

AGENDA ITEM

November 10
Board of Governors July 17, 2009
Minutes

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF GOVERNORS MEETING

LOS ANGELES, CALIFORNIA

FRIDAY, JULY 17, 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 1149 S. Hill Street, Los Angeles, California 90015 12:10 p.m. on Friday, July 17, 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, Richard A. Frankel, William H. Gailey, William N. Hebert, Rex Heinke, James B. Hussey, Paul A. Kramer, Jr., Micha S. Liberty, 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, Laila Bartlett, Itzel Berrio, Patsy Cobb, Phyllis Culp, Diane Curtis, Mayte Diaz, Dina DiLoreto, Ray Farrish, Mary Lavery Flynn, Francisco Gomez, Karen Hagelund, Robert A. Hawley, Judy Johnson, Dean Kinley, Steve Mazer, Nancy McCarthy, Robert McPhail, Gayle Murphy, Cathy Torney, Peggy Van Horn, Colin Wong, and Larry Yee.

Also present: Mike McKee, *The Recorder*; Anthony Williams, the Bar's outside legislative consultant; 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
EXTRA

A proclamation acknowledging 50 years as a member of The State Bar of California was presented to Gov. Dutton by President Fujie. In her introductory remarks, President Fujie said:

“Every year, the State Bar and California Supreme Court honor those attorneys who have been members for 50 years, by issuing a, appropriately enough, “50- year certificate”. This month, Member Services will be mailing over 500 of these certificates to those honored members. However, I have the distinct pleasure of personally presenting one of these certificates to one of our own, John Dutton.

John was admitted to the bar in 1959 and during the last 50 years has worked at the firm of McCutchen, Doyle, Enerson & Brown, as staff counsel to Chief Justice Gibson on the Judicial Council, served as a member of the California Judiciary at the Santa Clara Municipal Court, and has also had a distinguished career in private practice for the balance of the fifty years.

John has also been a valued colleague on the Board of Governors, and we are all grateful for his service.”

Governor Dutton thanked the President for her very kind remarks and said it was an honor to be thus acknowledged.

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 15, 2009, 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 special meeting of the Board of Governors held on Wednesday, June 3, 2009, in San Francisco, California, hereby are approved as written.

30 Ms. Fujie, President, reported on the following:

1. Ms. Fujie thanked all Board members for their support and hard work during her tenure, which was an interesting and eventful year.
2. The president said that she appreciated that everyone practiced civility and professionalism regardless of differences on various issues, and was pleased to note that all are on friendly terms with each other.
3. She thanked staff for their hard work during her year as president.
4. She also expressed her thanks to public member Jeannine English, whose term on the Board recently expired.

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 results, mentioning that the Canvassing Board met July 6 – 9, 2009, to tally and certify the ballots. Below is a list of the successful candidates.

50 Consent agenda item **JULY 55-D** regarding the State Bar's Financial Resolution, i.e., authority granted to persons to sign transfer orders and checks upon the various State Bar accounts and to have access to the State Bar safe deposit box was not considered by the Board at this meeting.

All other items on the consent agenda were presented to the Board, and no objection being raised thereto, the following items on the consent agenda was deemed unanimously adopted.

51,52, 53 This items regarding Financial Statement, Investment Report, and CSF Report for Quarter Ended March 31, 2009 were withdrawn from the Board's Agenda

54-121 **RESOLVED**, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the revisions to the Rules of Procedure for Fee Arbitrations by the Antelope Valley 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 revisions to the Rules of Procedure for the Hearing of Fee Arbitrations and Mediations by the Contra Costa 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 Mandatory Fee Arbitration by the Yuba Sutter 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 Arbitration Programs.

54-131 No requests for adjustments to fees and/or penalties/waivers from members were presented to the Board for consideration at this meeting.

