

AGENDA ITEM

MAY 10

**THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF GOVERNORS MEETING
LOS ANGELES
MARCH 9, 2007**

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The Board of Governors of the State Bar of California convened in open session in the Board Room of the Los Angeles office, 1149 South Spring Street, Los Angeles, CA 90015, at 1:30 p.m. on Friday, March 9, 2007, Sheldon H. Sloan presiding.

The following members of the Board of Governors were present: Ruthe C. Ashley, Jeffrey L. Bleich, Laura N. Chick, Marguerite D. Downing, Bonnie M. Dumanis, John J. Dutton, Jeannine English, Richard A. Frankel, William H. Gailey, Holly J. Fujie, Jo-Ann Grace, John P. McNicholas, Howard B. Miller, Danni R. Murphy, James N. Penrod, John E. Peterson, M. Carmen Ramirez, Richard A. Rubin, and James A. Scharf.

The following members of staff were present: Starr Babcock, Diane Curtis, Itzel Berrio, Patsy Cobb, Larry Doyle, Scott Drexel, Francisco Gomez, Robert A. Hawley, Heather Irwin, Judy Johnson, Dean Kinley, Nancy McCarthy, Marie Moffat, Gayle Murphy, George Scott, Cathy Torney, Anthony Williams, and Larry Yee.

Also present: Judge Brenda Harbin-Forte.

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.

165 The President introduced Judge Brenda Harbin-Forte and Patricia Lee, who each addressed the Board regarding the upcoming presentation on the Report and Recommendations of the Diversity Pipeline Task Force Courts Working Group. Following a question and answering session, the Board acknowledged receipt of the report and recommendations as follows:

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

RESOLVED, that upon the recommendation of the Board Committee on Stakeholder Relations, the Board of Governors of the State Bar of California hereby receives the Report and Recommendations from the Diversity Pipeline Task Force Courts Working Group and approves forwarding the report and recommendations to the Council on Access & Fairness for further review and follow up.

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

161 The Director of Governmental Affairs, Anthony Williams, outlined the bills being tracked by the Office of Governmental Affairs listed on the table distributed to the Board. Mr. Williams noted that SB 686 (Corbett) was a spot vehicle for the State Bar's Fee Bill, and that AB 1723 was a spot bill for the IOLTA Comparability proposal approved by the Board at its November 17, 2006, meeting.

162 No immediate legislative action items were presented to the Board at this meeting.

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

RESOLVED that the minutes of the meeting of the Board of Governors held on Friday, November 17, 2006, in San Francisco, California, hereby are approved as written.

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

10 It was brought to the Executive Director's attention that there was a typographical error in the action reported on agenda item JANUARY 30-1 [Dialogue for the 07-08 Presidential Candidates] of the minutes of the Board's Saturday, January 13, 2007, meeting, which was held in Palm Desert. Upon correction of the error, the Board took the below recorded action

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

RESOLVED that the minutes of the meeting of the Board of Governors held on Saturday, January 13, 2007, in Palm Desert, California, hereby are approved as amended this day by correction of the following:

“RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby amends the Procedures for the Election of Officers to replace the speeches made by candidates for the Office of the President with dialogue; such dialogue to be later agreed upon by the Board; and it is

FURTHER RESOLVED that this amendment is effective immediately and is ~~not~~ for this year only.”

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

30 The President asked Ms. Fujie to report on efforts to recruit new members for the California Bar Foundation's Board of Directors; he explained the duties of the volunteers, mentioned the requisite qualifications.

30-1 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the Board hereby approves the President's appointment of Mr. Gailey to the following:

Board Regulation, Admissions and Discipline Oversight Committee
Board Committee on Stakeholder Relations

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

41/42 Ms. Johnson, Executive Director / Secretary, brought the Board's attention to the schedule for the 2007 election to the Board of Governors, and CYLA.

Ms. Johnson spoke to the IT presentation of a paperless agenda and budgetary requirements for updating the Bar's computer system, including the purchase of laptops for each station in the Board Room. Mr. Clarke proceeded to demonstrate the paperless agenda, and responded to all questions raised regarding the process.

She also reported on the status of the fee payments for 2007, stating that:

By the February 1, 2007, deadline, 88 percent of membership paid, up from 73 percent in 2006;

22,000 second notices will be mailed next week, compared to 58,000 last year;

Estimated postage savings: \$30,000 - \$40,000, with additional \$20,000 savings in production costs;

Online payments increased from 4,000 to 22,140 this year;

13,296 new My State Bar Profiles were created, now totaling 114,000;

138,200 members contributed \$5 to legislative activity, totaling \$691,050;

140,400 members contributed \$5 to elimination of bias programs, totaling \$702,190;

Contributions to the California Bar Foundation were up by 7 percent, the Conference of Delegates by 4 percent, and the Supreme Court Historical Society up by 9 percent.

