

3.1 Approval of July 18-19, 2024, Open Session Minutes



The State Bar of California

Regular Meeting of the Board of Trustees Hybrid

Open Session Minutes
Thursday, July 18, 2024
9:23 a.m.–4:44 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:23 a.m. The Board moved into closed session at 12:13 p.m. The Board returned to open session at 3:12 p.m.

Time meeting Adjourned: 4:44 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Patricia Barahona, Raymond Buenaventura, Hailyn Chen, José Cisneros, Sarah Good, Cynthia Grande, Mary Huser, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens, Mark Toney

Members Absent: Genaro Trejo

Staff Present: Ellin Davtyan, Leah Wilson

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Stallings called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Board:

1. Lorin Kline:

Lorin Kline, Director of Advocacy at the Legal Aid Association of California, addressed the Board regarding agenda item 6.4, which concerns the approval of the Interest on Lawyer Trust Accounts (IOLTA) grant distribution for 2025. She urged the Board to approve the recommended \$252 million grant distribution, highlighting the critical role this funding plays in supporting civil legal services for low-income individuals. Kline expressed gratitude to the staff and the Legal Services Trust Fund Commission for their diligent work in developing the recommendation. She noted the ongoing need for legal services, especially as other funding sources, such as state appropriations for homelessness prevention and COVID-era grants, are declining. Kline emphasized that the approval of this distribution is essential to maintaining the vital services provided by legal aid organizations across the state.

2. Lee Strauss:

Lee Strauss, a licensee of the State Bar and Assistant Presiding Arbitrator for the State Bar's Mandatory Fee Arbitration (MFA) Program, expressed concerns about the proposed increase in the MFA filing fee, as outlined in agenda item 5.11. Strauss warned that the proposed fee caps, which could require participants to pay up to \$20,000, would significantly hinder access to the MFA program, particularly in areas with lower-income households. He argued that this fee increase contradicts the original intent of the MFA Act, which was to provide a low-cost alternative to court litigation for fee disputes. Strauss urged the Board to reconsider the fee proposal and find a solution that aligns with the program's purpose without limiting public access.

3. Maeve Brown:

Maeve Brown, Executive Director of Housing and Economic Rights Advocates, spoke in support of agenda item 6.4, advocating for the approval of the \$252 million IOLTA grant distribution for 2025. Brown highlighted the ongoing need for legal services, especially as many communities have not fully recovered from the pandemic. She shared that her organization is facing a significant loss of funding, including \$1.4 million in COVID recovery-related funds. Brown emphasized the critical importance of IOLTA funding to sustain legal services and prevent the loss of experienced attorneys who have been trained to serve vulnerable populations.

4. Carmen McDonald:

Carmen McDonald, Executive Director of the Los Angeles Center for Law and Justice, echoed the previous speakers' support for the approval of the \$252 million IOLTA grant distribution for 2025, as discussed in agenda item 6.4. McDonald shared that her organization has suffered substantial funding cuts, including a \$2 million loss from the Victims of Crime Act and anticipated losses from the State Bar's homelessness prevention fund. These financial challenges have forced the organization to lay off staff and limit services to vulnerable populations. McDonald urged the Board to approve the IOLTA grant distribution to help legal aid organizations continue providing essential services.

5. Ray Hayden:

Ray Hayden, a resident of Florida and a participant in the California Bar Exam, spoke in support of agenda item 6.2, concerning the approval of the Kaplan contract. Hayden suggested that instead of solely relying on Kaplan, the California Bar should develop its own multiple-choice questions for the bar exam, which could be vetted by subject matter experts. He argued that this approach would save significant costs and provide flexibility for remote testing, which he believes is essential for the future of the bar exam. Hayden highlighted his own experience taking the California Bar Exam remotely from Florida during the pandemic and advocated for the continuation and expansion of remote testing options to make the exam more accessible to candidates worldwide.

6. Todd Hill:

Todd Hill, a former student of the People's College of Law, raised concerns about the state of legal education and the practices of certain law schools. Hill referred to his document

titled "Degrees of Deception: When Legal Education Fails," which outlines issues such as deceptive practices and challenges in providing quality education, particularly for marginalized communities. He urged the Board to consider reforms to improve transparency, accountability, and support for students in legal education. Hill emphasized that addressing these issues is crucial for maintaining the integrity of the legal profession and ensuring equitable opportunities for all aspiring attorneys.

