



# The State Bar of California

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## Regular Meeting of the Board of Trustees Hybrid

Open Session Minutes  
Thursday, March 21, 2024  
11:26 a.m.–4:10 p.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 11:26 a.m. The Board moved into closed session at 12:02 p.m. The Board returned to open session at 1:27 p.m.

**Time meeting Adjourned:** 4:10 p.m.

**Chair:** Brandon Stallings

**Board Secretary:** Louisa Ayrapetyan

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

**Members Absent:** Hailyn Chen

**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 comment was provided to the Board:

1. Dean Jessica Park:

Dean Jessica Park of Abraham Lincoln University addressed the Board regarding proposed amendments to Sections 660.7 and 6046.7 of the Business and Professions Code. Dean Park emphasizes the necessity to clarify that oversight by the Committee of Bar Examiners applies only to JD programs eligible for the California Bar Exam.

The university, accredited by the Distance Education Accrediting Commission and recognized by the U.S. Department of Education, offers an online JD program registered with the Committee of Bar Examiners. Dean Park supports the amendments for clarity and advocates for the proposed changes from the November 2017 drafts, particularly the shift from "accredited" to "regulated by the examining committee."

Dean Park expresses concerns about the draft's focus on accredited law schools, potentially excluding unaccredited institutions.

## **10 MINUTES**

Approval of February 26, 2024, Open Session Minutes

Approval of January 18–19, 2024, Open Session Minutes

Approval of March 1, 2024, (Adjourned from February 26, 2024) Open Session Minutes

The open session minutes from January 18, 2024, have been amended to correctly show that Trustee Shelby was in attendance at the meeting.

*Moved by Shelby, seconded by Buenaventura*

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

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Chen, Stephens*

*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.

## **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 Proposed Amendments to Rules of Procedure Regarding Probation Rules (Rules 2701–2703): Return from Public Comment and Request for Approval**

**RESOLVED**, that the Board of Trustees, sitting as the Regulation and Discipline Committee, hereby approves and adopts amendments to Title III, Division III, Rules 2701–2703 of the Rules of Procedure of the State Bar of California, provided as Attachment A, effective May 1, 2024.

### **50-3 Proposed Amendments to State Bar Rules Regarding Pro Bono Practice Program (Rules 3.325–3.330): Request to Circulate for Second Public Comment**

**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 an additional 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.

**50-4 Delegation to Chief Trial Counsel to Develop Policy Relating to Business and Professions Code Section 6086.1(c)**

**RESOLVED**, that the Board of Trustees delegates authority to the Chief Trial Counsel to develop a policy for bringing requests for waiver of confidentiality to the Board for its consideration pursuant to Business and Professions Code section 6086.1 and State Bar Rule of Procedure 2302.

**50-5 Approval of Quarter Four 2023 Board and Management Travel Expenses Report**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Audit Committee, approves the fourth quarter of 2023 Board and Management Travel expense report in the form presented this day, for the three months ended December 31, 2023.

**50-6 Annual Review and Approval of Investment Policy**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee approve the Investment Policy as presented in this item by the chief financial officer.

**50-7 Approval of Quarter Four 2023 Investment Report**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2023 Fourth Quarter Investment Report for the twelve months ended December 31, 2023, in the form presented this day before the Board.

*Consent calendar moved by Toney, seconded by Stephens*

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

*Motion carries.*

**701 Approval of Legislative Reports Required Pursuant to Business and Professions Code Sections 6086.20 and 6145.1**

Presenters: Leah Wilson, Executive Director  
George Cardona, Chief Trial Counsel  
Donna Hershkowitz, Chief of Mission Advancement & Accountability Division

**RESOLVED**, that the Board of Trustees approve the Recommendation for Codifying a Diversion Program, Progress Report on Discipline System Case Processing Standards and Analysis of Office of Chief Trial Counsel Staffing Needs, and Justification for a Licensing Fee Increase reports as required pursuant to Business and Professions Code sections 6086.20 and 6145.1; and it is

**FURTHER RESOLVED**, that the Board of Trustees authorizes staff to make technical and other minor amendments to the Recommendation for Codifying a Diversion Program and Progress Report on Discipline System Case Processing Standards and Analysis of Office of Chief Trial Counsel Staffing Needs reports prior to the April 1 due date; and it is

**FURTHER RESOLVED**, that the Board of Trustees authorizes staff to work with the Board chair and another Board member to finalize substantive changes to the Justification for a Licensing Fee Increase report prior to the April 1 due date; and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to submit the required reports to the Legislature by April 1, 2024.