50 The consent agenda was presented to the Board, and no objection being raised thereto, all below consent matters were deemed unanimously adopted.

51 **RESOLVED**, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby receives the financial statement for the quarter ended December 31, 2006, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

52 **RESOLVED**, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby receives the investment report for the quarter ended December 31, 2006, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

53 **RESOLVED**, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby receives the Client Security Fund report for the quarter ended December 31, 2006, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

54-111 **RESOLVED**, pursuant to Article XIV, Section 2 [Public Communications] of the Rules and Regulations of the State Bar of California, that the Board Committee on Operations, acting on behalf of the Board between meetings, hereby authorizes the Task Force on Lawyer Support for Legal Services to conduct a survey of State Bar members to gather information and feedback on issues relating to lawyer contributions to legal services in order to implement AB 2301.

[The above is a report of action taken via conference call on February 5, 2007, by the Board Committee on Operations acting on behalf of the Board between regularly scheduled meetings.]

54-112 **RESOLVED** that the Board Committee on Operations, acting on behalf of the Board between meetings, hereby waives the imposition of late penalties for members who paid their full membership fees by mail, postmarked between February 2, 2007 and February 5, 2007; and it is

FURTHER RESOLVED that this waiver is granted on a one-time only basis for the year 2007, and that staff is directed to notify each members granted this waiver that it is a one-time waiver.

[The above is a report of action taken via conference call on February 13, 2007, by the Board Committee on Operations acting on behalf of the Board between regularly scheduled meetings.]

54-121 **RESOLVED**, upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby approves the Rules of Procedure for Fee Arbitrations by the Napa County Bar Association, in the form attached to these minutes and made a part hereof.

54-122 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board hereby approves the Rules of Procedure for Fee Arbitrations by the Fresno County Bar Association, in the form attached to these minutes and made a part hereof.

54-123 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board hereby approves the revisions to the Notice of Client's Right to Arbitration, in the form attached to these minutes and made a part hereof.

54-131 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board hereby approves the fee adjustments for the following State Bar members as noted below:

Jeffrey Reed Herbst: Contingent on payment of \$2,023.25 (\$717 active fees and penalties for 1994, \$906.25 inactive fees and penalties for 1995-2006 plus \$400 active fees for 2007) within 60 days of notice to member, waiver of the difference between active and inactive fees and penalties for 1995-2006; total waiver of \$5,172.75.

Jeff Korber: Contingent on payment of \$943.75 (\$487.50 active fees and penalties for 2002 plus \$456.25 inactive fees and penalties for 2003-2007) within 60 days of notice to member, waiver of the difference between active and inactive fees and penalties for 2003-2007; total waiver of \$1,900.

54-132 **RESOLVED**, upon the recommendation of the Board Committee on Member Oversight, that the Board hereby receives the Lawyer Assistance Program 2006 Annual Report, in the form attached to these minutes and made a part hereof, and thanks staff for its submission.

54-141 **RESOLVED**, upon recommendation of the Board Committee on Planning, Program Development, and Budget, that the Board hereby authorizes the Treasurer to sign Attachments 1 [US Bank Waiver of Security], and 2 [Contract for Deposit of Local Agency Funds – Active and Inactive Deposits] on behalf of the State Bar; and it is

FURTHER RESOLVED that U.S. Bank National Association is hereby designated as a depository of the State Bar with authority to accept or receive at any time for the credit of the State Bar deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the State Bar is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. State Bar acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time; and it is

FURTHER RESOLVED that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the State Bar on deposit with the Bank shall be binding on the State Bar when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the State Bar any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the State Bar from time to time; and it is

FURTHER RESOLVED that the Chief Financial Officer may certify to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to

immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the State Bar from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified; and it is

FURTHER RESOLVED that these resolutions shall continue in force until express written notice of their rescission or modification has been furnished to and received by the Bank; and it is

FURTHER RESOLVED that any and all transactions by or on behalf of the State Bar with the Bank prior to the adoption of this resolution be, and the same hereby are, in all respects ratified, approved and confirmed; and it is

FURTHER RESOLVED that U.S. Bank shall be furnished a copy of this resolution and be notified that the names of the members of the Board, the Executive Director, Deputy Executive Director, Chief Financial Officer, Finance Managers and Accounting Supervisor of General Accounting who are now so authorized to sign withdrawal orders, transfer orders and checks and authorize transfer of funds from one State account to another State Bar account ("Authorized Signers") are as follows:

