



The State Bar of California

Special Meeting of the Board of Trustees Hybrid

Open Session Minutes
Monday, October 23, 2023
10:05 a.m.–11:53 a.m.

Time meeting Commenced: The Board meeting commenced in open session at 10:53 a.m. The Board moved into closed session at 11:08 a.m. The Board returned to open session at 11:52 a.m.

Time meeting Adjourned: 11:53 a.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Raymond Buenaventura, Hailyn Chen (joined late), José Cisneros, Sarah Good, Mary Huser, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo

Members Absent: None

Staff Present: Ellin Davtyan, Leah Wilson

OPEN SESSION

ROLL CALL

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

PUBLIC COMMENT

Chair Stallings 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. Benjamin Kohn:
Benjamin Kohn stated that the Committee of Bar Examiners-proposed testing accommodations rules revision is inadequate and does not reform the current set of issues. Kohn claimed that after three rounds of public comments, the latest round of comments is not complete and that members should read all three for full context. Kohn claims that the third set of comments include comments from various civil rights organizations and some current and former legislators and provide pertinent information on missing courses of action.
2. Michael Sternberg:
Michael Sternberg stated that the State Bar has refused to investigate his misconduct complaints and failed to follow the rules, procedures, and policies regarding misconduct complaints. Sternberg mentioned that a proposal for an inspector general would be

worthless, citing as evidence a complaint they placed against a State Bar investigator and their claim that a Special Deputy Trial Counsel has not properly investigated their complaints. Sternberg claims that the Board is not serious about transparency or addressing misconduct, citing as evidence the fact the State Bar has not agendized an investigation of their complaint.

3. Chris Black:

Chris Black stated that the State Bar is nothing but a cover-up agency for bad attorneys. Black claimed that the State Bar and the courts are a sham, mostly since the California courts are full of State Bar licensees. Black cited their experience overseeing State Bar complaints that go nowhere. Black also mentioned that the Orange County Bar is holding a meeting regarding in the new rule 8.3 obligations and their displeasure with the new rule, claiming that this attitude is a consequence of the culture created by the State Bar

30 CHAIR'S REPORT

Chair Stallings provided an oral report. Chair Duran also announced Trustee Toney's resignation as a legislative liaison.

60 BOARD OF TRUSTEES SITTING AS THE REGULATION AND DISCIPLINE COMMITTEE

60-1 2023 Annual Discipline Report Review and Approval

Presenters: Yun Xiang, Chief Mission Officer
George Cardona, Chief Trial Counsel

RESOLVED, that the Board of Trustees approves the 2023 Annual Discipline Report; and it is

FURTHER RESOLVED, that the Board of Trustees hereby authorizes staff to make minor technical adjustments and corrections to the 2023 Annual Discipline Report before submitting it to the Chief Justice of California, the governor, the Speaker of the Assembly, the Senate President pro Tempore, and the Assembly and Senate Judiciary Committees by October 31, 2023.

Moved by Cisneros, seconded by Toney

Ayes – (10) Buenaventura, Chen, Cisneros, Good, Huser, Shelby, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

700 MISCELLANEOUS

701 Proposed Amended Conflict of Interest Code for the Board of Trustees of the State Bar of California: Return from Public Comment and Request for Approval to Submit to Supreme Court; Discussion of Additional Conflicts and Ethics Principles and Processes for Trustees

Presenters: Ellin Davtyan, General Counsel
Brady Dewar, Attorney, Office of General Counsel

RESOLVED, that the Board of Trustees approves for submission to the Chief Justice of California, and directs staff to submit by no later than October 30, 2023, the proposed amended Conflict of Interest Code for the Board of Trustees of the State Bar of California set forth in Attachments A and B; and it is

FURTHER RESOLVED, that the Board of Trustees directs staff to develop for its consideration at its November 2023 meeting proposed revisions to the Board of Trustees Policy Manual setting forth accountability and enforcement procedures for the Board and explaining Trustees' obligations with respect to personal conflicts and fiduciary duties.

Moved by Good, seconded by Chen

Ayes – (9) Chen, Cisneros, Good, Huser, Shelby, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (1) Buenaventura

Motion carries.

Chair Stallings stated that pursuant to Government Code section 11126(c)(7) and Government Code section 11126(e)(2)(A), the Board of Trustees will move to closed session to consider the items listed on the closed session agenda.

CLOSED SESSION

7000 MISCELLANEOUS

7001 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—Existing Litigation

Agaton et al. v. State Bar of California et al. (L.A. Super. Ct. Case No. 23STCV21606)

**Closed pursuant to Government Code § 11126(e)(2)(A).*

OPEN SESSION

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

ADJOURN