

AGENDA ITEM

MAY 10

THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF GOVERNORS MEETING
SAN FRANCISCO
MARCH 7, 2008

The Board of Governors of the State Bar of California held an open forum during which members of the State Bar or the public were presented with any opportunity to address the Board of Governors. The open forum began at 1:34 p.m. in the Board Room of the State Bar office, 180 Howard Street, San Francisco, California, 94105, on Friday, March 7, 2008.

The following members of the Board of Governors were present: Laura N. Chick, George O. Davis, John J. Dutton, Jeannine English, Richard A. Frankel, Holly J. Fujie, William H. Gailey, William N. Hebert, Rex Heinke, James B. Hussey, Paul A. Kramer, Jr., Michael D. Marcus, John P. McNicholas, Howard B. Miller, Danni R. Murphy, James N. Penrod, John E. Peterson, M. Carmen Ramirez, Richard A. Rubin, and Patricia P. White.

The following members of staff were present: Starr Babcock, Itzel Berrio, Gary Clarke, Diane Curtis, Scott Drexel, Mary Lavery Flynn; Robert A. Hawley, Heather Irwin, Judy Johnson, Dean Kinley, Marie Moffat, Gayle Murphy, Cathy Torney, Peggy Van Horn, Colin Wong, and Larry Yee.

Also present: Mike McKee, *The Recorder*; Nancy W. Keough, Esq.; Gilbert "Gib" Papazian; Anthony Williams, the Bar's government affairs consultant; and Amy Yarbrough, *L.A. Daily Journal*.

- 1 Mr. Bleich announced that the open forum was an innovation, and that two guests had requested that they be allowed to address the Board. He introduced Nancy W. Keough, Esq., and Gilbert "Gib" Papazian, who each, in turn, addressed the Board regarding certain issues they had raised in the past with the State Bar. Following their presentations, Ms. Keough and Mr. Papazian left the meeting.

At 2:00 p.m., the Board of Governors of The State Bar of California convened in open session, Jeffrey L. Bleich presiding.

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, November 9, 2007, in San Francisco, California, hereby are approved as amended to reflect that the open session of the Board meeting commenced at 1:32 p.m.; said commencement time was inadvertently omitted from the November 9, 2007, final Board meeting minutes.

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

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

RESOLVED that the minutes of the meeting of the Board of Governors held on Saturday, January 12, 2008, in La Quinta, California, hereby are approved as written.

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

30 Mr. Bleich reported on the following:

1. The President announced that the Special Meeting for the Election of the 2008-09 President of the State Bar will be held immediately prior to the Board's regular meeting on Friday, July 11, 2008, in the Bar's San Francisco office.

He further stated that he intended contacting those vice-presidents who declare their intent to run for the 2008-09 presidency of the Bar regarding the format of the meeting, i.e., statements versus dialogue.

2. Mr. Bleich reported on the Supreme Court Dinner, which the Board had hosted the previous night. He expressed his appreciation that all seven members of the Court had attended, and that the event was enjoyable.
3. The President reminded the Board that the May 15-16, 2008, meeting will be held in the Dr. Martin Luther King, Jr. Library at San Jose State University, and thanked the university for hosting the meeting.
4. Mr. Bleich spoke to the "green" initiative issues, and suggested that the Bar acknowledge those law firms who committed to this, and reward those who practiced it the most.

111/124 5. President Bleich stated that with the Board's approval he had appointed a Committee to Study the Evaluation Process of the Executive Director and the Chief Trial Counsel, and included in the charge of said committee is how constituents should be notified that their comments will not be solicited. Jeannine English was appointed as chair, and Richard A. Frankel, Holly J. Fujie, Michael D. Marcus, and John E. Peterson are serving as members.

6. He stated that RAD had appointed a subcommittee to evaluate the attorney discipline program, and those appointed to it are Mr. Marcus, Mr. Gailey, Ms. English, Mr. Ruben, Mr. Heinke and Mr. Hebert.