7. Maria Grijalva:

Maria Grijalva spoke briefly about the importance of transparency within the State Bar, sharing her difficulties in obtaining disciplinary records through a public records request. She recounted her unsuccessful attempts to hire an attorney to assist with the request and highlighted the challenges she faced due to the State Bar's perceived lack of transparency. Grijalva emphasized that transparency is vital for public trust and accountability and urged the Board to ensure that all members and the public have access to the same information.

8. Benjamin Kohn:

Benjamin Kohn expressed concerns about the Kaplan contract discussed in agenda item 6.2, particularly in relation to potential copyright issues with the NCBE's materials. He suggested that the State Bar work with the Legislature to amend statutes that require two years' notice to law schools before changing exam content, which could provide more flexibility and reduce costs. Kohn emphasized that resolving these issues is essential for the successful implementation of the Kaplan contract and the broader goal of making the bar exam more accessible and cost-effective.

1. Chair's Report

Chair Stallings provided an oral report.

1.1 Approval of Board Committee Assignments

This agenda item was deferred to the September 2024 Board of Trustees meeting.

2. Executive Director's Report

Executive Director Leah Wilson provided an oral report.

3. Open Session Minutes

3.1 Approval of May 16, 2024, Open Session Minutes

Moved by Sowell, seconded by Buenaventura

Ayes – (11) Barahona, Buenaventura, Chen, Cisneros, Good, Huser, Shelby, Sowell, Stephens, Toney, Stallings

Nays – (0)

Abstain – (1) Grande

Absent – (1) Trejo

Minutes adopted.

4. Consent Calendar

4.1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

4.2 Proposed Amendment to Rules 1.22, 2.51, 2.53, 2.55, 2.71 of the Rules of the State Bar and Proposed New Rules 2.140–2.153 of the Rules of the State Bar Relating to Regulatory Function of the State Bar: Request for Adoption

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, adopts the proposed amendments to rule 1.22 of the Rules of the State Bar, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, deems the modification to proposed rule 2.144 made after the proposed rule was circulated for public comment, as set forth in Attachment C, is non-substantive and reasonably implicit in the proposal; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, adopts the proposed amendments to rules 2.51, 2.53, 2.55, 2.71 of, and adopts the proposed rules 2.140, 2.141, 2.142, 2.143, 2.144, 2.150, 2.151, 2.152, and 2.153 of, the Rules of the State Bar, as those proposed amendments and proposed rules are set forth in Attachment C; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, directs staff to revise and renumber all footnotes in Title 2, Division 4 (commencing with rule 2.50) of the Rules of the State Bar to allow for proper sequential references following the adoption of the amendments pursuant to this resolution.

4.3 Request for Approval of Proposed Amendment to Los Angeles County Bar Association Mandatory Fee Arbitration Rules: Filing Fee Schedule

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, hereby approves the Los Angeles County Bar Association's amendment to mandatory fee arbitration rule 14, in the form attached as Attachment A, 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.

4.4 Proposed Amendments to the Rules of the State Bar Regarding Moral Character: Return from Public Comment and Request for Adoption Following Transmission to the Supreme Court for Approval

RESOLVED, that the Board of Trustees deems the modifications to the proposed amendments to rules 4.42, 4.47, and 4.49–4.50 made after the proposed amendments were circulated for public comment, as set forth in Attachments A and B, are nonsubstantive and reasonably implicit in the proposal; and it is

FURTHER RESOLVED, that the Board of Trustees, following a 60-day public comment period, adopts and approves the revisions to the rules regarding moral character as set forth in Attachments A and B; and it is

FURTHER RESOLVED, that the Board of Trustees directs staff, consistent with the requirements of rule 9.5 of the California Rules of Court, to submit the proposed rule revisions regarding moral character to the Supreme Court for review and approval with the intent that the rules have an effective date sixty days after approval by the Supreme Court.

4.5 Proposed Amendments to State Bar Rules Regarding Pro Bono Practice Program (Rules 3.325–3.330): Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees approves and adopts amendments to Title 3, Division 2, Rules 3.325–3.330 of the State Bar Rules, provided as Attachment A, effective July 18, 2024.

4.6 Proposed State Bar Rules 3.680(H)(I) (Eligibility for Pro Bono Allocation as Part of Legal Services Trust Fund Program): Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees approves and adopts proposed State Bar Rules relating to the Legal Services Trust Fund Program—Rule 3.680(H)(I)—provided as Attachment A, effective January 1, 2025.

