

AGENDA ITEM
MARCH 10 - Board of Governors January 7, 2011 Minutes

THE STATE BAR OF CALIFORNIA
MINUTES

BOARD OF GOVERNORS MEETING

SAN FRANCISCO, CALIFORNIA

FRIDAY, JANUARY 7, 2011

The Board of Governors of The State Bar of California convened in open session in the 180 Howard Street, Board Room, San Francisco, CA 94105, and 1:00 p.m. on Friday, January 7, 2010, William N. Hebert presiding.

The following members of the Board of Governors were present: James H. Aguirre, Lowell T. Carruth, Alec Y. Chang, Laura N. Chick, Angela J. Davis, George O. Davis, Jeannine English, William H. Gailey, Clark Gehlbach, Karen M. Goodman, Cheryl L. Hicks, Patrick M. Kelly, Loren Kieve, Micha Star Liberty, Wells B. Lyman, Dennis Mangers, Gretchen M. Nelson, Luis J. Rodriguez, Jon B. Streeter, and Michael Tenenbaum.

The following members of staff were present: Starr Babcock, Resty Buenavidez, Joseph Dunn, Mary Flynn Lavery, Francisco Gomez, Robert A. Hawley, Judy Johnson, Gayle Murphy, Nancy McCarthy, Cathy Torney, James Towery, Russell Weiner, Colin Wong, and Larry Yee.

Also present for portions of the 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 adopted, it was

RESOLVED, that the minutes of the regular meeting of the Board of Governors held on Sunday, September 26, 2010, in Monterey, California, hereby are approved as written; and it is

FURTHER RESOLVED, that the minutes of the regular meeting of the Board of Governors held on Friday, November 19, 2010, in San Francisco, California, hereby are approved as written; and it is

FURTHER RESOLVED, that the minutes of the regular meeting of the Board of Governors held on Thursday, December 16, 2010, in by conference call and in San Francisco and Los Angeles, California, hereby are approved as written.

All members listed on the roll call slip voted yes, except George Davis, Jeannine English, Micha Liberty, Wells Lyman and Gretchen Nelson, who did not vote.

- 30 Mr. Hebert, President reported that the next meeting of the Governance in the Public Interest Task Force will hold public hearings on January 20 in Los Angeles and January 27 in San Francisco. A regular meeting of the Task Force will be held on February 8 in San Francisco.
- 41/42 Mr. Dunn in the interest of time did not 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.
- 50 - 1 RESOLVED, that authority heretofore 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 is hereby revoked; and it is;
- FURTHER RESOLVED, that each bank in which the State Bar maintains an account or safe deposit box shall be furnished a copy of this resolution and be notified that the names of the members of the Board, the Executive Director, Deputy Executive Director, Chief Financial Officer, and Finance Managers, who are now so authorized to sign withdrawal orders, transfer orders and checks and authorize transfer of funds from one State Bar account to another State Bar account are as follows:
- | | |
|-------------------|---------------------------------|
| Bill Hebert | President and Board Member |
| Jon Streeter | Vice President and Board Member |
| Robert A. Hawley | Deputy Executive Director |
| Loren Kieve | Board Member |
| Joseph Dunn | Executive Director/Secretary |
| George Davis | Vice President and Treasurer |
| Micha Liberty | Board Member |
| Peggy M. Van Horn | Chief Financial Officer |
| Ray Farrish | Finance Manager |
| Christine Wong | Finance Manager |

Transfer of funds from one State Bar account to another State Bar account, whether requested by telephone, internet, fax, orally or in writing requires the signature of any of the persons listed above.

In addition, for checks drawn on the Los Angeles commercial account:

(a) Any single check less than \$3,000.00 requires the signature of one of the following:

Steven Mazer	Director of Operations
Gilda Munoz	Manager, Human Resources Labor Relations, Los Angeles
John R. Rodriguez	Operations and Management Director, Los Angeles

(b) Any single check of \$3,000.00 or over requires the signature of any two of the above listed persons.

111 Upon motion made, seconded and adopted, it was

RESOLVED, following publication for comment and no comments having been received, and upon recommendation of the Board Committee on Operations, that the Board of Governors of the State Bar of California hereby adopts the proposed revisions to The State Bar of California's Conflict of Interest Code for Designated Employees, in the form attached hereto and made a part hereof.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Regulation, Admissions and Discipline Oversight Committee, the Board of Governors hereby approves and adopts the updated discipline cost model reflected in Attachment 2 and attached hereto; and it is

FURTHER RESOLVED, that the updated cost model apply to discipline costs assessed in all matters in which a notice of disciplinary charges or a pre-notice stipulation pursuant to Rules 132 – 135, Rules and Procedure of the State Bar of California, is filed on or after the Board's action this date; and it is