Jeffrey L. Bleich	Treasurer and Vice President
Ray Farrish	Finance Manager
Robert A. Hawley	Deputy Executive Director
Judy Johnson	Executive Director/Secretary
James N. Penrod	Board Member
Sheldon Sloan	President and Board Member
Peggy Van Horn	Chief Financial Officer
Christine Wong	Finance Manager

54-163

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby approves that the distribution of IOLTA grants from the Legal Services Trust Fund Program for the grant period July 1, 2007 through June 30, 2008 shall be made in the order and manner provided by Business and Professions Code Section 6216, and the funds to be distributed shall be \$13,827,181 calculated as follows:

- (1) The amount projected to be received by the Legal Services Trust Fund Program and the interest earned thereon from July 1, 2006 through June 30, 2007, totaling \$16,514,308, shall be allocated for the grant period July 1, 2007 through June 30, 2008.
- (2) The administrative costs to be deducted prior to distribution shall be the costs projected for the period July 1, 2006 through June 30, 2007, totaling \$944,630.
- (3) To be subtracted from the total amount prior to distribution shall be \$1,272,072, 10% of prior year net revenue for the stabilization reserve.

(4) Also to be subtracted from the total amount prior to distribution shall be \$470,424, one-half of the amount over 15% of prior year net revenue for the stabilization reserve, and it is

FURTHER RESOLVED that grant payments are to be made from funds received pursuant to Business and Professions Code Section 6212 and the income earned from investment of such funds, and that payment of grants is contingent upon the State Bar having sufficient money on hand from such sources to make the scheduled payments; and it is

FURTHER RESOLVED that the Legal Services Trust Fund Commission is directed to monitor program revenue during the grant year and to recommend action to change the total grant amount for the year if needed in the event of significant variances from projections.

54-164

WHEREAS, mediation is a dispute resolution process in which a neutral third person facilitates communication between disputants to help them reach a mutually acceptable agreement;

WHEREAS, during the past 25 years, California courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving civil, family, and juvenile actions and proceedings;

WHEREAS, mediation offers many potential benefits to litigants, the courts, and the public, including increasing the interested parties' satisfaction with the litigation process and the courts and voluntary compliance with the terms of resolution, while reducing pretrial motions and trials, the time from the filing of an action to disposition, future disputes between the parties, recidivism, litigants' costs, and court workloads;

WHEREAS, the availability and success of court mediation programs are largely attributable to the efforts of judicial officers, court staff, and the courts' justice partners, including local government agencies, state and local bar associations, mediation organizations, and individual mediators, many of whom contribute significant time and resources toward conducting mediations;

WHEREAS, widespread public awareness of the nature, availability, and benefits of mediation, and court mediation programs is essential to ensuring the use of these programs and access to justice; and

WHEREAS, the Governor and other California state and local officials and agencies traditionally recognize the third week of March as Mediation Week;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors of the State Bar of California recognizes the week of March 18 through 24, 2007, as Mediation Week, commends the efforts of all those who make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and publicize local mediation programs during Mediation Week.

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

RESOLVED, following publication for comment, and no comments having been received, and upon recommendation of the Board Committee on Operations, that the Board hereby amends Article 2, Section 2 (a) [Open Meetings: Notice of Meetings; Inclusion of Agenda; Time; Request for Notice and Renewal; Annual Charge for Sending]], and article 4, Section 2 [Agendas, Emergency Items and Meetings: Late Added Items; Unnoticed Meetings] of the Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors, and Article IV, Section 3 [Meetings of the Board of Governors: Emergency Meetings] of the Rules and Regulations 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.

114 & 126 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, and the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors hereby renews for 2007 the procedure and process for conducting the Annual Performance Evaluations of the Executive Director and Chief Trial Counsel, consistent with the item before the Board Committees and Board this date; and it is

FURTHER RESOLVED that the Board Committee on Operations be Chaired by the President in conducting the Executive Director's evaluation, and that the Board Regulation, Admissions and Discipline Oversight Committee (RAD) be Chaired by the RAD Chair in conducting the Chief Trial Counsel's evaluation.

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

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

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby suspends the provision of Article 1, section 3(a) that requires that the election of the President occur no later than 90 days before the next Annual Meeting, and that the election take place at the Board's July 2007 meeting.

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

116 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations that the Board hereby approves that the format for the dialogues Presidential Candidates, in the form attached to these minutes and made a part hereof, be followed during the 2007-08 Presidential Election.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Rubin who did not vote, and requested the record so to show/.