7. He reported that the Alameda County Bar Association had adopted the State Bar's civility guidelines.

8. He reported briefly on the several outreach events he had attended since the last Board meeting.

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

1. She reminded the Board that April 1st is the last day to file nominating petitions for the 2008 Board election.
2. Regarding the Board's suggested meeting in Fresno next year, probably the March meeting, Ms. Johnson said she would report to the Board on this at the May 16, 2008, meeting, taking into account the availability of meeting space and hotel accommodations, and the financial impact of holding meetings off site.
3. She reminded the vice-presidents that the announcement of those who declared their intention of running for the 2008-09 presidency of the State Bar would be made at the May 16, 2008, Board meeting.

50 The consent agenda was presented to the Board, and it was the consensus of the Board to remove item MAY 54-112 [Public Comment Rules – proposed shortening of public comment time period, following public comment period] from the consent agenda and place it on the Board's regular agenda. No objection being raised to the remainder of the items on the consent agenda, all below matters were deemed unanimously adopted.

51 **RESOLVED**, upon recommendation of the Board Committee on Planning, Program Development, and Budget, that the Board hereby receives the financial statement for the quarter ended December 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 Committee on Planning, Program Development, and Budget, that the Board hereby receives the investment report for the quarter ended December 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 Committee on Planning, Program Development, and Budget, that the Board hereby receives the Client Security Fund report for the quarter ended December 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 hereby approves the Rules of Procedure for Fee Arbitrations by the San Mateo 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**, following public comment period (no comments were received) and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board hereby amends rules 150, 151, 152, 153, 154, 155, 156 and adopts new rule 158 [Division IV. Subpoenas and Discovery] of the Rules of Procedure of The State Bar of California, in the form attached to these minutes and made a part hereof, to become effective on July 1, 2008.

54-131 **RESOLVED**, upon the recommendation of the Board Committee on Member Oversight, that the Board hereby denies the request of member Sherry Lehr for fee waiver for the year 1994; Ms. Lehr will not receive a refund of \$50 for that year.

54-132 **RESOLVED**, following public comment period and no comments having been received, and upon recommendation of the Board Committee on Member Oversight, that the Board hereby amends Section 6, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program, to read as set forth below; and that the modifications be effective immediately.

Section 6 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program

(C) TREATMENT COSTS. When inpatient or outpatient treatment is recommended by the Evaluation Committee or by staff, the Applicant may be entitled to a loan to cover the cost of this treatment, up to a lifetime cap of \$5,000 toward such expenses. A maximum of \$100 per session of outpatient therapy will be loaned. This limit will not apply to medication management sessions. The COMMITTEE may, at its discretion, agree to exceed this \$100 per session limit due to extenuating circumstances.

54-133 **RESOLVED**, following public comment period and no comments having been received, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors of the State Bar of California hereby amends Section 7 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program, to read as set forth below; and that the modifications be effective immediately.

The Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program

7. Cessation of Payments, Revocation of Benefits

In the event that the Applicant ceases to participate in the PROGRAM either by complete cessation, or cessation in any other manner as determined by the COMMITTEE, the COMMITTEE reserves the right to discontinue further payments, and the total amount of any loans or advances will be immediately due and payable by the Applicant. Interest will begin to accrue at the rate of seven percent (7%) per annum from the date of cessation or revocation. The COMMITTEE may, at its discretion, allow the Applicant to repay the loan balance in installment payments, amortized at the rate of seven percent (7%) per annum, and assess an administrative fee to offset the cost associated with processing the installment payments.

54-134 **RESOLVED**, following public comment period and no comments having been received, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors of the State Bar of California hereby amends the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program to include Section 13, to read as set forth below; and that the modifications be effective immediately.

The Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program

13. Loans to Returning Participants

(A) In the event that an Applicant who previously participated in the PROGRAM returns to the PROGRAM with an amount due on a previous loan from the Plan and requests additional assistance, an eligible Applicant will/may be allowed to consolidate the existing debt into a new, current loan, if the amount currently due is \$1,000 or less. This consolidation privilege may only be used once, except that for cases of undue hardship, or for other cause, the COMMITTEE may, at its discretion, agree to consolidate an Applicant's loans more than one time.

