



The State Bar of California

OPEN SESSION AGENDA ITEM 703 JANUARY 2020

DATE: January 24, 2020

TO: Members, Board of Trustees

FROM: Donna Hershkowitz, Interim Executive Director
Kenneth Holloway, Assistant General Counsel, Office of General Counsel
Suzanne Grandt, Assistant General Counsel, Office of General Counsel

SUBJECT: Rule Changes Addressing Public Licensee Information and Required Reporting –
Return from Public Comment and Request for Approval

EXECUTIVE SUMMARY

Objective g of Goal 2 of the State Bar Strategic Plan requires that all attorneys be required “to report firm size and practice type to the State Bar and to maintain and update that information.” In addressing this Objective, staff has recommended a more comprehensive approach to clarifying and updating attorneys’ reporting requirements. Accordingly, on September 19, 2019, the Programs Committee authorized a 60-day public comment period for proposed amendments to State Bar Rules 2.2, 2.3, and 2.4. The proposed Amended Rule 2.2 is intended to consolidate existing rules for attorneys’ mandatory and discretionary reporting requirements, set forth additional reporting requirements, and clarify what information composes an attorney’s official State Bar record. This agenda item discusses the public comments received and, with two minor modifications, recommends that the Board adopt Amended Rule 2.2.

BACKGROUND

Licensees are required to report and update the following categories of information, pursuant to State Bar Rules 2.2 and 2.3 and Business and Professions Code sections 6002.1 and 6212:

- Name
- Address and telephone number
- Email address

- Admission and discipline in any other jurisdictions
- Certified legal specialties
- Interest on Lawyers' Trust Accounts (IOLTA) information

The State Bar also collects the following optional information if provided through My State Bar Profile, the "expanded profile" option, or the oath card submitted at the time of admission:

- Fax number
- Office website
- Photo
- Practice areas
- Languages spoken by the attorney or office staff
- Undergraduate school

This information, along with the license information tracked directly by the State Bar and any other information required by law or by the Supreme Court, composes a licensee's record.

The proposed rule amendments are intended to collect together all existing requirements for reporting and updating this information in a single rule, as well as making the following modifications:

- Adding the mandatory reporting of firm size and practice sector in accordance with Objective g of Goal 2 of the State Bar Strategic Plan,
- Making the reporting of a law firm website mandatory, and
- Ceasing collection of undergraduate school information.

As discussed below, after reviewing public comments, staff also recommends ceasing collection of optional attorney photographs.

Finally, while the rule amendments deal only with what information is collected by the State Bar, this agenda item will also provide informational discussion regarding staff recommendations for which elements of this public information should be displayed on the State Bar website, including the recommendation that reported practice area information be made searchable by the public.

DISCUSSION

On September 19, 2019, the Programs Committee authorized a 60-day public comment period for proposed amendments to State Bar Rules 2.2, 2.3, and 2.4. The public comment period was initially scheduled to run from October 2, 2019, through December 2, 2019. In response to a request from one organization, the comment period was extended to December 15, 2019. The revised date for the close of the comment period was posted on the website in November to ensure all individuals and entities received the same courtesy. The State Bar received 116 comments that relate to the proposed rule change, as well as an additional 12 comments that

relate only to other issues or are otherwise nonresponsive. The full text of these comments is provided as Attachment C.

The comments received in opposition to the proposal primarily addressed whether certain information should be publicly displayed online through State Bar attorney profile pages, often assuming the fact that the information was stated as “public” meant that it would be displayed. To clarify, the proposed Amended Rule 2.2 speaks only to what information is collected by the State Bar, and not specifically what information is posted on the website. While all records relating to the business of the State Bar that are regulatory in nature may be subject to public disclosure under the California Public Records Act (with the exception of a nonpublic email address under California Rules of Court, rule 9.9), the question of what items are proactively displayed on an attorney’s profile page is a separate issue. In fact, the September 19, 2019 agenda item stated that the proposed rule “does not address what information will or will not be displayed on the State Bar attorney profile page. Since all information in the official record is public (with the exception of private email addresses), the State Bar has the discretion to determine what information it chooses to post online. This is a policy determination separate from this rule proposal.”

Of the 116 responsive comments, 37 of them related only to whether firm size, IOLTA account information, telephone numbers, email addresses, physical addresses, or disciplinary history should be displayed to the public on the State Bar’s website. Many other comments raised such concerns in addition to other issues. While the proposed rule itself does not address the online display of this information, for clarity and informational purposes this agenda item will also detail staff recommendations for what information should be displayed online should the proposed rule be adopted.

The most common comments critical of the proposed rule were: (1) that the mandatory reporting of information such as firm size would, if displayed online, invite bias against small firms or solo practitioners; and (2) that the optional addition of photographs to attorney profiles would also invite problematic biases against some attorneys and in favor of others. Other commenters raised the issue of whether a requirement to update information within 30 days would be overly onerous, particularly with regard to firm size. Additionally, comments from the California Lawyers Association and five local bar associations that have lawyer referral and information services (the Alameda County Bar Association, the Contra Costa County Bar Association, the Bar Association of San Francisco, the Orange County Bar Association, and the San Diego County Bar Association) wrote in opposition to the proposal for optional identification of attorney practice areas (and in particular making that a searchable field). These organizations argued, among other things, that listing practice areas, regardless of any disclosure that might be included, would suggest to the public that the State Bar was verifying those practice areas and endorsing the quality of the service provided by the attorney.

Firm Size and Practice Sector

As discussed with the Programs Committee at the May 2019 meeting, the Strategic Plan objective to require reporting of firm size and practice type was initially envisioned as a preventative approach to provide attorneys with information and tools they need when they

switch firm types, especially when switching to a solo practice or a small firm. The goal of this reporting requirement was, for instance, to identify when an attorney became a solo practitioner so that the State Bar could proactively provide resources to aid the attorney in that transition and avoid potential attorney misconduct arising out of a simple lack of knowledge of that attorney's new responsibilities (such as management of a client trust account for the first time).

As noted above, a number of commenters expressed strong opposition to displaying firm size publicly on the State Bar website, noting that consumers might inappropriately make assumptions about lawyers working in small firms and elect not to engage the lawyer solely for that reason. Again, the purpose of collecting firm size was to assist the State Bar in its regulatory purposes in providing preventative education and resources to attorneys. Staff agrees that this information should not be displayed, and the presentation to the Programs Committee in July 2019 made this point directly—a point with which the committee did not disagree. Likewise, the requirement to report a broad practice sector (law firm; government; public interest; in-house counsel) is intended for the same internal use of the State Bar and is not intended to be displayed publicly, in contrast to the proposed optional self-reporting of more specific practice areas as discussed below.

IOLTA Account Information

Seventeen commenters expressed concern that the proposed rule would result in the display of bank account information, or other private information related to IOLTA accounts, on the State Bar website. The proposal never envisioned the public display of any such information.

IOLTA information is already required to be reported to the State Bar under Business and Professions Code section 6212. The proposed rule merely restates this requirement as part of one unified rule capturing licensee reporting requirements and specifying the frequency with which such information should be updated. The proposed rule makes no suggestion that the treatment of this information, once received by the State Bar, be changed. Other comments raised a concern about how those without IOLTA accounts would comply with this requirement. This requirement, as will be made clear in the implementation, only applies to those who have an IOLTA account.

Professional Websites and Photographs

Nineteen comments were critical, at least in part, of the public display of attorney photos and/or websites. The Board included the option of allowing attorney photos and the requirement of posting a professional website in response to comments made to the State Bar leadership that posting a photo and website is a necessary public protection element. The argument posited that having this information posted on the State Bar's attorney profile page might prevent fraudulent actors from successfully forging websites or pretending to be attorneys and taking money from unsuspecting clients.

Several commenters, however, expressed a belief that posting photos online (even if optional, as proposed) would potentially allow for implicit or explicit biases based on race, gender, age,

or other visually-based information. As to the requirement to post a professional website, several commenters expressed concern that mandatory reporting of professional websites would bias the public against attorneys with smaller practices who have no website or a website that is less “polished” than those of larger firms. Additionally, several commenters expressed concern that, even with a disclaimer that websites are provided by the licensee and their content is not endorsed by the State Bar, links to attorney websites would imply State Bar endorsement of their content. Finally, several commenters questioned the value of website reporting or display for government attorneys or those who may have a professional website that is not related to the practice of law. No comments were received in support of the collection or posting of photographs.

Staff is persuaded by the comments that the collection and posting of photographs poses a risk of bias that is inconsistent with the State Bar’s goals of improving inclusion and diversity in the legal profession. Accordingly, staff recommends that the proposed rule be modified to eliminate the optional reporting of photographs.

Regarding websites, staff believes that mandatory reporting and display of professional websites for attorneys in law firm practice serves the State Bar’s mission of public protection. Accompanied by appropriate caveats indicating that the web address was provided by the licensee and that its content is not otherwise endorsed by the State Bar, professional websites will further the State Bar’s public protection mission by allowing identity verification. In practice, however, this public protection element would not be present for licensees in government agencies or in-house practice, or for attorneys who have a “professional” website for a separate business that does not involve the practice of law. Therefore, staff recommends that if the proposed rule is implemented, attorneys who do not practice in a law firm setting report “Not Applicable” or otherwise have no website affirmatively displayed on the State Bar website.

30-Day Timing Requirement

A small number of commenters (five) expressed concern with the burden created by the requirement in subsection (C) that most information in subsection (B) be updated within 30 days of a change. In particular, this was a concern for “practice sector” and “firm size.”

Staff believes this requirement does not pose an additional burden. Statute already requires that an attorney update his or her office address within 30 days of a change. The vast majority of changes to practice sector and firm size would occur at the time of a change in office. Additionally, the current Rule 2.3 already requires that licensees update their address, telephone number, email address, or name within 30 days of a change, and Business and Professions Code section 6002.1 provides a similar timing requirement for discipline imposed by another jurisdiction. The proposed rule would bring together this reporting requirement for all mandatory reporting information (with the exception of legal specialties and admission in other jurisdictions, which have statutorily-prescribed yearly reporting under Business and Professions Code section 6002.1).

Concerns about the burden of updating firm size also stemmed from an assumption that attorneys would be required to report precise firm size numbers, resulting in changes with every attorney who joins or leaves a firm. However, firm size will be reported in broad groupings, making it unlikely a day-to-day change would require the updating of the information reported to the State Bar.

Optional Practice Area Reporting

Finally, the California Lawyers Association and five local bar associations (the Alameda County Bar Association, the Contra Costa County Bar Association, the Bar Association of San Francisco, the Orange County Bar Association, and the San Diego County Bar Association) expressed concerns about the display of self-reported, searchable practice areas. These concerns include the fear that the display of such information could create confusion about whether the State Bar is endorsing an attorney's expertise in these areas, create confusion between the self-reported practice area and the Certified Legal Specialty program, or otherwise harm the public. These organizations operate lawyer referral services (LRS), which have panels of attorneys who meet experience requirements set by the program, have malpractice insurance, and are otherwise vetted by the LRS.

Comments from these organizations included the following:

Allowing attorney listings would threaten the survival of local bar associations as it undercuts LRIS programs which are a major method of funding. The listings do nothing to help the public find appropriate counsel while making it more likely that they will wind up with attorneys who are not competent nor ethical.

From a regulatory perspective, we do not believe having area of practice posted or searchable on the State Bar website will assist members of the public in finding attorneys who are well suited to help them, especially since the information will not and cannot be verified without significant State Bar expense. The term "area of practice" is open-ended. We anticipate that many attorneys reporting this information will identify all areas in which they have practiced, without regard to the depth, breadth, or level of experience and expertise in the particular areas. While caveats and disclaimers could certainly be provided, this would create an environment where some information about licensees is accurate and correct, while other information may not be. The public should be able to rely on the accuracy of information posted on the State Bar website. Unverified listing of practice areas could actually result in a chilling effect by frustrating or causing harm to those members of the public who either come across or specifically go to the State Bar website as a means to find an attorney.

One county bar association described the benefits to the public of seeking the assistance of an LRS to find an attorney—benefits they assert would be lost if the State Bar made practice area searchable on the attorney profile—stating that "LRS staff . . . work closely with callers to identify the nature of their legal problem. In our program, we refer callers to a panel attorney only 1 out of every 7 calls or so. The other callers may be referred to a free legal services resource for which they may be eligible, or to a social services agency more appropriate for

their issue. Not infrequently, the caller really does not need an attorney, and we can offer resources that can help them solve the problem on their own. We also discuss things with them that may impact their decision whether to pursue the case—like the statute of limitations, for example, or whether a claim for discrimination covers general unfair treatment.”

The Board anticipated such comments when circulating the proposal for public comment. As noted in the July 2019 agenda item, in 2009, county bar associations and lawyer referral services expressed substantial opposition to having a searchable practice area designation included in the prior “expanded profile” information, as such information could potentially allow the public to bypass lawyer referral services. In response, the decision was made at that time not to make this field searchable.

Staff continues to recommend that practice area information be made searchable in the interest of providing useful information to the public. The display of self-reported practice areas would be accompanied by appropriate caveats, which state that the information has been provided directly by the licensee, and has not been verified by the State Bar, and that the State Bar cannot attest to any attorney’s performance in a particular practice area.

Recommended Modifications to the Proposed Rule

Staff recommends two minor modifications to the proposed rule:

First, as discussed above, in response to public comment, staff recommends removing a professional photograph (formerly subsection (D)(3)) as one of the optional reporting items.

Second, staff recommends a nonsubstantive change in language in order to make the collection of an office telephone number parallel to that of an office address. Therefore, the current proposal adds the language “or, if no office is maintained, a telephone number to be used for State Bar purposes” to subsection (B)(4).

Additional Considerations for Public Display

As noted above, many comments related to the online display of reported information, which is not specifically addressed within the proposed rule. To reiterate, almost all information collected by the State Bar is presumptively public under the California Public Records Act, and the State Bar has discretion to determine which pieces of that public information it chooses to display online. Therefore, all staff recommendations regarding the display of collected information are already permitted by the proposed rule (and by the current rules), and would not require any further amendment to implement. Nevertheless, for informational purposes, staff recommends the online display of reported information should be handled as discussed below.

First, several commenters raised a specific issue with the display of information that merits response. These commenters were concerned by the requirement that attorneys who are retired or otherwise on inactive status maintain a public email address and public physical address with the State Bar, both of which are displayed online. Two commenters specifically

noted that they had paid for, or considered paying for, a post office box to avoid the display of their home address, and felt the need to incur this cost was unfair. Staff is convinced inactive attorneys should not have the same requirements to have contact information displayed as active attorneys. Staff proposes that if the proposed rule is adopted, revisions to the My State Bar Profile allow inactive attorneys to designate one piece of contact information (email, telephone, or address) to be displayed online, while the other pieces of information (though still reported and potentially disclosable upon request) need not be affirmatively displayed. Staff believes it is still appropriate for inactive or retired attorneys to maintain at least one public-facing piece of contact information (for instance, if former clients need to make contact with the attorney in order to retrieve documents such as a long-since drafted will or trust), but allowing inactive attorneys the choice of contact method is more appropriate than automatically displaying physical addresses for attorneys who are not practicing.

More broadly, as noted above, the proposals presented to the Board in July and September 2019, did not contemplate that any of the following reported information be displayed online: IOLTA account information; firm size; practice sector; or status of admission in other jurisdictions. Staff recommends that, should the proposed rule be adopted, only the following information be displayed on the State Bar attorney profile:

- Last name, first name, and any middle names;
- Office address or, if no office is maintained, an address to be used for State Bar purposes;
- Office telephone number, or, if no office is maintained, a telephone number to be used for State Bar purposes;
- A professional website (if one is maintained);
- All legal specialties in which the licensee is certified;
- An email address to be posted publicly (if provided);
- Fax number (if provided);
- Area of practice (if provided, and made searchable);
- Languages spoken by the attorney or office staff (if provided);
- State Bar license number;
- Date of admission in California;
- Law school attended;
- California Lawyers Association section membership (if any);
- License status;
- Date of any transfer from one license status to another; and
- Date and period of any discipline imposed in California.

The remaining items reported pursuant to the proposed rule are not intended for display:

- A nonpublic email address to be used for State Bar communications;
- Practice sector;
- Law firm size;
- IOLTA account information;
- Any other jurisdictions in which the licensee is admitted and the date(s) of admission;

- The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction.

Conclusion

With the two proposed modifications to the rule proposal that circulated for public comment, staff recommends the Board approve the amendments to State Bar Rules 2.2, 2.3, and 2.4, attached as Attachment A.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

State Bar Rules, rules 2.2, 2.3, and 2.4

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Objective: g. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees hereby adopts the proposed amendments to State Bar Rules 2.2, 2.3, and 2.4, attached hereto as Attachment A. This rule change shall be effective with the launch of the 2021 billing cycle.

ATTACHMENT(S) LIST

- A. Text of Proposed Rules Amending State Bar Rule 2.2 and Repealing State Bar Rules 2.3 and 2.4

- B.** Redline Comparing Text of Proposed Rules to September 19, 2019 Proposal
- C.** Full Text of Public Comments
- D.** September 19, 2019 Programs Committee Agenda Item, also available at <https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000024710.pdf>

**Rules of Procedure
of the State Bar of California**

Rule 2.2 Public information; duty to update licensee record

- (A) Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record. With the exception of nonpublic email addresses provided pursuant to Rule 9.9(a)(2) of the California Rules of Court, all information contained in the official licensee record is presumptively public, is collected and retained for the State Bar's regulatory purposes, and may be subject to disclosure under the California Public Records Act unless that disclosure is otherwise prohibited by law.
- (B) A licensee shall report to the State Bar, and shall verify with the State Bar at least annually, the following information:
- (1) Last name, first name, and any middle names;
 - (2) A nonpublic email address to be used for State Bar communications;
 - (3) Office address or, if no office is maintained, an address to be used for State Bar purposes;
 - (4) Office telephone number, or, if no office is maintained, an address to be used for State Bar purposes;
 - (5) A professional website, if one is maintained;
 - (6) Practice sector;
 - (7) Law firm size;
 - (8) IOLTA account information;
 - (9) All legal specialties in which the licensee is certified;
 - (10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission;
 - (11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;
 - (12) Any other information as directed by the California Supreme Court;
 - (13) Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and
 - (14) Any other information as may be required by law.
- (C) With the exception of certified legal specialties under subsection (B)(9) or admission to a new jurisdiction under subsection (B)(10), a licensee shall report to the State Bar a change in any of the information in subsection (B) no later than 30 days after the change and shall verify such information by February 1 of each year during the license renewal process, as well as at other times as determined by the State Bar. Changes in certified legal specialties or admission to a new jurisdiction shall be reported during the annual license renewal process.

- (D) A licensee may report the following information to the State Bar:
- (1) An email address to be posted publicly;
 - (2) Fax number;
 - (3) Area of practice; and
 - (4) Languages spoken by the attorney or office staff.
- (E) The following additional information shall also be part of a licensee's public record and shall be maintained by the State Bar:
- (1) State Bar license number;
 - (2) Date of admission in California;
 - (3) Law school attended;
 - (4) California Lawyers Association section membership, if any;
 - (5) License status;
 - (6) Date of any transfer from one license status to another; and
 - (7) Date and period of any discipline imposed in California.

Rule 2.3 [REPEALED]

Rule 2.4 [REPEALED]

**Rules of Procedure
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- (A) Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record. With the exception of nonpublic email addresses provided pursuant to Rule 9.9(a)(2) of the California Rules of Court, all information contained in the official licensee record is presumptively public, is collected and retained for the State Bar's regulatory purposes, and may be subject to disclosure under the California Public Records Act unless that disclosure is otherwise prohibited by law.
- (B) A licensee shall report to the State Bar, and shall verify with the State Bar at least annually, the following information:
- (1) Last name, first name, and any middle names;
 - (2) A nonpublic email address to be used for State Bar communications;
 - (3) Office address or, if no office is maintained, an address to be used for State Bar purposes;
 - (4) Office telephone number, ~~or, if no office~~ is maintained, an address to be used for State Bar purposes;
 - (5) A professional website, if one is maintained;
 - (6) Practice sector;
 - (7) Law firm size;
 - (8) IOLTA account information;
 - (9) All legal specialties in which the licensee is certified;
 - (10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission;
 - (11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;
 - (12) Any other information as directed by the California Supreme Court;
 - (13) Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and
 - (14) Any other information as may be required by law.
- (C) With the exception of certified legal specialties under subsection (B)(9) or admission to a new jurisdiction under subsection (B)(10), a licensee shall report to the State Bar a change in any of the information in subsection (B) no later than 30 days after the change and shall verify such information by February 1 of each year during the license renewal process, as well as at other times as determined by the State Bar. Changes in certified legal specialties or admission to a new jurisdiction shall be reported during the annual license renewal process.

(D) A licensee may report the following information to the State Bar:

- (1) An email address to be posted publicly;
- (2) Fax number;
- ~~(3)~~ ~~A professional photograph;~~
- ~~(4)~~ (3) Area of practice; and
- ~~(5)~~ (4) Languages spoken by the attorney or office staff.

(E) The following additional information shall also be part of a licensee's public record and shall be maintained by the State Bar:

- (1) State Bar license number;
- (2) Date of admission in California;
- (3) Law school attended;
- (4) California Lawyers Association section membership, if any;
- (5) License status;
- (6) Date of any transfer from one license status to another; and
- (7) Date and period of any discipline imposed in California.

Rule 2.3 [REPEALED]

Rule 2.4 [REPEALED]

<u>Commenter</u>	<u>Support/Oppose</u>	<u>Full Text of Comment</u>
[Unidentified]	Unrelated	<p>Concealing Documentary Evidence is a crime CA 135.</p> <p>However Compiling Addresses of Affluent people like those interested in Patent and Trademark may result in death of people with public content.</p> <p>I noticed that LEO SHULTZ registered a trademark LEONA and died months later or at least has an obituary page and zillow account.</p> <p>If law offices are to be taken over by Hostile force at least prevent their identity from being misappropriated for crime. ("HARVEY DANGER'D")</p> <p>I think what is needed is STATE BAR ID INFORMATION on DMV IDENTIFICATION.</p> <p>Then Again I dont really expect the court to do menial task like check a fingerprint when they could add a checkbox for a financial gain or misfile in sealed cases or mental health records without joinder.</p>
Susan Basko	Unrelated	<p style="text-align: center;">Proposal for Change in California Rules of Court Rule 9.8 b and c</p> <p>Proposed Wording would add the following words to 9.8 c:</p> <p>9.8 c (2) The State Bar shall not publish on its website any information regarding any Attorney nonpayment or late payment of licensing fees, including the website shall make no mention of any suspension for nonpayment of licensing fees.</p> <p>WHY THIS RULE IS NEEDED:</p> <ol style="list-style-type: none"> 1. 2. Attorneys who are unable 3. to pay licensing fees on time are most likely to be in the categories of persons who are generally paid less and discriminated against more, including those over age 40, women, people of color, the disabled, the chronically ill, those from disadvantaged backgrounds. 4. California Business and Professions Code 6001.3 states that diversity in the profession of law is a goal. Creating a permanent public “mark of shame” and confusion on the website record of attorneys unable to pay the licensing fees in a timely way will disproportionately

5. affect those attorneys most likely to bring diversity to the profession.
- 6.
- 7.
8. Attorneys from diverse backgrounds
9. are far more likely to provide low cost or pro bono legal services to those in need - on an informal, regular basis, because they are the ones who are most in direct contact with people in need, since they are part of the same communities of people.
- 10.
- 11.
12. The State Bar website has
13. published the nonpayment or suspension for nonpayment of licensing fees in a misleading way that is, in fact, misleading the public. Members of the public and members of the legal profession in fact are misled when reading the notations and are led to believe
14. the attorneys have been permanently removed from the practice of law.
- 15.
- 16.
17. I use myself as an example.
18. I am of a diverse background, being older, a woman, with a chronic illness or disability. I have given countless pro bono and low cost hours of legal assistance to those in need. In 2008, I was unable to pay my licensing fees in a timely way and was suspended
19. from the practice of law for more than 3 months. Since 2008, a notation has appeared publicly on the State Bar website by my name stating that I have been suspended from the practice of law. In fact and in reality, every person reading this assumes I was
20. permanently removed from the practice of law in 2008. They think this because this is how the notation was designed to appear. The State Bar intends to keep this notation up on their website forever. My experience has been that people stalking and harassing
21. me, including at least one other California State Bar member, have gone to the State Bar website, copied and made screenshots of the notation about me being suspended from the rolls in 2008, posted this in places all over the internet, including on Twitter,
22. along with harassment and mockery and claims that I practice law without a license. To almost anyone reading the State Bar website, this appears to be the case.
- 23.
- 24.
25. There is nothing in the
26. California Rules of Court or the Business and Professions Code that requires or even suggests that the State Bar should post on its website that an attorney was suspended from the practice of law for nonpayment of licensing fees. This seems to be an exaggerated

		<p>27. and punitive interpretation of the rules regarding maintaining attorney records. If there is such a rule, it should be repealed.</p> <p>28.</p> <p>29.</p> <p>30. Announcing on the state</p> <p>31. bar website that an attorney was unable to pay licensing fees years ago serves no useful purpose for the public or for the profession of law. All it does is embarrass members of the State Bar who are not as financially privileged as others.</p> <p>32.</p> <p>33.</p> <p>34. Please recognize that the</p> <p>35. State Bar licensing fees are considered extremely high by many of the members. For the attorneys who do provide diversity to the profession, and consequently provide legal services to more diverse people, the licensing fees are very likely to present a major</p> <p>36. expenditure. Perhaps those attorneys more privileged should be asked if they wish to donate and pay more to help sponsor the licensing fees of those more diverse and less privileged. That is an idea, though not a part of this proposal.</p> <p>37.</p> <p>38.</p> <p>39. The point is that having</p> <p>40. the State Bar post on its website forever that an attorney was unable to pay licensing fees is mean-spirited, pointless, and directly works against diversity in the profession and in the availability of legal help to a diverse population.</p>
Allison West	Support	<p>Hello:</p> <p>Thanks for the opportunity to respond:</p> <p>I am in favor of the following changes to add to the attorney profile:</p> <ul style="list-style-type: none"> • Requiring all attorneys to report: <ul style="list-style-type: none"> ○ firm size and practice sector information ○ professional website • Adding optional submission of a photograph to display in the profile, to assist in preventing fraud and identity theft • Adding optional reporting of practice area, so that this information can be added as a searchable field for consumers

		<ul style="list-style-type: none"> Clarifying that all information collected from attorneys for a regulatory purpose—whether mandatory or optional, and whether displayed on the State Bar website profile or not—is subject to public disclosure, with the exception of private email addresses
Darci Teobaldi	N/A	Please taken into consideration what in-house attorneys should do, or underemployed attorneys, who do not hold an attorney position but are active members of the bar while they make look for an attorney position. Do the changes to Rule 2.2 provide clear instructions for those who are in-house lawyers or in transition and may not have the client trust, website or law firm to list?
David Graubert	Oppose	<p>RE: proposal to add optional photos to the Bar attorney listings</p> <p>Although optional, and notwithstanding the anti-fraud rationale, I believe that including photos is not a good idea.</p> <p>Very briefly, it arguably will invite, or at least facilitate, prejudicial factors that might not at least initially be present.</p> <p>E.g., racial and age-based conscious/unconscious bias (at least where there is a process of selection involved).</p> <p>Furthermore, there is no assurance that an attorney's provided photo will either be recent or otherwise accurate.</p> <p>Too, given prevalent and growing concerns about privacy, etc., photos may be used in unintended ways.</p> <p>Finally, since attorneys can themselves be a target of economic and other crimes, it may facilitate fraud or worse.</p> <p>Just some things to consider.</p>
Gene Grossman	Unrelated	<p>I changed my status from Active to Inactive when I retired from practice in 1987, and have been receiving a State Bar Membership "INACTIVE" membership card every year since then for 30 years.</p> <p>In 2018 I did not receive my card, but didn't even take notice that it hadn't come. When not receiving my card in 2019, I went to the State Bar page my information is listed on to make sure the Bar hadn't assumed that being 83 years old they may have thought I was no longer alive - and was surprised to see that I was suspended - allegedly since back in 1984, while I was still practicing law.</p> <p>Because I did not receive my membership card in 2018 or 2019, I then assumed that the State Bar does not send out inactive membership cards to suspended attorneys, and also wonder why I've just been suspended for something that allegedly happened 35 years ago - but still received membership cards for 30 years of that alleged suspension period.</p> <p>Please let me know what I can do to have the "Suspended" information removed from my State Bar info page, because I'm now a published author of over 50 books, and think that it would not be unusual for my readers to look into my</p>

		background, because part of my works include a popular 20-book series of Legal Mysteries.
Andra Greene	Oppose	I don't see how it it helpful to report firm size and practice areas, and it is overly burdensome to attorneys because these things change and will have to be updated. The directory could bee simply, instead, include a link to the attorneys website (if they have one) - which typically provide this information - or call and ask the simple question. We have enough bureaucracy without adding more minutia.
Larry Painton	Unrelated	I read the fee structure. I am assuming that for inactive bar members over the age of 75 there is no fee. Is this still the case?
Letitia Pepper	N/A	<p>Rule 2.2. (A) provides that "Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record."</p> <p>Rule 2.2 (B) provides that "A licensee shall report to the State Bar, and shall verify with the State Bar at least annually, the following information: . . ." and then lists the information that should be in his or her official record.</p> <p>If a licensee is supposed to make sure their State Bar record is accurate, and is supposed to report specified information to the State Bar, then isn't there a presumption that, by maintaining it and submitting it, they are verifying that it's accurate/correct?</p> <p>Is the State Bar going to require attorneys to also sign a verification form? IF not, then I suggest that this rule be changed as follows (bolding signifies new material and strikethroughs signify material to be deleted):</p> <p>Rule 2.2 Public information; duty to update licensee record</p> <p>(A) (i) Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record.</p> <p>(ii) With the exception of nonpublic email addresses provided pursuant to Rule 9.9(a)(2) of the California Rules of Court, all information contained in the official licensee record is presumptively public, is collected and retained for the State Bar's regulatory purposes, and may be subject to disclosure under the California Public Records Act unless that disclosure is otherwise prohibited by law.</p> <p>(iii) In addition, by submitting any information for inclusion in their official State Bar records, licensees warrant that it is truthful and accurate.</p> <p>(B) A licensee shall report to the State Bar, and shall verify with the State Bar update at least annually, the following information:</p> <p>(1) Last name, first name, and any middle names;</p> <p>(2) A nonpublic email address to be used for State Bar communications;</p> <p>(3) Office address or, if no office is maintained, an address to be used for State Bar purposes;</p> <p>(4) Office telephone number, if one is maintained, or, if no office is maintained, a personal telephone number if the licensee so desires;</p> <p>(5) A professional website, if one is maintained;</p> <p>(6) Practice sector;</p>