54-132 **RESOLVED**, pursuant to California Rule of Court 9.6 and the Rules of the State Bar, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby authorizes that a list of members with fee suspensions who are eligible for expungement of that fee suspension be transmitted to the Supreme Court along with a recommendation that the Court order that the their public record of suspension for nonpayment of membership fees be expunged; and

FURTHER RESOLVED: that the Board of Governors hereby authorizes staff to expunge those members' public record of suspension upon order of the Supreme Court.

55-A **RESOLVED**, pursuant to Government Code, section 1062, that each member of the Board of Governors is granted permission to leave the State of California at any time during the incumbency of the present Board and is authorized to remain absent from the state for a period longer than 60 days.

55-B **RESOLVED** that the Board hereby receives with thanks and orders filed the Certificate of the Canvassing Board, dated July 9, 2009, for the 2009 State Bar Board of Governors election; and it is

FURTHER RESOLVED that the following are declared elected as members of the Board of Governors of The State Bar of California:

Clark E. Gehlbach in District 1	Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Cheryl L. Hicks in District 3	Alameda, Contra Costa, San Mateo and Santa Clara Counties
Lowell T. Carruth in District 5	Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Joaquin, Santa Cruz, Stanislaus and Tulare counties
Patrick M. Kelly in District 7	Los Angeles County
Wells B. Lyman in District 9	Imperial and San Diego Counties; and it is

FURTHER RESOLVED that the President is authorized to report the receipt and filing of the certified count and to officially declare the results of the election.

55-C **WHEREAS**, Holly J. Fujie, President, and Bonnie M. Dumanis, John J. Dutton, Jeannine English, Richard A. Frankel, and John E. Peterson, members of the Board of Governors, have served this Board and The State Bar of California with devotion and distinction; and

WHEREAS, it is appropriate that the minutes of this meeting officially record the warm gratitude and respect, both personal and professional, of their fellow Board members;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors hereby expresses to Holly J. Fujie, President, and Bonnie M. Dumanis, John J. Dutton, Jeannine English, Richard A. Frankel, and John E. Peterson, members of the Board of Governors, its sincere appreciation for their admirable accomplishments and selfless efforts expended on behalf of the State Bar, and also expresses to them the high esteem and personal affection of their fellow members of the Board.

111 The below is a report of action taken by the Board Committee on Operations, acting on behalf of the Board between regularly scheduled Board meetings.
Upon motion made, seconded and adopted, it was

RESOLVED, that the Board Committee on Operations, acting on behalf of the Board of Governors between regularly meetings, supports Senate Bill 94 (Calderon) as amended June 11, 2009, and supports Assembly Bill 764 (Nava) as amended June 22, 2009, and it is

FURTHER RESOLVED, that the Board Committee, acting on behalf of the Board of Governors, authorizes the State Bar Legislative Representative, under the direction of the Executive Director, to take all steps necessary to communicate the above position to members of the legislature.

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

RESOLVED, following publication for comment and one comment having been received, and upon recommendation from the Board Committee on Operations, that the Board hereby repeals the Rules and Procedures of the Commission on Judicial Nominees Evaluation, and adopts new Title 7, Division 1 as amended.

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

113 This item regarding Vacation Cash Out Option, 2009 temporary amendment of Executive Staff Rule 14.F was removed from the Boards agenda.

114 Tim Byer, SEIU Union President, Los Angeles Chapter, made a presentation to the Board regarding the MOU and the concerns of the Bar's union members.

Governor Peterson responded to the Tim Byer's concerns. Mr. Hawley, the Bar's Deputy Executive Director, reported the labor negotiations process has shown a high degree of mutual respect and professionalism.

124 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 amends to rule 75 of the Rules of Procedure of the State Bar of California [Early Neutral Evaluation Conference ("ENEC"), in the form attached hereto as Appendix A, effective immediately.

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, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby amends rules 661 and 662 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 January 1, 2010.

