



The State Bar of California

Regular Meeting of the Board of Trustees Teleconference

Open Session Minutes
Thursday, November 16, 2023
12:33 p.m.–5:22 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 12:33 p.m. The Board moved into closed session at 5:03 p.m. The Board returned to open session at 5:22 p.m.

Time meeting Adjourned: 5:22 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Raymond Buenaventura, Hailyn Chen, José Cisneros, Sarah Good¹, Mary Huser, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo

Members Absent: Melanie Shelby

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 criticized the Committee of Bar Examiners for proposing testing accommodations rules that fail to comply with federal law and ignore widespread opposition from civil rights and disability organizations, including prominent figures and groups like a co-author of the Americans with Disabilities Act and the California Access to Justice Commission. He urged the Board to reject the recommendation and seek additional public feedback on a revised version. Kohn emphasized the need to address issues such as the categorical exclusion of certain accommodations, unreasonable appeal deadlines, and the lack of hearings in the appeal process. He warned that failure to make these changes could lead to legislative actions and unfavorable rulings from the Ninth Circuit, potentially undermining the State Bar's efforts and necessitating further revisions.

¹ Trustee Good was absent during the roll call, but joined in for parts of the meeting and participated in voting on several items.

2. Claire Solot:
Claire Solot focused her comments on the State Bar's public feedback regarding the portfolio Bar Exam, emphasizing the need for fact-based decision-making. Solot highlighted discrepancies in the State Bar's summary of public opinion, revealing that 84% of the public supports the PBE, contrary to initial impressions of robust opposition. She questioned the disparity in the numbers, attributing it to the influence of private practice attorneys who favor maintaining the Bar Exam as the sole licensure method in California. Solot expressed concerns about opposition driven by fears of increased competition and revenue loss, both for law firms and private Bar Prep companies.
3. Alex Chan:
Alex Chan, representing the Blue Ribbon Commission and the Commuter Bar Examiners, spoke about the PBE proposal. He criticized the plan for excluding graduates from unaccredited law schools, which he believes would unfairly impact a diverse group of students. Chan raised concerns about the proposal's failure to address major DEI flaws and the lack of support from over 50 bar associations in California. He emphasized the necessity of experienced attorney supervision in the PBE and questioned the absence of fail-safe measures in case the PBE fails.
4. Michael Sternberg:
Michael Sternberg shared his personal struggle with judicial misconduct and the State Bar's failure to investigate his allegations against a California attorney. He accused the attorney of filing false motions and declarations, leading to Sternberg acquiring a criminal record. Sternberg argued for the necessity of cameras in courtrooms to document such misconduct and criticized the El Dorado District Attorney for alleged complicity.
5. Tyler G:
Tyler G, a first-generation law student and working parent, shared his challenging journey towards legal practice, marked by personal adversities including his son's autism diagnosis and his youngest child's battle with cancer. He advocated for the PBE, seeing it as a recognition of the diverse paths and competencies of legal professionals, rather than a dilution of legal standards.
6. Kendra J. Muller:
Kendra J. Muller, representing Disability Rights California, supported the PBE proposal, highlighting its alignment with the hands-on approach required in law practice. Muller argued that empirical evidence supports the efficacy of practical legal work over rote memorization in assessing attorney competence. She also urged for the amendment of the bar exam to comply with state and federal anti-discrimination laws.
7. Shontel Johnson:
Shontel Johnson commented on the PBE proposal, expressing disappointment over the exclusion of original POP graduates from the program. She questioned the State Bar's notification failures and urged for the reopening of the program for those originally excluded, citing fairness and equal opportunity.
8. Paul Kramer:

Paul Kramer expressed skepticism about the PBE, questioning its ability to meet public protection goals. He urged the board to refocus on fundamentals like cost control and reduce dues instead of spending on new programs. Kramer supported the policy that a program should be self-sustaining but raised concerns about the potential increase in bar exam fees due to parallel pathways.

9. Gil Peles:

Gil Peles, representing the Los Angeles County Bar Association, voiced opposition to the PBE, citing historic coordination among bar associations against the proposal. He highlighted overwhelming attorney opposition and questioned the State Bar's advancement of a proposal opposed by the majority of its members.

10. Shirley Claiche:

Shirley Claiche criticized the proposed policy changes regarding testing accommodations, arguing for more input from students receiving such accommodations. She opposed the PBE due to unanswered questions about its implementation and suggested exploring the provisional license program as an alternative pathway to licensure.

