

**THE STATE BAR OF CALIFORNIA**  
**MINUTES**  
**BOARD OF GOVERNORS MEETING**  
**SAN FRANCISCO**  
**MAY 11, 2007**

The Board of Governors of the State Bar of California convened in open session in the Board Room of the San Francisco office, 180 Howard Street, San Francisco, CA 94105, at 1:08 p.m. on Friday, May 11, 2007, Sheldon H. Sloan presiding.

The following members of the Board of Governors were present: Ruthe C. Ashley, Jeffrey L. Bleich, Matthew Butler, Laura N. Chick, George Davis, Marguerite D. Downing, John J. Dutton, Jeannine English, Richard A. Frankel, Holly J. Fujie, William H. Gailey, 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, Laila Bartlett, Saul Bercovitch, Resty Buenavidez, Phyllis Culp, Diane Curtis, Itzel Berrio, Gary Clarke, Larry Doyle, Scott Drexel, Karen Hagelund, Robert A. Hawley, Heather Irwin, Judy Johnson, Dean Kinley, Pat Lee, Nancy McCarthy, Marie Moffat, Gayle Murphy, George Scott, Erzsebet Szabo, Cathy Torney, Peggy Van Horn, Anthony Williams, Colin Wong, and Larry Yee.

Also present: Former Board member Paul Hokokian; former State Bar president and current chair of the Bar's Insurance Disclosure Task Force James E. Towery; Sharon Majors-Lewis, Judicial Appointment Secretary to the Governor; and Mike McKee, *The Recorder*, William N. Hebert

126 The president introduced former State Bar president and current chair of the Bar's Insurance Disclosure Task Force James E. Towery, who addressed the Board regarding the work and issues of the task force, and that the Insurance Disclosure Rules will be published for public comment as approved via the recent fax poll of the Board Regulation, Admissions and Discipline Oversight Committee. Mr. Towery responded to all questions raised.

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.

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, March 9, 2007, in Los Angeles, California, hereby are approved as amended below.

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

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

30 The President welcomed George Davis, who was appointed to the Board by Governor Schwarzenegger on Friday last, May 4. Mr. Sloan stated that he has appointed Mr. Davis to two of the Board Committees, and requested the Board to ratify such appointments.

The President also welcomed William N. Hebert, deemed elected Board member from District 4, who will be sworn in at the Bar's Annual Meeting in September.

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

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

Board Committee on Planning, Program Development, and Budget; and Board Regulation, Admissions and Discipline Oversight Committee.

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

30-2 The President introduced Sharon Majors-Lewis, Judicial Appointments Secretary to Governor Schwarzenegger, who addressed the Board regarding the judicial appointment process, and responded to all questions raised.

Ms. Johnson, Executive Director/Secretary, announced that the following vice-presidents have declared their intention to run for the 2007-08 presidency of the State Bar:

Ms. Ashley  
Mr. Bleich  
Ms. Downing

Ms. Johnson reminded the Board that the Special Meeting for the Election of the 2007-08 President of the Bar will take place immediately prior to the July 20, 2007, regular meeting of the Board, which will be held in Santa Monica. She also reminded the Board that absentee or telephonic ballots are inadmissible.

Ms. Johnson also reminded the Board that the deadline for applicants for appointment to the JNE Commission is June 1, 2007 and that diverse applicants, particularly public members, were needed.

- 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 March 31, 2007, 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 March 31, 2007, 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 March 31, 2007, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.
- 54-121 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the Rules of Procedure for Fee Arbitrations by the Inyo County Bar Association in the form attached hereto as Attachment A, as being in compliance with Business and Professions Code sections 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.
- 54-122 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the Rules of Procedure for Fee Arbitrations by the Alameda County Bar Association in the form attached hereto as Attachment A, as being in compliance with Business and Professions Code sections 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.
- 54-123 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the Rules of Procedure for Fee Arbitrations by the Humboldt County Bar Association in the form attached hereto as Attachment A, as being in compliance with Business and Professions Code sections 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.
- 54-124 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the Rules of Procedure for Fee Arbitrations by the Tulare County Bar Association in the form attached hereto as Attachment A, as being in compliance with Business and Professions Code sections 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.

