

**MINUTES**  
**BOARD OF GOVERNORS MEETING**  
**LOS ANGELES**  
**January 26 - 27, 2001**

The Board of Governors of the State Bar of California convened in the Board Room, State Bar Office, 1149 South Hill Street, Los Angeles, California, at 9:00 a.m., Friday, January 26, 2001, Palmer Brown Madden presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Anthony P. Capozzi, Judith M. Copeland, Patrick R. Dixon, Scott H. McNutt, Karen S. Nobumoto, David L. Roth, Julie S. Sommars, Erica R. Yew and Nancy J. Hoffmeier Zamora.

The following members of the staff also were present: Starr Babcock, Francis Bassios, Jerry Braun, Scott Drexel, Teri Greenman, Robert Hawley, Judy Johnson, David Long, Nancy McCarthy, Marie M. Moffat, Biljanna Sivanov, Mary Viviano and Ann Wassam.

30 The President reported on the following:

1. The Multi-Jurisdictional Practice (MJP) and the Multi-Disciplinary Practice (MDP) Committees are now operational. Jerry Braun, Senior Executive for Admissions and Certification, is coordinating MJP with the Judicial Council.
2. A list of Board issues for the remaining Board meetings will be provided by Starr Babcock, Special Assistant to the Executive Director.
3. John Carver, author of *Boards that Make a Difference*, will meet with the Board at its meeting on April 7, 2001.

41 The Executive Director reported on the following:

1. Certificates of Acknowledgment are again being awarded to attorneys who have been in practice for fifty years. Those attorneys who did not receive certificates during the fee bill crisis will receive them this year. She pointed out the value of the program, stating that this was a wonderful way to help the membership celebrate their fifty-year anniversary. She noted that Karen Nobumoto had just presented a sixty-year certificate to Walter L. Gordon at the Langston Bar Association Annual Dinner.
2. The meeting with the Chief Justice and bar staff held in the San Francisco office was successful, and meetings between the staffs of the State Bar and the Judicial Council will continue on a quarterly basis.

3. Victor Rowley, the recently selected Senior Executive for Information Technology, will commence his employment at the Bar in February.
4. State Senator Sheila Kuehl has agreed to author the State Bar Fee Bill for next year, with an emphasis on a three-year bill.

42 PART II The Secretary brought to the Board's attention the 2001 Board of Governors Annual Election Schedule. The following five seats on the State Bar's 23 member Board of Governors are up for election in 2001:

District 2: Alpine, Amador, Calaveras, El Dorado, Napa, Sacramento, Solano, Sonoma, Tuolumne and Yolo counties

District 3: Alameda, Contra Costa, Santa Clara and San Mateo counties

District 4: Marin and San Francisco counties

District 7: Los Angeles county (office #1; office #2)

Nominating petitions will be available on April 9, 2001.

42 PART I The Secretary announced, pursuant to section 10, Procedures for the Election of Officers, that the following members of the third-year class had expressed their intention to run for the Office of the President of the State Bar of California:

Ronald A. Albers  
James R. Greiner  
Karen S. Nobumoto  
James D. Otto  
David L. Roth

The Special Meeting for the Election of Officers will be held on Tuesday, March 13, 2001, at 10:30 a.m., at the State Bar office in Los Angeles. The President requested that the candidates review the Rules for the Election of Officers and agree as a group on the method of campaigning.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted it was

**RESOLVED** that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

10 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED** that the minutes of the meeting of the Board of Governors held on October 14, 2000, in San Francisco, hereby are approved as written.

All members present and recorded on the roll-call slip voted yes on the above matter.

10 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED** that the minutes of the meeting of the Board of Governors held on November 3 - 4, 2000, in San Francisco, hereby are approved as amended.

All members present and recorded on the roll-call slip voted yes on the above matter.

The President announced that item 54-132 [proposed amendments to Litigation Section Bylaws] has been removed from the consent agenda to allow discussion of the supplemental materials distributed to the Board this day.