11. Wansong DuMarier:

Wansong DuMarier supported the PBE, emphasizing its potential to increase diversity in the legal field and address barriers faced by underrepresented groups. She raised concerns about the clarity of the PBE's requirements for current provisionally licensed lawyers and shared her personal experiences of underrepresentation in the legal system.

12. Ray Hayden:

Ray Hayden supported the PBE but criticized the current bar exam system, suggesting it artificially maintains a low pass rate. He proposed an onboarding process for admissions and urged the State Bar to consider evolving and improving licensure methods.

13. Maria Dominguez:

Maria Dominguez, a California licensed attorney, endorsed the PBE, emphasizing its potential to reduce barriers for aspiring lawyers, especially women and underrepresented groups. She corrected misinformation regarding opposition from the Mexican American Bar Association and highlighted support from various Latino legal associations.

14. Reann Pacheco:

Reann Pacheco, representing the Legal Aid Association of California, supported the PBE, suggesting legal service providers' involvement in program design. She emphasized the recruitment and retention crisis in legal aid and the necessity of diverse legal representation in California.

15. Carolin Shining:

Carolin Shining, speaking as an individual attorney, urged the Board to pause the PBE proposal and engage more with attorney stakeholders. She expressed concern about a perceived anti-attorney perspective from the State Bar and recommended increased involvement of Bar Association leaders in decision-making processes.

Approval of September 21–22, 2023, Open Session Minutes
Approval of October 23, 2023, Open Session Minutes

Moved by Sowell, seconded by Buenaventura

Ayes – (8) Buenaventura, Chen, Cisneros, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Good, Shelby

Minutes adopted.

30 CHAIR'S REPORT

Chair Stallings provided an oral report.

40 EXECUTIVE DIRECTOR'S REPORT

Executive Director Leah Wilson provided an oral report.

Agenda Item 50-10 was pulled from the consent calendar for a separate discussion. Agenda item 50-8 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 Annual Recommendation to the Supreme Court 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 of suspensions for failure to pay fees have their suspensions expunged as 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.

50-3 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 staff then expunge the eligible inactive enrollments from the licensed attorneys' records and notify each attorney of the expungement.

50-4 Proposed Changes to Conflict of Interest Code for Designated Employees of the State Bar of California: Request to Circulate for Public Comment

RESOLVED, that the Board of Trustees approves circulating for a 45-day public comment period for circulation for public comment for 45 days the proposed Conflict of Interest Code for Designated Employees of the State Bar of California as set forth in Attachment A.

50-5 Proposed Changes to the Schedule of Fees and Deadlines: Request for Adoption and Proposed Amendment to State Bar Rule Regarding Schedule of Fees and Deadlines (Rule 1.22): Request to Circulate for Public Comment

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approves and sets, subject to SB40 becoming law, the annual licensing fee for 2024 at \$510 for active status and at \$182.40 for inactive status; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approves and sets a \$2 optional 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 the Board of Trustees, upon recommendation of the Finance Committee, approves and sets for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$45 optional 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 Board of Trustees, upon recommendation of the Finance Committee, approves and directs staff to add to the invoice provided to licensees for payment of the annual license fee the option to allow licensees, as permitted by Business and Professions Code section 6140.05, to add up to \$5.00 to the annual fee if the licensee elects to support lobbying and related activities of the State Bar; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approves and directs staff to add to the invoice provided to licensees for payment of the annual license fee the option of adding optional donations of \$100.00 (Justice Gap Fund), \$95.00 (California ChangeLawyers), and \$25.00 (California Supreme Court Historical Society); and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, sets the NAT noncompliance fee at \$100.00, the NAT reinstatement fee to terminate NAT inactive enrollment at \$300.00, and the NAT Education Modification fee at \$100.00; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, increases the CTAPP and Fingerprinting noncompliance fee to \$100.00, and the reinstatement fee to terminate CTAPP and Fingerprinting noncompliance inactive enrollment to \$300.00; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approve and sets, subject to the adoption without material modification of rules 9.9 and 9.7 of the Rules of the Supreme Court, each of the License Record and civility oath noncompliance penalties at \$100.00 and each of the reinstatement fees to terminate inactive enrollment for License Record and civility oath noncompliance at \$300.00; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, increases the dispute thresholds of the Mandatory Fee Arbitration program to \$1,250.00 or less (Decided on submission without a hearing), greater than \$1,250.00 and less than \$2,500.00 (Decided on submission or by hearing if requested by a party and at the arbitrator's discretion); and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, increases the Mandatory Fee Arbitration program thresholds for the assignment of an arbitrator to Less than \$2,500.00 (Presiding arbitrator is assigned), between \$2,500.00 and \$25,000.00 (Sole arbitrator is assigned), and greater than \$25,000.00 (Arbitration Panel is assigned); and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, adopts Appendix A to the Rules of the State Bar, the Schedule of Charges and Deadlines, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, recommends to the Supreme Court that each licensee who fails to fully pay fees, penalties, and/or costs as established pursuant to sections 6086.10, 6140, 6140.5(c), 6140.55, 6140.6, 6140.7, 6140.9, and 6141 on or before June 30, as identified by staff, be suspended from the practice of law in California, effective July 1, 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, that the Board of Trustees, upon recommendation of the Finance Committee, authorizes and direct State Bar staff 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, 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 the Board of Trustees, upon recommendation of the Finance Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 1.22 of the Rules of the State Bar, as set forth in Attachment B; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, resolves 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 Court or Rules of the State Bar.

