

AGENDA ITEM

NOVEMBER 10 - Board of
Governors July 24, 2010 Minutes

THE STATE BAR OF CALIFORNIA
MINUTES
BOARD OF GOVERNORS MEETING
LOS ANGELES, CALIFORNIA
SATURDAY, JULY 24, 2010

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 South Olive, Los Angeles, California, 11:45 a.m. on Saturday, July 24, 2010, Howard B. Miller presiding.

The following members of the Board of Governors were present: James H. Aguirre, Lowell Carruth, Joseph L. Chairez, Laura Chick, Angela J. Davis, George O. Davis, Jeannine English, William H. Gailey, Clark E. Gehlbach, William N. Hebert, Rex Heinke, Cheryl L. Hicks, Patrick Kelly, Paul A. Kramer, Jr., Micha Liberty, Wells Lyman, Michael D. Marcus, Gwen Moore, Richard A. Rubin, Jon Streeter, Michael A. Tenenbaum, and Patricia P. White.

The following members of staff were present: Starr Babcock, Resty Buenavidez, Diane Curtis, Randy Difuntorum, Francisco Gomez, Robert A. Hawley, Judy Johnson, Gayle Murphy, Nancy McCarthy, Cathy Torney, Russell Weiner, Colin Wong, and Larry Yee.

Also present: Jennifer Wada, the Bar's outside legislative consultant

Members of the Board of Governors, who attended at the Board Operations Committee meeting in anticipation of the Board meeting which was to follow, voted in the interest of time to end the remainder of the Board Operations Committee meeting and go directly into the Board meeting.

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 regular meeting of the Board of Governors held on Saturday, May 15, 2010, in Los Angeles, California, hereby are approved as written.

The roll-call slip was substituted for the vote.

- 30 Mr. Miller, President reported on the events scheduled for the Annual Meeting and invited all to attend.
- 41/42 Ms. Johnson, Executive Director announced that in the interest of time there would be no report.
- 50 All items on the consent agenda were presented to the Board, and no objection being raised thereto, the following items on the consent agenda were deemed unanimously adopted.
- 54-151 RESOLVED, upon recommendation of the Committee on Member Involvement, Relations and Services, that the Board of Governors hereby approves the fee adjustments for the following State Bar member(s) as noted below:
- Kameron F. Cox: Contingent on payment of \$205 within 60 days of notice to member, waiver of remaining balance for a total waiver of \$205.
- Cynthia Sarak: Contingent on payment of \$205 within 60 days of notice to member, waiver of remaining balance for a total waiver of \$205.
- Western State University SOL Graduates: Contingent on payment of \$205 per member, within 60 days of notice to members, waiver of each member's remaining balance for a total waiver of \$1230.
- 54-152 RESOLVED: pursuant to California Rule of Court 9.31 and the Rules of the State Bar, and upon recommendation of the Board Committee on Member Involvement, Relations, and Services, that the Board of Governors hereby authorizes that those members of MCLE Compliance Group 1 who do not bring themselves into compliance with their MCLE requirement by August 31, 2010, shall be enrolled as inactive members of the State Bar of California and placed on "Not Eligible to Practice" status, effective September 1, 2010; and it is,
- FURTHER RESOLVED: that the Board of Governors hereby authorizes staff to remove members from administrative inactive status once the member has provided proof of compliance and paid all noncompliance fees.

54 -153 RESOLVED: that the Board of Governors hereby ascertains and determines that each of the persons named in the list this day before the Board is a member of the State Bar of California who meets the criteria for expungement set forth in California Rule of Court 9.6; and it is

FURTHER RESOLVED: that upon recommendation of the Board Committee on Member Involvement, Relations, and Services, the Board of Governors recommends to the California Supreme Court that each such person's suspension for nonpayment of fees be expunged from the membership records of the State Bar; and it is

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

54 -154 RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations & Services, that the Board hereby approves extending the terms of the State Bar appointed members of the California Commission on Access to Justice from two to three years, with members eligible to serve two consecutive terms.