51 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the financial statement for the quarter ended September 30, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

52 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the investment report for the quarter ended September 30, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

53 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby receives the Client Security Fund Report for the quarter ended September 30, 2000, as certified by the Director of the Office of Finance and on file in the San Francisco office of the State Bar.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-122 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby amends the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs, in the form attached to these minutes and made a part hereof; and it is

**FURTHER RESOLVED** that the Board hereby amends rule 11.1, Rules of Procedure for Fee Arbitrations, and the Enforcement of Awards by the State Bar of California, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-123 Upon motion made and seconded, the following was unanimously adopted:

**WHEREAS**, the American Bar Association (“ABA”) has appointed a Commission on MultiJurisdictional Practice of Law to study the issue of multi jurisdictional legal practice; and

**WHEREAS**, this is a complex and multi-faceted issue warranting serious and carefully considered study; and

**WHEREAS**, much good work has been done by the ABA’s Commission on this subject; and

**WHEREAS**, the ABA’s Commission could serve as a clearing house for further and more complete study of this subject undertaken by various state study groups; and

**WHEREAS**, the State Bar of California and the California Supreme Court are currently moving forward with their study of this subject as it affects California; and

**WHEREAS**, the ABA’s Commission has announced its intention to finish its study and issue final recommendations in May 2001; and

**WHEREAS**, the ABA Senior Lawyers Division is requesting the ABA to extend the life of the MJP Commission to allow further study of this issue; and

**WHEREAS**, the State Bar of California believes that it is beneficial to allow further time to consider and study this issue;

**NOW, THEREFORE, BE IT RESOLVED** that the State Bar of California joins with the American Bar Association Senior Lawyers Division in requesting that the ABA MJP Commission’s life be extended to allow further and more complete study of the multijurisdictional practice issue; and it is

**FURTHER RESOLVED** that the State Bar of California joins with the Senior Lawyers Division in requesting that the ABA MJP Commission withhold final recommendations until a further and more complete study had been done on this subject, including input from other study groups including that of the State Bar of California.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-131 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby approves the reconfiguration of the award categories of the President's Pro Bono Service Awards as follows:

<b>CATEGORY</b>	<b>ELIGIBILITY</b>
Corporate:	An individual attorney or team of attorneys employed by the corporation;
Government:	An individual attorney or team of attorneys employed by a local, state or federal government agency;
Retired:	A lawyer enrolled in the State Bar Emeritus Attorney Pro Bono Participation Program, retired from the active practice of law or who took time off from active practice and performed pro work exclusively;
Recently Admitted:	An individual attorney in his or her first four years of practice (please note that this category is distinguished from the Jack Berman Award of Achievement sponsored by the California Young Lawyers Association which honors a young lawyer who has provided outstanding service to the legal profession and public, and dedication to issues of concern to new and young lawyers);
Large Law Firm:	An individual attorney or team of attorneys employed by a law firm with 100 or more attorneys in California;
Medium Law Firm:	An individual attorney or team of attorneys employed by a law firm with 11 to 99 attorneys in California;
Small Law Firm:	An individual attorney or team of attorneys employed by a law firm with 2 to 10 attorneys in California;
Solo Practitioner:	Individual attorney in his or her own practice;
Distinguished Pro Bono Service:	A bar leader, judge, individual attorney or team of attorneys who provided outstanding pro bono service, and in particular was instrumental in organizing or developing pro bono services in his/her community. This award may be given to more than one recipient, or it may be that in a particular year, no award is given. This category would also be helpful in those cases where there's a "tie" in one of the above categories;

and it is

**FURTHER RESOLVED** that the State Bar will publicize the pro bono contributions of California attorneys in a much greater way than has been previously done; and it is

**FURTHER RESOLVED** that the Standing Committee on the Delivery of Legal Services will participate in awards programs to help bring greater attention at the national level to California's pro bono and legal services attorneys; and it is

