

**DATE:** October 22, 2008

**TO:** Members, Board Committee on Volunteer Involvement (VIC)

**FROM:** John Dutton, Chair  
Karen Hagelund, Appointments Administrator

**SUBJECT:** Discussion of Procedure Regarding Former Board Member Application for Appointment to a State Bar Sub-Entity or External Group

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#### **EXECUTIVE SUMMARY**

At the Board's September 2008 meeting, a question was raised as to whether the Board should have a policy that prohibits former Board members from applying for or accepting a State Bar appointment and/or whether an application for such an appointment should not be submitted until such time thereafter as a majority of the Board consists of members with whom that Board member did not serve (e.g., two years after leaving the Board).

VIC was tasked with examining the issue. At its November 20 meeting, VIC will discuss the issue.

#### **BACKGROUND**

The Board of Governors annually makes appointments to approximately 50+ sub-entities and external groups. Members of the Board of Governors may not serve on a State Bar entity while a member of the Board. Sitting members of the Board are allowed to serve on external organizations such as the ABA House of Delegates and the California Bar Foundation. There is no restriction regarding former Board members serving on a State Bar sub-entity or external group.

Over the years, many former members of the Board have been appointed to a variety of State Bar committees and external entities. The majority of these appointments were made within two years of the members' service on the Board. For example, of the 50 attorneys appointed to the Judicial Council, 35 were former Board members.

Of these 35 former Board members, 31 were appointed within two years of their service on the Board.

Currently, for 2008-2009, there are 17 former members of the Board serving on seven State Bar sub-entities and three external groups (ABA House of Delegates, Judicial Council and California Bar Foundation). Of these 17, 12 were appointed within two years of their Board service.

Former Board members currently serve on the following entities: Committee of Bar Examiners, Committee on Group Insurance Programs, Committee on Professional Responsibility and Conduct, California Commission on Access to Justice, Client Security Fund Commission, CEB Governing Committee, 2009 JNE Commission, ABA House of Delegates, California Bar Foundation, and Judicial Council.

## DISCUSSION

On November 20, VIC will discuss committee service of former Board members and the various options to consider, including:

- 1) whether the Board should adopt a policy that prohibits former Board members from applying for or accepting a State Bar appointment;
- 2) whether application for such an appointment should not be submitted until such time as a majority of the Board consists of members with whom that Board member did not serve (e.g., two years after leaving the Board);
- 3) whether a policy should distinguish between internal (State Bar sub-entities) and external groups (e.g., Judicial Council, ABA, etc.); or
- 4) whether the Board should continue to adhere to its current practice.

### Time Line

Should VIC determine that a policy restriction is warranted, a policy proposal would be developed for consideration by VIC and the Board at the March 2009 meeting.