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

Shanti Devi Lugani: Contingent on payment of \$726.25 (\$326.25 balance of inactive fees and penalties for 2002-2006 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 2002-2006; total waiver of \$2,150.

54-132 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board receives the 20<sup>th</sup> Annual Report of the California Board of Legal Specialization for the period January 1 through December 31, 2006, and directs staff to send copies of the report to the California Supreme Court as required by section 21.0 of the Rules Governing the State Bar of California Program for Certifying Legal Specialists to aid in the Court's continued review of the legal specialist program.

54-133 **RESOLVED**, upon the recommendation of the Board Committee on Member Oversight, that the Board of Governors receives the California Young Lawyers Association 2006 Annual Report and thanks staff for its submission.

54-134 **RESOLVED**, upon the recommendation of the Board Committee on Member Oversight, that the Board of Governors receives the 2006 Year End Assessments of the Committee on Group Insurance Programs and the Committee on Professional Liability Insurance (COPLI), in the form attached to these minutes and made a part hereof, and thanks staff for the submission of both assessments.

54-181 **RESOLVED**, that the Board hereby receives with thanks and orders filed the Independent Auditors' Report for Years Ended December 31, 2006 and 2005, prepared by Deloitte & Touche, in the form this day before the Board.

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

**RESOLVED**, upon the recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors hereby recommends to the California Supreme Court, pursuant to rule 9.21 of the California Rules of Court, that it reject the resignation with disciplinary charges pending of John Raymond LaBrucherie (State Bar No. 141051) and, instead, that the Supreme Court issue a final disciplinary order in Case No. 06-N-12339.

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, reported on the work of the committee.

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

**RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby approves the accreditation of the National Board of Trial Advocacy/National Board of Legal Specialty Certification's certification program in social security disability law.

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

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

**RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby amends the Intellectual Property Law Section bylaws as follows:

**Bylaws of the Intellectual Property Law Section**

**§4. Executive Committee**

- b. Members: The Executive Committee shall consist of **a minimum of fifteen (15) members and a maximum of seventeen (17) members** appointed by the Board of Governors.

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

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

**RESOLVED**, upon the recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby approves the Affinity Administrator of Member Benefits and Services contract 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.

140 Mr. Bleich, Chair, Board Committee on Planning, Program Development, and Budget, gave a status report on the retrofitting of the Bar's San Francisco building, and on the work of the committee. He mentioned that the Budget Subcommittee will meet on June 1, 2007, from 9:00 a.m. – 12 noon, in the Bar's San Francisco office.

150 Ms. Grace, Chair, Board Committee on Volunteer Involvement, reported on the work of the committee.

160 President Sloan introduced the winners, families and teachers of the five 4<sup>th</sup> and 5<sup>th</sup> graders who wrote the winning essays of the 1<sup>st</sup> Annual Kids and the Law Essay Contest. He presented awards and gifts to the following kids, mentioning that 664 essays had been submitted statewide:

- 1<sup>st</sup> Place Winner: Jessica Achugbue
- 2<sup>nd</sup> Place Winner: Angela Tolwani
- 3<sup>rd</sup> Place Winner: Kelsey Page
- Honorable Mentions: Mataiio Ford and Charles Liu.

161 Anthony Williams reported that the State Bar's Fee Bill, SB 686 (Corbett) had passed the Senate Judiciary Committee, but had been amended to repeal the Building Fund statute, thereby making it a one-year measure keeping the total fee flat at \$400 per year. Williams added that a further amendment to the bill would require the State Bar to refund a portion of the money currently held in the Building Fund, but that we would be seeking further amendments to delete the refund provision. (We ultimately succeeded in deleting those refund provisions.)

Williams also noted that AB 1723, the IOLTA Comparability measure sponsored by the Board of Governors, had passed the Assembly Judiciary Committee on a unanimous 10-0 vote, following successful negotiations with representatives of the banking community to address their concerns. He commended Heather Irwin of the General Counsel's office for her efforts in developing the legislation and helping forge the successful compromise.

Larry Doyle noted that the section's legislative program was proceeding successfully, with six sponsored legislative proposals moving through the process and more than 25 measures commented upon.