50-6 Proposed Changes to California Rules of Court Relating to Fees for Pro Hac Vice (Rule 9.40) and Out-of-State Attorney Arbitration Counsel (Rule 9.43): Request to Circulate for Public Comment

RESOLVED, that the Board of Trustees approves circulating for a 30-day public comment period the proposed amendments to California Rules of Court rules 9.40 and 9.43 set forth in Attachment A.

50-7 Proposed Amendments to State Bar Rules Related to Legal Services Trust Fund Program (Rules 3.661, 3.670, 3.673, 3.680; Proposed New State Bar Rule 3.683): Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees, hereby approves and adopts the proposed amendments to the Rules of the State Bar relating to the Legal Services Trust Fund Program—Rules 3.661, 3.670, 3.673, 3.680, and 3.683 (new rule)—as set forth in Attachment D.

50-9 Proposed Amendments to Rules Governing Mandatory Fee Arbitration Program (Title 3, Division 4, Chapter 2): Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, adopt the proposed amendments to Articles 1 through 3 of Title 3, Division 4, Chapter 2, of the rules of the State Bar attached as provided in Attachment A to be effective on January 1, 2024; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, adopt Article 4, Appointment and Requirements of Arbitrators, in Title 3, Division 4, Chapter 2, of the rules of the State Bar as provided in Attachment A to be effective retroactively to November 18, 2022.

50-11 Delegation of Authority to Request California Employers Retirement Benefit Trust Fund Reimbursements

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee authorizes and approves the addition of the executive director, chief financial officer, and controller positions to request employer disbursements from the CERBT Fund.

50-12 Approval of Quarter Three 2023 Board and Management Travel Expenses Report

RESOLVED, that the Board of Trustees, upon recommendation of the Audit Committee, approves the third quarter of 2023 Board and Management Travel expense report in the form presented this day, for the three months ended September 30, 2023.

Consent calendar moved by Huser, seconded by Buenaventura

Ayes – (8) Buenaventura, Chen, Cisneros, Huser, Sowell, Toney, Trejo², Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Good, Shelby

Motion carries.

60 BOARD OF TRUSTEES SITTING AS THE REGULATION AND DISCIPLINE COMMITTEE

60-1 Recommendations from Committee of Professional Responsibility and Conduct on Regulation of Use of Generative AI by Licensees

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

² Trustee Trejo voted aye, but recused himself from agenda item 50-7.

Brandon Krueger, Chair, Committee on Professional Responsibility and Conduct

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, approves the publication of the Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law, provided as Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs the State Bar Office of Professional Competence to (1) develop a one-hour minimum continuing legal education (MCLE) course that would satisfy the new, one-hour requirement for continuing legal education on technology in the practice of law and that addresses the competent use of generative AI; and (2) update the New Attorney Training to include technological competence training for lawyers using generative AI; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs State Bar staff to work with the Legislature and the California Supreme Court to determine whether (1) the unauthorized practice of law should be more clearly defined or articulated through statutory or rule changes; and (2) legal generative AI products should be licensed or regulated and, if so, how; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs the State Bar Office of Admissions and the Committee of Bar Examiners to explore (1) requirements for California-accredited law schools to require courses regarding the competent use of generative AI; and (2) regulations or rules related to the bar exam and generative AI.

Moved by Cisneros, seconded by Chen

Ayes – (7) Buenaventura, Chen, Cisneros, Huser, Sowell, Trejo, Stallings

Noes – (1) Toney

Abstain – (0)

Absent – (2) Good, Shelby

Motion carries.

