

TENTATIVE DRAFT

NOTE: It is requested that suggested corrections be sent to the Office of the Secretary, San Francisco, as soon as possible.

MINUTES

BOARD OF GOVERNORS MEETING

SAN FRANCISCO

AUGUST 26, 2000

The Board of Governors of the State Bar of California convened in the Malcolm Lucas Board Room, Judicial Council Conference Center, 455 Golden Gate Avenue, San Francisco, California, at 9:35 a.m., Saturday, August 26, 2000, Andrew J. Guilford presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Patrick R. Dixon, James R. Greiner, Paul S. Hokokian, Palmer Brown Madden, Valerie Miller, Karen S. Nobumoto, James D. Otto, David L. Roth, Clara L. Slifkin, Paul W. Smigliani; Maria D. Villa, Thomas J. Warwick, Jr. and Scott Wylie.

The following members of the staff also were present: Francis Bassios, Jerry Braun, Bryan Brown, Elyse Cotant, Scott Drexel, Judy Johnson, Eddie Hall, Robert Hawley, Dean Kinley, Marie M. Moffat and Biljanna Sivanov.

Judith M. Copeland and Robert K. Persons, new members of the Board, were introduced.

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

RESOLVED that the minutes of the special meeting of the Board of Governors held on May 20, 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 special meeting for the election of officers of the Board of Governors held on June 10, 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 regular meeting of the Board of Governors held on June 10, 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.

30 The President thanked each member of the Board and staff members for a successful year.

The President reported on the following:

1. He attended the ABA meeting in New York and met with the ABA president-elect, as well as other ABA officials. They discussed MDP and MJP issues. To promote better communication between the Bar and the ABA, he suggested that the bar's delegates to the ABA House of Delegates be invited to address the Board from time to time concerning their activities.
2. He stated that this year the bar's appointments to the ABA resulted in a diverse delegation, and recommended that procedures be further reviewed to ensure greater diversity in the future recruitment and selection of delegates.
3. He urged the Board in the coming year to review the concept of the president-elect system.
4. He suggested changing the term "the Carver model;" to "the Lui model" or "Staff Empowerment Tactics" (SET), or any other term that the Board prefers.
5. He stated that time estimates on the agenda succeeded as a Board meeting management tool, and recommended that such time management be continued throughout the coming year.
6. The Supreme Court Dinner was a very successful event, and it cemented the relationship between the Supreme Court, the Judicial Council and the State Bar.

41 The Executive Director reported on the following:

1. She stated that substantial progress has been made in rebuilding the senior management team, and introduced the newest members to the team: Mark Shannon, Director of Financial Planning and Analysis; Starr Babcock, Special Assistant to the Executive Director; and Robert C. Hawley, Deputy Executive Director and Senior Executive for Human Resources.
2. The State Bar has contacted the State Auditor to begin the process of contracting with the performance audit that is required by statute; Marie Moffat and Mark Shannon will be taking the lead on that project.
3. Scott Drexel, Administrative Officer for State Bar Court/Chief Court Counsel, is working with the Supreme Court appointed commission, Applicant Evaluation and Nomination Commission, chaired by Justice Rebecca A. Wiseman, to review applications for State Bar Court judgeships pursuant to S.B. 143. Up to five of the eight judges may be replaced and appointments will be made by November 1, 2000. Next year, a new presiding judge will be appointed.

4. The focus of the Office of Chief Trial Counsel is on reducing the backlog so that the discipline system may return to normal operations.
5. Staff continues to handle many functions, for example, Bob Hawley is the Deputy Executive Director and Senior Executive for Human Resources, and has been coordinating staff on issues concerning Multi-Disciplinary Practice. Jerry Braun, Senior Executive for Admissions and Certification, has been asked to assist the Supreme Court Commission on Multi-Jurisdictional Practice. Staff members throughout the bar have multiple assignments relating to their areas of expertise.
6. The State Bar has made substantial and measurable gains in upgrading our technology. For example, the State Bar's web page is updated and running now; a new fee statement has been designed; and the bar has started video conferencing.

