than follow, and one that creates competency through practice.

16. Christian Ramos

- Christian Ramos has been a PLL since November 2022, and they urge the Board to extend the program and create a pathway to licensure. Christian R. argues that PLL have displayed their competency to practice law for two years. They state that the statistics in the State Bar's memo show that PLL are valuable lawyers, and notes that there is no comparable survey done of first year attorneys. Christian R. strongly urged the Board to adopt option 3.

17. Mariel Kusano

- Mariel Kusano, a supervising attorney at Legal Assistance for Seniors, spoke on Agenda item 701. Mariel K. states that the provisional licensure program allowed their nonprofit to hire a provisionally licensed attorney and they have been exceeding expectations while increasing the organizations diversity. They note

that their provisionally licensed attorney has worked over 2,500 hours under direct supervision. Ends by stating Legal Assistance for Seniors supports option 3, as an alternate and equitable pathway to licensure.

18. Leigh Ferrin

- Leigh Ferrin, an attorney with OneJustice, and expresses their support for the Board recommending Option 1 to the Supreme Court, as well as either Options 2 or 3. Mentions that the provisionally licensure program has permitted licensure for an OneJustice attorney, and that this program has helped increase the capacity of legal service organizations across California. States that Option 2 is straight-forward and that they would not object to option 5. Believes that Option 4 is not a sound recommendation. If option 3 is recommended, Leigh F. encourages the State Bar to seek feedback from legal services organizations.

19. Betty Williams:

- Betty Williams, speaking on behalf of California Lawyers Association, mentions that CLA does not favor the nonexam pathway, regardless of whether it is provided to provisionally licensed lawyers or others.

20. Tom Drohan:

- Tom Drohan, speaking on behalf of Legal Assistance to the Elderly and their provisionally licensed lawyer, expressed support for extending the program; option 3 in particular. Tom D. states that their provisionally licensed lawyer has been with the organization since January 2021, and she had been an incredible asset to the agency, overcoming a multitude of structural barriers. Reiterates that there is a lack of competent housing attorneys in San Francisco and that losing her would be detrimental to their agency. Tom D. ends by asking the Board and the State Bar to continue the program.

21. Sebastian Bendeck:

- Sebastian Bendeck spoke on Agenda Item 701. First, Sebastian B. thanked the State Bar for supporting provisionally licensed lawyers during the period of national emergency. They then supported option 3 and requested an addendum of an apprenticeship program, mirrored after the New Hampshire apprenticeship program. Sebastian B. mentioned they themselves have over 3,000 hours and feels that provisionally licensed lawyers have been divested of a pathway to licensure provided to others. Believes that there should be an apprenticeship that focuses on a smaller group of applicants, possibly focused on legal aid.

22. Mai Linh Spencer:

- Mai Linh Spencer spoke on agenda item 701, in particular in support of the pilot program describe in option 3. Main Linh Spencer strongly supports the creation of a pilot program to explore nonexam pathway to licensure. A nonexam pathway has the potential to create a more competent and more diverse bar in California.

23. Abigail Sedra:

- Abigail Sedra spoke on the future of the provisional licensed lawyers and various options the Board may recommend for future plans. Abigail Sedra fully supports option 3.

24. Patrick Quinn:

- Patrick Quinn, a 2020 law graduate and provisionally licensed lawyer since December 2020, states that they became aware of the provisionally licensed lawyer program during a difficult time in their life. Patrick Q. continues that the program was a boost in morale that he needed mentally, spiritually, and financially. Iterates that they have invested over 4,000 hours into the program and argues that their experience through the program shows that they are minimally competent, deserving of a license. Patrick Q. states that they support option 3, with an amendment that would strike the MPRE requirement.

10 MINUTES

Approval of October 24, 2022, Open Session Minutes

Approval of September 22–23, 2022, Open Session Minutes

Moved by Knoll, seconded by Cisneros

Ayes – (5) Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (2) Broughton, Shelby

Absent – (3) Chen, De La Cruz, SeLegue

Minutes adopted.

30 CHAIR'S REPORT

Chair Duran provided an oral report.

