



The State Bar of California

Regular Meeting of the Board of Trustees Hybrid

Open Session Minutes
Thursday, July 20, 2023
2:33 p.m.–6:18 p.m.

Time meeting Commenced:	The Board meeting commenced in open session at 2:33 p.m.
Time meeting Adjourned:	6:18 p.m.
Chair:	Ruben Duran
Board Secretary:	Louisa Ayrapetyan
Members Present:	Raymond Buenaventura, Hailyn Chen (joined late), José Cisneros, Ruben Duran, Gregory Knoll, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo
Members Absent:	Mark Broughton, Sarah Good
Staff Present:	Ellin Davtyan, Leah Wilson

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 comments were provided to the Board:

1. Claire Solot:

Claire Solot, speaking on behalf of the Legal Services Funders Network, asked the Board to consider four topics: 1) changes to bar exam fees and reciprocity, 2) changes to accommodation procedures, 3) additional methods of licensure, and 4) reducing sites and moving to a second day remote for the bar exam. Solot stated that in considering these topics in unison, the State Bar has an opportunity to increase diversity and access to justice. Solot mentioned that the steep fees and venue changes proposed by the State Bar would place a disproportionate impact on low-income and disabled applicants. Offering an alternative pathway would reduce exam costs, increase revenue, and reduce the socioeconomic and able-bodied biases of the bar exam. The LSFN asks the Board to consider an alternative pathway in quarter one of 2024.

2. Benjamin Kohn:

Benjamin Kohn stated that with remote examination becoming a standard option for bar exam applicants but not for disabled applicants, staff seem to be requiring some accommodations be administered for the whole exam in person. Kohn argued that doing so would not be necessary; there are work arounds, such as body cameras, that would be easy to implement and allow for the implementation of remote accommodations without the need for staff and other expenses. Kohn states that this issue is squarely in their 9th Circuit appeal, and that the State Bar risks a decision forcing last second accommodation changes close to an examination or outright cancellation. Kohn asks that the State Bar voluntarily switch to policy of offering a remote option to all applicants that want or need it.

3. Todd Hill:

Todd Hill spoke on potential liabilities to individuals involved in their suit against the People's College of Law. Hill stated that the State Bar failed to fulfil its statutory mandate in intervening in disputes between unaccredited law schools and their students. Hill claims that the People's College of Law withheld transcripts of years and that the State Bar failed to compel the school to provide a transcript or do so under its own obligation to provide. Hill argues that this allows open session on law students and allowed the People's College of Law to operate in grossly negligent ways for years.

4. Michael Sternberg:

Michael Sternberg spoke against an Inspector General, claiming that they do not function, and asked the Board to go to their YouTube channel to see undercover videos on how independent investigators behave. Sternberg stated that the State Bar needs to make it their official position that there be cameras in every court room and that the public be allowed to record. Sternberg claims that allowing recording would allow for the capturing of frequent judicial misconduct. They iterated that they now have a criminal record because of uninvestigated professional misconduct, claiming that a California attorney made multiple false and fraudulent motions and declarations that the State Bar refused to investigate. Sternberg claimed the attorney asked for a warrant from the El Dorado District Attorney, Brittany Ann Griffith (SBN 286919), who then allegedly failed to disclose their history with this issue to the court when seeking the warrant.

5. Stella Ngai:

Stella Ngai thanked the Trustees, State Bar staff, and the Commission on Judicial Nominees Evaluation (JNE) leadership for working together to ensure the ongoing integrity of JNE. Ngai further thanked State Bar staff for recommending the reinstatement of Thursday night hotel rooms for JNE members and hoped that the Board would approve this recommendation. Ngai appreciated the seriousness with which the Board and State Bar staff took comments regarding JNE.

10 MINUTES

Approval of June 12, 2023, Open Session Minutes

Approval of May 18–19, 2023, Open Session Minutes

Moved by Knoll, seconded by Stallings

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Minutes adopted.

30 CHAIR'S REPORT

Chair Duran provided an oral report. Chair Duran also presented the following resolutions for adoption:

RESOLVED, that the Board of Trustees appoints Genaro Trejo to serve as a member of the Finance and Board Executive Committees, effective July 20, 2023.