60-2 Discipline System Statistical Reporting Overview

Presenter: Yun Xiang, Chief of Mission Advancement & Accountability Division

Presentation and discussion only.

60-3 Discussion of Office of Chief Trial Counsel Performance Metrics

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

60-4 Discussion Regarding Rule 2201 Program Performance Metrics

Presenter: Stacia Laguna, Special Deputy Trial Counsel

Presentation and discussion only.

60-5 Proposed Amendments to Rules of the State Bar Relating to Early Neutral Evaluation Conferences (Rule 5.30) and Prefiling Conferences in Misdemeanor Conviction Matters (Rule 5.341): Request to Circulate for Public Comment

Presenters: George Cardona, Chief Trial Counsel
Kathy Sher, Attorney, State Bar Court

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment, for a period of 45 days, proposed amendments to rule 5.30 of the Rules of the State Bar of California, as set forth in Attachments A and B, and proposed amendments to rule 5.341 of the Rules of the State Bar of California, as set forth in Attachments C and D; 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 amendments to the Rules of the State Bar of California.

Moved by Huser, seconded by Toney

Ayes – (7) Buenaventura, Cisneros, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (3) Chen, Good, Shelby

Motion carries.

60-6 Proposed Clarifying and Corrective Amendments to State Bar Rules Regarding Electronic Service Address (Rule 5.4(29)), Application for Involuntary Enrollment (Rule 5.226), Filing Requirements (Rule 5.441), Burden of Proof (Rule 5.445), Beginning Moral Character Proceedings (Rule 5.461), Disclosure of Information (Rule 2302), and Investigation Depositions (Rule 2502): Request to Circulate for Public Comment

Presenter: George Cardona, Chief Trial Counsel

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment, for a period of 45 days, proposed amendments to rule 5.4, subsection (29) of the Rules of the State Bar of California, as set forth in Attachment A; rule 5.226 of the Rules of the State Bar of California, as set forth in Attachment B; rule 5.441 of the Rules of the State Bar of California, as set forth in Attachment C; rule 5.445 of the Rules of the State Bar of California, as set forth in Attachment D; rule 5.461 of the Rules of the State Bar of California, as set forth in Attachment E; rule 2302 of the Rules of the State Bar of California, as set forth in Attachment F; and rule 2502 of the Rules of the State Bar of California, as set forth in Attachment G; 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 amendments to the Rules of the State Bar of California.

Moved by Toney, seconded by Sowell

Ayes – (7) Buenaventura, Cisneros, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (3) Chen, Good, Shelby

Motion carries.

701 Proposal for Portfolio Bar Exam: Return from Public Comment and Request for Transmission to the Supreme Court for Approval

Presenters: Audrey Ching, Program Director, Office of Admissions
Portfolio Bar Exam Working Group Members

RESOLVED, that the Board of Trustees directs staff to transmit the report of the Alternative Pathway Working Group to the California Supreme Court with the following recommendations:

1. That the Court adopt a pilot Portfolio Bar Examination (PBE) as a method for assessing a candidate's minimum competence to practice law with the provisional licensees who remain in the original Provisional Licensure Program;
2. That the pilot program is developed in 2024 and implemented in 2025 to work within the existing timeline of December 31, 2025, when the original Provisional Licensure Program is to sunset; and
3. That the Board direct staff to work with representatives of the Committee of Bar Examiners and experts to finalize requirements for the pilot PBE; study outcomes of the pilot program; and make recommendations regarding continuation, modification and/or extension of the PBE.

FURTHER RESOLVED, that the Board of Trustees recommends an additional objective assessment component to the Portfolio Bar Examination of up to two performance tests.

Moved by Buenaventura, seconded by Good

Ayes – (6) Buenaventura, Cisneros, Good, Sowell, Toney, Stallings

Noes – (2) Huser, Trejo

Abstain – (0)

Absent – (2) Chen, Shelby

Motion carries.

702 Update on July 2024 Bar Exam Administration

Presenters: Cody Hounanian, Program Director, Office of Admissions
Amy Nuñez, Program Director, Office of Admissions

Presentation and discussion only.