**FURTHER RESOLVED** that in addition to administering the Loren Miller Legal Services Award and the Wiley W. Manuel Award for Pro Bono Legal Services, the State Bar will recognize the contributions of legal services attorneys in coordination with the Legal Aid Association of California.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-133 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Member Relations and Communications, that the Board hereby adopts the charter of the Board Committee on Member Relations and Communications, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-141 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Planning Committee, that the Board hereby approves the appointment of additional members to certain Board Committees by the President, in form attached to these minutes and made part hereof; and it is

**FURTHER RESOLVED** that the Board hereby approves the creation of Special Liaison Committees for the Conference of Delegates and the Council of State Bar Sections, and appoints the members to those committees as set forth on the list attached to these minutes and made a part hereof; and it is

**FURTHER RESOLVED** that the Board hereby approves modification of the Board policy relating to reimbursement of expenses for liaison activities of the Board to exclude the two special liaison committees.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-142 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Planning Committee, that the Board hereby defers further consideration of the position of president-elect until the State Bar's Annual Meeting in 2001, or the first full Board planning meeting in 2001.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-151 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED** that the Board hereby affirms the action taken by the Board Legal Committee on December 7, 2000, and pursuant to Procedure for Adoption, Amendment or Repeal of State Bar Regulations, sections 3 through 6, that the Board Legal Committee authorizes staff to make the proposed revisions to the Conflict of Interest Code for Designated Employees of the State Bar of California, in a form acceptable to General Counsel; such amendments to be sent out for a public comment period of 30 days.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-153 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, following publication for comment and upon the recommendation of the Board Legal Committee, that the Board hereby amends the Conflict of Interest Code for Designated Employees of the State Bar of California, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-132 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Member Relations and Communications, and the Litigation Section Executive Committee, that the Board hereby amends the Litigation Section Bylaws, in the form attached to these minutes and made a part hereof, to be effective January 1, 2001, and to supercede the pre-existing Litigation Section Bylaws.

All members present and recorded on the roll-call slip voted yes on the above matter.

110 Mr. Albers suggested an amendment to item 111 [State Bar of California Travel and Business Expense Policy – proposed revisions] to add “at reasonable rates”.

111 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby delegates responsibility for modifying the State Bar Travel Expense and Business Expense Policy from the Board Committee on Administration and Finance to the State Bar Executive Director, such modification to be at reasonable rates; and it is

**FURTHER RESOLVED** that the Executive Director will report any changes to said policy to the Board Committee on Administration and Finance as the changes occur.

All members present and recorded on the roll-call slip voted yes on the above matter.

112 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby delegates the authority to revise and restate the agreement between the State Bar of California and Seabury & Smith, Inc., formerly Kirke-Van Orsdel, Inc., to the Committee on State Bar Approved Professional Liability Insurance; and it is

**FURTHER RESOLVED** that the final form of any documents required to implement the foregoing action of the Board shall be subject to the approval of the Executive Director in consultation with the State Bar's Office of General Counsel; and it is

**FURTHER RESOLVED** that the Board extends its thanks to Kevin R. Culhane, John E. Hurley, Jr., and State Bar staff for their ongoing work to enhance and develop the State Bar's Professional Liability Insurance Program.

All members present and recorded on the roll-call slip voted yes on the above matter.

113 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby amends the Rules and Regulations Pertaining to the Employment of Confidential Employees, in the form this day before the Board; said rules to be effective January 1, 2001.

All members present and recorded on the roll-call slip voted yes on the above matter.

James E. Herman and James D. Otto entered the meeting and were added to the roll-call vote.

114 Ronald A. Albers, Chair, Board Committee on Administration and Finance, summarized the various activities of the Department of Real Property Operations for both the San Francisco and Los Angeles properties, including the 180 Howard Street Tenant Improvement Project, the State Bar Conference Center in San Francisco, Leasing of Tenant Spaces at 180 Howard Street in San Francisco, and consolidation of floors at the Transamerica Building in Los Angeles.

