

Board Committee on Operations
Referral List
March 4, 2010

Category I – Change in Date Only

March # 1

Proposed revisions to the State Bar Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs-release for public comment

This item contains two proposed revisions: 1) providing for automatic post-award interest in fee arbitration awards; and 2) adding a new standard that would prohibit MFA programs from requiring a party to elect binding arbitration in order to obtain a three-member panel.

Responsible Staff: Jill Sperber

Recommendation: DOC ~~Jan~~/March/**May** BOG- ~~March~~**May**

March # 2

California Rules of Court, Rule 9.30, Admission to Practice Law – Legal Education, Proposed Amendments, Request for Public Comment

This RAC item was previously anticipated to be submitted for RAC's January 7, 2010 meeting, however, due to other priorities of the responsible staff and the need to confer with others before a proposal is prepared, now requests that it be considered at RAC's July 2010 meeting, and that it be scheduled back-to-back by RAC and the Board in November 2010.

Responsible Staff: Gayle Murphy

Recommendation: RAC- ~~March~~**July/July-Nov** BOG - ~~July~~ **Nov**

March # 3

California Rules of Professional Conduct, Proposed New and Amended Rules, Final Report, Request for Public Comment

This RAC item was previously anticipated to be submitted for RAC's May, 2010 meeting, however, due to a revised plan providing for a longer public comment period, it is requested that it be considered, back-to-back, by RAC and the Board in March, 2010, and also that the request for adoption following public comment be considered, back-to-back, by RAC and the Board in July, 2010.

Responsible Staff: Randall Difuntorum

Recommendation: RAC: ~~May~~**Mar/July** BOG: **Mar/July**

Category II – Possible Committee Reassignments

None

Category III – New Matters Requiring Assignment to the Appropriate Board Committee

March # 4

Contracted Goods and Services

This proposal will add to the procurement process, the requirement of Board of Governors approval for contracts totaling a certain amount and above.

Responsible Staff: Peggy Van Horn

Recommendation: Planning – March

BOG - March

March # 5

Yolo County Bar rules of procedure for Fee Arbitrations

The Yolo County Bar Association proposes to adopt the State Bar's Model Rules of Procedure for Fee Arbitrations following a review for compliance by the Committee on Mandatory Fee Arbitration.

Responsible Staff: Jill Sperber

Recommendation: DOC – March

BOG-N/A

March # 6

North San Diego Bar rules of procedure for Fee Arbitrations

The North San Diego Bar Association proposes to adopt the State Bar's Model Rules of Procedure for Fee Arbitrations following a review for compliance by the Committee on Mandatory Fee Arbitration.

Responsible Staff: Jill Sperber

Recommendation: DOC – March

BOG-N/A

March # 7

Revisions to the Notice of your Rights After Arbitration form - release for public comment

This item would add a new paragraph explaining a party's right to request the arbitrator(s) to correct or amend an award, consistent with recent case law confirming these rights.

Responsible Staff: Jill Sperber

Recommendation: DOC – March/May

BOG-May

March # 8

Revisions to the State Bar's Sample Fee Agreements-release for public comment

This item would add a new sample optional disclosure regarding the absence of professional liability insurance RPC 3-410 effective January 1, 2010.

Responsible Staff: Jill Sperber

Recommendation: DOC-March/May

BOG-May

March # 9

Emergency Petition to Correct Fee Statement Notice to Members – Richard Coleman

A response is needed to an emergency petition to provide more clear instruction to members regarding completion of the Fee Statement.

Responsible Staff: Starr Babcock

Recommendation: MIRS - March

BOG - March

March # 10

Bankruptcy Law Advisory Commission, Interim Appointment of Member

This legal specialization commission has one lawyer vacancy. Due to workload for developing the upcoming examination, the commission has requested that this position be filled as soon as possible.

Responsible Staff: Gayle Murphy, Sarah Dean

Recommendation: MIRS – March

BOG- March

March # 11

Committee on Professional Responsibility and Conduct, Interim Appointment of Member

This committee has a vacancy due to the recent death of a member and requests that the vacancy be filled at the March meeting.

Responsible Staff: Lauren McCurdy

Recommendation: MIRS – March

BOG- March

March # 12

State Bar Rule, Title 3, Programs & Services, Division 4, Consumers, Chapter 3, Lawyer Referral Services, Request of Approval for Public Comment

This item requests Board Committee approval to send out proposed revisions of the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum standards for a Lawyer Referral Service in California for public comment for a 45-day period. This is part of the ongoing process of revising State Bar rules.

Responsible Staff: Rodney Low

Recommendation: LSC May/July

BOG: May/July

March # 13

Alternative Discipline Program Policy (ADP)

This is a referral from the Break-Out Sessions at the Board Planning Meeting: Require a joint agreement between Office Trial Counsel and the respondent to send a party to Alternative Discipline Program

Responsible Staff: Russ Weiner

Recommendation: DOC – TBD

BOG- TBD

March # 14

Alternative Discipline Program Monitor (ADP)

This is a referral from the Break-Out Sessions at the Board Planning Meeting:
Engage a non-State Bar entity to monitor the ADP.

Responsible Staff: Russ Weiner

Recommendation: DOC – TBD

BOG- TBD

March # 15

Commission the Commission for Impartial Courts Recommendation No. 28

This is a referral from the Break-Out Sessions at the Board Planning Meeting:
Task the Rule Revision Commission with developing a new rule of professional conduct that would allow the State Bar to discipline attorney candidates who engage in campaign misconduct when running for judicial office.

Responsible Staff: Lauren McCurdy/ Randy Difuntorum

Recommendation: RAC – TBD

BOG- TBD

March # 16

Alternative Discipline Program (ADP) in Lieu of Discipline

This is a referral from the Break-Out Sessions at the Board Planning Meeting:
Refer respondents to the ADP for low level offenses in lieu of discipline, but reduce referrals for major offenses.

Responsible Staff: Russ Weiner

Recommendation: DOC – TBD

BOG- TBD

March # 17

LAP – Career Counseling

This is a referral from the Break-Out Sessions at the Board Planning Meeting:
Promote career counseling in conjunction with Lawyer Assistance Programs

Responsible Staff: Janis Thibault

Recommendation: MIRS – TBD

BOG- TBD

March # 18

Career Resource Page – Develop a Career Resource Page on the State Bar’s web site.

This is a referral from the Break-Out Sessions at the Board Planning Meeting:

Responsible Staff: TBD

Recommendation: MIRS – TBD

BOG- TBD