Mr. Warwick introduced Judy Copeland. Ms. Copeland was deemed elected from district 9, and will assume office at the conclusion of the 2000 Annual Meeting of the State Bar. Mr. Guilford introduced Marie F. Hogan, Chair, Counsel of State Bar Sections; Diane E. Wasznicky, Chair, Conference of Delegates, and Laura Goldin, the incoming chair of the Conference.

Larry Doyle reported that S.B. 1420, the second half of the fee bill, has been signed into law.

Mr. Guilford asked Bob Hawley, Deputy Executive Director, to begin the discussion on the Lawyer Assistance Program.

- 121 Mr. Hawley outlined the purposes of the Lawyers Personal Assistance Program and explained that the program has two functions: a counseling service for crisis intervention; and the other half of the program known as The Other Bar for attorneys with substance abuse problems. The State Bar funding of these programs was severally cut during the fee bill crisis, and has only recently been restored to 2/3 of its prior funding level.

Mr. Hawley introduced Richard Carlton, Director of the Lawyers Personal Assistance Program, Center for Human Resources, San Rafael.

Mr. Carlton reported to the Board on the status of the work of the Lawyers Personal Assistance Program. The program is two-fold, crisis intervention and substance abuse. The assistance is free to all members of the Bar.

Mr. Greiner entered the meeting.

Mr. Carlton introduced Richard M. Ewaniszyk, Director of the Other Bar. Mr. Ewaniszyk explained the work of the Other Bar and the assistance that is given, at no cost, to attorneys who are suffering from chemical dependency problems.

Judy Johnson stated that she has assigned Fran Bassios, Acting Chief Trial Counsel, and Starr Babcock, Special Assistant to the Executive Director, to work with the Lawyers Personal Assistance Program to help those attorneys who have come to the attention of the discipline system.

- 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 statements for the months of May and June 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 reports for the months of May and June 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 Reports for the months of May and June 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 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the Canvassing Board for the 2000 election of members to the Board of Governors of the State Bar of California and the election of members to the CYLA Board of Directors shall consist of not less than five, nor more than seven, active attorneys, and that said Board shall pass upon any problem situations and certify the results of said election to the Executive Director/Secretary on August 31, 2000.

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

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

RESOLVED, upon recommendation of the Board Legal Committee, that the Board hereby suspends the election procedure as set forth in Board Policy "Election of Officers" adopted December 4, 1993, until November 4, 2000; and it is

FURTHER RESOLVED that the Board hereby appoints and elects the following third-year members as Vice Presidents of the State Bar:

1. Ronald E. Albers
2. James R. Greiner
3. Joe R. Hicks
4. Karen S. Nobumoto
5. James D. Otto
6. David L. Roth
7. Julie S. Sommars

and it is

FURTHER RESOLVED, that the Board hereby elects Ronald E. Albers, Chair, Board Committee on Administration and Finance, as Treasurer of the State Bar; and it is

FURTHER RESOLVED, that the Board hereby selects Judy Johnson as Secretary of the State Bar.

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

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

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby authorizes each section to determine their 2001 membership dues, in an amount not to exceed \$75 per member.

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

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

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby ratifies the action of the Legislature in regard to membership fees; and it is

FURTHER RESOLVED that the penalties on delinquent 2001 annual membership fees shall be 50 percent of the member's respective fees; and it is

FURTHER RESOLVED that the penalties on delinquent 2000 annual membership fees of new admittees who were admitted after January 15, 2000, shall be 50 percent of the member's respective unpaid fees; and it is

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

FURTHER RESOLVED that said penalties or interest in the precedent paragraphs shall attach to delinquent fees not paid by 5:00 p.m. PST on March 15, 2001, and this time and date for the attachment of penalties shall not be extended without further action by this Board; and it is

FURTHER RESOLVED that all payments submitted after the Board of Governors has recommended members' suspension for non-payment of fees must be made in certified funds (cash, certified check, money order or cashiers check).