Ms. Johnson pointed out that in San Francisco, due to the lack of adequate conference facilities to accommodate meetings of the Board, the State Bar has been using the conference facilities at the Administrative Office of the Courts. The space plans for the 180 Howard Street building include a multipurpose conference center which should meet the operational needs of the State Bar. The design incorporates the use of folding walls, and moveable furniture, enabling the center to serve as the Board meeting room when

fully open and as smaller, multipurpose conference rooms when partitioned. This would permit the State Bar to achieve maximum use of the space available. When not in use for State Bar meetings, the conference center could be rented and thus be a source of revenue for the Bar.

117 Mr. Albers informed the Board of early projections for revenues relating to voluntary contributions and membership revenue in general.

115 Mr. Albers summarized the 2001 State Bar Operating Budgets for all funds and informed the Board of the need to create a new restricted fund for the elimination of bias. The Legal Education and Development Fund had been reestablished per Board action at its August 26, 2000, meeting. He stated that a recommendation for programs and budget will be presented to the Board at its April 6 - 7, 2001, meeting.

116 Ms. Johnson, pursuant to the Executive Director's Fiscal Limitation Policy, presented the preliminary report on the development of a three-year budget.

124 Mr. Madden introduced the American Bar Association Disciplinary System Consultation Team:

John T. Berry, Michigan  
Thomas A. Decker, Pennsylvania  
Mary M. Devlin, Regulation Counsel, ABA Center for Professional Responsibility  
Gerald M. Eisenstat, New Jersey  
Paula J. Frederick, Georgia  
Barbara Kerr Howe, Maryland  
Jerome Larkin, Illinois  
Hon. Mary M. Lisi, Rhode Island  
Ellyn S. Rosen, Associate Regulation Counsel, ABA Center for Professional Responsibility

The ABA Team summarized their work at the State Bar and stated that their report and recommendations would be based on the ABA Discipline Model and then sent to the California Supreme Court for the Court's review and action.

501 The President introduced members of the Council of State Bar Sections: Thomas Garvin, Co-Chair; Ann Walker, Co-Vice Chair; Suzanne Harris, Family Law; Jonathan Rivin, Real Property Law; Katherine McDaniel, Intellectual Property; Ricarda Bennet, Public Law; Susan House, Estate Planning Trust and Probate; John Cumming, Labor Law; Andrew Kim, Solo and Small Firm; James Symons, Taxation Law; Peter Hsiao, Environmental Law; David La Riviere, Advisor and Marie Hogan, Advisor.

Mr. Garvin and Ms. Walker summarized for the Board the history and work of the Council and what State Bar sections do for the membership. The sections each provide the following to its membership and the Bar:

1. Education: MCLE providers at a reasonable rate, low-cost publications, newsletters, legislative updates, practice books and legal opinion reports;

2. Legislative activities: affirmative legislative proposals, comment on bills of others and prepare positions of sections;
3. Regulatory activities: comment on proposed regulations; and
4. Other activities: includes public benefits such as public service to the indigent, and pro bono legal services.

The Board recessed for lunch at 11:45 a.m.

The Board resumed open session at 12:35 p.m. and went into executive session, and all other persons present, except the Executive Director, left the meeting.

The Board resumed open session 12:50 p.m.

- 120 Mr. Otto, Chair, Board Committee on Regulation and Discipline, reported on the work of the committee and the attorney diversion program.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted it was

**RESOLVED** that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 54-121 Upon motion made, seconded and adopted, it was

**RESOLVED**, upon recommendation of the Board Committees on Legislative and Court Relations and Regulation and Discipline, that the Board finds the following to be within the parameters established by the United States Supreme Court in *Keller v. State Bar of California*; and it is

**FURTHER RESOLVED**, upon recommendation of the Board Committees on Legislative and Court Relations and Regulation and Discipline, that the Board hereby approves in principle the establishment of a Lawyers Assistance/Diversion Program, including the enactment of legislation consistent with the spirit embodied in the proposed Business and Professions Code sections 6230 et seq., and agrees to co-sponsor the proposed legislation.