40 EXECUTIVE DIRECTOR'S REPORT

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 Approval of 2023 Changes to Schedule of License Fees, Penalties, Charges, and Deadlines

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee and subject to AB 2958 becoming law, approve and set the annual licensing fee for 2023 at \$510 for active status and at \$177.10 for inactive status; and it is

FURTHER RESOLVED, that, as required by Business and Professions Code section 6140.05, a \$5 deduction from annual fees be available for any attorney who elects not to fund State Bar lobbying and other legislative activity; and it is

FURTHER RESOLVED, that a \$2 deduction from annual fees be available for any attorney who elects not to fund State Bar programs that support the elimination of bias; and it is

FURTHER RESOLVED, that for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$45 deduction from the annual fee be provided to each attorney who elects not to have this amount allocated to support nonprofit organizations that provide free legal services to persons of limited means; and it is

FURTHER RESOLVED, that the 2023 annual fees for new attorneys admitted in 2023 be set as follows: fees of \$510 for those admitted between January 1 and May 31, 2023, and \$255 for those admitted between June 1 and November 30, 2023; and it is

FURTHER RESOLVED, that the deadlines and penalties as proposed on the attached Appendix A: Schedule of Charges and Deadlines for 2023 (Attachment A), be applied to delinquent 2023 annual fees; and it is

FURTHER RESOLVED, that the MCLE noncompliance fee remain set at \$75, the MCLE audit deficiency fee remain set at \$200, and the MCLE reinstatement fee to terminate MCLE inactive enrollment remain set at \$200; and it is

FURTHER RESOLVED, that the CTAPP noncompliance fee be set at \$75, and the CTAPP reinstatement fee to terminate CTAPP noncompliance inactive enrollment be set at \$200; and it is

FURTHER RESOLVED, that the interest on assessed costs for reimbursement to the Client Security Fund be set at 10 percent annually calculated from the date of disbursement as set forth by the Board, pursuant to Business and Professions Code section 6140.5(c); and it is

FURTHER RESOLVED, that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20 percent of the amount ordered refunded to the client or \$1,000 whichever is greater.

FURTHER RESOLVED, that the Board of Trustees forward to the Supreme Court of California the names of those licensees to be suspended from the practice of law in California for failing to pay State Bar fees, penalties, or costs on or before June 30, 2023, and hereby: (a) delegates to State Bar staff the ministerial functions for determining that each person who is to be recommended to the Supreme Court of California for suspension due to nonpayment of fees is licensed by the State Bar of California, and that each such person failed to fully pay fees, penalties, and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9, and 6141 of the Business and Professions Code; (b) instructs State Bar staff to send to each such person, at their address of record with the State Bar of California, two months' written notice of their delinquency which included notice of section 6143 of the Business and Professions Code; and (d) recommends to the Supreme Court of California that each such person's State Bar license be suspended, which would suspend them from the practice of law in the State of California, effective July 1, 2022, until such time as they may be reinstated, upon the payment of the delinquent fees, penalties, or costs and of

such additional fees, penalties, or costs as may have accrued at the time of such payment; and it is

FURTHER RESOLVED, that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, State Bar staff is authorized and directed to notify the Clerk of the Supreme Court of California of the name of any licensee of the State Bar who, by proper remittance and prior to the effective date of the Supreme Court of California order of suspension based hereon, pays to the State Bar fees, penalties, or costs in the amount in which they are delinquent; and to notify the Clerk of the Supreme Court of California of the consequent withdrawal of the Board of Trustees' recommendation for suspension; and it is

FURTHER RESOLVED, that for the purpose of modifying the recommendation to the Supreme Court of California for suspension for nonpayment of fees, penalties, or costs, State Bar staff is authorized and directed to change the data as to status or the amounts of delinquency of any licensee and to notify the Clerk of the Supreme Court of California accordingly of the consequent modification of the Board of Trustees' recommendation for suspension; and it is

FURTHER RESOLVED, pursuant to California Rule of Court 9.31 and the Rules of the State Bar, that the Board of Trustees authorizes that those attorneys in MCLE Compliance Groups 1, 2, and 3 who do not bring themselves into compliance with their MCLE requirements by June 30, 2023, be enrolled as inactive and placed on "Not Eligible to Practice" status, effective July 1, 2023; and it is

FURTHER RESOLVED, that staff are authorized to remove individual attorneys from inactive status once they have provided proof of compliance and paid all outstanding noncompliance fees; and it is

FURTHER RESOLVED, pursuant to California Rule of Court 9.8.5 and the Rules of the State Bar, that the Board of Trustees authorizes that those attorneys who do not bring themselves into compliance with their CTAPP requirements by June 30, 2023, be enrolled as inactive and placed on "Not Eligible to Practice" status, effective July 1, 2023; and it is

FURTHER RESOLVED, that staff are authorized to remove individual attorneys from inactive status once they have complied and paid all outstanding noncompliance fees.