FURTHER RESOLVED, that the Board of Trustees appoints Mark W. Toney to serve as a member of the Board Executive Committee, effective July 20, 2023.

Moved by Knoll, seconded by Cisneros

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

40 EXECUTIVE DIRECTOR'S REPORT

Executive Director Leah Wilson provided an oral report.

Agenda Item 50-4 was pulled from the consent calendar for a separate discussion. Agenda item 50-5 was withdrawn from the agenda prior to the meeting.

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 Annual Appointments of Officers and Members of State Bar Subentities

Committee of Bar Examiners

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Nathan Mubashar and Alan Yochelson, as presented in Attachment A, to serve on the Committee of Bar Examiners, for a four-year

term, commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, 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, approve the list of alternate members as presented in Attachment A, each for the remainder of the resigning member’s term if a midterm vacancy is created.

California Board of Legal Specialization

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Jeffrey T. Hammerschmidt to serve as chair and Michael D. Lee to serve as vice-chair as presented in Attachment B, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, 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, approve the appointment of Katrina Darlene Richard, Dana Marie Rueckert, and George Peter Surmaitis as presented in Attachment B, to serve on the California Board of Legal Specialization, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, 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, approve the list of alternate members as presented in Attachment B, each for the remainder of the resigning member’s term if a midterm vacancy is created.

Council on Access and Fairness

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of Judge Kristin Rosi to serve as chair and Judge Michael Rhoads to serve as vice-chair as presented in Attachment C, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, 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, approve the appointment of Arinolayemi “Yemi” Adegbonmire, Terra Davis, Tristan E.H. Higgins, Jazzirelle Hill, as presented in Attachment C, to serve on the Council on Access, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, or until further order of the Board of Trustees, whichever occurs earlier.

Committee of Professional Responsibility and Conduct

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Brandon Krueger to serve as chair, Cassidy Chivers to serve as vice-chair, and Sarah Banola to serve as advisor as presented in Attachment D, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, 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, approve the appointment of Deepika Ravi and Mary Grace Guzman, as presented in Attachment D, to serve on the Committee of Professional Responsibility and Conduct, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, 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, approve the list of alternate members as presented in Attachment D, each for the remainder of the resigning member's term if a midterm vacancy is created.

California Rural Legal Assistance, Inc.

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of James Head, David Tsai, Abeer Ibrahim, and Maria de la Luz Olaguez, and the reappointment of Camille Panni, Alejandro Delgado, Peter Carson, and David Martinez as presented in Attachment E, to serve on the board of California Rural Legal Assistance, Inc., for a four-year term, commencing at the close of the meeting of the Board of Trustees on July 20–21, 2023, and expiring at the close of the meeting of the Board of Trustees on July 22–23, 2027, 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, approve the list of alternate members as presented in Attachment E, each for the remainder of the resigning member's term if a midterm vacancy is created.

Client Security Fund Commission

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of Melanie O'Day to serve as chair and Fenglan Liu to serve as vice-chair as presented in Attachment F, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, or until further order of the Board of Trustees, whichever occurs earlier.

Lawyer Assistance Program Oversight Committee

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the reappointment of Justin Delacruz to serve as chair and Heather Benton to serve as vice-chair as presented in Attachment G, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, 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, approve the appointment of Christina Salazar, as presented in Attachment G, to serve on the Lawyer Assistance Program Oversight Committee, for a four-year term, commencing at the close of the meeting of the Board of Trustees on January 18–19, 2024, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, 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, approve the list of alternate members as presented in Attachment G, each for the remainder of the resigning member's term if a midterm vacancy is created.

Legal Services Trust Fund Commission

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Jonathan Sandville and Milan Sindaresan, and the reappointment of Amin Al-Sarraf, as presented in Attachment H, to serve on the Legal Services Trust Fund Commission, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees 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, approve the list of alternate members as presented in Attachment H, each for the remainder of the resigning member's term if a midterm vacancy is created.

