

AGENDA ITEM

NOVEMBER 10
[Minutes, Board of Governors
Meeting, July 20, 2007]

THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF GOVERNORS MEETING
SANTA MONICA
FRIDAY, JULY 20, 2007

The Board of Governors of the State Bar of California convened in open session in the Wilshire I & II Rooms of the Fairmont Miramar Hotel Santa Monica, 101 Wilshire Blvd., Santa Monica, CA 90401, at 2:35 p.m., on Friday, July 20, 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, Bonnie Dumanis, 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, Saul Bercovitch, Resty Buenavidez, Diane Curtis, Itzel Berrio, Gary Clarke, Larry Doyle, Scott Drexel, Francisco Gomez; Teri Greenman; Karen Hagelund, Robert A. Hawley, Heather Irwin, Judy Johnson, Dean Kinley, Pat Lee, Nancy McCarthy, Marie Moffat, Gayle Murphy, George Scott, Biljana Sivanov, Cathy Torney, Peggy Van Horn, Anthony Williams, Colin Wong, Larry Yee, and Mary Yen.

Also present: Tina Bay, *MetNews*; Don J. DeBenedictis, *Daily Journal*; James O. Heiting, immediate past president; Mike McKee, *The Recorder*; Justice Douglas Miller; and Patti White, newly elected District 3 Board member.

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, May 11, 2007, in San Francisco, California, hereby are approved as written.

30 President Sloan announced that all attorneys in good standing whose addresses of record are in Los Angeles, and who maintain a working private e-mail address in their online profiles, in will be invited to participate in the Court Priority Access Card pilot program, which will be sponsored by the State Bar and the Los Angeles County Superior Courts. The access card will allow attorneys to enter county courthouses via the employee weapons screening entrance, thus reducing the delays experienced when entering by the main public entrance.

During the President's report, Mr. Dutton requested that as an outreach to the membership that one Board meeting be held off site; San Jose and Fresno were mentioned as possible locations. This issue will be further discussed at the Board's Organization Meeting in Anaheim in September, when the multi-year meeting schedule is presented to the Board.

Ms. Johnson, Executive Director/Secretary, stated that staff will analyze costs for on-site and off-site meetings, and that she would report back to the Board. She reminded the Board that the hotel contract for the November meeting in Los Angeles had already been processed; that because the Board has committed to host the Annual Supreme Court Dinner during the March meeting, that that meeting could not be moved; but she said that alternative locations for the May 2008 would be explored.

The Board ratified the date and location changes of its November meeting, which was originally scheduled for November 29 - December 1, 2007, in San Francisco, and has been rescheduled to November 8 - 9, 2007, in Los Angeles.

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

RESOLVED that the Board hereby approves the date and location changes of its November meeting, from Thursday – Friday, November 29 - December 1, 2007, in San Francisco, to Thursday – Friday, November 8 - 9, 2007, in Los Angeles.

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

41 /42 Ms. Johnson, Executive Director/Secretary, reported on the following:

1. She announced that the following candidates had been elected to the Board of Governors:

District 2:	Paul A. Kramer, Jr.
District 3:	Patricia P. White
District 4:	William N. Hebert (deemed elected)
District 7 (Office #1):	Michael D. Marcus
District 7 (Office #2):	Rex Heinke

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

- 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 Placer County Bar Association, in the form attached to these minutes and made a part hereof, 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 for Conduct of Arbitration of Fee disputes and Other Related Matters by the Los Angeles County Bar Association, in the form attached to these minutes and made a part hereof, 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 Beverly Hills Bar Association in the form attached to these minutes and made a part hereof 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:
- Harry Leroy Root:** Waiver of 1996-2007 active fees and penalties; total waiver of \$5,862.
- Zvonko Skuljan:** Contingent on payment of \$1,448.75 (\$592.50 active fees and penalties for 2000, \$456.25 inactive fees and penalties for 2001-2006 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 2001-2006; total waiver of \$2,518.75.
- Terentia Nigel Toussaint-Carroll:** Contingent on payment of \$911.25 inactive fees and penalties for 1997-2007 within 60 days of notice to member, waiver of the difference between active and inactive fees and penalties for 1997-2007; total waiver of \$4,233.75.
- 111 Upon motion made, seconded and unanimously adopted, it was
- RESOLVED**, upon recommendation of the Board Committee on Board Operations, that the Board hereby receives with thanks the Commission on Judicial Nominees Evaluation 2006 Activities and Statistical Report, and orders it filed.

