

AGENDA ITEM

NOVEMBER 10
[Minutes, Special Meeting,
September 24, 2008.]

THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF GOVERNORS SPECIAL MEETING
MONTEREY
SEPTEMBER 24, 2008

The Board of Governors of the State Bar of California convened in open session in the Colton I, II, and III Room of the Monterey Convention Center, 1 Portola Plaza, Monterey, California 93940, on Wednesday, September 24, 2008, at 3:30 p.m., Jeffrey L. Bleich presiding.

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, Paul A. Kramer, Jr., Michael D. Marcus, John P. McNicholas, Howard B. Miller, Danni R. Murphy, James N. Penrod, John E. Peterson, and Patricia P. White.

The following members of staff were present: Starr Babcock, Kathleen Beitiks, Gary Clarke, Phyllis Culp, Scott Drexel, Francisco Gomez, Robert A. Hawley, Doug Hull, Judy Johnson, Dean Kinley, Nancy McCarthy, Marie Moffat, Gayle Murphy, George Scott, Janis Thibault, Cathy Torney, Peggy Van Horn, Colin Wong, and Larry Yee.

Also present: Attorney Nancy Keough; and Amy Yarbrough, *Daily Journal*.

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.

30 Mr. Bleich reported on the following:

1. He explained why the Find A Lawyer (FAL) item was removed from the Board's agenda (identified as SEPTEMBER 116), and stated that the Board will be briefed on FAL at some future date.
2. President Bleich thanked Carmen and others for nominating him for the Public Interest Clearinghouse Award, which he will accept on behalf of the Board and bar.
3. He reported on his outreach efforts since the last Board meeting, including his attendance at the ABA Annual Meeting in New York, and the California Delegates Meeting.

President Bleich mentioned that he had attended a Summit of State Bar Presidents during the ABA meeting, at which access to justice was identified as a top priority. A decision was reached to write to the presidential candidates asking them their position on access for justice issues.

4. He stated that there is a lack of lawyers to represent clients in immigration cases, and suggested that there should be a drive to get pro bono services, especially for children, in such cases.
5. President Bleich reported that the Association of Corporate Counsel will be considering proposals to reduce reliance on billable hours.
6. President-elect, Holly J. Fujie, has selected Mr. Bleich to chair the Task Force on President-elect, and stated that she would welcome all input from Board members.

41/42 Ms. Johnson, Executive Director / Secretary, did not make a report to the Board at this meeting.

Extra Attorney Nancy Keough addressed the Board regarding various discipline issues.

50 The consent agenda was presented to the Board, and no objection being raised thereto, the following item on the consent agenda was deemed unanimously adopted.

54-111 **RESOLVED**, that the Board Committee on Operations, acting on behalf of the Board of Governors in-between meetings pursuant to the Board of Governors resolution approving the Committee on Operations Charter, May 2002 (Board Book, tab 9, art. 2.), accepts the Report of the Elections Contest Committee, and adopts the committee's findings as the findings of the Board; and it is

FURTHER RESOLVED that, based on these findings the Board concludes that, to the extent Mr. Tenenbaum practices law at a fixed location, he does so primarily out of his residence address in District 6; and it is

FURTHER RESOLVED that, as a result of these findings and conclusions, the election results for District 6, by which Mr. Tenenbaum is the prevailing candidate, are to be certified and that he take his place with the Board of Governors as the District 6 representative effective with the new Board year.

[Report of action taken by the Board Committee on Operations acting on behalf of the Board via conference call on August 29, 2008, between regularly scheduled Board meetings.]

54-119 **RESOLVED**, upon recommendation of the Board Committee on Operations, that the Board of Governors hereby extends the term of Elaine Andersson, Chair, Real Property Law Section Executive Committee, until the Board makes a new appointment for Section Chair at the November meeting.

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

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board of Governors hereby approves the proposed CYLA Mission and Charge, 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.

113 Upon motion made, seconded and adopted, it was

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Committee on Operations, that the Board of Governors hereby approves Voluntary State Bar of California Lawyers Eco-Pledge and Voluntary Law Office Sustainability Policy, in the form attached to these minutes and made a part hereof, to be effective September 24, 2008.

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

114 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 Committee on Operations, that the Board of Governors hereby approves proposed new Rule of Court 9.7 (online reporting by attorneys), in the form attached to these minutes and made a part hereof, with direction that said proposed rule be forwarded to the California Supreme Court with a recommendation that it be adopted.

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

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

RESOLVED, upon the recommendation of the Board Committee on Operations, that the Board of Governors hereby approves the revision to State Bar Rule 3.52, effective immediately; and authorizes staff to make available for public comment for a period of 30 days, the revisions in the form below. The results of the public comment period will be reported to the Board of Governors in November along with a recommendation for action.

**RULE 3.52
SECTION MEMBERSHIP**

- (A) Section membership is open to members of the State Bar or judges of courts of record.
- (B) A section's bylaws may authorize enrollment as associate members. No more than one-fourth of all section members may be associates. An associate member has all the privileges of section membership and may
 - (1) serve as an officer;
 - (2) serve as a member of a committee; or
 - (3) Nominate, select, or serve as members of its executive committee.

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

116 This item regarding the Find A Lawyer (FAL) proposal was removed from the Board's agenda, and will be considered by the Board at a future meeting.

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

RESOLVED that the Board hereby appoints and elects the following as the 2008-09 vice-presidents of The State Bar of California:

Bonnie M. Dumanis
John J. Dutton
Richard A. Frankel
Howard B. Miller
John E. Peterson; and it is

FURTHER RESOLVED that the Board hereby elects Howard B. Miller as the 2008-09 treasurer of The State Bar of California; and it is

FURTHER RESOLVED that the Board hereby reaffirms its selection of Judy Johnson as secretary of The State Bar of California.

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

The Board went into closed session at 4:25 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 4:27 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 appoints Shirley Abrams, Los Angeles, chair, and John J. Dutton, Auburn, member, Review Committee of the Commission on Judicial Nominee Evaluation, each for a term effective at the close of the 2008 State Bar Annual Meeting, September 28, 2008, and expiring at the close of the 2009 State Bar Annual Meeting, September 13, 2009, or until further order of the board, whichever occurs earlier.

6012 **RESOLVED**, upon recommendations of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, the following to the committees, as set forth below, effective at the close of the State Bar Annual Meeting, i.e., September 28, 2008, each for a term expiring as indicated, or until further order of the Board of Governors, whichever occurs earlier:

Committee of Bar Examiners: Sheel K. Seider, Los Angeles, member, to replace Kimberly Gaab, Fresno, declined appointment, for a term expiring at the close of the 2012 State Bar Annual Meeting;

Committee on Mandatory Fee Arbitration: Kalie Moore, Oakland, member, to replace Nan Jacobs, Modesto, resigned, for the remaining portion of Ms. Jacob's term (e.g., September 13, 2009); and

California Board of Legal Specialization: Judith Briggs Marsh, Alameda, member, for a three-year term expiring at the close of the 2011 State Bar Annual Meeting (i.e., August 21, 2011), and Teresa Warren, San Diego, member, for a one-year term expiring at the close of the 2009 State Bar Annual Meeting (i.e., September 13, 2009).

The Board adjourned its special meeting at 4:30 p.m. The Board may meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or, if no such meeting be called, at the State Bar offices, 180 Howard Street, San Francisco, CA 94105, at 1:30 p.m. on Friday, November 21, 2008.