111 Upon motion made, seconded and adopted, it was

RESOLVED, that upon recommendation of the Board Committee on Operations, the Board of Governors hereby approves the amendments to the Bylaws of the California Bar Foundation, effective immediately.

The roll-call slip was substituted for the vote.

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

RESOLVED, that upon recommendation by the Discipline Oversight Committee, the Board of Governors hereby approves the proposed revisions to the Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California, in the form attached hereto as Attachment A.

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

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

RESOLVED, following publication for comment and consideration of comments received, that the Board of Governors of the State Bar of California hereby adopts the proposed new and amended Rules of Professional Conduct of the State Bar of California, in the form attached to these minutes and made a part hereof, and hereby directs that said rules be transmitted by staff to the Supreme Court with a request that they be approved by the Court.

RESOLVED, that upon the recommendation of the Board Committee on Regulation and Admissions Oversight, that the Board of Governors authorizes staff to make available for public comment for a period of 30-days, the proposed new or amended Rules of Professional Conduct prepared by the Special Commission for the Revision of the Rules of Professional Conduct, in the form attached; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed new or amended Rules of Professional Conduct.

RESOLVED, that the roll-call vote will be substituted for the vote unless otherwise noted.

The roll-call slip was substituted for the vote.

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

RESOLVED, that upon the recommendation of the Board Committee on Regulation and Admissions, that the Board of Governors of the State Bar of California establish a new California professional responsibility award to recognize a lawyer's outstanding contribution to the advancement of attorney professional responsibility standards in California.

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, that, upon recommendation of the Board Committee on Planning, Program Development and Budget, the Board of Governors hereby directs staff to submit proposed amendments to the Conflict of Interest Code for the Board of Governors of the State Bar of California, in the form attached as Exhibit A, to the Chief Justice of the Supreme Court for adoption.

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, that the Board hereby approves the proposed revisions to the Schedule of Charges and Deadlines regarding the fees charged to Foreign Legal Consultant Program applicants, as attached follows, effective July 24, 2010:

Foreign Legal Consultants:

<u>Registration as an Attorney Applicant</u>	<u>Equivalent to Admissions Application Fee</u>
Initial application	\$370.00
<u>Moral Character Determination application</u>	<u>Equivalent to Admissions Application Fee</u>
Annual report	Equivalent to State Bar Member Fee

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

143 The item was withdrawn

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

RESOLVED, that upon the recommendation of the Board Committee on Planning, Budget and Program Development, the Board of Governors authorizes staff to proceed with the contract identified in the item before the Board this date, within the parameters set forth.

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

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

RESOLVED, upon recommendation of the Board Committee on Member Involvement Relations & Services, that the Board hereby ascertains and determines:

- (A) that each of the persons named in the list this day before the Board is a member of The State Bar of California;
- (B) that each such person has failed to fully pay fees, penalties, and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.3, 6140.35, 6140.5 (c), 6140.55, 6140.6, 6140.7, 6140.9 and 6141 of the Business and Professions Code;
- (C) that there has been sent to each such person, two months' written notice of his or her delinquency which included notice of section 6143;
- (D) that as shown by the records of the State Bar, the address of each such person is as set forth herein;
- (E) and hereby recommends to the Supreme Court of the State of California that each such person be suspended from membership in the State Bar, and from the practice of law in the State of California, effective September 1, 2010, until such time as he or she may be reinstated, upon the payment of the delinquent fees, penalties, and/or costs and of such additional fees, penalties and/or costs as may have accrued at the time of such payment, in the form attached to these minutes, and made a part hereof, and it is

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

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

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

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

RESOLVED, upon recommendation from the Board Committee on Member Involvement Relations & Services, that the Board of Governors hereby approves the proposed amendments to the Standards for Certification and Recertification in Admiralty and Maritime Law, in the form attached hereto, effective July 24, 2010.

