

Board Executive Committee Referral List

May 7, 2015

Category 1 – Change in Date Only

May #1

Standards for Attorney Sanctions for Professional Misconduct, Proposed Modifications

The review of the Standards has been completed and was presented to RAD at the March meeting with a request for release for further public comment. This item seeks to approve the proposal after the 2nd round of public comment.

Responsible Staff: Rachel Grunberg

Recommendation: RAD – MAR/MAY

BOT – ~~MAR~~ MAY

May #2

Proposed Amendments to Admissions Rules re Processing of Moral Character Determination Applications

The purpose of this item from the Committee of Bar Examiners is to clarify the deadline for filing an appeal, and to clarify the date an applicant can re-apply following denial. A request to circulate for public comment will be presented to A&E in March 2015, and, if approved, will return to A&E and the Board in ~~May~~ **July** 2015 following public comment.

Responsible Staff: Gayle Murphy

Recommendation: A&E – MAR/~~MAY~~ JULY

BOT – ~~MAY~~ JULY

May #3

Proposal to Increase Required MCLE Hours and Require that Specified Number Be Relevant to Attorney's Practice Area

This item revisits proposed changes to the MCLE requirements that would increase the total number of hours required from 25 to 36. In this new proposal, the requirement would further specify that a certain number of hours be relevant to an attorney's practice area. The staff recommendation is that the proposal be circulated for a 45-day public comment period in May, and that it return to the Board for formal consideration in July.

Responsible Staff: Pam Wilson, Gayle Murphy

Recommendation: A&E – ~~TBD~~ MAY/JULY

BOT – ~~TBD~~ JULY

Category 2 – Possible Committee Reassignments

May #4

Proposed Amendments to the State Bar Rules RE Legal Specialization and the State Bar Court Rules of Procedure Concerning Handling of Certification Denials – Request to Circulate for Public Comment

(This item replaces “Proposed Amendments to the Legal Specialization Rules” which was originally inventoried for A&E.)

Last year, the Board of Trustees adopted revised Legal Specialization Rules, which had been modified to conform with the State Bar’s project to clarify the language and organization of the rules. Several procedural steps were taken out of the rules with the intention that they would be either incorporated into other rules of the State Bar so there would not be any conflicts or interpreting guidelines would be adopted by the Board of Legal Specialization. One of the procedures removed was that involving the process related to appealing a denial of legal specialist certification, which is done through the State Bar Court. The current Rules of Procedure of The State Bar of California, however, do not have reference to handling such a situation, so it is being recommended that they be amended to include legal specialist certification denial appeals. Proposed changes to the legal specialization rules are needed as well. Prior to adoption, it is recommended that the proposed amendments be circulated for a 45-day public comment period.

Responsible Staff: Gayle Murphy

Recommendation: RAD - MAY/JUL

A&E - MAY (Information only)

BOT - JUL

Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

May #5

Voluntary Survey of State Bar Members on Client Trust Accounting

This item requests that the Regulation and Discipline Committee recommend to the Board of Trustees that it authorize staff to conduct a voluntary survey of randomly selected State Bar members on the subject of client trust accounting.

Responsible Staff: Randy Difuntorum

Recommendation: RAD-APR

BOT-MAY

May #6

Legal Services Funding Resolution

This item recommends that the Stakeholders and Access to Justice Committee and the State Bar Board of Trustees adopt a resolution supporting increased funding for legal services.

Responsible Staff: Kelli Evans

Recommendation: STK-MAY

BOT-MAY

May #7

Dissolution of Post-Employment Benefits Plan Committee

The recommendation is to allow the Post-Employment Benefits Trust to lie dormant instead of terminating it following the transfer of all of the OPEB assets to the California Employers' Retiree Benefit Trust (CERBT). Leaving the Trust dormant would not be an issue and might be simpler than formally terminating the Trust, leaving the flexibility to re-activate it as needed. As to the Post-Employment Benefits Plan Committee, it is only required if there is any money left in the Trust. Since all funds have been transferred, then CalPERS CERBT would have its own trust committee with the fiduciary duties to oversee the investments. Therefore, the recommendation is to dissolve the Post-Employment Benefits Plan Committee.

Responsible Staff: Christine Wong

Recommendation: P&B-MAY

BOT-MAY