



# The State Bar of California

---

## Regular Meeting of the Board of Trustees Hybrid

Open Session Minutes  
Thursday, January 18, 2024  
9:22 a.m.–1:36 p.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 9:22 a.m. The Board moved into closed session at 12:30 p.m. The Board returned to open session at 1:36 p.m.

**Time meeting Adjourned:** 5:12 p.m.

**Chair:** Brandon Stallings

**Board Secretary:** Louisa Ayrapetyan

**Members Present:** Patricia Barahona, Raymond Buenaventura<sup>1</sup>, Hailyn Chen, José Cisneros, Sarah Good, 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. Anonymous caller:

The participant inquires about the finalized test locations for the July exam, specifically questioning if Sacramento will be a testing site. The response indicates that the topic will be discussed later in the agenda and encourages the participant to provide any additional comments. The participant expresses concerns about the burden on applicants if Sacramento is not included as a testing location, especially considering the removal of many locations for previous exams. They request a full refund for those who signed up for the February exam but may need to commute to another city for the July exam. The participant suggests extending the deadline for exam sign-ups to alleviate the burden on applicants.

---

<sup>1</sup> Trustee Buenaventura was recorded as present during the roll call, yet was absent for segments of the meeting, resulting in his non-participation in the voting for multiple agenda items.

2. Benjamin Kohn:  
Benjamin Kohn addresses the issue, suggesting a pilot program for remote testing methods to accommodate those with disabilities. He emphasizes the importance of operational reliability and affordability for exam accessibility.
3. Claire Solot:  
Claire Solot, representing the Legal Services Funders Network, highlights the geographic equity issues faced by Northern California examinees if only one testing site is offered. She urges the Board to consider at least two sites in Northern California to balance the distribution of testing locations.

## **10 MINUTES**

Approval of November 16–17, 2023, Open Session Minutes

*Moved by Huser, seconded by Sowell*

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

*Noes – (0)*

*Abstain – (2) Barahona, Shelby*

*Absent – (2) Buenaventura, Stephens*

*Minutes adopted.*

## **30 CHAIR'S REPORT**

Chair Stallings provided an oral report.

**RESOLVED**, that the Board of Trustees approves the committee assignments as presented in Agenda Item 30-2, effective January 18, 2024.

*Moved by Shelby, seconded by Toney*

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

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Buenaventura, Stephens*

*Motion carries.*

## **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 Adoption of Employee Pay Schedule**

**RESOLVED**, that the Board of Trustees approves the 2024 employee pay schedule included as Attachment A, as described herein.

#### **50-3 Adoption of State Bar Court Judge Pay Schedule**

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

#### **50-4 Proposed Amendments 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): Return from Public Comment and Request for Approval and Transmission to the Supreme Court for Adoption**

**RESOLVED**, that the Board of Trustees approves the amendments to CRC rules 9.40 and 9.43 set forth in Attachments A (redline) and B (clean); and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to transmit a petition to the Supreme Court seeking adoption of these amendments to CRC rules 9.40 and 9.43.

#### **50-5 Approval of State Bar Member to the Judicial Council of California Information Technology Advisory Committee**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Carrie Holmes to serve on the Information Technology Advisory Committee for a three-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 Smita Rajmohan as alternate member, if a midterm vacancy is created.

#### **50-6 Approval of New Member to the Lawyer Assistance Program Oversight Committee**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, approve the appointment of Dr. Lisa Johnson 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.

#### **50-7 Annual Review and Approval of Investment Policy**

This agenda item was withdrawn prior to the start of the Board meeting.

*Consent calendar moved by Toney, seconded by Chen*

*Ayes – (10) Barahona, Chen, Cisneros, Good, Huser, Shelby, Sowell, Toney, Trejo, Stallings*  
*Noes – (0)*  
*Abstain – (0)*  
*Absent – (2) Buenaventura, Stephens*

*Motion carries.*

**701 Proposed Changes to Conflict of Interest Code for Designated Employees of the State Bar of California: Return from Public Comment and Request for Adoption**

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

**RESOLVED**, that the Board of Trustees approves and adopts, effective March 1, 2024, the updated Conflict of Interest Code for Designated Employees of the State Bar of California as set forth in Attachment A.

*Moved by Toney, seconded by Sowell*

*Ayes – (11) Barahona, Buenaventura, Chen, Cisneros, Good, Huser, Shelby, Sowell, Toney, Trejo, Stallings*  
*Noes – (0)*  
*Abstain – (0)*  
*Absent – (1) Stephens*

*Motion carries.*

**702 Judicial Nominees Evaluation Commission Task Force Proposed Revisions to Rules: Return from Public Comment and Request for Adoption**

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

Resolution as amended by Trustee Toney:

**RESOLVED**, that the Board of Trustees adopts the proposed amendments to Title 7 of the Rules of the State Bar as proposed in Attachment A, effective immediately; and it is

**FURTHER RESOLVED**, that the Board of Trustees adopts Option 1 for rule 7.52; and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to return to the Board at its November 2024 meeting to report on the implementation of rule 7.52 and propose any recommended revisions.