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

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

RESOLVED, upon the recommendation of the Board Committee on Member Involvement Relations & Services, that the Board of Governors hereby authorizes the creation of a Trademark Law Consulting Group to consider the establishment of specialization certification in the area of trademark law and to develop standards for certification in that area, subject to final approval of any proposed standards by the Board of Legal Specialization and approval by the Board.

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

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

RESOLVED, that pursuant to State Bar Rule 6.21 (Public Communications), and upon recommendation of the Board Committee on Member Involvement Relations and Services, the Board of Governors hereby authorizes the State Bar to assist the Administrative Office of the Courts with an online survey regarding the monetary and non-monetary factors that affect judicial recruitment and retention by providing access to the membership list and the public e-mail address of members of the State Bar.

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

The Board went into closed session at 12:25 p.m. and those other persons present left the meeting.

The Board resumed open session at 12:35 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 approved.

6011 RESOLVED, upon recommendation of the Board Member Involvement Relations & Services Committee, that the Board of Governors appoints the following candidates to the State Bar Fee Arbitration Department, each for a term commencing July 24, 2010 and expiring December 31, 2010, or until further order of the Board, whichever occurs earlier:

Name	County	Bar Number or Layperson
Kevin M. DeMeire	Orange	207701
James C. Husen	Riverside	210313
Gail Mitchell	Alameda	98201
Grace Ogburn	Orange	189548
Gary Silverman	Los Angeles	85299
David Wasson	Orange	137075
Connie Younger	Riverside	224357
Carol Sapin Gold	Los Angeles	Layperson
John S. Ward	Stanislaus	Layperson

6012 RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations and Services, that the Board hereby reappoints John Davis, Sacramento, to serve as an officer on the Board of Directors of Legal Services of Northern California for a three-year term commencing retroactively on May 24, 2010 and expiring on May 23, 2013, or until further order of the Board, whichever occurs earlier.

6013 RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations & Services, that the Board hereby reappoints or appoints as the case may be, the following members to the to the Board of Directors of California Rural Legal Assistance, each for a two-year term commencing and expiring as indicated, or until further order of the board:

Term: September 1, 2010 – August 31, 2012

Christopher Ho, San Francisco
Jose Villareal, Sanger

Term: November 1, 2010, and expiring October 31, 2012

Luz Herrera, Whittier
Janet McGinnis, Santa Barbara
David Martinez, Los Angeles
Ramon Romero, San Francisco,

Term: August 1, 2010 – July 31, 2012

Carole Harper, Davis
Graciela Zavala, Chula Vista

6014 RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations and Services, that the Board hereby reappoint or appoint, as the case may be, the following to the Review Committee of the Commission on Judicial Nominee Evaluation, each for a term effective at the close of the 2010 State Bar Annual Meeting (i.e., September 26, 2010), and expiring as indicated or until further of the board whichever occurs earlier: Todd Irby, Sacramento, Chair, for a term expiring at the close of the 2011 State Bar Annual Meeting (i.e., September 18, 2011); and Mel Opotowsky, Riverside, Public Member, for a term expiring at the close of the 2013 State Bar Annual Meeting; and it is

FURTHER RESOLVED, upon the President's appointments of the board liaisons to the JNE Commission for 2010-11, that one of the board's JNE liaisons be appointed as the board liaison member of the JNE Review Committee, for a term effective September 26, 2010, and expiring at the close of the member's liaison term on the JNE Commission, or until further order of the board, whichever occurs earlier.

6015 RESOLVED, upon recommendation of the Board Committee on Member Involvement Relations and Services, that the Board hereby appoints David Grove, San Francisco, member, California Bar Foundation Board of Directors, effective immediately, replacing Lindsay Lee, Oakland, resigned, for the remaining portion of Mr. Lee's term, i.e., December 31, 2010, or until further order of the Board, whichever occurs earlier.