Review Committee of the Commission on Judicial Nominees

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Maureen Onyeagbako to serve as chair, as presented in Attachment I, for a one-year term commencing at the close of the meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 19–20, 2024, 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, approve the appointment of Elizabeth Kuczynski D'Orazio, as presented in Attachment I, to serve on the Review Committee of the Commission on Judicial Nominees Evaluation, for a four-year term, commencing at the close of the

meeting of the Board of Trustees on September 21–22, 2023, and expiring at the close of the meeting of the Board of Trustees on September 23–24, 2027, 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, approve the list of alternate members as presented in Attachment I, each for the remainder of the resigning member’s term if a midterm vacancy is created.

Judicial Nominees Evaluation Commission

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints Chhaya Malik to serve as the chair of the 2024 Judicial Nominees Evaluation (JNE) Commission and Lorena Peñaloza to serve as the vice-chair of the 2024 JNE Commission, each for a one-year term commencing at the close of the last business meeting of the 2024 JNE Commission on April 20, 2024, and expiring at the close of the last business meeting of the 2025 JNE Commission on April 20, 2025, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints 11 new members to the 2024 JNE Commission as presented in Attachment J, each for a three-year term commencing upon administration of the oath of the office at the orientation meeting on January 26–27, 2024, and expiring at the close of the last business meeting of the 2026 JNE Commission in April 2027, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment J, each for the remainder of the resigning member’s term if a midterm vacancy is created.

50-3 Approval of Interest on Lawyers’ Trust Accounts Grant Distribution for 2024

RESOLVED, that the Board of Trustees approve the 2024 IOLTA distribution in the amount of \$95,226,322, with a projected reserve of \$25 million at the end of 2023.

Consent calendar moved by Sowell, seconded by Buenaventura

Ayes – (9) Buenaventura, Cisneros, Knoll¹, Shelby, Sowell, Stallings², Toney, Trejo³, Duran

Noes – (0)

Abstain – (0)

Absent – (4) Broughton, Chen, Good

Motion carries.

¹ Trustee Knoll voted aye, but recused himself from agenda item 50-3.

² Vice-Chair Stallings voted aye, with a specific recusal from agenda item 50-2 concerning the approval of appointments for the Committee on Professional Responsibility and Conduct.

³ Trustee Trejo voted aye, but recused himself from agenda item 50-3.

50-4 Approval of 2022 Quarter Four Financial Statements and Investment Report and 2023 Quarter One Investment Report

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2022 Fourth Quarter Financial Statements for the twelve months ended December 31, 2022, and the Fourth Quarter Investment Report for the three months ended December 31, 2022, in the form presented this day before the Board; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendations of the Finance Committee, approve the Investment Report for the three months ended March 31, 2023, in the form presented this day before the Board.

Moved by Toney, seconded by Shelby

Ayes – (8) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (4) Broughton, Chen, Good, Stallings

Motion carries.

100 REPORTS OF BOARD COMMITTEES

101 Audit Committee

Report on Action Taken by Audit Committee on Behalf of Board of Trustees Regarding Annual Financial Statement Audit Including Legal Services Trust Fund Report

Chair Shelby provided an oral report.

60 BOARD OF TRUSTEES SITTING AS THE REGULATION AND DISCIPLINE COMMITTEE

60-1 Report on Implementation of Random Audit Recommendations

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

60-2 Discussion Regarding Office of Chief Trial Counsel Performance Metrics

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

60-3 Report on Results of Client Trust Account/Bank Reportable Action Pilot Project

Presenters: George Cardona, Chief Trial Counsel
Ron Pi, Program Manager, Mission Advancement & Accountability Division

Presentation and discussion only.

60-4 Complaint Review Unit Overview and Recent Process Improvements

This item's discussion was postponed from the July meeting to the September 2023 meeting.

703 Update: Admissions Fees and Bar Exam Administration Cost Reduction Options

Presenters: Donna Hershkowitz, Chief of Programs/Legislative Director
Audrey Ching, Director, Office of Admissions
Amy Nuñez, Assistant Director, Office of Admissions

Presentation and discussion only.

704 Update Regarding State Bar Rule Related to Commission on Judicial Nominees Evaluation In-Person Candidate Reviews (Rule 7.52), Update on Assignment of Judicial Nominees Evaluation Commissioners (Rule 7.40), and Recommendation for Additional 2023 Funding

Presenters: Bridget Gramme, Deputy Chief of Programs
Justin Palmer, Chair, Judicial Nominees Evaluation Commission

RESOLVED, that the Board of Trustees directs staff to add \$25,000 to the 2023 Judicial Nominees Evaluation Commission budget to support two nights of hotel per meeting for the remainder of the year.