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, following public comment period, and upon recommendation of the Board Committee on Operations, that the Board of Governors hereby adopts the rules proposed for Titles 1, 2, and 3 of the Rules of the State Bar in the form attached to these minutes and made a part hereof (minus any drafters' explanations in italicized footnotes) effective immediately, except for the Titles 2 and 3 rules on Minimum Continuing Legal Education, which would be effective January 1, 2008; and it is

FURTHER RESOLVED that the Board hereby repeals the rules of Article 1 of the Rules and Regulations of the State Bar; and it is

FURTHER RESOLVED that the Board hereby repeals all previously adopted rules and regulations on Minimum Continuing Legal Education effective January 1, 2008.

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

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

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby adopts a formal Pursuit Policy for court-ordered disciplinary costs and Client Security Fund obligations, 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 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby adopts the Report of the Performance Evaluation of the Executive Director for the 2006-07 period; and it is

FURTHER RESOLVED that the Board hereby approves amending the employment agreement between the Executive Director, Judy Johnson, and the State Bar of California, dated August 22, 2000, as follows:

Amend Section V(C) to increase the Executive Director's salary rate by five percent, effective with the first payroll period in November 2007.

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

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

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors of The State Bar of California hereby amends Rule V, *Rules Regulating Admission to Practice Law in California*, which will eliminate the late registration filing fee, to be effective July 20, 2007.

AMENDMENTS TO RULE V

RULE V. Registration

Section 1. General Requirements

- (a) All applicants seeking admission to practice law must register with the Committee prior to filing any applications, petitions, requests for waivers from these Rules or before any services can be provided.

* * *

Section 2. General Applicants

A.

- (a) In accordance with Business and Professions Code Section 6060, every general applicant for admission to practice law in California must register with the Committee and pay the required fee.

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

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

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors of The State Bar of California hereby approves the *Unaccredited Law School Rules*, in the form attached to these minutes and made a part hereof, to be effective January 1, 2008; and it is

FURTHER RESOLVED that upon implementation of these new rules, Rules XIX and XX of the *Rules Regulating Admission to Practice Law in California* be repealed; and, it is

FURTHER RESOLVED that any unaccredited fixed-facility, correspondence and distance learning law school registered with the Committee of Bar Examiners as of December 31, 2007, be considered registered under the *Unaccredited Law School Rules* as of January 1, 2007, subject to whatever visitation schedule the Committee of Bar Examiners may determine is appropriate to ensure the schools' compliance with the new rules.

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

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

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors of The State Bar of California hereby amends Rule II, *Rules Regulating Admission to Practice Law in California* regarding the requirements for foreign-educated law students to qualify for admission to practice law in California, in the in the form attached to these minutes and made a part hereof, to be effective with administration of the February 2008 California Bar Examination and June 2008 First-Year Law Students' Examination.

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

127 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 adopts, on an emergency basis, interim rule 657 [Resignations With Disciplinary Charges] of the *Rules of Procedure of the State Bar of California*, in the form attached to these minutes and made a part hereof, effective immediately.

Mr. Bleich was not present when the vote was taken, but all other members present and recorded on the roll-call slip voted yes on the above matter.

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

RESOLVED, following publication for comments and consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors hereby approves the revisions to Paragraph 13 of the State Bar Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs, in the below form; and it is

FURTHER RESOLVED, upon the recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors hereby provide that an amendment by local bar association to their local fee arbitration rules and procedures to conform with the revised requirements of Paragraph 13 are deemed approved by the Board upon the filing with the Director of the State Bar's Office of Mandatory Fee Arbitration of an amendment incorporating the provisions of Paragraph 13, as amended herein, and the report of the Director to the Board.

**State Bar Guidelines and Minimum Standards for the Operation
of Mandatory Fee Arbitration Programs**

~~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 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;~~ **(i) a person who is not the client but who may be liable for or entitled to a refund of attorney's fees or costs ("non-client"), or (ii) the attorney claiming entitlement to fees against a nonclient. A fee arbitration between an attorney and a non-client is not intended to abrogate the requirement that the attorney exercise independence of professional judgment on behalf of the client or the protection of client confidences and secrets. Absent the client's written consent to disclosure of confidential information, a fee arbitration with a non-client is not intended to abrogate the attorney's duty to maintain client confidences and secrets, unless such disclosure is otherwise permitted by law. Absent the client's signature on the request for arbitration, when an arbitration with a non-client is initiated, notice of the request must be sent to the client by first class mail at the client's last known address. The programs shall adopt procedures to insure that such notice has been sent to the client.**