4.7 Approval of Annual Appointments of Officers and Members of State Bar Subentities

Committee of Bar Examiners

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, nominate to the Supreme Court the list of candidates, as presented in Attachment A, for appointment to serve on the Committee of Bar Examiners, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment A, each for the remainder of the resigning member’s term if a midterm vacancy is created.

California Board of Legal Specialization

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Michael D. Lee to serve as chair and George P. Surmaitis to serve as vice-chair as presented in Attachment B, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Lisa L. McGloiry and Damon Livingston Jenkins, as presented in Attachment B, to serve on the California Board of Legal Specialization, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and

expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment B, each for the remainder of the resigning member's term if a midterm vacancy is created.

Council on Access and Fairness

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the reappointment of Judge Michael Rhoads to serve as chair and Dean Chalak Richards Guineses to serve as vice-chair as presented in Attachment C, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Komal Chokshi, Cecilia de Leon, and Yusuf Z. Zakir, as presented in Attachment C, to serve on the Council on Access, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier.

Committee of Professional Responsibility and Conduct

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Cassidy Chivers to serve as chair, Daniel O'Rielly to serve as vice-chair, and Brandon Krueger to serve as advisor as presented in Attachment D, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Vikita Poindexter, Emil Ali, Novella Coleman, and Kerri Riley, as presented in Attachment D, to serve on the Committee of Professional Responsibility and Conduct, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment D, each for the remainder of the resigning member's term if a midterm vacancy is created.

Client Security Fund Commission

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the reappointment of Fenglan Liu to serve as chair and Monica Cooper to serve as vice-chair as presented in Attachment E, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier.

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Melanie O’Day and Cheryl Stengler, as presented in Attachment E, to serve on the Client Security Fund Commission, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment E, each for the remainder of the resigning member’s term if a midterm vacancy is created.

Lawyer Assistance Program Oversight Committee

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Heather Benton to serve as chair and James Heiting to serve as vice-chair as presented in Attachment F, each for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Dr. Catherine Young, as presented in Attachment F, to serve on the Lawyer Assistance Program Oversight Committee, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

Legal Services Trust Fund Commission

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the appointment of Judge Kristin Rosi and Robert Stalker, as presented in Attachment G, to serve on the Legal Services Trust Fund Commission, for a four-year term, commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2028, or until further order of the Board of Trustees, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment G, each for the remainder of the resigning member’s term if a midterm vacancy is created.

Review Committee of the Commission on Judicial Nominees

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the reappointment of Maureen Onyeagbako to serve as chair, as presented in Attachment H, for a one-year term commencing at the close of the meeting of the Board of Trustees on September 2024, and expiring at the close of the meeting of the Board of Trustees on September 2025, or until further order of the Board of Trustees, whichever occurs earlier; and it is

Judicial Nominees Evaluation Commission

RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, appoints Lorena Peñaloza to serve as the chair of the 2025 Judicial Nominees Evaluation (JNE) Commission and Stephen Hamilton as presented in Attachment I, to serve as the

vice-chair of the 2025 JNE Commission, each for a one-year term commencing at the close of the last business meeting of the 2025 JNE Commission on April 2025, and expiring at the close of the last business meeting of the 2026 JNE Commission on April 2026, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, appoints 13 new members to the 2025 JNE Commission as presented in Attachment I, each for a three-year term commencing upon administration of the oath of the office at the orientation meeting on January 2025, and expiring at the close of the last business meeting of the JNE Commission in April 2028, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon the recommendation of the Board Executive Committee, approve the list of alternate members as presented in Attachment I, each for the remainder of the resigning member's term if a midterm vacancy is created.

4.8 Approval of Quarter One 2024 Board and Management Travel Expenses Report

RESOLVED, that the Board of Trustees, upon recommendation of the Audit Committee, approves the first quarter of 2024 Board and management travel expense report in the form presented this day, for the three months ended March 31, 2024.

Consent calendar moved by Buenaventura, seconded by Sowell

Ayes – (10) Barahona, Buenaventura, Cisneros, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Chen, Good, Trejo

Motion carries.

5. Board of Trustees Sitting as the Regulation and Discipline Committee

5.1 Proposed Amendments to Rules 9.8 and 9.31 of the Rules of Court and Proposed New Rule 9.33 Relating to Expungement of Attorney Discipline and Administrative Actions: Request to Circulate for Public Comment

Presenter: Mia Ellis, Deputy Special Counsel, Division Regulation

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, new rule 9.33 of the Rules of Court, as set forth in Attachment A.

Moved by Toney, seconded by Cisneros

Ayes – (12) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (1) Trejo

Motion carries.

