

AGENDA ITEM

MAY 10
REVISED MAY 13, 2009

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF GOVERNORS MEETING

SAN FRANCISCO, CALIFORNIA

FRIDAY, MARCH 6, 2009

The Board of Governors of The State Bar of California convened in open session in the Board Room of the State Bar offices at 180 Howard Street, San Francisco, California 94105, at 12:02 p.m. on Friday, March 6, 2009, Holly J. Fujie presiding.

The following members of the Board of Governors were present: James H. Aguirre, Joseph L. Chairez, Laura N. Chick, Angela J. Davis, George O. Davis, Bonnie M. Dumanis, John J. Dutton, Jeannine English, Richard A. Frankel, William H. Gailey, William N. Hebert, Rex Heinke, James B. Hussey, Paul A. Kramer, Jr., Micha S. Liberty, Michael D. Marcus, Howard B. Miller, John E. Peterson, Richard A. Rubin, Jon Streeter, Michael A. Tenenbaum, and Patricia P. White.

The following members of staff were present: Starr Babcock, Saul Bercovitch, Itzel Berrio, Phyllis Culp, Diane Curtis, Scott Drexel, Mary Lavery Flynn, Francisco Gomez, Karen Hagelund, Robert A. Hawley, Judy Johnson, Dean Kinley, Steve Mazer, Nancy McCarthy, Gayle Murphy, Cathy Torney, Peggy Van Horn, Colin Wong, and Larry Yee.

Also present: Mike McKee, *The Recorder*; Alex Sacks, State Bar member from San Diego; Anthony Williams, the Bar's outside legislative consultant; and other members of the public not identified. 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.

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 21, 2008, in San Francisco, California, hereby are approved as written.

- 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 10, 2009 in La Quinta, California, hereby are approved as written.
- 10 Upon motion made, seconded and unanimously adopted, it was
- RESOLVED** that the minutes of the emergency meeting of the Board of Governors held via conference call on Friday, January 23, 2009, California, hereby are approved as written.
- 30 Ms. Fujie, President, reported on the following:
1. Ms. Fujie announced that the Special Board Meeting for the Election of the 2009-10 State Bar President will be held immediately prior to the Board's regular meeting on July 17, 2009, at the Bar's Los Angeles office.
 2. Ms. Fujie summarized her meetings with legislators since the last Board meeting, and expressed her thanks to Judy Johnson, Executive Director, and Anthony Williams, outside legislative consultant, for all the assistance they provided in preparation for the meetings and during the meetings.
 3. She reported on her numerous outreach activities, including access to justice, programs re Women of Color, Conference of Delegates of California Bar Associations, etc.
 4. The President mentioned that she attended the ABA Mid-Year Meeting in Boston, MA, and met with the California delegates to the ABA House of Delegates, as well as other bar leaders nationwide.
 5. She mentioned that the panels who spoke at fourteen law schools were very successful, and covered a wide range of subjects, especially women lawyers with children, how to establish work and life balance, these were co-sponsored with California Women Lawyers.
 6. She thanked Solo & Small Firms Section for its Solo Summit last January.
 7. Ms. Fujie reported on her radio interviews on "Your Legal Rights" sponsored by BLS.
- 41/42 Ms. Johnson, Executive Director/Secretary, reported on the following:
1. Ms. Johnson called the Board's attention to the 2009 General Board of Governors' election schedule
- 1-1 President Fujie introduced Leslie Hatamiya, Executive Director, California State Bar Foundation, who addressed and made a presentation to the Board regarding the history, work, achievements, and goals of the Foundation. Ms. Hatamiya responded to all questions raised by Board members.
- 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.