		<p>(7) Law firm size;</p> <p>(8) IOLTA account information;</p> <p>(9) All legal specialties in which the licensee is certified;</p> <p>(10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission;</p> <p>(11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;</p> <p>(12) Any other information as directed by the California Supreme Court;</p> <p>(13) Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and</p> <p>(14) Any other information as may be required by law.</p> <p>(C) With the exception of certified legal specialties under subsection (B)(9) or admission to a new jurisdiction under subsection (B)(10), a licensee shall report to the State Bar a change in any of the information in subsection (B) no later than 30 days after the change and shall verify such information by February 1 of each year during the license renewal process, as well as at other times as determined by the State Bar. Changes in certified legal specialties or admission to a new jurisdiction shall be reported during the annual license renewal process.</p> <p>(D) A licensee may report the following information to the State Bar:</p> <p>(1) An email address to be posted publicly;</p> <p>(2) Fax number;</p> <p>(3) A professional photograph;</p> <p>(4) Area of practice; and</p> <p>(5) Languages spoken by the attorney or office staff.</p> <p>(E) The following additional information shall also be part of a licensee’s public record and shall be maintained by the State Bar:</p> <p>(1) State Bar license number;</p> <p>(2) Date of admission in California;</p> <p>(3) Law school attended;</p> <p>(4) California Lawyers Association section membership, if any;</p> <p>(5) License status;</p> <p>(6) Date of any transfer from one license status to another; and</p> <p>(7) Date and period of any discipline imposed in California.</p>
Albert J. Wu	Oppose	<p>Hello,</p> <p>I don't believe that:</p> <p>1) there should be photographs on the bar website.</p> <p>2) firm size should be reported.</p> <p>3) a professional website should be required, though optional seems reasonable.</p>

Richard Hamlin	N/A	<p>If you require attorneys to list practice areas, please do not limit them to your categories. I have a practice area that never shows up on the lists – billboards and out-of-home.</p> <p>Those areas entail a whole host of real estate practice areas, including landlord tenant, property lines, easements, and eminent domain. They also include first amendment, contract and regulatory issues. Listing all the sub areas, even if possible, would present an inaccurate picture of my practice.</p>
Roxanne Finch	N/A	<p>My comment is that Inactive Members should not have to post any contact info. I've been on inactive status for many years. I am not practicing, so there is no reason for my phone number to be listed. Thanks.</p>
[Unidentified]	Oppose	<p>Requiring State Bar Profiles to include the size of one's law firm would present an undue challenge to solo practitioners and small firms while providing an undue advantage to large firms. Moreover, the size of one's law firm does not convey any meaningful information to the public regarding the quality or trustworthiness of one's legal work.</p> <p>In fact, the display of firm size will actively mislead the consumer by encouraging comparisons of attorneys based on firm size and further perpetuate the myth that larger law firms provide higher quality legal work.</p> <p>I strongly urge the State Bar to reconsider this requirement.</p>
Conrado Hinojosa	Unrelated	<p>I am retired and live on only my Social Security. The increase to \$183 is burdensome for me. Please consider a lower fee for cases such as mine.</p>
Timothy Lee Davis	Oppose	<p>Dear friends:</p> <p>I don't know any member of the public who has ever looked at the State Bar unless I've directed them to go there. I think that the public has difficulty finding our State Bar website, if they even consider that it might exist. Whatever we publish on the site doesn't much matter if the public isn't aware of it. In this day and age, the only way to get more people to utilize the website is to EFFECTIVELY advertise it. I don't think that The State Bar of California shows up when people search for lawyers, generally.</p> <p>I also don't think that our website is very helpful in finding a lawyer who will do a good job for a client. That said, I don't know how we could do that. Competence has been an issue of concern my entire professional lifetime. The only way I know that the public can find a very good lawyer is to ask a lawyer who knows the reputations of local lawyers. The website AVVO has been gamed by lawyers who give each other positive reviews. Judges do have to report lawyers who have erred badly in their courts, but we can't have judges grade lawyers based on courtroom conduct or success; it just wouldn't work. Besides, I've had judges who liked me who would bend over backwards to tell people what great work I do and vice versa. We've also tried with MCLE and specialty certification to improve competence. I've tasted the MCLE and not much of it is very good at all. I've run into certified specialists who I've come close to reporting for incompetence when their clients complained to me. (Note: I did report a lawyer who stole from his clients which resulted in him being disbarred and the client reimbursed by our security fund.)</p>

		<p>And while I know that discipline is the primary function of the State Bar, I'm not sure what certain discipline really means for prospective clients. I was disciplined for a serious crime that was not directly related to my practice in 2000. Per my first paragraph, that hasn't stopped people from contacting me for business because they don't see it. I do tell clients that I've been disciplined and tell them to go read it; but it hasn't stopped anyone from hiring me, probably because I did do anything to harm a client. All my business results from referral from other lawyers or old clients. I do see a great benefit in publishing all the details on discipline for lawyers who have harmed their own clients. And because of my experience, I really would like to see more citizens visit our site and look at our discipline profiles before hiring lawyers. Unfortunately, most people don't know our site even exists. How many people do you think would hire a lawyer who had previously stolen money from the lawyer's own client, if they knew? If they knew the lawyer had missed a filing deadline to effect a total procedural loss for a client? Who failed to secure an expert, losing a malpractice case as a matter of law? Etc.</p> <p>The information we propose publishing in the new Rule 2.2 doesn't seem to give the public any more information to help them decide who might be a good choice for them.</p> <p>I hope you don't require us to publish photos. I look like Hell. But again, a photo isn't going to inform the public of anything that might help them make a good hiring decision.</p> <p>While the State Bar is primarily responsible for discipline and reporting it, I do think that we need to figure out how to better evaluate actual competence based on actual performance. The probate specialist I was upset with (I was the Administrator for a friend in a Probate case; he represented me) had multiple court filings rejected. I believe that case dragged on too long and was too costly as a result. When a court filing is rejected, I think that the Clerk should be required to report that to the Presiding Judge who should be further required to report that to the State Bar. Big red flag, rejected filings.</p> <p>I guess what I'm saying is that the information we publish should all help the public. We shouldn't have such a volume of irrelevant information that buries relevant information. Maybe you make the public see the "important" information first and then only let them see photos, contact information, specialties, if they click appropriate, clear links. Publishing a lawyer's professional website is pretty "iffy" in my opinion because that is helping the lawyer with irrelevant marketing. If I bothered to put up a website, do you think it would have anything on it that I didn't calculate would help me profit?</p>
Stephanie Oxley	N/A	<p>Dear Office of the General Counsel,</p> <p>If one does not have a separate business address, I am concerned that the California State Bar requires that a personal address be publicly displayed on its website. The publication of a personal address is a potential risk to one's security and a risk to one's privacy.</p> <p>When I called the State Bar Office about this issue, I was told that I could purchase a post office box. What about the public</p>

		<p>interest attorneys and the underemployed attorneys? These less funded attorneys are probably more likely to be without a separate business address. Thus, the effect of the rule penalizes the less funded attorney who must either purchase a post office box or have a personal address publicized.</p> <p>Please protect attorney privacy and security and allow personal addresses to remain hidden from the public view, if the attorney makes that request.</p>
Gina Stassi	Support if Amended	<p>I am in favor of making the most amount of relevant information available online to the general public at minimal or no cost, or in a way that is similarly convenient, private, and generally accessible to the extent that online access to such information may not be feasible/desirable.</p> <p>Requiring certain periodic or other specified mandatory updates to an attorney's state bar online profile seems fine to the extent it is consistent with similar/regular reporting requirements to the state bar, but I don't think attorneys should be required to affirmatively (separately) update online profiles. If reporting certain information is required, then it seems potentially appropriate to include such information on the attorneys online profile, and I also like/understand the picture requirement, but it doesn't necessarily make sense when characterized as updates to an online profile and doesn't seem particularly useful in that regard either. Just collect all the info with the annual dues and post online where reasonable.</p>
Vivian Anaya	Oppose	<p>I don't agree with making any of the following information requirements for attorneys: firm size, client trust account, or professional website. The above-referenced information should be optional. Moreover, it will unreasonably burden and prejudice sole practitioner, small firms, and or contract attorneys. Contract attorneys more often than not will not have a professional website or a firm size. As such, the above reference information should be optional.</p>
Susanne Yim	Oppose	<p>To whom it may concern,</p> <p>Re: Rule 2.2 (B) Please do NOT require annual verification, practice sector, law firm size, IOLTA account information, legal specialties, and other jurisdictions.</p> <p>I oppose all changes. This only allows unnecessary junk mail and solicitations from third parties, as well as aggravation of information by automated Bots. Information regarding bar status and disciplinary action are sufficient.</p>
Kelly Gamble	Oppose	<p>What other profession in the world puts all of your information out there for everyone to see, stalk you, use the information however nefarious they see fit? What other profession post in a publicly circulated newspaper every detail of every attorneys crimes and professional mistakes for all to see, comment and judge? What other profession can people completely trash you on social media and you can do nothing to defend yourself or risk your career? what other profession do you continuously have to pay fees for the agency that actively and aggressively polices you?</p> <p>I feel like our necks are out there quite enough without adding more and more details and governance, and I would like much less to do with the bar and the public at large.</p> <p>Thank you for asking for comments.</p>

Chris Brizzolara	Unrelated	<p>I oppose each and every one of the proposed increases in fees and changes in State Bar Regulations. The State Bar through its negligence, malfeasance, and other misconduct already caused every licensed attorney to require to be re-fingerprinted after apparently losing and/or mishandling the finger prints taken of attorneys when they applied for admission as well as the fingerprint that many attorneys were required to provide while taking the bar examination. The State Bar should reimburse each and every attorney for the time and expenses incurred having to be re-fingerprinted because of the State Bar’s prior negligence, malfeasance, and other misconduct.</p> <p>I am or have been licensed to practice in multiple other jurisdictions, none of which charge as much for annual licensing fees as the State Bar of California already charges. The State Bar also has a history of misusing licensing and other fees previously paid to the State Bar to build or refurbish expensive and entirely unnecessary new headquarters and other facilities, by holding lavish parties and retreats for its employees which in no manner benefitted licensed attorneys in California, and otherwise wasting the monies paid by attorneys to the State bar. Unlike the bar associations of other states the State Bar of California does not advocate for the rights of its members, which should be its primary duty, but instead serves primarily to harass and oppress its own members, particularly solo practitioners, under the pretext of protecting the public from what are often frivolous claims by disgruntled clients, liens by chiropractors, acupuncturists, and other alleged health care providers who prey on individuals who have been injured in accidents and otherwise. In contrast, the State Bar rarely if ever investigates or prosecutes large powerful politically connected law firms who in my experience are the primary attorneys and firms engaged in abusing the California judicial system and the rights of legitimate litigants.</p> <p>The State Bar also has taken no action to repeal the provisions of oppressive and unnecessary provisions of MICRA which allow health care providers to escape financial responsibility for their negligence and other misconduct, including the so-called peer review privilege which allows hospitals and physicians to hide the negligence and other misconduct of physicians and other health care providers who have killed and/or maimed countless individuals through their negligence and/or other misconduct, or the provisions of Penal Code §§ 832.5 and 832.7 and Evidence Code §§ 1040 and 1043 which allow law enforcement agencies to hide the records of corrupt law enforcement personnel who have victimized members of the public in California for decades.</p> <p>Further, a cursory review of Transparent California reveals that many if not all of the employees of the State Bar are vastly overpaid even though they serve no legitimate function in protecting the rights of attorneys who are the members of the State Bar of California. Instead of raising the fees of individuals who actually work as real attorneys representing the interests of individuals in need of legal representation, often on a contingency fee basis risking both their time and money to attempt to vindicate the rights of legitimate residents of California, the State Bar should instead reduce the compensation paid to its employees who are performing functions of no benefit either to attorneys or members of the public in need of actual legal representation. The State Bar’s disciplinary system has spawned an entire sub-specialty of alleged “legal ethics consultants and experts” and attorneys who make their living defending attorneys from specious investigations by the State Bar. The State Bar also uses funds it obtains from attorneys in California to advocate for alleged politically correct positions that are not supported by a substantial number of its own members.</p>
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		I have other objections to the proposed fee increases and changes in State Bar regulations and am available to provide same to any person involved in the decision making process regarding this matter if they are truly interested in the input of an experienced attorney who has practiced law in California now for over three decades.
Linda Sinclair	N/A	Inactive/retired attorneys should be able to list as their address "c/o California State Bar" or something to that effect. Otherwise, their home addresses are publicly posted on the State Bar website, which is a privacy violation and identity theft/security risk, or they are forced to pay for (and clean out the weekly junk mail) a P.O. Box address even when that P.O. Box will not be used for anything but the State Bar website.
Kelly Woolfolk	N/A	Good morning, Please include ALL law schools attended/legal degrees earned. I have a JD from Howard University and an LLM with a Specialization in International Law (with Honors) from Berkeley Law. My LLM sets me apart from many other lawyers and qualifies me as a specialist in my field. This information is critical for clients and prospective clients to recognize when it comes to being selected to represent them and supports my fee structure.
Lynn Hutchinson	Oppose	Dear Office of General Counsel, Thank you for the opportunity to comment on recent proposed changes to Rule 2.2 Public Information; duty to update licensee record. I support the State Bar's efforts to provide transparency in identifying public records available for disclosure. The rule, however, could benefit from additional clarity. Proposed Section 2.2(B)(2) requires reporting of "[a] nonpublic email address." As written, this places an obligation on the attorney to maintain a nonpublic email address, rather than placing the obligation on the State Bar association to prevent disclosure of an email address that an attorney wishes not to provide to the public. The language also raises issues as to the State Bar's duty of nondisclosure if an attorney reports the same email address in Section 2.2(B)(2) as voluntarily provided in Section 2.2(D)(1). The proposed text could be revised as follows: "An email address to be used for State Bar communications and identified as either nonpublic or public. The State Bar may publically disclose any email address not claimed as nonpublic. Section 2.2(B)(5) and (7) require reporting of "a professional website," and "[l]aw firm size." It is not clear why this information is necessary for State Bar regulatory purposes. The rule is also not clear on how these reporting requirements would apply to non-law-firm attorneys such as attorney's associated with a corporation or operating in the public sector. The term "professional website" lacks specificity and could be interpreted as including an attorney's law firm, corporate or government website, profiles posted on such sites as "Linkedin," or all of the above. The requirement to report a professional website should be a voluntary not a mandatory requirement. Alternatively, to provide greater specificity and limit disclosure to the type of website that could fall within the State Bar's regulatory scope, the requirement should refer to disclosure of websites containing advertisements for the sale of legal services, but does not include websites merely listing an attorney's name and contact information, and professional experience.

		<p>Section 2.2(B)(8) would require reporting of IOLTA account information. Notably, this requirement lacks the qualifier “if one is maintained” as included in Section 2.2(B)(4) and (5). Not all attorneys maintain IOLTA accounts.</p> <p>Section 2.2B(11) relates to reporting of disciplinary actions. I agree with reporting and disclosing this information to the public, but suggest adding a time period limitation to the reporting requirement for actions previously reported. This would prevent an attorney from repeatedly having to disclose an action that may have occurred many years in the past when the State Bar already received notice through one or more previous disclosures.</p> <p>Thank you for the opportunity to comment on this proposed rule change.</p>
Steven Fox	N/A	<p>To Whom It May Concern:</p> <p>I read through the materials on the State Bar’s website concerning disclosure of information regarding attorneys on the State Bar’s website. Disclosure is important. I write to note one concern. It may be that I do not understand the proposed disclosures about IOLTA accounts but it does worry me.</p> <p>Disclosure of any information about IOLTA accounts beyond their existence to the general public is troublesome. Any number of people could take information about IOLTA accounts, the particular bank and any account information and use that information to take monies from that account. While the account information is not a secret, with the information being present on trust account checks, the checks (or payments in other forms) are typically sent to person or entities doing business with the attorney, e.g. the client. The likelihood of theft of monies from an IOLTA account is relatively low. Providing information about specific IOLTA accounts to the general public creates for the attorneys and their clients and increased risk of theft of monies.</p> <p>Disclosing that an attorney has an IOLTA account in itself does not trouble me (though the reason to make such a statement escapes me). Providing detailed information to the public about an IOLTA account does not make the public safer. It makes the attorneys and their clients less safe.</p> <p>Thank you.</p>
Bayleigh Pettigrew	Oppose	<p>Good morning.</p> <p>The rules regarding the information that must be provided and published on the website do not address government attorneys and the particular dangers that we may be subjected to by having our office information and specific information published on the internet. We should be able to opt out of providing PII, including office address and specifics about our offices as we are already subject to threats by criminal elements and others. Please respond stating how the State Bar intends to address this issue and keep its attorneys safe.</p>
Lisa Ma	Oppose	<p>A few years ago, I was on my way out of a courthouse when I heard a man ask behind me, “Are you a public defender?” He</p>

		<p>must have recognized me from the criminal arraignments calendar that morning. I stopped and turned around. Suddenly, his hands grabbed my head and he dug his thumbs into my eyes. As quickly as it happened, it was over: I heard someone run over to pull him off me. I never learned who the man was or why he had attacked me.</p> <p>I am proud to serve as a public defender, but our practice area carries risks to our safety and mental health. In addition to physical risks, we also often receive harassing phone calls or letters and sometimes people stop uninvited by our offices to harass our staff. This proposed rule would enhance that risk by making it easier for people to identify and contact us directly and learn information about our offices. The rule should be rejected. Thank you.</p>
C. Timothy Lashlee	Oppose	<p>Regarding proposed changes on reporting and public availability of information:</p> <p>I am against all of the changes, because it appears that this new requirement is not well thought out. My specific comments are below.</p> <p>As currently stated, some of the new or expanded reporting areas are extremely vague:</p> <p>(6) Practice sector: What does this mean? Is "General Practice" an acceptable response. Does an attorney need to say, "General Practice, except that I don't handle xxx, yyy, zzz," How about saying "Civil?" Does this include Probate? How about "Transactional and Litigation, but only what I feel competent in handling?" By making these representations, am I promising to handle these areas? "I'm sorry caller, but I don't handle that area of law." "But your State Bar Profile says you do." "I am sorry, but you misunderstand." "The State Bar Profile is severely limited and necessarily provides ambiguous information, but we are required to provide information according to their template. It is an impossible situation." "Well, I am reporting you to the State Bar." Have fun dealing with that.</p> <p>(7) Law firm size: Does this include secretaries, assistants, investigators, ...? Is a process server who receives a 1099 part of the law firm? I am sure you are aware that the concept of independent contractors vs. employees is murky at best and is in dramatic flux at this time.</p> <p>Trust account information: What information? Do you need to know the balance, the activity, or just the number or the bank? Won't making my trust account account bank name, location and account number public be risky? Why does the public need to know this information?</p> <p>I don't think this proposal is very well thought out. Also, what is public and what is not is very ambiguous in your explanation.</p> <p>I am against the entire proposed changes, and especially the ones discussed above. You need to think about what you are proposing and what the ramifications are. Also, why does law firm size, practice area and trust account information need to be public on the profile? The profile is not intended to be advertising. If someone is interested in practice area or law</p>

		firm size, there are other places to get this information including calling the firm and asking.
Timothy J. Miller	N/A	<p>In reviewing the proposed changes to rule 2.2, items (4) through (8) apply appropriately to attorneys with practices that seek business from the public in general. For attorneys serving as in-house counsel (government or corporate), many of these items do not apply, such as an IOLTA account, or providing the information could be misleading, such as law firm size. In addition, some of the information - such as the attorney's office phone number or web site - provide no benefit to the public, but could be exploited by marketers or confuse the public that they can contact such attorneys for advice. For these reasons, attorneys serving as an in-house counsel should not have to provide the information sought in (b)(4)-(8), or in the case of the phone number, it should not be public.</p> <p>Finally, I note that "practice sector" is ambiguous. It could, however, be clarified to distinguish in-house counsel, government attorneys, etc. from those in a traditional private practice. If used in that manner, than the information sought in (b)(4) – (8) that aren't applicable to such practices or don't need to be public could be disabled automatically in the attorney's profile, simplifying the profile review and update process.</p>
Fred Messerer	Oppose	<p>While I'm fine with requiring disclosure of some of the information in new Rule 2.2, some of that information is downright unnecessary. I have no problem if attorneys want to voluntarily post all the information under Rule 2.2, but I feel attorneys shouldn't have to report the following information for the following reasons:</p> <p>"(5) A professional website, if one is maintained;"</p> <p>I work for a government agency. Our office, of course, has a professional website and our website is the name of our agency. It's not as though government lawyers are private sector attorneys running websites where the public might be misled because the website doesn't contain the attorney or firm's name (e.g. personalinjurylawyer27.com). I would have no objection if website disclosure is required unless (1) the attorney works for a government agency, (2) the website address contains the attorney's name (e.g. johnsmith.com), or (3) the website address contains the firms name (e.g. attorneyssmithandjones.com).</p> <p>"(6) Practice sector;"</p> <p>This one all depends on how broad the sectors are. I'm a lawyer for the California Legislature. I doubt there will be a practice sector labeled "legislative lawyer." I would consider myself a "public sector" or "government" attorney, but I wouldn't say that I practice administrative law, civil law, criminal law, etc.</p> <p>I have no opposition if the practice sector requirement includes a category of "public sector" or "government" for attorneys in my position. But I would be opposed to a listing requirement that is more specific, unless you do have a legislative lawyer category.</p> <p>"(7) Law firm size;"</p>

		<p>As a government agency, we have turnover. I really have no desire to update my bar information anytime a coworker leaves. And I don't know how this information helps the State Bar or the public.</p> <p>For law firm size, you should really not require this or at least exempt government lawyers from this requirement.</p> <p>“(8) IOLTA account information;”</p> <p>I'm assuming there will be a category of “exempt” or “government attorney” for this requirement. If so, then I don't have any concerns. If not, then you need to have exemptions for those of us who don't have to maintain trust accounts.</p> <p>Thanks!</p>
Mark Millen	Oppose	<p>Hi,</p> <p>I am a licensed attorney and I oppose these proposed changes to Rule 2.2.</p> <p>Requiring me to post additional personal information on a public website is a terrible idea, does not protect the public, and exposes me to additional threats of identity theft and other mischief.</p> <p>Please oppose all Rule 2.2 changes.</p>
Bertram Kaufmann	N/A	<p>Information about the size of an attorney's firm or the sectors it practices in should be left to the firm's advertising, and should not clutter the public information made available on the State Bar's website concerning an individual attorney. Also, I cannot imagine what interest a member of the public could possibly have in information about a firm's client trust account (Where the firm banks?), but they could easily inquire of the firm if they are interested. Again, such information about a firm should not clutter the State Bar's website concerning an individual attorney. If this information is to be included, it should be optional.</p>
Austin Houvener	Support if Amended	<p>Dear General Counsel:</p> <p>I disagree with the additional reporting requirements imposed by Rule 2.2 as proposed.</p> <p>It creates undue burdens on attorneys with IOLTAs, for example, who already have reporting requirements. “At least annually” is problematic. It makes it easier on the State Bar by allowing for essentially automated audits but creates additional burdens on the profession that are probably unnecessary for the protection of the public. These types of automatic “check ins” may actually make it harder for the State Bar to filter through what licensees are complying and which aren't on the basis that it simply creates too much data for the State Bar to filter through. The State Bar should instead focus on licensees who have had issues in the past or who have much larger IOLTAs and impact on clients in California. Spare the solos and small firms, please.</p>

		<p>I have no objection regarding the changes to the State Bar profile insofar as it allows attorneys to post their photograph and provide their practice area.</p> <p>Thank you for your consideration.</p>
Sahar Malek	Oppose	<p>Good morning,</p> <p>I would like to voice my opposition to the proposed rule changes. I do not believe that posting firm size is necessary or beneficial and should not be adopted (though it is unclear to me whether the proposed rule requires solely reporting firm size and does not require publishing or if the information would be published on the Profile Page). This would be detrimental to small firms and solo practitioners as it would deter a great deal of potential clients from signing with that firm.</p> <p>I welcome any questions you may have regarding my comment.</p>
Roman Edwards	N/A	<p>Why did you remove the member's undergraduate school from the member profile?</p> <p>I found this to be a useful piece of information to include in the member profile.</p>
Dianna R. Madison	Oppose	<p>There is already rampant misuse of publicly available information. Please do NOT expand what is public for attorneys. I do not have a presence on any social media and do not want any unnecessary information made public. I am happy to report any reasonable information directly to the state bar, so long as it is kept private. Thank you for your attention to my concerns.</p>
Holly M. Barberi	N/A	<p>I would like to see two things if the attorney wants to share (an election by the attorney):</p> <ol style="list-style-type: none"> 1. Other states in which attorney is licensed with year licensed there 2. Name changes, e.g. name before name change is often well known to the legal community
Ed Antonino	Oppose	<p>Hi, the following are my thoughts concerning what may/must be displayed on a website:</p> <ol style="list-style-type: none"> 1. Firm Size: I think it is inherently unfair to allow the reporting of firm size as consumers will likely gravitate towards the bigger firms for representation, depriving solo practitioners and small firms of business, even though a solo practitioner and boutique firms could give personalized and perhaps superior attention to clients' matters. Therefore, I am fiercely against the reporting of firm size. 2. Practice Sector / Practice Area: Reporting of practice sector may lead consumers to incorrectly infer that an attorney is a specialist in a given sector/area of law. Also, while an attorney may hypothetically spend 99% of his time on employment law, and only 1% on other sectors, listing all areas of law would confuse consumers into believing that the attorney doesn't focus on a given area of law, and not listing the other minority areas of law would lead a consumer to infer that the attorney never handles those types of cases and that he therefore has no experience and/or expertise in those other areas. Last, Rule 2.2 would make the reporting of practice sector mandatory, while the reporting of practice area would be permissive, yet I don't see any differentiation in the terms "sector" and "area". Therefore, I am strongly against the

		<p>optional and mandatory reporting of practice area / sector.</p> <p>3. Website: I do not see any harm in the listing of an attorney's professional website as I believe that is private property within the attorney's freedom of speech rights, limited only by the fact that the attorney must not make any deceptive, untruthful statements.</p> <p>4. Photograph: I believe that an attorney's state bar profile appears more professional not having the photo displayed on a government website. Further, I can't conceive how displaying a photograph could assist in preventing fraud and/or identity theft, so I don't see this as a meritorious reason. Moreover, photographs are already often displayed on an attorney's professional website, so the reasoning of prevention of fraud / identity theft issue is diminished. Last, will consumers judge prospective attorney representation by the color / ethnicity of the attorney? For these reasons, I believe no photographs should be posted on an attorney's state bar profile.</p> <p>5. Public Disclosure of All Collected Information: This seems too inclusive and that it could potentially be in violation of the attorney's and third parties' privacy rights.</p> <p>6. IOLTA Account Information: I don't understand the relevance or importance of this information being provided online. Further, there are thousands of computer hackers in the world...could providing IOLTA account information online help these hackers attack and drain these accounts of their funds?</p> <p>7. Other Jurisdictions Licensed: Permitting the disclosure of licensure in other jurisdictions could lead consumers to infer that a given attorney is more competent than another because he/she is also licensed elsewhere.</p> <p>8. Disciplinary Record: I believe that once an attorney has paid his/her debt to society and atoned for sins, that he/she should be set free. Publishing the disciplinary record of the attorney on the state bar profile is unfair and deprives that attorney of business and his/her livelihood. Therefore, I am against the publishing of an attorney's disciplinary record.</p> <p>Thank you in advance for your consideration.</p>
Cyrena Reynolds	Oppose	<p>1. I do not think it is appropriate or fair to have attorneys submit a photograph of themselves to the state bar. Requiring us to post a photo would likely increase issues of identity theft for the attorneys. Many of us value our privacy and if identity theft did result from adding this photo to the bar website, then the bar may be held liable for any loss as a result. This could also lead to discrimination based on race, age, or general attractiveness, since attorneys could now be judged as qualified or unqualified based on a photo.</p> <p>2. I also believe that lawyers who pass the July 2019 bar, should have some sort of disclaimer added to their public state bar record. I, like many attorneys in the state, was outraged by the release of the subject matter material to law students prior to the July 2019 bar. No other passing class had this major advantage heading into the test, and this</p>

		disclosure will likely drastically increase the number of passers for the test, many of which, would not have qualified without this assistance from the Bar. Many of us believe that it is only fair to have some sort of disclaimer or asterisk associated with those that pass the test, so that members of the public have warning that these individuals may not be as qualified as previous classes to practice law.
Sammy Obaid	Oppose	I am against the proposal for 2.2 subsection (B) in its entirety as unnecessary, and as being overbroad and vague and an intrusion of privacy. Attorneys are already required to report any disciplinary actions or events that could lead to disciplinary action. The rule is overbroad in that it assumes that attorneys would not report such things absent an annual reporting requirement. It also assumes that attorneys practice in the same way (i.e., offering services to the public). It also intrudes into privacy which can potentially harm attorneys by collecting information that could be hacked or otherwise obtained and used criminally or nefariously.
Steven Schoonover	Oppose	Don't change a thing. Don't foist any more tasks on already regulation-overloaded attorneys.
Deborah Meyer-Morris	Oppose	Dear State Bar: I am an attorney with 27 years of continuous licensure by the CalBar, SBN: 158876. I currently work in a small firm with 4 attorneys. In addition to adding State Bar licenses, I believe it would be helpful for the general public and other attorneys to know if a member of the bar is licensed by another entity. For instance, I am also hold a California Brokers License and I also know many people who are licensed by other entities in State, such as the Contractor's License Board, the CMA, etc. I oppose the idea to add IOLTA Account information on line. I have learned from multiple data breaches that all of my personal indemnification is already on the dark web, including my social security and computer passwords. I do not think that publishing IOLTA Account Information is worth the risk of a data breach, malwear takeover or any other cyber attack. Lastly, why is the size of a firm relevant? This sounds like a proposal that only benefits Big Law, and will not offer any benefit to any other stakeholders. I oppose this idea. If you require any further information, please do not hesitate to contact me.
Monica Steiner	N/A	Re: proposed section 22(b), I have always felt frustrated as a nonpracticing attorney that my private home address is listed publicly on our State Bar Atty Profiles. I have no P.O. box or office address I can provide, nor do I want to maintain one just for this purpose. I also do not want to have my home address --where I live with my small children!-- listed for anyone to see when they search my name on the Internet. I would think that a verified email address would be enough for public viewing. I would of course be happy for the Bar itself to have my home address on file, just not on public display. Thank you!
Melissa L.	Oppose	I am very concerned about reporting IOLTA information on the public state bar profile. Attorneys are already the subject