5.2 Ad Hoc Commission on the Discipline System: Adoption of New Discipline Cost Model and Request to Circulate Monetary Sanction Rules for Public Comment

Presenters: Leah T. Wilson, Executive Director
Shelby King, Attorney, Office of General Counsel
Jake Lewis, Principal Financial Analyst, Office of Finance

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, proposed amended rule 5.137 as outlined in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees adopts the new discipline cost methodology as reflected in Attachment B.

Moved by Chen, seconded by Grande

Ayes – (12) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (1) Trejo

Motion carries.

5.3 Report on Random Audit of the Office of Chief Trial Counsel Files Closed Between September 1, 2022, and February 28, 2023, and Office of Chief Trial Counsel Response

Presenter: George Cardona, Chief Trial Counsel

Discussion only.

5.4 Discussion Regarding Rule 2201 Program Performance Metrics

Presenter: Stacia Laguna, Special Deputy Trial Counsel Administrator

Discussion only.

5.5 Proposed Amendments to Rules 2.2, 2.11, 2.16, and 2.71 of the Rules of the State Bar and Rule 9.31 of the Rules of Court Relating to Attorney Reporting and the Timing of the Annual Renewal Cycle: Request to Circulate for Public Comment

Presenter: Steven Moawad, Special Counsel, Division Regulation

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 2.2 of the Rules of the State Bar, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 2.11 of the Rules of the State Bar, as set forth in Attachment C; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 2.16 of the Rules of the State Bar, as set forth in Attachment E; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 2.71 of the Rules of the State Bar, as set forth in Attachment G, if the Board also adopts or has adopted the resolution amending rule 2.71 of the Rules of the State Bar associated with the staff report entitled “Proposed Amendment to Rules 1.22, 2.51, 2.53, 2.55, 2.71 of the Rules of the State Bar and Proposed New Rules 2.140–2.153 of the Rules of the State Bar Relating to Regulatory Function of the State Bar: Request for Adoption” during the July 2024 Board Meeting; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 2.71 of the Rules of the State Bar, as set forth in Attachment I, if the Board does not or did not adopt the resolution amending rule 2.71 of the Rules of the State Bar associated with the staff report entitled “Proposed Amendment to Rules 1.22, 2.51, 2.53, 2.55, 2.71 of the Rules of the State Bar and Proposed New Rules 2.140–2.153 of the Rules of the State Bar Relating to Regulatory Function of the State Bar: Request for Adoption” during the July 2024 Board Meeting; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 60 days, proposed amendments to rule 9.31 of the Rules of Court, as set forth in Attachment K; and it is

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

Moved by Toney, seconded by Huser

Ayes – (12) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (1) Trejo

Motion carries.

5.6 Proposed Amendments to Rule 2.31 Relating to the Deadline for Submission of the Transfer to Inactive Status Form and the Effective Date of the Transfer: Request to Circulate for Public Comment

Presenter: Steven Moawad, Special Counsel, Division Regulation

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the proposed amendments to rule 2.31 of the Rules of the State Bar, as set forth in Attachments A and B; and it is

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

Moved by Stephens, seconded by Barahona

Ayes – (12) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (1) Trejo

Motion carries.

5.7 Proposed Amendments to Rules of Procedure Regarding Remote Appearances in State Bar Court Proceedings (Rules 5.17 and 5.18): Request to Circulate for Public Comment and Request for Interim Adoption of Rule Changes

Presenter: Kathy Sher, Attorney, State Bar Court

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, determines pursuant to rule 1.10(C) of the Rules of the State Bar of California that the impending loss of one of the State Bar Court’s San Francisco courtrooms requires authorization of interim amendments to the Rules of Procedure without prior public comment to allow the court to manage its calendar efficiently through the transition; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, having determined pursuant to rule 1.10(C) of the Rules of the State Bar of California that an emergency justifies the Board of Trustees sitting as the Regulation and Discipline Committee to adopt these amendments on an interim basis without public comment, hereby adopts on an interim basis, effective beginning July 29, 2024, the proposed amendments to rule 5.17 of the Rules of the State Bar of California, as set forth in Attachments A and B, and proposed amendments to rule 5.18 of the Rules of the State Bar of California, as set forth in Attachments C and D; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment, for a period of 45 days, proposed amendments to rule 5.17 of the Rules of the State Bar of California, as set forth in Attachments A

and B, and proposed amendments to rule 5.18 of the Rules of the State Bar of California, as set forth in Attachments C and D; 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 amendments to the Rules of the State Bar of California.