124

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for comment, upon consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby amends the State Bar's Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs in the form attached to these minutes and made a part hereof, with the exception of new paragraph 13; and it is

FURTHER RESOLVED, upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board hereby authorizes that new paragraph 13 of the State Bar's Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs, as shown below, be sent out for a further 45-day public comment period, and report back to the Board at a future meeting.

**State Bar's Guidelines and Minimum Standards for the Operation
Of Mandatory Fee Arbitration Programs**

~~10.13.~~ That if the local program elects to arbitrate a matter in which the petitioner is not the client of the attorney, but may be responsible for the fees and/or costs, or entitled to a refund of fees and/or costs previously paid:

(a) ~~‡~~The request for arbitration shall **may be made by (i) a party who is not the client but who may be liable for or entitled to a refund of attorney's fees or costs, or (ii) the attorney against such party. The rule for third party arbitration does not constitute a waiver of the attorney-client privilege within the arbitration unless the client has waived the privilege or consented. The party requesting the arbitration shall notify the client by first class mail and attach a proof of service by mail.** ~~shall be made by the client who will include the non-client(s) as a party; and~~

~~(b) that the arbitration request shall be signed by all such parties;~~

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

125 This item relating to new rule 323 [Consideration of a Member's Resignation with Charges Pending] of the Rules of Procedure of the State Bar of California was removed from the Board's agenda.

126 This item regarding the Chief Trial Counsel Performance Evaluation Process was considered earlier in the meeting in conjunction with item MARCH 114 [Executive Director and Chief Trial Counsel Performance Evaluation Process].

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

RESOLVED, upon the recommendation of the Board Regulation, Admissions and Discipline Oversight Committee (RAD), that the Board hereby designates RAD to serve as the review body under Rule 19 of the Rules and Regulations Pertaining to Lawyer Referral Services. The Board hereby ratifies RAD's appointment of Board members Holly Fujie, Chair, John Dutton and John Peterson, members, to act as a subcommittee in accordance with Rule 19.4 through 19.6 is ratified. RAD as a whole is authorized to act for the Board under Rule 19.7 through 19.8 of the Rules and Regulations Pertaining to Lawyer Referral Services; and it is

FURTHER RESOLVED that the proceedings before RAD are to conform to Business & Professions Code Section 6155, and the Rules & Regulations Pertaining to Lawyer Referral Services; and it is

FURTHER RESOLVED that the proceedings are to conform as well to the Procedures Governing the State Bar of California Board of Governors Consideration of a Determination to Revoke or Suspend Certification of a Lawyer Referral Service hereby adopted for this purpose"

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

130 Ms. Downing, Chair, Board Committee on Member Oversight, commented on the 2006 Annual Report of the Lawyer Assistance Program, which was presented earlier to the Board under the open consent agenda.

Ms. Downing, who also chairs the Attorney Civility Task Force, reported on the work of the task force and reminded Board members of two scheduled public hearings on the draft Attorney Standards on Civility and Professionalism; the first public hearing will take place in the bar's office in San Francisco on Wednesday, March 14, and the second in the Los Angeles office on Wednesday, March 28.

142 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee that the Board of Governors hereby approves the following supplemental appropriations to the 2007 State Bar budget whereby:

1. An amount of \$1,158,000 is added to the 2006 Administrative and Support Fund budget within the cost center for Information Technology for the completion of the Word Perfect to Microsoft Word conversion, Microsoft Office 2003 licenses, Peoplesoft support and State Teale Data Center transition projects;
2. An amount of \$80,000 is added to the 2007 Administrative and Support Fund budget within the cost center for Finance for the completion of the development and implementation of a computerized budget development system;

3. An amount of \$28,000 is added to the 2007 Administration and Support Fund budget within the cost center for Office of General Counsel for continued consulting services on the General Counsel's Pro Law system.

All members present and recorded on the roll-call slip voted yes on the above matter, except Ms. Ashley and Mr. Rubin who did not vote, and requested the record so to show.

- 170 Mr. Penrod, Chair, Board Task Force on Sections, reported briefly on the work of the task force, and its meeting held earlier in the day stating that among other issues, the topic of law practice management as mandatory MCLE was discussed.

The Board went into closed session at 2:30 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 2:55 p.m.

The appointments were considered in closed session by the Board and the action taken is reported below.

The closed consent appointment agenda was presented to the Board and, having withdrawn consent agenda item **MARCH 6015** regarding the appointment of a member to the Lawyer Assistance Program Oversight Committee, and placing it on the regular closed agenda, no objection being raised on the remaining consent agenda appointment items, all below consent matters were deemed unanimously adopted.

