



The State Bar of California

AGENDA ITEM

NOVEMBER 10 – Minutes Approval – September 23–24, 2021, Meeting, Open Session

Regular Meeting of the Board of Trustees
Teleconference

Open Session Minutes
Thursday, September 23, 2021
2:00 p.m.–

Time meeting commenced: The Board meeting commenced in open session at 2:00 p.m.

Time meeting adjourned: 6:11 p.m.

Chair: Sean SeLegue

Secretary: Louisa Ayrapetyan

Other Members Present: Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Ruben Duran, Christine Gonong, Joshua Perttula, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

Members Absent: N/A

PUBLIC COMMENTS

[Agenda 701 - Final Report and Recommendations of the California Paraprofessional Program Working Group](#)

- 1. Claudia N. Torres-Ambriz**, CPPWG member (public member)
 - a. Support
 - i. Jobs and opportunities created from the program
 - ii. Program is very structured, requirements are clear
 - iii. Public will benefit from having a new class of licensees
- 2. Ann Hull**
 - a. Opposed
 - i. Practice of employment law very complex
 - ii. Concerned of people who do not have practice in law
 - iii. Harmful more than helpful
- 3. Steven Fleischman**, CPPWG member (California Defense Counsel)
 - a. Opposed

- i. Page 90 of agenda – dissent report
- 4. **Jason Solomon**, Executive Director, Center on the Legal Profession - Stanford Law School
 - a. Support
 - i. Help close justice gap in California
- 5. **Carolyn Shining**, CPPWG member (Consumer Attorneys of California)
 - a. Opposed
 - i. Consumer protection angle (in report)
 - ii. Give more than 60 days for public comment period
- 6. **Michael Barth**
 - a. Opposed
 - i. No statistics on how many Californians try to find an attorney
- 7. **Olivier Taillieu**
 - a. Opposed
- 8. **Jackie Serna**, on behalf of Consumer Attorneys of California
 - a. Opposed
 - i. Support Fleischman + Shining
 - b. Does not support Paraprofessionals owning 49% of law firms
 - c. Requests 90 days public comment period
- 9. **Toby Rothschild**
 - a. 60-day public comment period is not enough
 - i. Suggests 120 days
- 10. **Jeremy Evans**, President elect, California Lawyers Association
 - a. More time on public comment period
- 11. **Erin Joyce**, on behalf of Los Angeles County Bar Association
 - a. Opposed
 - i. For lower-level licensee – start small, i.e. helping people prepare documents
 - ii. Rules are problematic
 - iii. Need more time for review
- 12. **Angela Grijalva**, legal document assistant
 - a. Support
 - i. Wants to become a Paraprofessional
 - ii. Concerns how State Bar will protect nonattorneys
- 13. **Danny Abir**
 - a. Opposed
 - i. This kind of change would help big four firms
 - ii. This will not create access to justice; it will create second class of legal services
 - iii. State Bar has a hard time policing lawyers; how will they also police this
- 14. **Genie Harrison**, President of CALA
 - a. Opposed

- i. Program is premature

15. Andie Fields

- a. Opposed
 - i. Paraprofessionals should not be allowed to own up to 49% of a law firm

16. James Gorton

- a. Opposed
 - i. Need serious study on how Paraprofessionals will close the justice gap

17. Balam Letona

- a. Opposed
 - i. Current proposal will not protect consumers
 - ii. Profit over people
 - iii. Legal aid does not see half the people that they are supposed to see

18. Alysso Snow, Consumer Protection Division, Legal Aid San Diego

- a. Opposed
 - i. State Bar cannot afford this program; funding is entrenched in myth that it will be self-sustaining
 - ii. Other programs have proven that they are not self-sustaining (i.e. Washington program)

19. Mike Belote

- a. Opposed
 - i. Support comments of Fleischman and Serna
 - ii. Underfunded programs be explored to their capacity – more fruitful way for people to get representation they need
 - iii. Worthy objective, wrong conclusion

20. Jennifer Ostertag

- a. Opposed
 - i. No statistical data on how many Californians have tried to find an attorney
 - ii. Knowledge gap – not a justice gap

21. Robert Fine

- a. Opposed
 - i. Unleash army of pro per litigants
 - ii. Innocent defendants will have to spend thousands of dollars

22. Kipp Mueller

- a. Opposed
 - i. Need more funding to attract more quality attorneys, we already have the infrastructure
 - 1. Adequately fund programs that already exist
 - ii. Paraprofessionals will not have enough experience