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

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

RESOLVED, pursuant to California Rule of Court 9.31 and the MCLE Rules and Regulations, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby authorizes that those members of MCLE Compliance Groups 1, 2 and 3 who do not bring themselves into compliance with their MCLE requirement by August 15, 2007, shall be enrolled as inactive members of the State Bar of California and placed on "Not Eligible to Practice" status, effective August 16, 2007; and it is

FURTHER RESOLVED: that the Board of Governors hereby authorizes staff to remove members from administrative inactive status once the member has provided proof of compliance and paid all non-compliance fees.

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

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

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby ascertains and determines:

(a) that each of the persons named in the list this day before the Board is a member of The State Bar of California;

(b) that each such person has failed to fully pay fees, penalties, and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.3, 6140.5, 6140.55, 6140.6, 6140.7, 6140.9 and 6141 of the Business and Professions Code;

(c) that there has been sent to each such person, two months' written notice of his or her delinquency which included notice of section 6143;

(d) that as shown by the records of the State Bar, the address of each such person is as set forth herein;

(e) and hereby recommends to the Supreme Court of the State of California that each such person be suspended from membership in the State Bar, and from the practice of law in the State of California, effective August 16, 2007, until such time as he or she may be reinstated, upon the payment of the delinquent fees, penalties, and/or costs and of such additional fees, penalties and/or costs as may have accrued at the time of such payment, in the form attached to these minutes, and made a part hereof; and it is

FURTHER RESOLVED, that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, the Secretary or her designee is authorized and directed to strike from the foregoing list the name of any member of the State Bar who by proper remittance (e.g., cash, money order, credit card, bank certified check, cashier's check or wire transfer) and prior to the effective date of the Supreme Court order of suspension based hereon, pays to the State Bar fees, penalties, and/or costs in the amount in which he or she is delinquent; and to notify the Clerk of the Supreme Court of the fact of such payment and of the consequent withdrawal of the Board's recommendation for suspension; and it is

FURTHER RESOLVED that for the purpose of modifying the recommendation to the Supreme Court for suspension for nonpayment of fees, penalties, and/or costs, the Secretary or her designee is authorized and directed to change the data as to status or the amounts of delinquency on said list and will forthwith notify the Clerk of the Supreme Court accordingly of the consequent modification of the Board's recommendation for suspension.

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

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

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby amends the Business Law Section Bylaws, in the form attached to these minutes and made a part hereof, and restatement of the full text following approval of such amendments.

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

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

RESOLVED, upon recommendation of the Board Committee on Member Oversight, that the Board hereby ascertains and determines that each of the persons named in the list this day before the board committee is a member of the State Bar of California who meets the criteria for expungement set forth in California Rule of Court 9.6, and it is

FURTHER RESOLVED that the Board Committee on Member Oversight recommends that the Board of Governors recommend to the California Supreme Court that each such person's suspension for nonpayment of fees be expunged from the membership records of the State Bar; and it is

FURTHER RESOLVED that, upon the Court's order of expungement, staff is directed to immediately expunge the suspension from the membership records and notify the member of the Court's order and the expungement.

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

136 The Board discussed the California Attorney Guidelines of Civility and Professionalism. A motion was made, seconded and adopted to amend the resolution as presented by expanding the language to include distribution to legal entities, implementation of the guidelines for effective use by the legal community, and for the State Bar to facilitate such usage state wide.

Voting in favor of amending the resolution: Mr. Bleich, Ms. Chick, Ms. Dumanis, Mr. Dutton, Mr. Frankel, Ms. Fujie, Ms. Grace, Ms. Murphy, Mr. Penrod, Mr. Peterson, Ms. Ramirez, Mr. Rubin, and Mr. Scharf.

Voting not to amend the resolution: Ms. Ashley, Mr. Butler, Mr. Davis, Ms. Downing, Ms. English, Mr. Gailey, Mr. McNicholas, and Mr. Miller.

The below amended resolution was presented to the Board, and action taken thereon.

136 Upon motion made, seconded and adopted, it was

RESOLVED that the Board hereby adopts the California Attorney Guidelines of Civility and Professionalism, in the form attached to these minutes and made a part hereof, as a model set of guidelines for members, voluntary bar associations and courts to use and implement in a way that is effective for the local legal community; and it is

FURTHER RESOLVED that the Board Committee on Member Oversight recommend to the Board appropriate ways and means for the State Bar to facilitate such usage of the guidelines by members, voluntary bar associations and the courts.