Moved by Stephens, seconded by Grande

Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Chen, Shelby, Trejo

Motion carries.

5.8 Proposed New Rule of Procedure Regarding Vexatious Litigants in State Bar Court: Request to Circulate for Public Comment

Presenter: Kathy Sher, Attorney, State Bar Court

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment, for a period of 45 days, proposed new rule 5.19 of the Rules of the State Bar of California, as set forth in Attachment A; 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 amendments to the Rules of the State Bar of California.

Moved by Good, seconded by Sowell

Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Noes – (0)

Abstain – (0)

Absent – (3) Chen, Shelby, Trejo

Motion carries.

5.9 Proposed Amendments to Rules of the State Bar Relating to Progressive Discipline (Standard 1.8): Return from Public Comment and Request for Adoption

Presenter: Kathy Sher, Attorney, State Bar Court

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, hereby approves and adopts amendments to Standard 1.8 of the Standards for Attorney Sanctions for Professional Misconduct as set forth in Attachments A and B; and it is

FURTHER RESOLVED, that the effective date of the adopted amendments to Standard 1.8 of the Standards for Attorney Sanctions for Professional Misconduct shall be January 1, 2025.

Moved by Good, seconded by Buenaventura

Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Noes – (0)

Abstain – (0)

Absent – (3) Chen, Shelby, Trejo

Motion carries.

5.10 Proposed Amendments to Rules of the State Bar Regarding the Lawyer Assistance Program: Request to Circulate for Public Comment

Presenters: Melanie Lawrence, Program Director, Office of Professional Support & Client Protection
Michelle Harmon, Program Supervisor, Office of Professional Support & Client Protection

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee authorizes staff to make available for public comment for a period of 60 days the proposed revisions to Title 3, Division 2, Chapter 5 of the State Bar Rules as provided in Attachment A (clean) and Attachment B (redline); and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed revised rules.

Moved by Toney, seconded by Grande

Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Noes – (0)

Abstain – (0)

Absent – (3) Chen, Shelby, Trejo

Motion carries.

5.11 Request for Approval of Mandatory Fee Arbitration Filing Fee Increase

Presenter: Melanie Lawrence, Program Director, Office of Professional Support & Client Protection

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, approves raising the application filing fees for the Mandatory Fee Arbitration program as recommended and provided in Attachment A, Title 3, Division 4, Chapter 2, “Fee Arbitration, Charges and Deadlines.”

Moved by Stephens, seconded by Shelby

Ayes – (10) Barahona, Buenaventura, Cisneros, Grande, Huser, Shelby, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Chen, Good, Trejo

Motion carries.

6. Business

6.1 Update on and Approval of 2024 Legislative Priorities and Affirmative Legislative Proposals; Position on Pending Legislation

Presenters: Donna Hershkowitz, Chief of Mission Advancement & Accountability/Legislative Director
Bridget Gramme, Special Counsel, Division of Consumer Protection, Admissions, Access & Inclusion

RESOLVED, that the Board of Trustees adopts an affirmative legislative proposal to amend Business and Professions Code section 6140.03 to increase the \$5 earmark for law student fellowships to \$10; and it is

FURTHER RESOLVED, that the Board of Trustees, adopts a support position on SB 940 (Umberg).

Moved by Sowell, seconded by Good

Ayes – (10) Barahona, Chen, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Shelby, Trejo

Motion carries.

Additional Resolution Related to Agenda Item 6.1

RESOLVED, that the Board of Trustees authorizes staff in consultation with the chair to continue to negotiate the amount of the fee increase with the Legislature and directs staff to advocate for inclusion of statutory language authorizing the State Bar to access a portion of CSF reserves and future CSF collection revenue for IT investments.

Moved by Toney, seconded by Sowell

Ayes – (10) Barahona, Chen, Cisneros, Good, Grande, Huser, Stephens, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Shelby, Trejo

Motion carries.

6.2 Update on Contracting with Kaplan North America LLC for Preparation of California Bar Examination Materials and Consideration of Actions, Including Contract Approval

Presenters: Audrey Ching, Program Director, Office of Admissions
Bridget Gramme, Special Counsel, Division of Consumer Protection,
Admissions, Access & Inclusion

RESOLVED, that the Board of Trustees authorizes and delegates authority to the Board chair and the executive director to negotiate terms of and, if appropriate, execute an agreement with Kaplan North America, LLC or its designated subsidiary in an amount not to exceed \$8.25 million for a term of five years for the development of multiple-choice, essays, and performance test questions for the California Bar Exam, and take any necessary actions to effectuate the agreement.

