



THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

MEMORANDUM

DATE: February 24, 2011

TO: Members, Board Committee on Member Oversight

FROM: Dina DiLoreto, Director of Administration, Member Services Center
Gayle Murphy, Senior Executive, Admissions

SUBJECT: REPORT ON CERTIFICATES OF STANDING

During its last meeting, the Board Committee on Member Oversight asked staff to prepare a report discussing Certificates of Standing (Certificate), the impact of eliminating hard copy Certificates and relying solely on the online attorney records available on the State Bar's web pages.

A Certificate is an official document that confirms an attorney's status with the State Bar of California. Certificates include the attorney's name, subsequent name changes, date of admission, status history, and any record of public discipline or administrative actions. A regular Certificate includes only public information and can be requested by anyone. Only attorneys can request a Certificate that includes confidential complaint check information. A confidential Certificate only will be provided directly to admitting authorities in other jurisdictions.

The Certificate is on State Bar letterhead, the information is listed in narrative form, it is signed by the Custodian of Records (staff in the Member Services Center department) and the State Bar seal is embossed on top of the signature.

Currently, approximately 9,000 Certificates are issued each year. A small but consistent percentage of certificates issued are notarized, at the request (and expense) of the requestor. These are typically for admission to foreign jurisdictions.

Revenue generated from this process is budgeted at \$215,000 and adequately covers the administrative costs (including staff time) incurred. The same Member Services Center employees who answer the telephones also produce the certificates. There is no one employee dedicated to Certificate production. Thus, even if the production of Certificates was eliminated from their workload; there would not be a reduction in staff. Although if they were no longer required to produce Certificates, they reasonably could be asked to take on additional other tasks.

While the State Bar's website provides quite a bit of information regarding its members, not all information is available because it is either confidential, the Board of Governors' (Board) policy restricts what information is published, or the data processing system is not configured to provide the information.

For instance: 1) Last year 9% of the Certificates issued included a confidential complaint check information component, which was done at the request of the member (this is not information that is available publicly); 2) A current Board policy allows fee suspensions that are on track for expungement at the seven-year mark to be masked from the website at the two-year mark; 3) End dates are not listed on the website for individual disciplinary or administrative actions. Only the status history shows end dates. If a member is placed on "Not Eligible" status for more than one reason, only the final date that all reasons were resolved and the member was reinstated is visible on the website; and, 4) An attorney's name change history is not listed within their online profile.

The primary reason that attorneys request Certificates is to provide proof to other bar admission jurisdictions of their status with the State Bar of California, which is needed as part of their application for admission to those other states. It is unlikely that these other jurisdictions would rely on California's website for this information for several reasons, including the allocation of resources and authenticity of the information provided. For instance, the State Bar's Office of Admissions received 939 Certificates in 2010. The Certificates were used in determining the eligibility of attorneys to register as attorneys, to determine whether they were qualified to take the Attorneys' Examination (which requires attorneys to be admitted in good standing for at least four years in another jurisdiction) and in the moral character determination process. Under current procedures, the burden is on the attorney to establish proof of his or her eligibility and the provision of a Certificate, which would have been initiated by the attorney, makes it a fairly easy process to do so. Alternatively, if the Admissions Office had to seek out the information on its own by reviewing other states' websites, which may or may not provide the information needed, additional staff and resources would, most likely, be needed. Also, during the admission process for most states, the more detailed confidential information, such as that provided in a confidential complaint check, would, most likely, be required of anyone who had been in the discipline system in California, whether publicly disciplined or not. Most states, including California, would not accept website attorney information as an official record, as it often times is not a complete record of the attorney's admission status in that particular state.

Although it is true that a requesting attorney or member of the public would rather receive the service for free, the process related to the provision of Certificates is not burdensome to the State Bar and as mentioned above, the revenue received covers the costs associated with providing the service. The Membership Services Center recently made several enhancements to the process, which has and will make it even easier to request and produce Certificates. The production of basic Certificates has been automated so Certificates are produced more efficiently and in less time; and within the next few weeks, a new web page, which will give requestors the ability to order and pay for their certificates online, is being launched. These improvements have and will save time and resources, and, hopefully, further streamline the process for fulfilling these requests.

If you have any questions, please let us know.