FURTHER RESOLVED that commencing January 1, 2012, and each January 1 thereafter, the discipline cost model be automatically adjusted to address inflationary factors by multiplying the then current disciplinary costs by 1 plus the sum of 60% of the annual percentage change in the Department of Labor, Bureau of Labor Statistics, Employment Cost Index (ECI) and 40% of the annual percentage change in the Consumer Price Index (CPI); and it is

FURTHER RESOLVED that the discipline cost model, as adjusted in this way each year, apply to discipline costs assessed in all matters in which a notice of disciplinary charges or pre-notice stipulation pursuant to Rule 132 -135, Rules of Procedure of the State Bar of California, is filed on or after January 1 of that same year.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby authorizes staff to reduce LAP staffing levels so that the program operates at the statutory minimum starting as soon as possible.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board of Governors authorizes staff to proceed with the contracts identified in the item before the Board this date, within the parameters set forth.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with the amendment to the Solution Boost agreement identified in the item before the Board this date, within the parameters set forth.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Board Planning, Program Development, and Budget Committee the Board of Governors amends Board Book, Tab 5 (Officers), Article 2, Section 2(a)(5) in the form attached hereto.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, following publication for comment and consideration of comments received, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby approves the proposed revised lawyer referral service rules for Title 3, Division 4, as Chapter 3, in the form attached as Attachment A, and instructs staff to transmit the rules to the Supreme Court for consideration and approval.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby approves the forwarding of the comments appearing in Attachment 1 to USNWR in the name of the Council on Access & Fairness; and it is

FURTHER RESOLVED, that the Council on Access & Fairness be authorized to engage in ongoing dialogue with USNWR to address the proposed comments.

All members listed on the roll call slip voted yes, except Clark Gehlbach and Michael Tenenbaum who voted no and George Davis, Jeannine English, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that upon the recommendation of the Board Committee on Operations, 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 listed on the roll call slip voted yes, except Loren Kieve who abstained and George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that the Board hereby appoints Joseph Dunn as Secretary of the State Bar, to succeed Executive Director Emeritus Judy Johnson as Secretary effective immediately; and it is

FURTHER RESOLVED, that the Board of Governors extends its gratitude to Judy Johnson for her many years of service to the State Bar.

All members listed on the roll call slip voted yes, except George Davis, Micha Liberty and Wells Lyman who did not vote.

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

RESOLVED, that the Board of Governors authorizes staff to proceed to contract for government affairs representation in an amount not to exceed \$162,000 per year, for a period not to exceed three years, with a contractor selected through the State Bar's procurement process, this amount to be a charged against the Legislative Activities Fund, a non-mandatory dues fund; and it is

FURTHER RESOLVED that the Board of Governors authorizes staff to proceed to contract for government affairs representation for the State Bar Sections, in an amount not to exceed \$78,000 per year, for a period not to exceed three years, with a contractor selected through the State Bar's procurement process, this amount to be reimbursed to the State Bar's Legislative Activities Fund by the Sections' voluntary membership funds; and it is

FURTHER RESOLVED that the Board of Governors urges staff to do their utmost to negotiate contract cost terms less than the "not to exceed" amounts set forth above.

All members listed on the roll call slip voted yes except Laura Chick, Dennis Mangers and Michael Tenenbaum who voted no, and George Davis and Wells Lyman who did not vote.

The Board went into closed session at 3:55 p.m. and those other persons present left the meeting.

The Board resumed open session at 3:58 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 the recommendation of the Volunteer Involvement Committee, that the Board hereby appoints J. Scott Bovitz, Los Angeles, member, Committee of Bar Examiners, replacing Glenn K. Miller, Redwood City, for a four-year term commencing immediately and expiring at the close of the 2014 State Bar Annual Meeting, or until further order of the Board, whichever occurs earlier.
- 6012 RESOLVED, upon the recommendation of the Volunteer Involvement Committee, that the Board hereby appoints the following Past Board of Legal Specialization Chairs to the Board of Legal Specialization's Council of Past Chairs, each for a term beginning immediately 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: Lester Friedman, Beverly Hills; John Munsill, Gold River; and Alice O'Sullivan, Oakland.
- 6013 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints Mari J. Franks, Laguna Niguel, member, Law Practice Management and Technology Section Executive Committee, effective immediately, replacing Deborah Novachick, San Francisco, declined, for a term expiring at the close of the 2013 State Bar Annual Meeting (i.e., October 13, 2013), or until further order of the Board, whichever occurs earlier.

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 South Hill Street, Los Angeles, CA 90015, on Friday, March 4, 2011 at a time to be determined.