Bustarde		of many scams and I fear that making that information public record will give the criminal the ammunition, or even worse, the tools, they need to steal from client trust accounts either with false communications to the bank, forged checks, wires, etc.
William Ramseyer	Oppose	I oppose Rule 2.2. What does Firm size have to do with State Bar Functions? Similarly, does Trust Account information now become public? IOLTA accounts are already reported to the Bar. Just more rules to trip up the unwary but otherwise innocent practitioner.
Sarah Guichard	N/A	To whom it may concern, Rule 2.2(B)(6), 2.2(B)(7) and 2.2(B)(8) do not apply to those of us who are in-house attorneys. I would request that they be removed or are optional. Thanks for your consideration.
Tara Kearns	Oppose	These things should not be mandatory: (4) Office telephone number, if one is maintained; (5) A professional website, if one is maintained; (6) Practice sector; (7) Law firm size; (8) IOLTA account information; (10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission; Why should it matter to the public the law firm size? Also, that could be an unnecessarily difficult determination for people who are low level associates, or confusing to answer for people in public sector, or certain non profits. What does that even mean – number of attorneys, number of offices, in California or everywhere? And, what about people in between jobs? Professional websites are easy to find. But if someone wants to voluntarily put that on their profile, sure. Practice sector should also be voluntary not mandatory. That can be an unnecessarily difficult answer to give for many attorneys. This is simply not information that is necessary and instead creates hassles for no good reason. If anything, they should go under (D) “may report”.
Ruth Ryan-Cruz	Oppose	Dear State Bar, I respectfully disagree with requiring a law firm size as part of an attorneys public record. Requiring an attorney to disclose law firm size is a great disadvantage to solo practitioners. Assuming that a law firm size consists of only the number of attorneys on staff, being unable to report staff members and attorneys of counsel places an

		<p>attorney at a great disadvantage. It is known that a common practice of attorneys is to look up information about the attorney upon entering into an adversarial relationship with opposing counsel. Upon seeing a law firm of 1, opposing counsel may incorrectly and improperly assume that the attorney is of limited resources and for that reason may change their tactics in handling legal communications and negotiations which would directly negatively impact a client. Though an attorney can make the time to look up website information to learn more, this next step is not always carried out thus placing an attorney with a law firm of 1 (compared to a law firm of 100) at a great adversarial disadvantage and would greatly skew the legal system one client at a time.</p> <p>With respect to IOLTA account information, I am concerned that displaying account numbers would expose the attorney's bank account to identity theft. Perhaps requiring this information internally with the state bar is acceptable but not for public disclosure purposes. Perhaps confirming with the public that an IOLTA account exists is acceptable.</p>
Courtney Medina	Oppose	<p>I feel that to protect the privacy of attorneys, the State Bar, as a regulatory body, should only provide the essential attorney information to the public: name, phone number, license number, date of admittance to the bar. I believe a photograph, website, name of law school attended, and related, should be optional. Other agencies, like the CA State Board of Accountancy, for example, provide only limited information.</p>
Terrie Robinson	N/A	<p>To Whom It May Concern:</p> <p>My name is Terrie Robinson, and I have been an member of the State Bar since 1991. I have concerns about public information required of attorneys that is posted to the State Bar's website.</p> <p>A few years ago, I received a gun death threat from my brother, who is schizophrenic. I was granted a domestic violence restraining order against my brother protecting myself and my husband. I served that restraining order on five law enforcement agencies that had jurisdiction over our residence, our places of work, and our private mail box where we receive our mail (for the record, California Highway Patrol, West Sacramento PD, Lincoln PD, Rocklin PD, and the Federal Protection Service). I was able to preclude my employer, a State agency, from providing my personal information to anyone, but the State Bar still required me to provide some location and contact information that would be publicly available. I used my private mail box as my location, but this still created the possibility of my brother finding and harassing me. There was absolutely no consideration given to my situation or any attempt to find a middle ground. Your staff was resolute in their enforcement of the rules without regard to my safety. They didn't even want to see my restraining order.</p> <p>On the other hand, my employer at the time, the California Native American Heritage Commission, instituted security measures to protect not only me, but my agency's staff, and they worked with the West Sacramento PD to fashion a strategy to protect all of us in the event that my brother were to arrive at my place of work.</p> <p>In this day and age, I think the State Bar could do a much better job when it comes to protecting its attorneys who have restraining orders. I am, and remain, disappointed with the manner in which I was treated and with the total lack of</p>

		consideration for my situation.
[Unidentified]	Oppose	<p>So you are contemplating adding attorney photos to the bar website to prevent fraud? Respectfully, you can't be serious.</p> <p>We all had our fingerprints redone recently to prevent fraud. How many cases of fraud did you catch?</p> <p>It better be significant. Otherwise, perhaps the state bar guys who made the decision of the redo of fingerprints can transfer to PGE? Seems like a perfect fit...</p> <p>If you caught a lot of "attorney impersonators" by the fingerprinting, congrats. And brag widely about it. Please. Otherwise, the illogic is glaring.</p> <p>Plus there is a security issue.</p> <p>Thank you.</p>
John Romaker	Oppose	<p>The size of my firm is irrelevant to your oversight. The rule is also ambiguous, but allows the State Bar to discipline on immaterial matters. I consider myself a solo. But, I am "of counsel" with another firm. Under SpeeDee Oil, I am treated as if I were a member of the other firm. So, is the size of my practice one? Or is the size of my practice 11? When discussing the size of my firm is it only the number of attorneys? What about paralegals, secretaries and clerks? If a licensee leaves a firm, the licensee has an obligation to report his or her change of address. What regulatory purpose is served by requiring the firm to report the departure within 30 days? Medical clinics have no such requirement (unless the FNP is sold).</p> <p>I am not a vortex thruster. I do not garner publicity. I do not maintain a website. All of my work consists of returning clients, or referrals from other attorneys. You have the right of oversight. You do not have and should not have the right to publicize my information. I have an IOLTA account. I report that to you. My banking relationship is no one else's business. It ought not be published. My client's will know whether I am maintaining a trust account and I will account to them monthly. Whether my account is at Wells Fargo or California Bank & Trust is no one's business except for yours and an actual client with whom I have a confidential relationship. The fact that a member of the public may request information about me via CPRA, does not mean that it should be published in the first instance. The likelihood of a CPRA request on me is very low. Your view that you should publish all available data is just laziness. If I have to pay more, then you should not make decisions on the basis of administrative convenience.</p> <p>Oh, the thirty day reporting period is just dumb. We have thirty day reporting period for material matters: discipline, contempt, sanctions, arrests. These are things that trigger you doing your job. These are red flags which may indicate a moral issue. They are important. This additional stuff is not.</p> <p>Now, you want me to post information about minor things and be subject to discipline for breaking a rule for failing to post information which is not important. So, for example, I take on a case. I bring in another lawyer to help on the case. Do I</p>

have to post that my law firm is now two people? The case settles and I terminate the relationship with the other attorney. Do I have to post that I am solo again? Do I face discipline for breaking a rule that I must update this unimportant information in 30 days? This seems like regulations for the sake of regulation—not to serve a purpose. I left the Navy 34 years ago. I do not need regulation which has no purpose anymore. (BTW. Someone could do a FOIA request and find out about my Navy record. The Navy does not publish that data just because it can be accessed by the public. I suspect that one could do a FOIA request of the Justice department to find out whether my fingerprints hit on any of their files. Are you going to report that too?)

Why is it necessary to post other jurisdictions in which I am admitted? Technically, all of the federal courts are admissions into other jurisdictions. So do I have to report I am admitted to the US Supreme Court Bar; the Ninth Circuit, and all federal district courts in California? Each of these “bars” has disciplinary authority over me. If any of them took any action adverse to me, I would certainly be required to inform you within 30 days. What business is it of yours that I am qualified to appear in these jurisdictions? You have authority over me because I am a member. You have no authority over other jurisdictions.

Why would you require posting of legal specialty certification? It would be improper, indeed fraudulent to hold oneself out as a certified specialist if one is not. However, there is no reason to require disclosure of additional qualifications. Assume I obtain a certification in Appellate practice (something I am trying to achieve). It will not go on my calling card. I do not advertise. I do not maintain a website. If a client were to ask, then I believe I would have to tell the client. Otherwise, it is nobodies’ business but my own. The only rationale I can imagine for this requirement is to try to catch someone who holds themselves out as a specialist, who is not actually certified. But, you have proposed to get the State Bar out of the certification business. Apparently, specialist certification is not that important to your function. There are certifiers who are not the State Bar—Do those certifications have to be disclosed?

And, why are you plugging for the CLA? I am a member of the litigation section. So what? Membership in that organization is not a qualification. The CLA is not a State Bar function anymore. It is an independent organization to which I must send more money. It is not a proper State Bar function to shill for an independent organization performing functions, which you have determined were not the proper function of a regulatory State Bar.

I do not believe that I should be required to use my State Bar profile as a marketing tool against my will. Silence is also a First Amendment right. Protecting the public by allowing them to determine whether a person is a licensee in good standing is consistent with your regulatory focus. All of the rest of this soon to be required reporting is not. I will report the information to you. Your function is regulation and only regulation. This nice to know kind of information is marketing. You have declared that such is not your job. Stick to that story. I want to control my privacy, my right to personality, and the information about me which is displayed to the public. I am a licensee in good standing for 30 years. I should be treated as such. I have the Cal. Supreme Court granted power to substantially affect the lives and welfare of my clients. You should respect my judgment about the information I am willing to display publicly.

Ashod Mooradian	N/A	<p>To Whom It May Concern:</p> <p>The practice areas currently available do not include Legal Ethics, Professional Responsibility, State Bar Defense (Discipline) or State Bar Defense (Admissions). The closest practice area is Legal Malpractice or Administrative Law. Neither of which capture Legal Ethics or State Bar Defense practice areas. This forces members to choose to not list a practice area or risk consumer confusion.</p> <p>Either way, this is a simple fix that amounts to adding these four areas into the Practice area database.</p> <p>Thank you for your consideration of this comment.</p>
Mary Cavanagh	Oppose	<p>The Department of Motor Vehicles collects a great deal of information which it needs to carry out its regulatory function, before it issues a license, but the information is for the use of the DMV, it is not presumptively available to the public and it is not sold for profit. The purpose of this system is to prevent the misuse of information, without interfering with the DMV's regulatory function. I think the Bar should follow this model.</p>
James Lewis	Oppose	<p>The profile we lawyers have online is fine as it is. The requirements you propose would impose a burden on the majority of lawyers who do not have or maintain a professional website; it would disadvantage lawyers who work as solo or very small practice lawyers; and client trust account information would be lost on the general public while imposing an unnecessary burden on the lawyer.</p>
Paula Tarpinning	N/A	<p>Rule 2.2B3: For those attorneys who are retired and have inactive status, their mailing address should not be made available to the public on the state bar website as they have no office and the only mailing address they have is their home address. This information should be kept confidential by the state bar. Making it available publicly exposes retired/inactive members to identity theft or worse. Thank you.</p>
Ron Grant	Oppose	<p>Most states provide very little information regarding the attorneys registered in such states. If an attorney has a website then he/she is volunteering to disseminate information. However, I attempt to keep a low profile, and have no website and have plenty of business. I am ok with paragraphs (B) 1-6, object to 7 & 8 (what info on IOLTA would be provided?), and am ok with paragraphs 9 through 14.</p>
Dave Rapson	Oppose	<p>I strongly object to the proposal that attorney's photographs be included in their online profiles. I take great efforts to avoid having my image posted online. I have well-founded concerns about my image being misused and/or my privacy rights invaded. There is no good reason for adding attorney photos so that they are available to the general public. Historically, they have never been made public.</p>
Alan Daneshrad	Oppose	<p>Law Firm Size - Should be omitted from mandatory reporting and should not be made publicly available. This information will hurt solo practitioners the most. The public and potential clients may erroneously believe that a solo practitioner is not as capable as an attorney from a large law firm which is not factually accurate. In fact the opposite may be true. Solo practitioner may in fact provide better legal services and more attention to a client. However this may not be apparent but simply stating that there is one person in a law firm. There is not benefit to the public by providing this information to the public. The harm greatly outweighs any benefits to the public.</p>
Ronald Beck	Oppose	<p>Rule 2.2(B) re annual disclosure is onerous. Should be only if there is a change. As 2.2(B) 7-14 this is unnecessary and</p>

		<p>onerous. Too much regulation without any specific complaint from a client.</p> <p>The St Bar should concentrate on refining its initial investigation from clients against an atty. The St Bars knee jerk reaction is to simply write a letter to the atty asking for all sorts of info on totally frivolous complaints. Its obvlous the St Bar does little if any vetting of such complaints.</p>
William T. Whisenhun	Unrelated	<p>Dear Members of the Public and Finance and Planning Committee Members, Board of Trustees:</p> <p>As a retired former government attorney I am opposed to any license fees for inactive attorneys who do not practice law nor have any contact with the State of California. I reside outside the State of California, I do not practice law, I am retired on a fixed retirement income that does not stay in pace with the cost of living, much less annual medical cost increases. The only reason I even stay in an inactive status is because of the years of law school study and years of continuing legal education. Because my career was in government service, serving the public, the pay scales were not that great in comparison to the private sector.</p> <p>Now at 76 years of age following a major open heart surgery replacing two heart valves and removal of a heart aorta aneurysm I am luck to still be moving around. My heart issues came from years of courtroom advocacy on the part of the greater public interest. I worked hard for my California Bar License and to me it is a badge of accomplish, which I keep as a reminder of my public service.</p> <p>In reviewing the alleged uses of the proposed \$183 dollar inactive fee, none of the purposes apply to me directly. I am out of state, do not practice law, have no clients, not even contact with potential clients, therefore eliminating any need for discipline. Also, as a former government attorney I never had a client security fund and never touched the money of anyone. I still have a continuing legal education account with Lexvid.com and complete 15 hours of CLE each year to stay in contact with the law.</p> <p>In closing, I am opposed to any annual licensing fees for retired inactive former practicing California attorneys.</p>
Frederick Glasser	N/A	<p>I would like to see the profile again show the school where the attorney received his undergraduate degree and the year obtained.</p>
Alan Lurya	Oppose	<p>Please do not impose any further regulatory burdens on Bar members. None of these proposed new rules do anything to protect the public.</p> <ol style="list-style-type: none"> 1. The requirement for posting a picture is outrageous and insulting; It is an excellent way to facilitate prejudice based on age, sex, race, good looks, etc. It discriminates against us ancient members of the Bar to whom father time has been most unkind. Can I remove my age spots in photoshop? Or, would that be deemed a "lack of candor" by some over-eager state bar prosecutor trying to make his bones? 2. These proposed rules require lawyers to constantly update their profiles with irrelevant or marginally relevant

		<p>information. Lawyers change firms and practice arrangements regularly. It is enough that the lawyer updates his or her address and phone number. However, the precise lawyer count of the new firm is of minimal interest, or can be determined quickly enough by a prospective client. The lawyer should not be required to take a census of his partners, associates, paralegals, etc. on a regular basis.</p> <p>I read the Bar's letter explaining both the fee increases and the proposed rule changes. This is my proposal: Keep the higher fees, protect the public, fatten your pensions (we don't begrudge you), but leave the dues-paying lawyers of California alone.</p>
Jeffrey Lodge	Unrelated	<p>The bar dues are already too high.</p> <p>The bar should par back to its original mission.</p>
Jaryn Saritzky	N/A	<p>To Whom It May Concern:</p> <p>I would like to suggest that the State Bar consider adding a field for preferred pronouns. I believe this would better facilitate respectful communication and create a more inclusive professional environment.</p> <p>Thanks for your consideration,</p>
Shahran Kangavari	Oppose	<p>To whom it may concern:</p> <p>I would like to comment on the Proposed Rule Changes Addressing Public Licensee Information and Required Reporting. However, before I do so, I would like to ask that the email information appearing on profile pages be modified so that it does not allow for mass crawling of profile pages, thereby allowing for the collection of all email addresses and later use of these email addresses to spam attorneys. This can be fixed by simply requiring a user of a profile page to enter a CAPTCHA before the email address appears on the profile page. Please let me know if I can forward this concern elsewhere.</p> <p>As to rule 2.2(B)(7), this requirement should not be included. Smaller firms may be disadvantage as the public may not contact them as they may believe a larger firm provides better legal assistance than a small one. Moreover, firm sizes frequently changes and (1) keeping track of accurate numbers and (2) having firms frequently update firm size will be very difficult.</p> <p>Thank you for your time.</p>
Nnena Ukuku	N/A	<p>Hello,</p> <p>I am currently not practicing at a company or a firm. This means that the address that I maintain with the bar is my home address. I am also a petite woman. Having my home address listed on the bar's website exposes me to physical harm.</p> <p>In the past I have had people that were not clients that wanted to have access to me, show up at my co-working space. I</p>

		<p>did not know who they were, I had never met them, they just wanted access to me because of my personal network. I have friends that have been stalked. Now these uninvited people can show up at my home since I have to register a physical address. In addition, the only people that do not already have access to me are telemarketers and other individuals wishing to sell me services (law firm) and they use the bar website as warm leads for products they wish to sell.</p> <p>There is not a compelling reason in my opinion why we would introduce unnecessary harm to lawyers.</p> <p>I would like to remove the requirement of requiring a physical address to be listed.</p> <p>Thank you.</p>
John DiAna	Oppose	<p>I oppose adding additional information to the public disclosure section on the CA bar website on these grounds.</p> <p>#1. The CA bar website should be for basic information that is of a factual nature such as (a) the attorney's license; (b) discipline records or lack thereof; (c) basic contact information. The public has a right and should know that information.</p> <p>#2. Firm size or requiring school information is deceptive to the public and likely will be inaccurate. For example, if an attorney is a solo practitioner, does that mean that attorney is more or less capable of handling a client matter compared to a new associate in a firm with 500 lawyers? That type of information will mislead the public and do so at the prejudice of smaller firms and solo practitioners.</p> <p>#3. The larger the firm becomes the more inaccurate the information. For example if a firm has 100 attorneys, they would need a full time person monitoring and verifying the data to make sure it is accurate. There is no way that information will be accurate in real time.</p> <p>#4. If it is not accurate in real time then the State Bar will have to have penalties for inaccurate data or else the data will be garbage. I do not think larger firms will want the liability of making sure that data is accurate. If there are no consequences, the data will be garbage. This does not serve the interests of the public. California attorneys by and large already conduct themselves to the highest ethical standards in the industry and this is an unnecessary burden on us when we should and could be spending time on client matters.</p> <p>I am available for additional comment or discussion should it help serve the Bar.</p>
Stephanie Rector	N/A	<p>Hello,</p> <p>The rule regarding attorney addresses is dangerous without an opt-out provision. I have been stalked in the past and my prior work with domestic violence and sexual assault survivors put me in a position to deal directly with people who may engage in that same behavior.</p>

		<p>It's an unnecessary liability when I'm no longer working directly with clients or the public who have no need to know where I am on a daily basis.</p> <p>I have a feeling many lawyers would feel similarly if they thought about it.</p>
Glenn Alex	N/A	Retired and inactive attorneys (like me) often do not have office addresses and phone numbers. They use their home addresses and home or personal cell phone numbers for purposes of reporting to the bar. California statute and the California Constitution protect privacy, and that type of personal information is considered private and protected in most situations. The bar should not make that type of information public without the request or consent ("opt-in") of the retired or inactive attorney.
F. Araiza-Kasama	Oppose	<p>Dear California Bar:</p> <p>Those of us who have been the subject of attempted identity theft want to SEE LESS given to the public or available on any public site.</p>
Alice Smith	Support	These Rules seem eminently clear and straight-forward.
Leslie Lindgren	N/A	<p>Dear Sir or Madam:</p> <p>In order to comment, please reply to the following:</p> <p>Why is there a reference to the sale of information in the discussion of the proposed changes? Does the State Bar plan on selling this information? If so, what studies of the impact on solo and small practitioners have been made? If any, please provide them with your response.</p>
Linda M. Battram	Neutral	<p>The ability to search for lawyers by their specialties and area of practice is most welcome and has been needed ever since I can remember. Consumers will be much better served by our profession with this findability.</p> <p>I do not practice criminal law, but it concerns me that we not reveal so much personal information that lawyers are made vulnerable to a variety of angry or imbalanced reactions to things which happen in their cases which are not favorable to them. We protect personal information about our peace officers, and the current proposal does not immediately ring an alarm bell but the catch all portions leave wide open doors to walk through. I am confident that our professionals will keep protections in mind for attorneys and not solely use these changes to weed out more violators and protect consumers.</p> <p>The paperwork never decreases it seems.</p> <p>Thank you for all the work going into this.</p>
John Smith	Oppose	<p><u>Changes to Rule 2.2(A)</u></p> <p>Rule 2.2 (A) should be rewritten to simply state, "...all information contained in the official licensee record is subject to</p>

disclosure under the California Public Records Act.” There is no need to state that the information is presumptively public – the California Public Records Act (CPRA) itself already states that.

In addition, the language in this section stating, “...unless that disclosure is otherwise prohibited by law” should be deleted. This language is unnecessary because the CPRA provides that certain records are not subject to disclosure under the PRA. In addition, the inclusion of that language completely ignores Govt. Code section 6254 which provides a list of exemptions that a public entity **may** invoke (but is not required to invoke) to not provide a record under the CPRA. The problem with the current language is that there may be situations where the State Bar needs to invoke a justification in 6254 to not release a record, but won’t be able to do so because it has limited itself to only not providing records where the disclosure is prohibited by law.

Changes to Rule 2.2(B)(5)

Rule 2.2(B)(5) should be modified to clarify that it only pertains to websites on the internet or that are available for public viewing. I work as in-house counsel and we maintain a professional website on our intranet, which is available to department/internal staff only (no-public access). It does not make sense to require the posting of the website address when the public will not be able to access it.

Change to Rule 2.2(B)(8)

Rule 2.2(B)(8) should be modified to state, “IOLTA account information (where applicable).” Not every license attorney maintains an IOLTA account (e.g., law clerk, law professor, in-house counsel who are not provided funds from the client to hold for the benefit of the client).

Rule 2.2(B)(11)

This proposed change seems overreaching, especially when the attorney will already need to identify the other jurisdictions where the individual is licensed. Those other jurisdictions should maintain that information, that is not the responsibility of the State Bar. This proposed change should be rejected.

Rule 2.2(B)(13)

This rule is very confusing and needs to be clarified. What is meant by “conditions of probation”? Is this in reference to someone who is on probation because they just got out of jail? Is this in reference to a local/state government employee serving a probationary period before being granted permanent employee status? Is this in reference to an attorney who holds multiple professional licenses and is subject to probation from another licensing entity with respect to one of those other professional licenses?

Rule 2.2(D)(4)

		<p>This rule is confusing and needs to be clarified. How is “area of practice” here, which is optional, different from “practice sector” which is required to be disclosed under Rule 2.2(B)(6)? It seems more or less the same thing. Please clarify and/or provide an example of the difference between the two rules.</p> <p><u>Changes to Rule 2.2(E)</u></p> <p>The rule should be rewritten to state the following, “The following additional information ...shall be maintained by the State Bar and updated by the State Bar no later than 30 days after any change:”</p> <p>In the interests of serving the public, the State Bar should similarly be required to update this information within 30 days of any change.</p>
Michelle Reed	N/A	<p>I propose that the street addresses of inactive members not be displayed. The only address most inactive members have is their home address, and I do not want my home address displayed to the public. I feel that this violates my privacy and brings up safety concerns.</p> <p>I personally have a situation where I am concerned for my safety and have taken measures to ensure that one particular person not have access to my home address. It worries me that he will figure out that he can easily find my address on the State Bar website.</p> <p>Eliminating inactive members’ street addresses should not pose a problem for the public since other means of communicating with inactive attorneys are provided on the website.</p> <p>Thank you for your consideration.</p>
[Unidentified]	Oppose	<p>I respectfully oppose imposing more mandatory reporting information, as that kind of additional reporting is unnecessary and yields little benefit. Please reconsider! Thanks.</p>
Gary Poteet	Oppose	<p>2.2(A) The making mandatory information subject to CPRA is a violation of the members' right to privacy. The State Bar is a mandatory affiliation for regulation of the industry. The information is not voluntary with the knowledge it may be public.</p> <p>To be attorneys, we are required to be a member of the Bar. Mandatory reporting of certain information is necessary for the regulation of the profession. However, it is not for public consumption, as we attorneys have not placed our mandatory information into the public. The Bar has the fiduciary duty to protect us from this kind of intrusion. The State Bar of California must challenge B&P 6026.11 (making the records subject to CPRA) accordingly, or be subject to a class action lawsuit by its members for a violation of their privacy rights.</p> <p>2.2(B)(7) and (8) Many attorneys are associates in firms and do not have access to these new required information requirements.</p>

		<p>2.2(B)(8) This is idiotic! You are making account information public, in this day and age of computer hackers and identity theft, giving and allowing electronic criminals access to steal from these accounts.</p> <p>2.2(B)(6) and (D)(4) How are these different? Other than one is mandatory and the other optional, what makes the difference between the information?</p> <p>Additionally, are these "practice areas" pre-generated or to be provided by each attorney. The general pre-generated areas are not that useful or accurate, especially for the public looking for an attorney. Example - an insurance defense attorney, is that "Insurance," "Litigation," "Personal Injury," or some other field? Also, how many field will each attorney be allowed to mark? Some firms cover many different areas of the law.</p> <p>I understand the attempts to make the profession more transparent, but it is not the profession, nor necessarily the attorneys that need transparency. Transparency cannot come at the cost of violating privacy rights. If the Bar is doing its job of regulating the industry (instead of wasting money on pet projects and unnecessary lobbying and other political agendas), then the public's perception and need for transparency will improve, if not disappear.</p>
Robert Kelley	Oppose	More left wing BS.
Andi Miller	N/A	I strongly suggest the Bar add a requirement of an email address on the Attorney page of its web site. In the absence of such contact information an attorney may avoid required meet and confer discussions on a timely basis merely by refusing to take or return telephone calls and thereby force meet and confer being handled by formal mailing which can also be intentionally delayed. An email address creates the assumption that the recipient has failed to voluntarily engage in meet an confer and assures prompt attention to court mandated activities.
Deirdre Frank	Oppose	<p>Why on earth would I put ANY banking information online?</p> <p>Why is it important to have number of staff? That is on my corporation report. I see this as totally irrelevant.</p> <p>Why do I have to have yet another email just for you? If you spelled my name correctly in the email you have for me, I would consistently receive your messages.</p>
Dolan M. Williams	Oppose	<p>Hello,</p> <p>This email is in respect to the proposed rule changes.</p> <p>In my experience, consumers do need to be able to search for lawyers that specialize in specific areas. My recommendation would be for the Bar to consider all the possible areas of law an attorney may practice in, and allow those attorneys to select at least four categories. This way, consumers may adequately search the Bar for those who may handle cases in their area, and ignore those who do not.</p> <p>With respect to firm size, consumers are often indifferent to firm size. Because many people go to the state bar website looking for attorneys, it may not matter. If firm size is required, then my question is whether this includes lawyers, or staff as well? Sometimes, a firm with two lawyers may be better equipped than a staff with 40 lawyers, whose staff may be</p>

		<p>over-extended.</p> <p>In addition, because the bar requires that we are assigned a number, I do not have the same concerns about posting a public photo. This should remain optional for those who do not wish to have their photo taken. Because identify theft is a concern, taking a photo from the website would be easier for fraudsters, it could subject some attorneys to having their privacy, including the privacy of their clients, violated as well. For instance, a lawyer in a sensitive, confidential negotiation may be identified by those on the other side just by their photo, putting them at an unreasonable risk.</p> <p>Thank you.</p>
Kristen Koo	N/A	<p>The State Bar should require that the attorney maintain an email to be listed publicly on the attorney's state bar profile. Right now it is optional. In this day and age where almost all communication is done through email, it should be mandatory. This will also help clients when their attorney stops returning their phone calls. Not that the attorney will answer an email if they don't return a phone call, but it will give the client another option to try. We administer almost all of the Chapter 13 bankruptcy Plans for the Eastern District of California and our number one complaint from the Debtors is that their attorney doesn't return their phone calls so maybe this could help that.</p>
Anuar Ramirez	N/A	<p>By requiring an admission date on an attorney's profile, the state bar is putting solo and new attorneys at a disadvantage in litigation cases with more established firms. This allows established firms to quickly see that the new attorney is likely not in a financially opportune position to continue to litigation with all the costs that come with it. The established firm would be less likely to accept a demand letter or negotiation, in turn also creating a public policy concern.</p> <p>Please eliminate this requirement on the public profile. I understand that clients may want to see this, but this information should be between the attorney and the client.</p> <p>Thank you for your time and consideration.</p>
Denise Jarman	N/A	<p>Thanks on the update as to Rule 2.2 concerning the mandatory information the Bar requires from licensees as well identification of what information the Bar proposes to make public.</p> <p>Simultaneously with requiring further mandatory information, would now be a good time for the State Bar to have in place specific protections of the information the Bar collects and to communicate these to the licensees? Many of us have insurance for cyber theft that requires us to list who we share information with and what we have done to ensure that those we are sharing this information with are protecting our information.</p> <p>Thank you.</p>
Alameda County Bar Association	Oppose	<p>To the Board of Trustees and members of the Program Committee:</p> <p>We are writing on behalf of the Alameda County Bar Association, to express an opinion regarding the proposals offered for public comment regarding information to be shared by licensees.</p> <p>As you know, the State Bar of California has long regulated referrals in order to protect the public, and assist the public in</p>

obtaining attorneys qualified to handle particular matters. Lawyer Referral Services, like the one run in our bar association, scrupulously screen members of the panels in order to ensure that they are qualified to handle specific types of matters. We also ensure that our panel attorneys do not have a disciplinary record with the State Bar, and carry malpractice insurance. Finally, we also provide assistance in helping callers determine whether they need an attorney, and what sort of attorney they might need. We pay for this service by charging a modest fee (\$40) for the referral and a half-hour consultation, though we do not charge in all types of cases. The charge is only \$10 when the caller is of modest means. We also share the attorneys' fees. Deregulating fee sharing will erode all of these public protections, and expose the public to exploitation and subsequent injury.