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

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

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby approves the proposed amendments to rule 955 of the California Rules of Court re duties of disbarred, resigned, or suspended attorneys, in the form attached to these minutes and made a part hereof, subject to the adoption of those amendments by the California Supreme Court.

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

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

RESOLVED, upon recommendation of the Board Committee on Future Planning, that the Board hereby approves the charter for the Board Committee on Future Planning, 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.

60 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 Board Committee on Regulation and Discipline's charter, 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.

61 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 amends the charges of the Committee on Administration of Justice, Committee on Alternative Dispute Resolution, Committee on Appellate Courts and Committee on Federal Courts, 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.

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

RESOLVED, upon recommendation of the Task Force on the Conference of Delegates, that the Board hereby amends article VI, section 4 [Representation in the Conference of Delegates], Rules and Regulations of the State Bar of California, in the form attached to these minutes and made a part hereof, which authorizes statewide associations meeting specified criteria to be represented in the Conference of Delegates.

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

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

RESOLVED, upon recommendation of the Board Committee on Communications and Member Relations, that the Board hereby approves the cancellation of the State Bar of the State Bar's 2001 Midyear Meeting, and encourages State Bar offices and

committees to work with their American Bar Association counterparts on the ABA 2001 Midyear Meeting programming as appropriate.

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

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

RESOLVED, upon recommendation in principle of the Board Committee on Future Planning, that the Board hereby adopts the schedule of board meetings for the 2000-2001 State Bar year, in the form attached to these minutes and made a part hereof; and it is

FURTHER RESOLVED that the Board hereby adopts the Three-Year Board Meeting Schedule, i.e., for the years 2001-2002, 2002-2003 and 2003-2004, 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.

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

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby grants Senna Gressin retroactive enrollment as an inactive member as of January 1, 2000, thereby permitting membership fees to be charged at the inactive rate for membership year 2000.

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

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

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby grants Devorah Rood retroactive enrollment as an inactive member as of January 1, 1988, and the difference between accrued active and inactive fees and penalties be waived contingent on the member providing a declaration that she has not practiced law in California since January 1, 1988, and contingent on payment of inactive fees and penalties for the years 1988 through 1999, totaling \$900.

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

Mr. Guilford and Ms. Johnson addressed the Board concerning (1) the redesign of this year's fee bill, and (2) the State Bar Foundation, which is one of the fastest growing bar foundations in the country. The Foundation received over \$750,000 in voluntary contributions this year.

Mr.. Warwick, Chair, Board Committee on Administration and Finance, addressed the Board regarding the status of the bar's labor employee negotiations.

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

WHEREAS, representatives of the State Bar of California ("State Bar") and Hospital and Institutional Workers Union, Local 250, SEIU ("Union") have met and conferred

pursuant to California Government Code sections 3505 and 3505.1 and the State Bar's Rules and Regulations for the Administration of Employer-Employee Relations, with a view to reaching agreement on "reopened" terms of the Memoranda of Understanding for the General and Attorney Bargaining Units currently in effect through December 31, 2001; and

WHEREAS, the State Bar and the Union bargaining teams have reached Tentative Agreement on "reopened" wage and retirement amendments to the MOUs; and

WHEREAS, State Bar Management recommends to the Board Committee on Administration and Finance and the Board that the proposed MOU amendments be ratified and adopted by the Board;

NOW, THEREFORE, BE IT RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board, subject to the Union membership ratifying the Tentative Agreement submitted to it by the Union Negotiating Team, hereby adopts and ratifies the successor Memoranda of Understanding for the General and Attorney Bargaining Units in the form discussed this date, to be effective January 1, 2001, said amendments to be drafted in appropriate form and approved by the Office of General Counsel and Office of the Executive Director/Secretary; and it is

FURTHER RESOLVED that the Board, as governing body of the State Bar, states its intention to adopt prior to January 1, 2001, the appropriate resolutions to amend the State Bar's contract with the California Public Employee Retirement System ("CalPERS") consistent with the Tentative Agreement hereby ratified.

