

Board Committee on Operations Referral List

July 18, 2013

Category 1 – Change in Date Only

July #1

Request for Policy Expansion of OCTCs ability to post consumer alerts

The current policy regarding the posting of Consumer Alerts authorizes OCTC to post an alert if the case is a major misappropriation case or a loan mod case. This agenda item modifies the current policy. This item was discussed at the May RAD meeting and it was determined that it should return in July as a request to release for public comment

Responsible Staff: Jayne Kim

Recommendation: RAD – ~~May~~/July/October

BOT – **October**

July #2

Proposed Changes to MCLE Rules

This referral combines three existing MOC inventory items (Proposed Changes to MCLE Requirements, Enhance MCLE Requirements for MCLE Providers, and Review and Evaluation of MCLE Substance Abuse Requirement) and sets forth specific dates for action. A request to put proposed MCLE rule changes out for public comment is ready to go to MOC in July, with the expectation that, following the public comment, staff will return to MOC and the BOT in October for further action.

Responsible Staff: Pam Wilson, Gayle Murphy, Dina DiLoreto

Recommendation: MOC - March/July/ ~~TBD~~ **October**

BOT – **October**

Category 2 – Possible Committee Reassignments

None.

Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

July #3

Monterey County Bar Association Rules of Procedure for Fee Arbitrations

The Monterey County Bar Association has requested to make modifications to their rules of procedure relating to their fee structure. The Committee on Mandatory Fee Arbitration has reviewed the modifications and found them to be in conformity with the Minimum Standards and Guidelines. This item requests RAD to approve the rules.

Responsible Staff: Doug Hull

Recommendation: RAD – **July**

BOT – **N/A**

July #4

Military spouses practicing in California: approaches to fulfilling the Bar's mission of public protection

This is a returning item included at the request of RAD Chair Karen Goodman. This was originally entitled "ABA Resolution 108 on Military Spouse Attorneys" and was considered in March, 2012. This is an informational item. Mary Reding will present what options are available. A draft proposal is to be presented that includes pre-admission ethics training, malpractice insurance, supervision by an admitted lawyer and pro bono commitment.

Responsible Staff:

Recommendation: RAD – **July** (Information only)

BOT- TBD

July #5

Committee of Bar Examiners' Recommendation to Modify Bar Examination

The Committee of Bar Examiners has developed a recommendation to modify the current 3-day bar examination to a 2-day examination. This is referred to RAD for its review.

Responsible Staff:

Recommendation: RAD - **JUL/TBD**

BOT - TBD

July #6

Governance Issue related to the Board Officer Roles and Committee Structure

Discussion and action regarding a Board Officer "Leadership Ladder" to the Presidency; the Office of the Presidency as a fourth year term; and recommendations for changes to the Board Committee Governance Structure.

Responsible Staff: Dina Goldman / Larry Yee

Recommendation: PPDB – **July** (discussion only)

BOT – TBD

July #7

Workers' Compensation Section Request to Publish Court of Appeal Decisions

The Workers' Compensation Section seeks approval to review and selectively request for certification, publication of Court of Appeal decisions originally designated as unpublished. There is an obvious and acknowledged need for a greater number of published, and therefore citable, appellate decisions pertaining to workers' compensation law. The scarcity of citable case law has lead practitioners to engage in inappropriate efforts to circumvent the prohibition against citing unpublished decisions, resulting in numerous cautions and even threats of sanctions by the judiciary.

Responsible Staff: Pam Wilson

Recommendation: Stakeholders – **November**

BOT – January 2014

July #8

Proposed Revisions to the Legal Specialization Rules

Staff seeks permission to circulate proposed revisions to the Legal Specialization Rules for public comment. The revised rules were drafted by the State Bar's consultant, in consultation with representatives from the Office of General Counsel and the programs' managers, as part of the State Bar's efforts to streamline its rules and to conform the rules to the State Bar's new standards and style. While some program changes and updates are being recommended, the goal in drafting the revised rules was to make them easier to read, understand and administer.

Responsible Staff: Gayle Murphy/Natalie Leonard

Recommendation: MOC – **July/November**

BOT - November