703 Proposed Amendments to the Admissions Rules Regarding Examinations (Rule 4.62) and Testing Accommodations (Rules 4.80–4.92): Return from Public Comment and Request for Approval and Transmission to the Supreme Court for Adoption

Presenters: Donna Hershkowitz, Chief of Programs/Legislative Director
Christina Doell, Program Manager, Office of Admissions

RESOLVED, that following the 60-day public comment period, the Board of Trustees approves the changes to rule 4.62 regarding access to exam answers and scores as set forth in Attachment A, and directs staff to transmit the rule to the Supreme Court for approval; and it is

FURTHER RESOLVED, that the Board of Trustees approves the rules as circulated for the third public comment period as set forth in Attachment D, and directs staff to transmit the rule to the Supreme Court for approval, to be effective 60 days after the approval.

Moved by Huser, seconded by Cisneros

Ayes – (8) Buenaventura, Cisneros, Good, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Chen, Shelby

Motion carries.

705 Proposed Amendments to Rules of Procedures Regarding Probation (Rules 2701–2703): Request to Circulate for Public Comment

Presenter: Melanie Lawrence, Program Director, Office of Professional Support & Client Protection

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee; authorizes staff to make available for public comment for a period of 60 days, the proposed revisions to Title III, Division III, of the Rules of Procedure of the State Bar, as provided in Attachment A (clean) and Attachment B (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 revised rules.

Moved by Sowell, seconded by Stallings

Ayes – (8) Buenaventura, Cisneros, Good, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Chen, Shelby

Motion carries.

706 Proposed Amendments to State Bar Rules Regarding Pro Bono Practice Program (Rules 3.325–3.330): Request to Circulate for Public Comment

Presenters: Elizabeth Hom, Program Manager, Office of Access & Inclusion
Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion

RESOLVED, that the Board of Trustees authorizes staff to make available the proposed revisions to State Bar Rules related to the Pro Bono Practice Program for a public comment period of 45 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 Good, seconded by Buenaventura

Ayes – (8) Buenaventura, Cisneros, Good, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Chen, Shelby

Motion carries.

707 Approval of Exception to CalPERS 180-Day Wait Period for Appointment of Linda Knitter as a Retired Annuitant under Government Code section 21224

Presenter: Jean Krasilnikoff, Attorney, Office of General Counsel

RESOLVED, that the Board of Trustees adopts the resolution set forth in Attachment A and certifies that there is a critical need to appoint Ms. Knitter as a retired annuitant prior to the 180-day CalPERS waiting period.

Moved by Toney, seconded by Sowell

Ayes – (8) Buenaventura, Cisneros, Good, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Chen, Shelby

Motion carries.

708 Approval of Quarter Three 2023 Financial Statements and Investment Report

Presenter: Justin Ewert, Finance Manager, Office of Finance

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2023 Third Quarter Financial Statements and Investment Report for the nine months ended September 30, 2023, in the form presented this day before the Board.

Moved by Toney, seconded by Sowell

Ayes – (8) Buenaventura, Cisneros, Good, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Chen, Shelby

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

1000 MINUTES

Approval of September 21–22, 2023, Closed Session Minutes

5000 CLOSED CONSENT

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

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).*

7002 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 reconvened in open session and announced that there were no actions to report from the closed session. The meeting was then recessed until Friday, November 17, 2023.

Regular Meeting of the Board of Trustees
Teleconference

Open Session Minutes
Friday, November 17, 2023
9:06 a.m.–9:46 a.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:06 a.m.
Time meeting Adjourned: 9:46 a.m.
Chair: Brandon Stallings
Board Secretary: Louisa Ayrapetyan
Members Present: Raymond Buenaventura, Hailyn Chen, José Cisneros, Mary Huser, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo
Members Absent: Sarah Good, Melanie Shelby
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.

50-10 Approval and Ratification of Amendments to the Board Policy Manual

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee ratifies the revised Board Policy Manual as presented in Attachment B.

Moved by Toney, seconded by Sowell

Ayes – (8) Buenaventura, Chen, Cisneros, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Good, Shelby

Motion carries.

704 Judicial Nominees Evaluation Commission Task Force Proposed Revisions to Rules and Request to Circulate for Public Comment

Presenter: Justin Palmer, Chair, Commission on Judicial Nominees Evaluation

RESOLVED, that the Board of Trustees release for a 45-day public comment period the proposed amendments to Title 7 of the Rules of the State Bar as proposed in Attachment A.

Moved by Cisneros, seconded by Buenaventura

Ayes – (8) Buenaventura, Chen, Cisneros, Huser, Sowell, Toney, Trejo, Stallings

Noes – (0)

Abstain – (0)

Absent – (2) Good, Shelby

Motion carries.

ADJOURN