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 and the Standing Committee on Professional Liability Insurance, that the Board hereby authorizes the restoration of the Lawyers Education and Development Fund to the Standing Committee on Professional Liability Insurance.

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

Mr. Warwick asked Mr. Albers, Chair, Subcommittee on Technology, to address the Board regarding the internet linking policy.

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 internet linking policy, 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.

- 114 Thomas J. Warwick, Chair, Board Committee on Administration and Finance, introduced Kevin Culhane, Co-Chair, Committee on Professional Liability Insurance Programs. Mr. Culhane addressed the Board concerning certain changes involving policy conversions of members in the State Bar Approved Professional Liability Insurance Program.

The Board went into closed session at 10:15 a.m., and those other persons present in the meeting, except the Executive Director, General Counsel and members of the Senior Executive Team, left the meeting

The Board resumed open at 11:04 a.m.

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

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

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints James D. Otto, Los Angeles, and reappoints Maria D. Villa, Los Angeles, Appointed Directors, Center for Civic Education Board of Directors, effective at the close of the 2000 State Bar Annual Meeting, i.e., September 17, 2000, and expiring at the close of the 2001 State Bar Annual Meeting, i.e., 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.

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

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints or reappoints, as the case may be, officers and members to the State Bar standing committees and special commissions, as attached to these minutes and made a part hereof, effective at the close of the 2000 State Bar Annual Meeting, i.e., September 17, 2000; each officer and member to serve a term expiring as indicated, 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 Committee on Appointments, that the Board hereby appoints or reappoints, as the case may be, officers and members to the State Bar standing and special committees, in the form attached to these minutes and made a part hereof, effective at the close of the 2000 State Bar Annual Meeting, i.e., September 17, 2000, each officer and member to serve a term expiring as indicated, 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.

6014 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby appoints first alternate, Joel Mark, District 7, to fill the unexpired term of Shaun P. Martin, effective immediately and expiring at the conclusion of the 2002 State Bar Annual Meeting, 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 appoints Jonathan L. Wolff to the Committee of Bar Examiners, effective immediately and expiring at the conclusion of the 2002 State Bar Annual Meeting, 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.

6016 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline and pursuant to the elections held by the California Law School Deans, that the Board hereby appoints Jonathan D. Varat, Steven R. Smith and John O. Meyers, members, Law School Council, each to serve for a three-year term commencing upon the conclusion of the 2000 State Bar Annual Meeting and expiring upon the conclusion of the 2003 State Bar Annual Meeting; and appoints Heather Georgahis, member, Law School Council, for a term commencing August 26, 2000 and expiring upon the conclusion of the 2002 State Bar Annual Meeting, 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.

6017 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board appoints the following to the State Bar Committee on Mandatory Fee Arbitration, effective at the conclusion of the State Bar 2000 Annual Meeting, each to serve until the conclusion of the State Bar 2001 Annual Meeting: Jeffrey P. Miller, Chair, Frank G. Blundo, Vice Chair, Marc A. Geffen, Vice Chair; and it is

FURTHER RESOLVED that the Board appoints the following members to the State Bar Committee on Mandatory Fee Arbitration, effective at the conclusion of the State Bar 2000 Annual Meeting, each to serve until the conclusion of the State Bar 2003 Annual Meeting: Mary Weigert; Charles R. Quintero, Larry L. Lawson, Sharron McLawyer and Joan C. Kubota.

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

6018 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby appoints or reappoints, as the case may be, officers and members to the Board of Legal Specialization and its Advisory Commissions as set forth in the attachment to these minutes and made a part hereof, effective at the conclusion of the State Bar 2000 Annual Meeting, i.e., September 17, 2000, or as indicated; each officer and member to serve a term expiring as indicated, 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.

6019 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Administration and Finance, that the Board hereby appoints or reappoints, as the case may be, officers and members, as set forth in the list attached to the minutes and made a part hereof, to the Committee on Group Insurance Programs, effective September 17, 2000; each officer and member to serve a term expiring as indicated, 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 Committee on Administration and Finance, the Board of Governors hereby appoints or reappoints, as the case may be, officers and members, as set forth in the list attached to the minutes and made a part hereof, to the Committee on Professional Liability Insurance, effective September 17, 2000; each officer and member to serve a term expiring as indicated, 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.