50-3 Annual Recommendation to the Supreme Court of California for Expungement of Suspensions of Licensees Delinquent in Payment of License Fees, Penalties, and Charges

RESOLVED, that the Board of Trustees directs staff to submit the annual recommendation to the California Supreme Court that licensees who meet the criteria for expungement as of suspensions for failure to pay fees have their suspensions set forth in California Rule of Court 9.8; and it is

FURTHER RESOLVED, that upon the Court's order of expungement, staff is directed to immediately expunge the suspensions from the licensed attorneys' records and notify each attorney of the Court's order and the expungement.

50-4 Annual Recommendation for Expungement of Administrative Inactive Status for Minimum Continuing Legal Education Noncompliance in Accordance with Rule 9.31

RESOLVED, that the Board of Trustees directs staff to determine which records of inactive enrollment for failure to comply with MCLE requirements qualify for the annual expungement pursuant to California Rule of Court 9.31(f); and it is

FURTHER RESOLVED, that the staff then expunge the eligible inactive enrollments from the licensed attorneys' records and notify each attorney of the expungement.

50-6 Approval of 2022 Quarter Three Board and Management Travel Expense Report

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

50-7 Request to Approve Selected Administrative Fee Increases and to Distribute Other Proposed Administrative Fee Increases to Impacted Stakeholders for Comment

This agenda item was withdrawn from the consent calendar.

50-8 Final Report and Recommendations of the Ad Hoc Commission on the Discipline System

RESOLVED, that the Board of Trustees, hereby approves and adopts amendments to rule 2.13 of the State Bar rules, as provided as Attachment B, effective November 17, 2022.

50-9 Client Trust Account Protection Program: Request for Adoption of State Bar Rule 2.5

RESOLVED, that the Board of Trustees, following consideration of the California Supreme Court's adoption of Rule of Court 9.8.5, adopts Title 2, Division 1, proposed new rule 2.5 of the State Bar Rules as set forth Attachment A to be effective on January 1, 2023.

50-10 Approval of Corrected Term of Member and Reappointment of Chair to the Lawyer Assistance Program Oversight Committee

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.

50-11 Annual Recommendation for Reappointment of Fee Arbitrators, Presiding Arbitrator, and Assistant Presiding Arbitrators

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of the fee arbitrators whose names appear on the list, attached here as Attachment A, to the State Bar MFA program, each for a one-year term commencing January 1, 2023, and expiring December 31, 2023; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of Clark Stone as the State Bar's presiding arbitrator, effective January 1, 2023, and expiring December 31, 2023; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of Summer Nastich and Lee Straus as the State Bar's assistant presiding arbitrators, each for a term effective January 1, 2023, and expiring December 31, 2023.

50-12 Proposed Changes to Conflict of Interest Code for Designated Employees: Request for Approval

RESOLVED, that the Board of Trustees hereby adopts the proposed Conflict of Interest Code for Designated Employees of the State Bar of California as set forth in Attachment A.

Moved by Knoll, seconded by Stallings

Ayes – (7) Broughton, Cisneros, Knoll, Sowell, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) Chen, De La Cruz, SeLegue

Motion carries.

The following agenda item was pulled from the consent calendar for a separate discussion:

50-5 Approval of 2022 Quarter Three Financial Statement Report and Investment Report

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

Moved by Knoll, seconded by Toney

Ayes – (7) Broughton, Cisneros, Knoll, Sowell, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) Chen, De La Cruz, SeLeague

Motion carries.

700 MISCELLANEOUS

701 Recommendation to Supreme Court Regarding Pending Sunset of the Provisional Licensure Program

Presenters: Leah Wilson, Executive Director
Donna Hershkowitz, Chief of Programs

RESOLVED, that the Board of Trustees directs staff to transmit to the Supreme Court for its consideration options 1 to 5 as discussed in this agenda item and set forth in Attachment D, with the recommendation that the Court adopt option 1 and one of the options set forth as options 2 through 5; and it is

FURTHER RESOLVED, the Board of Trustees directs staff to assist the Court by preparing draft language for each of the options transmitted.