- 51 **RESOLVED**, upon recommendation of the Board Planning, Program Development, & Budget Committee, that the Board hereby receives the financial statement for the quarter ended December 31, 2008, 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, & Budget Committee, that the Board hereby receives the investment report for the quarter ended December 31, 2008, 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, & Budget Committee, that the Board hereby receives the Client Security Fund reports for the quarter ended December 31, 2008, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.
- 54-111 This item regarding proposed new Rule 6.9 (California Young Lawyers Governor) in the Rules of the State Bar was withdrawn from the Board's consent agenda and moved to the Board's full open agenda for discussion and action.
- 54-112 **RESOLVED**, that the Board Committee on Operations, acting on behalf of the Board of Governors between regular meetings, hereby authorizes the Office of the Chief Trial Counsel to file amicus curiae brief in *Craig D. Foster v. The Dental Board of California, Department of Consumer Affairs*, Sacramento Superior Court Case No. 00CS00821, in support of the motion of the California Dental Board to dismiss the petition for writ of mandamus in the above-referenced proceeding.
- [The above is a report of action taken via conference call on February 20, 2009 by the Board Committee on Operations, on behalf of the Board between regularly scheduled meetings.]
- 54-121 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the proposed revisions to the Arbitration and Mediation Rules of the Bar Association of San Francisco, 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 and Minimum Standards for Mediations.
- 54-131 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby approves the fee adjustments for the following State Bar members as noted below:
- David Kehe: Contingent on payment of \$300 (inactive fees + penalties) within 60 days of notice to member, waiver of the difference between active and inactive fees and penalties for 2007-2008; total waiver of \$800.
- William Fox: Contingent on payment of \$982.50 (\$707.50 inactive fees and penalties plus \$275 in MCLE penalties) within 60 days of notice to member, waiver of the difference between active and inactive fees and penalties for 2004-2008; total waiver of \$1,900.25.

Kathlyn Rhodes: Contingent on payment of \$555 (inactive fees) within 60 days of notice to member, waiver of the difference between active fees, with penalties, and inactive fees penalties for 2002-2008; total waiver of \$2988.75.

54-132 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby receives the report and thanks staff for its submission of the Lawyer Assistance Program 2008 Annual Report, in the form attached to these minutes and made a part hereof.

54-165 **RESOLVED**, upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby approves that the distribution of IOLTA grants from the Legal Services Trust Fund Program for the grant period July 1, 2009 through June 30, 2010 shall be made in the order and manner provided by Business and Professions Code Section 6216, and the funds to be distributed shall be \$13,968,403 calculated as follows:

- (1) The amount projected to be received by the Legal Services Trust Fund Program from July 1, 2009 through June 30, 2010, totaling \$3 million, shall be allocated for the grant period July 1, 2009 through June 30, 2010.
- (2) Funds from the reserve in the amount of \$11,718,403 shall be allocated for the grant period July 1, 2009 through June 30, 2010.
- (3) Donations to the Justice Gap Fund in the amount of \$750,000 shall be allocated for the grant period July 1, 2009 through June 30, 2010.
- (4) Projected administrative costs of \$1,500,000 for the period July 1, 2009 through June 30, 2010, shall be deducted.

FURTHER RESOLVED that grant payments are to be made from funds received pursuant to Business and Professions Code Section 6212, 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 Program is directed to monitor program revenue during the grant year, and to recommend changes to the grant amount, if necessitated by significant variances from projections.

54-166 **RESOLVED**, following publication for comment and 14 comments having been received, and upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors hereby adopts new Rules 3.360-3.692 for the Legal Services Trust Fund Program in Title 3 of the Rules of the State Bar in the form attached to these minutes and made a part hereof, and repeals the Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services to Indigent Persons.

54-167 **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 for more than 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 for more than 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 hereby recognizes the week of March 15 through 21, 2009, 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.

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, the Board of Governors approves the change of venue for the Diversity Awards Reception from the State Bar Annual Meeting to the State Bar Annual Diversity Stakeholder Forum as of 2009 and on an ongoing basis, or until further action of the Board of Governors.

54-168 **RESOLVED**, upon recommendation of the Board Committee on Stakeholder Relations, the Board of Governors approves the change of venue for the Diversity Awards Reception from the State Bar Annual Meeting to the State Bar Annual Diversity Stakeholder Forum as of 2009 and on an ongoing basis, or until further action of the Board of Governors.

54-111 This item was removed from the Board's consent agenda for discussion and action on the regular open agenda.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for comment and no comments having been received, and after making one correction to remove the subdivision notation in the below rule, and upon the recommendation of the Board Committee on Operations, that the Board of Governors of the State Bar of California hereby adopts new Rule 6.9 (California Young Lawyers Governor) in the Rules of the State Bar as shown below.

Rules of the State Bar of California
New Rule

Rule 6.9 California Young Lawyer Governor

Subject to the supervision of the Board and the Secretary, the governing body of the California Young Lawyers Association (CYLA) must elect as a member of the Board of Governors one of its constituents.¹ CYLA constituents are active members of the State Bar until their thirty-seventh birthday or the end of their fifth year of active status, whichever is later. A candidate for office is subject to the information provisions of rule 6.3 and must be a constituent at the time of taking office.