6021 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations and Services, that the Board hereby reappoints or appoints, as the case may be, the members and officers, as set forth on the form attached to the minutes and made a part hereof, to the Commission on Judicial Nominees Evaluation (JNE Commission), each for a one-year term to begin February 1, 2011, and to expire in 2012 upon conclusion of the last business meeting of the 2011 JNE Commission, 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 hereby appoints the next available alternate or alternates, selected from the Board's designated alternate list, attached, as member of the 2011 JNE Commission, each for a one-year term to begin February 1, 2011, and to expire in 2012 upon conclusion of the last business meeting of the 2011 JNE Commission, 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 Member Involvement, Relations and Services, that the Board hereby appoints and/or reappoints as the case may be, Kellie Condon, Santa Maria, and Lawrence Terry, San Jose, members, Lawyer Assistance Program Oversight Committee, each for a term commencing January 1, 2011, and expiring December 31, 2014, 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, 2011, and expiring December 31, 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.

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

RESOLVED, upon recommendation of the Board Committee on Member Involvement, Relations and Services, that the Board hereby appoints the officers and members to the standing committees, special boards, commissions and committees, and section executive committees, as set forth on the Board Committee Report, effective at the close of the State Bar Annual Meeting, i.e., September 26, 2010; 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.

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

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints [insert name, city], and [insert name, city] to serve as Appointed Directors, Center for Civic Education Board of Directors, each for a one-year term, effective at the close of the 2010 State Bar Annual Meeting, i.e., September 26, 2010, and expiring at the close of the 2011 State Bar Annual Meeting, i.e., September 18, 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.

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

RESOLVED, upon the recommendation of the Board Committee on Member Involvement, Relations and Services, that the Board hereby approves the selection of Gary F. Smith for the 2010 Loren Miller Legal Services Award.

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

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

RESOLVED, upon the recommendation of the Member Involvement Relations & Services Committee, that the Board approves the recommendation that Sonia Fernandes receive the 2010 Jack Berman Award of Achievement.

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 Member Involvement Relations and Services, that the Board hereby approves the recommendations for the 2010 State Bar of California Diversity Awards as follows:

Individual Attorney: Mia Frances Yamamoto, Los Angeles
Law firm: Farella Braun & Martell, San Francisco
Bar Association: Alameda County Bar Association

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 the recommendation of the Board Committee on Member Involvement Relations and Services, that the Board hereby approves the selection of the Deer Valley High School Law Academy for the 2010 State Bar of California Education Pipeline Award.

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

6029-A Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Member Involvement Relations and Services, that the Board approves the selection of the 2010 President's Pro Bono Service Awards recipients:

Individual (Solo):	Deborah Jurgensen (Ventura)
Individual (Recently Admitted):	Christina Brown (San Francisco)
Individual (Limited Active Practice):	Thomas Theisen (San Diego)
Individual (Law Firm):	Henry Su (East Palo Alto)
Law Firm:	Coblentz, Patch, Duffy & Bass LLP (San Francisco)
Law Firm (Team of Lawyers):	Jones Day AdvocateTeam (Los Angeles)
Law Firm (Team of Lawyers):	Morrison & Foerster Foster Care Team (Palo Alto)
Law School:	California Western School of Law (San Diego)
Distinguished Pro Bono Service:	South Asian Bar Association of Northern California Pro Bono Committee (Redwood City)

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

6029-B Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Member Involvement Relations and Services, that the Board approve the selection of Harry Sondheim as the inaugural recipient of the California Professional Responsibility Award.

FURTHER RESOLVED, that the Board designate the award as the "Harry B. Sondheim California Professional Responsibility Award."

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

6029-C Upon motion made, seconded and unanimously adopted, it was

RESOLVED, pursuant to the elections held by the ABA-approved private, ABA-approved public, unaccredited distance-learning/correspondence law schools and unaccredited fixed-facility law schools, that the Board Committee on Member Involvement Relations and Services recommends that the Board appoint Dean Robert Carp, Dean Kevin Cole, Dean Rachel Moran, Dean Drucilla Ramey, Dean Steven Smith, and George Gliaudys, Jr., each for a three-year term commencing September 26, 2010, and expiring upon the final day of the 2013 State Bar 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.

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, on Saturday, November 20, 2010, at a time to be determined.