6030 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints or reappoints, as the case may be, officers and members to the State Bar's Committee on Administration of Justice, Committee on Appellate Courts, Committee on Federal Courts, and Committee Sexual Orientation Discrimination, as set forth on the lists attached to the minutes and made a part hereof, effective at the close of the 2000 State Bar Annual Meeting, i.e., September 17, 2000; each officer and member to serve a term expiring as indicated, 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.

6040 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation and

Discipline, that the Board hereby appoints or reappoints, as the case may be, officers and members, as set forth in the list attached to these minutes and made a part hereof, to the Client Security Fund, effective at the conclusion of the State Bar 2000 Annual Meeting, i.e., September 17, 2000, each to serve for a term as indicated, 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.

6050 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Legal Services and Client Relations, that the Board hereby extends the terms of John J. Parke and John Vacca on the Board of Directors of Channel Counties Legal Services Association, commencing September 1, 2000 and expiring December 31, 2000.

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

120 Mr. Madden addressed the Board regarding private reprovls, and mentioned that the Board Committee is in the process of developing goals to better improve the discipline system.

Ms. Johnson addressed the Board regarding the different types of private reprovls and also explained the various levels of sanctions.

122 This item "Discipline Information Online: Treatment of Private Reapproval (Public Disclosure)" was withdrawn from consideration by the Board.

Ms. Johnson addressed the Board regarding the ABA study of the State Bar's discipline system.

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

RESOLVED, upon recommendation of the Board Committee on Regulation and Discipline, that the Board hereby approves the request to the American Bar Association Standing Committee on Professional Discipline to conduct a consultation of the State Bar of California Discipline System and requests that the California Supreme Court join in such request to the American Bar Association Standing Committee, and that staff is directed to take appropriate steps to arrange for said study consistent with the above articulated purpose.

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

140 Ms. Nobumoto gave a status reported on the Board Committee on Appointments' review on diversity, outreach and the process by which members and officers are selected for section executive committees and the bar's committees, and efforts that have been made by the board committee to improve diversity. The *Report to the Governor on Outreach Options* was distributed to the Board.

Mr. Albers addressed the Board regarding the dissolution of the Senior Lawyers Section and the creation of a Standing Committee on Senior Lawyers.

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

RESOLVED, upon recommendation of the Board Committee on Communications and Member Relations, the Board Task Force on Volunteer Groups, the Executive Committee of the Senior Lawyers Section and the Council of State Bar Sections, that the Board hereby eliminates the Senior Lawyers Section, transfers the 2000 Senior Lawyers Section balance into a separate fund, and creates the Standing Committee on Senior Lawyers; and it is

FURTHER RESOLVED that the Standing Committee on Senior Lawyers shall have as its primary purpose "To provide information and education on topics of interest to senior lawyers and such as transition of practice, 'of counsel practice' of counsel practice arrangements, and the obligations of closing a law practice and to provide opportunities for senior lawyers to perform public service such as the Emeritus Attorney Pro Bono Program"; and it is

FURTHER RESOLVED that the current Executive Committee of the Senior Lawyers Section will serve as the transition committee for the 2000-2001 committee year and this group would recommend in the Spring of 2001 the members and officers for the new standing committee, in compliance with State Bar appointments procedures.

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

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

RESOLVED, upon recommendation of the Board Committee on Legal Services and Client Relations, that the Board hereby authorizes the Legal Services Trust Fund Commission to administer the Equal Access Fund and to distribute grants as required by the enabling State Budget language, with the approval of the Judicial Council as required; and it is

FURTHER RESOLVED that the proposed position in support of increased funding for the Equal Access Fund is within the parameters established by the United States Supreme Court in *Keller v. State Bar of California*; and it is

FURTHER RESOLVED that the Board of Governors asks the Judicial Council to seek a funding level of \$20 million for the Equal Access Fund for fiscal year 2001-2002, offers the State Bar's support to the Council in doing so, and supports inclusion of that funding level in the California Budget Act.