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 the recommendation of the Board Committee on Operations, that the Board of Governors hereby approves for 2009 the streamlined procedure for conducting the Annual Performance Evaluation of the Executive Director, consistent with the item before the Board Committee 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 it is

FURTHER RESOLVED that any Board adopted procedures inconsistent with this resolution are suspended, pending further Board action.

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 disapproves the recommendation of Staff to ratify the proposed amendments to the Memoranda of Understanding for the General and Attorney Bargaining Units, 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.

115 In 2004, the State Bar contracted with the Manchester Grand Hyatt Hotel in San Diego as a venue for the bar's 2009 Annual Meeting. Many groups have requested that the bar boycott the hotel because of the hotel owner's financial support of Proposition 8, the measure banning same sex marriages, which was passed by the California electorate in November 2008. Board members discussed the matter, including the restrictions on political activity by the State Bar (*Keller and Brosterhous*).

Alex Sachs, State Bar member from San Diego, addressed the Board on behalf of several attendees and some organizations, requesting that the bar boycott the hotel. The Board thanked Attorney Sachs for expressing both his views and concerns and those of other attorneys and associations.

¹ Bus. & Prof. Code § 6013.4

Because of contractual obligations and court rulings prohibiting the State Bar from engaging in political activities or ideological issues, the Manchester Grand Hyatt remains as the venue for the 2009 Annual Meeting.

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

RESOLVED, following expiration of the public comment period and having considered the public comments that were received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby approves the proposed amendments to rule 9.21 of the California Rules of Court for recommendation to the California Supreme Court and 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 the amendments to rule 9.21.

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

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

RESOLVED, following expiration of the public comment period and having considered the public comments that were received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby approves the proposed amendments to rule 9.10 of the California Rules of Court for recommendation to the California Supreme Court and hereby adopts the amendments to rule 665 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 the amendments to rule 9.10.

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 expiration of the public comment period with no public comments having been received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby adopts the proposed amendments to rule 4 of the Rules of Procedure, Client Security Fund, in the form shown below, effective immediately.

RULES OF PROCEDURE, RULE 4: CLIENT SECURITY FUND

[Additions in **Bold**; proposed deletions in ~~Strikeout~~]

RULE 4. LIMITATION ON AMOUNT OF REIMBURSEMENT

- (a) No payment from the Fund shall be made which exceeds the amount set forth in paragraph (c) of this rule to any applicant suffering loss as the result of the dishonest act or acts, or course of dishonest acts, as defined by rule 6, of any one or more lawyers, while acting within the meaning of rule 9(a). There shall be only one maximum payment allowed regardless of the number of losses suffered during the course of any one engagement for services, or related dealings between the parties. Applications filed by a husband and wife shall be regarded as having been made by ~~one person~~ **two persons, but may not exceed the amount of the actual loss suffered.**

- (b) The amount of the applicant's non-monetary loss shall be deemed to be its fair market value at the time of loss.
- (c) ~~For losses occurring on or after March 4, 1972 but before January 1, 1982, the maximum allowable payment is \$25,000.~~ For losses occurring **prior to January 1, 2009** ~~after January 1, 1982,~~ the maximum allowable payment is \$50,000. **For losses occurring on or after January 1, 2009, the maximum allowable payment is \$100,000.** Cumulative reimbursement payments to an applicant shall not exceed **\$100,000** ~~\$50,000~~ with respect to any individual lawyer.

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 expiration of the public comment period with no public comments having been received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby adopts proposed rule 2.37 of the Rules of the State Bar of California, in the form attached to these minutes and made a part hereof as Appendix A, and approves the Voluntary Resignation form, in the form attached to these minutes and made a part hereof as Appendix B, with both the rule and the Voluntary Resignation form to become effective on April 1, 2009.

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, upon recommendation of the Board Committee on Operations and the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors hereby approves, the appointment/reappointment process for the Chief Trial Counsel for the 2009-2013 term consistent with the item before the Board Committees and Board this date; and it is

FURTHER RESOLVED that the Board Regulation, Admissions & Discipline Oversight Committee (RAD) be chaired by RAD's chair in conducting the Chief Trial Counsel's appointment/reappointment process; and it is

FURTHER RESOLVED any Board adopted procedures inconsistent with this resolution are suspended, pending further Board action.