(B) Participants with a balance of more than \$1,000 will be required to make payments against their prior balance before being granted additional assistance. The amount of the payment will be determined by the Oversight Committee. For cases of undue hardship, or for other good cause, the COMMITTEE may, at its discretion, waive the payment requirement.

54-135 **RESOLVED**, that the Board of Governors receives the report and thanks staff for its submission of the Lawyer Assistance Program 2007 Annual Report, in the form this day submitted to the Board.

54-151 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby ratifies the appointment of Freada Kapor Klein, San Francisco public member, to the California ALL Board, effective January 22, 2008, and expiring December 31, 2010, or until further order of the Board, whichever occurs earlier.

54-164 **WHEREAS** mediation is a dispute resolution process in which a neutral third person facilitates communication between the parties to a dispute to help them reach a mutually acceptable agreement;

WHEREAS during the past 30 years, California community dispute resolution organizations have used mediation to resolve countless disputes and have been instrumental in the development and operation of mediation programs;

WHEREAS during the past 25 years, California trial and appellate courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving a broad array of disputes, including civil, family, juvenile, and criminal matters;

WHEREAS mediation offers many potential benefits to litigants, the courts, and the public, including increasing the participants' satisfaction with the dispute resolution process and outcome, 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 justice partners, including community dispute resolution organizations, 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 important 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 16 through 22, 2008, as Mediation Week, commends the efforts of the individuals and organizations that make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and organizations, and publicize local mediation programs during Mediation Week.

54-112 The Board discussed the item on Public Comment Rules proposal to shorten the public comment period, following public comment period, which was removed from the Board's consent agenda. Following discussion, the Board took action as reported below.

54-112 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby amends State Bar Rules, Title 1, Division 2, Rule 1.10(A) ("Public Comment Rules") in the form below.

RULES OF THE STATE BAR OF CALIFORNIA

Title 1. Global Provisions

Division 2. Public comment

Rule 1.10 Public comment

- (A) Proposals for the Rules of the State Bar of California are circulated for public comment before adoption, amendment, or repeal by the Board of Governors. The State Bar also makes available for public comment its proposals for the California Rules of Court. Proposals are circulated for a standard ninety forty-five days day period, which can be shortened to a minimum of 30 days or extended to a maximum of 90 days, as designated by the board. ~~but the board may shorten the comment period to a reasonable period that may not be fewer than thirty days.~~
- (B) Public comment is not required
- (1) to correct clerical errors; clarify grammar; improve organization; conform to specific changes in a law; update references or citations; or make similar editorial changes;
 - (2) to modify a proposal that has been circulated for public comment when the board deems the modification non-substantive or reasonably implicit in the proposal; or
 - (3) to add or modify an appendix to these rules.
- (C) The board may determine that an emergency requires it to adopt, amend, or suspend a rule on an interim basis without first circulating it for public comment. No interim measure may remain in effect for more than 120 days.

- (D) The adoption, amendment, or repeal of a rule becomes effective as of the date specified by the board. If it specifies no date, the date of its action is the effective date.

(Rule 1.10 adopted effective July 20, 2007; amended March 7, 2008.)

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

111/124 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board renews for 2008 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 be chaired by the Regulation, Admissions and Discipline chair in conducting the Chief Trial Counsel's evaluation; and it is

FURTHER RESOLVED that constituency comments on the Executive Director's and the Chief Trial Counsel's performances will no longer be sought, but will be considered if received; and it is

FURTHER RESOLVED that the President is authorized to appoint a presidential subcommittee to renegotiate the Executive Director's contract to be in effect after the November 2008 expiration of the current contract, subject to Board approval of the contract terms; and it is

FURTHER RESOLVED that the request for reappointment by the current Chief Trial Counsel for the 2009 - 2013 term shall be considered by the Board Regulation, Admissions and Discipline Oversight Committee and the Board as part of the 2008 evaluation process.

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

120 Ms. Fujie, Chair, Board Regulation, Admissions and Discipline Oversight Committee, reported on the work of the committee, and reminded Board members that Friday, April 11, is Discipline Day. She encouraged all members to participate in the event, saying that it will acquaint them with the disciplinary process.