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

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

RESOLVED, upon recommendation of the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors hereby reaffirms its commitment to establishing and monitoring disciplinary policies that support the primary purposes of the disciplinary proceedings conducted by and of the sanctions imposed by the State Bar of California, specifically, the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.

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

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

RESOLVED, upon recommendation of the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors reaffirms its support of the Office of the Chief Trial Counsel's policy to seek disciplinary sanctions consistent with the Standards for Attorney Sanctions for Professional Misconduct as adopted by the Board of Governors and approved by the Supreme Court.

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

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

RESOLVED, upon recommendation of the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors directs State Bar staff to identify the number of Reportable Actions related to the conduct of prosecutors and defense lawyers that it receives, and annually report this data by County and in a manner that distinguishes those Reportable Actions received against public defense attorneys, private defense attorneys, district attorneys, city attorneys, California attorneys general and United States attorneys general.

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

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

RESOLVED, upon recommendation of the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors directs State Bar staff to determine whether, of those Reportable Actions related to the conduct of defense lawyers, it can distinguish between those Reportable Actions received against public defenders from contract defenders and those Reportable Actions received against appointed lawyers from privately retained lawyers and, if so, to annually report this data by county and in a manner that distinguishes those Reportable Actions.

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

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

RESOLVED, upon recommendation of the Board Regulation, Admissions & Discipline Oversight Committee, that the Board of Governors recommends to the Judicial Counsel that it amend Canon 3D of the California Code of Judicial Ethics in a manner consistent with the recommendation of the California Commission on the Fair Administration of Justice in its October 18, 2007 report and recommendations on reporting misconduct and in a manner that would allow the Office of the Chief Trial Counsel to: (1) identify the number of Reportable Actions received pursuant to each of the seven categories in the amended Canon 3D related to the conduct of prosecutors and defense lawyers by County; (2) track the Reportable Actions received pursuant each of the seven categories in the amended Canon 3D related to the conduct of defense lawyers in a way that distinguishes public defense lawyers from private defense lawyers, that distinguishes public defenders from contract defenders and that distinguishes court appointed lawyers from privately retained lawyers; (3) track the Reportable Actions received pursuant each of the seven categories in the amended Canon 3D related to the conduct of prosecutors in a way that distinguishes district attorneys from city attorneys and that distinguishes California attorneys general from United States attorneys general.

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 amends the Law Practice Management and Technology Section bylaws, effective immediately, as follows:

Bylaws of the Law Practice Management and Technology Section

§4. Executive Committee

b. Members: The executive committee shall consist of 17 members appointed by the Board of Governors....

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 Board Committee on Member Oversight, that the Board hereby amends the Labor & Employment Law Section bylaws, effective immediately, as follows:

Bylaws of the Labor & Employment Law Section

§4. Executive Committee.

F. Advisors: Advisors shall be appointed by the incoming Chair of the executive committee for the upcoming State Bar year. Advisors terms shall be for one year, and can be renewed at the discretion of the subsequent Chair. Advisors will serve at the pleasure of the Chair.

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 Member Committee on Member Oversight, that the Board of Governors hereby amends the Intellectual Property Law Section bylaws in the form distributed to all the members of the Board, titled Exhibit A - Revised; in the form attached to these minutes and made a part hereof, effective immediately.

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

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

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors of the State Bar of California hereby adopts new provision (J) of State Bar rule 2.16, in the form attached to these minutes and made a part hereof, to waive fifty percent of unpaid annual fees and penalties accruing for years 2008 and earlier, the waiver provision to sunset December 31, 2010 unless extended by the Board.

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

141 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 of Governors hereby receives the audited Statement of Expenditures of Mandatory Membership Fees for the year ended December 31, 2008, 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 2009 membership fees is mailed to members by posting the Statement and Report on the State Bar Web site with notice in the December 2009 issue of the California Bar Journal.