Part of the value that LRS's offer is screening attorneys. Certainly some members of the public already use Google or other search engines to try to find attorneys, ending up with attorneys who may know little or nothing about the area of law in question, who may have a problematic State Bar record, or who may not carry insurance. To deregulate fee sharing would exacerbate this situation by offering the public websites that appear to be providing them with screened attorneys but which, in fact, list whatever areas of practice the attorney pays for.

LRS staff also work closely with callers to identify the nature of their legal problem. In our program, we refer callers to a panel attorney only 1 out of every 7 calls or so. The other callers may be referred to a free legal services resource for which they may be eligible, or to a social services agency more appropriate for their issue. Not infrequently, the caller really does not need an attorney, and we can offer resources that can help them solve the problem on their own. We also discuss things with them that may impact their decision whether to pursue the case – like the statute of limitations, for example, or whether a claim for discrimination covers general unfair treatment. And finally, many if not most callers are entirely unsure what practice area they need. Every week, for example, we get quite a few calls from people with probate problems, or landlord-tenant issues, who state that they need a family attorney (because the dispute is between members of the same family). Having a regulated referral system means that callers are assured of getting help in all of these ways, before they get to the referral piece (if they do). The State Bar's proposal would allow lawyers to "advertise" on the State Bar's website, merely driving the public to attorneys without the benefit of screening or triage, and leaving the public to pay the price for a poor referral.

Many of us remember when the State Bar first made this proposal, many years ago. The State Bar's website has long had an attorney search function, where one can look up attorneys by name. You can also search for a Lawyer Referral Service, a free Legal Services provider, or for someone who is a Certified Specialist in a particular area. Perhaps 10 or 15 years ago, a different State Bar Board of Trustees heard a proposal from staff to add areas of practice (as provided by the attorney) to the State Bar online directory, and make that field searchable. This would have allowed members of the public looking for an attorney (and thinking they know what kind of attorney they need) to find one on the site. Of course, those attorneys would not be screened, nor was there any assistance offered to the public on whether and what kind of attorney was needed.

At the time, the State Bar's focus included providing services to attorneys, and so this proposal was meant to assist attorneys in getting clients (as well as to provide a revenue stream for the State Bar). The proposal was defeated largely because of the ethical challenges of having the State Bar regulate LRS's while also competing with them. There was also statewide opposition.

		<p>In the current time, of course, the State Bar has spun off its membership piece, and has refocused its mission on public protection. In this context, it would be distinctly troubling to see deregulation that will hurt the very people that the State Bar has sworn to protect.</p> <p>Some have characterized this proposal as increasing access to justice, and assisting the public in locating lawyers. To our knowledge, there is no evidence that members of the public have a hard time locating a lawyer, nor that LRS's are not meeting the need of the public to find those practicing in a particular area. The access to justice challenge is one of affordability – finding legal help they can afford. The proposal has no impact on that issue. Instead, it merely undoes the work of years protecting the public from unscrupulous attorneys claiming expertise in areas in which they have little experience or competence. Surely, this is not the direction of the new State Bar, newly focused solely on public protection. We look forward to further discussion on these important topics, and are at your service to discuss this matter further, if you would like.</p>
Timothy Cavanaugh	N/A	<p>To Whom It May Concern:</p> <p>Given the relatively limited amount of information displayed on an attorney's page on the State Bar's website, the listing of a minor disciplinary action as one of the few facts included can create an inaccurate and unfairly negative impression of an attorney.</p> <p>To wit, I went through a very difficult period in my life several years ago I was dealing with serious medical issues and barely getting by financially. I was on inactive status at the time and failed to pay my inactive status dues in a timely manner.</p> <p>As a result, my bar record is forever marked with a "disciplinary action" stamp — when my only crime was to pay my dues for inactive status a few months late. This scarlet letter is now forever prominently featured in my State Bar record.</p> <p>This is a punishment-doesn't-fit-the-crime scenario. The fact I was unable to pay my inactive dues on time does not provide the public with any helpful or relevant information as to my character, suitability or effectiveness as an attorney. What it does do is plant a seed — a first impression — that I have done something seriously wrong because I was disciplined by the State Bar of California. My "wrong" however was so minor — especially given that I paid the delinquent dues — that it does not serve any valid purpose to feature the information in a prominent position in my state bar record. The current prominent placement of the information instead actually unduly and unfairly cause the attorney harm</p> <p>So I propose that such minor infractions be posted as they currently are for one year from the date of the infraction. Thereafter, I propose that that the information be expunged from the attorney's record, removed from the public record or, at the very least, moved to a location on the website at least one click away from the landing page of an attorney's bar record.</p>
Kakuti Lin	N/A	To whom it may concern:

		<p>The proposed rule 2.2(B) contains some provisions that are ambiguous as to their application to government attorneys. Since many of the requirements specify that they are only applicable if the things to which they refer exist (for example, office address, telephone number, and website), the lack of that qualification for the items relating to law firm size and IOLTA account information makes it seem like those requirements will apply without exception, even though they are inapplicable to many attorneys. It is also unclear what the maintenance of a “professional website” means in the context of a government position.</p> <p>These ambiguities could be cleared up by rephrasing the applicable parts of the rule, or they could be taken care of in the implementation of the reporting with clarifying language or an option to choose to report these things as not applicable.</p> <p>Thank you for your consideration.</p>
Maryann Gallagher	N/A	<p>Hello</p> <p>I wanted to make one comment on Rule 2.2 (B)(8)</p> <p>What is included with the category IOLTA account information? Since this would be open to the public, my concerns are someone getting my IOLTA account information and getting into my account. What is the purpose of making this public? If it is just saying IOLTA account and we said yes or no That is fine But I don't see what the purpose of putting any more information about our accounts out in the public record and exposing us to having our accounts accessed by someone else.</p> <p>Further, a second concern is that sometimes we may be in negotiations with defense counsel on a judgment where interest is increasing daily, if the defendants can access our account and deposit the money, in an amount they want to, and not what we are negotiating for, then that cuts off our ability to get the most for our client.</p> <p>What is the need for the public to know this information balanced against these threats to our trust accounts?</p>
Marita Lauinger	Oppose	<p>I am writing to provide comment on the proposed rule changes addressing public licensee information and required reporting. I am not entirely clear on whether the new rule will result in posting photographs on the State Bar website. To the extent that is being considered, here is my comment:</p> <p>The current website provides an equal amount of objective information in a consistent format pertaining to each member of the bar. It does not directly disclose gender, race, or other visual characteristics. My concern is that photographs in State Bar profiles would create unfairness or inequality in some way. The website should contain only factual objective information and should not contain subject information, such as a photo. State bar profiles should not serve as an avenue</p>

		<p>for advertising but rather should communicate basic licensee information and status.</p> <p>Thank you for considering my comment.</p>
Kathleen McManus	N/A	<p>Hello,</p> <p>I would like to eliminate the publication of home addresses of inactive members. I am a retired prosecutor and no longer have a work address to use. The only address I have is my home address.</p> <p>There is no reason for the Bar to be publishing the home addresses of inactive (or any) member. I take my privacy very seriously and do not need some of the problematic people I prosecuted showing up at my front door.</p> <p>I can understand having the address of practicing attorneys, but not for those of us who are no longer in practice.</p> <p>Thank you!</p>
[Unidentified]	Oppose	<p>Rule 2.2 (b) (7) LAW FIRM SIZE : This should NOT be required disclosure.</p> <p>As a small struggling solo practitioner, this information, if "required" would put me and other small solo practitioners at a severe disadvantage when trying to compete against bigger law firms with more man power.</p> <p>My clients know how large I am - why do I have to announce this to every opposing law firm ? So that they can out gun me or know that a smaller settlement can be waived in front of me because I might not have as many resources as them?</p> <p>How does our organization police such a requirement ? If someone answers that they are a law firm size of 5 - does that mean they get to count every subcontractor, occasional researcher, temp paralegal, etc ? How does that stack up against someone like me who basically works long hours all by myself 6 days per week with zero permanent staff ? If I fudge and count every occasional sub I have had to hire when trying to work a large case, can I inflate my firm size to that of 20 ? Would my competitors being doing the same ?</p> <p>I know for a fact that the Employment Development Department (EDD) audits public websites scouring for audit leads to determine if they have potential unreported payroll taxes and unreported workers. If I stated that I had a law firm size of 3, one attorney plus 2 independent researchers - then bang, there's a juicy audit lead for EDD. They check their database and see that I am not a registered employer and do not report any employees, then I'm subject to an EDD payroll tax audit because I have 2 potential unreported workers. They can easily go to the next attorney and the next - easy pickings for them - all because we "mandated" reporting law firm size. Please do NOT require us to disclose this as a "requirement".</p> <p>Rule 2(b) (7) A PROFESSIONAL WEBSITE, IF ONE IS MAINTAINED</p>

		<p>I care about our Bar Association and also rising fees. This should never be allowed. Just look at the mess, and potentially millions of dollars at stake for them in litigation because they are being accused of "allowing" ads without properly fact-checking these and that they have a responsibility to audit whether the information being posted is false. Regulators around the world, especially Europe, have sued Facebook for their hands-off approach to protecting individual privacy and allowing misinformation to stand uncontested.</p> <p>If we "allow" our attorneys to disclose their professional website on our "Bar" website - which could contain false and misleading information to the public, we could be opening ourselves up for litigation by those that rely on this. If an attorney maintains a website, their clients will find it. Let's not open ourselves up to possible litigation, thereby costing us much needed resources. There will be a fiscal impact !!</p>
Gary A. Weis	N/A	<p>To: State Bar:</p> <p>My concerns with proposed Rule 2.2 (B) (8), revolve around security issues relating to the release of specific private banking information. The Bar's proposal is vague on the scope of information which is to be made public.</p> <p>Attorneys, as a group, are already under electronic attack by hackers. If the information made publicly available is limited to a confirmation that a member maintains an IOLTA account, that is acceptable. However, if the information released by the Bar includes the identity of the financial institution or even greater detail, then I strenuously object to the public disclosure of that information. How can an attorney possibly secure and protect his client's funds if that information is handed out to hackers on a silver platter ? There is no valid reason for the public to receive the private banking information of its members when that release puts those funds at risk and increases the member's financial exposure.</p> <p>One possible consequence of the Bar's release of detailed IOLTA data, may be the need for attorneys to protect client funds by creating separate client trust savings accounts. This process would result in a reduction in the Bar's IOLTA interest income.</p> <p>I hope you find these comments helpful to your decisions.</p> <p>If you have any questions, please do not hesitate to contact me.</p>
Mary Miles	Oppose	<p>The following "Rule 2.2) (Items as numbered in the Bar announcement) are intrusive and should not be public information:</p> <p>"(2) A nonpublic email address to be used for State Bar communications": COMMENT: This should not be publicly accessible.</p> <p>"(5) A professional website, if one is maintained;"</p>

		<p>COMMENT: Disclosure of whether a professional website is maintained is neither the Bar’s nor the public’s business.</p> <p>“(6) Practice sector” COMMENT: Disclosure of a “practice sector” should be purely optional and not required. It misleads the public to believe lawyers may be specialists and/or may not practice in areas not listed. What does “practice sector” mean?</p> <p>“(7) Law firm size” COMMENT: I strongly object to the concept and requirement to disclose “law firm size.” This proposal is prejudicial against small firms and solo attorneys for obvious reasons. Moreover, the Bar’s site should not be a vehicle for large firm advertising and muscle-flexing.</p> <p>“(8) IOLTA account information”: COMMENT: This is a <u>complete invasion of financial privacy</u> that invites identity theft, hacking, and violation of privacy. Financial information should not be required by the Bar, and it should never be publicly disclosed, including IOLTA account information.</p> <p>“(12) Any other information as directed by the California Supreme Court.” COMMENT: This is an open door to more invasion of privacy of attorneys like those proposed.</p> <p>And why did you remove the part of the public profiles that included undergraduate degrees?</p> <p>The Bar’s above proposed requirements and disclosures go far beyond what the Bar should require and disclose publicly, and are prejudicial against small firms and sole practitioners.</p>
Dustin Saiidi	Oppose	<p>Hello and thank you for accepting feedback.</p> <p>Of this info, I don't see how - law firm size is relevant - Some may not know exactly how many people are in their firm. Some might utilize contractors. I don't see any sort of benefit in providing this info. - IOLTA account - I don't see any benefit in providing this info - only harm and potentially subject to hackers. If they know the State bar has this info, they may try to hack the site to get it</p> <p>Thanks!</p> <p>(1) Last name, first name, and any middle names; (2) A nonpublic email address to be used for State Bar communications; (3) Office address or, if no office is maintained, an address to be used for State Bar purposes; (4) Office telephone number, if one is maintained;</p>

		<p>(5) A professional website, if one is maintained;</p> <p>(6) Practice sector;</p> <p>(7) Law firm size;</p> <p>(8) IOLTA account information;</p> <p>(9) All legal specialties in which the licensee is certified;</p> <p>(10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission;</p> <p>(11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;</p> <p>(12) Any other information as directed by the California Supreme Court;</p> <p>(13) Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and</p> <p>(14) Any other information as may be required by law.</p>
Arnold Hernandez	Oppose	<p>I kept hearing about how consumers cannot afford legal services, yet these types of rules that increase the burden on law firms has the effect of increasing the cost of doing business. What is an extra 10 minutes you may say, but when everyone takes that attitude it adds up to a lot. Further the information sought seems to be geared to making a more marketable attorney directory. It stinks of telemarketer influence seeking to sell attorney information which will result in more telemarketer phone calls, which is already a waste of law firm time. Those of us that are solo and prefer to have no staff are constantly having to battle these telemarketers that just suck up our time. I estimate I waste about 3-10 days a year in Spam Email and telemarketer calls.</p>
Atticus Wegman	Oppose	<p>Dear State Bar:</p> <p>I write to provide public comment to Proposed Rule Changes Addressing Public Licensee Information and Required Reporting. The State Bar seeks to revise State Bar Rules 2.2, 2.3, and 2.4.</p> <p>As a prelude, I think it is important for the State Bar maintain a level of cooperation and helpfulness to the members of the State Bar. Without any lawyers in California, the State Bar would be unable to collect fees and therefore would be unable to operate. My colleagues in my local community of Orange County have been seeing a trend of activism within the State Bar for the past several years. The trend is pitting the State Bar against the members that help fund it.</p> <p>Unlike the Medical Board, the State Bar's recent activism is causing its members including myself to question whether the State Bar is another form of secret police or if the State Bar still provides elements of support to its members. There is a clear dichotomy between the treatment of doctors by the Medical Board and lawyer by the State Bar. There are good ethical lawyers in California and sometimes I think the State Bar fails to recognize that or instead chooses to only focus on the small batch of unethical lawyers. Please understand that I am in full support of regulation and discipline.</p> <p>After leaving law school and until recently, I had always viewed the State Bar as a regulatory body that not only disciplined</p>

		<p>lawyers and protected the public but also supported its members. Lately, the support seems to have fallen by the wayside. I hope the State Bar pays particularly close attention to its purpose and whether it wants to be viewed as I have previously understood it to exist or whether it wants to be viewed in negative light as another enforcement agency that operates under its own rules that is largely run by non-lawyers.</p> <p>In terms of the proposed revisions to 2.2, 2.3, and 2.4, I do not see the purpose in requiring a lawyer to state the size of his law firm. Lawyers have a right to make a living. In fact, is it Constitutional. Requiring lawyers to provide their size might cause solo lawyers or small firms to be competitively disadvantaged. I also do not see the purpose of including IOLTA information and question whether making that information public would increase identity theft and hacking. Finally, I do not see the purpose in arbitrarily limiting a lawyer to only be able to include their membership in the California Lawyers Association and no other. Either allow lawyers to include all professional membership they are a part of or none. Thank you for your consideration.</p>
Robert Whims	N/A	<p>To Whom it May Concern,</p> <p>Before I comment I have two questions. First, what exactly is meant by 'Practice Sector'? Is that area of specialty or just whether someone is in private practice or in some form of public service?</p> <p>Secondly, is this intended to apply to 'inactive' members?</p> <p>Thank you for your time and response.</p>
Gary Brainin	Oppose	<p>Although this change appears to be a fait accompli, I wanted to write to express my opposition to any expansion of mandatory reporting items.</p>
Warren Glenn Enright	Unrelated	<p>This may not address the specific proposals upon which comment is being solicited but I am taking this opportunity to comment on the License Status, Disciplinary and Administrative History information that is displayed on a member's profile page, specifically, the suspension for failure to timely pay bar fees.</p> <p>I was not financially able to pay my bar fee on time twenty-two years ago and was suspended for a short period of time. After all these years, this information continues to be displayed in red ink that jumps out at anyone viewing my profile. It states "Not Eligible To Practice Law in California Suspended, failed to pay Bar fees".</p> <p>It is my position that this information is misleading and clearly presents a negative connotation that far exceeds any appropriate penalty for the transgression of failing to pay your bar fee on time. It is tantamount to a virtual debtor's prison and resembles extortion in that it sends the message that you must "pay your bar fee on time or you will serve a life sentence of public admonition and shame from which you can never escape". A virtual Scarlet Letter for all to see.</p> <p>I believe that displaying this information serves no purpose other than to punish an attorney who for whatever reason is not able to pay their bar fee on time. It is likely that the majority of the members of the public who read this entry do not appreciate or understand that the information concerns an administrative matter rather than a disciplinary matter as it is under the same heading and all they see is "Not eligible to practice" and "Suspended". They most likely see this as a</p>

		<p>negative regarding the attorney's honesty and moral turpitude.</p> <p>I appreciate that failing to pay your bar fee on time is a breach of the rules of the State Bar, and, I appreciate that it is important to advise the public if an attorney is not currently eligible to practice law. But to display this information forevermore on an attorney's profile goes beyond any need to keep the public informed or serve the State Bar's mission of protecting the public interests. Perhaps the information could be displayed in a separate, clearly demarcated section of the profile that has to do with administrative matters and it should only be displayed for the period of time that the member is actually suspended.</p> <p>Perhaps this issue has been addressed before. I have considered making an inquiry into this a number of times over the years but I think it is something that should and could be part of this current rule changes proposal.</p> <p>Thank you for your consideration.</p>
Deborah Stone	Unrelated	<p>A Stolen inheritance October 16 at 12:05 PM ·</p> <p>DISTRICT ATTORNEY (Lacey) FOR LOS ANGELES COUNTY never investigated 211 West Temple Street Suite 1200 Los Angeles, CA 90012 Attention Special Financial Crime Investigations Of BP160058- David Cowan In testimony of a real Criminal William Christopher Horan California State Bar # 064217 18831 Ramsgate Lane Huntington Beach, CA 92646 (714) 658-8985 WCHJD@aol.com Also Owner of "Sketchy" Coastline West Realty 218 5th Street Huntington Beach, CA 92648 Broker #00870269 A very greedy attorney and land owner stole my inheritance, and the events were not civil by any means. MY FATHER DIED, AND MY UNCLE LIED UNDER OATH IN A COURT OF LAW, using not one, but THREE UNETHICAL ATTORNEYS. This is now case number 18-13131 before the California State Bar Association of unethical behavior of 5 attorneys. And the state bar will not investigate the crime that is on public record. NOW THE DECEASED (my father's)next of kin are not his children and grandchildren, but Williams' children and his ex -wife. He got away with the crime of a lifetime and this is how he did it. See the following video. https://youtu.be/cLIUNlbZ0kM.</p> <p>SENIOR ABUSE, LYING, and BULLING OF A REGISTERED NURSE In the spring of 2009, Deborah (the daughter, and Registered Nurse Practitioner of Timothy Augustin Horan) was asked to help her father out when he required open-heart surgery. She had his home cleaned, meals made and took care of his every need as an RN before, during and after his hospitalization. My uncle decided to "get rid of me" by bullying me and threatening to kill me after he found out that my brother and I would be splitting the trust 50/50, and he was not included. MY protective father told me he would indeed kill me over the money as he referred to his brother William as "Billy the Kid". William was never trusted during his entire lifetime to represent him as an attorney, and chose to place the trust on his personal computer and a computer trust document. My father fearing for the wellbeing of his daughter (a single mother of 4 children) told me to protect myself. I was bullied in an empty parking lot. I was not allowed to get my personal things out of my father's house. MY father was told multiple lies by William such as I was going to put him in a nursing home, and perhaps he shouldn't trust the soup that I made him as I may have poisoned it. He told him I had broken in the house, which was another lie, as while the cleaning crew took down the drapes in his bedroom, a small 4-inch window was accidentally broken. I had the keys to his home.</p>

Bullying of a caregiver should never be permitted. I have more integrity as a registered nurse in the state of California than any attorney does. When I went to the police in Los Angeles to report this, it was ignored. In 2009, bullying a family member was not reportable or even a legal focus until 2011.

COERTION During 2009, through 2014, I lived and worked in Los Angeles and Orange County to support my 4 children. I kept sending my father emails of his grandchildren including his great grandson born in January 8th of 2013. Patricia and my brother were instructed by William "not to communicate with me and our mother. They were instructed to get a post office box. My father was instructed to not communicate as well , and if I came to visit to "have me arrested." In November 2012, my father's significant other passed away. Her name was Helene Sutter. My father never sold anything of hers until her death. It is interesting to note that the abstract removed both of our names in the fraudulent document in the year 2010. My father, with 25 years of military experience would never have done this. My brother had schizophrenia. This was all plotted between non blood-- Patricia and wonderful crooked attorney Bill.

FINANCIAL ABUSE, MORE SENIOR ABUSE. My father's Bellaire home was sold in 2014, at which time he was sold "an annuity" with the proceeds of the sale of the home. You can ask any financial planner, but selling an annuity to an 80 year old, post open-heart surgery is considered a move of greed. It is not an advisable move. The financial advisor received an upfront commission and only knew my father for less than a year. He basically used my father for significant profit for himself which was not admissible to court. My father struggled to care for himself, and his brother suggested for him to go to a retirement home. This was a retirement home without any licensed nursing staff. Basically the "Holiday Villa East" was a high-cost apartment-style setting that provided meals to seniors. There was no trial of home care assistance. It was the realtor, Janie Peet, that told my father he was lied to by his brother William, and pursue a reunion with him. William had used horrible lies that I, the daughter was going to put him in a nursing home; whereas it was William who encouraged nursing home placement, as he didn't want to be bothered. There was no home care trial or discussing this with his daughter., who was the best one to help him out. My father and I connected by phone on October 14th for approximately 15 minutes on my daughter's cell phone (Marybeth) and were to meet in October. On October 30, 2014, by father died of a heart attack caused by arteriosclerosis, only 6 weeks after moving into the facility.

ASSAULT, EXTORTION AND THEFT On the night of October 30, 2014, I had to declare my father deceased and sat with him and the paramedics. There were no Registered Nurses on staff. William Christopher came that night bringing his other brother, Joseph Haroun. He put me in a tight "neck hold" in the day room and told me not to go down to his room again, or he would "really F### me over." He not only stole and ripped up the original documents, but he also stole his personal computer where he fraudulently deleted and "doctored" the documents. THERE WAS NEVER A SIGNED AMMENDMENT. He stole everything, including his wallet, 2 cars, and anything else he could find.

CONSPIRACY AND FRAUD Even though never his attorney, William C. Horan abused power by becoming the "successor trustee". He used physical force and mental manipulation. My brother was incapable. He uses my brother as a puppet and me as the victim. Please understand that the son and my only brother, Timothy Gerard Horan testified that Uncle Bill "got rid of his sister in 2009". And he would take over all the fiduciary responsibilities for him. My brother Timothy was diagnosed with schizophrenia in his early 20s and his anxiety and stress levels were too great for him to handle. He lived in Oregon with his much older wife "Patricia" who was more like a mother to him. Although our mother's sister Eva Karcher provided both Tim and Pat with the money of \$50,000 for a down payment on a home as well as financing his education

through plumbing school, nothing was ever repaid, and he never got his plumbing service off the ground. My brother had never been inside my father's home and didn't even know the breed of his dog "Princess", a cocker spaniel like mine. Our Aunt Eva is still living in her 90's in her own home. Timothy G,. has been absent in our mother's life, leaving me with the care and financial responsibilities. How unfair. Our court system is so d**n lazy they can't read an unsigned document, or believe the scandal.

MY FATHER'S DEATH AND MORE BULLYING AT HIS FUNERAL My father died on October 30, 2014, and the funeral did not take place until December 9, 2014. My uncle insisted on an autopsy, and blamed me for possibly killing him, or that was the story. This was a Tuesday that I usually worked, but the funeral was supposed to be on Wednesday, December the 10th, 2014 when I was usually off. If I had not contacted the funeral home I would have missed the funeral. William ran the show again sitting Tim and Pat in the front row as well as his 3 daughters, and the woman he was living with. He told the funeral attendant that my father had only one son. It is amazing that he had 3 daughters and never knew the relationship I had with my father during 50 years. The look on his three daughter's faces was undeniably something I will never forget. Their father told them that I was disinherited and would get nothing and they would inherit their uncle's wealth, (even though they met my father, they did not know him or assist in any of his care. They were never mentioned in the Trust). My husband, daughter, and grandson sat in the back row and were NOT included. We were not invited to lunch after the funeral, which is a tradition. We were ignored and silenced into submissiveness. It was shocking. My father's grave was not completed until the two months ago. Since I work so close to Woodlawn Cemetery, I have had to grieve in silence. I never did anything wrong to my father other to been bullied by a greedy uncle. I have 3 state licenses and a DEA, and no criminal record. No one could give me the reason why I was treated with such hostility. The only answer is GREED and COVETING.

GRAND LARCENY

William Christopher Horan attempted to be the attorney on 12/23/2014. Again, running the show saying that the successor trustee was doing it all. The Horan trust was liquefied over 5 million dollars in December 2014 and a 3,500 square foot home bought for Patricia with the money before 90 days had past and I hadn't been given a copy of "Fraudulent Trust Documents". He hired Mr. Stephen E. Grant (SBN 279018) who in turn hired 2 other "GUNS" John E. Erych (SBN 173888) and his wife Trudi Schindler (SBN185837). Over a year passes with demurrers, and he can hire these unethical fools because William Christopher has complete control of 5 million dollars, and I had to sell home to pay for just one attorney.

CIVIL AND CRIMINAL CASES SHOULD NOT MIX! PERJURY IS BY DEFINITION THE OFFENSE OF WILLFULLY TELLING AN UNTRUTH (LIE) IN A COURT AFTER HAVING TAKEN AN OATH OR AFFIRMATION. My first attorney knew the truth about my greedy uncle, and so did my second. These were fraudulent documents without a signed amendment. They could not combine criminal acts within a civil case. It would take an old greedy attorney to mix these two together and steal his brother's inheritance. Remember, my blood brother had schizophrenia, which never goes away, and I had never met his maternal wife Patricia. We all can agree that OJ Simpson got away with murder by hiring an unethical team of attorneys called, "The Dream Team". F. Lee Baily was finally disbarred. Even Robert Kardashian knew the truth of the murder. But he got away with the crime of a lifetime. My uncle did the same exact thing. He hid the truth and lied in court to make sure the court case on March 16th and 17th of 2016 went to his favor. All of his attorneys know this. These attorneys need severe discipline for unethical behavior. Hopefully they will all be disbarred.