Moved by Cisneros, seconded by Stallings

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

705 Proposed Rule Amendments by the California Civility Task Force (Rule of Court 9.7 and Rules of Professional Conduct 1.2, 8.4, and New Rule 8.4.2): Return from Public Comment and Request for Approval

Presenter: Erika Doherty, Program Director, Office of Professional Competence

Resolution, Part I:

RESOLVED, following notice and publication for comment, that the Board of Trustees, adopts proposed amendments to Rule of Court 9.7 as set forth in Attachment A; and it is

FURTHER RESOLVED, that staff is directed to submit the proposed amendments to Rule of Court 9.7 to the California Supreme Court with a request that the proposed amendments be approved.

Moved by Shelby seconded by Cisneros

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

Resolution, Part II:

RESOLVED, that the Board of Trustees, following consideration of public comments received, adopts Title 2, Division 1, proposed new rule 2.3 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 2.3 of the State Bar Rules is subject to the California Supreme Court’s approval of proposed amendments to Rule of Court 9.7 without any material changes; and it is

FURTHER RESOLVED, that the effective date of Title 2, Division 1, proposed new rule 2.3 of the State Bar Rules would be the effective date of proposed amendments to Rule of Court 9.7 if the California Supreme Court approves proposed new Rule of Court 9.7 without any material changes.

Moved by Cisneros seconded by Knoll

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

Resolution, Part III:

RESOLVED, that the Board of Trustees, following consideration of public comments received, adopts proposed amendments to rules 1.2 and 8.4 of the California Rules of Professional Conduct and proposed new rule 8.4.2 as set forth in Attachment E; and it is

FURTHER RESOLVED, that staff is directed to submit the proposed amendments to Rules of Professional Conduct 1.2 and 8.4 and proposed new Rule of Professional Conduct 8.4.2 to the California Supreme Court with a request that the proposed amendments and new rule be approved.

Moved by Cisneros seconded by Knoll

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

706 Proposed Amendments to Rules Governing Minimum Continuing Legal Education – Attorney Required Activities and Rules for Providers: Return from Public Comment and Request for Approval

Presenters: Catherin Ongiri, Managing Attorney, Office of Professional Competence
Arayeh Rahimitabar, Program Manager, Office of Professional Competence
Erika Doherty, Program Director, Office of Professional Competence

RESOLVED, that the Board of Trustees adopt the proposed amendments to Title 2, Division 4 of the rules of the State Bar attached hereto as Attachment A to be effective on October 1, 2023; and it is

FURTHER RESOLVED, that the Board of Trustees adopt the proposed amendments to Title 3, Division 5, Chapter 1 of the rules of the State Bar attached hereto as Attachment C to be effective on October 1, 2023.

Moved by Cisneros seconded by Stallings

Ayes – (9) Buenaventura, Cisneros, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (3) Broughton, Chen, Good

Motion carries.

Regular Meeting of the Board of Trustees
Hybrid

Open Session Minutes
Friday, July 21, 2023
9:03 a.m.–2:43 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:03 a.m. The Board moved into closed session at 10:37 a.m. The Board returned to open session at 2:43 p.m.

Time meeting Adjourned: 2:43 p.m.

Chair: Ruben Duran

Board Secretary: Louisa Ayrapetyan

Members Present: Raymond Buenaventura, Hailyn Chen, José Cisneros, Sarah Good, Ruben Duran, Gregory Knoll, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo

Members Absent: Mark Broughton

Staff Present: Ellin Davtyan, Leah Wilson

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 July 20, 2023, meeting and therefore no call for public comment was made.

701 Approval of 2023 Quarter One Financial Statements

Presenter: Aracely Montoya-Chico, Chief Financial Officer

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2023 Quarter One Financial Statements in the form presented this day before the Board, for the three months ended March 31, 2023.

Moved by Toney, seconded by Sowell

Ayes – (10) Buenaventura, Cisneros, Good, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (1) Chen

Absent – (1) Broughton

Motion carries.