All members present and recorded on the roll-call slip voted yes on the above matter, except for Judith M. Copeland, who abstained from voting.

- 130 Ms. Zamora, member, Board Committee on Member Relations and Communications, stated that the proposed member demographic survey had been sent out for an informal competitive bid. She also reported that the Ninth Circuit Court of Appeals had ruled in the IOLTA case (that interest generated in savings accounts belongs to the clients not

to the State Bar). The Court did not find the case unconstitutional, but remanded it back to the district court.

140 Mr. Roth, Chair, Board Planning Committee, reported that the committee had developed the schedule of issues that will come before the Board.

150 Ms. Nobumoto, Chair, Board Legal Committee, reported that the committee discussed the use of the internet to expand communication between the Board and members of the public. The Board directed staff to further develop a means using the internet to increase public participation, as well as expand communication between Board members. The President requested that the Board Legal Committee further consider this item at its meeting in March.

She reported that the Board Legal Committee had rejected, in its current form, the proposal by the Commission on Judicial Nominees Evaluation to require Board liaison members to the commission to sign a conflict of interest statement, as now required by the JNE rules for its members. Ms. Nobumoto stated she would contact the chair of JNE regarding this decision.

701 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Legal Committee, and pursuant to section 13 of the State Bar's Procedure for Adoption, Amendment or Repeal of State Bar Regulations, that the Board hereby amends the Rules and Regulations of the State Bar, article II relating to the procedures governing board elections, on an emergency interim basis: (1) a mailing list of active members in a candidate's district shall become available when the Secretary announces the Board of Governors election schedule; and (2) the words "shall" and "only" in the language providing that candidates provide certain information in their biographical statements be deleted and the word "may" be substituted; and it is

**FURTHER RESOLVED**, upon recommendation of the Board Legal Committee, and pursuant to section 13 of the State Bar's Procedure for Adoption, Amendment or Repeal of State Bar Regulations, that the Board hereby releases the foregoing amendments to article II of the Rules and Regulations of the State Bar for a ninety-day public comment period; and it is

**FURTHER RESOLVED** that the Board directs staff to draft the foregoing proposed amendments in a form to be approved by the Executive Director and the General Counsel; and it is

**FURTHER RESOLVED** that the foregoing amendments may be included with other proposed amendments to the election procedures that may be proposed by the subcommittee on elections.

All members present and recorded on the roll-call slip voted yes on the above matter.

160 Ms. Yew, member, Board Committee on Legislative and Court Relations, reported on the work of the committee.

162A Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Legislative and Court Relations, that the Board supports in principle the Judicial Council proposal to authorize 30 additional judgeships; and it is

**FURTHER RESOLVED** that the costs of lobbying this proposal be funded out of the fund created by members who chose not to take the \$5.00 lobby deduction.

All members present and recorded on the roll-call slip voted yes on the above matter.

162B, 162C, 162D Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Legislative and Court Relations, that the Board hereby supports in principle the Judicial Council legislative proposals to clarify Judicial Council authority with respect to form interrogatories and pertaining to commissions for out-of-state depositions and disclosure of information to determine work product privilege claims subject to comments by State Bar entities; and it is

**FURTHER RESOLVED** that the costs of lobbying these proposals be funded out of the fund created by members who chose not to take the \$5.00 lobby deduction.

All members present and recorded on the roll-call slip voted yes on the above matter.

300 Ms. Nobumoto, Chair, Board Task Force on Appointments, reported that the Commission on Judicial Nominees Evaluation, the ABA and Judicial Council applications are available. She stated also that candidates interested in serving as chair and vice chair of the Commission on Judicial Nominees Evaluation, as State Bar delegates to the ABA House of Delegates, and as members of the Judicial Council, will be interviewed at a time and place to be determined.

