

Board Committee on Operations

Referral List
May 10, 2012

Category I - Change in Date Only

May # 1

Report and Filing with the CA Supreme Court of the Board of Legal Specialization Annual Report

It is requested that the submission and review of the 25th Annual Legal Specialization Report be moved to the July 2012 Board Meeting. Because the financial books for 2011 were closed later than in prior years, the Annual Report, which contains financial information, was not available to be reviewed as scheduled by the Board of Legal Specialization at its last meeting. Instead, the 25th Annual Report will be reviewed at the April 27, 2012 Board of Legal Specialization meeting, and submitted to the Board thereafter for its consideration in July 2012.

Responsible Staff: Gayle Murphy

Recommendation: MOC - ~~May~~ **July**

BOT- ~~May~~ July

May # 2

Commission on Judicial Nominees Evaluation: 2011 Activities and Statistical Report; Proposed Receipt for Filing

It is requested that the submission and review of the 2011 Activities and Statistical Report be moved to the July 2012 Board meeting. Because the 2011 JNE year will officially end in mid-April of 2012, the Chair is still collecting and analyzing data for the report. Thus, the report will not be ready in time for the May meeting.

Responsible Staff: Heidi Schwab-Wilhelmi

Recommendation: Stakeholders - ~~May~~ **July**

BOT- ~~May~~ July

May # 3

Professional Liability Insurance- Renewal of the Brokerage and Administration Agreement

The renewal of the PLI Agreement between the State Bar and Marsh US Consumer is currently under review and will be available for presentation to MOC in July. The original proposed renewal of a 5-year term with an effective date of April 1, 2012 will be revised to show a new start date. A status report will be provided to MOC in May.

Responsible Staff: Pam Wilson/Cynthia Abramov

Recommendation: MOC – ~~Mar~~ ~~May~~ **July**

BOT – ~~May~~ July

Category II – Possible Committee Reassignments

May # 4

Refusal-of-Admission and Suspension for Tax Delinquency (AB 1424, Stats. 2011, Ch. 455)

This item is currently on both the RAD and MOC inventories but because the issue relates strictly to the regulation of attorneys and bar applicants, it is appropriate that it go before RAD for action and MOC for information. AB 1424 is directed at the 500 largest state tax delinquencies over \$100,000. The bill provides for suspension of the professional license or denial of license to an applicant who is a delinquent taxpayer (Franchise Tax Board or the State Board of Equalization). The Bar is covered by AB 1424 and the item proposes two new California Rules of Court and a new State Bar rule.

Responsible Staff: Gayle Murphy, Dina DiLoreto

Recommendation: RAD- May/July **MOC:** (INFO ONLY) **BOT-** July

May # 5

Suspension for Failure to Comply With Child or Family Support Order

This companion item to the one above is currently on the MOC inventory but because the issue relates strictly to the regulation of attorneys and bar applicants, it is appropriate that it go before RAD for action and MOC for information. California Rule of Court 9.22 and State Bar rule 2.34 govern suspension of a member who fails to comply with court-ordered child or family support. The proposed amendment intends to make the administrative process of suspension and reinstatement more effective and efficient.

Responsible Staff: Gayle Murphy, Dina DiLoreto

Recommendation: RAD- May/July **MOC:** (INFO ONLY) **BOT-** July

Category III – New Matters Requiring Assignment to Appropriate Board Committee

May # 6

Review of Board Committee Structure

Board member Wells Lyman, after consultation with Bar President Jon Streeter, requests that the Board Ops Committee refer to the Planning Committee the task of reviewing the board committee structure. As a result of the passage of SB 163, it is appropriate for the Board to review the charges of each of the Board Committees and to make recommendations for revision of the committee structure and Committee missions as they relate to the SB 163 Board responsibilities.

Responsible Staff: Francisco Gomez

Recommendation: Planning – July/Oct **BOT - Oct**

May # 7

Format of the California Bar Examination

The California Bar Examination for Attorneys admitted in other jurisdictions for four or more years is administered over two days. The Committee of Bar Examiners is studying whether the examination for general applicants should also be two days rather than the three days it is now. Before proceeding further, the Committee would like to meet with RAD to discuss the proposal.

Responsible Staff: Gayle Murphy

Recommendation: RAD - May

BOT - N/A

May # 8

Update to Discipline Cost Formula

In January 2011, the then-Board of Governors adopted a cost model for attorney disciplinary matters in response to a recommendation from the California Bureau of State Audits. The resolution applied “in all matters in which a notice of disciplinary charges or a pre-notice stipulation pursuant to Rules 132 – 135...is filed...” It has come to staff’s attention that this language needs to be modified so that it can be applied to conviction referral matters, which are generally initiated by a conviction transmittal. This modification is not substantive and is intended to conform the rules to practice.

Responsible Staff: Bob Hawley

Recommendation: RAD - May

BOT - May

May # 9

Sacramento County Bar Association Fee Mediation Rules

The Sacramento County Bar Association (“SCBA”) is instituting a fee mediation program. The SCBA submitted proposed rules of procedures for fee mediations to the Committee on Mandatory Fee Arbitration (“CMFA”). At its March 2012 meeting, the CMFA approved the rules provided by SCBA. The CMFA now presents these rules to RAD for final approval pursuant to Bus. & Prof. code §6200(d).

Responsible Staff: Doug Hull

Recommendation: RAD - May

BOT- N/A

May # 10

Change in the Mission and Charge for the California Young Lawyers Association

This item proposes changes to the Mission Statement and Charge for CYLA as a result of SB 163 and formalizes its reoccurring report to MOC at each meeting.

Responsible Staff: Pam Wilson

Recommendation: MOC- May

BOT- July

May # 11

Judicial Summit: Report and Recommendations

The Judicial Council and the State Bar of California co-sponsored the 2011 Judicial Summit, a five-year follow-up to the first joint Judicial Summit held in 2006. The 2011 Summit was designed to assess progress made toward achieving the goal of having a judiciary that reflects the diversity of California's population. The 2011 Summit Report and Recommendations will be presented along with an action plan for ongoing implementation.

Responsible Staff: Patricia Lee

Recommendation: Stakeholders - May

BOT - N/A

May # 12

Elimination of Bias Video Project

The purpose of this project is to produce and disseminate a 30-minute, professional quality video depicting the experiences faced by attorneys from diverse backgrounds in the practice of law. The video will provide real-life examples of the subtle biases they face in the work setting, court, and other areas of practice. Similar videos were produced about 10 years ago and are now outdated in terms of the nature and scope of the biases depicted and the increased complexities/subtleties of the social interaction and experiences on the part of legal employers, clients and attorneys involved. A training manual would also be produced to assist the "trainers" showing the video. The video would provide the basis for ongoing dialogue and discussion among members of the profession about the various scenarios and how to address them in the practice setting. The showing of the video combined with discussion would take one hour and fulfill the 1 unit EOB MCLE credit.

Responsible Staff: Patricia Lee /Joe Dunn

Recommendation: Stakeholders - May

BOT- N/A

May # 13

Status of Discussions with US News & World Report re Law School Rankings

In January 2011 the Board authorized the Council on Access & Fairness to submit comments to USNWR and to engage in follow up dialogue to implement the proposal to include diversity as a factor in the overall law school rankings. The COAF has been conducting outreach to other bar associations and law-related entities to gain support for its recommendations and has engaged in dialogue with editors at US News & World Report. This will be a report on the collaboration with other entities, dialogue with US News and next steps.

Responsible Staff: Patricia Lee

Recommendation: Stakeholders - July

BOT - N/A