Moved by Barahona, seconded by Grande

Ayes – (6) Barahona, Cisneros, Grande, Stephens, Toney, Stallings

Nays – (2) Huser, Sowell

Abstain – (2) Chen, Good

Absent – (3) Buenaventura, Shelby, Trejo

Motion carries.

6.3 Discussion of Offer and Compromise Collection Program Update

Presenter: Aracely Montoya-Chico, Chief Financial Officer

Discussion only.

6.4 Approval of Interest on Lawyers' Trust Accounts Grant Distribution for 2025

Presenters: Doan Nguyen, Program Director, Office of Access & Inclusion
Heidi Slater, Program Manager, Office of Access & Inclusion

RESOLVED, that the Board of Trustees approve the 2025 IOLTA distribution in the amount of \$252 million and maintain a reserve of \$25 million at the end of 2024.

Moved by Stephens, seconded by Good

Ayes – (11) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Stephens, Toney, Sowell, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Shelby, Trejo

Motion carries.

6.5 Approval of Revisions to Appendix A, Schedule of Charges and Deadlines, Related to Law School Fees

Presenter: Cody Hounanian, Program Director, Office of Admissions

RESOLVED, that the Board of Trustees approves revisions to the Rules of the State Bar of California Appendix A, Schedule of Charges and Deadlines, related to accredited law school fees reflecting the changes approved at the March 2024 board meeting and the accreditation services fee to be assessed in 2024 as shown in Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees approves revisions to the Rules of the State Bar of California Appendix A, Schedule of Charges and Deadlines, related to unaccredited law school fees reflecting the changes approved at the March 2024 board meeting as shown in Attachment B.

Moved by Sowell, seconded by Buenaventura

Ayes – (11) Barahona, Buenaventura, Chen, Cisneros, Good, Grande, Huser, Stephens, Toney, Sowell, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Shelby, Trejo

Motion carries.

Chair Stallings stated that pursuant to Government Code section 11126(e)(2)(B)(i), 11126(c)(1), 11126(c)(17), and Business and Professions Code section 6026.7(c)(3), 6026.7, and 6086.1(c) the Board of Trustees will move to closed session to consider the items listed on the closed session agenda.

CLOSED SESSION

1. Closed Session Minutes

1.1 Approval of May 16, 2024, Closed Session Minutes

2. Closed Session Consent Calendar

2.1 Approval of Contracts Relating to the Preparation of Examination Materials or the Approval, the Grading, or the Security of Test Administration of the California Bar Examination or the First-Year Law Students' Examination

3. Closed Session Business

3.1 Conference with Legal Counsel – Anticipated Litigation

**Closed due to significant exposure to litigation pursuant to Government Code § 11126(e)(2)(B)(i).*

3.2 Discussion and Consideration Regarding the Preparation of Examination Materials and Security of Test Administration of the California Bar Examination

**Closed pursuant to Business and Profession Code § 6026.7(c)(3) and Government Code § 11126(c)(1).*

3.3 Discharge of Responsibilities Under Collective Bargaining Agreements

**Pursuant to Government Code § 11126(c)(17).*

3.4 Request to Waive Confidentiality Pursuant to Business and Professions Code Section 6086.1

**Closed pursuant to Business and Professions Code §§ 6026.7 and 6086.1(c).*

OPEN SESSION

The Board reconvened in open session and announced that there were no actions to report from the closed session.

ADJOURN

Regular Meeting of the Board of Trustees
Hybrid

Open Session Minutes
Friday, July 19, 2024
9:03 a.m.–10:17 a.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:03 a.m.
Time meeting Adjourned: 10:17 a.m.
Chair: Brandon Stallings
Board Secretary: Louisa Ayrapetyan
Members Present: Patricia Barahona, Raymond Buenaventura, Hailyn Chen, José Cisneros, Sarah Good, Cynthia Grande, Mary Huser, Melanie Shelby, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens, Mark Toney
Members Absent: Genaro Trejo
Staff Present: Ellin Davtyan, Leah Wilson

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established.

6.6 Discussion Regarding State Bar Policy on Generative AI Use

Presenters: Leah T. Wilson, Executive Director
Margaret Hagan, Executive Director of Legal Design Lab Stanford Law
Yeonwoo Lee, Intern, Office of the Executive Director

Presentation and discussion only.

ADJOURN