702 Ms. Nobumoto introduced Jerome Braun, Senior Executive, Admissions and Certification, who gave an overview of diversity in the profession. He reviewed the general trends in minority membership in the State Bar as compared to the minority population in California expected in the next twenty years. The data indicates that the State Bar membership twenty years from now will still be disproportionately white when compared to the percentage of whites in the general population of the state. The only way that bar membership minority percentages can approach minority percentages in the general population is by significantly increasing the number of minorities entering and graduating from California law schools.

Ms. Nobumoto introduced Herbert M. Rosenthal, member and incoming Vice-President of the Board of Directors, Foundation of the State Bar of California, who outlined the Foundation's scholarship program. He emphasized that the Foundation requires

recipients to have demonstrated public service, as well as financial need. He then introduced Whitney Harrison, a scholarship recipient, who addressed the Board concerning her experience before and since receiving the Foundation Scholarship.

Drucilla Ramey, Executive Director, Bar Association of San Francisco (BASF), addressed the Board regarding BASF's mentoring and scholarship program. She introduced Shanna Bradford, a BASF scholarship recipient.

James R. Greiner entered the meeting and was added to the roll-call vote.

Arlene Tyler and Donna Clay-Conti, Staff Attorneys, Administrative Office of the Courts, working with the Judicial Council's Access and Fairness Advisory Committee, discussed improving diversity in the State Bar through outreach efforts.

Myron Dean Quon, Chair, Committee on Ethnic Minority Relations, explained the charge and work of the committee in identifying and encouraging minority attorneys to become active participants in the State Bar.

Ellen A. Pansky, Chair, Committee on Women in the Law, outlined the work and charge of the committee in identifying and encouraging women attorneys to become active participants in the State Bar.

Amy B. Vandeveld, Co-Chair, Committee on Legal Professionals with Disabilities, detailed the work and charge of the committee in identifying and encouraging legal professionals with disabilities and chronic medical conditions to become active participants in the State Bar.

Paula A. Brantner, Chair, Committee on Sexual Orientation and Gender Identity Discrimination, addressed the Board regarding the goals of the committee in identifying and addressing sexual orientation and gender identity bias in the legal system, and discussed methods of equal access for all persons regardless of sexual orientation and gender identity.

Peter Echeverria, Assistant City Attorney of Los Angeles, addressed the Board regarding Los Angeles' contract requirements for work with the city and its good-faith outreach.

The Board went into closed session at 4:33 p.m., and those other persons present in the meeting, except the Executive Director and members of the Senior Executive Team, left the meeting.

The Board resumed open session at 4:40 p.m.

The President announced the following order in which the candidates for president will address the Board at its Special Meeting for the Election of Officers on March 13, 2001:

Karen S. Nobumoto  
David L. Roth  
James D. Otto

Ronald A. Albers  
James R. Greiner

300 The appointments were considered in confidential session and the actions of the Board are reported below.

6010 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED** that the Board hereby ratifies or amends the appointments to various committees contained in the JANUARY Closed Consent Agenda 6010, i.e., items 6011 – 6015, and item JANUARY 6020, this day before the Board.

All members present and recorded on the roll-call slip voted yes on the above matter.

6011 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Task Force on Appointments, that the Board hereby appoints members to the section executive committees, in the form attached to these minutes and made a part hereof, effective immediately; each member to serve for a term expiring as indicated, or until further order of the Board of Governors, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6012 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Task Force on Appointments, that the Board hereby appoints Lisa M. Baird, Los Angeles, member, Committee on Women in the Law, effective immediately, vice Michelle Perry, for the remaining portion of Ms. Perry's term, i.e., October 13, 2002, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6013 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Task Force on Appointments, that the Board hereby appoints Susannah J. Convery, Alamo, and Gerald H. Genard, Danville, members, Committee on Senior Lawyers, effective immediately, each to serve for a term expiring September 9, 2001, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6015 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby reappoints to the Fee Arbitration Department the

persons whose names appear on the list attached to these minutes and made a part hereof, each to serve for a two-year term commencing January 1, 2001, or until further order of the Board, whichever occurs earlier; and it is