		<p>THE COURT CASE WAS AN ABSOLUTE MOCKERY OF THE JUSTICE SYSTEM. MY UNCLE (WILLIAM CHRISTOPHER HORAN) LIED UNDER OATH! THIS WAS TOWARD THE END OF THE CASE AFTER HE WAS SITTING IN THE COURTROOM FOR 1.5 DAYS. PERJURY IS DEFINED AS THE CRIME OF LYING UNDER OATH AND IS A SERIOUS OFFENSE BECAUSE IT DERAILS THE BASIC GOAL OF THE JUSTICE SYSTEM—DISCOVERING THE TRUTH. LEGAL CONSEQUENCES INCLUDE JAIL, PROBATION, AND FINES TO THE COURT. IT CLASSIFIES AS A SERIOUS OFFENCE. PERJURY IS USED TO USURP THE GENUINE POWER OF THE COURTS RESULTING IN MISCARRIAGES OF JUSTICE. PERJURY IS A FEDERAL CRIME CLASSIFIED AS A FELONY AND PROVIDES A PRISON SENTENCE OF UP TO ONE TO FIVE YEARS.</p> <p>No one disclosed the amount of money they received by my father’s estate, and the hired guns never presented my profession as a registered nurse, a clinical nurse specialist and a Nurse Practitioner. The questions were not surrounding the documents or who took hem, but rather an attack on the clothes I wore the night my father died, and the big purse I carried with my stethoscope, my lunch, a change of clothes, etc. It was the biggest lie of all. MY UNCLE HAD MY MONEY TO HIRE HIS DREAM TEAM OF "5 STAR ATTORNEYS". Appellate courts also never looked at the oddity of it. My father died, and my uncle lied as a witness on the stand, telling the judge and forcing a sobbing cry that he was getting NOTHING. He had stolen 5 million and it is on public record. And our great legal system didn’t see anything. Nor did William even care as much to finish his grave until 3 ½ years later. I have never got to see justice. I now suffer now from "legal abuse syndrome". It’s like post-traumatic stress syndrome. I don’t sleep at night, and use a prescription drug to turn the whole nightmare off.</p> <p>I am asking the District Attorney to Subpoena The Horan Trust and to show the public this was indeed a crime in a so-called civil dispute. No registered nurse caring for her father should have dealt with the abuse and dishonesty of his younger brother. There was no one to protect me. There are many thieves out there. We, as nurses are strong but innocent souls. We are not motivated by corrupt and money -hungry individuals as we take care of the vey rich and the poor. If I was so called "disinherited", then I want proof of that (and I know you won’t find anything). I was the only one there in my Dad’s hours of need, almost like intuition. My father’s brother, William C. Horan killed his only reason for living. Now that is a perfect criminal. He didn’t have the love; that only a daughter could have. With deep respect for prosecution of these corrupted individuals and sincerity of loving my one and only father, Deborah Horan Stone, RN MSN NP, CNS Registered Nurse, Clinical Specialist Nurse Practitioner</p>
Matthew Heyn	Support	<p>On September 19, 2019, the Programs Committee authorized a 60-day public comment period for proposed revisions to State Bar Rules 2.2, 2.3, and 2.4 regarding the reporting, display, and public nature of licensee information. My comment follows.</p> <p>The changes to Rule 2.2 are valuable insofar as they expands the information that is easily available about admitted California attorneys from one trustworthy source (i.e., the State Bar). However, it does not go far enough. Under proposed Rule 2.2 (and the current practice), the State Bar website only displays an attorneys’ law school. At the option of admitted attorneys, the website should also display other degrees that admitted attorneys have obtained and the institutions providing the degrees (assuming the members certify to the State Bar that they have obtained the degrees). This information is relevant to the public in dealing with a lawyer. For example:</p>

		<ul style="list-style-type: none"> • If a potential client has a tax matter, he or she should be able to know, from the California Bar’s website, whether an attorney has an LLM in taxation. • If a potential client is involved in a dispute involving some technical electronics patent, he or she should be able to know from the California Bar’s website, whether an attorney has a degree in engineering. • If a potential client is involved in a dispute involving securities fraud, he or she should be able to know from the California Bar’s website, whether an attorney has a degree in accounting or economics. <p>There are myriad other examples where knowing that an applicant’s non-J.D. degree (and the school from which he or she obtained it) would be valuable information. The State Bar’s website should make this information available if the admitted attorney is willing to certify it and elects to have it posted.</p> <p>Thank you for your consideration of this comment.</p>
Kellie Smith	N/A	<p>The proposed rules 2.2 and 2.3, as well as other current rules of the State Bar, are deficient in that they do not adequately protect the personal information for inactive licensees who are retired.</p> <p>Under current rules, if I retire and no longer have an office, I will have to list my home address, personal email, and personal telephone numbers on the Attorney Profile which is then publicly accessible. If I am no longer practicing, and I am not employed anyplace, the need for a consumer to know my residential address, personal email, or personal telephone numbers is not apparent. The State Bar should certainly have that information. There is a need for the State Bar to be able to contact any licensee regardless of status. This is particularly needed if a licensee claims to be inactive but is actually practicing law and harming consumers. However, that information only needs to be accessible by the licensing agency.</p> <p>I have previously emailed the State Bar and discussed this issue with a State Bar representative. I was told that I should list my most recent law firm. That perspective is narrow and assumes that all licensees have practiced in a traditional office setting with a private firm with which they maintain an affiliation. That does not reflect the situation of many attorneys, particularly those in public service, who may retire and have no connection with any office which would have an address that they can continue to use for publication.</p> <p>I do see that Rule 2.4 allows the State Bar to limit access to a “prior address” but that is not applicable to the current address of a retired licensee.</p> <p>I respectfully request that the State Bar remedy this situation and limit the publication of personal contact information for retired licensees on inactive status.</p> <p>Thank you.</p>

Jeffrey Corcoran	Support	<p>In response to the posting asking for comments about CA attorneys being required to report practice size and sector information to the State Bar:</p> <p>Agree with practice size, as can be a useful demographic for the Bar.</p> <p>Provisionally agree with sector information if this includes the option for General Practice. Not all attorney's limit practice with some providing general legal services akin to a General Practitioner in medicine. Without General Practice included I would be opposed to sector information.</p>
Nathan Shapiro	Oppose	<p>As a member of the Bar, I write to comment on the proposed changes to Rule 2.2. While I find much laudatory in the proposal, the amount of information sought to be mandatory strikes me as overly intrusive and burdensome, while providing minimal benefit to the public.</p> <p>With respect to the requirement in 2.2(B), I note the following objections:</p> <ol style="list-style-type: none"> 1. Reporting professional website. While permitting the reporting of a professional website is advantageous for those attorneys who wish to have that information available, not every attorney is in control over their presence on professional websites. Those associated with firms may not have any authority to control the message or quality of their professional website. Not every practitioner may be satisfied with the website upon which their name appears, or how often it is updated to reflect the most recent information. Posting this information in some cases could mislead the public if the website is out of date or contains errors through no fault of the licensee. Moreover, they may be associated with a number of different firms or practices, and may have more than one website to report. 2. Practice Sector. The term "practice sector" is not clearly defined. There is ambiguity within the rule itself, which alternatively refers to "practice sector" and "area of practice." Moreover, mandating this information can be misleading to the public. If an attorney is currently practicing within one practice sector, but is competent to render services in another, their public profile may create the impression in potential clients that they are not qualified. Furthermore, listing specific practice sectors may create the impression in the public that an attorney holds a particular expertise or specialization sanctioned by the Bar. 3. Firm Size. Requiring a licensee to report their firm size seems to be a way for the Bar to obtain information about the practice of law in the State with minimal effort on its part, but provides limited benefit to the public. Law firm size is not indicative of the quality of services to be rendered, but may mislead clients who have preconceived notions of the benefit if large firms versus small firms. Moreover, the rule ought to clarify what it means by "firm size." Does this mean all attorneys, or attorneys and paralegals, or attorneys and all support staff? Does it include attorneys serving as outside counsel who assist the firm on a regular basis? The rule fails to account for the fact that an associate may not have this information about the firm readily available. If the Bar wishes to report on information related to firm size, it should require all law firms to report independently with respect to their own numbers, and not impose on each licensee to report on behalf of the firm, which can lead to inconsistent public information. <p>With respect to the requirement in 2.2(C), requiring the aforementioned information to be updated within 30 days of any change imposes upon licensees an overly burdensome duty to track changes within their own law firm—even if they are a mere associate—and monthly update their information with the Bar. Whereas the current version of the rule only requires a 30-day reporting requirement with respect to information that rarely changes on a month-to-month basis, the size of a</p>

		<p>firm and its practice sector can grow or shrink constantly. Moreover, there is no reason for the Bar to track this information on more than an annual basis, if at all.</p> <p>I trust that this feedback serves the Bar well.</p>
Melissa Sayer	N/A	<p>Section B 6-8 seems a bit overreaching. Practice areas can be somewhat fluid and it may be challenging to comply unless the intent is to delineate between transactional and litigation. There can be cross over into a variety of areas in a transactional practice. Also disclosing trust account information opens the opportunity for access to those accounts and banking fraud concerns.</p> <p>Being required to disclose the size of the firm might put smaller firms at a disadvantage.</p> <p>Otherwise the proposed rule seems to be a good way to clarify disclosure requirements.</p>
Ari Jones	Oppose	<p>Hello,</p> <p>I write to comment on "What should display on the State Bar website's Attorney Profile page?"</p> <p>I write to suggest that you not include a photo. This will increase the likelihood of profiling and discrimination based on race, ability, age, etc.</p> <p>I also write to ask that you not require IOLTA information. Many nonprofits do not maintain trust accounts. While we inform clients of their right to hold payments in trust accounts, we are not ethically or legally obligated to provide trust accounts for all payments received. Mandating this information will make many nonprofits appear as though they are mismanaging client funds due to a lack of trust account.</p> <p>Finally, I ask that you provide a space on the website for attorney pronouns. This does not need to be mandatory, but will greatly help to normalize the practice of providing attorney pronouns and allow transgender individuals to affirmatively declare their pronouns for potential clients and colleagues.</p>
Katie Richardson	Oppose	<p>Dear Office of the General Counsel:</p> <p>I write to express my concern about, and opposition to, the proposed change to subsection (B) of Rule 2.2 regarding mandatory reporting requirements to be displayed publicly on the Bar's website. Specifically, I take issue with subsection (B)(3), which requires members to provide an office or other address for State Bar purposes that will be made publicly available.</p> <p>To be clear, I have no problem with a requirement that members be required to provide an address to the State Bar (not the public) for purposes of necessary State Bar communications. I also have no significant problem with a requirement that members be required to provide an office or business address to the State Bar that may be displayed publicly on the Bar's website.</p>

		<p>However, I believe that there is a significant safety concern that this proposed Rule change implicates by requiring members to provide an address at all times that will be publicly available to anyone searching for a given member. Specifically, I am thinking of members who are in a season of professional transition that lasts more than the 30 days the State Bar allows for a change in member information. Additionally, I am thinking of members who are taking a break from practice and are, for a time or indefinitely, inactive members. Such individuals--of whom I have known several over my many years of practice--often have only their home address available as an option, and they should not be forced either to disclose their very private and personal home address or spend significant sums of money to maintain a P.O. Box solely for the sake of the State Bar. Indeed, the safety and security concerns present in a requirement that members list home addresses in the absence of an office address are substantial. I have personally known two members who have been tracked down at their work addresses by dangerous individuals from their past because of information publicly available on the State Bar's website. Imagine the heightened potential harm caused to these members if they had their home addresses mandatorily made public. We live in an increasingly dangerous society and the State Bar should be ensuring that its rules are necessary, without placing members at risk of harm. Nor should members who are in seasons of transition or inactive be forced to pay \$100 or more for a P.O. Box merely to satisfy the State Bar's desire to publicly list a member's address on its website. As electronic communication has all but replaced the need for hard copy written communication, it seems unduly oppressive to impose that kind of financial burden on members. Indeed, the State Bar now sends communication regarding many (I dare say most) critical Bar-related matters electronically, including fee statement reminders (which members can process online), CLE reporting reminders (which members also can verify online), and even bar cards (which the Bar now provides, and encourages members to obtain, by downloading and printing them off the State Bar's website).</p> <p>I strongly request that the State Bar reconsider this particular proposed reporting requirement in light of the above and, in the absence of an office address, require that members do no more than provide an address to the State Bar not for public disclosure, precisely as it currently allows for email addresses. To be sure, Rule 2.2(B)(4) refers to only an "office phone number, if one is maintained," and does not also require a member to disclose his or her private phone number in the absence of an office phone number. The same should be acknowledged and provided for in the requirement concerning member addresses.</p>
Fiona Luke	N/A	<p>Should the final rule contain the requirements to report (8) IOLTA account information, the form should allow for a "not applicable" response.</p> <p>In the case of (3) office address and (7) firm size, direction should be given as to how part-time an/or contract employees should respond.</p>
Theodore Brown	N/A	Are the comments that have been received publicly available and, if so, where?
Gregory	Support if	Hello there -

Cleaver	Amended	<p>I was reading the summary of the changes and clarification about default "public" information collected by the State Bar. My concern is that the sole exception of "private email address" is worded too narrowly.</p> <p>I have no objection to keeping in touch with the State Bar, and I feel comfortable sharing information with the Bar that may be necessary to contact me, such as a personal telephone number and/or home address. This might be particularly useful during a job change, move, or other transition period. I would not, however, be comfortable having that information subject to public disclosure, as it could endanger myself and/or my family.</p> <p>Particularly for those of us who have served in sensitive and, at time, controversial positions (e.g., criminal prosecutor, other enforcement role), there is a security risk to ourselves and our families should personal information (e.g., personal telephone number, home address) become subject to public disclosure. People involved in criminal law, or people who have unpleasant experiences when dealing with public enforcement agencies, can be very emotional and, often, very volatile. While I served as an active deputy district attorney, there were certain additional protections in place for mandatory information held by other state agencies (e.g., DMV records/information), but those additional protections only exist during active service in law enforcement. That being said, there are other general protections for personal information held by DMV that exempt disclosure of such information to general members of the public. Such protections should also exist for personal information provided to the Bar.</p> <p>For example, even though I may have ceased serving as an active DDA, my service as an attorney and member of the Bar continues. I am sure this is common for many attorneys who used to work in criminal law. While I want to be transparent to the Bar in terms of ways to reach me, if I am between jobs, what address or contact information can I provide to the Bar that will not be subject to public disclosure? I'd be comfortable giving the Bar my home address and number (in addition to my private email address), but I would need to know that such information is protected from public disclosure.</p> <p>I suggest that the language relating to publicly-disclosable information EXPLICITLY include an exemption for residential address and personal telephone number (in addition to private email address). The Bar may want to reach me if I am an active attorney, even if I am unemployed, or I am taking a break and don't have a work office or public telephone number. For example, the Bar will want to know where to send my dues bill each year. The general public, however, has little-to-no cognizable interest in having access to my personal contact information, and other licensing agencies do not allow access to such information for their licensees. If the proper/correct/accurate address is my home address, there should be a way for me to provide that in a protected manner that will facilitate the Bar's regulatory purpose, while not requiring me to compromise the safety of myself and my family.</p> <p>While the Bar's policies may already recognize such an exception for personal contact information like home address and personal telephone number, the language in the description of the proposed rule stresses, repeatedly, that the only exception to public disclosure will be for private email addresses. If there is no exception for private contact information</p>
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Inderraj Singh	Oppose	<p>I oppose this rule change. It bring everyday attorney's life to public view without any meaningful protection for their privacy and family life. Furthermore, a nonpublic email address will flood the mailbox of attorney's without any legitimate need to provide nonwork public email address.</p> <p>This rule will not serve the purpose for it is being drafted. Attorney's already have a picture on their law firm's site. People who want to report can find the attorney's bar number and match their email address from their law firm's site. People who do not wish to report an attorney will not do so because they dont have the education that attorney's can be reported and lack of reporting is not due to lack of picture or nonpublic email address.</p> <p>I strongly oppose this rule. Instead of requiring attorney's to make their lives public, state bar should focus on educating the public on attorney fraud and how to report them.</p>
[Unidentified]	N/A	<p>The article is unclear as to whether private addresses are subject to public disclosure. For the safety of Bar members, private emails and addresses should also remain private and not be disclosed to the public under any circumstances.</p>
Jane Steinmetz	Support	<p>To Whom It May Concern,</p> <p>In re: The Proposed Rule Changes</p> <p>As a lay person, I read with some interest the proposed changes to Rule 2.2 and would like to offer the following feedback:</p> <p>I think it would be beneficial to the potential client seeking an attorney to have their area of specialty practice notated in their profile. None of us have an abundance of time anymore to waste calling practitioners who don't service the type of law we need help with. We search out physicians by specialty practice area...why not attorneys?</p>
Michael LaVoie	Support	<p>Yes, Addressing Public License Information is a good item, albeit there is a certified specialist section on the CA Bar website</p>
[Unidentified]	Oppose	<p>As a single woman who attracts a lot of attention from both sexes and who is very capable of working on important cases that could trigger hatred or revenge, I am upset that the State Bar would consider requiring more information about attorneys to be posted.</p> <p>We do not need to be exposed to the entire world. I have received death threats before. I certainly do not need to receive hate mail based on my religion, hate mail based on my thoughts, hate mail based on my beliefs that women should be successful, or requests from BigLaw partners to send sexy photos over to them.</p>

		<p>We do not need to be followed, harassed, or stalked. We do not need the entire world to have instant access to us. And we do not need our inboxes flooded with junk, which will slow down our ability to practice law.</p> <p>This not only invades our privacy, it puts our lives in danger, and it puts our ability to make money in danger.</p>
Scott Bloom	Oppose	<p>This email responds to requests for public comment regarding proposed revised Rule 2.2. It is solely on my behalf and does not reflect the views of my firm or clients.</p> <p>My comment relates to the provision regarding “law firm size.” I fail to see the relevance of this information, particularly to the public. It also presents a practical problem of managing staff turnover and reporting that to the State Bar every 30 days. It also makes no sense to leave it to the State Bar to decide what to post at its “discretion.” This is overreaching by the Bar.</p> <p>I see no need to create a two-tier practice system where large firms dominate over smaller firms. No interest is served by that information, and it neither aids the public nor enhances the practice of law.</p> <p>The State Bar has a tremendous responsibility to admit new members and police existing members. It’s job should be focused on those tasks, rather than creating new reporting requirements that do not serve that purpose.</p> <p>Thank you.</p>
Michael Giove	N/A	<p>The California State Bar is a mandatory bar requiring (forcing) payment of fees to remain licensed and active. One way to be of service to your hostages would be to allow attorneys some message control to someone who looks up their profile on the state bar website. Also include disciplinary status and information for consumer protection but giving some value for forced payment of fees is not only a good idea but common courtesy as well.</p>
Contra Costa County Bar	Oppose	<p>Office of General Counsel:</p> <p>The Lawyer Referral and Information Service of the Contra Costa County Bar wishes to make record of our opinion to these Proposed rule changes:</p> <p>To whom it may concern:</p> <p>This letter is submitted on behalf of the Contra Costa Bar Association and its Lawyer Referral and Information Service program (“LRIS”) in response to the State Bar’s request for comments on the proposal to allow all California licensed attorneys to list their practice areas on their State Bar Attorney Licensee Profile. Our LRIS program opposes allowing attorneys to list practice areas on their Licensee Profile. Currently, only those attorneys who are Certified Legal Specialists can list their areas of certification on their Licensee Profiles. Allowing any attorney to list areas of practice will dilute the Certified Legal Specialty program and, more importantly, in the eye of the public, lend the Bar’s approval to attorney</p>

		<p>claims of practice areas. This will allow attorneys to confuse the public. There are no safeguards provided nor any proof that the attorney has any particular competence in the listed area(s) of practice. The proposal lacks any consumer protections while lending the State Bar’s imprimatur to the practice area claims by attorneys.</p> <p>Further, as an LRIS program, we have to vet the attorneys who participate in the program both to establish length of practice and subject area experience. The State Bar will not do any of this. Allowing attorneys to list areas in which they allegedly practice (and thus are allegedly competent) will add another barrier to running effective LRIS programs as the programs will now have to compete the State Bar listings.</p> <p>Allowing attorney listings would threaten the survival of local bar associations as it undercuts LRIS programs which are a major method of funding. The listings do nothing to help the public find appropriate counsel while making it more likely that they will wind up with attorneys who are not competent nor ethical.</p>
Michael Tennenbaum	N/A	<p>I write as a former member of the Board of Governors (now the Board of Trustees) of the State Bar of California to provide this brief public comment concerning the information that the State Bar, a government agency, should display on a lawyer’s public profile.</p> <p>Much as I realize that many within the State Bar (and on its Board of Trustees) may have a fondness for the new California Lawyers Association (CLA) and its sections, it is inappropriate for the State Bar to include on a lawyer’s public profile whether the lawyer is or is not a member of any of those sections.</p> <p>In the first place, the CLA is not a private entity, and there is no reason to highlight a lawyer’s membership — or non-membership — in that organization, just as there is no reason to do so with a lawyer’s membership in any of the countless private lawyer organizations in our state.</p> <p>Second, mere membership in a CLA section means very little and can be highly deceptive to a consumer of legal services, since “membership” can be obtained without any prerequisite experience, education, or training simply by paying \$95.</p> <p>Third, the current presence on a lawyer’s public profile of whether he or she is a member of a CLA section — with a “None” appearing for the overwhelming majority of lawyers — is useless information and misleading at worst. If your dentist’s profile on the website of the government agency that licenses him or her said “CDA sections: None,” you would likely have no idea what to make of it — other than perhaps draw a negative inference — even if told that CDA meant “California Dentists Association.”</p> <p>The information as to whether a lawyer is a member of any CLA sections should be removed from the public profile.</p>
Sharon Foster	Oppose	<p>Thank you for the opportunity to respond to proposed Rule 2.2. While I recognize that the State Bar has specifically stated that this rule proposal does not address information posted online in one’s State Bar Profile, I find this omission problematic. As an out-of-state, inactive State Bar member for many years, I have been voicing my concerns and</p>

		<p>objections to the online posting of my home address on the State Bar's website.</p> <p>Rule 2.2 purports to limit the State Bar's collection of information to that which is "necessary for its regulatory purposes" and leaves unchanged the State Bar's discretion to determine what information is posted online. While the proposed Rule continues to protect private email addresses from publication, it has failed to address or weigh the safety and privacy issues of posting residential addresses of members who are not practicing law and therefore have no business address. I would like to request that the proposed State Bar Rule also include an exemption of personal, residential addresses from public disclosure in cases where the attorney member is inactive and has no business address in California or any other state.</p> <p>During the last few years, I have incurred the additional expense of an otherwise useless private postal box in order to protect my privacy and self. I cannot see what regulatory purpose is served by the public posting of an attorney's private residence when that individual is not practicing law and has no office address. In comparison, the State Bar of New York posts business addresses of its members online, but not the personal residences of members who do not provide an office address.</p> <p>I hope the State Bar will give serious consideration to my concerns and comments. Thank you.</p>
<p>Bar Association of San Francisco</p>	<p>Support if Amended</p>	<p>To whom it may concern:</p> <p>The Bar Association of San Francisco writes to applaud the proposed rule changes to Public Licensee Information with the exception of allowing licensees to list practice area(s) on their State Bar of California website profiles, and making those practice areas searchable by the public, albeit with published caveats as to there being no verification or vetting of qualifications of the practice area by the State Bar (Rule 2.2 D).</p> <p>In short, having searchable practice areas on the State Bar website for its licensees raises serious public protection concerns and awkwardly positions the State Bar's regulatory function to monitor the practice of law and competency of practitioners, which a disclaimer itself undermines.</p> <p>As you may know, the State Bar Board of Governors approved the launch of a "Find-A-Lawyer" website over ten years ago, in 2009, but with one important exception: an attorney's self-designated practice area(s) would not be searchable by members of the public. The vote by the majority of the Board of Governors at that time reflected the understanding that public protection was at risk if such a search was made available, and that the State Bar may be held responsible for the public's misconception that a designated practice area(s) on an attorney's website profile, in spite of a disclaimer to the contrary. This decision was consistent with the mandate of public protection and the diligent regulation of the practice of law.</p> <p>The same matter of publically, searchable designated practice areas resurfaced again in 2011, to the outcry from the legal</p>

services community whose commitments to providing competent legal services and/or providing referrals to vetted competent practice area attorneys through State Bar certified lawyer referral services, is paramount. Simply from the mere declaration of such expertise by a lawyer on their profile, without verification from the regulatory agency is beyond just a contradiction in terms: The very imprimatur of the State Bar Association overrides disclaimers or other indicators as to the advertisement of the lawyer about his or her practice area.

The State Bar of California already has a mechanism to refer the public to vetted attorneys through its certification of Lawyer Referral and Information Services, established in large part to ensure consumer protection - that's why the State Bar requires, among other things, experience panels, malpractice insurance, panel rotation, and a mechanism to remove panelists for unacceptable behavior. Certified LRIS programs pay an annual fee to the State Bar for their certification. LRIS programs must abide by rules of the State Bar and are regulated by the State Bar. County LRIS programs provide a necessary community service and provide qualified employees to assure proper referrals are made to qualified attorneys who possess malpractice insurance and who are in good standing with state and local bar.¹

Not only would allowing self-designation and searchability on areas of practice cause confusion for the discerning public member, this proposed rule change could have the very serious consequence of diminishing the important client screening function for pro bono legal services programs, that is also provided by certified lawyer referral services.

Moreover, website disclaimers are not an effective or acceptable substitute for qualifications screening. Here are a few of the reasons why:

- Because of its brand and its role in the regulation and discipline of attorneys, the State Bar would be held to have a virtual quasi-fiduciary relationship to the public and would be held to a very high standard for its advertisements and programs
- The very operation of the searchable areas of practice could carry with it implied warranties that all lawyers listed in the program are minimally "safe" to use. This "safety factor" would likely include the carrying of basic professional liability insurance plus the qualification to provide service at some minimal level above and beyond simply being admitted to practice by the State Bar.
- The State Bar's brand simply is so powerful that lending that brand to the proposed referral effort would establish an enormous claim of basic safety and efficacy that would overwhelm any effort by the State Bar to contradict that assertion in a disclaimer.
- There is no requirement or obligation that any listing attorneys carry professional liability insurance apart from current State Bar requirement that the attorney notify clients where malpractice insurance is not carried; in the case of a bad outcome due to malpractice on behalf of the attorney, the client may be unable to secure damages from attorneys who fail to carry malpractice insurance.
- There is no provision providing for cause for removal of the practice area based upon complaints the State Bar may receive about the attorney from the public.

In contrast, when a client is referred through a State Bar certified referral service to a prescreened, experienced attorney for a nominal administrative fee (average of \$35), the delivery of the name of the attorney includes 30 minutes of consultation with that attorney, among other benefits. The attorney is prohibited from accepting any fee for the initial consultation. In addition, significant benefits beyond the easy access to a skilled attorney for consultation include access to an attorney who through the pre-screened referral process has already indicated an interest in the client's case, who therefore will be more inclined to accept representation as needed, who carries professional liability insurance, and whose quality of services will be monitored through a carefully monitored complaint system.

The value therefore of these protections assured only by State Bar certified referral services for members of the public is more cost effective than what a blind phone call to an attorney's office may offer through searchable areas of practice online profiles.

¹As you know, many of California's bar associations created and now operate lawyer referral and information services at the request of the State Bar. The State Bar regulates them and collects fees for doing so.

In 1946, the State Bar approached BASF, and presumably other county bar associations, requesting that they establish lawyer referral programs, particularly to serve returning veterans. The Los Angeles County Bar Association established the first LRS in California in 1937.

In 1955, as the concept took root and more programs began operating, the State Bar's Board of Governors established a Committee on Legal Aid and Lawyer Referral Service. This committee developed guidelines and operating procedures for LRS programs, which were adopted by the Board of Governors and approved by the California Supreme Court in 1956. The standards emphasized the State Bar's commitment to promote the lawyer referral system and to uphold the public service purpose of lawyer referral services. (This from a memo dated November 5, 1986 to the State Bar's Board Committee on Legal Services from Omce of Legal Services staff.)

Ever since, the State Bar has continued to provide support to LRS programs. The Minimum Standards, then voluntary, were regularly modified and strengthened, with public service and consumer protection as paramount concerns.

The State Bar has also collaborated with the legislative branch to strengthen lawyer referral programs. In 1986, the State Bar, through its Standi ng Committee on Lawyer Referral Services, proposed legislation to require all lawyer referral services to operate in conformity with the Minimum Standards. In 1987, Business and Professions Code Section 6155 was passed without opposition by the legislature and signed into law. The State Bar then established mandatory minimum standards for LRS programs. The existing standards were revised and strengthened by the Standing Committee on Lawyer Referral Services and approved by the Supreme Court in 1989.

		<p>In response to problems with the enforcement of the original legislation, Business and Professions Code Section 6155 was amended in 1992 to strengthen the consumer protection intent of the original bill.</p> <p>Through its certification program, the State Bar collects annual fees from lawyer referral programs of up to \$5,000 for non-profit programs and \$10,000 for for-profit services.</p>
<p>Orange County Bar Association</p>	<p>Oppose</p>	<p>Dear Office of General Counsel:</p> <p>The Orange County Bar Association (OCBA) respectfully submits the following comments concerning the Proposed Rule Changes Addressing Public Licensee information and Required Reporting (Proposal). Founded over 100 years ago, the OCBA has nearly 9,000 members, making it one of the largest voluntary bar associations in California. The OCBA Board of Directors, made up of practitioners from large and small firms, government practice, and public interest organizations, with varied civil and criminal practices, of differing ethnic backgrounds and political leanings, has approved these comments.</p> <p>We recognize the State Bar's efforts to further its important mission, and the many changes the State Bar is attempting to implement in furtherance of that mission. Some of the State Bar's changes can be applauded. The current proposal, however, raises too many concerns to be justified. Two of the elements of the State Bar's new mission are access to justice and protection of the public. As the State Bar knows, those two mission goals are not always compatible, and a number of the State Bar's previous proposals seek to further one of those goals at the expense of the other. We have concerns that the current proposal is another example of this conflict. In some ways, it is even worse because, unlike some other proposals, it is not even clear that the current proposal significantly furthers any aspect of the State Bar's mission.</p> <p><u>The Proposal for Mandatory Reporting by Attorneys as to Practice Sector is Confusing, Unnecessary, and Potentially Harmful to the Public and Licensees.</u></p> <p>The Proposal to State Bar Rule 2.2 (B)(6) adds a mandatory reporting requirement on licensees to provide their "practice sector." Thereafter, the Proposal at Rule 2.2(D)(4) provides that a licensee may provide an "area of practice." There is no definition distinguishing "area of practice" – which would be subject to voluntary reporting- from "practice sector"- which would be subject to mandatory reporting.</p> <p>Further, there is no explanation or justification for how the new Proposal furthers administration of the State Bar or the mission of the State Bar.</p> <p>Furthermore, this new proposal contradicts previous positions taken by the State Bar. Just last year, as the State Bar staff attempted to eliminate certified legal specializations (a proposal that ultimately was voted down by the Board of Trustees), the State Bar repeatedly stated then that legal specializations should be eliminated because they constitute legal</p>

marketing of attorneys, in which the State Bar should not be involved. Now, just over a year later, the State Bar is seeking to require that every licensee, regardless of whether they are a certified legal specialist, disclose their "practice sector." The Proposal further allows licensees to submit a professional photograph to include with their profile. These proposals appear to constitute legal marketing, which the State Bar was opposed to less than a year ago. There is no explanation for this change of position.

This Proposal could also be harmful to the public if a licensee states an incorrect practice sector. The public may reasonably believe that the licensee has some level of expertise in this area (or is deemed qualified in this area by the state bar), notwithstanding any disclaimer the State Bar includes on the website. And the confusion may not even be the fault of the lawyer, who would be diligently listing a practice area or sector, in furtherance of the State Bar's instructions, without knowing how much experience he or she must have in that area before being allowed- or required- to list that practice area or practice sector. For example, suppose a lawyer has drafted two wills for family members. Is estate planning now a practice sector this lawyer is required to list?

This Proposal could also potentially be harmful to attorneys because it is possible that if an attorney provides a practice sector (which is mandatory) and the attorney is thereafter involved in any disciplinary action by the State Bar, the State Bar could then attempt to utilize this information against the licensee as holding themselves out as having a certain level of expertise in any given area of the law. The information could also be utilized this way in professional negligence cases brought against attorneys.