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 of Governors, subject to enactment of SB 641 and the amounts authorized therein effective January 1, 2010, that the Board of Governors hereby sets the annual membership fee for active members in 2010 at \$410 and the annual membership fee for inactive members at \$125; and it is

FURTHER RESOLVED that the total Keller deduction for the 2010 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 2010 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 2009 annual membership fees for all members, other than new admittees, billed on or after December 19, 2008 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, 2009; and it is

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

FURTHER RESOLVED that the membership fees for new members admitted in 2010 be set as follows: fees of \$410 for those admitted between January 1 and May 31, 2010 and \$205 for those admitted between June 1 and November 30, 2010; and it is

FURTHER RESOLVED that late payment penalties for new members admitted in 2010 be assessed and set on the 46th day from the invoice date as follows: \$100 for those admitted between January 1 and May 31, 2010, and \$50 for those admitted between June 1 and November 30, 2010; and it is

FURTHER RESOLVED that the MCLE noncompliance fee be set at \$75 and the reinstatement fee to terminate MCLE inactive enrollment be set at \$200 for 2010; 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 \$1,000 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 by a credit card accepted by the State Bar, in cash, or 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 Planning, Program Development, and Budget Committee, that the Board of Governors hereby adopts the proposed seven committee structure that splits the Regulation, Admissions Committee and Discipline Committee into two committees, Regulation and Admissions and Discipline Oversight Committee; changes the Stakeholders Relations Committee to a Legal Services, Pro Bono and Equal Access Committee; Combines the Member Oversight Committee and Volunteer Involvement Committee into a Member Involvement, Relations and Services Committee and maintains the current Audit, Board Operations, Planning Committees, and Sections Task Force.

FURTHER RESOLVED that the Board of Governors directs staff to align the previously adopted committee charters with the above-named committees.

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

144 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 appropriations to the 2009 State Bar Budget whereby a capital improvements budget is established in the amount of \$2,230,000 in the 180 Howard Street Building Fund, and an amount of \$1,430,000 is transferred from the General Fund beginning fund balance, which, when combined with the \$800,000 available cash in the Building Fund, will provide the funding necessary to complete the facility improvements. This budget appropriation will be carried forward until such projects are complete.

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

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

RESOLVED, that upon recommendation of the Board Committee on Planning, Program Development and Budget, that the Board of Governors hereby requires that the threshold amount required by State Bar Rule 3.680(E)(1) for submission of a financial audit by successful applicants for Legal Services Trust Fund Program funding be \$500,000 and this amount be added to the Schedule of Charges and Deadlines, effective July 17, 2009, 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.

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 the recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors hereby authorizes the Council on Access and Fairness to submit in its own name the comments reflected in Attachment A entitled Council on Access and Fairness Proposed Comments re: Report and Recommendations from the Judicial Council Commission for Impartial Courts, in the form attached to these minutes and made a part hereof, to the Judicial Council.

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

150 Mr. Dutton reported on the appointments process and thanked members of the committee, member James Hussey and especially Karen Hagelund.

170 Governor White reported and encouraged collaboration among sections in providing publications, webinars and combining resources.

180 Governor Chick report that guidance was provided re issuing an RFP for additional services on Risk Analysis.

700 Mr. Miller, President-Elect, announced to the Board that the Bar had been advised of the appointment of public member Gwen Moore on July 14, 2009, by Karen Bass, Speaker of the California State Assembly. Ms. Moore replaces Ms. English as a member of the Board of Governors. Her term is effective immediately and will expire at the 2010 Annual Meeting of the State Bar.

Mr. Miller also expressed his appreciation to Jeannine English for her several years of dedicated service to the Board and membership as a public member of the Board, and, on behalf, of the Board, wished Jeannine well in all her future endeavors.

701 California Attorney Standards of Civility and Professionalism Guidelines—presentation by past president resident Shelly Sloan and Judge Marguerite Downing

Past President Shelly Sloan praised the efforts of Civility Task Force Chair Marguerite Downing who got the initiative on track and turned out the civility tool boxes for the Board to take to the local bar associations. President Sloan also thanked current President Holly Fujie for opportunity to make the make final report and lauded the work of staff, Mary Yen and Teri Greenman, on the initiative.