23. Helen Bellamy, on behalf of a legal consumer

- a. Right to represent myself, right to pay someone qualified
- b. Issue is not low income or marginalized people

- c. Sometimes we do not need protection, we just need access

24. Leigh Ferrin

- a. Opposed
 - i. Room to expand study on justice gap to identify actual solution
 - ii. Proposal creates for profit industry
 - iii. Issue is not that clients can afford lawyer, but for legal services
 - iv. Work with existing resources instead

25. Gregory Knoll, CEO, Chief Counsel, Legal Aid Society San Diego

- a. Opposed
 - i. “for profit” system – closing justice gap requires free/low-cost legal services that focus on serving our historically marginalized communities

26. Renee Yvonne Gardner

- a. Opposed
 - i. Support Fleischman + Shining’s dissent
 - ii. Disadvantage when going up against real attorneys – how does this close the justice gap?
 - iii. No legal aid group has given support
 - iv. Program is highly irresponsible

27. Margaret Stevenson

- a. Support
 - i. Backgrounds that don’t allow them to go to law school – allow them to provide for communities without incurring the cost

28. Michael Houlberg, Institute for the Advancement of the American Legal System

- a. Support
 - i. Clear need for legal services – Paraprofessionals program is a solution with promise
 - ii. Different from Washington program – expand practice areas (high volume cases), reasonable robust education requirements

29. Tom Gordon, Executive Director, Responsive Law

- a. Support
 - i. Program would regulate and license Paraprofessionals – will not legalize scam artists

30. Malosack Berjis

- a. Opposed
 - i. Support of Carolin Shining (page 90)
 - ii. State Bar mishandling complaints of a LA attorney
 - iii. State Bar should be held to same standard as atty on handling funds

31. Craig M. Peters

- a. Opposed
 - i. This proposal lowers bar on protection
 - ii. Seek practical solutions, bolster, and expand existing programs

32. Pamela Royce

- a. Opposed
 - i. Conflict of interest – will corporations have a conflict list?
 - ii. If SB cannot reject, request to extend public comment period to 120 days

33. Bill Swearinger

- a. Opposed
 - i. Paralegals operate under attorneys
 - ii. Plenty the way we are – more funds to legal aid

34. Janate Valenzuela

- a. Opposed
 - i. Support Shining (page 98)
 - ii. Liability to public, discipline could be costly
 - iii. Better education to public of resources provided to them
 - iv. Consider extending public comment period to 120 days

35. Mia Munro

- a. Opposed
 - i. Issues: failure to include sunset, data collection, lack of warding and fee agreements, inability to vote on/and further debate name change

36. Troy R. Candiotti

- a. Opposed
 - i. Other ways to address justice gap in California than whole creation of second tier attorney class
 - 1. Bar can allow more people to become attorneys (California has hardest examination)
 - 2. California has a large population of people who want to become attorneys

37. Russ Sawyer

- a. Opposed
 - i. No statistics of attorney shortage
 - ii. California has already taken steps to lower bar exam score
 - iii. Funding for existing programs instead of creating whole new one
 - iv. 180 days for public comment period

38. Beth W. Mora

- a. Opposed
 - i. Program will create problems

39. Robert Worth

- a. Opposed
 - i. Threat to public interest – low-income communities will not be given advantage
 - ii. Legal aid programs that can help

40. Andy Katz

- a. Opposed
 - i. Will not improve access to justice

- ii. No investigations of case studies
- 41. Elizabeth Olvera**, past member CPPWG, legal document assistant
 - a. Support
 - i. Alignment with State Bar mission
 - ii. Licensed professionals that can help the people that really need the help
- 42. Marcia Guzman**
 - a. Opposed
 - i. Not enough public comment period
 - ii. On behalf of immigrants, minorities, poor people, disabled people – vote no
 - iii. Money instead be sent to non-profits
- 43. Timothy Loranger**
 - a. Opposed
 - i. Any gap in access to justice deserves attention
- 44. Andrew Sitzler**
 - a. Opposed
 - i. Concerned of 49% and name (Paraprofessional)
 - ii. Rule 32 – quid pro quo
- 45. Cynthia Craig**
 - a. Opposed
 - i. Concerned of 49% of ownership
 - ii. Threat to public interest
- 46. Travis Chow**, Executive Vice-President, LA Paralegal Association
 - a. Support
 - i. Step in right direction
- 47. Kathryn Price**
 - a. Support
 - i. Opportunities for those who have education and experience
- 48. Vida Holguin**
 - a. Opposed
 - i. Complaint load once you add unlicensed Paraprofessionals
- 49. Kristina Vaught**
 - a. Need to hear from public and people who would be best served
- 50. Fariba Soroosh**, CPPWG member (California Courts Self-Help Center)
 - a. Support
 - i. Access from a new group
 - 1. Creates new way for someone to pursue a career in law
- 51. Stephen Hamilton**, CPPWG member (California Lawyers Association)
 - a. Need more than 60 days for public comment
 - i. Detailed info in report that the public needs to know