Lastly, allowing this information to be searchable on the State Bar's website could be harmful to the public and to State Bar certified Lawyer Referral programs, such as the one run by the OCBA and other bar associations. These programs provide lawyer referrals to the public, the proceeds of which are utilized for pro bono legal services and access to justice initiatives. The OCBA's Lawyer Referral Information Service (LRIS) has panels of practice areas for referrals to the public. The attorneys who are referred to the public by the LRIS must have certain levels of competence and education in the given practice areas to be eligible to receive referrals. There are no such requirements for the mandatory practice sector reporting, which would be available and searchable by the public. This could be confusing and misleading to the public, and ultimately harm the public because they chose someone lacking that level of competence in that specific practice area.

This Proposal is akin to the "Find a Lawyer" program proposed by the State Bar in 2008, to which many State Bar certified lawyer referral programs were opposed due to the detrimental effect it would have on the public. Ultimately, the "Find a Lawyer" program was not adopted. The current Proposal is essentially a resurrection of the 2008 failed proposal.

New Requirement of Providing Law Firm Size and Professional Website Information is Unnecessary

The size of a licensee's firm and its professional website are not necessary for the State Bar to achieve its mission. No

explanation for this requirement has been provided. The Proposal states that this information is in furtherance of Goal 2(g) of the State Bar's Strategic Plan. Goal2 of the Strategic Plan is "Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California." Subsection(g) provides "no later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar ... " Neither Goal 2 nor subsection (g) give any reason why this information (firm size and practice type) is in furtherance of Goal 2 or the State Bar's mission. Further, Subjection (g) does not even mention professional website information. Moreover, with respect to proposed Rule 2.2(B)(5), even if the proposed rule were consistent with the mission and goals of the State Bar, the language of the proposed rule is so vague, and lacking in definitions, that it is either impossible to understand it, or it would leave attorneys guessing at what "compliance" with the proposed rule would mean. For example, proposed Rule 2.2(B)(5) states that " ... A licensee shall report to the State Bar, and shall verify with the State Bar at least annually ... a professional website if one is maintained; ... ". There is no indication of what would be required or expected in "verifying" a professional website. If a website is listed by the attorney, it can be accessed by consumers or by the State Bar if someone wants to see the contents of the site, so what does it mean to "verify" the site? Does it mean there is a requirement to make sure it is still operational, or to verify its contents, accessibility, formatting, etc.? What is the proposed rule trying to accomplish?"

New Requirement of Providing IOLTA Accounting Information is Unnecessary and Potentially Harmful to Licensees and the Public.

Initially, the problem with proposed Rule 2.2(B)(8) is that it requires a licensee to report to the State Bar and "verify" annually "IOLTA account information", but it does not identify exactly what information is to be verified annually. Is it the existence of the account, the bank and account number (which are already known to the State Bar), the account balance (annually, monthly, daily?), the sources of money in the account and the payees to whom funds are sent from the account, etc.? If the rule is going to require "account information", it needs to explain or identify the information required.

Mandatory reporting of information about attorney bank accounts seems like a very bad idea, particularly given the recent scourge of hacking and other improper and unlawful access to financial and other information that we have witnessed around the country. Of course, hacking may not even be necessary to obtain attorney bank account statements, as that information apparently would be subject to a lawful Public Records Act request, and so could be obtained by anyone. Again, the State Bar provides no explanation or justification for this dangerous proposal. It is all the more troubling because the information sought would include client trust fund information, thereby putting client funds in jeopardy as well. While the State Bar may need this information when it is investigating a specific incident of client trust fund abuse, its access to this information should be limited to these situations.

And it should not be left unsaid that the State Bar is proposing to gather this highly confidential information on the heels of its own admission that a State Bar employee mishandled private information about the July Bar exam.

Alaina Walker	Oppose	<p>We appreciate the State Bar's consideration of our comments and concerns.</p> <p>Hello,</p> <p>This is my opinion/comment regarding Proposed Rule Changes Addressing Public Licensee Information and Required Reporting According to the State Bar's website, the State Bar seeks public comment regarding proposed rule changes that are intended to clarify what information comprises an attorney's public State Bar record and to set forth a single source for attorneys' mandatory and discretionary reporting requirements. Deadline: December 15, 2019</p> <p>I do not think that attorneys should be required to provide and have publicly available the additional information being discussed/proposed in the aforementioned rule change. I do not think the additional requested information should be part of a licensee's public record.</p> <p>I don't think firm size and sector information should be required to be reported or disclosed on one's (public) record. For one reason, I think it leads to more hierarchy within the legal profession because those with firm information on their profile indicating a large firm size will automatically be put into a category of a high status lawyer (one working at a large firm). It's common knowledge that it's more prestigious to work at a large law firm and those who do so are considered higher status/better lawyers who are more desired by potential clients and potential employers. This reporting would create more competition and hierarchy in a field that is already extremely competitive and hierarchical. This change could lead to less attorneys getting a shot at advancing their careers in terms of entering more prestigious firms because the HR reps could just look them up to see the type of firm they look at and if they are already working at a prestigious (read: large) firm to determine if they're a good fit for the potential job opportunity. I truly don't understand why the size of an attorney's firm would need to be reported. It's unclear what significant/compelling objective would be achieved. Additionally, it should not be required that lawyers add their professional websites on the State bar website. Providing this information should be optional. Lawyers should also not have to provide their practice area because some attorneys are between jobs (and don't want that fact publicized), some are practicing multiple areas of law, and some are practicing one area of law and want to change and don't want to be pigeon-holed. Lawyers generally do not want to be pigeonholed or have their future job prospects negatively affected and this change could do just that. I do not understand the need to make this aforementioned information required when it could just be deemed optional for attorneys to provide it. I definitely do not think it should be reported on the State Bar's website or be made publicly available. I just think attorneys' privacy should be protected and that the State Bar's goals can be achieved in other ways. For example, as previously mentioned the State Bar can make these items optional to report/disclose. Attorney privacy is important and I know privacy/safety is something I think about all the time and I am concerned about the potential amount of information I have to provide on my State Bar page or could have publicly disclosed by the State Bar. Law is a contentious field and even when lawyers are doing their best jobs some clients can be unhappy because they want the ideal situation, which often cannot be obtained as lawyers are often trying to mitigate damage or a whole host of other situations can occur with disgruntled individuals privately or professionally who want access to an individual's personal information, which could</p>
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		<p>potentially be found on the individual’s State Bar page. Generally speaking, I think attorneys’ privacy rights should be safeguarded unless there is an extremely compelling interest to justify the invasion of privacy and that interest cannot be achieved by other means.</p> <p>Thanks for your consideration and time.</p>
<p>California Lawyers Association</p>	<p>Oppose</p>	<p>The California Lawyers Association (CLA) submits these comments in response to the State Bar’s request for public comment on the proposed rule changes addressing public licensee information and required reporting.</p> <p>We note that the State Bar specifically seeks public comment on its recommendation that “practice area information be made searchable in the interest of providing useful information to the public, but that the publication of practice area be accompanied by appropriate caveats, which state that the information has been provided by the licensee, but has not otherwise been verified by the State Bar, and that the State Bar cannot attest to any attorney’s performance in any particular area.” Our comments are focused on this issue.</p> <p>CLA has several concerns about the proposed rule changes that would provide for the searchability of an attorney’s area of practice. The State Bar, at the Legislature’s request, has already developed a regulatory mechanism to help the public find attorneys. As the regulator of certified lawyer referral services (LRS), the State Bar sets and administers the regulatory framework specifically to help Californians find attorneys. As stated on its website, State Bar certified LRS programs afford the following benefits:</p> <ul style="list-style-type: none"> • Attorneys are insured. • The certified lawyer referral service may be able to refer you to a qualified lawyer with experience in the legal issues you are facing. • The certified lawyer referral service may be able to provide referrals outside of regular business hours. <p>The certified lawyer referral service can give you information about other service programs.</p> <ul style="list-style-type: none"> • The certified lawyer referral service may be able to provide an attorney at a reduced rate. Specially, the certification rules require lawyer referral services to serve the community it operates in and improve the quality and affordability of legal services by creating programs to serve people of limited means. • The lawyer referral service may be able to provide bilingual lawyers. <p>As part of its regulatory function, the State Bar also certifies attorneys as specialists in certain areas of practice under the Legal Specialization program. This information is searchable on the State Bar website. The current proposal would result in a situation where there are two different classes of searchable attorney practice areas, one that is regulated and verified and one that is not. This may result in additional confusion to the public, and could undermine the regulatory function of the Legal Specialization program.</p> <p>From a regulatory perspective, we do not believe having area of practice posted or searchable on the State Bar website</p>

		<p>will assist members of the public in finding attorneys who are well suited to help them, especially since the information will not and cannot be verified without significant State Bar expense. The term “area of practice” is open-ended. We anticipate that many attorneys reporting this information will identify all areas in which they have practiced, without regard to the depth, breadth, or level of experience and expertise in the particular areas. While caveats and disclaimers could certainly be provided, this would create an environment where some information about licensees is accurate and correct, while other information may not be. The public should be able to rely on the accuracy of information posted on the State Bar website. Unverified listing of practice areas could actually result in a chilling effect by frustrating or causing harm to those members of the public who either come across or specifically go to the State Bar website as a means to find an attorney. Finally, we question the true impact of caveats and disclaimers on members of the public who see that the State Bar, as the regulator, has identified an attorney’s area of practice. We are concerned that caveats and disclaimers may be viewed as “boilerplate” language aimed at limiting liability, as opposed to a true warning that would impact in any meaningful way a member of the public’s reliance on the information that was found.</p> <p>For these reasons, CLA does not support the inclusion of area of practice in the proposed rules or as information that would be searchable on the State Bar website.</p> <p>We do see reasons to collect but not make public or searchable practice area information, all of which align with CLA’s Access to Justice and Diversity, Equity and Inclusion Initiatives. Reasons include addressing the scope and topics covered by the California Bar examination, and whether communities are adequately served by attorneys with certain practice area expertise. However, this information could easily be captured in ways that do not potentially mislead the public. For example, the information could be included as part of the State Bar’s annual demographic survey which has achieved a significant response rate. We encourage the State Bar to explore these other avenues.</p> <p>Finally, as a separate and technical matter, CLA thinks the term “practice sector” as a mandatory report item is potentially confusing, and may be viewed as asking for area of practice. Our understanding is that the term is intended to refer to type of practice (e.g., government, private practice, not for profit, in-house counsel, etc.). We recommend that this be clarified, perhaps by using a different term.</p> <p>We appreciate the opportunity to submit these comments.</p>
San Diego County Bar Association	Oppose	<p>Dear Office of General Counsel:</p> <p>On behalf of the San Diego County Bar Association, I write regarding the Proposed Rule Changes Addressing Public Licensee Information and Required Reporting. The San Diego County Bar Association, now in its 120th year, is the largest and oldest bar association in San Diego County. We are part of a strong legal community in San Diego, and we are deeply committed to safeguarding the integrity of the profession.</p> <p>We understand that, in addition to information already required under California law, proposed Rule 2.2 requires the</p>

		<p>mandatory reporting of firm size, practice area (sector), and professional website (if one is maintained). The SDCBA believes that mandatory reporting of sector could implicate Business & Professions Code section 6155, and therefore requests that the recommended changes to Rule 2.2 be revisited through the lens of the recent California Court of Appeal case of Jackson v. LegalMatch (Filed 11/26/19, Case No. A152442, First Appellate District, Division Four). The court in LegalMatch provided a definition for the word “referral” as it is used in Business & Professions Code section 6155: “Read in the context of the statute, the plain meaning of the term ‘referral’ means no more than the ‘act or an instance of sending or directing to another for information, service, consideration, or decision’.” (Black’s Law Dict. (11th ed. Westlaw 2019).) The court also held that a referral happens when a potential client is sent to an attorney irrespective of whether there is an exercise of judgment prior to the referral. Given the nature of the changes proposed, we believe that the revised Rule 2.2 would benefit from additional consideration in light of the LegalMatch decision.</p> <p>In addition to the request that the proposed changes to Rule 2.2 be re-examined using the language from LegalMatch, the SDCBA has concerns about the requirement that attorneys report any firm-size change within thirty days. It is not clear how a lawyer in a large international firm would know whether their firm size has changed on a month-over-month basis. This new requirement would draw attorneys’ focus away from the practice of law to ministerial gathering of statistical information.</p> <p>The SDCBA cares deeply about issues that impact all California lawyers and we thank you for the opportunity to be heard on this matter.</p>
Elizabeth Duong	N/A	<p>Office of the General Counsel:</p> <p>I'm on the Board of Directors and am the Advocacy Committee Chair of the Association of Corporate Counsel, Southern California Chapter. Some of the mandatory reporting requirements under Rule 2.2 (B) should not apply to in-house counsel:</p> <ul style="list-style-type: none"> -Practice sector -Law firm size -IOLTA account information -a professional website, if one is maintained <p>Most in-house counsel work in various practice areas for a limited number of company clients. Law firm size and IOLTA account information is N/A. A professional website is unlikely to be maintained by in-house counsel and if one is, the site might be "professional" but not related to that counsel's offering of legal services to the public. Please consider this comment when preparing the final rule.</p> <p>I recommend an explicit written exclusion for in-house counsel of those aforementioned reporting requirements.</p>
Chamberlain	Oppose	To Whom It May Concern:

<p>Mediation Partners</p>	<p>The rule changes, as proposed, would elicit certain information not previously sought from licensees by the State Bar. While this information would be part of a licensee's publicly available record, per the proposal, it may or may not appear on the licensee's online State Bar website profile. While specific concerns as to particular items of information are set forth below, two general concerns are presented here.</p> <p>Firstly, while it is commendable to make clear to licensees that all information in their respective profile is public, it is suggested that the rules make equally clear to licensees which items of that information will be posted on their particular profile and readily available to the public. It is difficult to imagine a reason why a licensee should not be so informed. To do so would involve only minor redrafting of the proposed rule, result in no increased fiscal impact to the State Bar, and minimize the online footprint of each profile while promoting a streamlined and more readable presentation.</p> <p>Secondly, much of this additional information is relevant to the licensee engaged in what is perceived as the traditional practice of law where, as a solo or member of a firm, the licensee provides advice and representation to a client. There are licensees, however, for whom providing this type of information would be difficult, even non-sensical. These include fulltime ADR neutrals, real estate licensees and brokers, and CPAs. While this concern is explored in more detail below, it is urged that consideration be given as to how such licensees who must retain active status in order to engage in a wide variety of professional pursuits, are to provide information in response to item-inquiries which presume a traditional practice of law model.</p> <p>The following comments are directed to specific item-inquires set forth in Rule 2.2, as proposed.</p> <p>(B)(5) A professional website, if one is maintained</p> <p>The wording of this item-inquiry presents numerous problems and may, depending on its interpretation, elicit too much or too little information. The breadth of the phrase "professional website," is likely to result in the licensee providing information on websites which have nothing to do with the provision of law-related services and would seem to be of no interest to the State Bar. These would include the website related to the selling of real estate or the website for a mediator's interior design side business- both licensed, professional pursuits to be sure, but neither of which would have anything to do with the provision of law-related services.</p> <p>Additionally, the language of the item-inquiry narrowly presumes that for each licensee, only one professional website might be maintained. This would likely not be true for the licensee associated with, for example, a multi-state or international law firm.</p> <p>Finally, it should be made clear whether information is sought as to a website maintained by the particular licensee in the sense that he or she has control over content, or whether information is sought as to any website with which a licensee</p>
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may be associated and likely over which he or she has no control or may not even know exists. This is possible in instances of websites for multi-state or international practices, or for those endeavors other than the traditional practice of law.

In light of the foregoing, the State Bar should consider why it is including this item-inquiry and determine what it is actually seeking, together with the value of that information and to whom, and draft or delete this item-inquiry accordingly.

(B)(6) Practice sector

While no direction has been provided as to the information sought by this item-inquiry, it would appear to anticipate a response in the nature of, "in-house," "government," "private," or the like. It is suggested that licensees be provided a list from which to select their response and not be allowed to self-describe in order that the responses fall into set, discrete categories. Some consideration should be given, however, as to whether a licensee should or would be able to select more than one category, where their practice is mixed.

In instances where a licensee is engaged in the non-traditional practice of law, it is urged that consideration be given as to what the response might be and, consequently, what it might look like. It is important that any response by such a licensee not convey a non-compliant attitude or a lesser or questionable status. Were "other" to be included as an option only for these licensees, it is believed that an explanation for the designation and an affirmation that such is wholly consistent with professional and ethical rules governing licensees of the State Bar should be provided to the public and set forth in the individual profile.

(B)(7) Law firm size

As the discussion of the proposed rule changes notes, the inclusion of this item-inquiry stems from Objective g. of Goal 2 of the Strategic Plan, as updated. The Strategic Plan, however, neither confers nor expands the authority of the State Bar. By including this information, like all the information the subject of the item-inquiries proposed in these rule changes, it will become part of the regulatory record. It is hard to understand why the State Bar would wish to regulate or appear responsible for regulating such things as website or licensees within practice sectors, but to include the size of law firms is, perhaps, particularly troubling. In seeking this information, it may appear that the State Bar is expanding its regulatory and disciplinary function to include law firms. Unlike the New York State Bar, for example, the State Bar does not discipline firms, only individual attorneys. Accordingly, this item-inquiry may be a source of confusion for the public or contention for others.

The phrase "law firm size," is problematic for those licensees who do not work within the traditional law firm model, as they have no "law" firm. In fact, for those ADR neutrals to characterize their practice entity as a "law firm" would not only be inaccurate, it could be perilous. Based on the obvious interpretation of this item-inquiry, the simple answer is these licensees would have no "law firm" size to report. Response, however, is not so simple. It is urged that consideration be given as to what the response might be and, consequently, what it might look like. It is important that any response by such a licensee not convey a non-compliant attitude or a lesser or questionable status. It is strongly suggested that an

explanation be provided to the public upon inquiry into the licensee's record or on the particular licensee's online profile, as the case may be, together with an affirmation that such is wholly consistent with professional and ethical rules governing licensees of the State Bar.

Further, the phrase is vague as to who within a firm should be counted in determining its size. Are only attorneys counted and then, only California attorneys? What about part-time attorney-licensees? Does the count include staff and how would part-time or job-splitting employees be tallied, as well as, the unpaid interns? Response might also prove confusing for the contract attorney-licensee or for the firms utilizing his or her services. These are questions made all the more difficult to answer, given the requirement that even the most junior licensee in a firm is required under the proposal to report this information within 30 days of its changing.

In light of the foregoing, the State Bar should consider, notwithstanding its Strategic Plan, why it is including this item-inquiry and determine what it is actually seeking, together with the value of that information and to whom, and draft or delete this item-inquiry accordingly.

(8)(8) IOLTA account information

Response to his item-inquiry poses particular problems for the licensee who is not engaged in the traditional practice of law. These licensees do not have IOLTA accounts in that they take no monies of a nature which must be placed in an attorney client trust account. While the response to this item-inquiry may appear simple enough, again, its form or content could present an issue. Accordingly, it is urged that consideration be given as to what the response might be and, consequently, what it might look like. It is important that any response by such a licensee not convey a non-compliant attitude or a lesser or questionable status. However a licensee's lack of an IOLTA account is set forth, it is believed that an explanation for the response should be provided to the public upon inquiry into the licensee's record or on the particular licensee's online profile, as the case may be, together with an affirmation that such is wholly consistent with professional and ethical rules governing licensees of the State Bar.

Further, it is suggested that including IOLTA information could prove confusing to the public which may perceive it as a consumer recovery fund as with real estate licensees or licensed contractors. In that it is believed few members of the public are familiar with the concept of IOLTA funds, a thorough description of the funds, their source, application, and possible exceptions from the funds, should be clearly set forth in each instance where the account information is displayed or otherwise provided.

(D)(4) Area of practice

It is suggested that licensees be provided a list from which to select their response and not be allowed to self-describe in order that the responses fall into set, identifiable practice areas and so, are searchable across licensee profiles. Consideration should be given, however, as to how many practice areas a licensee may include in their profile particularly if a comprehensive list, which is preferable, is provided. In connection with any list of practice areas, or should a licensee

		<p>be allowed to self-describe their practice, consideration should be given as to how or if those licensees engaged in the non-traditional practice of law would indicate their respective "practice" area/s.</p> <p>Thank you, for the opportunity to comment on the proposed rule changes.</p>
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The State Bar *of California*

OPEN SESSION AGENDA ITEM SEPTEMBER 2019 PROGRAMS COMMITTEE III.A

DATE: September 19, 2019

TO: Members, Programs Committee

FROM: Donna Hershkowitz, Chief of Programs
Kenneth Holloway, Assistant General Counsel, Office of General Counsel
Suzanne Grandt, Assistant General Counsel, Office of General Counsel

SUBJECT: Rule Changes Addressing Public Licensee Information and Required Reporting:
Request to Circulate for Public Comment

EXECUTIVE SUMMARY

Objective g of Goal 2 of the State Bar Strategic Plan requires that all attorneys be required “to report firm size and practice type to the State Bar and to maintain and update that information.” In seeking to amend the rules to address that requirement, staff concluded that a more comprehensive approach was needed. This agenda item asks the Programs Committee to authorize a 60-day public comment period for proposed amendments to State Bar Rule 2.2, which will clarify what information comprises an attorney’s official State Bar record and set forth attorneys’ mandatory and discretionary reporting requirements. Amended Rule 2.2 would consolidate and replace current State Bar Rules 2.2, 2.3, and 2.4.

BACKGROUND

At the July 11, 2019, Programs Committee meeting, the Programs Committee discussed an informational item regarding possible rule and practice changes related to the reporting, display, and public nature of licensee information.

That informational item noted that State Bar Rules 2.2 and 2.3 currently do not provide an exhaustive list of the information that comprises a licensee’s public record, nor of the information that must be verified or updated and on what schedule. Furthermore, pursuant to Objective g of Goal 2 of the State Bar Strategic Plan, the State Bar is seeking to require all attorneys to report firm size and practice sector information to the State Bar. Staff also believe

that client trust account (IOLTA) information and professional website information should be obtained and verified through the same yearly process used to verify other types of required information. Finally, staff believe that it would be appropriate to continue to permit the reporting of languages spoken by attorneys and their office staff and to cease the mandatory collection of certain information, including undergraduate institution and fax number.

Staff has also recognized that the current rule structure and language regarding “opting out” of the sale or disclosure of licensee information may result in attorneys erroneously believing that only those pieces of information specifically identified in Rule 2.2 are public. Business and Professions Code section 6026.11, effective January 1, 2016, makes the State Bar of California subject to the California Public Records Act (CPRA), meaning that *all* records relating to the business of the State Bar that are regulatory in nature are subject to public disclosure unless specifically exempt under state law. This means that all information reported by attorneys that is collected for a regulatory purpose—whether mandatory or optional, and whether displayed on the State Bar website profile or not—is subject to public disclosure, with the exception of private email addresses provided pursuant to California Rules of Court, rule 9.9.¹

DISCUSSION

Following the input of the Programs Committee at the July 2019 Programs Committee meeting, staff evaluated the various sources of State Bar reporting requirements and drafted one proposed rule that consolidates, clarifies, and harmonizes the requirements for what information licensees must (or may) provide to the State Bar, as well as updating the language to emphasize that, pursuant to the CPRA, all information in the licensee profile (with the exception of nonpublic email addresses) is public and could potentially be disclosed, whether or not it is posted on the licensee’s profile on the State Bar website. The proposed rule also provides clarity on the requirements for reporting changes to personal information as well as verifying such information.

As discussed at the July 2019 Programs Committee meeting, the information collected as part of the optional “expanded profile” for attorneys (website, photo, practice areas, and languages spoken) ceased being displayed on the State Bar website in an effort to align the attorney profile with the State Bar’s regulatory mission after the separation of the sections. Following the direction of the Committee, instead of collecting but not publicly posting the material, the proposed rule clarifies what information that was formerly part of the “expanded profile” must be reported, and what information is discretionary. All of that information will again be posted.

Undergraduate information and fax number are currently collected by the State Bar from all licensees but are not included as mandatory in this rule. Staff recommends that the State Bar make the listing of a fax number optional and stop collecting information about undergraduate institution entirely. This will require subsequent changes to the oath card that attorneys sign at

¹California Rules of Court, rule 9.9, prohibits disclosure of a private e-mail address without the licensee’s consent. Records that are prohibited from disclosure pursuant to law are exempt from public disclosure under the CPRA. (California Government Code section 6254(k).)

the time of their admission to the State Bar, which currently asks attorneys to identify their undergraduate institution.

This rule does not address what information will or will not be displayed on the State Bar attorney profile page. Since all information in the official record is public (with the exception of private email addresses), the State Bar has the discretion to determine what information it chooses to post online. This is a policy determination separate from this rule proposal.

The proposed amendments will not fully reconcile issues regarding the requirement in Business and Professions Code section 6001(g) that licensees be informed of a right “to limit the sale or disclosure of licensee information not reasonably related to regulatory purposes.” The original intent of this statutory section was to allow attorneys the opportunity to opt out of having their information shared on contact lists for advertising and other nonregulatory purposes. However, this section potentially conflicts with the CPRA, because the CRPA requires broad disclosure of “any writing containing information relating to the conduct of the [State Bar’s] business.” (California Government Code section 6252(e).) Generally, individual licensees cannot limit public disclosure, whether or not CPRA disclosure might also be considered outside of the State Bar’s “regulatory purposes.”

This rule proposal therefore reflects an effort to limit the State Bar’s collection of licensee information to only that information necessary for its regulatory purposes. However, to the extent there is or may be licensee information retained by the State Bar that does *not* relate to the State Bar’s business of regulation and discipline of attorneys, licensees should still be able to limit the sale or disclosure of such information pursuant to Business and Professions Code section 6001(g). To address this conflict, staff added language in proposed rule 2.2 indicating that all licensee record information listed in the rule is presumptively public and may be subject to disclosure under the California Public Records Act, unless required to be kept confidential by law.

Information Required to be Reported to the State Bar

Subsection (B) of proposed rule 2.2 lists the information that licensees must report to the State Bar. This includes attorney name as well as information already required to be reported by Business and Professions Code section 6002.1 (current office address, or if none, an alternative address; office phone number; other jurisdictions and date of admission; certified legal specialties; discipline in other jurisdiction; and any other information required by other attorney discipline agency); Business and Professions Code section 6212 (IOLTA information); and California Rules of Court, rule 9.9 (a nonpublic email address to be used for State Bar communications).

In addition to information already required under California law, proposed rule 2.2 requires the mandatory reporting of firm size and practice sector for the reasons discussed in the July 11, 2019 Programs Committee Agenda Item. Also included is the mandatory reporting of a professional website, if one is maintained, which was formerly part of the “expanded profile.” The Programs Committee discussed whether including a professional website, photo, and

practice area were appropriately tied to the State Bar’s public protection mission, and concluded that the risk of identity theft, and the harm to the public that could result if someone impersonates one of the State Bar’s licensees, make such items not just about the advancement of the professional interests of attorneys, but also about protection. This agenda item recommends making disclosure of the professional website mandatory, but leaving the photo and practice area as discretionary items, as discussed below.

At the July 2019 Programs Committee meeting, there was also a discussion regarding including malpractice insurance as a mandatory reporting requirement. As was discussed at the full Board meeting in July, there is work that remains to be done regarding malpractice insurance. A decision on whether to mandate the reporting of such insurance is thus premature at this time.

Lastly, proposed rule 2.2 maintains the existing requirement for mandatory reporting of any information directed by the California Supreme Court or otherwise required by law to take into account court orders and subsequent changes to state law.

Information that May be Reported to the State Bar

Subsection (D) of the proposed rule lists what information a licensee may report to the State Bar. Subsection (A) clarifies to the licensee that if he or she chooses to report any of this information, such information will be presumptively public, and may be subject to disclosure under the CPRA unless disclosure is otherwise prohibited by law. This information includes an email address to be posted publicly pursuant to rule 9.9 (listed as “optional”) and a fax number.

Included in this subsection are also the remaining elements of the “expanded profile”: a professional photograph, area of practice, and languages spoken. The July Programs Committee meeting agenda item suggested that, since these items were initially included in the profile as a “member benefit” and “business opportunity” for lawyers, continuing to post these items as part of the public profile fell within the trade associational functions in which the State Bar no longer engages.² The committee had an extensive discussion about these items, however, and concluded that they do in fact serve the public protection mission of the State Bar. The proposed rule therefore allows licensees to provide a professional photograph, areas of practice, and languages spoken. Allowing the reporting and posting of this information will support the State Bar’s public protection mission by improving the public’s ability to verify the identity of attorneys through their photographs, seek legal assistance in their primary language, and know the areas of law purported to be handled by the licensee.

When the expanded profile was created by Board action in 2009, there was a decision made that only the following elements would be searchable: name, city, state, county, bar district, certified legal specialization, and languages spoken.³ There was substantial opposition by county bar associations and lawyer referral services at the time to have the practice area searchable. The 2009 agenda item summarized the issue as follows:

² (July 11, 2019 Programs Committee Agenda Item at 6 [Attachment B].)

³ (Minutes of Board of Governors May 15, 2009 Meeting at 2–3 [Attachment C].)

Local bars believe that consumers are best served in finding a lawyer by a Lawyer Referral Service, which interviews them to learn the nature of their legal problem and then refers them to a local attorney possessing the appropriate practice area experience or to some other source if they do not need a lawyer's assistance in order to address their problem. They are concerned that adding search features such . . . practice areas to the State Bar's database would allow potential clients to bypass the LRS. Revenue from the LRS program is used to fund the LRS program and other local bar programs, including legal aid programs. Approximately 5,100 attorneys belong to a LRS panel (this compares to 164,365 active State Bar members as of April 29).⁴

Staff recommends that, going forward, practice area information be made searchable in the interest of providing useful information to the public. To address concerns about the State Bar website providing self-described practice areas and confusing the public as to whether the State Bar is somehow endorsing the work of that attorney in that practice area, it is also recommended that the publication of practice area be accompanied by appropriate caveats, which state that the information has been provided by the licensee, but has not otherwise been verified by the State Bar, and that the State Bar cannot attest to any attorney's performance in any particular area.

Information that Is Otherwise Part of the Licensee Record

Subsection (E) of the proposed rule lists information that is part of the official licensee record but is not information that is "reported" by the licensee. This includes the licensee's State Bar number, date of admission in California, law school attended, and California licensee status and California disciplinary history. Section membership is also included in this subsection because the State Bar is required to identify membership in California Lawyers Association (CLA) sections on the public attorney profiles on the State Bar website pursuant to a Memorandum of Understanding between the State Bar and CLA.