123 Upon motion made, seconded and 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 hereby recommends to the Supreme Court that it adopt the proposed amendments to rules 9.20 and 9.21 of the California Rules of Court re resignations with disciplinary charges pending, in the form attached to these minutes and made a part hereof; and it is

FURTHER RESOLVED, upon the recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board hereby adopts rule 658 of the Rules of Procedure of the State Bar of California, in the form attached to these minutes and made a part hereof, to become effective upon the Supreme Court's adoption of amendments to rules 9.20 and 9.21 of the California Rules of Court, or in such other form as the Court deems appropriate.

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

130 Mr. Penrod, Chair, Board Committee on Member Oversight, reported to the Board on the work of the committee.

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 adopt the following supplemental appropriations to the 2008 State Bar budget whereby:

1. An amount of \$1,050,000 is added to the 2008 Administrative and Support Fund budget within the cost center for Information Technology for the completion of projects originally approved in the 2007 budget; these costs will be allocated to the State Bar's other funds as indirect costs;
2. An amount of \$14,000 is added to the 2008 General Fund budget within the cost center for the Civility Task Force for the completion of the project originally budgeted in 2007.

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 Planning, Program Development, and Budget Committee, that the Board hereby creates a Task Force Sustainable Practice, and that \$5,000 be allocated to the 2008 State Bar Budget as a supplemental appropriation, such appropriation to be provided from the existing general fund balance.

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 Planning, Program Development and Budget Committee, the Board of Governors hereby approve the Litigation Section new CLE International Program, with the first program to be offered in Hong Kong/Singapore, provided that (1) each program participant execute a Waiver of Liability approved by General Counsel; and (2) a disclaimer approved by General Counsel be contained in the registration materials published by the Litigation Section.

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

150 Mr. McNicholas, Chair, Board Committee on Volunteer Involvement, gave a status report on the work of the committee.

160 Ms. Ramirez, Chair, Board Committee on Stakeholder Relations, reported on the work of the committee, and its goals for the future. She mentioned also that the proposed CYLA governance structure had been sent out for public comment.

161 Anthony Williams, the Bar's government affairs consultant, reported on pending legislation.

162 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 supports SB 1150 (Corbett), which would create an unspecified number of new trial court judicial positions to be allocated based upon statutory criteria.

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, the Board hereby approves that the distribution of IOLTA grants from the Legal Services Trust Fund Program for the grant period July 1, 2008 through June 30, 2009 shall be made in the order and manner provided by Business and Professions Code Section 6216, and the funds to be distributed shall be \$15,527,155 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, 2008 through June 30, 2009, totaling \$18,882,598, shall be allocated for the grant period July 1, 2008 through June 30, 2009.

(2) Projected administrative costs of \$1,106,137 for the period July 1, 2008 through June 30, 2009, shall be deducted.

(3) Ten percent of prior year net revenue, totaling \$505,542, shall be deducted from the total amount prior to distribution and allocated to the stabilization reserve.

(4) An additional \$2,148,552, which is one-half of the amount over 15% of prior year net revenue, shall be deducted from the total amount prior to distribution, but released for distribution as necessary should actual revenue be less than projected.

(5) An additional \$904,788, which is the amount donated to the Justice Gap fund for the benefit of legal aid programs; 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. 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.

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

170 Mr. Penrod, Chair, Task Force on Sections, reported on the work of the task force, and the issues discussed at the task force's meeting earlier that day regarding forming strategies and other programs to help solo practitioners.

180 Ms. Chick, Chair, Audit Committee, reminded the Board that the Independent Auditors' Report has to be filed before the May meeting, and that it will be transmitted electronically to the Board as soon as it is received. She alerted the Board that acceptance of the report by the Board will be done via electronic poll.

The Board went into closed session at 2:45 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 3:22 p.m.

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

The closed appointments consent 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 Committee on Volunteer Involvement, that the Board hereby Carol Zolla, San Jose, member, Estate Planning, Trust and Probate Law Advisory Commission, effective immediately, replacing Frayda Bruton, resigned, for the remaining portion of Ms. Bruton's term expiring at the close of the 2010 State Bar Annual Meeting (i.e., September 26, 2010), or until further order of the Board, whichever occurs earlier.