Open Session Minutes
Friday, September 24, 2021
10:30 a.m.–

Time meeting commenced: The Board meeting commenced in open session at 10:33 a.m. The Board moved to closed session at 12:30 p.m. The Board returned to open session at 3:17 p.m.

Time meeting adjourned: 3:18 p.m.

Chair: Ruben Duran

Secretary: Louisa Ayrapetyan

Other Members Present: Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Christine Gonong, Joshua Perttula, Sean SeLegue, Melanie Shelby, Arnold Sowell, Brandon Stallings, Mark Toney

Members Absent: N/A

10 MINUTES

Open Session Minutes – August 27, 2021
Open Session Minutes – July 22–23, 2021

Moved by Stallings, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Perttula, SeLegue, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – n/a

Minutes adopted.

30 CHAIR'S REPORT – *oral report*

30-3 Approval of Trustee Committee and Liaison Assignments

RESOLVED, that the Board of Trustees ratifies the attached committee liaison and special assignments for the 2021–2022 Board year.

Moved by Delen, seconded by Cisneros.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Perttula, SeLegue, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – n/a

Motion carries.

40 STAFF REPORTS

41 Executive Director

41-1 Report from Executive Director – *oral report*

41-2 Appreciation of Outgoing Officers of the 2020–2021 Board of Trustees

RESOLVED, that the Board of Trustees adopt the following resolution of appreciation to the outgoing chair:

WHEREAS, Sean SeLeague, Chair of the Board of Trustees for the 2020–2021 Board year and vice-chair for the 2019–2020 Board year, served this Board and the State Bar of California with devotion and distinction, and exercised impeccable leadership; and

FURTHER RESOLVED, that the Board of Trustees hereby expresses to Sean SeLeague, Chair of the Board of Trustees, its sincere appreciation for his admirable accomplishments and efforts expended on behalf of the State Bar.

Moved by Stallings, seconded by De La Cruz.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Perttula, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – SeLeague

Motion carries.

50 CONSENT AGENDA

Agenda item 54-141 was pulled from consent for discussion. All other items on the consent agenda were voted on as proposed and approved together.

50-1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

1. For fiscal year 2021 financial audit and five-year internal controls audit, with: Macias, Gini and O’Connell, LLP
2. For OCTC case file auditing, with: Alyse M. Lazar
3. For February 2022 Bar Exam testing site, with: Sheraton San Diego, Mission Valley
4. For February 2022 Bar Exam testing site, with: DoubleTree Hotel, Orange
5. For July 2022 Bar Exam testing site, with: Santa Clara Convention Center
6. For July 2022 Bar Exam testing site, with: Marriott Marquis San Diego Marina
7. For Information Technology Management Services, with: RPR Impact, LLC

8. For business continuity consulting services, with: Quodammodo Solutions, LLC

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

50-2 Adoption of Judge Pay Schedule

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

54-121 Proposal to Increase Compensation for Special Deputy Trial Counsel and Administrator

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee approves a new hourly compensation rate of \$250 for special deputy trial counsel and a new hourly compensation rate of \$275 for the special deputy trial counsel administrator, retroactive to May 1, 2021, and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee, after one year of implementation of the new hourly compensation rates, review relevant data on the rule 2201 program to determine whether any adjustments, including in the SDTC and administrator compensation structure and OCTC's referral of cases to the program, should be recommended.

54-181 Approval of 2021 Q2 Board and Management Travel Expenses

RESOLVED, that the Board of Trustees approve the second quarter of 2021 Board and management travel expenses in the form presented this day before the Board, for the three months ended June 30, 2021, as certified by the chief financial officer, and on file with the San Francisco office of the State Bar.

Above consent agenda items moved by Toney, seconded by Sowell.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Perttula, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – n/a

Motion carries.