All of this information is associated with a particular licensee, but is collected, updated, and maintained by the State Bar itself.

Timing of Reporting

Most of the information required to be reported by licensees is collected at the time the attorney is admitted to practice law in California. To ensure that the information maintained and displayed by the State Bar is as accurate as possible, subsection (C) of the proposed rule specifies that all reported information should be verified at least annually through the yearly license renewal process, or as otherwise determined by the State Bar.

Rule 2.3 currently provides that a licensee must inform the State Bar of a change to address, telephone number, or email "no later than thirty days after making the change" and specifies how attorneys must report the changes. However, this is not an exhaustive list of the

⁴ (May 11, 2009 Board of Governors Agenda Item at 3-4 [Attachment D].)

information that licensees must currently update under state law. Business and Professions Code section 6002.1 provides that—in addition to physical address—discipline imposed by another jurisdiction and information that may be required by agreement with or by condition of probation imposed by an attorney disciplinary agency must also be reported within 30 days of any change. Section 6002.1 also provides that licensees must notify the State Bar of any change in other jurisdictions in which the attorney is admitted, or specialties in which the attorney is certified, on or before the first day of February of each year.

Subsection (C) of the proposed rule also incorporates these requirements and adds additional information for which changes must be reported within 30 days to account for the new mandatory reporting requirements. These additions include firm size and practice sector, IOLTA account information, and any other information directed by the Supreme Court, required by another government entity, or otherwise required by law.

In sum, the proposed rule would require notification within 30 days of changes to all appropriate information, would require verification of other information at least annually, and would permit the State Bar to request verification of information at other times it deems appropriate (for instance, continuing to prompt licensees to verify their address if it has been more than six months since they have last accessed their online profiles).

Removal of Rule 2.4

Rule 2.4 currently notes that while licensees must maintain a public address, the State Bar will not publicly disclose a licensee’s prior address if the licensee so requests.

In light of the State Bar’s obligations under the CPRA, the current Rule 2.4 regarding confidential address history could also potentially mislead licensees into believing that prior public address information could be protected from CPRA disclosure if the licensee makes such a request. This would conflict with the CPRA because, as discussed earlier, licensees cannot choose to limit the disclosure of public information.

Nevertheless, prior private addresses and phone numbers that were not previously displayed on the State Bar website are exempt from public disclosure pursuant to California Government Code section 6254(c), which states that the CPRA does not require disclosures “which would constitute an unwarranted invasion of personal privacy.” As such, there is no need for Rule 2.4 and staff recommends it be deleted as part of this revision.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

State Bar Rules 2.2, 2.3, and 2.4

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Objective: g. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

RECOMMENDATIONS

It is recommended that the Programs Committee approve the following resolution:

RESOLVED, that the Programs Committee authorizes staff to make available for a 60-day public comment period proposed Amended State Bar Rule 2.2, which includes the proposed repeal of Rules 2.3 and 2.4, attached hereto as Attachment A; and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval by the Programs Committee of the Board of Trustees.

ATTACHMENT(S) LIST

- A. Text of proposed Amended State Bar Rule 2.2
- B. July 11, 2019 Programs Committee Agenda Item, also available at <http://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000024410.pdf>
- C. Minutes of Board of Governors May 15, 2009 Meeting
- D. May 11, 2009 Board of Governors Agenda Item

**Rules of Procedure
of the State Bar of California**

Rule 2.2 Public information; duty to update licensee record

- (A) Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record. With the exception of nonpublic email addresses provided pursuant to Rule 9.9(a)(2) of the California Rules of Court, all information contained in the official licensee record is presumptively public, is collected and retained for the State Bar's regulatory purposes, and may be subject to disclosure under the California Public Records Act unless that disclosure is otherwise prohibited by law.
- (B) A licensee shall report to the State Bar, and shall verify with the State Bar at least annually, the following information:
- (1) Last name, first name, and any middle names;
 - (2) A nonpublic email address to be used for State Bar communications;
 - (3) Office address or, if no office is maintained, an address to be used for State Bar purposes;
 - (4) Office telephone number, if one is maintained;
 - (5) A professional website, if one is maintained;
 - (6) Practice sector;
 - (7) Law firm size;
 - (8) IOLTA account information;
 - (9) All legal specialties in which the licensee is certified;
 - (10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission;
 - (11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;
 - (12) Any other information as directed by the California Supreme Court;
 - (13) Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and
 - (14) Any other information as may be required by law.
- (C) With the exception of certified legal specialties under subsection (B)(9) or admission to a new jurisdiction under subsection (B)(10), a licensee shall report to the State Bar a change in any of the information in subsection (B) no later than 30 days after the change and shall verify such information by February 1 of each year during the license renewal process, as well as at other times as determined by the State Bar. Changes in certified legal specialties or admission to a new jurisdiction shall be reported during the annual license renewal process.

- (D) A licensee may report the following information to the State Bar:
- (1) An email address to be posted publicly;
 - (2) Fax number;
 - (3) A professional photograph;
 - (4) Area of practice; and
 - (5) Languages spoken by the attorney or office staff.
- (E) The following additional information shall also be part of a licensee's public record and shall be maintained by the State Bar:
- (1) State Bar license number;
 - (2) Date of admission in California;
 - (3) Law school attended;
 - (4) California Lawyers Association section membership, if any;
 - (5) License status;
 - (6) Date of any transfer from one license status to another; and
 - (7) Date and period of any discipline imposed in California.

Rule 2.3 [REPEALED]

Rule 2.4 [REPEALED]

**Rules of Procedure
of the State Bar of California**

Rule 2.2 Public information; duty to update licensee record

~~A licensee record contains public information, including the following:~~

~~(F)~~ last Licensees are responsible for maintaining the accuracy of information contained in their official State Bar record. With the exception of nonpublic email addresses provided pursuant to Rule 9.9(a)(2) of the California Rules of Court, all information contained in the official licensee record is presumptively public, is collected and retained for the State Bar's regulatory purposes, and may be subject to disclosure under the California Public Records Act unless that disclosure is otherwise prohibited by law.

~~(G)~~ A licensee shall report to the State Bar, and shall verify with the State Bar at least annually, the following information:

~~(F)~~ (1) Last name, first name, and any middle names;

~~(G)~~ State Bar license number;

(2) A nonpublic email address and to be used for State Bar communications;

(3) Office address or, if no office is maintained, an address to be used for State Bar purposes;

~~(H)~~ (4) Office telephone number, if one is maintained;

~~(I)~~ e-mail address;

(5) A professional website, if one is maintained;

(6) Practice sector;

(7) Law firm size;

(8) IOLTA account information;

(9) All legal specialties in which the licensee is certified;

(10) Any other jurisdictions in which the licensee is admitted and the date(s) of admission in;

(11) The jurisdiction, and the nature and date of any discipline imposed by another jurisdiction, including the terms and conditions of any probation imposed, and, if suspended or disbarred in another jurisdiction, the date of any reinstatement in that jurisdiction;

~~(J)~~ (12) Any other information as directed by the California Supreme Court;

(13) ~~places and dates~~ Any other information as may be required by agreement with or by conditions of probation imposed by any other government agency; and

(14) Any other information as may be required by law.

~~(K)~~(H) With the exception of certified legal specialties under subsection (B)(9) or admission to a new jurisdiction under subsection (B)(10), a licensee shall report to the State Bar a change in any other jurisdictions; of the information in subsection (B) no later than 30 days after the change and shall verify such information by February 1 of each year during the license renewal process, as well as at other times as determined by the State Bar. Changes in certified legal specialties or admission to a new jurisdiction shall be reported during the annual license renewal process.

(I) A licensee may report the following information to the State Bar:

- (1) An email address to be posted publicly;
- (2) Fax number;
- (3) A professional photograph;
- (4) Area of practice; and
- (5) Languages spoken by the attorney or office staff.

(J) The following additional information shall also be part of a licensee's public record and shall be maintained by the State Bar:

- (1) State Bar license number;
- (2) Date of admission in California;
- (3) Law school attended;
- (4) California Lawyers Association section membership, if any;
- ~~(L)~~(5) License status;

~~(M)~~(6) -dateDate of any transfer from one license status to another; and

~~(N)~~(7) -dateDate and period of any discipline; and imposed in California.

~~(O) — any other information as directed by the Supreme Court or otherwise required by law.~~

Rule 2.2 adopted effective June 17, 2006; amended effective March 10, 2017; amended effective January 25, 2019.

Rule 2.3 ~~Duty to update licensee record~~[REPEALED]

~~(A) — A licensee must inform the State Bar of a change of address, telephone number, or e-mail address no later than thirty days after making the change. The licensee must report a change of address or telephone number online or using the State Bar Address Change Form. The licensee must make a change of e-mail address online.~~

~~(B) — A licensee must inform the State Bar of a change of name no later than thirty days after making the change. The licensee must report the change using the State Bar Name Change Form.~~

~~Rule 2.3 adopted effective June 17, 2006; amended effective January 25, 2019.~~

~~Rule 2.4 Confidential treatment of address history~~

~~Every licensee must maintain with the State Bar a non-confidential current address,⁴ but upon the request of a licensee, the State Bar will not publicly disclose a licensee's prior address.~~

~~Rule 2.4 adopted effective July 20, 2007; amended effective January 25, 2019. [\[REPEALED\]](#)~~

~~⁴ Business and Professions Code § 6002.1(a)(1).~~



The State Bar *of California*

OPEN SESSION AGENDA ITEM JULY 2019 PROGRAMS COMMITTEE III.A

DATE: July 11, 2019

TO: Members, Programs Committee

FROM: Donna S. Hershkowitz, Chief of Programs

SUBJECT: Discussion of Possible Rule and Practice Changes Related to Reporting, Display, and Public Nature of Licensee Information – Informational Item

EXECUTIVE SUMMARY

Objective g of Goal 2 of the State Bar strategic plan requires all attorneys to report firm size and practice type to the State Bar and to maintain and update that information. In the process of developing the rule change to implement that objective, staff realized that adding these requirements to the list of information a licensee is required to report is only one piece of a broader puzzle. This agenda item gathers all of those pieces together to give the Board of Trustees the necessary context so that all of the pieces can ultimately be considered together. This is an informational item only. Feedback from the Board will be used to develop a rule proposal that will be presented in September 2019.

BACKGROUND

ITEMS LICENSEES ARE REQUIRED TO REPORT

Rule 2.2 of the State Bar Rules provides that a licensee record contains public information, and lists the following information as included as part of the public licensee record:

- Name
- State Bar number
- Physical address and e-mail address
- Telephone number
- Date of admission in California

- Places and dates of admission in any other jurisdiction
- License status and date of transfer from one status to another
- Date and period of any discipline
- Any other information as directed by the Supreme Court or required by law

Some of this information is provided by licensees and other information, such as date and period of discipline, is derived from State Bar records. Some is displayed on the licensee profile, and some is not. Although the language of the rule provides that this information is the public licensee record, the list does not purport to be, and is not, the complete list of items that are subject to public disclosure.

Business and Professions Code section 6002.1 contains a similar list of information that licensees are required to provide, and also includes on that list all specialties in which the licensee is certified.

In addition to the above, pursuant to the California Rules of Court, rule 9.9, attorneys are, with limited exception, required to provide the State Bar a private e-mail address, that is, an e-mail address not to be disclosed on the State Bar's website or otherwise provided to the public without the licensee's consent. The purpose of this private e-mail is to facilitate communications by the State Bar with its licensees.

Business and Professions Code section 6212 also requires licensees to report all account information required by the State Bar, in the manner specified by the State Bar, regarding Interest on Lawyers' Trust Accounts (IOLTA).

ITEMS LICENSEES MAY REPORT

In addition to the above categories of information defined as part of the licensee record, the State Bar collects the following:

- Fax number
- Law school from which the licensee graduated
- Section membership
- Undergraduate school from which the licensee graduated (collected on the oath card at the time of admission into the State Bar)

The State Bar also created the opportunity for licensees to have an "enhanced" or "expanded" profile. Information that may be submitted for this expanded profile is:

- Office website
- Photo
- Practice areas
- Languages spoken by the attorney or office staff

PUBLIC RECORDS, “OPT OUT,” AND INFORMATION CURRENTLY DISPLAYED

Business and Professions Code section 6026.11, effective January 1, 2016, makes the State Bar of California subject to the California Public Records Act (CPRA), providing that *all* public records and writings of the State Bar are subject to the CPRA.

Business and Professions Code section 6002.1 (g) provides: “The State Bar shall conspicuously publicize . . . that its licensees have the right to limit the sale or disclosure of licensee information not reasonably related to regulatory purposes. In those communications the State Bar shall . . . note the simple procedure by which a licensee may exercise his or her right to prohibit or restrict, at the licensee’s option, the sale or disclosure of licensee information not reasonably related to regulatory purposes.”

Business and Professions Code section 6009.5 provides that “[a]ny demographic data collected shall be used only for general purposes and shall not be identified to any individual licensee or his or her State Bar record.”

The language of Business and Professions Code section 6002.1 pre-dated the provision making the State Bar subject to the CPRA, and is not consistent with the CPRA. In an attempt to conform the prior ability to opt out with the CPRA, State Bar policy on opt out changed in 2016, as reflected in the following language posted on the State Bar website:

The State Bar roll of attorneys, including official membership information, has always been and remains public.

However, this information will now be subject to public records requests pursuant to CPRA. The CPRA removes restrictions on the types of entities that are eligible to obtain lists, and other publicly available information. However, only certain information will be shared for members who have opted out of being contacted.

The following public profile information will be provided regardless of an attorney’s opt-out preference:

- Name
- Address
- Phone number
- Bar number
- Certified legal specialization
- Bar license status
- Bar license status history
- Discipline history

The following public profile information may be provided for those attorneys who have not opted out:

- Public email address
- Fax number
- Undergraduate school
- Law school
- Section membership

Prior to that time, licensees were told the following: “The bar has a policy under which members’ [sic] names are provided at cost to a restricted list of outside entities that meet certain criteria. The names are provided for a one-time use to, among others, MCLE providers, the Foundation of the State Bar, local bars and bar-approved insurance providers.”¹

Although better than the former opt out policy, staff question whether the revised opt out policy is compliant with the CPRA.

Not all information that is defined as part of the licensee record is publicly displayed as part of the attorney profile. Specifically, place and date of admission in other jurisdictions is not displayed. Additionally, in an effort to align the attorney profile with the State Bar’s regulatory mission after the separation of the sections, the website, photo, and practice areas that are part of the expanded profile are no longer displayed. In addition, although applicants for admission to the State Bar are told “the information on the [Oath] Card becomes part of your permanent record with the State Bar, is a matter of public record, and *will appear on the State Bar’s website*,”² in fact, undergraduate school, which is included on the oath card, was taken off the attorney profile on the website in 2018, along with the expanded profile information.

TIMING OF REPORTING

Rule 2.3 of the State Bar Rules requires licensees to update the State Bar within 30 days of a change of name, physical address, telephone, or e-mail.

Business and Professions Code section 6002.1 provides that physical address, discipline imposed by another jurisdiction, and information that may be required by agreement with or by condition of probation imposed by an attorney disciplinary agency must be reported within 30 days of any change. Licensees must notify the State Bar of any change in specialties in which the attorney is certified, and any other jurisdiction in which the attorney is admitted on or before the first day of February of each year.

¹ California Bar Journal, January 2005, <http://archive.calbar.ca.gov/archive/Archive.aspx?articleId=60038&categoryId=60038&month=1&year=2005>

² State Bar Enrollment and Receiving Your Bar Number, <https://www.calbar.ca.gov/Portals/0/documents/admissions/gbx/Enrollment-Information-201707.pdf>. Emphasis added.

DISCUSSION

ITEMS LICENSEES ARE REQUIRED TO REPORT

In addition the elements licensees are currently required to report, staff would like to pursue rule changes to also require the reporting of firm size and practice type (e.g., government, private practice, not for profit, in house counsel, etc.). As discussed with the Programs Committee at the May meeting, the Strategic Plan objective to require reporting of firm size and practice type was initially envisioned as a preventative approach to provide attorneys with information and tools they need when they switch firm types, especially when switching to a solo practice or a small firm. The Office of Chief Trial Counsel posited that attorney misconduct can often arise out of simple lack of knowledge of one's responsibilities. Although attorneys are expected to be aware of their obligations, and, as the saying goes, ignorance of the law is no excuse, that ignorance may result in client harm or other misconduct. An attorney who transitions from government or a large firm, for example, may have never had access to a client trust account, and may be unaware of the requirements. The goal of this objective was to have a means of identifying when an attorney became a solo practitioner or went to a small firm, so the State Bar could provide the attorney with resources to aid in the transition. The Office of Chief Trial Counsel envisioned emailing a welcome or congratulatory letter to attorney, noting their recent transition and, for example, providing links to the State Bar Client Trust Accounting Handbook, information about State Bar Ethics School or State Bar Client Trust Accounting School, a list of the most common types of misconduct, etc.

In addition, staff propose to improve our efforts to get client trust account information from licensees. Although statute currently requires licensees to report client trust account information in the manner requested by the State Bar, we believe including it in the same rule that requires reporting and maintaining of physical address, e-mail, telephone, etc. is appropriate. Staff also propose to address this technologically. Currently, for example, attorneys are required to verify their address each year when they go into My State Bar Profile (MSBP) as part of the licensee renewal process. They are also prompted to verify their address if it has been more than six months since they have last accessed MSBP. Staff believe that this same process should be used for client trust account information and all mandatory reporting items that are subject to change. The one exception to this would be for the list of other jurisdictions in which the licensee is admitted to practice. Although staff believe that routine verification of that information is important, Business and Professions Code section 6002.1, as currently written, appears to limit that information to annual reporting.

A final item to add to the mandatory reporting, raised with the Board at the May 2019 Programs Committee meeting, is whether to also require the reporting of whether the attorney has malpractice insurance. This item emanates from the work of the Malpractice Insurance Working Group (MIWG). A majority of the MIWG recommended that attorneys be required to report as part of the annual license renewal process whether or not they are insured. The Board might also consider requiring attorneys to report whether they have malpractice insurance in amounts of at least \$100,000 per claim/\$300,000 annual aggregate. The MIWG unanimously

agreed that if malpractice insurance becomes mandatory, these amounts are appropriate to ensure public protection. The Board could conclude that even if not mandatory, disclosure that an attorney has malpractice insurance of such an amount would be appropriate.

ITEMS LICENSEES MAY REPORT

As noted above, in addition to the information that is identified in Rule 2.2 as part of the licensee record, the State Bar collects: fax number; law school from which the licensee graduated; section membership; undergraduate school from which the licensee graduated; and the information in the “expanded profile” (website, photo, practice areas, and languages spoken by the attorney or office staff).

It seems that the concept of creating an expanded profile grew out of the Member Services Initiative, launched by the Board of Governors in 2001. This initiative was “aimed at creating a more member centric State Bar responsive to member practice needs and bar services and benefits[, because while the State Bar has many regulatory functions, it also has many associational characteristics.”³ The Board agenda item in 2008 which identified these additional elements to report expressly noted that then-existing law authorized the State Bar “to engage in activities that ‘may advance the professional interests of the members of the State Bar.’ (Cal. Bus & Prof. Code, § 6031, subd. (a).)”⁴

The expanded profile was discussed as a member benefit and a business opportunity for lawyers who do not participate in lawyer referral services. In particular, it was noted that “Board members believe allowing self-designation of practice areas is an important member benefit that should be offered.”⁵

As noted in the Background section, above, in an effort to align the attorney profile with the State Bar’s regulatory mission after the separation of the sections, the website, photo, and practice areas that are part of the expanded profile are no longer displayed. The history noted above supports that decision, as these items were added to the profile as a “member benefit” and a “business opportunity” for lawyers, falling within the trade associational functions in which the State Bar no longer engages. At this same time, staff ceased displaying undergraduate institution. Staff believe it would be appropriate to:

- Eliminate from the oath card the field for undergraduate institution, and update the instructions accordingly;

³ Board of Governors Agenda Item 701, November 2008, “Find A Lawyer” — Proposed Adoption of Program Recommendations.

⁴ Id. That statute has since been amended and no longer refers to advancing the professional interests of attorneys.

⁵ Id.; Board of Governors Agenda Item 701, May 2009, “Find a Lawyer” – Proposed Adoption of Program Recommendations (Revised). As a side note, a key issue that required further study (a task force) and a return of this item to the Board after its initial presentation in November 2008 was the issue of whether these additional items would be searchable or simply displayed on the attorney’s profile. The discussions appeared to be quite lively, and the votes close.

- Terminate the “expanded profile” option. Currently attorneys are still submitting information (website, photo, practice areas), but have not been instructed that the State Bar ceased displaying it;
- Terminate the maintenance of fax numbers;
- Maintain the reporting of section membership, as that is subject to the MOU executed by the State Bar and the California Lawyers Association;⁶ and
- Continue to allow attorneys to report languages spoken in their office, as this is the most closely tied to the State Bar’s public protection mission.

PUBLIC RECORDS, “OPT OUT,” AND INFORMATION CURRENTLY DISPLAYED

Staff believe the current rule structure and opt out language may result in attorneys erroneously believing that only those pieces of information specifically identified in Rule 2.2 are public. All information reported by attorneys, unless otherwise exempt from disclosure under the CPRA, is public information and can be disclosed pursuant to a proper request – whether or not it is publicly displayed on the attorney profile or otherwise on the website.

Based on the notification provided in anticipation of the CPRA becoming applicable to the State Bar, attorneys who have “opted out” believe that their public e-mail address, fax number, undergraduate school, law school, and section membership, though posted on their attorney profile, will not be shared pursuant to public records requests. All attorneys who elected to opt out should be notified that information of this type maintained by the State Bar is public, and would be subject to disclosure. To the extent any of these fields are optional, but still maintained by the State Bar, it would be appropriate to notify these attorneys of the opportunity to update their profile to delete non-required information so that going forward, this information would not be maintained by the State Bar. To the extent the State Bar no longer has the information, logically, it cannot disclose it.

Along with the rule proposal to be presented to the Board in September, staff will clearly identify what information is proposed to be displayed on the attorney profile, what information attorneys will be required to provide and maintain, and what information remains optional. For example, although staff will be proposing to amend the rule to mandate the reporting of client trust account information, neither the fact that the attorney has a trust account, nor the account number, would be displayed as part of the attorney profile.

TIMING OF REPORTING

To ensure that we have the most accurate information possible as part of the attorney record, staff believe that all of the following information should be verified annually as part of the license renewal process, and within 30 days of a change in the information:

⁶ “The State Bar will continue to identify membership of CLA Sections as an attribute on public attorney profiles on the State Bar website with a notation that CLA is an independent organization and is not part of the State Bar.” Memorandum of Understanding Between The State Bar of California and California Lawyers Association; General Provisions, paragraph 9.

- Name
- Physical address
- E-mail address for State Bar communications
- Firm size (new)
- Practice type (new)
- Client Trust Account information (new)

Should the Board decide to also mandate the reporting of malpractice insurance, the same timeline would apply.

Statute currently limits the ability to collect information on admission to practice law in other jurisdictions to once per year. As a result, pending statutory change, staff would propose to require attorneys to verify this information only as part of the license renewal process.

As noted in the “Items Licensees Must Report” section, we believe a technological solution will assist in ensuring routine and accurate reporting, by requiring licensees to verify this information when accessing MSBP to pay fees, or if they have not accessed MSBP in at least six months.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Objective: g. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

RECOMMENDATIONS

None

ATTACHMENT(S) LIST

None

AGENDA ITEM

JULY 10
Board of Governors Open Minutes of
May 15, 2009 Meeting

THE STATE BAR OF CALIFORNIA

MINUTES

BOARD OF GOVERNORS MEETING

SAN FRANCISCO, CALIFORNIA

FRIDAY, MAY 15, 2009

The Board of Governors of The State Bar of California convened in open session in the Board Room of the State Bar offices at 180 Howard Street, San Francisco, California 94105, at 12:25 p.m. on Friday, May 15, 2009, Holly J. Fujie presiding.

The following members of the Board of Governors were present: James H. Aguirre, Joseph L. Chairez, Angela J. Davis, George O. Davis, Bonnie M. Dumanis, John J. Dutton, Jeannine English, Richard A. Frankel, William N. Hebert, Rex Heinke, James B. Hussey, Paul A. Kramer, Jr., Micha S. Liberty, Michael D. Marcus, Howard B. Miller, John E. Peterson, Richard A. Rubin, Jon Streeter, and Patricia P. White.

The following members of staff were present: Starr Babcock, Saul Bercovitch, Itzel Berrio, Phyllis Culp, Diane Curtis, Scott Drexel, Mary Lavery Flynn, Francisco Gomez, Karen Hagelund, Robert A. Hawley, Judy Johnson, Dean Kinley, Steve Mazer, Nancy McCarthy, Marie Moffat, Gayle Murphy, Cathy Torney, Peggy Van Horn, Colin Wong, and Larry Yee.

Also present: Mike McKee, *The Recorder*; Anthony Williams, the Bar's outside legislative consultant; Ronald G. Overholt, AOC; Amy Yarbrough, *Daily Journal*.

The following representatives from local bar associations also attended: Claudette Kunzman, Board member, and Trudy Levindofske, Executive Director, Orange County Bar Association; Robynn Gaspar, Executive Director, Marin County Bar Association; Stuart Forsyth, Immediate Past President, ECLA; Dan Burkhardt, Executive Director, Joshua Ridless, member, LRIS Committee, David Hopman, BASF Director, and David Odgers, BASF; Chris Burdick, Executive Director, and Tom Kuhnle, Immediate Past President, Santa Clara County Bar Association; Julia Wilson, Director, LAAC; Linda Kim, Director, Public Clearing House; and John Hodson, State Bar Family Law Section Incoming Chair / representative, Council of State Bar Sections.

The roll-call vote was taken, and upon motion made, seconded and unanimously adopted, it was

RESOLVED that the roll-call vote will be substituted for the vote unless otherwise noted.

1-1 President Fujie presented a Certificate of Recognition to John Mola, Director, Practising Law Institute (PLI), recognizing PLI's outstanding contributions and commitment to providing training to State Bar members in matters relating to low and moderate income Californians, and how Californians have benefited, and continue to benefit, from the tireless dedication by PLI and its staff in assisting and outreaching to as many people as possible in the State of California, especially regarding foreclosures.

113 Ms. Fujie introduced Dan Passamaneck, SEIU representative/staff member, who addressed the Board regarding labor negotiations.

701 Representatives from identified local bar associations addressed the Board regarding concerns expressed by local bar associations on the matter of Find A Lawyer (FAL): Claudette Kunzman, Orange County Bar Association, David Hopman, BASF Director, Julia Wilson, LAAC Director, John Hodson, incoming chair, Family Law Section, and Council of State Bar Sections representative, and also addressed the Board. Mr. Hodson distributed a letter he had received from "Your Local Bar Association" to the Board.

Mr. Kramer, Jr., member, the Board's FAL Task Force, made a Power Point presentation to the Board.

Following extensive discussion on the matter, the Board took action as recorded below.

701 Upon motion made, seconded and adopted, it was

RESOLVED, that the Board hereby approves the implementation of an enhanced attorney member profile design which includes the following information on member profile displays on the State Bar's Web site:

1. Official regulatory information that is already displayed on the member profile— name, bar #, address, telephone numbers, email address, undergraduate and law schools, Certified Legal Specialization(s), Section membership(s);
2. Self-designated areas of practice;
3. Languages spoken;
4. A link to the attorney's website, if any, with an interrupt page indicating that the user is leaving the State Bar's website;
5. Attorney photograph;
6. Attorney's address displayed on a map; and it is.

FURTHER RESOLVED, that users who do not wish to search by name or bar number be directed to a screen which offers a choice of searching for Legal Referral Services by county, linking to Law-HelpCalifornia.org to find a legal aid provider, conducting a search by name or bar number, or linking to an advanced search screen to search the member records; and it is

FURTHER RESOLVED, that the advanced search referred to above shall allow searching of the member records by the elements currently available (name, firm name, city, state, county, bar district, Certified Legal Specialization), and the following new element:

Language spoken

Voting yes: Mr. Aguirre, Mrs. Chairez, Ms. Davis, Ms. Dumanis, Mr. Dutton, Mr. Frankel, Mr. Heinke, Mr. Marcus, Mr. Miller, Mr. Streeter, and Ms. White.

Voting no: Mr. Davis, Ms. English, Mr. Hebert, Mr. Hussey, Mr. Kramer, Ms. Liberty, Mr. Peterson, and Mr. Rubin.

10 Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the minutes of the meeting of the Board of Governors held on Friday, March 6, 2009, in San Francisco, California, hereby are approved as written.

30 Ms. Fujie, President, reported on the following:

1. President Fujie reported to the Board that she had signed a letter, which was submitted to the Obama Administration and the House and Senate Appropriations Committees, with copies sent to each Member of Congress, supporting Legal Services Corporation funding.
2. Ms. Fujie, in a major outreach to the membership, visited all nine State Bar districts since the March 2009 Board meeting.
3. She attended the Western States Conference in Oahu, HI, the last week of March, and spoke to the Hawaiian Women's Bar Association.
4. Ms. Fujie attended a press conference with Los Angeles Mayor Antonio Villaraigosa where they addressed the issues of lawyer misconduct and foreclosure abuse.
5. President Fujie reported on the recent development with law firm deferred associate programs and indicated she had followed up with the legal services community to determine how legal services programs could benefit from placements of deferred associates. She convened a working group including Julia Wilson and Linda Kim (Public Interest Clearinghouse - **PIC**), Ken Babcock (Public Law Center), Mitch Kamen (Bet Tzedek), Diane Chin (Equal Justice Works) and Pat Lee (State Bar).

The group surveyed legal services and other nonprofit providers to determine if they would be able to "host" deferred associates, including what additional support might be needed. (e.g. benefits, equipment and IT assistance, space, administrative support). The survey generated over 200 possible placements, with a summary of responses listed on the PIC website. The group also contacted law firms to advise them that their deferred associates could access the program listings for potential placements. The Legal Aid Association of California (LAAC) is developing a series of webinars for both deferred associates and new public interest attorneys working at legal services programs. Finally, the working group is creating a list of "tips" for programs to maximize the use of short term placements.

6. Ms. Fujie complimented staff for an excellent Ethics Symposium, which was held in San Diego at the beginning of the month.