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

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

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board of Governors hereby adopts the 2008 State Bar Budget, 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.

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

RESOLVED upon recommendation of the Board Committee on Planning, Program Development and Budget, subject to enactment of SB 686 and the amounts authorized therein effective January 1, 2008, the Board of Governors hereby sets the annual membership fee for active members in 2008 at \$400 and the annual membership fee for inactive members at \$125; and it is

FURTHER RESOLVED that the total Keller deduction for the 2008 annual membership fee be set at \$10, which shall include \$5 for legislative activities under Business and Professions Code section 6140.05 and \$5 for activities in the Bar Relations and Elimination of Bias programs; and it is

FURTHER RESOLVED that the penalties imposed on delinquent 2008 annual membership fees be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED that the penalties on delinquent 2007 annual membership fees for all members, other than new admittees, billed on or after December 19, 2006 be set at \$100 for active members and \$30 for inactive members; and it is

FURTHER RESOLVED that said penalties in the preceding paragraphs shall be assessed on February 2, 2008; and it is

FURTHER RESOLVED that the reinstatement penalties for members to terminate suspension for nonpayment of accrued fees, penalties, and costs be set at \$100; and it is

FURTHER RESOLVED that the membership fees for new members admitted in 2008 be set as follows: fees of \$400 for those admitted between January 1 and May 31 and \$200 for those admitted between June 1 and November 30; and it is

FURTHER RESOLVED that late payment penalties for new members admitted in 2008 be assessed and set on the 46th day from the invoice date as follows: \$100 for those admitted on or before May 31, 2008, and \$50 for those admitted on or after June 1, 2008; and it is

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

FURTHER RESOLVED that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20% of the amount ordered refunded to the client or \$1000 whichever is greater; and it is

FURTHER RESOLVED that all payments submitted after the Board of Governors have recommended members' suspension for non-payment of fees must be made in cash, credit card or guaranteed funds by cashier's check, money order, bank certified check, or wire transfer.

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

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

RESOLVED, upon recommendation of the Board Committee on planning, Program Development, and Budget, that the Board hereby receives the audited Statement of Expenditures of Mandatory Membership Fees for the year ended December 31, 2006, and the accompanying Report of the Independent Auditor, in the form attached to these minutes and made a part hereof, and directs staff to publish the Statement and Report when the billing of the 2008 membership fees are mailed to members by posting the Statement and Report on the State Bar Web site, with notice in the December 2007 issue of the *California Bar Journal*.

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 the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby adds a Legal Employer category to the Diversity Awards; and it is

FURTHER RESOLVED that the Board amends the Awards Guidelines and Nomination Form as set forth on the form attached to the minutes and made a part hereof.

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

161 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), the State Bar's Fee Bill, had been approved by the Assembly Judiciary Committee, and was currently on the Assembly Floor awaiting a vote, which likely would not occur until August. He also explained the amendments relating to *pro bono* service that had been made to the bill at the behest of the Assembly Judiciary Committee.

Mr. Williams also reported that AB 1723, the IOLTA comparability bill, was on the Senate Floor awaiting a vote by that house.

Chief Legislative Counsel Larry Doyle told the committee that he has moved his office to the suite of offices occupied by the Judicial Council's Office of Governmental Affairs, with the objective of working more cooperatively with that agency, as well as identifying ways of more effectively communicating with local and specialty bars on bar/court legislative issues and effectively mobilizing their resources.

Mr. Doyle noted that the office had been extremely busy responding the requests for information and assistance from legislative offices and executive branch agencies. He noted in particular that he and Deputy Executive Director Bob Hawley had worked with legislators and staff providing background and assistance on AB 692, relating to lawyer referral services, and had succeeded in convincing them to make it a two-year bill.

Mr. Doyle also reported that one section-sponsored legislative proposal had been chaptered, one was on the Governor's desk, and three more were moving smoothly through the process. He also noted that the section's had commented effectively on roughly 35 pieces of legislation, and provided technical assistance on several more.