**FURTHER RESOLVED** that the Board appoints to the Fee Arbitration Department the persons whose names appear on the list attached to these minutes and made a part hereof, each to serve for a two-year term commencing January 29, 2001, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6020 Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, upon recommendation of the Board Task Force on Appointments, that the Board hereby appoints or reappoints, as the case may be, the following members to the Board of Directors, Foundation of the State Bar of California, each to serve for a term commencing January 1, 2001, and expiring December 31, 2002, or until further order of the Board, whichever occurs earlier:

**Reappointments:**

Nanci G. Clinch, Nevada City  
Hon. Lawrence W. Crispo, Los Angeles  
JoAnn W. Grace, Los Angeles  
Karen S. Nobumoto, Los Angeles  
Barry R. Rosen, Boston  
Herbert M. Rosenthal, Millbrae  
Clara L. Slifkin, Los Angeles  
Richard W. Walker, Los Angeles  
Pauline A. Weaver, Oakland

**Appointments**

James E. Herman, Santa Barbara  
Scott Wylie, Costa Mesa  
Erica R. Yew, San Jose

All members present and recorded on the roll-call slip voted yes on the above matter, except James E. Herman, Karen S. Nobumoto, Scott Wylie and Erica R. Yew, who recused themselves and requested the record so to show.

701 The members of the Board Subcommittee on State Bar Elections are Anthony P. Capozzi and Erica R. Yew, with Ronald A. Albers as an ex officio member. After review of article II, Nomination and Election of Governors, *Rules and Procedures of the State Bar*, the subcommittee recommended the following, effective 2002:

1. Changing the rules to include specified dates certain for key events as opposed to the time periods measured back from the annual meeting. The proposed changes

call for nominating petitions to be available February 1, for petitions to be returned by April 1, for the eligibility list to close April 20, for ballots to go out April 30, for the last day for voting to be June 30, and for the canvass to be completed and results announced by July 15.

2. Providing candidates who have filed a verified nominating petition with access to a list of active members in the candidate's district. Allow purchase of district membership list once a candidate has declared and has signed the Hold Harmless Agreement and the Agreement for the Provision of State Bar Eligibility and Voting Lists.
3. Revising the section on biographical statements to make submission of the statement voluntary and to broaden the amount of information that can be included within the 250 word limit.
4. Other miscellaneous rule changes to conform rules with practice.

The subcommittee has referred its recommendations to the Board Committee on Member Relations and Communications.

Ellen A. Pansky, Chair, Committee on Women in the Law, presented a resolution to Judy Johnson, Executive Director, for her many contributions to the legal profession.

The Board recessed the meeting at 4:45 p.m., Friday, January 26, 2001, to meet again at 9:00 a.m., on Saturday, January 27, 2001.

The Board of Governors of the State Bar of California reconvened in the Board Room, State Bar Office, 1149 South Hill Street, California, at 9:01 a.m., Saturday, January 27, 2001, Palmer Brown Madden presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Anthony P. Capozzi, Judith M. Copeland, Patrick R. Dixon, James R. Greiner, James E. Herman, Scott H. McNutt, Karen S. Nobumoto, James D. Otto, David L. Roth, Julie S. Sommars, Scott Wylie, Erica R. Yew and Nancy J. Hoffmeier Zamora.

The following members of the staff also were present: Starr Babcock, Francis Bassios, Jerry Braun, Scott Drexel, Judy Garlow, Teri Greenman, Robert Hawley, Judy Johnson, David Long, Nancy McCarthy, Marie M. Moffat, Biljanna Sivanov, Mary Viviano and Ann Wassam.

The President announced the following:

1. Upon unanimous consent of all declared candidates for President of the State Bar, the Procedures for the Election of Officers, rule 11, which discourages personal visits by candidates to members of the Board for purposes of campaigning, is suspended.