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, following publication for comment and consideration of comments received, and upon recommendation of the Board Committee on Member Oversight, that the Board hereby approves the Proposed Rule 9.6 Board Policy on removal of a one-time only fee suspension from the State Bar's Web site, 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.

134 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Member Committee on Member Oversight, that the Board of Governors hereby approves conducting a member survey relating to the affordability and availability of professional liability insurance.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Hebert, Ms. Liberty, Mr. Peterson, and Mr. Tenenbaum, who abstained and Mr. Gailey 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 approves an amendment to the 2009 adopted budget to provide increased funding to cover the costs of the 2009 State Audit; and it is

FURTHER RESOLVED, that three new funds be established in the budget to account for the \$10 Building Reserve Special Fee and the Bar's executive post retirement health benefit program.

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

XTRA 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 directs staff, on a one time pilot basis, to convene the 2009 Board Planning Session in November 2009 at either the bar's San Francisco or Los Angeles facility; and it is

FURTHER RESOLVED, that on a one time pilot basis, the 2010 Budget be submitted for approval at the November 2009 meeting of the Board of Governors.

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

161 Due to time constraints, Mr. Williams, the bar's outside legislative consultant, did not make a report to the Board at this meeting.

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

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 authorizes staff to seek an amendment to the IOLTA statute at Business and Professions Code §§6212 and 6213, in the form attached to these minutes and made a part hereof; and it is

FURTHER RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors hereby authorizes staff to also pursue necessary relief in the Supreme Court either by seeking an interim order or submitting the proposed Rule of Court to the Supreme Court to implement the IOLTA statute, in the form attached to these minutes and made a part hereof.

150 Mr. Dutton, Chair, Board Committee on Volunteer Involvement (VIC), reported on the work of young lawyer involvement committees, stating that 370 applications had been received for appointment to the Bar's several committees, commissions, etc.; up from 170 received in 2008.

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 authorizes the Executive Director to seek legislation to do each of the following:

1. Amend Business and Professions Code section 6200(d) to permit the Board of Governors to delegate its approval authority for local bar rules of procedure for fee arbitration.

2. Amend the Code of Civil Procedure to increase the small claims jurisdiction for post-fee arbitration claims from no more than \$5,000 to \$7,500, consistent with the increase in jurisdiction of other small claims actions brought by "natural persons."

3. Amend Business & Professions Code section 6200(g)(3) to clarify arbitrator's authority to "issue" instead of "compel" by subpoena.

4. Amend Business and Professions Code section 6203(a) to expressly confer on the arbitrators jurisdiction to determine whether or not an attorney-client relationship exists as a threshold issue.

5. Amendment Business and Professions Code sections 6203(b), 6204(b), and 6204(c) to change "mailing" to "service"; and it is

FURTHER RESOLVED that, upon recommendation of the Board Committee on Stakeholder Relations, the Board of Governors hereby directs the Executive Director to advise the Board of any significant amendments or proposed changes to the legislation that the Board should be made aware of before continuing to pursue such legislation.

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

701 Patricia P. White, Board member, and member of the Commission for Impartial Courts Steering Committee, gave an oral status report on the recommendations of the steering committee, stating that the recommendations will soon be circulated for public comment. She distributed a handout entitled: Commission on Impartial Courts Final Recommendations Impacting the Board of Governors, a copy of which is attached to these minutes and made a part hereof. Ms. White then responded to all questions raised by Board members on the recommendations.

702 The Find A Lawyer (FAL) status report was deferred to the Board's May 15, 2009, meeting.

The Board went into closed session at 2:20 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 2:26 p.m.