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

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

RESOLVED, that the Board of Governors, upon recommendation from the Board Committee on Stakeholder Relations approves the recommendation of the Task Force on Lawyer Support for Legal Services that the State Bar add a request for a \$100 voluntary contribution to a new Justice Gap Fund at the State Bar's Legal Services Trust Fund Program on the State Bar's annual Member Fee Statement, beginning with the Fee Statement for 2008, in order to implement AB 2301; and it is

FURTHER RESOLVED, that the requested contribution should be given prominent placement on the fee statement; the voluntary contribution should be reflected in a second subtotal for members, clearly indicating what the subtotal would be for members wishing to add the \$100 contribution to the amount they must pay in order to practice law; and that there should also be an obvious way for State Bar members to contribute more or less than \$100, or not make any contribution at all; the statement should also include information about the recipients of the fund as well as the tax-deductible nature of the contribution; and it is

FURTHER RESOLVED, that the State Bar should conduct an analysis of the new Justice Gap Fund two years after implementation, as required by AB 2301; this analysis should particularly evaluate the question of the distribution of the funds, looking at the availability of other funding and analyzing the best use of these funds in helping increase access to justice in California and expanding legal services for all low-income Californians across the state; the planning for such an analysis would need to begin immediately so that the analysis can be done in an effective manner at the second year of implementation.

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

164 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 approves the recommendation that the State Bar staff work with the California Aspire Achieve Lead Pipeline Project founding partners to determine in what ways the State Bar can assist with their efforts and to define the State Bar's possible role as a "founder" or other appropriate status, with staff providing further reports and recommendations to the Board through the Board Committee on Stakeholder Relations.

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

701 This item regarding the appointment of the 2007-08 vice presidents and treasurer of the State Bar, and the selection of the 2007-08 secretary of the State Bar was discussed and the consensus was to put in on the agenda for the Board's special meeting on Wednesday, September 26, 2007, in Anaheim.

Ms. English left the meeting, and her name was removed from the roll-call slip.

The Board went into closed session at 3:30 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 4:40 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 no objection being raised thereto, all below consent appointments were deemed unanimously adopted.

6011 **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board of Governors hereby reappoints James Penrod, San Francisco, and Carmen Ramirez, Oxnard, to serve as Appointed Directors, Center for Civic Education Board of Directors, each for a one-year term, effective at the close of the 2007 State Bar Annual Meeting, i.e., September 30, 2007, and expiring at the close of the 2008 State Bar Annual Meeting, i.e., September 28, 2008, or until further order of the Board, whichever occurs earlier.

6012 **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board hereby appoints Barry Currier, Dean, Concord Law School; Rudolph Hasl, Dean, Thomas Jefferson School of Law; Steven R. Smith, Dean, California Western School of Law; and Frederic White, Dean, Golden Gate University School of Law; to the Law School Council, each for a three-year term commencing October 1, 2007 and expiring upon the final day of the 2010 State Bar Annual Meeting, or until further order of the Board, whichever occurs earlier.

6013 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints the following persons to the State Bar Fee Arbitration Department, each for a term commencing July 23, 2007, and expiring December 31, 2007, or until further order of the Board, whichever occurs earlier:

Name	County	Attorney or Layperson
Ackerman, Linda J.	San Francisco	Attorney
Aronoff, Robert C	Los Angeles	Attorney
Berry, Mark E.	San Joaquin	Attorney
Feiger, Mara W.	San Mateo	Attorney
Griscom, Robert	San Diego	Attorney
Koondel, Robert C	Los Angeles	Attorney
Powell, Matthew	San Diego	Attorney
Rand, Michael J	Los Angeles	Attorney
Ratner, Robin	Los Angeles	Attorney
Rosman, David M	Los Angeles	Attorney
Schreiber, Mark P	San Francisco	Attorney
Shabel, Scott	Los Angeles	Attorney
Shahani, Ray	San Mateo	Attorney
Smith, David	Los Angeles	Attorney
Theep, Raymond	San Diego	Attorney
White, Michael H.	Los Angeles	Attorney

6014 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby reappoints Tuari Bigknife, San Diego, to the Board of Directors of California Indian Legal Services, for a three-year term, commencing September 1, 2007, and expiring August 31, 2010, or until further order of the Board, whichever occurs earlier.

6015 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoint Charles A. Murray, Villa Park, to the Board of Directors of Legal Aid Society of Orange County for a three-year term commencing August 1, 2007, and expiring July 31, 2010, or until further order of the Board, whichever occurs earlier.