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

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

RESOLVED, upon recommendation of the Board Committee on Legal Services and Client Relations, that the Board approves the award recipients listed below:

2000 Loren Miller Legal Services Award: Hon. Laurie D. Zelon
President's Pro Bono Service Awards:

District 1: Leo J. Graham
District 2: Jeannette M. Carper
District 3: Jonathan M. Wong
District 4: Cathy Mosbrucker
District 5: Lita O. Blatner and Robert L. Felts
District 6: David L. Shain
District 7: Daniel J. Woods
District 8: Clifford R. Anderson, Jr.
District 9: Phyllis G. Schrader
Northern California Law Firm: Gibson, Dunn & Crutcher
Southern California Law Firm: Manatt, Phelps & Phillips LLP
Northern California Retired Attorney: Anne M. Rubenstein
Southern California Retired Attorney: Mary Pat Toups

161 Larry Doyle, Chief Legislative Counsel addressed the Board regarding pending legislation.

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 determines that the proposed position on A.B. 1858 (Romero) [consumer protection] is 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 Committee on Regulation and Discipline and the Board Committee on Legislative and Court Relations, that the Board hereby supports A.B. 1858 (Romero).

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

162B 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 determines that the proposed position on A.B. 2069 (Corbett) [Attorneys: defense of insureds] is 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 Regulation and Discipline and Legislative and Court Relations, that the Board hereby supports A.B. 2069 (Corbett).

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

162C 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 determines that the proposed position on A.B. 2107 [Elder Abuse] (Scott) is within the parameters established by the United States Supreme Court in *Keller v State Bar of California*; and it is

FURTHER RESOLVED, upon the recommendation of the Board Committee on Regulation and Discipline and Board Committee on Legislative and Court Relations, that the Board hereby supports A.B. 2107 (Scott).

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

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 determines that the proposed position on S.B. 1782 [Reciprocity in Admissions] is within the parameters established by the United States Supreme Court in *Keller v State Bar of California*; and it is

FURTHER RESOLVED upon the recommendation of the Board Committee on Regulation and Discipline and Board Committee on Legislative and Court Relations, that the Board hereby supports S.B. 1782 insofar as it requests the Supreme Court to appoint a task force to study and make recommendations whether, and under what circumstances, attorneys who are licensed to practice law in other states and who have not passed the California bar examination may be permitted to practice law in California.

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

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

RESOLVED that the Board hereby reaffirms its April 1, 2000, action amending section 1.C. of the *Interim Procedure re Annual Membership Fee, Chargeable and Nonchargeable Amounts, Reduction, Appeals*, as follows:

C. If the Board of Governors or a committee or other entity of the State Bar funded from the general fund adopts additional legislative positions during the course of 2000, the State Bar shall publish a notice listing these legislative positions and including a determination regarding whether each legislative proposal falls within the parameters established by *Keller*. The notice of a board legislative position shall be published in the *California Bar Journal*, in the issue immediately following the board meeting at which the legislative position(s) were adopted. The notice of a legislative position by a committee or other entity of the State Bar funded from the general fund shall be published in the California Bar Journal in the issue immediately following the approval of a position for transmittal to the Legislature.

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

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

RESOLVED, upon recommendation of the Board Legal Committee, that the Board hereby sets the Hudson deduction for the year 2001 at \$5.00, in accordance with the requirements of S.B. 144 (Stats 1999, ch. 342); and it is

FURTHER RESOLVED that the Board determines that all items approved as part of the Board's legislative program, other than the State Bar's funding bill, be paid for out of the

fund created by calculating the product of the number of members who choose not to take the lobbying deduction, multiplied by \$5.00; and it is

FURTHER RESOLVED that the Board directs staff to continue to monitor appropriate procedures to ensure that expenditures to support lobbying that falls outside of the Keller standard does not exceed the limit on expenditures set by S.B. 144; and it is

FURTHER RESOLVED that the Board directs staff to calculate a *Hudson* deduction for the year 2001 to cover the activities of the Office of Program Development and expenditures made to pay dues to voluntary organizations on behalf of State Bar employees, including an allocation for overhead and communications expenses that supported these programs; and it is

FURTHER RESOLVED that the Board hereby directs staff to continue to apply appropriate accounting procedures to ensure that all support and administrative costs made by the State Bar in support of the Conference of Delegates and the Sections be fully reimbursed from voluntary funds.

