

AGENDA ITEM
MAY10 - Board of Governors March 4, 2011 Minutes

THE STATE BAR OF CALIFORNIA
MINUTES

BOARD OF GOVERNORS MEETING

LOS ANGELES, CALIFORNIA

FRIDAY, MARCH 4, 2011

The Board of Governors of The State Bar of California convened in open session in the 1149 South Olive Street, Board Room, Los Angeles, CA 90015, and 1:45 p.m. on Friday, March 4, 2011, William N. Hebert presiding.

The following members of the Board of Governors were present: James H. Aguirre, Joseph Chairez, Alec Y. Chang, Laura N. Chick, Angela J. Davis, George O. Davis, William H. Gailey, Clark Gehlbach, Karen M. Goodman, Cheryl L. Hicks, Patrick M. Kelly, Loren Kieve, Micha Star Liberty, Wells B. Lyman, Dennis Mangers, Gwen Moore, 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, Gayle Murphy, Nancy McCarthy, Sonja Oehler, Cathy Torney, James Towery, Russell Weiner, and Colin Wong.

Also present for portions of the meeting: Jennifer Wada

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 Friday, January 7, 2011, in San Francisco, California, hereby are approved as written.

All members listed on the roll call slip voted yes.

30 Mr. Hebert, President, reported that the special meeting for the election of president would be held at the at the July 22 regularly scheduled meeting of the Board. Mr. Hebert advised that he would consult with the candidates to determine the election format. Mr. Hebert informed the Board that the Governance in the Public Interest Task Force would meet on March 25 and April 13.

41/42 Mr. Dunn advised that the candidates for board president would be announced on Friday, May 13, the next regularly scheduled meeting of the Board. Mr. Dunn introduced Jennifer Wada, the State Bar's legislative advocate, who presented a summary of current bills of interest.

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.

51, 52 RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the investment report for the year ended December 31, 2010, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby receives the Client Security Fund report for the year ended December 31, 2010, as certified by the Chief Financial Officer, and on file in the San Francisco office of the State Bar.

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

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board hereby adopts proposed new State Bar Rule 6.62 in the form attached as Exhibit A.

All members listed on the roll call slip voted yes.

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

RESOLVED, that the Board of Governors receives the report and thanks staff for its submission of the Lawyer Assistance Program 2010 Annual Report, in the form attached to these minutes and made a part hereof.

All members listed on the roll call slip voted yes.

Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby approves that the distribution of IOLTA grants from the Legal Services Trust Fund Program for the grant period July 1, 2011 through June 30, 2012 shall be made in the order and manner provided by Business and Professions Code Section 6216, and the funds to be distributed shall be \$10,685,829 calculated as follows:

- (1) \$5.5 million from IOLTA revenue projected to be received by the Legal Services Trust Fund Program from July 2010 through June 2011;
- (2) \$4,045,829 from net assets/reserve;
- (3) \$2.25 million from total contributions on the member dues bill, including donations to the Justice Gap Fund in the amount of \$750,000, and contributions to the Temporary Emergency Fund in the amount of \$1.5 million;
- (4) \$350,000 in other revenue, including investment income and reimbursement for administration of the Equal Access Fund;
- (5) Less administrative costs, projected at \$1,460,000 for the period July 1, 2011 through June 30, 2012; and it is ; and it is

FURTHER RESOLVED, that grant payments are to be made from funds received pursuant to California Business and Professions Code, Sections 6212 et seq. and Section 6033, and that payment of grants is contingent upon the State Bar having sufficient money on hand, after deducting for administrative costs, 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 between projected and actual revenue.

All members listed on the roll call slip voted yes.

The Board went into closed session at 2:50 p.m. and those other persons present left the meeting.

The Board resumed open session at 3:00 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 approved.

6011 RESOLVED, upon the recommendation of the Volunteer Involvement Committee, that the Board hereby appoints Kresta N. Daly, Sacramento, member, Commission on Access to Justice, effective immediately, replacing James Brosnahan, San Francisco, resigned, for the remaining portion of Mr. Brosnahan's term expiring at the close of the 2012 State Bar Annual Meeting (i.e. October 14, 2012), or until further order of the Board, whichever occurs earlier.

6012 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints Megan Lewis, member, Litigation Section Executive Committee, effective immediately, replacing Somnath Raj Chatterjee, resigned, for the remaining portion of Mr. Chatterjee's term, i.e., September 18, 2011, or until further order of the board.

6013 RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints the following candidates to the State Bar Fee Arbitration Department, each for a term commencing March 4, 2011 and expiring December 31, 2011, or until further order of the Board, whichever occurs earlier:

<u>Name</u>	<u>County</u>	<u>Bar Number or Layperson</u>
Ryul Kim	Orange	113606
Renee M. Rubin	Los Angeles	162374
Timothy L. Zeff	Sacramento	68408
Gary L. Zimmerman	Los Angeles	36247
Lynn Brown-Lee	Riverside	Layperson
Andrew Thomas Crist	Los Angeles	Layperson
Jerry Kimery	Los Angeles	Layperson

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

RESOLVED, that the Volunteer Involvement Committee recommends that the Board reappoint 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 2011 ABA Annual Meeting (August 9, 2011) and expiring at the conclusion of the 2013 ABA Annual Meeting (August 13, 2013), or until further order of the Board, whichever occurs earlier: Loren Kieve, San Francisco; Elizabeth Meyers, Walnut Creek; Edward Raskin, Irvine; Bert Z. Tigerman, Los Angeles; Pauline Weaver, Fremont; and it is

FURTHER RESOLVED, that that the board committee recommends that the Board appoint the following, to serve as alternates 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 2011 ABA Annual Meeting (August 9, 2011) and expiring at the conclusion of the 2012 ABA Annual Meeting (August 7, 2012), or until further order of the Board, whichever occurs earlier: Paul S. Marks, 1st alternate; Anthony Barash, 2nd alternate; Qiang Bjornbak, 3rd Alternate; Brian Whelan, young lawyer alternate.

All members listed on the roll call slip voted yes except Mr. Kieve who left the meeting and did not participate in the discussion or vote.

6022 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby appoints the following, members, Review Committee of the Commission on Judicial Nominee Evaluation, each for a term to begin and expire as indicated, or until further of the board whichever occurs earlier:

Board Public Member

Dennis Mangers - Carmichael, CA (term begins - March 4, 2011; term expires Oct.13, 2013)

At-Large Members

Carol Greenwald - Irvine, CA (term begins - March 4, 2011; term expires - Oct. 14, 2012)

Thomas C. Hughes - San Diego, CA (term begins - Sept. 18, 2011; term expires - Oct. 13, 2013)

All members listed on the roll call slip voted yes except Mr. Mangers who left the meeting and did not participate in the discussion or vote.

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 Friday, May 13, 2011 at a time to be determined.