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MEMORANDUM

TO: Stakeholders, Access to Justice & Appointments Committee
Board of Trustees
State Bar of California

FILE NO: 99904.1008

FROM: Michael G. Colantuono, Chair

DATE: November 13, 2016

RE: Proposed Committee Work Plan

Committee Vice Chair Janet Brewer and I have discussed with Bar management staff the Committee's charge, as adopted by the Board in September and outlined a proposed Work Plan for the Committee for the 2016–2017 Board year. While the plan will help us organize our work to ensure productive use of our time, it will not exclude consideration of other matters within our purview as they arise.

We ask that you review this proposal and the Committee's charge, which I attach, and give thought to whether you approve of this draft or have proposals to amend or augment it. We will act as a Committee on this at our November 17, 2016 meeting.

Thank you for your contribution to the work of the Committee!

Attachments: Draft Work Plan
Committee Charge

Stakeholders, Access to Justice and Nominations Committee
Board of Trustees
State Bar of California

Proposed Work Plan

November 17, 2016

- 1. Five-Year Survey of Bar Members:** Assist staff in developing survey instrument, review survey results, and identify policy implications of those results. Consider the utility of the survey as a tool to achieve the Bar's access to justice and diversity goals. Consider survey questions to identify the number of attorneys practicing with disabilities, the nature of the disabilities and how they may be accommodated. Consider survey questions to identify military veterans in the practice of law and any needs those attorneys have to facilitate their work and service to Californians. (To BoT in December)
- 2. Pro Bono Participation:** Based on existing data, only about 8% of California attorneys are doing pro bono work with an IOLTA-funded organization. We can do better. In the summer of 2017, we will receive results from an ABA administered survey of 80,000+ California attorneys and learn more about why attorneys are or are not providing pro bono services, as well as information about their donations to support access to justice. The Committee will review the results of that survey and assess existing State Bar efforts and explore new strategies to increase pro bono engagement. (Summer 2017)
- 3. Equal Access Fund:** This year, working with a wide variety of stakeholders across the state, we were able to obtain a \$5 million increase in the Equal Access Fund — a 50% increase. However, the Legislature approved the increase as one-time money. The Committee will assist staff in strategizing to maintain and enhance this funding source. (Early 2017)
- 4. Fee Statement Contributions:** This year and last we raised nearly \$7 million for legal aid through voluntary contributions made via the annual attorney

fee statement. Several other states including Illinois, Minnesota, Missouri, Pennsylvania, Texas, and Wisconsin impose mandatory assessments for legal aid, but operate under different constitutional restrictions than California. The Committee will consider this and other options for enhancing funding for legal aid services, aid the communication effort of the Campaign for Justice, and review the implications for these funding streams of electronic billing of Bar fees. (Mid-2017)

5. **Lawyer Referral Services:** The Bar regulates lawyer referral services to protect consumers from inappropriate marketing and to help consumers find qualified attorneys. The statutes and Bar rules governing these services predate the internet service economy, however, and are outdated. The Committee will assist staff in a comprehensive review of the rules, with input from a wide range of stakeholders including existing lawyer referral services, companies that are using technology to reach large numbers of consumers, and others. The goal is to protect consumers while facilitating access to legal services. (Early 2017)
6. **Bar Restructuring:** Assist staff in developing for Board approval a proposal to restructure the Bar's myriad boards, committees, commissions and task forces to achieve efficiencies and a simpler organizational structure. (Late 2016)
7. **Diversity in Appointments:** Encourage all members of the Bar to participate in appointment outreach activities of committees and to seek diverse memberships on committees to which the Board makes appointments. Implement outreach for ongoing recruitment of diverse applicants for appointment, track demographics of committee participants over time, and consider goals for minority participation in the work of the Bar. (Late 2016)
8. **Council on Access & Fairness:** Review and support the work of the Council to achieve the Bar's diversity goals, including review and comment on the Council's Long Range Strategic Plan and Strategic Goals. (July 2017)
9. **Legislation:** Review Section proposals for legislation and advise the Board pursuant to existing policy. (Ongoing)

10. **Appointments:** Fulfill the responsibilities formerly assigned to the Nominations and Appointments Committee in promoting appointment opportunities, vetting applicants and recommending appointments to the Board. (May and July 2017)