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

RESOLVED that the Board hereby appoints and elects the following as the 2009 - 10 vice presidents of the State Bar of California, and as chairs of the Board Committees as indicated: below.

- | | |
|---------------------|--|
| William N. Hebert | Board Committee on Discipline Oversight |
| Rex Heinke | Board Committee on Legal Services, Pro Bono & Equal Access |
| Paul A. Kramer, Jr. | Board Committee on Member Involvement Relations & Services, a Task Force on Sections |
| Michael D. Marcus | Board Committee on Regulation & Admissions |
| Patricia P. White | Board Committee on Planning, Program Development, & Budget |

; and it is

FURTHER RESOLVED that the Board hereby elects Patricia P. White as the 2009-2010 treasurer of the State Bar of California; and it is

FURTHER RESOLVED that the Board hereby elects Laura N. Chick as Chair of the Audit Committee; and it is

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

FURTHER RESOLVED that the Board Committee on Operations will continue to be comprised of the president as chair, the vice-presidents, the executive director, and public members as assigned by Mr. Miller, President-Elect. The following lists the Board Committee on Operations and its membership:

2009-2010 Board Committee on Operations:

Chair

Howard B. Miller

Members

George O. Davis
Jeannine English
William H. Gailey
William N. Hebert
Rex Heinke
Judy Johnson
Paul A. Kramer, Jr.
Michael D. Marcus
Richard A. Rubin
Patricia P. White

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

703

Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the Board hereby approves the amended Board Committee and Task Force appointments made by Mr. Miller, President-Elect, for the 2009-10 Board year, in the form attached to these minutes and made a part hereof. The amended list shows that Mr. Heinke was appointed to the Board Committee on Regulation & Discipline.

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

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

RESOLVED that the Board hereby approves the liaison assignments made by Mr. Miller to the State Bar' standing committees, section executive committees, special boards, committees and commissions for the 2009-10 Board year, 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.

The Board went into closed session at 1:30 p.m., and those persons present, except the senior executive staff, left the meeting.

The Board resumed open session at 2:00 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 appoints the following candidates to the State Bar's Fee Arbitration Department, each term commencing July 20, 2009 and expiring December 31, 2009, or until further order of the Board, whichever occurs earlier:

<i>Name</i>	<i>County</i>	<i>Bar Number or Layperson</i>
Berg, Eric	Santa Barbara	134621
Duren, B. Kwaku	Los Angeles	147789
Freeman, Nanci	Los Angeles	212083
Kulik, Annette	Los Angeles	94461
Madoff, Steven	Los Angeles	130750
Maier, Sharon	Marin	144910
Mayhew, Kimberly	Fresno	199105
O'Neill, Patricia	Fresno	184861
Ormond, John K.	Fresno	85022
Paul, Trudy	Santa Barbara	168583
Saul-Olsen, Randi Susan	Tulare	110994
Storm, Jon-Erik	Santa Barbara	227349
Thyne, John J.	Santa Barbara	214025

- 6012 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby reappoints Thomas Bliss, Sherman Oaks, and Cheyanna Jaffke, Placentia, attorney members, Board of Directors of California Indian Legal Services, each for a three-year term, commencing September 1, 2009, and expiring August 31, 2012, 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 appoint Cynthia J. Waterson, Tustin, to the Board of Directors of Legal Aid Society of Orange County & Neighborhood Legal Services of Southeast Los Angeles County for a three-year term commencing July 1, 2009, and expiring June 30, 2012, or until further order of the Board, whichever occurs earlier.
- 6014 **RESOLVED**, upon recommendation from the Board Committee on Volunteer Involvement, that the Board hereby appoints Allen K. Easley, Dean, University of La Verne College of Law, Kevin R. Johnson, Dean, University of California - Davis School of Law, and Doris Peeler-Brown, Dean, East Bay Law School, to the Law School Council, each for a three-year term commencing September 14, 2009 and expiring upon the final day of the 2012 State Bar Annual Meeting, 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 reappoints or appoints, as the case may be, the officers and members, as set forth on the attachment to these minutes and made a part hereof, to the Commission on Judicial Nominees Evaluation (JNE Commission), each for a term to begin February 1, 2010, and to expire February 28, 2011, or until further order of the Board whichever occurs earlier; and it is