Pulled from Consent for discussion in 54-141. Mark Toney made a motion to requesting the executive director and Board chair on behalf of the Board of Trustees to send a thank you letter to the Senate and Assembly Judiciary Committee chairs and chief consultants for their flexibility in partnering with the State Bar to approve the fee bill.

54-141 Proposed 2022 Changes to Schedule of License Fees, Penalties, Charges, and Deadlines

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee and subject to AB 3362 becoming law, approve and set the annual licensing fee for 2022 at \$515 for active status and at \$182.40 for inactive status; and it is

FURTHER RESOLVED, that, as required by Business and Professions Code section 6140.05, a \$5 deduction from annual fees be available for any attorney who elects not to fund State Bar lobbying and other legislative activity; and it is

FURTHER RESOLVED, that a \$2 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 for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$45 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 2022 annual fees for new attorneys admitted in 2022 be set as follows: fees of \$515 for those admitted between January 1 and May 31, 2022, and \$257.50 for those admitted between June 1 and November 30, 2022; and it is

FURTHER RESOLVED, that the deadlines and penalties as proposed on the attached Appendix A: Schedule of Charges and Deadlines for 2022 (Attachment A), be applied to delinquent 2022 annual fees; and it is

FURTHER RESOLVED, that the MCLE noncompliance fee remain set at \$75, the MCLE audit deficiency fee remain set at \$200, and the MCLE reinstatement fee to terminate MCLE inactive enrollment remain set at \$200; and it is

FURTHER RESOLVED, that the interest on assessed costs for reimbursement to the Client Security Fund be set at 10 percent annually calculated from the date of disbursement as set forth by the Board, pursuant to Business and Professions Code section 6140.5(c); and it is

FURTHER RESOLVED, that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20 percent of the amount ordered refunded to the client or \$1,000 whichever is greater.

Moved by Toney, seconded by Shelby.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Gonong, Perttula, SeLegue, Shelby, Stallings, Sowell, Toney

Noes – n/a

Recused – n/a

Absent – n/a

Motion carries.

700 MISCELLANEOUS

701 Final Report and Recommendations of the California Paraprofessional Program Working Group

Presenter: Linda Katz, Principal Program Analyst, Mission Advancement & Accountability Division

RESOLVED, that the Board of Trustees receives the California Paraprofessional Program Report and Recommendations; and it is

FURTHER RESOLVED, that the Board of Trustees issues the Report and Recommendations, including the accompanying proposed Paraprofessional Rules of Professional Conduct and Proposed Standards of Licensed Paraprofessional Sanctions for Professional Misconduct, for a 110-day public comment period.

Moved by Toney, seconded by Gonong.

Ayes – Broughton, Cisneros, Delen, Duran, Gonong, Perttula, Shelby, Sowell, Stallings, Toney

Noes – n/a

Absent – Chen, De La Cruz

Motion carries.

702 Proposed Amendments to New Accredited Law School Rule 4.160(D)(6) Regarding Minimum Cumulative Bar Pass Rate: Request to Circulate for Public Comment

Presenters: Audrey Ching, Assistant Director, Office of Admissions
Natalie Leonard, Principal Program Analyst, Office of Admissions

RESOLVED, that the Board of Trustees, upon recommendation of the Committee of Bar Examiners, recommends that the amendments to rule 4.160(D)(6) of the new Rules for Accredited Law Schools as set forth in Attachment C be posted for a 30-day period of public comment, after which they may be considered for modification or approval.

Moved by Cisneros, seconded by Perttula.

Ayes – Broughton, Chen, Cisneros, Delen, De La Cruz, Gonong, Perttula, SeLegue, Shelby, Stallings, Toney

Noes – n/a

Absent – Sowell

Motion carries.

703 Strategic Plan Report

Presenters: Leah T. Wilson, Executive Director

Informational only.

704 Proposed Amendments to State Bar Rule 7.61 Regarding Voting Procedures of the Commission on Judicial Nominees Evaluation: Request to Circulate for Public Comment

Presenter: Dag MacLeod, Chief Mission Advancement & Accountability Division

RESOLVED, that the Board of Trustees authorizes staff to make available for a 45-day public comment period the proposed amended rule 7.61 of the State Bar Rules attached hereto as Attachment A (redline) and Attachment B (clean copy).

Moved by Broughton, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Perttula, Shelby, Sowell, Stallings

Noes – n/a

Abstain – Gonong, SeLegue, Toney

Absent – De La Cruz

Motion carries.