*Moved by Buenaventura, seconded by Stephens*

*Ayes – (11) Barahona, Buenaventura, Cisneros, Good, Huser, Shelby, Stephens, Sowell, Toney, Trejo, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (1) Chen*

*Motion carries.*

#### **60 BOARD OF TRUSTEES SITTING AS THE REGULATION AND DISCIPLINE COMMITTEE**

##### **60-1 Report on Random Audit of the Office of Chief Trial Counsel Files Resolved Between March 1, 2022, and August 31, 2022**

Presenter: George Cardona, Chief Trial Counsel

Presentation and discussion only.

##### **60-2 Report on Random Audit of the Special Deputy Trial Counsel Files Closed Between June 1, 2022, and May 31, 2023, and Special Deputy Trial Counsel Administrator Response**

Presenter: Stacia Laguna, Special Deputy Trial Counsel Administrator

Presentation and discussion only.

##### **60-3 Discussion Regarding Rule 2201 Program Performance Metrics – Discussion and Presentation Only**

Presenter: Stacia Laguna, Special Deputy Trial Counsel Administrator

Presentation and discussion only.

##### **60-4 Proposed Amendments to the Standards for Attorney Sanctions for Professional Misconduct Relating to the Effect of Prior Discipline (Standard 1.8): Request to Circulate for Public Comment**

Presenter: Kathy Sher, Projects 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 Standard 1.8 of the Standards for Attorney Sanctions for Professional Misconduct as set forth in Attachments A and B; 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 Standards for Attorney Sanctions for Professional Misconduct.

*Moved by Toney, seconded by Stephens*

*Ayes – (8) Barahona, Buenaventura, Cisneros, Good, Huser, Stephens, Toney, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (4) Chen, Shelby, Sowell, Trejo*

*Motion carries.*

## **700 MISCELLANEOUS (CONTINUED)**

### **702 Update on Legislation and Adoption of Affirmative Legislative Proposals**

Presenters: Donna Hershkowitz, Chief of Mission Advancement & Accountability Division  
Bridget Gramme, Special Counsel, Consumer Protection, Admissions, Access & Inclusion

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

- Seek a legislative amendment to permit the State Bar to access client trust account records as part of the Client Trust Account Protection Program's Compliance Reviews and Audits while preserving the confidentiality of client records.
- Amend section 6033 of the Business and Professions Code to permit a more flexible use of Justice Gap Fund revenue, as determined by the Legal Services Trust Fund Commission.
- Support the Legal Aid Association of California in their efforts to seek an additional \$15 million of funding for Homelessness Prevention grants.
- Amend sections 6060.7 and 6046.7 of the Business and Professions Code to clarify that the Committee of Bar Examiners' oversight applies solely to JD programs whose graduates are eligible to sit for the California Bar Exam.
- Amend section 6140.5 of the Business and Professions Code to specify that a 90-day statute of limitations period applies for judicial review, and that the amendment should apply retroactively.
- Amend sections 6168 and 6169 of the Business and Professions Code to delete the provisions requiring decisions to revoke registration of a law corporation to be considered by a panel of the Board and conform to the revocation procedure to a process supported by existing State Bar infrastructure.

- Seek a legislative amendment clarifying that section 2015 of the Code of Civil Procedure does not apply to attorney oath cards.

*Moved by Toney, seconded by Stephens*

*Ayes – (8) Barahona, Buenaventura, Cisneros, Good, Huser, Stephens, Toney, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (4) Chen, Shelby, Sowell, Trejo*

*Motion carries.*

### **703 2022–2027 Strategic Plan: Review and Approval of New Goal V and Other Modifications Submitted to the Board in January 2024**

Presenter: Leah Wilson, Executive Director

**RESOLVED**, that the Board of Trustees approves and adopts the updated State Bar 2022–2027 Strategic Plan, included in this item as Attachment A, with the exception of Goal Five, and directs staff to make any necessary adjustments to the State Bar’s two operational plans as a result.

