

AGENDA ITEM

114 MARCH 7, 2014

DATE: March 6, 2014

TO: Members, Board Committee on Operations
Members, Board of Trustees

FROM: Joe Dunn, Executive Director

SUBJECT: Approval of Policy Regarding Speaker Fees

EXECUTIVE SUMMARY

During its 2014 Planning retreat, the Board of Trustees expressed its desire to have guest speakers attend the Board's regular business meetings. This policy will establish guidelines for the selection of speakers and the range of speaker fees that the State Bar will consider for board meetings. This policy does not apply to Sections or Annual Meeting speakers.

BACKGROUND

In recent months, the State Bar hired two guest speakers to address the Board on the changing legal profession and to provide other information relating to the Bar's public protection mission. Since the Bar does not have a policy or budget in place for guest speakers, the following policy and procedures are recommended to provide a framework for the use of guest speakers.

Selection process for Guest Speakers

All guest speakers should be selected based on the relevance of their expertise in areas of critical interest to the Board and directly related to the Bar's mission of public protection. The selection process for the engagement of any speaker will be managed through the Office of the Executive Director and with confirmation from the Office of Finance that sufficient funding is available. Board members are expressly prohibited from negotiating fees with a guest speaker. All speakers should enter into a written contract with the State Bar that clearly states the amount of the speaker fee and the amount of any reimbursable travel expense.

Speaker fees and other honoraria are exempt from formal competitive bidding under the State Bar's procurement policies (General Procurement Manual § 4.03.A.20.); however,

the Bar is required to perform an analysis to demonstrate that the fees being charged are reasonable. The Office of Procurement and Risk Management will perform this analysis and facilitate the contracting process through the Office of General Counsel. To allow time for the required reviews, speakers should be identified well in advance of the Board meeting.

Speaker Fees

In general, an individual speaker's fee should not exceed \$5,000. Depending on the stature and expertise of a given speaker, the Office of the Executive Director, with written approval from the Board President, may consider authorizing a higher fee. In all cases, the Office of Finance must confirm the availability of funding and the Office of General Counsel must evaluate the relevance of the speakers' topics to the Bar's public protection mission.

For 2014, a budget of \$35,000 in the Affinity and Insurance Fund is proposed, which is sufficient to provide speakers for the remainder of the year.

ISSUE

Should the Board of Trustees approve a policy regarding guest speaker fees and establish a budget for these fees for 2014.

CONCLUSION

Staff recommends that the Board of Trustees adopt the policy and approve a 2014 budget for speaker fees.

FISCAL / PERSONNEL IMPACT:

The 2014 budget in the Affinity and Insurance Fund will be increased by \$35,000 to pay for speaker fees.

RULE AMENDMENTS:

None

BOARD BOOK IMPACT:

None

RECOMMENDATION

Staff recommends that the Board of Trustees adopt the resolutions in the form attached here.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board Committee on Operations agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Board Committee on Operations recommends that the Board adopt the policy regarding speaker fees; and it is

FURTHER RESOLVED, that the Board Committee of Operations recommends that the Board approve a budget amendment to the 2014 budget in the Affinity and Insurance Fund in the amount of \$35,000 for the purpose of paying speaker fees.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the Board Committee on Operations's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board hereby adopts the policy regarding speaker fees; and it is

FURTHER RESOLVED, that the Board of Trustees approves a budget amendment in the amount of \$35,000 for the purpose of paying speaker fees.