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

**RESOLVED**, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby:

- Supports AB 159 (Jones), relating to additional judges.
- Supports AB 171 (Beall), relating to Student financial aid: Assumption Program for Loans for Law in the Public Interest.
- Supports AB 467 (Feuer), relating to courts, access to legal services.
- Supports, if funded, AB 1726 (Assembly Judiciary Committee), relating to court interpreters.

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

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

**RESOLVED**, upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors hereby opposes the following resolutions of the Conference of Delegates of California Bar Associations:

- 1) 09-02-07 - Conference Of Delegates: Location Of Conference Meetings;
- 2) 09-04-07 - State Bar: Access and Fairness Voluntary Dues Increases;
- 3) 09-06-07 - Mandatory Continuing Legal Education: Pro Bono Requirement; and
- 4) 09-07-07 - Direct Election of State Bar President; and it is

**FURTHER RESOLVED**, that the Board hereby directs that the leadership of the Conference of Delegates of California Bar Associations be invited to attend the Board's July 20, 2007, meeting in Santa Monica.

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

The Board went into closed session at 2:40 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 Board considered the appointments in closed session and the action taken is reported below.

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

6011            **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board of Governors hereby reappoints Neil B. Martin, Los Angeles, member, Board of Directors of Legal Aid Foundation of Los Angeles, for a three-year term commencing July 1, 2007, and expiring June 30, 2010, or until further order of the Board of Governors, whichever occurs earlier.

6012            **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board appoint the following persons to the State Bar Mandatory Fee Arbitration Department, each for a term commencing May 14, 2007 and expiring December 31, 2007, or until further order of the Board, whichever occurs earlier.

<u>Name</u>	<u>County</u>	<u>Attorney or Layperson</u>
Adams, Mark Stephen	San Joaquin	Attorney Bar No. 78706
Barry, Susan	Ventura	Attorney Bar No. 99286
Eley, Christopher K.	San Joaquin	Attorney Bar No. 90897
Fisher, Howard S.	Los Angeles	Attorney Bar No. 70835
Germain, Daniel L.	Los Angeles	Attorney Bar No. 14334
Gershman, Stephen A.	Los Angeles	Attorney Bar No. 70941
Kalisch, Mark	Los Angeles	Attorney Bar No. 80237
Kent, Melissa E.	Los Angeles	Attorney Bar No. 149979
Lambertson, Daniel C.	San Joaquin	Attorney Bar No. 88929
Maccione, Jane	Placer	Attorney Bar No. 214336
Moglen, Leland L.	Sacramento	Attorney Bar No. 141490
Morris, James M.	San Joaquin	Attorney Bar No. 48365
Steinberg, S. Kevin	Los Angeles	Attorney Bar No. 151372
Tady, Brandon	Los Angeles	Attorney Bar No. 83045
Weiss, Eugene J.	Los Angeles	Attorney Bar No. 43775

6013            **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Jahan C. Sagafi, San Francisco, member, Litigation Section Executive Committee, effective immediately, replacing Kathleen D. Patterson, resigned, for the remaining portion of Ms. Patterson's term, expiring 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.

6014           **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, officers and members to the Section Executive Committees as set forth on the forms attached to the minutes and made a part hereof; effective at the close of the 2007 State Bar Annual Meeting, September 30, 2007, or as indicated; each officer and member to serve a term expiring as indicated, or until further order of the Board, whichever occurs earlier.

6021           Upon motion made, seconded and unanimously adopted, it was

**RESOLVED**, that the Board Committee on Volunteer Involvement, recommends that the Board of Governors appoint **Phyllis W. Cheng**, Los Angeles, Committee of Bar Examiners, effective immediately, for a term to expire at the close of the State Bar's Annual Meeting in 2011, 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.

6022           Upon motion made, seconded and unanimously 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, officers and members to the standing committees and special boards, commissions and committees as set forth on the forms attached to the minutes and made a part hereof, effective at the close of the 2007 State Bar Annual Meeting, i.e., September 30, 2007, or as indicated; each officer and member to serve 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.

The Board adjourned its meeting at 3:05p.m., on Friday, May 11, 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 Fairmont Miramar Hotel Santa Monica, Wilshire Rooms I and II, 101 Wilshire Blvd., Santa Monica, CA, on Friday, July 20, 2007.