41/42 Ms. Johnson, Executive Director/Secretary, reported on the following:

1. Ms. Johnson announced that Howard B. Miller, Vice-President / Treasurer, was the only third-year candidate who stated his intention to run for the 2009-10 Presidency of the State Bar; the other members of the third-year class declared that they were not running for the presidency. Because Mr. Miller is the only candidate, Ms. Johnson asked the Board to ratify Mr. Miller's appointment as President-Elect until he takes up his tenure as the 2009-10 President of The State Bar of California at the bar's Annual Meeting in September 2009, and to cancel the Special Meeting for the Election of the 2009-10 President of the State Bar scheduled for Friday, July 23, 2009, in Los Angeles, immediately prior to the Board's regular meeting..

Upon motion made, seconded unanimously adopted, it was

RESOLVED, that Vice-President/Treasurer Howard B. Miller is deemed elected by acclamation as the President-elect of The State Bar of California. President-elect Miller will assume his presidency as the 2009-10 President of the State Bar at the Bar's Annual Meeting in September 2009 in San Diego.

All members present and recorded on the roll-call slip voted yes on the above matter.

50 The consent agenda was presented to the Board, and no objection being raised thereto, the following item on the consent agenda was deemed unanimously adopted.

54-121 **RESOLVED**, following publication for public comment and consideration of comments received, and upon the recommendation of the Board Regulation, Discipline and Oversight Committee, that the Board of Governors approves the proposed amendments to the Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California in the form attached to these minutes and made a part hereof.

54-122 **RESOLVED**, that, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby approves the proposed revision to the filing fee schedule set forth in rule 8.4, the Rules of Procedure for Fee Arbitrations of the Sonoma County Bar Association, in the form attached to these minutes and made a part hereof, as being in compliance with Business and Professions Code sections 6200-6206 and the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitrations.

54-131 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby approves the fee adjustments for the following State Bar members as noted below:

J GoAnne Vannix: Contingent on payment of \$730 (inactive fees) within 60 days of notice to member, waiver of remaining balance for 2001-2009; total waiver of \$4030.

Michael Arthur Bernstein: Contingent on payment of \$6626 (half of his outstanding balance) within 60 days of notice to member, waiver of the other half; total waiver of \$6626.

54-132 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board receives the 22nd Annual Report of the California Board of Legal Specialization for the period January 1 through December 31, 2008, and that copies of the report be sent to the California Supreme Court as required by section 21.0 of the Rules Governing the State Bar of California Program for Certifying Legal Specialists to aid in the Court's continued review of the legal specialist program.

54-133 **RESOLVED**, upon recommendation of the Board Committee on Member Oversight, that the Board hereby ascertains and determines:

- (a) that each of the persons named in the list this day before the Board is a member of The State Bar of California;
- (b) that each such person has failed to fully pay fees, penalties, and/or costs as established pursuant to the provision of sections 6086.10, 6140, 6140.3, 6140.35, 6140.5 (c), 6140.55, 6140.6, 6140.7, 6140.9 and 6141 of the Business and Professions Code;
- (c) that there has been sent to each such person, two months' written notice of his or her delinquency which included notice of section 6143;
- (d) that as shown by the records of the State Bar, the address of each such person is as set forth herein;
- (e) and hereby recommends to the Supreme Court of the State of California that each such person be suspended from membership in the State Bar, and from the practice of law in the State of California, effective July 1, 2009, until such time as he or she may be reinstated, upon the payment of the delinquent fees, penalties, and/or costs and of such additional fees, penalties and/or costs as may have accrued at the time of such payment, in the form attached to these minutes, and made a part hereof, and it is

FURTHER RESOLVED, that for the purpose of withdrawing the foregoing recommendation for suspension in particular cases, the Secretary or her designee is authorized and directed to strike from the foregoing list the name of any member of the State Bar who by proper remittance (e.g., credit card accepted by the State Bar, cash, cashier's check, money order, bank certified check, or wire transfer) and prior to the effective date of the Supreme Court order of suspension based hereon, pays to the State Bar fees, penalties, and/or costs in the amount in which he or she is delinquent; and to notify the Clerk of the Supreme Court of the fact of such payment and of the consequent withdrawal of the Board's recommendation for suspension; and it is

FURTHER RESOLVED that for the purpose of modifying the recommendation to the Supreme Court for suspension for nonpayment of fees, penalties, and/or costs, the Secretary or her designee is authorized and directed to change the data as to status or the amounts of delinquency on said list and will forthwith notify the Clerk of the Supreme Court accordingly of the consequent modification of the Board's recommendation for suspension.

54-134 **RESOLVED:** pursuant to California Rule of Court 9.31 and the Rules of the State Bar, and upon recommendation of the Board Committee on Member Oversight, that the Board of Governors hereby authorizes that those members of MCLE Compliance Groups 1, 2 and 3 who do not bring themselves into compliance with their MCLE requirement by June 30, 2009, shall be enrolled as inactive members of the State Bar of California and placed on “Not Eligible to Practice” status, effective July 1, 2009; and it is,

FURTHER RESOLVED: that the Board of Governors hereby authorizes staff to remove members from administrative inactive status once the member has provided proof of compliance and paid all noncompliance fees.

54-165 **RESOLVED,** upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby approves the creation of an appointment by the Legal Aid Association of California to the California Commission on Access to Justice, effective immediately.

54-166 **WHEREAS** more than 6 million Californians live below 125% of the federal poverty level and there are fewer than 800 legal aid attorneys to serve them; and

WHEREAS the State Bar’s Pro Bono Resolution adopted in December 1989 and amended in June 2002 strongly encourages all State Bar members to contribute at least 50 hours of pro bono legal services a year and to make a financial contribution to non-profit legal services organizations, and

WHEREAS California attorneys donate thousands of hours of pro bono legal services and make annual financial contributions to the Justice Gap Fund and directly to legal services organizations, to help address the huge unmet need for legal assistance to California’s poor, especially in light of the current economic situation; and

WHEREAS the State Bar of California actively promotes pro bono participation in a variety of ways on an ongoing basis and gives special recognition annually for outstanding pro bono contributions made by its members; and

WHEREAS the American Bar Association has designated October 25 – 31, 2009 as the first National Pro Bono Week Celebration to recognize the valuable pro bono contributions made by lawyers throughout the year, and to increase pro bono participation across the country to narrow the justice gap;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors of the State Bar of California recognizes the week of October 25 - 31, 2009, as the first National Pro Bono Week Celebration, commends California attorneys for their ongoing pro bono contributions, and reminds all members that by engaging in pro bono work and providing financial support they can make a significant difference in the lives of California’s poor who would not otherwise have access to the legal system.

54-167 **RESOLVED,** upon recommendation of the Board Committee on Stakeholder Relations, that the Board hereby accepts the statistical report for the year 2008 submitted by the Commission on Judicial Nominees Evaluation and orders it filed.

55 **RESOLVED**, that the Board hereby receives and orders filed the Independent Auditors' Report for Years Ended December 31, 2008 and 2007, prepared by Macias Gini & O'Connell, in the form this day before the Board.

[The above is a report of action taken by the Board of Governors via fax/electronic poll April 24-28, 2009, by the Board between regularly scheduled Board meetings.]

111 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for comment and no comments having been received, and upon the recommendation of the Board Committee on Operations, that the Board of Governors of the State Bar of California hereby repeals the "Rules Governing Open Meetings, Closed Sessions and Records of Regulatory and Special Committees" and adopts Rules 6.60 – 6.63 in the form attached to these minutes and made a part hereof, effective May 15, 2009.

All members present and recorded on the roll-call slip voted yes on the above matter.

112 Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby adopts the Executive Director Performance Evaluation Summary Report for 2008-09 as the annual evaluation of the Executive Director.

All members present and recorded on the roll-call slip voted yes on the above matter, except Mr. Marcus who abstained and requested the record so to show.

113 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Operations, that the Board hereby explicitly reconfirms the authority previously given to Robert Hawley, as discussed this day.

All members present and recorded on the roll-call slip voted yes on the above matter.

A subcommittee made up of Board members Jeannine English, Richard Frankel, Micha Liberty and Bonnie Dumanis has been established to work with the Executive Director for the next rating period.

123 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors hereby adopts the proposed amendment to rule 2.37 of the Rules of the State Bar of California regarding voluntary resignations of members, in the form attached to these minutes and made a part hereof, effective immediately.

All members present and recorded on the roll-call slip voted yes on the above matter.

124 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following public comment period and consideration of comments received, and upon recommendation of the Board Committee on Regulation, Admissions and Discipline Oversight, the Board of Governors of the State Bar hereby adopts the proposed amendments to rule 106 of the Rules of Procedure of the State Bar of California, in the form attached to these minutes and made a part hereof, to become effective on July 1, 2009.

All members present and recorded on the roll-call slip voted yes on the above matter.

125 The reappointment process of the Bar's Chief Trial Counsel continues to be ongoing and the RAD and the Board will consider this matter at a special meeting in early June, depending on the availability of members.

126 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following publication for comment and consideration of comments received, and upon recommendation of the Board Regulation, Admissions and Discipline Oversight Committee, that the Board of Governors of the State Bar of California hereby adopts Rule 1-650, Rules of Professional Conduct of the State Bar of California [Limited Legal Services Programs], in the form attached to these minutes and made a part hereof, and hereby directs that said rule be transmitted by staff to the Supreme Court with the request that it be approved by the Court.

All members present and recorded on the roll-call slip voted yes on the above matter.

141 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Planning, Program Development and Budget Committee, the Board of Governors hereby approves the adjustments in Admissions Fees, in the form attached to these minutes and made a part hereof, the bar examination-related fees to be effective with administration of the February 2010, 2011 and 2012 examinations and the other Admissions Fees effective January 1, 2010, 2011 and 2012; and it is

FURTHER RESOLVED, upon recommendation of the Board Planning, Program Development and Budget Committee, the Board of Governors hereby approves the Schedule of Admissions Administrative Fees, in the form attached to these minutes and made a part hereof, to be effective immediately following this action of the Board.

All members present and recorded on the roll-call slip voted yes on the above matter.

150 Mr. Dutton, Chair, Board Committee on Volunteer Involvement, reported to the Board on the work of CYLA.

He also mentioned that the deadline for applications for appointment to the Commission Nominees Evaluation Commission is June 1, 2009, and only 11 applications had been received to fill 12 vacancies.

161 Mr. Williams, the Bar's outside legislative consultant, did not make a report to the Board at this meeting.

162 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors hereby:

- Remains neutral on AB 48 (Portantino), which would re-establish the Bureau of Private Postsecondary Education, with amendments.
- Opposes AB 484 (Eng), which would authorize the suspension of professional and occupational licenses, including attorneys, for failure to pay state taxes, unless amended.
- Supports AB 590 (Feuer), which would create a cause of action for the misuse of the name "legal aid", and create a pilot project to provide for appointed counsel in certain civil proceedings.
- Supports AB 663 (Jones), which would create a cause of action for the misuse of the name "legal aid", and create pilot projects to provide for interpreters in certain civil proceedings.
- Opposes AB 984 (Nava), which would revise the authority of the Committee of Bar Examiners to accredit and regulate law schools.
- Supports SB 377 (Corbett), which creates 50 new trial court judgeships.

All members present and recorded on the roll-call slip voted yes on the above matter.

163 Consideration of Bills of Others: None were presented to the Board at this meeting.

164 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors, hereby adopts the Statement in support of Limited Scope Legal Assistance (Unbundling) as follows (amendments underlined):

Whereas, limited scope legal assistance is defined as a relationship between an attorney and a person seeking legal services in which it is agreed that the scope of the legal services will be limited to the defined tasks that the person asks the attorney to perform;

Whereas the need for legal services for all Californians continues to increase and limited scope representation can help fill that need by providing legal assistance and specific representation at critical points in the legal process;

Whereas limited scope practice has been recognized by the State Bar Board of Governors as well as by the Judicial Council through the adoption of Rules of Court and Court Forms to facilitate providing legal services;

Whereas the Standing Committee on the Delivery of Legal Services has promoted the use of limited scope legal assistance as a way to address the unmet legal need of low and moderate income Californians; they have sponsored or co-sponsored multiple trainings on Limited Scope Representation at numerous conferences and local bar associations statewide to educate State Bar members on the ethical and competent practice of Limited Scope Legal Assistance;

Whereas various segments of the legal profession can play an important role in promoting and expanding limited scope practice and State Bar members can enhance their practices by providing services on a limited scope basis;

RESOLVED that the State Bar supports the expansion of limited scope legal assistance as part of the ongoing effort to increase access to legal services; that it is important to continue to identify ways in which attorneys can appropriately provide “unbundled” legal services to provide limited and specific services to litigants without undertaking full case representation;

RESOLVED FURTHER that limited scope legal assistance must be performed with a sound understanding of the ethical obligations, and that all education programs must clearly explain that limits on the scope of legal assistance do not limit the ethical obligations of the attorney to the client nor the obligations of counsel to other parties or to the court, the attorney’s exposure to liability for the work he or she agreed to perform is not limited, and that the attorney continues to have an obligation to warn a client about issues outside the scope of representation which the client should address, and for which the client should consider seeking counsel, Attorneys and clients must be thoughtful in their approach to establishing the scope of services, and an attorney should not undertake such an engagement without a careful analysis of the client’s capabilities, the complexity of the case, as well as the alternatives available.

THEREFORE the following steps should be pursued:

- **State Bar Section members**, particularly the Family Law, Solo and Small Firm Practice, Business Law, Real Property and Trusts & Estates Sections, should be encouraged to develop education for their membership and to expand the use of limited scope representation in their respective practice areas, and should emphasize the benefits to their members if they offer limited scope legal assistance;
- **Law schools** should be encouraged to expand their efforts to raise awareness of limited scope legal assistance, particularly through their legal clinics, so that their students can competently incorporate it into their private practices after graduation. Law schools can also help by developing a quality teaching curriculum including the concept of limited scope representation to supplement their clinical offerings;

- **State Bar Certified Lawyer Referral Services** should be encouraged to create and expand subject matter panels to include limited scope representation in a greater number of practice areas and to provide additional training for increased participation of panel attorneys;
- **Errors and Omissions insurance carriers** should be encouraged to offer training on limited scope representation;
- **The Judicial Council** should continue to be involved with the coordination of strategies for educating the legal profession and the judiciary as to the need for and implementation of increased limited scope representation; and
- **The State Bar** should continue to coordinate with experts in the field and with legal training providers to present training programs on limited scope representation on a statewide and local basis, with programs offered live and online to maximize training opportunities and the expanded limited scope practice.

The State Bar Board of Governors will continue to review the efforts to expand the use of limited scope representation on an annual basis to further support and promote these efforts.

All members present and recorded on the roll-call slip voted yes on the above matter.

702
Emergency

Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the State Bar Board of Governors hereby supports the cost-saving measure as proposed by the Chief Justice and the AOC, which would have all courts close one day per month during fiscal year 2009-2010. It is essential to the members of the State Bar that the courts provide consistent practices and hours of operation throughout the state; and it is

FURTHER RESOLVED that the Board of Governors further recommends that court construction, pursuant to SB 1407, and development and deployment of CCMS continue to its completion.

All members present and recorded on the roll-call slip voted yes on the above matter.

The Board convened in closed session at 3:43 p.m. and all persons present, except the Senior Executive Staff, left the meeting.

The Board resumed open session at 3:48 p.m.

6010

The closed consent appointments agenda was presented to the Board, and no objection being raised thereto, the following items on the consent appointments agenda were deemed unanimously adopted.

6011 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints Andrew O. Krastins, Long Beach, member, Board of Directors of Legal Aid Society of Orange County & Neighborhood Legal Services of Southeast Los Angeles County for a three-year term commencing July 1, 2009, and expiring June 30, 2012, or until further order of the Board, whichever occurs earlier.

6012 **RESOLVED**, upon recommendation of the Board Volunteer Involvement Committee, that the Board of Governors appoints the following candidates to the State Bar Fee Arbitration Department, each for a term commencing May 18, 2009 and expiring December 31, 2009, or until further order of the Board, whichever occurs earlier:

<u>Name</u>	<u>County</u>	<u>Bar Number or Layperson</u>
Fisher, George C.	Santa Clara	40794
Kim, Angie H.	Los Angeles	231069
Miller, Glenn Kelly	San Mateo	209253
Hoffmeier, Julayne	Sacramento	Layperson

6013 **RESOLVED**, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, officers and members to the Section Executive Committees as set forth on the forms attached to the minutes and made a part hereof; effective at the close of the 2009 State Bar Annual Meeting (September 13, 2009), or as indicated; each officer and member to serve a term expiring as indicated, or until further order of the Board, whichever occurs earlier.

6021 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Volunteer Involvement, that the Board hereby appoints or reappoints, as the case may be, officers and members to the standing committees and special boards, commissions and committees as set forth on the forms attached to the minutes and made a part hereof, effective at the close of the 2009 State Bar Annual Meeting, i.e., September 13, 2009, or as indicated; each officer and member to serve a term expiring as indicated, or until further order of the Board of Governors, whichever occurs earlier.

6022 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the selected program, Pacific McGeorge Diversity Pipeline Initiative, for the 2009 State Bar of California Education Pipeline Award.

All members present and recorded on the roll-call slip voted yes on the above matter.

6023 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon the recommendation of the Board Committee on Volunteer Involvement, that the Board hereby approves the selection of the recipients for the 2009 State Bar of California Diversity Awards as follows:

Individual Attorney
Law Firm
Bar Association

Ann Park
Southern California Edison Law Department
Asian American Bar Association of the Greater Bay Area

All members present and recorded on the roll-call slip voted yes on the above matter.

The Board adjourned its meeting at 3.50 p.m. The Board may meet again at the call of the President, or, if no such meeting is called, at the State Bar offices, 1149 South Hill Street, Los Angeles, CA 90015 at 12:00 noon on Friday, July 17, 2009.

AGENDA ITEM

MAY 701
Find A Lawyer
(Revised 5/11/09)

DATE: May 11, 2009

TO: Members of the Board of Governors

FROM: Paul Kramer, Member, Find a Lawyer Task Force

SUBJECT: "Find A Lawyer" - Proposed Adoption of Program Recommendations
(Revised)¹

EXECUTIVE SUMMARY

At its November, 2008 meeting, the Board of Governors referred the Find a Lawyer proposal back to its task force for further discussion and refinement. Those discussions occurred but agreement was not reached on all issues. The matter returns to the Board for decision.

Task force members did agree 1) that member profiles can display a photograph, the member's address shown on a map, a link to the member's web site, and languages spoken by the member, 2) to allow advanced searches of the member database by Certified Legal Specialty and languages spoken, and 3) if members are allowed to self-designate areas of practice, they may opt out of searches of that data.

Agreement was not reached about the following issues however the Board members of the task force recommend 1) allowing a search of the member database by name or bar number directly from the home page, 2) ~~allowing advanced searches of the member database by Section membership~~, and 3) allowing advanced searches of the member database by self-designated practice area. On the question of whether to force visitors to make a search for an lawyer referral service (LRS) before they may make an advanced search of the member database, some of the Board members favor a "2-pane" approach which does require that a LRS search before conducting an advance search. Other Board members favor a "3-pane" approach which adds a link to the advanced search to the page that presents the LRS search.

¹ Changes from the original agenda item, dated May 4, are shown in underline and ~~strikeout~~ format.

BACKGROUND

At its November, 2008, meeting, the Board of Governors considered a proposal to modify the attorney search functions on the Bar's web site. Elements of the proposal included allowing the addition of data to the member records database such as self-designated practice areas, languages spoken, member photos and the member's web site address and allowing searching of the records by section membership, certified legal specialty, languages and practice areas. Prior to the Board's November consideration, concerns expressed by representatives of local bars and lawyer referral services about the proposal as it was under development by staff led to the creation of a task force, chaired by Governor Frankel. That task force was unable to come to a consensus and thus the matter came to the Board without a recommendation. The Board, after hearing extensive comment and debate, appointed an expanded task force to attempt again to resolve the points of difference. Members of the expanded task force are:

Board members: Holly Fujie, Howard Miller, George Davis, Jim Aguirre, Micha Liberty, Paul Kramer, Jeannine English

Local bar members: Stuart Forsyth (Los Angeles County Bar), Tom Kuhnle (Santa Clara County Bar), Dan Burkhardt (Bar Association of San Francisco)

The task force met several times and, after a healthy exchange of views, was unable to reach a consensus recommendation on all of the elements of the proposal. As further discussion at the task force level will not resolve the remaining differences, we return the matter to the Board for decision.

The issues are summarized below. As there was no consensus recommendation from the task force, this memorandum is written from the perspective of the Board of Governor members on the task force and conveys our recommendations. While we, [in this memo, "we" means the Board members of the task force and opinions we express may not be shared by the local bar members] describe the positions of the local bar/LRS members as we understand them, we have encouraged them to report their thoughts in a separate memo.

We will first describe the points of agreement between the Board member and local bar/LRS contingents on the task force, followed by the remaining points of disagreement. During the Board meeting, we will show mock up pages to illustrate the features.² Selected pages are attached and referred to below as "slides."³

² Traditionally the Board has not micro-managed the design or features of the Bar's web site. Due to the controversy over this project, we are asked to decide fundamental design issues such as whether a feature should be provided. While the final design may not precisely follow the illustrative mock up pages, we expect that the spirit of our discussions and decisions will be honored.

POINTS OF AGREEMENT

The task force did reach a tentative agreement that Bar member profiles (Slide 19) can include these additional elements:

- a photograph,
- the member's address shown on a map,
- a link to the member's web site (with a cautionary intermediate note that the user is leaving the Bar's web site for parts unknown), and
- languages spoken by the member.
- Certified specialty and languages spoken would be searchable via the advanced search screen. (Slide 17) If searching by practice area is allowed, members should be able to supply the information but opt out of having it be searchable.

POINTS OF DISAGREEMENT

- Requiring a search for a LRS or legal aid provider before the member records data can be searched.
- Allowing member record searches by section membership, and
- Allowing searches by self-designated practice area and displaying practice areas on the member's profile screen.

The Bar's web site currently allows a visitor to navigate directly from the home page to a screen in which an attorney's name or bar number can be entered and a list of matching names obtained. Clicking on one of the matching names brings up a "profile" listing, showing the member's mailing address, telephone and facsimile numbers, email address, colleges attended, section membership and disciplinary information. The visitor can click a link from the name/number page to go to an advanced search screen allowing searching by first, middle and last name, city, county, zip code, and bar district. Links on the home and various search pages exist for LRS but it is only after clicking one of those links is any statement of the reasons why one might use a LRS found. Consumers are given no encouragement to consider using a LRS.

Local bars believe that consumers are best served in finding a lawyer by a Lawyer Referral Service, which interviews them to learn the nature of their legal problem and then refers them to a local attorney possessing the appropriate practice area experience

³ Slide numbers are found in the lower right corner of each page. They do not begin at number 1 because they are excerpted from the set of slides that I am preparing for projection at the meeting.

or to some other source if they do not need a lawyer's assistance in order to address their problem. They are concerned that adding search features such as Section membership and practice areas to the State Bar's database would allow potential clients to bypass the LRS. Revenue from the LRS program is used to fund the LRS program and other local bar programs, including legal aid programs. Approximately 5,100 attorneys belong to a LRS panel (this compares to 164,365 active State Bar members as of April 29).

Board members of the task force agree that making consumers more aware of the benefits of consulting an LRS is appropriate, but that an appropriate balance between that goal and providing convenient search mechanisms for our members and the public who do not wish to use an LRS must be struck.

REQUIRING A SEARCH FOR A LRS OR LEGAL AID PROVIDER BEFORE THE MEMBER RECORDS DATA CAN BE SEARCHED.

To achieve their goal of maximizing consumer use of LRS, local bars propose that all attorney searches be directed to a screen which describes the reasons that the benefits of using a LRS. Only after viewing a screen of search results, would a search of the member records be allowed.

Board members of the task force believe that at least the simple search by name or bar number must be possible without first searching for an LRS. This is one of the most popular functions on the web site, used by attorneys, judges and the public to quickly look up an attorney, whether to get a phone number or check his status. Burying this simple function behind a LRS search would inconvenience members and the public and likely result in a significant volume of complaints.

To address this, we propose that the simple name/number search remain, as it is now, a direct link from the home page. (Slide 13) Searchers lacking a name or bar number would be directed to a "consumer" search page. Pop up text balloons will help visitors sort between the two search choices on the home page. (Slide 12) The consumer search page would offer a choice between searching for a LRS by County or navigating to LawHelpCalifornia.org to find a legal aid service.⁴ (Slide 14) We call this the "2-pane" approach. After making an LRS search, the option of navigating to the advanced search screen is offered (on the bottom of the search results page). (Slide 15) This approach assures that the public is exposed to and exercises either the LRS or legal aid search options before they can attempt to make their own search of the database.

⁴ Formerly, the proposed search system included a search for legal aid providers by county, similar to that proposed for LRS. The Public Interest Clearinghouse and Legal Aid Association of California requested that we direct legal aid searches to their LawHelpCalifornia.org web site. Their letters are included in the agenda materials. We already link to that page, though not as the only source of legal aid referrals. Staff has not objection.

The 2-pane approach still forces a LRS search before an advanced search of the database can be made, inconveniencing bar members, judges and members of the public who do not want to use an LRS or do not qualify for legal aid. Some of the Board members prefer to add a third pane holding both the name/number search and a link to the advanced search. (Slide 16) This “3-pane” approach continues to promote LRS and legal aid (they occupy the top portion of the page) but offers the advanced search (Slide 17) in a more convenient way. Those of us who favor the 3-pane approach feel it strikes a better balance between promotion of LRS and legal aid services to the public and convenience for our members and the courts.

ALLOWING MEMBER RECORD SEARCHES BY SECTION MEMBERSHIP.

Local bars assert that Section membership in and of itself offers no indication of an attorney’s competence to handle a legal matter. The Board members find some value in that data, however, as joining a Section does indicate a member’s interest in the practice area and will expose the member to educational materials such as Section journals. Staff also informs us that Section members are statistically less likely to be subject to discipline. We already display section membership on the profile pages; allowing searches by section would be an additional benefit of Section membership.

Following submission of our original recommendations, the officers of the Council of State Bar Sections submitted comments on the proposals. Among those comments is a request that the member database not be made searchable by Section membership; display of Section memberships on the member’s profile pages should continue, however. They are concerned that unauthorized entities might use the search function to contact Section members for commercial or other purposes. We honor the Sections’ request by withdrawing our recommendation that the member database be searchable by Section membership.

ALLOWING SEARCHES BY SELF-DESIGNATED PRACTICE AREA AND DISPLAYING PRACTICE AREAS ON THE MEMBER’S PROFILE SCREEN.

Similarly, local bars are concerned that allowing members to self-designate practice areas without the vetting that LRS apply to their panel members, offers no assurance to the public of the lawyer’s competence.

Board members believe allowing self-designation of practice areas is an important member benefit that should be offered. The proposed member profile display places this information, along with languages spoken and the member’s web site address, under a warning that “the information below was provided by the bar member and has not been verified by the State Bar.” If desired, links to information about how to choose an attorney could be included on the display, the search screen, or both.

ADDITIONAL MATERIALS.

We've avoided repeating much of the information that was provided for our November meeting; it is available in the agenda packet. In addition, we expect the local bar members of the task force will provide their own memo, as will has the Council of State Bar Sections.

RULE AMENDMENTS: "None"

BOARD BOOK/ ADMINISTRATIVE MANUAL IMPACT: "None"

RECOMMENDATION

The Board members on the task force recommend that the Board of Governors approve in concept the enhanced attorney search features as described above, that is:

1. Add a photograph, the member's address shown on a map, a link to the member's web site, and languages spoken by the member to the member profile information;
2. Allow advanced searches of the member database by Certified Legal Specialty and languages spoken in addition to the existing criteria;
3. Allow a search of the member database by name or bar number directly from the home page;
4. Adopt either the 2-pane or 3-pane approach for searches where the visitor does not know the name or bar number;
5. ~~Allow searches of the member database by Section membership;~~ and
6. Allow members to designate their areas of practice, allow searches of the member database by practice area, and allow members to opt-out of searches of their practice area data.

RESOLUTION:

If the members of the Board of Governors concur with the recommendations, it is appropriate for the Board to adopt the following resolutions. The four separate resolutions set forth below, if considered and voted upon individually, will help organize the Board's deliberations. As a matter of process for decision making, these four resolutions can be divided into two parts. Resolutions A and B deal only with changing the current member profile and permitting the same search of that profile only by known name and known number as can be done now. We recommend these two resolutions

be dealt with first. The added search functions that have been so much a focus of the discussions can then be dealt with separately in Resolutions C and D.:

Should the Board agree with the above recommendation, the following resolutions would be appropriate:

A. RESOLVED, that the Board approves the implementation of an enhanced attorney member profile design which includes the following information on member profile displays on the State Bar's website:

1. Official regulatory information that is already displayed on the member profile— Name, Bar #, Address, Telephone numbers, email address, undergraduate and law schools, Certified Legal Specialization(s), Section membership(s)
2. Self-designated areas of practice
3. Languages spoken
4. A link to the attorney's website, if any, with an interrupt page indicating that the user is leaving the State Bar's website
5. Attorney photograph
6. Attorney's address displayed on a map.

B. RESOLVED, that the user may directly conduct a search by name or bar number, but not using any other criteria, from a link on the home page and other pages.

C. [2-pane alternative] RESOLVED, that users who do not wish to search by name or bar number be directed to a screen which offers a choice of searching for Legal Referral Services by county or linking to LawHelpCalifornia.org to find a legal aid provider. The search results screen will display an optional link to an advanced search screen to search the member records.

-or-

C. [3-pane alternative] RESOLVED, that users who do not wish to search by name or bar number be directed to a screen which offers a choice of searching for Legal Referral Services by county, linking to LawHelpCalifornia.org to find a legal aid provider, conducting a search by name or bar number or linking to an advanced search screen to search the member records.

D. RESOLVED, that the advanced search referred to above shall allow searching of the member records by the elements currently available (Name, firm name, city, state, county, bar district, Certified Legal Specialization) and the following new elements:

1. ~~Section membership~~
2. Self-designated areas of practice
3. Languages spoken

Members may elect that their areas of practice, though displayed on their member profile, not be searchable using the advanced search.