- 6011 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Thomas W. Wolfrum, Walnut Creek, member, Family Law Advisory Commission, effective immediately, replacing Rolland D. Orrock, resigned, for the remaining portion of Mr. Orrock's term, expiring at the close of the 2009 State Bar Annual Meeting, i.e., September 13, 2009, or until further order of the Board, whichever occurs earlier.

- 6012 **RESOLVED**, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Sharron McLawyer, Los Angeles, member, Committee on Mandatory Fee Arbitration, effective immediately, replacing Monica Mercado, resigned, for the remaining portion of Ms. Mercado's term, i.e., September 13, 2009, or until further order of the Board, whichever occurs earlier.

6013

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board appoints the following arbitrators to the State Bar Fee Arbitration Department, each for a term commencing March 20, 2006 and expiring December 31, 2006, or until further order of the Board, whichever occurs earlier.

Name	County	Attorney or Layperson
Daily, Joseph A.	Riverside	Attorney
Dresnick, David W.	Los Angeles	Layperson
Forth, Joseph S.	Riverside	Attorney
Hackney, Edward T.	Riverside	Attorney
Herbold, Carl F.	Los Angeles	Attorney
Oved, Shai S.	Los Angeles	Attorney
Pallack, David Scott	Los Angeles	Attorney

6014

RESOLVED, upon recommendation of Board Committee on Volunteer Involvement, that the Board hereby appoints Jennifer M. Russell, Los Angeles, Committee of Bar Examiners, effective immediately, replacing Kelly Horwitz, resigned, for the remaining portion of Ms. Horwitz's term, i.e., September 13, 2009, or until further order of the Board, whichever occurs earlier.

6015

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Garrett O'Connor, Rancho Mirage, physician member, Lawyer Assistance Program Oversight Committee, effective immediately, replacing Lyman Boynton, for the remaining portion of Dr. Boynton's term, i.e., December 31, 2007, 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 adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, the following, State Bar delegates, American Bar Association House of Delegates, contingent upon appointees being of good standing with the ABA, effective upon the conclusion of the 2007 Annual Meeting of the American Bar Association (i.e., August 15, 2007) and expiring at the conclusion of the 2009 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier:

Sandra Geiger	Palo Alto
Maralee MacDonald	Sacramento
Bert Z. Tigerman	San Francisco
Pauline A. Weaver	Fremont
Aristotle Evia	San Francisco, Young Lawyer; and it is

FURTHER RESOLVED, that the Board appoints the following alternates to its delegation to the American Bar Association House of Delegates, to serve in place of any delegate who resigns or is otherwise unable to attend the Midyear or Annual Meeting, contingent upon the alternates being of good standing with the ABA, effective upon the conclusion of the 2007 ABA Annual Meeting, i.e., August 15, 2007, and expiring at the conclusion of the 2008 Annual Meeting of the ABA Annual Meeting, i.e., August 12, 2008, or until further order of the Board, whichever occurs earlier:

First Alternate	Angela Davis	Los Angeles
Second Alternate	Steven Hazan	Los Angeles

All members present and recorded on the roll-call slip voted yes on the above matter, except Ms. Ashley and Mr. Rubin who voted no, and requested the record so to show.

6030 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board appoints Anthony P. Capozzi, Fresno, member, Judicial Council, for a three-year term commencing September 15, 2007, and expiring September 14, 2010, 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, except Ms. Ashley and Mr. Rubin who voted no, and requested the record so to show.

6040 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints officers and members as set forth on the form attached to these minutes and made a part thereof, to the Council on Access and Fairness, effective immediately, each for a term to expire as indicated, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board of Governors designate an additional seat for a representative from the Administrative Office of the Courts (AOC).

All members present and recorded on the roll-call slip voted yes on the above matter, except Ms. Ashley and Mr. Rubin who voted no, and requested the record so to show.

6050 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Gerard P. Davey, Costa Mesa, Chair, and David E. Holmes, San Luis Obispo, Vice-Chair, Franchise and Distribution Law Advisory Commission, effective immediately each for a term to expire at the close of the 2007 State Bar Annual Meeting (i.e., September 30, 2007), 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, except Ms. Ashley and Mr. Rubin who voted no, and requested the record so to show.

The Board adjourned its meeting at 2:55 p.m., on Friday, March 9, 2007, to 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 State Bar Office, 180 Howard Street, San Francisco, California 94105, on Friday, May 11, 2007.