6021 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of Board Committee on Volunteer Involvement, that the Board hereby reappoints or appoints, as the case may be, the members and officers, as set forth on the form attached to the minutes and made a part hereof, to the Commission on Judicial Nominees Evaluation (JNE Commission), each for a term to begin February 1, 2008, and to expire February 28, 2009, or until further order of the Board whichever occurs earlier; and it is

FURTHER RESOLVED, should any member or members of the 2008 JNE Commission decline the appointment, or be unavailable to attend the mandatory Orientation meeting, that the Board hereby appoints the next available alternate or alternates, selected from the Board's designated alternate list, as set forth in the form attached to these minutes and made a part hereof, as member of the 2008 JNE Commission, each for a term to begin February 1, 2008, and to expire February 28, 2009, 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. Dumanis, who abstained and requested the record so to show.

6022 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints the following to the Review Committee, Commission on Judicial Nominee Evaluation, each for a term effective at the close of the 2007 State Bar Annual Meeting, September 30, 2007, and expiring as indicated or until further order of the Board, whichever occurs earlier: John P. McNicholas, Los Angeles, Chair, for a term expiring at the close of the 2008 Annual meeting, i.e., September 28, 2008, and Erika Hiramatsu, San Diego, member, for a term expiring at the close of the 2010 Annual Meeting, i.e., September 26, 2010.

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

6023 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, officers and members to standing committees, special boards, commissions and committees, and 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, 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, except Ms. Dumanis, who did not vote and requested the record so to show.

6024

Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints the officers and members to the standing committees, special boards, commissions and committees, and section executive committees as set forth below, effective 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:

Committee on Administration of Justice, South:

Jody Buie, Goleta, member, effective September 30, 2007, to replace Johnny Tran, declined appointment, for the remaining portion of Mr. Tran's unexpired term a term (e.g., September 26, 2010);

Committee on Delivery of Legal Services:

Barbara Berger, Los Angeles, member, effective immediately, to replace Sherri Cunningham, resigned, for the remaining portion of Ms. Cunningham's term (e.g., September 13, 2009);

Committee on Mandatory Fee Arbitration:

Myer Sankary, Studio City, member, effective immediately, to replace Sandy Kostelny, resigned, for the remaining portion of Ms. Kostelny's term (e.g., September 28, 2008);

Environmental Law Section Executive Committee:

Gregory Newmark, Los Angeles, member, effective September 30, 2007, to replace Fernando Villa for the remaining portion of Mr. Villa's unexpired term (e.g., September 28, 2008);

Family Law Section Executive Committee:

Jill Barr, Sacramento, Vice Chair, to replace Elizabeth Harrison, effective September 30, 2007, for a term expiring September 28, 2008; Christopher Melcher, Woodland Hills, member, effective September 30, 2007, for a term expiring September 26, 2010; and Stephen B. Ruben, San Francisco, member, effective September 30, 2007, to replace Lonnie Seide for the remaining portion of Mr. Seide's unexpired term (e.g., September 13, 2009).

Solo and Small Firm Section Executive Committee:

Doug Jacobs, Riverside, member, effective September 30, 2007, to replace Doug Wolf, resigned, for the remaining portion of Mr. Wolf's term (i.e., September 28, 2008).

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

6025

Upon motion made, seconded and adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the following recipients of the 2007 President's Pro Bono Services Awards recipients:

Government:	DarAnn L. Dearing (Fillmore)
Small Law Firm:	Minyard & Morris LLP (Newport Beach)
Medium Law Firm:	Donahue Gallagher Woods LLP (Statewide)
Large Law Firm:	Gibson, Dunn & Crutcher (Statewide)
Recently Admitted:	Carlo A. Pedrioli (Oakdale)
Solo Practitioner:	Kate Neiswender (Ventura)
Distinguished Pro Bono Service:	Heller Ehrman Litigation Team (Menlo Park)

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

6026 Upon motion made, seconded and adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the recommendation that Stewart Kwoh receive the 2007 Loren Miller Legal Services.

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

6027 Upon motion made, seconded and adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the recommendations for the 2007 State Bar of California Diversity Awards as follows:

Individual Attorney:	Gordon "Sam" Overton
Bar Association:	Santa Clara County Bar Association

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

6028 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of Board Committee on Volunteer Involvement, that the Board hereby approves the selection of Judge Alex Kozinski, as the recipient of the 2007 Bernard E. Witkin Medal Award.

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

The Board adjourned its meeting at 5:00 p.m., on Friday, July 20, 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, 1149 South Hill Street, Los Angeles, CA 90015-2299, on Friday, November 9, 2007.