Moved by Sowell, seconded by Knoll

Ayes – (7) Chen, Cisneros, Knoll, Sowell, Shelby, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (2) De La Cruz, SeLeague

Motion carries.

702 Request for Adoption of Written and Verbal Public Comment Policy for Board of Trustees and State Bar Subentity Meetings

Presenters: Brandon Stallings, Vice-Chair, Board of Trustees
Mark Toney, Member, Board of Trustees
Roberta Boomer, Consultant

RESOLVED, that the Board of Trustees adopt the public comment policy, included as Attachment A, for all subsequent Board of Trustees and State Bar subentity meetings; and it is

FURTHER RESOLVED, that the Board of Trustees direct staff to implement and ensure that all meetings of the Board of Trustees and State Bar subentities follow the public comment policy as provided in Attachment A.

Moved by Cisneros, seconded by Knoll

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

703 Request for Approval and Ratification of Board Policy Manual

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

RESOLVED, that the Board of Trustees, approves the revised Board Policy Manual as presented in Attachment B.

Moved by Stallings, seconded by Cisneros

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

704 Proposed Amendments to Rule 9.7 of the California Rule of Court and the Rules of Professional Conduct Based on Recommendations by the California Civility Task Force: Request to Circulate for Public Comment

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

RESOLVED, that the Board of Trustees authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 9.7 of the California Rules of Court as set forth in Attachment A; and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended Rule of Court.

Moved by Stallings, seconded by Knoll

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

704 Proposed Amendments to Rule 9.7 of the California Rule of Court and the Rules of Professional Conduct Based on Recommendations by the California Civility Task Force: Request to Circulate for Public Comment

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

RESOLVED, that the Board of Trustees authorizes staff to make available for public comment, for a period of 60 days, proposed amended rules 1.2 and 8.4 and new rule 8.4.2 of the California Rules of Professional Conduct, as amended by the Board, and set forth in amended Attachment F, as modified by the Board of Trustees; and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended Rules of Professional Conduct.

Moved by Stallings, seconded by Knoll

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

705 Proposed Amendments to Rules Governing Minimum Continuing Legal Education: Request to Circulate for Public Comment

Presenters: Randall Difuntorum, Program Director, Office of Professional Competence
Arayeh Rahimitabar, Program Manager, Office of Professional Competence
Catherine Ongiri, Senior Attorney, Office of Professional Competence

RESOLVED, that the Board of Trustees authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 2, Division 4 of the rules of the State Bar attached hereto as Attachment A (clean) and Attachment B (redline);

FURTHER RESOLVED, that the Board of Trustees, authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 3, Division 5, Chapter 1 of the rules of the State Bar attached hereto as Attachment C (clean) and Attachment D (redline); and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended State Bar Rules.

Moved by Chen, seconded by Cisneros

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney
Noes – (0)
Abstain – (0)
Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

706 Proposed Amendments to Admissions Rules Related to Testing Accommodations, Moral Character, Law Office Study, and the Practical Training of Law students Program: Request to Circulate for Public Comment

Presenters: Donna Hershkowitz, Chief of Programs
Tara Clark, Program Manager, Office of Admissions
Christina Doell, Program Manager, Office of Admissions
Kathy Sher, Senior Program Analyst, Legislative Affairs

RESOLVED, that the Board of Trustees approves circulating for a 60-day public comment period the changes to the rules regarding testing accommodations as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees approves circulating for a 60-day public comment period the changes to the rules regarding moral character as set forth in Attachments D and E; and it is

FURTHER RESOLVED, that the Board of Trustees approves circulating for a 60-day public comment period the changes to the rules the Practical Training of Law Students program as set forth in Attachments F, G, and H; and it is

FURTHER RESOLVED, that the Board of Trustees approves circulating for a 60-day public comment period the changes to the rules regarding the Law Office Study program as set forth in Attachments I and J; 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 amended rules.