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

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

RESOLVED, upon recommendation of the Board Legal Committee, that the Board hereby authorizes the Office of General Counsel to settle the year 2000 fee challenges by offering a refund to the fee challengers for the activities of Program Development, for expenditures made to pay dues to voluntary organizations on behalf of State Bar employees, and for an allocation of overhead and communications expenses that went to fund these activities; and it is

FURTHER RESOLVED that the Board Legal Committee hereby recommends that the costs of lobbying the seven items included in the Board of Governor's legislative program be funded out of the fund created by members who chose not to take the \$5.00 lobbying deduction.

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

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

RESOLVED, upon recommendation of the Board Committee on Future Planning, that the Board hereby adopts the following recommendations for institutionalizing the Board's governance structure:

1. That the Board's meeting schedule be established three years in advance;
2. That the following Board Committees be established on a permanent basis:

Administration and Finance
Legal
Legislative and Court Relations

Membership Relations and Communications
Planning
Regulation and Discipline;

3. That, to supplement the permanent committees, task forces be established as needed;
4. That there be an annual orientation for Board Committee Chairs; and
5. That Board Committees be required to submit a work plan annually on a standard form; and it is

FURTHER RESOLVED, upon recommendation of the Board Committee on Future Planning, that a subcommittee of the Board be appointed to work with the Executive Director to fashion a proposal for a facilitator-assisted Board retreat.

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

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

RESOLVED, upon recommendation of the Board Committee on Future Planning, that the Board, in order to better serve the interests of its members, the public, the courts, our system of justice, and the legislature, with the assistance and support of its Executive Director and staff, hereby adopts *The Blueprint: Governance Principles of The Board of Governors 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.

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

RESOLVED, upon recommendation of the Board Task Force on the Conference of Delegates, that the Board hereby suspends the application of rule XIV of the Rules of Procedures for the Conference of Delegates to State Bar committees and the authority of committees to place holds on Conference resolutions pursuant to that rule.

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

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

RESOLVED, upon the recommendation of the Task Force on Continuing Education of the Bar, that the Board hereby approves, in principle, the Memorandum of Understanding for Joint Sponsorship of Continuing Legal Education of the Bar as proposed on July 18, 2000, and on conditions which include adoption of a formal contractual linkage of this Memorandum of Understanding with the Memorandum of Understanding (Sections and CEB) and inclusion of the Sections in the Advisory Structure of CEB; and it is

FURTHER RESOLVED that the Executive Director is authorized to conduct further negotiations with CEB to assure that these conditions are met and to report back to the Board.

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

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

WHEREAS, it is the consensus of the Board that for the 2000-2001 Board year, the Board of Governors will focus most of its attention on policy issues that confront the legal profession;

WHEREAS, the Board of Governors has certain administrative and liaison tasks that it must perform;

WHEREAS, the following is designed to be a guideline that may be varied as circumstances warrant;

NOW, THEREFORE, BE IT RESOLVED regarding Board meetings that:

1. The Board shall hold a new-member orientation meeting to be led by the members of the out-going third-year class;
2. The Board will hold a planning meeting;
3. The Board will hold five or six regular Board meetings during the year (depending on the length of the year, i.e., one year is eleven months, the following year is thirteen months), on a schedule to be published.
4. The location of the meetings is to be determined. We will investigate holding one meeting in Sacramento and one meeting in another jurisdiction, such as Fresno;
5. The Board will adopt, as a guideline, meeting schedules for the next four years, i.e., up to the Annual Meeting in 2004;
6. For the year 2000-2001, each regular Board meeting will start on a Friday at 9:30 a.m. and run until 5:00 p.m. that day. We will resume at 9:00 a.m. on Saturday and recess at 12:00 noon that day (if we need more time, our first step will be to extend the Saturday meeting);
7. If a Board member wishes to discuss an item that is on the consent agenda, that member should normally raise the issue with the proponent of the item three days before the Board meeting;
8. At each Friday Board meeting, at around 11:00 a.m., the Board will hear from one of the groups with which the Board works, such as the Conference of Delegates, the Access Committee, the Committee of Bar Examiners, or the like. The group addressing the Board will be invited to join the Board for lunch; and

BE IT FURTHER RESOLVED regarding Board Committees that:

1. There will be the following Board Committees:

Administration and Finance (A&F)
Legal
Legislative and Court Relations (LEGCOR)
Member Relations and Communications (MRC)
Planning
Regulation and Discipline (CORD)

2. Each Board Committee shall have three or more members. Public members shall serve on one committee and may serve, at their choice, on several committees;
3. There will be a Task Force on Appointments, and other task forces will be appointed from time to time as appropriate;
4. Board Committees shall meet between Board meetings, generally by phone, with staff to discuss items to come before the Board. A schedule for the Board Committee meetings shall be established and published at the Board's Organization Meeting at the upcoming State Bar Annual Meeting; and

BE IT FURTHER RESOLVED regarding policy issues that:

1. The Board will decide at its planning meeting which policy issues it wishes to address this year. It will then publish a schedule of the meetings where these issues will be discussed. Typically, a policy issue will come to the Board for two hearings, but, when appropriate, a matter may be resolved at one hearing;
2. A third-year member will be appointed to lead the effort to bring each policy issue to the Board. As appropriate, that leader may ask other Board members to assist in this effort; and

BE IT FURTHER RESOLVED that regarding work with our key constituencies that:

A second-year member will be appointed chair of our liaison with each of our constituencies, including the Council of State Bar Sections, Conference of Delegates, State Bar sections, standing committees, committees and commissions. There generally will be two to three liaisons to each group; and

BE IT FURTHER RESOLVED that each Board member would be requested to serve as the liaison to the State Bar section executive committees, standing committees, committees, commissions, etc.; and

BE IT FURTHER RESOLVED regarding the appointment process that, after consulting with the Board, the President shall appoint those who will serve in the above roles.

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

The Board adjourned at 12:09 p.m., Saturday, August 26, 2000, in memory of two former Board members, Melvyn J. Coben and Clayton R. Janssen. The Board may meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or if no such meeting be called at the Organization Meeting at the Annual Meeting of the State Bar of California, to be held on September 17, 2000, in the Pacific/Point Loma Room of the San Diego Marriott Hotel and Marina, 333 West Harbor Drive, San Diego, California 92101.

ATTACHMENTS
AUGUST 26, 2000

AUGUST 113	Internet Linking Policy	-9-
AUGUST 182	The Blueprint': Governance Principles of The Board of Governors	-18-
AUGUST 58	California Rules of Court, rule 955	-6-
AUGUST 59	Board Committee on Future Planning, charter	-6-
AUGUST 60	Board Committee on Regulation and Discipline, charter	-6-
AUGUST 6012	Standing Committees and Special Commissions	-10-
AUGUST 6013	Standing Committees and Special Commissions	-10-
AUGUST 6018	Legal Specialization	-11-
AUGUST 6019	Group Insurance Programs	-12-
AUGUST 6020	Committee on Professional Liability Insurance, appointments	-12-
AUGUST 6030	State Bar's Committee	-12-
AUGUST 6040	Client Security Fund	-12-
AUGUST 61	Charges of the Committees	-6-
AUGUST 62	Rules and Regulations of the State Bar, art VI, sec 4	-7-
AUGUST 64	Schedule of Board Meetings, 2000-2001	-7-
	Three-Year Board Meeting Schedule, 2001-2004	-7-