2. Following the Special Meeting for the Election of the President, the Board will interview the final candidates for the position of Chief Trial Counsel.
3. The Board's April 6, 2001, portion of the meeting agenda will include the following matters to be presented: the MCLE Commission will present its report; Karen S. Nobumoto will present the diversity recommendations; Ronald A. Albers will present the Access to Justice recommendation; and the Metro-Seven will provide a short presentation on their work. On Saturday, April 7, 2001, the author, John Carver, will meet with the Board.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted it was

**RESOLVED** that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

- 702 Karen S. Nobumoto introduced Erwin Chemerinsky, Professor of Law, University of Southern California, who discussed improving diversity on committees, and discussed interpretation of Proposition 209 in light of *High Voltage v. San Jose*.
- 71 The President introduced Judge Laurie Zelon, a state delegate to the American Bar Association House of Delegates. Judge Zelon addressed the Board regarding the work of the ABA House of Delegates, and emphasized that California attorneys should be encouraged to become involved with the ABA on the committee level first before becoming a State Bar delegate. She will provide the State Bar with an appointment schedule and a list of vacancies.
- 134 Ronald A. Albers addressed the Board regarding access to justice policy issues. He gave an overview of the presentation, and then gave a brief background on State Bar involvement in access to justice issues. He asked Scott Wylie to assume the role of moderator for the pro bono issues. Mr. Wylie gave a brief summation of the current status of State Bar pro bono policies.

Patricia Lee, Chair, Committee on Delivery of Legal Services, stated that the definition of pro bono is to provide, or enable, the direct delivery of legal services, without expectation of compensation other than reimbursement of expenses, to indigent individuals or to not-for-profit organizations, with a primary purpose of providing services to the poor, or on behalf of the poor or disadvantaged, and to improve the law and the legal system.

Nancy Hoffmeier Zamora was moderator for the second portion of the presentation: Current Issues Involving Bench/Bar Efforts to Improve Access to Justice. She gave a brief background on the work of the Access to Justice Commission and other bench/bar efforts to improve access to justice with the Judicial Council and the support of the Chief Justice. She introduced Diane Nunn and Bonnie Hough of the Administrative Office of the Courts, both of whom addressed the Board regarding how the State Bar can join

forces with the Judicial Council to encourage pro bono and help eliminate barriers to access to justice.

Ms. Zamora, Ms. Nunn, Ms. Hough, Judge Zelon and Bruce Iwasake, the latter from the Legal Aid Foundation of Los Angeles, engaged in a discussion regarding pro per assistance, unbundling, and a possible role for the State Bar in assisting the process of integrating new self-help centers throughout the state.

Mr. Albers summarized the above presentations and asked that the Board members encourage attorneys in their districts to participate in pro bono services.

The Board adjourned at 12:30 p.m., Saturday, January 27, 2001, to meet again at the Special Meeting for the Election of President scheduled for Tuesday, March 13, 2001, at 10:30 a.m., in the Board Room of the State Bar Offices, 1149 South Hill Street, Los Angeles.

JANUARY 26 – 27, 2001 MINUTES  
ATTACHMENTS

54-153	Conflict of Interest Code for Designated Employees of the State . . . . .	-7-
Jan 54-122	Guidelines and Minimum Standards for the Operation of Mandatory . . . . .	-4-
	rule 11.1, Rules of Procedure for Fee Arbitrations and the Enfor . . . . .	-4-
Jan 54-132	Litigation Section Bylaws . . . . .	-8-
Jan 54-133	Charter of the Board Committee on Member Relations and Communica . . . . .	-6-
Jan 54-141	Board Committee List . . . . .	-6-
	Conference of Delegates&Council of State Bar Sec, sp Lia.comm . . . . .	-7-
Jan 6011	Section executive committees . . . . .	-15-
Jan 6015	Fee Arbitration Department . . . . .	-15-