*Moved by Good, seconded by Toney*

*Ayes – (8) Barahona, Buenaventura, Cisneros, Good, Huser, Stephens, Toney, Stallings*

*Noes – (0)*

*Abstain – (1) Sowell*

*Absent – (3) Chen, Shelby, Trejo*

*Motion carries.*

### **704 Adoption of Admissions Fee Increases Related to California Accredited Law Schools**

Presenter: Donna Hershkowitz, Chief of Mission Advancement & Accountability Division

**RESOLVED**, that the Board of Trustees revises the name of the Periodic Compliance Report Fee to Accreditation Services Fee, adopts the formula for calculation of the fee as set forth in this agenda item, and eliminates the separate fee for branch and satellite campuses; and it is

**FURTHER RESOLVED**, that the Board of Trustees directs staff to return in July with revisions to the Schedule of Charges and Deadlines reflecting the Accreditation Services fee to be assessed in 2024; and it is

**FURTHER RESOLVED**, that the deposit for an inspection of a California Accredited Law School be set at \$37,500 and that schools shall be required to submit the full deposit a minimum of 30 days prior to the scheduled inspection; and it is

**FURTHER RESOLVED**, that the Schedule of Charges and Deadlines be updated to change the reference from “annual report” fee for unaccredited schools to “Registration Services” fee.

*Moved by Good, seconded by Stallings*

*Ayes – (9) Barahona, Buenaventura, Cisneros, Good, Huser, Stephens, Sowell, Toney, Stallings*

*Noes – (0)*

*Abstain – (1) Shelby*

*Absent – (2) Chen, Trejo*

*Motion carries.*

**705 Proposed Amendments to the Moral Character Rules: Request to Circulate for Public Comment**

Presenter: Tara Clark, Program Director, Office of Admissions

**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 Attachment B.

*Moved by Stephens, seconded by Good*

*Ayes – (9) Barahona, Buenaventura, Cisneros, Good, Huser, Shelby, Stephens, Sowell, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (3) Chen, Toney, Trejo*

*Motion carries.*

**706 Approval of Quarter Four 2023 Financial Statements Report**

Presenter: Aracely Montoya-Chico, Chief Financial Officer

**RESOLVED**, that the Board of Trustees, upon recommendation of the Finance Committee, approve the 2023 Fourth Quarter Financial Statements Report for the twelve months ended December 31, 2023, in the form presented this day before the Board.

*Moved by Toney, seconded by Cisneros*

*Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Huser, Shelby, Stephens, Sowell, Toney, Stallings*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Chen, Trejo*

*Motion carries.*

Chair Stallings stated that pursuant to Business and Professions Code section 6026.7 and 6086.1(c), Government Code section 11126(a)(1), 11126(c)(2), 11126(e)(2)(A), and 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 January 18, 2024, 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 – Anticipated Litigation**

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

**7003 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files**

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

**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).*

**7005 Conference with Legal Counsel – Anticipated Litigation**

*\*Closed due to significant exposure to litigation 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, March 22, 2024.



Regular Meeting of the Board of Trustees  
Hybrid

Open Session Minutes  
Friday, March 22, 2024  
9:03 a.m.–10:12 a.m.

**Time meeting Commenced:** The Board meeting commenced in open session at 9:03 a.m. The Board moved into closed session at 9:04 a.m. The Board returned to open session at 10:12 a.m.

**Time meeting Adjourned:** 10:12 a.m.

**Chair:** Brandon Stallings

**Board Secretary:** Louisa Ayrapetyan

**Members Present:** Patricia Barahona, Raymond Buenaventura, José Cisneros, Sarah Good, Mary Huser, Melanie Shelby, Mattheus Stephens, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo

**Members Absent:** Hailyn Chen

**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.

Chair Stallings stated that pursuant to Business and Professions Code section 6026.7 and 6086.1(c), Government Code section 11126(a)(1), 11126(c)(2), 11126(e)(2)(A), and 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 January 18, 2024, 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 – Anticipated Litigation**

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

**7003 Discussion Regarding Audit of Closed Office of Chief Trial Counsel Files**

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

**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).*

**7005 Conference with Legal Counsel – Anticipated Litigation**

*\*Closed due to significant exposure to litigation 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.

**ADJOURN**