*Moved by Toney, seconded by Buenaventura*

*Ayes – (5) Buenaventura, Huser, Shelby, Sowell, Toney*  
*Noes – (6) Barahona, Chen, Cisneros, Good, Trejo, Stallings*

*Abstain – (0)*  
*Absent – (1) Stephens*

*Motion fails.*

Resolution as presented by the Judicial Nominees Evaluation Commission Task Force, with an amendment made by Trustee Sowell:

**RESOLVED**, that the Board of Trustees adopts the proposed amendments to Title 7 of the Rules of the State Bar as proposed in Attachment A, effective immediately; and it is

**FURTHER RESOLVED**, that the Board of Trustees adopts Option 2 for rule 7.52; and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to return to the Board at its November 2024 meeting to report on the implementation of rule 7.52 and propose any recommended revisions.

*Moved by Cisneros, seconded by Chen*

*Ayes – (10) Barahona, Buenaventura, Chen, Cisneros, Good, Huser, Shelby, Sowell, Trejo, Stallings*  
*Noes – (0)*  
*Abstain – (1) Toney*  
*Absent – (1) Stephens*

*Motion carries.*

**703 Approval of July 2024 Bar Exam Administration and Testing Locations; Approval of Related Contracts Pursuant to Business and Professions Code Section 6008.6**

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

**RESOLVED**, that the Board of Trustees approves the staff recommendation of the reduced number of facilities model as described above; and it is

**FURTHER RESOLVED**, that the Board of Trustees approves contracting for the confirmed facilities listed in table 1, as revised on the day of this Board meeting; and it is

**FURTHER RESOLVED**, that, should any of the facilities remain unconfirmed, the Board delegates to the Board chair, upon recommendation of the executive director, the authority to approve the contracts for the final facilities.

*Moved by Sowell, seconded by Toney*

*Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Huser, Shelby, Sowell, Toney, Trejo, Stallings*  
*Noes – (0)*  
*Abstain – (0)*  
*Absent – (2) Chen, Stephens*

*Motion carries.*

**704 Update on Admissions Fee Increases Related to California Accredited Law Schools: Plan for Further Refinements**

Presenter: Donna Hershkowitz, Chief of Programs

Presentation and discussion only.

**705 Media and Communications Training**

Presenters: Teresa Ruano, Director, Office of Strategic Communications & Stakeholder Engagement  
Rick Coca, Senior Program Analyst, Office of Strategic Communications & Stakeholder Engagement

Presentation and discussion only.

**706 Adoption of Preliminary 2024 Legislative Priorities and Affirmative Legislative Proposals**

Presenters: Donna Hershkowitz, Chief of Programs  
Bridget Gramme, Deputy Chief of Programs

**RESOLVED**, that the Board of Trustees adopts as a legislative priority securing an increase in the attorney licensing fee to support the operations of the State Bar; and it is

**FURTHER RESOLVED**, the Board of Trustees directs staff to pursue the following affirmative legislative proposals as detailed in this item:

- Continue pursuing enhanced bank reporting of client trust accounts to the State Bar;
- Clarify the Fair Political Practices Commission's administrative enforcement authority with respect to the State Bar;
- Amend section 6037 of the Business and Professions Code to authorize removal of board members "for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct,";
- Amend sections 6040 (b) and 6141 (a) of the Business and Professions Code to permit the State Bar to set the date for submission of the licensing fees;
- Amend section 6046.8 of the Business and Professions Code to adjust the timing of the next bar exam evaluation in light of anticipated Supreme Court action;
- Amend section 6155 of the Business and Professions Code to permit certified Lawyer Referral Services to establish formal partnerships with nonprofits and revise statutory caps on Lawyer Referral Service certification fees;
- Amend section 6140.03 (b)(5) of the Business and Professions Code to extend the sunset date on the earmark to fund summer law fellowships for an additional five years;
- Amend section 6177 of the Business and Professions Code and section 55.32(f) of the Civil Code to eliminate incorrect references; and

- Amend section 6031.5 (b) of the Business and Professions Code to remove or correct obsolete references.

*Moved by Sowell, seconded by Trejo*

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

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Shelby, Stephens*

*Motion carries.*

## **707 Board of Trustees Strategic Planning Session**

1. April Legislative Reports: Business and Professions Code Sections 6086.20 and 6145.1

- Review of Requirements
- Discussion of Request for Licensing Fee Reforms

2. Governance, Conflict of Interest, and Other Reforms

- Review of Work and Recommendations of the Ad Hoc Committee of Oversight & Accountability Reforms

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

Presentation and discussion only.