702 Approval of Proposed 2023 Budget Amendment

Presenter: Aracely Montoya-Chico, Chief Financial Officer

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approves the 2023 Proposed Budget Amendment in the form presented this day before the Board, for the six months ended June 30, 2023.

Moved by Toney, seconded by Sowell

Ayes – (10) Buenaventura, Cisneros, Good, Knoll⁴, Shelby, Sowell, Stallings, Toney, Trejo⁵, Duran

Noes – (0)

Abstain – (1) Chen

Absent – (1) Broughton

Motion carries.

707 Proposed Amendments to California Rules of Court Related to State Bar Court Judges and Nominations and Appointments of State Bar Trustees (Rule 9.11 and 9.90): Request to Circulate for Public Comment

Presenters: Ellin Davtyan, General Counsel

Brady Dewar, Assistant General Counsel, Office of General Counsel

RESOLVED, that the Board of Trustees approves circulating for a 45-day public comment period the proposed amendments to California Rules of Court, rules 9.11 and 9.90, as set forth in Attachments D and E.

Moved by Good, seconded by Knoll

Ayes – (11) Buenaventura, Chen, Cisneros, Good, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran

Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

708 Proposed Changes to Conflict of Interest Code for the Board of Trustees of the State Bar of California: Request for Approval to Submit to Supreme Court

Presenters: Ellin Davtyan, General Counsel

Brady Dewar, Assistant General Counsel, Office of General Counsel

⁴ Trustee Knoll voted aye on the resolution, except with recusal from the decision with respect to grants-related amendments.

⁵ Trustee Trejo voted aye on the resolution, except with recusal from the decision with respect to grants-related amendments.

RESOLVED, that the Board of Trustees approves for submission to the Chief Justice of California the proposed amended Conflict of Interest Code for the Board of Trustees of the State Bar of California set forth in Attachment C; and it is

FURTHER RESOLVED, that staff is directed to develop and implement training for the Board of Trustees on the updated Code once it is adopted by the Chief Justice of California or designee, and to submit to the Board of Trustees a plan for future trainings complying, at a minimum, with the requirements of Government Code section 11146.3; and it is

FURTHER RESOLVED, that staff is directed to update the relevant sections of the Board of Trustees Policy Manual once the updated Code is adopted by the Chief Justice of California or designee.

Moved by Cisneros, seconded by Good

Ayes – (11) Buenaventura, Chen, Cisneros, Good, Knoll, Shelby, Sowell, Stallings, Toney, Trejo, Duran
Noes – (0)

Abstain – (0)

Absent – (1) Broughton

Motion carries.

709 Approval of State Bar Metrics Reporting Schedule and Discussion of Case Processing and Operational Performance Metrics

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

RESOLVED, that the Board of Trustees approve the proposed metrics reporting schedule.

Moved by Duran, seconded by Knoll

Ayes – (10) Buenaventura, Chen, Cisneros, Good, Knoll, Sowell, Stallings, Toney, Trejo, Duran
Noes – (0)

Abstain – (0)

Absent – (2) Broughton, Shelby

Motion carries.

Chair Duran stated that pursuant to Government Code section 11126(a)(1), Government Code section 11126(c)(2), Government Code section 11126(c)(7), and Government Code section 11126(e)(2)(B)(i): 2 cases, and Government Code section 11126(e)(2)(C): 1 case, 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 May 18–19, 2023, Closed Session Minutes

7000 MISCELLANEOUS

7001 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files

**Closed pursuant to Government Code § 11126(a)(1) and 11126(c)(2).*

7002 Discussion Regarding Special Audit Committee Directed Audit of Closed Office of Chief Trial Counsel Files

**Closed pursuant to Government Code § 11126(a)(1) and 11126(c)(2).*

7003 Discussion Regarding Sale Price and Terms and Leasing Price and Terms for 180 Howard Street, San Francisco

**Closed pursuant to Government Code § 11126(c)(7).*

7004 Conference with Legal Counsel—Anticipated Litigation

**Closed pursuant to Government Code § 11126(e)(2)(B)(i): 2 cases.*

7005 Conference with Legal Counsel—Anticipated Litigation

**Closed pursuant to Government Code § 11126(e)(2)(C)(i): 1 case.*

OPEN SESSION

The Board returned to open session and reported that there is no action to report from closed session.

ADJOURN