Moved by Cisneros, seconded by Knoll

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney
Noes – (0)
Abstain – (0)
Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

707 Elimination of Five-Year Validity for Passing Bar Exam Score: Return from Public Comment and Request for Submission to the Supreme Court for Approval

Presenter: Donna Hershkowitz, Chief of Programs

RESOLVED, that following the 45-day public comment period, the Board of Trustees adopts the rule revisions set forth in Attachments B and C; and it is

FURTHER RESOLVED, that the Board of Trustees directs staff, consistent with the requirements of rule 9.5 of the California Rules of Court, to submit the proposed rule changes to the Supreme Court for review and approval with the intent that the rules have an effective date of January 1, 2023.

Moved by Knoll, seconded by Stallings

Ayes – (7) Broughton, Chen, Cisneros, Knoll, Sowell, Stallings, Toney

Noes – (0)

Abstain – (0)

Absent – (3) De La Cruz, SeLegue, Shelby

Motion carries.

708 Proposed Amendments to State Bar Rules 3.671 (Primary Purpose), 3.672 (Civil Legal Services), 3.680 and Appendix A (Audit and Late Submissions), and 3.690 and 3.692 (Complaints); and Proposed New State Bar Rule 3.674 (Income and Indigent Persons): Request to Circulate for Public Comment

Presenters: Doan Nguyen, Program Director, Office of Access & Inclusion
Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

RESOLVED, that the Board of Trustees, upon recommendation of the Legal Services Trust Fund Commission, authorizes staff to make available the proposed revisions to State Bar Rules relating to the Legal Services Trust Fund Program in the forms attached as Attachments G and H, for a public comment period of 60 days; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be, construed as a recommendation of approval by the Board of Trustees of the proposal.

Moved by Cisneros, seconded by Broughton

Ayes – (6) Broughton, Chen, Cisneros, Knoll, Sowell, Toney

Noes – (0)

Abstain – (0)

Recuse – (1) Knoll

Absent – (4) De La Cruz, SeLegue, Shelby, Stallings

Motion carries.

Regular Meeting of the Board of Trustees
Teleconference

Open Session Minutes
Friday, November 18, 2022
9:06 a.m.–2:48 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:06 a.m. The Board moved into closed session at 9:07 a.m. The Board returned to open session at 2:47 p.m.

Time meeting Adjourned: 2:48 p.m.

Chair: Ruben Duran

Board Secretary: Louisa Ayrapetyan

Members Present: Hailyn Chen, José Cisneros, Ruben Duran, Melanie Shelby, Arnold Sowell, Mark Toney

Members Absent: Mark Broughton, Juan De La Cruz, Sean SeLegue, Brandon Stallings

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. Shirleen DeRezendes:
 - Shirleen DeRezendes spoke on the agenda item regarding testing accommodation rule changes, specifically the process of submitting documentation on already approved testing accommodations for subsequent exams.
2. Todd Hill:
 - Todd Hill spoke in regard to providing public comment at every Board and Board committee meeting.
3. Benjamin Kohn:
 - Benjamin Kohn spoke on the agenda item regarding the proposal to modify the testing accommodation rules, specifically the extensive staff review time of applications.
4. Peter Maduro:
 - Peter Maduro spoke in support of the previous speakers regarding the testing accommodation rule changes. Peter Maduro spoke on the traumatic experience patients endure while trying to receive accommodations.

5. Claudia Center:

- Claudia Center spoke on the agenda item regarding testing accommodations. Claudia Center is concerned specifically that double time has been excluded.

Chair Duran stated that pursuant to Government Code section 11126(a), Government Code section 11126(a)(1), Government Code section 11126(c), and Government Code section 11126(e)(1), the Board of Trustees will move to closed session to consider the items listed on the closed session agenda.

CLOSED SESSION

1000 MINUTES

Approval of September 22, 2022, Regulation and Discipline Committee Closed Session Minutes
Approval of September 22–23, 2022, Closed Session Minutes

5000 CLOSED CONSENT

5001 Approval of Contract Relating to the Preparation, Grading, or Administration of the California Bar Examination or the First-Year Law Students' Examination

7000 MISCELLANEOUS

7001 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).*

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

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

7003 Discussion Regarding Chief Trial Counsel Performance Evaluation

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

7004 Discussion Regarding General Counsel Performance Evaluation

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

7005 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.

ADJOURN