11. **Silo Funding:** In cooperation with the Planning & Budget Committee, pursue the task identified by the 2015–2016 Governance in the Public Interest Task Force to develop a comprehensive set of recommendations for organizational consistency, coherence and principles of prudence and transparency in the expenditure of Bar and sponsorship funds for consideration by the Board at its January 2017 planning meeting. (December 2016 and ongoing)

Article 6
CHARTER FOR STAKEHOLDERS, ACCESS TO JUSTICE, AND APPOINTMENTS
COMMITTEE

The Stakeholders, Access to Justice, and Appointments Committee shall be responsible for developing, maintaining and/or improving effective relationships with the State Bar's most important stakeholders; maintaining a positive, productive working relationship between the State Bar and its attorney members, and between the State Bar and the Council of State Bar Sections and other groups of the State Bar relating to the scope of this committee's work; and advising the Board on its responsibilities to nominate and appoint members of Bar and non-Bar bodies.

This committee's charter shall encompass attorney member practice issues and service programs for the benefit of or relating to members. This charter shall be accomplished as follows:

- Oversee the development of strategies for building understanding and respect for the State Bar, lawyers, and the legal profession; and for developing and/or maintaining close, positive relationships with key external stakeholders (utilizing the resources of the State Bar's Communications/Media and Information Services, Legislative, and Court Relations programs) — carrying out this responsibility within the State Bar planning process and in coordination with the Planning and Budget Committee.
- Oversee the administration of member/customer/constituency services and surveys, reviewing such surveys, and reporting results to the Board as appropriate.
- Oversee the development and implementation of State Bar operational policies as needed to guide programs and functions dealing with attorney members, so long as these policies do not alter approved goals or results in changes in the adopted budget.
- Help to develop and expand resources for civil and legal services to low- and moderate-income persons.
- Ensure — through detailed strategy formulation and careful monitoring — that the State Bar's working relationship with the Council of State Bar Sections and other groups of the State Bar (relating to the scope of this committee's work) is positive and productive.
- Monitor and develop programs relating to attorney member practice issues and service programs for the benefit of or relating to members, including issues and programs relating to the diversification of the legal profession.

- Oversee the development and implementation of legislative relations policies and strategies.
- Oversee Board member participation in outreach programs in appropriate forums on behalf of the State Bar.
- Work with Board appointed committees and task forces to oversee and develop the Bar's access to justice programs, including identifying and distributing funding and identifying opportunities and challenges for ensuring access to justice by Californians of all income levels and from each of our state's diverse communities.
- Recommend non-disciplinary appointments to the State Bar's standing committees, section executive committees, special committees, boards and commissions, and external entities (formerly the responsibility of the Nominations and Appointments committee of the Board of Trustees).
- Ensure adequate public notice of appointment opportunities to ensure a well-qualified and diverse field of applicants.
- Perform such other functions relevant to the committee's subject area as the Board of Trustees may from time to time assign.

(Source: Board of Governors' Resolution approving External Stakeholder Relations Committee Charter, May 2002; Board of Governors' Resolution approving Member Oversight Committee Charter May 2002; Board of Governors' Resolution approving Volunteer Involvement Committee Charter, May 2002; Board of Governors' Resolutions September 2005, July 2009, September 2010; September 18, 2011; Board of Trustees Resolution approving Stakeholders and Access to Justice Committee Charter, July 2014; Board of Trustees Resolution approving Nominations and Appointments Committee Charter, July 2014; September 12, 2016.)

Historical Note

At its July 2014 meeting, the Board of Trustees adopted the charter for the Stakeholders and Access to Justice Committee that maintains the existing non-fiscal functions of the Stakeholders Relations Committee, as well as the non-regulatory, member services and non-fiscal functions of the existing Member Oversight Committee, with increased responsibility for the Bar's access to justice commitments.

At its July 2014 meeting, the Board of Trustees adopted the Executive Committee charter that made the Nominations and Appointments committee (NAC) subject to Executive Committee oversight, meaning that NAC will generally report to the Executive Committee rather than the full Board, except where Board action is needed.

At its September 12, 2016, the Board of Trustees combined the NAC committee with the Stakeholders and Access to Justice committee to form the Stakeholders, Access to Justice and Appointments committee.