Chair Stallings stated that pursuant to Business and Professions Code section 6026.7 and 6086.1(c), Government Code section 11126(e)(2)(A), and Government Code section 11126(e)(2)(B)(i), 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 November 16–17, 2023, Closed Session Minutes

Approval of October 23, 2023, Closed Session Minutes

### **7000 MISCELLANEOUS**

#### **7001 Request to Waive Confidentiality Pursuant to Business and Professions Code Section 6086.1**

*\*Closed pursuant to Business and Professions Code §§ 6026.7 and 6086.1(c)*

#### **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).*

**7003 Conference with Legal Counsel – Existing Litigation**  
**Beck v. State Bar of California, Verified Petition for Writ of Mandate (California Supreme Court Case No. TEMP-QEQ55581)**

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

**7004 Conference with Legal Counsel – Potential Litigation**

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

**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, January 19, 2024.



Regular Meeting of the Board of Trustees  
Hybrid

Open Session Minutes  
Friday, January 19, 2024  
10:03 a.m.–2:18 p.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 10:03 a.m.  
**Time meeting Adjourned:** 2:18 p.m.  
**Chair:** Brandon Stallings  
**Board Secretary:** Louisa Ayrapetyan  
**Members Present:** Patricia Barahona, Raymond Buenaventura, Hailyn Chen, 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.

**707 Conflict of Interest & Form 700 Training (Fair Political Practice Commission/Office of General Counsel)**

Presenter: Ellin Davtyan, General Counsel  
Brady Dewar, Assistant General Counsel, Office of General Counsel

Presentation and discussion only.

**707 Board of Trustees Strategic Planning Session  
4. 2022–2027 Strategic Plan Review**

Presenter: Leah Wilson, Executive Director

**RESOLVED**, that the Board of Trustees approves the following modifications to the 2022–2027 Strategic Plan:

**Substantive Language Edits:**

**1. Goal 1:**

**Diversity, Equity, and Inclusion**

- a. Identify ~~and implement strategies to address other~~ disparities in discipline rates and outcomes, including those related to solo and small firm practitioners.

**2. Goal 2:**

**Effectiveness**

- a. ~~Update and modernize~~ **Revise** the bar admissions requirements to be more relevant to the practice of law, ~~in alignment with the recommendations of the Blue~~

~~Ribbon Commission on the Future of the Bar Exam to eliminate unnecessary barriers to admission, or to implement changes to the bar examination or other pathway to licensure approved by the Supreme Court.~~

#### **Consumer Focus**

- a. Continue to analyze data points to identify the ~~root-potential~~ causes of inequities in accessing legal services to inform policy recommendations to ~~and~~ reduce the access to legal services gap.

#### **Diversity, Equity, and Inclusion**

- a. Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession, including strategies that support solo and small-firm practitioners, and share those practices through toolkits and other resources.

#### **Minor Language Edits:**

##### **1. Goal 2:**

#### **Diversity, Equity, and Inclusion**

- a. Increase the numbers of diverse attorneys in the legal profession by encouraging ~~through~~ diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam.
- b. Engage DEI leaders and other stakeholders to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals through the State Bar DEI-Diversity Leadership Seal Program.

##### **2. Goal 4:**

#### **Effectiveness**

- a. Enhance visibility of and accessibility to State Bar public meetings.

#### **Condense Seven Implementation Steps to Two:**

##### **3. Goal 3:**

#### **Consumer Focus**

- a. ~~Implement the Office of Professional Competence's 5-year plan for preventative education e-learning and self-assessment modules.~~
- b. ~~Create a license resource page on the State Bar website to provide information and tools on emerging topics and issues including mental health, financial literacy, and navigating imposter syndrome into the workplace.~~
- c. Position the State Bar as a trusted resource, ~~and~~ increase proactive interactions with licensees, ~~beyond admitting attorneys into the profession, collecting fees, and monitoring MCLE compliance and ensure that licensees are aware of how the work of the Bar supports the competent and ethical practice of law.~~

#### **Diversity, Equity, and Inclusion**

- a. ~~Support attorneys from disenfranchised and underserved communities who may experience unique practice management and other challenges.~~

##### **4. Goal 4:**

#### **Effectiveness**

- a. ~~Ensure that licensees are aware of the work of the State Bar and how the bar supports competent and ethical practice.~~

#### **Consumer Focus**

- a. ~~Create and sustain partnerships with other organizations, entities, and stakeholder groups.~~ Build a robust, diverse, and mission-oriented network of partners.

#### **Diversity, Equity, and Inclusion**

- a. ~~Increase the number and variety of stakeholders to include affinity bar associations and a broad range of organizations invested in the mission of the State Bar.~~

The approval of modifications to the 2022–2027 strategic plan has been postponed for discussion until the March 2024 Board meeting. At that time, staff will present a draft of Goal V for the Board's consideration.

## **708 Artificial Intelligence Overview and Training**

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

Presentation and discussion only.

**ADJOURN**