6012 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Peter Carson, San Francisco and Julie Weng-Gutierrez, Sacramento, co-vice chairs, Legal Services Trust Fund Commission, effective immediately, replacing Mia Baker, deceased, for the remaining portion of Ms. Baker's term (i.e., September 28, 2008), 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 reappoints Gabriel Sandoval, Los Angeles, member, 2008 Commission on Judicial Nominees Evaluation, effective immediately, for a term to expire February 28, 2009, 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 reappoints the following to serve on the Board of Directors of Legal Services of Northern California, each for a term commencing as indicated and/or expiring as indicated, or until further order of the Board:

John Davis, Sacramento, member, for a term expiring on May 23, 2010;

Roberta Ranstrom, Yolo, officer, for a term expiring on April 19, 2010;

Patrick Sweeney, Solano, and John Zorbas, Butte, members, each for a term commencing on April 20, 2008 and expiring on April 19, 2011;

Kevin Johnson, Yolo, and Jane Kroesche, Redwood, officers, each for a term commencing on April 20, 2008 and expiring on April 19, 2011.

6015 **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board of Governors appoints the following persons to the State Bar Fee Arbitration Department, each for a term commencing March 10, 2008 and expiring December 31, 2008, or until further order of the Board, whichever occurs earlier:

Name	County	Attorney or Non-Lawyer Arbitrator (NLA)
Alexander, Damon	San Bernardino	NLA
Felver, Lloyd W.	Orange	Attorney SB# 93755
Gorton, Terry B.	Alameda	Attorney SB# 144297
Krasnow, Bernard	Los Angeles	NLA
Schnabel, Laurence	San Luis Obispo	Attorney SB# 42371
Van Way, William W.	San Francisco	Attorney SB# 56182
Vo, Chinh T.	Alameda	Attorney SB# 178694

6021 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, 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 2008 Annual Meeting of the American Bar Association (i.e., August 12, 2008) and expiring at the conclusion of the 2010 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier:

Diane Karpman, Los Angeles
 Marc Sallus, Enchino
 John Uikema, San Francisco
 J. Anthony Vittal, Los Angeles
 Steven Hazen, Los Angeles
 Alyssa McCorkle, San Diego; and it is

FURTHER RESOLVED, that the Board appoints the following to serve as 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 conclusion of the 2008 ABA Annual Meeting (i.e., August 12, 2008) and expiring at the conclusion of the 2009 Annual Meeting of the ABA Annual Meeting (i.e., August 4, 2009), or until further order of the Board, whichever occurs earlier:

Elizabeth Meyers, Walnut Creek, first alternate
 John Garman, Manhattan Beach, second alternate
 Edward Raskin, Irvine, third alternate

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

6022 On the recommendation of the Board Committee on Volunteer Involvement, this item regarding the appointment of State Bar members to the Judicial Council is deferred to a meeting date to be determined following interviews of the candidates by the Board Committee.

The Board adjourned its meeting at 3:27 p.m. in memory of Edwin "Ray" Tolles, who passed away earlier this year. Roy began his very distinguished legal career practicing with several law firms. He was one of the founding partners of the highly renowned Los Angeles law firm now known as Munger, Tolles and Olson LLP, and became a very successful investor and partner in the investment firm of Wheeler, Munger & Co. He was an advocate for the indigent, and encouraged and promoted pro bono in his firm, handling simple to highly complex cases for individuals and organizations both state and nationwide. Roy also was a life-long supporter of many local philanthropies. Throughout his 50-plus year legal career, he stood for the very best of his profession, working for the protection of the public, diversity and equality in the profession, preservation and improvement of our justice system, was a highly regarded member of the Bar, and was renowned for his wit, good humor, passion for life and his profession, with an abiding love of his family, he was greatly admired, respected and liked by all who knew him. A Memorial Resolution was prepared and sent to his family.

The Board may meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or, if no such meeting be called, in the Dr. Martin Luther King, Jr. Room of the San Jose State University, 150 E. San Fernando Street, San Jose, CA 95112, at 1:30 p.m. on Friday, May 16, 2008.