FURTHER RESOLVED, should any member or members of the 2010 JNE Commission decline the appointment, or be unavailable to attend the mandatory Orientation meeting, that the Board appoint the next available alternate or alternates, selected from the Board's designated alternate list, attached, as member of the 2010 JNE Commission, each for a term to begin February 1, 2010, and to expire February 28, 2011, or until further order of the Board whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter. Angela Davis abstained from voting and requested that the record so reflect.

6022 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby reappoints Shirley Abrams, Los Angeles, chair, and appoints Michael D. Marcus, Los Angeles, member, Review Committee of the Commission on Judicial Nominee Evaluation, each for a term effective at the close of the 2009 State Bar Annual Meeting, September 13, 2009, and expiring at the close of the 2010 State Bar Annual Meeting, 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 Mr. Marcus, who recused himself from the discussion and vote on the issue. Michael Marcus recused himself and did not participate in the discussion or vote.

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 and/or reappoints as the case may be, Philip Belleville, Los Angeles, and Stewart Hsieh, Los Angeles, members, Lawyer Assistance Program Oversight Committee, each for a term commencing January 1, 2010, and expiring December 31, 2013, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board appoints Philip Belleville, Los Angeles, Chair, of said committee, for a term commencing January 1, 2010, and expiring December 31, 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.

6024 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that the Board Committee on Volunteer Involvement recommends that the Board of Governors appoint the officers and members to the standing committees, special boards, commissions and committees, and section executive committees, as set forth on the VIC Board Committee Report, effective at the close of the State Bar Annual Meeting, i.e., September 13, 2009; 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.

6025 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Paul A. Kramer, Sacramento, and Patricia P. White, San Jose, to serve as Appointed Directors, Center for Civic Education Board of Directors, each for a one-year term, effective at the close of the 2009 State Bar Annual Meeting, i.e., September 13, 2009, and 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. Paul Kramer and Patti White recused themselves and did not participate in the discussion and vote.

6026 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board approves the selection of Robert L. Gnaizda for the 2009 Loren Miller Legal Services Award.

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

6027 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board approves the selection of the 2009 President's Pro Bono Service Awards recipients:

Corporate:	Intel Corporation Legal Department (Folsom Campus)
Large Law Firm:	Cooley Godward Kronish LLP (Palo Alto Office)
Solo Practitioner:	Yasmine Mehmet (San Francisco)

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

6028 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the selection of **Justice Cruz Reynoso** as the recipient of the 2009 Bernard E. Witkin Medal Award.

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

The Board adjourned this meeting in honor of two long-serving members of the Bar's Senior Executive Team:

Marie Moffat, who served as the Bar's General Counsel for several years and retired from the Bar on Friday, July 10, 2009. Marie, and attorney members of her staff in the Office of General Counsel, successfully handled the numerous law suits filed against the bar, many of them complex and high profile. She and her staff advised all departments pertaining to any issues that may have had legal implications.

Scott Drexel, who served as Chief Trial Counsel for four years and, under his tenure, his office streamlined the discipline system to better assist the profession and the public. Prior to his tenure as Chief Trial Counsel, Scott served as Administrative Officer for the State Bar Court and was also Chief Court Counsel.

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, 1149 S. Hill Street, Los Angeles, CA 90015, on Saturday, November 14, 2009, at a time to be determined.