- 6010 The closed consent appointments agenda was presented to the Board, and no objection being raised thereto, the following items on the consent appointments agenda were deemed unanimously adopted.
- 6011 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints the following members to the Council on Access & Fairness, effective immediately, each for a term to expire at the close of the 2009 State Bar Annual Meeting, i.e., September 13, 2009 or until further order of the Board, whichever occurs earlier: Christopher Arriola, San Jose, replacing Stuart Forsyth, resigned, for the remaining portion of Mr. Forsyth's term; and Cynthia Loo, Los Angeles, replacing Patricia Cowett, resigned, for the remaining portion of Judge Cowett's term.
- 6012 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Heather Irwin, San Francisco, member, Committee on Group Insurance Programs, effective immediately, replacing Raphael Cotkin, deceased, for the remaining portion of Mr. Cotkin's term expiring at the close of the 2009 State Bar Annual Meeting (i.e., September 13, 2009), or until further order of the Board, whichever occurs earlier.
- 6013 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints David H. Hirsch, Arroyo Grande, member, Public Law Section Executive Committee, effective immediately, replacing Darlene Dornan, San Diego, resigned, for the remaining portion of Ms. Dornan's term, expiring at the close of the 2009 State Bar Annual Meeting (i.e., September 13, 2009), or until further order of the Board, whichever occurs earlier.
- 6014 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby reappoints James F. Richardson, Shasta, and Sara G. Senger, Redwood, attorney members, Board of Directors of Legal Services of Northern California, each for a three-year term commencing April 20, 2009, and expiring April 19, 2012, or until further order of the Board.
- 6015 **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board of Governors hereby appoints the following to the State Bar Fee Arbitration Department, each for a term commencing March 9, 2009 and expiring December 31, 2009, or until further order of the Board, whichever occurs earlier:

<u>Name</u>	<u>County</u>	<u>Bar Number or Layperson</u>
O'Neil, Mary	Orange	Layperson
Caves, Michael	Kern	251030
Houston, Jason	Kern	Layperson
Hulsey, James	Kern	90576
Lamothe, Rae	Los Angeles	175412
Mellody, Marge	Los Angeles	Layperson
Middlebrook, Richard	Kern	167723
Nguyen, Tuan	Orange	Layperson
Smith, Allison	Sacramento	173969
Waasdorp, Michael S.	Sacramento	Layperson

6016 **RESOLVED**, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Michael J. Fish, Novato, member, Committee on Mandatory Fee Arbitration, effective immediately, replacing Judith Cohen, resigned, for the remaining portion of Ms. Cohen's term, i.e., close of the 2010 State Bar Annual Meeting (September 26, 2010), or until further order of the Board, whichever occurs earlier.

6017 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Ryan M. Lapine, Los Angeles, member, Committee of Bar Examiners, effective immediately, replacing Elizabeth Chien-Hale, Fremont, resigned, for the remaining portion of Ms. Chien-Hale's term, expiring at the close of the 2011 State Bar Annual Meeting (i.e., August 21, 2011), 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 appoints or reappoints, as the case may be, the following, State Bar delegates, American Bar Association (ABA) House of Delegates, contingent upon appointees being of good standing with the ABA, effective upon the conclusion of the 2009 ABA Annual Meeting (i.e., August 4, 2009) and expiring at the conclusion of the 2011 ABA Annual Meeting, or until further order of the Board, whichever occurs earlier: Bert Z. Tigerman, Los Angeles; Pauline A. Weaver, Oakland; Loren Kieve, San Francisco; Elizabeth K. Meyers, Walnut Creek; and Edward B. Raskin, Irvine; and it is

FURTHER RESOLVED, that the board committee recommends that the Board appoint Ernestine Forrest, Los Angeles, as the first alternate, and Ireneo Reus, Long Beach, as the second/ young lawyer alternate to its delegation to the ABA House of Delegates, contingent upon the alternates being of good standing with the ABA, effective upon conclusion of the 2009 ABA Annual Meeting (i.e., August 4, 2009) and expiring at the conclusion of the 2010 Annual Meeting of the ABA Annual Meeting, 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 appoint Miriam A. Krinsky, Studio City, State Bar member, Judicial Council, for a three-year term commencing September 15, 2009, and expiring September 14, 2012, 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.

6023 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Dr. Paul M. Nerz, Chula Vista, member, Lawyer Assistance Program Oversight Committee, effective immediately, replacing Dr. Mihran Ask, declined appointment, for the remaining portion of Dr. Ask's term expiring December 31, 2012, 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.

6024 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Todd Irby, Sacramento, [insert name], member, Review Committee of the Commission on Judicial Nominees Evaluation, effective immediately, replacing Erika Hiramatsu, San Diego, resigned, for the remaining portion of Ms. Hiramatsu'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.

All members present and recorded on the roll-call slip voted yes on the above matter except Ms. Davis, who abstained, and requested the record so to show.

The Board adjourned its meeting at 2:30 p.m. in memory of Ray Cotkin, an outstanding State Bar volunteer, who was former chair and a 27-year member of the Bar's Committee on Group Insurance.

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 12:00 noon on Friday, May 15, 2009.